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# Anti-Piracy Options: On-Board Security versus Escort Vessels



Allan McDougall (BA BMASc PCIP CMAS  
CISSP)

Evolutionary Security Management, Inc

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# Anti-Piracy Options: On-Board Security versus Escort Vessels

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## General Issue

Due to recent events, a number of comments have been made regarding the use of armed escort vessels versus armed parties on ships. These comments have often been emotional in nature and have failed to take into account legal, operational and other factors.

## Table of Authorities

The following sources of information have been consulted with respect to the production of this work. While these are not listed in bibliographic format, they are uniquely identified and give proper attribution to the authors or authorities involved:

1. The International Maritime Organization (IMO) International Ship and Port Facility Security (ISPS) Code;
2. The United Nations Convention on the Law of the Sea (UNCLOS);
3. United Nations Universal Declaration of Human Rights (UN UDHR);
4. International Criminal Court (ICC) and particularly the *Rome Statute*;
5. United Nations Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation;
6. ASIS international Protection of Assets manual (POA), specifically those sections pertaining to security design and principles; and
7. RCMP Technical Security Branch's G1-025 (Prevention, Detection and Response)

## Scope Limitation

This discussion paper does not seek to provide legal advice, but only to put forward a sound evaluation of concerns that may arise as the result of undertaking certain security measures during anti-piracy operations. Those seeking legal advice should seek appropriately trained and lettered members of the legal profession that can demonstrate competence and currency within the field.

Similarly, while this document reaches a conclusion, it is reiterated that any security safeguard should be based upon a properly conducted risk assessment involving trained (ideally certified) security personnel with experience in the domain. Each situation should be weighed on its own with the safeguards ensuring appropriate protection for life, property and operations.

## Statement of the Issues

There are several issues pertinent to this question, these include the following:

1. Does the ship have the right to self-defence against an act of piracy?
2. Does another ship have the right to intervene against an act of piracy on behalf of another ship?
3. To what extent can force be applied with respect to halting an act of piracy?
4. How does the concept of "reasonable grounds" apply?

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## Statement of Facts

### Piracy Issues

Piracy against international shipping has gained significant public attention over the last few months as the number of attacks against international shipping has increased. This spike has followed two trends. According to the ICC International Maritime Bureau (IMB), there were no (0) reported attacks in January and two (2) reported attacks in February. March 2009, alone, has seen fifteen (15) attacks. In April 2009, there have already been ten (10) reports of attacks.<sup>1</sup> During the course of drafting this document, the number of attacks has continued to increase.

