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Maritime Threat Perceptions: Non-State Actors in the Indian Ocean Region

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After the Cold War, the major threat to peace in the maritime sphere emanates from non-state armed groups, especially in the Indian Ocean Region (IOR). The region does not have any major maritime power amongst its littorals, but is home to most of the troubled spots of the globe and many non-state actors with significant maritime capabilities. The two major ways in which the non-state actors could jeopardise the peace in the region is by maritime terrorism and maritime piracy. There is a thin line dividing the two, primarily based on motives, but there is always a possibility of collusion between them, wherein piracy could be used as a means to give effect to an act of terrorism. The IOR accounts for most of the cases of piracy reported in the world. In the past this region has also witnessed acts of maritime terrorism by non-state outfits like Al Qaeda, Lashkar-e-Taiba and Liberation Tigers of Tamil Eelam. Their ability to harness the maritime medium to launch audacious terror attacks in the littorals has been amply demonstrated in Mumbai in November 2008. This paper discusses the various maritime threats posed by non-state actors in the IOR and brings out the need for cooperative maritime engagement amongst the maritime forces of the littoral states.

In the post Cold War era, the main threat to international security emanates from non-state actors or, more precisely, non-state armed groups. The international community started focussing on non-state actors after the attacks on September 11, 2001 (9/11)

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at the World Trade Centre in New York. South Asia, however, has been afflicted by this menace for decades. The attacks on 9/11 marked a definite shift in terror tactics from a "low-intensity conventional action to a technology-driven one for mass effect".[1] After the medium of air was used by a non-state actor to strike terror, the international community has been speculating about the possibility of terrorist attacks through the maritime medium. The November 26, 2008 attack on Mumbai showed that terrorists could operate with impunity through the seas. Apart from using the maritime medium as a conduit for terrorist activities, non-state actors also have the potential to disturb international trade and damage maritime infrastructure. Non-state actors pose two major threats in the maritime sphere – maritime terrorism and piracy on the high seas. Both constitute serious threats to the security and economic well being of people the world over. Consequently, both threats have assumed greater salience in recent times.

The ever increasing demand for natural resources has resulted in unprecedented levels of exploitation of the seas.[2] States and corporations are turning increasingly to the sea for transportation, energy, water, sources of food and minerals, waste disposal etc. The impact of these pressures is most evident in the Indian Ocean Region (IOR), which has the highest density of human population with over one-third of the world's population living on one-fourth of the planetary land mass. The IOR has also been impacted by transnational criminal and terrorist activities.

Today, the maritime security scenario in the IOR is classified as tense since a majority of the global piracy hotspots are located here. The number of piracy incidents reported up to September 2009 surpassed the figure for the whole of 2008.[3]

The line dividing terrorism and piracy is very thin. The United Nations Convention on the Law of the Sea 1982 (UNCLOS) defines piracy as illegal acts of violence, detention or depredation committed on the high seas for private ends.[4] The International Maritime Organisation (IMO) introduced the term "armed robbery against ships" to cover attacks within a state's jurisdiction.[5] Together, the two definitions broadly cover the term 'piracy' as it is perceived by the international community today. Both definitions relate piracy to private ends. But if the aim of such acts is to further an ideological cause, then they need to be viewed differently from mere piracy on the high seas.

Article 3 of the 1988 Rome Convention for the Suppression of Unlawful Acts (SUA) Against the Safety of Maritime Navigation states that any person who seizes or exercises control over a ship by any form of intimidation, exercises violence against any person on board the ship, destroys or causes damage to its cargo, places a device or

substance, which may destroy or damage the ship or its cargo, destroys navigational facilities, misleads ships and endangers its safe navigation, injures or kills in the above referred acts, can be said to have indulged in an act of terrorism on the high seas.[6] This definition does not delve on the motivation for the act.

