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Counting Piracy

Over the past 25 years piracy and armed robbery against vessels have become a growing concern for the shipping industry and the international community. Since 1984, when the International Maritime Organization of the United Nations started to collect information about acts of piracy and armed robbery against vessels, close to 4,000 such acts have been reported to the organization. The problem, moreover, has grown worse since the turn of the millenium. In 2004 alone, 330 cases were recorded – a notable decline from the previous year's 452 cases, but still a substantially higher figure than any year of the twentieth century. Over half of the attacks worldwide, 169 cases in 2004, occurred in Southeast Asia, and a map of the region included in the IMO's annual Report on Piracy and Armed Robbery against Ships shows much of Indonesia's coastline dotted with black spots, each representing an attack (1). With most of the attacks in or around Indonesian waters, the country has earned a reputation as a haven for pirates, and a couple of years ago a well-known correspondent and author on organized crime in Asia even dubbed the country the "pirate republic" (2).

Pirates prowl the high seas of South East Asia in 2005.

But to what extent do these figures represent the actual situation? On the one hand, the reported attacks are often said to be no more than the tip of an iceberg since many shipping companies for different reasons – including fears of expensive delays in connection with police investigations and harmful publicity – choose not to report attacks against its vessels, neither to the authorities nor to any international organization. Nor do governments generally report incidents to the IMO in spite of a resolution, passed in 1983, requesting member states to report all attacks against vessels flying the flag of their country to the organization (3). The main source of information about pirate attacks is instead the International Maritime Bureau, a unit of the International Chamber of Commerce, which since 1992 operates a Piracy Reporting Centre in Kuala Lumpur. The Centre is mainly financed through voluntary contributions from the shipping and insurance industry. One of its main tasks – in addition to assisting the victims of pirate attacks and assisting the authorities in investigations – is to receive and collate information about piratical activity and to issue consolidated reports on piracy and armed robbery against ships to, among others, the IMO. In 2004, all but five of the 330 attacks listed in the IMO's annual report were reported by the Piracy Reporting Centre of the IMB (4).

Compared with the general understanding of the word "piracy", however, the IMB's definition is very broad. For statistical purposes, the Bureau defines piracy and armed robbery as an "act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act" (5). This definition not only covers actual and attempted attacks in international as well as territorial waters; it also includes all types of attacks regardless of whether the ship is berthed, at anchor or at sea.

This definition is unfortunate – even if only for statistical purposes – because it blurs any attempt to gain a more comprehensive understanding of the problem of "piracy" in Southeast Asia as well as in other parts of the world. Many of the so-called armed robberies in port areas are in fact more readily describable as "theft in port", typically involving some three to five perpetrators boarding a ship in order to steal supplies, such as engine spare parts, some cans paint and ropes. These so-called "pirates" in port are not likely to be identical with the more audicious – and often more violent – pirates who board steaming vessels at sea, with both their methods and objectives differing. From the point of view of protection and law enforcement, moreover, it does not seem very helpful to conflate the two types of incidents as they require very different counter-measures. Combatting the first type of incidents mainly involves improving security onboard ships when in port and in port areas, whereas combatting the second type of incidents requires international coordination and intelligence sharing between the authorities of several nations, the shipping industry and international organizations.

Mapping Piracy

Seperating the IMO/IMB statistics from the 75 incidents that in 2004 were reported to have occurred in port areas in Southeast Asia – mainly in Indonesia – results in a somewhat different and much clearer picture. What is left are 92 cases of actual and attempted attacks at sea (in addition to two cases of spotted suspicious craft), heavily concentrated to three adjacent regions along the east coast of Sumatra: The northern parts of the Malacca Strait (34 cases), the southern parts of the Malacca Strait including Singapore Strait and Indonesia's Riau-Lingga archipelago (23 cases), and the waters east of southern Sumatra (eleven cases). Together these areas accounted for close to 74 per cent of all reported attacks at sea in Southeast Asia. Other areas where several cases were reported were the southern parts of the South China Sea (six cases), the Makassar Strait east of Indonesian Borneo (six cases) and the Sulu region of the southern Philippines and eastern Sabah (four cases).

The figures stand out as high in international comparison, but they hardly justify descriptions of Southeast Asia or the Malacca Strait as "piracy prone" or pirate-infested". With around 200 ships transiting the Strait daily, the risk for an individual ship of being attacked was between 0,1 and 0,2 per cent in 2004 (6). In the southern Malacca Strait area, as well as in the waters off southern Sumatra, most of the attacks – around 80 per cent of actual attacks – were what may be called Low-Level Armed Robberies (LLAR), or "petty piracy", involving a group of pirates, generally armed with knives and non-automatic firearms, boarding the victim ship in the aft from a small open craft with the objective of stealing cash and portable valuables such as watches, jewellery and electronics. These pirates generally avoid violence unless resisted and leave the ship with their loot within 15 to 20 minutes.

