



REPORT ON PIRACY AND ARMED ROBBERY IN SOUTHEAST ASIA

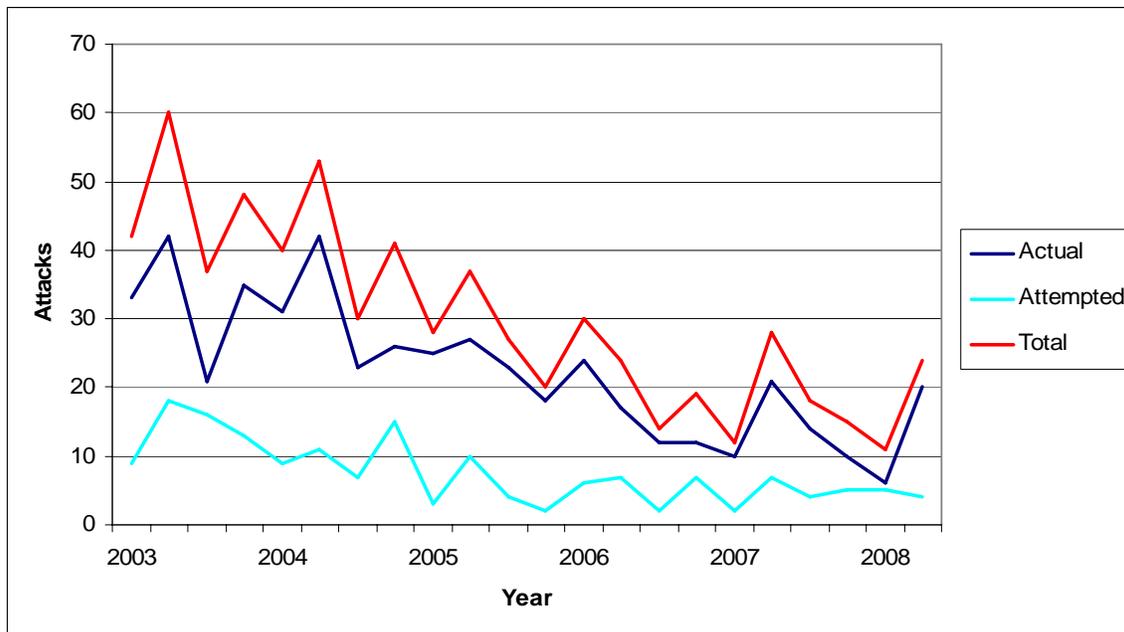
Regional Trend

As many as 24 armed robbery and piracy cases were reported in Southeast Asia during the second quarter of 2008. Of these, 20 were actual attacks while four were attempted incidents (refer to Figure 1). Compared to the first quarter, the number of actual attacks during the second quarter of 2008 more than tripled. Although it was not as high as those recorded over the same period in 2007, figures for the second quarter of 2008 also reflect the general trend of a hike between the first two quarters in the last few years.

IN THIS ISSUE:	
❖ Report on piracy and armed robbery in Southeast Asia, second quarter 2008	1
❖ Yet another reminder on the importance of ferry safety	4
❖ Illegal fishing in Indonesia	5
❖ Unwanted aid: Disaster relief in Myanmar	6
❖ Global Snapshot: - Navies to tackle Somali pirates	7
- Joint development in East China Sea	8

Figure 1

Regional Trends by Quarters, 2003–2008



Theft and robbery made up the main types of attacks in the second quarter of 2008. Thirteen of the 20 actual attacks reported were theft and/or robbery cases, the highest number of such attacks reported since the second quarter of 2007. With reference to the three hijacking incidents, it should also be noted that hijacking have been consistently reported over the last five years in considerable numbers, averaging over 10 per cent of the total number of reported actual attacks during the second quarter each year. On the other hand, there were two incidents where vessels were being fired-upon.

A variety of vessels were attacked during the same period, especially slow moving vessels with low security measures enforced. About one third were small to mid-size tankers on local voyages. All three of the attacks on fishing vessels were violent.

