



**RESEARCH PAPER**

**The Snags of Maritime Piracy Facing the Maritime Trade: Implications for the Blue Economy and Maritime Laws**

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**ABSTRACT**

The danger of piracy has been around for ages, and this fact is worth highlighting. Because it has been legalized and then declared illegal over the course of several centuries, it will be difficult to eradicate totally in a short period of time. However, this does not indicate that it is impossible to remove. Positive prospects and initiatives for secure trade, both regional and international, are necessary for the eradication of piracy. The coastal state bears a heavy burden for ensuring the security of maritime trade in the event of criminal activity at sea. Most maritime crimes are committed by locals (criminals) who are citizens of the country where the crimes occurred, hence coastal states need to keep a tight eye on their neighboring zones. The growth of international trade depends on the elimination of piracy. UNCLOS 1982 states that all nations must work together to combat maritime piracy on international waters. Pirates today may seize ships in places like Somalia and Africa, but they conduct negotiations, ransom talks, and other business in more industrialized nations. To eliminate this threat, all advanced and developed governments must work together to enact legislation that is mutually advantageous for all states so that they may maximize their use of the ocean's free resources.

International Maritime Organization (IMO), International Trade, Maritime Laws,

**KEYWORDS** Maritime Piracy, UNCLOS

**Introduction**

When members of one ship's crew or passengers plunder or rob another ship in the EEZ or on the high seas for personal benefit, this is called piracy. To steal or perform some other crime while boarding a ship in international waters or within an exclusive economic zone is maritime piracy. Its origins can be traced back to when man first reached the sea and began traveling by boat. The same action has been deemed unlawful in both the past and present tense. A study shows that cargo ships, whether their adversaries' or unknown ships, have always been vulnerable to pirate. Pirates' current strategy involves attacking ships engaged in international trade. In 2007, pirates reportedly targeted three World Food Program ships delivering food to the Somalian region that were flying the flags of Togo and the United States. Since ancient times, and especially since the advent of global trade, the threat of piracy has been inextricably linked to maritime activities. There is universal jurisdiction over this act because it is considered a "international crime" everywhere in the world. Since ships carry the vast majority of today's international trade, this danger poses a serious problem. Since international trade is undeniably important to a country's economic growth, the recent uptick in piracy incidents has attracted the attention of all parties invested in the sector (Treves, 2009).

However, it is widely accepted that the sea is a cost-free conduit for extensive international trade; as a result, 90% of global commerce depends on the security of the sea. It emphasizes the sea's significance and the potential economic benefits of utilizing this cost-free means of global exchange. Nowadays, pirate assaults are a global problem that affects

countries and regions of the world alike. The local fisherman and the shipping sector on a global scale are both directly impacted by this act. Piracy has negative effects on economic development because it prevents states from utilizing marine resources including fishing, tourism, access to offshore resources, and scientific trials and research. The threat of piracy to the blue economy and sea commerce is not exclusive to any one region of the world; rather, it is most obviously present in the waters off the coasts of Somalia, the Gulf of Aden, and the Horn of Africa (Kelly, 2013).

Since the expansion of maritime trade, piracy has become inextricably linked to maritime commerce; as such, it is not surprising that this crime has a long history. When we think about the origins of piracy, we think of the beginning of commercial maritime trade and the advent of the ship sailing the ocean. For this reason, and because it affects the interests of more than one state, the international community views and recognizes this act as the gravest crime possible. While there was some form of anti-piracy law in customary law prior to the 20th century, it wasn't until the 20th century that the law was formally codified. (Souza, 2014)

The international community faces a significant task in determining how to repeal this statute and maintain maritime security. Unfortunately, a surge and peak have also been noted in maritime piracy, which is having an impact on regional economies as well as the global trade of the world. This is despite the fact that both populations and economies are growing steadily over time. Many theoretical arguments have been put forth over the crime of piracy, giving it the status of *hostes humani generis* and implying that pirates are the enemies of all humanity. (Haywood, 2013) Pirate is a "*crime against humanity*" or "*jure gentium*," according to Cicero. William Edward Hall defines piracy as the act of plundering without the permission of a sovereign on land or sea. For this reason, it is crucial that all states work together to combat piracy on the high seas and within their exclusive economic zone (EEZ). The question of whether or not piracy can be prosecuted everywhere in the world is a contentious one. It has been argued that developed countries (powerful states) have a right to demand justice for their citizens killed by pirates while transporting cargo at sea, but that all nations must work together to stamp out this crime and not encourage piracy, which endangers all parties involved in maritime commerce. Since the sea is an ancient and free source of massive transportation, the developed states are still plotting how to control this act and keep the sea safe for the sake of safe passage of ships and cargo, so that there shall be no obstacle for the business community around the world. (Ahmad, 2020)

## **Literature Review**

According to the book "*Maritime Piracy and the Construction of Global Governance*" by Michael J. Struett and Mark T. Nance, the number of reported hostage cases to the International Maritime Bureau increased to around 1200 in 2010 due to an increase in the frequency with which pirates target their victims. When a significant increase in piracy is observed, it is cause for grave concern on the part of the international community. As a result, immediate action is needed to suppress this crime in order to protect the rights of various stakeholders, including shipowners, cargo owners, crew, and other personnel involved in this industry, as piracy poses risks beyond just the loss of goods (Martin Murphy, 2014).

