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MARITIME PREDATIONS IN SOUTHEAST ASIA: THREE CASE STUDIES

Abstract: While piracy in Southeast Asia has been addressed better over time, maritime predations continue to occur in the region. These predations, on small traders and maritime communities, afflict these groups and individuals and contribute to their insecurity. They are vulnerable populations whose livelihoods and way of life have been threatened, yet whose security has not been adequately dealt with through traditional maritime security approaches. Through a non-traditional security lens, the problem of lower-end piracy – or maritime predations – is examined using case studies. This may, in time, lead to more appropriate policy approaches to deal with the root causes of piracy and maritime predations in Southeast Asia in the longer term.

state-driven conventional approaches, including joint naval patrols, aerial surveillance, and regional mechanisms to encourage users of certain waters – for example in the Malacca Straits – to cooperate with the governments of Indonesia, Malaysia and Singapore in order to enhance safety and security in the Straits.

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The phenomenon of maritime predations has been observed from the fact that piracy attacks occur not just on international shipping, but also on lower-end victims such as small barter traders and maritime communities in the littoral states of Indonesia, Malaysia and the Philippines.

These attacks have been termed maritime predations, and affect the lives and livelihoods of various populations in maritime Southeast Asia. However, the responses to piracy have been overwhelmingly focused on fighting high-end piracy – attacks on commercial shipping. This has entailed a combination of

The emphases on these measures, along with media and international attention, have led to a neglect of addressing maritime predations against small traders and maritime communities. This Alert explores the dynamics of maritime predations in Southeast Asia, focusing on three maritime communities:

The Hutan Melintang fishing community in Malaysia along the Malacca Straits, the barter traders of the Sulu Sea between East Malaysia and the Philippines, and the pirates of Kampung Hitam ('Black Village') in the Riau Islands of Indonesia. This Alert will present piracy's historical legacy in Southeast Asia, introduce

the theory of horizontal inequalities that underpins the maritime predations examined the case studies, and the case studies themselves.

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The Historical Legacy of Piracy

Piracy in Southeast Asia is not a new phenomenon. The Bugis of Sulawesi, the Illanuns of Mindanao and Sulu, and the pirates of the Riau Islands have preyed on shipping and coastal communities in their respective areas for hundreds of years, and which continued even after the arrival of European colonisers. These groups took advantage of the archipelagic geography of Southeast Asia to prey on trade routes and to raid coastal villages to sell captives as slaves.

Eventually, Western arms and subjugation of pirate bases and heartlands of support led to a hiatus in these attacks, as colonial administrations sought to integrate these populations into their colonial states and to halt piracy against their own holdings.

However, piracy as a phenomenon experienced a resurgence in the 20th century, as European colonial powers departed the area in the aftermath of the Second World War. Maritime predations by different actors occurred primarily in the Malacca Straits, but also in the Sulu Sea and the Riau Islands. What all of them have in common is that they were the result of conflicts over resources.

Horizontal Inequalities: The Underpinning Driver

These types of conflicts are best explained by the theory of horizontal inequalities, as put forward by Frances Stewart (2003) from the Centre for Research on Inequality, Human Security and Ethnicity. Her theory, initially applied to development studies, focused on the political and socio-economic determinants of conflict. It conceptualised internal conflicts as the result of competition over political capital and economic resources.

According to this theory, the existence of severe inequalities between culturally defined groups leads to unequal access to political, economic and social resources for their members. As a result, tensions develop over the competition for these finite resources, which results in violent conflict. Originally, Stewart's theory was used to explain how civil wars occur in some ethnically diverse states and not others.

In the case of Southeast Asian piracy, the maritime predations that have occurred are manifestations of struggles to control marine resources and trade in the region. These may occur either between groups within a state or between groups from different states.

This theory provides an analytical tool for examining the various contexts of piracy in Southeast Asia. In the Straits of Malacca, the Hutan Melintang case will be examined. For the Sulu Sea, the barter traders

from the Sulu Archipelago in Sabah and predations by restive insurgent groups in the area will be explored. Finally, pirate activities in the Riau islands will be discussed.

