



ARTICLE



# THE LIMOs ARE HERE TO STAY

- R Adm PP Sivamani, AVSM, NM (Retd)

## Introduction

The Indian Maritime Doctrine (IMD) of 2004 describes terrorism as a deliberate and systematic unlawful act of violence to coerce or intimidate governments and societies to achieve political, religious or ideological objectives. The Doctrine marks out insurgency as armed political struggle by a group within a State or society against the ruling authorities. It adds that terrorism may precede or run concurrently with insurgency and is a favourite tool of insurgent groups. Assymmetric threats are spoken of as attacks by terrorists using devastating weapons to maim, destroy or cripple the maritime assets of a

country. On the poorly definable area of Low Intensity Conflicts (LIC) it makes a passing reference without specifying in clear terms what it constitutes.

The IMD goes on to say that in addition to national security, since trade is the lifeblood of India, keeping our sea lanes of communication open in times of peace, tension and hostilities is the responsibility of maritime forces. Of the four roles envisaged for the maritime forces (IN and ICG) in peacetime, is the constabulary role to safeguard our interests against poaching, smuggling, gun running, piracy et al which, the IMD brings out, are on the increase. Further, it states the coming years would

see the IN getting more involved in international cooperative missions either as part of multinational force or (and) under the aegis of the UN.

### **Pro-active Role of Indian Maritime Forces.**

The pro-active role of Indian maritime forces to counter the anti-national activities brought out earlier was amplified by CNS in his address in Oct 04 at the inauguration of the Chair of Maritime Studies and Research, Kozhikode. He emphasised that the prime maritime interest encompasses insulation of our assets from external interference. These assets include, he said, the 12 major and 184 minor ports and our merchant ships. Additionally, the sea lanes in which ships carrying our trade ply is of vital importance to us. On the constabulary role, where forces are employed to enforce law or some regime established by international mandate, the CNS said violence is used only in self defence or as a measure of last resort in execution of the task. In the Indian context some of the tasks have been assigned to the ICG. On LIMO, to counter the LIC, which he said includes piracy, gun running, smuggling of drugs and personnel etc, the coming decades would see an increase in our activities regarding the co-operative use of maritime forces to counter transnational crimes.

India was forced into a war by Pakistan in 1971. Thereafter it has been only peacetime activity for the Navy with primary emphasis on training for war and to be prepared for it. Most of the officers and sailors who joined the Navy in the 70s after the war have left the service without experiencing a war. Those who joined in the 80s are in the half-way mark, with the second half likely to end up the same way. This could well turn out to be the pattern in the foreseeable future. Which means the focus on LIMOs would increase calling for updating the inputs on the LICs.

The subjects covered under the LICs are numerous and it would not be possible to cover everything in the space expected to be available here. I therefore intend to confine to the subject of 'Piracy'

which is on the increase. Since the Naval Despatch of November 2002 contained an article on piracy, I would avoid repetition but concentrate on updating information and examine a few important aspects of the laws concerned. After this attempt, a critical look at the new maritime vista, opening up south of Rameswaram – the Sethusamudram Project will be undertaken from certain aspects of LIMO.

### **Piracy**

Piracy has been defined in Article 101 of the Law of the Sea (UNCLOS III) of 1988. All categories of action coming under piracy are deemed to have been committed on the high seas according to this article which reads as follows:-

(a) Any illegal act of violence or detention or any act of depredation committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:-

(i) On the high seas, against another ship or aircraft or against persons or property on board such ship or aircraft

(ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.

Under this law, the international maritime community found it increasingly difficult to deal with acts of piracy and to bring to book the perpetrators of crimes as most of such acts were committed when ships were at anchor, berthed or at sea but not on the high seas. After debating the issue for some years the International Maritime Bureau (IMB) which is a subsidiary of the International Chamber of Commerce (ICC) and in which India is a member, decided in its 74<sup>th</sup> Meeting held a few years back to come up with a new definition to facilitate capture and try the pirates and armed robbers of the sea. The new definition reads as follows:-

(a) Piracy. Unlawful acts as defined in article 101 of UNCLOS III.





