

The Somali Piracy New or Old Challenge for International Community

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ABSTRACT: Nowadays it is obvious that maritime transport is the core element of world economy so each disturbance in the world shipping can create more or less serious problems for world economy, especially now when the world crises appeared. The piracy activities showed that shipping safety in the Gulf of Aden and waters around the Somalia should be considered as an international problem. The Somali piracy has complex reasons, so it is not easy to provide safety of shipping in this region without wide spectrum of action and international cooperation. The paper presents analyze of piracy root in Somalia, the development of piracy activities and steps of international community which should be taken to provide safety and secure shipping in this region.

1 INTRODUCTION

Somalia - a country in Eastern Africa has a strategic location on Horn of Africa, along southern approaches to Bab-el-Mandeb and shipping route through Red Sea and Suez Canal. Somalia is bounded to the north by the Gulf of Aden, to the south and east by Kenya, to the west by Ethiopia, to the north-west by Djibouti and finally to the east by the Indian Ocean. The country has 2,340 km land boundaries (Djibouti 58 km, Ethiopia 1,600 km, Kenya 682 km) and 3,025 km of coastline.

The total area of Somalia is 637,700 sq km; the country has a population (2005 estimate) of 8,6 million. Population counting in Somalia is complicated by the large number of nomads and by refugee movements in response to clan warfare. The main ethnic groups are: Somali 85%, Bantu and other non-Somali 15% (including Arabs 30,000). Islam is the state religion in Somalia, and most of the people (90%) are Sunni Muslims, a Christians (mostly Roman Catholic) are less than 1% percent of ethnic Somalis. Mogadishu (the capital of Somalia), Hargeysa, Kismaayo and Marka are the principal cities of the country (CIA word factbook).

Uranium and largely unexploited reserves of iron ore, tin, gypsum, bauxite, copper, salt, natural gas and oil reserves are main natural resources of the Somalia (CIA word factbook).

It is said that Somalia was an example of fallen country, because the legal government was not able

to effectively execute the power over the territory of the country.

2 ROOTS OF THE PIRACY IN SOMALIA

Of course the piracy problem should not be limited only to waters around Somalia, because it is a worldwide problem, but now the Somali piracy problem is the most popular in world media, so the authors decided to focus the analyze only in the waters around Somalia. The maritime area around the Somalia is very important for world economy. Almost 11% of the world's seaborne petroleum passes through the Gulf of Aden and waters around the Somalia. It shows the importance of Somali waters for world economy.

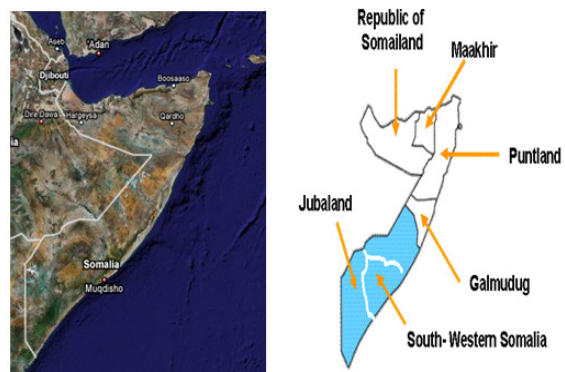


Figure 1. Somalia and the political fragmentation of the country in the beginning of XXI century.

Source: <http://geography.about.com/library/cia/blcsomalia.htm>, <http://www.globalsecurity.org/military/world/war/somalia.htm>

The country has been without a strong central government since 1991, when the Mohammad Siad Barre was ousted after 22 years in power. Since that time the political situation in the country is similar to puzzle. The state collapsed into chaos and criminality, Somalia had been a field of fight for power between numerous clans, subclans and religious factions. The country has been suffering from war, instability and natural and humanitarian disasters.

We should not see piracy off the coast of Somalia only as a result of the continuing political instability and lawlessness in this country.

