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MULTILATERAL AND MINILATERAL PERSPECTIVES ON PIRACY AND ARMED ROBBERY AT SEA

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I.   ABSTRACT

Piracy and armed robbery at sea remain persistent threats to international shipping and coastal security. Under international law, piracy is defined in UNCLOS Article 101 as violent acts at sea outside any State's jurisdiction, whereas "armed robbery against ships" refers to similar crimes within a State's waters. This paper examines how the global community (multilateral) and regional groups (minilateral) address these crimes, with an emphasis on Indian law and policy. The analysis first outlines the international legal framework (UNCLOS, IMO, UN Security Council resolutions, the Contact Group on Somali piracy) that obliges states to cooperate in suppression of piracy. It then surveys multilateral institutions and operations (UNODC, IMO codes, EU NAVFOR "Atalanta", NATO Ocean Shield, Combined Task Forces, etc.) that implement counter-piracy measures. Next, it reviews regional/minilateral initiatives: in the Indo-Pacific (the ReCAAP information‑sharing centre in Singapore, the Malacca Straits Coordinated Patrols (MALSINDO), and the Indonesia-Malaysia-Philippines Trilateral Cooperative Arrangement), in the East African/Indian Ocean (Djibouti Code of Conduct 2009, Jeddah Amendment 2017, regional fusion centres), and in West/Central Africa (Yaoundé Code of Conduct 2013, bilateral patrols like Nigeria-Benin "Operation Prosperity", Gulf of Guinea information-sharing centers). The paper highlights India's role – noting that until recently Indian courts lacked jurisdiction over pirates beyond 12 NM, which led to the Maritime Anti-Piracy Act, 2022. This law criminalizes piracy on the high seas and extends Indian jurisdiction to the EEZ, aligning domestic law with UNCLOS obligations. The analysis finds that multilateral frameworks provide comprehensive legal norms and broad coordination but often lack enforcement on the ground; minilateral/regional cooperation (e.g. joint patrols, intelligence‑sharing) has been more agile in specific waters. However, gaps remain in capacity and implementation. The paper

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concludes with recommendations to strengthen information-sharing, harmonize national laws (as India has done), build coastal state capacity, and deepen both global and regional partnerships to suppress maritime crime effectively.

II.   KEYWORDS

Piracy; armed robbery at sea; maritime security; UNCLOS; IMO; regional cooperation; minilateral cooperation; maritime law; India

III.   INTRODUCTION AND RESEARCH PROBLEM

Piracy and armed robbery against ships are perennial maritime crimes. Under the UN Convention on the Law of the Sea (UNCLOS 1982), piracy is defined as any violent act committed for private ends on the high seas or outside any state's jurisdiction. By contrast, armed robbery at sea (an IMO-defined term) covers similar violent depredations occurring in a state's territorial or archipelagic waters. Both endangered lives threaten trade (especially vital sea routes) and undermine security. According to the ReCAAP Information Sharing Centre's 2024 Annual Report, there were 107 reported incidents of piracy and armed robbery in Asia from January to December 2024, indicating that contemporary risks persist. Similarly, while Somali piracy has largely declined since its 2008–2012 peak, the Gulf of Guinea continues to record incidents, showing that no region is immune.

The research problem lies in bridging legal and operational gaps between these crimes' international and regional dimensions. UNCLOS makes piracy a crime of universal jurisdiction, obliging all states to cooperate in its repression. But armed robbery, happening in a coastal state's waters, is conventionally the coastal state's responsibility. This dual regime creates jurisdictional complexities.[2] Moreover, while multilateral regimes (UN, IMO) establish norms, effective action often depends on minilateral/regional cooperation among nearby navies and agencies. This raises

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[2] 'Legal Framework for the Repression of Piracy Under UNCLOS'
<https://www.un.org/depts/los/piracy/piracy_legal_framework.htm> accessed 4 September 2025.

questions: How do these layers of cooperation operate? Is a broad UN framework sufficient, or are smaller coalitions key? And how has India, as a major maritime state, navigated these issues through law and partnerships?

