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International Terrorism at Sea as a Menace to the Civilization of the 21st Century

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This article posits that the menace of terrorism at sea has traditionally been overlooked, especially since the events of September 11 in New York that were perpetrated by air. Beginning with a general discussion of what motivates a terrorist and the different kinds of terrorism, the article then moves on to maritime terrorism and piracy and their legal and practical distinctions. The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 1988, which made great strides in detailing and codifying terrorism at sea, is discussed, as well as the role of the UN International Maritime Organization in combating terrorism at sea. Finally, the article sums up the current state of affairs and what still remains to be accomplished to effectively battle international maritime terrorism, which the author sees as the world's next great threat.

Keywords: *terrorism; international terrorism; terrorism at sea; international crime; fear*

The world has been changed forever by the events of September 11, 2001. As Polish President Aleksander Kwasniewski observed, "What happened is beyond our imagination and beyond the experience we have gained so far. It will probably not only make the world different but we ourselves will no longer be the same people we were yesterday."¹ On that memorable morning, hijacked civilian planes struck the World Trade Center complex skyscrapers that had been described as buildings of the 21st century. Paradoxically, however, the buildings were the first to fall victim to the new era. According to the constructors, the World Trade Center towers were supposed to be resistant to hurricane winds blowing at more than 300 kilometers per hour, as well as to the impact of the world's biggest planes produced 30 years earlier. On September 11, 2001, within just a few dozen minutes, the symbol of the world's business and trade ceased to exist. Both towers collapsed and thousands of people lost their lives.

The greatest advantage of the terrorists was the element of surprise. The criminals had been preparing their plan of action for a long time, whereas the

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international community was completely unaware of the menace. The tragedy that took place in New York and Washington, D.C., attracted the attention of the whole world. People on every continent, concerned about the incidents in America, accepted the challenge of fighting against terrorism. There are some questions, however, as to whether attention was focused on all aspects of terrorists' actions and whether all the areas to which they might direct their aggression were taken into consideration.

The analytical hypothesis of the present scientific study is the assumption that in the face of the incidents of September 11, the world has realized the problem of the menace of air terrorism but at the same time, it has ignored terrorist acts at sea. It follows that in the years or months to come, terrorists' actions in the oceans and seas will become a greater menace to civilized society.

To solve this analytical problem, the following questions are addressed:

- How can we define terrorism at sea? Is the concept of acts of terror identical to political piracy?
- What are the sources of terrorism and what phenomena in civilization are conducive to its development?
- What is the "typical profile of a terrorist" and what are the motives for and the aims of the terrorist's actions?
- What regulations concerning the fight against terrorism at sea have been introduced?
- How should we prevent the occurrence of terrorist acts at sea?
- What is the cooperation like among countries in the fight against terrorist acts at sea? Is it effective?
- What course of action might terrorists at sea follow within the next years?

The international community is troubled by terrorist attacks that kill thousands of people, violate the sovereignty of countries, and heighten the sense of menace and insecurity among people all over the world. The number of attacks is rapidly growing and it takes drastic forms. Within 30 years, the number of terrorist attacks has risen from a few dozen in 1968 to thousands in 2001. Regardless of where they live or are staying at the moment, thousands of people are exposed to danger every day. In the past, terrorist acts mainly concerned the Middle East, whereas in modern times the whole world has become a potential target of attacks.

It was on October 7, 1985, when Palestinian guerrillas launched a spectacular attack on the ship the *Achille Lauro*, that the world's attention became focused on the issue of terrorism in international shipping. Earlier, shipping had not been menaced by terrorism, which had been aimed at air transport since the mid-1950s. Technological progress and the publicity that accompanied the development of aviation became some of the motives for the attackers to strike because both allowed them to put enormous pressure on society. The interest of the attackers in striking from the air delayed similar attacks at sea, although it certainly did not prevent the phenomenon from occurring.