It must be said, that the Somali piracy was also closely connected with economical situation of Somali people and problems with over fishing and toxic waste disposal around Somalia.

There are the highest concentrations of fish in the waters around coast of Somalia. Somali fishermen used to catch a wide variety of seafood (tuna, sardines, dorado, perch, shark and lobster). At the turn of the millennium, Somalia was home for about 30,000 professional and 60,000 occasional fishermen. Fishes were traditionally export products of Somalia. Now (because of instability and permanent war in Somalia) about 700 ships from other countries, are casting local fishermen nets along Somalia's coastline, and they show a little consideration for the fish stocks, local fishermen or over fishing. None of the foreign trawlers has a license for fishing around Somalia. Today trawlers from faraway places continue to ply the waters off the long coastline. There are ships from Japan, India, Italy and Spain and others countries (<http://news.bbc.co.uk/2/hi/africa>).

This fishing activity is named by Jeylani Shaykh Abdi, a Somali fisherman, as an economic terrorism. He said „They are not just robbing us of our fish. They are ramming our boats and taking our nets - including the catch”. According the Somali people, the intruders, used nets with very small mesh sizes and fished with banned dragnets, and with dynamite in some cases. The Somali fishermen outcry to the United Nations and the international community was loud and clear - but without any results. The Spanish fishing cutter that pirates hijacked in May 2008 and the Thai trawler which was sunk by Indian warship in early November provided evidence of how attractive the Somali fishing area is worldwide.

Somali fishermen have also problem with toxic waste. The huge amount of toxic waste was dumped at sea after the collapse of the regime of former President Siad Barre in 1991. Because the country has no coast guard, the Somali coastline has no protection against European ships dumping dangerous waste at sea. Proper waste disposal in Europe costs about 400 times more than illegal waste dumping in Somalia. That toxic waste has been dumped in So-

malia for a long time, and the international community is looking on and „doing nothing about it”. So the international community gives the pirates „a convenient excuse to legitimize their actions”.

The Somali pirates have repeatedly argued that they were forced into piracy by the demise of fishing and the practice of dumping toxic waste at sea. But it is not the main reason, only a small fraction of traditional fishermen have switched to piracy.

Nevertheless, toxic waste and illegal foreign fishing are convenient arguments for the pirates. Januna Ali Jama, a spokesman for the pirate group said that “We are still waiting for its ransom for the *MV Faina* (pictures 2), a Ukrainian vessel carrying tanks, weapon and military equipment. All we do is ask ransoms for the ships we hijacked because we believe a ransom represents a legal tax that a government may have taken. We are defending our waters from foreigners dumping toxic waste and plundering our sea resources. I hope the world can understand that this is the responsibility of Somalis and we shall one day be rewarded for our efforts. The Somali coastline has been destroyed, and we believe this money is nothing compared to the devastation that we have seen on the seas” (Somali pirates: Sea bandits or coastguards).

The Somali piracy activity is similar to avalanche. Back in 2005, there were almost 100 gunmen. Now (in 2008) there are between 1,100 and 1,200 pirates (<http://news.bbc.co.uk/2/hi/africa>).



Figure 2. Somali pirates in small boats hijacked the arms-laden Ukrainian freighter *Faina*

Source: United States Navy, via Agency France-Press - Getty Images

Without naval or coastguard forces patrolling its EEZ, local fishermen turned to piracy to stop illegal fishing and toxic dumping in Somali waters.

But there is another point - pirate life is attractive for many young men in this one of the poorest countries on the planet. The profits from piracy are immense. The men carrying out the hijackings keep about 30 percent of the ransom money (20 percent goes to the bosses, 30 percent is paid in bribes to government officials and 20 percent is set aside for future actions). “He used to be a poor fisherman a year ago but now he is rich. He bought three beauti-

ful houses in the same neighborhood. He had a wife but married a second one recently. There were maybe 150 cars in the wedding convoy. He is pirate now (<http://news.bbc.co.uk>).