This paper aims to analyze the multilateral and minilateral approaches to maritime piracy and armed robbery, with a focus on legal obligations and operational initiatives. It will identify gaps and suggest ways to enhance the collective response to these transnational maritime crimes.

A. Research Objectives

1. To examine specific provisions of UNCLOS (Arts. 100–107) and IMO guidelines relevant to piracy and armed robbery, along with UN Security Council resolutions addressing these crimes.

2. To survey multilateral efforts (global treaties, UN-led initiatives, naval coalitions) and assess their enforcement effectiveness against piracy/robbery.

3. To review and compare regional/minilateral mechanisms (e.g. joint patrols, codes of conduct like Djibouti and Yaoundé, ReCAAP, MALSINDO) across Asia-Pacific, Indian Ocean, and Africa.

4. To critically assess India's domestic legal response, particularly the Maritime Anti-Piracy Act, 2022, and evaluate its bilateral and multilateral cooperation efforts.

5. To identify challenges and propose actionable, cost-assessed recommendations for enhancing anti-piracy cooperation globally and regionally.

B. Research Questions

1. How do the international legal definitions under UNCLOS and IMO instruments shape enforcement jurisdiction over piracy and armed robbery?

2. How effective have multilateral institutions and agreements (UNCLOS, UN resolutions, IMO codes) been in prosecuting and deterring piracy in practice?

3. What enforcement strategies and limitations characterize regional (minilateral) arrangements, and how do they complement or conflict with global frameworks?

4. How has India's Maritime Anti-Piracy Act, 2022, and its bilateral agreements enhanced its role in multilateral and regional counter-piracy efforts?

5. What are the persistent jurisdictional, operational, and coordination challenges in combating piracy, and how can they be addressed?

C. Research Hypotheses

1. **H1:** While comprehensive multilateral legal frameworks against piracy exist (e.g. UNCLOS obligations), practical enforcement relies heavily on regional/minilateral cooperation.

2. **H2:** Regional codes and joint patrols (minilateral initiatives) have effectively reduced piracy incidents in their areas, complementing but not fully substituting global efforts.

3. **H3:** India's enactment of specific anti-piracy legislation aligns its domestic law with UNCLOS obligations and enhances its capacity to prosecute piracy.

4. H4: A combination of clearly defined international norms (e.g., UNCLOS obligations, IMO codes) and agile regional partnerships (e.g., trilateral patrols, codes of conduct) will prove most effective in suppressing piracy and armed robbery at sea.

D. Research Methodology

This study adopts a doctrinal legal research approach, analyzing primary legal texts (UNCLOS, national laws) and secondary sources (scholarly articles, official reports). It includes:

1. **Treaty and Legal Analysis:** Examining UNCLOS provisions and IMO/UN instruments defining piracy and state obligations.

2. **Case Studies:** Reviewing key multilateral and minilateral initiatives (e.g. ReCAAP, Malacca patrols, Yaoundé Code) through official reports and expert analyses.

3. **Literature Review:** Synthesizing existing academic and policy literature on maritime security to contextualize findings.

4. **Policy Review (India):** Analyzing India's Maritime Anti-Piracy Act and government statements to assess India's legal and strategic approach.

The research draws on open sources (UN documents, IMO publications, think-tank articles) and uses them to support the analysis.

E. Literature Review

Literature underscores a layered approach to maritime security. Bueger (2015) and others note that while UNCLOS provides the "overarching legal framework" against piracy, successful repression also requires operational cooperation. Several studies highlight information-sharing centres and regional codes: for example, the ReCAAP information-sharing centre in Singapore (established under the 2006 ReCAAP Agreement) has been vital for East Asian states. Similarly, analysts describe the 2013 Yaoundé Code of Conduct as West/Central Africa's "most ambitious regional initiative" against piracy, even though it is voluntary and non-binding. Recent commentaries emphasize that minilateral cooperation (trilateral or small-group agreements) has become more prominent: Geo Dzakwan (2025) observes that Indonesia, Malaysia and the Philippines rely on their Trilateral Cooperative Arrangement (TCA) for the Sulu/Sulawesi Seas.

