

THE ROLE OF SHIPPING COMPANIES IN THE FIGHT AGAINST MARITIME PIRACY

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ABSTRACT

Maritime piracy operations began in the Somali coasts with the collapse of the State in 1991 and the fact that elements of the Somali fishermen attacking foreign fishing vessels off the Somali coast, which raised the value of the insurance fees on ships passing through the Gulf of Aden by a large margin.

- The use of private security companies to provide services to combat piracy in different parts of the world strategically important waterways until the waters of the Gulf of Aden, which led to the high cost of shipping.
- There are no binding laws dealing with the use of armed guards belonging to private companies on board ships and due to lack of adoption of standardized protocols regulate traffic and licensing and storage of weapons transiting the waters of the other coastal countries, and therefore the Maritime Safety Committee of the Mnma Navy in January 2008 recommended that the states that raise flag vessels in cooperation with ship owners to develop policies regarding the use of armed guards on board ships.
- There is no real benefit of security functional categories recruited in shipping companies (navigational company security officer CSO ship security officer SSO port security officer enamel PFSO) and especially that shipping companies have begun to turn to private security companies and that may cost it exorbitant amounts therefore the recommendations of the research paper requested to re-examine by the International Maritime Organization (IMO) the immunization of security functional categories recruited in shipping countries and navigational code stipulated by the international Maritime security (ISPS Code) so that the security system company is an integrated navigational system.

KEYWORDS: CSO, SSO, PFSO, IMO, ISPS Code, IAEA

INTRODUCTION

The collapse of the state system in Somalia in 1991 and the continuation of the civil war for more than 20 years and instability in the Horn of Africa lead to the spread of the phenomenon of maritime piracy in the region stretching from the Gulf of Aden to the Indian Ocean, especially off the Somali coast, which reach a length of about 3,700 km and is of the longest coastlines in the world where it became recently a focus and a main center for operations of the Somali pirates and now piracy is a threat rising on the international level, not only on the security of the Red Sea and the its traffic as a conduit shipping lines internationally vital connecting maritime trade among the three continents of Europe, Asia and Africa, but also on international peace and security, and also at the Arab regional security which connects the Red Sea between the littoral Arab states and the security of the Gulf region which affects the system of collective Arab security, since crime of piracy is an international crime as it threaten to affect the interests of all countries.

The Emergence of Maritime Piracy in Somalia

The emergence of maritime piracy has begun with the collapse of the state system in Somalia in 1991 by the members of the fishermen Somalis addressing foreign fishing vessels that violated Somali territorial waters and seizing on Fisheries of their own that turned a group of Somalis fishermen into armed organized groups which attack foreign fishing vessels and the confrontation between the foreign fishing vessels and pirates continued in silence without exciting anyone until the year 2005 and the number of fishing vessels reached about 700 foreign fishing vessel illegally fishing in Somali waters and those incidents were usually end by financial adjustments (ransom) after releasing of foreign fishing vessels against limited financial compensation through which these groups manage to strength their capacity and possession of some ships and fast launches for use in the development of methods to attack the foreign trade ships not only in the territorial waters of Somalia but also on the lines of international navigation in search of achieving quick rich in addition to having news from European companies entering into contracts with Somali warlords and businessmen to dump of waste in the country and at that time accused the Italian and Swiss companies. (Marae, 2008)

Somali Pirates Goals

Did not announce any political purpose to the kidnappers except ransom announced and bargain If we take into account the lack of security and the length of the coast of Somalia we will realized the size of large amounts of money generated by piracy activities, since the outcome of the ransom money in 2008 reached about \$ 180 million and the estimated total amounts of ransom paid between 2009-2010 is \$ 425 million, as well as the total ransoms paid during the year 2011 gains equivalent to \$ 120 million. Some of them try to explain their reaction to being carrying the burden of the Coast Guard to protect the fishing grounds of their own and prevent the dumping of atomic wastes (IAEA) in regional waters and that what they are doing is strict justice and compensation for the stolen marine resources and the money they get becomes legal and 70% of the local communities coastal strongly support the piracy as a form of national defense for the country's territorial waters. (Salama, 2009).

