REGIONAL RESPONSES TO PIRACY IN MALACCA STRAIT, 1997-2012

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DECLARATION

I declare that the thesis entitled **"Regional Responses to Piracy in Malacca Strait, 1997-2012"** submitted by me for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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LIST OF ABBREVIATIONS

APEC	Asia-Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASF	Asian Shipowners Forum
ASG	Abu Sayyaf group
CSCA	Conference on Security and Cooperation in Asia
CSI	Container Security Initiatives
CSIS	Center for Strategic and International Studies
DWT	Dead Weight Tonnage
EIS	Eye in the Sky
FOC	Flag Of Convenience
FPDA	Five Power Defense Arrangements
GAM	Gerakan Aceh Merdeka
GAP	Grey Area Phenomena
ICC	International Chambers of Commerce
IMB	International Maritime Bureau
IMB-PRC	IMB Piracy Reporting Center
IMO	International Maritime Organization
ISPS Code	International Ship and Port Facility Security Code
JI	Jemmaah Islamiyah
LPG	Liquefied Petroleum Gas
MALSINDO	Malaysia, Singapore, and Indonesia
MILF	Moro Islamic Liberation Front
MMEA	Malaysian Maritime Enforcement Agency
PSA	Port of Singapore Authority
ReCAAP	The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against the ship in Asia
RMN	Royal Malaysian Navy
RMSI	Regional Maritime Security Initiatives
RSN	Republic of Singapore Navy
SLOC	Sea-Lane of Communication

SOLAS	The International Convention for the Safety of life at Sea
SSA	Singapore Shipping Association
SUA	Suppression of Unlawful Act at sea
TAC	Treaty of Amity and Cooperation
TNI-AL	Tentrara Nasional Indonesia
UNCATD	United Nations Conference on Trade and Development
UNCLOS	United Nations Convention on the Law of the Sea
VLCC	Very Large Crude Carrier
WMD	Weapon of Mass Destruction

VOCABULARY OF PIRACY RELATED TERMS

Words

Squall - storm

Messmate - sailor on your ship, someone you share meals with

Mess - the place where meals are eaten

Shipmate - sailor on your ship, a friend

Lad - a boy, aka laddy

Me - my

Aye - yes (aye aye = yes sir)

Arrr - yes, I agree, hmmm

Square - fair, honest

Lubber - land lover, not a sailor, a wimpy person

Seafaring - working or traveling on the sea

Swing - hang by the neck

Seaman - a sailor

Gallows - framework with a rope noose to hang criminals

Barbecue - ship's cook

Bloody - damned or very good

Dog - bad man

Chart - map

Magistrate - local officer or judge

Sealegs - ability to walk steadily on the deck of a moving ship

Bearings - location, to find where you are

Gig - small rowboat used to go back and forth from ship to dock or shore

Gunner - sailor who fires the cannons

Parley - discussion between enemies

Irons - handcuffs and shackles

Blighter - a bad, gross person

Buccaneer - pirate

Articles - legal binding agreement, list of rules

Maroon - abandon on a deserted island, a person who was abandoned

Mutiny - when members of a crew or army overthrow their officers

Swab - a sailor, usually one of low rank

Matey - aka mate, another sailor on your ship who is your friend

Blockhouse - wooden fort with holes to shoot from

Hands - sailors

Blaggards - aka blackguards, a scoundrel or jerk

Roundshot - bullets or musketballs, shot

Musket - gun or rifle which requires loading after every shot, uses gunpowder and shot

Affidavit - sworn oath to be truth, aka Affy Davey

Bungling - messing up, making mistakes

Sauce - back talk

Keelhauling - to drag a person across or along the keel of a ship, often fatal

Heave - pull

Overboard - to all over the rail of a ship into the water

Quartermaster - officer in charge of assigning rooms and supplies

Saber - cavalry sword with a curved blade

Cutlass - short sword with a slightly curved blade

Doubloon - Spanish gold coin

Guinea - English gold coin

Sequin - Italian gold coin

Phrases

Shiver My Timbers - Scary, makes my bones shake

Batten Down the Hatches - tie down the hatches, shut your mouth

Honest Air - sweet, pure air or not swampy

Cry Havoc - from Shakespeare, meaning to start a war

Davy Jones Locker - bottom of the sea, death, Jones is evil spirit that preys upon sailors

Dog Watch - late afternoon or early evening work shift

Bite the Bullet - be brave

Smart as Paint - smart, fresh, new, honest

Tall Ship - any ship with tall masts

Spanish Main - Caribbean Sea, area controlled by Spain

Black Spot - summons to a meeting, usually deadly

Bar Silver - silver bars, usually weighing several pounds each

Pieces of Eight - Spanish silver coin

Make Terms - agree to rules

By Thunder - also By the Powers, swearing by something, usually God

French Leave - sneak off and abandon your shipmates, cowardly

Have the Wind of - to be in a better position than another person

Swivel Gun - small cannon whose aim can be changed easily

Jolly Roger - pirate flag, usually has a skull and crossed bones

Execution Dock - where the gallows are located in a sea port

Trim Sail - adjust the sails

Make Sail - unroll and put sails down

Weigh anchor - lift the anchor from the water so a ship can move

Reef - to tie part of a sail to the yardarms

Hand - to tie sails to the yardarms

Steer - to guide a ship by using its rudder and ship's wheel

Leeward - aka lee shore, the wind blows toward this side, bad position
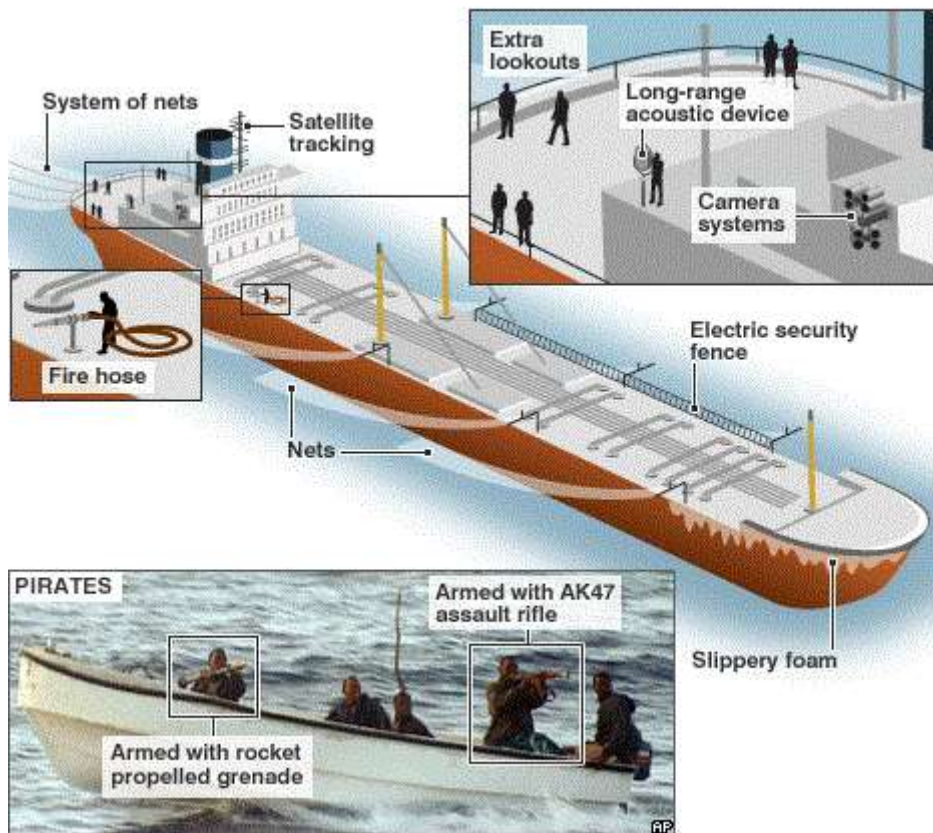
Source: BBC World Service

MAP OF SOUTHEAST ASIA

Source: Wikimedia

MAP OF THE INDO-PACIFIC REGION
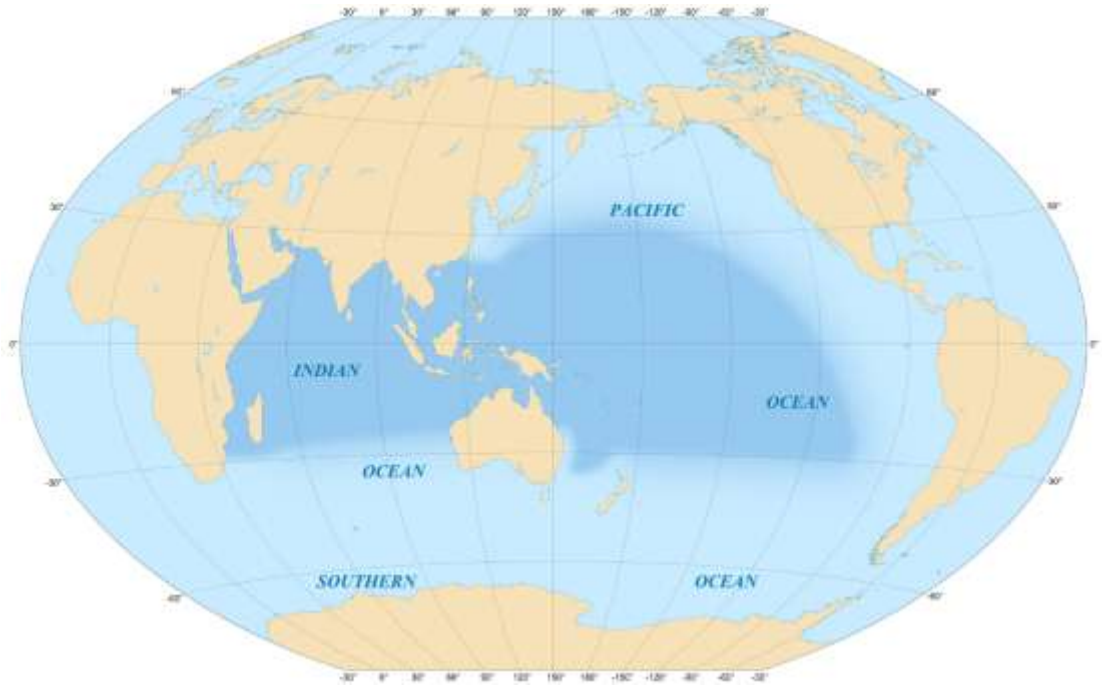
Source: Wikimedia

CHAPTER-I
INTRODUCTION

The first chapter of this research is the introductory chapter of this work which organised to introduce the aims, objective, and background of the research. The present study investigates the causes, patterns, and implications of maritime piracy in Southeast Asia. This research mainly focuses on the Malacca Strait, which has increasingly become a hotspot of the domain of maritime piracy. The study further provides modern perspectives on piracy in the Malacca Strait, which has witnessed a significant growth in the activities of a broad range of pirates with distinct *modus operandi*. However, the analysis of the overall trends in the realm of piracy in the Southeast Asian scenario is one of the objectives of this research. This research is also concentrated on the importance, existence and the insufficiency of anti-piracy policies in Malacca Strait. With the ultimate goal of achievement of a stable and peaceful environment, the emerging circumstances and requirements that contribute to the rise of piracy in the area, have also been classified and analysed. Moreover, an attempt has made to examine the responses of the countries located in the Malacca Strait, namely Indonesia, Malaysia, and Singapore, to combating maritime piracy and cooperation in regional multilateral frameworks. The primary focus of the study is on analysing the role of the Association of Southeast Asian Nations (ASEAN) in this regard. The study also traces the scope of extra-regional powers on the geostrategic and geoeconomics order of Malacca Strait. The role of India, which is a vital factor in the maritime domain of ASEAN region, has been given an important focus.

With the end of cold war and the aftermath of the disintegration of the Soviet Union, globalisation emerged as the dominating feature of international politics. In an increasingly globalised world, political issues are deeply entangled with economic affairs (Collins 2003:1). The scope and significance of globalisation have been significantly enveloped the entire global economic development. In

response to this changing politico-economic scenario in the post-Cold War period, economic regionalism has spread. Many contemporary observers believe that globalisation is neither as extensive nor as sweeping in its consequences (Collins 2003:3). In the present era, national policies and economies are the primary elements of regional and international economic relations.it is creating a condition where globalisation and growing economic globalising world leads to re--organise the regional geopolitics (Gilpin 2001:4). Although, the driving force behind economic globalisation has been active distinct economic, political, and technological developments. Revolution in transportation technologies, especially trans-oceanic transport, galvanised international trade and made it feasible to integrate national economies into a global economic system (Gilpin 2001:4). However, such integration also presents challenges as the underlying forces, both economic and technological, are beyond national control (Gilpin, 2001: 5).

However, the collapse of the Soviet Union and its allies in the Communist Eastern Europe, it was assumed that the international system was on the threshold of an era of unprecedented peace and stability. Scholars started predicting the emergence of a 'New World Order.' Liberal democratic institutions evolved as an outcome of an integrated global economy based on the principles of the free market (International Monetary Fund: 1997). The emergence of such institutions at the global level was expected to counter destabilising threats to national and international stability and security. However, the initial euphoria was undermined by the emergence of new transnational security challenges or a so-called *gray area phenomena* (Chalk 1998:67).

Post-Cold War transformation in regional and global security environment have a greater influence on Asian geopolitics. Revolution in communications and the frantic pace of globalisation has integrated hitherto separate parts of Asia(Klein 1994:21). The regions, East Asia, Southeast Asia, South Asia and Central Asia, tend increasingly to blur and merge into a single entity. Developments in one part of the continent influence policy formulation and strategies of state in another part (Klein 1994:22). The globalisation has revolutionised the traditional thinking of

spatial and regional identity and helps to integrate the entire world into a single entity. The process of integration among countries has brought remarkable changes in human life and thinking. The globalisation has helped to overcome the fundamental problem of mass population and provide an opportunity to integrate their economy and develop a sense of uniformity at the global level. Aginst this backdrop, globalisation is not only integrated the economy and social norms and values. It is also responsible for fostering conflict and disintegration among the countries. It is evident that the globalisation has exposed the social fault lines and most importantly, it also revealed the real character of the institution and its ineffectiveness. The alien values are not entirely appropriate for the countries and globalisation forces has enlarged the gap among poor and wealthy regions (Singh 2012:3)

In 2005, with the rapid integration of global economy, Asia's share of the world tonnage of seaborne cargo was the largest (United Nations Conference on Trade and Development 2006: 4). International trade in the region has been growing much faster than the growth of the own economy of the constituent countries, and most of this trade is seaborne. This change has further facilitated the geo-economics relation among states. This growth of interconnection influencing traditional arena of commerce among East Asia, Europe, North America, and in Southeast Asia. Growing domestic and international trade within Southeast Asia is mainly sea-borne, as in the large archipelagic states of Indonesia and the Philippines (United Nations Conference on Trade and Development 2006: 7). Hence, this trade boost can be observed in the increasing traffic volumes in the Malacca and Singapore Straits, and this increase in sea-borne trade is expected to continue, with high economic growth trends, into the future. Therefore, the understanding of global trends in international shipping can be a useful background in analysing patterns and types of shipping in the Malacca and Singapore Straits (Bateman 2011: 8).

With the increasing percentage of trade, fear of vulnerability sometimes appeared before its importance as integrated Sea Lanes of Communications

(SLOC). This vulnerability is most acute towards piracy. The threat of piracy has become one of the significant non-traditional security threat and essential component of Maritime Security. The International Maritime Bureau (IMB) has highlighted the Gulf of Aden, Horn of Africa, Indian Ocean, Bay of Bengal and Malacca Strait as a choke point of piracy (International Maritime Bureau 2013:21-22). The world economy loses almost US$7-12 billion each year due to piracy (Bateman 2011: 8). However, the increasing trend of piracy in the current years demands a serious study of sea piracy for a better comprehension of the menace. As the economies of Southeast Asia continue to grow and regional and international trade increases further, there is a growing concern over the increasing volume of traffic in the Malacca and Singapore Straits, and the threat it faces from piracy. Such risks could result in the disruption of shipping through the passageway that could potentially have an adverse impact on global trade, as sea carries the bulk of it. One study projects that annual traffic in the Straits will increase to well above 100,000 vessels by 2020 (United Nations Conference on Trade and Development 2015: 14).

1.1 Definition of Piracy

Piracy has become the canter of attention among the policy makers, diplomats, military experts as well as public due to its resurgence in last few decades. In many societies, piracy was historically a common phenomenon, where it was regarded as an act of bravery, for example, the"Pirate Kingdoms" of the 8[th]century Southeast Asia (Young 2007:26). Other examples include the Caribbean island of Port Royal in the 17[th]century (Young 2007:27). We can also observe that the recent surge in the piracy in Somalia is the testimony of the acceptability of piracy as a profession. These are all examples of instances where piracy was and is flourishing on the fringe of the civilizations. The definition of maritime piracy has changed over time and varies depending on context. Piracy is considered '*Hostishumani Generis'* which is regarded as an enemy of all humanity (Halberstam 1988: 272). This is a legal term that denotes pirates of the 18th century. This admiralty law believed sea as a natural resource for nations, but pirates violate this universal understanding of the shared resource. Therefore, it is

mandatory to bring these pirates under the jurisdiction those commits crimes against all nations. According to German word 'Seeraub,' was the whole meaning to define 'sea robbery' in the 18th century (Halberstam 1988: 273). Piracy is derived from the Latin words 'Peirates,' where the Pirata means "to attempt" or "to attack" (Johnson 2005:80).

It is evident that the piracy is mainly a sea-based crime, but it cannot be ignored about its roots connected to the land. In a very brief word, the act of piracy can be defined as an act of unlawful attacks at sea. In the words of British jurist (C.S. Kenny), defined piracy as any kind of equipped and targeted violence at sea can be defined as piracy. The J.L. Anderson also characterized piracy as a "*subset of violent maritime predation in that it is not part of a declared or widely recognized war*" (Murphy 2007:11).Piracy is an age-old problem, where the causes of the origin of piracy are strictly associated with the socio-economic circumstances of any region. When the local people do not find any option for their livelihood, they are forced to get involved in the act of piracy. The causes of piracy vary with the different circumstances of the region, which is responsible for the growth of incidents of piracy in the last few decades.

Based on the modes of activities, piracy can be classified into six main categories:

1. **Thefts and attacks on vessels at anchor or pier side**: It is the most common act of piracy happening across the world. It is regarded as a low-level armed robbery that occurs while ships are docked or moored. Pirates equipped with the little armour i.e. knives, high-speed boats, seeking cash other high-value personal items (ICC 2009: 10; Abhyankar 2002:2).

2. **Robbery:** In this form of piracy, pirates use force to detained crew members for the financial motives. In this type of piracy, pirates are thoroughly organized and equipped with modern arms and communication system (IMB 2006:10–18; IMB 2008: 13; IMB 2009: 12).

3. **The hijacking of vessels:** In this form of an act of piracy, pirates hijacked the ship for the illegal trade and sold to the other organized criminal. The vessel registered by the different name by the fraud document and the ship. Mostly a "phantom ship" but only well-equipped and organized pirates can make it possible (Johnson 2002).

4. **Yacht Piracy:** In this type of piracy, pirates target the private vessel for real financial motives where they are seeking for cash and merchandise. It is the most common in the Caribbean water (Johnson 2002).

5. **Kidnap-for-ransom**: In this form of piracy pirates board a vessel for robbery but also kidnap senior crew members. Later, ransom is demanded from ship owners in exchange for the safe return of the crew members. This type of piracy is conducted by well-organized groups such as pirate gangs, criminal syndicates, or terrorist groups (Johnson 2002).

6. **Marooning**. Crew members who were marooned on deserted islands after pirate attacks and left to fend for themselves adopt piracy for survival(Johnson et al. 2005).

1.2 Factors involved in the problem of Piracy

However, the analysis of the conditions leading to the acts and events of the piracy, it can be asserted that economic, social, and political factors are responsible for the rise of piracy (Shie 2006). As a matter of fact, these factors are associated with each other and requirements. The problem of piracy is terrible to counter due to its changing nature. The fight against piracy can become more involved in the case of a lack of collective understanding and joint actions for the better results (Shie 2006:174). The economic aspects are the most important factor in the surge in incidents of piracy. The marginalized people of the society or organised criminal gangs find it a very lucrative business (Shie 2006:175).

However, the Political factors are the dominant factor to enhance the intensity of pirates. It is noticeable that the countries, which are facing a transition to their political system are more vulnerable to piracy, i.e., Somalia in the Gulf of Aden. In most of the cases, the pirates have developed the capacity to operate beyond the control of the state power. The weak governance is the single most important factor to restrict the responses of any government against the pirates, and this vulnerability becomes a problem in larger context. The weak governments are failed to provide a safety cover against the Pirates due to insufficient expertise to tackling the problem (Johnson et al., 2005).

The globalisation is also an important factor in the recent upsurge in the incidents of the piracy. Pirates are very much aware of the importance of global trade. Globalisation also helps to equip pirates with modern information technologies and arms. These new trends of globalisation tremendously changed the understanding about piracy (Young 2005: 2). It is also made more relevant of to the geographical location of the region. The topography of an area or country and high sea passes attract the pirates. The area around harbors makes vessels vulnerable to attacks while they are at anchor waiting to enter the port (Johnson et al., 2005).

Piracy has witnessed an unprecedented rise in the past decade, the intensity of the piracy has increased with the advancement of maritime and communication technologies. Since the end of cold war in 1991, the expansion of the trade among two regions which has ultimately generated an immense pressure on Sea Lanes of the Communications (SLOC). But the Peter Chalk (2012) has classified six causes for an increase of piracy in the recent times (1) Advancement in maritime navigation technology (2) Security threat in the post-9/11 era.(3) Lawlessness, turmoil, and lack of economic opportunity on-land. (4) The willingness of owner-operators to pay ever-larger ransoms. (5)Bribing for the fast transaction of the ships. (6) The global proliferation of arms" (Chalk and Jarle 2012: 501-504).

Table No. 1

Types of violence to crew January 2010-june 2015

Types of Violence	2010	2011	2012	2013	2014	2015
Assaulted	6	6	4		1	14
Hosted	1174	802	585	304	442	271
Kidnap/Ransom	27	10	26	36	9	14
Killed	8	8	6	1	4	19
Missing				1	1	1
Threatened	18	27	13	10	9	
Total	1270	895	662	373	479	333

Source: ICC-IMB Piracy Report 2014/15

According to the (Table No.1), we can analyse that the types of the crime held in the whole South Asia. The Pirates are continuously using the various tactics to conduct the offense. The pirates are involved in committing a range of crimes, but the hostage crisis has been favorite tactics. The pirates hijacked the vessels and fulfill their demand by exchanging the crew members. The other crimes such assault, kidnapping murder and, threatening are also one of the great tactics of the offense.

According to the (Table No.2) provides an economic implication of the piracy. The piracy is responsible for the loss of billions of dollars (more than $12billion) to the world economy. Piracy is affecting the most particularly the diversion of the sea routes, costs travel time and substantial extra expenses. The hostage crises cost to insurance companies to pay massive ransom demand of pirates to free vessel and crew members. On the other hand, if the pirates have been prosecuted, it takes huge expenses and difficulties in the execution of the law.

Table No. 2

Economic cost of piracy

Cost factor	Cost
Ransoms: (excess costs)	$148 million
Insurance Premiums	$460 million to $3.2 billion
Re-Routing Ships	$2.4 to 3 billion
Security Equipment	$363 million to $2.5 billion
Naval Forces	$2 billion
Anti-Piracy Organizations	19.5 million
Cost to Regional Economies	$1.25 billion
Prosecution	$31 million
TOTAL ESTIMATED COST	$7 to $12 billion per year

Source: (Ocean Beyond Piracy Report 2013)

The globalisation has also been one of the most important reasons of the rising registration of vessels in other countries. The process in known as Flag of Convenience (FOC) registries, the Bahamas, Liberia and Panama merchant fleets account for almost half of global merchant shipping tonnage (Upadhyaya 2011: 32). These compress mostly developing and small island States. An FOC ship is a ship flying the flag of a country other than the country of ownership (Upadhyaya 2010: 33). High registration fees and taxes can be avoided in this way. In some cases, the registration of a ship can even be done on-line. Registries are in some cases administered by companies and not by the flag countries. A US private company, for example, conducts Liberia's registry (Upadhyaya 2010: 34).

1.3 Piracy in Southeast Asia

It is a really challenging to bound the history of piracy within a suitable timeframe, while, the problem of piracy has existed ever since the beginning of a voyage. The piracy is not a new phenomenon in the Southeast Asia, the complex topography and a cluster like thousands of islands, attracts naturally to the pirates. A historian Saleeby (1908) has mentioned the quote of a British traveler Henry Kopel in his book *"History of Sulu"*: "as surely as spiders abound where there are nooks and corners, so have pirates sprung up wherever there is a nest of islands" (Saleeby 1908:50)."

The region has witnessed an unprecedented rise of the incident of the piracy since the last two decades, and the reported incidents are more than anywhere else. The complex geographical conditions provide a safe haven like situation for the Pirates. The complex geographical condition such as islands, reefs, shift shoals and sandbars helps to create favorable conditions for the pirates. The pirates knew the basic knowledge of topography and utilized it to hide and navigate comfortably. The pirates are trained with to hide in the creeks, small rivers, and mangrove wetlands that hamper the security of the coast and ports (Murphy 2007: 12).

Piracy has also been a local and regional affair throughout much of the history of Southeast Asia. Most piracy of acts occurs in the harbour or anchor, low-level armed robbery. In the history of Southeast Asia, the region has remained a hot spot as far as piracy is concerned. The early history of piracy was written by the Ban Gu, a Chinese historian, who emphasised the seaborne trade route from China via Du Yuan Guo (Singapore). The kingdom of Champa, the famous Cham coast had adorned the emblem of this notorious crime during this time. A further most noteworthy dynasty of Sumatra Srivijaya was helpless to maintain their sea trade and maritime boundaries from the pirates and was forced to share revenues with pirates (Young 2006:7). In Southeast Asia, several local tribes are linked to piracy. Among some local clans involved for centuries, the earliest pirates were the Illanum of the Indonesian archipelago. They operated in the sea lanes from the

Philippines to the South China Sea. Other famous clans include the Balanani Pirates of the Jolo Island, the Bugs of the Sulawesi, the Riau Pirates of the Sumatra Sea, and the Dyak pirates of Borneo. These tribes constantly endangered the entire sea lanes of medieval Southeast Asia. In the colonial period, piracy flourished, especially around busy overseas trade routes where the pirates were tarnished by the European expeditions and missions (Young 2006:7). The first incident of piracy in the Malacca Straits was recorded in the fifth century. Piracy in Southeast Asia was seen by rulers as a legitimate activity to supplement income. This perception of piracy was changed in the early 16th century with the arrival of Europeans (Young 2005: 2, 9, 10).

Piracy was at a high in the 17th and 18th centuries. The Dutch East India Company monopolized trade in the East Indies, which led to a decline in employment opportunities for seamen and a consequent rise in piracy. Poor small States in the Malay Peninsula and Indonesian Archipelago levied taxes on cargo or turned to piracy as an alternative source of income. Other unprotected States were themselves vulnerable to attacks. The topography and maritime nature of the area made the sea a point of easy access. By the late 18th century European trade in the East, particularly in tea, led to an increase in demand for labour. Two networks are controlled trade to and from Southeast Asia. The first was centered on the Island of Lingga, in the Malacca Straits. The second network had the Mindanao and the Sulu Sultanate (now the Southern Philippines) as the core, which became a center of piracy and slave raids, financially gaining from raids on the coasts of Borneo, Celebes (now Sulawesi), the Moluccas and the Malay Peninsula (Young 2005: 12).

Chinese merchants estimated losses to piracy in the early 1830s between US$ 15,000 to US$ 20,000 per year (about 2 percent of total trade). European traders did not petition the government of Britain, the governor of Singapore or the East India Company to act against piracy for fear that the cost of protective measures would mean an increase in taxes (Anderson 1997: 88-96).As a result of the lack of protection from the British government and the East India Company, Singapore

merchants armed their vessels to reduce losses. In 1832, the Chinese traders sent four sampan-pukats armed with 30 swivel guns to drive the pirates away from Singapore. In 1833, an armed brig was used as an escort for boats that were blockaded by the pirates in the port of Pahang. Finally, the Chinese merchants petitioned the British government, which sent warships to drive out the pirates. Piracy incidents were significantly reduced with the help of the British ships (Anderson 2010:322).

In 1836, a pirate base on the island of Galang near Singapore was destroyed, and expeditions led against the coastal Sultans of Borneo finally broke the Pirates' power. Political domination resulted in a significant decrease in piracy in Southeast Asia over this time, but after the British East India Company had established a base on Penang Island, the increase in trade led to a rise in piracy in the area and left the State of Kedah impoverished. The company created a concentration of rich targets, and poor Malay seamen and traders were left with no other alternative income than piracy. In 1874, the British changed their policy of non-interference in local politics to protect their tin interests and, as a result, the pirate problem in Malaysian waters was brought under control (Anderson 1997: 96-97).

It is a crucial fact that between 1750 and 1850 piracy along the Chinese coast was rampant as a result of the decline of the vast Chinese empire. Pirates were dominant and acted as auxiliaries of the Vietnamese Tay-son Emperor. A rise in piracy is often experienced where weak political control exists. After the Tay-son Empire collapsed in 1801, the Pirates were highly organised, skilled in warfare and dominated the South China Sea. Thousands of pirates formed a confederacy based on family and clan structures. They defeated Chinese naval forces and undermined European vessels, selling safe passage and kidnapping sailors for ransom. The Chinese government was busy repressing internal rebellion with the result that the piracy problem received no attention. Chinese naval forces were also poorly equipped with inefficient command structures. The pre-existing poverty and poor social conditions the local population experienced also acted as

a breeding ground for piracy in this area (Young 2005: 21; Murray 1997: 62; Anderson 1997: 98-100).

1.4 Geopolitics of Southeast Asia (ASEAN) region

The era of 1990 is considered a significant shift for the Association of South-East Asian Nations (ASEAN) (Collins 2000:1). The initial fears were regarding ASEAN failing to adjust to emerging post-Cold War international system. ASEAN needed"new rallying points or risk drifting apart to the detriment of regional cooperation and bilateral relationships."Weapons procurement by ASEAN members helped soften territorial disputes. However, the emergence of China as a regional hegemon; and the prevalence of ethnic tensions throughout the region, all raised the specter that the region was entering a period of uncertainty.Before the economic crisis of the late 1990s, ASEAN was touted as a success story (ASEAN Secretariet et al. 2008). The grouping had not only avoided irrelevance, rather with the accession of Vietnam in 1995, Myanmar and Laos in 1997, and Cambodia in 1999, its membership increased to include all the states of Southeast Asia, something the association had always projected as its ultimate objective.With the creation of ASEAN Regional Forum (ARF), with major global powers as member states, confidence in ASEAN's future was at an all-time high.

In the geopolitical map of the world, 'Indo-Pacific' region emerged as a new indo-centric Pacific Asia. The region (Indo-Pacific) appears with a feeling of insecurity and instability, which has a tremendous scope for the major powers due to its vital sea lane of communication (SLOC) (Deskar 2011:4). One of the most important aspects of the Indo-Pacific is that its Pacific region is the home to some relevant multilateral structures which revolve around the ASEAN, Asia-Pacific Economic Cooperation (APEC), East Asian Summit (EAS), and the ARF.

1.5 Non-traditional Security Threats in the ASEAN Region

Once called Balkan of East, Southeast Asia is undergoing a new kind of security riddle in the entire region (Gerstl 2008; Wei 2014). The security of the region was extremely endangered during this time of development. Certainly, China is more

proactive and is prevailing in the maritime domain of Asia. China is striving to strengthen the remote Maritime connectivity to solidify its presence in the oceans of whole Asia. The expression 'Maritime SilkRoute' is the most strident effort of the Chinese government in the recent years. This route is regarded a new strategic construction of dominance in the entire Asia. It is also concentrated to assure reliable connectivity and linkages between maritime routes of West Asia, South Asia and Southeast Asia (Chaturvedy 2014:3).

The security of ASEAN region can be divided into three groups: internal (in) security, traditional security challenges and the non-traditional security problems (Sukma 2007). The end of Cold War was seen as the most significant development in Southeast Asia. The non-traditional security threats have upsurged dramatically in the ASEAN region since last few decades. The whole region has witnessed some security threats such as drug trafficking, terrorism, piracy, human trafficking. These risks are closely associated with the political and social stability. In this regard, theses security threats reflect the multidimensional threat perception. Where we cannot restrict these risks with the only single country. The ASEAN region has a very complicated relationship with this complex interrelationship between domestic predicaments, regional tests, and global necessity (Bhattacharyya, 2007:13).

The 9/11 attack is also held accountable for some other significant change in the security drift, which pushed the US to re-engage in this area. The growth of terrorism on a global level gave a boost to local separatists and rebellions to unite with them. The possibility of 'the second front' brings the US once again as an important part of the Southeast Asia. This re-engagement helped the US to consolidate its security structure. The US also regarded pervasiveness of piracy, and maritime terrorism is an immediate threat to her homeland (Acharya and Acharya 2007).

One particular threat that is increasingly emerging as a real menace is the re-emerging specter of maritime piracy.Although the problem has been manifest since the late 1990s, especially in the waters of Southeast Asia, it has started

assuming dangerous proportion only in the last ten years, mostly in the form of attacks perpetrated by gangs operating in and around the narrow Malacca Straits. Incidents in this region reached unprecedented proportions and started impacting the perceived viability of the main SLOCs that is of critical importance to global energy supplies, international commerce, and maritime trade in general. Moreover, the areas where pirates are rampant change quickly, and new zones of danger could quickly emerge with little prior notice (Chalk 2009: 3)

Furthermore, substantial economic growth generates more trade, which means more ships that can be victims of piracy. The increasing trade and commerce also tempt organised criminal gangs to devise ways to cut into legitimate business. Until the recent past, countering maritime piracy was a relatively low priority for most Southeast Asian nations. Greater threats, including the prospect of regional naval warfare, international drug trafficking, maritime terrorism and counterinsurgency, and policing illegal fishing and smuggling, preoccupied maritime security forces (Bradford 2008:478).

Most of the incidents of piracy depend on the existence of valuable geographical conditions, namely narrow straits to place future preys, islets, or coastal areas remote enough to escape any form of authority (Ong-Webb 2007; Murphy 2008). Not only geographical conditions are important, but also the geo-economics and political context of the countries suitably located to host piracy. Maritime piracy could indeed take roots when intensively used maritime trade routes pass nearby potential pirates' harbours located in failed or weak states.

Shipping is the largest industry in the Southeast Asian region and is essential to the efficient functioning of this region's economy. It also has potential threats to both the marine environment and social security through the consequences of shipping accidents, or the furtherance of illegal activity at sea, including piracy and armed robbery against ships. It is a largely self-regulated activity controlled at the global level through the International Maritime Organization (IMO) by flag States and ship owning interests (International Maritime Organization 2008).

In the post-Cold War era, an increase in the incidents of piracy across all sea routes of the world was noticed (Catherine 2005: 3). There is a vital economic cost and danger included in piracy. The severe circumstance drastically obstructed the free navigation of the oceans. During the period 1997-2012, more than 3,800 actual or attempted acts of piracy took place around the world (International Maritime Organization 2012).

Since the 1990s, Southeast Asia has been particularly hard hit by piracy. The Asian financial crisis of 1998 might have contributed to a rise in piracy and the global "great recession" that engulfed the world economy in 2008 has also been a factor in drawing more seafarers into a life of maritime crime (Chalk 1998:3).The International Piracy Reporting Center has collected data on a total of 131 attacks of piracy in the Southeast Asian waters only in 2013 (IMB 2013).

In the Indo-Pacific region, the piracy is the one of the most significant security threat. At the present time, the two most famous piracy hot spots existed, i.e., the Malacca Straits and the Gulf of Aden. Both regions have the favorable condition to the emergence of piracy. Against this backdrop, Somali piracy plays the leading role today. These two hot spots of maritime piracy are located on the trade routes linking Asia to Europe. The security situation in the maritime domain in Southeast and South Asia, have significantly improved. But the primary concern in the sea that the pirates are shifting their roots and destination in search of new targets. It is evident that the increase in the number of attacks in the southern part of the South China Sea indicates that the changes like piracy in the maritime domain of whole Southeast Asia (Chow, 2009).

There is a multidimensional danger associated with piracy; it affects the social lives, economy and security of a country. In Southeast Asia, the Malacca Strait is the most unsafe to piracy. Piracy has various outcomes, including the spread of other associated transnational crimes such as drug trafficking, illegal arms, and illicit fishing and terrorism, which are inseparably associated with the problem of piracy (Young 2007; Ong-Webb 2007; Liss 2003).

1.6 Theoretical framework

In the international relation, the Southeast Asian security has been a much arguable issue among the scholars and policy makers. From the theoretical analysis of the Southeast Asian security, realism, neoliberalism and constructivism are the most relevant theories to define security issues in the region. But the realists are closer to draw the real picture of security situation (Buzan and Segal 1998: 96). Security is a complicated and multifaceted concept, which could imply freedom from threats (individual, national and international security). Since the origin of the nation-states, the issue of national security has dominated security studies. It is conceived as a paramount need for the survival of the nation-states. The term 'security' is a much-hyped approach in the domain of modern international relations which consolidate a variety of contested views (Sheehan 2005: 34).

However, Barry Buzan emphasises the conception of security as a link between power and peace (Buzan 2007). This notion of security is also applied to a central concern of national interest which is acknowledged as a particular form of politics called as a *Tower of Babel* (Kolodziej 2005:11). According to Romm (1993: 85), "A threat to national security is whatever threatens to significantly (1) degrade the quality of livelihood of the people, or (2) narrow the range of policy choices available to their government" (Romm, 1993: 85).

Another concept developed within the subject of national security is called International Security. It is regarded as a new vulnerability which demands holistic perspectives. Further, he explains why states need international security: "Because the relationship is established simultaneously to meet global needs and the needs of the countries, people, and peoples. An attempt has been made below to analyse various approaches to understanding regional responses to security threats (Aravena 2002:34).

1.7 Realist Approach

Realism, a pre-eminent theory that explains international appearances, relies on the traditional state-centric view of security. The approach has been criticized by some scholars, on the ground of its stimulating dimensions. In the traditional notion of security, the state is restricted to a serious actor and safety is understood only in military terms. The use of force by a nation-state is the single biggest threat to a different country. These assumptions are being tested due to the acceleration of non-traditional security threat perceptions, i.e. environmental, societal, economic and social, in an interdependent world. In the current global scenario, Non-traditional Security Threats (NTS) have become the biggest threat to the nation-states and its citizens (Anthony 2007). The new dimensions of security include plenty of non-state actors along with the states.

Realist scholars coin new approach to '*comprehensive security'* in the context of growing interdependence among the nation-states. Moreover, it considers all the threats to global transnational stability, which can embarrass the political, economic and security interests of any nation-state. Most importantly, this notion of security is also sensitive of the well-being of human beings, without losing sight of the safety and welfare of a country. *Human Security* has developed into another new vision, which brings the citizens in the center of security discussion. The citizens have a right to live without 'fear and want' in the age of interdependence (Bajpai 2000:196). Regarding realism, state as an actor has a valued role in security, Piracy, however, continued as a security threat ever a piracy generate from non-state actors. However, the state failure and lack of systematic order are neglected.

1.8 Neo-Realist Approach

The neo-realist approach principally defines power in global structure from the state-centric point of view, and it considers security as an integral part of national security. Kenneth N. Waltz argues that the state prefers balancing to bandwagoning (Waltz 1986: 127).Unlike realists, neorealists focused on the structure of the international system rather than human nature to the rise of

anarchy. Neo-realist scholars, such as Kenneth Waltz and John Mearsheimer, believe that lack of a central authority to control the behavior of the states in the international system is solemnly responsible to the rise of the chaotic situation. States are always grappling for independence and sovereignty, ultimately creating a threat to their survival. For this consideration, states develop offensive military capabilities i.e. alliances to protect their survival and to influence the behaviors of other countries. Under these circumstances, mistrust is always working on the states that are why countries are not confident about the intentions of other nation-states. States are often surviving in a system where they cannot guess exactly about the purpose and the potentiality of another state due to lack of information and constant antagonism (Waltz 1986: 128).

Therefore, neo-realism believes that the crisis of (in) security is the result of the structure of international relations and responsible for the anarchy, which ultimately leads to conflict and instability in the global system. The decades of Cold War (Bipolar system) were the most peaceful phase of power politics. After the end of the Cold War, the balance of power politics was once again shifted which ushered great power politics and threatened international security (Mearsheimer, 1994: 5).

However, the outcomes of these changes do not mean genesis of wars, but it brought the world to the brink of war with a lack of cooperation and constraints to the possibilities of peace. That is why the security dilemma is an integral part of the conflict between the states and forces them to act according to the logic of self- help. Consequently, an unending cycle of action and reaction of mistrust (Security Dilemma) enhances the agony of both sides by generating suspicion and fear. Neo-realism also argues that there are little prospects of changing this scenario in the post-Cold War era due to some constraints in cooperation among the states. While states are cooperating in the globalizing world, but due to an over-emphasis on the states' relative gains (respect to power balances), it is hard to sustain long-lasting peace and stability (Mearsheimer, 1994: 6). The Gulf War 1991, Iraq War of 2003, issues of terrorism and other transnational crimes are the examples of this adverse situation.

In this respect realist, thinkers articulate Sinophobia as a significant threat in the in the Southeast Asia. The realist argued that the threat of China can be responsible for an armed conflict in the future. The unresolved dispute in the in the South China Sea has created a continuing threat among the parties particular for the small countries. On the other hand, realist also believes that Southeast Asia has not achieved a stable peace, which was expected after the collapse of Soviet Union. The bilateral tension among the regional countries has still to be resolved in the region. The whole region has not entirely overcome with the ideological shadow before the cold war shadow (Ganesan1999: 56).

The Michael Leifer, certainly one of the most renowned expert on the Southeast Asian has Leifer argued that the economic interdependence has not played a vital role in the Southeast Asia. ASEAN failed to fulfill the expectations of financial dependence (Leifer 1989: 141). He framed ASEAN an 'underdeveloped institution, which has denied the expected hope created by the constructivism of being a security community. However, he argued that the ASEAN is yet developed as security community and is not more than an inter-government entity (Leifer 1989: 139, 157).

1.9 Liberal-Institutionalist Approach

Liberals also accept the underlying assumption of realism i.e. anarchy and importance of military power. Liberal theorists believe that international institutions and organizations can help prevent and overcome this problem by providing an avenue for cooperation between states. Where realism argues that institutions are merely a product and instrument to fulfill the interest of powerful countries, Liberals concentrate on the underlying assumption that organizations can provide the framework to enhance cooperation and stability among countries. Institutions and regimes are confined to developing information, reducing transition costs, making commitments, increasing coordinations and reciprocity (Keohane and Martin 1995: 42). The expansion of the European Union (EU) and the North Atlantic Treaty Organization (NATO) are the most exemplary of the necessities of institutions in the post-Cold War era. Institutions are the most

important component of reducing the possibilities of war, establishing peace and helping to restore the credibility and cooperation among the states (Keohane and Martin 1995: 43).

As an integral part of the liberal institutionalism, the *'democratic peace theory'* argues that democracy is the most important component of restoring order in the international system because there is a lesser possibility of occurrence of war between two democratic countries.Michael Doyal and Bruce Russet are two prominent scholars of democratic peace theory who believe that democracy can make the world safer and peaceful. While accepting the Kantian tenets of logic– republican democratic representation, ideological commitment to human rights and transnational interdependence, these scholars assert that instead of using force against each other, democracies are believed to settle their problem with mutual understanding and respect (Russet 1995: 175).

The theory does not entirely reject the essential elements of realism, but it has dismissed the pessimistic-called 'vulgar preoccupation' about the nature of the international system. There is hardly a situation of war always existing between the states and the institutions and norms fundamentally matter (Russet 1995: 176). Neoliberal institutionalism shows some relevance in the study of Southeast Asian security. ASEAN regionalism based on economic cooperation manifest in the institutionalization of the ASEAN Free Trade Areas (AFTA) appears to lend some support to this theory (Peou 2010: 122). This theory these explain some of the variances in regional security outcomes, but that increasingly neo-liberalism will explain more of the region's future security orientation' (Peou 2010: 123).

1.10 Constructivist Approach

While power politics is the most discussed factor to the study of international relations, constructivist theorist, especially Alexander Wendt, believed that the fundamental structure of international politics is socially constructed rather than materially. The constructivist theorists fundamentally accept some basic conceptions of neo-realism, for instance, the structure of international politics (Prakash 2009:22). However, the constructivist theorists reject the contention that

the structure can exist only by material capabilities. They emphasized that the structure was the result of social relationships and social structures such as shared knowledge, material resources, and practices. Alexander Wendt further argues by giving the example of security dilemma that is considered as a worst case assumption about the intention of each other and that defines interest merely with the logic of self-help (Prakash 2009:22). Moreover, the idea of the security community is also a construction of shared knowledge that helps resolve their problems. The security community adopts the mechanism of mutual understanding and consultation instead of going to the war (Wendt 1992:391).

The social constructivist scholars believe that the material things acquire meaning only through the structure of shared knowledge in which they are embedded. In constructivist conception, the assumption of shared knowledge is imperative i.e. resources can only be gained from shared experience. The realist assumption of power politics and realpolitik is also disputed by constructivist scholars who argue that power politics not define the behavior of all states. Most of the time, states are also influenced by the other ideas, viz. the rule of law and institutional cooperation. In his seminal work *Anarchy is What States Make of it* Alexander Wendt argued that wars are the result of self-fulfilling prophecies of states (Wendt 1992:393).

The Amita Acharya (2000), has tried to identify the solution of the security problems existed in the southeast Asia. The Acharya has developed his methodology on constructivist methods to solve the regional problems. According to him, the main hurdles are intra-ASEAN differences, intra-mural polarization, factionalism, interstate territorial disputes and outside intervention (Acharya 2000: 4–5). Against the backdrop of a realist conception of power politics, he opted the constructivist methods to see the politico-military strategy. This phenomenon is socially constructed, and it can be resolved by the consultation and consensus (Peou 2010: 130).

On the other hand the, the Peter Chalk (1998) has further described security as invisible threats to the whole nation-state and clubbed the new term "Grey Area

Phenomena.". The method consists of two types of threats, violent and non-violent threats, where non-governmental process and organizations are considered as a constant peril. Starvation, hunger, pandemics and illegal immigration are the most implicit non-violent threats. Also, the powerful actors i.e. transnational crimes, syndicates, drug trafficking and terrorism are considered a threat to the stability of the sovereign states (Chalk 2000:67).

The applicability of the "Grey Area Phenomena" in Southeast Asia can be clearly seen in the turbulent history of the region. The conflictual national building, inherent conflicts, and the superpower struggle have represented a distorted portrait of stability of Southeast Asia. The increase in violent non-traditional security threats has likewise jeopardised safety and stability of the region.

1.11 Review of literature

Piracy has created a significant pressure for permanent security of the SLOCs, trade, and commerce. Severity and features of piracy have exceedingly transformed in the last few years; the examination of these new changes is needed to demonstrate in what way piracy is an important security and socioeconomic hurdle.

1.12 Different perspective of Piracy

On the different perspective of the piracy we have observed that scholars are having a various point of views, they analysed piracy by a large endeavour. The problem of piracy is not solely restricted to financial considerations, rather a lack of public programs has also given a boost to piracy. He argues for the necessity of combining naval strategy into global actions to battle piracy (Moller: 2009).

Piracy is organised and has an ideological foundation, which serves to capture recruits and advanced tools to expand their capacities. The modern pirates are the most advanced and sometimes a subsidiary of a violent non-state actor i.e. terrorist organizations (Dey: 2012)

 Further, this problem has been observed is the outcome of smuggling, trafficking and lack of food security. Impoverished and illiterate people are forced to get

involved in piracy because there are no alternate avenues for subsistence in many African countries (Schofield: 2010).

The presence of failed states around the Indian Ocean region is one of the predominating factors for the rise of piracy. Poor people in African countries adopt piracy as a lucrative means of earning a living(Kraska: 2007).

The various problems of maritime security, especially piracy, are the result of the expansion of globalisation, where the trade routes have become significantly integrated. Further, he also analysed the integrated characteristics of piracy, maritime powers, and trade (Sakhuja:2011).

The problem of piracy is correlated with the issue of land. He argued that the vulnerability in riparian areas of Africa, especially in Somalia and the Gulf of Aden region, provides a fertile ground linking the issue of maritime piracy and terrorist activities. He observed that the preponderance of terrorist groups, those involved in hijacking, bombing, and other illegal life-threatening activities (Murphy: 2007).

Piracy is a challenge to national economic development. The financial requirements represent a substantial part in restricting maritime piracy; consequently, the security policy has a need for critical closer review by governments (McNicholas: 2008).

1.13 *Piracy in Malacca Strait and regional perspective*

There has been a view that weak and vulnerable socio- political situations in Indonesia create a background to increasing piracy in this region. The soft statehood and breakdown of regulatory delivery mechanisms enhanced the security interests in the land as well as in the water (Johnson and Valencia: 2007).

Further, of a few schoolers has examined that concerns and dimensions associated with piracy, as well as numerous maritime issues in Southeast Asia, critically highlight the necessity of having a safe environment if the region is to prosper (Guan and Slogan:2007).

Stefan Eklof (2006) discusses the technological determinants assigned to the progress of piracy in Indonesian Aceh, South China Sea, and The Philippines. He also asserts that in several cases, criminal gangs and rebels have transformed into pirates (Eklof: 2006).

Graham Gerard (2006) argues that the problem of piracy has widely expanded as phenomena in this region because the terrorist group and radical groups helped it spread (Gerard: 2006).

Adam J Young (2007) argued that there are social forces responsible for the increase in piracy in the region, i.e. poverty, globalisation, corruption, and weak governance (Young: 2007).

1.14 *Regional cooperation against piracy*

Most of the scholars on Regional Cooperation against piracy analysed that navies of India, China, and Indonesia can play an essential role in resolving various maritime issues in Southeast Asia. He also argues that the Indian Navy is an important part of the marine security scenario of the region (Naidu: 2000)

However, some have a different perspective on the advancing cooperation in the Malacca Strait among the littoral states and the international multilateral structures serve to improve capacity-building measures. Further, argues that the efforts made in the name of international cooperation should not jeopardize the sovereign rights and autonomy of the littoral states and should be performed within the ambit of international law and policies (Khalid: 2009)

The argument further pointed out that, argued that existing and emerging maritime problems are surrounding due to the geopolitical circumstances prevalent in the Southeast Asia. He argued that Southeast Asia and India have an opportunity to evolve a cooperative relationship with each other but also with the major powers of the area (Devare: 2006).

