CENTRE FOR NON-TRADITIONAL SECURITY (NTS) STUDIES

NTS INSIGHT

August/1 2009

A Centre of S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU), Singapore

Maritime Predations in the Malacca Straits: Treading New Waters

@ Eric Frecon

While high-profile piracy has grabbed the world's attention off the Horn of Africa, less international and media attention has been paid to piracy and 'maritime predations' in Southeast Asia, particularly in the Straits of Malacca. Discussion of piracy has so far focused on traditional sea-based approaches to tackling piracy, such as naval patrols and maritime cooperation. However, addressing land-based problems including environmental degradation, poor governance and underemployment are equally as important in explaining the prevalence of piracy. This Insight explores the determinants of the sub-set of piracy called maritime predations, using the case study of the Hutan Melintang community in Malaysia, with an eye towards the challenges facing coastal communities in Somalia – in both cases suffering from the consequences of 'Horizontal Inequalities'. To address this long-term problem, non-traditional solutions based on a human security approach are needed.

By Roderick Chia, Pau Khan Khup Hangzo and Kevin Punzalan

Piracy and Maritime Predations: The Contemporary Phenomena

Piracy off the Horn of Africa has gained international notoriety since 2008 with high-profile attacks on international shipping. This phenomenon, particularly in the Gulf of Aden and Indian Ocean near Somalia, has received a robust but reactive international response. The United Nations Security Council Resolution 1851 in December 2008, for example, authorised member states

to take 'all necessary actions' against piracy off the coast of Somalia (Christopher Jasparro, 2009). In Southeast Asia, states' responses to piracy have been more muted considering that the problem is less severe – for instance, in the first quarter of 2009, the International Maritime Bureau (IMB) recorded only one attack in the Strait of Malacca (Michael Schuman, 2009). The vast majority of counter-piracy measures have still been those of a traditional military and institutional nature – such as joint naval patrols, aerial surveillance and the establishment of regional institutional mechanisms and piracy monitoring centres (Graham Gerard Ong-Webb, 2006; Mak Joon Num, 2007; Sam Bateman, Joshua Ho & Jane Chan, 2009).

These however do not address the phenomenon of 'maritime predations' – which describes attacks against small traders and fishing communities – in Southeast Asia. This Insight sheds light on this, first by briefly presenting an overview of the current situation in the Malacca Straits and the phenomenon of such 'lower-end' piracy attacks. This phenomenon poses a challenge to conventional approaches in dealing with piracy, and draws on the concept of maritime predations to describe such attacks particularly on the Hutan Melintang fishing community (Mak 2007, 2009).

The situation off the Horn of Africa is then examined to illustrate traditional responses to piracy. Such responses have also been adopted in Southeast Asia, where these have succeeded up to a point: Piracy has 'declined significantly over the past five years because of decisive state actions, collaboration, and multiple regional initiatives' (James Kraska & Brian Wilson, 2009). However, predations on maritime communities also occur; these have largely been overlooked or given inadequate attention by most analysts and policymakers, as well as by academic literature and the media. Next, the authors analyse piracy attacks in Southeast Asia in terms of maritime predations, which will be useful in understanding the more deeply-rooted, longer-term determinants of piracy in this region.

This approach is underpinned by Frances Stewart's (2003) theory of 'Horizontal Inequalities'. It is used to examine the political and socio-economic determinants of maritime predations in Southeast Asia, which may address the root causes of such attacks, using the case study of the Hutan Melintang fishing community in the Straits of Malacca. This Insight then suggests a number of policy recommendations that might be useful for further consideration to address the human security threats caused by maritime predations in Southeast Asia, as well as point these towards possible adaptation to the Somali context.

The Problem of Definitions

The issue of piracy is problematic, beginning with its definition. In mainstream discourse for example, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) includes in its definition of piracy any illegal acts of violence, detention or depredation committed for private ends between the persons onboard a private ship on the 'high seas' against those of another (UNCLOS, 1982). Young (2007) has noted that this definition places piracy as occurring in international waters or the high seas beyond the jurisdiction of any state; this ignores the fact that attacks often occur in territorial waters, and are legally defined as 'robbery at sea'.

The distinction between these two definitions is less relevant when considering the fact that the security of the victims is equally compromised by both high seas piracy and robbery at sea. Originally conceptualised within the United Nations Development Programme's 1994 Human Development Report, two relevant areas of human security that can be derived and applied to the Hutan Melintang case are 'political' and 'socio-economic' security. This maritime community of

small traders and fishers are victims of predatory acts committed both in territorial waters and on the high seas, and which threaten their political and socio-economic security. Addressing these insecurities requires addressing challenges both at sea and on land.

For the purpose of clarity, the term 'maritime predations' will be used to refer to attacks on maritime communities, both in territorial waters and on the high seas. It better describes the kind of attacks that exist in the Malacca Straits against such victims, and avoids the limitations of the UNCLOS definition (Mak, 2007).

