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## COMBATING MARITIME PIRACY:

### A POLICY BRIEF

### WITH RECOMMENDATIONS FOR ACTION

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Maritime piracy continues, especially off the Somali coasts, despite significant efforts by shipping companies, captains, and crews; major international surveillance and prevention efforts by naval and air task forces; and growing intelligence about the pirates onshore and offshore. In 2009, pirates attacked a total of 217 ships (22,000 ships passed through the Gulf of Aden alone, and others traversed the wider waters of the Indian Ocean), with 47 successful hijackings and the collection, in 2009, of more than \$60 million in ransom payments. Some of the captured merchant ships and crew were held off the Somali coast for as long as nine months before being ransomed. One large oil tanker was ransomed in 2009 for about \$5 million, the largest ransom payment on record until the reported \$5.5 to \$7 million ransom paid for a Greek-owned oil tanker in early 2010. In 2008, only 111 ships were attacked, up from approximately 50 in 2007. Of the 2008 attempted hijackings, 32 were successful. About \$55 million was delivered to the pirates for ransom in 2008. The profits foregone and losses entailed by being hijacked in both 2008 and 2009 probably equaled the amounts paid in ransom. Thus the costs to the industry each year due to Somali piracy were at least \$100 million.<sup>1</sup>

At the beginning of 2010, 12 of the 47 vessels successfully hijacked in 2009 were still being held, along with 263 crew members. They were joined within the first few days of January by two ships, a British cargo vessel taken 600 miles east of Somalia and a Singaporean chemical tanker en route to India seized in the Gulf of Aden, where no ship had been successfully hijacked since July 2009. At least 24 mariners from those ships joined the 263 already held.

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<sup>1</sup> The numbers in this Policy Brief have been collated from official International Maritime Bureau statistics, compilations of the East African Seafarer's Assistance Program, news reports, and naval task force estimates.

Until international naval patrols began seriously in the Gulf of Aden in mid-2009, most of the pirate activity was located within the Gulf itself, a 205,000 square mile collection of very busy shipping lanes connecting the Suez Canal and the Red Sea with the Straits of Hormuz, the Gulf of Oman, the Persian Gulf, the Arabian Sea, and points east. After convoying and international military intervention substantially reduced pirate predations in the relatively confined Gulf of Aden (with the pirates based on the Gulf's southern Somali shores or, sometimes, along the Yemeni shores on the north of the Gulf), the pirates began to pounce on unsuspecting cargo vessels as far off the east-facing Somali shores as the Seychelles, 1,000 miles deep into the Indian Ocean. Just before the end of 2009, a Greek freighter was captured 200 nautical miles east of the Seychelles, farther than any pirates had hitherto ventured. Pirate mother ships (often commandeered deep-sea industrial fishing vessels) have also ranged, with their fast skiffs at the ready, as far as Tanzania and the Comoros to the south. The M/V Delfina was attacked nearly 400 miles southeast of Dar es Salaam in November 2009. Thus, more than 2.5 million square miles of ocean became a zone of unexpected risk in 2009, and continued to be so into 2010.

The Somali coastline is more than 1,800 miles long, from the Djibouti-Somaliland border in the northwest to the Somali-Kenyan border in the southwest. For 690 miles, to Cape Guardafui jutting out into the Gulf of Aden toward Socotra and Yemen, the shores run along the Gulf. Then they turn due south toward Kenya, 1,110 miles away, past Puntland and Somalia.