Jane's Intelligence Review defines maritime terrorism as "the deliberate exploitation of fear through violence or the threat of violence in the pursuit of political change, in the maritime domain".[7] Recently, maritime crime has become rampant in critical maritime areas that are criss-crossed by important sea lanes. Though threats to sea-borne trade have always been real, consensus among the affected states has been lacking on the response to such challenges. Not only have the different interpretations of international instruments failed to address the issue of maritime terrorism, differing geo-strategic contentions among major powers have also prevented the adoption of a coordinated policy response to this issue.[8]

Nevertheless, terrorism and piracy have begun to engage the attention of the global community especially after the 9/11 attacks in New York and the 26/11 attacks in Mumbai. While the United States (US) has primarily focused its search for terrorists on land, greater attention is also being paid to the maritime sphere. One fear is that terrorist organisations like the Al Qaida could use ships to penetrate the US homeland. The importance of container security was highlighted when the US Navy (USN) searched a freighter in January 2002 and discovered that a group of Al Qaida terrorists had been hiding inside a well equipped shipping container. Though the group had escaped from the container shortly before the search commenced, this discovery prompted the upgradation and expansion of maritime surveillance mechanisms.

Maritime Terrorism

The attack by Al Qaida on USS *Cole* at Aden in October 2000 was the first experience of maritime terrorism for the Western world. Two suicide bombers in a small explosive laden boat with a platter charge attacked the ship while it was refuelling in Aden and blew a 40 by 60 feet hole in its hull, killing 17 and injuring 39 US crewmen.[9] This led to the realisation in the West that international terrorists could shift their arena of operations from land to sea.

The attack on USS *Cole* was, however, not the first instance of terrorism on the high seas. Terrorist groups in West Asia and the Liberation Tigers of Tamil Eelam

(LTTE) had indulged in acts of maritime terrorism much earlier. The LTTE, employing its fleet of assorted craft, had for many years used the sea for transporting military hardware to perpetuate acts of terrorism on land. However, these acts had limited tactical objectives and did not visualise mass casualties or large-scale damage to the global economy.[10] In the last 30 years, terrorist attacks against maritime targets have been quite rare, but it may change with increased surveillance on land.

Maritime authorities worldwide are increasingly becoming anxious about the possibility of terrorist attacks on both ports and ships. They fear that with the increased protection of land based targets, terrorists could begin to look to maritime infrastructure as softer targets. There are a number of ways in which terrorists could attack maritime targets, which are easier to exploit since land routes and terrorist infested areas are generally under tight security cover. Apart from suicide attacks on ships, terrorists could also hijack ships for various purposes, which include demands for ransom, subsequent usage of the ship for a suicide attack on a port or another ship, for smuggling weapons and explosives or simply piracy. Sea mines can turn liquefied natural gas (LNG) tankers or liquefied petroleum gas (LPG) carriers into floating bombs and hijacked tankers can be used as high explosives devices near a port. Terrorists can also use tugs to move loaded tankers and compressed natural gas (CNG) carriers to the high seas or to anchor them in a port, where they can be detonated.

Although few terrorist groups have developed maritime capability, there have been significant exceptions, which include the Provisional Irish Republican Army, Abu Sayyaf Group, various Palestinian groups, Al Qaida, and the LTTE. The LTTE, before being decimated, had acquired large maritime assets and had even mastered the art of terrorism at sea. There have also been reports about Al Qaida having acquired a variety of vessels and systems capable of carrying out attacks against ships and seaports. These included mini-submarines, human torpedo systems and divers trained in underwater demolitions. Although, most of the large vessels with Al Qaida are used for commercial purposes to generate revenue, the possibility of these vessels being loaded with explosives for use as floating bombs that ram into other ships or port infrastructure cannot be ruled out.

The IMO has warned that LNG carriers and other ships carrying volatile cargo could be hijacked and used as weapons of mass destruction (WMD). A briefing at the Maritime Security Council's annual International Maritime Security Summit in October 2002 stated that a large ship loaded with LNG could result in an explosion equivalent

to a 0.7-megaton nuclear detonation. (The bomb dropped on Hiroshima, Japan was 15-kiloton.) An explosion of this magnitude inside a port could be catastrophic.

