The roots of piracy in Southeast Asia

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Introduction

Carolin Liss of Murdoch University writes that "combating piracy is a difficult and complex task, requiring more than the patrolling of piracy-prone waters." Liss argues that five factors "are of particular importance in shaping piracy in Southeast Asia: over-fishing, lax maritime regulations, the existence of organised crime syndicates, the presence of radical politically motivated groups in the region, and widespread poverty." After a detailed analysis of the impact these issues in Southeast Asia, Liss stresses that "in order to be successful, responses to piracy have to address most, if not all, of these problems and issues." In a subsequent Austral Policy Forum, Liss will assess prevailing responses to piracy and Australia's role.

Essay: The roots of piracy in Southeast Asia

Since the late 1980s, Southeast Asia has become one of the global 'hot spots' of pirate attacks on merchant vessels and fishing boats. In fact, according to data from the International Maritime Bureau's (IMB) Piracy Reporting Centre, Asia was the most 'pirate infested' region in the world between 1992 and 2006. Within Asia, however, piracy hot-spots shifted between countries and ocean areas over time. Since the mid-1990s, as Soeharto's New Order regime unravelled, Indonesian ports and territorial waters have been identified as the most pirate-infested in Southeast Asia. In 2004, for example, Indonesia accounted for 93 out of 329 attacks recorded worldwide.[1] In the early 21st century the high number of attacks in the busy Malacca Straits, and, to a lesser extent, the Singapore Straits, is also a matter of concern.

While the vast majority of pirate attacks on merchant vessels in Southeast Asia today are simple 'hit-and-run robberies', long-term seizures and hijackings of merchant vessels, including cargo ships, bulk carriers and tankers, also occur. In these cases, a vessel and its crew is held hostage for a limited time, or the entire vessel is shipjacked by pirates and is then turned into a 'phantom ship'. Modern day pirate attacks targeting merchant vessels are a concern because the perpetrators are

increasingly prepared to use violence to further their aims, with the number of pirates armed with automatic weapons on the rise. A further worry is an increase in hostage taking of crewmembers for ransom in recent years.[2]

Furthermore, attacks on small craft, including yachts and fishing vessels, also occur regularly in Southeast Asia. Indeed, fishing boats and their crew are arguably most affected by contemporary piracy, even though most of these attacks are not reported to local authorities or the IMB, either out of fear of revenge by the pirates, because of a lack of education, or because the fishers concerned believe that reporting an attack would be of no real advantage to them. Further, fishermen may be reluctant to report an attack that occurred in waters where they were not allowed to fish, such as national marine parks or inside a foreign country's waters. The perpetrators of attacks on small vessels are in most cases heavily armed, carrying knives, small arms or light weapons, although the level of violence and armaments of the pirates varies between regions, depending on local circumstances. Furthermore, fishers have in recent years increasingly been forced to make up-front payments to pirate gangs in order to fish safely in certain areas, and the hijacking of fishing boats and kidnapping of crew for ransom have become regular occurrences in some parts of Southeast Asia, such as the Malacca Straits.

Shaping Piracy in Southeast Asia

Pirates active in the region can be divided into two groups: (1) opportunistic sea-robbers, involved in small scale attacks, and (2) sophisticated organised pirate gangs, responsible for hijackings and other major pirate attacks. Both types of pirates are able to conduct attacks because they exploit security shortcomings in the maritime environment and benefit from political, social, and economic developments which are conducive to the occurrence such attacks. Five factors and shortcomings are of particular importance in shaping piracy in SoutheastAsia: over-fishing, lax maritime regulations, the existence of organised crime syndicates, the presence of radical politically motivated groups in the region, and widespread poverty.