Poor economic conditions and domestic instability, as detailed by David Resenberg in "*Piracy and Maritime Crimes: Historical and Modern Case Studies*," drive pirates to resort to piracy to meet their basic necessities. He illustrates this point with the case of Indonesia, where the poor Kampong people became pirates after the country's currency collapsed in 1997. Crime is never the answer, so it is the government's job to teach its citizens that they should not resort to it in times of trouble. To ensure the security of commercial vessels, the government had to take decisive action against pirate organizations like the one the Kampong had joined (Rosenberg, 2010).

While maritime piracy is not a problem in Pakistan, as noted by *Naghmana Zafar* in her article "*Building for Maritime Security in Pakistan — The Navy Vanguard*," which appeared in the book "*Capacity Building for Maritime Security: The Western Indian Ocean Experience*," a rise in piracy and maritime terrorism in the Somali region after 2005 has been an issue for Pakistan, having an adverse effect on commerce and the sea-base. In this context, she has also brought out the lack of a modernized National Maritime Policy and Strategy, which would include maritime laws addressing the whole scope of marine activities and its attendant concerns and problems. There is little doubt that all developing states, especially those in Asia, would benefit from an updated strategy for safe transportation at sea, which would allow these countries to expand their economies. If piracy is a real possibility along shipping lanes, developing countries simply cannot afford to engage in international trade (Zafar, 2021).

According to "*Contemporary Piracy and maritime Terrorism: The Threat to International Security*," written by *Martin N. Murphy*, pirate activity carries little danger but can yield substantial financial rewards. Historically, poverty has been the driving force behind acts of piracy, but with recent developments and the involvement of numerous gangs, it is reasonable to assume that maritime piracy has become a lucrative economic venture. He says that the legal loopholes and social acceptance of piracy at sea are two of the main reasons for its success. According to this theory, piracy and other forms of international crime would be discouraged if underlying problems like poverty and a lack of regulation were not addressed immediately (Murphy, 2013).

*T.C. Skaanild's* work, "*Piracy at Sea*," addressed various issues that drove pirates to engage in this horrific crime. First, he blames state governments for not stopping piracy, arguing that governments should invest in training and equipment to combat the problem. Second, he criticizes the shipping industry for ignoring security concerns by relying on private security guards on board ships, which is a stopgap measure until the government ensures the secure transit of cargo and ships in accordance with UNCLOS 1982 principles. These are not idle proposals; rather, they reflect a widespread consensus that the state should be the primary actor in putting an end to piracy and preventing criminals from engaging in this abhorrent practice. The government of Somalia, for example, must ensure the safety of the region's cargo and commercial ships because the country poses a threat to trade from the Middle East and North Africa. (Skaanild, 2013)

According to *Le Quoc Tien's* article "*Impacts of Piracy on Maritime Transport and Technical Solutions for Prevention*," not only is piracy bad for international shipping, but it also puts crew members in danger. In addition, heavier contemporary weaponry is being used in modern pirate, a tendency in maritime violence that can quickly lead to an environment of casualties and irreparable losses. States are less likely to invest in the shipping business because of the risk of financial loss. The estimated global cost of piracy is \$13–15 billion annually, making it a threat to international trade and transportation. The number of piracy incidents in Somalia increased by about 11% between 2008 and 2009, with most of those incidents involving pirates from Somalia. These worries are well-founded, as piracy poses risks not just to goods and international trade but also to personnel, insurers, and shippers. The lives of all those involved parties are in danger, and the danger is plain to see. (Nguyen, 2019)

## **Research Methodology**

This study adopted a thorough technique to examine the destructive impact of maritime piracy on international trade. Books, legal journals, articles, and other sources were analyzed using historical, analytical, and doctrinal perspectives. The historical method investigated the impact of piracy on trade and how it changed over time. Methods based on statistical analysis were used to draw conclusions about the nature of piracy and its impact on international trade. The doctrinal strategy paid special attention to precedents, treaties,

and other legal documents concerning maritime piracy and commerce. Primary papers and other trustworthy sources were mined for information, which was then analyzed thoroughly. This study was conducted to better understand the problem of piracy and to raise awareness of the damage it does to international trade. The results help educate the public and could guide policy recommendations to reduce instances of piracy and ensure the security of international trade.

