THE AGE OLD PROBLEM OF PIRATES
Piracy in Southeast Asia

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December 11, 2015
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ABSTRACT

Piracy is an age-old problem for trade at sea. It costs companies and countries millions of dollars in lost trade, higher insurances, increased fuel cost, and in time conducting counter-piracy efforts every year. This paper aims to examine the problem of a surge in piracy attacks in Southeast Asia over the last ten years. This increasing problem persists even in the wake of tremendous counter piracy success off the Horn of Africa. I will outline the history of piracy to provide context to the increasing problem. I will also look at Southeast Asia in context to the previous Horn of Africa crisis by reviewing the economics, geography, the nature of the attacks, and geopolitical concerns in the region. By reviewing against the Somali piracy I seek to understand why some tactics have been helpful and others have not yielded the same results in Southeast Asia, and I offer new solutions that could help curb the violence.

INTRODUCTION

Why has piracy increased in Southeast Asia over the past decade? To examine this phenomenon I will review how piracy in Southeast Asia has evolved differently than piracy found off of the Horn of Africa and examine why the tactics that drastically diminished piracy near Somalia have not stopped piracy in the Fareast. I first started to examine this question from my experiences fighting piracy in the waters near Somalia. As an Officer in the United States Navy, I have encountered the issue of piracy first hand. In 2000, piracy off the Horn of Africa exploded into a full fledge crisis. This idea of resurgence did not make sense to me. In 2011, on one of my deployments to that region, I began to question why we are still fighting piracy near Africa. This warfare is what helped give purpose to the first ships in the beginning of our nation. We first engaged in fighting pirates in the Barbary Wars in 1801. The counter piracy efforts used during that time period helped solidify our power over the seas. We however moved beyond fighting piracy and we had little interaction with pirates until the early part of this century. I have observed our new interactions with this evolved piracy and how we started to contain its control over the Gulf of Aden. I began the study of that region with a perception in mind that this type of piracy was somehow different. In fact, most of the literature supports that claim. It states that the piracy off of the horn of Africa was somehow unique by being more legitimated, violent, or sophisticated. Yet, as I continued to read and think about the prospect of a new type of piracy it did not make complete sense. I began to question how really different is the resurgent piracy? As my research continued, I formed a new narrative that the piracy was not a new piracy, but rather the same issue just using evolved tactics and weapons in an age-old battle. There was certainly an increase in pirate acts in that region, but it was just a case of market factors being seized by opportunistic criminal groups. With the sharp decline of piracy in that region I started to wonder if, we could capitalize off of those lessons learned to engage piracy in Southeast Asia that has since seen its own resurgence. To understand the evolution of piracy in the Fareast, I will outline the history of piracy, the rise of the problem in the Mideast and compare and contrast to the current situation in Asia. By examining this phenomenon I hope to provide a framework to help calm piracy in the waters of Southeast Asia and to control a future rekindling of piracy in other parts of the world.
HISTORICAL PERSPECTIVES

Pirating has been an issue almost as long as people have been trading at sea. Jason Potterfield in his book *Modern-Day Pirates* said in reference to the first pirates, “Piracy has been around since at least the fourteenth century BCE, when instances of raids by Turkish pirates were first recorded on the coast of Asia Minor. Ancient Greek and Roman pirates attacked ships in the Mediterranean Sea.” Like any other crime, piracy has served as an opportunity for some to exploit others free and open trade. This type of criminal activity requires an ability to steal from a ship. Piracy as defined in Merriam-Webster’s dictionary is, “the act of attacking and stealing from ship at sea.” This is a good working definition for the purposes of this research. It also gives an initial insight into how the term can be effectively used to describe all piracy from the Eighteenth Century to today’s pirates.

Pirates are most popularly discussed in context of the Fifteenth to Eighteenth Centuries and often romanticized. The real Pirates of the Caribbean were in fact historical figures such as Sir Francis Drake (1540-1596), Captain William Kidd (1645-1701), and Edward Thatch AKA Blackbeard (1680-1718), not like Hollywood’s popular depiction played by Johnny Depp. This period was driven by and often solicited by the Nation State. States participated in sanctioning piracy in acts known as Privateering. Pirate ship captains and crew patrolled the high seas to harass and seize goods returning to and from Europe and the Caribbean. States would commission some of these Captains to act in the national interest and thwart these acts. They were then legally able to keep portions of the bounty as a prize.

