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Sustaining Human Security at Sea: The Role of Private Military Security Companies and Naval Assets

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Abstract

International shipping is one of the main industries in sustaining economies worldwide. There are more than 50.000 merchant ships with over 200 hundred million containers go through seas. This creates uncertainties at sea such as piracy, crime, and terrorism which demand proper management and regulations at the governmental and national level. Along the increasing number of threats at sea, there are new ways of regulating piracy as private maritime security companies, the importance of which is targeted to reduce the expansion of pirates' zones and reduction of existed threats. This paper, thus, provides clear analytical definitions of human security, maritime security, private security companies, and naval assets. Therefore, it focuses on how private maritime security companies and naval assets counter-piracy issues by striking a balanced act on human security (pirates, crews and civil citizens or fishermen who live at coastal or sea area) and protection of maritime resources or commercial commodities? And how to measure risks and the advantages of using naval assets or private maritime security companies while abiding governing laws?

Keywords: Piracy, Human Security, Maritime Security, Private Security Companies, Naval Assets

1. Introduction

The international shipping industry is responsible for the carriage of around 90-95% of world trade (ICS, 2017; del Pozo et al., 2010, p. 20). Furthermore, shipping is the major support of the global economy by means of intercontinental trade, the bulk transport of raw materials, and import/export of affordable food and manufactured goods (ICS, 2017). These facts show that international shipping from the view of cost, charges, reliability, capacity, and speed is still the preferred method over air freight in transporting goods.

Due to a globalization process and a huge demand for international shipping, there are many challenges to its operation such as piracy, crime, terrorism, etc. Currently, piracy is one of the most common threats to international shipping because over 50.000 merchant ships ply through the seven seas. Furthermore, there are more than 200 million container movements involve the USA and world sea trade which is expected to increase significantly over the next few years (IET, 2017, p. 1).

The situation at sea is challenging because the number of recorded piracy attacks was 107 in 2018 with the biggest number of attacks in Nigeria (Africa) and Indonesia (Southeast Asia) (ICC International Maritime

Bureau, 2018). In comparison to previous years starting from 2014 till 2017, the number of piracy activities has reduced from 245 to 179 (ICC International Maritime Bureau, 2018). However, there is not a decline in sea terrorism worldwide. Contrary, sea trade routes have never been more vulnerable to economies through disruption of maritime lines as nowadays. Therefore, piracy can only be addressed by means of a comprehensive multi-layered approach that involves political, technological and societal measures to strengthen security capabilities, improve intelligence gathering and sharing to support the effectiveness of law enforcement (IET, 2017). Furthermore, it requires multinational cooperation on land and at sea (IET, 2017). Thus, it is important to seek to improve governance and create good alternatives to already inevitably existing maritime crime by enhancing human security on land and at sea respectively. It means that human security must be investigated further to enable basic human needs of security. Grimm (2004, p. 1) has supported the statement of Stettinius, U.S. Secretary of State, who stated that the peace could be achieved only by means of two fronts. Firstly, it is the "security front where victory spells freedom from fear." Secondly, it is the "economic and social front where victory means freedom from want" because "only victory on both fronts can assure the world of an enduring peace" (Grimm, 2004, p. 1).

In order to strengthen security capabilities, countries have been starting to increase their naval strength at sea to respond to territorial disputes as well as to enforce maritime borders and protect their national interests. The latter-mentioned undeniably corresponds to human security, maritime security, sovereignty, and national marine resources protection. The naval assets or naval strength is basically a full-fledged force which consists of technology, military-trained crews, vessels, strategy and so on (GFP, 2018). Furthermore, as naval assets address their focus on the national security, shipping industry or commercial shipping companies, so their emerging economic paradigm indicates that the use of maritime-armed guards has increased since 2008 (Isenberg, 2012). Therefore, many new private companies such as private military security companies (PMSCs) or private security companies (PSCs) have been formed to counter piracy issues.

The illustration of situation at sea points out such critical elements as human security, maritime security, private maritime security or naval assets which needed to be analyzed. This paper, thus, provides clear analytical definitions of *human security*, *maritime security*, *private security companies,* and *naval assets.* And, therefore, it focuses on how private maritime security companies or naval assets counter-piracy issues by striking a balanced act on human security (pirates, crews and civil citizens or fishermen who live at coastal or sea area) and protection of maritime resources or commercial commodities? And how to measure risks and the advantages of using naval assets and private maritime security companies while abiding governing laws?

