

PIRACY AND ARMED ROBBERY IN THE MALACCA STRAIT

A Problem Solved?

Catherine Zara Raymond

The Malacca Strait is a narrow waterway that extends nearly six hundred nautical miles from the Andaman Sea to the South China Sea, between Malaysia and Indonesia. The strait provides a vital shipping lane for vessels sailing from Europe and the Middle East to East Asia, as well as smaller vessels on local voyages. Unfortunately, when we think of the Malacca Strait, images of a waterway infested with pirates often spring to mind.

While this image could arguably have been justified in the past, it is now rather outdated. According to the International Maritime Bureau (IMB), which pro-

duces quarterly and annual reports on piracy and armed robbery against ships, there were only three successful and four attempted attacks by pirates on shipping in the Malacca Strait in 2007.¹ This low level of piracy has continued into 2008, with the Half Yearly Report issued by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Center in Singapore listing only one successful attack on a vessel in the Malacca Strait and three attempted ones.² Considering that around ninety thousand vessels transit the strait on an annual basis, the proportion of ships being attacked in the waterway is extremely small.

With statistics such as these, one might wonder why we are still seeing the publication of articles such

Catherine Zara Raymond is associate fellow at the Corbett Center for Maritime Policy Studies, at the Defence Studies Department, Joint Services Command and Staff College, Shrivenham, United Kingdom. She is also a PhD student at King's College London. Previously, Zara worked as an analyst for the security consultancy Control Risks in Singapore and as an associate research fellow at the Institute of Defence and Strategic Studies (IDSS), also in Singapore. She is a coeditor and contributing author of the volume Best of Times, Worst of Times: Maritime Security in the Asia-Pacific (2005) and the author of numerous papers and articles.

This article will appear as chapter 7 of Piracy and Maritime Crime: Historical and Modern Case Studies, edited by Bruce Elleman, Andrew Forbes, and David Rosenberg, forthcoming in late 2009 or early 2010 from the Naval War College Press as Newport Paper 35.

Report Documentation Page

*Form Approved
OMB No. 0704-0188*

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE 2009	2. REPORT TYPE	3. DATES COVERED 00-00-2009 to 00-00-2009			
4. TITLE AND SUBTITLE Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?		5a. CONTRACT NUMBER			
		5b. GRANT NUMBER			
		5c. PROGRAM ELEMENT NUMBER			
6. AUTHOR(S)		5d. PROJECT NUMBER			
		5e. TASK NUMBER			
		5f. WORK UNIT NUMBER			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval War College,686 Cushing Road,Newport,RI,02841-1207		8. PERFORMING ORGANIZATION REPORT NUMBER			
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)			
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)			
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 12	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

as one appearing in a recent issue of *National Geographic Magazine*, whose cover declares, “The Strait of Malacca, Dark Passage: Pirates Haunt It. Sailors Fear It. Global Trade Depends on It.”³ There seems to be a failure, particularly outside the region, to keep pace with the change in the frequency of pirate attacks and the scale of the problem. While piracy has certainly been a concern in the waterway in the past, with reported attacks reaching seventy-five in 2000, the number of cases has been falling since 2005, largely as a result of a number of countermeasures introduced by the three littoral states of Malaysia, Singapore, and Indonesia. This decrease in attacks was achieved despite a 10 percent increase in cases worldwide.

This article will discuss the reduction in pirate attacks in the Malacca Strait and how the attacks themselves have changed over the last decade. The measures attributed to the reduction will then be discussed, as well as the underlying principles and attitudes that have shaped these initiatives. Particular attention will be given as to how the issue of sovereignty, a principle of utmost importance in Southeast Asia, has impacted multilateral and bilateral cooperative efforts to address the transnational problem of piracy, including a series of International Maritime Organization (IMO) meetings convened to tackle pressing issues affecting the safety and security of shipping in the Malacca Strait. The conclusions will make recommendations regarding issues that require further action.

THE CHANGING NATURE OF PIRACY IN THE MALACCA STRAIT

Piracy has occurred in the Malacca Strait for hundreds of years. The October 1992 creation in Kuala Lumpur of the IMB’s Piracy Reporting Center (PRC), which was tasked with, among other things, collecting data on pirate attacks around the world, started to highlight the scale of the problem in Southeast Asia. However, it was not until the late 1990s that the issue came to the attention of the international community.

