ROOTS OF CONTEMPORARY MARITIME "PIRACY" IN SOUTHEAST ASIA

A THESIS SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAI'I IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

IN

ASIAN STUDIES

MAY 2004

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Dedication and Acknowledgements

I would like to dedicate this thesis, a capstone to the last five years of graduate study, to Anne Pinkney, a friend, neighbor, and adoptive family member, whose generosity is only matched by her kindness, and without her material and moral encouragement over the last five years this thesis would not have been possible.

I would also like to acknowledge some folks who have been rather instrumental in the forming of this thesis. Particularly I would like to thank Mark Valencia for going out of his way to work with me, encouraging and educating beyond the call of duty. And thanks to Barbara Andaya for taking in another wayward graduate student and whose guiding hand was often appreciated. Additionally, I would like to thank Ric Trimillos for generously offering his expertise in aid of this thesis. I would also like to thank Leonard Andaya, who has provided numerous sources for my research, as well as tirelessly answering my many questions about the Malay world and the role of “piracy” in it. A bit further back down the road, I would also like to acknowledge Laurie Billington along with 15 other cool folks who helped me start down this road, making a semester abroad a life altering experience. And I would also like to acknowledge John Wolff and his language instruction as they have served me well over the years.

On a more personal note I would like to acknowledge all the friends that have been there with me, offering encouragement and smart ass remarks with equal enthusiasm, without which the journey would have been a little rougher and darker. Finally I would like to acknowledge the loving support I have been blessed with from my Mom (Mary), Dad (Wayne), and Brother (Aaron), who have been with me through not just hard times or good times, but through all times. There is no debt of gratitude, only lots of love.

All of these people are important contributors to this thesis in their own ways, and deserve a large share of the credit for what is of value and worth in this project, but all mistakes and errors are solely the author’s responsibility.
Abstract

Maritime “piracy” has been a growing security concern in the waters of Southeast Asia for the last 30 years, where it is an increasingly serious threat to life and commercial shipping, but more importantly implies broader issues of weak political control in the region. Literature surrounding “piracy” in Southeast Asia has tended to fall into two categories: policy oriented that largely ignores or glosses over a rich, informative, historical socio-political-cultural context, and historical accounts of “piracy” that are not related to contemporary phenomena, generally remaining isolated in the past. This approach seeks to bridge the gap between policy and history, looking at the roots of contemporary maritime “piracy” in Southeast Asia, comparing historical and contemporary circumstances that have given rise to “piracy”, drawing out important continuities and discontinuities from which locally contextualized approaches to combating contemporary “piracy” may be suggested.

Historically and contemporarily “piracy” is definitionally, conceptually, and practicably complex, which has impacted efforts to address “piracy” in the context of maritime Southeast Asia. Although conceptionally quite different from its historical roots, the product of modern political, social, and cultural conditions, there are many important continuities extending from the past to contemporary “piracy”. The idea of state control is a theme that emerges as a valuable approach, intertwining both Western and Southeast Asian concepts of “piracy”. Three aspects of state control emerged as important in understanding the development of “piracy”, state control of people and potential agents of “piracy”, political hegemony, and technology.

Analyzing “piracy” in the specific context of Southeast Asia, historically and contemporarily, local capacity building needs to be emphasized, particularly economic and political development of littoral states in the region, in order to address the underlying roots of maritime “piracy” in Southeast Asia.
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It was a pertinent and true answer which was made to Alexander the Great by a pirate whom he had seized. When the king asked him what he meant by infesting the sea, the pirate defiantly replied: “The same as you do when you infest the whole world; but because I do it with a little ship I am called a robber, and because you do it with a great fleet, you are an emperor.”

St. Augustine

Lord I’m no thief, but a man can go wrong when he’s busted.
The food that we canned last summer is gone, and I’m busted.
The fields are all bare and the cotton won’t grow,
Me and my family gotta pack up and go.
Where well make a livin the Lord only knows,
And I’m busted.

Johnny Cash

Chapter One: Introduction

Incidents of maritime “piracy” in Southeast Asia have increased dramatically during the last decade of the twentieth century and into the first years of the new millennium; however “piracy” has been on the rise in the area since the late 1970’s. This is true in the Strait of Malacca, the Singapore and Phillip Straits, including Riau province in Indonesia, the Gulf of Thailand, the South China Sea encompassing the Hainan/Luzon/Hong Kong triangle, and the Sulu Sea region stretching between Sabah,
Malaysia and the southern Philippines, areas in which “piracy” has also existed historically. These attacks pose a serious threat to human life, international commercial shipping, and local maritime industries such as fishing and local trade. The apparent involvement of criminal organizations like the Japanese yakuza and Chinese triad gangs, and allegations of state involvement, or at least complicity, in “piracy”, as well as alleged involvement of various rebel groups in the region, further emphasizes the dangers posed by the resurgence of “piracy”. In a region where maritime security has come into the forefront of regional security concerns, “piracy” in Southeast Asia is a threat gaining increasing attention as a transnational security issue that demands multilateral and international attention. While the resurgence of “piracy” in and of itself is an increasing security concern, it should not be totally removed from the larger context of crime in the region. When “piracy is put in this context it is statistically insignificant, as in Indonesia alone, typically the most “pirate” infested waters, there were 1,687 murders reported, approximately 11,000 serious assaults, and approximately 9,000 cases of violent theft in 2002. “Piracy’s” significance is not only in its scope (although troubling in its upward trend), it is also in its political and social implications. The resurgence of “piracy” in the

Robbery Against Ships Annual Report,” 1 January – 31 December 2003, Piracy Reporting Centre (Kuala Lumpur: ICC International Maritime Bureau, 2003), 5-6.)
4 These regions will make up the geographic focus of this thesis, and despite the fact that not all these regions are technically in Southeast Asia this entire region will be referenced as “maritime Southeast Asia.” The littoral states of Southeast Asia will include parts of southern China as well.
region is an indicator that political has not kept pace with the rapidly changing economy and society, and ultimately represents a challenge to the legitimacy of regional states, problematizing effective governance.

There is no one factor, or even two factors, that have allowed “piracy” to resurface and become a serious threat to maritime security in Southeast Asia; it is the confluence of many factors that have weakened the state. Processes of globalization are spreading high speed information networks linking parties across the globe, expanding economic development and interdependence, and are shaping the modern world, including “piracy”. In 1997 the monetary crisis, sparked by the collapse of the Thai bhat, rocked the closely interconnected Southeast Asian economies, and many regional political institutions were severely shaken. The effects were most notable in Indonesia as the Suharto regime was forced to step down after nearly 35 years in power, leading to the most dramatic increase in reported incidents (inclusive of attempted attacks) of “piracy” from 1998 – 2000, jumping from 96 incidents to 259 incidents in the region of concern.\(^8\) Despite recent upswings in “piracy” in the last decade, however, maritime “piracy” has been resurgent over the last 30 years. Starting in 1975 following the end of the Vietnam Conflict, and continuing through the 1980’s, with hundreds of attacks on Vietnamese refugees (“boat people”) in the Gulf of Thailand and around Hong Kong, as well as a

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\(^8\) “Piracy Annual Report,” 5. Starting in 1992 all “piracy” statistics unless otherwise specifically noted derive from the IMB and its subsidiary the privately funded Piracy Reporting Centre, which collects and disseminates piracy statistics to maritime shipping companies, and all other interested parties. The statistics for the region of interest for this dissertation are compiled of the following categories of IMB regions: all littoral states of Southeast Asia, China/Hong Kong/Macau, Hainan/Luzon/Hong Kong Triangle, and the South China Sea, thus excluding the contiguous regions of the East China Sea, Northeast Asia, and the Bay of Bengal region.
surge of incidents in the Sulu region, saw a marked rise in incidents of "piracy"). In the early 1990's "piracy" began to not only expand into the Strait of Malacca and the South China Sea in maritime Southeast Asia, but increased all over the world, particularly in parts of the Americas (Brazil, Ecuador, Dominican Republic, Colombia), Africa (Nigeria, Somalia, Angola, Guinea), and the Bay of Bengal (India, Bangladesh, Sri Lanka).

Although a worldwide phenomenon, each year for the last 14 years Southeast Asia has accounted for more incidents than any other region in the world, and inside Southeast Asia Indonesia, the largest country in Southeast Asia, and the largest archipelagic nation on earth, consistently has the highest numbers.

Just as there is no single cause of "piracy" in Southeast Asia, there is also no one type of "piracy". The phenomenon of "piracy" in Southeast Asia, both historically and in modern times, is characterized by its diversity of practice. Contemporarily, there are many levels of "piracy" active in maritime Southeast Asia, "...the criminals run the gamut from the maritime equivalent of bank robbers...to members of well-connected and well-organized rings that can arrange for transfers of large quantities of stolen cargo at sea or at port without detection." "Pirates" could be anyone from opportunistic fishermen, to members of syndicates and even rogue military units. These attackers utilize everything from knives and pipes, operating out of ramshackle fishing vessels, to using assault rifles and cruising in the latest speed boats. Similarly, in the past predatory

11 Ibid., 5-6.
maritime activities were carried out by numerous groups as part of broader socio-political-cultural and material complexes. In the past so called “pirates”, depending on the point of view, could be legitimate raiders or privateers engaged in predatory maritime activities with the sanction of recognized political structures, or they could be illegitimate actors operating counter to the interests of recognized political structures.\textsuperscript{14}

In order to clarify the terminology that will be used in discussion of “piracy”, the word “piracy” will be used to exclusively refer to those predatory maritime activities that are carried out by non-state actors \textit{without} the acknowledged support of a recognized, legitimate political entity. “Piracy” will always appear in quotation marks, unless cited directly from a source, in order to convey the subjective quality of the word and the wide meanings and understandings subsumed within it. While still a little vague, it offers a contrast to “raiding” (in a Southeast Asian context) or “privateering” (in a Western context), which will be used to refer to those predatory maritime activities that \textit{had} the support or acknowledgement of a recognized legitimate political entity. This delineation between “piracy” and raiding/privateering is somewhat arbitrary, with lines between legitimacy and illegitimacy being subjective, but it provides a useful framework for future discussions. Raiding and privateering will not appear in quotes because they are essentialized constructions for this thesis, utilized for discursive analysis, whereas multiple understandings of “piracy” will be addressed, necessitating its continued qualification as a term. In order to conveniently refer to both practices, which is

\textsuperscript{14} For the purposes of analysis and discussion, in this thesis historical “piracy” will refer to anything prior to the twentieth century, unless specifically noted otherwise, and contemporary “piracy” will refer to everything from the twentieth century to the present day, unless otherwise noted. This artificial division roughly coincides with the end of large scale “piracy” and traditional raiding in the region.
frequently necessary, as they are opposite sides of a coin often operating side by side, they will be noted as “piracy”/raiding.

Much good research has been directed at examining contemporary maritime “piracy” in Southeast Asia within certain academic and policy analyst circles, such as those that study maritime security, non-traditional security threats, such as transnational crime, “grey area phenomenon” (GAP), and non-traditional security theory such as “human security” .  

This research has provided many useful insights into the nature of contemporary “piracy” in Southeast Asia, and is at the heart of a growing effort to combat this resurgent phenomenon. Outside of policy, the academic discipline of history has also provided many good accounts relating past practices of “piracy”, to which this thesis is much indebted. Outside these areas, however, “piracy” remains a virtually unknown issue generally thought to exist only in history, childhood stories, and Hollywood movies. And even within policy groups trying to address “piracy” the historical context is often lacking, simply outside the scope of their discussion, or treated simplistically, making broad generalizations, surreptitiously linking phenomenon over

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15 Maritime security is rather self explanatory as security concerns related to the maritime realm, however, the other terms may not be as familiar. GAP is a term designating those security threats stemming from non-state actors that exist in the “gray areas” of states where state control is not fully realized (Peter Chalk, Non-Military Security and Global Order, (New York: St. Martin’s Press, LLC, 2000), 2-3). Transnational crime is simply criminal activity that crosses international borders and is therefore largely beyond the control of any one specific nation. A “non-traditional security threat”, as it was described in neo-realist security literature during the Cold War, was a security threat that was not an immediate risk of causing full scale war between nations and therefore warranted less attention. Transnational crime and GAP (in which “piracy” could go under either term) would fit under that rubric. Human security is a concept that gained attention with the ending of the Cold War, which stimulated reexaminations of traditional security theory, such as the divide between traditional and non-traditional security threats, and “…refers to the quality of life of the people of a society or polity…[and] anything that degrades their quality of life…is a security concern” (Ramesh Thakur, “Human Security Regimes,” in Asia’s Emerging Regional Order ed. William T. Tow, Ramesh Chandra Thakur, and In-Taek Hyun. (Tokyo, New York: United Nations University Press, 2000), 231.).
vast stretches of time. Moreover, there appears to be little attempt in modern “piracy” literature dealing with Southeast Asia to contextualize “piracy” within the socio-political and cultural framework of Southeast Asia itself. In particular, authors frequently try to reconcile Southeast Asian “piracy”, currently the most prolific in the world, through definitions of “piracy” that evolved in a particular Western tradition. This is quite understandable given that the Western legal tradition on which these authors draw is the base for modern international law dealing with “piracy”. While policy literature focuses almost exclusively on the present, historical accounts of “piracy” are frequently isolated from contemporary circumstances, making them quite literally “academic” in their usefulness.

In order to better understand the contemporary manifestations of “piracy” in Southeast Asia, and the context from which it has emerged, the historical context of “piracy” and its links to modern “piracy” need to be explored more fully. There are some

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16 For example articles such as that by P.W. Birnie, “Piracy: Past, Present and Future,” Marine Policy 11 (July 1987): 163; where the opening paragraph links piracy from an indefinite historical past to the middle ages and to current day without contextualizing or providing any sense that piracy may have changed in those thousands of years. See also Carpenter, and Wieneke, 2000, the opening paragraph links piracy as a threat from the earliest records of venturing to sea to an upsurge in piracy in the 1970’s and 1980’s. Both of these articles are quite good, but they each fall prey to the temptation to make sweeping generalizations without any depth of analysis. There are many very good historical accounts of piracy in Southeast Asia by Barbara and Leonard Andaya, N.F. Campo, Dian Murray, Eric Tagliacozzo, Nicholas Tarling, James Warren, and O.W. Wolters to name a few, but in policy literature this depth is generally lacking.


18 See almost any historical work cited in this thesis for examples where disciplinary limits have necessarily cut off applying historical accounts to contemporary phenomena; it is simply outside the scope and aim of these works.
notable works in recent years that have moved in this direction, but the majority of academic and policy literature on “piracy” seems largely uninformed about the other, or simply outside their professional concern. This thesis seeks to contribute to this effort, bridging the gap between historical context and policy analysis, and from this broader understanding suggest ways and means of addressing the root causes of contemporary maritime “piracy” in Southeast Asia.

Contemporary maritime “piracy” in Southeast Asia has been shaped by modern economic, political, and social forces, but contemporary “piracy” did not evolve in a vacuum. Indeed, maritime “piracy” has been a reality in Southeast Asia by at least the fifth century C.E, when a Chinese pilgrim returning home from India via what is now Southeast Asia mentioned “piracy” in the Strait of Malacca. The activities being referred to as “piracy” 1,500 years ago were an intrinsic part of a complex social web with elements of political and economic competition, as well as social status, common through much of maritime Southeast Asia. “Piracy” has waxed and waned according to the flow of local, and often global, trade, and the ability of regional polities to control this trade and exert their influence in the region. This can be seen from the time of Srivijaya in the seventh to eleventh centuries, the competition over expanding trade in the nineteenth century, and most recently in the last 30 years as Southeast Asia has experienced rapid economic development. In all these cases “piracy” has emerged

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beyond the control of any state. There is a continuous thread of "piracy" that has evolved and adapted over the centuries, trailing from current times to the limits of recorded antiquity in the region.

Why then has "piracy" persisted in Southeast Asia from the fifth century to today? Is contemporary "piracy" an extension of a raiding culture rooted in the past, or is it a new phenomenon altogether, the product of a modern world? What are the continuities linking past and present? What are the discontinuities that establish each as a unique manifestation of the times? What allowed "piracy" to thrive in the past, and why has it resurfaced as a significant security concern today? These are some of the questions this thesis will try to address.

This thesis will explore these questions through the following chapters: definitions, where a brief evolution and development of the term and concept in both a Western and Southeast Asian context will be explored; historical examples, where case studies will be offered as a basis of comparison with modern "piracy"; state control, where through the themes of people, political hegemony, and technology, contemporary "piracy" will be discussed; and finally conclusions, a summation of discontinuities and continuities between historical and modern "piracy", and what this analysis suggests as a way forward in addressing contemporary maritime "piracy" in Southeast Asia.

Definitions

Western

Defining “piracy” is problematic. Indeed the word “piracy” has been variously used to describe everything from enemy combatants to common criminals. The complexity of the term “piracy” as a social construct would appear to make analysis of actual phenomena labeled as “piracy” problematic. However, analyzing how understandings differ and how they have changed over time and place, provides a way to cut through some of the biases in the use of the term. For many “piracy” must seem straightforward; conjuring images of swashbuckling adventurers from Hollywood blockbusters, dastardly villains in the form of Black Beard (Edward Thatch), Long John Silver and the like. To the ordinary person they are robbers operating on the sea to be hunted down, tried and punished in a court of law. However, beyond our cursory introduction to the term through mass media and film, as with any concept that is the arbitrary product of subjective values, the definition of “piracy” is malleable and fluid, being adaptive to different cultures, politics and times. “Piracy” should be thought of not as static, but as a concept given to change over time and through experience; as Campo has termed it “a concept in development.”

The term “piracy” in the Western tradition derives from ancient Roman and Greek concepts which did not originally include a sense of criminality, like modern interpretations of the word. The word “peirato” connoted political legitimacy and belligerency applied to peoples of the eastern Mediterranean; those included under the
growing Roman hegemony, and those deemed as “pirata” were people who lived a way of life outside of that Roman hegemony, and therefore illegitimate.25

Particularly important are certain concepts in the law of “piracy”, such as criminality,26 “animo furandi”,27 and “hostes humani generis”,28 which evolved from subsequent interpretations of ancient classical literature. During the Medieval period and early Renaissance, the word pirata changed in meaning from a belligerent in the context of war, to mean an un-authorized privateer. This understanding was used pejoratively in describing the seizure of ships and goods. Part of the accepted risk of participating in the burgeoning trade of the times, but it was not yet considered in terms of criminality.29

Renaissance publicists and jurists such as the Dutchman Hugo Grotius (1583-1645), who is often termed the “father of modern international law”, the Italian Alberico Gentilis (1552-1608), and the Britisher John Selden (1584-1654), drew heavily on these classic texts to support their postulations and theories of international law. These sixteenth and seventeenth century legal minds, however, moved further away from their classical legal progenitors, introducing a novel legal interpretation of the word pirata to describe specific cases of maritime violence outside the bounds of law, i.e. criminal. Gentilis specifically describes how “piracy”, using the Latin pirata, without the consent of the king is equivalent to brigandage or banditry on land.30 Similarly, Grotius

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24 Ibid.
25 Rubin, 10.
26 Criminal in this sense defines actions punishable under local, or municipal, or civil law, as opposed to necessitating recourse to international law or law governing war.
27 Meaning private motives, as opposed to political motives.
28 This phrase literally means “enemy of humankind”, or “enemy to all humankind”.
29 Rubin, 20.
30 Ibid., 29.
postulated that “piracy” in “natural law”, i.e., laws common to all nature and those in it, that the “...word [piracy] would fit robber bands on sea or on land.”\textsuperscript{31}

The use of the Latin word \textit{pirata} through the sixteenth and seventeenth centuries, including its translation into English municipal law, was increasingly at odds with the classical texts. This subtle shift in meaning had important ramifications, as “pirates” became not belligerents in war, but common robbers. Yet the concept of \textit{hostes humani generis} seems to have stuck.\textsuperscript{32} Additionally, the concept of \textit{animo furandi}, which had been applied to the words “\textit{latrones}” and “\textit{praedones}” (bandits and robbers), was applied to the new understanding of “piracy”. Thus “piracy” suggested a theft for private gain, like a robber, but was now a crime against all humankind because it was on the seas and not directed against any one target group. This confusion of “\textit{praedones}” and “\textit{pirata}”, or robber and pirate, and their associated legal contexts impacted future developments of law dealing with “piracy”.\textsuperscript{33}

Grotius, Gentilis, and Selden were reinterpreting concepts of international law at a time when the economic and political dynamics of European states were changing rapidly. Grotius, employed by the Dutch government, was in part seeking to rationalize expanding Dutch commercial interests in the East Indies, and justify protecting its commerce by the harshest means. Grotius conceived of “piracy” as a criminal disturbance of lawful commerce and a state’s sovereignty. Therefore jurisdiction could be extended through naval occupation of waters, just as in the military occupation of

\textsuperscript{31} Ibid., 39.
\textsuperscript{32} Ibid., 93.
\textsuperscript{33} Even today Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) defining “piracy” has a “private gains” stipulation, and Article 105 stipulating who may arrest “pirate vessels”, states that “every State may seize a pirate ship or aircraft,” affirming the principal of “\textit{hostes humani generis}”.
land. This provided the impetus for justifying martial action to protect commerce.\textsuperscript{34} Gentili interpreted “piracy” as being linked to the license of a respective monarch, so that unrecognized maritime raiding was seen as criminal, and not as an act of war. Under \textit{hostes humani generis} “pirates” were the enemy of all humankind and not legally entitled to belligerent status. This interpretation granted any given monarch the right to extend their municipal criminal law to the seas, and punish anyone obstructing their commerce that did not have license from a ruler who was recognized by said state.\textsuperscript{35} The potential for chaos if this interpretation had been fully applied is apparent. However, in a time when commercial activities were being extended beyond Europe, this interpretation, like that of Grotius’, provided justification for protecting new commercial interests.

Likewise, Selden’s classic \textit{Mare Clausum} was directed at extending a particular interpretation of maritime law, which would allow England to claim parts of the seas in a quasi-occupation,\textsuperscript{36} and thus extend their municipal jurisdiction in the seas. England became the dominant European power of the sea, and much of the world, in the mid-nineteenth century, following the defeat of the French navy outside the Spanish port of Cadiz, off Cape Trafalgar at the hands of Vice Admiral Horatio Lord Nelson, and this dominance lasted until the end of the age of sail.\textsuperscript{37}

Complicating European practice and understandings of “piracy”, as a criminal activity, was the wide use of privateers. Privateers in international law were defined as “vessels belonging to private owners, and sailing under commission of war empowering the person to whom it is granted to carry on all forms of hostility which are permissible at

\textsuperscript{34} Rubin., 41, from Grotius, \textit{De Jure Belli ac Pacis} Book II, ch. iii, para. 13(2).

\textsuperscript{35} Ibid., 29.

\textsuperscript{36} Monica Brito Vieira, “Mare Liberum vs. Mare Clausum,” \textit{Journal of the History of Ideas} 64, no. 3 (July 2003): 371.
sea by the usages of war.” 38 This included seizure of goods and property, and contrasts with the definition of “piracy” as an act carried out by “…a body of men acting independently of any politically organized society.” 39 The use of privateers to supplement meager naval forces in time of war, was a standard practice among Western states (and Southeast Asian states as well), from the thirteenth century to the nineteenth century. Privateers were a resource of highly skilled mariners that the state did not have to pay for, and could actually provide revenue, as a portion of their prizes generally went back to the state. 40 Empowering non-state actors with legitimatized means of violence, however, had its dangers, as reining in privateers once their purpose had been served often proved difficult. As a result of frequent wars in Europe, combined with the practice of privateering, “piracy” in European waters extending from the Mediterranean to the English Channel, became rampant by the seventeenth and early eighteenth centuries. 41 During times of war “pirates” and other such maritime peoples were granted pardons and given commissions to fight his or her majesties’ war, but when the war ended, these “pirates”, now pardoned, were turned loose with no means of making a living. Accordingly, many turned back to “piracy” until the next war, and the cycle would begin again. As Daniel Defoe noted as early as the beginning of the eighteenth century: “Privateers in time of war are a nursery for Pyrates against a Peace.” 42 Ironically

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39 Ibid.
40 The use of privateers in Europe was actually very similar to traditional states in Southeast Asia, which organized raiding expeditions from among their followers and from which a share of profits was turned over to the ruler.
privateering "...evolved into a weapon of the weak...as in the case of the United States and Britain during the war of 1812," despite being "...invented and encouraged by the 'strong' states of Europe [Britain, France, Spain]."\(^{43}\) Not only the United States, but Southeast Asian raiding practices may also be seen as privateering; an effective weapon of the weak when facing colonial navies. Similarly, raiding provided the sponsoring state with revenue and affordable naval power. For this reason in the nineteenth century, by the time Britain had become the naval power in the world, privateering was finally outlawed by the majority of European naval powers by the Declaration of Paris in 1858 (at Britain's behest), following the end of the Crimean War.\(^{44}\)

This evolution of the concept of piracy led directly to the definition of piracy incorporated in the 1958 Geneva Conventions on Law of the Sea and the 1982 United Nations Convention of the Law of the Sea (UNCLOS). This represents an attempt at codifying a vast array of customary law handed down over the centuries, as well as to create all new bodies of laws, governing and regulating the oceans of the world. UNCLOS was put into force after the 60\(^{th}\) signatory ratified it in 1994. It was negotiated over a period spanning from 1958, when the first articles were drafted, to December 1982, when the Convention was opened for signature in Montego Bay, Jamaica.\(^{45}\) Approximately 150 countries participated in the negotiations that created UNCLOS,\(^{46}\) although at present only 86 countries have ratified it, just over half the number who

\(^{43}\) Thomson, 26.
\(^{46}\) Ibid.
actually participated in its creation.\textsuperscript{47} From this process has emerged an impressive document trying to tie together various disparate elements of ocean governance, although it was not without controversy, as reflected by the number of countries that have not ratified it. Article 101 of UNCLOS defines “piracy” as follows:

\textit{Article 101}

\textit{Definition of “piracy”}

“piracy” consists of any of the following acts:
(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
   (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
   (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).\textsuperscript{48}

This definition is essentially the same as that developed at UNCLOS I (the first round of negotiations in 1958), but two broad categories of issues have been raised concerning this definition.\textsuperscript{49} Critics point out that “piracy” itself has changed significantly since the definition was first drafted, and secondly that with changes to maritime boundaries stemming from articles in UNCLOS, jurisdiction in the seas has significantly changed, affecting the enforcement of “piracy” according to its definition in Article 101. These problems will be treated in more depth later in Chapter 4, but the point here is that there have been several notable attempts at redefining the Article 101 definition of “piracy”.

The first that will be discussed is the Convention for the Suppression of Unlawful Acts

\textsuperscript{47} Comite Maritime International, NGO, Antwerp, Belgium
http://www.comitemaritime.org/ratific/uninat/un04.html. Interestingly the United States, one of the key negotiators, has not yet ratified UNCLOS.

\textsuperscript{48} United Nations Convention of the Law of the Sea, (Montego Bay, Jamaica, December 10, 1982),

\textsuperscript{49} Article 101 of UNCLOS while first drafted in its approximately present form in 1956-58, the article was heavily based upon a League of Nations attempt at defining “piracy” back in the early 1930s.
Against the Safety of Maritime Navigation (SUA),\textsuperscript{50} which would be binding in international law for its signatories, and the second is the International Maritime Bureau’s (IMB) definition which is not legally binding, but it has become a widely used definition in the literature, and thus affects how the contemporary framing of the issue of “piracy”.

SUA was not designed to address definitional or jurisdictional issues of “piracy”, but rather was meant to address international terrorism,\textsuperscript{51} although it is being promoted as such by many who wish to address the above mentioned problems with UNCLOS.\textsuperscript{52} The inspiration for SUA came indirectly from the 1985 hijacking of the passenger cruise ship \textit{Achille Lauro} in the eastern Mediterranean, at the hands of a few Palestinian Liberation Organization (PLO) operatives.\textsuperscript{53} The general ease with which the ship was seized and controlled by so few people, and the international attention the event received prompted the International Maritime Organization (IMO) to address the state of laws regarding political maritime violence in an international setting. In Rome, Italy 1988 SUA (which is also called the “Rome Convention” owing to its genesis in Rome) was drafted and opened for signatures, and entered into force March 1, 1992. As of October 31, 2003 there are 95 countries as signatories, covering approximately 76.7% of gross


\textsuperscript{51} Batongbacal, 125.


\textsuperscript{53} The \textit{Achille Lauro} incident gained international attention first because of the nature of the hijacking, a large cruise ship full of tourists from around the world, secondly the involvement of a prominent political group, the PLO, and third because during the course of events that unfolded a disabled American was thrown overboard, and killed. This led the USA to test its international authority beyond legal convention, when the hijackers, having negotiated their escape and return to Palestine, were being flown on an Egyptian
Despite wide acceptance, however, key maritime Southeast Asian nations such as Indonesia, Malaysia, the Philippines, and Thailand have not signed the Convention. The notable exception is Singapore, which quite recently acceded to SUA. Singapore’s dependency on international trade and its unique economic and political conditions obviously set it apart from much of the rest of maritime Southeast Asia. Although each nation has its own reservations about signing SUA, there are some general issues that could explain the reluctance to sign.

