

Historical Dimensions of Piracy as a Maritime Crime

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Abstract

This paper tries to throw light to a very different façade of maritime crimes of Indian Ocean and its imprint in contemporary literature. The response of the affected littoral states and geo-political schemes in the international and regional level are the major areas of concern so far, for the policy-makers, academicians and intellectuals as well. The international dimensions of related strategic developments in the pelagic waterways of Indo-Pacific region also trace out the socio-economic and political paradigm shifts in it. The age of imperialism and the consequent post-Cold War era has heralded a socio-politico-economic-strategic shift from Colonization to Globalisation. The liberalization process and the formation of a new global economic order clearly opened the eyes of the international community to strengthen its economic bonds more with other developed and developing regional organisations. This has led to enhanced international maritime concerns, since most regional trade is sea-borne. Despite ‘maritime bonding’, the Indian Ocean has unfortunately not seen the emergence of a vibrant trans-oceanic community. The problem plaguing the Indian Ocean is lack of “channelized” efforts towards addressing maritime challenges.

Key words: Maritime Crimes, Indian Ocean, Colonisation, International Community

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This paper tries to deliver a detailed analysis on who pirates are, what piracy is, the reasons that indulged people to such an odd profession since time immemorial. It sought to highlight the technical issues related to marine piracy along with other maritime crimes which left an imprint on intellectual, cultural, political and legal developments of human race.

In 1776, Adam Smith published a landmark treatise that launched the study of modern economics named *An Inquiry into the Nature and Causes of the Wealth of Nations* where he described the most central idea to economics, which he called the “invisible hand” i.e. the hidden force that guides economic cooperation. According to Adam Smith, people are self-interested; they are interested in doing what is best for them. However, often times, to do what is best for them, people must also do what is best for others. The reason for this is straightforward. People only serve their self-interests by cooperating with others. – Adam Smith’s invisible hand is as true for criminals as it is for anyone else. Although criminals direct their cooperation at someone else’s loss, if they desire to move beyond, they must also cooperate with others to satisfy their self-interests. To take the massive hauls they aimed at, pirates had to cooperate with many other sea robbers. However, pirates, in contrast, thrived parasitically off others production. Thus, pirates did not benefit society by creating wealth; they harmed society by siphoning existing wealth off for themselves.¹

Most people conjure up the image of a man with an eye patch and a peg leg with a parrot when they think of pirates. Pirates are frequent topic in fiction and are associated with certain stereotypical manners of speaking and dress, some of them totally fictional: nearly all our notions of their existence, appearance, and behaviour come from the classical age of fictional piracy. Though Roman texts and Arabian Nights had shaped the popular image of the pirates for centuries, it reached its zenith in the 19th century with the appearance of Robert Louis Stevenson’s *Treasure Island* and J. M. Barrie’s *Peter Pan*. Besides that, Captain Rackham’s *Treasure of Tin Tin* series by Hergé and several *Astrix – Obelix* graphic novels by Gosini and Euderza popularized pirate’s body language and helped in defining the fictional pirate archetype. Robert Newton’s portrayal of Long John Silver in Disney’s 1950 film adaptation of *Treasure Island* also helped define the modern rendition of a pirate, including the stereotypical “pirate” accent. Very recently, *Sinbad the Sailor* and the *Pirates of the Caribbean* films have kindled modern interests in piracy and have performed well at the box office. In the popular modern imagination, pirates of the classical period were rebellious, clever teams who operated outside the restricting bureaucracy of modern life. The Jolly Roger flag is the traditional name for the flags of European and American pirates and a symbol for piracy that has been adopted by filmmakers and toy manufactures. Pirates were also depicted as always raising their Jolly Roger flag when prepared to hijack a vessel.

Moreover, pirate fiction portrays seamen as choosing piracy out of romantic, if misled, ideals about freedom, equality, and fraternity. While greater liberty, power sharing, and unity did prevail aboard pirate ships – these were piratical means, used to secure cooperation within pirates’ criminal organization, rather than piratical ends, as they are often depicted. – This is not to say idyllic notions never motivated pirates. Historian Marcus Rediker in his book *Between the Devil and the Deep Blue Sea* considers the pirates of 18th century, in the larger context of life at sea. Rediker persuasively argues that, in part, pirates acted as social revolutionaries in rebellion against the authoritative, exploitative, and rigidly hierarchical organisation of pre-Industrial Revolution “state capitalism”. Even, pirates may have acted partially out of concerns for greater racial and sexual equality.

