TRENDS, PROBLEMS AND CHALLENGES IN MANAGING PIRACY THREATS IN THE STRAITS OF MELAKA[1]

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ABSTRACT

The Melaka Straits is one of the busiest straits in the world. Piracy threats and the advent of 9/11 incidents have created pressures to littoral states, Indonesia, Malaysia, and Singapore, to ensure a safe passage and to avoid disruptions of navigation in the Straits. Given the strait's importance to the East-West trade, littoral states have to respond firmly and promptly to these pressures. The article contends that multilateral approach is the best mechanism in dealing with the threats of regional piracy. Yet there are several problems that need to be addressed by littoral states. Problems in getting suitable assets for surveillance and patrolling, the political sensitivity of the issue in some of littoral states, the issue of jurisdiction, the involvement of neighboring maritime agencies in piracy activities, sophisticated communication network that pirates have, complication in building confidence among littoral states and problems in getting methods of cooperation between the respective nations. These need to be dealt with and taken into consideration in combating piracy in the region. The article concludes that those obstacles have to be given priority, a failure of which could undermine efforts to tackle the issue of piracy and could affect regional stability and economic well-being, and subsequently jeopardize the security of nations and the region.

Keywords: *Piracy, Straits of Melaka and security.*

INTRODUCTION

Several regions and straits in the world have been identified as a major focal point for piracy activities namely along the West Africa coast of Gambia, Sierra Leone, Ivory

Coast, Ghana, Nigeria and Liberia; the Caribbean sea of Jamaica and Haiti, the Latin America coastal area especially in Brazil and Venezuela, and the Southeast Asian region covering the Straits of Melaka, the Singapore Straits, the Sulawesi Sea of the Philippines and Indonesia, the Siamese Bay and the South China Sea area (Villar 1985: 1). The modus operandi of the pirate groups is to some extent similar. They use medium size boats with several types of weapons to rob ships, fishing boats or leisure vessels. Vietnamese refugee boats, for instance, were once a target of pirates roaming in the South China Sea during the 1970's Indo-China war, when refugees were robbed, men killed and women raped (ibid.).

In the Southeast Asian region, the International Maritime Bureau (IMB) based in Kuala Lumpur has identified territorial waters near Riau, Bintan, Dumai, Balikpapan, Gaspar Straits (Gelasa), Pulau Laut, Samarinda, northern Sumatera as well as the Anambas and Natuna Islands as "concern area" that needs urgent actions by respective regional states (IMB Annual Report 1 Jan – 31 Dec 2003: 15). In addition, Balikpapan, Tanjong Priok and Dumai are considered risk ports for possible piracy attacks (ibid.).

Between 2001 and 2003, 476 cases of piracy attack were recorded by IMB, of which 66 percent occurred in the Indonesian territorial waters. The Melaka Straits recorded 61 cases.

Table 1: Piracy incidents in Southeast Asia

	2001	2002	2003	TOTAL
Melaka Straits	17	16	28	61
Indonesian water	91	103	121	315
Malaysia water	19	14	5	38
Philippines Water	8	10	12	30
Thailand	8	5	3	16
Others	10	5	1	16
Southeast Asia	153	153	170	476

Ref: IMB-ICC Annual Report 2003, 2004;

In 2004 alone, however, 219 cases of piracy attacks were reported. Piracy in the Indonesian territorial water constituted the most whereas, the number of piracy attacks in the Melaka Straits jumped to 38 cases. In 2005, however, the number of piracy attacks in the Straits declined to only 12 cases (*IMB-ICC – Piracy and Armed Robbery against Ships – Annual Report 2005, 2006*). The Indonesian water remains dangerous for ships. Seventy-nine piracy incidents were reported in the Indonesian water in 2005.

The statistics shows several interesting points. Firstly, the number of piracy incidents in the region fluctuate and are inconsistent. Secondly the Indonesian territorial water is a major concern and the government efforts of reducing the threat are questionable. Thirdly, although the statistics show a substantial reduction in a number of piracy attacks, it has shown a clear fact that pirates have become bolder and more callous in their attacks. In the latest incident, three crewmen of a Japanese registered tugboat, Idaten, were kidnapped by heavily armed pirates at 45.5 nautical miles from the Malaysia's coastal city of Lumut (*The Star* 17 March 2005: 2). Finally, the Melaka Straits remains exposed to piracy threats despite the reduction of the incident in 2005. Given strategic importance of the straits to the world's trade, a single attack could produce jitter and unprecedented effect i. e. extra cost to regional maritime industries.

