MARITIME TERRORISM. THE "STEALTH" THREAT FOR INTERNATIONAL SECURITY

Krzysztof KUBIAK, PhD

In spite of a relatively large number of criminal acts that have occurred at sea after World War II, violence in this area has been marginalized and equated with piracy. In a prevailing view, this experience has been associated with poor countries challenged by domestic conflicts, underdeveloped and unable to exercise effective control over coastal areas. According to the majority of opinions, unlawful activities at sea have had only a small impact on international security, global sea trade and the economic situation of the leading countries in the world. Even the often reappearing information about the acquisition of ever more advanced technical capabilities by organizations engaged in this activity could not alter this view. It was only a suicide bomb attack on the modern American destroyer Cole re-fuelling at the port of Aden plus the events of 11 September 2001 that forced a verification of these reassuring assessments incompatible with reality.

In the wake of the terrorist attack on the United States, analytical centres began to piece together hitherto scattered elements of the global "maritime puzzle." An attack on the destroyer *Cole* was linked to the activities at sea of the Tamil separatists and the attacks launched by various Palestinian factions.[1] And attention was turned again to the fact that the South American drug cartels have been using remotely controlled vessels steered via wires.[2] Analysis focused once again on the reports about attempts by extremist movements and criminal organizations to build midget submarines.[3] All these efforts resulted in new, highly alarming assessments and predictions regarding security on the world's high seas. It was recognized in particular that in front of the increasing efforts towards improving the security of key installations, ground structures as well as civil aviation, **terrorists may concentrate on attacking the "soft underbelly" of the richest countries of the world, which is sea trade and shipping**.

Pirates versus Seafaring Terrorists

For many years all unlawful acts of violence at sea were embraced by a common term of piracy. In 1961, when those responsible for hijacking a passenger ship were not recognized as pirates and were given political asylum in Brazil, it came to be seen that a classic definition of piracy does not include all unlawful acts of violence that may take place at sea.

For the purpose of this article, simplifying the problem somewhat, it may be assumed that the pirates are distinguished from maritime terrorists by motivations guiding their actions and consequently their attitude towards anonymity. Modern pirates are motivated by profit, so they try to avoid publicity in media and strive to leave no traces. Their essential goal is to capture loot (either the outfit of the cabins, clothes and sailors' money, which is the domain of the so-called boat piracy, or the whole freighter with cargo, which is often done by Asian pirate syndicates).[4]

In turn, one of the basic aims of the terrorists is to attract media attention (which enables them to make statements, issue proclamations and appeals) and to make the most of the so-called theatre effect.

Now, in the context of September 11, the above theatre effect might be attained by other means: not by hostage-taking and protracted negotiations, but by undertaking activities with disastrous consequences, including a high number of casualties and material losses that are difficult to assess. Thereby terrorism, regarded in accordance with a 19th-century anarchist paradigm as a kind of propaganda through action, has been transformed into an instrument of a new global civil war with all the attributes of an **asymmetric conflict**.

The so-called transformation of terrorism from an instrument of exerting pressure and attracting attention into a tool of total destruction relates well to potential terrorist activities at sea. It also

Electronic PDF security powered by www.IndexCopernicus.com

indicates a fundamental parting of ways between piracy and terrorism at sea.

The above assumption indicates another difference between piracy and terrorism at sea. This first one will probably continue to be territorially-limited. The fact that this type of criminal activity is strongly related to the situation in countries located on the shore makes it rather unlikely that the geographic frontiers of an intensive pirate activity will be extended. And so piracy is and will probably remain an activity that is predictable to a considerable degree, while the risk associated therewith will affect shipping only in certain waters.

The perpetrators of acts of terrorists at sea in turn exercise full freedom of choice regarding the place, time, target and way to carry out the attack. Their only constraints are organizational capabilities, availability of personnel and finances. Hence it is practically impossible to make any specific predictions about regions suffering from an acute risk of acts of sea terrorism. This threat has, and in the foreseeable future will continue to have, a global range, and will affect both vessels and shipping infrastructure in the broad sense (canals, navigational marking, stevedoring infrastructure).

Why at Sea?

