
Piracy and the risks of maritime terrorism: How significant are these threats?

Michèle Piercey, APS

Introduction

In the aftermath of the terrorist attacks of September 11, there was wide acknowledgment that the worldwide system of ports and shipping was vulnerable to terrorist attack, potentially on a scale that could equal or surpass the attack on the World Trade Centre. Though violence on the high seas has not reached epidemic proportions, it is becoming more prevalent and this is a significant threat to the security of the global system of trade on which the international economy relies.

The key difference between piracy and maritime terrorism is the motivation of the perpetrators. Maritime terrorists seek to achieve ‘political goals beyond the immediate act of attacking or hijacking a maritime target.’¹ Whereas the goal of pirates is financial gain, usually in the form of theft of cargo, stores or the ship itself, terrorists may seek to use the vessel as a vector for a catastrophic attack to achieve political ends. Death or injury to the crew in a pirate attack may be incidental to the objective of financial gain; in a terrorist attack, widespread death and fear may well be an objective in itself.

Piracy is defined under the Law of the Sea Convention (LOSC) as an ‘attack mounted for private ends on a ship, involving violence, illegal detention of persons or property, or the theft or destruction of goods.’² Importantly, the LOSC makes the further distinction that piracy is conducted ‘on the high seas or in a place outside the jurisdiction of any state.’³ This is important from a legal standpoint, as a piratical act committed within the territorial sea of a given state is more correctly sea robbery. However, for the flag state or trading nation that has lost its nationals, ship or cargo in a violent attack, the distinction in which side of the contiguous zone an offence occurred is relatively unimportant. For the purposes of this paper, piracy and sea robbery will be treated as piracy unless otherwise stated.

The aim of this paper is to assess the significance of the threat of maritime violence in the Southeast Asian region. It will argue that while the numbers are comparatively small, they are increasing, and the preconditions for both still persist throughout the region. Moreover, the stakes are high. Given the absolute strategic significance of the sea lanes in the region to the world economy, any potential disruption must be treated seriously. It contends that the threat of maritime violence is significant and has the potential to become more significant over time.

The second part of this paper will examine the strategic and political interests of the major regional players—Japan, China, India and the US—and will argue that they have many common interests in maintaining Southeast Asian maritime security. All have been touched by terrorism to some degree and had their shipping threatened by high seas violence. However, there are a number of strategic issues that transcend these common concerns, particularly the tension between the ‘status quo’ powers of the US, Japan and India on one hand, and an up and coming China that stands to challenge the US as the dominant power in the region on the other. Other strategic and political concerns between the four nations may see maritime security used as leverage to angle for a more favourable position in the region.

The threat of maritime violence to the Southeast Asian region

It is difficult to overstate the importance of the Southeast Asian region to world seaborne trade:

Southeast Asia is a geographic region unlike any other in its maritime significance. Its seas are some of the most traversed shipping lanes in the world. Not only does the region draw much of its livelihood from the sea, but the world also relies on the resources from and safe passage of vessels through its waters.⁴

The spectre of maritime-based transnational crime has a persistent negative impact on economic security in the affected areas as well as the major shipping nations that trade through them.⁵ The consequences of such disruption, particularly if the situation worsens, are significant for the system of world trade on which the international economy relies to function properly. This is particularly true in the Southeast Asian region, through which more than a third of all shipping, 50 per cent of the world's oil and 25 per cent of the world's cargo passes each year.⁶ As a case in point, the Straits of Malacca and Singapore Strait are the primary Sea Line of Communication (SLOC) for shipping from Europe to the Middle East, and 'a typical voyage from the Arabian gulf port (Rasnatunah) to Yokohama Japan would be 1000 nm longer through the Lombok–Makasar Straits as compared to the shorter Malacca–Singapore Straits. This route would add an estimated total increased cost between US \$84 billion to US \$250 billion a year for shippers.'⁷ The other two significant SLOC in the region are the east-west transit via the southern tip of India, and the route through the South China Sea, northeast to the Sea of Japan.⁸

