



IMSISS

International Master
Security, Intelligence
& Strategic Studies

*“Obstacles To Security Cooperation: The
Problem of Maritime Piracy in South-East Asia”*

Presented in partial fulfilment of the requirements for the Degree of:
Erasmus Mundus International Master in Security Intelligence and
Strategic Studies

Author: 2314194R

Pathway: Pathway B

Matriculation Numbers: Glasgow - 2314194, Dublin - 21108978,
Charles - 74996284

Advisor: Luděk Michálek

Word Count: 21,906

Submission Date: 26th July 2023



University
of Glasgow



CHARLES
UNIVERSITY



Acknowledgements

Firstly, I would like to acknowledge my parents for their support throughout the IMSISS programme for without their help I would not be able to submit this final piece of work as I would not have been able to support myself financially and experience everything this course has to offer. They have given me the same support throughout my life and I hope when this is done I can pay them back, with interest.

My friends have also been a great help in this process who have helped as proofreaders but most importantly as great friends who help me to enjoy life and motivate me to be a better person and work hard every day which has hopefully rubbed off on this thesis.

I would also like to thank Steve Regis, the CEO of Palaemon Maritime, for the extracurricular opportunity which is provided by the IMSISS consortium. Without him, I would not have gained the experience in the maritime security industry which has helped me grow as a person and learn valuable skills in business amongst other things out with the field of security studies. His drive and experience gave me motivation to get invested in maritime security and my experiences with his company are fantastic and I hope many more are still to come. Without him, the idea for this thesis would not exist.

Finally, to my wonderful girlfriend for her support and love throughout this process and who I also met on this course, thank you very much.

Table of Contents

<u>List of Abbreviations</u>	4
<u>Abstract</u>	6
<u>Introduction</u>	8
<u>Literature Review</u>	17
<u>Methodology</u>	38
<u>Chapter One</u>	46
<u>Chapter Two</u>	63
<u>Chapter Three</u>	80
<u>Conclusion</u>	96
<u>Bibliography</u>	104

List of Abbreviations

Abbreviations

- ASEAN – Association of South-East Asian Countries
- BMP 5 – Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea
- CMF – Combined Maritime Forces
- CTF – Combined Task Force
- ECCAS – Economic Community of Central African States
- ECOWAS – Economic Community of West African States
- EEZ – Exclusive Economic Zone
- EUTM – European Union Training Mission Somalia
- GAM – Gerakan Aceh Merdeka
- GGC – Gulf of Guinea Commission
- ICS – International Chamber of Shipping
- IMB – International Maritime Bureau
- IMO – International Maritime Organisation
- ISC – Information Sharing Centre
- JWC – (Lloyds List) Joint War Committee
- MALSINDO – Malaysia, Singapore and Indonesia Joint Patrols
- MDAT-GoG – Maritime Domain Awareness for Trade – Gulf of Guinea

MEND - Movement for the Emancipation of the Niger Delta

MICA – Maritime Information Cooperation and Awareness Centre

MMEA – Malaysian Maritime Enforcement Agency

RECAAP – Regional Cooperation Agreement on Combating Piracy and Armed
Robbery Against Ships in Asia

SUA – Convention for the Suppression of Unlawful Acts Against the Safety of
Maritime Navigation

UKMTO – United Kingdom Maritime Trade Organisation

UNCLOS – United Nations Convention on the Laws of the Sea

UNWFP – United Nations World Food Programme

Abstract

South-East Asia is the most prolific piracy region in the world which seldom receives any attention from international governments or media alike. The purpose of this thesis is to understand why piracy can exist at such high levels without gaining the attention of other piracy spots such as Somalia and the Gulf of Guinea and how it is combatted in lieu of more international responses seen in those African regions. Various methods and sources have been used to answer this puzzle like qualitative methods through analysing academic articles, international treaties and up to date news in the region. Furthermore, quantitative analysis through piracy statistic databases have been vital to understanding the situation in not only the South-East Asia but Somalia and the Gulf of Guinea too. The geography of the region is constrained by international law creating tight political boundaries in maritime spaces. The consequences of this are that states value protecting their sovereign territory over combatting piracy. Pirates understand this and can cross transnational boundaries to commit crimes and escape where security forces cannot follow due to respecting maritime territorial boundaries. States do not want to give authority for other states to perform security in their territory and this creates a situation where pirates can gain an advantage over the law. Furthermore, territorial disputes and the failure of regional agreements to enforce their targets add to this

problem meaning that sovereignty is always the main consideration for security cooperation. The implications of this research is that more must be done to enhance cooperation in the region to balance concerns for sovereignty and the need to tackle transnational crimes like piracy. Whilst piracy typology exists at a petty level just now, the potential for violence and increased attacks to return is evident due to most boardings being successful. The current mechanisms of security would need to be enhanced to tackle this situation if it were to arise.

Introduction

Background

Piracy is as old as the connection of human civilisation to sailing the open seas. Our historical sources limit us, but they indicate piracy can be up to 6,000 years old when the Sea Peoples terrorised Bronze Age civilisations in the Mediterranean and surrounding waters (Konstam, 2008, p. 10). Julius Caesar himself was involved in a pirate kidnapping and mocked his captors for offering such a low ransom price in relation to his position in Roman politics (p. 17). He later returned to crucify the perpetrators. The Vikings, being romanticised as fierce warriors, were also pirates with the word Viking meaning raider or pirate in Old Norse ('What Is The Origin Of The Word Viking?', Britannica). The most famous image of piracy is tied to notions of Pirates of the Caribbean or Captain Hook from Peter Pan which descend from the Golden Age of Piracy. Captain Kidd, Blackbeard and Jack Rackham were names which struck fear into sailors in the Americas and the Caribbean in the 17th and 18th centuries when piracy was at its peak (Konstam, 2008, p. 153). Governments would hire privateers as official pirates to raid other pirates and nations vessels which gave more opportunities for sea raiding and plunder (p. 38). Whilst these images are the first thing that comes to mind when mentioning pirates, they still exist today but not in their iconic swashbuckling form.

Piracy is still a problem which plagues the modern world. Stories of Somali pirates gripped the media in the late 2000s. Small skiffs carrying men with AK-47s became the image of the modern pirate with the movie Captain Phillips appearing to popularise the notion. Somalia is not the only place to have problems with this type of maritime crime. The Gulf of Guinea also has a similar typology to Somalia but the piracy there involves links with separatist groups in the Niger Delta and attacks on the oil industry. Today the Gulf of Guinea is considered the most dangerous area in the world for piracy by the Maritime Information, Cooperation and Awareness Centre (MICA, 2023, p. 7). The other major spot for piracy in the modern age, with the highest number of attacks, is South-East Asia centred around the Malacca and Singapore Straits. In 2022, the Gulf of Guinea saw 12 incidents compared to 60 in South-East Asia according to the International Maritime Bureau (IMB) (IMB, 2023, p. 6). The area has always had a prevalent piracy problem but with the Gulf of Guinea and Somalia now safer due to international efforts, it is puzzling why South-East Asia has not received the same attention.

Problem Statement

The puzzle with modern piracy is that it exists at increasing rates in South-East Asia but does not receive the same attention as when piracy waves struck the west and east coasts of Africa. What is perplexing about this is that piracy in South-East Asia

also existed at high levels during the high waves of piracy in Africa. For example, in 2011 when Somalian piracy gripped the world, South-East Asia was the second most significant piracy location in the world with kidnappings and hijackings taking place (IMB, 2012, pp. 5-6). In 2014 when the Gulf of Guinea phase of piracy was starting, the whole of Africa including Somalia and the Gulf of Guinea had 55 attacks with South-East Asia seeing 141 (IMB, 2015, p. 5). Attacks have not fluctuated as much in South-East Asia compared to Africa where piracy is now almost non-existent or on a steady decline. This comparison adds to the puzzle as piracy has been a continued issue in South-East Asia with the problem only being more noticeable considering the decline of piracy in Africa.

The puzzle is made more interesting by the value of South-East Asia for international maritime trade, particularly in the Singapore and Malacca Straits. For example, the Malacca Strait sees 25-30% of global trade pass through its waters compared to only 15% in Suez Canal (Hirst, 2014). 60% of all Chinese oil imports and 80% of all Japanese oil imports also pass through the Malacca and Singapore Straits (Hoe, 2023, p. 1). Two-thirds of all Chinese trade passes through the straits to the point where China has planned to build another canal through Malaysia for strategic purposes (Rusli, 2022). Therefore, these straits are some of, if not, the most valuable waterways in the world. It begs the questions why the international community are not as concerned with piracy in the area due to its astronomical trade

value which can be affected by port delays, insurance and theft due to piracy. The problem is not exclusive to the Malacca and Singapore Straits however, piracy takes place across South-East Asia. The Sulu and Celebes Seas, for example, is an area at risk for kidnapping at sea from the militant Islamic group Abu Sayyaf which heightens the danger at sea in the region. Whilst it will be shown that regional governments take an interest in stopping such activities to an extent, South-East Asia has not witnessed a worldwide demand to prevent piracy compared to Africa which is perplexing considering the rich marine economy of the region connecting nations the worldwide.

The shipping industry too is mostly silent. Whilst companies have noted the high levels of piracy, they have not implemented comprehensive ship hardening protocols the likes of which have been issued in Somalia and the Gulf of Guinea. *The Best Management Practices to Deter Piracy And Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea* (BMP 5) guidelines and their West African/Gulf of Guinea counterpart were implemented by joint stakeholders such as the International Chamber of Shipping (ICS), IMB and the International Group of P&I Clubs (BMP 5, 2018, p.1). As the name suggests, it provides recommendations for commercial vessels on deterring and delaying piracy attacks until help from law enforcement or military units can arrive. South-East Asia does not have a guide of this significance. *The Regional Cooperation*

Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCaap) has a regional guide but the working group that created and sponsored the guidelines is smaller than BMP 5 and is missing international shipping coalitions, oil companies and law enforcement agencies like INTERPOL and the ICS in comparison to the African guidelines ('Regional Guide 2 to Counter Piracy and Armed Robbery Against Ships', 2022, p. 1). The effort to protect ships in the private industry shows that there is less effort in South-East Asia compared to Africa despite the piracy statistics showing that South-East Asia is the more prolific area for piracy incidents. If the international community and private companies are not that interested in solving the issue of piracy in the area then it falls to regional governments to fix the issue.

Research Questions

This thesis will aim to answer three core research questions. The first and foundational question to ask is why South-East Asia treated differently in terms of combatting piracy? As mentioned in the problem statement, if the piracy numbers are so high and have been at continuously high levels for the past twenty years and beyond, why have the piracy fighting methods employed elsewhere not been employed in South-East Asia? The question is asked as regional states take on all the burden without major help from the international community like is seen in Africa.

The second question is how effective is regional cooperation in South-East Asia and whether will it ever be able to reduce piracy to the levels seen in other piracy areas. Upon establishing the answer to the first question of why regional states must rely on cooperation in lieu of an international response, the follow on must be how effective is this method and will it ever be able to stop piracy despite the inherent barriers present for other more internationally focused efforts.

Lastly, will it ever be possible to implement a high-risk area for piracy in the Malacca and Singapore Straits or will states have to rely on regional cooperation? A high-risk area is an industry-standard for highlighting the risk of piracy and helps to focus public and private efforts into protecting against piracy ('ITF Warlike and High-Risk Areas', ITF Seafarers). High-risk areas were implemented in the Indian Ocean and the Gulf of Guinea and helped to highlight the area at risk and coordinate a multifaceted security response resulting in a reduction of piracy. The Indian Ocean high-risk area was removed on January 1st 2023 showing the success of the campaign against piracy in the region ('Bridge Watch: Indian Ocean High-Risk Area To Be Withdrawn', 2022). Moreover, in 2022 the IMO commended the drop in piracy in the Gulf of Guinea which has been taking place since the implementation of its high-risk area in 2014 (Babalola, 2022). This question will seek to answer if the proven success of high-risk areas can be repeated or if the

regional cooperation of local states will have to be relied upon indefinitely until something in the current situation changes.

Significance of Research

The research is significant for a number of factors relating to maritime security. The first research question is significant to answer as it has various implications for combating piracy. For example, does the typology of piracy correspond to the efforts required to combat it regardless of the frequency of it taking place? Is the geography of the area too constricted by international law for any meaningful security cooperation to take place? Does international law and territorial waters prevent an industry-designated high-risk area from being implemented? Does the amount of trade taking place in South-East Asia prevent piracy designations from taking place due to the impact this would have on insurance and profits? These are questions which follow from the first research question and are significant to our understanding of piracy in the region, the maritime security industry and obstacles to combating piracy.

This thesis is also significant as it relates to the current data on worldwide piracy statistics. As mentioned earlier, one-third of piracy worldwide takes place in South-East Asia. Piracy has been declining worldwide for the past three years with a 5% drop from 2021-2022 but South-East Asia continues to defy these trends with

increasing piracy rates (MICA, 2023, p. 7). It is significant to analyse why this is and also analyse the effectiveness of current counter-piracy methods in the region. Since some the academic literature is lacking and outdated, this thesis will be the main analytical work considering the up-to-date statistics on piracy.

As mentioned earlier, South-East Asia is one of the most important trade hubs in the world with the Malacca and Singapore Straits also being some of the most important waterways. It is therefore significant to analyse a problem which affects one of the most important areas of trade which could impact countries, companies and people around the world. There is little research into piracy in the region compared to Africa, none of which covers the wider significance relating to other international counter-piracy efforts being successful. This thesis aims to bring together various aspects of maritime security literature to understand the predicament of South-East Asia which the maritime security industry and world governments have not taken an interest in compared to other known piracy hotspots. Furthermore, as piracy is a transnational crime, the thesis expands into themes relating to the combating of violent non-state actors and the effect of international institutions and agreements on combating such threats.

Outline

This work will start with all relevant literature being reviewed to identify the strengths which have added to the data collected for this thesis but also showing

how this work expands on various aspects of these works to answer this puzzle which has remained unidentified and unsolved. The methodology will then be outlined stating the importance of the various types of sources and analysis used in answering the previously stated research questions. Chapter One will outline the key definitions relating to piracy from international law before analysing how the typology of piracy in South-East Asia takes advantage of the rules set by international institutions and governments. Chapter Two will focus on the regional response to piracy and how the littoral states are constrained by concerns over sovereignty and the fact that piracy is a bigger concern for some states rather than others. Finally, Chapter Three will provide a comparison to the piracy regions of Somalia and the Gulf of Guinea to show how differences in geography, state power, and piracy typology create different responses which will help to emphasise the puzzle of piracy in South-East Asia and why it is so unique.

Literature Review

Introduction

It is important to analyse literature that falls into specific categories in relation to the research questions proposed in the introduction. As such, literature related to the legality of piracy, piracy attacks themselves, counter-piracy operations, the shipping industry, international organisations and individual country responses to piracy will be covered. Sources can range from legal, academic, military and journalistic with various levels of useful information but most pieces usually focus on a particular piracy area. As a result, the review will be split by literature that covers regions. The analysis of sovereignty in relation to transnational cooperation is an important part of the analysis of this thesis and as such, a section covering relevant theories of sovereignty is also included in this section. By the end of the review, the problem statement and research questions of this thesis will be clearer in motivation as neither the maritime industry nor academia appear to identify why South-East Asia has never been treated the same as other piracy hotspots.

South-East Asia

Unlike work on piracy in Somalia and the Gulf of Guinea, academic work on piracy in South-East Asia is rarer. Furthermore, each work only deals with certain issues

individually and does not bring together all the important aspects which affect the puzzle statement of this thesis. Firstly, most work tends to focus on the historic instances of piracy in the region or on how piracy is conducted in the contemporary setting. The S. Rajaratnam School of International Studies proposed an agenda for action in the Malacca and Singapore Straits with a 21-point plan for piracy in the region. The paper covers history such as the Shangri-La dialogue which was a cooperation meeting to foster bilateral and regional relations for defence which is now convened every year and how the goal is to establish a system of information exchange in relation to Article 43 of the *United Nations Convention on the Laws of the Sea* (UNCLOS) (Bateman et.al, 2006, p. 3). UNCLOS and its important parameters shall be covered in the next chapter. They also cover the Lloyds Joint War Committee (JWC) designation of the area as a war-risk for maritime insurers in the wake of 9/11 (p. 8) which shall be covered in Chapter Two as an important catalyst for cooperation to maintain sovereignty by preventing the intervention of the international community. Reasons behind the designation and its removal are highlighted using the primary source of the designation announcement itself and the rebuttal from the littoral states. The importance of the Malacca and Singapore Straits in terms of world trade and energy is highlighted in addition to the analysis of the geography of the area, what the interests of the littoral states are and what type of ship traffic traverses the area (pp. 9-14). As such, this work is a foundational piece to analyse the importance of the region which helps to highlight the puzzle of

why piracy is so high within contemporary times. The agreements, concerns and points for action are also valuable to compare with the modern setting to see what has changed and developed and if these changes have either been implemented or had any effect. This thesis is therefore original by taking this information and transferring it to the modern era with further analysis on the littoral states, piracy typology and how international agreements and institutions affect piracy and counter-piracy.

The most valuable secondary research related to this thesis comes from Phayal, Gold and Prins as their research follows a line of inquiry which reaches conclusions similar to this thesis. To expand, they immediately note that interstate cooperation and conflict has a direct effect on combating piracy due to the transnational nature of the crime (Phayal, et.al, 2022, p. 1). They note what is necessary for pirates to succeed including target rich environments, geography and so forth but also explore what creates further opportunities for pirates with states refusing certain levels of cooperation or having disputes (pp. 2-7). It also noted that states have different levels of concern over piracy and different economic links to maritime trade which is why there can be variance with motivations for dealing with piracy (pp. 8-10). However, what is notably absent is further analysis of why these states refuse further cooperation with each other and why these boundaries will not be

crossed. As this thesis will show, sovereignty considerations are placed higher and infringements in this area are rarely negotiable in maritime security cooperation.