Those pirates understood by Hollywood and our history books where also typically considered only western phenomenon. However, piracy has been a worldwide experience since the beginning of trading at sea. At the same time that the Caribbean was being defined by buccaneer raids, Southeast Asia had its own issues with pirates. Robert Antony of the University of Macau wrote on this period of violence, “Much of the fifteenth and sixteenth centuries were the age of the wakō pirates, composed of ethnically mixed crews of Chinese, Japanese, and occasionally European marauders who combined trade, smuggling, and piracy.” These pirates were fierce and used terror to intimidate transiting crews as a tactic as much as force itself. Antony added this description of the Asia pirates of the time, “The fearful images of Asian pirates made them appear more like wild beasts or demons than humans. The first Ming emperor, Zhu Yuanzhang, said that wakō pirates made sounds like the “croaking of frogs,” and a Chinese literati a century and a half later reported they made “bird-like sounds” when they spoke. In Treatise on Japan, the authors described wakō pirates having long disheveled hair, blackened faces, and tattooed bodies, which gave them the appearance of ghouls.”

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Asian pirates have been a mainstay of history just as much as with any other culture, in fact perhaps even more so. Antony in another journal article along with Sebastian Prange presented the idea that they actually outnumbered the amount of pirates found in the west. They said, “While in the Atlantic world […] there were never more than about 5,500 active pirates, there is reliable evidence to show that in Asian waters bands of pirates could number in the tens of thousands.” While pirates have been part of a culture at sea since the beginning, it has not always been bad, these tactics were also used to help win our own War of Independence. The Continental Navy was small and vastly out gunned by the British. Congress commissioned private ship captains to help run blockades established by the British and to seize cargo where possible. This is documented in “As in the earlier Seven Years War, colonial merchants signed up to take advantage of privateering—except now they were commissioned to subvert rather than serve the British Empire. From the British perspective, they were therefore criminals and pirates.” Without these tactics the Colonial Army, he argues would have certainly lost the war. The non-state sponsored pirates would often be legitimate merchants that would subsidize their livelihoods when a pirate opportunity presented itself. These unscrupulous merchants and fishermen looked to piracy to subsidize their income when market conditions made it profitable.

Once our independence was won by the Colonies, the United States pulled back naval financing under the Washington Doctrine. Our initial foreign policy attempted to retract from the international community as to not entangle the country in another war for the infant nation. There was also a push to help pay down the war debt and a feeling that the cost of a large standing Navy was too great. As the country grew and cemented itself as a trading partner it faced pirates off the coast of North Africa. This posture did not last long as the Barbary States, Algiers, Tunis, and Tripoli (now Algeria, Libya, Tunisia), began to harass or seize our merchant ships and hold the ships and crew for ransom. This theme is nearly the same narrative used by pirates from Somalia over 200 years later. To guard against this aggression most states in Europe paid a tribute to keep their ships safe. The American policy makers were split on whether to pay tribute or to build a Navy to fight them off. This divide embroiled our country in one of its first national debates. The deliberation pitted Thomas Jefferson in favor of building a stronger Navy against John Adams who sided with what he believed to be the cheaper endeavor of paying tribute. Jefferson and the war hawks won the public dialoged and congress commissioned building six frigates. These ships formed the nation’s first fleet and the foundation of our Navy today. The second ship, the USS CONSTITUTION, is still a part of the Navy today and stationed in Boston Harbor. The battles that ensued in the Mediterranean gave notoriety to some of our first Naval heroes, like William Bainbridge and Andrew Sterrett. Both these individuals, perhaps ironically, have ships named after them that were at the heart of fighting pirates off of the Horn of Africa in this century. The USS BAINBRIDGE was instrumental in regaining control of the ship and killing the pirates that high jacked the famed Maersk Alabama in 2009. The USS STERETT tracked down and captured the pirates that seized the Sailing Vessel Quest and killed four Americans in 2011.

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5 Antony and Prange
A PERSONAL CONNECTION

My connection with dealing with piracy is far from academic. The Sailing Vessel Quest incident was where my story intersects the narrative of the continuation of piracy through history. I was stationed aboard the USS STERETT and was the Tactical Action Officer in charge of tracking the Quest down and monitoring the situation while on watch over the four-day negotiation. The pirates had captured a sailing vessel from San Diego that was sailing around the world. As the days wore on we inched closer and had embarked special forces to lead the negotiations, and had the USS ENTERPRISE, USS LEYTE GULF, and USS BULKELEY close to help support. The Special Forces attempted to use lessons gained from successful Maersk Alabama incident. They were able to coax the pirate leader off the sailing vessel. This however left a power vacuum amongst the pirates. As negotiations continued the pirates opened fire and shot a rocket-propelled grenade at my ship, which fortunately missed. Unfortunately, they also shot and killed all four hostages. The pirates that killed the Americans were quickly captured and later tried in the United States for murder and piracy. They were found guilty and received multiple life sentences for their actions. And while not merely academic, it is not just an issue of the past for me either. My next tour of duty is to be aboard the Navy’s newest class of ships the Littoral Combat Ship (LCS). These ships are smaller, more agile, can move closer into shore than any other previous vessel in our arsenal. They are also modular in design and can be outfitted to go after surface threats just like those used by pirates. These new ships are first being deployed to Singapore. For the next three years I imagine I will be confronted often with the issue of piracy in Southeast Asia.

