

Case Study of MV Suez and Anti Piracy Operations: Lessons for India and Pakistan

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A study of how the case of *MV Suez* a pirated vessel was handled would serve to provide some invaluable lessons on how India and Pakistan should join hands to take on this menace in the Indian Ocean. An otherwise well conducted rescue operations by the Pakistan navy, resulted in a near collision between *PNS Babur* and *INS Godavari* endangering the crew and the ships. Briefly put, the *MV Suez* was hijacked by the pirates who held the ship and its crew hostage while negotiating the ransom money for over ten months. The multinational crew comprising, Pakistanis, Indians, Egyptians and a Sri Lankan were put through endless misery by the prolonged negotiations. It was thanks to the untiring efforts of a lawyer and a civil activist, Ansar Burney a Pak national who mobilised public opinion and collected the negotiated ransom money of \$ 2.1 million that the crew members were released on June 13, 2011.

During this critical phase, India perhaps unwittingly gave an impression that it was uninterested in the proceedings, though it claimed post incident that it did interact with the concerned officials behind the scenes. India also came in for lot of criticism from the crew who indicated that the concerned authorities including from the navy did not respond to their plea for action after assurances that help would be at hand within minutes of the call for help. The incident which brought smiles on the faces of the released crew of *MV Suez* has unfortunately soured the relations between the two navies as they engaged in a game of one-upmanship. The incident has many lessons for all those involved in such cases and also some future options for both the countries.

The Incident

MV Suez was hijacked on August 2, 2010 by Somali pirates and remained under pirate control for over ten months. The vessel with a Pakistani master comprised six Indian crew, four Pakistanis, eleven Egyptians and one Sri Lankan. The families of the crew upset by the delay in securing the release of the ship and its crew created enormous public and media pressure in India. The government of India and also the Indian navy came in for criticism for lack of action despite the enormity of the hardship faced by the crew in illegal custody. One of the crew members Ravinder

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Arya who spoke to *Headlines Today*, accused the Indian navy of not responding after assuring them that when required, assistance would be on hand within five minutes.¹ The wife of one of the crew members Sampa² apparently even sent a threatening text message to Rahul Gandhi. She was let off after intense questioning on realising that the action was due to the frustration at no action being taken by the strongest regional navy and a de-facto regional super power.

Humanitarian Action Across the Border

Moved by the plight of the crew, there was intense action across the border and a human rights activist in Pakistan, Ansar Burney mobilised support and negotiated with the pirates to bring down the ransom money to \$2.1 million which he raised by soliciting donations. He paid the pirates and was able to secure the release of the ship and the crew on June 13, 2011. Even after paying the ransom and release of the ship, there was a repeat attack on June 15. The ship at that time was about two days of sailing from Oman on its return passage. The crew reported that there was no response from the Indian navy even on raising an alert. The crew by its determined efforts was able to thwart the repeated attempts by the pirates to board the ship even after release. The *PNS Babur* which was in the area rushed to the scene and escorted *MV Suez*. The *PNS Babur* which was part of the multinational combined task force (CTF) responded to the alarm and rescued the crew members after thwarting the attack by the pirates. The action by the Pakistan naval ship has come in for praise and the crew profusely thanked Ansar Burney for raising the funds required for the release of the ship and the Pakistani authorities for their timely help. Unfortunately, both the Indian navy and the GoI came in for lot of flak due to the lack of timely action to protect the crew. Even the role of the Indian diplomats in Cairo has been criticised for lacking assertive proactive action.

The GoI on its part maintained that it was engaged in the process all the time and it was its behind the scene efforts that enabled the release. There is no explanation on how a human rights activist from Pakistan was in fact negotiating and mobilising the funds and no Indian or organisations were named nor quoted. In a strange twist of facts, *INS Godavari* (F20) was diverted to assist *MV Suez* while it was already being escorted by *PNS Babur*. The Pakistani master of *MV Suez* chose to ignore the calls made by the Indian ship to establish contact on all channels. Unfortunately, as per reports received on June 18, the vessel was stranded some distance from Salalah without adequate fuel to finish the journey. Efforts to tow the vessel into the harbour failed due to the breakdown of the tug. The crew abandoned the ship and were picked up by *PNS Babur* for safe passage to Karachi from where they were sent home. In a show of solidarity with the stricken merchantmen and the consequent rescue action by the Pakistan navy, the Pakistani media played up the rescue act signalling that it had the capability to be pro active in such situations requiring response at all levels.

During the mid sea encounter, based on initial reports from PNS *Babur* the Pakistan government lodged a protest regarding the brushing of the escorting vessel, *Babur* by *Godavari*, as being violative of past agreements. The Pakistan government accused the Indian ship of obstructing the humanitarian assistance being provided by a Pakistani war vessel. In the developing diplomatic brew, India lodged a counter protest indicating that *Babur* did not follow the international conventions on prevention of collisions at sea etc., and was to blame.