Abdulrahim Mohammed Abda Al-Nasheri, an Al Qaida member, who is believed to have planned the attack on the USS *Cole*, was captured in 2002. His interrogation confirmed that Al Qaida terrorists planned to conduct additional maritime attacks. He reportedly confessed to having planned attacks using bomb-laden speedboats on the US and British warships passing through the Strait of Gibraltar. Fortunately, the Moroccan intelligence service thwarted the plot.[11]

According to former Indian intelligence officer, B. Raman, there are four possible scenarios of major concern for international security analysts:

(a) Terrorists hijacking a large oil or gas tanker and blowing it up in mid-sea or in a major port to cause enormous human, material and environmental damage. There were 42 cases of hijacking of ships by pirates in 2008 despite increased patrolling by maritime security agencies. Whatever pirates lacking ideological motive and suicidal fervour can do, ideologically-driven suicide terrorists can do much better.
(b) Terrorists exploding or scuttling a hijacked tanker or a bulk-carrier in maritime choke-points like the Strait of Malacca to cause a major disruption of energy supplies and global trade.
(c) Terrorists smuggling WMD material like radiological waste, lethal chemicals or even biological weapons in a container and exploding it by using a remote device when the container carrying vessel enters a major port.
(d) Finally, sea-borne terrorists attacking a nuclear establishment or an oil refinery or off-shore oil platform.[12]

Of all the regions of the world, the IOR is believed to be the most vulnerable to such potentially catastrophic acts of maritime terrorism, given that this region is home to a number of non-state actors with maritime capabilities. The Al Qaida has a wide network in the region, which is complemented by the capabilities of other Islamic outfits that are closely associated with it.

This region also happens to be the largest producer of heroin. Drug trafficking and maritime terrorism go hand in hand and both constitute serious threats to global peace. The global drug trade operates on huge profit margins and non-state actors find

it profitable to indulge in it to finance terrorist activities and insurgencies. Apart from the constant need to upgrade their operational technology, terrorists also need to acquire expensive modern armaments and pay their cadres. Drugs produced in the 'Golden Crescent' and 'Golden Triangle' transit through the waters of the IOR and provide funding for various terrorist groups within the region, including the Hamas, the Hizbollah, Al Qaida, various Pakistani jihadi organisations, the LTTE, the United Wa State Army of Myanmar and the terrorist organisations of the Southern Philippines.

As a result, a nexus has emerged between terrorists and drug cartels. The former can use the routes and logistical infrastructure established by the latter to move people, arms and materials whenever required.[13] It is believed that the "phantom fleet" of LTTE was involved in drug trafficking from Myanmar to Turkey besides transporting timber, sugar and other commercial items. They are also reported to have provided protection and courier services to the sea-borne drug trade from Myanmar to various countries around the world, mostly in the West.

There is easy availability of large quantities of arms and ammunition within the IOR in Pakistan as well as in Thailand, Laos and Cambodia. The region's vulnerability is further accentuated by the presence of transnational criminal groups, like those headed by Karachi-based Dawood Ibrahim, having vast financial resources and maritime capabilities and also willing to place their resources at the disposal of jihadi terrorist organisations. The recent unearthing of proliferation activities undertaken by the disgraced Pakistani nuclear scientist, A.Q. Khan, and his syndicate also opens up the possibility of some non-state actors acquiring radiological material from his nuclear 'Wal-Mart'.[14]

The presence of nine significant choke-points in the IOR, namely the Suez Canal, Strait of Hormuz, Strait of *Bab-el-Mandap*, Strait of Malacca, Lombok Strait, Sunda Strait, Six Degree Channel, Nine Degree Channel and the Cape of Good Hope, provides lucrative maritime targets for terrorists. Nearly 100,000 ships transit the Indian Ocean each year carrying one-third of the world's bulk cargo, half of the container traffic and 70 per cent of the global traffic of petroleum products.[15] The region is also most prone to piracy and many of these pirates would not hesitate before handing over a hijacked ship to terrorists. Although there is no conclusive evidence of any nexus between pirates and terrorist organisations, there are sufficient grounds to believe that the pirates of today could transform into terrorists of tomorrow. The presence of a large number of uninhabited islands in the region provides non-state actors with sanctuaries from where they can operate against maritime targets.[16]