“If you ask around, everybody will tell you pirates are bad. But that’s just in the conversation,” said Haji Abdi Warsame, an elder from the coastal town of Eyl, a major piracy hub on Somalia’s Indian Ocean coast (Somali pirates: Sea bandits or coastguards).

Corruption is also important factor of piracy. Historical analyze of piracy shows that corruption was the key element (both in ancient time and modern history). “Presumably, all key political figures in Somalia are profiting from piracy” said Roger Middleton, an analyst with the Royal Institute of International Affairs in London. “This is just like any business for us. We care about it just like anyone would care about their job. I have been on the ocean for a long time, not to fish but to hunt down ships in our territorial waters, which nobody will guard if I don’t do it,” he explained (<http://news.bbc.co.uk/2/hi/africa>). All those reason shows how complex is the problem of piracy in this part of the world.

So if we (international community) want to stop piracy, we should not only fight with pirates. We need to stop all illegal activities as well.

3 SPREADING THE AREA OF PIRACY ACTIVITIES

Few years ago the main targets for piracy were both fishing boat which according the local Somali population provides illegal fishing in the Somali Economic Exclusive Zone (EEZ) and vessels, which were suspected of illegal toxic waste disposal. At that time the pirates attacked vessels no farther than 50 miles way of the coast.

The first reaction of ship owners for piracy attacks was to increase the distance of shipping line from the coast. But the pirates changed their tactics; they started to use the mother ship. They attacked vessels farther and farther from the coast. While previous attacks took place within 200 nautical miles away from land, now even the ships sailing 400, 500 or event 600 miles away from the coast of Somalia are not safe. Also the size of the vessel doesn’t matter. The *Sirius Star* supertanker (332 meters), owned by Saudi oil company Aramco, was hijacked roughly 450 miles southeast of Mogadishu (pictures 3).

There is an interesting question why the hijacking act of the *Sirius Star* had so great impact on the world mass media. Why was this accident so famous?

Last year took place many other important but less spectacular piracy actions, for example in September, Somali pirates captured in the Gulf of Aden a *MV Faina* Ukrainian vessel with 33 tanks (T-72) and other military equipment. According to the latest International Maritime Bureau (end of the November 2008) data in the 2008 more than 110 vessels have been attacked around Somalia. The pirates captured 42 ships, 286 crew members remain as hostages following attacks in the Gulf of Aden and waters around the Somali coast. Negotiations to free 14 ships are on-going. The piracy accidents in Gulf of Aden and waters around Somalia are presented in the table 1. It is easy to notice that in other region the piracy threat is bigger than in the waters around Somalia.

Table 1. Piracy and armed robbery against ships.

	2003	2004	2005	2006	2007
Gulf of Aden and Red Sea	18	8	10	10	13
Waters around Somalia	3	2	35	10	31
Nigeria	39	28	16	12	42
Indonesia	121	94	79	50	43
Total in the world	445	329	276	239	263

Source: ICC International Maritime Bureau piracy and armed robbery against ships annual report 2007



Figure 3. Tanker *Sirius Star* and satellite imagery of the tanker anchored near Gaan on the Somali coast

Source: <http://bbs.keyhole.com/ubb/showflat.php/Cat/0/Number/1242871/an/0/page/0>

There is a simple answer for this question. The 1,800 feet long *Sirius Star* tanker, can carry about 2 million barrels of oil and is one of the largest ships in the world. The ship’s cargo is worth about 100 million USD. The pirates showed that now global sea-borne trade of strategic resources could be threatened. This is the main reason why Somali pirates and their actions are present in headlines of international media. The case of *Sirius Star* showed that “these new piracy events are a signal about the security situation here - if the piracy can go 400 miles out to sea, they can go 600 miles, and they can go anywhere. To find a solution to the escalating security situation, first of all we need to established cooperation between all contributing navies more ef-

ficient. [...] we also need to make sure that all navies can act with similar rules of engagement” (Zoro Jane’s Defence Weekly, 26 November 2008).