The Malacca Straits

In the case of the Malaysian Hutan Melintang community in the Malacca Straits, the maritime predations against their fishing trawlers are manifestations of 'fish wars': Conflicts resulting from competition over fish stocks. In the Malacca Straits, larger trawlers from the Hutan Melintang community in Malaysia competed against smaller and less well-equipped artisanal fishers from Aceh. A 2007 article in the journal *Marine Policy* tackled the phenomenon of fish wars and cited piracy as a manifestation of this competition (Robert Pomeroy, et al., 2007).

Mak Joon Nam (2007, 2009) analysed the case in detail and found that, as a result of Malaysian fishing restrictions, the Hutan Melintang community was forced to move from its traditional fishing grounds along the Malay Peninsula to the middle of the Straits, across the Indonesian province of Aceh.

In order to fish there, they had to build larger and more efficient boats, as the deeper water required this type of hardware. As a result, they harvested more marine life than the seas could sustain. The Acehnese fishermen who used artisanal methods for catching fish saw their yields decrease as a result.

Due to their lack of resources, they were unable to build larger vessels to compete with the trawlers, and faced declining incomes. This was further exacerbated by the outbreak of the civil war, which hindered the economic development of the region. As a result, many fishermen turned to attacking the trawlers for additional income.

Escalation of maritime predations: GAM and the 'lost commands'

At first, pirates attacked the trawlers to steal the petty cash onboard used for fishing supplies, or the catch of the vessel. Later, as their efforts became more successful, they would steal the vessel itself, ransoming the vessel for an amount depending on its worth. A bargaining process then ensued where the owner of the ship and the pirates bartered on a final amount, which would be paid either by courier delivery or by deposit at a local bank in Aceh.

Later, a more disturbing form of this emerged when skippers of the vessel were themselves kidnapped and ransomed. This trend emerged after the terrorist attacks on 11 September 2001 in New York, and became especially prevalent after a renewed Indonesian offensive against the Gerakan Aceh

Merdeka (GAM or Free Aceh Movement) in Aceh in May 2003.

When maritime blockades made it nearly impossible for pirates to escape with a fishing trawler after hijacking it, the skippers, or *taikongs* of the vessel were kidnapped instead. The GAM had already been directly and indirectly linked to maritime predations around the waters off Aceh; the managing director of a shipping firm, Eastern Navigation, explained in a 2005 interview that GAM had an extensive network in the region, including informants and sympathizers.

Acehnese fishermen were not the only group preying on the Hutan Melintang. Renegades or 'lost commands' of the Indonesian military have been blamed for harrasing Hutan Melintang fishermen in the straits.

Due to a territorial dispute between Malaysia and Indonesia over their respective Exclusive Economic Zones (EEZs) in the Malacca Strait, Indonesian maritime enforcement agencies have been able to intercept and detain fishing vessles for straying into what Indonesia claims as its EEZ. In the 1970s, the Hutan Melintang community would be extorted an amount ranging between RM 200 to RM 300 in fines.

Later on, fishing vessels would be detained, and corrupt officials would require a large amount of money, sometimes up to RM 100,000, in order for the trawler to be released. If this amount was not paid, the crew and the fishing vessel would be detained while court proceedings were ongoing, which was an expensive prospect, as corruption in the Indonesian judiciary in Aceh had become entrenched, especially after the overthrow of President Suharto. The Hutan Melintang community considers renegade law enforcement officials more dangerous than the GAM-linked pirates. While negotiations were said to be possible with the latter group, the former are less likely to bargain and more prone to use violence.

Coping with maritime predations

Overall, the Hutan Melintang community has reported an average of one maritime predation per month from 2003-2007. The price for operating in the Straits despite the existence of piracy has increased to the point where ransoms range from RM 30,000 – RM 100,000.

The 'penalties' imposed by renegade law enforcement officials in Aceh have increased to RM 300,000. The total estimate for costs imposed due to piracy on the Hutan Melintang comminty range from RM 200,000 – RM 250,000 as of 2004.

