

CHAPTER I

INTRODUCTION

A. BACKGROUND

Southeast Asia is one of the most important trade and commerce routes in the world. More than one-third of the world trade ships pass the Southeast Asian water which consists of Strait of Malacca, Indonesian archipelago, Singapore Strait, Filipino water and South China Sea. Since long ago, this route has been the main route for trade between India and the West with China. Yet, most of reported cases of piracy and sea robbery incidents occurred in these areas. According to Time, between 1995 and 2013, about 41% of the world's piracy attack occurred in Southeast Asia.¹ Southeast Asia was, therefore, declared by UN as the most perilous sea in the world that has threatened the sea insecurity across the area.

Piracy has casted long shadow in the history of Southeast Asia. It had existed long before the arrival of the European trading companies in Southeast Asia. In the native political communities, piracy, along with trade, accompanied the changing coalitions, which included efforts at enrichment and political expansion.²

In the nineteenth century colonial era, the pirates confronted the Dutch or British colonies in Southeast Asia. There were three types of pirates in the nineteenth century Southeast Asia. The first two types were the typical type that has existed for a

¹McCauley, Adam. *Pirates in Southeast Asia: The World's Most Dangerous Waters*. 2014. Retrieved from Time Inc. Network: <http://time.com/piracy-southeast-asia-malacca-strait/> on 9 December 2014

²Teitler, Ger. "Piracy in Southeast Asia: A Historical Comparison." *Maritime Studies 1* (2002): 67-82. Downloaded from <http://www.marecentre.nl/mast/documents/GerTeitler.pdf>.p.69.

long time, pirates who raided fishermen and trading ships. The difference between these two laid on the regularity of the action. One is part-time pirates and the other is full-time pirates who belonged to certain pirate community, which revolved from the sea people of the area. The third type is the type of pirates who operated on the coasts and were after people. They raided the coastal areas and kidnapped people to be sold as slaves to European colonies.³

In recent years, piracy and armed robbery attacks in Southeast Asia are classified into three types, short-term, long term, and permanent seizures. The short-term seizure is a type of attack that involves less or no violence. This type is mostly done by petty thefts who are opportunists.⁴ They mostly steal the belongings and money of the passengers of the victim vessels, and also engine parts of the vessels. The petty thefts often operate at anchor, and are typical “Asian Pirates”. The long-term seizure is a type of piracy that is conducted by a more organized type of pirates. They are armed with guns and uses modern navigation when operating. This type often hijacks vessels and held it for hostage for a few days to load off the cargo, and then set them free.

The permanent seizure is almost similar with long-term, but the difference lays on the treatment toward the vessels. On the case of long term seizure, after hijacking, the pirates hold the crew and passengers on hostage for some time, then

³Teitler, Ger. "Piracy in Southeast Asia: A Historical Comparison." *Maritime Studies 1* (2002): 67-82. Downloaded from <http://www.marecentre.nl/mast/documents/GerTeitler.pdf>

⁴Johnson, Derek and Mark J. Valencia. *Piracy in Southeast Asia; Status, Issues, and Responses*, ISEAS Publication, Singapore, 2006. p.81

release them using safety boats or the pirate's original vessel, while the hijacked vessel will be transformed into a new illegal vessel. This is called "phantom ship" phenomenon, where the pirates repainted the name and IMO number of the vessel into a new fake one. It is suggested that this type is emerging in Southeast Asia as more organized syndicate. This case mostly happened in the area of Indonesian waters, the straits of Malacca, and Singapore straits.⁵

The number of piracy and armed robbery incidents in contemporary Southeast Asia raised in 1990s. The rise was started when the number of reported attacks went from only 3 in 1989 to 60 reports in 1990.⁶ However, the IMO reported that there were 1587 of total piracy attacks between 1984 and 1999, while 1676 incidents were recorded in only four years, in 2000 to 2003.⁷ A raising number of the incidents throughout the years were also resulted from the Asian financial crisis on the late 1990s. The world's monetary crisis has increased poverty in the world developing society including fishermen and therefore has led them to transform into pirates and robber to get better income. The crisis also forced the states to reduce their maritime security because of limited budget.

