



MARITIME TERRORISM AND LESSONS FOR INDIA

Capt UK Thapa.

We now live in a world, where there is no clear period of war or peace and no clear intervening period between war and peace, for the simple reason that the world today is in the midst of fighting a new war on terrorism, which has slowly but surely migrated into the maritime domain. The Mahanian doctrine taught the world how to fight and win an organised war. 2500 years ago, Sun-Tzu wrote out the epic 'Art of War' regarding directions, tactics and lessons that were needed to be heeded to wage a successful war. 1900 years later, Clausewitz propounded the concept of employing Grand Strategy to win a war. These doctrines do not seem

equal to fight the present menace. Similarly, American doctrines and concepts: both home-made and derived; too seem unequal to the war in hand. Their current 'War on Terrorism' seems stalled. For this war to be won, a global co-operative campaign is a must. The world is, however, way far off from such a campaign strategy.

Introduction

The 20th century has witnessed great changes in the use and practice of Terrorism. Twenty four hours competitive news coverage, access to latest technology in communication, transportation

and information networks, advances in automatic and radio frequency weapons and compact electrically detonated explosives has brought about a complete transformation in the manner the terrorists operate today. They are networked and dispersed globally and work in cellular modules.

Earlier civil wars, subsequent advancement in canons, guns, machine guns, tanks and aircraft and their usage in the two world wars, followed by nuclear weapon and missile inspired cold war probably did not change the world as much as it has today. Perhaps for the first time, a small group of Non - State Actors unaffiliated and unencumbered can organize internationally, anytime, anywhere. Equipped with a Weapon of Mass Destruction (WMD) they can do greater harm to the world¹. Terrorism, in its new avatar has indeed shifted from being a source of largely individual state instability to being a major threat to the world order².

With law enforcers closing in on the land and airspace operators with each act of terrorism, it was only a matter of time before terrorism migrated to sea and recognised for what its true worth is. No other operating domain provides the kind of freedom, flexibility, anonymity and security to terrorists as is possible in the maritime domain. The seas are largely uncontrolled, unregulated and unowned and yet bestowed with unfettered rights of freedom of navigation and shipping from just outside the boundary of a given state's Territorial Waters all the way upto another littoral's Territorial Waters. Perpetrators of crime, violence and terror can use this freedom to survey their quarry at leisure, move their logistics at will, run their finances unhindered and meet all their communication requirements without having to undergo any police, coast-guard, naval, customs or immigration checks. This migratory form of terrorism in the maritime domain was an empowerment that came to be known as Maritime Terrorism. Crime Syndicates, Warlords, Rebels, Pirates, Drug Barons, Gun Runners and 'Dirty Bomb'

Operators and Terrorists find this empowerment a kind of an effective, efficient and a handy tool to get back at the 'haves' in an asymmetrical manner. Regrettably, therefore, the freedom of the seas, which for centuries remained one of the pillars of Western civilisational preponderance, today, stands exploited ruthlessly by diverse Non-State Actors³.

Maritime Terrorism Traditional Threat

Traditionally, maritime security threats have emanated from acts like piracy, smuggling, illegal immigration, illegal and unreported and unregulated fishing. Amongst all these acts, piracy enjoyed a central place⁴. However, today, the most significant threat to maritime security is posed by maritime terrorism, where crime, violence and terror know no boundaries. It is clearly on the rise, as illustrated by recent attacks on both the military and merchant vessels.

Piracy

Piracy in the past never escalated beyond certain manageable boundaries. In the initial years of the nineteenth century, Mediterranean pirates, with the support of Barbary states of North Africa, would capture merchant vessels and hold their crew to ransom. In response, the US launched the Barbary wars to protect its shipping and citizens⁵. However, piracy never stopped and continued to graduate to higher forms of violence. Despite the escalation, piracy was still manageable. Today the act of piracy as we experience off the coast of Africa, South America and South East Asia range from opportunistic boarding to loot, rob and flee, kidnapping for ransom, to hijacking of cargo for sale of the cargo or the vessel itself for the purpose of creating 'Phantom Ships' that later ply under dubious 'Flags of Convenience'. Not only has the range of their activities expanded, today's pirates are tactically sophisticated and often well trained fighters who use speedboats equipped with satellite phones, GPS, automatic weapons, ATM, and grenades. Annual



losses incurred on account of piracy today is estimated around US \$ 16 billion.

Nexus

It now seems that the scourge of piracy and terrorism at sea are increasingly intertwined, as piracy on the high seas is becoming a key tactics of maritime terrorist groups⁶. Unlike the pirates of the old whose sole objective was guided by commercial gains, many of today's pirates are maritime terrorists with an ideological bent of mind and broad political and religious agenda. This connect is especially dangerous for energy markets, as most of the oil and gas is shipped through the world's most piracy infested waters. More alarmingly, most of the crews for world shipping are recruited from Indonesia and Phillipines, whose waters are home to terrorist groups with experience of sea borne operations. 50% of world's piracy incidents also occur around these waters.