The Melaka Straits is amongst the world's most important international navigational waterways and Sea Lane of Communication (SLOC) and has invited world's concern over the ships' safety navigating the Straits. This 600 nautical-mile long Straits in an important trading waterways between Europe and the Middle East, and East Asian countries like Japan, South Korea, Hong Kong and China. At the same time, Malaysia, Indonesia and Singapore as trading nations, are also very dependent on access through the Straits. Ninety-five percent of Malaysia's trade, for instance, valued at RM112.4 billion, is carried through the Melaka Straits (Kenny 1996).

The Straits of Melaka is not only used for trade navigation but is also a source of food and livelihood to states such as Malaysia and Indonesia. From commercial and military angles, the Straits of Melaka is the most important waterways in the region. Almost 600 ships sail through the Straits of Melaka daily, and half of the world's merchant fleets pass through the Straits of Melaka and the adjacent Singapore, Sunda, and Lombok Straits and the South China Sea. Prevailing threats in the Straits of Melaka encompass a wide spectrum of issues from minor theft incidents in harbor, armed robberies at sea, environmental pollution, and substantial illegal immigrant up to potential maritime disasters" (Mohd Anwar Hj Mohd Nor 2004). What concerns most is the security of navigation particularly from piracy attacks. The Malaysia's Chief of Navy Admiral Dato' Sri Mohd Anwar Hj Mohd Nor argues that "maritime security challenges in the Straits of Malacca are very complex" and need special collaborative approach from littoral as well as from user states (ibid.).

Questions have been raised; to what extent littoral states are capable in managing the straits from piracy threats? What are the problems faced by these littoral states in managing and containing piracy threats? How user states would respond to the inability of littoral states in dealing with the problem? Hence, this article attempts to answer those questions.

CONCEPTUAL AND DEFITIONAL DEBATES ON PIRACY

Piracy or sometimes referred as high-seas armed robbery has created debates on its contents and meanings. Villar defines piracy as an armed attack at sea, whereas scholars

of the early Greek empire defined piracy as illegal activities not only against ships, but also maritime cities (cited from Wilczynski 2005). The United Nations Convention on Law of the Sea (UNCLOS) III 1982 - Article 101, furthermore defines piracy as

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 private aircraft, and directed:

    (i).   On the high seas, against another ship or aircraft, or against persons or property on such ship or aircraft,

    (ii).   Against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;

b.   Any act of voluntary participation in the operation of a ship or of 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 above (The United Nations convention on law of the sea (UNCLOS) III 1982, 1983: 34).

Whereas, article 15 of the Geneva Convention of the High Seas 1958 defines piracy as "a violent seizure on the high seas of a private ship or the illegal detainment of persons or property aboard said ship for the purpose of private gain" (Vallar 2003).

The International Maritime Bureau (IMB), furthermore, defines piracy as, 'an act of boarding or attempting to board any ship with the intent to commit theft of any other crime and with the intent or capability to use force in furtherance of that act' (IMB 1994: 6; Royal Malaysian Navy 2001: 2). The definition covers an act of armed robbery or an attempt for armed robbery at vessel, ships, or boats at high seas or 'territorial waters' of any country while docking. Hence, IMB has categorized piracy activities as follow:

a.   An attempt to board a ship by pirates

b.   Boarding and ransacking a ship

c.   A ship is boarded and captured for a period of time by pirates

d.   A ship is followed, chased and attacked by pirates

e.   A ship is followed by an unidentified ship or boat that is suspected to be pirate ship(s)

f.   Armed robbery at the ports when a ship is docked. (ibid.; BSPP 1994: 2)

Valencia shares IMB's piracy definition. He argues that piracy/sea robbery encompasses a wide spectrum of criminal behavior ranging from in-port pilferage to hit and run attacks, to temporary seizure of ship, to long term seizure, and, at the high end, to permanent theft of the ship (Valencia, 2004; Young and Valencia, 2003: 269 – 283)

