



KAMARAJ IAS ACADEMY
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Maritime Piracy

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Why is in news? The crime of piracy, and how maritime forces respond to it

Piracy is **as old as seafaring itself**, and has existed for centuries in various forms. In recent years, waters off the **west coast of Africa, Gulf of Aden, Horn of Africa, Bangladesh, and the Strait of Malacca** have seen attacks by pirates.

Why these areas and not elsewhere?

These sea areas are **poorly policed**. The coastal countries have weak maritime forces, or none at all.

These areas normally **have concentrations of shipping traffic**, being **either choke points** in shipping routes where ships are forced to converge **or slow down by geography, or anchorages** where ships remain stationary for days before entering port.

Often **poor governance or turmoil on land** close to these areas leads to unemployment, poverty and consequently, crime.

These areas are mostly international waters, international straits, or archipelagic waters which are long stretches of sea that fall within the maritime jurisdiction of several countries. This leads to **legal complexities and difficulties** in coordination.

What constitutes the maritime crime of piracy?

The term 'piracy' is used to describe a **range of crimes** from **petty theft from ships at sea or anchorage to armed robbery and hijacking of a ship for ransom**.

The last is reason for the greatest concern, since it causes panic in maritime business and leads to the establishment of high-risk areas, and a resultant increase in maritime insurance premiums.

It also affects the safety of ships and seafarers, and disrupts global supply chains.

How can the crime of piracy be tackled?

Since piracy is a maritime manifestation of instability and misgovernance on land, the lasting solution too must be **negotiated on land**.

While this is being done by the states concerned and **through international diplomacy**, the situation at sea has to be contained and stabilised by the world's maritime forces, since the disruption of mercantile peace — or peace that is conducive to maritime commerce — affects the economies of most countries.

What role has the Indian Navy played in tackling the problem?

Without a doubt, the Indian Navy has been among the most proactive forces deployed in the troubled area off the **Horn of Africa and the Gulf of Aden**.

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Its **anti-piracy patrol** that started in 2008 continues to this day.

The Indian Navy has never shied away from intervening in any developing situation, and has foiled several attempts by pirates at hijacking merchant ships.

The **boundaries of the high-risk area** that covered much of the Arabian Sea during the **height of Somali piracy** (2009-12) were pushed back westward primarily due to the efforts of the Indian Navy.

Several **recent intervention and rescue operations** — including the **rescue of a Sri Lankan fishing trawler**, Lorenzo Putha, in a coordinated action with the Sri Lankan and Seychelles navies on January 29, and the rescue of two Iranian flagged boats with **Iranian and Pakistani crew** by the **Offshore Patrol Vessel INS Sumitra** within 36 hours — are testimony to the continuing professionalism and effectiveness of the Indian Navy in these waters.

Global efforts to curb piracy:

United Nations Convention on the Law of the Sea (UNCLOS): UNCLOS provides the legal framework for addressing piracy at the international level. It delineates the rights and responsibilities of states concerning the use of the seas and establishes the jurisdiction for prosecuting pirates. UNCLOS has played a crucial role in shaping global responses to piracy and facilitating cooperation among nations.

Combined Maritime Forces (CMF): CMF, a multinational naval partnership, operates in the Indian Ocean region to counter piracy, terrorism, and other illegal activities. The Combined Task Force 151 (CTF-151) specifically focuses on anti-piracy efforts, conducting patrols and coordinating with regional navies to deter and disrupt pirate activities.

European Union Naval Force Operation Atalanta: Operation Atalanta launched by the European Union in 2008, is a naval mission dedicated to combating piracy off the coast of Somalia. It involves the deployment of naval assets, including warships and maritime patrol aircraft, to ensure the security of shipping lanes and deter pirate activities.

Industry Best Practices and Guidelines: The shipping industry has actively contributed to anti-piracy efforts by adopting best practices and guidelines for vessel security. Measures such as the use of secure transit corridors, employing onboard security personnel, and enhancing communication and coordination among vessels have contributed to reducing the vulnerability of ships to pirate attacks.

Regional Cooperation: Regional organizations and initiatives, such as the Indian Ocean Rim Association (IORA) and the Djibouti Code of Conduct, play a vital role in fostering regional cooperation to address maritime security challenges. By sharing information, conducting joint patrols, and building capacity among coastal states, these initiatives contribute to a collective effort against piracy.

Public-Private Partnerships: Collaboration between governments, private shipping companies, and non-governmental organizations (NGOs) has proven effective in countering piracy. Initiatives like the Maritime Security Centre – Horn of Africa (MSCHOA) provide a platform for information exchange and coordination between naval forces and the shipping industry.

