

EDITORIAL

Dear Readers,

still, in the general public piracy is hardly regarded as a major security problem. Violent attacks on merchant ships and their crews not only take place too far away, but also do not affect most people's everyday environment.

Seamen and ship-owners are primarily directly affected. Both assess the risk of piracy as high – with an expected increase in the future. This is a result of the survey, which was conducted by the partners of the joint project **PiraT**. According to the survey, the number of attacks and losses due to kidnapping has increased significantly during past years.

Besides the economic costs of piracy, the catastrophic situation of the kidnapped crews is alarming. Presently (July 2011), more than 400 crew members are held hostage by Somali pirates, already many of them for more than 1 year. During the long-lasting ransom negotiations hostages have to persevere under inhuman conditions with the constant threat of violence. It is not unusual, that the pirates resort to violence to make their threats more credible.

This human suffering caused by maritime piracy should be the focus of the debate.

The importance of this aspect was also stressed by participants of the **PiraT-Workshop**, which took place in July 2011.

Further results from the workshop are also reported in this newsletter.

Your suggestions and feedback are as always most welcome.

Sincerely,

Your **PiraT**-Team

PiraT Workshop July 2011

On the 6th of July the workshop „Piracy and maritime terrorism: concernment of economic agents” took place in the German Institute for Economic Research (DIW Berlin). The results of the survey, which was conducted by the joint partners of the **PiraT**-Project, were presented and discussed with all participants. In the survey ship-owners and insurance companies were questioned. From the point of view of the respondents, the risk of piracy is presently regarded as very high and is expected to further increase. Only armed security guards onboard could reduce the risk of piracy. However, in order to implement such measures it is necessary to clarify the legal situation. Survey results reveal that there seem to be huge deficits on the national and international level. In addition, there are undefined responsibilities and jurisdictional disputes. The respondents demand a clear commitment of the policy makers to fight piracy on the high seas. They also indicate that in the long term piracy can only be reduced, if the problems ashore can be solved. Detailed results of the survey will soon be published in **PiraT** working papers.

Analysis of maritime violence in the environment of the Barbary States between the 16th and 19th century – PiraT working paper No. 5 published –

Piracy has its roots in the past. After 1856 it was more or less eliminated (Paris Treaty) in the Atlantic and Mediterranean region but never stopped in Asia. Nevertheless today it appears as a new phenomenon of power and violence. One reason can be that the new definition of piracy as an act is restricted to

“private ends”, which excludes piracy’s political dimension. Therefore the hijackings of the Santa Maria in 1961 and the Achille Lauro in 1985 were labeled as maritime terrorism, although the attacks seemed to be related to insurgents.

Due to insufficient definitions it seems worthwhile to examine older acts of maritime violence in their specific forms of piracy and/or maritime terrorism. An assessment of political factors, economic factors and their relation to societies seems adequate for the more vital question, of where possible acts of maritime violence could appear in the next twenty years.

This working paper examines the age of the Barbary Pirates in the Mediterranean Sea. Originating in the 16th century and lasting for roughly 300 years, the North-African, Islamic and also Christian piracy in the Mediterranean region is one of the longest periods of time in which politically or economically motivated maritime violence took place. Within this era the primary role of the state in Europe and beyond changed, the use of power was no more an act of privateers as politics consequently stopped the support of corsairs.

In chapter one the methodology and the way of action will be described. In chapter two a historical and chronological description of the Barbary States in the form of a longitudinal section analysis follows. In chapter three a cross-sectional cluster analysis is performed combining factors in the political, economical and social spheres. The results will be evaluated in the fourth and final chapter to derive possible solutions to combat maritime violence.

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Piracy along the Horn of Africa: An Analysis of the Phenomenon within Somalia

- PiraT working paper No. 6 published –

The rise of piracy along the Horn of Africa in the past years has brought the topic to the top of most international agendas. Today, most observers agree on the fact that the phenomenon can only be dealt with on land. However, there is still a significant information gap regarding the true nature of the connection between the situation onshore and off-shore, as well as the concrete organization of piracy within the country. Besides, the roots of the phenomenon as well as its impact on the internal situation of Somalia have also remained insufficiently studied. This working paper aims at drawing a detailed analysis of these various aspects in order to better understand why piracy has been establishing itself in the area within the past years. It also analyzes the different factors which need to be taken into consideration by the international stakeholders in order to deal efficiently with this phenomenon. Rebuilding central state institutions in Somalia is a long term option. In the short and medium term the international community needs to focus on more pragmatic and realistic options, by taking security, political, economic and social aspects in Somalia into account. This is necessary to improve the security situation of the Horn of Africa significantly.