Because of the various aspects and forms it can take, it is easier to describe terrorism than to define it. The following definition is found in the 1937 Geneva Convention for the Prevention and Punishment of Terrorist Acts (as quoted in Oppenheim, 1957): "Terrorist acts are criminal acts directed against a country. The intention and purpose of these acts is to make particular people, a group of people or the society aware of a state of menace" (p. 170). The statement proved to be inaccurate. Thus, aware of the inconsistencies resulting from the use of the term *terrorist acts*—which take the form of a crime against people and are related to violent acts leading to international consequences—the authors of the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance of 1971 deliberately did not mention the above statement in any of the records (McWhinney, 1987, pp. 225-228; Oppenheim, 1957, p. 170). A similar situation arose in the case of the 1977 European Convention for the Prevention of Terrorism; *Terrorist act* is mentioned only in the preamble to the convention, whereas the expression *political crime* is defined instead (Czernis, 1989; McWhinney, 1987, pp. 228-232). One of the most effective expressions is the definition that was introduced in Article 1 of the International Law Association project concerning the 1980 Convention for Legal Control Over International Terrorism in which the authors accurately described the concept of "an international terrorist crime" (Czernis, 1989).²

On the basis of the legal records already mentioned, *sea terrorism* can be defined as

every illegal act of violence committed either by individual people or by organized groups of people and directed against ships, their passengers, the cargo or the crew, or against sea ports. It is also a threat, an attempt or actual co-operation in such an act which, through murder or injury, as well as through the damage of maritime targets, creates the states of menace and terror. Owing to its spectacular character and the publicity it attracts, its aim is to influence directly or indirectly a government, an international organization or public opinion in order to gain considerable political advantages. (Czernis, 1989, p. 217; see also Bruyneel, 2003)

The expression *political piracy* is used interchangeably in international literature. It stands for a criminal action that unlike the traditionally understood concept of piracy, is justified only by political aspects and is devoid of a personal goal.

Terrorism is a complex phenomenon. It includes a wide spectrum of actions, from acts that border on aggression, through the military actions of various political parties, to so-called international banditry. In view of the apparent variety of terrorist acts, we can come to the conclusion that various forms also have different causes. The factors conducive to the development of terror can be divided into economic, political and cultural, ideological and motivational, and social-psychological categories (Szmidt, 1979, pp. 46-69).

The factors have been divided according to the terrorists' motives and aims. Yet the progressive globalization of the world's economy, which is one of the most important factors, was not emphasized in the division made by Szmidt (1979). From an economic point of view, globalization is a desirable phenomenon. At the same time, however, it is a negative trend due to the sharpening of the borders between the rich and the poor. Wide groups in society are becoming impoverished, whereas others are unable to satisfy their growing aspirations. International exchange and the activity of global industries have led to an unprecedented "revolution of expectations." Difficult conditions and, frequently, a sense of injustice are a foundation conducive to the development of terrorism.

The standardization of culture is also a direct result of globalization. Many ethnic groups, which had been living in accordance with tradition, have been forced to change their ways of living. Confrontation with the expansive Western civilization, a real "clash of civilizations," may not only cause fear but also release aggression. This situation could be observed in Iran and then also in Algeria. The "multicultural society" that is now being created in the world attracts people who follow different customs and who frequently preserve contradictory principles. Such a situation does not lead to a growth in tolerance; on the contrary, it stimulates aggressive defensive attitudes, which can even take the form of terrorist attacks (Tomasiewicz, 2000, p. 367).

Motivation is the justification and excuse for committing a terrorist act—the outlook and the principles the terrorists are driven by. It is difficult and at times even impossible to provide a rational explanation for the attackers' actions. An average person who makes momentous decisions takes into consideration the consequences for himself or herself and his or her relatives, and then loyalty toward friends or homeland. When the considered range of arguments narrows down to only revenge, fame, honor, faith, or nation and the remaining principles lose their importance, then there arise conditions that are conducive to the development of a would-be terrorist. According to Wojciech Eichelberger from the Psychoeducation Laboratory in Warsaw (as quoted in Wolniak, 2000),

A terrorist is a man uncertain of his own identity. In order to find the hierarchy of principles, he is likely to adopt an extreme ideology, establishing rigid principles that cannot be violated and which are supposed to be a defence against confusion and loss. (p. 46)

Individuals exposed to similar doubts are people who, from their childhood, have been brought up in a traditional way and who suddenly have to live in a new environment with a different system of principles. What is also emphasized is the lack of autonomy of such individuals and their willingness to identify themselves with an extreme ideology, resulting from the experience of violence and humiliation that these people went through in their childhood. The simpler the idea for solving both one's own and the world's problems, the easier it is to

identify a terrorist with his or her ideology, which associates the sense of living with an armed action against human evil (Wolniak, 2000, p. 46).