Evolution

Genesis of modern maritime terrorism can be traced back to an act that took place onboard SS Falke in 1929, when Venezuelan insurgents managed to overpower the ship's crew. In 1961, Portuguese passenger liner Santa Maria was taken over by Portuguese and Spanish insurgents. It was however the hijacking of Achille Lauro on 08 Oct 1988 by Palestinian guerillas which brought out the menace of maritime terrorism into world focus⁷. The unsuccessful coup attempts by Peoples Liberation Organisation of Tamil Eelam (PLOTE) in Maldives in the early 80's; serious damage to SLN ship Edithara in Jul 1990 and the sinking of SLN command ship Abitha in May 91 by the Black Sea Tigers brought further awareness of the growing menace of maritime terrorism. Yet again the LTTE, in Sep 1997 conducted a wolf-pack attack on MV Cordiality with machine guns, killing 33 of its crew and wounding 17. Similarly, in August 1998, the Black Sea Tigers boarded MV Princess Kash, a Belize flagged vessel and threatened to blow it up. On 12 Oct 2000, USS

Cole was severely damaged with 17 sailors killed and 39 injured, when a two-man, explosive laden Al Qaida suicide boat exploded while the ship was alongside in Aden, Yemen. In Nov 2000, Hamas carried out a suicide attack on an Israeli naval craft. Earlier, USS 'The Sullivans' had escaped a similar misfortune. In 2001, LTTE carried out a coordinated suicide attack by five boats on oil tanker MT Silk Pride off Northern Sri Lanka. In Oct 2002, an explosive laden boat hit the French oil tanker Limburg off the coast of Yemen⁸. In Feb 2004, the southern Phillipines based Abu Sayyaf Gang claimed responsibility for explosion on a large ferry that killed at least 100 people. The era of maritime terrorism had truly arrived.

All these incidents, and specially the 9/11 one, wherein, Mohammed Atta's 'self realisation' through the destruction of Minora Yamasaki's twentieth century magnificence, called the 'Twin Towers', have forced the world to recognise that maritime terrorism has grown beyond the scourge of piracy and that piracy is increasingly becoming a part of it. It also brought a realisation that drug running, human trafficking and gun running through 'Phantom' and other such ships, support maritime terrorism in one way or the other. The most dangerous issue the world sat up to was the mass destruction that could be caused through employment of a 'dirty bomb' ferried in a container ship or through an explosion of an oil or a gas tanker in the vicinity of a port or in the intense hydrocarbon environment of oil or gas infrastructure.

The WMD Threat

Over 220 million containers carrying 90% of the global trade are shipped worldwide each year. They are routinely packed and customs-sealed far inland, and the sheer volume of trade and speed of trans-shipment means that only a handful of these containers are physically inspected. Containers are an ideal conduit for smuggling terrorist material including the WMD. Wargaming of WMD attack on a major US Port shows that an eight day closure



of all US ports could cost \$ 58 billion and 92 days to clear the backlog courtesy the cumulative effect on the supply chain⁹.

There have been many interdictions of WMD transfer by sea, as highlighted by the interception of North Korean ship *Ku Wol San* in 1999 by the Indian authorities off Kandla Port. The vessel was reportedly carrying missile parts for Pakistan and beyond. Similarly, the Cambodian registered freighter *So San* intercepted by US-Spanish force in 2002 was found to be carrying North Korean scud missile parts for Yemen. More recently, the capture of the *BBC China* in Oct 2003 showed that its cargo of centrifuge parts was bound for Libya. Proliferation Security Initiative (PSI), co-operative arrangements initiated in 2001/02 to counter trafficking in WMD material and equipment, has had one of its biggest success in end 2003, with the busting of a nuclear smuggling racket being run for years.

LNG Explosion

The use of particular types of shipping, especially tankers or hazardous chemical carriers as environmental weapons, is another major global worry. The potency of this threat is illustrated by numerous accidents and more recently, by the sinking of *MT Prestige* off northwest Spain in Nov 2002. Studies show that a 600 Ton LNG ship, if detonated, would cause a fire ball of 1.2 km diameter that will destroy all physical and living things in this radius. Beyond this range, a large number of fatalities and casualties would also occur⁹.

The world has so far spent US \$ 400b on the war on terrorism. Following the attack on *Limburg*, the Yemeni government lost some US \$ 3.8 million per month in shipping revenue and US \$ 15 million per month in overall national income that amounted to 1% of its GDP. Insurance cost went up by as much as \$ 1,50,000 per vessel.

Global Petroleum Supply Chain

Limburg signified an attack on the Petroleum

Supply Chain. In recent years, terrorists have also targeted corporate offices, pipelines, refineries, oil platforms, installations, pumping stations, storage dumps and tankers in some of the world's most important energy reserves including Iraq, Nigeria, Saudi Arabia and Yemen. In Columbia, leftist rebels have blown so many holes in the 480 mile *Cano Limon – Covenas* pipelines that it has come to be known as the 'flute'¹⁰.

Between 1984 and '87, when tankers were frequently attacked in the Strait of Hormuz, shipping in the Gulf dropped by 25%, causing the US to intervene militarily. The world in the past has suffered oil price shocks and the consequent adverse effect on the global economy. These were, however, not caused by maritime terrorism perpetrated by non-state actors. Today, the price shock – almost a permanent one at that, is largely attributable to the asymmetric warfare perpetrated by the terrorists.