(b) Armed Robbery. Any unlawful act of violence or detention or any act of depredation or thereof, other than an act of piracy, directed against a ship or against persons or property on board such ship within a States jurisdiction over such offences. Thus, the restriction imposed earlier ie high seas has been omitted and the acts now cover actual or attempted attacks whether the ship is berthed, at anchor or at sea. The new definitions are contained in the code of Practice for Investigation of Crimes of Piracy and Armed Robbery against ships published by the Maritime Security Committee (NSC Civ 984) and article 2.2 (The code of practice). Petty thefts are excluded, unless the thieves are armed.

Another interesting and important point debated (this time by the International Maritime Organization (IMO)) was on the subject of terrorism. In one of the meetings in 2004 the Malaysian representative (Dy PM) argued for separating piracy from terrorism. His argument was based on the desire to place piracy under categories of crime to isolate it from terrorism. His intention was to show the world that piracy in Malaysian waters and in Malacca Strait was not as serious as world opinion currently views it to be. He suggested acts of piracy be categorized under extortion, seizure, kidnapping and terrorism. He was supported by the representatives of Singapore and Indonesia. The IMB, however, did not agree to the proposal, as the Director pointed out that the IMB always held the view that piracy and terrorism (maritime terrorism) were separate crimes. He clarified further that the IMB's views were that piracy was motivated by commercial gains whereas terrorism invariably sought political gains.

Semantics apart, it should be realised that when seafarers or maritime security personnel use the word 'maritime terror', it would rightfully cover both

piracy and terrorism. Therefore, as an operational guide, any unlawful act occurring in waters under the jurisdiction or purview of India should be treated alike and proceeded against as a crime against the State.

### **Piracy Organisations.**

Organised crime syndicates based in Asia, North America and Europe operate with finesse and efficiency. Many of their enterprises form a sham façade for drug running, cargo theft, hijacking and smuggling. Many Govt officials are on their pay roll. In SE Asian waters which is our prime interest, four loosely connected international crime organisations control the sea areas. The Singapore syndicate controls the South China Sea and Malacca Strait, the Bangkok one controls the Andaman Sea and the approaches to the Strait; the Hongkong Bureau overseas the North China Sea; the Jakarta center looks after the Java Sea, part of South China Sea and Borneo waters. These centres have a number of subsidiary offices spread all over SE Asia. The state of affairs in these waters is best described by Mr. John S Burnet, an authority on piracy investigation who states "No Law, order or any moral code is enforced in the South China Sea. There is an un-patrolled black hole where unarmed vessels and the crew simply fall off the edge of the planet".

**Statistics.** All over the world thousands of attacks take place. Many go unreported because the masters and owners do not want their ships to remain tied up for lengthy investigation. Worldwide, the reported cases from 1993 to 1999 numbered from 90 to 300. During 2000 to 2004 it hovered around 400, touching 469 in 2000 and 445 in 2003.

In India, 21 attacks/attempted attacks were reported during 1993-99. It rose to 73 in the period 2000-Jun 05. The figures for 2004 and Jan-Jun 05 are as follows:-



Period	Berthed	At anchor	Steaming/ Motoring
2004	3	5	3
Jan-Jan 05	1	4	2

The incidents took place at/off Chennai, Kandla, Cochin, Mangalore, Mumbai and at sea off Trivandrum. The Indian Coast Guard was able to apprehend most of the criminals including some in the underway incidents.

**Causes of Increase in Piracy.** There are many reasons, among which the more important ones are:-

- (a) Reduction of manning level because of automation.
- (b) Raising cost of fuel, necessitating reduction of speed on passage which makes it easy for the pirates to board.
- (c) Insufficient checks on the credentials of the crew before they are signed on.
- (d) Increasing connivance of corrupt officials and agents with pirate organisations.