Many discussions of pirates use the terms pirates, buccaneers, privateers, and corsairs interchangeably, as they all are kinds of sea bandits. Nevertheless, each variety of sea bandits is different. Pure pirates are total outlaws. They attack merchant ships indiscriminately for their own gain. Privateers, in contrast, are state-sanctioned sea robbers. Governments commission them to attack and seize enemy nations' merchant ships during war. Privateers, then, are not pirates at all, as they have government backing. Similarly, governments sanctioned corsairs plunder. The difference is corsairs target shipping on the basis of religion. Buccaneers, in contrast, typically were French hunters living on Hispaniola, modern day Haiti, in the early 17th century. Although they mostly hunted wild game, they were not opposed to occasional act of piracy either. In 1630, the buccaneers migrated to Tortuga, a tiny, turtle-shaped island off Hispaniola, which soon attracted English and Dutch rabble as well. Spain officially possessed Hispaniola and Tortuga and was not fond of the outlaw settlers. In an effort to drive them away, the Spanish government wiped out the wild animals the hunters thrived on. Instead of leaving, however, the buccaneers began hunting a different sort of game i.e. Spanish shipping. Although buccaneers were not pure pirates, they anticipated and influenced pure pirates' organisation until the late 18th century.

Despite this, most sailors who became pirates did so for a more familiar reason i.e. easy flow of money. In this sense, though its popular treatment is riddled with myths, the traditional emphasis on "pirate treasure" is appropriate. Sea marauding could be a lucrative business. When, during war, would be pirates could work as legalised sea bandits on privateers, they often did. Specially on the eve of European colonialism, one possibility was to seek employment in the Royal Navy. Nevertheless, as soon as the conflict ends, the Royal Navy let the sailors go. Most sailors' only other legitimate maritime option was the merchant marine. Then there was piracy, which had several advantages over working on a merchant ship. For one, it allowed ex-privateers to continue in the trade that they knew best – the sea banditry.²

A favourite observation of several writers on the subject of seaborne piracy is that, "piracy may well be the world's third oldest profession, medicine being the second oldest". Etymologically, the word "pirate" is derived from the Latin term *pirata* and from the Greek *peirates*, meaning 'brigand', a word that is also cognate to *peril*. The acts committed at the sea or in other major water bodies or on shore, are included into "piracy". It does not normally include crimes committed against persons travelling on the same vessel as the perpetrator. The term has been used to refer to raids across land borders by non-state agents. It should be distinguished from privateering, which was authorised, by their national authorities and therefore a legitimate form of war-like activity by non-state actors. Therefore, maritime piracy is defined as a crime committed aboard a ship or a water vessel by a person or group of people that are not employed by a government entity. In the most basic terms, maritime piracy consists of raids or invasions of ships or boats by a group of criminals called pirates, who seek goods and cash from their victims, and most of times they are armed and dangerous.

It may be reasonable to assume that piracy has existed for as long as long as the oceans were plied for commerce. The earliest documented instances of piracy are the exploits of the Sea People who threatened the Aegean and Mediterranean since 13th Century BCE.³ Phoenicians and Thracians carried an ill reputation of resorting to piracy sometimes besides their regular sea-commerce activity and were specialized in kidnapping boys and girls to be sold as slaves. Greeks and Romans have a long history of trying to keep Mediterranean traffic free of pirate attack and the Byzantines, the Venetians, and the Arabs successfully carried those legacies, throughout the medieval ages. However, throughout history there have been time periods which tend to have more cases of maritime piracy than others, the most famous time period

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being the Golden Age of piracy i.e. from the 1650s to the 1720s. The age of Discovery and Geographical Exploration installed a number of factors driving an increase in pirate attacks. Foremost of them was the brisk maritime network, slave trade and flow of gold, silver and other forms of booty from the New World. Moreover, many men had been trained in European navies, and later when there were few navy jobs available, some of them turned to alternative methods of earning money, one of which was piracy. For these pirates, an increase in the shipping of valuable goods turned out to be very convenient, and many earned living by robbing ships of valuable merchandise.

Hence, the images of pirates dissolve and intermingle, producing a notion of non-stability from the sociological point of view. Piracy is deeply embedded in our childhood. It is not by accident that piracy is often found at the heart of the world of cinema. Pirates in fact evolve outside of time and space, occupying the expanse of the sea, devoid of all social norms. That is why piracy though intriguing, holds a distinctive place, more explored by artists, novelist or policy-makers than by researchers and academicians. The conceptions like ‘pirate utopia’ swings between nihilism and anarchism. The idea of the world of pirates constitutes a veritable counter-society, difficult to define, but embodies a quest of social justice, a promise of deep social revolt.

Maritime piracy in the Indo-Pacific basin may be envisaged from many angles, geographical as well as political, legal, social, economic and environmental. Therefore, to study each angle, one by one, all-encompassing the issues like stability of nations and the regional balance, modes of international regulations, origins or pirates, consequences of maritime crisis, commercial and financial repercussions or ecological risks related, the historical depths of such a maritime subject cannot be neglected.

In the *Iliad* and *Odyssey*, Homer spoke of piracy, which used to be respected embodied by heroes like Ulysses. In *The Histories* or also in *History of the Peloponnesian War* Herodotus and Thucydides referred to sea-borne piracy as an adventure of all eternity – ancient Greco-Roman civilisation was marked by the first counter-offensives by the State which subsequently, continued to inspire leaders.