Global Oil and Gas Industry

Oil and gas industry is also not a new target for terrorists. Terrorists have always been aware of the economic instability and the political benefits that accrue out of targeting them. Although energy terrorism – as one would like to call attacks on the oil and gas industry, does not elicit the same level of attention as the spectre of WMD terrorism, the economic implications of adopting this strategy by terrorists are enormous. With the plethora of targets provided by the well spread out oil and gas industry along with associated support subsystems, the energy infrastructure is intrinsically vulnerable and the knock-on effect of disruptions in production and distribution can have severe and immediate effect on economies of both the advanced as well as developing nations¹¹. Instances of kidnapping of oil and gas personnel are on the rise. Armed attacks on them are common in Algeria, the Gulf States, India and Pakistan. Hijacking of energy installations and hostage taking is by no means a remote possibility.



Maritime Attack Capabilities of Diverse Terrorist Groups Al Qaida

Worldwide inputs continue to point to a sustained Al Qaida interest in carrying out maritime attacks on trade, shipping, choke points, sea lanes of communication and the oil and gas industry. Some reports suggest that Al Qaida has put together a small fleet of dispersed freighters, to carry out attacks on maritime targets for gun running, drugs and human trafficking, under fake identities, registration and company. Some intelligence agencies put the strength of this 'fleet' at 20 ships. In Jul 1993, the Russian owned container ship Kapitan Sakharov sank in Iranian waters after an explosion on board. Speculation that it was carrying arms heightened, when the Hong Kong brokerage that booked containers aboard the vessel suddenly stopped trading after the deal was done. The speculation mounted in 1999 when two New Zealand divers were murdered after surveying the wreckage¹². Al Qaida reportedly did not want the world to know what Sakharov was carrying. Its stated aim of focusing operations on hard economic targets rallied to a rise in incidents of energy terrorism in regions where there has been a growth in Islamic groups. This indicates that the trend of attack on energy sector infrastructure has increased significantly in recent times.

LTTE

Like the Al Qaida, the LTTE too is reported to have an entire flotilla engaged in dubious maritime trade and most are registered under 'Flags of Convenience' of states like the Bahamas, Honduras and Liberia. These ships are difficult to be trapped as they frequently change their names and registry. In the Indian context, a stronger 'Sea Tigers' Force threatening India's offshore energy platforms in the East Coast and elsewhere cannot be ruled out.¹³ LTTE's 2000 to 3000 strong Sea Tigers Force and its suicide squad called the Black Sea Tigers constitute a potent nonstate navy that has carried out various

Kamikaze style attacks against the Sri Lankan Navy resulting in its weakening by almost a third of its strength. The LTTE has, from time to time, been targeting oil targets in the vicinity of Sri Lankan waters. Some credit it with possessing the capability to build even a submersible. Its nexus with other terrorist outfits is not ruled out as it is often rumored that most Indian extremist groups receive training and logistics support from the LTTE. By harassing the fishermen regularly, it has been trying to tell the Sri Lankan Tamil fishermen that SLN is incapable of protecting their interests while the LTTE can; and at the same time they seem to be telling India that the Sea Tigers need to be factored in, if harassment to the Indian fishermen was to stop. If the latter were to happen, LTTE would be happy to receive de-facto recognition for their nascent navy¹⁴.

Abu Sayyaf Group(ASG)

This Philippines based terrorist organization reportedly has ties with Al Qaida. It has maritime stronghold in the province of Mindanao where it aims to establish an Islamic State¹⁵. It has been indulging in piracy and kidnappings and was responsible for the explosion on the Filipino passenger ship Super Ferry on 28 Feb 04 with the help of a suicide bomber masquerading as a tourist, resulting in the killing of more than 100 people.

Free Aceh Movement (GAM).

This terrorist group aims to establish an independent state in the resource rich Aceh province of Indonesia, and is known to be one of the most radical Islamic movements in the world¹⁶. The rebels have often targeted merchant vessels in Aceh waters carrying oil, tin and aluminium – the natural resources wealth of their province. GAM is reported to have trained with Moro Islamic Liberation Front (MILF) in southern Philippines and has co-operative ties with Jemaah Islamiah, another Pan-Islamic clone of Al Qaida. In 2001, GAM bombed Exxon Mobil's Arun gas processing terminal forcing its closure for five months that cost Jakarta US \$ 100m a month as lost



export revenues. In 2002, it reportedly proclaimed that vessels moving through the Malacca Strait were to seek its permission for safe passage as it declared 'sovereignty' over northern half of Malacca Straits¹⁷. This terrorist group has the potential to influence events in the Andaman offshore.

Jemaah Islamia (JI)

This terrorist outfit – an Al Qaida clone, aims to create a Pan-Islamic Taliban State spread across Malaysia – Indonesia – Thailand – Philippines. In 2002, 15 JI cadres, with links to AQ, were arrested in Singapore for trying to blow up US ships in the Singapore Strait and Changi Naval base¹⁸. The outfit is also reported to have plotted attacks on US ships in Indonesia and Malaysia.