**Hijacking.** A ship is normally hijacked for its cargo. But there are three categories of seizure-viz permanent seizure, long term seizure and short term seizure. Under the first category the ship's name is changed, new identity papers are obtained from Flag of Convenience nations and turned into a phantom ship. Such ships keep roaming the sea without ever touching land or without even stopping (a la the crew of the accursed Flying Dutchman) till they fall apart over powered, killed or abandoned in mid sea. Under the second category, a ship is hijacked, anywhere at sea the crew overpowered and killed, or abandoned at sea, the ship diverted, the cargo discharged and later released or abandoned. Under the third type, the pirates board a vessel of up to 18 kts speed usually from the stern, tie up the crew, terrorise them, even maiming, loot the ship and leave. The famous 1999 incident of Alondra Rainbow

(renamed Mega Rama) belonged to a category between the first and second. Between the time of hijacking and their arrest, the Indonesian pirates had set adrift the crew in a life raft, and had offloaded \$4.25 m worth of aluminum ingots. They were later intercepted by ICG and the IN and crew captured by the IN. A great potential of navigational hazard of collision and grounding exists with categories two and three where the crew are either locked up, tied up or even killed, as will be brought out.

**Collision Hazard.** Just one example of collision incident would suffice. In Sep 92, when the tanker Nagasaki Spirit carrying Gulf oil was proceeding on a southerly course in the Malacca Strait she was boarded by pirates. The ship was looted and the crew thrown overboard. Coming up on the opposite course at that time was the container vessel Ocean Blessing. She too met the same fate but with the exception some of the crew were locked up in a hold. Thus both vessels were NUC and heading towards each other. The inevitable collision occurred. The Ocean Blessing tore into the tanker's midships. Uncontrollable fire resulted. The Nagasaki Spirit become a charred hulk and sank. The Blessing was badly damaged through explosions. Investigations revealed this ship was carrying dangerous cargo in 'diplomatic cargo containers' consisting of illegal Chinese arms, ammunition and explosives meant for Mid East. After several weeks, the ship was towed by a Chinese tug to India of all countries and was grounded off a breaker's yard. As per the rule, the Customs Authorities insisted on a light displacement certificate, but this was not forthcoming. During the inspection of the ship the customs personnel discovered many containers with illegal Chinese arms and explosives most probably meant for the extremist groups in Saudi Arabia and Iraq.

The Ocean Blessing never really made it to the breaker's yard. When the Indian investigators began sniffing around, the owner of the yard



apparently disappeared without a trace. The ship continued to remain a derelict and eventually sank.

**Security Check of Containers in India.** In India, only 25% of the 320 million tons of cargo is exported/imported in containers, as per reports. About 2/3 of this is handled on the West Coast and the rest in South and East. Whereas the official figures of the containers checked is not available, it would not be incorrect to assume that it would be negligible. In USA, according to the US Coast Guard, not even 2% of the containers are checked. So much so in a testimony before the Congressional Committee a Senator remarked, "The ease with which a terrorist could smuggle chemical, biological or even nuclear weapons or parts thereof in a container without detection is hair raising". The terrorist organisation Al Queda is reported to control a large number of front companies in about 50 countries including ownership and / or control of 23 ships registered with Flag of Convenience nations. One such ship was used to provide logistic support to the terrorists who bombed the US Embassies in Africa a few years back.

As far as we are concerned, dangerous containers need not necessarily be meant to be off loaded in Indian ports. The hazards at transshipment is an ever present reality.

The example of the Ocean Blessing brought out earlier poses more questions than elicits answers. Most importantly, why was this ship allowed to be towed to Indian waters and grounded/beached? Are our intelligence and security agencies sufficiently equipped to deal with such situations? The tragedy is that we now have at our doorstep, a wreck loaded with arms, ammunition and explosives, with its hull rotting day by day to expose the deadly containers and a potential disaster awaiting. Indeed, in this instance India has become a helpless victim of international piracy and arms traffickers. Hopefully the new measures like International Ship and Port Facility Security Code (ISPS Code), the Proliferation Security Initiative (PSI) and Container Security Initiative

(CSI) would help in preventing threat to the ports and Indian waters, and prevent or reduce the penetration of terrorists and their Indian links in attempting to transport, land or transship arms, ammunition, explosives and explosive materials.