Given the importance of the region, any threat to its efficient functioning is potentially significant. It seems apparent that piracy is a growing problem in the Asia–Pacific, particularly in so-called strategic waterways such as the Straits of Malacca. The narrow, 550-mile-long waterway straddling Indonesia, Malaysia and Singapore has long been a 'pirate's paradise'.⁹ According to the International Maritime Bureau (IMB), the total number of reported piratical incidents was 445 in 2003, a substantial increase from the mid 1990s¹⁰ and these attacks are becoming more violent. The waters of Southeast Asia, particularly Indonesia continue to predominate, and the strategically important Straits of Malacca have shown the greatest increase.¹¹

Maritime terrorism has not been a common means of attack, given the greater ease and attractiveness of heavily populated land targets.¹² Despite the logic that indicates that maritime terrorism is less likely than other arenas for terrorism, there are indications of an increase in attacks and planned attacks on maritime targets since September 11.¹³ 'Given the potential for one strategically sunk ship to severely impede international commerce, the maritime environment may also serve as an attractive domain for very symbolic victories for terrorists.'¹⁴

In both cases, pirates and terrorists are becoming better organised, more adept and more disruptive:

Security in the Straits (of Malacca) appears to be deteriorating, and there are good reasons for heightened concern. Organised criminal syndicates, possibly with international links, appear to be behind some of the increasingly competent attacks, which feature well-trained personnel using fast boats, modern weapons and sophisticated communications.¹⁵

Though the figures are not yet overwhelming, the trend toward increasing maritime violence and disruption in the region's most important shipping routes is a worrying one. There are good reasons to believe that piracy will continue to increase. And while terrorism and violence on the high seas is not a new phenomenon, 'the current political security environment suggests that a catastrophic

attack is both inevitable and imminent'.¹⁶ If major shipping nations are convinced of the possibility of an attack, the incidence of maritime terrorism need not increase markedly to make its effects felt. As long as shipping operates in an environment of perceived threat, terrorists will have achieved a key psychological objective. There is no reason to expect that this trend might be reversed.

An additional reason to believe that maritime terrorism and piracy might become a more significant threat is that the preconditions that give rise to both are becoming more prevalent in the region.¹⁷ Economic hardship is a factor in both piracy and terrorism. The Asian economic crisis created an incentive for lower socioeconomic classes to turn to illegal sources of income such as piracy. However, economic hardship and inequality also foster resentment and tend to inspire radicalist movements that sponsor terrorism as a means of achieving religious or political objectives. Both function best where the controls of the state are weakest and law enforcement is weak and prone to corruption. Both rely on corrupt local officials to look the other way from suspect behaviour to achieve their objectives. In addition, members of transnational crime syndicates such as pirate rings and terrorists are able to move into and out of states relatively freely if the central state is weak and border controls are poor. Both rely on a level of invisibility to be able to plan and execute operations.¹⁸

The main conclusion to be drawn from these trends is that the threat of maritime violence in Southeast Asia is significant, and becoming more so. The preconditions for maritime terrorism and piracy are becoming more prevalent as regional states grow weaker and less able to manage maritime security, the divisions between rich and poor increase and political and religious radicalism takes hold. Though the incidence of maritime violence is not yet at crisis point, it is showing marked and steady increases and the Southeast Asian region remains the focal point for this activity. Moreover, because of the importance of the region to world trade, the stakes are particularly high and the potential impact is more significant.

Major regional players: interests and responses

Given the apparent inability of regional nations to cope with burgeoning security issues in their maritime approaches, it is no wonder that major international players with significant shipping interests such as the United States, China, Japan and India have taken a close interest in regional maritime security. 'For the moment, Southeast Asia's maritime infrastructure will continue to be the soft belly of states that can be attacked with little effort. An attack to the belly is enough to cause the strongest of men to keel over in incapacitation and defeat.'¹⁹ The major powers are highly trade and resource dependent, and this represents a major vulnerability; the so-called 'soft belly' of nations that rely on a secure supply of oil, reliable access to imports and a consistent means of conveying export goods to international markets. In the most optimistic interpretation, these common interests have the potential to improve major power cooperation in the region.