RESEARCH APPROACH

The literature and research is beginning to become more readily available for this topic and being more reported on for this region. While there has always been a pirate presence in Southeast Asia most work in this century has been focused, until most recently, on piracy in the Gulf of Aden. With a sharp decline of piracy near the Horn of Africa it appears that scholars have turned their focus toward the Fareast. There is historical reference material and are series of academic and trade journal articles mostly dating with in the last few years. The raw data is becoming easier to access with the International Maritime Organization tracking more data points every year. An important factor affecting the true understanding of the phenomenon is underreporting of attacks. This is due to a belief that insurance costs will rise. Justin Hastings captures this unfortunate reality in his paper, “Political Geography” by saying, “because reporting minor pirate attacks usually raises a shipping company’s insurance premiums and slows down a ship’s progress, many companies prefer to absorb the costs of attacks rather than report them as long as the financial or human losses are not severe. The result is that pirate attacks are almost certainly underreported, by some estimates by as much as 50%.”

The obvious lacking information is a coherent solution to quite the storm of rising incidents

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plaguing the region. I have concentrated for the purposes of this paper on the last 10 years worth of reports and I compiled my data from the International Maritime Organization’s Piracy and Armed Robbery Report Database. I created my own search to included date, location of incident (i.e. In International Waters or Territorial Waters), and Geographic Area. I define for the purposes of my research the waters of Southeast Asia as including in area bounded by the South China Sea to the north, Indonesia to the South, The Philippines to the East, and the Indian Ocean to the West as depicted below.

This area also includes the Strait of Malacca, Singapore Strait, and the waterways around several islands in the region. My dependent variable is the number of pirate attacks in a given year and I review against multiple independent variables such as location, and against shipping volume transiting through the region.

PIRACY IN SOUTHEAST ASIA

Piracy in Southeast Asia is not a new phenomenon, like piracy off of the Horn of Africa and else where around the world, it has had its own ebb and flow over time. Southeast Asia has experienced a marked increase in piracy over the past decade even in the midst of what seemed like the international community cracking the code on ways to combat piracy by quelling the epidemic near Somalia only a few years ago. While the definition of piracy itself is not necessarily different around the world, cultural, geopolitical, geographic, financial, and military influences in the region can all shape how piracy manifests itself and potentially fought. The

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factors that most shape the increase in piracy in Southeast Asia are the economics of increased trade transiting the region providing increased opportunity, the underlying pure economic conditions for many people in the area, and overfishing concerns. While some of these factors were present in Somalia, there is stronger governmental control in the region that has not allowed for a complete collapse of coastal sovereignty. While this is good news for civil society in those countries it also restricts stronger naval access to sovereign territorial waters to combat rising rates of piracy. Caroline Liss in her 2014 report “Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses” outlined the stimulus of the piracy by saying, “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.”

In order to better understand piracy in the region and offer potential solutions I will examine increases in trade as compared to increased rates of piracy, the geography of the region, the types of attacks being committed, and geopolitical factors that add to the conditions of increase piracy in the region.

THE ECONOMICS

Piracy in Southeast Asia has been shaped significantly by the vast increase in trade to the region and economic conditions. The United States Navy is not the only thing that has been undertaking a pivot to the Pacific. Globalization is largely defined by the spread of commerce through the world and this is done by overwhelmingly through the world’s oceans and most significantly in the region of Southeast Asia. Shipping worldwide has grown 34% from 2005 to 2013 (Latest year data was compiled by the United Nations) with an increase of 7,110 to 9,550 Million Tons Ships annually worldwide.

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10Statista
This upward trend is even more pronounced in Southeast Asia. As an example of increases of shipping through that specific region container throughput for the Port of Singapore experienced a 46% increase in containers traveling through the port terminals. The busiest waterway in the world is the Strait of Malacca. Marcus Hand of Sea Trade Maritime News stated, “According to data from the Marine Department of Malaysia’s STRAITREP reporting system, compiled by the Nippon Maritime Center (NMC) in Singapore, there were 77,973 transits of the Malacca Strait last year by vessels of 300 gt or more.” These increases point to a likely reason the number of pirate attacks are increasing in the region as the increase in number of ships has increased the number of opportunities for pirate attack to occur. The number of attacks in the region based on my analysis is saw a 135% increase over the last ten years. With the highest levels being noticed in the last two years. Miha Hribernik of The Diplomat reported earlier this year that, “The latest figures released by the International Maritime Bureau’s (IMB) Piracy Reporting Center corroborate ReCAAP’s findings and show a similar increase in attacks in 2013 and 2014. Since a total of 245 attacks took place worldwide in 2014, Asia now accounts for up to 75 percent of all piracy and armed robbery (PAR) incidents in the world, up from 60 percent in 2013.” While the increase of opportunity to conduct piracy accounts for some of the rise in attacks, it does not tell the whole story. This is evident due to the number of attacks outpaces the increases in shipping through the region. If this were true pirate attacks should have also declined in 2009, the only down year for shipping during this sample due to the global recession. Yet, there was a 5% rise in pirate attacks in 2009.

