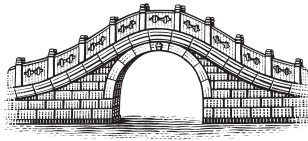


RESEARCH NOTE

# Securing Southeast Asia's Sea Lanes: A Work in Progress

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**KEYWORDS:** SOUTHEAST ASIA; MARITIME SECURITY; MALACCA STRAIT; PIRACY; TERRORISM

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## EXECUTIVE SUMMARY

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This article assesses the impact and effectiveness of regional and national initiatives to improve sea lane security in Southeast Asia.

### MAIN ARGUMENTS

- Though piracy and sea robbery have always posed a threat to international trade, since September 11, 2001, the specter of maritime terrorism has refocused attention on the problem of maritime crime. Despite a recent drop in pirate attacks, violence at sea remains a problem in Southeast Asia, where a number of political, geographic, and economic factors make the region's seas a particularly opportune space for sea-borne criminals.
- Cooperative efforts to address maritime violence in the region have met with real but qualified success. Though competing priorities and sovereignty concerns have inhibited the full participation of regional states in cooperative security programs, the perceived threat of unilateral involvement by the United States has served as a catalyst for improved cooperation among states in the region. These cooperative efforts in turn have led to a decline in incidents of maritime crime. Significant weaknesses, however, remain in the approaches of regional states.

### POLICY IMPLICATIONS

External powers—the U.S., Japan, China, and India—could play an important role in further improving security in the region's seas by taking the following steps:

- By better coordinating outreach efforts, external powers could improve the communication, surveillance, and interdiction capabilities of regional states' navies and maritime law enforcement agencies.
- External powers could improve maritime security in Southeast Asia by helping governments address the root causes of maritime violence—specifically through the improvement of governance capabilities and the promotion of economic growth.

States in the region could also take a number of steps to improve security:

- Increase levels of cooperation among littoral states' security forces, especially in the triborder sea area, as well as conduct more frequent and joint patrols in problematic areas.
- Most importantly, regional states could implement long-term programs to address the deep political and socio-economic problems of which piracy and sea robbery are only symptoms.

Maritime crime in Southeast Asia poses a threat to regional and global security and potentially could impede international trade. Transnational criminals and terrorist groups already use the region's seas to operate out of the reach of land-bound law enforcement and military authorities. Southeast Asia presents an inviting opportunity to both criminals and terrorists for several reasons. Important international shipping lanes, such as the Strait of Malacca (SOM), pass through the territorial waters of several states in the region. Other problematic seas, such as those of the "triborder" area between the Philippines, Indonesia, and Malaysia, fall between the cracks of various states' national security apparatuses.<sup>1</sup> International cooperation is thus crucial for restoring maritime security to Southeast Asia.

The purpose of this paper is to examine whether or not the efforts currently underway to improve security in Southeast Asia's waters are sufficient to produce a long-term beneficial effect. The paper addresses three interrelated topics: the nature and sources of maritime violence in Southeast Asia, the successes and failures of the various attempts both by states within the region and by external powers to address maritime violence, and the opportunities for improved cooperation and security efforts in the future.

The main findings of this paper are as follows: First, not only does violence at sea, particularly piracy and sea robbery, continue to be a problem in Southeast Asia, but the linkages between piracy and terrorism, real and potential, are cause for concern, especially in the SOM and the triborder sea area.<sup>2</sup> Political and economic conditions in many Southeast Asian nations make the region's seas particularly vulnerable to sea-based violence.

Second, cooperative efforts to address maritime violence in the region have met with real but qualified success. Competing priorities and sovereignty concerns have inhibited the full participation of regional states in cooperative security programs, and in some cases have ignited significant controversies such as when two external cooperative efforts offended national sensitivities. At the same time, the threat of overt involvement in Southeast Asian security by the United States and other external powers has served as a catalyst for improved cooperation among states in the region. This cooperation in turn has led to a decline in incidents of sea-borne crime. Significant weaknesses, however, remain in these cooperative efforts.

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<sup>1</sup> See, for example, Angel Rabasa et al., *Ungoverned Territories: Understanding and Reducing Terrorism Risks* (Santa Monica: RAND, 2007), xv.

<sup>2</sup> Under international law an act of piracy is defined as an illegal act of violence or detention involving two or more ships on the high seas (i.e., outside a coastal state's twelve nautical mile territorial waters); acts of maritime depredation that occur within a state's territorial waters are known as sea robbery and are subject to the national jurisdiction of the state.

These findings indicate that a more comprehensive approach to maritime security in Southeast Asia is necessary. Increasingly broad and effective security outreach efforts by external actors constitute one potential avenue for fruitful cooperation; states outside the region could improve maritime security by increasing the scope and intensity of their commitment to solving this problem. Additionally, the regional states themselves have room to improve their mutual cooperation. In particular, Southeast Asian states must address the political and socio-economic conditions of maritime crime in order to make real improvements to regional maritime security. Though effective in the short term, military and police measures do nothing to address the deeper causes of the problem.

This paper is divided into three sections:

- ≈ pp. 98–109 examine the appearance, importance, and sources of maritime violence—including both piracy, sea robbery, and maritime terrorism—in the SOM and the triborder area
- ≈ pp. 109–21 describe and assess past efforts to increase maritime security cooperation in Southeast Asia, identify factors behind the more successful efforts that have been made since 2004, and discuss weaknesses that still remain
- ≈ pp. 121–27 indicate possible avenues for a more comprehensive approach to preventing maritime violence

## VIOLENCE AT SEA IN SOUTHEAST ASIA

### *A Threat to Regional and Global Security*

In Southeast Asia violence at sea has been a perennial problem for governments and seafarers alike for hundreds of years. In the early 1990s, however, the issue of piracy took on a new salience as a result of an increase in attacks, the more systematic collection of maritime crime statistics, and a newfound focus on nontraditional security threats in the post–Cold War era. Both a cause and an effect of these developments was the establishment by the International Maritime Bureau (IMB)—a specialized bureau within the International Chamber of Commerce—of a Piracy Reporting Centre (IMB-PRC) in Kuala Lumpur in 1992. The IMB-PRC provides a number of services to the maritime industry, perhaps the most important of which is to disseminate worldwide reports of piratical and sea robbery attacks that the center receives from shipmasters to ships and local law enforcement agencies. Statistics for maritime crime are then published in weekly, quarterly, and annual reports. Despite problems with the statistics, the reports enable

the identification of important trends.<sup>3</sup> Most importantly the reports show a significant rise in piracy and sea robbery attacks in Southeast Asia between 1996 and 2003 (see **Table 1**).

Following September 11, 2001, the issue of piracy has also become conflated with terrorism. Though accounting for only 2% of global terrorism incidents over the past three decades, maritime terrorism has been far from rare in Southeast Asia.<sup>4</sup> In the Philippines, the Abu Sayyaf Group (ASG) has been particularly active in the maritime domain. One of the group's first attacks, occurring in 1991, targeted a Christian missionary ship in Zamboanga in the southern Philippines and killed two foreign missionaries. The ASG later achieved international notoriety in 2000 by kidnapping 21 tourists from a resort on the Malaysian island of Sipadan. In 2001 the group repeated the tactic, this time abducting twenty people from a resort on Palawan Island in the Philippines. More recently, in February 2004 the ASG used a bomb to sink the MV SuperFerry 14 in Manila Bay, killing 116 people and injuring more than 300 in what is the deadliest maritime terrorism incident to date.<sup>5</sup> Circumstantial evidence has also linked the separatist Free Aceh Movement (Gerakan Aceh Merdeka, GAM) in Indonesia to maritime political violence (though on a much less violent scale and without mass casualties). Both the Western Command of the Indonesian Navy (Tentara Nasional Indonesia Angkatan Laut, or TNI-AL) and the marine police in Belawan near Medan, Sumatra, strongly believe that GAM played an active role in piracy and sea

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<sup>3</sup> Although having become something of an authoritative source, the figures of the International Maritime Bureau (IMB) have been criticized on at least three accounts. First, the IMB-PRC's figures tend to conflate piracy and sea robbery attacks. Critics argue that this is problematic in that piracy is an issue that demands international cooperation, while sea robbery is a domestic matter under the purview of coastal authorities. Second, the IMB-PRC statistics do not always make a distinction between actual and attempted attacks. Third, critics have argued that the IMB-PRC figures do not accurately reflect the true extent of the problem because of the phenomenon of underreporting. Though the IMB acknowledges the problem of underreporting, the organization has responded to the first criticism by arguing that where an attack takes place makes no difference to seafarers. The Indonesian and Malaysian governments have been especially critical of the IMB-PRC statistics, accusing the organization of undermining investor confidence in the region by overstating the problem and even using maritime crime as a "pretext for foreign intervention." Nonetheless, whenever the figures demonstrate a drop in attacks, both Jakarta and Kuala Lumpur are apt to cite them. See, for example, "Piracy and Armed Robbery Against Ships: Report for the Period 1 Jan–31 March 2007," IMB, April 2007, 3; "Indonesia Slams Watchdog over Piracy Report," *Agence France Presse*, May 10, 2007; "Navy Chief Plays Down Strait Threats," *Straits Times*, July 20, 2004; and "Piracy in Melaka Straits Not as Serious as Made Out to Be," *Bernama*, December 9, 2004.

<sup>4</sup> Statistic from the Centre for the Study of Terrorism and Political Violence at St. Andrews University, cited in Catherine Zara Raymond, "Maritime Terrorism: A Risk Assessment," in *The Best of Times, the Worst of Times: Maritime Security in the Asia-Pacific*, ed. Joshua Ho and Catherine Zara Raymond (Singapore: IDSS, 2005), 182.

<sup>5</sup> Rommel C. Banlaoi, "The Abu Sayyaf Group: Threat of Maritime Piracy and Terrorism," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr (London: Routledge, 2007), 121–30.