Over-fishing and Maritime Boundaries

The overall nature of the fishing industry in the region has changed profoundly in the past century, with a number of factors responsible for the transformation of the fishing sector. Most significant has been the development of new sophisticated technology since the 1950s, resulting in the construction of more effective distant-water fishing vessels and equipment. As a result, catches increased and fishers were able to effectively capture stocks that previously were beyond their capability or reach. However, these improvements adversely affected fish stocks, with the strain on ocean stocks beginning to show in many fishing grounds in Southeast Asia from the 1960s onwards. In order to sustain catches and profits, fishers began to move further outwards in search of less exploited fishing grounds.[3] Over-fishing is, however, not the only factor responsible for the decline in stock caught and the reduction of species in Southeast Asian waters. The destruction of estuaries, wetlands and reefs, as well as increasing pollution has also played an important role. Yet, regardless of the reason for the decline in fish stocks, it increased poverty among fishers and fishing communities in some areas in Southeast Asia. Particularly affected are those fishers operating small vessels which are not capable of sailing long-distances to more promising and productive fishing grounds.

As resources have become sparse and competition among fishers has become fierce, management and protection of fisheries has become an absolute necessity. To facilitate fisheries and ocean management, international conventions and guidelines have been established to regulate ownership and jurisdiction over ocean space. Of particular importance in this respect is the United Nations Convention on the Law of the Sea (UNCLOS), which was adopted in 1982 and came into force on 16 November 1994.[4] The convention requires states to work together to protect the living resources

of the seas and offered the basic foundations for international fishing laws. Crucial in this regard is that UNCLOS recognised, and loosely defined, four maritime zones, namely the territorial sea, the contiguous zone, the EEZ and the high seas, herewith regulating the ownership and jurisdiction over ocean areas. In fact, UNCLOS established that coastal states have the exclusive right to exploit natural resources, including fish stocks, in the territorial sea, the contiguous zone, and the EEZ.[5]

From the outset, the division of ownership of the sea had an enormous impact on the activities and movement of fishers from Southeast Asia. With the implementation of UNCLOS, fishermen were no longer allowed to fish in waters now considered to be under the jurisdiction of another country, unless they acquired special fishing licenses.[6] Complicating the issue even further is the fact that many countries within Southeast Asia have not been able to agree on the actual sea boundaries between their respective nations.

Over-fishing, pollution and the ensuing poverty of fishers and their families, as well as the division of the ocean into different national zones and jurisdictions, impacts directly upon the occurrence of piracy in Southeast Asia in two different ways. Firstly, the impoverishment of fishers due to declining catches and rivalry among fishers can be a factor in pushing fishermen towards supplementing their meagre incomes by conducting pirate attacks. Secondly, due to increased competition for fish stocks and the division of the sea into maritime zones under national jurisdiction, fishers – especially those fishing illegally in foreign waters – have in some areas become easy prey for pirates.

Some of the more desperate among the fishers living in areas that are over-fished turn to piracy as a source of income in a time of need. The vast majority of attacks conducted by desperate fishers are small-scale attacks on other fishing vessels, yachts or any other small to medium sized ships, including merchant vessels, passing through waters near their communities. Most of these attacks are opportunistic, hit-and-run affairs in which the pirates take whatever they find onboard. An example of this pattern is the attacks on merchant vessels conducted by opportunistic pirate-fishermen from Kampung Hitam, on Pulau Babi in the Riau Archipelago. The waters around the island are polluted and over-fished and the catch of local fishers is often not adequate to sustain the fishers and their families. Some of these desperate fishers then turn to piracy to supplement their incomes. Finding targets is not difficult for these fishers because the island is located near the Philip Channel, one of the world's busiest waterways.

Furthermore, unemployed and desperate fishers are also in some cases recruited by organised crime gangs to attack or hijack merchant vessels or tugs. While fishers may not have the important nautical skills necessary to drive a merchant vessel or conduct the work of trained seafarers, they nonetheless have skills such as knowledge of the ocean and experience in manoeuvring smaller vessels, which are important for conducting such attacks. An example is the attack on a buoy-tender ship in June 2001 near Karimun Island, Indonesia, southeast of Singapore, in which eight out of 13 pirates involved were fishers from the island of Karimun. During the attack, one member of the tender's crew suffered serious injuries but other crewmembers were able to capture a pirate before he could escape with his gang. It was later established that the ringleaders of the pirates were based on Batam, Indonesia, and that they recruited struggling fishers to carry out attacks.[7] Karimun Island, the home of the fishers hired for the attack, is part of Riau Province. The seas surrounding the island are overexploited and the marine habitats have been destroyed by bomb and cyanide fishing and other sources of income are difficult to find on the island.[8]

