

The Return of Sophisticated Maritime Piracy to Southeast Asia

Justin V. Hastings

ABSTRACT

What explains the recent (perhaps temporary) resurgence of sophisticated maritime pirate attacks in Southeast Asia in the face of strong regional counter-piracy efforts? Given Southeast Asian countries' relatively well-functioning institutions, political, economic, and conflict-related explanations for the return of piracy are incomplete. As an innovative extension to structural arguments on piracy incidence, we take an approach that focuses on adaptation by the pirates themselves, using incident-level data derived from the International Maritime Organization to track how sophisticated pirate organizations have changed what, where, and how they attack. In response to counter-piracy efforts that are designed to deny pirates the political space, time, and access to economic infrastructure they need to bring their operations to a profitable conclusion, pirates have adapted their attacks to minimize dependence on those factors. Within Southeast Asia, this adaptation varies by the type of pirate attack: ship and cargo seizures have shifted to attacks that move quickly, ignore the ship, and strip only cargo that can be sold profitably, while kidnappings involve taking hostages off ships to land bases in the small areas dominated by insurgent groups. The result is a concentration of ship and cargo seizures in western archipelagic Southeast Asia, and a concentration of kidnappings in areas near Abu Sayyaf Group strongholds.

Keywords: Southeast Asia, maritime, terrorism, piracy, state fragility, innovation

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1. Introduction

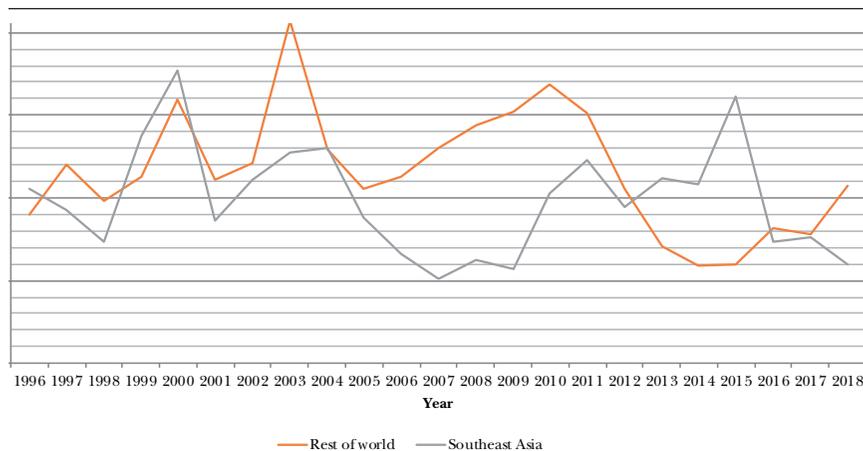
What explains the resurgence of sophisticated pirate attacks in Southeast Asia over the past decade? In the 1990s, piracy in Southeast Asia was primarily a concern in the South China Sea, where ships were hijacked and their cargo seized. Attacks in the Malacca

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Strait peaked in 1999 and 2000, leading to worries that Southeast Asia was the main global hotspot for piracy.¹ This changed with the rise of piracy off the coast of Somalia from 2005. Yet Southeast Asia continues to have a preeminent place in global maritime piracy: even after a new downturn in piracy in Southeast Asia in 2017 and 2018, there is nearly as much piracy in the region as in the rest of the world combined (figure 1).

Figure 1
Total successful attacks in Southeast Asia v. rest of world (1996–2018)



Source: Author's calculations derived from IMO data, 2019.

Academic research on piracy in Southeast Asia has not disappeared, and has seen something of a revival as scholars document new trends (and responses to those trends), as well as the role of piracy in governance, overall crime, and rebellion.² Attacks in Southeast Asia began creeping up after 2007, until 2015 (161 attacks) marked the highest number of attacks since

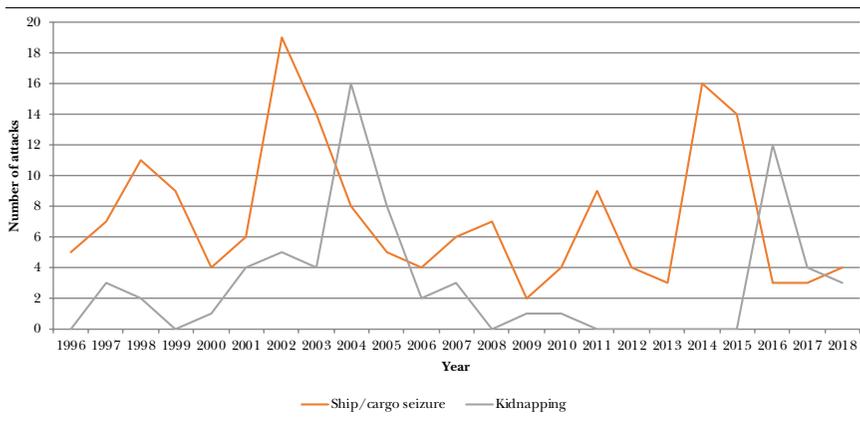
¹ Carolin Liss, "Maritime Piracy in Southeast Asia," *Southeast Asian Affairs* 2003 29 (2003): 52–68; Peter Chalk, "Low Intensity Conflict in Southeast Asia: Piracy, Drug Trafficking, and Political Terrorism," *Conflict Issues* 305/306 (Leamington Spa, UK: Research Institute for the Study of Conflict and Terrorism, January/February 1998).

² Carolin Liss, *Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh* (Singapore: ISEAS-Yusof Ishak Institute, 2010); Carolin Liss and Ted Biggs, eds., *Piracy in Southeast Asia: Trends, Hot Spots and Responses* (London: Routledge, 2016); Yasutaka Tominaga, "Exploring the Economic Motivation of Maritime Piracy," *Defence and Peace Economics* 29, no. 4 (2018): 383–406; Ursula E. Daxecker and Brandon C. Prins, "Searching for Sanctuary: Government Power and the Location of Maritime Piracy," *International Interactions* 41, no. 4 (2015): 699–717; Ursula Daxecker and Brandon C. Prins, "Financing Rebellion: Using Piracy to Explain and Predict Conflict Intensity in Africa and Southeast Asia," *Journal of Peace Research* 54, no. 2 (2017): 215–230; Ursula Daxecker and Brandon Prins, *Pirate Lands: Governance and Maritime Policy* (Oxford: Oxford University Press, manuscript).

2000. Southeast Asia has in fact seen more successful attacks than East Africa and the Arabian Sea for every year since 2010, and saw more attacks than the rest of the world combined between 2011 and 2015 (figure 1).

Sophisticated attacks—ones that rise above the level of a simple robbery at sea (or in port)—followed a similar pattern. While ship/cargo seizures peaked in 2002 in Southeast Asia, and declined until 2007, as with attacks overall, they also rose, however irregularly, from 2007, and reached their highest frequency since 2002 in 2014 and 2015. Kidnappings in Southeast Asia peaked in 2004 at the height of the Gerakan Aceh Merdeka (GAM) insurgency in Aceh, and then declined precipitously from there, remaining relatively low until 2016 and 2017, when they increased substantially, this time at the intersection of the Philippines, Malaysia, and Indonesia (figure 2), before falling off again in 2018. This warrants explanation. While simple robberies at sea are a nuisance, sophisticated attacks take a ship, its cargo, and/or its crew out of commission for a period of time, possibly permanently, and impose costs associated with retrieving the ship, cargo, and crew. A single hijacking, for instance, on a shipping route between Europe and Asia increases maritime transport costs for that year by an estimated 1.2 percent.³ As such, the return of sophisticated attacks in Southeast Asia has significant economic and security consequences.

Figure 2
Sophisticated attacks in Southeast Asia (1996–2018)



Source: Author's calculations derived from IMO data, 2019.

³ Immaculda Martinez-Zarzoso and Sami Bensassi, "The Price of Modern Maritime Piracy," *Defense and Peace Economics* 24, no. 5 (2013): 397–418.

In this paper, we place the explanation for the relative resurgence of Southeast Asian sophisticated piracy since its inflection point in 2007 in the realm of adaptations by violent maritime organizations (both piracy syndicates and maritime-capable terrorist and insurgent groups) to the counter-piracy measures that caused the drop in attacks in the region before 2007. These adaptations allowed, first, the reconfiguration and rise of ship/cargo seizures, and second, the more recent rise in, and territorial shift of, maritime kidnappings in Southeast Asia. Alternative structural explanations for the increase in sophisticated piracy attacks are only partially satisfying, in large part because overall political, economic, and social conditions have not become more favourable to Southeast Asian piracy in recent years.

