

Maritime Piracy in Asia

Report >
Southeast Asia

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In response to the challenges posed by contemporary piracy in Asia, the IIAS, in collaboration with the Amsterdam-based Centre for Maritime Research (MARE), has launched a long-term initiative aimed at stimulating research on piracy.¹ The first step in their research programme was to convene an expert meeting as part of the conference 'People and the Sea II: Conflicts, Threats and Opportunities'.

An important outcome of the Amsterdam meetings was the provision of a baseline on the current state of knowledge on piracy, and an understanding of the activities of the key international organizational players, the International Maritime Bureau (IMB) and the International Maritime Organisation (IMO). These two organizations provide support for nations engaged in counter-piracy efforts by maintaining a database of all reported incidents of piracy, and by supporting the development of technologies and protocols to protect ships from pirate attacks. A fundamental issue for piracy research that emerged repeatedly in the presentations and discussions was the strengths and weaknesses of the divergent definitions of piracy held by the IMO and the IMB. The IMO conforms to the United Nations Law of the Sea (Art. 101) definition of piracy that restricts it to illegal acts of violence or detention acts committed on the high seas, or outside the jurisdiction of a coastal state, for private ends by private ship against another private ship. The IMO defines acts of violence or detention committed against ships that occur within the jurisdiction of a state as armed robbery at sea. All states are thus free to criminalize piracy that occurs within their waters in divergent ways. The IMB has a much broader definition of piracy: 'an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the attempt to or capability to use force in the furtherance of that act'.

While the IMB definition is useful for its inclusiveness, the IMO differentiation between national and international acts of maritime violence and detention reflects the very different responses that are possible to acts of violence in those two different maritime areas. All states need to cooperate to the fullest extent in order to suppress pirate acts on the high seas or outside the jurisdiction of any state (Art. 100 Law of the Sea Convention). The meaning of 'fullest extent' is not, however, clearly defined (Chaikin 2003). Acts of violence or

Along with cowboys and knights in shining armour, the pirate is a classic romantic figure in the imaginations of youngsters. Indeed, the romance of the pirate extends to a broader audience than that, as the success of the recent film *Pirates of the Caribbean* demonstrates. The contemporary reality of piracy, however, shatters the stereotype of the charming pirate rogue so wittily played by Johnny Depp. Over the past 15 years, the incidence of piracy has surged, with the busy sea lanes of Southeast Asia playing host to the largest number of attacks. Pirate attacks have become increasingly violent, and have come to represent a growing threat to maritime trade.

detention against ships within national waters are subject to the national legislation of the coastal states. The enforcement and legal regimes of these states are highly varied.

One of the key challenges of international counter-piracy cooperation is thus to harmonize legal and enforcement provisions among nation-states, particularly in piracy-affected areas like Southeast Asian waters (Djalal 2003). It was apparent, even in the positions taken by representatives at the conference from India, Japan, Indonesia, and the USA, that this is far easier said than done. Sensitivities to outside incursions into national waters and strong memories of historical conflicts create an environment that is in many ways inimical to the multilateral effort required to combat piracy.

Nonetheless, urgent action is required. IMB data show that attacks have tripled in the ten years since 1993. Worse still, the violence of attacks is also growing (Ong 2003). In the first six months of 2003 alone there were 234 pirate incidents that resulted in 16 deaths, 52 injuries, 20 missing crew, and 193 hostages being taken (ICC 2003a). Even these figures do not represent the whole picture, as many incidents of piracy go unreported.

In addition to the important research that needs to be conducted on the international institutional context for the suppression of piracy in Asian waters, it is evident that too little is known about the economic, political, and social contexts of piracy. Who are pirates? What drives individuals to piracy? We can speculate that poor economic conditions lead to an upsurge in piracy, although we do not yet have studies that have examined that relationship in a careful way. We do know that there is a range of types of pirate activities, from small-scale hit-and-run attacks on boats at berth to sophisticated operations that hijack entire vessels in order to sell the cargo and the vessel, after having changed its name, using forged ownership papers. We do not, however, know much about the criminal networks that exist for the fencing of stolen goods and which are sufficiently well connected to know when to target particularly valuable vessels. Indeed, participants in the conference raised the very real concern of bar-ratry where pirates collaborate with ships' crews for mutual profit.