Other Terrorist Organisations

Apart from the terrorist outfits with maritime attack capabilities described so far, Patani United Liberation Organization (PULO) of Thailand and Moro Islamic Liberation Front (MILF) of Phillipines are also reported to be actively associated with maritime threats in their area of operation. In the Indian context, Harkat – ul – Jihad Islami (HuJI) of Pakistan has reportedly spread to Bangladesh and Myanmar¹⁹. Bangladesh is reportedly serving as a base from which both south and south-east Asian terrorist outfits are re-grouping under the umbrellas offered by Al Qaida, HuJI, Rohingya Solidarity Organisation (RSO), JI, besides the ISI²⁰. Laskar – e – Toiba of Pakistan has been the major disturbing force in Kashmir with an associated aim of targeting maritime targets in the Indian Offshore. Of late, 'suicide terrorism' is becoming increasingly popular amongst Al Qaida groups in Yemen, Somalia, Pakistan, Bangladesh and Indonesia. Other terrorist outfits who have been indulging in suicide terrorism are the LTTE, Hezbollah and the Hamas.

Counter – Terrorism Measures UNCLOS'88

Soon after the Achille Lauro incident of 1988,

the International Maritime Organisation, in one of the first steps of tackling terrorism at sea, adopted the 1988 Rome Convention for the Suppression of Unlawful Act against Safety of Maritime Navigation and another Protocol for the Safety of Fixed Platforms. Terrorism thus came to be equated with piracy, wherein terrorists are now recognised as enemies of mankind. UNCLOS'88 calls upon the international community to co-operate in the repression of piracy (and terrorism) on the High Seas and has further empowered any state to seize pirate ships or ships pirated on the high seas and to determine penalties²¹. In Nov 99, India found this empowerment very handy in the case of pirated vessel MX Alandra Rainbow.

The ISPS Code

Following the Sep 2001 attack on the Twin – Towers, the International Maritime Organisation held a series of conferences to improve the security of ships and port facilities, culminating in the adoption of International Ship and Port Facility Code (ISPS Code) which entered into force from 01 Jul 2004. It comprises two parts : detailed security related requirement for governments, port authorities and shipping companies which are contained in mandatory section called Part A; followed by a series of guidelines about how to meet these requirements, contained in a second, non-mandatory section Part B. All passenger vessels and vessels of more than 500 Tons GRT are required to comply with this code. The code also required ships (other than passenger vessels) and tankers of 300 GRT and more but less than 50,000 GRT to be fitted with an Automatic Identification System (AIS) by 31 Dec 04. Only after complying with all the provisions of the ISPS code, would a ship qualify for an International Ship Security Certificate (ISSC)²². It is believed that compliance rate is encouraging indeed.

US Sponsored Container Security Initiative

This co-operative protocol allows US



inspectors to inspect container cargo in the host country²³.

US Sponsored Customs – Trade Partnership Against Terrorism

Under this initiative, C-TPAT importers and transportation companies agree voluntarily to conduct self-assessment of their company's operations and supply chain, and then put in place security measures to address any security vulnerabilities they find²³.

US Sponsored Megaport Initiative

This arrangement deals with the installation of radiation sensors in many of the world's larger ports to detect WMDs²³.

US Sponsored Counter – Proliferation Initiative

This initiative involves obtaining permission from sea-faring countries to allow specially trained US Navy boarding teams to conduct inspection of a vessel on the sea, suspected of carrying nuclear material or a WMD as part of cargo²³.

Safety Initiatives for Offshore Oil and Gas Infra-structure.

It can thus be seen that post 9/11, most of the covenants commissioned by the international community pertain to the security of ports, shipping, SLOCS and global trade. No such initiatives, per se, have been initiated for the safety and security of the offshore energy sector as a whole; though a recommendatory Protocol for Safety of Fixed Platforms has been adopted. Perhaps no exclusive covenant can be initiated for this sector because the exploited resource is the property of a nation state, which can either keep it for its own consumption, sell it to users or do both. Nation states themselves; and if it is a selling state, then the buyers too, would have to collectively take responsibility for the security of this infrastructure; former to keep the revenue going and the latter to ensure supply at a competitive price. It is

a different matter that the trading of this resource involves a unique set of supply and demand dynamics, energy control related real-politik and security dynamics that have to be additionally contended with. Whatever may be the case, the UN's responsibility in the security of this sector for the moment is limited, to what has been enunciated in the UN Convention on Laws of the Sea regarding authorisations, control and regulation of resources in the Territorial Waters, Exclusive Economic Zone and the Continental Shelf of individual nation states, with due regard to freedom of navigation and shipping along with the new Protocol for the Safety of Fixed Platforms. What can be done further, is to extend the provisions of the ISPS code to the offshore sector rigs, platforms and vessels as well as vessels plying coastal trade and all the dhows.