Further economic factors help explain the increase in attacks. Karsten von Hoesslin in her Routledge Journal Article: “Piracy and Armed Robbery at Sea in Southeast Asia: Organized and Fluid,” outlined the economic factors surrounding the piracy issue. She stated, “As is the case elsewhere in the world. Southeast Asian piracy is largely a symptom of economic hardship and other pressures that stem from land. Within the region and according to the International Maritime Bureau, a sharp rise in incidents occurred in the immediate aftermath of the 1998 East Asian Financial Crisis. Many of those who engaged in attacks at this time were unemployed shipyard workers, tank cleaners, seafarers, fisherman, and traders seeking to compensate for their sudden loss of income. An increase in opportunistic attacks was similarly witnessed following the 2008 economic slowdown, especially in late 2009 and 2010.”

The volatility of markets created a need for income, which causes some to seek out illicit trade opportunities when the legitimate industries begin to falter. The industry of piracy has also appeared to take route in the region. Von Hoesslin also added, “By 2010, the main perpetrating group had fine-tuned its operations, increased its hunting grounds and was recruiting seasoned, experienced pirates.”

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‘career-oriented’ members. Piracy in Southeast Asia has been most significantly shaped by the economics conditions, but not the only factors.

THE GEOGRAPHY

The geography makes the region ideal for engaging in piracy and avoiding authorities. The region is also far from monolithic, making it difficult to come up with one set of universal tactics. While Singapore is a highly industrialized first world country, in contrast parts of the Sulu Sea in the Philippines are under the control of the Abu Sayyaf Terrorist Group. Parts of the shoreline are met with some of the worlds highest rated beaches like those found in Phuket Thailand, and other shorelines are met with sheer cliffs. There are thousands of inlets, rivers, islands, and peninsulas that all make RADAR contact of fleeing pirate vessels nearly impossible. The geography is infinitely more difficult to identify, track, and determine the intentions of vessels, than it is off the Horn of Africa. The Strait of Malacca is the primary transit lane for most shipping through the region but there are other routes like through the Strait of Sunda increase transit distance marginally. All of these routes are in close proximity to the shoreline and easily accessible by pirates. This differs from the Gulf of Aden transit where there is only one route and one primary coastal region the pirates would originate from. A way that the geography shapes the trends in pirate attacks is in the locations of the home bases and ports used by pirates. Miha Hribernik explains this in his work, Countering Maritime Piracy and Robbery in Southeast Asia: The Role of the ReCAAP Agreement, by saying, “Much of the piracy and robbery activity in Southeast Asia has traditionally been concentrated around the vitally important Strait of Malacca shipping artery. The impact of the 2004 tsunami (which destroyed many pirate hideouts and small vessels in the area), along with effective counter-piracy measures undertaken in the Strait since 2005, have shifted the focus of these activities towards the coasts of Singapore and Malaysia, and in particular to other sections of the traditionally risky Indonesian waters.”

As the pirate groups gain stronger footholds in the region and shift to areas less patrolled by naval forces, the number of attacks has risen to the levels reported today.

The geographic proximity to safe havens plays a big part in what the pirates will attempt to steal. The way the attack transpires itself are almost universally the same out to sea. One or more small highly maneuverable and fast vessels come along side larger slower vessels and the pirates board using ropes, ladders or climb aboard. What the pirates take control of and sell off their booty can differ based on geography. A large goal of Somali pirates was the seizure of vessels and crews for ransom. This was possible in part because of the nature of the Somali Government or lack there of. If the governments of the land area that the pirate base out of are failed states the pirates can control full operation at will. They will have more time and can seek ransom for their hostages or seized ships. The types of targets the pirates go after can be larger and they can wait for a high yield return on a ransom. They will have more time to negotiate with an insurance company or country paying to get their ship or people back. However, in

15 Von Hoesslin
Southeast Asia there is a mixture of strong and weak states in close proximity of each other allowing pirates to capitalize on the weaker states for safe havens and stronger markets to sell their seized goods. Hastings points toward this connection by saying, “When we trace the process by which hijackers carry out their operations in Southeast Asia, we can see that they take full advantage of the complex transportation and communication infrastructure, and the large commodities markets the region affords. Southeast Asia is one of the few regions in the world that combines a favorable physical geography for pirates (which has encouraged piracy in general for hundreds of years) with a patchwork of strong and weak, rich and poor countries tied together by economic, cultural, and social bonds. Singapore, one of the wealthiest countries (with one of the highest levels of state capacity) in the world, is connected to Malaysia, a middle power, by two bridges, and is within sight of Indonesia, one of the globe’s weaker (but non-failed) states.”