Also, Southeast Asian fishers who live in heavily over-fished areas occasionally voyage into neighbouring countries' EEZs to fish. These fishing ventures are not only illegal but also make these boats and their crew far more susceptible to pirate attacks for a number of reasons. For example, boats fishing illegally cannot rely on any assistance from local authorities and are therefore not able

to call for help when attacked or chased by pirates. The perpetrators of such attacks may not only be aware of these circumstances but the fact that their victims are fishing illegally in their territory can trigger anger and antipathy against such vessels and serve as a justification for the attack.

Additionally, the perpetrators of attacks are in some cases members of the military, navy, or marine police. For rogue security personnel, such attacks are easier to conduct if a boat happens to be caught fishing illegally in waters under their jurisdiction. The distinction between outright pirate attacks by members of local authorities and the legitimate collection of 'fees' for illegal fishing are somewhat blurred in these incidents. Yet, whatever the driving force behind these 'attacks', fishing vessels sailing into foreign EEZs often carry money to pay off authorities. The extra cash on board these fishing vessels in turn makes them tempting targets for all types of pirates.

Attacks on vessels fishing illegally in the Malacca Straits offer examples. A study estimated that between 1970 and 2000 fisheries resources depreciated by over 40 per cent in the straits, with the northern part particularly affected. To maintain the high level of catches, some Malaysian fishers based along the northern stretches of the Malacca Straits fish illegally in Indonesian waters, which are believed to be better fishing grounds. While fishers based in this region seldom talk about their illegal fishing activities, their encroachment into foreign waters is a real concern for Malaysian politicians who also acknowledge that those vessels are easy victims for Indonesian pirates. Deputy Home Minister Datuk Chor Chee Heung, for example, stated in 2002: "We are asking our fishermen not to encroach into Indonesian waters as they will not only face pirates but also cause misunderstandings with the Indonesian navy."[9] These misunderstandings with the Indonesian navy or other Indonesian naval authorities include what Malaysian fishers refer to as pirate attacks. In these incidents, Malaysian vessels are approached by Indonesian navy or marine police officials and threatened with arrest for illegal fishing. In the case of such an arrest the Malaysian boat is brought to Indonesia and detained until the owner pays a substantial sum for the release of the vessel and crew, often after a months-long negotiation process. Malaysian fishers are often able to avoid detention by paying a 'fine' directly to the officers at sea. Once the fee is paid, the vessel is allowed to continue to fish.[10]

Furthermore, Malaysian fishing vessels operating in Indonesian waters also fall victim to attacks by 'ordinary' pirates. Malaysian fishing vessels based in Hutan Melintang which operate in Indonesian waters carry at least between RM1,000 and RM5,000 in cash to pay off corrupt Indonesian officials or for emergency repairs. This money is an additional incentive for local pirates to attack these vessels. If attacked in Indonesian waters, the Malaysian vessels cannot expect assistance from Indonesian or Malaysian authorities. In fact, if caught by Indonesian authorities, the fishers will be either arrested or have to pay the above mentioned 'fee'.[11]

Maritime Rules and Regulations
International regulation and standardisation of maritime trade is a difficult task. The system currently in place to regulate the maritime sector consists "of an ad hoc mix of rules and regulations enacted and enforced by three different regulatory authorities", namely the class(ification) societies, the flag states, and the coastal states.[12] While the work conducted by these authorities is important, there are many shortcomings and problems inherent in the set-up and operations of these regulatory bodies. Furthermore, the regulations they enforce are often inadequate, leaving the maritime sector poorly regulated and offering ample opportunities for grey-zone or outright illegal activities, including piracy.

