



SECURITY

PIRACY : A legal minefield

The surge in the number of acts of piracy at sea is creating legal problems for nation states, beyond the obvious security issues. Of the 706 individuals arrested in the waters of the Gulf of Aden between August 2008 and December 2009, 11 were killed during arrest, 269 were brought before the courts, 23 acquitted and 46 convicted. To put it simply, 60 % of pirates captured in that period were released. This is because of the difficulty of preparing a case for trial. Current legislation is not equipped to deal with this phenomenon. From a legal standpoint piracy only exists outside territorial waters. The UN Convention on Maritime Law, signed by 160 countries (pending ratification by the US), sets out the broad contours to legislate the problem. However, gathering evi-

dence and summoning witnesses is far from easy. In the US, while there is no legal definition of piracy in the statute books, individuals can be convicted, and attorneys attempt to obtain guilty pleas in an effort to avoid lengthy court cases. Ship security also differs greatly from one country to another. Spain and America authorise armed onboard security agents, unlike France. The US would like to establish courts at sea. This raises issues concerning applicable jurisdiction and international law.

Updating the law

Spanish lawmakers took a risk when they enforced the notion of universal jurisdiction in 2005, authorising Spanish law enforcers to hand down sentences regardless of the location of arrest or nationality of

defendants. French legislators took a different route, and are in the process of clarifying their legal codes, following a conviction by the European Court of Human Rights. French naval forces will be allowed to assail pirate mother-ships and bases without having to seek authorisation from Prosecutors. A further legal amendment will mean that security forces no longer have to comply with maximum custody periods so individuals can be retained until they are brought to trial. Kenya and the Seychelles, which had accepted to hold trials are now reticent, given the large numbers of prisoners blocking up their courts. To deal with such flaws in the system, the Security Council recently adopted a Russian resolution that seeks to establish special piracy courts.

EDITORIAL BY JEAN-LOUIS LEOPOLD GEOS CORPORATE MARITIME ADVISER

▶ Since the Paris Declaration

Respecting Maritime Law of 1856 against privateering, France has played a key role in the fight against maritime piracy. Today, French legal experts working in the realm of international counterpiracy have highlighted two legal loopholes that must be remedied.

The first loophole is the subject of a proposed law that has entered the final phase of examination. The bill concerns adapting French law to international law, in particular security operations conducted by a nation state against pirates. The second issue is a subject of much debate. Can complementarity between national naval forces, which are currently unable to deal adequately with the challenge, and private sector security professionals, be found? A lack of a clear legal framework has worrying consequences, resulting in unfair competition that benefits actors who operate outside of all control to the detriment of law abiding French security providers. The consequence of such loopholes is a situation that is wholly unsatisfactory to all concerned. It is essential that the French government undertakes a comprehensive review, and then certifies those companies that offer the required guarantees, that adhere to a common policy and whose operational capabilities can be verified. This will result in a more manageable and improved situation.

INFORMATION BUS INT PORTAL LAUNCHED IN PARIS

▶ On May 11, P-J. Romani spoke at the inauguration of the « Business Intelligence Portal » established upon the initiative of the Institut International de l'Intelligence Economique & Stratégique.
www.portail-ie.fr

SECURITY SYSTEMS 2010 FIFA FOOTBALL WORLD CUP SOUTH AFRICA

▶ GEOS will ensure the security of the personnel of a major French media network during the forthcoming FIFA Football World Cup, to be held from June 11 to July 11, 2010, at over a dozen South

African venues. Through our branch, GEOS South Africa, the Group now provides operational support to companies seeking to develop their business in the country with a comprehensive range of services for all the phases of their business development.

TRAINING PORT FACILITY SECURITY OFFICER (PFSO)

▶ The next Port Facility Security Officer training session will take place in Paris from June 21 to 25 next. For more information and to subscribe:
jl.leopold@groupegeos.com

AFGHANISTAN TWO CHINESE NATIONALS RELEASED

▶ The two men, both engineers, were captured by the Taliban three months ago in Faryab Province. They are in good health. The Chinese Minister of Foreign Affairs has thanked all the intermediaries who assisted with their release. He did not say that a ransom had been paid.

