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# **‘Ships Can Be Dangerous Too’: Coupling Piracy and Maritime Terrorism in Southeast Asia’s Maritime Security Framework**

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## **‘SHIPS CAN BE DANGEROUS TOO’: COUPLING PIRACY AND MARITIME TERRORISM IN SOUTHEAST ASIA’S MARITIME SECURITY FRAMEWORK<sup>1</sup>**

### **Abstract**

Piracy, a criminal activity embellished in maritime Southeast Asia, has become more virulent. Maritime terrorism continues to threaten the security of regional waters and ports. Consequently, the only way to deal with piracy and maritime terrorism, which are serious threats in these waters, is to confront and fight them through effective policies and laws and their enforcement. This paper argues that in the context of the immediacies of these threats, the current limitations of international law, as well as the deficiencies within current enforcement measures due to the handicap of regional politics, one possible way forward in dealing with piracy and maritime terrorism in Southeast Asia is to ‘couple’ them. In this way, extreme cases of piracy could be reclassified by international law and conventions as acts of maritime terrorism. This would ratchet the current overall threat of piracy into a significant security issue. The purpose of such an endeavour would be to push for accommodations in the regional maritime security framework by way of implementing more adaptive maritime laws and conventions, and a more integrated and efficient enforcement strategy.

### **Introduction**

Piracy continues to be an enormous problem in Southeast Asia especially in Indonesian waters and along the Straits of Malacca and Singapore, which serves as the jugular of maritime trade in this region.<sup>2</sup> What is more disturbing is the escalation of this activity towards greater violence, to the point where the word ‘terror’ has become increasingly invoked. In the last few years, maritime terrorism — acts of terrorism targeting ships at port or sea as well as ports themselves — has been added as another threat to Southeast Asia’s maritime security. While no actual acts of maritime terrorism have been carried out as yet, intelligence analysts believe that regional terrorist networks will instinctively target the region’s maritime infrastructure, “the soft belly...that can be attacked with little effort.”<sup>3</sup> Consequently, while valid arguments can be made against the claim that a ‘nexus’ exists between

these two threats to maritime security — in the sense that terrorists and pirates conspire together in achieving their separate objectives — “in the charged political atmosphere, the mass media and governments have blurred the line between piracy and acts of terrorism.”<sup>4</sup>

Indeed, this sentiment was exemplified in one of the suggestions made by Singapore’s then Minister for Defence Professor Tony Tan during a session on maritime security in the recent Asia Security Conference organised by the London-based International Institute for Strategic Studies in June 2003:

We have been dealing with the problem of piracy for some time, and there are methods and tactics associated with terrorism which we can identify, and put in place several preventive measures.<sup>5</sup>

On this basis, Minister Tan called upon countries to “build on regional anti-piracy frameworks that already exist or are starting to come into place”.<sup>6</sup>

This article builds on this proposition and explores how the threat of maritime terrorism can be ‘coupled’ with piracy within Southeast Asia’s maritime security framework — that is, to fuse two overlapping threats into a common threat perception. *Inter alia*, the purpose of such a project would be to sharpen the attention on piracy, which is a relatively neglected concern by regional governments as compared to the threat of terrorism that has recently besieged the security of most states. At the same time, the implications of piracy in the waters of the Malacca Straits clearly reflects the stark consequences that an act of maritime terrorism can have in the region.

### **The Virulent Turn within Piracy in Southeast Asia**

The general magnitude of pirate attacks against the world’s shipping remains unchanged since the new millennium.<sup>7</sup> As in 2000, the indications of the latest International Maritime Bureau (IMB) report will place Southeast Asia as the most dangerous region for piracy in the world. There were 92 incidents in the first sixth months of 2003. In contrast, the second most pirate-infested waters are the Indian subcontinent (Bangladesh India and Sri Lanka), which experienced 43 attacks during the same period. Right up to March 2003, an attack was reported almost daily along

the Gaspar Strait which is the vital waterway between the Indonesian islands of Bangka and Belitung and the fastest route for ships heading from Singapore to Jakarta or Western Australia.<sup>8</sup> Should the number of pirate attacks maintain their current trajectory by the end of 2003, Indonesia will have maintained its 25 percent share of the world's total reported attacks reported in 2000.<sup>9</sup>

To be sure, the number of attacks in the Malacca Straits has gone down over the first six months of 2003 when compared with the statistics for 2002. As a piracy analyst rightly inferred, “[the pirates] seem to have gone deeper into Indonesian waters”.<sup>10</sup> However, unlike the maritime states in the region, which are known to jealously guard their maritime boundaries, pirates are outlaws who do not recognise interstate borders sanctioned by international law and treaties. Pirates can just as simply return into the waters surrounding the Malacca Straits when security is lacking, just as easily as they have withdrawn into the internal waters of Indonesia. In tandem with the latest warning by the IMB to stay away from the Indonesian islands of Anambas and Bintan, the Bureau also cautions against “anchoring along the Indonesian coast of the [Malacca Straits] unless required for urgent operational reasons.”<sup>11</sup>

What is most disturbing about piracy worldwide and Southeast Asia in particular, is the fact that the attacks are becoming increasingly violent.<sup>12</sup> Attackers are more likely to be armed, and crew members are more likely to be killed or injured during attacks.<sup>13</sup> “Since the end of the Cold War, there has been a quantum leap in the violence potential threshold of pirates and other sub-state insurgents, who are now able to take advantage of a huge array of sophisticated weaponry left over from wars in Afghanistan and Cambodia as well as the former Red Army — much of it available at “bargain basement prices”.<sup>14</sup> By extension, the employment of light arms such as automatic rifles and pistols (or the attempt to use them) while small in nominal terms has nearly tripled since 2000.<sup>15</sup>

Between January to June 2003, Indonesia and the Malacca Straits collectively ranked first for incidents of piracy involving the use of guns (50.9 percent of the world's total).<sup>16</sup> Guns notwithstanding, Indonesia and the Malacca Straits also collectively ranked first for incidents involving the use of knives (31.3 percent of the

world's total) and for incidents involving 'other weapons' (23 percent of the total).<sup>17</sup> In the same six months, Indonesia and the Malacca Straits again ranked first for incidents of piracy involving hostage taking and crew members being threatened with violence; second for incidents involving physical assaults and injury of crew members; and third for deaths inflicted.<sup>18</sup>

Another disturbing trend in maritime Southeast Asia is the rise of hijackings among incidents of piracy.<sup>19</sup> From January to November 2002, there were between 20 hijackings along the Malacca Straits alone.<sup>20</sup> Thus, it is becoming harder to accept the "short term seizure of vessels and acts of robbery, vandalism, threats of violence against the crew if demands are not met, or *in some cases*, acts of violence" as the mainstay of maritime Southeast Asia.<sup>21</sup> The current trend in hijacking now points towards extended seizure. An increasing number of cases are pushing the notion of 'threats' and 'acts of violence' by pirates towards the norm rather than the exception.

Both the employment of weapons by pirates and the rise of hijacking have vast consequences on the safety of life at sea and international maritime navigation, especially along the Malacca Straits. The reason is clear. The Malacca Straits — the world's busiest waterway of 500 nautical miles in length and which gives passage to more than half the world's commerce at a rate of between 150 to as much as 900 ships daily — is extremely narrow especially along its southern half where it is about 20 nautical miles wide and even 9 nautical miles wide at the southern end.<sup>22</sup> Such attacks against a steaming ship will not only put the lives of its crew at risk but also threaten the safe passage of other vessels and the lives of their crew through a massive collision. The disruption of maritime traffic along the Straits will interrupt (and even cripple) regional and international trade. As a latest example, on 13 August 2003, a 3,000 tonne Taiwanese fishing trawler in the Malacca Straits was strafed with rapid gunfire by two pursuing pirate boats resulting in the wounding of its captain, as well as the crippling of its bridge steering area and radar and communication equipment.<sup>23</sup>

Hence, with the rise of what one could call 'extreme acts of piracy', it is has become increasingly difficult to solely defer to the label 'pirate' in light of this escalation. For example, the *New York Times* attributed a series of attacks on chemical tankers in the Malacca Straits involving the use of automatic weapons by the

assailants — some ships were sprayed with bullets-in March 2003 to the work of “terrorists”. However, it was later revealed that the pirates were only after valuables and equipment. ““In other words, they were pirates, albeit unusually bold and violent ones.”<sup>24</sup>

### **The Turn Towards Maritime Terrorism in Southeast Asia**

As with piracy, terrorism (or ‘political terrorism’ as it is sometimes labelled) is not new to Southeast Asia.<sup>25</sup> During the Cold War and even during the first half of the 1990s, terrorism was associated with two types of activities that have plagued much of the post-colonial history of the region. These include communist organisations — which have subsided since the end of the Cold War — and armed separatist movements-which persist till today — both which have carried out violent assaults against the government and civilians, including terrorist attacks. While it is true that the current terrorist threat posed by radical Islamic groups such as the Abu Sayyaf in the Philippines have been in existence since the 1990s, the international connection between Muslim extremism and other foreign Islamic organisation only surfaced in 1995 following the capture of a terrorist residing in the Philippines and who had links to the radical Egyptian group Gama’a el Islamiyah (the alleged mastermind of the 1993 World Trade Centre bombing).<sup>26</sup> Still, “though provoking international concern through widespread violence, domestic terrorists and their vision of establishing independent states appeared to pose little threat to global order and security”.<sup>27</sup> The international complicity between regional groups was only taken seriously after Osama bin Laden’s Al-Qaeda organisation vividly brought worldwide attention to its existence and cause through the attacks in Washington and New York on 11 September 2001. “The events of September 11 were thus as much a wake-up call to Southeast Asia as they were to the United States and its traditional allies. Authorities are now unearthing and piecing together evidence that, far from being locally-contained separatist groups, many terrorist organizations in the region in fact have close and long running connections not only with each other, but to Osama bin Laden’s al Qaeda as well”.<sup>28</sup>

The difference between terrorism pre-September 11 and as we now understand

it is that the manifestation of violence carried out by militant Islamic networks (as well as separatist rebel groups) is mainly expressive despite their instrumental value towards their goals. For the most part, “[political terrorism in its current form] is expressive, not instrumental, for it is not intended to change the world.” Violence serves as the main mode of expression and its purpose is symbolic. Such “[s]ymbolism involves the meaning and use of violence has for the victim (anxiety and humiliation, both of which were involved on September 11 [2001]) and for the offender (status, prestige, and reputation in his own group, in this case the Islamic world).”<sup>29</sup> The carnage of the Bali terrorist bombing on 12 October 2002 by members of the Jemaah Islamiyah (JI) group confirmed that regional groups were also operating on this philosophy.