It is difficult to directly observe the internal workings and motivations of pirates and their organizations. Instead, we adopt what might be called a bottom-up approach⁴: using International Maritime Organization incident-level data on pirate attacks, we can observe the characteristics of pirates' public behaviour: who, where, and how they attack. We can use this data to show how pirates' behaviour adapted to mitigate or circumvent the obstacles created by the counter-piracy measures, thus allowing sophisticated pirate attacks to arise once again even without changes in political and economic conditions. As such, our argument serves as a complement to structural arguments about piracy incidence.

We theorize counter-piracy measures as attempts to deny pirates access to the necessary inputs for different types of sophisticated piracy, and pirate adaptation as shifts in location, targeting, and operations (as shown in the IMO data) to minimize the need for those inputs, or to maximize access to those inputs subject to the constraints imposed by counter-piracy measures. Profitable completion of sophisticated pirate attacks requires political space, time, and access to economic infrastructure in differing quantities, and counter-piracy measures in Southeast Asia were designed to decrease or deny pirates' access to these inputs. In response to counter-piracy measures to reduce the ability of pirates to dispose of a hijacked ship profitably—by reducing the time pirates have to transfer or sell off the ship and cargo, and by denying pirates access to ports and markets—those engaged in ship/cargo seizures have shifted to attacks that quickly take difficult-to-trace cargo off the ship while at sea, and do not attempt to dispose of the ship itself. While maritime kidnappings have been less affected by denial of ports and markets, such attacks in Southeast Asia have shifted from being a phenomenon concentrated in the Malacca Strait to one perpetrated in waters adjacent to the southern Philippines, as Abu Sayyaf Group (ASG), and those operating under cover of ASG, shift to a maritime version of their escalating land-based campaign. The territorial shift between areas with insurgent activity, and the

⁴ Thanks to the editor for the suggestion of this term.

practice of taking the hostages off the ship to land, has had the effect of maximizing the political space and time available to the pirates for ransom negotiation even as states with relatively well-functioning institutions have attempted to stop them.

2. Data and Definitions

The data for this paper comes from a dataset built on reports of successful piracy incidents,⁵ as recorded by the International Maritime Organisation (IMO), between 1996 and 2018, with successful attacks defined as ones where the pirates were able to board or damage the ship (we ignore attempts since we do not know how these attacks would have turned out, or even if they were attacks at all). While there is significant overlap with other data sources, such as the International Maritime Bureau's (IMB) Piracy Reporting Centre, and the National Geospatial-Intelligence Agency's Anti-Shipping Activity Messages, we use the IMO data for several reasons. First, the IMO is one of the longest-running open source datasets, allowing for over-time comparisons spanning more than twenty years. Second, the IMO uses the IMB as a data source, along with national government reporting, and as such generally encompasses both IMB and other data. Third, where most other data sources usually provide only location and a narrative at the incident level, the IMO codes the information about each attack into discrete categories (such as status of ship, size of ship, and level of violence used), and has maintained relatively consistent categories since 1996, allowing for minimal re-coding when deriving our data, and easing over-time comparison.

Our IMO-based dataset totals 4951 incidents, of which 2273 took place in Southeast Asia. Where possible, we coded characteristics of each incident that might show pirate adaptation, including the date of the attack, the tonnage and flag country of the ship targeted, the location (whether in port, territorial waters, or international waters), nearest country, nearest city, and region of the attack, the status of the ship (whether underway or not), whether and what level of violence was used, the number of pirates involved, whether the ship, cargo, or people were taken away, what was stolen (if a robbery), and what weapons the pirates were using.

The IMO does not code the sophistication of attacks. For our purposes, based on previous work,⁶ we coded attacks as ship and cargo seizures when pirates hijacked the ship, and then removed (or attempted to remove) the cargo (usually to another ship or a port), or took the entire ship and its

⁵ Under Article 101 of the United Nations Convention of the Law of the Sea (UNCLOS) international law, "piracy" as such only applies to attacks by private actors that take place in international waters, while maritime attacks in ports or territorial waters are considered "armed robbery at sea." For the purposes of this paper, we include attacks in ports and territorial and international waters.

⁶ Justin V. Hastings, "Understanding Maritime Piracy Syndicate Operations," *Security Studies* 21, no. 4 (2012): 683–721.

cargo, and disposed of them profitably (usually by disguising and reselling the ship and/or cargo). We coded attacks as kidnappings when pirates seized the ship, and took hostages off the ship (usually to another ship or a land-based hideout), or kept the hostages on the ship, and demanded ransom for the hostages, or for both the ship and the hostages.⁷ In both cases, we tracked whether the pirates seized the ship, or left it alone after their attack (see table 3). We coded attacks as robberies when the pirates boarded the ship and stole (or attempted to steal) small items—crew belongings, money and valuables, ship parts, and the like—rather than the bulk cargo that the ship was tasked with carrying (such as oil, tin ingots, scrap metal, and the like). Based on our codings, the vast majority of Southeast Asian attacks—2006—were robberies, and 26 were attacks where the pirates' intentions could not be divined. While important due to their complexity and consequences, sophisticated attacks were a small percentage of the total: only 167 were ship seizures, cargo seizures, or ship and cargo seizures, and 69 were kidnappings or kidnappings for ransom.

Our definitions of the different categories of piracy differ from those of the reporting centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP), which divides pirate attacks into categories based on the severity of the attacks. According to ReCAAP's definitions, category 1 attacks involve large numbers of heavily armed perpetrators harming the crew and/or stealing the ship and/or cargo, category 2 involves medium numbers of armed pirates stealing goods and valuables from the ships, category 3 involves pirates, some armed, who do not harm the crew, and do not always make off with goods, and category 4 involves incidents where the pirates were unable to do any damage or steal much (if anything).⁸ While ship/cargo seizures and kidnappings for ransom would likely fall into category 1, we choose to use our own definitions because our dataset can provide nuance in specific characteristics of the incidents (not all kidnappings are violent, for example, and ship/cargo seizures and kidnappings, while both sophisticated, require different inputs and skill sets by the pirates), and because our definitions can provide consistency across incidents throughout the entire world (while Southeast Asian ReCAAP only reports on incidents in Asia).

3. Explaining the Rise (Again) of Maritime Piracy in Southeast Asia

In the literature on piracy, the most straightforward explanations for piracy incidence are generally (1) a breakdown in state capacity, (2) an increase in conflict, and/or (3) an increase in economic privation.

⁷ We coded as robberies incidents where pirates took crew members hostage on board the ship while robbing the ship, but did not attempt to extract a ransom.

⁸ ReCAAP Information Sharing Centre, "Piracy and Armed Robbery against Ships in Asia 2015," (Singapore: ReCAAP, 2016).

All three explanations are interrelated. In the economic privation thread, workers turn to maritime piracy as their ability to make a living outside of piracy decreases, or as non-piracy occupations (such as fishing) become less lucrative.⁹ A decline in fisheries stocks, for example, can lead fishermen to turn to piracy as their economic opportunities decline, or as pirates move to protect fisheries.¹⁰ Similarly, an increase in labour and capital-intensive commodity prices can decrease the number of piracy attacks in an area, as individuals who would otherwise engage in piracy find it more profitable to go into other industries.¹¹

Economic privation does not consistently lead to different types of piracy, however. Tominaga finds that unsophisticated piracy attacks do increase as fisheries production declines, but sophisticated piracy attacks are unrelated to fish values or production in a given area.¹² This is arguably because sophisticated attacks may often be masterminded by individuals who have enough human capital and financial resources to withstand economic downturns.

In the state capacity thread, a decrease in institutional capacity can lead to an increase in opportunities for pirates to attack, as they are able to operate with less concern about being taken down by law enforcement officials and military units, or tried successfully in courts.¹³ Piracy incidents also tend to occur farther away from centres of state power within a country as state institutions become more powerful, and closer as the institutions become weaker.¹⁴

Often a breakdown in state institutional capacity is either precipitated by or causes violent conflict, the third thread.¹⁵ In a conflict, criminal elements may take advantage of the breakdown in law and order to engage in crime, the militants themselves may turn to maritime attacks as a way to raise revenue for their cause, or the maritime targets may be part of the larger political

⁹ Stefan Eklöf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: Nordic Institute of Asian Studies, 2006); Eric Frecon, "Piracy and Armed Robbery at Sea Along the Malacca Straits: Initial Impressions from Fieldwork in the Riau Islands," in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, ed. Graham Gerard Ong (Singapore: Institute for Southeast Asian Studies, 2007), 68–83; Ursula Daxecker and Brandon Prins, "Insurgents of the Sea: Institutional and Economic Opportunities for Maritime Piracy," *Journal of Conflict Resolution* 57, no. 6 (2013): 940–965.

