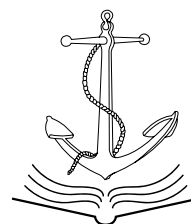# Corbett Paper

No 8

**Piracy, Maritime Terrorism and Disorder at Sea:
The View from the Ukraine**

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Key Points

▪ While many Western analysts suggest that marine terrorism should be distinguished from piracy and other forms of maritime disorder, this paper argues that they need to be treated holistically.

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▪ The original article from which this Corbett Paper has been drawn was much longer and very heavily referenced, but mainly to Ukrainian and Russian sources inaccessible to most of our readers. In the interests of brevity, they have been excluded from this paper. Those wishing to see the original paper and references should contact the Corbett Centre direct.

Piracy, Maritime Terrorism and Disorder at Sea –
The View from the Ukraine

Volodymyr Bezkorovainiy and Sergiy Sokolyuk

Since 1950 there has been a very noticeable growth in international links between terrorist organisations close to each other ideologically and politically, which has allowed them to coordinate and synchronise their activities. Security and defence experts, both from Ukraine and abroad, believe that:

> the global terrorist network today, which is striving to access the latest nuclear, biological, bacteriological and information technology, poses a serious threat to the international system and to the security of individual states. This is a particularly dangerous trend given that the international community has become totally open.

This emergence of terrorism has economic, political, religious, territorial and psychological factors. In the 20th century, terrorism has become a destabilising factor in international relations.

There are currently around 500 terrorist organisations in the world, of which over 100 are considered large. Between 1968 and 2000 these organisations committed around 7,900 acts of terrorism, resulting in over 10,000 deaths and around 53,000 injuries. At the start of the 21st century, terrorism is escalating and becoming increasingly complex, growing in its sophistication and brutality. In 1999 there were 389 acts of terrorism, in which 233 people died and 706 were injured. However, the following year the number of acts of terrorism grew by 8% (to 423), while the number of deaths rose by 42%, reaching 405, and the number of injured grew by 11%, reaching 791. By the end of 2006 the total number of terrorist acts committed over the preceding 20 year period had reached 14,338.

The rate of growth in the number of terrorist incidents and their consequences has made terrorism one of the most important threats we face. It is spreading in extent to land, sea and air space outside the jurisdiction of any state. International shipping, trade and communication routes, as well as global peace, are now under constant threat. As well as piracy and terrorism, the threats from smuggling and illegal trade in drugs and weapons are also increasing.

Out of the 500 terrorist and extremist organisations in existence up to 100 are active at sea. Their combined budget varies from USD 5 billion to USD 20 billion, and annual losses from maritime crime are around USD 16 billion; some of the most typical asymmetrical acts of maritime terrorism were the attacks on the USS *Cole* (12 October 2000), and the oil tanker *Limburg* (6 October 2002). A list of maritime terrorist attacks is given in Table 1:

Table 1: Chronology of maritime terrorist attacks 2000-2006

Date, location	Target	Instigator, circumstances	Outcome
12 Oct 2000, port of Aden (Yemen)	US destroyer USS *Cole*	2 suicide bombers from Yemeni branch of Al Qaeda (AQ) attacked the USS *Cole* using a craft loaded with explosives	17 crew killed, 42 wounded; ship out of use for 14 months; financial losses around USD 170m
23 Oct 2000, near Sri Lanka	2 ferries	The 'Black Tigers', a unit of the 'Sea Tigers' brigade, attacked with 2 craft loaded with explosives	1 boat destroyed, 1 damaged, 250 people killed, 300 wounded
7 Nov 2000, Mediterranean	Israeli naval craft	Hamas suicide bombers attacked using a craft loaded with explosives	The Israeli craft suffered only insignificant damage as the explosives were detonated prematurely
2001, coastal waters of Sri Lanka	*Silk Pride* (tanker)	Liberation Tigers of Tamil Eelam (LTTE) suicide bombers using a craft loaded with explosives	Tanker blown up and sunk