Hastings has a valuable analysis of the typology of piracy in South-East Asia. He notes the history of piracy in the region has had a changing typology and argues that sophisticated attacks are making a comeback in the region after periods of petty robberies (Hastings, 2020, p. 1). The various typologies that have taken place, particularly in the Malacca and Singapore Straits including kidnap and ransom and hijackings are analysed along with the motivations and tactics needed to pull off each type of attack using data from the IMO to highlight changes in target type and locations (pp. 3-7). He furthermore uses Somalia to analyse the kidnap and ransom model is different in South-East Asia noting that the latter is usually due to insurgency-type movements (p. 7). However, despite being from 2020 which is relatively recent, piracy has not become more sophisticated but has devolved into petty robberies as supported by statements from ReCaap (Natarajan, 2023). This thesis expands to the most recent typology of piracy whilst using the work of Hastings to analyse the development of typology in the region combining this with an analysis of how states must respond given the limitations they have. This work will also disagree with Hastings arguing that piracy is only petty now as previously attacks have been consistently violent which does not match the definition of petty.

Academic work on the Association of South-East Asian Nations (ASEAN) is useful to this work since it is one of the main international bodies which promotes cooperation between regional states. Hiswi has relevant work analysing the cooperation of ASEAN against the trade of small arms and light weapons. He argues that South-East Asia takes up a considerable portion of the worldwide arms trade and that the links between increased trade and misuse of arms are apparent (Hiswi, 2018, p. 110). As such, ASEAN has attempted to fight back against the trade but Hiswi argues that the norms, rules and decision-making processes are all interest-based meaning that without mutual interest and means of enforcement there are no problems solved unless all states view it as an important enough issue (pp. 120-121). Whilst not related to piracy, this work is valuable for analysing the problems with international cooperation in the region against transnational crime. As such, the ideas of non-enforcement of agreements and the differing importance of issues between states creates an impasse on getting problems solved which can be translated to combatting piracy. Ahmad Amri expands on these notions as he is one of the only scholars to look at the legal perspective of cooperation against piracy in the region. He covers regional and international agreements such as ASEAN, ReCaap, the IMO and the *Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA)* (Amri, 2013, pp.1-13). SUA shall be discussed in Chapter Two. He argues that cooperation could be enhanced at various levels from international to sub-regional as whilst these international and

regional agreements are a positive step, they do not fully solve the problem of piracy or reduce it effectively (pp. 10, 13). What he does not make the connection with is that states put their own sovereignty above the conditions upon which they have agreed to work upon or that these international agreements do not have any means of forcing members to meet targets or have consequences for not enforcing rules. Chapter Two will show that even if states have a mutual interest in solving a problem, sovereignty will always be the main concern which cannot be traded for a solution. However, Amri provides a good base study upon which this thesis can expand upon.

The work of Anh analyses how the definitions of piracy set out in UNCLOS are increasingly unsuited for the development of sophisticated piracy in South-East Asia. She argues that the definition of robbery at sea, exacerbated by the tight geography and narrow shipping lanes of the Malacca and Singapore Straits means that it is difficult to prosecute pirates under UNCLOS as it is hard to distinguish in what jurisdiction the attack took place which complicates efforts to fight it (Anh, 2022). It is further argued that the definition of piracy in itself is flawed, noting that two ships committing the act are needed for an attack to be called piracy and that it must be committed for private ends which limits what cases can be classed as such (Anh, 2022). However, piracy has evolved around these parameters using less than one ship and involving corrupt public officials which can hinder the argument of

the act being for private ends which blunts the prosecuting power of UNCLOS. As such, Anh recommends improved domestic implementation of anti-piracy law, improved funding to the underfunded maritime security services of South-East Asia and a special agency to tackle corruption, reporting and naval efforts in one (Anh, 2022). This article is a focused study on the interlinking factors of international law and how pirates are rational non-state actors who use the limitations of states to their advantage. As the work is short in length it does not engage further with the typology of piracy conducted and how states are handicapped by what tactics pirates employ. This point is where this thesis will expand on the work of Anh in addition to further analysing international law and institutions and their effect on piracy in the region.

Khobragade et.al also have an important work relating to legal issues when combatting piracy. Their work focuses on anti-maritime piracy laws in India and Malaysia but the section on Malaysia is of particular interest to this work. They argue that the lack of clear distinction of maritime boundaries created by UNCLOS creates territorial disputes which hinders cooperation when combatting piracy (Khobragade et.al, 2021, p. 215). Therefore, cooperation groups such as ASEAN and ReCaap have their fragility exposed through these disputes as states pursue their own sovereignty without repercussion from the group when focusing on combating piracy and transnational crime (p. 215). A reliance on maritime

resources is also argued to be a major driver for this defence of sovereignty, particularly for Malaysia (p. 216). Like the previous two works mentioned, Khobragade et.al highlight the conflict between sovereignty and transnational cooperation. However, the relation to piracy typology and how other actors outside of Malaysia respond is not highlighted as the focus on Malaysia is only part of their work. Despite this, the small section of their study is valuable and this work will expand by relating it to more littoral states in the region and the type of piracy as a whole.

Finally, in what appears to be the only work of its kind for South-East Asia, Toh Keng Hoe analysed the role of the shipping industry in the region. He argues that shipping companies are driven by the main motivator of keeping the lowest possible cost as it is in their best interests to protect their vessels and crew from threats which endanger profits (Hoe, 2023, p.1). Piracy, stowaways and impounds can all cause delays and damages which can be created by the need for company payments, increased insurance premiums and port fees (p. 2) The issue of maritime insurance is an important one as the amount of the worldwide resources which are carried by the maritime industry means that increases in maritime insurance can cause the international community to take action (pp. 3-5). He also argues that ship hardening measures were not well received in South-East Asia and that the implementation of an Internationally Recognised Transit Corridor (IRTC) could not be done due to the

tight political geography therefore leaving piracy to the coastal states to solve (p. 4). The IRTC was a measure implemented in the waters off of Somalia for the safest travel for ships to take where waters were patrolled by international navies and will be covered later. Other issues such as cyber-attacks are covered but are not of interest to this thesis. Hoe raises an important point that the shipping industry is profit driven and this is their reason for deterring criminals which may hinder their cooperation in counter-piracy (p. 5). As such, it is important to take into consideration the balancing act of states to keep this industry happy so that the measures they enforce do not bring the attention of worldwide community due to the knock-on globalised nature of maritime trade which could harm economies. This idea is where this thesis will expand upon the work of Hoe.

Somalia

As Somali piracy was heavily featured in various forms of media, there is a plethora of academic literature on the phenomenon. However, due to the limitations of length in the comparison in this work, in addition to the focus on statistics, only a few sources need to be analysed to provide sufficient data. Works covered here for other piracy areas also have useful comparisons to Somalia for certain strata of information meaning that fewer Somalia focused studies are required. Riddervold has an analysis of the EU and NATO response to Somali piracy which is of particular use to this study given the comparison of why South-East Asia is treated

differently in counter-piracy measures. He argues that the area was of vital importance to the international community since the shipping lanes were the link between Europe, Asia and the Middle East with particular importance for the transport of oil (Riddervold, 2014, p. 546). Further justification for intervention is analysed by Somali pirate attacks on the United Nations World Food Programme (WFP) shipments into the country which if hindered could only worsen the problem as millions relied on this aid (pp. 546-547). The link between geography, effect on the world economy and freedom of navigation in relation to the intensity of response are all analysed in tandem by Riddervold. He also noted that the like of the EU Operation ATALANTA, the naval mission against piracy, was voluntary highlighting that the international community had an interest in resolving the issue with force with states like China and Russia also getting involved (pp. 547-550). This analysis is key to solving the puzzle of South-East Asia and presents useful information for comparison. What allowed such a hard response in Somalia and why this is not applicable in South-East Asia is a key part of the research questions and therefore Riddervold has one of the most useful works for Somalian piracy for this thesis.

Karl Sörenson continues the theme of naval operations by analysing the effect of deterrence on Somali pirates. The work is a chronological analysis of the measures implemented by the EU and other actors to stop Somali piracy. He argues that the

protection of shipping lanes, mainly centred around the Gulf of Aden, the Red Sea and the Arabian Sea helped to deter pirates in the north but more effort was required in the south of the country (Sörenson, 2019, p. 31). This analysis indicates that the intervention was more to protect worldwide trade than any humanitarian security effort for Somalia. The creation of Operation ATALANTA, the Combined Maritime Forces (CMF) and NATO Ocean Shield are covered, mentioning that the three main points of the intervention were the naval operations, shipping industry precautions and the stabilisation of Somali society (pp. 35-38). An important measure analysed by Sörenson is the change in rules of engagement where pirates were actively hunted and engaged rather than responding to distress signals was introduced after a large spree of attacks in 2009 which also coincided with a larger naval response (p. 38). The situation on land in Somalia is also analysed but it need not be mentioned due to the limitations of this work. Sörenson is useful for analysing how the security response to the situation in Somalia was fluid and not always streamlined between actors. An example is the arguments between the shipping industry and naval forces over the use of AIS trackers on ships as pirates could use these to hunt targets but turning them off would make ships hard to find (p. 40). Security responses to piracy, therefore, involve tweaking different elements of institutions to bring about change. In this situation, it was relatively easy considering the combined strength of worldwide naval forces and help from the UN to expand upon the operational areas available to said forces. What this paper aims

to emphasise is that such flexibility is not available in South-East Asia due to geographical and political limitations.

A chapter in the edited book *The International Response to Somali Piracy: Challenges and Opportunities* analyse the emergence of Somali piracy and how the aspects of the Somali state affect the piracy typology. Peter Pham discusses the collapse of the Somali state due to civil war in 1991 and the history which led up to this point. His work analyses the political context of Somalia from the end of Italian colonisation to the collapse of the state as a result of Somali politics failure from a Marxist military coup which suppressed traditional clan and religious identities under Siad Barre (Pham, 2010, pp. 34-36). The country split into factions after rebellions from different clans and religious factions with criminal warlords also taking the opportunity to expand into political spaces. After the first recorded attack in 1991 criminal enterprises started to take an interest resulting in \$150 million in revenue in 2008 which was 50% more than the main export of livestock (p. 47). The analysis presented by Pham is key for understanding the background of the problem of Somali piracy and how the typology of piracy was able to be conducted. Furthermore, it makes the international intervention clearer as the reduced capacity of the Somalian government meant that it had no ability to manage security on land and in its own territorial waters, never mind as far out as the Indian Ocean. This analysis is therefore useful when transferred to South-East Asia and

the Gulf of Guinea as states with greater security capacity and regions with more complex geography have to deal with piracy in different ways which is one of the main aspects of this work.

Gulf of Guinea

Whilst not being as known for piracy as Somalia, the Gulf of Guinea and the factors surrounding the typology of piracy there is documented in academia. Like the Somalia case, the comparison adds to the puzzle of South-East Asia by showing what has been done differently elsewhere in the world. Academics such as Bryan C. Peters have written work regarding the typology of piracy in Nigeria and the surrounding Gulf of Guinea area. For example, he analysed the numbers from databases such as the IMB and an analysis of the economic, social and cultural causes and effects of piracy. He notes that Nigeria and other gulf states main export is oil and that the trade damages local communities, such as the Niger Delta community, resulting in their attacks being focused on the industry which damages local areas (Peters, 2020. pp. 2-4). He also notes the attack phases of Nigerian piracy noting the pre, attack and post-attack phases involving sophisticated levels of planning and links to other criminal networks and corrupt officials (p. 8). All elements mentioned by Peters are useful for drawing comparisons with similar categories of secondary data from Somalia and South-East Asia in order to understand the particulars of piracy in each region. What is not engaged with is how

international responses worked in Nigeria to bring down piracy numbers in the region. Whilst this is not the purpose of his work, it does add a gap where this thesis will expand upon the excellent analytic work he has done on the piracy typology. The 2022 work by Anyika, Ojekarotu and Ani expanded on the work of Peters focusing on the causes of piracy and how the geopolitics and socio-economic conditions affected the type of piracy that takes place. Key analysis which aids this thesis is also present by analysing how geography and government type effects piracy with weak institutions and wide maritime spaces allowing for corruption and crime to pass undetected and unchallenged (Anyitka, Ojekarotu and Ani, 2022, pp. 8-11). How government entities interact with maritime and geopolitical spaces is key for understanding the puzzle of South-East Asian piracy and the analysis presented in this work is useful for integrating and justifying the comparison with African piracy. They also analyse how the regional approach, particularly by the Nigerian government, creates resentment against government institutions due to their heavy-handed approach which further promotes illicit activity (p. 15). The end of the work focuses on regional approaches to ending piracy such as the integration of UNCLOS through the Yaoundé Code of Conduct which has not been adequate (p.17) which shall be explained in Chapter 3. However, the effect of international operations and support in the region is not discussed which hinders the analysis of why governments treat South-East Asia differently to other piracy hotspots.

Hassan and Hasan introduce this international aspect of Gulf of Guinea piracy in their work analysing the regimes to combat piracy in the region. A key part of their analysis focuses on how the littoral states of the Gulf of Guinea have limited capacity for sustained naval presence and surveillance in relation to their vast coastlines in addition to suspicion of territorial disputes (Hassan and Hasan, 2017, pp. 37-38, 52). As a result, he notes that most international forces focus on capacity building so that the littoral states can police the problem themselves (p. 62). Like previous works also mentioned, they also analyse the cause and effects of piracy in the region but not to the same extent. In relation to the focus of this thesis, this work is arguably the most important relating to the Gulf of Guinea as it analyses the links between capacity, international law, sovereignty and the disparity between the littoral state interests and the interests of the international community. Whilst it is not as in-depth as this thesis, the themes briefly mentioned allow secondary information on these key points to be analysed in the comparison section of Chapter Three. Overall, the concerns of state sovereignty intertwined with how the Gulf of Guinea states interact and fight piracy with the limited help of the international community provides a useful paradigm which can be compared to South-East Asia.

Denton and Harris have also written a key up-to-date piece on how states in the region attempt to deal with piracy. Firstly, they note that during the key period of Gulf of Guinea piracy, international piracy was decreasing whilst piracy in this

region was gaining worldwide attention (Denton and Harris, 2022, p. 35). They also note how sovereignty conflicts with the international interests of the littoral states, analysing how the problem of territorial waters creates a challenge for the international community to reduce piracy. This is argued as piracy mostly occurs in the territorial waters of the Gulf of Guinea meaning international intervention was unwarranted and protested by regional states (p. 38). However, they also argue that the possibility of warships being a target for pirates may undermine international intervention usefulness (p. 38) but this is not a coherent argument as no piracy forces match up well with international navies. The analysis also extends to the rise of piracy due to poor governance practices resulting in not only the creation of insurgency but its continuation with poor counter-insurgency practices (pp. 40-47). The lack of adoption of domestic anti-piracy law and territorial disputes between the Gulf of Guinea states is also argued to hinder the fight against piracy in the region, in particular as states are worried about Nigeria gaining regional hegemony (pp. 50-52). Their work is a good analysis of the situation but falls short of noting that sovereignty is the main concern of the states when attempting to cooperate on transnational piracy. This theme is highlighted with a comparison to Somalia noting how the United Nations allowed for international forces to operate in the territorial waters of Somalia to help reduce piracy which was damaging the worldwide maritime economy due to the lack of state power in Somalia (p. 37). Again, whilst this is a surface-level analysis, the recognition of this problem helps

to justify the analysis of the puzzle in this thesis as some states are more receptive to security intervention and cooperation than others as they require more help due to differing levels of intra-state conflict or development to give an example. These comparisons are key to highlighting the differences between the African piracy hotspots and South-East Asia and makes the work of Denton and Harris useful for expanding concepts related to answering the research questions.

Commander Kamal-Deen Ali also focuses on the cause and typology of piracy in the region but also focuses on the links with terrorism, other insurgency groups and the laws being integrated to stop illicit activity. Ali provides a concise history of the problem of piracy in the Gulf of Guinea analysing the link between insurgency in the Niger Delta and how this problem grew into piracy across the Gulf (Kamal-Deen, 2015, pp. 94-101). A key point of his analysis is that due to the sophisticated nature of insurgent piracy, states are forced to cooperate regionally and internationally expressed by the signing of the Yaoundé protocols in 2013 after UN Resolutions condemned the increasing piracy in the region (pp. 93, 108). The typology of piracy involving the use of maritime boundaries is also expressed in addition to the fears of pirate cooperation with groups such as Boko Haram and Al-Qaeda in the Islamic Maghreb who are active in the region (p. 102, 106). The analysis of Ali is of value to this thesis as the interlinking factors and how states must respond emphasise the similarities and differences between different types of

piracy worldwide. To elaborate, whilst the typology of piracy is similar to Somalia, insurgency and the numerous states affected in the region mean that international intervention and interstate cooperation are more complicated than in Somalia. As such, these particulars help to emphasise the puzzle of South-East Asian piracy and how it is approached differently.

For literature on the Gulf of Guinea, academics have a firm understanding of the piracy typology and how the littoral states have certain weaknesses which exacerbate the problem and hinder their effectiveness in attempting to solve the issue. Furthermore, the statistics of piracy attacks, oil revenue and exports affecting piracy in the region are firmly documented and engaged which creates a firm understanding of the cause, history and particular indicators of piracy in the Gulf of Guinea, However, as is noted here, there is little engagement with how the littoral states interact with the international community and how the worldwide economic effect of piracy affects negotiations with states worldwide.