Article 3 of SUA outlines a broad definitional framework of acts that constitute a threat to maritime navigation. It sidesteps definitional pitfalls by not mentioning any specific acts such as “piracy” or “terrorism”, but rather referring to

1. Any person who commits an offence if that person unlawfully or intentionally:
   a. seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
   b. performs an act of violence against a person onboard a ship if that act is likely to endanger the safe navigation of that ship

SUA’s utility in addressing “piracy”, however, like UNCLOS is not unquestioned. Some have questioned its applicability to “piracy”, since it was designed as an anti-terrorism convention. There are also concerns about its enforceability under common law jurisdictions, possible financial obligations, and infringements upon sovereignty. These issues will be explored in more detail later in Chapter 4, but it is sufficient for now to point out that SUA, like UNCLOS, is by no means universally endorsed as an anti-“piracy” tool in maritime Southeast Asia.

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57 SUA, Article 3.
The International Maritime Bureau (IMB) is a subsection of the International Commercial Crime Services (ICC), which itself is a subset of the International Chamber of Commerce, a private organization whose “...task is to prevent fraud in international trade and maritime transport, reduce the risk of piracy and assist law enforcement in protecting crews.” Further in this chain is the Piracy Reporting Centre, a division of the ICCIMB, located in Kuala Lumpur, Malaysia, which focuses on “piracy”. Although the chain of connections is somewhat confusing, the IMB and its parent and offspring organizations are deeply involved in combating maritime crime, including “piracy”. In fact the IMB and its Piracy Reporting Centre is a key hub for disseminating “piracy” information such as statistics and area warnings. IMB Piracy Reporting Centre statistics have become ubiquitous in “piracy” literature, in popular media, as well as scholarly writings. The statistics coming out of the IMB are a driving force in discussions of “piracy” in a wide variety of fields. One recent example of the importance of IMB statistics is an article in *The Australian*, which reports navy chief Rear Admiral Chris Ritche, citing IMB statistics describing increasing incidents of “piracy”, has outlined how Australian warships will play a greater role in countering threats, such as “piracy”, to shipping. 

Interestingly the definition that the IMB uses for collecting their information is not legally binding, and does not conform to international legal definitions like UNCLOS or SUA. The IMB defines “piracy” as: “An act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to

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use force in the furtherance of that act.\textsuperscript{60} The IMB definition, like that of SUA, avoids the issues of private gain, high seas, and the involvement of two ships -- all troublesome aspects of UNCLOS. The IMB thus even further broadened the scope of “piracy”. As a non-binding definition used for their collection of statistics the IMB is at liberty to disregard jurisdictional concerns, as well as nuances of definition such as animo furandi versus political motivations. This has the benefit of more accurately reflecting the complex reality that ship owners and their crews face when they ply the waters of Southeast Asia. It makes little difference to them if the intent is private or ultimately political, or if the attack is in the Exclusive Economic Zone (EEZ) or territorial waters of a country, or if the attackers robbed their ships using another boat or simply climbed aboard while in dock. The result is the same: lives and cargo are in danger. This broad definition can also potentially include all the “small time” thefts and robberies not dealt with by SUA and despite their much higher statistical frequency, are overshadowed by the more newsworthy hijackings. For tracking incidents of “piracy the IMB’s definition is quite useful, although compiling statistics has its own problems,\textsuperscript{61} but its utility as an expanded definition of “piracy” for purposes of enforcement or prosecution would be limited, since it would encounter similar troubles as the broadly worded SUA definition, as well as jurisdictional issues stemming from UNCLOS.

\textsuperscript{60} Piracy Annual Report, 3.

\textsuperscript{61} See “Approaches to the Issues” section for more details on potential inaccuracies in IMB statistics.
Defining “piracy” becomes even more problematic when considering a Southeast Asian context, as there are many layers of labels and translations that have accumulated over the centuries. Unfortunately, historical forms of “piracy” were only documented by foreigners passing through Southeast Asia, each with his own religious, economic, and political agendas, with their own unique way of making sense of what they saw and translating it into their own languages. Understanding and describing Southeast Asian predatory maritime activities from the perspective of outsiders presents inherent difficulties. Even though Europeans left more copious documentation of “piracy”, and their colonial history in Southeast Asia has made their influence that much stronger, they were not the first ones to apply labels to these phenomena.

In the early fifth century Shih Fa-Hsien (the ‘Buddhist’ ‘Illustrious in Law’) traveled through Southeast Asia on his way home to China from a pilgrimage to the holy centers of Buddhism in India.62 Fa-Hsien wrote of his passage through the Strait of Malacca “This sea is infested with pirates, to meet whom is death.”63 It is unclear if he himself witnessed any incidents or simply heard second hand, but the characters from the text used by Wheatley could mean robber, or thief, but could also mean rebel. However, from the previous characters the context is set in the ocean, so it was translated as the English word “pirate”.64 Another record from the latter eighth and early ninth centuries, a geographical memoir compiled by Chia-Tan, notes amongst various descriptions of

62 Wheatley, 37. 
63 Ibid., 38.
64 Personal Communication, Pang Yong, February 3, 2004; and Personal Communication, Koh Keng We, February 6, 2004.
Southeast Asian kingdoms a place where “The inhabitants are mostly pirates.”\(^{65}\) This passage, coming two hundred years later uses different characters from the previous passage (not unusual since Chinese is phonetic and not standardized until this century), and has a meaning, comprised of two characters that literally mean “those who do violence”,\(^{66}\) and again has been translated as the English “pirate”. Accounts of Arab travelers and historians, some of whom like Ibn Battutah might have actually traveled to Southeast Asia, and not just collected stories from Persian ports, also mention “piracy”. Ibn Battutah, writing in the mid fourteenth century, in one passage mentions junks getting ready for “…piratical raids, and also to deal with any junks that might attempt to resist their exactions, for they exact tribute on each junk [calling at that place].”\(^{67}\) This account would seem to accord Southeast Asian “piracy” more in terms of extracting taxes rather than simply as sea robbery.

Another layer of meaning is added by local words for maritime predatory activities, such as the Malay rompak (the action) and perompak (the person doing the action) connoting traditional maritime predatory activities, which according to the 1959 Wilkinson Malay/English Dictionary translates as “Piracy; robbery on the waters.” Trocki further elucidates the term perompak as “wanderers and renegades who included hereditary outlaw bands with no fixed abode,”\(^{68}\) and notes the political and commercial significance of the practice.\(^{69}\) This suggests a clear concept of legitimate and illegitimate raiding practices, one under the control of a ruler, the other not. Later in the seventeenth and eighteenth centuries, as the raids of the Iranun became widespread their name itself,

\(^{65}\) Wheatley, 47, 57.
\(^{67}\) Wheatley, 226.
often alliterated to "Lanun" or "Ilanun" also became a word describing a particular style of "piracy"/raiding, characterized by large vessels, armed with dozens of men and cannon (Wilkinson, 1959, 655). This style of raiding, in comparison to that of local sea people, is vividly recounted in the Tuhfat al-Nafis, in describing an assault on an Iranun stronghold in Riau, noting their larger boats, armed with numerous cannons, and their more intensive raiding patterns. These local words suggest an antiquity and durability of predatory activities, as well as active processes of change, as new terms are added to include new forms of these activities.

These words have come down through the ages, and have been picked from a plethora of indigenous terms to be included in our dictionaries, have negative connotations in their English translations, but are not representative of all understandings of predatory maritime activities. Many traditional heroes, respected for their courage and moral examples, were "pirates". For example, in the Philippines "...raiders were regarded as popular heroes and enjoyed inter-island reputations...Their exploits became the stuff of local legend, and the most famous among them were...worthy of being memorialized in...heroic epics...." Likewise in the Malay world, raiding could be an honorable occupation, being "...widely regarded as a suitable occupation for a prince whose income was insufficient to meet his needs." One example is Raja Ismail, a notable anak raja (child of a king or ruler) and mystical hero in the mid-eighteenth century, who was one of various factions competing for control of the Siak Sultanate, after its separation from Johor earlier in the century. This anak raja gained a royal

68 Carl A. Trocki, Prince of Pirates, (Singapore: Singapore University Press, 1979), 56.
following and sought his fortunes at sea, largely through raiding a “...common practice throughout the region, but Siak princes raised it to new heights, using it to create their own negeri [state, or polity] and bases of authority.”

Even European sources acknowledged the “heroic” aspects of Southeast Asian “pirates”. For example, an account of the life of La Ma’dukkelleng Arung Sikang, described as a “prince of pirates” (raja bajak laut) who became an important leader (ruler of the Buginese state of Wajo) in southern Sulawesi in the late sixteenth and seventeenth centuries.

These understandings of Southeast Asian maritime predatory activities were of course further changed by the coming of Europeans, starting in the sixteenth century. Through the processes of imperialism and colonialism, particularly in the latter half of the eighteenth century and the nineteenth century, European concepts of “piracy” of the time were laid over local traditions, criminalizing traditional maritime predatory activities.

The layers of meaning and interpretation applied to predatory maritime activities in Southeast Asia have blurred their original meanings, confusing the contexts from which they came. Even today contemporary definitions of “piracy” are problematic when applied to Southeast Asia. It is thus with caution that the word “piracy”, with all its implications and contemporary understandings, should be applied to phenomena in widely different times, places, and cultures.

Nicholas Tarling, referring to Van Leur’s cautionary words about applying European standards and categories to Southeast Asia has remarked: “In a sense this warning applies also to the concept of “piracy” which

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71 Scott, 156-57.
73 Timothy Barnard, “Multiple Centers of Authority,” (Ph.D. diss., University of Hawaii at Manoa, 1998), 212.
75 Rubin, 2-3.
carries from its European context certain standards of meaning and overtones which render inexact its application even to ostensibly comparable Asian phenomenon.\textsuperscript{76} Thus one English word, derived from 2500 years of evolutionary usage, has been used to describe varying dynamic traditional practices spanning 1500 years in Southeast Asia. No wonder there is confusion surrounding the concept of “piracy” in maritime Southeast Asia!

\textit{Contextualizing “Piracy”}

The concept of “piracy” is thus complex and defining the term both from a Western perspective, and in Southeast Asian contexts, is rather problematic. The concept of “piracy” in a Western tradition has evolved and developed over approximately 2000 years, being interpreted to fit the needs of the times. In the sixteenth and seventeenth centuries influential legalists were redefining the concept of “piracy”, based on the need to defend expanding trade networks throughout the world, and particularly in maritime Southeast Asia. These new interpretations combined classical understandings of “piracy” and robbery and led to a legally criminalized understanding of “piracy”. This was quite different from past understandings as a belligerent in war, or as a pejorative use of the word, describing expected risks in trade. These interpretations were used to justify using military navies in defense of trade, as policemen, without having to declare war and abide by the rules of war. Navies could hold sea space in quasi-occupation just as armies could on land.

From the early eighteenth to the nineteenth centuries, the practice of legal “piracy” or privateering, a long standing tradition of many of the most powerful

European states, was eventually outlawed. Privateering became seen as a threat to the peace, a nursery for “pirates”, and more importantly the practice became unnecessary for the powerful navies of the time (particularly the British), becoming a weapon of the weak. By the nineteenth century, with the outlawing of privateering, the interpretation of “piracy” as a wholly criminal practice, involving private gains (animo furandi), and an act against all humanity (hostes humani generis), therefore punishable by all nations, was cemented. This interpretation then entered modern international law where it is still the basis of definitions and understandings of “piracy”.

Defining the term in Southeast Asia has also been problematic. Historic manifestations of “piracy” in Southeast Asia were quite heterogeneous, encompassing a broad range of socio-political-cultural motives, and an equally diverse range of actual practice. Foreign accounts of some of these activities, although it is questionable if any of the early authors directly witnessed an actual attack, describe them as “piracy”, or at least that is the English translation of the Chinese and Arabic sources. The layers of outside interpretation of these phenomena are compounded by a multitude of local understandings of predatory maritime activities. Words like the Malay perompak, convey a sense of illegitimacy, or acts outside the control of recognized political structures. While the practices of anak raja, heroes like La’Madukelleng, and the exploits that would earn a Filipino a place in an epic narrative, convey not only a sense of legitimacy in some cases, but of renowned and heroic stature. The myriad of words and understandings suggest an antiquity of predatory maritime activities, and furthermore, new words for “piracy” emerging out of the eighteenth and nineteenth centuries like
*Illanun*, or *Lanun*, describing the exploits and style of particular raiders, suggests both a diversity and dynamism of practice.

European accounts and understandings of local predatory maritime activities in the sixteenth and following centuries, had the greatest impact on how the outside world saw these activities, and eventually redefined how local power structures also viewed them. Through the processes of expanding imperialist projects, and eventually colonialism, by the nineteenth century, European power in maritime Southeast Asia allowed the imposition of Western legal perspectives of political and social phenomenon. In this context, the diverse local practices and traditions, both “legitimate” and “illegitimate” in the eyes of local power structures, where folded into the word and concept of “piracy”, made a criminal offense unacceptable to any Western based civil society.

This Western concept of “piracy” eclipsed any other official concept of the word, and became the foundation of international law. Nevertheless, these definitions and understandings, as in the past, do not entirely fit the reality of “piracy”. They do not take into account the local context of “piracy” in maritime Southeast Asia, and thus create a conceptual gap in our understanding of the phenomena, and interfere with attempts to address “piracy” in the region, which has accounted for almost half of all reported incidents worldwide over the last 15 years. Contextualizing “piracy” specifically within maritime Southeast Asia will provide a better understanding of the phenomena, including both its historic roots and its contemporary manifestations. This will in turn facilitate the process of comparative analysis between past and present phenomena, from which insight for addressing contemporary maritime “piracy” in Southeast Asia may be derived.
Approaches to the Issues

“Piracy”, like many aspects of Southeast Asia, defies easy categorization, being characterized more in its diversity of operation, objective and method than the monolithic term “piracy” would suggest. This thesis will try and contextualize “piracy”, both past and present, specifically in maritime Southeast Asia. Historically each social group in maritime Southeast Asia had their own unique raiding practices, which performed a variety of functions. Similarly, contemporary “piracy” manifests itself in numerous forms: from low end “hit and run” thefts, where “pirates” sneak aboard ships and grab what they can lay their hands on with an average cash value of $5000 to $15,000; to short term seizures of vessels often involving weapons and at least short term hostage taking; and even to hijacking of entire vessels, the selling their cargos, the disposing of the crew, and then using the ship to commit further crimes. Yet through this diversity there are tempting and undeniable undercurrents of similarity across the diverse geography of people and place, as well as across time.

An intriguing aspect of both indigenous and European concepts of “piracy” is the role of the state in defining understandings of “piracy” historically and contemporarily. The ability of the state to exert control, or its lack thereof, reflects the dynamic tension between acts of “piracy” and their asserted political legitimacy or legality, which is at the heart of a subjective term like “piracy”. Contemporary “piracy” would seem to exist as a clearly illegitimate maritime activity in the agreed upon system of modern states, laws, and international relations. As understood through Weberian principals of power, authority, and legitimacy, theoretically states have monopolistic control of the means of

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coercive force. But those agents intimately involved in "piracy" may perceive their actions differently. Historically this was certainly the case, as the boundaries between "state" and "non-state" were frequently blurred, and state structures often actively encouraged and supported non-state agents of violence, like privateers or raiders, when their activities were to the benefit of the political center. However, this tenuous control was often disregarded by non-state agents and they often acted relatively independently of state power, until they could be brought back under control again. State control is a dynamic of power and depends on who has the authority to determine political legitimacy and illegitimacy through agreement or assent of the nation, or by force. The present nation state system in Southeast Asia formed through hundreds of years of interaction, competition, and negotiation between various local polities and European powers. The process of this evolution has left its imprint on the present structure, including the conceptual and structural elements of "piracy".

In discussing the relationship of "piracy" and the state, this thesis does not seek to explore in depth the legitimacy of the state, or dip into the vast body of literature on the subject. This thesis adopts a simplistic, broad understanding of what constitutes a state, essentially accepting any recognized political structure, and assumes the ultimate legitimacy of these structures, both historically and presently. This assumption is made for three reasons: first because analysis of states is largely beyond the intended scope of this thesis. Second because only a simplistic understanding of states is necessary for discussion of "piracy's" relation to the state. And third this understanding allows a more

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79 Thomson, 8, 41-42, 54.
80 Ibid., 54.
objective approach to discussion of competing states and state models where
“piracy”/raiding is the focus, and not the legitimacy of states themselves.

Beyond establishing the *post facto* legitimacy or illegitimacy of “piracy”, state
control is also a fundamental consideration in the physical enactment of “piracy”: the
states ability to exert some minimal control of the people in its territory through
“...binding commands, rules, and laws backed by force,” and reciprocal social contracts,
thereby controlling those who become the agents of “piracy”.82 This includes the state’s
ability to maintain political authority, and therein maintain its claim to a monopoly of the
means of legitimate coercive violence, and the ability to regulate non-legitimate violence,
as well as controlling and regulating available technology and restricting access to those
technologies that pose a threat to the state. All of these aspects of state control will be
discussed within the context of Southeast Asia, with particular focus on Indonesia and the
Philippines, two archipelagic states where “piracy” is particularly troublesome.

The study of “piracy” is fraught with epistemological problems, for as with
“...the word ‘crime’ itself ...‘piracy’ is a term that both describes and passes a (negative)
judgment...addresses an object that is *a priori* normatively defined, and is based
primarily on sources in which this value judgment goes without saying.”83 Although the
literature used for this thesis by and large is grounded in a negative assessment of
“piracy”, there have been several notable attempts to portray “piracy” without
moralizing, and yet trying not to minimize the brutal reality of “piracy”.84 This objective

(Stanford: Stanford University Press, 1995), 2; Micheal Leifer, *Dilemmas of Statehood in Southeast Asia*,
(Vancouver: University of British Columbia Press, 1972), 105; Green, 1.
82 Alagappa, Introduction, 3.
84 In particular see the works of James Warren on Sulu, the Iranun and the Balangingi, the thoughtful article
by N.F.M. a Campo on the discourse of piracy, the works of history by Barbara and Leonard Andaya, Dian
stance is all the more important because the topic of maritime “piracy” in Southeast Asia is reviewed in a context largely outside of the academic roots of Western scholarship. It is thus important to consider that while trying to unravel the layers of interpretation of Southeast Asian “piracy” this thesis uses a vocabulary that is rooted in a particular academic, cultural paradigm.

Post-modern critiques, and the whole debate surrounding Orientalism initiated by the late Edward Said, make us more aware of using outside definitions to describe foreign phenomenon such as “piracy” in Southeast Asia. As Said suggests, however, while it is impossible to divorce oneself from one’s intellectual heritage totally, the effort can be made to free one’s research from biases, and in the case of “piracy” a self-conscious awareness of indigenous perspectives can help alleviate this situation. This goal is somewhat complicated, however, by the ubiquitous complaint and fact that indigenous sources are scarce in Southeast Asia. Accounts of Southeast Asian “piracy” largely derive from foreign sources: Chinese, Arabic, and later, European. In this situation judicious use of foreign accounts and ethnographic studies is quite helpful, but still problematic for trying to understand “piracy” in Southeast Asia. As we move into the modern era there is plenty of literature, but there is still a general lack of native scholarship on “piracy”.

A second issue, also in the modern era, is that of collecting information, i.e. reliable statistics. The IMB is performing a true service by compiling incident reports from around the world. However, the IMB definition is inclusive of any form of violence, threatened or implied, that involves a ship, without any considerations of

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Murray's work on piracy in southern China, Rubin's work on the law of piracy, and Janice Thomson's look at piracy in European state formation, among others cited in this thesis.
degree, place, or intent, so that petty theft in the docks are potentially lumped in with, any kind of assault, armed robbery or hijacking. The broad definition of “piracy” creates irregularities in statistical reporting of incidents of “piracy”, a politically charged word that might misconstrue the nature of events. Irregularities in reports of “piracy”, stemming from ship owners cost benefit analysis of reporting incidents and the associated cost of delays in shipping and raises in insurance, versus the benefits of reporting incidents possibly leading to arrest or recovery of goods, may greatly affect statistics. Furthermore, a possible violence bias in reported incidents may also skew the picture of “piracy” being presented. Also of significance is that like UNCLOS and SUA the IMB definition of “piracy” is impacted by the political and economic concerns of involved parties. The IMB is a private organization drawing its income largely from international commercial shipping groups and insurance agencies, and therefore it must ultimately frame its ideas of “piracy” keeping its patrons in mind. This means that “pirate” attacks against local shipping, which is hard to gather information about in the first place, is not of as much interest despite its probable majority of incidents. Which definition of “piracy” is being used directly impacts the information that is gathered.

To simplify the following discussions, this thesis will use the IMB definition of “piracy”, despite its handicaps, for two reasons: one, because if the UNCLOS definition were adopted there would be no incidents of “piracy” to discuss, and second, because this

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87 See Young and Valencia, 271. Associated with the cost benefit analysis of whether to report incidents or not, if members of the crew were seriously injured or killed then these incidents would more likely to be reported.
thesis relies heavily on IMB statistics for discussions of modern “piracy”, so it makes sense to follow its definitions that generated the statistics.

The accuracy of statistics hints at a larger issue, what information is available for analysis of contemporary “piracy”. Historically, raiding/"piracy" was not a shadowy, criminal enterprise, operating in dark corners, as it has become today. Historical documents contain records of notable personalities and their deeds, because raids were something to be recorded as a heroic epic, a matter of pride, allowing an analysis of circumstances and motivations that led to the phenomenon. In modern times any good “pirate” will be an unknown “pirate”, because it is a crime carrying often harsh punishments, not something to be glorified. This creates a dearth of information as agents of “piracy” seek anonymity, and thus their motivations and stories are hidden. This void could be partly filled by contemporary court records of “pirate” trials, prison records, police records etc., which could potentially shed light on what motivates contemporary “pirates”. Research of this nature is beyond the scope of this thesis, but would allow a more effective analysis of continuities and discontinuities between historical and contemporary “piracy”.

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88 See later discussions of “pirates” who were executed in China, pg. 99.
Chapter Two: Historical “Piracy” in Southeast Asia

Overview

“Piracy”/raiding has existed in maritime Southeast Asia at least since there were people to record it, and likely existed prior to that despite there being no literate society there to document it. In the Philippines, complex societies existed at the time of first European contact, where raiding was “The most celebrated form of ... warfare...,” called mangayaw, a word found in all the major languages of the Philippines.\(^8\) The intricacies of raiding, its important roles in those societies, and the widespread nature of similar traditions suggest that it was a practice of some antiquity in the region. Traditionally “piracy”/raiding in Southeast Asia served a variety of socially constructive purposes. Unlike European “piracy”, Southeast Asian “piracy”/raiding was not typically a rebellion against society and its laws, and therefore outside of the civilization of human kind as hostes humani generis. Rather it was incorporated into the laws of society. This does not mean that all raiding was legitimate, as both the Tufat al-Nafis and the account of La Ma’dukelleng suggest. Ahmad frequently describes punishments meted out to raiders operating without consent from the ruler,\(^9\) and similarly La Ma’dukelleng (before he became the ruler of Wajo) was reported to have committed a host of transgressions.\(^1\). Notably, however, the Vietnamese/Chinese example of “piracy”, associated with mainland Southeast and East Asian states (although the very southern extremities of what is technically East Asia), discussed later, more closely resembles this conception, but is still deeply affected by non-state traditions and motivations. These practices did have legitimate forms, however, that were important to the societies that practiced them.

\(^8\) Scott, 154.
\(^9\) Ahmad, 264, 268.
As Tarling notes, "Robbery and violence indeed existed, but to describe them as piracy attributed them [incidents of "piracy"] to lesser motives than in the light of history, may often be fairly suggested for them." It was normally the most respected warriors and leaders of traditional societies engaged in a competitive prestige system that participated in maritime raiding, not the wretched poor or hardened criminals typically associated with Atlantic and Caribbean "piracy". Raiding/"piracy" was a part of the social fabric and accordingly interacted with politics, economics, and society at large. Motivations were not necessarily only for material gain, even if raids often brought material wealth. The ubiquity and cultural significance of raiding might make it appear to be an unchanging tradition in maritime Southeast Asia, part of a primordial constant over the centuries. But raiding was a dynamic tradition that underwent change as societies and cultures in the region changed. From the mid-eighteenth century through the nineteenth century, the European presence in the region altered trading patterns and provoked dramatic changes in the socio-political make up of the region, fragmenting political control. In the Malay world, raiding also became fragmented since it was no longer under the control of major political centers, as the profits of raiding began to accrue to specific leaders, however this trend was not universal in maritime Southeast Asia, as discussion of Iban and Iranun raiding will show.

91 Abdin, 12.
92 Tarling, 1963, 1.
93 See Defoe's early eighteenth century classic A General History of the Robberies and Murders of the Most Notorious Pyrates, for various descriptions of the wretched forced to piracy or those that openly chose the path. See as well C. Whitehead Esq., Lives and Exploits of English Highwaymen, Pirates and Robbers, (London: Charles Daly, 19, Red Lion Square, Holborn, 1839) for similar descriptions of pirates.
94 Tarling, 1963, 8. Also see Trocki, 1979, for a good account of the political developments of the late eighteenth and nineteenth century in the Malay world, especially emphasizing local political developments rather than emphasizing European policy as Tarling does.
To illustrate these traditional understandings of “piracy” in maritime Southeast Asia and the dynamics of change, several case studies will be discussed. First two general cases; Bugis raiding/"piracy" in the seventeenth and eighteenth centuries, and Vietnamese/Chinese “piracy” in the late eighteenth and early nineteenth centuries, will be discussed. Following these broader discussions, three specific cases will be described: first, “piracy” in the Malay world centered on Riau and the maritime polities in the surrounding straits and seas; second, the Iban, or Sea Dayaks in much of the early literature, primarily from the west coast of Borneo; and third, the Iranun centered on Jolo and the Sulu Sea, although their maritime activities took them far and wide throughout maritime Southeast Asia.

Case Studies

Bugis

By the seventeenth century the Bugis already had frequent contact with the Malay world, centered on the Strait of Malacca, as the Buginese were renowned traders and seafarers, whose services Malay kings had sought from time to time over the years. In the mid to late seventeenth century, however, this contact increased dramatically as Buginese refugees fled from civil wars and conflict with the Dutch that raged in southern Sulawesi. Buginese leaders sought refuge unsuccessfully in East Java, Sumbawa, and other places where close contact with other polities did not accord them the independence they wanted. By the mid-eighteenth century many Bugis had continued on to the Malay world, where unpopulated areas provided suitable circumstances to set up independent

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95 Andaya, and Andaya, 84.
96 Andaya, L., 120
polities. Many of these leaders in an effort to survive and expand their influence, lacking ties to the region, resulted to familiar practices of raiding and “piracy”. These activities served to disrupt regional trade, bringing them to the notice of local rulers and the Dutch, who, however, were either unable to control them, in the case of local rulers, or initially unwilling, in the case of the Dutch. In some cases local rulers made use of the Buginese and their sea faring/fighting skills, involving them in local disputes and eventually ensconcing them in regional politics. By the mid to late eighteenth century the Buginese had established themselves as part of the legitimate power structure of the region, and much of their energy turned to protecting and facilitating the trade that they once had preyed upon, now that they had a stake in it.

Vietnamese/Chinese

The Vietnamese port town of Chiang-p’ing, located on the border between Vietnam and China, during the late eighteenth and early nineteenth centuries became the hub of one of the largest eruptions of “piracy” in the region’s history. Far from the imperial capitals at Beijing and Hue, this border region was an ideal incubator for “piracy”. The coastal tracts of this region, typical of much of maritime Southeast Asia, are scattered with hundreds of islands that are connected by an intricate network of waterways, and by the ocean further out, where coastal peoples, petty traders and predominantly fisher folk, sought their livelihoods. Those people who lived in these areas were generally poor and existed on the margins of society, having been dislocated and ousted from the land by a mixture of runaway landlordism and other endemic sources.

97 Andaya, and Andaya, 83.
of poverty, or were maritime peoples who had made their lives there for centuries. In China and Vietnam owning land meant having wealth and status, so that coastal fringe areas “...attracted those who could make it no where else in society.”

These coastal tracts were both psychologically and physically beyond the pale of the states that claimed these waters, being in a border region where imperial authority faded out and largely ended, with no effort or interest to extend it to the water world beyond. Neither the Chinese or Vietnamese states had successfully incorporated the maritime peoples living on their mutual borders. When “piracy” flourished, states were not able to offer their maritime peoples sufficient incentive to remain in the state.