6 Oct 2002, Gulf of Aden	*Limburg* (French supertanker)	2 suicide bombers from Yemeni branch of AQ using a craft loaded with explosives	1 crew killed, 12 wounded, over 90,000 barrels of oil released into the sea, significant damage to environment and coastal waters
2003, Arabian Gulf	US naval boat *Firebolt* providing oil terminal security	AQ suicide bombers using a craft loaded with explosives	Ship suffered insignificant damage
27 Feb 2004, Bay of Manila, Luzon, Philippines	*Superferry-14* (Philippines) with 744 passengers and 155 crew	Suicide bombers from Abu-Sayyaf using a craft loaded with explosives	Around 200 killed, around 150 wounded, boat sunk
24 Apr 2004, Persian Gulf, 15 miles from port of Basra (Iraq)	Khor Al-Amaya oil terminal	AQ suicide bombers using a craft loaded with explosives	2 sailors killed, 1 on-shore security guard, 4 wounded, oil terminal closed for 2 days, financial damage of around USD 40m
19 Aug 2005, Gulf of Aqaba	2 US Navy ships: USS *Kearsarge* (LHD 3) and USS *Ashland* (LSD 48), wharf in port of Ashdod	AQ terrorists firing rockets	Light damage to port facilities, 10 security guards killed
28 Aug 2005, near Basilan (Philippines)	Passenger ship *Don Ramon*, 10,000 t displacement	Fighters from Abu Sayyaf, explosion from timed mine placed beneath gas cylinders in galley	Around 30 passengers wounded, ship sunk
17 Jul 2006, Mediterranean, 16 miles from Lebanese coast	Israeli *Saar-5* class corvette *Hanit*	Hezbollah fighters using Chinese-Iranian C-802 anti-ship missiles	4 sailors killed, ship demobilised as a result of a protracted fire, and had to be towed for repair to Ashdod

One of the earliest acts of maritime terrorism was when the 'Junta for the Liberation of Portugal', an anti-Salazar movement no longer in existence, seized the passenger liner *Santa Maria* on the night of 22 January 1961 in the Caribbean (known as Operation Dulcinea). The liner was carrying 600 passengers and 350 crew, and also seven undercover rebels posing as passengers. During the seizure of the vessel one crew member (the duty captain) was killed and eight wounded. The rebels were aiming to reach one

of the Portuguese colonies in Africa, such as Angola, in order to raise a rebellion against the government. The Portuguese government responded by declaring the rebels to be pirates and appealing for assistance to the US and UK to arrest them under international law. The liner was intercepted by US and UK ships in international waters and agreement was reached with the attackers that they should be treated as rebels. The liner was escorted by warships to the Brazilian port of Recife, and the rebels were released. The Brazilian government granted political asylum to the group's leader, Galvão, and his accomplices, recognising them as rebels. The terrorists' plan had failed, although they did manage to publicise the struggle against Salazar in Portugal to the international community, and saved themselves for subsequent actions.

The capture of large tonnage ships and ships with valuable or important cargoes by pirates are also examples of asymmetrical acts. Two particularly stark examples were when Somali pirates captured the Ukrainian ship *Faina* on 25 September 2008 and the Saudi tanker *Sirius Star* on 17 November 2008.

In contrast to acts of terrorism on land or in the air, acts of maritime terrorism have their own specific features, which vary according to the particular target. For example, shipping, mankind's most important sea-based activity, is under constant threat. This threat confronts communications, ports and sea routes, the transport of goods and people, trade and travel, and the industrial activity of various countries at sea etc. In this way, maritime terrorism, with its disregard for the generally accepted principle of freedom of the seas, has become a threat to shipping and one of the most serious of international crimes.

In many regions of the world non-state terrorist organisations were actively formed in the second half of the 20th century from those who had belonged to national liberation or separatist movements or had taken part in factional armed conflicts, reactionary right-wing movements and pseudo-revolutionary organisations. Some of these extended their operations out to sea. Usually these were only the better organised groups, who had support from influential

circles, and sometimes from governments (or secret services). The majority of terrorist organisations had a dual structure: with (a) armed wings and (b) political wings which denied any link with extremism. However, these political wings have also been involved in providing ideological and financial support for maritime terrorism, and have often also been involved in recruiting.

