REPORT ON PIRACY AND ARMED ROBBERY IN SOUTHEAST ASIA

Regional Trend

By the end of third quarter 2008, the Southeast Asian region has recorded a total of 53 cases of piracy and armed robbery incidences for the year, one of the lowest recorded during the same period over the last five years. A total of 18 actual attacks were reported during the third quarter of 2008. (Refer to Figure 1). The third quarter of 2007 also recorded a total of 18 reported cases, four of which were attempted incidences.

Figure 1

Regional Trends by Quarters, 2002–2008
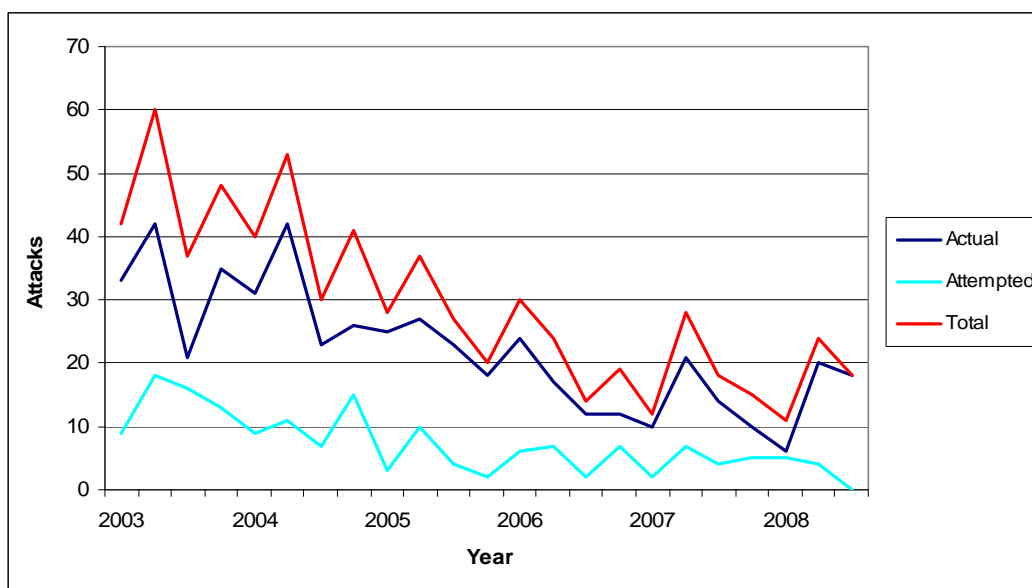
Theft and/or robbery still make up the main type of attacks in the third quarter of 2008. Ten of the 18 actual attacks reported were theft and/or robbery cases, while there were seven other incidences where the perpetrators had already boarded the vessels. Although there was only one reported hijacking incident during the third quarter of 2008, it serves as a reminder that there are more than just petty thieves in these waters.

No firearms were reportedly used in attacks during the third quarter of 2008. Knives were the weapon of choice in five of the reported incidences. Information on the types of weapons used during attacks is an important gauge of the trend and potential violence that may take place in regional waters. Unfortunately, more than half of the reported incidences are not furnished with such information.

The vessels most susceptible to attacks while underway are those with lower freeboards, slower speed with low security measures in place. Seven of the 18 actual attacks targeted tankers of sorts. Tankers have been the primary targets in Southeast Asia since the first quarter of 2007.

Consistent to previous trends, about half of the reported attacks were in Indonesian waters. Similar to the second quarter of 2008, a large number of attacks were perpetrated in the waters of Vietnam and the Philippines. During the third quarter of 2008, all but two of the reported incidents took place while vessels were at anchor and/or at berth. Be that as it may, the more serious attacks almost always took place further offshore, targeting steaming vessels. The only reported hijacking incident took place off Tioman Island, Malaysia, where pirates landed crewmembers on Tioman Island and absconded with the tug.

Thailand joins Malacca Strait Patrols

As of 18 September 2008, Thailand has become the forth country to join the Malacca Strait Patrols (MSP) - an initiative by Indonesia, Malaysia and Singapore to work together to enhance maritime security in the Straits of Malacca and Singapore. Thailand's participation was formalized in a signing ceremony for the revised Standard Operating Procedures and Terms of Reference for the Malacca Straits Joint Coordinating Committee.

