

CHAPTER II

MARITIME SECURITY IN THE SULU AND CELEBES SEA

Due to its geography, Southeast Asia plays a significant role in the world's trade, transport and security interests. More than half of the world maritime trade travels through Southeast Asia, predominantly through the Strait of Malacca due to location and established navigational system (Rosenberger, 2002). However, the Lombok-Makassar route which leads to the Celebes Sea is one of the only bodies of water in the area capable of supporting submarines and supertankers, making this route important for world trade and energy commerce (Guoxing, 2000).

According to a study by the Merchant International Group in November of 2005, predicted that Indonesian waters outside of the Malacca Strait would experience over 70 attacks to maritime shipping within one year. The study particularly emphasizes on the eastern coast of Borneo, classifying it as a lawless area where organized crime and corruption of government officials is rampant. The study also mentioned high risk areas such as the Malacca and Makassar straits, and Sulu and Celebes Sea, the latter two being areas adjacent to the Celebes Sea. The Strait of Makassar is not frequently transited with the exception of crucial cargo which encounters difficulty in transiting the Strait of Malacca due to depth limitations (Guoxing, 2000).

A. The Problem in the Sulu and Celebes Sea

The Archipelago of Sulu - or, more specifically, the border area of one million square kilometers in the Sulu-Celebes Sea between the southern Philippines, Indonesia and Malaysia has long been recognized by Southeast Asian observers as an important part in Asia's maritime space (Parameswaran P. , 2016). With its porous borders and decades of weak government, it has become a center of organized transnational crime and terrorist threats and is also at the center of some of the remaining inter-state disputes (Parameswaran, 2016).

Threats to regional peace and stability in the Sulu and Celebes Sea are diverse and come from foreign and domestic sources. These body of water is surrounded by Indonesian, Malaysian and Philippine island territories where boundary enforcement is limited. As a result, pirates, terrorist organizations, and peaceful civilians move across islands and land borders with minimal government restrictions which is very concerning. The tri-border area (TBA) between the Philippines, Malaysia, and Indonesia has been identified as a key hub of terrorist and the area related criminal activity in Southeast Asia. This geographical area is a well-known as a transit place for weapons, explosives, and personnel, as well as the halls of the main logistics for local and transnational terrorist groups.

Apart from that, the tri-border area, with its porous borders and decades of weak governance, has been ridden with conflict, crime, and poverty, making it a hub for transnational organized crime and terrorist threats. For example, in the case of the Philippines, the Abu Sayyaf Group (ASG) main base of operations is in Jolo and Basilan in the Sulu Archipelago, while the Moro Islamic Liberation Front (MILF) rebel group's headquarters is in Mindanao. According to Indonesia's Foreign Minister Retno Marsudi more than 100,000 ships sailed through

the Sulu Sea last year, carrying about 60 million tons of cargo and more than 18 million passengers (Healy, 2016).

Maritime security cooperation in the Celebes Sea region among Indonesia, Malaysia and the Philippines is essential for their own security and for the safe route of international trade. In term of terrorist threats, Ian Storey labeled the Sulu and Celebes Sea's triborder area as the danger zone of Southeast Asia, due to cross-border activities of the Abu Sayyaf Group (ASG), the Moro Islamic Liberation Front (MILF), and Jemaah Islamiyah (JI), these organizations are involved in crime, terrorism and piracy among many other illicit activities (Storey, 2007).

Regarding to the U.S. Office of Naval Intelligence report that published on June 6 2007, the Worldwide Threat to Shipping Mariner Information message which included reports of piracy activities throughout the globe. Of the eleven listed piracy-related events reported in Southeast Asia, three took place in the Celebes Sea and surrounding straits. A fourth incident took place in the Sulu Sea, an adjacent maritime thoroughway where the same groups engage in terrorist and piracy activities (Office of Naval Intelligence, 2007).

These territories are far from their respective nations' capitals and this distance has contributed to their governments' inability to successfully maintain these islands and establish security. The condition lack of infrastructure and rugged topography of the bordering islands of Sulawesi, Mindanao and Borneo provide the perfect terrain for insurgent and criminal groups to sustain their activities without fear of government detection or prosecution (Rabasa, Cragin, Chalk, & Boraz, 2007, hal. 3). This terrorist and criminal piracy endangers the maritime lanes of the Sulu and Celebes Sea which are the transit lanes for critical commercial cargo transiting from the Indian to the Pacific Oceans.