There exist, for example, serious shortcomings within the flag state regime. In the current system, shipowners can register vessels in national or open registers, with the latter also referred to as Flag of Convenience (FOC) registers. The main difference between the two is that national registers only

accept vessels from their own country, while open registers accept vessels from virtually any nation without significant restrictions. FOC registers are attractive for shipowners because of their generally lax regulations, created to suit the commercial and legal needs of shipowners in regard to tax and company laws, crew origin, standards and training of crew as well as vessel safety standards. Furthermore, the ownership of vessels does not necessarily have to be disclosed, as shares can be held in 'bearer form' and therefore do not reveal the identity of the actual owner. Given these incentives, more than half (51.3 per cent) of the world's total gross tonnage was registered under FOC fleets by 1998.[13]

There are, however, significant differences in rules, and how they are enforced, between the various open registers. Most important are the differences between the old, 'traditional' open registers, such as Liberia and Panama, and new open registers established in the past ten to 15 years. The main distinguishing factor between the two different types of open register is that traditional FOCs mostly require the owner to have some kind of physical presence in the flag state, whereas many of the new open registers require no such presence.[14] The registry of Cambodia offers an example of how new open registers operate. The registry accepts all types of vessels and any person or company owning a vessel under the laws of their own country can register a vessel in Cambodia. The country even offers a 24-hour registration service and is capable of processing an application based on faxed documents within one hour.[15]

In addition to the lax regulations in regard to the safety and maintenance of vessels, the lack of control and concern about the welfare, training, and payment of seafarers by some flag states is also worrisome. There are once again differences between the practices of individual flag states, but an overall pattern can be discerned and flag registers placed into three different categories, namely those under regulatory efficient states (mostly national registers), those under regulatory inefficient states (generally comprised of flag registries from established open registers) and those under unregulated states. The new open registers, with only minimal or no regulation and concern for the seafarers' welfare and training, fall into the third group.[16] The lax controls and standards of shipping registers of unregulated states are, for example, reflected in the level of scrutiny with which documents such as training certificates are verified and processed.[17] An important issue is also the payment of seafarers, especially those working on vessels where the flag state has not ratified any agreements concerning minimum wages and welfare of mariners. As a result, seafarers from third world countries are in some cases paid substandard wages and may even experience difficulties in actually receiving their meagre pay. In 2004, for example, the International Transport Workers' Federation (ITF) was asked for help in the case of two Burmese seafarers working on the Panamanian flagged vessel Lung Yuin, who had received US $300 in two years of work.[18]

There are also concerns about shortcomings in port state control. There are, for example, concern in regard to the effectiveness of security checks of vessels and containers by coastal states and port authorities. However, after the September 11, 2001 terrorist attacks more extensive and stringent maritime safety and security regulations were introduced, including the 2002 Container Security Initiative (CSI), the Proliferation Security Initiative (PSI) launched in May 2003, and most importantly, the International Ship and Port Security Code (ISPS), which was introduced in December 2002. While security has increased in ports, there remain significant shortcomings. For example, even in major ports, with the most advance security screening systems in place, the number of vessels and containers opened and examined remains below 10 per cent.[19] Other criticisms regarding the new security initiatives include concerns over the falsification of ISPS related papers and the corruption of institutions issuing these documents.[20]

Overall, the problems and loopholes in the regulation and control of the maritime industry are conducive to the operations of pirates. For example, the payment of low wages, mostly on FOC

vessels, can result in the employment of less well trained and more unreliable seafarers with no allegiance to neither their employer nor the shipowner. An example of the possible consequence of employing an unreliable crew is the attack on the MV Clown[21] near the island of Batam in 2000. The crew of this vessel had decided on an un-authorised stop-over in Batam to spend an evening on the island, which is well known for its inexpensive prostitutes, drugs and gambling. Unfortunately for the crew, the vessel came under attack that night when anchoring near the island and was hijacked by pirates. While it was later established that the crew did not collaborate with the pirate gang, all crewmembers nonetheless lost their jobs because of their negligence in making the unscheduled stopover.[22] Furthermore, low wages paid to seafarers, port officials, and dock workers can also offer an incentive for corrupt or desperate mariners or port personnel to accept payments from criminal organisations in exchange for information about a vessel.