**TABLE 1**  
*Reported Piracy and Sea Robbery Attacks  
 in Southeast Asia, 1994–2007*

	Location										Total
	Indonesia	Malacca Strait	Malaysia	Singapore Strait	Philippines	Thailand	Burma	South China Sea	Cambodia	Vietnam	
<b>1994</b>	22	3	4	3	5	0	0	6	1	2	<b>46</b>
<b>1995</b>	33	2	5	2	24	4	0	3	1	4	<b>78</b>
<b>1996</b>	57	3	5	2	39	16	1	2	1	0	<b>126</b>
<b>1997</b>	47	0	4	5	16	17	2	6	1	4	<b>102</b>
<b>1998</b>	60	1	10	1	15	2	0	5	0	0	<b>94</b>
<b>1999</b>	115	2	18	14	6	5	1	3	0	2	<b>166</b>
<b>2000</b>	119	75	21	5	9	8	5	9	0	6	<b>257</b>
<b>2001</b>	91	17	19	7	8	8	3	4	0	8	<b>165</b>
<b>2002</b>	103	16	14	5	10	5	0	0	0	12	<b>165</b>
<b>2003</b>	121	28	5	2	12	2	0	2	0	15	<b>187</b>
<b>2004</b>	94	38	9	8	4	4	1	8	0	4	<b>170</b>
<b>2005</b>	79	12	3	7	0	1	0	6	0	10	<b>118</b>
<b>2006</b>	50	11	10	5	6	1	0	1	N/A	3	<b>87</b>
<b>2007</b>	43	7	9	3	6	2	0	3	N/A	5	<b>78</b>

*Source:* "Piracy and Armed Robbery against Ships Annual Report," IMB, various reports, 2001–07.

*Note:* Figures include actual and attempted attacks.

robbery attacks as well as in incidents of kidnapping for ransom in the strait prior to the 2005 Aceh Peace Agreement.<sup>6</sup>


Patchy evidence of other plans for maritime terrorism in Southeast Asia has also surfaced. In December 2001 Singapore's security services arrested thirteen members of the radical network Jemaah Islamiyah (JI), an organization with close links to al Qaeda. The JI members were planning suicide attacks using high-speed boats packed with explosives against visiting

<sup>6</sup> Author interview with senior Indonesian naval officers, Western Command Headquarters, Jakarta, September 15, 2006; and author interview with the director of the Indonesian marine police, Belawan, September 18, 2006.

U.S. naval vessels.<sup>7</sup> Ong-Webb alleges that in 2001 terrorist groups in Malaysia and Indonesia also planned attacks on visiting U.S. naval ships.<sup>8</sup> In August 2004 the head of Indonesia's state intelligence agency claimed that senior JI operatives under detention in Indonesia had admitted to contemplating attacks against shipping in the SOM.<sup>9</sup> In the same month the head of Britain's Royal Navy revealed that Western intelligence agencies believed al Qaeda was plotting attacks on merchant vessels to disrupt the global economy.<sup>10</sup> Finally, in September of 2004 reports surfaced that U.S. intelligence had intercepted communications between JI members allegedly discussing plans to hijack a ship and use it as a "floating bomb."<sup>11</sup>


Even though unconfirmed, the above reports of terrorist plans generated substantial international concern and led the Joint War Committee (JWC) of Lloyd's Market Association to declare the SOM a "war risk area," alongside Iraq, Lebanon, and Nigeria. The littoral states, particularly Malaysia, sharply criticized the JWC's decision, arguing that no evidence existed of an imminent attack in the SOM and that the JWC's precipitous declaration of the SOM as a war area damaged regional economies due to the imposition of higher insurance rates for ships transiting through Southeast Asia.<sup>12</sup> Intense lobbying from the littoral states and an improvement in the maritime security environment convinced the JWC to remove the SOM from its war risk list in August 2006. Certain ports in Indonesia, however, are still subject to war risk premiums.<sup>13</sup>


Maritime predations in the SOM thus remain a source of concern. Located between the Indonesian island of Sumatra and peninsular Malaysia, the SOM is the shortest route for ships traveling between the Pacific Ocean (via the South China Sea) and the Indian Ocean (via the Andaman Sea) and has been a vital artery of world trade for many centuries (see **Figure 1**). Approximately

<sup>7</sup> For full details of the planned attacks, see the Singapore Ministry of Home Affairs, *The Jemaah Islamiyah Arrests and the Threat of Terrorism* (Singapore, January 2003), 13  [http://www.mha.gov.sg/publication\\_details.aspx?pageid=35&cid=354](http://www.mha.gov.sg/publication_details.aspx?pageid=35&cid=354).

<sup>8</sup> Graham Gerard Ong-Webb, "Introduction: Southeast Asian Piracy, Maritime Terrorism and Security in the Malacca Straits," in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, ed. Graham Gerard Ong-Webb (Singapore: ISEAS, 2006), xxviii.

<sup>9</sup> "Indonesia Warns of Malacca Strait Terror Plots, Hails Anti-Piracy Patrols," Agence France Presse, August 26, 2004.

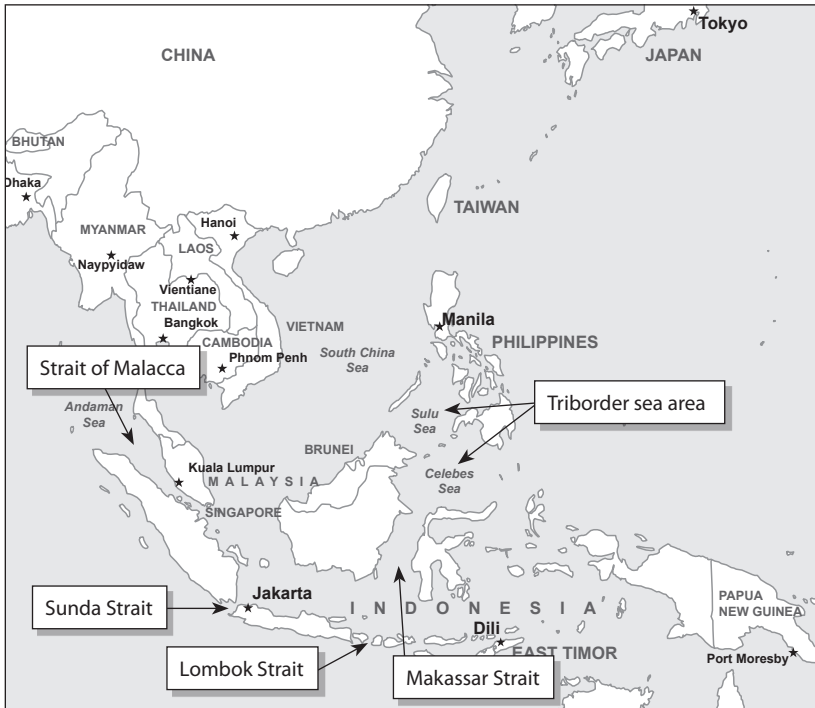
<sup>10</sup> Michael Evans, "Merchant Shipping 'at Risk of Attack,'" *Times* (London), August 6, 2004  <http://www.timesonline.co.uk/tol/news/uk/article466301.ece>.

<sup>11</sup> Philip Sherwell, Massoud Ansari, and Marianne Kearney, "Al Qaeda Terrorists 'Plan to Turn Tanker into Floating Bomb,'" *Daily Telegraph*, September 11, 2004  <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/09/12/wterr12.xml&sheet=/portal/2004/09/12/ixportal.html>.

<sup>12</sup> "KL Slams Report Calling Malacca Strait 'High Risk,'" *Straits Times*, July 13, 2005.

<sup>13</sup> "Malacca Strait Is Off War Risk List but Piracy Attacks Up Last Month," *Straits Times*, August 11, 2006.

FIGURE 1  
Southeast Asian Sea Lanes



550 miles long, the SOM is 126 miles wide at its northern entrance where the strait joins the Andaman Sea but narrows to 9 miles at its southernmost point, connecting with the Singapore Strait. In an increasingly globalized world of expanding international commerce and heightened concerns over energy supply security the importance of the SOM is rising. In 1999 43,964 vessels weighing over 300 gross tons (GT) passed through the SOM. By 2006 this figure had risen to 62,131.<sup>14</sup> If vessels above 100 GT are included, the volume of traffic passing through the SOM in 2006 was 94,000, and a Japanese study projects that this number will rise to 141,000 by 2020.<sup>15</sup> Estimates hold that one-third of global trade passes through the SOM. The SOM is an even

<sup>14</sup> Marine Department Malaysia website ~ <http://www.marine.gov.my/service/index.html>.

<sup>15</sup> Tomoyasu Izaki, "A Study of Evaluation of Navigation Safety at the Straits of Malacca and Singapore" (paper presented at Symposium on the Enhancement of Safety Navigation and the Environmental Protection of the Straits of Malacca and Singapore, Kuala Lumpur, Malaysia, March 13-14, 2007).

more vital trade artery for countries in Northeast Asia that have poor natural energy endowments. It is estimated that 90% of Japan's and 70–80% of China's energy imports pass through the strait every year.<sup>16</sup>

Security analysts have advanced several possible “doomsday scenarios” involving major terrorist attacks in the SOM. Two of the most popular scenarios involve terrorists either conspiring with pirates or adopting piratical tactics to commit atrocities. In one scenario terrorists scuttle a hijacked ship in the SOM with the intention of disrupting maritime traffic or blocking the strait altogether. In another scenario terrorists hijack a tanker carrying either crude oil or liquefied natural gas (LNG) and detonate the vessel as a floating bomb in a major regional port such as Singapore. Both scenarios have significant flaws. As the SOM is nine miles wide at its narrowest point, blocking the strait would be virtually impossible. Furthermore, even if the strait were closed or maritime traffic were severely disrupted, vessels could bypass the SOM by using the Sunda and Lombok-Makassar straits in Indonesia. Although these routes are longer and hence costlier than the SOM, the impact of such rerouting on the global economy would not be catastrophic (though Singapore would be very badly affected). The floating bomb scenario is also flawed because crude oil is not very flammable and ships carrying LNG are robustly constructed and include significant safety features.

