ROUGH WATERS

Paulica C. Arsenie

Lecturer, PhD
Constanta Maritime University
Address: 900663 Constanta,104 Mircea Street, Romania
Email: arseniep@imc.ro
Tel: +40-241-664740
Fax: +40-241-617260

Radu Hanzu-Pazara

Assistant, PhD Candidate
Constanta Maritime University
Address: 900663 Constanta, 104 Mircea Street, Romania
Email: hanzu@imc.ro
Tel: +40-241-664740
Fax: +40-241-617260

Abstract "Piracy" is defined under the 1982 United Nations Convention on the law of the Sea to include illegal acts of violence, detention, or depredation for private ends committed by the crew or passengers of one ship against another ship, or person or property on board that ship. Piracy per se occurs in international waters, outside the jurisdiction of any state, and usually outside security patrolled or monitored areas.

The number of pirate attacks worldwide has tripled in the past decade, and new evidence suggests that piracy is becoming a key tactic of terrorist groups. Unlike the pirates of old, whose sole objective was quick commercial gain, many of today's pirates are maritime terrorists with an ideological bent and a broad political agenda.

There would seem to be important lessons to be learned from maritime piracy that could be relevant when considering the potential threat of seaborne terrorism. Pirates and terrorists use similar tactics and operate with impunity across broad geographic regions. There is also increasing evidence of interaction between pirates and terrorists.

With nearly 90 percent of international trade moving by water, the immediate and inevitable actions countries would take in response to a major maritime terror attack would most likely disrupt critical trade flows, industrial supply chains and, ultimately, the global economy.

The response of ship operators to piracy has been limited and inconsistent. Typically, standing orders prevent active resistance; the most often recommended course of action, should a vessel be boarded, is for crew members to lock themselves in a "safe room" until the danger has passed. But for a vessel underway, such a strategy fails to consider the potentially disastrous consequences that could result

from a loss of shipboard navigational control, including collision, grounding, or a major oil or toxic chemical spill.

Given the scope and dimensions of the maritime security problem, collective action, at the regional or international level, will most likely be required, and there has been some movement in this direction.

Several important maritime security initiatives also have been recently put into effect, as "The International Ship and Port Facility Security Code", takes some crucial first steps in addressing maritime security needs both afloat and ashore.

In the longer-term, implementing a system of positive vessel identification and control may hold the best hope for reducing incidents of piracy and enhancing overall maritime security.

0 Introduction

In the first years of the nineteenth century, Mediterranean pirates, with the support of the nomad states of northern Africa, would capture merchant ships and hold their crews for ransom.

From that moment till today the piracy acts has growing up, in the past decade the number of pirate attacks on ships has also tripled, putting piracy at its highest level in the modern history.

Most disturbingly, the scourges of piracy and terrorism are increasingly intertwined: piracy on the high seas is becoming a key tactic of terrorist groups. Unlike the pirates of old, whose sole objective was quick commercial gain, many of today's pirates are maritime terrorists with an ideological bent and a broad political agenda.

1 Maritime transport and piracy

Waters covers almost three-quarters of the globe and is home to roughly 50,000 large ships, which carry 80 percents of the world's traded cargo. The sea has always been an anarchic domain. Unlike land and air, it is barely policed, even today.

Based on International Maritime Board statistics, piracy worldwide appears to be on the rise, with an average of 405 incidents per year during 2000–2003, compared to an average of just 233 during 1995–1999. Between 1995 and 2003, it is estimated that more than 2,500 vessel crew members were held hostage, while nearly 1,000 have been reported injured, killed, or missing due to piracy incidents.

The full dimensions of the problem may be much broader, however, as many industry experts have suggested that acts of piracy are highly underreported.

Piracy attacks appear to be most prevalent in countries with emerging economies, numerous estuaries and offshore islands, large stretches of remote coastal areas, and ongoing political insurgencies. More than 60 percent of piracy incidents reported in 2003 occurred in just five areas: Indonesia, Bangladesh, Nigeria, the Malacca Straits, and India–with Indonesia accounting for more than a quarter of all incidents. At a more aggregate level, vessels appear to be more vulnerable to piracy in Africa and Asia than in other regions of the world.

To date, little has been done to effectively address the increasing frequency of pirate attacks. In part, this may stem from a lack of counter piracy resources in those countries where piracy is most prevalent. And without bilateral agreements to the contrary, international law and issues of sovereignty preclude intervention by outside naval powers.

The highly "international" nature of ocean shipping also may have an impact. A single ship, for

example, might be built in Korea, owned by a Swiss corporation, flagged in Singapore, chartered by a German company, manned by Ukrainian officers, crewed by Filipinos, and carry the cargoes of shippers and consignees from around the world. These conditions may serve to dilute the outrage and calls for action that might otherwise result if an act of piracy were perpetrated against the interests of a single country.

The response of ship operators to piracy has been limited and inconsistent. Typically, standing orders prevent active resistance; the most often recommended course of action, should a vessel be boarded, is for crew members to lock themselves in a "safe room" until the danger has passed. But for a vessel underway, such a strategy fails to consider the potentially disastrous consequences that could result from a loss of shipboard navigational control, including collision, grounding or a major oil or toxic chemical spill.