The MSP which comprises the Malacca Strait Sea Patrol (MSSP), the "Eyes-in-the-Sky" (EiS) air patrols as well as the Intelligence Exchange Group (IEG), is a concrete set of practical cooperative measures undertaken by the littoral states to ensure the security of the Straits of Malacca and Singapore.

Since the implementation of the MSP, the annual figure on piracy and armed robbery incidences has been on a downward trend. In recent months, the Malacca Straits no longer seem to be the hotspot in Southeast Asia. Although it remains a challenge to ensure safety and security of vessels within Indonesian waters, Vietnam and the Philippines are increasingly facing similar problems. Even though most of the reported cases often only resulted in petty theft, vessels travelling along these waters should still maintain high level of vigilance to prevent opportunistic ventures.

Figure 2

Location of Actual Attacks in Southeast Asia, second quarter 2008
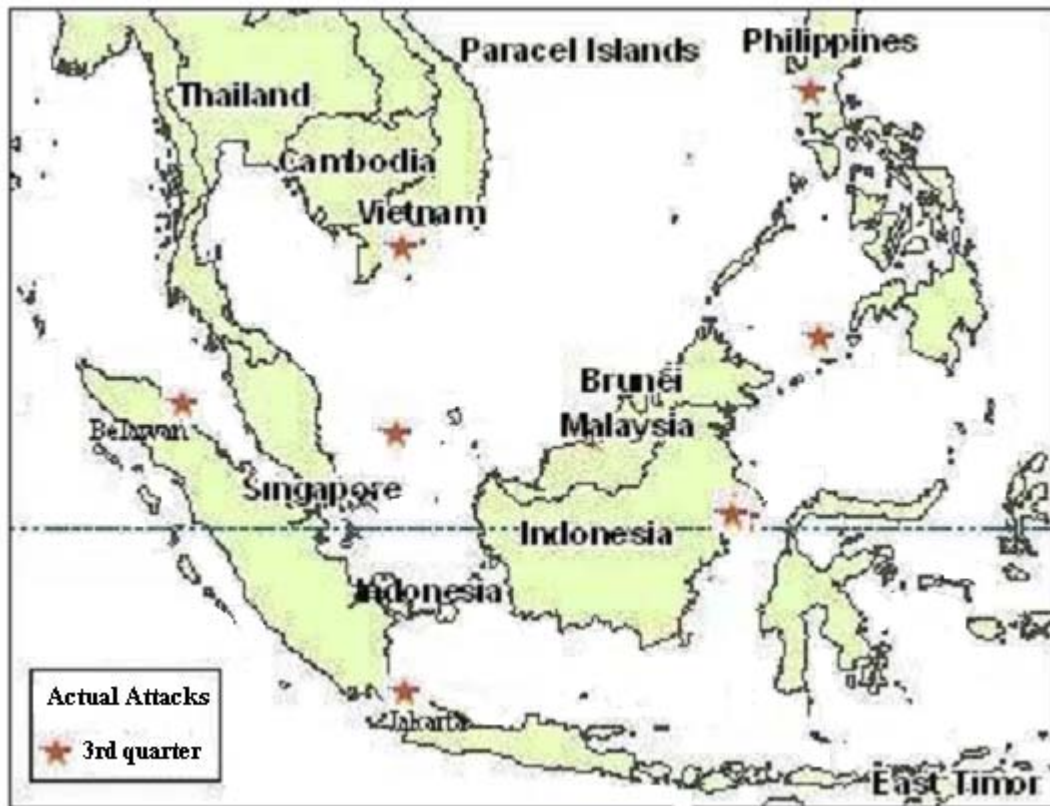
Sources
- IMB Weekly Piracy Report (online), available at www.icc-ccs.org

- IMO Reports on Acts of Piracy and Armed Robbery Against Ships (online), available at www.imo.org

- Lloyd's List Bulletin (online), available at http://www.lloydslist.com/viewbulletin

- ONI Worldwide Threat to Shipping Report (online), available at www.nga.mil/portal/site/maritime

- Maritime Security Council's News Alerts

- ReCAAP Information Sharing Centre Report (online), available at www.recaap.org

PIRACY IN THE MALACCA STRAITS – BEHIND THE FIGURES

Eric Frecon*

First impressions due to optimistic IMB statistics can be misleading. Today, piracy is not yet totally eradicated in the South of Singapore. Rumour has it that some big chiefs are still hiding in Batam and waiting for better times for their maritime activities. Like migratory birds, when the socio-political climate is not so good, handymen and pirates recoil to the South before coming back.