Sovereignty

The notion of sovereignty is significant in the analysis of why counter-piracy operations are run differently in South-East Asia, which shall be dealt with in Chapter Two. *Sovereignty: Organised Hypocrisy* by Stephen D. Krasner helped to mould fundamental understandings of how states value sovereignty and how

different states have different types of sovereignty whilst some states abuse this power for hegemony. What is key to this work is the notion of Westphalian sovereignty which is the idea that states are free to uphold authority within their given territory without the interference of other states, based on the idea of the founding of the modern nation-state in the Treaty of Westphalia (Krasner, 1999, pp. 3-4). This notion of sovereignty is significant to this thesis as the littoral states value authority and control over their territory and do not want this undermined by other states. This is exacerbated for maritime security given the maritime territory disputes between states. It is argued by Krasner that authority and control are linked since a change in authority can undermine control or change the perception of control which undermines the original holder of authority (p. 10). In this case, the original holder of authority is the state attempting to maintain sovereignty and not have other states interfere in their security matters. The work of Krasner is therefore important for the analysis of security cooperation in South-East Asia as it helps to give perspective to what states are concerned about when negotiating the transnational security threat of piracy.

John Mearsheimer and the theory of realism are also important when analysing the idea of sovereignty in terms of security cooperation. The underlying assumption of realism is that states protect their inherent sovereignty as there is no overarching ruling body to mediate disputes between states and thus survival is the main concern

in the interactions of states (pp. 3, 30). The argument mainly discusses the interaction of great powers and their bids for hegemony which need not be covered as none of the littoral states in South-East Asia are great powers and are not attempting bids for hegemony. Sovereignty being the main concern of states will be carried over in the analysis of how states cooperate in a transnational security setting. Mearsheimer also notes that international institutions are argued by some to dampen security cooperation and help to achieve peace between states (p. 363). However, he counters that there is little evidence for this and points to the United Nations failures during the 20th century such as Bosnia and Rwanda (pp. 363-365). The idea of the inefficiency of international institutions is something that this thesis will also borrow from. However, it will not be as one-sided as to say they do not promote peace but rather that they are ineffective at doing so and do not have the mechanisms to enforce states to do their will. Again, this goes back to the underlying concern of sovereignty. The work of Mearsheimer is therefore important when analysing the causes behind the ineffectiveness of elements of counter-piracy in this thesis. What this thesis expands upon is the idea of sovereignty conflicting with transnationalism by analysing the concept in relation to maritime piracy. These works are related to states in conflict with each other for survival or states becoming more transnational for guarantees of security from an outside force rather than transnational security cooperation against non-state actors. The analysis is therefore unique as no literature appears to have focused on this aspect before, let alone

interlinking it with other factors such as changes in piracy typology, geography and so on.

Conclusion

Overall, there is a good amount of secondary research of which this thesis can use as a bedrock in analysing the previously mentioned research questions. Works have used a variety of methodological approaches with different focuses relating to piracy or other aspects such as transnational crime and sovereignty to where this thesis can make further links back to piracy. What is key in supporting the originality of this work is that not one author seems to identify the link as to why South-East Asia is ignored by the maritime and international community despite its piracy rates being high and on the rise. Furthermore, if a work analyses why piracy changes or why international cooperation is difficult, they do not make a detailed enough link as to why these changes are taking place. Comparison to other types of piracy is usually only linked to Somalia at a brief level with no work taking the chance to compare South-East Asia to the Gulf of Guinea. Therefore, this thesis aims to link these connections and understand why South-East Asian piracy operates the way it does, thus creating an original work with contemporary data which will be valuable to scholars and maritime security professionals alike.

Methodology

In this thesis, various research methods will be used to utilise and analyse different data sets relevant to maritime security and the specifics of piracy in South-East Asia and beyond. As the research questions seek to understand various aspects surrounding South-East Asian piracy and how it is combated in relation to the wider world of counter-piracy, numerous research methods have to be used to gain different types of information. These include primary source analysis, qualitative analysis, quantitative analysis and comparative analysis. This chapter will discuss the strengths and weaknesses of each method and analyse the variety of sources related to these methods.

Analysis of primary source documents, mainly international and legal, will be essential in framing the landscape of maritime security. For example, UNCLOS is vital for international law definitions on piracy, robbery at sea and exclusive economic zones (EEZ) and more which are all vital concepts to understanding how the phenomena addressed in this thesis occur. As governments and the shipping industry all subscribe to the rules outlined by UNCLOS, it is important to understand what these rules are and how they affect states regardless of the criticisms or strengths of these rules. International agreements from the regional

states in South-East Asia will also be relevant to understanding how cooperation takes place and how these states attempt to cooperate against piracy in relation to international law. Examples of this include the ASEAN Declaration on Transnational Crime and ReCaap but as they are international pledges which are not legally binding, they will be shown not to be that effective. Shipping industry guidelines for piracy such as the BMP 5 guidelines introduced for the shipping industry to deter and slow down attacks in the Indian Ocean and surrounding areas, and the *Regional Guide to Counter Piracy and Armed Robbery against Ships in Asia* from ReCaap are useful to analyse and show what the shipping industry has done to combat piracy themselves in lieu or in support of a state response. Whilst these documents are useful, data on their full implementation is lacking and therefore understanding the full details of a particular guideline or law is difficult. For example, shipping companies are reluctant to share information on piracy attacks and as such, it is difficult to know if a vessel has followed guidelines for protecting themselves against piracy. Moreover, as regional agreements like ASEAN do not have mechanisms of enforcement, it is hard to analyse specifics of how much effort littoral states put into enforcing such rules. As such, knowing how effective such measures are in all instances is hard to come by but the information is useful for understanding how the problem is attempted to be solved by private industry.

Qualitative analysis will be useful for analysing information to find the meaning, motivation and value of events and institutions involved in piracy in South-East Asia. The main method used for this will be case studies. Overall, qualitative research will use primary and secondary sources to analyse the cause and effect of various processes, actions and organisations which shall give context to the statistics seen in quantitative analysis. This method will mainly be done in the form of singular case studies to allow for in-depth analysis into the varying connective strands which make up a phenomenon, in this case, specific piracy, government responses and so forth. Qualitative analysis will also be undertaken from the various secondary sources used in this thesis from books and academic journals. Whilst not academic, newspaper sources and online publications will be used to bring some of the most up-to-date information on piracy and state cooperation against piracy to the arguments to make this work as relevant as possible to the contemporary setting. These can come from maritime security companies and news outlets which are usually written by professionals in the field which adds an extra dynamic to the secondary information helping to create a more wholistic information base. However, some information is more documented than others and some specific aspects can be hard to analyse due to the nature of the puzzle or by the fact that some information may be classified, particularly in the case of detailed information on security responses to piracy.

Quantitative analysis in the form of piracy statistics will be key to understanding trends, frequency and typology of piracy in South-East Asia and other areas. This method is key to supporting the information gained from the previous two methods to understand if the measures taken by states and private industry are warranted and how effective they are. For example, databases from the International Maritime Organisation (IMO), *International Chamber of Commerce International Maritime Bureau* (ICC IMB or IMB) and ReCaap have databases on attacks carried stretching back to 2008 for the IMO and 2006 for ReCaap. The data covers attack frequency, attack types (robbery, hijacking, kidnapping for example) in addition to the ships targeted (vessel type, the flag of the ship and whether the ship was underway or at anchor, location, what weapons were used by perpetrators, how many crew were affected and more). Such information is critical for understanding piracy not only in South-East Asia but in other regions. If the typology of piracy is understood in relation to information from qualitative and primary source analysis then it is possible to see why and how a response was implemented and if it was valid to do so. Such information is valuable for identifying whether piracy is decreasing, getting more violent, or if different vessels are starting to be targeted over space and time. Such information we are able to trace back over two decades which makes analysing the changes over time easier in relation to secondary sources already covering such information. Whilst this is useful, it does not come without problems

as there is more than one source on piracy statistics and they do not always include identical information.

The IMO is the main source of information on the documentation of piracy attacks used by governments. The IMO was founded in 1948 with the organisation coming into operation ten years after (Robertson, 2022 B). They have been vital for the creation of international law such as the UNCLOS and SOLAS conventions and continue to help countries shape maritime training worldwide (Robertson, 2022 B). The IMO have tracked piracy attacks in collaboration with the International Chamber of Commerce since the Somali piracy spree started in 2008. These are released in monthly and quarterly reports throughout the year with a final one-year summary report for the previous year, from January 1st to 31st December, being released at the start of the new calendar year. The reports start with definitions of terms used and the legal definition of piracy as stated in UNCLOS. The reliance on the definition of piracy by UNCLOS is why information differs from other data sources such the IMB. The IMB statistics do not follow the definition set out by UNCLOS as it categorises all attacks in any jurisdiction as piracy, this means that attacks from naval ships can be classed as piracy also (Amri, 2013, p. 5). This helps avoid useful drawbacks from piracy including the fact that for an act to be considered piracy it must be considered for private ends and committed by two ships (p. 5). In addition, other criticisms of the definition of piracy add to how

pirates now use the outlines of maritime boundaries to their advantage which makes the definition defunct against modern piracy typologies (Anh, 2022). This is a claim that this thesis shall support. However, modern states do not care about this development and follow the IMO definition stringently which is one of the reasons why the Singapore-based ReCaap was founded to avoid the “exaggeration” of the IMB (Bateman, Raymond and Ho, 2006, p. 23). Whilst ReCaap does have their own database, they do not have the same condensed information as the IMB with annual and quarterly reports in addition to also following the distinction of robbery at sea and piracy despite the inaccuracy of reporting in the tight political geography of South-East Asia.

This thesis will mainly use data by the IMB for a few main reasons. Firstly, in relation to the main focus on South-East Asia, the marking of an act as piracy or robbery at sea act can be difficult to emphasise by the confused response of local authorities depending on where an attacked in geographically logged (Anh, 2022). Secondly, due to this tight geographic space and the fact that pirates commit attacks over international maritime borders, the designation of every type of attack as piracy helps to emphasise the scale of the problem without taking time to sift through the location and jurisdiction of what the attack is classed as, only the intensity of the typology such as robbery or kidnapping is of concern. Therefore, the use of IMB data helps to save time in analysis and emphasises the statistical

significance of what is taking place. In doing so, this thesis disagrees with the statement that IMB figures are over-exaggerated. Instead, they truly note the scale of the problem as piracy has now evolved around politically constrained geographic barriers, particularly in South-East Asia. However, one drawback is that these statistics do not match what the littoral states consider the definition of piracy and robbery at sea due to their signatures to UNCLOS and ReCaap. However, as scholars such as Amri have noted, the definition is outdated because of the transnational nature of the crime (Amri, 2013, p. 10). Therefore, to limit the problem and distinguish between piracy and robbery at sea, which is difficult to verify, will limit the scale of the problem which is one of the reasons why piracy is perpetuated.

This method is not without its limitations, however, especially in the field of piracy and counter-piracy. For example, the information on these databases may not be completely accurate and we only know what is reported. For example, on average 50% of piracy attacks go unreported ('Piracy and Violence: An Unacceptable Problem', 2021). There are numerous reasons for this including fear of reprisals from pirates, belief that the authorities will not be useful or not reporting to avoid insurance or reputation damage for shipping companies (Lombardo, 2014). Even then if an attack is reported it may not be passed from the local level to the IMO or other bodies (Robertson, 2022 A). Therefore, while the information from these

databases is useful for qualitative analysis it must be taken with the view that it may not represent the full spectrum of what is taking place when it comes to piracy attacks.

Finally, a comparative analysis with piracy in Somalia and the Gulf of Guinea will be key for showing how the problems in South-East Asia are unique to that region. Numerous factors justify this comparison. Firstly, as piracy in South-East Asia has been a continuous problem, the comparison will allow the analysis of why the African piracy areas received international attention and support when South-East Asia is ignored by the international community. These three areas have also been the highest-ranking piracy areas for two decades with ebb and flow between which are the most prolific. Furthermore, specific comparison with Somalia is justified by the relation to the two major trade corridors - the Malacca Strait and the Suez Canal. The Malacca Straits see more worldwide trade by volume so a comparison will help answer questions such as why it does not see the same attention as the Suez Canal and Somali piracy which is key to the puzzle of piracy in South-East Asia. The comparison will also highlight different responses, motivations, limitations and the effectiveness of these combined factors to show if South-East Asia is treated differently on the world stage concerning piracy. Each of the previous methods will be used in the comparison to bring as much information and analysis to bear as possible.

Chapter One

Introduction

The regional problem with piracy in South-East Asia is unique due to the links between international law, geography and regional governments. This chapter will start to answer the first research question of why South-East Asia is treated differently than other piracy areas around the globe. How these elements interact regarding piracy attacks in the geography of South-East Asia dictates why counter-piracy is not as straightforward as in other regions worldwide. The security and sovereignty definitions from international law which shape this maritime security landscape will be outlined followed by a detailed breakdown of each of the previously mentioned aspects and how international law affects how states must interact in this region. Overall, international law and geography will be shown to shape the main problems with counter-piracy in South-East Asia and why these states must act differently compared to the cases seen in Somalia and the Gulf of Guinea. Furthermore, pirates understand the parameters set by these rules which further exacerbates the problem.

Definitions

UNCLOS is the main work of international law which dictates the rules and regulations of marine environments around the globe. The most important definitions for this thesis concern piracy and armed robbery at sea. Article 101 of UNCLOS 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 a private aircraft, and directed:

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place” (UNCLOS, p. 57).

The definition emphasises that piracy is not just kidnap and ransom but can also include crimes like assault, robbery and hostage-taking and can also take place against aircraft. Furthermore, the crime must take place on international waters which means waters outside of an EEZ and territorial waters which shall be defined shortly. Piracy is often confused with armed robbery against ships which involves the same crimes but is considered different due to the jurisdiction in which the crime takes place.

The armed robbery against ships definition is outlined by the IMO and contains the same phrasing of depredation and threat for private ends but states that the act must be committed within the internal waters, archipelagic waters or territorial sea of a state rather than the high seas ('Piracy and Armed Robbery Against Ships', IMO). Therefore, piracy can only occur on the high-seas and armed robbery against ships occurs in territorial waters. The United Nations reaffirmed the distinction stating that piracy definitions, in addition to other rules of international law set out by UNCLOS, also apply within the EEZ ('Legal Framework for the Repression of Piracy Under UNCLOS', 2010). As a result, problems with maritime crime are compounded when territorial waters and EEZ areas are compressed in South-East Asia. The Malacca Strait, for example, is only 3km in width at its narrowest creating small amounts of territory where the jurisdiction of states is short before a small stretch of international waters followed by another territorial water of an adjacent state ('Malacca Straits', Dryad Global). As the Singapore and Malacca Straits are at the centre of piracy in South-East Asia, these rule sets create fundamental problems which hinders counter-piracy responses and enhances the tactical playbook of pirates.

Understanding the terms for different jurisdictional bodies of water is relevant to our understanding of maritime crime. For example, territorial waters of a state extend twelve nautical miles from its shore in which the state owns the airspace,

sea bed and waters itself (UNCLOS, p. 23). On the other hand, the EEZ of a state is adjacent to its territorial waters and extends 200 nautical miles, a state does not own the waters as a sovereign territory but preserves the right to the resources of that area and to build structures, carry out research and preserve the marine environment (pp. 43-44). Other states preserve the freedom of navigation in these EEZs so long as they comply with the laws of that coastal state (p. 44). Therefore, territorial waters are not considered as the high seas and are related to the country to which the waters reside next to. Archipelagic states are also relevant given the island geography of the region. An archipelagic state is defined by UNCLOS as, “constituted wholly by one or more archipelagos and may include other islands” (p. 40). The definition combines with that of territorial waters as it extends territorial waters to archipelago groups over which such states hold the right to sovereignty and the right to suspend passage to other ships and aircraft (p. 41). Such rights will become important in the next chapter as littoral states refuse cooperation from other nations to tackle piracy.

Finally, when referring to piracy frequency it shall mean the amount of piracy attacks which take place overall. When referring to piracy intensity, it means how severe the attacks were ranging from petty robbery with knives to kidnap and ransom or murder.

Geography

The physical geography in addition to the boundaries set by states in this geography creates a situation where the pirates are given an advantage to the disadvantage of the state. Given the rules previously set out by international law, littoral states have challenges in areas where countries are close together. This difficulty is due to pirates understanding of the limitations that international law and geography impose on the ability of countries to operate against transnational maritime crime in the region. For example, piracy and armed robbery at sea attacks usually are launched from areas outside the territorial waters of Singapore ('Fact Sheet: Collaborative Efforts Between Singapore Enforcement Agencies Ensure Security of Singapore Waters', 2022). Transnational crime in general, especially piracy, tends to take place on the border of these political geographic boundaries (Hassan and Hasan, 2017, p. 38). This modus operandi creates issues as the littoral states cannot follow perpetrators into the waters of another territorial state out of respect for sovereignty (Phayal, Gold and Prins, 2022, p. 3). As a result, hot pursuits must be transferred over to the next state to complete. It is not in the interest of security forces to cause an international incident when chasing pirates by operating in the waters of another country, no matter the level of intensity of the attack committed (Amri, 2013, p. 12). As FIGURE 1 shows, the narrowness of the Singapore and Malacca Straits in addition to island geography makes it easy for pirates to carry

out attacks and get away with attacks (Bateman, Raymond and Ho, 2006, p. 10). Whilst the problem is most acute at the Malacca and Singapore Straits, is a problem for all maritime boundaries in South-East Asia. FIGURE 2 shows a map of attack hotspots which are clearly clustered around maritime boundaries (Phayal, Gold and Prins, 2022, p. 4). The figures emphasise that pirates have an inherent understanding of the political and geographic space in which to operate in with the least chance of getting caught. Since the amount of maritime space is further compacted, as in the straits, it creates issues for understanding why an act is piracy or robbery at sea which is why the terms can be used incorrectly. How states attempt to navigate this problem and why it is unique in the realm of counter-piracy will be analysed in the next chapter.