¹⁰ Jatin Dua, *Captured at Sea: Piracy and Protection in the Indian Ocean* (Berkeley, CA: University of California Press, 2019).

¹¹ Ryan S. Jablonski and Steven Oliver, "The Political Economy of Plunder: Economic Opportunity and Modern Piracy," *Journal of Conflict Resolution* 57, no. 4 (2013): 682–708.

¹² Tominaga, "Exploring the Economic Motivation of Maritime Piracy," 1–24.

¹³ Martin N. Murphy, "Piracy and the Exploitation of Sanctuary," in *Armed Groups: Studies in National Security, Counterterrorism and Counterinsurgency*, ed. Jeffrey H Norwitz (Newport, RI: U.S. Naval War College, 2008).

¹⁴ Daxecker and Prins, "Searching for Sanctuary," 699–717.

¹⁵ Martin N. Murphy, *Small Boats, Weak States, Dirty Money: Piracy & Maritime Terrorism in the Modern World* (London: Hurst & Company, 2008).

conflict.¹⁶ In a conflict, state institutions may also divert resources away from fighting piracy to fighting other types of violence, leading to openings for pirates.¹⁷

Other studies have built a nuanced picture of the relationship between state failure, conflict, and piracy incidence. To the extent that state weakness and failure can be associated with fragmentation of elites in a given territory, too much fragmentation is not necessarily ideal for piracy operations. While unsophisticated pirate attacks (such as armed robbery at sea and in port) increase as a state approaches “anarchy,” sophisticated pirate attacks thrive when states are weak but still functioning, not when the state has totally collapsed.¹⁸ If elites in a state or territory are united against piracy, then pirates have no ability to co-opt or otherwise compromise state institutions, and elites are likely able to crack down. If elites are incredibly fragmented (as might happen in a major civil war), individual elites are unable to provide pirates with any security assurances.¹⁹

More generally, even in fragile states with significant conflict, sophisticated pirate operations are shaped by institutions, if not always by state coercive institutions. Both formal and informal institutions check pirates’ behaviour and allow (or do not allow) them to bring their operations to a successful conclusion. In the Gulf of Guinea, for example, pirates engaged in maritime oil seizures rely on access to formal economic infrastructure associated with the oil industry, and acquiescence or buy-in from elites with ties to that infrastructure. In Somalia, pirates engaged in kidnappings for ransom are embedded in informal networks and understandings that provide justification narratives, shape how the operations themselves are structured, and give time and political space for successful negotiations.²⁰

Applied to Southeast Asia, an increase in economic privation (such as through a downturn in the economy or a decrease in fishing stocks) could lead to an increase in unsophisticated pirate attacks, but is less able to explain a rise in sophisticated piracy attacks. Southeast Asian countries have been growing relatively robustly since the dark years immediately after the Asian Financial Crisis. While there was an economic slowdown in Southeast Asia

¹⁶ Victor Asal, Justin V. Hastings, and Karl Rethemeyer, “Maritime Insurgency,” (Sydney and Albany: University of Sydney and the University at Albany, State University of New York, 2019).

¹⁷ Daxecker and Prins, “Insurgents of the Sea,” 940–965; Ursula E. Daxecker and Brandon C. Prins, “The New Barbary Wars: Forecasting Maritime Piracy,” *Foreign Policy Analysis* 11, no. 1 (2015): 23–44.

¹⁸ Bridget L. Coggins, “Failing and the Seven Seas? Somali Piracy in Global Perspective,” *Journal of Global Security Studies* 1, no. 4 (2016): 251–269.

¹⁹ Sarah Percy and Anja Shortland, “The Business of Piracy in Somalia,” *Journal of Strategic Studies* 36, no. 4 (2013): 541–578; Olaf J. de Groot, M.D. Rablen, and Anja Shortland, “Gov Aargh Nance – ‘Even Criminals Need Law and Order,’” (Berlin: DIW Berlin, 2011); World Bank, “Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities Off the Horn of Africa,” (Washington, DC: World Bank, 2013).

²⁰ Justin V. Hastings and Sarah Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” *African Affairs* 114, no. 457 (2015): 555–576.

in 2008 and 2009 in line with the global financial crisis, those years were actually part of the trough in successful pirate attacks in the region (figure 1) (and in any case, only Malaysia actually experienced negative growth).²¹

In terms of state institutions and conflict, compared to the Horn of Africa or the Gulf of Guinea, Southeast Asia's relatively well-functioning state institutions serve as significant constraints on piracy networks' incidence and behaviour; if pirates want to continue operating in the face of changes in state and industry counter-piracy measures, they must adapt their behaviour to circumvent state institutions or to minimize the effects of enforcement. Moreover, terrorist and ethnic conflicts in the region have either been on the decline or (with the exception of the southern Philippines, which we discuss below) have not been in areas that are particularly close to piracy hotspots (the southern Thai insurgency, for example, is located near very few maritime attacks). Measures of state capacity indicate, in fact, that the state capacity of the relevant states—Indonesia, Malaysia, Singapore, and the Philippines—was either already high to begin with (as in Singapore), remained relatively constant over the time period (as in Indonesia and Malaysia), or actually improved after bottoming out (as in the Philippines).²² In this, looking at how pirates have adapted to counter-piracy measures—the decisions of the pirates themselves—can serve as a complement to structural arguments that can explain overall piracy incidence, but are partly unsatisfying when attempting to explain changes in piracy incidence or pirate tactics in the face of relatively constant political and economic conditions.

4. Adaptations in Sophisticated Pirate Attacks

While it is difficult to discover the internal workings of violent maritime organizations without extensive, risky fieldwork (although some researchers have been known to interview pirates),²³ it is significantly more straightforward to look at the very public fruits of pirates' decisions—the characteristics of the attacks themselves—and to see how the attacks have changed over time following counter-piracy measures.

We argue that the (perhaps temporary) return of sophisticated piracy to Southeast Asia is a function of adaptations and innovation by pirates in response to the constraints imposed on them by the counter-piracy measures adopted in the region. Moreover, these innovations are bifurcated by different types of sophisticated attacks. For ship and cargo seizures, what are likely organized crime syndicates have adapted to the main measures against ship/cargo seizures in the past designed to make hijacked ships unsellable by

²¹ World Bank Group, "World Development Indicators," (Washington, DC: World Bank Group, 2017).

²² World Bank Group, "Worldwide Governance Indicators," (Washington, DC: World Bank, 2016).

²³ Daxecker and Prins, *Pirate Lands*; Eklöf, *Pirates in Paradise*.

staging attacks where selling or disguising the ship is unnecessary, decreasing the time frame and infrastructure required. They have also moved to attacking ships that are more likely to have cargo that can be seized than ships that might have resale value.

For kidnappings for ransom, by contrast, insurgent groups in the southern Philippines, long capable of staging attacks across international borders and operating long distances over water, have moved to staging attacks against ships underway. Given the requirements for successful kidnappings for ransom, kidnappings where the pirates take the hostages and leave the ship are the norm in Southeast Asia because the pirates operate with a very small amount of political space and territorial control within states that are, overall, relatively functional. These constraints result in a situation where they are able to kidnap individuals and negotiate ransoms, but hold them for relatively short periods, and must hold them in secret (rather than out in the open).