The cost cutting of shipowners and managers also results in the reduction of crew onboard merchant vessels. The work that has to be conducted on board has consequently to be handled by fewer seafarers, resulting in stress and fatigue. As one mariner states: "12-15 hour days, never had six hours continuous sleep, 87 hour week for three months. Regularly made errors in passage planning and execution. Did not dare to sit down on watch."[23] As he himself is aware, fatigue increases the risk of accidents and decreases the awareness of seafarers for any kind of danger, including approaching pirates. For example, it is believed that crew fatigue played a role in the attack on the Alondra Rainbow, which was hijacked on 22 October 1999. The Japanese owned vessel was sailing under the flag of Panama and was taken over by pirates after leaving Kuala Tanjung, Indonesia. The crew was set adrift in a life raft and the vessel itself was eventually captured and detained by the Indian coast guard on 16 November 1999.[24]

The possibility to easily re-register vessels in open registers, sometimes merely via fax or the internet and without a close check of documents or inspection of the vessel itself, is also conducive to the occurrence of pirate attacks. Organised pirate gangs in particular benefit from this system, as they are able to re-register hijacked vessels under a new flag. For this purpose, the stolen vessel has to be renamed, parts of it repainted, and 'new' documents presented to the registry. The newly registered vessel can then either be sold to a new owner or used by the crime syndicate responsible for the hijacking as a phantom ship. The shipjacking of the Malaysian owned Panama flagged cargo vessel Natris is a case in point. The ship was hijacked on 17 November 2002 when leaving a shipyard on Batam and disappeared. In 2003, the vessel was re-registered as the Paulijing, with the international Merchant Marine Registry of Belize issuing a provisional registration based on documents stating the vessel's previous name as Victoria. According to the notarised documents, the ship had been deleted from the Sierra Leone registry and had been sold to its new owner for only US $10,000. Under its new registration, the Paulijing traded for more than two years before the Malaysian marine police detained the vessel in August 2005.[25] In the aftermath of the attack, the Belize flag register was accused of registering the vessel without conducting appropriate background checks, with the IMB commenting that: "The documents, which have now been proved to be fakes, were accepted at face value and no checks were apparently made before the ship was re-registered under the Belize flag."[26]

Organised Crime
Organised crime groups of different scope and magnitude operate in and from countries all around the world. Asia is home to some of the largest crime syndicates, which have expanded their operations across national and regional borders and have embraced new technology to conduct their illegal operations. Economic, political and social changes, particularly since the end of the Cold War, have been conducive to the spread of organised crime in the Asian region. These changes include the economic opening of China and the country's gradual shift towards capitalism as well as the 1997 Asian financial crisis. Also, the economic growth of the region, including the development of

financial centres such as Singapore and Hong Kong, and the increase of trade within and beyond Asia have been beneficial for operations conducted by Asian based organised criminals.[27]

The largest and most prominent criminal syndicates operating in Asia today are the Japanese Yakuza and the triads in China. They are not only the most powerful criminal organisations in their home countries but also control many illegal operations in other Asian nations, including Southeast Asian countries. Southeast Asia itself is also home to numerous crime syndicates operating nationally, regionally and internationally.