4 INTERNATIONAL ACTION TAKEN TO DECREASE THE SOMALI PIRACY THREAT

The problem of Somali piracy is complex and there are different proposals how to increase the shipping security in the Gulf of Aden and water around Somali coast. The international community tries to take wide spectrum of actions against piracy in this area. Some of the actions are obvious some are rather controversial. Nowadays we can say that international maritime community took such actions for shipping protection as:

- multinational (CTF 150), NATO (Standing NATO Maritime Group 2) and EU NAVFOR (Operation ATLANTA) naval task forces;
- protection of vessels by private military contractors and armed guard on merchant vessels;
- non-lethal self-protection methods;
- reflag of the vessels;
- change the shipping lines.

Combined Task Force 150 (CTF 150) has been established in 2003 to monitor, inspect, board, and stop suspect shipping in the Gulf of Oman, Gulf of Aden, Arabian and Red Sea and finally Indian Ocean (picture 4).

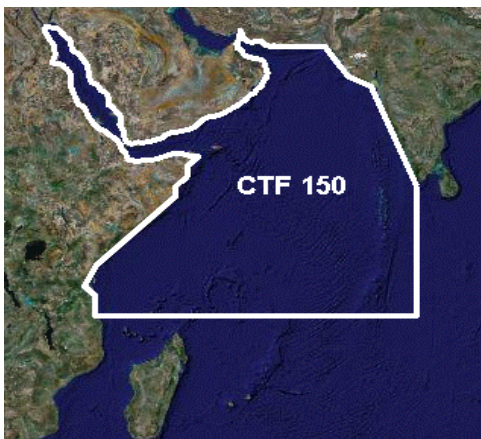


Figure 4. The area of responsibilities of CTF – 150

The CTF 150 area of responsibility is 6,2 million sq km and includes the crossing of main world oil and gas shipping lines. There are three choke points of world oil and gas transport: Sues Channel, Bad-el-Mandab and Hormuz. The eastern and northeastern Somali coast are high – risk areas for piracy attacks and hijackings for ransom. According western analyses it is also area of drug smuggling and important area of counterterrorism mission. Commodore Bob Davidson (Canadian Navy) Commander of CTF 150 identified the three highest priorities for CTF 150:

- maritime security operation, which he calls “the classic counterterrorism mission”;
- counter-piracy operation;
- counter drug missions (drug money is going back to either the Taliban or Al-Qaeda).

He added that “there are no restrictions to taking action once pirates get on board and there is a hostage situation. Another challenge is if the vessel that has been taken has gone into Somali waters. Under the law of the sea prior to the UN resolution, act of piracy inside territorial waters is not a piracy act but armed robbery and therefore it is a local law-enforcement issue” (Newell Jane’s Defence Weekly, 17 September 2008).

The task forces usually consist of several ships (destroyers, frigates and auxiliary ships, helicopters and maritime patrol aircrafts) from such NATO countries as: Canada, France, Germany, Greece, Italy, Netherlands, Portugal, Spain, Turkey, United Kingdom and the United States. Ships from such non NATO countries as: Pakistan, Australia, New Zealand, Sweden, India, Malaysia, Russia and China also participate in counter-piracy operation. The command of the task force rotates between the different participating navies, and usually last between four to six months. It is easy to notice that for each participant countries the area of CTF – 150 responsibilities is vital for economical prosperity. Commodore Davidson said that “We want to show Canadian interest in the region not just in Afghanistan but in the maritime world as well” (Newell Jane’s Defence Weekly, 17 September 2008).

The head of China’s National Defence University major-general Jin Yinan said “I believed the Chinese navy should send naval vessels to the Gulf of Aden to carry out counter-piracy duties. With China as a major world economy, it’s very difficult to say that security problems across the world have nothing to do with us. If we don’t take effective action, how will they see us abroad, and how will Chinese people view their government?” (Frank, Lloyd’s List, 5 December 2008).