Although knives remain the weapon of choice, about 40 per cent of the actual attacks involved the use of firearms. Reports of an increase in the use of firearms serve as a reminder of the higher risk and potential violence when confronted with pirates and/or robbers. In fact, one of the recent attacks where a passengers craft was fired-upon in the Philippines had resulted in four fatalities and seven were injured.

Ports and anchorages are the most common targeted areas of attacks in Southeast Asia. However, the second quarter of 2008 also saw a higher percentage of vessels being attacked while steaming further offshore (refer to Figure 2). There were four actual attacks within the Strait of Malacca, all of which were committed while the vessels were anchored. Two of these incidents saw

fishing vessels being hijacked along the west coast of Malaysia.

As one third of the total number of actual attacks was committed within Indonesian waters, three of such cases were in the vicinity of the Makassar Strait, two of which saw the use of firearms.

It should be highlighted that there was an unusually high number of attacks in the waters bordering and within the South China Sea. Of the nine actual attacks, two third were committed along the east coast of Peninsula Malaysia and in the vicinity of the Natunas/Anambas Islands.

Two vessels were attacked while steaming along the Singapore Strait. Although firearms were used in one of the incident, no injuries were reported.

Conclusion

Figures for the second quarter of 2008 once again suggest that the problem of piracy and armed robbery remain a challenge within the waters of Southeast Asia. One of the key concerns is the severity of recent attacks where the use of firearms was prevalent and incidences of the perpetrators turning violent in the process evident. For example, though not robbed two vessels were heavily fired-upon and suffered severe damage, which also resulted in injuries and fatalities.

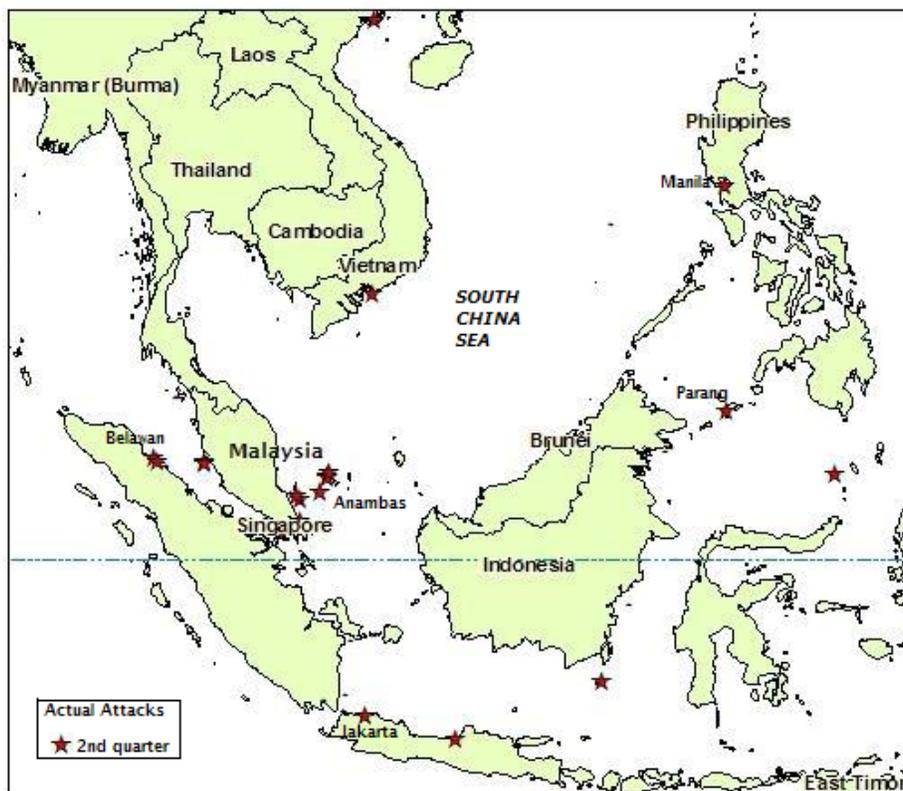
The hotspot of the second quarter of 2008 in Southeast Asia was the waters around the Natunas/Anambas islands. Most of these attacks were targeted at steaming vessels. The perpetrators were armed with all sorts of weapons and escaped after robbing all their victims.

