

Piraterie – Ein kriminelles Geschäftsmodell breitet sich aus

Spätestens seit der Vorstellung der **PWC-Umfrage** unter deutschen Reedern am 29. Juni 2011 ist die Debatte über den Schutz vor Piraterie entbrannt. Politische Umstürze und instabile Küstenstaaten fördern organisierte Kriminalität und Terrorismus auf See. In West Afrika, wo 2013 brutale Übergriffe zunahmen, ist der Einsatz privater bewaffneter Sicherheitskräfte verboten – neue Strategien und Lösungen sind gefragt. Dazu verweisen wir auf den grundlegenden Artikel von Kain/Filon im **The Maritime Executive** (Juni 2011). Beide Autoren haben als ehemalige Angehörige der britischen Spezialeinheiten des SAS (Special Air Service) und des SBS (Special Boat Service) seit den 1970er Jahren weltweit einschlägige Erfahrung im Bereich maritimer Sicherheit gesammelt: ob die Abwehr von Bedrohungen durch Organisierte Kriminalität, Terrorismus oder Piraterie.

AKE ist führend im Bereich Counter Ship Piracy Intelligence mit der eigenen Datenbank **Global IntAKE**, Risk-Alerts und maßgeschneiderten Lageberichten. Das **Risk Rating** (Skala 0-100) und die Datenbank werden u.a. vom Weltmarktführer für die Versicherung besonderer Risiken **Willis SCR Ltd.** verwandt. AKE wurde von unterschiedlichen Versicherern mit der weltweiten Krisenreaktion für deren Kunden beauftragt und gemeinsam mit **GAC** (www.gac.com) bietet AKE zur maritimen Sicherheit weltweit in über 250 Hafenstädten **Maritime Security Services** von der Prävention bis zum Krisenmanagement an.

AKE Piracy Report

Are Weapons the Answer to Counter Ship Piracy?

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This paper is intended to help inform the debate on the use of arms, in particular, armed Sea Marshals, in the protection of vessels conducting commercial business.

At the outset AKE acknowledges an interest through its support to GAC Solutions in the provision of maritime security services and support to maritime clients. This paper provides objective analysis of the situation confronting the maritime industry in respect of piracy, its growing effect on business, and the arming of ships.

A better understanding of the factors that will affect the maritime adventure with the introduction of weapons to vessels is required. The following is a summary of those factors.

Background

The underlying motivation to arm vessels is a genuine desire to protect crews, ships and cargo. However, the debate currently seems to be driven more by the following: fear induced pressure on the stakeholders; the questionable authority of some proponents of arming ships; frustration throughout the industry at the apparent ease with which pirates can gain access and control of ships.

There is also much confusion on the subject of arming vessels, with the polarised views of the absolutely "NO" lobby and the definitely "YES" lobby, an uncertain legal environment, the effects of competing interests and the absence of real direction.



The effect of an over-dramatic media creates a perception of the frequency and impact of piracy attacks that is not borne out by statistics. Also, the argument for arming ships increasingly relies on the use of the strap line “No ship with armed escorts has been taken.” There are many equally true statements such as, “ships with particular funnel markings have not been taken”.

Introduction

While piracy is a global phenomenon, as confirmed by the graph and map attached, the main focus of concern is towards the Gulf of Aden/Indian Ocean and in particular Somali sponsored piracy.

In our view, the real debate should not be as to whether armed Sea Marshals are appropriate for defence of vessels, but how to better protect shipping on a global basis. However, within the scope of this paper we will focus only on the issue of arms in protecting a maritime adventure.

Where the choice is „armed protection“ or „no armed protection“ we aim to provide clear guidelines as to how to evaluate the likely efficacy of weapons deployed and the capabilities of those employed to use them.

We shall also provide some practical considerations in relation to rules of engagement and responsibility. In our view, the employment of armed guards does not, and should never allow the delegation of responsibility for their actions, or the accountability for the consequences from the employer.

The Risk Assessment

The start point in the decision making process as to whether to employ armed support for a maritime adventure should be based on a full understanding of the risks that must be mitigated. In the context of this paper this is piracy, or perhaps more accurately, the unauthorised access to a vessel of unknown persons with a view to detaining the crew, ship and cargo for ransom of some kind, or the removal of cargo and / or possessions of value. (This covers situations globally).