⁵Abbot, Jason and Neil Renwick . "Pirates? Maritime Piracy and Societal Security in Southeast Asia." *Pasifica Review: Peace, Security & Global Change* (1999): 7-24. Downloaded from <http://www.tandfonline.com/doi/abs/10.1080/14781159908412867#.U5EjyHurFhY> on 14 December 2014. p.11

⁶Chalk, Peter. "Contemporary Maritime Piracy in Southeast Asia." *Studies in Conflict & Terrorism* (1998): 87-112. Downloaded from <http://www.tandfonline.com/doi/abs/10.1080/10576109808436055#.U5EjKHurFhY> on 14 December 2014.p.89.

⁷Farley, Robert M. and Yoav Gortzak. "Fighting Piracy: Experience in Southeast Asia and off the Horn of Africa." *Journal of Strategic Security* (2000): 1-24. Downloaded from <http://scholarcommons.usf.edu/jss/vol2/iss1/1> on 14 December 2014.p.5.

Aside to the fact that the Strait of Malacca and Indonesian water as well as the strait of Singapore are the main trade ship routes, lack of efforts and coordination by Malaysia and Indonesia also presumably contributed to the increase in the number of incidents in the area. The number of attacks in these areas contributes to more than a half of the total attacks in Southeast Asia. Malaysia and Indonesia, however, focused merely on preserving their sovereignty and claims of authority over the straits of Malacca. Apparently, they have paid less attention on political will and awareness regarding piracy issues and concern more on issues related to smuggling, illegal fishing, and illegal immigration.⁸ On the contrary, Singapore puts a high concern on piracy and sea robbery. This could be related to Singapore's reputation as the world's top container and bunkering ports.⁹ Singapore focuses on maintaining maritime security by providing aids to navigation, such as the Traffic Separation Scheme (TSS), and Mandatory Ship Reporting System (STRAITREP)¹⁰, in order to minimize disruption to shipping and port activities and secure sea lanes.

Given that piracy incidents have magnitude impacts on sea security threat and economy and politics of Southeast Asian countries, a breakthrough has been taken by Malaysia, Singapore and Indonesia starting in June 2004 by establishing a trilateral coordination patrol. The joint patrol is named MALSINDO, and its central role is to patrol in the straits of Malacca. This action is taken as a form of reaction to the

⁸ ibid

⁹Ho, J. *Singapore's Security Priorities in the Malacca Straits*. 2 June 2009. Available at www.mima.gov.my/v2/data/pdf/.../49.Singapore_Security_Priorities.ppt

¹⁰ ibid

increasing number and pressures from NGOs toward the governments relating to piracy issue in the Strait of Malacca¹¹. A bilateral cooperation between Singapore and Indonesia and between Malaysia and Indonesia is also intensified in order to counteract the piracy issues.

Prior, counter-piracy efforts had been shown by the International organizations such as the United Nations (UN) and the International Chamber of Commerce (ICC). The UN creates the International Maritime Bureau (IMB) as a direct counter-piracy body which provides satellite tracking system and rapid response investigative service, whilst the International Maritime Organization (IMO) was created by the ICC as an indirect effort by conducting seminars in improving governments and officials in their ability to prevent piracy. Both bodies are also active in issuing regular reports regarding piracy and armed robbery incidents.¹² In Southeast Asia level, the IMB created Regional Piracy Center (RPC) as a result of a meeting in 1992. Based in Malaysia, this center reports piracy and armed robbery attacks, as well as issues daily bulletins and weekly reports related to piracy attacks, potential area and danger that would help safe navigation.¹³ Yet, despite being facilitated by International bodies and advanced technology, controlling piracy and robbery is still a challenging task.

¹¹Mak, Joon Num. *NGOs, Piracy and Maritime Crime in Southeast Asia*. 9 September 2013. Retrieved from Neptune Maritime Security: <http://www.neptunemaritimesecurity.com/ngos-piracy-and-maritime-crime-in-southeast-asia/> on 17 December 2014.