**Multinational Patrolling of Malacca Strait.** What started as a welcome sign in 2002 ended without a whimper in a few months. Early in 2005 the Royal Malaysian Navy announced that it would detain vessels found to be providing private armed escort services in Malaysian territorial waters. Echoing the same theme, the Malaysian Dy PM said "Malaysia is steadfast in the belief that the littoral states, Singapore, Indonesia and Malaysia are capable of patrolling the Strait without external intervention". It was obvious he was referring only to mercenary armed vessels and not to Navy-Navy co-operation, if the need arose. But in Jun/Jul 05 the Indonesian Foreign Ministry Spokesman said "We wish to make it clear that the Strait of Malacca is not an international strait. It is only for international navigation and the responsibility of its safety lies with the three states of Indonesia, Malaysia and Singapore. While we realize that user countries have interest in ensuring security, whatever efforts are being made will need to have the consent of the three states". During his visit to SE Asia in Jul 05, our CNS responded by stating that the littoral countries could always seek Indian Navys help in patrolling the approaches to the strait and the sea to the SE of Andaman Islands, and that New Delhi has no intention of imposing itself on the issue of patrolling the Strait.

It should be noted that the newly (Nov 04) created Malaysian Maritime Enforcement Agency (MMEA) has been placed under the Prime Minister's Department and functions under the Dy PM. One of the very recent initiative on checking piracy has come from the Asian Ship Owners' Forum which, in its meeting held in Queensland, Australia in May 05, wanted the littoral states to adopt a stronger political will and called for tougher actions. Significantly the



forum stressed that if the littoral states were unable to check the menace, they should seek international assistance. Notwithstanding the above developments, the IMO is planning to hold a conference later this year in Jakarta, Indonesia. The aim obviously is to stress the importance the IMO attaches to the question of addressing the issue in all its seriousness.

No doubt the Govt. of India and the IN eagerly await further developments in the matter as international maritime co-operation forms an important part of the Navy's activities.

### **Threat from Nuclear Waste Carrying Ships.**

Although the threat from such ships to Indian environment is remote, a passing mention should be made here, as the route of these ships from UK and France to Japan and back takes them close South of Sri Lanka in the waters of our utmost interest. Japan charters the ships belonging to the Pacific Nuclear Transport Ltd. These ships are specially built to carry 446 kg of MOX, containing plutonium and nuclear fission by-products. MOX is not something that can be disposed of without thought. It must be either buried for thousands of years in very deep waters at suitable places or be re-processed to recycle Plutonium and Uranium into fuel. Once re-processed it is returned to Japan as MOX and used by Japan in commercial nuclear reactors. MOX carrying ships proceed under heavy escorts. Their programme is kept well guarded. But how well? A smart terrorist outfit could manage to get hold of some fresh MOX fuel, the most sensitive category of all cargoes, for clandestine purposes. These ships are not invulnerable to accidents. In Mar 02, the Atlantic Osbrey one of the British nuclear carrier ships caught fire in the Manchester Ship Channel. Fortunately it was not loaded with MOX and no great damage resulted.

**Rome Convention of 1988 – A Brief Examination.** In 1985 the cruise ship Achille Lauro was attacked by politically motivated terrorists and seized. A disabled American passenger was shot dead and thrown overboard. The terrorists later gave up

their game and surrendered. They were then flown out of Egypt to the destination they asked for. But when the aircraft was in the air it was intercepted by US Air Force to land in an Air Force base in Italy. The terrorists were captured and brought to trial in USA. At that time one of the committees of the UN General Assembly was discussing international terrorism. It requested the IMO to study the problem and recommend appropriate measures to be taken on cases like the Achille Lauro. The Convention of 1988 was a sequel to that. In March 1988 the Convention and Protocol were opened for signature. It came into force in March 1992 as the Rome Convention of 1988.