Maritime Predations in Southeast Asia: A Neglected Area of Analysis

The main focus in Southeast Asia has thus been on traditional maritime security, which approaches piracy as a threat that is 'a transnational security issue that demands multilateral and international attention.' (Adam J. Young, 2007) However, because global media attention has largely focused on high-profile attacks off the Horn of Africa, the majority of attacks, including those in Southeast Asia, have received less consideration. In the former region, these consist mainly of coastal fishing communities in Somalia. In the latter, this includes the Acehnese and the Hutan Melintang fishing community in Malaysia, which is the focus of this Insight. The targets of these types of attacks are almost solely local, or artisanal, fishers as well as small traders. Those who prey on them are, in turn, motivated by issues of poverty, disenfranchisement and conflict-induced instability. An example arising from the last are piracy attacks carried out by desperate Acehnese during the civil war in the Aceh region of Sumatra, Indonesia. The war ended in 2005 with a peace accord between the separatist insurgents and the central government that greatly reduced insurgency-related piracy attacks (Schuman, 2009). The problem, however, of maritime predations originating from Aceh after 2005 still exists (Mak, 2007).

The roots of contemporary piracy as well as maritime predations in Southeast Asia can be found in the socio-economic and political environments of states in the region. Although the problem of piracy in Southeast Asia is not as severe as off the Horn of Africa, they have similar structural factors contributing to piracy, such as the lack of economic development, corruption, poverty and socio-economic inequalities which are broadly common to both regions. Piracy off the Horn of Africa is due to 'poverty, lack of economic growth and crime that 'are not addressed at the national and regional level' (Kraska & Wilson, 2009). In Southeast Asia's Malacca Straits, attacks on local fishing communities have probably been 'more numerous and certainly more persistent and sustained than attacks against international shipping' due to similar inequalities (Mak, 2007). This phenomenon is our focus within Southeast Asia.

Predations on Maritime Communities

Attacks on artisanal fishers and maritime communities are thus called maritime predations, in order to distinguish them from attacks on international shipping in Southeast Asia. Perpetrators of such predations can be either ordinary criminals or rogue enforcement officials. Local communities such as Hutan Melintang on the mid-western coast of Peninsular Malaysia, for example, have suffered a high degree of maritime predations over the years in the Strait of Malacca. Members of the Hutan Melintang community as recently as 2005 claimed that attacks on them by rogue elements, or 'lost commands', of the Indonesian maritime enforcement forces 'have become more persistent and serious' than those committed by 'common' pirates (Mak, 2007).

Human Security Challenges on Land

The littoral states of Singapore, Malaysia, Indonesia and the Philippines have relatively strong governments and better resources than Somalia. However, attacks persist mainly against fishing communities and small traders. The 'lack of effective governance along the Sumatran coast coupled with the absence of viable, legitimate economic opportunities for coastal communities' have led to maritime predations on local fishing communities since the 1980s (Mak, 2007). Other factors include the negative effects of economic development and globalisation which have caused populations displacements, illegal fishing by foreign vessels, weak state development and the marginalisation of traditional maritime peoples (Young, 2007). This broad mixture of socio-economic inequalities, inadequate infrastructure and official corruption (Mak, 2009) is particularly salient for our case study in the Malacca Straits. In addition, piracy has been recognised historically as 'a land-based crime which is manifested at sea.' In the Horn of Africa, the security problems on land in Somalia have progressively worsened – from the lack of a functioning government to the 'prevailing lawlessness' the country is currently experiencing as a failed state (Martin Murphy, 2009).

Horizontal Inequalities, Human Insecurity

In addition to traditional maritime security responses, of which the Horn of Africa and the Straits of Malacca are compared in Table 1, some parallels can be drawn between the two regions where horizontal inequalities and human security challenges are concerned.

In the Horn of Africa, the current upsurge in piracy can be traced directly to the collapse of the last viable Somali government in 1991 and subsequent descent into civil war. Illegal fishing and toxic waste-dumping by foreign vessels off the coast of Somalia increased as the country gradually lost the ability, during the course of the war, to manage its territorial waters (Ploch, et al., 2009). In response, from the early 1990s Somali fishers began attacking foreign vessels, which led eventually to full-scale piracy and hostage-taking (Jasparro, 2009). States' responses to this phenomenon, however, have been overwhelmingly reactive and conventional, geared first and foremost to protecting vital sea lanes and international shipping.

Piracy off the Horn of Africa

Ensuring freedom of navigation and securing vital sea lines of communications (SLOCs) in major chokepoints has always been considered vital to state security as 80 per cent of global commerce takes place by sea. Piracy in the Horn of Africa threatens freedom of navigation, SLOCs and international trade at three vital chokepoints, namely, the Strait of Hormuz, the Suez Canal and the Bab-el-Mandeb. Approximately 7 per cent of the world's maritime commerce transits the Suez Canal through these chokepoints annually. In actual figures, this translates into more than 20,000 ships a year. Given this huge volume of maritime traffic in the Gulf of Aden, there is a real danger that piracy could disrupt international trade.