In the early days of ancient civilisation, bands haunted the waters of the Mediterranean and used to disrupt the nascent trade to Levant. Their objective was to simply plunder the riches. The Phoenicians and the pre-Hellenic Cretans of 2500 B.C. practiced cruel maritime banditry. Their legendary king Minos of Crete of approximately 2000 B.C. was known for initially sponsoring maritime piracy to have power over the Mediterranean traffic but then trying to pass legislation against it when he already stretched his control over Mediterranean trade. Homer had admitted frankly that King Menelas was roaming for seven years from Cyprus to Phoenicia, to the temples of Ethiopia and Sidon and then to Libya and suffered enormously to amass treasures and to bring them back home, along with his pursuit for his beautiful wife Helen. Toward the 6th and 5th centuries B.C., the commercial vocation of Athens was becoming evident. The Hellenistic capital created an alliance at Delos Confederation, a very first example of regional cooperation in history. However, the Greco power gradually weakened and many unemployed sailors became pirates. They started attacking Carthagian ships and added to the ranks of the buccaneers in the Mediterranean.

During the Roman era, sea-borne piracy was still synonymous to banditry. Illyria and Sicilia were the main pirates infested area - one can easily recall the Roman-Pirates combat in the movie adaptation of Ben-Hur! The marine expeditions and combined patrols under the

supervision of Pompei safeguarded the Mediterranean traffic to east and South. Some sporadic skirmish continued with the Norsemen who ruled the coasts and fiords of Scandinavia – whose wreckages are occasionally referred in the *Astrix–Obelix* series by Gosini and Euderza. Apart from that, waters of Mediterranean remained peaceful until the barbarians invaded and heralded the end of the Roman Empire in 476 A.D.

In the actual realm Indian Ocean, though instances of water-borne piracy is been recorded in the Vedas, the first prominent one with factual evidence happened only in the 8th century CE. However, the instance is more interesting because here piracy became the issue of a war that changed the next track of history of India and the Arabs i.e. the invasion of Sindh and advent of the Arabs in the Indian Peninsula. – In the 7th Century CE the new kingdom of Hazzaj launched trade ships to India, which travelled across the coastline of Sindh, to the Gulf of Cambay, through the coast of Konkan and Malabar to Sri Lanka. A ship enroute from Sri Lanka to Baghdad was carrying valuables and some slave girls, which were looted off Debal, the port of Sindh, by some pirates. The Caliph of Baghdad sent some troops to challenge the pirates and rescue the slaves and other valuables. Nevertheless, people of Sindh became wary and took this advancement as a threat of Arab assault. The Arabs were not happy with the response and non-cooperation of Sindh in their attempt to do away with the pirates. This became an excuse for war between Arabs and Sindh and later was defeated; thus, Islam penetrated India, making a marked shift in Indian history.

In the medieval time, the hot seat of maritime piracy shifted from the Mediterranean to Indian Ocean though the Venetian and the Genoese traders continued to face harassment at sea by the Moor and Saracenian pirates and Charlemagne's Empire failed to wipe away this menace. There were the Ghazis ruling the gulfs and bays off the Arab peninsula. They were serious maritime threat to the sails passing Persian Gulf and Arabian Sea. Their objective was chiefly the illegal traffic, slave trade and procuring so called 'legitimate tribute' from the passing vessels.

Southern peninsular region of India in 14th century CE was divided into two entities: on one side stood the Muslim-ruled Bahmani Sultanate, and on the other stood the Hindu kings rallied around Vijayanagara Empire. Frequent wars between this two ambitious aspirants demanded continuous resupplies of fresh horses, which were imported through sea routes from Persia and Africa. This trade was subjected to frequent raids by thriving bands of Malabari pirates based in the coastal cities of the western coast. These pirates owe their loyalty to the either of the royalty, who backed them for their own strategic interests i.e. to cut supplies to their opponents and vice versa. However, this piracy operation took havoc on the pepper trade of Southern India and cotton trade of Gujarat until the Marathas rose to prominence.

Piracy existed in the waters of South East Asia long before the advent of the European into the Indian Ocean Basin in Century 1450 CE. Indeed, the occasional narratives of Shih Fa-Hsien, the Buddhist monk from Ceylon, who journeyed to China in 414 CE, document the hazards of maritime trade in waters of the Straits of Malacca and South China Sea. The hazards included natural causes such as typhoons and the fear of attacks from pirates who lay in wait for their prey in the shadows of the numerous islands or in the Mangrove-covered inlets close to the recognised trade routes.