### **International Maritime Organization and Piracy**

Piracy on the high seas is as ancient and evil as the ship itself. The International Maritime Organization (IMO) is the only global body responsible for directing international shipping and managing oceanic issues in the modern world. The Geneva International Conference of 1948 established the Inter-Governmental Maritime Consultative Organization (IMCO), eventually renamed the International Maritime Organization (IMO) in 1982–1945. This action has been taken to ensure the safety of all maritime commerce and to provide a completely secure environment. Because the sea is so important to international trade, commercial enterprise, communication, and various forms of marine life and non-life, an institution has been set up to safeguard marine affairs. (Beckman, 2017) To ensure maritime security and eliminate the risk of piracy, the IMO provides rules and instructions to member governments and ship owners. The IMO's ongoing efforts to make the seas safe and secure for commercial vessels are indicative of the growth of global trade. One of the most crucial factors affecting cargo and crew is security, especially in the face of piracy and armed theft. To ensure safe maritime commerce and other maritime activities, the IMO gives rules and guidance to its member states and other stakeholder organizations related to trade by sea. Those BMPs are there to prevent damage to cargo and vessels in the event of an accident at sea. The Best Management Practices (BMP) are a collection of guidelines that have been endorsed by the shipping industry as a whole. (Halberstam, 1988)

### **Privately Contracted Armed Security Personnel (PCASP)**

A large number of piracy occurrences have been documented in the Gulf of Aden and the Western Indian Ocean. All of the powerful and involved states in maritime trade were very worried about this rising ratio. In fact, the IMO firmly condemned the use of firearms in its policies issued in 1993 and 2009 on this question, as the organization believes in an arms-free environment at sea. The Maritime Safety Committee (MSC), which works under the IMO on safety affairs at sea, reaffirmed its position in 2011 after the IMO's previous policy regarding the deployment of Privately Contracted Armed Security Personnel (PCASP) at the ship and made clear that while they do not approve of the practice, they do not condemn it either if a ship carries such security personnel or firearms for its own safety while transiting in highly risky areas like the Somali Basin. The IMO/MSC's permissive stance on PCASP deployment has been endorsed by maritime professionals. (Tempest, 2012)

There has been no policy made regarding how the law of the other state would be applied when security personnel are deployed on a ship, but since then, many non-landlocked states have made rules and policies for the deployment of PCASP and have also deployed security personnel for safety purposes to protect their ships from piracy and armed attacks. When it comes to the law of the coastal state, the MSC makes it clear that a ship with armed security staff must comply. However, this situation was of great concern to the IMO's member states because the only option for the ships' protection and safe passage was the deployment of privately contracted armed security personnel. Although the member states are taking complicated stands and positions on the legality of firearms on merchant ships, there is no other viable option for protecting the sea from these kinds of atrocities. It's also worth noting that private escorts reduce the likelihood that pirates will be able to board the ship and steal or destroy the cargo. There is no alternative to hiring a private naval company for anti-piracy purposes, despite the fact that this raises some legal

issues and questions, such as whether it is ultra vires of the laws of a coastal state when armed personnel deployed at ship enter the territory of a coastal state. (Cullen, 2012)

### **Responsibilities of Coastal States for Trade Protection**

Piracy is dangerous crime and revokes the economic development of a country similarly as civil war, terrorism and other negative activities. High sea is a free zone for every ship and any flag holder vessel can navigate without any problem. If any ship is facing the attack of pirates, then every state has jurisdiction over the pirates and their ship, they can arrest, prosecute and also take action against the pirates and their vessels. According to international law of sea a coastal state has Tully jurisdiction over the internal water and mostly naval forces are involved in patrolling in the internal water and territorial sea therefore, to some extent they provide security to bulk ship which are using for international bulk trade and also play their role in their safe transit. But the matter is more challengeable in the Exclusive Economic Zone and High Sea, where pirate can easily target the cargo and ship of any country which is using for international trade. (Kraus, 2017)

All coastal states are required to have a check and look on their Exclusive Economic Zone and High Sea. Although the coastal states have no sovereignty but have sovereign rights in the said zones but it is clear that EEZ and High Sea is the adjacent areas of coastal states. In this regard when coastal states are able to have a close eye on those areas, to some extent it can revoke the act of piracy. Mariner and Naval of coastal states must take immediate action when there are chances of piracy. (Bautista, 2015)

### **Aiding Circumstances for South Asian Maritime Piracy**

Some inter-states issues which are harmful for their relationship and trade as well are shortly described as under:

#### **Cross Boarder Issues — General Issues**

Several bordering states in Asia are at odds with one another over contentious issues, including India and Pakistan's disagreement over Azad Jammu and Kashmir, Nepal and India (over the Madheshi Movement), and Bangladesh and India. Controversy about border security and the 2008 fighting between Thailand and Cambodia. Because of these differences, working together is hampered (Kraus, 2017).