2. Discourse of Definitions: Human Security, Maritime Security, Private Military Security Companies, and Naval Assets

1.1 Human Security

After 9/11 terrorist attacks, human security has become a big concern worldwide, including maritime industry where existing threat has been sustainably growing. It means that governmental and organizational management and regulations are not affective. Furthermore, the *United Nations Convention on the Law of the Sea* or UNCLOS (1982) is needed to be improved or at least supported by organizations, including PMSCs, in countering piracy issues. Similarly, the United Nations Secretary-General, Kofi Annan, has elaborated that:

> …demands we face also reflect a growing consensus that collective security can no longer be narrowly defined as the absence of armed conflict, be it between or within States. Gross abuses of human rights, the large-scale displacement of civilian populations, international terrorism, the AIDS pandemic, drug, and arms trafficking and environmental disasters present a direct threat to human security, forcing us to adopt a much more coordinated approach to a range of issues (United Nations, 2000).

Therefore, *human security*, in its broadest sense, is "far more than the absence of violent conflict" because "it also encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfill his or her potential" (United Nations, 2000). It is believed that

all steps towards human security should be followed by reducing poverty, achieving economic growth and preventing conflict, etc." (United Nations, 2000).

Furthermore, *human security* may be examined through two main aspects (UNDP, 1994): firstly, it is a safety from such chronic threats as hunger, disease, and repression; and secondly, it means a protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, jobs or communities. Such threats can exist at all levels of national income and development. Moreover, despite the long threats to human security, those two main aspects have been classified into several categories: Economic, Food, Health, Environmental, Personal, Community, and Political securities (UNDP, 1994).

Therefore, *human security* is defined as: 1) freedom of fear and the freedom of want which paints a compelling view of victory of security, economic and social aspects which can endure peace; 2) collective security which encompasses basic human rights and good governance that leads to national security; 3) safety and protection which covers economic, food, health, environmental, personal, community, and political securities.

1.2 Maritime Security

Human security is not limited to on land safety only. Furthermore, people involved in sea jobs like fisherman or seafarer must be ensured in their safety in maritime domain as well. Thus, Bueger (2015) has identified and viewed the relation of sea power, marine safety, blue economy and human security of coastal population as components of maritime security. These four concepts were established to point out different challenges of maritime governance which may or may not be integrated into maritime security. Sea power concerns the role of military force and the maritime dimension of inter-state war and threats to national survival. Furthermore, marine safety concerns about regulating shipping, port security, safety of seafarers, searching and rescuing provisions, and protecting marine environment. Blue economy concerns economic opportunities that are offered by maritime ranging from resource extraction to tourism. Finally, human security considers living conditions of coastal communities dependent on sea, in particular, their food security and the risk of their marginalization of in land governments.

Furthermore, del Pozo, F.V.A., Dymock, A., Feldt, L., Hebrard, P.M., & Ferdinando, S. (2010, p. 45-46) have distinguished *maritime security* from *maritime safety*. Thus, *maritime security* is the "combination of preventive and responsive measures to protect the maritime domain against threats and intentional unlawful acts" while *maritime safety* is the "combination of preventive and responsive measures intended to protect the maritime domain against, and limit the effect of, accidental or natural danger, harm, and damage to environment, risks or loss." Furthermore, according to Feldt, Roell, & Thiele (2013), *maritime security* is a responsibility which does not have clear definitions when it comes to maritime security operations because it involves many policy sectors. It is a governmental responsibility, but the authority to act on behalf of a state is a sovereign decision with different options which has a strong influence on maritime collaboration. Thus, authors (Feldt et al., 2013) have identified main elements of maritime security such as international and national peace and security; sovereignty, territorial integrity and political independence; security of sea lines of communications; security protection from crimes at sea; resource security, access to resources at sea and to the seabed; environmental protection; security of all seafarers and fishermen.