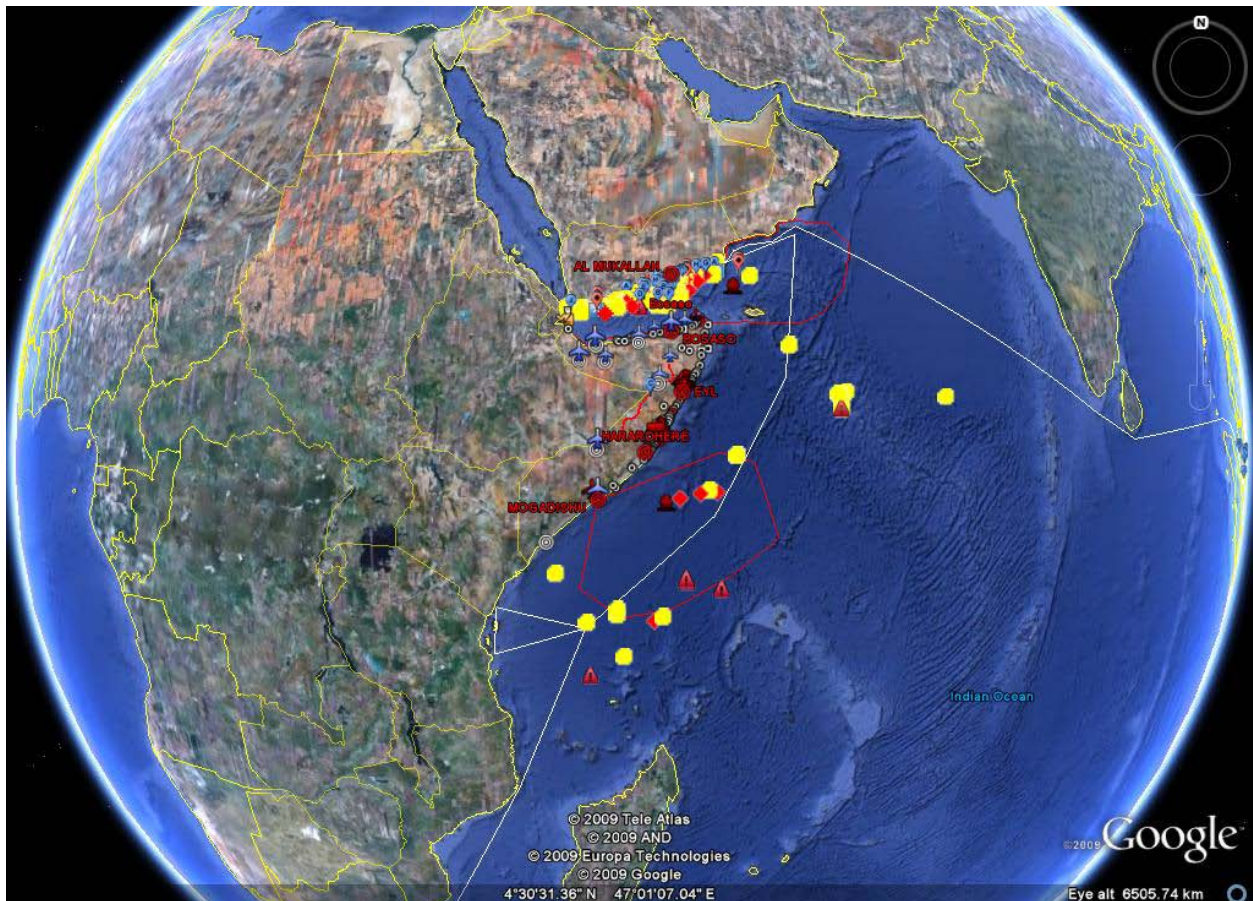


Figure 1 - ICC IMB Piracy map and other Google overlays of recent piracy events (2008 and later) showing breadth and depth of the issue along the Somali Coast. Red cities indicate suspected pirate bases, red dots represent a significant number of events while yellow dots represent suspicious vessels being reported. It is estimated that a significant number of attacks are not reported due to commercial interests.

<sup>1</sup> Open source reference to this can be found at [http://www.icc-ccs.org/index.php?option=com\\_content&view=article&id=347:imb-reports-a-cluster-of-pirate-attacks-off-the-east-coast-of-somalia-&catid=60:news&Itemid=51](http://www.icc-ccs.org/index.php?option=com_content&view=article&id=347:imb-reports-a-cluster-of-pirate-attacks-off-the-east-coast-of-somalia-&catid=60:news&Itemid=51)

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At the same time, there have been new areas of operations. The IMB reported that coalition warships have reduced some of the risks associated with the Gulf of Aden transit (IMB); however, attacks have now moved significantly off-shore into areas of less concern (see picture previous page). These areas include the Indian Ocean with new clusters of activity moving far offshore from Somalia and also 400nm off of Mogadishu.<sup>2</sup>

There are confirmed reports through organizations such as Stratfor that pirates have adopted the use of modern communications and navigation equipment, particularly GPS devices. These devices provide a significant situational awareness improvement over what was previously thought.<sup>3</sup>

Finally, the use of motherships and similar kinds of marine infrastructure are providing the pirates with increased range and operational scope. This has allowed pirates to not only increase their range, but also their ability to launch several smaller vessels in a coordinated manner using the mothership as a base of operations.

### Defensive or Operator Issues

Opposite to the increased level of threat, several organizations are now looking to provide anti-piracy protection to shipping, often at a premium. These operations range from small numbers of armed (often automatic weapons and similar small arms) acting as a boarding team to escort vessels equipped with helicopters and numerous small fast craft.

Tactics range from show of force (defenders exposed on the ship with the intent to deter) involving small and medium weapons (up to and including belt-fed machine guns) to ambush with less than lethal force and layered defence approaches.

The maturity of these organizations varies. Some organizations draw from personnel with maritime and security experience that have years of relevant experience. Other recent announcements include one retired marine who was previously operating a body shop who has decided to form a small fast-retrieval company.

### Constraints

Each operation, however, must still remain lawful. By lawful, it must adhere to the various applicable conventions that govern operations while at sea. The most notable of these involves the United Nations Convention on the Law of the Sea.