Nonetheless, though security analysts have exaggerated the threat of a major maritime terrorist attack in the SOM, the above scenarios cannot, and should not, be completely ruled out in an age of mass terror attacks employing both high and low technology. Though terrorists might lack the specialist skills needed to operate at sea, there are plenty of nautical engineers, masters, and deckhands who might be persuaded to impart their knowledge and experience for a price.<sup>17</sup> Even one terrorist attack in the SOM likely would send insurance rates skyrocketing. Moreover, even if the doomsday scenarios are unlikely, the threat of other types of maritime terrorism is more credible. These more credible scenarios include suicide attacks against naval ships using small, high-speed boats, a tactic used to devastating effect by al Qaeda and the

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<sup>16</sup> See Ken Koyama, “Japan’s New National Energy Strategy,” Institute of Energy Economics, August 2006 [~ http://eneken.ieej.or.jp/en/data/pdf/350.pdf](http://eneken.ieej.or.jp/en/data/pdf/350.pdf). The China National Petroleum Corporation estimates that 70% of China’s oil imports pass through the SOM. See “China’s Oil Supply Faces Risk, Expert Says,” Xinhua News Agency, May 27, 2006 [~ http://news.xinhuanet.com/english/2006-05/27/content\\_4609449.htm](http://news.xinhuanet.com/english/2006-05/27/content_4609449.htm). The U.S. Department of Defense, however, estimates that this figure stands at 80%. See U.S. Department of Defense, “Annual Report to Congress: Military Power of the People’s Republic of China 2007” [~ http://www.defenselink.mil/pubs/pdfs/070523-China-Military-Power-final.pdf](http://www.defenselink.mil/pubs/pdfs/070523-China-Military-Power-final.pdf).

<sup>17</sup> Mark J. Valencia, “Piracy and Terrorism in Southeast Asia: Similarities, Differences, and Their Implications,” in *Piracy in Southeast Asia: Status, Issues, and Responses*, ed. Derek Johnson and Mark J. Valencia (Singapore: ISEAS, 2005), 85.

Liberation Tigers of Tamil Elam (LTTE) in Sri Lanka; attacks on cruise liners and ferries leading to mass casualties; attacks against aircraft using shoulder-fired missiles launched from small ships; and mining the SOM.<sup>18</sup>

Though a focus by security analysts on the SOM in the post-September 11 period is understandable given the strait's importance to global commerce, the attention paid to this threat has distracted from another maritime blackspot in Southeast Asia, namely the porous sea borders between Indonesia, Malaysia, and the Philippines. This area—known as the triborder sea area—comprises two main sectors. The first is the Sulu Sea in the southwestern Philippines, a 100,000 square-mile body of water bounded to the northwest by Palawan Island, to the southeast by the Sulu Archipelago, and in the southwest by the eastern Malaysian state of Sabah. The second sector is the Celebes Sea (also known as the Sulawesi Sea), a 110,000 square mile body of water bordered by the Sulu Archipelago and Mindanao to the north, Sabah and the Indonesian province of Kalimantan to the west, and Indonesia's Sulawesi Island to the south. The Celebes Sea opens southwest through the Makassar Strait, which is increasingly used by very large crude carriers (VLCC, typically ships over 230,000 deadweight tonnage) that are not allowed to transit the shallower SOM.

The Sulu Archipelago (comprising the islands of Basilan, Jolo, and Tawi-Tawi) and the Mindanao and Sulawesi islands all have been neglected by the central governments in Manila and Jakarta for decades, resulting in poor governance, corruption, and stubbornly high levels of poverty and unemployment. In addition Mindanao has been wracked by insurgency and separatist conflict for over three decades. As a result the Sulu and Celebes seas have become notorious for illegal maritime activities such as smuggling, piracy, and trafficking in illegal narcotics, guns, and people—in short, the seas have become an ungoverned maritime space. What most concerns security analysts is the utilization of the maritime domain in this area as a base of operations for terrorist organizations. For instance the ASG's main base of operations is on the islands of Jolo and Basilan in the Sulu Archipelago, while the home base of the Moro Islamic Liberation Front (MILF) is Mindanao.

Both the ASG and the MILF have been accused of conducting piratical attacks in the Sulu and Celebes seas as a means of generating income for their

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<sup>18</sup> See, for instance, Catherine Zara Raymond, "Maritime Terrorism in Southeast Asia: Potential Scenarios," Jamestown Foundation, *Terrorism Monitor* 4, no. 7, April 2006, 1–3. [http://www.jamestown.org/terrorism/news/uploads/TM\\_004\\_007.pdf](http://www.jamestown.org/terrorism/news/uploads/TM_004_007.pdf); and Martin Murphy, "Maritime Terrorism: The Threat in Context," *Jane's Intelligence Review* 18, no. 2 (February 2006): 20–25.

causes.<sup>19</sup> Because accurate statistics are not available, however, the full extent of this problem remains unclear. Piracy in the southern Philippines has been a way of life for many centuries. Because of language barriers and a lack of communication equipment shipmasters are often either unwilling or unable to report attacks to the IMB-PRC.<sup>20</sup> As a result the vast majority of maritime depredations in this area go unreported to the IMB. For instance in early January 2007 the Philippine authorities rescued dozens of fishermen who had been held for ransom off Tawi-Tawi. In March of the same year suspected MILF operatives held twenty fishermen hostage off Mindanao. Neither incident, however, appears to have been reported to the IMB.<sup>21</sup> In fact, the IMB received just six reports of maritime crime in Philippine waters in 2007, a grossly inaccurate figure.

Furthermore, both the ASG and the MILF have established linkages with JI. According to a recent RAND study, the Sulawesi-Mindanao arc provides JI with a “key logistical corridor” and “theater for jihadist operations.”<sup>22</sup> JI members Umar Patek and Dulmatin, both suspected of planning the 2002 Bali bombings, are believed to be hiding in the Sulu Archipelago after escaping from Indonesian authorities. Additionally JI operatives are known to train in camps in the southern Philippines and to travel from Sulawesi to Mindanao via Sabah, which is just a short boat ride from the Sulu Archipelago. Sulawesi constitutes an important base of operations for JI, as the organization has grafted itself to sectarian and communal violence in Poso over the past few years. Sabah is another important base for both JI and ASG. Home to over half a million illegal immigrants from the Philippines and Indonesia, Sabah provides operatives from both groups with a place of sanctuary.<sup>23</sup>

The Malaysian security presence in Sabah was strengthened in the wake of the Sipadan Island hostage incident in 2000. The Indonesian and Philippine armed forces, however, are still largely incapable of securing their countries’ sections of the triborder sea area. The problems facing Philippine security forces are in many respects more serious than the problems facing the TNI-AL, which will be discussed below. Starved of funding for years, the

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<sup>19</sup> “MILF Rebels Detain 20 Fishermen in Mindanao,” Agence France Presse, March 16, 2007.

<sup>20</sup> J.N. Mak, “Securitizing Piracy in Southeast Asia: Malaysia, the International Maritime Bureau and Singapore” (paper presented at the Ford Foundation Conference on Non-traditional Security Issues, Singapore, September 3–4, 2004).

<sup>21</sup> “Pirates Free Dozens of Fishermen in South RP,” *Mindanao Examiner*, January 1, 2007; and “MILF Rebels Detain Fishermen in Mindanao,” Agence France Presse, March 16, 2007.

<sup>22</sup> Angel Rabasa, “Case Study: The Sulawesi-Mindanao Arc,” in Rabasa et al., *Ungoverned Territories*, 116.

<sup>23</sup> “Southeast Asia’s Tri-border Black Spot,” Jane’s Terrorism and Security Monitor, May 11, 2007.

Armed Forces of the Philippines (AFP) is today one of the weakest militaries in Southeast Asia. The government's national security adviser, Norberto Gonzales, summed up the extent of the problems facing the Philippines in patrolling the country's maritime domain: "We cannot watch and check every boat that travels between Indonesia and Mindanao. Over 26,000 trips are made by these boats [every year] and it is impossible to monitor each of them given the government's meager resources."<sup>24</sup> Security analysts fear that the Philippine Navy's inability to monitor the sea lanes in the Sulu Sea led to the escape of ASG operatives into Malaysia and Indonesia from a major AFP offensive against the group in early 2007.<sup>25</sup>

### *The Sources of Maritime Violence*

Three sets of interlinked factors have contributed to the recent violence: failures of governance, poor socio-economic conditions, and a diffuse set of technological and geographical factors.<sup>26</sup> The first set of factors includes various aspects of weak political control, poor governance, and lack of state capacity, all of which have undermined the ability of governments to control events outside of their immediate environs. Historically governments that are unable to effectively govern urban and rural areas outside the capital are even less able to exert control over events at sea, resulting in maritime domains becoming ungoverned spaces where criminals can operate unimpeded. Weak political control is closely linked to corruption and poor governance. Corruption in particular has contributed to the rise of maritime crime in Asia, with members of the police and armed forces having allegedly committed piratical attacks both on and off duty. Corrupt port officials and crew members also allegedly pass information on vessel movements and cargoes to pirate gangs, enabling criminals to choose a target in advance. Additionally state responses to piracy are delayed by weak regional cooperation resulting from the absence of trust, extreme sensitivity over national sovereignty, and lack of interoperability. When robust regional cooperation is absent, sea-borne criminals find it easy to cross from one national jurisdiction into another without fear of capture.

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<sup>24</sup> Edith Regalado, "NSA: RP Can't Police Sea Lanes between Mindanao, Indonesia," *Philippine Star*, October 16, 2006.

<sup>25</sup> "Malaysia, RP Start Naval Drills along Border Used by Al-Qaida-linked Groups," Associated Press, April 10, 2007.

<sup>26</sup> This section borrows heavily from Adam J. Young, "Roots of Contemporary Piracy in Southeast Asia," in Johnson and Valencia, *Piracy in Southeast Asia*, 1–33.

Poor socio-economic conditions are often both a cause and an effect of weak political control and poor governance. Members of coastal communities facing economic hardship in some cases turn to maritime crime to supplement meager incomes. Fishermen faced with bleak economic prospects have the boats and required nautical skills to engage in acts of piracy and sea robbery. In terms of state capacity the 1997–98 Asian financial crisis demonstrated that when economies buckle, government spending, especially defense spending, suffers accordingly. Defense spending cuts not only force governments to cancel new acquisitions but also starve the military of funding for fuel, maintenance, and training. Remuneration for active military personnel may also be reduced, giving individuals further incentive to engage in illegal activities to supplement their incomes.

Technological and geographical factors meanwhile have increased opportunities for pirates and sea robbers in recent years. Maritime criminals today—especially members of organized crime gangs—have easy access to high-speed boats, satellite navigation, cell phones, and the Internet, as well as to automatic and heavier weapons. At the same time geographical features such as narrow waterways, small islets, and riverine access provide pirates with a benign environment in which to exploit these technological capabilities.