Nonetheless, IMB's definition has been rejected especially by littoral states partly for its vagueness and partly for political reasons. The Chief Staff of the Indonesian army, Admiral Bernard Kent Sondakh argues that:

> The act of piracy which takes place in waters under national jurisdiction, therefore, is not an act of piracy but an act of armed robbery or sea robbery which should be dealt with exclusively by national states under the principal of coastal states sovereignty and national security. It can be concluded that there is no piracy at Melaka Straits (Sondakh, 2004)

Hence, as one of the littoral states of the Straits of Melaka, the Indonesian government takes a stand that a piracy is:

> Any criminal or illegal acts done in the high seas or in the waters under national jurisdiction of the coastal states, even done in the harbor environment, including petty cash criminals…[T]he law enforcement authority for armed robbery against ships occurring in the waters national jurisdiction would fully become the authority of the coastal states (ibid.).

The Malaysia's Maritime Enforcement Coordination Center (MECC) also echoes the same argument with that of Indonesia's. MECC argues that UNCLOS III 1980 and IMB's references to piracy are misleading and leads to some gray areas that need to be addressed. MECC hence, divides piracy into three categories: an attempt to steal, an act to rob, and an act to kidnap. Different approaches, according to MECC are needed to react to the threat of each of the category (Royal Malaysian Navy 2005: 2).

Furthermore, attempts have been made by some countries particularly the United States to relate piracy problems in the Straits of Melaka with that of maritime terrorism. The Council for Security Cooperation in the Asia-Pacific or CSCAP's definition on maritime terrorism, hence, hardly makes any difference in the definition between maritime security and that of piracy. Maritime terrorism is defined as an undertaking of terrorist acts and activities within marine environment by using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, against coastal facilities or settlements, including tourist resorts, port areas, and port town or cities (Quentin 2003: 1)". The idea and definition are further elaborated by Young and Valencia who argues that maritime terrorism is "any illegal act directed against ships, their passengers, cargo or crew, or against sea ports with the intent of directly or indirectly influencing or a group of individuals" (Young and Valencia, 2003: 1). Whereas, Mat Taib refers maritime terrorism as "the use of violence by a party (state or non-state) against a target at sea or close to the sea to achieve their political objective" (Mat Taib Yassin, 2003).

From the onset, the only difference between the two concepts– piracy and maritime terrorism – is that the latter is said to have political connotations or motives in its action, while the earlier one is based on personnel profits. Yet, questions could be raised firstly, how do we know that pirates have political motives or not, and secondly, who decides whether a particular high seas robbery was an act of pirates or that of a terrorist group? In a real incident, it is very difficult to differentiate between maritime terrorist and pirates. This has been shown in the kidnapping incidents at Pulau Sipadan and Padanan, in Sabah, Malaysia by the Abu Sayyaf group that has been labeled a terrorist

group, yet prior to the September 11 incident, this MILF splitter movement was only considered a bandit group.

The article would not dwell into the maritime terrorist issue, but rather would focus on the threat of piracy in the Straits of Melaka. Although some quarters tend to raise maritime terrorism as a potential threat, there has been no incident so far involving maritime terrorism in the Melaka Straits. As The Deputy Prime Minister cum the Defense Minister of Malaysia, Dato' Sri Mohd Najib Tun Razak, says:

> More recently, certain quarters have raised the specter of ships passing through the Straits being attacked by maritime terrorists or being somehow used for purposes of terror. While so far there has been no proven incident of terrorist attacks in the Straits, the possibility of such a threat could not be simply ignored. We must be on our guard at all times (Mohd Najib Razak, 2004).

