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# **Countering Maritime Piracy and Robbery in Southeast Asia**

The Role of the ReCAAP Agreement

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# Countering Maritime Piracy and Robbery in Southeast Asia

## The Role of the ReCAAP Agreement

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### Abstract

*The surge in maritime piracy and robbery in Southeast Asia that followed in the wake of the 1997 Asian Financial Crisis led to the drafting of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) by 16 countries in 2004. This paper presents three arguments: First, that ReCAAP has become one of the cornerstones of counter-piracy efforts in Southeast Asia, and has managed to significantly decrease the number of attacks in the region since their peak in 2000. Although the economic crisis that began in 2009 fuelled a renewed rise in the number of incidents, the situation appears to have been successfully stabilised in 2012. Second, the accession of Malaysia and Indonesia – the only two Association of Southeast Asian Nations (ASEAN) member states that are not ReCAAP contracting parties – would increase the mechanism's efficiency. The accession of Indonesia in particular could help address the rapidly increasing number of piracy and robbery incidents in the country's waters and harbours. Third, ReCAAP represents an ideal opportunity for the European Union (EU) and European countries to increase their influence in Southeast Asia and gain a foothold as security actors in the region.*

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*This is a corrected version of the paper, modified on 25 April 2013. The original version stated that Indonesia and Malaysia signed the ReCAAP agreement in 2004. The author would like to thank the ReCAAP Information Sharing Centre for clarifying that both states only assisted with the document's drafting.*

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## Introduction

Last year has seen a decrease in reported<sup>2</sup> attacks against ships in some of the world's most piracy prone areas, such as the Gulf of Aden and – for the first time since 2009 – in Southeast Asia.<sup>3</sup> During the same period, however, the frequency of attacks in some parts of the latter increased substantially, most notably in the waters and ports of Indonesia. This paper argues the following: First, that the improving situation in Southeast Asia as a whole can largely be attributed to the success of multilateral counter-piracy initiatives, principally the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Second, the accession of Malaysia and Indonesia – the only two Association of Southeast Asian Nations (ASEAN) member states that are not ReCAAP contracting parties – could contribute to the mechanism's greater effectiveness in Southeast Asia. The participation of Indonesia in particular could help address the rapidly increasing number of maritime piracy and robbery incidents within its jurisdiction. Third, multilateral initiatives such as ReCAAP represent an ideal opportunity for the European Union (EU) and individual European states to increase their influence in Southeast Asia and gain a foothold as security actors in the region.

The paper first discusses the role of ReCAAP and its Information Sharing Centre (ISC) in countering piracy and robbery attacks against ships in Southeast Asia, continues with a brief assessment of the situation in 2012, and finally sheds light on the existing and potential role of the European Union (EU) and European states within ReCAAP.

## An overview of ReCAAP and the ISC

Southeast Asia has been plagued by well-organised pirate groups for centuries, long before piracy's renewed rise in the late 20<sup>th</sup> century. Although it has not received as much media attention as pirate activity in the Gulf of Aden, Southeast Asia was considered the world's principal piracy hotspot before the previous decade's surge in attacks off the coasts of Somalia. It is important to note that since the 1990s, about half of all reported piracy events in the world took place in and around the South China Sea.<sup>4</sup> Given the fact that one third of the world's shipping passes through this strategically vital section of the Pacific Ocean on an annual basis,<sup>5</sup> piracy in the region has the potential to significantly affect world trade.

The substantial increase in maritime piracy and robbery incidents in Asia that followed in the wake of the 1997 Asian financial crisis was soon perceived as a problem that needed to be addressed in a multilateral manner if it was to be tackled successfully. As a country dependent on maritime trade and concerned with the safety of vitally important sea lines of

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<sup>2</sup> When referring to piracy and robbery attacks against ships, this paper only takes reported cases into account. Since many ship owners are reluctant to report attacks, the actual number is almost certainly higher but impossible to determine accurately.

<sup>3</sup> For an internationally accepted definition of piracy against ships, see article 101 of the *United Nations Convention on the Law of the Sea*, signed on 10 December 1982, entered into force on 16 November 1994. For an internationally accepted definition of robbery against ships, see: *Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships*, adopted by the International Maritime Organisation (IMO) on 2 December 2009.

<sup>4</sup> Rosenberg, D. (2011). The Maritime Borderlands: Terrorism, Piracy, and Poaching in the South China Sea. In J. Clad, S.M. McDonald, and B. Vaughn (Eds.), *The Borderlands of Southeast Asia: Geopolitics, Terrorism, and Globalization* (pp. 107-126). Washington, D.C.: NDU Press.