While many criminal operations by Asian and Southeast Asian crime syndicates are conducted on land, some illegal activities such as smuggling take place at sea, at least in part. An example of such activities is shipjackings conducted by organised pirate gangs. Transnational organised pirate gangs are involved in long-term and permanent seizures of predominantly medium sized vessels, including cargo ships, bulk carriers and tankers. These attacks are characterised by a high degree of organisation and require detailed planning and upfront capital. An example is the shipjacking of the tanker Selayang on 20 June 2001 in the Malacca Straits by 19 pirates. The vessel had a tracking device on board and the Indonesian authorities were able to arrest the hijacked ship and some of the pirates on the 27th of June near Balikpapan. According to the pirate's statements, they had been hired to conduct the attack by a man called Mr. Ching, who had only limited contact with the perpetrators and remained anonymous.[28]

Eric Ellen, the founder and former head of the IMB, believes that in East and Southeast Asia Chinese triads are primarily responsible for hijackings, with the possibility of more than one triad entailed in a single attack that involves operations in different parts of East and Southeast Asia. Ellen explains that this cooperation is necessary for international operations as individual triads do not have branches in other countries and therefore rely on local triads or criminal gangs in places where parts of the operation takes place. The actual hijacking is then conducted by low-ranking members of the criminal organisation or by people recruited for the attack. Yet, not only organisation but also upfront capital is needed for such an operation to pay part of the money promised to the actual pirates and to cover other costs associated with hijackings, such as the payment for the new registration of the stolen vessel.[29]

However, little is known about the structure of triads involved in piracy and until today no high ranking triad member or leader has been arrested and charged for involvement in maritime piracy.[30] Yet, some trials of so-called pirate leaders have taken place in Southeast Asia, including the highly publicised trial of Mr. Wong in Indonesia in August 1999. Wong was arrested by Indonesian authorities for having masterminded over 20 pirate attacks in the Malacca Straits. It is believed that Mr. Wong was part of a syndicate which operated in conjunction with gangs from Hong Kong, Malaysia, Indonesia, and the Philippines. He was thought to be the leader of operations in Indonesia, with the head of the syndicate based in China.[31]

Terrorists and Guerrillas
Like criminal organisations, terrorist and guerrilla movements have changed and adapted their operations to the post-Cold War environment, with many of their activities a direct response to political changes and developments. Terrorist and guerrilla groups have, for example, embraced new technology and have benefited from the availability of small arms and light weapons after 1989. Furthermore, when state support for such politically motivated groups decreased after the end of the Cold War, guerrillas as well as terrorists have increasingly become involved in criminal activities to finance their operations. In Southeast Asia, three politically motivated groups are at present believed to be actively involved in piracy, namely, (1) the Moro Islamic Liberation Front (MILF) and (2) the Abu Sayyaf in the southern Philippines and (3) the GAM (Gerakan Aceh Merdeka, Free Aceh

Movement) in Aceh.

While guerrilla warfare to further political aims is the predominant pattern of armed struggle of the MILF, members of the group have been accused of being responsible for kidnappings, extortion and occasional pirate attacks. In 2003, for example, the MILF was responsible for 16 out of 155 actual and attempted attacks recorded in the Philippines. At the time, 17 pirate gangs were believed to be operating in the country, six of them having links to, or consisting of members of, the MILF.[32] Members of the Abu Sayyaf are also thought to be responsible for pirate attacks in the waters of the southern Philippines. While the group's overall aims have been political in nature, the Abu Sayyaf has also been associated with such criminal activities. However, the evidence of the group's involvement in pirate attacks is mostly 'anecdotal'. The group has, for example, been associated with the hijacking of a fishing trawler in August 2003, with Philippine special forces allegedly identifying the perpetrators two days after the attack while patrolling waters in the southern Philippines. A fire-fight between the government forces and the alleged Abu Sayyaf members travelling in a pump boat ensued, in which four of the perpetrators lost their lives. While the bodies were never recovered from the sea, the authorities claimed that they were members of an Abu Sayyaf faction.[33] Although some Abu Sayyaf members or splinter groups are most likely involved in criminal activities — including piracy — it remains difficult to establish if only Abu Sayyaf members, factions, or the entire group are involved and support pirate attacks.

