

THURSDAY 21 JANUARY 2010

Present

Anderson of Swansea, L
Chidgey, L
Crickhowell, L
Hamilton of Epsom, L
Inge, L
Selkirk of Douglas, L
Sewel, L
Swinfen, L
Teverson, L (Chairman)
Williams of Elvel, L

Witnesses: **Dr Lee Willett**, Head of the Maritime Studies Programme, Royal United Services Institute for Defence and Security Studies (RUSI), and **Mr Jason Alderwick**, Defence Analyst – Maritime, International Institute for Strategic Studies (IISS), examined.

Q157 Chairman: Dr Willett and Mr Alderwick, can I welcome you to the Committee, and thank you very much for the time you have given us this morning. Perhaps if I could just go through a couple of housekeeping things, we are being webcast, and of course, this is a public evidence session. The notes that are taken of the meeting will be sent to you for you to look through, and of course, if there are any factual errors we have made in terms of transcription, then you will be able to change those, but obviously not things that have actually happened or are part of the process. As I mentioned to you before, you know or you have an idea of the sort of questions that we are going to ask, but you do not both have to answer all the questions, and I will leave it very much to you to decide who answers what questions, and whether you both have a contribution. Just to be clear, this is part of a very specific inquiry looking at the EU Atalanta Operation. It is a frustration to all of us that we are not able to look more deeply at the deep-rooted problem of Somalia as a whole, but it is primarily around the operation there. I do not know whether either of you have a short opening statement that

you would like to make, but I am sure the Committee would be pleased if you would like to introduce yourselves, and just briefly to give a very quick background in this area, and your own studies.

Mr Alderwick: Certainly, good morning, My Lord Chairman. My name is Jason Alderwick, I am the Maritime Analyst at the International Institute for Strategic Studies, I have been there for four years. Prior to that, I was a Warfare Officer in the Royal Navy for eight years. My role at the Institute is effectively looking at naval and defence issues predominantly on the maritime side of things, and production of the Military Balance as well, but part of my role is looking at the wider implications of maritime issues and maritime securities.

Dr Willett: My Lord Chairman, good morning, I am Dr Lee Willett, and I am head of the Maritime Studies Programme at RUSI. I have been at RUSI for about ten years now. Previously, I was Leverhulme Research Fellow at the University of Hull, and also seconded to the naval staff at the Ministry of Defence as a research analyst there. My job at RUSI is to look at all things maritime, and that is an ever broader spectrum of issues, ranging from specifically naval issues to the wider issues of maritime security and issues relating to commercial shipping. I also take an interest in what the UK is doing at the moment in terms of nuclear deterrence, and the defence review is my remit. In terms of an opening statement, I did have a little point that I thought I might make, that perhaps might serve to get things going, particularly in relation to the questions that you have listed, and Mr Alderwick may have a view too. A personal view on this matter is that there is a need to focus very much on what navies can do in this, as opposed to what they cannot do, because there are some tasks that they just cannot solve. They cannot solve the issue of the Somali social, political, economic problems ashore. What they are there to do is to escort ships, to intervene, to intercept, detain, disrupt, and in so doing, what they can do is bring a measure of stability and security and more importantly confidence in the region that can help to buy space to begin to

make wider improvements to the situation in Somalia and the region, but given the various issues that we will come to in due course, number of assets, the complexity of the problem, et cetera, I think we have to be realistic about what we can expect the naval forces in the region to be able to achieve.

Q158 Chairman: Thank you very much. Mr Alderwick, did you wish to add anything at this stage?

Mr Alderwick: Not at this stage, no.

Q159 Lord Swinfen: Are you satisfied that the navies can operate within the territorial waters of Somalia under present conditions legally?

Dr Willett: The various mandates under which the naval forces do operate do, according to those who are required to operate out there, give them the freedom that they need to be able to fulfil their mandate.

Q160 Chairman: I think we were told last week it was up to the high water mark, I am not sure whether there are any cones along it, but I suspect we know where that is. Perhaps we could start off again keeping on that general area of what is your overall assessment of the EU Operation Atalanta, the strengths and weaknesses, and what can be done to improve the operation's effectiveness, although as you will see, we will come on to more specifically some of the very specific issues around resources and capability shortfalls later on.

Mr Alderwick: Sir, I am happy to start on that one. I think again an important point to bear in mind is that this operation has effectively only been going now for 12 months, and a lot of progress has been made. By all means it is not perfect, but actually, in the context of where we were looking at in terms of maritime force intervention prior to Atalanta and the other Coalition Maritime Forces in the region, activity and piratical activity was effectively going

on completely unchecked. So we are in a situation now where at least there are at least several task groups operating in the region. The first Task Group obviously that we are focusing on primarily is Atalanta, but we must remember the other international contributions being made through NATO and Coalition Maritime Forces as well as other third states that are contributing outside of that force architecture. So I think Atalanta initially has a very good story to tell, and events in the last 12 months have shown that EU Member States have been willing to contribute significant naval forces and command infrastructure to enable a relatively effective counter-piracy effort in the region. I think one of the main aspects of the success has been the fact that it is a fairly flat structured command organisation, so given the other military forces in the region that are involved in fairly detailed and bureaucratic institutional processes, in terms of decision-making, it is relatively straightforward in the EU context and in the Atalanta context for decisions to be made. The command structure is quite flat and able to respond fairly rapidly, so that is definitely a strength of the operation. Arguably one indication of the success of the operation has been the displacement of piracy activity. Predominantly, attacks were concentrated in the Gulf of Aden, but once the maritime forces within that region were galvanised, what you saw is increased activity displaced away from the Gulf of Aden further into the Somali Basin. Now that has caused a separate tactical and operational issue, but nonetheless, it is the case that counter piracy efforts are being effective and having an effect in that area. And this is despite the increase in the number of attacks that have taken place. So whilst you can say yes, the number of ships that have been taken is broadly the same between this year and last year, with no measurable in numerical terms of statistics reductions, but what you can say is the number of attempted attacks which have been successfully thwarted has significantly increased. That is as a consequence of both the military forces in the region and shipowners, operators and other elements within the commercial organisation really taking the issue of piracy and transits

through that region very seriously, and because of that again we are seeing a reduction in successful pirated events. One final element I would add is the EU is able to get to engage and has been engaged in the region through individual Member States and as a collective entity politically, as well as militarily, whereas other organisations do not enjoy the political relationships that the EU does have in the region, so that is, if you like, a force multiplier outside of the military context, where success can be made.

Q161 Chairman: Would you say that is, if you like, without the cliché, the added value area of the EU operation, in comparison maybe with the others?

Mr Alderwick: Certainly. If you were to compare Coalition Maritime Forces, I think that is where you could apply that, or indeed NATO, although there are individual Member States within NATO obviously that are EU Member States that are engaged, but there is more added value, I think, on the EU side, because of the softer elements of EU policy, rather than being seen as a purely military body, as NATO is. I think the EU has been very good in organising Status of Forces Agreements within the region, so that has been quite good as a force multiplier, so they are able to operate out of Djibouti, able to operate out of other areas, I think they are using ports in Oman as well to support operations, so again Status of Forces Agreements has been an interesting way of improving, if you like, their ability to operate in the region. Whilst I think we will come on to this at a later date, they have also successfully negotiated the legal framework from which to start prosecuting and giving due process to pirates that they have captured, although I am sure we will discuss that in a bit more detail later on, so I will not dwell on it here. My final point would be that I think the Atalanta mission itself has made a very strong effort to make this a comprehensive and inter-agency approach, whereas other force elements involved have not been as front footed or as willing, if you like, to engage shipowners, operators, the Chamber of Shipping and the IMO. These

are the key elements that you need to bring on board if you really truly want to start addressing this issue. I think I will stop there.