<sup>5</sup> Wesley, M. (2012). *What's at stake in the South China Sea? (Lowy Institute Strategic Snapshot 11)*. Retrieved 8 February 2013 from [http://lowyinstitute.cachefly.net/files/wesley\\_whats\\_at\\_stake\\_snapshot11.pdf](http://lowyinstitute.cachefly.net/files/wesley_whats_at_stake_snapshot11.pdf).

communication (SLOC), Japan first began taking official notice of piracy after a wave of attacks against Japanese vessels in the East China Sea during the early 1990s. Even as cooperation between Japan's Maritime Safety Agency<sup>6</sup> and Chinese law enforcement succeeded in reducing the number of incidents there, maritime piracy and robbery in Southeast Asia continued unabated and became a significant concern for Japan. Tokyo's attention began to focus on the problems of piracy in and around Indonesia and the Strait of Malacca after the 1998 hijacking of the Japanese-owned cargo vessel *Tenyu*.<sup>7</sup> As incidents in Southeast Asia became increasingly common at the turn of the 21<sup>st</sup> century, several anti-piracy initiatives took place across East Asia. One came in the form of the Asia Anti-Piracy Challenge Conference proposed by Japanese Prime Minister Keizo Obuchi. It took place in Tokyo in 2000 and was followed in 2001 by Prime Minister Junichiro Koizumi's initiative to create the world's first intergovernmental body designed specifically to counter piracy.<sup>8</sup> The result was ReCAAP, which was drafted by 16 countries in November 2004 and came into force in September 2006. The drafting states were: Bangladesh, Brunei, Cambodia, China, India, Indonesia, Japan, Laos, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand, and Vietnam.<sup>9</sup> Of these, all but Indonesia and Malaysia have signed and ratified the agreement to date. They were later joined by four European countries: Norway (in 2009), the Netherlands (2010), Denmark (2010), and the United Kingdom (2012). Despite their geographical distance, all of these states have an interest in the safety of their substantial merchant fleets that traverse Asian waters on a daily basis.

Although maritime piracy and robbery are being addressed within a variety of multilateral forums and organisations,<sup>10</sup> ReCAAP has formed the crux of Southeast Asian counter-piracy efforts since its inception. Indeed, its establishment and the basis for regional efforts to counter sea piracy and robbery it provides have been hailed as a significant achievement.<sup>11</sup> On the level of Asia as a whole, it has been able to reverse the trend of rising attacks against ships that coincided with the beginning of the global economic downturn in 2009, bringing down the total number of attacks from 167 in 2010, through 157 in 2011, to 132 over the course of 2012.<sup>12</sup>

The ReCAAP agreement facilitates cooperation and capacity building in counter-piracy operations between its 18 contracting countries, with the Singapore-based<sup>13</sup> ISC serving as a hub for incident reporting and information sharing. Its work is supported by the Information Network System (IFN), a 24-hour, web-based system that enables the

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<sup>6</sup> Renamed to Japan Coast Guard in 2000.

<sup>7</sup> Graham, E. (2005). *Japan's Sea Lane Security, 1940-2004: A matter of life and death?* London and New York: Routledge.

<sup>8</sup> Bradford, J. F. (2008). Shifting the Tides against Piracy in Southeast Asian Waters, *Asian Survey*, 48(3), pp. 473-491.

<sup>9</sup> Ho, J. H. (2009a). Combating piracy and armed robbery in Asia: The ReCAAP Information Sharing Centre (ISC). *Marine Policy*, 33(2), pp. 432-434.

<sup>10</sup> For example, within the ASEAN Regional Forum (ARF), the Asia-Europe Meeting (ASEM), the International Maritime Organisation (IMO) and its Maritime Safety Committee (MSC), the International Maritime Bureau (IMB), and others.

<sup>11</sup> Bateman, S. (2009). Piracy and Armed Robbery against Ships in Indonesian Waters. In R. Crib and M. Ford (Eds.), *Indonesia beyond the Water's Edge: Managing an Archipelagic State* (pp. 117-133). Singapore: Institute of Southeast Asian Studies.

<sup>12</sup> ReCAAP ISC. (2013). *Annual Report, January - December 2012*. Retrieved 8 February 2013 from <http://www.recaap.org/Portals/0/docs/Reports/Annual%20Report/ReCAAP%20ISC%20Annual%20Report%202012.pdf>.

