

E-Interview with Kurt Bodewig, EU Maritime Ambassador of the EU-Commission



Title of Interview: Economic Impact of Piracy Incidents
Name: Kurt Bodewig
Functional Area: EU Maritime Ambassador of the EU-Commission and Member of the German Parliament
Date of Interview: December 2008

Piracy is becoming a severe economic issue worldwide. The International Maritime Bureau (IMB) estimates that some 1.200 “jobs” in Somalia are based on piracy. Apart from human tragedies, ship owners in Germany, the EU and worldwide have to face the risk of losing ships and rising insurance fees.

Mr. Bodewig,

Question 1:

Shipowners accuse politics of not having acknowledged yet the seriousness of the problem and therefor not having started to this day to deal with it appropriately. How do you see the political processes evolving and which obstacles do you still see concerning an efficient suppression of piracy?



More than 75 ships have been attacked near the coast of Somalia this year. In particularly, in November 15 ships were hijacked by pirates. UNO-General Secretary Ban Ki-moon pointed out that 30 million Dollars (23,7 mio. Euro) ransom were paid.

The situation illustrates: We must act!

The solution is a coordinate military action like in the Malacca Strait. Here the situation has positively changed in the recent years. Only three kilometers small, the Malacca Strait was a hotbed for pirates. Because of coordinate military action, there were 120 attacks in 2003 in contrast to the 28 attacks reported this year.

These numbers verify that common military action are a good solution for fighting against pirates, however, in the case of Somalia there is one big obstacle: The decay of the state. A similar situation can be found off Nigeria where the number of attacks by pirates increased in the last years. The states are not able to protect their coasts on their own. They need the help of the international community to solve the problem. One very important point is a clear mandate for the warships and their crews.

Question 2:

Which economic circumstances do keep piracy to stay in the long run? How can these circumstances be altered politically?



First we must distinguish: On the one hand poverty, unemployment and the decay of the state are one explanation for pirate attacks (like off Somalia). Military actions are only a reactive solution. A proactive solution is the reconstruction and stabilization of the state and its society. This is the task of German and European development programs. For instance, the German government paid 10 million in 2007 humanitarian aid and 3,6 million in 2008 Euro (and 3 million Euro for other benefits) to Somalia.

On the other hand there is also the “piracy society”. For example, the inhabitants of the Malacca Strait have developed a tendency towards piracy because of impoverishment and colonization. In the 19th century around the Indonesian island world piracy occurred in a close connection to tribal conflicts and foundations of new island kingdoms. Thus, in these societies not only economic reasons play a dominant role in explaining piracy, but also the cultural background increases the acceptance of piracy in the respective population.

Question 3:

Which role should the European countries play here – or which role is it they cannot fulfill?



The European Union and its states take an active part in fighting piracy. As Maritime Ambassador of the EU I would like to refer to two important missions which underline the endeavour of the EU to diminish piracy off Somalia: The EU NAVCO as well as the EU-NAVOR mission.

Die EU NAVCO mission¹ means the installation of a coordination-point in Brussels. The task is: The coordination of the ships of the EU and third countries. In general, this mission supports the UN-Resolution 1816².

The next step is the EU-NAVOR mission. In December the navy mission „Antalanta“ is going to start. The formation of ships consists of a German frigate and two other ships. Countries like Greece, Sweden, Spain, France, Belgium and Great Britain will take part.

Because the EU has no full international maritime status, the national law is of prime importance.

This situation can cause problems regarding the arrest of pirates.

Despite of this situation the German government has found a solution:

- If pirates have caused damage to German property, they must be interned, especially when the pirates have killed und hurt German passengers/ crew members.
- If other countries have an interest in criminal prosecution, the prisoners are turned over to the respective country.
- If there the previous solutions do not come in consideration pirates can also be released, however, the life of the pirate must not be in danger³.

From an international law point of view another idea is interesting:

An international jurisdiction over pirates but the implementation of this solution will take time.

¹Common Action 2008/749 concerning the resolution 1816

Question 4:

**Are there opportunities that arise from the current, rather stressed situation? Will there be a shift in structure and strategy of international sea monitoring and securing?
On which branches might the risk of piracy incidents even have a positive impact?**



New dangers of the Sea are a problem, though, a danger can also be an opportunity to reconsider old strategies, in order to develop a new one.

As we have learnt from the past: A multidimensional approach is necessary. This approach must be aware of the cause-effect-chains of piracy.

Concretely:

The reasons for piracy often lie within the countries and their social economic and political circumstances. Hence, it is necessary to support “Good Governance” in these countries:

Transparency, participation, responsibility, free-market economy, rule of law and democracy.

Especially, rule of law and responsibility are the key factors so that piracy can be tackled effectively and efficiently at the local place.

Because of the decaying of states like in Somalia, not all states have the resources of implementing good governance. In these cases the international community has to react:

Firstly, military coordination is essential: at regional and international level. A possibility is the integration of NATO and their partners like Russia.

Secondly, military deployments must be founded on a secured legal basis. Politically important:

Without having a UN-Mandate or a bilateral agreement, which allows the international community to fight against piracy, piracy can be only tackled beyond the 12 mile zone. In the 12 mile zone the respective state is responsible.

Therefore, thirdly, it is necessary to empower the fight against piracy through international standards which can be transferred into national law. In this context the development of good practice methods are vital. A good example is the idea of the Comité Maritime International (CMI). They established “The Joint International Working Group on Uniformity of Law Concerning Acts of

² The coordination point is under the control of the EU-military committee.

³ Writing of Dr. Frank-Walter Steinmeier, Foreign Minister, and Dr. Franz Jung, Secretary of Defence



Piracy and Maritime Violence” in 1998 and produced a model for the national law. Since then the work has been in progress.

Notwithstanding these ideas for national and international measures to combat piracy, sustainable solutions take time since they will have been adopted. From there, self protection is a possible alternative. From 2001 till 2002 there were exactly 310 robberies which were fended by ship crews.

There is an ongoing discussion about useful self protections systems: Sound cannons (high-frequency tones are able to fend the enemy), and „Electric Fence“ which hit the enemy with a heavy electric current. Another solution: Low cost satellite surveillance which can detect stolen ships.

Not useful is the employment of Sea-Marshals (same meaning as Sky-Marshals) because the brutalisation of pirate attack is possible. Moreover, the use of fire arms is not allowed in most of the harbours. Here, the European and international politics have to take responsibility, in order to secure shipping and to save the lifes of the crews.

Mr. Bodewig, thank you very much for this interview!