Oceans of Crime

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Oceans of Crime

Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh

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In memory of my father, Helmut Liss

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LIST OF ABBREVIATIONS

AFP	Armed Forces of the Philippines
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
CSI	Container Security Initiative
CTI	Counter Terrorism International
EEZ	Exclusive Economic Zone
EiS	Eyes in the Sky
ETA	Euskadi ta Askatasuna, Basque Homeland and Freedom
FAO	Food and Agricultural Organization of the United Nations
FBI	Federal Bureau of Investigation (USA)
FERIT	Far East Regional Investigation Team
FOC	Flag of Convenience
FPDA	Five Power Defence Arrangements
GAM	Gerakan Aceh Merdeka, Free Aceh Movement
GRT	Gross Registered Tons/Tonnage
hp	Horsepower
IACS	International Association of Classification Societies
ILO	International Labour Organization
IMB	International Maritime Bureau
IMO	International Maritime Organization
IPOA	International Peace Operations Association
IRI	International Registries Incorporated
ISPS Code	International Ship and Port Facility Security Code
ITF	International Transport Workers' Federation
IUU fishing	Illegal, Unreported, and Unregulated Fishing
JI	Jemaah Islamiyah
JWC	Joint War Committee

LISCR	Liberian International Ship and Corporate Register
LTTE	Liberation Tigers of Tamil Eelam
MALSINDO	Malaysia, Singapore, Indonesia agreement to conduct coordinated patrols in the Malacca Strait
MECC	Maritime Enforcement Coordination Centre (Malaysia)
mgt	Million gross tons
MILF	Moro Islamic Liberation Front
MISC	Malaysian International Shipping Corporation
MMEA	Malaysian Maritime Enforcement Agency
MNLF	Moro National Liberation Front
New PULO	New Pattani United Liberation Organization
NGO	Non-Governmental Organization
PLO	Palestine Liberation Organization
PMC	Private Military Company
PNG	Papua New Guinea
PRC	Piracy Reporting Centre (IMB)
PSC	Private Security Company
PSI	Proliferation Security Initiative
PULO	Pattani United Liberation Organization
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia
RMN	Royal Malaysian Navy
RMSI	Regional Maritime Security Initiative
RUF	Revolutionary United Front (Liberia)
SLOC	Sea Lanes of Communication
SOLAS	Safety of Life at Sea
SSA	Singapore Shipping Association
SUA	Suppression of Unlawful Acts against the Safety of Marine Navigation Convention
TNI	Tentara Nasional Indonesia, Indonesian Military
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
WMD	Weapons of Mass Destruction

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INTRODUCTION

Young Elizabeth: I think it'd be rather exciting to meet a pirate.
Norrington: Think again, Miss Swann. Vile and dissolute creatures,
                   the lot of them.

Pirates of the Carribbean[1]

Everybody knows what a pirate is. We all have mental images of bearded men with earrings, a peg leg, an eyepatch, and a parrot on the shoulder as epitomized by Robert Louis Stevenson's Long John Silver. The activities of pirates also do not seem very mysterious: they attack vessels and steal whatever they can lay their hands on. However this popular, Western literary-historical notion of a pirate is far too simplistic. Indeed, "piracy" has been associated with a variety of economic and political activities and has carried different connotations over space and time. Hence, definitions of piracy have varied historically and culturally and are highly contested by individuals, groups, and nations. The label "pirate" is inevitably emotive, and linked to particular cultural-historical contexts and moments in global-regional time, especially in Southeast Asia, where the scourge of piracy and its eradication featured largely in the annals of colonial mercantile history. In the past, the categorization of individuals or ethnic groups as "pirates" was ascribed to local "marauders" by colonial powers, signifying a powerful value judgement which was invariably connected to political and territorial ambitions, world commerce, and economic growth. Given the long history of piracy in Southeast Asia, it is necessary to discuss briefly the historical background of sea robbery in the region before shifting the focus to contemporary piracy.

A BRIEF HISTORICAL OVERVIEW OF PIRACY IN SOUTHEAST ASIA

Long before the arrival of the Europeans in the sixteenth century, insular Southeast Asia was inhabited by Muslim people of Malay origin, who

were much involved in maritime raiding and trading.[2] Opportunistic attacks conducted by maritime people, such as fishers and petty traders, were common throughout the region, but particularly in the adjacent waters of the kingdoms and entrepots of Kedah, Perak, Selangor, Malacca, and Johor. Furthermore, more sophisticated and well organized attacks and slave raids against coastal communities were conducted by certain maritime ethnic groups in the region, which intensified with the arrival of the European seaborne powers in Southeast Asia, and the ensuing transformation of the global and regional economy. Indeed, the occurrence of "piracy" and the intensity and nature of such attacks in Southeast Asia has often been inextricably linked to the presence and trade of European powers in the region.