Pirates must deal with two constraints to carry out sophisticated attacks (see table 1). First, pirates need political space and time to carry out the operation to its profitable conclusion. Second, they need economic infrastructure to allow the operation to be concluded profitably. Different types of sophisticated attacks require these inputs in different quantities to be successful. Ship and cargo seizures require little political space and time, but require more supporting economic infrastructure. Kidnappings for ransom do not require particularly sophisticated economic infrastructure, but they do require political space and time.²⁴

Because ship/cargo seizures can be completed relatively quickly, they do not necessarily require much time. Hijacked ships are often repainted and disguised within hours, although selling the ship may take days (assuming the hijackers already have a buyer arranged). Seizures where the cargo is offloaded onto another ship can also be accomplished within hours. Kidnappings for ransom, however, can require a significant amount of time, particularly in cases where the pirates are demanding high ransom amounts. Several Somali hijackings, for instance, took over a year from hijacking to payment of the ransom and release of the ship and hostages.²⁵ More generally, kidnappings for ransom require political space, i.e., an unwillingness or at least inability of law enforcement and political elites to clamp down on their operations. Because negotiations can take months, pirates are at risk of capture from capable, non-pliant local authorities, and so must either hide or buy off local elites. By contrast, while ship and cargo seizures may involve some collusion with local port authorities or industry insiders, they do not require buy-in in any major way from local political elites.²⁶

²⁴ Hastings, "Understanding Maritime Piracy Syndicate Operations"; "Geographies of State Failure and Sophistication in Maritime Piracy Hijackings," *Political Geography* 28, no. 4 (May 2009): 213–223.

²⁵ Steven Oliver, Ryan Jablonski, and Justin V. Hastings, "Tortuga Disease: The Perverse Economic Impacts of Illicit Wealth," *International Studies Quarterly* 61, no. 2 (2017): 312–327.

²⁶ Hastings, "Geographies of State Failure."

While ship and cargo seizures do not require time or political space, they do require a sufficiently sophisticated infrastructure underlying the regional economy to allow them to dispose of the ship and cargo. Hijacked ships need to be disguised and re-registered, often in port, implying an inattentive but functioning port authority. Perhaps more importantly, the pirates need to access a market sufficiently large to absorb potentially tens of thousands of tons of stolen cargo without taking notice, implying a fairly sophisticated economy.²⁷ By contrast, for pirates engaged in kidnappings for ransom, the only economic infrastructure they require is food, vehicle, weapon, and fuel suppliers necessary to support the pirates, hostages, and ship during negotiations. Everything else, including the ransoms, and the financiers of the attack itself, can come from abroad.

These constraints can encourage the prevalence of different types of sophisticated piracy attacks, conditional on there being attacks at all, in a given region. Before 2007, for instance, Southeast Asia had relatively capable law enforcement authorities, few political elites who were willing to waste substantial political capital protecting pirates for long periods of time, and

Table 1
Importance of factors in sophisticated piracy operations

Factors			
Type of operation	<i>Political space</i>	<i>Time</i>	<i>Economic infrastructure</i>
<i>Ship/cargo seizure</i>	(LOW-MEDIUM) Authorities that won't ask questions, are unable to respond quickly	(LOW) Little time to disguise ship, offload cargo	(HIGH) Port facilities to accept, hide ship and cargo; market large, sophisticated enough to absorb stolen ship, cargo
<i>Kidnappings for ransom</i>	(HIGH) Elites who are fragmented enough to be co-opted, strong enough to deliver security during negotiations	(HIGH) Significant time to negotiate ransoms	(LOW) Suppliers for piracy equipment, maintenance of pirates, hostages, and crew during negotiations

²⁷ Justin V. Hastings, *No Man's Land: Globalization, Territory, and Clandestine Groups in Southeast Asia* (Ithaca and London: Cornell University Press, 2010); David Rosenberg, "The Political Economy of Piracy in the South China Sea," *Naval War College Review* 62, no. 3 (2009), 43.

a functioning regional economy that could absorb ship and cargo. As a result, sophisticated attacks were dominated by ship and cargo seizures, except for a brief period (1998–2005) when sophisticated attacks on the Indonesian side of the Malacca Strait were primarily kidnappings for ransom, a by-product of the Acehese insurgency (which locally increased the political space for pirates to hold hostages, and decreased the availability of stable economic infrastructure).²⁸

Many counter-piracy measures are designed to reduce the availability of political space and time, and access to relevant economic infrastructure. In Southeast Asia, the IMO and Southeast Asian governments responded to the spike in ship/cargo seizures by changing the constraints faced by pirates. Beginning in 2004, the IMO required all ships above a certain size to be registered (with embossed names on their hulls), and the shipping industry moved to implement automatic identification system (AIS) trackers for essentially all ships that would be likely to move in international waters. In 2005, Lloyd's of London declared the Malacca Strait to be a war zone for the purposes of insurance premiums due to piracy. The littoral states protested strenuously (given that piracy in the Strait had been declining since 2000), but nonetheless they responded with a renewed vigour in conducting joint patrols (dubbed MALSINDO for Malaysia, Singapore, and Indonesia, the three participating nations), establishing better coordination mechanisms, and improving maritime police response times.²⁹ Malaysia also began operating a coast guard in November 2005. In response, in 2006, Lloyd's took the Malacca Strait off its list of war zones. In general, since 2005, littoral states have responded to reported pirate attacks, particularly hijackings, with relative speed and overwhelming resources. In the case of the 2015 *Orkim Victory* hijacking, for instance, the MMEA deployed "one helicopter, three ships and five boats" after receiving the report of the seizure.³⁰

The effect of these measures was to decrease the time and political space pirates had to reach a profitable conclusion for their operation, and to deny them access to economic infrastructure which they could use to offload, hide, and re-register the stolen ship. Mandatory registration for large ships (over 500 tons) meant that the ability of piracy organizations to take advantage of local authorities who were willing and able to look the other way when a suspicious ship entered port was decreased. Real-time tracking (AIS) allowed ship owners and maritime police to track the location of a ship if it was diverted from its original course. While pirates often turned off

²⁸ Hastings, "Geographies of State Failure"; Hastings, "Understanding Maritime Piracy Syndicate Operations."

²⁹ Rosenberg, "The Political Economy of Piracy in the South China Sea," 43; Hastings, *No Man's Land*.

³⁰ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 52.

the AIS upon seizure of the ship, this in itself alerted the authorities to begin pursuit, which decreased the time the pirates had to bring their operation to a conclusion.

Understood in the context of these constraints, changes in the quality and quantity of sophisticated pirate attacks in Southeast Asia can be seen as adaptations to decreases in time, political space, and access to economic infrastructure (see table 2). For ship/cargo seizures, while pirates originally adapted to counter-piracy measures by attacking smaller ships (as seen in figure 3, which shows relatively low tonnages for ships attacked between 2006 and 2012), since 2010 they have increasingly adapted by minimizing their need for time, collusion with local authorities, and access to port facilities or the administrative machinery of the shipping industry. In practice, this means ignoring the ship, and seizing only the cargo, which can be used or sold off with less scrutiny, and which allows the operation as a whole to be done in a matter of hours, and totally at sea.

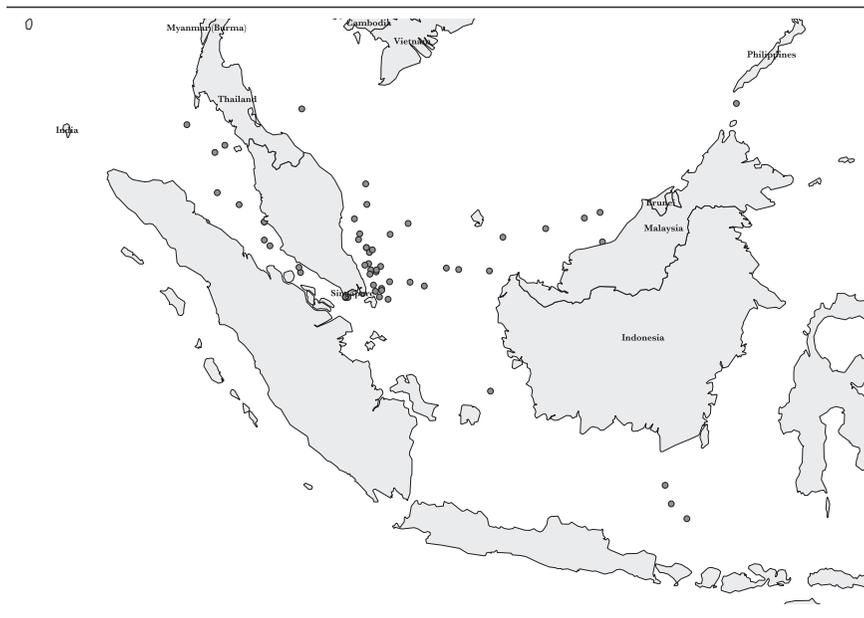
For kidnappings for ransom, pirates adapt by operating largely in local areas characterized by conflict and state weakness (thus allowing them some amount of time and political space for ransom negotiations). Given that the groups themselves are often the ones creating the conflict, this means that