<sup>13</sup> Singapore has hosted the ISC since the very beginning and has pledged to do so until at least 2017. For more information please refer to: PortCalls Asia. (2012). *Singapore to host the ReCAAP ISC for another 5 years*. Retrieved 31 January 2013 from <http://www.portcalls.com/singapore-to-host-the-recaap-isc-for-another-5-years/>.

collection, organisation, analysis and sharing of piracy and armed robbery information among ReCAAP member countries.<sup>14</sup> Since 2012, the IFN also includes a mobile version that allows for the submitting of incident reports through smartphones and tablets. Singapore also hosts the ReCAAP Secretariat and the Governing Council. The latter consists of 18 representatives – one from each contracting state – and convenes once a year in order to oversee the activities of the ISC.

The work of the ISC forms one of the most important aspects of ReCAAP activities as it maintains a database of piracy-related information and assists communication between various national agencies which persecute piracy cases.<sup>15</sup> To this end, the ReCAAP agreement<sup>16</sup> obligates contracting states to notify the ISC of all reported or imminent attacks; to take measures against vessels and individuals who committed piracy or robbery attacks if so requested by another contracting state; to extradite such individuals to another contracting state upon request; and to render mutual legal assistance in criminal matters.

At first glance the above provisions may not appear too ambitious in scope, as the procurement of equipment for and the actual conduct of counter-piracy operations remain the responsibility of individual contracting states. The facilitation of cooperation provided by ReCAAP has, however, proved vital in a region where sovereignty concerns – combined with the close proximity of countries and different maritime borders – still prevent the hot pursuit<sup>17</sup> of pirates fleeing into the territorial waters of another state. When a vessel escapes the maritime law-enforcement agency of one contracting state by crossing its maritime boundary, the ReCAAP ISC can notify the authorities in the other contracting state whose constabulary forces then continue the pursuit.<sup>18</sup> Such measures have largely proven to be effective in tackling Southeast Asia's maritime piracy and robbery problem, but their effectiveness remains limited to the seas of ReCAAP contracting states. As will be discussed later in the paper, this shortcoming is particularly apparent in the case of Indonesia, which continues to refrain from ratifying the agreement even as attacks in its waters and harbours proliferate.

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<sup>14</sup> ReCAAP ISC. (2006). *Factsheet on the ReCAAP Information Network System*. Retrieved 25 February 2013 from [http://www.stee.stengg.com/newsrm/2006/04-02\\_factsheet-ifn.pdf](http://www.stee.stengg.com/newsrm/2006/04-02_factsheet-ifn.pdf).

<sup>15</sup> For a detailed overview of the procedure for reporting incidents to the ISC, please see: ReCAAP ISC. (2012a). *Flow Diagram for Reporting Incidents in Asia*. Retrieved 4 February 2013 from [http://www.recaap.org/Portals/0/docs/About%20ReCAAP%20ISC/4\)%2020120727-ReCAAP-v05-Flow\\_Diagram.pdf](http://www.recaap.org/Portals/0/docs/About%20ReCAAP%20ISC/4)%2020120727-ReCAAP-v05-Flow_Diagram.pdf); Ho, J. H. (2009b). Southeast Asian SLOC Security. In S. Wu and K. Zou (Eds.), *Maritime Security in the South China Sea: Regional Implications and International Cooperation* (pp. 157-176). Farnham: Ashgate Publishing Limited; ReCAAP ISC. (2008). *The 9th Meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea*. Retrieved 28 January 2013 from [http://www.un.org/Depts/los/consultative\\_process/documents/9\\_ito\\_presentation.pdf](http://www.un.org/Depts/los/consultative_process/documents/9_ito_presentation.pdf).

<sup>16</sup> *Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia*, signed on 11 November 2004, entered into force on 4 September 2006.

<sup>17</sup> Article 111 of the *United Nations Convention on the Law of the Sea* states that "hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the archipelagic waters, the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted."

<sup>18</sup> Black, L. (2011). Navigating the boundaries of the interstate society: Japan's response to piracy in Southeast Asia. In G. D. Hook (Ed.), *Decoding Boundaries in Contemporary Japan: The Koizumi administration and beyond* (pp. 79-100). London and New York: Routledge.