#### **Maritime Disputes**

The conservation of natural resources including oil, gas, and fisheries is at the center of maritime disputes involving a number of Asian countries, including Brunei, China, Malaysia, Indonesia, China, Vietnam, and the Philippines (Avis, 2020).

#### **Territorial Issues — Unresolved**

The southern end of the Strait of Malacca and the end of the Strait of Singapore' are examples of such places where territorial boundaries between states remain unclear. Boundaries and areas of territory need to be established. So that each nation-state can have its own territory over which it can assert more control and where necessary safety measures can be implemented (Bradford, 2005).

One way in which members of the international community are linked to one another is through the network of trade that exists among them. It's a key factor in the growth of our economy, culture, and society. Even countries not directly involved in a conflict will have challenges in international trade if there is any form of internal and external dispute or risk to sea users. In addition, a state's economic operations can expand

and attract the interest of other international investors when there are no disputes between it and other nations and when its internal politics are peaceful (Bradford, 2005).

### **Impact of Piracy on South Asian Trade**

There is no nation or region on Earth that can function without the economic activities of its citizens; the relative degree of grooming and boost can be determined by analyzing economic activities to evaluate commerce and development. Developing Asian countries rely heavily on secure international trade. Most problems, including acts of piracy and armed robbery, occur in the southern section of the South China Sea, near the anchorages and ports located in Asia, specifically in the Indonesian archipelago, Singapore, and the Strait of Malacca. The number of oil tanker hijackings and thefts is disproportionately high in the southern part of the South China Sea (Morabito, 2018).

### **How Piracy Hinders the Global Economy**

There is an undeniable connection between piracy and the global economy. If pirates are successful in looting or hijacking the cargo, it will have a negative effect on the economy of more than one country. For the sake of clarity, international trade is predicated on transactions between nations (only in some cases are international traders, i.e., the public, involved, whereas generally high-level transactions are made between states), and it is also massive in scale, so it can easily derail the economic development of a country. Most ship owners want to keep their cargo safe from pirates, so they change their schedules and take other routes between Europe and Asia to avoid the dangers posed by pirates, especially Somalian ones (Tsvetkova, 2009).

Another facet is that the crew is given "*danger allowance*" when the ship travels through a high-risk area in a pirate zone. Second, the sum insured is raised, and the proceeds are retained to be distributed among the goods. If pirates manage to seize or hijack a cargo ship, the ransom is usually split among the stolen goods. We're having a hard time figuring out economic growth because of these elements. One of the worst effects of maritime piracy is that it endangers lives without bringing in any money via the ransom system. The World Bank estimates that the annual cost of piracy has risen to \$18 billion since 2005. To ensure secure international trade, the international community must take similar measures against the crime of piracy as those used against terrorism and other criminal activities. Pirates threaten the safety of the sea and the lives of the crew, who must be protected from assassination, incarceration, and ill-gotten gains. Cargo ships from less developed countries or those without the requisite resources to confront pirates and their attacks are easy targets for pirates (Johnson, 2014).

### **Combating Piracy Requires Legislative Safeguards**

All crimes occur on Earth and is therefore subject to the laws of some nation. In the absence of applicable domestic laws, the principles of international law are applied since they prescribe procedures for resolving a legal dispute. Despite a state's authority under international law to take action against pirates, there are many procedural details to be worked out before domestic or international law can be applied to a given situation. At now, the only laws in effect that address the scourge of piracy are the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 and the Convention for the Suppression of Unlawful Acts of Violence Against the Safety of Maritime Navigations (SUA) of 1988. (Wolfrum, 2008). It's crucial to pass new laws to address maritime piracy. Today's outdated anti-piracy and maritime legislation do not go far enough to address the problems plaguing these industries. The study's primary goal is to show that contemporary legal mechanisms are needed to resist piracy and that this can solve the modern-day pirate phenomenon. For the effective suppression of the threat of piracy, the current legal mechanism under international law must be thoroughly reexamined, and a new, cutting-edge legal mechanism must be

developed to address issues of security, the arrest of pirates, prosecution, a fair trial, and sanctions. Petty disputes over jurisdiction cannot deter the pursuit of justice for pirates. Because of its negative effects on international trade and human lives as well as its impediment to economic development or a state's progress, piracy must be eradicated through legal processes. Encourage collaboration and communication between developed and developing nations (Balkin, 2006).

