
PIRACY IN GLOBAL WATERS AND MARITIME SECURITY

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Abstract : Off late nature of threat to the maritime peace and security has assumed a new dimension. Emergence of non state actors on the scene has changed the scenario. Sea Piracy has emerged as one of the major nontraditional threat to the maritime security, as a worldwide phenomenon which has affected not only the coasts of Africa, but also Indonesia, Malaysia, the Philippines, Yemen, and Venezuela. Over the last few years, piracy attacks have cost the global shipping industry billions of dollars, both in terms of lost cargo and ransom payments and also lives of crews onboard. There is an urgent need to scrutinize the nature of current challenge posed by pirate attacks and asses the possible counter measures at regional and global level. Failure to address these issues on a cooperative basis essentially inhibits the development of a stable maritime security environment in the region.

Keywords: Sea Piracy, Maritime Security, Sea lanes, International Maritime Organization, International Maritime Bureau

Introduction: Throughout the history sea has been important medium for economic prosperity. Over the year's dependence on the sea as an economic and efficient means of trade and transportation has grown and resulted in greater apprehensions around safety of Sea Lanes of Communication (SLOC's). Earlier the threats to SLOC's were due to act of the state actors, the disputes used to involve the recognized sovereign independent countries but today rather more earnest issues at hand are from non-state actors. Today, we have come to live in an era characterized by the rise of sinister "Non Traditional Threats (NTS)" which have redefined security responses the world over. They are transnational in scope; they arise at very short notice and are transmitted rapidly as a result of globalization and the communication revolution. One of the major threats has emerged in the form of sea piracy which has become the bane for maritime security. Waters around Indonesia, Bangladesh, India, Somalia, Nigeria, Gulf of Aden, Red Sea, Singapore Strait, Peru, and Ivory Coast are some of the most pirate infested areas in the world. The vessels passing through the areas carry the vulnerable assets like sources of energy (oil, LNG and LPG) and raw materials indispensable for economic growth and survivability of global economy, any disruption of sea traffic through these choke points would be catastrophic.

Piracy: A major Maritime Threat Nature and Extent : Piracy has become a greatest nuisance for modern seafarer. According to United Nations Convention on the Law of the Sea (UNCLOS) 1982, "piracy is any illegal acts of violence or detention on high seas or in a place outside the jurisdiction of any state". International Maritime Bureau (IMB) however has tried to redefine the concept as "any act of boarding or attempting to board any ship with intent to commit theft or any other crime and with intent or capability to use force in furtherance of act".

An exact definition of piracy unanimously acceptable has not been reached at. A broad definition is essentially indiscriminate taking of property or persons with violence on or by descent from the sea. According to international law all the states have the right to arrest pirates on high seas and punish them according to their own laws. According to International Maritime Organization (IMO) report, Malacca strait, South China Sea and Indian Ocean are the most pirates infested areas, where either the authority of the state is weak or heavy traffic provides cover for unlawful activities. In the Caribbean, piracy originated in and was fueled by the old world rivalries, in Mediterranean the reason of attack on the merchant shipping was not simply ideological hostility but was also economic rivalry between European nation states. Piracy in some form has been endemic in Indian Ocean as well, from the earliest times. Conjecture of alien invasions and local political weaknesses formed the suitable environment for occurrence of piracy in 17th and early 18th century. Pirates show up more frequently in some regions than others. The Malacca and Singapore Straits continue to be popular among pirates. Malacca strait has the strategic importance; shipping through Malacca is several times greater than either Suez or Panama, which makes it attractive to pirates. Over 200 vessels of different types transit the Malacca Strait every day and the traffic density is very high. Besides, the strait is home to several shipwrecks and shallow areas. These navigational and operational circumstances provide the right type of environment for pirates to pull off attacks and also manage a quick escape. In the recent past, piracy related incidents, which were more common in the Malacca Strait and South China Sea, have tended to spillover into the Bay of Bengal and the Arabian Sea. The centre of gravity of piracy appears to be shifting to waters around India. In one incident, the MV Cordiality, a merchant vessel, was captured and five crew members were killed, allegedly by Sri Lankan terrorists near the port of Trincomlee. Incidents of piracy off the coast of Venezuela are also a serious concern. Violent attacks on private vessels over recent years include the severe beating of a U.S. citizens like November 2008 attack by pirates on a private boat resulted in the death of one U.S. citizen and injury to another. Major causes of piracy lie in the lack of economic opportunity and good governance onshore, corruption among police, maritime officials. Poverty and unemployment lead to piracy being seen as an alternative source of income. Contemporary pirates and sea robbers, usually come from coastal fishing communities which have suffered due to overfishing, particularly by commercial fishing interests. Therefore, taking the law into their own hands, seizing foreign fishing vessels and holding them for ransom. Apart from the pirates themselves, many groups actually gain from piracy. Marine insurance companies increase their premiums even though the insured vessel might be at little risk of attack. Ship hijackings off Somalia have created a new business for private security companies. These companies win from all facets of piracy. They perform risk assessments, offer security protection for ships and crews, and handle the payment of ransoms for a large fee. Piracy also provides a scenario to exhibit the benefits of naval cooperation. Deploying warships to counter-piracy operations off the Horn of Africa also serves the purpose of governments wishing to establish a presence and influence in a region

that is politically unstable but vital as a source of energy.