The activity of these terrorist organisations is geographically very widespread. Their operations involve up-to-date technologies, and are carried out with a high degree of efficiency and decisiveness. Trends in maritime terrorism are moving from isolated actions to coordinated actions carried out by several groups supported by interested individuals, organisations, governments and active exchanges of knowledge. Quite frequently vessels have been seized together with crew and passengers as hostages, with political demands being put forward.

State-sponsored terrorism reached its peak during the so-called 'tanker war', when Iran was resisting Iraq during the 1980-88 period. During this conflict both warring parties ignored international agreements, consequently threatening shipping and seaborne trade with Middle Eastern countries. In 1981, Iraq launched its first attack on neutral shipping en route for Iranian ports. In August 1982, Iraq announced it was blockading Kharg Island and imposing an 'exclusion zone' in the north-eastern part of the Persian Gulf and warned neutral countries that it would attack any vessel within the exclusion zone. Over 20 vessels of various types were attacked and damaged between August 1982 and March 1985. The same year saw the beginning of the bitter 'tanker war', which continued until the end of the Iran-Iraq conflict. From September 1985 to mid-1986, 65 tankers belonging to neutral countries were hit by Iraqi missiles, while Iranian aircraft bombed 25 neutral vessels over the same period. Vessels from other neutral Arab countries were also subjected to Iranian attacks in the Persian Gulf, and over 10 were damaged or sunk. European countries, the traditional trade partners of the other oil-rich Persian Gulf countries, also suffered during the 'tanker war': Liberia lost 61 vessels to Iranian and Iraqi naval and air attacks, Panama 41, Cyprus 39, Greece 26,

Malta 9, Kuwait 8, Saudi Arabia 8, Turkey 7, Norway 7, UK 6, Singapore 6, South Korea 5, Germany 5 and India 4, as well as several other countries.

The Iranian Navy waged a cruiser war in the Persian Gulf and the Sea of Oman, detaining and checking vessels, their cargoes and passenger and crew documents, as well as their destinations. A number of Soviet vessels from Ukrainian ports were also affected. For example, on 2 September 1986 the *Pyotr Yemtsov* from the Black Sea commercial fleet was seized by an Iranian warship in the Persian Gulf. The crew was detained and held for 48 hours.

The Iranian Navy also started laying mines near to Kuwait, Qatar, Dubai and Fujairah. These mines (mainly archaic anchored mines with contact fuses) were laid by specially equipped ships, landing ships and transport planes during hours of darkness. This caused a real panic among ships' crews and resulted in over 50 tankers backing up at the entrance to the Persian Gulf.

A total of 451 attacks were recorded during the conflict (283 by Iraq and 168 by Iran), as a result of which 11 vessels were sunk, 340 damaged and over 300 people killed. The total number of vessels affected by the 'tanker war' included 259 tankers, 52 dry bulk carriers and 39 other vessels.

Piracy belongs to the second type of maritime terrorism, which is economic in nature. Piracy has been an international crime at sea since ancient times. The term was first used around the 4th and 3rd centuries BC and originates from the Greek 'peirein', meaning 'to attack'. Roman law classed pirates as enemies of society – 'Pirata hostis generis humani'. Piracy and terrorism have historically arisen in parallel. However, in modern times there has been a significant geographical expansion, with serious consequences – death, material loss and environmental pollution. In Soviet reference books, maritime banditry, armed attacks on trade vessels and robbery on the open sea were considered as piracy. During wartime, attacks carried out by ships, submarines and war planes on commercial shipping from neutral countries were classed as piracy.

Article 101 of the UN Convention on the Law of the Sea 1982 defines 'piracy' as:

a) any unlawful act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons, or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;

b) any act of voluntary participation in the operation of a ship or of an aircraft with the knowledge of facts making it a pirate ship or aircraft;

c) any act of inciting or of intentionally facilitating an act described in a) or b).