While there are weaker states in Southeast Asia, they are completely failed states like Somali. This puts the impudence on the pirate network to sell off the goods as quickly as possible as to not be entangled with land based law enforcement. This geographic proximity changes the nature of their attacks.

THE NATURE OF THE ATTACKS

In Southeast Asia the overwhelming nature of the attacks can be categorized as quick robberies. The pirates come aboard and seize cargo and leave. And many of these attacks could be described as a type of smash and grab type operations. Not all attacks of these types of attacks are the same. When reviewing piracy reports it becomes clear that many attacks are more like house robberies while the vessel was anchored or berthed in port. This can skew the data making the problem look even worse than I have already outlined. Many of those attacks were small-unarmed boarding at night with minimal security onboard. A lot of those attacks amount to petty theft type crimes. While, these attacks are certainly crimes and problematic, they should not be considered by the international community as piracy to invest resources in. Those are issues for local law enforcement and coastguard. Those inport incidents were different enough that I did not use it to compare to my overall figures. I did not have such data for previous research for the region around Africa in order to make similar comparisons. While it may however give insight into the capability to deal with larger issues for those governing states, I have excluded reviewing in port area data from this research.

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17 Hastings
There are attacks that go after the vessel, but it also requires a more sophisticated network. This is required because of the ship needing to return to port. In Southeast Asia the states control the ports. The pirates need an inside man or port authorities willing to look the other way to get by customs. For attacks in international waters from 2005 to 2015 there were 320 reported cases in the region. Out of these cases, the ships crews or military involvement thwarted 140 of the attacks. Of the remaining 180 cases there were only 19 vessels seized by the pirates. Only 10% of the reported cases had pirates that took control of the vessel as an aim of the attack itself. The data also points out that 13 of the 19 seized vessels were Tugs rather than transport or cargo ships. The tugs were presumed to be repainted and sold off to us in legitimate enterprise. Another aspect of these attacks is the lack of hostages taken. Of the 180 international attacks only 14 incidents where there were hostages taken for ransom or never recovered. This is unique compared to attacks found off the Horn of Africa where ransoming hostages was part of the financial incentive. Overwhelmingly the case reports outline the attackers as tying up the crew and then taking property and then leaving the ship. Even in the rare case that the pirates seized the vessel, after the ship was taken the pirates typical released the crew in life rafts. The cases appear to be targets of opportunity. They are attacks where the pirates board the vessel take parts, stores, cargo, and often personal effects and cash from the crew and then leave. There does not seem to be a want to attract attention to the pirate group by engaging in hostage taking of seizing of vessels. This suggests that the countries that the pirates use for home base are strong enough to crack down on the larger and more organized events. There is also strong evidence that the pirates will move on to other ships if they engage a crew that conducts counter measures. In nearly every case were the crew recognized the impending attack and took evasive maneuvers, the pirates gave up on attacking that vessel. Several of the cases were incidents where the pirate group was notices leaving the vessel and items were only identified as stolen after further inspection.