Although the annual piracy and armed robbery rates for the past few years saw a downward trend, the annual second quarter surge still raises the question of how

effective current regional efforts to combat piracy and armed robbery are to eradicate the long standing problem within these waters.

Figure 2

Location of Actual Attacks in Southeast Asia, second quarter 2008



Sources

- IMB Weekly Piracy Report
- IMO Reports on Acts of Piracy and Armed Robbery Against Ships
- Lloyd's List Bulletin
- ONI Worldwide Threat to Shipping Report.
- Maritime Security Council's News Alerts
- ReCAAP Information Sharing Centre Report

YET ANOTHER REMINDER ON THE IMPORTANCE OF FERRY SAFETY

June 2008: Hundreds were missing after a ferry sank as a typhoon hit central Philippines in what could be one of the island nation's worst maritime disasters in more than 20 years. The *Princess of Stars*, owned by Sulpicio Lines sank 3km off Sibuyan Islands when Typhoon Fengshen lashed at the Philippines central islands. Thus far, less than 50 wave-battered survivors have been found.

As bodies were being counted, debates began anew on safe-sailing rules in a country prone to storms yet dependent on ferries to get around the sprawling archipelago. The worst peacetime maritime disaster ever in terms of loss of life occurred in December 1987 when the Philippine ferry *Dona Paz* caught fire and sank after a collision. The *Dona Paz*, also owned by Sulpicio Lines, was on her way to Manila when it collided with the motor tanker *Vector*, fully loaded with petroleum products. The collision ignited an intense fire that annihilated the two ships. About 4,400 people died.

Globally, there have also been disturbing accidents involving passenger ferries, including the sudden and catastrophic capsizing of the passenger/car ferry *Herald of Free Enterprise* in March 1987 and the even more tragic loss of the *Estonia* in September 1994. In response to those incidents, the International Maritime Organization (IMO) has adopted a series of amendments to the International Convention for the Safety of Life at Sea (SOLAS) intended to mitigate the recurrence of such incidents. IMO has also recognized the need to focus on ferries which do not come under SOLAS and is working on the development

of standards for "non-convention" vessels - passenger ferries (such as the *Princess of Stars*) which for reasons of operating inland or solely on domestic routes are not required to conform with SOLAS. IMO has signed a memorandum of understanding (MoU) with the international ferry owners' association, Interferry, formalizing the two organizations' intention to work together towards enhancing the safety of non-SOLAS ferries.

Ferry security is generally an under-stated problem despite the best intentions of the IMO. Often, the passengers themselves lack the awareness of taking the necessary precautions to ensure their own safety. The state however should always ensure that proper safety regulations are in place and are enforced rigorously. The international guidelines and regulations for passenger and Ro-Ro ships should be extended to all passenger ferries even though they may not be employed on international voyages. At the end of the day when disaster strikes, it is important to have in place an operable cooperative contingency arrangement within the region that can be mobilized quickly.

Sources

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- The Australian
- The Manila Times
- Inquirer.net
- IMO Newsroom
- RSIS Commentary

ILLEGAL FISHING IN INDONESIA

Illegal fishing remains a serious problem in Indonesia and many regional countries, costing an estimated 25 percent of potential yearly revenue in the fisheries sector. As communities and marine organizations around the world observe World Ocean Day on June 8 to raise awareness about the importance of the seas, most Indonesian fishermen will not be in a celebratory mood. Not only do they have to deal with the dwindling numbers of fish due to the long term effect of climate change and over-fishing over the years, they also need to compete with illegal poachers casting in their waters.