Also the Council of the European Union (EU) announced on 10 November its intention to proceed with the first deployment EU naval task force for counter-piracy operations off Somalia. The mission is also opened to non-EU participation. Up to six vessels including three frigates and supply ship plus three or more maritime surveillance aircrafts are expected to join EU NAVFOR Somalia for Operation Atlanta in December 2008. This year-long mission will provide escort protection for civilian vessels delivering food to displaced people in the war-torn country as a part of the UN World Food Program.

One month after the Council of the European Union decision the German government decided to contribute in the counter-piracy mission Atlanta with

1400 soldiers and frigates. The navy would also be allowed to arrest pirates and bring them to trial in Germany, said home secretary Wolfgang Schäuble. (Fish, Jane's Navy International, December 2008).

The EU NAVFOR counter-piracy task force will in some circumstances provide free armed guards to protect vulnerable merchant vessels in the Gulf of Aden, as a part of its response to the explosion in piracy close to Somalia. But there is important question what does vulnerable merchant vessels mean? NAVFOR officials stressed that World Food Program (WFP) ships would have first call on military resources. The Royal Netherlands Navy had deployed in the end of November frigate HrMs *De Ruyter*, which escorted two WFP vessels on its missions from Kenyan port of Mombasa.

Also NATO joined to counter-piracy operation in the area around Somalia. Three warships from Standing NATO Maritime Group 2 have begun escorting WFP vessels carrying aid to Somalia. The NATO group consist of the Hellenic Navy's frigate HS *Themistocles*, the Italian destroyer ITS *Luigi Durand De La Penne*, and RN's frigate HMS *Cumberland*.

The NATO ships since early November have been operated under newly adopted joint rules of engagement (ROE). The new NATO ROE and operating plan are addressing to counter-piracy efforts and escort responsibilities for ship carrying humanitarian assistance organized by WFP to the more than three million Somalis. The new ROE is sensitive to their national commands, which allow navies to board vessels suspected of illegal acts and confiscated illegal weapons. According to NATO spokeswoman Carmen Romero, it means the ability to arrest, detain people suspected of being pirates (Zoro, Jane's Defence Weekly, 26 November 2008). There are many examples that use of force may create serious political problems.

Below there are examples of different military action, which were taken by ships in last two months of 2008.

The Indian Navy ship INS *Tabor* sank a pirate "mother ship" on November 18, after coming under heavy fire from pirates. But two speed boats laden with suspected pirates escaped. The "mother ship" was a former Thai trawler, boarded by pirates. The Thai crew members were killed during the fight between pirates and Indian ship. This accident has caused embarrassment to the Indian Navy, and may have serious impact on future naval responses to Somali piracy.

On 25 December the German frigate *Karlsruhe* received distressed signal from crew of Egyptian vessel *Wadi al-Arab*. The vessel was under piracy attack 50 miles off Yemeni coast. The German ship

sent the helicopter to support the crew of *Wadi al-Arab*. The pirates escaped when they saw the helicopter. After few hours the *Karlsruhe* stopped the piracy motor boat and captured six pirates. But the German government ordered to free pirates who were captured by German sailors. The spokesman of EU NAVFOR captain Achim Winkler said that "the pirates could be arrested and sent to Germany only if they attack German vessel or the German citizen would be injured during the piracy attack" (Kuzmicz, Gazeta Wyborcza 18 grudnia 2008).

On 2 December Danish ship *Absalon* rescued a group of suspected pirates in the Gulf of Aden after receiving a distress signal from their vessels, which had technical problem in heavy seas. According the international law *Absalon* had to help the vessel. The Danish sailors discovered a number of weapons onboard the vessel, similar to those which are often used in pirate attacks on merchant ships. Due to weather, it was impossible to take the ship in tow and vessel was sunken in the interest of shipping safety. The pirates were later handed to authorities in Yemen.