Both wealthy and poor countries need to work together to effectively combat piracy. The damage done by piracy cannot be undone with monetary compensation alone. It is imperative to call for the interaction and collaboration of all states in order to take appropriate action against the danger of piracy, as regional efforts have proven insufficient. To secure their maritime trade, Singapore, a developed nation, has taken an effective step by coordinating combined patrolling with Indonesia and Malaysia, a partnership known as *Malasindo*. The number of pirate attacks has decreased as a result. The first multinational efforts to eradicate piracy were launched by the Association of Southeast Asian Nations (ASEAN) in 2002. Currently, regional cooperation between Nigeria and the Interregional Coordination Center has begun with the goal of completely eliminating piracy in the Gulf of Guinea. Maritime security in the region is a shared responsibility, and the treaty specifies that countries like Italy, Belgium, France, etc. must likewise take these measures (Hong, 2010).

### **International Trade and Sustainable Development**

According to the United Nations' 2030 Agenda for Sustainable Development, international commerce is a powerful tool for fostering economic growth and alleviating poverty. However, the Brundtland Report of 1987 is credited with first outlining the idea of sustainable development. Because of the current generation's unwillingness to work together, the future will struggle to provide for its own basic necessities. International trade has the potential to become an important revenue source for any country, whether it is a developing country or not. It helps alleviate poverty by fostering growth in a number of key economic sectors, including employment, income, and investment. In addition to its other elements, social and environmental development, economic growth is essential to attaining sustainable development's essential need of poverty reduction (Zaccai, 2012).

The concept of sustainable development, as outlined in the Brundtland Commission Report of 1987, provides a framework for the integration of environmental policies and development strategies. This is important because, in addition to trade and sustainable development, there are underlying difficulties that policymakers need to be attentive with. For instance, development and expansion must take into account environmental constraints, meaning that environmental capital should be added to or at least not depleted. Brundtland's theory of growth and sustainable development can be summed up as this (UN, 1987).

### **International Trade and Protection of Marine Environment**

The world's economy benefits greatly from trade between nations. Although trade is not explicitly named as a Sustainable Development Goal (SDG) in the 2030 United Nations Agenda for Sustainable Development, it is integral to the achievement of all SDGs and serves as one of the *"meanings of implementation."* No matter how rapid the expansion, international trade always has an impact on the natural world, therefore there is a limit to how far it can go. Shipping-related greenhouse gas emissions are simply one environmental cost of international trade. Efforts to lessen it and safeguard the ocean are therefore crucial. Besides SDG 14, the World Trade Organization (WTO) plays a significant role in bolstering efforts at both the global and regional levels to combat environmental degradation (Diaz-Sarachaga, 2018).

The United Nations plays a pivotal role in managing and maintaining the maritime environment on a global scale through its various treaties and committees. The United Nations Convention on the Law of the Sea (UNCLOS) is the primary UN Convention addressing pollution and misuse of the marine environment, as well as the rights of coastal governments to control their territorial seas, contiguous waters, and exclusive economic zones. The International Maritime Organization (IMO) is the UN organization with primary responsibility for drafting and enforcing treaties pertaining to the marine environment, in addition to the UNCLOS. Article 1 of the Convention Establishing the International Maritime Organization states the IMO's primary function (Liu, 2022).

Protecting maritime environments does not have to conflict with international trade. The latter, though, is obviously a very difficult method to put into place. Therefore, related agencies and private stakeholders need to be engaged at all tiers of government and jurisdiction (i.e., international, regional, national, or local) to protect the marine environment (Liu, 2022).

### **Role of Counter - Piracy Institutions**

International trade and maritime security have been seriously compromised by acts of maritime piracy over the years. Especially during the height of piracy in the Gulf of Guinea and off the coast of Somalia. Because of its strategic location, the Gulf of Guinea plays a vital role in transatlantic shipping. As a result, maritime piracy can have a significant impact on the gross domestic product of countries whose trade has been disrupted. As a threat to maritime security as well as international trade and transportation, piracy will not disappear overnight. To achieve this objective, states' commitment and participation are necessary. The number of recorded occurrences of piracy, for example, increased seven-fold between 2007 and 2008. The lack of government actions and international cooperation is a major role in the development of piracy attacks, but this could have been avoided with better administration (Roach, 2010).