The travails of Indonesia, the locus of the problem in Southeast Asia, provide an apt illustration of all three factors. According to the IMB, Indonesia is home to the most pirate-infested waters in the world (see **Table 2**). Between 2002 and 2006 approximately a quarter of all reported piracy and sea robbery attacks around the world, and nearly two-thirds of attacks in Southeast Asia, occurred in Indonesian waters, frequently in Indonesian ports and anchorages. In 2006, for instance, there were 21 incidents in Indonesian ports and anchorages, representing 42% of all attacks in Indonesia.

Senior security practitioners from Indonesia, Malaysia, and Singapore who spoke with the author invariably pointed to socio-economic distress on the islands of Sumatra and Riau linked to the Asian financial crisis as the primary cause of increased piracy attacks in Southeast Asia from the late 1990s to the early 2000s.<sup>27</sup> The Asian financial crisis began in Thailand in July 1997 and quickly spread to Indonesia, resulting in widespread socio-economic dislocation and political unrest (eventually leading to the downfall of President Suharto in May 1998). Unemployment rose from 4.7% in 1997 to

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<sup>27</sup> Author interviews with senior security practitioners, diplomats, and journalists in Kuala Lumpur, Singapore, Jakarta, and Belawan, September 2006.

TABLE 2

*Reported Piracy and Sea Robbery Attacks in Indonesia, 2002–07*

	2002	2003	2004	2005	2006	2007
<b>Number of attacks</b>	103	121	94	79	50	43
<b>As a % of global attacks</b>	28.0	27.0	28.6	28.6	21.0	16.3
<b>As a % of attacks in Southeast Asia</b>	61.0	64.7	55.3	67.0	57.5	55.0

Source: "Piracy and Armed Robbery against Ships."

Note: Figures include actual and attempted attacks.

21% in 1998, while poverty increased from 11% to 40% over the same period.<sup>28</sup> This economic and political unrest produced an upsurge in maritime crime in Indonesian waters.

At the same time the financial crisis also had a deleterious impact on the country's armed forces. Defense spending contracted by 17% in real terms between 1997 and 1998, recovered slightly thereafter, but dropped another 4.7% in 2001. As a percentage of nominal government spending, defense expenditure has yet to recover to pre-crisis levels.<sup>29</sup> The reduction of defense spending deprived the TNI-AL of funding not only for new acquisitions but also for training, fuel, spare parts, and maintenance. By 2003 only 30% of the navy's 117 vessels were operational.<sup>30</sup> The Marine Security Coordinating Agency (Bakorkamla), which is headed by the commander-in-chief of the armed forces and which coordinates the efforts of the various agencies tasked with maritime law enforcement, was eviscerated through lack of funds. Turf wars over resources among the various agencies, especially between the coast guard and marine police, also intensified.<sup>31</sup> Corruption within the armed forces grew more serious as well, especially among non-commissioned officers, and active members of the TNI-AL were accused of engaging in acts of piracy and sea robbery. Though evidence to support these allegations is not strong, one small fishing community in Malaysia blamed rogue elements of

<sup>28</sup> "Economic Crisis Widespread, Deeper but Glimmer of Hope Seen," Economic and Social Commission for Asia and the Pacific (ESCAP), Press Release no. G/09/00, April 2, 1999.

<sup>29</sup> "Defence Economic Trends in the Asia-Pacific 2004," Australian Government, Department of Defence ~ <http://www.defence.gov.au/dio/documents/det2004.pdf>.

<sup>30</sup> "Plan to Buy Submarines Hailed," *Jakarta Post*, September 23, 2003.

<sup>31</sup> Author interview, senior Western naval attaché, Jakarta, September 14, 2006.

the TNI-AL for carrying out half of all maritime attacks on this community, ranging from shakedowns at sea to ransom demands for impounded fishing vessels and crews.<sup>32</sup>

The Indonesian government's broader political control and governance capabilities also weakened with the downfall of Suharto. The violent separation of East Timor in 1999 emboldened other separatist movements, including GAM, which had been campaigning for an independent Aceh since the mid-1970s. As GAM stepped up its campaign of violence against the Indonesian authorities, allegations (consistently denied by GAM spokesmen) surfaced that the separatist group was conducting piratical attacks in the northern approaches of the SOM as means of raising funds.<sup>33</sup>

## THE PARTIAL SUCCESS OF MARITIME SECURITY COOPERATION

### *Limits to Security Cooperation*

Despite rising incidents of piracy and sea robbery from the mid-1990s and concerns over the possibility of a major maritime terrorist attack in Southeast Asia post-September 11, prior to 2004 the littoral states showed little enthusiasm for pursuing effective trilateral security measures. This lack of enthusiasm owed to differing threat perceptions and heightened sensitivity over sovereignty issues, particularly in the SOM.

Though recognizing the same maritime security threats, Singapore, Malaysia, and Indonesia prioritize these threats differently. Singapore views international trade as the country's life-blood, and consequently any threat to the free flow of maritime trade is literally regarded as an existential threat. The threat posed by transnational terrorist groups increases this sense of vulnerability. Singapore believes that terrorist groups such as al Qaeda and JI have targeted the city-state both because Western countries have major interests in Singapore and because of the country's close defense ties with the United States and support for Washington's "war on terrorism."<sup>34</sup> Perceiving itself as a target of terrorist groups and viewing the disruption to sea-borne

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<sup>32</sup> J.N. Mak, "Pirates, Renegades and Fishermen: The Politics of 'Sustainable' Piracy in the Straits of Malacca," in Lehr, *Violence at Sea*, 210.

<sup>33</sup> Kate McGeown, "Aceh Rebels Blamed for Piracy," *BBC News*, September 8, 2003 ~ <http://news.bbc.co.uk/1/hi/world/asia-pacific/3090136.stm>.

<sup>34</sup> See, for instance, "Osama Bin Laden Footprints Surround 'Vulnerable' Singapore," *Agence France Presse*, October 1, 2001; and "Singapore Says Support for U.S. Makes It Top Terror Target," *Agence France Presse*, May 24, 2003.

trade as a threat to the country's survival, the Singapore government has warned that terrorism poses the most serious threat to national security since communism in the 1960s.<sup>35</sup> In December 2003 Singapore's home affairs minister Wong Kan Sen made the first explicit link between piracy and terrorism when he referred to "terrorism camouflaged as piracy."<sup>36</sup> In April 2004 Singaporean defense minister Teo Chee Hean warned:

It is entirely possible that terrorists could resort to pirate tactics to hijack supertankers or chemical carriers. They could sink these large vessels in the choke-points of busy international straits or even turn them into floating bombs...The key regional SLOCs [sea lines of communication] are attractive targets for [terrorists] because of the potentially great damage that a successful attack could have on the global trading system combined with the powerful political impact such an attack would have.<sup>37</sup>

Even though the evidence (at least in the public domain) pointing to such an attack is not strong, the government continues to urge vigilance. Singapore thus takes the threat of maritime terrorism, and the potential nexus between piracy and terrorism, much more seriously than its neighbors.

Malaysia, by contrast, sees the main maritime security challenges as illegal trafficking in people, small arms, and narcotics.<sup>38</sup> Illegal immigration by sea from Indonesia is regarded as a particularly acute problem. Though piracy and sea robbery are concerns for the Malaysian authorities, the number of attacks committed in the country's territorial waters has been much lower than in Indonesia, as demonstrated in Table 1. This is almost certainly due to better governance and socio-economic conditions in Malaysia, as well as to the professionalism and capabilities of the country's security forces. Kuala Lumpur does not share Singapore's sense of vulnerability but rather has downplayed both the threat of maritime terrorism and the piracy-terrorism nexus, arguing that there is no credible evidence linking pirates with terrorists.<sup>39</sup> Nevertheless in June 2007 Malaysia's inspector-general of police, Musa Hassan, warned that maritime terrorism in the SOM was a "lurking threat" and that a major attack

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<sup>35</sup> Singapore Ministry of Home Affairs, *The Jemaah Islamiyah Arrests*, 2.

<sup>36</sup> "Piracy Equals Terrorism on Troubled Waters: Minister," Agence France Presse, December 21, 2003.

<sup>37</sup> Teo Chee Hean (keynote address delivered at the opening of the second Western Pacific Mine Countermeasure and Diving Exercises, Singapore, April 26, 2004) ~ [http://www.mindef.gov.sg/imindef/news\\_and\\_events/nr/2004/apr/26apr04\\_nr/26apr04\\_speech.html](http://www.mindef.gov.sg/imindef/news_and_events/nr/2004/apr/26apr04_nr/26apr04_speech.html).

<sup>38</sup> Author interviews and discussions with senior policy practitioners from the Malaysian Armed Forces and Royal Malaysian Police, Asia-Pacific Center for Security Studies (APCSS), Honolulu, Hawaii, March 2004–March 2007.

<sup>39</sup> "Malaysia Says It Has Not Found Link between Terrorists and Regional Piracy," Associated Press, June 5, 2005.

involving an oil or LNG tanker would have “a devastating global economic impact.”<sup>40</sup>

From Indonesia’s perspective the central maritime security challenges are illegal fishing, smuggling, and, prior to the 2005 Aceh Peace Agreement, the activities of GAM.<sup>41</sup> Although sharing responsibility with the other littoral states to provide for safety and security in the SOM, Indonesia, as noted earlier, lacks the capabilities to patrol its vast archipelagic waters. Until 2004 Jakarta was reluctant to allocate scarce resources to address piracy because this problem was perceived as having minimal impact on the national economy. Indonesia derives less economic benefit from the strait than Singapore or Malaysia. Except for Belawan there are no major ports along the Sumatran coast; rather, the vast majority of ships that enter the SOM are heading for ports in Singapore or Malaysia. The perceived minimal impact of piracy stands in marked contrast to the economic impact of illegal fishing in the country’s 200 nautical mile (nm) exclusive economic zone (EEZ), and smuggling, and logging, which together cost the country an estimated \$10 billion in lost revenue in 2003.<sup>42</sup> Maritime security thus has not been high on the list of government priorities. In the post-Suharto period, governments have had to grapple with a wide range of serious problems such as high levels of poverty and unemployment; separatist, communal, and political violence; the spread of infectious diseases; and both man-made and natural disasters. In comparison, the problems of piracy and sea robbery pale into insignificance. Moreover, as noted by Foreign Minister Hassan Wirayuda, the Indonesian government—despite its experiences with GAM—does not accept the piracy-terrorism nexus.<sup>43</sup>

Another major obstacle to increased security cooperation is extreme sensitivity over national sovereignty. Such sensitivity has prevented neighboring countries from reaching agreement on “hot pursuit” rights in the maritime domain, whereby the security forces of one country can cross into the territory of another in pursuit of sea-borne criminals without the latter country’s permission.