The constructive role of ASEAN that has helped evolve an anti-piracy mechanism from the perspective of multilateral cooperation. She supported the role of ASEAN to develop an integrated anti-piracy approach to tackling the crisis. She

also argued for bringing ASEAN at the forefront of addressing the maritime problems, particularly the issue of piracy (Bhattacharyya: 2010).

On the other hand, the various governments and international organizations have failed to analyse the explicit threat at the global level. The different manifestations of piracy should be the primary force in formulating an effective strategy to counter the piracy (Abbot and Renwick: 1999).

Furthermore, the argument on the emerging geopolitical scenario helps Western national security policies. Such policies are more and more focused on land-cantered operations and over-reliance that seemingly hamper international law and deteriorate the possibility of cooperation in maritime problems (Mugridge 2009). The naval capabilities of China establish it as a prominent naval actor. In the Malacca Strait, many substantive maritime cooperations are emerging particularly in functional areas, most notably in the non-traditional security arena (Jing:2010).

Mark J. Valencia (2000) asserts that safety at sea management regimes can avoid conflict and create reliance through co-operation. Such governments can define the range of permitted state compliance and resolve security dilemmas. John Mo (2002) argued that government to government cooperation in the Southeast Asia should be the practical approach to contending maritime piracy. Despite, it is not an easy task due to several political, economic, and historical roots (Valencia: 2000)

The nature of shipping business portrays a new category of threat.This threat is somewhat overlapped with the traditional threats surrounding Weapons of Mass Destruction (WMDs). However, due to the nature of the maritime industry-conventional counter-proliferation procedures may be incomplete and indeed unsuitable to realizing an active cooperation among the countries(Nincic: 2000).

The existing literature on the problem of piracy in the Malacca Strait has displayed some significant gaps. For example, most of the studies and research work are essentially concentrated on the economic and security aspects of the problem of piracy. They have exceedingly overlooked the understanding of the

integrated nature of SLOC and domestic compulsions of countering piracy in the neighborhood. The present study aims to fill these gaps mentioned above. Thus, the study would examine the problems and possibilities due to the piracy. It would critically analyse the benefits accessible to the three countries in getting an additional viable alternative to countering piracy.

An analysis of the threat posed by piracy and its associated issues in the Malacca Strait shows that it has global outcomes (Risso 2001:297). Addressing the issue of piracy needs an advanced regional approach, which also targets the socioeconomic conditions of the region, as well as the troubled country. Piracy incidents took place around the failed states or economically weak countries, for instance, Somalia, Ethiopian, and Yemen. In the 21st century, the causes of and issues related to piracy have drastically altered, and it is no longer a mere subsistence occupation. Organized criminal gangs and even terrorist organizations have become involved in piracy, using it as a means to generate finances and threaten regional governments and larger economic pursuits. While, the coordinated efforts of states in the region have led to a mitigation of the threat in the Malacca Strait, a new point of convergence has emerged in the Gulf of Aden.

Sub-regional cooperation is advantageous to combat piracy efficiently and assertively. The countries of Southeast Asia are varying regarding their economy, size, and population. The problem is not with small effects on these countries but also has a global repercussion due to the interspersed SLOCs and interconnected economies. A significant amount of money and technical support is essential to counter the obstacle efficiently. Recent years have testified a serious effort to minimize the incidents of piracy, yet the factors that led to its origin are still firm. Much more concerted efforts are needed to ensure a viable explication of the issue.

1.15 Definition, Rationale, and Scope of the Study

However, this research has greater value in academic observation of changing geopolitics with changing geoeconomics features of maritime littoral Malacca Strait. After systematic critical consideration of various littretur and theme related

to this objective of research, we see that there is a lack of decent studies on piracy at the region encompassing Malacca strait word piracy originates from the Greek words *pirates*. Piracy has acquired a common danger in these times of international interdependence. Piracy is not only a security problem but also reflects the different social-economical dimensions of any region. The point of convergence of the study is to analyse some theoretical perspectives and assumptions regarding piracy in the Malacca Strait. The Asia-Pacific region has undergone tremendous economic expansion in the recent decades, which has driven regional and international transportation, mostly in the form of a vast number of cargo ships and containers. It has been a significant driving force in increasing piracy. The present research analyses various dimensions of piracy and examines the regional implications and responses, and the establishment of an active anti-piracy policy in the Malacca Strait. However, since past few years, despite countries like Indonesia, Malaysia, and Singapore having dedicated excellent resources towards tackling the problem of piracy in the area, it has persisted. The research has an outlined scope of understanding the various aspects of regional cooperation against piracy and its outcomes. Despite a decrease in the prevalence of piracy, the problem persists due to lack of sufficient support for regional security collaborations and half-hearted interstate coordination.

1.16 Objectives of the Study

- To analyse the changing nature of piracy and emerging problems.
- To analyse issues of piracy in the entire region of Southeast Asia and its various dimensions.
- To analyse the existing position of the piracy in the Malacca Straits.
- To examine regional approaches to preventing piracy in the Malacca Straits.
- To analyse the cooperative mechanism, public policies and efforts of the regional countries (Indonesia, Malaysia, and Singapore) to combating the problem of piracy.
- To analyse India's participation in anti-piracy activities in Malacca Strait

- To examine the role of multilateral institutions in fighting piracy.

1.17 Hypotheses

- The changing geo-economics and security dimensions of the Malacca Strait have forced Indonesia, Singapore, and Malaysia to evolve an effective strategy to eliminate piracy in the Malacca Strait.
- The multilateral cooperation combined with joint efforts of the regional countries (Indonesia, Malaysia, and Singapore) can prevent the incidents of piracy in the Malacca Strait.
- The Pirates are linked to terrorist organizations, and it will wither away if terror groups are dissolved.

Referance

Abhyankar, Jayant (2002), "Piracy, Armed Robbery and Terrorism at Sea, In Piracy, Maritime Terrorism and Decuring the Malacca Strait",. (eds) *Graham Gerard Ong-Webb*, Singapore: ISEAS

Acharya, Amitav (2002), *Constructing a Regional Community in Southeast Asia: ASEAN and the Problem of Regional Order*, London: Routledge.

Anderson, Elliot, E. (2010). It's a Pirate's Life for Some: The Development of an Illegal Industry in Response to an Unjust Global Power Dynamic", *Indiana Journal of Global Legal Studies*, 17 (2):319-339.

Bateman, Sam (2011), "Solving the "Wicked Problems" of Maritime Security: Are Regional Forums up to the Task?" *Contemporary Southeast Asia*, 33 (1): 1-28.

Bruce Russett, Bruce (1993), *Grasping the Democratic Peace: Principles for a Post-Cold War World*, New Jersey, Princeton University Press.

Chalk, Peter (1998), "Contemporary maritime Piracy in Southeast Asia, *Studies in Conflict & Terrorism,* 21 (1): 87-112.

Collins, Alan (2003), *Security and Southeast Asia Domestic, Regional and Global Issues*, Colorado: Lynne Reiner.

Ganesan, N. (2000), 'ASEAN's Relations with Major External Powers', *Contemporary Southeast Asia*, 22 (2): 258–78.

Gilpin, Robert (2001), *Global Political Economy: Understanding the International Economic Order*, New Jersey Princeton University Press.

Halberstam, Malvina (1988), "Terrorism on the High Sea: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety," *The American Journal of International Law,* 82 (2): 269-310

IMB(2013), Piracy and Armed Robbery Against the Ships", [Online web] Accessed 16 February 2016 URL:

http://www.ship.sh/attachment/files/2013_Annual_IMB_Piracy_Report.pdf

IMF (1997), "World economic outlook", [Online web] Accessed 16 September 2013 URL:https://www.imf.org/external/pubs/weomay/chapter1.pdf

Johnson, Larry D.(2002), "The Threat of Nuclear Terrorism and September II: Wakeup calls to Get the Treaties Right", *Denver Journal of International Law and Policy*, 3I:80.

Keohane, Robert O. and. Martin, Lisa L (1995), The Promise of Institutionalist Theory, *International Security,* 20 (1):39-5.

Klein, Bradley S. (1994), *Strategic Studies and World Order,* Cambridge: Cambridge University Press.

Murphy, Martin N (2011), "Somali Piracy", RUSI, 156 (6): 4-11.

P. Chinglen, Singh(2012), "Implication of India's Look East Policy with human trafficking mainly women that reflect Social chaos and armed conflict", *International Journal of Scientific and Research Publications*, 2(10):1-14.

Prakash, P. (2009), *Maritime Security of Japan: Combating Non-traditional Security Threats In Southeast Asia,* Ph.D. Thesis, New Delhi: Jawaharlal Nehru University.

Risso, Patricia. (2001), "Cross-cultural Perceptions of Piracy: Maritime Violence in the Western Indian Ocean and Persian Gulf Region During a Long Eighteenth Century", *Journal of World History* 12 (2): 293-319.

Saleeby, Najeeb M (1908), The History of Sulu Manila, Bureau of Public Printing.

Shie, Tamara (2006). 'China Woos the South Pacific', *PacNet*, Honolulu, 17 March 2006.

Sorpong Peou (2002) Realism and constructivism in Southeast Asian security studies today: a review essay, *The Pacific Review*, 15 (1): 119-138.

UNCTAD(2006), "Trade and Development Report", [Online web] Accessed 16 September 2013 URL: http://unctad.org/en/docs/tdr2006_en.pdf

UNCTAD(2015), "Trade and Development Report", [Online web] Accessed 16 February 2016 URL: http://unctad.org/en/PublicationsLibrary/tdr2015_en.pdf

Upadhyaya, Shishir(2010), Combating Maritime Piracy in Indian Ocean, New Delhi, Manas Publication

Wendt. Alexander (1992), "Anarchy is what States Make of it: The Social Construction of Power Politics", *International Organization,* 46 (2):391-425.

Young, Adam J (2007), Contemporary Maritime Piracy in Southeast Asia: History, Causes, and Remedies Singapore: ISEAS.

CHAPTER-II

MULTILATERAL RESPONSES TO PIRACY

In this chapter, the development of an institutional framework for countering piracy will be discussed and analysed. The previous chapter presented an original background and locations of piracy in the world. Piracy is a multi-dimensional problem which demands much cooperation at the political, economic, legal, diplomatic and military levels for its resolution. The international community has strengthened its policies to fight against the piracy effectively and made them more assertive. This chapter is focused on the multilateral cooperation and efforts at the global level. These include convention as well as regional efforts initiated to eradicate piracy. As a matter of fact, internal laws of individual States are paramount to eliminating piracy, but complimentary international laws are equally vital in this regard. For this reason, various international and regional organizations had to institute measures to combat these crimes. This chapter discusses and evaluates the steps taken and the processes initiated by these international and regional organizations.

2.1 Initial Efforts to Enact Piracy Laws (Before 1900)

In the 17th and 18th century, the legal status of the territorial waters of States was elusively defined. The governments held it according to their interests, and there were hardly any concerns for human rights. As a result, it was hard to implement rules and regulations to counter piracy (Joubert 2011:139). According to the Justinian's Digest (529 AD) piracy as "the liability of parties due to loss of property as a result of piracy or ransom money paid to pirates"(Joubert 2011:139). In the attempts to legally deal with piracy, in European laws and treaties, King John'ss Ordinance of 1201, Pope Alexander VI's Bull of 1493 were crucial. The Treaty of Tordesillas, the 1889 Montevideo Convention and a succession of British Piracy Acts from 1698 were also essential in this regard (Birnie 1989: 131-136).

It was not possible to consider piracy as an international problem until the end of the 17th century. As territorial waters were not clearly defined, it was unclear if piracy was

confined to the high seas. In the 18th and 19th centuries, the concept of territorial waters became established and created the problem of defining piracy (Joubert 2011:139). By the 20th century piracy in territorial waters fell under the jurisdiction of the individual State (Birnie 1989: 135-136). Between 1750 and 1850 piracy and privateering was seen on a scale from completely illegal to entirely authorised (Joubert 2011:140). In the race by European governments to build and expand empires geographically, piracy and privateering became State-sponsored. Commercial raiding was seen as a way to weaken enemies and acquire wealth. There were few measures in international law to control it (Joubert 2011:140).

In the early 18th century, the private piracy of colonial powers which was regarded as Privateering reached its peak. This method was a successful method for Britain and France to destroy the enemies ship (Joubert 2011:140). The Privateering had become one of the most important parts of the Navy. It has played a crucial role in the expansion of the territory of imperialist powers i.e. Britain and France. On the other hand, There were many wars fought in Europe, i.e. Nine Years War (1688-1697) and the War of the Spanish Succession (1702-1713) (Birnie 1989: 135-136). In this war, Privateering was the were fought under this regulation. In 1708, Britain passed a Convoy Act to keep a check on crews of ships sailing in convoys from being involved in piracy (Joubert 2011:140).

The end of the Napoleonic Wars marked a period of peace in Europe. The view that piracy and privateering could be harmful to free trade and the growth of industry started to develop (Joubert 2011:140). Queen Victoria stated that: "Privateering is a kind of piracy which disagrees with our Civilization, its abolition throughout the World would be a significant step in its advance" (Ritchie 1997: 23). During the Crimean War (1853-1856), the Swedes and Danes refused to admit privateers in their harbours. The final blow for privateering came with the end of the Crimean War and the signing of the Treaty of Paris on 30 March 1856 (Joubert 2011:141). The signatories to the treaty abolished privateering and the issuance of letters of marque. This treaty was an official commission from governments giving the authorisation to seize or destroy merchant ships of an enemy nation (Starkey et al., 1997: 23). It took another few ways to legally institute

punishments for pirates; such as imprisonment, execution, beheadings, and public hangings (Cordingly 1996: 7). By 1925, the problem of piracy almost ceased to exist worldwide, but the problem flared up again by the 1970s (Birnie 1989: 132). The 20th century saw the establishment of organizations such as the League of Nations and the United Nations (UN) which led to the adoption of several legal regimes to counter piracy and maritime terrorism.

2.2 Efforts in the 20th Century

The 20th century is regarded as the greatest era in efforts to eliminate the problem of piracy. State responsibility to counter seaborne robbery and the development of international law to combat piracy and acts of maritime terrorism was legally established and, as a consequence, several legal precedents have been created to curb piracy(Joubert 2011:141).

2.3. International Convention for the Safety of Life at Sea

In 1914, the first version of the International Convention for the Safety of Life at Sea (SOLAS) was adopted. The primary objective of SOLAS was to provide safety for merchant ships and crew and to fulfill this purpose it had to keep pace with and adapt to technical developments in shipping (Joubert 2011:141). Several amendments to SOLAS followed, however not all were of relevance to the issue of piracy, seaborne robbery, and maritime terrorism. SOLAS amendments of 1974 and 1980 were of specific interest in this regard (Joubert 2011:141). SOLAS amendments of 1974 made the Installation of Voyage Data Recorders (VDRs) and Automatic Identification Systems (AIS) mandatory for individual ships. Changes in the 1980s also set regulations for the safe transportation of chemical, biological and nuclear materials (SOLAS 2006).

2.4. The League of Nations

The League of Nations established a Committee of Experts for the Progressive Codification of International Law to clarify the definition of piracy. Piracy was restricted to acts on the high seas, but excluded acts of a political nature (which was called piracy by analogy) and acts by State controlled vessels (Joubert 2011:141).

2.5. Harvard Draft

The significant efforts to incorporate piracy into a system took the form of a report known as the "Harvard Draft." It was a study printed in 1932, consisting 19 articles, with article 3 describing piracy explicitly as:

- "An act of violence or of the depredation committed by intent to rob, rape, wound, enslave, imprison or kill a person or with intent to steal or destroy property, for private ends without bona fide purpose of asserting a claim of right, provided that the law is connected with an attack on the sea or in or from the air. If the law is related to an attack that starts from on board a ship, either that ship or another ship that is involved must pirate ship or without national character.
- Any act of voluntary participation in the operation of a ship with the knowledge of facts that make it a pirate ship.
- Any act of instigation or international facilitation of action described above in this article" (Birnie 1989: 137-138).

2.6. The Geneva Convention on the High Seas (1958)

The Geneva Convention was based on the Harvard Draft (Joubert 2011:144). The Soviet Union or the Union of Soviet Socialist Republics (USSR) proposed that acts committed for political ends and acts by warships should also constitute piracy (Birnie 1989: 137). It was a result of the interception of vessels bound for the Republic of China by Chinese nationalists. It was later scaled down to include only acts that have the intent to commit theft or financial gain on the high seas (Birnie 1989: 137-138).

2.7. International Maritime Organization Resolution 1983

By 1983 acts of piracy and armed robbery of ships became alarming. After the adoption of a resolution on "Measures to Prevent Acts of Piracy and Armed Robbery against Ships" by the International Maritime Organization (IMO) (Joubert 2011:147). Governments were urged to take "preventative measures to suppress acts of piracy and armed robbery of ships in or adjacent to their territorial waters" (Agbakoba 2004:66). The Maritime Safety Committee (MSC) of the IMO, in its agenda of April 1984, listed

"Piracy and armed robbery against ships" as a separate essential item (Joubert 2011:147). The Committee decided that an in-depth investigation of the scale of the problem, as well as the areas most affected, was necessary (Agbakoba 2004:67). In November 1985, the IMO's 14th Assembly adopted "Measures to Prevent Unlawful Acts which threaten the Safety of Ships and the Security of their Passengers and Crew" (Joubert 2011:147)." Also, the MSC was tasked to ensure passenger and crew safety through the development of technical measures to prevent maritime terrorism (Joubert 2011:146). In November 1986, a "Convention on Unlawful Acts against the Safety of Maritime Navigation" was proposed. In March 1988, a proposal was adopted in Rome for a Convention on "Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA)." The SUA Convention also deal with emerging threats such as the seizure of ships by force and placement of devices on boards a ship with the intent to destroy or damage it (Joubert 2011:148)

2.8. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA)

In 1985, after the hijacking of the *Achille Lauro* forced shipping industry to go for safety measures from the emerging threats (Joubert 2011:146). This incident also had far-reaching implications for international maritime law and the domestic legislation of several countries such as the United States (US) (Joubert 2011:146). The hijacking caught the cruise liner industry off guard as the existing security measures were inadequate. One of the terrorists undertook several previous voyages on the ship, collecting intelligence that went unnoticed. Subsequently, cruise lines had a significant cancellation in cruise bookings and, as a result, the industry took measures to improve security (Joubert 2011:146). Most liners installed metal detectors, employed bomb-sniffing dogs, developed terrorist profiles and banned bon-voyage parties before sailings on ships. The US Congress passed the Omnibus Diplomatic and Anti-Terrorism Act of 1986 which provided federal jurisdiction over acts of terrorism against US citizen's overseas (Simon 1987: 22; Mazzone 1987: 152-154).

2.9. International Maritime Organization Resolution (1993)

In 1992, the IMO established a Working Group comprising of Indonesia, Malaysia, and Singapore, the three littoral states of the Malacca Straits. Through this group's resolution, the remaining seven ASEAN countries could also investigate problems relating to piracy and violence in the high seas that emerged in these Straits (Joubert 2011:146). This working group was also tasked with recommending preventative measures in dealing with piracy in not just the Malacca Straits but also in other areas affected by the problem (International Maritime Organization 2000). Based on its recommendations, a resolution-A.738 (18)- was adopted by the IMO in 1993(International Maritime Organization 2000). The decision laid down procedures that masters of ships should immediately report attacks or threats of attack to the nearest rescue and coordination center and warn nearby playing shipping of the assault (Joubert 2011:146). Local security forces must also be notified to react to any such incidents. This resolution also demanded that the MSC adopt a particular signal to be used by vessels under attack (Simon 1987: 22; Mazzone 1987: 152-154).

With the growth of the economy and technological development the Pirates, Maritime criminals, and terrorists also implemented new tactics. This new development in technology has provided a lethal weapon in the hands of pirates, and they used this method to launch attacks, creating the need for new measures against these new threats.

2.10 Post 2000 efforts

An international organization such as United Nations (UN) and International Maritime Organization (IMO) have adopted the conventions and protocols to eliminate attacks. These efforts have been proved a very crucial for maritime terrorists, pirates, and maritime criminals (Joubert 2011:146). Many other organizations such as the European Union (EU), International Criminal Police Organization (Interpol), and the International Maritime Bureau (IMB) also have an agenda to overcome the problem of piracy. It is possible only by intelligence collection and information sharing as well as assisting ships during or after attacks by maritime terrorists, pirates, and maritime criminals.

2.11. United Nations efforts

The United Nations (UN) has undertaken steps to regulate passage and safeguard shipping transiting the oceans through several resolutions and agreements. However, United Nations Convention on the Law of the Sea (UNCLOS) provided support for action against piracy and other forms of armed acts against shipping, it did not provide for action against maritime terrorism (United Nations Convention on the Law of the Sea 2005). This legal basis enabled countries to act against such crimes and take practical measures to prevent attacks by maritime terrorists (Joubert 2011:146).

2.12. The Anti-Pirating Project

The International Maritime organisation (IMO), launched an anti-pirating project that led assessment and evaluation missions to countries affected by the problem of piracy (International Maritime organisation 2005:10). These tasks are aimed to develop action plans and provide technical assistance. Missions to Singapore, Ecuador, and Ghana were undertaken in 2001 and 2002 (International Maritime organisation 2005:11). The most outstanding part of these measures is to identify shortcomings such as financial restraints on law enforcing agencies (Joubert 2011:150). Also, it also measures the lack of communication between agencies; lack of reporting of incidents; lack of timely investigations; and reduced rate of prosecutions of pirates. It led to the adoption of an "IMO code of practice for the investigation of the crime of piracy and armed robbery of ships" (Joubert 2011:150). It also impressed the need for capacity building of weaker governments with help from the international community (International Maritime organisation 2005:11).

2.13.The International Ship and Port Facility Security (ISPS) Code and SOLAS Amendments of 2002

The IMO;s MSC and the Maritime Security Working Group adopted a resolution (A.924 (22), 2001) in November 2001 in a review of measures and procedures to prevent acts of maritime terrorism. The ISPS Code was adopted in 2002 by the Conference of Contracting Governments to SOLAS. The ISPS Code: "established a framework involving cooperation between contracting governments, government agencies, local

administrations and the shipping and port industries to detect and access security threats. Moreover, take preventative measures against security incidents affecting ships or port facilities in the international trade" (Joubert 2011:150).

"The ISPS Code contains a mandatory section (Part A) and a non-mandatory set of guidelines (Part B) (Joubert 2011:150). The Code is, in essence, an exercise in risk management where an evaluation of the risks to a ship or port must be undertaken to determine what security measures will be applicable" (Joubert 2011:150). The Code also establishes the roles of different contracting parties in ensuring the safety of the shipping industry (International Maritime Organization 2003: 2). It also gives guidelines for early and efficient collection and exchange of security information and provides the methodology for assessments of safety (International Maritime Organization 2003: 3).

The ISPS Code also includes practical requirements to achieve its objectives, such as:

- "Gathering and assessing information on security threats and exchanging such information with appropriate contracting governments;
- requiring the maintenance of communication protocols for ships and port facilities;
- preventing unauthorized access to vessels, port facilities and their restricted areas;
- preventing the introduction of unauthorized weapons, incendiary devices or explosives to ships or port facilities;
- providing means for raising the alarm in reaction to security threats or security incidents;
- requiring ship and port facility security plans based upon security assessments; and requiring training, drills, and exercises to ensure familiarity with safety policies and procedures" (International Maritime Organization, 2003:6-7).

The Code applies to passenger ships; cargo vessels of more than 500 gross tonnages; mobile offshore drilling units; and port facilities serving international maritime traffic (International Maritime Organization 2003: 8). "In 2002, SOLAS Regulation XI-2/6 was

adopted which required that all vessels should be equipped with a Ship Security Alert System by 1 July 2006. This system could send an alert from ship to shore in case of pirate or terrorist attack" (Shiploc: 2010).

2.14. The 2005 Protocol to the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation

The 2005 Protocol to the SUA Convention was added to address the "potential threat of ships being used as weapons of mass destruction or to commit acts of maritime terrorism" (Joubert 2011:153). According to the Convention, a person or organization shall be guilty of an offense when such party unlawfully and intentionally commits an act to intimidate a population, government or an international organization (International Maritime Organization, 2006:121).

- "Uses against or on a ship or discharging from a vessel any explosive, radioactive material or BCN weapons in a manner that causes or is likely to cause death or serious injury or damage;
- Releases, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration that causes or is likely to cause death or serious injury or damage;
- Uses a ship in a manner that causes death or serious injury or damage;
- Transports on board a ship any explosive or radioactive material, knowing that it is intended to be used to produce, or in a threat to cause, death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act transports on board a ship any BCN weapon, knowing it to be a BCN weapon;
- Any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be employed in a nuclear explosive activity or any other nuclear activity, not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement;
- Transports on board a ship for any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of

a BCN weapon, with the intention that it will be used for such purpose" (International Maritime Organization, 2006:121).

The Convention obliges countries to detain suspects involved in acts of piracy or other related acts (Joubert 2011:153). The States can take measures for the safety and prevention from escaping, investigation, extradition, and prosecution. Conventions such as SOLAS and SUA formed the basis for more effective instruments to suppress maritime piracy and terrorism such as the ISPS Code (Munich Re Group 2006: 27, United Nations 2010: 4).

The 2005 protocol contains guidelines for boarding of a ship if reasonable grounds exist "to suspect that the ship or a person on board the ship is, has been, or is about to be involved" in the offense. Authorization of the flag State is required before boarding a vessel. If a response is not received within four hours, the IMO Secretary-General may grant permission (International Maritime Organization, 2006:6).The SUA Convention does not address acts of maritime terrorists against fixed platforms in the ocean, such as oil rigs. The 2005 amendments to the 1988 "Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf" addressed the problem of attacks on these platforms and defined such attacks as offenses" (Joubert 2011:154).

2.15. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

The amendment to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005) stipulates that offense will be committed if a person unlawfully and intentionally:

- "Is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act, uses against or on a fixed platform or discharges from a fixed platform any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage;

- Alternatively, discharges from a fixed platform, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration, that it causes or is likely to cause death or serious injury or damage;

- Threatens, with or without a condition, as is provided for under national law, to commit an offense"(United Nations Office on Drugs and Crime 2014:165).

Along with the UNCLOS and the SUA Convention, the Protocol mentioned above for fixed platforms provided a legal framework. It helps affected countries to act against maritime terrorism, piracy and acts of armed robbery of ships. The adoption of the ISPS Code was a practical step that assisted in working against and prevention of such crimes. It was not only the UN and IMO that launched measures to avoid and prevent piracy, maritime terrorism and acts of armed robbery, but international organizations such as Interpol also implemented measures to investigate and counter these crimes. Civilian agencies such as the IMB contributed to a large extent to the fight against such unlawful maritime transgressions.

2.16. The International Maritime Bureau (IMB)

Few other organizations had the same impact as the IMB in acting as a nodal agency to gather and interpret information on maritime piracy and armed robbery as well as providing assistance to ships under attack (Joubert 2011:155). The establishment of the International Maritime Bureau (IMB) Piracy Reporting Centre (PRC) in Kuala Lumpur, Malaysia in 1992 created an operational centre from where measures to counter piracy and acts of armed robbery of ships could be directed. The centre also undertook research into piracy, acts of armed robbery of vessels and maritime terrorism. The PRC provides valuable services such as:

- "Daily status reports on piracy and armed robbery of ships broadcast by the International Maritime Satellite Organization (Inmarsat) Inmarsat-C safety NET service.

- Reporting incidents of piracy and armed robbery of vessels to law enforcement agencies and the IMO and helping these agencies to apprehend pirates and bring

them to justice. The average IMB response time to forward messages onward is 10 minutes.

- A crime watch initiative is encouraging vessels to pass any information on suspected mother ships such as colour, numbers of pirates on board, arms and last position to the IMB, which will be passed on to the naval forces.

- Provide support in setting up Ship block and servicing the system.

- Monitor cargo while it is shipped and on arrival at the port.

- Examining suspicious documents such as shipping documents.

- Checking the credibility of ship owners and shipping companies.

- Assisting ship owners and crew members whose vessels were attacked.

- Locating pirated ships and recovering stolen cargo on a chargeable basis" (ICC 2008: 2, 39; Abhyankar 2006: 17; Munich Re Group: 2006: 43).

The paradigms of pluralism and social constructivism offer the view that multiple factors influence global politics and therefore also global security. Military threats from other States are no longer the only threat to the safety of a State, but increasingly non-military threats are also emerging as severe challenges.

2.17. Global Maritime Partnerships

The idea behind global maritime partnerships is that navies and shipping companies should combine their resources and capabilities to promote global maritime security (Joubert 2011:156). In confronting transnational threats such as maritime piracy and terrorism. Information sharing helps encourage the establishment of a clear understanding of the nature of maritime crimes (Joubert 2011:153). It is also useful use maritime security assets in such a way that it would deter these activities and curb maritime criminal and terrorist operations (Joubert 2011:157).

It also entails that a strong navy such as the US Navy should support weaker navies in capacity building of their naval assets. Richer countries should assist poorer countries in capacity building concerning funding, equipment, and training, especially regarding surveillance and interdiction capabilities. Very few countries support this initiative owing

to the fear that powerful countries such as the US will internationalize their territorial waters and affect the sovereignty of smaller, weaker States (Murphy 2007: 74–75; Young 2005: 25; Chalk et al.: 2009: 7).

2.18. Maritime Domain Awareness

The concept of Maritime Domain Awareness (MDA) is, in essence, the intelligence component of maritime security. The idea of MDA was developed by the US Coast Guard and is a strategy to obtain a better understanding of threats in the maritime domain. MDA consists of two elements, namely surveillance of activities at sea and intelligence gathering. The aim is to collect large quantities of data such as information on ship movements collected by the Lloyds Maritime Intelligence Unit and incorporate it into a user-defined operating picture (Murphy 2007: 74).

2.19. Intelligence collection

In Somalia, Western intelligence capabilities are non-existent which means that Western countries have no Somali viewpoint of the problem and little knowledge of the pirate gangs involved. The French started setting up radar networks in Yemen in 2006 as protection against terrorist attacks and to improve surveillance. These systems will connect all Yemeni coast guard checkpoints. The US Navy will mirror this effort on Sao Tome and Principe to enhance maritime security in the Gulf of Guinea (Chalk et al.: 2009: 7).

The European Commission (EC) launched a joint project with the European Space Agency to investigate the possibility of detecting signals. It helps ships to emit to identify themselves from space, to create a global picture of marine traffic in the Horn of Africa (United Nations Conference on Trade and Development 2014:142, Borg 2009: 4-5). The nature of security is highly pluralistic, so, it is mandatory to focus on issues such as socio-economic conditions, law enforcement, and good governance which influence regional and global security. In applying this perspective to Somalia, for example, the political and socio-economic scenario in the country profoundly impacts the safety of the country as well as the region.

2.20. Socio-Economic Development

Piracy is essentially a land-based problem and, therefore, the primary focus should be given to improvements in law enforcement on land. In practice, hostages are often killed in crossfire when law enforcement agencies execute rescue operations as in the cases of Somalia and Nigeria (Joubert 2011:162). Therefore, police officers should be well trained. Small coastal communities involved in piracy should receive incentives in the form of support of small-scale industries to discourage them from involvement in piracy as a form of income (Joubert 2011:163). The development of the economies and infrastructure of these countries and good governance would have a positive effect on the problem in the long run (Joubert 2011:164).

The EC's Somalia Special Support Programme (2008-2013) with a Euro 215.4 million budget has poverty alleviation as an objective with a particular focus on enhancing good governance, education, economic development and food security. The EC is also funding the African Union Mission in Somalia (AMISOM) (Chalk et al.: 2009:7; European Commissions: 2009: 1-2). Socio-economic development should be a long-term goal to combat maritime terrorism and piracy in all its associated forms, but in the short term, attention should be given to the physical protection of ships against such attacks. As cargo is transported from one country to another, security could be enhanced by securing the cargo at the point of origin and thus minimizing possible threats occurring at the destination port (Joubert 2011:170).

2.21. Djibouti Code of Conduct

Djibouti Code of Conduct is concerned with the "Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden" (United Nations Conference on Trade and Development 2014:142). It was adopted by a "sub-regional meeting on maritime security, piracy and armed robbery against ships in The Western Indian Ocean, The Gulf of Aden and the Red Sea" held on 29 January 2009 (United Nations Conference on Trade and Development 2014:143). "Resolution 1 of the Code concerns the adoption of the Code of Conduct and recommendations 2, 3 and four deal with technical cooperation and assistance, enhancing training in the region and expressions of appreciation, respectively. So far, the Code of Conduct has been signed by

20 of the 21 States that are eligible to sign it" (United Nations Conference on Trade and Development 2014:143)The signatories to the Code agreed, among other things, to cooperate, in a manner consistent with international law, towards:

a) "the investigation, arrest, and prosecution of persons reasonably suspected of having committed acts of piracy or armed robbery against ships;

b) the interdiction and seizure of pirate ships and property on board;

c) the rescue of vessels, persons, and goods subject to piracy and armed robbery and the facilitation of proper care, treatment and repatriation of seafarers, fishermen, other shipboard personnel, and passengers;

d) the conduct of shared operations, both among signatory States and resolutions 1816 (2008), 188 (2008), 1846 (2008) and 1851 (2008) and of United Nations General Assembly Resolution 63/111,155 which fall within the competence of IMO" (UN 2008) (United Nations Conference on Trade and Development 2014:143).

The Code defines piracy in the same terms as UNCLOS, while Article 101 also defines "armed robbery against ships" in very similar terms to those in Article 1(2) (a) of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia 2005 (ReCAAP). In its article 4(2), the Code defines a pirate ship as "a vessel intended by the persons in dominant control to be used for the purpose of committing piracy, if the boat has been used to commit any such act, so long as it remains under the control of those persons" (United Nations Conference on Trade and Development 2014:143). This definition is very similar to that in Article 103 of UNCLOS.

The Code also provides for the sharing of related information on a real time basis. Moreover, the signatory parties agreed to review their national legal framework to bring them by the international legal regime. The code also makes adequate provision for resolution of complex issues regarding the exercise of jurisdiction, the conduct of investigations and prosecution of alleged offenders (United Nations Conference on Trade and Development 2014:143).

In April 2010, a multinational Project Implementation Unit (PIU) was formed for the implementation of the Djibouti Code of Conduct. The financial aspects of this Unit are being taken care of by the IMO Djibouti Code of Conduct Trust Fund (DCCTF). It was established in September 2009, with contributions from France, Norway, Denmark, Netherlands, Japan, the Marshall Islands, the Republic of Korea and Saudi Arabia (United Nations Conference on Trade and Development 2014:143).

Several key areas undertaken by the Djibouti Code of Conduct has delivered positive results. Areas which have witnessed marked improvement include national legislative and legal capacity-building, training, and information sharing. On the implementation side, the international community has established three centres for information-sharing at Sana'a (Yemen), Mombasa (Kenya) and Dar es Salaam (Tanzania). A network of national centres is also being managed throughout the region, including in Puntland and Somaliland. The system assists several national security agencies, especially their navy, in identifying pirate mother vessels by providing information on the activity and movements of pirates (United Nations Conference on Trade and Development 2014:144).

2.22. Contact Group on Piracy off the Coast of Somalia (CGPCS)

On the 16 December 2008, United Nations Security Council (UNSC) Resolution 1851 of has been passed (United Nations Conference on Trade and Development 2014:40).This resolution facilitates discussion and coordination of actions among States and organizations to suppress piracy off the coast of Somalia. "This international forum has brought together more than 60 countries and international organizations, all working towards the prevention of piracy off the coast of Somalia" (United Nations 2008). Any State or international organization contributing to fighting piracy may become a member of CGPCS" (United Nations Conference on Trade and Development 2014:41). Other interested parties can also participate in the Group's meetings as observers.

2.23. United Nations Political Office for Somalia (UNPOS)

The UNPOS was established by the United Nations Secretary-General on 15 April 1995 (United Nations Security Council 2009). It assists the Secretary-General in the objective of building peace and reconciliation in Somalia. "The Special Representative of the

Secretary-General (SRSG) provides periodic briefings to the United Nations Secretary-General and written reports to the Security Council. UNPOS also provides political guidance, as needed, to the United Nations Resident and Humanitarian Coordinator of the United Nations agencies and organizations of the United Nations Country Team for Somalia" (United Nations Conference on Trade and Development 2014:42). Under UNSC Resolution 1976, of 11 April 2011, its piracy-related, capacity-building tasks are as follows:

(a) "Assist the TFG and regional authorities to establish a system of governance, the rule of law, and police control where land-based activity related to piracy is taking place;

(b) Support the creation of national fisheries and port activities, including the earliest possible delineation of Somalia's maritime spaces in line with the Convention;

(c) Assist with the implementation of the Djibouti Code of Conduct, the Regional Plan of Action, and the CGPCS regional needs assessment;

(d) Report on Protection of Somali Natural Resources and Waters (London Convention);

(e) More efficient coordination of anti-piracy efforts; Assist with the creation of specialized Somali courts" (United Nations Security Council 2011).

The UNPOS, in collaboration with other agencies, provides secretariat functions, based out of Hargeisa, to the Kampala Process. This process is also known as the Somali Contact Group on Counter-piracy and was established in January 2010 on a request by Working Group 1 of the CGPCS at a technical meeting between the Transitional Federal Government (TFG) of Puntland and Somaliland. The objective of this process is to promote internal coordination, information generation, and sharing, and to coordinate respective counter-piracy offices. It also serves as Somalia's focal point in the Djibouti Code of Conduct (United Nations Conference on Trade and Development 2014:43).

The objective of UNPOS to provide the humanitarian dimension of piracy and deals with issues such as providing medical care, accommodation, food, clothes, and welfare items to the Pirates during the release phase and to support them in returning home swiftly. In

this context, Interpol has developed a plan to debrief released hostages in support of investigations that will lead to the prosecution of the suspected pirates (United Nations Conference on Trade and Development 2014:44).

2.24. Code of Conduct Concerning the Repression of Piracy in West and Central Africa

Under the aegis of UNSC Resolutions 2018 (2011) and 2039 (2012)., a "Code of Conduct on the repression of piracy, armed robbery against ships and other illicit activities at sea" was developed together by the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and the Gulf of Guinea Commission, with the assistance of IMO (United Nations Security Council 2011).

This was complemented by the launch, in 2006, of an "Integrated Coastguard Function Network Project" by IMO and Maritime Organisation for West and Central Africa (MOWCA) in 2006. The African Union's Integrated Maritime Strategy 2050 was initially endorsed at a ministerial meeting in Cotonou, Benin in March 2013. The Code is also known as the Yaoundé Declaration and was formally adopted by Heads of State from West and Central African countries, at a meeting in Yaounde(United Nations Conference on Trade and Development 2014:43).

This new Code is influenced by the Djibouti Code of Conduct and adopts several of its elements. This Code calls for full cooperation in prevention and repression of transnational crimes. Its focus area in the maritime domain i.e. maritime terrorism, illegal, unreported and unregulated (IUU) fishing and other illegal activities at sea with a view towards:

(a) "Sharing and reporting relevant information;
(b) Interdicting ships and aircraft suspected of engaging in such illegal activities at sea;
(c) Ensuring that persons committing or attempting to commit illegal activities at sea are apprehended and prosecuted;
(d) Facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to illicit activities at sea, particularly

those who have been victims of violence" (United Nations Security Council 2011).

In addition, a new multi-donor trust fund was established to support an expanded programme of capacity-building activities in West and Central Africa. Several UN agencies along with other international and regional organizations are collaborating towards the safe, secure and sustainable development of the African maritime sector.

2.25. Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

Against this backdrop, Southeast Asia emerged as a piracy hotspot. In order to combat this, on 11 November 2004, the first "intergovernmental regional agreement to fight piracy in Asia, namely the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP)" was adopted. The Agreement entered into force on 4 September 2006 and currently has 19 Contracting States (United Nations Conference on Trade and Development 2014:158).

This agreement requires signatory States to prevent and suppress piracy and other associated acts of armed violence in the high seas; to seize vessels used for piracy; to seize the property on board these ships, and to rescue victim ships and victims of piracy(United Nations Conference on Trade and Development 2014:158).The agreement also established the ReCAAP Information-sharing Centre (ReCAAP ISC), which was inaugurated on 29 November 2006 in Singapore. The ISC caters to the need to collect and analysis piracy-related information and the prepare and disseminate related statistics to foster a better understanding of the scenario. The ISC also alerts member States of any imminent threat of piracy, by reasonable grounds (United Nations Conference on Trade and Development 2014:159).

Further, the ISC acts as a cooperating mechanism between contracting states, as required by the ReCAAP. Thus, the ISC was set up to facilitate an exchange of information among focal points designated by each State via a secure web-based data network system (INS).

2.26 Military Responses

Military and naval forces play a crucial deterrent and interdiction role against piracy. By escorting commercial vessels through high-risk areas, they offer safe passage that protects the ship, along with its cargo and crew, against the menace of piracy (United Nations Conference on Trade and Development 2014:162). It allows international trade to continue without disruption. The United Nations Security Council (UNSC) Resolution 2020 (2011) commended particular international naval operations against piracy such as the efforts of EU's Operation Atlanta (United Nations Security Council 2011). "North Atlantic Treaty Organization's (NATO) Operations Ocean Shield and Allied Protector, the Combined Task Force 151 of an international coalition. These alliances were instrumental in protecting shipping and suppressing piracy in the waters off the coast of Somalia" (United Nations Conference on Trade and Development 2014:165).

Individual naval forces have also been deployed by States including India, Iran, China, India, Japan, Malaysia, South Korea, Russia, Saudi Arabia and Yemen. In September 2011, the global shipping industry represented by the Round Table of international shipping associations- wrote to UN Secretary-General Ban Ki-moon requesting the establishment of a UN to be deployed in small numbers on board ships passing through the Suez Canal (United Nations Conference on Trade and Development 2014:165).

2.27 Operation Atlanta

An agency directly involved in deterring, preventing, and repressing acts of piracy off the coast of Somalia is the European Naval Force Somalia Operation Atlanta (EU-NAVFOR Atlanta) (United Nations Conference on Trade and Development 2014:166, NATO 2008). Operation Atlanta was launched in December 2008 under the EU's Common Security and Defence Policy, as a part of the EU's comprehensive approach for a peaceful, stable and democratic Somalia. The operation also protects vessels of the World Food Programme delivering food aid to displaced persons in Somalia, and shipping of the African Union Mission in Somalia (AMISOM). On 23 March 2012, the mandate of Operation Atlanta was extended by the European Council until December 2014 (United Nations Conference on Trade and Development 2014:165).

Another initiative established by EU-NAVFOR, in collaboration with the industry, is the Maritime Security Centre–Horn of Africa (MSCHOA). It provides round the clock monitoring of ships transiting the Gulf of Aden. It also communicates the latest anti-piracy guidelines to industry and shipping companies. Therefore, each merchant vessel wishing to transit through the Gulf of Aden or off the coast of Somalia is advised to register in advance on the website of the MSCHOA(United Nations Conference on Trade and Development 2014:165).

2.28 NATO: Operation Ocean Shield

Since 2008, the NATO has contributed to international efforts to combat piracy in the Gulf of Aden and off the Horn of Africa (NATO 2008). This has been done through its Operation Ocean Shield (OOS), which builds on the experience gained during the previous counter-piracy mission which as known as Operation Allied Protector (United Nations Conference on Trade and Development 2014:165). NATO forces provide escort for ships transiting the area, and the NATO Shipping Centre (NSC) provides a point of contact for the exchange of merchant shipping information between military authorities of NATO (United Nations Conference on Trade and Development 2014:165).

"NATO's counter-piracy activities are coordinated with other international efforts in the area to optimise results. In March 2012, OOS was extended until the end of 2014. Also, an agreement was concluded between NATO and Interpol for sharing of piracy related information collected by OOS with the latter"(United Nations Conference on Trade and Development 2014:165).

2.29. Multinational Task Force-151

The Multinational Task Force-151 (CTF-151) is another international coalition set up to tackle the scourge of piracy srrounded to the coast of Somalia. It was established in 2009 by the US Navy with the objective to "deter, disrupt and suppress piracy" (United Nations Conference on Trade and Development 2014:170). CTF-151 has seen participation from the US, Germany, France, Canada, Denmark, New Zealand, Netherlands, Pakistan, Portugal, South Korea, Singapore, Spain, Thailand, Turkey and the United Kingdom (UK) (Interpol 2011). While the NATO and the EU missions were

regarded as offering a "Western approach" to countering piracy, CTF-151 was viewed as providing an "Eastern approach" (United Nations Conference on Trade and Development 2014:170).

To provide a deterrent against pirate attacks in the Gulf of Aden, the CTF-151. it has established the International Recommended Transit Corridor (IRTC) (United Nations Conference on Trade and Development 2014:171). This route extends from the Bab-al-Mandeb Strait, connecting the Red Sea to the Gulf of Aden, till north of the Archipelago of Socotra, a distance of roughly 464 nautical miles"(Joubert 2011:180). The transit corridor is divided into several areas, and commercial and private ships passing through them are monitored and escorted by the various naval detachments (United Nations Conference on Trade and Development 2014:171).

Further, the Shared Awareness and Deconfliction (SHADE) initiative was established to improve information sharing and increase the efficiency of cooperation between different military missions operating in the area. Meetings are held every six weeks, co-chaired by each of the participating forces (United Nations Conference on Trade and Development 2014:170).

2.30. INTERPOL

The UNSC has recognised the importance of Interpol in the international efforts against piracy in three of its resolutions (United Nations Conference on Trade and Development 2014:172). In 2010, the first resolution urged States to cooperate with Interpol and European Police Office (Europol). It helps to "further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation" (United Nations Conference on Trade and Development 2014:173). The second one adopted in April 2011. It has highlighted the need for countries to criminalise piracy under domestic law, to investigate and prosecute individuals. These people's illegally finance, plan, organise or profit from piracy off the coast of Somalia and the importance of collecting, preserving and transmitting evidence of acts of piracy with guidance from Interpol (United Nations Conference on Trade and Development 2014:173). The third resolution, adopted in November 2011, commended Interpol for the creation of a global piracy database designed to coordinate information

about piracy off the coast of Somalia and facilitate the development of actionable analysis for law enforcement"(Joubert 2011:181). It also urged member States to share such information with Interpol for use in the database, through appropriate channels (United Nations Conference on Trade and Development 2014:174).

To prevent, investigate and prosecute acts of piracy, the Interpol coordinates with several international organizations, including the African Union (AU), BIMCO, Euro just, the EU, Europol, IMO and the UN, and with various military agencies and even the private sector. In January 2010, the Interpol established its own Maritime Piracy Task Force, which focuses on three main areas- improving evidence collection, facilitating data exchange and capacity-building on a regional level. Accordingly, it has developed a global maritime piracy database (United Nations Conference on Trade and Development 2014:175).

The database includes records of personal details, hijacking incidents, vessels and currency and bank accounts used in ransom payments, etc. It allows Interpol to analyse piracy networks and to help its member countries identify and arrest high-value individuals involved in piracy around Somalia. The task force had also created a digital album containing photographs of suspected pirates, which are shared with international partners and are often used when debriefing released hostages, to help identify their captors (United Nations Conference on Trade and Development 2014:174).

The Interpol is also implementing another EU-financed project in support of building national law enforcement capacities. The objective is to combat piracy by providing necessary training and equipment to perform efficient and proactive investigations. Interpol has trained investigators in countries such as Seychelles, as well as developed the capacity of the shipping industry to support evidence collection and preservation (United Nations Office on Drugs and Crime 2013:44).

Further, Interpol has been running Project Evexi (Evidence Exploitation Initiative), which assists member countries in investigating cases of piracy. Oman is one of the countries that benefited from this project, where its authorities received specialised training covering the legal aspects in the fight against piracy. Other beneficiary countries include

Kenya, Madagascar, Maldives, Seychelles, and Tanzania (United Nations Conference on Trade and Development 2014:182).

A decision adopted by the EU Council in December 2010 provided that the EU's Operation Atalanta should use the Interpol's global network to augment its fight against piracy in the Gulf of Aden. Information is regularly shared between Interpol, the EU, and NATO. More recently, an agreement was concluded between NATO and Interpol whereby piracy-related information collected by NATO naval forces operating as part of Operation Ocean Shield will be shared with Interpol (United Nations Conference on Trade and Development 2014:182).

2.31. United Nations Office on Drugs and Crime (UNODC) Counter-piracy Programme

The UNODC Counter-piracy Programme (CPP) began in 2009 with a mandate to help Kenya deal with an increase in attacks by Somali pirates (United Nations Conference on Trade and Development 2014:182). Presently, CPP also assists other countries such as Maldives, Mauritius, Seychelles and Tanzania with capacity-building programmes, as well as material support (United Nations Conference on Trade and Development 2014:184).The programme is also helping Somalia to upgrade its penal and judicial infrastructure with the aim of ensuring that convicted Somali pirates can serve their sentences in their country of origin (United Nations Conference on Trade and Development 2014:185). The UNODC has already completed work on a new prison in Hargeisa, the capital of Somaliland and is constructing and refurbishing prisons in Puntland. With over 1,200 suspected or convicted pirates detained in 21 countries around the world, the UNODC work on counter-piracy remains highly relevant.

The three primary objectives of CPP are to ensure the following:

(a) "Fair and efficient trials and humane and secure imprisonment in regional centres;

(b) Humane and safe imprisonment for pirates in Somalia;

(c) Equitable and effective piracy trials in Somalia" (United Nations Office on Drugs and Crime 2012:48)

As admitted by the UNSC Resolution 1918 of 27 April 2010, and following Resolution 2125 of 18 November 2013, the failure to prosecute persons responsible for acts of piracy off the coast of Somalia undermines international anti-piracy efforts. In this regard, the UNSC commended Kenya's efforts to prosecute suspected pirates in its national courts and imprison convicted persons. It encouraged Kenya to continue in these efforts while acknowledging the difficulties. (United Nations Conference on Trade and Development 2014:182).

Also, The UNSC appreciated the assistance provided by UNODC and other international organizations to enhance the judicial capacities in Somalia, Kenya, and Seychelles. Further, the UNSC acknowledged the ongoing efforts within CGPCS to explore possible mechanisms to more efficiently prosecute persons suspected of piracy off the coast of Somalia (United Nations Conference on Trade and Development 2014:184).The UNODC has also provided technical assistance to Ethiopia, Kenya, and Tanzania on targeting piracy-linked money laundering. It has also helped in controlling other forms of organised crime (United Nations Conference on Trade and Development 2014:184).