Analysts have to pursue the pirate hunts and follow the tracks of these sea criminals further south, to Riau, East-Sumatra, Jambi and Bangka-Belitung provinces. Indeed, there are already some clues in these areas. Pirates join base camps not too far from Palembang, often near Kuala Tongkah. Testimonies mentioned kampungs, where it is possible that pirates – as well as smugglers – hide from patrol boats. In these dim areas, there are no law enforcement agencies and the Indonesian State is deeply ignored.

F. for example, an Indonesian around thirty-five-years old has decided to delocalize his dubious activities and to base his gang on a wooden jetty on the Indragiri River in the Riau Province. Previously he worked for the main pirate chief on Belakang Padang, off Batam; he was security guard in a well-known discotheque near Nagoya. Now, F. has decided to move to the South.

To conclude, piracy is well on the way to being eradicated. We can be optimistic seeing the declining figures as mentioned in IMB, IMO and ReCAAP reports. But let us remain vigilant, from Palembang to Riau, just like the hero of the French novel, *the Plague*, by Albert Camus (1913-1960):

> As he listened to the cries of joy rising from the town, Rieux remembered that such joy is always imperilled. He knew what those jubilant crowds did not know but could have learned from books: that the plague bacillus never dies or disappears for good; that it can lie dormant for years and years in furniture and linen-chests; that it bides its time in bedrooms, cellars, trunks, and book-shelves; and that perhaps the day would come when, for the bane and the enlightening of men, it would rouse up its rats again and send them forth to die in a happy city.[1]

Sources

- Field works in Sumatra in November 2007 and March 2008
- IMB and ReCAAP annual reports
- Eric Frecon. *The Reaction of East Asian States to the Challenge of Post Cold War Maritime Piracy* – Thesis (PhD). Sciences Po – Paris, 2007. xi-588 p. (In French, abstract in English; see: http://ecoledoctorale.sciences-po.fr/theses/theses_en_ligne/frecon_scpo_2007/frecon_scpo_2007.htm)
- Eric Frecon. *The Resurgence of Sea Piracy in Southeast Asia*. IRASEC – Bangkok, 2008 (2002). 131 p.

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[1] CAMUS, Albert. *La Peste* [The Plague], translated from the French by Stuart Gilbert. London: Hamilton, 1957, last page

RECOVERING AFTER A MARITIME TERRORIST ATTACK: THE APEC TRADE RECOVERY PROGRAMME

Joshua Ho*

Most counter-terrorism measures taken after 9-11 seek to prevent a terrorist attack from happening but none have looked at how the U.S. and its trading partners will recover from a terrorist attack. The APEC Trade Recovery Programme (TRP) was developed to increase the speed of recovery amongst the APEC economies and the U.S. by providing a framework for common actions that will aid in the communication and decision making process.

The TRP does this by establishing principles and guidelines that will facilitate the restoration of trade as rapidly as possible and provides actions that will facilitate trust and confidence in the process. In essence, the TRP is a how-to guide that provides a framework for common actions that will aid in the communication and decision-making processes between states after an incident.

It must be said that the TRP has many strengths. Firstly, participation in the TRP by member economies is voluntary. Secondly, the TRP is non-prescriptive, flexible and builds upon existing frameworks available nationally or internationally. Thirdly, the TRP is a simple step-by-step approach that partner economies can follow without too much effort. The TRP consists of three main pillars of: (1) a plan of action, which is a logical sequence of steps that economies should take following a terrorist attack; (2) model guidelines that provide for a shared framework for post-

event actions consistent with industry best practices; and (3) a communication plan to facilitate the building of trust and to establish transparency.