There has been a dramatic increase in large and small containers transported by sea.[17] These sealed containers often pass through ports without undergoing thorough checking and are capable of containing anything from human terrorist cargo to arms and ammunition.[18] It has been estimated that 48 per cent of the global container traffic passes through the IOR. The George W. Bush administration came up with the idea of the Container Security Initiative (CSI) to address this deficit but many small host nations regard this initiative as an impediment to normal trade and a method of re-enforcing trade barriers.[19]

It is believed that the IOR has large numbers of merchant vessels that belong to various terrorist organisations like Al Qaida. It is difficult to prevent terrorist organisations from using the sea to transport men and material as these organisations use the Flag of Convenience (FOC), a facility offered by 30 small states. As much as 50 per cent of world shipping is registered under the FOC and this makes it almost impossible to verify the identity of the owner or the crew.

> "*Flying the flag of a state other than the country of ownership enables the owners to avoid high registration fees and taxes, and to employ cheap labour operating under sub-standard conditions*".[20]

The misuse of the FOC regulations gives terrorist organisations great opportunities to operate in the maritime domain. The LTTE was believed to have owned an entire flotilla engaged in dubious maritime trade. Given that the existing monitoring mechanism is flawed and entangled in legal matters, such ships manage to engage in terrorist-related activities with impunity.[21]

An additional danger is the prospect of environmental terrorism at sea. Large-scale oil spills can create ecological havoc. The recent oil spill in the Gulf of Mexico from the well operated by BP has seriously threatened the marine environment and has not been fully contained, despite the efforts of the company and the US administration.[22] The spill has put enormous financial liability on the company, driving its shares to their lowest point in over a decade. The US has even initiated criminal investigations into it. The well spewing over 40,000 barrels a day has adversely impacted marine life.[23] An incident like this occurring due to a terrorist action will also impinge on maritime security. While environmental impact can be both long-term and short-term, the consequential impact in related maritime spheres can continue for a much longer

period. Many effects of disasters involving LPG tankers are yet to be understood properly and are still being studied.[24] The governments of troubled countries are deeply concerned about the dangers of major oil spills and tanker wrecks at the narrow approaches to harbours and chokepoints because oil spills can seriously affect the flow of shipping traffic. Although maritime traffic can be diverted to other ports in such an eventuality, it would result in heavy economic losses. Moreover, other ports where the traffic could be diverted may not have the requisite storage capacity and other infrastructural facilities to receive the vessels in distress.[25]

Maritime Piracy

Of all the maritime regions in the world, the IOR and its sea lines of communications (SLOCs) have been most affected by maritime piracy, because this region is critical for the flow of energy and raw materials from the Persian Gulf and the movement of finished consumer products to the littorals. During 1992-2005, 3,583 incidents of piracy were registered across the world, with South and Southeast Asia registering the highest share of the total. It is a matter of concern that there has been an uptrend in the incidents of piracy over the years.[26]

Historically, piracy has been prevalent in the Straits of Malacca within the IOR. It has not only been a lucrative way of life but also an important political tool. Rulers in the 15th and 16th centuries relied on the region's pirates to thwart attacks by neighbouring states. The Malacca Straits was an important transit route for colonial powers like the Portuguese, Dutch, French and the British. Many of their sailing vessels ended in watery graves here either due to piracy, battles, storms or because of poor ship handling.[27] The frequency of piracy incidents increased in the 18th and 19th centuries as European colonisers arrived in the region. The Strait's location on the main commercial SLOC between India and China and the presence of numerous islets and river outlets, which provide excellent hiding places, has made it prone to piracy.[28]

Although in the past the international community failed to evolve a consensus on how to deal with issues relating to maritime terrorism, in recent times, some sort of convergence of views has emerged. In terms of ends, piracy is usually driven by financial gains and terrorism is politically motivated. In practice, however, there is no clear cut distinction, as terrorists could acquire funding for their political aims through piracy – tactically pirates but strategically terrorists.[29] In terms of means, pirates are

usually associated with basic tactics/capabilities such as boarding, theft, use of force and violence.[30] In terms of reverberations, the effects of piracy have traditionally been confined to the tactical level whereas terrorism aims at achieving a strategic impact.[31]

The recent incidence of pirate attacks on cargo vessels and ships in the Gulf of Aden and the involvement of Somali pirates have caused international concern. Somalia's modern pirates represent not only a very real menace to maritime security but also a growing threat to international commerce.

