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Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses

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Summary

On the evening of 4 July 2014, the Honduras-registered oil tanker Moresby 9 was attacked by nine pirates, approximately 34 nautical miles off Indonesia's Anambas islands. The pirates forced the chief officer to navigate the vessel, while the rest of the crew was tied up and locked into the engine control room. The *Moresby 9* was then sailed to an unknown location, where part of the cargo of marine gas oil was transferred to a second tanker. After the transfer, the pirates left the ship and the shipowner was able to re-establish contact with his vessel. This was the second attack on the *Moresby 9* in two years, and the seventh hijacking of a tanker in Southeast Asia since April 2014 (ReCAAP 2014: n.p.). Indeed, the number of reported attacks on tankers and other ships in Southeast Asia is on the rise, with data from the International Maritime Bureau (IMB) showing that Southeast Asia was the most pirate-prone region in 2013. The publication of the 2013 IMB statistics and the attacks on tankers put piracy in Southeast Asia back in the news – ten years after the last piracy boom in Southeast Asia.

This report takes a close look at current pirate attacks in insular Southeast Asia – especially Malaysia, Singapore, Indonesia and the Philippines – to provide a better understanding of contemporary piracy and maritime raids in this region. After critically reviewing piracy statistics and other factors, the report examines the nature of attacks conducted in Southeast Asia and identifies recent piracy trends and hotspots. The report also discusses responses to piracy by regional and international state and non-state actors. It will be argued that tailored responses to specific attacks as well as efforts to address the root causes of piracy are needed to (1) ensure that piracy does not worsen, (2) protect future victims and (3) guarantee the safety of the region's sea lines of communication.

Contemporary piracy in Southeast Asia first caused international concern between the 1990s and the mid-2000s, when the region emerged as 'the' international piracy hotspot. The first part of the report provides an overview of piracy and anti-piracy measures in Southeast Asia during this period. This will allow the identification of changes and continuities in regional contemporary piracy and anti-piracy efforts. Between the 1990s and mid-2000s, the IMB data shows that Indonesian waters were particularly affected by piracy, but it was the rise in reported incidents in the strategically important Malacca Strait that caused international concern. Not reflected in the IMB statistics were attacks in the Sulu Sea (the waters between Sabah, Malaysia and the southern Philippines), where primarily small vessels such as fishing boats were targeted by often violent pirates. In this area, maritime raids also occurred, including the abduction of foreign tourists and resort workers from the Malaysian island of Sipadan by the Abu Sayyaf.

Most of the attacks in Southeast Asia at the time were simple hit-and-run robberies conducted by opportunistic pirates. Rarer were hijackings and other serious and, when they occurred, often violent incidents perpetrated by organised crime syndicates. Opportunistic pirates and those hired by syndicates to conduct pirate attacks often came from areas where poverty was rife and alternative income hard to find, especially in the wake of the 1997 Asian financial crisis. Impoverished fishers, for example, took 'employment' as pirates or conducted opportunistic attacks to supplement their income because their fishing grounds

were overfished or destroyed. In addition to these pirates, members of radical politically motivated groups, such as the Moro Islamic Liberation Front, and corrupt (members of) local law enforcement agencies were also involved in attacks.

The rising number of attacks in this period led to the establishment of organisations and the initiation of (cooperative) anti-piracy measures that have shaped the fight against piracy ever since. These include the Malacca Straits Patrol Network and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). However, cooperation often remained limited due to concerns about sovereignty. In addition, no specific efforts were made to address the underlying causes that motivated people to become pirates – including poverty in coastal communities and overfishing – or to fight other enabling factors such as corruption. However, the efforts to combat piracy in the mid-2000s showed some localized effect, particularly in the Malacca Strait where the number of reported attacks declined. With this decline and the rise of Somali piracy from 2008 onwards, Southeast Asian piracy was all but forgotten.

International attention only refocused on Southeast Asia after the publication of the 2013 IMB piracy data which showed that the region was once again the area with the highest number of reported incidents. A critical look at these piracy statistics and related factors is necessary to understand the threat of contemporary piracy in Southeast Asia. Noticeable is the drop in reported attacks in the Malacca Strait, which can at least in part be explained by a reluctance of victims to report minor incidents. Shipowners fear higher insurance rates if too many incidents are reported and also believe that local authorities are themselves responsible for attacks in the Malacca Strait and nearby waters. Furthermore, as reflected in the statistics, pirates in the area have moved their operations from the more heavily patrolled Malacca Strait to the Singapore Strait and the southern South China Sea. In these waters, recent piracy trends can be identified, including an increase in attacks on tugs and barges and the short-term hijacking of tankers to steal the cargo. In some cases the crew or shipowners of the targeted tankers collude with the pirates, who buy the oil from the crew/shipowner and sell it on the black market.

According to the IMB's piracy statistics, Indonesia is today the most pirate-prone country in the world. A close look at the nature of attacks in Indonesia, however, shows that the number of reported incidents overstates the threat of piracy. The vast majority of attacks recorded in Indonesia are minor thefts conducted while vessels are at berth or are anchored. Piracy in Indonesia is therefore largely a problem of port security, and should be regarded as a very different phenomenon from piracy in places such as Somalia. In contrast to Indonesia, piracy data fail to reflect the danger of piracy in the Sulu Sea due to incidents not being reported. In this area, violent attacks on smaller vessels continue unabated, and, after ten years of calm, maritime raids are again a concern. These raids have economic and political repercussions and contribute to instability in an already volatile environment.

Overall, there was little change in the nature of piracy in Southeast Asia compared to piracy in the late 1990s to mid-2000s. The motivation of pirates has also not changed, with poverty, overfishing and unemployment still persistent in some coastal communities. Indeed, some of the 'older' pirates who tried to secure a legal income have even returned to piracy in recent years.

However, the nature of piracy clearly differs between the three Southeast Asian hotspots, and all attacks in this region are noticeably different from the hijackings conducted by Somali pirates. The deployment of warships from around the world to combat piracy or the employment of armed private security guards on ships as is done in the wider Gulf of Aden area are therefore not necessary in Southeast Asia. In this region, tailored responses to specific types of attacks as well as broader approaches to address the root causes of piracy are needed.

To successfully implement tailored responses, government and non-state actors need to increase their efforts and work together. Shipowners, for example, could ensure that their crews follow appropriate safety and security procedures and that their vessels are sufficiently protected, with specific efforts made to protect vulnerable boats such as tugs and barges, as suggested by organizations such as ReCAAP. Governments could further improve response time to attacks and initiate more meaningful cooperation between maritime agencies from different countries. To deter attacks on tankers, in which oil is stolen and sold on Southeast Asia's booming black market, steps need to be taken to curtail oil smuggling. In Indonesia, where most attacks take place while vessels are at berth or anchor, port security needs to be improved. Here, the problem is generally not a lack of security personnel but instead a lack of cooperation between different security providers. Moreover, some personnel hired to secure ports are involved in illegal activities themselves. In the Sulu Sea area, the ongoing conflict in the southern Philippines facilitates piracy and maritime raids, and needs to be addressed.

Equally important are initiatives to address the root causes of piracy, which include poverty, illegal/overfishing, lax maritime regulations and corruption of law enforcement agencies. Here, governments and non-state actors from outside the region could contribute by, for example, supporting efforts to eliminate poverty or create alternative employment opportunities in coastal areas. Some of the broader initiatives that have been implemented to address the root causes of Somali piracy could provide ideas. Governments from within and beyond Southeast Asia could also ensure that vessels under their flag meet comprehensive safety and security standards; that crew members are sufficiently paid and their working conditions are appropriate; and that the crew knows how to respond to pirate attacks. For these efforts to be successful, the shipping and fishing industries need to support them.

Contents

1. Introduction

On the evening of 14 June 2014, seven pirates in three speedboats attacked the Honduras-registered tanker *Ai Maru* in the South China Sea. Armed with guns and knives, the pirates climbed on board and tied and locked up the crew. They destroyed the ship's communication equipment and siphoned off approximately 700,000 liters of marine gas oil. While the pirates were still on board, the Singaporean, Malaysian and Indonesian authorities were alerted about the attack and vessels from all three countries were deployed to rescue the tanker. Upon seeing the approaching navy vessels, the pirates abandoned the attack and fled, leaving the crew unharmed. The attack on the *Ai Maru* was not an isolated incident: at least six other attacks on small tankers in which the cargo was stolen were reported in Southeast Asia between April and July 2014 (ICC 2014a: n.p.; ReCAPP 2014: n.p.; Rahmat 2014: n.p.). Indeed, the number of reported attacks on tankers and other ships in Southeast Asia is on the rise, with data from the International Maritime Bureau (IMB) showing that Southeast Asia was the most pirate-prone region in 2013. The publication of the 2013 IMB statistics and the attacks on the tankers put piracy in Southeast Asia back in the news – ten years after the last piracy boom in Southeast Asia.

This report takes a close look at current pirate attacks in insular Southeast Asia – especially Malaysia, Singapore, Indonesia and the Philippines – to provide a better understanding of contemporary piracy and maritime raids in this region. After critically reviewing piracy statistics and related factors, the report examines the nature of attacks conducted in Southeast Asia, and identifies recent piracy trends and hotspots. The report also discusses responses to piracy by regional and international state and non-state actors. It will be argued that tailored responses to specific attacks and efforts to address the root causes of piracy are needed to (1) ensure that piracy does not worsen, (2) protect future victims and (3) guarantee the safety of the region's sea lines of communication.

The first part of this report starts with a brief discussion of piracy as a security threat and the definition of piracy used here. It then offers an overview of Southeast Asian piracy between the 1990s and the mid-2000s, when contemporary pirate attacks in this region first caused international concern. This period is important because Southeast Asia was at the time the most pirate-prone region in the world, and the rising number of attacks led to the establishment of organisations and the initiation of cooperative anti-piracy measures that have shaped the fight against piracy ever since. The second part discusses piracy in Southeast Asia in the past decade. Particular attention is paid to new trends in pirate activities and the different nature of attacks in current regional piracy hotspots, including Indonesian waters, the Malacca and Singapore Straits, the South China Sea and the Sulu Sea. The final part suggests that tailored responses to specific types of attacks as well as broader approaches to address the root causes of piracy are needed. The potential roles of Southeast Asian governments, governments from beyond the region, and non-state actors in the fight against piracy are highlighted in this discussion.

