



Behind The Headlines by BUNNI NAGARA

▶ The law requires all hands on deck

As incidents of pirate attacks vary widely, it is more important to understand the issues and work together optimally against piracy.

ANYONE trying to keep track of pirate incidents anywhere in the world may be forgiven for being confused. The numbers can be slippery, misleading or seemingly contradictory. In two years or just one, the number of attacks in any area can be said to be high or low. Much depends on defining a pirate attack, the combination of circumstances for the frequency cited, the area of the incidents and any spin added. These apparent variations are not seasonal and need not be deliberate. A "low" rating is no cause for celebration any more than a "high" rating is cause for panic. These realities apply as much to the South China Sea and the Straits of Malacca as to anywhere else. But first, some basic issues need to be understood. Piracy remains a problem in several global hotspots. Its severity at any time in any place depends on variable local conditions often beyond the control of both victims and pirates. In these locations, the problem is never so light as to merit being ignored, nor so daunting as to be insurmountable. That leads to the third point: nobody can afford to be complacent because everyone can always do better. Because pirates themselves believe that, the authorities need to redouble efforts in doing it. A good place to begin is the definition of "piracy" itself. Who actually are pirates, and what does piracy entail? A strictly technical definition, which is what usually counts, regards piracy as any crime undertaken at sea. It may or may not include a crime conducted on a vessel moored at a wharf or jetty, as distinct from when the vessel is transiting or anchored in a waterway. The dimensions of a definition may depend on its purpose as well. Shipping agencies tend to prefer a broader definition, while insurance agents may prefer a narrower one, relative to their respective interests. When higher chargeable premiums are concerned, the results can be ridiculous. Until 2006, for example, the joint War Committee of Loyds' of London had classed the Straits of Malacca as a "war-risk area". But then nothing about piracy is quite so sublime either. Piracy is more messy criminality than swashbuckling adventure. Just as pirates are more desperate gangsters than romantic Jack Sparrows or iconic Long John Silvers. Where pirates operate, the implications of piracy remain pernicious and persistent. Yet regardless of whether it is rated as "rampant" in any particular period, piracy can always be significantly neutralised if not eliminated. In acknowledging the realities of piracy, it also pays to rebut several myths about it. There can be no socially redeeming function for piracy. Whether bloodthirsty or not, pirates do not operate as Robin Hoods of the high seas. Although piracy necessarily denotes ship based crimes, they need not exclusively be seaborne crimes. A land connection is often involved, such as in the recruitment of crews, the sourcing of weapons and the "fencing" of stolen goods. This implies that inland areas and even adjacent landlocked countries may be involved, whether wittingly or unwittingly. However, littoral states and archipelagos in troubled areas are naturally prone to piracy. In South-East Asia, the largest country Indonesia which also happens to comprise a record 13,466 islands is known as a pirate haven. The Philippines is seen to come in second with 7,107 islands. The frequency of piracy varies directly with the rich pickings afforded by passing vessels, as well as with the number of small islands or rocky islets that offer hiding places. In the armed raid on the Japanese oil tanker *Naniwa Maru* last Tuesday, police suspect the pirates are still hiding in nearby remote islands after siphoning off three million litres of diesel. Another myth that needs to be laid to rest is the common assumption that pirates are a breed unto themselves, distinct from other seafarers. In practice, pirates are often part of the local community, not uncommonly the local fishing community. They happen to sense a need for additional income and have the opportunity to do so unlawfully. In the *Naniwa Maru* incident, police reportedly suspect three of the tanker's missing crew members - including the captain - as possible accomplices. If even the most senior crew members cannot be trusted, who can shipping agencies turn to for security? This problem is related to another myth - that everyone is doing all they can to prevent piracy. The general public is often uninvolved and under-informed, or generally apathetic and helpless. The authorities themselves may lack the necessary resources and support structure to deter and apprehend pirate gangs. Insurers can also be indifferent so long as they have a basis for raising insurance premiums.



Keeping an eye: A Malaysian police boat patrolling near the 'Naniwa Maru' at Port Klang last week. Five armed suspects robbed the Japanese oil tanker of two million litres of diesel and were believed to have seized three crew members while traversing the Straits of Malacca. — EPA

Even shipping agencies remain lackadaisical when they see the occasional losses to piracy as merely part of "operational costs" they have come to accept, given their wide profit margins.

Adding to the problem is that all those involved in the arrest, identification and detention of pirate suspects - and in the court testimonies that follow - would be in for long drawn-out hearings.

International law remains a maze of complicated arguments over the jurisdiction of different national authorities in the prosecution and incarceration processes.

But none of these issues constitute a sound basis for taking limited or no action. Failure to exert the law to its fullest extent can only invite even worse outcomes.

The larger problems often conveniently ignored include the near-certainty of encouraging more piracy.

And since piracy tends to be transnational crimes that increasingly involve violent criminal syndicates. The rising incidence also leads to rising crime on land.

Further, if pirates are seen to be getting away with their ill-gotten booty, terrorists may also feel encouraged to try their luck.

The loot would include the wealth of cargo, ransoms from hostages and the hijacked vessels for use in various nefarious purposes.

Often enough, the apparent lawlessness on the seas reflects a corresponding lawlessness on the adjacent land. That is why Somali pirates have come into their own.

Such fears have revived the Thai Canal idea that cuts across the Kra Isthmus, shortening the distance between the Indian and Pacific Oceans.

Apart from the strategic complications, that does not solve the piracy problem which would simply be swept further northwards. Some of that has already happened with more vigilance in the Malacca Straits.

It is all the more reason why coastal states that abut the South China Sea and the Straits of Malacca must do more against piracy.

Efforts in recent years have already seen positive results, but there remains room for improvement.

Asean nations readying themselves for a more cohesive Asean Community cannot afford to do any less.

Singapore is not Somalia and the Gulf of Thailand is not the Gulf of Aden.

The quality of governance at sea is as important as it is on land.

Some sections of the private sector have already shown the way.

In the cruise industry, for example, the cruise line that actively operates in this region (despite customary confidentiality) is also known to be the best prepared against pirate attacks.

Much of the rest depends on national governments and law enforcement agencies to take their cue from there.

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