International Ships are also required to comply with the laws associated with their flag states and also the ports they visit. Failing to take into account these constraints can be interpreted as a breach of law resulting in a range of sanctions ranging from the administrative (fines) to criminal (persons and ships

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<sup>2</sup> A full map of piracy related events can be found through the ICC website at [http://www.icc-ccs.org/index.php?option=com\\_fabrik&view=visualization&controller=visualization.googlemap&Itemid=219](http://www.icc-ccs.org/index.php?option=com_fabrik&view=visualization&controller=visualization.googlemap&Itemid=219)

<sup>3</sup> This report was obtained through the paid service at Stratfor; consequently it is held on file for reference purposes but not distributed.

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detained). This would directly impact the ship's ability to deliver its passengers or cargo to their intended destinations or remain on charter, an undesired outcome.

### Argument

The first item that requires clarification is what actually constitutes an act of piracy. This is defined in the various legal documents of nations, but can be found defined in [Article 101 of the United Nations Convention on the Laws of the Sea \(UNCLOS\)](#):

Piracy consists of any of the following acts:

- (a) 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, and directed:
  - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

### Point 1 – Does a vessel have the right to self defence?

This question is not as clear as would normally be assumed. There are two elements to this question.

First, does an individual have the right to self defence? Within a legal context, this is generally inferred from an individual's right to life, liberty and security of person. For example, the Article 3 of the United Nations' Universal Declaration of Human Rights of 10 December 1948 declares that "Everyone has the right to life, liberty and security of person."<sup>4</sup>

When looking at the argument of self-defence, the onus is on the individual to prove that the self-defence was justified. First, the person would have to be able to demonstrate that escape was not reasonably possible in the circumstances (particularly before causing death or serious bodily harm). The

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<sup>4</sup> This is drawn from the United Nations website on the Universal Declaration of Human Rights website as found on 11 April at <http://www.un.org/Overview/rights.html#a3>

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notable exception to this is where the individual is in his or her own home, fenced property, automobile or place of business. Under these circumstances, the individual is not required to attempt to escape.<sup>5</sup>

The second consideration requires some argument. Where the ship is being treated as an entity, one might argue that it has the right to act in its own defence where escape is not possible. It would reasonably follow that the actions of the ship would be weighed using the same factors that would apply to an individual. In short, the vessel would be expected only to have used that force necessary to halt the progress of the attack (see below).

If we are weighing the actions of the crew members, however, we would look at both the individual actions but also how the ship was being used in support of these actions. The crew member manning the fire hose that is used to prevent boarding may be argued to be acting in self-defence but also in the context of the ship defending itself against the attack. It would again be reasonable to assume that the individual, while acting in self-defence, would be constrained by that limit of force necessary to halt the attack.

### Point 2 - Interference on Behalf of Another

This question pertains to the use of the escort vessel as a means of preventing and responding to security events. In this case, there are a number of questions to be answered.

First, there is the question of coming to the rescue of another vessel that may be under attack. Under UNCLOS Article 98, there is a duty to render assistance. There is a debate, however, that extending this to coming *to the assistance of somebody being attacked by pirates* is operating outside of the original intent of the convention that was more associated with collisions and coming to the aid of vessels that were in danger of sinking and losing those on board.

This can largely be inferred from a reading of the text that identifies warships and the State as being the primary vehicle of enforcement on the high seas, not private sector entities. For example, Article 97 requires that only the authorities of the Flag State may order the arrest or detention of the Ship. At the same time, it is the States that participate, under Article 100, in the suppression of piracy on the high seas. Under Article 107, only warships or military aircraft are authorized to carry out a seizure. The sole exceptions to this are ships and aircraft that are clearly authorized and marked (identified) as being on government service. It would be reasonable to infer that there is an implied limitation on the use of force to self-defence and to warships.

This can be further refined through examining [MSC 443](#) (put forward by the United Nations on 26 September 1986) and which was intended to strengthen resolution [A584\(14\)](#).<sup>6</sup> It should be noted that many of the measures put forward in MSC 443, Section 5 mirror the later requirements of the

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<sup>5</sup> The concept of self-defence is generally accepted in most legal frameworks. One reasonably concise description of the concept of self defence can be found at <http://legal-dictionary.thefreedictionary.com/Self-Defense>

<sup>6</sup> In the case of MSC443, Annex 14 Section 3 (Ship Security) is the section used in comparison to the ISPS Code.