2.32 Non-Governmental Efforts

A non-governmental initiative called Oceans Beyond Piracy (OBP) aims to reduce piracy through better governance of the seas. It was launched in 2010 with the commitment to develop a multi-stakeholder response to maritime piracy through:

(a) "Mobilization of all affected sectors of the maritime community;
(b) Developing public–private partnerships to promote long-term solutions at sea and on shore;
(c) Global and sustainable deterrence based on the rule of law" (United Nations Office on Drugs and Crime 2012:66).

The OBP functions on the principles of independence, transparency, and inclusiveness and adheres to the notion that piracy can only be solved by involving community stakeholders in the process of finding a solution. The project organises workshops,

conducts research and analysis, and develops cross-sectoral partnerships in its efforts to counter piracy.

The OBP has produced several research reports, such as the "Human Cost of Piracy" Study that analyse the economic cost of piracy on Somalia human resource to aid understanding of and to promote a solution to the various direct and indirect costs of piracy. The assessment recommends that planning efforts should focus more on deterrence and suppression rather than mitigation and containment and that more resources should be devoted towards concentrated solutions. As a direct result of the OBP's 'human cost of piracy,' the "Declaration Condemning Acts of Violence against Seafarers" was signed in Washington D.C. in August 2011. Under the Declaration, States committed to providing reports to IMB on acts of violence committed by pirates against seafarers. The IMB would collate and disseminate the aggregated data. Such information will be used to understand how hostages are treated by pirates, including the level and type of violence that pirates use against seafarers, and to determine trends in the violence used by pirates.

2.33 Confidence building through ASEAN Security Community (ASC)

The ASC efforts have been seeing under Inter-Country Security Measurements to prevent major inter-state conflict over the past four decades (International Institute for Sustainable Development 2007:44). "Its aim is to ensure that countries in the region live in peace with one another and with the world in a just, democratic and harmonious environment" (International Institute for Sustainable Development 2007:45). "Members are bound to the commitment of relying exclusively on peaceful processes in settlement of intra-regional differences and regard their security as fundamentally linked to one another and bound by geographic location, shared vision, and objectives" (United Nations Conference on Trade and Development 2014:184).

"The ASC comprises the following components: political development; shaping and sharing of norms; conflict prevention; conflict resolution; post-conflict peacebuilding; and implementing mechanisms. It will be built on the firm foundation of ASEAN processes." The High Council of the TAC and the ASEAN-steered Regional Forum (ARF) are also comprehensive security, in line with the strong interconnections among

contemporary political, economic and social realities. It does not denote a defence pact, military alliance or joint foreign policy (International Institute for Sustainable Development 2007:45).

 "The rules of procedures for the High Council were furthered clarified in 2001, but the office of the High Council has not been invoked, as member states prefer the option of international arbitration over relying on regional resources" (International Institute for Sustainable Development 2007:44). Such a recurring trend demonstrates some degree of discomfort among ASEAN member states in appealing to the same institution from which further discord may be engendered. In recognition of security interdependence in the Asia-Pacific region, ASEAN established the ARF in 1994. The ARF's agenda aims to evolve in three broad stages, namely the promotion of confidence-building, the development of preventive diplomacy and the elaboration of approaches to conflicts for major regional security issues, such as non-proliferation, counter-terrorism, transnational crime, South China Sea and the Korean Peninsula (ASEAN Secretariat 2004).

Critics have pointed out the ARF's slow progress in developing its confidence-building and preventive diplomacy agenda, overall institutional growth and problem-solving mechanisms to engage the US and other key members (International Institute for Sustainable Development 2007:44). China, in particular, had been resisting the development of preventive diplomacy measures within the ARF as compared to confidence building measures. There is also the view of ASEAN dominating the ARF core, which prevents the resolution of more intractable security problems in Northeast Asia (ASEAN Secretariat 2004)

Despite these shortcomings, the ARF has also posted achievements, as noted during the 10th ARF meeting on 18 June 2003. These include providing a venue for multilateral and bilateral dialogue, and the establishment of practical principles for dialogue and cooperation among its 26 members. These states had diverse perspectives, and which included the networking and exchange of information relating to defense policy and the publication of defense white papers (International Institute for Sustainable Development 2007:45). "The ARF also recently attempted to play a role in addressing the North

Korean missile crisis, by appealing to return to the six-party talks, but the move was rejected by North Korea" (International Institute for Sustainable Development 2007:45).

"The ARF has developed some structures and capacities towards preventive diplomacy and has responded to the shift in focus towards non-traditional security threats. The most significant risks are such as terrorism, maritime security, and disaster management. On the other hand, institutional steps such as ARF chair and Register of Eminent and Expert Persons (EEP) was formed. While no international convention solely dedicated to the eradication of maritime piracy has been developed. Furthermore, piracy was the first crime to be recognized as an offence against international law and subject to universal jurisdiction objectives" (United Nations Conference on Trade and Development 2014:184).

Thus we find that multilateral, responses are given the threat to address the threat of piracy at the global level. However, the role of Singapore Malaysia and Indonesia are more relevant in the context of Malacca strait because of the littoral states and determined to resolve the threat of piracy in the region. Their approaches to contain the activities of the pirates are therefore discussed in the following chapters.

Referance

Birnie, P. W. (1989), "*Piracy: Past, Present and Future*. Paris: ICC Publishing.

Joubert, Lydelle Amelia (2011), *Maritime Terrorism, Piracy and Act of Armed Robbery of Ships: Southeast Asia And Africa 2000-2008,* Master Dissertation, South Africa: University of Pretoria

Ritchie, Robert C. (1986), Captain Kidd and the War against the Pirates, Cambridge, Harvard University Press.

Cordingly, D. (1996), "*Pirates: Terror on the High Seas from the Caribbean to the South China Sea*, Atlanta, Turner Publishing.

SOLAS (1974), International Convention for the Safety of Life at Sea", [Online web] Accessed 16 February 2015 URL: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx.

IMO (1983) International Maritime Organization Resolution, [Online web] Accessed 16 June 2014 URL:
http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/Status%20-%202016.pdf.

Shiploc (2010), "A Measure to Enhance Maritime Security", [Online web] Accessed 16 February 2015 URL:http://maritime-intelligence.cls.fr/shiploc.

Munich Re Group (2006) Piracy- threat at sea: A risk analysis. [Online web] Accessed 16 February 2015 URL:http://www.munichre.com/publications/302-05053_en.pdf

Murphy, Martin N (2011), "Somali Piracy", *RUSI*, 156 (6): 4-11.

Abhyankar, Jayant (2002), "Piracy, Armed Robbery and Terrorism at Sea, In Piracy, Maritime Terrorism and Decuring the Malacca Strait", (eds.) *Graham Gerard Ong-Webb*, Singapore: ISEAS.

UNCTAD(2014), United Nations Conference On Trade and Development "Maritime Piracy: An Overview of The International Legal Framework and of Multilateral Cooperation to Combat Piracy [Online web] Accessed 16 June 2015 URL: http://oceansbeyondpiracy.org/sites/default/files/attachments/UNCTAD%20Part%20II.pdf

CHAPTER: III

APPROACHES OF INDONESIA, MALAYSIA AND SINGAPORE

Strait, isthmus, and other geographical features have a greater role in the geopolitics of the region. The geostrategic importance of these elements in regional security is recorded at foremost level. This chapter emphasises on the geostrategic significance of the Malacca Strait. In the geopolitical map of the Sea Lanes of the Communications, the Malacca Strait has emerged as a center of attraction for all the great powers, i.e., US, China, Japan, and India. On the other hand, the riparian countries (Indonesia, Malaysia, and Singapore) are also regarded important stakeholders of Malacca Strait. One of the central aspects of this chapter is to discuss the emerging geopolitical scenario in the Malacca Strait and its implication on the world and Southeast Asia in particular. The region experienced a sense of vulnerability due to the rise of piracy. The littoral states (Indonesia, Malaysia, and Singapore) are grappling the various maritime problems on many fronts, but the piracy has threatened the security in a larger perspective. Their problem of national security and challenges of territorial integrity are also a prime concern, and these problems are closely associated with the maritime security, besides regional security. On the other hand these, littoral states experienced a substantial rise of the incident of sea piracy. In this regard, the riparian countries of the Malacca Strait have taken some serious steps to counter the problem of piracy individually as well as cooperatively. In this chapter, the focus of the study to discuss the experiences, the responses, policies, and vision of these littoral countries. The approaches of these three coastal states (Indonesia, Malaysia, and Singapore) have a profound significance in eliminating the problem piracy. Primarily, the focus of this chapter to analyse of the growth and decline of the problem between the years of 1997 to 2015.

3.1 Sea Lanes of Communications and Straits

Since the emergence of the modern naval capabilities, sea routes have been considered a vital instrument to pursue the national power of any country. In the colonial period, only strong navies were regarded as a powerful country. Britain was considered a super power

due to its powerful navy, which was capable of face any threat. The one of the greatest strategist, Alfred Thayer Mahan (1840-1914) has given the concept of the naval powers, which claims that country which has a great naval power, will have a global impact on pursuing their influence. United Kingdom (UK), France, and Dutch were considered as a great naval power of that era. His idea about the ocean was published in his influential book "*The Influence Of Sea Power Upon History, 1660 – 1783*" in 1890.

> "The history of sea power is significant, though by no means solely, a narrative of contests between nations, of mutual rivalries, of violence is frequently culminating in war. The profound influence of sea commerce upon the wealth and strength of countries was clearly seen long before the true principles which governed its growth and prosperity were detected. To secure to one's people a disproportionate share of such benefits, every effort was made to exclude others, either by the peaceful legislative methods of monopoly or prohibitory regulations, or, when these failed, by direct violence. The clash of interests, the angry feelings roused by conflicting attempts thus to appropriate the larger share, if not the whole, of the advantages of commerce, and of remote, unsettled commercial regions, led to wars. On the other hand, wars arising from other causes have been significantly modified in their conduct and issue by the control of the sea. Therefore the history of sea power, while embracing in its broad sweep all that tends to make a people great upon the sea or by the sea, is largely a military history" (Mahan 1890:1).

However, the navigational routes have a great geographic significant. In the context of the strait, which is also more important part of the sea route, has a great geostrategic significance. It is discernible that, the nation those have a stake in controlling the straits will reflect the dynamism of the economy as well as security. Moreover, the major sea route Strait of Malacca, Strait of Sunda, Strait of Hormuz, Strait of Gibralter and Bab-el-Mandeb are regarded as the engine of the global economy (Tafte and Umana 2012:3). These straits are responsible for fulfilling the demands of the energy supply across the world. Moreover, the straits are accountable for developing the interdependency to each other. So, concerned countries are heavily dependent on the trade and commerce. This situation helped to avoid any confrontation and restore the regional peace (Tafte and

Umana 2012:3). The littoral countries of Strait of Hormuz (Oman, United Arab Emirates, and Iran) have rarely faced any chaos in their interdependency and disputes. So, the growth of unprecedented maritime traffic flow has canvased a new Mapof the ocean (National Geospatial-Intelligence Agency 2016).

From the geographical point of view, the strait can be defined as a channel which lies between the two sides of landmasses. However, the most importantly, it is also necessary for the existence of a navigation channel for ships and vessels. Therefore, the strait is the most important part of the navigation system in the ocean and has a geostrategic as well as geoeconomic importance (Roberts 2006:99). The straits are different connecting links which connect any countries territorial sea or exclusive economic zone to the International navigation i.e. Strait of Gibraltar, Dover Strait, Strait of Hormuz (Roberts 2006:100). So, the term (Strait) is not bound to any legal framework and can only be view regarding geographical connotation. The strait provides a natural junction for separating larger bodies of water. For instance, Malacca Straits and Singapore Strait help to connect the Indian Ocean geographically (Roberts 2006:99).

3.2 Significance of Malacca Strait

The Malacca Strait is one of the longest, busiest and the most useful navigational route of the world. The rise of the global trade and commerce has enhanced the importance of this sea route surprisingly. There are a large number vessels, and cargo ships are crossing through this route. This strait has a potential to transform the pace of the global trade and commerce due to its significant influence on the geopolitical world map (Gerard and Web 2006). The unique location of Malacca Strait acts as a junction for the major sea routes. It connects the Indian Ocean via the Andaman Sea with the South China Sea.

The Malacca Strait is also a maritime link between energy rich and energy demanding countries of the world i.e. Gulf region, India, China, and Japan. The strait is regarded as one of the shortest routes to the oil exporting countries as well as connecting India with East Asia. It is evident that the Malacca Strait is the center of passage for around 30 percent of the global trade and 50 percent of the global energy transportation crosses this strait every year. However, The size of the Malacca Strait spread in the width of 11 to 200 nautical miles (National Geospatial-Intelligence Agency 2016). Malacca strait is the junction of many tributaries, i.e., Strait of Bengkali, Strait of Rupat and Strait of Johor

Malacca Strait is naturally important for the regional and global security environment. Apparently, Malacca Strait attracts the pirates due to its complicated history, sandwich like geopolitical situation and a range of socio-economic factors (Batman *et al*. 2006:14).

3.3 Strategic analysis of Malacca Strait

The Malacca Strait located at the most prominent geostrategic location of the world. Through the map (1) the location of the Malacca Strait is clearly highlighted, we can find out the centrality of Malacca Strait with leading world economies and powerful navies. By the bridging, the other Sea Lane of Communication (SLOC) i.e. the Indian Ocean and the South China Sea, Malaca Strait attracts the other stakeholder in the region. The proximity and a natural passage for the China and India have embarked a kind of tension to secure their interest in the Strait which, has become a quite discernible. However, the United States (US) has become the major factor as a world power in actively engaging the security issues as well as forming a competitive zone involving with China's security problems in the region. US suspicious views toward China to transforming a cold war like situation existed in Soviet-era. The whole region has become the wheels of all the great powers. The chokepoint of the world has significance for the India. The vision of the Act East Policy can not be achieved with its full pace without bringing Malacca Strait as a prime focus.

On the other hand, China is also one of the most prominent factors in this region. The whole region is skeptical about its peaceful rise theory, and a suspicious environment always existed in the behavior of these nations while dealing China. China has emerged as one of the largest exporter and consumers of the energy. The quest for the energy security is paramount in the Chinese diplomacy, and the demand is increasing consistently. The large needs of energy and influence of China's presence may affect the supply mode existed in the region (Ji 2007:471). The Malacca Strait is responsible for the transportation of the more than 80 percent of Chinese oil imports from the Gulf and African countries. The China has an ability to develop the alternative mode of transportation. However, rising influence of other major powers (US, Russia, Japan, and India) frustrates Chinese agenda in this regard. So, this emerging situation is considered as '*Malacca Dilemma*' in the Chinese geostrategic challenges (Ji 2007:471).

The *'Malacca Strait Dilemma'* is closely associated with security of the Sea Lanes, which is facing a serious threat as far as China's national security is concerned. One of the crucial aspects of this dilemma to make a delicate geopolitical situation in the region (Ji 2007:471). The China has opted a strategy of *Anti-Accessor Area-Denial Capability*, which is primarily focused on the agenda to restrict the capabilities of United States (US) rather than indulging in conventional warfare. The conventional war is not the wise, and feasible policy for China.The indulging a convention war with the United States (US) is not a practical and reasonable for China. The China has opted the strategy of Air-sea battle method for minimising the risk of confrontation and achieving a viable outcome (Potter 2012:13).

3.4 Geo- Economic analysis of Malacca Strait

The Malacca Strait has become the heartland of the global economic activities. The Strait is located at the central position with the Asian Tigers (Taiwan, Singapore, South Korea and Hong Kong) along with other nations China and India. The Malacca Strait is the key element of achievement of the vision of Asian century. However, the energy factor is one of the most important economic aspects to analyse the significance of the Malacca Strait. With the increasing demands of energy supply in the industrialised countries (China, Japan, South Korea, Singapore Taiwan, and India) is proving a catalyst for the whole region. India and China have emerged as largest and third largest consumer of the energy. This consumption has brought energy security as a forefront agenda in the Malacca Strait. China will hold the 10 percent of the world total energy demand in 2050. So, the enormous demand of the energy will accelerate the economic development of the whole region (World Energy Outlook 2015:38). Furthermore, The world's third and Asia's second largest economy Japan also relies heavily on the Malacca Strait for the imports of the energy. Approximately, 98 percent of a crude oil of Japan passes through the Malacca Strait (Tafte and Umana 2012:3).

The regional ports such as Singapore, Port Klang (Kuala Lumpur), Johore, Penang, and Belawan are one of the most important ports as far as export is concerned (Evers and Gerke 2005:4). On the other hand, the importance of the smaller ports is also very crucial for the local maritime transport and trade. Both types of ports are the complimentary to

each other, and fundamentally essential for local commerce and migration (Evers and Gerke 2005:5).

Map No-1

Strategic location of Malacca Strait

Source: http://piratical.pbworks.com/f/1177883709/malacca2.jpg

Furthermore, the fishing industry also enhanced the economic importance of the Malacca Strait region. Malaysia has witnessed a substantial rise of fisheries industry, which is contributing billions to the economy. On the other hand, Indonesia is also emerged as a second largest country in the world after the China regarding quantity (Food and Agriculture Organization of the United Nations 2015:9). Indonesia has produced more than 64,36,715 tons of fish and exported more than 210 countries (Food and Agriculture Organization of the United Nations 2016:9). The fishing industry has been proved lucrative for the littoral states particularly Indonesia and Malaysia. The strait is one of the largest sources of the fishery not only for export but also a prime source of nutrition. Moreover, Singapore is known as a large consumer and producer of the fishing industry

and proved to be considerable advantageous. The Singapore has exported for the 11,13,157 tons of fish in 2014 (Food and Agriculture Organization of the United Nations 2015:9).

3. 5 Legal Setting of Malacca Strait

Like other straits, the Malacca Strait is inextricably linked with the jurisdiction of exclusive economic zones (EEZs). In the map (2) we can clearly observe that maritime competence of the Malacca Strait. The various part of riparian states, in the Straits is clearly shown which is claimed by the coastal states Malaysia, Singapore. On the other side, the maritime boundaries of two neighborhood coastal countries Thailand and India are also discernible. The marine limits of any state can be measured from the baseline to 200 nautical miles away to exclusive economic zone (EEZ), where they have full international navigation right. The vessels can pass through the maritime territory according to international regulations and helps to the area and the prevention of the sea lanes of communications. However, it is also important that these rules and regulations are although non-discriminatory at the practical level (UNCLOS 1982). It is also discernible that Maritime jurisdiction of transit pass is not clearly defined According to Article 22 of The United Nations Convention on the Law of the Sea (UNCLOS) vessels are only allowed to enter or leave an international strait at any point.

3.6 Seaborne trades and Shipping Patterns in Malacca Strait

With the growth of the gross domestic product (GDP) of the world, trade and commerce are rapidly increasing. In 2014, the growth of global GDP had coup up with the shadow of slow down but increased marginally higher (United Nations Conference on Trade and Development 2015:16). It is also expected that growth rate of world trade will increase with an adequate growth rate in 2016. The overall development of the global trade is projected to rise at the same pace in an upcoming decade, but we can't ignore the uncertainties of world patterns of the economy. The increase of the global economy is still dependent on the growth rate of India and China. Mainly India is expecting to achieve 8 percent of growth rate in upcoming years.

Map No.2

Transport and flows in Malacca Strai
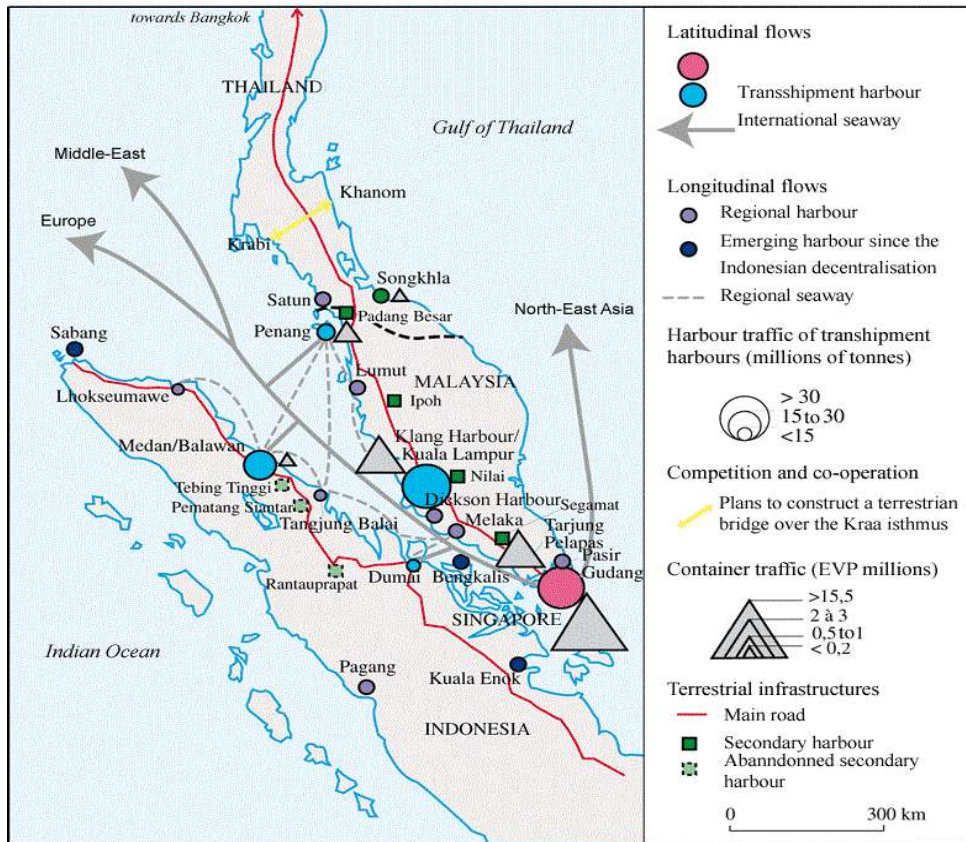
Source:http://www.reseauasie.com/images/editos/edito_110201/edito_110201_carte1_flux_malacca_en_gm.gif

Map No.3

Different section of Malacca Strait

Source: http://blog.admiralty.co.uk/page/2/
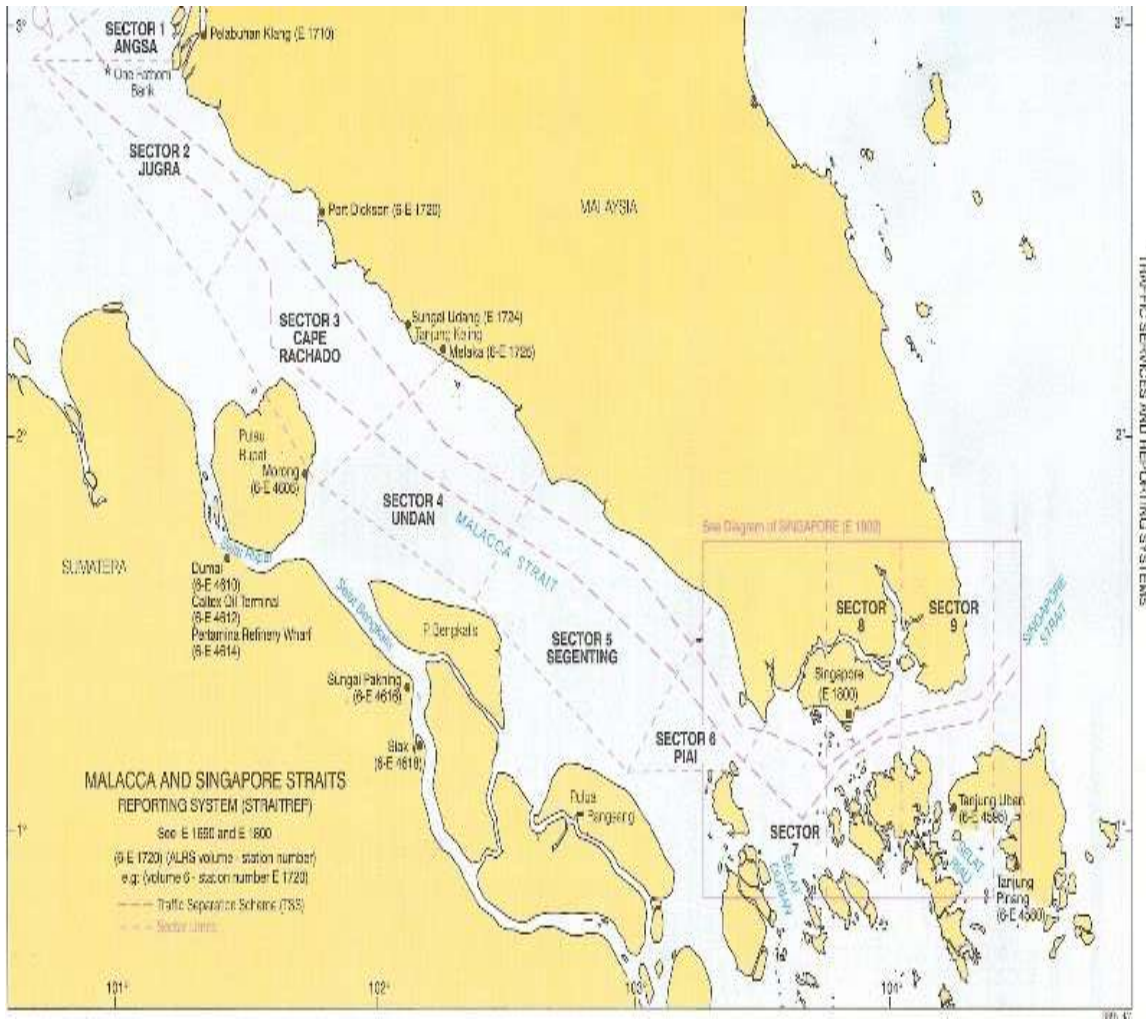
Picture No. 1

Muzium Samudera (Martime Museuem) of Melaka(Malcca) City-2

Source: Taken by Author

Picture No. 2

Muzium Samudera (Maritime Museum) of Melaka(Malacca) City-2

Source: Taken by Author

Picture No. 3

Coast of Malacca Strait-1

Source: Taken by Author

Picture No. 4

Coast of Malacca Strait-2

Source: Taken by Author

This prediction indicates that the expansion of the world trade global demands of supply and chain and maintain her stable environment existed in the Table No (3) shows that the substantial rise in the shipping pattern of the Malacca Strait. The maritime transport pattern of the whole region is consistently increasing with the growth of global trade and commerce and expansion of inter-regional trade. In 2014, this year was the crucial year because of the percentage of the total maritime traffic flow declined. But, the overall expansion of intra-regional trade helps to enhance the proportion of flow of sea transport in next decade. The growth of the export of rapidly Industrialising nations like India and Indonesia as well as the increase in the demand for the global energy supply will increase the traffic flow.

Table No: 3

Shipping traffic in the Malacca Strait 2009-2014

Year	Numbers of vessels
2009	**71359**
2010	**74133**
2011	**73528**
2012	**75477**
2013	**77973**
2014	**72657**

Source: Marine Department of Malaysia 2014

Table No. 4

Actual or attempted attacks Actual or attempted January 2014 –June 2015

Locations	2010	2011	2012	2013	2014	2015
Indonesia	40	46	81	106	100	21
Malaysia	18	16	12	9	24	3
Malacca Strait	2	1	2	1	1	1
Myanmar		1				
Philippines	5	5	3	3	6	2
Singapore Strait	3	11	6	9	8	2
Thailand	2					1

Source: ICC-IMB Piracy Report 2014/15

Table No 5

Types of arms used by the geographical locations

locations	Guns	Knives	Others weapons	Not stated
Indonesia	15	43	4	38
Malacca Strait	1			
Malaysia	12	1		10
Philippines	3	1		2
Singapore Strait		5		3
Thailand	2			

Source: ICC-IMB Piracy Report 2014/15

Table No. 6

Reported incidents by ports, January –September 2014

Location	Country	1.1.2014-30.09.2014
Belawan	Indonesia	9
Chittagong	Bangladesh	13
Jakarta/Tg Priok	Indonesia	8
Kandla	India	5
Karimun Kechil /Besar	Indonesia	9
Muara Berau	Indonesia	4
Pointe Noire	Congo	6
Pulau Bintan	Indonesia	27
Visakhapatnam	India	3

Source: ICC-IMB Piracy Report 2014

Demands of energy are consistently increasing at both levels at the production level as well as market level. The oil and gas exporting countries (Saudi Arabia, Russia, and Kuwait) are frequently increasing output and export. The oil and gas export is rely heavily on the exchange rate of the local currencies in the dollar. Most of the country's trade in the dollar which was the mutually accepted in the agreement by the OPEC (Organization of Petroleum Exporting Countries) in 1973. But, the countries (Iran and Venezuela), those have not a good relation with the USA, trying to trade in Euro as an alternative currency. But in the case of India and Southeast Asia, all have only choices to pay for the dollar. The recent decision of the Britain's exclusion from the European Union popularly known as *Brexit* was responsible for fear in the global oil and gas trade. This incident helps to increase the price of oil and gas. However, the fluctuation of price doesn't hamper the maritime transport industry, and it is growing day by day.

On the other hand, the huge gap between technology and infrastructure are the main hurdle in making of a viable infrastructure for maritime transport.it is estimated that at least 6.2 percent amount of GDP need to invest by the each developing country to fill the huge gap of support. In this investment, the maritime infrastructure i.e. ports and ships are the key, which ultimately helps to the expansion of the seaborne trade.

Furthermore, In the Malacca Strait region, we witnessed a substantial rise in the maritime traffic in the form of tankers, LNG carriers, and vehicle carriers. But, against this backdrop, the primary target of the pirates are small vessels, those are incapable of protecting against the ambush of pirates. These summer containers are paramount to provide a link to other ships for better connectivity. So, it is evident that the problem of piracy is required a precise and sophisticated approach. The approach should differ from vessel to vessel so that the real situation could be identified.

However, Table No (7) represents the major ports of all three littoral states of Singapore, Malaysia, and Indonesia. The above data indicate that the rapid increase in the trade and commerce which is responsible for a substantial increase in the volume of the containers at ports. The overall 20 percent increase in the size of the containers between last two years, it reflects the level of the ships traffic in the Malacca Strait. This trade enhanced the economic growth for the whole region but also provided an opportunity for maritime criminals (Pirates, terrorists, and organized gangs) as a lucrative opportunity. In the

following decades. It was anticipated that the volume of containers will increase tremendously due to the rapid industrialisation of the Indonesia and India's vision of maintaining more than 8 percent of the growth rate.

Table No. 7

Container Terminal in Malacca Strait

Port name	2012	2013	2014	Percentage change2013-12	Percentage change2014-13
Singapore	31 649 400	32 600 000	33 869 000	3.00	3.89
Port Klang	10 001 495	10 350 000	10 946 000	3.48	5.76
Jakarta	6 100 000	6 171 000	6 053 000	1.16	-1.91
Total	47750895	49121000	41016600	-2.78	19.75

Source: Review of the Maritime Transportation Report 2015

It has become a quite challenging task for the policy makers and regional security analyst to search a viable strategy for a comprehensive system to cope up wth the rising traditional security challenges in the Malacca Strait. Particularly the problem of piracy. As the situation is becoming grim, piracy has become the forefront of the agenda of littoral states regarding regional security. The numbers of summit and conference are the testimony of the growing concern about the problem of piracy (Batman 2006:16).

However, Table No. (6) Indicates about the incident of the piracy which has increased year by years in the entire Southeast since 2010. Indonesia, Malaysia, and Singapore all are affected by the problem of piracy. But efforts of these countries are in the form of patrolling and surveillance helps in the decline of piracy. However, the threat of piracy remain existed, and it can be prevented by the constant efforts and support. On the other hand, the threat of piracy in the Malacca Strait has declined tremendously. The immense growing cooperation among the regional countries and multilateral efforts have made it possible to search a viable solution for the Strait. On the other hand, it becomes the possibility only by the immense efforts of the incident of piracy. The Table No (5) shows

that the arms used during the match on the ships and most commonly the knives are one of the favorite weapons of the pirates along with the new augmentation. The Indonesian ports the most vulnerable to piracy attacks. The ports of Pulau Bintan has been faced a severe threat of piracy in the last few years. The Table No (6) indicates about the recent incident in the littoral states of Malacca Strait and it is noticeable that Indonesia is the soft target for the pirates. Despite the vast efforts of the Indonesia, the ports are still on the radar of the Pirates they can attack quickly. These ports are crucial as far as Indonesian economy is concerned. Indonesia much relies on her export and import on these ports. So, constant surveillance is the key to preventing any attempt or incident of piracy.

3. 7 Approaches of Indonesia

Indonesia is the largest Archipelago nation located in the Southeast Asia. It is considered as the biggest Muslim country regarding population consisting thousands of islands (Anwar 2006:266). The emergence of Indonesia as a stable and rapid growth economy has strengthened its democratic and pluralistic society. Indonesia matters to the world due to its essential and most important strategic location and as a littoral country of world's most important Sea-Lanes of Communication (Anwar 2006: 269).

On the other hand, as the founding member of ASEAN, Indonesia is grappling with serious threat originated by the number of Non-state actors (Piracy, Maritime Terrorism, and insurgents). These risks are inextricably linked with internal ethnic and religious conflict that is a severe threat to its unity and territorial integrity. The re-engagement of US in the region due to the opening of the second front (Post 9/11) is highly interlinked with the Indonesian territories and waters. Indonesia is considered as a Middle power among the analyst. The Indonesia is a significant part of Indo-Pacific maritime domain due to its large economy ($868.3 billion) and population.The Indonesian engagement in the number of multilateral frameworks (ASEAN, ARF, and APEC) is perceived its vital role in maintaining the regional balance *vis-à-vis* as extra-regional powers. Indonesia has also emerged as an economically most compelling country along with India and China. The Indonesia is expecting to cross the ($12 Trillian) by its rapid growth rate (more than 6 to 7 percent) in 2050(Goldman Sachs: 2009)

3.8 Geographical Analysis of Indonesia's Maritime Location

The topography of Indonesia is very complicated. This country consists thousands of island (17,508 islands). The Archipelago is comprised five islands divided into the Sumatra (473, 606 square kilometers), Java, (132,107 square kilometers) Kalimantan (539,460 square kilometers), Sulawesi, (189,216 square kilometers) and New Guinea (421,981 square kilometers) (Naval Hydro-Oceanographic Office 2004). The Indonesia has total 1,904,569 square kilometers of land, which is the 14th largest in the world (Sodik 2012; Anwar 2014). The extensive maritime boundaries of the Indonesia is spread more than (3,181Miles) from eastern Sumatra to western New Guinea. The extensive maritime borders located at the (1,094 miles) from North (Kalimantan) to South (Java) (Naval Hydro-Oceanographic Office 2004).

The Indonesia is sandwiched between the Malacca Strait, Indian Ocean, South China Sea, Makassar Strait, and the Celebes Sea situated Latitude = 5S & Longitude = 120E. Indonesia as a central state to the maritime conundrum of the entire region with vast Exclusive Economic Zone (EEZ) 7.9 million square kilometers. This area is supposed to be a junction of the passage of the one of the most dynamic economies in the world (China, Japan, Korea, Taiwan, Australia and India).These complex topography and the importance of the global trade and commerce also attracts the various organised and unorganised gangs i.e. pirates, Separatist, and terrorist groups. These are the most fundamental problems with the globalization process and is the most important factor in the socio-economic development of the region.

3.9 Factors of escalating to the piracy in Indonesia

Indonesia is a very complex society with more than 255 million population. In Indonesia primarily comprises 85 percent Muslim population mostly are poor those speaking more than 500 languages in different territories. The growing tension between Java and the other islands are marginalized people; those adopt piracy as a profession.

3.10 Radical Islam

Against this backdrop, there are some extremist groups, i.e., Jemaah Islamiyah wants to establish an Islamic Khalifate all over the Muslim areas of Southeast Asia. However, they represented a small population but succeeded to create turmoil in Indonesia. The ideology and function of radical Jemaah Islamiyah to provide linkages between the

extremist agenda to the Al Qaeda. They involved in the inter-communal conflict between tMuslims and Christians in Maluku (Munawaroh 2014). However, there is substantial evidence that Jemaah Islamiyah is becoming the tool of the to destabilize the democracy in Indonesia. Jemaah Islamiyah is responsible for the darkest faces of democracy in Indonesia; they become the instrument of the military to oppose any reform agenda and merciless killings (International Crisis Group: 2012). The current conflict between Muslims and Christians has increased and spread other part of the nation i.e. Sulawesi and the Maluku. In 2004 election, The Prosperous Justice Party *Partai Keadilan Sejahtera* (PKS) has brought a new change between extremists and moderates. The success of *Partai Keadilan Sejahtera (PKS)* is reflected the vast change in the Indonesia society which has a strong feeling to reject the extremist ideologies and believes in the governance. Despite, PKS represent the only subtle percentage of the Muslim population, but 90.4% of Indonesians religious faith should function through the beliefs and values of '*punch sheel'* (International Crisis Group: 2012).

However, there is also evidence to identify the linkages between existed strong feeling of extremism and its connection with the global Islamic terrorism in Southeast Asia. Most of the local radical groups are the follower of same ideological basis and quickly become the soft target of global terrorist organizations. Though, the different organization work with a different motivation but the prime motive of the interlinked groups to destabilise the western establishment and pursue a domestic agenda. There are some local separatists groups which are collaborating with global jihadist groups. It is evident that the Islam and identity are not the only primary concern of the Acehnese separatists they are interlinked with global groups like Al Qaeda (International Crisis Group: 2014).

3.11 International Terrorist Networks in Indonesia

However, there are some incidents which have proved as a catalyst for the rise of the terrorism in Indonesia. In 2001, the detention and trial of Al Qaeda members were the catalysts for the rapid increase of terrorism. This incident helps to build a platform for the local rebellious groups to interlink them with the global terrorist organizations. The most of the members of this trail was a skilled terrorist and responsible for developing a terrorist platform in the Indonesia. Furthermore, these accused were also bridging and

providing the facility of local recruitment for the global terrorist organizations. In between 2000-2004, these camps are equipped to train a significant number of Indonesian separatists in Poso, in Central Sulawesi Indonesia (Munawaroh, 2014:44).

The arrests of Jemaah Islamiyah has in Malaysia and Singapore have also proved a catalyst for the local rebellious group. It has created the fertile ground for these groups to linking themselves to these global terrorist organizations, i.e., Al-Qaeda network. These groups are motivated by the teachings of Wahhabism which are believed to establish an Islamic state.

3.12 Domestic Extremists

The local terrorist organizations have different perspectives with the global networks on organizational structure and strategy, but the one vision is shared among all to establish an Islamic state. Against the backdrop of the world terrorist organization, the local outfits of terrorism is the result of the particular environment of the Indonesian state. The Indonesia had developed a local branch of successful operation the ideology of Laskar Jihad and has raised fund from the various sources.

Despite the strong feeling against the West, these terrorist group did not have a prime motive to attack or target the west (US, UK or other western states). They were motivated the by the objectives of the Osama bin Laden and his network Al-Qaeda. The prime motive of these organizations is developing a base which helps to grow radicalism in whole Southeast Asia. They also utilised this infrastructure against the governments. With the origin of political chaos in Indonesia, the threat of radicalism has increased due to the utilization of these activities as a tool by the politicians. The Suharto has constructed his image as a protector of Islamic interests during his New Order regime. The political opponent of New Order regime has been prosecuted.

In the late 1980s, Suharto has promoted Islamic ideology in the military and developed to *jilbab* (Islamic head covering) and brought a new stringent law to made interreligious marriages impossible (Pereira, 1998:23). However, one of the most important steps taken by the Suharto was considered to the promotion of *Haj,* or pilgrimage, to Mecca in June 1991. A Later president, B. J. Habibie, Suharto's son-in-law was also promoted the

Table No. 8

Indonesian Economy

Indonesia GDP	Last	Previous	Highest	Lowest	Unit
GDP	868.35	878.04	878.04	5.98	USD Billion
GDP Growth Rate	2.47	0.97	3.82	-3.57	Percent
GDP Annual Growth Rate	5.12	5.22	7.16	1.56	Percent
GDP Constant Prices	724126.70	706666.50	724126.70	340865.20	IDR Billion
Gross National Product	694164.00	677886.00	694164.00	317687.50	IDR Billion
GDP per capita	1810.31	1732.18	1810.31	275.78	USD
Gross Fixed Capital Formation	178284.00	170422.60	180500.00	63970.10	IDR Billion
GDP per capita PPP	9254.42	8855.01	9254.42	4295.26	USD

Source: http://www.tradingeconomics.com/indonesia/gdp World Bank Group

ideology of Islam and built a Committee, Committee of Solidarity with the Muslim World (KISDI), which support Bosnian Muslims and provided the facility of funds. At the beginning of the 21st century, The domestic association of Al-Qaeda has been exposed after the incident of 9/11. The US declaration of the war on terror has threatened to these local Laskar Jihad's groups who hide their association with Al Qaeda

(Pereira 2002: 35).

3.13 Indonesian Government Response

The government of Indonesia faced a final challenge to curb the problem of escalating threat of Islamic extremism. Reluctantly, the government of Megawati has taken the very slow response to wiping out the issue of Islamic terrorism. It is conspicuous that the officials of Indonesian authority are the facing allegations of foreign media not to take proper action against these terrorist outfits and the step to the suppression of local rebellious groups and compromise the ethos of the global war on terrorism. Indonesia was grappling any effective internal security law to taking these type of crime too detained the accused.

So, Indonesian authorities failed to take any serious steps due to the scarcity of substantial evidence. These limitations have the profound impact on Indonesian policy of tackling terrorism and to cooperate with the war on terrorism. The Indonesian authorities are failed to work with neighbors to share intelligence and surveillance of terrorist suspects.

In 2004 election, the political condition of Indonesia was facing a significant turmoil when the Megawati government was struggling to maintain support from Muslim political parties. Her weak state credentials forced to construct a new space in a newly emerged political circumstances. This incident impacts Indonesian policy of fighting against Islamic terror and local rebellions groups. However, the government felt sooner the political risk of taking as high action in this regard. Unfortunately, these steps proved a backward step in curbing the terrorist plot in Indonesia and frustrates the United States and neighbors.

3.14 Incidents of Maritime Piracy in Indonesia

After Somalia and the Gulf of Aden, Indonesia had the third most reported cases of piracy and acts of armed robbery in ships in 2008, with 28 reported cases. Incidents of piracy and acts of armed robbery of vessels in Indonesia were in a downward trend from 2004 to 2008. (ICC, 2008: 6, 10, 23, 43-49). Indonesia is considered as often the safe base from which pirates operate into the Malacca Strait, Sumatra and the northeast of the Anambas Islands. Between 1995 and 1999 a third of world piracy incidents occurred in

this archipelago, as it is almost impossible to identify pirates boats amongst other vessels (Frécon 2008: 29-35). The ports and anchorages of Belawan and Jakarta frequently experienced acts of armed robbery of ships in 2008. Other ports and anchorages that were at risk were the Pulau Laut Anchorage, Bontang Anchorage, Santan Port and Taboneo Anchorage. Several incidents of armed robbery of ships took place in the region off the Mangkai and AnambasIslands. The standard attack occurs 11.55 (nautical miles) from shore (Keyuan, 2005; ICC, 2008: 6, 10, 23, 43-49).

Cargo ships and tankers were mostly at risk against acts of piracy and armed robbery of vessels in 2008 and in most cases ship stores, equipment and crew's possessions were stolen. These attacks occurred while ships were anchored in port or at anchorages and while vessels were underway. During these incidents, knives are the weapons of choice and injuries were sustained during one such event. One hijacking took place between Sulawesi and Surabaya on a product tanker, and firearms were used during this incident. The Royal Malaysia Marine Police reacted to the incident and located the tanker in Sandakan Port (ICC, 2008: 43-49).

However, during 2005-2007, a larger number of incidents were also reported in the areas at risk in 2008. The port, anchorages and oil and coal terminals of Balikpapan were especially at risk with 22 reported incidents. Most of the attacks in Southeast Asia occur 32-km stretch of the Philip Channel between Singapore Island and Indonesia. As many oil tankers move through this channel, the danger exists that an accident could occur when the bridge of one of these vessels is left unmanned after a pirate attack. The navigational problems in transiting this area also mean that no additional crew members are available for pirate lookouts. One such accident occurred just before midnight in 1992 at the northern entrance of the Malacca Straits when the 27 000-tonne container vessel, *Ocean Blessing*, collided with the 100000-tonne crude carriers, *Nagasaki Spirit.* More than 12 000-tonne of crude spilled into the straits, and 45 crew members died. Nobody survived the accident. (ICC, 2007: 42-51, 77-78; Abhyankar, 2006: 8,16; Fort, 2006: 34).

However, response times after or during an incident of maritime piracy or acts of armed robbery of ships may be slow. In some cases, port control or local authorities do not even respond to calls of vessels in danger. On 14 October 2006 the bulk carrier, Murshidabad was anchored during cargo operations in Indonesia. Four men in an unlit motorized

dinghy approached the ship. One man boarded the boat, and three were in the process of boarding when the crew sounded the alarm after which the robbers fled. The crew was, however, unable to get a response from port control. (ICC, 2006:34; IMO, 2000).Maritime terrorism also occurs in Indonesia and organizations such as 'Jemaah Islamiyah' (JI) and Free Aceh Movement, which is called in Bahasa Indonesia 'Gerakin Aceh Merdeka' *(GAM)* both have maritime capabilities.

3.15 Maritime Terrorism in Indonesia

The explosives were used in 2002 Bali nightclub bombings were transported by ship to Indonesia. Although, this attack has reflected the grim situation before the maritime environment. The Lloyd's maritime underwriters highlighted that "Association declared all the ports across the Indonesian archipelago unsafe with the implication that they canceled ships visiting these ports, insurance" (Nincic, 2005: 623; Richardson, 2004: 71). The proximity of countries such as Indonesia and Singapore facilitated the movement of maritime terrorists between countries. Jemaah Islamiyah, operating in Indonesia, has a moderate maritime capability and reportedly planned to carry out attacks on visiting warships in Singapore. More than 200 terrorists are linked to Jemaah Islamiyah were in custody in Indonesia, Malaysia, Singapore and the Philippines in 2003. Communication between Jemaah Islamiyah and Al-Qaeda and funding by Al- Qaeda were reported, but decisions and operations are undertaken independently (Agence France Presse, 2005; International Crisis Group, 2003).

However, Gerakin Aceh Merdeka (GAM) founded in 1976, claims to represent the province of Aceh in Indonesia and is fighting for the independence of this region from the Indonesian central government. The group distances itself from affiliations with international terrorist organizations such as Al-Qaeda or JI. In 1999, the movement threatened with attacks on the port at the mouth of the Malacca Straits and ships transiting the Straits. Two attacks on landing craft transporting UN relief cargo to tsunami victims were attacked off Aceh, in the Malacca Straits. Robbers in military fatigues claimed to be GAM members.

In 1999, was the outstanding year when only two incidents of piracy were recorded. But, in upcoming years the incident of piracy has increased tremendously and reported 30 attacks in the years of 2004 (International Maritime Bureau 2005). The overall attacks of

the pirates are declining on the average basis. In 2011, the declining rate of piracy had resulted in the only attack. However, instead of elimination of the problem it has only shifted to their location simultaneously rise of Somalian piracy emerged as that for the whole world. The connection of the problem of piracy can not be separated with other regions because it may have a potential to influenced the other trade route.

In 1997, the Asian financial crisis was the predominant factor in the growth of piracy. Indonesia is also one of the victims of this financial crisis which was responsible for spreading of poverty and unemployment at the mass level. Thailand's central bank rapidly fluctuated the baht after failing to protect the currency. However, these measures are ultimately spread all over the southeast Asia and resulted in the massive bankruptcy, declined the GDP growth and foreign exchange risks (The Economist 2007). These adverse changes had had devastating effects on the Indonesia. It hampered the economy as well as a reason to the growth of numerous societal problem. It was evident the that the rise of the large-scale power and unemployment forced to the people to shift in the coastal areas for their livelihood (Raymond 2009:32). The government was incapable of providing a safety cover for the citizen to struggle with repercussions of the financial crisis (Raymond 2009:33). It was the most fertile time for the growth of the piracy in the region and development of severe security threats.

However, the government was unable to cover the extensive maritime area, which was difficult for the law enforcement (Murphy 2007:73). The incapability of implementation agencies had worsened the situation in Indonesia. The enforcement agencies of Indonesia were not equipped with the essential technological equipment such as Boats, radar, well-trained crews (IISS, 2004:3). In Indonesia, the problem of piracy could be seen as purely as a domestic concern, and without equipping their enforcement agencies, it can not be addressed internally (Raymond 2009:56). In 1997, the defense budget of Indonesia also doest allow Indonesian Military to take counter piracy steps seriously (Sons, 2004:13). The lack of sufficient budget to maritime enforcement agencies helped pirates to deepen their roots in the region.However, the jurisdictional and policy related factors are also the most important factor to in the growth of piracy in the region. Indonesia's continuous struggle against authoritarianism creates a negative environment for the cooperation in the field of maritime security (Desker 2005:2).

The year 2014, was regarded as one of the most significant years in Indonesia as far as maritime security is concerned. The Indonesian election brought a major change in the maritime policy of Indonesia. The new elected president Joko Widodo came into the power on the issues of bringing a new kind of maritime security doctrine to helps Indonesia at the forefront of the regional maritime diplomacy. The Indonesia's new maritime policy is a strategy which contributes Indonesia to become a healthy and powerful part of the entire Indo-Pacific region (Shekhar 2014:2). Furthermore, through the policy of becoming forefront country in the maritime domain, Indonesia's favorable position implies among nations enhance the credibility and empowers whole Asian community. One of the major upliftment of this policy, it makes Indonesia a more equipped and stronger country. However, the major upliftment by this policy it helps Indonesia's Sea Lane Of Communication(SLOC) safer and faithful for transportation. It contributes to more practical dealing with issues of piracy and other environmental issues environmental and weather catastrophes, air disasters. On October 20, 2014, the Indonesian president Joko widodo has emphasised a vision to develop Indonesia as a "global maritime axis" (pros marine dunia). The president has also highlighted the slogan of and invoked the slogan of "Jalesveva Jayamah" (in the ocean we triumph). The widodo has become as the first president to bring a maritime doctrine, but it will help Indonesia in full-fledged after many passing years (Shekhar 2014:3).