> "*The sensational nature of their crimes, while drawing the ire of the international community, has also ensured that the Somali pirates remain shrouded in mystery*".[32]

Somalia today is a failed state with a long colonial past. It gained independence in 1950s with the merger of British and Italian Somaliland. After uniting, all Somali-speaking people scattered in the neighbouring states of Kenya, Djibouti and Ethiopia during the post-independence period, while both the superpowers injected military as well as economic assistance to stabilise and strengthen the authoritarian regime of Siad Barre. Somalia has been a tribal society; southern Somalia is largely a desert, inhabited by nomadic tribes, while northern Somalia has a small agricultural economy sustained by scanty rainfall. The Siad Barre regime failed to modernise the economy and was finally overthrown in 1991. Since then, Somalia has been without effective governance.

Historically, piracy has been a crime of opportunity and there are few places with conditions more favourable than the de facto statelessness that has afflicted Somalia since the collapse of the country's last effective government in 1991. The pirates mainly belong to the northern Somali province of Puntland. Having fought in Somalia's civil wars they possess in-depth knowledge of the sea and are well trained in the use of weapons. Pirates generally go to the sea and operate from a 'mother vessel', which is usually a large *dhow* or trawler. This serves as a floating logistics base and carries two or more speedboats and heavy weaponry in its hold.[33] Once the pirates get close to the ship, they use hooks and grapnels to climb on board. Once on board, the crew is taken hostage and the ship is directed towards the Somali coast. Then a demand for ransom is made to the ship's owner for the safe release of the vessel and its crew.

There is a quasi-political element involved in these acts of piracy. Not only is piracy "socially acceptable" in Somalia, but it has also even become fashionable in a country where almost half the population needs food aid after two decades of non-

stop conflict. Piracy in Somalia started when traditional low-technology coastal fishing became unviable due to depletion of local fish stock on account of persistent fishing by foreign fishing trawlers.[33] Somali pirates often call themselves as Somali Coast Guard and justify their activities by claiming they are protecting Somalia's natural resources and that ransom payments should be viewed as legitimate taxation.[34] As a result, hijacking ships for ransom became the new model for generating income to such an extent that piracy off the coast of Somalia more than doubled in 2008 with over 60 ships being attacked.[35] This increased threat of maritime piracy, especially off the eastern coast of Africa, has heightened the shipping industry's financial concerns as insurance rates have soared during the current global economic recession.

On September 25, 2008, Somali pirates captured the Ukrainian vessel *M.V. Faina,* which was transporting Soviet-era military hardware, including thirty T-72 tanks bound for Kenya, thereby giving rise to fears of sensitive cargo being diverted to wrong hands. This was followed a month later by the hijacking of the Saudi Tanker *MV Sirius Star*, the largest ship ever captured by pirates. The vessel, as large as an aircraft carrier, was carrying approximately two billion barrels of crude oil worth approximately US$ 100 million. It was finally released on January 9, 2009 against payment of US$ 3 million as ransom. Many other ships and their crew have been held up near the small port city of Eyl, located in Somalia's semi-autonomous Puntland region. The preferred base for most Somali pirates, Puntland is amongst the most poverty stricken regions of a country that ranks near the very bottom in virtually all socio-economic indicators. The Puntland-based pirates are believed to be holding at least a dozen seized vessels and over 30 merchant marines are being held hostage. The Japanese ship *MV Stolt Valor* with a large Indian crew was held for over two months and later released after the owners paid an undisclosed amount as ransom. In most cases, insurance firms pay the ransom and the cases rarely reach international law agencies.[36]

Usually, ships are hijacked and held till the ransom has been paid. A notable exception, and more worrisome, was the case of two German yachters, Jurgen K. and Sabine M., who were held hostage for 41 days until their release on August 9, 2008 following a ransom payment between US$ 0.5 and 1 million. In this case, it was the sailors and not the vessel that were of value.[37] It has become very clear that massive ransoms provide the motivation for further pirate activities.