## The year 2012: Reversing the rising trend?

The frequency of attacks against shipping in Southeast Asia<sup>19</sup> increased in the wake of the 1997 Asian financial crisis and peaked in 2000, when the Piracy Reporting Centre of the International Maritime Bureau (IMB)<sup>20</sup> registered 259 attempted and successful attacks.<sup>21</sup> Although this number fluctuated somewhat in subsequent years, it decreased in the period preceding the economic crisis of 2009. According to the ReCAAP ISC, it reached a low-point of 72 that year, before climbing to 120 in 2010 and 128 in 2011. The most recent available numbers show that the upward trend appears to have been reversed, as the counter stopped at 111 at the end of 2012.<sup>22</sup> The IMB puts the number of attacks in 2009 somewhat lower, at 68, but its statistics also reflect the substantial increase in incidents in subsequent years: 113 in 2010, 101 in 2011, and 110 in 2012.<sup>23</sup>

Even though the official data provided by the IMB Piracy Reporting Centre differs from that recorded by the ReCAAP ISC, it does reflect a broadly similar trend. The causes for the differences in the final tallies are difficult to determine, but are most likely the result of the fact that not every ship that comes under attack reports the incident to both the ReCAAP ISC and the IMB. This was, for example, the case with 12 attacks that took place in the Strait of Malacca between 2007 and 2011: They were reported to the ReCAAP ISC, but not to the IMB.<sup>24</sup> Furthermore, the ReCAAP ISC also augments its own data by collecting information on attacks from all openly available sources. This difference in reporting and methodology may also explain the noticeable discrepancy between the 2011 numbers (see Table 2 below), which has led the IMB to identify an increase in attacks between 2011 and 2012, while the ReCAAP ISC noted a decrease. Since the latter consistently records higher numbers and takes into account incidents which go unreported to the IMB, this paper relies on figures provided by the ReCAAP ISC and argues that the number of piracy and robbery attacks against ships in Southeast Asia indeed decreased between 2011 and 2012 (see Table 3 below).

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<sup>19</sup> This paper adopts the official ReCAAP definition of Southeast Asia, which encompasses Indonesia, the Malacca Straits, Malaysia, Myanmar, Philippines, the Singapore Straits, Thailand, Vietnam, and the South China Sea. The last two are counted in a separate 'Far East' category by the International Maritime Bureau (IMB). In order to match both geographic definitions, data on incidents obtained from IMB sources includes the number of attacks in the waters of Vietnam and the South China Sea.

<sup>20</sup> The IMB is a specialized division of the International Chamber of Commerce. It was established in 1981 in order to act as a focal point in the fight against all types of maritime crime and malpractice. In 1992 the IMB created the Piracy Reporting Centre, which serves as the first point of contact for reporting maritime piracy and robbery wherever it occurs. The global scale of its reports and its non-state membership (primarily consisting of private shipping companies) are two of the factors which differentiate the work of the IMB Piracy Reporting Centre from that of the ReCAAP ISC. The latter only collects data on attacks which occur in Asia and its membership consists of individual states, even though it cooperates closely with various organisations, such as the Asian Shipowners' Forum (ASF), the International Chamber of Shipping (ICS) and the International Criminal Police Organisation (INTERPOL). For more, see: IMB. (2012a). *IMB Piracy Reporting Centre*. Retrieved 12 February 2013 from <http://www.icc-ccs.org/piracy-reporting-centre>; ReCAAP ISC. (2012c). *About ReCAAP*. Retrieved 12 February 2013 from <http://www.recaap.org/AboutReCAAPISC.aspx>; ReCAAP ISC. (2012d). *The Sixth Governing Council Meeting of the ReCAAP Information Sharing Centre (ISC)*. Retrieved 13 February 2013 from [http://www.recaap.org/Portals/0/docs/News%20and%20Press%20Releases/Press%20Release%20\(2012-03-08\).pdf](http://www.recaap.org/Portals/0/docs/News%20and%20Press%20Releases/Press%20Release%20(2012-03-08).pdf).

<sup>21</sup> IMB. (2004). *Piracy and Armed Robbery Against Ships Annual Report: 01 January – 31 December 2004*.

<sup>22</sup> ReCAAP ISC, *Annual Report, January – December 2012*, p. 12.

<sup>23</sup> IMB, *Piracy and Armed Robbery Against Ships Report for the Period: 1 January – 31 December 2012*, p. 5.

<sup>24</sup> ReCAAP ISC. (2012e). *Patterns and Trends of Situation on Piracy and Armed Robbery Against Ships in Asia for 2011*. Retrieved 14 February 2013 from <http://www.marsecreview.com/wp-content/uploads/2012/01/Presentation-by-ReCAAP-ISC.pdf>.