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Piracy and maritime terrorism as a challenge for maritime security: Objective legal uncertainty in inter- national, European and German law

- PiraT working paper No. 7 published -

This working paper published by the project partner Bucerius Law School serves as a summary of the legal analyses conducted in the

context of the **PiraT**-project. It covers aspects of international law, including non-binding recommendations and initiatives as well as European and national law. The research team collated legal norms that have a bearing on maritime terrorism and piracy as well as operations and measures against these phenomena. The reoccurrence of piracy and fears of maritime terrorism have been answered by a variety of legal initiatives. When the need for action was recognized in recent years, legal arrangements, agreements, recommendations and initiatives have been negotiated to answer these threats. Concerning international law, this analysis focuses specifically on those norms, which may have created or are likely to create problems in counter-piracy and counter-terrorism operations and in the fight against these phenomena in general. This includes binding rules, such as the rules laid down in the United Nations Convention on the Law of the Sea, UN resolutions and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988 as well as non-binding provisions - soft law. Relevant soft law was found e.g. in the guidelines of the International Maritime Organization addressed to governments, but also to ship owners, captains and crew. Moreover, with regard to some issues a focus was put on the practice of states in dealing with maritime terrorism and piracy. This specific analysis extends to national procedures and regional agreements, which were concluded to combat and prevent maritime crime, but also takes into consideration agreements between the European Union and third countries regarding the prosecution of pirate suspects. On the European level a focus was laid on the relevant legislation of the European Union in connection with the EUNAVFOR mission ATLANTA. In addition, European Human Rights instruments, mainly the European Convention on Human Rights also have been in the center of our research due to their influence on the modalities of the European counter-piracy

operations. Concerning the national level, those German norms of criminal law that cover the acts usually committed by pirates and maritime terrorists, as well as the important rules of criminal procedure have been addressed. Furthermore, constitutional requirements and the norms regulating competencies of the armed forces and the police have been a focus as far as they have proven to be relevant to the combat against and prevention of piracy and maritime terrorism. The analysis also deals with the interactions between the legal systems mentioned above, while special attention has been given to the admissibility and modalities of hiring armed private security contractors to secure ships during their transit through high-risk areas.

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Activities/ Presentations/ Conferences**TUHH**

Thorsten Blecker: Presentation „Maritime Transportketten“, mariLOG – 6th International Conference for Maritime Logistics, Munich, 10th May 2011.

BLS

Doris König: Presentation „Rechtliche Aspekte des Einsatzes privater Sicherheitsdienstleister an Bord deutscher Handelsschiffe“, International conference on combating piracy at the German Armed Forces Command and Staff College (Führungsakademie der Bundeswehr), Hamburg, 21st June 2011.

Tim René Salomon: Participation Maritime Security & Defence (MS&D) Conference, Hamburg, 15th – 17th June 2011.

Tim René Salomon: Presentation of **PiraT**-Project and prosecution of pirates, International Max Planck Research School of Maritime Affairs, Hamburg, 4th July 2011.

IFSH

Kerstin Petretto, Patricia Schneider: Organization of the panel „Governance Offshore. Ever Thought about It“, International Studies Association (ISA), Montréal, 16th - 19th February 2011.

Kerstin Petretto, Patricia Schneider: Organization of the panel „Von Konflikten und Mächten zur See – Piraterieforschung in Deutschland“, Annual Meeting of the German Association for Peace and Conflict Studies (Arbeitsgemeinschaft für Friedens- und Konfliktforschung, AFK), Villigst, 7th - 9th April 2011.

Kerstin Petretto, Participation in the international study group „Oceans Beyond Piracy“ of the One Earth Future Foundation, London, 7th of June 2011.

Kerstin Petretto: „Piracy“, Lecture at the expert's hearing of the parliamentary group of the Greens–European Free Alliance in the

European Parliament „The EU's approach to Somalia: Where do we stand?“, Brussels, 29th June 2011.

Patricia Schneider: Lecture „Maritime Terrorism: Facts and Figures about Perpetrators, Attack Scenarios and Defensive Measures“, Maritime Security & Defence (MS&D) Conference, Hamburg, 15th–17th June 2011. A related interview on Deutschlandradio and at Tagesschau.de.

PiraT-Project - IFSH/ BLS/ TUHH

On the 28th and 29th of June the IFSH, the BLS and the TUHH hosted the first workshop of the PiraT project called „Maritime Gewalt als Herausforderung für vernetzte Sicherheit“.