¹²Bulkeley, Jennifer C. "Regional Cooperation on Maritime Piracy: A Prelude to Greater Multilateralism in Asia?" *Journal of Public and International Affairs* (2003): 1-26. Downloaded from <http://princeton.edu/~jpia> on 14 December 2014.p.8.

¹³ *ibid*

An important strategy is also set up recently with the emphasis on government-to-government basis on the regional level. This step was initiated by the former Japanese Prime Minister, Keizo Obuchi, in the ASEAN+1 Summit Meeting held in Manila on November 1999. He introduced a concept for regional cooperation in piracy and sea robbery issues to address the high number of piracy attacking toward Japanese vessels. In addition, Japan arranged Asia Anti-Piracy Challenge 2000 conference in Tokyo which declared Tokyo Appeal and the Model Action Plan. In October 2001, the Prime Minister Junichiro Koizumi proposed the regional cooperation agreement on combating piracy and armed robbery at sea. Tokyo Appeal and the Model Action Plan later became the basis for the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) that was finalized in November 2004 in Tokyo involving 16 member countries which included 10 ASEAN countries.¹⁴The ReCAAP became the first government-to-government counter-piracy effort as it came into force on the 4th of September 2006.

B. RESEARCH QUESTION

How has the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) contributed in reducing piracy and armed robbery in Southeast Asia since its establishment in 2006 until 2014?

C. PURPOSE OF RESEARCH

¹⁴Ho, Joshua. "Combating Piracy and Armed Robbery in Asia: The ReCAAP Information Sharing Centre (ISC)." *Marine Policy* (2008): 432-434. Article retrieved from www.elsevier.com/locate/marpol on 14 December 2014.

In order to get better understanding about the roles of ReCAAP in reducing piracy and armed robbery incidents across the waters of Southeast Asia from 2006 to 2014, a research is conducted with the aim to find out the contributions of the organization.

D. THEORETICAL FRAMEWORK

The regime theory will be used as an approach in the research in order to analyze the contributions of ReCAAP in Southeast Asia. Analysis of regime is focused on the cooperation among states in pursuing a certain goal.

First, we need to know what regime actually is. As a word, regime simply means “a system or ordered way of doing things”.¹⁵ A definition of international regime by Stephen D. Krasner is often used as a starting point. He states that regime is “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations”. A “thinner” definition¹⁶ offered by Robert Keohane, defines international regime as “institutions with explicit rules, agreed upon by governments that pertain to particular sets of issues in international relations.” This thinner definition focuses on identifying “regime” on the basis of explicit rules and procedure, and avoids making it too inclusive. On the other hand, a thicker definition is based on *observed behavior* that produced certain rules, norms, principles and

¹⁵Oxford Dictionaries.*Regime Definition*. 2015. Available at <http://www.oxforddictionaries.com/definition/english/regime> retrieved on 20 December 2014.

¹⁶Stokke, Olav Schram. "Determining the Effectiveness of International Regimes." (2007): 1-24. Retrieved from <http://www.svt.ntnu.no/iss/fagkonferanse2007/intern/papers/olav.s.stokke@fni.noStokkeDeterminRegimeEffectiveness.PDF> on 14 December 2014. p.2.

procedures. In a simpler way, international regime is a set of rules and norms created with the aim to govern a particular system of activities.¹⁷

Regime functions as a joint-solution for collective problems. An international cooperation is needed because even though a single government system is capable in solving its national problem, it has low capacity in solving international problems.¹⁸

This is mainly because international, transnational, and global problems are problems which exist in more than one state. Regime is constructed in order to “remove specific issue-areas of international politics from the sphere of self-help behavior.”¹⁹

Regime helps the states to cooperate in order to achieve joint gains in forms of additional welfare or security. It is done by “creating shared expectations about appropriate behavior and by upgrading the level of transparency in the issue-area”.²⁰ In the case of ReCAAP, Japan initiates the joint solution regarding the high number of piracy and armed robbery against ships in Asia. Piracy and armed robbery against ships is considered as an international problem because it occurs not only in the area of one sovereign country, but also on the high seas, therefore cooperation is highly needed to handle it. ReCAAP is also established because Southeast Asia, which has most of the attacks, is still lack of regional cooperativeness. Prior to the