As absolute numbers of incidents do not allow for an assessment of the actual severity and damage caused, ReCAAP introduced a ranking of piracy and armed robbery incidents according to their severity. The attacks are classified according to two criteria: The violence factor (based on the type of weapons used, treatment of the crew, and the number of pirates/robbers engaged in the attack) and the economic factor (based on the type of property taken from the ship during the attack). This allows for a more effective classification and a clearer overall picture of the intensity of piracy and robbery attacks in Asia.

Table 1: ReCAAP ISC classification of piracy and armed robbery incidents<sup>25</sup>

Category	Significance of Incident
<b>CAT 1</b>	Very Significant
<b>CAT 2</b>	Moderately Significant
<b>CAT 3</b>	Less Significant
<b>Petty Theft</b>	Minimum Significant

According to this scale, multilateral counter-piracy efforts in Asia have been successful in decreasing the number of the most dangerous, Category 1 incidents (only four took place in 2012, down from eight the year before). Apart from a spike in 2010, the levels of Category 2 and 3 incidents have remained largely consistent over the last several years, while petty thefts increased considerably before declining somewhat in 2012.<sup>26</sup> Most of the attacks in Southeast Asia are opportunistic in nature and undertaken in ports and anchorages by attackers armed with knives and similar weapons. This stands in contrast with the Gulf of Aden and other parts of Africa where most pirates are well organised and armed with pistols, assault rifles, and rocket-propelled grenades.<sup>27</sup>

Table 2: The number of piracy and robbery attacks in Southeast Asia and Indonesia between 2009 and 2012, as recorded by the ReCAAP ISC and the IMB<sup>28</sup>

	2009	2010	2011	2012
<b>Southeast Asia (ReCAAP ISC)</b>	72	120	128	111
<b>Southeast Asia (IMB)</b>	68	113	101	110
<b>Indonesia (ReCAAP ISC)</b>	19	47	48	71
<b>Indonesia (IMB)</b>	15	40	46	81

<sup>25</sup> ReCAAP ISC. (2012b). *Third Quarterly Report, January – September 2012*. Retrieved 12 February 2013 from <http://www.recaap.org/Portals/0/docs/Reports/ReCAAP%20ISC%20Third%20Quarterly%20Report.pdf>.

<sup>26</sup> ReCAAP ISC, *Annual Report, January – December 2012*, p. 7.

<sup>27</sup> IMB. (2013). *Piracy and Armed Robbery Against Ships Report for the Period: 1 January – 31 December 2012*.

<sup>28</sup> Compiled by the author, based on IMB and ReCAAP ISC annual reports.

Table 3: Change in number of attacks in 2011–2012 and 2009–2012, as recorded by the ReCAAP ISC and the IMB<sup>29</sup>

	2011–2012	2009–2012
<b>Southeast Asia (ReCAAP ISC)</b>	-13%	+54%
<b>Southeast Asia (IMB)</b>	+9%	+62%
<b>Indonesia (ReCAAP ISC)</b>	+48%	+274%
<b>Indonesia (IMB)</b>	+76%	+440%

It appears that in 2012 counter-piracy efforts have managed to reverse the rising trend of attacks in Southeast Asia. However, this success has also led to a concurrent geographic shift in pirate activity deeper into the waters and ports of Indonesia, and a significant increase in the frequency of incidents there. As the number of attacks rose across Southeast Asia by between 54 and 62 per cent in the 2009–2012 period, the number of incidents in and around Indonesia surged by between 274 and 440 per cent. Even though other factors – such as the length of the Indonesian coastline which provides ample staging grounds for attacks – undoubtedly have an impact, the country’s reluctance to ratify ReCAAP is one reason which has at least partly contributed to the increasing frequency of attacks.

### Indonesia and Malaysia

Much of the piracy and robbery activity in Southeast Asia has traditionally been concentrated around the vitally important Strait of Malacca shipping artery. The impact of the 2004 tsunami (which destroyed many pirate hideouts and small vessels in the area), along with effective counter-piracy measures undertaken in the Strait since 2005, have shifted the focus of these activities towards the coasts of Singapore and Malaysia, and in particular to other sections of the traditionally risky Indonesian waters. According to the ReCAAP ISC, the number of piracy and robbery incidents around Indonesia rose from 19 in 2009 to 71 in 2012. The IMB recorded 15 incidents in 2009 and 81 during 2012.<sup>30</sup> The frequency of attacks in Indonesian ports and anchorages increased notably during 2012, foremost in Belawan, Dumai, off the coasts of the Pulau Karimun, Batam, and Bintan islands, as well as in East Kalimantan and the country’s busiest port, Tanjung Priok.<sup>31</sup>