2.   Contemporary Piracy in Southeast Asia until the Mid-2000s[1]

2.1   Piracy as a Security Threat

Piracy has a long history and has re-emerged as a security threat in the contemporary period. Southeast Asian waters as well as the waters off Somalia and Nigeria are particularly affected by contemporary piracy. Piracy is both a symptom and a reflection of a number of geo-political and socio-economic problems and security concerns, including declining fish stocks, the lack of state control over national territory, problems in relations and cooperation between countries, and the existence of radical politically motivated groups and organised crime networks. Piracy is a concern for the countries affected because they can no longer be considered safe places for trade, and piracy demonstrates that local governments are not able to protect their ports and waters. Furthermore, pirate attacks can lead to ship accidents as the pirates sometimes leave the bridge unmanned during an attack or take over the navigation themselves. This can result in accidents such as groundings or collisions with other vessels, especially when attacks occur in a congested waterway such as the Malacca Strait. Such accidents can have devastating consequences for the crew as well as for the environment and people living ashore, particularly if a tanker is involved.

However, for a variety of reasons, piracy is much more than a local problem. To begin with, pirates attack ships registered and owned in countries around the world. Those financially hurt by attacks are therefore mostly ship- and cargo-owners (and insurance companies) based outside piracy hotspots. Furthermore, the immediate victims, the crew on board targeted vessels, consist usually of seafarers from different countries. Pirate attacks can be violent in nature, with assaults and injuries, killings, and hostage-taking of crew occurring in all piracy hotspots. Such attacks pose a direct threat to the welfare and lives of seafarers, and can be a traumatic experience for the victims. Since mariners live on board a vessel for prolonged periods of time, an attack can be perceived not only as a raid upon a work place, but also as an invasion of their 'home'. Out at sea, the victims usually have to face the attackers alone and are forced to defend themselves by whatever means possible.

Beyond the actual victims, pirates pose a threat to the safety and security of international shipping lanes. Eighty per cent of global merchandise trade by volume today is carried on ships, and the timely and safe transport of these goods is the foundation of the global economy (UNCTAD 2013: XI). Piracy is therefore an international security concern, or in other words, a problem that is not confined to the countries and waters where actual attacks occur. Governments from around the world, but especially those of established shipping nations such as Germany, should therefore take an interest in combatting piracy.

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1   This part is largely a summary of the author's book Oceans of Crime (Liss 2011).

2.2   Definition of Contemporary Piracy

In the 1980s, the IMB began the first systematic collection and publication of reports of pirate attacks worldwide. Until the recent spate of pirate attacks off Somalia, the IMB included in its definition of piracy any "act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act" (ICC 1998: 2). Today, the IMB and many other international institutions draw a distinction between piracy and armed robbery against ships. For the definition of piracy, Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) is used, and armed robbery against ships is defined in accordance with the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships of the International Maritime Organization Assembly Resolution A.1025 (26). According to these definitions, pirate attacks occur on the high seas, while armed robbery against ships are attacks committed "within a State's internal waters, archipelagic waters and territorial sea". Both include "any illegal acts of violence or detention, or any act of depredation, committed for private ends […] against another ship […], or against persons or property on board such ship" (ICC 2013: 3). This distinction is also made by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) which came into force in 2006. Along with the IMB, the ReCAAP Information Sharing Centre currently provides the most comprehensive piracy data for the Southeast Asian region.[2]

These definitions of contemporary piracy and armed robbery against ships only include attacks that target vessels or the crew on board, and only those incidents that are committed for private as opposed to political ends. While these limitations are generally useful, attacks discussed in this report also include incidents that may, at least in part, be politically motivated as well as raids against towns and offshore businesses, as long as the perpetrators use boats to conduct the attacks. This broader scope is used to accommodate and reflect the special nature of some attacks conducted in Southeast Asia, particularly in the Sulu Sea – the waters between Sabah, east Malaysia and the southern Philippines. In this area, attacks on villages and offshore businesses by maritime raiders still occur, and the distinction between political and private motivations is often blurred. Furthermore, in this report, the distinction between piracy and armed robbery against ships is not made, because older statistics from the 1990s to mid-2000s are also relied upon, and in these the location of attacks is not always clear. However, the location of attacks is discussed whenever possible and deemed useful.

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2   ReCAAP will be discussed in more detail later.

2.3   The Late-1990s to the Mid-2000s

In the contemporary period, Southeast Asia first became a hotspot for pirate attacks in the mid-1970s, when Vietnamese refugees suffered horrendously at the hands of Thai pirates.[3] The attacks on the Vietnamese Boat People in the Gulf of Thailand were exceptionally cruel and violent and often involved brutal killings, hostage-taking, torture, and the rape of women and children. Their suffering was for a long time largely ignored, but the sheer number of Vietnamese refugees arriving in neighbouring Southeast Asian countries, as well as reports of the brutal attacks, eventually forced local and international governments and organisations to address the problem – and attacks subsided between the late 1980s and early 1990s (Boulanger 1989; Eklöf 2006: 17-34).[4] Despite these attacks, it was not until the late 1990s that contemporary piracy in Southeast Asia emerged as a serious international security concern. At this time, the increasing number of attacks and the serious nature of some incidents triggered international concern about the safety of international shipping in the region's waters and led to the establishment of organisations and the initiation of cooperative measures that have shaped the fight against piracy ever since. This part of the report will provide an overview of the most pirate-infested waters in Southeast Asia between the 1990s and mid-2000s, before the different types of pirates active in the region at the time are discussed.

Between the 1990s and the mid-2000s, Southeast Asian pirates targeted merchant ships of any type, nationality or size – except for very large vessels and ships with a high freeboard (which makes it more difficult to climb on board). Smaller, slow moving merchant ships with a low freeboard were generally preferred targets of pirates, who used small speed boats or fishing vessels to approach their targets. Within Southeast Asia, not all waters were equally affected by piracy, and so-called piracy-hotspots shifted to different water areas over time. The IMB piracy data presented in Table 1 show the number of reported attacks worldwide, in Southeast Asia, and in individual Southeast Asian countries. These data, however, have to be taken with a pinch of salt. As the IMB itself acknowledged, only an estimated fifty per cent of attacks were reported to the IMB at the time. The number of unreported incidents was most probably even higher when attacks on fishing boats are also taken into account, as such attacks rarely found their way into these statistics.[5]

Between 1990 and 1992, the waters between the Malacca and Singapore Straits have been identified as the most pirate prone, but after the initiation of coordinated anti-piracy patrols

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3   The refugees carried small valuable items that the pirates took. However, many boats were attacked more than once and with no valuables left, the pirates targeted the refugees in subsequent attacks.

4   It has been suggested that the Thai pirates were able to operate virtually unhindered for a long time because the Thai authorities turned a blind eye to the fate of the Vietnamese refugees because of economic imperatives, political rivalry, and racial animosity (Boulanger 1989: 87-88; Cerquone 1984: 15).

5   One option for collecting more accurate information about piracy is to conduct fieldwork to gather accounts of pirate incidents from victims and/or perpetrators. For a discussion of the value, challenges and problems of such fieldwork see: Liss (2013).

in this area, the focus of piracy shifted to the South China Sea, where between 1993 and 1995 a high proportion of reported attacks took place (see Table 1). Particularly affected were the territorial waters of Hong Kong and Macau and the so-called HLH "terror-triangle", encompassing the waters between Hong Kong, Luzon in the Philippines, and the Chinese island of Hainan. (Rogue) elements of Chinese customs and other maritime law enforcement agencies were believed to be involved in the incidents, and the Chinese government eventually tightened control over personnel of the agencies under suspicion (Chalk 2000: 68-71).

As a result, pirate attacks in Chinese waters ceased by the mid-1990s, but China once again became the focus of international concern when in the late 1990s a rising number of vessels hijacked in Southeast Asia were found in Chinese ports. Initially, the alleged foreign pirates were simply repatriated, but as international criticism rose, the Chinese government once again tightened its grip and began to bring perpetrators to trial. The most widely publicised of these trials was arguably that of the hijackers of the bulk carrier Cheung Son. The pirates were found guilty in December 1999 and received severe penalties under the law, including thirteen death sentences (Stewart 2002: 419). As a result, Chinese ports became less attractive for pirates and lost some of their appeal as a place of business involving hijacked vessels.

Table 1: Location of actual and attempted* attacks, 1993-2006

	'93	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06
South China Sea	31	6	3	2	6	5	3	9	4	-	2	8	6	1
HLH Area	27	12	7	4	1	-	-	-	-	-	-	-	-	-
China/HK Macau	1	6	31	9	5	2	-	2	-	-	1	3	4	1
Indonesia	10	22	33	57	47	60	115	119	91	103	121	93	79	50
Malaysia	-	4	5	5	4	10	18	21	19	14	5	9	3	10
Thailand	-	-	4	16	17	2	5	8	8	5	2	4	1	1
Philippines	-	5	24	39	16	15	6	9	8	10	12	4	-	6
Malacca Straits	5	3	2	3		1	2	75	17	16	28	37	12	11
Singapore Straits	-	3	2	2	5	1	14	5	7	5	2	8	7	5
Southeast Asia**	15	37	70	122	89	89	160	237	150	153	170	155	102	83
Worldwide	103	90	188	228	247	202	300	469	335	370	445	329	276	239

Source: ICC, Piracy and Armed Robbery against Ships. Annual Reports 1992-2006.

*Attempted attacks include: attempted attacks, attempted boardings and vessels fired upon.