The military actions, which were taken by ships from different countries, show the different aspects of military action in the maritime area around Somalia.

Commodore Bob Davidson said that "It is a mission that is part operational, part diplomacy, but it really is about building co-operation in the region" (Newell, Jane's Defence Weekly, 17 September 2008).

The government of the autonomous Puntland region on the west bank of the Gulf of Aden has also moved to respond to the piracy activity. Puntland troops boarded and recapture an Indian cargo vessel on 21 October 2008.

5 USING ARMED GUARD ON MERCHANT VESSELS AND ENGAGING PRIVATE SECURITY COMPANIES

There is another solution for increasing the shipping security - using armed guard on merchant vessels and engaging private security companies. A small but growing number of ship-owners are exploring the use of armed personnel to guard ships sailing through the waters of the Gulf of Aden. Private security contractors said that they were getting more queries from companies interested in their services, including the use of weapon. While the most maritime executives flatly refuse to even consider the presence of armed guards on their vessels, others seem to be seduced by the idea. "Some owners have a fascination with the concept of armed guards sailing on ships transiting the Gulf of Aden, but many

ship-owners abhor the idea and, generally there is far more talk than action” (<http://www.abc.com>). Using armed guard and engaging private security companies on merchant vessels raise many numbers of issues, from legal points to morality matter.

There is an opinion that we (international community) can not blame the ship owners for taking security measure into their own hands, but this is not the best answer for piracy threat. We will never have enough warships to protect the whole area – so we need to find a long-term solution that involves more efficient co-operation, designated escort lanes and getting to the mother ship if possible” (Zoro, *Jane’s Defence Weekly*, 3 December 2008). There are around 20 ships in the water around Somalia, so each ship should take responsibilities for almost 300 thousands sq km. Company spokeswoman Anne Tyrrell said “We absolutely think it would be a good idea to employ such companies [private security companies]. US - based Blackwater Worldwide has already offered its service in the form of its own vessel. There have been initial conversations with 15 shipping companies but there have been no contracts signed” (Zoro, *Jane’s Defence Weekly*, 26 November 2008).

To support the idea presented by Anne Tyrrell we can give many examples. One vessel was boarded while it was sailing in a French Navy convoy with three British unarmed security guards onboard, who were forced to jump overboard when they came under heavy fire. Andy MacDonagh, a director of private military contractor Raven Special Project said that for most people, contemplating the use of firearms was distasteful. But he said that non-lethal alternatives were not working. How do pirates in a small boat can stop a 30 000 tone ship? It is firearms, that all it is. But as soon as you fire back, they are going to turn round and go the other way because they are so vulnerable (Zoro, *Jane’s Defence Weekly*, 26 November 2008).

But on the other hand there are quite different opinions in this matter. There is opinion that “The risk of engaging private security companies may increase the probability of potential casualties aboard” (Reyes, *Lloyd’s List*, 4 December 2008). Hiring armed guards is a controversial step that goes against the advice of international shipping bodies, including the Round Table of industry associations and the International Maritime Bureau. Both organizations strongly oppose this option. There is a fear being expressed that it may not be possible to control the actions of the armed contractors. We should stress that seafarers are not trained professionals in the use of weaponry. There are not regulations which ban weaponry on board of the vessels. Many countries have no express prohibition against arming the crew members. Although we should say

that some country recommendation are for some are against. For example:

Registrar general of Jamaica Ship Registry Eric Deans said that “We do not have any explicit rules regarding the arming of ships. We leave the security of a vessel to the discretion of its owner”.

Liberia - our policy is to discourage arming merchant ships, but Liberian law does not prohibit it and we will not do more than try to discourage it.

“The use of armed guards was not officially encouraged, it was not prohibited either” said spokesmen UK Ship Register.

Isle of Man “Manx flag neither encourages nor prohibit weapon”.