The potential disruption of international trade, however, is not the only concern. Complicating the maritime threat picture is a growing speculation that a tactical nexus could emerge between piracy and terrorism. One of the main concerns is that extremist groups will seek to overcome existing operational constraints in sea-based capabilities by working in conjunction with or subcontracting out missions to maritime crime gangs and syndicates. Then there is the danger of an environmental disaster. As pirates become more assertive and sophisticated, they are likely to be

more daring in pursuing their objectives and this increases the risk of an environmental disaster, say, by intentionally or unintentionally firing at an oil tanker.

International Responses

As a result of increasing piracy in the Gulf of Aden, the United Nations Security Council (UNSC) issued four resolutions in 2008, namely, Resolutions 1816, 1838, 1846, and 1851. The UNSC, through these Resolutions, condemns all acts of piracy and armed robbery against vessels off the coast of Somalia and authorised states to enter the territorial waters of Somalia and use 'all necessary means' to repress acts of piracy and armed robbery. 'All necessary means' refers to such acts like deploying naval vessels and military aircraft, seizing and disposing of boats, vessels, arms and related equipment used for piracy. In response to these Resolutions, several states have stepped up their naval presence and the waters around Somalia are currently being patrolled by one of the largest anti-piracy flotillas in modern history. The main operations are as follows:

Combined Task Force 150 and 151

The Combined Task Forces (CTFs), which operates under the Combined Maritime Forces of the US Navy's Bahrain-based Central Command is the primary force undertaking anti-piracy operations. The first, CTF 150, created by the US in the wake of the September 11, 2001 attacks with coalition countries focussed primarily on Maritime Security Operations aimed at deterring and countering terrorism-related activities in the Gulf of Aden, Gulf of Oman, Arabian Sea, Red Sea and Indian Ocean. The second, CTF 151, was created out of CTF 150 on 8 January 2009 to focus specifically on counter-piracy operations. Today, more than 23 countries contribute force elements to one or both of the CTFs.

European Union

The European Union (EU), in order to protect the vessels of the World Food Programme (WFP) delivering food aid to displaced persons in Somalia and also to protect commercial vessels, launched its first ever naval operation under the European Security and Defence Policy (ESDP) framework called EU NAVFOR Somalia (Operation Atalanta) on 8 December 2008. Its objectives are to deter, prevent and repress acts of piracy and armed robbery off the Somali coast.

NATO

The North Atlantic Treaty Organization (NATO) launched 'Operation Allied Provider' from 24 October to 12 December 2008 to provide naval escorts to WFP vessels and also to 'deter, defend against and disrupt pirate activities'. Following the successful conclusion of this operation, it launched the follow-up 'Operation Allied Protector' in March 2009. This was again replaced by an expanded operation called 'Operation Ocean Shield' on 18 August 2009.

Limitations of Counter-piracy Operations and the Need for an Alternative Approach

Despite increasing naval presence in the Gulf of Aden and in the waters around Somalia pirate attacks still occurs. According to the IMB, pirate attacks around the world more than doubled to 240 during the first six months of 2009 compared to 114 over the same period in 2008. Somali

pirate activity in the Gulf of Aden and east coast of Somalia alone accounted for 130 attacks. This clearly shows that the current naval operations do not deter the pirates from carrying out their attacks.

One major limitation of the ongoing counter-piracy operations was the available assets relative to the size of the area that required monitoring. Somali pirates operate within 2.8 million square kilometres of water space whereas only 14 warships are available to monitor them at any one time. Then there is the question of sustainability. According to the Canadian Defence & Foreign Affairs Institute, the bill for the EU's Operation Atalanta alone was expected to total over US$ 300 million in 2009 (Lennox, 2008). Given this limitation, maritime policing alone cannot solve piracy and is completely ineffective in tackling its root causes.

It is in addressing the root causes of piracy that solutions can be found. Speaking to the British Broadcasting Corporation on 23 June 2009, the new commander of the EU's anti-piracy naval operation, Rear Admiral Peter Hudson, declared that piracy can only be solved diplomatically, not at sea; the key is to bring stability to Somalia.

Piracy off the Horn of Africa is not a stand-alone problem but has both resulted from and contributed to the political and socio-economic instability that has afflicted Somalia over the last 18 years. This instability has affected the security of Somali's coastal communities and economy (Ploch, et al., 2009). Local fishers have claimed that foreign fishing vessels 'use intimidation tactics such as ramming and hiring local militants to harass them'. The fishers's responses have since evolved from a 'defensive movement' into a 'complex amalgamation of banditry, organized crime, freebooting, and insurgency targeting all types of vessels' (Jasparro, 2009), leading to the current crisis in the region. The inequalities fostered by the advantages that foreign fishing trawlers have over local fishers, for example, thus make it more difficult for Somalia's recovery, at both the state and community levels.