Trilateral security in the Celebes Sea is threatened by a complex threat which affects Indonesia, Malaysia and the Philippines. Terrorist organizations have already used and found safe havens in the surrounding islands of the Celebes Sea

to recruit, train, operate and remain concealed. Many of these territories are as a hosts of ethnic and religious conflicts, a greater challenge for local authorities and providing a safe haven for these organizations to operate. Some of these terrorist organizations have adopted traditional pirate tactics to fund their operations and to carry out their agendas. Criminal piracy that occur in the region is also rampant, affecting the livelihood of local communities and the safe transit of international commerce.

Terrorism and criminal piracy harm the maritime lanes of the Celebes Sea which are the venues for critical commercial cargo transiting from the Indian to the Pacific Ocean. Cooperation among terrorist groups has been seen in all three nations as they share ideology, training, and assist each other in regional operations. For example in 2002, when the JI experienced a series of setbacks due to Indonesian counter terrorism actions, this terrorist group reached out to the ASG for shelter and joint training in Mindanao's MILF camps (Abuza, 2005).

B. Transnational Crime

Transnasional crime or called international crime or multinational systemic crime, is more than an extension of domestic crime. Transnational crime might not be a new phenomenon, however it has spread exponentially with the development of globalization during the last few years. Transnational crime is a social phenomenon involving people, places and institutions, which is also influenced by a variety of social, cultural, economic determinants (Findly, 2003). Transnational crimes are crimes that occur across national borders. These crimes are of heightened concern because the countries affected do not have the jurisdiction to prosecute criminals who are committing transnational crimes from other countries.

1. Piracy

The standard definition of piracy is often taken from the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and is defined as violence that is conducted on the high seas beyond any state's particular territorial waters (Young & Valencia, 2003). Specifically, it is 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 on the high seas against another ship or aircraft, or against person or property on board such ship or aircraft (United Nation , 1982)." The International Chamber of Commerce's International Maritime Bureau (IMB) has created its own definition of piracy so that violent acts that occur in the strait can be considered piracy. The IMB defines piracy as "an act of boarding or attempting to board any ship with the intent to commit theft or any other crime with the intent or capability to use force in furtherance of that act (Young & Valencia, 2003)."

The transnational maritime crime involves such economically motivated activity as illegal migration, smuggling and piracy. Cross-country maritime crime has large consequences in view of security. It threatened the state in term of human and national resources. Furthermore, it has a synergetic effect that worsen interstate conflict and nonstate political violence. Transnational maritime crime provides guerrilla and terrorist groups to move weapons and personnel, raise funds, and recruit new members. For example, the Gerakan Aceh Merdeka is massively involved in the smuggling of weapons, people, and other contraband across the Strait of Malacca to sustain its struggle against the Indonesian government. As well as Islamist terrorists are believed to maintain routes in the Celebes Sea to

move operatives, explosives, and firearms between Indonesia, Malaysia, and the Philippines (Mcbeth, 2004).

In maintaining ability sea robber in Southeast Asia has upgraded and adapted to modern technologies and conditions. Weak state control of the littoral and maritime spaces, the availability of safe havens, the activities of insurgent and terrorist groups, and the growth of criminal networks have all worked to foster an environment favorable to piracy and associated sea-based threats. Today's sea robber and terrorist group have access to fast boats, automatic weapons (although many in the Sulu and Celebes Seas are armed only with long knives), and information and communications equipment. Local knowledge has also been mastered (Institute of Southeast Asian Studies, 2005).

Southeast Asia has many forms in the way of piracy. In their most innocuous form, unarmed robbers slip on board ships and remove such valuables as cash, jewelry, and electronics. At the other extreme, pirates hijack ships outright, killing the crews or setting them adrift, removing the cargo, and fraudulently altering the ship's identity. It can range from opportunistic robberies of boats at anchor, to more-sophisticated ransacking of ships on the high seas or in territorial waters, to well-organized hijackings of entire vessels for the purposes of fraudulent trade (Strategic and Defence Studies Centre, 1997, hal. 24-25).

In the region, attacks have been directed at the entire spectrum of maritime, including bulk carriers, tankers, freighters, and fishing trawlers. The most common modus operandi is to flag down a target, board it, and then order to the crew to jump into the sea. The pirates then steal cargoes, boat parts (such as the engine), and other valuables before fleeing, leaving their victims to survive for themselves in the water (Espejo, 2010).