In India, policy briefs note a historic gap in law: before 2022 Indian courts generally lacked jurisdiction over acts of piracy outside 12 nautical miles. This gap led to calls for new legislation, culminating in the 2022 Maritime Anti-Piracy Act, which explicitly implements UNCLOS obligations. Experts argue that India's new law, in conjunction

with its SAGAR ("Security and Growth for All in the Region") policy, signals a proactive role in maritime security. However, some commentaries caution that enforcement and coordination remain challenges without sustained capacity-building in littoral states.

F. Research & Analysis

1. International Legal Regime (UNCLOS and IMO)

The foundation is UNCLOS 1982, which defines piracy and sets state duties. Article 101 defines piracy as acts of violence on the high seas or outside any State's jurisdiction. UNCLOS further allows any state to seize pirate ships on the high seas and arrest pirates.[3] Since 2009, scholars and policymakers emphasize UNCLOS's "coordinated response" framework: the UN reaffirms that countering piracy requires cooperation under UNCLOS.[4] In practice, UNCLOS obliges states to either prosecute pirates captured on the high seas or extradite them to another state (Arts. 100–107).

By contrast, "armed robbery at sea" (as defined by the IMO) is not a term in UNCLOS; it is used to describe comparable crimes *within* a coastal State's waters.[5] As such, UNCLOS leaves enforcement of such local incidents primarily to the coastal State. To address this gap, the International Maritime Organization (IMO) issued guidance and codes (e.g. Assembly Resolution A.1025(26) on piracy/robbery in 2009), but enforcement remains uneven.[6]

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[3] Jagdish Wamanrao Khobragade and others, 'The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study' (2021) 5 Journal of International Maritime Safety, Environmental Affairs, and Shipping 208 <https://www.tandfonline.com/doi/full/10.1080/25725084.2021.2006462> accessed 4 September 2025.

[4] Gabriela A Oanta, 'The Presence of International Organizations in the Evolution of the International Law of the Sea: Thirty Years since the Entry into Force of UNCLOS', *The Presence of International Organizations in the Evolution of the International Law of the Sea* (Brill Nijhoff 2025) <https://brill.com/display/title/56438> accessed 4 September 2025.

[5] Jing Jin and Erika Techera, 'Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Anti-Piracy Legal System for Community Interests' (2021) 13 Sustainability 7268 <https://www.mdpi.com/2071-1050/13/13/7268> accessed 4 September 2025.

[6] Brian Wilson, 'The Turtle Bay Pivot: How the United Nations Security Council Is Reshaping Naval Pursuit of Nuclear Proliferators, Rogue States, and Pirates' [2018] SSRN Electronic Journal <https://www.ssrn.com/abstract=3329212> accessed 4 September 2025.

Notably, UNCLOS itself does not criminalize piracy – it merely mandates cooperation. To fill this, many states (and IMO encouraged states) are urged to enact domestic anti-piracy laws. This point is underscored in the literature: states must "criminalize piracy under their domestic law" as called for by the UN Security Council. India's recent law (discussed below) is a direct response to this UNCLOS/UN requirement.[7]

2. **Multilateral Responses and Institutions**

At the **global level**, the UN, IMO and ad hoc coalitions play key roles:

- **United Nations Security Council (UNSC):** Since 2008, the UNSC has passed numerous resolutions on piracy off Somalia (e.g. Resolutions 1846, 1851, 1918, etc.). These authorized international forces to pursue pirates even into Somali territorial waters and encouraged prosecution.[8] In 2009, UNSC Resolution 1851 formally established the Contact Group on Piracy off the Coast of Somalia (CGPCS), a forum for over 60 countries and organizations to coordinate counter-piracy efforts. The UN Department of Political Affairs reports that CGPCS meets regularly to align naval operations, legal measures, and development aid. The UN also created a Trust Fund (2010) to support piracy prosecutions in East Africa.[9]

- **IMO (International Maritime Organization):** IMO serves as the UN's specialized agency for shipping. It has issued codes of practice defining incidents (which include our definitions) and compiled piracy statistics. IMO has also helped facilitate regional agreements (see below). Importantly, IMO Resolutions and Circulars (e.g. MSC.1/Circ. 1334) provide guidance to ships

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[7] 'Contact Group on Piracy off the Coast of Somalia (CGPCS) WG 5' <https://www.imo.org/en/mediacentre/secretarygeneral/pages/contact%20group%20on%20piracy%20off%20the%20coast%20of%20somalia.aspx> accessed 4 September 2025.