From the point of view of terrorist organizations and groups, a number of factors determine the attractiveness of maritime areas. The first is undoubtedly the fact that merchant shipping and global maritime trade play a key role in the functioning of the global economy, while at the same time being extremely sensitive to various kinds of terrorist activities. As already mentioned, the threat of terrorism at sea has never been taken into seriously. Consequently, countries have devoted much attention to the protection of ground and civil aviation installations, treating merchant shipping unfairly. At the moment, practically, none of the maritime states has plans and procedures for extending anti-terrorist protection to its shipping. Insofar as such plans can be implemented relatively fast in coastal regions, their implementation on the high seas is unlikely. It must be emphasized that apart from convoy experiences in wartime as well as the conclusions resulting from the American protection of tankers in the Persian Gulf in 1986-1988, there are no historic models that could serve as a basis for organising the protection of shipping.

The status of maritime areas is also to the advantage of the perpetrators of potential terrorist attacks on merchant shipping. Principles of the "freedom of the seas" and "freedom of shipping" apply to sea areas beyond the coastal state's territorial waters. No state can extend its control over the open sea (with the exception of strictly defined powers resulting from the existence of exclusive economic zones) or restrict shipping. In contrast to land-based areas, the open sea thus remains outside the jurisdiction of any state, while the executive authority with regard to sea vessels remains strictly the domain of the state whose flag the ship flies.

The law of the sea (the 1982 Convention on the Law of the Sea) provides for only a few departures from the above general rule. The first is the so-called right of pursuit, which allows authorized craft (aircraft and other air units) in the service of the state to pursue a foreign ship that has breached the regulations in force on inland and territorial waters. The pursuit must be launched, however, when the foreign ship or one of its boats are still on the inland or territorial waters of the state launching the pursuit. The right of pursuit ceases to apply when the chased ship enters the territorial waters of its own state or a third country. In addition to the above, the exclusive sovereignty of the flag country can be restricted (the so-called right of visit and search applying to a vessel in national service) in the following cases: combating piracy; fighting slave trade; fighting drug trafficking and trade in mind-altering substances; preventing illegal broadcasting from open seas; and whenever a suspicion arises that the ship flies the same flag as a vessel in national service, but refuses to admit it.

Yet it should be noted that the use of the above-mentioned regulations is subject to a number of restrictions that seriously undermine their effectiveness. In practice, a visit aboard a foreign vessel can take place only when there are reasonable grounds to suspect that the vessel is implicated in one of the above activities. In the case of an unjustified visit, the inspected vessel is entitled to compensation. This provision successfully undermines the effectiveness of regulations concerning the right of visit and use thereof in combating terrorism at sea.

In fighting unlawful activities undermining the safety of shipping and in fighting drug trafficking, the coastal state (a vessel in government service)

Electronic PDF security powered by www.IndexCopernicus.com

has the right to take over a pirate ship/a ship seized by pirates or one used for transporting drugs, arrest the persons onboard and seize the property. In addition, the court of the state making the arrest can administer justice and decide on actions to be taken in regard to persons and property.

The 1988 Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation together with the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf provide new instruments in the fight against criminal acts extending beyond the classic definition of piracy.

In essence, the Rome Convention is similar to already existing and universally recognized international conventions:

a) the 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft;

b) the 1970 Hague Convention for the Unlawful Seizure of Aircraft;

c) the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

d) the 1973 UN Convention on Internationally Protected Persons;

e) the UN 1979 Convention Against the Taking of Hostages;

f) the 1985 UN Convention Against Torture.

The Rome Convention consists of a preamble and 22 articles. The preamble states the purpose of the Convention is to create a coherent system of international rules and measures for preventing acts of terror at sea. Article 1 defines the scope of the Convention's application regarding the sea vessels. It states that the provisions of the Convention apply to all vessels that are not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft. Such a definition should attenuate interpretation problems. The following are not covered by the Convention: warships; ships owned or operated by a state when used as a naval auxiliary or for customs or police purposes; and ships withdrawn from navigation or laid up.[5]

The scope of activities covered by the Convention is listed in Article 3. It should be underlined that in the absence of a universally-accepted definition of terrorism, the architects of the Convention used a considerably less controversial term "offence" in an attempt to prevent possible disputes over the qualification of certain activities. It is a move that conforms to international practice; the terms "offence" and "unlawful act" are also used in the conventions mentioned above. On account of the importance of this Article, it seems worthwhile to quote it in full:

1. Any person commits an offence if that person unlawfully and intentionally:

a. seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

b. performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

c. destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

d. places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

e. destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship;

f. communicates information which he knows to be false, thereby endangering the safe navigation of a ship;

g. injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f).