Dr Willett: Just a couple of things to add if I may, My Lord Chairman. It is making a difference, and I think it is doing so in many different ways. One only has to recall 13 or 14 months ago, on the front page of the BBC website, every day there was a story of a new attack, an update, in fact that was changing even perhaps more than once a day. You will not find that issue there on the front page now. It does not mean the issue has gone away, but what it means is that the operation is doing something to address this matter politically, and I think there is an argument that is having a degree of political success therefore, it is being seen to be doing something, as well as providing a broader presence in the region. There is a very interesting debate about who started it and why, there was the World Food Programme escorting going on beforehand, and there are questions as to why the EU wanted to stand up the operation, was it for grand strategic political reasons in the region, there is always global tension between the French and the US about who is doing what and why, so you have a grand strategic power play out there between the French, the Americans and others as to having to be there, having to be seen to be there. So that is one important element to bear in mind, but while there is that tension, there is also the fact that this has brought significant political unity to navies and nations across the world. You may have the EU force, you may have the NATO force, you may have CMF, and you may, of course, have all the other nations that are there for individual purposes, the French, the Chinese, the Indians, et cetera, but the reality of the fact of them actually being there when they have to be in the same water space, trying to do the same thing in the same water space, is they have to start to get on. Naval forces have always, because of the open nature of the sea, had to co-operate when they are out there, and that is what they do, and they have a very good reputation for so doing, but bringing nations like the Russians or the Chinese into that equation, because they have to be

seen to be there for their own political reasons, has meant that you have this opportunity to be able to increase co-operation amongst naval forces, and therefore increase the global benefit of what they are doing. I think another important fact to bear in mind is this helps to increase confidence in the shipping industry that something is being done at least. If one looks at the reasons why the EUNAVFOR may have been stood up in the first place, there is an argument that concerns the commercial shipping world about the threat meant that somebody from government, ie from the naval point of view, had to be seen to be doing something. There were very high level concerns amongst some big shipping companies about what was happening, and there was talk of having to reroute around the Horn, et cetera. That has not really happened, because NAVFOR, the NATO group and CMF are now focusing on it and doing something, so it has given that confidence back to the shipping industry. But of course, when one looks at the Gulf of Aden and compares it to the Somali Basin and Indian Ocean region, if you imagine a balloon and you push down on one side of the balloon, it bulges up in another, the balloon effect, and until you change the ability of the governments as a whole to do something ashore and pop that balloon, then the air will still be in the balloon, if you like.

Q162 Lord Chidgey: Thank you, gentlemen. That was a very interesting overview, so to speak, but I think it is a good time to get on to specifics particularly. You have seen the questions, and I would like to ask on behalf of the Committee: specifically in your view, what is your assessment of the UK's approach and military contribution to Operation Atalanta? How does that specifically differ from other Member States that are contributing to the operation, and perhaps most importantly, has the UK and the EU underestimated the problem of piracy in recent years? I want to add on a supplementary before we start, if I may, to Mr Alderwick, who told us he spent eight years as a warfare officer in the Royal Navy. I am not a naval person, but I understand that it is one of the most challenging and sought-after positions to hold as a Royal Naval officer, warfare, fighting the ship. Now I want you to

perhaps give us a little view, from that perspective, of how you think we are doing in this combatting piracy, and the Royal Navy's contribution, hands-on approach to it, what can we do better?

Mr Alderwick: Sure. Firstly, I would say that I would qualify my naval career -- I was a Warfare Officer, but I was not a Principal Warfare Officer (PWO), so I was involved as a Gunnery Officer on board, so I was involved in fighting the ship, and have transitted that area many times. However, I think I have a reasonably good understanding, if you like, of the operational picture that most of the in-theatre commanders now would be facing. I think firstly, I would say it is a very complex environment that they have to operate in. You have got effectively the second or third busiest choke point in the world, you have over 25,000 very large commercial operators transiting that region throughout the year, and on top of that, you have got a myriad of local fishing activity taking place in the Gulf of Aden, specifically off the Yemeni coast and off the northern Somali coast as well, so it is a very complex operating environment. What we have seen is the initial efforts to organise this activity, if you can imagine, two years ago, we were in a situation where all shipping was effectively funnelling through the straits of the Gulf of Aden, and now what you are seeing is that they have effectively corralled that shipping, too transit, along a single transit route, which they are then able to effectively police and control. Now again, this transit corridor, it was called the Maritime Security Patrol Area (MSPA), but it has since been the Internationally Recognised Transit (IRTC), is exactly that, it filters the ships through this pipeline and as a consequence they are easier to control. It is a series of group transits that take place and not convoys, and given the limited assets that are available to the commander in theatre, he is then able to take a far more pro-active approach in surveillance activities and disrupt activities without having to look further outside of his field of vision, if you like, what the other commercial ship operators are doing. So they have taken control of the commercial sector to the degree of at

least co-ordinating their transiting times, and then they are using their assets to best effect. Now if you speak to anyone in theatre, I am sure they will say to you, "We need more assets, we need more platforms", and that is a legitimate call and cry that I think is very reasonable. I did not get to discuss some of the criticisms, if you like, or shortfalls in operational effectiveness, but one thing you could say is that contributing a frigate or a destroyer without a helicopter, for example, is pretty poor, in effect, the aviation is a key enabler, and what that will allow you to do is to engage in intelligence gathering and maritime patrol activities at greater distance from where you are on your vessel, and it is a great force multiplier. So if you are contributing a frigate, at least make sure it has got aviation facilities and a helicopter to do that.

Q163 Lord Chidgey: And they do not have that?

Mr Alderwick: Some of the contributing states have been unable at times to produce aviation assets.

Q164 Lord Chidgey: Is that because their frigates or whatever do not have the facility to carry a helicopter, or because they have not got it on?

Mr Alderwick: I think in most cases, they would have the aviation facilities, but not the helicopter, they cannot spare the helicopter, so that has happened. Not in the UK's case, I will say. If you look specifically at the UK contribution, I mean, clearly the UK was placed in the frame as the lead nation on this, in terms of providing the leadership, which the UK has done. The OHQ, the operational command is in Northwood. Effectively, a lot of the initial staffing, certainly in the earlier days, was drawn from the various what are termed battle staffs in the RN command organisation, so a lot of UK effort went into fulfilling the staff positions, and these have now been broadened out across respective EU contributing states. So the UK has, I think, had a strong command role clearly, and it has had an operational role. The continued

operational role is open to discussion and debate, because there has not always necessarily been a UKRN frigate or destroyer dedicated to Operation Atalanta. What we have seen or what I have seen are effectively units being cycled through that region because there are other strategic demands and military and naval tasks for our forces beyond the counter-piracy issue in the Gulf of Aden and Somali Basin. We have military forces operating in the Arabian Gulf, for example, and the UK has force commitments there, so we have not been able to generate a full platform all of the time for that specific mission, and I think that is where there is an argument for increased assets.

Dr Willett: Just to add a couple of points to that if I may, I think one of the reasons why the UK's prominent position as the framework nation for this was welcomed was because of the credibility and reputation of the Royal Navy, to be able to put on an operation like this, and to stand it up. It was stood up very quickly, it was stood up in ten weeks, I think it was, which for something of this size and this significance is quite an achievement. With regard to the headquarters, of course, yes, the headquarters staff for the Royal Navy's own operations and the NATO operations in Northwood are already established, and therefore siting the EUNAVFOR there made sense, but also basing it in London, where it is near NATO operations on the same site, it is in London with the IMO, it is in London which is a significant global hub for the global shipping community, tends to make a lot of sense politically to have it in the same city, if you like. Of course, the UK has had a credible start to the operation with senior 2 Stars Admiral Jones and Admiral Hudson, very credible naval officers doing a very good job. I should imagine as the operation goes on, there will be some debate as to whether the EUNAVFOR command billet should become a rotational post, and I think one of the problems from the UK's point of view, as Mr Alderwick mentioned, is the fact that the Royal Navy does not always have the assets available to contribute in terms of a ship, and when it does have one available, the added complication it has is from a political

point of view, when you have the NATO force going through, when you have the US-led CMF there as well, there is sometimes a tension that the Royal Navy faces as to which of the horses, if you like, it should back, in terms of where it should place its asset, because there are political reasons why some say it should go with the CMF forces, or with the NAVFOR, or with the NATO group. So there is a complex political challenge for the UK when deciding with whom to place the one asset that it may have every now and again, where to put that.

Q165 Lord Chidgey: Just quickly if I may, as a supplemental, it is quite intriguing, you speak with great authority, and it is actually quite depressing in a way because of the lack of availability of the assets; it is even more depressing to think of the current debates going on about the Strategic Defence Review which is coming up later this year, I imagine, and the implications of cuts in the Royal Navy on this particular operation. It sounds like a disaster waiting to happen.