Anti-Maritime Piracy Bill: India **currently does not have legislation** on matters of piracy on the high seas. Once enacted, the **Anti-Maritime Piracy Bill** will bring into law the UN Convention on the Law of the Sea, which India ratified in 1995. Previously, **pirates were prosecuted under the Indian Penal Code, 1860 (IPC)**, under provisions dealing with armed robbery and the admiralty jurisdiction of specific courts.

Who are the pirates and what is their modus operandi off Somalia or in the Gulf of Aden?

These are **extremely distressed people** driven by their poverty to do desperate things at sea while their handlers sit ashore and rake in the spoils of the crime.

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The pirate mother ship is usually a large boat or a small ship that carries resupplies, ammunition, and stores, and is accompanied by several skiffs, which are small, low-freeboard (portion of the ship side above the waterline) country fishing craft fitted with powerful outboard motors that give them speeds of more than 40 knots.

A typical merchant vessel steams at 12-15 knots, making it easy for the skiffs to approach them.

The pirates zero in on a lone ship, preferably a slow-moving one with a low freeboard.

The skiffs are small, so they do not appear on the radar of the target ship, and are visible only when they are very close.

Merchant ships have small crews; a large ship may have only 15-20 personnel on board.

Barely 5-6 crew members are on watch at any time, sometimes resulting in poor visual lookout, especially at night and in the stern (rear) sector.

The skiffs approach the target ship at high speed and the pirates embark using grapnels and ladders. They usually carry small arms or at best a rocket launcher, which are still enough to intimidate and overpower the small, unarmed crew of a merchant ship.

Merchant ship crew often have **orders not to resist pirates to avoid damage** to the ship and its cargo.

Ship-owners **prefer to pay the ransom for its release and to avoid legal complications**. The crew normally lock themselves in a safe zone and send out a distress signal, which is monitored by piracy reporting centres and maritime safety agencies.

What do the maritime forces do in their anti-piracy response?

They **maintain a visible presence** that aims to deter pirates from carrying out attacks.

Their ships and aircraft **undertake surveillance of the high-risk area**, identify suspect vessels, and report them for further investigation. This is supported by information fusion centres ashore.

They **warn passing ships about suspect vessels** and announce escort schedules, if any, so that merchant ships transiting the high-risk area can join convoys between designated points.

They **proactively or reactively intervene to manage a developing situation**, foil a piracy attempt, or rescue a hijacked vessel while trying to ensure minimum casualties and damage.

Naval ships can **operate as part of a US-coordinated maritime coalition of forces**, led by rotation by a commander of one of the participating forces. They use a common communication protocol, maintain presence, and share information to thwart piracy attempts. Surveillance aircraft also form part of this coalition force.

Some nations prefer to operate independently, coordinating loosely with other navies in the area.

Whereas coalition forces prefer a **method of static patrol** with each ship being assigned a geographical area, some navies choose to escort columns of merchant ships.

In any case, there is reasonably effective communication and coordination among all maritime forces. Communications with merchant vessels are **maintained on commercial open frequencies** that are known to all seafarers and commercial aircraft. The first alarm by a merchant ship usually comes over these open frequencies.

A **ship with an armed helicopter** is the most effective in dealing with a piracy situation because of its rapid response capability in reaching the spot, directing fire, and vectoring the nearest ship that can render assistance.

Marine commandos are the most effective in intervention operations.

The Indian Navy has been practising **Maritime Intervention Operations (MIO)** for decades, and has developed extremely high expertise in this niche area of naval operations. Once the pirates have been overcome by the commandos, the crew is released from the safe zone on board.

What happens after the pirates have been subdued?

Handling captive pirates poses several legal challenges.

National laws are often inadequate to deal with apprehended pirates, and there is **no effective international legal mechanism** for their trial and disposal. The many nationalities, countries, maritime zones, flag states, etc. involved raise complex jurisdictional issues.

Hence, captured pirates are usually disarmed, and their boats are drained of fuel and set adrift so that they are unable to undertake further attacks.

However, they often find their way back ashore to return to piracy another day. On occasion, they are handed over to a coastal state for legal proceedings.

A **long-term solution** to the problem of piracy lies in **rooting out misgovernance and unemployment** in nations ashore, which feed maritime criminal activities.

Till that happens, piracy will recur periodically and maritime forces will have to work to ensure mercantile peace.

Conclusion:

The menace of maritime piracy remains a complex and evolving challenge that demands a multifaceted response from the global community.

India, with its extensive maritime interests, actively contributes to international efforts to curb piracy through naval deployments, diplomatic initiatives, and cooperation with other affected nations.