Shipping firms, and sometimes governments, are willing to pay millions to ensure the release of their hijacked vessels since the ransom is relatively small as compared to

the value of a ship let alone the life of crew members. By most estimates, pirates raked in around US$ 30 million in 2008, though the actual figure may be many times more than this amount. Kenya claims that pirates collected over US$ 150 million in ransom in 2008 alone, a sum that greatly exceeds the budgets of the country's balkanised regional governments. According to the Baltic and International Maritime Council (BIMCO), payment of ransom has probably exacerbated the situation. BIMCO would prefer that the industry does not pay but it recognises that there is little alternative in the absence of any sort of rescue or intervention. As pirates become more audacious, it is unlikely that shipping companies will be prepared to take risks that entail loss of life or equipment.[38]

Of the 293 incidents of piracy that were recorded by the Kuala Lumpur-based International Maritime Bureau (IMB) in 2008, 111 attacks took place on the high seas off the coast of Somalia, resulting in 42 hijackings. This marked a phenomenal increase of almost 200 per cent in this critical trade corridor that links the Suez Canal to the Indian Ocean.[39] According to a report released on January 14, 2010 by IMB's Piracy Reporting Centre, the incidents of piracy during 2009 shot up to 406. Although such incidents have increased over last four years (239 in 2006, 263 in 2007 and 293 in 2008), the increase has never been so steep. Of all the incidents in 2009, Somali pirates accounted for more than half. In 217 incidents involving Somali pirates, 47 vessels were hijacked and 867 personnel were taken hostage. There was also an increase in the level of violence against the crew members.[40]

The patrolling being undertaken by various navies in the Gulf of Aden has forced Somali pirates to shift their area of operations. Unlike 2008, when most of the attacks took place in the Gulf of Aden, in 2009, most incidents occurred off Somalia's East Coast. During the last quarter of 2009, the pirates shifted their operations quite far from the coast and deeper into the Indian Ocean. A total of 33 incidents, including 13 hijackings, were reported from the waters East of 60° East, with some taking place as far as 1,000 nautical miles from Mogadishu. These attacks were usually carried by pirate motherships masquerading as fishing vessels or *dhows*. The figures also indicate that despite an alarming increase in pirate attacks, the number of hijackings have been relatively low.[41] The IMB attributes this drop due to the presence of the naval forces of various nations in the region with the specific intention of safeguarding freedom of navigation in the area. However, the surge in the number of attacks shows that the pirates have not really been perturbed by the naval presence. It only shows an increased

urgency on the part of the pirates to use aggression for meeting their ends. Continued naval presence in the area, therefore, seems to be a necessity.

The first quarter of 2010 saw a significant drop in incidents of piracy, but expansion of the area of operations by Somali pirates who moved further away from the Somalian coast. Piracy incidents were reported from Mauritian, Seychelles and Maldivian waters. Alarm bells have started ringing in India with the arrest of eight Somali pirates near the Lakshadweep islands in Indian waters on May 29, 2010. Apparently, the pirates had been sighted on 13 earlier occasions in the vicinity of these islands.[42] While increased patrolling in the Gulf of Aden may have succeeded in curbing piracy, it has also led to an expansion of the piracy affected areas and has in no way succeeded in eliminating the menace.

There is a consensus in the international community that maritime piracy needs to be addressed with urgency as the health of the world economy is heavily dependent on securing the SLOCs and facilitating smooth maritime trade. The misuse of sophisticated technology by pirates and non-state actors calls for continuous up-gradation of technology to counter those engaged in maritime attacks. Despite increased naval presence by major powers, patrolling one million sq. km of open sea is not an easy task. Although three different naval Task Forces – Combined Task Force-151, a NATO grouping and a European Union Naval Force – operate in the area to protect their merchant shipping, their activities are disjointed and uncoordinated. The Indian Navy's actions have provided the only success in recent times.

