

Chapter 6

Maritime Piracy in Southeast Asia: Consequences on Economic and Political Integration

Giacomo Morabito
University of Messina, Italy

Davide Di Fatta
University of Messina, Italy

Vittorio D'Aleo
University of Messina, Italy

Roberto Musotto
University of Messina, Italy

Walter Vesperi
University of Messina, Italy

ABSTRACT

The costs of the Southeast Asia maritime piracy to the global economy are largely underestimated regarding the issue of the fight against piracy. In particular, the region suffers from severe negative socio-economic impacts due to over-fishing, and the reduction and collapse of the fisheries have led to a widespread loss of income and employment. The attacks on fishers take place regularly in most Southeast Asian countries. Also, in many cases, the pirates are the fishers themselves, and they attack fishers of other nationalities. All those attacks have a serious negative impact on food security in the region by damaging fishing industry and threatening artisanal fishers who risk losing their entire income. Given the fact that large parts of Southeast Asia's fish populations are overfished, fishers have less possibility to avoid areas prone to pirate attacks.

INTRODUCTION

Maritime piracy threat is difficult to define, understand, and counteract. There are different definitions. According to the United Nations, piracy cannot be considered as in international waters (piracy anchoring or territorial waters are considered to be of brigandage).¹ More comprehensive definition adopted by the International Maritime Bureau (IMB) qualifies piracy as any act against a ship collision with the intent

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to commit theft or any other crime and with the ability to use force to accomplish the act, regardless of the nature or severity of the crime and without distinction of zone (International Chamber of Commerce [ICC], 2015). This definition thus circumvents the cumbersome legal definition of the United Nations Convention on the Law of the Sea (UNCLOS), less operational one. Finally, each of the actors, state or private, retains the definition of risk that suits him best at the media, diplomatic or from marine insurance.

This threat is difficult to understand in view of the extent of maritime areas in terms of their geographical characteristics, varying objectives of pirates, and geopolitical frameworks (presence of constitutional states, their ability to ensure their sovereignty missions, and their commitment to the powers of their own). In addition, national tactics specific to the interventions at sea once pirates are captured are very complex (proof to provide custody, the presence of police officers embarked on military buildings).

Piracy is also an evolving threat. Depending on the region, pirates in a greater or lesser extent may be related to some movements for independence, political actions, terrorist attacks, or simply a crime. Whatever threat is in question, the answer is ultimately important to the humankind, on the one hand, by helping establishing the rule of law in case of a failed state like Somalia and, on the other hand, by promoting safety of riparian countries bordering with “pirates areas” and developing, wherever possible, common regional responses. Countries for some “complacent” and corrupt often have different internal priorities and refuse to be deprived of their prerogatives.

The anti-piracy measures should be harmonized with the policies of the countries concerned, considering not offending national sensibilities. This is the case of Nigeria which refuses any foreign intervention in its territorial waters, and to a lesser extent, Indonesia and other states bordering the Straits of Malacca between the Malay Peninsula and the Indonesian island of Sumatra, in Southeast Asia, which also refuse any foreign interference into the area. Finally, the sea is a common good to the states, and the pirates play well encouraging or compelling states to work together to provide a regional and global response to a transnational threat. This phenomenon has always attracted the attention of defense authorities, as only the navies have offshore resources to intervene far in the sea and protect maritime communication channels (Sea Lanes of Communication, or SLOC) through which 90% of manufactured goods pass.

Among the most plagued areas to piracy are the mouth of the Persian Gulf, the Strait of Bab el Mandeb, and the Indian Ocean, where 30.000 tankers and container ship pass annually. This represents 30% of oil trade and 70% of the merchant traffic in the world. Three-quarters of maritime traffic between the Middle East and the Far East pass through the Malacca Strait, 300 ships per day, including 25 tankers. Each container may be targeted as an economic issue. The embedded value is huge, carrying the equivalent of 6.000 semi-trailer trucks. The annual turnover of maritime transportation in this area is about \$500 billion, what stir cravings and temptations among certain groups of people. The strategic and economic issues are therefore essential in the event of overall destabilization of those maritime zones.

What is the state of piracy in the world? The IMB recorded 264 attacks in 2013, including 141 in Southeast Asia and 51 in the Gulf of Guinea. It should not be limited to numbers and statistics, which can be as contradictory as the agreed definitions of piracy.

In the region of Southeast Asia, coastal states are facing a common transnational threat with certain common developments and similarities in the regional political context. In the Strait of Malacca and in the area ranging from southwestern China Sea to the south of the Philippian and Indonesian waters, maritime piracy remains alive. The attacks usually take place at night, on targets of opportunity, ships at anchor or at berth (in 80% of cases), which are considered, according to the definition adopted by the UN, as simple banditry maritime with handguns and knives. Ships of small tonnages, barges and tugs are attacked, despite a recent recovery in attacks against larger vessels, as evidenced by the attack on

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