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<sup>40</sup> “Terror in Malacca Strait Would Have Global Economic Shockwaves: KL Police Chief,” Associated Press, June 12, 2007.

<sup>41</sup> Author interviews and discussions with senior policy practitioners from the Indonesian armed forces, APCSS, March 2004–March 2007.

<sup>42</sup> Stefan Eklöf, *Pirates in Paradise: A Modern History of Southeast Asia’s Maritime Marauders* (Copenhagen: NIAS Press, 2006), 100.

<sup>43</sup> In 2005 Indonesian Foreign Minister Hassan Wirayuda rejected the notion that there is a nexus between pirates and terrorists on the grounds that the two actors had different goals: “While terrorists want to halt world trade, the sea robbers would be out of business without world trade.” See “Malacca Strait Pirates ‘Unlikely to Aid Terrorists,’” *Straits Times*, September 8, 2005.

The exercise of sovereign rights in the SOM is a particularly sensitive issue for Malaysia and Indonesia. When the 1982 UN Convention on the Law of the Sea (UNCLOS) was negotiated, the international community accepted Kuala Lumpur and Jakarta's demand for a twelve nm territorial sea in the SOM; as a quid pro quo, the two countries accepted a transit passage regime that allows ships of all nations to pass through the strait unimpeded. In the words of J.N. Mak, though Malaysia and Indonesia "had established maritime sovereignty in the Straits of Malacca, that sovereignty was incomplete, and therefore has to be jealously guarded."<sup>44</sup> That the international community has not recognized Malaysia's EEZ claims in the northern part of the strait, that these claims overlap with those of Indonesia, and that both countries seek to exploit potentially valuable maritime resources in those contested areas make the sovereignty issue in the SOM all the more vexatious.

Indonesia's sovereignty concerns, however, are even more sensitive than Malaysia's. In 2002 the International Court of Justice ruled in favor of Malaysia on the question of the sovereignty of Sipadan and Ligitan, two small islands east of Borneo in the Celebes Sea. This was a severe blow to Indonesia's sense of pride, coming just six months after the former Indonesian province of East Timor had achieved formal independence. Since the ruling, the Indonesian government has prioritized surveying and naming thousands of small islands throughout the archipelago in order to protect the country's sovereignty claims.<sup>45</sup>

### *Early Cooperative Efforts*

In the early 1990s Southeast Asian countries entered several bilateral agreements providing for coordinated naval patrols, i.e., arrangements whereby both countries would patrol their own territorial waters but maintain communication links with the other country's naval forces. These included agreements between Indonesia and Singapore, Indonesia and Malaysia, and the Philippines and Malaysia. Anecdotal evidence, however, suggests that during the 1990s these coordinated patrol agreements were poorly implemented, largely ineffective, and became moribund during the Asian financial crisis.<sup>46</sup>

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<sup>44</sup> J.N. Mak, "Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits," in Ong-Webb, *Piracy, Maritime Terrorism and Securing the Malacca Straits*, 145.

<sup>45</sup> "Indonesia to Register Small Islands' Names to UN on August 18," *Tempo Interactive*, July 23, 2007 ~ <http://www.tempointeractive.com/hg/nasional/2007/07/23/brk.20070723-104181.uk.html>.

<sup>46</sup> John F. Bradford, "The Growing Prospects for Maritime Security Cooperation in Southeast Asia," *Naval War College Review* 58, no. 3 (Summer 2005): 66.

In 2004 nations outside Southeast Asia embarked on two new efforts to improve cooperation in the region: the United States proposed the Regional Maritime Security Initiative (RMSI) and Japan organized the establishment of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Sovereignty concerns and competing priorities limited the effectiveness of both initiatives, and RMSI and ReCAAP ignited significant controversies.

The first controversy centered on the role of the United States in RMSI. On March 31, 2004, Admiral Thomas Fargo, commander of U.S. Pacific Command (PACOM), explained RMSI in testimony before Congress as a new initiative aimed at helping Southeast Asian countries tackle maritime security threats. According to Fargo, the goal of RMSI was to improve international cooperation against transnational security threats, including the proliferation of WMD, terrorism, trafficking in humans and narcotics, and piracy in the “ungoverned littoral regions of Southeast Asia.”<sup>47</sup> Fundamentally, RMSI addressed the need to increase awareness in the maritime domain and to synchronize international responses to fight transnational threats. In a speech delivered in Victoria, British Columbia, in May 2004, Fargo sought to fill out the details: “The goal of RMSI is to develop a partnership of willing regional nations with varying capabilities and capacities to identify, monitor, and intercept transnational maritime threats under existing international and domestic laws.”<sup>48</sup>

By the time Fargo had outlined RMSI in more detail, however, the initiative had already ignited a firestorm of protest from Malaysia and Indonesia. During his congressional testimony Fargo stated that in operational terms PACOM was considering “putting Special Operations Forces on high-speed vessels so that we can use boats that might be incorporated with these vessels to conduct effective interdiction.”<sup>49</sup> In Indonesia the press misconstrued Fargo’s comments as announcing a plan to put Special Operations Forces on high-speed boats in the SOM. Kuala Lumpur and Jakarta reacted angrily to the press reports for four reasons. First, Malaysia and Indonesia perceived the proposal to put U.S. military personnel in the SOM as a further erosion of their sovereignty. Second, both countries were concerned that the presence of U.S.

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<sup>47</sup> Thomas B. Fargo, “Regarding U.S. Pacific Command Posture,” testimony before the House Armed Services Committee, U.S. House of Representatives, Washington, D.C., March 31, 2004 ~ <http://www.pacom.mil/speeches/sst2004/040331housearmedsvcscomm.shtml>.

<sup>48</sup> Thomas B. Fargo (speech at the Military Operations and Law Conference, Victoria, British Columbia, May 3, 2004) ~ <http://www.pacom.mil/speeches/sst2004/040503milops.shtml>.

<sup>49</sup> Fargo, “Regarding U.S. Pacific Command Posture.”

forces in Southeast Asia might fuel Islamic radicalism in the region.<sup>50</sup> Third, RMSI seemed to imply that the littoral states were incapable of providing security in their own waters. Fourth, the initiative was an anathema because both Malaysia and Indonesia had argued that the security of Southeast Asia is the sole responsibility of regional countries and thus that external powers should not interfere. Singapore, by contrast, having always supported a more active security role for external powers, offered tacit support for RMSI.<sup>51</sup> As the furor unfolded, the United States tried to limit the damage. In June then defense secretary Donald Rumsfeld stated at the Shangri-La Dialogue in Singapore that the RMSI had been misinterpreted and that the United States had never intended to station forces in the SOM.<sup>52</sup> The controversy, however, had already damaged the initiative beyond repair: RMSI had become a toxic phrase, and PACOM quickly dropped the acronym from its cooperative security lexicon. Nevertheless, as will be described later, the United States continues to implement elements of RMSI.

The second controversy in 2004 centered on the siting of the multinational Information Sharing Centre (ISC), the core component of ReCAAP. The first government-to-government agreement designed to tackle piracy and sea robbery, ReCAAP was proposed by Japanese prime minister Junichiro Koizumi in 2001 to enhance maritime security cooperation among sixteen countries: the ten members of the Association of Southeast Asian Nations (ASEAN), Japan, China, South Korea, India, Sri Lanka, and Bangladesh.<sup>53</sup> After a series of meetings hosted by Japan over a three-year period ReCAAP was finalized in Tokyo in November 2004.

ReCAAP establishes a framework for cooperation among the member states based on three main kinds of activities: information sharing, capacity building, and operational cooperation. To operationalize these activities ReCAAP proposed to establish an ISC in one of the sixteen countries. The primary purpose of the ISC is to improve incident response by ReCAAP countries through facilitating communication, information exchange, and operational cooperation among ReCAAP members. Though ReCAAP was hailed as an important step forward in the fight against maritime crime, the initiative suffered from one major weakness: Indonesia and Malaysia refused to ratify the agreement largely in protest of the decision to headquarter the

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<sup>50</sup> "S'pore Can't Invite U.S. to Patrol Straits: KL," *Straits Times*, May 12, 2004.

<sup>51</sup> Teo Chee Hean (keynote address).

<sup>52</sup> "Rumsfeld: Asia Maritime Security Plan Misreported," *New York Times*, June 3, 2004.

<sup>53</sup> The Association of Southeast Asian Nations (ASEAN) is comprised of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam.

ISC in Singapore. At the Tokyo meeting in November 2004 four countries bid to host the ISC: Singapore, Malaysia, Indonesia, and South Korea. Instead of attempting to reach a consensus, the Japanese hosts put the issue to a vote and Singapore won. The decision piqued Jakarta and Kuala Lumpur. Jakarta in particular felt that as *primus inter pares* among ASEAN countries, Indonesia should host the ISC. Jakarta also intimated that the ISC infringes upon the country's sovereignty, though without ever explaining how. Likewise, Malaysia expressed concern that the ISC would overshadow the IMB-PRC in Kuala Lumpur. Both countries, moreover, had reservations over sharing information with Singapore, a country with which they have a prickly relationship.

ReCAAP went into effect on September 4, 2006, and by the time the ISC had officially opened on November 29, 2006, fourteen countries had ratified the agreement. Indonesia and Malaysia, however, had still not ratified ReCAAP at the time of writing in March 2008. Singapore financed the entire start-up costs of the ISC (estimated at \$1.4 million) and contributes toward the annual operating costs (estimated at \$973,000).<sup>54</sup> Japan provided an additional \$127,000 for the remainder of the 2006 financial year.<sup>55</sup> At the first annual meeting of ReCAAP's Governing Council, Yoshiaki Ito, minister at Japan's Permanent Mission to the UN, was appointed the ISC's inaugural executive director.<sup>56</sup> Though Malaysia and Indonesia have agreed to cooperate with the ISC, the exact nature of this cooperation remains unclear.