A video clip of the incident shot by a crew member of *Babur* and posted subsequently on YouTube clearly indicates that it was the *Babur* that was at fault as it menacingly approached *Godavari* from its quarter and brushed against the safety nets and damaged them. A major collision and consequent damage was avoided by last minute action as seen in the video. While the ship was passing, anti India slogans were raised by the crew of *Babur* which was not in good taste. The video clipping has been removed from many Pakistan sites as it clearly brought out that it was the action of *Babur* that endangered both the ships and their crew. Luckily, there were no casualties though the incident has put a question mark on the performance of the navies of India and Pakistan.

Observations

Indian Response and the *Godavari*'s Actions: In the episode, India's lack of timely response has been criticised particularly by the families of the crew members. India while not being part of any coalition is carrying out anti piracy patrols in coordination with other forces in the area. It is clear that India was slow to respond and also failed to demonstrate its resolve in an urgent maritime incident. The action was interpreted as a worthy case where India was not sensitive to the plight of the Indian seafarers who are serving under different flagged vessels around the world.

It is not known why the *INS Godavari* was deputed to escort *MV Suez* when the job was already being done by a Pakistani war vessel. The possibility of the two war vessels clashing in close proximity competing for media attention was not factored in. It can be inferred that sending the Indian warship was an after thought to make amends for the lack of pro-active action by India. It appeared that the government of India decided to dispatch the naval ship to salvage its pride much after the event was over (after not doing much while it was most needed). Having not responded to the appeals by the family members for over ten months, this sudden Indian interest in the vessel which had already been released by Pakistani efforts and was being escorted to a safe port shows India and its decision making machinery in poor light. Coordination between the two navies was conspicuous by its absence. By time tested procedures, there was a need to ascertain if any assistance was required by *Babur* who by virtue of being there already was the On Scene Commander

(OSC). By not establishing contact with *Babur* and coordinating the movements, the *Godavari* is equally to blame for the incident. Moreover, there is nothing in the public domain to suggest that the naval headquarters of India and Pakistan were in touch to ensure that there was some coordination between the two war vessels on scene. While the details of the inquiry if any by NHQ may not be made public, it is evident that there have been failures of command, control and coordination while tasking *Godavari* for a mission which was already completed.

Pakistan's Response and *PNS Babur's* Conduct: Pakistan deputed its naval vessel to intervene and provide the necessary support to *MV Suez*. It was also supportive of the actions of the human rights activist who ensured that the ransom money was negotiated and brought to a level that could be met by contributions by its citizens and NGOs. However, the actions of *Babur* have marred the otherwise commendable act of Pakistan navy. The foreign Office in Pakistan held the *Godavari* guilty and lodged a protest with the Indian high commission and stated that the incident "...not only hampered humanitarian operations being carried out by *PNS Babur* for *MV Suez* but also undertook dangerous manoeuvres, which resulted in the brushing of the sides"³ of the two warships. "This incident constitutes a serious violation of international regulations pertaining to safe conduct at high seas and of the India-Pakistan Agreement of 1991 on Advance Notice of Military Exercise Manoeuvres and Troop Movements". However a close scrutiny of the video clipping (since removed from many sites) clearly illustrates that the captain of the *Babur* was playing to the gallery in a show of unwanted bravado. There have been good precedents of exchange of pleasantries between the Indian and Pakistani naval units. However, in this case, an acknowledgement by the master of *MV Suez* and or the captain of *Babur* to say that all was well and that he was being escorted to a safe destination would have perhaps ensured that *Godavari* was assured of their safety. By his action of brushing against *Godavari*, the captain of *PNS Babur* displayed lack of seamanship procedures and violated the code of conduct at sea. It is obvious that the action of *Babur's* captain was prompted by a sense of competitiveness and also driven by a need to score brownie points over an adversary. There is a need to look at the larger issues of maritime piracy in the west Arabian Sea in the backdrop of which the current scuffle took place.

Maritime Piracy: This scourge at sea has spread outwards from the Somalian coast and requires dedicated, concerted effort by all stakeholders to see that the innocent seafarers are not held hostage to lack of initiative from the governments around the world. Regrettably, even today there are multiple groupings such as the EUNAVFOR (European Union Naval Force) NATO forces, Combined Task Force 151 under different flags and units from different navies operating independently who are patrolling the piracy ridden areas with minimal coordination. While the anti piracy patrols are being conducted by both EU and US led forces under SHADES (Shared Awareness and Deconfliction) the sustained surveillance of the vast ocean

areas from the east coast of Africa to the west coast of India proves daunting to the forces engaged. China has also been accepted to be part of SHADES⁴ which means that China would need to send more ships now to be part of this initiative.