The Impact of Maritime Piracy in Somalia on the Suez Canal

The Somali coast, which has a length of about 3700 km is considered longest coastlines in the world and it controls the way to the Strait of Bab el Mandeb and the entrance to the Indian Ocean which sails of which about 3.3 million barrels of oil per day and between 16 & 22 thousand ships annually through Navigational waterway from the Gulf of Aden to the Red Sea and the Suez Canal to the Mediterranean Sea and vice versa.

Due to the escalation of attacks by Somali pirates the fee amount of insurance has increased on ships crossing the Gulf of Aden by a large margin with increased risks and high costs that lead to higher prices of goods and materials may end up that shipping companies turn away from the Gulf of Aden and the Suez Canal and prefer to destined towards the Cape Good which increases the cost of Maritime wages and this is what has already happened at least partly where the General Authority of the Suez Canal in January 2009 declared that the channel's revenue decreased by 25% compared to the same month of the previous year due to piracy and the continuing acts of piracy for an extended period could lead to Stop global business trips path through the Suez Canal. (Bassiouni, 2009)

The Suez Canal Authority has decided to continue working with the fees set out to cross the ships in the year 2009 in accordance with what was the case in 2008 without any change, with the continued granting of shipping lines and

various types of ships the same cuts and benefits identified before. The Canal Authority has activated the role of the Commission cuts long line to increase the number of vessels transiting the canal, and this committee is working on the study of applications submitted by ship owners to reduce the value of the fees, especially in long distances travel to balance the costs of transit through the Suez Canal with the cost of transit via other alternative methods (through Cape of Good Hope or through the Panama) so as to attract these vessels to cross the channel because they were not to cross without getting this reduction. (Mr. Lea, 2012)

The Economic Effects of Piracy in Somalia

There is no doubt that companies that its cargo do not reach to its ultimate goal on time will lose a lot of money; addition to the expenses of paying ransoms and economic effects of harmful piracy operations, which amounted to \$ 6 billion annually, and that the loss of money is not limited only to companies that their ships are hijacked, but also extends to insurance companies that are losing huge amounts of money as a result of the abduction of ships, the other is forced to raise premiums on ships passing through the Gulf of Aden, which is considered as an additional burden on businesses.

Measures to Counter Piracy in Somalia

Efforts to combat Somali piracy were intensified in the international level, where the interest of States in Somali piracy reached its peak in the Security Council resolutions numbers 1816, 1838, resolution 1846 and resolution 1816 has included at the request of the United States and France on the principle of inadmissibility of entry warships into Somali territorial waters with the consent of the Government to combat maritime piracy there. While Resolution 1838 demands nations to cooperate with the Government of Somalia and provide assistance to contain the causes that led to the increase of this phenomenon. The United States tried to push for security arrangements for the deployment of more warships in the southern port of the Red Sea and Gulf of Aden to counter the threat of pirates.

The resolution 1846, adopted unanimously on the eighth of November the satisfaction of UN Security Council for the decision taken by the European Union on the tenth of November 2008 launching "Aonav for Atlanta" operation which will be the first naval task of undertaken to combat pirates off the coast of Somalia.

The European force is composed of seven military ships at least enhanced with patrolling aircraft to be led by Britain. As a number of countries send warships to the region to monitor commercial vessels to which they relate amounted to approximately 14 vessels from Russia, Iran, Turkey, Spain, America, India and South Africa and some countries, including Denmark called for creating a special criminal unit under the International Criminal Court to prosecute Somali pirates.

The Use of Private Security Companies to Confront Piracy

Countries face considerable difficulties to fully eradicate piracy off the coast of Somalia, so the use of private security companies is increasingly aimed at securing armed guards to protect ships plying the waters in piracy-infested waters of the Gulf of Aden on a large scale.