3.16 Approach of Malaysia

Malaysia is known as also one of the largest countries in the Southeast Asia. Malaysia also has a significant stake as far as Maritime security is concerned. Malaysia is also an industrialized nation like Singapore. The ports of Malaysia experience vulnerabilities in maritime related concerns mainly piracy. The Port Klang is one of the busiest port in the Southeast Asia. In 2014, the Port Klang witnessed the transportation of 10,946,000 number container through this port (United Nations Conference on Trade and Development: 2015). So, it is evident that the security and safety of the ports are one of the vital factors of Malaysian security. The capital of Malaysia, Kuala Lumpur is only 20km far from the coast of Malacca Strait. So, the threat of piracy always affects the ports of Malaysia. Like other countries in Malacca Strait, Malaysia has given much more

attention to the threats of piracy and develop a cooperative framework for burden sharing. In this way, Malaysia concentrated on the problem of piracy since the early 1990 and is considered as a major national security challenge. But, the severity of the problem forced to take external cooperation in this regard (Umana 2012:12).

3.17 Geographical Analysis of Malaysia

Malaysia is considered to be one of the largest countries in Southeast Asia regarding size Malaysia is (329,847 square kilometers) and population (30, 883, 424) (CIA World Fact Book 2006). Malaysia is spread to Peninsular Malaysia (West) and East Malaysia (East). The location of the neighboring countries of Peninsular Malaysia is located in Thailand (South), Singapore (North) Indonesia (east). On the other hand, East Malaysia is connected by the isle of Borneo connected with Brunei (Marshall Cavendish Corporation, 2008:1156-1171). The south china sea creates maritime boundaries and connects the two different part of the peninsular Malaysia. The western side of Malaysia is known for the concentration of the most of the Harbours which is located on the coast of Malacca Strait. The eastern side of Malaysia has a coastline of 2,607 kilometers which coastal regions, hills and valleys, and a mountainous interior (Simon 2010:366).

3.18 Security Threats to Malaysia

As a federal constitutional monarchy, Malaysia follows the policy of Non-Alignment which was an essential part of their foreign policy. Malaysia refused to become the part of a puppet of super powers rivalry and denied to become the member of any camp. In 1954, refused to become the member of pro-Western military alliance Southeast Asia Treaty Organization at its formation (SEATO).

Despite a supporter of Non-Aligned movement Malaysia signed a bilateral mutual defense pact. Malaysia reiterated that it could not be seen in the context of communism capitalism clash (Vreeland, 1985:227). The arrangement of the Five-Powers Defense Agreement (1971), had set a security umbrella for Malaysia and Singapore by the Britain. The other states Australia, and New Zealand was an original part to cooperate Britain (Leper, 1991, 211). It is evident that the Malaysia is located at the brink of complex topography of the Malacca Strait that is why the territorial integrity of Malaysia is one of the most challenging strategic concerns. The claim on the Spratly Islands in South China is also a bone of contention between regional countries (China, Taiwan,

Vietnam, Philippines, Malaysia, Brunei). This energy-rich area (South China Sea) is just 100 miles away to Sabah and Sarawak which Malaysia has claimed (Berry, 1997:31).

However, the above-mentioned territorial dispute has a possible potential to emerge as a greater problem for Malacca strait which could hamper the security of Malaysia. It is interesting to mention that Malaysian government has never tried to define the real regional threats as far Malaysia is concerned. Instead of using any term threat, Malaysia frequently used challenges for their strategic interest. The primary rationale behind the rising this tendency to keep a balancing strategy with regional actors like China (Berry 1997:32-33).

Since the end of cold war in 1991, the whole region has undergone a significant change in the strategic scenario of Southeast Asia. The withdrawal of US forces has become the past, and its re-engagement has become the dominant factors in the geostrategic situation. On the other hand, a so-called peaceful rise of the China is most embarking development in the region. China has replaced the position, which was USSR held. Its increasing interest of China in the South China Sea has created a complicated situation in the security conundrum of entire Southeast Asia. As far as Malaysia is concerned Malaysia also has the same trouble to adjusting itself with this changed enjoinment.However, the prime minister Mahathir had denied to any association of China as a possible threat to Malaysia since 1990 (East Asian Daily Report 1992:39-42). In 1996, the Prime Minister Mahathir also visited Beijing as a confidence building process and wittiness also indicate that Malaysia has a strategy to avoid any tension with China (East Asian Daily Report 1996: 55-56).

3.19 Malaysia's response to the Piracy

Malaysia has launched the Maritime Enforcement Agency in 2006 by merging five small maritime agencies. In this enforcement agencies, Malaysia has tried to improve the safeguarding equipment and acquired 70 patrol craft and six helicopters. This enforcement agency is like an Indian Coast Guard, which mainly focused to vigil the vessels. Since the last decades, Malaysia has much improved the infrastructure and in the technological sector, which helps to a better environment and facilities. The cooperation with the extra-regional powers has tremendously enhanced the quality of replacing of Malaysia in the elimination of piracy. This policy of burden sharing has benefited the

whole region and develop more confidence among the riparian states, sharing Malacca Strait.

Royal Malaysian Navy had set up a Rapid Deployment Team to tackle the crimes such as ship hijackings quickly (Straits Times 2016). The team consisted of two groups comprising 14 members and was equipped with two helicopters and a gunboat. Moreover, an Indonesian warship, KRI Imam Bonjol-838, had been deployed to increase Indonesia's naval patrol presence in the Strait of Malacca. The Maritime and Port Authority of Singapore (MPA) and local enforcement agencies i.e. the Police Coast Guard and Republic of Singapore Navy also contributed in this regard (Straits Times 2016).

The enforcement authorities in Malaysia and Indonesia worked to together deter incidents through regular sharing of intelligence and stepped up patrols. These countries also increased efforts to detect unregistered ships around ports. The majority of the cases were carried out mainly by a few gangs from villages in Pulau Karimun Besar, Pulau Batam and other Indonesian islands close to the south of the Straits (Straits Times 2016).

3.20 Approaches of Singapore

Singapore, a former British colony, become an entirely independent political entity and separated from Malaysia in 1965. Since mid-1980, Singapore is regarded as one of the most vibrant financial centers. Singapore has been transformed itself into the full-fledged industrialised country and counted as an Asian tiger. Singapore has also become the symbol of Asian economic development reflected as rapid development. The Singapore is considered to be high per capita income country with US$53,604 and GDP of $307.9 billion (World Bank: 2015). So, the security and safety of the Sea Lanes of Communication (SLOC) have become as an important factor. Singapore is the hub of global multinational corporations and political and regional security is the pre- requisite to maintain the economic development of Singapore. If the regional peace threatened by any that, i.e., piracy it will hamper the Singapore import and export with other countries. Singapore has a very unique relation with the western powers which helps to acquire a safety guard from maritime security. However, Singapore is struggling with the enormous threats to its Sea Lanes of Communication (SLOC) and ports. Being a largest industrialised nation of the whole region, the related maritime crimes can hamper the

trade and commerce of Singapore. Due to the severity of the problem of piracy in the Malacca Strait, Singapore has always been prepared to cooperate with the other countries. In 2004, Singapore deputy prime minister, Tony Tan, reiterated: "*It is not realistic to unilaterally confine such patrols only to countries in this part of the world ... We can do more if we galvanize the resources of extra-regional players.*"

3.21 Geographical analysis of Singapore

The geographical location of Singapore is similar to bridge between the Indian Ocean and the South China Sea. Regarding size (719.1 km2), it is half of the Delhi area has a population (5,535,000) (Central Intelligence Agency, 2012). Singapore as a nation has evolved it to be more concentrated on its vital national security significance. The location of Singapore is unique which is located at the mid of the Malacca Straits and the South China Sea. The two states of the Malacca Strait Malaysian ad Indonesia are located at north and south respectively. Singapore is regarded as the Chinese ethnicity dominated the country, where the approximately 75% ethnic Chinese, 15% Malay, and 5% Indian are living together in harmony (Berry 1997:41).

3.22 Major Security Concerns of Singapore

Singapore is facing a serious problem from external as well as on the domestic front. According to Finance Minister Heng Swee Keat who highlighted security, economy, social cohesion is a greater concern for Singapore. The whole Southeast Asia has witnessed some terrorist attacks. In Southeast Asia, the bombing in Bali in 2002, Bangkok in 2015 has proved that situation is becoming grim regularly. The terrorism is one of the prime concern of Singapore which has become the first concern after the rise of the threat of Islamic State of Iraq and Syria (ISIS). The Indonesian authorities arrested six suspected terrorists, plotting fire a rocket into Marina Bay. These incident has highlighted the emergence of perceptions in Singapore from the ISIS. The Finance Minister Heng Swee Keat has also reiterated that the ISIS has opened the recruitment centers in Southeast Asia and sent some people from Indonesia, Malaysia, and Singapore. These phenomena caused significant security threats to the whole region, and Singapore is no exception. Although, Indonesia and Malaysia are struggling with the ideology of radicalism where Singaporean Muslim's have high resistance against extremist ideology. The Singaporean Muslim leadership is promoted to the practice of Islam by multiracial,

multi-religious society. On the other hand, Singaporean Muslims accommodated their faith with the national circumstances and denied the practice of Islam as their countries of origin. These acts had built community trust and social harmony and rejected the radicalism.

3.23 Singapore's responses to Piracy

The quest for a viable strategy for maritime security has been a long agenda in the Singapore's maritime policy. Being a vibrant economy and a prosperous liberal democracy, Singapore is the key stakeholder in the maritime domain of the Malacca Strait. Like other two states Indonesia and Malaysia, Singapore is also affected by the problem of the piracy. They adopted the approaches similar with other neighboring countries. Indonesia and Malaysia are the inseparable part of Singapore counter-piracy strategy. Singapore has battled the problem of piracy through cooperating at the Individual, Bilateral and multilateral level (Casey and Sussex 2012:27). It is obvious that the incident of theft has significantly risen in the post-1990 period and reached the place at the beginning of 2000. Singapore, Indonesia, and Malaysia jointly formed a trilateral coordinated security patrols system acronym as MALSINDO. This system has the capability to tackle and counter the incident of piracy. Though, this security patrolling and by MALSINDO it has been proved as a catalyst in declining the incidents of cheating and it has reached almost nil only two events in 2009 (International Maritime Bureau: 2010).

In 2004, the problem of the theft in Malacca Strait had become a serious threat due to lack of an immediate response mechanism. It has become desperate to identified the growing concern of the piracy and responded it quickly. So, there was an urgent need to form such a mechanism which is entirely operated by the regional countries in the whole Malacca Strait. A framework Malacca Strait Patrol (MSP) in 2004 by the (Indonesia, Malaysia, Singapore, and Thailand) was adopted to combat the piracy. The Mechanism of the MSP has provided an air patrolling and monitoring facility. Through this system, MSP has formed a sharing network platform Monitoring and Action Agency (MAA) to collect information about the ships.

In 2005, The Eyes-in-the-Sky (EiS) also launched to conduct a coordinated aerial surveillance of the Singapore and Malacca Straits. The Eyes-in-the-Sky (EiS) has conducted more than 4 Malacca Straits Patrol Exercise, in the 2016 (Colin, 2016:2). By the help of this initiative, there was a substantial decrease in the incident of piracy. The rate of piracy, however, dropped zero in 2011 and only 2 in 2013 in the Malacca Strait (International Maritime Bureau 2014:17). In 2008, the global financial crisis sparked a volatile situation in the global economic order, which has long-term implications for the global economic growth. In 2010, the Indonesian Navy spokesperson Sagom Tamboem's reiterated the fear the rising unemployment in Southeast Asia comparable to 1997 financial crisis which helped to the emergence of piracy and terrorism in this region.

By 2011, a multinational collaborative effort Information Fusion Center had been organized by the Singaporean Navy. It contributed to deploy International Liaison Officers from ten different countries, including Australia, India, Malaysia, the United States, and Vietnam. Noticeably absent from this effort, however, is Indonesia the most organized and technologically advanced out of the three littoral states. It is one of the 20 foreign ports listed on the Container Security Initiative, a U.S.-led program that fosters intelligence-sharing to help partners identify potentially dangerous or suspicious cargo, improve detection methods, and enhance container security overall. Additionally, Singapore's ports also possess state-of-the-art vessel tracking systems designed to track the paths of 70,000 ships simultaneously. Besides of high technological capabilities, Singapore has also established numerous formidable national initiatives to improve maritime security in the Straits of Malacca. The Interagency Maritime and Port Security Working Group, for instance, involves three nautical agencies – the coast guard, navy, and port authority – to keep an eye on vessel traffic and ship movement near the seaports. However, individually, nonetheless, the navy and police coast guard have proven very effective against threats out at sea. The navy is reported to be able to monitor up to 5,000 ships at one time, while also employing extra features like electronic navigational displays and data recordings (United Nations Conference on Trade and Development:2009). Similarly, in early 2007, Singapore announced that it was going to construct a command and control center that would house the Singapore Maritime Security Center, an Information Fusion Center, and a Multinational Operations and

Exercise Center. These organizations provide information sharing framework and an infrastructure through which multinational exercises and security operations out at sea could be more efficiently organized.

On, 1 September 2015, the hijacking of tug boat *Permata* Indicates that, there is a need to invest a significant amount of money, equipment and awareness. Malacca Strait Patrol (MSP) has developed the mechanism of prompt responses to the incidents. For instance, the navies and maritime enforcement agencies of Indonesia, Malaysia, and Singapore coordinated a swift (Colin 2016:2) However, there is a problem with the EiS patrols, it is conducted only in the daylight hours with a very low frequency. Furthermore, Singapore has developed some checkpoints along with the mechanism of MALSINDO and Malacca Strait Patrol (MSP). Singapore increased the number of checkpoints, for instance, Singapore cruise center, escorts high-value merchant vessels. It helps to provide a safety cover for anchorages and installations (Teo, 2007: 542). The Singapore's has also adopted the strategy to coordinated with the various agencies i.e. Department of Homeland Security (US). Singapore has also adopted to coordinate with its other agencies, for instance, Maritime Port Authority, police, Coast Guard, and Navy. Furthermore, in 2001, the Accompanying Sea Security Teams (ASSeT) were created to provide the facility of transiting vessel into or out of Singaporean ports(Teo, 2007: 542). One of the most important aspects of the Singaporean maritime policies to coordinate with the global maritime organizations, Singapore has started to work with the International Maritime Organization(IMO) to provide a facility to implement the International Ships and Port Facility Code. In response to 9/11 attack, The ships, and port facility code was a "comprehensive set of measures to enhance the security of ships and port facilities" (Teo 2007: 553).

Reference

Anwar, Dewi Fortuna (2006), "Resource Issues and Ocean Governance in Asia Pacific: An Indonesian Perspective", Contemporary Southeast Asia, Volume 28 (3):466-489.

Batman, Sam and Raymond, Catherine Zara and Ho, Joshua (2006) "Safety and Security in the Malacca and Singapore Straits" Policy Paper, Institute of Defence and strategic studies.

FAO (2016), Food and Agriculture Organization of the United Nations "The State of World Fisheries and Aquaculture."[Online web] Accessed 16 February 2016, URL: http://www.fao.org/3/a-i4910e.pdf.

ICG (2012) International Crisis Group, "How Indonesian Extremists Regroup" [Online web] Accessed 16 February 2016, URL: https://www.crisisgroup.org/asia/south-east-asia/indonesia/how-indonesian-extremists-regroup.

IMB (2014), Piracy and Armed Robbery Against the Ships", [Online web] Accessed 16 February 2016 URL http://www.hellenicshippingnews.com/wp content/uploads/2015/01/2014-Annual-IMB-Piracy-Report-ABRIDGED.pdf

Mahan, Alfred Thayer (1890), wrote the influence of sea power upon history, Boston, Little, Brown and Co.

Ong-Webb, Graham Gerard (2006), Piracy, Maritime Terrorism and Securing the Malacca Straits. Singapore: Institute of Southeast Asian Studies.

Potter, Robert (2012), The Importance of the Straits of Malacca [Online web] Accessed 16 February 2016, URL: http://www.e-ir.info/2012/09/07/the-importance-of-the-straits-of-malacca.

Roberts, Julian (2006) Compulsory Pilotage in International Straits: The Torres Strait PSSA Proposal, Ocean Development & International Law, 37:1, 93-112.

Simon, Sheldon W.(2007), Safety and Security in the Malacca Straits: The Limits of Collaboration

Tafte, Patricia and Umana, Felipe (2012), Threat Convergence Transnational Security Threats in the Straits of Malacca [Online web] Accessed 16 February 2016, URL:http://library.fundforpeace.org/library/ttcvr1213-threatconvergence-malaccastraits-08e.pdf.

Teo, Yang Yun (2007), "Target Malacca Straits: Maritime Terrorism in Southeast Asia", Studies in Conflict & Terrorism, 30 (6): 541-561.

UNCTAD(2015), "Trade and Development Report", [Online web] Accessed 16 February 2016 URL: http://unctad.org/en/PublicationsLibrary/tdr2015_en.pdf

You Ji (2007), "Dealing with the Malacca Dilemma: China's effort to protect its energy supply", in Strategic Analysis, 31:3, 467-489.

CHAPTER: IV

ASEAN'S ROLE IN PREVENTING PIRACY

The role of regional and International organizations is very significant to combat the regional problem. It has always been involved for multilateral cooperation among states. In this regard, this chapter primarily focuses on the role of the Association of Southeast Asian Nations (ASEAN) in eliminating the problem of piracy. ASEAN is considered as a most feasible for the Southeast Asia. Which has a clear-cut association for regional growth and development? The chapter analyses some of the crucial steps taken by ASEAN and its other institutional frameworks. Rapid economic growth and aggressive diplomacy have forged a growing regional and cross-regional cooperation among developing countries. The rise of the Global South as a phenomenon is mainly dependent on regional integration and collaboration. These fundamental transformations have led to growing prominence of Asian countries which view these as an opportunity to explore their full potential to achieve a prosperous, peaceful and stable region.

4.1 Regionalism in international relation

The very root of regionalism is in the concept of region. Geographically, regions are defined as a homogeneous unit where regional phenomena are associated and interdependent upon each other in the form of formal unit. However, regions are political and organisational formations of associating states at the multilateral level. Common geographical proximity is needed but not compulsory required. Regioal issues, problems common association and goal each are inherently responsible for the formation of the regional association.

In this respect, Regionalism has evolved a political tool for the fulfillment of common objective and operations of a set of states. Regionalism indicates the regional and multilateral aspirations of the countries. Regionalism, some time is also manifested regarding regional sociology, Society, culture, and economy of the region produce a choosing element in regional feelings. So, Regionalism has become one of the most

important aspects of modern international relations. Every country is engaged in some multilateral framework to enhance its capabilities of development. Regionalism has progressively grown since the decade of the 1950s, with the establishment of the European Coal and Steel Community in 1953 (Martin 2004: 1). The European Union (EU) later became its full-fledged successor and one of the most integrated regional organisations; so much so that it is also called as a supranational organization. Regionalism has echoed across the world to formulate a range of multilateral frameworks, especially in the Asia-Pacific region. Regionalism functions according to the regional, social, economic and cultural realities as well as a political vision in every continent. On the other hand, "Regionalization" is the process of deepening of regional thinking, behaviour and it is more a sociological concept rather than political. Regionalization can be conceived as the growth of societal integration within a given region, but regionalism primarily focuses on economic dimensions of regional cooperation (Kacowicz 1998: 11).

So, Regionalism is the result of increasing exchanges in goods, people, and ideas in a geographically defined entity, which progressively becomes more integrated and cohesive (Dent 2008: 21). Psychological aspects are also an important factor in constructing an image of a region, especially when building an image of non-geographical regions like Nordic or Transatlantic. Regional imagination and cognition are the fundamental elements in the association of humans societies for regional evolution. The outcome of regionalism is integration. Some of the essential forms of regionalism are as follows.

4.2 **Free Trade Area or Agreement (FTA):** A Free Trade Agreement/Area (FTA) involves mutually agreed elimination of tariffs, quotas and other trade-distorting barriers or restrictions between member states while retaining the ability to formulate its business policy towards non-members.

  I. **Customs Unions:** This stage extends FTA arrangements to include the adoption of common external tariffs upon imports from non-members entering the customs union.

II. **Common or internal markets:** This extends the features of an FTA and a customs union to the elimination of trade barriers impeding the free movement of goods, services, people, and capital.

III. **Economic and Monetary Union:** It extends the elements of a single market to the level of the single currency. A monetary union requests its members to collaborate more closely on a variety of economic policies e.g. fiscal, social and industrial policies. That is why in a monetary union the spillovers from one domain into others are common, and these become more extensive e.g. monetary and tax policy.

IV. **Economic and Political Union:** It is the highest level of regional integration, where member-states agree to become a part of a federal union or a unified state. The United States of America (US) and Germany were the famous historical examples that unified all the federal states. In recent times, the EU has emerged as one of the most integrated regional organisations (Soren 2016:9)

4.3 Development of ASEAN as an Institutional framework

The feeling of regionalism progressed under the threat of Cold War in Southeast Asia. However, divergences among states in the region in the sphere of culture, ethnicity, politics as well as economy restricted its potential to evolve as multilateral institutions. Nevertheless, the establishment of ASEAN in 1967 had a critical impact on Southeast Asia's regionalism and helped to wipe out regional problems. ASEAN is regarded as the most successful regional organization in Asia (Acharya: 2002:33). However, ASEAN emerged as a spearhead of Southeast Asian regionalism only in the post-Cold War scenario, and some of its multilateral frameworks came into existence only in the 1990s. The rise of new regionalism in post-Cold War era led ASEAN to acclimatise with the changing socio-economic and politico-security environment of the region (Acharya: 2002:34). Since 1991, a range of integrated multilateral frameworks came into existence to counter the issues of security and regional economic integration.

> "The 1997–98 Asian financial crises was a landmark in regional cooperation and integration (RCI) in Asia and the Pacific, especially in East Asia. Before the crisis, economic integration in Asia was mostly market-led and private-sector-driven. Few government-led cooperation initiatives existed, and those that did were limited to cross-border infrastructure and trade. These included, for

example, the Asia-Pacific Economic Cooperation (APEC), established in 1989; the ASEAN Free Trade Area (AFTA), started in 1992; and the South Asian Preferential Trading Arrangement (SAPTA), signed in 1993. However, after the 1997–1998 crises, the market-led process began to be supplemented by a series of government-led initiatives. Also, the coverage of such RCI initiatives has extended to include money and finance and RPGs" (Asian Development Bank: 2006:11).

ASEAN is the most successful regional organisation in Asia. Compared with other regional groupings, like the League of Arab Nations, the African Union or South Asian Association for Regional Cooperation (SAARC), where political, economic, or technical cooperation is limited; ASEAN seems like a model of mature and efficient regional cooperation. ASEAN' came into existence in 1967, but regional integration endeavors have gained depth and vision only in the 1990s (Alagappa 1995: 345). ASEAN has played a constructive role and has emerged as a hub of institutionalised networks that interlink East and Southeast Asia. It has immensely contributed to cooperation within regional and extra-regional states in the fields of economics, trade and security. Successful examples include bodies such as the ASEAN Free Trade Area (AFTA), the Asia-Pacific Economic Cooperation (APEC), the East Asian Economic Caucus (EAEC), the ASEAN Regional Forum (ARF) or ASEAN + 3 (APT). These institutions have come to signify the idea of "ASEAN way," which espouses "equality, sovereignty, non-interference, consensual decision-making and voluntarism" (Alagappa 1995: 359). Muthiah Alagappa traced this interest to some developments:

First, the regionalization of international security brought about a dramatic change in the dynamics of the global political system. "In the absence of a new overarching and overriding global-level security dynamic, domestic, bilateral and regional dynamics have become more salient and have to be addressed in their terms. It is now much more necessary and possible, for example, to discuss security in Asia, Europe, Latin America, Africa, and the Middle East in regional and sub-regional contexts, quite independent of a global dynamic or developments in other regions" (Alagappa 1995: 360).

"The involvement of external powers entails particular interests and linkages that must be taken into account, though the international context has altered vastly from the days of the Cold War. That era was characterised by local conflicts being subsumed by the larger

dynamics of superpower rivalry. Against this backdrop, while regionalism in Europe brought economic transformation and recovery from the devastation of Second World War, Southeast Asian regionalism had security objective rather than economic motivations." In this respect, regionalisation as a process involved in the cold war most profoundly in Southeast Asia(Alagappa 1995: 362).

4. 4 ASEAN in the post-Cold War era

The liberal economic policies utilise strong contacts with governmental and non-governmental institutional actors across the region and around the world to help and generate a better understanding of the political and economic dynamics of the region.

The expansion of regionalism initiated in Southeast Asia has contributed to widening and deepen its sub–regional cooperation with India and China. The regional countries have embraced an effective sub-regional model in the pursuit of collaborated approach to address their local problems of development (Asian Development Bank: 2006:6). There are various sub-regional multilateral frameworks are existing which have a significant contribution to the regional development. We can identify Greater Mekong Sub-region Cooperation (GMS); South Asia Growth Quadrangle initiative; Kunming initiative; the Bangladesh, China, India and Myanmar (BCIM) initiative, where is China is in the advantageous position. On the other hand, Mekong-Ganga Cooperation (MGC) and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) are a good example of the inter-regional framework and connecting India with this region. Brunei Darussalam-Indonesia-Malaysia-The Philippines East ASEAN Growth Area (BIMP-EAGA); and the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT). These frameworks have a vision for the socio-economic development of the region and working as complimentary to the ASEAN process of achieving a harmonious region (Asian Development Bank: 2006:9).

4. 5 Non-Traditional Security Challenges in Southeast Asian Maritime Domain

Southeast Asia is facing few security challenges in the maritime domain, which are also interlinked with global transnational threats (Wohlschlegel *et al.* 2004). Experts have identified five major challenges in the maritime security milieu of Southeast Asia:

Transnational trafficking, illegal migration, and refugees, a threat to energy routes, piracy, and maritime terrorism. All these challenges are related to mostly trans-boundary in character implying futility of traditional state-centric approach towards them.

The Malacca Straits, the most important sea-lane in Southeast Asia shows evidence of these challenges albeit traditional threats also persists. Regular issues like the maritime boundary issues around the Straits are already resolved among the littorals, yet sovereignty remains an irritant. The coastal states stress on the Straits' sovereignty and emphasise the fact that it falls under their jurisdiction, thus banishing extra-territorial States' presence along the Straits.

The efforts of ASEAN in eliminating the problem of piracy constitute an important determinant in keeping the Malacca Straits safe for passage. ASEAN is a major stakeholder in Southeast Asian security environment playing the important role of combating piracy and maritime terrorism threats in this region. Therefore, an analytical review of ASEAN's maritime security issues, particularly piracy, would be the highlight of the impact of emerging non-traditional security threats in the area.

4.6 Maritime Security and ASEAN

Maritime Security is the essential component of national security. Since the evolution of international trade, maritime research, and navigation, this aspect of security can not be neglected. The multilateral and institutional role is always needed to eradicate regional maritime issues and problems. Routes and Sea Lane of Communication, as well as the safety of ships and cargo, is the prime objective in this regard. Maritime Security officially became the part of ASEAN's discussions from 1997-98. The 1997 ASEAN Declaration on Transnational Crimes expanded the scope of such offenses addressed by ASEAN to include "terrorism, illicit drug trafficking, arms smuggling, trafficking in persons, and piracy" (ASEAN Secretariat: 1997). In 1998, Ha Noi Declaration, ASEAN sought to intensify individual and collective efforts against crimes such as "drug trafficking, money laundering, terrorism, piracy, arms smuggling and trafficking in persons" (ASEAN Secretariat: 1997). Although the 1998 Ha Noi Plan of Action (1999-2004) did not specifically mention piracy or maritime security, ASEAN initiated efforts

to strengthen regional capacity to address all forms of transnational crime (ASEAN Secretariat: 2005).

However, in the 2003 Bali Concord II, when maritime security cooperation was identified as a matter of common concern that ASEAN would have to deal with by showing a willingness to share information as part of nurturing its shared values (ASEAN Secretariat: 2004). Maritime security was also designed as one of the seven areas where political and security cooperation should be heightened because maritime issues are beyond the purview of a single state, and needed to be addressed by all countries in an integrated and comprehensive manner. Even before the Bali Concord, ASEAN had envisioned that maritime cooperation amongst members was essential to the ASEAN Security Community (ASEAN Secretariat 1997).

Such developments occurred in the global context and with the ASEAN region entering into the age of terror after 2000 when the threat of maritime terrorism had become a matter of serious concerns with the fusion of piracy, maritime crimes and terrorist acts (Rodolfo: 2009). It was also in this context that the ASEAN Regional Forum (ARF) officially included maritime security as a part of its agenda.

After the Bali Concord, subsequent ASEAN plans and programmes became more specific in addressing maritime security matters. The 2004 ASEAN Security Community Plan of Action sought to promote maritime security cooperation as part of enhancing ASEAN cooperation apart from strengthening ASEAN cooperation in non-traditional security issues (ASEAN Secretariat: 2005). It was reiterated in the 2004 Vientiane Action Programme (2004-2010) which further developed the idea by proposing to explore the "establishment of the 'ASEAN maritime forum" and promoting cooperation to address non-traditional security concerns. For promoting safe shipping, it also encouraged "progressive accession and implementation of relevant International Maritime Organization (IMO) instruments, thereby enhancing safety at sea security and protection of the marine environment" (ASEAN Secretariat: 2005).

Presently, the primary ASEAN document that spells out ASEAN's plans concerning maritime security cooperation and related cooperative mechanisms is the 2009 ASEAN Politico-Security Community Blueprint (APSC Blueprint) which provides "a roadmap

and timetable for establishing the ASEAN Political- Security Community (APSC)" by 2015 (ASEAN Secretariat: 2010).

The key provisions of the APSC Blueprint on the maritime cooperation are follows

A. " Promote ASEAN Maritime Cooperation Action through following measures:

    I. Establish the ASEAN Maritime Forum,

    II. Apply comprehensive approach that focuses on the safety of navigation and security concerns in the region that are common to the ASEAN community,

    III. Stock take maritime problems and identify maritime cooperation measures among ASEAN countries, and

IV. Promote cooperation in the safety at sea and search and rescue (SAR) through activities such as information, technological cooperation through activities such as information sharing, technical cooperation, and exchange of visits of authorities concerned" (ASEAN Secretariat: 2010).

On the non-traditional security cooperation, the key provisions of the APSC Blueprint are as follows:

B. "(4) Non-Traditional Security Issues:

An essential purpose of ASEAN is to respond efficiently and promptly by the principals of comprehensive security, to all forms of threats, transnational crimes, and trans-boundary challenges.

B. (4.1) Strengthen cooperation in addressing non-traditional security issues particularly in combating transnational crimes and other trans-boundary challenges, through following actions:

    i. Implement effectively eight priority areas in the work programme to implement the Plan of Action to combat transnational crime

    ii. Endeavour to ratify the treaty on mutual legal assistance in criminal matters among the ASEAN Members States and work towards elevating it to an ASEAN agreement.

iii. Continue the work of the working group, as mandated by the ASEAN Law ministers meeting to enhance cooperation on the issue of extradition.

iv. Strengthening cooperation with the relevant external parties in combating transnational crimes, including countering terrorism.

v. Enhance collaboration and coordination among existing ASEAN sectoral bodies in dealing with transnational crimes.

vi. Strengthening close cooperation among ASEAN member states, to combat IUU finishing in the region and work towards the establishment of ASEAN Fisheries Consultative Forum (AFCF)

vii. Forge closer cooperation in fighting against sea piracy armed robbery against ships, hijacking, and smuggling by international laws" (ASEAN Secretariat: 2010).

In the above mention point, we can observe that APSC blueprint specifically mandates close collaboration of ASEAN members states in fighting piracy and highjacking and armed robbery of ships by the international law. ASEAN members states are urged to enhance cooperation about issues of extradition and mutual legal assistance, which is paramount for effective repression of such crimes and prosecution of perpetrators, ensuring ultimately that no member state in the region can be used as a haven for illegal maritime activities (ASEAN Regional Forum 2007).

The ASEAN Maritime Forum (AMF) was launched during its first meeting in Surabaya, Indonesia in 2000. As a dialogue forum, it highlights the multidimensional nature of maritime issues, ranging from environmental protection, security, navigation, etc., and affirms the necessity for a comprehensive response to the maritime challenges. The AMF aims to be non-security centric. It contributes to maritime security by taking care of the other dimensions of global maritime security which, in turn, compliment efforts for greater maritime cooperation (ASEAN Regional Forum 2007).

The AMF aims to be a value-added forum addressing maritime issues pertinent to the three pillars of ASEAN community. Since the orientation of the forum is non-security centric, it should look at other dimensions of maritime issues such as the promotion of business through maritime cooperation and establishment of sea linkages to support

ASEAN connectivity. Through the AMF, ASEAN member states provide the assistance to people and vessels in distress in the area. Likewise, the AMF also facilitates the Master plan on ASEAN connectivity, adopted in October 2010 at the 18th ASEAN Summit. In the field of physical connectivity, linkages of maritime transport will involve tackling the maritime security issues. In this regard, one crucial area of concern is simplifying cross-border procedures which will enhance connectivity efficiency in border crossing and increase effectiveness in detecting the movement of transnational criminals (ASEAN Secretariat: 2010).

At the AMF meeting, the ASEAN Secretariat, in collaboration with the member states' relevant sectoral bodies, decided to take stock and provide an assessment of the existing framework. The decision will lead to new legal structures and processes in ASEAN, connecting maritime security with other measures that have been undertaken with dialogue partners (Huisken 2010:43).

4.7 ASEAN's Approaches of Piracy in Malacca Strait

ASEAN's approach to tackling the piracy in Malacca Strait is basically institution and as multilateral decision-making bodies. The technological and scientific cooperation by extra- regional and sub-regional powers have also been adopted to meet the challenge of piracy. In the past decade, ASEAN started addressing the problem of piracy but has been hindered by the under-institutionalised structure and its loosely organized nature. These factors have prevented ASEAN from enforcing stricter measures. Although it was established primarily as an Economic Cooperation forum, ASEAN has developed a security arm as well which has taken a keen interest in piracy in the region. At the national level, many states have focussed on the importance of aggressive patrolling and more efficient surveillance to deter illegal activities (McDaniel 2000:44). For example, the Philippines adopted this approach and, in 2002, started equipping its Coast Guard with modern patrol vessels to better monitor the vast archipelago. Coast Guards of countries such as Japan and Indonesia have also been given greater responsibility in deterring piracy. Even though these measures are not nearly sufficient to meet the huge threat, they represent states' efforts to make strategies to negate this menace (McDaniel 2000:45).

Japan has sponsored several regional workshops and conferences to brainstorm new solutions to the problem of piracy. One new initiative is bilateral agreements to coordinated patrolling and joint training. However, very few states have shown a willingness to engage in joint patrols on a long-term, extensive basis. Another problem in this regard is that the financially weak national governments in several Southeast Asian countries cannot afford to modernise their Navy and Coast Guards fast enough to keep pace with the sophisticated operations of the pirates. In such a scenario, joint patrolling and information sharing becomes even more crucial (McDaniel 2000:46).

Many multilateral, cooperative responses in recent years have emerged from the efforts of international organisations, such as the United Nations (UN) and the International Chamber of Commerce (ICC). The International Maritime Bureau (IMB) and the International Maritime Organization (IMO) issued regular alerts to shipping companies and crews of attacks both in ports and at sea. The IMB also offers an advanced satellite tracking system and rapid response investigation service, while IMO conducts seminars to help governments and officials improve their ability to counter piracy (McDaniel, 2000:46).

One such anti-piracy meet, organised by The International Maritime Bureau (IMB), led to the establishment of the Kuala Lumpur (Malaysia) based Regional Piracy Center (RPC) in 1992. It is funded by voluntary contributions from shipping and insurance companies. The RPC's main tasks are to reports incidents of piracy and armed robbery at sea to nearest local law enforcement officials and the International Maritime Organization (IMO). The Regional Piracy Center (RPC) also broadcasts bulletins announcing pirate attacks as and when they occur. The centre also issues weekly reports identifying dangerous "hot spots," and assists ships in safely navigating through piracy-infested areas. Finally, the RPC helps attacked ships and their crews and aids in the location of vessels and seizure of stolen cargoes. The Regional Piracy Center (RPC) reports are useful not just to ship crews and shipping companies, but also law enforcement officials, governments, and international organisations (McDaniel, 2000:50).

In March 2002, the members of ASEAN and ARF established a "sea piracy task force" to study the problem. The primary focus of such measures was on information sharing,

legal matters, law enforcement, training, institutional capacity building, and extra-regional cooperation (Shipping Times 2002).

The actions outlined above afford shipping vessels some degree of protection and representation of an enhanced reporting system. However, these efforts have not deterred pirate attacks or the loss of billions of dollars every year. ASEAN and ARF must convince member states to invest more resources into regular, and wherever necessary coordinated, patrols and work to align their national laws and procedures regarding the pursuit, capture, trial, and punishment of pirates.

There are various ASEAN Bodies also involved in the Maritime security :-

4.8 ASEAN Sectoral Bodies involved in Maritime Security Cooperation

There are many bodies of ASEAN are involved in maritime security are the ASEAN Defense i.e. Ministers Meeting (ADMM), the ASEAN Law Ministers Meeting (ALAWMM), the ASEAN Ministers Meeting on Transnational Crimes (AMMTC) and the ARF and the senior official meetings.

4.9 ASEAN Defense Ministerial Meeting (ADMM)

Inaugurated in 2006, the ADDM is the newest sectoral ministerial body in the ASEAN. Assisted by the ASEAN Defense Senior Official Meting (ADSOM), it is the highest ministerial defense and security consultative and cooperative mechanism in ASEAN. The ADMM discusses and pursues "practical cooperation in traditional and non-traditional security concerns including maritime security, disaster relief and emergency response peacekeeping, post-conflict peacebuilding and humanitarian assistance among other areas of cooperation" (ASEAN Secretariat: 2007).

To fulfill this mandate, the ADM fosters confidence-building measures among ASEAN members' states and conducts seminars, workshops, training and exercise (ASEAN Secretariat: 2008). For maritime security cooperation, in 2007 the ADMM launched a 'Three Year work programme' (2008-2010) That pursues the following actions: supporting the development and adoption of norms to promote ASEAN maritime security

cooperation, and foster cooperation in non-traditional security cooperation (ASEAN Secretariat: 2007).

An integral part of this mechanism is the ADMM–Plus, which was established to facilitate ADMMs engagement with CASEA Friends and Dialogue Partners. In the inaugural ADMM-Plus meeting in Ha Noi maritime security was identified as one of the five cooperation areas.

4.10 ASEAN Law Ministers meeting (ALAWMM)

The ALAWMM, assisted by the ASEAN Senior Law Official Meeting (ASLOM). It is a forum for discussion on the role of law in fostering greater ASEAN cooperation, including the harmonisation of national legislation. ASLOM is further tasked "to identify new avenues, taking into consideration the existing arrangements, to enhance the current legal cooperation legal education research and exchange of legal materials" (ASEAN Secretariat: 2007). Its work is based on the "ASEAN Ministerial Understanding on the Organizational Arrangements for the collaboration in the legal field" which states judicial cooperation among ASEAN countries shall initially comprise (1) exchange of legal materials (2) judicial cooperation (3) legal education and research (ASEAN Secretariat: 2007).

As such, the ALAWMM can be at the forefront of pursuing judicial cooperation in maritime security matters. According to its agreement there are many few points "(1) service abroad of judicial and extrajudicial documents (2) extradition (3) conservation of the coastal and marine environment and, significantly, (4) a model law on maritime security" (ASEAN Secretariat: 2009). Having common rules on service and legalisation of documents that can be used in the apprehension and prosecution of transnational maritime criminal will greatly facilitate proceedings. An ASEAN extradition treaty, on the other hand, will make member states ensure that they have the necessary mechanism to be able to extradite suspected or convicted offenders of maritime crimes found in their territory to the member states that may request them.

The proposal for a model law on the maritime security is significant because it acknowledges that there is uncertainty in the legal regimes among member countries and

that there is a problem of definition and categorization of piracy as an offense that has led to the inability of these states to enforce their respective laws. Also, the proposal noted that many ASEAN members have not acceded to relevant international anti-piracy conventions. Although some are signatories, they may not have the necessary domestic legalisation criminalise piracy. The proposal was premised on the belief that it may be more appropriate to deal with the problems through a stronger and comprehensive national law. It remains to be seen whether the ASEAN will pursue the proposed model law in the future, but it can be one of the possible avenues to be explored to promote maritime security cooperation.

4.11 ASEAN Ministerial Meeting on Transnational Crime (AMMTC)

The ASEAN Ministerial Meeting on Transnational Crime (AMMTC), assisted by the Senior Official Meeting on Transnational Crime (SOMTC), is the highest policy-making body in the field of combating cross-border criminal activities within ASEAN (ASEAN Secretariat: 1998). As noted above, the 1997 ASEAN Declaration on Transnational Crime expanded the scope of efforts against transnational crime to include piracy and requested the ASEAN Secretary-General to include the issue in the work programme of the group's secretariat. The declaration created foundations for regional cooperation in this arena, envisioning "(1) mutual legal assistance agreements, bilateral treaties or other arrangements between member states. (2) an ASEAN Centre on Combating Transnational Crime (ACTC) to coordinate regional efforts against transnational crime through intelligence sharing, harmonization of policies and coordination of operation. (3) networking and close coordination of exploitation with other agencies and organisations, among others" (ASEAN Secretariat: 1998).

The AMMTC is guided by the 1999 ASEAN Plan of Action to combat transnational crime which aims to strengthen member states' capacity and commitment to counter such illegal activities, recognising that tackling transnational crimes requires concerted regional efforts given its global dimension and pervasive nature. It also envisions that such regional efforts will complement and contribute to the national and bilateral efforts undertaken by member states (ASEAN Secretariat: 1999).

The ASEAN Plan of Action seeks to address piracy by developing bilateral and multilateral legal frameworks facilitating the investigation, prosecution, and extradition of culprits, as well as evidence-sharing, joint inquiry, and seizure of criminal proceeds. Further, ASEAN members are encouraged to sign, ratify and support international treaties dealing with combating transnational crimes (ASEAN Secretariat: 2002).The Senior Official Meeting on Transnational Crime (SOMTC), is tasked with giving effect to the 2002 "Work Programme to Implement the ASEAN Plan of Action to Combat Transnational crimes. The work programme seeks to pursue cooperation in information exchange, legal matters, law enforcement, training, institutional capacity building and extra-regional cooperation" (ASEAN Secretariat: 2002).

4. 12 ASEAN Regional Forum (ARF)

The ARF is another ASEAN Sectoral body which deals with the issue of maritime security cooperation (ASEAN Secretariat: 1995). It is envisioned to be "an effective consultative Asia-Pacific forum for promoting open dialogue on the political and security cooperation in the region" (ASEAN Secretariat: 1995). Established in 1993, the ARF has focused on confidence-building measures and, to a limited extent, preventive diplomacy among its members. The ASEAN Regional Forum (ARF) includes 10 ASEAN countries along with the US, China, Russia, Japan, EU, India, Australia, Canada, South Korea, Bangladesh, India, Mongolia, New Zealand, Pakistan, Papua New Guina, Sri Lanka and Timor-Leste (ASEAN Secretariat: 1995).the ASEAN Regional Forum (ARF) has palyed a significant role in the security of southeast asia.

In 2003, the ARF officially included maritime security among the issues discussed under its ambit (ASEAN Regional Forum: 2004). It adopted "the ARF statement on cooperation against Piracy and Other Threat to Security (ARF Statement on Piracy). With this declaration, the ARF participants identified piracy and armed robbery against ships as a significant region-wide problem, countering which demanded broad-based regional cooperation. The regional cooperative efforts are essential to that loopholes in national prosecutions are actually plugged. The ARF participants aim to implement relevant international treaties and agreements, including the United Nations Convention on the Law of the Sea (UNCLOS) and the 1988 SUA Convention. Moreover, the ARF also

helps promote compliance with IMO's guidelines regarding piracy (ASEAN Regional Forum: 2004).

The members have undertaken to protect ships in its international waters by enhancing bilateral and multilateral maritime cooperation among themselves as well as endorsing the regional and global efforts at creating mutually coordinated legal cooperation frameworks against piracy. Since the ARF statement on piracy was made shortly after 9/11, it also recognized that anti-terrorism efforts enhance the ability to combat piracy and other threats. Another ARF report that was relevant to maritime security in the context of dealing with terrorism was the 2004 statement on "Strengthening Transport Security against International Terrorism" (ASEAN Secretariat: 2009). It acknowledges the significance of international cooperation in securing maritime transportation as an important step towards combating terrorism and transnational crimes. It sought to fully implement obligations under the IMO's ISPS Code by 1 July 2004. It also encouraged the holding of simulation and joint exercises for capacity building, to ensure effective coordination of maritime and aviation security and safety measures (ASEAN Secretariat: 2005).

During, 2011, the annual ARF Inter-sessional Meeting on Maritime Safety that had already met thrice, in Surabaya in 2009, in Auckland in March 2010 and Tokyo in February 2011 (Beckman, 2013:139). These meetings provided ARF participants with the platform to report on their country's efforts in addressing maritime security threats and to propose ways on how ARF could promote cooperation in information sharing, establish best practices and enhance capacity building. Through the discussions, the meeting sought to build a common understanding of the maritime security issues among ARF participants. In these meetings, ARF members acknowledged the need to study their national legal framework in light of the relevant international conventions to ensure that maritime offenses are prosecuted (Beckman, 2013:140).The studies may be done by identifying issues gaps in legislations, the legal capacity of the enforcement authorities, and the definition of key maritime security concepts and ratification of international conventions.

ARF participants also acknowledged that there is a lack of ratification of international treaties in the region including the 1988 SUA Convention and 1979 International Convention on Maritime Search and Rescue. Although there are various international mechanisms to enhance maritime security, the ARF saw the need to address the gaps in their coverage and implementation. From the national point of view, ARF participants also acknowledged that there is a need to align domestic criminal legalisation across state jurisdictions (Beckman, 2013:141).

In its draft outline of 2011, ARF Work Plan on Maritime Security, one of the seven priority areas is international and regional legal framework. ARF may conduct projects and activities like training, field exercise which would test the implementation of international and regional arrangements or modes of communication and so on (ASEAN Regional Forum: 2011).

For 2011-2013, the following areas of activity have been proposed:

1. "The Information and intelligence exchange and sharing of best practices including transparency around navel capacity and operation.

2. Confidence building measures based on international and regional legal frameworks, arrangements and cooperation.

3. Capacity building of maritime law enforcement agencies in the region" (ASEAN Regional Forum: 2011).

Besides these related activities on terrorism and transnational security, ARF conducted many activities on maritime security. One significant event that dealt particularly with legal issues was the November 2009 "ARF Seminar on Measures to Enhance Maritime Security: Legal and Practical Aspects" held in Brussels.

4.13 Sub-regional and Extra-regional Maritime Cooperation

Sub-regional and extra-regional powers the maritime security issues at sub-regional neighboring countries which share the trade and business through maritime navigation. The primary powers China and Japan are the factors to be counted. The other ASEAN measures on maritime piracy and terrorism are assisted by sub-regional and extra-

regional cooperation; with a sub-regional cooperative arrangement operational among Indonesia, Malaysia, and Singapore through the 2007 cooperative mechanism between littoral states and in the Strait of Malacca (ASEAN Secretariat: 2007). According to Article 43 of United Nations Convention on the Law of the Sea (UNCLOS), the cooperative mechanism is aimed to "provide an opportunity to co-operate, contribute and play a role in maintaining and enhancing the safety of navigation and protection of the marine environment in the Straits which is of strategic importance for the regional global trade".

1. A project coordination committee for the implementation of joint projects

2. Aid to navigation fund that will finance the renewal and maintenance of navigational safety that will fund the renovation and preservation the navigational aids along the Straits. This cooperative mechanism occurs in parallel to the coordinated patrolling to the undertaken by all three countries under the name MALSINDO and then later on through 'eye in the sky' initiative which focused on securing the Malacca and Singapore Straits said to have contributed to the significant decrees of reported attacks in the area (ASEAN Secretariat: 2007).

Indonesia, Malaysia, the Philippines, and subsequently Brunei, Cambodia, and Thailand are all parties to the 2002 Trilateral Agreement on the Information Exchange and Establishment of Communication Procedures. This agreement provides a framework for cooperation by facilitating regional coordination in instances of security incidents at borders and transnational crimes, establishing shared understanding and approaches strengthening capacities and reviewing and enhancing internal rules, linkages, dialogues and response mechanism. Significantly, three out of the 11 cooperation areas pertain to maritime security, terrorism hijacking, and theft of marine resources (Beckman, 2013:142). In 2002, the "Declaration on the Conduct of Parties in the South China Sea" was signed by ASEAN states and China. Both, identified combating "transnational crimes, including but not limited to trafficking in illicit drugs, piracy and armed robbery at sea, and illegal traffic in arms" as potential cooperative activities (Beckman, 2013:142).

This agreement and arrangements which engage ASEAN member states in working towards information sharing, capacity building, joint research and so on provide the building blocks of ASEAN's infrastructure for marine security cooperation.

With ten other ASEAN dialogue partners and external parties, eight ASEAN member states entered into the 2004 "Regional Cooperation Agreement on Piracy and Armed Robbery against Ships in Asia" (ReCAAP). This agreement systematised information sharing, in cases of piracy and armed robbery among member states. It has created an Information Sharing Center (ISC) based in Singapore that collects, collates and analyses information as well as provides alerts in case of imminent threats and circulates an inter-country request for information. Such data sharing is made possible through focal points located in each member country. Request for cooperation may relate to detection, appropriate measures (arrest or seizure) and rescue operation which may either be made directly to the required state or through ISC. In addition to these measures, ASEAN issued many joint declarations with its dialogue partners and other countries, especially on terrorism (Beckman, 2013:139).It is significant that in its non-traditional security agreement with China, piracy and terrorism are specifically included as areas of cooperation.

4.14 Instruments to curb the Piracy

There are legal tools available to ASEAN member states that may be used as part of their legal options to combat maritime crimes. This include:

4.15 Treaty on Mutual Legal Assistance in Criminal Matters (MLAT)

The 2004 MLAT is an agreement between nine ASEAN states except for Thailand which signed but not ratified. This treaty helps to bind them towards rendering broadest mutual legal assistance to each other in criminal matters namely investigation, prosecution and resulting proceedings.

Mutual assistance may cover

a. Taking evidence or obtaining a voluntary statement from persons.

b. Making arrangement for persons to testify or to assist in criminal matters.

c. Effecting searches and seizures.

d. Examining objects and sites.

e. Providing original or certified copies of relevant document, records, and items of evidence

f. Identifying or training property derived from the commission of an offense and instrumentalities of criminalities of crime.

g. The restraining of dealing in property or the freezing of assets arising from the commission of an offense that may be recovered, fortified or confiscated

h. The recovery, forfeiture or confiscation of property derived from the commission of the offense.

i. Locating and identifying witness and suspects.

j. The provisions of such other assistance as may be agreed and which is consistent with the objects this Treaty and the laws of the Requested Party(Beckman, 2013:130).