The Chinese trade with India expanded enormously as time went on. From about 1049 – 1053 CE the country's annual imports from that trade – elephant tusks, rhinoceros horns, pearls, perfumes and incense – amounted to 53,000 units, but by 1175 CE they had grown to

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over 500,000 unites paid for in items such as porcelain, silks, salt, lacquer ware, iron and copper cash. In the 14th century, there was a lively sea trade through the Straits of Malacca. It was Wang Ta-yuan who, while serving the Mongol Empire then ruling in China, gave a detailed description of the Malay Peninsula and Indonesian Archipelago elaborating some of its ports like Oc-ao (at Vietnam), Palembang (at Indonesia), Chaiya (at Thailand), Melaka (now Malacca of Malaysia), Temasek (Singapore’s ancient name) and its facilities and some of the perils of using the Strait. “The inhabitants are addicted to piracy ... when junks sail to the Western ocean, the barbarians allow them to pass unmolested, but when on their return the junks reach Chi-li-men (Karimun, an island lying to the South of the western entrance of the Singapore Strait) then the sailors prepare their armour and padded screens as a protection against arrows, for of a certainly, some two or three hundred pirate prahus will put out to attack them for several days. Sometimes the junks are fortunate enough to escape with a favouring wind; otherwise the crews are butchered and the merchandise made off with in quick time.”⁴

P. Wheatley⁵ describes the efforts by local rulers to extend their control over strategic places and islands along the Malacca, Strait of Johor, and Strait of Singapore, including the Sultan of Malacca, Mazaffar Shah’s efforts to “impose his authority over Singapura (Singapore) and Bentan (Bintan), pirate lairs at the strategic meeting point of the China and Java Seas”. The forceful taking of goods or tributes from vessels plying the waters of South East Asia was one means of support for the maritime states before the era of colonisation begun. During the early colonisation by the Europeans, full control of the trade routes with organised patrolling and maintenance of geo-strategically important naval bases become more important. As colonisation perpetuated into imperialism, the prime objectives become securing naval supremacy and control the sea routes by any means to monopolize the sphere of influence.

Maritime piracy in the Indo-Pacific region dates back in the antiquity with the Wakos of Japan and Polynesian warriors attacking seaside and riverside villages. They used the sea for their hit-and-run tactics – a safe place to retreat to if the battle turned against them. The Orang Lauts were infamous as Sea Gypsies who grew increasingly powerful throughout the 14th to 18th century CE. The effects of large-scale piracy had on the South East Asian were immense. They controlled shipping in the Straits of Malacca and waters around Malay Peninsula, adjoining modern day Malaysia and Singapore.

The Buginese sailors were the ruthless seafarers of South Sulawesi, Indonesia’s 3rd largest island. They were the most powerful as pirates who used to range as far south as Australia and as far north as the Philippines in search of targets for piracy. Locally known as ‘Bugis’, these pirates often plagued early English or Dutch trading ships, namely those of the British East India Company and Dutch East India Company. As Thomas Forest wrote in ‘Voyage from Calcutta’ – “Bugis are a high-spirited seafaring people. They will not bear ill-usage ... they are fond of adventures emigration and capable of undertaking the most dangerous enterprises”. It is even popularly believed that this resulted in the European sailors bringing their fear of the “Bogeyman” back to their home countries.

The Malay and Sea Dayak pirates preyed on maritime shipping in the waters of Straits of Malacca to South China Sea, between Temasek⁶ and Hong Kong from their haven in Borneo.

The pirates operating in various waters of the Indo-Pacific basin preferred the ships using a more robust sail layout. Some of the pirates were marooned navy officers. They set up their fortresses and small gangs near river estuaries, mainly to protect themselves and even

recruited locals as common foot soldiers. These pirates survived by utilizing their well-trained pugilists as well as marine and navigation skills, mostly along Sumatran and Javanese estuaries. They prey voraciously on Chinese, Indian, Arab, and later on European trading, as the Indian Ocean Sea lanes were the vital artery of maritime commerce. Pirate fleets exercised hegemony over villages on the coast, collecting revenue by exacting tribute, and running extortion rackets. Instances show that pirates of this region even sometimes formed a pirate coalition confederacy to combat the royal navy of the respective states, who came to challenge them and their military might alone was sufficient to cripple the state opposition. Their strength and ferocity coincided with the impending trade growth of the maritime silk and spice routes.

The Asian pirates i.e. the Orang lauts, the Bugis, the Malays etc built elegant, ocean-going schooners in which they plied the trade routes. They traded throughout the Indonesian Archipelago and travelled as far as New Guinea, Ari, and Gulf of Carpentaria. Even the Bugis voyages continued until 1907.

Early modern Europe witnessed a fresh upsurge of maritime piracy since the days of Geographical Exploration, pioneered by the Portuguese and the Spaniards. Throughout 16th to 18th century, we have infamous pirates like Blackbeard, Calico Jack Rackham, Henry Morgan, Charles Vane, Henry Avery, Captain Kidd, Red Beard, Bartholomew Roberts including two woman pirates like Anne Bonny and Mary Read. They were more interested in slave trade and the booties from the 'New World' except Barberousse who apart from being a fierce pirate, was also an independent, powerful and frightening adventurer. He was highly glorified by his exploits of papal galleys in 16th century and had laid the foundation of a veritable state at Algiers, based on maritime piracy.