This occurred primarily for two reasons. First, in 1997 the Asian financial crisis had a harsh impact on the region. It is believed that the deteriorating economic situation forced many people living in coastal areas in Indonesia and Malaysia to turn to piracy to supplement their incomes. The economic collapse also caused widespread political instability, in particular in Indonesia, making it easier for people to pursue illegal methods of income generation. Second, in the late 1990s several high-profile pirate attacks took place in the region, among them the attack on the *Petro Ranger* in 1998. This may have led to an increased tendency among shippers to report attacks, particularly attempted attacks or more minor cases.

As a result of these factors, by the late 1990s the annual number of reported pirate attacks in the strait had gone from virtually zero to seventy-five.⁴ Piracy

was now seen as a significant problem that required urgent attention. One year after piracy incidents peaked in the Malacca Strait, al-Qa'ida launched its attack on the Twin Towers in New York, demonstrating that ordinary means of transportation can be utilized to carry out large-scale attacks on economically important targets.

This incident prompted a reassessment of the vulnerability of the maritime sector to attack by terrorists; in Southeast Asia, the presence of pirates operating seemingly unchecked highlighted how insecure the maritime domain was. Speculation soon began as to the likelihood that the region's pirates would cooperate with regional or international terrorist groups to carry out a devastating attack on shipping.

During this period there were several different types of piracy taking place in the Malacca Strait.⁵ These included robbery of vessels at sea, the hijacking of vessels, and kidnap-for-ransom attacks. Another common type of piracy takes place against vessels berthed in harbors or at anchor. However, this type of attack is unlikely to affect vessels on international voyages through the strait. The most common targets in this case would be smaller vessels that transit the coast of Indonesia or those on local voyages from, for example, Malaysia's Port Klang to the port of Belawan in Indonesia.

The robbery of a vessel by pirates usually takes place while the ship is under way, often at night, and most often between one and six o'clock in the morning. The pirates board the vessel using grappling hooks and then take any cash and valuables from the ship's safe and crew, including high-tech navigation equipment or whatever else they can seize quickly. In this type of attack the value of the stolen goods can be between ten and twenty thousand U.S. dollars.⁶ The ship can be taken over for up to a few hours by from five to ten pirates, although many incidents are over within half an hour.⁷ It is in this type of piracy that the most significant reduction has taken place since 2000. This may be partially due to an increased awareness on the part of crew members following the introduction of new maritime security requirements for vessels.⁸

If a vessel is hijacked, it is usually seized for a significant length of time, perhaps for several days, while the cargo is unloaded at a port selected by the pirates or transferred to another vessel. Hijacking has been less common than the former type, simple robbery, because good intelligence gathering and careful planning prior to the attack are required to ascertain the cargo and route of the vessel. A secure port to unload the stolen cargo is also needed, not to mention a willing buyer.

A variation of this latter kind of piracy is the permanent seizure of a vessel by pirates, who turn the vessel into a "phantom ship"; the key difference is that once the pirates have disposed of the vessel's cargo, they do not abandon the vessel

itself. The ship is repainted and the crew dumped or killed. The ship then sails to a new port with a false name and forged documentation.⁹ In recent years tugs have been favorite targets of pirates, perhaps because they do not usually have Automatic Identification System (AIS) equipment installed and yet are very valuable ships. Also, they are easier to attack, given their low freeboards. Once taken, they may be used in various maritime criminal activities, which would favor a small vessel of kinds commonly seen in ports and international waterways.

Kidnapping is the most serious form of piracy taking place in the Malacca Strait since 2001. During a kidnap, armed attackers take over the vessel and abduct two or three senior crew members, who are then held ashore pending ransom negotiations. The kidnapped crew members are usually released unharmed following payment by their employers. Ransoms demanded can range from US\$100,000 to US\$200,000. However, the sum of money eventually paid to the attackers following negotiations is usually substantially lower, somewhere between ten and twenty thousand U.S. dollars.¹⁰

