



Review

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# Multifaceted landing and combined approach to maritime piracy

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Abstract

Maritime piracy recurring over the last decades poses significant risk to human life, safety of shipping, and international security. Several disciplines, particularly International Relations, economics, legal studies, development studies, and gender studies seek to explain this form of transnational crime. As an empirical case study the paper aims to explore economic and social approaches that were taken into account when a maritime nation of Georgia tackled the issue of the Georgian and Turkish seafarers taken hostage in 2010 by the Somali pirates in the Gulf of Aden/Horn of Africa (GOA/HOA) region. This is a unique case because similar to other maritime nations facing piracy, but unlike other maritime powers, response of the state, having no experience of dealing with piracy was successful. Although, the most tangible measures against piracy is considered the use of force in line with the realist tenets, this paper has found that because a single discipline is unable to comprehend the nature of modern piracy, interdisciplinary theoretical premises and a hybrid policy approach to maritime piracy can constitute significant solution for protection of ships, safeguarding the life at sea, compliance with the recommended measures and addressing the root causes.

**Keywords:** Maritime piracy, seafarers, interdisciplinarity, hybrid policy, UN IMO, Georgia.

## INTRODUCTION

Maritime piracy recurring over the last decades poses significant risk to human life, safety of shipping, and international security. Several disciplines, particularly International Relations, economics, legal studies, development studies, and gender studies try to explain transdisciplinary problem related to such form of transnational crime. By taking this approach academics can contribute to policy making for addressing this issue (Lehr 2007; Bueger 2014). On policy level, economic and social approaches were considered when a maritime nation of Georgia tackled the issue of the Georgian and Turkish seafarers taken hostage in 2010 by the Somali pirates in the Gulf of Aden/Horn of Africa (GOA/HOA) region that the paper aims to explore as an empirical case study. This is a unique case because similar to other maritime nations facing piracy, but unlike other maritime powers, response of the state, having no experience of dealing with piracy, was successful in terms of the seafarers' release. Since then Georgia has joined campaign against piracy initiated by governments and launched by the United Nations (UN) specialized agency International Maritime Organization (IMO) at its 27th Assembly Session in November 2011.

This paper poses a question what has been the nature of modern piracy at sea and what policy approach can address this issue? The paper primarily argues that a single discipline is unable to comprehend the nature of this transnational phenomenon and it is the interdisciplinary theoretical approach and a hybrid policy stance that can explain and deal with maritime piracy. As a second argument, the paper suggests that hybrid policy that Georgia took resting on the interdisciplinary study can explain the puzzle posed in this paper. In developing this argument, the first section overviews theoretical approaches towards maritime piracy, the next section of this paper moves on to examine how Georgia engaged to release the seafarers. The final section concludes.

Effective action against piracy from a states' side is considered an immediate counter-piracy operation and eventually putting the offenders on trial. However, since the Georgian seafarers were freed through negotiations, their release can unequivocally be considered a success (Interview 3). To define piracy at sea, an armed robbery as a form of organised crime, following the European Security Strategy (ESS) which is the core document drafted by the European Union (EU) (Council ESS, 2003: 4-5), has changed its nature transforming into transnational crime performed by non-state actors. The research draws on methods of data collection including literature review, document analysis, interviews, and elements of personal observation. The case study confronted limitations of primary data gathering taking into account sensitivity of the case.