[8] 'Somalia: Security Council Adopts Resolution to Keep Pirates at Bay | UN News' (3 December 2021) <https://news.un.org/en/story/2021/12/1107192> accessed 4 September 2025.

[9] UN Security Council (63rd Year: 2008), 'Resolution 1851 (2008) /: Adopted by the Security Council at Its 6046th Meeting, on 16 December 2008' <https://digitallibrary.un.org/record/643822> accessed 4 September 2025.

on reporting and deterring piracy. IMO's annual reports and initiatives have kept piracy on the global agenda.[10]

- **International Naval Coalitions:** In practice, counter-piracy has been enforced by coalitions of willing states. For example, the EU launched Operation Atalanta (EU NAVFOR Somalia) in Dec 2008, deploying warships to protect humanitarian shipping and deter Somali pirates. NATO's Operation Ocean Shield (2009–2016) likewise contributed naval assets. The Combined Maritime Forces (a U.S.-led coalition with a dedicated Task Force 151 for piracy) also patrol the Indian Ocean. These naval coalitions embody multilateral action: under UNSC mandates, dozens of nations' ships cooperated at sea, sharing radar data and even hot pursuit of pirate skiffs. As studies note, while naval patrols do not end piracy permanently, they significantly reduced hijackings off Somalia by the mid-2010s.

- **United Nations and NGOs:** Beyond navies, the UN Office on Drugs and Crime (UNODC) has led capacity-building programs (especially in the Western Indian Ocean and Gulf of Guinea) to train prosecutors and judges in maritime crime. INTERPOL has issued maritime alert notices for known pirates. Even shipping industry bodies (International Maritime Bureau) collate incident data and advise best practices.

3. Regional and Minilateral Initiatives

Southeast/East Asia (ReCAAP, MALSINDO, etc.): High piracy in the Malacca Strait and surrounding waters in the 1990s–2000s prompted Asian littoral states to coordinate. In 2006 the **ReCAAP** (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia) came into force (initiated by IMO). It established an Information Sharing Centre in Singapore. ReCAAP's centre collects reports from 21

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[10] United Nations, 'Applying the Law of the Sea to Protect International Shipping' (*United Nations*) <https://www.un.org/en/un-chronicle/applying-law-sea-protect-international-shipping> accessed 4 September 2025.

member countries (including India, Japan, China, all ASEAN states) and issues piracy alerts. It exemplifies a minilateral approach at the sub-continental level – smaller than the UN, but wider than mere bilateral – focused on intelligence sharing.

Closer to home, Indonesia, Malaysia and Singapore launched the **Malacca Straits Coordinated Patrols (MALSINDO)** in 2004. As the YaleGlobal report notes, these three navies agreed that ships pursuing pirates could cross into each other's territorial waters (with notice). Each country contributes patrol vessels year-round. This sustained trilateral patrol and a hotline markedly reduced attacks in the Strait of Malacca. Notably, even Thailand and other littoral navies now periodically join exercises on Malacca security.

Also in Southeast Asia is the **Trilateral Cooperative Arrangement (TCA)** of 2017 between Indonesia, Malaysia and the Philippines. It initially covered the Sulu and Sulawesi Seas, aiming to counter sea robberies and kidnappings (some of which were linked to terrorism). Scholars describe TCA as an effective minilateral security framework: confined to three states, highly focused, and improving maritime domain awareness in those waters. As one analyst notes, despite growing tensions elsewhere (e.g. South China Sea), the TCA has "significantly improved maritime security" in its scope.

Further west in Asia, the **Djibouti Code of Conduct (2009)** – facilitated by IMO – brought together 21 African and Middle Eastern Indian Ocean states (Djibouti, Somalia, Kenya, Yemen, etc.) to pledge cooperation against piracy and armed robbery. It established best practices (e.g. timely reporting of attacks). In 2017, a revised "Jeddah Amendment" expanded the Code to include broader maritime crimes (trafficking, illegal fishing). The IMO underscores that the Djibouti Code has been "*instrumental in repressing piracy and armed robbery*" in the Western Indian Ocean, highlighting the power of such regional agreements.