Existing international laws governing territorial waters have put legal constraints on nations capable of checking maritime terrorism. Warships of a foreign nation cannot enter the territorial waters of another nation unless specifically permitted by the latter. Some attempts have been made to ease such legal hurdles in Somali waters since one of the largest multinational flotillas in history for combating piracy is currently patrolling the Gulf of Aden. Although Resolution 1816 of the UN Security Council (UNSC) allows anti-piracy operations within Somali waters with the concurrence of the Somalian transitional government, the legal position remains hazy. The anti-piracy patrols need to be conducted within the ambit of international law, as defined by the provisions of the UNCLOS. Even as a US-led multinational force is trying to deter pirates by its sheer presence, the pirates seem to prefer taking the path of least resistance and attack unescorted ships rather than risk attacking a vessel escorted by a warship.[43]

In view of the increasing threats from Somali pirates, the UNSC unanimously adopted Resolution 1846 on December 02, 2008 extending the ability of foreign powers to continue anti-piracy operations in the seas off the Horn of Africa for 2009. It sets out that states and regional organisations may use "all necessary means" to fight the pirates.[44] This led some news agencies to report that the Resolution allows naval vessels to enter sovereign Somali waters in order to apprehend pirates or end hostage-takings. Unfortunately, Resolution 1846 does not explicitly state so. Although the UNSC has authorised air and land strikes against pirates during "hot pursuit", the bandits have remained relatively undeterred by the show of immense firepower. Even China's unprecedented decision to send two destroyers to the region, the country's first far-flung naval deployment since the creation of the People's Republic in 1949, has failed to impress the pirates.

Though the UN has intervened to check the menace of piracy, it has not been entirely effective. In contrast, several unilateral, bilateral and multilateral security initiatives pursued regionally have been successful to some extent in tackling maritime threats. At the same time, great variance has emerged in the views of various coastal states on how precisely to obviate maritime threats. Indonesia, for instance, has been lukewarm to the US' Regional Maritime Security Initiative (RMSI) and has accused the US and Singapore of using terrorist threats to justify the presence of foreign forces in the region.[45] It has repeatedly emphasised that the littoral states are capable of taking care of the maritime security on their own. Such assertions are probably far from the truth. The fact of the matter is that the Strait of Malacca is not as important for Indonesia as it is for Singapore and Malaysia. Even if the Strait closes Indonesia still has the Lombok and Sunda Straits to conduct its trade.[46] Apart from the littoral states, there are other regional and extra regional powers such as the US, Japan, China and India whose interests are intrinsically embedded with the interests of the littorals. Increased focus on the Malacca Straits has led to considerable reduction in piracy incidents in the area.

Unfortunately, the same has not happened off the Somalian coast despite an increase in the number of states sending/planning to send warships to fight piracy. Even though the success rate of piracy attempts has been reducing, the rewards are still considerable. In 2009, pirates collected US$ 48.4 million as ransom.[47]

The Indian Navy started patrolling the seas off the Gulf of Aden following the hijacking of some Indian and foreign ships with Indian crew. The Navy demonstrated

its capabilities on November 19, 2008, when one of its warships, INS *Tabar*, sank a pirate mother ship 285 nautical miles (528 km) Southwest of Salalah in Oman. This was the first act of aggression by any navy against pirates operating there. The IMB, which monitors global piracy, approved the action by the Indian Navy as most appropriate.[48] Since then the Indian Navy has been patrolling the region and has escorted many ships to safety. A month after INS *Tabar* sank a pirate ship, the Navy played rescuer again. INS *Mysore* in response to an SOS from the merchant vessel *MV Gibe* broke up an attack by heavily armed pirates and succeeded in capturing 23 pirates.

The Indian Navy now plays an active role both in the Malacca Straits and in the Gulf of Aden to secure sea lanes and check piracy. In 1999, the Indian Navy and the Coast Guard rescued the *MV Alondra Rainbow*, a 7,000 ton Japanese-owned, Panama-registered vessel from Indonesian pirates off the Konkan coast. Subsequently, after several Japanese merchant vessels had been hijacked, Japan sought cooperation from China, India, Indonesia, Malaysia, Singapore and South Korea. The Japanese Maritime Self Defence Force (JMSDF), in cooperation with the Southeast Asian 'troika' of Indonesia, Malaysia and Singapore, joined hands in building a naval partnership with the Indian Navy, which includes anti-piracy operations.[49]