There was also lively debate during the panel sessions about the potential for politically motivated piracy and terrorism at sea. In view of the post-11 September environment, Gerard Ong rightly observed that 'ships can be dangerous too' as vehi-

cles for attacks on vital shipping lanes or sensitive environments. In early September, the IMB reported that a recent upsurge of piracy in the Malacca Straits may be due to attempts by Aceh rebels to fund their activities through vessel capture and hostage taking (ICC 2003b). While increasing state anti-piracy naval and coastguard capacity is important, the formulation of effective counter-piracy policies also requires that increasing research attention be directed at macro political-economic and social factors such as those we have sketched here. It is our hope that the programme of piracy research that arises from the IIAS-MARE initiative will help in this effort. <

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- 1 Over a five-year period, the IIAS-MARE research programme on piracy will consist of regular workshops and conferences on piracy that will feed into a publication series. The latter will include volumes dealing with scholarly and policy concerns, covering both contemporary and historical periods. For more information see: www.iias.nl

Local Land Use Strategies in a Globalizing World Shaping Sustainable Social and Natural Environments

Report >
General

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By Reed L. Wadley, Ole Mertz & Andreas Egelund Christensen

During the last decade, a number of developing countries first experienced rapid economic growth and were then faced with even more rapid economic decline, particularly countries in Southeast Asia that fell victim to the 1997 Asian financial crisis. Meanwhile, in some places, increases in state power have placed greater constraints on local peoples' livelihoods. Declining state power elsewhere has fostered local autonomy, but has also increased outside threats, mainly the threat of uncontrolled

Over the last few decades, globalization processes have taken centre stage in most development debates. Developing economies have been particularly vulnerable to these processes, and are acutely exposed when economic crises, natural disasters, epidemics, or other adversities drain local and national resources. But how do local rural people react to such events? Having been managers of delicate or sometimes hostile environments for generations, local people are no strangers to crises. How do they combine management of their land and natural resources with the challenges and opportunities of globalized economies?

resource exploitation. In sum, this has led to heightened concern among government officials, development specialists, and local peoples over the sustainability of natural resource use.

Local peoples in many areas have been faced with apparent increases in climatic variability, population growth and movement, land use change, deforestation, land degradation, and poverty. Other changes include increasing commercialization and the creation of new economic, social, and political alignments. Constrained in their economic agency by their natural and social environments, local rural peoples

(whether indigenous or migrant) have dealt with these changes by adapting their earlier local land use strategies to the new circumstances.

The globalization process may affect these constraints through, for example, land degradation, shifting opportunities for labour migration, and changing notions of household necessity. Of particular importance in how people adjust is the well-documented 'occupational multiplicity', the diverse sources of income in farming households that affect natural resource use. This multiplicity has long allowed families to remain flexible in uncertain natural

environments and changing economic circumstances, most recently brought on by intensified global forces.

At the conference, we debated issues revolving around the mission of the Danish University Consortium on Sustainable Land Use and Natural Resource Management (DUCED SLUSE). Participants in fields ranging from anthropology and geography to soil science and forestry focused on local land users and the causes and effects of their strategies and practices in the face of externally induced crisis. We gave special emphasis to Southeast Asia and southern Africa, the main regions of interest in the SLUSE programme. Among a score of topics, we addressed the relationship between resource use and off-farm diversification, as well as the social institutions that people have devised to manage their relations to the land and its resources, their strategies for managing lands under increasing pressure, and the impact on the natural environment.

Among the invited speakers were Karen Lawrence and Raymond Bryant who turned a critical eye on community forestry policy, comparing Nigeria with the Philippines in their examination of 'spaces of malpractice' whereby gaps in donor intervention and governance may reinforce destructive practices. They also found that, under the 'right' local political conditions, donor intervention may bolster local resistance to resource malpractice and thus enhance the prospects for effective, long-term local resource management.

Drawing on an example from Palawan in the Philippines, they argued that the native Tagbanua of Coron Island faced entrenched political and economic opposition to their efforts at autonomous control of their territory. Paradoxically, they were able to draw from a range of policy tools, such as the community forestry stewardship agreement and the Certificate of Ancestral

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