A potential terrorist believes in his or her own strength as well as in the driving force of the group to which the potential terrorist belongs. This individual is likely to undertake difficult and dangerous tasks to achieve a desired aim. Two groups of aims can be distinguished in a terrorist's actions:

- (a) A fundamental or primary aim—based on coercing the government, the authorities, or a particular community, social group, or party into acting in a desired way. The fundamental aim can take various forms, including but not limited to
 - obtaining certain advantages or concessions, for example, setting free a political prisoner or receiving financial resources in the form of a ransom;
 - garnering publicity in the media; one of the main aims of terrorists is to make their actions generally known through mass media (press, radio, and television). An attack that is successful and yet is concealed by the authorities is of no value because it does not cause the fear or terror the terrorists wish to spread;
 - spreading confusion and anxiety, as well as demoralizing society and attempting to disrupt the existing political system;
 - provoking the government into revenge, repression, and the escalation of violence, which involves the loss of both popularity and public support for the ruling party;
 - exacting obedience or loyalty; to make a certain impression on public opinion, the victims are chosen deliberately and the whole case is publicized in the international arena;
 - inducing feelings of guilt; the terrorists announce that the victims of the attack were partly responsible for their fate.
- (b) An instrumental (peripheral, indirect) aim—a technical means of realizing the primary aim. These are actions directed against a person, an object, or the environment in which a person is staying (i.e., against “goods” that are under legal protection). The attackers' actions are supposed to lead to the achievement of the primary aim of the terrorist act (Indecki, 1998, pp. 26-27).

In contrast to the popular image of an attacker as a psychopathic murderer, the terrorist is usually an efficiently thinking, mentally healthy individual. Otherwise, it would be impossible for him or her to accurately perform the task in the foreign territory as planned. Psychological research has proved that a terrorist who considers a crime in moral categories has no difficulty rationally and ideologically justifying the attacks he or she has carried out. What is the causative factor that makes someone kill thousands of innocent people? According to psychologists, a person becomes a terrorist when his or her brain is closed to any information or principles that are incompatible with the aim that person has earlier set himself or herself. This thesis can be proved by an experiment conducted by an American professor of psychology, Stanley Milgram. The aim of

the experiment was to answer the following question: In what conditions does a person decide to reject binding norms and become capable of executing an order to inflict pain on others (Grotowicz, 2000, p. 380)?

The course of the experiment was as follows: Two volunteers from the team working for Milgram, a teacher and a student, offered their help with the research. The examined volunteer felt certain that the experiment concerned "tests of memory," or to be exact, how the infliction of punishment influences the process of learning. The task of the volunteer-teacher was to punish "the student" for his errors with doses of electric current. With every mistake, the teacher was obliged to increase the power of the electric shock by 15 volts. In practice, the student, a substitute for the real one, did not receive any doses of current and had to simulate the pain and suffering. The teacher was certain that with every shock, he was causing greater pain to the student. Aware of the power of the electric shocks, the teacher carefully followed the instructions of the experts in the laboratory (Grotowicz, 2000, p. 380).

The experiment conducted at the American university shows that a typical teacher-participant inflicted lethal shocks on an innocent student-participant. People who took the role of the teacher verbally protested against the experiment; however, most (62.5%) of the examined people proceeded with it under the pressure of the researcher.

According to Milgram, the real cause was the inability to oppose the demands of someone in authority, which is typical of humans. "The major result of this research series is that it proves the extreme inclination of adult people to do virtually anything so as to obey the instruction of someone in authority" (Cialdini, 2001, p. 188).

The research done by Milgram, as well as the cooperation of scholars and experts in various fields (psychology, sociology, political science), has enabled us to create a typical profile of a terrorist: He or she (approximately 50% are women) is between the ages of 22 and 35, single, has some higher education (66.7%), and is mainly of urban origin (Jaloszynski, 2000, p. 16).

In contemporary times, terrorism has a basis conducive to its development. It is a good idea then to make a legal analysis of the means of fighting against terrorism. The attack on New York on September 11 had a significant influence on the perception of international law. It is necessary to carefully analyze the regulations and once again consider their actual application to the present situation (Cassese, 2001, p. 993). To understand fully and properly the meaning of the legal regulations concerning the fight against terrorism at sea, we should examine how they evolved and emphasize the development of the law, which includes some crimes among the acts of political piracy.