Although it is premature to adopt lessons for the Horn of Africa from the Straits of Malacca, this case study from Southeast Asia may offer valuable insights on how the root causes of piracy can be addressed, in terms of the security of individuals and communities affected by piracy.

'Piracy' in the Malacca Straits

The importance of analysing the Malacca Straits case in the study of solutions to piracy lies in the 'success' of measures to curb piracy in the said area. When compared with the Horn of Africa, there has been greater success at curbing piracy against commercial shipping in the Strait, despite the fact that only 10 years ago it was one of the most pirate-infested regions in the world (Mak, 2007). Some analysts and commentators have attributed this decline to a combination of better sea patrols, the resolution of the conflict in Aceh, and improved maritime cooperation between Indonesia, Malaysia and Singapore (Ong-Webb, 2006; Schuman, 2009; Ho, 2009).

However, attacks against local fishing trawlers have persisted in the very same area. Even after the devastation of the 2004 Indian Ocean tsunami, and as attacks on international shipping decreased, local fishers bore the brunt of maritime predations. (Mak 2007, 2009). Even if these attacks were less audacious than those committed against international shipping, they nevertheless manifest the continuing problem of maritime predations in the region.

Conventional Responses to Piracy

During the 1980s, piracy in the Malacca Straits first received international attention and was labelled 'a serious problem' by the International Maritime Organization. When piracy surged once more in the late 1990s, Indonesia, Malaysia and Singapore responded with coordinated patrols of the Straits (four times annually) starting in 1992, and provided for bilateral information sharing and a coordination mechanism for anti-piracy operations. (Mak, 2006) Another surge of attacks in 1998 renewed interest in the problem. While some analysts viewed this surge as a direct offshoot of the Asian Financial Crisis, Stefan Ekklöf (2006) argued that the rise in attacks may partially be attributed to the budget cuts and reduction in operational capacity of the Indonesian navy. In essence, he argued that the financial crisis was at best an indirect factor, as the rise in attacks emerged long after the onset of the crisis.

From 2004 onwards, responses have focused on coordinated sea patrols and joint aerial surveillance through Operation MALSINDO and the 'Eye in the Sky' Initiative. MALSINDO (an acronym based on the amalgamation of Malaysia, Singapore, and Indonesia) required the navies of the participants to commit five to seven ships to patrol the strait, and to establish a hotline that allowed the commands of the three navies to coordinate operations (The Jakarta Post, 2004). The 'Eye in the Sky' Initiative inaugurated regular reconnaissance sorties linked to a web-based information sharing network to allow better information sharing (Schuman, 2009).

Another development which helped reduce attacks was the peace accord between Jakarta and the Acehnese Gerakan Aceh Merdeka (GAM) rebel group in 2005. While the agreement was not signed with the resolution of the piracy problem in mind, the cessation of conflict allowed many from coastal communities in Aceh who had turned to maritime predations – either to aid the war effort or to survive it – to return to their original livelihoods (Mak, 2007).

However, as attacks continue in the Malacca Straits against smaller targets, this presents a paradox: Why have better naval patrols and the cessation of civil conflict in Aceh stopped attacks on international shipping, but not attacks on fishing trawlers? The answer may lie in the analysis of a hitherto neglected dimension of 'piracy': Its political and socio-economic determinants.

Determinants of Maritime Predations in the Malacca Straits

The importance of political and socio-economic determinants of conflict arose from their application in the field of development studies. Frances Stewart from the Centre for Research on Inequality, Human Security and Ethnicity, conceptualised a theory of 'Horizontal Inequalities' to explain why some multi-ethnic societies experience conflict and instability. In essence, internal conflicts are conceived to be the result of competition over political capital and economic resources. According to this theory, the existence of severe inequalities between culturally defined groups leads to unequal access to political, economic and social resources for their members. As a result, tensions develop over the competition for these finite resources, which results in violent conflict.

Originally, Stewart's theory was used to explain how civil wars occur in some ethnically diverse states and not others. In this case, the marine predations that have occurred in the Malacca Straits against fishing trawlers are manifestations of 'fish wars': Conflicts that are a result of competition for access to fish stocks. These may occur either between groups within a state or between groups from different states. In the Malacca Straits, technologically advanced and efficient trawlers from the Hutan Melintang community in Malaysia were pitted against smaller and less well-equipped artisanal fishers from Aceh. A 2007 article in the journal Marine Policy

tackled the phenomenon of fish wars and cited piracy as a manifestation of this competition (Robert Pomeroy, et al., 2007).In addition, a key insight of the theory permits its adoption to the framing of the Hutan Melintang case study.

