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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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PIRACY AND MARITIME SECURITY: LEGAL PERSPECTIVE

AUTHORED BY: MANJARI E

SCHOOL OF LAW

CHRIST (Deemed to be University), Bangalore

ABSTRACT

Piracy is still a major international security threat, posing a risk to global trade, human life, and economic stability. Although piracy has been around for centuries, it has become a sophisticated transnational crime, with ship hijackings, ransom kidnappings, cyber piracy, and arms smuggling. Contemporary piracy is most common in key maritime areas like the Horn of Africa, the Gulf of Guinea, and Malacca, where poor governance, poverty, and political instability provide fertile ground for pirate networks. Despite global legal structures such as the United Nations Convention on the Law of the Sea (UNCLOS, 1982), it is difficult to prosecute pirates because of disputes over jurisdiction, loopholes in law, and varying enforcement across countries. In addition, cyber piracy and maritime terrorism pose new dimensions of challenge to maritime security.

The evolution of piracy across history, socio-economic and legal aspects, as well as combating maritime crime are the subjects covered in this article. The inadequacies in existing legal arrangements, international naval collaboration, and demands for technological upgrades in protecting maritime trade routes are analysed with a critical outlook. The relevance of dealing with underlying causes of unemployment, poaching, and local instability through development and legal improvement is also identified.

A multi-faceted strategy consisting of greater international cooperation, stronger legal frameworks, technological innovation, and socio-economic development is required to guarantee long-term maritime security. Unless the underlying causes of piracy are tackled, maritime crime will continue to develop, generating new challenges for global security and economic growth.

Key words: piracy, maritime security, international law, cyber piracy, global trade

INTRODUCTION

The seas of the world are the global trade lifeline, transporting more than 80% of international merchandise, which means that maritime security is a key issue for economic stability. Still, piracy is a persistent threat, threatening shipping routes, the global supply chain, and human lives. Though the word "piracy" brings to mind images of the Golden Age of Piracy (1650-1730), contemporary piracy has transformed into a highly structured transnational crime, encompassing ship hijackings, ransom kidnappings, cyberattacks, and connections to terrorism. The recent re-emergence of piracy in strategic waterways, including the Horn of Africa, the Gulf of Guinea, and the Strait of Malacca, has been causing concern for governments, international organizations, and maritime industries. Modern-day piracy is not just a criminal problem—it is a complicated socio-legal problem that is intricately linked with economic troubles, poor governance, and political instability along the coast¹.

The causes of piracy are most commonly rooted in poverty, unemployment opportunities, and the inability of state agencies to provide law and order. Most contemporary pirates, especially in Nigeria and Somalia, engage in piracy due to economic necessity, and thus, it is both a crime and a manifestation of underlying social problems. This intricate intersection of law, economics, and security makes piracy a serious concern that needs world cooperation, effective legal systems, and sustainable socio-economic measures. The Evolution of Piracy: From Ancient to Modern Threats Piracy has been with us for centuries and has transformed along with transformations in naval technology, trade routes, and political arrangements. Traditionally, pirates worked in autonomous bands, plundering merchant ships for gold, spices, and merchandise. Nevertheless, in the 21st century, piracy is an elaborate criminal endeavour, frequently sponsored by organised crime networks and armed militia.

The following are some of the fundamental differences between classic and contemporary piracy:

- Ancient Piracy to 19th Century
 - Comprised looting of merchant vessels and coastal towns.
 - Motivated by economic profit, war, or resistance against colonialism.
 - Did not have worldwide coordination or well-organized criminal groups.
- 20th–21st Century Piracy

¹ The Hague Centre for Strategic Studies. (2008). *Maritime Piracy*. Hague Centre for Strategic Studies. <http://www.jstor.org/stable/resrep12588>

- Includes hijacking of oil tankers, cargo vessels, and high-end yachts.
- Covers ship navigation system cyberattacks aimed at controlling cargo and ransom threats.
- Usually linked with terror groups, arms smuggling, and people trafficking.