First we have to mention the Treaty of Washington of 1871, which was signed by England and the United States. The significance of this document is that it represents the first arrangement of the basics of international cooperation concerning preventive actions against terrorist acts at sea. The events that

followed the signing of the treaty (i.e., the case of the ship the *Huascar* in 1877 or the ship the *Montezuma* in 1877) exhibited the traits of a terrorist act because they were conducted to achieve certain political aims.

The High Seas Convention of 1958 was the first international agreement to form the basis for fighting against sea terrorism (see Kocot & Wolfke, 1972). In the convention, there are no regulations concerning terrorist acts; however, *piracy* is defined in such a way that the decisions of the convention can undoubtedly be used in reference to sea terrorism as well. The range of piracy was defined in Article 15 of the High Seas Convention as

- (1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (3) Any act of inciting or of intentionally facilitating an act described in sub-paragraph 1 or sub-paragraph 2 of this article. (see Kocot & Wolfke, 1972, pp. 244-254)

Numerous social changes have occurred in recent decades. New kinds of crimes and actions whose outward qualities are similar to acts of piracy have also appeared, although they are not identical in the strict sense of the word. In legal practice, it has proved difficult to establish a border between acts of piracy and some acts of hijacking or terrorism. A dispute was caused by the question of whether piracy includes only those acts perpetrated with the intention of committing a robbery (*furandi causa*) or it applies to other motives, for instance, political ones. It was hard to specify certain actions as acts of piracy and to distinguish other forms of crime, particularly terrorist acts.

Similar problems were caused by the requirement that two sailing vessels had to be involved in an act of piracy. Many actions directed against the safety of international shipping did not fulfill the condition because they were not acts of piracy (*iuris gentium*). It could follow that the case of the *Achille Lauro* would not be accepted as an act of piracy but as a forbidden act instead (Indecki, 1998, pp. 91-92).

The International Law Commission favored the definition of *piracy* in a narrow sense of the term as “one which does not go beyond the concept of robbery and at the same time excludes crimes based on political motives. Terrorism acquired the name of political piracy, an individual category which was considered separately” (Machowski, 2000, pp. 11-22).

Since the ratification of the High Seas Convention of 1958, the number of terrorist acts has increased. This emphasizes the need for the introduction of international rules of conduct. Among other such incidents, the familiar acts of terror at sea include

- the hijacking of the Portuguese passenger ship *Santa Maria* by Portuguese insurgents (January 22, 1961),
- the Israeli attack on a charter tanker in the Bab-el-Manbel Strait (June 11, 1971)
- the sinking of the pleasure boat *Sanya* by the Black September group (March 4, 1973),
- the hijacking of a Greek ship in Karachi by the Moslem International Guerrillas (1974),
- the stopping of the Japanese ship *Sheiro Maru* by the Moro National Liberation Front (September 1975),
- the discovery of a plot on board the *USA Trepang* (1978),
- the damaging of a Spanish ship by Basque insurgents (1981), and
- the hijacking of the Italian pleasure boat *Achille Lauro* (October 7, 1985).

As a result of the incidents mentioned above, the UN National Assembly asked the International Maritime Organization (IMO) to deal with the problem and to develop appropriate means of preventing the occurrence of the phenomenon of terrorism. The direct consequence was the passing of a resolution on devising and accepting the means that would prevent illegal acts against the passengers and the crew of a ship (Czernis, 1989, pp. 225-227).

The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 1988 (Rome Convention) is an agreement to fight against sea terrorism that consists of 22 articles and a preamble that were approved at the 58th session of the IMO (Ronzitti, 1990). The term *terrorism* was once again replaced with the expressions *illegal act* or *crime* to avoid any interpretative disputes. It was agreed that the most crucial element was the content of the decisions included in the convention and not the vocabulary used.

The purpose of the Rome Convention was to include a broad category of ships (i.e., the potential targets of terrorist attacks). In Article 2, the regulations of the convention were deemed to refer to all sailing units that are not permanently connected to the sea bottom. This includes units that are capable of submerging and those that are not, as well as other floating craft. Vessels and ships that are the property of the state or are used by it (i.e., those belonging to the police or the customs service, as well as those that had been withdrawn from use) were excluded from being covered by the convention.