While the UNCLOS lays out a framework for combating maritime piracy, it is not clear how offenders or perpetrators will be held accountable for their actions. The latter are the various conventions that can be applicable to the prosecution and the procedure. These conventions include:

1. The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 (SUA Convention) and its Protocols;
2. The International Convention Against the Taking of Hostages, 1979;
3. The United Nations Convention on Transnational Organized Crime, 2000

The 1988 SUA Convention has anti-piracy rules that are complementary to those in UNCLOS. It defines the types of criminal behavior that pose a risk to marine safety. And it gives more weight to circumstances 'where the act falls outside the scope (geographic or substantive) of the UNCLOS, cases that don't fit the conventional definition of piracy as enshrined in the UNCLOS. Second, the International Convention Against the Taking of Hostages (1979) seeks to strengthen international cooperation among nations to promote the adoption of effective measures, including those aimed at preventing piracy, prosecuting pirates, and punishing them when they are caught. Third, the UN Convention against Transnational Organized Crime from 2000. Its primary goal is to promote state-to-state collaboration in the fight against transnational crime, including piracy (McCabe, 2022).

Although piracy wasn't explicitly mentioned, several provisions may be applicable to the international effort to suppress and effectively prosecute piracy. The United Nations Security Council and General Assembly have approved a number of resolutions over the years to supplement the provisions of various international conventions, particularly in



circumstances that do not fall under their authority, but that are related to the issues addressed by these conventions (Beckman, 2017).

### **Anti/Counter Piracy Efforts for Protection of Sea Resources and International Trade**

The most pressing needs of today are the free sea resources for the use of human lives and their conservation. It is unacceptable to trash any part of the ocean's natural or manmade ecosystems or the commerce that depends on them. One of the distinctive elements of sea water use is its role in international trade, which has far-reaching consequences for a country's social, political, and economic growth and development. It was impossible to deal with and prosecute the pirates under the current legislation whenever they formed part of a global network and expanded their illegal activities against ships and cargo boats. France, the United Kingdom, and Germany are among the developed nations that support swift countermeasures against piracy. The marine specialist has a high level of confidence in anti-piracy initiatives, which can aid in the suppression of maritime piracy. (SOĞANCILAR, 2021) In this respect a few counter-piracy efforts are named below:

#### **Deployment of Security Guard**

The governments of countries like Pakistan, India, and Iran have given their navies the responsibility of protecting their own maritime territories. The Navy oversees maritime matters, including the safe passage of vessels engaged in fishing, tourism, and trade. But in recent years, there has been a rise in the use of private security or private military companies to guard ships and their cargo and human cargo. In order to safeguard against pirate attacks, private security guards are employed. The ship has deployed adequate security because it is both useful and crucial for self-defense. To comply with this rule, a ship needs to have sufficient protection against piracy.

#### **Operation and training against pirate attacks**

Numerous programs at the national and international levels provide training and conduct operations to combat maritime criminality. The Combined Task Force (CTF) is a regional coalition dedicated to combating acts of piracy and other maritime crime. The United States also organizes joint exercises with other countries called Visit, Board, Search, and Seizure (VBSS). Piracy, terrorism, and smuggling are just a few of the crimes that can be fought with these methods.

#### **Alarming System at Ship**

Ships are required to have the Ship Security Alarm System (SSAS) in accordance with SOLAS Chapter XI, regulation XI-2/5. When an attack happens, the various coastal authorities can communicate with the ship through this SSAS sound alarm system. When a ship is hijacked or under attack by pirates, this is a useful and reliable source of information.

#### **Conclusion**

The study concludes that because 90% of global trade relies on the secure sea, even the smallest of risks has the potential to disrupt this market and have far-reaching negative effects on commerce. Even though piracy has been around for a long time, it continues to have a negative impact on globalization and international trade in the maritime sector. The economic growth of a nation is directly tied to the health of its seas, so eliminating this threat is crucial. The fight against piracy calls for cooperation and coordination on a global, national, and regional scale. Due to its origins in inaccessible areas, the Act Nord of Tracy cannot be completely halted, but its expansion can be contained. It has been suggested that there are two ways to put an end to maritime piracy: using military force against the pirates and creating an environment of economic development in piracy hotspots like Somalia,

where people's priorities may shift as a result. However, there are academics who think that the use of lawful means is preferable to the use of force. Some political, social, and diplomatic measures can aid in the elimination of piracy in addition to the use of force.

As it stands, South Asian nations have a hard time breaking into international trade markets. For a variety of causes, including but not limited to poverty, injustice, and corruption, South Asian states are unable to free themselves from the grasp of subversion and terrorism. The economic position of South Asian countries is not better than in other states, despite the fact that every state may confront certain internal or foreign challenges. The South Asian countries, in particular, require more attention and more trade liberalization and globalization measures in order to overcome the current scenario. If a country was running a trade deficit in the sixteenth or seventeenth century, the common belief among merchants was that it might increase its national wealth by positive trade. Therefore, it demonstrates that international trade is the sole mechanism that can significantly contribute to economic growth. Additionally, international trade increases potential, allowing a state to excel in commercial endeavors. Import and export, two of the world's most important economic activities, can only thrive in an environment where commodities can be safely transported across international borders.