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International Ship and Port Facility Security (ISPS) Code, particularly in the mandatory requirements defined in Part A, Section 9. Given the nature of the two documents, it should be noted that the clear emphasis is on ensuring that the ship *itself* can respond effectively to various kinds of attacks, including piracy, and not simply rely on the presence of nearby warships.

As a result, there would be a clear leaning in favour of the personnel defending the vessel being on board the vessel. While the use of the escorting vessel is not expressly forbidden, it could be reasonably argued to impinge upon the responsibilities of the State in that it may be providing services that make it more comparable to a warship. In some cases, it may even be considered to be operating as a pirate vessel (or a privateer). Should this be the case, it should also be noted that under Article 101 of the UNCLOS, *inciting or facilitating an individual or organization to commit piratical acts can also itself be considered a form of piracy.*

### Point 3 – To What Extent Can Force be used?

While warships may be authorized to use force in support of the state's Article 100 (UNCLOS) responsibilities to suppress piracy, this does not appear to extend to privately operated vessels. It is stated earlier in this document that the right to self defence is generally inferred from an individual seeking to assure his or her right to life and security of person.

The concept of self-defence relies upon four principles operating within a decision-making framework. These four principles are the following:

- 1) The threat must be real;
- 2) The threat must be immediate;
- 3) The response must be appropriate to the level of threat or injury; and
- 4) The response causing injury must have been the last resort available.

The framework within which these questions must be answered involves an individual of sound mind exercising reasonable and prudent judgement in such a way that the facts and circumstances present make it more than simply a reasonable suspicion.

There is a reasonable expectation that a ship involved in international shipping can defend itself, particularly if the ship is indicated as being compliant with the ISPS Code. This is covered in Part A, Section 9 of the ISPS Code that defines the various requirements placed on ships, and particularly identified across a number of different activities outlined in Part A, sub-Section 9.4 where the contents of the security plan are defined. In this case, the IMO and the various Contracting States have indicated that they consider the ship defending itself to be an acceptable action.

When one looks at the argument of self-defence, however, one must need to take into account that the response must be appropriate to the level of injury or threat posed by the attacker. In many cases, the attacker begins with simple observation—in and of itself not a criminal act, albeit potentially a suspicious one. As the attack escalates in terms of risk to the individual or ship, so does the level of force that may be considered appropriate in the circumstances.

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This raises an important difference. The individual is generally authorized to only use that amount of force necessary to repel the attack whereas the officer or agent of the state is often authorized to use that force necessary to affect the arrest, often indicated as being one level higher than the level of force associated with the event. In short, the individual may only exercise lethal force where there is a reasonable belief that he or she is at risk of death or grievous harm. Enforcement bodies, however, are often authorized to use that force that is reasonably required to overcome resistance.<sup>7</sup> For example, an officer of the law (or military force acting in a role paralleling that of the law enforcement officer) cannot simply exercise lethal force at whim. This distinction must be very clear in the mind of the reader—those enforcing the laws have been authorized, through appropriate and agreed upon higher authority, to be subject to a higher threshold.<sup>8</sup>

We must also take into account the requirement for the threat to be real. Consider that other smaller vessels may be armed for their own self-defence—such as fishing boats, etc. Does this mean that the fishing boat poses a threat to international shipping? Of course not—although it may. What it represents is a potential threat that must be examined to determine what its intentions towards the ship are. Simply laying waste to vessel traffic within the area might well be considered inappropriate, if not in line with criminal conduct (including potentially under Article 101 of the UNCLOS).

When the pirate fires on the vessel, however, the dynamics change. The firearm is considered an instrument of lethal force in that it is designed to cause death or serious injury.<sup>9</sup> The challenge here resides in the point of aim and establishing that, based upon the firing and the proximity of the round, the individual could reasonably demonstrate that the threat was real and immediate to his or her person.

At this point, the use of the vessel and the actions of the crew will likely be scrutinized closely. Did the ship attempt to evade the attack? Did it attempt to outrun or outmanoeuvre the attacker? When dealing with smaller, more agile, craft, this could be difficult if the smaller vessel is already in proximity. If, however, there is significant distance between the two vessels, the larger vessel may opt to change course in such a way that the smaller craft has difficulty following the vessel. The use of these tactics and evasive actions have been indicated by the IMB Piracy Reporting Center as being relatively effective at causing the pirate to eventually give up the attack.