Table 2
Adaptations by Southeast Asian pirates to counterpiracy measures

Impact of counterpiracy measures			
Type of operation	<i>Decreased political space</i>	<i>Decreased time</i>	<i>Decreased access to economic infrastructure</i>
<i>Ship/cargo seizure</i>	<ul style="list-style-type: none"> • Pirates are only on board long enough to transfer cargo on to their own ship • Repainting ship at sea to give pirates more time • Allow hijacked ship to continue to be tracked 		<ul style="list-style-type: none"> • Difficult-to-trace commodities (oil, scrap metal) are taken and sold • Ignore value, size of ship → no need to hold ship in port
<i>Kidnappings for ransom</i>	<ul style="list-style-type: none"> • Operate out of areas where they have small amounts of territorial control • Operate using stealth rather than local elite cooptation 	<ul style="list-style-type: none"> • Take crew and leave ship → pirates are more difficult to track • Negotiations are concluded in relatively short periods of time 	<ul style="list-style-type: none"> • Take crew and leave ship → no need to maintain ship • Use pre-existing equipment and suppliers for insurgency

Southeast Asian kidnappings for ransom are often associated with specific insurgencies capable of maritime attacks, and an increase in conflict intensity is associated with an eventual increase in kidnappings. However, because the larger states have law enforcement and military capabilities that function at the most basic level, the pirates do not have extensive political space or time. They are unable to operate in the open or access the extensive economic infrastructure that is required to support long-term negotiations for both ships and crew. The result, in contrast to Somali attacks, where pirates held hostages on ships in the open, is a type of kidnapping for ransom in which

Map 1
Locations of ship/cargo seizures (2007–2018)



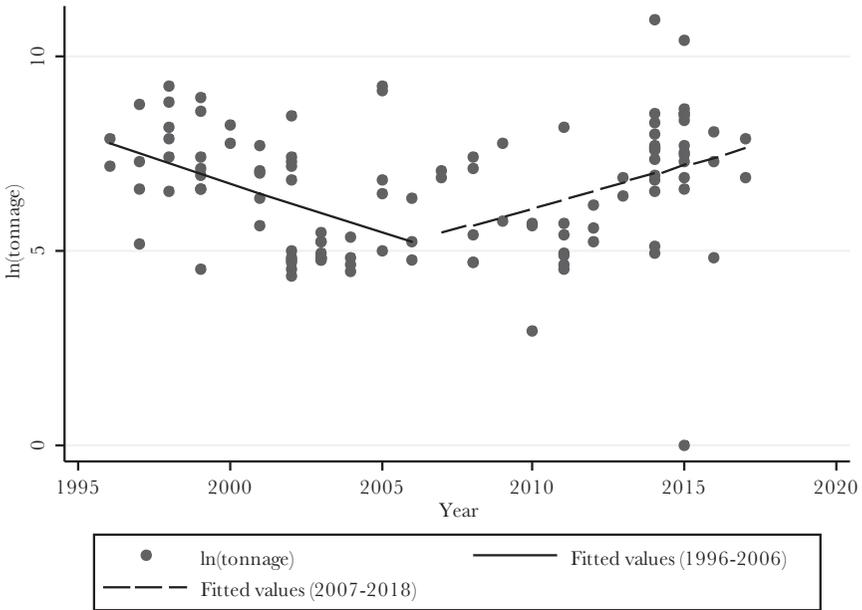
Source: Author derived from IMO data, 2019.

the pirates pull crew off ships, abandon ships, and take the hostages to hidden locations, where ransoms are negotiated relatively quickly.

5. The Return of Ship and Cargo Seizures

From a low of two attacks in 2008, ship and cargo seizures rebounded to 14 in each of 2014 and 2015 (although they decreased to 3 to 4 in each year between 2016 and 2018) (figure 2). The attacks were almost entirely concentrated in the Malacca Strait, the Singapore Strait, and the shipping lanes off the east coast of the Malay Peninsula, with the vast majority of attacks

Figure 3
Tonnage of ships attacked in ship/cargo seizures in Southeast Asia
by year (1996–2018)



Source: Author's calculations derived from IMO data, 2019.

occurring in or near the waters of Malaysia and Indonesia (see map 1). Notably, while the number of ship/cargo seizures increased from the 2008 low, the *characteristics* of those attacks also changed.

Pirates' initial response to increasing constraints on their time and access to economic infrastructure was to move to attacking smaller ships, inasmuch as smaller ships were less likely to be registered internationally, and were theoretically easier to slip into ports without much suspicion. This can be seen in the declining tonnage of the targets in ship/cargo seizures up through 2006, and relatively low average tonnage through 2013.³¹ However, over the 2007 to 2018 time period, the average tonnage of ships in ship/cargo seizures has actually increased, with 2014 and 2015 seeing some of the largest ships subject to seizures in the region (see figure 3).

This change in trend appears to be largely because of an innovation by pirates where they hijacked ships but left the ship and instead seized the cargo (often by transferring the cargo on to a waiting ship at sea). While the majority of ship/cargo seizures continue to see the ship taken (at least from

³¹ Hastings, "Understanding Maritime Piracy Syndicate Operations."

Table 3

Ships taken in sophisticated attacks in Southeast Asia by year (1996–2018)

Year	Ship/cargo seizures		Kidnappings	
	Not taken	Taken	Not taken	Taken
1996	0	5	0	0
1997	3	4	0	2
1998	2	5	0	2
1999	0	7	0	0
2000	0	3	1	0
2001	0	6	1	3
2002	1	17	2	3
2003	0	11	2	2
2004	0	8	15	1
2005	0	5	8	0
2006	0	4	2	0
2007	0	6	3	0
2008	0	7	0	0
2009	0	2	1	0
2010	0	4	0	1
2011	2	7	0	0
2012	1	3	0	0
2013	0	3	0	0
2014	10	6	0	0
2015	10	4	0	0
2016	2	1	11	1
2017	1	2	4	0
2018	4	0	3	0

Source: Author's calculations derived from IMO data, 2019.

the point of hijacking), the increase in ship/cargo seizures since 2011 is largely down to an increase in hijackings where pirates seize the cargo of a ship, but otherwise leave the ship itself alone. Attacks where ships are not taken exceeded or equalled those where the ships are taken since 2014 (see table 3).

This shift had advantages for the pirates. By ignoring the ship itself, pirates were able to address some of the constraints imposed by the counter-piracy measures of the early 2000s. Since they did not have to disguise the ship, take it to port, furnish it with forged registration papers, or find a seller, the pirates had less need for access to port facilities, and needed less time to complete the operation (shifting the operation from a time of days from start to finish, to hours). Since they only needed to dispose of the cargo profitably (often using their own ship), they could take advantage of regional markets that could absorb relatively large amounts of cargo, as long as they

Table 4
Ship type in sophisticated attacks over time

Ship type attacked	Ship/cargo seizures		Kidnappings	
	<i>1996–2006</i>	<i>2007–2018</i>	<i>1996–2006</i>	<i>2007–2018</i>
Cargo	15	0	7	3
Carrier or tanker	20	37	7	2
Fishing	18	10	13	9
Passenger	4	0	2	0
Tug and/or barge	30	28	13	10
Miscellaneous	5	0	3	0

Source: Author's calculations derived from IMO data, 2019.

took suitable precautions. Ignoring the need to dispose of the ship also allowed pirate organizations to attack larger ships (presumably with larger and more valuable cargo) than before (see figure 3). Indeed, since 2007, the average size of a ship taken in a ship/cargo seizure is 1444 tons, while the average size of a ship hijacked but not taken in a ship/cargo seizure is 4740 tons.³²

This shift in the logistics of ship/cargo seizures is also reflected in the types of ships that have been attacked post-2007. While the early years of piracy attacks saw a variety of ships seized, including general cargo ships and passenger ships, post-2007 ship/cargo seizures have focused more strongly on carriers, tankers, and tugs and barges—ships that can easily be relieved of their cargo (such as palm oil) at sea, and fishing vessels, which do not need to be sold, but can be used for their ability to fish (see table 4).