Even the label "pirate" is "essentially a European one"[3] that was used by the colonial powers to characterize and/or demonize as criminal and barbaric activities which thwarted European interests, but were generally considered legitimate political or commercial endeavours by local inhabitants.[4] In fact, as Tarling points out, in previous centuries in the Malay world there was "often a strong political element to robbery and violence at sea",[5] with slave raids and attacks usually sponsored by local rulers or communities.[6] Scholars such as Warren have indeed convincingly demonstrated that certain local autonomous states, such as the Sulu Sultanate in today's southern Philippines, flourished, using slave raids and piratical activities as instruments of statecraft to enhance their political power and economic prosperity.[7] Such patronage of raids by local rulers and communities offered the maritime marauders a comparatively safe haven to launch their raids and sell their booty. These state supported raids were, therefore, characterized by a relatively high level of organization and involved large numbers of vessels and marauders. The raiding vessels originating from places such as Sulu and Riau-Lingga were usually well equipped with gunpowder, arms, and weaponry and the sea raiders were feared for their brutality and ruthlessness in coastal communities throughout the region. Given the high degree of state sponsorship, the raiders were not considered outlaws by their own communities and the expeditions were mostly led by rulers, aristocrats, or respected warriors of various indigenous societies.[8]

State sponsorship also determined the targets of these raiders, with booty sought that was of real advantage not only for the attackers themselves, but also for their sponsors. The raiders targeted any kind of

vessel, ranging from local fishing boats to large European merchant ships, as well as defenceless coastal communities. While goods such as opium, arms, textiles, rice, and marine products were seized, the principal and most favoured loot were captives. Slaves were in demand not only among the colonial powers, but also in Southeast Asian societies in which the status and power of a ruler rested on the control of people and not necessarily the control of land.[9]

In the late eighteenth and nineteenth centuries, some vigorous predatory headhunting coastal tribal groups were notorious among both Europeans and locals for conducting pirate attacks and shoreline raids. Among the most feared were the Sea Dayaks from northwest Borneo, who regularly attacked commercial vessels along the coast of Sarawak, a district under the rule of the sultan of Brunei. Furthermore, in the Riau-Lingga archipelago and south-eastern Sumatra, along several busy trade routes, Orang Laut pirate communities existed in which sultans and the local elite of Johor actively sponsored and supported sizeable raids between the mid-seventeenth and the early nineteenth centuries.[10] However it was the Iranun and Balangingi — the Vikings of Asia — who posed the most serious threat to trade routes and trade itself in Southeast Asia.

The Iranun and Balangingi raids were sponsored by the Sulu Sultanate to acquire slaves. To satisfy European requirements for the China trade, the Sulu Sultanate and local Taosug aristocrats and merchants were forced to increase the production of sea cucumber, bird's nest, and other sought after exotic commodities drastically, which in turn required the constant supply of additional labour power to collect, harvest, and distribute these products. Consequently, long-distance slave raids were organized, outfitted and conducted under the patronage of the Sultan of Sulu or coastal Taosug aristocrats in order to meet the escalating demand for additional labour. As commerce between China, the European powers, and local rulers intensified, maritime raiding and the regional trade in slaves became an integral, albeit independent, part of the commercial exchange of commodities.[11]

The long-distance maritime raids were conducted by the Iranun and Balangingi Samal who lived in fortified villages on the southern coast of Mindanao and Basilan, as well as on the islands of Balangingi and Tunkil. For the sea raiders, sponsors, and their communities, slave raiding and piracy were part of an honourable way of life and an important aspect of their societal system and statecraft. Furthermore, the raids were a powerful

means of resisting encroachment by adversary powers, particularly non-Muslim states and forces. The raiding and slaving activities and resulting profits, therefore, strengthened the Iranun and Balangingi communities and the rulers and societies that sponsored the raids.[12]

To satisfy the increasing demand for slaves, the raiding voyages conducted by the Iranun and Balangingi encompassed the entire Southeast Asian region by 1798, including the Philippines, the Malacca Strait, the Gulf of Siam, the islands beyond Sulawesi, and the northern tip of Australia. The Sulu raiders were devastating and attacked with laser-like precision, targeting coastal settlements as well as vessels of any size, ranging from small fishing vessels in the Malacca Strait to large European ships engaged in the trade with China. By the 1840s the increasing number and scale of these fearsome attacks prompted anti-piracy counter-measures from all European powers present in the region.[13]