Maritime security has been an increasing challenge due to the enactment of piracy and terrorist actions around the world. It has been under UN's, and International Maritime Organizations (IMO) focus since 1959. Unlawful acts which have threaten the safety of ships and the security of their passengers and crews have grown during the 1980s with reports of crews being kidnapped, ships being hi-jacked, etc. Pirates and terrorists, who are usually equipped with weapons and explosives,often threatened passengers and sometimes killed them. For example, there is a list of issues related to piracy and sea terrorism acts since 1961 (IMO, 2018): hijacked SS Santa Maria (cruise ship) in La Guaira (Venezuela) on 23 January 1961; hijacked Anzoategui (cargo ship) in the Venezuelan coast on12 February 1963; hijacked SS Columbia Eagle (cargo ship) on 14 March 1970; hijacked MV Avrasya (ferry) in the port of Trabzon in Turkey on 16 January 1996; attacked the USS Cole (Navy ship) in the port of Aden in Yemen on 10 June 2000; attacked the SS Limburg (oil tanker) in the Gulf of Aden, off the coast of

Yemen on 6 October 2002; attacked on the Super Ferry 14 (ferry) in the Philippines on 27 February 2004; attacked the M/V M. Star (VLCC oil tanker) in the Persian Gulf on 27 July 2010.

After Italian cruise ship Achille Lauro was hijacked in 1985, IMO (2018) has adopted a resolution A 584(14) on measures to prevent unlawful acts which have threatened the safety of ships and the security of their passengers and crews. Subsequently, in 1986, IMO issued MSC/Circ.443 on measures to prevent unlawful acts against passengers and crews on board ships (IMO, 2018). IMO continues to adopt conventions and security regulations which ensure legal actions applied to people committing unlawful acts against ships, including the seizure of ships by force; acts of violence against persons on board ships; and placing devices on ship boards (IMO, 2018). Furthermore, the *Suppression of Unlawful Acts Convention* (SUA Convention) implemented in 1988 provides punishment or extradition of persons who commit or have allegedly committed offences specified in the treaty. There have been 196 states ratified which cover 94% of the world merchant shipping tonnage and 154 states have ratified the *1988 Protocol*.

1.3 Private Military Maritime Security

Private Military Security Companies (PMSCs) known as Private Military and Security Services (PMSS) or Private Security Companies (PSCs) exist in expectation to counterpiracy operations due to lucrative and private ends of piracy practices. Moreover, their existence is supported with the inability of coalition with naval forces (Coito, 2013). Companies and commercial shipping industry employ PMSCs to secure their vessels from pirate syndicates and terrorism at sea. IMO as a unit of UN, which is responsible for global maritime safety and security, has been vigorously contesting the employment of PMSCs by other companies. It is provoked by the evasive escalation of PMSCs unfavorable performances and conflicts with civilians, for instance, Iraq and Afghanistan established a purpose of deviating rather than countering piracy and, therefore, provide measures (Coito, 2013).

To date, it is difficult to explain why PMSCs alongside with solving piracy issues continues to have 'dark sides' and what laws may help to reduce the problem. In 2012, IMO through its Maritime Safety Committee (MSC) agreed upon an Interim Guidance to PMSCs. It encompasses adequately comprehensive conditions as to deployment of privately contracted armed security personnel (PCASP) on board ships and the carriage of arms on board by PMSCs respectively (IMO, 2012): 1) PMSC Professional Certification: to seek certification with relevant national and international private maritime security service standards when these are established; 2) PMSC Company requirements: to establish procedures to provide maritime security services to ship owners and ship operators and comply with all relevant legal requirements; 3) Management: to include recommendations on vetting and training of personnel for a PCASP team; 4) Deployment considerations: to maintain communications with the ship owner or operator on management of firearms and ammunition from embarkation to disembarkation and use of force (PMSCs should recognize that laws governing the use of force may differ over time and according to location. The applicability of national law, including any criminal laws, for an incident on a ship from which PCASP is operating, will be principally that of the flag State. It may also include the laws and regulations of coastal, port and other States) (IMO, 2012).

Therefore, the wide spectrum of PMSCs services currently offer to carry out security audits to identify and rectify specific vulnerabilities and gaps in a vessel's security organization and preparedness; to run training courses for crew on how to respond when they come under attack; to provide aid with recovery of hijacked ships and/or the negotiation of ransoms; to employ guards – armed and unarmed – and occasionally escort boats to accompany freighters when transiting high-risk areas.

The number of PMSCs offering such services has grown significantly in recent years, and the market continues to be flooded with new entrants. However, although the terms of the contract may be acceptable, this does not necessarily mean that armed guards or the security company itself will perform to expectations. Members who are unsatisfied with the performance of PMSCs have to report their concerns to the Loss Prevention Department. Thus, those concerns may include: failure to follow the agreed Rules for the Use of Force (RUF); questionable leadership; inappropriate firing, handling or storage of weapons; improper watchkeeping; guards who appear to

be inadequately trained; reckless or unsatisfactory behavior; inadequate language skills; refusal to sign Visitors' Passes; late arrival at the pre-arranged boarding point; hidden costs, etc.

