

# VU Research Portal

## Maritime security and piracy: Effects of armed guards on board

Eski, Y.

### **published in**

Encyclopedia of Security and Emergency Management  
2019

### **DOI (link to publisher)**

[10.1007/978-3-319-69891-5\\_89-2](https://doi.org/10.1007/978-3-319-69891-5_89-2)

### **document version**

Publisher's PDF, also known as Version of record

### **document license**

Article 25fa Dutch Copyright Act

[Link to publication in VU Research Portal](#)

### **citation for published version (APA)**

Eski, Y. (2019). Maritime security and piracy: Effects of armed guards on board. In L. R. Shapiro, & M.-H. Maras (Eds.), *Encyclopedia of Security and Emergency Management* (Living ed., pp. 1-5). Springer Link.  
[https://doi.org/10.1007/978-3-319-69891-5\\_89-2](https://doi.org/10.1007/978-3-319-69891-5_89-2)

### **General rights**

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

### **Take down policy**

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

### **E-mail address:**

[vuresearchportal.ub@vu.nl](mailto:vuresearchportal.ub@vu.nl)

# M

## Maritime Security and Piracy: Effects of Armed Guards on Board



Yarin Eski

Knowledge Hub Security and Societal Resilience/  
Political Science and Public Administration  
Vrije Universiteit Amsterdam,  
Amsterdam, Netherlands

### Keywords

Maritime security · Private security guards ·  
Weaponization · Accountability · ISPS code

### Definition

Armed private security guards aboard ships protect ships and their crews against pirate attacks at sea by using nonlethal and lethal force.

### Introduction

Armed private security guards on board of ships for protection against piracy have a long history. It dates back to Ancient Greece when hired groups of mariners were tasked by city-states to capture and hand over ship crews of enemy forces but also share captured booty (Ormerod 1997: 34). During the age of colonization, in particular in the sixteenth and seventeenth centuries, naval wars between rivaling colonizing European countries

peaked. Governments made use of privateers (or buccaneers), which was actually a sort of licensed piracy since these privateers held a “letter of marque” from a sovereign nation to attack the sovereign’s enemies (Renwick and Abbott 1999). They were considered maritime mercenaries that had their own vessel, hired and fighting for their respective governments for financial gain. The use of privateers came to a halt when governments started to use their own professional navies instead in the eighteenth and nineteenth centuries when nationalization and the building of nation-states in Europe set in. Fast-forwarding two centuries, piracy is still and even more aggressively prevalent due to various socioeconomic problems faced by impoverished nations, such as and in particular Somalia. The Somali people endured severe drought as a result of climate change, heavy losses due to illegal fishing by foreign ships, illegal waste dumping in Somali waters, political corruption, and (ethnic) conflicts; in order to survive, there seems no other way than to generate “booty” through piracy (Beri 2011). As a response, Private Maritime Security Companies (PMSCs) entered the market, seemingly fulfilling a similar role as the privateers centuries ago. They operate not necessarily in assistance of their nations waging naval wars but rather in the protection of global shipping companies and their ships and crews against maritime terrorism and armed robbery and especially against modern piracy. This entry shall focus on the effects of

PMSCs and their weaponized security guards onboard of ships against modern piracy.

### **Privatization and the Approach to Modern Piracy**

Private Maritime Security Companies (PMSCs) are a result of the neoliberal governance mode in which the government acts from a distance as a minimalist state and lets the market fill in the governance gaps. Key for that type of governance is deregulation and privatization that restructured welfare states across the globe, letting public services being taken over by private parties as the market would function more efficient and cost-effective (Larner 2000).

In the maritime domain, a similar pattern has emerged. Most nations started using armed guards when governments became aware that it is not cost-effective anymore to provide their own navies (Jeffrey 2010). Simultaneously, insurance companies became more and more hesitant to pay ransom money to pirates that merely had to demonstrate that they were capable (without actually having to do it) of hijacking ships, kidnaping crews, and stealing cargo. Consequently, more responsibility was required from shipping companies in order to be eligible for being covered, and thus PMSCs are cheap solutions; however, “[r]esistance from the insurance industry is [still], however, potentially one of the primary obstacles to vessel self defense” (ibid. 512).