**Scope.** The Convention does not include unlawful acts against safety of maritime navigation connected with piracy. It just describes the offences to be punished and provides the details where states have the obligation to establish their jurisdiction. Therefore, these offences will have to be punished under national law taking into account their grave nature.

Thus, the main purpose of the Convention was to ensure that appropriate action was taken against any person committing offences which include seizure of ships by force, violence against persons onboard and placing or planting of devices in a ship that are likely to damage or destroy it. The Convention has deliberately avoided the usually controversial topic of definitions and has confined itself to particular offences, thus making the laws as wide as possible.

The more relevant forces of the articles of the Convention are placed at appendix A. These articles would no doubt give the young IN and ICG officers an overview of the offences that are punishable under the Convention. A unique feature of the Convention is that, it not only extends the jurisdiction for the trial of the offences, it motivates the States to consider extradition where no such treaty exists. Governments which have ratified the Convention have an obligation to make the offences punishable





by appropriate penalties. It should be noted, although the Convention's intention was to tackle terrorism rather than piracy, the provisions would be applicable in a large number of piratical incidents. Thus the Convention has become the basic law dealing with maritime terrorism.

I will now move into the second part of this article, namely, the Sethusamudram Ship Canal and briefly examine the issues which are likely to be associated with this mega addition to navigation.

### Sethusamudram Ship Canal

Work on the Sethusamudram Ship Canal (hereinafter referred to as the Sethu Canal or the Canal or SC in abbreviated form) commenced on 02 July 2005 and the canal is expected to be ready by about 2010. Although the authorities have used the term canal, I would like to use the word 'Channel' in preference to the former as it would fit in better, and connote and convey in a more meaningful way the movement from the Palk Strait to the Gulf of Mannar and back.

The alignment of the Sethu Channel (SC) is shown in appendix P. The length of the channel will be 167 km out of which 89 km would be the dredged distance. The channel would be 300 meters wide at the dredged depth of 12 meters. It would cater to two-way traffic. The alignment, as the appendix indicates, runs close to the international maritime boundary between India and Sri Lanka involving six segments. The channel passes close to the Katchativu island, a hotbed of fishermen activity. As an aside it would not be inappropriate to mention here that this island, now lying on the Sri Lankan side, has always been the cynosure of that country, tacitly supported by Pakistan. Old timers would recollect the call given by a PAF pilot prior to the 1971 war when flying from E. Pakistan and passing close to the island that he felt 'emotional', ostensibly to voice his support to Ceylon. This had evoked nothing but a scornful smile from some of us in uniform.

There would be no dredging on the Gulf of Mannar side except for a small length of 4.37 km SW of the Adams Bridge (segment GA). The dredged material would be dumped on both sides (the Strait and the Gulf) as shown in the appendix. A Vessel Traffic Management System (VTMS) is proposed to be located at Rameswaram

### Will the Sethu Channel be a Boon or Bane?

From the points of view of economy, commerce and environmental needs what it would turn out to be only time would tell. However, purely from the needs of the Indian maritime forces, it would work out to be a strategic as well as a tactical boon. But things may not work out to be fully rosy. The negative side would point towards increased risk from oil spills, pollution, poaching, smuggling and terrorism besides casting an additional responsibility on IN and ICG during precautionary stage and in times of war.