Areas like Somalia, West Africa, and Southeast Asia have seen a sudden increase in pirate activity, thanks to political instability, poor maritime law enforcement, and economic distress. Pirates now employ sophisticated weaponry, GPS technology, and speedboats to attack ships, rendering conventional naval defence systems less effective.

The Socio-Economic and Political Roots of Piracy

Today, piracy is more than a crime at sea—it is a side effect of economic and political shortcomings. Piracy usually blossoms under such conditions:

1. Unemployment and Poverty

- Pirates hail typically from distant coasts with scarce opportunities.
- Excessive fishing by foreign industrial fleets has ravaged domestic fisheries, with many former fishermen resorting to piracy as a second-best income stream.

2. Weak Governance and Corruption

- In countries such as Somalia, Nigeria, and Indonesia, government corruption and poor naval enforcement permit pirates to ply their trade with little opposition.
- Authorities at times cooperate with pirates, safeguarding them for a bribe.

3. Political Instability and Armed Conflicts

- Collapse of states such as Somalia creates a sanctuary for pirate groups, who exploit conditions of anarchy.
- Piracy is also associated with terrorist organizations in some instances, where hijacked vessels are used for arms trade, drug trafficking, and money laundering.

Legal Challenges in Combating Piracy

Despite international legislation like the United Nations Convention on the Law of the Sea (UNCLOS, 1982), prosecuting pirates is a significant challenge because of jurisdictional disputes and legal loopholes.². Some of the major challenges are:

○ Jurisdictional Problems in International Seas

- Pirates tend to function outside national boundaries, and it is not easy to determine whose jurisdiction should prosecute them.

² Kraska, J., & Wilson, B. (2009). MARITIME PIRACY IN EAST AFRICA. *Journal of International Affairs*, 62(2), 55–68. <http://www.jstor.org/stable/24358194>

- Certain pirates captured are let off due to an absence of clear legal jurisdiction
 - Irregular Prosecution Policies
- Kenya and Seychelles, for countries, have committed to prosecuting pirates but suffer from overcrowded prisons and legal delays.
 - Wealthier countries shun prosecuting pirates in their courts because of asylum risks—convicted pirates might qualify as refugees.
 - Cyber Piracy and Digital Security Challenges
- Contemporary pirates employ hacking methods to disable ship navigation, tamper with cargo records, and interrupt global trade.
- The Not Petya cyberattack (2017) resulted in millions in damages to shipping giant Maersk, demonstrating that piracy is no longer confined to physical hijackings.

The Need for Global Cooperation in Maritime Security

Piracy cannot be addressed by military means alone. A comprehensive approach is required, encompassing legal reforms, international cooperation, and socio-economic development. Some of the important solutions are:

1. Enhanced Naval Cooperation & Intelligence Sharing

- NATO, the Indian Navy, and the U.S. Navy have conducted joint patrols to decrease pirate attacks off Somalia.
- Scaling up such multi-nation patrols to West Africa and Southeast Asia is essential.

2. Legal Reforms & International Courts for Piracy

- Creating a global maritime court under the International Criminal Court (ICC) to make piracy prosecutions more efficient.
- Enhancing national anti-piracy laws so that pirates receive severe legal penalties.

3. Investment in Economically High-Risk Areas

- Governments need to go to the source of piracy by providing jobs, better regulation of fisheries, and less corruption.
- Development and international aid programs should be channelled to coastal communities to keep them from resorting to piracy.

BACKGROUND AND SOCIO LEGAL PERSPECTIVE

• Background

Piracy has been around for centuries, with the earliest known pirate attacks occurring as far

back as ancient Greece and Rome. During the Golden Age of Piracy (1650-1730), pirates threatened maritime trade in the Caribbean, Atlantic, and Indian Oceans. Piracy did fall with the development of colonial naval power and cooperation between nations.

In the 21st century, piracy has returned as a significant security issue, especially in politically unstable areas, including:

- The Gulf of Aden (off the coast of Somalia) – Piracy hotbed worldwide owing to civil war, poverty, and poor governance.
- The Gulf of Guinea (Off West Africa) – Rising occurrences of oil theft, armed robbery, and kidnapping of mariners.
- The Strait of Malacca (Southeast Asia) – One of the busiest shipping routes in the world, prone to hijackings.