Members of the GAM in Aceh are also believed to have conducted pirate attacks in recent years in order to finance their struggle against the Indonesian government. Between 1998 and the signing of the 2005 peace agreement between the GAM and the Indonesian government, the conflict in Aceh escalated, with the insurgents increasing their active membership fivefold. Schulze argues that the price the GAM had to pay for its expansion was the increasing criminalisation of parts of the group.[34] Among the criminal activities allegedly conducted by members of the group are pirate attacks, conducted in the northern part of the Malacca Straits. The GAM, has, for example been blamed for the attacks on the Malaysian MT Penrider in August 2003 and the Indonesian MT Tri Samudra in March 2005. In both cases, hostages were taken, a ransom was demanded, and the kidnapped crew were released unharmed after the ransom was paid. Allegations that the kidnappers were GAM members have been voiced by the shipowner of the Tri Samudra and the sailors taken hostage from the Penrider, who described their captors as uniformed men who spoke Acehnese. Furthermore, some of the captives were reportedly taken to a GAM camp in the jungle of Aceh.[35]

The GAM is also believed to be responsible for attacks on fishing boats, targeting Indonesia fishers and trawlers from Peninsular Malaysia. The head of the fishing association in Hutan Merlintang, Malaysia, for example, is convinced that GAM is involved in the kidnapping of vessels and crew from his village. He believes that GAM conducts the attacks with its own fleet of stolen Indonesian fishing vessels, which are slimmer and faster than the Malaysian boats and are therefore suitable for such attacks. He further explained that there are a number of indicators confirming that the GAM is indeed responsible for the kidnappings. Among these are reports from hostages who, after their return to Hutan Melintang, stated that their kidnappers wore uniforms, insignia and badges identifying them as GAM members. Furthermore, some of the victims were in earlier years taken into GAM territory in Aceh and held in the jungle.[36]

However, the leadership of the GAM (until recently) in exile in Sweden has vehemently denied GAM involvement in pirate attacks and has accused the Indonesian military of framing the group. The IMB's director Mukundan is also somewhat sceptical of the involvement of GAM in pirate attacks, stating that it is not difficult to copy the GAM uniform and that information about Aceh and the GAM from the Indonesian authorities may not always be reliable.[37] The question whether or not GAM is involved in piracy therefore remains contested. However, while it is feasible to conclude that the

GAM leadership does not endorse pirate attacks, it cannot be ruled out that GAM members or people loosely connected to the organisation may be involved in piracy, particularly after the expansion of the GAM and the ensuing criminalisation of the movement.

Poverty
Even though local economies recovered after the 1997 financial crisis, poverty is still widespread in many countries in Southeast Asia and has an impact on the occurrence of pirate attacks. For those among the more desperate left behind in the region, who live close to the sea and have access to boats, piracy can be an alternative source of income. Examples of such pirates include small, loosely-organised pirate gangs which attack merchant vessels in the Malacca Straits operating from islands in the Riau Archipelago, including Belakang Padang and the Jemaja group. The French researcher Eric Frecon, who conducted extensive fieldwork in the area, believes that poverty and the lack of other employment opportunities are the most important motivations for people in these villages to become pirates. As one of the pirates he interviewed stated:

> "In 1987, I left Timor to look for work in Jakarta. But I did not find any and I had to try my luck in Batam where I became a pirate in order to earn my living. Just like me, many came from miserable kampung. Singapore was rich; we were poor. So, we went to pillage the areas in the vicinity of Singapore (laughs). We targeted cargo ships."[38]

Indeed, those involved in piracy in these waters are often unemployed sailors, fishers, or taxi-boat drivers, who do not find a sufficient number of passengers during the day to make a living.[39] Furthermore, organised criminal gangs may hire people who need to earn money quickly and have exhausted other options.

Conclusion
In summary, all these factors discussed above, including lax maritime rules and regulations, poverty, the impact of ecological degradation and over-fishing and the existence of organised crime groups and radical politically motivated organisations in the region are conducive to the occurrence of pirate attacks in Southeast Asia and shape the nature of such attacks. In order to be successful, responses to piracy have to address most, if not all, of these problems and issues. Combating piracy is consequently a difficult and complex task, requiring more than the patrolling of piracy-prone waters.