2. Any person also commits an offence if that person:

a. attempts to commit any of the offences set forth in paragraph 1;

b. abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence;

c. threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the ship in question.[6]

It is symptomatic that the expressions used by architects of the Convention are very broad. Hence it is to be hoped that they embrace offences that

Electronic PDF security powered by www.IndexCopernicus.com

have already taken place as well as those that might occur regardless the manner in which they are committed or their nature (direct action, attempt, threat to commit, instigation and complicity).

The state is obliged to establish its jurisdiction over the above offences when they are committed:

a. against or on board a ship flying the flag of the state at the time the offence is committed;

b. in the territory of that state, including its territorial sea;

c. by a national of that state;

d. when the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with Articles 6.1 and 6.2.

and also when:

a. the offence is committed by a stateless person whose habitual residence is in that State;

b. during its commission a national of that state is seized, threatened, injured or killed;

c. it is committed in an attempt to compel that state to do or abstain from doing any act (in this case the Convention gives the state the right to extend its jurisdiction over offences, but does not impose such an obligation thereon).

The regulations concerning fixed platforms were contained in a separate document (Protocol). The definition of a fixed platform accepted is undoubtedly a shortcoming of the Protocol. In the reading of Article 1.3, it is "an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes."[7] Hence it can be seen the definition leaves outside the Protocol various installations used for non-economic purposes and provides ground for interpretation conflicts. Limiting the scope of the Protocol to the continental shelf without supplying a definition of the latter (or indicating one of the several known definitions of the shelf) is another crucial problem. In view of the parallel existence of the definition of the shelf under Article 1 of the 1958 Geneva Convention on the Continental Shelf, its definition under Article 76 of the 1982 Convention on the Law of the Sea, and definitions accepted by individual states[8], the decision to extend (or withhold) the force of the Protocol when a platform is attacked could be arbitrary. In its substantive dimension the Protocol applies to platforms practically the same regulations the Convention does to ships.

The Rome Convention together with its Protocol is the last and most precise attempt to regulate international co-operation in the sphere of fighting acts of violence at sea. It lists precisely the activities that should be subject to international repression as well as the measures the state is authorized to launch. A strong point of the document is its departure from the practice of taking into account the motivations of the criminals in classifying acts of violence, building all legal regulations instead on the nature and consequences of these acts. The omission of the motives of the perpetrators is in conformity with the current direction of international law development with regard to fighting and preventing international crime.

There is no doubt that the Rome Convention lays out the right line of action, but its regulations do not resolve the fundamental problems restricting effective use of state formations, particularly those associated with prevention in the broad sense and the so-called pre-emptive defence. Regrettably, it should be ascertained that the freedom of the seas, which had for centuries remained one of the pillars of Western civilization, can be exploited most ruthlessly today by diverse political extremists.

A successful fight against terrorism can be even more difficult in offshore waters, particularly when the perpetrator conducts his activities from the territorial waters of a state that has no effective control over them and refuses to engage in an international co-operation towards eradicating maritime terrorism. It is now possible to name several coastal and archipelago states that exercise but purely formal jurisdiction over territorial waters and yet sternly refuse to accept aid from abroad, for instance for fighting piracy. A certain over-sensitivity of many countries in regard to their sovereignty as well as elaborate corruption networks among the local administration and the police render the fight against piracy in many maritime regions all but impossible.

Even though the current laws make a successful fight against terrorism at sea difficult, it is unlikely that they will be changed in the predictable future. States conducting anti-terrorist operations at sea will thus be forced to accept the fact that these regulations reduce the effectiveness of operations launched. This situation is favourable to the perpetrators of terrorist attacks and might have a negative impact on the way anti-terrorist operations at sea are perceived by the global audience.

Electronic PDF security powered by www.IndexCopernicus.com

The fact that a considerable part of the equipment needed to carry out terrorist activities can be purchased in regular commercial trade, with no restrictions, is also to the advantage of the perpetrators of terrorist activities at sea. In developed countries, fast motorboats and motor yachts, water scooters, diving equipment and similar equipment are treated as sports/recreational items. Meanwhile, every motorboat or diving equipment is a classic dual-use item and can be used by terrorists planning activities at sea with no major adjustments. The same can be said of helmsmen as well as divers' training.