Traditional piracy has evolved into well-organized crime syndicates with sophisticated weaponry, GPS monitoring, and speedboats to hijack ships, extort ransoms, and transport illegal drugs. This has prompted the creation of international naval alliances and more stringent sea laws, yet enforcement is problematic due to the jurisdictional and political complexities.³

- Socio-Legal Perspective

The problem of piracy is more than crime—it has deep-seated social and legal issues that affect global security, commerce, and human rights.

1. Legal Challenges in Prosecuting Pirates

- The United Nations Convention on the Law of the Sea (UNCLOS, 1982) sets a definition of piracy under Article 101, but it is challenging to enforce because of jurisdictional complexities.
- Most countries have no particular anti-piracy legislation, which results in inconsistency in legal proceedings.
- Case Study: In 2017, India failed to prosecute Somali pirates because of loopholes in its maritime legislation, which resulted in their acquittal. The Anti-Maritime Piracy Act, 2022, was subsequently enacted to fulfil this purpose.

2. Human Rights Concerns

- Piracy usually results in hostage-taking, with crew members subjected to torture, starvation, and even murder.
- Most pirates are driven into crime because of poverty and unemployment, questioning on

³ JOHRI, S., & KRISHNAN, S. (2019). Piracy And Maritime Security: REGIONAL CHARACTERISTICS AND POLITICAL, LEGAL AND ECONOMIC IMPLICATIONS. *World Affairs: The Journal of International Issues*, 23(3), 80–101. <https://www.jstor.org/stable/48531052>

ethical grounds whether they should be treated as criminals or as victims of circumstances.

- Example: It has been reported that the majority of Somali pirates used to be fishermen who became pirates after foreign trawlers' overfishing caused a lack of fish stock.

3. Economic & Social Impact

- Piracy destabilizes international trade, leading to rising insurance fees and shipping costs, thereby influencing global consumers' prices.

- Piracy becomes an economic venture on which conflict-torn coastal communities depend, hence rendering efforts at countering it useless in the absence of poverty eradication and economic development.

- The cost of worldwide piracy has been approximated to be over \$7 billion each year as costs encompass ransoms, shipping protection, and costs incurred by firms.

4. International Cooperation and Maritime Security Role

- International initiatives like NATO's Operation Ocean Shield and the Combined Task Force 151 have contributed to the decline of piracy in the Gulf of Aden.

- The Djibouti Code of Conduct (2009) created regional cooperation among African and Middle Eastern nations to fight piracy.

- Yet, political instability, corruption, and lack of coordination among countries still hamper effective enforcement.

CRITICAL ANALYSIS AND CHALLENGES

1. International Legal Frameworks Weaknesses

Despite international acknowledgment of piracy as a crime under UNCLOS (United Nations Convention on the Law of the Sea, 1982), it is still a challenge to enforce anti-piracy laws. The major legal challenges are:

- Jurisdictional Issues:

- Pirates are active in international waters, and it is hard to identify which nation has the legal jurisdiction to arrest and prosecute them.

- Most countries do not have domestic anti-piracy legislation, and therefore, pirates are released instead of being prosecuted because of loopholes in the law.

- Example: Some Somali pirates apprehended by the U.S. and European forces were released because of the lack of jurisdictional authority to prosecute.

- Lack of Uniformity in Prosecution

- Some states, like Kenya and Seychelles, have signed up to prosecute pirates in their courts, but they are confronted with clogged prisons and legal delays.

- Richer countries, such as the U.S. and U.K., are reluctant to prosecute pirates in their courts because of asylum concerns—pirates can seek refugee status if prosecuted in these nations.