Dr Willett: If one was to believe some of the comments that one sees in the press about cancelling the aircraft carriers and making £5 billion available to pay for more surface ships, to revive what has been referred to as the Nelsonian spirit of having a Royal Navy warship in every fathom of water, I think that is a false argument. Notwithstanding the current state of the national finances, a £5 billion saving on the aircraft carriers would go to line the bottom of that pit, and you will not suddenly find £5 billion available to be spending on more destroyers and frigates. I think where the issue from the Royal Navy's point of view with regard to the Strategic Defence Review lies for surface ships that could carry out this kind of task, is ensuring that the numbers of surface ships that we have at the moment, around about 25, does not decrease, and the challenge there from the Ministry of Defence's point of view is doing what it can to make the next generation of surface ships, future surface combatants, that will be the workhorses, the greyhounds, whichever analogy you want to use, affordable, so that the MoD or the Royal Navy does not run into the very easy obstacle politically of having very

expensive ships that the Government or the Treasury say, well, you cannot afford that many of them. So there is a strong argument that when you have a requirement for conducting operations like this, lower end maritime security tasks, not just piracy, but a range of other things, there is an argument that alongside the Type 45, for example, that is a very high end destroyer, and alongside a number of the future surface combatants that will be there for that high end capability provision, that you want to have sufficient numbers of assets that can carry out maritime security tasks around the world. My final point on that though is that one of the concerns that the Navy in operational terms does have at the moment though is that requirements for operations like this in Somalia do risk degrading the Navy's ability to carry out high-end tasks. When you combine that with the argument that the Royal Navy should reduce its high-end assets to make some -- the terrible term that is used is cheap-as-chips ships --, to deploy to Somalia, that creates risks from the UK's point of view in the longer term for issues other than counter-piracy, when we have to plan for future scenarios that we cannot predict while risking, degrading our high-end war fighting capability at a critical time.

Q166 Lord Chidgey: Cutting the number from twelve to six of the T45s does not really help, does it?

Dr Willett: There are obviously particular reasons for that scenario.

Chairman: Can I just intervene? We cannot do a UK defence review in this particular area, but important points in terms of this particular operation.

Q167 Lord Anderson of Swansea: A little point of clarification for Mr Alderwick: you spoke of the narrow transit channel and said these were not convoys but group travel. I would like to know the precise difference, and presumably does that mean if the ships are travelling together that their speed is determined by the speed of the slowest?

Mr Alderwick: No, the opposite in fact. Speed is an important factor. What the analysis has led towards is effectively within the IRTC, the transit corridor, is a group transit system, and transit times are promulgated to vessels based on their service speed, and this is set basically at the highest speeds that those vessels can go. What they do is the slowest ones start first, the fastest ones start last, and they reach a singularity -- not a singularity, but a set point in space and time, they transit the pirate area that has been determined to be where most of the attacks have occurred in the day, they transit that area at night, because at night, it is widely recognised that the pirates do not effectively try and board you and conduct their activities at night, so they are minimising, if you like, the risks during the transit time. Then at daybreak, when the pirates are up and out, dawn being sort of the traditional time to launch your attack, what you find is that all the commercial shipping have arrived at that point, that dawn point, pretty much together, so they are grouped together at that point in space and time, and then your maritime forces are effectively not sitting off the starboard bow of the container ships in convoy, they are away from that group, looking for the pirates, and actively trying to interdict, disrupt and deter at distance. So you do not wait for the problem to come to you, they are moving towards the problem. On the point of convoy systems, there just simply would not be enough assets to convoy the traffic that is going through there effectively, indeed there are recorded incidents of vessels being taken that are in a convoy system, where as you said the low and slow one is dragging behind the rest of the convoy and is taken, so that does happen.

Dr Willett: A couple of minor additions, if I may. It is my understanding that in terms of the IRTC in the Gulf of Aden, as Mr Alderwick rightly points out, the idea is for those ships to appear out of the darkness into the most risky area -- at that gate, if you like, at the end of the corridor, in a way that they can then be best escorted from that point on, and the two ships that have been taken since the IRTC has been in operation were ones that were not operating as they had been required to do, and had slowed down in particular. The issue of convoys, of

course, has been raised, and there are one or two nations that are continuing to convoy their own ships, and particularly in the Indian Ocean, and of course, the Indian Ocean is a much different situation because of its size compared to the Gulf of Aden. The method, the modus operandi, if you like, for the Indian Ocean and the Somali Basin area is to use intelligence led operations to assess where the risk is and the threat to a particular ship and then try to cover that ship. There is not the number of assets, and in particular, it is a much larger size, so they cannot consider an IRTC concept for the Somali Basin area.

Q168 Lord Hamilton of Epsom: Mr Alderwick made the point about the use of helicopters; can you just confirm with me that if the Royal Navy use one of their frigates with a Merlin helicopter on it, this would give them a range of 400 miles round that ship, which, of course, would be a fantastic force multiplier in terms of gathering intelligence?

Mr Alderwick: Absolutely. However, I cannot confirm with you the operational radius of the aircraft.

Q169 Lord Hamilton of Epsom: Is that because you do not know it, or because you think it is --

Mr Alderwick: I could get you the answer, but I would not want to misquote myself now by agreeing with you, but it would certainly be several hundred miles of operational radius, and more to the point, it is the ISR equipment on board the helicopter, the radar, the electro-optical equipment, that is the force multiplier, being able to see a small skiff at significant range again which would be classified here, but at significant range, and see pretty much what is in that skiff as well. That is what is important, because target discrimination, if you have anything up to 100 small contacts in a confined area, to all intents and purposes, they are fishing, you have to be able to try and readily identify the piratical activity, and that is very, very difficult.

Dr Willett: From a technology point of view too, it has its limitations, because it cannot address the issues of the way in which the Somali fishermen and pirates work. Many of them carry weapons on board their skiffs anyway, even if they have no intention of conducting piratical activity, so you may have a helicopter with the best systems in the world on, which will pick up an AK47, for example, but it does not mean that that skiff or those therein are imminently intending or intending at all to conduct pirate activity. It is understanding the way in which the society works, and the way the individuals work, and one of the gaps, if you like, going back to a previous question, is a lack of human intelligence in the region to understand what is happening. Again, that is not something that the Navy itself can do much about, but it is something that needs to be borne in mind, that the technology itself does have its limits.

Q170 Lord Hamilton of Epsom: It has to be said that fishermen do not carry ladders for scaling the sides of ships.

Mr Alderwick: No, but they do carry grappling hooks and ropes which can scale ships as well, so what they would use as a primitive anchor could easily be used to try and board a ship as well. It is very difficult to discriminate.

Q171 Lord Inge: You have given us in great detail the positive impact that the operations have had. Could you just say what impact that is having on the pirates' tactics, and what capabilities they are using, and how they have changed their tactics; has there been a really serious reduction in the amount of successful operations?

Mr Alderwick: There has been a really serious reduction in successful operations, I think the success rate has been reduced by at least 70 per cent of attempted attacks, and that is an industry/military benefit, I think. So there has been a serious reduction, absolutely.

Q172 Lord Inge: I am more interested in their changes of tactics.

Mr Alderwick: In terms of change of tactics, I mentioned earlier about, if you like, that the impacts in the Gulf of Aden have dispersed the activity, so it has forced the pirates now to operate further offshore, which involves greater risk. It has not necessarily resulted in a reduction in the number of vessels being taken, but it means now that a lot of the activity is being transferred to the Somali Basin, especially during the monsoon periods, when the monsoon periods are transitioning, and the sea states are more permissive to conduct boarding operations. In terms of the tactics they are using, if you read certain sources, you will say, oh, they are highly sophisticated operators; evidence to date and certainly all the people that I speak to that are involved directly in this operation, say that is simply not the case. This is not sophisticated. It is a sophisticated criminal network in terms of the piracy and the ransom payments, in terms of how the clans may organise themselves to conduct the activity, but conducting the physical operation of boarding the ships et cetera is pretty basic: it is grappling hooks, pilot ladders. The small arms that they are using, there is no change; I mean, some of the arms that have been confiscated and destroyed, frankly, you are taking your life into your own hands if you were to use the RPG yourself, the rocket propelled grenades. Indeed, the material state of the equipment they are using is very poor. That said, the skiffs that they are using, what has been found is if they are operating further offshore, they will operate with additional engines, with more powerful engines, so they are getting better, if you like, at operating further offshore, but in terms of fundamentally changing their tactics, other than going into the Somali Basin, it is pretty much the same techniques that they were using two or three years ago.