The threat of maritime terrorism in Southeast Asia has been flushed out in large part from the Bali terrorist bombings. Terrorism expert David Claridge of Janusian Securities believes that this attack was a declaration of war on the global economy.<sup>30</sup> According to him, “[Al-Qaeda] has started to shift its strategy towards economic targets”. Taped statements by two top leaders of Al-Qaeda have also alluded to attacks on “economic lifelines”, which includes commercial shipping lanes. If we clarify Claridge’s reading of the Bali attack more acutely, then the sub-text woven in between the main message becomes apparent: ‘we will take to the waters; your ships will not be safe at port or sea.’

Coincidentally or not, the Bali bombings coincided with the second anniversary of Al-Qaeda’s devastating assault on the USS Cole at a port in Yemen in October 2000.<sup>31</sup> The month of October this year also marks the seventeenth anniversary of the 1985 hijacking of an Italian cruise ship, the Achille Lauro, holding 511 passengers and crew, by the Palestinian Liberation Front, a constituent part of Yasser Arafat’s Palestinian Liberation Organisation (PLO). The suicide bombing of a French-flagged ship, the Limburg, off Yemen on 6 October 2002 serves as additional forewarning.

According to Singapore intelligence sources, the masterminds of the USS Cole actually planned another attack on a US ship visiting a Malaysian port in 2000.<sup>32</sup> Earlier in 2002, Singapore intelligence disrupted an Al-Qaeda plot to attack a US ship

docked in Singapore. Senior Al-Qaeda operative, Omar al-Faruq, who is now in American custody, also told officials of plans to attack an American naval ship in Surabaya, Indonesia's second largest port.<sup>33</sup> As Claridge points out, "they [that is, Al-Qaeda) have an interest in maritime terrorism. We know that, and I think it's inevitable that groups within the region will be thinking about maritime terrorism."<sup>34</sup>

Despite the crippling of the JI's operations and leadership through the arrest of individuals such as Abu Bakar Bashir in (founder and 'spiritual leader'), Riduan Isamuddin also known as 'Hambali' (head of operations) and those who executed the Bali bombings, the group still poses as a grave threat in the region. The JI bombings of a luxury hotel in Jakarta on 6 August 2003 is the most recent testament. In fact, this attack was carried out by Unit Khos, a special JI squad made up of suicide bombers "gearing up for more attacks".<sup>35</sup> A hardcore terrorist and expert bomb-maker known as Dulmatin (nicknamed 'Genius') is expected to be the next in command in the JI hierarchy.<sup>36</sup> The Al-Qaeda, which also claimed responsibility for the Jakarta bombings, is now believed to be sustained by a "third generation" of 800 to 1,000 terrorists "ready to carry out self-managed, self-financed attacks" according to the latest UN Terrorism Committee Report.<sup>37</sup>

Intelligence analysts believe that because of the hardening of all land-based targets regional terrorist networks will instinctively target the region's maritime infrastructure, the remaining 'soft belly' of states. Because port security has been significantly stepped up since the September 11 2001 attacks, the nature of maritime attacks in Southeast Asia will most likely be on steaming ships especially along the Malacca Straits where ships are most vulnerable to attacks and where devastation will be greatest.

If regional terrorist groups are able to sustain their operations, the likely trend for maritime terrorism in Southeast Asia will probably be:

- (1) *suicide attacks on commercial and military vessels as well as ports* similar to the attacks on the USS Cole and the Limburg. With the increase in port security in the region, the remaining 'soft' targets for terrorists will be ships steaming along passages such as the Malacca Straits;

- (2) *hijacking* for the purposes of:
- (a) *Carrying out a subsequent suicide attack* on an unsuspecting ship or port (in the spirit of the September 11 attacks);
  - (b) *Seeking ransom*. Terrorists may want to trade hostages for members of their group detained by regional authorities;
  - (c) *Smuggling weapons and explosives* to their affiliates in other parts of the world. They may do this by hijacking a ship before renaming and repainting it, and providing a new crew and manifest before carry out such an operation just as some piracy syndicates in the region are known to do; and
  - (d) *As an act of piracy*. Terrorists may carry out acts of piracy for purposes of procuring alternative revenue for their main operations. A good example is the recent spate of pirate attacks by Acehese rebels along the Malacca Straits.<sup>38</sup>

As forewarned by trends in piracy, suicide maritime attacks and hijacking for the purposes of carrying out such attacks pose as the most detrimental threats to the maritime security of the region, especially along the Malacca Straits. Two-thirds of the world's liquefied natural gas (LNG) trade passes through the Straits. As Joseph J. Brandon, Associate Director of The Asia Foundation in Washington, put it bluntly:

If terrorists were to commandeer a ship transporting LNG to undergo a suicide mission in the Straits of Malacca, such an act could devastate Southeast Asia's economies and environment and severely disrupt trade as the Straits could be closed to shipping and fishing.<sup>39</sup>

This sentiment was expressed by the IMB's Piracy Reporting Centre in Kuala Lumpur early last year. "Ships carrying huge loads of highly flammable gas could be hijacked by terrorists and used in suicide attacks".<sup>40</sup> 15 "Forged ship and crew travel documents can be easily obtained for tankers carrying oil or liquefied gases, facilitating their use by terrorists "to undergo suicide missions for their cause".<sup>41</sup>

## **The State of the Art of Fighting Piracy and Maritime Terrorism in Southeast Asia**

### *Fighting piracy*

It is clear that the efforts by the governments of Southeast Asia, international organisations and the shipping industry in dealing with the problem of piracy are severely lacking despite present initiatives.<sup>42</sup> "Although nations have agreed to

discourage and punish it, pirate acts are on the rise with every passing year and at an alarming rate.”<sup>43</sup> There are several reasons for this.

First, more radical initiatives in dealing with piracy are absent because the problem is not given the kind of attention it deserves. “[People] round the world simply do not recognize that piracy really exists as a modern menace” in contrast to other threats such as international terrorism, the proliferation of weapons of mass destruction and epidemiological threats such as AIDS.<sup>44</sup> In Southeast Asia, except for terrorism, most non-traditional security issues are supplanted by traditional security concerns despite a broadening of the security agenda in the region.<sup>45</sup>

Second, there continues to exist the ‘lack of agreed definitions’ constituting piracy and it poses as “[o]ne of the major difficulties faced by government authorities and organizations in dealing with the problem of piracy”.<sup>46</sup> Third, the close geographical proximity of most Southeast Asian states vis-à-vis their territorial sea limits around waters where piracy is rampant creates a situation where current provisions within international law concerning piracy do not apply.<sup>47</sup> This is especially so along the Malacca Straits which falls under the territorial sea limits of one of Indonesia, Malaysia and Singapore. Though it is deemed an ‘international strait’, criminal and enforcement jurisdiction resides under the territorial sovereignty of these states.<sup>48</sup> With respect to piracy, the provision of severe penalties through domestic law continues to be lacking.

Fourth, the littoral states of Indonesia, Malaysia and Singapore continue to “jealously guard their sovereignty over territorial waters”, deny cross-boundary “hot pursuit” (or fail to operationalise it due to their inexperience with complicated nature of this doctrine) despite having created such bilateral arrangements.<sup>49</sup> Ultimately, it is the nature of regional institutionalism via ASEAN and the nature of bilateral relations between the states of Southeast Asia, which have come in the way of effective policy implementation.<sup>50</sup>

It is the complications over territory and sovereignty which explains why the firm call by the UN and legal scholars towards states to become parties to the 1988 Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) — the most progressive convention against ship attacks — has yet to be heeded by those

in Southeast Asia. As a legal avenue for states to “prosecute acts of armed robbery against ships or any other unlawful act not covered by the definition of piracy in the Convention on the Law of the Sea” the 1988 SUA Convention could be the most vital tool for combating piracy and other crimes at sea in Southeast Asia.<sup>51</sup> This is because “[the convention would apply to such attacks whether they were committed in port, in the territorial sea, or in maritime zones outside the jurisdiction of the coastal state”].<sup>52</sup>

Fifth, even if states in the region were to iron out the difficulties in coordination, the lack of available resources such as a trained maritime police as well as inadequate boats and equipment among some states continue to negate any headway made in the intelligence gathering efforts of state agencies prior to the prevention and suppression of such attacks.<sup>53</sup> In the end, the last lines of defence against piracy, and maritime terrorism are left undertaken by nongovernmental organisations such as the IMB and the International Labour Organisation (ILO).<sup>54</sup>

#### *Fighting maritime terrorism*

The current fight against maritime terrorism in Southeast Asia is undertaken as part of the fight against terrorism in general. Thus, the state of the art of anti-maritime terrorism efforts must be discussed, in large part, within the context of the broader campaign against terrorism.