India's Maritime Assets and Concerns Peninsular India

Because of its peninsular geography and island territories to the East and West, the Indian sub-continent is well placed to dominate, monitor and enforce maritime activities in the Indian Ocean Region right from the Persian Gulf in the West to the coast of ASEAN countries in the east - a stretch recently declared by the Indian Prime Minister to be of maritime interest and security concern for India²⁴. 66% of world's oil, 33% of world's bulk cargo and 50% of world's container shipment pass through the IOR and its choke points. 90% of India's trade by volume and 77% by value is carried by merchant ships. Of the total goods traded, only 17 % are carried in the 618 Indian vessels that together have a carrying capacity of 6.43 MMT. This capacity is expected to increase to 9 MMT by 2020.

Offshore Assets

The present Indian Offshore Development area comprises 17100 sq nm which was a mere 2250 sq nm in 1985. Today, our offshore assets comprise 30 Process Platforms, 10 Single Buoy Moorings



(SBMs), 152 Well Platforms, 33 Oil Rigs and Drill Ships, 920 other structures and 120 assorted vessels engaged in Exploration Production (E & P) tasks. Five rounds of New Exploration Licensing Policy (NELP) have been executed and the sixth is on the anvil. The NELP policy was formulated by the Government of India in 1997 – 98 to provide a level playing field in which all parties could compete on equal terms for the award of exploration acreage. In 2003 – 04, India produced 33.37 MT oil and 31.64 BCM of gas i.e 0.9% of world's annual oil and gas production. Of the total production, the Private/Joint Venture companies accounted for 17% of the production at a total investment of US \$ 3.22 billion in exploration and development activities. India's Hydro Carbon in reserve could be as high as 14 billion tons as compared to the earlier estimate of 7.57 billion tons. Our current oil and gas import dependence is around 75%, which, by 2030 is likely to go upto 94%. Currently India's offshore oil production amounts to 65% of oil and 74% of gas, of the total produced in the country. Therefore, India needs to ensure safety and security of these assets at all times; and particularly where they border around disputed IMBL or LTTE dominated waters.

Expanded EEZ

India is expected to submit its claim for expanded EEZ by 2008. If accepted, our EEZ could increase by 0.5 to 1 million sq kms. This translates to an area within a radius of 350 nm from the Indian coastline and the island territories available for Exploration and Production of Hydrocarbon. Accrual of additional area for E & P activities will entail increasing the offshore security and safety canvass proportionately.

Littoral Assets

India has to defend a coastline of 7516 km and upto 1200 islands, most of which are uninhabited and therefore, an ideal playground for smugglers, drug traffickers and gun runners to ply their trade.

India has 13 major ports at Kandla, Porbandar, Mumbai, Nava Shiva, Goa, New Mangalore, Kochi, Tuticorin, Chennai, Vizag, Paradip, Kolkatta and Port Blair and 185 minor ports which together hauled a cargo traffic of 260 MT in 2000, which, though modest, is a significant figure indeed. With private bidders now permitted to build ports, India will increasingly depend on ocean resources and by about 2030, 40% of India's population is expected to live within 100 nautical miles of the coast. With the Continental Shelf expanding to 350 nm, India's littoral will expand to 450 nm from the current 300 nm limit. Addition to IMZ thus will involve additional maritime security responsibility, not only in respect of E & P activities, but other maritime aspects as well.

Fishing Vessels and Dhows

There are about 314,000 registered fishing vessels and innumerable dhows plying the coastal waters of India and most of them are unregulated, which makes them an attractive prey for the maritime predators to use at will. This aspect is one of the weakest links in the maritime security chain, as ultimately security efficiency and effectiveness in the IMZ is largely going to depend on regulating this traffic in a mutually inclusive manner. And this is a great challenge.

Oil Shocks

It is believed that following the '73 – '74 oil shock, India's import bill rose by over 50%. The 1979 oil shock imposed a tremendous Balance of Payment pressure. The direct impact of the '91 oil shock was around Rs 4000 – 5000 Crores. We are now into the 'umpteenth' oil price shock and no one knows when and where it will end. Currently, the oil price is hovering at US \$ 75 per barrel and is likely to cross US \$ 100 per barrel by 2008, if not earlier. The rise is attributable to heavily increasing demand, supply shocks and 'terrorism premium' which as per experts, accounts for upto one third of the price increase. Earlier on, experts had predicted that the



Indian economy would be adversely affected once the oil price crossed the US \$ 60 per barrel price limit. That the GDP growth now stands revised to 6-6.5% from an earlier estimate of 7 to 8%, though does not spell a doom, is ominous no less.

Money in `Water`

The Indian Offshore produces Rs 17,500 Crores worth oil and gas per year at a current investment of Rs 25,000 Crores. The replacement value of the offshore asset at today's price is around Rs 200,000 Crores. Our exports are valued at Rs 176,000 Crores and outflow on account of imports is estimated to be around Rs 2.04 Lac Crores. All this money in `water` needs to be secured at all cost. It will be pertinent to note that there are no such comparable assets to worry about around our terrestrial borders, which in any case are not so porous as our maritime borders; and porosity of maritime border begins at least from the outer limits of the IMZ, if not further away.