Biography

Carolin Liss is a PhD candidate at Murdoch University. (c.liss@murdoch.edu.au) This paper is based on research conducted for her recently submitted PhD thesis: Maritime Piracy in Southeast Asia and Bangladesh, 1992-2006: A Prismatic Interpretation of Security. A longer version of this paper was presented at: Australia and Asia: Issues of Global Security, University of Western Australia, 17 August 2007.

Footnotes

[1] International Maritime Bureau, Piracy and Armed Robbery against Ships. Annual Report. 1 January - 31 December 2004, Barking, Essex: International Chamber of Commerce, 2005.

[2] International Maritime Bureau, Piracy and Armed Robbery against Ships, Annual Reports 1992-2006.

[3] See: John G. Butcher, The Closing of the Frontier. A History of the Marine Fisheries of Southeast Asia c.1850-2000, Singapore: Institute of Southeast Asian Studies Publications, 2004.

[4] Martin Stopford, Maritime Economics, 2nd edn, London: Routledge, 2004, pp. 429-30. Even before it came into force in 1994, the UNCLOS conventions contributed to clarifying the legal ownership of the oceans. David A. Balton, 'Strengthening the Law of the Sea: The New Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks ', Ocean Development & International Law, vol. 27, 1996, p. 126.

[5] Wayne S. Ball, 'The Old Grey Mare, National Enclosure of the Oceans', Ocean Development & International Law, vol. 27, 1996, p. 102.

[6] Butcher, The Closing of the Frontier, p. 231.

[7] Yamada Yoshihiko, 'Defending Asian Seas from Marauding by Pirates', Japanese Dynamism no. 6, Tokyo Foundation, 2004, accessed 16 August 2005.

[8] Manon Osseweijer, 'Surviving in the Margin: Coastal Livelihoods in the Riau Islands, Indonesia', accessed 18 May 2006.

[9] Quoted in: 'Keep Out of Indonesian Waters', Sun, 24 October 2002, p. 4.

[10] Interview with Zee Hai, Head of Koperasi Nelayan Hilir Perak Berhad, April 2005, Hutan Melintang.

[11] Ibid.

[12] Stopford, Maritime Economics, pp. 422-3.

[13] Alderton and Winchester, 'Regulation, Representation and the Flag Market'.

[14] Ibid.

[15] International Labour Office, The Global Seafarer, p. 42.

[16] Ibid. p. 50.

[17] David Osler, 'Flags of Convenience Fail to Verify Up to 85% of Officer Certificates'.' Lloyds List, 11 July 2005.

[18] International Transport Workers' Federation, 'ITF Seafarers' Bulletin', no. 19, 2005.

[19] Statistics for inspection rates of containers in ports in recent years are difficult to find. However, the inspection rate in US ports is estimated to be about five to six per cent. See: Stephen E. Flynn, 'Port Security Is Still a House of Cards', Far Eastern Economic Review, vol. 169, no. 1, Jan/Feb 2006, p. 9.

[20] 'Alleged ISPS Corruption Revealed', Lloyd's Register, Fairplay, 23 August 2004, accessed 16 April 2006.

[21] The name of the vessel has been changed.

[22] Interview, anonymous, 2003, Singapore.

[23] Quoted in: International Transport Workers' Federation, '[Fight Fatigue. Safer Ships Demand Realistic Manning](#)', accessed 29 June 2007, p. n. p. And: International Trade Workers' Federation, '[Fatigue](#)', accessed 14 May 2004.

[24] William Langewiesche, The Outlaw Sea. A World of Freedom, Chaos, and Crime, New York: North Point Press, 2004, pp. 46-83.

[25] Marcus Hand, 'Flags of Convenience Are 'Assisting Criminals'', Lloyds List, 3 November 2005. David Osler, 'Sierra Leone Registry Hits Back in Row Over Stolen Ship Natris', Lloyds List, 29 December 2005.

[26] Hand, 'Flags of Convenience Are 'Assisting Criminals'', p. 1. Examples of how lax controls in ports benefit pirates cannot be discussed here due to the constraints of this paper.

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