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« The state of piracy in 2023 »

The fruit of a distortion between the wealth of maritime commerce and those left behind, piracy is by no means a new phenomenon. For the first time about twenty years ago, it directly threatened maritime traffic in the Indian Ocean, just as the shipping industry was entering the era of intense globalization. One of the unique features of piracy is that it has generated universal jurisdiction. Since the era of Cicero, the pirate has been considered the "enemy of all" (hostis humani generis). Modern piracies can be seen as a symptom of booming maritime trade, yet they must be contextualized relative to global traffic flows, which have never been permanently interrupted. Let us review the landscape of global piracy in 2023.

Context and legal definitions

Piracy has significantly receded since the 2010s thanks to the active commitment of national Navies, international anti-piracy coalitions, and the presence of private armed security guards on board commercial vessels. However, it persists across specific regions of the globe, most notably in the Indian Ocean, the Gulf of Guinea, and Southeast Asia. Piracy represents both a human cost for crew safety and a substantial financial burden. According to alternative authors, its macroeconomic impact is estimated between \$7 billion and \$12 billion annually¹.

The economic drivers are multifaceted: escalating marine insurance premiums, diminished economic activity for specific coastal States, cargo depreciation during vessel hijacks and detentions, the elongation of shipping routes to bypass high-risk areas, and the payment of heavy ransoms in kidnapping cases. The cost of insurance coverage is predominantly driven by the "War Risks" (*risques de guerre*) premium surcharge levied by underwriters. For a single transit, this surcharge can represent up to four or five times the annual premium paid for "Ordinary Risks".

Legally, an act of piracy is defined by Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS)

, concluded in Montego Bay on December 10, 1982. It defines it as: "(...) 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: on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (...) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State."

Armed robbery at sea (le brigandage) is explicitly defined within IMO Resolution A.1025(26) under the "Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships". It designates: "(...) any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters or territorial sea (...)." The paramount legal distinction resides in the fact that piracy is a criminal act executed exclusively on the high seas, whereas armed robbery occurs within territorial waters and sovereign national jurisdictions².

The high seas sit completely beyond the reach of individual State sovereignty and are defined by the absolute principle of freedom of navigation. Consequently, only sovereign state vessels (navires d'État) flying a national flag possess the legal authority to intervene in the event of a breach of international public order. However, piracy represents a historical exception. The Montego Bay Convention

¹ However, selected States, such as the Seychelles or Yemen, suffered a catastrophic 40% loss in their port activity in 2011.

² An act of violence committed against a vessel for political or religious purposes will be classified as an act of terrorism, and not as piracy.

(UNCLOS) organizes a framework of universal jurisdiction, declaring that "all States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State" (Art. 100). Article 105 expands further: "On the high seas (...) every State may seize a pirate ship (...) arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed (...)."

Throughout the 2000s, criminal networks aggressively expanded their operational *modus operandi*. They mutated from the direct boarding and robbery of local fishing vessels or coastal general cargo ships into high-stakes kidnapping-for-ransom operations, alongside targeted tactical assaults against deep-sea tankers and offshore oil production platforms. Acute political instability, the structural presence of failed States frequently disorganized by protracted civil wars and secessionist movements, mass unemployment, and desperate socio-economic coastal conditions serve as the perfect breeding grounds for both piracy and armed robbery. These individuals operate as poly-criminals ashore as well as at sea, acting out of criminal opportunism within structured syndicates that occasionally command international ramifications tied to terrorism or transnational organized crime (such as narcotics and human trafficking), or simply responding to the basic survival needs of destitute coastal populations.

The recent history of maritime law enforcement and piracy repression was primarily spearheaded by the international community, whose overarching objective focused on restoring maritime security across the major arterial choke points of global seaborne trade.

According to the annual security review published by the MICA Center (Maritime Information Cooperation and Awareness Center) based in Brest—whose core mission centers on auditing and evaluating the state of global maritime security—acts of piracy and armed robbery have contracted continuously since their peak in 2008. In 2022, the MICA Center recorded 300 incidents worldwide, translating into a 5% decline compared to 2021. This positive retraction is specifically driven by a remarkable contraction in high-seas piracy acts, whereas localized armed robbery cases remain stable or are experiencing clear increases across selected regions of the world.