Indeed, the eradication of piracy had become politically important from the beginning of the nineteenth century onward, as the European presence in Southeast Asia began to change markedly in character. At the time, the British and Dutch colonial empires started to encroach upon the territories and seas of the Malay archipelago. As a result, indigenous states and societies, and their traditional economic interests, came increasingly into conflict with European imperial aspirations and expansions. Anti-piracy measures were, therefore, considered a strategic part of the colonial powers' political reorganization of the region, aimed at weakening the power of Asian, and particularly Southeast Asian, societies, and protecting European commerce in the region. Furthermore, slave raiding and piracy also became ideologically incompatible with newly emerging European liberal principles, such as free trade and the rejection of the institution of slavery.[14]

The elimination of piracy in Southeast Asia proved to be a difficult and protracted affair and required not only the curbing of attacks on vessels, but also the abolition of the slave trade itself in the region, and the cooperation of the various colonial powers. It was, therefore, only in the 1860s, after the macro-imperial conflicts and rivalries between European states were resolved — albeit temporarily — and their conflicting colonial territorial claims in Southeast Asia largely settled, that any real progress was made towards the elimination of piracy in Southeast Asia. Methods employed to counter piracy and slave raiding included increased anti-piracy patrols and the collection of information

about pirates and their sponsors, followed by sweeping attacks on pirate strongholds. Also, the development of the steam gunboat gave a major boost to the anti-piracy campaigns and, along with advances in weapons technology and the build-up of large navies by nations such as Great Britain, effectively brought an end to slave raiding and organized pirate raids in Southeast Asia by 1880.[15]

While the anti-piracy efforts of the colonial powers proved successful in fighting sophisticated organized pirate attacks and slave raids, piracy never disappeared entirely from Southeast Asian waters and opportunistic attacks on merchant vessels and small craft continued to occur. Only during World War II did attacks on merchant vessels cease, but small craft were still targeted. While attacks on all kinds of vessels resumed after the end of the war, comparatively little is known about pirate attacks on small craft and merchant vessels between the end of World War II and the early 1980s. Indeed, information available often only focuses on individual attacks or a spate of attacks in various locations in the region, which makes it difficult to assess the scope and magnitude of piracy at the time.[16] However, it is clear that piracy changed in nature after World War II. Pirate attacks after the war were no longer supported and organized by entire maritime communities and states, and were no longer conducted to strengthen the political and economic character of sponsoring states and societies. Pirate attacks after World War II were instead either opportunistic attacks on vessels conducted by fishers or other seafarers, or the work of organized criminal gangs.

There are some similarities between piracy in the past, particularly the eighteenth and nineteenth centuries, and the present. For example, pirates in the past and the present took advantage of similar economic and geographic conditions. Pirates in both eras have targeted vessels engaged in regional or international trade, and pirates at all times have operated in places geographically suitable for attacks. The Malacca Strait is one case in point, as vessels have to slow down to traverse the narrow waterway and small islands in and around the strait offer numerous hideouts for pirates.[17] However, contemporary piracy in Southeast Asia is different in scope, character, and nature, from the long-distance maritime raids of the eighteenth and nineteenth centuries. Today, raids on villages or towns are the exception and the booty sought by the perpetrators are no longer slaves, but cash, valuables, the cargo, or the vessel itself. Most important, however, is that piracy is at present an act of either opportunistic pirates,

or organized criminal gangs, conducted for private ends. Piracy is, therefore, no longer a political or diplomatic instrument to strengthen or support the structure of pre-capitalist traditional states.[18] Given these important fundamental differences between piracy in the past and at present, a more neutral, objective, and judicially applicable definition, one less socially judgemental, is generally used for contemporary piracy. While pirates are still identified as criminals, piracy is today largely defined by the systemic interdependent and interconnected nature of grey area activities conducted by pirates worldwide, and is no longer principally associated with certain ethnic groups.[19]

However, overall little is known about contemporary piracy in Southeast Asia and other parts of the world. Despite a range of literature and data on piracy published by academics, international institutions, and from within the maritime industry, serious anthropological and in-depth criminological studies of piracy are still rare. Data and publications by institutions and authors from within the maritime industry often offer valuable insights, but in their contributions, piracy is usually not placed in the wider security, social, or political contexts. Also, until recently, academic publications have seldom been based on extensive fieldwork or archival research and, therefore, give only limited insights into modern-day piracy. Hence, little is known about the organization of pirate gangs and their financial and inter-institutional backings, the identity of pirates, and from which socio-economic background and strata of society they come, or whether or not members of local law enforcement agencies and radical politically motivated groups, such as terrorists, are involved in piracy.

This book attempts to address some these shortcomings. It is based on extensive fieldwork conducted in Southeast Asia, Europe, and Australia, and aims, through a blend of fieldwork and social analysis, to provide a better understanding of modern-day piracy in Southeast Asia and Bangladesh. The book offers a very detailed examination of the root causes of contemporary piracy and places it in the broader social, political and security contexts by discussing the wider security implications of piracy and its root causes.