His sentiment was also echoed by the US's Asia-Pacific Fleet Commander, Admiral Fargo who confirms that the "…US intelligence services have found no evidence that pirates operating in the Straits of Melaka have links to terror networks in Southeast Asia" (*Straits Times (Singapore) Interactive*, 24 June 2004). At the same time Singapore Deputy Minister for Internal Security Chia Kwang Chye also corroborates that "… the threat of piracy against ships continued to cause concern, [yet] there are no proof that pirates have terror link'. *(New Straits Times* (Singapore), 30 June 2004)

Melaka Strait's Strategic Values

Piracy problems in the Straits of Melaka are closely related to its strategic position it has as a center for the East-West trade. The flourishing of entreports such as Melaka, Palembang, Betavia, Makasar and Brunei in the 13th and 14th century contributed to the importance of the straits. Liss and Chalk tend to equate the history of piracy in the region with that of in the Europe (Liss 2003: 52-68; Chalk 1998: 2-3). Nonetheless, Andaya and Andaya argue that piracy emerged in the straits as a result of power struggle among district leaders who represent sultan to collect taxes (Andaya and Andaya 2001: 192). Piracy was not considered a criminal act because it was protected by these individual political masters. Hence it can be argued that piracy was a tradition as well as profession in this part of the world.

The scenario changed when European powers, such as the Portuguese, the Dutch and the British, began to systematically colonize the region in the 16th century. The colonization period changed the political equation of the region. Sultans had to succumb to new colonial powers. As a result, all the district political masters lost their power and major income from tax collection and, this change forced them to outsource their income by becoming pirates. Their targets were mostly European merchant ships. Piracy during

this period could also been seen as a reflection and symbol of anti-colonial movements (Colchester 1989: 13).

In the post-Colonial and post Cold War periods, motives for piracy have been closely associated with economic needs (Tagliacozzo 2001: 254-273 Mak Joo Nam, 2002: 1-9; and Richardson. 2004). There are push and pull factors in explaining causes of piracy in the straits. Geographically, waters of Malaysia, Indonesia and Singapore, are blessed with hundreds of islands with narrow channels in between. These geographical setting has provided ideal hiding places as well as gateways for pirates from being pursuit by enforcement agencies. Political instability and socio-economic problems in the region particularly in Indonesia have also been associated with current piracy problems. Following the onset of financial crisis in 1997 and attendant regional economic downturn for instance, more and more poverty stricken people in the region has turned into piracy as way of survival. The crisis has paced "socially disadvantaged people to turn to crime for want of better opportunity…as fishermen, barter traders and others turn to pirates" (Mak Joo Nam, 2002: 7).

MANAGING THE THREATS

A major concern of the world is how to manage the Straits of Melaka, which is shared by Indonesia, Malaysia, and Singapore, from being a safe-heaven for piracy activities. One piracy attack on tanker means business lost. As a major trading route, the Straits of Melaka could not afford to have a continued series of piracy attacks since it could undermine maritime industry's confidence on the safety of their goods. (Please see Table 1 below). Furthermore, the number piracy incident may be higher than being reported since some ship companies try to avoid paying higher insurance premium. Owner of ships sometimes refuse to report the piracy incident for fear that it would invite protracted criminal investigations by the authorities hence would delay the shipment, and would cost them millions of dollar in losses.

Table 2: Piracy and High Seas Armed Robbery Against Ships in Melaka Straits and Malaysia Territorial Water (1996 - 2005)

Melaka Straits	3	n/a	1	2	75	17	16	28	38	12
Malaysia	5	4	10	18	21	19	14	5	n/a	n/a

Ref: ICC-IMB, Piracy and Armed Robbery Against Ships: Annual Report, 1 January – 31 December 2003, Barking, UK: ICC-IMB, 2003. And IMB Annual Report for 2002, 2003 and Third Quarter of 2004 (from January to September 2004); and IMB -ICC – Piracy and Armed Robbery against Ships – Annual Report 2005, 2006

Another major security concerns is some of these piracies or high seas armed robbery incidents had occurred in conflict areas of northern Sumatera. It has been argued that there were close involvement of a separatist movement i.e. the Gerakan Aceh Merdeka (GAM) in some of high seas robbery in the northern area of the Straits of Melaka. *(The Star* 16 February 2004: 28). Furthermore, target selection of piracy activities in the Straits mainly focus on merchant shipping like tankers, containers, cargo, 'roll on/roll off' (RORO) and bulk carrier. The Royal Malaysian Navy Headquarters reports indicate that from 2001 to Jun 2003, 25 merchant ships have fallen prey to various pirate groups. In order to engage targets opportunity, some pirate groups use commercially available surface radar to intercept distress signals (Royal Malaysian Navy 2001: 2). Ships that are experiencing mechanical difficulties or are otherwise immobilized are at particular risk.