At the international level, the decision of the IMO’s Legal Committee — following the unanimous adoption in November 2001 by the IMO Assembly of resolution A.924(22) calling for a review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships — to review the SUA Convention during its 86th session in April 2003 marks a significant step towards establishing the legal provisions in dealing with maritime terrorism as a serious threat.<sup>55</sup> “The proposed amendments would significantly broaden the range of offences and make it more relevant to modern conditions.”<sup>56</sup>

At the regional level, despite the rise of international terrorism through the activities of the Al-Qaeda and the vicious attacks carried out by radical Islamic groups such as the 11 in the region, the effort to counter this threat unilaterally and collectively has been at best, mixed and, at worst, much to be desired. While

countries such as Singapore and Malaysia have displayed firmness in dealing with the terrorist threat by hunting down key terrorist figures and cell groups, Indonesia and Thailand were in a “denial mode” and dismissed external warnings until recently.<sup>57</sup> In the case of Indonesia, among the criticisms of its “irresolute government response...attributed to weak political leadership, weak security apparatus” and the “absence of anti-terrorist legislation”.<sup>58</sup>

On a better note, the arrest and trial of the latest key masterminds of the Bali bombings and the stepping of its security laws following the Jakarta bombings, has shown that the Indonesian government can muster the political will against terrorism if it wants to.<sup>59</sup> Also, almost all the states in the region have heightened the security and protection of potential ‘land-based targets’ such as embassies, commercial buildings, key installations and ports. However, the security and protection of vital sea-lanes such as the Malacca Straits and ships passing through it remains “the soft belly... that can be attacked with little effort”. This prognosis has been validated by acts of piracy in these waters. Further, the same obstacles that impede regional cooperation against piracy also hamper efforts against acts of maritime terrorism.

The 11 September attacks in 2001 and the Bali bombings has also compelled ASEAN member states to establish weightier official declarations and agreements to tackle terrorism.<sup>60</sup> Further declarations and agreements were made separately between ASEAN and the United States, China and the European Union since 2002.<sup>61</sup> The ASEAN approach in combating terrorism was reflected in the ASEAN Summit in Bandar Seri Begawan in November 2001. While recognising the need for member states to counter, prevent and suppress all terrorist acts in accordance with the UN Charter, it qualified its commitment on the basis of the framework already established in fighting transnational crime. It also cautioned the need to take into account the “specific circumstances in the region and each member country” in considering joint action.<sup>62</sup> Such complications were involved in the trilateral anti-terrorism agreement signed by Malaysia, Indonesia and the Philippines in May 2002 when it was extended to other ASEAN members:

Its very broad coverage beyond targeting potential terrorist threats and the politically and legally contentious aspects of the other areas covered-such as, information-sharing on money laundering, piracy, hijacking, intrusions, illegal

entry, drug trafficking, theft of marine resources, marine pollution and illicit arms trade — created reticence on the part of other ASEAN members.<sup>63</sup>

These complications add to the current challenge of defining terrorism which ASEAN, like the UN and other international bodies, has yet to overcome. Upon failing to define terrorism by ASEAN Home Affairs and Interior Ministers in May 2002, the caveat that “the sovereignty, territorial integrity and domestic laws of each ASEAN Member Country” be respected in the fight against this threat was reiterated.<sup>64</sup>

In the final analysis, despite the increasing acknowledgement that maritime terrorism poses as a real threat to shipping in the region, there are no substantive contingencies and arrangements between the littoral states of Southeast Asia in dealing with an emergency situation in which maritime terrorists have come to hijack a ship with the intention of steering it towards another ship or a port facility. No procedures involving the use of special military or police force in apprehending a hijacked ship or in dealing with post-attack contingencies are known to have been established.<sup>65</sup>

#### *Fighting piracy and terrorism as ‘transnational crimes’*

Despite the problems cited above, the serious attention given to terrorism by states in Southeast Asia has helped to move the regional security agenda forward. “[I]nternational terrorism [has] sharpened attention on a broad spectrum of related transnational, non-conventional security threats” including piracy as outlined in the May 2002 trilateral agreement between Malaysia, Indonesia and the Philippines against terrorism. In fact, this has injected greater brevity into previous and subsequent agreements on countering transnational crime.

While ASEAN is careful not to stretch the linkages between phenomena such as piracy, terrorism, arms smuggling, money-laundering and other crimes, it embraces the need for more integrated approaches in dealing with them. For example, in Paragraph 4 of the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues signed at the 6th ASEAN-China Summit in Phnom Penh on 4 November 2002, member states

[recognise] the complexity and deep-rooted background of the[se] non-traditional security issues and the need to address them with an integrated approach that combines political, economic, diplomatic, legal, scientific and technological and other means.<sup>66</sup>

In all likelihood, the suggestion of ‘holism’ fits well into the modality of minimalist intergovernmental coordination typifying ASEAN.

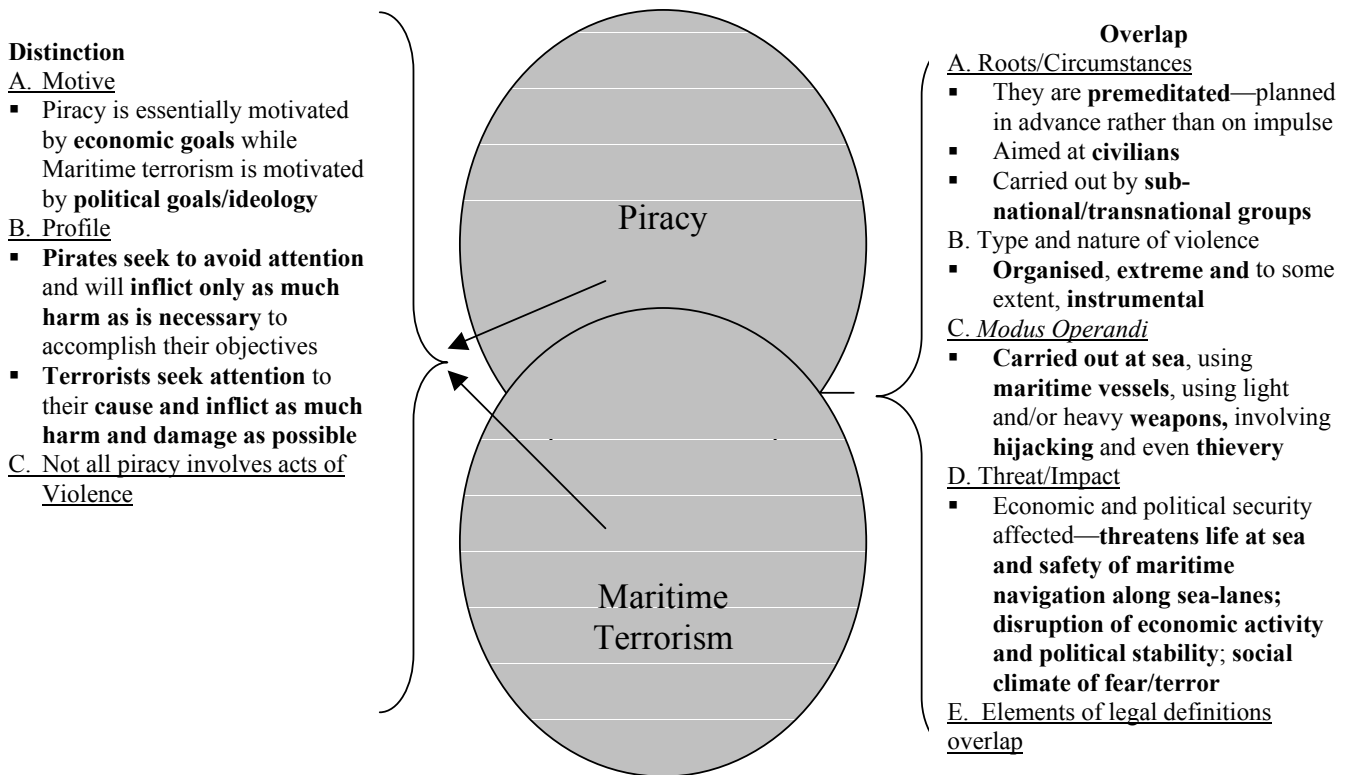
### **Piracy and Maritime Terrorism: Couple or Decouple?**

The debate concerning the similarities or conflation between piracy and maritime terrorism in Southeast Asia has moved to the foreground recently in light of the developments of both phenomena in the region as well as their commonality as crimes of a transnational nature. Indeed, an increasing number of analysts and scholars point out that piracy and maritime terrorism have come to inhabit a common ground on four main accounts that lean upon each other.

First, both piracy and ‘acts of terrorism’ on the basis of international law are transnational threats to the security of the global community.<sup>67</sup> In other words, “[I]ike terrorism, piracy at sea is an international [or transnational] crime.”<sup>68</sup> Second, the tactics and approaches used in both activities do overlap.<sup>69</sup> Third, both employ similar types of arsenal, and hence violence, towards achieving their objectives. Here, hijacking may become the commonality between the piracy and maritime terrorism. Fourth, there has arisen the contentious argument that because “[t]he trend in modern piracy is becoming more bloody and ruthless” (meaning that it has become more violent) it “is also a form of terrorism that affects the crew, passengers and ship owners.”<sup>70</sup> This overlap is further illustrated and described in Diagram 1.

In Southeast Asia, the overlap between extreme acts of piracy and maritime terrorism — in substantive terms as well as in terms of how such threats are socially perceived — is greatest because of the level of violence involved in their *modus operandi* and the devastating impact these acts can and do have upon the safety of people and international maritime navigation.