Using the MLAT, ASEAN member states may assist each other in handling investigations and prosecutions of cases of piracy and maritime robbery, in research and proceedings of such situations. However, the MLAT allows the requested member states to refuse to assist if the act or omission concerned is not consistent and harmonised with domestic legalisation on piracy and maritime crimes. Since there is no mandatory obligation to render assistance within the Treaty's framework, it depends mainly on the political will of ASEAN member states to use it efficiently.

4.16 The 2007 ASEAN Convention on Counter-Terrorism (ACCT)

In 2007, all ASEAN countries signed the ASEAN Convention on Counter-Terrorism (ACCT) that provides a framework for region-wide cooperation in countering, preventing and suppressing all forms of terrorism and promote closer coordination among law enforcement agencies in combating this menace.

The ACCT covers offenses as they are defined in 14 anti-terrorism international conventions. Six of these include international agreements that are relevant to addressing international maritime crimes namely:

1. 1979 International Convention against the Taking of Hostages.

2. 1988 Convention for the Suppression of Unlawful Acts against Maritime Navigation

3. 1988 Protocol for the Suppression of Unlawful or Illegal Acts against the Safety of Fixed Platforms located on the Continental Shelf.

4. 1999 International Convention for the Suppression of Financing of Terrorism.

5. 2005 Protocol to the Convention for Suppression of Unlawful Acts against the Safety of Maritime Navigation.

6. 2005 Protocol to 1988 Protocol for the Convention for Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (Beckman, 2013:139).

The ACCT of 2007 significantly contributed to ASEAN cooperation in the arena of combating maritime crimes as well as maritime terrorism, as it identifies at least 13 possible areas of collaboration, for ASEAN member states to:

a. "Take the necessary steps to prevent the commission of terrorist acts including by the provisions of early warning to the other parties through the exchange of information.

b. Prevent those who finance, plan to facilitate, or commit terrorist acts from using their respective territories for those purposes agents the other parties and or the citizen of the other parties.

c. Suppress and prevent the financing works

d. Monitor the movement of terrorists or terrorist group by effective border control and monitoring on the issuance of identity papers and travel documents, and

forgery and through measures of preventing counterfeiting or fraudulent use of identity papers and travel documents.

e. Promote capacity building including training and technical cooperation and the holdings of regional meetings.

f. Promote public awareness and participation in efforts to counter terrorism, as well as enhance interreligious dialogue and dialogue among civilizations.

g. Enhance cross-border cooperation

h. Enhance intelligence gathering and sharing information

i. Enhance existing cooperation towards developing regional databases under the purview of the relevant ASEAN bodies.

j. Strengthen capability and readiness to deal with chemical, biological, radiological, nuclear (CBRN) terrorism, cyber terrorism and any new forms of terrorism.

k. Undertake research and development on measures to counter terrorism.

l. Encourage the use of video conference or teleconference facilities for court proceedings, where appropriate, and

m. Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought justice" (Beckman 2013:139).

The convention also obliges the member's states to

1. "Promulgate the necessary national legislation covering the criminal offenses defined by the 2007 ACCT about the various international anti-terrorism conference.

2. Establish the jurisdiction over the offenses.

3. Carry out obligations under the 2004 MLAT

4. Include the crimes as extra dialogue offenses in extradition treaties subsequently entered or to consider the 2007 ACCT as the legal basis for extradition" (Beckman 2013:141).

The ACCT is also significant in that it mandates ASEAN states to implement the 1999 International Convention for the Suppression of Financing of Terrorism. The convention makes it an offense for any person to provide funds for the purpose of committing offenses under other counter-terrorism conventions. As such, with or without a terrorist motive, the act of providing funds for the purpose of committing ship hijacking, hostage taking, and other serious maritime related crimes should also be criminalised by the member states.

4.17 ASEAN-Extra Regional Powers Maritime Cooperation

Regional issues, sometimes involve the external powers if the regional security problem has certain implicit on other extra-regional countries. In the past decade ASEAN and other powers, such as China, have paid particular attention to the issue of maritime security in their deliberations, thus promoting regional cooperation in this important arena. This collaboration, both within ASEAN and between ASEAN and extra-regional powers has gathered momentum in the post-Cold War era. Southeast Asian states have vastly expanded maritime confidence-building measures and operational cooperation. The focus of such cooperation has been on containing cross-border, pan-regional threats such as piracy and terrorism. In this regard, the ARF has played a significant role. In June 2003, the ASEAN Regional Forum (ARF) issued a "Statement on Cooperation against Piracy and Other Threats to Maritime Security," and the "Work Program to Implement the ASEAN Plan of Action to Combat Transnational Crime." (ASEAN Regional Forum: 2003).

Functional cooperation has enhanced to new levels. For example, in September 2003, Thailand and Malaysia started joint maritime patrols in the northern Strait of Malacca. In June 2004, a meeting of Five Power Defence Arrangements (FDPA) defense ministers in Penang, Malaysia, decided to use the organization's resources towards addressing the problem of non-traditional maritime security threats, mainly focusing on terrorism and piracy. In July 2004, Singapore, Indonesia, and Malaysia started a program of joint trilateral patrols in the Straits of Malacca. In November 2004, total 16 countries, ASEAN members along with India, Japan, China, South Korea, Sri Lanka and Bangladesh—

concluded the "Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia." This agreement promotes regional cooperation in maritime security and is far-reaching in its scope (Ferguson 2008: 122).

It is required for these nations to be responsible for each other security. In this way, the perpetrator will be brought to justice. At the Track 2 level, a working group was established by the Council for Security Cooperation in the Asia- Pacific (CSCAP) to review cooperation among Asia-Pacific countries on the issue of maritime security. According to James Ferguson, the CSCAP is mainly aimed at developing an international environment where wider notions of security are fostered through a particular use of comprehensive security and cooperative security doctrines developed through regional dialogue and active research in some linked research institutes (Ferguson 2008: 126).

This group views the concept of 'security' in a broad sense, involving maritime safety, resource conservation, ocean governance, and control of unlawful activities at sea like drug trafficking, illegal pollution, piracy. A significant achievement of the CSCP Maritime Cooperation Working Group has been the development and promulgation of Proposed Guideline for Regional Maritime Cooperation. These guidelines support regional cooperation on maritime issues (ASEAN Secretariat 2001).

> It must be clear to us and the world that we have no intention of establishing a military pact, as it was misinterpreted by some people. Cooperation among us in the realm of security is neither designed against other nor individual parties. We have neither the capability nor the intention to have it. Our concept of security is inward looking, namely to establish an orderly, peaceful and stable condition within each territory, free from any subversive elements and infiltration, wherever from their origins might be (Hossilin, 2012:119).

4.18 ASEAN -China Maritime Cooperation

China after the cold war has emerged one of the most important factors in Malacca Strait region. About ASEAN and maritime cooperation, it continued to major regional bilateral and multilateral organisation in the malcca strait sharing countries as well as whole

ASEAN region. ASEAN countries regularly hold annual meetings of senior functionaries on regional security development and discuss particular safety issues China has shown more and more interest in maritime security cooperation with other countries. It has maintained maritime security dialogue with the US since the late 1990s. China views ASEAN as one of the most important partners for maritime security cooperation (Hossilin 2012:122). China has been involved with ASEAN at various levels of maritime cooperation, from the policy to the operational level. On 26 December 2000, the Vietnamese and Chinese Foreign Ministers signed boundary accord, in Beijing, over the issue of demarcation of the maritime border between the two countries in the Beibu Gulf. Through this accord, China and Vietnam finally resolved this long-standing dispute which had plagued bilateral ties. China has been discussing means of cooperation in resolving the territorial disputes in the South China Sea with ASEAN member countries in recent years(ASEAN Scertrariet 2016). On 14 March 2005, China, Vietnam, and the Philippines signed a tripartite agreement for the joint marine survey in parts of the South China Sea. This further indicates the efforts being made by China and other Southeast Asian countries towards resolving disputes through consultation and dialogue (Hossilin 2012:123).

In October 2004, the Chinese maritime and other concerned agencies and the Philippine Coast Guard held first-ever joint search and rescue (SAR) table exercises in Manila. The bilateral meet referred to as the China–Philippines Cooperation 2004 table top exercises was aimed at strengthening bilateral cooperation between the Maritime Safety Administration (MSA) of China and the Philippine Coast Guard.

ASEAN and China need to cooperate in fighting terrorism and the promoting maritime security. However, certain obstacles may have an adverse impact on future cooperation. Confidence-building among countries, especially neighbours is a long, drawn-out process that takes considerable time. Through joint efforts of China and ASEAN, multilateral partnerships have strengthened over the last few decades. Nevertheless, it does not translate into an ideal situation of complete political trust on both sides. As noted by S Pushpanathan, Head of External Relations and ASEAN Plus Three Relations at the ASEAN Secretariat:

"ASEAN and China have turned the corner in the last decade to establish a more fruitful partnership. However, new challenges and problems could emerge in the region that will test the strength of the association. ASEAN and China will have to take them in their stride as they forge a strategic partnership to benefit the present and future generations in the region. There has always been one question in the minds of ASEAN leaders: What are the implications of the ever-increasing power of China for ASEAN countries? It is quite natural for ASEAN countries to contemplate this simply because the nature of contemporary international relations has been characterized by power politics" (Pushpanathan 2010).

China seems to fully understand the existence of mistrust and suspicion among ASEAN states and has made efforts to alleviate such distrust. To that end, China has taken some concrete actions, such as the annual ASEAN-China Dialogue, established for the exchange of views over a wide range of issues concerning regional security and bilateral relations. In 2003, China became the first Dialogue Partner to accede to ASEAN's Treaty of Amity and Cooperation (TAC) in Southeast Asia. China has shown its willingness to sign the Protocol to the Treaty on Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ). These efforts are a reflection of Chinese sincerity in promoting political trust with ASEAN countries.

Nonetheless, some ASEAN states remain apprehensive about Chinese objectives and aspirations in the region. These deep-rooted suspicions will continue to exist and demand new relationships based on mutual trust and confidence. As a Philippine scholar put it, "Both ASEAN and China must exert greater efforts to expand mutual trust, promote mutual understanding of their convergent as well as divergent interests, and most importantly begin defining the norms which will guide their political-security as well as economic relations in the next century" (ASEAN Secretariat:2004)

4.19 ASEAN-US Maritime Cooperation

The role of major powes in Malacca strait has been recorded which at varied level. Their presence sometime perccived as geopolitical intrest . however for common struggle against security challenge. The geographical and political reality of Southeast Asia makes it inevitable that extra-regional powers will continue to play a crucial role in the region

foreseeable future. China, Japan, and the US are the three principal external actors to combating piracy. The US has a vital interest in securing this region from terrorism and contain the growing Chinese influence. On the other hand, US also wants to continue the assertion of its hub and spoke security paradigm in the region. The US has undertaken several unilateral initiatives in the region along with some bilateral efforts with countries such as India for the safety and active transactions of the ships and containers in the region. The Container Security Initiatives (CSI), Proliferation Security Initiatives (PSI) and Regional Maritime Security Initiatives (RMSI) are most exemplary initiatives of US in post 9/11 era (Devare 2006: 89-123).The Container Security Initiatives was launched in 2001 to secure ship-carried container from being used to transport weapons of mass destruction (WMDs) illegally. The system consists of intelligence gathering, information sharing, non-intrusive detection technologies and tamper proof smart containers. India has also approved the CSI system for its Nhava Sheva port to secure cargo emanating from there. However, this is unilaterally controlled high tech system, and other countries rely heavily on the US for the operation of this scheme, and this also entails high costs (Rani 2012: 123).

Another essential system to protect containers and ship is the PSI which is primarily focused on stopping the proliferation of small arms and WMDs and collects intelligence on illegal shipments. The US, UK, Australia, France, Spain, Italy, Portugal, Netherland, and Poland are the founding members of PSI. However, the PSI is criticised for violating international laws through its principle of interdiction. On the other hand, US opponents China and North Korea also oppose this initiative for giving an upper hand to the container security (Rani 2012: 124).The particular initiative for the Malacca Strait was the RMSI, which aims to deploy the US Marine and Special Forces to protect the passing ships. Regional countries like Indonesia and Malaysia strongly condemn this initiative due to US military involvement in the region.

Reference

Acharya, Amitav (2002), *Constructing a Regional Community in Southeast Asia: ASEAN and the Problem of Regional Order*, London: Routledge.

ADB(2006), Asian Development Bank, "Regional Cooperation and Integration Strategy", [Online web] Accessed 16 February 2016 URL:https://aric.adb.org/aid-for-trade-asia/pdf/final-RCI-strategy-paper.pdf

ARF (1994), ASEAN Regional Forum, [Online: web] Accessed 15 October. 2016, URL: http://asean.org/asean-political-security-community/asean-regional-forum-arf.

ASEAN (2016), Joint Statement of the 19th ASEAN-China Summit to Commemorate the 25th Anniversary of ASEAN-China Dialogue Relations [Online: web] Accessed 15 October. 2016, URL: http://asean.org/joint-statement-of-the-19th-asean-china-summit-to-commemorate-the-25th-anniversary-of-asean-china-dialogue-relations.

ASEAN(1997), ASEAN Declaration on Transnational Crime Manila, 20 December 1997 [Online: web] Accessed 15 Feb. 2015, URL: http://asean.org/?static_post=asean-declaration-on-transnational-crime-manila-20-december-1997.

Beckman, Robert C. (2002), "Combating Piracy and Armed Robbery against Ships in Southeast Asia: The Way Forward", *Ocean Development & International Law*, 33 (4): 317-341.

Dent, Christopher M (2011), Sub-Regional Cooperation and Developmental Regionalism: The Case of BIMP-EAGA, *Contemporary Southeast Asia*, 33 (1): 29-55.

Devare, Sudhir (2006), *India and Southeast Asia-Towards Security convergence* Singapore: ISEAS.

Ferguson, Adam (1995), An Essay on the History of Civil Society, Cambridge: Cambridge University Press.

Kacowicz (2005), *The Impact of Norms in International Society: The Latin American Experience*, Notre Dame: University of Notre Dame Press.

McDaniel, Michael S. (2000), Modern High Seas Piracy. Presentation before the Propeller Club of the United States at the Port of Chicago [Online: web] Accessed 15 October. 2016, URL: http://www.cargolaw.com/presentations_pirates.htm.

Mutthiah, Alagappa (2002), *Asian Security Order: Instrumental and Normative Approaches* Stanford: Stanford University Press.

Rani, Sudesh (2012), "Indo-US Maritime Cooperation: Challenges and Prospects",
Maritime Affairs, 8 (2): 123-143.

Wohlschlegel, Robert, Curtis W. Turner, and Dr. Kent Butts (2004), Issue Paper, "Maritime Threats Workshop", Center for Strategic Leadership, U.S. Army War College, 9 (4), [Online: web] Accessed 15 Feb. 2015, URL: http://www .carlisle. army.millusacsl/publications/IP09-04.pdf.

CHAPTER: V

INDIA AND EXTERNAL POWER'S IN MALACCA STRAIT

This chapter aims to investigate the role, and interest of India in maritime, oceanic geopolitics. However, the major objective to focus on non-state security threats especially piracy. India's location in Indian ocean as a link between eastern and western countries as well as the ocean trade circulation via the Indian Ocean has enhanced the Indian maritime geopolitical position. India has a century old cultural linkages and geographical proximity in the Southeast Asia. On the other hand, this chapter also focuses on the role of the major extra-regional powers, i.e., China-Japan-US, etc. In the 21st century, the epic mythology- the *churning of the ocean-* is repeating itself. The maritime issues have been rapidly becoming center stage of global security issues. The era is witnessing an unprecedented clamor, whereby the oceanic bodies have become the most vital factor in the pursuit of national power by modern maritime powers like India, China, the United States (US) and Australia. India, a land of different ancient cultural past is embarking towards modernisation of its important naval capability. The maritime sphere of the Indo-Pacific region is regarded as an opportunity for the global trade and commerce, while it also facing severe risks such as piracy and maritime terrorism that threaten the integrated Sea Lanes of Communications (SLOC). The centrality of India is like a pendulum among the political and economically disturbed states of Africa and Asia (Somalia, Yemen, Ethiopia, and Pakistan) along with dynamic economies of Southeast Asia. The changing scenario of maritime affairs has turned India into a most significant naval power to prowess its blue water navy capabilities. In the contemporary era, its growing presence in the various SLOC, e.g. in the Persian Gulf, the Horn of Africa to the Malacca Strait. K.M. Panikkar states: "The importance of the sea came to be recognized by the Indian rulers only when it was too late" (Panikkar 1945: 113).

The globalising security threats in the ocean challenge Indian naval forces to engage proactively with the numerous maritime security issues in general and anti-piracy operations in particular. There are a dynamic struggle and cooperation coexisting at the same time due to the tremendous sense of vulnerability in the maritime domain that is the primary outcome of the 21st century. A dynamic shift in the marine conundrum has taken place after the Chinese President Xi Jinping's proposal to rejuvenate a Maritime Silk Route (MSR) (Chaturvedy 2014: 2). Because of this new

plan, serious apprehensions are being raised regarding the security of SLOCs. With the increasing sense of vulnerability, the security of regional countries seems to be on the brink, especially in light of the new emerging challenges in the maritime domain (Chaturvedy 2014: 2).

5.1 India- Southeast Asia Maritime Linkages

Historically, Southeast Asian countries are linked with India. At each historical period from old Chola and Pandavas as well as colonial era, an imprint of historical relation, trade commerce, and human navigation are recorded (Suryanarayan 2013: 4). The Indian Ocean connected India with Southeast Asia. The Southeast Asian countries have a unique and extraordinary relationship with India. Both have only artificial geographical demarcations, imposed on historically adjacent areas by the colonial rule (Suryanarayan 2013: 4). Scholars and academicians use the term *Indianisation* to refer to a process which accentuated the historic Indian cultural influence upon Southeast Asia (Coedes, 1968:12). India and Southeast Asia have set universal similarities in cultural and historical past, which started with the establishment of Indian colonies in and Indian migration to Southeast Asia (Coedes, 1968:12).

5.2 Evolution of Contemporary India-Southeast Asian Engagement

India and the ASEAN region share a maritime connection going back to ancient times. During the earliest period, through its merchant ships, India carried to Southeast Asia its culture, language, and religion that permeated the very fabric of the Southeast Asian life (Bhattacharyya 2009: 75). This maritime interaction continued and expanded after India's independence (Bhattacharyya 2009: 76). Throughout the years, India sought cordial maritime relations with the ASEAN neighbours. In fact, after independence, in June 1950, Nehru sailed to Jakarta on the Indian Naval flagship "Delhi," escorted by three Indian destroyers and frigates. Indian navy's first-ever war exercises conducted outside the Commonwealth were held with the Indonesian Navy (Venugopal et al. 2001: 9).

Despite this initial activism of the Nehruvian era, India became self-preoccupied leading to an underlying objectivity from Southeast Asia (Venugopal et al. 2001: 10). However, with the Cold War coming to an end and India's rapid economic growth, its naval capabilities received a boost, and thus also ended its isolationism of the 1970s and 1980s (Venugopal et al. 2001: 10). Along with the great powers like the US, European Union (EU) and Australia, ASEAN too started

engaging India vigorously. A paradigm shift reshaped the post-Cold War era global relations beginning with the emergence of a unipolar world with unprecedented peace, uniformity, and stability (Venugopal et al. 2001: 11). However, there was no ideological clash in this era which can be better understood through Fancies Fukuyama's seminal thesis 'End of History.' Values of liberal democracy and the spirit of 'Free Market' integrated the world, where India and Southeast Asia are no exceptions (Mohan 2008:45). India was unable to fulfill its economic aspirations and the necessities of development under the centralised planning system. The collapse of the Soviet Union and the internal balance of payments (BOP) crisis forced India to adopt liberalisation and privatisation to integrate itself with the globalising world economy (Mohan 2008:45). Under these circumstances, Prime Minister P.V. Narasimha Rao initiated the 'Look East Policy' to engage with the successful 'tiger economies' of Southeast Asia (Naidu 2004: 191).

The Look East Policy consists threefold strategy (Political, Strategic, and Multilateral) to develop deeper and closer relationship with these countries (Naidu 2004: 191). India has rejuvenated ts ancient cultural linkages. Southeast Asia has also emerged one of the prime sources for Foreign Direct Investment (FDI) in India and emerged as one of the largest trading partners for India (Naidu 2004: 192). The peaceful rise of China and increasing cooperation between the South-South countries also constitutes two important factors operating in this region (Naidu 2004: 193). As far as India is concerned, it emerged as a strong democratic state to cooperate with ASEAN members. In January 1992, India's engagement with ASEAN took the first concrete step of becoming a sectoral dialogue partner member (during the Fourth ASEAN Summit) in Singapore (Yahya 2003: 8). India wanted to develop a closer relationship and shape a new era of sub-regionalism and cooperation between South Asia and Southeast Asia (Yahya 2003: 8). Business and trade became the first factor to connect both the regions in the era of globalisation. Since 1991, Southeast Asian countries (especially Thailand, Singapore, Malaysia and Indonesia) have become the pillars of Indian bilateral trade expansion (The Hindu 2015). The current Indian Minister for Commerce and Industry Nirmala Sitharaman has stated that India expects its trade with ASEAN to reach the mark of US$ 100 billion by 2015, up from the current level of US$ 80 billion, and double by 2022 (The Hindu 2015).

However, during 1995, India became a full dialogue partner of ASEAN, at the 5th ASEAN Summit held in Bangkok. It was a landmark success for India's policy of multilateral engagement with ASEAN countries (Naidu 2004: 198). Besides, India also gained the membership of ASEAN Regional Forum (ARF) in 1996, which is the main framework for discussing security issues in the entire Asia-Pacific. By this time India has established itself as a valuable and efficient player akin to China (Naidu 2004: 198). A new chapter has started with the progress of these efforts and India's strengthening of its defense cooperation with Indonesia (1991), Malaysia (1993) and Singapore (1993) (Singh 2001:38 and Naidu 2004: 198).

Along with this new strategic cooperation, bilateral ties progressed towards rapid growth in Indian business and trade in this region, taking economic interactions to a new high. Moreover, steadily increasing overall trade with ASEAN was also symptomatic of better bilateral economic ties with the group's constituent states (Strachan 2009; Naidu 2004; Singh 2012). Indian private sector players such as Birla, Kirloskar, Ranbaxy, Tata, and public sector undertakings such as the Bharat Heavy Electricals Limited (BHEL) have invested in many Southeast Asian countries, and, in return, India has invited capital from countries such as Thailand and Singapore. Till 2012, India had 58 ongoing joint venture (JV) projects in Malaysia, Thailand, and Singapore (Singh 2012: 2).

India and Thailand have signed numerous bilateral agreements regarding economic cooperation, scientific collaborations, and cultural exchanges. Almost 300 Indo-Thai JVs are operating in Thailand, including 16 with Indian equity participation. Among these, the Aditya Birla Group is one of the largest with three JVs with Thai companies. Indian and Vietnam also have substantial economic ties. Indian entities such as the ITC-Global Trading Corporation are working in the Vietnamese agricultural sector since at least 1992. Other Indian manufacturing concerns, such as the R. P. Goenka Group, are active in the automobile industry in Vietnam. In the 1990s, several landmark agreements were finalised between two countries, most notable being the Civil Aviation Agreement (1993), Bilateral Investment Protection Agreement (1997), Trade Agreement (1997), and a Cultural Exchange Programme (Singh 2012: 2).

Relations with Myanmar have also improved substantially, to the extent of becoming the new centerpiece of the "Look East" policy followed by India to establish close links with its

Southeastern neighbours. Bilateral relations are based on the mutually-agreed *Panchashila* or Five Principles of Peaceful Coexistence. The visit of State Peace and Development Council (SPDC) Vice Chairman Maung Aye, in November 2000, signified a watershed in bilateral relations, especially because of the agreement to curb the activities of extremist groups and drug traffickers along the Indo-Myanmar border (Singh 2012: 3). Although, the balance of trade is for ASEAN, the defense cooperation agreements signed with individual country and the January 2001 agreement with ASEAN is expected to redress the imbalance to some extent. Further, the two sides are always expanding their interaction and cooperation into newer areas of mutual interests and concern. India is heading the Working Group on Education and Information Technology; both sides have agreed to increase cooperation in sectors like tourism, culture, transport and communication. India's policy of deeper engagement with the ASEAN region is not satisfied merely by becoming an ARF member. It is trying to achieve a full dialogue partner status as enjoyed by China, Japan, and South Korea under the ASEAN-plus-three mechanism. Malaysia as the coordinating country of ASEAN's dealing with India holds an essential position.

5.3 India- ASEAN in the Era of Act East Policy

From the perspective to Lok East Policy to Act East Policy. The contemporary foreign policy of Prime Minister Narendra Modi is towards the execution of India's mature relation with Southeast Asia policy. A fundamental shift was brought about in India's Look East policy after the Narendra Modi government came to power in May 2014. The Foreign Minister Sushma Swaraj reiterated a fundamental change in the decade-old Look East policy, with the belief that it needed more activism in the wake of new requirements and necessities of regional progress. The new government has emphasised the 'Act' rather than the 'Look' hence renaming it the "Act East Policy" (Business Standard 2014). By the introduction of this new policy, India's rapprochement with ASEAN countries is stimulating with new ambitions along with the wholly transformed geo-strategic situation in the region(Business Standard 2014). As India is becoming the center of the Indo-Pacific maritime domain, the security of the SLOC is inextricably associated with its important economic future(Business Standard 2014). The new government of India seems to be more market-friendly and willing to attract FDI and rapid increase of trade and commerce. So, India wants to secure her maritime interest by ensuring the safe passage of cargo in the adjacent

waters of the region. While the Look East Policy was the result of a unipolar world order, the Act East Policy will help India to accommodate herself to the reshaping world order(Business Standard 2014). The emergence of new economic centers has forced India to think beyond the traditional civilisational, historical and cultural relations with Southeast Asia(Business Standard 2014). Therefore, India needs to fill those gaps that remained unresolved by ensuring unparalleled engagement. The new changes in the policy are much more focused on the economic dimension and integrating it with the western countries.

5.4 Analysis of India's Maritime Scenario

India has a pendulum-like coastline which is surrounded on its eastern, western and southern sides by Indian Ocean, Arabian Sea and the Bay of Bengal. The geostrategic location provides India a central position among the emerging maritime powers (Sakhuja 2011: 56). Along with the mainland and its Island archipelagos, India's maritime boundary comprises with 7515 Km (Sakhuja 2011: 56). India has a vast area of more than 3 million square kilometers in the Indian Peninsula and more than 1,000 island territories. This extensive coastline has maritime boundaries with Pakistan, Sri Lanka, Maldives, Bangladesh, Myanmar, Thailand and Indonesia. India shares its maritime borders with more countries than its land borders. Thus, Indian naval sphere is an important passage to the entire Indo-Pacific region (Sakhuja 2011: 56). The marine proximity of Southeast Asian states from Andaman and Nicobar Islands are discernible. Myanmar is only 250 km away, Thailand 500 km and the Island of Pu Breush, located northwest of Sumatra, only 92 nautical miles from Indira Point (Sakhuja 2011: 57). The Indian maritime waters have become the most important transit route as far as the global supply chain is concerned. The Indian waters establish a link to other critical chokepoints i.e. Suez canal and Malacca Strait (Sakhuja 2011: 57). The SLOC are more important than economic activities.The SLOC is characterised with the hub of the number of big and mid-sized powers (Australia, Malaysia Singapore, Thailand) (Sakhuja 2011: 58).

 The economically vibrant economies are the engine of the economic growth of the region. The two first nations China and India capture the momentum of the new equation of the changing dynamics of the area(Sakhuja 2011: 57). These two countries are developing fast, but with the

shadow of mistrust in the maritime domain. The military and economic development in the recent decades necessitated the safety and the security of SLOC as a paramount goal of national power projection (Sakhuja 2011: 58).

Table No.9

INDIA-ASEAN Trade in 2014

S.No.	Country	2013-2014	2014-2015(Apr-Jun)
1.	Brunei	32.45	14.14
2.	Cambodia	141.31	26.51
3.	Indonesia	4,850.20	1,259.47
4.	Laos	49.89	13.05
5.	Malaysia	4,197.93	1,292.24
6.	Myanmar	787.01	167.91
7.	Philippines	1,419.00	370.02
8.	Singapore	12,510.54	2,736.61
9.	Thailand	3,703.27	769.49
10.	Vietnam	5,441.94	1,286.31
	Total	**33,133.55**	**7,935.74**

Source: Department of Commerce Export Import Data Bank, www. http://commerce.nic.in/eidb/ergncnt.asp.

Along with the regional players, the extra-regional powers are also engaged in this regional effort to provide security to shipping and trade against piracy. In the era of globalisation, it is discernible that the security concerns merge with economic activities. Further, the entire Indo-Pacific region is transforming into a new destination for global business, so it attracts unconventional threats in the region as a whole.

5.5 Genesis and evolution of India's Maritime Strategy

India's Navy is the one of the world's largest, ranked fifth in the world (Bharat Raksak 2000). Indian maritime destiny has a conspicuous geography, history, ancient seafaring and shipbuilding traditions and expanding commercial and trade ties. The Maritime Strategy of any country is the result of its maritime geographical situation and importance (Ministry of Defence 2007). India's vital national interest is closely associated with its vast maritime domain, which has become the center of galvanising global commercial and strategic activities (Ministry of Defence 2007). In modern times, most nations approach oceans around them with the ultimate objective of exploiting and maximising national interests (Ministry of Defence 2007). The nation's maritime strategy is the result of its economic, commercial, political, military, scientific and technological aspects that ultimately turn into a grand plan (Ministry of Defence 2007).

However, in the 21st century, the maritime interest has emerged as a predominant factor in shaping the foreign policy of any country. In India's case, the disturbed geopolitical situation in along its land borders along with its maritime boundaries has forced an adoption of a comprehensive approach to tackling these problems (Ministry of Defence 2007, 2013, 2014). India's maritime strategy defines its role in its immediate neighbourhood and outlines the national objectives, role, and prospects (Ministry of Defence 2013). Since most maritime activities occur outside the sovereign jurisdiction of a country's territory, it often needs military support, either direct or indirect. The military dimension of India's maritime strategy is termed the 'Maritime Military Strategy,' which is an integral and inseparable the broad strategy in the maritime domain and contributes to overall military defence strategy (Ministry of Defence 2007, 2013, 2014).

The Maritime Military Strategy of India outlines the principles providing the guiding framework for the promotion of peaceful use of oceans in all aspects for the societal and human benefit. This strategy is primarily meant to be executed by the Indian Navy, with the Armed Forces and other agencies providing required support. The evolution of this policy started right after independence with the first 'Naval Plans Paper' of 1948 (Ministry of Defence 2007). The Indian Navy was to consist of cruisers and destroyers, structured around small aircraft carriers aimed at adequately protecting India's SLOC. Maritime and naval powers were to be developed commensurate with India's maritime interests, and the need to safeguard merchant shipping and trade (Ministry of Defence 2007, 2013, 2014). The overall purpose of the maritime threats envisaged was from aircraft and submarines of unknown origin, deployed in a sea denial role.

5.6 legalisation of piracy in Indian Laws

India is playing a remarkable role to suppress piracy. However, India does not have any domestic legislation which defines piracy and provides punishment (Rahul 2014: 63). The Indian Penal Code (IPC), 1860 is the comprehensive criminal code in India, and the pirates are being punished under IPC. In the Alondra Rainbow case, the Sessions Court of Bombay sentenced the pirates for the offences of dacoity and attempt to murder under IPC (Rahul 2014: 63).

The High Court of Bombay in an appeal upheld the charges but remitted the sentence. The Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 (SUA) is another statute to deal with maritime offences (Rahul 2014: 64). It is limited in its application to acts of terrorism committed against the safety of marine navigation and fixed platforms on continental shelf extends to the whole of India including the limit of the territorial waters, continental shelf, the exclusive economic zone or any other maritime zone of India. "The old and obsolete colonial laws (Admiralty Offence Act, 1849; Admiralty Jurisdiction (India) Act, 1860; Colonial Court Jurisdiction, 1874) on maritime criminal jurisdiction, by Article 372 of the Indian Constitution, are valid and still in force" (Rahul 2014: 64)

5.7 The Piracy Bill 2012

With the introduction of a new bill for parliamentary legalisation India attempted to address the piracy in a new crime. However, look into some issues highlighted below to tackle modern-day piracy through a stronger legislation. "Firstly, the old colonial laws need to be repealed and amalgamated into one single bill that would cover the whole ambit of piracy in a holistic manner. Secondly, the definition of piracy suggested by the Bill is based upon UNCLOS. The UNCLOS itself was a political compromise (Rahul 2014: 64). It was necessary to exclude other forms of maritime violence from the definition of piracy to make a concession to the states. It appears that the Bill defines piracy from the perspective of the sixteenth to nineteenth-century view of piracy and is extremely restrictive seen from the modern viewpoint. Hence, there is a need for the Bill to define theft covering all the sub-categories of modern-day piracy. A comparative study of various legislations of other countries should be conducted. Kenya has become a universal centre for prosecuting the pirates because of its best law on piracy". A further example could be Sri Lanka's Law on Piracy. Sri Lankan laws on Piracy as mentioned in Piracy Act 2001 define piracy as "any person who dishonestly takes or appropriates any ship, by means of theft, force, intimidation, deception, fraud or by other similar means shall be guilty of the offence of piracy and subject to the provision of sections 8, 9, 10 of the Act with imprisonment… whichever is the greater." Third, the residuary clause of section 2 (e) (iv) seems to be more troublesome rather provide any solution. The Bill is not clear on what constitutes piracy under the customary international law. "It is opined that the criminal laws must be very precise to avoid future problems of construction. Fourth, the Bill restricts universal jurisdiction given by customary international law and UNCLOS to Indian courts. It confines the court's jurisdiction only to the cases of piracy against Indian ships or piracy committed by Indian nationals (Rahul 2014: 64). The customary international law provides the widest authority to courts to take jurisdiction of any pirates who are presented before the tribunal (Rahul 2014: 65). Even Indian courts have made it clear that in the absence of specific domestic legislation enacted by the Parliament, the customary international law is to be read incorporated to fill up in the gaps in the municipal law (Rahul 2014: 64). Fifth, the jurisdiction of piracy cases should be given to Higher/ Constitutional Courts since the case involves the various aspects of international law(Rahul 2014: 64). Sixth, the provision of capital punishment in the Bill could be problematic for the purpose of extradition; so it should be removed. After adopting a new economic policy in 1991", the Indian

foreign trade has peaked to great heights and is flourishing (Rahul 2014: 64). Shipping plays a pivotal role in carrying out the international trade as approximately 90 percent goods are transported by ships. Therefore, to cope up with this important challenge, India needs a strong legislation that can cover all the present and future problems relating to piracy (Rahul 2014: 64).

5.8 India's Efforts to Combat Piracy

Indian naval forces have a modest blue water capability and, along with the Coast Guard, it is responsible for securing and protecting the Indian Exclusive Economic Zone (EEZ) (Chaudhary 1993: 65). Indian Navy has played a pivotal role in various operations at different sea lanes i.e. the Indian Ocean, Gulf of Aden and the Malacca Strait. Since the success of Gulf of Aden operations, Indian Navy has shown a tremendous sense of professionalism and pro-activism (Chaudhary 1993: 65). Indian Navy is a major player in the anti-piracy exploitation and policy formulation. Since the last decades, an understanding of vulnerabilities encapsulating among the littoral states of Asia and Africa particularly the crisis-ridden countries around the Gulf of Aden and the Indian Ocean (Chaudhary 1993: 65). This new scenario has forced India to take some serious steps to secure the safe passage and global supply chain (Chaudhary 1993: 65).

In this regard, the Indian Navy has made some unilateral, bilateral and multilateral initiatives to enhance its role and relations with the Southeast Asian countries. At first level, Indian joint Coast Guard/Navy patrols are undertaken to protect the south-eastern coast from armed infiltration (Operation Tasha). The initiative has helped curb clandestine activities in the Palk Bay and the Gulf of Mannar (Operation Nakabandi), to prevent the smuggling of arms and ammunition on the western coast (Operation Swan), to counter low-intensity conflict (LIC) and to undertake humanitarian assistance (Operation Jal Nikas) (Upadhyaya 2011: 102, Chaudhary 1993: 65).The Coast Guard operates in anti-poaching, anti-piracy and anti-smuggling (drugs and narcotics) operations such as Operation Leech and Operation Hibiscus. India has also established its high and broad presence in the multilateral maritime mechanisms (Chaudhary 1993: 65, Upadhyaya 2011: 102).

The Indian Ocean Rim Association (IORA) is the only pan-Indian Ocean economic grouping and brings together countries spanning three continents i.e. Africa, Asia, and Australia. In recent times, it has begun to address maritime security issues. The Indian Ocean Naval Symposium

(IONS) is a 35-member Indian Ocean security apparatus which facilitates the exchange of views among the naval professionals to evolve a shared understanding of maritime security issues in the region. Likewise, *Milan* (confluence) is a gathering of navies from India's extended neighborhood of Southeast Asia, Australia, and New Zealand that aims to develop cooperative mechanisms (Chaudhary 1993: 66).

In an attempt to further consolidate its littoral neighbors, India signed a tripartite maritime security pact with Sri Lanka and the Maldives in early July. The deal includes cooperation on EEZ surveillance; search and rescue operations; working on anti-piracy efforts and; sharing and tracking of merchant vessels using new technologies (Singh 2008:114).

The trilateral agreement was signed just days after the announcement giving the control of Gwadar Port to China. In August 2013, a new US$ 500 million container port will open in Colombo harbor in Sri Lanka by China (The Hindu 2013).

5.9 India –ASEAN Maritime Cooperation

India and ASEAN cooperated with each other, through dialogue partnership and submarine warfare in the Indian Ocean (Upadhyaya 2011: 102). The Indian Navy and the Republic of Singapore Navy (RSN) conducted a bilateral exercise SIMBEX 05 from 24 February to 3 March 2005 (Upadhyaya 2011: 102). This extensive cooperation between the two navies was primarily started with Anti-Submarine Warfare (ASW) focus. India has also launched The Comprehensive Economic Cooperation (CECA) with Singapore (Singh 2008:114, Upadhyaya 2011: 102).

It is the first of its kind to generate economic integration between India and Singapore and to provide a base for new and wider opportunities for trade, investment, energy and defence ties with all of the ASEAN. The Indian Navy has also sent warships, tankers and submarines to Japan, South Korea, Indonesia and Vietnam for bilateral exercises (Singh 2008:140).

Table No 10

India Maritime Geostrategic Interest

Interest		Areas	Considerations
Economic	Sea trade routes security	Sea trade routes between the Persian Gulf to the Strait of Malacca.	Over 200 billion USD worth of oil in these routes.
	Oil imports	Sea trade routes from the Persian Gulf to India	India imports about 70% of its consumption. Sea ensures about 40% of overall consumption.
	Sea resources	India is coastline and Economic Exclusion Zone	India's EEZ over 2 million square kilometers, the existence of hydrocarbon resources.
	Exportations and Importations	Sea trade routes eastwards and westwards	India's exportation valued in more than 75 billion USD.
Economic and military	Merchant fleet and ports	Indian Ports and operation areas of merchant ships	Indian merchant fleet accounts for a considerable part of the Indian sea trade, being a strategic issue on the maritime security plan. Also, ports security, are paramount for all trade.
	Oil production	Trincomalee, Sakhalin Islands, Egypt, Sudan and Myanmar	India's oil companies are operating in these countries.
Military	Territorial security	India is mainland and islands	Vital national defense.

Source: - http://www.revistamilitar.pt/artigo.php?art_id=798#_ftn2

Table No. 11

Present Strength of Indian Navy

Surface Ships		
AIRCRAFT CARRIERS		Viraat, Vikramdiyta
		Rajput Class– Rajput, Rana, Ranvir, Ranjit, Ranvijay
		Godavari Class – Ganga, Godavari, Gomati
		Talwar Class– Talwar, Trishul, Tabar
		Brahmaputra Class – Brahmaputra, Betwa, Beas
		Giri Class – Dunagiri, Udaygiri, Taragiri, Vindhyagiri
		Khukri Class – Khukri, Kuthar, Kirpan, Khanjar
		Kora Class–Kora, Kirch, Kulish,
		Veer Class –Veer, Nirbhik, Nipat, Nishank, Nirghat, Vibhuti, Vipul, Vinash, Vidyut, Nashak, Pralaya
		Abhay Class– Abhay, Ajay, Akshay,
OFFSHOREPATROL VESSELS		Sukanya Class – Sukanya, Subhadra, Suvarna, Savitri,
MINESWEEPERS		Pondicherry/Karwar Class – Pondicherry, Porbandar, Bedi, Bhavnagar, Alleppey, Ratnagiri, Karwar, Cannonore, Cuddalore,

Source:http://indiannavy.nic.in

With Indonesia, India has conducted naval patrols off the Andaman Islands. From 30 April 2001 to 9 May 2001 the Indonesian Navy (TNI-AL) and the Indian Navy has undertaken a joint hydrographic survey of the waters off Sabang (Singh 2008:141). During his meeting with Prime Minister Manmohan Singh in Vientiane on the occasion of the ASEAN Summit on 29-30

November 2004, the Indonesian President Sushilo Bambang Yudhoyono sought defence cooperation with India emphasising maritime security, joint patrolling of the seas and suggestions for an institutionalized arrangement(Singh 2008:114). At the multilateral level, the Indian Navy has been hosting the *Milan* exercises since 1995 to foster closer ties with the navies of the Southeast Asian countries. Though it is mainly described as a 'social and cultural event' in 1999, it took up the issue of piracy as well (Singh 2008:114).

The 2014 *Milan* at Port Blair in the Andaman and Nicobar Islands in the Bay of Bengal was significant from the perspective that 17 navies participated including two from Africa (Kenya and Tanzania), three Indian Ocean island nations (Mauritius, Maldives, and Seychelles) and the navies of Philippines and Cambodia made their debut (Sakhuja 2014).

The famous incident of 27 October 1999, of MV Alondra Rainbow (departed from Kuala Tanjung, Indonesia to Milke, Japan) was described as a very first event of the hijacking of a ship in India's neighbourhood. The Indian Navy launched an operation to rescue this vessel. The ship was laden with 7000 tons of aluminum ingots with 17 crew members (2 Japanese and15 Filipino). The IMB was being reported by the Saudi Arabian vessel MV Al Shauhadsa, 66 nautical miles away from Cape Comorin (International Maritime Bureau 1999). By the information of IMB, Indian Coast Guard launched 'Operation Nelson' to search the hijacked vessel. India light search aircraft Dornier intercepted the ship which had changed its name to MV Mega Rama with a Belize flag (Upadhyaya 2011: 102). The ship was under strict surveillance and pirates refused to respond any efforts of stopping the vessel. The Indian Naval Ship INS Prahar successfully arrested 15 Indonesian hijackers/ pirates. However, pirates tried to burn the ship and were rescued by Indian ships Gomti and Delhi (Upadhyaya 2011: 102).

Another significant effort of Indian Navy is known as Operation Sagittarius, launched just after the 9/11 incident. This effort was India's support to US 'War on Terror' to protect the Malacca Strait to search and destroy the nexus of pirates and terrorists (Singh 2008:43, Upadhyaya 2011: 102). In 2001, the US high-value vessels were escorted by the Indian naval ships in the entire Malacca Strait during this operation. More than 24 US vessels were escorted between 2 April and 16 September 2002, with US submarines and other naval ships safely accompanied in the Andaman and Malacca Strait (Upadhyaya 2011: 102).

The hijacking of the Dhow 'Bhakti Sagar' by Somalian Pirates on 26 February 2006, was also a testament to Indian experience of securing the vessel successfully from the dreaded pirates(Upadhyaya 2011: 102). The high hostage crisis (25 Indian sailors) was located at Kismau, Africa. INS Mumbai, which was returning from Salalah (Oman), took the lead role in the rescue operation but failed to reach on time (Upadhyaya 2011: 104). The vessel and crew members were released after negotiations between other parties (Prakash 2010). Similar anti-piracy operations helped in Lakshadweep on 30 January 2011 jointly by the Indian Navy and Coast Guard.

There is a huge presence of Somali pirates in the Arabian Sea. The Indian ships consistently tried to establish communications to 'Prantalay' under International Mercantile Marine Band, but pirates did not respond to the communicator and exceeded the speed of the boat and exchanged fire with security forces. The episode continued for more than eight months until their surrender to the Mumbai police.

In April 2002, the Indian and US naval ship undertook joint escort duties in the Malacca Straits. Indian vessels assumed responsibility from the USS Cowpen to accompany American commercial ships carrying high-value goods transiting through the Straits; the US naval vessels patrolled sea areas in Southeast Asia while the Indian Navy concentrated on the Bay of Bengal and the Indian Ocean. This initiative emerged as an outcome of the understanding between New Delhi and Washington to revive the Malabar series of joint naval exercises suspended since the 1998 nuclear tests (Bhaskar and Agnihotri 2011:79).

The Malabar series conducted three activities in 1992, 1995 and 1996. In the beginning, these tasks were essential in nature that progressively improved in its content and complexity (Singh 2008:114). The introduction of advanced surface ships, submarines, and long-range maritime patrol aircraft acted as a catalyst to the nascent naval cooperation. Malabar-2005 was, in fact, a ten-day joint maritime coast exercise in the Arabian Sea with both sides involving their aircraft carriers[i], USS Nimitz and INS Virat, for the first time (Chowdhury 2000:29-34, Bhaskar and Agnihotri 2011:79, Singh 2008:114). India has also tried to embolden its maritime relationship with the US through the Container Security Initiative (CSI), the Regional Maritime Security Initiative (RMSI) and the Proliferation Security Initiative (PSI). Although India did not formally join the CSI until 2005, it expressed grave concern over container security. "On PSI, then foreign

minister Yashwant Sinha, at a press conference with US Secretary of State, Madeline Albright, said: "We will discuss PSI at the official level and see how India can engage in the full process." On 16 January 2002, Defence Minister George Fernandes visited the US to accelerate military ties between the two countries. The US approved the sale of 21 military systems to India ranging from targeting radar to aircraft engine and submarine rescue facilities" (Kauchak 2002: 14). The two navies were also keen on sharing technical defence information on maritime issues. New Delhi and Washington signed the General Security of Military Information Agreement that facilitated the exchange of "classified technical case related information" between the two countries. Admiral Yashwant Prasad, Indian Navy's Chief of the Naval Staff astutely said: "Many countries have seen us patrolling (the Malacca Straits) with the US, and they want to work with us." It is essentially due to the cooperative approach of the Indian navy to challenge forces inimical to the safety and security of the maritime Asia (Kauchak 2002: 14, Singh 2008:114).

With respect to maritime terrorism, the Council for Security Cooperation in the Asia-Pacific (CSCAP) Working Group, on 12 February 2002, introduced a relatively broad definition of maritime terrorism, "as one encompassing terrorist acts and activities a) within the marine environment, 2) using or against vessels or fixed platforms at sea or in port or against any one of their passengers or personnel, and 3) against coastal facilities or settlements, including tourist resorts, port areas, and port towns or cities." (Kauchak 2002: 16, Singh 2008:114). The joint patrolling of the Malacca Straits by American and Indian naval vessels has already proved the indispensability of India's naval presence in the region (Kauchak 2002: 17). At the fifth Shangri-La Dialogue, held during 2-4 June 2006, Defence Minister Pranab Mukherjee rightly pointed out, "Following the growing need to strengthen regional cooperation to enhance maritime security. India has been working with countries in the region, both bilaterally and multilaterally through forums such as ARF to increase further cooperation" (Kauchak 2002: 17).

5.10 Other Important Initiatives

5.10.1 Information exchange Programme

There are some other important initiatives taken by India in maritime activities. Bilateral and multilateral efforts are considerably in this respect. Although naval ships from various countries are being employed in the area for counter-piracy missions, there was initially very limited trade

of piracy related information between them. To facilitate sharing of information a Counter Piracy "Shared Awareness and Deconfliction (SHADE)" mechanism was initiated, so that, the forces deployed for these operations can exchange piracy related unclassified information through the web-based 'Mercury Net.' SHADE meetings are held at Bahrain and offer the Indian Navy an opportunity to interact with representatives from other navies and remain apprised of the latest initiatives being taken to avoid piracy in the Gulf of Aden. An operational update is also provided by various multinational forces and representatives from merchant shipping community (Upadhyaya, 2012:31, Huggins 2013:4).

5. 11 New Registration by Merchant Ships for Escort by Indian Ships

Director General, Shipping has recently launched a web-based registration service where merchant ships can register with DG Shipping to avail Anti-Piracy escort by IN ships in the Gulf of Aden. Using this service, the users can access the Anti-Piracy escort schedule of the Indian Navy and then request for inclusion in a particular guard cycle.

5.12 Future Navy plan

The Indian Navy today is a medium-sized blue-water naval force with 36 major combatants – including submarines, an aircraft carrier, destroyers and frigates – and over 100 other warships. It prides itself on being the largest navy indigenous to the Indian Ocean. The Indian navy's US\$ 4.73 billion budget for 2010 accounts for nearly 15% of India's total defence budget (Upadhyaya, 2012:31). Close to half these funds are for the modernisation and acquisition of naval forces, including naval aviation and submarines. Current shipbuilding and procurement programmes plan to expand the fleet to 46-50 major combatants in 2020 along with additional patrol and coastal combatants(Upadhyaya, 2012:31). With India's major arms purchases projected to triple over the next five years to more than US\$ 35 billion, the navy's share could account for over half this expenditure. India's new naval posture includes the expansion of carrier-based air power to ensure 1-2 aircraft carriers with modern combat aircraft operational at all times. The Indian Navy prides itself on operating an aircraft carrier continuously for over 40 years(Upadhyaya, 2012:31).

5.13 Role of Extra-Regional Powers

The extra-regional power which is sometimes considered as world's most influential countries lies abilities role and contribution is framing of the Indian Ocean or Indo-pacific region geopolitics among these countries China, Japan, US and Australia are most important in this regard.