Delving into the narratives of ship/cargo seizure incidents since 2007 suggests that cargo seizures have indeed largely been of commodities that are difficult to track once stolen, namely different types of oil. While not all

³² A t-test shows a statistically significant difference, p-value < 0.05.

ship/cargo seizures are oil thefts—in the case of the *Permata* tug and barge combination in 2015, for instance, the pirates made off with a substantial amount of scrap metal³³—most are. Since 2014, in fact, oil cargo thefts have so come to dominate ship/cargo seizures in Southeast Asia that ReCAAP reported in 2015 that all 11 (by its count) hijackings in the South China Sea were oil cargo thefts.³⁴ Typically, in post-2007 ship/cargo seizures, a group of pirates in one or more small boats comes alongside an oil or chemical tanker or gas carrier and, after boarding the ship, forces the crew into the mess or another contained area to deprive the crew of any knowledge of what is going on. The pirate gang then takes the ship to a meeting point, drops anchor, brings another tanker or carrier alongside, and transfers the oil to the other vessel. Along with transferring the oil, the pirate gang often destroys the communications and navigation equipment so that the crew cannot call for help or move the ship after the pirates escape. While it is unclear what the pirates do with the oil after they siphon it, it is likely that they sell it to a pre-arranged buyer or (less likely) use it themselves.³⁵

While it is unknowable if the organizations themselves are the same pre- and post-2007, the changes in attack characteristics are unlikely to be due to changes in the structure of the groups, as opposed to changes in response to the counter-piracy measures. The structures of the piracy syndicates themselves are difficult to know with accuracy due to data issues, but to the extent that the structures are known, they appear to be largely the same as pre-2007 hijacking syndicates: in the pre-2007 syndicates, a mastermind, with knowledge of and connections to the shipping and cargo industries, and information needed to attack ships and take their cargo, would hire a middleman to organize the actual attack and deliver the ship and/or cargo to the buyer. Usually, but not always, the mastermind had found a buyer beforehand. The middleman in turn would hire a pirate crew (usually from unemployed or underemployed sailors and fishermen), procure the weapons and attack vessels, and then stage the attack using the information given to him by the mastermind (or the mastermind's representative).³⁶ Von Hoesselin suggests that three piracy syndicates in the western half of Southeast Asia have been involved in recent hijackings, with their bases approximating the location of incidents (see map 1).³⁷ As with pre-2007 syndicates, Southeast Asia's fairly well-integrated regional economy meant that the ship/cargo

³³ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 62.

³⁴ ReCAAP, "Annual Report 2015," (Singapore: ReCAAP, 2016).

³⁵ S. Rajaratnam School of International Studies and ReCAAP Information Sharing Centre, "Guide for Tankers Operating in Asia against Piracy and Armed Robbery Involving Oil Cargo Theft," (Singapore: S. Rajaratnam School of International Studies, Information Fusion Centre, and ReCAAP Information Sharing Centre, 2015), 6.

³⁶ Hastings, "Understanding Maritime Piracy Syndicate Operations," 68; Hastings, *No Man's Land*.

³⁷ Karsten Von Hoesselin, "Piracy and Armed Robbery at Sea in Southeast Asia: Organized and Fluid," *Studies in Conflict & Terrorism* 35, no. 7–8 (2012): 542–552.

seizure syndicates continue to be transnational in scope. In 2015, the *Rehobot* hijacking, for instance, took place near Indonesia, but the mastermind was arrested in the Philippines.³⁸ Likewise in the case of the *Orkim Harmony*, while the ship was hijacked off the east coast of the Malay Peninsula, the Indonesian pirates steered the ship to Vietnam, where they were arrested.³⁹

Due to compressed time frames imposed by more aggressive coast guard response times, the pirates have adapted to be able to complete their operations quickly. The hijackers of the product tanker *Lapin* in February 2015, for instance, took over the ship at 8 p.m. local time, dropped anchor at a designated meeting spot at 4 a.m., then moved another ship alongside, siphoned five tons of diesel, destroyed communications equipment, secured the crew and stole their belongings, set up a supposed IED, and left by 7 a.m.⁴⁰ In the case of the *Sun Birdie*, a chemical tanker attacked in January 2015, the Malaysian coast guard managed to locate the ship within eleven hours of the ship owners notifying authorities that they had lost contact with the ship.⁴¹ Likewise, the *Singa Berlian* was hijacked in March 2015, and the pirates managed to siphon off the marine fuel oil and escape in the seven hours from when the ship was hijacked to when the Malaysian coast guard located the ship (only five hours after ReCAAP was notified of the hijacking).⁴²

The perils of attempting to maintain a modus operandi where the ship is taken for any length of time post-2007 is illustrated by the fate of the pirates in the *Orkim Harmony* incident. The *Orkim Harmony* was hijacked on 11 June 2015, but not located until 17 June 2015. In that time, the pirates had repainted the ship and changed the name to *Kim Harmon* in an attempt to disguise it. While the pirates initially escaped when challenged, they were arrested two days later in Vietnam.⁴³ If they had offloaded the cargo more quickly and had not held on to the ship for six days, they likely would have escaped.

Adaptation can also take the form of changing aspects of the operation to push back against the limits imposed by counter-piracy measures. Pirates can attempt to buy themselves more time by maintaining communications and tracking systems so as not to raise suspicions. In the case of the *Suratchanya* hijacking in 2014, the Singapore police coast guard contacted the ship after it received security alerts from the ship. The crew (or the pirates) responded that they were all safe and were having engine problems. The pirates then siphoned the oil *after* the Singapore coast guard moved away.⁴⁴

³⁸ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 21.

³⁹ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 21, 53.

⁴⁰ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 40.

⁴¹ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 39.

⁴² ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 42.

⁴³ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 53.

⁴⁴ ReCAAP, "Piracy and Armed Robbery against Ships in Asia 2015," 34.

Pirates have also moved to buy more time by repainting and renaming the ship, thus throwing off searchers for at least some time. The *Srikandi 515*, for example, was hijacked on 9 October 2014 in Indonesia, off the southern coast of Kalimantan, and was not found until 27 November, having been repainted and renamed the *Chongli 2*, and sailed to southern Thailand.⁴⁵ While pirates are not able to dispose of the ship, given enough time, oil theft operations can take nearly all the cargo without a trace. In the case of the *Joaquim* attack in August 2015, for instance, the pirates siphoned 3000 out of 3500 tons of fuel oil carried by the ship.⁴⁶ Likewise, pirates managed to siphon 450 tons of oil from the *Sri Phangna* in 2014 and repaint and rename the ship within six hours in 2014.⁴⁷ Similarly, the pirate gang that attacked the *Orapin 4* in May 2014 repainted the ship name to *Rapi* and then siphoned 3700 tons of oil in the ten hours they had control of the ship.⁴⁸

6. The Return of Kidnappings for Ransom

Maritime kidnappings in Southeast Asia also saw a rise from 2007 onward, with intermittent kidnappings until 2016, which saw 11 kidnappings in one year (figure 2). The majority of post-2007 kidnappings were in eastern archipelagic Southeast Asia, with the main cluster in the waters where Indonesia, Malaysia, and the Philippines meet (map 2).

As with ship/cargo seizures, the shifting characteristics of kidnappings since 2007 can give us entrée into understanding how pirates have adapted in response to counter-piracy measures in Southeast Asia. The relatively effective law enforcement of Southeast Asian countries has limited the time and political space available for hostage negotiations in maritime attacks. As a result, kidnappings have remained relatively infrequent in the region, unless there is a localized breakdown in law and order (or more specifically, a breakdown in state capacity that provides time and political space to maritime kidnappers). The previous surge in kidnappings in Southeast Asia took place in one of the few time periods and locations where state authority had broken down—in Aceh during the last period of the Free Aceh Movement (GAM in Indonesian) insurgency in 2001 to 2005, when the vast majority of the kidnappings in Southeast Asia emanated from the Indonesian side of the Malacca Strait.⁴⁹

As with the surge in kidnappings in 2001 to 2005 in the Malacca Strait, the post-2007 surge in Southeast Asian kidnappings can largely be attributed to attacks where the pirates took the crew off the ship, left the ship, and held

⁴⁵ ReCAAP, “Piracy and Armed Robbery against Ships in Asia 2014,” (Singapore: ReCAAP, 2015), 33.