1.4 Naval Assets

The sea has become the second battlefield for conflicts and terrorist attacks in the world. Therefore, it demands new and additional support from military powers. Naval Assets (NA) is one of the supportive military solutions that helps government to counter piracy and crime at sea. Thus, NA is country's military power and capacity such as expansive reach of vessels, helicopters, battle force ships made up of aircraft carriers, frigates, destroyers, corvettes, torpedo boats, patrol boats, amphibious support craft and landing craft (regardless of onboard technology employed, crew training, fleet quality, etc...) to strengthen a standing naval force (GFP, 2018). For example, China and EU joint exercise in the Gulf of Aden aimed to demonstrate the growing cooperation between EU and China on issues of international security and defense (European Union for Somalia, 2014).

The United States of America (the USA) is a country which declares to possess the strongest naval force. Once the USA was involved in a battle war against Greek's piracy. When the Greek War for Independence erupted in 1821, American sympathies were naturally with the Greeks. The frigate Hellas – flagship of the Greek Navy fleet – was designed and built in America. In the wake of 1823, Greek naval defeated at Bodrum, however, the Greek Navy turned to privateering to support the revolt and attacked merchantmen, including American merchantmen. The USA would not countenance this and, therefore, the American Secretary of the Navy dispatched a powerful reinforcing squadron which arrived in the Mediterranean in 1825. This squadron was built around the ship-of-the-line North Carolina—America's first battleship—and the famous frigate Constitution (still on display today in Charlestown, Massachusetts – near Boston). The squadron commander's tasks were to protect American commerce and to negotiate a trade treaty that would increase American access to the Ottoman Empire. Accordingly, he escorted American merchantmen to Turkey, visited Greek ports and made contact with Ottoman officials. His initial operations in the Aegean in 1825 appeared to accomplish the first task to deter piracy. America's war for independence spawned many small American naval forces—national, state, and private. Some had acquitted themselves quite well against the Royal Navy, but all had disappeared once American independence had been declared. The 'new' USA, however, has quickly become a major international shipping power during the last decades of the 19th century, capitalizing on American knowledge and resources as well as European involvement in the several wars of the French revolution and of the Napoleonic Era. A particularly profitable trade had grown up between American ports and Smyrna. America's huge new merchant fleet, however, periodically became prey to French or British warships and privateers as well as the corsairs of the Barbary States of North Africa. Therefore, in 1798 the United States commissioned a new navy to protect its burgeoning commerce (Swartz, 2003).

Proven strengths of naval forces in protecting interests of countries have been eminent. The USA is possibly the strongest naval force in the world which has been equipped with the most wide-ranging naval assets. Furthermore, EU, China, Korea, United Kingdom (UK), Russia are amongst the strongest naval forces in the world.

Table 1. Definitions of Human Security, Maritime Security, Private Military Security Company and Naval Assets

Summary of human security definition	Summary of maritime security definition

Grimm (2004): Freedom of fear and the freedom of want, which paints a compelling view of victory of security, economic and social aspects, which can endure peace.	**Buerger (2015):** 1) Sea power: the role of military force and the maritime dimension of inter-state war and threats to national survival.
	2) Marine safety the regulation of shipping, port security, the safety of seafarers, search, rescue provision and the protection of the marine environment.
UN (2000): Collective security, which encompasses basic human rights and good governance that leads to national security.	3) Blue economy the economic opportunities that are offered by the maritime, ranging from resource extraction to tourism.
UNDP (1994): Safety and protection, which covers Economic, Food, Health, Environmental, Personal, Community and Political securities.	4) Human security considers the living conditions of coastal communities dependent on the sea, in particular, their food security and the risk of their marginalization in land focused governments.
	Del Pozo et al. (2010): Combination of preventive and responsive measures to protect the maritime domain against threats and intentional unlawful acts.
	Feldt, Roell, & Thiele (2013):
	1) International and national peace and security.
	2) Sovereignty, territorial integrity, and political independence.
	3) Security of Sea Lines of Communications.
	4) Security protection from crimes at sea.
	5) Resource security, access to resources at sea and to the seabed.
	6) Environmental protection.
	7) Security of all seafarers and fishermen.
Summary of PMSCs definition	**Summary of Naval Assets definition**
PMSCs is a private organization which consists of former veterans of army which commercially acts upon	**Naval Assets (NA)** is a possession of a country of an expansive reach of vessels, helicopters, battle force