CONTEMPORARY MARITIME PIRACY — A CHIMERA?

On 17 April 1998, the Singapore-owned tanker, *Petro Ranger*, was attacked by twelve Indonesian pirates on its journey from Singapore to Ho Chi

Minh City, Vietnam. Under cover of darkness, the pirates climbed on board, took control of the vessel, and imprisoned the crew. To conceal the identity of the hijacked ship, the pirates renamed the 12,000 ton tanker *Wilby* and replaced the Singapore flag under which the vessel had been sailing with Honduran colours. A few days after the hijacking, the pirates rendezvoused at sea with two tankers and transferred half of the *Wilby's* cargo of fuel to the other vessels, while the crew was held prisoner in the ship's cabins. After nearly two weeks in the hands of the pirates, the hostages' ordeal finally seemed to come to an end when a Chinese coastguard vessel intercepted the *Wilby* for a routine document inspection. During the inspection, the *Petro Ranger's* commander, Captain Blyth, and some members of his crew, were able to alert the Chinese officers to the real identity of the vessel and its alleged captain and crew. To investigate the incident, the *Wilby* was taken to Haikou Harbour (Map 1.1), where Blyth and his crew were held for a further month before they were allowed to leave China. The pirates were arrested by the Chinese authorities, but were subsequently released and repatriated within one year of the hijacking.[20]

Accounts of individual pirate attacks and hijackings of vessels such as the *Petro Ranger* are regularly published in the global media and are often supported by articles based on data from the International Maritime Bureau's (IMB) Piracy Reporting Centre (PRC).[21] The PRC, located in Kuala Lumpur, Malaysia, collects reports of pirate attacks on merchant vessels, fishing boats, and other craft at sea and in ports from all around the world, offering the most comprehensive database on contemporary piracy. According to the PRC, the number of actual and attempted pirate attacks reported between 1992 and 2006 ranges from ninety attacks in 1994 to as many as 469 reported incidents in 2000.[22] However, not all regions and countries were equally affected by piracy at the time, with most attacks reported in developing countries in Africa and, even more in Asia. Indeed, according to the IMB's statistics, Asia, including Southeast Asia, the South China Sea, and China, has been the most "pirate infested" region in the world between 1992 and 2006. Within the Asian region, the waters of Southeast Asian countries have accounted for the majority of attacks, with the highest number of incidents reported in Indonesian waters. In 2004, for instance, Indonesia accounted for ninety-three out of 325 attacks recorded worldwide. The second highest number of attacks, namely thirty-seven incidents, was reported in the Malacca Strait — a strategic waterway bounded jointly by Indonesia and Malaysia.[23]

Despite these seemingly high numbers of reported incidents, the question nonetheless arises as to whether or not piracy is today a serious security problem. A closer examination of the IMB data, for instance, reveals that many attacks included in the statistics are only "attempted" attacks, and most of the actual incidents are nothing but simple hit-and-run robberies conducted either at sea or in harbours, in which nothing but a length of rope or a can of paint is stolen. The IMB statistics also appear insignificant when compared with the large number of vessels and seafarers involved in the global shipping industry. Today, maritime trade accounts for 90 per cent of world commerce, with 1995 figures showing 82,890 self-propelled seagoing merchant ships over 100 gross tons (gt) plying the world's oceans, manned by over a million seafarers.[24] The number of pirate attacks, therefore, remains low in comparison to the number of merchant ships trading internationally, particularly if fishing vessels and other small craft are also included in the calculation. Even in so-called piracy hot spots, such as the Malacca Strait, the chance of a ship being attacked was small between 1992 and 2006. In 2004, for example, when thirty-seven attempted and actual attacks were reported in the Malacca Strait, the risk of a vessel being targeted in this waterway was less than 0.06 per cent.[25] Modern piracy in itself, therefore, hardly posed a serious threat to shipping or vital shipping lanes, nor did it cause a chronic financial burden for the shipping or insurance industries.[26] Furthermore, while contemporary pirates are often armed with modern firearms and other weapons, which pose a significant threat to the victims of their attacks, the number of seafarers and fishers killed or injured by pirates remains low compared with the number of casualties and injuries due to accidents, environmental hazards, or illness at sea.