Barbados Maritime Ship Registry principal registrar said “We have not got a position formulated, because it has not come up with any of our ships. It is a bit difficult; we would have to sit back and think it through” (Osler, *Lloyd’s List*, 12 December 2008).

Head of security at the Chamber of Shipping Peter Hinchliffe said that France has informally offered armed guards for several months, as part of its loose escorting arrangements for group of ships (Reyes, *Lloyd’s List*, 4 December 2008).

Blackwater private military contractors are ready to provide armed protection to vessels sailing close to coast of Somalia. British Concern Maritime and Underwater Security Consultants is understood to offer armed personnel, while stressing that such a policy should only be adopted in very specific circumstances, where vessels are judged particularly vulnerable, or the cargo carried is of high value.

But there is also another aspect of the problem. Putting EU military guard (or guard from private security companies) on vulnerable vessels in the counter-piracy operation in the Gulf of Aden may raise serious problems from an insurance viewpoint⁶. War risk insurers cover crew members killed or injured in pirate incidents but armed guards are not considered as a crew. The armed guards onboard may increase the insurer’s fee for vessels sailing in this region.

6 CHANGE THE SHIPPING LINES OF THE VESSELS

More and more ship-owners consider the change of shipping lines to avoid this dangerous region. For example German cruise operator Hapag-Lloyd Kreuzfahrten will no longer operate vessels carrying passengers through the Gulf of Aden. Hapag-Lloyd

⁶Ship owners have to pay 10 times more insurance premiums for coverage of passage through the Straits of Aden.

Columbus had to pass through the Gulf of Aden on its round-the-world voyage. But all 246 passengers and most of the crew flew from Yemen to Dubai and stayed three days in a five-star hotel in Dubai, while the Columbus passed through the piracy – ridden region with skeleton crew onboard. The ship kept a distance of 400 miles away from the Somali coast, as was advised by local authorities.

A large scale rerouting of vessels to avoid the threat of piracy in the Gulf of Aden besides the raise of cost could also lead to problems with fuel supply. The vessels sailing around the Cape of Good Hope can bunker the fuel in two places: South Africa or the Canary Islands. However, there is a difficulty to supply the vessels in South Africa, particularly after the fire that closed Durban's Engen Refinery in November. The refinery could be out for three months. Durban's Engen Refinery is one of the main suppliers of marine fuel in South Africa and other suppliers are also facing potential supply shortage. The bunker installation in Canary Islands is not developed for fuel supply for increasing vessels traffic. This limitation and economical aspect (raise of the cost) can be the main obstacle for rerouting of vessels to avoid the threat of piracy in the Gulf of Aden.

7 NON-LETHAL SELF-PROTECTION METHODS

There are many different types of non-lethal weapons which can be installed on board of vessels. According to the Chamber of Shipping operators should continue to explore non-lethal self-protection methods. First of all there is no legal restriction for using such weapons on the board of shipping vessels. There are several different types of such weapons, for example: long-range acoustic devices (LRAD), Active Denial System (ADS), Non-Lethal Slippery Foam and Dazzle Gun.

In early November 2005 about 160 km off the coast of Somalia pirates with RPGs and firearms attacked luxury cruise ship *Seabourn Spirit* but they did not succeed. The crew used the LRAD to protect the vessel. The effectiveness of LRAD during the attack was not completely clear, but the pirates did not succeed in boarding the vessel.