This definition coincides with that of the earlier High Seas Convention of 29 April 1958 and also refers to complicity in or incitement to such actions. Ukrainian legislation (article 446 of the Ukrainian Criminal Code) treats piracy as:

> a crime that uses an armed or unarmed vessel to capture another sea or river vessel with the aim of obtaining material reward or any other personal gain, the use of force, robbery or other hostile action towards the crew and passengers of another vessel. Criminals, including terrorist groups (organisations), resort to piracy.

Piracy developed together with maritime navigation and took on different forms and variants – from the sea pirates of ancient Egypt and the ancient world, the corsairs and buccaneers of more recent times, to the raiders of the First and Second World Wars. Piracy spread widely during the early feudal years and particularly in the period of absolutism, when pirates fought for poorly defended lands, created new states, took part in assimilating and settling newly discovered lands and transported slaves from Africa to America. As the Pacific Ocean was explored and ship technology improved in the 18th and 19th centuries, organised piracy almost disappeared, although isolated groups still sailed the seas in schooners and brigs. In the 15th to 19th centuries they were replaced by buccaneers – pirates on state service, issued with a 'Letter of Marque' and their variations – corsairs, privateers, freebooters,

rovers etc. One share of the plunder seized from the enemy (the prize) belonged to the state, one share went to the captain, another share to the owner of the ship that equipped and armed them and the remainder was divided among the crew members, who were unsalaried and were there at their own expense. Buccaneers (corsairs) were not on permanent military service and the state could refuse to extend or issue them with a new letter of marque. As a result, the 'refuseniks' frequently deserted to join the enemy state. Buccaneerism, corsairism and privateerism existed until the mid-19th century and were prohibited by the Paris Declaration 'On Maritime War' of April 1856.

New conditions gave rise to new pirates with new tactics, new types of ship and new interrelationships. Thus, at the end of the 19th and the start of the 20th centuries, with private banditry relegated to second place, piracy became a predominantly state activity. Raiders appeared on the maritime trade routes as armed ships or vessels which led their own independent armed operations on the opponent's sea routes in order to destroy or seize enemy transport or commercial vessels. The main feature distinguishing buccaneers and raiders from pirates was that pirates directed their actions against all types of ship without exception, in times of both war and peace, whereas the various types of buccaneers and raiders only had the right to operate during wartime and only acted against vessels belonging to enemy states or those that infringed their neutrality in favour of the enemy.

The reappearance of piracy can be attributed to the challenges and threats of recent times. Having repeatedly survived periods of rapid growth and decline, piracy began to spread in the late 1960s and early 1970s, and reached a new phase when modern commercial navigation began to grow more intensively.

Modern-day pirates operate mainly in Africa, South and Central America and South-east Asia. In Latin American countries – such as Columbia, Peru and Bolivia – piracy is part of the drugs trade. Pirates have attacked private yachts close to the Bahamas with the aim of using them for contraband drugs. In south-east Asia, piracy is a source of income for the local population and criminals. In the early 1960s, Madam Wong was one of the first pirates in the

region to achieve international fame. Her flotilla consisted of several hundred boats and junks, based primarily in Hong Kong and active in Chinese coastal waters. In the late 1970s and early 1980s, pirate groups began to operate in the Malacca and Singapore Straits and Indonesian and Philippine waters. Between 1981 and 1985, there were 179 pirate attacks on trade vessels in these straits and from the mid-1990s, this number started to rise dramatically, reaching a peak at the turn of the millennium.

Between the 1950s and 1980s, the number of pirate attacks was insignificant and they rarely resulted in physical harm to the sailors. Pirates avoided killing those on board or taking hostages during attacks and behaved much like normal robbers. They usually isolated crew members and passengers in their cabins, took valuables and disappeared. Soviet ships often experienced such attacks when at port in India, Bangladesh, Sri Lanka and Singapore. For example, the crew of the *Leninogorsk* from the Black Sea commercial fleet had to repel pirates a number of times during voyages to these countries (September-December 1964). On the night of 19 April 1977, the crew of the *Valentin Khutorskiy* fought off an attack by Malaysian pirates when at anchor in Singapore.