Piracy also did not rank amongst the most serious security threats for the international community and individual states between 1992 and 2006 because shipping was not seriously threatened by piracy, and pirate attacks occurring at sea or in ports, had in most cases little or no alarming consequences for people living ashore. Indeed, even in countries such as Indonesia and Malaysia, where the number of reported pirate attacks was comparatively high, piracy was one of the least pressing of many security risks, which included natural disasters, the threat posed by separatist and terrorist groups, and the high incidence of crimes committed on land. In 2000, for instance, the Malaysian police recorded a total of 167,173 attempted and committed crimes.[27] The total of twenty-one actual and attempted

pirate attacks reported to the IMB in the same year in Malaysian waters and ports seems insignificant in comparison. Even if the seventy-five attacks recorded in that year in the Malacca Strait are included, the statistical impression that the vast majority of crimes are committed on land remains uncontested.[28] Similarly, the most pirate-infested seas in the year 2000 were Indonesian waters, with a total of 119 recorded actual and attempted attacks, and a further seventy-five attacks reported in the Malacca Strait. This, however, has to be compared with 146,314 attempted and committed crimes listed in the United Nations survey of crime trends for Indonesia in the same year.[29] In comparison to these other criminal activities, it does indeed seem difficult to consider maritime piracy a major security concern. So what is it about piracy that makes it such an important issue and problem, and why does it warrant thorough investigation?

THE SIGNIFICANCE OF PIRACY: THE OBJECTIVES AND STRUCTURE OF THIS STUDY

Contemporary maritime piracy, including robbery at sea and the hijacking of vessels, often receives attention because the activities of modern pirates seem out of the ordinary and are mostly associated with an era long gone. Indeed, the idea that in this day and age, entire merchant vessels can still simply be stolen is astounding and such incidents, therefore, seem worthy of investigation. While this notion may appear somewhat simplistic, it is nonetheless based on a crucial question, namely: How can piracy still exist in our modern world?

This study has two objectives. First, it attempts to answer the question of why, and in what form, piracy still exists. The focus here is on piracy between 1992 and 2006 in the waters of insular Southeast Asia, namely Indonesia, Malaysia, Singapore, the Philippines, and Thailand, which were identified by the IMB at the time as the most pirate-infested waters of the world.[30] Bangladesh is also included in this study because the country's waters have in recent years become a piracy hot spot in the wider Asian region. Piracy in Bangladesh is, in some respects, very different in nature to pirate activities in Southeast Asia. The inclusion of Bangladesh, therefore, provides a contrasting view of piracy and offers insights into aspects of the phenomenon not found in Southeast Asia. Thus, the choice of countries included in this study has been made to a large extent in accordance with the number of pirate attacks recorded by the IMB, rather than along

cultural, ethnic, or political lines. The period of time chosen for investigation has also been influenced by the IMB reports. The IMB began to publish comprehensive piracy statistics on a regular basis in 1992. As no comparable database of contemporary pirate attacks exists, this study focuses on piracy in Southeast Asia and Bangladesh from 1992 to 2006. Also, apart from the availability of macro-empirical data, an examination of this period is useful as it covers the post-Cold War era. Political, economic, and social changes associated with the end of the Cold War can, therefore, be taken into account when discussing the root causes of piracy.

The second objective of this book is to show that a close examination of piracy is important because it can be understood as both a symptom and a reflection of a number of geopolitical and socio-economic problems and security concerns prevalent not only in Southeast Asia and Bangladesh, but also in other "pirate infested" areas around the world and in countries and regions beyond those in which pirate attacks currently occur. To establish the link between piracy and other security concerns, the book examines the root causes of contemporary piracy in Southeast Asia and Bangladesh. The integrated analysis of these root causes links declining fish stocks, radical, politically motivated groups, organized crime networks, the use of flags of convenience, the lack of state control over national territory, problems in relations and cooperation between countries, and the activities of Private Security Companies (PSCs) to piracy. It will then be demonstrated that these root causes and factors that are conducive to the occurrence of pirate attacks have security implications well beyond piracy.

Structure

The book is divided into four parts, each consisting of two chapters. Part I gives a general overview of contemporary maritime piracy in Southeast Asia and Bangladesh. It provides an insight into the nature, characteristics, and scale of piracy from 1992 to 2006, and demonstrates which areas of water were most affected by pirates in this region. Chapter 1 is predominantly based on data collected by the IMB and offers an overview of pirate attacks on merchant vessels, such as tankers, container ships, tugs, and barges in Southeast Asia and Bangladesh. After highlighting the difficulty of finding a satisfactory definition of modern piracy, it examines trends and developments in modern piracy and discusses the different types of pirate attacks occurring today, ranging from hijackings to hit-and-

run sea robberies. The second chapter provides insights into the occurrence of attacks on fishing boats and other small craft in Southeast Asia and Bangladesh. It discusses the involvement of fishers in piracy, either as perpetrators or as victims. The chapter reveals that attacks on fishing vessels are a regular occurrence in some fishing communities even though they are seldom brought to the attention of local or international authorities or organizations.