FIGURE 1

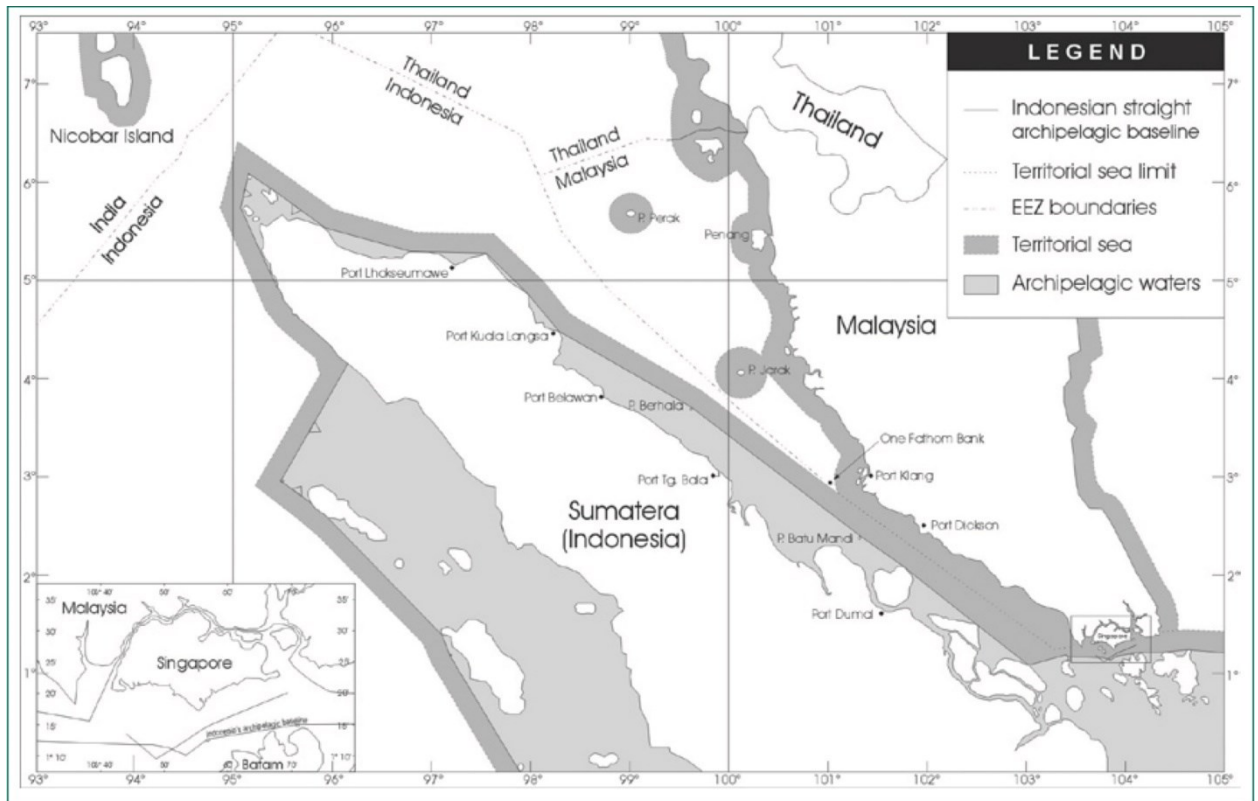
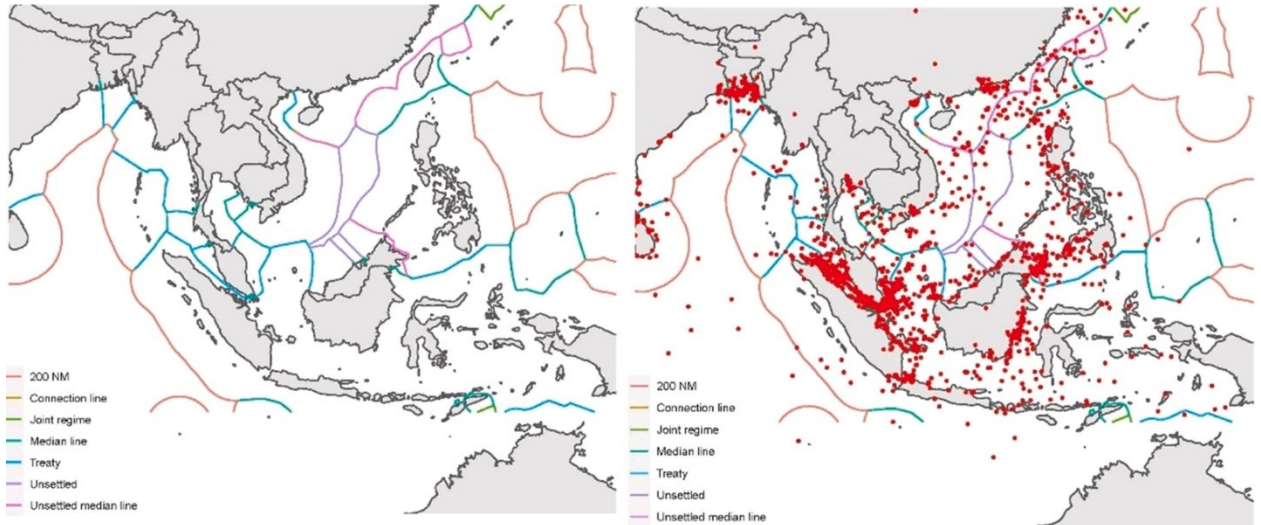


FIGURE 2



Physical geography also plays a role in the frequency of piracy in this region. As Phayal, Gold and Prins note, the longer the coastline of a state, the more likely it is that piracy attacks can be carried out (p. 7). The logical explanation for this is that there are more hideaways for pirates and more areas for law enforcement to patrol which creates porous areas for pirates to thrive. As the straits have a narrow bottleneck, the political boundaries imposed on this geographic space further constrain the operating space for littoral security forces whilst the danger areas for pirates is reduced. Archipelagic geography also makes the situation difficult due to the thousands of islands in the region.

Piracy Typology

Considering the previous problems to the puzzle of piracy in South-East Asia it is important to analyse the type of piracy that takes place in the region in the contemporary setting. When referring to a piracy typology, what is meant is the methods used to attack and what is targeted to make pirates money, much like a business model. Attacks usually take place at night or in the early hours of the morning so that pirates can avoid detection (Hasting, 2020, p. 3). Pirates will climb on board vessels with hooks, ropes and ladders and attempt to steal items on board ranging from personal belongings, spare parts for the vessel or scrap. In a recent report from the Maritime and Port Authority of Singapore in conjunction with ReCaap, new guidelines were given to ship masters concerning piracy in the region. They had reported that contemporary incidents were more petty crime oriented where criminals would flee at the sound of the alarm on the ship or being spotted by the crew ('IFC, MPA Singapore Recommended Anti-Piracy Measures in Singapore', 2023). The report also notes that as a result of this typology, violence was rarely experienced against the crew. This does not mean that it does not take place as a chief engineer was taken hostage by pirates on the Singapore Strait in June of 2023 ('Recent Incidents', 2023). Scholarship on this contemporary form of piracy which has emerged recently is non-existent but analysis from ReCaap and

others indicate that it appears to be less planned compared to previous typologies which have been common.

All piracy attacks involve a pre-attack, attack and post attack phase. The more complex the typology of the attack then the more people, money and time it takes to plan and execute (Hastings, 2020, p. 1). The new petty criminal typology, new meaning in prevalence rather than not seen before, does not mean that these attacks are opportunistic and done at random as pirates will still need to analyse ship tonnage, freeboard size (measurement from the waterline to the ships deck) and location amongst other factors to ensure a successful score. Pirates are rational non-state criminal actors who seek to maximise profit and evade capture as part of their business strategy. These actors must have access to networks of corruption, technology, weapons, fences and funding in order to be able to conduct their operations (Peters, 2020, p. 8). Operations will change in dynamics as the introduction of counter-piracy measures change the tactics and targets of pirates, as the next chapter will show.

Other piracy typologies have also been experienced in South-East Asia. Kidnap and ransom is the act of boarding a ship to take hostage the people on board in exchange for money, the victims can be kept on board or moved to another discreet location until the payment is made (Hastings, 2020, p.4). Unlike in Somalia, kidnap and ransom typology is usually tied to insurgent groups caught up in conflict. Such

insurgencies which have occurred in the region include Gerakan Aceh Merdeka (GAM) and most infamously Abu Sayyaf. The reason for kidnap and ransom being to raise funds for their causes. As these insurgencies were tied to already existing conflicts against security forces, the time to negotiate was smaller in comparison to Somali piracy (Hastings, 2020, p. 4). Since these insurgencies have been quelled, kidnap and ransom is not a concern in the region anymore. The Philippine Coast Guard reduced its risk matrix for the Sulu and Celebes Sea, a region used for kidnap and ransom targets by Abu Sayyaf, from severe to medium after three years of no kidnap related incidents ('Singapore's 2022 Piracy Incidents 7-Year High: Watchdog', 2023). Much of this can be attributed to the land effort against Abu Sayyaf, like the Siege of Marawi, in addition to counter-piracy efforts.

Cargo seizure and hijackings have also previously taken place in South-East Asia. Cargo seizure, as the name implies, involves the stealing the cargo of a ship which can range from oil, gas and miscellaneous cargo on a bulk carrier (Hastings, 2020, p. 5). Hijackings involve pirates taking control of the ship and can be used in various other sophisticated piracy typologies such as kidnap and ransom and cargo seizure mainly to take the ship to meet pirate vessels or into safer waters (Peters, 2020, p. 8). Furthermore, hijackings can also be used to steal ships, which was common in South-East Asia for a time, creating "ghost ships" as they would disappear and not be identified due to being repainted and renamed (McCauley, 2014). These

operations must also rely on existing criminal networks in order to sell the cargo, target ships and so forth with corruption being key in the success of these operations not just in South-East Asia but worldwide.

The puzzle of why piracy in South-East Asia is not given the attention of other piracy hotspots may seem answered by the numbers and typology. Piracy today is petty crime, mostly taking place within the territorial waters or EEZ of states, not within the narrow areas of international waters where everyone has jurisdiction making it armed robbery against ships. However, these attacks still cause knock on costs for countries due to insurance premiums and port delays amongst other costs even if the attacks themselves are not as serious as other piracy typologies. Furthermore, when the more serious typologies were more frequent this was still not enough to draw the ire of the world like cases in Africa - why did it not receive the same attention?

Piracy Statistics

When the figures of South-East Asian piracy and robbery at sea are compared to the African high-risk areas, the puzzle of why the region has not received the same international response becomes more visible. The IMB only includes Indonesia, the Malacca Straits, the Singapore Straits, Malaysia, Myanmar, the Philippines and Thailand as South-East Asia in their annual reports.

South-East Asia, with the Malacca and Singapore Straits make up most maritime piracy incidents worldwide today. In 2022, 115 total incidents took place across the world with 60 taking place in South-East Asia and 38 taking place in the Singapore Strait alone (Robertson, 2023 B). Therefore, over half of all attacks took place in South-East Asia and over a third took place in the Singapore Straits (Robertson, 2023 B). The statistics emphasise that whilst the typology might not be as serious as others, the frequency at which they take place is alarming. 95% of boardings worldwide were also successful ('Maritime Security: 2022 Year in Review', 2023) indicating that whilst the typology of piracy in the region is low, there is still a risk of increased violence or a return to more advanced piracy typologies. Piracy incidents worldwide are decreasing with the lowest levels on record for thirty years, however, piracy in South-East Asia has increased for the third consecutive year despite the overall global rate falling ('Maritime Security: 2022 Year in Review', 2023). Furthermore, rates from January to May increased by 13% so far in comparison to 2022 (Nayel, 2023). The contemporary statistics emphasise the puzzle of why such incidents are not getting attention. Piracy in the region has always been high with previous years matching or surpassing the African piracy hotspots which received global attention and intervention.

The main periods for African piracy took place between 2009-2011 for Somali piracy and 2015-2019 for piracy in the Gulf of Guinea. To briefly cover the situation

in Somalia, in 2011 the majority of attacks, both actual and attempted, took place there with 160 recorded incidents out of 439 worldwide (IMB, 2011, pp. 5-6). Out of 802 crewmembers taken hostage, 402 were taken hostage in Somalian territorial and EEZ waters. (p. 11). However, when combining attacks in South-East Asia there were 80 (pp. 5-6). However, these attacks more violent than the current piracy typology with guns being recorded in attacks and 120 crew members being taken hostage (p. 11). In addition, out of the seventeen ports to have recorded three or more robbery incidents, eight were in South-East Asia with five being in Indonesia alone (p. 9). The statistics indicate that the intervention in Somalia was justified which shall be explained in more detail in Chapter Three. On the other hand, the continued numbers of South-East Asia add to the puzzle of why the region has not received the same attention. By 2014, Somali piracy was almost non-existent with only three recorded incidents of piracy (IMB, 2014, p. 5). However, South-East Asia continued with 141 recorded incidents compared to 55 in the whole of Africa (p. 5). Indonesia made up 100 of these incidents alone (p. 5) Out of the fourteen ports listed for having three or more robbery incidents, seven ports were in South-East Asia with a total of 88 incidents out of 132 for all ports listed (p. 9) The total incidents of three or more robberies in ports alone in South-East Asia in 2014 nearly matched the worldwide total in 2011. Furthermore, the total number of piracy and robbery at sea incidents in the region was close to matching the Somali total of 2011. Guns were also recorded more, with fifteen incidents being noted with guns

rather than eight in 2011 (IMB, 2011, p. 12) (IMB, 2014, p. 12). We can summarise by this point South-East Asian piracy was increasing in violence and frequency and did not receive calls for intervention like African piracy hot spots despite the decrease in piracy in Somalia.

In 2016, during the phase of piracy in Nigeria and the Gulf of Guinea, piracy and robbery at sea incidents in Nigeria were less than Indonesia alone with 36 in Nigeria and 49 in Indonesia (IMB, 2016, p. 5). When the Gulf of Guinea and South-East Asia are compared holistically, South-East Asia had more incidents with 68 compared to 55 in the Gulf of Guinea (p. 6). The number of crews taken hostage and kidnapped were roughly equal between the two piracy locations as well. To elaborate, 84 seafarers were held hostage by pirates in South-East Asia split between Indonesia and Malaysia whilst 67 were held hostage in the Gulf of Guinea split between Benin, Guinea, Ivory Coast and Nigeria with Guinea having the most at 20 (p. 10). Guns were also reported more in the Gulf of Guinea, mainly in Nigeria with 27 incidents involving guns (p. 10). Whilst more injuries were reported against crews in South-East Asia indicating more violent boarding scenarios, more people were kidnapped in the Gulf of Guinea with 34 compared to 18 in South-East Asia. More people being kidnapped rather than taken hostage in the Gulf of Guinea highlights the difference in piracy typology between the two areas. Despite this, the statistics show the South-East Asia was more frequent and violent and still did not

receive international intervention or attention. However, by 2018 towards the end of the Gulf of Guinea piracy wave, the Gulf of Guinea had edged South-East Asia with 82 incidents spread across nine countries compared to 60 incidents in South-East Asia across Indonesia, Malaysia, the Philippines and the Singapore Straits (IMB, 2018, p. 6). Far more hostages and kidnappings were reported in the Gulf of Guinea with 130 hostages compared to eight in South-East Asia and 78 kidnappings compared to eight again in South-East Asia (p. 12). Incidents were also reported as less violent in South-East Asia with less guns being reported and less crew injuries (p. 12). What is curious, however, is that similar statistics in 2016 from the Gulf of Guinea saw international intervention whereas nothing was done about piracy in South-East Asia despite the statistics being this prevalent for a longer period of time. Therefore, the fact piracy was more serious and more frequent in a time where the maritime industry was more concerned with piracy indicates that there is more to the puzzle of South-East Asia and piracy than the type of piracy that is committed in its waters.

Conclusion

The purpose of this chapter was to give a breakdown of the piracy situation in South-East Asia mainly centred around the Malacca and Singapore Straits to help start to answer the research question of why piracy in the region is treated

differently in the region. International boundaries constrain the space in which domestic security forces have to operate as they cannot pursue pirates into the waters of other littoral states. How this affects an international response will be analysed in the next two chapters. Pirates are aware of these constraints and use them to their advantage resulting in high levels of piracy since states must rely on each other to stop transnational transgressions. Whilst we can say that contemporary piracy may be treated differently due to the low intensity, petty criminal nature of the crimes usually committed in territorial waters, this has not always been the case with kidnap and ransom and large cargo seizures having taken place in the past with similar frequency receiving no response from the international community and media like the piracy incidents in Africa. The statistics emphasise that piracy in the region has always been a consistent problem which is not emphasised or vocalised in the international security conversation despite the value of South-East Asia to the world economy. With the value of maritime trade in South-East Asia for powers around the world, it is perplexing why the worldwide community has not banded together previously in a concerted effort to stop piracy in the region which is the focus of the next chapter.

Chapter Two

Introduction

This chapter will argue that international law and states sovereignty impede on a truly effective countermeasure against piracy. Whilst some cooperation is operated on a sophisticated level, multilateral cooperation does not exist amongst the littoral and neighbouring states when countering piracy. The background to the blocks against regional cooperation will be explained in regard to the worry over potential terror attacks on the Malacca Strait in the wake of 9/11 as the littoral states refused outside help when policing their waters. Following this explanation, the chapter will show that this desire for sovereignty over territorial waters blocks full cooperation against piracy which is hampered by the international geography explained in the previous chapter. Furthermore, regional and international institutions, whilst promoting dialogue and good practices between states to tackle transnational crime, cannot overcome the main priority of states which is to defend their territorial sovereignty. By the end, research question one shall be fully answered and the second question of how effective regional cooperation is will also be answered.

Background

The first push for littoral state cooperation came in 2005 after fears that a terrorist attack could take place in the Malacca or Singapore Straits given the rich target choice and geographic bottleneck. As a result, Lloyds List JWC designated the Malacca Straits as a war-risk zone among twenty other areas such as Iraq, Lebanon, Somalia and Nigeria (Thomas, 2005, p. 1). Lloyds List is the world-leading institution for maritime insurance and underwriting and their designations of war-risk effect premiums and costs for shipping which in turn can have dramatic effects on the economies of countries (Hoe, 2023, p. 3). The report was informed by the UK PMC Aegis Defence Services which was widely criticised by the littoral states in the aftermath of the designation. Supporting evidence included claims that Osama Bin Laden had shown interest in the shipping traffic in the Malacca Straits despite no terror attack taking place on the waters since 1992 with piracy only affecting 0.1-0.2% of shipping. (p. 2). Furthermore, The Economist claimed that a vessel hijacking where the crew were tied up and the ship was sailed through the straits was similar to the 9/11 hijackings despite no terror motive or casualties involved with the incident (p. 2). Whilst piracy had been a problem more violent than its contemporary typology in the 90s and 2000s, the claim that the area was a war-risk zone was based on fear and perceived risk rather than any identified ability of a group to carry out such an operation.