MEXICO WORKERS THREATEN TO BLOW UP MINE

▶ Hundreds of workers at Cananea, the largest copper mine in the country, and who have been on strike since July 2007 with support from labour unions, have threatened to blow up the mine if their claims are rejected following a court order delivered by the Supreme Court authorising mine owner Grupo Mexico to replace



them with new workers. The strikers have set explosives at different parts of the mine and are building barricades in the event of an assault by police. The mine of Cananea produces 190,000 tonnes of copper a year, almost all of Mexico's annual production (250,000 tonnes).

SAUDI ARABIA TERROR FINANCING CRIMINALIZED

▶ The decision by the Ulema Council (theologians) stipulates the criminalization of terrorism and terrorist financing. The decision is applicable both inside the Kingdom and abroad. The Council has left it to the judiciary to determine appropriate penalties under Sharia Law.

MAURITANIA ITALIAN COUPLE RELEASED

▶ The couple, Italian nationals, were kidnapped on December 17, 2009, in Mauritania. They were freed and handed over safe and sound to the Army in northern Mali. Their release comes after four months of captivity and « lengthy political and diplomatic negotiations ». AQIM claimed responsibility for their kidnapping.

ETHIOPIA BRITISH ENGINEER MURDERED

▶ Jason Read worked for IMC Geophysics International Ltd. and was conducting surveys on behalf of Indonesian petroleum company, Petronas. He was escorted by two Ethiopian soldiers who were also killed in the attack. Several radical groups are active in the region and had threatened to launch attacks against the oil industry.

PERU PAN-AMERICAN HIGHWAY BLOCKED

▶ 6000 miners have blocked a stretch of the Pan-American highway, demanding official work permits. Six of the protesters were killed in gunfire and a further thirty people were injured during clashes with the police. 28 protesters were arrested before being released from custody.

NIGERIA TWO GERMAN HOSTAGES RELEASED

▶ Two German nationals aged 45 and 55 have been released after six days of captivity. They were captured in the southeast of the country, in Abia State, where they were holidaying. The two men were travelling with a driver but without an escort when they were abducted.

SECURITY

Joint Sahara nations effort to fight al-Qaeda Algeria to host anti-terrorism headquarters

The headquarters of an anti-terrorism joint command has been established in Tamanrasset, in southern Algeria. The joint anti-terrorism force, with officers from Algeria, Mali, Mauritania and Niger, will number 25,000 servicemen. By 2012, the numbers of servicemen will rise to 75,000. The objective is to create a joint special military command of these four countries to target AQIM (Al-Qaeda in the Islamic Maghreb). The town of Tamanrasset was chosen to headquarter the force as it is the major town on the trans-Saharan trade route and a key hub for trafficking in the region. AQIM terror cells are currently present in the four countries and have gained extensive publicity by staging hostage-taking operations against tourists and other violent actions, in particular in Algeria, where they took over from the infamous GSPC

(French acronym for Salafi Group for Preaching and Combat). The organisation is now seeking to expand its operations throughout Africa. The terrorist group recently publicized threats against the FIFA Football World Cup that begins in June 2010 in South Africa. In a video message posted online, they threatened to blow up a stadium full of English and American supporters, « creating an amazing match during a live broadcast ». This virulent declaration does not unduly worry security specialists, but it is a clear signal of intent by the terrorist organisation and shows that it wishes to expand its « territory ». **Regional cooperation is the best way to counter the actions of terror organisations such as AQIM. Transborder cooperation can also disrupt logistics channels used by terrorists.**

