

Forum: Legal Committee

Issue: The question of piracy in the Straits of Malacca

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Introduction

In the globalized world of today, the transportation of products and materials from a country to another is the most important aspect of global trade. Maritime trade is possibly the most important component of globalized world trade of goods which is valued at approximately 37,000 Billion United States Dollars (USD). Due to the low cost of shipping and the ability of ships to transport large amounts of goods, shipping is the preferred method of transporting goods around the world. Although maritime trade has seen an explosive growth in recent years it has always formed a key part of world trade and has been the preferred form of trade for centuries. Piracy too has existed since the founding of maritime trade and has always threatened the utility of maritime trade by providing an ever-present threat not only to the goods being carried by merchant ships but also to those who operate shipping vessels and other trading vessels.

Due to the detrimental effects of piracy on world trade there have been many international efforts, both multilateral and unilateral in nature, to prevent the prevalence of maritime piracy. The Malacca Strait is a narrow water way between the South China Sea and the Indian Ocean. The use of the Straits of Malacca as an internationally important shipping route is a major contributing factor to the economic emergence of Singapore. The use of the strait significantly reduces both transport time and cost whilst transporting goods from China to the rest of the world. The emergence of China and India as economic powerhouses has added to the importance of the Strait of Malacca in conjunction with the emergence of China as the world's preferred manufacturing location. In fact, 94,000 ships sail through the straits annually.

These factors and the global importance of the Strait of Malacca have made the Strait a breeding ground for pirates and piracy. The geography of the Strait of the Malacca has compounded the problem – the Strait is only 500 miles long and is only 2.8 km wide at its narrowest point. This geographic limitation adds to why the Strait is a prime location for piracy. To curb piracy in Asia including the Malacca Strait ReCAAP (an association of Asian nations was formed). Although it seems that piracy in the strait has

seen its peak (after the stepping up in the action of armed navies in the region) it remains a major issue to contend with in the area.

Definition of Key Terms

Merchant Vessel

A merchant vessel is a ship that transports cargo (goods) or passengers (including ferries and cruise ships) for commercial reasons. In the context of the issue of piracy in the Straits of Malacca – ‘Merchant Vessels’ primarily refers to cargo ships carrying goods and oil tankers which are used for global commercial trade.

Straits of Malacca



Caption #1 Map showing the region surrounding the Malacca Strait

Channel connecting the Indian Ocean and the South China Sea. It lies between Sumatra and the Malay Peninsula. It is 500 mi (800 km) long and is funnel-shaped; only 40 miles (65 km) wide in the south, it broadens in the north to 155 mi (249 km). Numerous islets hinder passage at its southern entrance. “*The shortest sea route between India and China, it is one of the most heavily traveled shipping channels in the world*”. (Merriam-Webster)

Maritime Piracy

Although historically defined as the act of robbery on the high seas; it has in modern usage been used to refer to any armed non-military act by individuals and informal groups which try to hinder world trade for personal financial gains.

Naval Action and Surveillance

Naval action refers to the act of national navies acting against pirates in both unarmed and armed ways to protect merchant ships sailing in that particular area. Examples include the actions of India in the

Gulf of Aden. Navies also partake in naval surveillance, an act which refers to patrolling areas with a high prevalence of piracy to serve as a deterrent for any acts of piracy.

ReCAAP

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is a regional inter-governmental organization to prevent piracy in Asia. 19 countries have signed ReCAAP. The primary task of ReCAAP is the exchange of information regarding instances of piracy, capacity building in terms of dealing with piracy and other intergovernmental agreements. The 19 member countries of ReCAAP are: Australia, Bangladesh, Brunei, Cambodia, PR China, Denmark, India, Japan, Republic of Korea, Laos, Myanmar, Netherlands, Norway, Philippines, Singapore, Sri Lanka, Thailand, United Kingdom and Vietnam

Causes of Piracy

- Poverty in surrounding areas. Piracy provides a relatively quick and valuable source of income for those who are living in poverty in those areas. The poverty also means that piracy is one of the few necessary acts for those in the surrounding areas to earn a living.
- There is a lack of legal enforcement by sovereign nations in international waters – because of a lack of clarity regarding the sovereignty of the nations and also because nations are incapable of investing large amounts of naval resources in the area. The reluctance of few nations to take outside help contributes to this issue.
- Relatively low chance of prosecution because of the nature of international waters. This means that pirates are more willing and likely to take risks as they know that it is unlikely that they will be prosecuted because of the nature of sovereignty in the area.
- The vulnerable nature of merchant ships which often have no arms on board because of international requirements means that merchant ships are more targetable and cannot act immediately to defend themselves, making them soft targets for pirates.

History of Piracy in the Strait of Malacca

Although piracy in the straits of Malacca is an issue that is not new to governments, it is an issue which has been of importance to all parties involved as the economic consequences of the prevalence of piracy in the region are immense.