And the use of private security companies to provide services to combat piracy in different parts of the world, but especially in waterways is strategically important as piracy is a large security concern, prompting customers to pay more money to secure additional protection for their ships, and the use of these companies was limited to some waterways such

as the Strait of Malacca, but today, due to the extension of the wave of pirate attacks until the waters of the Gulf of Aden, or more specifically because of the large financial loss incurred by the insurance companies and ship owners has expanded the scope of work of these companies.

And in this regard, it is noteworthy that the potential victims of hacking attacks, and among them ship owners who use these private security companies to protect shipping in the Gulf of Aden, and these companies are used to provide security services proactive including risk assessment, which can expose ships cruising in piracy infested water, as well as training of seafarers, but there are several security firms works to secure the services of a security activist, and most importantly the effective protection of ships from pirate attacks in order to protect merchant ships and security guards must be present on board the ship protected and / or to keep pace with the latter escort vessel, and those security guards hold lethal weapons in most cases, and non-lethal in some cases, provoking it especially concerns and that the consequent workers in those companies to use their weapons and transfer them across different jurisdictions.

In fact, the widely use of these companies is a new phenomenon, because it directly before the start of the current wave of attacks by Somali pirates, the International Maritime institutions and representative bodies for marine businesses, and governments around the world opposes the arming of merchant ships. But with the escalation of piracy attacks and high financial loss, the views changed about the use of armed guards belonging to private security companies, and began to be relying on them more and more, provoking debates because often international and national laws do not deal with the use of armed guards on board ships but due to the increasing use of such security companies off the coast of Somalia, began to issue new laws to regulate the work of these companies. And shipping companies resort to the use of private security companies in the fight against piracy and will be described in the following manner.

First: The role of the private security companies in the fight against piracy in the Horn of Africa: David Hohanson, president of EOS Risk Management specialized in risk management and UK based, said that "employment opportunities in the field of ships protection in Arabian Peninsula has been doubled more than twice since the year 2008" (The Economist, 2009).

More than 22 major company (mostly headquarters in the United Kingdom) has joined to the market, pointing out they are a vital and effective management in doubling the strength of the Coast Guard in the Gulf of Aden by providing professional protection tailored to suit the requirements of their customers. Services include large-scale offered by private security companies are as follows:

- Implementing security audits to identify and address weaknesses and gaps in the organization of security and processing ship bezel.
- Subjecting Nautical ship for training courses on how to respond to the vulnerability to attack.
- Assisting in the recovery of hijacked ships and / or negotiating a ransom.
- Developing of armed guards and unarmed, and guard boats escort ships of the truck while in transit in high-risk areas.

Many parties welcomed the growing existence of security companies for protection of ships off the coast of the Horn of Africa, and Washington specially and remarkably accepted this command: In March 2012, Andrew Shapiro, the assistant secretary of state for political affairs the military expressed openly supporting the use of teams for protection,

pointing out that yet any vessel will not be carrying armed security guards belonging to a private security company for any act of piracy. (Shapiro, 2012)

Furthermore, the maritime insurance companies expressed support for the use of private security companies, providing a reduction in insurance premiums by up to 40% for ships that employ private security guards. In the year 2008, the company launched Hart Group, based in the United Kingdom, the first joint venture with an insurance company, which provides for all ships that use the company's guards remarkable reduction in insurance premiums to the sailing in front Somalia. (The Strategist, 2009)

The support of private security companies reflects some important advantages enjoyed by these companies compared to anti-piracy initiatives carried out by the state alone. They are able to provide direct protection for each individual ship outside the scope of the spread of the Coast Guard in the Gulf of Aden. It also has the importance of a clear deterrent / the words of "Shapiro," which stated that no ship includes armed guards on board has been kidnapped so far. Finally, they play an important role in sharing the burden of mitigating piracy with cargo ships so far to protect alliance teams operate freely performing tasks in the field of anti-piracy.