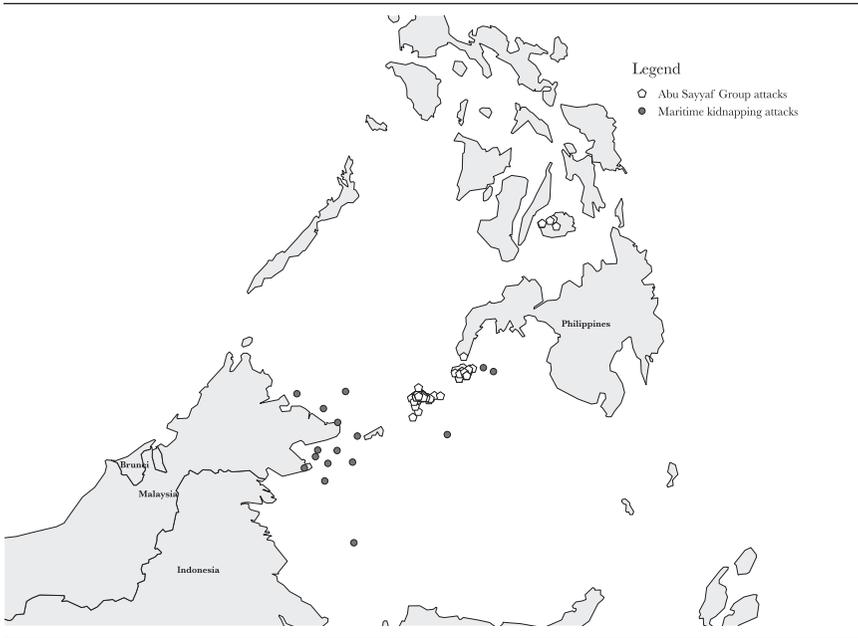
⁴⁶ ReCAAP, “Piracy and Armed Robbery against Ships in Asia 2015,” 59.

⁴⁷ ReCAAP, “Piracy and Armed Robbery against Ships in Asia 2014,” 57.

⁴⁸ ReCAAP, “Piracy and Armed Robbery against Ships in Asia 2014.”

⁴⁹ Hastings, “Geographies of State Failure and Sophistication in Maritime Piracy Hijackings,” 213–223.

Map 2
*Abu Sayyaf incidents (2007–2018) and locations of maritime kidnappings
(2007–2018)*



Source: Uppsala Conflict Data Project, 2019 and author derived from IMO data, 2019.

the hostages on the pirates' own ships or, more frequently, held them in undisclosed locations on land (see table 3). While the ransoms for ships and crew, taken together, are often much higher than what that can be extracted simply for the crew, such ransoms can take much longer to negotiate, and it is nearly impossible to hide the location of the ship. Ships and crew in Somalia eventually sometimes attracted US\$10 million in ransom, and negotiations could take over a year. By contrast, while ransom amounts are difficult to come by in Southeast Asia, the *Brahma 12* hijacking reportedly fetched 50 million pesos (equivalent to approximately US\$1 million) in ransom for ten crew members,⁵⁰ and the median time from hijacking to release of crew in 2016 was 68 days.⁵¹

By taking only the crew hostage, and abandoning the ship, pirates are able to address (to a certain extent) the problems for their operations caused by counter-piracy measures that decrease the time, political space, and economic infrastructure accessible by the pirates. The time that the pirates

⁵⁰ ReCAAP Information Sharing Centre, "Special Report on Abducting of Crew from Tug Boats in Waters Off East Sabah and South Philippines," (Singapore: ReCAAP Information Sharing Centre, 2016), 3.

⁵¹ Calculated by author.

spend on the ship before departing with their hostages is usually quite short, mitigating the constrained time issue. Kidnappings can require even less time on the ship for pirates than cargo seizures, and can be done in the daytime. In the *Massive 6* kidnapping, for example, in which four Malaysian crew members were kidnapped off a tugboat southeast of Sabah, the pirates boarded the ship no later than 6:40 p.m. local time, and left by 8 p.m.⁵² The *Dong Bang Giant No. 2* was attacked in October 2016 at 2 p.m. local time, and the pirates succeeded in carrying off the captain and second officer back toward Sibutu Island.⁵³

While pirates who engaged in ship/cargo seizures shifted the types of ships they targeted from 2007 to maximize their ability to profit from cargo seizure and minimize the need to take the ship, there was no corresponding shift in the types of ships targeted for kidnappings in Southeast Asia (table 4). In fact, even the mix of ship types that was targeted remained the same in the post-2007 period as in the pre-2007 period, suggesting that varying the type of ship attacked is not a particularly useful way of adapting to anti-kidnapping counterpiracy policies, since in attacks where the ship is left behind and the crew is taken, the actual type of ship is irrelevant, except for judgments about which ships may be easier to board, and which ships are likely to have more valuable crew.

Much of the expense incurred by the pirates in Somalia—paying for food, water, oil, transportation and communications equipment, and rotating pirate crews to guard the hostages and the ship to prevent against attack by foreign navies, local Somali elites, and other pirate gangs—was because they needed to maintain the hijacked ship out in the open for a lengthy period of time.⁵⁴ In Southeast Asia, without a ship to maintain, these expenses, and the need for access to infrastructure (such as food and fuel suppliers), are diminished. Although the pirates sometimes take the entire crew—as happened with the *Ramona 2* attack in December 2016, when pirates took all four crew⁵⁵—the pirates can also choose to select specific crew to take hostage, and leave the rest, minimizing cost relative to the potential for ransom. In the case of the *Royal 16* attack in November 2016, the ten pirates only took six out of nineteen crew members.⁵⁶ The pirates can also pick and choose hostages: when a fishing trawler was hijacked off Lahad Datu in Sabah, Malaysia in July 2016, for example, the pirates kidnapped the three crew with passports (likely because their identities could be verified), and left the rest.⁵⁷

⁵² ReCAAP Information Sharing Centre, “Annual Report 2016,” (Singapore: ReCAAP, 2017), 49.

⁵³ ReCAAP, “Annual Report 2016,” 69.

⁵⁴ Jay Bahadur, *The Pirates of Somalia: Inside Their Hidden World* (New York: Pantheon Books, 2011); Anja Shortland, “‘Robin Hook’: The Developmental Effects of Somali Piracy,” in *Economics and Finance Working Paper Series* (London: Brunel University 2011).

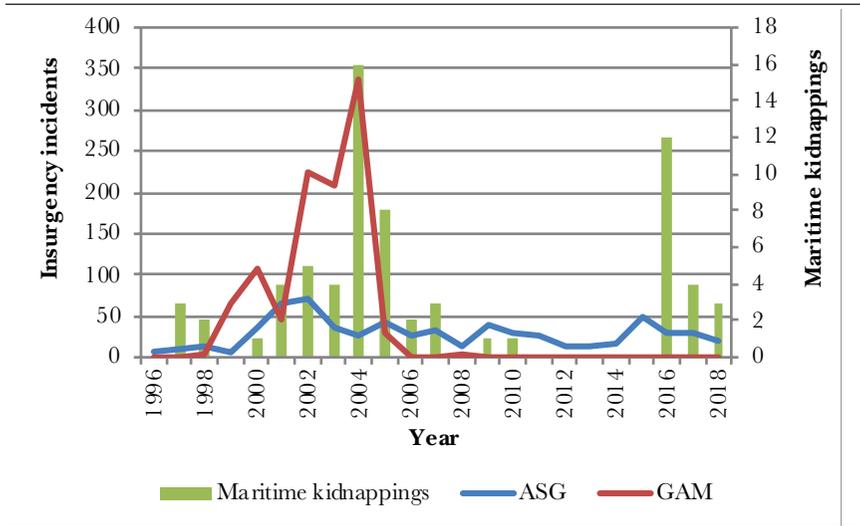
⁵⁵ ReCAAP, “Annual Report 2016,” 77.

⁵⁶ ReCAAP, “Annual Report 2016,” 72.

⁵⁷ ReCAAP, “Annual Report 2016,” 62.