Could the current lack of an aggressive response to maritime piracy be setting the stage for a more significant security threat? An analogy to the present situation may be seen in the build-up in air piracy incidents. In the hindsight, these incidents highlighted a number of major security gaps that should have been addressed: failing to confirm passenger identities and screen passengers for any potential weapons, failing to adequately search all baggage and match it with ticketed passengers, failing to reinforce cockpit doors, and failing to adopt policies and tactics for resisting skyjackers.

Equally, there would seem to be important lessons to be learned from maritime piracy that could be relevant when considering the potential threat of seaborne terrorism. Pirates and terrorists use similar tactics and operate with impunity across broad geographic regions. There is also increasing evidence of interaction between pirates and terrorists. Most importantly, the frequency and success of maritime piracy attacks provides strong empirical evidence about the at-risk nature of coastal assets and underscores the vulnerability of all nations to attacks launched from marine environment.

Below is presented the Annual Report of ICC International Maritime Bureau regarding the pirate attacks during the year of 2004, categorized by regions and ship class.

Location number of actual and attempted attacks 2004:

Indonesia: 93 attacks
China/Hong Kong/Macau/Taiwan: None
South China Sea: 8 attacks
Philippines: 4 attacks
India: 15 attacks
Malaysia/Thailand: 13 attacks
Vietnam: 4 attacks
Cambodia: None
Sri Lanka: None
Straits of Malacca: 37 attacks
Singapore Straits: 8 attacks
Bangladesh: 17 attacks
Brazil: 7 attacks
Total number of attacks in 2004: 325 attacks
Recorded attacks by ship class:
Bulk carrier: 72 ships
General cargo: 38 ships
Tanker Crude Oil: 17 ships
Container: 48 ships
Tug: 24 ships
LPG: 13 ships
LNG: None
RO-RO: 2 ships
Chemical Tankers: 55 ships
Trawler/fishing: 18 ships
Passenger: None
Livestock Carrier: 2 ships
Ferry: None
Woodchips/log carrier: None
Yacht: 10 ships
Research ship: None
Vehicle carrier: 1 ship
Storage ship: None
Multipurpose: None
Warship: None
Barge carrier: 1 ship
Supply ship: 8 ships
Heavy lift: None

Refrigerated: 10 ships
Combination carrier: None
Unknown: 1 ship
Total for the year 2004: 325 ships

According to the same report, violence to crew carried out during attack has classified as follow:

Taken hostage: 148 persons
Kidnap/ransom: 86 persons
Crew threatened: 34 persons
Crew assaulted: 12 persons
Injured: 59 persons
Killed: 30 persons
Missing: 30 persons
Total: 399 persons

Maritime attacks by type has been classified as:
Attempted Boarding: 76 ships
Vessel Boarded: 226 ships
Hijack: 11 ships
Missing: None
Vessel fired upon: 12 ships
Detained: None
Total: 325 ships

For illustration of increasing rate of piracy attacks will present the following statistics realised by the same institution, ICC International Maritime Bureau, based on dates recorded in 1994 and 2004:

attacks recorded by ship class: 1994–90 ships; 2004–325 ships

violence to crew carried out during attack: 1994–29 persons; 2004–399 persons

This statistics show how high is today the piracy around the world.

2 Securing the seas

Given the scope and dimensions of the maritime security problem, collective action, at the regional or international level, will most likely be required, and there has been some movements in this direction. For example, the Association of South East Asian Countries has made addressing piracy and other transborder crimes as a priority and is working with key trading partners to find solutions.

Several important maritime security initiatives also have been recently put into effect. The "International Ship and Port Facility Security Code", for example, takes some crucial first steps in addressing maritime security needs both afloat and ashore. Other new programs include "Container Security Initiative", "Customs-Trade Partnership Against Terrorism", and more thorough methods for screening ships and cargoes perceived to present risks.

In the long-term, implementing a system of positive vessel identification and control, much like the one now take for granted to manage air transportation, may hold the best hope for reducing incidents of piracy and enhancing overall maritime security. Transporters installed on ships could be interrogated for vital information on vessel identities, registries, ownership, voyage histories, cargo carried, crew, etc. primary targets lacking transponders would be imaged using sophisticated radar or photographic techniques to achieve positive identification, and any vessel perceived to be a threat would be tracked and intercepted long before reaching a port. Such a system would take time to evolve, and required substantial resources to develop. A starting point would be using shore-based radar to identify vessels in ports and territorial waters; ultimately thought, the system could cover the high seas, using satellites in low earth and geosynchronous orbits.

Such sophisticated responses, however, are still in the future. In the near-term, participants in the maritime industry must consider what they can do to minimize piracy related risks. On the high seas, ship crews, owners and operators are largely on their own. A common sense approach for a carrier would be to develop a comprehensive, coordinated security plan and standing orders across its fleet. Such planning needs to take into account origins/destinations, routes and cargoes, with sensitivity to areas of the world where security threats are greatest. Equally, ports and key facilities at tidewater locations need to develop their own action plans to deal with risks from maritime threats.

[2] Charles J. Reinhardt-Maritime Piracy, 2003.

[3] ICC International Maritime Bureau, Annual Report, 2004.