Reports of attacks on stranded or adrift ships are numerous. Among the critical targets have been oil and gas tankers. These large, technically complex ships have small crews whose skills are not directed at repelling invaders. Pirates, armed with automatic rifles, grenades and grenades launchers, approach large ships at night or 'silent hour' or during periods of limited visibility. Using high speed small boats or 'pump boats', they throw a grappling hook or bamboo with a hook over the railing, and board with rope ladders whilst a ship at anchor or underway. After robbing valuables from crew members and ship's safe, they depart, leaving the crew locked up, handcuffed, set adrift, or dead. Attacks are becoming more lethal and the targets more valuable.

One may argue that disruption of navigation through the Melaka Straits may not totally paralyze the East-West trade since there are other alternative routes in Southeast Asia such as the Sunda Straits, the Lombok or Makasar Straits. Rerouting in fact contributes to unprecedented impacts. First, alternative routes are situated in the Indonesia water, which has the highest rate of piracy incidents. Between January and September 2004 alone, 50 cases of piracy attacks were recorded near the Sunda Sea, making it one of the unsafe waterways in the region (The Star, 8 November 2004). Second, the closure of Melaka Straits would "immediately raise freight rates worldwide and hit hard bulk shipments" (Najib 2004). Therefore, the most important thing is to secure the routes to all users for its vital geo-strategic position.

Pirates usually prey on fishermen fishing in international waters or waters close to international boundaries. In the southern tip of the Melaka Straits near to the Singapore Straits, victims were usually slow moving merchant ships transiting through the area. From their modus operandi and capability to conduct robbery against merchant ships, it is suspected that the pirates may be ex-military personnel or ship crews (Royal Malaysian Navy 2001: 2). They have the knowledge about the layout of ships and the skill to board them from stern while underway. It is believed most of the pirates are from Indonesia, where economic recession and political instability have driven desperate people to this lucrative activity.

In some cases, piracy has assumed a form of hijacking. Hijacking involves a resale of its cargo and requires huge resources and detailed planning. It typically involves a mother ship from which to launch the attacks, a supply of automatic weapons, false identity papers for crew and ship, forged cargo documents, and broker networks to sell stolen goods illegally. A typical example was the case of Mt Han Wei oil tank vessel that was loaded with 1,950 metric tons of gas and oil destined for Yangon. It disappeared two days after leaving Singapore (ICC-IMB, 2003). The ship was subsequently found on 14 May 2002, anchored off Thailand's eastern port of Si Ra Cha, about 50 miles from Bangkok. It was renamed to "Phaeton", and flew the Honduras flag. The crew of 11 Indonesian and two Taiwanese were set adrift by hijackers and finally managed to make landfall on the Sumatran Coast.

Piracy also has adverse implications for individual literal states. It has created a wrong and negative perception as if the whole straits are prone to attacks. The misconception exits because the international community assumes that the threats of piracy in the straits occurred in the Malaysia's, Indonesia's and Singapore's territorial water. The reality is that most of piracy incidents occurred in the Indonesian territory (IMB Report 2005, 2006). Secondly, there is also an assumption that those who involve in piracy activities were Malaysians. This misconception has nudged insurance companies to increase insurance premiums of all cargo shipment to Malaysia and Southeast Asia. But in actual fact, Malaysians were rarely involved in piracy. The Malaysian law enforcement agencies have been successful in identifying and apprehending those few who were directly involved in piracy act or who use members of the piracy syndicates (Royal Malaysian Navy 2001). Most of the offenders engaged in this trade were on opportunity basis.

One may also argue that disruption of navigation through the Melaka Straits may not totally paralyze the East-West trade since there are other alternative routes in Southeast Asia such as the Sunda Straits, the Lombok or Makasar Straits. Rerouting nonetheless contributes to unprecedented impacts. First, alternative routes are situated in the Indonesia water, which has the highest rate of piracy incidents. Between January and September 2004 alone, 50 cases of piracy attacks were recorded near the Sunda Sea, making it one of the unsafe waterways in the region (*The Star*, 8 November 2004). Second, the closure of Melaka Straits would "immediately raise freight rates worldwide and hit hard bulk shipments" (Najib 2004). Therefore, the most important thing is to secure the routes to all users for its vital geo-strategic position.