### Status of the Sea Encompassing the SC vis-à-vis UNCLOS.

The Law of the Sea 1983 defines bay (art10 of part III), high seas (art 86 of part-III), enclosed or semi-enclosed seas (art122, 123 of part-IX). As far as the term Strait is concerned, it refers only to the legal status (art-34 to 37 of part-III). The terms bays referred to in art10 of part II concerns only those the coast of which belong to a single State. Strangely enough, the LOS does not refer to the word gulf, which the dictionary describes as a large area of the sea or ocean partially enclosed by land, especially a long land locked portion of sea opening through a strait. It is a moot point, this would have attracted special provisions for the Gulf of Mannar as against the Palk strait, as the international maritime boundary in the former mostly runs beyond the Contiguous Zone from the Indian side. The logic behind the Britishers naming respectfully the seas on the Mannar and Palk sides as Gulf and Strait apart, out of all the terms brought out where the provisions of LOS would be clearly applicable are articles 34 to 45, 122 and 123.



**Need for Special Laws for the SC.** As navigation in the Sethu Channel is congruous to transit passage in straits, provisions of part III of LOS would apply, but may not cover all contingencies which may arise in the future. The government may therefore examine the requirements and consider bringing out suitable laws under the provisions of article 42, particularly in respect of piracy, terrorism, oil spill, discharge of oil by ships and environmental safeguards, notwithstanding the existence of the Rome Convention, 1988.

**Likely Permissible Speed in the Channel.** Although the project aims at creating a navigable channel of 12m deep with a view to enabling ships up to 10.7m draught to pass, a simple calculation of squat ( $V^2$  kts / 100 in meters) would indicate that speeds of more than 8 kts would not be advisable, to limit the shallow water effect, to reduce generation of primary and secondary waves, for safety of fishing boats and above all, to enable safe two-way traffic.

**Use by Foreign Warships.** A clear policy should be drawn up on this subject. Peace time use of warships of all nations including those of Pakistan and China should be permitted. Of course, prior intimation from the concerned countries should be obtained. This is perhaps one among a few special provisions to be provided under article 42 of LOS. The Govt. of India should reserve the right to limit or rescind any passage, at any time, short of precautionary stage.

**Restriction On Two-Way Traffic.** A preliminary look at appendix P would indicate it would be unwise to allow two-way traffic (except for small vessels) in the segments GA and AB (to a length of about 22Kms), to prevent any unfortunate blockage of the channel arising through whatever cause. This subject should be examined further before a decision is taken.

**Presence of the Sea Tigers of LTTE.** Over population of Indian fishing vessels leading to over fishing results in these fishermen looking for greener pastures and foraging into Sri Lankan waters often to be harrassed and caught by them. Conversely, there

have been many instances of Sri Lankan fishermen poaching into the fertile waters off the Kerala coast. Thus skirmishes are a common occurrence. Traditionally, these fishermen have sided with the political benefactors of their liking. V Prabhakaran of the LTTE has been one such person sought after from the early days of the Tamil Elam movement. He has kept a close liaison with both Indian and Sri Lankan fishermen.

A shrewd student of geo-political strategy, he had realised from early days that unless he dominated the seas of his interest he may not achieve his objectives. Indeed, a true Mahanian. About the year 1983 he created and started building up the sea arm of the LTTE. In due course, this arm came to be known as the Sea Tigers.

Today's estimate puts the strength of these Tigers at 2500 men and women. This force has been able to acquire lethal and modern arms and equipment clandestinely from several countries in Asia and Europe. The LTTE has been the first insurgent / terrorist organisation to acquire two small aircraft for maritime patrol and logistics. The Tigers have been effectively able to challenge the Sri Lankan Navy. In 1990 they badly damaged the SLNS Edithara and the command ship Abitha. In 2000 they penetrated the well guarded Naval complex at Trincomalee, sank a ship and damaged a few. In the same year they carried out a successful amphibious type of operation in landing 1500 guerrillas for the battle of Elephant Pass on the Jaffna coast forcing the SL forces to withdraw. By then the Sea Tigers had become *de facto* the third Naval force in the region, as Prabhakaran had dreamt.