Of the three 2007 attacks deemed successful by the IMB in the Malacca Strait, one was a boarding of a containership under way northwest of Pulau Perak: crew members spotted flashlights on the deck of their vessel, and when they raised an alarm a small boat was seen moving away from the ship. Another incident took place when several unlit fishing boats approached a containership while it was under way. The ship's master took evasive action to deter the suspected pirates; two were still able to board. However, the pirates were unarmed; they were detained by the ship's crew and handed over to the authorities in Singapore. The third incident was a kidnapping; according to the IMB report documenting the attack, "ten pirates armed with firearms boarded the tug towing the barge laden with steel billets. The pirates damaged all communications equipments and stole crew personal belongings and ship's documents." The pirates kidnapped the master and the chief engineer, whom they took ashore. A ransom was demanded, and eleven days after they were kidnapped, following payment of the ransom, the two were released.¹¹

The details of the three incidents from 2007 reveal that two were essentially unsuccessful. Although they were classified by the IMB as "actual attacks" rather than "attempted attacks," the pirates were able neither to steal anything nor attack anyone during the incidents. Meanwhile, in the only successful case of piracy documented in the first half of 2008 in ReCAAP's Half Yearly Report, pirates reportedly attacked two fishing trawlers in the early hours of the morning while the vessels were under way. All the crew members were thrown overboard off a nearby island in Indonesia. The crews were rescued, but the trawlers have yet to be located.¹² It is likely that the vessels and their cargoes were sold on the black market.

If the overall frequency of pirate attacks in the Malacca Strait has been significantly reduced in recent years, however, kidnapping remains a worrisome threat, especially given the great danger it poses to crew members. The continued occurrence of this form of piracy, even at low levels, necessitates a reexamination of the various countermeasures that have been implemented to improve security in the Malacca Strait. The current practice is for the employers of kidnapped crews to pay ransoms for their release. It is widely acknowledged by experts in this field that not only does paying ransom encourage further kidnappings, but the ransom money often goes to finance weaponry to be used in future attacks. A policy of no negotiation with kidnappers must be adopted to make kidnapping a non-profitable industry.

HOW PIRACY WAS REDUCED

International pressure has been exerted on the littoral states, in particular on Indonesia and Malaysia, to address the problem of piracy.¹³ This effort began in 2000, when piracy attacks peaked in the Malacca Strait, and increased even more following the events of 11 September 2001 and the subsequent conclusions drawn about the possible insecurity of the maritime domain. At this time, both Japan and the United States indicated a desire to participate in enhancing security in the waterway. However, it was not until 2004 that real steps toward securing the strait were made.

There were several stumbling blocks. Malaysia and Indonesia saw the issue of piracy purely as a domestic concern to be addressed internally by each state as it saw fit. They repeatedly emphasized their desire to uphold the sovereignty of their territorial waters, which make up most of the waterway. Singapore was more willing to cooperate, on both the regional and extraregional levels. Its stand on the issue was voiced by the then deputy prime minister Tony Tan at a 2004 conference on maritime security in Singapore, during a discussion on the issue of patrolling the strait: "It is not realistic to unilaterally confine such patrols only to countries in this part of the world. . . . [W]e can do more if we galvanize the resources of extra-regional players."¹⁴

The concerns of Malaysia and Indonesia were heightened when Admiral Thomas B. Fargo, then commander of the U.S. Pacific Command, outlined a proposal by the United States called the Regional Maritime Security Initiative in a speech to the U.S. Congress on 31 March 2004. In his statement he remarked that "we're looking at things like high-speed vessels, putting Special Operations Forces on high-speed vessels to conduct effective interdiction in, once again, these sea lines of communication where terrorists are known to move about."¹⁵ In response to the suggestion by Fargo, the Malaysian prime minister, Abdullah Ahmad Badawi, remarked, "I think we can look after our own area."¹⁶

Another disagreement that stalled cooperation was in the level of priority that should be given to addressing the problem of piracy over other, more pressing domestic issues. This applied particularly to Indonesia, which was still recovering from the Asian financial crisis of 1997, and it manifested itself in a public denial of the reported scale of the piracy problem in Indonesian waters. Another reason why Indonesia was reluctant to address the problem of piracy may have been that only 25–30 percent of the military’s expenditure was covered by the military budget following the financial crisis, with the remaining funds believed to be coming from illegal activities, such as piracy.¹⁷