This region also had easy access to major shipping routes heading for southern China’s major ports, which either passed through the network of islands and waterways, or passed just offshore of these areas. During this time there was an increasing amount of trade associated with the expanding European trade with China (British demand for tea being one of the key driving forces), which was also stimulating raiding practices in Sulu at the same time. This expanding trade provided a plethora of available targets for “piracy”.

Additionally, trade restrictions issued by the Chinese government served to stimulate illegal trade activities that furthered peoples involvement in illegal activities, blending in with the area’s other maritime pursuits. This in part also provided the ground work for land based networks that provided markets for “pirated” goods and provided the “pirates” with supplies. “Piracy” had consistently existed to some degree in this area.

98 See Ahmad, for an interesting account of Buginese rulers of Riau and detailed discussions of local and regional politics from their perspective.
where the weight of poverty blurred lines of legality and illegality, and “For some, piracy was an extension of [those] endeavors in an environment where water was ubiquitous, and the knowledge of how to get around on it universal. In a region virtually outside government control, piracy was a plausible income-generating option.”

This area possessed a latent capacity and potential for “piratical” activity, and only required a stimulus to push it beyond the low level endemic “piracy”, to a highly organized business. This stimulus came from the Tay-son Rebellion in Vietnam in the late eighteenth century. The Tay-son forces took advantage of the availability of large numbers of Chinese and Vietnamese “pirates”/maritime peoples in the border region between Vietnam and China, using them as privateers in their navy. The “pirates”, quick to seize the opportunity, were happy to oblige Tay-son needs. “Pirates” would be outfitted by the Vietnamese and turned loose. They would then return to Chinese waters and plunder the coast and passing trade. They would take these goods back to Vietnam, to towns like Chiang-ping, where the Tay-son provided a safe harbor and would share part of the profits, and convey title and rank to these Chinese “pirate” entrepreneurs. Initially, even with Ch’ing aid the Le Emperor could not hold back the Tay-son rebellion. The Tay-son succeeded to the point where they were able to place a ruler, Quang Trung, on the throne, and in 1788 he was recognized as the King of Annam. However, through the changing fortunes of war the Tay-son by the last years of the eighteenth century were eventually defeated, and their navy, largely composed of Chinese “pirates”, now highly organized under several very capable leaders, moved back into Chinese waters.

100 Murray, 21.
101 Ibid., 24.
102 Ibid., 40.
103 Ibid., 33.
These "pirate"/privateer groups suffered great losses while supporting the Tayson, and back in China they fought amongst themselves. However, in 1805 seven "pirate" leaders formed a confederation that would be the dominate power holder in southern China for the rest of the decade, and in 1807 this "pirate" confederation could boast in one of its fleets (the Red Flag Fleet) some 300 junks and 20-40,000 men! Under the organization of the confederacy "piracy" became a big, organized business, and at one point the "pirates" invaded the Pearl River threatening the major trading port of Canton. Extensive coastal networks formed to supply the "pirates" with food, and provide markets for their goods, which the Ch'ing were powerless to stop. Internal problems beset the Ch'ing as several rebellions sprung up at the end of the eighteenth century, taking several years to finally put down, and thus the massive organization of "pirates" was left largely unhindered in their ambitions. Eventually, after many failed, uncommitted attempts, with help from British and Portuguese forces, internal dissension within the "pirate" ranks, and outright bribery of "pirate" leaders, the Ch'ing government saw the confederacy came to an end in 1809.

Malay

In the literature Malay raiding and "piracy" is recorded in association with some of the oldest known polities in the region. The Malay heartland between Borneo and Aceh has been the focus of epigraphic and textual investigations exploring processes of

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104 Murray, 57, 71.
105 Ibid., 41.
106 Ibid., 140-43.
107 See Chinese accounts from the sixth and seventh centuries onward, starting with Fa Hsien and I Ching, and later accounts from Arab merchants such as Ibn Said and Ibn Battutah in the thirteenth and fourteenth centuries, and then of course voluminous accounts with the coming of Europeans.
maritime state formation. In these processes trade, regional and international, has emerged as a key mechanism to stimulating state formation. However, even before any documentary evidence, very early archaeological evidence points towards a variety of peoples who lived along the coastal fringes in the region, exploiting a diversity of ecological micro-niches, such as estuarine, reef, deep sea, and limited land based agricultural environments, as part of a broad based survival economy. These predominantly maritime oriented groups tended to focus on trade, raiding, or resource collection, although they probably practiced limited land based agriculture, foraging, and/or traded for these products, as several contemporary sea peoples like the Moken, or Cham Lay on the western coast of Thailand, Bajau Laut in the Sulu Sea, and the Orang Laut around Riau province in Indonesia, currently do. This maritime adaptation continues on through history and becomes more evident as documentary sources become available. Whatever the shape, trade has been important to early maritime Southeast Asian societies since at least approximately 500 BCE when international trade goods including bronze artifacts, various kinds of beads, ceramics, and coins from the

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Mediterranean, Middle East, China and India begin to appear throughout the region. Given the early importance of maritime adapted survival strategies, including commerce, while only speculative, it seems likely that predatory maritime activities may have played a role in this early survival economy.

From later available evidence, largely based on ethnographic data from early European contact in the sixteenth and following centuries, it becomes clear that raiding was an integral part of the social, political, and economic fabric of many maritime peoples, specifically those engaged in some form of competitive behavior; state rivalry, territorial disputes, social conflict, resource competition etc. As van Leur writes with regard to early Indonesian trade, but is applicable to later Malay states as well, commercial domination could be expressed through “...levies and tolls, enforced stapling, monopolization, exploitation of some kinds of production for sale in trade, occasional trade, ship owning...salvage rights, and piracy as well.” “Piracy”/raiding was one of several tactics to dominate commerce, and may have overlapped with van Leur’s “levies and tolls”, as suggested by Ibn Battutah’s account of forced taxation of passing ships. In a world where commerce and trade were vital components of a broad based survival economy, raiding meant more than simply “getting rich”, it was also political competition.

Srivijaya in the seventh to eleventh centuries, and later Malay states such as Melaka, Aceh, Johor, Riau, Pasai etc. appear to have been based on a system of charismatic leadership, or in the terms of Wolters a “man of prowess”, where the personal

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110 Sather, 1995; Engelhardt, and Rogers, 1997.
111 Christie, 246.
112 Leur, 92.
113 Wheatley, supra n. 67
nature of the leader was the attractive and binding force of his followers.114 From this central leader power radiated outward, diminishing as it expanded, forming a territorially transient polity without fixed borders. Furthermore, the basis of this loose territoriality was predicated on controlling people rather than reality, extending from a low population density, until recent times. Lewis writes:

“Population and wealth were the denominators—and wealth often dictated population, for Malay demography was notoriously fluid... The ruler of a rich port could attract followers if his wealth was cannily distributed. Wealth in itself was an attraction, for its possession implied an almost mystical power. And the accumulation of wealth in the straits of Malacca was tied to the control of an attractive and prosperous port”115

Raiding, or “piracy”, functioned as one way to amass this wealth. Wealth in this circumstance was understood as more than material possessions to pay for labor. Wealth was more a symbol of prestige than any kind of representation of purchase power, lending authority to a ruler’s assertions of power. A ruler’s power was ritualized through oath taking ceremonies, and through the use of imprecations threatening various gruesome illnesses or death if these oaths were not maintained, rather than any physical threat of force. The low population density coupled with the high mobility of maritime people, required that a leader treat his followers and tributaries with some amount of leniency and respect, or they could move and find a better offer. Additionally, a leader could assert influence by restricting distribution of specific prestige goods like bronzes, agate or carnelian beads, ceramics etc., which accorded ritual “prowess”,116 thus controlling the distribution of wealth and power.

115 Dianne Lewis, Jan Compagnie in the Straits of Malacca, 1641-1795 (Athens, Ohio: Ohio University Center for International Studies, 1995), 9.
116 The importance of prestige goods trade was not limited to the Malay orbit of power based on Riau, but was also important historically in other parts of maritime Southeast Asia. See for example Laura Junker’s work on prestige good trade in the Bais region of Negros, L. Junker, “Craft Good specialization and
Wealth should also be thought of in terms of people, and not just willing followers, for frequently the aim of raids was the taking of slaves to either sell, or to bolster the number of followers.\textsuperscript{117} This aspect of raiding had particular importance for the Iranun to be discussed further on. Raiding in this scenario plays two important roles, it accumulates wealth, and thereby ritual potency, enhancing a leaders “prowess”, and conversely it reduces the wealth of competitors, negatively affecting their leadership position and the integrity of their polity.

The manpower associated with these practices came from various labor pools of sea oriented peoples, such as various groups of Orang Laut, Bajau Laut, and the Bugis, renowned for their seafaring and fighting capabilities, whom a leader could induce to his cause when need be. Except for a few of the elite sea peoples who were directly linked to certain polities, however, most groups were not full time raiders, and had to make ends meet in a variety of other ways. Part of the frustration of attempts to suppress “piracy” by colonial powers, and still to this day, was this very ambiguity, where people who were raiders, “pirates”, where not always so. They did not conveniently hoist a black flag to communicate their affiliations of intentions. In fact many raiders were only active when the fishing season was done, or when a particular opportunity presented itself. For many groups “piracy” was only a part time occupation, another facet of a broad based survival strategy, and commerce was another resource to be exploited. The same people on the same boat could be variously engaged in collecting trade goods like sea slugs, or even bird nests, fishing for their own consumption or to sell, trading other merchant’s goods,
and/or raiding if the opportunity presented itself. This fluidity frustrated colonial powers as they often had no idea who was a “pirate” and who was not, the British at one point began firing on any vessel with a certain kind of sail that they associated with “pirate” craft. “Piracy” was a fluid part of a survival strategy and difficult to nail down to any one person or group.

Control of economic processes has been important for raiding/”piracy” in Southeast Asia for 1,500 years or more, as the region has been a hub and intersection of global trade since the first millennium CE. By the time of Srivijaya in the seventh through eleventh centuries, international trade and exchange, including in religion, arts, and political structures, and particularly commercial goods, was already the lifeblood of maritime political structures in the region. This global exchange of goods and ideas drove the maritime economy of Southeast Asia, and the structure of “piracy” appears to have changed dependent on this trade, and the ability of states to control it.

In the past maritime peoples were incorporated into states largely through an efficient redistribution of wealth, and through the use of oaths of loyalty, made binding by the charisma and perceived potency of the ruler. The state could expect loyalty as long as they provided economic or social opportunity (honor, glory, rank, title etc.), and maintained their authority and legitimacy (thereby preserving their potency). When the state could no longer maintain these relationships (due to shifts in international trade, because of successful raids by competitors, as may have been the case with Srivijaya and raids from the Chola Empire in southern India, or simply because new leadership did not have the same charismatic power), maritime peoples spun out from their orbit of

118 Ahmad, 270-271.
119 Manguin, 409. See also Christie, supra n 111.
control, turning to alternative sources of patronage and opportunity, such as “piracy”.
Whereas before, these peoples might have protected trade, pacifying regions to facilitate
trade for a given state, they now exploited that trade directly through raiding rather than
benefiting from the central leaders redistribution of goods.121

As a given polity disintegrated, for instance Srivijaya in the tenth through
eleventh centuries, and lost control of the trade, free agents would spring up and a
Corresponding increase in “piracy” would ensue. This cycle could be based on prevailing
thriving trade, with state collapse from non-economic sources, and it could also be
precipitated by decreasing trade. Decreasing trade would reduce revenues overall and
negatively impact the ability of the state to maintain its position, which in traditional
states meant maintaining a loyal base of manpower, relative to competitors. In this way
the sum total of trade impacted the ability of a polity to maintain itself. But ultimately it
was the state’s ability to control the existing trade, to monopolize what there was, that
determined its rise or fall, and the corresponding prevalence of free agent raiders, a.k.a.
“pirates”.

The cyclic nature of “piracy” based on economic trends was, however, tempered
somewhat through cultural links and oaths of clients and patrons. The Orang Laut, for
example, appear to have maintained loyal ties to the lineage of rulers stemming from the
royal line of Srivijaya, continuing to Melaka, Johor, and Malay Riau. This does not mean
that the Orang Laut never engaged in “piracy” as long as these rulers existed, however,

\[120\] Wolters, 1970, 93.
\[121\] See Ahmad, 1982, in which “piracies” of Orang Laut groups are a ubiquitous feature of this time,
suggesting the fragmented political authority of the time.
once power was reconstituted, they would respond to these ancient relationships, recognizing their ties to that particular royal line.\textsuperscript{122}

This situation points out a context where "piracy" was viewed as a transgression of certain norms. As in Europe, when non-state actors began to take action beyond their license they were considered "pirates", as opposed to "privateers". When followers broke away, went independent, or competitors arose, preying upon the trade of a certain state, they were "non-legitimate". But unless that state had the power to bring them back into line, they could accrue power and become "legitimate". As discussed earlier, "legitimacy" based on subjective points of view is problematic, especially when there are competing groups with no clear consensus of what "legitimate" is.

From the seventeenth to nineteenth centuries Europeans increasingly impacted these cyclic processes, as their trade competition often involved disruptions of local power structures, such as the Portuguese capture of Melaka in 1511, the Dutch wars in southern Sulawesi during the seventeenth century,\textsuperscript{123} and British involvement in the Malay world in the eighteenth and nineteenth centuries. These changes disrupted the cyclic reformation of states in much of maritime Southeast Asia. "Piracy" could be a reconstitutive energy, but European involvement short circuited this reformative cycle, leaving only the chaos. In the literature this phenomenon became known as the "decay theory".\textsuperscript{124} Initial disruptions led to a fragmentation of power, yet at the same time international trade was booming, both from the spice trade in the sixteenth and seventeenth centuries, and increasingly from the China trade in the eighteenth and


\textsuperscript{123} See Abidin, 1975 for a detailed account of the political intrigues and wars that were constantly fought between the kingdoms of southern Sulawesi against each other and the Dutch.
nineteenth centuries, creating economic opportunities for those who could take advantage. Lacking political unity various independent rulers sprang up, as well as royal scions, the anak raja, who often turned to “piracy” as a means of establishing themselves. In this way wealth began to accrue to individual leaders, rather than to larger political centers to be redistributed, creating a proliferation of helter-skelter competition for resources, frequently beyond the control of established, but fading, polities.

This theory of decay is not applicable to all parts of maritime Southeast Asia, but is indicative of the expansion of European power into the Malay world, and will be discussed further when analysis of the interaction of European and traditional models are analyzed.

Iban

Two to four generations before the arrival of the British and the Brookes in Borneo, according to the oral traditions of the Saribas Iban (Iban of the Saribas River), the main concern of these people was migration and opening up of new lands, emphasizing local affairs and contacts with close neighbors.125 Opening new lands was not an easy job, and accordingly a prestigious accomplishment; “...the pioneer cultivator of old jungle, like the successful warrior, is a figure of immense prestige in Iban society.”126 When this migration period into Sarawak was still relatively new for Iban peoples, and there was lots of “open” territory (although much of it was occupied by other groups who were killed or absorbed by the Iban), raiding was not as prevalent. By the mid-nineteenth century, however, things began to change. At this time Iban chiefs

125 Sandin, 59.
began taking Malay titles like *Temenggong* and *Orang Kaya* that did not appear in the past, signifying changes in the political life of the Ibans, as they became more involved in Malay politics, while their social structure remained fairly constant.\(^{127}\) These changes in Iban political life in the mid-nineteenth century developed as they became enmeshed in a complex network of long distance inter-tribal warfare (as compared to the local nature of conflict and interaction previously), connected with local Malay chiefs at various river mouths, the British, and the weak but still prestigious Brunei Sultanate.\(^{128}\)

It seems that certain Malay chiefs, ostensibly under the control of the Brunei Sultanate (although the Sultanate by mid-nineteenth century with their fading prestige had no power to enforce control), were extending their power at the expense of the Iban, as indicated by Iban accounts of unfair taxation carried out through deceptive rice baskets that could hold more than they were supposed to.\(^{129}\) The Brunei Sultanate in its weakened condition was powerless to stop local chiefs from accruing wealth to themselves rather than passing it along to the political center. This build up of wealth outside the center fractured political power in the region. In turn these abuses, or perceived abuses, stimulated retaliatory raids from the Iban, which in turn stimulated attacks from Malay chiefs and the Brookes in alliance with Brunei. In this way inter-tribal warfare, which appears to have been an endemic feature of many groups of Iban at this time,\(^{130}\) became much more regionalized and pronounced than before. The Brookes and Malay chiefs took advantage of inter-tribal rivalries (just as Iban groups took advantage of Malay and Brookes' political intrigues) to recruit help for their attacks to

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\(^{126}\) Ibid., xv.

\(^{127}\) Sandin, xv.

\(^{128}\) Ibid., 60.

\(^{129}\) Ibid., 61.
further their own political ambitions, and in the process stimulated greater antagonisms between Iban groups, promoting an escalation of raiding.

It is unclear where the momentum for this explosive period of Iban raiding in the mid-nineteenth century came from, but the oral accounts of the Iban themselves do have some suggestions. As oral accounts indicate, migration and opening new lands was important, so that by the mid-nineteenth century there were fewer lands to open, due to earlier migrations and increasing contact with other peoples. This may have lead to increasing population densities and conflict for resources, for Iban disputes appeared to often circle around access to important resources like fruit and honey trees, bird nests, or about territorial encroachment. Additionally, as virgin jungle became less available a shift in acquiring prestige would make sense, from emphasizing the pioneer, to emphasizing the warrior, and defending territory already cleared from encroachment. Saribas accounts discuss an important warrior, Unggang, who after receiving a message from a divine warrior patroness, constructed a large war boat with which he went to the mouth of the river to defend against “Illanun” raids, and all other strangers entering that part of the South China Sea. In this way defending against territorial encroachment and raids brought Iban warriors to the coast, where they became embroiled in regional political affairs, but in a distinctly Iban manner. This type of raiding was what primarily attracted British animosity towards the Iban, and initiated punitive attacks from British war ships like the H.M.S. Dido, under the command of Henry Keppel, in an effort to “suppress piracy”. Although as is clear from Keppel’s and Brooke’s own accounts these

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131 Sandin, 66-67.
132 Ibid., 63-64.
expeditions were also instrumentative in installing Brooke as the “White Rajah” of Sarawak, besides “suppressing” Iban raiding.\footnote{See Henry Keppel, James Brooke, \textit{The Expedition of the H.M.S. Dido} (New York: Oxford University Press, 1991) for a full account of their recollections of these events.}

Iban “piracy”/raiding is not entirely dissimilar to Malay models of raiding. They both emerged out of the same political-economic turmoil at this period. The fundamental reasons for Iban raiding were quite similar to Malay raiding practices, in that it was an expression of competition and prestige, but whereas Malay raiding was often involved in larger scale political processes of state competition, Iban raiding was more intimate, being part of a smaller, more personal political system. Even when Iban were involved in British/Malay politics this was largely because of inter-tribal grievances, and not part of broader regional competition. Illustrative of this difference is the “booty” sought by each group. Malay raiding, even when punitive in nature, or part of warfare, had as a goal the accumulation of material goods, gold, cloth, beads, ceramics, people etc., even if used for largely ritualized purposes. Iban raiding also sought material goods, including people, for prestige, but often in the form of heads. Among many groups of Iban, most notably in nineteenth century European accounts the Iban peoples along the Saribas and Skrang rivers, head-hunting was an integral part of life. Similar to what Iban oral traditions record, Ulla Wagner points out that competition for land and resources induced groups to wage war,\footnote{Ulla Wagner, \textit{Colonialism and Iban Warfare} (Stockholm: OBE-Tryck, 1972), 141-42.} from which heads were often taken as trophies of prestige and spiritual potency. As part of this prestige system, Wagner notes that some Iban tell the story that in order to obtain status and to attract a suitable spouse,\footnote{There is a short story related in several of the sources I consulted that explain why head taking was necessary for marriage, part of a fertility ritual, and in many cases appears to have been a prerequisite of women before they would consent to the union. The story involves a man and a woman, and the man has just proposed to the woman. She refuses, and so the man goes to the forest and brings back a deer which he} and follow the \textit{adat}, or
traditions of the past, head taking was very important. For example, head taking fulfilled important mortuary roles, as Wagner relates that when a kinsman was killed a head needed to be procured as retaliation to fulfill a moral obligation. Related to this, Gomes notes that in order to break the mourning period for a deceased relative, a head must be gotten. All of these reasons for head-hunting, and accordingly for participating in raiding expeditions, were integral to the status of individuals and to the smooth functioning of the local community.

Head hunting was an important factor in Iban raids, as described in various sources, and has received a lot of attention, but it was only one aspect within a much larger context of Iban raiding. The expansion and migration of Iban peoples into Sarawak prior to the Brookes, and clearing of primary jungle as pioneers, absorbed Iban focus until the mid-nineteenth century, when expansion brought them into increasing contact and interaction, as well as increasing conflict, with neighboring tribes. This inter-tribal conflict was then incorporated into broader regional power struggles of Malay chiefs, the British, and the Sultanate of Brunei, which led to much larger scale coastal raids covering long distances. These changes in the political world of the Iban may have stimulated an increasing emphasis on the prestige of the warrior, as opposed to that of the pioneer, and taking heads as proof of that status may have increased accordingly. Iban "piracy" was at once very much involved in the political and economic changes taking lays at her feet. She is not impressed, and so the young man goes back into the jungle and comes back with the head of an orangutan. Again, the woman is not impressed and so the man goes back into the jungle, and this time he returns with a human head which he lays at her feet. This time the woman takes due note and then agrees to marry the man. See Wagner, 132, and Edwin H. Gomes, Seventeen Years Among the Sea Dyaks of Borneo (Philadelphia: J.B. Lippincott Company, 1911), 74.

136 Wagner, 142.
137 Ibid.
138 Gomes, 74.
place in Southeast Asia, but at the same time was an extension of their traditional practices. While Malay “piracy” seems to have been in part the result of political decay of traditional polities, Iban raiding was part of a socio-political expansion of the Iban, an extension of a process started several generations prior to the British.

Iranun

In a similar time frame as the Tay-son/Chinese “pirates” discussed earlier, and also taking advantage of the burgeoning China trade, the Sulu Sultanate, using the extensive raiding of groups like the Iranun,\(^\text{140}\) thrived from the late eighteenth to the mid to late nineteenth centuries. In many ways they represent the pinnacle of raiding as an economic and political tool. While still very much grounded in traditional practices, not dissimilar to aspects of Iban and Malay forms of raiding, the Iranun model can be seen as an indigenous development of raiding in a modern, capitalist economy. The Iranun raids provided goods, wealth, and particularly slaves, the means of producing wealth, the backbone of the economy. Ironically, it was also Buginese and Chinese traders’ demand for slaves, to feed the expanding colonial empires’ need for labor, which helped create a market for slave raiding that ironically was often carried out in their own territories\(^\text{141}\).

According to James Warren, the author of two major volumes, and several smaller articles and monographs on the Iranun and their close cousins ethnically and

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\(^{140}\) The name “Iranun” refers to a specific ethnic group in the southern Philippines, but is also used to collectively refer to several groups, such as the Balangingi, Bajau, and Tausug, of predominantly Muslim raiders under the authority of the Sulu Sultanate. This discussion will use “Iranun” in the latter sense. This collective representation of southern Filipino raiders, despite its problematic generalizations, is adopted to facilitate and simplify analysis, and also because in much of Southeast Asia these raiders were often known by the collective representation of “Illanun”, “Lanun” or “Iranun”.

occupationally, the Balangingi, the Iranun were launched into large scale maritime raiding as the result of an act of God, one not untypical of the region; a volcano near their homeland in southwestern Mindanao erupted and devastated much of their lands. The Iranun were coastally adapted peoples, but their numbers extended landward where they were also farmers. However, as a result of the volcanic eruption thousands of Iranun fled the interior for the coast of Mindanao and beyond, thus forcing these people to use what skills they had to eek out a living from the sea. This was the initial push that forced these people, or helped them choose, to rely on raiding as a means of support.

Starting in the late eighteenth and in the early and mid-nineteenth centuries, the Sulu Sultanate greatly expanded its power, largely because of the efficacy of raids carried out by the Iranun. Following the prevailing monsoon winds, these raids swept out across most of maritime Southeast Asia, extending from Sumatra, the Malay Peninsula, the Gulf of Thailand, the coast of Vietnam, and to the waters of New Guinea and the Malukus, including the heavily raided coasts of the central Philippines. The primary objectives of these raids were slaves. Slaves played an important role in the social hierarchy of Sulu, as it did in other associated cultures of the pre-Spanish Philippines, but in response to the burgeoning China trade of the times, in which Sulu was an important supplier of trade goods to European and American traders who then used these goods to trade in China, the Sultanates demand for slaves increased dramatically. With this increased demand the


143 Warren, 2002, 26. The volcanic eruption pushing many Iranun to pursue raiding as a livelihood is anecdotally comparable to the economic crash in 1997, another act of God that stimulated “piracy” within an already established context.

144 Scott, 217-243.
social prestige associated with owning slaves also increased, solidifying this trend into cultural practice. The growing capitalist market in China was stimulating Sulu to expand its enterprise.

As part of this system raids were carried out along strict hierarchical lines, based on a system of fairly rigid social status focusing on individual leaders who commanded personal followers. Leaders of expeditions would often be high ranking members of society. Ships would be outfitted as an investment, with the wealthier elements of society investing in the goods and labor needed to carry out a raid in exchange for a percentage of the profits, including slaves.\textsuperscript{145} This state sponsored raiding was vital to the Sulu State, and nominally the Iranun were under the authority of the Sulu Sultanate in this system, and when called to his service they would answer. This said, however, the raids stimulated by the Sultanate were only marginally controlled by the state itself, and they often took on a life of their own. Iranun often independently organized and outfitted their own expeditions, and only paid their Tausug patrons what was their contractual due. The system benefited the Sultanate, but it was also beyond their direct control. The Iranun had independent communities spread throughout the archipelago that acted as bases for raiding expeditions,\textsuperscript{146} and they adhered to an internal hierarchy where the Sultanate was in theory the top of the hierarchy, but often a very distant figure. These widespread communities and base camps made extensive raiding possible, acting as re-supply points and safe havens. Eventually, these communities became targets for colonial powers and their local allies “suppression” of “piracy”, and outside of their home territory in northern Borneo and the Sulu Sea these communities were destroyed with their inhabitants

\textsuperscript{145} Warren, 2002, 167.
\textsuperscript{146} Ibid., 124; Ahmad, 261-264.
resettled as farmers, thus effectively curtailing their raiding activities in these areas.\textsuperscript{147} In fact it was the curtailing of the Iranun raids in the latter part of the nineteenth century that signaled the decline of the Sulu Sultanate into the beginning of the twentieth century. The China trade was increasingly dominated by Western powers and moved away from Sulu, in part because of effective blockades by the Spanish, and changing priorities for English and American traders that had frequented Sulu, as well as direct attacks by these powers on the Sultanate. As a result Sulu faded into ignominy by the twentieth century. Although the Sulu Sultanate retained enough autonomy to conduct a separate treaty with the United States, following the Spanish American War at the turn of the century.\textsuperscript{148}

The efficiency and ruthlessness of Iranun raids made them infamous throughout maritime Southeast Asia, with the southerly monsoons that set in September being called the “pirate wind” because it brought these raiders down into the archipelago. Part of the success of this system was its flexibility and fluidity. Raids were characterized by temporary alliances of cooperation, sometimes from several settlements and often across ethnic groups, from which large expeditions of 50 prahus or more could be assembled.\textsuperscript{149} Likewise the composition of ships’ crew was often quite diverse, being composed of Iranun, Iban, Papuans, Visayans and other people from the Philippine Archipelago, Malays, whomever had been captured and forced into service, or had voluntarily joined the expedition.\textsuperscript{150} Warren notes that it was often these local recruits that proved the most effective, or disastrous depending on your point of view, for they had intimate local knowledge of the waterways, reefs, shoals, holidays, settlement patterns, etc., which

\textsuperscript{147} Ibid., 164.
\textsuperscript{148} Nicholas Tarling, \textit{Southeast Asia: A Modern History} (Victoria: Oxford University Press, 2001), 263.
\textsuperscript{149} Warren, 2002, 167-68.
\textsuperscript{150} Warren, 2002, 209.
greatly facilitated raids. Like their Malay counterparts, the Iranun, even these highly specialized raiders, were not exclusively raiders, and when not in the raiding season they would often participate in collecting sea slugs, bird nests, and other natural trade goods to sell at market. This fluidity and flexibility made it difficult for Europeans to target specific groups, and even if a certain group were predominantly raiders, unless they were caught in the act, it was often difficult to distinguish a peaceful group from a raiding party; they blended into the background.