## Interdisciplinary Scope to the Study of the Maritime Piracy

Interdisciplinary approach can shed clarity to complex question of maritime piracy on the theoretical level. Interdisciplinarity allows deeper understanding and reveals previously unexplored angles of complex phenomena which include economic and social reasons for piracy. In terms of Karl Popper (1963: 88), as problems cut right across the borders of subject matter or a discipline, it is essential to integrate disciplines to produce synthesised knowledge. Interdisciplinary approach can position epistemological work based on the way reality is practiced and produces knowledge. When exploring piracy with the cross-disciplinary stance, unique insights can be gained to understand nuanced meaning. State-of-the-art from different disciplines, challenging traditional views, points to creative ways for solving theoretical and practical problems. As John Gerring (2001: 4) rightly points out, even though epistemological relativism exists, interdisciplinary and transdisciplinary standards are applied to social sciences. Interdisciplinary research is thus a cognitive tool that handles questions of fundamental understanding, and an instrumental tool which aims at problem-solving. Interdisciplinary research in academia has become reference point for policy makers that can inform policy research. Several disciplines have studied piracy in different ways. Existing literature on this theme proposes that piracy studies as an interdisciplinary project combines critical stances with immediate policy solutions. Christian Bueger (2013) states that piracy studies is representative of a new form of knowledge production. As Peter Lehr (2007) put it, response to maritime terrorism has been hampered with sovereignty and laws of the sea.

In International Relations, the realist school of thought takes state-centric approach and focuses on states' ability to exercise power and to check organized crime. This line of reasoning supports a current solution to enhance security on vessels entering the territory of port/coastal states by introducing military assets and private armed forces. The liberal approach favours cooperation among governments to ensure safety at sea. Maritime nations facing the danger of piracy need to cooperate among each other to counter piracy. Such cooperation is translated in patrols at sea, joint coordination among cost guards, and exchange of information. Transnational governance goes beyond the state-centric approach and detects the changing nature of organized crime. This raises a question how states can respond to transnational crime exercised by the non-state actors. Expedient response

can be achieved with close involvement on intergovernmental and supranational levels.

Apart from the realist and liberal perspectives, legal approach emphasizes rules of international law concerning piracy and maritime regulations. Most notable among such regulations are the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code) (2009), and Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) (2004). Since 2008 the UN Security Council has adopted 13 resolutions on counter-piracy actions. The SC/RES 1851 established Contact Group on Piracy off the Coast of Somalia (CGPCS) in 2009. This legislative framework has created counter piracy legislation and law enforcement mechanisms among the regional countries.

Besides legal premises, economic dimension takes into account effects of piracy on industry including international shipping community, maritime transportation, and global trade. According to the World Bank (2013) report, beyond the human tragedy, piracy in the GOA/HOA is estimated to cost world economy USD 18 billion every year. Armed groups after seizing vessels demand ransom for them and their crews with payments increasing from USD 150,000 in 2005 to USD 5.4 million in 2010 (Bowden, 2011). From here follows taking anti-piracy measures by ship owners and operators in industries (Lloyds' Register, 2011: 22). Development approach points to sustainable economic development and foreign aid as a primary course of action to eradicate poverty that nurtures crime. Gender studies piracy through the prism of human insecurity for both pirates and seafarers. Such approach is attuned to the underlying root causes for the pirates, vulnerability of the seafarers and aid dependency. According to gender approach, whilst maritime nations understand the importance of collaborative actions to respond to piracy, by depicting the phenomenon as the human threat of XXI century and by demonizing the fisherman-cum-pirates shifts the narratives away from the root causes. Such narratives do not sufficiently attribute attention to poverty nourishing crime. The seafarers who belong to the marginalized group of people are neglected facing the perils of sea on a daily basis and experience anguish inflicted to them and their families when captured by pirates.

These disciplines can shed clarity to theoretical underpinnings to maritime piracy. Adding to the growing body of literature on counter-piracy, this section proposes that because a single discipline cannot explain this complex phenomenon, it is through the dialogue among the disciplines that the nature of modern piracy can be comprehended. On a policy level, an integrated approach can hence encourage creative comprehensive solutions to

the issue of piracy. Hybridism rests in selecting and applying the elements of explanations from the IR, economics, legal and gender studies. Such hybrid approach can beyond academia be adopted in policy research by governmental, intergovernmental, nongovernmental organizations, and research institutions.

