

PIRACY IN SOUTHEAST ASIA

A HISTORICAL COMPARISON

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ABSTRACT The last decade has witnessed in Southeast Asia an upsurge of piracy. Especially worrisome is the growing interconnectedness of this phenomenon with other forms of international crime and with politically motivated insurgencies. There has been no lack of (scholarly) attention for this situation. Less well known is the fact that during the nineteenth century several colonial governments in Southeast Asia, but especially the Dutch, were confronted with piracy on a very large scale. This article tries to elucidate the present situation by drawing comparisons with the past experiences of the Dutch. Special attention is paid to the process of state formation and to the international context of both piracy and piracy fighting.

INTRODUCTION

In the nineteenth century fighting piracy was no easy task for the Dutch and other colonial governments in the Far East. This is not to say that before that period piracy posed no problems. On the contrary, this phenomenon casts long shadows backwards in Southeast Asia. It was closely related there to the rivalry between native political communities. These fought each other in constantly changing coalitions, trade and piracy accompanying this pattern as two sides of the same coin. Efforts at enrichment and political enlargement took then this, then that form, while the same held good for the activities of individual seafarers. Specialisation in one of these directions was another possibility, of course, the choice being influenced among other factors by the environment. A state, for instance, that passed through succession troubles offered its neighbours ample opportunities for (political) mischief, making for a situation in which piracy could flourish. Not surprisingly under such circumstances, this phenomenon was closely intertwined with political motives. To enrich one-self meant hurting rivals, and the line dividing piracy from privateering never was a clear-cut one. Pirates, moreover, wanted to sell their plunder and captives. They consequently were always in need of commercial contacts and political protection. Who profited most from these relations cannot be ascertained in general terms. In any case, if the pirates thought their interests suffered, they could always choose other receivers and political protectors. They could even change the area of their depredations. After all, in Southeast Asia seafarers – be they traders, pirates and/or privateers – always belonged to geographically mobile communities. All over the region they had founded settlements in which they could take refuge if need arose.

In this way piracy was connected to at least two circumstances. On the one hand to political instability, on the other hand to trade, which offered opportunities

for plunder. These two factors as such had nothing to do with the presence or absence in Southeast Asia of European trading companies. Consequently, it is incorrect to see piracy, or its increase, as connected to their monopolistic practices. Piracy preceded the arrival of these companies, while the native trade was not without its monopolistic leanings. Besides, the areas covered by the companies' monopoly were for a long time too restricted to account for such a ubiquitous phenomenon as piracy. Still, the transformation of the trading companies into territorial states started a process that – for the time being at least – brought piracy to its end. A territorial state, after all, is in general averse to harbouring within its borders migrating communities. People without a stable residence and/or occupation escape efforts at control, taxation, conscription, jurisdiction, et cetera. This aversion even characterises states that are ruled by (semi-) nomadic elites. What these ruling groups permit themselves, they withhold from subjugated people. This tendency to bind migrating communities to the soil certainly held good for nineteenth century colonial governments. They rightly saw measures taken to this end as instrumental to fighting piracy. The government started with forcing pirates to more peripheral and less attractive hunting grounds. Next, it offered them a kind of collective amnesty, on condition that they gave up their wandering habits and chose a sedentary occupation. By forcing them in this direction, the government succeeded moreover in severing the bonds that connected the pirates to receivers and their political protectors. It needs no comment that this development left these latter groups in a more vulnerable position. The colonial government, in other words, killed two birds with one stone. It cornered the pirates as well as their assistants and profiteers.

Towards the end of the nineteenth century this colonial policy began to bear fruit, in the East Indies as well as in the neighbouring British and Spanish possessions. Moreover, the colonial governments took care not to slacken their grip. After World War II their native successors all were anxious to continue working along these lines. Still, piracy rears its head again in Southeast Asia. The circumstances under which piracy happens and its forms are new. Yet, its reappearance in this part of the world is a disturbing, though interesting development. It raises questions both to its present characteristics and how it compares to nineteenth century piracy. All the same, in most recent accounts the historical-comparative view is almost completely lacking. An explanation for this omission perhaps is that people, interested in present-day piracy have a legal, economic or police background, or have their roots in the world of insurance, security, ship owners or seafarer' unions. Such people view piracy from a restricted, professional angle. The same holds true for (Western) naval organisations. These are mainly interested in the question: is piracy grave enough to justify the use of military means?

Important as these viewpoints are, they stand to win from the comparative perspective. For this, however, additional data are needed - of an anthropological and criminological kind. True, information about the activities of the pirates – their *public appearance* – is available. What is missing, are facts about their organisations, international ramifications, culture, management style, financial support structure, patterns of expenditure, forms of recruitment and relations to receivers and officials in legal, police or harbour circles. Granted, data about these matters are not easy to obtain. Just as in the nineteenth century only a few sources can be tapped to this

purpose: first, interrogations of captured or turncoat pirates (especially useful if they belonged to leadership circles); second, interviews of people who lived some time as captives among the pirates, but who made good their escape or were ransomed or exchanged. Without more data from these sources, the fight against piracy is not unlike an uphill struggle. Without these data any historical comparison will lack an even basis. If such a comparison nevertheless is the object of this paper, it will be evident that it can offer no more than a tentative beginning. On the other hand, this try is not aimed at trivialities. Comparisons after all are an excellent tool to bring historical data into sharper focus, while their relevance for policy implementation should not be underestimated.