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GEOPOLITICAL ISSUES

Related to the geography but also unique is the confluence of States in the area. Unlike Piracy of the Horn of Africa where the problem manifested itself primarily out of the coastal villages of Somalia and perhaps failed regions of Yemen, piracy in Southeast Asia can come from seven states. Some of these states possess the capability and infrastructure to engage the piracy problems while others are woefully inept to do so. One of the strongest outcomes of piracy near Somalia was the development of an International Recognized Transit Corridor (IRTC) through The Gulf of Aden in 2009. The Combined Naval Forces under Commander Task Force 151 is an internationally administered group created to fight piracy in this region with the forces of 30 member nations. Additionally, not part of the formal alliance is assistance provided by China, India, Iran, Russia, and Saudi Arabia. These are unlikely allies working together to push toward the eradication of piracy in the region. In my 19 years of Naval service, I have never witnessed so many countries’ Navies working toward the same goal in the same body of water. It is not that the U.S. coordinates directly with say the Chinese Navy, but there has been some kind of unspoken construct that allowed all the countries independent of each other’s conflicting ideologies to work in concert with one another. This idea of working in close concert with other countries to form Malaccan Strait Patrols (MSPs) has also been tried in Southeast Asia, but it has not had the same success in part due to the geographic constraints of the region. This notion is highlighted by Euan Graham’s statement in his Journal article, *Expanding Maritime Patrols in Southeast Asia*, where he said, “Singapore has been exploring the possibility of introducing coordinated patrols east of the Singapore Strait including the nearby reaches of the South China Sea.” He continued by adding, “A major shortcoming of the MSP’s geographical limitation is that the deterrent value of the sea patrols does not extend much beyond the Straits themselves. Since piracy is inherently mobile the threat may be displaced to the South China Sea.” The international coordination realized through the IRTC has also failed beyond geographic constraints in Southeast Asia. Countries have come together and form an organization to deal with piracy in the region. As early as 1999 Japanese Prime Minister, Keizo Obuchi outlined an alliance that formalized in 2004 as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP). This international institution offers the ability to report and to share information between the member countries, but has not led to significantly less piracy in the region. While there are note worthy signatories that have had success in dealing with piracy in other regions, the agreement is lacking two vital members for this particular area. The member states are currently: Australia, Bangladesh, Brunei, Cambodia, China, Denmark, India, Japan, South Korea, Laos, Myanmar, Netherlands, Norway, Philippines, Singapore, Sri Lanka, Thailand, United Kingdom, United States of America, and Vietnam. Joshua Ho in his 2009 “Marine Policy” Journal entry outlines the problem, “as both Malaysia and Indonesia have not ratified the Agreement and are not part of ReCAAP, the effectiveness of ReCAAP could be limited. This is because the major sea lanes in the region, the Malacca Straits, the Sunda Straits, and the Lombok Straits, lie either partially or wholly within the territorial and

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archipelagic waters of Indonesia and Malaysia. Without Malaysia or Indonesia committed to the international countermeasures, it undermines the effectiveness of the entire treaty organization.

The other issue that is quite different than fighting piracy near Somalia is the issue of territorial waters. The United Nations in order to deal with the lack of Somali government to effectively deal with any of the ruling warlords conducting piracy along the coast, removed barriers for entry into territorial waters. Under the United Nations Conventions on the Law of the Sea, a country’s border effectively extends out from the shoreline 12 nautical miles. Other countries’ vessels cannot enter without permission except in emergency situations or if the territorial waters were to overlap with another counties’ territorial waters forming a strait. This change to Somalia’s territorial waters meant that pirates could not raid a vessel and then sneak back into Somalia’s territorial waters to escape capture. While there are areas in Southeast Asia that have dysfunctional governmental control over their coastal regions, none are remotely close to a point where the international community would legally overrule their sovereignty. This is good and bad. While an international force cannot be formed and chase down the pirates into these territorial waters, it also means that the countries have a reasonable means to fight the problem internally and should not need international assistance to patrol their own waters.

Perhaps the largest geopolitical issue facing the effective coordination between states in the area is that piracy is too small of an issue compared to other concerns at sea in the region. States’ Navies were able to work together to statistically eradicate piracy off of the Horn of Africa, but have yet to do so in Southeast Asia. The amount of problems facing navies in the Gulf of Aden is limited entirely to counter piracy. The only naval adversary that can challenge the United States in the region is Iran, and they tend to make very limited trips outside of the waters near their coast. The average day while conducting counter pirate patrols is rather benign if there are no active events to respond to. This is in stark contrast with heavy operational considerations placed on the Navies working out of Southeast Asia. The United States has shifted priorities to the Pacific. This is especially true when comes to Naval assets. The Western Pacific has many issues such as the vast expansion of Chinese military, North Korea, and a resurgence of Russian military patrols. The fact that the Chinese pushed into the Indian Ocean and assisted in IRTC escort patrols was more of a show of force than their concern with piracy. These overarching issues can make dealing with piracy an afterthought.

**WHAT CAN BE DONE**

Reporting and effective response can have a great impact on reducing the number of incidents and lead to the apprehension and prosecuting the pirates. One area that could have a marked impact on maritime security is the further technological development of The Automatic identification System. In 2000 The IMO as part of International Convention for the Safety of Life at Sea (SOLAS) added a requirement that all vessels over 500 gross tons and all passenger ships had to have automated identification systems active while underway. These systems take input from the ship’s navigation inputs, GPS, and RADAR data and would send out automated messages with other ships and shore-based facilities. The idea is that it would greatly enhance the safety of navigation by readily sharing information like the vessel’s position, current course,

