

Defining 'piracy', and the cost of our image

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MARITIME piracy is an international problem that disrupts shipping lanes, the world economy, and the safety and security of crewmen and ship owners. Piracy continues to be a type of crime that has withstood the test of time, despite the many efforts made to end the phenomenon.

It not only increases shipping and manufacturing cost, due to the rerouting of ships, but also has the potential to destroy large parts of the sea environment.

However, considering the economic and human cost of "piracy," it has become a great concern since piracy-prone zones and countries are being listed as high-risk areas for international trade, human mobility and maritime security.

In Bangladesh, we should take utmost caution in writing about piracy involving the legal aspects of it. If our press and contributors of the newspapers consider it appropriate to continue citing unsubstantiated facts, without adequately studying the legal aspects about the term and occurrences of piracy, Bangladesh might continue to face serious consequences in terms of trade and the image of the country; as Bangladesh was previously listed in the "High Risk Piracy Prone country."

In 2006, the International Maritime Bureau (IMB) labelled the Chittagong port as "the most dangerous port in the world," writes Samuel Pyeatt Menefee in the *Newport Paper*, "There is very little empirical data regarding Bangladeshi piracy, but press accounts reveal a richer vein of attacks than might be suggested by the published maritime reports of thefts from vessels at Chittagong and Mongla," he notes further.

Law of the Sea Convention (LOSC) 1982 or 1958 defines piracy as an act of violence committed in the high seas, meaning beyond 200 nautical miles from the coast. The "high seas" element of the LOSC definition

lations, the words piracy/pirates immediately translates to *jaladasshuta/jaladasshu*.

These incidents recorded in Bangladesh takes place within the port areas/outer anchorages and, therefore, cannot be termed under international law as 'piracy.' Piracy is an offence under International law but in the Bangladesh Penal Code, there is no offence termed as such. Section 390 stipulates this type of offence as 'robbery'/'armed robbery.' So an offender can only be put on trial in Bangladesh as robbers at sea.

It can be categorically stated that there has not been a single incident of piracy in the high seas of Bangladesh and not a single incident reported by IMB would be considered as a piracy under the international law. The ReCAAP report has mentioned that the ship's crew, while at anchor in the outer anchorage of Chittagong, often engage themselves in the barter trade during dark hours -- small boats come alongside the ships for trading fresh provisions like fish, meat and vegetables in exchange for items such as mooring ropes, drums of paint, lubricant oil etc.; commonly carried out in connivance with the ship's crew.

Even the IMB and ReCAAP termed these incidents as theft/armed robberies at sea, whereas we are advocating them to be termed as piracy. Is there any legal basis for such claim? This is seriously damaging for our image as well as the shipping economy.

Just compare these incidents with those of the Somalian pirates who take over an entire ship and ask for some 5/6 million dollar ransom. If we look at the number

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ment of local watchmen is compulsory, who are to be paid about US\$3 for 12 hours of duty. Most of the ships reporting piracy are not even willing to deploy local watchmen onboard their ships.

More than 2,500 merchant vessels visit Bangladeshi ports every year and a dozen petty theft incidents, compared to the total number of ship visited, should not be considered alarming by any standard. Four incidents of robbery reported in 2013 have been investigated and found to be based on false reports/late reports. In one case the coast guard ship on patrol, stationed 10 minutes

away, was informed about the incident a good hour later.

Even the *Economist* as reproduced below did not mention Bangladesh waters as the piracy hotspots.

While it cannot be denied that some incidence of robbery do take place in our ports, the IMB for the first time in 20 years has removed Bangladesh from their List of High Risk Piracy prone countries in January 2012. IMB mentioned that "Attacks in Bangladesh have fallen significantly over the past few years because of the efforts by the Bangladesh Authorities." They have also added in their situation report, "Bangladesh (Chittagong anchorages and approaches): Robbery incidents have decreased. However, in the past, robbers have targeted ships at anchor or preparing to anchor and stolen ship stores."

Similarly the ReCAAP also reported in their website: "In South Asia, the improvement was most evident in the Arabian Sea and Bangladesh. No incident was reported in the Arabian Sea in 2012, and the lowest number of incidents was reported in Bangladesh in 2012 compared to the past four years (2008-2011). The ReCAAP commends the actions undertaken by the Indian and Bangladeshi authorities in their surveillance and anti-piracy efforts carried out in the area."

The above reports are testimony to what has been said so far and, not only that, due to this improvement the insurance costs of goods coming to our ports have also fallen by about 25%.

The vast majority of lower-end armed robbery is largely motivated by poverty and disenfranchisement that afflicts vulnerable targets like fishermen. In times of economic hardship robbery at sea/piracy is still viable for some traditional maritime peoples especially fishers' loosing income.

