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The last two years have seen the return of piracy, usually off the coast of Africa, to the minds of the public as a significant international issue. Indeed piracy is now a genuine problem for the nations and corporations that rely on oceanic trade. While only a small number of vessels will ever be hijacked or seized by pirates, bear in mind that 95% of global trade is carried by sea. This means that there is plenty of scope for piracy, whether in the waters off Africa, in South Asia, or Latin America. At the moment, Somali pirates are holding about twenty EU-registered vessels for ransom. The American government has singled out Somali pirates as the biggest pirate problem, responsible for around half of all incidents worldwide in 2010.

And the ongoing multinational effort to police the lawless seas off the Horn of Africa is expensive – unsustainably so.

Moreover, the blunt truth is that there are higher priority operations that naval forces could be attending to. Between five and ten US warships are typically tasked with dealing with the issue at any one time, and there are other nations involved as well. India, for instance, last week asked African nations to do more to tackle piracy. Maintaining forces at sea on long-term operations is a costly business.

So what to do? The piracy that most of us will be familiar with from old films and stories, the Captain Kidd and Jolly Roger variety, was gradually eradicated by a combination of rough justice to deter pirates, and the spread of the rule of law into the regions where they thrived. Eventually, the pirates had nowhere to go. It would be nice to think that the rule of law could be brought to Somalia, but it seems a forlorn hope. At the very least, Somali pirates can only be deprived of secure bases to operate from in the long-term. If we ask 'how does this end?', there are few positive answers.

In the meantime, then, policymakers should cease worrying about addressing African poverty as a means to combat piracy, and look at other remedial measures. Unfortunately, it seems unlikely that modern day pirates will be subjected to swift execution when caught. Modern Western legal niceties preclude that, although other navies may not be so accommodating. Certainly, one imagines that if a few pirates were thrown overboard or crucified on the shoreline, as the Romans used to do in the Mediterranean, it would have a salutary effect on the cost-benefit calculations of their brethren in the hijacking business. But that kind of approach aside, there is still much that can be done.

Last week, a group of British shipping companies and cargo insurers proposed setting up a private force of speedboats, staffed by armed personnel, to combat piracy near Somalia. The

case was made that piracy is costing about 115 million Euros annually; the cost of this force would be just 12 million Euros. The proposal was rejected on the grounds of, you guessed it, ambiguities in international law, by, of all people, the Germans.

And yet this solution is almost certainly the best. National governments should leave merchant vessels to fend for themselves on the issue. One would think that massive international shipping companies could rustle up sufficient muscle to protect their vessels and cargo from a relatively small number of thugs. Indeed, these companies have a shared interest in co-operating to do this – so just let them get on with it. Vessels could traverse dangerous waterways organised into convoys, protected by accompanying speedboats and armed personnel. A few trained ex-soldiers, acting as mercenaries and armed with automatic weapons, would be quite sufficient to deal with pirates.

Piracy will continue to occur, but can be dealt with by better-armed, trained mercenaries travelling with the convoys. There would be plenty of volunteers for that kind of work, too. I do not see why shooting dead pirates on the high seas should constitute a legal problem in the slightest. Surely the usage of deadly force is legitimate when one's life and property is menaced by criminal gangs?

In conclusion, the mercenary model would provide a very workable framework for combating this problem. In piracy, as in most other areas of human affairs, the legalistic types could make their most important contribution by keeping their noses out.