It was emphasized in the Rome Convention that it is only the international quality of the act that gives grounds for a country to refer to the rights and duties resulting from the convention. A terrorist act committed within a single territory without the presence of international elements was not included in the convention.

The definition of *terrorism* given by the Rome Convention consists of specifically enumerated types of crimes. The authors did their best for the particular

components of the definition to include a wide spectrum of possible crimes. The definition says that a person commits a crime if he or she illegally and intentionally

- occupies a ship or takes control of it by the use of force or the threat of using it, or by means of other forms of threat,
- commits an act of violence directed against any person on board, providing that such an action threatens the safety of the sailing of the ship, or
- destroys the ship or causes damage to it or its cargo, providing that such an action threatens the safety of the sailing of the ship,
- places on board or enables the placement of devices or materials that may damage the ship or its cargo and, thus, directly affect the safety of the sailing of the ship,
- destroys or seriously damages the navigational equipment or impedes its proper use,
- gives false information, thus, posing a threat to the safety of the sailing of the ship,
- injures or kills a person when committing or attempting to commit the crimes mentioned earlier.

A person also commits a crime if he or she

- attempts to commit any of the crimes mentioned earlier,
- persuades some other person to commit any of these crimes or in any other way cooperates with a person who commits the acts mentioned earlier,
- threatens a natural or a legal person to make him or her commit such a crime (Pikulski, 2000, pp. 54-58).

The convention focuses on listing possible crimes without giving the motives for the acts. This was done deliberately to describe accurately the phenomenon of terrorism, the methods of fighting against it, as well as the effects this could have on international shipping.

Article 6 of the Rome Convention defines two types of jurisdiction by states over the perpetrators of terrorist attacks at sea—an obligatory one and an optional one (Stankiewicz, 1998). It is presumed that a state, being a party to the convention, is obliged to take under its jurisdiction crimes that are committed

- against or on a ship that when the crime was committed, was sailing under the flag of the state,
- when a presumed criminal is on the territory of the state and the state defers the extradition of the suspect,
- by a stateless person,
- that affect a citizen of the state,
- to force a certain action from the state.³

When considering the existing international instruments regarding the fight against terrorism, we can observe that despite the events of September 11, the international community has not yet managed to develop a uniform system of punishing criminals who have committed similar crimes. In the analyzed

conventions, states are obliged to detain a suspect and then hand the suspect over to the police. The primary duty is to hand the perpetrator over to the authorities, whereas the procedure of judging him or her is less important. The problem, however, boils down to the lack of uniform regulations in all the states. Despite the ratification of the decisions in the Rome Convention, in some states the appropriate regulations have not been included in domestic legislation or have been included in an inefficient way. The low efficiency of the convention as a form of legal regulation is a direct consequence of such a situation.

The tasks connected with the documentation and dissemination of the actions may be assigned to specific UN departments to increase the efficiency of legal instruments in the fight against terrorism. The purpose of the actions is to establish safe sea and air transport. There are two international organizations that are of crucial importance in preventing terrorist acts and fighting against them: the International Civil Aviation Organization and the IMO.

Both the International Civil Aviation Organization and the IMO are subordinated to the United Nations, and their aim is to increase the security of international sea and air transport. Their decisions mainly concern measures that should be taken for the better protection of passengers and crew members (Indeck, 1998, p. 61).

The IMO, which deals with problems of terrorism at sea, has set itself the following tasks:

1. to form a mechanism of co-operation among governments in the sphere of norms as well as in the sphere of all kinds of technical norms concerning the shipping trade, safety at sea and shipping efficiency,
2. to support the elimination of discriminatory actions and restrictions introduced by governments in maritime trade,
3. to discuss the problems raised by the UN and specialist organizations,
4. to organize the exchange of information between governments on the issues which lie within the scope of the IMO. (Doliwa-Klepcki, 1999, p. 234)

Terrorism is a serious menace to the development of the world's civilization. Contemporary terrorists are highly qualified and organized. They use the most modern weapons, means of transport, and communication. Thus the question, Where do they obtain the means for their terrorist activities?