To respond to this additional burden on their operating expenses, the Hutan Melintang community has formed an insurance pool, which collects contributions from each of the community's members. The total monthly pool may used by a member who is victimised by pirates to allow him to recover quickly.

The (qualified) success of conventional responses

Indonesia, Malaysia, and Singapore have attempted to address piracy by deploying coordinated patrols in the Straits, beginning in May 1992. The Indonesian Navy also launched an anti-piracy operation called *Operasi Kikis Bjiak* which focused on the Riau Archipelago. While this helped lead to a decline in attacks, they surged again in 1998, as the budgets for Indonesian maritime authorities were affected by the financial crisis. In 2004, due to the

escalation of maritime predations against not only fishing vessels, but tugs and commercial vessels in the Straits, the United States (US) launched the Regional Maritime Security Initiative for the Asia Pacific, where the US would take the lead in improving intelligence sharing and coordination, and in strengthening the capacity for marine surveillance and law enforcement.

However, the governments of Malaysia and Indonesia viewed this proposal with alarm, as the idea of US forces patrolling the straits was considered inimical to the exercise of national sovereignty over the area. In response, Malaysia, Singapore and Indonesia launched coordinated patrols under the banner of Operation MALSINDO (an amalgamation of the three countries' names). These measures were followed by the launch of an aerial surveillance programme termed Eye in the Sky accompanied with crackdowns by the Indonesian navy.

All of these responses have sufficient state support and resources, but succeed only up to a certain extent; although attacks on commercial shipping have been reduced, maritime predations against fishing communities, such as the Hutan Melintang, persist.

“To respond to this additional burden on their operating expenses, the Hutan Melintang community has formed an insurance pool, which collects contributions from each of the community's members. The total monthly pool may used by a member who is victimised by pirates to allow him to recover quickly.”

The persistence of maritime predations

These measures have had the collective effect of reducing incidences of hijacking and attacks against commercial shipping, but have not reduced maritime predations against the Hutan Melintang. In addition, the patrols may not be entirely responsible for the reduction in ship hijacking, as the installation of Automatic Identification Systems (AIS) on all international trading vessels over 500 gross tonnes in 2004 has also made ship hijacking much more difficult. The AIS system allows satellite tracking of the ship's identity, position, speed and heading that hijacked vessels to be easily located by law enforcement officials.

In the case of the Hutan Melintang, civil war, uneven economic development between the two sides of the Strait, institutional corruption and unclear border demarcations have allowed maritime predations to thrive. Even if conventional measures such as coordinated patrols and the use of surveillance technology have reduced attacks against conventional shipping, the maritime predations against the Hutan Melintang continue.

The Sulu Sea

Piracy in the Sulu region has been rife since the middle of the Spanish colonial era. In the 1970s the rise of the Moro National Liberation Front (MNLF), a separatist group based in the southern Philippines, led to an increase in attacks against local fishing vessels. The MNLF attacked these vessels to raise funds for their armed struggle, and even extorted up to US\$ 2,000 per month in protection money from these vessels. Later on, a splinter group of the MNLF, the Moro Islamic Liberation Front (MILF), engaged in maritime predations in the 1980s to raise funds and procure boats for the group's logistical requirements.

A third organisation, the Abu Sayyaf Group, which broke off from the MNLF in 1991, has also been responsible for a series of kidnappings since 2000. In April 2000, the group kidnapped 21 guests from the Sipadan Island Diving Resort and held them for ransom; over US \$15 million was paid to release all the hostages.

Later, the group attacked a Singaporean tug and barge in June 2002, stole its communication equipment, and ransomed the crew of both vessels. Another attack followed on a Malaysian tug in March 2005. In all these cases, Stefan Ekklöf (2006) has explained that a combination of Moro nationalism and an aspiration to join the call for global *jihad* provided a moral justification for piratical activity and other forms of banditry.

Piracy in the Sulu Sea was previously less organised in the colonial and immediate post-colonial periods, as it was characterised by less organised and more opportunistic raids. However, as the attacks have proven, the groups perpetrating these attacks have become more sophisticated. Plans are now more detailed, where targets now include major national companies, and drawn-out negotiations. The groups also make maximum use of media mileage to gain publicity for their actions.