Q173 Lord Inge: Are you confident that our intelligence is as good and well co-ordinated as it should be?

Mr Alderwick: I think Dr Willett has touched on the lack of human intelligence that we have there. There is a severe shortage, I would say, of linguists as well. What is key is getting

your boarding parties, the boarding capabilities you have on your ships, getting them off your ships to engage with the fishing community. If you are not linguistically qualified, if you do not speak Somali, that can be fairly difficult. I think specifically looking at the Atalanta Operation, there is no intelligence cell, there is no intelligence organisation that the EU has that can push direct military intelligence out. The operational intelligence that has accumulated on scene is examined back at the HQ and action is taken appropriately. I would say that looking at the wider forces, the NATO forces and the Coalition Maritime Forces, that certainly in a NATO context have a greater intelligence gathering and analytical capability, what you find is pragmatically, actions are being taken to ensure that intelligence is getting there. It may not be institutionally agreed, but pragmatism and military-to-military relationships here is what is playing a role, so they are getting intelligence, but not to the fullest extent that we would like.

Dr Willett: May I just add to that very quickly? One would always hope that intelligence and information sharing amongst the navies and amongst the various coalitions could be better, and I think maybe it is the case that there are long-standing political and cultural issues, divorced from just this particular circumstance, that mean that information sharing amongst the nations, as opposed to the navies, is perhaps not as good as it needs to be in the context of how much better the situation could be if the information sharing was more open. So there is a little concern there, I think, that it is not as open as it could be.

Q174 Lord Inge: That is surprising, given that we are talking about tactical intelligence and not strategic intelligence.

Dr Willett: I think at a naval level, at a very functional level, in terms of operational place and time when something has to happen, the navies are finding that it is incumbent upon themselves to work together and share information. Indeed, there is now an internet-based programme that they use for sharing information that employs internet banking style security,

that all sorts of nations are now involved in using, even the Chinese, to share information. But at a national level perhaps, there may still be some wider political sensitivities about sharing information between NATO, the EU and the CMF. May I just go back very briefly to the previous question about the tactics? There are two important things to bear in mind: one is the increase of motherships that we have seen, where the pirates are taking other vessels, dhows, fishing vessels, and in particular recently a cargo ship that they used then as a platform for other attacks. This enables them to go further out, and if you look at the geography of it, there are cases where they are now operating closer to the Indian shores than they are to the Somali shores. The level of violence, to add to Mr Alderwick's point, is the one tactic that is significant for the pirates, because the level of violence when they start these attacks is very significant, and not something that your average seafarer or person driving a yacht would be necessarily prepared for. But an important point on the tactics point of view is the other side of the coin, in what is being done to inform the shipping community of what tactics they should use, both in terms of best practice when they are preparing to transit the region and best practice when they are actually there and they are at risk of a pirate attack. How they sail the ship, the way in which they manoeuvre it, the speed at which they manoeuvre it, the speed at which they sail, what they can do in terms of stopping grappling hooks getting over the side, hoses, wire, et cetera. So there is a real emphasis amongst the navies in working with the shipping community to explain to them and work with them on what is best practice at a tactical level to stop the boardings.

Q175 Lord Sewel: Could we just very briefly return to the matter of factors affecting the probability of a successful pirate attack? I have taken from what you have said that if you go through the transit corridor in group travel, the probability for successful attack is low; if you freelance, it is high.

Mr Alderwick: Higher certainly, but proportionately --

Q176 Lord Sewel: Can you put some numbers on the difference?

Mr Alderwick: No, I cannot, not specifically for those that are not registered in terms of what the statistical average would be in terms of the increase. I can only go on, if I look at the instance where as Dr Willett said, specific instance of recent piracy events, you find that the owners and operators that have been taken have been in non-compliance in some way to the IRTC transit guidelines.

Q177 Lord Sewel: We will come back to that later.

Dr Willett: A widely used figure of how many ships do not choose to enter into the umbrella offered by the naval forces is about 25 per cent, so that is quite a significant number, but then when you look at the numbers using it, and the fact that only two ships have been taken since the IRTC has been established, that shows how well the IRTC is working.

Q178 Lord Swinfen: You just about answered a question that I was going to ask later on, but you have been talking about the EU and NATO; how about Russia, China and India, who I gather also have warships in the area? Are they also in the intelligence circle, or are they operating on their own, and the corollary of this, how about the pirates' own intelligence? What do we know about that? What are they doing to find out what nice plump fat ships are passing through their area?

Mr Alderwick: On the intelligence side, there are some intelligence failings, and certainly the old rule of need-to-know needs to be changed to need-to-share, particularly with the third states that are not fully integrated in any command structure. What you are finding with the Indians, the Chinese and others is they are making themselves available to support operations that Atalanta are conducting, if they are not engaged in conducting at that time a specific convoy of their own flag state vessels. Also what you will find is that those states generally do not have any objections to a vessel requesting to join their convoy, if they are able to keep

up as well. Intelligence sharing and communications within the operation: we were really hampered when Atalanta initially stood up, I remember speaking to people involved in the operation on a mobile phone, so that was largely unsecure; e-mail traffic was being conducted on Yahoo accounts, that kind of thing. It has moved on massively since then, but I am talking literally within the first 24 or 36 hours of standing up the operation. As Dr Willett says, now they are working with secure chat facilities across all contributing members, not just Atalanta members, but the Chinese have it, the Indians have it, the Russians I believe do have it now, but some of these nations do not have the capability to go live on the internet 24/7, as our ships do. So there are difficulties, but things are much more improved.

Q179 Lord Swinfen: What about the pirates' intelligence?

Mr Alderwick: Their intelligence; well, again, I would say it is a bit like a sweet shop, frankly. There are 25,000 ships going through the Gulf of Aden every year, they only have to sit offshore by two miles and they can see what is on offer, and select and hamper and harass as required, so I do not think they are running a sophisticated intelligence operation.

Q180 Lord Swinfen: Like the IRA saying that they have to be lucky only once, but we have to be lucky all the time.

Mr Alderwick: Exactly. I do not get an assessment that there is a very sophisticated intelligence operation. You know, there were rumours of Somalis operating in the UK shipping industry, feeding information back to clans based in Puntland, which were then conducting operations against specific ships. I certainly have not seen any evidence to suggest it is that orchestrated or organised. I just think a lot of these attacks are highly and hugely opportunistic, and frankly there is enough out there, there is easy meat out there for them to take advantage of.

Q181 Lord Anderson of Swansea: Interpreting the conversation of those who are captured, listening to and understanding the communication between the pirates themselves, is this adequate? Are we able to draw on the several hundred thousand Somali community in the UK, perhaps from other clans, who are able to assist us?

Mr Alderwick: There have been engagements by the naval forces, certainly on the Atalanta side, to engage with the Somali diaspora that are here in London. I do not know how regular and how continuous that engagement is, and whether or not there is a kind of formalised relationship. I would say it probably is not. I would lead you to the shortfall we have in linguistic support for the mission, I think that is an area that could be exploited that probably is not being exploited at this time.

Q182 Lord Anderson of Swansea: How do we then communicate to the pirates?

Mr Alderwick: Pretty primitively, if you are not a linguistic specialist.

Q183 Lord Hamilton of Epsom: Last week, Admiral Hudson came along, he would not tell us what the rules of engagement were. Do you understand what they are, and if you do, do you think that they are robust enough? Do different nations have different rules of engagement? Should there be common rules of engagement? Would it be desirable for the EU operation to be able to pursue pirates on land?