**Southeast Asia includes here: Indonesia, Malaysia, Malacca Straits, Philippines, Singapore Straits, and Thailand.

Around the mid-1990s, a higher incidence of attacks was reported in the Philippines (24 in 1995, 39 in 1996) and Thailand (16 incidents in 1996 and 17 in 1997), but these numbers were overshadowed by the rise of reported attacks in Indonesia. From the mid-1990s, as Suharto's New Order regime unravelled, Indonesian waters were identified as the most pirate-infested in Southeast Asia. With more than 17,000 islands distributed over 1.9 million square kilometres, combatting piracy in Indonesian is not an easy task. Most of the

reported incidents in Indonesia were minor thefts, often conducted in ports. However, the increase of reported attacks in the Malacca Strait,[6] which started with a jump from two actual and attempted reported attacks in the area in 1999 to 75 the following year, received the most international attention (Table 1). In 2001, the number dropped again to 17. In 2002, 16 incidents were reported, 28 in 2003, 37 in 2004, 12 in 2005 and 11 in 2006. The attacks in this area caused concern because of the strategic importance of the strait, which is one of the busiest waterways in the world. More than 60,000 vessels over 300 gross tons passed through the area annually, including a large number of tankers carrying oil from the Middle East to China, Japan, and other destinations (Stehr 2004: 58-9). Unfounded speculation that terrorists may have been colluding with pirates in the Malacca Strait and accusations that the Free Aceh Movement (GAM – Gerakan Aceh Merdeka), or rogue members of the group, were responsible for some attacks, added conspiratorial overtones.

In addition, an unknown number of unreported attacks on fishing boats occurred in the Malacca Strait at the time. Fishers are often reluctant to report incidents either because (1) they do not think the authorities will assist them, (2) they know that the authorities are themselves responsible for attacks or (3) the fishers were targeted while fishing illegally. Interviews by the author in Hutan Melintang, a fishing village on the Malaysian side of the Malacca Strait, for example, revealed that local fishers suffered serious attacks once or twice per month between 2003 and 2005, when the interviews were conducted. These incidents included hijackings of fishing boats and taking fishers hostage for ransom. The IMB recorded twenty-eight actual and attempted pirate attacks in the entire Malacca Strait in 2003, thirty-seven in 2004, and twelve in 2005. Including the attacks on the fishing vessels from Hutan Melintang alone would have significantly altered these numbers, adding between one or two dozen additional attacks per year.

Similarly underrepresented in the IMB reports are attacks on fishing vessels in other areas. Attacks on fishing boats were particularly common in the waters of the Sulu Sea. The perpetrators active in these waters were predominantly from the southern Philippines and often carried firearms. They targeted fishing boats and other small ships, such as vessels used for inter-island trade or smuggling. Attacks in the Sulu Sea were characterised by a high level of violence, as exemplified in an incident that occurred in the late 1990s. In this incident, three fishermen were shot dead in the strait between Basilan and Zamboanga when armed pirates in a motorboat approached their vessel and opened fire. The pirates then stole the fishing boat's engine and fishing gear and fled (Associated Press Newswire 1999: n.p.). Piracy in this area is shaped by local socio-political conditions, especially the ongoing conflict in the southern Philippines.

The conflict has a long history, and in the early 1970s, broad-based separatist movements began to emerge in the southern Philippines as a result of the ongoing political,

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6   The attacks in the Malacca and Singapore Straits listed in the IMB are in addition to attacks listed for
      individual countries (Malaysia, Indonesia, Singapore). Each attack is therefore only included once in the
      IMB's statistics.

social, and economic marginalisation of the Muslim population of Mindanao and Sulu. The first major group to emerge was the Moro National Liberation Front (MNLF) in 1971. The initial aim of the group was to establish a separate Moro homeland and preserve Islamic and indigenous culture (Che Man 1998: 87; McKenna 1998: 163-4). In 1984, the Moro Islamic Liberation Front (MILF) split from the MNLF, emphasising the ideological "importance of Islamic renewal as part of the struggle for (Muslim) self-determination" (Conciliation Resources 1999: n.p.). Guerrilla warfare was the predominant pattern of armed struggle used by the MNLF and the MILF, with their troops controlling parts of the countryside and establishing fixed bases in the southern Philippines. Despite the violence between the separatist groups and government forces, both the MNLF and the MILF engaged in negotiations with the Philippine government, and the MNLF signed a peace deal in 1996. In addition to the MNLF and MILF, new, more radical groups also emerged in the southern Philippines, most notably the Abu Sayyaf, which was founded in the early 1990s by the former MNLF member Abdurajak Janjalani. Since the early 1990s, this group has been responsible for a spate of attacks and robberies in the southern Philippines, including bombings, extortion, village raids, attacks on military posts and kidnappings. Due to the conflict, weapons were easily accessible and violence was prevalent. The conflict in the southern Philippines was also closely linked to maritime raids in the area, particularly the kidnapping of tourists and resort workers from the Malaysian resort island of Sipadan by the Abu Sayyaf in 2000.

2.4   The Pirates

Between the 1990s and the mid-2000s, most pirate attacks on merchant vessels in Southeast Asia were simple "hit-and-run robberies", conducted at sea, on anchorages or in ports. In these incidents, pirates slipped up to the targeted ship, often under cover of darkness, and took anything of value before leaving the vessel. Common sea robbers were largely responsible for these incidents. They were usually groups of men who knew each other and who kept the booty for themselves, with the exception of bribes paid to authorities and other outsiders to ensure their silence or cooperation. The attacks required little organisation or planning and often lasted no longer then fifteen to thirty minutes. Violence was restricted to incidents in which they had to confront the victims directly, which the perpetrators often tried to avoid. However, these common sea robbers also attacked smaller vessels, especially fishing boats, and in these incidents they invariably had to confront their victims. Such attacks were consequently more violent in nature.

Less common were more serious attacks, such as hijackings of merchant vessels. Hijackings included extended seizures in which a vessel and its crew were held hostage for a limited time and sought-after cargo, such as oil, was stolen. In other cases, the entire vessel was stolen by pirates, given a new identity and used for trade again as a so-called "phantom ship" (ICC 1998: 3, 7). These attacks were characterised by a high degree of organisation and required detailed planning and upfront capital. Organised pirate gangs – or syndicates – were to blame for such incidents. According to Eric Ellen, the former head of the IMB, Chinese triads were primarily responsible for these types of attack in East and Southeast Asia (Stewart 2002: 189-90). To conduct an attack, organisers and financiers within

syndicates hired pirates and these actual perpetrators included at least some men with maritime skills, such as fishers or ship engineers. The hijackings and extended seizures conducted by these hired pirates were often violent in nature, and occasionally entire crews were killed. All crew on board the Japanese owned freighter *Tenyu*, for example, are believed to have been killed by pirates. The vessel disappeared in September 1998 shortly after leaving the port of Kuala Tanjung (on the Indonesian side of the Malacca Strait), but was found three months later in China, with a new crew on board. The fate of the original crew remains unknown and the Chinese authorities released the "crew/pirates", claiming that there was insufficient evidence to convict them (Liss 2011: 45, 192). Organized pirate gangs also targeted fishing boats, and in areas such as the Malacca Strait, held crew members and/or boats hostage for ransom (Liss 2011: 71-88).

The driving factor behind people involved in crime, whether poor or well off, is the desire for money, needed to either survive or prosper in a capitalist world. Both opportunistic pirates and organised gangs were motivated by profit. Financiers of attacks, for example, aimed to increase their existing capital, while the pirates hired by organised pirate gangs and opportunistic pirates often wanted to make a living. Becoming a pirate was indeed often not a first choice because it was, and still is, dangerous. It required the perpetrators to go out at night in a small boat, approach a large merchant ship, climb on board and face the crew (see Frécon 2005: 10). Opportunistic pirates and those hired by organised crime gangs therefore often came from areas where poverty was rife and alternative income hard to find, especially in the wake of the 1997 Asian financial crisis.

One prominent example are impoverished fishers who took "employment" as pirates or engaged in opportunistic piracy because their fishing grounds were overfished or destroyed by the use of illegal fishing methods such as bomb fishing. Overfishing and illegal fishing are serious concerns in Southeast Asia, with waters such as the Malacca Strait and Indonesian Riau Archipelago, just south of Singapore, especially affected. For subsistence and artisan fishers, overfishing is of particular concern, as they rely directly on their catch to feed their families and on the sale of additional fish caught for their livelihood. Piracy is a choice for fishers because they have the necessary maritime skills, local knowledge of the area, and the required equipment, including boats and long knives (*parangs*). In certain areas, such as the southern Philippines, some also bear firearms.

Some desperate or opportunistic fishers (as well as other people employed at sea, such as taxi boat drivers who want or need additional income) turned to piracy and conducted hit-and-run attacks. They targeted other fishing vessels, yachts, or any other small to medium sized ships, including merchant vessels, passing through waters near their communities or in nearby ports. Other fishers were recruited by organised crime syndicates and were paid a fixed amount for their services. An example is the attack on a buoy tender in June 2001 near Karimun Island (Riau Archipelago, Indonesia, south of Singapore), in which one pirate was captured by the crew. Investigations later established that the pirate-leaders were based on Batam, Riau Archipelago, and that they recruited eight struggling fishers from Karimun Island as pirates. The waters surrounding Karimun Island are overfished, the marine habitats destroyed by bomb and cyanide fishing, and other sources of income difficult to find (Yamada 2004: n.p.; Osseweijer 2004: n.p.).

In addition to "ordinary" pirates, such as common sea robbers or syndicates, members of radical politically motivated groups, such as the Abu Sayyaf and the Moro Islamic Liberation Front (MILF) in the southern Philippines and the GAM, were also suspected to be responsible for attacks. (Members of) government forces were also involved either by committing attacks themselves or by accepting payments from pirates in exchange for turning a blind eye to the pirates' activities (Liss 2011: 220-43). In Sabah, for example, a number of officers from the marine police were involved in sea robberies targeting small fishing vessels and other small craft (Liss 2011: 275-302). Observers such as Eric Ellen also believed that the Indonesian Navy was involved, including high ranking officers, and that navy boats were used as motherships for attacks (Stewart 2002: 157). Furthermore, Indonesian and Malaysian authorities have captured pirates who were identified as members of the Indonesian military. In January 2006, for example, Indonesian navy officials arrested a gang of five pirates that had been operating for several years, among them a low ranking member of the Indonesian military stationed in Aceh (Gunawan 2006: n.p.; Author's Interview).[7] In addition to direct involvement, piracy was also facilitated by corruption of officials in Southeast Asian countries, who received a cut of the proceeds from pirates, or collected protection money from potential victims. Fishers on the Malaysian side of the Malacca Strait, for example, paid "protection" money to Indonesian authorities, while fishers in Sabah paid local authorities to prevent attacks on their ships (see Liss 2011: 275-302).