Another way of conceptualizing the region in question is to understand that the coastlines alone of the greater Horn of Africa and Yemen total 5,510 miles. Only Yemen and Kenya have even rudimentary maritime patrol capabilities. Three large coalitions of naval forces conduct counter-piracy patrols in the vast area: Combined Maritime Forces of NATO (Operation Ocean Shield); the EU's NAVFOR Somalia (Operation Atalanta); and Commander, Naval Forces U.S. Central Command in Bahrain, serving as Commander Maritime Force for Combined Task Forces 151, which was led in recent months by Pakistani, Australian, Singaporean, and United Arab Emirates flag officers. Still, with only two dozen patrol ships on station, all manner of small ship or casual dhow can and do evade land-based and now sea- and air-based surveillance efforts. Nevertheless, in 2009, the combined maritime operations of NATO and allied forces disrupted 411 pirate operations of 706 encountered; delivered 269 pirates for prosecution under prevailing legal interpretations to Kenya and other jurisdictions (of whom 46 were jailed); and killed 11 pirates. The combined operations also destroyed 42 pirate vessels; confiscated 14 boats, hundreds of small arms, nearly fifty rocket-propelled grenade launchers, and numerous ladders, grappling hooks, GPS receivers, mobile phones, etc.

Task Force 150 has responsibility for sea-borne counter-terrorism efforts in the Red Sea, the Gulf of Aden, and the Gulf of Oman. It can interdict pirates, but that is not its prime purpose. Task Force 151 is responsible for the Gulf of Aden and the Somali basin and is the primary counter-piracy operation of the allied effort. Since it has extensive geographical authority, Task Force 151 ranges beyond the Gulf of Aden and well into the Indian Ocean in response to increased piratical attacks more than 1,000

miles east of Somalia. Task Force 152, whose mission is the interdiction of terrorists and related materials, operates in the Persian (Arabian) Gulf from a base in Abu Dhabi. Forty-five nations contributed service men and women, helicopters, drones, fixed wing aircraft, and naval vessels to these three task forces and to the NATO and EU efforts in 2009 and early 2010.

What became clear in 2008 and 2009, and continued into 2010, is that Somali maritime piracy is big business. About 1,500 pirates are involved, with 7 syndicates and fewer “bosses” controlling separate but linked enterprises largely financed and brokered from Kenya, Dubai, Lebanon, Somalia, and elsewhere. (Russia has also been mentioned.) The appropriation of sizable ransoms, not thefts of valuable cargo or thefts from individual yachtsmen or seafarers, is the goal. There are no political motives or ideological drivers, despite the widespread assertion (part-fact and part-myth) that piracy began in the earlier years of the last century in retaliation against and in response to European, Egyptian, Indian, Taiwanese, Thai, Korean, and Japanese trawlers illegally fishing in Somali waters and depleting accustomed catches. There are assertions, too, that illegal dumping of radioactive and other waste has occurred, angering those who have become Somali pirates. But there is no hard evidence of such illicit dumping. Moreover, the persons who are engaged in piracy, based either in northern or southern Puntland, or at the northeast extremities of what is left of Somalia, were in their former lives rarely fishermen, an occupation to which non-Somali from the Shebele River area were traditionally the leading devotees. Most of today’s pirates are unemployed young men from two of Somalia’s clans; many of them are ex-militia from the internal wars of the south attracted to piracy by the opportunities for gain that piracy has revealed. Somaliland, which has a much more stable and functional government than does Puntland or Somalia (which has warlords rather than governance), has not harbored pirates despite its location along the southern coast of the Gulf of Aden, adjacent to piracy syndicates based in northern Puntland.

### **How Best to Battle Somali Pirates?**

The twenty-five scholars, diplomats, lawyers, military officers, shipping industry officials, and other experts on maritime piracy and Somalia from nine nations who convened at the Harvard Kennedy School in December 2009 under the auspices of the World Peace Foundation as the Cambridge Coalition to Combat Piracy proposed that Somali piracy could be contained and then defeated if the United Nations (UN), concerned world powers, and African nations combined with ocean carriers, ship owners, and other industry leaders to mount a concerted, three-pronged approach to reduce the scourge of Somali sea-faring piracy.<sup>2</sup> This approach would have to include measures to