Even today, inadequate resources and a lack of funding prevent Indonesia from fully addressing the problem; according to the navy chief of staff, Admiral Slamet Soebijanto, the country is still in need of another 262 patrol ships to make up a total of 376, the amount deemed necessary to safeguard Indonesia’s seventeen thousand islands.¹⁸ In addition, of the 114 vessels that the Indonesian navy currently has, only 25 percent are believed to be serviceable at any given time.¹⁹

Even in its ports, Indonesia is struggling to enforce regulations that have now become an international norm: in September 2007, the U.S. Coast Guard issued a warning to the Indonesian transport ministry stating that it had found seven port terminals that did not fully comply with the ISPS Code (a set of measures designed to enhance the security of ships and port facilities that were made mandatory under the International Convention for the Safety of Life at Sea, of which Indonesia is a signatory).

NEW MARITIME SECURITY INITIATIVES

Despite these problems, several maritime security initiatives were introduced in the Malacca Strait between 2004 and 2007. Although significant, they have arguably been constrained in their scope and capability by both the unwillingness of some of the littoral states to cooperate fully and a lack of resources. The first multilateral measure to be introduced by the three littoral states was the Trilateral Coordinated Patrol, or MALSINDO.

MALSINDO was launched in July 2004 and involved the navies of Malaysia, Indonesia, and Singapore patrolling in a coordinated fashion in their respective territorial waters. Following the introduction of this new measure, however, there was no immediate reduction in the number of pirate attacks taking place in the strait. The lack of a provision for cross-border pursuit into each of the participating states’ territorial waters has been cited as the main flaw in this measure. However, cross-border pursuit would have been viewed by the participating states as an infringement of their sovereignty.²⁰

Five months after the introduction of MALSINDO, an earthquake occurred off the west coast of Sumatra, Indonesia. The earthquake triggered a series of devastating tsunamis that affected most coastlines bordering the Indian Ocean. However, the areas worst hit were in Indonesia, particularly in Aceh, on the northern tip of Sumatra, an area in which many pirates were believed to be based. Some coastal villages in Aceh are thought to have lost more than 70 percent of their inhabitants, while 44 percent of the people lost their livelihoods.²¹

Reports received by the IMB in the weeks after the tsunami indicated that piracy attacks in the Malacca Strait had ceased. Even unaffected areas recorded zero attacks immediately following the disaster.²² The significance of the impact that the tsunami seems to have had on pirate incidents in the waterway is evident in a comparison of the total attacks in 2004 with those in 2005, which show a more than 60 percent reduction, from thirty-eight to twelve.²³ However, this explanation cannot account for the continued decline in piracy from 2005 to 2007. It was predicted that “once life resumes normally in North Sumatra crime will return and with it attacks against ships.”²⁴ Yet four years on from the disaster, when life has certainly returned to some measure of normality in the affected areas, the frequency of pirate attacks has not returned to its 2004 levels.

One explanation could be the changing political situation in Aceh. Before the tsunami, the province had been the site of a bitter twenty-six-year conflict between the Free Aceh Movement (known by its Indonesian abbreviation, GAM) and the Indonesian authorities. Around thirty-five thousand Indonesian troops and 14,700 police had been stationed in the area in an effort to suppress the GAM independence movement. However, following the tsunami both parties were brought to the negotiating table in order to discuss the disaster relief operation. This paved the way for a peace deal that was signed in August 2005.

Under the terms of the settlement, the GAM agreed to decommission its weapons and dissolve its armed wing, while the Indonesian authorities agreed to withdraw more than half of their forces from the area. As a result, around eight hundred weapons were handed in by the rebels and more than twenty-five thousand Indonesian troops left. Given that both GAM rebels and Indonesian troops had been accused of carrying out piracy, this development may well have played a part in the reduction in the number of attacks in the Malacca Strait.

The introduction in September 2005 of joint air patrols over the strait by the littoral states may have been another factor contributing to the decline in the number of incidents. The three states each donate two planes for the patrols, known as the “Eyes in the Sky” (EiS) plan. The plan permits aircraft to fly for up to three nautical miles into the twelve-nautical-mile territorial waters of the participating states; it was hoped that this measure would provide a valuable

supplement to the trilateral coordinated sea patrols, which were limited to their own territorial waters.