Another factor facilitating terrorist activities at sea is the fact that it is relatively easy to purchase a large vessel (with the intention of using it as a platform vessel for maritime subversion, as a weapons platform for a brief attack against selected targets, as a mine-layer) due to liberal laws governing the shipping market (particularly in the so-called flag of convenience or cheap flag countries) and a market of second-hand vessels. Hence the purchase and registration of a vessel (in fact its legalization) is in practice a financial issue only. The prices of used general cargo ships of about 7,500 DWT built in the years 1980-1985 range from $2.5 to $3.5 million, and the cost of registering a ship-operating company in Panama, the Bahamas or in Cyprus does not exceed $40,000.

Possible Ways of Conducting Terrorists Attacks against Maritime Trade and Shipping

An analysis of the acts of terrorism targeted against maritime shipping in the last 50 years enables us to predict the possible methods of attack to be employed by perpetrators of similar violent acts in the future. The following terrorist activities are considered likely:

1) attacks in ports or at sea with the use of explosives brought aboard a ship together with freight;
2) attacks in ports or at sea with the use of explosives brought aboard a ship by a member (members) of a terrorist organization;
3) hijacking merchant ships by persons on board;
4) hijacking merchant ships carried out with the assistance of other vessels;
5) firing at merchant ships manoeuvring in offshore areas or inland water lanes;
6) attacks with the use of explosives-ridden vessels that are remotely controlled or manned by suicide bombers;
7) attacks by armed divers;
8) attacks with the use of mines.

Attacks with the use of explosives brought aboard a vessel together with freight should be regarded as the easiest to organize and carry out. The explosive material can be put into any freight during its transportation and provided with a time fuse to set off detonation. The basic shortcoming of such a method is the inability to predict precisely the place of the explosion and estimate the destructive impact of an explosion on the vessel (port infrastructure). The impact of an explosion may be enhanced or reduced, depending on where the cargo containing explosives is hidden on the ship. Taking into account the above considerations, the purpose of attacks thus carried out is to generate a sense of threat, a psychosis of fear, rather than to destroy or damage selected targets.

From the terrorists' point of view, the advantages of such an attack are the difficulties in identifying the perpetrator (perpetrators), a relative ease of getting the charge on the ship, a low level of risk to the perpetrator (perpetrators), a very limited possibility of organising effective counteraction[9], and the possibility of carrying out an assault without having detailed information concerning the operation of the port, the dates of departure and entry of ships, the destination of cargo, etc. Moreover, it should be underlined that such a method (its idea being akin to the oft-employed mailing of letter bombs) can be used by groups that are small, possess a relatively primitive equipment easy to procure, and are active beyond offshore areas, both within a country and abroad.

The terrorist acts (bomb attacks) with the use of explosives brought on a ship by a member (members) of a terrorist organization make possible attacks on selected, carefully screened targets, and thus enhance the impact of the explosion by proper positioning explosives aboard. Meantime, in what appears to be an important aspect, the scale of threat can be enhanced by destroying or damaging a vessel transporting hazardous cargo. In order to organize such an attack one must obtain detailed information regarding the movement of ships in a selected port (ports), the type of cargo transported,

Electronic PDF security powered by www.IndexCopernicus.com

the system of port security, the system of watch duty on a targeted ship and the ship's construction (in particular the layout of its compartments as well as the traffic arteries). It can be assumed that planning the attack would require carrying out long-term observation of the ship or port, or, more likely, obtaining information from a recruited member of the crew or employee of the port or shipyard where the vessel had been constructed. In addition, information from open sources may play a considerable role (press publications, Internet sites, advertising materials of the shipping companies and shipyards). In contrast to the methods described above, the perpetrators of such an attack must have some knowledge of ship-building; they also face considerable risks, as their activities in the port, and especially on board the ship, could attract attention. All vessels are potential targets for hijacking. One should regard the following vessels the most likely targets for this type of attack:

a.) passenger ships (passenger and passenger/cargo ferries, cruise liners). From the perpetrators' point of view, the attractiveness of these ships arises from the possibility of capturing and exercising effective control over a large number of people[10] with the intention of either holding them hostage or executing them;

b.) ships transporting hazardous cargo (tankers, LNG and LPG carriers, chemical cargo carriers). Their attractiveness results from the possibility of taking over cargo for the purpose of gaining a strong negotiating position or destroying the ship and thus effecting catastrophic results.