The increase of piracy incidents has also led to some suggestions by user states particularly Japan, Korea and the United States of America to send their coast guard to the straits. Although the suggestion was welcomed by Singapore, other littoral states namely Indonesia and Malaysia rejected it fearing that it could encroach their sovereign rights to manage the Straits. Yet, given the Straits' geo-strategic importance, littoral states have to response to the international call to guarantee safe passage for all ships. Since the 9/11 incidents, furthermore, these littoral states have been under heavy pressure

to ensure that ships passing through the Straits of Melaka would not become a target of terrorist attacks. User states such as the United States and Japan (through Japan Maritime Self Defense Force (JMSDF)), in fact have stepped up their patrolling surveillance along the Straits as ways to protect shipment of highly sensitive cargo such as military equipments.

The recent growing incidence of piracy has raised concern amongst ship owners, and could have detrimental effect on the region's economy. Japan, Taiwan and South Korea are most affected by piracy because 40 percent of their trade (imports and exports) and 80 percent of their hydrocarbon requirements are transported through the sea-lanes in our region. Since July 2004, the IMB has introduced International Ships and Ports Security (ISPS) Code whereby port authorities and cargo ships or oil tankers all over the world have set up communication networks to ensure that the all ships navigate free from terrorist or piracy infiltration.

Hence, the Japanese and South Korean governments have been very active in promoting piracy awareness amongst regional states through workshop and navy-to-navy talks to step up commitments and efforts in combating piracy. Piracy issue had also been highlighted and brought up for discussion at the Western Pacific Naval Symposium (WPNS) series involving Navy Chiefs from 16 countries in the Asia Pacific region. The matter also been had discussed at the bilateral Staff Talks between the United States Navy (USN) and RMN, thus marking their mutual concern on the issue.

Countries in the region have to use multi-lateral approach in combating piracy and armed robbery against ships (Bulkeley 2003; Mak Joo Nam and B.A. Hamzah 1999). The Malaysian government, for instance, regards piracy as a crime against humanity as well as a threat to the region's maritime environment. Major oil spill incident might become a nightmare reality to the region if oil tankers are blown up intentionally or by accident. Yet, the Singaporean government treats the problem similar to that of terrorism's. For Singapore,

> Pirates roaming the waters of Southeast Asia should be regarded as terrorists. There should be no distinction between pirates operating for personal gain and terrorists with political motives. The motives of these attackers are impossible to judge until they are caught. Although we talk about piracy and anti piracy, if there's a crime conducted at sea, sometimes we do not know whether it's pirates or terrorists who occupy the ship so we have to treat them all alike. So in other words if it's piracy we treat it just like terrorism because it is difficult to identify the culprits concerned unless you board the ship" (The *New Straits Times* (Malaysia), November 22, 2003: B23).

But, there are problems to this collaborative approach among littoral countries of the Melaka Straits. The first problem is the issue of maritime overlapping claim between the littoral states. The expansion of maritime territorial claims by littoral countries has

caused problems of jurisdiction particularly in the aspect of law enforcement. Some cases of unilateral claims have resulted in overlaps and are still in dispute. These flaws have been effectively exploited by the pirates and prevented respective littoral states from fully cooperating to suppress the menace of piracy. Secondly, these littoral countries are also facing with inadequate law to combat piracy. All armed robbery incidents are covered under the domestic laws of the country, for example the Police Act 1967 and Penal Code of Malaysia. Furthermore, Malaysia does not have specific domestic law on piracy. Therefore, it is difficult to take action on cases beyond the areas of national jurisdiction (Abd. Hadi A. Rashid 2005).

The third problem is intelligence sharing. Intelligence is a prerequisite for successful counter-measures strategy to combat piracy and armed robbery. It would provide early warning both to enforcement agencies and shipping community. At international framework, the exchange of intelligence has to be formed amongst competent authorities that have special knowledge in the field. It could be done by establishing and utilizing operational point of contacts within respective authorities in addition to the existing diplomatic channel (Noel Chong 2005). Furthermore, timely warning and accurate information would enable enforcement agencies to get to the scene quickly and effectively. Late report would not help and only complicate investigation and rescue effort. Use of decoy boats to gather intelligence is worth considering.