The crews of the Black Sea commercial fleet ships *Mozyr* (January – June 1976*), Kapitan Leontiy Borisenko* (November 1986 – February 1987) *Kapitan Alekseyev* (March-August 1987), *Mekhanik Bardetskiy* (September 1987 – February 1988), *Zadonsk* (January-June 1988) etc., had to pay particular attention to preventing pirate attacks when passing through the Malacca and Singapore Straits. After unsuccessful attempts by sea robbers to board the vessels, the crews carried out 'vigilance shifts' at night, particularly when passing narrow waters or when anchored at port.

On 11 March 1983, the Black Sea commercial fleet ship *Sovetskiye Profsoyuzy* repelled an attempted pirate attack when in the Gulf of Kachch close to the Port of Mumbai from Kandla to Mumbai. At 1630hrs a boat approached the ship using a light to signalling to it to stop and then fired at the ship's hull. However, thanks to the professionalism of the captain and crew, the pirates' attempts were unsuccessful. On 6 July 1983 at 2330hrs, the

Kapitan Slipko was attacked by a group of pirates in the Singapore Strait when sailing from the Shuaiba Port, Kuwait. The pirates stole some of the vessel's goods and unsuccessfully tried to rob the captain's cabin and bars of bronze from the ship. On 15 January 1987, the Black Sea commercial fleet ship *Svoboda* was attacked in the Malacca Strait, 50 miles from Singapore. A group of pirates forced their way on board during the night to rob the ship, but the crew managed to fight them off unaided. On the night of 3 March 1987, the Black Sea commercial fleet ship *Slutsk* was attacked when sailing in open waters from Singapore to Vietnam. A pirate boat approached from the stern and three pirates climbed onto the deck using a rope ladder with hooks. The bandits burst into the cabin of senior mechanic V Marakov and blocked the exit, demanding money and valuables in broken English. After the alarm sounded, the armed crew forced the attackers off the ship and they fled. Because the senior mechanic had sustained injuries during the attack, the ship returned to Singapore.

From the early 1990s, the number and frequency of attacks began to spiral out of control. Pirates never hid when attacking locally registered small vessels and junks and did not treat the crew and passengers particularly well, killing unnecessary witnesses. In 1980, a group of refugees from Vietnam was attacked in open waters and the pirates dragged the motor out from the boat; the boat drifted in the ocean for 36 hours until it was picked up by fishermen. On 18 June 1989, one of the most brutal incidents took place, when Thai pirates attacked junks carrying 150 illegal immigrants from Vietnam. The pirates stole valuables and then drowned the refugees, including small children. They took 13 teenage girls and young women aboard two of their schooners (previously fishing boats), violated them, and threw them overboard. In September 1989, in Malaysian territorial waters, Thai pirates killed and discarded the bodies of 35 people. In order to hide their traces, they mutilated their victims' bodies using the boats' propellers.

Pirates also killed and took hostage crew members of large vessels. In November 1998, pirates beheaded 23 crew members of the Chinese bulk carrier *Chung Son* in the Strait of Taiwan, and then sold the boat.

The start of the new millennium was characterised by a growth in piracy and its brutality. In 2001, the famous American yachtsman Peter Blake fell victim to Amazonian pirates. On 1 February 2004, three pirates opened fire with machine guns on two fishing boats near Kien Giang province in Vietnam and forced the crew members overboard. The pirates took the boat in tow and disappeared in the direction of Thailand. On 5 January 2004, the tanker *Cherry-20*, owned by the company Musim Masre, was seized by pirates when travelling from Belawan to Banda Aceh (Sumatra, Indonesia) carrying a cargo of 1,000 tonnes of palm oil. The pirates took 13 crew members hostage, in the hope of receiving a ransom. On 4 June 2007 Somali pirates seized a Chinese fishing boat and killed some of the crew without waiting for a ransom.