An analysis of terrorist attacks carried out to date with the aim of taking over passenger ships as well as targeting frigates and fishing boats makes it possible to formulate a thesis that the perpetrators may get aboard a ship:

a.) in port, secretly, with the intention of attacking once the ship is at sea;

b.) in port, openly and legally (with a purchased ticket), along with passengers, with the intention of carrying out an attack once the ship leaves port[11];

c.) in port, by force, with the intention of seizing control over the ship and then forcing the crew to leave port[12];

d.) while riding at a roadstead or at anchor[13];

e.) at sea, by secretly getting on board[14] and forcing the ship to stop with the help of machine gun fire (small-calibre artillery) from fast motorboats.[15]

In examining the threat to passenger ships from hijacking, it should be noted that the fundamental element taken into account by perpetrators while selecting a target for the attack and planning it is the nationality (citizenship) of the passengers to be held as a consequence. The flag of the ship is of practically no importance.

The threat to passenger ferries servicing the same routes and always ferrying passengers from the same two or three countries may arise whenever one of these countries engages in conflict (direct or indirect) with terrorist groups or a state sponsoring them.

The threat to cruise liners depends predominantly on the number of passengers of specific nationality embarked on a given cruise and it rises together with the increase in the number of passengers from countries that are currently in conflict with a terrorist organization or are undergoing an international crisis.

A ship may become a target of a terrorist attack by receiving ground fire when it manoeuvres along coastal or interior water lanes, awaits entry into port or when lying in harbour. So far, mortars, guided missile launchers and grenade launchers of various kinds have been used in such attacks (both in terrorist attacks and in local conflicts).

Now the use of armour-piercing guided missiles, automatic grenade launchers and multiple-calibre sniper rifles cannot be ruled out. The need to acquire these weapons plus ammunition, ship them to an operational area and position them for combat seriously limits the possibility of such attacks launched by weak organizations without the support of states or terrorist groups linked thereto.

Mortars and guided missile launchers can be used mainly against ships manoeuvring relatively slowly or immobile.[16] A flaw of such an attack is a relatively low accuracy of fire.

Several dozen ships came under fire from other vessels, especially fast, armed motorboats[17] (called also speedboats or Boghammers[18]), in the post-war period.

These vessels have been used as weapon platforms or as the so-called exploding boats (filled with explosives and guided on target, including by suicide bombers).

Boats with at least displacement about 1-3 metric tonnes, armed with machine guns, grenade launchers, armour-piercing guided missile launchers, unguided rocket missile launchers, and even

Electronic PDF security powered by www.IndexCopernicus.com

mobile anti-aircraft systems have been used in operations and have reached a speed of up to 40 knots (at calm seas).

The parameters of the weapon systems installed on fast motorboats (first of all an effective range of fire from a platform of little stability, which a motorboat is) determine the choice of tactics.

Effective use of machine guns, grenade launchers and unguided rocket missile launchers requires approaching the target at no more than 300-400 metres, with the accuracy of gunfire increasing as the distance closes.

We can thus assume that an attack by armed fast motorboats against a merchant ship would amount to the following:

a.) a swift and insofar as possible secret approach of one or more boats towards the target;

b.) continuous gunfire lasting from a few to over 10 minutes (it would more likely be aimed at surfaces, i.e. the deckhouse and the hull, concentrating on the upper storeys of the superstructure, rather than precise gunfire aimed at specific elements of the ship's construction);

c.) a retreat.

The types of weapons fast motorboats can be armed with do not pose a serious direct threat to the buoyancy of a mid-sized merchant ship.

However, there is likelihood of inflicting losses among the crew, causing damage to the plating above the water line, the freight or the deckhouse, and also of fires that might lead to the loss of the vessel.

It should be recognized that in countries pursuing a liberal policy in regard to shipping, registering a shipping activity and purchasing a boat is limited solely by the financial resources of a group planning terrorist activities.[19]

It may thus be assumed that a legal purchase of a boat with the aim of converting it to a mother ship for fast motorboats is within reach of terrorist groups.

In the post-war period there have been several attacks against maritime shipping carried out by armed divers trained and equipped by non-state actors.

Organization of such an attack is facilitated by the fact that the training of scuba-divers, at least at the basic level, is in most developed countries an element of recreation in the broad sense, with basic equipment offered for sale on a regular commercial basis.

Whilst it is certain that a terrorist with a few days of recreational training and equipment purchased from a sports store presents a military potential that is inferior by far to that of a member of naval special forces, he still remains a dangerous adversary, particularly when he launches a surprise attack.