FARC down to 8000 men

The figure was announced by Colombia's Combined Forces Chief of Staff, General Freddy Padilla. According to assessments by military intelligence officers, the FARC now only has 8,000 men in its ranks, and has been seriously disorganised after the recent deaths of several high-ranking officers in the movement. The figure announced should be compared with a number given by General Padilla himself in 2002, when he estimated the total number of FARC soldiers at 26,000, or, going back further to 1998, when General Padilla declared that «the Armed Forces were powerless to deal with the soldiers of the FARC ». The announcement came the day after the International Red Cross organisation declared that the FARC had undergone « dynamic » changes between the end of 2009

and the first months of 2010. In an interview with Todelar Radio, President Uribe said that he was happy with the improving security situation in the country, though he did emphasise the importance of continuing the fight against the guerillas. One of the main objectives of General Padilla is to focus the efforts of the Army against hostage-taking, in an effort to cut off one of the main money channels of the FARC. The release of 22 people still held prisoner by the revolutionary movement is a major priority in order to « end the sadness, despair and humiliation caused to the country ». **Presidential elections are to be held on May 30. President Uribe is not running, but has insisted that candidates for the position must follow through on his counterterrorism policy.**

ALGERIA US PUBLISH COUNTERFEIT BLACKLIST

▶ The 21st annual report of the United States Trade Representative (USTR), a federal agency, has ranked eleven countries that have not implemented effective measures against counterfeiting. After China and Russia comes Algeria, followed by Argentina, Canada, Chile, India, Indonesia, Pakistan, Thailand and Venezuela.

TAIWAN BUSINESSMAN ARRESTED FOR SPYING

▶ The Shihlin Prosecutor's Office indicted Ho Chih Chiang, a Taiwanese citizen, for espionage. The man had worked since 2007 as an agent in the pay of Beijing. His case officer had asked him to recruit an agent of the National Security Bureau (NSB) to serve as a spy. A botched approach led to the arrest of Chiang.



UNITED STATES IPHONE 4G PROTOTYPE MISLAID

▶ A prototype of the new 4G iPhone was found in a bar in the United States. It was then sold for 5000 dollars to a specialist of new Apple products.

GERMANY DEUTSCHE BANK SETTLES OUT OF COURT

▶ The bank has settled two lawsuits with two former executives, Wolfram Schmitt and Rafael Schenz, who had launched legal proceedings against the group at a Frankfurt Court. The two men had been accused of violating the privacy of a shareholder of the bank. According to the German press, the bank may have paid as much as 5 million euro to Mr. Schmitt alone.

UNITED STATES QAKBOT WORM STEALS CONFIDENTIAL DATA

▶ The Qakbot computer worm is stealing 2 gigabytes of confidential and sensitive data each week from online computers. The programme connects compromised computers to two FTP servers enabling remote access. Security software manufacturer Symantec discovered the viral infection, but took time to identify the extent of the threat posed.

China establishes corporate security policy Beijing organises the defence of business secrets

The Assets Supervision and Administration Commission (SASAC) of the People's Republic of China has released a wide ranging definition of what constitutes a commercial secret. According to the commission, a business secret covers « all practical information that is not in the public domain and that could provide a potential benefit to a third party ». The Commission also indicates that all central state-owned enterprises should establish a special department in charge of protecting their commercial secrets. These companies are often flagship enterprises of the Chinese, or, indeed, the world economy. There are 120 companies under the authority of the Commission. Among those companies are PetroChina Co., the second largest company in the world in terms of market value, the Industrial & Commercial

Bank of China Ltd., Air China Ltd., Aluminum Corp. of China Ltd. and China Mobile Ltd. In another landmark regulation, lawmakers passed an amendment to the law regulating state secrets, a first such modification in 21 years, focusing on the technology used to protect and distribute data. These changes come in the wake of the trial of four employees of Australian mining corporation Rio Tinto, who were given sentences of between seven to fourteen years prison for theft of commercial secrets and accepting bribes worth a total of 13 million dollars. The affair was highly complicated because one of the men convicted, Stern Hu, was an Australian national. ***It appears that China has now decided to adopt defensive measures to protect its commercial secrets.***