**Threat from the Sea Tigers to Indian Security.** Ever since the decision of the Govt of India to go ahead with the project work on the SC, fears have been expressed in some civilian organisations and by some civilians about a threat emanating from the Sea Tigers. Therefore, this apprehension would need some examination. In spite of the successful





growth of these Tigers and his confidence in their future, Prabhakaran has always shown, indicated and conducted himself in such a way that one got the impression he has neither the aim nor desire to confront or cross the path of the Indian Maritime forces. The recent proposed Defence Cooperation Agreement between India and Sri Lanka (the details of which are not known) may dampen even a remote ambition of his, if he had any. But things may not remain the same in the medium time frame of 5 to 10 years when Sethu Channel could be expected to be fully operational. What, then, could be the likely threats from the Sea Tigers? These may take the form of:-

- (a) Collusion with international terrorist organisation, to interfere in the operations of the SC, if Prabhakaran has reasons to believe that his activities are being hampered by SL Navy because of the advantage gained by that Navy through the Def Co-op.
- (b) Attacks on SL ships using or attempting to use the SC
- (c) Taking advantage of the passage of foreign merchant ships, using the channel to surreptitiously transship arms and ammunition in the area.

A rough probability analysis of the likely threats (as against a full Staff College appreciation) may show that the one at 'a' (collusion with terrorist organisation to block the channel) is most unlikely and can be ruled out. The probability of the ones at 'b' (attack on SL ships) and the one at 'c' (transshipment of arms) taking place could be placed at about 0.3. This analysis presupposes that the confrontation between the LTTE and Sri Lankan government has continued, perhaps even escalated. The deduction that could be drawn, therefore, is that for the foreseeable future one need not have any apprehension about the presence of the Sea Tigers.

## Conclusion

India's growing foreign trade would witness a cogent increase in the security commitments of our maritime forces both during peace and war. As India looks more and more towards the sea, the peacetime commitments would generate greater focus and assume an air of ascendancy in defence thinking and planning. This would automatically escalate the propensity to the LIMOs.

Lord Curzon, the last British Viceroy, once spoke of India as "the determining influence of every considerable movement in British power to the east and south of the Mediterranean." That tribute was paid when the pre-partition Navy was just a small element of the influencing forces. Today when the Indian Navy holds its place in the top few of the maritime nations, an enhanced responsibility automatically stands devolved on its shoulders. This can be lived up to, only by using the high seas as a medium to achieve friendship, co-operation and brotherhood in international dealings, at the same time keeping our backyard secure. Finally, as long as sea-borne trade goes on, the LIMOs will continue and keep our forces well occupied in peacetime.

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## ROME Convention, 1988

### (Relevant Portions of Some Articles)

#### Appendix A

(Refers to the Article Titled the LIMOs are Here to Stay)

#### Article 3

1. Any person commits an offence if that person unlawfully and intentionally; or

*(a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or*

*(b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or*



(c) destroys the ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or

(d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or

(e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship ; or

(f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or

(g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f)

2. Any person also commits an offence if that person:

(a) attempts to commit any of the offences set forth in paragraph 1; or

(b) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or

#### Article 4

1. This Convention applies if a ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State, or the lateral limits of its territorial sea with adjacent States.

2. In cases where the Convention does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State referred in paragraph 1.

#### Article 6.4

Each State shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 in cases where the alleged offender is present in its territory and it does not extradite him to any of the State Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

#### Article 7

1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present, shall in accordance with its law take him to custody or take other measures to ensure his presence for such time as necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.

#### Article 10

1. The State Party in the territory of which the offender or the alleged offender is found, shall, in cases to which article 6 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the prosecution, through proceedings in accordance with the laws of the State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