Dr Willett: As I understand it from my research in this area, the NAVFOR, the Atalanta nations argue that their RoE framework is both very robust and robust enough for what their mandate requires them to do. Each nation does have individual RoE within that that allows them to be able to chop from EU to national tasking as the circumstance requires, and indeed that is a benefit, because some nations would rather not do some things, or do not have the capacity to do some things, and other nations can fill that gap. Now the other forces, the NATO forces and the CMF, do operate on different rules of engagement, and as I understand

it, the CMF forces in particular, but also some of the NATO forces, are operating by and large on national mandates. So the RoE from the EU's point of view certainly is regarded as being robust enough to give them what they want to do. Whether or not one could do more to that; well, of course, there is the issue of what the law allows you to do: the definition of being able to use lethal force, for example, is only if there is imminent threat to life, so arguments for developing an exclusion zone which is so far out that you could only assume that a vessel or pirate skiff out there was there to do one thing and one thing only, and that is conduct pirate attacks, and the argument that you could therefore assume that that vessel was there with hostile intent and could sink it, you cannot do that, because there is no imminent threat to life, so there is a limitation. Part of the problem this does create from an operational point of view is that when you have suddenly the risk of loss of life, if the pirates have taken a ship or are about to take a ship, the risk of naval forces fighting back in that circumstance, of course, increases the risk of loss of life for both hostages and forces trying to free them, so it is not an ideal solution either. In terms of pursuing the pirates on land as well, I think that creates a situation that is incredibly fraught with operational difficulties. The pirates blend very quickly and easily into the civilian population ashore. So the idea that you could use military forces to go ashore, to storm ashore and take out pirate camps, for example, the camps are indeed very, very primitive, and isolated in some cases, but when the pirates themselves blend very easily into the community, it makes the idea of going ashore to pursue pirates quite difficult. One only has to look at the examples of the French, I believe it was, who tried that on a couple of occasions, without, as I see it, significant success.

Q184 Lord Hamilton of Epsom: I have to say, My Lord Chairman, I found it very helpful that there was a programme on the wireless I think on Monday at 9.00, so I am sure no member of the Committee or indeed those giving evidence today was listening to it. This was the captain of a ship who had actually avoided being taken by pirates, at the mouth of the Gulf

of Aden. He had had a very large number of AK47 bullets fired at his ship, two RPGs were fired at it, one of the rocket propelled grenades actually went into a fuel tank, which was very fortunately empty, and the other one went across the top of the bridge. Are we saying that this was only done to intimidate people on this ship, and they did not really want to kill anybody? I thought it was slightly unfortunate that part of the captain's account of what had happened is he said that if any people had been injured as a result of this attack, he would have surrendered at once. As it was, he actually managed to get away, with quite good tactics and very good control of his ship. This strikes me that we are playing quite a rough game here; we do not seem to have convicted any pirates, we do not seem to caught very many, and we seem to be fighting with one hand behind our backs.

Dr Willett: I would argue very briefly that I do not think it is in the pirates' interest to risk killing the crew. The assault, the tactics they use will be to encourage the crew not to fight back, to let them take the vessel as easily as they can. From a commercial point of view, the guidance still from the shipping industry bodies and from the EU is that taking weapons on board for example to defend yourself just increases the risk of loss of life and therefore is undesirable. It is almost at the point where if a pirate attack is about to happen and weapons are being fired and hooks are being thrown over, it becomes then something of a hostage issue to be dealt with further down the line. The guidance given to the ships is to do what you can to prevent the pirates getting on board for 30 minutes or so, which is the time that it takes for a helicopter to arrive on station to then scare the pirates off. So there is an element of deterrent on both sides, but the risk of concern over loss of life, as opposed to paying out a ransom, is where the key issue is.

Q185 Lord Hamilton of Epsom: The captain of the ship said that he did not want to see his crew armed, but on the other hand, he did not have the same reservations about carrying mercenaries who would be armed. Would you say that he was wrong on that?

Dr Willett: As I understand it, there are some nations or some ships that do carry private security companies on board. But again, this does increase the risk, because a weapon on board is perhaps one that will then be used. One could argue, I suppose, would that deter the pirates; well, the evidence at the moment suggests not, and one only has to look at situations with some of the attacks that have been where weapons have been fired on both sides, and people have been killed, that suggests that there is still significant risk to loss of life, whichever side is holding the weapon, which is undesirable. The point that I might like to make if I may with regard to the private security companies is I think there are other ways in which they could be used. There are private security companies that have capacity, ships, ex-special forces on their books trained; well, if they have that capacity, do we not have options then to encourage them to discuss with governments, whether that be the US or other national governments, to work with taskforces, with the navies, to have those assets made available to the Somalis, for example, to provide capacity building in terms of training the Somali pirates to become coastguards, for example; turn it around and use that private security company capacity to offer it as an asset to the Somali government.

Q186 Lord Crickhowell: Can I ask you a related question, one frequently asked by the public: you have had circumstances where perhaps a Royal Navy ship is very close alongside, when people are being taken, and people decide not to shoot; I can understand why, but it is a question the public does not understand, why. Would you comment?

Mr Alderwick: Specifically, I think you are alluding to the Chandler incident, where it was believed that they were all in position to intervene. When you start to make an intervention, once the pirates have seized the vessel and actually have hostages, then it becomes a very specialist military task. It is a Special Forces role to do that kind of intervention. It is not within the skillsets of the boarding parties and the boarding teams that are currently out there on operations. They do board, search, conducting generally unopposed boardings, so they do

not have the skillsets to do it. Whilst they are trained to fire arms, they are not highly specialist marksmen. So as Dr Willett says, I think on balance the threat to life would be greater. There may also be times where in the public's eye, and in the media's eye certainly, the military forces have not been robust enough, they have not taken the initiative, but it may well be that other military forces are being tasked to be involved, such as special forces. Now in a UK context, anything involving special forces is embargoed in the media sense, so you may have a naval spokesman in a position whereby he cannot -- it looks as if no action is being taken, because the issue that he has been asked to talk about is under the Special Forces Directorate, and is therefore not in the public domain, and he cannot talk about it. So he cannot say, "Things are being done, things were being done", he is left in the position whereby he is seen effectively not doing the right thing. If I could just go back to one of the questions on RoE, the incident you said where the seafarers had been subjected to repeated RPG attacks and small arms fire; had there been a military unit on station, that is clearly a case of imminent threat to life, and they would have taken robust military action without question. So the rules are robust enough, where there is threat to life, for military action to take place. I would say that what you have to remember is this is a constabulary operation, this is a criminal operation, this is not a military operation, and because of that, we have to operate virtually under civil constraints, unless there is this threat to life, and that does stop you taking action. Whilst the newspapers may shout and cry for stringing the pirates up, it is not the 17th century any more, and we cannot do that. It is not in anyone's interests to do that.

Q187 Chairman: I think you have lost the mood of the meeting!

Mr Alderwick: I am sorry, but we have to rely on international law, at the end of the day. It is not the 17th century any more. Do you understand what I am saying?

Q188 Chairman: This is a very, very important point.

Dr Willett: One very small point to respond to that question directly. Mr Alderwick mentioned the issue of Special Forces; of course, they are at the sharp end. In that particular case of the Chandlers, special forces would have been the sharp end in terms of actually mounting any kind of rescue attempt, but of course, in terms of pursuing the pirates at that point, after the Chandlers had already been taken hostage, again the UK ship concerned was a support ship, and would not be the ideal kind of ship with which to go pursuing pirates, as it is not a warship. So the unfortunate circumstance of place and time with the wrong assets not quite being available at the right moment, and again the risk of the wrong kind of warship, with not quite the right kind of personnel on board, pursuing pirates that are jumpy, twitchy, prone to violence, with two people on board, was in risk assessment terms to be regarded as risking their lives further. At that point, it became a hostage rescue situation.

Q189 Lord Williams of Elvel: What would happen in practice if international law is in fact violated, if a dhow is blown up at sea? The pirates are not going to take us to court, are they? What actually would happen?

Mr Alderwick: You are right, those individuals probably would not be able to seek redress, mainly probably because they would be dead. However, you have to bear in mind, you are asking the commander of that ship to effectively carry out something that he would not in his eyes view as lawful, ie destroying that ship, or killing those pirates. So I just do not think there is the appetite to step out of bounds of the international legal framework, which we effectively want to endorse and support, the lawful use of the sea, et cetera, and I just do not think internationally it would wear well as being in our best interests to do that.

Q190 Lord Anderson of Swansea: In the crucial half an hour before the naval fifth cavalry come, how much effort is put into fortifying the bridge to protect the relatively small crews on these ships over that crucial period?

Mr Alderwick: Dr Willett said, I think, 25 per cent are in non-compliance, so that works out at around about 3,000 or so.

Q191 Lord Anderson of Swansea: But the rest have a protected bridge area?