As noted earlier, Indonesia and Malaysia are the only two ASEAN states that remain outside of ReCAAP. Malaysia’s objections to the agreement are different in nature than those of Indonesia. It is principally reluctant to join the agreement due to its objection to the location of the ISC in Singapore and views ReCAAP as an unnecessary competitor to the IMB’s Piracy Reporting Centre, located in the Malaysian capital Kuala Lumpur.<sup>32</sup>

<sup>29</sup> Calculated by the author, based on IMB and ReCAAP ISC annual reports.

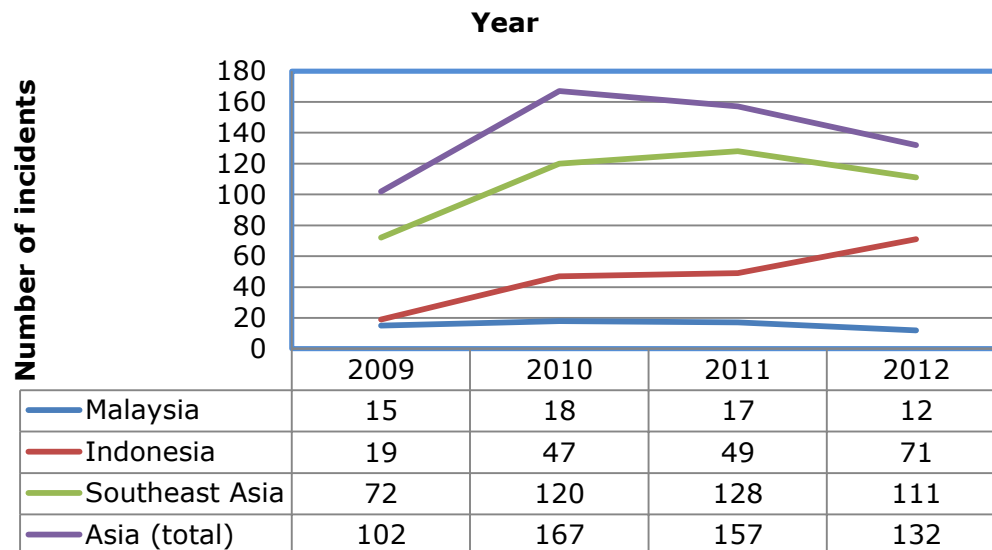
<sup>30</sup> ReCAAP ISC, *Annual Report, January – December 2012*, p. 12; IMB, *Piracy and Armed Robbery Against Ships Report for the Period: 1 January – 31 December 2012*, p. 5.

<sup>31</sup> ReCAAP ISC, *Annual Report, January – December 2012*, p. 17.

<sup>32</sup> Bateman, *Piracy and Armed Robbery against Ships in Indonesian Waters*, p. 119.

Indonesia's reservations regarding the agreement stem primarily from concerns that it would undermine the country's sovereignty.<sup>33</sup> As a result, both countries currently limit their cooperation with ReCAAP to sharing information with the ISC and its Focal Points<sup>34</sup> in various ReCAAP member countries.<sup>35</sup> Unlike with Indonesia, however, the number of piracy and robbery attacks in Malaysian waters has held steady over recent years, and has even decreased between 2011 and 2012 (from 17 to 12).<sup>36</sup>

*Graph 1: Comparison of the number of maritime piracy and robbery incidents in the waters and ports of Indonesia, Malaysia, Southeast Asia, and Asia as a whole, 2009–2012*<sup>37</sup>



Despite participating in some geographically limited multilateral initiatives – such as the Malacca Strait Patrols together with Malaysia, Singapore, and Thailand – Jakarta prefers to view the problem of piracy as a domestic issue that can best be addressed by strengthening its law enforcement agencies and navy, as well as by addressing some of the underlying causes of piracy, such as poverty and a lack of economic opportunities.<sup>38</sup> Joining the agreement as a fully-fledged member would not be an over-night solution to the country's piracy problem, but the move would nonetheless significantly facilitate information sharing and improve coordination in counter-piracy operations. Even though Indonesia accepts foreign assistance in order to bolster its own counter-piracy capabilities, ratifying the agreement would send a signal to other states in the region that Indonesia is willing to

<sup>33</sup> Bradford, *Shifting the Tides against Piracy in Southeast Asian Waters*, p. 489.