Political and socio-economic causes of predation

It was not difficult for groups to turn to maritime predation in the southern Philippines. Aside from a long tradition of maritime raiding among the Iranuns of the Sulu Sea, the region has long been undergoverned and poor. Isolated outposts were established by the Spanish throughout their 300-year colonisation of the Philippines, but civil government was never established due to opposition by the local Muslim communities, of which the Sultanate of Sulu was the most prominent.

The Philippine Commonwealth and its successor, the Philippine Republic both viewed Mindanao as a source of both resources and land for the resettlement of Visayans from their more crowded homelands. Later, bureaucratic neglect of the region led to widespread poverty, resulting in simmering resentment that eventually peaked upon the imposition of a dictatorial government by then President Ferdinand Marcos. The ensuing civil war further deprived the residents of the Sulu region of alternative incomes, and led to an influx of arms that made acts of maritime predations a viable livelihood.

Law-enforcement renegades and their prey

Aside from attacks by separatist groups, traders from the Sulu region have been preyed upon by renegades in Philippine maritime enforcement agencies. These traders regularly ply the route between Sabah and the Sulu Archipelago to conduct barter trade. Their presence is tolerated in Sabah, as the local authorities there view them as beneficial to the region. In their view, the barter trade (actually a misnomer as the traders also use cash to buy consumer goods) brings in foreign exchange, and boosts the economy of Sabah. The authorities also see the trade as a way of relieving socio-economic pressures in the southern Philippines, as it ensures that the cost of living remains affordable in the Sulu Archipelago, preventing large-scale illegal immigration to Sabah from the southern Philippines.

However, the Philippine government has long viewed the trade as undesirable, as it facilitated the entry of smuggled goods such as cigarettes in the past. Thus,

barter traders intercepted while trying to cross the sea border illegally have been apprehended. Once caught, the officials levy unofficial taxes to permit the traders to continue to their destination. This behaviour has not been limited to Filipino officials, as barter traders have also reported that some Malaysian authorities also extort barter traders once they enter Malaysian waters.

Unregulated trade and the failure of external assistance

Officially, there has been some opposition to this form of unregulated trade between the two countries within Sabah itself. In 2006, the Chinese-based Sabah Progressive Party sought to impose a levy on Filipino and Indonesian visitors to Sabah to ensure that traders do not end up illegally immigrating to Sabah. The same party also suggested suspending the Sandakan – Zamboanga ferry service, arguing that this service had become a conduit for migrants to illegally settle in Sabah.

Measures to address the law and order situation in the Sulu region has not produced any significant results. A proposed peace agreement between the Philippine government and the separatist groups in 2008 collapsed after the proposal ran into legal opposition arising from indigenous claims over land already occupied by settlers. The US maintains a 600-strong Joint Special Operations Task Force in the Philippines to aid the Armed Forces of the Philippines in counterinsurgency operations and in civic operations that include the construction of infrastructure projects and medical missions. However, their presence has so far failed to eradicate the grievances of separatist groups and to uplift the socioeconomic status of the region as a whole.

The paradoxes of maritime predations

In the case of the Sulu Sea, maritime predations against both ships and people have cost private organisations and governments millions of dollars lost to ransom money, which then goes on to fund the acquisition of logistical equipment that strengthens pirate capabilities. It is clear that unless the root causes of the insurgency in the southern Philippines are addressed, the poor socio-economic development of the region will continue to spawn lawlessness and maritime predations – a point acknowledged by Colonel Bill Coultrup, the task force commander of

US forces in the Philippines. He said that the main efforts of his force should focus on ‘civil-military operations to change the conditions that allow those high-value targets (senior officials of the Abu Sayyaf) to have a safe haven. We do that through helping give a better life to the citizens: good governance, better health care, a higher standard of living.’ (Thom Shanker, 2009)

Riau Islands

More pirates operate within the Riau Archipelago, at the southern end of the Straits of Malacca. There, the narrow sea passages near Singapore force ships to slow down in order to navigate through the area safely – it is here that ships are vulnerable to piracy attacks. Many of them come from communities such as *Kampung Hitam* (Black Village), on the Indonesian island of Belakang Padang, as uncovered through the fieldwork of Eric Frecon (2006).