The overall volume of sea trade has reached 10.7 billion tons, and is rising at a rate of 4% annually. This highlights the importance of maritime trade in facilitating international exchange by connecting markets in different parts of the world. Since the advent of containerization, global trade has increased dramatically, with containers now carrying 52 percent of all goods. Pirate assaults have multiple effects on a country's economy. Regional cooperation against marine piracy is an effective first step toward eliminating this threat, which is essential if we are to maintain the expansion of the global economy through international trade. In addition, multilateral and bilateral efforts to eradicate piracy are needed on a global scale, with wealthy and powerful countries playing a crucial role in this regard.

Today, more than ever, we must effectively manage our oceans and seas to conserve and preserve their resources for future generations. In order to make these kinds of efforts, a country needs to be aware of what to do and how to follow the legislative framework that has been purposefully built to safeguard our oceans and seas and the activities associated to them, such international trade and marine security. The UNCLOS establishes the legal parameters for the management of all matters pertaining to the world's oceans and seas. Protecting the maritime environment from pollution and overuse are other important concerns. So are the rights of coastal governments to control their territory and contiguous waters and Exclusive Economic Zones. The UN Convention on the Law of the Sea provides this legal basis for the suppression of maritime piracy. If a nation does not protect its marine resources, then illegal fishing, terrorism, armed robbery, trash dumping, and piracy are inevitable results. For the safety of the ocean and its resources, it is imperative that the legal frameworks, principles, and recommendations offered by the United Nations and other anti-piracy authorities be adhered to and implemented correctly.

### **Recommendations**

1. Each nation spends a lot of money trying to put a stop to piracy, yet relatively little of that money goes into influencing the behavior of pirates. Since poverty is a primary cause of piracy, a genuine effort to alleviate it by investing in the lives of those poor people who engage in the act would have a profound effect on society as a whole.
2. Since the EEZ and high seas are adjacent areas of coastal states, and it is difficult for pirates to directly have access to those zones, coastal states can play a positive role. As a result, states can foil piracy plots when they keep a watchful eye on coastal waters.

When cargo ships are a potential target of piracy or other attacks, coastal states' marine and naval forces must act immediately.

3. If developing and developed countries worked together, it would provide underdeveloped nations a better chance to participate in global trade and boost their economies. The developed nations must assist the less developed ones in every manner they can and safeguard the developing nations' cargo and trade the same way they safeguard their own. Otherwise, it will be impossible for developing nations to combat piracy on their own. They lack the resources to ensure the safety of their cargo, which threatens their economic growth.
4. Most maritime crimes, including illicit, unreported, and unregistered fishing, armed robbery, and terrorist activities, involve contemporary ships and vessels that are not registered, which is why strict rules must be established regarding the registration of ships. Natural disasters also make it difficult to locate unregistered vessels, which can disrupt data collection and the efficient use of ocean resources. If any criminal activity involves a ship, finding it will be simple after all ships have been registered.
5. Since reporting incidents of piracy properly takes extra time for the purposes of investigation, etc., most cases of this nature are not disclosed to investigation agencies unless the victims choose to do so voluntarily. Companies in the transportation industry, ship crews, and cargo owners don't want to waste time reporting accidents since they cost money. It's something that ought to be avoided at all costs, and reporting it might make people feel safer.
6. Legislation that addresses piracy and other maritime crimes comprehensively is urgently needed. A coastal state may find it easier to enforce such rules if it is made clear that they may not conflict with the domestic legislation of that state. All parties involved in international trade who make use of seawater to move merchandise must approve of this legislation.
7. Strengthening the crew's abilities and taking precautions to keep the ship safe are crucial. Training is required for all involved parties, including the ship's crew, armed security, and operators of cutting-edge watercraft. They may then play a more active role in keeping an eye out for pirates, which is especially important in times of crisis. Instead, the ship's sides should be coated with razor wire, water cannons should be deployed in strategic locations, and guards should be on the lookout for any potential threats.