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<sup>7</sup> The concept of the use of reasonable force to affect the arrest or seizure is described in many places. One such location on the web includes <http://definitions.uslegal.com/e/excessive-force/>. To continue in the example of how the concept of reasonability is determined can be found at <http://definitions.uslegal.com/f/federal-law-civil-rights-excessive-use-of-force/>

<sup>8</sup> There are a litany of cases that can be used to illustrate this. One such case is *Smith vs. Hearod et al* heard by the United States Court of Appeals, Fifth Circuit in 1974.

<sup>9</sup> This is a commonly-accepted definition that can be readily found online through sources such as the free online legal dictionary at <http://legal-dictionary.thefreedictionary.com/Lethal+force>

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Where the smaller vessel is alongside and continuing to exhibit a willingness to attack, one might reasonably argue that the personnel on board the vessel have the right to use that force necessary to repel the attack. This may take two forms. The ship can create conditions that make the attacker realize that it is no longer worth carrying on with the attack. For example, the larger ship could attempt to head out to sea, forcing the pirates to give up the effort due to their need to remain reasonably close to a base of operations. The ship can also direct actions against the attacking vessel. This has commonly involved firefighting equipment; although it is now also involving Molotov Cocktails in some instances and appears to be trending towards a desire to have firearms on board. What should be clear, however, is that the concept of minimum force necessary to repel the attack would likely be expected from a legal perspective.

### Point 4 – Last Resort Possible

This point also leads to contention. This condition is interpreted as stating that there is an attempt to avoid using force and, when it is necessary, the level of force is the minimum amount required.

Demonstrating that the use of force was the last resort will require some kind of documentation or record as to what steps were taken when escalating the force up to that level that finally stopped the attack. In this context, it would need to be shown that the ship could not leave the area and evade the attack. This does not mean that surrendering the vessel involves a viable option as part of a use of force continuum, particularly given the pirates' recent statements in the open media that point towards their willingness to cause harm or even death.

### Risks Identified

The risks identified here should not be considered as being complete, but rather one step in an appropriate threat and risk assessment. Each case should be looked at and decisions based upon what threats and risks are identified within that effort.

### Option 1 – Escort Vessel

In this scenario, the vessel escorting the ship has taken steps to halt the progress of a vessel that appears to be on a course to intercept the vessel, has persons on board with weapons, and that is refusing to respond to attempts to communicate with it. The vessel was provided with warnings not to proceed that involved attempts to communicate, manoeuvring of the vessel and finally warning shots.

One interpretation of events is that the vessel is in the process of approaching the protected vessel in order to attack it. Given the past pattern of attacks, this would likely be a supportable interpretation. On the other hand, the vessel may simply be proceeding in its own direction, is intending a late course correction if it is clear that an intercept is possible, and carrying arms in its own self defence. The escorting vessel boards the vessel, declaring that the crew is in custody and disarming them before contacting coalition forces.

If this were the case, the company may find itself facing two serious risks. The first involves the loss of availability of the protecting vessel due to seizure by authorities. This may be based upon the UNCLOS

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that states that only warships have the right to carry out certain activities. It may also be due to a decision to fully investigate complaints made by both parties and requiring that all parties remain in the area during that investigation, or risk having their vessel detained. As a result of this loss, however, the company would find the vessel requiring protection suddenly being relatively unprotected as its protective shell was stripped away.

The second risk involves a financial loss due to the need to compensate individuals that may seek damages through the flag state of the vessel under Article 106 of UNCLOS. While the specific mechanisms for this have not been identified (or even sought), they may also be sought as a result of an injury considered inappropriate or even illegal based on Article 101 of UNCLOS.

It should be clear that the use of the escort vessel may well be possible with appropriate rules of engagement. What is also clear, however, is that there are elements of legal risk that can quickly translate into operational risk should the vessel be seized or arrested in response to a complaint or requirement for investigation.

### Option 2 – Trained Defenders on Board

This involves the same scenario, but the company hires a number of trained personnel to essentially act as a security force on board the vessel. It has signed a contract with the company involved and has agreed to standing operating procedures used by the trained personnel's company after review. The contract includes a clause that identified the leader of the detail as a source of authoritative guidance in higher risk situations while recognizing the authority of the master of the vessel.

In this case, the approaching vessel would be subject to a number of warnings. If it continued to behave suspiciously, the ship being protected would initiate evasive actions, contacting local forces for assistance through normal channels. The security detail on board would simply act to ensure that the ship or its personnel could be taken by the potential attacker. In this case, the actions would be directly attributable to actions in self-defence. As a result, there are clear connections to the concept of self defence as described above.