¹⁷Underdal, Arild. "One Question, Two Answers." (2000). Downloaded from https://mitpress.mit.edu/sites/default/files/titles/content/9780262632416_sch_0001.pdf

¹⁸Young, Oran R. "Effectiveness of International Environmental Regimes: Existing Knowledge, Cutting-edge Themes, and Research Strategies." *PNAS* 13 December 2011. Retrieved from <http://www.pnas.org/content/108/50/19853.full>.

¹⁹Hasenclever, Andreas, Peter Mayer and Volker Rittberger. "Integrating Theories of International Regimes." *Review of International Studies* (2000): 3-33. Downloaded from <http://www.jstor.org/stable/20097653>. p.3.

²⁰ Ibid.

establishment, counter piracy efforts were only included bilateral or trilateral cooperation, such as MALSINDO, a maritime cooperation among Malaysia, Singapore and Indonesia, and bilateral agreements between Singapore and Malaysia, and Singapore and Indonesia.²¹

According to Valencia (2006), in the maritime sphere, there are several types of approaches in regional cooperation. They are including joint activities, regional organizations, treaty arrangements, harmonization of laws and policies, and informal contacts.²² The rules, principles, norms, and decision making procedure of regime are implemented into treaty arrangements for regional cooperation or in this case the ReCAAP agreement. The agreement is consisted of three pillars. The pillars are including information sharing system between the member countries, capacity building among the member countries, and engage in cooperative arrangements with like-minded organizations to strengthen the ability of the member countries to manage incidents at sea.²³ It is according to the three pillars which then the joint activities, regional organization, harmonization of laws and informal contacts proceed on.

As a mechanism in fighting against piracy and armed robbery according to the agreement, the Information Sharing Center (ISC) was established in 2006. The

²¹Johnson, Derek and Mark J. Valencia. *Piracy in Southeast Asia; Status, Issues, and Responses*, ISEAS Publication, Singapore, 2006.p.104.

²²Valencia, Mark J. "Regional Maritime Regime Building: Prospects in Northeast and Southeast Asia." *Ocean Development & International Law*. (2000). 223-247. Retrieved from <http://dx.doi.org/10.1080/009083200413145> on 14 December 2014.p.232.

²³Ho, Joshua. "Combating Piracy and Armed Robbery in Asia: The ReCAAP Information Sharing Centre (ISC)." *Marine Policy* (2008): 432-434. Article retrieved from www.elsevier.com/locate/marpol on 14 December 2014.

Information Sharing Center (ISC) is declared as International Organization and acts as the center of information sharing among the contracting parties regarding piracy and armed robbery attacks. The ISC manages information regarding maritime piracy and robbery by receiving any information from the ReCAAP focal points located at each state and shares it through a secured web-based Information Network System.²⁴

The focal point itself is designed in each member countries as a point of contact with the ISC headquarter in Singapore. The roles of the focal points in each country are including managing piracy and sea robbery incidents in each territory, as a point of information exchange with the ISC, facilitating the country's law enforcement investigation, and coordinating surveillance and enforcement for piracy and sea robbery with neighboring focal points. The contracting parties were able to choose among its own national institution, such as the Coast Guard, Marine Police, Navy, Port Authority or Customs (Marine), as their focal points.²⁵ This is also categorized as joint activities, harmonization of laws and policies, and informal contact as the contracting parties share information together, and establish the focal points.

The capacity building is in form of joint activities and informal contact which are aimed to enhance awareness. The capacity building programs includes capacity building initiatives. Because of lack of interaction between each countries' national maritime organization, the capacity building programs are aimed to break down the

²⁴ReCAAP ISC. *About ReCAAP ISC*. Retrieved from ReCAAP Web Site: <http://www.recaap.org/AboutReCAAPISC.aspx> on 14 December 2014.