commercial industries needed security guarantee. **PMSCs services currently offer:** 1) Carrying out security audits to identify and rectify specific vulnerabilities and gaps in a vessel's security organization and preparedness. 2) Running training courses for crew on how to respond when they come under attack 3) Aiding with recovery of hijacked ships and/or the negotiation of ransoms 4) Deploying guards – armed and unarmed – and occasionally escort boats to accompany freighters when transiting high-risk areas.	ships made up of aircraft carriers, frigates, destroyers, corvettes, torpedo boats, patrol boats, amphibious support craft and landing craft (regardless of onboard technology employed, crew training, fleet quality, etc...) to strengthen a standing naval force.

Source: Summaries of definitions are evaluated by the author based on the literature review analysis.

3. Piracy and Its Expanding Zones

Piracy is a complex and vast maritime problem which demands better regulations as on land as at sea (Murphy, 2007). It is driven by governmental, economic, political, geographical and socio-cultural drivers, including the role of wars which weaken states' stability, which, therefore, create more benefits rather than restrictions to do crime (Kyrychenko, 2018). To date, there exist a lot of definitions and explanations of *piracy* that creates piracy multilayered and sophisticated issue to deal with. The official definition of *piracy* is clearly described in UNCLOS (Article 101) and supported by the *Regional Cooperation Agreement on Combating Piracy and Armed Robbery* (ReCAAP) as:

> (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).

Globally, the number of piracy and armed robbery acts against ships reported in 2011 was 544 with the increased number of 55 (11.3%) comparing to 489 reported in 2010 (IMO, 2018). The most affected areas were East Africa and the Far East, particularly in the South China Sea, followed by the Indian Ocean, West Africa, South America, and the Caribbean in 2010 and 2011. The majority of incidents was occurred in East Africa with the increased number of 223 in 2011 instead of 172 in 2010. The deployment of motherships by Somali pirates and the increased range of their operation contributed to the growing number of incidents occurred in the Arabian Sea with the increased number of 28 in 2011 instead of 16 in 2010. However, the number of incidents in the Indian Ocean decreased from 77 to 63 in 2011. Despite the high number of Somalia-based piracy attacks, the pirates' success rate has been significantly reduced. In 2011, there were 33 attacks out of 286 resulted with hijacking ships (11.5%) while in 2010 Somali pirates attacked 172 ships and hijacked 50 of them (29%). Worldwide, seven crew members were killed in 2011, that is up from two in 2010 while 569 crew members were

reportedly kidnapped, in 2011, that is down from 1.027 in 2010 (IMO, 2018). Therefore, statistical data points out the synergy of IMO's continuous legal binding enforcement, NA and PMSCs acts against piracy which must have been the key drivers to changes.

Based on Bueger's matrix (fig. 1), there is a projection of relations of human security, maritime security, PMSCs, NA to prevent maritime piracy and its rapidly expanding zones. In other words, NA definitely works on the interest of national security which is strategically considered as key aspects of marine environment, economic development, maritime security, human security, and counter-piracy. Furthermore, obviously, PMSCs act upon commercial relationship. They do combat piracy, but they do not consider other parts as their responsibilities to deal with. Therefore, both NA and PMSCs are perceived as preferred means to counter piracy as a maritime issue.