The designation by Lloyds sparked cooperative action between the littoral states but they were still apprehensive about letting other powers dictate their maritime security strategies. A cooperative patrol scheme for the Malacca Straits called MALSINDO, short for Malaysia, Singapore and Indonesia Joints Patrols, which already existed before the designation, was refined and expanded upon in April 2006 (Bateman, Raymond and Ho, 2006, p. 31). The new patrols did have an effect on the reduction of piracy reducing instances by 25% in the first month (Thomas, 2005, p. 2). This move resulted in the removal of the war-risk zone on August 9th, 2006 ('Malacca Straits Removed From War Risk List', 2006) These patrols still exist today and also involve Thailand who operate patrols to the northern entrance to the Malacca Strait but the patrols have handicaps which prevent further reduction of piracy which shall be explained in the next section.

Indonesia and Malaysia also signed the SUA Agreements in 2005 to help fight piracy. This convention allowed for the combatting of piracy as states can convict criminals on any body of water and pirates can be extradited between signatories for trial to protect the lives of seafarers and promote freedom of navigation (Amri, 2013, p. 11). The littoral states signing SUA further solidified the definition of the crime of piracy as laid out in UNCLOS. Signing this agreement gave the countries an internationally recognised authority to use force against pirates without worries

of legal repercussions. However, it did reinforce the difference between piracy and armed robbery at sea creating difficulties for the repatriation of pirates and the prosecuting powers available to states.

Re-Caap is the most important regional agreement in the fight against piracy. It is an agreement which signifies a number of obligations for states to cooperate on to fight against piracy. It was launched in the wake of the Lloyds designation and indicates a reluctance of regional states to be beholden to the detrimental economic effects imposed by the international community in addition to attempting to ward off potential international intervention. There are now 21 signatories, including countries from Europe, who aim to withhold maritime security in South-East Asia ('About ReCaap Information Sharing Centre'). The charter encourages the states to use several powers including stopping ships being suspected of piracy and to rescue victims of piracy ('ReCaap Agreement', 2004). In addition, the introduction of the Information Sharing Centre (IFC) from ReCaap in 2006 was valuable for tracking and reporting the location of attacks and other information much like databases from the IMO. As will be discussed with ASEAN later, there are no enforcement mechanisms to ensure the application of these measures but it has had a positive impact on the awareness and funding given to counter-piracy operations. Furthermore, the agreement uses the same definition of piracy as UNCLOS which

hampers overall enforcement methods given the nature of the typology of piracy crossing tight political boundaries.

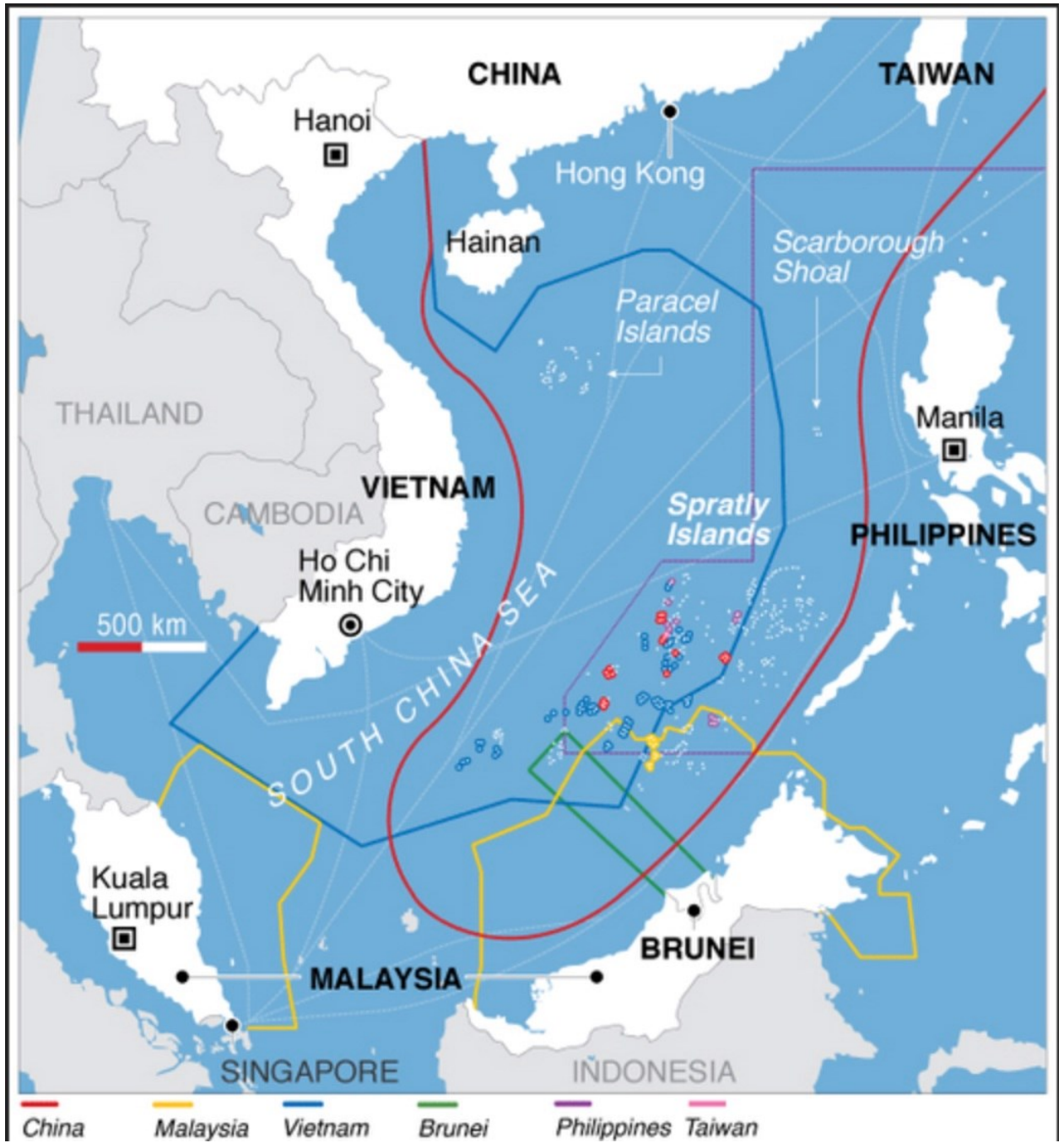
Barriers To Cooperation

Different countries in South-East Asia, like all countries, have different priorities when it comes to their governance and security. As such, piracy is less of a concern for some. Out of all the littoral states on the Malacca and Singapore Straits, Singapore has the most to lose from piracy and puts the most effort into countering it as a result. As Singapore is a city-state with little in terms of space for agriculture, industry or natural resources it depends on maritime trade and industry for survival. It is the second busiest port in the world, the fifth most dependent country in the world for maritime trade and one of the largest hubs for oil refining (Robertson, 2022 F). Therefore, Singapore has invested heavily in its capabilities not just in terms of countering piracy with force but also being a regional hub for information sharing. Singapore has the unfortunate position of not having piracy launch from their territorial land, as stated earlier. Given the small size of the country and its advanced economy and its advanced security apparatus, pirates do not operate out of Singapore. It is important for pirates to avoid security forces, therefore operating from Singapore would be a blunder in this regard. Most contemporary attacks occur in Singapore territorial waters near the eastbound traffic lane in the Singapore Strait

and the international corridor ('Recent Incidents', 2023) as pirates can evade back into Indonesia and Malaysia which has various issues and differing concerns effecting its ability to respond to piracy.

Indonesia has more problems with the piracy issue compared to Singapore for a number of reasons. Indonesia is made up of over 17,500 islands which makes patrolling their territorial and archipelagic waters difficult (Chang, 2021). In these vast waters, Indonesia is sensitive about reporting piracy to try and hide the scale of the problem and prefers to have instances labelled as Malacca Straits or Singapore Straits instead (Storey, 2022). Their geography problem is exacerbated with Indonesia due to their allocation of resources. China is pushing for over 90% control, or 3.5 million square kilometres of the South-China Sea contrary to the laws set out in UNCLOS (Jennings, 2021). As FIGURE 3 shows, China is attempting to claim territory far beyond the reaches of its own territorial waters and EEZ which infringes on the maritime rights of Vietnam, Thailand, Indonesia, Malaysia, the Philippines and Brunei ('China Claims A Big Backyard', South China Sea).

FIGURE 3



This land grab is being done through the construction of artificial islands which host military bases and invasive Chinese fishing vessels in addition to maritime and ariel patrols ('Territorial Disputes in the South-China Sea', 2023). Due to the reliance of China on its maritime economy, with over 60% of its trade value coming by sea ('Territorial Disputes in the South-China Sea', 2023), the country wants to secure its main source of sustenance. Evidence of this anxiety over securing maritime trading routes can also be viewed with their calls for another canal, the Kra Canal, to be cut through Malaysia to bypass the Malacca Strait given the potential effect a blockade of the strait could have (Rusli, 2022). Moreover, the South-China Sea is rich in natural resources which would provide a substantial boost to Chinese GDP with such resources such as, "11 billion barrels of untapped oil and 190 trillion cubic feet of natural gas" ('Territorial Disputes in the South-China Sea', 2023). Indonesia therefore puts a significant maritime emphasis on protecting its internationally designated boundaries and regional allies from encroachment from China rather than combatting piracy as its economy is not as dependent on maritime trade compared to Singapore in the dense geography of the Malacca and Singapore Straits. Instead, Indonesia identifies more value trying to protect its marine resource base in its vast maritime territories. Furthermore, Indonesia has failed to meet its funding targets on its naval capabilities which are a further detriment to their security efforts with up to 50% of its fleet being inoperable in the late 2000s and new ship building targets not being met (Chang, 2021). As

most pirates launch from either Indonesia or Malaysia, this is a factor in the continuation of piracy in the region.

Malaysia have made improvements in their maritime security but is still limited by the territorial boundaries. Like Indonesia, the country has extensive maritime borders covering the Malacca Straits, South-China Sea, the Indian Ocean and Sulu Seas. The country only established a coast guard in 2004 with the passing of the Malaysian Maritime Enforcement Act which created the Malaysian Maritime Enforcement Agency (MMEA) (Khobragade et.al, 2022, p. 208). Malaysia also must deal with the encroachment of China on their maritime spaces more than Indonesia, and faces similar problems, but is also closer in proximity to terror threats from Abu Sayyaf. As noted, Abu Sayyaf are an Islamic terror group which uses piracy to kidnap people for ransom. There are recorded incidents of Malaysian forces having to stop pursuits of Abu-Sayyaf targets as they flee back into the territorial waters of the Philippines (Phayal, Gold and Prins, 2022, p. 3). This situation emphasises the primacy of sovereignty in maritime security cooperation as Abu Sayyaf are more than mere pirates. The Siege of Marawi along with the kidnap and ransom and online execution of victims for their jihad, in addition to being aligned with ISIS make them a far more potent threat than generic pirates. Pilipino President Duterte realised this fact and did allow for hot pursuit within reason, but tensions remained due to existing maritime border disputes and

arguments over prosecution of offenders (p. 7). However, this does not mean that the two countries do not cooperate. For example, a joint operation by Philippine marines relying on Malaysian intelligence saw the arrest of eight Abu-Sayyaf terrorists in 2021 (Aben, 2021). It is when pirates or other transnational criminals use tactics to have political boundaries to their advantage where sovereignty prevents states from effective cooperation. Only excess violence appears to grant slight concessions in transnational cooperation.

The main littoral states have handicaps in their MALSINDO patrols. The concept of hot pursuit being limited due to international maritime boundaries has already been explained. Recent literature shows that no recent attempt has been made to change the procedures help improve the effectiveness of these patrols. Some have argued that border disputes have contributed to the unease as well as the security forces would not want to risk starting an international incident to catch pirates by operating in disputed waters (Phayal, Gold and Prins, 2022, p. 8). With the current petty crime typology of piracy this lack of concern for catching those involved would be heightened. Aerial assets, however, did get further permission to cross boundaries to help with the completion of hot pursuit missions. This was implemented after the JWC war-risk designation in 2005 (Collin, 2016). Such patrols were allowed three nautical miles into another states territory to help with hot pursuit. However, the number of flights taking place was below expectation and

was criticised (Southgate, 2015). Furthermore, the response of other states in their territorial waters was delayed or sometimes ignored which did not help meaning that flights were sometimes pointless (Southgate, 2015). Therefore, whilst MALSINDO has helped in the initial reduction of piracy after the JWC war-risk designation, there are limitations due to sovereignty which prevent further effectiveness.

ASEAN, the regional cooperation alliance between South-East Asian countries does also not offer a good regional platform for countering transnational crime as a whole. ASEAN has been argued to have a weak track record on the reduction of transnational crime and is seen more as a forum for discourse rather than action (Hiswi, 2018, p. 121). The ASEAN Declaration on Transnational Crime from 1997 only mentions encouragement and the exploration of new ways to deal with transnational crime rather than setting out a vision or plan for combatting such crimes (ASEAN, 1997, p. 10). ASEAN too has a declaration on maritime security but it has had little effect. An example of this failure can be seen in the attempted reduction of the small arms trade which helps to fuel criminality and political strife in the region. South-East Asia is noted to have 22% of the worlds weapons imports which is growing with links between increased trade and misuse (Hiswi, 2018, p. 110). Hiswi notes that the lack of mechanisms to ensure states apply the provisions given in talks ASEAN means that the combatting of the trade is not universal which

hinders the effectiveness of the organisation in the region. However, in contrast to this, domestic gun control laws from Malaysia, Singapore and Thailand have seen the reduction of gun violence in pirate attacks despite the noted increase of gun imports to South-East Asia (Storey, 2022). This reduction further emphasises that sovereignty and the individual concerns of each state have more importance than transnational concerns; if all states find common ground to affect an issue only then will action be taken with sovereignty still taken into consideration. The countries within ASEAN also have border disputes between each other which also add to the reluctance to allow counter-piracy cooperation. To give examples, the maritime boundaries around the island of Sabah is disputed between Malaysia, Thailand, Myanmar and the Philippines with Singapore and Malaysia with disputes arising over the Pedra Branca, Middle Rocks and South Ledge (Khobragade et.al, 2022, pp. 214-215). As Khobragade et.al argue, these disputes emphasise the weaknesses in ASEAN where common interest only applies to certain issues and the lack of binding obligations allows countries to continue to pursue their own interests regarding sovereignty (p. 215). We can therefore surmise the main preventer of further cooperation is the variance between transnationalism and sovereignty.

Analysis

The political and security situation surrounding the Malacca and Singapore Straits is that piracy is not an issue that would get littoral states to come together and ignore their own interests for better security on transnational and territorial waters. The reason for this reluctance is concerns over sovereignty. To define sovereignty in its most basic form means supreme authority within a given territory (Stanford Encyclopedia of Philosophy, 2020). Political theorists such as Stephan Krasner have expanded further on this concept to match the workings of the contemporary modern-day state and their interests. However, as explained in the literature review, the one type of sovereignty, out of four explained, which concerns this thesis is Westphalian sovereignty which is the exclusion of international actors from the running of a state (Krasner, 1999, p. 3). In the maritime security situation in South-East Asia, this refers to the exclusion of other states, even other littoral states from the territorial waters mainly in the dense political geography of the Malacca and Singapore Straits and elsewhere. This situation is a concern for littoral states as allowing other states to be the arbiters of force in dealing with a security issue would undermine the authority of the state. Krasner notes that new control measures, presented by an exterior force, leads to the loss of authority which is the main underlying concern of Westphalian sovereignty (p. 10). The concern of the state is that to lose such authority could have effects on the ruling body of a state which

could lead to a slippery slope of loss of territory and change of political and security systems thus hindering its survival.

The notion of sovereignty preventing security cooperation and the survival of the political apparatus also links the theory of realism. John Mearsheimer notes that states are primarily concerned with their own survival as there is no overarching authority to mediate disputes between states with this concept being defined as anarchy (Mearsheimer, 2001, p. 3). In the words of Mearsheimer, “sovereignty...inheres in states because there is no other higher ruling body in the international system” (p. 30). Under this model, it makes sense that states do not want to give up authority to another external state as it could affect their ability to govern themselves and survive autonomously. However, the full argument of Mearsheimer need not apply here as he argues that international institutions do not prevent security competition or promote world peace (pp. 363-364). Whilst this may be true of preventing state confrontation in the region regarding the South-China Sea, international institutions such as the IMB and Re-Caap have helped to bring about peace and stability regarding the effects of non-state actors on regional and worldwide economies. Piracy reporting, extradition treaties and commitments to patrols may not have had the same remarkable drop in piracy as international intervention, as will be shown in the next chapter, but have reduced piracy to where

the littoral states can deal with the issue on their own without fear of international attention and intervention.