The workshop took place at the Bucerius Law School and was emceed by Dr. Hans-Georg Ehrhart, who is head of the Centre for European Peace and Security Studies at the IFSH. Besides the project partners a great many participants with a particular background in maritime business and security took part in the workshop, including representatives of the German Ship-Owners Association (Verband Deutscher Reeder, VDR), the German Insurance Association (Gesamtverband der Deutschen Versicherungswirtschaft, GDV), the German Section of the International Chamber of Commerce (ICC), the JWA-Marine GmbH, the Police Union (Gewerkschaft der Polizei, GdP), the Water Police, the German Federal Police, the German Armed Forces Association and the Association of Captains and Ship Officers (Verband Deutscher Kapitäne und Schiffsoffiziere, VDKS).

The workshop consisted of five panels in which the results of the first working package were presented and discussed: the objective threat of maritime violence and the involved conceptual and practical challenges on the security policy, on the legal and on the technical level.



Participants of the **PiraT**-Workshop on "Maritime Violence as a Challenge for Comprehensive Security"

PiraT-Project/ all partners

On the 31st of May, the "**PiraT Milestone Meeting**" took place in Hamburg. At the meeting, all academic partners presented their progress and cooperative achievements to the Federal Ministry of Education and Research (BMBF), represented by VDI TZ. Such 'milestone meetings' are mandatory for civil security projects receiving grants from the ministry.

The research group had great success, and further financing of projects is now ensured until the end of 2012. **PiraT was chosen by BMBF in June 2011 as the Project of the Month**, and is displayed prominently on the BMBF homepage; the site can be viewed at [this link](#).

New Publications (Selection)

Blecker, Thorsten und Irene Sudy (2011), **Stolperstein oder neuer USP? Das Thema Sicherheit beschäftigt alle Beteiligten im internationalen Speditionsgeschäft. Keiner kommt daran vorbei – Alle können profitieren**, in: DVZ Nr. 56, Beitrag zur Sicherheit in der Logistikbranche, p. 13.

Blecker, Thorsten und Irene Sudy (2011), **Sichere Luftfrachtprozesse – Welche Herausforderungen gilt es zu bewältigen?**, in: BIEK Expressletter, Sommer/Herbst, Ausgabe 4, p. 4.

Engerer, Hella (2011), **Security as a Public, Private or Club Good. Some Fundamental Considerations**, in: Defence and Peace Economics, Vol. 22, No. 2, pp. 135-145.

König, Doris (2011), **Piraterie vor der Küste Somalias und Strafverfolgung – Ein Schrecken ohne Ende?**, in: NordÖR, p. 153 ff.

König, Doris und Tim René Salomon (2011), **Private Sicherheitsdienste auf deutschen Handelsschiffen - Feuer mit Feuer bekämpfen?**, in: Zeitschrift für rechtswissenschaftliche Forschung (NOMOS), Heft 3, p. 303 ff.

Kolb, Andreas S., Thilo Neumann und Tim René Salomon (2011), **Die Entführung deutscher Seeschiffe: Flaggenrecht, Strafanwendungsrecht und Recht des diplomatischen Schutzes**, in: ZaöRV 71, p. 191 ff.

Petretto, Kerstin (2011), **Piracy as a Problem of International Politics**, in: Stefan Mair (Hrsg.): Piracy and Maritime Security. Regional Characteristics and Political, Military, Legal and Economic Implications, SWP Research Paper 2011/RP 03, March, pp. 10-19.

Schmid, Johann und Patricia Schneider (2011), **Terrorismus: Eine Herausforderung für Strategie und Legitimität**, in: Aus Politik und Zeitgeschichte, 27, pp. 14-18.

Schneider, Patricia (2011), **Terror Blacklists on Trial: Smart Sanctions challenged by Human Rights**, in: Michael Goodhart/ Anja Mihr (Hrsg.): Human Rights in the 21st Century. Continuity and Change since 9/11, Palgrave Macmillan, pp. 150-166, (peer-reviewed).

Forthcoming:

Neumann, Thilo und Tim René Salomon (2011), **Kein Krieg vor Somalia**, Journal of International Law of Peace and Armed Conflict / Humanitäres Völkerrecht – Informationsschriften, Heft 3.

Kolb, Andreas S., Tim René Salomon und Julian Udich (2011), **Paying Danegeld to Pirates - Humanitarian Necessity or Financing Jihadists**, in: Max Planck Yearbook of United Nations Law Vol. 15.

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