Sources of financing terrorist organizations include governments, sponsors in the Islamic world, charity and nongovernmental organizations, and criminal activities (e.g., the production of drugs, drug trafficking, forging money, smuggling, extorting financial resources, and illegal gold and diamond trading). Nowakowski and Urbanowicz (2002) observed in their UN report that al Qaeda has millions of dollars, despite global action in controlling the bank accounts of organizations and people supporting the group, and the UN assesses the value of the investments at the high command's disposal at US\$30 to \$300 million. Nowakowski and Urbanowicz wrote in the conclusion of their UN report that

“al-Qaeda is doing very well in every respect and is preparing itself for a new strike” (p. 36).

Bearing in mind the wide range of effective financial resources, we can expect that in the near future, terrorist groups will take possession of a chemical, biological, or nuclear weapon (Laqueur, 1998, p. 358).

To avoid the above-mentioned danger and protect humanity, countries and international organizations should cooperate and take steps toward more efficient protection of the international community. In 1987, Mikhail Gorbachev (as quoted in Pawlak, 1988) emphasized that

it is extremely important to intensify and expand co-operation among countries in fighting against international terrorism. The problem should be considered by the UN. It would be useful to set up a tribunal which, under the auspices of the UN, would analyse the acts of international terrorism. (p. 25)

Gorbachev’s vision came true; the International Criminal Tribunal was set up. At present, the cases of specific international crimes are considered separately and the actual leaders are called to account for their actions. International law provides a direct basis for criminal jurisdiction over those natural persons who have violated the law in some way.

It ought to be emphasized that terrorism is an escalating phenomenon. At present, the most frequently used forms of terrorist act are assassinations of particular people; bombing raids; hijacking vehicles, ships, and planes; kidnapping; and taking hostages (which differs from kidnapping in that the place where the hostages are held is known).

Similar acts of terror are committed at sea. The attack on the American warship *USS Cole* took place in the port in Aden (Yemen) on October 12, 2000 (see Figure 1). The attack was prepared with great precision. A small boat carrying explosives hit the frigate’s side. The explosion of the device placed on the tug, which was supposed to pull the ship into the port, made a hole in the side of the *USS Cole*. Seventeen sailors died and 38 suffered injuries. The investigation revealed that the preparations for the attack had lasted for a year. It is presumed that the attackers were supported by representatives of the Yemeni authorities. A US\$5 million reward was offered for help in arresting the perpetrators. The initiator of the attack was probably Osama bin Laden (Kowalska, 2001, p. 12).

A similar incident took place a few days before the second anniversary of the attack on the warship *USS Cole*. Specifically, the French tanker the *Limburg*, which was in the Gulf of Aden off the coast of Yemen, was shaken by an explosion. The ship burst into flames. The captain of the *Limburg* said that a small boat approaching the tanker had been seen before the explosion. Euronav, the French company to which the tanker belonged, said that the explosion was caused by explosive devices. The hull of the ship was damaged and the tanker began to sink. There were 25 crew members (8 Frenchmen and 17 Bulgarians)



Figure 1: Map Illustrating the Countries of Saudi Arabia, Oman, Yemen, Ethiopia, and Somalia; the Red Sea, Gulf of Aden, and Arabian Sea; and the Towns of Najran, Jizan, Sana, Al Mukha, Aden, Sayun, Al Mukalia, Ceerigaabo, Salalah, Djibouti, Berbera, and Caluula.

on board, along with a Yemeni who was piloting the ship. Twelve sailors suffered injuries and 1, a Bulgarian, was reported as missing (“MT-O, To mógł być zamach,” 2002, p. 5). Paradoxically, however, in September, the American Navy had warned that al Qaeda was planning attacks on tankers in the region of the Persian Gulf and the Horn of Africa.

The example of the tanker *Limburg* shows the significance of the role that international cooperation plays in fighting against terrorism. Does armed action provide an effective means of fighting against terrorist groups? From the psychological point of view, it is necessary to overpower and destroy terrorist groups to fight against groups of organized criminals. What is emphasized is the preventive aspect of the creation of extreme attitudes. The fight against the humiliation, coercion, or frustration of people may prove more effective than any armed action that contributes to the development of a revolutionary atmosphere.

The disintegration of social bonds will make a terrorist strive toward the deaths of random innocent people. Terrorism adopts an extremist quality and there are two possible causes for its development:

- psychological—a tendency toward obsession and fanatical thinking, demonstrated by behavior typical of a paranoid; and

- Alderian compensatory complex—caused by frustration and humiliation, which give rise to anger (Indecki, 1998, p. 26).