The littoral countries are also facing enforcement constraints. Enforcement agencies need a sufficient number of fast counter-strike craft capable of conducting forced boarding and withstanding any prevailing sea condition (Abd. Hadi A. Rashid 2005). The capability of the enforcement also relies on the technological advancement of regional countries. Pirates seem to keep pace with technology. They operate with faster speedboats, highly armed and equipped with latest communications gadgets. On the contrary, automation has made possible for merchant ships to be operated with less number of crews, exposing them to greater a probability of pirates' attack. Furthermore, it is important for potential victims (ships and boats) to have a compatible communications system on board. Without this, it would be impossible for them to reach law enforcement agencies and vice versa. Finally, littoral countries are also facing problems of logistical support. Efficient and effective logistic supports including more advanced and sophisticated equipment such as communication sets, portable Global Positioning System (GPS), satellite telephone and night vision binoculars hence, are needed.

CONCLUSION

Based on present trend and reports, it is believed that piracy activities would continue in the future. The reasons and problems discussed above, suggest that it is almost impossible to achieve the level of 'zero piracy'. Problems in getting suitable assets for surveillance and patrolling, sensitivity of the neighboring nations, law jurisdiction, the

involvement of neighboring maritime agencies in piracy activities, sophisticated communication network of the pirates, confidence building measures and method of cooperation between the respective nations need to be addressed and taken into consideration in combating piracy. It should be noted that modern piracy includes act of murder, robbery, plunder, rape or other villainous acts at sea, which are translated as cruelty against humanity. Therefore, it is of utmost importance that every nation should seriously address piracy and armed robbery against ships and make it a top priority in any security agenda.

Failure to control and combat piracy would affect the stability and economic well-being, and jeopardize the security of the nations and region. It would invite the involvement of other parties such as the US, India and Japan in protecting the security of the straits. And, this would encourage power struggle amongst respective nations in the region. However, it must be noted that piracy is an issue that calls for full cooperation of all countries before the problem can be effectively stamped out. No single nation or agency could successfully suppress piracy alone. It demands the involvement of all relevant agencies, the commitment of governments and the cooperation of shipping communities to promote safety and peaceful maritime navigation in the Melaka Straits in the near future.

ENDNOTES

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REFERENCES

Abd. Hadi A. Rashid. (2005). Director of Maritime Enforcement and Coordinating Center, Lumut, Interview, Kuala Lumpur, 13 October.

Andaya, B.W. & Andaya, L. (2001). *A History of Malaysia*. Honolulu: University Hawaii Press.

Avoid Acheh coast, ships told, *The Star (Malaysia)*, Kuala Lumpur, 16 February (2004).

Bernard Kent Sondakh, *National sovereignty and security in the Straits of Melaka*. Paper presented at the International Conference on *the Straits of Melaka: Building a comprehensive security environment*, jointly organized by the Maritime Institute of Malaysia (MIMA), Universiti Utara Malaysia (UUM) and Universiti Putra Malaysia (UPM), Kuala Lumpur, 11 – 13 October 2004.

BSPP. (1994). *1993 Piracy Report by IMB*. Kuala Lumpur: BSPP-Risik-2, Malaysia Defense Ministry,

Bulkeley, Jennifer C. (2003). "Regional Cooperation on Maritime Piracy: a Prelude to Greater Multilateralism in Asia?" *Journal of Public and International Affairs*. 14 (Spring): 1-23.

Chalk, P. (1998). Low Intensity conflict in Southeast Asia: Piracy, Drug trafficking and Political Terrorism, *Conflict Studies*. Vol. 305/306, 1998.

Colchester, M. (1989). *Pirates, Squatters and Poachers: the political ecology of dispossession of the native peoples of Sarawak*. Petaling Jaya: Survival International

ICC-IMB. (2003). *Piracy and Armed Robbery against Ships: Annual Report*, 1 January – 31 December 2003, Barking, UK: ICC-IMB.

IMB *Annual Report 1 Jan – 31 Dec (2003)*.