2. The Evolution of Modern Piracy: A Change in Tactics

Modern piracy is no longer merely hijacking vessels for ransom. Criminal organizations have expanded their activities to encompass:

- **Maritime Kidnapping for Ransom**
 - Unlike classical hijackings of ships, contemporary pirates abduct crew members and extort ransom.
 - Illustration: The Gulf of Guinea has emerged as a hotbed for crew kidnappings, with abductors holding sailors for extended periods.
- **Cyber Piracy and Hacking of Ship Systems**
 - New pirates employ cyberattacks to cripple ship navigation, monitor vessel positions, and tamper with cargo records.
 - Example: In 2017, the Not Petya cyberattack affected shipping giant Maersk, with losses of close to \$300 million.
- **Association with Terrorist Groups**
 - Some pirate networks have associations with terrorist groups, employing hijacked vessels for smuggling weapons, drugs, and human trafficking.
 - Example: Al-Shabaab militants in Somalia have employed piracy profits to support terrorist operations.

3. The Economic and Humanitarian Cost of Piracy

- **Disruptions to Global Trade**
 - The economic cost of piracy to the global economy is more than \$7 billion a year, including ransom payments, higher insurance costs, and ship rerouting.
 - Example: Shipping companies currently shun the Horn of Africa, instead taking longer routes around South Africa's Cape of Good Hope, which adds to fuel expenses and delivery time.
- **Human Rights Violations**
 - Seamen and crew members are subjected to brutal violence, such as torture, starvation, and execution.
 - Example: Somali pirates murdered four American hostages in 2011 when ransom talks collapsed.
- **Impact on Coastal Communities**

- Many coastal regions depend on piracy as a source of income due to lack of economic opportunities.
- Example: In Somalia, where fishing communities lost livelihoods due to illegal foreign trawlers, piracy became a desperate survival mechanism.

4. Counter-Piracy Measures and Their Limitations

- International Naval Patrols
 - Such operations as NATO's Operation Ocean Shield and the Combined Task Force 151 have slowed piracy in Somalia but not wiped it out.
 - Pirates have resorted by shifting operations to West Africa and Southeast Asia.
- Armed Private Security on Ships
 - Most merchant ships now use armed guards, which effectively cut down on successful pirate attacks.
- Yet, this is legally problematic—what if security units kill alleged pirates?
 - Challenges Faced by Local Law Enforcement
 - States such as Nigeria, Indonesia, and Somalia do not have adequately trained coast guards and a legal framework to manage cases of piracy effectively.
 - Corruption and collusion with local authorities on the part of pirates render enforcement all the more ineffective.

Critical Challenges to Fighting Piracy and Maintaining Maritime Security

1. Legal Complication – No one country can have jurisdiction over pirates on the high seas.
2. Pirate Tactics Evolving – Pirates increasingly employ cyberattacks, kidnappings, and smuggling, rendering conventional naval patrols ineffective.
3. Economic Payouts for Piracy – Poverty and poor governance along coastal regions force people into piracy as a means of survival.
4. Security Dilemma vs. Human Rights – Nations find it difficult to balance severe anti-piracy actions with ensuring human rights and due process.⁴

⁴ Chalk, P. (2008). Piracy. In *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States* (1st ed., pp. 5–18). RAND Corporation. <http://www.jstor.org/stable/10.7249/mg697af.10>

RECOMMENDATIONS AND REFORMS

Piracy and maritime security issues call for an all-encompassing, multi-faceted strategy balancing legal, economic, and security measures. Naval interventions and legal regimes are important but not sufficient. The causes of piracy, including poverty, poor governance, and economic opportunities, need to be addressed for long-term solutions.⁵ The recommendations below concentrate on legal reforms, international cooperation, socio-economic development, and technological advances to combat piracy.⁶

1. Enhancing Global Legal Frameworks

- Harmonization of Anti-Piracy Laws between Nations

- Most nations do not have unique anti-piracy legislation, which creates loopholes in law and jurisdictional issues.

- Recommendation: Countries need to enact UNCLOS provisions into national laws and set up special piracy courts for expedited prosecutions.

- Example: India passed the Anti-Maritime Piracy Act, 2022, filling gaps in law for prosecuting pirates who are apprehended in international waters.