2.5   Combatting Piracy – A Success Story?

In the early 2000s, pirate attacks on merchant ships in Southeast Asia began to cause international concern, which centered almost entirely on attacks in the strategically important Malacca Strait. The concern was sparked by a sudden rise in the number of reported attacks, jumping from two incidents in 1999 to 75 in 2000 (see Table 1). While the number of attacks declined again in 2001, with only 17 reported incidents, the numbers remained comparatively high until 2004, with 16 attacks reported in 2002, 28 in 2003 and 37 in 2004. The serious nature of some of the incidents, which included several hijackings of merchant ships, and the fear of possible collusion between pirates and terrorists added to the concern. However, even at the height of attacks in the Malacca Strait, piracy remained only one of many, often more pressing security concerns for regional governments. The number of pirate attacks, for example, paled in comparison with the number of robberies and crimes committed on land. Furthermore, other security threats such as territorial disputes, illegal fishing and the operations of radical politically motivated groups were considered more pressing security issues. Yet, as international concern about the safety of Southeast Asian sea-lanes rose, regional governments were put under pressure to implement countermeasures or to accept help from outside the region to combat piracy.

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7   Interview by author with a high-ranking police officer, July 2004, Kuala Lumpur, Malaysia.

As a result, anti-piracy measures, consisting largely of more and better coordinated naval patrols, were introduced in different hotspots in Southeast Asia, such as the Sulu Sea (Daily Express 2005: n.p.). Southeast Asian countries also strengthened their naval forces, established new naval agencies such as coast guards, and set up coordination agencies (including the Malaysian Maritime Enforcement Agency which became operational in 2005) to enhance cooperation between different agencies responsible for combatting piracy and other maritime security threats within a country.

Most efforts to combat piracy, however, focused on the Malacca Strait. To secure shipping in this strategic waterway, countries such as Japan and the United States offered assistance, ranging from offers to send naval vessels to patrol the strait to more indirect foreign assistance in the form of training for regional maritime agencies or donations of funds or military hardware to local government agencies. Indirect assistance has generally been accepted, and consisted mostly of donations of funds and hardware, as well as some training of local forces. Direct 'foreign' involvement, on the other hand, has been viewed with suspicion in the region and has been refused. The littoral states Singapore, Malaysia, and Indonesia therefore took it largely into their own hands to combat piracy both individually by increasing maritime patrols and jointly. The most significant of the joint efforts was MALSINDO, a trilateral agreement to combat piracy in the Malacca Strait that started with coordinated maritime patrols in 2004. Two years later, combined coordinated air patrols over the strait, named Eyes in the Sky (EiS), were introduced and the initiative was renamed Malacca Straits Patrol Network (Raymond 2010; Liss 2011: 295-6).

Very few anti-piracy measures went beyond increasing maritime patrols. One noteworthy example is ReCAAP,[8] the first regional government-to-government agreement to address piracy. The initiative was proposed by Japan and aimed at facilitating the sharing of piracy-related information. In 2006, ReCAAP came into force and an information sharing center was opened in Singapore. However, signing the agreement did not "obligate members to any specific action other than sharing information that they deem pertinent to imminent piracy attacks" (Bradford 2005: 69).

In addition to these government responses, some shipowners also hired Private Military and Security Companies (PMSCs) to protect their vessels from attacks, primarily in the Malaysian and Indonesian waters of the Malacca Strait. This involvement of PMSCs was controversial, as both, the Malaysian and Indonesian governments rejected the employment of private armed guards in their respective waters. This may have been one reason why the employment of such private security firms remained rather limited in Southeast Asia at the time (see Liss 2005, 2007).

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8   ReCAAP initially had eight ASEAN members. Today, 19 countries are Contracting Parties: Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Denmark, India, Japan, Republic of Korea, Laos, Myanmar, the Netherlands, Norway, the Philippines, Singapore, Sri Lanka, Thailand, the United Kingdom and Vietnam.

The government responses to piracy also encountered problems or fell short of expectations. For example, the most piracy-prone Southeast Asian countries at the time – Malaysia and Indonesia – did not become contracting parties of ReCAAP. Effective control of waters in Southeast Asia also remained difficult. Despite the improved capabilities of regional naval agencies, many countries still did not have a sufficient number of operational vessels and equipment. In addition, corruption within naval forces and the involvement of members of armed forces in piracy hampered success. A further obstacle was that cooperation between countries in Southeast Asia and between Southeast Asian and other nations remained limited. Meaningful cooperation was prevented by factors such as contested claims of ownership of islands or maritime space, concerns about sovereignty and contending national interests (Mak 2006: 134-62). The most prominent example of limited cooperation is the naval patrols conducted as part of the Malacca Straits Patrol Network, which remained coordinated rather than joint patrols, meaning that hot pursuit into, and patrolling of, waters of neighbouring countries was not permitted (Raymond 2010; Liss 2011: 295-6). Last but not least, no specific anti-piracy efforts were made to effectively address the factors that drove people to piracy – including poverty in coastal communities, illegal and overfishing, and a lack of alternative prospects for employment.

Yet, despite all their shortcomings, the private and government efforts to combat piracy showed some localized effect – especially in the Malacca Strait, where the number of reported incidents dropped. With this decline, international interest in Southeast Asian piracy began to fade, and when the sharp increase in serious pirate attacks in the Gulf of Aden area focused world attention firmly on Somali piracy, Asian piracy was all but forgotten.

3. Contemporary Piracy in Southeast Asia

3.1 Piracy Re-emerges: Shifts and Changes

Between 2008 and 2013, international attention focused firmly on Somali piracy. Not only did the large number of attacks in the wider Gulf of Aden area cause concern, but also the serious nature of incidents and the substantial costs for shipowners and insurance companies affected. Somali pirates attacked vessels of all types and nationality, ranging from fishing boats and yachts to UN supply ships and supertankers. Unlike the pirates in Southeast Asia, Somali pirates have hijacked a large number of ships and held them and the crew on board for ransom. A World Bank study estimates that between April 2005 and December 2012, 179 ships were hijacked by Somali pirates and that they collected between US$ 339 million and US$ 413 million in ransom during this time (World Bank 2013: 1-4). As the number of attacks and the ransoms paid increased, nations from around the world began to deploy warships to combat piracy in these "pirate-infested" waters. Many of these vessels are part of missions sanctioned or organized by multilateral organizations, including NATO and the EU (Ehrhart/Petretto/Schneider 2010: 40-5). In addition, shipowners began to hire armed PMSC guards to protect their vessels. All these efforts showed success and the number of attacks began to decline drastically. In 2013, only two hijackings by Somali pirates were reported, and both targeted vessels were released within a day (ICC 2014c: 20).

In light of the attacks in the wider Gulf of Aden Area, piracy in Southeast Asia had been put on the back burner. However, after the publication of the 2013 IMB piracy statistics which showed that Southeast Asia was again the most pirate-prone region and a spate of attacks on tankers in 2014, piracy in Southeast Asia was back in the news. Headlines such as "Southeast Asia still worst for pirates despite high-profile Somali attacks" (Bartlett 2013: n.p.) in The Australian and the Deutsche Welle's "'Worrying' rise in piracy attacks around Malacca Strait" are only two examples (Mateus 2014: n.p.). Clearly, piracy in Southeast Asia had never entirely disappeared, with incidents still reported from the region. Tables 2 (IMB data) and 3 (ReCAAP data), however, both indicate that the number of attacks in Southeast Asia declined between 2005 and 2009, with the IMB recording a drop from 168 attacks in the region in 2004 to 188 in 2005, 88 in 2006, 80 in 2007 and 65 in 2008. In 2009, the number off attacks slowly began to rise again, with 67 incidents reported in 2009 and then jumping to 113 incidents the following year.

Both the IMB and ReCAAP reports indicate that as in the past, the vast majority of incidents today are simple hit-and-run robberies; that both opportunistic pirates and organized pirate gangs are still responsible for attacks; and that the targets predominantly target smaller merchant vessels. Unlike in Somalia, no attacks on large vessels such as supertankers are reported from the region. The motivation of pirates has not changed either, with poverty, overfishing and unemployment still persistent in some coastal communities. Some of the "older" pirates who searched for legal income have even returned to piracy. As the piracy expert Eric Frécon (2014: n.p.) writes:

> Former and prospective pirates still exist, waiting among the taxi boats […] (on Batam Island, Riau Archipelago). They may have done their best to find safer and more respectable jobs. Twenty years after the upsurge of piracy in the early 1990s, and now in their 40s, former pirates may no longer be keen to attack ships at night. But many have not got what they expected in their new professions. The resulting bitterness and the persistently high unemployment rate have pushed them back into illegal activity. Many former pirate chiefs returned to the Riau Islands after short retirements.

Overall, piracy in Southeast Asia has therefore changed little in nature from piracy in the late 1990s to the mid-2000s. Yet, the IMB and ReCAAP reports also indicate that small, but significant changes have occurred: the location of some piracy hotspots has shifted and spates of attacks on specific types of vessels, such as tugs and barges, have been reported. Most significant in the period between the mid-2000s and the present are the decline of reported attacks in the Malacca Strait and the shift of pirate activity into the Singapore Strait and South China Sea and the re-emergence of Indonesia as the most pirate-prone country in the world. However, the IMB and ReCAAP statistics also have their limits. As will be explained later, under-reporting of attacks in Southeast Asia is at present suspected to be even higher than in the late 1990s/early 2000s, and attacks on smaller vessels are still seldom included. The continuation of violent attacks in the Sulu Sea is therefore not reflected in the statistics. The following section will discuss piracy in the three current hotspots: (1) the Malacca and Singapore Straits and South China Sea, (2) Indonesian waters, and (3) the Sulu Sea.