While this risk is not exclusive to the Gulf of Aden or Indian Ocean the issue, and in particular the cost to stakeholders, is more pronounced in this region; therefore, we will concentrate on Somali pirates and their modus operandi.

It is fundamentally important to understand the MO (modus operandi) of pirates and their training and equipment; indeed, without an understanding any decision is likely to be flawed. Also, and in relation to Somali pirates, the debate as to whether they are actually pirates or terrorists, in the context of defending against them, is purely academic and has more to do with political agendas than providing a solution to the problem, and has no place in the threat assessment other than help define their motivation.

The problem in the Gulf is primarily a land-based issue and will be resolved ultimately, if ever, with a political and economic solution in what is called Somalia. It is important to acknowledge that piracy is also an economic or commercial proposition and attacking its commerciality is important. Somali pirates range from the poorly equipped criminal opportunist to the highly organised groups employing mother ships and a variety of weapons and tactics. The fundamental issue is what can be done to protect the integrity of the maritime adventure in the most cost-effective way and which will be applicable in all risk areas.



In any risk assessment, it is advisable to look at the situation from the attacker's perspective. It is also important to understand the three elements that are necessary for any successful attack.

1. The motivation: As stated above this is clearly a commercial proposition with large sums to be made.
2. Opportunity: This is provided by the target market, i.e. ships; and in the case of transiting the Gulf of Aden it is fundamentally important to understand the opportunity a vessel presents to any potential attacker.
3. Capability: This is the resource, expertise and the training required by pirates to be able to take advantage of any opportunity presented to them.

(With regards to motivation, if we are successful in removing the opportunities that exist and restrict the capabilities of the pirates it will become a less rewarding enterprise for pirates and in doing so we attack their motivation)

A brief example of this may be that if 20,000+ ships transit the Gulf of Aden each year, this provides 20,000 possible opportunities. While other obvious factors will remove some of these transiting vessels from the „opportunity“ category many more vessels could remove themselves from it if their Master and crew understood and were confident in the defensive capabilities of their vessels.

Size, speed and freeboard are characteristics that, if supported by good procedures, should require no additional security and, properly utilised, will put many ships beyond the capabilities of the pirates. In principle, the identification and removal of as much opportunity as is possible (without affecting the commercial enterprise) and the restriction of the pirates' capability to effectively deploy their resources combined with good procedures and their effective application will substantially mitigate the risk and will reduce the threat to shipping in general.

A statement of the blindingly obvious, but fundamentally important, is that to achieve their aim, pirates must gain access to the controls of the target vessel. Gaining access to the deck alone need not necessarily provide access to controls. In any attack, we need to look at it from the pirate's perspective and the problems confronting them in achieving their objectives. They must come alongside the target vessel; they must climb the vessel to gain access to the deck; they have to traverse the deck and companionways to gain access to and take over the controls. They must make a transit to a safe port and then carry out the rest of their activities.

Resources they will require include a mother ship (particularly in exploiting opportunities that may exist out into the Indian Ocean), launches or skiffs to come alongside the target vessel, makeshift ladders or means to gain access to the handrails and thereafter the deck, and weapons (mainly to intimidate, such as RPG7s and AK47s).

Difficulties that will confront pirates are such as; sea states, bad weather, height and difficulty of freeboard to climb, speed of target vessel, wash and manoeuvring, as well as weapons effectiveness (they do not have the weapons with the capabilities of stopping the majority of ships unless their intimidating image prevails!). A stationary vessel in a calm sea is a considerably easier prospect than one that is manoeuvring at speed. **All mariners and pirates know this.**



Weapons and effects

Hollywood and the media have greatly exaggerated the destructive power of such weapons as the RPG7, while the AK47 has an iconic status. The RPG7 is a rocket-propelled grenade, with very limited capability and effect. The AK47 is a superb close quarter battle weapon, ideal for insurgents, pirates and many others, because of its simplicity and functionality. However, it is a very inaccurate weapon, with little penetration capability. Both can, and do, create a situation of panic and fear in those with no understanding because of the noise effect and peoples' unrealistic image of their capabilities. That said, the inherent inaccuracies of the weapons and their very limited effectiveness are not the main considerations in whether to arm Sea Marshalls or not, although they should contribute to the argument against arms in most cases. From considerable experience in shooting, training and developing shooting techniques, we can testify to the difficulties experienced by most professional soldiers in achieving hits over 100, 200 and 300 metres, when firing from a stable ground platform against a stationary target fixed to a stable platform in a benign range environment. When you apply any movement at either end, the difficulty increases dramatically and when movement is at both ends, accuracy is replaced by luck. The chances of anyone firing from a moving skiff and hitting what they are aiming for, are very low. A hit with even an RPG7, to do any serious damage, would have to be luckiest shot in the world, and would certainly not be the result of deliberate aimed shot at a specific point on the vessel.