With the pirates moving to areas far off from the Somalian coast towards the busy sea lanes of the Arabian Sea, the area to be kept under surveillance has increased substantially, thereby diluting the effect of naval warship patrols. Moreover, emboldened by their successes and flush with ransom money, the Somali pirates are now equipping themselves with sophisticated weapons, global positioning systems (GPS), radio sets, high speed boats etc. Confronted by naval patrols in the region, the pirates could be modifying their tactics. The *modus operandi* adopted thus far by the Somali pirates of operating on the high seas using "mother ships" (mostly captured fishing trawlers) that carry a few small and fast speedboats to launch attacks on opportune targets may evolve with the pirates turning into organised groups operating from hijacked merchant vessels with the capability to operate in the busy sea lanes of the IOR for several days, masquerading as innocent merchant vessels and targeting unsuspecting ships.[50]

The Way Ahead

As the world becomes increasingly interdependent and globalised, the use of the sea to transport men and materials grows in importance. With world trade growing every

year, the importance of sea transport and safety of SLOCs have emerged as critical issues for the world community. The threats posed by non-state actors to the freedom of navigation and maritime security are, therefore, of global consequence. Policy makers and strategic analysts are engaged in discussing these issues, particularly the threats related to the IOR and its SLOCs.

As states grapple with the new challenge on the high seas, non-state actors have increased their focus on the maritime arena as surveillance and security over the land of most states has increased. The vastness of the oceans, unhindered access, absence of national jurisdiction on the high seas and limited maritime capabilities of most nations in the IOR have allowed non-state actors to move with relative impunity in the region.

The challenge of countering threats emanating from non-state actors in the IOR cannot be met by any state alone, let alone by any single navy or security agency. The task of maintaining a constant vigil in the IOR is proving to be a formidable challenge for all regional naval forces. It is clear that security forces, despite their robustness cannot be omnipresent in the vast expanse of the high seas.

The threat of terrorist groups linking up with pirates continues to be a possibility which threatens global security. Since the challenges are common, they can best be met by adopting a seamless collaborative approach between various security agencies within countries as well as multi-national cooperation amongst IOR states.

While every state in the IOR cannot be expected to patrol the SLOCs independently, an additional problem is the insecurity of many states of the IOR. The presence of extra regional powers patrolling the region creates apprehensions in the minds of many Indian Ocean littorals. Some states believe that the threat of maritime terrorism is being exaggerated by some external powers to serve their strategic objectives and to provide an excuse for permanent presence in the region.

Thus, there is a need to create a cooperative mechanism for IOR maritime forces to tackle the growing menace of maritime terrorism and piracy. To begin with, a flotilla of South Asian navies can patrol the seas around the Gulf of Aden. Once the area is stabilised, its mandate could be extended and other littorals could join in. Frequent exercises amongst the maritime forces of the region would also go a long way towards building interoperability, mutual trust and confidence.

Notes

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5. In IMO resolution A.922(22), armed robbery against ships is defined as 'any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, directed against a ship or against persons or property onboard such a ship, within a state's jurisdiction over such offences'.
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12. See B. Raman, note [10].
13. For a detailed analysis on this particular issue, see B. Raman, "Control of Transnational Crime and War against Terrorism", *Indian Defence Review*, Vol. 17(2), April-June (2002).
14. See B. Raman, note [10].
15. Shiv Shankar Menon, "Maritime Imperatives of Indian Foreign Policy", *Maritime Affairs*, Vol. 5(2), Winter (2009): 17.
16. See B. Raman, note [10].
17. See 'Containerisation', www.choicegroup.co.in/html/cntrzation.htm. From vessels that used to carry 226 Twenty-Foot Equivalent Units (TEUs) in 1957, there are today vessels that can carry 6,600 TEUs. Maersk Sealand alone has approximately 21 vessels that can carry over 6,600 TEUs. Their 'S'-class Post Panamax vessels can carry 6,600 TEU's. Other lines having over 6,000 TEU vessels in their fleet are MSC, P&ONL Hanjin, Hyundai Merchant Marine, and CMA-CGM. The world fleet at present consists of 32 vessels of 6,000 TEUs and above, with another 40 in the order books and many more to follow.

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