Increased patrols in Straits of Melaka, *The Star (Malaysia)*, Thursday 17 March (2005).

Kenny, J.H. "An Analysis of Possible Threats to Shipping in Key Southeast Asia Sea", *Center for Naval Analysis Occasional Paper Lanes*. Alexandria: VA: Center for Naval Analysis.

Liss, C. (2003). Maritime Piracy in Southeast Asia, *Southeast Asian Affairs 2003*. Singapore: ISEAS.

Mak Joo Nam, Incidents at Sea, Armed Robbery, Ship jacking, Maritime Muggings and Thefts in Malaysian water, Paper Presented at *the Intercargo Roundtable Discussion on Piracy*, Singapore (2002).

Mak Joo Nam and B.A. Hamzah. (1999). *The External Maritime Dimension of ASEAN Security*. Kuala Lumpur: MIMA

Mat Taib Yassin, *Threats of maritime terrorism in Malaysia*, Paper presented at *Conference on maritime terrorism: threats and impact on Malaysia*, Organized by the Maritime Institute of Malaysia (MIMA), Kuala Lumpur, 9 December (2003).

Mohd Anwar Hj Mohd Nor, Managing security of the Straits of Melaka: The Royal Malaysian Navy's perspective, Paper presented at the International Conference on *'The Straits of Melaka: Building a comprehensive security environment'*, *jointly organized by the* Maritime Institute of Malaysia (MIMA), Universiti Utara Malaysia (UUM) and Universiti Putra Malaysia (UPM), Kuala Lumpur, 11 – 13 October (2004).

Mohd Najib Razak, Keynote address for conference on the Straits of Melaka: Building a comprehensive security environment, Ministry of Defense, at *the International Conference on The Straits of Melaka: Building a comprehensive security environment, jointly organized by the* Maritime Institute of Malaysia (MIMA), Universiti Utara Malaysia (UUM) and Universiti Putra Malaysia (UPM), Kuala Lumpur, 11 – 13 October (2004).

Noel Chong, Head of Regional Office of IMB Piracy Reporting Centre, Interview, Kuala Lumpur, 13 October (2005).

No proof that pirates have terror links, *Straits Times (Singapore) Interactive*, 24 June (2004).

Pirates may not be linked to terrorists, *New Straits Times (Singapore)*, 30 June (2004).

Pirates must be regarded as terrorist, says Singapore, *The New Straits Times (Malaysia)*, November 22, (2003).

Quentin, S. (2003). Shipping activities: targets of maritime terrorism. *MIRMAL Issues No.2 – 20 January*.

Richardson, M. (2004). *A Time Bomb for Global Trade*. Singapore: ISEAS.

Royal Malaysian Navy- Naval Intelligence. (2001). *Piracy and Counter Piracy in Southeast Asia*. Kuala Lumpur: Markas Tentera Laut – Risik Laut, Malaysia Defense Ministry.

Tagliacozzo, E. (2001). Border Permeability and the State in Southeast Asia: Contraband and Regional Security, *Contemporary Southeast Asia*. Vol 23, Number 2 (August).

The Star, 8 November (2004).

Vallar, C. (2003). *Piracy and the Law: Modern Piracy – Part 2*, http:www.cindyvallar.Com/modern2.html. Accessed 16 December 2005

Villar, R. (1985). *Piracy Today: Robbery and Violence at Sea since 1980*. London: Conway Maritime Press Ltd.

Valencia, M.J., *Security issues in the Melaka Straits: Whose security and why it matters*, East West Center, Honolulu, Hawaii, Paper presented at the International Conference on *The Straits of Melaka: Building a comprehensive security environment*, jointly organized by the Maritime Institute of Malaysia (MIMA), Universiti Utara Malaysia (UUM) and Universiti Putra Malaysia (UPM), Kuala Lumpur, 11 – 13 October (2004).

Wilczynski, K. (2005). History of Piracy, http: www.piratesinfo.com/history/history.php. Accessed 16 December 2005.

Young, A. and Valencia, M.J. (2003). Conflation of piracy and terrorism in Southeast Asia: Rectitude and Utility, *Contemporary Southeast Asia*. Vol. 25 (2) _____. Piracy, terrorism threats overlap, *The Washington Times*, 7 July 2003