### *Recent Progress in Increasing Cooperation*

Although the RMSI controversy was a setback for the United States in one sense, the furor ultimately had a positive impact in spurring greater security cooperation among the littoral states. For Indonesia and Malaysia the PACOM initiative signaled the intention of the United States to intervene, unilaterally if necessary, to secure the SOM from transnational threats. The prospect of a permanent U.S. military presence in the strait, possibly supported by Singapore, was anathema to Kuala Lumpur and Jakarta not only because Malaysia and Indonesia perceived such intervention as an infringement of their sovereignty, but also because the prospect of U.S. intervention made

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<sup>54</sup> "Factsheet on the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)," Singapore Ministry of Transport, November 29, 2006 ~ [http://app.mot.gov.sg/data/ReCAAP%20factsheet%20\\_Nov06\\_%20%5BFINAL%5Das%20of%20281106.pdf](http://app.mot.gov.sg/data/ReCAAP%20factsheet%20_Nov06_%20%5BFINAL%5Das%20of%20281106.pdf).

<sup>55</sup> Raymond Lim (speech delivered at the launch of the ReCAAP Information Sharing Centre, Singapore, November 29, 2006) ~ [http://app.mfa.gov.sg/pr/read\\_content.asp?View,3542](http://app.mfa.gov.sg/pr/read_content.asp?View,3542).

<sup>56</sup> "Malaysia and Indonesia Urged to Ratify Pact to Fight Sea Piracy," Kyodo News, November 29, 2006.

the two countries look weak and their territorial waters anarchic. Malaysia's deputy prime minister Najib Razak reflected in 2005 that, had the littoral states not taken action, "We might [have been] pressured by the international community to let them bring their own patrols into the straits if we [were] not able to tackle the problem."<sup>57</sup> The perceived threat of outside intervention helped overcome to an extent the obstacles to more intense regional maritime security cooperation.

Events moved surprisingly quickly after the RMSI controversy. In June 2004 Indonesia proposed trilateral coordinated patrols in the SOM to address the problem of maritime crime. Malaysia quickly agreed to the proposal, as did Singapore, which had pushed for greater regional security cooperation all along. On July 20 the first of the Malaysia-Singapore-Indonesia (MALSINDO) coordinated patrols was launched, comprising seventeen warships from the three countries. Unlike existing bilateral arrangements the MALSINDO patrols were planned as year-round.

In an effort to increase the coverage and effectiveness of MALSINDO, Malaysia proposed adding maritime air patrols, and on September 13, 2005, the Eyes in the Sky (EiS) initiative was launched. Under the EiS initiative each of the three states allocates maritime patrol aircraft to conduct two air sorties per week along the Malacca and Singapore straits. Every flight carries a combined maritime patrol team (CMPT) consisting of military personnel from each of the participating states. The CMPT reports "suspicious activities" to centers on the ground in each of the three countries for follow-up action by maritime law enforcement agencies. For operational purposes, the straits are divided into four sectors, with each patrol usually covering two sectors. In April 2006 the three countries further strengthened their military cooperation in the Malacca Strait by signing standard operating procedures (SOP). Thereafter the initiative became known as the Malacca Straits Patrols (MSP), comprising two elements: the Malacca Straits Sea Patrols (MSSP) and EiS. A joint coordinating committee made up of officials from the three countries meets twice a year, and three working groups focused on the MSSP, EiS, and Information and Intelligence Sharing augment the committee's work.<sup>58</sup> Initially Thailand expressed an interest in joining MSP but eventually decided not to join on grounds of cost.<sup>59</sup> Although in August 2007 Prime Minister

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<sup>57</sup> "Najib Seeks Jakarta Cooperation in Fighting Piracy," *Straits Times*, April 3, 2005.

<sup>58</sup> Author interview with Ministry of Defence officials, Singapore, September 22, 2006.

<sup>59</sup> "Thais Rebuff Malacca Strait Joint Air Patrols," Reuters, May 19, 2006.

Surayud Chulanont renewed Bangkok's interests in participating in the MSP, to date Thailand has played no operational role.<sup>60</sup>

In addition to multilateral security measures, each of the SOM littoral states has launched important national initiatives since 2004. Singapore, which, as mentioned earlier, takes maritime security threats more seriously than its neighbors, has adopted strong measures to tighten security in the country's ports and territorial waters. The government requires all vessels in territorial waters to carry identification transponders, while the Republic of Singapore Navy deploys armed security teams onboard selected ships entering Singaporean waters.<sup>61</sup> To strengthen inter-agency cooperation and enhance maritime domain awareness Singapore plans to open the Changi Command and Control Centre in 2009, which will integrate elements of the navy, police coast guard, and maritime and port authority.

In November 2005 Malaysia's efforts to tackle maritime crime took an important step forward with the launch of a national coast guard, the Malaysian Maritime Enforcement Agency (MMEA). Though the MMEA is responsible for law enforcement in the country's EEZ in both east and west Malaysia, the agency's primary focus is the SOM. Even as Kuala Lumpur has played down the piracy-terrorism nexus, the government randomly places armed policemen aboard vessels carrying high-risk cargo through Malaysian waters or entering Malaysian ports.<sup>62</sup>

Jakarta meanwhile determined that Indonesia must take decisive action against maritime criminals operating in Indonesian waters, not only to forestall intervention from external powers but also to help restore the country's tarnished image. President Susilo Bambang Yudhoyono remarked, for example, "We must not let ourselves be seen as being helpless in dealing with thieves, robbers, and smugglers."<sup>63</sup> MALSINDO/MSP has proved one response to maritime crime; Indonesia has also responded to maritime crime with increased naval patrols in territorial waters and intelligence gathering. Between July and September 2005 the TNI-AL conducted *Operasi Gurita* (Operation Octopus) in its territorial waters, including the SOM. Gurita involved six to seven warships, helicopters, and aircraft; a battalion of marines; and various special forces. The aim of Gurita was not only to crack down on maritime criminals at sea but also to tackle the problem on land.

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<sup>60</sup> "Thailand Will Join Anti-piracy Patrols in the Straits of Malacca," Thai News Agency, August 16, 2007.

<sup>61</sup> "Armed Navy Escorts for Suspect Ships," *Straits Times*, February 28, 2005.

<sup>62</sup> "Malaysia to Put Armed Police on Ships in Malacca Strait," *Channel NewsAsia*, April 1, 2005 ~ [http://www.channelnewsasia.com/stories/afp\\_asiapacific/view/140335/1/.html](http://www.channelnewsasia.com/stories/afp_asiapacific/view/140335/1/.html).

<sup>63</sup> "Indonesian Leader Urges Increased Sea Patrols to Tackle Piracy," Jakarta Post, December 16, 2005.

Accordingly the TNI stepped up intelligence-gathering missions in small coastal communities along the coast of Sumatra and on the Riau Islands.<sup>64</sup> According to TNI-AL statistics, forces participating in Operasi Gurita were highly active during the three-month operation, boarding 127 ships and making twelve arrests.<sup>65</sup> The IMB believes Gurita has made a positive impact on the security situation in Indonesian waters. In December 2005 London-based director Pottengal Mukundan stated, “We believe [the reduction in attacks in the second half of 2005] is attributed to an increase in patrols by Indonesia on its side of the Strait.”<sup>66</sup> Since 2005 Operasi Gurita has been conducted on an annual basis, and in the first quarter report for 2007 the IMB congratulated Indonesia on the country’s “proactive efforts.”<sup>67</sup>

Both regional and national initiatives thus appear to have reduced maritime crime since 2004. As shown in Table 1, IMB figures demonstrate a significant downward trend in the number of reported cases of piracy and sea robbery attacks in Southeast Asia after 2003. In 2003 187 attacks were reported; by the end of 2007 this figure had fallen to 78. The number of attacks in the SOM increased from 28 in 2003 to 38 in 2004, but dropped to only 7 cases in 2007. The situation in Indonesian waters also has shown a marked improvement: only 43 attacks were reported in 2007, down from 121 in 2003. As shown in Table 2, attacks in Indonesian waters have declined as a percentage of attacks both in Southeast Asia and worldwide over the past four years. Malaysia’s deputy prime minister Najib Razak has applauded the MSP for the “sharp decrease” in attacks since July 2004.<sup>68</sup> Singapore has praised the MSP initiative as well, though the country continues to warn of the dangers of a terrorist strike and reiterate the need for external parties to help secure the SOM. The United States has also commended the littoral states for their security cooperation, and the IMB has praised the MSP as an “excellent example of how cooperation between authorities can tackle and continue to suppress the attacks.”<sup>69</sup>

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<sup>64</sup> Author interview with senior naval officers, Western Command Headquarters, Jakarta, September 15, 2006.

<sup>65</sup> “TNI-AL Presentation” (paper presented at the Military Operations [MILOPS] Conference, Kuala Lumpur, July 19, 2006).

<sup>66</sup> “Piracy in Malacca Strait Down Thanks to Indonesia Patrols,” *Jakarta Post*, December 1, 2005.

<sup>67</sup> “No Room for Complacency, Says IMB,” IMB, Press Release, April 25, 2007.

<sup>68</sup> “Malacca Strait Much Safer from Pirates—Malaysia,” Reuters, December 15, 2006.

<sup>69</sup> “No Room for Complacency, Says IMB.”

### *Weaknesses Remain*

Nonetheless, the region's cooperative initiatives still suffer significant limitations despite the evident progress. The MSP, though hailed as a major advance in regional security cooperation, possesses a number of major weaknesses. First, the MSSP are coordinated rather than joint—each country is responsible for patrolling its own sector and each ship remains under national command. Until the SOP was signed in April 2006, ships participating in the MSSP were denied hot pursuit rights. Under the SOP MSSP ships now have the right to hot pursuit up to a maximum of five nm into the sovereign waters of another state.<sup>70</sup> Though an improvement over the prior arrangement, the SOP still constrains the operational effectiveness of the patrols. At present there are no plans to upgrade the MSSP from coordinated to joint patrols. Razak has indicated that though joint patrols are possible, the littoral first must overcome certain “sensitivities,” which is a veiled reference to sovereignty concerns.<sup>71</sup>

Another weakness of the MSP is the efficacy of the EiS component. Owing to a lack of night-vision surveillance equipment EiS patrols are not conducted at night, which is when most piracy and sea robbery attacks occur. EiS patrols may only operate three nm from land and do not therefore cover ports and anchorages where the majority of attacks take place. Additionally six sorties per week are not nearly enough to cover the 550-mile long Malacca and Singapore straits given estimates that at least 70 sorties per week would be required to provide complete around-the-clock coverage.<sup>72</sup> Although the aim of EiS is to report suspicious activity, none of the military officers from the littoral states interviewed by this author could define “suspicious” or explain how CMPT members could gauge the intentions of hundreds of small boats that ply the Malacca and Singapore straits. As expected, Indonesia is the weakest link in the EiS patrols: the patrol aircraft used by the Indonesians are slow and lack modern surveillance and communication systems. The author was also told that Indonesian operatives use binoculars to make visual sightings and call in reports to the ground using cell phones.<sup>73</sup>

These weaknesses have led cynics to accuse the MSP of being little more than a public relations exercise to defend against international pressure rather

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<sup>70</sup> “TNI-AL Presentation.”