Ocean Related Management in India

As many as 12 Ministries and 17 Government Departments under them are involved in overseeing ocean related business in India. These are Ministries of Shipping and Transport, Agricultural and Fisheries, Petroleum and Natural Gas, Defence (Navy and Coast Guard), Mines (Mineral Exploitation), Energy and External Affairs (External Relations, UNCLOSS III negotiations). Involved in the co-ordination roles are the Ministries of Education (Universities, Technical Instrumentation, Science and Technology (Oceanography), Space (Remote Sensing), Finance (Fiscal matter), Planning (Economic planning) and Home Affairs (Island Development and Immigration Clearance). In addition, there are nine maritime states with a direct interest in ship breaking, fishing, ports, foreign trade and other maritime issues. There is an urgent need to amalgamate the maritime focus of all these players in the interest of synergy, efficiency and effectiveness so as to address issues pertaining to

maritime security and development in a holistic manner.

Maritime Incidents of Concern in the IOR - MV Alondra Rainbow

In Oct' 99, masked pirates armed with guns and swords hijacked MV Alondra Rainbow, a 7000 - Ton ship carrying aluminum ingots, whilst on passage from Kuala Tanjong in Indonesia to the destination port of Miike in Japan. The hijackers repainted the ship's name as Mega Rama. The offloaded crew, mercifully not murdered, was picked up by fisherman off the coast of Thailand on 08 Nov' 99. The piracy reporting center of the International Maritime Bureau broadcast the hijacking of MV Alondra Rainbow. Indian Navy received an intelligence report on 13 Nov and passed it on to the Indian Coast Guard. The vessel was finally seized on 17 Nov 99 off Mumbai. The hijackers were Indonesian Naval personnel²⁵. Following this incident, it was realized that despite being a signatory to UNCLOS – 3, India had not incorporated its provisions into a national legislation at that time. On the other hand, the Indian Penal Code (IPC) did not address the offences of piracy and hijacking of ships. The pirates had to be eventually convicted under different provisions of the IPC.

Arms Seizure in Chittagong

A cache of arms was seized on 02 Apr 04 in the port of Chittagong, in Bangladesh that was part of one such consignment intended for North Eastern Indian Insurgent Groups (IIGs). Arms were loaded at Ranong in Thailand. The cargo of Korean, Italian, Chinese and US made weaponry, valued at around US \$ 20 m comprised 690 x T 56-1 Sub Machine Guns, 600 x 7.62 mm T 56-2 SMGs, 150 x 40 mm T 69 Rocket Launchers; 840 x 40 mm rockets; 400 x 9 mm Semi-Auto Rifles; 2000 Rocket Propelled Grenades and 1.13 million x 7.62 mm and other caliber rounds; enough to arm atleast one to two regular battalions of an army²⁶.



Abandoned Ship Al Murtada

In Jul 2003, the Indian Coast Guard reportedly intercepted an abandoned Lebanese ship Al Murtada in the Arabian Sea. 2 x AK 47 rifles with Allah and Yusuf inscribed on them were discovered on the unmanned ship. Al Qaida could have used the ship to smuggle arms, drugs or even to flee to safer location before abandoning it.

The Maldive Coup

In 1988, the then Sri Lankan Tamil separatist group PLOTE (Peoples Liberation Organisation of Tamil Eelam) orchestrated a coup in Male with the help of 150 strong mercenaries traveling on two trawlers. The mercenaries kidnapped the Maldivian Minister of Education along with several other hostages and fled in MV Progress Light. The vessel was ultimately crippled, hostages rescued and mercenaries arrested by the Indian Navy.

MV Ahat

In Jan 1993, the vessel with eight LTTE cadres onboard was located in the Bay of Bengal carrying arms and explosives for the LTTE. When challenged by the Indian Navy and the Coast Guard, LTTE cadres set it afire and scuttled the ship off Chennai. The ship sank along with the cadres and Kittu onboard.

Collision of MT Phorus with Sagar Samrat

On 15 Apr 2005, a tanker MT Phorus collided with Sagar Samrat, approximately 24 nm north of Mumbai High North, in broad day light. The vessel was purchased by M/s Karina Shipping Ltd. as scrap in Luanda in Jan 2004 and was headed for ship breaking yard in Alang. The IMO number belonged to another scrapped vessel 'Brighter Moon'. Reportedly, qualification of the crew was not as per international norms and their morale was low. Under international norms of freedom of shipping in High Seas, vessels are required to keep 500 metres clear of oil rigs and platforms, which in this case was clearly 'inadequate' to prevent collision with Sagar Samrat.

Scuttling of Explosive Containers

In end Dec 05, MV Eugenia, a 720-Ton vessel registered in Honduras as a Flag of Convenience' vessel, amongst its other cargo, was carrying industrial explosives for use in Afghanistan by the Indian Border Roads Organisation. The ship, reportedly due to bad weather, had to scuttle four containers containing industrial explosives. The point to note is that all the containers were scuttled not very far from Indian commercial capital Mumbai.

Collision Between Samudra Suraksha and BHN

In Jul 05, Samudra Suraksha collided with BHN, resulting in the sinking of both these platforms, leading to production loss amounting to several Crores of rupees besides the infrastructural loss and consequent time delays due to sinking of the platform and the ship.