Perpetrators have similarly spanned the spectrum of threat actors from criminalized elements within the

ASG to opportunist gangs and more sophisticated, self-supporting syndicates. As a result of the 1997 Asian financial crisis, there was a massive surge of piracy in Southeast Asia. Indonesia emerged as the most severely affected country in the region, reflecting internal instability after the fall of the Suharto regime and the devastating decline in the value of the rupiah (which provides opportunities and incentives to engage in maritime crime). According to the annual report of International maritime Bureau (IMB), since 1997 the archipelago has typically accounted for around a third of all attacks recorded in Southeast Asia, with incidents peaking in 2003, when 121 cases were reported.

Although transnational maritime crimes rarely present a direct threat to the states, piracy and robbery at sea are severe problems that are difficult to handle until now. Piracy is also increasingly harsh and complex. First around the Sulu Sea, and since 2001 in the Strait of Malacca, pirates have been taken crew members of the prisoner and ransoming them from hidden forest camps. Similarly, automatic weapons and grenade launchers, previously found mainly in the hands of Filipina pirates, have also become things that commonplace in the Strait of Malacca.

These shipjackings / maritime kidnappings destroys regional trade. While only a small amount of the \$40 billion in regional maritime trade passes through these waters, it is not insignificant. Indonesia's coal exports from East Kalimantan account for 70 percent of Philippines's total coal imports, worth more than \$ 800 million. There are an estimated 55 million metric tons of goods that transit these waters every year. These exports are all the more important as Chinese imports of raw materials from Southeast Asia continue to fall with China's economic slowdown. On 21 April 2016, Indonesian authorities temporarily blocked ships from sailing to the Philippines, warning that the waters were

becoming the “New Somalia.” The small shipping companies run on thin margins, and the millions of dollars in ransoms pose a threat to the small-vessel maritime shipping that dominates the region. After the kidnapping incident on 20 June 2016, the Indonesian Foreign Minister, Mrs Retno Marsudi, announced a ban on licenses to ship coal to the Philippines from Indonesian ports, she stated that “The moratorium on coal exports to the Philippines will be extended until there is a guarantee for security from the Philippines government ” (Abuza, Trilateral Maritime Patrols in the Sulu Sea, 2016).

2. Maritime Terrorism

Terrorism at sea and piracy both is an issue that consistently raises in the discussion regarding the safety of the Strait from year to year even though there were no incidents of terrorism at sea are known to have occurred. Some of Southeast Asian guerrilla and terrorist groups has powerful maritime capabilities. Ever since 2000, terrorist group such as Laskar jihad, the Gerakan Aceh Merdeka, the Kumpulan Militan Malaysia, Jemaah Islamiyah, Al - Qa'ida, teh Moro Islamic Liberation Front, and the Abu Sayyaf Group have all been suspected of planning or executing maritime attacks in the region. Another groups have used seas to transport weapons, move forces, and raise funds. Abu Sayyaf is the most successful terrorist group in the region, which has conducted many of successful maritime operations in the East Malaysia, metropolitan Manila, and southern Philippines. Abu Sayyaff conducted its first large-scale attack in 1995. It was very terrible how they did the attack. Amphibious forces landed by boat, robbed seven banks, burned the Philippine town of Ipil, and approximately a hundred people were killed. Abu Sayyaff became world famous terrorist group in 2000 and

2001 when kidnapping dozens of people, including Filipinos, Malaysians, Chinese, Europeans and Americans, in a series of raids in villages, resorts and ships in and near the Sulu and Celebes Sea. Despite a large-scale government offensive backed by American forces, Philippine authorities have confirmed Abu Sayyaff's claim of responsibility for the sinking of Superferry 14 in Manila in 26 February 2004, in which 116 people were killed. (Hookway, 2004).

Al-Qa'ida, Jemaah Islamiyah, and the Malaysian Militant Group have never done such a massive attack as success as Abu Sayyaff Group. Nevertheless has shown their intention to conduct large-scale operations against the U.S.Navy and world maritime trade. Since 2000, regional security forces have disrupted half a dozen plots to attack American warships transiting narrow waterways or visiting ports in Southeast Asia (Campbell & Gunaratna, 2003). Despite this, the Act of terrorism in the Sulu and Celebes Sea is very likely to occur and there are terrorist groups are known to have a maritime capability with plans to use the Sulu and Celebes Sea as a target.