Pakistan Navy's Anti Piracy Measures

By a geographical divide, Pakistan falls under the general responsibility of the central command of the US and therefore has joined the initiatives of the combined naval forces in the area operating under the Combined Task Force 151. This has a rotational command and the Pakistan navy has been exposed to the challenges of leading a mixed fleet of many nations in the pursuit of tasks in the North Arabian Sea. After commanding the CTF 151 from November 2010 to 2011, the PN handed over command to Singapore to lead the multinational force. This has provided Pakistan navy with an enormous opportunity to observe and understand the way modern navies operate in a challenging environment in the areas of interest. The exercising of rotational command has given the Pakistan navy an exposure to modern methods of maritime operations using technology and tactics. This has given it a certain edge in coordinated operation while acting as a partner in the coalition of the willing.

This explains why *MV Suez* was attacked though it was within the International Recommended Transit Corridor (IRTC). There is an immediate need to review the way that forces operate in the common areas for the sole purpose of combating piracy by reviewing the Standard Operating Procedures and the modus operandi. A UN led maritime force with universal jurisdiction and clear mandate is likely to prevent such acts of piracy at sea.

India's Role and Recommendations

India being the most powerful regional power with the enormous power projection and presence in the Indian Ocean Region (IOR) needs to come out of its shell and play a pro active role in maintenance of law and order at sea. It needs to engage with all the navies in the region including Pakistan to work out joint methodology to combat piracy and other acts of maritime terrorism. This would be all the more relevant in the context of a sizeable percentage of the global mariners from being from India.

In addition to India engaging the Maritime Security Agencies for combating maritime threats and anti piracy, the present demands of preventing marine pollution and building capacity for providing Humanitarian Assistance and Disaster Relief for contingencies such as the Tsunami require to be given utmost priority.

India would need to capitalise on its regional initiatives such as *Milan* (Biennial meet at Port Blair), International Fleet Review (IFR) Indian Ocean Navies Symposium (IONS) to collectively orchestrate responses to the common threats in the areas of interest. India would need to develop the will and the means to facilitate the rescue of hostages. This needs to be done not on its own steam but by engaging the regional navies and coast guards at many levels. There must be time tested templates in place to see that the mobilisation of forces takes place as required in areas of interest by joint/coordinated operations. The existing decision making processes and the response mechanisms which have not delivered in the times of crisis and which have also come in for criticism and severe indictment need a critical review to prevent recurrence of such events. The fact that Pakistan is already a coalition partner in the CTF need not come in the way of additional cooperative measures in the maritime areas of interest to both the countries.

The increasing incidents closer to the coast of India make it imperative for both Pakistan and India to work out modalities by which they can come together to protect the concept of the freedom of the seas. For this to happen, while it may be not welcome at this stage there is a need to think out of the box and let the maritime security agencies of the two nations to have more benign interactions and joint exercises to ensure law and order at sea.

There is a serious need for introspection by the Indian navy and the government of India about its methods of intervening in such cases. The merits of the case would be quite different in each case as the vessel is flagged in some state, owned by another national, manned by a multinational crew and operated by another agency that may be located in quite a different corner of the world due to commercial reasons. Also, coast guard vessels are better suited for such operations as the Indian coast guard and its counterpart, the Maritime Security Agency, Pakistan, already have a working relationship and regularly use the hot lines between Delhi and Islamabad. The coast guard vessels unlike naval vessels have a humanitarian face because of their roles and tasks in peace and the action by the coast guard would not be viewed with suspicion particularly when there is already a working relation between these two agencies.

From the factors highlighted above it is clear that there are many lessons to be learned by those engaged in the common tasks against offenders at sea. Unless there is better understanding of the environment and the complexities involved, things can go wrong in a dynamic environment and would neutralise all the good work done even while rendering humanitarian assistance. It is important now for both India and Pakistan to use such opportunities in their maritime neighbourhood to join hands to combat maritime piracy and also work together in Humanitarian Assistance and Disaster Relief (HADR) missions. This would bring about a transformation in the nature of maritime relations between the two neighbours who have fought four wars since independence.

Notes:

- 1 As reported in Headlines today, June 15, 2011.
- 2 *The Indian Express*, April 29, 2011.
- 3 NDTV News June 18, 2011, also available at <http://www.ndtv.com/article/india/pak-complains-about-indian-warship-escorting-suez-113086>
- 4 As discussed in the China defence blogspot available at <http://china-defense.blogspot.com/2010/01/china-to-lead-shades-anti-piracy.html>