A haven for pirates and organised crime

Located northwest of the relatively more well-known island of Batam in Riau province, Belakang Padang is only about 10 kilometres

away from Singapore, which Figure 1 approximates. The socio-economic disparities resulting from the ‘Asian economic miracle’ of the last 12 to 15 years have fostered inequalities that provide the motivations to engage in piracy and maritime predations.

The economic boom has led to displacement and undocumented immigrants, who have increased the population, putting more strains on economic development in the area. As a result, illegal activities related to organised crime have arisen, including robbing ships and other forms of maritime predations.

Many groups and individuals from this area have a maritime background going back several generations. The tendency, as Frecon discovered, to turn to activities like piracy and smuggling to supplement their incomes, given existing economic conditions, is very strong. Many local inhabitants were young men of 18 years old when they attacked their first ship. The village of Kampung Hitam is where a number of these men are based. The village has an area for illegal activities, including the pirate den. During high tides and on moonless nights, Kampung Hitam’s pirate den serves as a base from which pirates launch attacks on vessels crossing this end of the Malacca Straits. This area is illustrated in Figure 2.

“The economic boom has led to displacement and undocumented immigrants, who have increased the population, putting more strains on economic development in the area. As a result, illegal activities related to organised crime have arisen, including robbing ships and other forms of maritime predations.”

The influx of immigrants has also increased the volatility and incidences of maritime predations. A population group known as the *Orang Buton*, originating from the province of Sulawesi, reside in Kampung Hitam. At the time of Frecon's fieldwork, they comprised the main gang of pirates there. Considered ethnically related to the Bugis – who were themselves historically famed sea raiders – the *Orang Buton* had actually turned to piracy because of the lack of access to, and opportunities for, employment. Other groups in the village such as fishermen are employed, but they also live in a problematic situation, sometimes playing two or more roles, for example, as both a pirate and a taxi-boat driver.

Peaceful co-existence, problematic inequalities

The Kampung Hitam village community is very close-knit, with fishermen and pirates living in the same environs. Life for these artisanal fishermen and their families has been difficult because of increasing pollution, commercial fishing and maritime traffic. Some of these fishermen also work as taxi-boat drivers, and when necessary, take part in piracy, to make a decent living. Poverty drives both these people and others, who are full-time pirates, to such activities.

The local police force, for their part, is ill-equipped and unable to deal with pirates and other criminal activities. Interacting with government officials in the course of his research, Frecon discovered that the pirates and maritime predations would only be seriously addressed if they became excessive and

Figure 1 The Riau province of Indonesia and the island of Belakang Padang



extreme. The national and provincial authorities appeared to allow such attacks to occur, provided that 'maritime muggers' did not destabilise the area on a scale that terrorists or separatist rebels do. This stability seemed tangible, as many of the so-called pirates were not hard-core criminals, but had several roles in the community life of the village, and live among the mainstream population. It would not be surprising if such a situation had been brought about through a shared experience of the problems of horizontal inequalities, in terms of political and socio-economic under-development.