Economic duress also makes impoverished fishermen more vulnerable and may turn to piracy. Piracy will continue as long as poverty and unemployment persist. All maritime piracy begins and ends on land. Whether they are poor seafarers or fishers, pirates are recruited and based on shore.

Whatever is taken at sea eventually arrives at a port. Hence, effective anti-piracy measures need more than maritime security measures; they also need close coordination with national law enforcement authorities ashore.

The coast guard of Bangladesh is doing an excellent job within their limitation of capacity vessels and manpower. While the law enforcers and port authorities must continue to take appropriate measures to curb incidence of robbery at sea or any other criminal incidence of killing innocent fishermen and should not find shelter under the garb of definition, it is also expected that media/contributors would equally respect the procedures adopted by reputable organisation as per international legal definition and Bangladesh penal code before publishing any incident as piracy which is, in reality and legally, a 'robbery' or 'theft.'

There is no point in strictly following the Bangla dictionary without taking into account the legal recourse provided for such offence. Proper evaluation of incidents and use of internationally accepted legal terminology will only help Bangladesh to remove image of a piracy-prone country; thereby helping reduce the cost of shipping business in Bangladesh.

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BINOD BIHARI CHOWDHURY The legend has gone



UDAY SANKAR DAS

BINOD Dadu, as we used to call him, was an out-and-out revolutionary till his last day. The last of the living icons of the anti-British independence struggle, Binod Bihari Chowdhury breathed his last at a Kolkata hospital last Wednesday.

A close associate of Masterda Surya Sen, Binod Dadu took part in a number of movements and raids in the anti-British youth revolution in 1930. Under the leadership of Ananta Singh and Ganesh Ghosh, he took part in the armory raid in the Chittagong Police Line.

He was a valiant fighter in the Battle of Jalalabad against the British, when for four days the young fighters had kept Chittagong isolated and liberated from the rest of British India. Binod Dadu was at the time on the wanted list by the British, and in order to escape from their wrath he had gone underground; and after moving from one place to another he finally took refuge in Dhaka.

When the police got the information about his whereabouts, he returned to Chittagong but was arrested in 1933. Although he served a jail sentence from 1933 to 1938, he passed his graduation examinations with distinctions. In 1939, he completed his Masters in English and had also obtained a degree in Law.

After beginning his career as a journalist, he also at the same time joined the Chittagong Bar. But neither of these professions could attract him, and he never felt at ease. He later joined the Indian National Congress, and during the Quit India movement was again sent to prison for various terms.

In 1947, after the partition of India, many of Dadu's co-fighters opted to leave the country but, being the true patriot that he was, Dadu was totally committed to his birthplace and thus he had strengthened his roots in Chittagong further.

In erstwhile Pakistan, he was active in the Language Movement in 1952 along with various other political struggles; including the Mass Movement in 1969.

Binod Dadu had always remained a man true to his ideals. He left his professions in journalism and law, and found more pleasure and satisfaction in teaching students at his home. He was eloquent in both English and Bangla. His task was "to create an enlightened youth."

My younger brother, Kaushik, being a student of his often mentioned how Dadu would tell many stories about his encounter with Masterda -- their meetings, their operations and so on. The students would listen to him in pin-drop silence at his house in Kadam Mubarak in Chittagong. Didimoni would come and scold him for such distractions, but his students would rather listen to his stories than learn about Bangla grammar.

Binod Dadu's ideal was human welfare. He was a patriot in all sense of the term, and that is why whenever there had been an issue involving common people he was seen taking his place in the front row.

Even when he was in his eighties, Dadu's voice had the power and boldness of youth. There was no mincing of words and he was true to his beliefs.

I had the rare honour and privilege to do an extensive interview of his for the Bangla section of BBC World Service Radio. I still remember introducing him as "a young man who has now entered into his 80s."

He never believed in luxury and lived his life in a tin-roofed house in a narrow alley off Momin road in Chittagong. Despite winning many awards, including the Shadhinata Padak in 2000, he never changed his way of life. He remained steadfast to his ideals and beliefs throughout.

A glaring example of his love for his birthplace should also be mentioned: When his health was failing and he was being taken to Kolkata for treatment, he told his relatives that his last rites should be held in his hometown, Chittagong.

How befitting that this true son-of-the-soil's last wish has been fulfilled with full national honours.

Binod Dadu has left us all, but his ideals, thoughts and way of life will always remain as true examples to be followed by the generations to come.

In Tagore's words, Dadu would be saying:

*"The day has dawned and the lamp
That lit my dark corner is out.
A summons has come
And I am ready for my journey.
My salutation to you all."*

Binod Dadu, our salutations to you. We shall never forget you.

The writer is a former BBC journalist.