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<sup>2</sup> Participants included Sam Bateman, Maritime Security Program, Institute of Defence and Strategic Studies, Nanyang Technological University; Bronwyn Bruton, Council on Foreign Relations; Peter Contostavlos, National Security Program, Harvard Kennedy School; Thomas Countryman, Bureau of Political-Military Affairs, U.S. Department of State; Leticia Diaz, Dwayne O. Andreas School of Law, Barry University; Richard Downie, Africa Program, Center for Strategic and International Studies; Barry Hart Dubner, Dwayne O. Andreas School of Law, Barry University; Erik Franckx, Department of International and European Law, Vrije Universiteit Brussels; David Gerber, U.S. Joint Chiefs of Staff Working Group, Pentagon; Graeme Gibbon-Brooks, Dryad Maritime Intelligence Service; Jon Helmick,

deter pirates on land as well as at sea, and would necessarily need to employ carrots as well as sticks. Since piracy is but an income-generating industry, not a way of life, incentives can wean pirates away from their dangerous pursuits. Those incentives need to be matched with both stepped-up patrols and ship-borne measures that make successful hijackings less likely and more costly.

The Cambridge Coalition to Combat Piracy, having carefully considered measures of prevention as well as protection, and having reviewed relevant legal concerns, issues the following thirty-eight recommendations to reduce and, in time, eliminate Somali-based maritime piracy:

## I

### **Discouraging the Pirates on Land**

Every expert agrees that the scourge of maritime piracy can best be reduced by turning today's Somali-based pirates into law-abiding, productive citizens on land. Piracy can be deterred at sea (see below), but reducing individual and group incentives to turn to piracy for income and adventure—for livelihoods and self-respect—will only prove successful when more rewarding alternatives exist on land and/or a sufficiently strong local governing force shuts pirate bases and ancillary support operations. The main pirate syndicates that operate out of Puntland and northern Somalia cannot function exclusively at sea; they need to bring their captured ships back to home bases and to involve far-ranging logistical and analogous operations in support of their hostages. They also require home bases from which to conduct the internationally extensive ransom negotiations that are at the very heart of the piratical enterprise. Either directly or indirectly, each act of piracy from the Somali region is carried out with the implicit, if not the explicit, cooperation of local power-brokers on land. Those power-brokers may be clan-based warlords or may even extend to the leaders of the unrecognized government of the semi-autonomous Puntland region. Whichever, at the beginning of 2010, no Somali governance entity has attempted seriously to curtail pirate activities. Rather, they have benefited individually and collectively from this most important (if not the main) source of economic growth along the otherwise desperate Somali coast.

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Logistics and Intermodal Transportation Program, United States Merchant Marine Academy; Eugene Kontorovich, Northwestern School of Law; James Kraska, Naval War College; Peter Lehr, Centre for the Study of Terrorism and Political Violence, University of St. Andrews; Patrick Lennox, Canadian Defence and Foreign Affairs Institute; Michael McNicholas, Phoenix Group; Stuart Merrill, National Security Program, Harvard Kennedy School; Martin Murphy, Center for Strategic and Budgetary Assessments, Washington; Andrew Mwangura, East African Seafarer's Assistance Program; Thymaya Payne, Species Being Films; J. Peter Pham, National Committee on American Foreign Policy; Robert Rotberg, President, World Peace Foundation and Harvard Kennedy School; David Shinn, Elliott School of International Affairs, George Washington University; Karl Sörenson, FOI, Swedish Defense Research Agency; and Richard Williams, U.S. Joint Chiefs of Staff Working Group, Pentagon.

Please note that some of the participants disagree with one or more of the recommendations. Parent organizations are listed for identification purposes only, and they do not necessarily subscribe to any of the views expressed in this Brief. Participants from the United States Government do not endorse the recommendations herein to the extent that they are inconsistent with United States Government policy.