<sup>34</sup> These Focal Points receive reports of piracy and robbery attacks from national agencies which manage the immediate response. The Focal Points then submit an incident report to the ISC via its Information Network System (IFN) which enables real-time dissemination of data on attacks. For more detailed information on the reporting procedure, please see: ReCAAP, *Flow Diagram for Reporting Incidents in Asia*.

<sup>35</sup> ReCAAP ISC, *Patterns and Trends of Situation on Piracy and Armed Robbery Against Ships in Asia for 2011*, p. 11.

<sup>36</sup> ReCAAP ISC, *Annual Report, January – December 2012*, p. 12.

<sup>37</sup> Compiled by the author, based on data obtained from: ReCAAP ISC, *Annual Report, January – December 2012*, p. 12.

<sup>38</sup> Raymond, C.Z. (2009). Piracy and Armed Robbery in the Strait of Malacca – A Problem Solved?, *Naval War College Review*, 62(3), pp. 31-42; Ho, J. H. (2006). The Security of Sea Lanes in Southeast Asia, *Asian Survey*, 46(4), pp. 558-574.

actively cooperate in addressing transnational issues, and that it in turn welcomes cooperation from others.<sup>39</sup>

Although its activities encompass much of maritime Asia, ReCAAP is strongly linked to Southeast Asia and the Association of Southeast Asian States (ASEAN): The mechanism was first proposed during the 2001 ASEAN Plus Three Summit, an ASEAN state (Singapore) hosts the ISC, and ASEAN countries<sup>40</sup> form a large part of the ReCAAP membership. The accession of the only two ASEAN states which remain outside of ReCAAP – Indonesia and Malaysia – would therefore also lend additional credibility to the concept of ASEAN as a 'security community.'

### **The role of the EU and European states**

Given both the geographic proximity of the Gulf of Aden and the impact maritime piracy there has on European shipping, the attention of the EU remains focused on counter-piracy operations around the Horn of Africa.<sup>41</sup> Compared with its more immediate neighbourhood, the EU's security interests in parts of Asia are less apparent. Even so, the role of the EU and several European states is worth highlighting briefly, as they do play an increasing role within the ReCAAP agreement.

The EU primarily promotes the sharing of experience between ReCAAP member countries and the littoral states around the Gulf of Aden and the strait of Bab el Mandeb that connects the former with the Red Sea.<sup>42</sup> Although the term 'experience sharing' is somewhat broad, such cooperation between two of the world's regions most impacted by maritime piracy and robbery is crucial. For example, the success of the ReCAAP model has led to the implementation of many of its aspects into the Djibouti Code of Conduct that promotes cooperation between states in fighting piracy in the Gulf of Aden and the Western Indian Ocean.<sup>43</sup> Furthermore, the European Commission maintains contacts with ReCAAP, and was present for the first time as an external participant at the sixth annual meeting of the ISC's Governing Council in 2012. In that same year, the three previous European ReCAAP member states have been joined by a fourth: The United Kingdom officially became a contracting party in May.

The extent to which the Commission and EU member states coordinate their approach toward ReCAAP is difficult to determine accurately. Even so, Europe's steadily growing presence within the mechanism indicates that it is interested in contributing to the safety of Asian sea lines of communication. Since multilateral counter-piracy mechanisms now operate across the vast stretch of ocean from the Gulf of Aden to the East China Sea, this

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<sup>39</sup> Bateman, S., Ho, J. H., and Chan, J. (2009). *Good Order at Sea in Southeast Asia*. Retrieved 11 February 2013 from [http://www.rsis.edu.sg/publications/policy\\_papers/RSIS\\_Policy%20Paper%20-%20Good%20Order%20at%20Sea\\_270409.pdf](http://www.rsis.edu.sg/publications/policy_papers/RSIS_Policy%20Paper%20-%20Good%20Order%20at%20Sea_270409.pdf).

<sup>40</sup> ASEAN member states which participate in ReCAAP are: Brunei, Cambodia, Laos, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

<sup>41</sup> For an assessment of the role of the EU in countering piracy near the Horn of Africa, with an emphasis on its cooperation with China, see: Warnault, R. (2012). *Fighting Piracy off the Coasts of Somalia: A Milestone for China and the European Union*. Retrieved 8 February 2013 from [http://www.eias.org/sites/default/files/EU-Asia\\_at\\_a\\_glance\\_RW\\_Piracy\\_ChinaEU.pdf](http://www.eias.org/sites/default/files/EU-Asia_at_a_glance_RW_Piracy_ChinaEU.pdf).