The large scale success of Iranun raids, with their name itself becoming a feared word for “pirates”, Illanun, was in large part attributable to the fact that many polities in the region were in a state of decline or were structurally weak. By the late eighteenth and early nineteenth century the military and economic condition of the Philippines under Spanish rule was deteriorating, partly due to the Iranun raids, and were not able to muster the necessary funds to provide for the defense of the colony. The Iranun raids, while contributing to the deterioration of the colony, were also simply a sign of its already impoverished, weakened condition. Increasing crime rates and confrontational behavior on land in the Philippines during the nineteenth century, suggests that raiding was not the only worry of the Spanish. Villages and small towns were left virtually defenseless by the Spanish, and left to their own means they frequently had little recourse except to flee to the interior until the raiders had passed. Similarly, the Dutch were not in a position to combat the incursive raids of the Iranun in the Moluccas, the former heartland of their spice empire, during the same time frame. Iranun raiding, again, ironically in part

151 Ibid., 173-74.
152 Ibid., 218.
153 Ibid., 101.
154 Bankoff, 191.
stimulated by Dutch demand for slaves, ravaged the islands of the eastern archipelago and essentially curtailed Dutch power in the region outside of a few fortified sites. For various reasons the Dutch were experiencing internal problems as their homeland was threatened and engulfed by French Napoleonic ambitions, and later their corporate structure failed and the colonial possessions of the Dutch East India company reverted to direct state control. Additionally, although the Iranun menace had largely subsided, from 1873 onward rebellion in Aceh was a continual drain on Dutch finances and security forces. Furthermore, there was a serious lack of cooperation between the Dutch and the British regarding the Iranun raids. On the one hand the British denounced Iranun raids in the Malay world and encouraged their suppression, but on the other hand they tacitly encouraged Iranun raids in the Moluccas as part of their efforts to compete with the Dutch. It was not until the mid-nineteenth century that the Dutch and British came to any successful cooperative agreements.

In the western end of maritime Southeast Asia many areas fared little better than the Dutch or Spanish. By the late eighteenth and early nineteenth centuries the Malay world was largely fragmented into small states and polities that had difficulty mounting effective resistance to the Iranun raids. It was in part the endemic bickering and warring between polities in the region that initially brought the Iranun to the area. Their aid was sought by a local ruler to oust the Dutch from Riau, which they successfully did while plundering the island. Additionally, the British creation of Singapore as a major entrepot, attracting local and international trade, attracted the Iranun to the area as well. From bases like Reteh, Sambas, and Tempasuk, they raided up and down the Strait of

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156 Tagliacozzo, 1999, 237-238.
Malacca and throughout the Riau-Lingga Archipelago. The British, like the local states, were also going through turbulent times, for example being distracted and weakened by the Napoleonic wars in Europe (following which they eventually became the major maritime power in the world), and wars in Burma. Eventually the Dutch, English, and to some degree the Spanish, would overcome their temporary weakened conditions and assert their control over the region once again, but this was not a quick process for the Iranun continued to plunder and raid across the archipelago until the mid-nineteenth century, and on a lesser scale until almost the end of the nineteenth century.

Like the Iban, Iranun raids were deeply involved in regional politics of the times, and were associated with expanding political power, not necessarily “decaying” power, contrasting with Malay “piracy” in the eighteenth and nineteenth century that erupted in the wake of fragmenting political authority. Indeed the large scale raids of the Iranun did not represent the downfall or weakening of the Sulu Sultanate, but were part of its rapid growth and prosperity. Although both Iranun and Iban took advantage of the weak conditions of regional polities, using them to their own benefits, whether for prestige, for slaves, or for heads, they were themselves not experiencing political instability.

Summary: Unforeseen Results

“Piracy”/raiding was widespread throughout maritime Southeast Asia, forming an important part of social and political structures. For those groups in island Southeast Asia, raiding/"piracy" formed an intrinsic component of state structures. However, along the coasts of northern Vietnam, and southern China, “piracy” while endemic, forming an

157 Andaya, and Andaya, 109.
158 Warren, 2002, 64.
important part of life, was not an intrinsic part of the political structure, as these areas ostensibly came under the control of regional states. These practices were not monolithic, being characterized by diversity in motivation and operation. The groups discussed in the case studies, engaged in predatory maritime activities based on specific socio-political-cultural contexts, whether for political or economic competition, social prestige, material goods, people, or spiritual potency, and these activities changed as the context and motivating factors changed.

The increase in indigenous “piracy” (much of which was organized raiding), during the latter half of the eighteenth century through the first half of the nineteenth century, resulted in part from changes in the economic and political structures of maritime Southeast Asia that had started with the Portuguese conquest of Malacca in 1511, but which was also simply an extension of indigenous political, social, and cultural processes, proved enormously difficult to control. Raiding and “piracy” went virtually unchecked for almost a century, from the late eighteenth well into the nineteenth century, as European powers struggled to overcome difficulties at home, and to find local alliances and partners that were willing to cooperate in achieving their economic and political goals in the region.

With the resurgence of the Sulu Sultanate in the late eighteenth and much of the nineteenth century, there was a clear lack of cooperation between neighboring states, as each went their own way pursuing their economic and political goals irrespective of their neighbors. The British, Dutch, and Spanish choose to continue competing for trade and resources, forgoing any real cooperation while their nascent colonial possessions were being ravaged by the Iranun. Eventually, by the mid to late-nineteenth century the Dutch,
British and Spanish were coming to terms carving up Southeast Asia into their respective spheres of influence, and so cooperation between the countries could grow as competition for territory lessened, so that by the end of the nineteenth century regional governments were thinking about how they could cooperate to suppress “piracy” in the region, and to a large extent this concerted effort was successful.

Interestingly, although far outside the orbit of Southeast Asia, “piracy”/privateering in the Mediterranean carried out by the Barbary States from the seventeenth to the nineteenth centuries, and a variety of other small polities, including the old crusader order the Knights of Malta, were similarly allowed to exist because of bickering between regional states. Despite repeated attacks on European and United States shipping in the late eighteenth and early nineteenth centuries, these nations could not put their own differences aside to deal with the Barbary States. In fact, similar to how the British sought to use Iranun raiders against the Dutch in the Moluccas, European, United States, and Middle East states would sign treaties (often observed more in the breach) with the corsairs whereby their ships could pass unharmed, leaving their rivals to bear the brunt of their predatory maritime activities. In this way the Barbary States successfully operated in the Mediterranean from the seventeenth to the nineteenth century, 200 years or more! Colonial cooperation was instrumental in discouraging raiding, and is likely an important piece of the puzzle contemporarily.

By mid-nineteenth century, several factors started coming together for the European powers, which began to turn the tide against raiders and “pirates”. The political turmoil in Europe from earlier in the century had abated allowing more attention
to be focused on foreign interests, and thus the colonial powers expanded their presence and formed local alliances, creating a group of local polities in alignment with the ambitions of European powers, and thus willing allies in “suppressing piracy”. Additionally, the formation of Singapore in 1819 gave the British a foothold in the southern Straits region, from which they began to expand their influence. The rapid economic development of the time was making local and European interests even tighter. As European political influence in the region expanded, European powers implemented a legal system that now defined legitimate maritime activities, in contrast to the rather more flexible and fluid socio-cultural-political system governing such relations and activities in local polities.

“Piracy” as a criminal act against British shipping allowed for action as “policemen” rather than as an act of war, and thus there was a shift from “‘war between states’ to protect commercial interests to ‘military action to suppress piracy’.” The idea of “piracy”, as hostes humani generis, was extended from British Admiralty and common law, applying to British subjects, and became a politico-military concept denoting an enemy of commercial interests and of the state as well. Yet it could be dealt with under common law, avoiding having to abide by the more costly and time consuming rules of war. Raiding as a form of competition against British commerce was a criminal act, an act of “piracy”. Similarly, the Spanish in the mid to late nineteenth century used acts of “piracy” by the Sulu Sultanate to justify their attacks on raiding.

161 Karraker, 32-33.
162 See Trocki, chapter two, particularly 45, 47, and 55, for discussion of the British founding of Singapore in cooperation with the Temmenggong Abdul Rahman, among others, and see also Andaya, and Andaya, 134-135; as well as Ahmad, supra n. 146, mentioning Dutch-Riau cooperation to destroy an Iranun base near Retih.
163 Andaya, and Andaya, 118.
164 Rubin, 217-218.
bases in the region, an opportunity to curtail raids that had devastated much of the central Philippines. In this way “piracy” provided an excuse, or justification, for foreign powers to extend their influence into Southeast Asian territory. Technological innovations coming out of the industrial revolution in Europe were also of great significance. Innovations in steam power, fire arms, and communications allowed European imperialism to expand, creating colonial states, and widening and deepening their control of much of the region.

Despite the persistence of indigenous practices that continued through most of the nineteenth century, by the end of the century they had largely ceased, and maritime competition in the form of raiding was de facto eliminated, replaced by “crime” and “rebellion”, acts at variance with established colonial state practices. Interaction and negotiation of maritime practice no longer focused on broad competition between rival systems, but now became a matter of what was beyond the reach and control of colonial states. European influence dramatically changed definitions of legitimacy and forever altered power structures in the region. Local states and time honored raiding practices would no longer be the basis of legitimacy for predatory maritime activities, as colonial powers, and their successors, the independent nation states of Southeast Asia, became the locus of power and authority in the region. Yet, “piracy” persisted throughout the colonial era, evolving and adapting, “It just moved into the interstitial seams between the

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165 SUA and other international measures to control “piracy” could be seen along this line as well.
166 As may be seen from the Battle of Beting Marau, one of the largest “anti-piracy” missions in the Malay world, where Brooke in command of a composite force of British warships and Iban prahus, decimated a rival contingent of Iban raiders, or “pirates” as Brooke saw them, did not happen until July of 1849 (Pringle, 81). Likewise, Spanish attacks on the home bases of Iranun and Balangingi in the Sulu archipelago were not carried out until the 1840’s, and again in the 1860’s, when steam ships made these attacks possible.
‘sinews’ of state power, seeking out places and moments where such attacks had a chance of success.”

Chapter Three: Contemporary “Piracy”:
The People and Agents of “Piracy”

Introduction to Contemporary “Piracy”: Overview

The theme of state control looms large in describing the roots of contemporary maritime “piracy” in Southeast Asia. The state, as defined by Western political models, has become the preeminent unit of authority in maritime Southeast Asia. A state’s responsibility is to its people, to provide security and a minimum of stability where the nation can function, and hopefully, flourish. This leaves a wide breadth of interpretation that can reflect the character of each nation and its state, but certain fundamentals must be met in order to maintain legitimacy. These fundamentals imply a necessary amount of state control, falling somewhere on a continuum between a police state and anarchy, in order to maintain the system. This control is frequently challenged by those seeking to operate outside the system, to circumvent the conventions, prescriptions, and agreements that at an abstract level everyone under the state is bound to abide by. When these challenges grow beyond the means of a state to control, the legitimacy of the state is not only challenged, but called into question, until such time as the situation is brought back under control. Without legitimacy the state’s ability to assert force when necessary, or the right to expect assent from the nation, is diminished, making ruling the country that much harder. Contemporary maritime “piracy” in Southeast Asia has evolved beyond the current means of regional states to control (by the simple fact of “piracy’s” resurgence and continued growth in the region), or is not yet severe enough to claim priority in national and regional agendas already beset by a host of challenges to state control.

States have provided structure and organization for “piracy” both in terms of support and resistance. When states have directly supported “piracy” they have lent it the
official authority and structure of the state itself, but when states have actively suppressed “piracy” they have also given it structure, defining it as opposite of the state, in contrast to its goals. Until the nineteenth century the boundary between state support and state suppression was frequently blurred, and continues to this day to present problems. Because the frame of reference for “piracy” has been so thoroughly incorporated with states, either in cooperation or in contrast, the measure of “piracy” is to what extent a given state can exert its control. Does the state have sufficient control to disperse any non-state condoned maritime activity? In any given arena through time and space where a state claims some kind of authority, does it have the power or desire to control non-state actors, or even those within the state structure, and what are the implications for “piracy”?

There are three major categories of state control where these questions will be treated and through which contemporary “piracy” will be examined. First, this thesis will look at the people/agents of “piracy”, extrapolating a general “character sketch” of a labor pool of “piracy” that highlights the margins of state control and those people who exist in these margins. Not every member of this hypothetical “labor pool” for “piracy” necessarily becomes a “pirate”, and in actuality only a fraction of the labor pool would ever cross the line completely of their own volition. Given this, the role of patrons in providing a certain momentum for getting the “piracy ball” rolling, will be discussed, as the primary importance of patrons is in relation to the people/agents of “piracy”, and establishing those factors that push members of the labor pool to actually becoming a “pirate”. Second, will be examined the states ability to enforce a political hegemony, preserving the state’s political authority in its declared territory, whether based on the
flexible influence of charismatic leadership, or statically defined borders, and the effects on “piracy” of the relative success or failure to do so. Within this category the idea of border maintenance will be given particular attention, given the especially problematic nature of the task in such a geographically complex area as maritime Southeast Asia. Third, the state’s control of technology, controlling access and the state’s ability to maintain a relative advantage technologically, will be assessed in relation to maritime “piracy”, gauging the relative advantages offered by technology and how these have impacted “piracy”. This discussion of technology will focus on two general categories/concepts of technology; seeing technology as instruments and tools, and also looking at “knowledge” as a form of technology.

Maritime Peoples

The people, in this discussion, refers to a broad group that will be termed maritime peoples, who form a vast, diverse potential labor pool for “piratical” enterprise. The agents of “piracy” refer to those maritime peoples, and anyone else, actually engaged in “piracy”, including all those who act as patrons, although patrons are not strictly necessary for the existence of “piracy”. Patrons are represented by a diverse group potentially encompassing everything from small chiefdoms and villages, to organized crime networks and elements of the state apparatus, although the role they play in supporting “piracy” is quite similar, providing support and organization.

This discussion will look at the structural components of the maritime peoples to gain a general picture of who this group represents in the general population of Southeast Asia. Additionally, this description will provide an idea of the general socio-political-
economic conditions that make this group a potential “labor pool” of “piracy”. Southeast Asia has been a hub of international trade for centuries, just as it currently still is, which has left its mark on raiding/“piracy”. In relation to this assessment/characterization, state control of this potential “labor pool” of “piracy” will be examined, focusing on state control of economic processes, particularly in a globalizing context, and the extension of economic opportunity, or lack there of. The patrons will not receive similar treatment, as their diverse structures are less relevant than the relationships they engage in with their clients, and the support they provide. The relationship between the agents of “piracy”, patrons and clients, will then be explored, emphasizing the importance of the support and structure that patrons provide for agents of “piracy”, and how this interacts with the states ability to control its people.

One of the underlying characteristics of the maritime peoples is their obvious association with the seas of Southeast Asia. This includes a significant portion of the total population of Southeast Asia, who live near the coast and are dependent on the seas for their food and livelihoods.\footnote{Jason Abbot, and Neil Renwick, “Pirates? Maritime Piracy and Societal Security in Southeast Asia,” \textit{Pacifica Review} 11, no. 1 (February 1999): 15.} For example in 1998 in the Philippines approximately one million people were employed in fishing, or approximately five percent of the work force, of which only 57,000 were employed on large vessels, implying the rest were small scale fishermen.\footnote{Food and Agriculture Organization of the United Nations (FAO): http://www.fao.org/fi/fcp/fcp.asp.} In Indonesia at the same time there were approximately 4,600,000 people employed in fishing, or approximately four percent of the population if their families are included.\footnote{Ibid.} This orientation provides some of the essential requirements for any would be “pirate”, such as nautical skills, local knowledge of seas and geography,
and quite simply the willingness to commit theft on sea rather than on land. The seas provide a literal and metaphorical underlying continuity that link maritime peoples in divergent places and times, providing a physical constant around which they organize their lives. Their lives and their cultures mimic the sea in some aspects, for just as the sea does not know borders, so the people who ply them have little respect for borders as well.

Furthermore, maritime peoples often find themselves at the margins of societies that are terra firma-centric. In a modern nation state land is the primary focus of the state, even if it is fragmented archipelagic islands. Modern states are physically defined by the territory they encompass, and until recently with developments regarding coastal waters and the EEZ, this territory did not extend much beyond the coastline. In this way those who made their living from the oceans are literally at the margins of state and society. The dominant political and social centers of most states are land based agrarian societies, putting the maritime peoples’ culture and society outside the dominant socio-cultural complex. This idea can be seen in the negative treatment of traditionally nomadic and semi-nomadic sea peoples whose tenure on land was very limited or non-existent. These peoples existed almost entirely on the seas, and as such were only tied to landed political centers through patron-client ties where they provided some good or service in return for protection. This marginal position has accorded them a low position in local social hierarchies.

The most extreme examples are those groups like the Orang Laut, Moken, and Bajau Laut who traditionally spent the majority of their time on the seas, living a

171 Green, 83-84.
nomadic or semi-nomadic existence. Although in recent decades, many of these groups have settled on land and are trying to avail themselves of the opportunities there. The Bajau Laut in Sabah, Malaysia, part of a group spanning the Sulu Archipelago, are one case in point. In these waters the dominant social and political group are the Tausug, a land based, agricultural, Islamic ethnic group. In this situation the Bajau came to occupy the very bottom of the social/political hierarchy, because they were primarily sea based, considered without roots or property, and were largely animist. These traditional systems have changed as the patron-client ties that bound the Bajau and Tausug have eroded since the introduction of a monetary trading system in the late nineteenth and early twentieth centuries. And by the 1950s and 60’s many Bajau settled on land and converted to Islam. These divisions still persist, however, especially since the arrival of thousands of Filipino Bajau in the 1970’s and 80’s. As the newcomers they have been forced to live on their boats due to their financial situation, and frequently are relegated to more menial jobs. Furthermore, they are obliged to engage in patron-client relationships to maintain their visa statuses and enter the established social and political networks, where they are filling the lower ranks of society. Similarly, the Orang Laut were once the backbone of power in the Strait of Malacca region, dominated by maritime states, such as Srivijaya, Melaka, Johor, and Riau, only to fade into the back ground. This process started with the rise of the Bugis, also renowned as sea faring warriors, in the Malay world during the eighteenth century, and the marginalization of previous power structures that had been based on the incorporation of the Orang Laut. The process continued as these maritime

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174 Ibid., 87-89.
states became landed bureaucracies under expanding English control in the nineteenth century.\textsuperscript{176} The Orang Laut never reestablished their preeminence. Even today many of the Orang Laut remain outside the mainstream of national development, as their lifestyle has become increasingly at odds with ideas of national identity and economic progress.\textsuperscript{177}

Poverty is also characteristic of the marginal status of many maritime peoples in Southeast Asia. They often find themselves in some of the poorest regions of Southeast Asia, and isolated from major economic centers.\textsuperscript{178} The economy of maritime Southeast Asia currently, and traditionally, revolves around primary resource collection, i.e. fishing and other forms of harvesting goods from the sea, and trade. In the past, both of these occupations tended to be highly seasonal, coinciding with local monsoonal patterns, which left approximately six months of the year without a stable source of livelihood. With the advent of motorized transport the monsoons no longer dictated trade patterns, but fishing still remained a seasonal job. In both trades, even under ideal circumstances, individual operators without substantial personal capital are often at the margins of poverty, making enough to repay debt and provide the essentials of survival, but little else. Like their poor counterparts on land who have little money for capital improvements or to buy more land to farm, maritime peoples maintain a tenuous balance

\textsuperscript{175} “Orang Laut” is a general name applied to dozens of individual, sea going ethnic groups in the waters around the Riau-Lingga Archipelago. The author recognizes this distinction, but for the sake of this discussion the name will be used in its generic sense to refer to these peoples in a collective sense.

\textsuperscript{176} Trocki, xix.


\textsuperscript{178} Abbot, and Renwick, 21.
of sustainable survival. Fishing catches can be fickle, depending on either unpredictable or uncontrollable variables like the weather, and fluctuations in the local and international markets can be potentially disastrous. In the contemporary world, poorer fisher folk are also beset by massive illegal fishing operations (which many poor folks also engage in) that use dynamiting techniques, destroying reefs, fish habitat, and maritime people’s future livelihood. Facing these challenges, maritime peoples are generally the poorest of the poor, having to eke out a living from finicky resources that are frequently under attack, and the possibility of bringing home the equivalent of a year’s income, or more, in one raid must prove an irresistible temptation to some. As one representative of a shipping company said “Some of these ships can feed a whole Indonesian village. And these guys have nothing to lose.”

This unstable maritime economy has forced a broad based survival strategy. Unlike inland agricultural societies that can rely almost entirely on a single crop, like rice, wheat, sago, or taro, which provides a relatively predictable supply of food and surplus income, maritime survival strategies emphasize exploiting a diversity of resources. The more diverse the resources utilized, the more secure survival becomes. As suggested by various archeological excavations and ethnographic studies, this broad based survival strategy is seen across the archipelago and deep into its history. Most maritime peoples took advantage of what ever bounty the sea brought their way,

179 According to FAO, http://www.fao.org/fi/fcp/fcp.asp, statistics in countries like the Philippines and Indonesia the majority of fishing is done by unpowered, small boats, 53.6 percent in Indonesia and in the Philippines 90 percent of vessels were under 150 gross tons (small boats). Furthermore, in Indonesia the majority were part timers, i.e. supplementing their incomes in other ways. This indicates a predominance of small scale operations, and suggests a marginal life style from fishing.
182 See for example Sather, 1995; Dunn, and Dunn; Engelhardt, and Rogers.
including wayward vessels. This way of thinking may play into contemporary acts of piracy as well, where to offset a bad fishing season or to simply make ends meet during the off season, some maritime peoples may turn to “piracy” part time. As Dian Murray notes about fisher folk off the coast of southern China and Vietnam in the early nineteenth century “… the result was a livelihood [fishing] so miserable that, for many, a successful piratical foray was the sole hope for a better life…piracy as a temporary survival strategy made sense.” Inter-village raids and not-infrequent attacks on fishing vessels during times of poor catches reported as late as the 1950’s and 60’s suggests that in times of economic hardship “piracy” may still be a viable option for some maritime peoples.

An important part of this survival strategy is fluidity and flexibility, to be able to switch from one resource to another and to take advantage when opportunity presents itself. Whether this means fishing and aquaculture, catching aquarium fish, collecting shells to sell, carrying trade goods on your boat from one market to the next, carrying tourists around, producing crafts, smuggling goods, or even “piracy”. Just as raider groups of old could seamlessly switch between raiding, trading and fishing, contemporary maritime peoples likely exhibit similar fluidity in their economic pursuits. This fluid, broad based survival strategy is potentially mitigated by a host of socio-cultural and political constraints, just as it is on land, however, when times get hard there

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183 For example, regarding an attack on the M/T Tirta Niaga IV which had engine trouble in Indonesian waters on the Strait of Malacca: “…she was surrounded by dozens of small boats from nearby communities. Dirt-poor villagers armed with long knives and clubs swarmed aboard her and captured the ship. It was apparently a spontaneous attack on a luckless vessel that had anchored off their kampung; it was too good to pass up, the riches had come to them (John Burnett, Dangerous Waters: Modern Piracy and Terror on the High Seas (New York: Dutton, 2002), 272).

184 Murray, 17.

185 Vagg, 68.
are the motivation, means, and know-how to incorporate "piracy" into this broad based survival strategy.

Poverty as a chronic circumstance has already been discussed earlier in some detail, but it bears repeating that this condition, along with a generally marginalized status, must be one of the primary rationalizing and motivating factors for "piracy", through which other rationalizations can come to have greater influence. One of these rationalizations can be described as a "Robin Hood" rationalization, where for the good of ones family or village, theft from those who appear to have far more money or goods than they need is morally excusable. In this way, a passing foreign yacht would seem a justifiable target, just as would passing foreign freighters carrying goods and monies far beyond the normal reach of the would be "pirate" through legal means. This situation is by not unique to maritime peoples of Southeast Asia, but the steady rush of foreign trade passing by, coupled with chronic poverty, might create a temptation to help oneself.

This rationalization is also made more potent by moral judgments against the targets, identifying them not simply as justifiable targets, but as deserving to be stolen from. For instance, in describing acts of banditry against the Spanish in nineteenth century Philippines, Bankoff cites a common conception of the time "It is not a sin to rob a Spaniard." In that situation the Spanish were held as a morally repugnant, oppressive force that justified stealing from them. A similar attitude could be hypothesized in contemporary maritime Southeast Asia. Everyday ships laden with the bounty of foreign countries bound for the wealthy lands of other foreign countries pass by these marginalized, poor maritime peoples; the same waters from which maritime peoples try

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to eke out a meager living, their “territory”. Moreover this wealth passing through their territory without any repayment or compensation may even be goods produced in their own countries. Is it right that they should suffer from poverty when these wealthy foreigners extract goods and resources from their poor country, using their seas without contributing anything back? This resonates with a recommendation of how to combat “piracy”, which suggests shipping companies could contribute to the economic well-being and development of poverty-stricken areas they pass, in order to appear more as a friendly face, and less as just a “rich passer-by.”\textsuperscript{187} While not immediately feasible, if shipping companies continue to lose men and ships to “pirates” contributing to economic development strategies may become more likely.

Religion and political differences are two avenues of rationalization for “piracy” that have more resonance in a historical setting, but could also play a role in justifying contemporary “piracy” as well. Historically, in the southern Philippines, political tensions between local sultanates and the Spanish often resulted in religiously charged conflict between these groups, including raiding activities. Current religious tensions between the “Christian West” and “Islam”, and even local Christian and Muslim populations in eastern Indonesia and in the Strait of Malacca, may be influencing which targets are chosen, but if this is so it is not apparent in the reports, as most of the attacks recorded appear to be driven by monetary ambitions. However, this issue is largely unexplored in literature dealing with contemporary “piracy”. Historically, raiding activity often had a prominent political component, as an act of war, or as a way to garner material support at the expense of rivals, where as today there has been a legal separation of political and “piracy”, as seen from Article 101 of UNCLOS that defines “piracy”.

\textsuperscript{187} Batongbacal, 131.
There may be political motivation for predatory maritime activities and maritime peoples sympathetic to whatever political cause, such as Gerakan Aceh Merdeka (GAM = Aceh Independence Movement), Moro Islamic Liberation Front (MILF), or Abu Sayyaf, but they fall outside current legal definitions of “piracy” and this thesis’ understanding of “piracy”, as well as the general motivations of the average contemporary maritime peoples.

Moreover, there are significant differences in the nature of the political competition in which groups like GAM and MILF are engaged, compared to historical manifestations of raiding and “piracy” with political functions. In the past “piracy” was intrinsic to many maritime states, therefore any act “piracy” was also inherently political; just as it was inherently socially significant, economically significant, spiritually significant etc. There was no clear separation between “piracy”/raiding and these activities. Contemporarily, the struggles of groups like GAM and MILF are subsumed under the nation state structure. They are fighting for independence within the same political structure in which the Philippines and Indonesia exist. They have been incorporated into the modern state system, which they have accepted, including their understandings of legitimacy and illegitimacy, and have accordingly defined their struggle by. In this context, there is a clear distinction between the political motivation of “piracy” in the past, and the possible political motivation of contemporary acts of “piracy”. The difference may seem semantic, but in their acceptance of modern definitions of legitimacy they have ruled out the possibility of using predatory maritime activities “legitimately”. They may use boats to achieve their ends, but that does not make them “pirates”, for they are still inside the state system.
In an ironic twist that is both a rationalization for attacks against international shipping, as well as sad proof of the conditions that maritime peoples live in, maritime peoples are not only the largest potential group of perpetrators, but they are probably also the most victimized. Although good records are not available for many areas, and many attacks are reported as robberies rather than “piracy”, or simply go unreported, it is suspected that fisher folk, local traders and other easy targets often bear the brunt of attacks at sea, rather than the more highly publicized international shipping victims.\(^{188}\) In a recent article, fishermen in northern Sumatra relate that they are “...tak berani melaut menyusul perampokan...” (afraid to go to sea for fear of piracy or being attacked by pirates).\(^{189}\) Maritime peoples live in a dangerous world where smugglers and “pirates” prey on whomever is around them. This situation is analogous to historical “piracy” where the majority of victims were also local traders and fisherman, while better defended European vessels were far less frequently molested.\(^{190}\)

Maritime peoples who engage in “piracy” even further endanger other maritime peoples’ livelihoods. One of the biggest worries is that a pirate attack against an oil tanker, or other vessels carrying hazardous goods, may cause an accident, even if unintentional, that results in an environmental catastrophe that could close off shipping (reducing the number of targets for “piracy”!), and destroy fisheries.\(^{191}\) The conditions in which maritime peoples live has created a situation that is self destructive, and could

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\(^{188}\) Abbot, and Renwick, 20.
\(^{190}\) Anderson, 197.
easily push the victims to turn to “piracy” themselves, as their livelihood may have been disrupted or destroyed. This suggests a situation spawning desperation and callousness.