Second: The costs incurred by the shipping companies to combat maritime piracy:

Private security companies charge a huge amounts of money to meet the insurance and protection. The cost of strong external insurance accompany ranging between \$ 10,000 and \$ 100,000, depending on the length of the trip, and the cost of private staff security guard on board ranging between 21,000 dollars and 50,000 dollars per transit. (London Hong Kong, 2010) In spite of the senior owners operators are able to bear those expenses, these outweigh the potential cost of shipping companies small and medium-sized enterprises. The pity is that the last of these companies are exposed to the greatest number of attacks in the coast of the Horn of Africa, which explains the occurrence of two-thirds of kidnappings in the region.

Third: International norms and protocols for the use of armed guards on board ships: At the international level there are no binding laws specifically addressing the use of armed guards belonging to private companies on board ships, and this problem is related not to the adoption of standardized protocols governing the movement, licensing and storing of weapons in transit in the waters of other coastal States, there are several coastal States prevent armed ships from entering its territorial waters, because it is inconsistent and the right (innocent passage) used to have and that allowed her to enter in certain cases, such weapons are often deposited to the competent authorities ports in the case of laying ship has, and in some cases are charging for the presence of ammunition in the ship. And that these technical issues will create a set of legal complications, not to mention the delays and costs associated with them, especially in trips that require the ship's stopping several times and is true for most merchant vessels. (Blackmore, 2009)

Regarding the organization of the international maritime transport, the International Maritime Organization (IMO), the constitutes organization that we can say that it is more appropriate to put the principles of international guidelines, because they are dealing with issues related to maritime security, but instead of offering Agreement uniform, to the Maritime Safety Committee of IMO recommended in December 2008 that states which raise the ships flag in collaboration with the ship owners to develop policies regarding the use of armed guards on board ships (Spears, 2008), and in May 2011 the International Maritime Organization confirmed on the importance of the role of the state laws, which the ship raise its flag during the recommendations of the interim to these countries and to ship owners, the employees and

its captains regarding the use of armed guards belonging to a private security companies, and is also referred to as yet did not provide other international regulatory bodies binding laws, and that the existing maritime law does not provide a lot of guidance in this area.

So it must be noted that the increasing use of private security companies, and the lack of international regulations, and perhaps the encourage of the International Maritime Organization (IMO), has forced countries which the ships raise their flag to reconsider its laws relating to ships arming. In fact, there are a few countries that developed specific regulations for the use of armed guards, but a few countries has prevent, such as Greece and Japan, arming of merchant ships. But, regardless of the nature of the previous regimes, many countries responded to those ships flying the flag of the status quo, which is to discuss new approaches and reconsider existing laws.

The countries which their ships raise its flag dealt comprehensively with the issue in two different ways. First, some countries continue to avoid putting the laws and clear regulations, and simply declares that the responsibility of the use of armed guards rests on the owner of the ship or its captain. It seems that countries flag of convenience mostly adopted this approach, which is consistent with the approach of Inaction about security regulations adopted by several countries, while deliberately other countries with national registries to develop new systems. It is quite clear that the number of states that allow or about to allow the use of Gunmen guards in growing. Greece, for example, which previously prevented the use of armed guards on board ships, developed in November 2011 a new law that allows for six armed guards on board a vessel flying the Greek flag. But it remains to be approved by the Greek Parliament on this Law. (Herald, 2011)

And referred to a number of other countries that have not developed clear guidelines began to allow the use of armed guards belonging to a private security companies. In the United Kingdom, for example, which had heavily prevented armed ships, the government agreed in October 2011 (BBC News, 2011) on the law which allows the use of armed guards on board ships flying the flag of the United Kingdom. Cargo ships were not only not allowed to use armed guards, but also for other vessels, such as cruise ships and fishing boats. Spain, for example, allowed since October 2009 to protect fishing vessels, through the use of armed guards in areas of high risk and in order to facilitate this task, Spain signed an agreement with the state of Seychelles allows guards to operate from the port of Victoria the country's main port. (Ing, 2011)

