INDIA'S ROLE IN COUNTER PIRACY OPERATIONS AROUND AFRICA

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The emergence of piracy off the Horn of Africa in a globalised era, brought home two facts. Firstly, a non-traditional threat will occur if symptoms are ignored and root causes, mainly instability, are allowed to proliferate; secondly, a non-traditional threat that transgresses national borders and societies can be successfully combated by international cooperation. In the first instance, timely international cooperation and intervention would not permit the root causes of instability and weak governance from taking hold, and would obviate the first fact entirely. This would ideally result in non-occurrence of the second fact – the need for international intervention to ensure continued regional stability, and in the case of piracy, continued freedom of navigation and safety of lives at sea.

The inertia of the international community, since 1991, to take cognisance of root causes and symptoms of Somali piracy developing as a threat to maritime trade and security resulted in delayed international cooperative mechanisms. Therefore, despite the presence of modern networked maritime assets a few ill-equipped but motivated pirates held a maritime choke point and the shortest route connecting Asia to the West, to ransom. Though, in time, nations deployed maritime and air assets to counter this threat, the deployments were motivated by political signaling, and wider security interests, than by national and alliance related commitments to address the root cause. Other reasons also include insufficient regional maritime capabilities and capacities, divergent strategic outlooks, inadequate number and types of deployed assets, differing national laws, lack of command unity, and the complexity of merchant shipping business.

For India, the emergence and easterly spread of Somali piracy towards her west coast had a multipronged effect. Firstly, her maritime trade and energy flow was under threat; secondly, the safety of Indian mariners, who with a strength of around 30,000 officers and 80,000 ratings comprise around 6.6 percent of the worlds' mariner populace, was threatened; thirdly the declaration of the waters west and south of India up to the east coast of Africa as a high risk area (HRA) resulted in a steep increase in insurance premiums. India's active pursuance for reducing the HRA, has aided in a reduced HRA coming into effect from 01 December 2015.

India's endeavours to strengthen processes in the fight against piracy included combating piracy by deployment of naval warships, active participation at the regional and international level to strengthen anti-piracy processes, establishment of national mechanisms and introduction of legislation.

The Indian Navy commenced independent anti-piracy patrols on 23 October 2008, and has since escorted over 3,000 ships, and thwarted 40 piracy attempts. One main advantage of independent operations was quick decision making and singular rules of engagement (RoE). Stringent actions resulting in neutralisation of pirate mother ships and capture of pirates has been acknowledged by the International Maritime Bureau. These actions served as a deterrent value, which greatly aided in stemming the easterly drift of piracy towards India's west coast. The deterrent value

of singular RoE, and the kinetic means adopted by Indian naval ships, as well as naval ships of other nations operating independently, was commented upon by a British Commander of the deployed European Union maritime force, while deposing before the British Parliament's Foreign Affairs Committee in 2011. However, these strong actions also had a repercussion, wherein Indian mariners were not released, even after payment of ransom. As per reports, release of the hostages was, apparently, connected to the release of the captured pirates. The hostage situation resulted in adoption of United Nations Security Council Resolution (UNSCR) 1976 (2011), which was co-sponsored by India.

India is a founding member of the Contact Group on Piracy off the Coast of Somalia (CGPCS), created in January 2009, based on an earlier UN Security Council resolution - UNSCR 1851 (2008). The first meeting of CGPCS agreed on four working groups to look at cooperation, legal and judicial aspects, shipping safety awareness, and diplomatic and public information, respectively. Although financial aspects regarding the money flow of piracy were considered important, no working group was set up. In order to strengthen the fight against piracy, India, in January 2011, proposed a five point plan in the UN Security Council. Two of the points looked at tracking the ransom money and prosecution of its beneficiaries. A fifth working group to coordinate international efforts to identify and disrupt the financial networks of pirate leaders and their financiers was finally established in July 2011. The Shared Awareness and De-confliction (SHADE) process to coordinate anti-piracy efforts was also established in 2008, of which India is an active member. An important result of SHADE was the understanding, established in 2012, between India, Japan, China, and South Korea to coordinate escorting of merchant shipping convoys in the Internationally Recognised Transit Corridor (IRTC).