Despite its strengths, countries in Southeast Asia do not seem to be very supportive of the TRP. This is disappointing given that Southeast Asia was once considered the second front on the war against terrorism. The TRP only addresses the threat of terrorism from an explosive device shipped through a container. This is far too narrow and it is necessary to make the TRP more comprehensive to include more forms of trade disruptions other than that caused by a terrorist attack. Trade disruptions due to natural disasters, industrial action, or pandemics could also have severe repercussions on member economies.

The ability of an economy to minimise the time that trade is disrupted and to contain the system impacts will directly reduce the resulting economic loss. While the potential loss to infrastructure is great, it is the ripple effects of trade disruption that create the largest economic impact. The complex nature of today's trade system means that all components of that system are dependent upon one another for safe and secure trade. The APEC TRP therefore aims to promote safe and secure trade through the establishment of clear points of action, model guidelines for actions, and robust communications.

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Piracy in Somalia and the UN Security Council Resolution 1816 (2008)

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

Three months since the UN Resolution 1816 (2008) was put to vote, its effectiveness remains questionable. Warships of various nationalities are now clearly present in Somali waters, yet they have not provided much deterrence. There is no let up in the number of hijacking incidences, and there has been increase in violence during such attacks. The limitations on what action warships may take under international and national laws are a major problem as they restrict the effectiveness of the response.

The International Maritime Bureau Piracy Reporting Centre has thus far reported over 60 attacks on vessels this year in Somali waters, predominantly in the Gulf of Aden. The most recent attack involved the hijacked-for-ransom of a Ukrainian freighter carrying military tanks and weapons. Even though the perpetrators were quickly surrounded by foreign warships, there was no indication that they are willing to release the freighter without ransom being paid. Although the pirates had clearly indicated that all they want was for the ransom to be paid, there were real concerns that the military hardware on the hijacked freighter might fall into the wrong hands.

A high profile retaliation in mid-September saw the French navy operated unilaterally, rescuing two French hostages from the hands of the Somali pirates, killing one pirate and capturing six others in the process. This is not the first time France has taken an aggressive and proactive approach when dealing with pirates. Earlier in April this year, French military forces had chased fleeing pirates onto Somalia's shores, capturing them overland and extraditing them to France to be tried. That French adventure in many ways contributed to the initiation of Resolution 1816, even though the eventual resolution did not reflect the full velocity of the French initiative, which to some had effectively challenged the principle of state sovereignty.

There are loud and clear calls from user states, ship operators and security analysts alike for more to be done by the coalition navies present in Somali waters. In fact, many advocate more warships to be deployed with the required rules of engagement. They often argue that the UN Convention on the Law of the Sea (UNCLOS) and Resolution 1816 should be enough to allow for repressive actions against pirates in Somali waters. Others believe that more resources should be invested to enhance current naval capability in anti-piracy operations. All in all, many believed that military intervention will be the most effective in purging pirates in those infested waters, pronto.

It is important to recognize that there is a need for effective internal law enforcement in support of the application of international law. In the case of Somalia, there is clearly a lacking of a strong and effective legal system and its interim government is not able to carry out effective enforcement measures. The Somali pirates are able to claim that they are only acting as a de facto coast guard to police illegal activity in Somali waters and in some initial cases where foreign fishing vessels were involved, there may indeed have been some veracity in those claims. So unless a coalition of navies is able to round up all pirates in those waters within a short period of time, foreign military intervention is by no means a sustainable solution.

A long term solution calls for a regional cooperative mechanism, much like the current framework implemented in the Straits of Malacca, to be put in place along the Gulf of Aden. Similarly, it should aim to provide constant patrols and surveillance, and when need be, effective enforcement. Given the current political climate, it may be highly challenging for Somalia to garner enough political will and financial support to initiate the effort. As with the successful cooperative efforts in the Straits of Malacca, firm regional resolve coupled with strong international support and relevant international law and national legislation may prove to be the key to maintaining order in the waterways.

Source

- IMB Weekly Report
- Lloyd's List
- VOA News
- BBC Monitoring Africa
- Straits Times
- The Business Times (Singapore)
- The Times (London)
- US Naval Office

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