Hijacking of Bhakti Sagar

An Indian dhow Bhakti Sagar was hijacked by armed pirates off Somalia on 26 Feb 06, along with its crews of 21 Indian sailors. The dhow had sailed from Porbander on 04 Feb 06 with a cargo of rice and cement. It was bound for Port El Maan in Somalia. After disembarking its cargo at El Maan, it was proceeding to Kismayo to embark its next cargo when it was attacked by armed pirates, 10 nm off Port El Maan. Reportedly, the motive behind hijacking lay in chartering and labour squabbles involving various shipping agents and warlords in the area.

Effect of Maritime Terrorism

Almost 90% of the world trade is through shipping and most of oil and gas travel on slow tankers. A major portion of the world oil comes from the energy industry at sea and the littoral. With the advent of maritime terrorism almost nothing, be it merchant vessels, ports, coastal refineries, SLOCs, choke points, naval ships, offshore installation and myriad other maritime targets; is safe from the prying



eyes of various maritime terrorist groups. The foremost global worry is centered on the devastating effect of exploding a 'Dirty Bomb' or the WMD brought in a container. Similar concern stems from exploding a LPG carrier or an oil tanker in a port or harbor and the consequent disaster it could bring in its wake. A single such incident would be devastating. A series of such incidents would be cataclysmic. Equally worrisome is the devastating effect on global trade and world economy if choke points were to shut down, shipping were regularly attacked, ports and harbors exploded and oil and gas industry brought to its knees.

It therefore, follows that maritime terrorism if allowed unchecked would result in a world order, which is already so disorderly, transforming into total disorder. Sooner, stronger states would become weak states and weak states would turn to failed states which would then become a free play ground for terrorist groups, who from being a non – state actor would graduate to becoming 'disorderly state-actors' free to bask in their pyrrhic victory and carry the asymmetric war and its consequences to further heights. Should they be then allowed to succeed? Human beings have always risen squarely to hard times and coped up with almost all trials and tribulations brought about by wars, cold war, famine, flood or man – made disasters. This menace too is expected to be overcome. But the approach will have to be a collective and a co-operative one, because no country how so ever powerful, can totally eliminate this invisible mother of all dangers. This approach needs to have two facets – one a defensive one specific to each state and the other, a counter-measure that needs to be implemented co-operatively.

The Way Ahead - Redundant Doctrines

It is very clear that no nation state is immune from maritime terrorism. The Mahanian doctrine taught the world how to fight and win an organized war. Two thousand five hundred year ago Sun - Tzu

wrote out the epic 'Art of War' pertaining to directions, tactics and lessons needed to be heeded to wage a successful war. Nineteen hundred years later, Clausewitz commissioned the concept of employing Grand Strategy to break the will of the enemy to fight and bring a quick and decisive end to a given conflict. The Americans over a long period since attaining the status of the sole superpower have strategized on various concepts of war like 'Forward Deployment', 'From the Sea' and 'Littoral Warfare' etc. 9/11 has had a profound effect on all these concepts and the current bible is 'War on Terrorism'. Like the rest of the world, they too are not sure if the new concept will ever result in a decisive victory and whether the 'War on Terrorism' should more aptly not be called 'International Campaign on Terrorism', which title shall atleast extricate them from the ignominy of not winning the war on terrorism.

No Clear Peace

We now live in a world, where there is no clear period of war, no clear period of peace and no clear intervening period between war and peace. The enemy is invisible but omni-present and there are no battle-lines. Terrorists have to succeed just once but nation states have to be on watch all the time against myriad range of threats. It can clearly be seen that peninsular India, like the rest of the world, is not immune from the ill-effects of maritime terrorism. And more alarmingly, this is in addition to the terrestrial terrorism we have long been a victim of. Like most of the developed world, India has assets and concerns at sea that need to be diligently secured and guarded. Effective, efficient and consistent address of maritime security issues by India have now acquired a new urgency, given the fact that maritime incidents do not take long or announce themselves before transforming into acts of maritime terrorism. Defensive umbrella and counter-measures have, therefore, to be in place all the time to protect our offshore and coastal assets alongwith our shipping, trade and SLOCs. Obviously, we can't do this alone



as some steps have to necessarily be external to India and others internal.

Resolution 1373

As a first step, we need to work in the spirit of UN Resolution 1373²⁷. Post 9/11, Resolution 1373 was passed by the UN. The resolution calls on Nation States to co-operate with each other for exchange of information and intelligence related to terrorists and their acts, so as to eventually prevent and suppress them. For this purpose, nations need to co-operate with the Counter-Terrorism Committee set up to oversee the implementation of Resolution 1373, even though the power of the committee to enforce co-operation is minimal. This co-operation also entails agreeing to a common definition of terrorism. Happily, some clarity is now emerging with regard to the definition of terrorism after it being termed as crime against humanity. The resolution also calls for creation of a counter-terrorism task-force. In the Indian context, this task is regrettably almost impossible with all the immediate neighbors; but it can work successfully with other immediate friendly littorals by further expanding the concept of MILAN and the frame-work of joint patrols with the non-littorals.