- Creating a Global Maritime Court

- Pirates tend to go scot-free because of the absence of a central court of law to prosecute offenders who commit crimes in international waters.

- Recommendation: The UN can set up a special international maritime court under the International Criminal Court (ICC) to deal with piracy cases.

- Reforming the Rules of Engagement for Private Security on Ships

- The deployment of private armed guards on merchant ships has cut down on pirate attacks, but there are still legal uncertainties on the use of force.

- Recommendation: Clear international standards should establish when and how armed security guards can attack pirates while maintaining accountability.

2. Strengthening Regional & International Cooperation

- Strengthening Naval Coalitions & Joint Patrols

- Efforts such as NATO's Operation Ocean Shield and the Combined Task Force 151 have

⁵ Onuoha, F. C. (2010). Piracy and Maritime Security off the Horn of Africa: Connections, Causes, and Concerns. *African Security*, 3(4), 191–215. <https://www.jstor.org/stable/48598806>

⁶ Kamerling, S., & van der Putten, F.-P. (2011). Enhancing Maritime Security Governance: European and Asian Naval Missions against Somali Piracy. In S. Bersick & P. van der Velde (Eds.), *The Asia-Europe Meeting: Contributing to a New Global Governance Architecture: The Eighth ASEM Summit in Brussels (2010)* (pp. 143–156). Amsterdam University Press. <http://www.jstor.org/stable/j.ctt46msfm.15>

contributed to curbing piracy off Somalia, but equivalent efforts must be made in West Africa and Southeast Asia.

- Recommendation: Engage in joint maritime patrols in piracy hotspots such as the Gulf of Guinea and the Strait of Malacca, including both navies and coast guards of impacted states.

- Enhancing Intelligence Sharing Across Countries

- Piracy networks are connected to arms smuggling, drug trafficking, and terrorism, necessitating real-time intelligence sharing.

- Recommendation: Create an international piracy intelligence centre, allowing quicker response times to pirate attacks.

- Creating Regional Anti-Piracy Task Forces

- Most coastal countries do not have the trained staff and resources to fight piracy effectively.

- Recommendation: More affluent countries and international bodies should fund and train regional anti-piracy units to create quicker response and law enforcement capacity-building**.

3. Addressing the Root Causes: Socio-Economic Development

- Providing Alternative Livelihoods for Coastal Communities

- Most pirates, particularly in Somalia and Nigeria, are forced into piracy as former fishermen because of economic need.

- Recommendation:

- Enhance fisheries regulation to avoid foreign illegal fishing, which denies locals their income.

- Invest in coastal job creation programs (e.g., sustainable fishing, maritime tourism, and port infrastructure).

- Reducing Corruption & Strengthening Governance in Coastal States

- Piracy thrives in nations with weak law enforcement, corruption, and political instability.

- Recommendation:

- Establish anti-corruption policies to stop local authorities from assisting pirates.

- Enhance judicial autonomy to facilitate impartial trials and accountability.

- Enhancing Economic Infrastructure in High-Risk Areas

- Most pirate-risk areas lack good education, health facilities, and employment opportunities, leading youth to turn to crime.

- Recommendation:

- Global institutions must sponsor economic development initiatives, offering training in skills and education to high-risk communities.

4. Utilizing Technology for Maritime Security

- Utilizing AI & Satellite Monitoring to Watch High-Risk Areas
 - Live monitoring can monitor suspicious ships and anticipate pirate activity.
- Recommendation: Increase the application of satellite imaging, risk analysis using artificial intelligence, and automatic identification systems (AIS) in order to identify pirate operations.
- Strengthening Cybersecurity in Maritime Activities
 - Pirates have progressively employed cyberattacks to cripple ship navigation systems, tamper with cargo records, and follow high-value targets.
 - Recommendation:
 - Shipping companies should invest in cyber defence systems to prevent hacking.
 - Governments should develop global cybersecurity protocols for maritime operations.
- Developing Smart Maritime Fencing & Non-Lethal Defence Systems
 - Non-lethal defence mechanisms can deter pirate boardings without escalating conflicts.
- Recommendation: Vessels must be armed with loud-sound cannons, water cannons, electric fences, and autonomous distress signals to deter pirate attacks.