Essentially, the Horizontal Inequalities theory speculates that it is in contexts where mobility is impossible between marginalised and privileged groups that conflicts between these two groups turn violent. Here, the poverty and systemic underdevelopment of Acehnese fishers have prevented them from acquiring resources to compete with the larger Hutan Melintang trawlers. As a result, people from Acehnese coastal communities turned to piracy for a more rewarding livelihood.

Socio-economic Determinants

In his comprehensive account of maritime predations on the Hutan Melintang community, Mak (2007, 2009) argued that as a result of political marginalisation and socio-economic inequalities, the poorer Acehnese artisanal fishers started preying on the Hutan Melintang fishers. He added that as long as these determinants feed maritime predations, such attacks will continue.

The inequalities arose due to differing levels of development in Malaysia and Indonesia. The Malaysian fishing community enjoyed a more stable political and economic environment, permitting the fleet's expansion in size and sophistication.

In addition, the Malaysian Fisheries Licensing Policy restricted the operation of larger fishing boats in Malaysian coastal waters, requiring them to fish the part of the Straits nearer to the Sumatran coast (Mak, 2007). This required the acquisition of even larger fishing vessels that have depleted the traditional fishing grounds of the Acehnese in the vicinity of Medan – see Map 1 for an overview of the area in question.

In some places, trawlers reduced the yield from an average catch per week of 200 kg of high-quality fish to 70 kg of low-quality fish over the span of three years (Mak, 2009). The decline of fishery yields deprived the Acehnese artisanal fishers of a significant source of income, aggravating poverty due to the lack of alternative livelihoods.

Development policies pursued by the national government have also exacerbated the problem. Persistent negative growth rates for the past three decades because of low investment levels, a relatively low human capital base, infrastructure bottlenecks due to both neglect and destruction during the insurgency, and a lack of diversification within the economy have led to persistently high levels of poverty in Aceh. This peaked at 32.6 per cent of the total population in 2006. In contrast, the national poverty rate of Indonesia in 2004 stood at 16.7 per cent (World Bank, 2008).

As economic competition between the two groups increased, some Acehnese fishers began to attack Hutan Melintang trawlers, first to rob them of their catch and petty cash, and later to capture and ransom the trawlers themselves.

Due to Aceh's underdevelopment and resulting lack of economic opportunities, many Acehnese turned to piracy. The standard ransom for a well-equipped trawler in the mid-1990s averaged around US$ 27,500 (Mak, 2007). As this represented 10 per cent of a trawler's average cost, most owners chose to pay ransoms rather than risk the loss of the trawler altogether.

Additionally, the resulting depletion of the Malacca Straits fishing grounds has led to increasing attacks on fishing trawlers. There has been speculation that piracy may have actually limited the

exploitation of marine resources by bottom-trawlers. In increasing the costs related to fishing by extorting ransom payments, pirates have deterred trawlers from completely depleting fish stocks in the area. However, this externality of piracy is likely to have arisen by accident rather than intent.

Political Determinants

Acts of piracy have not been limited to those committed by Acehnese fishers. According to several accounts, corrupt law enforcement officials have engaged in maritime predations against fishing trawlers (Mak, 2007; Liss, 2007). As a result of institutional corruption and neglect, rogue officials from Indonesian maritime enforcement agencies were reported to have detained and extorted from Hutan Melintang trawlers. Maritime disputes between Malaysia and Indonesia concerning their Exclusive Economic Zones (EEZs) north of the 2nd Parallel have enabled corrupt officials to detain trawlers for 'fishing illegally in Indonesian waters,' even if these EEZs were not indisputably under Indonesian sovereignty. In some cases, boats were captured and towed to Indonesian territorial waters, where their captains were charged for illegal fishing.

In addition, bureaucratic neglect of Aceh at both the local and national levels has prevented the developing resources beyond base resource extraction, which has deprived coastal Acehnese communities of viable alternative livelihoods. Until the present day, gas and oil extraction dominate other sectors of industry in Aceh, and the World Bank (2008) has pointed out that national policies that permit greater economic diversification away from the energy sector are necessary to alleviate structural poverty in the province, and the country in general.

Yet another determinant was the secessionist war in Aceh. To raise funds for their movement, some GAM members turned to piracy and hijacking ships. However, the resolution of the conflict helped reduce the risk of attacks from this specific group.

Matching Possible Solutions to the Problem?

From the brief discussion above, it is apparent that anti-piracy patrols are insufficient for solving a problem that has its roots in economic underdevelopment and political mismanagement. A long-term solution is what will eventually eliminate piracy in all its forms from the Malacca Straits. A set of recommendations, ranging from the local to the international level, can be suggested as an initial way to address the problem.