Map of South East Asia

Traumatic as these attacks may be for the crews and passengers of the victim ships, they do not seem to constitute a big problem for the shipping industry. The IMB has estimated the average value of property lost in each such attack to around US $ 5,000 (7) – and this has probably declined over the past few years as the development of more efficient and safe ways to transfer money electronically worldwide has made it less necessary for ships to carry large sums of cash. In the southern parts of the Malacca Strait, the petty piracy attacks have been going on more or less incessantly for the past 25 years and have led to the development of a range of relatively easy and uncostly measures that can be implemented onboard ships in order to avert an attack. Aside from arming merchant vessels – which most shipping companies, trade unions and international organizations do not recommend for fear of escalating the violence thereby endangering the safety of the crew and vessel – these include alert anti-piracy watches, illuminating the deck at night (when most attacks take place), locking all doors and hatches of the ship's superstructure and rigging fire hoses in the aft to prevent pirates from boarding. One of the most efficient preventive measures is Secure-Ship, an easily collapsable electric fence which is mounted around the ship and which uses a 9,000 volt, non-lethal, electric schock to deter intruders and sets off an alarm if tampered with (8).

Of greater concern to the international community and the crews of international vessels are the more violent attacks which mainly occur in the northern parts of the Malacca Strait. Of the 18 actual attacks that were reported there in 2004, 15 (83 per cent) may be called High-Level Armed Robberies (HLAR), involving heavily armed pirates not hesitating to use lethal violence. In addition to these 15 attacks, moreover, there were eight attempted attacks in which ships were fired at. Several of the robberies involved the shooting and killing or wounding of crew members, the taking of hostages and hijackings of whole vessels, especially tugs and barges. The most serious incident took place on 5 January 2004, when armed pirates boarded the Indonesian tanker *Cherry 201* and took 13 crew members hostage. The pirates later released the captain so that he could convey their demand for ransom, but as the shipping company failed to pay the ransom – initially set for US $47,616 but eventually negotiated down to a quarter of that amount – the pirates one month later shot dead four crew members. The remaining eight jumped overboard and escaped (9).

The IMB suspects that the perpetrators of the kidnap-for-ransom attacks in the Northern Malacca Strait are members of the Free Aceh Movement, GAM, which since 1976 has waged a guerilla war for Acehnese independence from Indonesia. However, even though GAM members have been known to engage in kidnappings, particularly of Indonesian businessmen, on land, it seems unlikely that the organization on a central level would endorse piratical activity. The strategy of the GAM leaders, most of whom live in exile in Sweden, has been to try to gain the sympathy of the international community for Acehnese independence, and engaging in piracy would be clearly detrimental to this objective, especially against the background of much speculation about a possible connection between piracy and the threat of maritime terrorism in the wake of the 11 September 2001 terrorist attacks in the United States. This said, however, it is possible that some local bands of GAM sympathisers may use piracy as a means of fund-raising – although it is equally possible that it is the work of politically non-committed bandits in the region.

The rebels of Free Aceh Movement are fighting for an independent Islamic state from Indonesia.

In the wake of the devastating tsunami which hit the region, particularly Aceh, on 26 December 2004, all piratical activity seemed to cease in the Malacca Straits, and there were no reported attacks during January 2005. As regards the northern parts of the Strait, this is quite understandable, as the pirates are likely to have been hard hit by the disaster with many of them probably killed and much of their equipment, including boats, engines and weapons, destroyed. The lull in piracy in the southern parts of the Strait is more difficult to explain, as the tsunami had no significant physical impact there, and as the pirates' land bases, mainly located in Indonesia's Riau archipelago, were left intact. The lull was in any case temporary, and from February 2005, attacks again began to be reported, both from the northern and southern parts of the Malacca Strait, with the same recognisable pattern of mainly High-Level Armed Robberies in the northern parts and mainly Low-Level Armed Robberies in the southern parts (10).

Combatting Piracy

Piracy in Southeast Asia is often explained by combination of poverty and weak law enforcement. The explanations generally – explicitly or implicitly – pinpoints Indonesia, the poorest country in the Malacca Strait region with the weakest marine law I enforcement capacity, as the source of the problem. To some extent the explanation is relevant. There is little doubt that most, if not all, pirates currently operating in the Malacca and Singapore Straits are Indonesians based in Indonesia – mainly, it seems, on the north coast of Aceh and possibly the east coast of the province of North Sumatra, and on the scattered small islands of Indonesia's Riau archipelago just south of Singapore Strait. It is also obvious that the Indonsesian navy, which has the main responsibility for policing the country's territorial waters, is overstretched and lacks the capacity to patrol the vast archipelago – not only against pirates, but also against smugglers of drugs, arms, contraband and humans and against large fleets of foreign fish trawlers operating illegally in Indonesia's Exclusive Economic Zone. From that perspective it should perhaps come as no surprise if combatting piracy is not a main priority for the Indonesian navy and other authorities.