A terrorist of the future will act independently, presumably on his or her own or in small groups, which will impede the discovery of organizations and criminal groups. Terrorists have modern weapons and equipment that allow them to move armed actions outside the territories they come from to other continents as well as to seas and oceans. Instead of concentrating on a battle, a would-be terrorist will concentrate on expressing his or her views and on demonstrating his or her power. The would-be terrorist's aim will be to exert influence, which is described as a psychological effect. It is worrying that minor problems become a reason for resorting to terror at sea (Jaloszynski, 2000, p. 368).

The element of surprise has always been the advantage of terrorists. An anonymous, unidentified threat causes anxiety and keeps a tight rein on the lives of the people being threatened. Before September 11, people had not expected that scheduled Boeing airplanes would become weapons in terrorists' hands. The plan of the attack was precise. The terrorists deliberately used civilian planes, knowing that no one would shoot them down. It seems that their plan was successful. Millions of people were deprived of the certainty of tomorrow.

The attack on the World Trade Center focused the world's attention on the problem of terrorism. The need to secure airports and air transport was openly discussed. A year after the incidents in New York and Washington, D.C., when stability and a feeling of security had been restored, a terrorist attack took place in a theatre in Moscow. Although different motives stimulated the perpetrators, the security of the international community was undermined once more because the element of surprise was again present. What then will be the next target of terrorists?

Following the theory of surprise, we can presume that an attack will be directed against seagoing ships. What form will it take and what weapon will the attackers use? All steps preventing terrorist action should be taken. This aim was set at the IMO conference that took place in London from December 9 to 13, 2002.

The conference focused on the introduction of regulations that would control security at sea and in port areas. In his inaugural speech, IMO Secretary-General William O'Neil emphasized the significance of the discussed issues not only for the community directly connected with the sea but also for the world's entire community due to the role sea transport plays in trade: "The conference was organized in connection with last year's attacks on New York and Washington D.C., which brought the deaths of thousands of innocent people. This historic meeting is a demonstration of protest against terrorist activity" (IMO, 2002). O'Neil expressed a wish for the conference to make an important contribution to the development of freedom not only on water but on land as well (IMO, 2002).

On the basis of the analysis of terrorism, and particularly with reference to sea transport, we can draw the following conclusions:

1. "Terrorism is the greatest menace to humanity," said Pope John Paul II (2001, pp. 100-101). The words of the Pope refer to the danger that terrorism causes to the contemporary world and its inhabitants.
2. Terrorism consists of using intimidation and violence as a strategy for achieving a particular goal. Its aim is to instill fear in the entire society, not only in a single person. The ideology of terrorism may show itself and develop in nondemocratic countries. The governments of these countries either support the activities of terrorist groups as legal movements for national independence or use terror as a means of foreign policy. It seems valid to say that unless all the world's existing despotic regimes are replaced by democratic governments, the feeling of social injustice will influence the advocates of terror and the safety of the civilized world will be threatened.
3. Legal experts have experienced difficulty in defining the concept of terrorism at sea. The difference between an act of terror and piracy is not clear. On the whole, it can be accepted that piracy includes only acts perpetrated with the intention of committing a robbery (*furandi causa*). Terrorism has a political or ideological background. The lack of a clear definition and the impossibility of distinguishing the concept of terrorism from, for instance, a fight for national independence (which according to international law, is a legal form of exercising a nation's right to self-determination) makes states interpret international terrorism and terrorist activity at sea in a liberal way and according to their particular interests.
4. Despite numerous attempts, from the Treaty of Washington of 1871 to the Rome Convention of 1988, and including numerous UN resolutions, legal normalization concerning the issue of terrorism at sea is not ideal. Owing both to loopholes in the present system of international treaties and the low efficiency of the resolutions adopted by the United Nations, efforts must be made to draw up a legal instrument that would be common to and respected by all states, because the existing regulations are not fully complied with. The reason is the lack of political will among the interested parties. Some countries, mainly those with a shortage of money, which are not in immediate danger of terrorist attack, are unwilling to pay the price for the fight against terrorism. The phenomenon of terrorism is, thus, perceived in poorer countries as not so serious a threat and one that does not require financial resources.
5. As was proved by Professor Milgram, the power of authority is a significant menace to the world, particularly in states with a nondemocratic government system, because it may be used to establish the ideology of terror (Grotowicz, 2000, p. 380).
6. It is difficult to fight against terrorist phenomena without eliminating the reasons why they appeared in the first place. A typical profile of a terrorist and a diagnosis of the factors conducive to the development of the phenomenon may prove useful in identifying individual people or circles that are likely to commit acts of terror. It is crucial both to recognize the sources that subsidize terrorism and to reduce organized criminality through, for instance, international cooperation in the fight against the trafficking of drugs and weapons. Terrorists possess weapons with increasing explosive power. On one hand, technological development serves humankind. On the other hand, however, it indirectly works against humanity because it provides terrorists with the newest achievements in the field of armaments. The present situation requires the regulation of the following issues in international relations: the responsibility of states for not meeting international commitments, the trafficking and transfer of weapons, and the standardization of jurisdiction over terrorists.