Maritime cooperation has also increased, primarily using the anti-terrorist or piracy platform as a rationale for cooperation. The key powers, China, India, Japan, and the US have shown a desire to increase their maritime influence in the region... The web of relationships in the political, economic and military spheres, when fully matured, will also provide a mechanism for the resolution of conflicts before they arise.²⁰

However, it is important to bear in mind that, while there is broad general agreement that Southeast Asian maritime security is in everyone's interests and that this has given way to greater cooperation, the positions of the major players are not unified. All four powers seek to influence the course of events in the region in their own interests and it would be naïve to suppose that the

so-called 'web of relationships' will necessarily result in a single view of the best way to address security problems. Moreover, the strategic and political agendas of the individual states might well take precedence over individual security issues. This is especially true in the case of the unarticulated tension between the United States and China, both of which seek to limit the other's influence in this strategically important area.

The lynchpin in any discussion of major power interest in Southeast Asian maritime security is necessarily the United States. The US has perhaps the largest stakes in addressing both aspects of rising maritime violence. It has by far the world's largest economy, exceeding the combined Gross Domestic Product of China, Japan and India²¹ and like most other major players, 95 per cent of its trade is conducted by sea. It is the single largest consumer of crude oil on the planet and the largest net exporter of goods.²² Given its economic and strategic interests in the region, and as the world's only current superpower, the US seeks to maintain and consolidate its presence in the region, and this is underpinned by a desire to contain the growing influence of China.²³ This is characterised by a need to positively engage with China in the region on the one hand, and to contain any possible expansionism on the other.²⁴

It also sees itself as the main protagonist in the so-called 'Global War on Terror' and soon after the terrorist attacks of September 11, 2001, (S11) identified global shipping as a critical vulnerability to terrorist attack on American interests. As such, it has declared a significant interest in maintaining the security of its seaborne trade. The US now refers to Southeast Asia as the 'second front' of the War on Terror and the region's many home-grown and active terrorist organisations, some with alleged connections to Al-Qaeda and Muslim separatist groups, became obvious targets for US and national counter-terrorism initiatives.²⁵ The US was the main driver of adoption of the International Ships and Ports Security (ISPS) Code by the International Maritime Organisation, bringing significant pressure to bear on would-be trading partners of the United States to ratify it. In 2003 the US proposed the Regional Maritime Security Initiative (RMSI) which, if implemented, would involve not only closer intelligence sharing with Southeast Asian states, but also deployment of US Marines and special forces on high-speed vessels to interdict maritime threats within the region.²⁶ This has been met with enthusiasm from certain regional states, particularly Singapore, but more reluctantly from Indonesia and Malaysia, which maintain significant reservations about the impacts of the initiative on regional sovereignty.²⁷

China must be considered alongside the United States as the other major influence in the region, as much for its impact on the jockeying for position of the other actors as its own Southeast Asian strategic agenda. It is already a major Asian power, with deep economic ties to the ASEAN region, strong reliance on the maritime economy, and strategic dependence on secure SLOCs.²⁸ This dependence is likely to increase as its crude oil imports from the Arabian Gulf increase over the next decade.²⁹ As a shipping nation, it has one of the world's largest commercial fleets after Japan and Korea and has become the largest container producer.³⁰

As it emerges as the world's next superpower, China's strategic intent to make its influence felt in this region is likely to grow. Worryingly for India, after China became a net importer of oil in 1993, a senior Chinese Navy official declared, 'we can no longer accept the Indian Ocean as an ocean only of the Indians'.³¹ However, it is already aware of local and global suspicions of its expansionist tendencies in the region, and has sought to establish itself as a regional good citizen to counter these perceptions.³² It is a participant in or signatory to a number of international agreements and activities on maritime security, but is wary of any arrangement that allows the US too much

predominance in the region. It has voiced reservations about the US proposed Proliferation Security Initiative (PSI).³³ On the other hand, in spite of concerns about US presence, and given its significant economic maritime interests, it is party to the Suppression of Unlawful Acts (SUA) Convention, which extends the rights of maritime forces to pursue pirates, terrorists and maritime criminals into foreign territorial waters.³⁴