In Africa most pirate attacks occur around the Gulf of Guinea, where oil is extracted on the continental shelf and the coastal areas. In 2003 and 2004, there were 39 and 28 attacks registered, respectively. From 2005, piracy started to increase significantly on the eastern seaboard – off the coasts of Ethiopia, Sudan and, in particular, Somalia and the Gulf of Aden, where there are on-going internal conflicts and the population is on the verge of a humanitarian crisis. In 2007-2008, the region overtook south-east Asia as the main region for piracy, according to the International Maritime Organisation (IMO). According to various estimates, during a ten month period in 2008, Somali pirates took between USD 30 and 150 million in ransom payments for vessels and crews.

In recent times, pirates, particularly those from Somalia, have begun to use new methods, depending on the situation. These include varying the ransom sums for captured sailors and using a variety of tactics when carrying out attacks. During 2008, Somali pirates extended their radius of operation by moving their ships further out from the coast, using captured ships as 'mother ships'. They put their speed boats on board and only transfer to them just before attacking, at a distance of about 10-15 miles. On 17 November 2008, pirates seized the Saudi-owned supertanker *Sirius Star* 450 miles to the south-east of Mombasa (Kenya), the direction in which the Ukrainian ship *Faina* was heading when it was captured on 25 September. The *Sirius Star*

had two million barrels of oil on board, worth USD 150 million, and 25 crew members, for which the pirates demanded a ransom. On 4 December 2008 Somali pirates attempted to capture the German cruise liner *Astor* in the Gulf of Oman, using a mother ship as their base, and on 6 December 2008 an attempt was made to attack a container ship off the coast of Tanzania. Somali pirates therefore now cover the whole of the Indian Ocean region, from south-east Africa to the Persian Gulf.

Somali pirates have worked hard to improve their organisation and cooperation. In September 2008, they formed an executive committee in order to coordinate their activities. Leaders of pirate organisations made this decision after a three day meeting in the port town of Harardere. The committee was led by Muhamad Abdi Hayar , nicknamed 'Big Mouth', his son was made responsible for cooperation between the pirate groups and the husband of Hayar's sister was put in charge of the armed groups.

New trends in maritime terrorism are now appearing: maritime piracy has spread to become a regional issue and will potentially expand on a global scale; a transition can be seen from attacks being carried out by occasional groups towards more widely planned and coordinated, simultaneous mass operations carried out in significant waters by pirate groups under a single regional leadership.

Economic Maritime Terrorism

Economic maritime terrorism, which is carried out without the use of violence, includes the illegal transportation (contraband) of goods, arms, ammunition and drugs. Just as 90% of all international trade is by sea, a significant proportion of illegal arms are delivered or transported by sea. When illegal goods are transported by aircraft or sea, the flag and vessel name can be changed, or the goods can be offloaded before they get to the planned destination, which is much easier. Observations show that terrorist organisation successfully transport weapons this way. On 6 May 2001, for

example, Israeli naval boats detained the Lebanese ship *Santorini* and its PFLP-GC crew, which was transporting arms to terrorists in the Gaza Strip disguised as a fishing boat. On 3 January 2002, Israeli naval boats detained the *Karin-A*, which was carrying 50 tonnes of weaponry intended for fighters from the Lebanese terrorist group Hezbollah for use against Israel. Occasionally a crew has no information about the source or destination of the cargo, as was the case with a Ukrainian ship in 1996, which was transporting 60 tonnes of explosives to Sudan.

Unlawful economic activity at sea is also considered a type of economic terrorism or piracy. This is particularly visible with illegal fishing. After Iceland established a 200-mile economic and fishery zone on 1 June 1979, UK fishing boats continued to fish in this zone under UK naval protection. It is worth noting that many less economically developed countries use the 200-mile economic zone purely for provocation. Likewise, stronger countries frequently refuse to recognise these zones and use naval ships to guard their fishing boats. For example, Soviet fishing boats in fishing areas, such as the east Atlantic, Gulf of Guinea and Pacific Ocean, have operated under protection from Soviet naval combat vessels. On the whole, these zones are only effective if all sides recognise the agreements, which in practice is extremely unusual, or if they are enacted by force.