Conclusion

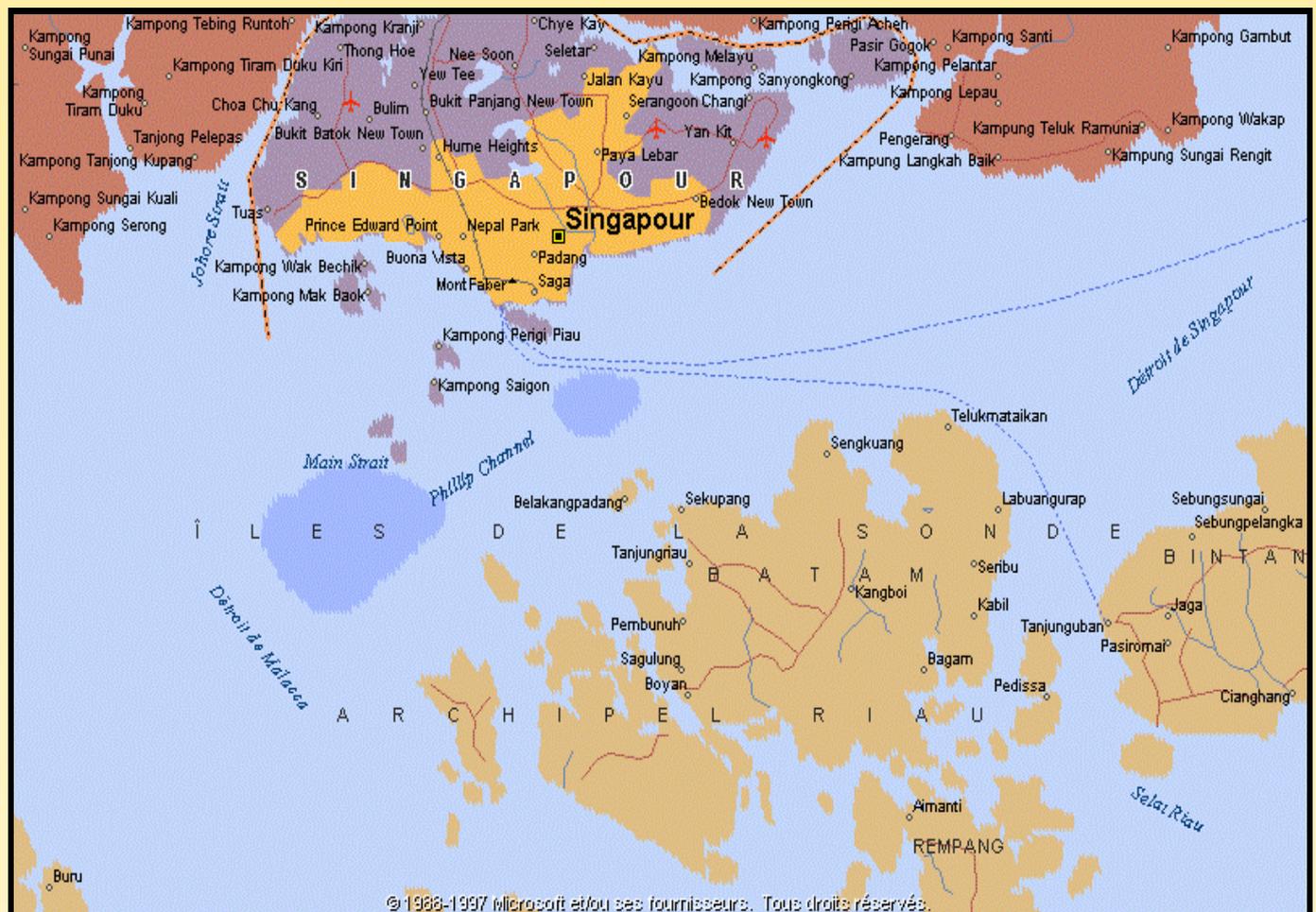
In the three cases presented, the roots of maritime predations are common: Horizontal inequalities created by poor governance and socio-economic under-development. While conventional responses such as sea patrols and military operations have had some successes, attacks continue against vulnerable groups in the Southeast Asian maritime region.

Aside from addressing this determinant, it may be

possible that existing border control regimes and the emphasis on national sovereignty may hamper efforts to reduce piracy in some contexts. For instance, the border control regime in the Sulu Sea allows unscrupulous officials to prey on traders plying a route that was once open before the imposition of colonial governments in the region. Instead of cooperating to regulate the trade, the governments of the two littoral nations pursue completely different policies with regards to the traders, exacerbating the vulnerability of the trader. The regime in effect criminalises free trade, which could help contribute to better socioeconomic development in that region.

While the causes of maritime predations remain complex and diverse, adopting a non-traditional security approach in analysing the root causes of conflict may help authorities devise long-term solutions to a problem that remains deep-rooted. When complemented with traditional responses, they may go a long way to increasing the human security of the people in maritime Southeast Asia.

Figure 2 Belakang Padang, Batam island and the Straits of Malacca



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