

Comparative Analysis of Piracy Governance in the Gulf of Aden and the Strait of Malacca

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Abstract: Piracy has a long history, and its connotation is constantly evolving with The Times and social changes. After entering the 21st century, the new trend and changes of piracy gradually emerged. Based on the comparison of the quantity, motivation and governance mode of piracy activities in the Gulf of Aden and the Strait of Malacca, the paper analyzed the shortcomings of intelligence sharing mechanism and other aspects in the process of governance.

Keywords: Pirates, Maritime Governance, Maritime Safety, Governance Model.

1. Introduction

Piracy, as an ancient word, has a long history of development, and its specific connotation changes with the times. Since the beginning of the era of great navigation in the West, almost all the sea areas have been filled with pirates, and piracy has been recorded in many literary works, full of romanticism, and even granted a certain degree of legitimacy in a special period. However, different from the past, nowadays, piracy, as one of the violent activities of non-state actors at sea, poses a great threat to global maritime security. Because the vast waters are difficult to be effectively supervised, pirates, driven by interests, commit armed robbery, theft, kidnapping of seafarers for ransom and other criminal acts against merchant ships, which brings huge economic losses to global trade and causes casualties of seafarers.

The sea voyage is long and dangerous, and not the other end of the road is safe enough to travel unimpeded, and the ocean is always full of enemies [1]. Piracy, as one of the important non-traditional security threats, has brought many impacts on the construction and development of the maritime security.

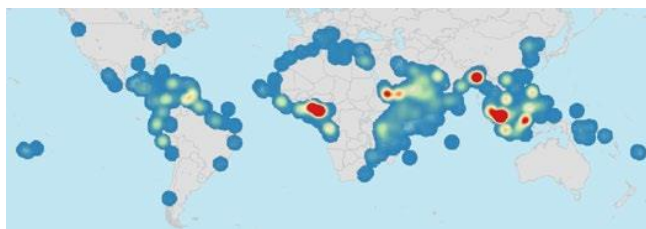


Figure 1: Distribution of piracy hotspots over the past decade [2]

Promoted by the International Chamber of Commerce, the International Maritime Bureau officially began operation in 1981, becoming the first international organization to collect and collate piracy-related data [3]. After entering the new century, the number of piracy activities continues to rise in different sea areas, which has gradually attracted the attention of more countries and international organizations, and the subjects of recording, communicating and governing piracy activities are more diversified. Figure 1 shows the hot spots of piracy activities in various sea areas of the world in the past ten years, according to the statistics of Maritime Piracy Organization (Ocean Beyond Piracy). We can see that the hot spots of piracy activities basically coincide with the general routes of China's Maritime Silk Road, and occur in key

strategic fulcrums and channels, among which the Gulf of Aden and the Strait of Malacca, due to their key geographical locations and waterway advantages, bear the passage of most merchant ships and fishing vessels from all over the world, carrying a huge volume of trade. Through the comparative analysis of the number, motivation and governance path of piracy activities in these two sea areas, we can more pertinently contain and govern piracy activities and establish a sustainable governance program.

2. Comparisons of Quantity Showing Difference

In the face of growing piracy activities, the United Nations has adopted a series of relevant resolutions, prompting countries in various regions to establish piracy governance platforms and mechanisms, while the navies of many countries have also started escort operations, and the total amount of piracy activities in various regions of the world has declined significantly compared with ten years ago. However, there are still significant differences between the Gulf of Aden and the Strait of Malacca in terms of both quantity and trend of change (piracy in the Strait of Malacca mentioned in this paper refers to piracy attacks on ships in the long strait between the Malay Peninsula and the Sumatra of Indonesia, including the Singapore Strait, and its adjacent waters). From Figure 2, we can see that global piracy activities have been effectively managed in general, and began to decline year by year after reaching a peak from 2009 to 2011, and stabilized after 2016. Despite the overall downward trend, there are still 162 piracy attacks in 2019, indicating that the root causes and foundations of piracy still exist, and governance still needs sustained efforts.