This contemporary situation can be understood in part as an extension of issues rooted in the colonial period. Historical raiding in Southeast Asia formed an integral part of many maritime peoples socio-political-cultural framework. Raiding was more than just respectable, it was revered as spiritually potent for all traditional raiding societies. As mentioned earlier, raiding was generally not something for criminals or outcasts, it was an activity for the most daring, and courageous, and command of raiding vessels was often reserved for the elite, as it offered economic opportunity, and potential for increased status upon a successful return. It was not until the colonial period, as late as the end of the nineteenth century in some areas, when European states could enforce their political consciousness over traditional practices, that raiding became criminalized. Even when raiding made the de facto jump to “piracy” under colonial law, it is unclear how far colonial law really penetrated into the consciousness of most maritime peoples, especially since they lived at the marginal, watery edges of state control.

192 Particularly in remote parts of maritime Southeast Asia where colonial states never had much more than a token presence, such as parts of Sabah, the Sulu Archipelago, Riau, and much of the island specked South China Sea.

193 There is a lot of literature dealing with the idea of “criminal” activity and colonial state control, but not very much concerning the maritime realm. For example, see H.S. Nordholt, "The Jago in the Shadow: Crime and "Order" in the Colonial State in Java," Review of Indonesian and Malaysian Affairs 25, no. 1 (1991): 74-91; who suggests that the Dutch really had very little control over most of Java, as suggested by the extensive networks of jagas, local heroes/thugs. See also Greg Bankoff’s work, fully cited in the bibliography, on crime and the state in colonial Philippines in the nineteenth century. Bankoff describes a scene where accompanying rapid, uneven economic growth and population growth, there was a marked rise in criminality, in large part due to ineffective and/or limited Spanish control of the countryside (see pages 13-18). A similar theme is common through many of the works in: V. L. Rafael, R. Mrázek, et al., Figures of Criminality in Indonesia, the Philippines, and Colonial Vietnam (Ithaca, N.Y.: Southeast Asia Program Publications Southeast Asia Program Cornell University, 1999). While none of these directly deal with control of the maritime realm, they are analogous and suggestive of the limits of colonial influence on “criminal” activities in general.
Whether recognized or not, all these people eventually came under the supervision of one state or another by the early twentieth century, as colonial states constructed the national borders of maritime Southeast Asia around them, where raiding had become illegal. Despite the presence of these states, however, there was never a time when raiding/"piracy" had been entirely suppressed, and from accounts there appears to have been a more or less continual, at least within living memory from one generation to the next, occurrence of "piracy" until the present day. There seems to be a connection between historical conceptions of raiding as an accepted, highly respectable endeavor, and contemporary acts of "piracy", given the continuous presence of "piracy" in the region, and as incidences of contemporary "piracy" are geographically contiguous with hotspots of historical raiding. However, given the nature of the sources available for this thesis, these connections are not entirely clear or easily demonstrated. As noted earlier materials detailing cultural continuities in maritime peoples contemporarily, particularly those who have participated in "piracy", are generally lacking, and could greatly benefit from contemporary field research. Despite the uncertainties, and lacking in-depth anthropological investigation, it seems safe to say that as Vagg suggests, their traditions may present "piracy" as a "culturally 'thinkable'" option.

Maritime peoples are a large potential labor pool for "piracy", broadly characterized as having sea faring and nautical skills, being poor, socio-economically

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194 In the period from 1870 – 1910, prior to which large scale raids were still emanating from Sulu, Tagliacozzo notes that "piracy" still persisted, albeit in significantly changed form (Eric Tagliacozzo, Secret Trades of the Straits: Smuggling and State-formation along a Southeast Asian Frontier, 1870-1910, (Hartford: Yale University Press, 1999), 244-45). A. G. Course relates that "pirates" were still operating between the two world wars and as late as 1961 (Course, 1966, 1), and furthermore in the 1950's and 60's Vagg has reported that inter-village raids still occurred (Vagg, supra n. 185). We also know that following the exodus of Vietnamese boat people starting in 1975, there were numerous acts of "piracy", bringing us to the last 15 years when incidents of "piracy" have become frequently and reported in the media. 

195 Vagg, 67
marginalized, having a range of potential rationales that are both materially and ethically supportable, and potentially come from a cultural matrix where “piracy” is “thinkable”.

This sketch is not terribly remarkable for its accuracy in describing “pirates”, but rather is remarkable because it points to such a large segment of maritime Southeast Asia that may have sufficient motivation to be considered potential “pirates”. For states to effectively control this labor pool of “piracy”, both past and present, maritime peoples need to be effectively incorporated within the state structure, and this is, and has been done, largely through offering economic opportunities, and engendering a sense of personal loyalty to a state, or through the pressure of a national identity.

**Economic Development and Globalization**

Today, the processes of globalization have stimulated widespread economic growth throughout Southeast and East Asia, leading to a rapid pace of development. When measured in terms of Gross Domestic Product (GDP), and the standard measures of industrial output, as well as standard markers of human conditions like literacy, infant mortality rates, and life expectancy, Southeast Asia has made impressive progress since the 1960s.\(^{196}\) Despite post-modern debates about the definition of poverty, overall real strides have been made in reducing poverty, and generally increasing the material standard of life for people in many parts of Southeast Asia.\(^{197}\) However, the rapid economic development of the last 30 years has also had unintended, negative consequences, important for understanding why “piracy” has resurfaced.


\(^{197}\) Rigg, 321-338.
One of the primary problems is that political development in the region has not kept pace with economic development.\textsuperscript{198} Despite unprecedented growth and the very real material gains that have been made, there are still large portions of the population that have either been left behind, or have become unwitting victims of the rapid economic development. Traditional social networks are breaking down as traditional economic and social systems give way and adapt to the pace of modernization,\textsuperscript{199} and the government is not able to help those who are being left behind. Factories are attracting thousands of young people from villages to pursue more viable livelihoods, and while many continue to financially support their families their absence is a missing link in the traditional social security network. This combined with an almost complete lack of institutionalized social security has left many facing new survival challenges. Rapid economic growth has also severely damaged much of the environment on which many depend for their livelihoods, either through over exploitation or pollution. For example, Thai fishermen who traditionally operated in the Gulf of Thailand began to seriously deplete fish stocks by the 1970's,\textsuperscript{200} and moved out into other nations waters, or were forced to find other sources of income, such as preying on Vietnamese boat people. On a larger scale, endemic criminal corruption that frequently extends from the highest levels of government and private enterprise, are in part responsible for the pillaging of natural resources, hoarding of economic wealth generated by rapid development, and not extending these opportunities or resources to those that need them the most, like maritime peoples.


\textsuperscript{200} Dupont, 103.
The negative aspects of economic development and globalization have stimulated massive dislocation of populations, as millions of people move in search of better wages, frequently ending up in rapidly expanding urban centers, and even moving across international boundaries. Urbanization and industrialization provide opportunities for legitimate employment. However, urbanization has also led to rising incidences of urban poverty, creating a labor pool for criminal activities like prostitution, drugs, petty extortion rackets, among others, and when the right sea faring skills are available, “piracy”. These problems which have manifested themselves during years of economic growth suggest weak state development, or simply economic development that has outpaced the capacity of the state to redistribute the profits effectively.

In addition to the dislocation and urbanization in the cities of Southeast Asia, economic growth in the region, especially East Asia, has translated into heavy increases in sea traffic through Southeast Asia. Currently an estimated 150 to 500 ships (large freighters, not local trade vessels) daily pass through the Strait of Malacca. 80 percent of world trade involves maritime transit, of which a large percentage passes through the Strait of Malacca each year. Furthermore, total numbers of tonnage are expected to rise 9.2%, and twenty foot container equivalents (TEUs) are expected to climb 6.8% this year, largely due to the expanding Chinese economy, which means increasing traffic through the “pirate” infested waters of maritime Southeast Asia. Not only does this mean more ships to track, and a greater number of potential targets for pirates, but it also means

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201 Rigg, 163.
204 Yonhap, “Global Shipping Industry Expects another Boom Year,” Asia Pulse, 7 January, 2004, Sec. Northern Territory Regional.
that there will be more crews to try and track as well. 1.2 million seafarers, or half the world merchant fleet, sail under flags of convenience, which means “...ships can be owned by nationals of one country and be registered in another,” and most “…major ship-owning nations sail under flags of convenience”, providing registration for boats and crews as a business. Flags of convenience problematize tracking the true identities of crew and ships, but they offer seafarers the opportunity to make wages far higher than under their own national flags. Therefore it is not in their interest to question ownership of the boat or the identities of the crew, and screening processes are minimal. This lack of enforcement of regulations is made more difficult by relatively easy access to forged documents, as “pirates” have been caught with passports from multiple countries, making their identification difficult. In 2001 alone the IMO reported 13,000 cases of falsified documents among various ships crew, most of which were from Indonesia and the Philippines. This provides easy opportunities for insiders to be planted who can relay boat position, crew compliment or ship layout to attackers.

The Asian Economic Crisis of 1997 exacerbated the problems that had developed during times of relative prosperity: the inequalities of rapid economic development, the resulting marginalization and dislocation of people, the expansion of organized criminal networks (discussed in more detail in Chapter 4), the resurgence of “piracy”, and over all aspects of weak state development. Even though some authors have convincingly argued that Southeast Asians have weathered the economic crisis better than some of the direst

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207 Yulianti, 2 of 4.
predictions,\textsuperscript{208} there was unarguably some considerable affects. One of the most destructive aspects of the crisis was the rapidity with which it seized the region. The linked markets and interconnected economic structures forged through processes of globalization, and built upon questionable state political and economic policy, created a monetary ripple in Thailand that quickly grew into a tsunami that inundated the region. Markets tumbled so quickly that responses were too slow in coming to stave off disaster for many states. Indonesia in particular was hard hit with massive unemployment, consumer price indices jumped to as high as 77\%, leading to high expenditures on daily necessities like food (up to 62\% of income in 1999), and approximately 18\% of people lived below the poverty line.\textsuperscript{209} Many of these statistics have improved in the last couple of years, but between 1997 and 1999 the general welfare of Indonesian people as a result of the Economic Crisis was deeply impacted. In the Philippines despite growing national income and savings levels, poverty and unemployment are also on the rise, particularly in those regions where "piracy" and smuggling have emerged as major problems, the Southern Philippines and Autonomous Region of Muslim Mindanao (ARMM), including Jolo and Tawi Tawi in the Sulu Sea.\textsuperscript{210}

While the Economic Crisis was instrumental in the recent upsurge in "piracy" of the last five to six years, "piracy" numbers had begun to climb in the 1970's and 80's, during some of the biggest boom years in Southeast Asia. Uneven, rapid economic

\textsuperscript{208} See Rigg, 2003, 111-114, and the whole volume in general for a good discussion of the effects, both imagined and real, of rapid economic development in Southeast Asia.

\textsuperscript{209} According to the Badan Pusat Statistik, Republik Indonesia (BPS = Central Statistics Bureau of The Republic of Indonesia), http://www.bps.go.id/index.shtml., unemployment increased in Indonesia by almost two million people, or approximately 30\% increase between 1997 and 1999 (excluding Maluku Province).

\textsuperscript{210} Philippines National Statistics Office website: http://www.census.gov.ph/. In the ARMM, of which the Sulu Archipelago is a part, the magnitude of poverty has increased from approximately 1,300,000 (54\%) to 1,700,000 (70\%) between 1997 and 2000, in a region where the total population is 2,400,000.
development without commensurate political development to control the expanding economies, created the foundations of poverty, which in part stimulated the rise of “piracy”. The Economic Crisis only made existing situations worse. Economic fluctuations directly impacted “piracy”, but as was historically the case as well, “piracy” is able to flourish in periods of boom and bust. This would suggest that more important than economic fluctuations is the state’s ability to control economic processes, and to effectively redistribute the wealth to the people.

Today, the state needs to be able to offer maritime peoples economic and social opportunities, and moreover “…a more fundamental need is for the people...to be treated as valued participants in the nation building process.”211 The development of new political and economic systems in the eighteenth and nineteenth century made Orang Laut navigational and sea faring skills, as well as their abilities as warriors, obsolete, and contemporary nation states have yet to find a mutually suitable, constructive place for them in their structure. This is not to suggest that the Orang Laut per se are the hub of “piracy” in the modern world, but it does suggest that some maritime peoples have had difficulty aligning their “marginal” existence with contemporary states. Additionally, in the past the loyalty of maritime peoples, like the Orang Laut, could be commanded by the personal charisma, and spiritual potency, of their immediate leaders through the chain of hierarchies, eventually to the ruler.212 The amorphous modern state is not able to effectively step into this role, as power and authority are frequently far removed physically, in the national capital, and conceptually, as maritime peoples have little to do with the power structure by which they are now governed. Contemporary states, failing

211 Andaya, B.W., 1997, 505.
to offer economic opportunity, and not able to command the personal loyalties of these people, has left them largely outside the state structure, despite technically existing within the claimed territory of such a state, and thus left to their own devices to make ends meet.

**Patronage**

Patrons of “piracy”, regardless of who they are, whether organized crime networks operating out of major cities like Bangkok, Shanghai, Hong Kong, Manila, Jakarta, Singapore, and Tokyo, radical political/religious groups such as MILF and GAM, small scale villages or local gangs, or even rogue elements of contemporary nation states, they constitute a diverse alternative to the state. Their major contribution to “piracy” is a home base to come and go from, capital to invest in materials, and a market (or linkages to markets) to sell “pirated” goods. It is important to note that patrons are not entirely necessary for most low end “piracy”, which makes up the majority of incidents. However this support appears to be a critical in the development of organized/large scale “piracy”.

Patron-client ties exist throughout the world, and in all times, where enhancing one’s position is achieved through personal relationships rather than through a formalized system of “blind” meritocracy. What Aung-Thwin writes about Burma in the 1990’s holds for much of Southeast Asia: “Patron-clientilism is still dominant at all levels and categories of society; authority and power are still intrinsic and not extrinsic...loyalty is given more to the person than to an idea...”

213 The “man of prowess”, charismatic leadership, characteristic of historical political structures in maritime Southeast Asia,

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largely disappeared in any formalized context,\textsuperscript{214} but likely remains imbedded in the essence of patron-client relationships. However, the nature of the sources used for this thesis do not make it clear if personal charisma, or spiritual potency, are still important characteristics of leadership. Personal relationships are more important than the structured bureaucracy of business of government, and those who help you often expect something in return for that help. This \textit{quid pro quo} arrangement, while highly simplified in concept, can become quite complex in arrangement. This fundamentally simple, yet highly flexible system forms the bedrock of personal and professional relations in many areas of Southeast Asia, where business is not trusted to an unknown partner without personal context.

These relationships run the gamut from being called Asian Values in some circumstances, to corruption and nepotism in other circumstances. The nature of these relationships allows for far greater personal influence on a system, so that they can function more efficiently and more judiciously than a “pure” meritocracy if headed by a strong, conscientious, personality, but can descend into blatant corruption in different circumstances. These systems create spaces where personal influence can have untoward effects, ideal for a “behind the scenes” world of fluid and dynamic power structures. The border lines between “legitimate” and “illegitimate” practice, between state and non-state, criminal and legal, easily become blurred. In this realm patrons of “piracy” can have a great deal of influence, creating a space for blatantly illegal, illegitimate (in the eyes of the state anyway) practices within the grey zone of patron-client relationships. This grey zone is where organized “piracy” forms, taking advantage of these networks to

\textsuperscript{214} However, Ben Anderson, “The Idea of Power in Javanese Culture,” in \textit{Culture and Politics in Indonesia}, ed. Claire Holt. (Ithaca: Cornell University Press 1972), 35-38, suggests the prevalence of this model of
provide "security" (getting security forces to look the other way), provide market links (to unload entire cargos of palm oil, diesel fuel, aluminum ingots etc.), and organization (coordinating dozens of people across the entire Southeast Asian maritime region, and beyond). The flexibility of the system allows groups to easily navigate between the various political systems and cultures of the region, incorporating disparate elements without having to create new power structures.

As with the general description of maritime peoples, this discussion is not particularly remarkable for specifically portraying the inner workings of the system, but rather it is remarkable because it describes an existing, widespread system into which "piracy" can easily be accommodated. Patron-client ties form an important continuity with the past, and the florescence of large scale and/or organized "piracy" is, and has been, largely dependent on the ability of legitimate state structures to dominate and control, or eliminate, these relationships.

Summary

Maritime peoples in Southeast Asia are part of a socio-cultural-political matrix that exhibits links and continuities with the past. Ironically, maritime peoples comprise a large potential labor pool for "piracy", and are also the largest group of victims of "piracy". This matrix is characterized by a maritime orientation on the margins of the land, and consequently on the margins of land oriented states. This marginal status has left many maritime peoples in the bottom rungs of the social, as well as, economic hierarchy. A key part of this maritime orientation is the practice of a broad based survival strategy, of which "piracy" forms a logical, justifiable, and "culturally thinkable"
option. In order to control this potential labor pool of "piracy," states need to be able to successfully incorporate these people into the state. In the past a combination of economic opportunity and personal loyalty held many maritime peoples within the state. Modern states have not been able to offer economic opportunity to large portions of these people, as suggested by the prevalence of poverty. Moreover, the state has not been able to fill the role of personal, charismatic leadership effective in the past for incorporating maritime peoples. This has left maritime peoples on their own to create their own opportunities and make ends meet.

Both historically and presently, the agents of "piracy" (those who actually make the choice to engage in "piracy") are enabled by the existence of patrons. Patrons are a heterogeneous group that provides three key elements for "pirates": safe havens, resources/organization, and markets links. Patrons are not necessary for all forms of "piracy," but play a vital role in facilitating large scale attacks or raids. The relations between patrons and their "piratical" clientele are part of widespread, flexible networks of social and professional relations, found throughout maritime Southeast Asia, frequently termed patron-client relations. These networks provide the means to organize and extend the political and social influence necessary for their "piratical" operations.
Chapter Four: Contemporary “Piracy”: Political Hegemony

The legitimacy and success of any state largely depends on its ability to maintain a political hegemony by monopolizing the means of legitimate violence within the state’s area of declared authority. The modern state has the added obligation of having to draw a clear line separating state and non-state violence, and must enforce that line to maintain legitimacy, and do this within set territorial borders. In claiming a monopoly on violence the state must also take responsibility for the violence that erupts and emanates from the state, and failure to do so is to weaken its claim to legitimacy. While the modern state has made more ambitious claims of control, the principal is similar as in the past. If a state is not able to control violence in its claimed area of authority, then its authority and legitimacy to rule are questioned.

“Piracy” is both a threat to political control, and an indicator of weak political control. This is simply because “piracy” tends to thrive in times of weak control, both in the past, as well as presently. “Piracy” is usually only one of several challenges to political control, and takes advantage of the fact that other threats create space, gaps, in the state’s political control. In these spaces “piracy” is able to surface, and by its presence serves to widen those gaps. This section will explore a number of those threats, such as separatist movements, insurrections, corruption, and organized crime, discussing how they have impacted “piracy” as well as the state’s ability to address “piracy”. “Piracy” will also be examined in terms of regional and international cooperation, looking at states’ ability to cooperate in addressing “piracy”, as a sign of political

215 Thomson, 19.
authority and control. Even within a single state, the priority given to the issue of “piracy” is suggestive of relative political stability and authority.

While “piracy” does not directly threaten the collapse of any state in Southeast Asia today, it is a resurgence of non-state actors trying to vie for “a piece of the pie” in a system where the state has the obligation to deny them. “Piracy’s” virulent existence points to gaps in the state’s political hegemony that allow it to thrive, questioning political authority and thereby challenging state claims of legitimacy.

**Nation State and Citizenship**

Over the last 30 years there have been large population movements across international maritime borders that regional states have been unable to stop. During the 1970’s civil unrest and armed conflict in the southern Philippines caused thousands of Filipinos to migrate into Malaysia seeking safety and opportunity, many of whom were Bajau Laut, maritime peoples with historical connections to the areas around northern Malaysia and the southern Philippines. By 1979 “40 per cent of all Bajau Laut and 77 per cent of all other residents in the village [Bangau-Bangau]” were classified as *pelarian* or refugees, without Malaysian citizenship, and approximately 30,000 refugees had migrated from the southern Philippines to Sabah.\(^{216}\) In some ways these migrations and labels of citizenship are rather arbitrary, considering that the Bajau Laut had roamed between the southern Philippines and Sabah long before national borders were drawn and citizenships had to be chosen.\(^{217}\) Movement of people between Indonesia and Malaysia is

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\(^{216}\) Sather, 1997, 87.

\(^{217}\) Ibid., 87.
likewise a persistent problem, especially in recent years as the monetary crisis of 1997 hit Indonesia particularly hard, causing many Indonesians to seek their fortunes abroad.

Starting in 1975, and continuing for 25 years, an estimated 840,000 Vietnamese political and economic refuges, the "boat people" fled their country. Starting in 1975, an estimated 840,000 Vietnamese political and economic refuges, the "boat people" fled their country. Hong Kong and other regional governments were forced to address the problem and bear much of the financial and political costs, albeit quite reluctantly in some cases, and many of these people were eventually repatriated, or relocated to the US and Europe. The mass exodus well reflects the difficulties of maintaining borders in the maritime world, as one cannot put up walls to keep people out as the US has done with Mexico. Furthermore the well known atrocities and depredations inflicted upon many of these peoples, 75 percent of boats were robbed, 600 people reported killed, and 850 rapes were reported in 1982. Furthermore, of 3,000 murders recorded at that time (1982) since 1975, only three dozen "pirates" had been arrested, thus demonstrating the difficulty of enforcing security on the seas for regional authorities. In a similar time period an article from The Australian reported that the most pirate-infested waters were those around the southern Philippines: "Armed with heavy weapons left over from the Indochina war, the pirates were halting fishing boats, yachts, coastal steamers and even small ocean-going freighters on the high seas and taking their cargo and possessions." These attacks well demonstrate the latent capacity for "piracy" in the region and reflect a bubble of "piracy" beginning well before the more recent upsurge in the 1990's and 2000's.

218 Dupont, 142.
219 "How Not to Deter Refugees; By Allowing Them to be Killed by Pirates," The Economist, sec. World Politics and Current Affairs; US edition p.16, LexisNexis Academic online database.
220 Ibid.
Just as people cross these borders seeking new livelihoods, entrepreneurs also take advantage of porous borders as well. Smuggling is ubiquitous in maritime Southeast Asia, particularly between Sumatra and Malaysia, just across the narrow Strait, and between Sabah and the southern Philippines through the Sulu Archipelago. In the southern Philippines a gun toting “wild west” atmosphere emerged, where smugglers are armed to the teeth, and if they are not armed, such as hard up fisher folk part-timing as local smugglers, they often fall prey to “pirates” who know that it is difficult to report stolen or smuggled goods. The problem in recent years has reached the level where President Arroyo specifically mentioned the issue of smuggling when planning a national agenda. Similarly, in the Strait of Malacca smugglers bring cheap goods, timber, and even people, from Indonesia to Malaysia, which has also received national and regional attention. More than timber, cigarettes, or even people, arms smuggling across these borders is of particular importance, just as it was in colonial times, because in Aceh and southern Philippines states face armed insurrections. Light arms are easily transportable and therefore relatively easy to smuggle, thus making them available to any non-state actor with the necessary funds, including would be “pirates”. Smuggling not only potentially provides “pirates” with weapons and materials, but also creates avenues by which their “booty” can be disposed of as well.

222 Johnstone, 47-48.  
224 These have been largely economic refugees seeking better opportunities in Malaysia, but some political refugees from Aceh have been able to escape this way also, like the GAM leadership in exile in Sweden.  
Non-state Actors

Much of the arms smuggling in the Strait of Malacca stems from GAM, a militant secessionist movement based in northern Aceh province of Indonesia, whose goal is independence from Indonesia. This movement for independence has been ongoing since its start in 1976, as distinguished from the Darul Islam uprising in the 1950’s when Aceh sought economic and political autonomy within Indonesia, and not specifically national independence, as is the case now. 226 GAM has been accused of several acts of “piracy”, including kidnappings, hijackings, and robberies, in order to raise funds for their operations. Raising suspicions were several incidents of “piracy” that happened in the northern end of the Strait of Malacca, following a statement issued by GAM officials that they would start charging tolls on ships passing through the Strait. One kidnap victim even reported that he was taken to a jungle base in Aceh, and that his captors spoke Acehnese. 227 Furthermore, the organization, weapons, clothes, and hair cuts, noticed in several attacks were suggestive of military personnel. Despite these allegations GAM steadfastly denies any involvement in such operations, and there is no hard evidence linking them to these attacks. 228 Although there are no concrete links between GAM and incidents of “piracy” in the region, their activities do impact the general security, which in turn likely affects “piracy”. Whether involved in “piracy” or not, GAM has carved out an area in Indonesia where state control does not extend, and GAM’s control of the area is uncertain. In this area, with or without GAM’s knowing, “pirates” could be operating

independently and taking advantage of the chaos in the region, and even mimicking GAM forces to misplace suspicion. Additionally, GAM does have significant maritime capabilities, largely recruited from local sympathetic maritime peoples. A smuggling network, especially with Penang, Malaysia where a substantial population of expatriate Acehnese live and there exist Malaysians sympathetic to GAM’s political and religious struggle, through which arms, supplies, possibly recruits, and money are smuggled into Aceh. In order to shut down these networks and set up a blockade, the Indonesian military has sent most of their meager operational naval capacity to Aceh, thus drawing it away from all other possible activities, such as anti-piracy patrols.

On the other side of maritime Southeast Asia, a similar situation to Aceh exists in the southern Philippines, in parts of Mindanao and the ARMM, established in 1987. Since the 1970’s a variety of militant Islamic religio-political groups have taken up arms to demand greater equality and/or independence from the Christian majority central government. Three major groups have emerged over the decades, the Moro National Liberation Front (MNLF), MILF, and Abu Sayyaf. The MNLF signed a peace treaty with the central government in 1996, officially ending their struggle, however, MILF, Abu Sayaff, and various “lost commands” continue their armed struggle. While accusations of “piracy” have been leveled at both MILF and Abu Sayyaf for recurrent spates of kidnapping, notably tourists from the island of Sipadan in Malaysia, and

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various other maritime attacks such as the Sasa Wharf bombing in Davao,²³² these incidents are difficult to label as “piracy”. They do not fit the modus operandi of ship robbery, typical of most incidents of “piracy”. Furthermore, these groups have avowed political ambitions, for which they are engaging in militant acts and just happen to be using boats as a vehicle. These might fall under the broadest interpretation of “piracy”, as all predatory maritime activities, but under most legal definitions these attacks are not considered “piracy”. MILF and Abu Sayaff, however, like GAM, both have modest maritime capabilities, probably recruited from sympathetic maritime peoples in the region, or possibly hired employees of sorts, which form a network for smuggling through which they can acquire arms and other goods. Regardless of the merits of their struggle MILF and Abu Sayyaf have, like GAM, created an area where the Philippine state control does not extend. These insurrections absorb military and police attention preventing them from deploying their resources elsewhere, and have created a “wild west” atmosphere in the southern Philippines where guns rule the waves.

**Corruption and Governmental Complicity**

Along with non-state actors, corrupt elements of state security forces create security gaps and drain resources, potentially important in considering the resurgence of “piracy”. Corruption is a widespread phenomenon throughout Southeast Asia and is frequently the norm rather than the exception. China, Thailand, Vietnam, the Philippines, Malaysia, Burma, and Indonesia, all the littoral states in maritime Southeast Asia, with the possible exception of Singapore and its zero tolerance policy, have their problems

with corruption. In terms of “piracy”, corruption of state security forces is almost a prerequisite, especially for any operations larger than just involving local thugs. As mentioned earlier “pirates” need certain things to be able to function and two of those are a safe haven, and markets for their stolen goods. “Pirates” do not exist as self sufficient sea roammers who never touch land. They need the cooperation, or at least ignorance of, a variety of land based officials, such as harbor masters, village level bureaucrats, and at least a few local police who will look the other way. The higher up the corruption and connections extend, the more efficient and extensive the operation. A detailed study of the nature and extent of corruption from top to bottom in all these states is far beyond the scope of this thesis, but a few examples will be looked at where they impact “piracy” more or less directly.

In the early and mid 1990’s there were several reports of China in connection with incidents of “piracy” in the South China Sea. In 1991 and 1992 Chinese officials were accused of “piracy” for seizing a number of Vietnamese boats on charges of smuggling, but more serious circumstances also developed. There were reports of official looking uniformed personnel in patrol craft with Chinese markings and flying a red flag, which attacked several ships outside Chinese territorial waters. Additionally, several vessels accused of smuggling and had been taken to southern Chinese ports by


233 Vagg, 68.


“customs officials”, where they were asked for $500,000 ransom for their ship. When the ransom was not forthcoming the cargo was seized. Several high publicity hijacking/"piracy" incidents such as the Tenyu, the Anna Sierra, and the Petro Ranger, all involved Chinese officials, as the vessels were eventually recovered in Chinese waters. Ironically, two suspected Indonesian “pirates” from the Anna Sierra who had been released by Chinese officials, turned up in connection with the Tenyu case.236 No hard evidence surfaced publicly linking Chinese officials and “piracy”, but it was readily apparent that Chinese ports, easily accessible from other “pirate” prone areas such as the Strait of Malacca and the Hainan/Luzon/Sabah triangle, were operational safe havens for dealing with hijacked vessels. Following these events China was seen to crack down on “piracy” when 38 arrests were made in connection with another hijacking. This was a particularly brutal case where the crew were bludgeoned to death and thrown overboard by hijackers supposedly posing as Chinese customs officials.237 Of the 38 arrested, 13 “pirates”, drunk on rice wine and chanting Ricky Martin’s World Cup 1998 theme song, ironically titled “The Cup of Life”, were executed.238 Aside from possible corruption and the involvement of “rogue” Chinese officials, there was also speculation that some of these attacks may have been part of a broader Chinese policy aimed at extending their sovereignty in the South China Sea.239 Chinese officials have denied any involvement, and following the arrests and executions noise seems to have died down concerning Chinese complicity in acts of “piracy”.