Japan relies heavily on seaborne trade, with special reliance on the Malacca Straits for its oil supplies. Ninety-five per cent of its imports and exports shipped by sea and 80 per cent of its oil comes through the Malacca Strait.³⁵ Its liquid natural gas (LNG) trade is also heavily dependent on the Southeast Asian shipping routes.³⁶ Japan acknowledges the growing danger of maritime terrorism to its shipping interests in the region.³⁷ It therefore has clearly identified strategic interests in assisting shipping and port security through the Southeast Asian region. Politically, it has sought to take a multilateral cooperative approach to furthering these objectives. Japanese security planners have proposed the creation of a multinational maritime security and safety regime that would include a capacity for counter-piracy, even calling for the creation of a regional coast guard, which has so far been unsuccessful.³⁸ It has had more success promoting bilateral anti-piracy exercises in the region and negotiated to establish a Regional Cooperation Agreement on Anti-Piracy in Asia, involving intelligence exchange between ASEAN, Japan, China, South Korea, India, Bangladesh and Sri Lanka.³⁹

However, Japan may have an additional political and strategic interest in keeping a high profile in the region, thus balancing China's influence. Though China is Japan's largest trading partner, Japan would still seek to remain the most influential regional force, a lead that is steadily slipping.⁴⁰ To that end, the Japanese alliance with the United States is vital, and gives it greater leverage to pursue its strategic and security agendas in the region and greater room to manoeuvre in its dealings with its neighbours, including China.⁴¹ That said, Japan, like other major players, would still prefer to see China develop in a stable, engaged, democratic manner so seeks to positively influence this process rather than attempting to hold back the tide of Chinese growth.⁴²

India has similar interests in maintaining secure Southeast Asian shipping routes. It is heavily reliant on maritime trade for its viability. Fifty oil tankers enter Indian territorial waters daily⁴³ and by 2020, its oil consumption is expected to reach 38 million barrels per day, with 80 per cent coming from the Persian Gulf through the Indian Ocean. Moreover, the recent Mumbai bomb attack demonstrated that India is very much a terrorist target. 'Given the propensity of influential Saudis to fund extremist causes abroad and of the Pakistanis to provide material support to such causes, the phenomenon of jihadi terrorism is now taking roots in India's neighbourhood.'⁴⁴ In geopolitical terms, 'India is located at the crossroads of the flow of global oil supplies and the movement of jihadi terrorism from Afghanistan and Pakistan to the Asia-Pacific region'.⁴⁵

India has welcomed US anti-terror efforts in Central Asia, and an American withdrawal could create a vacuum that would allow fundamentalist Islamic movements to flourish.⁴⁶ As a demonstration of their mutual interest, the American and Indian Navies recently cooperated in patrols of the Malacca Straits in a joint anti-terror and piracy maritime security initiative.⁴⁷ But India's enthusiastic participation in American-led initiatives may be borne as much out of a *realpolitik* recognition of the other benefits of allying with the world's only current superpower and counterbalance to the alliance between China and Pakistan, with whom Indian relations are strained to say the least.⁴⁸ It is likely that India will continue to support the United States in its maritime security efforts because it serves its maritime interests as well as the strategic alternative it offers to the 'Sino-Pakistani nexus' that India

perceives as a threat.⁴⁹ Similarly, the United States sees the Indian relationship as a useful foil to the influence of China in the region.⁵⁰

Conclusion

Given the absolute importance of a robust system of maritime trade and shipping to the world economy, any disruption to that system is likely to be of great concern to affected coastal states that rely on the maritime environment for their livelihood. It is of equal concern to major trading nations whose economies depend on seaborne trade, as about 95 per cent of the world's cargo is moved by sea. The Southeast Asian region has long been a haven for pirates, and the rate of piratical attacks is increasing. Moreover, though still uncommon, in the aftermath of the September 11 terrorist attacks, a single major maritime terrorist attack could have potentially catastrophic consequences for populations, international security and world trade. While the rates of both kinds of maritime violence are still relatively low, the preconditions for both exist in abundance across Southeast Asia, and are not expected to improve in the near future. As such, it must be concluded that the threat of maritime violence in the region is significant and has the potential to become more significant as time goes on.

The major players in the region, specifically China, the US, India and Japan, have clear strategic interests in promoting a secure Southeast Asian maritime environment, and there is evidence of growing political cooperation amongst actors to achieve this aim. However, all have other strategic interests that may be incidental to maritime security interests. Japan, India and the US are concerned with maintaining their influence in the region, while balancing the increasing influence of China, due to become the next world economic and military superpower. On the other hand, China is seeking to simultaneously shore up its influence in the region and reassure other players that it intends to engage rather than expand.

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