Table 1: Statistics of piracy activities in different regions from 2008 to 2019

| | 2008 | 2009 | 2010 | 2011 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|
| Gulf of Aden-Red Sea | 92 | 132 | 78 | 76 | 8 | 8 | 0 | 2 | 4 | 1 | 0 |
| East Africa, Arabian Sea | 39 | 93 | 144 | 162 | 11 | 7 | 3 | 3 | 8 | 4 | 3 |
| Strait of Malacca | 54 | 69 | 114 | 103 | 141 | 149 | 178 | 84 | 80 | 67 | 58 |
| Global | 293 | 410 | 445 | 439 | 264 | 245 | 246 | 191 | 180 | 201 | 162 |

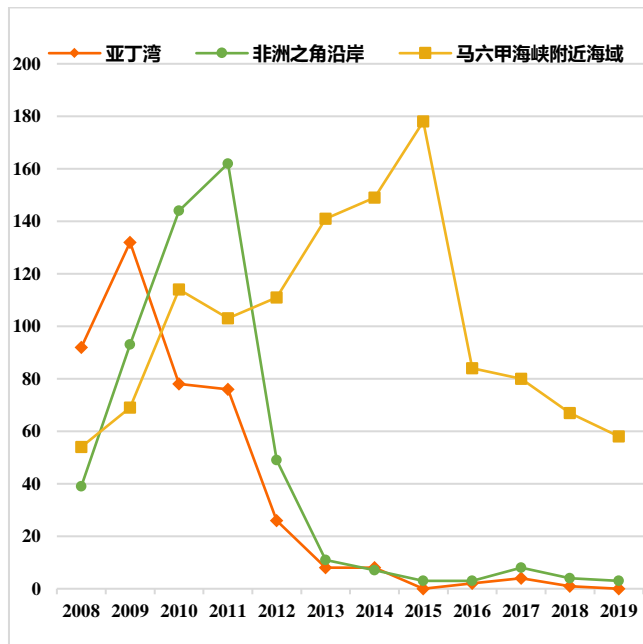


Figure 2: Trend of piracy activities in different regions from 2008 to 2019

The Gulf of Aden and its surrounding waters, where piracy was once the most rampant, still attract international attention. Their large number, frequent crimes and sophisticated weapons pose a great threat to passing ships and crews, and have become the greatest non-traditional security problem threatening peace and freedom of navigation at sea since World War II. The response of the international community, regional organizations and local countries was swift. Member States of the Contact Group on Piracy off the Coast of Somalia (Contact Group on Piracy off the Coast of Somalia), the Djibouti Code of Conduct (Djibouti Code of Conduct), Thanks to the United Nations Assistance Mission in Somalia and the joint efforts of various navies, the number of piracy activities in Somalia has declined rapidly since 2012 and remained at a low level. The International Shipping Association and the Maritime Forum have also narrowed the scope of high-risk areas. However, piracy still occurs sporadically, which also shows that the conditions for piracy in Somali waters and coastal areas have not been eradicated. For example, on April 19, 2019, an armed pirate hijacking incident occurred off the coast of Somalia. A Yemeni fishing boat named Al Azham was hijacked by five heavily armed pirates in the waters northeast of Mogadishu. Two days later, the pirates used the Al Azham as a mother ship to try to hijack the South Korean fishing boat Adria. It was later repelled by private forces. On 23 April, an EU naval patrol captured pirates on Al Azham and freed 23 hostages. In addition, there were many suspicious activities along the Gulf of Aden to the Red Sea in 2019, and the militants abandoned the attack at the last minute. These incidents have attracted the attention of coastal and related countries, and the Chairman of the Contact Group on Somali Piracy has also expressed the need for all parties to abide by regional agreements in order to prevent the escalation of piracy in the western Indian Ocean region.

From Table 1, we can see that piracy around the Strait of Malacca began to increase gradually in 2008 and peaked in 2015, with 178 piracy incidents that year. Although it declined in the following years, it has been stable at a high level, with the number of piracy incidents from 2017 to 2019

being 80, 67 and 58, respectively. Most of them are stolen by pirates, but hijacking ships and kidnapping crew members also occur from time to time. 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) established in 2006 Asia and its Information Sharing Center, as the first regional anti-piracy cooperation platform in Asia, have made a very positive contribution to the governance of maritime security in the region, but the number of piracy activities remains high and poses a continuing threat to the region. It is worth noting that, at the time of writing, novel coronavirus COVID-19 is raging around the world, and the shipping industry has been greatly affected, with thousands of seafarers stranded at sea and unable to go ashore, and the relative increase in unemployment and poverty has given pirates an opportunity. In the first half of 2020, there were 50 piracy incidents in Asia, 16 in the Strait of Malacca alone, double that of the same period last year. This rebound trend has undoubtedly caused concern among regional countries [4].