This reduction would further be reinforced through the use of a force continuum. In essence, the ship would be able to demonstrate that it had proceeded in line with the concept of minimum force. This could further be supported by warnings or other measures that force the pirates to commit an overt attack or back away from the attack before the next escalation. At this point, careful documentation of the events would likely reduce any significant residual risks.

### From a Security Perspective

This will look at three systems. The first is the prevention, detection, response and recovery doctrine often used by corporate security organizations, including several government entities.<sup>10</sup> The second approach follows the doctrine established by the ASIS International that focuses on deter, detect, delay,

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<sup>10</sup> <http://www.rcmp-grc.gc.ca/ts-st/pubs/phys-sec/g1-025-eng.pdf> provides one example of how this doctrine is used.

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deny and detain. The third and final doctrine involves prevention, mitigation, response and recovery, a common emergency preparedness structure.

## Layer 1 – Preventing the Attack

Prevention, in this context, involves convincing the attacker that capture or destruction is more likely than success and, therefore, it is worth waiting for a softer target. This is done by reducing the means and opportunity presented to the attacker.

In this context, the presence of the escort vessel does provide some advantages. The first is that the ship will not appear to be operating in isolation. One might argue that the propensity of the pirates to flee when it is determined that military forces are entering the area would mirror this kind of situation.

Should the pirates decide that it is worth attacking the vessel being protected, then the tactical situation would be clouded by the presence of the other vessel. This is due to the challenges associated with splitting one's attention between two targets. The corollary to this situation is where the escorting vessel is protecting a number of vessels. In this scenario, the escorting vessel would be challenged in terms of having to split its operations in defence of several points. This would be both challenging in terms of coordination but could also pose a challenge in terms of resource consumption (such as ammunition, fuel for manoeuvring, etc).

When looking at the pirate attacks in the Gulf of Aden, one will notice that while the attacks may involve automatic weapon fire, several attacks were abandoned due to the presence of a visible deterrent on board the vessel. A higher number of attacks were abandoned due to sudden and aggressive anti-boarding measures being taken by the crew or others tasked with security responsibilities. Consequently, there are adequate grounds to believe that the presence of a force on board the vessel is effective in providing a deterrent.

The concept of deterrence can be difficult to accept as the sole line of defence. There are currently arguments as to whether or not the substantial intent of Somali pirates in the Gulf of Aden changed with the rescue of the Master of the Maersk Alabama. Did this action create a condition where vengeance for the killing would spur pirates to attack more often?<sup>11</sup>

## Stage 2 – Detection

The advantages and disadvantages associated with detection of a piratical attack are mixed in both cases.

For an escorting vessel, the challenge resides on three fronts. The first involves the dead zones or shadows in coverage that come from vessels operating in close proximity. The second comes from the fact that the watchkeeper's attention must be split when the vessels are operating in close proximity as

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<sup>11</sup> This concern has been widely reported in the open media and has been communicated by both members of the USN and the pirate community itself. One example of the many stories can be found at <http://www.time.com/time/world/article/0,8599,1891086,00.html>

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part of the anti-collision requirements. Finally, should the escorting vessel put distance between itself and the vessel it is escorting, it only expands the coverage on one side.

For the on-board approach, the concept of detection is reduced by the fact that observation is from a single point on the water. As a result, there are a number of areas that are difficult to monitor, particularly if the pirate gets in close to the vessel.

The key advantage of the on-board approach lies within the ability to more clearly determine the intent of the vessel. A small vessel approaching the protected vessel past an escorting vessel may be an attacker or may be a vessel committing an innocent act. Concurrently, the presence of the vessel may well be known, but the unknown condition is more the result of a breakdown in communication and coordination. Where the assessment is being done on board the protected vessel by the protection detail, elements of this confusion can be dealt with quickly.

### Stage 3 – Notification and Response

In this context, the on-board security presence appears to have significant advantages over the concept of the escorting vessel. It must be clear that attacks do not necessarily involve only one craft but may involve several small craft operating from a mother ship. Depending upon the nature of the pirates' coordination, both the protected vessel (primary target) and escorting vessel (diversion / distraction) could be subject to attack.