Table No.12
India- ASEAN Maritime Cooperation

Exercise	Country	Remarks
SIMBEX (Singapore India Maritime Bilateral Exercise)	Singapore	Annual bilateral exercises between the two navies. The exercise has been carried out in the South China Sea in the years 2005, 2007, 2009, 2011,2013
MILAN (Multi-nation Exercise)	Singapore, Vietnam, Thailand, Malaysia, Indonesia, Brunei and the Philippines	Hosted by the Indian Navy, it is a Multinational exercise and interaction with the navies of South East Asia in the Bay of Bengal. It was initiated in 1995 and is a biennial gathering
Indo-Thai Coordinated Patrol (Indo-Thai CORPAT)	Thailand	Started in September 2005 and is conducted along the maritime boundary line.
IND-INDO CORPAT (India-Indonesia Coordinated Patrol)	Indonesia	Began in the year 2000

Source: created by Author

5.14 Japan

Japan is considered the leading country to encourage maritime security in Southeast Asia. Japan initiated a multinational coast guard system, dubbed the 'Obuchi Initiative' Japanese Coast Guard (JCG) is also contributing to helping the to mitigate in combating piracy(Upadhyaya, 2012:31). It also has the other members including China, South Korea, Indonesia, Malaysia, and Singapore. Initially, this initiative received success but later opposed by the China and some Southeast Asian states (Upadhyaya, 2012:32). These countries refused to allow foreign armed vessels patrol their territorial waters. Political opponents of the initiative were quick to remember Japan's brutal wartime occupation and others saw the proposal as a just ploy for Japan to counter China's growing regional influence. Though the political hurdles associated with the venture proved insurmountable, Japan has successfully built some bilateral relationships(Upadhyaya, 2012:33).

In the past five years, Tokyo has convened numerous international conferences and organized a series of expert workshops to address maritime problems. Along with theses support, Japan has also provided physical support, patrolling jointly with India and Malaysia. The JCG has conducted anti-piracy exercises with Thailand and the Philippines. Japan is materially assisting Indonesia with the development of the Indonesian Coast Guard, reportedly as compensation for Indonesia's participation in bilateral JCG exercises(Upadhyaya, 2012:35).

The Japanese initiatives ReCAAP also welcomed by the Southeast Asian countries this initiative has successfully heightened regional awareness and cooperation in the entire Asia. Discourse on the threat of piracy and maritime terror is expanding in all Asian states. These two initiatives helped countries not only in the economic needs and support so that members keep anti-piracy efforts on the high priority. These efforts helped Southeast Asian countries but with the suspicion and fears of losing sovereignty and influence to Japan(Upadhyaya, 2012:36).

5.15 China

China and ASEAN are the two economically most interdependent regions. China is the prominent member of the ReCAAP. China and ASEAN signed Memorandum of Understanding on Cooperation in the Field of Non-traditional Security Issues in 2004 (Valencia 2004: 106-107). In 2005, China, the Philippines, and Vietnam signed a tripartite agreement for a joint maritime survey of certain South China Sea areas. Militarily, China and the Philippines participated in a

joint Search and Rescue (SAR) In November 2005, two Chinese ships participated in a joint SAR exercise with India, Thai, and Pakistani navies. In this regard, China has organized the first overseas training inside the territorial water of these three nations. However, the lack of political trust and territorial disputes hinders the viable cooperation. The mutual economic interests of China and Southeast Asia places maritime security in the best interest of both and may enrich bilateral and multilateral relationships in more strategic partnerships (Valencia 2004:108).

5.16 Australia

Australia is also one of the key naval players in the Southeast Asian waters. Australia is a technically advanced country that is assisting the Philippines in the surveillance her territorial water. Both of the countries begin patrolling the Sulu and Celebes Seas in search of terrorist's linkages between Indonesian and Philippines (Xinning 2005: 155). According to the Philippine National Security Advisor, as many as 40,000 Indonesians could be residing in Mindanao. The Royal Australian Navy has actively participated in command level sea lanes security exercises with Indonesia (Xinning 2005: 155). Australia and Indonesia also have a good working relationship regarding anti-terrorism. Both nations convened the Regional Ministerial Meeting on Counterterrorism in 2004 and are establishing a Law Enforcement Cooperation Center in Jakarta. Australia has extended its maritime security zone into Southeast Asian waters (Xinning 2005: 155). Australia remains a strong US ally in the region, which facilitates US security coordination with the Philippines, Malaysia, and Indonesia (Xinning 2005: 156).

5.17 United States

Southeast Asia is one of the most priority regions for the United States. As far as the US is concerned, Southeast Asia is the second front due to the vital security interest after the 9/11. On the other hand, the US military presence in Southeast Asia was full of suspicion and mistrust among the large Muslim community. It might hamper the delicate question of security and the US role as a regional stakeholder. The troubled waters of the Southeast Asia also needed a protective mechanism, where the US played a crucial role in this regard (Bradford 2005: 157).

In this backdrop, US has taken some initiative for the safety of the homeland from terrorism and comprehend Chinese influence in this region. The US are much pondering to restore its traditional hub and spoke security systems. The US has initiated various mechanisms and also

cooperating with India for the safety and quick transactions of the ships and containers in the area. The CSI, PSI, and RMSI initiatives are most excellent efforts of US in post 9/11(Kraska 2007: 63-64).

5.17.1 Regional Maritime Security Initiative (RMSI)

Regional Maritime Security Initiative (RMSI), was launched by the US in 2003 in Singapore. The RMSI was initiated by the requirement of promoting cooperation and information sharing among the member countries. The US was prepared to assist any Southeast Asian nation that asked for help in developing a capacity to deal with illegal activities. In a broader perspective, the RMSI among other items proposed to authorise U.S. forces 'to cooperate' with local nations in the pursuit of pirates and maritime terrorists while respecting sovereignty.

The RMSI addressed transnational maritime threats by emphasizing information sharing, contributing to the security of international seas, and most importantly, creating an environment that is hostile to terrorism and other criminal activities (Valencia, 2004:278).. The RMSI attempted to establish protocols and procedures to integrate coast guard and navy operations. I had a mixed response where Singapore and Thailand welcomed the initiative (Valencia, 2004:278). On the other hand, Malaysian and Indonesian officials reacted it as an effort to happening three surgeries.The PACOM Commander had testified to Congress that Special Forces and Marines would autonomously deploy in small craft to protect the Malacca Straits (Valencia, 2004:278). Ironically, misgivings by Indonesia and Malaysia over RMSI may have prompted cooperation nevertheless. Foreign ministers from Malaysia and Indonesia met in May of 2004 to discuss the US proposal. Malaysia announced that it would float its version of the US coast guard to patrol and safeguard the Malacca Straits (Valencia, 2004:278).

However, sovereignty and international interference are two issues that the United States must be treating delicately, as illustrated by Malaysia's and Indonesia's objections to the formation of the RMSI. The Indonesian Navy Chief also stated that US patrols were not needed; however intelligence exchanges, equipment, and training assistance would be welcomed (Valencia, 2004:278).

5.17.2. Proliferation Security Initiative (PSI)

In May 2003, Proliferation Security Initiative (PSI) was proposed by the by President Bush. It has 11 core members including the United States, Australia, Japan, and Singapore. In under three years, the membership has climbed to over 70 nations. The US and other participants under the PSI, seek to order ships carrying materials involved in the manufacture or delivery of WMD's and bound for or from nations "of proliferation concern." There are some critical agendas of the PSI (1) efforts to develop or acquire chemical, biological, or nuclear weapons or associated delivery systems; or (2) transfers of WMD or related materials (Valencia 2005: 89-93). If a shipment is determined to be carrying WMD or related materials to or from a state of concern, PSI participants could seek consent to order that vessel, even on the high seas. The PSI explicitly says that interdictions will be undertaken consistent with existing international law and frameworks, but questions of legality may still arise. All nations are not prohibited from transporting nuclear technology or explosives, and all non-commercial ships have immunity from other countries when on the high seas. Some argue that the PSI could also undermine freedom of navigation rights granted under UNCLOS. The United States has yet to ratify UNCLOS but has long argued for navigational freedoms and innocent passage (Valencia 2004: 278).

5.17.3. US Bilateral Arrangements

Among the Southeast Asian countries US relation to Indonesia, Malaysia and Singapore are in good relationship bilaterally besides its relation to ASEAN at multilateral . its has participated and negotiated deal having oceanic importance. In 2005, Pacific Command (PACOM)'s Cooperation Afloat Readiness and Training (CARAT) exercised with Indonesia, Brunei, Malaysia, Thailand, and Singapore focused on Maritime Security. The prime objective this initiative to enhance the interoperability and communications between participants with an emphasis on terrorism and piracy, as well as on the development of surveillance and search and seizure capabilities. US Defense Learning Institutes such as the National Defense University and Center for Strategic Leadership have also played a role in promoting dialogue between regional and US military leaders to broaden strategic partnerships (Valencia, 2004:282).

In 2006, CARAT exercises were hosted by Indonesia, Singapore, Brunei, Thailand, Malaysia, and the Philippines. Also, to conducting maritime law enforcement and search and rescue

training with the host nation forces, Southeast Asia Cooperation against Terrorism (SEACAT) exercises will be performed. SEACAT focuses on refining maritime security skills, including training related to boarding team tactics and techniques, small boat skills (Fallon 2005: 165).

In addition to CARAT and SEACAT, the US has capitalised on Cobra Gold, a bilateral military exercise co-sponsored by Thailand. Since 1999, when Singapore was enticed to join, Cobra Gold has expanded to include various other Asian nations each year (Valencia, 2004:282).. The exercise demonstrates joint, and multinational capability and interoperability in the performance of UN sanctioned peace operations and contingency response. Annual training is an important event for building local capabilities to respond to security threats of humanitarian relief efforts. In this exercise, the participants were Singapore, Indonesia, and Japan (Fallon 2005: 166).

Another multilateral PACOM led activity is the Multinational Planning Augmentation Team (MPAT). MPAT is a command-level exercise aimed at facilitating response to the crisis in the Asia-Pacific region. MPAT goals include the rapid and efficient establishment of a multi-national task force headquarters, improved coalition interoperability and effectiveness, and unity of effort. Since2000 when MPAT was initiated, the participation grew from five nations to 33 nations in 2005. Other Southeast Asian exercises such as Cobra Gold may ploy some level of involvement from the MPAT (Fallon 2005:167).

Additionally, with Thailand and the Philippines, the United States conducts Maritime Sea Exercise. The multi-lateral exercise between the US Navy, the Republic of the Philippines Navy, and the Royal Thai Navy focuses on maritime surveillance procedures and multi-national interoperability. The United States has recently made significant strides in Indonesia. As a response to 9/11, the United States began supporting Indonesian police in various technical and training matters, to the tune of US$ 47.5 million from 2001 to 2004 (Valencia, 2004:282). US assistance after the catastrophic 2004 tsunami also precipitated a new spirit of cooperation between the two nations. During the relief effort, US officials observed first-hand the state of ill-repair of Indonesia's military. The US is now supporting efforts to professionalize and reform the Indonesian army as part of the comprehensive "capacity building" programme in Southeast Asia(Fallon 2005:167)

However, in December 2005, the US completed the process of restoring military relations with Indonesia by making possible Foreign Military Financing (FMF). In February 2006, the

International Military Education and Training programme were resumed with Indonesia for the first time since 1991. These programmes are specially targeted communications and surveillance capabilities of the Indonesian military, especially along the Malacca Strait. The US has directly supported some maritime enforcement measures and plans on providing ten 31-foot patrol boats for port security in 2006 along with US$ 1 million in FMF for the Indonesian Navy (Valencia, 2004:282).

The United States and Singapore are major security cooperation partners, as outlined in 2005 "Strategic Framework for a Closer Cooperation Partnership in Defense and Security." The Strategic Framework addresses critical areas of bilateral defense cooperation. "The US-Singapore Capacity Building Measures on Regional Cooperation in Maritime Security of March 2005 discusses multilateral cooperation, operational solutions, shipping and port security, and safety technology programs (Simon 2006: 172)". Sharing, establishing Maritime Domain Awareness (MDA), initiating joint maritime exercises, cooperating with consequence management, and sustaining capacity building operations are primary areas of focus.

However, the US has important bilateral security arrangements with the Philippines that aim to counter terrorism directly. Maritime security training efforts include "Operation Fusion Piston," which covers various aspects of maritime law enforcement in support of counter-narcotics and counter-terrorism operations (e.g., first aid, boat maintenance, communications, boat handling, evidence preservation, patrolling, insert/extract methods, reconnaissance, and mission planning). Representatives from the Navy SEALS, JIATF-W, and other US agencies conduct the training for members of the Philippine Army, Navy, and Coast Guard. The US has deployed over one thousand troops to the southern Philippines to advise military units in the fight against piracy.

5.17.4. Container Security Initiative (CSI)

Aftermath of the terrorist attacks on 11 September 2001, the US Customs Service began developing antiterrorism programs to help secure the United States. Within months of these attacks, US Customs Service had created the Container Security Initiative (CSI).

CSI addresses the threat to border security and global trade posed by the potential for terrorist use of a maritime container to deliver a weapon. CSI proposes a security regime to ensure all containers that pose a potential risk for terrorism are identified and inspected at foreign ports

before they are placed on vessels destined for the United States. CBP has stationed teams of US CBP Officers in foreign locations to work together with our host foreign government counterparts. Their mission is to target and pre-screen containers and to develop additional investigative leads related to the terrorist threat to cargo destined for the United States (http://www.cbp.gov/border-security/ports-entry/cargo-security/csi/csi-brief).

The three core elements of CSI are:

- "Identify high-risk containers. CBP uses automated targeting tools to identify containers that pose a potential risk for terrorism, based on advance information and strategic intelligence.
- Pre-screen and evaluate containers before they are shipped. Containers are screened as early in the supply chain as possible, generally at the port of departure.
- Use technology to pre-screen high-risk containers to ensure that screening can be done rapidly without slowing down the movement of trade. This technology includes large-scale X-ray and gamma ray machines and radiation detection devices".

Through CSI, CBP officers work with host customs administrations to establish security criteria for identifying high-risk containers. Those governments use non-intrusive inspection (NII) and radiation detection technology to screen high-risk containers before they are shipped to U.S. ports.

Announced in January 2002, CSI has made great strides since its inception. A significant number of customs administrations have committed to joining CSI and operate at various stages of implementation.

CSI is now operational at ports in North America, Europe, Asia, Africa, the Middle East, and Latin and Central America. CBP's 58 operational CSI ports are now pre-screen over 80 percent of all maritime containerized cargo imported into the United States (Fallon 2005: 165).

Reference

Mohan, Raja c.(2008), " India's Geopolitics and Southeast Asian Security" *Southeast Asian Affairs*, Volume 2008, pp. 43-60 (Article) Published by Institute of Southeast Asian Studies For additional information about this article http://muse.jhu.edu/journals/saa/summa.

Singh, Daljit (2001), The Geopolitical Interconnection between South and Southeast Asia", in India and ASEAN: The Politics of India's Look East Policy, (eds) Frederic Grare and Amitabh Mattoo (New Delhi: Manohar

Vijay Sakhuja (2011), *Asian Maritime Power in the 21st Century: Strategic Transactions China, India and Southeast Asia*, New Delhi, Pentagon Press.

Rahul Singh(2010), "China may be Monitoring Navy's Milan," Hindustan Times, February 5, 2010.
Singh, K.R. (2008), Maritime Security for India New Challenges and Response, New Delhi, New Century Publication.

Bhaskar C. Uday and Agnihotri, Kamlesh K.(2011), Security Challenges along the Indian ocean littoral Indian and US Perspective, New Delhi, National Maritime Foundation.

Guo Xinning (2005), "Anti-terrorism, Maritime Security, and ASEAN-China Cooperation: A Chinese Perspective," Singapore, ISEAS.

Bradford, John F. (2008), "Shifting the Tides against Piracy in Southeast Asian Waters", *Asian Survey*, 48 (3): 473-491

Kraska, James (2011), Maritime Power and the Laws of the Sea,New York, Oxford University Press.

Valencia, Mark J. (2005), "The Asian maritime security context, *The Adelphi Papers,* 45 (376): 9-23.

Sheldon W. Simon (2005), "Southeast Asia's Defense Needs: Change or Continuity?" in Ashley Tellis and Michael Wills, (eds). *Strategic Asia 2005-06: Military Modernization in an Era of Uncertainty, Seattle*: The National Bureau of Asian Research.

Fallon, William(2005), 'Testimony of Admiral William J. Fallon United States Navy Commander US Pacific Command before the Senate Armed Services Committee on US Pacific Command Posture'[Online web] Accessed 16 February 2015 URL: http://www.senate.gov/~armed_services/statemnt/2005/March/Fallon% 2003-08-05.pdf.

CHAPTER: VI

CONCLUSION

The primary objective of this study has been to examine the origin and different manifestations of the piracy in Malacca Strait along with the measures taken to resolve it. The act of piracy is one of the essential parts of non-traditional security threats. While analysing the concerns of maritime piracy, this study also relied upon the theories of security. This thesis has focused its attention primarily on the problem of piracy in Malacca Strait and tries to seek a comprehensive solution, which has the support of countries in the neighbourhood.

The issue of the piracy is a severe threat to free access to the sea lanes of communications, which ultimately hampers the global chain of the world trade. The problem of piracy has also emerged as a matter of grave concern in the maritime domain of the Southeast Asia. One of the busiest Sea Lanes of Communications (SLOC), Malacca Strait is located at a unique place connecting the Indian Ocean and the Pacific Ocean. The global energy supply is also passing through this sea route in significant volumes. It is understood that half of the world's containers and cargos cross this route.

The act of piracy is not only a danger to the business and commerce but also a challenge to countries located in the region. Most of the incidents of piracy took place in that region when the countries were politically weak. The complex topography of Southeast Asia is an obvious pull factor for attracting the pirates for maritime terrorism and armed robbery of ships. The cluster of thousands of islands provide a natural habitat for the pirates, maritime criminals, and extensive coastlines are key factors to provide a natural shelter for the growth of the pirates. Since the end of cold war (1991), various forms of non-traditional security threats have become the most important aspects of the changing security scenario. It has made maritime security as an essential element in this understanding of security. The international system has been evolving a comprehensive framework to deal with various maritime security issues including piracy.

The pirates as Non-traditional security threat also have embraced various means to make their operations efficiently. Indeed, piracy is considered one of the most lethal security threat in the contemporary world. As modern pirates are equipped with firearms, navigation and communication technologies, it makes pirates more deadly than ever before. Malacca Strait has received much attention due to its passage facilities for imports and exports. It is evident that this sea route is responsible for passing more than 30 percent of the world trade and half of the energy supply. It is apparent that Malacca Strait has a long history to grappling the various kinds of security issues, failure of which ultimately ruined the growth of some countries in this region. Malacca Strait has a history of disputes over territorial claims, which has become a bone of contention among regional countries.

The Malacca Strait is facing one of the most significant security threat in different forms such as armed Piracy, Robbery, and maritime terrorism. The Piracy and armed robbery of ships in Southeast Asia have risen due to its geographical terrain. The most of the attacks in Southeast Asia occurred during 1997 to 2015. The efforts to prevent them have also been made at the various levels i.e. multilateral levels, and individual country levels, but the problem is yet to be fully resolved.

By adopting the theories of Functionalism, which is concentrated on low politics (economy and social affairs) instead of high politics (security and political), boomed a web of multilateral arrangements. These theorists saw the problems can be solved amongst the cooperation with the international community. Thus, bringing maritime security on the radar of the multilateralism has become the necessity of the modern world. The Maritime Security is increasingly becoming a global issue in the entire world and responded globally as well.

It is evident that defining the problem of the piracy was the immense challenge for the world leaders. So, the initial aim of world leaders was to decide a jurisdiction over territorial zones. The International Maritime Bureau provided a comprehensive approach to solving the maritime disputes. These structures have developed a holistic strategy, which has the capability to hit the modus operandi of the pirates. It is evident that the Pirates have transformed their strategy and linked themselves with insurgent groups and

terrorist organizations and posing serious challenges to littoral states and business leaders.

In the background of the problem of piracy, the motives of multilateral arrangements are partially fulfilled, and it is still to be fully successful. It is a reality that regional frameworks have restored the mutual trust among states and tendency for multilateralism have increased. These efforts need to be strengthened continuously in the field of political, economic and legal spheres. It is a herculean task to achieve success against the countering problem of piracy by only single country. This issue has a repercussion to the whole region sometimes the whole world. It is also evident that international community has strengthened policies against the piracy but failed to overcome it permanently because it seeks a joint participation. So, the success of the multilateral frameworks is heavily dependent on the actions of various countries. In the field of tackling the problem of the piracy, collaboration and cooperation are the most fundamental issue for the success of multilateral objectives.

The littoral states of the Malacca Strait (Indonesia, Malaysia, and Singapore) are the prime focus to combat piracy. The economic development of Indonesia and simultaneously fabulous economic development of Singapore are two most essential elements of socio-economic changes in the region. Indonesia has a long history of the authoritarian regimes which saw the rise of fundamentalism that hampered state machinery and provides support to the growth of piracy. Indonesian government machinery failed to take up any serious steps against the local religious groups who were connected to global jihadist groups. The so-called second front, Southeast Asia has witnessed an awkward phase after US declaration of war on terror in 2001. The countries like Indonesia was grappling to overcome the problem of the nexus between local rebels and jihadist to pirates.

In 1997, the financial crisis had already sparked a rampant unemployment and poverty which ultimately helped the growth of incidents of piracy. The Malacca Strait has become one of the safe places for pirates due to its haven like geographical situation for them. Economic development and an even distribution of wealth at the local level are

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needed to counter piracy and armed robbery of ships. My first hypothesis is also justified that the changing economic and security dimensions of the Malacca Strait have forced Indonesia, Singapore, and Malaysia to evolve an effective strategy to eliminate piracy in the Malacca Strait. Indonesia Malaysia and Singapore are compelled to develop mechanisms, surveillance and patrolling to secure this route.

The disparity in Indonesia between rich and poor has an adverse influence on the whole region.The poor people are in proximity to wealthy countries such as Singapore, and it is relatively easy to cross into the territorial waters of another country. The Indonesia is the largest country in Southeast Asia, and chaotic situation past helped to grow piracy. On the other hand, Indonesia will be among the most significant economy by 2050 according to Goldman Sachs. So, an incident of piracy will be on the decline with Indonesia become more democratic and resourceful. These factors help this region evolve an optimistic future. My second hypothesis asserted that the growth of Indonesia is pre-requisite to prevent the incidents of piracy in the Malacca Strait. So, we can observe that since the changes in the socio-economic sphere, have ultimately helped the rise or decline in the incidents of piracy. The process of normalization and ushering of democracy have proved to bring good outcomes in tackling the piracy. The Indonesian socio-economic development may show as a pull and push factor for rising and decline of piracy.

The most important realities of the whole Southeast Asia are that it is witnessing the increase of radicalism in the region. Indonesia has seen an unprecedented rise of radicalism since last few decades. The growth of radicalism has given an opportunity to global jihadist groups i.e. Al Qaeda to exploit the local rebellious groups. This phenomenon used an unholy nexus between local separatist and global terrorist groups those capitalised the pirates as a tool to set up multi targets. The maritime domain has also been one of the prime victims of this nexus, and maritime terrorism has destabilised sea routes. It is evident that after US declaration to open the second front in Southeast Asia the percentage of piracy has declined. The international pressure to wipe out the terrorist plot and after the imprisonment of the many dreaded terrorists have created a background to decrease of the piracy. My third hypothesis is that Pirates are linked to

terrorist organizations, and it will wither away if terror groups are dissolved. This argument has proved that the one of the primary reason for the growth of piracy in the period of 1997-2012 was the rise of this nexus. This issue has drawn tremendous attention after the democratisation of Indonesia and international pressure to tackling seriously against this groups.

The role of external powers is also an important factor of security in Malacca Strait. The foreign powers initiatives have proved a substantial progress in the protecting of the cargos and naval vessels etc. China, US, Japan, and India are the most important stakeholder in this region. This actor has played a significant role in this sea lane of the communications and a part of some arrangements. The container security initiative (CSI) Regional maritime security efforts (RMSI) and The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) have played a significant role in the process of securing the sea lanes of the communications. Undoubtedly these initiatives have helped this region to overcome the problems of piracy by building a platform to develop cooperation between regional countries. But, these efforts are widely criticised and projected interference in the internal matters and sometimes overlapping the motives and efforts made. These stakeholders are primarily motivated to secure their trade by protecting their cargos and ships. So, instead of securing the whole strait, this system has become an instrument to ensure their commercial ships.

ASEAN is considered as one of the best multilateral forum to promote regionalism and primus inter pares amidst the various multilateral arrangements existing in the region. ASEAN has popularised the idea of maritime security among the member states. According to International Chamber of Commerce (ICC) and International Maritime Bureau (IMB), this region has assumed the hot spot of the incident of the piracy. The members of the Association have conducted a counter-piracy operation in a different time frame but achieved only half-hearted success.

In 2015, Indonesian Navy Western Fleet commander Rear Admiral Taufiqurrahman reiterated that the Malacca Strait has become safer than ever before. He also emphasised that ASEAN is fully capable of dealing with the crises of the piracy, but Malacca Strait

continues to witness the incident of piracy. The various efforts made by the ASEAN countries are not be getting satisfactory results because of their vague implementation. The Malacca Straits Coordinated Patrol (MASLINDO) have been facing the issue and not getting the permission to enter the territorial waters of another state. On the other hand, Eyes in the Sky (EiS) has also faced problems with a low number of flights taking place in aerial patrols. But ASEAN has tremendously popularized the maritime security through cooperation with other frameworks and its sub-frameworks. Last few years witnessed some engagements at Track 1 and Track 2 levels to sensitize opinion against the menace of piracy, and various structures have been evolved to address the system. The various seminars and conferences have been organised to find out solutions under the umbrella of ASEAN. These efforts indicate the importance of ASEAN in the sphere of maritime security.

Due to India's ancient maritime linkages, it is the real stakeholder in the Southeast Asia. Since the inception of the look east policy, Malacca Strait was considered a prime sea lane of communication as far as India's rapidly growing trade and commerce is concerned. In the recent developments of the security architecture of whole Asia has brought significant changes. The changes have brought India centrality amidst the Asian countries to see the security of Asia. The origin of the Indo-centric perspective of looking Asia, *"Indo-Pacific,"* has canvased India's picture as a prominent stakeholder. The emergence of non-traditional security threat has forced India to think to accommodate itself to the new safe environment. The securing a sea lane of communications has a vital strategic importance for India which ensures trade and commerce. In 2015, Indonesian Navy Western Fleet commander Rear Admiral Taufiqurrahman reiterated that the Malacca Strait has become safer than ever before. He also emphasized that ASEAN is fully capable of dealing with the crises of the piracy which had become a hot spot of piracy terribly.

The international community is determined to resolve the problem of piracy in Malacca Strait. India, in particular, is an evincing lot of interests in this area. In the era of Act East Policy, its cooperation is solicited in the maritime security of the region. The origin of the Indo-centric perspective of looking Asia, *"Indo-Pacific,"* has canvased

India's picture as a prominent stakeholder. The emergence of non-traditional security threat has forced India to think to accommodate itself to the new safe environment. The securing a sea lane of communications has a vital strategic importance for India which ensures trade and commerce to flow through this passage.

In 2014, the launching of Act East Policy in India had changed the dynamism of India's foreign policy. In the context of Asia-Pacific, The picture of India's engagement in political, institutional and economic spheres have become larger than ever before. It is evident that maritime security is the most pressing concern of India's strategic and diplomatic concerns. The safety and protection of the sea lane of communications are regarded as a most vital factor to pursue India's blue water capabilities. Preventing Piracy is a matter of paramount concern for the Indian interest because of the security of the trade and commerce. The threat of piracy are a hindrance not only for securing Sea lanes of communication, but it also impacts the regional security. India's naval potential has shown that it is an evident stakeholder in the maritime domain. The Malacca Strait is India's maritime gateway in Southeast Asia. India is cooperating with littoral states of Malacca Strait (Indonesia, Malaysia, and Singapore) through multilateral frameworks and by individual states. India has connected itself through various local multilateral arrangement (BIMSTEC, ASEAN, Mekong-Ganga Cooperation) to adjust her with changed geostrategic scenario. Naval exercises SIMBEX, MILAN, and CORPAT are evidence of India's strategic engagement but also the part of the safety and security of Sea lanes of communications. These initiatives have constructed India's position as an active naval partner in this region. By these efforts, India has strengthened its position, and its support is solicited. India has to think beyond the China factor and become more reliable in the eyes of ASEAN states. Policy changes to enhancing her capability are the indication of India's increasing interest in the Malacca Strait. The deployment of the Boeing P-8 maritime surveillance aircraft at the Andaman & Nicobar Islands will prove a real milestone to Act East policy because it enhances India's capability beyond Southeast Asia**.**

To sum up, it can be stated that Malacca Strait is one of the most important routes for international trade and commerce. Three littoral states namely Singapore, Malaysia, and

Indonesia located on its periphery are rapidly developing and have stakes on various issues connected with Malacca Strait. Whether it is piracy or threat of obstruction of the passage, the matter will be a subject of grave concern to them whenever the problem occurs. On the other hand, the entire world which has been using that passage for import and exports will be disturbed in the event of any obstruction. They will always like to protect their commercial interests. China has been claiming sovereignty rights over the South China Sea, and on the other hand, ASEAN is opposing that request. If China's assertion are accepted, the passage through Malacca Strait will be under Chinese shadow. Malacca Strait must remain an international passage, for which ASEAN has been working for the past few decades.Hence, if ASEAN stand is to be successful, the role of its littoral states, namely Indonesia, Malaysia, and Singapore will be crucial. Hence, these three countries are committed to solving the problem of piracy and turn the region of Malacca Strait as an area of peace, freedom, and neutrality forever.

Appendix-1

Satellite image of incidents of Piracy in Indian Subcontinent and Southeast Asia
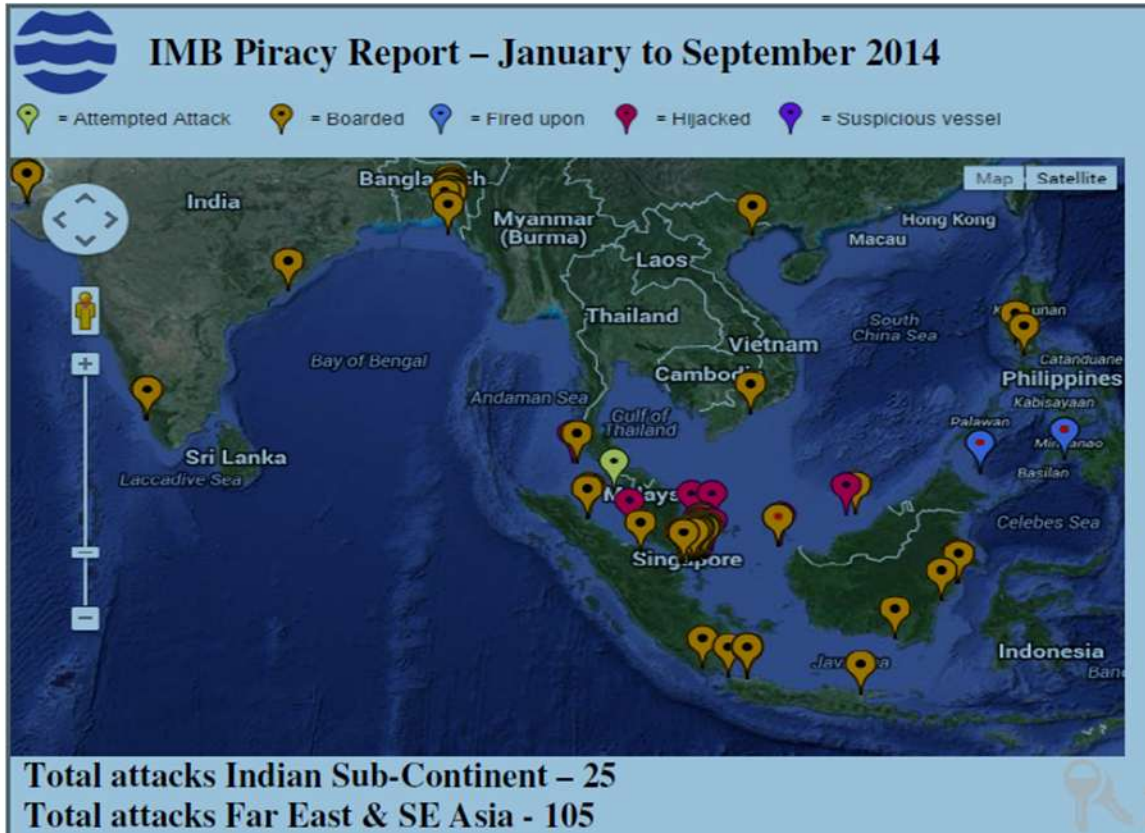
Appendix-2

Convention for the Suppression of Unlawful Acts against the Safety of Maritime
Navigation 10 March 1988

No. 29004

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MULTILATERAL

Convention for the suppression of unlawful acts against the
safety of maritime navigation. Concluded at Rome on
10 March 1988

Protocol to the above-mentioned Convention for the suppres-
sion of unlawful acts against the safety of fixed platforms
located on the continental shelf. Concluded at Rome on
10 March 1988

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered by the International Maritime Organization on 26 June 1992.

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MULTILATÉRAL

Convention pour la répression d'actes illicites contre la sécu-
rité de la navigation maritime. Conclu à Rome le 10 mars
1988

Protocole à la Convention susmentionnée pour la répression
d'actes illicites contre la sécurité des plates-formes fixes
situées sur le plateau continental. Conclu à Rome le
10 mars 1988

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.
Enregistrés par l'Organisation maritime internationale le 26 juin 1992.

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CONVENTION[1] FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION

The States Parties to this Convention,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

RECOGNIZING in particular that everyone has the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights[2] and the International Covenant on Civil and Political Rights[3]

DEEPLY CONCERNED about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

CONSIDERING that unlawful acts against the safety of maritime navigation jeopardize the safety of persons and property, seriously affect the operation

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[1] Came into force on 1 March 1992 in respect of the following States, i.e., 90 days after the date on which at least 15 States had signed it without reservation as to ratification, acceptance or approval, or deposited the requisite instruments of ratification, acceptance, approval or accession with the Secretary-General of the International Maritime Organization, in accordance with article 18 (1):

Participant	Date of deposit of the instrument of ratification, approval (AA) or accession (a)	
Austria	28 December	1989
China*	20 August	1991
France*	2 December	1991 AA
Gambia	1 November	1991 a
German Democratic Republic[1] *	14 April	1989 a
Germany	6 November	1990 a
Hungary	9 November	1989
Italy	26 January	1990
Norway	18 April	1991
Oman	24 September	1990 a
Poland	25 June	1991
Seychelles	24 January	1989
Spain	7 July	1989
Sweden	13 September	1990
Trinidad and Tobago	27 July	1989 a
United Kingdom of Great Britain and Northern Ireland*	3 May	1991

[1] Prior to the coming into effect of the accession, the German Democratic Republic acceded to the Federal Republic of Germany with effect from 3 October 1990.

* For the texts of the declarations and reservations made upon ratification, approval or accession, see p. 292 of this volume.

[2] United Nations, *Official Records of the General Assembly, Third Session*, Part I, p. 71.

[3] United Nations, *Treaty Series*, vol. 999, p. 171; vol. 1057, p. 407 (rectification of authentic Spanish text); vol. 1059, p. 451 (corrigendum to vol. 999):

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of maritime services, and undermine the confidence of the peoples of the world in the safety of maritime navigation,

CONSIDERING that the occurrence of such acts is a matter of grave concern to the international community as a whole,

BEING CONVINCED of the urgent need to develop international co-operation between States in devising and adopting effective and practical measures for the prevention of all unlawful acts against the safety of maritime navigation, and the prosecution and punishment of their perpetrators,

RECALLING resolution 40/61[1] of the General Assembly of the United Nations of 9 December 1985 which, inter alia, "urges all States unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien occupation, that may give rise to international terrorism and may endanger international peace and security",

RECALLING FURTHER that resolution 40/61 "unequivocally condemns, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security",

RECALLING ALSO that by resolution 40/61, the International Maritime Organization was invited to "study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures",

HAVING IN MIND resolution A.584(14)[2] of 20 November 1985, of the Assembly of the International Maritime Organization, which called for development of measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews,

NOTING that acts of the crew which are subject to normal shipboard discipline are outside the purview of this Convention,

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[1] United Nations, *Official Records of the General Assembly, Fortieth Session,* Supplement 53 (A/40/53), p. 301.
[2] International Maritime Organization. *Resolutions and Other Decisions, Assembly, Fourteenth Session,* 11-22 November 1985, p. 152.

AFFIRMING the desirability of monitoring rules and standards relating to the prevention and control of unlawful acts against ships and persons on board ships, with a view to updating them as necessary, and, to this effect, taking note with satisfaction of the Measures to Prevent Unlawful Acts against Passengers and Crews on board Ships, recommended by the Maritime Safety Committee of the International Maritime Organization,

AFFIRMING FURTHER that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,

RECOGNIZING the need for all States, in combating unlawful acts against the safety of maritime navigation, strictly to comply with rules and principles of general international law,

HAVE AGREED as follows:

ARTICLE 1

For the purposes of this Convention, "ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft.

ARTICLE 2

1   This Convention does not apply to:

    (a)   a warship; or

    (b)   a ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or

    (c)   a ship which has been withdrawn from navigation or laid up.

2   Nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

ARTICLE 3

1   Any person commits an offence if that person unlawfully and intentionally:

    (a)   seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or

(b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or

(c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or

(d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or

(e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or

(f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or

(g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f).

2   Any person also commits an offence if that person:

(a) attempts to commit any of the offences set forth in paragraph 1; or

(b) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or

(c) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the ship in question.

ARTICLE 4

1   This Convention applies if the ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State, or the lateral limits of its territorial sea with adjacent States.

2   In cases where the Convention does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State referred to in paragraph 1.

ARTICLE 5

Each State Party shall make the offences set forth in article 3 punishable by appropriate penalties which take into account the grave nature of those offences.

ARTICLE 6

1   Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 when the offence is committed:

   (a) against or on board a ship flying the flag of the State at the time the offence is committed; or

   (b) in the territory of that State, including its territorial sea; or

   (c) by a national of that State.

2   A State Party may also establish its jurisdiction over any such offence when:

   (a) it is committed by a stateless person whose habitual residence is in that State; or

   (b) during its commission a national of that State is seized, threatened, injured or killed; or

   (c) it is committed in an attempt to compel that State to do or abstain from doing any act.

3   Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Secretary-General"). If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

4   Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

5   This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 7

1   Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its law, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2   Such State shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.

3   Any person regarding whom the measures referred to in paragraph 1 are being taken shall be entitled to:

   (a) communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

   (b) be visited by a representative of that State.

4   The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the proviso that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5   When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify the States which have established jurisdiction in accordance with article 6, paragraph 1 and, if it considers it advisable, any other interested States, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which

makes the preliminary inquiry contemplated in paragraph 2 of this article
shall promptly report its findings to the said States and shall indicate
whether it intends to exercise jurisdiction.

ARTICLE 8

1   The master of a ship of a State Party (the "flag State") may deliver to
the authorities of any other State Party (the "receiving State") any person
who he has reasonable grounds to believe has committed one of the offences set
forth in article 3.

2   The flag State shall ensure that the master of its ship is obliged,
whenever practicable, and if possible before entering the territorial sea
of the receiving State carrying on board any person whom the master intends
to deliver in accordance with paragraph 1, to give notification to the
authorities of the receiving State of his intention to deliver such person
and the reasons therefor.

3   The receiving State shall accept the delivery, except where it has
grounds to consider that the Convention is not applicable to the acts giving
rise to the delivery, and shall proceed in accordance with the provisions of
article 7. Any refusal to accept a delivery shall be accompanied by a
statement of the reasons for refusal.

4   The flag State shall ensure that the master of its ship is obliged to
furnish the authorities of the receiving State with the evidence in the
master's possession which pertains to the alleged offence.

5   A receiving State which has accepted the delivery of a person in
accordance with paragraph 3 may, in turn, request the flag State to accept
delivery of that person. The flag State shall consider any such request, and
if it accedes to the request it shall proceed in accordance with article 7.
If the flag State declines a request, it shall furnish the receiving State
with a statement of the reasons therefor.

ARTICLE 9

Nothing in this Convention shall affect in any way the rules of
international law pertaining to the competence of States to exercise
investigative or enforcement jurisdiction on board ships not flying their flag.

ARTICLE 10

1   The State Party in the territory of which the offender or the alleged offender is found shall, in cases to which article 6 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2   Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 3 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided for such proceedings by the law of the State in the territory of which he is present.

ARTICLE 11

1   The offences set forth in article 3 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2   If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 3. Extradition shall be subject to the other conditions provided by the law of the requested State Party.

3   States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 3 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4   If necessary, the offences set forth in article 3 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

5   A State Party which receives more than one request for extradition from States which have established jurisdiction in accordance with article [6][1] and which decides not to prosecute shall, in selecting the State to which the offender or alleged offender is to be extradited, pay due regard to the interests and responsibilities of the State Party whose flag the ship was flying at the time of the commission of the offence.

6   In considering a request for the extradition of an alleged offender pursuant to this Convention, the requested State shall pay due regard to whether his rights as set forth in article 7, paragraph 3, can be effected in the requesting State.

7   With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention.

ARTICLE 12

1   State Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 3, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2   States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties on mutual assistance that may exist between them. In the absence of such treaties, States Parties shall afford each other assistance in accordance with their national law.

ARTICLE 13

1   States Parties shall co-operate in the prevention of the offences set forth in article 3, particularly by:

    (a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories;

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[1] Text between brackets reflects corrections effected by procès-verbal of 21 December 1989.

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(b) exchanging information in accordance with their national law, and
co-ordinating administrative and other measures taken as appropriate
to prevent the commission of offences set forth in article 3.

2   When, due to the commission of an offence set forth in article 3, the
passage of a ship has been delayed or interrupted, any State Party in whose
territory the ship or passengers or crew are present shall be bound to
exercise all possible efforts to avoid a ship, its passengers, crew or cargo
being unduly detained or delayed.

ARTICLE 14

Any State Party having reason to believe that an offence set forth in
article 3 will be committed shall, in accordance with its national law,
furnish as promptly as possible any relevant information in its possession to
those States which it believes would be the States having established
jurisdiction in accordance with article 6.

ARTICLE 15

1   Each State Party shall, in accordance with its national law, provide to
the Secretary-General, as promptly as possible, any relevant information in
its possession concerning:

(a) the circumstances of the offence;

(b) the action taken pursuant to article 13, paragraph 2;

(c) the measures taken in relation to the offender or the alleged
offender and, in particular, the results of any extradition
proceedings or other legal proceedings.

2   The State Party where the alleged offender is prosecuted shall, in
accordance with its national law, communicate the final outcome of the
proceedings to the Secretary-General.

3   The information transmitted in accordance with paragraphs 1 and 2 shall
be communicated by the Secretary-General to all States Parties, to Members of
the International Maritime Organization (hereinafter referred to as "the
Organization"), to the other States concerned, and to the appropriate
international intergovernmental organizations.

ARTICLE 16

1   Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2   Each State may at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by any or all of the provisions of paragraph 1. The other States Parties shall not be bound by those provisions with respect to any State Party which has made such a reservation.

3   Any State which has made a reservation in accordance with paragraph 2 may, at any time, withdraw that reservation by notification to the Secretary-General.

ARTICLE 17

1   This Convention shall be open for signature at Rome on 10 March 1988 by States participating in the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and at the Headquarters of the Organization by all States from 14 March 1988 to 9 March 1989. It shall thereafter remain open for accession.

2   States may express their consent to be bound by this Convention by:

   (a) signature without reservation as to ratification, acceptance or approval; or

   (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

   (c) accession.

3   Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 16

1   This Convention shall enter into force ninety days following the date on which fifteen States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof.

2   For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Convention after the conditions for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

ARTICLE 19

1   This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.

2   Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3   A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

ARTICLE 20

1   A conference for the purpose of revising or amending this Convention may be convened by the Organization.

2   The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of one third of the States Parties, or ten States Parties, whichever is the higher figure.

3   Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

ARTICLE 21

1   This Convention shall be deposited with the Secretary-General.

2   The Secretary-General shall:

   (a)   inform all States which have signed this Convention or acceded
         thereto, and all Members of the Organization, of:

        (i)   each new signature or deposit of an instrument of
              ratification, acceptance, approval or accession together
              with the date thereof;

        (ii) the date of the entry into force of this Convention;

        (iii) the deposit of any instrument of denunciation of this
              Convention together with the date on which it is received
              and the date on which the denunciation takes effect;

        (iv) the receipt of any declaration or notification made under
              this Convention;

   (b)   transmit certified true copies of this Convention to all States
         which have signed this Convention or acceded thereto.

3   As soon as this Convention enters into force, a certified true copy
thereof shall be transmitted by the Depositary to the Secretary-General of the
United Nations for registration and publication in accordance with Article 102
of the Charter of the United Nations.

ARTICLE 22

This Convention is established in a single original in the Arabic,
Chinese, English, French, Russian and Spanish languages, each text being
equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their
respective Governments for that purpose have signed this Convention.

DONE AT ROME this tenth day of March one thousand nine hundred and
eighty-eight.

Australian Town and Country Journal: Saturday 4 December 1880, page 18

The British Settlements in the
Straits of Malacca.

[BY A TROPICAL ISLANDER.]

No. VII.

THE STRAITS SETTLEMENT AS A COLONY.

ON 3rd November, 1873, Colonel Sir Andrew Clarke, R.E., K.C.M.G., C.B., arrived as Governor. Sir Andrew was Director of Public Works of the Navy, when he was called away to take charge of the Government of the Straits Colony. His reputation as an engineer had preceded him, and his early services in Australia, though a deal was not known of that country in the Straits at the time, contributed not a little to enhance the measure of hope entertained of a favourable administration. He had been Aide-de-camp and Private Secretary to Sir William Denison, when Governor of Tasmania; had served in the New Zealand war of 1848-9; was subsequently a member of the Legislative Council of Tasmania; was Surveyor-General of Victoria in 1853; was returned a member for Melbourne and joined Mr. Haines's Cabinet as Minister for Public Lands, resigned with it in 1857, and shortly returned to Europe. In his administration of the Government of the Straits he was practical, discriminating, accessible and conciliatory, and in his manner cour eous and ki id.

The merchants had for many years been desirous of opening up the Malayan Peninsula. This they had set forth in their petition as one of the reasons for seeking the transfer of the settlement from the Indian Government to the Crown. And they continued to press the subject upon the attention of the local Government under the new system. The native States were under British protection, and had been ever since 1818, though Government had never interfered with the internal executive affairs of those States. Of late years, disturbances had broken out from one cause or other, and were fast putting a stop to the trade carried on there by European merchants, interrupting agriculture and other native industries. In the face of these disturbances it was unsafe for Europeans to go and trade, or settle down, in the country without the countenance and protection of the Straits Government. Representations had been made by the Chamber of Commerce respecting the injury inflicted on trade, owing to the continuance of fighting between rival parties who were contending for the mastery of the country; but these, like all other representations made to the late administration, had met with the stereotyped answer—"that if persons choose to hazard their lives and properties for the sake of large profits, which accompany successful trading, the British Government could not be responsible for their properties and persons, and in settling there they would act entirely at their own risk." At the

Journal (Adelaide, SA: 1912 - 1923), Monday 14 February 1921, page 1 and Kalgoorlie

Miner (WA: 1895 - 1950), Tuesday 2 March 1948, page 5

PIRATES.

Old and New.

Though the black brig that openly flaunted the "Jolly Roger" no longer prowls the main, yet piracy has never died, and there are still wide tracts of ocean which the merchant skipper, unless well armed and manned, is careful to avoid.

The worst of these lies between the Straits of Malacca and the Japan Sea. Both Chinese and Malays are skilful sea robbers, while the Achinese are even more bold and daring.

The ways of the modern Chinese pirate are well illustrated by the raid on the French steamer Robert Lebaudy in the summer of 1913. The ship, after leaving Canton, landed 80 passengers at Yung-ki and shipped 30 others. The latter, pirates in disguise, waited only until the vessel was out of eight of land; then each produced a pistol, and held up captain, pilot, and crew. They seized the key of the strong-room, from which they got 30,000 dollars, then searched the passengers.

One woman who objected was shot dead. Having secured everything of value, the captain was forced, at pistol point to run close in and put the raiders ashore with their booty.

In 1906 the British steamer Sainam was seized in exactly similar fashion; Capt. Joslin was wounded, and Dr. Macdonald, a missionary, was murdered. The ship herself was run into a creek, and the booty transferred to waiting "snake boats."

Piracy flourishes much nearer home than the Chinese seas. In the same year, 1906, the British sailing ship Consuelo was seized by El Moro Valiente, the Moorish brigand, off Castillejos. The Riff pirates if not so bold as formerly, are always on the watch for small craft, and no sailing or yacht master who knows his business will venture near that desolate and dangerous part of the North African coast.

The Black Sea piracy case recently mentioned in The Daily Mail, in which some men were alleged to have overpowered the crew of the steamer Soujrah, plundered the passengers, and got away in the ship's boats with £790,000 is not the first of its

BLOODTHIRSTY PIRATES

Operations in Malaya

SMALL SHIPS TERRORISED

Singapore, March 1.—Pirates as bloodthirsty as any who once once hoisted the skull and cross-bones are terrorising small ships in the waters off Siam and Malaya. They have substituted the tommy gun for the cutlass, and the high powered launch for the frigate, but their methods differ little from those of their predecessors of another century.

The police have no craft fast enough to overhaul the launches, former R.A.F. rescue craft. Most of the pirates are Chinese, with a leavening of Siamese.

The Malayan police derive some satisfaction from the knowledge that last year their efforts to control piracy showed a distinct improvement compared with 1946. This was largely due to the strong action taken by the Siamese police against officials of the convict settlement at Pulau Terutau, off the west coast of Southern Siam and Northern Malaya. It was found that the superintendent, officials and convicts were all engaged in piracy. The superintendent and the other officials were sentenced to 15 years' imprisonment.

The modern pirate's technique is to board the victim, compel the crew to transfer its cargo to his own craft, and then slaughter them before scuttling the vessel. The vessels which disappeared between Southern Siam and Penang last year are believed to have suffered this fate.

Farther south a Chinese gang has been using three high speed launches off the coast of Perak. The Malayan police are baffled how these launches fell into pirate hands.

Another act of piracy nearer home brought headlines in the Singapore newspapers when hooded pirates boarded a Singapore-bound "Tongkang" off the coast about 20 miles north of Port Dickson. They put five bullets into one of the crew, and transferred the bulk of the rubber cargo into their own vessel.