Having thus described the different types of pirate attacks that occur in Southeast Asia and Bangladesh, the remainder of the book explains why these different types of attacks occur in this region, allowing further insights into the nature of individual attacks and the working practices and motivations of pirates. This investigation is tied to the central argument of this study, namely that piracy can be understood as both a sign and a reflection of security threats and bureaucratic loopholes, as well as of other political, social, and economic developments undermining security. Each chapter looks at one particular issue shaping piracy and discusses the social and political developments, as well as the security threats, that this aspect of modern piracy reflects upon. These chapters all have the same structure, comprising three sections, with the first section providing an overview and important background information about the issue examined in the chapter. The second section discusses how these issues affect piracy and shape the nature of pirate attacks in Southeast Asia and Bangladesh. The last section of each chapter shows how the security shortcomings exploited by pirates, and the social and political developments that are conducive to the occurrence of pirate attacks, have wider implications for human, national, and international security.

Part II, consisting of Chapters 3 and 4, is concerned with the sea. It discusses the sea firstly as a source of livelihood for fishers, and secondly as a place of business for merchant shipping. It explores how the nature of the fishing industry and the maritime trade is affecting pirate attacks on fishing boats and merchant ships in Southeast Asia and Bangladesh. It suggests that the nature of the maritime and fishing industries is conducive to the occurrence of pirate attacks, and explains how pirates exploit loopholes and shortcomings in the current maritime environment to conduct their operations. While there are certainly differences between the fishing and merchant maritime industries, there are significant international rules and regulations that impact on both sectors. Most important in this regard is the 1982 United Nations Convention on the Law of the Sea

(UNCLOS), which stipulates international guidelines on fundamental issues such as the ownership of the sea, the registration of vessels, and fisheries conservation matters. UNCLOS and other conventions that are relevant for both industries, as well as specific issues regarding the fisheries sector and merchant trade, are discussed in this part and their impact on piracy is explored. Chapter 3 starts with an overview of the fishing industry in Southeast Asia, Bangladesh, and beyond. It shows how the fishing industry has changed and expanded over the past decades and the impact this has had on the marine environment. The second section argues that the depletion of fish stock and the environmental degradation of the seas in Southeast Asia and Bangladesh, as well as illegal fishing activities in the region, are conducive to the occurrence of a certain type of piracy. This particular kind of piracy, involving fishers either as victims or as perpetrators, therefore, acts as a sign of these environmental problems and illegal activities. The last section of the chapter then suggests that resource decline, environmental degradation, illegal fishing, and other factors that affect the occurrence of pirate attacks, are significant regional — and even international — security concerns. Chapter 4 focuses on international and national shipping laws and regulations. It argues that the incidence of major pirate attacks and hijackings of commercial vessels signifies the serious problem of lax controls and regulations, as well as a comparatively low standard of safety, in the maritime sector. The last section demonstrates that these shortcomings in regulatory frameworks are also being exploited by other extra-legal organizations such as terrorist groups and crime syndicates.

Part III is concerned with "the dark side" of piracy, namely the involvement of crime syndicates and radical politically motivated groups in pirate attacks. Chapters 5 discusses criminal organizations and their involvement in pirate attacks, while Chapter 6 focuses on terrorist and guerrilla movements, particularly those fighting for separatism. The distinction between criminally and politically motivated groups is deliberate. Put simply, what distinguishes the terrorist and guerrilla fighter from a modern-day criminal, including a pirate, is his motive, which conditions and influences his *modus operandi*. While the criminal is acting mainly for selfish, personal reasons, guerrillas and terrorists fight for political goals, driven by a specific ideology or political agenda.[31] Yet, as will be discussed, the boundaries between politically and criminally motivated acts have become increasingly blurred, particularly after the

end of the Cold War. Chapter 5 initially gives an overview of organized crime in the post-Cold War era. It then discusses the involvement of such organizations in hijackings and the long-term seizures of vessels, and suggests that these attacks are an indicator of the existence of organized crime syndicates operating in Southeast Asia and Bangladesh. The last section of the chapter demonstrates that criminal organizations are not only involved in piracy, but also in other related illegal activities such as smuggling, and pose a serious threat to national and international security. Chapter 6 first provides an overview of the radical, politically motivated groups, including terrorists and guerrillas, active in Southeast Asia.[32] It then discusses the involvement of members of such movements in piracy in the region, with particular focus on members of the Gerakan Aceh Merdeka (Free Aceh Movement, GAM) and Jemaah Islamiyah (JI) in Indonesia, the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf in the southern Philippines, and the internationally operating al-Qaeda. The last section then demonstrates that these movements pose a threat to security well beyond piracy.