Figure 1. Conceptual Relations of Human Security, Maritime Security, Private Maritime Security or Naval Assets to Prevent Maritime Piracy and Its Rapidly Expanding Zone.
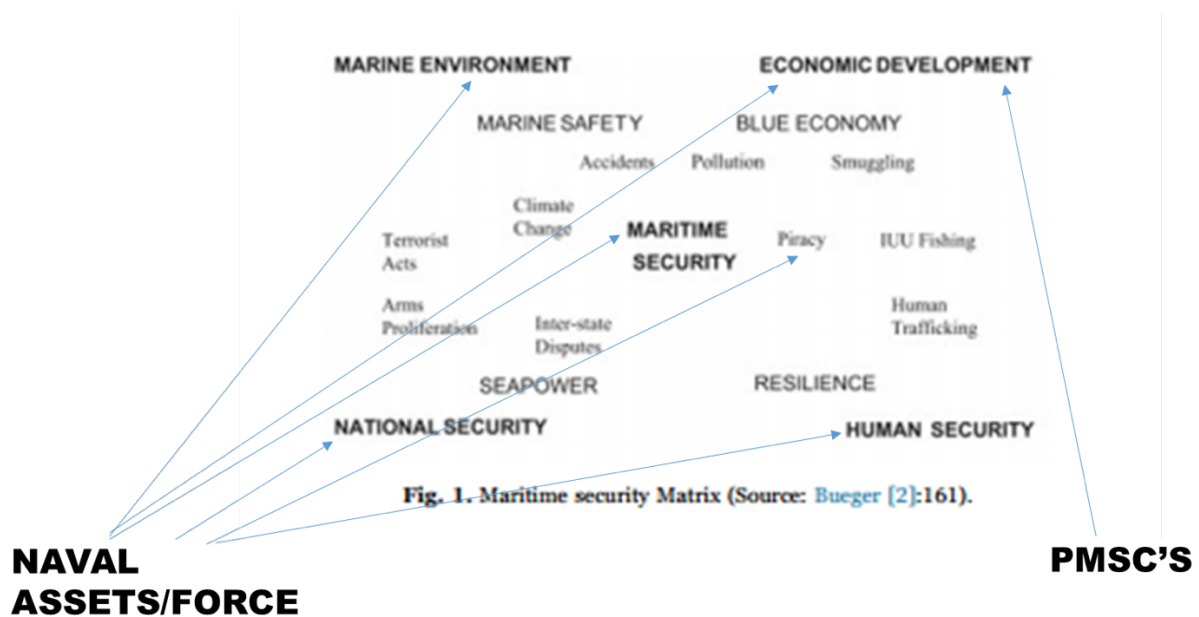
Source: Bueger (2015).

4. Discussion and Conclusions

The situation at sea determined by existing issues such as terrorism, crime, robbery, piracy is provoked by weak effectiveness of international laws like UNCLOS or ReCAAP. Furthermore, a government has to be supportive and helpful in following law's regulation and, more so, to resolve existing problems which create profitable conditions for piracy activities, for example, poor governmental management, intra-state conflicts, weak guarding system, corruption. It means that maritime related issues are directly connected to on land problems which urgently needed to be resolved.

The role of all governmental, non-governmental organizations and private companies matter in countering piracy issues. For example, the flag of convenience is known as two-ships provision when any ship is under the jurisdiction of its state leads to piracy activities and, more so, creates impediments to collaboration among states (Murphy, 2006). It is not clear for government to which jurisdiction a ship belongs to while countering piracy. Furthermore, seafarers hide and avoid reports about piracy attacks due to extra insurance charges and costs. All these factors impact work evaluation to do improvements for future measures. Moreover, it costs extra money to

send guard boats or provide guarding staff to protect a crew, or it is just not enough to send a small guard team. Therefore, PMSCs is a good and effective way to reduce expenses and at the same time to provide effective counter-piracy measures. For example, ships can easily contact the nearest PMSCs and/or NA to ask for urgent help.

The main question is still opened whether ships and crew are ready to call for PMSCs in order to extra charges and what a degree should have an issue in order to report it as a piracy crime. Thus, case shows that costs are over safety and security. Furthermore, coupled with literary evidences, this study portrays a compelling view of putting human securities (at least as the basis of maritime security) as fundamental issues needed to be addressed when it comes to maritime security matrix anyway.

Maritime security views that human rights and the good governance are pivotal elements to the success of maritime security. When safety and protection which cover economic, food, health, environmental, personal, community and political securities are fulfilled, a danger of harming innocent civilians and piracy at sea will be exponentially reduced or disappeared.

Even though piracy as a problem has been partially reduced and IMO as governing body of the world continuously seeks to legally bind their acts towards problem resolution at sea, there is still a huge demand of improvement of management and regulation at all levels. Moreover, bureaus and other bodies have to be checked on conducting corruption. Furthermore, a government has to establish better research centers to have credible and easy-accessible information because the free and fast transmission of all data is one of the prerequisites to problem resolution in maritime domain. This is actually inter-ministerial approach to maritime security problems and a symbiotic relationship to human security.

The fact that PMSCs and NA are of a high demand for counter-piracy that corresponds to how IMO and other related governing bodies of UN to Maritime and Human Securities can accelerate the enactment of legal framework. The legal framework will be the fundamental path for the continuous harmony of marine environment and economic development.

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