236 Flynn, 1999.
238 Ibid.
239 Greg Chaikin, “Maritime Regimes and Piracy in East Asia: Can Japan Climb Aboard?,” unpublished paper for the conference: People and the Sea II: Conflicts, Threats and Opportunities, International
The Tentara Nasional Indonesia (TNI = Indonesian National Military)\textsuperscript{240}, like Chinese officials, has been implicated in acts of “piracy”, and/or in simply looking the other direction while it occurs. There is no concrete information linking the TNI to contemporary acts of “piracy”. However, there are a significant number of second hand accounts, related interviews, and circumstantial evidence that implicates the Indonesian military at some level. Additionally, there is a history of extra-governmental funding and extra-legal activities suggesting that elements of the TNI may be open to involvement in “non-state” activities like “piracy”. During the struggle for independence from the Dutch between 1945 and 1949, the Indonesian military was in dire financial problems, just like the rest of the country, and the military was forced to seek funding anyway they could. This included smuggling rings that “...although arising originally out of necessity, opened up opportunities for individuals to benefit personally.”\textsuperscript{241} The size of these rings started to dig into state coffers, however, and in 1967 the state tried to put a stop to these activities.\textsuperscript{242} Interestingly even as late as 1980 the Indonesian military was responsible for finding up to 50 per cent of its own budget.\textsuperscript{243} Currently the TNI still funds many of its operations through “off-line incomes”, meaning non-government appointed funds, from private business ventures and the like. The exact sources and quantity of these funds is not generally known and “Even up to the highest level of the TNI there exists a genuine vagueness about how much the military earns from its businesses and what it is used

\textsuperscript{240} The TNI was previously known as Angkatan Bersenjata Republik Indonesia, or ABRI (The Republic of Indonesia Armed Forces), but in 1999 when the military was separated form police forces it was renamed TNI. See Damien Kingsbury, \textit{Power Politics and the Indonesian Military} (London: Routledge Curzon, 2003), 248 footnote 1 chapter 1.


\textsuperscript{242} Vagg, 69.

The TNI’s funding being rather opaque, and with major connections to private business and politics in a notably corrupt government, suggests some amount of corruption within the ranks of the TNI. Although this is not direct evidence for “piracy”, it does suggest willingness to, and a history of, engaging in extra-legal activities.

Specific allegations of TNI involvement in “piracy” are not as clear cut as their murky budgetary situation, and consist mostly of hearsay and personal accounts, but they do cast long shadows of suspicion. One victim of a “pirate” raid was Captain Peter Newton of the British Navy, who was part of a group that helped train anti-piracy units in Indonesia. Captain Newton, according to an interviewer from the Economist, said that one of the pirates spoke perfect English and “was obviously a military officer,” with the implication being that it was a member of one of these anti-piracy units, or at least a member of the Indonesian military. Along this line Jon Vagg has noted that several reports of “pirates” with military style crew cuts, clothing, guns, and who spoke good English, thus suggesting military or ex-military personnel. Vagg also describes reports of rigid inflatables being used in several incidents of “piracy”, typical of military equipment, although definitely not exclusively so. Furthermore, commercial vessels reported seeing smaller ships detaching from a large mother ship and then returning to the same ship on their radar, again possibly suggesting military boats. Other circumstantial evidence comes from interviews with Malaysian security forces conducted by John Burnett for his non-fiction novel Dangerous Waters, based on his investigations

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244 Kingsbury, 191.
247 Ironically similar evidence has also been presented to implicate GAM in similar attacks.
of “piracy” in Southeast Asia. Burnett notes Malaysian security personnel reported
encounters with TNI forces, described as “lost commands,” who claimed to be
conducting anti-smuggling activities, but which the Malaysians regarded as a cover for
acts of “piracy” and “shake down” operations. As further anecdotal evidence one
security official relates that on a “pirated” boat a 5.56 mm rifle casing was found, “…that
could have only come from the Indonesian military.” Reports like this are not
uncommon, and it is widely suspected that the Indonesian military, particularly the Navy,
has fallen on hard times from the economic crisis, is broadening their extra-
governmental/extra-legal activities.

**Threats to Political Control**

As a result of the economic turmoil in Indonesia, which sparked widespread
demonstrations and riots, the long standing Suharto government (1965 through 1998)
stepped down, leaving a gaping political vacuum that needed to be filled not only by new
bodies, but by new political ideologies as well. Indonesia is still undergoing extensive
political and economic reforms. Issues of decentralization of power, resource
distribution, separation of civilian and military spheres of influence, including separating
the military from police agencies, has confused and hampered enforcement currently,
despite potentially long term benefits. Separatist movements in West Papua and in Aceh,
widespread civil unrest in the Moluccas and Sulewesi, due to ethnic and religious
tensions, the formation of non-state Islamic militia called the *Laskar Jihad*, all challenge
the state’s ability to focus on “piracy”. Serious financial difficulties mean that funding is

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248 Vagg, 76.
249 Burnett, 167.
not available for patrols, equipment, surveillance, intelligence gathering etc. Limited resources are further thinned by widespread corruption, hinder Indonesia’s efforts to curb increasing incidents of “piracy” in the region. As of 2003 Indonesia had approximately 117 ships (2 submarines, 14 warships, 57 patrol boats, and 44 support vessels/supply and transport ships) to patrol the entirety of their archipelagic waters, of which only 35 percent were at sea. Furthermore, many kabupaten (administrative unit below a province) that have extensive maritime territory (yang memiliki wilayah perairan terluas) do not have any patrol craft at all. These economic and political circumstances have created push and pull factors toward “piracy”. The worsened economic situation has driven marginal coastal populations to “piracy” in order to make ends meet, and the political difficulties of littoral states have contributed to severe limitations on the ability to mount effective anti-piracy measures.

State political hegemony is challenged from within the state itself, by those opposed to the politics of the state, but frequently challenges to political control manifest themselves in more apolitical ways, such as organized crime. Organized crime, like “piracy”, escapes easy definition, but for the sake of this discussion it will be defined as criminal activity that falls under the control of known criminal gangs, such as the triads or yakuza, or criminal activities that require large scale organization. Organized crime has made its presence felt throughout the region, from Hong Kong, Indonesia, Taiwan, the Philippines, Burma, Thailand, Laos, and stretching throughout East Asia as well.

250 Ibid.
253 Yulianti, p 2 of 4; Chalk, 2000, 61.
254 Dupont, 182-84.
Rapid economic development in the region has provided organized crime opportunity to expand their organizations, taking advantage of all the loose capital floating around. In cases such as the Alondra Rainbow, Petro Ranger, and Tenyu, where the entire ship and cargo was taken, it is obvious that some sort of highly organized criminal gang was involved. Incidents like these, termed “phantom ships,” have become more common over the last few years, with 16 hijackings reported worldwide in 2001 (double the number in 1999), and 25 in 2002. Hijacking numbers appear to be down for 2003 despite a record high of reported “piracy” incidents, but a number of small boats, like tugs and barges, which could be used by syndicates in their smuggling operations, are being reported lost. One explanation for this pattern of high end attacks is that organized crime was also impacted by the 1997 Monetary Crises, forcing them to

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255 Incident related in: Jayant Abhyankar, “Piracy and Ship Robbery: A Growing Menace” in eds., Hamzah Ahmad and Akira Ogawa Combating Piracy and Ship Robbery (Okazaki Institute, Tokyo, 2001), p. 25. The Alondra Rainbow was carrying a cargo of aluminum ingots when it was hijacked just off Singapore. In large part thanks to the efforts of the Piracy Reporting Centre in Kuala Lumpur the Alondra Rainbow, renamed the Mega Rama, was found off the coast of India where it was finally arrested. The crew had been set adrift and recovered, but half the shipment of aluminum had already been off loaded.

256 “South Sea Piracy,” The Economist 18 December 1999, U.S. Edition. The Petro Ranger was hijacked by “pirates”, its cargo of fuel was offloaded to two other ships (value approximately $3 million). The ship was then arrested by Chinese officials on accusation of smuggling while the pirates were repatriated to Indonesia, and the owners had to pay a large “fee” to get the ship back.

257 Ibid. The Tenyu was carrying a cargo of aluminum ingots, like the Alondra Rainbow, when it disappeared in the South China Sea, only to turn up in a Chinese port on the Yangtze minus its cargo and crew.

258 These ships are called phantom ships because they simply disappear; the ships are repainted and relagged (this means registering the ship with a different nation, and often the ships name could be changed multiple times, especially when these services are provided via the internet), and like stolen cars on land, these ships are often used for further illegal activities like smuggling goods or scamming cargo shippers by offering cheap shipping costs, and then disappearing with the cargo.

259 P. Mukundun, “Piracy and Armmed Robbery Against Ships Today”, unpublished thesis for the People and the Sea II: Conflicts, Threats and Opportunities conference at the International Institute for Asian Studies and the Centre for Maritime Research, Amsterdam, 1 August 2003, 2.


diversify their operations, and thus the increase in high end "piracy". Not all "piracy" is involved with "organized crime", but when it is the capabilities and ambitions of the "pirates" seem to be much higher, and the challenge to political control that much greater.

There are many factors that threaten political control, including overt confrontation such as GAM and MILF, and more subtle challenges from corruption and criminal activities. However, political control is also determined by rational choices by each state choosing policy directions. It must be assumed that these decisions are being made in a rational manner that reflect an array of issues and considerations that are not always clear from the outside, balancing one problem against the entire national agenda. In this respect it is useful to consider two aspects of state prerogative that impact "piracy": international cooperation, and priority assignment within the national agenda.

The relationships between Southeast Asian states through such forums as the Association of Southeast Asian Nations (ASEAN) and the ASEAN Regional Forum (ARF) have from their inception generally reflected a strong importance placed on the sovereignty of each state, not to be infringed upon by relations with other states. This includes a tacit understanding that each state will not question or involve itself in the domestic affairs of their regional partners. Traditionally ASEAN has functioned well as an economic forum, but internal politics, human rights, and security concerns are treated with kid gloves, or largely left out of such forums, often being seen as "interventionist". ARF has created a forum where regional and international security issues can be addressed, but internal security issues are generally not topics of discussion.

263 Walden Bello, "The Insecurity of Asia's Financial Crisis," Peace Review 11, no. 3 (September 1999): 393-399, Academic Search Premier online database, p3 of 5.
which, until recently, included “piracy”. In 1978 when the issue of “piracy” was brought up “…several countries said they regarded the matter as an internal security issue, ending the discussion.”264 Given the transnational nature of “piracy” and its increasing threat, however, there is a growing awareness by regional states that “…unilateral efforts to combat piracy in the South China Sea are inadequate….”265 Without regional cooperation, national borders present a serious challenge to pursuit and punishment of “pirates” and their patrons.

Beginning as early as the 1970’s with attacks on Vietnamese “boat people”, and incidents of “piracy”/robbery in the Sulu Seas, “piracy” began to get regional and international attention. Effective pressure was eventually brought to bare on Thailand in the late 1980’s to try and curb attacks on Vietnamese boat people, although there was skepticism about the efforts that were subsequently made,266 and “piracy” in the Sulu Seas appears to have been largely ignored. In the early 90’s regional and international pressure stimulated a series of bilateral agreements between Indonesia, Malaysia, and Singapore. The consequent organization of joint anti-piracy patrols appeared to have a dramatic effect in reducing the numbers of incidents, and shifted the activity away from their waters toward the South China Sea.267 This was widely lauded as an example of successful international cooperation to combat “piracy”, although there were also allegations that “piracy” was curtailed because regional governments put their own people in line.268 More recent efforts as outlined by the 1998 Manila Declaration on the Prevention and Control of Transnational Crime and the 1999 Joint Communiqué of the

266 “How Not to Deter Refugees”, 16.
Second ASEAN Ministerial Meeting on Transnational Crime, have placed “piracy” on the regional agenda, but concretely, little seems to have actually been done yet.\textsuperscript{269} Regional states, as well as ASEAN and ARF, have put “piracy” on their agendas,\textsuperscript{270} but there is not as of yet a plan to proceed. The dramatic rise in “piracy” following this spate of regional cooperation, and following the economic crisis of 1997-98, can in part be seen as the failure to develop concrete operational agreements.

Beyond the regional level, international legal definitions such as Article 101 of UNCLOS and Article 3 of SUA, drafted to clarify and enable enforcement, have also met with problems. One problem noted was that since the UNCLOS definition was first developed nearly 50 years ago\textsuperscript{271} the nature of maritime “piracy” has drastically changed. Notably the incidences of “piracy” have dramatically increased, especially in territorial waters, where under international law “piracy” cannot exist, since 1982 when UNCLOS was finalized.\textsuperscript{272} Additionally, the increasing frequency of these attacks, combined with the altered post-Cold War era world geopolitical situation, has placed greater emphasis on security threats such as transnational crime, including “piracy”. This is in part connected to increased fear of terrorist threats in the wake of the attacks at the World Trade Center 9/11/01, including maritime terrorism, which has been conflated with

\textsuperscript{267} Vagg, 77.
\textsuperscript{268} Ibid.
\textsuperscript{269} Mo, 348; Yulianti, 3 of 4.
\textsuperscript{270} Weeks, 99-101.
The changed nature of "piracy" also points towards another major issue that has evolved with the development of UNCLOS itself; that of jurisdiction.

The highest percentage of incidents of "piracy" worldwide occur within the territorial and archipelagic waters of Southeast Asian nations, and as such are not recognized as "piracy" as defined in Article 101 of UNCLOS, which states that "piracy" must occur on the high seas beyond any states jurisdiction. Many authors have pointed out that this poses problems for international laws that try to combat maritime "piracy", because there is no uniform international law, and therefore enforcement and prosecution are left to the discretion of the national laws where the incidents take place.

A state has complete sovereign control, as if it was an extension of land, over its "internal waters", where as in the "territorial seas" states have almost complete sovereign control (including law enforcement), except foreign ships have the right of "innocent passage". Similarly, in "archipelagic waters" states have almost complete control, but foreign ships have the right to transit these waters through predetermined "sea lanes".

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273 In particular see Young, and Valencia, cited in full in the bibliography, for further details on the topic of conflation of piracy and terrorism.
276 According to UNCLOS territorial seas are defined under Article 3 as: "Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention." Internal waters are defined under Article 8 as: "1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State." Innocent passage is granted within both internal waters and territorial seas, but is extremely limited in scope for internal waters (see Article 8 of UNCLOS), and is extensively delineated under Articles 18 and 19 of UNCLOS.
277 Archipelagic waters are defined under Article 49 as: "1. The sovereignty of an archipelagic State extends to the waters enclosed by the archipelagic baselines drawn in accordance with article 47, described as archipelagic waters, regardless of their depth or distance from the coast." Ships have the right to transit through archipelagic states via sea lanes, defined by the archipelagic state itself (See Article 53 UNCLOS
Beyond the 12 mile limit of territorial seas, and outside archipelagic waters, states have the right to claim up to 200 nautical miles from their established base lines as their Exclusive Economic Zone (EEZ), where they enjoy control over economic and environmental development of this area. This presents a problem in Southeast Asia where extending a 200 mile EEZ has created many conflicting territorial claims. These conflicting claims have created zones where legal jurisdiction is unclear, thus making enforcing national laws governing maritime violence difficult to enforce, and international law even more problematic. Furthermore, it is precisely in these areas of conflicting claims, such as the South China Sea, Malacca Strait region, and the Sulu Sea region, where maritime violence is increasingly a problem.

Another issue that is frequently raised with regard to Article 101 is that even if acts of “piracy” occur, that is they meet the jurisdictional requirements, the definition restricts “piracy” to only involving the motive for private gain, i.e. no politically motivated attacks, and it has to involve ship to ship conflict. These problems taken together; the changing nature of maritime “piracy”, jurisdictional problems, and restrictions as to which forms of maritime violence are considered “piracy”, has stimulated much thought about revising the UNCLOS definition.

In response to some of these problems efforts have been made to extend SUA to include acts of “piracy” within its broad delineations of maritime violence. Despite SUA’s attempts to create a broad framework where any threat to the safety of maritime

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278 Under Article 56 of UNCLOS the states’ rights in the EEZ is delineated as: “In the exclusive economic zone, the coastal State has: (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of
navigation might be addressed, its usefulness for dealing with “piracy” is questionable. While able to sidestep some of the specific requirements of Article 101 in UNCLOS, defining “piracy”, the very breadthiness of the Convention makes it less than ideal for addressing the threat of “piracy”. Article 3 of SUA could ostensibly be used to address the higher end of “piracy”, seizures of entire cargos or the whole ship itself, but the more common types of robbery at sea which plague Southeast Asian waters today, making up the majority of incidents reported, would still be left unaddressed. Furthermore it has been pointed out that in order to prosecute crimes under civil law jurisdictions “…a specific description of the elements of the crime is necessary in order to have a valid criminal statute…in common law jurisdictions, the motive for criminal intent must be established…In both cases, the deficiency of the applicable provisions of the SUA represent major loopholes for prosecution.”

Further problems emerge not just from the structure of the Convention, but what it would actually imply for those countries who sign on. Two major concerns with SUA are financial obligations and possible infringements upon national sovereignty. SUA entails a variety of obligations on signatory states, including information sharing, required extradition of suspected criminals or prosecution under state laws “without exception” and “without delay”, and “taking all practicable measures to prevent preparations in their respective territories for the commission of those offenses within or outside their territories”. These requirements could easily entail added expenditure on security that many countries simply do not have to spare. They might also seem to

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279 Batongbacal, 126.
280 Ibid., 125.
dictate aspects of internal operations with consideration to law enforcement and security operations in general, which could be viewed as infringing upon the boundaries of sovereignty.

Additionally, beyond the requirements of SUA itself there are considerations of whose security agenda does it really address, or simply put, to whose advantage is SUA? Currently the United States is the lone superpower in the world, commanding an economic, political, and military position reminiscent of the British in the nineteenth century. Following events of 9/11 the United States has embarked on an aggressive, often unilateral, foreign policy that has led to the overthrow of two predominantly Muslim foreign governments, provoking a massive reinterpretation of international law. Like the British in the nineteenth century, it is difficult to tell where US interests stop and international law begins. Would SUA help countries like Indonesia and Malaysia address issues like “piracy”? Or would it simply place unwanted economic and political burdens on their shoulders, and increase suspicion of Muslim countries towards the USA? In the nineteenth century “piracy” afforded colonial powers justification to enter into local affairs and expand their influence. The same process with “piracy” cum terrorism, and Conventions like SUA, whether intentioned or not, could be interpreted similarly, especially as SUA is being pushed strongly by the USA and other major naval powers, many of whom were former colonial powers in the region.

Recent trends in escalating transnational maritime violence, including kidnappings, smuggling of commercial goods, drugs, firearms and people, and “piracy”, however, may have somewhat forced the issue. There is recognition that individual countries do not have the necessary resources or capabilities to deal with these problems,
and international pressure to deal with the problem, primarily from countries like Japan, whose oil life line is through Southeast Asia, with 80 percent of their oil coming through the Strait of Malacca,\textsuperscript{282} has mounted. Joint patrols between Malaysia and the Philippines,\textsuperscript{283} Thailand and Malaysia,\textsuperscript{284} and even Singapore and Japan,\textsuperscript{285} can be seen as the results of recognizing the potential threat from such problems and international pressure.\textsuperscript{286} These changes may represent shifting national agendas that see transnational crime, like “piracy”, as a more serious threat than before, resulting in a higher priority status among various security issues facing the littoral states of Southeast Asia.

However, economically impoverished countries like Indonesia are forced to prioritize their security agenda,\textsuperscript{287} and issues like illegal fishing that with minimal enforcement could save billions of dollars in stolen resources, make prioritizing “piracy” difficult.\textsuperscript{288} Additionally, while internal problems like separatist movements threaten the unity of a state, smaller security concerns like “piracy”, even if part of the broader weave of instability, do not command priority in security matters.

Patronage of “piracy” and the prevalence of non-state actors, operating beyond state control, is a key component affecting “piracy”, and negatively impacting on a state’s political hegemony. Contemporarily, although the patrons of “piracy” are not always

\textsuperscript{283} “Philippines, Malaysia begin Border Patrol Naval Exercises,” \textit{BBC Monitoring Asia Pacific}, from The \textit{Philippine Star} website, 30 September 2003, sec. political.
\textsuperscript{286} In particular the presence of a Japanese patrol vessel in Southeast Asian waters can be seen as a major change in attitude, as previous offers of help with anti-piracy operations were flatly denied due to lingering memories of World War II.
\textsuperscript{288} “Indonesia’s Losses from foreign Fish Poachers Down 50 Pct,” \textit{Asia Pulse}, 24 September 2003, sec. Northern Regional Territory.
clear, the role they play is similar as their pre-colonial counterparts. The legitimacy of such patronage has changed significantly, however, and is an important disconnect between historical and contemporary “piracy”. Presently, any patronage of “piracy” is illegitimate. In the past patrons of “piracy” could become legitimate political entities through this occupation, but today the state does not, in theory, recognize non-state power as legitimate. However, if a “pirate” gang achieved the power of a modern state it could in theory claim legitimacy based on power and ‘real politik’, but this scenario is not likely in the present political structure. This theoretical disconnect with the past, however, does not change the fact that patrons still provide similar services, and thereby have similar effects on “piracy”.

“Piracy” evolves amidst weak states not able to suppress, control, or counter these maritime incursions. Similar to the idea of decay theory in historical “piracy”, modern “piracy” has reemerged amidst states experiencing serious challenges to their integrity and legitimacy, and in weakened condition due to economic and political turmoil, such as Indonesia and the Philippines. For various reasons such as porous borders, political insurgents, organized crime, corrupt state actors, and economic turmoil from decades of rapid development and severe economic crisis, all help make “piracy” a viable option that threatens the state’s political hegemony, questioning political authority and legitimacy.

**National Boundaries**

The idea of border control is also important to consider. Natural boundaries in maritime Southeast Asia are virtually non-existent. The geography of maritime Southeast Asia defies the notion of static territorially based boundaries, because the geography is so
fluid. Both historically and presently the geography is incredibly complex, characterized by extensive coastlines, mazes of littoral mangrove and lowland swamps cut by riverine estuaries, spotted with sand banks and shifting waterways, and thousands of islands surrounded by innumerable coral reefs. Where as the seas act as highways for trade and exchange, the interiors of islands are often divisive, being mountainous, frequently cut by unnavigable river valleys and ravines, covered in dense tropical jungle in the hills, and covered in swamps lower down, making overland networks difficult, and at times, impossible to maintain. Even contemporary overland transit is frequently not possible, as between islands, and is not as efficient as moving by sea.

Contemporary conceptions of territorially based states, described by static, rigid borders in maritime Southeast Asia, arose with the British, Dutch, and Spanish colonial states. Starting at this time, border control, or the obvious lack thereof, became an important factor in describing the rise and success of “piracy”/raiding. Traditional states, such as Sulu, Iban polities, Buginese, and Malay polities, were not concerned with this concept, as the borders of the state expanded and contracted dynamically with the waxing and waning of a given ruler’s influence. Chinese and Vietnamese concepts of borders, while static on land, did not extend very far into the seas. In fact Chinese authority, although ostensibly claiming far flung remote islands, was not enforced beyond what they called the “inner ocean”, extending only as far as the eye could see from shore. This left large tracts of islands and waterways beyond state control where “piracy”, or at least the conditions for “piracy”, could flourish.

This dynamic status quo started to change as European powers began to assert their geo-political consciousness in the region. Even with initial attempts by the
Portuguese and Dutch to create trade monopolies in the sixteenth century, the assertion of territoriality, and the extension of their statically defined geo-political consciousness into the water, can be seen. As mentioned in previous sections, this way of thinking was in part the creative development of European political philosophers of the day in response to the development of the valuable trade routes in the Indies. Grotius in particular established an influential line of thought where a state’s sovereignty could be extended through naval occupation of waters, just as in the military occupation of land. As European imperialist and colonialist projects in Southeast Asia progressed, this thought process appears to have been born out, and took a full fledged form as colonial states sought to impose clearly defined borders that separated one colonial power’s territory from their neighbor’s, including on the seas.

The ultimate success of this venture is undeniable given national boundaries in the region, but these boundaries have been contested since their inception. Until the mid to late nineteenth century, local states still held sway over much of maritime Southeast Asia, as the proliferation of raiders attests to, and large tracts were beyond the control of any state, as the proliferation of “piracy” would suggest. Enforcing maritime boundaries was simply beyond the scope of colonial powers, especially in times of relative weakness such as the late eighteenth and early to mid-nineteenth century, where scant resources were not available to effectively patrol or protect much of the maritime world. This began to change by the end of the nineteenth century as technological developments, which will be discussed in more detail later, allowed the tightening of borders and simultaneously expanded and quickened the pace of imperial expansion. However, this

289 Murray, 21-22.
290 Rubin, supra n. 34.
does not mean that the ideal of total control was ever reached by colonial states. Tagliacozzo describes smuggling operations carried out across Dutch and British borders, noting the “...facility with which contrabandlers were able to procure weapons cargos always seemed to keep pace with the state’s designs to improve its own interdiction capabilities.”291 Smuggling of firearms through porous borders was of constant concern to the colonial authorities, as it is today, and represented a serious potential threat to their hegemony. Both in the past and presently, smuggling has been an enabling factor of “piracy”. The illegal trade networks built around smuggled goods provide potential market links for “pirate” rings, with which they can unload their “booty”, as well as acquire materials, like guns or anything else they need. Even if smuggling rarely deals with “pirated” goods, these networks have created markets willing to deal in “questionable” goods.

The long and porous maritime borders established in the nineteenth century by colonial powers are still enforced by the littoral nations of the region. These borders have actually expanded with modern developments of Law of the Sea concerning territorial waters, archipelagic waters and the Exclusive Economic Zone, bringing that much more maritime territory ostensibly under state control. Indonesia alone claims 81,000 km of coastline, 3 million square km of territorial waters, and an additional 3.1 million square km in their EEZ.292 The Philippines has approximately 17,500 km of coastline, with a total maritime area (internal waters, territorial waters, EEZ) of 2,200,000 square km.293 Despite expanding territorial claims, the types of challenges in controlling these borders remain remarkably similar as they were in the last century. As an example of the

291 Tagliacozzo, 377.
difficulties these countries face, Indonesia after loosening their borders to trade in 1996, caught 10,096 ships docking illegally.\textsuperscript{294}

Maintaining borders in this complex maritime environment is made more problematic by the cultural geography in the region; people moving more or less freely across the waterscape as long as there have been people and boats in the region.\textsuperscript{295} For centuries maritime peoples had navigated the waters of Southeast Asia fishing, trading, harvesting sea products, and raiding, with scant regard for imaginary boundaries, and they continued to do so despite what map makers in Europe had decided.

**Summary**

"Piracy" thrives in conditions of weak political control, and in itself further weakens that control. Unlike in the past, currently "piracy" only represents the decay and fragmentation of power, as was the case for many Malay states in the nineteenth century. Presently, "piracy" is able to reassert itself in part because political control is frequently challenged, as demonstrated by the prominence of separatist movements in the Philippines and Indonesia, the proliferation criminal networks, and the widespread endemic corruption in the region. There is also the possibility that "piracy" may receive tacit "official" support from "rogue" state actors as well. Power and authority are being

\textsuperscript{293} Ibid.
\textsuperscript{295} Although still somewhat controversial and disputed, boats must have been in the region at least by the time of the first Austronesian migrations through maritime Southeast Asia, likely starting from Taiwan, approximately 3000 BCE (Peter Bellwood, *Prehistory of the Indo-Malayan Archipelago*, revised ed., Honolulu: University of Hawaii Press, 1997, 201.). Some authors have suggested seafaring technology may have even predated the Austronesians by thousands of years in order to explain migrations from the Indonesian Archipelago to areas of eastern Indonesia and to Australia (Robert G. Bednarik, "An Experiment in Pleistocene Seafaring," *The International Journal of Nautical Archaeology* 27, no. 2 (1998): 139-149).
wielded by many different groups, largely outside the control of the state, creating gaps in political control that “piracy is able to exploit. Furthermore, since colonial states began to assert their geo-political consciousness in the complex physical and cultural geography of the region, establishing rigid territorial boundaries that were a defining characteristic of these states, maintenance of those boundaries proved a constant challenge to their political hegemony, and to their independent successors as well. Widespread migration and smuggling were characteristic of loose political control in which “piracy” was able to assert itself.