### **Hybrid Policy Expedited by the IMO and the EU**

Over 20 years piracy has posed significant risk to international society. Besides threat to the seafarers, piracy affects international shipping industry. Maritime nations facing danger of piracy understand the urgency for cooperation among governments, international and intergovernmental organizations, and shipping industry. Safety at sea is hence declared an ultimate obligation for all stakeholders involved in maritime affairs. With joint efforts international society will be able to respond to piracy expediently.

The IMO, having responsibility for safety and security of shipping was the first to raise the urgency of the issue. The question has been how governments either as flag States, coastal States, port States or labour supplier States should deal with piracy. As declared at the 27th Assembly Session of the IMO in 2011, countries need to commit to support the campaign with coordinated action against piracy. In the scope of campaigns such as the World Maritime Day themed "Piracy: Orchestrating the Response" in 2011, the message of the IMO Secretary-General Efthimios Mitropoulos, who has pioneered decisive global response to piracy, was that alliances of states, military forces, and shipping companies had a part to play to respond to piracy (IMO, 2011). The same message does point out that "although piracy manifests itself at sea, the roots of the problem are to be found ashore" (Ibid.). In 2011 the IMO Maritime Safety Committee (MSC) released MSC.1/Circ.1405 Interim Guidance on the Use of Privately Contracted Armed Security Personnel (PCASP) about management of the PCASP and Private Maritime Security Company (PMSC), and the Rules for the Use of Force (RUF) (IMO, 2011a). Introducing such security being subject to diverse legal regimes has raised the need for a high level policy debate.

Another intergovernmental organization that took this debate further was the International Transport Forum (ITF) at the Organisation for Economic Co-operation and Development (OECD). At the ITF annual summit in 2012, Ministers' Roundtable on Piracy at Sea after discussing a threat of piracy off the coast of Somalia to maritime transportation industry concluded in its joint statement that the short-term solution for containing piracy would be advanced security on ships and sustainable solution would be stability in Somalia (ITF, 2012). An expert attending the summit accounts that the Georgian side supported this stance (Interview 1). Such integrated

approach on both discourse and legislative levels has demonstrated an attempt to apply aspects from across the disciplines for policy solutions.

Nowadays nearly 40 countries are involved in military counter-piracy operations through supranational entities. Most notable among them is the North Atlantic Treaty Organization (NATO) that set up Standing Naval Maritime Group in 2005 and the counter piracy mission Operation Ocean Shield in 2009. Patrolling by NATO has been considered the most effective measure so far. In contrast with NATO, significance of the EU's approach rests in the circumstance that the EU involved non-member states in its global crisis management operations in maritime affairs. Underlining the threat of maritime piracy in its Security Strategy, the EU stated (Council ESS, 2003: 4-5):

“Europe is a prime target for organised crime.

This internal threat to our security has an important external dimension. ... A new dimension to organised crime which will merit further attention is the growth in maritime piracy.”

Based on this strategy, in 2008 the EU launched military operation European Union Naval Force Somalia (EU NAVFOR Atlanta) mandated to protect vessels with humanitarian aid and redress acts of piracy (EEAS, 2014). Most importantly, with relevance to involvement of the EU's eastern neighbouring countries such as Georgia in its overseas crisis management operations, in 2012 under the Common Foreign and Security Policy (CFSP) the EU invited Georgia to participate in its three new operations one with maritime focus – European Union Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean (EUCAP Nestor). At the Vilnius Summit of Eastern Partnership (EaP) in November 2013, the parties signed a Framework Participation Agreement on Georgia's contribution in EU's crisis management operations creating permanent legal basis for Georgia's involvement in the EU missions (EEAS, 2013). Also, since Georgia does not have a naval fleet the country is not in a position to fully contribute with technical and human resources to maritime operations. On the other hand, contribution to such missions is considered to enhance national capacity building of Georgia.