Despite patrols, large-scale illegal fishing by foreign vessels is rampant in Indonesian waters. Such vessels are often intercepted with no sailing or fishing permits. The Maritime and Fisheries Minister Freddy Numberi was recently quoted saying that illegal fishing in Indonesia was causing a financial loss of Rp30 trillion a year to the archipelago, which translate to an estimated 1.6 million tonnes of fish. Despite the recent apprehension of the Chinese vessels, the Head of Provincial Maritime and Fishery Office, Xandramaya Lalu, conceded that many vessels carrying foreign flags commit illegal fishing but are difficult to identify and apprehend.

As Indonesian law requires all fishing vessels to sell their catch within Indonesia, sophisticated syndicates were known to be creative in circumventing them. One such example is by using a simple chartering mechanism. Essentially, an Indonesian company is registered as a legitimate front, chartering foreign vessels to legally fish within Indonesian waters, and its catch illegally exported out of Indonesia

thereafter. Moreover, as trawling had been banned in Indonesia since 1980, trawl nets are now termed fishing nets, exempting its use from the stipulated restriction. These examples clearly show the lack of enforcement capacity in Indonesia.

As all Southeast Asian countries (except Laos) are either archipelagic or coastal state, regional fish stock is an important source of protein for its human population and also a valuable export commodity. Although ASEAN members recognize the problem and the need for regional cooperation, much of its efforts thus far have not reaped significant results.

In May 2007, Indonesia and Australia initiated a regional plan of action with nine other regional countries and have since recognized the need to develop a monitoring, control and surveillance system to fight against illegal, unreported and unregulated (IUU) fishing practices in the region. Indonesia and Australia have been working closely to address the threat of illegal fishing in the region, especially in the Arafura Sea, which sits between the two countries. The latest coordinated patrol was conducted in April over a two week period, where the participating vessels patrolled their respective Exclusive Economic Zones in that area.

Sources

- The Jakarta Post
- Indonesia Embassy In Australia- Media release
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- RSIS seminar by Dr. John Butcher
- VOA news
- BBC Worldwide Monitoring

UNWANTED AID: DISASTER RELIEF IN MYANMAR

May 2008: A Category 3 Cyclone Nargis struck Myanmar sweeping through the Ayeyarwady (Irrawaddy) delta region and the country's largest city, Yangon. The authorities declared five states and divisions (Yangon, Ayeyarwady, Bago, Mon and Kayin) to be disaster areas. Yangon sustained a direct hit, which downed power and communications lines, and inflicted major damage to buildings in the city. Many roads are blocked either by flooding or fallen debris. Damage was most severe in the delta region, where the effects of extreme winds were compounded by a sizable storm surge.

Source: OCHA Situation Report

As foreign aid agencies scrambled to deliver aid supplies during the immediate aftermath, much was delayed, if not blocked by the Myanmar government, claiming that it could handle the disaster on its own and was not in favor of massive foreign intervention. After weeks of delays that have left more than two million cyclone survivors in immediate need of food and other supplies, Myanmar finally allowed foreign aid and workers into the country.

“We would warmly welcome any assistance and aid, which are provided with genuine goodwill from any country or organization, provided that there are no strings attached nor politicization involved”

*Aye Myint
Deputy Defense Minister, Myanmar*

By then, Myanmar was promised a significant increase in foreign financial support for its 2.3 million cyclone survivors, provided the government lived up to a pledge made to UN Secretary-General Ban Ki-moon to give aid workers unhindered

access to the affected area. Be that as it may, Burma's military junta insisted that while it has agreed to let aid supplies and workers into the cyclone hit regions, they only allowed a limited number of US military cargo planes to deliver aid to Yangon, and will not accept aid from military vessels. All supplies would have to be delivered via civilian vessels to the distant Yangon port.

US, French and British military vessels docked off the coast of Myanmar as early as mid-May, waiting to help cyclone victims but have all been denied access. Some later detoured to Thailand where aid was handed over to UN aid agencies to facilitate the distribution. The US navy withdrew all four vessels, bringing away with them crucial equipments and supplies.

The deployment of the military on humanitarian missions has long been a topic of much debate. Even though the militaries worldwide had long conducted relief missions in the wake of natural disasters, often working alongside NGO's, they tend to be regarded in their traditional function.