The Indian Ocean theater

This expansive global region encompasses the Bab-el-Mandeb Strait, the Gulf of Aden, and the Strait of Hormuz, concentrating approximately 25% of global maritime traffic. This maritime traffic is structurally characterized by massive raw energy flows originating from the Gulf nations and bound primarily for Asian markets, alongside heavy containerized manufacturing cargo transiting between Asia and Europe via the Suez Canal. Fifteen years ago, the continuous presence of high-value merchant vessels, alongside those chartered by the World Food Programme (WFP), fueled the criminal covetousness of Somali clans operating from a war-torn nation locked in a deep civil war. At the absolute zenith of this piracy crisis, in January 2011, 736 hostages and 32 large merchant vessels were simultaneously detained by Somali pirates.

The successive tactical boardings of the luxury yacht *Le Ponant* (April 2008), the sailing vessel *Carré d'As IV* (September 2008), and the catamaran *Tanit* (September 2009) by Somali pirate networks marked a decisive historical turning point in the global fight against piracy within the Gulf of Aden.

At the explicit request of France, the UN Security Council unanimously adopted Resolution 1816 (2008) in June 2008. This landmark text authorized selected maritime powers to enter the sovereign territorial sea of Somalia to deploy "*all necessary means to suppress acts of piracy and armed robbery at sea*". These naval interventions had to be executed in strict compliance with international humanitarian and maritime law. Crucially, this Security Council authorization restricted its scope exclusively to the Somali crisis and explicitly stated that it "*shall not establish a legal precedent*".

Nonetheless, this resolution constitutes a major shift within the law of the sea: during peacetime, third-party State interventions inside waters under foreign national sovereignty historically targeted maritime safety or pollution mitigation, but never the active exercise of policing and sovereign enforcement powers.

Under the direct political impulse of France, the European Union deployed a major naval task force to shield commercial merchant shipping: Operation Atalanta (*Opération Atalante*, launched in December 2008). Its core mandate focused on organizing protected naval convoys, safeguarding vulnerable vessels, executing active interventions during live assaults, deterring pirate networks, and boarding suspect crafts when necessary. Concurrently, the multinational naval task force Combined Task Force 151 (CTF-151)—engineered through subsequent UN Security Council resolutions—alongside NATO's

Operation Ocean Shield, joined the European initiative to guarantee the absolute freedom of navigation across the choke points.

The deployment of private armed security personnel (privately contracted armed security teams — PCAST) and proactive passive self-defense arrangements on board commercial vessels successfully stemmed the regional piracy phenomenon. Statistically, the theater recorded 203 attacks (whether successful or aborted) in 2010; two years later, this metric fell to 42; and four years later, in 2014, a mere 3 incidents were logged.

This drastic contraction of regional piracy is identically driven by the progressive domestic stabilization of Somalia, alongside the active deterrent and law enforcement operations executed by the Navies of the regional Gulf of Aden coastal States, and the widespread crew integration of Best Management Practices (BMP) disseminated by the IMO. Systemic arrests, combined with successful judicial prosecutions of pirate leaders, successfully dried up the criminal recruitment pool. In late 2022, the mandate of Operation Atalanta was formally extended to December 2024, with its operational scope expanded to encompass the suppression of weapons and narcotics trafficking alongside the monitoring of illegal maritime activities.

According to figures compiled by the MICA Center, acts of piracy and armed robbery contracted sharply, dropping from 73 incidents in 2017 to 45 in 2022. Consequently, the Indian Ocean is no longer classified as a High Risk Area (HRA) by the international maritime industry since January 1, 2023. Although security incidents within the zone persist at an exceptionally low level, piracy is by no means completely eradicated and remains highly liable to flare up again depending on the evolution of the regional geopolitical context.

Therefore, the dissolution of the HRA designation does not alter the existing international counter-piracy frameworks or the operational commitment of participating nations. Vessels operating within the Voluntary Reporting Area (VRA) are strongly invited to continuously register with reporting monitoring bodies, namely the MSCHOA (Maritime Security Centre — Horn of Africa), Operation Atalanta, and the UKMTO (United Kingdom Maritime Trade Operations), in strict compliance with the recommendations of the Best Management Practices (BMP 5).

The dissemination of onboard passive self-protection measures (advanced surveillance systems, secure citadels, heavy razor wire fences) and tactical maneuvers (speed acceleration, spatial rerouting) for vessels transiting hazardous zones, alongside high-level recommendations and guiding principles directed at Governments, ship operators, Masters, and crews (MSC.1/Circ.1333/Rev.1, MSC.1/Circ.1334), have successfully minimized merchant shipping vulnerability.