**Diagram 1: The Overlap Between Piracy and Maritime Terrorism**



The remaining barrier between extreme acts of piracy and maritime terrorism is a legal and definitional one and is usually described in the following manner:

Terrorism is distinct from piracy in a straightforward manner. Piracy is a crime motivated by greed, and thus predicated on financial gain. [Maritime t]errorism is motivated by political goals beyond the immediate act of attacking or hijacking a maritime target. The motivating factor for terrorists is generally political ideology stemming from perceived injustices, both historical and contemporary.<sup>71</sup>

Protagonists to this perspective add another distinction: “[pirates want to avoid attention and will inflict only as much harm and damage as is necessary to accomplish their mission” while “[t]errorists...want to call attention to their cause and inflict as much harm and damage as possible.”<sup>72</sup> That is, pirates want to sustain their trade; an act of maritime terrorism is often pyrrhic.

These distinctions are highly valid. However, they are based to a large degree

upon extraneous assumptions. Crucially, with some exception to the role of ‘political ideology’ and ‘financial gain’ (economics), there is nothing in the letter of the law that distinguishes an act of maritime terrorism from piracy except for the notion of ‘private ends’. In Article 101 of UNCLOS (cited in part), which forms the basis for the working definition used by the IMO:

Piracy consists of any of the follow acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - (i) on the high seas, against another ship or aircraft, or against persons or private property on board such ship or aircraft;
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;<sup>73</sup>

In fact, the Article focuses on the course of action involved and not strictly on motive. The same applies to the act of ‘armed robbery against ships’ which the IMO legally distinguishes as acts of piracy carried out “within a State’s jurisdiction” which may include “ocean areas within a state’s jurisdiction, such as ports, territorial sea, and archipelagic waters” or even “attacks on ships in internal waters such as lakes and rivers”.<sup>74</sup>

Ultimately, the issue of ‘private ends’ is a matter of arguable interpretation despite the staunch defence for its exclusivity with regards to piracy.<sup>75</sup> It can be easily argued that terrorism in large part is an act carried out for private ends by a group of individuals; their political ideology is not shared by the majority of the public domain. This rationale finds similar ground with the criticism raised by Czechoslovakia which objected to the insertion of the ‘private ends clause’ during the drafting of the precursor to the 1982 LOS Convention, the 1958 Geneva Convention of the High Seas.<sup>76</sup>

The Czech government affirmed that the International Law Commission committed a grave omission since it did not mention acts of piracy for political ends or what some scholars classify as ‘politically motivated piracy’ or ‘political piracy’ which includes the attacks and seizures that are labelled as ‘maritime terrorism’.<sup>77</sup> Instead, the clause was maintained and has come to find itself within Article 101 of the 1982 LOS Convention. This “shows that States have not been willing to enlarge

the scope of the provisions on piracy.”<sup>78</sup> The 1975 seizure of the Japanese flagged Sheira Maru and the 1985 hijacking of the Achille Lauro, which some interpreted as political piracy, also failed to serve as compelling cases towards pushing for accommodations within international law.<sup>79</sup>

However, the definition of piracy by the IMB, which crystallised at the turn of the century, has chosen to go against the grain of Article 101 of the 1982 UN document. For the IMB, piracy is “an act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act.”<sup>80</sup> Thus, “[t]he IMB definition does not require that the act of piracy be committed for private ends. Attacks on a ship for political or environmental reasons qualify as piracy.” In addition, the IMB definition also abolishes the traditional two-ship requirement, “which means that attacks from a raft or even the quay are acts of piracy.”<sup>81</sup> The IMB is obviously making an attempt at answering the call for “a more inclusive definition of piracy” in light of the “high level of maritime attacks within national territorial waters” such as those to be found in pirate prone areas of Southeast Asia.<sup>82</sup>

Like piracy, maritime terrorism has no internationally accepted definition to date.<sup>83</sup> This is partly because the definition of terrorism itself is under huge dispute.<sup>84</sup> Prior to the attacks upon the USS Cole and the Limburg, “the only feasible definition of maritime terrorism [was] one based on the principles of conventions dealing with aerial hijacking”,<sup>85</sup> which became validated through *inter alia* the bombings of hijacked airplanes such as Pan Am flight 103 over Lockerbie, Scotland in 1988 as well the 1985 bombing of an Air India jet.<sup>86</sup> It could be said that the maritime equivalents to the Lockerbie pre-USS Cole were the 1975 seizure of the Japanese flagged Sheira Maru and the 1985 hijacking of the Achille Lauro but without the bombings.

However, the suicidal attacks upon the USS Cole and the Limburg have obliged scholars and practitioners to look beyond these conventions. Over the last decade, some legal scholars have chosen to employ Articles 3 and 4 of the 1988 SUA Convention in order to draw up an operational definition of maritime terrorism:

- (a) as any attempt of or threat to seize control of a ship by force;
- (b) to damage or destroy a ship or its cargo;
- (c) to injure or kill a person on board a ship;
- (d) or to endanger in any way the safe navigation of a ship that moves from the territorial waters of one State into those of another State or into international waters.<sup>87</sup>

This application is made despite the fact that the word ‘terrorist’ is not mentioned in the SUA Convention as discussed earlier.

While there is no official definition of maritime terrorism among the states of Southeast Asia either between them or through ASEAN, the mindset of the SUA Convention is roughly applied to the definition maritime terrorism the by the ASEAN Regional Forum’s (ARF), Maritime Cooperation Working Group of the Council for Security and Cooperation in the Asia-Pacific (CSCAP), which is the ‘Track Two’ or nonofficial level of discussing Asia-Pacific wide security matters among ARF members. Though it has chosen to use the US State Department’s definition of terrorism as the underlying assumption for what constitutes the phenomenon in general — terrorism is “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents, usually intended to influence an audience” — the CSCAP definition of maritime terrorism itself focuses “broadly” on “terrorist acts and activities” in three regards:

- (a) Within the marine environment;
- (b) Used against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel;
- (c) Against coastal facilities or settlements, including tourist resorts.<sup>88</sup>

It is without coincidence that the main elements involved in the working definitions of maritime terrorism used in the 1988 SUA Convention as well as the CSCAP approach are also to be found within the definitions used in the IMB and even the IMO definition’s of piracy, even despite the latter’s staunch exclusion of ‘political piracy’ or even its defence of the ‘private ends clause’. In fact, the current treatment of maritime terrorism appears to heed the call towards “defin[ing] terrorism...*in terms of what goes on* rather than the motives for undertaking it.”<sup>89</sup>

Face off, the ‘what goes on’ that is most vitally shared by extreme acts of piracy and maritime terrorism is the violence involved in both activities and the

immediate impact in terms of the threat they pose to the safety of maritime navigation and upon people and society in psychological, economic and political terms. The ‘coupling’ of extreme acts of piracy and maritime terrorism is typified by the US-based Council of Foreign Relations’ following observation: “[e]ven though most people can recognise terrorism when they see it, experts have had difficulty coming up with an ironclad definition.”<sup>90</sup>

By extension, acts of maritime terrorism continue to be subject to general rules and those provided by multilateral conventions on cooperation on criminal matters. Thus,

if the cooperation of the international community on the prevention and suppression of acts of piracy is based essentially on the fact that such acts threaten the safety of maritime navigation, this argument could be made with respect to acts of maritime terrorism, maintaining *ratio reprimendi* that rules pertaining to piracy also pertain to maritime terrorism.<sup>91</sup>

In Southeast Asia, the case is beginning to be made in the reverse where the current threat of terrorism has sharpened the attention on other international crimes such as piracy which, while inflict[ing] only as much harm and damage as is necessary to accomplish their mission’, can — in extreme cases — be harmful enough to inflict damage approximate to an act of maritime terrorism.

### **Coupling Piracy and Maritime Terrorism in Southeast Asia’s Maritime Security Framework: An Agenda for Policy and Research**

It is true that “long-term solutions aimed at completely eliminating piracy and terrorism may have to be fitted to the particular problem”.<sup>92</sup> Still, the immediacy of these threats demands a decisive and an integrated set of approaches ‘that combines political, economic, diplomatic, legal, scientific and technological and other means’ as a stop gap measure.

Considering the current limitations by states in tackling the broad spectrum of piracy, which are in part due to the limitations in international law, the handicap of regional politics and the deficiencies within current enforcement measures in Southeast Asia, the coupling of piracy with the general threat of terrorism and specifically, maritime terrorism, as a means of both sharpening the fight against the

former and in bringing greater attention to the latter (through the vulnerability of the regional maritime security exposed by piracy) should be seriously considered.<sup>93</sup>

First, at the state level, countries such as Indonesia-whose archipelagic waters is rampant with piracy and whose security is most threatened by burgeoning terrorism by groups such the JI has not been doing enough to combat these threats. Just like its previous efforts in 1992, the Indonesian coast guard and navy must continue to infiltrate archipelagic areas where pirates are believed to operate and seek shelter.<sup>94</sup> The Indonesian authorities, as with all other Southeast Asian states, must replicate their effort towards pre-empting and foiling terrorist attacks in the country through timely interception of pirate suspects while they are in their planning stage of their activities.

Second, considering that the complications in the legal aspect of linking counter-piracy to the overall counter-terrorism effort has been overstated, extreme acts of piracy should be re-classified as acts akin to maritime terrorism under international law such as the 1988 SUA Convention and in regional bilateral agreements covering piracy or terrorism.<sup>95</sup> This would explicitly ratchet the threat of an age-old criminal activity into a core security issue in the way terrorism is currently treated. For one, by handling extreme acts of piracy under the rubric of maritime terrorism, the Indonesian government may be in a better position to deal with an embarrassing problem involving its locals who make up the majority of pirates in the region.<sup>96</sup>

Third, if piracy and terrorism are fused into a general threat, countries in Southeast Asia may find external assistance more palatable. “So it may be in the interest of maritime powers to ‘conflate’ piracy and terrorism to help reluctant developing countries to let maritime powers pursue pirates and terrorists in their territorial and archipelagic waters.”<sup>97</sup> Certainly, states such as India, Japan and China have been showing increasing interest in conducting joint or independent naval patrols in the waters of the South China Sea.<sup>98</sup>

Fourth, and in relation to the second point, all Southeast Asian states must be pressured (as they currently are by the United States) into becoming parties to the 1988 SUA Convention. Asian middle powers such China and Japan have already

signed the convention, as an extension of their interests in having their naval patrols ‘licensed’ by international law.