### **Response to Piracy from a Maritime Nation of Georgia**

At the IMO 27th Assembly Session, Georgia shared its commitment to support governments' actions against piracy. This policy followed the state's experience in the counter-piracy measures on the *ad hoc* basis. Neither did the state have previous experience of dealing with piracy nor did it have a contingency approach for such instances. Liberation of the Georgian seafarers held captive by the pirates for more than a year rendered incentive to the Government of Georgia to share its experience. It was on

8 September 2010 when the crew of Malta-flagged cargo ship “Olib G” on board with 15 Georgian and 3 Turkish seafarers was seized by the Somali pirates near the Gulf of Aden while on route from the port of Alexandria, Egypt to Alang, India. The pirates initially demanded ransom for the seafarers, but since the ship owner refused to pay, leaving the seafarers for sixteen months in captivity the families of the seafarers eventually sought assistance from the state. For their release, the President of Georgia commissioned the Special Representative, Deputy Minister of Economy and Sustainable Development of Georgia in charge of negotiations that entailed international mechanisms (24 Saati Newspaper, 2012). The team setting off to Kenya, managed to negotiate on 6 January 2012 that ended with liberating 18 captives and transferring them safely on board the rescue vessel controlled by the Government of Georgia to the safe port of Mombasa on the night of 12 January where the seafarers received the first aid. They were first transported to Istanbul, Turkey where 3 Turkish seafarers were met by the Prime Minister of Turkey and the Georgian seafarers were then taken to Batumi, Georgia (1 Arkhi Channel, 2012). Having gone through complexity of their release, a negotiator accentuates the necessity to cooperate with all stakeholders to counter piracy (Interview 2). In addition, liberation was considered remarkable as Georgia was one of those few nations which has managed to have its nationals freed with negotiations. The vary negotiations using international mechanisms lies at the core of the response and constitutes the gist for sharing experience with other countries.

Georgia apart from engaging in collaborative actions for addressing transnational crime, on the national level took an array of measures to protect rights of the seafarers. This primarily included enhancing supervision on the crewing companies with amendments in the Maritime Code of Georgia in 2012 (Maritime Code, 2012). Apart from that, approximation of the Georgian legislation with the European rules and regulations, notably the Association Agreement (AA) signed in 2014, provides for protection of social and labour rights of the seafarers. In addition, the EU Transport Corridor Europe-Caucasus-Asia (TRACECA) Maritime Safety and Security II Project envisaging gradual alignment of the Georgian legislation with the Maritime Labour Convention (MLC). The MLC is to advance safety of employment for the seafarers for them to minimise threats while navigating at high risk areas which coincide with the primary routes in international navigation (Interview 3). Albeit ensuring seafarers' safety is responsibility of a ship owner, seafarers often agree to navigate through risk areas for financial needs. This section revealed that the hybrid policy that Georgia has taken drawing on the IR, economics, legal and development studies, is the best possible available policy to protect the seafarers.

## CONCLUSION

Maritime piracy poses an imminent risk to human life and safety of shipping. This paper having sought to embed the argument in the piracy literature, has delved into the previously unexplored area of piracy drawing on interdisciplinary approach and empirical case of responding to piracy against the Georgian seafarers from a state's side. Situating Georgia's response in an international context, the case of how Georgia negotiated release of the seafarers has constituted a remarkable case for the research. Although, the most tangible approach is considered the use of force in line with the realist tenets, this paper has found that because a single discipline is unable to comprehend the nature of modern piracy, there is a need for an interdisciplinary study and a hybrid policy approach to maritime piracy for preventive measures. Whilst several disciplines have studied piracy in different ways, combination of different insights can provide for evidence-based policies. The paper has proven that interdisciplinary theoretical premises and a hybrid policy approach to maritime piracy can constitute significant solution that encompasses protection of ships, safeguarding the life at sea, compliance with the recommended measures and addressing the root causes.

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## **INTERVIEWS**

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