Coastal States remain highly vigilant; India, for instance, formally enacted a landmark maritime anti-piracy bill in December 2022. This text stands as the very first piece of Indian domestic legislation specifically drafted to criminalize maritime piracy on the high seas, empowering national law enforcement authorities to act. Crucially, the bill extends its statutory jurisdiction to encompass India's Exclusive Economic Zone (EEZ), stretching up to 200 nautical miles from the baseline coast. Suppressing maritime piracy across the regional theater remains a high-level strategic priority.

The Gulf of Guinea theater

Conversely to the piracy patterns characteristic of the Gulf of Aden, West African maritime crime exerts a less direct mechanical impact on global macro-commerce trade lanes, resulting historically in a weaker, less synchronized mobilization of the international community. However, this global region concentrates 90% of seafarers' kidnappings worldwide, characterized by a sharp, violent escalation over recent years.

Classified for years as the most hazardous maritime zone on the globe, the Gulf of Guinea—stretching over nearly 6,000 kilometers from Senegal to Angola—is exceptionally rich in offshore oil reserves, mineral deposits, and fisheries. It sits at the absolute crossroads of primary shipping routes, yet falls victim to multi-layered illicit activities, notably piracy. Pirate syndicates operate predominantly around the Niger Delta and across deepwater zones stretching between Ghana and Gabon. Heavily armed criminal gangs originating from Nigeria mastermind the vast majority of these assaults. Driven by the cyclical collapse of refined oil product prices, pirates progressively shifted their operational modus operandi from cargo oil theft (bunkering / oil siphoning) to kidnapping-for-ransom operations, where seafarers are violently abducted, moved to inland hideouts ashore, and held until a ransom is extracted. The UN Assistant Secretary-General for Africa, Martha Ama Akyaa Pobee, specifies that this piracy machinery generates approximately \$2 billion annually for the criminal syndicates involved.

Piracy escalated sharply across the region starting in 2017, driven by a profound "professionalization" of the criminal syndicates. However, the broader trend is currently on the decline, with 99 incidents recorded in 2017, 115 in 2020, and contracting down to 32 in 2022.

This contraction of West African piracy stems from heightened regional coordination efforts and the sustained operational support of international partners executing maritime patrols. The Nigerian Navy commands a high capability level, and the nation has redoubled its domestic enforcement by recently commissioning the "Deep Blue Project"—backed by a massive \$195 million investment. This capital-intensive master program secures the acquisition of greenfield naval vessels, unmanned aerial vehicles (Urones / drones), and advanced command-and-control communication systems. Systemic judicial prosecutions and successful criminal convictions for acts of piracy and armed robbery in Nigeria and Togo operate as critical legal deterrents.

Concurrently, the Cameroonian Armed Forces actively committed four specialized Rapid Intervention Battalions (BIR — Bataillons d'Intervention Rapide) with a dedicated maritime mandate. These elite units are thoroughly trained and highly equipped, tasked with guaranteeing maritime security within the territorial sea and shielding offshore oil and gas production facilities. Crucially, this securing takes place predominantly inside territorial waters; Exclusive Economic Zones remain exceptionally challenging to cover due to their vast maritime surface areas.

Since the landmark Yaoundé Summit of 2013, the French Navy has systematically organized joint operational patrols three to four times a year under the "African NEMO" framework, culminating annually in the large-scale "Grand African NEMO" exercise. The 19 coastal nations of the region are invited alongside third-party allied States. The objective targets sharing international operational know-how and optimizing tactical capabilities to suppress illegal, unreported, and unregulated (IUU) fishing, high-seas piracy, marine pollution, and transnational illicit trafficking.

The "Yaoundé Architecture" operates as the official inter-regional cooperation mechanism for maritime safety and security across the Gulf of Guinea. A recent bilateral agreement was signed with Russia, incorporating a dedicated counter-piracy enforcement component. The high-level administration of this architecture is managed by the Inter-Regional Coordination Centre (ICC / CIC) headquartered in Cameroon. The ICC strives to harmonize the judicial and penal response to piracy among diverse member States, disseminates maritime safety information, engineers joint naval task forces, deploys specialized training exercises, and resolves maritime border disputes.

To execute its mandates across two distinct sub-zones, the ICC relies on two regional pillars: the Regional Centre for Maritime Security of West Africa (CRESMAO) based in Abidjan, and the Regional Centre for Maritime Security of Central Africa (CRESMAC) located in Pointe-Noire. Finally, five Multinational Coordination Centres (MCC / CMC) are tasked with piloting the operations of national maritime crisis rooms, ensuring direct operational control over the naval assets deployed by sovereign States across five separate geographical maritime sectors.