Politically, EiS was significant because it was the first time the littoral states had been willing to put aside concerns over the sovereignty of their territorial waters and allow foreign forces across the border. This compromise included the agreement that each patrolling aircraft would have on board a representative from each of the three littoral states. Later, in April 2006 both MALSINDO and EiS were brought together under the umbrella of the Malacca Strait Patrols.

Despite its political success, EiS has been criticized as superficial and a mere reflection of the desire of the littoral states to be seen to be doing something in the face of international pressure. It is estimated that seventy sorties per week need to be carried out by the aerial patrols in order to monitor the strait effectively, 24/7. However, currently only eight are flown. There is also a lack of patrol vessels to carry out investigation and interdiction, if necessary, following the sighting of a suspect vessel by the aerial patrols.²⁵ It would seem that EiS's apparent success in helping to prevent any resurgence in attacks may be a function more of its deterrent effect than of its actual, practical application.

The Regional Cooperation Agreement on Anti-Piracy

The most recent antipiracy initiative to be implemented is ReCAAP, which came into force in 2006. The agreement, which encompasses the whole region, was drafted in 2004 and required the signature and ratification of ten of the participating countries—all the members of the Association of Southeast Asian Nations, plus Japan, China, Korea, India, Bangladesh, and Sri Lanka—in order to enter into force. The aim of the initiative, which is the first antipiracy measure to be implemented on a government-to-government level, is to foster multilateral cooperation to combat the threat of piracy and armed robbery against ships. Its activity takes the forms of information sharing, capacity building, and cooperative arrangements.

A total of fourteen countries have now signed and ratified the agreement, and an Information Sharing Center, or ISC, has been set up in Singapore to facilitate communication and information exchange between member countries and to produce regular reports on pirate attacks in the region.²⁶ Information is exchanged between designated points of contact, or “focal points,” in the member countries via a secure Web-based information-network system, on a 24/7 basis. In addition to acting as a point of information exchange, these focal points manage piracy incidents within their territorial waters, facilitate their respective countries' law enforcement investigations, and coordinate surveillance and enforcement with neighboring focal points.²⁷

Nonetheless, the agreement has not yet been signed or ratified by Malaysia or Indonesia; the two countries have signaled a willingness to cooperate with the ISC, but to date no progress has been made toward securing their formal acceptances of the agreement. The lack of participation by Malaysia and Indonesia cannot help but cast doubt on its effectiveness, particularly given Indonesia's status as the most pirate-prone country in the world and both countries' strategic positions along the Malacca Strait.²⁸

Although these antipiracy measures suffer from obvious and sometimes serious flaws, the continued decline in the number of pirate attacks in the waterway is testimony to their collective success, even if that success has been more in terms of improving security awareness on the part of the shippers and in deterring perpetrators. However, if piracy is to be completely eradicated in the strait—an important task, given that organized criminals are still able to carry out successful kidnappings in the waterway—countermeasures need to become more targeted. In particular, the land bases and networks of pirates need to be disrupted; without these, the pirates cannot launch effective attacks on the water.

The International Maritime Organization Meetings

During this period of increased multilateral activity among the littoral states, another process has been under way at the international level, in cooperation with the IMO. The initiative was conceived by the IMO in 2004 with the aim of promoting a comprehensive approach to security, safety, and pollution control in critical sea-lanes around the world. Known as the "Protection of Vital Se lanes" initiative, it takes as its current focus the straits of Malacca and Singapore. A series of meetings was convened under the title "Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection," the first of them in Jakarta in 2005. This was followed by another meeting in Kuala Lumpur in 2006 and then one a year later in Singapore.

These meetings are significant with regard to piracy in the Malacca Strait less for what they produced than for what they did not produce. At the start of this process there was speculation that these meetings would result in some sort of organized burden sharing of the maintenance of security in the waterway, with at least some involvement of the user states, in the form of financial or resource donation. This assumption seemed to be borne out when during the Jakarta meeting it was agreed that "a mechanism be established by the three littoral States to meet on a regular basis with user States, the shipping industry and other stakeholders with an interest in the safe navigation through the Straits of Malacca and Singapore (the Straits) . . . to discuss issues relating to the safety, security and environmental protection of the Straits."²⁹