The attacks in the Malacca Strait region mainly (although not exclusively) befall non-Indonesian vessels, and most attacks – 82 per cent in 2004 – take place outside Indonesian territorial waters, mainly in international waters. With the Malacca Strait being one of the world's most important international commercial shipping lanes, it might seem reasonable – at least from the point of view of the coastal states in the region – if the cost of policing the Strait were shared by all its users. However, when the Indonesian government, supported by Malaysia, in the early 1990s suggested that a toll system be introduced to pay for the cost of policing the Strait and protecting the environment, the suggestion won little support from the shipping industry or the international community. Saying that the shipowners seemed "ungrateful" that they were allowed to use the Malacca Strait for free, Malaysia's Deputy Prime Minister Abdul Ghafar Baba bluntly summarized the Indonesian and Malaysian viewpoint: "These people seem to have come out with a theory that they make the profit and we come out with the money to keep the straits clean of pollution and pirates" (11).

Since then the number of reported pirate attacks in Southeast Asia has multiplied, but the shipping industry and the international community in general have shown little willingness to share the cost of policing the Malacca Strait. The main exception has been Japan, which over the past years has taken the initiative to, and provided funding for, a number of efforts to suppress Southeast Asian piracy, including the provision of training programs and equipment to the law enforcement authorities in the region. The most recent of these initiatives is the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), concluded among sixteen Asian countries (Bangladesh, Brunei, Burma, Cambodia, China, Indonesia, India, Japan, Laos, Malaysia, the Philippines, South Korea, Sri Lanka, Thailand and Vietnam) in Tokyo in November 2004. The most important provision of the agreement – which so far has only been signed by four states, Cambodia, Japan, Laos and Singapore – is the projected setting up of an Information Sharing Centre in Singapore in order to facilitate international cooperation in the suppression of piracy. The weakness of the agreement, however, is that it only obligates governments to share information which they deem pertinent to immediate pirate attacks and that Centre's operation will depend on volontary contributions (12).

Even though ReCAAP may be a significant development, it will not be enough to eradicate piracy in Southeast Asia. Doing so will probably require more far-reaching arrangements for international cooperation, including joint or coordinated patrols and the right of so-called "hot pursuit" into the territorial waters of a neighbouring country. At the moment, however, such arrangements seem unlikely to come about. Piracy remains a comparatively minor problem for most Southeast Asian countries, and strong sensitivities over issues of national sovereignty are a major obstacle to the forging of any binding agreements among the countries of the region.

Meanwhile, for all the talk of piracy as a menace to international maritime commerce, most shipowners do not seem terribly concerned. The risk of an attack is still very small, and the economic losses incurred are generally bearable – usually below the decuctible level of the insurance policy. Consequently, and in accordance with the laws of market economy, piracy is likely to persist as long as the cost of protection is higher than the incurred losses.

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Endnotes

(1) International Maritime Organization, "Reports on Piracy and Armed Robbery against Ships – Annual Report 2004", MSC.4/Circ.64, 5 May 2005, accessed on 26 July 2005. The IMO report does not use the term "Southeast Asia" but the more inexact "Far East" (further divided into "Malacca Strait" and "South China Sea"). All but four of the 173 cases recorded in the "Far East", however, occurred in Southeast Asia (i.e. in or around the waters of ASEAN countries).

The IMO distinguishes between "piracy" which, in accordance with the 1982 United Nations Convention on the Law of the Sea, is defined as incidents occurring on the high seas or outside the jurisdiction of any state, and "armed robbery" which is defined as incidents occurring within a state's jurisdiction.

(2) Lintner, Bertil, *Blood Brothers: The Criminal Underworld of Asia*, New York and Houndmills, Basingstoke: Palgrave Macmillan 2003.

(3) Resolution A.545(13) on "Measures to Prevent Acts of Piracy and Armed Robbery against Ships", adopted by the IMO Assembly, 13th session, 17 November 1983. In 2004, only three states, Colombia, Liberia and the United Arab Emirates, reported attacks to the organization.

(4) The IMB also publishes annual (as well as bi-annual) piracy reports; see ICC International Maritime Bureau, "Piracy and Armed Robbery against Ships. Annual Report, 1 January – 31 December 2004", Barking, Essex: ICC International Maritime Bureau 2005. In addition, the IMB posts weekly piracy reports on the Internet (accessed on 26 July 2005).

(5) Ibid., p. 2; italics in original.

(6) It is assumed that the real number of attacks were twice the reported number, giving a total of 114 for the year in the northern and southern parts of the Malacca Strait.

(7) Gottshalk, Jack A. and Brian P. Flanagan, *Jolly Roger with an Uzi: The Rise and Threat of Modern Piracy*, Annapolis, MD: Naval Institute Press 2000, p. 90.

(8) See further the manufacturer's Internet web page at http://www.secure-marine.com, accessed on 28 July 2005.

(9) Gunawan, Apriadi, "Pirates kill four aboard ship in North Aceh", *Jakarta Post*, 6 February 2004, and ICC International Maritime Bureau, 2005, p. 17.

(10) See the IMO's monthly reports for January–March 2005: MSC.4/Circ.65, MSC.4/Circ.66, and MSC.4/Circ.67, all accessed on 28 July 2005.

(11) Wong Sai Wan, "M'sia willing to provide security in the Straits", *The Star*, 7 September 1992.

(12) John F. Bradford, "The Growing Prospects for Maritime Security Cooperation in Southeast Asia", *Naval War College Review*, 58: 3.