The fourth part, consisting of Chapters 7 and 8, is concerned with national and international responses to piracy. Indeed, piracy in Southeast Asia and Bangladesh has become a major concern for shipowners, international organizations, insurance companies, and governments. These interest groups have consequently responded to the threat of piracy within their limits. For example, international organizations, such as the IMB, have raised the awareness of modern-day piracy and have initiated and promoted a number of counter-measures, including international anti-piracy programmes and agreements. Of particular importance in actively combating piracy in Southeast Asia and Bangladesh are the responses of states and PSCs, and it is these that form the focus of this part of the book. Chapter 7 examines government responses to piracy in Southeast Asia and Bangladesh by countries from within and outside the region. It discusses the economic development of Bangladesh and the Southeast Asian nations and the parallel growth of national militaries and law enforcement agencies responsible for combating piracy. Cooperation between countries in Southeast Asia and between Bangladesh and its neighbours is also considered, as piracy is often a transnational crime. The second section explores how the lack of government resources for local militaries and law enforcement agencies and limited cooperation between countries impact on piracy. Piracy, it is suggested, is a symptom of a range

of internal problems and security risks manifested within public authorities, as well as a sign of tensions in interstate relations. The last section of the chapter argues that these problems and interstate tensions have wider security implications, affecting, for example, the stability of countries and regions. Chapter 8 looks at private responses to piracy, namely the involvement of PSCs in the fight against piracy in Southeast Asia.[33] The first section provides an overview of the growing privatization of security in Southeast Asia and beyond. The second section discusses the increasing involvement of PSCs in anti-piracy operations in Southeast Asia. The last section of the chapter discusses concerns about PSCs and the services they offer that result from their internal structure, information politics, and the nature of the operations they conduct. It examines some of the most crucial problems and shortcomings associated with the privatization of security, and highlights how these problems undermine security.

Notes

1. From *Pirates of the Caribbean: The Curse of the Black Pearl* (Walt Disney Pictures, 2003).
2. James Francis Warren, "A Tale of Two Centuries: The Globalisation of Maritime Raiding and Piracy in Southeast Asia at the End of the Eighteenth and Twentieth Centuries" (Long Version of Paper Presented). Paper presented at the "KITLV Jubilee Workshop", Leiden, 14–16 June 2001, p. 8.
3. Carl A. Trocki, "Piracy in the Malay World", in *Encyclopaedia of Asian History*, vol. 3, edited by Ainslie T. Embree (New York: Charles Scribner's Sons, 1988), p. 262.
4. Ibid. Sources on piracy in the eighteenth and nineteeenth centuries are often based on observations by Europeans and are often heavily biased. There have, however, been attempts by some scholars, notably James Warren and Carl Trocki, to look at "piracy" from a more local point of view.
5. Nicholas Tarling, "Piracy", in *Southeast Asia: A Historical Encyclopaedia, from Angkor Wat to East Timor*, Ooi Keat Gin, ed. (Santa Barbara, California: ABC-CLIO, Inc, 2004), p. 1089.
6. The bond between raiders and their protectors was, however, not static and alliances could be shifted. See Ger Teitler, "Piracy in Southeast Asia: A Historical Comparison". Mare Centre, <http://www.marecentre.nl/mast/documents/GerTeitler.pdf> (accessed 24 June 2005), p. 67. James Francis Warren, *The Sulu Zone, 1768–1898: The Dynamics of External Trade, Slavery, and Ethnicity in the Transformation of a Southeast Asian Maritime State* (Singapore: Singapore University Press, 1981), pp. 188–89.

7. See Ibid. James Francis Warren, *Iranun and Balangingi: Globalization, Maritime Raiding and the Birth of Ethnicity* (Quezon City: New Day Publishers, 2002).

8. See, for example, Warren, *The Sulu Zone, 1768–1898*, pp. 29, 168, 181; Warren, *Iranun and Balangingi*, pp. 296–97; Adam J. Young, "Roots of Contemporary Maritime Piracy in Southeast Asia", in *Piracy in Southeast Asia: Status, Issues, and Responses*, edited by Derek Johnson and Mark Valencia (Singapore: ISEAS Publications, 2005), pp. 9–10.

9. See Warren, *Iranun and Balangingi*, pp. 309–42; Carl A. Trocki, "Borders and the Mapping of the Malay World". Paper presented at the "Association of Asian Studies Annual Meeting", San Diego, California, 9–12 March 2000, p. 6.

10. Teitler, "Piracy in Southeast Asia", p. 69.

11. Warren, "A Tale of Two Centuries", pp. 2, 12–15; James F. Warren, *The Global Economy and the Sulu Zone: Connections, Commodities, and Culture* (Quezon City: New Day Publishers, 2000), pp. 17–24; Warren, *The Sulu Zone, 1768–1898*, pp. 169–70; Warren, *Iranun and Balangingi*, pp. 267–68. Other Malay states including Brunei, Sambas, and Pontianak also relied on sponsoring raids as a means of seizing trading ships and slaves, but on a more moderate scale.