Mr Alderwick: Yes, well, ballistically protected, no, but are they welding doors shut, are they putting barbed wire on doors, are they padlocking entrances, are they making sure that any ropes or entanglements that would provide you an opportunity to board your ship have been removed; yes, they are doing that. Do they have fire hoses rigged and on to stop you being able to come alongside a ship in your small pirate skiff, you get flooded, oh dear, you sink or you have to regroup and try again. So you can make robust efforts to deter them. Is your ship transiting at its best possible speed? Is it going as fast as it possibly can? Evidence suggests that some ships still transit the area at 8 knots, and if you do that, a 30 knot skiff or a vessel that is able to go that fast can easily approach you, and you can be boarded. So if you are manoeuvring at the maximum serviceable speed of the vessel, if you are using the sea state and swell conditions to make the boarding for the pirates as uncomfortable as possible, and offering up those other measures, then the likelihood of surviving this 30 minute limit is do-able.

Q192 Lord Chidgey: But is it not 30 minutes before they board, rather than 30 minutes before they take the bridge?

Mr Alderwick: No, from the start of the attack effectively it is 30 minutes. If the pirates have boarded the vessel and have got charge of the vessel -- if they are on board and have not as yet got charge of the vessel and the crew, then it is still likely that a military intervention would take place, but as soon as that vessel is effectively under the command of the pirates, that is it.

Q193 Lord Anderson of Swansea: Capability shortfalls; you probably read the evidence of Admiral Hudson last week, he mentioned particularly that the availability of tankers would allow him to keep his ships at sea longer; he mentioned UAVs; he mentioned maritime patrol aircraft; and we have heard also in the past of hospital facilities for ships. What are the prospects of remedying these deficiencies?

Dr Willett: I think one important point there to make is that this needs to be viewed from an international point of view. A nation, for example the UK, is not suddenly going to find an increased number of maritime patrol aircraft or helicopters or surface ships to be available. It is encouraging other nations to provide assets, and one can look very recently at, for example, the Saudis' provision of a tanker or the Japanese provision of a tanker, for various operations in the region, as being important. It is encouraging other nations to come to the party and to bring what they can. If you look at the MPAs, for example, if I am right, I stand to be corrected, even Luxembourg have provided a maritime patrol aircraft which is operating in the Seychelles area. So this is an international problem that is best supported by an international solution, so encouraging other nations to provide what they can I think is perhaps the most logical short-term solution.

Q194 Lord Anderson of Swansea: But to encourage is a fine principle, are we succeeding, are we giving Admiral Hudson the tankers which he needs?

Dr Willett: Perhaps naval officers or military officers will always argue they never quite have enough, but there is certainly a significant gap in terms of maritime patrol aircraft, I would argue. It would seem that nations are offering more; the French, I think the Spanish have maybe perhaps provided an asset as well, so we are getting there slowly, but nations and navies as a whole are very thinly stretched and have requirements elsewhere, so it is making little contributions as we can.

Mr Alderwick: Very briefly, I would agree with Dr Willett and in fact the list of shortfalls that I have got reads exactly as Admiral Hudson's list of shortfalls. I think what you can say is though -- you asked, are we doing enough? Well, no, and there are shortfalls and they are well documented. But it is within the context of unprecedented naval action to date. There has never been this level of international action on this issue in the maritime sphere. I think that is an important message to take away. Yes, there are shortfalls, yes, we could do with more auxiliary support and all the other force multipliers, but actually, efforts to date have been pretty good.

Dr Willett: Sorry, half a sentence I should perhaps have added, if you break it down into what these assets can actually do, an MPA patrol aircraft would provide you with some surveillance and some warning of an impending attack, as could a helicopter. A helicopter could be deployed on station to perhaps deter the pirates from coming aboard, but if you actually are talking about the hard end point of stopping a boarding potentially, or prosecuting a pirate attack in some other way, a warship is what you need, and you can have all the intelligence and all the information that you like, but if you have nothing grey at the end of the day to go out there and actually prosecute the target, then the information does not deliver the value, the effect that it should.

Q195 Lord Selkirk of Douglas: I think in part you have already answered this question, but I would like to ask just in case you have anything to add: what is your assessment of the degree, speed and effectiveness of command and co-ordination between the EU's operational command at Northwood and the EU force commander in the field, and also among the national contingents of the EU operation?

Mr Alderwick: Good is what I would say, briefly. I mean, I think they have got secure voice and secure internet chat facilities. Essentially most of the players are NATO members as well, so a lot of the NATO equipment that is used to communicate is being used in the

Atalanta Operation to enable communications, so I think communications is not necessarily an issue. Command and Control is not an issue within the Atalanta set-up. The problems arise when you are trying to operate with other nations that are not part of the set-up, that are outside of the Coalition Maritime Force framework, the NATO force framework and the Atalanta framework. You had in the past difficulties; now you have at least got realtime internet chat facilities between the different contributors. I think that is probably just enough; yes, you might like VTC, video teleconferencing or secure voice between everyone, that would give you an ability to respond a bit quicker, but actually, what the forces are engaged upon is not complex air defence or anti-submarine warfare, whilst the situation evolves relatively fast, it is not overtaking their ability to communicate with each other in most cases.

Q196 Lord Selkirk of Douglas: With regard to other countries like China and Russia, we have heard evidence that they are pursuing their own interests and protection of their own shipping, rather than more generally. Do you think there is scope for greater co-operation between NATO forces and also other countries like China and Russia?

Dr Willett: That is obviously a hugely significant political question, do they wish to do so. Part of the problem is this is like a 11-year olds' football match, and everybody wants to be in the same place, where the ball is, because everybody wants to be seen to be trying to get stuck in and be involved, so there are nations that are there because they have to be seen to be there. The Chinese are an interesting example, because obviously they have significant interests in the African region, and while this deployment is their first out of area deployment with a naval force, which is significant in itself, they obviously have keen interests in protecting their interests in that part of the world. But in terms of communication, the reality of actually being out there at sea tends to make nations think again. For example, if one was in a Chinese warship that is deployed a long way away from home, and had the issue of starting to run out of food, how do you feed your sailors, and there are American warships bobbing about, and

British warships bobbing about, but you have no way or no time to get into port and no supply ship of your own nearby, an option may be that you get on the net, speak to a friendly warship, which may happen to be a NATO or an EU warship, and ask for help. I think that reality is being borne out in this operation, in that there are ships there from different nations that have to find ways of co-operating when circumstances at a very tactical level make them do so.

Mr Alderwick: Could I also add that specifically with the Chinese and the Indians, I do not think there is an incident that has taken place whereby they have been in the vicinity and they have not gone to the assistance of another ship. There is that code of conduct out there that actually you will do something, come hell or high water, you will intervene if you can, and they certainly are doing that. There is a committee, I do not know if this was brought up in previous sessions, but the Shared Awareness and Deconfliction Committee that meets once a month, and that brings all the participants in the region together. At the moment, it is a co-chair between the Coalition Maritime Force and Atalanta, there are two co-chair positions, and there is also going to be an additional rotating chair appointment as well, and the Chinese have already indicated quite strongly that they would wish to be part of that. My understanding is that outside of their national commitments to convoy their flag state ships, when they are not in a situation where they are specifically escorting their own ships, they have said that they will potentially come into this IRTC arrangement of group transits and the force composition there. So I think as Dr Willett has said, thus far, things are developing, things are moving, increasing co-operation is happening, and that is one such example.

Q197 Lord Williams of Elvel: Just to talk about fishing for a moment, the mandate has now been extended to monitor fishing. First of all, in practice, what does that mean, and is it in your view valuable?

Mr Alderwick: It is an interesting one, as you said, the mandate has been re-extended, this is an additional tasking. There is no doubt that the fishing community has been affected both internally, if you like, with the political strife in Somalia itself, but externally, there is a perception, if you like, of other countries coming in on an industrial scale and exploiting the fishing stocks off the coast there. Who do you report to, I think; it is all right recording and monitoring, but who are you reporting to, and to what effect that will have is probably another point, because if you do not have the enforcement, the regulation capacity or the ability to license and control your Exclusive Economic Zone (EEZ), well, it is all great about reporting, but in terms of a positive effect, the results will be limited. I think early indications are that this is in the early stages, it will at least give both the Somali government, Puntland and Somaliland an idea, if you like, of the scale and scope of potentially unregulated fishing activity that is occurring. So from that point of view, we will be able to see how much business and revenue is being lost. But, until you are in a position to enforce and develop the capacity of Puntland or the TFG to regulate the waters, then I do not think it is going to be that significant.