Once they have acquired hostages, by retreating to and hiding in land they control (or that is at least beyond the reach of the central state), the pirates can buy themselves more time and political space for negotiations. They can also minimize the additional economic infrastructure needed to maintain the hostages, inasmuch as they already have a support structure in

Figure 4
Abu Sayyaf Group and GAM violent incidents (UCDP) and maritime kidnappings in Southeast Asia (1997–2018)



Source: Uppsala Conflict Data Project, 2019 and author calculations derived from IMO data, 2019.

place for their land-based insurgent activities. All of the hostages kidnapped off ships in 2016 and 2017 appear to have been taken to land immediately. The *Super Shuttle Tug* attack, for example, in which pirates kidnapped two crew and took them to Basilan on 23 March 2017, saw Philippines land forces stage rescues two and four days later.⁵⁸

The vast majority of ship/cargo seizures in Southeast Asia since 2007 have taken place in locations east and west of the Singapore Strait up and down the Malay Peninsula that do not actually have any conflict, but kidnappings for ransom may be more likely to be associated with conflict due to their operational needs of some amount of time and political space—this is arguably why maritime kidnappings saw a rise in the Malacca Strait at the height of GAM’s control of Acehese territory from 2000 to 2005 (see figure 4).⁵⁹

⁵⁸ ReCAAP, “January–March 2017 Report: Piracy and Armed Robbery against Ships in Asia,” (Singapore: ReCAAP Information Sharing Centre, 2017).

⁵⁹ Hastings, “Geographies of State Failure and Sophistication in Maritime Piracy Hijackings,” 213–223.

The primary areas for conflict since 2007 in maritime Southeast Asia have been in southern Thailand and the southern Philippines, with conflict taking place across a number of islands in the Philippine archipelago. The territorial shift of kidnappings for ransom from the Malacca Strait in the early 2000s to the southern Philippines, the largest current conflict zone in archipelagic Southeast Asia, can be seen as an adaptation to counterpiracy measures inasmuch as it is one of the few areas of Southeast Asia where pirates engaged in kidnappings for ransom can maximize political space and time by operating from areas with an insurgent presence. Since 2012, the number of violent incidents associated with Abu Sayyaf Group increased and hit a high in 2015 (see figure 4); maritime kidnappings in the area have followed suit. A map of the Sulu Sea area at the intersection of the Philippines, Malaysia, and Indonesia shows that all of the post-2007 maritime kidnappings (in grey circles in map 2) in eastern Southeast Asia were not only in the Sulu Sea area, they were largely within the shipping lane between Sabah, Malaysia, and Mindanao, and close to the location of incidents involving Abu Sayyaf Group (in white pentagons in map 2). This does not prove that Abu Sayyaf Group was behind the attacks, of course, but it does suggest that pirates operating from the same locations as ASG strongholds were able to stage maritime kidnappings in the Sulu Sea.

Abu Sayyaf Group leaving its “comfort zone” and staging sea-based maritime kidnapping operations is not new: famously, the group kidnapped 21 tourists and hotel workers out of a dining hall in Sipadan Island in Sabah, Malaysia, and took them by sea back to the Philippines.⁶⁰ Narratives of the 2016 incidents suggest that ASG is associated with the attacks. Abu Sayyaf Group was confirmed to be the group for a number of the kidnappings in the Sulu Sea. Members of ASG reportedly got into a firefight with Malaysian marine police while kidnapping four crew from the *Henry* in April 2016, for instance.⁶¹ In the case of the *Charles 00* hijacking in June 2016, the ASG gang abducted three crew, then returned and carried off four more an hour later.⁶² In the *Serudong* tug-and-barge hijacking, the ASG pirates abducted the entire crew and left the ship’s engines running.⁶³ In the case of the *Brahma 12*, in March 2016, a gang of 17 pirates boarded the tug and barge (then subsequently cast the barge adrift), kidnapped all ten crew, and made off to a Philippine island. Both the tug and barge were left adrift in the water. In this case, Abu Sayyaf Group appears to have taken delivery of the hostages from the pirate gang, which could indicate that the pirates were acting on behalf of ASG but were not in fact ASG core members.⁶⁴

⁶⁰ START, “Global Terrorism Database,” (College Park: University of Maryland, 2016).

⁶¹ ReCAAP, “Piracy and Armed Robbery against Ships in Asia 2015,” 52.

⁶² ReCAAP, “Piracy and Armed Robbery against Ships in Asia 2015,” 61.

⁶³ ReCAAP, “Piracy and Armed Robbery against Ships in Asia 2015,” 63.

⁶⁴ ReCAAP, “Annual Report 2016,” 48.

7. Conclusion

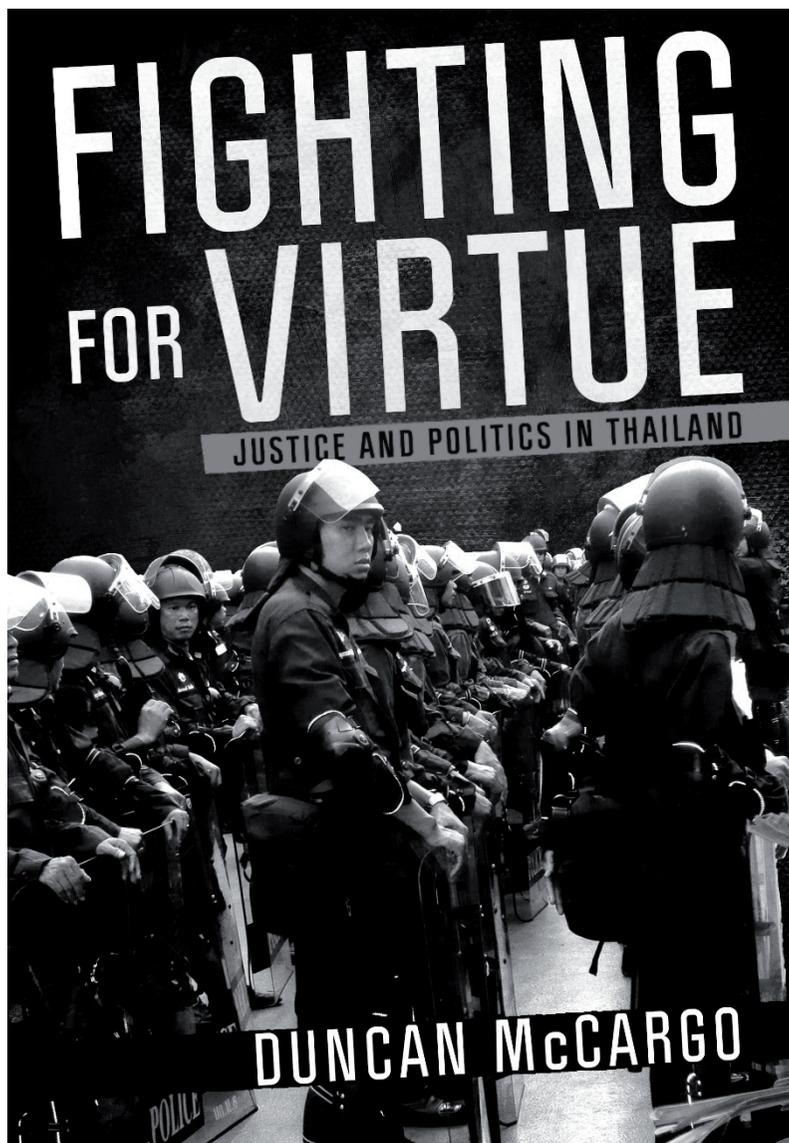
While adaptation can explain much of the resurgence of piracy in Southeast Asia, pirates are not infinitely resourceful: sophisticated pirate attacks continue in the region, but the relative decline of ship/cargo seizures from 2016, and of maritime kidnappings from 2017 (see figure 2) suggests that even adaptation to counter-piracy measures has its limits. While pirates have reduced their need for political space, time, and access to economic infrastructure, they cannot reduce it to zero without abandoning sophisticated attacks entirely.

Piracy will likely always exist somewhere in the world: the high seas are too vast, the targets too numerous as the shipping industry grows, and regions with poor governance too common, for piracy ever to disappear completely. But specific types of piracy in different regions will come and go as pirates and those who fight them adapt to each other's strategies in a cat and mouse game. A combination of naval patrols, private armed guards, and pressure on local elites arguably did in Somali maritime kidnappers, but West African pirates have shown themselves able to wander throughout the Gulf of Guinea looking for targets that have moved offshore to evade attack.⁶⁵ Understanding the necessary inputs into piracy operations allows policy makers to squeeze pirates such that they must adapt. That adaptation has limits precisely because sophisticated piracy requires things that the pirates themselves cannot ultimately provide, and policy makers can at the very least clamp down on piracy in a given area, even in difficult political and economic conditions.

University of Sydney, Sydney, Australia, November 2019

⁶⁵ Freedom C. Onuoha, "Piracy and Maritime Security in the Gulf of Guinea: Nigeria as a Microcosm," (Doha, Qatar: Al Jazeera Centre for Studies, 12 June 2012).

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