Indian Ocean Region: India and its neighbors have also pursued smaller-group initiatives. India coordinates with Mauritius, Seychelles and Maldives on Indian Ocean surveillance (joint exercises and an Information Fusion Centre in Singapore where India is a founding member). The Indian Ocean Naval Symposium (IONS) is a broader forum

of ~30 navies (including India) to discuss maritime security, effectively a regional minilateral dialogue. Additionally, India, Indonesia and Singapore agreed (in 2017) on trilateral maritime patrols in the Malacca-Lombok areas, although detailed implementation has been gradual.

West and Central Africa (Gulf of Guinea): Piracy in West Africa exploded in the 2010s. Regional responses include Operation Prosperity (2011), a bilateral patrol initiative by Nigeria and Benin, in which Nigeria provided ships and Benin opened ports. This joint presence reportedly cut down attacks in their shared waters. The landmark was the Yaoundé Code of Conduct (2013), adopted by 25 African states (from Senegal to Angola). This code – fully backed by IMO – aims to "manage and reduce" piracy, armed robbery and other maritime crimes. It created a Heads-of-State Summit, an MoU among regional organizations, and two information-sharing centers (CRESMAO and CRESMAC) under an Inter-regional Coordination Centre. Though not legally binding, Yaoundé is the most comprehensive regional counter-piracy framework in Africa. The IMO notes it also covers illicit fishing, trafficking, etc., reflecting a holistic "maritime security" approach.

In summary, **regional/minilateral initiatives** (Asian ReCAAP/TCA/Malacca patrols; African Yaoundé/Op. Prosperity; Indian Ocean Djibouti Code) show common features: they involve contiguous littoral states, focus on information-sharing, and allow joint operations. These smaller coalitions can act more quickly on local threats than larger international bodies. However, their effectiveness varies with funding, political will, and capacity of participating states.

IV.   INDIA'S LEGAL AND STRATEGIC RESPONSE

India, a major maritime nation (over 90% of trade by sea), has long been active in anti-piracy operations (e.g. post-2008 deployment of Indian Navy ships to Somali waters under "Operation Sankalp"). However, until 2022 India lacked specific piracy laws for acts beyond 12 nautical miles.[11] Traditionally, Indian courts applied Indian Penal Code

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[11] 'The Maritime Anti-Piracy Act, 2022 - IMPRI Impact And Policy Research Institute' (7 December 2024) <https://www.impriindia.com/insights/maritime-anti-piracy-act/> accessed 3 September 2025.

(IPC) provisions on robbery to cases within territorial waters but could not prosecute pirates caught on the high seas. The IMPRI policy review notes this gap, citing 19 incidents involving 155 Indian crew members from 2014–2022.

The **Maritime Anti-Piracy Act 2022** remedies this. It defines and criminalizes piracy as an offense on the high seas. The law explicitly implements India's UNCLOS obligations (India ratified UNCLOS in 1995). It empowers the Navy and Coast Guard to board, seize and arrest pirates beyond territorial waters (including within India's EEZ and beyond). Under this Act, piracy is a serious crime punishable by life imprisonment (or even death in exceptional cases). The law also lowers bail rights for accused pirates and makes piracy an extraditable offense. In sum, the Act "provides a legal framework for prosecuting and convicting pirates in Indian courts".

This development is significant: it aligns Indian criminal law with international norms, filling the jurisdictional gap. It was partly driven by India's SAGAR strategy (Security and Growth for All in the Region), which envisions India as a net security provider in the Indian Ocean. The IMPRI analysis explicitly notes the Act's alignment with SAGAR and India's image as a "responsible maritime power".

On cooperation, India participates in many multilateral efforts. It contributes warships to Combined Task Force 151 (Somalia) and EU/UN missions. It partners with Japan, USA, Australia, etc., in naval exercises (e.g. MALABAR exercises). Regionally, India has conducted trilateral exercises with Maldives and Sri Lanka on law enforcement at sea and has proposed joining joint patrols (e.g. in Malacca). India also engages with ASEAN through forums like the ADMM-Plus working groups on maritime security. Its Information Fusion Centre (IFC) hosted by Singapore and its liaison presence in Mauritius and Seychelles help share maritime intelligence.