During the annual Shangri-la Dialogues held in Singapore between 31 May and 1 June 2008, defense ministers and senior officials highlighted the importance of international cooperation in disaster relief.

Representatives from US, China and Myanmar collectively agreed on three principles to guide the efforts of the international community in helping disaster-struck countries. The first principle stressed the responsibility of the affected country to respond to a disaster within its own territory in a prompt and effective manner. Secondly, they should facilitate the entry of humanitarian aid from other countries and international organizations. Last but not least, any external help should have the consent of the affected countries, and it should come under the governments' overall control and supervision.

Ultimately one must remember that even the best intentions cannot be forced on anyone.

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- International Business Times
- Reuters
- United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
- IRIN News – OCHA
- NTS-Alerts, RSIS
- Voice of America
- Xinhua Net
- International Herald Tribute
- International Committee of the Red Cross

GLOBAL SNAPSHOTS

Navies to tackle Somali pirates

June 2008: *The UN Security Council has unanimously voted to allow countries to send warships into Somalia's territorial waters to tackle pirates. The resolution permits countries that have the agreement of Somalia's interim government to use any means to repress acts of piracy for the next six months.*

Source: BBC News

Waters off the coast of lawless Somalia is one of the world's most dangerous shipping zones. Piracy cases have become more frequent and its perpetrators more brazen. A recent surge in incidents of maritime hijacking for ransoms led France, UK, Britain and Panama to initiate a UN Security Council resolution that would authorize countries to fight piracy and to arrest pirates in Somali waters.

Essentially, the resolution would authorize countries to enter Somali territorial waters and use "all necessary means to identify, deter, prevent and repress acts of piracy and

armed robbery" by boarding, searching and seizing suspect vessels and arresting the perpetrators. The key condition is that states taking such action should cooperate with Somalia's interim government and notify UN Secretary General Ban Ki-moon.

Although it is clear that this measure only applies to Somalia and does not affect the sovereignty of other countries, many were of the opinion that the Security Council's action is significant because it is using the force of international law to allow navies to apprehend pirates and armed robbers. In fact, many are apprehensive of the precedent it would set for similar situations in the future.

Sources

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- International Herald Tribute
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- Garowe Online
- Business Daily

Joint Development in the East China Sea: *Sea of peace, cooperation and friendship*

China and Japan have reached an agreement on gas development projects in the East China Sea. By shelving long standing differences over the delimitation of exclusive economic zones (EEZs), the two countries achieved a compromise which will likely build momentum for furthering the mutually beneficial relationship.

The consensus contained several key elements: the two sides will conduct cooperation in the transitional period prior to delimitation without prejudicing their legal position, and both sides jointly take the first step to conduct joint development on the northern part of the East China Sea.

The agreement was seen to be “flexible” and “pragmatic”, which serves the interests of both parties. It was cautiously worded to ensure that it would not prejudice their respective legal position, as stipulated under the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Many will keep a keen eye on this new development and a seemingly new posture taken by China. The fact that such a compromise was possible amidst strong territorial zealotry, might lead one to spot a dim light of hope at the end of the ‘South China Sea’ tunnel. However, one

must also recognize that the South China Sea problematique is far more complex than those of the East China Sea. Not only are there more parties involved, negotiations thus far are highly influenced by the domestic politics of individual states.

There is no doubt that this agreement is indeed a very positive step forward for the long drawn tension between the two states over their respective jurisdictional entitlement in the East China Sea. It may also be a good example for the mitigation of similar disputes in to region. Nevertheless, it was obvious that the locations stipulated in the agreement were some of the least contentious zones, and that there were strong domestic emphases that this initiation will not in any way diminish each country’s desire to enforce their jurisdictional rights over these waters.

Sources

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- The Straits Times
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- The Financial Times

* By Jane Chan, Associate Research Fellow, vetted by Joshua Ho, Senior Fellow and Sam Bateman, Senior Fellow and Advisor of the Maritime Security Programme at the S. Rajaratnam School of International Studies, a Graduate School of Nanyang Technological University, Singapore.