Thus, even organizations that are relatively weak and do not have significant financial resources at their disposal may be able to field "amateur frogmen," but this is the only danger. Strong and affluent organizations can afford to organize and train fully professional teams of underwater subversion even when they do not enjoy state support (it is worth mentioning that the Palestinians were the first to organize a group of combat divers with the support of Yugoslavia).

An example here are the combat divers of the Tamil Tigers equipped with closed circuit oxygen diving apparatus (rebreather), called also Dräger[20] (purchased from Netherlands), that the naval units of many countries would take pride in.

A weapon that is particularly useful in terrorist attacks against shipping is mines.[21]

On the basis of post-war experiences[22] use of this weapon can be expected in terrorist attacks against merchant ships riding at the roadstead or anchorage, against vessels approaching ports or upon water lanes leading to/from ports of the state attacked. Its use in a way that would jeopardize the interests of third states should be considered less likely.

Use of temporarily adapted vessels made to look like merchant ships, recreational or fishing boats in the role of minelayers should be regarded as feasible.

It follows from an analysis of the methods employed for carrying out terrorist attacks against shipping that the perpetrators of such attacks have at their disposal a broad range of combat means.

Hence not only strong organizations with considerable financial resources and hundreds of members and sympathizers (sometimes also enjoying state support) may pose a threat to a merchant ship; weak organizations with limited resources in terms of personnel, finances and equipment can be dangerous as well.

Electronic PDF security powered by www.IndexCopernicus.com

Selected Acts of Terrorism at Sea

22 January 1958 - opponents of Salazar hijack Portuguese passenger ship *Santa Maria*;
1971 - crew members protesting against the war in Vietnam hijack the American transport ship Military Sealift Command *Columbia Eagle;*
1971 - Venezuelan opposition group hijacks vessel *Anzoteque;*
1971 - Palestinian fighters attack Israeli tanker in the strait of Bab el Mandeb;
1971 - IRA attempts to blow up cruise liner *Queen Elizabeth II;*
1972-1980 - IRA attacks ferries *Ulster Queen* and *Duke of Agryll*;
1973 - Palestinian organization Black September sinks ship *Sanya*;
31 January 1974 - passenger ferry *Laju* is hijacked;
1974 - Greek ship *Karachi* is hijacked;
1975 - separatist movements from the southern Philippines launch guerrilla warfare at sea;
1975 - Argentine opposition movement Monteneros damages destroyer *Santisima Trinidad* at shipyard;
1975 - bomb explodes on Soviet ship *Maxim Gorky* mooring in Puerto Rico;
1979 - IRA plants a bomb on Lord Mountbatten's yacht *Shadow V*;
1979 - Iranian monarchists seize the rocket boat *Tabarzin* built in France;
1979-1980 - radical environmentalists destroy and damage several countries' whaling boats;
1980-1986 - Polisario Front for the Liberation of Western Sahara destroys Spanish trawlers *Garmomar* and *Costa de Terranova* as well as Portuguese freighter *Rio Vouga*;
1981-1983 - IRA destroys British freighters *Nellie M* and *Saint Bedan*;
1982 - bomb explodes on Philippine ferry *Santa Lucia;*
1982-1984 - Nicaraguan Contras launch guerrilla warfare at sea, including mining the entry to main ports in the country;
1984 - Libyan ship *Ghat* lays mines on the Red Sea at the exit of the Suez Canal;
7 October 1986 - Palestinian terrorists hijack Italian passenger liner *Achille Lauro*;
1988 - terrorists attack the Greek ship *City of Poros*;
1989- 1994 - Eritrean separatists launch guerrilla warfare at sea, with three Polish vessels among the ships destroyed or damaged: *Bolesław Krzywousty, Adam Asnyk, Władysław Łokietek*;
1990 - IRA damages supply ship *For Victoria* built for the Royal Navy;
1994 - Algerian islamists murder the crew of Italian merchant ship *Lucina*;
1996 - Chechen terrorists take over Turkish ferry *Avrasya*;
2000 - Islamic fundamentalists damage American destroyer Cole in Yemen;
2002 – French tanker *Limburg* is damaged by suicide explosive boat near to Yemen coast.
2004 – Oil terminal in Iraq were attacked by suicide explosive boats.

What's Next?