Whilst the primacy of sovereignty appears to be a hindrance in the eradication of piracy, progress has been made with the current cooperation. As noted in Chapter One, from 2011 until now, piracy in South-East Asia is now less violent, less confrontational and occurs less than it used to. This change in typology, becoming less intense, and the decrease in frequency emphasises that the current cooperation processes in place have had a positive effect even if it has not reduced and eradicated piracy outright. Therefore, we can argue that cooperation has reduced maritime piracy and robbery at sea to a level where the intensity is such that the frequency is not of concern to the international community, hence the puzzle which ignited this thesis. The littoral states are still refining their patrols and intelligence sharing to improve counter-piracy results, but piracy is on the rise whilst worldwide rates decline emphasising there are still inefficiencies. Territorial disputes are also being worked on with Indonesia and Malaysia signing border agreements to recognise the maritime boundaries for the islands of Spatan and Ligatan after 16 years of disagreement (Strangio, 2023). Recognition of sovereignty and agreed boundaries may help with the effectiveness of patrols and hot pursuit which if continued for other disputes may help reduce piracy further in the future. However, as has been shown, without the ability for hot pursuit chases to be allowed into

territorial waters or for more funding and attention to be focused by Indonesia and Malaysia, reduction will likely not be seen. Furthermore, considering that nearly all boardings against ships are successful the threat of an increase in violence remains.

Conclusion

In conclusion, counter-piracy operations in South-East Asia operate around international and bureaucratic boundaries which conflate with sovereignty which hinders the effectiveness of cooperation. The enforcement of war-risk insurance in a period of international anxiety post-9/11 highlighted the risk of piracy to commercial shipping in South-East Asia focused on the Malacca and Singapore Straits. This move forced cooperation between the littoral states as they rejected any help from the international community which would undermine their authority and control over their territorial waters. Whilst this helped to bring levels piracy down to remove the war-risk designation, piracy has remained at a steady, and until recently, violent level as concerns sovereignty prevents effective counter-piracy operations in the congested political spaces of the straits. Furthermore, whilst international agreements such as ReCaap, SUA and ASEAN have helped dialogue and processes between countries, it is still not enough to tackle the transnational typology and tactics used by pirates. As the next chapter will show, the same political spaces which prevent enhanced cooperation would also prevent

international intervention on the same scale as African piracy should the need ever arise.

Chapter Three

Introduction

Piracy in Somalia was a worldwide phenomenon which captured the attention of media outlets, governments and the public imagination. This chapter will argue that a variety of factors such as geography and the weakness of the state enabled an international response to piracy in Somalia unlike in South-East Asia. Piracy in the Gulf of Guinea will also be analysed as whilst the piracy typology is similar, the response and interests of regional states shaped a different response in that area. The piracy typology of the regions will be outlined followed by the international response and the detailing of their successes showing that the factors of geography, politics and effects on international shipping in Somalia allowed for the largest international intervention. As stated in the methodology section, the comparison is due to the response these areas have had internationally via media coverage and naval, political and economic interventions whilst South-East Asia has received no such help.

Piracy Typology

The typology of piracy in the west and east of Africa is similar with differences only being prevalent in the target type, ransom payments and motivation. Piracy in Somalia was based around heavily armed assaults to frighten ships into stopping which would allow the pirates to board and kidnap people for ransom. Pirates would launch from shore usually in a mother boat which would be a large stolen trawler or similar kind of vessel which could house small skiffs with outboard two motors to give speed intercept large vessels (Pham, 2010, pp. 46-47). It should be noted that several attacks could be launched from the same mothership which gives multiple attacks extra range in the open ocean. Weapons would include assault rifles and rocket-propelled grenades to attack ships with the outboard motors allowing for the speed to catch up to a target vessel. When aboard, pirates would be violent in their storming of the ship. Pirates were able to access these weapons and gain access to criminal networks due to the collapse of the state in Somalia in 1991 (pp. 31-32). Valuables would then be stolen with either the full ship and crew being kidnapped, or several crew members being taken to land separately to be held as captives for ransom (Sörenson, 2019, p. 32). Victims could also be killed if they did not comply (p. 33). Typical ransom negotiations would take over a year and require the moving around of captives to prevent special forces raids or attempts by other warlords to steal the captives (Hastings, 2020, p. 8). Ransoms were usually in

the regions of millions of dollars with the highest ransom payments costing over \$25 million (p. 8). Overall, when understanding piracy in the Indian Ocean, Somalia and surrounding regions the most important factor is that it was violent, caused damage to shipping, threatened lives and resulted in catastrophic financial loss to shipping companies through the delay of shipping, insurance payouts which increased premiums and extortionate ransom payments.

Like Somalia, pirates in the Gulf of Guinea have a similar strategy but there are a few differences when it comes to how these pirates operate. Firstly, unlike Somalia, there is not a long coastline to launch from. Nigerian pirates, who make up most pirates in the region, instead use the Niger River Delta as a launch point which allows hiding spots to plan, launch and store captives and loot (Anyika, Ojakaotu and Ani, 2022, p. 14). Furthermore, these hideaways make patrolling to find pirates more difficult. For this reason, it is hard to know how many pirates in this region use motherships as it cannot be known if motherships are used in the delta before skiffs are launched into the ocean (p. 15). Pirates in Nigeria also typically offer lower ransoms than in Somalia and treat their captives better (Kamal-Deen, 2015, p. 99). The reason for this strategy is that they know that any damage to their captives could bring a tougher response from authorities and a lower price will secure the money faster than long negotiations for millions of dollars like in Somalia (p. 99). This business model is used as their demands can be met and the

money is needed sooner to fund insurgent activities in the Niger Delta for the Movement for the Emancipation of the Niger Delta (MEND) (Hassan and Hasan, 2018, p. 47). This does not rule out violence altogether however as it can still take place in addition to psychological violence. For example, an Indian crew were kept amongst skeletons and suffered routine beatings and starvation (Robertson, 2022 E). Nigerian pirates do not need to worry about moving their captives around as their hideaways are secluded in the mangroves of the Niger Delta. Overall, the fall of the Somalian government and the rise of the Niger Delta insurgency in addition to the difference in geography produced two similar but ultimately different types of piracy which required different methods to combat.

International Response - Somalia

Kidnap and ransom cases shocked the world in Somalia and threatened the vital trade routes of Suez Canal and Bab-el-Mandeb and the wider Indian Ocean region. As such, the international community decided to respond. In 2008, the Combined Maritime Forces (CMF) led by the United States was created to respond to the situation. To this day, there are still four main task force groups of the CMF which continue to operate in the region. The main counter-piracy task force is Combined Task Force (CTF) 151 which is specifically dedicated to counter-piracy which includes responding to distress calls and conducting routine patrols ('What We Do',

Combined Maritime Forces). Moreover, the EU also set Operation ATALANTA which aimed to patrol the seas and respond to piracy incidents much like CTF-151 which was introduced on December 8th, 2008 (Riddervold, 2014, p. 548). Western nations were not the only ones to provide security in the region with other powers such as Russia, China, India and Iran also conducting patrols in the region. These countries also had a large stake in the area with China receiving almost 40% of its raw imported goods passing through the Gulf of Aden (Cheng, p. 4). In terms of supporting the development of Somalia, all international forces saw to the protection of food convoys of the UN World Food Programme which helped to improve the situation on the ground in Somalia (Riddervold, 2014, p. 546). Moreover, responding to distress signals was a vital role in responding to maritime piracy with the appearance of a warship usually de-escalating situations without pirates fighting back (Sörenson, 2019, p. 38). Overall, international actors had a vested interest due to their ambition to help the international community, protect their economic and strategic interests and keep their navy personnel sharp on missions. These actors had access to Somalian territorial waters under international law. United Nations Resolutions authorised international navies to operate in the territorial waters which had a great effect in stopping the distance at which pirates could operate (Kamal-Deen, 2015, p. 93). It was therefore easier to patrol the territorial waters of Somalia and respond to motherboat sightings and distress warnings quicker closer to the source of their launching. The reduction of space

needed to patrol the waters was an added advantage in reducing piracy so rapidly as shown in Chapter One. Moreover, as the Somali government did not have the power to properly police their own territorial waters, this move was necessary for the problem to be tackled efficiently and in a timely manner.

The shipping industry took their own measures in the region with the introduction of a high-risk area and safety guidelines for ships. The Indian Ocean high-risk area was established in 2010 with estimates of a merchant ship being attacked every day by this point in the piracy cycle ('Bride Watch', 2022). In addition, the International Recommended Transit Corridor (IRTC) was announced as shipping lanes with frequent protection from international navies to improve response time to incidents and ensure the most freedom of navigation given the circumstances (Sörenson, 2019, p, 38). The BMP, which is now in its 5th edition, were introduced as guidelines for shipping to delay attacks from pirates. The distinction that it was to delay attacks and boardings is crucial as the industry knew that ship hardening measures were not enough to deter heavily armed assaults from pirates. These measures included the installation of citadels which are armoured safe spaces inside the ship in which the crew can hide in the event of an attack (BMP 5, 2018, pp. 23-33). Citadels usually have enough food for two weeks and access to communication equipment and ships controls (pp. 16-17). Other measures include water cannons, razor wire, evasive manoeuvres. However, these have been proven to have little

impact with armed guards being the only way to effectively deter a pirate boarding with deadly force, as shown with 95% of boardings being successful in 2022. Therefore, whilst BMP measures could delay an attack, the measures implemented by the industry were for the protection of assets and seafarers through insurance, ship hardening and rerouting marine traffic.

The reduction of piracy can be analysed as a success story of worldwide cooperation with the shipping industry, international forces and humanitarian efforts coming together to eliminate the problem. Although it should be noted that international navies can be commended with the main bulk of this effort. As of 2023, the Indian Ocean high-risk area has been removed by the shipping industry but international patrols still continue to operate in the area ('CTF-151', Combined Maritime Forces).

International Response - Gulf of Guinea

There was less of a direct international response to piracy in the Gulf of Guinea and more reliance on the regional states to take action with the help of other nations. As the Somalian government was in a weaker position due to the 1991 war it needed more help from the international community and had to give concessions over its territorial rights with the United Nations due to the global damage caused by piracy

in that region. However, nations in the Gulf of Guinea, whilst still developing nations by international standards, had more infrastructure and regional cohesion to be able to withhold their sovereignty and to solve themselves, just with guidance and support from the international community. Such support was needed as the threat to the oil industry, a main generator of income which was stated earlier was great. For example, Angola, Nigeria and Equatorial Guinea all had over 90% of their export revenue come from oil between 2011-2013 with an average production of 5 million barrels (Denton and Harris, 2022, p. 3). The BBC noted that insurgent activities in the Niger Delta from bunkering and piracy caused a decrease in oil production (Orjoinmo, 2022). Furthermore, the reliance of other landlocked nations such as Burkina Faso on Gulf of Guinea ports and trade created further knock-on effects for the economic impact of piracy in the region. A high-risk area was also designated by the International Bargaining Forum (IBF) in 2012 to denote the increased risk to life and cargo from piracy attacks in the region (Phan, 'West Africa HRA'). Insurance premiums for war-risk also were employed along with this increasing the financial cost of piracy on regional states. As such, action was taken with the aid of the international community.

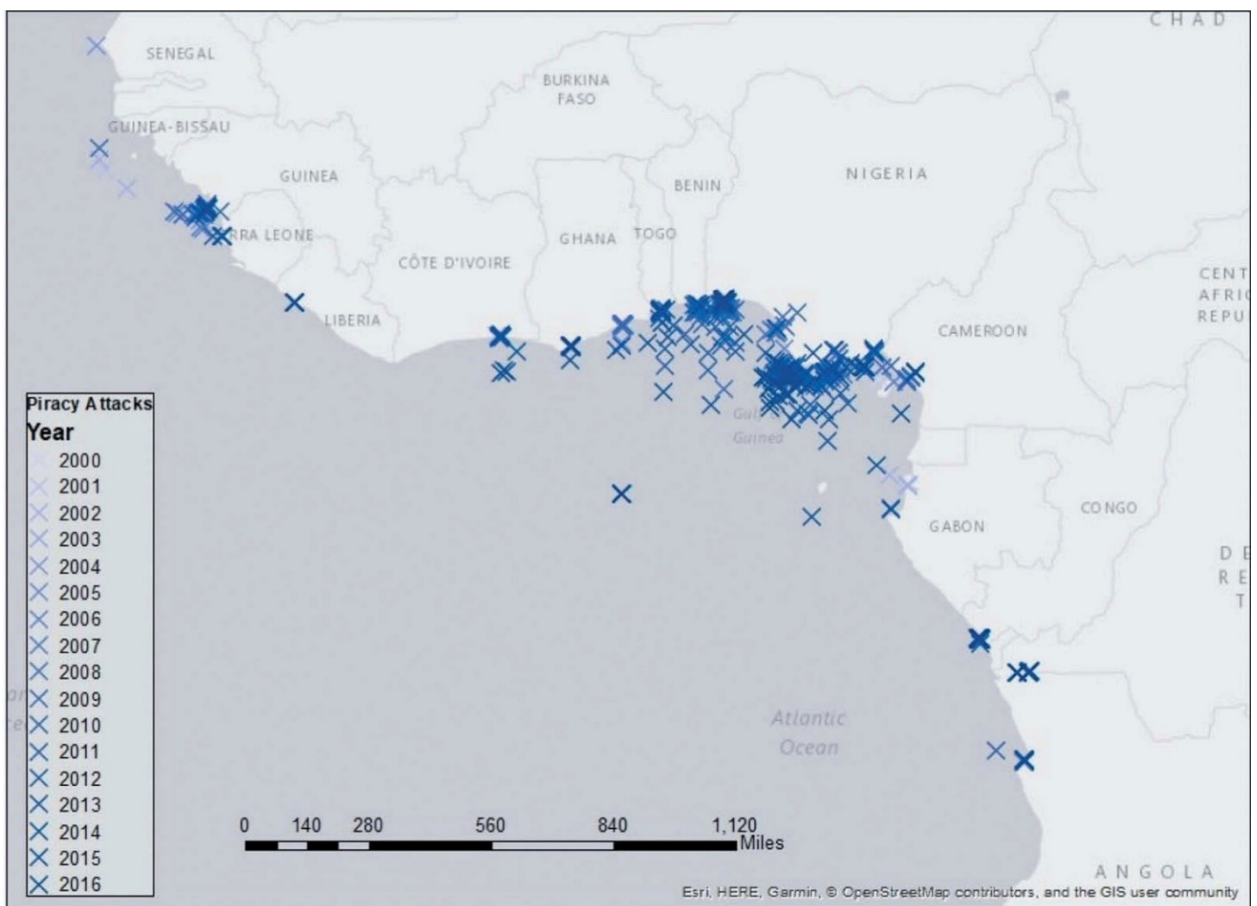
The Yaoundé Architecture was created in June 2013 as a combined security framework for Gulf of Guinea countries to tackle the problem of piracy among other crimes. The agreement came after UN Resolutions 2018 and 2039 condemned the

increase of piracy in the region (Kamal-Deen, 2015, p. 93). The goal was to combine existing alliances such as the Gulf of Guinea Commission (GGC) and the Economic Community of West African States (ECOWAS) to develop regional frameworks of cooperation and information sharing whilst strengthening domestic laws and regulation. ('Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa', 2013, p. 1). Such an agreement was necessary as piracy, being a transnational crime, is harder to police without the narrow strait geography of South-East Asia. Examples include piracy attacks where hijacked ships have traversed the territorial waters of five different countries (Kamal-Deen, 2015, p. 102) thus indicating a weakness in the regional security cooperation. However, the Yaoundé architecture has had difficulties in implementation on a country level basis. It was only at the end of 2021 that Angola, Cameroon, Ghana, Benin, Nigeria and Ivory Coast started to be better implement relevant frameworks and domestic laws ('Six Countries Adopt Yaoundé Agreement on Maritime Security', Dryad Global). Only Nigeria has seen the success of this endeavour with their removal from the war-risk insurance after domestic convictions for piracy and no recorded attacks in territorial waters (Edward, 2022). Whilst the Yaoundé Architecture is a useful agreement for eliminating piracy in the region, its implementation needs to be taken seriously for the role of the international community to be lessened in the fight against piracy.

Regional states in the Gulf of Guinea rely on donations of hardware, training exercises and intelligence to help police their own waters whilst international forces patrolled international waters. There can be many reasons for these states to reject international interference, but with countries suffering from insurgencies or general political discontent, letting international navies lead the fight in sovereign waters does not look good for the ruling powers in region. This could be argued to be more significant considering the authoritarian nature of some of the Gulf of Guinea states. Moreover, FIGURE 4 shows that most attacks took place in territorial waters from 2000-2016 (Denton and Harris, 2022, p. 13) giving grounds for the rejection of international interventions. The United States focused more on training and guidance with regional exercises and cooperation, although their naval patrols still take place. Exercises such as Flintlock still take place annually and focus on the capacity building in the region ('US, West African Forces to Tackle Piracy and Illegal Fishing', 2023). China, on the other hand, donates more in terms of patrol boats and other equipment as seen with various donations to Nigeria and others due to their investments in the regions oil industry (Zhou and Seibel, 2015). France also has a large role in counter-piracy operations and assistance mainly due to its former colonial connections. The French and British navies are also responsible for MDAT-GoG which tracks piracy attacks in the region allowing for coordinated guidance for response to attacks and areas to avoid with real time intelligence

gathered through international shipping and local authorities ('Maritime Domain Awareness Trade – Gulf of Guinea', MDAT-GoG). Whilst some international navies still patrol the international waters of the Gulf of Guinea and help to respond when needed, the locality of attacks means that it is mostly up to the regional states to take action as they reject interference in their waters but are happy to receive aid to reduce the problem, unlike states in South-East Asia.

FIGURE 4



The shipping industry reacted in the same way to the Gulf of Guinea as they did in Somalia with the introduction of ship hardening measures, escorts, armed guards and increased insurance premiums. However, countries refused to change their legislation on gun controls which made the prospect of armed guards in territorial waters difficult. Ships had to discard their weapons for fears of being arrested on weapons smuggling charges in which there are documented instances of arrests. Guns would be thrown overboard and bought again later or stored in floating armouries which cause grave security concerns ('Floating Armouries', Dryad Global). In addition to variance with ship flag laws and the reservations of ship owners and charterers it creates a tough environment for proper security to be privately enforced.