Piracies also occur off the north-eastern coast of Malaya, although most take place in the Malacca Straits separating Malaya from Sumatra.

Widespread Smuggling

Widespread smuggling is believed to be closely linked with piracy. Black market rice is smuggled into Malaya by sea in large quantities from Siam and dope smugglers either ship or pass across the border from Siam to Malaya opium and hashish, which the "Bangkok Post" recently estimated to be worth about £250,000 a month. A highly organised gang, possessing fast radio-equipped vessels at sea, and a fleet of motor vehicles on land, is believed to be behind the racket. It is also thought that on occasions they employ aircraft.

Pirates raid ships confound patrols on ASEAN Sea

Pirates raid ships, confound patrols, on ASEAN seas

From TERESA POOLE
In Bangkok

They usually come at night, by speedboat, scaling the ship from the stern. Armed with knives, they disable the watchman, wake the captain and force him to open the safe. The attack can be over in minutes and the pirates slip away with tens of thousands of dollars, valuables and sometimes equipment from the ship.

In the past two years, piracy in South-East Asian waters against commercial ships has become commonplace. According to figures from the Singapore National Shipping Association, the number of ships docking at Singapore harbour and reporting pirate attacks has risen from three in 1989 to 61 in 1991. In 1991, for the Association of South-East Asian Nations region, the International Maritime Bureau logged more than 100 attacks.

Ship owners and some ASEAN governments are lobbying for joint action against the sea bandits. A conference is to be held this week in Kuala Lumpur, organised by the IMB Commerce, and including the local shipping agencies and ASEAN law-enforcement officers. The meeting will consider ways to improve reporting procedures and explore joint policing against the pirates.

Violence has been less frequent than in African waters, but the IMB warns that attacks in Asia are becoming more ferocious.

An SNSA spokesman said ships are attacked before they reach Singapore waters. The main pirate attack areas are the Strait of Malacca, the Phillips Channel, south of Bangka Island, north-east of Bintan island, and near the Anambas Islands in the South China Sea. All these are on the busy shipping lanes approaching Singapore harbour, which now receives about 800 ships a week.

One of the biggest problems in dealing with the pirate problem is the question of jurisdiction, because the pirates often escape from one country's sea territory into another, leaving the law-enforcement agencies stranded in hot pursuit. According to the SNSA spokesman, "We need patrol boats, and a bilateral or tripartite agreement to be able to pursue the pirates into other people's waters. Maybe also listening posts, near to attack areas, so patrols can respond to ships that need help."

— The Independent

Appendix 6

Security Council Resolutions 2020

United Nations

Security Council

S/RES/2020 (2011)

Distr.: General
22 November 2011

Resolution 2020 (2011)

Adopted by the Security Council at its 6663rd meeting, on 22 November 2011

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), and 2015 (2011), as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010,

Continuing to be gravely concerned by the ongoing threat that piracy and armed robbery at sea against vessels pose to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law, and also gravely concerned by the extended range of the piracy threat into the western Indian Ocean and adjacent sea areas, and the increase in pirate capacities,

Expressing concern about the reported involvement of children in piracy off the coast of Somalia,

Recognizing that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, and stressing the need for a comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes,

Recognizing the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks and *reiterating its concern* over a large number of persons suspected of piracy having to be released without facing justice, *reaffirming* that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts of the international community and *being determined* to create conditions to ensure that pirates are held accountable,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to

offshore natural resources, including fisheries, in accordance with international law, *recalling* the importance of preventing, in accordance with international law, illegal fishing and illegal dumping, including of toxic substances, and *stressing* the need to investigate allegations of such illegal fishing and dumping, and *noting with appreciation* in this respect the report of the Secretary-General on the protection of Somali natural resources and water (S/2011/661) prepared pursuant to paragraph 7 of Security Council Resolution 1976 (2011),

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the limited capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol or secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 10 November 2011, from the Permanent Representative of Somalia to the United Nations expressing the appreciation of the TFG to the Security Council for its assistance, expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, and requesting that the provisions of resolution 1897 (2009) be renewed for an additional twelve months,

Commending the efforts of the EU operation Atalanta, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield, Combined Maritime Forces' Combined Task Force 151, and other States acting in a national capacity in cooperation with the TFG and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, and *welcoming* the efforts of individual countries, including China, India, Islamic Republic of Iran, Japan, Malaysia, Republic of Korea, Russian Federation, Saudi Arabia, and Yemen, which have deployed ships and/or aircraft in the region, as stated in the Secretary-General's report (S/2011/662),

Welcoming the capacity-building efforts in the region made by the International Maritime Organization (IMO) Djibouti Code of Conduct, the Djibouti Code of Conduct Trust Fund, and the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, and recognizing the need for all engaged international and regional organizations to cooperate fully,

Noting with appreciation the efforts made by IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden and the Indian Ocean area, and *recognizing* the work of the IMO and the Contact Group on Piracy off the Coast of Somalia ("CGPCS") on privately contracted armed security personnel on board ships in high-risk areas.

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia, and in some cases has led to pirates being released without facing

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justice, regardless of whether there is sufficient evidence to support prosecution, and *reiterating* that, consistent with the provisions of the Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Underlining the importance of continuing to enhance the collection, preservation and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of IMO, INTERPOL and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and noting the importance for the successful prosecution of acts of piracy of enabling seafarers to give evidence in criminal proceedings,

Noting the consensus at the ninth plenary session of the CGPCS on 14 July 2011 to establish a formal Working Group 5 on "illicit financial flows linked to piracy off the coast of Somalia",

Further recognizing that pirates are turning increasingly to kidnapping and hostage-taking, and that these activities help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of innocent civilians and restricting the flow of free commerce,

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including acts condemned in the International Convention against the Taking of Hostages, and *strongly condemning* the continuing practice of hostage-taking by suspected pirates operating off the coast of Somalia, *expressing serious concern* at the inhuman conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling for* the immediate release of all hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the need for the prosecution of suspected pirates for taking hostages,

Commending the Republic of Kenya and the Republic of Seychelles' efforts to prosecute suspected pirates in their national courts, welcoming the engagement of the Republic of Mauritius and the United Republic of Tanzania, and *noting* with appreciation the assistance being provided by the United Nations Office on Drugs and Crime (UNODC), the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Seychelles, Somalia, and other States in the region, including Yemen, to take steps to prosecute, or incarcerate in a third state after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and emphasizing the need for States and international organizations to further enhance international efforts in this regard,

Welcoming the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law including international human rights law,

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Welcoming the report of the Secretary-General (S/2011/662), as requested by resolution 1950 (2010), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Taking note with appreciation of the report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360) prepared pursuant to paragraph 26 of resolution 1976 (2011), and the ongoing efforts within the CGPCS and the United Nations Secretariat to explore possible additional mechanisms to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia, including those ashore who incite or intentionally facilitate acts of piracy,

Stressing the need for States to consider possible methods to assist the seafarers who are victims of pirates, and welcoming in this regard the ongoing work within the CGPCS and the International Maritime Organization on developing guidelines for the care of seafarers and other persons who have been subjected to acts of piracy,

Further noting with appreciation the ongoing efforts by UNODC and UNDP to support efforts to enhance the capacity of the corrections system in Somalia, including regional authorities notably with the support of the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia, to incarcerate convicted pirates consistent with applicable international human rights law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, and *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and *further emphasizing* that Somalia's long-term security rests with the effective development by the TFG of the National Security Force, including the Somali Police Force, in the framework of the Djibouti Agreement and in line with a national security strategy,

Welcoming in this regard that the 6 September 2011 Roadmap to end the transition in Somalia calls for the TFG to develop counter-piracy policy and legislation in conjunction with regional entities, and the declaration of an Exclusive Economic Zone (EEZ), as key tasks of the Transitional Federal Institutions (TFIs), and notes that the Security Council has made its future support to the TFIs contingent upon the completion of the tasks contained in the Roadmap,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1.   *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in the waters off the coast of Somalia;

2.   *Recognizes* that the ongoing instability in Somalia is one of the underlying causes of the problem of piracy and contributes to the problem of piracy and armed robbery at sea off the coast of Somalia;

3.   *Stresses* the need for a comprehensive response to repress piracy and tackle its underlying causes by the international community;

4.   *Recognizes* the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks;

5.   *Calls upon* States to cooperate also, as appropriate, on the issue of hostage-taking, and the prosecution of suspected pirates for taking hostages;

6.   *Notes again* its concern regarding the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia (S/2008/769, page 55) that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, *calls upon* all States to cooperate fully with the Somalia and Eritrea Monitoring Group including on information sharing regarding possible arms embargo violations;

7.   *Renews* its call upon States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

8.   *Commends the work* of the CGPCS to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with the IMO, flag States, and the TFG and *urges* States and international organizations to continue to support these efforts;

9.   *Encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that for a further period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008), as renewed by paragraph 7 of resolution 1897 (2009), and paragraph 7 of resolution 1950 (2010), granted to States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General;

10. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations, under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been

renewed only following the receipt of the 10 November 2011 letter conveying the consent of the TFG;

11. *Further affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 9 above or to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 6 of resolution 1950 (2010) which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

12. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 9 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

13. *Calls on* Member States to assist Somalia, at the request of the TFG and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

14. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims, and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including anyone who incites or facilitates an act of piracy, consistent with applicable international law including international human rights law to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law including international human rights law;

16. *Reiterates* its decision to continue its consideration, as a matter of urgency, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support, as set forth in resolution 2015 (2011), and the importance of such courts having jurisdiction over not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks, and *emphasizes* the need for strengthened cooperation of States, regional, and international organizations in holding such individuals accountable, and encourages the CGPCS to continue its discussions in this regard;

17.   *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

18.   *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

19.   *Commends* INTERPOL for the creation of a global piracy database designed to consolidate information about piracy off the coast of Somalia and facilitate the development of actionable analysis for law enforcement, and *urges* all States to share such information with INTERPOL for use in the database, through appropriate channels;

20.   *Stresses* in this context the need to support the investigation and prosecution of those who illicitly finance, plan, organize, or unlawfully profit from pirate attacks off the coast of Somalia;

21.   *Urges* Sates and international organizations to share evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates;

22.   *Commends* the establishment of the Trust Fund Supporting the Initiatives of States Countering Piracy off the Coast of Somalia and the International Maritime Organization (IMO) Djibouti Code Trust Fund and *urges* both state and non-state actors affected by piracy, most notably the international shipping community, to contribute to them;

23.   *Urges* States parties to the Convention and the SUA Convention to implement fully their relevant obligations under these Conventions and customary international law and cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the Coast of Somalia;

24.   *Urges* States individually or within the framework of competent international organizations to positively consider investigating allegations of illegal fishing and illegal dumping, including of toxic substances, with a view to prosecuting such offences when committed by persons under their jurisdiction; and *takes note* of the Secretary-General's intention to include updates on these issues in his future reports relating to piracy off the Coast of Somalia;

25.   *Welcomes* the recommendations and guidance of the IMO on preventing and suppressing piracy and armed robbery against ships, *underlines* the importance of implementing such recommendations and guidance by all stakeholders, including the shipping industry, and *urges* States, in collaboration with the shipping and insurance industries, and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

26.   *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships in coordination, in particular, with the United Nations Office on Drugs and Crime (UNODC), the World

Food Programme (WFP), the shipping industry, and all other parties concerned, and *recognizes* the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

27. *Notes* the importance of securing the safe delivery of World Food Programme (WFP) assistance by sea, *welcomes* the ongoing work by WFP, EU operation Atalanta and Flag States with regard to Vessel Protection Detachments on WFP vessels;

28. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General in 9 months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 9 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

29. *Requests* the Secretary-General to report to the Security Council within 11 months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

30. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 9 above for additional periods upon the request of the TFG;

31. *Decides* to remain seized of the matter.

Appendix 7

Declaration by the Government of Indonesia concerning the Exclusive Economic Zone of Indonesia

Declaration by the Government of Indonesia concerning the Exclusive Economic Zone of Indonesia
21 March 1980

Bearing in mind that improving the nation's welfare by exploiting all available natural resources, both living and non-living, is the aim and purpose of the Indonesian Government and Nation.

Being aware that in order to attain the above aim and purpose, the natural resources of the seabed and sub-soil and the superjacent waters have to be protected and managed in an appropriate, purposeful and rational manner.

Noting that state practice indicates that the regime of an exclusive economic zone of 200 nautical miles has been accepted as part of the new international law of the sea.

Recognizing the need for Indonesia to proclaim a Government Declaration concerning the Exclusive Economic Zone of Indonesia.

Declares as follows:

1. The Exclusive Economic Zone of Indonesia is the area beyond the Indonesian Territorial Sea as promulgated by virtue of Law No. 4 of 1960 concerning Indonesian Waters, the breadth of which extends to 200 nautical miles from the baselines from which the breadth of the Indonesian Territorial Sea is measured.

2. In the Exclusive Economic Zone, Indonesia has and exercises:

(a) sovereign rights for the purpose of exploring and exploiting, managing and conserving living and non-living natural resources of the seabed and sub-soil and the superjacent waters and sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction with regard to:

    (i) the establishment and use of artificial islands, installations and structures.

    (ii) marine scientific research.

    (iii) the preservation of the marine environment.

    (iv) other rights based on international law.

3. The sovereign rights of Indonesia as referred to in paragraph 2 of this Government Declaration shall, with respect to the seabed and subsoil, continue to be exercised in accordance with the provisions of the laws and regulations of Indonesia concerning Indonesian Waters and the Indonesian Continental Shelf, international agreements and international law.

4. In the Exclusive Economic Zone of Indonesia, the freedoms of navigation and overflight and of the laying of sub-marine cables and pipelines will continue to be recognized in accordance with the principles of the new

National legislation - DOALOS/OLA - United Nations

international law of the sea.

5. Where the boundary line of the Exclusive Economic Zone of Indonesia poses a problem of delimitation with an adjacent or opposite State, the Indonesian Government is prepared, at an appropriate time, to enter into negotiations with the State concerned with a view to reach an agreement.

6. The above provisions will further be regulated by a law and regulations.

This Government Declaration will come into force on the date of its announcement.

Jakarta, 21 March 1980.

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Appendix 8

Diplomatic Conference on Arrest of Ships

United Nations/International Maritime Organization

Diplomatic Conference on Arrest of Ships

Distr.
GENERAL

A/CONF.188/6
19 March 1999

UNITED NATIONS/INTERNATIONAL MARITIME ORGANIZATION
DIPLOMATIC CONFERENCE ON ARREST OF SHIPS

Held at the Palais des Nations, Geneva,
from 1 to 12 March 1999

FINAL ACT

and

INTERNATIONAL CONVENTION ON ARREST OF SHIPS, 1999

GE.99-51000

FINAL ACT OF THE UNITED NATIONS/INTERNATIONAL MARITIME
ORGANIZATION DIPLOMATIC CONFERENCE ON ARREST OF SHIPS

1. The General Assembly of the United Nations, by resolution 52/182 of 18 December 1997, endorsed the convening of a Diplomatic Conference in order to consider and adopt a convention on arrest of ships.

2. The United Nations/International Maritime Organization Diplomatic Conference on Arrest of Ships was convened at Geneva from 1 to 12 March 1999.

3. Representatives from the following States participated in the Conference: Algeria, Angola, Argentina, Australia, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Kenya, Latvia, Lebanon, Liberia, Lithuania, Madagascar, Malta, Marshall Islands, Mauritania, Mexico, Monaco, Morocco, Mozambique, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, and Yemen.

4. Hong Kong Special Administrative Region of China and Macau, associate members of the International Maritime Organization, were represented by observers.

5. The following intergovernmental organizations were represented by an observer: Arab Labour Organization, Organization of African Unity, Organization of American States, Organization of the Islamic Conference, Intergovernmental Organization for International Carriage by Rail.

6. The following non-governmental organizations were represented by an observer: _General category_: International Chamber of Commerce, International Confederation of Free Trade Unions, World Federation of United Nations Associations; _special category_: International Ship Suppliers Association, International Association of Ports and Harbours, Latin American Association of Navigational Law and Law of the Sea, International Chamber of Shipping, Comité Maritime International, Institute of International Container Lessors, Iberoamerican

American Institute of Maritime Law, International Group of P&I Clubs, International Union for Conservation of Nature and Natural Resources.

7. The Conference elected the following officers:

President: Mr. Zhu Zengjie (China)

Vice-Presidents: Mrs. Ida Barinova (Russian Federation)
                        Mr. Marc Gauthier (Canada)
                        Mr. Mykola Maimeskul (Ukraine)
                        Mr. Mahmoud Bahey Eldin Ibrahim Nasrah (Egypt)
                        Mr. Eladio Peñaloza (Panama)
                        Mr. Luigi Rovelli (Italy)
                        Mr. Lalchand K. Sheri (Singapore)

Rapporteur-General: Mr. Walter de Sa'Leitao (Brazil)

8. The Conference established a Main Committee, a Drafting Committee and a Credentials Committee.

Main Committee

Chairman: Mr. K.J. Gombrii (Norway)

Members: open-ended

Drafting Committee

Chairman: Mr. Malcolm J. Williams, Jr. (United States of America)

Core members: Algeria, Argentina, Belgium, China, Côte d'Ivoire, Croatia, Denmark, Egypt, France, Gambia, Germany, Ghana, Lithuania, Mexico, Russian Federation, Spain, Sri Lanka, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Credentials Committee

Chairman: Ms. Sama Payman (Australia)

Members: Australia, Benin, Brazil, China, Haiti, Mozambique, Philippines, Russian Federation, United States of America.

9.   The secretariat of the Conference included the following officers:
Secretary-General of UNCTAD, Mr. Rubens Ricupero; Executive Secretary,
Mr. Jean Gurunlian, Director, Division for Services Infrastructure for
Development and Trade Efficiency, UNCTAD; Deputy Executive Secretary,
Mrs. Rosalie Balkin, Director, Legal Affairs and External Relations Division,
IMO; Mrs. Monica N. Mbanefo, Senior Deputy Director, IMO; Mr. Agustín Blanco-
Bazán, Senior Legal Officer, IMO; Ms. Mahin Faghfouri, Head, Legal Unit, SITE,
UNCTAD; Mr. Carlos Moreno, Legal Officer, SITE, UNCTAD; Mr. Erik Chrispeels,
Senior Legal Officer, UNCTAD; Mr. Awni Behnam, Secretary of the Conference,
UNCTAD; Mr. Karma Tenzing, Deputy Secretary of the Conference, UNCTAD.

10.   The Conference had before it, as a basis for its work, the draft articles
for a convention on arrest of ships[1], prepared by the Joint UNCTAD/IMO
Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related
Subjects, and the compilation of comments and proposals by Governments, and by
intergovernmental and non-governmental organizations, on the draft convention on
arrest of ships[2]. The Conference adopted its rules of procedure[3] and its agenda.[4]

11.   On the basis of its deliberations as recorded in its report,[5] the
Conference established the text of the INTERNATIONAL CONVENTION ON ARREST OF
SHIPS, 1999.

12.   The text of the Convention was adopted by the Conference on 12 March 1999.
The Convention will be open for signature at United Nations Headquarters,
New York, from 1 September 1999 to and including 31 August 2000.

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[1]   TD/B/IGE.1/5.

[2]   A/CONF.188/3 and Add.1-3.

[3]   A/CONF.188/2.

[4]   A/CONF.188/1.

[5]   A/CONF.188/5.

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Done in Geneva, on this twelfth day of March, one thousand nine hundred and ninety-nine, in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic. The original of the Final Act shall be deposited in the archives of the United Nations Secretariat.

Zhu Zengjie
President of the Conference

R. Ricupero
Secretary-General of UNCTAD

J. Gurunlian
Executive Secretary of the Conference

R. Balkin
Deputy Executive Secretary of the Conference

M. Faghfouri
Head, Legal Unit, SITE

E. Chrispeels
Senior Legal Officer

A. Behnam
Secretary of the Conference

IN WITNESS WHEREOF the undersigned representatives have signed this Final Act.

The States whose representatives signed the Final Act are: Algeria, Argentina, Australia, Belgium, Benin, Brazil, Cameroon, Canada, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Italy, Japan, Latvia, Liberia, Lithuania, Madagascar, Malta, Marshall Islands, Mexico, Monaco, Mozambique, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Singapore, Slovenia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, and Viet Nam.

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INTERNATIONAL CONVENTION ON ARREST OF SHIPS, 1999

The States Parties to this Convention,

Recognizing the desirability of facilitating the harmonious and orderly development of world seaborne trade,

Convinced of the necessity for a legal instrument establishing international uniformity in the field of arrest of ships which takes account of recent developments in related fields,

Have agreed as follows:

Article 1
Definitions

For the purposes of this Convention:

1. 'Maritime Claim' means a claim arising out of one or more of the following:

    (a) loss or damage caused by the operation of the ship;

    (b) loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the ship;

    (c) salvage operations or any salvage agreement, including, if applicable, special compensation relating to salvage operations in respect of a ship which by itself or its cargo threatened damage to the environment;

    (d) damage or threat of damage caused by the ship to the environment, coastline or related interests; measures taken to prevent, minimize, or remove such damage; compensation for such damage; costs of reasonable measures of reinstatement of the environment actually undertaken or to be undertaken; loss incurred or likely to be incurred by third parties in connection with such damage; and damage, costs, or loss of a similar nature to those identified in this subparagraph (d);

    (e) costs or expenses relating to the raising, removal, recovery, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship, and costs or expenses relating to the preservation of an abandoned ship and maintenance of its crew;

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(f)   any agreement relating to the use or hire of the ship, whether contained in a charter party or otherwise;

(g)   any agreement relating to the carriage of goods or passengers on board the ship, whether contained in a charter party or otherwise;

(h)   loss of or damage to or in connection with goods (including luggage) carried on board the ship;

(i)   general average;

(j)   towage;

(k)   pilotage;

(l)   goods, materials, provisions, bunkers, equipment (including containers) supplied or services rendered to the ship for its operation, management, preservation or maintenance;

(m)   construction, reconstruction, repair, converting or equipping of the ship;

(n)   port, canal, dock, harbour and other waterway dues and charges;

(o)   wages and other sums due to the master, officers and other members of the ship's complement in respect of their employment on the ship, including costs of repatriation and social insurance contributions payable on their behalf;

(p)   disbursements incurred on behalf of the ship or its owners;

(q)   insurance premiums (including mutual insurance calls) in respect of the ship, payable by or on behalf of the shipowner or demise charterer;

(r)   any commissions, brokerages or agency fees payable in respect of the ship by or on behalf of the shipowner or demise charterer;

(s)   any dispute as to ownership or possession of the ship;

(t)   any dispute between co-owners of the ship as to the employment or earnings of the ship;

(u) a mortgage or a 'hypothèque' or a charge of the same nature on the ship;

(v) any dispute arising out of a contract for the sale of the ship.

2.   "Arrest" means any detention or restriction on removal of a ship by order of a Court to secure a maritime claim, but does not include the seizure of a ship in execution or satisfaction of a judgment or other enforceable instrument.

3.   "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

4.   "Claimant" means any person asserting a maritime claim.

5.   "Court" means any competent judicial authority of a State.

Article 2
Powers of arrest

1.   A ship may be arrested or released from arrest only under the authority of a Court of the State Party in which the arrest is effected.

2.   A ship may only be arrested in respect of a maritime claim but in respect of no other claim.

3.   A ship may be arrested for the purpose of obtaining security notwithstanding that, by virtue of a jurisdiction clause or arbitration clause in any relevant contract, or otherwise, the maritime claim in respect of which the arrest is effected is to be adjudicated in a State other than the State where the arrest is effected, or is to be arbitrated, or is to be adjudicated subject to the law of another State.

4.   Subject to the provisions of this Convention, the procedure relating to the arrest of a ship or its release shall be governed by the law of the State in which the arrest was effected or applied for.

Article 3
Exercise of right of arrest

1.   Arrest is permissible of any ship in respect of which a maritime claim is asserted if:

   (a)   the person who owned the ship at the time when the maritime claim arose is liable for the claim and is owner of the ship when the arrest is effected; or

   (b)   the demise charterer of the ship at the time when the maritime claim arose is liable for the claim and is demise charterer or owner of the ship when the arrest is effected; or

   (c)   the claim is based upon a mortgage or a 'hypothèque' or a charge of the same nature on the ship; or

   (d)   the claim relates to the ownership or possession of the ship; or

   (e)   the claim is against the owner, demise charterer, manager or operator of the ship and is secured by a maritime lien which is granted or arises under the law of the State where the arrest is applied for.

2.   Arrest is also permissible of any other ship or ships which, when the arrest is effected, is or are owned by the person who is liable for the maritime claim and who was, when the claim arose:

   (a)   owner of the ship in respect of which the maritime claim arose; or

   (b)   demise charterer, time charterer or voyage charterer of that ship.

This provision does not apply to claims in respect of ownership or possession of a ship.

3.   Notwithstanding the provisions of paragraphs 1 and 2 of this article, the arrest of a ship which is not owned by the person liable for the claim shall be permissible only if, under the law of the State where the arrest is applied for, a judgment in respect of that claim can be enforced against that ship by judicial or forced sale of that ship.

Article 4
Release from arrest

1.   A ship which has been arrested shall be released when sufficient security has been provided in a satisfactory form, save in cases in which a ship has been arrested in respect of any of the maritime claims enumerated in article 1, paragraphs 1 (s) and (t). In such cases, the Court may permit the person in possession of the ship to continue trading the ship, upon such person providing sufficient security, or may otherwise deal with the operation of the ship during the period of the arrest.

2.   In the absence of agreement between the parties as to the sufficiency and form of the security, the Court shall determine its nature and the amount thereof, not exceeding the value of the arrested ship.

3.   Any request for the ship to be released upon security being provided shall not be construed as an acknowledgement of liability nor as a waiver of any defence or any right to limit liability.

4.   If a ship has been arrested in a non-party State and is not released although security in respect of that ship has been provided in a State Party in respect of the same claim, that security shall be ordered to be released on application to the Court in the State Party.

5.   If in a non-party State the ship is released upon satisfactory security in respect of that ship being provided, any security provided in a State Party in respect of the same claim shall be ordered to be released to the extent that the total amount of security provided in the two States exceeds:

    (a)   the claim for which the ship has been arrested, or

    (b)   the value of the ship,

whichever is the lower. Such release shall, however, not be ordered unless the security provided in the non-party State will actually be available to the claimant and will be freely transferable.

6.   Where, pursuant to paragraph 1 of this article, security has been provided, the person providing such security may at any time apply to the Court to have that security reduced, modified, or cancelled.

Article 5
Right of rearrest and multiple arrest

1.   Where in any State a ship has already been arrested and released or security in respect of that ship has already been provided to secure a maritime claim, that ship shall not thereafter be rearrested or arrested in respect of the same maritime claim unless:

   (a)   the nature or amount of the security in respect of that ship already provided in respect of the same claim is inadequate, on condition that the aggregate amount of security may not exceed the value of the ship; or

   (b)   the person who has already provided the security is not, or is unlikely to be, able to fulfil some or all of that person's obligations; or

   (c)   the ship arrested or the security previously provided was released either:

      (i)   upon the application or with the consent of the claimant acting on reasonable grounds, or

      (ii)   because the claimant could not by taking reasonable steps prevent the release.

2.   Any other ship which would otherwise be subject to arrest in respect of the same maritime claim shall not be arrested unless:

   (a)   the nature or amount of the security already provided in respect of the same claim is inadequate; or

   (b)   the provisions of paragraph 1 (b) or (c) of this article are applicable.

3.   "Release" for the purpose of this article shall not include any unlawful release or escape from arrest.

Article 6
Protection of owners and demise charterers of arrested ships

1.   The Court may as a condition of the arrest of a ship, or of permitting an arrest already effected to be maintained, impose upon the claimant who seeks to arrest or who has procured the arrest of the ship the obligation to provide

security of a kind and for an amount, and upon such terms, as may be determined by that Court for any loss which may be incurred by the defendant as a result of the arrest, and for which the claimant may be found liable, including but not restricted to such loss or damage as may be incurred by that defendant in consequence of:

    (a)   the arrest having been wrongful or unjustified; or

    (b)   excessive security having been demanded and provided.

2.   The Courts of the State in which an arrest has been effected shall have jurisdiction to determine the extent of the liability, if any, of the claimant for loss or damage caused by the arrest of a ship, including but not restricted to such loss or damage as may be caused in consequence of:

    (a)   the arrest having been wrongful or unjustified, or

    (b)   excessive security having been demanded and provided.

3.   The liability, if any, of the claimant in accordance with paragraph 2 of this article shall be determined by application of the law of the State where the arrest was effected.

4.   If a Court in another State or an arbitral tribunal is to determine the merits of the case in accordance with the provisions of article 7, then proceedings relating to the liability of the claimant in accordance with paragraph 2 of this article may be stayed pending that decision.

5.   Where pursuant to paragraph 1 of this article security has been provided, the person providing such security may at any time apply to the Court to have that security reduced, modified or cancelled.

Article 7
Jurisdiction on the merits of the case

1.   The Courts of the State in which an arrest has been effected or security provided to obtain the release of the ship shall have jurisdiction to determine the case upon its merits, unless the parties validly agree or have validly agreed to submit the dispute to a Court of another State which accepts jurisdiction, or to arbitration.

2.   Notwithstanding the provisions of paragraph 1 of this article, the Courts of the State in which an arrest has been effected, or security provided to obtain the release of the ship, may refuse to exercise that jurisdiction where that

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refusal is permitted by the law of that State and a Court of another State accepts jurisdiction.

3.   In cases where a Court of the State where an arrest has been effected or security provided to obtain the release of the ship:

    (a)   does not have jurisdiction to determine the case upon its merits; or

    (b)   has refused to exercise jurisdiction in accordance with the provisions of paragraph 2 of this article,

such Court may, and upon request shall, order a period of time within which the claimant shall bring proceedings before a competent Court or arbitral tribunal.

4.   If proceedings are not brought within the period of time ordered in accordance with paragraph 3 of this article then the ship arrested or the security provided shall, upon request, be ordered to be released.

5.   If proceedings are brought within the period of time ordered in accordance with paragraph 3 of this article, or if proceedings before a competent Court or arbitral tribunal in another State are brought in the absence of such order, any final decision resulting therefrom shall be recognized and given effect with respect to the arrested ship or to the security provided in order to obtain its release, on condition that:

    (a)   the defendant has been given reasonable notice of such proceedings and a reasonable opportunity to present the case for the defence; and

    (b)   such recognition is not against public policy (ordre public).

6.   Nothing contained in the provisions of paragraph 5 of this article shall restrict any further effect given to a foreign judgment or arbitral award under the law of the State where the arrest of the ship was effected or security provided to obtain its release.

Article 8
Application

1.   This Convention shall apply to any ship within the jurisdiction of any State Party, whether or not that ship is flying the flag of a State Party.

2.   This Convention shall not apply to any warship, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on government non-commercial service.

3.   This Convention does not affect any rights or powers vested in any Government or its departments, or in any public authority, or in any dock or harbour authority, under any international convention or under any domestic law or regulation, to detain or otherwise prevent from sailing any ship within their jurisdiction.

4.   This Convention shall not affect the power of any State or Court to make orders affecting the totality of a debtor's assets.

5.   Nothing in this Convention shall affect the application of international conventions providing for limitation of liability, or domestic law giving effect thereto, in the State where an arrest is effected.

6.   Nothing in this Convention shall modify or affect the rules of law in force in the States Parties relating to the arrest of any ship physically within the jurisdiction of the State of its flag procured by a person whose habitual residence or principal place of business is in that State, or by any other person who has acquired a claim from such person by subrogation, assignment or otherwise.

Article 9
Non-creation of maritime liens

Nothing in this Convention shall be construed as creating a maritime lien.

Article 10
Reservations

1.   Any State may, at the time of signature, ratification, acceptance, approval, or accession, or at any time thereafter, reserve the right to exclude the application of this Convention to any or all of the following :

    (a)   ships which are not seagoing;
    (b)   ships not flying the flag of a State Party;
    (c)   claims under article 1, paragraph 1 (s).

2.   A State may, when it is also a State Party to a specified treaty on navigation on inland waterways, declare when signing, ratifying, accepting, approving or acceding to this Convention, that rules on jurisdiction, recognition

and execution of court decisions provided for in such treaties shall prevail over the rules contained in article 7 of this Convention.

Article 11
Depositary

This Convention shall be deposited with the Secretary-General of the United Nations.

Article 12
Signature, ratification, acceptance, approval and accession

1.   This Convention shall be open for signature by any State at the Headquarters of the United Nations, New York, from 1 September 1999 to 31 August 2000 and shall thereafter remain open for accession.

2.   States may express their consent to be bound by this Convention by:

    (a)   signature without reservation as to ratification, acceptance or approval; or

    (b)   signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

    (c)   accession.

3.   Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the depositary.

Article 13
States with more than one system of law

1.   If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

2.   Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.

3.   In relation to a State Party which has two or more systems of law with regard to arrest of ships applicable in different territorial units, references

in this Convention to the Court of a State and the law of a State shall be respectively construed as referring to the Court of the relevant territorial unit within that State and the law of the relevant territorial unit of that State.

Article 14
Entry into force

1.   This Convention shall enter into force six months following the date on which 10 States have expressed their consent to be bound by it.

2.   For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect three months after the date of expression of such consent.

Article 15
Revision and amendment

1.   A conference of States Parties for the purpose of revising or amending this Convention shall be convened by the Secretary-General of the United Nations at the request of one-third of the States Parties.

2.   Any consent to be bound by this Convention, expressed after the date of entry into force of an amendment to this Convention, shall be deemed to apply to the Convention, as amended.

Article 16
Denunciation

1.   This Convention may be denounced by any State Party at any time after the date on which this Convention enters into force for that State.

2.   Denunciation shall be effected by deposit of an instrument of denunciation with the depositary.

3.   A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the depositary.

Article 17
Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

Appendix 9

Regional Cooperation Agreement on Combating Piracy and armed Robbery against ships in Asia

ReCAAP
Information Sharing Centre

Regional Cooperation Agreement
on Combating Piracy and Armed
Robbery against Ships in Asia

**Regional Cooperation Agreement on Combating Piracy
and Armed Robbery against Ships in Asia**

The Contracting Parties to this Agreement,

Concerned about the increasing number of incidents of piracy and armed robbery against ships in Asia,

Mindful of the complex nature of the problem of piracy and armed robbery against ships,

Recognizing the importance of safety of ships, including their crew, exercising the right of navigation provided for in the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as "the UNCLOS",

Reaffirming the duty of States to cooperate in the prevention and suppression of piracy under the UNCLOS,

Recalling "Tokyo Appeal" of March 2000, "Asia Anti-Piracy Challenges 2000" of April 2000 and "Tokyo Model Action Plan" of April 2000,

Noting the relevant resolutions adopted by the United Nations General Assembly and the relevant resolutions and recommendations adopted by the International Maritime Organization,

Conscious of the importance of international cooperation as well as the urgent need for greater regional cooperation and coordination of all States affected within Asia, to prevent and suppress piracy and armed robbery against ships effectively,

Convinced that information sharing and capacity building among the Contracting Parties will significantly contribute towards the prevention and suppression of piracy and armed robbery against ships in Asia,

Affirming that, to ensure greater effectiveness of this Agreement, it is indispensable for each Contracting Party to strengthen its measures aimed at preventing and suppressing piracy and armed robbery against ships,

Determined to promote further regional cooperation and to enhance the effectiveness of such cooperation,

Have agreed as follows:

1

Part I Introduction

Article 1
Definitions

1. For the purposes of this Agreement, "piracy" means any of the following acts:

   (a) any illegal act 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 against persons or property on board such ship;

      (ii) against a ship, persons or property in a place outside the jurisdiction of any State;

   (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

   (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

2. For the purposes of this Agreement, "armed robbery against ships" means any of the following acts:

   (a) any illegal act of violence or detention, or any act of depredation, committed for private ends and directed against a ship, or against persons or property on board such ship, in a place within a Contracting Party's jurisdiction over such offences;

   (b) any act of voluntary participation in the operation of a ship with knowledge of facts making it a ship for armed robbery against ships;

   (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

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Article 2
General Provisions

1. The Contracting Parties shall, in accordance with their respective national laws and regulations and subject to their available resources or capabilities, implement this Agreement, including preventing and suppressing piracy and armed robbery against ships, to the fullest extent possible.

2. Nothing in this Agreement shall affect the rights and obligations of any Contracting Party under the international agreements to which that Contracting Party is party, including the UNCLOS, and the relevant rules of international law.

3. Nothing in this Agreement shall affect the immunities of warships and other government ships operated for non-commercial purposes.

4. Nothing in this Agreement, nor any act or activity carried out under this Agreement shall prejudice the position of any Contracting Party with regard to any dispute concerning territorial sovereignty or any issues related to the law of the sea.

5. Nothing in this Agreement entitles a Contracting Party to undertake in the territory of another Contracting Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other Contracting Party by its national law.

6. In applying paragraph 1 of Article 1, each Contracting Party shall give due regard to the relevant provisions of the UNCLOS without prejudice to the rights of the third Parties.

Article 3
General Obligations

1. Each Contracting Party shall, in accordance with its national laws and regulations and applicable rules of international law, make every effort to take effective measures in respect of the following:

   (a) to prevent and suppress piracy and armed robbery against ships;
   (b) to arrest pirates or persons who have committed armed robbery against ships;
   (c) to seize ships or aircraft used for committing piracy or armed robbery against ships, to seize ships taken by and under the control of pirates or persons who have committed armed robbery against ships, and to seize the property on board such ships; and
   (d) to rescue victim ships and victims of piracy or armed robbery against ships.

2. Nothing in this Article shall prevent each Contracting Party from taking additional measures in respect of subparagraphs (a) to (d) above in its land territory.

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Part II Information Sharing Center

Article 4
Composition

1. An Information Sharing Center, hereinafter referred to as "the Center", is hereby established to promote close cooperation among the Contracting Parties in preventing and suppressing piracy and armed robbery against ships.

2. The Center shall be located in Singapore

3. The Center shall be composed of the Governing Council and the Secretariat.

4. The Governing Council shall be composed of one representative from each Contracting Party. The Governing Council shall meet at least once every year in Singapore, unless otherwise decided by the Governing Council.

5. The Governing Council shall make policies concerning all the matters of the Center and shall adopt its own rules of procedure, including the method of selecting its Chairperson.

6. The Governing Council shall take its decisions by consensus.

7. The Secretariat shall be headed by the Executive Director who shall be assisted by the staff. The Executive Director shall be chosen by the Governing Council.

8. The Executive Director shall be responsible for the administrative, operational and financial matters of the Center in accordance with the policies as determined by the Governing Council and the provisions of this Agreement, and for such other matters as determined by the Governing Council.

9. The Executive Director shall represent the Center. The Executive Director shall, with the approval of the Governing Council, make rules and regulations of the Secretariat.

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Article 5
Headquarters Agreement

1. The Center, as an international organization whose members are the Contracting Parties to this Agreement, shall enjoy such legal capacity, privileges and immunities in the Host State of the Center as are necessary for the fulfillment of its functions.

2. The Executive Director and the staff of the Secretariat shall be accorded, in the Host State, such privileges and immunities as are necessary for the fulfillment of their functions.

3. The Center shall enter into an agreement with the Host State on matters including those specified in paragraphs 1 and 2 of this Article.

Article 6
Financing

1. The expenses of the Center, as provided for in the budget decided by the Governing Council, shall be provided by the following sources:

    (a) Host State financing and support;
    (b) Voluntary contributions from the Contracting Parties;
    (c) Voluntary contributions from international organizations and other entities, in accordance with relevant criteria adopted by the Governing Council; and
    (d) Any other voluntary contributions as may be agreed upon by the Governing Council.

2. Financial matters of the Center shall be governed by a Financial Regulation to be adopted by the Governing Council.

3. There shall be an annual audit of the accounts of the Center by an independent auditor appointed by the Governing Council. The audit report shall be submitted to the Governing Council and shall be made public, in accordance with the Financial Regulation.

Article 7
Functions

The functions of the Center shall be:

(a) to manage and maintain the expeditious flow of information relating to incidents of piracy and armed robbery against ships among the Contracting Parties;

(b) to collect, collate and analyze the information transmitted by the Contracting Parties concerning piracy and armed robbery against ships, including other relevant information, if any, relating to individuals and transnational organized criminal groups committing acts of piracy and armed robbery against ships;

(c) to prepare statistics and reports on the basis of the information gathered and analyzed under subparagraph (b), and to disseminate them to the Contracting Parties;

(d) to provide an appropriate alert, whenever possible, to the Contracting Parties if there is a reasonable ground to believe that a threat of incidents of piracy or armed robbery against ships is imminent;

(e) to circulate requests referred to in Article 10 and relevant information on the measures taken referred to in Article 11 among the Contracting Parties;

(f) to prepare non-classified statistics and reports based on information gathered and analyzed under subparagraph (b) and to disseminate them to the shipping community and the International Maritime Organization; and

(g) to perform such other functions as may be agreed upon by the Governing Council with a view to preventing and suppressing piracy and armed robbery against ships.

Article 8
Operation

1. The daily operation of the Center shall be undertaken by the Secretariat.

2. In carrying out its functions, the Center shall respect the confidentiality of information provided by any Contracting Party, and shall not release or disseminate such information unless the consent of that Contracting Party is given in advance.

3. The Center shall be operated in an effective and transparent manner, in accordance with the policies made by the Governing Council, and shall avoid duplication of existing activities between the Contracting Parties.

6

Part III Cooperation through the Information Sharing Center

Article 9
Information Sharing

1. Each Contracting Party shall designate a focal point responsible for its communication with the Center, and shall declare its designation of such focal point at the time of its signature or its deposit of an instrument of notification provided for in Article 18.

2. Each Contracting Party shall, upon the request of the Center, respect the confidentiality of information transmitted from the Center.

3. Each Contracting Party shall ensure the smooth and effective communication between its designated focal point, and other competent national authorities including rescue coordination centers, as well as relevant non-governmental organizations.

4. Each Contracting Party shall make every effort to require its ships, ship owners, or ship operators to promptly notify relevant national authorities including focal points, and the Center when appropriate, of incidents of piracy or armed robbery against ships.

5. Any Contracting Party which has received or obtained information about an imminent threat of, or an incident of, piracy or armed robbery against ships shall promptly notify relevant information to the Center through its designated focal point.

6. In the event that a Contracting Party receives an alert from the Center as to an imminent threat of piracy or armed robbery against ships pursuant to subparagraph (d) of Article 7, that Contracting Party shall promptly disseminate the alert to ships within the area of such an imminent threat.

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Article 10
Request for Cooperation

1. A Contracting Party may request any other Contracting Party, through the Center or directly, to cooperate in detecting any of the following persons, ships, or aircraft:

   (a) pirates;
   (b) persons who have committed armed robbery against ships;
   (c) ships or aircraft used for committing piracy or armed robbery against ships, and ships taken by and under the control of pirates or persons who have committed armed robbery against ships; or
   (d) victim ships and victims of piracy or armed robbery against ships.

2. A Contracting Party may request any other Contracting Party, through the Center or directly, to take appropriate measures, including arrest or seizure, against any of the persons or ships mentioned in subparagraph (a), (b), or (c) of paragraph 1 of this Article, within the limits permitted by its national laws and regulations and applicable rules of international law.

3. A Contracting Party may also request any other Contracting Party, through the Center or directly, to take effective measures to rescue the victim ships and the victims of piracy or armed robbery against ships.

4. The Contracting Party which has made a direct request for cooperation pursuant to paragraphs 1, 2 and 3 of this Article shall promptly notify the Center of such request.

5. Any request by a Contracting Party for cooperation involving extradition or mutual legal assistance in criminal matters shall be made directly to any other Contracting Party.

Article 11
Cooperation by the Requested Contracting Party

1. A Contracting Party, which has received a request pursuant to Article 10, shall, subject to paragraph 1 of Article 2, make every effort to take effective and practical measures for implementing such request.

2. A Contracting Party, which has received a request pursuant to Article 10, may seek additional information from the requesting Contracting Party for the implementation of such request.

3. A Contracting Party, which has taken measures referred to in paragraph 1 of this Article, shall promptly notify the Center of the relevant information on the measures taken.

8

Part IV Cooperation

Article 12
Extradition

A Contracting Party shall, subject to its national laws and regulations, endeavor to extradite pirates or persons who have committed armed robbery against ships, and who are present in its territory, to the other Contracting Party which has jurisdiction over them, at the request of that Contracting Party.

Article 13
Mutual Legal Assistance

A Contracting Party shall, subject to its national laws and regulations, endeavor to render mutual legal assistance in criminal matters, including the submission of evidence related to piracy and armed robbery against ships, at the request of another Contracting Party.

Article 14
Capacity Building

1. For the purpose of enhancing the capacity of the Contracting Parties to prevent and suppress piracy and armed robbery against ships, each Contracting Party shall endeavor to cooperate to the fullest possible extent with other Contracting Parties which request cooperation or assistance.

2. The Center shall endeavor to cooperate to the fullest possible extent in providing capacity building assistance.

3. Such capacity building cooperation may include technical assistance such as educational and training programs to share experiences and best practices.

9

Article 15
Cooperative Arrangements

Cooperative arrangements such as joint exercises or other forms of cooperation, as appropriate, may be agreed upon among the Contracting Parties concerned.

Article 16
Protection Measures for Ships

Each Contracting Party shall encourage ships, ship owners, or ship operators, where appropriate, to take protective measures against piracy and armed robbery against ships, taking into account the relevant international standards and practices, in particular, recommendations adopted by the International Maritime Organization.

10

Part V Final Provisions

Article 17
Settlement of Disputes

Disputes arising out of the interpretation or application of this Agreement, including those relating to liability for any loss or damage caused by the request made under paragraph 2 of Article 10 or any measure taken under paragraph 1 of Article 11, shall be settled amicably by the Contracting Parties concerned through negotiations in accordance with applicable rules of international law.

Article 18
Signature and Entry into Force

1. This Agreement shall be open for signature at the depository referred to in paragraph 2 below by the People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Republic of India, the Republic of Indonesia, Japan, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand, the Socialist Republic of Viet Nam.

2. The Government of Singapore is the depository of this Agreement.

3. This Agreement shall enter into force 90 days after the date on which the tenth instrument of notification by a State listed in paragraph 1, indicating the completion of its domestic requirements, is submitted to the depository. Subsequently it shall enter into force in respect of any other State listed in paragraph 1 above 30 days after its deposit of an instrument of notification to the depository.

4. The depository shall notify all the States listed in paragraph 1 of the entry into force of this Agreement pursuant to paragraph 3 of this Article.

5. After this Agreement has entered into force, it shall be open for accession by any State not listed in paragraph 1. Any State desiring to accede to this Agreement may so notify the depository, which shall promptly circulate the receipt of such notification to all other Contracting Parties. In the absence of a written objection by a Contracting Party within 90 days of the receipt of such notification by the depository, that State may deposit an instrument of accession with the depository, and become a party to this Agreement 60 days after such deposit of instrument of accession.

11

Article 19
Amendment

1. Any Contracting Party may propose an amendment to this Agreement, any time after the Agreement enters into force. Such amendment shall be adopted with the consent of all Contracting Parties.

2. Any amendment shall enter into force 90 days after the acceptance by all Contracting Parties. The instruments of acceptance shall be deposited with the depository, which shall promptly notify all other Contracting Parties of the deposit of such instruments.

Article 20
Withdrawal

1. Any Contracting Party may withdraw from this Agreement at any time after the date of its entry into force.

2. The withdrawal shall be notified by an instrument of withdrawal to the depository.

3. The withdrawal shall take effect 180 days after the receipt of the instrument of withdrawal by the depository.

4. The depository shall promptly notify all other Contracting Parties of any withdrawal.

Article 21
Authentic Text

This Agreement shall be authentic in the English language.

Article 22
Registration

This Agreement shall be registered by the depository pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

12

Appendix-10

Transcripts of Excerpts of Interviews

A. Interview with Ms. Jane Chan Git Yin (S. Rajaratnam School of International Studies, Singapore)

Q.1 How do you perceive the problem of piracy in Malacca Strait?

Ans. I had made an argument in 2011, in my article Countering Piracy at Sea: Use of Force a Solution?. I cited about the notion of the use of force to solve the problem of piracy has a very limited role. I had further argued that the policy of opting a comprehensive approach which will be connecting the issue of the sea with the land. So, without identify that the real threat to land and its connection to the water, we cannot solve the problem. Our policy should be focused on both.

Q.2 Do you think Indonesia will be crucial for the maritime security particularly piracy in Malacca Strait?

Ans. Undoubtedly, the Indonesia is the largest country in the Southeast Asia, and its crucial costliness belongs to an opportunity and threat both and Malacca Strait as well. Indonesia has overcome with the period of transformation, which led to the immense pressure on the overall Indonesian growth. Now, it is on the track of rapid development. So, the next few decades will be very crucial for the Indonesia. I see another dimension of cooperation in the field of Maritime Security, and Indonesia will lead.

Q.3 Do you think Joko Widodo's coming to power would be crucial for Maritime Security in Malacca Strait?

Ans. It will be too early to guess about the future of new government, but the victory of Widodo will bring a fundamental change in the policy of Maritime security. In fact, the Widodo has become first president to bring a maritime doctrine. So, it indicates that how much the current government is serious about maritime issues. The upcoming decades

will be crucial for the whole region, and I already said that Indonesia would lead because of assertion towards overall maritime security. Indonesian vision "Jalesveva Jayamah" (in the ocean we triumph) is the one of a strong reason for the whole region.

Thank you so much, Mam, It was a pleasure talking to you.

B. Interview with Rajeev Ranjan Chaturvedi (Institute of South Asian Studies, National University of Singapore)

Q.1 How Malacca Strait is crucial for India's maritime strategy?

Ans.Indeed, India is crucial for whole Asia; its economic growth is very bullish in the upcoming decade. So, in my article, South China Sea: India's Maritime Gateway to the Pacific, have given the argument that the Indian prosperity is dependent exclusively on sea trade. Enormous Indian shoreline is an insurance of India's industrial development, commercial growth and stable political structure

Q.2 What is your opinion about China as far as India's maritime interest is concerned?

Ans. The India and China both have a strategic stakeholder in the Southeast Asia and they have a greater maritime interest in the region. Malacca Strait is a gateway to connect India with the problem of South China Sea which problematic as far as India's is concerned. On the other hand, India's growing ties with the regional countries, for example with Singapore will maintain the freedom of navigation through the regional sea lanes.

Q.3.How do you perceive the problem of piracy in the Malacca strait?