Table 2: IMB Statistics: Actual and Attempted Attacks

IMB Data	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13
Indonesia	93	79	50	43	28	15	40	46	81	106
Malaysia	9	3	10	9	10	16	18	16	12	9
Malacca Strait	37	12	11	7	2	2	2	1	2	1
Singapore Strait	8	7	5	3	6	9	3	11	6	9
South China Sea	8	6	1	3	0	13	31	13	2	4
Philippines	4	0	6	6	7	1	5	5	3	3
Thailand	4	1	1	2	0	1	2	0	0	0
Southeast Asia	168	118	88	80	65	67	113	102	110	141
World	329	276	239	263	293	410	445	439	297	264

Table 3: ReCAAP ISC Piracy Statistics: Actual and Attempted Attacks

ReCAAP	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Indonesia	87	72	49	40	25	20	47	49	72	90
Malaysia	9	2	11	8	13	15	18	17	11	6
Straits Malacca/ Singapore	43	16	13	7	11	9	8	26	13	12
South China Sea	15	9	3	6	7	13	25	18	7	11
Philippines	5	0	5	6	8	5	5	6	3	5
Singapore	0	0	0	0	0	0	2	3	2	0
Thailand (incl. Gulf)	4	1	1	1	0	2	2	0	0	0
Southeast-Asia	166	110	85	73	73	72	120	128	111	133

SE-Asia: Gulf of Thailand, Indonesia, Malaysia, Myanmar, Philippines, Singapore, South China Sea, Straits of Malacca and Singapore, Thailand and Vietnam.

Source: ReCAAP ISC, Piracy and Armed Robbery against Ships in Asia, Annual Reports 2006-2013.

3.2   Hotspots: Malacca and Singapore Straits and the South China Sea

The IMB data shows that the number of pirate attacks in the Malacca Strait began to decline from 2004 onwards (see Graph 1 and Table 2), with only one or two reported incidents per year between 2008 and 2013.[9] These, however, have included more serious attacks in recent years, often with fishing boats as targets. An example is the hijacking of a Malaysian fishing boat on 7 May 2013. The armed pirates took the fishing boat into Indonesian waters where it was discovered and detained by the Indonesian authorities on 25 May 2013 (ICC 2014c: 25-6).

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9   ReCAAP data, which combines attacks conducted in the Malacca and Singapore straits, also confirms that the number of reported incidents in this area remained low, at least until 2011 (see Table 3).

Graph 1: Number of pirate attacks
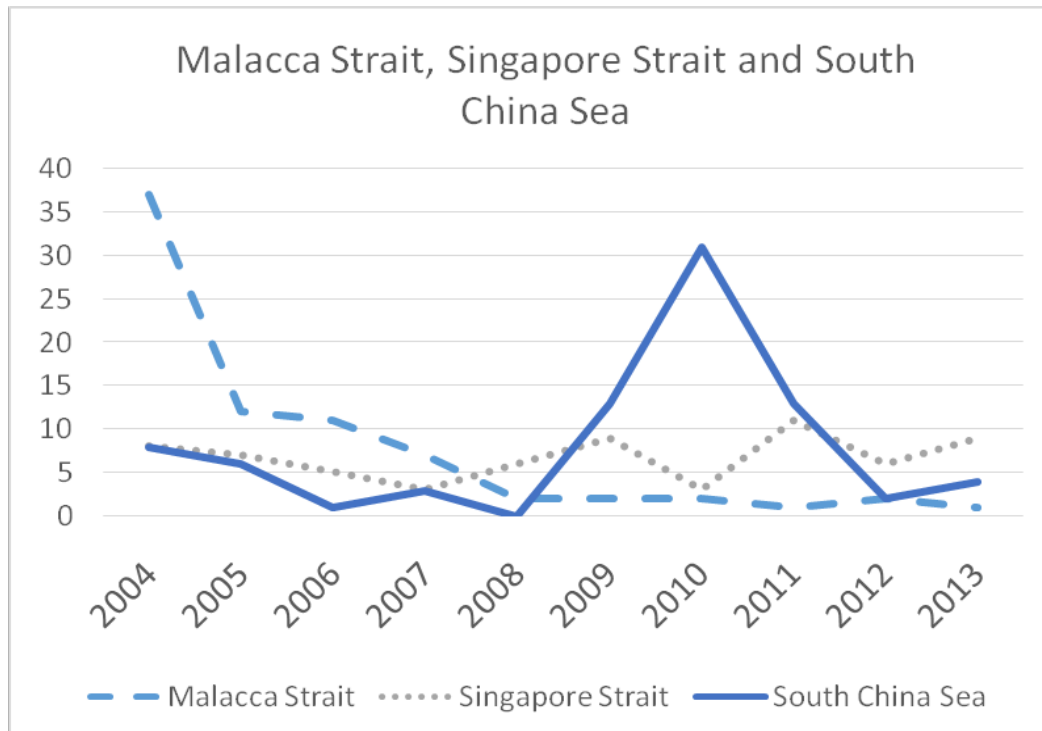
The introduction of countermeasures by the littoral states, such as the Malacca Straits Patrol Network, can at least in part explain the drop in reported incidents in the Malacca Strait. Another contributing factor was the 2005 peace agreement between the Indonesian government and the GAM, which ended hijackings and abductions of crew members for ransom associated with the conflict in Aceh. Furthermore, many shipowners became more reluctant to report minor incidents in the Malacca Strait for financial reasons. In June 2005, when the number of reported incidents was already on the decline, the Joint War Committee – a body that includes the Lloyds Market Association and the International Underwriting Association – made the decision to include the Malacca Strait in its Hull War, Strikes, Terrorism and Related Perils list. As a result, ships passing through the strait had to pay a higher insurance premium (Liss 2011: 344). Even though the strait was removed from the list the following year, shipowners remain reluctant to report minor attacks to avoid a reversal of that decision. Furthermore, minor incidents in the Malacca Strait, as well as in the Singapore Strait and the southern South China Sea, are often not reported because the victims believe that local authorities are themselves responsible for attacks (T.B. 2014: 5).

Another reason for the decline of attacks in the Malacca Strait is that pirates shifted their operations to less patrolled waters, especially to the Singapore Strait and the waters of the southern South China Sea, just east of the Malacca Strait (see Graph 1). From 2009, an elevated level of attacks has therefore been reported in these areas, with the waters between the east coast of Peninsula Malaysia and the Indonesian Anambas Islands (near Natunas Island on the map) particularly affected. Indonesian pirate gangs based in the Riau

Archipelago and the Anambas Islands are believed to be responsible for the attacks, with some of the groups also involved in other illegal activities, especially smuggling. The attacks conducted by these perpetrators include robberies of vessels in ports, at anchor and in transit. The pirates are usually armed, but many gangs only carry one firearm and still rely mainly on long knives (Hoesslin 2012: 545-6).

In the waters of the Singapore Strait and the South China Sea, more serious attacks are also recorded and changes in the target selection and the modus operandi of pirates could be observed. One change is the focus on tugs and barges, which have become preferred targets of pirates, especially between 2008 and 2012. These vessels are generally easier prey than merchant vessels. They are easier to board because they have a low freeboard, travel slowly (eight to ten knots), and carry a small crew. Furthermore, the cargo of these vessels typically consists of palm oil, timber, or other commodities that are valuable, easily disposable and difficult to trace, and the vessels themselves can be hidden or sold without too many difficulties. Attacks on tugs and barges include straightforward robberies, such as the attack on a Singaporean tug boat pulling a barge from Thailand to Indonesia on 9 June 2013. In that incident, six armed robbers climbed on board in Malaysian waters and forced the crew to pump fuel from the tug into a fishing boat. The perpetrators then tied up the crew, stole their belongings and other valuables and escaped in a white speedboat (ReCAAP 2014: 61).

Tugs and barges have also become preferred hijacking targets. It is suspected that the perpetrators have prior knowledge of the targeted vessels, and once the ships are hijacked they are taken to a shipyard for refurbishment before being delivered to a pre-arranged buyer.[10] Several of the stolen tugs and barges taken in recent years have been refurbished and sold in the Philippines. An example is the hijacking of the tug *Solid 8* and the barge *Solid 66*, on 25 May 2011 about 27 nautical miles southeast of the Indonesian island Pulau Subi Besar in the South China Sea. Twelve masked and armed pirates attacked the boats, overpowered the crew and placed them in a life raft. After losing contact with the vessels, the ship operator notified the Malaysian authorities, who began the search for the vessels. While the crew was rescued by Vietnamese fishermen, Malaysian authorities found the barge with its cargo intact near the Spratly Islands on 2 June. Six months later, the Philippine coast guard was directed to an abandoned tug boat named *Vela-I*, which was later identified as the missing tug *Solid 8* (ReCAAP 2012: 82). As in this example, many of the hijacked tugs and barges were eventually found, and in some cases authorities were able to arrest the perpetrators.

The second 'new trend' is the re-emergence of attacks on tankers in which (parts of) the cargo is siphoned off. Most of these incidents took place in the South China Sea, or more precisely in the waters near Indonesia's Riau Archipelago and the waters off Sarawak, east

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10 See: ReCAAP and Information Fusion Centre, Tug Boats and Barges (TaB) Guide. Against Piracy and Sea Robbery, Information Sharing Centre, Singapore, n.d.

Malaysia. Many of the hijackings followed a similar modus operandi: The perpetrators slipped onboard, held the crew hostage, and siphoned off the diesel or gas oil into a large bunker barge or a small tanker before leaving the vessel. The crew is mostly left unharmed in these incidents (ICC 2014a: n.p.; Rahmat 2014: n.p.). At least six such incidents occurred between April and June 2014, with the attack on the *Ai Maru* and the *Moresby 9*

described earlier in this report being two examples. In some of these incidents, collusion between the pirates and crewmembers and/or the shipowner has been suspected. It has, for example, been suggested that some of these 'attacks' were incidents in which the crew had agreed to the fuel transfer in advance, but too much of the cargo was taken to hide the theft. As a result the incident was reported as a pirate attack. Such collusion between the crew and organized crime groups buying fuel are common practice in some areas of the South China Sea (T.B. 2014: 5-7). However, whether or not the crew was involved, the perpetrators need the organization, resources and contacts to conduct such attacks and sell the stolen cargo.