From Figure 2, we can also see that the spatial and regional distribution characteristics of pirates have changed greatly. With the joint efforts of the international community, the piracy activities in the whole East African waters, the Gulf of Aden and the Red Sea Passage have been greatly suppressed since 2011, but the piracy activities in Southeast Asia have increased dramatically, showing a significant inverse correlation between the two, and the hot spots of piracy activities have shifted from East Africa to West Africa and Southeast Asia. Although there is no clear evidence to prove that these pirate organizations are intrinsically linked, it is enough to show that piracy is based on opportunism, and intentions, capabilities and opportunities are indispensable. Under the intensified patrols of the navies of various countries, pirates have no chance to commit crimes in the waters of East Africa, but instead target West Africa and Southeast Asia, and gradually expand their scope, trying to commit crimes in more open waters.

3. Comparative Differences in Drivers

In recent years, the causes of global piracy have their commonalities. For example, the Maritime Piracy Organization survey points out that the lack of economic opportunities is the most important cause of piracy worldwide. [5]. In the course of the investigation, the arrested pirates pointed out that unemployment, lack of education and employment opportunities and poverty were the direct factors that prompted them to engage in piracy. But low economic standards and poverty are not the only variables in pirate-infested waters. In some of the poorer areas, the proportion of unemployed people who commit crimes at sea is extremely low. Therefore, the frequency of piracy in the Gulf of Aden and Malacca also has its own personality factors. By comparing the differences in the causes of piracy in the two regions, it is helpful to control piracy from the root.

In the waters of the Gulf of Aden, the notorious Somali pirates are generally first attributed to the lack of governance caused by anarchy on land. After the collapse of the Somali government in 1991, warlords and armed militias were

rampant, Somalia gradually split into warlord fiefdoms, civil war continued, the Somali government was unable to effectively control coastal waters, and lacked the ability to enforce maritime law. Under the protection of warlords, piracy organizations have a relatively safe business environment and market operation, and have enough time to seize hostages or goods and negotiate. Driven by interests, some warlords even participate in piracy operations to protect their waters and resources in the form of maritime crimes. Piracy activities are actually the activities of warlords in the form of navies. At the same time, under the anarchy, the civil war is frequent, the situation is chaotic, and the tribes and the Federation have been in a violent and bloody historical environment for a long time. Compared with other regions, pirates can more easily obtain weapons to commit crimes, and piracy is only an extension of their violent means on land at sea. Secondly, failed States have allowed foreign vessels to freely enter and leave the area and engage in illegal fishing activities and toxic waste dumping. The arrested Somali pirates claimed that the piracy was to protect Somali waters and prevent illegal fishing and other activities from infringing on the livelihood and income of coastal residents. As a result of the severe economic losses caused by illegal fishing and waste dumping, traditional fishing communities, out of anger and poverty, began to attack illegal fishing vessels, acting as militias and coastguards, and over time began to hijack high-value targets other than illegal fishing vessels [6]. Such crimes are also supported by coastal communities, which also provide "safe havens" for pirates near the coast to detain crews and ships, and even support piracy crimes in the form of "equity" and receive a certain dividend from ransom.

An important factor fuelling piracy in and around the Straits of Malacca is opportunistic crime caused by poverty. The nearly 800-kilometer-long Strait of Malacca and the Strait of Singapore are very narrow, with a large number of islands covered by mangroves, which can be used as a hiding base for pirates and a natural haven for maritime crime. Every year, nearly 120000 ships move slowly through this narrow and crowded sea passage, exposing them to the threat of piracy all the time. Based on natural geographical advantages, people from poor areas who cannot find a long-term source of income are involved in piracy. Influenced by the outbreak of the international financial crisis in 2008 and its aftermath, as well as the rise in crude oil prices in 2012, piracy activities have increased rapidly, as can be seen from Figure 2. Considering the types of crimes, pirates in this area usually board ships to steal cargo when they berth in port. In addition, pirates in the region will calculate the risk-reward ratio through price fluctuations between different cargoes to diversify their targets, such as the increase in palm oil prices from 2007 to 2011, which led to a significant increase in the frequency of piracy of their cargo ships [7]. All these show that piracy in the Strait of Malacca and its adjacent waters is more based on opportunistic crimes.

Although there are many other reasons for the breeding of piracy, such as environmental pollution, local community support and corruption in the maritime sector, the main reasons for the breeding of piracy in the two regions can be summarized by combining the characteristics of piracy in the two regions, so as to combat and govern it pertinently.