At the national level several initiatives have been undertaken - at the government level,

the ship operators and owner's level, and the judicial level. At the government level, an Inter-Ministerial Group (IMGO) was set up, under the Ministry of Shipping, to deal with any hostage situation arising from hijacking of a ship by pirates. A contingency plan for addressing hijacking by pirates was also approved. A Committee of Secretaries on Anti-Piracy and Hijacking at Sea (COSAPH) for crisis management was also established. COSAPH also steers major policy and strategy decisions and advises the government on the same. For Indian ship operators and owners, guidelines for areas to be avoided, and implementation of anti-piracy measures by ships based on 'Best Management Practices (BMP)' are issued. BMP also covers suggested planning and operational practices for ship operators and masters of ships transiting the HRA. An online facility, set up in January 2012, on the website of Director General Shipping, enables registration of merchant ships seeking Indian Naval escort in the IRTC. At the judicial level the lack of a maritime anti-piracy legislation, and absence of piracy as a crime in the Indian Penal Code (IPC), has resulted in ineffective prosecution of captured pirates. A case in point is the Alondra Rainbow case of 1999, the first piracy case to be tried in an Indian court. To strengthen the judicial aspect, the Ministry of External Affairs in 2012, being the nodal agency dealing with United Nations Convention on the Law of the Sea (UNCLOS), introduced a piracy bill in the parliament for processing and approval. However, the bill has lapsed and will require to be re-introduced.

Although piracy off the coast of Somalia has reduced, incidences of piracy in the Gulf of Guinea are on the rise. Piracy in the Gulf of Guinea would need more international attention as major International Shipping Lanes (ISLs) do not transit the area, and nations may not deploy ships as was the case for Somalia. This region is important to India mainly due to oil imports from Nigeria (during 2014 - 2015, 10 percent of India's oil imports were from Nigeria), and as Indian oil companies have invested in oil fields in Nigeria and Gabon.

Africa, with 38 coastal and island nations, straddles two oceans and a sea along its eastern, western, and northern coasts or maritime domains, domains whose maritime security is important to India. The eastern domain runs along the western periphery of the Indian Ocean Region, which is a primary area of maritime interest for India. The northern domain is important due to access to Europe, investments and ISLs, which are also crucial to India. The western domain, as noted earlier, is also of growing interest owing to oil imports and investments by Indian companies.

Apart from piracy these maritime domains are affected by factors impacting on stability and security which have been mentioned in the recently launched '2050 Africa Integrated Maritime Strategy (2050 AIM Strategy)', factors in which India has developed expertise. These include regional cooperation, maritime terrorism; human/ arms/ drug trafficking; offshore/ coastal security, interagency coordination, and networking of operational centres; delineation of maritime boundaries; exploration and exploitation of offshore natural resources; illegal, unreported, and unregulated fishing (IUU); humanitarian assistance and disaster relief; hydrography and ocean sciences.

Regional instability and lack of security in the maritime domain affects the geo-strategic and geo-economic equation of maritime nations. This equation consists of common areas, some of which have been mentioned above, in which India and Africa could establish mechanisms to address them, and achieve the 2050 AIM Strategy objectives. India has been providing security related assistance both on land and in the maritime domain for various African nations. Therefore, other aspects that could be examined in the forthcoming summit could include development of offshore and coastal security structures; training and equipping forces to address disaster relief, piracy, maritime terrorism, and other non-traditional threats; hydrographic assistance for mapping of maritime zones for claiming additional continental shelf and also maritime boundary delineation. Establishment of suitable mechanisms would aid in development of capabilities and capacities, enhance overall stability and security, and also further strengthen India-Africa relations.