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speed, and ship name. This information does all become very useful in avoiding shipping collisions and it helps decipher the language barriers and confusion sometimes caused on Bridge to Bridge Radio communications especially in congested shipping environments. It was not long how ever before this information was also being exploited. By these vessels freely sharing their position, course and speed pirates could also determine a place to ambush these transiting ships. In latest publication of Best Management Practices for Protection against Somalia Based Piracy the guide states, “in order to provide Naval/Military forces with tracking information it is recommended that AIS is left on throughout the High Risk Area, but that it is restricted to ship’s identity, position, course, speed, navigational status and safety-related information. This technology can and needs to be updated to maximize security potential. A mode with a single button could send out distress or vessel under attack message. This mode could continue to be sent until the operator disables the function or contacts a region IMO Pirate Reporting Center. These automated messages could also be turned onto a secure enciphered mode that that could continue to transmit all locational data to trusted security forces. The data architecture is already in place to support this approach, but it is not used. According to the United States Coast Guard about AIS distress signals they report, “Although not prohibited be aware that AIS safety related text messages are not currently monitored or acted upon as Global Maritime Distress Safety Systems (GMDSS) alert messages by the Coast Guard or other maritime search and rescue authorities. Therefore, AIS should not be relied upon as the primary means for broadcasting distress or urgent communications, nor used in lieu of GMDSS such as Digital Selective Calling radios which are designed to process distress messaging.

Out of the last ten years’ worth of reported pirate incidents in the region only 1 attempted to use an AIS distress call. These types of messages could be easily automated to alert any number of military watch centers around the world.

This type of distress signal functionality is not unprecedented. All aircraft use this type of system. The aircraft uses a series of codes to help identify who they are and in general what they are doing. If an emergency situation exists the pilot can broadcast a repeating code to notify others in the area. They have thousands of options but by International Civil Aviation Organization convention a few codes are reserved for special circumstances such as 7500 for Hijacking, 7600 Communication Failure, or 7700 general emergency. The same type automated Hijacking message could be built into the AIS data architecture. This would immediately notify IMO and regional Coast Guard or Naval Authorities of a pirate attack. It would provide vital information such as location, ship name, ship class all with out a language barrier and while the ships crew was focusing on other piracy countermeasures. It is not just something that has been used on aircraft, there are other systems available for ships. INMARSTAT, short for International Maritime Satellite, is a leading company for oceangoing communication. Their product, Ship Security Alert System (SSAS), is a type of communication system that could also

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serve as a model for incorporating into AIS\textsuperscript{23}. While this system is tied into other communication systems not AIS, it can offer security notification to shore facilities to respond to pirated vessels. It is not however required for vessels the same way as AIS. Of the 782 attacks over the last 10 years in the region, 21 cases reported using the SSAS system. In none of the events that used SSAS were there hostages taken, injured, or the vessel seized.

An additional step to aid in this information reaching military units in the area is for ships to be equipped with satellite transmission capabilities. Standard radio transmissions can be limited 30 nautical miles based on atmospheric conditions and the heights of the antenna systems. A satellite AIS communication can be transmitted from anywhere worldwide with only severe weather as the limiting factor. While poor weather would limit an ability to share data in a search and rescue scenario, it is not of too much concern for an anti piracy application, as pirates are very limited by rough seas and bad weather. This would only be a tool to aid in the capture and prosecution of piracy. The ship Master’s would still need to report the incident by pressing the button during the attack. As noted before countries would need to work to alleviate barriers of reporting.

Another possible solution that could assist in leading to a greater understanding of the issue by the ability to identify more attacks, and to track down the hostile actors is to increase reporting. A free market approach that could enhance the incentive to report is to have the international community work directly with the insurance companies to encourage them to finically back putting more AIS transponders on ships of all sizes. Many of these incidents go unreported because of a fear that it will raise insurance cost for the shipping companies. Auto insurance companies offer discounts to people who utilize automated recovery systems like LoJack or that have automated reporting systems like OnStar. This same principle could be applied toward the shipping industry. Another problem with relying on AIS, as the reporting means for the hijackings is that only ships over 500 gross ton or passenger vessels are required to have the system. The insurance companies would benefit by guarding against complete loss could put these systems on the vessels. With increased automation and security measures put in place with AIS, the shipping industry is more secure in their investment and would potentially welcome the added security and reporting with reduced premiums.

**MULTINATIONAL APPROACH**

While there are contentious issues in the region like disputes over territorial waters, there is room for building more international support. The framework is already in place with the ReCAAP agreement. The primary consideration needs to be to find a way to convince Indonesia to sign onto the Agreement. One main concern for both countries is the interjection of foreign powers into the region and the role Singapore has taken with in the Agreement. The treaty was built mainly by the Japanese and supported by the United States and Singapore. The Information Sharing Center (ISC) is located in and principally funded by Singapore\textsuperscript{24}. Both Malaysia and

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Indonesia have issue with this construct and feel it as threat to their sovereignty over what they view as more domestic issues within their territorial waters. By incorporating leadership from those nations into a coalition force it may go a long way to reassure cooperation with other countries rather than appearing to be encroachment over their sovereignty. Continued efforts need to be made to incorporate both countries into the agreement’s framework.