## References

- Ahmad, M. (2020). Maritime piracy operations: Some legal issues. *Journal of International Maritime Safety, Environmental Affairs, and Shipping*, 4(3), 62-69.
- Avis, W. (2020). *Border disputes and micro-conflicts in South and Southeast Asia*. Retrieved from <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/15818>
- Balkin, R. (2006). *The International Maritime Organization and Maritime Security*. Tul. Mar. LJ 30.
- Bautista, L. (2015). The role of coastal states. In *Routledge Handbook of Maritime Regulation and Enforcement*, Routledge Handbook of Maritime Publisher
- Beckman, R. a. (2017). The relationship between UNCLOS and IMO instruments. *Asia-Pacific Journal of Ocean Law and Policy*, 2(2), 201-246
- Bradford, L. J. (2005). The growing prospects for maritime security cooperation in Southeast Asia. *Naval War College Review*, 58(3), 63-86.
- Cullen, P. (2012). Surveying the market in maritime private security services. In *Maritime Private Security*, 25-37. Routledge Publisher
- David Rosenberg, B. A. (2010). . *Piracy and maritime crime: . Lulu. com, .* Historical and modern case studies. Routledge Publisher
- Diaz-Sarachaga, J. M.-E.-F. (2018). Is the Sustainable Development Goals (SDG) index an adequate framework to measure the progress of the 2030 Agenda? *Sustainable Development*, 26(6 ), 663-671.
- Halberstam, M. (1988). Terrorism on the high seas: the Achille Lauro, piracy and the IMO convention on maritime safety. *American Journal of International Law*, 82(2), 269-310.
- Haywood, R. a. (2013). *Maritime piracy*. Routledge.
- Hong, N. a. (2010). The international legal instruments in addressing piracy and maritime terrorism: A critical review. *Research in Transportation Economics*, 27(1), 51-60.
- Johnson, L. M. (2014). The Consequences of Somali Piracy on International Trade. *Global Tides*, 8(1), 5.
- Kelly, M. J. (2013). The pre-history of piracy as a crime & its definitional odyssey. *Case W. Res. J. Int'l L.* 46, 25.
- Kraus, F. (2017). Border disputes in Southeast Asia and their impact on the regional integration process. In *Unresolved Border Land and Maritime Disputes in Southeast Asia*, 46-82.
- Liu, F. Y. (2022). Marine environmental pollution, aquatic products trade and marine fishery Economy—An empirical analysis based on simultaneous equation model. *Ocean & Coastal Management*.
- Martin Murphy, M. J. (2014). *Maritime Piracy and the Construction of Global Governance*. Naval War College Review.

- McCabe, R. (2022). Contemporary maritime piracy and counter-piracy. *In Routledge Handbook of Maritime Security*, 176-188.
- Morabito, G. a. (2018). How did maritime piracy affect trade in Southeast Asia? *Journal of East Asian Studies*, 18(2), 255-265.
- Murphy, M. N. (2013). *Contemporary piracy and maritime terrorism: the threat to international security*. Routledge.
- Nguyen, T. Q. (2019). . "Impact of piracy on maritime transport and technical solutions for prevention, *International Journal of Civil Engineering and Technology*, 10(01), 958.
- Roach, J. A. (2010). Countering piracy off Somalia: international law and international institutions. *American Journal of International Law*, 104(3), 397-416
- Skaanild, T. C. (2013). Piracy: armed robbery, kidnapping, torture and murder at sea. *Piracy at Sea*, 23-29
- SOĞANCILAR, N. (2021). Maritime piracy and its impacts on international trade. *Journal of Politics Economy and Management*, 4(1), 38-48.
- Souza, P. D. (2014). Piracy in Classical Antiquity: The Origins and Evolution of the Concept. *Persistent Piracy: Maritime Violence and State-Formation in Global Historical Perspective*, 24-50.
- Tempest, M. (2012). Legal Consideration For Private Naval Company Armed Anti-Piracy Escorts. *Maritime Private Security Responses To Piracy, Terrorism And WaterBorne Security Risks in the 21st Century*, 86-98. CreateSpace Independent Publishing Platform
- Treves, T. (2009). Piracy, law of the sea, and use of force: developments off the coast of Somalia. *European Journal of International Law*, 5(3) 399-414.
- Tsvetkova, B. (2009). Securitizing piracy off the coast of Somalia. *Central European Journal of International and Security Studies*, 3(1), 44-63
- UN. (1987). *World Commission on Environment and Development, and Gro Harlem Brundtland. Opening Address by Gro Harlem Brundtland... on the Occasion of the Launch of the Report" Our Common Future"*, London, England, 27 April 1987. . World Commission on Environment and Development.
- Wolfrum, R. (2008). Fighting terrorism at sea: options and limitations under international law. *In Legal Challenges in Maritime Security*, 1-40. Martinus Nijhoff Publishers
- Zaccai, E. (2012). Over two decades in pursuit of sustainable development: Influence, transformations, limits. *Environmental Development*, 1(1), 79-90
- Zafar, N. (2021). Building Maritime Security in Pakistan—The Navy Vanguard. *Capacity Building for Maritime Security: The Western Indian Ocean Experience*, 73-96 Martinus Nijhoff Publishers