Somali in power justify piracy, and rationalize support for piratical activities, because of illegal foreign fishing and alleged toxic dumping. Whether or not those claims are correct, they are believed locally and a prominent narrative of victimhood is widely accepted. Integral to the campaign to combat Somali piracy, therefore, is the first of the many Cambridge Coalition recommendations:

**1 – The international community should create an ad hoc international/Somali body under the UN Security Council to ascertain the truth and falsity of toxic dumping allegations and to investigate reports of illegal fishing. This new body should report conclusively within six months to the UN Security Council, providing a point of departure for assessing how the international community can aid Somalia in enforcing lawful fisheries and environmental measures in its 200 nautical mile Exclusive Economic Zone.<sup>3</sup>**

**2 – The UN Security Council should also authorize the international naval vessels of the combined task forces to intervene at sea to prevent trawlers from fishing illegally in Somali waters and/or to capture toxic dumpers and prosecute them. The first few trawlers and others captured, confiscated, and fined would create a powerful demonstration effect and increase the credibility of counter-piracy initiatives.**

**3 – While the UN special report is being prepared, the international community that piracy most affects should challenge the narrative of victimhood through an extensive public awareness and public relations campaign that emphasizes the social, economic, and political costs to the Somali people of continued piracy.**

**4 – Local clan elders and clerics should be mobilized to support the counter-narrative. The counter-narrative should also be broadcast locally and Somali, to the extent feasible, should direct the campaign explaining why piracy is against the interests of most Somali and all of Somalia.**

**5 – The UN, working with the International Contact Group on Somalia and the Contact Group on Piracy off the Coast of Somalia, should commit to reestablishing Somalia’s fishing industry in Puntland and northern Somalia.**

No public relations and community awareness campaign alone will do much to reduce piracy. Rather, world order must, together with those Somali leaders who oppose piracy, develop a set of incentives to attract pirates and those who support the pirates logistically back to the land—away from sea-going depredations. Those incentives must include the creation of gainful employment opportunities as attractive to and as rewarding for ordinary pirates as their current (hazardous) occupations at sea.

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<sup>3</sup> Assistance should be tied to Somalia rescinding its claim to a 200 nautical mile territorial sea, which is inconsistent with the Law of the Sea Treaty. The study suggested should dovetail well with a Food and Agriculture Organization “Agreement on Port State Measures to Prevent, Deter and Combat Illegal, Unreported and Unregulated Fishing,” just concluded and about to be formalized.

**6 – In cooperation with the local authorities, the forces of world order should create an infrastructural construction program in Puntland and northern Somalia that is sufficiently robust, visible, and rapid to attract employment opportunities for at-risk and other youths. Such a program need not be a make-work endeavor since all of Somalia and Puntland require roads, harbors, bridges, schools, clinics, and so on. This would be an opportunity to transform local capacities as well as to provide a platform for a land-based economic resurgence. If few need to go to sea, piracy will become too costly for individuals and the enterprise—as currently operated—will wither.**

**7 – Incentives should be found to encourage local clan and other leaders to switch their allegiances from piracy to a land-based economic resurgence. Since no ideology is involved, powerful economic alternatives should be created to encourage local leaders to move against piracy.**

**8 – New support from the UN and counter-piracy sources should be directed to those local clan elders and warlords who are prepared to curtail piracy by moving locally against pirate operations or at least taxing the pirates' profits severely.**

**9 – In some areas, the pirates may remain better armed and more powerful than are local authorities. It is conceivably possible, if very difficult, for outsiders to strengthen local authorities militarily and to train local militias to curtail piracy directly.**

**10 – If local authorities are to take charge, they will need justice systems, police forces, jails, and so on. The forces of world order should assist local developmental and institutional building efforts that appear sincere and plausible.**

The pirates of Somalia now operate in areas where the strength of local governance is nugatory and where many drivers of governmental action are perverse. To the far south of Somalia, distant from the operations of most pirates, al-Shabab, the fundamentalist Islamist indigenous movement (allied to al-Qaeda), holds sway. The leaders of al-Shabab have been publicly critical of pirate operations because the pirates support separate sources of power and, supposedly, because Islam does not condone piracy. Any connection between al-Shabab and pirates needs to be monitored very carefully.