It should also be noted that the pirates off of Somalia are reported to be using GPS and radio-telecommunications in their various attacks.<sup>12</sup> This would indicate that there is a level of coordination, command and control at play in the attack. It is also noted that a number of the clans along the Somali coast operate piracy rings.<sup>13</sup>

Given that the escorting vessel and protected vessel may not have been operating together for a significant period of time, it would be reasonable to assume that both would not be completely familiar with each other's operating procedures or communications. This creates a potential avenue for communication errors or inconsistencies. At the same time, it must be noted that the clan-organized piracy rings have a clear advantage in terms of familiarity with each other in this regard as some have been operating together for some time.

To combat this confusion, there must be an ability to quickly clarify confusion. This may involve communicating a description of a situation or it may involve communicating the intent of the vessels involved. For two vessels operating in proximity, the declaration that one is "going to take evasive action" is not one that communicates enough information upon which to base a course of action other than clear the area. Where personnel are on the same vessel, it is a simple step to have a direct line of

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<sup>12</sup> Stafford reported this in its Piracy report in April 2009.

<sup>13</sup> Certain clans, including those in Hobyo, Garacad, Eyl and other locations have gathered some attention through high-profile seizures, such as the Le Ponant (French luxury yacht in 2008). These clans operate piracy rings that have significant on-shore support.

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communication between the master and the security team so that they can be prepared for the next series of actions.

Notification also involves understanding the thresholds associated with escalating the event and being able to escalate the event to higher levels of authority within the area (such as coalition forces). In this circumstance, the principle of the unity of command comes into play. This principle involves there being one clear leader that essentially makes the decisions. Where two or more ships are involved, this principle is breached. The master of either vessel—ultimately accountable for his vessel and personnel on board—has a different set of risk-based concerns than those escorting him. Where the master of the vessel being protected is primarily concerned with the protection of the vessel and personnel on board, the escorting vessel has this as one priority, the same for its own vessel and finally ensuring that the contract is paid out. It is this last principle that could lead to a difference of opinions in the level of perceived or apparent risk that would be tolerated before outside assistance is sought.

The final challenge with response comes with the situation that the vessel has been boarded. In this situation, the advantages are clearly in favour of the personnel on board. Those on board the vessel can retreat into the superstructure of the vessel, through pre-prepared defensive zones, and work towards removing the pirates through use of upper decks, limited space openings, etc. Where the ship has been taken, however, the escorting vessel may have an advantage in terms of being able to offer a base of operations from which to retake the vessel or to which persons can be removed in order to reduce the number of hostages, etc.

### Stage 4 – Recovery

In this context, the escorting vessel does offer some advantages. These advantages focus on two situations. The first is where the vessel is under control and seeking to leave the area and the other is where the vessel has been taken.

Where the vessel is seeking to leave the area and depending upon the nature of the supplies and stores on board the escorting vessel, additional stores or supplies may be carried that allow for repairs to be affected in a more timely manner. This may also include the ability to use members of the escorting vessel's crew to assist in repairing damage more quickly. Where the protected vessel has lost navigation or propulsion (and largely depending on the size and power associated with the escorting vessel, presence of lines, etc), the escorting vessel may even be able to assist in towing the vessel to remove it to more protected waters or a safe port.

Where only personnel are on board, recovery can be made more complicated. This is due to the potential for reprisals by the attackers (if suffering losses during the attack) or the complication of additional hostages being held for ransom.

## Conclusion

Neither option presents a perfect solution, but it may be reasonably argued that emplacing the security detail on board the vessel proper has a number of legal, operational and tactical advantages. It allows

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for the security detail to take a broader approach to defending the vessel. It takes into account natural principles associated with self defence that have been widely accepted. Finally, it allows for a natural movement based upon a force continuum.

In order to capitalize on the advantages of an escorting vessel, it would only be necessary to ensure adequate storage space and have a means of being able to drop off supplies when needed. This could be accomplished through the use of resupply vessels. These would have to be positioned in several locations along the route if multiple vessels were being protected so as to ensure complete and timely coverage. Similarly, satellite telephone technology and similar items can be used to provide redundancy to the various communications and alarm systems on the vessel.

To date, one organization of approximately forty companies surveyed has taken what can be described as an approach closest to the one arrived at independently through this study—K&M Global Security Solutions. Of the others, only one has opted to use the escort vessel, although several others have been considering the option due to public pressure. The majority, however, have advocated the use of armed (generally with firearms) and on-board teams, an approach that limits the ability to demonstrate an escalation of force between attempts to evade and the application of lethal force.