Nevertheless, the baseline assessment of this inter-regional cooperation framework is not fully satisfactory. While its achievements in establishing standardized training benchmarks are widely praised, the mechanism has nonetheless failed to spark and sustain a genuine regional operational momentum, or to achieve the unified legal harmonization that remains mandatory to effectively prosecute the illicit activities taking place across the Gulf.

The ICC suffers from a chronic shortage of financial, logistical, and human resources. Within this complex regional ecosystem characterized by divergent national interests, each specific Gulf of Guinea nation aggressively defends its own proprietary maritime strategy, standing in direct economic competition against its immediate neighbor. Internal institutional turf wars aimed at capturing political influence, financial grants, or bureaucratic power severely hinder the common cause.

Furthermore, the naval assets commanded by the coastal Navies of the Gulf remain globally restricted, and their tactical coordination fails to generate a sufficient critical mass. More fundamentally, the political will to cooperate is not fully unreserved from nations fiercely attached to their West African state sovereignty, which are simultaneously forced to confront internal terrestrial crises judged significantly more pressing than those affecting the waters of the Gulf. Consequently, the regional nations must profoundly deepen their operational counter-piracy cooperation and harmonize their domestic criminal codes.

The Caribbean Arc and South American theaters

According to the International Maritime Bureau (IMB), ports across South and Central America account for 14% of global security incidents. A total of 13 incidents were officially reported in 2023, encompassing attempted boardings, hostage-taking events, armed assaults, and physical threats suffered by crews on board vessels at anchorage in Callao (Peru), Colombia, Macapá (Brazil), and Panama.

The Caribbean region operates as a highly favorable environment for localized armed robbery (brigandage), targeting predominantly the luxury yachting sector and, to a lesser extent, commercial merchant vessels. The dominant *modus operandi* manifests as the nighttime targeting of yachts to steal, without conventional physical violence, dinghies, shipboard electronic equipment, personal effects, and cash liquidity. However, the criminals are occasionally equipped with knives and firearms, which they readily deploy to intimidate ship crews.

A persistent task force of international warships—predominantly American, French, British, and Dutch assets—deploys year-round across the theater to disrupt and interdict transnational narcotics trafficking lanes originating from South America, backed by intensive maritime patrol aircraft sorties executed daily. Finally, the monumental hydrocarbon reserves recently discovered offshore Guyana, Suriname, and Brazil are destined to transform the macroeconomic and security landscape of the entire region. As soon as these deepwater production platforms enter full operations, the energy corporations managing their exploitation will undoubtedly face multi-layered security risks. Peacetime offshore petroleum activity historically moves hand in hand with a degradation of the localized maritime security environment, most notably across politically volatile regions.

The Southeast Asian theater and the Singapore Strait

Southeast Asia—most notably within the traffic separation scheme (TSS) of the Singapore Strait—has experienced a high frequency of minor armed robbery incidents. The extreme high-risk zones encompass the Malacca and Singapore Straits, the waters situated west of Peninsular Malaysia, and the shipping lanes along the coastlines of Borneo (encompassing the Sarawak, Sabah, and Brunei coasts), alongside the maritime corridors separating the Philippines from the Malaysian state of Sabah (most notably the Sulu and Celebes/Sulawesi Seas). The secondary risk zones comprise the Gulf of Thailand, all waters separating Vietnam, the Philippines, and northern Borneo situated south of 10° North latitude, alongside the Java, Banda, and Celebes Seas.

Statutorily, reported incidents of theft, armed robbery, and sea piracy expanded by 20% between 2021 and 2022, yet remain below the historical metrics recorded in 2020. More than 50% of all reported incidents occurred inside the Singapore Strait, concentrated predominantly within the eastbound lane of the traffic separation scheme. Reports detailing physical crew injuries remain exceptional, accounting for fewer than 5% of all logged incidents.

Nevertheless, this low casualty rate and the tactical *modus operandi* of the perpetrators remain fully aligned with the patterns of petty maritime delinquency. The vast majority of these criminals instantly flee as soon as they are spotted by the watch. Proactive watchkeeping actions executed by crews and coordinated operations led by state law enforcement agencies successfully prevented selected boardings while apprehending perpetrators. For instance, the Singapore Police Coast Guard, operating in synchronization with the Batam Maritime Police (Indonesia), successfully arrested multiple offenders operating within the Singapore Strait.

Ultimately, the structural root causes of piracy across every single macro-region must be rigorously examined: namely the social, political, democratic, economic, and environmental challenges that sovereign States must confront to cultivate long-term stability. Universal maritime security remains intimately and structurally bound to the sustainable socio-economic development of coastal regions.

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