When PMSCs are deployed to offer protection, it occurs predominantly and most well-known, in the form of having a much cheaper group of armed private security guards on deck instead of more expensive naval forces escorting ships and ship crews through piracy-prone areas. The main difference between PMSCs and Private Military Companies (PMCs), as well as Private Security Companies (PSCs), is that PMSCs are principally sea-based and the other two mostly land-based. Still, although the sea has its unique characteristics and specific challenges, it is difficult to apply this dichotomy to all private actors in the field of maritime security, because counterpiracy can also be undertaken on land (Liss and Schneider 2015).

The International Maritime Organization (IMO) speaks in terms of Privately Contracted Armed Security Personnel (PCASP), which seems to overcome that dichotomy.

Along with the privatization of public services, including protection by the state, the rise of modern piracy in the Gulf of Aden and off the Somali coastline in the early 2000s and the more recently rise of piracy-prone areas in Southeast Asia and the greater Gulf of Guinea have led to increasing costs for the shipping companies and security of their fleet at sea, turning piracy risks into high primary and secondary insurance expenses. In fact, it seems to be the case that, because of the increasing growth of piracy-prone areas, the use of PMSCs has risen drastically and heightened the competition between private maritime security providers. Consequently, that rise may have led to the fall of prices of PMSC employment; it pushes PMSCs, in order to keep a profitable business, to offer cheaper counterpiracy solutions, which could affect the quality of armed guard protection on board ships (Mudrić 2011).

It is up to flag-states to decide whether armed guards are allowed aboard their vessels or not, for which clear policies must be given, as recommended by the IMO. Given the claim that no armed ship has been taken captive by pirates, flag-states and shipping companies (as well as the International Union of Maritime Insurance (IUMI)) are more willing to accept and have armed guards on board of ships than before. It is actually because of that claim that having armed guards on board could function solely as a preventative measure (Pizor 2012). Meaning, armed guard firing shots are actually not the main objective; their presence is enough of a deterrent. Still, in order for armed private security guards to actually be able to use their guns while obeying the law of “the flagship country, territorial waters, and ports they travel through [...] countries have begun to change gun laws for both the flagships and territorial waters, recognizing the need for laws allowing armed guards to utilize the legal defense of self-defense” (ibid. 549). For example, it was not until Captain Richard Phillips was kidnapped in 2009 when the United States

changed their laws finally to allow armed private security guards on American ships.

## Nonlethality and Trust

It is often forgotten that the actual use of fire arms by armed private security guards is usually an “ultimum remedium,” a last resort, to establish robust counterpiracy measures on board. If only because using “guns may not always be necessary, particularly in incidences in which local fishermen simply approach the protected vessel out of curiosity without any malicious intent” (Liss 2007: 162). Using private security armed guard teams has become the standard solution as they assist in implementing and carrying out most of the other, unarmed, and nonlethal counterpiracy solutions based on the Best Management Practices for Protection against Somalia Based Piracy (BMP4 2011), which is one of the most important “soft law” solutions in counterpiracy practices. Also, they replace the need for having special security equipment on deck, crew counterpiracy training, armed convoys, military personnel on deck, or having to make alternative thus longer routes that altogether are not as cost-effective as having armed guards (Mudrić 2011). Furthermore, armed security guards may assist (also in ports) to prevent stowaways from entering vessels, from cargo and container theft, from drug and arms trafficking, and from terrorist attacks against ship crews (Eski 2016; Haywood and Spivak 2013).