Q198 Lord Williams of Elvel: There is a theory that some of the illegal fishing and indeed the dumping of toxic waste has actually encouraged Somali pirates; is there anything in that theory?

Dr Willett: Very much so, that is part of the theory. In fact, there were even pirates interviewed on the media last year, and they made exactly that point, that because Western ships were coming illegally into their waters and taking their fish, they had no other choice, but what is interesting, of course, is that illegal fishing and toxic dumping seem to have disappeared as an issue. You can make an interesting argument as to whether that is the presence of the warships or whether that is the presence of the pirates, or together, the deterrent effect of the two is stopping that. But what is interesting about the mandate issue I

think is this, in that fishing stocks are now understood to be on the increase again, so does this, pardon the language, ring the dinner bell for the illegal fishing again? So is it therefore important that it is part of the mandate to monitor fishing areas, so that if the increase in illegal activity does start again, that it can be addressed.

Mr Alderwick: Could I just add to that? It is interesting actually that, as Dr Willett said, what is happening is that the industrial fishing that was taking place, simply because of the piratical activity, is now no longer there. Some ministers within the EU thought that the EU taskforce was effectively a fishery protection organisation, and should be used to support the EU fishing industry, to operate in the waters off the coast of Somalia; believe it or not, that is what has happened. I mean, it is simply not right that that is the case. There is anecdotal evidence to suggest that fishing stocks have recovered, but there is certainly no detailed scientific evidence to support this. We are talking about reports from game fishermen operating out of Mombasa, things like that, saying they have had record catches of certain types of game fish, that before you would maybe catch two or three a season, now you are catching 15. So that is the anecdotal evidence to suggest that the fish stocks have recovered. On the illegal dumping side, in the early 1990s, there was a lot of suspicion that this activity was taking place, and indeed, the UN Environmental Programme (UNEP) conducted a series of investigations and research reports I think in the late 1990s with the most recent one in 2005, and both those reports are fairly extensive, and found no evidence to suggest that illegal dumping was taking place. What is important to remember is that both Somalia and to a certain extent Yemen have no capacity to control their pollution, to process their own waste as well, so there is an environmental issue just concerning the activity within that state itself. What you did find is that oil tankers would go through the region, and before maritime pollution laws were in effect, they would wash their tanks out, and you would get a lot of oil coming from offshore on to the shoreline, and again, there are reports of up to 30,000 tonnes a

year being illegally discharged into the Somali Basin and the Gulf of Aden, so that would have a significant environmental impact. But I think what we have seen is that the consequences of this activity have almost become mythological, and they have been used by the pirates to justify their actions, but actually, the reality is it is plain old criminality here, and the explosion in piracy is as a consequence of low risk and high rewards, and nothing else.

Q199 Lord Williams of Elvel: Do pirates use fishing vessels, as it were, by night and then operate as pirate vessels during the day? Do they switch over from one to another very easily?

Mr Alderwick: Again, there is evidence to suggest that what you need are people with specialist skills if you are a pirate, so at least one person in the boat is what you would call a professional seafarer, a fisherman, so he may well be fishing by night, and conducting piracy by day, that is probable. But the vast majority of the pirates are illiterate, they are drawn from coastal towns, they are just drawn on the attraction to make more money in a single month than they could potentially make in more than 10 or 15 years of making an honest living.

Q200 Lord Crickhowell: Last week, Admiral Hudson and Commander Dow, the naval force legal adviser, gave us a great deal of detailed evidence about the problems of getting sufficient evidence to take the case to court, and talked about the legal structure set up in Kenya particularly and now the Seychelles. Would you have anything you would wish to add to the account they gave us, or any particular comments?

Dr Willett: Just a couple of points. The legal challenges are well documented, and one only has to look back a few years to see the issue that the French faced when they took some pirates, and took them back to France to try them, and had significant problems trying to find

something in legal terms they could actually charge them with. I stand to be corrected, but I believe it was something like breaking and entering was the best that they could do. Of course, you then had the added political problem of some pirates in a jail in Paris which they might actually prefer to a jail in Kenya, and the issue of their options for then requesting political asylum when their time is up, that is another issue that the Western nations are therefore having to deal with. Much has been made of the Kenyan situation, and the utility of investing in Kenya and Somalia itself, if you like, to give them the capacity to do this. Capacity building is not just about building ships, it is about building a legal system to give them the capacity to be able to cope with this. There is the case that the Kenyan judicial system has been beefed up by outside investment to make it work, but there are cultural difficulties; for example, the Somalians might not like the idea of actually being tried by the Kenyans, there are regional tensions that one has to address. Now obviously the UK was the first to get involved with the Kenyans, as I understand it, and then the US and the EU. The ideal situation, I think, some analysts argue, would be to create a capacity internally in Somalia to do that, but the state of the Somali society at the moment means that there are many that raise the issue of the human rights of the pirates if they were to be given over to a non-functioning government, effectively.

Mr Alderwick: I would agree broadly with what Dr Willett is saying there, it is important that this is dealt with in a regional context. It is great that we have this multilateral framework to prosecute pirates, now it is clearly not as robust as we would like it, because what we have to do is increase our disruptive actions, i.e. confiscating boats and landing pirates ashore without the pirate paraphernalia, rather than going for full prosecution. If you want to conduct a full prosecution, and give due process, the Kenyan legal system requires you as the commander of the vessel, you as the boarding officer, you as the member of the boarding party that conducted the seizure, to appear in court to give evidence, and that ties up your warship

alongside for a significant period. So what would you rather that warship do? From the taxpayers' perspective, we would rather it out there, deterring and disrupting, and not being involved in this process. So we have to get a fair balance: where a crime has taken place and they have potentially committed or executed lethal force, then I think you should pursue them to the nth degree, but whereby you are deterring and disrupting, you cannot prosecute everyone, or you will just overwhelm the Kenyan legal system. As is already the case arguably; there are already 75 detainees, suspected pirates awaiting prosecution; I think over 200 pirates have effectively had their gear confiscated and landed back ashore. So if you prosecuted everyone, you would not be able to do it. But I think another issue is an argument being advanced that is: okay, the international community, the international criminal court will set up something specifically to deal with the piracy problem. That to me does not seem very logical. Again, we want to keep this in a local and a regional context, and support the judicial frameworks within the respective countries to deal with the problem themselves. There is no good creating something international to deal with this problem.

Dr Willett: It is strictly criminal activity, of course, and I would endorse Mr Alderwick's point there. The last problem this presents to you though is of course these problems with the judicial issues, the problems with the RoE in terms of what you as a navy can and cannot do at sea because of the legal issues, do continue to keep the cost benefit analysis in favour of the pirates. The pirates do not at the moment see any reason to change what they are doing. The risks to them are, okay, well, if we maybe get within the vicinity of a ship while we are conducting an attack, then we may come into contact with a warship and have an exchange of fire, but the presence of warships is limited, as we discussed, and the number of commercial ships is large, so the chances of getting caught in that way are quite slim; if you were to be prosecuted, there are problems. So what does not happen with any of this at the moment is it does not change the pirates' reasons for doing it, and of course, they still get paid at the end of

what they are doing, and they get paid, for what others in Somalia earn, very, very well. So there is no reason as yet to stop them from doing that. Until you find a way of changing that cost/benefit analysis, by making some significant political steps forward on a lot of these issues, then the problem will unfortunately persist, because the pirates have nothing else to do.

Q201 Lord Swinfen: What do the Chinese, the Russians and the Indians do when they capture any of these people?

Mr Alderwick: The incidents that I have seen where that has taken place, and I confess, I have not come across every single incident that has happened, but my understanding is they have generally let them go. So they have deterred, disrupted and let them go. There have been cases where lethal force -- the Talwar was a classic case of an Indian warship intercepting a pirate mother vessel that transpired to be, I believe, a Taiwanese fishing vessel with the crew still embarked as well as the pirates, but the Indians were fired upon, they took self-protection measures, and the resulting event was the loss of that ship and the crew, with the seafarers on board as well as pirates. So the answer is that they are not recording or releasing enough evidence for us to be able to say, we can tell you how many boardings they have conducted, we can tell you how much disruptive activity they have undertaken. I do not really know, to be honest.