It seems that a threat to merchant shipping from terrorist activities will be growing. So far, at least three attempts by non-state structures to buy midget submarines have been aborted. Two illegal shipyard works were discovered in Colombia (in the regions of Bogota and Cartagena), and a third was uncovered by the security service of Malaysia near the town of Pukhet. Colombian drug cartels were interested in purchasing vessels, probably with the intention of using them for drug trafficking. It is also possible that the midget submarines built in secret shipyards of the drug cartel bosses might after a while surface on the black market for weaponry. In Malaysia, work on midget submarines was in all certainty pursued on orders from the Tamil Tigers.

Grave consequences could be expected if extremist organizations were to gain access to the technologies for sea mines production. The Tamil Tigers have already mastered this skill. This poses a very serious threat considering that it is a fully autonomous movement and no direct or indirect control over it by any external actor is possible. In effect, sea mines produced by the Tamils could end up in other regions of the world[23]. Moreover, information that has surfaced in recent months indicates

Electronic PDF security powered by www.IndexCopernicus.com

that other extremist organizations, for instance the Revolutionary Forces of Columbia (FARC), have also acquired naval mines.

This gives a new dimension to security at sea, with mines possibly available for purchase outside the control of state security services.

If above arguments indicate that intensive terrorist activities can be conducted on a large scale in coastal areas, both those lying within the jurisdiction of states and in the high seas.

The international community is currently unprepared to face this threat, as it is confirmed by the rising number of pirate attacks on ships signalled above. Let us then not wait until the next spectacular act of politically-motivated terrorism before launching effective countermeasures against a threat that is already visible today.

NOTES:

1 The last reported instance took place on 7 November 2000. The crew of an Israeli patrol boat detected a fishing boat off the shore of the Gaza strip, approaching from the Egyptian territorial waters. When the steersman was asked to stop the boat, it raced at full speed towards the Israeli vessel, but the explosives detonated prematurely around 100 meters from it. The Islamic organization Hamas claimed responsibility for the attempt.

2 Generally, these are cigar-shaped vessels 6-8 metres long, capable of transporting around a tone of cargo. In an overwhelming majority of reported instances, they were connected by a bundle of wires around 150-200 metres long with the base vessel (usually a big engine-powered yacht), which controlled their steering and supplied power to their electrical engines.

3 The midget submarines armed with 1-2 torpedoes or mines. Their displacement is about 100 metric tonnes. An example of a vessel of this class may be the North Korean *Yugo* type submarine, which was cast ashore in South Korea on 18 June 1998 due to a failure of the vessel. Its crew numbered four men. In addition, it can take 6-7 combat divers.

4 While discussing terrorism at sea, it is worth noting a significant rise in the number of acts of piracy reported recently. Whereas in 1991 just over 100 pirate attacks on ships had been reported, in 2000 there were 469 such attacks. Most (57%) attacks took place in seashore areas and the archipelagos of South Asia. P. CHALK, Piracy Re-emerges as a Modern-day Threat, *Jane's Navy International*, (4) 2002, pp. 12-16.

5 K. KUBIAK, "Prawa i obowiązki państwa w zakresie zwalczania aktów przemocy na morzu w świetle postanowień konwencji rzymskiej," *Przegląd Morsk*i, (3) 1999, p. 40.

6 www.undcp.org/odccp/terrorism_convention_maritime_navigation.html.

7 www.undcp.org/odccp/terrorism_convention_platforms.html.

8 J. SYMONIDES, *Nowe prawo morza*, Warszawa, 1986, pp. 181-193.

9 The problem of inspecting cargo in ports is often perceived in the aspect of baggage checks at airports. Meanwhile, it concerns an issue of a totally different scale. In 2000, Polish ferry terminals alone (hence this data does not refer to the total volume in Polish ports) handled 2,157,914 tons of cargo, 18,671 train carriages, 125,095 trucks, 162,716 passenger vehicles, and 919,389 passengers crossing the sea border on ferries. Cf. P. BAUER, "Żegluga promowa na fali," *Gazeta Wyborcza*, 26 March 2002, p. 6. Insofar as a careful inspection of passengers is possible, from the point of view of the threats examined a careful inspection of cargo would boost shipment charges and paralyze ferry terminals.