When a team of armed guards, usually consisting of four up to five guards, is on deck, the BMP4 must be taken into account as well by that team itself. They assist the captain and ship crew in monitoring the surroundings when the ship enters a high-risk area. The physical barriers, such as razor wires and/or water cannons, are usually already put in place. The team divides itself up in certain positions, starboard and port side and back and front side. They patrol as well and also attempt to get acquainted with the crew members, if only because of instructions and giving security advice and training. The team leader and the captain and/or first officer (ought to) negotiate together what should happen in case of a

piracy attack. Another important element that guarantees that armed guards are not excluded from the daily business and routines on deck is that the PMSCs are predominantly founded and staffed by ex-military or ex-law enforcement professionals (Liss 2007). The professionalism and combat experiences ease crews and give them confidence in making it through high-risk, piracy-prone areas without any harm inflicted on them. These steps of advising, negotiating, and assisting in setting up physical security effectuate that trust is created between the armed guard team and the ship crew, which is crucial in case a potentially lethal conflict situation may develop after all.

When “reasonable suspicion” arises that a ship is facing a piracy threat situation, the ship crew plus the armed guards ought to take specific recommended actions. These actions are divided in the approach stage and the attack stage (BMP4 2011). During these stages, the armed guards are not immediately allowed to engage in nonlethal, let alone lethal, firing of shots. Different nonlethal defense possibilities must be explored, such as maintaining maximum speed, following the emergency communication plan, providing ballistic protection to crew against pirates, and coursing away from approaching small boats, such as skiffs and/or so-called mother ships. In all of this, it must be absolutely sure that there are no clear visible signs of the crew being armed. The armed guards must therefore not only be specialists in securing the perimeters but must also have expertise in identifying piracy and piratical “suspicious activity” (Symmons 2012).

## Lethality, Accountability, and Profitability

If a small boat and/or a mother ship has been identified as a piracy vessel, and arms have been seen on board the vessel, it is usually based on agreements between the armed guard team leader and the captain what ought to happen in terms of firing nonlethal and lethal shots. Usually, the nearing pirates are addressed by an armed guard via a megaphone – when that does not work, warning shots are fired, and if that proves to be

useless, the bow and subsequently the engine of the small boat are shot to neutralize the moving small vessel. If that does not stop the pirates, or they fireback directly at the ship and its crew, or it becomes clear an RPG rocket launcher is being prepared to fire at the ship, lethal use of force could be used by the armed guards against the small boat. Once more, also in highly dangerous, lethal situations, it is only after certain steps are taken that the armed guards may act, and also this detailed procedural process establishes trust between the captain, crew members, and the team itself.

It has happened that fishermen on skiffs have been mistaken for pirates, resulting in fishermen being wounded or even killed (Mudrić 2011). Many of these incidents seem to “remain unaccounted for, as they will most likely occur at sea and out of sight of authorities or witnesses [...] it is understood that if P[M]SC employees carry guns, they are also prepared to use them” (Liss 2007: 162). These incidents remain exceptional, and increasingly more attention is paid to international regulatory frameworks to control excesses of (wrongful) violence by armed private security guards, such as the International Code of Conduct for Private Security Service Providers (ICoC), several IMO Circulars, ISO 28007, as well as various nongovernmental initiatives (Liss and Schneider 2015). Still, it remains problematic that there are very limited possibilities to monitor PMSCs and deployed armed guards aboard ships who act on behalf of those PMSCs, which means that “the whole private [maritime] security system relies finally on single individuals’ decisions, accountability, personality, training and performance” (Chapsos 2014: 194).

## Conclusion

The existence of private actors having such availability to state-legitimized yet unchecked for coercive force seems to predominantly serve the interests of their own PMSC (comprising mostly of boosting profitability of the company) rather than those of the ship crews themselves. This perverse effect of the marketization of

(maritime) security could reignite debates on (modern) privateering, as it was performed centuries ago (Gould 2017), with a focus on particularly the question of whether PMSCs are indeed as “cost-effective” if their deployment means innocent lives are taken. Those debates could be constructive for the construction of more coherent, transnational set of collected “best (management) practices” for in particular education and training of private security guards in the maritime sector. Moreover, rethinking (modern) privateering could be helpful for codifying – and although problematized by the international community and maritime as well as security industries (Krahmann 2016) – specific international regulations governance of PMSCs.