However, it was later stated, at the Singapore meeting, that “the scope of the Co-operative Mechanism focuses on safety of navigation and environmental protection in the Straits.”³⁰ That is, the word “security” had been dropped from the discussions. Indeed, this more narrow focus on safety of navigation and environmental protection was reflected in the list of six projects, outlined by the littoral states during the Kuala Lumpur meeting, that are to be addressed under the framework of the Co-operative Mechanism:

- (i) Removal of wrecks in the Traffic Separation Scheme in the Straits;
- (ii) Cooperation and capacity building on Hazardous and Noxious Substance (HNS) preparedness and response in the Straits;
- (iii) Demonstration project of class B automatic identification system (AIS) transponder on small ships;
- (iv) Setting up a tide, current and wind measurement system for the Straits to enhance navigation safety and marine environment protection;
- (v) Replacement and maintenance of aids to navigation in the Straits;
- (vi) Replacement of aids to navigation damaged by the tsunami incident.³¹

The outcome of this process shows once again that the littoral states, in particular Indonesia and Malaysia, are unwilling to share the responsibility of maintaining security in the straits with the user states. While ad hoc contributions from user states on a bilateral basis have been accepted in the past for improving security in the waterway, there seems to be a desire at present to avoid any long-term institutionalization of the process—which, according to the Indonesian state secretary, Hatta Radjasa, would provide an opportunity for the involvement of foreign forces in securing the waterway.³²

The outcome of the meetings also reflects the view that improving navigational safety in the straits and the protection of their marine resources is of the greatest regional concern. Although completely eradicating the piracy threat is considered a laudable goal, piracy still poses very little risk to the majority of vessels passing through the straits, while navigational safety and environmental concerns affect them all equally.

In the short term, it would seem that low levels of piracy will continue to occur in the Malacca Strait until countermeasures are developed that address the root causes of the problem and not just the symptoms. Economic development must be encouraged among the coastal areas of Indonesia and Malaysia in order to reduce unemployment, and corruption of local officials also needs to be addressed. However, antipiracy measures already in place should not be neglected;

they need to be continuously developed to keep pace with the changing nature of piracy in the waterway.

It is clear from events over the past few years that maintaining the security of the straits and dealing with the problem of piracy will remain the responsibility of the three littoral states. The role of the user states will continue to be limited to ad hoc financial or resource contributions, supplemented by diplomatic pressure. Whether or not this is to the detriment of the fight against piracy in the Malacca Strait, it is most likely to remain the status quo for many years to come.

What is needed now is greater attention to regions that are considerably more insecure than the Malacca Strait. According to one maritime security expert, “while international attention was focused on the Strait of Malacca . . . the security situation in the sea lanes linking the Philippines, Indonesia and Malaysia [was] allowed to deteriorate.”³³ The areas referred to are the Sulu and Celebes seas—the first of which is located in southwest Philippines, while the Celebes Sea is bordered by the Philippine island of Mindanao to the north, Sabah and Kalimantan to the west, and Indonesia’s Sulawesi Island to the south. Largely as a result of the separatist conflict taking place in Mindanao, the areas have become “notorious for illegal maritime activities such as smuggling, piracy, and trafficking in illegal narcotics, guns and people.”³⁴

While the claim that the situation in these areas has been allowed to deteriorate further due to the current focus on the Malacca Strait may be to some extent unwarranted, clearly these areas have been insecure for some time and this should be addressed. Meanwhile, other parts of the world, including Bangladesh, are experiencing sharp increases in piracy. Lessons learned in the fight against piracy in the Malacca Strait should be applied to other regions to make these waters more secure. No longer should there be a false perception that the Malacca Strait is a “Dark Passage.” Rather, it is time for it to be held up as an example to the rest of the world of how piracy can successfully be reduced.

NOTES

1. International Maritime Bureau [hereafter IMB], *Piracy and Armed Robbery against Ships Annual Report, 1 January–31 December 2007* [hereafter *Annual Report, 2007*] (2008), available at www.icc-ccs.org/. The IMB’s definition of the Malacca Strait does not include the coastal waters of Malaysia and Indonesia. These are classified separately under the appropriate country.
2. ReCAAP is the Regional Cooperation Agreement on Anti-Piracy; see below for further details. ReCAAP ISC, *Half Yearly Report for 1st January 2008–30th June 2008*, available at www.recaap.org/.
3. Peter Gwin, “Dangerous Straits,” *National Geographic Magazine* (October 2007).
4. IMB, *Annual Report, 1 January–31 December 2002* [hereafter *Annual Report, 2002*] (2003), p. 5, available at www.icc-ccs.org/. Figures include both attempted and successful attacks.