The convention will solve other regional problems in fighting piracy and maritime terrorism. For one, the motive of the person committing the offence is not relevant in the convention. “If the person seizes control over the ship by force, the person has committed an offence.”<sup>99</sup> Also, it will compel states in the region to create an extradition treaty specific to serious crimes at sea.<sup>100</sup> Also, by signing the 1988 SUA and/or formalising the non-traditional security roles of the ARF beyond dialogue towards operational coordination vis-a-vis member states’ blue water navies and airforce would help create the formal link [between] the states of Southeast Asia with other extra-regional governments that have considerable experience of coordinating and integrating responses to [phenomena such as piracy and maritime terrorism], most notably the United States and governments of the European Union (EU).<sup>101</sup>

However, this cooperative arrangement involving external maritime powers can only come about if greater headway if the Malacca Straits can be re-defined and accepted as an ‘international strait’ in more substantive terms; not only in the sense that it allows for the passage of international maritime navigation over waters that fall under the sovereignties of its littoral states, but one that provides for the more extensive exercise of regionally coordinated patrols (through the help of external maritime powers) on the warrant of achieving better maritime security against extreme cases of piracy and maritime terrorist attacks. The challenge is create an arrangement which will (1) allay the “suspicion in Southeast Asia regarding the...goals of the Indian and U.S. naval presence in the Strait of Malacca”;<sup>102</sup> (2) persuade littoral states that their ‘core’ sovereignties will not be compromised in this endeavour. At the same time, governments have to be reminded that they are indirectly responsible for acts of piracy and maritime terrorism within their waters. As such, they have a vested interest in forming cooperative arrangements with powers that have the maritime capabilities to help secure sea-lanes along the Malacca Straits.

## **Conclusion**

In light of the current threat of international terrorism, culminating in the 11 September 2001 attacks, “flying planes can be dangerous”.<sup>103</sup> With the rise of extreme acts of piracy and (possibly) maritime terrorism, ‘ships can be dangerous too’. The “structural ambiguity” of this phrase (as linguists would put it) neatly conveys the essence of the problem in which the threat of piracy and maritime terrorism overlap each other especially in Southeast Asia. First, a ship piloted by a pirate or a maritime terrorist poses a danger to life at sea. Second, this danger is greatest along areas such as the Malacca Straits, which puts the safety of maritime navigation at risk and the political and economic region at stake.

There is a substantive basis for the coupling of extreme acts of piracy and maritime terrorism in terms of the violence and impact they have on people, societies and states. This new threat modality in addition to helping to empower the problem-solving agenda against piracy and terrorism can also compel regional efforts through ASEAN and other bilateral arrangements to be taken more seriously, particularly within a climate of fear wrought by the rise of terrorism in general.

The management of maritime security in the region in conceptual, legal and operational terms requires an approach that deals with such threats simultaneously and in an integrated fashion. The resources available in dealing with piracy and maritime terrorism are already limited. Greater political will is also a commodity much in demand among the states in Southeast Asia necessary to implement many existing solutions effectively. However, until an actual incident of maritime terrorism occurs along the Malacca Straits — one which actually causes the kind of destruction similar to the 2002 Bali bombing — or an extreme act of piracy which creates an impact of a similar scale, it is unlikely that states in the region will be compelled to deal with these threats in a way that could have prevented them from occurring in the first place.

## NOTES

1. A draft of this paper was presented at the “People and the Sea II: Threats and Opportunities” Conference organised by the Centre for Maritime Research (MARE) and the International Institute for Asian Studies (IIAS) from 4 to 6 September 2003, in Amsterdam, The Netherlands. The author would like to thank the following people for their comments on the draft of this paper: Miss Carolina Hepp, an MA graduate in International Peace and Security from the School of Law and Department of War Studies, King’s College, University of London; and Dr Lee Poh Onn, Fellow, Regional Economic Studies Programme, ISEAS. The author would also like to thank Dr Tin Maung Maung Than and Mr Daljit Singh for their editorial comments. The views and opinions expressed in this paper are the author’s own and do not reflect those of ISEAS. Any errors are the author’s own.
2. There is no alternative to an efficient and viable route through maritime Southeast Asia other than to traverse between the Indian and Pacific Oceans. One of the most important international shipping routes from the Indian Ocean to the South China Sea (which conjoins with the Pacific Ocean) passes through the Straits of Malacca and Singapore. Together, they serve as the jugular of Southeast Asia’s ‘maritime realm’. Eighty percent of Japan’s oil also passes through the Malacca Straits. Singapore’s harbour, as the world’s busiest transit port, sits on the straits as a key hub in the global economic lifeline. The best alternative to the Malacca and Singapore Straits are three routes that run through the Indonesian archipelago — the Strait of Makasar between Kalimantan and Sulawesi, the Sunda Strait and the Lombok Strait. These routes apply especially to ships running between the Middle East (the Persian/Arabian Gulf) and East Asia (such as a country like Japan). See Robert C. Beckman, Carl Grundy-Warr, and Vivian L. Forbes, “Acts of Piracy in the Malacca and Singapore Straits,” *Maritime Briefing*, Vol. 1 No. 4 (United Kingdom: University of Durham, Department of Geography, International Boundaries Research Unit, 1994) p. 7; Theodore Olson, *Maritime Strategy and the New Law of the Sea: Losers and Gainers; With a Focus on Southeast Asia*. York University Centre for International and Security Studies Working Paper No. 17, August 1996, p. 13.
3. Vijay Sakhujia, “Challenging Terrorism at Sea”, Article No. 679, 19 January 2002 (Institute of Peace and Conflict Studies), <http://www.ipcs.org/issues/newsarticles/679-ter-sakhujia.html>
4. Adam Young. and Mark J. Valencia, “Piracy and terrorism threats overlap”, *The Washington Times*, 7 July 2003. (The Washington Times online), <http://washingtontimes.com/world/20030706-104801-9949r.htm>
5. “Three S’pore ideas for boosting maritime security”, *The Straits Times* 2 June 2003 (The Straits Times Interactive), <http://www.straitstimes.com.sg/storyprintfriendly/0,1887,192467.00.html>; “Remarks by Dr Tony Tan Keng Yam, Deputy Prime Minister and Minister for Defense, at the Plenary session on “Maritime Security after September 11<sup>th</sup>,” The Second IISS Asia Security Conference Singapore, 30 May–1 June 2003 (IISS online), <http://www.iiss.org/shangri-la-more.php?itemID=16>
6. Ibid.
7. According to the International Maritime Bureau’s (IMB) *Piracy and Armed Robbery Against Ships 2000 Annual Report*, the number of reported incidents of piracy in 2000 stood at 469 incidents. This is an increase of 56 percent over 1999 and quadruple the number of incidents in 1991. In IMB’s latest report, *Piracy and Armed Robbery Against Ships: Report for the Period 1 January-30 June 2003*, 234 attacks were reported in the first half of the year. Assuming that the trajectory of attacks continues, the number of reported incidents for the year 2003 would be about the same as 2000.

- Still, the number of attacks in the last six months of this year presents a 37 percent increase over the 171 reported incidents in the corresponding period in 2002. Robert C. Beckman, "Combating Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 317; *Piracy and Armed Robbery Against Ships: Report for the Period 1 January-30 June 2003* (United Kingdom: ICC International Maritime Bureau, 2003); "Pirate attacks against ships increase, ICC report finds," *C.S.S. Archives* (ICC International Maritime Bureau online), [http://www.iccwbo.org/ccs/news\\_archives/2002/stories/piracy%20report%20Oct2002.asp](http://www.iccwbo.org/ccs/news_archives/2002/stories/piracy%20report%20Oct2002.asp)
8. "Strait of Malacca no longer a pirate haunt," *Reuters* 9 July 2003 (Yahoo News: Singapore News), <http://sg.yahoo.com/030709/3/3cepw.html>
  9. For an analysis of the statistics on pirate attacks in Southeast Asia for 2002, see Robert C. Beckman, "Combating Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 317-318.
  10. "Strait of Malacca no longer a pirate haunt".
  11. *Piracy and Armed Robbery Against Ships: Report for the Period 1 January-30 June 2003* (United Kingdom: ICC International Maritime Bureau, 2003) p. 14
  12. Peter Chalk, *Grey-area Phenomena in Southeast Asia: Piracy, Drug Trafficking and Political Terrorism* (Canberra: Strategic and Defence Studies Centre, Research School of Pacific and Asian Studies, The Australian National University, 1997), p. 26, 32; Robert C. Beckman, "Combating Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 317; Joseph J. Brandon, "Piracy as Terrorism," *Journal of Commerce* 3 June 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2153>; "High seas terrorism alert in piracy report," *C.C.S Archives* (IMB online), [http://www.iccwbo.org/ccs/news\\_archives/2003/stories/piracy%20report\\_2002.asp](http://www.iccwbo.org/ccs/news_archives/2003/stories/piracy%20report_2002.asp)
  13. "Piracy soars as violence against seafarers intensifies," *C.C.S. Archives* (IMB online), [http://www.iccwbo.org/ccs/news\\_archives/2003/piracy\\_report\\_second\\_quarter.asp](http://www.iccwbo.org/ccs/news_archives/2003/piracy_report_second_quarter.asp); Robert C. Beckman, "Combating Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 317.
  14. Chalk, *Grey-area Phenomena in Southeast Asia*, p. 33.
  15. The worldwide employment of firearms by pirates steadily increased from 0.8 percent in 2000, to 1.4 percent in 2001 and 2.7 percent in 2002. See "Table 6: Comparison of types of attacks, January to June, 1992-2003," in *Piracy and Armed Robbery Against Ships: Report for the Period 1 January-30 June 2003* (United Kingdom: ICC International Maritime Bureau, 2003), p. 9.
  16. See "Table 10: types of arms used by geographical locations, January to June 2003," in *ibid.*, p. 10.
  17. *Ibid.*, p. 10.
  18. Indonesia alone ranked first for incidents of piracy involving hostage taking (69 out of 193) and crew members being threatened with violence (23 out of 34). It ranked second for incidents involving physical assaults (5 out of 30) and injury of crew members (6 out of 52); and third for deaths inflicted (out of 16). See "Table 8: Type of violence to crew by location, January to June 2003," in *ibid.*, p. 9.
  19. For purposes of comparison of the data for January to June 2003, on an international scale, the incidents of piracy involving hijackings rose from 1.2 percent (2 out of 161) in January to June 2000 to 7.3 percent (12 out of 165) in January to June 2001. The figure was 8.1 percent for the same period in 2002 (14 out of 171) and 3.8 percent for January to June 2003. See "Table 6: Comparison of the type of attacks, January to