A fresh episode of high sea piracy continued throughout 16th, 17th, and 18th century CE with the advent of the Europeans in the Indian Ocean – the Portuguese was the most ill reputed amongst them. This was mainly the part of slave trade i.e. the ships were to be looted and the cruisers were to be sold as slaves in the coasts of Arab, Africa, and most importantly Europe. The ports at Bengal especially Saptagram on the Bay of Bengal and Madagascar on the Arabian Sea were two infamous which became popular bases and hub for the Portuguese pirates known as the 'Harmad' a word derived from the Spanish-Portuguese word 'Armada'. Their easy target was the pompous Mughal vessels, especially those enroute to Mecca for Hajj and other Indian vessels sailing to the coasts of Arab, Africa, and South East Asia. The situation came to a head, when Portuguese attacked and captured the vessels of Mughal royalty, which led to the Mughal seizure of the Portuguese town Daman.

However, the arrival of the European maritime powers intensified the problems of piracy. Like any other part of the world, for the maritime states of Indian Ocean, it was not only for the territorial gain and resources but also for the control of the seaports, naval access points, trade routes, and connecting channels, and benefits in the tariff rules. The power clash was so obvious. – In the 16th century the Portuguese ships faced attacks by natives "whose legitimate trading activities were curbed by the Portuguese".⁷ In the following century, it was the Dutch and then the British who tried to monopolize their own control over the lucrative East-West trade through the Straits of Malacca and the waters of South China Sea. The superior naval power of the Europeans and the activities of their trading companies tended to push native seamen and traders out of work. As the Europeans, particularly the British in Malay Peninsula managed to increase the tonnage of trade in the Straits of Malacca and two of its side-lanes i.e. Strait of Singapore and Strait of Johor, there was a decline in the native traders' share of the traffic.

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Adventure novels of Emilio Salgari *Sandokan*, *The Pirates of Malaysia*; *The Black Corsair Saga* and *The Pirates of Bermuda* tell the tales of heroes mostly pirates, outlaws and barbarians from a wide variety of Asia-Pacific cultures in exotic locations, fighting against colonial greed, abuse of power, and corruption. Salgari empathized with the cause of the pirates operating in South East Asia during the 18th Century to 19th Century and opposed colonization in his fictions. His most legendary heroes Sandokan - The Tiger of Malaysia, a Bornean prince turned pirate, and his loyal lieutenant Yanez of Gomera, led their men in attacks against the Dutch and British fleets. They declared war on James Brooke, the White King of Sarawak, and tried to force him from his throne. The Black Corsair and Captain Morgan battled against injustice in the Caribbean, while Salgari’s pirates of Bermuda fought for American independence.

Among the fictions Sandokan is the most popular one repeatedly scripted for movies, TV Mini Series, Animated movies etc. which details the story of the brave Sandokan, a young Indian prince, who has lost his kingdom and title as result of the British annexation. He becomes the captain of a den of pirates off the waters of Malaysia and Borneo in the second half of the 19th century and makes constant attacks against British forces.

The precise connection between Malay trade and piracy is unclear however; the problem of piracy in the waters of South East Asia should be examined in specific historical-geographical context. Carl Trocki⁸ has provided a fascinating history of relations between the local Malay rulers and colonial powers in Johor and Singapore between 1784 and 1885. In it, he examines how the traditional sea power of the ancient Johor Kingdom was disrupted, divided, and eventually dispossessed by the Europeans. The local environment of the Malay Peninsula had prevented dense concentration of agricultural peoples, and inhibited the growth of significant land-based political influence. Geography did, however, offer one positive advantage to the skilled maritime peoples of the coasts and islands. International trade routes between China and the West via Arabian Peninsula and Indian Subcontinent were forced to pass through the sieve-like network of islands, shoals, and channels, which make up the Rian-Lingga Archipelago. Likewise, the pattern of the seasonal monsoon made this ‘land below the wind’ a natural stopping place. Trocki observes from different early European data in particular the French, Dutch, British, and Chinese and Malay royal records and charters how the maritime trade of South East Asia and the Indian Ocean has been politicised for the European colonisation and imperial gains. Trocki discusses the significance of the legitimate pursuits of the Orang Laut aka sea peoples who collected presents and port duties from natives and Chinese vessels plying the Straits. “The sea peoples possessed the seas and what floated on them by hereditary feudal right from the Sultan of Johor. So long as their chief held valid title from the Sultan, their patrol activities regarding the trade were a legitimate naval operation.”

It is clear that European efforts to control the traffic and trade in the Straits of Malacca altered the traditional linkages between the sea lords and their followers and undermined the traditional livelihoods of the Orang laut. There was also an important distinction to be made between the groups of Orang laut operating under recognised local chiefs and the ‘perompak’ (Pirates), “the wanderers and renegades who included the hereditary outlaws with no fixed abode.” The Malay definition of ‘perompak’ could also include “temporary bands of outlaws under down-on-their-luck rajas and foreign adventurers.” In contrast, the Europeans defined as piracy any local attempts to disrupt their control on the lucrative East-West trade and acts of violence against vessels that were not sanctioned by them. The term ‘pirate’ and ‘piracy’ must be applied with some sensitivity here, because there is a distinction to be made between

colonial and native perception of piracy. In fact, the British and Dutch who were primarily interested in controlling trade through the Straits of Malacca for their own profit regarded many local commercial disputes at the time as piracy. – The difference between piracy and political activities as far as the Malay's were concerned was largely one of legitimation.