Ans. Well, this question has a two answer when we discuss the piracy situation in the Malacca Strait, it is persistently decreasing by the excellent cooperation among the all three countries Indonesia, Malaysia, and Singapore. From the last cool of years has become the almost zero level but the reality is that the pirates only shift their zone and the problem is still remained it is only sidelined.all three countries are not very effective to

prevent the piracy in their own territory. The incident is constantly taking place in their territory. So, the threat of piracy is still not fully wiped out, and it will remain active as the trade and commerce will grow at its full pace.

Thank you so much, it was a pleasure talking to you.

BIBLIOGRAPHY

(* indicate primary source)

Abhyankar, Jayant (2002), "Piracy, Armed Robbery and Terrorism at Sea, In Piracy, Maritime Terrorism and Decuring the Malacca Strait",. (eds) *Graham Gerard Ong-Webb*, Singapore: ISEAS.

Abhyankar, Jayant (2002), "Piracy, Armed Robbery and Terrorism at Sea, In Piracy, Maritime Terrorism and Decuring the Malacca Strait", (eds.) *Graham Gerard Ong-Webb*, Singapore: ISEAS.

Acharya, Amitav (2002), *Constructing a Regional Community in Southeast Asia: ASEAN and the Problem of Regional Order*, London: Routledge.

Acharya, Amitav (2002), *Constructing a Regional Community in Southeast Asia: ASEAN and the Problem of Regional Order*, London: Routledge.

Acharya, Amitav (2002), *Constructing a Regional Community in Southeast Asia: ASEAN and the Problem of Regional Order*, London: Routledge.

Acharya, Arabinda (2006), "India and Southeast Asia in the Age of Terror: Building Partnerships for Peace", Contemporary Southeast Asia: 28 (2): 297-321.

ADB(2006), Asian Development Bank, "Regional Cooperation and Integration Strategy", [Online web] Accessed 16 February 2016 URL:https://aric.adb.org/aid-for-trade-asia/pdf/final-RCI-strategy-paper.pdf

*AGIS (2005), "Aegis *2005 Terrorism Report 5, Global Maritime Terrorism, 6*, Maritime Terrorism, Aegis Defense Services Ltd, 52-190.

Agnihotri, Kamlesh K. (2013), "Holistic Maritime Capacity Building: New "Route" to China's Rise", *Maritime Affairs*, 9 (1) 30-44.

Agnihotri, Kamlesh K. (2013), "Holistic Maritime Capacity Building: New "Route" to Agnihotri, Kamlesh Kumar (2010), "Strategic Direction of the PLA Navy: Capability and Intent Assessment", *Maritime Affairs*, 6 (1): 71-97.

Agnihotri, Kamlesh Kumar (2011), "Modernisation of the Chinese Navy, its Strategic Expansion into the Indian Ocean Region and Likely Impact on the Regional Stability", *Maritime Affairs*, 7 (1): 48-64.

Alice, BA (2011), "Staking Claims and Making Waves in the South China Sea: How Troubled Are the Waters", *Contemporary Southeast Asia*, 33 (3): 269-291.

Anderson, Elliot, E. (2010). It's a Pirate's Life for Some: The Development of an Illegal Industry in Response to an Unjust Global Power Dynamic", *Indiana Journal of Global Legal Studies*, 17 (2): 319-339.

Anwar, Dewi Fortuna (2006), "Resource Issues and Ocean Governance in Asia Pacific: An Indonesian Perspective", Contemporary Southeast Asia, Volume 28 (3): 466-489.

Anwar, Dewi Fortuna (2006), "Resource Issues and Ocean Governance in Asia Pacific: An Indonesian Perspective**",** *Contemporary Southeast Asia,* 28 (3): 466-489.

Anyaoku, Chief Emeka (2004), "The end of multilateralism: whither global governance?", *The Round Table,* 93 (374): 193-197.

Anyu, J. Ndumbe and Moki, Samuel (2009), "Africa: The Piracy Hot Spot and Its Implications for Global Security**",** *Mediterranean Quarterly*, 20 (3): 95-121.

Arase, David (2010), "Non-Traditional Security in China-ASEAN Cooperation: The Institutionalization of Regional Security Cooperation and the Evolution of East Asian Regionalism", *Asian Survey*, 50 (4): 808-833.

ARF (1994), ASEAN Regional Forum, [Online: web] Accessed 15 October. 2016, URL: http://asean.org/asean-political-security-community/asean-regional-forum-arf.

ARF (2002), "ARF Statement ton Measures Against Terrorist Financing", [Online web] Accessed 18 September 2012 URL: http://www.aseansec.org/12004.html.

Arrow, K.J. (1962), "The Economic Implications of Learning by Doing", *Review of Economic Studies*, 29 (3): 155-173.

*ASEAN (2001), "ASEAN Declaration on Joint Action on Counter Terrorism [Online web] Accessed 18 October 2012 URL: http: www.aseansec.org/12004.html.

ASEAN (2002), "ASEAN–United States of America joint Declaration for Cooperation to Combat international Terrorism," [Online web] Accessed 18 October 2012 URL. http://aseansecorg/10574.html.

ASEAN (2002), "Declaration of Terrorism," joint communique of the special ASEAN Ministerial meeting on terrorism," [Online: web] Accessed 15 September 2012 URL .http://wwwasean.org/3156.html.

ASEAN (2016), Joint Statement of the 19th ASEAN-China Summit to Commemorate the 25th Anniversary of ASEAN-China Dialogue Relations [Online: web] Accessed 15 October. 2016, URL: http://asean.org/joint-statement-of-the-19th-asean-china-summit-to-commemorate-the-25th-anniversary-of-asean-china-dialogue-relations.

ASEAN(1997), ASEAN Declaration on Transnational Crime Manila, 20 December 1997 [Online: web] Accessed 15 Feb. 2015, URL: http://asean.org/?static_post=asean-declaration-on-transnational-crime-manila-20-december-1997.

Athawale, Yogesh V (2012), "Maritime Developments in the South Western Indian Ocean and the Potential for India's Engagement with the Region", Strategic *Analysis*, 36 (3): 424-439.

Baer, George W. (1994), *One Hundred Years of Sea Power: The U.S. Navy, 1890-1990*, Bailey, Conner (1988), "The Political Economy of Marine Fisheries Development in Indonesia." *Indonesia Quarterly 46 (2):* 25-38.

Ball, Desmond, Bateman. W. S. G (1991), *An Australian Perspective on Maritime CSBMS in the Asia-Pacific Region*. Canberra: Research School of Pacific Studies.

Bansal, Alok (2010), "Maritime Threat Perceptions: Non-State Actors in the Indian Ocean Region", *Maritime Affairs*, 6 (1): 10-27.

Barrington, Brook, and Nicholas Tarling (1997), *Empires, Imperialism and Southeast Asia: Essays in Honour of Nicholas Tarling*. Clayton: Asia Institute.

Bartlett, Christopher John (1963), *Great Britain and Sea Power, 1815-1853*. Oxford: Basil. Germond (2011), "The EU's security and the sea: defining a maritime security strategy, *"European Security*, 20 (4): 563-584.

Batabyal, Anindya (2006), "Balancing China in Asia: A Realist Assessment of India's Look east Policy", *China Report*, 42 (2): 180-197.

Bateman, Sam (2011), "Solving the "Wicked Problems" of Maritime Security: Are Regional Forums up to the Task?" *Contemporary Southeast Asia*, 33 (1): 1-28.

Bateman, Sam (2011), "Solving the "Wicked Problems" of Maritime Security: Are Regional Forums up to the Task?" *Contemporary Southeast Asia*, 33 (1): 1-28.

Bateman, W. S. G. (2007), "Shipping Patterns in the Malacca and Singapore Straits: An Assessment of the Risks to Different Types of Vessel**" *Contemporary Southeast Asia*, 29 (2): 309-332.

Bateman, W. S. G., and Dick Sherwood (1995), "*Australia's Maritime Bridge into Asia*. St.Leonards: Allen & Unwin.

Batman, Sam and Raymond, Catherine Zara and Ho, Joshua (2006) "Safety and Security in the Malacca and Singapore Straits" Policy Paper, Institute of Defence and strategic studies.

Batra, Amita (2007), "Asian Economic Integration ASEAN+3+1 or ASEAN+1s," *ASEAN Economic Bulletin, 24 (2)*:181–204.

BBC (2009), "Behind Somalia's Islamist rivalry' [Online web] Accessed 18 October 2012 URL: http://news.bbc.co.uk/2/hi/africa/8284958.html.

BBC (2009a), 'Ethiopia completes Somali pullout', [Online web] Accessed 18 June 2012 URL.http//news.bbc.co.uk/2/hi/africa/7849900.html.

Beaumont, P. (2010), 'Violence, fear and confusion: welcome to the Horn of Africa', The Observer, [Onlineweb] Accessed 12 October 2012 URL. http://www.guardian.co.uk/world/2010/jan/10/horn-africa-growing-instability.

Beckman, Robert C. (2002), "Combating Piracy and Armed Robbery against Ships in Southeast Asia: The Way Forward", *Ocean Development & International Law*, 33 (4): 317-341.

Beeson, Mark (2004), *Contemporary Southeast Asia: Regional Dynamics, National Differences.* Hampshire: Palgrave Macmillan.

Benbow, Tim (2007), "Maritime Forces and Counter-insurgency", *Contemporary Security Policy*, 28 (1): 80-95.

Bhaskar C. Uday and Agnihotri, Kamlesh K.(2011), Security Challenges along the Indian ocean littoral Indian and US Perspective, New Delhi, National Maritime Foundation.

Bhaskar, C. Uday and Kemp, Geoffrey (2011), "Maritime Security Challenges in the Indian Ocean Region: A Workshop Report Introduction by February 23-24, 2011 India International Centre, New Delhi.

Bhattacharya, Anushree (2009), *Dynamics of maritime security in South East Asia in the post cold war period,* Ph.D. Thesis, New Delhi: Jawaharlal Nehru University.

Bhattacharyya, Anushree (2010), "Understanding Security in Regionalism Framework: ASEAN Maritime Security in Perspective", *Maritime Affairs,* 6 (2): 72-89.

Birnie, P. W. (1989), "*Piracy: Past, Present and Future*. Paris: ICC Publishing.

Bisley, Nick (2009), "Chapter Four: Imagining Alternatives", *The Adelphi Papers*, 49 (408): 103-130.

Bisley, Nick (2009), "Chapter Two: The Current Regional Order", *The Adelphi Papers*, 49 (408): 33-76.

Black, Jeremy, and, Woodfine, Philip (1988), *The British Navy and the Use of Naval Power in the Eighteenth Century*, Leicester: Leicester University Press.

Blagden, David W (2011), "Sea Powers, Continental Powers, and Balancing Theory" *International Security*, Volume 36 (2): 190-202.

Blyth, Ken, and Corris, Peter *(2000), Petro-Pirates: The Hijacking of the Petro Ranger*, St Leonard's: Allen & Unwin.

Bohtan, Ajay (2012), "Environment Manipulation: Force Multiplier in a Maritime Operation", *Maritime Affairs,* 8 (2): 48-72.

Bolt, Paul J. (2011)**, "**Contemporary Sino-Southeast Asian Relations," *China: An International* 9 (2): 276-295.

Bradford, John F (2004), "Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and the Coastal State Responses." *Contemporary Southeast Asia* 26 (3): 480-505.

Bradford, John F. (2008), "Shifting the Tides against Piracy in Southeast Asian Waters", *Asian Survey*, 48 (3): 473-491.

Bradford, John F. (2008), "Shifting the Tides against Piracy in Southeast Asian Waters", Asian Survey, 48 (3): 473-491.

Bradford, John F. (2011), "The Maritime Strategy of the United States: Implications for Indo-Pacific Sea Lanes, Contemporary Southeast Asia, 33 (2): 183-208.

Brewster, David (2011), "The Relationship between India and Indonesia", *Asian Survey*, 51 (2): 221-244.

Brian. Wilson (2009), "Naval Diplomacy and Maritime Security in the Western Indian Ocean", *Strategic Analysis,* 33 (4): 488-497.

Bridget L Coggins (2012), "Global patterns of maritime piracy, 2000-09: Introducing a new dataset", *Journal of Peace Research,* 49 (7): 605-617.

Brooks, Mary R. (1985), *Fleet Development and the Control of Shipping in Southeast Asia*, Singapore: ISEAS.

Bruce Russett, Bruce (1993), *Grasping the Democratic Peace: Principles for a Post-Cold War World*, New Jersey, Princeton University Press.

Burnett, John S. *(2002), Dangerous Waters: Modern Piracy and Terror on the High Seas*, New York: Plume.

Buszynski, Leszek (2009), "Sino-Japanese Relations: Interdependence, Rivalry and Regional Security**",** *Contemporary Southeast Asia,* 31 (1): 143-171.

Buszynski, Leszek and Sazlan, Iskanda (2007), **"**Maritime Claims and Energy Cooperation in the South China Sea" *Contemporary Southeast Asia*, 29 (1): 143-171.

Caroline, Liss (2011), *Maritime piracy and transnational security in Southeast Asia and Bangladesh*, Singapore: ISEAS.

Catherine, Zara Raymond (2006), "Maritime Terrorism in Southeast Asia: A Risk Assessment, *Terrorism and Political Violence*, 18 (2): 239-257.

Celik, Metin & Kandakoglu, Ahmet (2012), "Maritime policy development against ship flagging out dilemma using a fuzzy quantified SWOT analysis" *Maritime Policy & Management*, 39 (4): 401-421.

Chalk, Peter (1998), "Contemporary maritime Piracy in Southeast Asia, *Studies in Conflict & Terrorism,* 21 (1): 87-112.

Chalk, Peter (1998), "Contemporary maritime Piracy in Southeast Asia, *Studies in Conflict & Terrorism*, 21 (1): 87-112.

Chalk, Peter (2009), "The Evolving Dynamic of Piracy and Armed Robbery at Sea in the Modern Era: Scope, Dimensions, Dangers and Policy Responses", *Maritime Affairs*, 5 (1): 1-21.

Chalk, Peter & Hansen, Stig Jarle (2012), "Present Day Piracy: Scope, Dimensions, Dangers, and Causes", *Studies in Conflict & Terrorism*, 35 (8): 497-506.

Chaudhury, Rahul Roy (1999), "Trends in the delimitation of India's maritime Boundaries", *Strategic Analysis*, 22 (10): 1513-1524.

Chetty (1999), *India's Relations with Southeast Asia: Problems and Prospects*, Tirupati: Centre for Studies on Indo-China & South Pacific.

Chong, Guan and Skogan, John K. (2007), *Maritime Security in Southeast Asia*, Singapore: ISEAS.

Chris, Bellamy (2011), "Maritime Piracy", *RUSI Journal*, 156 (6): 78-85.

Christian, Wirth (2012), "Ocean governance, maritime security and the consequences of modernity in Northeast Asia" *The Pacific Review*, 25 (2): 223-245.

Churchill, R.R. And Lowe, A.V. (1999), The Law of the Sea, 3rd Ed. Manchester: Manchester University Press Clips, 6 May 2008.

Cisle, Steve (2006), "Pirates of the Pacific Rim", *Pacific Rim New Media Summit Companion*, 39 (4): 377-380

Clive Schofield, Martin Tsamenyi & Mary Ann Palma (2008), "Securing Maritime Australia: Developments in Maritime Surveillance and Security", *Ocean Development & International Law*, 39 (1): 94-112.

Cohen, Stephen P. (2002), *China and India: Emerging Power*, New Delhi: Oxford University Press.

Collins, Alan (2003), *Security and Southeast Asia Domestic, Regional and Global Issues*, Colorado: Lynne Reiner.

Collins, Alan (2003), *Security and Southeast Asia Domestic, Regional and Global Issues,*, Colorado: Lynne Reiner.

Collins, Alan (2006), *Security and Southeast Asia: Domestic, Regional and Global Issues,* London: Lynne Rienner Publishers.

Cordingly, D. (1996), "*Pirates: Terror on the High Seas from the Caribbean to the South China Sea*, Atlanta, Turner Publishing.

Cordner, Lee (2010), "Rethinking maritime security in the Indian Ocean Region", *Journal of the Indian Ocean Region*, 6 (1): 67-85.

Corning, Gregory P. (2009), "Between bilateralism and regionalism in East Asia: the ASEAN-Japan Comprehensive Economic Partnership", *The Pacific Review,* 22 (5): 639-665.

CSCP (2002), "Terrorism: An introduction." Council of Foreign Relations, [Online web] Accessed 14 June 2012 URL:http://www.terrorismanswers.com/terrorism/introduction print html.

Dahiya, Om Prakash (2013), "India–Australia Maritime Cooperation: Challenges and the Way Ahead", *Maritime Affairs*, 9 (1): 61-79.

Dawdy, Shannon Lee and Bonni, Joe (2012), "Towards a General Theory of Piracy", *Anthropological Quarterly*, 85 (3): 673-699.

De Silva, K.M. (1999), "The European Community and ASEAN: Lessons for SAARC," *Asian Survey.*

Dent, Christopher (2001), "Singapore's foreign economic policy: the pursuit of Economic security", *Contemporary Southeast Asia,* 22 (1): 1–23.

Dent, Christopher M (2011), Sub-Regional Cooperation and Developmental Regionalism: The Case of BIMP-EAGA, *Contemporary Southeast Asia*, 33 (1): 29-55.

Dent, Christopher M. (2008), East *Asian regionalism,* New York, Taylor & Francis.

Devare, Sudhir (2006), *India and Southeast Asia-Towards Security convergence* Singapore: ISEAS.

Devare, Sudhir (2006), *India and Southeast Asia-Towards Security convergence* Singapore: ISEAS.

Dillon, Dana R. (2005), "Maritime Piracy: Defining the Problem, *SAIS Review*, 25 (1): 155-165.

Dreyer, Edward L. 2007, *Zheng He: China and the Oceans in the Early Ming Dynasty, 1405-1433*, New York: Pearson Longman.

Ekolf, Stefen (2006), "*Pirates in Paradise",* Copenhagen, Nordic institute of Asian studies.

Elferink, Alex G. Oude (2001), "The Islands in the South China Sea: How Does Their Presence Limit the Extent of the High Seas and the Area and the Maritime Zones of the Mainland Coasts?" *Ocean Development & International Law,* 32 (2): 169-190.

Emerson, Donald K. (2007), "Challenging ASEAN: A "Topological" View, *Contemporary Southeast Asia*, 29 (3): 424-446.

Esther, Barbe (2009), "Multilateralism Matters More than Ever" *Global Society,* 23 (2): 191-203.

Fallon, William(2005), 'Testimony of Admiral William J. Fallon United States Navy Commander US Pacific Command before the Senate Armed Services Committee on US Pacific Command Posture'[Online web] Accessed 16 February 2015 URL: http://www.senate.gov/~armed_services/statemnt/2005/March/Fallon% 2003-08-05.pdf.

FAO (2016), Food and Agriculture Organization of the United Nations "The State of World Fisheries and Aquaculture."[Online web] Accessed 16 February 2016, URL: http://www.fao.org/3/a-i4910e.pdf.

Ferguson, Adam (1995), An Essay on the History of Civil Society, Cambridge: Cambridge University Press.

Fonda, Yercan, Donna Fricke & Laurie Stone (2005): Developing a model on improving maritime English training for maritime transportation safety" *Educational Studies*, 31 (2): 213-234.

Fortuna Anwar, Dewi (2006), "Resource Issues and Ocean Governance in Asia Pacific: An Indonesian Perspective", *Contemporary Southeast Asia*, 28 (3): 466-489.

Ganesan, N. (2000), 'ASEAN's Relations with Major External Powers', *Contemporary Southeast Asia*, 22 (2): 258–78.

Garofano, John (2002), "Power, Institutions, and the ASEAN Regional Forum: A Security Community for Asia?", *Asian Survey*, 42 (3): 502-521.

Geoffrey Till (2004), "Maritime Airpower in the Interwar Period: The Information Dimension", *Journal of Strategic Studies*, 27 (2): 298-323.

Geoffrey, Till (2012), "Chapter One: Naval modernization, action–reaction dynamics and their drivers", *Adelphi Series*, 52 (433): 31-64.

Ghosh, P.K (2012), "Indian Ocean Naval Symposium: Uniting the Maritime Indian Ocean Region", *Strategic Analysis*, 36 (3): 352-357.

Gilpin, Robert (2001), *Global Political Economy: Understanding the International Economic Order*, New Jersey Princeton University Press.

Glen, David & Marlow, Peter (2009), "Maritime Statistics: a new forum for Practitioners", *Maritime Policy & Management*, 36 (2): 185-195.

Global Security (2010), 'Somalia Navy', Donna [Online web] Accessed 26 October 2012 URL:http://www.globalsecurity.org/military/ world/Somalia/navy.htm,

Gordon, Sandy (1995), *India's Rise to Power in the Twentieth Century*, London: Macmillan.

Graham Gerard (2006), *Piracy, Maritime Terrorism and Securing the Malacca Straits*, Singapore: ISEAS

Grare, Frederic and Mattoo, Amitabh (2001), *India and ASEAN: The Politics of India's Look East Policy* New Delhi: Manohar Publication.

Gravel, Taylor M. (2011), "China Strategy in the South China Sea*" Contemporary Southeast Asia,* 33 (3): 292-319.

Guo Xinning (2005), "Anti-terrorism, Maritime Security, and ASEAN-China Cooperation: A Chinese Perspective," Singapore, ISEAS.

Halberstam, Malvina (1988), "Terrorism on the High Sea: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety," *The American Journal of International Law,* 82 (2): 269-310.

Hall, D.G.E (1964), *A History of Southeast Asia*, London, Macmillan & Co Ltd.

Hansen, Stig Jarle (2012), "The Dynamics of Somali Piracy*", Studies in Conflict & Terrorism*, 35 (8): 523-530.

Hatim Al-Bisher, Tim Gray & Selina M. Stead (2012), "The concept of integrated national maritime policy and its application to Saudi Arabia*" Maritime Policy & Management*" 39 (5): 525-541.

Hester, Blum (2003), "Pirated Tars, Piratical Texts: Barbary Captivity and American Sea Narratives", *Early American Studies*, 1 (2): 133-158.

Ho, Joshua H. (2006), "The Security of Sea Lanes in Southeast Asia", *Asian Survey*, 46 (4): 558-574.

HO, Joshua, Zara, Catherine, and Bateman, Sam Batman (2006), "Safety and Security in the Malacca and Singapore Strait an agenda for Action, IDSS policy Paper, Singapore.http;://www.unorg/depts/los/conventions_agreements/conventions_20years/oc eanssour ceoflife.pdf.

Holmes, James R (2010), "Tackling Somali Piracy Ashore: Maritime Security and Geopolitics in the Indian Ocean", *Strategic Analysis*, 34(5): 717-727.

Holslag, Jonathan (2010), "Chapter Four: Towards a New Asian Security Order", *Adelphi Series*, 50 (416) 109-126.

Howard J, Dooley (2012), "The Great Leap Outward: China's Maritime Renaissance", *East Asian Affairs*, 26 (1): 53-76.

Hummel, Michael L. (2012), *"*Defeating Maritime Piracy", *The Homeland Security Review,* 6 (2): 157-171.

ICG (2012) International Crisis Group, "How Indonesian Extremists Regroup" [Online web] Accessed 16 February 2016, URL: https://www.crisisgroup.org/asia/south-east-asia/indonesia/how-indonesian-extremists-regroup.

*IMB (2005), International maritime bureau, "piracy and armed robbery against annual report, 31december, URL: http://www.ics-ccs.org.

*IMB (2010) The Economic Cost of Maritime Piracy One Earth Future Working Paper December 2010, One Earth Foundation Colorado, USA, 24 spetember, URL http://oceansbeyondpiracy.org/cost-of-piracy/human-cost-somali-piracy.pdf.

*IMB (2011) "Piracy & Armed Robbery Prone Areas and Warnings." [Online web] Accessed 25 October 2012 URL.http://www.icc-ccs.org/home/piracy-reporting-centre/prone-areas-and-warnings.html.

IMB (2014), Piracy and Armed Robbery Against the Ships", [Online web] Accessed 16 February 2016 URL http://www.hellenicshippingnews.com/wp content/uploads/2015/01/2014-Annual-IMB-Piracy-Report-ABRIDGED.pdf

IMB(2013), Piracy and Armed Robbery Against the Ships", [Online web] Accessed 16 February 2016 URL: http://www.ship.sh/attachment/files/2013_Annual_IMB_Piracy_Report.pdf

IMF (1997), "World economic outlook", [Online web] Accessed 16 September 2013 URL:https://www.imf.org/external/pubs/weomay/chapter1.pdf

IMO (1983) International Maritime Organization Resolution, [Online web] Accessed 16 June 2014 URL: http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/Status%20-%202016.pdf.

*IMO (2004), World maritime day: Focus on maritime security," *Background Paper*, IMO London.

*International Maritime Bureau (1992), Special report: piracy IMB, London, United Nations conventions law of the sea: 20th anniversary, 1982-2002, 8.

*International Maritime Bureau (2005), MSC, 80/24 Report of the Maritime safety Committee on its 80th session, Item, Piracy and Armed robbery against ships, IMO London.

*International Maritime Organization (2010) "Reports on Acts of Piracy and Armed Robbery against Ships, Second Quarterly Report," MSC.4/Circ162, November.

*Jason Abbot & Neil Renwick (1999), "Pirates? Maritime piracy and societal security in Southeast Asia, *Pacific Review*, 11 (1): 7-24.

Jason, Alderwick & Bastian, Giegerich (2010) "Navigating Troubled Waters: NATO's Maritime Strategy, *Survival*, 52 (4): 13-20.

Jha, Ganganath (1986), Southeast Asia and India: A Political Perspective, New Delhi: National Book Organisation.

Jha, Ganganath (1992), "India's Sectoral Partnership with the ASEAN", *India Quarterly,* 20: (3) 1-34.

Jha, Ganganath (1993), "India's Relations with the ASEAN: The Latest Phase", in S.D.Muni (ed), Understanding South Asia, New Delhi: South Asian Publishers.

Jha, Ganganath (1995), ASEAN in the Emerging World Order', in Shams-ud-din (ed), Perspective on the Emerging World Order, New Delhi, Gyan Publishing House.

Jha, Ganganath (1996), "A brief Survey of India and Indonesia Relations", Contemporary Southeast Asia, 17, (4):

Jha, Ganganath (1998), Ethnic Politics in Southeast Asia and quest for Identity, New Delhi: National Book Organisation.

Jha, Ganganath (2000), India and Southeast Asia: Reviving Traditional Bond of Friendship", in N. K. Jha (ed), India's Foreign Policy in a Changing World , New Delhi, South Asian Publishers,2000.

Jha, Ganganath (2004), "India's Relationships with Southeast Asia, Dialogue Quarterly, 5 (3).

Jha, Ganganath (2009), Society and Politics in Southeast Asia New Delhi: Anamica Publishers.

Jha, Ganganath (2010), India and Southeast Asia: Introspection for the Future Partnership, New Delhi: Anamica Publishers.

Jha, Ganganath New Political and Cultural Issues in ASEAN", IIAS Newsletter.

Johnson, Larry D.(2002), "The Threat of Nuclear Terrorism and September II: Wakeup calls to Get the Treaties Right", *Denver Journal of International Law and Policy*, 3I:80.

Jonathan, Alford (1980), *Sea Power and Influence: Old Issues and New Challenges*, Hampshire: Allanheld.

Joubert, Lydelle Amelia (2011), *Maritime Terrorism, Piracy and Act of Armed Robbery of Ships: Southeast Asia And Africa 2000-2008,* Master Dissertation, South Africa: University of Pretoria.

Junker, Laura Lee. (1999), *Raiding, Trading, and Feasting: The Political Economy of Philippine Chiefdoms*. Honolulu: University of Hawaii Press.

Kacowicz (2005), *The Impact of Norms in International Society: The Latin American Experience*, Notre Dame: University of Notre Dame Press.

Kao, Kim Hourn and Kaplan, Jeffrey A. (1999), *Principles under Pressure: Cambodia and ASEAN's Non-Interference Policy*, Phnom Penh: Cambodian Institute for Cooperation and Peace Press.

Kathryn, Reyerson (2012), "Identity in the Medieval Mediterranean World of Merchants and Pirates*", Mediterranean Studies*, 20 (2): 129-146.

Kaul, Manmohini (2001) ASEAN-India Relations during Cold War "in Fredric Grare and Amitabh Matto ed, India and ASEAN, Manohar Publishers, New Delhi.

Kaul, Manmohini (2005)"Indian Perspectives of Security Dimensions of India ad Southeast Asia", in V.R. Raghvan and Karl Fisher ed, Security Dimensions of India and Southeast Asia , Tata McGraw-Hill Publishing Company, New Delhi.

Kaul, Manmohini (2006), "India –ASEAN relations in the 21st Century: From Retrospect to Prospects", ISEAS of Vietnam.

Kaul, Manmohini (2007), "India's Look East Policy: Posture and Reality" in Y. Yagma Reddy, Emerging: India in Asia Pacific, New Delhi, New Century Publication.

Kaul, Manmohini (2008), "Regional Grouping: An Overview of BIMSTEC and MGC", *South Asian Survey,* 13 (2):124-134.

Kaye, Stuart (2010), "Indian Ocean maritime claims", *Journal of the Indian Ocean Region*, 6 (1): 113-128.

Keay, John,(2005), *Mad About Mekong: Exploration and Empire in South-East Asia*, London: Harper Perennial Publication.

Keohane, Robert O. and. Martin, Lisa L (1995), The Promise of Institutionalist Theory, *International Security,* 20 (1): 39-5.

Kevin, X. Li (2008), "Maritime logistics in Asia" *Maritime Policy & Management*, 9, 35 (1): 1-3.

Khurana, G.S. (2004), "Maritime security in the Indian Ocean: Convergence plus cooperation equals resonance" *Strategic Analysis,* 28 (3): 411-426.

Khurana, G.S. (2007), "The Maritime Dimension of India's Energy Security" *Strategic Analysis*, 31 (4): 583-601.

Khurana,Gurpreet S. (2011), "China's Maritime Strategy and India: Consonance and Discord", *Maritime Affairs*, 7 (2): 50-65.

Kim, Suk Kyoon (2011) Maritime Security Initiatives in East Asia: Assessment and the Way Forward", *Ocean Development & International Law*, 42 (3): 227-244.

Kim, Suk Kyoon (2011), "Maritime Security Initiatives in East Asia: Assessment and the Way Forward" *Ocean Development & International Law*, 42 (3): 227-244.

Klein, Bradley S. (1994), *Strategic Studies and World Order,* Cambridge: Cambridge University Press.

Kraft, Herman Joseph S (2000), "ASEAN and Intra-ASEAN relations: weathering the storm?", *The Pacific Review*, 13 (3): 453-472.

Kraska, James (2007), *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea,* Singapore: ISEAS.

Kraska, James (2011), Maritime Power and the Laws of the Sea,New York, Oxford University Press.

Kraska, James and Wilson, Brian (2008), "Fighting Pirates: The Pen and the Sword", *World Policy,* 25 (4): 41-53.

Kumar, Amit (2012), "Maritime History of India: An Overview", *Maritime Affairs*, 8 (1) 93-115.

Kun, Nhem (1998), *Regional Economic Integration Challenges and Options,* Phnom Penh: Cambodia Development Resource Institute.

Leifer, Michael (1989), *ASEAN and the Security of South-East Asia*, London: Routledge.

Leifer, Michael (1993), "Indochina and ASEAN: Seeking a New Balance", *Contemporary Southeast Asia*, 15 (3): 111-117.

Leifer, Michael (1999), "ASEAN Peace Process: A Category Mistake", *The Pacific Review*, 12 (1): 25-38.

Li, K. X & Cheng, Jin (2007), "The determinants of maritime policy, *Maritime, Policy & Management,* 34 (6): 521-533.

Liss, Carolin. (2007) "Southeast Asia's Maritime Security Dilemma: State or Market?" Japan Focus, [Online:web] Accessed on June 13, 2012, URL:http://japanfocus.org/products/ details/2444.

Lyle, Goldstein (2011), "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smoke, but Little Fire'' *Contemporary Southeast Asia*, 33 (3): 320-347.

Mahan, Alfred Thayer (1890), wrote the influence of sea power upon history, Boston, Little, Brown and Co.

Marchal, Roland (2011), "Somali Piracy: The Local Contexts of an International Obsession", *Humanity*, 2 (1): 31-50.

Mark J. Valencia (2005). "The Asian maritime security context, *The Adelphi Papers,* 45 (376): 9-23.

Marlow, Peter B. (2010), "Maritime Security: an update on key issues", *Maritime Policy & Management*, 37 (7): 667-676.

Max Boot (2009), "Pirates, Then and Now: How Piracy Was Defeated in the Past and Can Be Again*", Foreign Affairs*, 88 (4): 94-107.

McDaniel, Michael S. (2000), Modern High Seas Piracy. Presentation before the Propeller Club of the United States at the Port of Chicago [Online: web] Accessed 15 October. 2016, URL: http://www.cargolaw.com/presentations_pirates.htm.

McNicholas, Michael, (2008), *Maritime Security: An Introduction*, London: Elsevier publications.

Measures in the Straits of Malacca", *Contemporary Southeast Asia*, 31 (3): 424-446.

Mehta, Sureesh, (2010), "India's National Security Challenges: An Armed Forces Overview, *Maritime Affairs*, 5 (2): 1-14.

Metaparti, Prakash (2010), "Introduction to the special issue on maritime security", *Maritime Policy & Management,* 37 (7): 663-665.

Metaparti, Prakash (2010), "Rhetoric, rationality and reality in post-9/11, maritime security," Maritime Policy & Management, 37 (7): 723-736.

Mingjiang, Li (2010), "China and Maritime Cooperation in East Asia: recent developments and future prospects, *Journal of Contemporary China*, 19 (64): 291-310.

Misra, Udayon (1982), "Culture and Politics", *Economic and Political Weekly*, 17 (22): 899-900.

Mo, John (2002), "Options to Combat Maritime Piracy in Southeast Asia", *Ocean Development & International Law*, 33 (4) 343-358.

Mo, John (2002), "Options to Combat Maritime Piracy in Southeast Asia" *Ocean Development & International Law*, 33 (4): 343-358.

Mohan, C. Raja (2010), "India and the Changing Geopolitics of the Indian Ocean, *Maritime Affairs*, 6 (2): 1-12.

Mohan, C. Raja (2013), *Samudra Manthan: Sino-Indian Rivalry in the Indo-Pacific*, New Delhi: Oxford University Press.

Mohan, Raja c.(2008), " India's Geopolitics and Southeast Asian Security" *Southeast Asian Affairs*, Volume 2008, pp. 43-60 (Article) Published by Institute of Southeast Asian Studies For additional information about this article http://muse.jhu.edu/journals/saa/summa.

Mugridge, David (2010), "Canadian Maritime Hubris: The Absence of a Future Maritime Security, Strategy (FMSS), *and Defence & Security Analysis*, 26 (1): 107-115.

Muni, S. D. and Mohan, C. Raja (2004), "Emerging Asia; India's Options", *International* Munich Re Group (2006) Piracy- threat at sea: A risk analysis. [Online web] Accessed 16 February 2015 URL:http://www.munichre.com/publications/302-05053_en.pdf.

Murphy, Martin N (2007), "Chapter Two: Maritime Terrorism*," The Adelphi Papers,* 47 (388): 45-72.

Murphy, Martin N (2011), "Somali Piracy", *RUSI*, 156 (6): 4-11.

Murphy, Martin N (2011), "Somali Piracy", RUSI, 156 (6): 4-11.

Murphy, Martin N (2011), "Somali Piracy", *RUSI*, 156 (6): 4-11.

Murphy, Martin N. (2007), 'Chapter Three: Assessing the Threat", *The Adelphi Papers*, 47 (388): 73-88.

Murphy, Martin N. (2007), "Chapter Two: Maritime Terrorism", *The Adelphi Papers*, 47 (388): 45-72.

Mutthiah, Alagappa (2002), *Asian Security Order: Instrumental and Normative Approaches* Stanford: Stanford University Press.

Mutthiah, Alagappa (2002), *Asian Security Order: Instrumental and Normative Approaches* Stanford: Stanford University Press.

Naidu, G. V. C. (2004), "Whither the Look-East Policy: India and the Southeast Asia", *Strategic Analysis*, 28 (2): 331-346.

Naidu, G.V.C (1998), "India and ASEAN," *Delhi Papers,* 8 (2): 12-21.

Naidu, G.V.C (2000), *Indian Navy and Southeast Asia*, New Delhi, IDSA-Knowledge World .

Naidu, G.V.C. and Sisodia, N.S. (2006), *India–Japan: Partnership for Peace and Security in Asia*, New Delhi: Bibliophile.

Nincic, Donna J (2005), "The challenge of maritime terrorism: Threat identification, WMD and regime response" *Journal of Strategic Studies*, 28 (4): 619-644.

Nincic, Donna J. (2005), "The challenge of maritime terrorism: Threat identification, WMD and regime response", *Journal of Strategic Studies*, 28 (4): 619-644.

Obokata, (2013), "Maritime piracy as a violation of human rights: a way forward for its effective prevention and suppression?", *The International Journal of Human Rights*, 17 (1): 18-34.

Ong-Webb, Graham Gerard (2006), Piracy, Maritime Terrorism and Securing the Malacca Straits. Singapore: Institute of Southeast Asian Studies.

P. Chinglen, Singh(2012), "Implication of India's Look East Policy with human trafficking mainly women that reflect Social chaos and armed conflict", *International Journal of Scientific and Research Publications*, 2(10):1-14.

Panikkar, K. M. (1943), *The Future of India and Southeast Asia*, London: Allen & Unwin publishers.

Parmar, Sarabjeet Singh, (2012), "Somali Piracy: A Form of Economic Terrorism", *Strategic Analysis*, 36 (2): 290-303.

Paul, Joshy M. (2012), "India–Japan Security Cooperation: A New Era of Partnership in Asia", *Maritime Affairs*, 8 (1): 31-50.

Pearson, M. N. (1976), *Merchants and Rulers in Gujarat: The Response to the Portuguese in the Sixteenth Century,* Berkeley: University of California Press.

 * Piracy, Armed Robbery & Terrorism at Sea in Southeast Asia: A Global & Regional Outlook." In *ISEAS conference: Maritime Security, Maritime Terrorism and Piracy in Southeast Asia*. Singapore: ISEAS, 2004.

Poduval, Sanjay (2012), "Contours of Security in Cyberspace", *Maritime Affairs*, 8 (2): 73-94.

Potter, Robert (2012), The Importance of the Straits of Malacca [Online web] Accessed 16 February 2016, URL: http://www.e-ir.info/2012/09/07/the-importance-of-the-straits-of-malacca.

Prakash, P. (2009), *Maritime Security of Japan: Combating Non-traditional Security Threats In Southeast Asia,* Ph.D. Thesis, New Delhi: Jawaharlal Nehru University.

Purushothaman, Uma (2010), "Shifting Perceptions of Power: Soft Power and India's Foreign Policy", New Delhi, *Journal of Peace Studies*, 17 (2): 1-16.

Rahul Singh(2010), "China may be Monitoring Navy's Milan," Hindustan Times, February 5, 2010.

Raine, Sarah & Le Mire, Christian (2013), "Chapter Three: Southeast Asia – between emerging great-power rivalry, *Adelphi Series*, 53 (436-437): 105-150.

Ralf, Emmers (2005), *International relations in Southeast Asia: the struggle for autonomy,* New York: Rowman and Life field publishers.

Ram, A. N (2001), "India's Foreign Policy in the Asia-Pacific: Contemporary Issues," *Journal of International Studies and Analyses*, 1 (1): 23-27.

Rani, Sudesh (2012), "Indo-US Maritime Cooperation: Challenges and Prospects", Maritime Affairs, 8 (2): 123-143.

Rani, Sudesh (2012), "Indo-US Maritime Cooperation: Challenges and Prospects", *Maritime Affairs,* 8 (2): 123-143.

Rao, P V (2003), India *and Australia: new horizons*, Hyderabad, Mittal Publications.

Rao, P.V. (2010), "Indian Ocean maritime security cooperation: the employment of navies and other maritime forces", *Journal of the Indian Ocean Region*, 6 (1): 129-137.

Raymond, Catherine Zara (2006), "Maritime Terrorism in Southeast Asia: A Risk Assessment", *Terrorism and Political Violence*, 18 (2): 239-257.

Raymond, Catherine Zara (2009), "Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?" *Naval War College Review,* 62 (3): 31-42.

Reddy, K. Raja (2005), *Foreign Policy Dimensions for the 21st Century*, New Delhi, New Centuries Publications.

Rediker, Marcus (2004), *Villains of All Nations: Atlantic Pirates in the Golden Age*. Boston: Beacon Press.

Renwick, Neil and Abbott, Jason (1999), "Piratical Violence and Maritime Security in Southeast Asia, *Security Dialogue,* 30 (2) :183-196.

Risso, Patricia. (2001), "Cross-cultural Perceptions of Piracy: Maritime Violence in the Western Indian Ocean and Persian Gulf Region During a Long Eighteenth Century", *Journal of World History* 12 (2): 293-319.

Risso, Patricia. (2001), "Cross-cultural Perceptions of Piracy: Maritime Violence in the Western Indian Ocean and Persian Gulf Region During a Long Eighteenth Century", *Journal of World History* 12 (2): 293-319.

Ritchie, Robert C. (1986), Captain Kidd and the War against the Pirates, Cambridge, Harvard University Press.

Robert C. Beckman (2002), "Combating Piracy and Armed Robbery against Ships in Southeast Asia: The Way Forward", *Ocean Development & International Law*, 33 (4): 317-341.

Roberts, Julian (2006) "Compulsory Pilotage in International Straits: The Torres Strait PSSA Proposal," *Ocean Development & International Law*, 37(1): 93-112.

Sakhuja, Vijay (2000), "Maritime order and piracy" *Strategic Analysis*, 24 (5): 923-938.

Sakhuja, Vijay (2011), *Asian Maritime Power in the 21st Century: Strategic Transactions, China, India and Southeast Asia*, Singapore: ISEAS.

Saleeby, Najeeb M (1908), The History of Sulu   Manila, Bureau of Public Printing.

Saliou, Virginie (2010): "Making Brittany a Space for Maritime Politics: Building Capacity through the Politicization of Regional Identity", *Regional & Federal Studies*, 20 (3): 409-424.

Sar Desai, D.R (1997), *Southeast Asia: Past & Present*, Chiang Mai, Thailand: Silkworm Books.

Scott David (2007), "Asia Strategic Imperatives of India as an Emerging Player in Pacific *International Studies"*, 44: 123.

Sebastian Dent, Alexander (2012), Introduction: Understanding the War on Piracy, Or Why We Need More Anthropology of Pirates", *Anthropological Quarterly*, 85 (3): 659-672.

Sengupta, Bhabani, (1988), *SAARC-ASEAN: Prospects and Problems of Inter-Regional Co-operation,* New Delhi, South Asian Publishers.

Sheldon W. Simon (2005), "Southeast Asia's Defense Needs: Change or Continuity?" in Ashley Tellis and Michael Wills, (eds). *Strategic Asia 2005-06: Military Modernization in an Era of Uncertainty, Seattle*: The National Bureau of Asian Research.

Shergill, J.S. (2013), "Restructuring India's Military Out of Box Option", *Maritime Affairs*, 9 (1): 153-157.

Shicun (2009), *Maritime Security in the South China Sea Regional Implications and International Cooperation,* Surry**:** Ashgate publication.

Shie, Tamara (2006). 'China Woos the South Pacific', *PacNet*, Honolulu, 17 March 2006.

Shiploc (2010), "A Measure to Enhance Maritime Security", [Online web] Accessed 16 February 2015 URL:http://maritime-intelligence.cls.fr/shiploc.

Simon, Sheldon W.(2007), Safety and Security in the Malacca Straits: The Limits of Collaboration.

Singh, Abhijit (2013), "The Untold Story of a Coast", *Maritime Affairs*, 9 (1): 158-160.

Singh, Amit (2012), "Emerging Trends in India–Myanmar Relations", *Maritime Affairs*, 8 (2): 25-47.

Singh, Amit (2012), "South China Sea Disputes: Regional Issue, Global Concerns", Maritime Affairs, 8 (1): 116-135.

Singh, Daljit (2001), The Geopolitical Interconnection between South and Southeast Asia", in India and ASEAN: The Politics of India's Look East Policy, (eds) Frederic Grare and Amitabh Mattoo (New Delhi: Manohar)

Singh, K.R (2004), "India, Indian Ocean and Regional Maritime Cooperation, *International Studies,* 41 (5): 195-218.

Singh, K.R (2010), "India and the Indian Ocean: Possibilities for Forging Regional Partnerships", *International Studies,* 47 (4): 363-378.

Singh, K.R. (2001), "Regional cooperation in the Bay of Bengal: Non-conventional threats—maritime dimension", *Strategic Analysis*, 24 (12): 2199-2217.

Singh, K.R. (2003) "The Changing Paradigm of India's Maritime Security", *International Studies,* 40 (8): 229-245.

Singh, K.R. (2008), Maritime Security for India New Challenges and Response, New Delhi, New Century Publication.

Singh, Swaran (1999), "Continuity and change in China's maritime strategy," *Strategic Analysis*, 23(9): 1493-1508.

Singh, Swaran, (2003), *China-South Asian: Issues, Equations, And Policies*, New Delhi: Lancers Books.

Singh, Swaran, (2005), *China-India Economic Engagement: Building Mutual Confidence,* New Delhi: Centre de Sciences Humaines publication.

Smith, L.R. and Michael (2008) "Correspondence ASEAN, Regional Integration, and State Sovereignty", *International Security,* 33 (2): 182-188.

Snyder, Craig A. (2006), "Southeast Asian Perceptions of Australia's Foreign Policy," *Contemporary Southeast Asia*, 28 (2): 322-340.

SOLAS (1974), International Convention for the Safety of Life at Sea", [Online web] Accessed 16 February 2015 URL: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx.

Sorpong Peou (2002) Realism and constructivism in Southeast Asian security studies today: a review essay, *The Pacific Review*, 15 (1): 119-138.

Sridharan, Kripa (1996), *The ASEAN Region in India's Foreign Policy,* Ipswich: Suffolk-Ipswich Books.

Steinberg, David Joel, (1987), *In Search of Southeast Asia: A Modern History,* London: Allen & Unwin.

Stubbs, Richard (1995), "Competing conceptions of economic regionalism: APEC versus EAEC", *Review of International Political Economy*, 2 (3): 516–535.

Tafte, Patricia and Umana, Felipe (2012), Threat Convergence Transnational Security Threats in the Straits of Malacca [Online web] Accessed 16 February 2016, URL:http://library.fundforpeace.org/library/ttcvr1213-threatconvergence-malaccastraits-08e.pdf.

Teo, Yang Yun (2007), "Target Malacca Straits: Maritime Terrorism in Southeast Asia", Studies in Conflict & Terrorism, 30 (6): 541-561.

Teo, Yang Yun (2007), "Target Malacca Straits: Maritime Terrorism in Southeast Asia", *Studies in Conflict & Terrorism*, 30 (6): 541-561.

Thai, Vinh V (2009), "Effective maritime security: conceptual model and empirical evidence, *Maritime Policy & Management* 36 (2): 147-163.

UNCTAD(2006), "Trade and Development Report", [Online web] Accessed 16 September 2013 URL: http://unctad.org/en/docs/tdr2006_en.pdf

UNCTAD(2014), United Nations Conference On Trade and Development "Maritime Piracy: An Overview of The International Legal Framework and of Multilateral Cooperation to Combat Piracy [Online web] Accessed 16 June 2015 URL: http://oceansbeyondpiracy.org/sites/default/files/attachments/UNCTAD%20Part%20II.pdf

UNCTAD(2015), "Trade and Development Report", [Online web] Accessed 16 February 2016 URL: http://unctad.org/en/PublicationsLibrary/tdr2015_en.pdf.

UNCTAD(2015), "Trade and Development Report", [Online web] Accessed 16 February 2016 URL: http://unctad.org/en/PublicationsLibrary/tdr2015_en.pdf

*UNDP (2012), *Human development Report 2012*, London: Oxford University Press.

*United Nations (1983), *The Law of the Sea*, 1983, New York: UN Publications.

Upadhyaya, Shishir (2010), "Malacca Strait Security Initiative: Potential for Indian Navy's Participation in the Evolving Regional Security Environment, *Maritime Affairs*, 5 (2): 47-67.

Upadhyaya, Shishir(2010), Combating Maritime Piracy in Indian Ocean, New Delhi, Manas Publication.

Valencia, Mark J. (2000), "Regional Maritime Regime Building: Prospects in Northeast and Southeast Asia," *Ocean Development & International Law*, 31 (3): 223-247.

Valencia, Mark J. (2005), "The Asian maritime security context, *The Adelphi Papers,* 45 (376): 9-23.

Valencia, Mark J. (2005), "The Asian maritime security context", *The Adelphi Papers*, 45 (376): 9-23.

Valencia, Mark J. (2005), "The proliferation security initiative", *The Adelphi Papers*, 45 (376): 25-38.

Vasan, R.S. (2012), "India's Maritime Core Interests, Strategic Analysis, 36: (3): 413-423.

Venkatshamy, Krishnappa (2013), "The Indian Ocean Region in India's strategic futures: looking out to 2030", *Journal of the Indian Ocean Region*, 9 (1): 17-41.

Vijay Sakhuja (2011), *Asian Maritime Power in the 21st Century: Strategic Transactions China, India and Southeast Asia*, New Delhi, Pentagon Press.

Vre, Francois (2011), "Securitising piracy*", African Security Review*, 20 (3) 54-66.

Wendt. Alexander (1992), "Anarchy is what States Make of it: The Social Construction of Power Politics", *International Organization,* 46 (2):391-425.

Wilson, Brian (2010), "Responding to Asymmetric Threats in the Maritime Domain: Diplomacy, Law and Naval Operations, *Maritime Affairs*, 5 (2): 68-85.

Wohlschlegel, Robert, Curtis W. Turner, and Dr. Kent Butts (2004), Issue Paper, "Maritime Threats Workshop", Center for Strategic Leadership, U.S. Army War College, 9 (4), [Online: web] Accessed 15 Feb. 2015, URL: http://www .carlisle. army.millusacsl/publications/IP09-04.pdf.

*World Bank (1993), *The East Asian Miracles* 1993, Washington: World Bank.World Bank (2012), *World Development Report 2012*, New York: Oxford University Press.

You Ji (2007), "Dealing with the Malacca Dilemma: China's effort to protect its energy supply", in Strategic Analysis, 31(3) : 467-489.

Young, Adam J. (2007), Contemporary Maritime Piracy in Southeast Asia: History, Causes, and Remedies Singapore: ISEAS.