Analysis

It is clear that the combined effort of the international community had strong effects on the reduction of piracy with two similar but ultimately different waves of piracy in Africa. The establishment of high-risk areas along with international patrols, aid for littoral states including training and humanitarian assistance saw piracy rates reduce in as little as a couple of years. It should be noted that these patrols still extend to this day as Operation ATALANTA and others have been extended despite

the remarked reduction in piracy rates. However, it is hard to analyse whether these patrols continuing or if other social and economic factors have played more of a role in maintaining low levels of piracy. The two different areas of African piracy are similar but different. One involves one large country which is a failed state with opportunistic criminals vying for profit in a target-rich geographical bottleneck which is vital to world shipping. The other involves a large expanse of ocean in which 16 countries have been linked with piracy attacks. These countries are a mix between very poor to developing powers with an abundance of natural resources at their disposal that also suffer from problems such as terrorism, human trafficking, kidnapping on land, government corruption and more.

The two situations created different outcomes in terms of piracy and counter-piracy operations. The failure of the state in Somalia meant that pirates had less options when it came to a choice of typology. A high number of guns and ammunition and lawlessness as a result from the civil war meant that pirates had the means to plan violent and aggressive attacks. The lack of infrastructure also limited their operations to kidnapping for hard cash as oil theft and other operations did not have the necessary infrastructure or trade networks to be carried out. The high density of targets from the Bab-el-Mandab and Gulf of Aden and the long coast of Somalia presented the perfecting hunting grounds for attacks to be carried out. However, the factors that made the opportunities for rampant kidnap and ransom also presented

easy international intervention as the Somali government could not protest UN Resolutions for patrols in their territorial waters given the effect and pressure on the international community. The implementation of the Indian Ocean HRA can also be argued as viable as the Somalian government could not protest and the increased premiums and presence of international navies matched the definition of high-risk. On the other hand, the more advanced states in the Gulf of Guinea had piracy attacks mostly in international waters. Whilst the attacks did influence the international community, the increased capability of states prevented intervention in their waters and as such the response was shifted to capacity building for these countries.

What these two situations have in common is that they both involved violent piracy typologies with typically weaker, corrupt, or in the case of Somalia, failed states. The weakness of these states allowed international governments and private entities to have their way in dealing with the problem without much pushback from regional parties. As mentioned, Somalia needed all the help it could get to solve the problem considering its focus on the Al-Shabab insurgency on land. Moreover, whilst some of the Gulf of Guinea states could protest against international intervention in their waters, they could not turn down the help of international patrols, training, donations and funding to solve the issue as natural resources and blue water economies are instrumental to development in the region. Compare these situations

to South-East Asia where the states are massive economies with a greater ability to look after their resources and defend their sovereignty and it becomes clearer how the international community was able to intervene so heavily in Africa. Furthermore, whilst piracy has not always been as petty as it is in the contemporary setting in South-East Asia, the lack of international crews being kidnapped and killed at the same time as African piracy was taking place took the spotlight away from South-East Asia despite the problem being violent and frequent. Even kidnappings and killings from Abu Sayyaf did not incur the attention of the international community. Now that piracy in South-East Asia is less violent but still frequent, it does not attract the attention of the shipping community or international governments as it does not incur a high level of risk for profits and threat to life.

Conclusion

The final research question for this thesis can now be answered. Can a high-risk area, like seen in Somalia and the Gulf of Guinea with great success, be implemented in South-East Asia to reduce piracy in the Malacca and Singapore Straits which has been rampant for decades? The answer is no. With the archipelagic and narrow strait geography, higher status of development and GDP, better defence and stronger institutions than Africa the countries of South-East Asia can afford to sway off international pressure for intervention in their waters as they

have more power to control their sovereignty and resolve the issue themselves. It would take a dramatic event or change in piracy intensity and frequency to force the move of marine insurers like the JWC before for a high-risk area could be implemented and the intervention of international navies would surely be highly protested. The collective interests of the littoral states would most likely illicit a response to protect their sovereignty through increased cooperation before any of this could happen.

Conclusion

In conclusion, the puzzle of piracy in South-East Asia relates to a variety of actors, rules and concepts which interlink to allow high levels of piracy to exist under the surface of international attention. This thesis has answered three main research questions in relation to piracy in South-East Asia and why it is treated differently from other areas of piracy worldwide. We can now summarise the questions proposed in the introduction:

Firstly, piracy is treated differently in South-East Asia than in other regions of the world mainly due to geography, the international law imposed on that geography and the interest of the littoral states in maintaining their authority in their designated territories. The geography allows for vast coastlines and hideaways in which pirates can launch against narrow shipping lanes which cram a large proportion of worldwide trade providing a high density of target options. Political boundaries imposed on this space make operations easier for pirates and more difficult for the littoral states as security forces cannot follow in hot pursuit allowing pirates to have an easier getaway. Concerns over sovereignty mean that the littoral states are not willing to give permission for other states to operate within their waters due to the potential of undermining the authority and control of a state. The level of piracy in

these regions and even the threat of terrorism and insurgency operations has not been enough to get these states to change these processes indicating that sovereignty will be conceded when cooperating on transnational crime in the region.

For the second question we can also conclude that regional cooperation has been somewhat effective in reducing piracy but not to the same extent as international interventions seen in Africa. As has been shown, South-East Asia has the highest rates of piracy in the world with these rates increasing whilst the overall global trend decreases. What cooperation, mainly through ReCaap and the MALSINDO patrols, has been able to achieve is a reduction in the violence of piracy with a moderate annual decrease in the occurrence of attacks compared to previous decades. The change in piracy typology has shown that pirates attempt to steal without being detected and flee at the first sign of trouble indicating more effective responses from security forces in the region. Despite this change, the response is not enough to completely deter piracy altogether, but the typology has changed to reduce the risk of being caught. The advantages given to the pirates by the geography and political situation still give a tactical advantage which outweighs the risk of running illegal transnational operations despite the value of their scores going down due to the change in said tactics. The answer for this question relates to the first as this situation will likely remain this way or get worse if the sovereignty of territorial waters remains the prime concern due to hot pursuit limitations with

the focus on deterring Chinese expansion in the South-China Sea taking away resources. However, as will be shown in the limitations section of this conclusion, what is not taken into this consideration is the socio-economic conditions which effect the occurrence of maritime crime in the first place.

Finally, it is unlikely that South-East Asia would ever see an international intervention through a high-risk area or international naval operations. Currently, this is due to the intensity of the piracy typology seen on the Malacca and Singapore Straits as it does not warrant the safety or economic concern seen by other typologies as seen in Africa regardless of how frequently it occurs. As was shown with situations such as the war-risk insurance from Lloyds JWC in the early 2000s or the violent kidnap and ransom campaigns from insurgent groups such as CAM and Abu-Sayyaf, as well as more violent and frequent attacks from 2000-2016, were not enough to bring the intervention of the international community. We can summarise that due to the developed nature of the littoral states in comparison to African states. For the international community to intervene to promote freedom of navigation and the protection of seafarers would require a dramatic change in typology and frequency or a severe attack to gain the attention of the world. The right to protect and in this case promote of freedom of navigation would outweigh the right of state sovereignty to have authority and control over the narrow geography of the Malacca and Singapore Straits. Whilst the boarding success and

dense target area still warrant risk, as the littoral states argued against the Lloyds war-risk designation, you cannot impose transnational reaching measures on the fear of something happening.

Limitations and Future Research

In the process of writing and researching, a number of limitations were made apparent. The lack of sources for analysing cooperation against piracy in South-East Asia forced a change in the focus of this thesis. As a result, how cooperation is undertaken could not be focused on and was replaced with a focus on why cooperation is difficult in the region. Coupled with this were the limitations of data on statistics such as the number of piracy and robbery at sea convictions, number of extraditions and information on the number of patrols, type of engagements with pirates and the relevant forces who are involved in the most events. This would have made for an ideal analysis of what nations have the most invested in counter-piracy operations and the data could be compared to piracy attacks to analyse any links between them. However, as such data was not available the focus shifted to regional limitations of fighting piracy through international law and sovereignty. More time on analysing the differences between different piracy data sets may also have been useful but due to limitations in space for analysis, this could not be achieved.

In terms of future research and further expanding on the phenomenon of South-East Asian piracy there are a number of angles in which future hypotheses could be taken. For example, the use of interviews and sources in the region made available through local language sources was a noted limitation of this work. First-hand accounts with sources closer to the area experiencing piracy would be of value to future efforts in analysing the specifics of cooperation and how pirates operate. Whilst this work has focused on counter-piracy through security operations, future research could analyse the effects of humanitarian and socio-economic policies on the reduction of piracy. Work from people such as Storey have speculated on the impact of COVID-19 on piracy in South-East Asia so further research into this aspect would certainly be relevant. Furthermore, with institutions like HSBC predicting an economic recession in the following years (Smith, 2023), an understanding of the effects of economics on the occurrence of piracy would be useful for helping to shape policies to prevent it.

The work of Denton and Harris borrows from democratic peace theory where it is argued democratising states are more likely to go to war. Instead, they focus on how developing nations are more susceptible to piracy than those who are developed or failed (Denton and Harris, 2022, p. 2). A further analysis of this kind expanding further than the Gulf of Guinea to the nations of South-East Asia would also help

to add to how the governmental processes in the region affect the type of piracy which is seen there.

Contribution

This thesis has contributed to the field of security studies by analysing a non-state actor threat which is avoided in academic literature compared to other non-state groups such as terrorists and insurgents. South-East Asia has little academic literature in terms of piracy so the contribution of this work on why the area remains prevalent in piracy attacks, amongst other research questions, is original. In terms of maritime security, the puzzle of why South-East Asia is different but seldom talked about was avoided by various sources in the industry. Therefore, this thesis has provided a comprehensive answer to why South-East Asia is the outlier of contemporary maritime piracy in the world whilst using African piracy to emphasise the differences between the piracy hotspots. Such an extensive work on contemporary piracy is not present in the literature or industry and as the previous section stated. Despite limitations, the work provides a bedrock on which future research could expand given new types of methodology and sources. The combination of the use of statistics, secondary literature, legal documents and political concepts like sovereignty allow for the puzzle of South-East Asia to be solved.

Recommendations

The main recommendation would be for states, whilst respecting the importance of their sovereignty, to implement measures to help reduce piracy further. In this instance, the settling of maritime border disputes would likely encourage less anxiety over hot pursuit and sovereignty concerns. Letting other states operate a hot pursuit in clearly defined areas which are not in dispute would alleviate concerns over authority and control being undermined. ReCaap and ASEAN could also implement enforcement mechanisms to help transnational cooperation be achieved through the implementation of law or increased bilateral cooperation. However, it is unclear how states would respond to this as the conflict between sovereignty and transnationalism is ever present.

Of course, pirates always adapt in the cat and mouse dynamic between transnational criminals and the security forces of littoral states. As with all organised crime, the driving force behind these activities are the economic incentive and elements within society pushing people towards the choice such as social status and so on. Therefore, for real progress a combined and streamlined security response with increased economic and social development is the ideal holistic response. However, as stated, countries have piracy at different levels in terms of their concerns and such a unified response would potentially be unrealistic particularly with the particular typology of piracy.

Closing Statement

Overall, this thesis has shown that piracy in South-East Asia exists under the level of international attention to be combatted by the littoral states who value their maritime sovereignty above cooperation concerns. Pirates understand this flaw and use the complex maritime geography to their advantage to avoid capture. As piracy is not as violent as in Africa, in addition to geography, international law and reluctance of states to accept international help, the problem is not treated the same. Piracy, therefore, festers at high levels with some littoral states seeing it as more of a concern than others. The shipping industry too does not see it as impacting costs as much as African piracy even when it was more violent in the early 2000s. Only the risk of maritime terrorism was enough to get the attention of the world which was quickly lost after the littoral states cooperated to reduce piracy. Whilst piracy has been shown to be getting less violent, the frequency and fact that 95% of boardings are successful indicates that escalation can be a danger at any time. Other areas of the world such as the Bay of Campeche in the Gulf of Mexico, where pirates target oil platforms and local fishermen, are starting to receive an influx of pirate attacks with dangerous piracy also appearing again in the Gulf of Guinea after years of decline. However, with the current dynamic of South-East Asia it is likely to remain the most prolific piracy area worldwide for some time unless common interest in the region prevails to combat it.

Bibliography

Aben, E. (2021) 'Malaysia, Philippines Capture 8 Abu Sayyaf Militants in Sabah', *Arab News*. Available at: <https://www.arabnews.com/node/1856891/world> (Accessed: 02 July 2023).

'About ReCaap Information Sharing Centre', *ReCaap*. Available at: https://www.recaap.org/about_ReCAAP-ISC (Accessed on 26 June 2023).

Amri A. (2013) 'Combating Marine Piracy in Southeast Asia from International and Regional Legal Perspectives: Challenges and Prospects', *University of Wollongong Research Online*. Available at: <https://ro.uow.edu.au/lhapapers/1057/> (Accessed on 23 June 2023).

Amri A. (2014) 'South-East Asia's Maritime Piracy: Challenges, Legal Instruments and a Way Forward', *Australian Journal of Maritime and Ocean Affairs*, 6(3), pp. 154-169.

Anh, T.N.H. (2022) 'Stemming the Tide of Piracy in South-East Asia', *The Lowy Institute*. Available at: <https://www.lowyinstitute.org/the-interpreter/stemming-tide-piracy-southeast-asia> (Accessed: 27 April 2023).

Anyika, V.O., Ojakarotu, V. and Ani, K.J. (2022) 'Piracy in the Gulf of Guinea - Trends, Causes, Effects and Ways Forward', *African Journal of Development Studies*, Special Issue, pp. 5-20.

'ASEAN Declaration on Transnational Crime' (1997) *Association of Southeast Asian Nations*, Available at: <https://asean.org/wp-content/uploads/2012/05/ASEAN-Declaration-on-Transnational-Crime-1997.pdf> (Accessed: 02 July 2023).

Babalola, Y. (2022) 'IMO Commends Nigeria Over Drop in Piracy', *Leadership News*. Available at: <https://leadership.ng/imo-commends-nigeria-over-drop-in-piracy/#:~:text=However%2C%20speaking%20at%20the%202022,in%20the%20war%20against%20piracy.> (Accessed: 24 April 2023).

Bateman, S., Raymond, C.Z. and Ho, J. (2006) 'Safety and Security in the Malacca and Singapore Straits: An Agenda for Action', *Rajaratnam School of International Studies*. Available at: <https://www.files.ethz.ch/isn/26417/IDSS%20S&S%20book.pdf> (Accessed: 27 April 2023).

'BMP 5 - Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea' (2018) *International Chamber of Shipping*. Available at: <https://www.ics-shipping.org/publication/bmp5-hi-res-needs-further-compression-not-clear-on-date-only-one-available-is-for-a-related-file/> (Accessed on 03 March 2023).

'Bridge Watch: Indian Ocean High-Risk Area to be Withdrawn' (2022) *Dryad Global*. Available at: <https://channel16.dryadglobal.com/bridge-watch-indian-ocean-high-risk-designation-to-be-withdrawn#:~:text=Bridge%20Watch%3A%20Indian%20Ocean%20High%20Risk%20Designation%20to%20be%20Withdrawn,-By%3A%20Dryad%20Global&text=The%20Indian%20Ocean%20%E2%80%9CHigh%20Risk,effective%20from%20January%201%2C%202023.> Accessed on 13 June 2023.

Center for Preventative Action (2023) 'Territorial Disputes in the South-China Sea', *Global Conflict Tracker*. Available at: <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea> (Accessed: 27 February 2023).

Chang, F.K. (2021) 'At a Crossroads: Indonesia's Navy Modernisation', *Foreign Policy Research Institute*. Available at: <https://www.fpri.org/article/2021/09/at-a-crossroads-indonesias-navy-modernization/> (Accessed: 27 February 2023).

Cheng, C. 'China and U.S Anti-Piracy Engagement in the Gulf of Aden and Western Indian Ocean Region', *The Carter Center*, (5), pp. 2-15.

'China Claims a Big Backyard', *The South China Sea*. Available at: <https://www.southchinasea.org/files/2014/09/China-claims-a-big-backyard.png> (Accessed 10 July 2023).

'Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa' (2013) *International Maritime Organisation*. Available at:

https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/code_of_conduct%20signed%20from%20ECOWAS%20site.pdf (Accessed: 11 June 2023).

‘Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf’ (1988) *International Maritime Organisation*. Available at: <https://www.imo.org/en/About/Conventions/Pages/SUA-Treaties.aspx> (Accessed on 30 June 2023).

‘CTF-151’, *Combined Maritime Forces (CMF)*. Available at: <https://combinedmaritimeforces.com/ctf-151-counter-piracy/> (Accessed: 18 July 2023).

Denton G.L. and Harris J.R. (2022) ‘Maritime Piracy, Military Capacity and Institutions in the Gulf of Guinea’, *Terrorism and Political Violence*, 34(1), pp. 1-27.

Edward, O. (2022) ‘Piracy: Nigeria Removed From IBF Unsafe Waters List’, *Nigerian Maritime Administration and Safety Agency*. Available at: <https://nimasa.gov.ng/piracy-nigeria-removed-from-ibf-unsafe-waters-list/> (Accessed: 17 July 2023).

‘EU Training Mission in Somalia: Strengthening Defence and Security in the Country’ (2022) *European Union External Action*. Available at: https://www.eeas.europa.eu/eeas/fieldvision-eu-training-mission-somalia-strengthening-defence-and-security-country_en (Accessed on: 02 June 2023).

