

Hijack of MV Abdullah: A Critical Analysis of Bangladesh's Maritime Security and Future Preparedness

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Source: New Age

Introduction

A Bangladeshi-flagged ship travelling from Mozambique to the United Arab Emirates was seized by pirates in the Indian Ocean on 12 March 2024. The vessel, known as MV Abdullah, was carrying 23 Bangladeshi sailors, all of whom were taken captive, as reported by the ship's

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owners.² MV Abdullah is owned by SR Shipping, a subsidiary of the KSRM Group, and is primarily engaged in freight transport. The sailors and their family members passed the toughest times of their lives, wondering if they could ever meet or not. The pirates demanded a ransom, and they confiscated the sailors' phones to prevent them from contacting their families. Finally, after 33 days of captivity, all 23 sailors aboard the hijacked vessel, MV Abdullah, were freed, along with the ship itself, from the clutches of Somali pirates after a \$5 million ransom was paid to them. This incident recalls the hijacking of another Bangladeshi vessel, MV Jahan Moni, by Somali pirates in December 2010. In that incident, 25 sailors and the wife of the ship's chief engineer were held hostage for 100 days before being rescued.³

Why Maritime Security is Crucial for Bangladesh

Bangladesh has faced and is also on the verge of facing more challenges from maritime piracy, particularly heightened by recent events such as tensions in the Red Sea caused by Houthi rebels of Yemen and piracy incidents off the coast of Somalia. The maritime security issue poses both traditional and non-traditional security threats to Bangladesh, given its reliance on water bodies for trade, transportation and economic growth. The country's heavy dependence on maritime exports, constituting nearly 94 percent of foreign trade, underscores the critical importance of maritime security in safeguarding its economy.

²“Bangladeshi Ship Hijacked by Somali Pirates”, News On Air, March 13, 2024, <https://www.newsonair.gov.in/bangladeshi-ship-hijacked-by-somali-pirates/>

³“MV Jahan Moni: Surviving 100-day captivity by Somali Pirates in 2010”, Dhaka Tribune, March 13, 2024, <https://www.dhakatribune.com/bangladesh/341700/mv-jahan-moni-surviving-100-day-captivity-by>



Source: Somoy News

Economic Vitality: Bangladesh relies heavily on maritime trade for its economic growth. The majority of the country's imports and exports are conducted via sea routes, making maritime security essential for safeguarding trade routes, ports, and vessels.⁴ Any disruption to maritime security poses a direct threat to Bangladesh's economy, potentially leading to economic instability and loss of revenue.

Food Security: Bangladesh's maritime resources play a crucial role in ensuring food security for its population. The country depends on fisheries and marine resources for a significant portion of its food supply. Maintaining maritime security helps protect these resources from illegal fishing activities and environmental degradation, ensuring sustainable access to food for the population.

National Security: As a coastal nation, Bangladesh's territorial integrity and sovereignty are closely linked to its maritime security. Ensuring the safety and security of its maritime borders is essential for protecting against external threats, such as piracy, smuggling, and illegal migration. Additionally, maritime security helps safeguard vital infrastructure, including ports and offshore installations, which are critical to national security.

⁴Humayun Rashid Askari, "The Maritime Sector in the Economic Development of Bangladesh", Bangabandhu Sheikh Mujibur Rahman Maritime University <https://bsmrmu.edu.bd/public/files/econtents/6056f090437c67-The%20Maritime%20Sector%20in%20the%20Economic%20Development.pdf>.

Environmental Protection: Bangladesh's coastal areas are vulnerable to environmental threats such as oil spills, pollution, and natural disasters.⁵ Effective maritime security measures help mitigate these risks by monitoring and regulating maritime activities to prevent environmental degradation and protect fragile ecosystems.

Illegal Activities and Transnational Threats: Maritime security helps combat a range of illegal activities, including drug trafficking, human trafficking, arms smuggling, and maritime terrorism.⁶ By strengthening law enforcement capabilities and maritime surveillance systems, Bangladesh can deter and disrupt criminal networks operating in its territorial waters, thereby enhancing overall security and stability in the region.

Legal Frameworks on Maritime Security

Customs Act, 1969: The Customs Act empowers customs authorities to enforce maritime security measures, including the inspection and clearance of vessels entering or leaving Bangladeshi ports.⁷ It also regulates the import and export of goods by sea.

Maritime Zones Act, 1976: This legislation delineates Bangladesh's maritime zones, including its territorial waters, contiguous zone, exclusive economic zone (EEZ) and continental shelf.⁸ It provides the legal framework for protecting Bangladesh's maritime interests and enforcing its jurisdiction over these zones.