At the local level, better communal management of marine resources would ensure that enough resources are available for all stakeholders of the Strait; economic opportunities from sustainable fishing will draw pirates away from their current professions. Consultations with local communities will also help inform policies at the national level. Ensuring the implementation of these agreements at the local level will also be invaluable.

At the national level, institutional reform needs to be undertaken to weed out corruption in both the government bureaucracy and law enforcement sectors. Eliminating incentives for rent-seeking, such as by increasing salaries for coast guard officers and other officials responsible for maritime security, will likely prevent predatory behaviour by military and government officials and ensure better governance. National resource management plans should be updated to ensure sustainable use of marine resources. Better economic planning for Aceh, incorporating economic diversification and a more equitable distribution of wealth, can help reduce persistent poverty.

At the international level, agreements on the shared use and management of marine resources between the states involved could lead to better communal management of the Strait and prevent maritime disputes. Neutral parties could also help facilitate negotiations between rival claimants over maritime resources. The international community could also help strengthen the institutional capacity of the Indonesian coast guard to prevent further pirate attacks.

Map 1 Aceh, Medan and the Malacca Straits

Source: MSN Encarta World Atlas. Available at <http://encarta.msn.com/map_701516794/malacca_strait_of.html>.

Concluding Observations

These recommendations can reduce the structural inequalities of the region and lessen the incentives for maritime predations in a part of Southeast Asia in the long term. The case study of the Hutan Melintang fishers has also shown that corrupt security officials can contribute to the insecurity of people whose livelihoods depend on fishing.

These factors also apply broadly to the Horn of Africa, although the problems there are more acute: Somalia's bid to protect its fishers is hampered by the lack of capacity to equip and train an effective coastguard, and economic losses – as much as US$ 100 million over 2003 and 2004 – from illegal fishing by foreign vessels (Ploch, et al., 2009).

The security of both artisanal fishers and larger maritime communities is affected by the larger structural inequities – or horizontal inequalities – and human agency. This illustrates that not all of the challenges of 'piracy' can be solved by traditional security approaches alone, whether off the Horn of Africa or in Southeast Asia.

It is not certain what lessons can be drawn from Southeast Asia that could be applicable to the Horn of Africa, and would be feasible or practical, or would have reasonable chances of success. A long-term focus should be the primary consideration – one that encompasses a 'political solution to Somali's turmoil, effective governance and promoting economic development' (Jasparro, 2009), as well as further examination of horizontal inequalities in the region. More detailed studies should be carried out in comparing the Horn of Africa and Southeast Asia in this regard.

In the relatively turmoil-free milieu of maritime Southeast Asia, with greater political and socio-economic opportunities as well as institutional reform, it is hoped that maritime predations in the Malacca Straits will eventually become a thing of the past.

Table 1 Horn of Africa and the Straits of Malacca: Comparative analysis

	Horn of Africa/Gulf of Aden	Straits of Malacca
Location	Situated in North-East Africa/West Asia, the Gulf of Aden lies between Yemen and Somalia and connects the Indian Ocean to the Red Sea, the Suez Canal and the Mediterranean Sea. Major littoral states include Somalia, Djibouti, Eritrea, Egypt, Saudi Arabia and Yemen **Importance to Maritime Commerce:** Approximately 21,000* commercial ships transit the Gulf of Aden each year. Over 10 % of the global waterborne transportation of oil passes through the gulf & about 7 % of the world's maritime commerce transits the Suez Canal.	Situated in Southeast Asia between Indonesia, Malaysia, and Singapore, the Strait of Malacca links the Indian Ocean to the South China Sea and the Pacific Ocean. Major littoral states include Malaysia, Indonesia and Singapore. **Importance to Maritime Commerce:** More than 50,000** ships transit the Straits of Malacca each year accounting for 40% of the world's trade.
Number of Pirate Attacks (2003-2008)* **	**Number of attacks (both attempted & hijacked) in the Gulf of Aden, Red Sea and Somalia** • January-June 2009: 130 out of 240 worldwide (ww) attacks. • 2008: 111 out of 293 ww attacks. • 2007: 44 out of 263 ww attacks. • 2006: 20 out of 239 ww attacks. • 2005: 45 out of 276 ww attacks. • 2004: 10 out of 329 ww attacks. • 2003: 21 out of 445 ww attacks.	**Number of attacks (both attempted & hijacked) Strait of Malacca** • January-June 2009: 2 out of 240 worldwide (ww) attacks. • 2008: 2 out of 293 ww attacks. • 2007: 7 out of 263 ww attacks. • 2006: 11 out of 239 ww attacks. • 2005: 12 out of 276 ww attacks. • 2004: 38 out of 329 ww attacks. • 2003: 28 out of 445 ww attacks.
Ongoing Anti-Piracy Operations	**Primarily multinational in approach:** • US-led, multinational Combined Task Forces, namely CTF 150 & CTF 151; • European Union's 'Operation NAVFOR ATALANTA'; and • NATO's 'Operation Ocean Shield'.	**Primarily regional in approach:** • Malacca Strait Sea Patrol (MSSP); • 'Eye-in-the-sky' (EiS); & • Intelligence Exchange Group (IEG).