<sup>42</sup> ARF. (2011). *Annual Security Outlook – 2011*. Retrieved 11 February 2013 from <http://aseanregionalforum.asean.org/files/ARF-Publication/ARF-Annual-Security-Outlook/ARF%20Annual%20Security%20Outlook%202011.pdf>.

<sup>43</sup> IMO. (2011). *Djibouti Code of Conduct*. Retrieved 12 February 2013 from <http://www.imo.org/ourwork/security/piu/pages/dcoc.aspx>.

growing commitment may well be seen as a natural extension of counter-piracy efforts in Somali waters. As coordinated actions continue to reduce the frequency of attacks off the Horn of Africa, Europe may well continue to devote more resources to ReCAAP and similar endeavours further afield. The EU and European states may thus be able to utilize the mechanism as a foothold through which to establish themselves as security actors in (Southeast) Asia. The EU is well placed to do so at present, as the two principal security actors in the region – the United States and China – have so far limited their participation in the mechanism. The United States remains outside of ReCAAP entirely, but has recently pledged to become a contracting party in the near future.<sup>44</sup> Although China is a contracting party, it appears reluctant to devote significant resources to a Tokyo-led initiative and believes that Japanese ships (including those of its Coast Guard) should remain within Japanese waters rather than engage in Asia-wide initiatives.<sup>45</sup>

Two European ReCAAP members have pledged voluntary contributions in 2012: The Netherlands has donated 25,000 EUR, while Norway committed 100,000 USD (approximately 75,000 EUR). Although these donations are relatively modest in absolute terms, they are comparable to those made by several Asian ReCAAP member states whose stakes in the continued effectiveness of the mechanism can be seen as more direct and apparent: For example, China and India have donated 50,000 USD (approximately 37,000 EUR) each. The two biggest contributors are Singapore, which earmarked 1,611,300 SGD (approximately 950,000 EUR) for the mechanism in 2012, and Japan, which contributed some 800,000 EUR.<sup>46</sup>

## Conclusion

The successful implementation of ReCAAP has substantially contributed to the reduction in the number of maritime piracy and robbery attacks in Southeast Asia and Asia as a whole between 2006 and 2009. Furthermore, the agreement's effectiveness has led to the adoption of some its elements by regional counter-piracy agreements in other parts of the world, most notably in the Djibouti Code of Conduct.

Although the number of incidents increased between 2009 and 2012, the rising trend in the frequency of attacks in Southeast Asia appears to have been reversed by the end of 2012. Even though the final tally was still higher than in 2009, it was nonetheless substantially lower than in 2010 and 2011. Even so, ReCAAP still faces several challenges that will need to be addressed in the near- to mid-term. Chief among them is the need for Malaysia and Indonesia to ratify the agreement, which could improve its effectiveness within Southeast Asia. The latter in particular will need to forego its concerns over sovereignty and re-evaluate its stance towards ReCAAP, if it is to successfully counter the recent surge in attacks.

Despite its geographic distance, Europe is steadily increasing its presence and influence in ReCAAP. The year 2012 represents a step forward not only for combating maritime piracy and robbery in Southeast Asia, but also for the role and influence of Europe in these endeavours. This is attested to both by the European Commission presence at the 2012 ISC

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<sup>44</sup> White House, the. (2012). *Fact Sheet: U.S.-ASEAN Leaders Meeting*. Retrieved 18 February 2013 from <http://www.whitehouse.gov/the-press-office/2012/11/19/fact-sheet-us-asean-leaders-meeting>.

<sup>45</sup> Goldstein, L. J. (2010). *Five Dragons Stirring Up the Sea: Challenge and Opportunity in China's Improving Maritime Enforcement Capabilities*. Newport, Rhode Island: U.S. Naval War College; Drifte, R. (2003). *Japan's Security Relations with China since 1989: From balancing to bandwagoning?* London: RoutledgeCurzon.

<sup>46</sup> ReCAAP, *The Sixth Governing Council Meeting of the ReCAAP Information Sharing Centre (ISC)*, p. 4.

Governing Council meeting, the increasing financial contributions of European states – donations by the Netherlands and Norway already match those of some Asian ReCAAP members, such as China and India – as well as the increased interest by European states for participating within the mechanism. The EU and European states are therefore well-placed to become security actors in Southeast Asia and to expand their overall presence and influence in the region.

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