7. Economic transformation led to the crisis in the cultural identities of Muslim nations and, thus, affected the psychosocial balance. Islamic societies were made to live in a dual morality—on the border of Western civilization and Islamic fundamentalism—which violates the systems and hierarchies of religious values. The improvement of the economic living conditions of people in poorly developed countries and the growth of religious toleration would facilitate the withdrawal of some of these people from their involvement in terrorist actions and piracy. This observation refers mainly to Asian countries.
8. The governments of the countries of the so-called antiterrorist coalition and international organizations, for instance the IMO, should conduct constant monitoring, as well as organize and develop rescue units and resources. To protect life and property, and because of the possible ecological danger in the case of attacks on drilling rigs or tankers, qualified services and government departments should consider the specific nature of ships and maritime constructions from the point of view of a possible terrorist act. After all, ships are targets of terrorists' actions, owing to the distance between them and dry land as well as because of their distance from the armed forces that guard international order.
9. As the events in the Moscow theatre in 2002 show, the world is still helpless in the face of terrorism. Assumptions as to the place of possible attacks as well as types of weapons that could possibly be used may be hypothetical. In fact, terrorist attacks can take place everywhere—on land, at sea, in the air, and in the future, in space. Following the theory of surprise, we can expect the escalation of terrorist attacks at sea. Since the attacks on September 11, 2001, strict controls have been imposed on strategic buildings on land as well as on planes. The poorer organization of control over sailing units may become a sufficient argument for terrorists to take some action. We can presume also that aircraft carriers will become the target of terrorist attacks; a terrorist attack on such a unit may have tragic effects.
10. Antiterrorist activity should focus on preventing attacks and minimizing the effects they might cause. If we respond with aggression, the terrorists will strengthen their conviction about the rightness of terrorist actions. International crimes at sea may pose a global threat to nations' security. To eliminate danger, countries should be obliged to take collective action. The degree of cooperation may, in the future, have a decisive influence on the efficiency of the fight against terrorism. Only a common, unanimous, and decisive reaction can provide efficiency in the fight against organized criminality at sea. Neighboring countries, for instance, those in the area of the Baltic Sea, should together form "rapid reaction forces" to deal with crisis situations (e.g., terrorist threats or ecological catastrophes).

NOTES

1. A passage from the speech made by Polish President Aleksander Kwasniewski, on September 11, 2001, the day of the terrorist attacks in New York and Washington, D.C. The speech was delivered during the Andrzej Drawicz Award ceremony (cf. Kwasniewski, 2002, p. 142).

2. Article 1 of the International Law Association project concerning the 1980 Convention for Legal Control Over International Terrorism (as quoted in Czernis, 1989) states that

an international terrorist crime is every serious act of violence or the threat of its use by people working either individually or together with other people. The act is directed against internationally protected people, organisations, transport or communication

systems, or against the members of society, in order to threaten, harm or kill the people, impede the working of these organisations, cause losses, violate or damage these places or objects, or disrupt the transport and communication systems mentioned earlier in order to worsen the friendly relations between countries or their citizens, or in order to extract some concessions from the state. Secret preparations to commit the above-mentioned crimes or attempts to commit them, as well as co-operation with or public incitement to these crimes, should be recognised as an international terrorist crime. (pp. 212-215)

3. Examples of such jurisdiction were mentioned in, among other works, "Maritime Jurisdiction and Arrest of Ships Under China's Maritime Procedure Law" (2001) and Keynan (2000).

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