## Cross-References

- ▶ [Maritime Security and Piracy: Incidents that Changed Procedures \(Captain Phillips kidnapping 2009\)](#)
- ▶ [Maritime Security and Piracy: Ransoms and Insurance](#)
- ▶ [Maritime Security: Problems of Security Versus Safety Practices](#)

## References

- Beri, R. (2011). Piracy in Somalia: Addressing the root causes. *Strategic Analysis*, 35(3), 452–464.
- BMP4. (2011). Best management practices for protection against Somalia based piracy. Available at [http://eunavfor.eu/wp-content/uploads/2013/01/bmp4-low-res\\_sept\\_5\\_20111.pdf](http://eunavfor.eu/wp-content/uploads/2013/01/bmp4-low-res_sept_5_20111.pdf).
- Chapsos, I. (2014). *The privatisation of international security: The regulatory framework for private maritime security companies, using operations off Somalia, 2005–13, as a case study*. PhD Thesis, Coventry University, Coventry.
- Eski, Y. (2016). *Policing, port security and crime control: An ethnography of the port Securityscape*. London: Routledge.
- Gould, A. (2017). Global assemblages and counter-piracy: Public and private in maritime policing. *Policing and Society*, 27(4), 408–418.
- Haywood, R., & Spivak, R. (2013). *Maritime piracy*. London: Routledge.
- Jeffrey, R. S. (2010). An efficient solution in a time of economic hardship: The right to keep and bear arms

- in self-defense against pirates. *Journal of Maritime Law & Commerce*, 41, 507–540.
- Krahmann, E. (2016). Choice, voice, and exit: Consumer power and the self-regulation of the private security industry. *European Journal of International Security*, 1(1), 27–48.
- Larner, W. (2000). Neo-liberalism: Policy, ideology, governmentality. *Studies in Political Economy*, 63, 5–25.
- Liss, C. (2007). The privatisation of maritime security-maritime security in Southeast Asia: Between a rock and a hard place? In T. Jäger & G. Kümmel (Eds.), *Private military and security companies* (pp. 135–148). Wiesbaden: VS Verlag.
- Liss, C., & Schneider, P. (2015). Regulating private maritime security providers. *Ocean Development & International Law*, 46(2), 81–83.
- Mudrić, M. (2011). Armed guards on vessels: Insurance and liability. *Poredbeno Pomorsko Pravo*, 50(165), 217–268.
- Ormerod, H. A. (1997). *Piracy in the ancient world*. Baltimore: JHU Press.
- Pizor, B. E. (2012). Lending an invisible hand to the navy: Armed guards as a free market assistance to defeating piracy. *Case Western Reserve Journal of International Law*, 45(2012), 545–578.
- Ralby, I. (2018). What went wrong when regulating private maritime security companies. In *Operational law in International Straits and current maritime security challenges* (pp. 161–180). Cham: Springer.
- Renwick, N., & Abbott, J. (1999). Piratical violence and maritime security in Southeast Asia. *Security Dialogue*, 30(2), 183–196.
- Symmons, C. R. (2012). Embarking vessel protection detachments and private armed guards on board commercial vessels: International legal consequences and problems under the law of the sea. *Military Law and the Law of War Review*, 51, 21.

### Further Reading

- Chapsos, I., & Kitchen, C. (Eds.). (2015). *Strengthening maritime security through cooperation* (Vol. 122). Amsterdam: IOS Press.
- Cullen, P., & Berube, C. (Eds.). (2012). *Maritime private security: Market responses to piracy, terrorism and waterborne security risks in the 21st century*. London: Routledge.