Bangladesh Merchant Shipping Ordinance, 1983: This ordinance regulates various aspects of merchant shipping in Bangladesh, including vessel registration, safety standards, crew qualifications, and maritime security.⁹

⁵Firoza Ashrafee, "Maritime Security in the Bay of Bengal", Bangladesh Institute of Peace and Security Studies, <https://bipss.org.bd/pdf/Maritime%20Security%20in%20the%20Bay%20of%20Bengal.pdf>

⁶"Integrated Training to Tackle Maritime Crimes Through Strengthened Judicial and Law Enforcement Capacity by UNODC's Global Maritime Crime Programme (GMCP)", United Nations Bangladesh, <https://bangladesh.un.org/en/254904-integrated-training-tackle-maritime-crimes-through-strengthened-judicial-and-lawenforcement#:~:text=Over%20the%20past%20few%20decades,human%20trafficking%2C%20and%20migrant%20smuggling.>

⁷"The Customs act, 1969", Laws of Bangladesh, <http://bdlaws.minlaw.gov.bd/act-details-354.html>

⁸"Territorial Waters and Maritime Zones Act, 1976 (of 22 December 1976)", Law of the Sea, https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/PAK_1976_Act.pdf

⁹"Bangladesh Merchant Shipping Ordinance, 1983 (No. XXVI of 1983)", InforMEA, <https://www.informe.org/en/legislation/bangladesh-merchant-shipping-ordinance-1983-no-xxvi-1983>

Bangladesh Coast Guard Act, 1994: This legislation establishes the Bangladesh Coast Guard as the primary maritime law enforcement agency responsible for safeguarding Bangladesh's maritime interests, including security, search and rescue and environmental protection.¹⁰



Source: Vecteezy

Maritime Labour Convention, 2006 (MLC): Although not specific to security, the MLC sets out minimum requirements for seafarers' working and living conditions, including provisions related to health, safety, and security on board ships. Bangladesh ratified the MLC in 2011, ensuring compliance with its provisions.¹¹

Territorial Waters and Maritime Zones Amendment Act (2021): Under this act, a particular section specifically addresses piracy and armed robbery at sea. It defines piracy offenses, establishes penalties for perpetrators and outlines procedures for prosecuting piracy cases in Bangladesh.¹²

International Ship and Port Facility Security (ISPS) Code: Implemented as part of the International Convention for the Safety of Life at Sea (SOLAS), the ISPS Code establishes requirements for ship and port security measures to prevent acts of terrorism and enhance

¹⁰“The Coast Guard Act, 1994”, Südasiens-Institut Heidelberg, <https://www.sai.uni-heidelberg.de/workgroups/bdlaw/1994-a26.html>

¹¹“MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006)”, International Labour Organization, <https://webapps.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:80001:0::NO::>

¹²“Territorial Waters and Maritime Zones (Amendment) Act, 2021”, Laws of Bangladesh, <http://bdlaws.minlaw.gov.bd/act-print-1394/section-print-50714.html>

maritime security worldwide.¹³ Bangladesh has implemented ISPS Code regulations at its ports and on board its flagged vessels.

Assessing the Implications of the Legal Provisions

In recent events, the hijacking of a Bangladeshi-flagged vessel by Somali pirates has brought into question the effectiveness of existing legal provisions in ensuring the safety and security of Bangladeshi sailors.

Firstly, despite the presence of laws that specifically address piracy at sea, incidents like the hijacking of MV Abdullah showed significant gaps in enforcement. The inability to prevent such incidents raises concerns about the adequacy of maritime security measures and the effectiveness of legal deterrents.



Source: New York Post

Secondly, while international conventions like the Maritime Labour Convention of 2006 establish standards for seafarers' working conditions, they do not directly address security

¹³“International Ship and Port Facility Security (ISPS) Code”, MPA Singapore, [https://www.mpa.gov.sg/port-marine-ops/port-safety-security/safety@sea-singapore/safety-resources/port-security/international-ship-and-port-facility-security-\(isps\)-code#:~:text=ships%20and%20ports](https://www.mpa.gov.sg/port-marine-ops/port-safety-security/safety@sea-singapore/safety-resources/port-security/international-ship-and-port-facility-security-(isps)-code#:~:text=ships%20and%20ports)

concerns such as piracy. This created a disconnection between international maritime regulations and the evolving threats faced by seafarers in high-risk regions like the Indian Ocean.