However, 18th century onwards, with the setup of British Indian Empire Sea borne Piracy gave up its way to a more menacing drain of wealth, the Imperialism and British navy ruled the oceans and the seas. Hunted by the French and the English Navy who wished to ensure the safety of navigation, the pirates took to high seas gradually to try to achieve a strong anarchic-nihilistic ideal. They built a solid network, moved up to Guinea, Madagascar, and in the Pacific and few among them managed to attain their ideal of liberty and others failed. – Albuquerque's strategy for establishing control over the Indo-Pacific basin consisted of guarding the entrances to the Indian Ocean – the Persian Gulf from Ormuz, the Red Sea from Socotra, the South African route from the African coast, and the Malacca straits from Melaka. The same strategy was adopted by the British imperial strategists with minor modifications, one of which was the building of a naval base in Singapore.⁹ Since the last quarter of the 18th century maritime piracy subsided due to the Anglo-Dutch-French efforts of colonization – a greater device to control over marine or land resources – sustaining 'Coolie Markets' become more economic than slave trade, resulting in the waning maritime piracy.

Foundation of Singapore in 1819, the subsequent consolidation of British control over the island and the Anglo-Dutch Treaty of London on 17th March 1824, effectively split the Malay world through the Straits of Malacca and Singapore.¹⁰ Under provisions of the treaty, Britain seemed Singapore, Malacca, and some depots in India. In return, Britain ceded to the Dutch all British settlements in Sumatra and withdrew their objection to Dutch occupation of Belitung. While no precise maritime boundary was drawn, the sides had agreed to on their respective sphere of interest and they had identified the islands, which belonged to each. Britain had agreed not to acquire the islands of Karimun, Bintan, Batam and other Riau islands south of Singapore, and the Dutch disclaimed all future interest in possessions in Malaya. A few treaties with the Sultan of Johor on 2nd August 1824 enabled Britain to acquire the whole island of Singapore and its adjacent islets within a radius of 16 km from the coast. In fact, some of the small islands of the Riau Archipelago were less than 10 miles from Singapore, which conflicted slightly the Anglo-Dutch Treaty but this did not lead to any difficulties due in part to the low commercial value the Dutch attributed to Singapore and its immediate vicinity at that time.

One of the most significant implications for local political geography of the Anglo-Dutch Treaty was that it divided the traditional domain of the Temenggong, the local sea lords, who were then unable to pay many of their followers. "The only recourse for these people was to continue in their former occupation on a free-lance basis – they became pirates." Following the Anglo-Dutch Treaty there were many attempts by the British to suppress the problems of piracy, which was partially aided by the British acceptance of Temenggong Ibrahim help. Superior technology, Gunboats, and new large steam-driven vessels did results in a decline in piracy in the later part of the century. Another dimension of this anti-piracy campaign was the elimination of slavery although, success in combating slavery helped to make Singapore the major coolie market of the region because more ships supplying Chinese coolies were able to reach the colony without being raided. By 1885, the British had effectively dispossessed the Temenggongs of much of their power. The British took on the legitimizing and arbitrating function of the former Sultan. In 1885, British Malaya was a maritime state ruled largely from the deck of a ship. This had often been the case before, but this time the difference was

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in the size of the market, the kind of ship, and in the ultimate loyalties of the men who controlled them.

In effect, European trade and colonisation had led to a complete change in the political and economic fortunes of local rulers and peoples. Historians who have been sensitive to local history have been wary of using the term ‘piracy’ because of its derogative connotations offensive to national sentiments. This is precisely because some of these so-called actions were considered nationalistic acts against the invading colonial rulers who deprived them of their legitimate trade, a situation that no longer exists. However, there is no doubt that the issue of piracy, its causes, and how it could be suppressed were topics, which greatly occupied the minds of the Europeans throughout 18th and 19th century.

In this 21st century whenever, we hear the word “Piracy” we quickly associate it with piracy in the cyber space. Indeed, software piracy is a much difficult problem, involving huge losses of revenue annually for the record companies, software developers and other companies in the software and technology industry. However, along with this new form of piracy i.e. software piracies, sea borne piracy do indeed exist. Since 20 years, after a long interlude, maritime piracy has resurfaced on the pelagic waterways of South East Asia and off African Coasts.

In the maritime sense, modern pirates work much like their ancient counterparts i.e. boarding ships for the purpose of taking cargo, kidnapping crewmembers, or taking personal possessions. They overwhelm a ship with a surprise attack so that they can take goods, which would be valuable to them, ranging from shipments of cash to products that can be traded or sold. Fewer than 300 pirate attacks occur each year, primarily in the Indian and Pacific Ocean, but these attacks target valuable cargoes, generating significant interruptions of revenue. Some have resulted in prolonged military stand offs, with pirates taking control of a ship and refusing to release it until their demands are not met. They are a bit different from the pirates of yore. Historically, pirates sailed continuously, regularly taking over newer and better ships to pursue prey. Modern pirates, however, live ashore, mounting missions in speedboats and other rapid craft to attack ships as they near shore. Pirate attacks are especially common around tropical atolls and island clusters, where it is difficult for ships to stay away from shore, making them vulnerable to pirate attacks. Modern pirates strike at night, knowing that they will be difficult to see in the darkness, using grappling hooks to board the ship. Some ships have expensive lighting systems, which regularly sweep their sides and decks to deter pirates, but it is difficult to keep modern pirates off huge ships, since lights and crewmembers cannot be everywhere at once.