10 Four terrorists maintained full control over more than 1,000 passengers and members of the crew during the hijacking of the Italian passenger ship *Achille Lauro.*

11 This is what the terrorists did during the already-mentioned hijacking of the Portuguese passenger ship *Santa Maria* on 22 January 1961, the Italian ship *Achille Lauro* on 7 October 1986, the attempt to hijack the Greek vessel *City of Poros* on 11 June 1988, the hijacking of the Turkish ferry *Avrasya* on 13 January 1996. Cf. K. KUBIAK, "Terroryzm morski zagrożenie dla żeglugi" *Morze*, (5) 1990, "Groźba wysadzenia promu," *Rzeczpospolita*, 18 January 1996.

12 An example here was the hijacking of the ferry *Laju* in Singapore on 3 January 1974, when four terrorists from the People's Front for the Liberation of Palestine and the Japanese Red Army captured a vessel and took five people hostage following an attempted attack on the Shell Oil installations.

13 In 1994 Islamic fundamentalists murdered the sleeping crew of the Italian merchant ship *Lucina* in the Algerian port of Iyel.

14 It is a method employed primarily by contemporary pirates. Documents of the International Maritime Organisation describe two rubber pontoons (without angular fenders and hence practically invisible to radars) linked by a floating rope that are used to get secretly on board a moving ship at night. They are positioned at a ship's bow. The vessel hooked to the rope pulls the pontoons to its sides. Cf. K. KUBIAK, "Piraci czy terroryści," *Komandos*, (3) 1996.

15 The aforementioned method is used by pirates primarily in regions without intensive activities of police and military units, or where the littoral states do not exercise effective control over their shorelines. Among

Electronic PDF security powered by www.IndexCopernicus.com

others, it was employed by Eritrean groups close to the Bab el Mandeb strait.

16 It was a method typical of North Vietnamese guerrillas in attacks on merchant ships moving along the inland water route linking Saigon with the sea. Cf. R. L. Schreadley, "Sea Lords," *USNI Proceedings,* (8) 1970, "The Naval War in Vietnam 1950-1970," *USNI Proceedings*, (5) 1971, p. 66.

17 In the post-World War II period armed motorboats have been used by Cuban anti-Castro groups, Arab terrorists targeting Israel's shipping and sea-coast, the Nicaraguan Contras fighting the Sandinistas, Iranian navy irregulars during the Iraqi-Iranian war, Croatian forces during the civil war in Yugoslavia and the Tamils in the domestic conflict in Sri Lanka.

18 The name of Swedish company which provided the fast motor boats to Iran during the war against Iraq. They were used by Iranian Revolutionary Guard for attacking tankers.

19 This opinion is confirmed by the ease with which organized criminal groups involved in human trafficking acquire ships. Cf. Z. KUSOVAC, "Stemming the Flow of People - Smuggling at Sea," *Jane's Navy International*, (4) 2002, pp. 18-20.

20 The name of German firm, the world leader in the field of military diving equipment.

21 According to Jane's Underwater Weapon System, the following countries manufacture sea mines: Brazil, Chile, People's Republic of China, Denmark, Germany, Iraq, Italy, North Korea, Poland, Russia, Spain, Sweden, Republic of China (Taiwan), United Kingdom, United States, Yugoslavia. Between 250,000 and 450,000 mines of all types and uses (according to American estimates) were to be found in the arsenals of the former Soviet Navy alone. Cf. F. B. KELSO II, "Building Blocks of Naval Power," *USNI Proceedings*, (11) 1992, p. 40. The deployment of mines by the Tamil rebels attests the proliferation of mine ordnance. This is also confirmed by the damage done on 29 May 1987 by an underwater explosion to a Greek vessel of 29,423 d.w.t. approaching the post of Trinkomali. Cf. "Shipping News," *BIMCO Weekly News,* (26) 1997, p. 3.

22 Since World War II mines were laid for terrorist purposes by the Contras in the fight against the Sandinista government in Nicaragua, by UNITA in the civil war in Angola (mainly on the approaches to Luanda), by Iranian irregular formations in attacks on shipping in the Persian Gulf, during the Iraqi-Iranian war, by Libyan naval forces and special services in the Suez Gulf in 1984, by Tamil separatists.

23 The peace process has just started in Sri Lanka. If the war finishes, it will likely decrease the probability of sending sea mines by Tamil Tigers.

Commander Krzysytof KUBIAK, PhD, is Assistant Professor at the National Defence University, Warsaw, Poland.

Electronic PDF security powered by www.IndexCopernicus.com