5. Given that most attacks in the Malacca Strait take place within the territorial waters of the littoral states, the correct term to use for the crime is “armed robbery,” not piracy. However, for the purposes of this article, “piracy” will be used to mean both armed robbery against ships and pirate attacks.
6. Anthony Davis, “Piracy in Southeast Asia Shows Signs of Increased Organization,” *Jane’s Intelligence Review* (June 2004), p. 2.
7. See Catherine Zara Raymond, “Piracy in the Waters of Southeast Asia,” in *Maritime Security in Southeast Asia*, ed. Chong Guan Kwa and John K. Skogan (London: Routledge, 2007), p. 66.
8. In 2004 the International Ship and Port Facility Security (ISPS) Code came into force and introduced worldwide a range of new security requirements for vessels and port facilities.
9. See Raymond, “Piracy in the Waters of Southeast Asia,” p. 67.
10. See *ibid.*
11. IMB, *Annual Report*, 2007, p. 41.
12. ReCAAP ISC, *Report for May 2008*, available at www.recaap.org.
13. Pressure was greater on Malaysia and Indonesia rather than Singapore, because piracy was thought to originate from these two countries. Malaysia and Indonesia were reluctant to acknowledge that they had problems with piracy in their waters.
14. “Singapore Seeks Joint Patrols of Malacca Straits, involving Japan,” *Asian Political News*, May 2004.
15. David Rosenberg, “Dire Straits: Competing Security Priorities in the South China Sea,” *ZNet*, 13 April 2005, www.zmag.org/.
16. Sudha Ramachandran, “Divisions over Terror Threat in Malacca Straits,” *Asia Times*, 16 June 2004, available at www.atimes.com/.
17. Carolin Liss, “The Challenges of Piracy in Southeast Asia and the Role of Australia,” Austral Policy Forum, 07-19A, *Global Collaborative*, 25 October 2007, www.globalcollab.org.
18. “Navy Needs 262 More Warships to Safeguard Indonesian Waters,” *Anatara News*, 18 September 2007.
19. Liss, “Challenges of Piracy in Southeast Asia and the Role of Australia.”
20. Raymond, “Piracy in the Waters of Southeast Asia,” p. 73.
21. *BBC News*, available at news.bbc.co.uk/. For the American reaction, see Bruce A. Elleman, *Waves of Hope: The U.S. Navy’s Response to the Tsunami in Northern Indonesia*, Newport Paper 28 (Newport, R.I.: Naval War College Press, February 2007), available at www.usnwc.edu/press/newportpapers/documents/28.pdf.
22. IMB, *Piracy and Armed Robbery against Ships Annual Report, 1 January–31 December 2003* [hereafter *Annual Report*, 2003] (2004), p. 25.
23. IMB, *Annual Report*, 2007, p. 5.
24. IMB, *Annual Report*, 2004, p. 25.
25. See Raymond, “Piracy in the Waters of Southeast Asia,” pp. 73–74.
26. Reports are available at ReCAAP’s website, www.recaap.org.
27. “ReCAAP Information Sharing Centre,” *Intertanko*, www.intertanko.com/.
28. See Catherine Zara Raymond, “Piracy in Southeast Asia: New Trends, Issues and Responses,” *Harvard Asia Quarterly* 9, no. 4 (Fall 2005), p. 17.
29. IMO/SGP 2.1/1, 16 August 2007, p. 1 [emphasis supplied]. Available at www.mpa.gov.sg/.
30. *Ibid.*, p. 3.
31. “Fact Sheet on the IMO-Singapore Meeting and the Co-operative Mechanism,” *Maritime and Port Authority of Singapore (MPA)*, www.mpa.gov.sg/.
32. “RI Rejects Any Effort to Internationalize Malacca Strait,” *Antara News*, 29 August 2007.
33. Ian Storey, “The Triborder Sea Area: Maritime Southeast Asia’s Ungoverned Space,” *Jamestown Foundation* 5, no. 19 (2007), p. 2.
34. *Ibid.*