Pirates tend to target large cargo and tanker ships, because these ships are often minimally crewed. Heavy automation of shipboard functions allows companies to cut down radically on crewmembers and the resulting small crew is easy to overwhelm by force, especially with weapons like grenade and machine guns. Once pirates gain control of the ship, they may attempt to ransom the whole ship, or they may steal cargo, the contents of the ship’s safe, and the personal possessions of the crew. Crewmembers may also be held as hostages for ransom of safe passage for the pirates.

The goal of modern pirates has not changed much since the Golden age of piracy, but the methods of attacking ships have. Modern pirates are armed with weapons such as RPG-7, a low cost, highly effective missile launcher, which can cause great damage to a vessel. This is a very convincing weapon, which in many cases allows the pirates easy access to vessels, as

merchants do not choose to retaliate. Piracy is carried out for the cargo aboard ships, which are sometimes either sunk or retrofitted so that they cannot be identified. These 'ghost ships' are used to carry out additional pirate attacks and move illegal goods globally. Their owners eventually recover most of these ships. Two favourite targets of pirates are super-tankers or very large crude carriers. Ships designed to amount of expensive cargo. These ships are slow moving and therefore have a limited staff to defend against pirates. Several major shipping companies have begun implementing measures to try and counteract piracy, but these measures are sometimes countered from within by mutinies and takeovers carried out by the staff of the ship. Murder of crewmembers has been known to happen, with death by piracy an unfortunate fact for some merchant mariners. Pirates also attempt attacks on cruise ships and sail boats for the lucrative cargo within. Some cruise ship passengers carry thousands of dollars, intended to last for the duration of a sometimes-lengthy trip. Confronted with armed pirates most passengers will surrender money and personal goods. Successful cruise ship attacks are rare, thanks to well-trained crew who act quickly to prevent piracy.

Pirates are especially common in those areas where unstable local government have resulted in a power vacuum that is easily filled by pirates. Some nations also experience quasi-military piracy attacks on ships carried out by desperate members of the national military who are not making enough money to survive. Using military equipment, uniforms and credentials, these pirates can gain access to a wide variety of ships and loot them. In this case, pirates usually attack small personal vessels that are easy to assault.

Piracy tends to be under reported, due to the way in which marine insurance policies are written. Most companies will report the ship as lost to collect insurance, rather than captured by pirates. Some insurance companies are cooperating with major shipping companies to embed stolen ship recovery system radar, aimed at tracking and preventing hijackings or at least recovering stolen ships. – One of such system is known as 'LoJack system'.¹¹

What many people are not aware of is that modern piracy on the high seas costs the global economy billions of dollars. Map 1 shows the global bottleneck inflicted by maritime pirates.

Sarkar, Sreemoyee. “*Historical Dimensions of Piracy as a Maritime Crime*”

Map 1: Piracy Prone Regions of the World

📍 = Attempted Attack 📍 = Boarded 📍 = Fired upon 📍 = Hijacked 📍 = Suspicious vessel



[Map not in scale]

Source: Imagery © 2012 TerraMetrics, Nasa Europe Technologies, International Maritime Bureau, Report 2014.

Some regions of the global ocean are deemed extremely dangerous. This includes two chief marine traffic routes belonging to the Indo-Pacific region i.e. the waters surrounding South China Sea and Straits of Malacca affecting Indonesia, Malaysia, Vietnam, Singapore, Philippines etc. and Gulf of Aden and waters off Somalia. Here the piracy attacks number in the hundreds annually, according to the international Maritime bureau. Map 2 shows how the Indo-Pacific region is being disturbed by maritime piracy and the concerns arising out of this mal-development affecting regional and international trade and economic growth of the region.

Map 2: Maritime Piracy Affected Areas of Indo-Pacific Basin

[Map not in scale]

Source: Imagery © 2012 TerraMetrics, Nasa Europe Technologies, International Maritime Bureau, Report 2014.

For example, in April 2008, pirates seized control of the French luxury yacht *Le Ponant* carrying 30 crewmembers off the coast of Somalia. The captives were released on payment of a ransom. The French military later captured some of the pirates, with the support of the provisional Somali government. On June 2, 2008, the United Nations Security Council passed a resolution enabling the patrolling of Somali waters following this and other incidents. The Security Council resolution provided permission for six months to states cooperating with Somalia's Transitional Federal Government to enter the country's territorial waters and use all necessary means to stop piracy and armed robbery at sea in a manner consistent with international law.¹² In September 1998, a group of armed pirates, killed a fisherman in Bohayan Island in took his boat and robbed other fisherman. A gun battle followed with pursuing police but the pirates escaped into international waters.¹³

A variety of measures however have been taken to combat modern piracy, ranging from increasing police and military presence in regions prone to piracy in installing tracking devices in ships so that deviations in scheduled course can be immediately identified. Some ships sail with a security team, especially around piracy-prone regions like Somalia, South China Sea, and major shipping companies pay large insurance premiums to ensure that pirated cargo can be reported.