Chairman: We are going to move on to Lord Sewel and insurance and ransoms.

Q202 Lord Sewel: Can I get there through a number of stages? First of all, it seems to me, the basic question we have to ask is: do we have an operational framework in place that minimises the probability of successful attacks? From what we have heard from you, the answer is yes, in that the transit corridor and group travel approach does provide a pretty robust framework. So the question then is, who is at risk, the answer is the people most at

risk are the freelancers; so then the question becomes, how do we get the freelancers to behave in a more responsible way? That means a focus on what shipowners and I would have thought insurers, with pressure being put upon shipowners to make sure they do sort of conform with the operating methodology, and insurers being prepared to basically levy punitive insurance rates on owners who do not conform.

Mr Alderwick: I would agree, or arguably make it a precondition of being underwritten in the first place, that they are in compliance with ISPS guidelines, IMO guidelines or the IRTC recommendations.

Q203 Lord Sewel: Why is this not being pursued robustly and rigorously?

Mr Alderwick: Within some elements of the sector, it is. I think there is a commercial interest here as well. The premium rates are up, there is no doubt about it. It could simply boil down to that the impact of the problem commercially and economically is not significant enough to warrant those kind of measures, ie they are happy to effectively -- the return in premiums is far outweighing the amount that you have to pay off in ransom demands.

Q204 Lord Sewel: Is it the insurance companies who are paying the ransom, or the owners?

Mr Alderwick: It depends whether they are carrying risk on the policy that covers kidnap and ransom. So it is not a clear-cut case.

Q205 Lord Sewel: But if you have 25 per cent of the traffic not conforming to the -- I mean, there is a significant opportunity to reduce risk further, is there not?

Mr Alderwick: Absolutely. I think it is about getting the message out there that if you do take the necessary preventative actions, if you do register with MSC (HOA) and the other forces in the region, then you do mitigate the circumstances. Some people ironically probably view this as a virtual casino, in terms of, well, the probability, and on balance, if I have a 1:600

chance of being pirated and I only transit with my ships through that region five times a year, 1:120 or something of that order of magnitude, then I might take the risk. You cannot be held responsible for those foolish business decisions. You cannot make those people necessarily responsible for their actions in that way.

Q206 Lord Sewel: Should we do anything to ride to their rescue when they do behave irresponsibly?

Mr Alderwick: You have an obligation, threat to life. It is the seafaring code really. You cannot be in a position to say, actually, you were only going 8 knots to save fuel, to reduce your bunkering capacity, therefore we are not going to assist you, we are not going to help you. Again, I think it would be pretty harsh if we did.

Q207 Lord Swinfen: Is the piracy and the increased insurance cost increasing the number of ships that are going round the Cape of Good Hope instead?

Dr Willett: I think there was a big concern 12 months ago that that would be the case. At the time, there were one or two major shipping companies who were saying publicly that that would be what they would do. Whether or not that was to encourage some kind of political response in terms of sending more ships to the region, I do not know. My analysis would be that there are some companies that do use that route, but the predicted increase in that happening has not come to pass.

Q208 Lord Williams of Elvel: To your knowledge, does anybody in authority actually talk to the insurers? Is there a dialogue going on, or is there a complete stand-off?

Mr Alderwick: The only dialogue I am aware of is from the maritime forces involved trying to engage and inform the insurance services, but other than that, no direct government involvement that I am aware of.

Q209 Chairman: Can I just be clear on one thing? One of your themes is that the pirate community is actually not very sophisticated, it is opportunistic, and because the risks are low, it is just a good thing to do commercially. But negotiations with a major insurance company and finding out where they are, or who they are -- is that also not very sophisticated? Does each individual pirate band have that ability to do that, or do they have a godfather organisation that tends to sub-contract that?

Dr Willett: Evidence suggests, my understanding is that when you go up the chain -- the pirates are the foot soldiers of what is a significant criminal activity, and there is evidence that there is a significantly robust framework higher up the chain of different individuals, different clans, different criminal organisations, from different nationalities, that goes quite a long way out of Somalia and elsewhere, to the Middle East, to Europe, et cetera. So there are very sophisticated people that are making quite a significant amount of money out of this. The pirates themselves may not get paid very, very much in terms of their share of the ransom, but the money clearly is going somewhere, so it is a very sophisticated business.

Q210 Chairman: So that is potentially another sort of area of slight squeeze, if you like?

Dr Willett: What happens to the money when it gets ashore in Somalia and where it goes and who has it, I think is something that needs looking at.

Q211 Chairman: If we could move on then to the final question, which is Lord Chidgey, and I know I have done this to Lord Chidgey before, but I would also like to just add to the question he is going to ask: are we stuck with this forever? In the words of the United States generals in Afghanistan, are we here for 40 years or whatever?

Dr Willett: The key issue is it is an end state not an end date that we have to keep in mind, and until one changes the circumstances ashore and finds reasons to discourage the pirates from doing this, there is the issue of how long the commitment needs to be.

Q212 Lord Chidgey: Dr Willett, when you started off giving evidence to us this morning, you made a very strong point about the limitations on the EU operation, the operation out there, the maritime operation, and then towards the end of your evidence, you made the very interesting point that the cost/benefit analysis in terms of the pirates was such that there was nothing going on that would stop them committing acts of piracy, which really embraces the question on the order papers, so to speak: is the operation that we are undertaking just simply addressing the symptoms of the problem and not the causes? Would it be feasible for the international community to assist states in the region to build up their capacity to police their own territorial waters? If I can add on to the bottom of that question, would you support the concept of actually providing training to the Somali forces to actually police their own territorial waters?

Dr Willett: Absolutely, I do believe that the issue here is that the EU operation and the NATO and the CMF operation and/or the national presence is really just doing little more than addressing the symptoms, that is all it can do. Navies can use the free space of the sea to deploy there very easily politically, and to at least address a problem that was very political in its profile to start with, with concerns of the shipping company, with the visibility of the issue in the media. But as I mentioned at the start of my evidence, what you can do though is you can use the naval operation to increase confidence that something is being done, and there have been suggestions that the TFG, the Transitional Federal Government in Somalia, welcomes the idea, but, of course, it does not control very much of the country at all, there is the Puntland government and what they can do. So there is the issue of how you generate a structure ashore that can start to take advantage of the space that the navies can create at sea. I certainly agree with the idea that you should be looking to use the other assets that you have in the region, for example the commercial private security companies, in other ways, there must be more that they can do. Can they be used for training purposes, and if they have

vessels, which some of them do, can these ships be used as coastguard vessels or as training ships?

Q213 Lord Chidgey: Would you support an EU initiative to provide training for the Somali armed forces?

Dr Willett: As I understand it, the EU itself is already operating ashore. I would not be sure, off the top of my head, as to what they were actually doing, but there is -- not an EUNAVFOR, but an EU effort ashore to be able to start doing something. The capacity building should not just be viewed in terms of building coastguards or navies, it is building legal systems, as we have discussed, but it is a significant activity. One does have things like AFRICOM being stood up with the increasing interest from the US, one does have things like increasing French investment in the region, so there are obviously nations that are very interested in doing this, but it obviously is a significant commitment. But ultimately, it is a balance between investing what you need to do in that part of the world from a financial point of view, from a naval point of view, and bearing in mind too that Somalia, of course, is just one area. What happens if we start having similar problems on the west coast of Africa, what do we do there? There are problems to do with piracy there, there are oil issues over there, but that is not a huge political concern at the moment. So I think it is important that one views the Somalia issue, that of course is now spilling over into Yemen and elsewhere, as an important issue, but bearing in mind that there may be others that come in due course, and we need to be prepared to deal with those, because the problem of the Somali issue, it sets a precedent; you got involved here, well, what about there? So it is always a challenge in terms of how you will spread your resources, both naval resources and financial resources, and that is something to be borne in mind.

Chairman: Dr Willett, Mr Alderwick, thank you very much indeed, we have stretched our questioning a little longer than I had expected, but it has been very useful indeed, and very

comprehensive, and I hope you have enjoyed the experience yourselves. We will obviously, as I said, send you a transcript, and eventually the report to the government which we hope to get out in a couple of months' time, but thank you very much indeed for your time.