While the attacks in the southern China Sea and the Singapore Strait should not cause undue panic, they should be taken seriously. First of all, actual pirate attacks are dangerous for the crew, who risk injury and have to fend for themselves when abandoned at sea in a small boat by hijackers. Short-term hijackings and the illegal ship-to-ship transfers of oil by pirates can also result in ship accidents and environmental problems, such as oil spills. Furthermore, the attacks are an indicator of the operations of organized criminals and the corruption of officials, which threatens good governance, undermines the rule of law and the safety of shipping lanes on which the global economy depends.

3.3   Hotspot: Indonesia[11]

In the late 1990s/early 2000s, Indonesia was the country with the most reported incidents in the world. As was the case with attacks in the Malacca Strait, the number of reported incidents in Indonesia declined between 2004 and 2009, with only 15 reported actual and attempted incidents recorded in 2009 by the IMB (see Graph 2 and 3 and Table 2). From 2010, however, the number of incidents increased again, with 106 reported attacks in 2013.[12] While the number of attacks has not yet reached the peak of earlier years – 121 reported incidents in 2003 – Indonesia is currently again the country with the most reported pirate attacks in the world. However, most of the attacks occur in ports and are minor robberies. The Indonesian case therefore shows that it is important to look not only at the number of reported attacks but also at the nature of incidents, in order to avoid exaggerating the threat of piracy.

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11   Many of the pirates responsible for attacks in the Singapore and Malacca Straits and the South China Sea operate from Indonesia, and these attacks are not included in the Indonesian statistics (even though some of these attacks, for example in the Malacca Strait, have taken place in Indonesian waters).
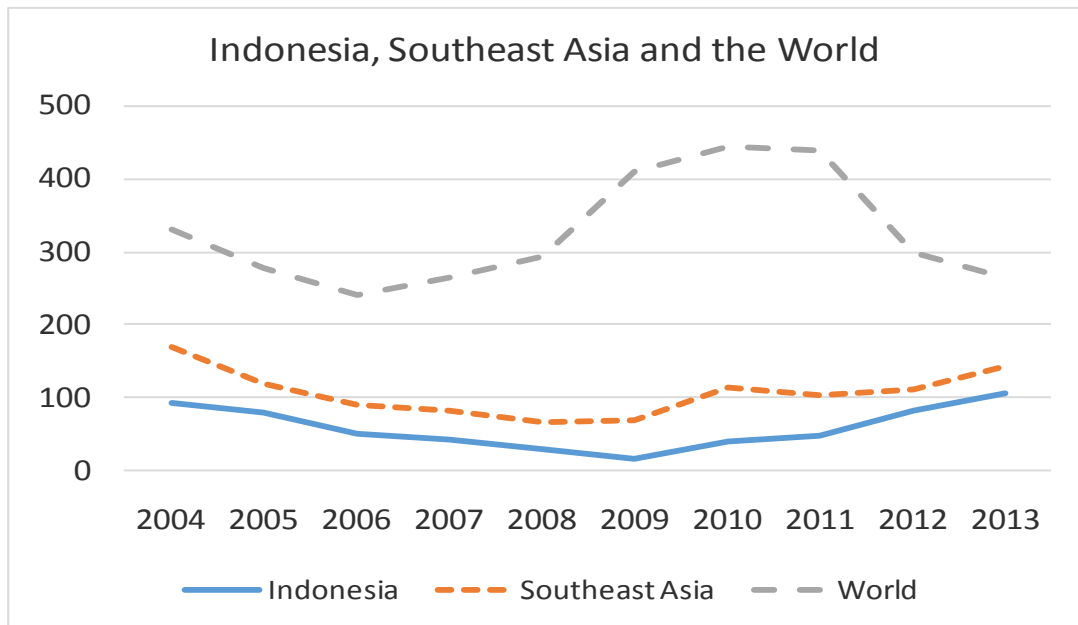
12   The vast majority of reported incidents are actual, not attempted attacks.

Graph 2: Number of attacks
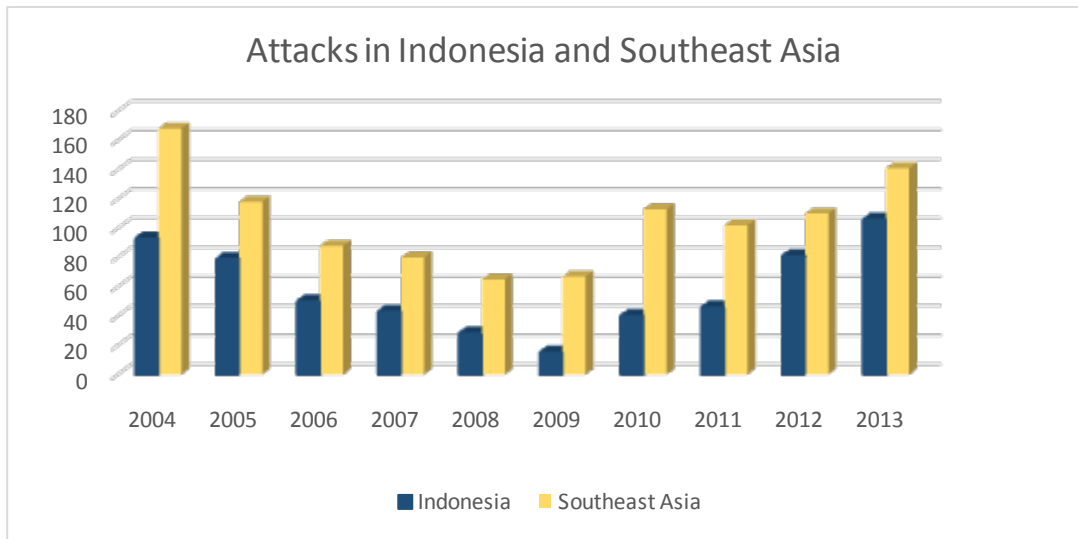
(IMB)

Graph 3: Number of attacks

In Indonesia, the vast majority of attacks are simple hit-and-run robberies conducted while the targeted vessel is at berth or anchor. Attacks reported in 2013 are a good example. In that year 106 incidents were reported, of which 97 were actual attacks. Of these 97, eight attacks occurred while the target vessel was at berth, 82 while at anchor and in only seven incidents was a moving vessel attacked. All the attempted attacks targeted ships at anchor (ICC 2014c: 9-10). Indonesian ports, rather than waters, are therefore the most pirate-prone. The affected ports are located in different parts of Indonesia and include Tanjung Priok (Jakarta, Java), Dumai, Belawan (Sumatra), Balikpapan and Samarinda (Kalimantan). Many of the attacks in ports occur at night, under cover of darkness. The pirates are often armed either with guns, knives or machetes and take small items of value, such as ship's stores, spare parts for engines, ropes and paint (ICC 2014c: 21). When the pirates are noticed by the crew and the alarm is raised, the pirates usually flee, with or without booty. As these attacks are often not serious in nature and the financial losses small, they are often not reported. In 2013, no attacks on Indonesian flagged vessels were reported, and this might indicate that pirates avoid Indonesian vessels or, more probably, that Indonesian owners do not see any benefit in reporting such minor incidents.

An example of a typical incident is the robbery of the Chemical Tanker *Siteam Neptun*, on 1 February 2012 at Batam Outer Anchorage (Riau Archipelago). During the night, the pirates slipped on board, stole ship's stores and left the vessel without being seen (ICC 2013: 38). While most attacks follow this scheme, some have an interesting twist. In the case of the attack on the chemical tanker *Maersk Bering* on 6 April 2013 in the port of Belawan (on the Indonesian side of the Malacca Strait), for example, the pirates contacted the master of the ship after the robbery through an agent and offered to sell the stolen goods back to him (ICC 2014c: 37). Rarer are incidents in which the crew is confronted by the perpetrators. One such incident is the attack on the Turkish bulk carrier *Ince Inebolu* at Adang Bay Anchorage, Kalimantan, Makassar Strait. On 6 February 2013, three pirates armed with knives climbed on board the ship via the anchor chain and attacked the duty officer, who was able to escape and raise the alarm. When the crew mustered, the pirates fled with some ship's stores (ICC 2014c: 34).

3.4 Hotspot: The Sulu Sea Area

As in earlier years, the level of pirate attacks in the Sulu Sea is not reflected in the IMB's (and ReCAAP's) statistics. In this area, little seems to have changed over the years in regard to attacks on merchant and fishing vessels, even though Malaysian government agencies made substantive efforts to increase maritime and border security. As in the past, attacks on larger vessels are seldom reported from the Sulu Sea, and those reported are predominantly minor incidents. Among the attacks on merchant ships included in the annual ReCAAP reports in recent years are several minor robberies in the port of Sandakan, north-eastern Sabah. On 28 January 2012, for instance, four pirates armed with knives boarded a chemical tanker at anchor. The watch spotted the perpetrators who fled when the alarm was raised (ReCAAP 2013: 42). The pirates were more successful in two other robberies in October and November 2011, in which a tug and a chemical tanker were targeted. In these incidents

the perpetrators were able to escape with small items such as batteries, an emergency pump and ship's stores (ReCAAP 2012: 96, 100).

A few attempted attacks on larger vessels were also reported from the Sulu Sea and the neighbouring Celebes Sea. On 14 October 2011, for example, a bulk carrier was chased by six pirate boats in the Sulu Sea, but the perpetrators aborted the attack when the crew implemented anti-piracy measures, including the use of fire hoses. Two months later, another bulk carrier was targeted in the Celebes Sea. The pirates in this incident attempted to climb on board the ship but were also unsuccessful due to anti-piracy measures employed by the crew (ReCAAP 2012: 110). Occasionally, tugs and barges are also targeted in the Sulu Sea. Among those attacked in this area were the tug *Woodman 38* and barge *Woodman 39.* The two vessels were reported missing in July 2012 after contact with the ships was lost between Kadut and Pulau Banggi, Sabah. On 31 July, the crew was spotted on two inflatable rafts and was rescued by the Philippine authorities. On the same day, the two vessels were discovered drifting off the southern tip of Mindanao, southern Philippines. Six men were found on board *Woodman 38* but escaped (ReCAAP 2013: 56).