Sources:

* James Jay Carafano, Richard Weitz and Martin Edwin Andersen, 'Maritime Security: Fighting Piracy in the Gulf of Aden and Beyond', June 24 2009, The Heritage Foundation, p.9.

** The most widely cited average figure is 50,000. This is partly confirmed by the Malaysian Deputy Prime Minister Najib Razak who stated that 43,965 ships pass through the Malacca Straits in 1999 which increases to 70,718 in 2007. See 'Malaysia proposes capping number of ships at Malacca Strait', 21 October 2009, *TopNews Law*. Available: <http://www.topnews.in/law/malaysia-proposes-capping-number-ships-malacca-strait>.

However, some source puts the figure at 94,000 ships annually. See 'Malacca Straits: Aid to Navigation Fund', 31 July 2009, The Nippon Foundation. Available: <http://www.nippon-foundation.or.jp/eng/news/20090731AidstoNavigation.html>.
*** 'Piracy and Armed Robbery Against Ships', Annual Report, 1 January-31 December 2008, ICC International Maritime Bureau (London, U.K.).

Compiled by the authors, August 2009. © Pau Khan Khup Hangzo.

Selected Bibliography

Bateman, Sam., Joshua Ho and Jane Chan, 'Good Order At Sea in Southeast Asia', RSIS Policy Paper, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore, April 2009.

Carafano, James Jay, Richard Weitz and Martin Edwin Andersen, *Maritime Security: Fighting Piracy in the Gulf of Aden and Beyond*, The Heritage Foundation, 2009. Available at <www.heritage.org/Research/NationalSecurity/sr0059.cfm>.

Ekklöf, Stefan, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders*, Copenhagen: NIAS Press, 2006.

European Security and Defence Policy, 'EU NAVFOR Somalia', Council of the European Union, 2009. Available at <http://www.consilium.europa.eu/showPage.aspx?id=1518&lang=en>.

Frecon, Eric, 'Piracy and armed robbery at sea along the Malacca Straits: Initial impressions from fieldwork in the Riau Islands', in Graham Gerard Ong-Webb (ed), *Piracy, Maritime Terrorism and Securing the Malacca Straits*, Singapore: Institute of Southeast Asian Studies, 2006.

Human Security Centre, 'What Is Human Security?' Available at <http://www.humansecurityreport.info/index.php?option=content&task=view&id=24&itemid=59>.

Ho, Joshua, 'Enchancing safety, security and environmental protection of the Straits of Malacca and Singapore: The Cooperative Mechanism', *Ocean Development & International Law* 40, 233-47, 2009.

International Crisis Group (ICG), 'Somalia: To Move Beyond the Failed State', ICG Africa Report No. 147, 23 December 2008. Available at <http://www.crisisgroup.org/home/index.cfm?id=5836&l=1>.

International Maritime Bureau, 'Piracy and Armed Robbery Against Ships: 1 January – 31 December 2008', International Chamber of Commerce, London: January 2009.

The Jakarta Post, 'Indonesia, Malaysia, Singapore launch coordinated patrol of Malacca Strait', YaleGlobal Online, 20 July 2004. Available at <http://yaleglobal.yale.edu/article.print?id=4271>.

Jasparro, Christopher, 'Piracy offers lessons in global governance', YaleGlobal Online, 6 April 2009. Available at <http://yaleglobal.yale.edu/display.article?id=12210>.

Kraska, James and Brian Wilson, 'Somali piracy: A nasty problem, a web of responses', *Current History*, May 2009, pp. 227-31. Available at <http://www.currenthistory.com/pdf_org_files/108_718_227.pdf>.

Liss, Carolin, 'The roots of piracy in Southeast Asia', Austral Peace and Security Network, Nautilus Institute, 22 October 2007. Available at <http://www.globalcollab.org/Nautilus/australia/apsnet/policy-forum/2007/the-roots-of-piracy-in-southeast-asia>.

Mak Joon Num, 'Unilateralism and regionalism: Working together and alone in the Malacca Straits', In Graham Gerard Ong-Webb (ed), *Piracy, Maritime Terrorism, and Securing the Malacca Straits*, Singapore: Insitute of Southeast Asian Studies (ISEAS) Publishing, 2006, pp. 134-62.

Mak Joon Num, 'Pirates, renegades, and fishers: The politics of "sustainable" piracy in the Strait of Malacca', in Peter Lehr (ed), *Violence At Sea: Piracy in the Age of Global Terrorism*, London: Routledge, 2007, pp. 199-223.