<sup>71</sup> “Malaysia Deputy Prime Minister: Joint Patrols in Malacca Strait Possible,” Associated Press, April 17, 2007.

<sup>72</sup> Graham Gerard Ong and Joshua Ho, “Maritime Air Patrols: The New Weapon against Piracy in the Malacca Strait,” IDSS Commentary, October 13, 2005.

<sup>73</sup> Author interview with Western naval attaché, September 14, 2006.

than a serious attempt to address the problem of piracy and sea robbery in the SOM. Given the role the MSP seems to have played in deterring maritime crime since 2004, this criticism is perhaps overly harsh. More worrying is the sustainability of the cooperative initiatives. Sustained air and naval patrols, even incomplete ones, are costly to run in terms of manpower, hardware, fuel, and maintenance. This problem is particularly acute for Indonesia, which has limited funds and faces competing priorities for scarce resources. Observers worry that Indonesia will eventually succumb to “patrol fatigue” and participate less in the MSP, especially if international pressure eases. The IMB has sounded warnings of this effect on several occasions: “At the moment, this is all a positive situation,” stated director of the IMB-PRC, Noel Choong, “but long-term it is unclear how long the patrols will be able to continue.”<sup>74</sup> A pertinent precedent exists. In response to international concern over the rising number of piracy attacks in the early 1990s, Indonesia signed bilateral coordinated patrol agreements with Singapore and Malaysia in 1992 and conducted naval operations designed to stamp out the problem in Indonesian territorial waters.<sup>75</sup> Indonesia managed to sustain the tempo of these operations from 1993 to 1998 but later terminated them as a result of the Asian financial crisis. After 1998 maritime crime in Indonesian waters flourished. Given this precedent, when the number of reported attacks began to fall after 2004, the IMB warned of the dangers of complacency and urged the international community to continue to apply pressure on the littoral states.<sup>76</sup>

Security cooperation among Malaysia, Indonesia, and the Philippines in the triborder area, meanwhile, is as seriously lacking now as cooperation was among the SOM littoral states prior to July 2004. The three countries have conducted bilateral coordinated patrols with seemingly little impact. Indonesia and the Philippines conduct four coordinated patrols annually in the Celebes Sea, and both sides have agreed to strengthen these patrols to stem arms smuggling into Sulawesi where JI is known to be active.<sup>77</sup> Malaysia and the Philippines conduct just two coordinated patrols a year. Although the Philippines has proposed year-round coordinated naval patrols, as well as designated sea lanes for all maritime traffic to facilitate easier monitoring and inspection by the three navies, so far none of the states have acted on

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<sup>74</sup> Vaudine England, “While Pirates Lie Low, Insurance Costs Don’t,” *International Herald Tribune*, November 10, 2006 ~ <http://www.ihf.com/articles/2006/05/24/business/transcol25.php>.

<sup>75</sup> Eklöf, *Pirates in Paradise*, 136.

<sup>76</sup> “No Room for Complacency, Says IMB.”

<sup>77</sup> “Philippines, Indonesia Vow to Boost Border Patrol Cooperation,” *Philippine Star*, November 22, 2006.

these proposals.<sup>78</sup> Manila, however, recently has announced a program called Coast Watch South that is designed to enhance the Philippine Navy's ability to conduct surveillance and interdiction of security threats in the country's "southern backdoor." Developed with help from Australia, the concept envisages the establishment of seventeen Coast Watch stations from Palawan to Davao Province equipped with fast patrol boats and helicopters.<sup>79</sup> Though funding the \$380 million program will be a challenge, in February 2008 the Philippine defense minister was quoted as stating that the United States had pledged \$20 million for the initiative.<sup>80</sup>

#### A MORE COMPREHENSIVE APPROACH TO ADDRESSING VIOLENCE AT SEA

Given these limitations, broader initiatives to address the lack of maritime security in Southeast Asia are necessary. The United States, Japan, China, and India have all demonstrated the potential impact of such initiatives through recent attempts at enhanced cooperation on security matters. These initiatives only address the symptoms, however; attempts to redress the root causes of maritime crime are also necessary.

#### *The Potential Role of External Powers*

The RMSI controversy underscored in no uncertain terms the attitude of Indonesia and Malaysia toward external powers: maritime security in the SOM is the sole responsibility of the littoral states, and neither country would entertain ideas of naval patrols conducted by other countries. Singapore, as described earlier, is more flexible on this issue but has deferred to the sensitivities of its neighbors. At the same time, although Indonesia and Malaysia have rejected an overt military role for external powers in the SOM, both countries have welcomed capacity-building offers of assistance, including information/intelligence exchange, training courses, and the provision of non-lethal equipment.

One of the United States's enduring security interests in Southeast Asia since the end of World War II has been sea lane security. Post September 11 this interest became conflated with concerns over the potential for a major

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<sup>78</sup> "RP Discussing Anti-terror Sea Lanes with Malaysia, Indonesia," Associated Press, March 13, 2006.

<sup>79</sup> "Navy to Seal Off Southern Sea Borders," *Philippine Daily Inquirer*, September 25, 2007.

<sup>80</sup> "Philippines Says U.S. Offers Aid to Guard Borders," Reuters, February 11, 2008.

terrorist act in the SOM and for WMD proliferation by sea. These concerns resulted in several U.S.-led initiatives, including the 2002 Container Security Initiative (CSI), which provides for selected containers to be screened for WMD materials before shipment to the United States, and the 2003 Proliferation Security Initiative (PSI), which aims to forge a coalition of like-minded countries to interdict WMD technology at sea. Most of Asia's busiest ports have agreed to implement CSI. PSI has proved to be much more controversial in Southeast Asia, however, because of sovereignty concerns. Though Brunei, Cambodia, and the Philippines are PSI participants, only Singapore actively participates in PSI exercises.<sup>81</sup> The United States was also the driving force behind the International Ship and Port Facility Security (ISPS) Code designed to make ships and ports more secure from terrorist attacks.

In addition, the United States still remains committed to the RMSI's original intent—improving the littoral states' capabilities to monitor and interdict threats in the maritime domain. Not surprisingly, U.S. efforts since 2004 have focused on Indonesia. As part of a major program aimed at helping Indonesia obtain a clearer picture of vessel movements in territorial waters, the United States has agreed to supply twelve coastal radar facilities worth \$50 million: five on the Indonesian side of the SOM and seven in the Makassar Strait.<sup>82</sup> The U.S. government has also promised to donate a total of 30 25-foot Defender-class patrol boats to the Indonesian marine police, the first 15 of which were delivered in January 2008.<sup>83</sup> Additionally the United States has financed improvements worth \$700,000 to the marine police training facility in Jakarta.<sup>84</sup> U.S. support for Indonesia in this area has been without fanfare, principally because of the domestic sensitivities associated with receiving security aid from the United States. At the regional level the U.S. Navy has provided training opportunities to Brunei, Malaysia, Indonesia, the Philippines, and Singapore through annual Cooperation Afloat Readiness and Training (CARAT) exercises. In 2002 the U.S. Navy also began annual Southeast Asia Cooperation Against Terrorism (SEACAT) exercises focusing on maritime interdiction with Singapore, Malaysia, Thailand, Indonesia,

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<sup>81</sup> For a list of PSI participants, see the U.S. State Department's website ~ <http://www.state.gov/t/isn/c19310.htm>.

<sup>82</sup> Author interview with U.S. Embassy officials, Jakarta, September 14, 2006; and "RI Agrees to Install 7 Radars from U.S. in Makassar Strait," *Jakarta Post*, January 23, 2008.

<sup>83</sup> Author interview with U.S. Embassy officials, September 14, 2006; and "U.S. Gives 15 Boats to Indonesia, Demands No Return," *Jakarta Post*, January 18, 2008.

<sup>84</sup> "U.S. Helps Build Indonesian Marine Force Training Center," U.S. Embassy, Press Release, December 6, 2006 ~ [http://www.usembassyjakarta.org/press\\_rel/marine\\_force\\_training\\_ctr.html](http://www.usembassyjakarta.org/press_rel/marine_force_training_ctr.html).

the Philippines, and Brunei.<sup>85</sup> The U.S. Coast Guard has conducted training programs with the various maritime law enforcement agencies in Southeast Asia as well.

Japan also has been keen to improve safety and security in Southeast Asia's sea lanes, principally to enhance the country's overall energy security situation. Over the past three decades Japan has financed the installation and upkeep of navigational safety aids in the SOM, and since the late 1990s Tokyo has suggested various measures to enhance cooperation among regional states to alleviate incidents of piracy, culminating with the organization of ReCAAP in 2004. The Japanese coast guard also regularly conducts anti-piracy training exercises with counterparts from Malaysia, Indonesia, Vietnam, Thailand, and Singapore. In September 2007 the press reported that the Japanese government had pledged funds to Indonesia's Bakorkamla, and in January 2008 Japan agreed to give \$4.7 million to Malaysia's MMEA to upgrade radar facilities.<sup>86</sup> Transfers of Japanese equipment and vessels to regional states have been low-key, usually occurring through NGOs such as the Nippon Foundation. Yet even Japan is not immune from controversy. In 2005 an agreement on the transfer of three patrol boats was delayed because Jakarta refused to accept Tokyo's conditions, namely that the vessels both be stationed in the SOM and be used exclusively to fight piracy and maritime terrorism.<sup>87</sup> Although Tokyo and Jakarta eventually reached a compromise, the incident underscored Jakarta's sensitivities: Indonesia does not want to be seen as a regional mendicant willing to accept aid at any price.