The Early Years

Historically, piracy in the Malacca Strait was not just a way of earning income but an important

political tool. In the 14th centuries the first instances of piracy in the region came to the fore. Interestingly, at that point of time most piracy was government sponsored.

More recently there were about 240 instances of reported piracy in the strait in 2005 which accounted for about 40% of global piracy. This high prevalence of piracy caused major financial losses to merchant vessels.

Governmental Action and the Reduction of Piracy in the Strait

In response to the high prevalence of piracy in the region, in 2004 three countries: Indonesia, Malaysia and Singapore stepped up efforts to curb piracy. Thailand was also requested to involve itself in operations to curb piracy in the region given Thailand's naval abilities. Furthermore, India too in 2011 decided to join anti-piracy operations in the area after Indonesia made clear that it was unable to effectively patrol the region on its own military capabilities. Due to the cooperation between these countries it is said that there is almost 'near-zero' instances of successful piracy in the Strait. However, there are significant costs such as patrolling and military costs to the enforcement of such a policy wherein piracy is controlled.

Although the prevalence of piracy has diminished – the threat remains very real and that is the reason why the frequency of inter-governmental patrols continues to grow, this entails significant costs however and this method has been called into question globally.

The Possible Diminishing in Value of the Malacca Strait

Thailand has argued that given the prevalence and threat of piracy in the strait an alternative to the Strait of Malacca would be the creation of a canal across the Isthmus of Kra. This will not only save transportation costs but will also control piracy as it will be harder for pirates to operate in such a controlled region.

Major Parties Involved and Their Views

Singapore

Singapore supports international involvement in the Strait of Malacca to curb piracy. Furthermore, Singapore does not approve of the plan to develop an alternative to the Strait of Malacca as it poses a threat to the shipping revenues on which Singapore is heavily dependent. Singapore has engaged its navy and does carry out patrols in the region to curb piracy. Singapore is supportive of any involvement and method which will limit the prevalence of piracy in the region.

Malaysia

Malaysia does not support international involvement in the Strait of Malacca to curb piracy as it views any international involvement in the region as a threat to its sovereignty in the region. Malaysia although appreciative of Thai involvement does not encourage anymore international involvement in the region. Malaysia has not expressed any views on the development of an alternative to the development of an alternative to the Strait of Malacca.

Indonesia

Indonesia shares Malaysia's views on the involvement of other countries regarding the curbing of piracy in the region. A contradiction does though arise as it was Indonesia which requested India to join patrols in the region after Indonesia expressed its inability to effectively patrol the area due to limitations in the number of available navy ships.

Thailand

Although Thailand does not border the Strait of Malacca it has been actively involved and contributed to patrolling the Strait to curb Piracy in the region. Thailand does support the building of an alternative to the Strait of Malacca through Thailand because of the possible financial benefits of investment into such infrastructure.

India

India too, like Thailand, has been actively involved in piracy patrols in the Strait of Malacca since 2006 and has sent its navy and coast guard to protect the Strait from pirate attacks. In response to the need for surveillance of the Strait, India is building a UAV patrol base in the Andaman and Nicobar Islands to survey not only the Malacca strait but also the Andaman Sea. This heavy involvement is due to the financial importance of the Strait to India and also because India wants to highlight its growing importance on the world stage.

China

China is primarily interested in the prevention of Piracy in the region to protect its own merchant ships, and thus protect its own financial interests. Furthermore, China supports the building of an alternative to the Strait to not only diminish the threat of piracy but also, to make Chinese produced goods cheaper for importing countries.

Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
1994	Passing of the UNCLOS
2000	Increases in frequency of pirate attacks in the region
2004	Increase in patrols of the Strait to curb piracy in the Strait by Indonesia, Malaysia and Singapore
2004	ReCAAP was signed
2011	India joins anti-pirate patrols in the region

Evaluation of Previous Attempts to Resolve the Issue

The efforts to prevent piracy in the Strait through the involvement of multiple countries have by and large been successful as there has been a fall in not only successful instances of pirate attacks but also because there has been a fall in the attempts of actions of piracy. However, although there have been decreases in the frequency of pirate attacks there has not been an effort to discourage people to become pirates in the first place highlighting a major problem with the inter-governmental efforts so far.

Possible Solutions

It is evident that although the occurrence of pirate attacks in the region has fallen – there is still the very real threat of piracy in the region. Although patrols reduce piracy the real question of why individuals become pirates remains unanswered – it is necessary for parties involved to pursue a policy which will reduce the creation of pirates as such, and look into identification systems that will isolate pirate ships and thus make the more detectable; thus increasing the risk in acts of piracy.

Despite all investment into the field of surveillance and punishing pirates it is more important to deal with the problem itself rather than the symptoms. Education of people in poorer areas and a move at the grassroots level in terms of education and improvement in quality of life may help solve the issue.

Although, a parallel canal may suffer from the same issues the fact that it is going to be governed by a single country and because there is no conflict of sovereignty may help solve some of the problems. Furthermore a man-made canal will not give the same type of refuges (such as islands) to pirates when

compared to the Strait of Malacca.

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