The Transitional Federal Government of Somalia, recognized by the UN and the African Union (AU), and supported by the United States, nominally controls all of Somalia. However, its ambit of power is confined to a small section of Mogadishu and a few other western and central Somali villages and towns. Farther north along the Somali coast are localities and areas controlled by clan-based warlords. Some of the pirate operations are based there, south of the nominal border of Puntland. Within the semi-autonomous Puntland region is a major base of pirate operations in Harardhere. None of these governmental entities has thus far managed to exert an influence over any of the pirates. Indeed, it appears as if the pirates dominate most of the potential sources of

governance in their areas, and bankroll and/or control alternative sources of political power.

**11 – If African states and the AU can be persuaded to recognize the now independent but otherwise unacknowledged polity of Somaliland, doing so will strengthen the incentives for Puntland, which aspires to greater autonomy, and parts or all of the remainder of Somalia to make similar progress in terms of political institution building. Recognition of Somaliland will thus assist in strengthening accountability and governance in regions that are now pirate infected. Indeed, if Puntland knew that international engagement were possible, following on a full recognition of Somaliland, a powerful incentive would exist for Puntland to exert control over and reduce the threat from pirates on its soil.**

## II

### Following the Money

The international dimension of Somali maritime piracy bears attention. The extent to which Somali piracy is a purely local response to opportunity and perceived grievance is exaggerated. Some of the profits and cash that flow from successful ransoming actions stays at home in Somalia and Puntland, but a large proportion of the off-take from ransoms flows out of Somalia to Kenya, the United Arab Emirates, and other distant points managed by members of the Somali diaspora and entrepreneurs from Europe and Arabia.

The young pirates grow wealthy compared to other young Somali by going out to sea to capture innocent merchant vessels. So do those who provide food and other base services for the pirates and their hostages. But the largest portion of the ransoms that are collected goes to the organizers of the raids, various intermediaries and negotiators, and the syndicates overseas that have been bankrolling the ransom operations. A key driver of the escalation in Somali piracy is the stability of the business model; successful “firms” have grown and evolved, and become more sophisticated technologically and tactically.

**12 – The battle against piracy will be assisted when we know precisely where the money goes, who controls the sources of financing, and who receives the profits. Links, direct or indirect, to terror might be uncovered. The United States Treasury and other similar institutions such as the International Centre for Asset Recovery (Basel) already know how to follow illicit money flows. We need to enlist—and increase—their expertise in order to trace ransom proceeds and shares, and thus to reduce their impunity.**

**13 – With international support and legislation, piracy-fueled assets and bank accounts can be seized, or at least the movement of such funds be impeded. States in the Horn of Africa should be encouraged to pass tough money laundering laws.**

**14– We also urge the forging of a compact among ocean carriers, insurance companies, individuals, and states to cease paying ransoms. If every major shipping**

**firm is on record forbidding the paying of ransoms, and/or if the leading maritime nations agree to deter their own firms from responding to ransom requests, the profits of piracy will ebb. Admittedly, enforcing such a controversial and contested compact will be difficult. The steamship companies feel a powerful economic incentive to recover their ships quickly and an equally powerful moral imperative to free their sailors rapidly. It is the crews that truly suffer psychologically and physically from forced captivity for months at a stretch. But if there were reduced profits from piracy—if ransoms were harder to acquire—the pirates would turn elsewhere for gainful employment.**

### III

#### **Making Ships Harder to Capture**

Drawing on the diverse experience of the persons assembled at the Kennedy School meeting, the Cambridge Coalition developed a number of practical recommendations to combat pirate attacks at sea. None is novel; nearly all have been employed in recent months to better or lesser effect. Together, the utilization of a combination of the following recommendations should enable all but the slowest or weakest merchant vessels from being taken by pirates. These recommendations draw upon the relatively successful actions to reduce piracy in the Gulf of Aden in 2009. With the important exception of armed security aboard vessels, nearly all of these steps are included in the Best Management Practices formally recommended by the International Maritime Organization.