- June,” in *ibid.*, p. 9.
20. “Pirates attack small tankers in Malacca Straits,” (C.S.S. Archives), [http://www.iccwbo.org/ccs/news\\_archives/2002/stories/tankers.asp](http://www.iccwbo.org/ccs/news_archives/2002/stories/tankers.asp) or “Pirate attacks against ships increase, ICC report finds,” (C.S.S. Archives) [http://www.iccwbo.org/ccs/news\\_archives/2002/stories/piracy%20report%20Oct2002.asp](http://www.iccwbo.org/ccs/news_archives/2002/stories/piracy%20report%20Oct2002.asp)
  21. Robert C. Beckman, Carl Grundy-Warr, and Vivian. L.Forbes, “Acts of Piracy in the Malacca and Singapore Straits,” *Maritime Briefing* Vol. 1, No. 4(United Kingdom: University of Durham, Department of Geography, International Boundaries Research Unit), p. 11.
  22. Joseph J. Brandon, “Piracy as Terrorism,” *Journal of Commerce* 3 June 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2153>.
  23. “JI suicide squad on the loose,” *The Straits Times* 13 August 2003, p. 1.
  24. Young and Valencia, “Conflation of piracy and Terrorism in Southeast Asia,” p. 267.
  25. Chalk, *Grey-area Phenomena in Southeast Asia*, p. 55.
  26. The terrorist in question was Ramzi Ahmed Yousef. He actually evaded capture in the Philippines but was later caught in Pakistan a month later where he was extradited to the United States to stand trial.
  27. See Peter Chalk, *Grey-area Phenomena in Southeast Asia: Piracy, Drug Trafficking and Political Terrorism* (Canberra: Strategic and Defence Studies Centre, Research School of Pacific and Asian Studies, The Australian National University, 1997), p. 73.
  28. “Al Qaeda in Southeast Asia: Evidence and Response,” (Centre for Defence Information Terrorism Project), <http://www.cdi.org/terrorism/sea-pr.cfm>
  29. Christopher Coker, *Waging War without Warriors? The Changing Culture of Military Conflict*. IISS Studies in International Security. (London: Lynne Rienner, 2002), pp. 4-5.
  30. Maria Ressa, “Maritime terror attack alert,” CNN 23 October 2002, (CNN.com), <http://asia.cnn.com/2002/WORLD/asiapcf/southeast/10/23/singapore.sealane/>
  31. Yonah Alexander and Tyler Richardson, “Maritime terrorism next?” *The Washington Times* 20 October 2002, (The Washington Times online), <http://asp.washtimes.com/printarticle.asp?action=print&ArticleID=20021020-37154486>. In a recent discovery of a collection of poems written in classical Arabic by supporters of Al-Qaeda meant for public distribution, one piece signed by Muktar Said hails the attack on the USS Cole. He writes: “Nothing will cause them weighty harm...except if their heads are shorn off and scattered about.” He urges other young men to follow the path of those “who plunged into the seas steadfastly”. David Rohde, “Verses from bin Laden’s war,” *International Herald Tribune* 8 April 2002, p. 12.
  32. Maria Ressa, “Maritime terror attack alert,” CNN 23 October 2002, (CNN.com), . <http://asia.cnn.com/2002/WORLD/asiapcf/southeast/10/23/singapore.sealane/>
  33. Al-Faruq’s warning should be taken seriously. He is now known to have helped Al-Qaeda form alliances with militant Islamic groups operating in the region such as the Moro Islamic Liberation Front (MILF) in the Philippines, the Kumpulan Mujahidin Malaysia and both Laskar Jihad and the JI in Indonesia. In fact, Al Faruq set up the first Southeast Asian Al-Qaeda training camp in the Philippines before establishing another in Poso, Sulawesi. By working closely with Hambali, JI’s head of operations, and Abu Bakar Bashir, head of the Indonesian Mujahiddin Council and suspected leader of the JI-both are currently detained by the Indonesian authorities and are undergoing trial. Al-Faruq has helped carry out bombing attacks in the region since the end of 2000. The attempts against US ships so far should not belie us into believing that the United States and its military is the sole target of Al-Qaeda’s maritime operations. Any state or organisation seen to be supporting the foreign policies of the Western powers is deemed a target. Participation in the global

- economy, which is seen to privilege the developed West, places all the states in maritime Southeast Asia on Al-Qaeda's hit list. See Maria Ressa, "Terrorism's new frontline," CNN 31 October 2002, (CNN.com), <http://asia.cnn.com/2002/WORLD/asiapcf/southeast/10/29/asia.jihad.3/>.
34. Ibid.
  35. "JI suicide squad on the loose," *The Straits Times* 13 August 2003, p. 1.
  36. "'Genius' could replace Hamabli," *Streets* 18 August 2003, p. 16.
  37. "Al-Qaeda 3<sup>rd</sup> wave 'ready to strike,'" *The Straits Times*, 28 June 2003, p. 1.
  38. "Aceh rebels 'behind spate of pirate attacks,'" *The Straits Times* 14 August 2003 (The Straits Times Interactive), <http://straitstimes.asia1.com.sg/asia/story/0,4386,204663-1060898340,00.html>
  39. Joseph J. Brandon, "Piracy as Terrorism," *Journal of Commerce* 3 June 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2153>; Brandon adds: "Moreover, significant impedance of the flow of oil would be a direct threat to the national security of countries that are energy-dependent, particularly Japan and South Korea."
  40. "Tankers, gas carriers could be used as terror weapons, piracy watchdog warns," *San Diego Union Tribune* 4 February 2002 (SignOnSanDiego.com), <http://www.signonsandiego.com/news/nation/terror/20020204-0741-attacks-piracy.html>
  41. Ibid.
  42. Carolin Liss, "Maritime Piracy in Southeast Asia", in *Southeast Asian Affairs 2003* (Singapore: Institute of Southeast Asian Studies), p. 65.
  43. Jack A. Gottschalk, and Brian P. Flanagan, *Jolly Roger with an Uzi: The Rise and Threat of Modern Piracy*. Annapolis, Maryland: Naval Institute Press, 2000), p. 22.
  44. Ibid., p. 22.
  45. William T. Tow, "Alternative Security Models," in Andrew H. Tan and J. D. Kenneth Boutin eds., *Non-Traditional Security Issues in Southeast Asia* (Singapore: Select Publishing for Institute of Defence and Strategic Studies, Nanyang Technological University), p. 268. Despite the historical underpinnings of piracy in Southeast Asia, the recent manifestation of the problem in significant terms only after the end of the Cold War—through the impact of globalisation and technological development has confined an apparently traditional activity into a non-traditional security issue. See Carolin Liss, "Maritime Piracy in Southeast Asia", in *Southeast Asian Affairs 2003* (Singapore: Institute of Southeast Asian Studies), p. 57.
  46. Robert C. Beckman, "Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 319.
  47. In fact, as it is now well known, the term 'armed robbery at sea' has to be applied in place of 'piracy' because they do not take place on the high seas or in the exclusive economic zone. "Therefore, the law of piracy in the 1982 [UNC]LOS Convention appears to be a weak tool for preventing and suppressing attacks on ships in Southeast Asia." Robert C. Beckman, "Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 328.
  48. Robert C. Beckman, Carl Grundy-Warr, and Vivian L. Forbes, "Acts of Piracy in the Malacca and Singapore Straits," *Maritime Briefing*, Vol. 1 No. 4 (United Kingdom: University of Durham, Department of Geography, International Boundaries Research Unit, 1994) p. 6.
  49. Young, and Valencia, "Piracy and terrorism threats overlap"; Robert C. Beckman, "Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 330; Richard