CONCLUSION

Piracy is a sophisticated international issue that endangers global trade, maritime security, and human lives. Although contemporary piracy is typically linked to risky regions such as the Horn of Africa, the Gulf of Guinea, and the Strait of Malacca, it is not limited to any particular region. The transformation of piracy, from the classic hijackings of ships to ransom kidnappings, cyberattacks, and arms trafficking, has complicated attempts to counter piracy. While international legal frameworks, naval operations, and private security interventions have reduced piracy, solutions in the long term need a wider-ranging and sustainable approach. A major obstacle in fighting piracy is the jurisdictional uncertainty in the high seas.

The United Nations Convention on the Law of the Sea (UNCLOS, 1982) lays down a legal framework for the prosecution of pirates, but most countries do not have specific domestic anti-piracy legislation, thereby hindering prosecution. Pirates most commonly operate on international waters where enforcement is in its infancy, and when caught, legal loopholes help them escape punishment. Creating an international maritime court within the International Criminal Court (ICC) would make piracy trials more efficient and allow for uniform enforcement of anti-piracy laws throughout countries. A second key issue is the underlying socio-economic causes of piracy. Most pirates, especially in Somalia and Nigeria, resort to

piracy because of economic need.⁷.

Foreign overfishing, absence of livelihood alternatives, and political unrest force many people into sea crime. Mere deployment of warships and armed patrols is not sufficient—tackling poverty, unemployment, and corruption in coastal areas is the key to long-term stability. Governments and international agencies need to invest in coastal economic development, education, and legal employment opportunities to deter piracy. Technology is also a key component of modern maritime security. With pirates employing cyberattacks, GPS tracking, and high-speed boats, governments and shipping firms need to upgrade their defensive capabilities. Artificial intelligence (AI), satellite monitoring, and automated vessel tracking systems can be used to predict and prevent pirate attacks.⁸.

Moreover, enhancing cybersecurity for shipping operations is required to counter new threats, such as the hacking of navigation systems and data breaches. Investing in non-lethal defence systems, including sonic cannons, water jets, and electric fences, can be used to secure commercial ships while avoiding legal issues related to private armed security. International cooperation is still a pillar of maritime security. The success of NATO's Operation Ocean Shield and the Combined Task Force 151 illustrates the value of joint naval efforts in lowering piracy cases. Nevertheless, these operations need to be extended to other hotspots such as the Gulf of Guinea, where piracy is still a pressing concern. Regional collaboration through such agreements as the Djibouti Code of Conduct (2009) should be reinforced with improved sharing of intelligence, coordinated patrols, and harmonization of laws among the affected states⁹.

Therefore, piracy cannot be addressed by military might alone. An effective anti-piracy campaign has to incorporate legal reforms, global cooperation, socio-economic development, and technological solutions. Through addressing both the causes and symptoms of piracy, the international community can establish a sustainable maritime security framework that guarantees safe seas, unimpeded global trade, and safety for those who toil at sea.¹⁰.

⁷ Atlantic Council Counter-Piracy Task Force. (2012). *Managing the Global Response to Maritime Piracy*. Atlantic Council. <http://www.jstor.org/stable/resrep03571>

⁸ Twyman-Ghoshal, A. A., & Pierce, G. (2014). THE CHANGING NATURE OF CONTEMPORARY MARITIME PIRACY: Results from the Contemporary Maritime Piracy Database 2001-10. *The British Journal of Criminology*, 54(4), 652–672. <http://www.jstor.org/stable/43819209>

⁹ Ulrich, H. G. (2010). *International Maritime Safety and Security Exchange: A Promising Business Model for Global Maritime Safety and Security*. Atlantic Council. <http://www.jstor.org/stable/resrep03326>

¹⁰ Dillon, D. (2005). Maritime Piracy: Defining the Problem. *The SAIS Review of International Affairs*, 25(1), 155–165. <https://www.jstor.org/stable/26999257>