Weapons for Defence

The use of weapons to counter piracy, (and there may be circumstances where some vessels and transits will require weapons as part of the defence) needs to be carefully thought through. The application of weapons should be a staged approach with the first being deterrence. For deterrence to be effective, knowledge of the weapon systems presence must be with the pirates. It must also be in their minds the fact that the weapon systems on board the vessel are more powerful than their own otherwise any deterrent effect is diminished. To achieve this, the weapons systems on board have to be prominently displayed at least at the point of danger. The next stage where deterrence has failed is to effectively neutralise an attack. The weapons must either be able to put down sufficient firepower as a demonstration to clearly convince pirates that further attack would not be in their interest; or be of sufficient accuracy to disable the power units of pirate vessels; ideally without endangering any of the occupants of the pirate vessel.

This requires a category of weapons that can be described as „specialist“. Weapons such as pistols, shotguns and single shot rifles are not capable of providing a deterrent. Neither are they capable of effectively stopping a determined armed attack. Of equal importance is the expertise of those handling the weapons systems on board ship and this is an area where the shipping industry will find it most difficult to determine.

What can be stated with absolute certainty is the following

Having served in any branch of any military for any length of time will not, on its own, illustrate the capability of security personnel with any weapons system.

Capability with any weapons system will, to a large extent, very much depend on currency (when did those tasked to use them last fire them?), which will be even more difficult to determine.

The production of CVs on its own is of little use!



There is no effective system of accreditation for security companies in the world. *(Some of the companies who have signed up for latest Swiss generated protocols have dubious histories in relation to application of standards and there is no way of effectively policing whether or not a company complies with what it has signed up for.)*

Rules of Engagement

When the risks are fully understood, the appropriate weapons systems have been identified and are manned by those of requisite experience so that the advantage and control of situation clearly lies with the ship and its security there needs to be clear rules of engagement to cover every situation.

(Defining rules of engagement for all circumstances is not possible)

Perhaps two of the most difficult areas within the rules of engagement are:

- (1) Who has control of the situation? And;
- (2) What actually constitutes a risk to life whereby, pirates would be engaged with lethal force? (The identification of actual pirates may not be that easy, as has been lethally demonstrated)

It is our view that in all circumstances the Master must have control (and this is probably the legal position), supported and advised by the Head of Security.

What constitutes a risk or a threat to life will, in many cases, be subjective and dependent on the experience of those security operatives involved and this could increase dramatically the potential for criminal error.

Summary

To achieve and then maintain control, the industry needs to institutionalise a better understanding of the actual risks confronting it. It must also have the means to communicate this knowledge to individual ship's Masters, Officers and crews, so that all can and do understand the „actual“ risks and how to mitigate them. In situations where it is considered appropriate to have weapons on board vessels, there needs to be a clear understanding of what constitutes appropriate weaponry that will effectively provide deterrence, and where deterrence fails be capable of effectively neutralizing an armed and determined attack.

Where weapons are deployed, it is absolutely critical that those employed to operate them have the appropriate skills and experience and are also current in weapon use. Finally, rules of engagement need to be appropriate and have to be realistic; and there must be absolute clarity as to who has control. The legal ramifications of this practical consideration are likely to be extensive.

Without proper consideration of the factors above, the deployment of weapons on vessels will do nothing to reduce the risk of piracy to shipping and could in fact „perversely“ add further and unnecessary risks to the industry at considerable extra cost.

The potential means of reducing the commercial return for pirates and of imposing considerable financial pressures on them currently exists within the power of the industry, without resort to arms.

Die Autoren stehen auch für Vortrag & Diskussion zur Verfügung. Anfragen nehmen wir gerne entgegen.

Richard Filon wurde zu der Thematik u.a. vom NDR und der Financial Times interviewt.