12. Warren, "A Tale of Two Centuries", pp. 6, 20; Warren, *The Sulu Zone, 1768–1898*, pp. 185–88; Teitler, "Piracy in Southeast Asia", p. 70.

13. Warren, "A Tale of Two Centuries", pp. 13–14, 18–20. Warren, *Iranun and Balangingi*, pp. 267–308.

14. Ibid., pp. 379–83; Trocki, "Piracy in the Malay World", p. 262; Tarling, "Piracy", p. 1090. Around 1800 the stance of Western governments towards privateering began to change as well, and by 1856 the Great Powers agreed on the abolition of privateering in the Declaration of Paris. M.J. Peterson, "An Historical Perspective on the Incidence of Piracy", in *Piracy at Sea*, edited by Eric Ellen (Paris: ICC Publishing, 1989), pp. 53–54.

15. Warren, "A Tale of Two Centuries", pp. 40–47; Andaya and Andaya, *A History of Malaysia*, 2nd edition (Houndmills: Palgrave, 2001), pp. 134–36.

16. See, for example, Stefan Eklöf, "The Return of Piracy: Decolonization and International Relations in a Maritime Border Region (the Sulu Sea), 1959–63", Working Paper No. 15, Centre for East and South-East Asian Studies, Lund University, 2005 <http://www.ace.lu.se/images/Syd_och_sydostasien studier/working_papers/Eklof.pdf> (accessed 30 April 2007), p. 3.

17. Donald B. Freeman, *The Straits of Malacca: Gateway or Gauntlet* (Montreal: McGill-Queens University Press, 2003), p. 176.

18. In fact, modern-day piracy is more likely to have an adverse effect on state power, weakening state control and contributing to the loss of state sovereignty. For a more exhaustive comparison see, Teitler, "Piracy in Southeast Asia", pp. 78–81.

19. The idea of a long-standing "culture of piracy" is therefore problematic.

20. Captain Ken Blyth and Peter Corris, *Petro Pirates: The Hijacking of the Petro Ranger* (St. Leonard, Australia: 2000).

21. The IMB, a non-profit making organization, was established under the International Chamber of Commerce in 1981.

22. As will be discussed in Chapter 1, definitions of piracy vary. The IMB includes in its analysis any "act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act". ICC, "Piracy and Armed Robbery against Ships: A Special Report. Revised Edition, March 1998". International Chamber of Commerce, International Maritime Bureau, 1998, pp. 2, 12; ICC, "Piracy and Armed Robbery against Ships: Annual Report, 1 January–31 December 2006" (Barking, Essex: International Chamber of Commerce, International Maritime Bureau, 2007), n.p.

23. ICC, "Piracy and Armed Robbery against Ships: Annual Report, 1 January–31 December 2004", p. 16.

24. Martin Stopford, *Maritime Economics*, 2nd edition (London: Routledge, 2004), p. 19; MARISEC, "Overview of the International Shipping Industry", in *Shipping Facts* <http://www.marisec.org/shippingfacts/keyfacts.htm> (accessed 16 May 2005).

25. Data used for this calculation was taken from the Malaysian Marine Department website, which only includes vessels weighing 300 gt and above, or are 50 metres in length or above. Marine Department Malaysia, "Mandatory Ship Reporting System in the Straits of Malacca and Singapore", <http://www.marine.gov.my/service/index.html> (accessed 22 June 2007).

26. After 2006, attacks in the waters off Somalia posed an unprecedented threat to international shipping. However, maritime traffic through these dangerous waters continues.

27. United Nations Office on Drugs and Crime Division for Policy Analysis and Public Affairs, "Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, Covering the Period from 1998–2000", <http://www.unodc.org/pdf/crime/seventh_survey/7pc.pdf> (accessed 17 May 2005), p. 268.

28. ICC, "Piracy and Armed Robbery against Ships: Annual Report, 1 January–31 December 2000" (Barking, Essex: International Chamber of Commerce, International Maritime Bureau, 2001), p. 3. Many of the attacks recorded in the Malacca Strait have most likely occurred in Indonesian waters.

29. United Nations Office on Drugs and Crime Division for Policy Analysis and Public Affairs, "Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems", p. 200.

30. The term Southeast Asia is, therefore, used here to refer to the above mentioned countries only.

31. Bruce Hoffman, *Inside Terrorism* (London: Victor Gollancz, 1998), pp. 41–43.
32. According to the author's sources, there are no terrorist or guerrilla groups active in Bangladesh that are involved in piracy.
33. The author did not come across any PSCs conducting anti-piracy operations in Bangladesh.