



## Blood on the water

**By:** Hemal Ashar **Date:** 2011-10-11 **Place:** Mumbai

### **London solicitor Sarosh Zaiwalla says India must lead anti-piracy fight**

Sarosh Zaiwalla, founder, Zaiwalla & Co. the internationally acclaimed solicitor firm based in London, likes his tea mug full to the brim. Even though the legal eagle is passing through Mumbai, he is still British enough to ask for Earl Grey. No 'cutting chai' Mumbai-ishtyle for this Mumbai born, London-based solicitor. In fact, a 'cutting chai' may seem a little incongruous (can one expect the steward to keep the quintessential British stiff upper lip in case of such a request?) at the Oberoi hotel where Zaiwalla is staying for three days as guest speaker for the India Shipping Summit 2011, to be held from today at the hotel.



*A room with a view, a man with a world view: Sarosh Zaiwalla at the Oberoi hotel in Nariman Point Pic/Atul Kamble*

"I am one of the speakers at the summit," says Zaiwalla, in response to a question about what his role would be at the shipping summit. "I will wind up the conference with my speech. I would be speaking on the problem of piracy and how big a problem it has become these days." The honcho of the international arbitration firm says that he was a ship owner in the 1990s. "I used to have a company called Delta Shipping which was based in the Bahamas, I used to have three ships, and it was my passion."

When asked if piracy on the seas where vessels (mainly merchant navy ships are attacked) was present years ago but has taken on a more lethal turn and is more pervasive now, Zaiwalla says,

"Piracy began only five to six years ago, in a small way but because it was not contained it has grown, spread its tentacles and now has become an industry one could say, spawning commercial businesses. It is these that give an indication of just how widespread piracy has become."



*Pervasive problem: Somali pirates arrested near the Lakshadweep Islands earlier this year were brought to Mumbai. The pirates were arrested by the Indian Navy and Coast Guard and their mother ship also seized following a gun battle*

### **Offshoots**

Zaiwalla points to new 'ventures' that have grown as direct offshoots of the piracy industry.

"There are now law firms specialising in piracy issues, insurance firms and even security firms, with war veterans from Iraq and Afghanistan, all with commercial avenues arising because of piracy. These ventures I think are a very strong pointer to the way piracy is growing." For Zaiwalla, "Piracy is not just kidnapping for ransom money. Think about the huge, psychological price we are paying. We have stressed out families and friends of those who have been kidnapped for ransom (usually the crew on the ships). Then, think how traumatised the victims themselves are, even once they have been set free. Of course, many of them have been killed so we have paid a tremendous price with human life too. It just shows how seriously we need to tackle this."

The deadliest word on the high seas today is Somalia which is unfortunately clubbed with pirates. The country in the Horn of Africa has earned the dubious sobriquet of 'piracy factory' because a majority of piracy incidents involve Somali pirates, enough to Zaiwalla says, "Have the world consider forming one united force to combat piracy. Countries need to come together to fight this scourge. Today, we have countries sending their fleets to counter piracy and provide security to their ships near the Somalia coast. Yet, this is not enough. The world needs a global show of strength. Even though, international fleets do help ships of different countries, an Indian fleet perhaps would protect Indian ships, an English fleet, English ships. One way to overwhelm piracy is that every nation comes together to protect all ships in those dangerous waters."

Zaiwalla also says one needs to take it further if need be, "Make the waters off the Somali coast a no ship zone maybe, like we have no fly zones. Do what it takes but we need to stamp this out. I do not want to talk shop. All this must translate to action. I want to see India, with its new status

as a burgeoning global power, take the lead in tackling piracy. The country must take up the issue at the United Nations Security Council (UNSC), let me see India lead the way in this fight."



*Danger signals: A massive march was held at the Ballard Estate in Mumbai earlier this year, as a mark of protest and to show solidarity with seven Indians, who were held hostage by Somali pirates*

### **Ruthless**

Zaiwalla debunks the theory that Somalia piracy is a political problem. "It has its roots in Somalia where the government is in disarray and unable to control its people. Something like Pakistan and its Inter Services Intelligence (ISI) where the Govt. cannot control it," he says. "Yet, I do not think it is a political problem. It is a criminal activity pure and simple and the pirates are getting bolder, more technically sophisticated, coming farther into the waters and are frankly, ruthless. They are now IT-savvy and more organised than ever before.

I have read about how some people of this poor country have now become prosperous because of piracy. Prosperity to Somalia? It is welcome but not at the cost of innocent lives and as a result of illegal action."

Zaiwalla also says if Somalia is not contained, there is a possibility that other poor nations, where governments are weak and not in control may also become pirate hubs. "We are already seeing that the piracy, though mostly emanating from Somalia is no longer restricted to that country only."

Zaiwalla ends, "Piracy has no place in a civilized world. It is like you or somebody else commuting in a cab and somebody puts a gun to your head saying: give me the money right now."

### **Slick**

With his expertise on maritime matters, the conversation turns to other subjects. This time, it is not blood on the water, but oil - oil slicks and environmental disasters. Says Zaiwalla, ""We have represented countries and ship owners in disaster cases, I am aware there was a ship recently mired off Juhu beach and there were some problems with regards to that." Asked about the controversial ship breaking yard at Alang (Gujarat) target of some environment groups, Zaiwalla says that, "The Indian govt. has to find a middle ground but Alang should not be disbanded it means money to Gujarat and jobs for people."

Periodically, Zaiwalla looks out of the windows to the sea outside his hotel, looking for familiar landmarks in the city of his birth. "So much has changed in Mumbai," he smiles, "The roads are also much more crowded. Today (Monday evening) I am planning to take my son Varun, who is here with me, to a fish restaurant in S Mumbai. Post-conference we will not have time as we are flying out at once." Then, it is back to the offices of Zaiwalla & Co. at Chancery Lane in the heart of London, where the baton, so to speak is being passed on to a new generation. "I want the firm to live on after me. My son works there, my daughter, Freya too is a solicitor. We have a team of young, bright minds like Kartik here (he looks at a young man accompanying him on the India trip), so the future looks good."

Zaiwalla claims the firm has already broken, "A barrier which existed years ago. There was a time when foreign clients would not go to an Indian firm, today that is no longer the case. We have not just Indian clients but English clients and global ones like the Bank Mellat in Iran. We are representing the Iran bank in a suit against European Union (EU) sanctions. In fact, I was in Iran recently in that connection. The Iranians I found, were very keen to be part of the global community and they are very intelligent."

Summing it up, Zaiwalla & Co, says, "To be a trailblazer is one thing, the other is to survive and not fold up like numerous other firms have. The key is maintaining high professional standards and leaving behind an Indian footprint even though you are in a foreign land."

Zaiwalla followed the recent Anna Hazare movement and has his pulse on the weed-out-corruption mood that has fired up the imagination of India. "We should encourage this mood, these movements, afterall, a beginning has to be made somewhere," says Zaiwalla, who is upbeat about India, but warns against complacency. "India is getting there but a lot needs to be done still. Hazare-like movements prove one thing: that eternal vigilance is the price of democracy," he quotes with a finishing flourish.