Mak Joon Num, 'Pirates, barter traders, and fishers: Whose rights, whose security?' in Ellen Laipson and Amit Pandya (eds), *The Indian Ocean: Resource and Governance Challenges*, Washington: The Henry L. Stimson Center, 2009, pp. 19-29.

Murphy, Martin, 'Somali piracy: Not just a naval problem', Backgrounder, Center for Strategic and Budgetary Assessments, 16 April 2009. Available at <http://www.csbaonline.org/4PublicationsPubLibrary/B.20090417.Somali_Piracy/B.20090417.Somali_Piracy.pdf>.

North Atlantic Treaty Organization, 'Counter-piracy Operations', 17 August 2009. Available at <http://www.nato.int/cps/en/natolive/topics_48815.htm>.

Ong-Webb, Graham Gerard, 'Introduction – Southeast Asian piracy: Research and developments', in Graham Gerard Ong-Webb (ed.) *Piracy, Maritime Terrorism and Securing the Malacca Straits*, Singapore: ISEAS Publishing, 2006, pp. xi-xxxviii.

'Piracy "cannot be solved at sea"', *BBC News*, 23 June 2009. Available at <http://news.bbc.co.uk/2/hi/africa/8115662.stm>.

'Piracy: An Ancient Risk With Modern Faces', Alllianz Global Corporate and Specialty report, June 2009. Available at <http://www.agcs.allianz.com/images/pdf/allianzpiracystudyjune222009.pdf>.

Ploch, Lauren, Christopher M. Blanchard, Ronald O'Rourke, R. Chuck Mason and Rawle O. King, 'Piracy Off the Horn of Africa', 24 April 2009, Congressional Research Service. Available at <http://www.fas.org/sgp/crs/row/R40528.pdf>.

'Policing the maritime beat', *Jane's Defence Weekly*, vol. 46, no. 17, 29 April 2009, pp. 24-8.

Pomeroy, Robert, John Parks, Richard Pollnac, Tammy Campson, Emmanuel Genio, Cliff Marlessy, Elizabeth Holle, Michael Pido, Ayut Nissapa, Somsak Boromthanarat and Nguyen Thu Hue, 'Fish wars: Conflict and collaboration in fisheries management in Southeast Asia', *Marine Policy* 31, 2007, pp. 645-56.

'Push and Pull: The Determinants of Piracy off the Horn of Africa', August 01/09 Issue, *NTS Alert*, Centre for Non-Traditional Security Studies, RSIS. Available at <http://www.rsis.edu.sg/nts/resources/nts-alert/NTS%20Alert%20Aug%200109.pdf>.

Schuman, Michael, 'How to defeat pirates: Success in the Strait,' *Time.com*, 22 April 2009. Available at <http://www.time.com/time/world/article/0,8599,1893032,00.html>.

Stewart, Frances, 'Horizontal Inequalities: A Neglected Dimension of Development', Working Paper 1, Centre for Research on Inequality, Human Security and Ethnicity (CRISE), 2003. Available at <http://www.crise.ox.ac.uk/pubs/workingpaper1.pdf>.

Tharoor, Ishaan., 'How Somalia's fishers became pirates', *Time.com*, 18 April 2009. Available at <http://www.time.com/time/world/article/0,8599,1892376,00.html>.

United Nations Convention on the Law of the Sea (UNCLOS), United Nations, 1982. Available at <http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm>.

United Nations Development Programme, 'Human Development Report 1994'. Available at <http://hdr.undp.org/en/reports/global/hdr1994/>.

U.S. Naval Forces Central Command, 'Combined Task Force 150', U.S. Fifth Fleet Combined Maritime Forces, 2009. Available at <http://www.cusnc.navy.mil/command/ctf150.html>.

The U.S. Navy, 'Focus on Combined Task Force 151', 2009. Available at <http://www.navy.mil/local/CTF-151/>.

'The Council of the European Union Decides to Extend EU NAVFOR ATALANTA Operation For One Year', Press Release, European Security and Defence Policy, 15 January 2009. Available at <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/esdp/108482.pdf>.

The World Bank, 'Aceh Poverty Assessment 2008: The Impact of the Conflict, the Tsunami and Reconstruction on Poverty in Aceh', Poverty Assessment Report, Jakarta: The World Bank, 2008.

Young, Adam J., *Contemporary Maritime Piracy in Southeast Asia: History, Causes and Remedies*, Singapore: Institute of Southeast Asian Studies, 2007.

Centre for NTS Studies is a Centre of the S.Rajaratnam School of International Studies

Head, RSIS Centre for NTS Studies
Mely Caballero Anthony

NTS Insight Writer
Roderick Chia,
Pau Khan Khup Hangzo,
Kevin Punzalan

NTS Studies
www.rsis.edu.sg/nts

NTS-Asia Consortium
www.rsis-ntsasia.org

Contact us
NTS_Centre@ntu.edu.sg

S. RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES
A Graduate School of Nanyang Technological University