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Countering Piracy in the Modern Era

Notes from a RAND Workshop
to Discuss the Best Approaches
for Dealing with Piracy in the
21st Century

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Prepared for the Office of the Secretary of Defense

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Summary

On March 11 and 12, 2009, the RAND Corporation hosted a workshop at its Washington Office in Arlington, Virginia, to consider the threat of piracy in the modern age. The event brought together stakeholders and representatives from industry, the U.S. Coast Guard, U.S. Africa Command, the U.S. Navy, and academia, as well as security analysts and officials from the diplomatic missions of the United Kingdom and Canada.

Over the course of the workshop, the participants were asked to consider, with much latitude, how the problems associated with piracy might be viewed from different perspectives. RAND researchers outlined the current state of piracy around the world and proposed a framework for examining the nexus between the various principal land-based drivers associated with crime and violence in the maritime domain. Three main factors were identified:

- governance—to include that of the coastal society and the maritime domain
- economics—how financial considerations, costs, and possibly profit affect the use of the sea and the coastal societies
- society—the extent to which a perturbed coastal society allows exploitation of disorder in its immediate maritime domain.

The agenda was structured to ensure that each of these ideas were explored and discussed from the perspectives of states, the international community, and industry.

Unsurprisingly, a wide range of issues were debated in the one-and-a-half day meeting, covering everything from which land-based factors might give rise to piracy to the appropriateness of armed mitigation measures that have been instituted to deal with the problem at sea. Six major themes, however, animated much of the discussion:

- **The relevance of the current legal framework for countering piracy.** How have the international community, national governments, and industry approached the problems off Somalia? What is working and what is not, and are there any other options? The consensus of the workshop was that current practices at the international level are sufficient, although more could be done by individual nations, perhaps within regional or subregional frameworks.
- **The economic burden imposed by piracy.** Several estimates of the economic burden imposed by piracy are available. However, the range is large and the accuracy of the figures is questionable. Workshop participants identified insurance premiums as the most significant barometer of cost, though it was pointed out that many of those affected by piracy are smaller, “mom and pop” operators that are not represented by international trade bodies and generally lack the resources to pay ransoms or increased insurance pre-

miums. In spite of the lack of good data available to inform future decisions, it is possible that a repeat of the 2005 situation that developed in the Malacca Straits region might occur. In this particular instance, once the waterway was declared an Area of Enhanced War Risk by Lloyd's of London, the three affected littoral nations—Singapore, Malaysia, and Indonesia—immediately put in place a series of coordinated initiatives to counter piracy in their respective territorial waters. The motivating rationale for the decision was to preempt any loss of revenue that might stem from a redirection of maritime traffic to other “safer” (and hence cheaper) regional sea-lanes of communication.

- **The opportunities for international collaboration that have been afforded by the joint maritime patrols off the Horn of Africa.** Most observers agree that the speed and degree of international cooperation that has led to the maritime patrols to counter Somali piracy is surprising. That said, the main trigger for much of this activity has been political self-interest, and there are questions on the general utility of a response focused solely on maritime intervention.
- **The question of using private security contractors to protect shipping transiting dangerous waters.** The hurdles to the successful employment of private solutions to protect against piracy seem to outweigh the advantages. In particular, workshop participants questioned the legality, effectiveness, and cost benefit of using armed guards (whether from a private security firm or drawn somehow from within the shipping company), and they saw the downsides of doing so as far greater than any potential benefits.
- **The extent to which industry talks with a “single voice” in terms of addressing maritime security.** While there are many international organizations that purport to speak from a supposed maritime-industry view, members of the industry are quick to acknowledge the limits of such a consensus. These organizations tend to reflect the interests and policies of larger companies based in the developed world, companies which, despite the large size of their fleets, do not constitute the majority of maritime shipping. Smaller, independent operators are not heard and generally have no representation. An industry view, even of itself, seems hard to define.
- **Means of confronting the unique nature of piracy off the Horn of Africa.** Drawing on the various themes outlined above, workshop participants explored possible options for addressing how the current scourge of Somali-based piracy might best be addressed. Targeted initiatives to boost governance and socio-economic development in coastal societies such as Eyl and Haradhere and ensuring the buy-in of industry, particularly the smaller operators, were especially highlighted.

This timely workshop explored new ideas and allowed a wide range of experts to offer comment and discuss an extensive variety of topics related to piracy specifically and maritime disorder more generally. Perhaps the most important conclusion that can be drawn from the workshop is that mitigating the complex nature of maritime crime requires the input of all relevant stakeholders—state, national, private, and nongovernmental—and must necessarily embrace measures that go well beyond the simple and expedient reactive deployment of naval assets.