What many people are not aware of is that modern piracy on the high seas costs the global economy billions of dollars. Some regions of the global ocean are deemed extremely dangerous including the waters surrounding Indonesia and Somalia. Piracy attacks number in the hundreds annually, according to the International Maritime Bureau. However, there is a

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long history of maritime piracy, with some areas of the Indo-Pacific basin are being targeted more than others. Map 3 shows the straits of Indo-Pacific basin inflicted by maritime pirates. Such locations as the Straits of Malacca near South East Asia and Indonesia, as well as the coastal areas off the Horn of Africa near Somalia tend to be targets for Sea borne piracy. In these locations most maritime piracy incidents involve merchant ships, though there have been cases of attacks on cruise ships and personal watercraft.

Map 3: Straits of Indo-Pacific Basin



[Map not in scale]

Source: *Self-Highlighted Map of Indian Ocean, National Atlas and Thematic Mapping Organization (NATMO).*

In the present decade, sea-borne piracy as an activity began to be growing threat in the year 2000, with a 60% increase in pirate attacks over the year before. Increasing global instability contributes to the threat of piracy, with a limited number of nations beginning to take steps against the pirates infesting their coastal waters. Several global bodies monitor piracy, including the International Chamber of Commerce, which also provides suggestions for avoiding and repelling pirate attacks. However, efforts to combat maritime piracy are always in place though the task is never a simple one, due to legal and strategic reasons. Piracy laws can be difficult to enforce because of the international aspects of the crime. In fact, there is a fine line between what some experts consider to be terrorism and this alone makes maritime piracy a complicated issue. Regardless of how people define piracy, the act of hijacking and robbing ships and other water craft causes companies to lose money and sometimes innocent lives as well. Maritime piracy, though often glamorized in the entertainment industry, is in

fact a complex international crime. Regardless of technical advances, piracy continues to be one type of crime that has withstood the test of time and the efforts of many nations that want to see it end. Piracy and terrorism both are unwelcome forms of human/inhuman behaviour. As such, there can be no reason why, when these acts are committed against innocent bystanders going about their normal business, the perpetrators should not be treated with the disrespect that they would equally inflict on their victims. This jurisdiction does not preclude states from exercising jurisdiction on admiralty and maritime matter under certain circumstances. The states, however, must apply federal law to disputes involving admiralty and maritime law.

¹ Peter T. Leeson, *The Invisible Hook*, Princeton University Press, US, 2009.

² *Ibid.*

³ Piracy Timeline available at http://pirateshold.buccaneersoft.com/pirate_timeline.html. (Accessed on 7 February, 2014)

⁴ For details, see *Singapore Tatter*, Singapore, December 1983 available at www.iseas.edu.sg/Open Access Books.jsp. (Accessed on 20 March, 2013)

⁵ P. Wheatley, *The Golden Khersonese*, Kuala Lumpur, Penerbit University: Malaysia, 1980.

⁶ Ancient name of Singapore.

⁷ For details, see *Asean Forecast*, Singapore, 1984, available at www.iseas.edu.sg/Open Access Books.jsp. (Accessed on 20 March, 2011)

⁸ C.A. Trocki, *Prince of Pirates: The Temenggongs and the Department of Johor and Singapore, 1784-1885*, Singapore University Press, Singapore, 1979.

⁹ K. N. Chaudhuri, *Trade and Civilisation in the Indian Ocean: An Economic History from the Rise of Islam to 1750*, Cambridge Paperback Library: UK, 2006.

¹⁰ The Anglo-Dutch Treaty of London (1824) provided for the recognition of the Britain's position in Singapore and Malacca was given back to the British, and the Dutch promised to make no treatise with the Sumatran states and withdrew from Benkulen. The Dutch recognition of the British settlement of Malaya meant that the British were less dependent on making compromises with the native chiefs.

¹¹ The core of the LoJack Stolen Vehicle Recovery System is a small, silent radio transceiver that is clandestinely installed in a vehicle, or a water vessel. The name LoJack was coined to be the antithesis of hijack, wherein hijack refers to the theft of vehicle, Air or Water Craft through force; the LoJack stolen vehicle recovery system is an aftermarket vehicle tracking system that allows vehicles to be tracked by police. This can represent the loss of millions of dollars to a shipping company.

¹² *UN maritime agency welcome Security Council action on Somalia piracy* available at <http://www.un.org/apps/news/story.asp?NewsID=26893&Cr=somalia&Cr1>. (Accessed on 6 March 2011)

¹³ *British Broadcasting Corporation* (BBC), World, UK, 1998, available at news.bbc.co.uk. (Accessed on 2 June, 2011)