Fourth: The weaknesses in the use of private security companies:

The increasing use of corporate private security to combat piracy, and the reactions of countries and international regulatory bodies show weaknesses and large deficiencies in the settings of maritime security on the national and international levels, and the best example is the failure of international regulatory bodies in developing binding laws regarding the use of armed guards on board ships, referred to as the International Maritime Organization (IMO) is responsible for issues related to maritime security, which is best suited for the issuance of clear guidelines, it merely gives recommendations which rests the responsibility on the countries that ships flying its flag, what constitutes two major problems:

The first problem faced by countries that ships flying its flag, is the difficulty of drafting laws and applied to both, while some revised laws are issued in some countries indicated that a large number of (new) laws is not regulated, but issues such as the type of weapons that can be used by armed guards, and the number of guards who allowed their use

to protect the ship, as they often are in the waters or ports subject to the rule of law of other countries. Moreover, even if any laws are issued, it remains difficult to be applied to countries that ships flying its flag, this is because it is often that armed guards practiced their operations away from the state where the ship was registered. The mere occurrence of anti-piracy operations at sea, away from the eyes of observers, creates more problems with regard to the monitoring and accounting.

The second problem is the failure to enforce clear rules of engagement for the use of force in the sea, and therefore there is a need to increase awareness of the consequences of the shooting of pirates and suspected rebels proved their innocence later, so it must come to this awareness through the development of an international legal fixed framework regulates the use of private security companies and the rules of engagement, and also encourage a culture seek the advice of a sound legal concerning the activities of these companies are not exposed to a claim for damages and criminal charges against them in the case of killing someone or wound (as happened with the Italian guards of who were killed unjustly by Indian fishermen). (Hourel, 2009)

And finally, regardless of the problems and difficulties associated with using private security companies in the field of the fight against piracy, the fact is that the demise of those companies any time soon is unlikely, even the International Chamber of Shipping, which always objected to the use of security companies have reluctantly accepted the possibility of the latter played a role in the protection of ships in the future, it turns clear when recognized by the international president of the Union of Maritime Transport (Spyros Polimis,) the need to enable mariners to keep all possible options, including the guards to defend their crew against any attack. (International Chamber of Commerce Press Release, 2011)

CONCLUSIONS

Although the ISPS Code (International Security measures on board ships and ports) has produced a new functional categories in the field of maritime security and they are:

- Security Officer company Maritime CSO
- Ship security officer SSO.
- Port security officer enamel PFSO

And that these functional categories may be specialized in the field of security of ships and ports and where we focus in this paper on the security of ships against naval piracy so what concern us in this matter are two functional categories which are security officer Shipping Company and a ship security officer where the first is in charge through the code of International security that puts the security plans of the ship, and that the second category (SSO) in charge of the implementation of security plans and its application to shipboard security and training of the crew on board of the ship.

And the main problem faced by the shipping companies to international organizations for decision-making did not grant these functional categories and security crew companies navigational licenses for weapons and therefore there is no effective benefit of these functional categories in the fight against maritime piracy and especially that maritime companies have begun to turn to private security companies and licensed to carry weapons to protect the navies of navigational companies and which may be entrusted to exorbitant amounts therefore these recommendations requests to be reviewed

again by the International Maritime Organization (IMO) in fortifying these functional categories of security assigned to the maritime companies and stipulated by the code of International Security (ISPS Code) so that the security system of the navigational company integrated according to the new addition to the International Convention for the Safety of Life at Sea (SOLAS 74) in the chapter concerned with the improvement of maritime security, as well as in accordance with the International code (ISPS Code) and which illustrates the functions of security functional categories who are appointed in the maritime companies.

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