As in the past, most attacks in the Sulu area today target smaller vessels and these incidents remain underreported. Fishermen and their boats are still favoured targets of pirates and frequently suffer at the hands of violent perpetrators. In August 2013, for example, a group of armed men held nine fishermen hostage for several hours in the waters off Semporna, Sabah (near Sipadan on the map). Following the incident, Sabah police stated that they had identified two foreign-based pirate gangs responsible for attacks on fishers in Malaysian waters (Borneo Insider 2013b: n.p.). Despite this, attacks did not cease. On Christmas Day 2013, for instance, eight fishermen were executed off Mindanao, southern Philippines. The victims, who included two teenage boys, had been among eleven Bajao fishermen who went on a fishing voyage on three boats. They were shot and beheaded and their tied-up bodies were found aboard a drifting boat in early January 2014. It remains unclear who was responsible for the attack or what triggered the excessive violence (ABC News 2014: n.p. Pareño 2014: n.p.). Violent attacks also continue to occur in 2014. In June, for example, a fishing boat was fired upon by unidentified gunmen off Zamboanga Del Sur, Mindanao. One of the two fishers on board jumped overboard and escaped. The fishing boat was later discovered by the Philippine coast guard – with the body of the second fisher still on board (ICC 2014b: n.p.).

While attacks on fishing boats never abated, kidnappings and raids on towns in Sabah organised and conducted from the southern Philippines, which occurred periodically in the past, seemed to have stopped after the Sipadan kidnapping in 2000.[13] Since 2010, however, a spate of raids on towns and offshore businesses in Sabah has again caused concern. As in the past, the perpetrators generally operate from the southern Philippines and use small

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13 Kidnappings within the Philippines, however, continued to occur and in some of these incidents boats were used. Kidnapping remains a serious problem in the Philippines.

boats for their attacks. One of the first of the recent spate of incidents was the 2010 kidnapping for ransom of two employees of a seaweed plantation off the coast of Semporna. In November 2012 the abduction of two cousins from an estate near Lahad Datu north of Semporna followed. The victims were taken to the Philippines where one of them died, while the other was able to escape after almost nine months in captivity. A few days after the kidnapping, gunmen attacked the settlement of Kampung Indra Sabah and departed with "a few hundred ringgit worth of anchovies" (Queville To 2012: n.p.; Star 2013: n.p.).

Another incident occurred near Lahad Datu, starting in February 2013, and this incident differed somewhat in nature from simple raids, pirate attacks or kidnappings. In this event, the perpetrators also came by boat and their weapons were smuggled into Malaysia by ship – but unlike other raids, the perpetrators in this case first began to settle in the area before violence broke out. The perpetrators were an estimated 200 men belonging to the Royal Security Forces of the Sulu Sultanate, who were allegedly sent by Jamalul Kiram III, one of several claimants to the title of Sultan of Sulu, and led by his brother Abgimuddin Kiram. The group's main objective was reportedly to reinforce the Sulu Sultanate's (and/or Philippine) claim to Sabah, which was leased by the Sulu Sultanate to the British North Borneo Company in 1878.[14] After weeks of calm, in which the Malaysian government negotiated with the group, violence erupted when the militants refused to leave. The clashes between the government and the gunmen caused casualties on both sides and were serious in nature. The Malaysian government bombed the area where the militants were hiding (Felongco 2013: n.p.; interviews by author 2013) and Malaysian police used violence and intimidation[15] in their search for suspected supporters of "Sultan" Jamalul Kiram III. In these searches, little difference was made between long-term and short-term residents and those with and without permission to stay in Sabah (interviews by author). The standoff was eventually resolved and some of the gunmen and their alleged associates are currently on trial. However, many details about the incident and government responses remain some-what hazy.

Following the standoff in Lahad Datu, yet another new agency, the Eastern Sabah Security Command (Esscom) was established in April 2013 to strengthen maritime and border security in Sabah.[16] Esscom will be working alongside agencies such as the Royal Malaysian Police, the Marine Police, the Malaysian Maritime Enforcement Agency, the navy and air force. Yet, despite the formation of Esscom, on 15 November 2013, armed

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14 Other motivations allegedly included the "exclusion of other rebel and religious groups from peace talks with the Benigno III administration and the withdrawal of Malaysian support for Sulu and the MNLF" (Nocos 2013: n.p.).

15 While Malaysia denied it, reports of human rights abuses by Malaysian forces emerged, including killings, beatings and the destruction of ID cards. The Philippine Department of Foreign Affairs stated that it would attempt to document and validate these reports. (Alipala/Manlupig 2013: n.p. Punongbayan/Flores 2013: n. p.).

16 In addition to an increase in personnel, including military and police officers, the establishment of more General Operation Force (GOF) bases is planned.

raiders targeted the Pom Pom island resort (30 km North East of Semporna), which is situated less than a kilometre away from a General Operation Force base. In this event, armed gunmen allegedly belonging to the Abu Sayyaf approached the island by boat, raided three tourist villas, killed a Taiwanese holidaymaker and kidnapped his wife. The woman was taken to Jolo Island, southern Philippines, and was freed after 36 days after a ransom of reportedly US$ 300,000 had been paid (New Straits Time 2013: n.p.).

In 2014, kidnappings continued unabated – with at least four incidents reported up until July this year. On 2 April a Chinese tourist and a resort worker were taken from the Singamata Reef Resort near Semporna by armed men from the southern Philippines. In May a Chinese fish farm manager was kidnapped, and in mid-June a fish farm owner and one of his employees were abducted. All victims were taken to the southern Philippines and, while the Chinese fish farm manager was rescued in early July, the fate of the other victims remains unknown (Star 2014: n.p.; New Straits Times 2014: n.p.; Goh 2014 a, b: n.p.) The latest incident occurred on 12 July 2014 when two marine policemen ran into eight armed men attacking a resort on Mabul Island near Semporna. One of the policemen was killed in a shootout with the perpetrators, while the other was kidnapped. Following the incident, the Malaysian Navy requested that security forces protecting Sabah should be allowed to "shoot on sight" at any suspicious target encroaching upon Malaysian waters (Dermawan 2014: n.p.).

Unlike in other parts of Southeast Asia, in Sabah piracy and, even more strongly, maritime raids have a measurable economic and political impact. Among the hardest hit economically is the local maritime tourism industry, which is an important source of income in east Malaysia. The raids and kidnappings spread fear among tourists and several governments, including the UK government, have recently issued travel warnings for coastal Sabah, advising "against all but essential travel" to the area (Gov. UK 2014: n.p.). Similarly, the violence and abductions make it more difficult for locals to find investors for offshore businesses such as seaweed plantations and fish farms (Interviews by author, Sabah 2013).

The violent pirate attacks and raids have also triggered political debates, especially because the perpetrators are mostly from the southern Philippines. It is unfortunate that the discussions of raids and attacks are frequently linked to the very prominent and contentious debate about "illegal" immigrants in Sabah – as a large number of them are also from the Philippines. The incidents are utilised in this context to promote stronger measures against (illegal) migrants. Especially vocal are opposition politicians, who criticise government policies that facilitate the influx of foreigners and the strategic granting of citizenship. Such politicians have spoken of a foreign "monster" that needs to be destroyed,[17] have demanded that authorities "should stop all those entries into Sabah, not only pirates, but also people

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17 STAR (State Reform Party) Sabah Chief Datuk Jeffrey Kitingan following the 2014 raid on Pulau Mabul.

who are seeking citizenship"[18] and suggested that the "houses of illegal squatters in all the islands and the coastal areas should be demolished."[19] (Malay Mail Online 2013: n.p.). Support for strong action against squatters and illegal immigrants is also reflected in government policies and the responses of security forces to attacks, such as the response to the standoff in Lahad Datu.

A further point of contention in Sabah is the ongoing failure of the various government forces to secure Sabah waters and the question of who is involved in plotting the incidents. For example, after the Lahad Datu standoff, Defence Minister Datuk Hishammudin Hussein stated that three opposition leaders, two from peninsular Malaysia and one from Sabah, were involved in the plot. Among the accused was opposition leader Anwar Ibrahim, but the claims were never substantiated (Borneo Insider 2013a: n.p.).[20] Opposition parties on the other hand have used the failure of government forces as a reason for demanding the resignation of those responsible for maritime security. The Defence Minister and the Minister of Home Affairs were, for instance, asked to resign after the raid on Pom Pom Island (Malay Mail Online 2013: n.p.).

4.   Conclusion: Responses to Piracy – The Way Forward

Surprisingly little has changed in the nature of pirate attacks in Southeast Asia between the late 1990s/early 2000s and the present, despite the shift of attacks from the Malacca Strait to the southern South China Sea and the (re-)emergence of some trends, such as the attacks on tankers. While piracy statistics provide some valuable insights, the discussion above has shown that they can also be misleading. In Southeast Asia, the statistics, for example, inflate the piracy problem in Indonesia, while at the same time underrepresenting attacks in the Sulu Sea. The closer look at attacks in the three Southeast Asian hotspots has also revealed that the nature of attacks differs in the three waters areas. In Indonesia, incidents are mostly thefts in ports. In the Sulu Sea, smaller vessels are the primary target of often violent perpetrators, and maritime raids occur. In the Singapore Straits and southern South China Sea, tugs, barges and tankers are attacked by organized criminal gangs. To combat piracy in Southeast Asia, tailored responses to the different kinds of incident are needed, as well as efforts to address the root causes of piracy which facilitate piracy in all areas. The latter include corruption, limited cooperation between government agencies, poverty and overfishing. Both the tailored and broader responses are necessary to prevent piracy from

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18 Darell Leiking, Panempang MP, Parti Keadilan Rakyat (People's Justice Party, PKR), after the raid on Pom Pom Island.

19 Jimmy Wong from the Democratic Action party after the raid on Pom Pom Island.

20 Some family members of people involved in opposition politics in Sabah were also arrested after the stand-off. They were interrogated about their own role and the involvement of others, including opposition leader Anwar Ibrahim (Author's Interview with a family member of an arrested resident, 2013).

escalating in Southeast Asia, to protect future victims (especially seafarers and fishers), and to ensure that regional shipping lanes remain safe for trade.