Experts believe that unlawful fishing in other countries' economic zones is successful when pirates have state support. In such instances the aim is not merely economic but also political, namely to weaken the political opponent. In this case piracy is like political terrorism at sea. Moreover, modern piracy, which is relatively limited in nature, is increasingly merging with political terrorism and being used to destabilise situations in various regions.

Many lawyers agree that the definition of piracy in the UN Convention on the Law of the Sea of 30 April 1982 does not include unlawful acts carried out in the territorial waters of another state. However, the overwhelming majority of such incidents, particularly in the waters of south-east Asia, occur in a country's own territorial waters. Therefore whether an area of sea comes

under the sovereignty or not makes no difference to the criminal character of piracy in the Pacific Ocean.

The Ukrainian law 'On the fight against terrorism' of 20 March 2003 defines terrorism as:

> an activity that endangers society, and consists of the conscious and deliberate use of violence by hostage-taking, arson, murder, torture, intimidation of a population or authorities and other infringements on the life and health of innocent people, or threats to carry out criminal activities for criminal purposes.

Ukrainian legislation does not define 'maritime terrorism' or 'terrorism at sea'.

The international community has rarely treated pirate attacks as acts of terrorism and as a result there has been a lack of special collaboration between countries. On 25 October 2005, the bulk cargo ship *Panagia*, with 22 Ukrainian crew members on board, was captured by Somali pirates. Whilst this ship was in their captivity, the pirates attempted to seize the US passenger liner *Seabourn* [sic] *Spirit* on 5 November 2005 with 600 tourists on board. Only after this incident did the US and the international community actively suggest that piracy be recognised as an act of terrorism. However, international legal documents adopted by relevant UN bodies before 2008 have not implemented this idea nor made any progress in creating international legal procedures for suppressing piracy.

Table 2: Comparison of Maritime Terrorism and Piracy

Political maritime terrorism	Piracy
Common characteristics	
Private individuals or members of an organisation formally independent of the state, which takes no responsibility for their actions or the damage they have caused.	
Level of danger	
Threaten the safety of shipping and show disdain for generally accepted principles of the open sea; take hostages and potentially cause them physical harm, in support of their demands.	

Operating methods and tactics	
Seize vessels, use the 'flock of crows' tactic; use ambush to attack and capture vessels.	
Resources	
Speedboats, firearms, grenade launchers and cutting weapons etc.	
Legal basis for countering maritime terrorism and piracy	
1988 Convention on countering unlawful acts against the safety of shipping; 1998 Protocol on countering of unlawful acts against fixed platforms located on the continental shelf.	
Differences	
Aims	
Achieving political aims using acts of terrorism with the greatest possible number of victims in order to intimidate.	Capturing (or attacking) a private or other vessel or the individuals or their property on board that vessel for personal, and often financial, gain.
Geographical scope of activity	
Active on a global scale, completely free to choose where, when and how the activity is carried out.	Generally tied to a defined area, which to a large degree allows pirates' activities to be predicted.
Legal status	
Maritime terrorists are subject to the requirements of national law of the countries and UN sanctions against countries under whose flags their vessels are registered.	Universal jurisdiction, which allows any naval vessel to pursue and detain pirates in international waters, in exclusive (maritime) economic zones and their own territorial waters.
Forces	
Trained members of terrorist groups, religious fanatics.	Criminal elements, mercenaries, local population.
Resources	
Speedboats, partly equipped with explosives, special explosive devices, underwater equipment, sea mines, firearms and cutting weapons, grenade launchers.	Boats, vessels – mother ships for boats, other vessels, firearms and cutting weapons, machine guns and light artillery.
Methods and tactics	
Attacking vessels in order to take hostages, or attacking boats and vessels using suicide fighters in light boats loaded with explosives in order to destroy the target.	Carrying out attacks in narrow waters and archipelagos using speedboats and vessels (floating bases) for robbery, capture or seizure of the crew for ransom purposes.

The Ukrainian terrorism specialist S M Sokolyuk carried out a comparison of maritime terrorism and piracy and, based on the opinions of experts, concluded that in spite of certain differences, piracy can be treated as a category of maritime terrorism and one of the most serious international crimes threatening the safety of shipping at sea.