But there are also examples when the LRAD was non-effective during the piracy attack. On 28 November the long-range acoustic device LRAD which is the most popular and widely used as non-lethal weapon was ineffective during the piracy attack on the chemitanker *Biscaglia*. According to the American Technology Corp (ATC) the main reason of the ineffectiveness was the number of LRAD's and its locations on the ship. Mr. Stuckey vice-president of ATC said "You cannot just strap an

LRAD to the stern of a ship and expect it to work throughout the vessel. What if I strapped a 50 caliber machine gun to the stern of the ship? How effective is that going to be at the bow? You have got superstructure in the way, and it is a significant distance forward. There is a lot blocking your path. But is it fair to say a machine gun is an ineffective weapon, or is it being ineffectively employed. One LRAD device on the chemitanker *Biscaglia* was placed in the stern. According to the ATC because of its size the ship should have two LRAD (one on each board) and it should be placed at the midships – not stern. Most attacks do not see pirates approach from the stern, but midships, where the bow waves are not such an issue" (Osler, Lloyd's List, 9 December 2008).

8 REFLAG OF THE VESSELS

Some ship-owners consider a possible switch away from flag of convenience towards national registries with credible naval assets. For example if a British flagged vessel is under attack, any British naval vessel in the area would have to respond. But it is also not a perfect solution, because military action against pirates on board of the vessel can be dangerous for crew. The naval specialists pointed out that such action from a legal point of view can be complicated. It can be a serious dilemma for a commanding officer to take or not military action. The nationality of the owner (vessels or cargo) and nationality of the crew members will be also a very important issue. Analysis of military action of naval ships shows that first of all naval ships provide protection for their national flag vessels. The security of the crew will be also a very important factor of the military activities.

9 CONCLUSION

There are many regions when the piracy activities have an impact on world shipping. The modern piracy analysis shows that roots and piracy actions as well as counter-piracy operations all over the world in many aspects are similar but not the same. Of course there are general conclusions for piracy problems all over the world:

- roots of piracy;
- social, political and economical aspects of piracy;
- impact (especially economical) on world or regional shipping;
- types of counter-piracy activities;
- tactics of piracy attacks.

But because of political, military, social, economical, geographical factors the problem of Somali piracy has an individual and complex character.

According to the authors it is not possible to solve the Somali piracy problem only by military means. The core element in counter-piracy operation in this region is political stabilization in Somalia. The international community and Somali government should take at the same time political, economical and military actions against piracy. The action against piracy should include such elements as:

- the political stability must be established in Somalia;
- the Somali government must receive the military support from international community, but military cooperation should respect the sovereignty of Somalia;
- the international law of the sea should be obeyed by other countries;
- the country should receive effective economical support for rebuilding the state economy;
- a comprehensive operation to eliminate armed robbery and other criminal acts against ships at sea should include the relevant operations on land;
- it should be a close cooperation between nations participating in counter-piracy operation;
- the ship owners should take the whole spectrum of activities which can increase the safety of the vessels.

It should be emphasized that the main goal of Somali pirates is ransom, so the risk for crew is rather limited. So far only very few sailors were killed or injured by pirates in the water around Somalia. Compare to the other region of the world it is a main difference between Somali pirates and pirates in the rest of the world.

There is another point, which can be a key element of Somali piracy problem. Sheikh Hassan Dahir Aweys (Somali Islamist leader of Alliance for the Re-Liberation of Somalia) told that “We are calling for the immediate release of all international vessels under the command of Somali pirates, who are undermining international peace and trade”. He pointed out that piracy was almost eliminated during the six months in 2006 when the Union of Islamic Court, ruled most of southern and central Somalia. “We are the only force that could eliminate piracy in the Somalia waters, but the world rejected to give us the opportunity to rule Somalia, despite the will of

the vast majority of the people of Somalia. If we are given the opportunity to fight piracy and general lawlessness we can do that comfortably. Piracy is part of lawlessness, and during our months of Islamic leadership, pirates were underground (Blackwater in London, Lloyd’s List, 3 December 2008)”.

Africa Expert at Exclusive Analysis told that “We expect the Islamist groups to increase their internal competition for power, leading to intensified fighting around the capital Mogadishu however piracy attacks launched off the southeastern coast would probably be significantly reduced” (Frank Lloyd’s List, 4 December 2008).

But on the other hand it can be even worse solution if we consider the global war with terrorism.

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