National Legislation

The second step that needs to be adopted very quickly lies in the field of legislation, wherein, enabling provisions of UNCLOSS 1972 and the follow-on conventions need to be clearly incorporated in our national legislation. This also applies to framing suitable rules under the various Maritime Zones Act of India to bring about the required administrative clarity in the functions of inspection, monitoring, enforcement and prosecution. Similarly, guidelines that define the framework within which resources are authorised regulated and controlled in the Indian Maritime Zone need to be given legal effectiveness through an Act of the Indian Parliament. There is further a need to

set up Maritime Courts to facilitate speedy disposal of maritime legal cases as also a need to set up a Maritime Regulator under the Ministry of Defence so as not to replicate the chaos of the main land at sea. And this needs to be done sooner than later.

Inter – Ministerial Maritime Policy Synergy

Policies pertaining to maritime activities engaged in by various Ministries and Government Departments need to be integrated for synergy so that all issues pertaining to security, economic development, piracy, hijacking, gun running, human/drug trafficking, terrorism, intelligence sharing and capability development can be holistically addressed. Once this is done, turf-battles, entrenched mindsets and propensity to shun action when most needed shall be eliminated. India in fact could consider setting up a new Ministry of State with representation and staffing from the assorted maritime Ministries and Departments under the overall umbrella of Ministry of Defence to deal with every form of terrorist act from aircraft hijacking to sea piracy to militancy in any form and in any part of India¹¹.

Indian Maritime Auxiliary Service

The next step that needs attention is that the ISPS code needs to be implemented for all categories of vessels operating in the Exploration and Production Sector; all mechanical fishing vessels, dhows including vessels on coastal voyage. Additionally, fishing vessels need to be inspected by the Indian Coast Guard before they deploy to sea. Similarly, vessels headed for breaking and those ferrying scrap iron also need to be inspected before entering the destination ports in India. At the end of the day, though security of physical assets in the Indian Offshore is a must; the security of oceanographic, bathymetric and hydrographic data is doubly important because of the bearing they have on defensive and offensive operations of the Indian Navy. Therefore, an Indian Maritime Auxiliary Service needs to be commissioned



by recruiting retired naval personnel. This service should be under the command and control of Offshore Defence Advisory Group (ODAG) and should be charged with the responsibility of manning all E & P vessels engaged in seismic, gravity, magnetic, current and other applied or pure research tasks in the Indian Maritime Zone. They should also man the cable ships when operating in the Indian waters as also the mining ships when engaged in mining, whenever foreign participation is involved. As a final step, personnel employed in the Offshore Sector need to be suitably trained for which perhaps the services of Naval Maritime Academy could be commandeered. We could even create a surplus pool of such trained personnel, whose services could be made available to other maritime nations.

Crew Credentials

Recruiting the right seaman is one of the greatest challenges in an era of cost cutting, technological imperatives and skeletal manning. Seamen cannot be and should not be treated as cheap labour. If some of them are, then they 'alternating' their roles between a seaman one day, pirate the other day and terrorists on some other day is a distinct possibility. Such a danger is prevalent amongst under employed or unemployed crew. Such crews have been known to have helped in the commissioning of hijackings at sea. It is, therefore, very important that Indian shipping companies address this issue appropriately. Besides, all foreign crew members working in the Exploration and Production sector need to undergo a thorough and regular MHA/IB/Immigration checks for obvious reasons.

Mindset Change

Eventually, shipping and E & P players will need to take responsibility for the individual safety of their assets and will need to incorporate appropriate security measures and practices. Above all, a change of mindset is called for if survival is to be earned and

ensured in this invisible war.

Offshore Security Budget

Last but not the least, current budget outlay for the security of the Offshore Development Area hovers around Rs 900 Crores. This needs to be suitably augmented to achieve the desired intensity and seriousness in surveillance, patrolling, policing and other defensive and counter-measure tasks required to be performed in the Indian Maritime Zone. The increased budget also needs to cater for additional E & P security needs in the to-be expanded IMZ and special security needed for E & P activities in the vicinity of disputed IMBL, LTTE infested waters and the A & N offshore which is uncomfortably close to GAM's area of influence.

Conclusion

The era of declared and organised war is clearly behind us. The world today is in the midst of fighting a new asymmetric war on terrorism that has now migrated into the maritime domain. This new war has its own set of inherent surprises. Politically, economically and socially it is probably more devastating than all the earlier civil, organized and cold wars because anything and everything including innocent citizens are in the terrorists' cross-wire and there is no limit to the means they can employ. Clearly, India, which has already been a victim of terrestrial terrorism for far too long, is not immune from maritime terrorism either. There is, therefore, an urgent need to understand and recognise that such a danger indeed exist and that a piecemeal and case-by-case conventional approach is not going to work; for there is no such a thing as 'war time' and 'peace time' any more. There is, therefore, an urgent need to be pro-active, to re-organise externally and internally and to leverage our strengths in a holistic manner so as to atleast reduce, if not completely eliminate the ill-effects of this new multiplicative, amoeba like, maritime menace.



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