4. Comparative Differences in Governance Models

In recent years, there has been a significant decline in the number of piracy activities, both at the global and regional levels. After reaching a peak of 445 cases in 2010, the global piracy activities have shown an overall downward trend, which can not be separated from the relevant efforts made by international, regional, national and non-state actors. In recent years, the United Nations Office on Drugs and Crime has provided judicial construction projects for piracy trials, and Seychelles and Tanzania have also established piracy trial courts to provide judicial protection for piracy governance. Ships sailing in high-risk waters pay more attention to self-protection, on the one hand, they actively employ private security teams, on the other hand, they actively practice Best Practice Management, and effectively resist piracy. The land community of piracy activities gradually began to exclude piracy activities because of the derivative crimes such as drug abuse and smuggling brought by piracy, which made it lose its land foundation. However, in the Gulf of Aden and the waters near the Strait of Malacca, there are still significant differences in the mode and path of deterrence, combat and governance of piracy.

In the Gulf of Aden, due to the lack of independent capacity of coastal countries to solve the piracy problem, the governance model for piracy activities mainly relies on the United Nations to provide the main framework of action, and the external powers are deeply involved and provide governance resources such as escort operations and regional security public goods. Since 2008, under the framework of a series of resolutions such as UN 1816, the naval escort fleets of various countries have become the most important force in the governance of piracy in the Gulf of Aden. So far, nearly 40 navies are active in the Gulf of Aden, committed to combating piracy, and the naval forces of various countries have established strict protection measures for the recommended routes in the waters. The United States Joint Maritime Force and the European Union have also established a coordination mechanism for information sharing and conflict prevention (Shared Awareness and De-confliction) in Bahrain, based on the Mercury Anti-Piracy Information System, to build an information sharing platform for naval escort operations in the Gulf of Aden. Twenty-nine countries, including China, Russia, India and Japan, are involved. Based on this platform, the naval forces of various countries have changed from only responding to pirate attacks at sea to eliminating pirate groups along the coast and on land in the preparation stage of the pirate plan [8]. In addition, there are several international cooperation platforms against piracy under the framework of UN resolutions, such as the Contact Group on Somali Piracy established under UN Security Council Resolution 1851 in 2009, which involves organizations from Europe, the Middle East, Asia, the Americas and non-governmental organizations. Focus on coordination among naval forces, support for the judiciary in regional countries, and the promotion of information sharing among non-governmental organizations and industry; the Somali Piracy Initiative Trust Fund, established in 2010, aims to help pay for the prosecution of suspected pirates and other anti-piracy activities; The United Nations Political Office for Somalia, established in 1995, undertakes part of its capacity-building mandate on

counter-piracy and provides Secretariat functions for the Contact Group on Piracy off the Coast of Somalia. As one of the few regional cooperation agreements, the Djibouti Code of Conduct initiated by the International Maritime Organization is mostly composed of coastal countries in the Gulf of Aden and the western Indian Ocean, without the participation of foreign powers, but its functions are more about information sharing and judicial construction against piracy, and less about the use of maritime military forces.

Unlike the governance model of the Gulf of Aden, the Strait of Malacca has been under the co-governance of the three countries since 1971, whether it is the piracy attack based on the co-governance of the three countries or the maritime security cooperation based on ASEAN, due to the concern about national sovereignty, the coastal countries are involved in regional anti-piracy activities by foreign powers and their military forces. Piracy governance in this area presents an obvious regional model, with bilateral and multilateral governance as the main model. Since April 2006, Indonesia, Malaysia and Singapore have begun patrolling the Strait of Malacca to combat piracy in the Strait and its adjacent waters. Indonesia has also conducted joint patrols with Malaysia and Singapore to promote information exchange and operational coordination in the fight against piracy. In 2015, Malaysia and Indonesia also set up a rapid response team to improve the response speed of maritime forces in the face of reports of piracy activities and to provide security for hijacked ships as far as possible. The Maritime Piracy Report provided by the Maritime Piracy Organization attributed the decrease in piracy in the Strait of Malacca to the maritime patrols of the three countries, information sharing, rapid response to piracy incidents, and the arrest and prosecution of pirates. The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, an important information sharing platform, can quickly coordinate maritime forces to organize rescue through situation analysis and intelligence early warning. However, because the agreement is initiated and led by Japan, and covers the entire Asian region, and its members include the United States, Japan, Australia and other extraterritorial forces, the coastal countries, especially Indonesia, are resistant to the intervention of extraterritorial forces in the specific course of action, which makes it play a more functional role in combating piracy in the Strait of Malacca.

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