

PIRACY IN SOUTHEAST ASIA

The increasing incidence of piracy in Southeast Asia is causing countries to make greater individual efforts to combat the attacks and also making them co-operate more with others to deal with piracy as a regional issue. Pirate attacks, always dangerous and sometimes barbarous, are bad enough in themselves for the victims. They also often create additional danger by causing a ship to be out of control during the attack or drifting afterwards because the crew has been incapacitated. In crowded waters the ships become major hazards to other vessels.

During 1999, reported attacks increased by nearly 40 per cent to 285. The majority of the attacks, according to the International Maritime Bureau (IMB) in London, were in Southeast Asia, with the number around Indonesia being almost double that of 1998. During 1998 a marked trend towards greater violence was found in the attacks. Although the number of reported incidents increased in 1999, fewer seamen were killed. Nevertheless, pirates were reported to have carried guns on 53 occasions and knives were used twice as often as in 1998. On 11 occasions during 1999 pirates used guns to fire on the ships they were targeting.

Piracy has traditionally been dealt with as a law enforcement issue and has been regarded only marginally as a matter for defence and security authorities. Now, however, military forces of individual countries are becoming more directly involved

and co-operation on piracy among the security forces of two or more countries is now occurring. Japan has called for the establishment of a United Nations coast guard to deal with piracy. Among those who study strategy and security, the definition of security has been broadened from the traditional issues of defence of territory, protection of the sea lanes, and so on, to include piracy, the smuggling of people, human rights, some environmental issues, drug running, other transnational crimes, and major diseases such as AIDS. These issues are recognised as requiring co-operation across borders. Within the academic and other strategic studies communities the best description for an international co-ordinated approach is a matter for discussion, some favouring the term "collective security", some "comprehensive security" and others "co-operative security". The nomenclature aside, these non-conventional security issues are included in the content matter of strategy and security in academic studies, in international organisations, and in research institutes such as the Centre for Strategic Studies:New Zealand.

Regional piracy has been increasing since 1990 but the economic crisis, which manifested itself in Southeast Asia in 1997, has greatly exacerbated the problem. Greater poverty and higher unemployment have helped make piracy attractive as an alternative source of income. The economic crisis has also affected the funding of coast guards and other

authorities. It has made it easier for firearms from military sources to find their way into the hands of pirates. The reduced presence of warships in Southeast Asia after the end of the Cold War has also been suggested as a contributing factor.

In Southeast Asia, the pirates are most active in major straits, including the Malacca Strait. Such waterways are critical to regional and world trade.

Piracy presents the countries concerned and the international community with a number of significant problems. One is jurisdictional: in whose territory has the attack occurred and whose law enforcement or security forces should take action against the pirates? Law enforcement and security forces are reluctant to stray into the territory of another country, even in hot pursuit, and the security forces of the other country may not tolerate such an intrusion. In some cases the attack occurs in one country's territory and the pirates seek a haven in another. Without co-operation among countries the criminals may be impossible to catch. If Indonesia fragments, piracy will probably increase even more and the archipelago, with its numerous bays and coves, will offer pirates hiding places which will be, for some time at least, out of jurisdictional control.

Some ship-owners and captains are reluctant to report attacks. They fear rising insurance rates, do not want to be regarded as unreliable carriers

of freight, or are concerned about the possibility of creating a diplomatic incident with the country with which the trade is being conducted. Some countries seek to keep secret the number of attacks because they want to preserve their reputation as a vigilant law-enforcer or as a safe country with which to trade or through whose waters it is safe to transit. Corruption among officials or port workers also seems to play a part because the pirates are often very well informed about the movement of a ship and composition of its cargo. A conservative estimate is that the actual number of attacks is half as much again as the reported number.

Typically, a pirate attack on a cargo ship will be made at night and come from a group in a high-speed boat. Ships have been attacked in ports and harbours, as well as on the high seas. Sometimes the ship's safe and the crew will be robbed at knifepoint or at gunpoint. More elaborate attacks include hijacking the ship, killing a number of the crew, and selling the cargo. In a number of incidents the whole ship has been taken, disguised, issued with false papers, and sold or used for other purposes. Some ships so taken have been used in the increasing trade of smuggling people. Cargo ships can keep a lookout for pirates and may be able to avoid an attack. Sailors and ship-owners are reluctant to use firearms because this would encourage the pirates to acquire more powerful weapons than they use already. Other pirate attacks have been on boat refugees, where the occupants have been robbed and the women raped.

Two recent incidents illustrate well the developments in co-operation among countries in the Asia-Pacific region. On 22 October 1999, the MV

Alondra Rainbow, owned by Japanese interests and registered in Panama, left the Sumatran port of Kuala Tanjung with a cargo of aluminium ingots. The ship was bound for Japan. Three hours after leaving port it was approached by a speedboat and boarded by armed pirates. About three hours later the crew - two Japanese and 15 Filipinos - was made to board an old freighter which had arrived and tied up alongside the Alondra Rainbow. After being captive for six days, the crew was set adrift in a lifeboat, with a minimum of food. A fisherman rescued the crew on 9 November and took them to Phuket in Thailand. The Alondra Rainbow disappeared. There had been a strikingly similar case some 12 months previously when the Tenya, also owned by Japan and carrying aluminium ingots, disappeared just after leaving the port. In the case of the Tenya, the crew has never been found. The parallel has led to a belief that a syndicate with interests in aluminium was involved in the piracy and hijacking.

On 16 November 1999, the Indian coast guard, and later the Indian Navy, alerted by a report on the Alondra Rainbow from the Piracy Reporting Centre in Kuala Lumpur, investigated a freshly painted ship called the Mega Rama, showing a Belize flag. The crew tried to scuttle the ship. The Indian navy fired on the ship - the first time in modern history that a navy has fired on pirates. The ship was later identified as the Alondra Rainbow. Some of the cargo was by then missing. Japan responded to the incident by giving aid to the Association of Southeast Asian Nations to help boost the number of piracy patrols. The second incident concerned China, which had previously been considered lax in dealing with piracy. In December of

1999 it sentenced 12 people to death after a particularly brutal attack on the crewmembers of the Cheung Son, a Hong Kong bulk carrier. The ship had been attacked in the Taiwan Strait on 16 November 1998. The crew of 23 was beaten to death and the bodies tied to weights and thrown overboard. An intriguing aspect of the case was that the boat used for the attack had previously been used for legitimate border defence purposes and the pirates were in the uniforms of border police. The owner of the vessel used in the attack, who clearly had found his own version of the arms dealer's ancient strategy of supplying both sides of a conflict with arms, was among those sentenced to death. In November, China also ordered its military to deal with piracy on the south coast.

The Alondra Rainbow case demonstrated the usefulness of the Piracy Reporting Centre, established in Kuala Lumpur in 1992, which gives daily alerts about pirate attacks and has a website which gives weekly reports. (It can be found at www.iccwbo.org/ccs/imb_piracy/weekly_piracy_report.asp). Piracy seems bound to force continued co-operation among countries at an official level and will continue to be the subject of analysis among in such bodies as the Council for Security Co-operation in Asia-Pacific (CSCAP), which includes academic and other security specialists. CSCAP recently held a joint meeting of its working groups on maritime co-operation and transnational crime in Wollongong, Australia, at which New Zealand was represented by Associate-Professor Scott Davidson of the Faculty of Law, University of Canterbury.