Loose political control is also evident by the inability of states to effectively cooperate together and address the issue of “piracy”, and also by the priority that each individual state is able to accord “piracy”. Historically, colonial states in maritime Southeast Asia were generally not able to cooperate in addressing transnational threats like smuggling and “piracy”, until the latter half of the nineteenth century when their rivalry for territory and commerce had subsided or for the most part, resolved. Similarly, in the past when states were beset by challenges to their political hegemony they were not able to prioritize “piracy” and effectively deal with it. Contemporarily, international cooperation amongst ASEAN members in dealing with “piracy”, and other transnational issues, has been rather insubstantial. Continuing rivalry over maritime boundary disputes has made addressing “piracy” problematic. Furthermore, individual states in the region, most notably Indonesia and the Philippines, are not able to give “piracy” priority in their national agendas, despite rhetoric to the contrary. Facing numerous challenges internally (GAM, West Papua, MILF, crime, corruption, economy etc.) and externally (such as
illegal fishing, smuggling, migration etc.) "piracy" is not a priority, and so continues to increase with little effective opposition.
Chapter Five: Contemporary “Piracy”: Technology

State control of technology is an important factor in the reemergence of “piracy” in the last 30 years. Technology is intrinsically neutral, benefiting whomever is able to make use of it. Technology does not intrinsically represent a threat to state control, but in the hands of non-state actors, like “pirates”, it can be used contrary to state goals. Therefore who has access to and control over technology, is of great importance.

There are two conceptions of technology that will be important for this discussion. First, is the conception of technology as tools, including motor boats, firearms, radar, cell phones etc. These are the things designed to enhance the capabilities of the body, to reduce demands on our physical being by reducing labor needed to perform a given task, and to save time by doing things faster or more efficiently. This is a concept of technology that we are all familiar with as it touches virtually every aspect of our lives. The second concept of technology, less familiar but no less pervasive, also utilizes the idea that technology enhances our capabilities, but not in a physical manifestation as a tool or instrument, but rather in the form of knowledge. Knowledge can be in the form of intelligence, providing valuable tactical information, it could be knowledge of the ocean currents and reefs in a particular area, or where the best place to hide a boat is. This knowledge is technology because it enhances the capabilities of our bodies and helps those bodies in attaining their goals.

Over the last 30 years globalization has made access to technologies, tools and particularly knowledge (the information age), much easier. The technologies have of course changed over time, whether talking about steam powered ships or the latest high speed boats, canon or rocket propelled grenades, or knowledge of reefs from fishing them
vs. from satellite images, but whoever controls or makes the best use of technology, pirates or the state, will have a critical advantage.

**Tools**

An obvious place to start is boat technology. Traditional raiding societies in Southeast Asia generally used a wide variety of shallow draft sailing vessels that were also subsidiarily powered by oars. These vessels had an enormous range in size, some of which like the *joanga* in the nineteenth century, were approximately 100 to 130 feet in length, powered by 100 to 150 men, mounting 8 to 10 bronze and iron swivel cannons on the starboard and port decks.\(^{296}\) However, even these large craft were not even close in size to European war ships, for a British ship of the line in the mid nineteenth century could mount 100 plus cannon and carry 850 to 875 men.\(^{297}\) Even smaller warships such as frigates could mount 22 to 44 cannon,\(^{298}\) dwarfing the *joanga*. Despite a seemingly overwhelming advantage to the European ship, the local craft actually had a number of advantages. Some of the advantages were their shallow drafts, important for navigating the reef strewn seascape and riverine environments, the lack of iron nails which tended to rust out quickly in the warm tropical seas, the added use of oars which could provide a needed burst of speed, or power the vessel in calm winds, and the craft were manufactured with local materials at a fraction the cost of a European vessel. These advantages helped raiders/"pirates" like the Iranun compete with European vessels well into the nineteenth century.


Eventually the technical advantage swung towards the colonial powers with the development of relatively low cost, mass produced steam vessels. As Tagliacozzo writes: "The advent of steam aided the imperial project immeasurably, not just in Southeast Asia but in the rest of the world as well." The efficiency of steam power allowed more effective patrols, even in strong ocean currents or when lacking wind, and the shallow draft of steam ships allowed them to navigate waters previously off limits, bringing modern firepower to bear on raider strong holds. Furthermore, raiders and "pirates" were not yet capable of making use of the new technology, and so it was entirely in the advantage of the colonial states. As important as the tactical advantage was in combating "piracy", maybe more important was that steam power allowed the empire to expand, reaching more out of the way places and speeding communications and trade. Places to hide, or to independently organize, beyond the reach of the state dwindled.

The boat race continues today between "pirates" and police forces, except modern technology is no longer the exclusive domain of the state. Burnett describes a conversation with Malaysian maritime police where the police had just gotten new, faster boats to keep pace with local "pirates". Burnett continues "That superiority, however, would only last a few weeks. Local gangs... got wind of the police escalation and built sleeker fiberglass and wood boats; and they added two more engines that gave them eight hundred horses [horse power]." In contrast to former times, contemporary "pirates" have access to similar technologies as the state, and moreover, the biggest limitation to

299 Tagliacozzo, 1999, 120.
300 Tagliacozzo, 1999, 239, relates a story where a British warship had too deep a draught to approach the Borneo shore over the mudflats to pursue erstwhile "pirates", and so had to stand off at 900 yards and try to bombard them! This well demonstrates the technological advantages of the Europeans, being able to fairly accurately bombard targets half a mile distant, while also showing the advantages of local ship technology as well.
301 Burnett, 164.
the use of this technology is money. In this respect “pirate” gangs have a distinct advantage over the police, as suggested by the above account. The “pirates” are not hindered by the same bureaucratic hurdles in acquiring or spending funds as the police are, so that they can obtain new equipment far more quickly than the police.

In private industry boat technology has both indirectly encouraged, and sought to discourage, “piracy”. Increasing automation of freighters has reduced the number of people needed to operate the ship, thus saving money in wages and associated costs, but fewer people on board means an easier target for “pirates”, with fewer eyes able to keep a look out, and fewer people to subdue. On the other hand new developments in anti-piracy devices such as electric fences, and the use of old technology in new ways such as fire hoses to repel intruders, and security lights, are being used to deter boardings. These measures will deter casual “pirates” who look for the easiest targets, but would not deter more determined pursuers. Ships also have available a variety of information technology (IT) devices like Global Positioning System (GPS), radar, and cellular technology that will be discussed a bit later together with other IT.

Firearms follow a somewhat similar story, as initially in the sixteenth and early seventeenth centuries there was a rough equivalency in the quality and quantity of firearms, including heavy ordinance, available to Southeast Asian and European states. Typically each European vessel could muster more and bigger cannon than could any single Southeast Asian vessel, but when beset by several native “pirate” craft, European

302 Chalk, 2000, 60.
304 Batongbacal, 28.
305 Batongbacal, 109, and Chalk, 1997, 97.
vessels could still be outgunned, or overpowered. However, over the following 250 years European firearm technology continued to advance while indigenous Southeast Asian technological capacity did not keep pace, and local demand had to increasingly rely on European supplies of arms. This was not a huge problem to raiders and "pirates" as they had not typically produced their own munitions anyway, but rather purchased or "collected" their arms. For instance, Sulu acquired much of its arms from American traders, to the dismay of English and Dutch authorities, as part of the China trade thriving at the time. Eventually, however, this method of arms acquisition could not keep pace with what the colonial states could muster, and as raiding/or "piratical" activity was reduced so too was their access to firearms. Tagliacozzo notes, however, that arms traders in the late nineteenth and early twentieth centuries, despite colonial controls, still managed to smuggle arms. Smugglers used increasingly complex schemes of evasion and utilized the porous borders of the region, taking advantage of the frequent lack of cooperation between states.

In modern times access to weaponry, particularly light arms, has helped to level the technological playing field between "pirates" and the state apparatus, posing a serious threat to any state's claim to monopolizing the means of violence. Chalk points out that the term "light arms" is a misnomer, for in this category are assault rifles like the M-16 and AK-47 that are capable of discharging a 30 round clip in three seconds, all manner of hand guns, rocket propelled grenades able to penetrate 330mm of armor, and even land mines, all of which have a "...phenomenal capacity to kill and inflict chaos and

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307 Ibid., 42.
It is their light weight and easy portability that makes them “light arms”, ideal for any covert military operation, or “piracy”. These weapons are currently still being widely mass produced, and tens of millions already exist in the world, making them widely available and relatively cheap. Many of the arms available in Southeast Asia are the result of Cold War tensions between the USA and USSR being played out, and the Vietnam War, where millions of tons of military hardware were poured into countries like Cambodia, South Vietnam, Philippines, and later into Afghanistan, Pakistan, and numerous African countries. After the end of the Cold War, militaries began to reduce in size and started to unload millions of pieces of hardware that were no longer needed. Additionally, with the collapse of the Soviet Union and many Communist Eastern European regimes, these countries were looking for sources of hard currency, and one thing they had to sell was military hardware.

These weapons are being used in numerous “pirate” attacks, and even John Burnett reported in his book that when his yacht was attacked by “pirates” they were carrying M-16 rifles. Not all “pirate” attacks involve these kinds of weapons, as they are still comparatively expensive in poorer countries like Indonesia, where part time fishermen turned “pirates” could not afford such hardware. Their use generally suggests the involvement of more connected patrons that have access to, and can afford, these weapons, such as organized crime or rogue state actors. These weapons are not the cause of “piracy”, but they provide the “pirates” who can afford them with the means of

309 Tagliacozzo, 1999, 377-78.
310 Chalk, 2000, 8.
312 Chalk, 2000, 10-12.
313 Burnett, 6.176.
violence equivalent to most state security forces, thus allowing them to carry out their attacks with greater confidence. On a broader level, the presence of these arms in such quantities represents a serious failure of regional states to control the means of violence within their territories, and it also represents a skewed global community that has allowed these weapons to become a commodity of trade.

Knowledge

Tools are useful, but knowledge is the keystone technology that makes everything work. Mobility and firepower are tools of the trade but it is knowledge that lets “pirate” and state alike vie for control. For this discussion a wide range of technologies will be fitted under the umbrella of knowledge, including “local knowledge” (geography, targets, tactical details etc.), tactics of operation, and information technology (from light houses and telegraphs to GPS, radar, and cell phones). Local knowledge is tactical knowledge, details of terrain, targets, people etc, but local connotes an important idea that often it is the “local” element that is able to provide such knowledge. Historically, one of the primary advantages raiders had was knowledge of trade routes, settlement patterns and local holidays (to predict people’s movements), fishing grounds (where food could be found, and there were fishing boats to be plundered), as well as geographical details of river systems, currents, and reefs, important for navigating, making an ambush or facilitating a getaway. Groups came by this information in two primary ways, through personal experience and from using local people. Experience taught many of these things, but by making use of local recruits, or locals captured for slaves, provided

314 Ibid., 167.
detailed knowledge of specific areas. This practice was used by all three raiding
groups described previously (Malay, Iban, and Iranun). This local knowledge was also
eventually utilized by states seeking to control these activities, for as their familiarity
with the area increased, maps got better, and more local peoples were incorporated into
the state structure, and local knowledge became more widely disseminated.

Experience is a universal method for gaining knowledge that does not warrant
much discussion here, suffice to say that as “pirates” gain experience, i.e. the longer they
are allowed or are able to be active, whether in the past or present, they become better at
what they do and accumulate a certain amount of pertinent knowledge. In an area as
socially, politically, and geographically complex as maritime Southeast Asia, however,
making use of local recruits is of particular value. Similar to historical examples, modern
predatory maritime activities would also seem to make use of local recruits, from the
ubiquitous “maritime peoples”.

Local “pirate” gangs can use local knowledge, having an intimate knowledge of
the coastline and activities in the area, but even gangs operating on a regional or
international scale (which is not difficult to do given the close maritime boundaries in
Southeast Asia) can make use of local information networks, by recruiting from these
local gangs. These informants can be strategically placed to provide information
concerning specific shipments of goods, route details, ship layout, crew rotations etc.

Controlling this information is important for both sides. Although contemporarily slave
taking is not a primary focus of predatory maritime activities, many modern “pirates” do
take hostages, even if only temporarily, while they ransack the vessel. Hostages are often
forced to provide information about the locations of valuables, nature of the cargo, and

any specific information needed by the "pirates". While not directly analogous to using slaves, this is making use of information extracted from prisoners, even if for a much shorter time.

In the past, "pirate"/raiders and the state apparatus relied heavily upon human resources for their knowledge, as more sophisticated means were not yet available. The dissemination of this knowledge in turn also relied heavily on word of mouth, which greatly restricted its usefulness. Technological developments in gathering and disseminating information have proven to be important factors in the ability to either organize a successful "piratical" foray, or to prevent one. As technical developments evolved, new methods of gathering information and disseminating became available to the colonial states that were not available to raiders/"pirates". Colonial states built light houses and beacons in key choke points, and frequented trade passages, allowing the colonial state to literally peer into the veil of darkness where smuggling and other activities contrary to the wishes of the state were taking place. This technology could also be used by enterprising "pirates", however, as one group figured out that where these beacons were set up trade tended to gather, so they simply set watch near the beacon. Similarly, in modern times "pirates" have disabled navigation buoys to lure ships onto shoals, where they are then plundered. Additionally, steam power more than providing powerful warships, expanded the scope of imperial ambitions by increasing the speed by which written word could travel. Faster still was in the latter nineteenth century, when telegraph cables were laid from the metropoles to the colonies themselves.

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316 Tagliacozzo, 1999, 119-120.
317 Ibid., 239.
allowed disparate parts of the state to communicate with each other, and the metropole back in Europe, in a matter of minutes rather than days, weeks, or months. The state utilized these communication networks and expanded their organization and control, reducing the amount of space for non-state actors like “pirates”/raiders to maneuver.

Modern means of gathering and disseminating information have become more sophisticated since the days of light beacons and telegraphs, but are no longer the sole possession of the state, and are widely available to anyone with the resources and basic knowledge of their workings. Criminal gangs can utilize cellular technology to keep track of their informants, who can relay a target’s position in real time. They could also gain access to internet sites that ship owners use to track their ships via satellite GPS systems (ironically to help prevent losing ships), and know almost exactly where the ship is.320 Radar is a ubiquitous feature on most freighters of any size, and an important navigational tool, as well as a potential anti-piracy tool. Burnett relates how the captain of a high-tech oil tanker uses the ships radar to track suspicious boat movements that might be “pirates”, giving the ship advanced warning and allowing them to take security measures.321 Radar can also be used by state security forces for similar purposes, but it can just as easily be used by “pirates” trying to track ships as they pick targets, or to evade pursuers.322 IT (information technology) simply allows a more efficient, faster organization of information, which either side can take advantage. Police and security forces, private companies, and “pirates” all have access to similar technology. In modern times the question is less who has access to IT, but who is able to make the best use of it,

321 Burnett, 265.
or is able to afford it. Certainly not all “pirates” have access to the latest IT, but many of the more organized gangs would have access to these technologies.

Dupont has observed that “...globalizing forces of the information age are transforming the way in which criminals organize and operate,” allowing them to fully take advantage of the opportunities which rapid economic development has provided. The tools of globalization; modern communications, rapid transport, the internet etc., have allowed a much greater mobility of money, people and goods than was previously possible. For criminals, both organized and free agents, this means creative possibilities for transportation and marketing of stolen and illegal goods, human trafficking across global networks from Europe and the Americas to Southeast Asia and China, and being able to hide the profits in complex electronic movements of money. Globalization has created opportunities for criminal networks to become more organized over large areas, maintaining flexible alliances and sub-groups throughout Southeast Asia, East Asia and beyond. Criminal groups can easily operate across borders, while police and security forces must respect the imaginary lines of national sovereignty.

Another aspect of “knowledge” is the nature of the tactics used by “pirate”/raiders. “Pirate”/raiders tactics represent an important aspect of their knowledge that has allowed them to operate with great effectiveness, with the most important tactic/characteristic being adaptability. In the past Iranun raiding parties could muster and send out up to 200 vessels, and would besiege and plunder entire towns and

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324 See Dupont, particularly chapters eight and nine for an excellent discussion of international crime syndicates, such as Russian mafia, Japanese yakusa, Chinese triads, among many others, and their involvement in people smuggling, and transnational crime in general.
325 Dupont, 174.
fortifications. Similarly, Iban and Malay raiders could organize massive fleets, as one reported off the coast of Borneo had “...150 bangkong [warships] with about 2000 or 3000 men, with three chiefs.” These large scale expeditions eventually became impractical and impossible, being highly vulnerable to mass conflicts where the advantages of modern European steam power and weapons were evident. In response to this changing situation, where large fleets and large vessels were no longer effective, the Iranun shifted gears toward smaller ships, smaller fleets, and more frequent raids, thus playing to their advantages and avoiding direct conflict with the deadly European warships. In this way, for 30 years after the destruction of their home bases in the mid-nineteenth century, these groups could continue to carry out raids, using “hit and run” tactics where surprise and mobility let them conduct raids often in less than an hour, providing time for escape before the authorities could respond. However, eventually concerted state effort eliminated markets for slaves, and removed their support network in the Sulu Sultanate.

An aspect of adaptability is the ability to blend in. “Pirates” can pose as fishermen, or are indeed fishermen, who work near busy shipping lanes, and this way can scope out potential targets. While in many cases this is simply a factor of the “pirates” literally being part of the crowd, part of the “maritime peoples”, it could also be a conscious tactic to avoid detection, allowing “pirates” to stay active, and below radar, in busy waters like the Straits region, the South China Sea, and the Sulu Sea.

329 Burnett, 264. This account is anecdotal, but a convincing account nonetheless and very suggestive of potential tactics for "pirates".
Although seemingly obvious, choosing which ships to target is another tactical aspect. Both historically and currently "pirates" typically did not attack police or military vessels, they attacked commercial targets. Historically, European merchant ships were armed and quite capable of defending themselves, and for this reason it was rarely that raiders attacked European vessels, or they would attack only when these ships were vulnerable, i.e. becalmed, at night etc. Presently, however, commercial ships are relatively undefended, to determined assailants, and suffer two important technological disadvantages to the "pirates", mobility and firepower. The majority of private ships do not carry arms, as they could provoke an escalation in violence that could threaten both crew and cargo, although it is up to each shipping company to make its own regulations. Commercial ships typically do not carry firearms because they must navigate a variety of national waters where arms may be illegal, might cause unwanted hassle and delays once in port, and escalate violence on board ships. Also the mobility of commercial vessels is often quite restricted, with top speeds of only 10-15 knots in open seas. Moreover, inside the Strait of Malacca, and other straits in the region, ship traffic is very heavy, forcing ships to slow down and stay within restricted transit lanes. This severely restricts their mobility and makes them "relatively" easy targets for "pirate" attacks.

In the past colonial states frequently used the military as a police force, so "pirates" were forced to deal with the most advanced technologies that these states could muster. Today the responsibility of patrolling and enforcing laws within territorial waters falls to the police. Separation of civilian and military security forces is generally the norm, although Indonesia is currently in transition, leaving the navies to deal with state

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level security threats from other countries. Police forces have access to small arms, although not typically light weaponry like mortars, RPGs, or land mines, that seem to be available to “pirates”, and they are typically not as well funded or able to equip themselves with the most up to date technology, as is the military. This has created a potential scenario where “pirates” are attacking the most vulnerable of targets, using technology superior to police forces, who then must chase them down. This worst case scenario, however, generally applies only to the better organized, well funded “piracy” rings in the region, as the vast majority of “pirates” are simple “grab and run” thieves, or thugs, who if using anything at all are wielding pipes and knives. Surprise and evasion are still the best tools of “pirates”.

In the past “piracy” was brought to heal at a point when the technological sophistication of colonial states, in all the categories discussed, was far beyond that available to raiders, and even at this time “piracy” persisted, albeit in drastically reduced scope and frequency. Contemporarily, “pirates” and state security agencies have roughly equivalent technology. However, knowledge more so than mobility or fire power continues to impact the existence and scope of predatory maritime activities. Mobility and fire power are important for “piracy”, providing outside limiting constraints, but these tools can cut both ways. Ultimately what brought historical “piracy” to a close, and what gave Southeast Asian raiders/”pirates” the advantage, even when colonial powers could bring vastly more advanced tools to bear on them, was knowledge. Knowledge of where they were hiding, how they operated, where they would attack and so forth. The destruction of Iranun raiding bases was made possible not just by steam ships, but by
local informants who took the Spanish to these bases. If police and commercial interests are able to curtail information leaks, and police forces are able to utilize modern IT, as well as gather their own local knowledge, "pirates" may once again find themselves losing ground to the state.

Summary

Technology for this discussion involves two categories, tools and knowledge, with significant overlap of the two in the contemporary era, as “information technology” plays an important role in both “piracy” and anti-”piracy” activities. In the nineteenth century, “piracy”/raiding was able to thrive, in part because there was a rough technological balance. Raiders could take advantage of intimate local knowledge of the region, ships designed for the waters of Southeast Asia, and specific tactical advantages, like being able to blend in and selectively choose targets. Eventually, by the mid nineteenth century European technology began to outstrip and dominate in this competition. Steam power, new fire arms, the telegraph, and most importantly, the acquirement of local knowledge, turned the tide in favor of Western opposition to “piracy”/raiding. Western powers, at the time, had control of new technologies, which “pirate”/raiders did not have access to and/or could not make use of.

Presently, the situation is once again similar to the earlier half of the nineteenth century, when there was a rough balance in technologies. “Pirates” have access to the latest boats, fire arms, and information technology, to which the state no longer controls access and/or is not able to claim a monopoly over. Additionally, over the last few decades globalization has dramatically expanded access to technology and information

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networks, connecting regions of the world more intimately than ever before. These networks have been largely outside state control, and have created new opportunities for criminal organizations to organize and operate across national boundaries. Furthermore, both in the past and present, because of “pirates”' more flexible organization, singular goals, local knowledge, and tactics, they are better able to take advantage of available technology than are most state security forces. States can bring superior firepower to bear in any direct, open conflict, as was the case with Western powers in the nineteenth century, but “pirates” dictate the circumstances of conflicts and force the battle on their terms.

In conditions of relative technological balance “pirates” have the advantage. To swing the balance back in their favor states need to limit access to dangerous technologies, such as light arms, and make more efficient use of publicly available technologies like the internet, cell phones, GPS, radar etc., and expanding information networks.
Chapter Six: Lessons from the Past

“Piracy” is not a new phenomenon in the waters of Southeast Asia, but it is also not a snapshot of the past pasted into the present. Analyzing the interaction and influence of past and present, is important to create a more holistic understanding of contemporary “piracy”, from which approaches to dealing with “piracy” can be contextualized to Southeast Asia, and thereby and more effectively targeted. Through the earlier discussion and analysis of historical and modern “piracy” in Southeast Asia, many continuities and discontinuities have been suggested, which will be presented here in bulleted format for quick reference, and then analyzed in the following pages. Finally, some basic suggestions of how to address contemporary “piracy” will be discussed based on this analysis.

Discontinuities

- There is a distinct definitional and conceptual separation between the conditional legitimacy of “piracy” in the past, and its complete illegitimacy in the present, which has radically changed the nature of “piracy”.

- There has been real material, political, social, and cultural change between the nineteenth century and today, which makes the phenomenon called “piracy” in some ways very different.

- Rigidly defined, static territorial borders have been established through the imposition of Western, Westphalian geopolitical consciousness in maritime Southeast Asia, as opposed to more flexible conceptions of territoriality of pre-colonial states.
Contemporary maritime "piracy" in Southeast Asia, despite many continuities with the past, is conceptually very different from its historical roots. The key differences seem to lay in conceptual changes that have stemmed from material, political, social, and cultural change over the last several hundred years, but were most pronounced in the last 150 to 200 years, where predatory maritime activities no longer have any kind of legitimate manifestation. As can be seen from examples like the Iban and Iranun, local predatory maritime activities evolved as a positive response to this changing environment, maintaining a "traditional" sense of the socio-political-cultural significance of the activity, and were able to thrive well into the nineteenth century. In other regions, or with other groups, such as the Malay, Bugis, and maritime peoples in southern China and Vietnam, raiding and "piracy" also responded to changing circumstances, but in a more ambiguous context. The proliferation of "piracy" suggested general political instability and "decay" within these groups, although some groups, like the Bugis, were able to take advantage of the situation. However, the idea of decay should not be taken too far, for "piracy" if left to itself, can be a reconstitutive force from which a new order may emerge. The instability in economic and political structures, however, in the seventeenth, eighteenth, and nineteenth centuries, largely resulting from European involvement, led to dramatic, lasting changes to fundamental principals of political, economic, and social organization. In this situation the proliferation of "piracy" in the nineteenth century is seen as a snap shot in time, in its most chaotic form, without the benefit of being able to see the potential stability resulting from the competition.
Into the latter half of the nineteenth century, the power dynamic in maritime Southeast Asia swung heavily toward Western colonial powers, and resulted in the imposition of Western political and legal systems. Although the shift had already happened earlier in European thinking, at this time "piracy" and raiding, indeed all predatory maritime activities, became criminalized, illegitimate, outside society, and imbued with Western concepts like *animo furandi* and *hostes humani generis*. The entire suite of predatory maritime activities, legitimate and illegitimate, from Srivijaya to the Iranun, and extending to all such future activities, was indelibly linked to the Western term "piracy" and its subjective moral connotations. The underlying socio-political-cultural motivations of "piracy"/raiding were lost in the criminal codes of the colonial states and their successors. With the ascendancy of Western style political and legal systems, "traditional" conceptions of "piracy" went into hiding, between the sinews of the new state structures, maintaining themselves where state control and influence did not reach. Traditional raiding practices disappeared, and only "piracy" was left.

One of the most pronounced and enduring changes was the state's conception of space and territory. Prior to the assertion of a Western geo-political consciousness in the region, creating rigid territorial borders that needed to be maintained as part of the state's claim to legitimacy, territorial boundaries were much more flexible and porous. Territory was reckoned more by the extent of the ruler's influence, where he could assert authority and control, rather than by prescribed, "permanent" boundaries. Prior to the development of colonial states, the complex, fluid geography of maritime Southeast Asia, both physical and cultural, was not challenged. People used the seas as highways of trade and information exchange, linking regions together, more or less freely passing from one end
of maritime Southeast Asia to the other. The compartmentalization of territory provided novel challenges to Western style states in controlling people’s activities.

These dramatic conceptual shifts were accompanied by material and social change as well. Many maritime peoples, like the Bajau of Sempoerna District, Sabah, Malaysia, readily adopted new technologies to improve their lifestyles. More importantly they also became involved in a monetized economy, radically changing old patterns of patron-client relations that had linked them to local power structures, with a ruler at the peak. Welcoming the break with traditional hierarchies, many engaged the new power structure, or at least the economic aspects of it, with enthusiasm. Social patterns shifted according to these changes, as maritime peoples adapted to the new socio-political-cultural reality. All of these changes are important in understanding the unique qualities of present day “piracy”, and why it has resurfaced.

Continuities

- “Piracy” is a complex, diverse phenomena, lacking contextualization within Southeast Asia, making definition difficult, and therefore problematizing the addressing of the issue.
- Despite changes there is a continuous presence of a maritime oriented socio-cultural matrix, largely characterized by a marginal socio-economic existence, participating in a broad based survival strategy where “piracy” is thinkable and doable. Thus forming a potential “labor pool” of “piracy”.
- State control of this potential labor pool of “piracy” has relied on providing economic opportunity, and engendering a sense of personal loyalty to the state.
• Patronage is important for any large scale organization of “piracy”.
• There is a persistence of patron-client relationships in the region.
• Weak political development relative to economic expansion.
• “Piracy” emerges during times of weak political control, when the state’s political hegemony is challenged.
• The complex physical and cultural geography limits the ability of the state to maintain rigid territorial boundaries. This was a particular concern for colonial states imposing their geopolitical consciousness on the region, and currently continues to be problematic for the independent successors of those colonial states.
• Regional and international cooperation in addressing “piracy” is problematic due to competition for resources, and questions of sovereignty and territorial integrity.
• A rough technological balance between the state and “pirates”, inclusive of “tools” and “knowledge”, is to the advantage of “pirates”.
• “Piracy” is endemic to the maritime world of Southeast Asia, and will always exist in some form.
• “Piracy” is highly adaptive, and is able to find the weak spots in state control.