²⁵Ho, Joshua. "Combating Piracy and Armed Robbery in Asia: The ReCAAP Information Sharing Centre (ISC)." *Marine Policy* (2008): 432-434. Article retrieved from www.elsevier.com/locate/marpol on 14 December 2014.

self-contained silos²⁶ and increase the awareness to cooperate with other countries in combating piracy and armed robbery. This is achieved by exercises, training workshops, and technical assistance programs.

The agreement also initiated to engage cooperative arrangement with other organizations with the same concern. This is due to the fact that in the case of piracy and armed robbery, along with governments, other organizations such as IMO, Asian Shipowners' Forum (ASF), the Baltic and International Maritime Council (BIMCO), and the International Independent Tanker Owners' Organization (INTERTANKO) have the same objective to fight against piracy and armed robbery against ships. ReCAAP has also had accession with Indonesia and Malaysia that did not sign the ratification. The accession is in form of exchanging information with the government officials of both countries which are specialized in maritime security. The number of incidents in the waters of both Indonesia and Malaysia are the highest among the Southeast Asian countries; therefore the accession is very important. Engaging in cooperative arrangement is a form of treaty arrangement where the ReCAAP sign official agreement or MoU with international organizations. They then conduct joint activities and exchange informal contacts.

E. HYPOTHESES

Through the establishment of the Information Sharing Center (ISC) as the mechanism process and the implementation of the three pillars of the ReCAAP

²⁶ ibid

Agreement, the contributions of ReCAAP in reducing piracy and armed robbery in Southeast Asia since 2006 to 2014 include:

- Enhance the information sharing regarding maritime piracy and robbery by receiving any information from the ReCAAP focal points located at each state.
- Provide capacity building between the member states in combating piracy and armed robbery, including exercises, training workshops, and technical assistance programs.
- Engage in cooperative arrangements with other institutions and organizations which share the same concern to combat piracy and armed robbery against ships.

F. METHODS OF RESEARCH

The type of this research is descriptive and the method used is qualitative. The author tries to explain the contributions that ReCAAP has given in achieving its goal. It is conducted through collecting and analyzing the secondary sources including information from books, journals, articles, news, electronic data, and other data associated with ReCAAP, piracy and armed robbery issues.

G. SCOPE OF RESEARCH

This research focuses on the contributions that ReCAAP has given in reducing piracy and armed robbery incidents, particularly in Southeast Asia since 2006 until 2014. In order to reap the contributions, ReCAAP is being analyzed as a

regime during this period of time. The scope of the research is, therefore, analyzing the contribution through regime theory.

H. SIGNIFICANCE OF RESEARCH

- This research is expected to be one of the reference materials for the study of International Relations related to international organizations and regional security.
- Through the information from this research, it is also expected to raise awareness regarding the issues of piracy and armed robbery, particularly in Southeast Asia as well as toward the ReCAAP as the first regional cooperation in the region as a breakthrough in government-to-government level.

I. THE STRUCTURE OF THESIS

Chapter 1 explains about the background of the research, the research question, the purpose of the research, the theoretical framework which will be used in analyzing the problem, and the hypothesis that the writer hypothesized. This chapter also contains other information regarding the research, including methodology used in the research, the range of research, the significance as well as the structure of this undergraduate thesis.

Chapter 2 explains about the phenomenon of piracy and armed robbery as a threat in Southeast Asia. This chapter will also explain about the impacts that

piracy and armed robbery has given in the region, the counter piracy cooperations and agreements that were arranged among Southeast Asian countries and what led into the establishment of ReCAAP.

Chapter 3 explains about ReCAAP as a regime, the ReCAAP Agreement, the Actors involved, and the Jurisdiction and Law Enforcement.

Chapter 4 explains about the three pillars of the ReCAAP Agreement in its implementation. The three pillars became three main activities which is also as the contributions of the ReCAAP in reducing piracy and armed robbery against ships in Southeast Asia.

Chapter 5 contains the conclusion from all chapters and concluding the contributions that ReCAAP has given in combating piracy and armed robbery against ships in Southeast Asia.