Various Forms of Piracy: Several different types of piracy and armed robbery against ships might be identified, each varying according to the region in which the practice is found. There are marked differences in the types of piratical attacks that take place in the three main current hot spots for global piracy, Somalia/Gulf of Aden, Southeast Asia and Nigeria. These regions represent over three-quarters of the total global attacks. In the Somalia/Gulf of Aden area, the attackers are well organized and their 'business plan' involves hijacking ships and crews for ransom, involving less violence. The ransom paid usually exceeds US\$1 million. In November 2009, \$3.3 million was apparently paid to secure the release of the large and sophisticated Spanish fishing vessel *Alakrana* and 36 crew members. The situation is pretty different off Nigeria where the attacks are usually much more violent with frequent loss of life. Access to machineguns, mortars and grenades have become easier due to the global proliferation of arms which, in turn, has endowed pirates with the means to operate on a more menacing level. Piracy occurring in Indonesia, Vietnam and the Philippines, is mainly opportunistic petty theft from ships at anchor or in port. Another type of piracy occurs when ships are underway in the confined waters typical of Southeast Asia, such as the Malacca and Singapore straits and the Indonesian and Philippine archipelagos. Ships in these waters may be vulnerable due to their proximity to shore; generally ships may be proceeding slowly. They generally use small speedboats and often have modest radar systems to help them locate their targets. Another type of piracy is when an entire ship is stolen or hijacked. The vessel is repainted, given a new name and provided with fake registration documents. The hijacking off the product tanker *Petro Ranger* east of Singapore in 1998 was an example of this type of piracy. These are totally new trends and developments compared to past. Pirates in this region are becoming increasingly organized supported by organized criminal gangs, who often commit other transnational crimes such as illegal drug trafficking and human smuggling, have masterminded some attacks.

Efforts to Deal with Piracy : Several multinational and regional efforts have been made to counter the menace of piracy. All the countries affected India and Australia, US, Japan, China, Russia, Malaysia, Turkey, South Korea, and Singapore. have offered assistance to fight piracy. India on its part has signed MoU's with the littorals of Indian Ocean. Also India ratified the Regional Cooperation Agreement on Combating Piracy and Armed Robbery (RECAAP) in June 2006. Even though there has been considerable decrease in pirate attacks in recent times, several recent piracy attacks on Indian craft and merchant vessels underline the need for the Indian Navy to not just patrol, but also prevent piracy and, if required, interdict pirated vessels. Given the alarming situation around Somali waters, the Indian Navy deployed the new warship *INS Tabar* to the area to conduct surveillance and patrol operations, *Tabar* was expected to closely coordinate its efforts with other friendly task forces in the region, and share information. After arriving in the Gulf of Aden on 2 November 2008, *Tabar* successfully escorted 35 ships during their transit through these pirate-infested waters. Indian government has approved the continuous deployment of one warship in the area to patrol the

route followed by Indian-flagged ships between Oman and Yemen. Somalia has been a matter of constant concern for the Security Council since the early 1990s. Security Council adopted Resolution 1816 in June 2008 which directly sought to address the threat posed by Somali piracy. In response to these developments, the European Union launched Operation Atlanta in December 2008 to combat piracy off the coast of Somalia. Following Resolution 1851, then US Secretary of State Condoleezza Rice announced that the US was creating a 'Contact Group on Somali piracy' so as to institute a mechanism for the sharing of intelligence and co-operation with partners in the shipping and insurance industries. The situation has steadily improved over recent years which may be attributed national and regional responses, increased port security and harbor patrolling, surveillance, local policing onshore. Despite significant, unprecedented moves by the international community to address the growing threat posed by maritime piracy, considerable challenges remain and can no longer be ignored. According to the reports of IMB there have been actually decline in the pirates attack worldwide for the first two quarters of 2010. In terms of statistics, a total of 196 incidents were recorded by 24 hour Piracy Reporting Centre at Kuala Lumpur compared to 240 in 2009. By far the greatest concentration of these incidents was in Somalia and the Gulf of Aden with 217 incidents in 2009 and 100 in the first half of 2010. However, the actual problem of piracy is much more troubling and serious than what the figures reflect. The most appalling aspect of maritime piracy is the violence associated with it. Hence it is unsurprising that currently there are numerous groups, task groups and individual warships attempting to address the problem with little success.

Conclusions: Measures such as improved governance onshore, which is the most vital factor but also the most difficult to achieve; enhanced cooperation between the foreign navies; and greater vigilance of merchant ships passing through the area are some of the important measures to be taken. The shipping industry could do more to help counter piracy by ensuring that crews are well trained and efficient and by reducing the employment of substandard ships. The problem of piracy would continue as long as there are criminally inclined people and maritime zones of ineffective law enforcement. The availability of appropriate technology for maritime surveillance and apprehension of offenders are necessary but not sufficient conditions for effective suppression of piracy. National resolve, international cooperation is needed towards a common goal which is the protection of the global economic system upon which we all depend. Policy makers should improve measures to sustain the current momentum in anti-piracy actions and focus on expanding cooperative networks.

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