Contemporary maritime “piracy” in Southeast Asia is very much a product of its time, specific to the rapidly globalizing, interconnected, high speed environment in which the world finds itself these days. Some “pirates” are using the latest technology, from machine guns to GPS and radar, to organize and carry out their attacks, and their networks are often extensive, taking advantage of advanced communications, modern
transport, and electronic banking to facilitate their operations, which can involve “pirating” entire ships; cargo and crew. This is also combined with “lower level” “piracy”, thieves, and/or robbers armed with knives and clubs, who do not have the resources to get the most advanced technology, and steal whatever they can lay their hands on quickly. Running the gamut from large syndicates to a few thugs, technical advancements combined with rapid, uneven economic development characteristic of the last 30 years in Southeast Asia, culminating in the monetary crisis of 1997, has pushed “piracy” from the backwaters to the busiest sea lanes in Southeast Asia, threatening local and international commercial traffic and the lives of their crews.

Efforts to combat “piracy” have been foiled by a lack of resources locally, exacerbated by economic turmoil, poor redistribution of wealth, and corruption. Local resources are severely strapped, but funding from international sources also have not been forthcoming, despite the economic and militarily strategic importance of Southeast Asian waterways. Additionally, attempts at addressing “piracy” through international law have been ineffective in Southeast Asia due to problems of definition, and due in part to the unwillingness of regional powers to cooperate. The resurgence of “piracy” in the last 30 years is reflective of political development that has not kept pace with economic expansion, creating many factors stimulating “piracy”, while at the same time handicapping the state’s ability to respond to it. Thus “piracy” has resurfaced without effective controls, threatening the state’s authority, and ultimately its legitimacy.

Despite the enormous changes between historical and contemporary “piracy”, there are many continuities of circumstance from which “piracy” has emerged, including

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332 With the notable exception of Japan that has contributed materially in the form of money and ships as well as providing training.
continuities of practice, and continuities of the attempts of states to control “piracy”.

Conceptualizing “piracy”, both past and present in Southeast Asia has been problematic. In the past “piracy”/raiding was an enormously diverse set of complex socio-political-cultural phenomena that were essentialized and criminalized through the Western concept of “piracy”. The current understanding of “piracy” in Southeast Asia drawn from this past and modern international law, have created conceptual gaps in our understanding of the phenomena, and problematizes current attempts at addressing “piracy” in the region. Generally lacking specific contextualization in maritime Southeast Asia, overarching definitions and legal redressment, such as UNCLOS, SUA, and even the IMB conception of “piracy”, are frequently not applicable to the reality of the situation. Understanding “piracy” conceptually needs greater contextualization within Southeast Asia, which will facilitate contemporary attempts to deal with “piracy”. This process is important, if only because Southeast Asia accounts for more reported incidents of “piracy” than any other region in the world.

A similar cultural matrix exists today as existed 150 years ago, during the last high point of “piracy”. There is still a large group of maritime oriented, skilled, yet marginal and poor maritime peoples, who partake in a broad based subsistence strategy, much as there was in the past, and the modern state has not been able to fully “convert” them to its proscribed views of the world. In the past, a vital component of this broad based survival strategy was raiding, as a way to take advantage of trade in the region that one might not otherwise have access to. By the sixteenth century, but likely extending to the seventh century or before, raiding was more than simply a survival strategy. It was a method of state development and competition, a respected phenomenon that accorded
great status to those brave enough and strong enough to successfully complete a raid. Although criminalized, these practices remained “culturally thinkable”, and provide a back drop to potential rationalizations for acts of “piracy” today, whether to make ends meet for poor fishermen or for a crook with no better way to make a buck.

To effectively control this population of maritime peoples, and thereby a large potential “labor pool” of “piracy”, states have, in the past and present, primarily relied on two methods to incorporate these people into the state structure: economic opportunity, and personal loyalty. In the past, economic opportunity was afforded by the state/ruler by controlling trade and effectively redistributing the wealth among the ruler’s maritime followers, a vital component of maritime state power structures. In addition to economic opportunity, the ruler could offer social prestige through title and rank, through association with the spiritually potent being of the ruler, or through oath taking and imprecation, establishing personal ties of loyalty. These connections were often durable, as was the case with the Orang Laut and the ruling line descendent from Srivijaya through Melaka, Riau, and Johor. When these methods failed, as they did to quite a degree in the late eighteenth and early nineteenth century, circumstances of intense competition for authority and resources developed, and thus setting the stage for an upsurge in “piracy”. Furthermore, with the shift of local power structures towards colonial domination, sea peoples increasingly found themselves and their traditional economic and political roles being marginalized, or becoming obsolete altogether, thereby cutting them off from participation in local and regional power structures.

Today, states still rely on similar forms of control to incorporate maritime peoples, and more broadly all their subjects, into the state, predominantly through
economic means, and extension of loyalties through national identity. State control of the rapid economic expansion over the last 30 years, despite real material gains in much of the region, has been uneven, leaving large pockets of people, particularly maritime peoples, in poverty and without access to economic opportunity. Although not the initial impetus for "piracy", the monetary crisis in 1997 exacerbated the preexisting inequalities, leading to further increases in "piracy". This failure to effectively redistribute the wealth, and give maritime peoples a stake in the national economy, is made more important because the state has also not been able to initiate the personal relationships and mutual social obligations provided in the past by the charismatic ruler. The amorphous loyalty engendered by the state, in part predicated on the state's ability to provide for its people, has not successfully drawn in maritime peoples. This has left many maritime peoples at the margins of society without economic obligation to the state, and thus on their own to make ends meet. As in the nineteenth century, rapid economic growth was not matched by comparable political development, creating a foundation for the development of "piracy".

Patrons of "piracy", both presently and historically, have provided key economic and organizational support for "piracy"/raiding: safe havens, markets, and capital. While not necessary for "piracy" to exist, these factors allow a greater scale of operation, as reflected by the large scale raids ("piracy" to the colonial states and other victims) of the Iranun, in large part supported by the Sulu Sultanate, and the high end hijackings of ships today. The relationships patrons engage in with their clients are part of a widespread, flexible system of personalized power relations that permeate many of the state structures in the region, providing access to institutional support. The larger scale "piracy"
engendered by patrons, as was the case historically with the Sulu Sultanate, likely incorporates many maritime peoples as labor, but also transcends their immediate concerns of making ends meet, broadening the scope of "piracy" to become an end in itself. This scale of "piracy" in the present, built in part upon the state's failure to control its people and to provide basic support and opportunities for them, overtly challenges political authority.

"Piracy" emerges from gaps in political control, often created by other challenges to the political hegemony of the state, and then serves to widen those gaps; taking advantage of the state's reduced capacity to address "piracy". Historically this can be seen clearly in the "piracy" associated with the Tay-son rebellion in Vietnam, which created a rift in the political hegemony of Vietnam which then spilled over into Chinese waters. This rift, however, opened up because of preexisting conditions of poverty, marginalization, and weak political control, and then thrived due to the states' preoccupation with other internal problems. Similarly, the Iranun took advantage of weakened political conditions in much of the archipelago (as well as growing Western trade with China), and their attacks served to further weaken regional political structures. The Buginese turned to raiding as they sought refuge from civil wars amongst the fractured polities of the Malay world, where their success at raiding helped establish them as legitimate parts of the regional power structure.

Contemporarily, the situation is not dissimilar. Uneven economic development and inability to incorporate maritime peoples into the state has created a background context in which "piracy" resurfaced. Recurrent challenges to political hegemony such as, separatist movements in Aceh and the southern Philippines, corruption (facilitating
the spread of influence that could be used to accommodate “piratical” activity), rogue elements of state security forces, and growing criminal networks, have made space for “piracy” to develop, and have drawn the attention of state security forces away from “piracy” itself. Political instability stemming from the monetary crisis, particularly in Indonesia, has further taxed state political authority.

A direct continuity with the past is the complex physical geography of Southeast Asia, which is the same today, minus the resorts and other modern infrastructure, since the end of the Pleistocene approximately 10 to 12,000 years ago. Since rigid borders were imposed on the region in the nineteenth century, they have been highly contested by raiders/”pirates”, smugglers, migrants, traders, and other maritime peoples, who disregarded these boundaries, or used them to their advantage. More challenges to these borders have arisen in the last few decades, such as economic and political refugees moving in massive waves through maritime Southeast Asia, and illegal fishing which costs billions in lost revenues. These issues have become more difficult to deal with in the last 25 years, as a result of 1982 UNCLOS having greatly expanded the amount of seascape that littoral states claim, and are responsible for. In fact the expanding seascape under the jurisdiction of littoral states, has stretched maritime security forces beyond their capabilities, particularly in the archipelagic states of Indonesia and the Philippines, as evinced by the expansion of “piracy” in these waters today.

These borders were not only difficult to enforce due to the complex, fluid physical geography, but because they were also superimposed on the cultural geography of the region. The seas of Southeast Asia act as convenient highways, connecting much of the archipelago in regional and international exchange networks. Migrations between
historically linked areas, such as the Malay world centered on Sumatra, Malaysia, Borneo, and the Bajau groups located between modern Sabah, Sulu, and the southern Philippines, can be seen as an extension of these networks. The erecting of invisible boundaries in this environment has proven difficult to enforce, both for colonial states and contemporary states.

Controlling “piracy” is also problematized by threats to the political hegemony, stemming from a lack of international and regional cooperation, both historically and presently. In the past, regional powers, both local and European, had problems cooperating to curtail mutually worrisome “piracy” and raiding, largely due to competition over resources, including the flow of trade, and territory. This became particularly problematic when rigid territorial borders were erected, making their maintenance a primary concern, and thereby limiting cooperative efforts to address “piracy” if they would be seen as compromising territorial integrity, or control of vital resources. By the mid to late nineteenth century competition for resources and territorial borders became more entrenched, and colonial powers became more willing to cooperate. Similarly today, competition for natural resources, fish, oil, gas, trade routes, are still of great importance, and still emerging national identities, heavily reliant on a territorially defined nation, restrict Southeast Asian states’ willingness to cooperate across borders, or accept direct foreign support. Possibly in the future, as in the past, when competition is less pronounced and state integrity is more certain, regional cooperation may become more possible.

The effect of technology on “piracy” is relatively simple when viewed in a dynamic continuum. When there is a relative balance in technology between those being
called “pirates” and the state, as there was for much of the nineteenth century and there as exists today, the advantage would seem to be in the favor of the “pirates”. Controlling technology, however, has become far more difficult in modern times. In the past the state had a virtual monopoly over advanced technology, as there was an immense imbalance between European technology and local technology in the latter half of the nineteenth century. The playing field has largely been leveled today. “Pirates” have access to fire arms, boats, and IT, commensurate with that of the state. Further, processes of globalization are extending information networks that are largely beyond state control. The internet, cell phones, modern transportation, and e-banking, have created highly flexible systems of information organization that non-state actors are able to use effectively. “Pirates” with their greater flexibility, focused goals, tactics, and ability to “blend in”, make more effective use of technology than is often possible for the state. However, when and if the balance becomes heavily in the favor of the state, as happened in the latter half of the nineteenth century, “piracy” could be largely curtailed, or at least brought within acceptable limits.

Another component of technological advantage lies in superior knowledge. The Iranun were able to conduct their raids far into the nineteenth century when they were “out gunned” by European powers, because they had intimate local knowledge that allowed them to evade pursuit, and utilize hit and run tactics. Similarly today, although the pirates are making better use of available tools, the key is knowledge. “Pirates increasingly know where, when, and what to attack and how to “blend in” and disappear. To suppress “piracy”, the state must know when and where “pirates” will attack, and know where their bases and who are their patrons. This was the key that let the
Europeans finally destroy the last raiding strong holds in Sulu. Thus states must be able to make more efficient use of available technology, because limiting access by “pirates” is not likely to be feasible.

In the past “piracy”/raiding was an intrinsic part of the region, fundamental to state development, and a vital element of many regional cultures. Today “piracy” is not intrinsic, but is still very much endemic to maritime Southeast Asia. Although no longer imbued with the same societal significance as in the past, it is an inescapable part of this region. “Piracy” has proven immensely adaptive to changing situations, and just as theft on land, no matter the moral rationale or justification behind it, no matter the advancements in surveillance and law enforcement, it will always exist into the foreseeable future. Since eliminating “piracy” is impossible, the task then is to limit its scope and operation, bringing its presence back under control, making it an exception, and not the rule.

Fund Globally, Act Locally: A Way Forward

Contemporary “piracy” in Southeast Asia is a complex security threat that needs to be addressed. Yet, its complex nature has problematized efforts to combat “piracy”, particularly when approaches are not contextualized to maritime Southeast Asia. Overarching, broad approaches, like SUA and UNCLOS, used to combat “piracy” have been problematic in their application. Both of these conventions do not contextualize their approaches to maritime Southeast Asia, where the majority of incidents happen. More locally contextualized approaches need to be developed. There also needs to be established a clear understanding that long term responses should focus on the underlying
causes, i.e., the roots of contemporary maritime “piracy”, while not ignoring the symptoms, i.e., the immediate threats to maritime security. In addressing both short term and long term security approaches to “piracy”, local capacity building needs to be emphasized.

To deal with the actual incidents of “piracy” themselves, local patrol capacities need to be developed, particularly in Indonesia and the Philippines, to address the threat they pose to life, property, and political authority. International funds, training, and materials need to be provided for these states to develop national coast guards, or equivalent civil security forces, separate from military structures. The latter should be focused on addressing larger scale conflicts, and not having to engage in police functions. This also makes sense in terms of the ships needed to effectively combat “piracy”. Navies tend to focus budgets on purchasing large ships meant for national level defense, such as submarines, frigates, missile boats etc., where as what is most needed for anti-“piracy” efforts are small, fast patrol vessels able to outrun “pirate” speed boats, and pursue them into shallow coastal waters.

Coast guards would also help avoid concerns of regional cooperation, as they are not as threatening to sovereignty as are international security forces like the national military. Currently Japan is one of the very few states outside the region engaged in such capacity building, and yet they are not alone in the benefits they derive from the strategic waters of Southeast Asia.

Regional cooperation is an area that bridges short term and long term approaches to controlling “piracy”. It is important to both, but as in the past, it is problematic in

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333 See Sam Bateman, “Coast Guards: New Forces For Regional Order and Security,” East West Center Asia Pacific Issues, no. 65 (Honolulu: Sales Office East West Center, January 2003), for a good discussion of the potential value of developing coast guards in the Asia-Pacific region.
practice. In an effort to control actual incidents, greater cooperation across national borders is needed, as “pirates” do not respect the national maritime borders of littoral states in the region, and indeed actively exploit them. Previous commitments to regional cooperation have been largely ineffective, and lack key practical measures, such as provisions for active hot pursuit across borders. As noted earlier, despite growing awareness of the problem and the threat it poses, there is little more than vocal acknowledgement. Recent Singaporean cooperation with Japan, as well Japanese Thai cooperation, may signal, or stimulate, increasing willingness to cooperate on issues of transnational maritime security. Regional anti-“piracy” agreements or charters offer an interesting opportunity for regional cooperation, and could also avoid pitfalls of broader legal solutions like SUA and UNCLOS, by specifically targeting regional circumstances, and using local security forces. To be effective in addressing maritime “piracy”, ASEAN must agree to broader regional cooperation, taking the lead and not leaving it to foreign powers. Additionally, to be effective cooperation must have real teeth and take into account the complex nature of “piracy” in the region, being able to address hit and run thugs as well as organized, transnational crime syndicates. Because knowledge has proven a critical aspect of combating “piracy”, information sharing could be a starting point for regional cooperation. Being able to infiltrate “pirate” organizations, and predict their next moves could be greatly facilitated by sharing relevant intelligence. This could eventually open the way for cooperation for pursuit and prosecution of “pirates” across national borders as well.

Presently, despite the necessity of dealing with actual incidents of piracy, more emphasis needs to be placed on long term economic and political development of the region, as a way of addressing the circumstances that have produced this latest upsurge in “piracy”. Because of the strategic commercial and military interests in the waters of Southeast Asia, and the consistently high numbers of incidents of “piracy” in the region, international funds should be directed at encouraging sustainable economic development and opportunities in littoral regions. As mentioned earlier, shipping companies in particular might take a leading role in this effort, as their interests are directly impacted by “piracy”.

Economic development, however, is not a panacea for “piracy” in itself. The economic development suggested would try to alleviate the most extreme and pervasive poverty among maritime populations, seeking to abrogate the motivation for turning to “piracy”. Economic development would progressively incorporate maritime populations into the state, and give them a stake in maintaining legitimate power structures. These measures, however, would not directly address the motivations for hardcore “piracy” like ship hijackings, carried out by large criminal organizations, which can net millions of dollars. The motivation for these attacks is beyond what general economic development can directly address, but these incidents are also by far the minority. Economic development could, however, help dry up the large potential labor pool of “pirates” from which these organizations are likely recruiting. Additionally, reducing the number of

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336 This most recent spate of cooperative exercises with Japan could also be part of a broader political cat and mouse game, as Southeast Asian countries try to court both China and Japan, in an effort to balance these dominate political and economic rivals against each other.
337 Goodman, S of 24.
338 This term is variously defined, but here simply refers to the capacity for local reproduction of economic development, and the ability of local groups to be able to take advantage of development by legitimate means.

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recruits now could reduce the number of experienced, hardened "pirates", responsible for brutal attacks like that of the Tenyu, in the future. A steady, legitimate income could make the difference to many people for whom "piracy" is a thinkable option. Although much easier said than done, emphasis in this direction will help address the underlying problems rather than just trying to contain the symptoms.

Political development also needs to accompany economic development; otherwise, any derived benefits will likely be squandered. More than simply trying to bale water, political development should seek to plug the holes where state control is leaking out. Part of this is to respectfully include marginalized maritime populations in the identity of the state, thereby developing some amount of genuine loyalty, binding them to legitimate power structures. Furthermore, corruption as an endemic practice needs to be limited, if not eliminated, so as to control the ability of illegitimate centers of power to operate within the state. At the same time, internal disputes that threaten further fragmentation of power need to be conscientiously addressed. Use of force while effective in the short run, is not terribly effective in garnering the support of the nation. Moreover, it is seen as indicating a lack of authority to enforce the states will through other means. Indeed, the state needs to find a way to respectfully and positively include maritime peoples in the national identity, without resorting to forcefully leveling local identities.

Economic and political development are broad approaches to addressing "piracy", and heeding the earlier warning against broad approaches in Southeast Asia, need to be tailored to more specific circumstances. One way this can be done is through tailoring future research on the issue of "piracy" along lines suggested earlier, seeking to explore

\[339\] See page 75.
the motivations of “pirates” through examining contemporary court, police, and prison records. These materials could also be supplemented by field research into maritime populations, looking at poverty, income sources, criminal networks, cultural continuity, and incorporation into state structures. This research would provide insight that could help direct broader development strategies seeking to address maritime security in Southeast Asia.

The people of maritime Southeast Asia over the centuries have been both dynamic and flexible, adapting their survival strategies to the times. The roots of contemporary maritime “piracy” are long and deeply imbedded in the political and cultural traditions of the region. If they are to eventually be ripped out, regional states, with the support of the international community, need to enhance regional security by offering their peoples a viable alternative to “piracy”.
Chapter Seven: Summary and Closing

Summary Statement

“Piracy” is a serious threat to contemporary maritime security in Southeast Asia with deep roots in the past. The sea lanes of Southeast Asia link the Pacific and Indian Oceans, through which almost half of world seaborne trade passes, including critical supplies of oil that fuel East Asian as well as Southeast Asian economies. “Piracy”, predatory maritime activities outside of state control, directly threatens the commercial traffic in these waters, and more importantly the lives of the crews working on these ships. However, greater significance than the actual number of incidents reported is the social and political implications, indicating weak state control of people, political hegemony, and technology in the region.

This thesis has predominantly relied upon historical accounts and policy literature to shed light on contemporary “piracy”; two bodies of knowledge that each contain valuable information, but typically stand alone without regard for the other. Contemporary maritime “piracy” is indeed a creature of the last 30 years, influenced by economic, political, social, and material changes, but it did not evolve isolated from the rich history of predatory maritime activities in the region.

The word itself, “piracy”, evolved from a Western tradition, emerging from ancient Greek and Latin where it conveyed a sense of belligerency in war, to the sixteenth, seventeenth, and eighteenth centuries where it was reinterpreted in a legal context to convey a sense of criminality. “Piracy” became a crime whereby unauthorized agents (as opposed to privateers who in theory acted with the consent of the state)
interfered with the commercial interests of a given state. This interpretation was used to justify military action just short of war, to protect expanding European trade networks. This brought European concepts of “piracy” into interaction with understandings of predatory maritime activities in Southeast Asia.

“Piracy”/raiding was a cornerstone of maritime state development since at least the seventh century, when Srivijaya expanded its influence through much of western maritime Southeast Asia, but there is also archaeological and ethnographic evidence suggesting these practices may have developed even earlier. Predatory maritime activities, both “piracy” as non-state controlled, and raiding under the control of the state, were important aspects of many maritime societies. These practices formed a key element of a maritime adapted, broad based survival strategy; part of a culture where raiding provided status and prestige, spiritual potency, as well as material goods. As “piracy” these practices were condemned by local political structures, however, not as trespasses against human civilization, but rather as expressions of power beyond the ruler’s control. Maritime peoples formed the backbone of this system, and as long as they were under the control of the state they were not a threat to its political and economic goals. These groups were held in check by the redistribution of goods from the center, and through personal loyalties to the ruler. These reciprocal patron-client relationships, with the ruler at the apex of the hierarchy, were the foundation of political power in maritime Southeast Asia, so that a state’s territory was measured by the fluctuating personal influence of the ruler. When these methods of control faltered, and wealth began to accrue to multiple centers of power, no longer controlled by the center, maritime populations would seek their own opportunities, including as “pirates”.
These practices were dynamic, widespread, and as diverse as the number of peoples that engaged in them. Preexisting maritime predatory traditions changed and evolved in response to changing circumstances, showing both the reconstitutive energy of raiding/"piracy", as well as its signaling weak state control. Bugis raiding/"piracy" was a response to war and political instability in south Sulawesi in the seventeenth and eighteenth centuries, which eventually led to the establishment of Bugis power in the Malay world. Vietnamese/Chinese “piracy”, in the late eighteenth and early nineteenth centuries, was stimulated by political instability, general conditions of poverty, and the marginalization of maritime peoples. The Malay, Iban, and Iranun examples demonstrate how traditional practices evolved and adapted during the eighteenth and nineteenth centuries, in response to political and economic changes resulting from European expansion in Southeast Asia, as well as internal processes of development.

Large scale raiding and “piracy” was able to compete with European powers until well into the nineteenth century, when expanding European influence curtailed much of this activity, although it never completely disappeared. In the transition from local power structures to colonial states predatory maritime activities, in all their diversity of practice and motivation, became criminalized, subject to the Western legal system that colonial states, brought with them. All aspects of predatory maritime activities became illegitimate expressions of economic or political competition, just as they did in Europe at about this time as well. Left without any legitimate expression, predatory maritime activities moved to the fringes of state control and sought out places where the state could not reach, truly becoming “piracy” in the Western sense of the word, criminal.
Contemporarily, moving into the twentieth and twenty-first centuries, this is where “piracy” exists today, a criminal practice understood as a threat to regional maritime security. There is a continuous existence of “piracy” in the region despite that it largely disappeared from public record. This threat represents a challenge to state control, and thereby a challenge to stability and legitimacy. Maritime populations in the present are engaged in broad based survival strategy, in which “piracy” is still a justifiable and culturally thinkable option. This lifestyle provides the skills, knowledge, and ability to engage in “piracy”, making maritime populations a potential labor pool of “piracy”. Maritime populations operate at the literal and metaphorical fringes of society, where state control fades. These peoples have not been thoroughly incorporated into state structures. Lacking economic opportunity and a sense of inclusion in a national identity, these peoples are left on their own to make ends meet. Increasingly these ends meet with the help of patrons who support their criminal enterprise, providing security, materials and organization, as well as market links. These patrons of “piracy” operate through flexible power structures based on personal relationships, ubiquitous in Southeast Asia. These relationships provide avenues of institutional support vital to any large scale operation.

Contemporary “piracy”, defined as operating beyond state control, arises when gaps in the assumed hegemonic political control of modern states develop. “Piracy” emerges in these gaps and further widens them, reflective of weak state control as well as actively eroding it. Presently there are many challenges to the political hegemony of the state, such as separatist movements, criminal networks, widespread corruption, and rogue state actors, which have compromised the power and authority of the state. The existence
of these multiple centers of power have allowed “piracy” to resurface and dramatically expand. This weakening of political control is further problematized by the complex cultural and physical geography, which has created porous borders that “pirates” are able use to their advantage. Furthermore, weak state control in maritime Southeast Asia is evident from the inability of regional states to effectively cooperate in addressing “piracy”. Conflicting claims over resources and maritime boundaries, as well as still developing national identities based on territorial defined political structures, have made regional cooperation difficult, despite growing awareness of its necessity. Individual states have also not been able to commit to addressing “piracy”. Domestic problems, such as economic stability, separatist movements, illegal fishing among others, are taking a higher priority than “piracy”.

The reemergence of “piracy” in the last 30 years has also been possible due to the inability of the state to control access to and/or dominate available technologies. “Pirates” have access to the latest boats, firearms, and information technology, as the state does. Globalization has dramatically expanded information networks throughout the region, and much of the world, connecting peoples in more intimate ways than previously possible. Many of these networks are beyond the control of the state, and are used by “pirates” and their patrons to organize across national boundaries and in disparate physical geographies, while state authorities are forced to respect these barriers. Modern transportation and communications facilitate mobile operations, lessening the vulnerability of fixed bases, and allow local informant networks to gather and relay tactical information in real time. Furthermore, while state security forces are constrained by fiscal budgets as part of a larger bureaucracy, “pirates” have more singular goals and
can channel funds into the latest technology in order to outpace, outgun, or outmaneuver the police. Moreover, "pirates" flexible hit and run tactics, choice of soft targets, and ability to blend in and hide, bring the conflict onto their terms, forcing the police to chase them down. The state no longer effectively controls access to, or dominates the latest technologies, putting them on par with the "pirates". In this scenario the "pirates" are able to make more efficient use of these technologies. "Piracy" is predominantly a deadly game of cat and mouse, and knowing where the cat or mouse is means the difference between success and failure for either side.

Security policy addressing "piracy" needs to be contextualized within Southeast Asia in order to avoid the problematic use of broad approaches like UNCLOS and SUA. Moreover, long term solutions such as political and economic development, and regional cooperation, seeking to address the roots of "piracy", need to be emphasized. While at the same time local patrol capacities need to be enhanced in order to deal with the symptoms of "piracy". Given the economic hardship facing many countries in the region, as well as the vital, strategic nature of the sea lanes of maritime Southeast Asia to much of the world, international funding should be forthcoming in support of anti-"piracy" efforts. And in an effort to better direct these approaches, future research could be designed to establish a better knowledge of the socio-cultural environment that has produced these "pirates", as well as broaden our understanding of their motivations.

Closing Statement

The subject of "piracy", as with issues of criminality in general, raises important questions of how legitimacy is perceived, and how these conceptions change over time.
And then, how is this legitimacy enforced, or agreed upon? In analyzing how people make sense of these issues much is revealed about how they see the world, how they see themselves in the world, and most importantly, simply how they see themselves. Understanding how we classify and then interact with the “other”, in this case “pirates” who operate outside the agreed upon laws of the land, provides insight into how this “other” should be addressed. These questions can help fine tune approaches to security policy by better understanding the nature of the “threat”, and how that threat is perceived.

History is not the only discipline that provides useful detail on security issues. Asian Studies, and the field of Area Studies in general, emphasizes a multidisciplinary approach to understanding issues. This thesis has incorporated not only works of history and security policy, but also works of Anthropology, Ethnology, Archaeology, and Political Science to name a few. Security policy research in Southeast Asia can not be divorced from broader socio-cultural considerations, or it will run the risk of at best patronizing the people and governments it is trying to help, or at worst be interpreted as neo-imperialist unilateralism. Depth and detail provide context that is vital to first identifying the security issue and its underlying causes, and then conscientiously tailoring security policy to address that concern.

This process is a two way street. Policy analysts must be willing to get a little messy in rooting out contextual detail, but academics must also be willing to relativise their research to contemporary policy issues. Understandably many academics might recoil at the thought of their research being appropriated for the “policy of the day”, but that policy is trying to address issues of concern both where they live, as well as their regions of academic interest. Knowledge for knowledge’s sake is like a poem or song,
beautiful in its own right as an act of creation, but its beauty becomes tenfold when it is shared with people. Academic isolation is appealing in its simplicity, its artistic aesthetic, but is in many ways a luxury. This luxury can come to be appreciated by many people as a work of art, which is important. However, when this work of art portrays suffering and want in the world, but does nothing concrete to alleviate it, this is snobbery and detachment. Academics should not isolate themselves in intellectual luxury, but use their creative expression and share the wealth. This is where I would like to place my thesis, between the intellectual worlds of Area Studies and policy analysis, appreciating the aesthetic of personal intellectual creative expression, while engaging a willingness to get my hands dirty.
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