The value of trade secrets

Forrester Research has published a report on the value of corporate business secrets and security levels at firms. The report was commissioned by Microsoft, RSA and EMC, and shows that commercial secrets, though vital to companies, are not as well protected as previously thought. In interviews with 305 corporate security managers based in North America, Europe and Australia, the report declares that commercial secrets represent on average two thirds of the total value of data owned by the company. However, security budgets for such secrets come in at the same level as expenditure for the protection of other data generally protected via regulatory commitments (client files, banking details, etc.) but which only represent 38 % of the value of the data owned by the

company. Financial losses caused by the loss of commercial secrets are ten times higher than those caused by the loss of data files. A further detail contained in the report is the admission by many security managers that they find it difficult to evaluate whether their security policies are effective. In this regard, they come in for some criticism in the conclusion and recommendations stipulated in the report. ***The main criticism set out in the report is against time wasting and resources wasted on secondary tasks. According to the report, companies must implement more advanced security policies, and focus less on the theft of smartphones or the application of regulations that are not sufficiently specific or targeted.***

UNITED STATES NEW SPYWARE FOR SMARTPHONE

▶ Retina X Studios, an American software manufacturer, has launched Mobile Spy 4.0. The application, once installed on a Blackberry, allows for real-time, comprehensive tracking of all phone operations, including photos and voicemail. In theory, the software is only available to the individual paying the bill.

COUNTERFEITING GROWING IMPACT ON THE ECONOMY

▶ L'Union des Fabricants (Unifab) has published a report commissioned by French Minister of the Economy, Christine Lagarde. According to figures presented, counterfeiting costs French companies 6 billion euro each year. Seizures at the borders of the European Union have increased sevenfold in ten years, which gives an idea of the scale of the problem. Counterfeiting costs the G20 economies some 100 billion dollars each year: 70 billion in unpaid taxes, 20 billion in spending to fight counterfeiting and 14.5 resulting from deaths due to counterfeit products. Each year French firm Lacoste loses 228 million euros (6.2 % of turnover) and Saint-Gobain lose 2 million euros (1 % of turnover).



MARITIME SECURITY

Context

Today, more than 90% of merchandise is transported by sea. The maritime transportation sector faces a range of threats including terrorist attack, piracy, port terminal crime and illegal immigration.

Your requirements

- » **Advance risk planning and compliance with applicable national and international regulations** (International Ship & Port Security - ISPS) without penalising your business
- » **Crisis management** preparedness
- » **Upskilling for your personnel**

GEOS Solutions

PORT TERMINAL SECURITY

- » **Security engineering in compliance with ISPS regulations for all types of facilities:**
 - **Security audit and assessment**
 - **Drafting of Port Facility Security Plans**
 - **Consultancy and assistance** to contracting authorities on behalf of maritime authorities and for concessions of port facilities
- » **Training (all levels) in compliance with ISPS regulations:**
PFSSO, Security Agent for Restricted Access Areas, ISPS sensitization training, exercises and drills, etc.

MARITIME SECURITY

- » **Security engineering:**
 - Ship Security Audit, recommendations
 - Design of security solutions to protect from threats at sea (piracy on the high seas)
- » **Training and Sensitization sessions**
 - Crisis management, etc.
- » **Onboard security escort:**
 - Deployment of **onboard counterpiracy experts** to prepare and escort crews in high-risk zones
 - Deployment of an **onboard security protection team** and security protection systems for high-risk zones
 - **Security assistance** to combat illicit trafficking



GEOS leading the industry

- » **Official Recognized Security Organisation (RSO), Law dated 06 august 2008**
- » **Certified training centre and state-approved ISPS training provider (047/2009 DRAM-BN)**
- » **ISO 9001:2008* compliant quality management systems**
- » **A global network of correspondents and partners**
- » **12 years risk management experience**

www.groupegeos.com

Contact : Jean-Louis Léopold, Corporate Maritime Adviser, jl.leopold@groupegeos.com

Subscription information : alertes@groupegeos.com

« GEOS, the professional security risk prevention and management solution »

Alertes

GEOS Group monthly news letter on international and competitive risk. Contact : Tiphaine de Nazelle, GEOS, Communications Manager, 9, bis rue Delerue 92 120 Montrouge, Tel : + 33 (1) 46 12 04 04, Fax : + 33 (1) 46 12 95 96. Email : t.denazelle@groupegeos.com www.groupegeos.com
Alertes is published in collaboration with the geo-strategic bulletin INTELLIGENCE & STRATEGIE