- Halloran, "What if Asia's pirates and terrorists joined hands?" South China Morning Post 17 May 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2636>. Worst, the doctrine of hot pursuit is denied practice among nations along the South China Sea.
50. While the current initiatives by regional governments or through ASEAN in dealing with piracy, while laudable in themselves, "so far have not got past the talking stage" as Halloran observes. The ASEAN approach to security cooperation — characterised by "piecemeal negotiation, a concern with sovereignty, and complicated historical and political considerations" which translates into "reactive" and "minimalist inter-governmental intervention as and when necessary", argues Chalk — continue to stymie a more integrated and comprehensive region-wide interstate coordination with regards to transnational crime such as piracy. As Richard Brandon notes, "[d]espite greater government concern about piracy in Southeast Asia, effective regional measures to combat piracy have not been materialised". Related to these issues at the bureaucratic level are inter-state and inter-agency coordination. "Inertia, complacency and the complexities of national pride and rivalry are ever-present elements limiting effective action to end piracy". Corruption within the enforcement and regulatory agencies of some of these states exacerbates the situation. See Richard Halloran, "What if Asia's pirates and terrorists joined hands?" South China Morning Post 17 May 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2636>; Chalk, *Grey-area Phenomena in Southeast Asia*, pp. 89-90; Joseph J. Brandon, "Piracy as Terrorism," *Journal of Commerce* 3 June 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2153>; Jason Abbot, and Neil Renwick, "Maritime Piracy and Societal Security in Southeast Asia," *Pacifica Review: Peace, Security and Global Change* Vol. 11 No. 1, p. 19.
  51. *United Nations Convention on the Law of the Sea: 20<sup>th</sup> Anniversary (1982-2002)*, p. 8. Available at (UN online), [http://www.un.org/Depts/los/convention\\_agreements/convention\\_20years/oceanssourceoflife.pdf](http://www.un.org/Depts/los/convention_agreements/convention_20years/oceanssourceoflife.pdf); Robert C. Beckman, "Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 330.
  52. Robert C. Beckman, "Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 330.
  53. Jason Abbot, and Neil Renwick, "Maritime Piracy and Societal Security in Southeast Asia," *Pacifica Review: Peace, Security and Global Change* Vol. 11 No. 1, p. 19; Richard Halloran, "What if Asia's pirates and terrorists joined hands?" South China Morning Post 17 May 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2636>. Ultimately, as Thacuk and Tangredi argue, patrolling against piracy is essentially a police function and is heavily resource-dependent in providing complete security. The number of patrolling vessels and aircraft assigned has a direct effect on the suppression of nautical crime, 'just like the number of cops in a beat city'. They also observe that the '[t]he U.S. Navy has been reluctant to take the lead in counterpiracy, since that mission is seen as siphoning resources away from primary missions of deterring war and conducting combat operations.' The same can be said among the navies of the littoral states in Southeast Asia since the security of the region is still highly fluid in terms of a competitive rather than "mutually reciprocated-based behaviour" as Peter Chalk argues. See Kimberly L. Thachuk and Sam J. Tangredi, "Transnational Threats and Maritime Responses", in Sam J. Tangredi ed., *Globalisation and Maritime Power* (Washington D.C.: National Defense University Press), p. 70; Chalk, *Grey-area Phenomena in Southeast Asia*, p. 91.

54. First, the IMB Piracy Reporting Centre in Kuala Lumpur established since 1992 issues regular reports of piracy via routine radio communication broadcasts and the Internet. Second, the use of an anti-boarding system called Secure-Ship involving a 9,000-volt, non-lethal, electric fence surrounding a ship to prevent unauthorised boarding was recommended by the IMB made in late 2002. Third, in June 2003, the ILO implemented the issuing of a new internationally recognised identity card to the world's 1.2 million seafarers containing their photograph and biometric data which identifies fingerprints in order to prevent the disguised boarding of piratical and terrorist crews. See *Piracy and Armed Robbery Against Ships: Annual Report 1 January-31 January 2002* (United Kingdom: ICC International Maritime Bureau, 2002) p. 2; "Radical plans to combat piracy in high seas," *The Straits Times* 24 October 2002; "1.2m seafarers worldwide to get ID cards," *The Straits Times* 18 June 2003, p. 4.
55. "Legal Committee, 86th session: 28 April—2 May 2003," (International Maritime Organisation), [http://www.imo.org/Newsroom/mainframe.asp?topic\\_id=280&doc\\_id=2678](http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=2678)
56. Ibid.
57. Chin Kin Wah, "Southeast Asia in 2002: From Bali to Iraq—Cooperating for Security," *Southeast Asian Affairs 2003* (Singapore: Institute of Southeast Asian Studies) p. 14.
58. Chin Kin Wah, "Southeast Asia in 2002: From Bali to Iraq—Cooperating for Security," *Southeast Asian Affairs 2003* (Singapore: Institute of Southeast Asian Studies) p. 10.
59. Calls from security agencies to implement laws similar to the Internal Security Acts (which allows for indefinite detention of suspects deemed a threat to national security) used in Singapore and Malaysia have been mounting in light of these terrorist attacks. Currently, "Indonesian police and intelligence officials can do little except monitor their movements." See "Jakarta alert for fresh terror attacks," *The Straits Times* 7 August 2003, p. 1.
60. These include the Joint Communique of the Special ASEAN Ministerial Meeting on Terrorism adopted in Kuala Lumpur (Malaysia) on 21 May 2003; the 2001 ASEAN Declaration on Joint Action to Counter Terrorism adopted in Bandar Seri Begawan (Brunei Darussalam) on 5 November 2001, and the Declaration on Terrorism by the 8th ASEAN Summit adopted in Phnom Penh on 3 November 2002. "Joint Communiqué of the Special ASEAN Ministerial Meeting on Terrorism Kuala Lumpur, 20-21 May 2002," (ASEAN Secretariat online), <http://www.aseansec.org/5961.htm>; "2001 ASEAN Declaration on Joint Action to Counter Terrorism, 5 November 2001, Bandar Sri Begawan, Brunei Darussalam," (ASEAN Secretariat online), <http://www.aseansec.org/5962.htm>; "Declaration on Terrorism by the 8<sup>th</sup> ASEAN Summit" 3 November 2002 (ASEAN Secretariat online), <http://www.aseansec.org/13156.htm>
61. These include the ASEAN-United States of America Joint Declaration for Cooperation to Combat International Terrorism signed in Bandar Seri Begawan on 1 August 2002; the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues signed at the 6th ASEAN-China Summit in Phnom Penh on 4 November 2002; and the Joint Declaration on Co-operation to Combat Terrorism between signed at the 14 ASEAN-EU Ministerial Meeting in Brussels on 28 January 2003. See "ASEAN-United States of America Joint Declaration for Cooperation to Combat International Terrorism," 1 August 2002 (ASEAN Secretariat online), <http://www.aseansec.org/10574.htm>; "Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues," 6<sup>th</sup> ASEAN-China Summit, Phnom Penh, Cambodia, 4 November 2002, (ASEAN Secretariat

- online), <http://www.aseansec.org/13186.htm>; “Joint Declaration on Co-operation to Combat Terrorism,” 14<sup>th</sup> ASEAN-European Union (EU) Ministerial Meeting, Brussels, 27-28 January (ASEAN Secretariat online), <http://www.aseansec.org/14031.htm>. Statements have also been made by the ARF such as the ARF Statement on Measures Against Terrorist Financing signed on 30 July 2002 in support of UN Security Council Resolution 1373. See “ARF Statement on Measures Against Terrorist Financing,” 30 July 2002 (ASEAN Secretariat online), <http://www.aseansec.org/12004.htm>. While these documents acknowledge the threat of terrorism as a serious issue and the need for deeper cooperation between governments, the military as well as their police and intelligence agencies, they have yet to materialise into action.
62. Chin, Kin Wah, “Southeast Asia in 2002: From Bali to Iraq — Cooperating for Security,” in *Southeast Asian Affairs 2003* (Singapore: Institute of Southeast Asian Studies), p. 16.
  63. Ibid., p. 17.
  64. “Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime, Kuala Lumpur, “17 May 2002. (ASEAN Secretariat online), <http://www.aseansec.org/5953.htm>; Chin, Kin Wah, “Southeast Asia in 2002: From Bali to Iraq — Cooperating for Security,” in *Southeast Asian Affairs 2003* (Singapore: Institute of Southeast Asian Studies), p. 16.
  65. The author would like to thank Professor Beckman for this point, which arose in a private discussion on 22 August 2003.
  66. “Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues,” 6<sup>th</sup> ASEAN-China Summit, Phnom Penh, Cambodia, 4 November 2002, (ASEAN Secretariat online), <http://www.aseansec.org/13186.htm>
  67. Kimberly L. Thachuk and Sam J. Tangredi, “Transnational Threats and Maritime Responses”, in Sam J. Tangredi ed., *Globalisation and Maritime Power* (Washington D.C.: National Defense University Press), p. 70.
  68. Sakhuja, “Challenging Terrorism at Sea”.
  69. Joseph J. Brandon, “Piracy as Terrorism,” *Journal of Commerce* 3 June 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2153>; Young and Valencia, “Piracy and terrorism threats overlap”; Halloran, “What if Asia’s pirates and terrorists joined hands?”
  70. Joseph J. Brandon, “Piracy as Terrorism,” *Journal of Commerce* 3 June 2003, (USCIB), <http://www.uscib.org/index.asp?documentID=2153>; Sakhuja, “Challenging Terrorism at Sea”.
  71. Young and Valencia, “Piracy and terrorism threats overlap”.
  72. Young and Valencia, “Conflation of piracy and Terrorism in Southeast Asia,” p. 276.
  73. “The rest of the Article states that: (b) any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).’ The IMO defines piracy as “unlawful acts as defined in article 101 of the 1982 United Nations Convention on the Law of the Sea.” For example, see *Piracy and Armed Robbery Against Ships: Annual Report 1 January-31 January 2002* (United Kingdom: ICC International Maritime Bureau, 2002) p. 3.
  74. “United Nations Convention on the Law of the Sea,” in M. Evans (Ed.), *Blackstone’s International Law Documents*, 4<sup>th</sup> ed. (London: Blackstone Press Ltd, 1999), p. 231; Robert C. Beckman, “Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward,” *Ocean Development & International Law* Vol. 33, p. 319.
  75. Umberto Leanza and Luigi Sico, “Compensation for Victims of Maritime Terrorism,” in Natalino Ronzitti, ed., *Maritime Terrorism and International Law* (Dordrecht:

- Martinus Nijhoff Publishers, 1990), p. 104, Note 4; Jack A. Gottschalk, and Brian P. Flanagan, *Jolly Roger with an Uzi: The Rise and Threat of Modern Piracy*. Annapolis, Maryland: Naval Institute Press, 2000), p. 35.
76. Natalino Ronzitti, "The Law of the Sea and the Use of Force Against Terrorist Activities," in Natalino Ronzitti, ed., *Maritime Terrorism and International Law* (Dordrecht: Martinus Nijhoff Publishers, 1990), p. 2.
  77. *Ibid.*, p. 2; Robert C. Beckman, Carl Grundy-Warr, and Vivian L. Forbes, "Acts of Piracy in the Malacca and Singapore Straits," *Maritime Briefing*, Vol. 1 No. 4 (United Kingdom: University of Durham, Department of Geography, International Boundaries Research Unit, 1994) p. 10, Footnote 17.
  78. Ronzitti, "The Law of the Sea and the Use of Force Against Terrorist Activities," p.2.
  79. Robert C. Beckman, Carl Grundy-Warr, and Vivian L. Forbes, "Acts of Piracy in the Malacca and Singapore Straits," *Maritime Briefing*, Vol. 1 No. 4 (United Kingdom: University of Durham, Department of Geography, International Boundaries Research Unit, 1994) p. 11, Footnote 17. The Sheira Maru was seized by a Filipino rebel group in protest against President Marcos' regime. A group of Palestinian guerrillas hijacked the Italian cruise ship Achille Lauro while it was in Egyptian territorial waters. The perpetrators threatened to kill the British and American passengers on board should a group of Palestinian prisoners held by the Israeli authorities not be released.
  80. Piracy and Armed Robbery Against Ships: Report for the Period 1 January-30 June 2003 (United Kingdom: ICC International Maritime Bureau, 2003) p. 3.
  81. Derek Johnson and Erika Pladdet, "An Overview of Current Concerns in Piracy Studies and New Directions for Research," Position Paper for the Piracy Panels and Roundtable of the "People and the Sea II: Threats and Opportunities" Conference organised by the Centre for Maritime Research (MARE) and the International Institute for Asian Studies (IIAS) from 4 to 6 September 2003, Amsterdam, The Netherlands, p. 4. Please e-mail the author at [gerard@iseas.edu.sg](mailto:gerard@iseas.edu.sg) for a copy of this paper.
  82. See Jason Abbot, and Neil Renwick, "Maritime Piracy and Societal Security in Southeast Asia," *Pacifica Review: Peace, Security and Global Change* Vol. 11 No. 1, p. 11.
  83. Metaparti Satya Prakash, "Maritime Terrorism: Threats to Port and Container Security and Scope for Regional Cooperation," Paper presented at the 12<sup>th</sup> Meeting of the Council for Security and Cooperation in the Asia-Pacific (CSCAP) Working Group on Maritime Cooperation, Singapore, 10-11 December 2002, p. 1; Leanza and Sico, "Compensation for Victims of Maritime Terrorism," p. 97.
  84. Boaz Ganor, "Terrorism: No Prohibition Without Definition," 7 October 2001, (International Policy Institute for Counter-Terrorism), <http://www.ict.org.il/articles/articledet.cfm?articleid=393>; Michael Nicholson, *International Relations: A Concise Introduction*, 2<sup>nd</sup> ed. (New York: Palgrave Macmillan, 2000) p. 218; Metaparti Satya Prakash, "Maritime Terrorism: Threats to Port and Container Security and Scope for Regional Cooperation," Paper presented at the 12<sup>th</sup> Meeting of the Council for Security and Cooperation in the Asia-Pacific (CSCAP) Working Group on Maritime Cooperation, Singapore, 10-11 December 2002, p. 1; "Terrorism: An Introduction," (Council of Foreign Relations), [http://www.terrorismswers.com/terrorism/introduction\\_print.html](http://www.terrorismswers.com/terrorism/introduction_print.html); "Types of Terrorism," (Council of Foreign Relations), [http://www.terrorismswers.com/terrorism/types\\_print.html](http://www.terrorismswers.com/terrorism/types_print.html)
  85. Leanza and Sico, "Compensation for Victims of Maritime Terrorism," p. 97.
  86. These include the Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September, 1963; the Convention for the Suppression of

- Unlawful Seizure of Aircraft, The Hague, 16 December 1970; the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Montreal, 23 September 1971. See Leanza and Sico, "Compensation for Victims of Maritime Terrorism," p. 103, Endnote 2.
87. Leanza and Sico, "Compensation for Victims of Maritime Terrorism," p. 97.
  88. Metaparti Satya Prakash, "Maritime Terrorism: Threats to Port and Container Security and Scope for Regional Cooperation," Paper presented at the 12<sup>th</sup> Meeting of the Council for Security and Cooperation in the Asia-Pacific (CSCAP) Working Group on Maritime Cooperation, Singapore, 10-11 December 2002, p. 1.
  89. My italics. Nicholson, *International Relations*, p. 218.
  90. "Terrorism: An Introduction," (Council of Foreign Relations), [http://www.terrorismandanswers.com/terrorism/introduction\\_print.html](http://www.terrorismandanswers.com/terrorism/introduction_print.html). In fact, most analysts and policymakers, tend to believe that an objective and internationally accepted definition can never be agreed upon. The question of who is a terrorist, according to this school of thought, depends entirely on the subjective outlook of the definer; and in any case, such a definition is unnecessary for the international fight against terrorism. In their view, it is sufficient to say that what looks like a terrorist, sounds like a terrorist, and behaves like a terrorist is a terrorist. Boaz Ganor, "Terrorism: No Prohibition Without Definition," 7 October 2001 (International Policy Institute for Counter-Terrorism) <http://www.ict.org.il/articles/articledet.cfm?articleid=393>; Adam Young and Valencia, "Piracy and terrorism threats overlap".
  91. Leanza and Sico, "Compensation for Victims of Maritime Terrorism," p. 104, Note 4.
  92. Young and Valencia, "Piracy and terrorism threats overlap". These are, to a large extent, related to the economic conditions present in many of these societies, industrial development dislocation, transmigratory processes, and the presence of long-held traditions of piracy among certain groups. See Jason Abbot, and Neil Renwick, "Maritime Piracy and Societal Security in Southeast Asia," *Pacifica Review: Peace, Security and Global Change* Vol. 11 No. 1, p. 20.
  93. Ultimately, these recommendations will fail to be implemented if the region of Southeast Asia cannot overcome its host of political obstacles that detract them from implementing agreements and provisions at the bilateral level as well as through the ASEAN platform. There already exists a host of workable suggestions towards effectively combating piracy by scholars and analysts whose only barrier to implementation is the lack of political will. See for example Robert C. Beckman, Carl Grundy-Warr, and Vivian L. Forbes, "Acts of Piracy in the Malacca and Singapore Straits," *Maritime Briefing*, Vol. 1 No. 4 (United Kingdom: University of Durham, Department of Geography, International Boundaries Research Unit, 1994) p. 15-20; Robert C. Beckman, "Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, pp. 326-335).
  94. In 1992, there were several indications that counter-piracy measures were being stepped up by the Indonesian authorities. In July, Indonesian naval personnel had infiltrated communities where pirates were believed to conduct their activities and successfully arrested 30 pirates. Indonesia's Western Fleet also carried out an intensive campaign to rid the Malacca Straits and adjacent sea-lanes of the pirate menace resulting in 47 arrests of suspected pirates, mostly in June 1992. Robert C. Beckman, Carl Grundy-Warr, and Vivian L. Forbes, "Acts of Piracy in the Malacca and Singapore Straits," *Maritime Briefing*, Vol. 1 No. 4 (United Kingdom: University of Durham, Department of Geography, International Boundaries Research Unit, 1994) p. 17.

95. Kimberly L. Thachuk and Sam J. Tangredi, "Transnational Threats and Maritime Responses", in Sam J. Tangredi ed., *Globalisation and Maritime Power* (Washington D.C.: National Defense University Press), p. 70.
96. This point was suggested by Professor Beckman in a private discussion with the author on 22 August 2003 in Singapore.
97. Young and Valencia, "Piracy and terrorism threats overlap".
98. However, an increased military presence may also spur maritime terrorists in waging asymmetrical warfare against such intervening powers.
99. Robert C. Beckman, "Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward," *Ocean Development & International Law* Vol. 33, p. 330.
100. This will side steps the provision of a general extradition treaty covering the whole spectrum of crimes including war and political crimes as previously suggested by Chalk. See Chalk, *Grey-area Phenomena in Southeast Asia*, p. 92.
101. Ibid., p. 92.
102. Young and Valencia, "Conflation of piracy and Terrorism in Southeast Asia," p. 278.
103. Cynthia Weber, "Flying Planes Can Be Dangerous. *Millennium: Journal of International Studies* Vol. 31 No. 1, pp. 129-148.

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Graham Gerard Ong is a Research Associate under the Regional Strategic and Political Studies Programme at the Institute of Southeast Asian Studies. He graduated with an MSc in International Relations (Merit) from the London School of Economics and Political Science in December 2002 under a Sir Tan Cheng Lock MA Scholarship administered by the Institute. He earned his Bachelor's degree in Political Science (Honours 2<sup>nd</sup> Upper Division) from the National University of Singapore (NUS) in 2000. During his undergraduate study, he was under the NUS Talent Development Programme, the precursor to the existing University Scholar's Programme. He has written several opinion pieces on piracy and maritime terrorism for *The Straits Times*, the most recent being "Terrorists or pirates? The line gets thinner" (2 January 2004). Prior to ISEAS, he was a Senior Assistant Manager with the then Ministry of Information and The Arts (MITA).

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