In summary he concluded that there are two types of maritime terrorism: political and economic. These can be classified on the following criteria:

a) organisational characteristics – state-led (i.) structured: open state terror that uses all types of force; (ii.) unstructured: using underground and émigré organisations (with covert state support) and non-state (left-radical, nationalist, political-religious);

b) scale or number of targets (maritime bases (ports), boats (vessels), platforms etc.) or number of people simultaneously threatened by an act of terrorism;

c) location (region) of operation;

d) focus – domestic or international.

From this, we can conclude that in terms of organisational characteristics there are two types of political maritime terrorism:

1) maritime terrorism carried out by the state: the organised force of one state (or group of states) or its institutions against another at sea or by sea, using military, intelligence, economic or political forms and methods, with the involvement of naval forces and special operations and forces, with the aim of destabilising a socio-political situation for particular political ends by spreading panic among the population and disrupting administration.

2) maritime terrorism carried out by non-state organisations: violent acts at sea by members of national-liberation movements during wars of liberation (guerrilla wars) and intra-state conflicts; émigré and separatist movements, reactionary 'rightist movements' and pseudo-religious organisations.

Economic terrorism can be divided as follows:

a) with the use of violence – piracy (maritime banditry); seizing and/or detaining vessels and taking their crews hostage, human trafficking;

b) without the use of violence – illegal transport (contraband) of arms, particularly WMD and their components, ammunition, drugs; unlawful economic activity (illegal economic activity, poaching).

Table 3 shows the different classifications of maritime terrorism used by Sokolyuk.

Table 3: Maritime Terrorism Classification

Category	Type	Sub-type
Political	Non-state organisations	Violence carried out at sea by members of national-liberation movements during liberation (guerrilla) wars and intra-state conflicts, émigré and separatist movements, reactionary 'rightist movements' and pseudo-religious organisations.
	State-led	Organised violence by a state (group of states) or its bodies towards another at sea or by sea using military, intelligence, economic or political forms and methods, with the involvement of naval forces and special operations and forces, the aim of which is to destabilise a socio-political situation for particular political ends by spreading panic among the population and disrupting administration.
Economic	Involving violence	Piracy (maritime banditry); seizing or detaining vessels and their crews, hostages; human trafficking.
	Not involving violence	Illegal transportation (contraband) of goods, weapons, ammunition, drugs; unlawful economic activity (illegal economic activity, poaching).

In summary, he proposes his own definition of 'maritime terrorism' as an international crime which can be understood as the directed use, or threat, of violence by carrying out criminal activities at sea or against maritime objects (vessels, platforms, coastal infrastructure etc.), in order to achieve political, military, economic, financial or other aims.

Conclusion

The above material shows that modern international terrorism at sea has a number of distinguishing characteristics in the general global system of terrorism:

a) the perpetrators of the crime (maritime terrorist groups and groupings);
b) the use of hi-tech weaponry (long-range weapons which can be located in ports and on vessels, explosive devices, sea mines etc.) and valuable equipment;
c) the use of advanced modern vessels for carrying out attacks and avoiding pursuit;
d) the use of trained and experienced like-minded crews for carrying out politically motivated terrorist attacks at sea;
e) although piracy is an extremely serious problem for vessels, ship owners and cargo owners, insurance companies, the flag countries and countries where the ships are heading, it is largely predictable, whereas politically motivated maritime terrorists are extremely unpredictable, making them much more dangerous.

From the above material the following trends can be seen in the development of maritime terrorism:

- a transition from attacks carried out by occasional groups towards more widely planned and coordinated simultaneous mass operations carried out in open sea by pirate groups under a single regional leadership, and supported by interested individuals, organisations and governments;
- a transition from maritime pirates attacking crew members (passengers), taking possession of cargo and hijacking vessels towards taking hostages in order to obtain a ransom (in Africa, especially Somalia);
- piracy is becoming increasingly brutal in some regions;
- politically motivated maritime terrorism is merging with economic piracy;
- as the number of terrorist groups rises, groups are increasingly actively exchanging experience with one another.

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