

# AN ANALYSIS OF WHETHER THE ILLUMINATING TECHNOLOGICAL ERA OF MARITIME PIRACY ACCELERATE OR RECEDE IN LIGHT OF DEVELOPING INTERNATIONAL GOVERNMENTAL INSTITUTIONS?

Yashvardhan Kumar

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## ABSTRACT

*This essay discusses the evolving maritime piracy laws in the seas in conjunction with the United Nations Office on Drugs and Crime (UNODC) preliminaries with a brief reference of the historical review of 'piracy' postliminary to the Treaty of Tordesillas 1494. The deliberation further delves into the colossal impact of Somalia pirates on global economy amidst the role of fiscal and political decentralization across the considerable affected regions. Furthermore, the latter part of the essay, where my supreme concern lies, analyzes the transformation of technological innovations by 'cyber-pirates' in light of associations with terrorist organizations such as Al-Shabab due to their stringent activities in the East African states.*

## INTRODUCTION

The characterization of 'piracy' is followed as any illegal act of violence or detention, committed for private ends by the crew or passengers of a ship or an aircraft in the high seas. Since the 1700s, distinguished pirates such as Blackbeard and Anne Bonny have been reigning the seas long before the distinction of low and high seas with no accountability to the governance characteristics of the colonial age. The English privateers, also known as *sea dogs* made a gigantic piracy impact in consideration to European, American and Asian colonization.

Amidst the 21<sup>st</sup> century, piracy has extensively expanded globally to the Indian Ocean, East Africa, South China Sea and the Caribbean, diminishing profit maximization from trade routes in the Gulf of Aden, the Horn of Africa and the Malacca Strait. The Seabourn Spirit pirate attack in 2005 off the coast of Somalia and the MV Sirius Star hijack at the Cape of Good Hope are two illustrations determining the extended functioning of pirate groups from far off the coast of their territorial waters. This ascended tensions for international governmental institutions such as the International Maritime Bureau (IMB) and the United Nations Office on Drugs and Crime (UNODC), further culminating in rigorous implementation for retribution such as 'death penalty' in several countries such as China, Iran, Iraq, although my belief goes with the proportion of crime, wherein the punishment should have an accordance to the level of crime committed.

The question posed is ‘Why does Somalia has an abundant origin of pirates?’ Contemporarily undergoing a civil war since the 1980s, causing wrecking ramifications to the national economy, Somalia has had customary and religious legal conflicts since the establishment of the Transitional National Government in 2000, followed by the Islamic Courts Union (ICU). The radicalism between organizations and believers polarized Somalia, alongside ICU’s involvement with terrorist organizations such as Al-Shabab in the country. The coast of Somalia covers a massive geographical area of East Africa resulting in enhanced pirate attacks and refuges, as the GDP has flunked in the country, leading to fishermen and the common man’s enchantment towards the ‘pirate world’ due to high profits. In many respects, piracy has been as good for Somalia’s fishermen as it has been bad for international shipping.

Somali Piracy constitutes of the majority of hijacking, hostage involvement and ransom demands, severely disrupting the world maritime trade and endangering commercial ships with a colossal impact on the economies of African neighbouring countries. There are several factors pertaining to the impact of Maritime Piracy on the economic front such as greater shipping insurance premiums for instance the K&R (Kidnap and Ransom) Insurance cover, hiring of private security guards for cargo and crew security, and the culmination of higher wages for the crew members of the ship due to extensive voyages than usual. Furthermore, an intriguing fact is that the opportunity cost of a hijacked vessel is very high and could round off to \$US 50,00 a day, erstwhile an individual pirate can obtain profits at an approximate of \$US 10,000 per attack. Moreover, the opportunity cost of Piracy is the revenue from Fishing and is assumed that as and when the value of fish stocks increase, the perceived returns from piracy may decline.

Now delving into the political instability and weak governmental control of piracy – affected countries which is regularly performed by efficiently corrupting the police and government officials through bribes with a stringent parallel to a weak foundation of legal and jurisdictional infrastructure. In my belief, fiscal decentralization would result in more corruption as responsibilities of expenditures’ determination would be authorized to sub-national entities making the poor more poorer with undue influence of criminal groups. So, this is where the role of political decentralization comes into procurement by empowering the people of the country and the conduction of low-tier elections to encourage the freshly materialized local political stature for the establishment of legitimate and sustainable sources of livelihood. Impoverished administration at the national level recurs a window for pirate groups to function more smoothly, ushering the need of reformed regional institution capabilities. (James 2010)

Priced at \$US700 million, maritime piracy’s effects on trade routes across Singapore, Malaysia, Indonesia, India in the Bay of Bengal, Kenya, Suez Canal, the Caribbean, etc. have posed humongous ramifications disrupting world trade, which is the present and the future of underdeveloped and developed countries. Furthermore, my supreme concern lies with the technological innovation by cyber-pirates, wherein the hiring of youth with dynamic technological skills has rocketed by pirate groups, further proceeding in online hacking to steal the ships’ manifests

and sell them on the dark web for an exceptional amount of money making it convenient for the pirates to inspect and capture the exact location from the goods, till the bar code of the container. The immense use of flying drones for the surveillance of busy sea lanes for the detection of deficient guarding in ships intrigues me as it demonstrates the amount of generated capital which is further used in developing the arms arsenal in thoughtful ways. The money is attained by taking crew as hostages, as it is more convenient to demand for ransoms by air, as it is dropped right on the ship or in nearby waters, due to the drop in oil prices. Furthermore, as the conflict has evolved from the sea to the air and internet, African governments and shipping companies have enforced face-recognition drones to capture pirates in straits of Yemen and Sudan.

Lastly, the rise of piracy due to local xenophobic sentiments and ownership of resources has been attempted to decipher with reference to *Operation Ocean Shield*, launched by NATO in the Horn of Africa, was an anti-piracy initiative primarily focused on protection ships providing relief supplies as part of the UN World Food Programme, wherein China and South Korea send warships as a show of powerplay for pirate groups. In addition, several counter-piracy efforts have been initiated in Asia and Europe such as the Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation in 1998, the MALSINDO Coordinated Patrolling of Malacca Strait and the ReCAAP, Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in India has come forth more success in Southeast Asia than in the initiative of NATO and Combined Task Force 151 in Africa, due to consistent multilateralism and multi-state collaboration. (Morabito; Sergi 2018)

## CONCLUSION

In conclusion, the roots of piracy originated from the backlash of poor economic conditions in impoverished countries alongside high unemployment rates, leaving the youth less alternatives and ultimately accompanying the customs and lavishness of the illicit capital generated by pirates through crime. In my belief, countries with pirate origin and the influence ones should be developed by a vast amount of employment opportunities, forcing pirates to not risk their lives in hostilities during attacks, rather to attain a mediocre job. Although, this is a long way from where the disrupted World Order is contemporarily, taking into account the collaboration of pirate networks with terrorist organizations as casualties have been diminishing in the past decade in pirate attacks, erstwhile if Al-Shabab plays a much colossal role in the coming future of maritime piracy, tensions amidst international organizations will heighten till the peak. Multilateralism, national and international collaboration against maritime piracy are methods that needs to be enacted with more competency, alongside the smooth functioning between UNCLOS, ITLOS, UNODC and national governmental organizations as the 'New Cold War' is not far away as hostilities continue in various parts of the world for the strive for hegemony, the most massive maritime illustration being the South China Sea Dispute.

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