Finally, the ransom payment of \$5 million to secure the release of the sailors aboard MV Abdullah raises ethical and legal dilemmas. While it may have led to a comparatively swift resolution of the hostage situation, it also incentivizes future piracy activities. This scenario could potentially embolden pirates to engage in further acts of piracy, particularly targeting vessels from nations with less robust maritime security measures, as the successful ransom payment sets a precedent for lucrative financial gain.

In addition to this, the confiscation of sailors' phones by pirates highlights vulnerabilities in communication and coordination mechanisms during maritime crises. Legal provisions should encompass measures to enhance communication resilience and facilitate timely response efforts, ensuring the safety and well-being of seafarers and their families. Overall, there is a pressing need for comprehensive reforms that address gaps in enforcement, enhance international cooperation, and prioritize the safety of seafarers.

The Struggle to Maintain Maritime Security in Bangladesh

- Bangladesh's oversight and enforcement systems as a port and coastal State are notably deficient, marked by fragmentation and lack of coordination. There are no facilities for receiving waste at seaports, and the delineation of enforcement, legal, administrative, and judicial responsibilities for addressing maritime security threats is still unclear.
- Coordination among the Coast Guard, maritime administration, and port authorities is notably lacking. Even in cases where the Coast Guard apprehends a vessel for major oil pollution in territorial waters, it is uncertain which authority would prosecute and in which court proceedings would take place. The maritime sector grapples with outdated and vaguely enforced laws, leading to significant challenges in implementation.
- Existing legislation in Bangladesh still lacks clarity. Efforts to enforce necessary laws have met with limited success due to ineffective administrative and judicial coordination. Besides, national laws have not been revised to align with the provisions of this international agreement.

- Inadequate investment in maritime infrastructure further exacerbates the struggle to maintain maritime security in Bangladesh. Insufficient resources allocated to port facilities, communication networks, and surveillance systems hinder effective monitoring and response to maritime security threats, leaving gaps in the country's maritime defense capabilities.

Lessons Learned



Source: Conqueror Freight Network

- Enhancing capacity will serve as a crucial foundation for tackling maritime security obstacles head-on.¹⁴ Bangladesh must prioritize initiatives aimed at bolstering capabilities, with a particular emphasis on empowering governmental bodies and coastal communities to manage and harness the maritime environment responsibly. This holistic

¹⁴Shafqat Munir, “Ship hijacking reveals Bangladesh’s maritime vulnerabilities”, The Daily Star, March 14,2024, <https://www.thedailystar.net/opinion/views/news/ship-hijacking-reveals-bangladeshs-maritime-vulnerabilities-3566716>

strategy entails implementing institutional changes, strengthening governance structures, refining procedures, and initiating management reforms across diverse policy domains.

- Given the limited availability of local expertise, Bangladesh can explore collaborations with international partners and leverage maritime diplomacy to effectively address its security requirements. Through strategic alliances and diplomatic engagements, Bangladesh can access valuable resources and knowledge to enhance its maritime security posture and ensure the sustainable utilization of its maritime resources.
- We must anticipate the ongoing occurrence of such incidents in international waters. Consequently, our response system must be thorough and all-encompassing. Seamless collaboration among various ministries and agencies is essential to effectively manage these incidents. Additionally, fostering closer cooperation between the private sector and the government is of utmost importance in addressing maritime security concerns.
- The focus should also be on providing comprehensive training programs for maritime law enforcement personnel, including Coast Guard officers, customs officials, and port security personnel, to enhance their skills in maritime security operations, crisis management, and response tactics.
- We should develop and implement comprehensive maritime domain awareness (MDA) strategies to monitor, track, and analyze maritime activities effectively, enabling early detection of security threats and proactive response measures.
- Maritime infrastructure, including port facilities, communication networks and maritime surveillance systems should be upgraded to enhance operational capabilities and support effective maritime security operations.

Conclusion

Ensuring maritime safety and security is fundamental for fostering stability and promoting economic growth in the Bangladesh region, safeguarding both its prosperity and security. Maritime security encompasses a comprehensive array of operations aimed at mitigating threats emanating from the sea. The region's well-being hinges upon the assurance of safe, secure, and unpolluted seas and oceans, which are vital for sustaining prosperity and tranquility. By implementing effective maritime security measures, the region can uphold the rule of law in maritime areas beyond national jurisdiction and safeguard its strategic maritime interests. Key

issues pertaining to maritime safety and security in the Bangladesh region encompass the establishment of an evolving system, systematic verification processes, maritime surveillance efforts, management of marine casualty information, and preparedness for natural disasters. Above all, in Bangladesh's seas, keeping things safe and secure is like building a strong base for a better future. It is about protecting what we have now and steering toward even better days ahead.