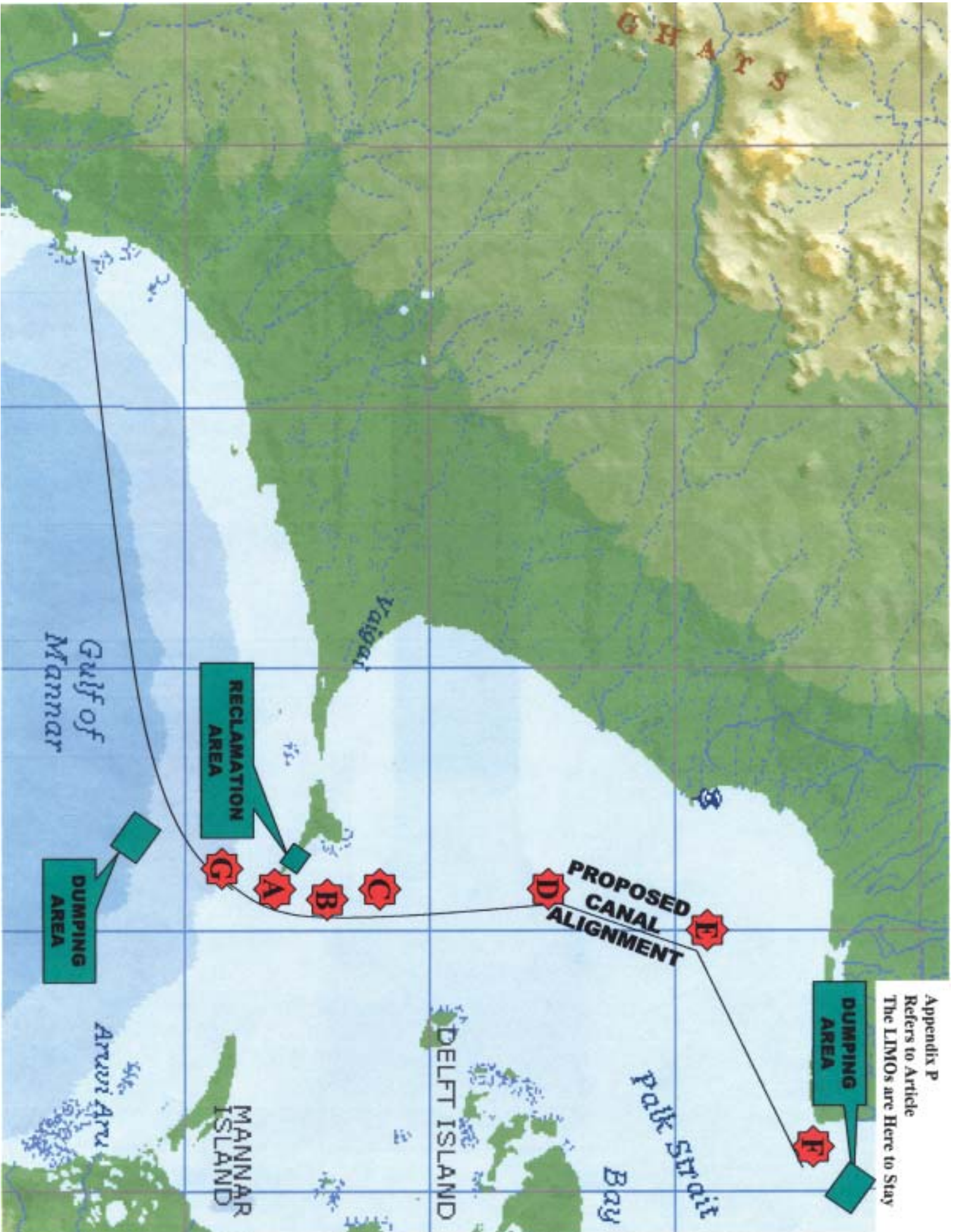
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### ABOUT THE AUTHOR

R Adm PP Sivamani was commissioned into the Indian Navy on 01 Jan 1957. He has served as an instructor in B&D and ND schools and was a Directing Staff in the then Tactical School. He commanded the Sea Patrol Craft P 31, IN Ships Sharda, Beas, Arnala and Rana as well as INS Venduruthy. He was the FNO and later FOO of the Eastern Fleet from 1971 to 1974. In Naval Headquarters, he served in Plans and Operations Directorates and in the Personnel Branch. On retirement in 1989, he has settled down in Chennai.







Appendix P  
Refers to Article  
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