Two new players on the scene are India and China. Both countries' growing economies, political influence, and military capabilities suggest that it is only a matter of time before India and China assume major roles in Southeast Asia's maritime affairs. Commensurate with India's impressive economic growth in recent years and great power aspirations, the Indian Navy is currently modernizing and expanding. New Delhi is looking beyond the Indian Ocean in order to advance the country's economic interests and political influence in Southeast Asia. As a result, India has attached more importance to strategic maritime chokepoints such as the SOM while improving relations with the littoral states.<sup>88</sup> In 2002 India and Indonesia began biannual coordinated naval

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<sup>85</sup> Bruce Vaughn et al., "Terrorism in Southeast Asia," Congressional Research Service, CRS Report for Congress, RL34194, September 11, 2007.

<sup>86</sup> "Japan to Provide Assistance for RI's Maritime Security Agency," Antara News, September 19, 2007; and "Japan Gives Malaysia Grant for Malacca Strait Security," Kyodo News, January 25, 2008.

<sup>87</sup> "Indonesia Refuses to Accept Conditions for Use of Japanese Patrol Boats," Jiji Press, June 15, 2005.

<sup>88</sup> Donald L. Berlin, "India in the Indian Ocean," *Naval War College Review* 59, no. 2 (Spring 2006): 76.

patrols in the Andaman Sea, and since 2006 Indian officials have repeatedly offered the littoral states capacity-building assistance.<sup>89</sup> India's offers have been welcomed in the region, especially by Singapore, but have not yet been translated into concrete programs.<sup>90</sup>

China's interests in the SOM are much greater than India's and, similar to those of Japan, are driven by anxiety over oil supply security. As noted earlier, an estimated 70–80% of China's oil imports transit through the SOM. Despite extensive modernization efforts, the Chinese navy is not yet strong enough to protect the country's SLOCs. Beijing thus has to rely on the United States to enforce freedom of navigation at sea, and herein lies China's so-called Malacca dilemma.<sup>91</sup> Unlike India, China cannot offer the littoral states much in terms of capabilities or experience. China does, however, have greater financial resources, which Beijing is starting to use. At a meeting in Kuala Lumpur of the user and littoral states sponsored by the IMO in September 2006 China offered to finance and participate in a number of projects aimed at improving safety and security in the strait, including replacement of navigational aids damaged by the 2004 tsunami.<sup>92</sup> China has also offered the littoral states help with capacity building. In April 2005 China and Malaysia signed a maritime security cooperation agreement and have since agreed to increase the exchange of information and intelligence.<sup>93</sup> China concluded a similar agreement with Indonesia in April 2006. In addition Beijing has donated computer equipment to Bakorkamla and offered TNI-AL personnel training in China.<sup>94</sup> China has also committed \$50,000 annually to ReCAAP's ISC.<sup>95</sup> Though these initiatives are relatively limited at the moment, Chinese involvement in efforts to improve safety and security in the SOM is likely to expand in the near future.

Although welcoming this support from India, China, and Japan, the littoral states also do not want to see the SOM become an arena for geopolitical rivalries. At the Shangri-La Dialogue meeting in June 2007 Singaporean defense minister Teo Chee Hean alluded to this concern when he stated that

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<sup>89</sup> "RI, India to Conduct Joint Patrol in Andaman Sea," Antara News, August 22, 2007.

<sup>90</sup> "India to Help with Security in the Straits of Melaka," Bernama, June 27, 2007.

<sup>91</sup> Ian Storey, "China's 'Malacca Dilemma,'" Jamestown Foundation, China Brief 6, no. 8, April 12, 2006 ~ [http://www.jamestown.org/publications\\_details.php?volume\\_id=415&&issue\\_id=368](http://www.jamestown.org/publications_details.php?volume_id=415&&issue_id=368).

<sup>92</sup> Joshua Ho, "The IMO-KL Meeting on the Straits of Malacca in Singapore," IDSS Commentary, October 5, 2006.

<sup>93</sup> "Joint Communiqué between the People's Republic of China and Malaysia (Full Text)," Xinhua News Agency, December 15, 2005.

<sup>94</sup> "China Provides Technical Assistance to Help Protect RI's Seas," Antara News, February 14, 2007.

<sup>95</sup> "Piracy Attacks Incidents in Asia Drops 26 Pct to 100 in 2007," Xinhua News Agency, February 28, 2008.

China's and Japan's involvement in sea lane security in Southeast Asia should be "constructive" and "consistent with international law."<sup>96</sup>

### *The Persistence of the Root Causes of Maritime Violence*

Neither regional states nor external powers have yet tackled the root causes of maritime violence in a systematic or serious manner. In order to make significant and sustainable improvements to security in Southeast Asia's waters in the long run, both regional and extraregional actors must focus on the underlying sources of the problem.

The MSP, for instance, seems to have been effective largely as a deterrent rather than as a preventive mechanism. No statistical data exists in the public domain to gauge the impact of the MSP, though both IMB-PRC and ReCAAP statistics illustrate general trends. Furthermore, senior naval commanders from the littoral states who spoke with the author were unable to provide any statistics for the number of vessels boarded, arrests of maritime criminals, or EiS sightings leading to the apprehension of pirates or sea robbers. This lack of statistical data gives the impression that the IMB-PRC figures for maritime crime are down because potential criminals are choosing not to risk capture.

As noted earlier, there is strong consensus among security practitioners in the region that one of the primary root causes of maritime crime is poor socio-economic conditions, especially in coastal communities in Sumatra, the Riau Islands, and the southern Philippines. Although both the Indonesian and Philippine economies have begun to recover from the Asian financial crisis, the gains have been made at the macro level rather than at the micro level and have not yet trickled down to villages in coastal areas. In both Malaysia and Singapore high levels of economic growth keep those who depend on the sea for their livelihoods in gainful employment. Achieving similar growth levels in Indonesia and the Philippines, however, will take decades. In the meantime, projects aimed at alleviating economic hardship in coastal communities would significantly mitigate the problem of sea robbery and piracy.

Economic development is a necessary but insufficient condition for addressing the problem of maritime crime in Southeast Asia. Improved levels of governance, particularly in the Indonesian and Philippine armed forces and law enforcement agencies, is also a *sine qua non* to success. Indonesian president Susilo Bambang Yudhoyono has made the fight against corruption a government priority, enacting several promising initiatives as part of that

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<sup>96</sup> "Keeping Malacca Strait Safe," *Straits Times*, June 4, 2007.

effort. In the port of Tanjung Priok in Jakarta, for instance, all 1,351 employees of the notoriously corrupt customs headquarters were transferred and replaced with 821 new employees whose salaries were doubled and whose future pay and promotion prospects were tied to performance. As a result, productivity has increased and graft is down.<sup>97</sup> A major initiative is also underway to improve governance in the country's police force.<sup>98</sup> Inculcating habits of good governance in Indonesia, however, will take a generation or more, and there is little evidence yet to suggest that such a culture has taken root in the country's armed forces where corruption remains systemic.

Conflict resolution in Southeast Asia is also likely to have an important impact on the maritime crime situation. Indeed this is already the case in the Indonesian province of Aceh. In the wake of the devastating 2004 tsunami, the August 2005 Helsinki Peace Agreement ended more than thirty years of separatist conflict. Under the agreement GAM ceased demanding independence and disarmed, Aceh was granted genuine autonomy, and the TNI significantly reduced its footprint in the province. According to authorities in Sumatra, the number of piratical attacks in the northern approaches of the SOM showed a marked decrease after the 2005 agreement, though several ex-GAM members have since been arrested for committing piratical acts.<sup>99</sup> Nevertheless, the IMB-PRC figures reflect this overall positive trend. A tentative peace agreement between Manila and the MILF in 2008 may pay similar dividends in the triborder sea area—though no agreement will completely eradicate piracy in the southern Philippines.

In sum, dealing with the root causes of maritime crime will take time. Yet unless regional governments, with support from external powers, seriously address these root causes, the danger is that once international pressure eases, and complacency and patrol fatigue set in, there could be a resurgence in violent maritime attacks in Southeast Asia.

### *Implications*

The foregoing analysis indicates several areas where regional states and external powers could adopt more effective measures to improve maritime security in Southeast Asia.

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<sup>97</sup> John Aglionby, "Indonesia Cracks Down on Bureaucrats," *Financial Times*, August 16, 2007.

<sup>98</sup> Douglas E. Ramage, "A Reformed Indonesia," *Australian Financial Review*, October 12, 2007.

<sup>99</sup> Author interview with officials from TNI-AL, Belawan Naval Base, and the marine police, Medan, September 18, 2006. See also "Indonesia Navy Arrests Tsunami Aid Pirates in Aceh," Reuters, July 26, 2006.

The United States, Japan, India, and China could coordinate efforts in order to avoid overlap and stem potentially destabilizing rivalries. These external powers could also assist Indonesia and the Philippines both with economic development projects in coastal communities and with programs aimed at improving governance. Capacity-building efforts, such as improving the communication, surveillance, and interdiction capabilities of coast guards and marine police forces, would also support security efforts in the region, again giving priority to Indonesia and the Philippines. At the same time, support from external powers would be most effective if such support were kept low-key through negotiations with individual states.

Likewise, the states in the region would benefit from improving mutual cooperation among themselves. Joint MSP patrols, for example, would allow greater pursuit of sea-borne criminals. The Philippines, Indonesia, and Malaysia would also do well to conduct joint patrols in the Sulu and Celebes seas and invite the more advanced navies of Singapore and Brunei to participate. Joint patrols among the maritime states of Southeast Asia would have a fourfold effect: such initiatives would improve security in the maritime domain, act as an important confidence-building measure among the participating countries, improve interoperability, and help realize ASEAN's goal of establishing an ASEAN Security Community by 2015. Part of the vision articulated at ASEAN's summit in November 2003, the prospective ASEAN Security Community has a strong maritime component. Joint patrols would allow member states to translate rhetoric into reality.

Tackling the root causes of piracy, sea robbery, and maritime violence will moreover require sustained and long-term programs both to improve the livelihoods of coastal communities and to improve governance at the administrative level as well as within law enforcement and security agencies. Indonesia and the Philippines are obviously priorities; both countries could benefit from assistance from Singapore, Brunei, and Malaysia, where socio-economic and governance standards are higher.

International pressure, the specter of maritime terrorism, the efforts of regional states, and support from external powers have done much to improve security in Southeast Asia's maritime domain, yet much more remains to be done. Securing Southeast Asia's sea lanes is, therefore, still a work in progress. 