4.1   Tailored Responses

Efforts tailored to preventing specific kinds of attack, or attacks that occur in specific water areas are necessary to reduce piracy. To be successful, not only governments but also non-state actors need to be involved. The shipping industry is one example, as shipowners could increase their efforts to ensure that crews are aware of high-risk areas; that sufficient manpower is on board to conduct effective piracy watches; and that appropriate security procedures and equipment are in place. While this applies to all merchant vessels, special efforts have to be made to secure tugs and barges, as they are particularly vulnerable. For these vessels, ReCAAP (n.d), for instance, recommends sufficient lighting around ships, the installation of tracking devices and alarm systems, and when high value cargo is being transported the use of barbed wire around the vessels to prevent easy access. Governments could support these efforts by further improving response time to attacks and strengthening cooperation to prevent or foil attacks. Police presence could also be increased in areas such as the Anambas Islands, from which pirates are known to operate and where police presence is sparse (T.B. 2014: 7).

Tailored action could also assist in preventing the recent spate of attacks on oil tankers, in which the cargo is siphoned off and sold on the booming black market. Facilitated by oil subsidies in countries such as Malaysia and Indonesia and the involvement of corrupt officials, oil smuggling in Southeast Asia is lucrative, with oil from Malaysia and Indonesia, for example, transshipped through Singapore and sold in the Philippines or China. Pirates and their sponsors take advantage of this readily available black market. Eliminating this opportunity to sell stolen goods would adversely affect pirates. Like piracy, however, oil smuggling is difficult to stop and requires regional (or international) cooperation. While some efforts have been made to combat oil smuggling, more substantial steps are needed. Options include targeted efforts to combat organized crime (including measures against the organisers and financiers of illegal activities), and the establishment of an ASEAN monitoring group, as suggested by Philippine Senator Osmeña in 2013 (Cabacungan 2013: n.p.).

Different efforts are needed to combat piracy in Indonesian waters, where mostly vessels at anchor or in berths are targeted. Improving port security is therefore vital. As the following example of the port of Belawan demonstrates, it is not necessarily a lack of security personnel that allows security breaches in Indonesian ports. Port security has been the responsibility of the police since 2004, but today there is a wide range of different state agencies active in the port of Belawan, including the navy, customs, immigration, and the Polairud (special police for water and airspace). In addition, different private or semi-private actors provide security in the port, including PMSCs, and members of Pemuda Pancasila, a paramilitary organisation infamous, among other things, for its violent support of Suharto's military coup in 1965 and its involvement in illegal activities. That pirates and other criminals are able to operate in the port despite the presence of all these security

providers is in part due to the lack of coordination and cooperation between the different security providers. Furthermore, some of the security providers are known to turn a blind eye in exchange for bribes, and members of the Pemuda Pancasila have been involved in illegal activities in the very port they are hired to protect (see Sciascia 2013: 163-187). Until the role of the different agencies in this and other ports is clarified, cooperation and professionalism improved, corruption actively fought and security personnel chosen more carefully, piracy and other illegal activities will continue to flourish in Indonesian ports.

Addressing piracy and maritime raids in the Sulu Sea area also requires targeted efforts. Ending piracy in these waters is of particular importance. Not only are attacks in this area often very violent in nature, with serious injury, abductions and the killing of victims still common, but they also have serious economic and political consequences. Despite the long history of extensive social, political and economic exchanges between people in the area, the attacks and raids polarise the population, spread fear and harm local businesses. The at times violent government responses to raids also have an adverse effect on relationships between people from Sabah and the southern Philippines – especially because problems such as illegal migration and economic inequalities are already at the forefront. The raids and attacks and ensuing government responses clearly increase tensions in an already volatile political and social environment.

To combat piracy and prevent maritime raids, the efforts of the Malaysian and Philippine government agencies to secure the waters and borders of the Sulu Sea are crucial, even though they have so far failed to address these problems. However, on the Malaysian side, the establishment of more maritime agencies is unlikely to help. Unduly violent responses by government forces, such as the "shoot on sight" policy, are also not beneficial. Shooting on sight at any suspicious looking vessel is problematic in waters such as the Sulu Sea, because of the sheer number of small vessels plying these waters, including fishing boats, transport ships, taxi boats and small passenger ferries. Many of the small boats carry firearms for defensive purposes, as these waters are known to be dangerous. Simply shooting at a suspicious vessel is therefore likely to put the lives of civilians at risk. What is important is to ensure that the existing agencies have the manpower, training, professionalism and appropriate equipment to effectively secure Sabah waters. Similarly, in the Philippines corruption within security forces needs to be addressed and suitable equipment such as small, fast patrol boats needs to be provided. Closer cooperation between the Malaysian and Philippine forces would also make a difference. Especially in this area, allowing the hot pursuit of perpetrators into a neighbouring country's water could make operations of pirates and maritime raiders more difficult.

Ending the conflict in the southern Philippines would also decrease attacks and violence in the Sulu Sea. The southern Philippines are awash with weapons, which can readily be used by pirates and raiders and contribute to the high level of violence in pirate attacks. Indeed, the violent pirate attacks and raids can be seen as a spillover from the violent conflict in the southern Philippines. The close connection between the conflict in the southern Philippines and pirate attacks and raids is highlighted by the blurring of political and criminal motivations of perpetrators, who include, for example, members of the Abu Sayyaf. Unfortunately, ending the conflict in the southern Philippines is a difficult task, even

though the MILF, the largest of the armed separatist groups, and the Philippine government signed a peace agreement in March 2014. It includes an agreement to disarm MILF fighters and an addendum on Bangsamoro waters (Guardian 2014: n.p.; Office of the President of the Philippines 2014: n.p.). While this is an important step forward, the implementation of the agreement will be problematic and in addition to the MILF, other armed groups such as the Abu Sayyaf will continue to be active.

4.2   Broad Responses – Root Causes

In addition to the tailored responses discussed above, broader initiatives that target the root causes of piracy are also necessary to eliminate it. Addressing the root causes of piracy is, however, a difficult task, as deep-seated problems need to be addressed. The root causes include factors that drive individuals to become pirates, such as poverty, overfishing and illegal fishing, as well as other factors that facilitate piracy. These include corruption of law enforcement agencies or individuals serving in them and limited cooperation between countries to combat piracy. For example, sensitivities about sovereignty still prevent states in Southeast Asia from allowing hot pursuit of pirates into another country's waters. Similarly, maritime patrols remain coordinated rather than joint patrols, and Malaysia and Indonesia are still not members of ReCAAP.

Cooperation is especially important because many of the underlying causes of piracy are transnational in nature and also require intergovernmental cooperation and between governments and non-state actors such as NGOs. Responses to illegal fishing and overfishing, for example, require regional and international cooperation between governments, marine conservation organizations and the fishing industry. While such regional and international cooperation does exist, efficient efforts to prevent the overexploitation of fish stocks have so far had only very limited success – often because regulations are not binding or enforcement remains weak or difficult (see Williams 2013: 258-83). Steps forward would therefore include the establishment of binding regulations, an increase in efforts to enforce rules, as well as initiatives to tackle problems such as the use of Flag of Convenience registers to avoid regulations and fishing quotas. Additionally, efforts are necessary to persuade governments to control the overexploitation of their waters and to raise consumer awareness. Generally, cooperative initiatives to address over and illegal fishing, as well as other root causes of piracy need to be increased, and binding agreements need to be introduced.

Governments from outside the region can also contribute, and it is here, addressing the root causes of piracy, that they should become involved. In Southeast Asia, non-Southeast Asian governments can initiate or support programs that aim at eliminating poverty, addressing corruption or creating sustainable work opportunities for people along the coast. Given the problem of corruption in countries such as the Philippines, support for measures which increase the professionalism of local forces could also have a positive effect. A simple donation of military hardware or funds as has been done in the past will not make much difference. Some of the initiatives to combat Somali piracy may provide ideas. Clearly, the deployment of naval forces from around the globe and the use of armed PMSCs guards on

ships are not necessary to address piracy in Southeast Asia. Broader initiatives that address the root causes of Somali piracy, however, could be useful for the Southeast Asian region as well. One example is the European Union Programme to Promote Regional Maritime Security (MASE), which includes initiatives to boost economic growth and trade in areas where pirates are based and operate, as well as programs offering vocational training for young men to assist them in finding alternatives to piracy (European Commission 2013: n.p.; Frécon 2014: n.p.). However, because these programs have only recently been introduced, it is too early to assess whether they are successful and, for example, deter young men from joining pirate gangs in the future.

On the regional and international levels, states from outside Southeast Asia could support efforts to address transnational problems such as overfishing and illegal fishing or transnational crime. Improvements could also be initiated through the introduction and/or enforcement of suitable flag state regulations that ensure that vessels and crews are prepared for potential attacks. States should ensure that vessels flying their colours meet sufficient safety and security standards; that crew members are sufficiently paid and their working conditions are satisfactory (overworked and tired crew cannot perform efficient anti-piracy watches); and that the crew knows how to respond to pirate attacks. Achieving these aims is difficult especially because many vessels are today registered in so-called Flags of Convenience (FOC) countries, such as Liberia, Cambodia or Mongolia, known for their lax regulations and the slow implementation of international safety and security standards. Here, the shipping and fishing industries clearly need to become involved.

Map 1.1: East and Southeast Asia

Map 1.1: East and Southeast Asia' first appeared in Oceans of Crime: *Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh* by Carolin Liss (2011), p. 30. Reproduced with the kind permission of the publisher, Institute of Southeast Asian Studies, Singapore <https://bookshop.iseas.edu.sg>

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Field Studies

Interviews by author with: piracy victims, pirates, military and law enforcement personnel, shipowners, people affected by the Lahad Datu standoff, people engaged in the seaweed industry around Semporna.

Acronyms

ASEAN	Association of Southeast Asian Nations
FOC	Flags of Convenience
EiS	Eyes in the Sky
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
GOF	General Operation Force
IMASE	Maritime Security
IMB	International Maritime Bureau
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
PKR	People's Justice Party
PMSCs	Private Military and Security Companies
Polairud	special police for water and airspace
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia
STAR	State Reform Party
TaB	Tug Boats and Barges
UNCLOS	United Nations Convention on the Law of the Sea