Another area that a multinational strategy could be employed that saw success in the Gulf of Aden was to form a Coalition Task Force. This task force was led primarily by the United States but rotated leadership and supplemented forces from other countries. By sharing counter piracy training tactics and procedures all naval organizations in the region would become more competent to counter pirate groups. One of the strengths of the coalition is that formalized the reactions and interactions between the different countries’ navies. By operating together it helps build a familiarization that allows integration in the counter attacks. It also goes beyond just counter piracy, it can have a broader impact in normalizing military relations with other countries. The more the navies work together on counter piracy, the softer tensions would become on tougher issues like territorial disputes. It becomes part of the normal operations to work with the foreign navies rather than presume negative intentions at first sight. With the United States Building a new Ship Class the Littoral Combat Ship and stages these vessels out of Singapore for the foreseeable future, there is an opportunity to work closely with other counties in the region to build up counter pirate proficiencies. There are already several bilateral exercises in the region aimed at building relations between the Untied States and the partner country, but more can be done to focus in on counter piracy specific missions.

By reviewing the reported attacks over the last ten years it is clear that vessels that take evasive actions and employ counter measures are far more likely to repel an attack. By updating the Best Practices Guide to guard against Somali based Pirates to also cover Southeast Asia, more Ship’s Masters could be prepared to defend themselves against the pirates. Simple maneuvering tactics, and guides to prepare prior to entering into pirate hotspots greatly deter and minimize the effectiveness of the pirates attempting to board. The last update to this guide was in 2011 and was produced for the Gulf of Aden transit region. International organizations could come together to build off of those Best Practices and incorporate regional concerns to further aid mariners from ever getting pirated in the first place.

The most effective solutions would also incorporate proactive measures of working on route causes to the issues, in addition to these aggressive anticrime initiatives and better reporting capabilities. More research should be done to link causal effects of the economic connections to increases in piracy in the region. By countries addressing the economic issues in the region, piracy could be minimized prior to the law enforcement stage. This has been demonstrated as an affective approach off of the Horn of Africa. In that region the international community targeted illegal fishing and chemical dumping in Somali waters. Once addressed local fishing began to return as a viable source of income for local mariners.

**FUTURE TRENDS**

While Southeast Asia is the biggest problem area for piracy, there continues to be other regions afflicted by these crimes. The next largest hot spot is the Gulf of Guinea off of the coast of Nigeria. This area will likely receive less attention than both the crisis near Somalia and in Southeast Asia due to the proximity to shipping lanes. As Nigeria continues to grow its population and economy piracy is a factor that will need to be dealt with to further this
development. For piracy continue to move around the world. Outside of the Gulf of Guinea the reports are scattered through the world and come in small clusters in places like the Caribbean. I had too little data to review these attacks against the largest issues in Africa and in Southeast Asia, but are concerning if groups are able to form small economies of illicit trade that build a culture of piracy in those areas.

CONCLUSIONS

Piracy is not a new phenomenon. This crime has evolved over time in different regions of the world for unique economic and geopolitical reasons. The Horn of Africa experienced a wave of piracy in the early 2000s that has nearly been eradicated through international cooperation and dynamic countermeasures, and by vastly improved geopolitical conditions. With piracy again on the rise in Southeast Asia, it is clear that piracy is not born out of a persistent crime syndicate model steady throughout the world. These groups are in the crime business for different reasons and exploiting unique conditions in the economy, geography, and geopolitical landscapes of their perspective regions of the world. Some of the countermeasures work well in combatting pirates worldwide, while others have not bared the success witnessed near Somalia. To help quell the violence in Southeast Asia the international community can continue to build on the successes near Somalia, but also need to adapt to the unique circumstances in Southeast Asia. Better cooperation needs to be worked out to engage both Indonesia and Malaysia into the best organization created to date to help deal with the problem in the region ReCAAP. Countries could also expand on success in building naval coalitions to combat the illicit groups and to encourage better cooperation between the countries. Some of the biggest strides to bring down the number of pirate attacks could be made in technological advancements to existing communications and reporting systems and by refining best practice procedures to avoid pirate boarding. While I am confident that all of these recommendations will significantly aid in dealing with the problems of piracy, they still do not address the root problems. The biggest counter piracy efforts that need to be further studied, understood, and dealt with are the conditions that breed piracy in the first place. By grappling with the root causes the countries that produce groups of pirates will have the biggest impact on reducing the number of attacks. The lessons learned off the Horn of Africa can help in Southeast Asia, but more needs to be done. In turn the lessons that we learn in Southeast Asia can be adapted and tailored to fit other pirate hotspots such as in the waters near Nigeria or possible new groups emerging in the Caribbean.
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