However, some analysts argue more could be done expanding bilateral agreements with littoral neighbors, increasing ship-rider arrangements, and deeper engagement in African forums. The new law will aid in prosecuting pirates (for example, India now can try

suspects seized in Somali waters). But as highlighted, prosecution success also depends on cooperation from other states (extradition agreements, evidence sharing).

V.   SUGGESTIONS AND RECOMMENDATIONS

Based on the analysis, several measures could strengthen both multilateral and minilateral responses:

1. **Enhance Information-Sharing:** Build on models like ReCAAP and Yaoundé. More states (especially in Africa and Asia) should designate national focal points and join regional sharing centres. India should continue to support and utilize the Information Fusion Centre and consider hosting such a centre (others already exist in Singapore, Abidjan, etc.).

2. **Strengthen Legal Harmonization:** Encourage adoption of domestic piracy laws. India's 2022 Act is a model; other flag and coastal states (in Asia-Pacific and Africa) should enact similar laws. The IMO and UN can continue technical assistance for legislative reform (as they do in Gulf of Guinea, per IMO's guidance).

3. **Build Coastal State Capacity:** Many pirates operate near weakly policed coasts. Multilateral aid (from UNODC, international navies) should focus on training and equipping coastguards and navies of vulnerable states. For example, the IMO notes assisting Gulf of Guinea countries with legal reform and training. India can contribute by offering training courses under SAGAR or through IORA.

4. **Sustain Joint Patrols and Exercises:** Minilateral patrols (like MALSINDO or Nigeria-Benin) have proven deterrent effects. Expanding such patrol agreements (even temporary ones) to other troubled areas (e.g. increasing Malacca-Lombok corridor patrols, or Gulf of Guinea multinational patrols) could help. Joint naval exercises should include piracy response.

5. **Coordinate Private Security and Insurance Efforts:** The shipping industry plays a role (e.g. via armed guards aboard). States should ensure guidelines for private

maritime security companies and facilitate the deployment of security teams in high-risk zones.

6. **Address Root Causes:** Multilateral development efforts remain important. Poverty failed governance (Somalia), and illegal exploitation (oil theft in Nigeria) fuel piracy. The UN and regional blocs should integrate maritime security with development aid, as the UNSC notes progress is "fragile" without stability ashore.[12]

7. **Improve Global Forum Integration:** Bodies like the CGPCS and IMO should ensure continuing dialogue even when incidents dip. It's crucial to sustain vigilance. India's recent hosting of UNSC debates on maritime security (2021) is an example of promoting international focus.

VI.   CONCLUSION

Piracy and armed robbery at sea are transnational challenges requiring both global norms and local action. The multilateral regime – UNCLOS, UN resolutions, and IMO guidanceestablishes legal baselines and convenes states for dialogue. These forums affirmed that piracy is a crime of universal concern and that all states must cooperate. However, as history shows, day-to-day enforcement depends on regional and minilateral efforts. Joint patrols (e.g. Malacca Straits), information-sharing networks (ReCAAP, Yaoundé), and regional codes of conduct (Djibouti, Yaoundé) have been critical in reducing attacks in their domains.

For India, aligning domestic law through the Maritime Anti-Piracy Act, 2022 has closed a significant gap. India's active participation in international coalitions and its fostering of regional ties (through SAGAR and bilateral partnerships) strengthen the multilateral/minilateral nexus. Going forward, continuous collaboration – combining the

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[12] 'Piracy off the Coast of Somalia | Department of Political and Peacebuilding Affairs' <https://dppa.un.org/en/piracy-off-coast-of-somalia#:~:text=In%20his%20briefing%20to%20the,governance%20to%20counter%20the%20scourge> accessed 4 September 2025.

wide reach of UN/IMO initiatives with the agility of regional coalitions – will be essential. The "victims" of piracy (seafarers, coastal communities) stand to benefit most from this comprehensive approach.

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