**15 – Merchant vessels other than those that steam at faster than 21 knots should continue to proceed through the Gulf of Aden’s internationally recommended transit corridor (IRCT), where naval support more speedily can be sought.**

**16 – Merchant vessels should remain in constant communication with Combined Task Force 151 and other counter-piracy operational commands in the Gulf of Aden and beyond.**

**17 – Merchant vessels of all kinds should optimize their surveillance of the seas by radar, dedicated visual lookouts, long-range CCTV cameras, and the use of night vision aids in order to maximize the warning time available to summon help and act, deter, or avoid pirates. Alert systems should be installed on those ships without them so that entire crews can obtain early warning of potential threats from pirates.**

**18 – Ships should be discouraged from entering zones of possible piracy if their owners and/or flag states have not adopted and pledged to follow the International Maritime Organization and separate industry codes of best practices. Flag States should discourage and, to the degree possible, prevent sub-standard vessels from transiting such zones of danger.**

**19 – Ocean carriers and flag states should agree publicly that reasonable force may be used to combat pirate attacks. Indeed, the crews, along with high value and/or**

**highly vulnerable cargo, may merit armed security. Flag states (or, if necessary, the ship owners or operators) should issue rules for the use of force and escalation of force policies. In that context, properly trained sharpshooters, under the direction of the ship's master and with clear rules for the use of force, should be authorized to shoot when menacing skiffs approach within 300–400 yards of a target vessel and present an imminent threat to a vessel or its crew. Those sharpshooters should be prepared to continue firing, if necessary.**

**20 – Sheer speed is another deterrent. Although speed costs in fuel, pirates only with great difficulty and at great danger can attack and board a merchant vessel steaming at more than 15 knots. Likewise, slow steaming or “loitering” at sea attracts pirates, and should be avoided—even well out into the Indian Ocean. Slow steaming ships (under 12 knots) with low freeboard (under 5 meters) are at very great risk.**

**21 – Evasive maneuvering serves to create a constantly changing environment for pirates, making their approach difficult and hazardous as well as denying them approaches to lee.**

**22 – If, for insurance purposes or because of company policy, or because of the volatile nature of the cargo, the employment of armed guards is eschewed, ships at risk can use high pressure water from fire hoses to form a water curtain to swamp approaching skiffs. Such hoses should not be aimed at pirates and can be controlled remotely.**

**23 – Merchant vessels can be hardened, i.e., their hulls greased or covered with barbed-wire to prevent pirates from boarding. High voltage fencing mounted on decks and extending beyond the hulls also works. Anti-traction foam can be sprayed on decks. Barrels and ropes can swing over the sides of ships to make boarding a steaming vessel hazardous. Anything that costs pirates time and energy may allow larger ships to speed away or otherwise evade pirates.**

**24 – Dimming or dousing on-board night-time lighting will also make pirate attacks, which often come at dusk or dawn, more risky.**

**25 – However, bright lights and laser beams can be used at night to dazzle approaching skiffs and repulse pirate attacks. So too can acoustic devices be deployed to impede pirate attacks.**

**26 – When transiting areas of active piracy (and well out into the Indian Ocean), it also helps to secure all hatches and bar access to control and crew spaces.**

**27 – The reduction of crew-size has facilitated piracy, especially on large and high-value vessels. Ship owners should be encouraged to add mariners for improved surveillance and safety if their vessels transit anywhere near the areas of known**

**piratical activity. Underpaid and overworked seafarers are not conducive to heightened security.**

**28 – The Cambridge Coalition encourages the International Maritime Organization to continue to expand its international maritime training regime in order to enhance the capability of merchant vessel personnel to detect, deter, and respond to pirate attacks.**

**29 – Although Somali pirate mother ships can be hard to identify using visual cues alone, Task Force 151 and air surveillance efforts should be extended, with maritime patrol aircraft, blimps, drones, and other air assets being employed to locate and, if possible, pursue and board the mother ships. Without easy passage by mother ships, piracy far out at sea is impossible.**