	2003	2005	2006	2007	2008	2009	2010	2011	2012
Indonesia	121	79	50	43	28	15	40	46	81
Malacca Strait	28	12	11	07	08	11	05	12	08
Malaysia	05	03	10	09	10	16	18	16	12
Bangladesh	58	21	47	15	18	18	23	10	11
India	27	15	05	11	10	12	05	06	08
Gulf of Aden	18	10	10	13	92	117	53	37	13
Somalia	03	35	10	31	19	80	139	160	49

of piracy may apply best to the Somali piracy, but has a severe limitation on the South Asian and Southeast Asian sea robbery/piracy.

The IMO also defines offenses of similar nature committed in the near shore area as "armed robbery." The International Maritime Bureau (IMB) now accepts both the LOSC and International Maritime Organization (IMO) definitions; ignoring their own classification that had previously been used for a long time.

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) follows the LOSC and IMO bipartite definition of piracy as well. The International Chamber of Shipping, however, differentiates between 'petty theft,' 'armed robbery' and 'hijacking.'

Unfortunately the media here has, too, been referring to these incidents of theft or robbery as 'piracy' and terming the offenders as 'pirates,' because the Bangla dictionary describes offences taking place in the waters as *Jala-dasshuta* (*Jala* meaning water, *Dasshuta* meaning acts of theft). So when the correspondents/reporters search for the English to Bangla trans-

of incidents given in the IMB report from 2003-12, then it can be seen that figures quoted (2000) in *The Daily Star* article are nowhere near the truth. To be honest if we add up the figures of piracy of all the seas in any year it would not reach anywhere near that figure.

From the table, it can easily be deduced that even the better economies of the region with much more capable naval and coast guard powers could not eliminate the menace of robbery at sea or piracy.

Most of these reported incidents in Bangladesh have been investigated and, unfortunately, ships did not report many of incidents to the coast guard or the port authority. Instead masters of these ships had reported those incidents to the IMB reasons best known to them.

It is now well established that the ship's crew do sell/barter the stores/property with boat people and to regularise theirs ships stores' account, they show these as stolen and report to IMB without even informing the local authorities.

It is also surprising that the reports are normally made well after the incidents take place, thus revealing their ill intention. In the Chittagong port, the employ-

POLITICS OF CLIMATE CHANGE

Bangladesh takes centre stage



SALEEMUL HUQ

DURING April, Bangladesh will be taking centre stage on a number of aspects in tackling global climate change: the first of such events took place as Bangladesh hosted the Cartagena Dialogue held in Dhaka on April 8 and 9, and the second will be the 7th International Conference on Community Based Adaptation (CBA7), which will take place from April 22 to 25.

Cartagena dialogue for progressive action

This is a group of both developing and developed countries, now numbering over 40 nations, which was set up a few years ago in Cartagena, who have pledged to take progressive action on tackling climate change since the consensus based United Nations Framework Convention on Climate Change (UNFCCC), with nearly 200 countries, was moving too slowly.

Bangladesh has become the latest country to host the Cartagena Dialogue, and the meeting reaffirmed the commitment of all its member countries to become more pro-active in tackling climate change both at home as well as at the global level.

It is expected that this will inject some sense of urgency in the UNFCCC talks at the next conference on parties (COP19) to be held in Warsaw, Poland in December.

This meeting was organised jointly by the ministry of foreign affairs as well as the ministry of environment and forests, thus ensuring good cooperation between two key ministries which are both important in climate change diplomacy.

CBA7

The second event of significance is the 7th International Conference on Community Based Adaptation (CBA7) which is expected to attract well over 200 international delegates from around the world and will be inaugurated by Prime Minister Sheikh Hasina with Mary Robinson, the former President of Ireland, as the keynote speaker on the closing session.

This is an annual conference organised jointly by the International Institute for Environment and Development (IIED) based in the United Kingdom and the Bangladesh Centre for Advanced Studies (BCAS). The 6th conference (CBA6) was held in Hanoi, Vietnam in April 2012 and attracted around 250 international delegates from around the world.

Community Based Adaptation (CBA) is a growing

area of interest globally as it focuses on the poorest and most vulnerable communities around the world and how to empower them to adapt to the adverse impacts of climate change. The theme for this year's conference is: "Mainstreaming CBA into national and local development planning" and it is likely to bring a much larger number of delegates from national and local governments than in the past.

The significant aspect of this meeting is that although it is organised by civil society organisations, it has a strong support from the Bangladesh government, therefore demonstrating the close working relationship between government and civil society in addressing climate change.

These events reflect the growing role that Bangladesh is taking as a leader in tackling such a prime issue, both at the governmental as well as at the civil society level. It also demonstrates to other countries the close working relationship in Bangladesh between all relevant ministries within the government.

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