The Abu Sayyaf Group (ASG) is an Islamic terrorist organization that aims to establish an independent Islamic state in the southern Philippines. More recently, the Philippines has been the site of a new rise of concern about Islamic Terrorism. Abu Sayyaf, the country's most famous terrorist organization, expressed its support for ISIS, the group that spread terror in Iraq and Syria. To strengthen ties with the caliph, the Abu Sayyaf aired a video in which two German tourists, who were kidnapped by the group in April, were threatened with death unless a 4 million euro ransom was paid and Berlin quit to support the US-led coalition against the Islamic State. In the case that the German government will not comply with these demands, the terrorists will behead the hostages, taking the example of what ISIS did with foreign hostages (Geopolitica, 2014).

The Abu Sayyaf is rooted in a separatist insurgency in the southern Philippines, a poor region where Muslims are the majority of the population, unlike most other parts of the country, mostly Roman Catholics. It broke out from the wider Moro National Liberation Front in 1991 for disagreeing with the MNLF's policy of pursuing autonomy and seeking to establish an independent Islamic state. Abu Sayyaff Group was founded by Abdurajak Abubakar Janjalani, he was an Islamic preacher who fought in the Soviet-Afghan war, where he was said to have met Osama Bin Laden and been inspired by him. Al-Qaeda provided assistance Abu Sayyaff Group with funding and training when the group was initially established.

After Janjalani died, the group was divided into two main networks whose leaders were killed in 2006 to 2007. Since then, the Abu Sayyaf has operated as a collection of factions that work with each other through family or personal relationships but also sometimes compete one to another.

In its history, the Abu Sayyaf is involved in bombings, murders, kidnappings, and extortion. According to the 2007 Congressional Research Service report, Abu Sayyaf changed the direction of its strategy during the leadership of Khadaffy Janjalani. Janjalani underestimated the kidnapping to demand ransom and instead emphasized developing the ability to bomb the city. The Philippine government was in the middle of a military offensive against Abu Sayyaf rebels in the south in effort to destroy a group attack on civilians. Since March 2004, the Philippine government reportedly has revealed some Abu Sayyaf plans for bombing attack in Manila, and the report added that Jemaah Islamiyah has trained approximately sixty Abu Sayyaf members in assembling and bombing in mid-2005.

The Abu Sayyaf mainly operates in the southern Philippines, specifically in the Sulu Archipelago and the easternmost island of Mindanao. Aside from that the group has acted in other parts of the Philippines, and in 2000, its members crossed the Sulu Sea to Malaysia for kidnapping. Since 2001, Philippine military operations, backed by the United States, have weakened the Abu Sayyaf on Basilan Island and on the Sulu islands in southwest of Basilan. The Philippine government reportedly had killed 127 Abu Sayyaf members and arrested an additional 38 in 2007. Nevertheless the Abu Sayyaf has stepped up ties with regional organizations, such as Jemaah Islamiyah and the Moro Islamic Liberation Front, an Islamic separatist group operating from the 1970s located in the southern Philippines. Thus, although Abu Sayyaf's armed forces weaken from approximately a thousand in 2002 to between two hundred and four hundred in 2006, organizational capabilities might be growing. In 2008 U.S. State Department estimates the group consisting of two between two hundred and five hundred members (Council on Foreign Relations, 2009).

The Philippine authorities have investigated the pledge as an opportunistic attempts to raise funds from IS. Two major battles between the Philippine armed forces and militant groups, adding to the possibility of a relationship between them. The Abu Sayyaf Group's hostages tend to be released if the ransom demanded for them is paid. This was the result of most of their hostages. If its demands are not filled, this group is known to kill a hostage. Few years ago abduction of 18 Indonesians and Malaysians has also sparked fears of maritime territory to be a "new Somalia", as the Indonesian security minister said, which could disrupt regional trade.

The Kuala Lumpur-based Piracy Reporting Center had warned ships to stay away from suspicious small boats in the area. Indonesia and Malaysia have proposed

joint patrols in the Sulu Sea to prevent further incidents. There is also concern that the group could support terrorist activities by other IS-linked groups in the region. Researchers investigating the Jakarta attack in January said the weapons that been used in the terror incident were from the southern Philippines.

Although there is no evidence that the Abu Sayyaf were involved in this incident, the group has long had ties with prominent Indonesian militant groups such as Jemaah Islamiyah (JI) and Mujahidin Indonesia Timur. Few of JI members involved in the Bali bombings found shelter with the group after successfully fleeing from Indonesia. There is also evidence that it has links with jihadist groups in the Middle East. Recently the body of a Moroccan bomb expert, Mohammad Khattab, was discovered after fighting between the group and the Philippine armed forces (Bbc News, 2016).