**30 – If pirate groups have established “forward bases” in the Seychelles, which seems probable, UN, AU, and allied forces should assist the Government of the Seychelles to close such bases.**

**31– Task Force 151 and Operation Ocean Shield should consider the feasibility of blockading known piracy bases along the Somali and Yemeni coasts. Systematic surveillance, advanced reconnaissance, and blockades—if they could be enforced—could prevent mother ships from plying their trade far out to sea, or in the Gulf of Aden. Legal authority should flow from new UN resolutions (below).**

**32 – Task Force 151 and other allied efforts should consider patrolling the sea lanes with light, fast, smaller ships as well as destroyers and frigates.**

## IV

### Strengthening the Legal Response

What to do with captured pirates and confiscated ships has always been a problem, at least in theory. There are a variety of national legal approaches to the piracy problem, and diverse views among nations on international law regarding piracy. Some governments have been leery of imprisoning and trying pirates themselves; others have transported captives to Kenya. (A prison in Mombasa holds about 119 pirates, 10 of whom have been convicted.) The catch-and-release policy adhered to by many naval forces has not deterred continued piracy. Indeed, many countries have not yet updated their own legal systems to incorporate the current reality of piracy and its penalties. Doing so will make it easier for such a state’s naval patrols to capture and deposit pirates in a jurisdiction ready to try them but will not necessarily overcome the reluctance of some patrolling naval vessels to bother transporting pirates to a readily available jurisdiction.

Despite these potentially conflicting interpretations, the international lawyers who met as the Cambridge Coalition saw no international or domestic legal impediments to trying pirates locally or regionally, in existing or especially created tribunals. (Some

saw no efficacy in the creation of a special court for piracy and dissented from the next recommendation.) Most of the participants believed that there were ample legal recourses for the trial for piracy of captured miscreants. Indeed, there was no excuse to do otherwise, i.e. not to prosecute pirates. The Coalition recommended:

**33 – Creating an Extra-Territorial Court, utilizing Somali law, and based in Somaliland, in Djibouti, or elsewhere in the region, to handle all pirate cases. The AU or the UN would have to authorize the court, and its judges be appointed and paid internationally. Together with the court, a prison system would have to be established. Although both a court and a prison system would be expensive, if they helped to deter piracy, carriers and patrolling navies would save funds overall.**

**34 – The existing use of Kenya as a court of first jurisdiction for piracy cases could continue, despite the backlog of cases, procedural shortcomings, legal questions, and the short-handedness of the Kenyan prosecutorial and judicial staffs. The eleven Kenyan prosecutors in Mombasa, for example, are not trained in maritime matters and deal with all criminal cases throughout eastern Kenya. The international community should continue its training and assistance to build Kenya’s court capacity, both to address the piracy problem and for Kenya’s long-term benefit.**

**35 – Tanzania, the Seychelles, Mauritius, and other countries should be encouraged to volunteer to receive pirates to be tried in their own court systems.**

**36 – The UN should be encouraged to expand upon and update Resolution 1897 to make the existence of equipment capable of being employed for purposes of piracy *prima facie* evidence of piratical intent. In that matter, mother ships and other pirate vessels could be confiscated at sea. In addition to grappling hooks and ladders, specialized equipment should specifically include outboard motors of certain (large) sizes, rocket-propelled grenade launchers, and machine guns.**

**37 – The battle against piracy at sea would also be assisted if the UN Security Council and countries around the Red Sea, the Gulf of Aden, the Arabian Sea, and the Indian Ocean harmonized their rules regarding bringing weapons aboard merchant vessels into ports. If weapons are going to be available aboard vessels at sea to deter pirates, those ships will want to be able to keep those arms legally while in a refueling or a cargo discharge harbor.**

**38 – Both of these last two recommendations could helpfully update the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and expand upon the Djibouti Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden in order to strengthen international legal codes concerning and permitting the prosecution of pirates and pirate financiers.**

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