‘Fact Sheet: Collaborative Efforts Between Singapore Enforcement Agencies Ensure Security of Singapore Waters’ (2021) *MINDEF Singapore*. Available at: https://www.mindef.gov.sg/web/portal/mindef/news-and-events/latest-releases/article-detail/2022/january/18jan22_fs!/ut/p/z1/rZJNU9swEIZ_Sw8-KrtW_JXeDO0kMDFpaQBbF0Z25I_UloItYvLv2QAHOIIngmEEnafXs7ruvBAJSEFrum0raxmjZ0jkTwW24-nG6QI9frPy1i_H1er30Ty7OrsIArkGA2BXNBrLCneVhHoSskK7HPB4ELIo2LotyX3LlIVxheaQLbXe2hqxr9EaVrDDaKm0drE2nHNRqHJjUG6b2FB0cbKVVg2W9apUcFAU4cu7gVup72R8cdCPacn5bDnDzkVpB1_jGipHyxROy-u3NXQ_5cpVc-lRhNovW-IvjPHwB3qmRkYbwbQ0h3OwbNcKVNn1HBv_5pH8LhPMnCe9MSY_W

bO_uRExeH819sJB-vdnUhfJaVKRfmlr1ujSQHrkIX3hIX3Fk-yqNfnzp4p1Po0os1el6IU_ue8pXFu7G7476OA4jpPKmKpVk8J0Dv4vpTYDzfUvCbui6YH9rdMfk49kR_GMrF-Fn97BLPhoeQ!/dz/d5/L2dBISēvZ0FBIS9nQSEh/?urile=wcm%3Apath%3A%2Fmindef-content%2Fhome%2Fnews-and-events%2Flatest-releases%2F2022%2FJanuary%2F18jan22_fs (Accessed: 27 March 2023).

‘Floating Armouries’, *Dryad Global*. Available at: <https://dg.dryadglobal.com/floating-armouries> (Accessed: 17 July 2023).

Getachew, A. (2018) ‘The Limitations of Sovereignty as Responsibility’, *Constellations*. Available at: <https://onlinelibrary.wiley.com/doi/abs/10.1111/1467-8675.12387> (Accessed on 27 June 2023).

Hassan D. and Hasan S. (2017) ‘Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation’, *African Journal of Legal Studies*, 10, pp. 35-65.

Hastings J.V. (2020) ‘The Return of Sophisticated Maritime Piracy to South-East Asia’, *Pacific Affairs*, 93(1), pp. 1-10.

Hirst, T. (2014) ‘The World’s Most Important Trade Route?’, *World Economic Forum (WEF)*. Available at: <https://www.weforum.org/agenda/2014/05/world-most-important-trade-route/> (Accessed: 01 November 2022).

Hiswi P.A. (2018) ‘Resolving the Illicit Trade of Small Arms and Light Weapons Through ASEAN Ministerial Meeting on Transnational Crime (AMMTC)’, *Jurnal Ilmu Pemerintahan*, 8(2), pp. 110-123.

Hoe, T.K. (2023) ‘The Maritime Security Roles of the Shipping Community in Asia’, *Rajartham School of International Studies*, (2), pp. 1-5.

‘IFC, MPA Singapore Recommended Anti-Piracy Measures in Singapore’ (2023) *Safety4Sea*. Available at: <https://safety4sea.com/ifc-and-mpa-recommend-anti-piracy-measures-in-singapore/> (Accessed: 14 April 2023).

‘ITF Warlike and High-Risk Areas’, *ITF Seafarers*. Available at: <https://www.itfseafarers.org/en/your-rights/itf-warlike-and-high-risk-areas> (Accessed: 11 June 2023).

Jennings, R. (2021) '5 Years After South China Sea Ruling, Rivals Quietly Accepting China's Refusal to Comply', *Voa*. Available at: https://www.voanews.com/a/east-asia-pacific_5-years-after-south-china-sea-ruling-rivals-quietly-accepting-chinas-refusal/6209008.html (Accessed: 17 July 2023).

Kamal-Deen, C.A. (2015) 'The Anatomy of Gulf of Guinea Piracy', *Naval War College Review*, 68(1), pp. 93-118.

Khobragade J.W., Kumar, A., Aziz, S.N.B.A. and Maurya, D. (2021) 'The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study', *Journal of International Maritime Safety, Environmental Affairs and Shipping*, 5(4), pp. 208-224.

Kiras, J.D. (2019) 'Irregular Warfare: Terrorism and Insurgency' in Baylis, J., Wirtz, J., and Gray, C. (eds) *Strategy in the Contemporary World*. Oxford: Oxford University Press, pp. 186–205.

Konstam, A. (2008) *Pirates: The Complete History From 1300BC To The Present Day*, Lyons Press: Guilford.

Krasner S.D. (1999) *Sovereignty: Organised Hypocrisy*. Princeton: Princeton University Press.

'Latest Incidents' (2023) *ReCaap*, Available at: <https://www.recaap.org/resources/ck/files/Number%20of%20Incidents/2023/2023%20Latest%20Incident%20for%20Public%20Website.pdf> (Accessed: 28 June 2023).

'Legal Framework for the Repression of Piracy Under UNCLOS' (2010) *United Nations*. (Accessed: 03 February 2023).

Lombardo, N. (2014) 'Underreporting of Crimes at Sea: Reasons, Consequences and Potential Solutions', *One Earth Future*. Available at: <https://oneearthfuture.org/publication/underreporting-crimes-sea-reasons-consequences-and-potential-solutions#:~:text=A%20record%20of%20frequent%20pirate,all%20than%20facing%20the%20repercussions.> (Accessed: 04 April 2023).

'Malacca Straits', *Dryad Global*. Available at: <https://dg.dryadglobal.com/south-east-asia-straits-of-malacca> (Accessed: 03 February 2023).

- ‘Malacca Straits Removed From War Risk List’, *Insurance Journal*. Available at: <https://www.insurancejournal.com/news/international/2006/08/09/71308.htm> (Accessed 02 May 2023).
- ‘Maritime Domain Awareness Trade – Gulf of Guinea’, *MDAT-GoG*. Available at: <https://gog-mdat.org/home> (Accessed: 27 June 2023).
- ‘Maritime Security: 2022 Year in Review’ (2023) *Hellenic Shipping News*. Available at: <https://www.hellenicshippingnews.com/maritime-security-2022-year-in-review/> (Accessed: 29 January 2023).
- ‘Maritime Security Annual Report 2022’ (2023) *MICA Center*. Available at: <https://www.mica-center.org/en/publications-2/> (Accessed: 14 March 2023).
- McCauley, A. (2014) ‘The Most Dangerous Waters in the World’, *TIME Magazine*. Available at: <https://time.com/piracy-southeast-asia-malacca-strait/> (Accessed: 26 March 2023).
- McLaughlin, M. (2017) ‘Is Collective Southeast Asian Security Only Achievable in Malacca?’ *CIMSEC*. Available at: <https://cimsec.org/collective-southeast-asian-security-achievable-malacca/> (Accessed: 08 May 2023).
- Mearsheimer, J.J. (2001) *The Tragedy of Great Power Politics*. New York: W.W Norton.
- Natarajan, K. (2023) ‘ReCaap ISC: Straits of Malacca and Singapore Remain an Area of Concern’, *Safety4Sea*. Available at: <https://safety4sea.com/cm-recaap-isc-straits-of-malacca-and-singapore-remain-an-area-of-concern/> (Accessed: 16 July 2023).
- Nayel, S. (2023) ‘Asian Water Sees 13% Rise in Sea Robbery in First Months of 2023’, *Container News*. Available at: <https://container-news.com/asian-water-sees-13-rise-in-sea-robbery-in-first-months-of-2023/> (Accessed: 9 June 2023).
- ‘Niger Delta Ministers React to N480 Billion Fraud Allegation, Alleged Sacking of 700 Development Commission, NDCC Workers’ (2022) *Sahara Reporters*. Available at: <https://saharareporters.com/2022/10/21/niger-delta-minister-reacts-n480billion-fraud-allegation-alleged-sacking-700-development> (Accessed: 07 June 2023).

‘Nigeria - Pirates and Kidnapping’, *Dryad Global*. Available at: <https://dg.dryadglobal.com/nigeria-pirates-and-kidnapping> Accessed on: 13 June 2023.

Orjoinmo, N. (2022) ‘Nigeria’s Stolen Oil, the Military and a Man Named Government’, *BBC*. Available at: <https://www.bbc.co.uk/news/world-africa-63314545> (Accessed: 10 July 2023).

Peters, B.C. (2020) ‘Nigerian Piracy: Articulating Business Models Using Crime Script Analysis’, *International Journal of Law, Crime and Justice*, 62, pp. 1-17.

Pham, P. (2010) ‘The Failed State and Regional Dimensions of Somali Piracy’, in Ginkel, V.A and Putten, F.V.D. (eds.) *The International Response to Somali Piracy: Challenges and Opportunities*. Leiden: Martinus Nijhoff Publishers. pp. 31-60.

Phan, B. ‘West Africa HRA’, *True North Marine*. Available at: <https://tnmservices.com/west-africa-hra/> (Accessed on: 02 July 2023).

Phayal, A., Gold, A. and Prins, B. (2022) ‘Interstate Hostility and Maritime Crime: Evidence from South-East Asia’, *Marine Policy*, 17(3), pp. 1-9.

‘Piracy and Armed Robbery Against Ships: Report for the Period 1st January - 31st December 2011’ (2012) *ICC International Maritime Bureau (IMB)*. Available at: <https://www.safety4sea.com/wp-content/uploads/2014/09/pdf/IMB%20REPORT%202011.pdf> (Accessed: 01 March 2023).

‘Piracy and Armed Robbery Against Ships: Report for the Period 1st January - 31st December 2014’ (2015) *ICC International Maritime Bureau (IMB)*. Available at: <https://www.hellenicshippingnews.com/wp-content/uploads/2015/01/2014-Annual-IMB-Piracy-Report-ABRIDGED.pdf> (Accessed: 01 March 2023).

‘Piracy and Armed Robbery Against Ships: Report for the Period 1st January - 31st December 2019’ (2020) *ICC International Maritime Bureau (IMB)*. Available at: https://www.icc-ccs.org/reports/2019_Annual_Piracy_Report.pdf (Accessed on 01 March 2023).

‘Piracy and Armed Robbery Against Ships: Report for the Period 1st January - 31st December 2020’ (2021) *ICC International Maritime Bureau (IMB)*. Available at: https://icc-ccs.org/reports/2020_Q1_IMB_Piracy_Report.pdf (Accessed on 01 March 2023).

‘Piracy and Armed Robbery Against Ships: Report for the Period 1st January - 31st December 2021’ (2022) *ICC International Maritime Bureau (IMB)*. Available at: https://www.icc-ccs.org/reports/2021_Annual_IMB_Piracy_Report.pdf (Accessed on 01 March 2023).

‘Piracy and Armed Robbery Against Ships: Report for the Period 1st January - 31st December 2022’ (2023) *ICC International Maritime Bureau (IMB)*. Available at: <https://www.icc-ccs.org/reports/2022%20Annual%20IMB%20Piracy%20and%20Armed%20Robbery%20Report.pdf> (Accessed: 01 March 2023).

‘Piracy and Armed Robbery Against Ships’, *International Maritime Organisation (IMO)*. Available at: <https://www.imo.org/en/OurWork/Security/Pages/PiracyArmedRobberydefault.aspx> (Accessed: 03 February 2023).

‘Piracy and Violence: An Unacceptable Problem’ (2021) *International Chamber of Shipping*. Available at: <https://www.ics-shipping.org/current-issue/piracy-and-violence-an-unacceptable-problem/> (Accessed: 16 July 2023).

‘ReCaap Agreement’ (2004) *ReCaap*. Available at: <https://www.recaap.org/resources/ck/files/ReCAAP%20Agreement/ReCAAP%20Agreement.pdf> (Accessed on 17 June 2023).

‘Regional Guide 2 to Counter Piracy and Armed Robbery Against Ships in Asia’ (2022) *ReCaap*, Available at: [https://www.recaap.org/resources/ck/files/guide/Regional%20Guide%202%20to%20Counter%20Piracy%20%20Armed%20Robbery%20against%20Ships%20in%20Asia%20\(HR\)%20v1.pdf](https://www.recaap.org/resources/ck/files/guide/Regional%20Guide%202%20to%20Counter%20Piracy%20%20Armed%20Robbery%20against%20Ships%20in%20Asia%20(HR)%20v1.pdf) (Accessed: 14 March 2023).

‘Reports on Acts of Piracy and Armed Robbery Against Ships: Annual Report - 2022’ (2023) *International Maritime Organisation (IMO)*. Available at:

https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSC.4-Circ.267_Annual%20report_2022.pdf (Accessed: 01 March 2023).

Ridderwald, M. (2014) 'New Threats - Different Response: EU and NATO and Somali Piracy', *European Security*, 23(4), pp. 546-564.

Robertson, S. (2022 A) 'Do You Know Why Some Piracy Attacks Go Unreported?', *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/do-you-know-why-some-piracy-attacks-go-unreported> (Accessed: 02 February 2023).

Robertson, S. (2022 B) 'Do You Know 8 Objectives of the IMO?', *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/do-you-know-8-objectives-of-the-imo> (Accessed: 02 February 2023).

Robertson, S. (2022 C) 'Is China Affecting Piracy with South-China Sea Encroachment?', *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/is-china-affecting-piracy-with-south-china-sea-encroachment> (Accessed on 03 December 2023).

Robertson, S. (2022 D) 'Is the Removal of the Indian Ocean High-Risk Area a Good Idea?', *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/is-the-removal-of-the-indian-ocean-high-risk-area-a-good-idea> (Accessed on 03 December 2023).

Robertson, S. (2022 E) 'Kidnapped By Pirates: Read Two Horrifying Accounts', *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/kidnapped-by-pirates-read-two-horrifying-accounts> (Accessed: 22 February 2023).

Robertson, S. (2022 F) 'What Is Singapore Doing to Combat Piracy?', *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/what-is-singapore-doing-to-combat-piracy> (Accessed: 02 February 2023).

Robertson, S. (2023 A) 'Hijacking of the Success 9: Everything We Know So Far'. *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/hijacking-of-the-success-9-everything-we-know-so-far> (Accessed on 05 May 2023).

Robertson, S. (2023 B) 'Quick Overview of the IMB 2022 Piracy Figures', *Palaemon Maritime*. Available at: <https://www.palaemonmaritime.com/post/quick-overview-of-the-imb-2022-piracy-figures> (Accessed: 02 February 2023).

Rusli, M.H.M. (2022) 'The Proposed Kra Canal: Maritime Highway of the Future', *Seatrade Maritime*. Available at: <https://www.seatrade-maritime.com/opinions-analysis/proposed-kra-canal-maritime-highway-future> (Accessed: 21 March 2023).

Seyedi, S. (2022) 'Strategic Importance of Strait of Malacca in Southern Asia', *Ankara Center for Crisis and Policy Studies*. Available at: <https://www.ankasam.org/strategic-importance-of-strait-of-malacca-in-southern-asia/?lang=en> (Accessed: 16 July 2023).

'Singapore's 2022 Piracy Incidents 7-Year High: Watchdog' (2023) *S&P Global*. Available at: <https://www.spglobal.com/commodityinsights/en/market-insights/latest-news/shipping/011823-singapores-2022-piracy-incidents-hit-7-year-high-watchdog> (Accessed: 26 March 2023).

'Six Countries Adopt Yaoundé Agreement on Maritime Security', *Dryad Global*. Available at: <https://channel16.dryadglobal.com/six-countries-adopt-yaounde-agreement-on-maritime-security> (Accessed: 20 March 2023).

Slaughter, A.M. (1997) 'The Real New World Order', *Council on Foreign Relations*. 76(5), pp. 183-197.

Sörenson, K. (2019) 'Deterring the Dauntless: Appraising the Effects of Naval Deterrence Against the Somali Piracy', *WMU Affairs*, 17(1), pp. 31-48.

Southgate, L. (2015) 'Piracy in the Malacca Strait: Can ASEAN Respond?', *The Diplomat*. Available at: <https://thediplomat.com/2015/07/piracy-in-the-malacca-strait-can-asean-respond/> (Accessed: 05 March 2023).

'Sovereignty' (2020) *Stanford Encyclopaedia of Philosophy*. Available at: <https://plato.stanford.edu/entries/sovereignty/> (Accessed: 04 July 2023).

Storey, I. (2022) 'Piracy and the Pandemic: Maritime Crime in Southeast Asia, 2020-2022' *ISEAS*. Available at: <https://www.iseas.edu.sg/articles->

commentaries/iseas-perspective/2022-76-piracy-and-the-pandemic-maritime-crime-in-southeast-asia-2020-22-by-ian-storey/ (Accessed: 08 May 2023).

Strangio, S. (2021) 'Indonesia Seeking Southeast Asian Coordination on South China Sea Disputes', *The Diplomat*. Available at: (Accessed: 27 February 2023).

Thomas, B. (2005) 'Malacca Strait a 'War-Risk Zone?' Lloyds Should Review its Assessment', *IDSS Commentaries*. Available at: <https://www.rsis.edu.sg/rsis-publication/idss/718-malacca-straits-a-war-risk/> (Accessed on 27 April 2023).

'UN: Nigeria's Pirates Switch from Kidnapping Seafarers to Stealing Oil' (2022) *The Maritime Executive*. Available at: <https://maritime-executive.com/article/un-nigeria-s-pirates-switch-from-kidnapping-seafarers-to-stealing-oil> (Accessed on 15 March 2023).

'United Nations Convention on the Laws of the Sea' (1982) *United Nations*. Available at: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (Accessed on 01 March 2023).

'US, West African Forces to Tackle Piracy and Illegal Fishing', *Voa Africa*. Available at: <https://www.voaafrica.com/a/us-west-african-forces-to-tackle-piracy-and-illegal-fishing/7007979.html> (Accessed 17 July 2023).\

'What Is The Origin Of The Word Viking?', *Britannica*. Available at: <https://www.britannica.com/question/What-was-the-Vikings-religion> (Accessed: 17 July 2023),

'What We Do', *Combined Maritime Forces (CMF)*. Available at: <https://combinedmaritimeforces.com> (Accessed: 27th May 2023).

Zhou, H. And Seibel, K. (2015) 'Maritime Insecurity in the Gulf of Guinea: A Greater Role for China?', *Jamestown Foundation*, 15(1). Available at: <https://www.refworld.org/docid/54b641484.html> (Accessed: 17 July 2023).