THE NINETEENTH CENTURY

In this period piracy confronted the Dutch colonial government in Southeast Asia in three different ways (Kniphorst n.d.; Warren 1981; Trocki 1979). The first two resembled each other closely and differed only in scale. Both followed the classical pattern of piracy in that they directed their depredations against other regular users of the seas: fishermen and traders. In the first variety piracy was only a part time activity, as many traders and fishermen were, after all, not averse against robbing their colleagues if an opportunity to do so presented itself. Still, these people were no specialists and in most cases did not aspire to become full time pirates. In several places, however, notably on the Riau and Lingga islands, just to the south of Singapore, the second variety blossomed. Here, specialized pirate communities came into existence, in which the local elite was heavily involved. These islands were strategically situated astride several busy trade routes. Consequently, the pirates were not in fear here of killing the golden eggs laying hens. Traders had to make lengthy detours to avoid the Riau-Lingga archipelago and most took a calculated risk with the pirates, always hoping to reach their destinations safely.

The pirates on the whole seldom tried to capture European trading vessels. The means to do so were not absent, but the certainty of retaliation by the Dutch or British government functioned as a rather effective break on such an exploit. When native or Chinese traders fell victim to the pirates, the colonial authorities were, of course, disturbed. Still, in this case their reaction was somewhat more restrained, owing to the following considerations. First, during the first decades of the nineteenth century the sultanates of Riau-Lingga still enjoyed a considerable degree of independence. Neither the British nor the Dutch were as yet prepared to place these principalities under direct rule or even close supervision. More important, both colonial governments claimed parts of these islands and were afraid that an independently undertaken anti-pirate campaign might hurt their diplomatic relations. Commercially, the Dutch and British were engaged in a fierce competition. Both feared that, by vigorously fighting piracy, the rival was penetrating and taking hold of the disputed archipelago. So deeply suspicious were they of each other's intentions that combined expeditions were out of the question. Of course, the pirates profited from this colonial rivalry. As long as the Dutch and British were at loggerheads, they need not fear an effective naval and military campaign against their stronghold.

The third variety in which piracy manifested itself in Southeast Asia was the most dangerous and inflicted the greatest damage. Strictly speaking, however, it was not a true form of piracy at all. That is to say, the sea robbers did not roam the high seas, but sought their prey mainly in the coastal areas of the islands. They were after slaves, to be sold on the markets in, among other places, the Sulu sultanate - an archipelago to the Northeast of Borneo, between the Dutch, British and Spanish spheres of influence. These Sulu pirates practiced their depredations on a grand scale and were for a long time able to withstand all counter measures. So harmful was the effect of their slave-raiding exploits that several coastal areas were depopulated, as the inhabitants fled to the relative safety of more protected inland regions. To understand this phenomenon it is necessary to shed the idea of an overpopulated Southeast Asia. With the exception of Java this part of the world was in the nineteenth century only thinly populated, while the demand for agricultural and domestic labour was rather high, certainly on the part of the elite. Slaves, moreover, lent prestige to their owner. So, slave raiding was a very profitable branch of the regional economy, and the Sulu pirates made a specialty of it. Whole communities, including the sultan's court, were engaged in it. The elite financed the expeditions; the local people manned the vessels, and slaves looked after the fishing industry and agriculture during their owner's absence.

To look upon this kind of piracy simply as an economic activity, is however to miss several important points. To the Sulu robbers, it also was a traditional and prestigious way of life. It was a means, moreover, to stress their independence from the neighbouring, and threatening, Dutch, Spanish and British colonial governments. In their exploits there was, in other words, an element of political protest and consequently of privateering. They saw their raiding activities as a means of resistance against external, non-Muslim forces and of harming the prestige and power of these enemies. These pirates sailed in large fleets of well-manned vessels. Their expeditions regularly took a year to complete, in which they used both the monsoon winds and several dependencies along their routes. Using these communities of kinsmen and local helpers, they were seldom in need of intelligence, repair facilities, food, drinking water, and hiding places. Like their colleagues in the Riau-Lingga area, these pirates were protected, moreover, by the reluctance of the several colonial authorities to press their counter-campaigns for fear of provoking diplomatic tensions among themselves. Every time one of them conducted a vigorous pursuit and followed the pirates into their lairs, the others protested against such trespassing. In this way, the pirates were never really cornered. They simply absorbed their losses and quickly recovered to continue their depredations.

Not surprisingly, the colonial governments at first considered piracy in Southeast Asia to be a naval problem (Teitler 2000; Tagliacozzo 2000). What hampered this approach were the following factors. First, it proved to be impossible to discipline the local and regional traders into adopting - as a defensive measure - the age-old and successful convoy system. Second, the colonial naval forces were always too thinly spread to effectively patrol the enormous distances involved. Their intelligence system, moreover, simply was no match for that of the pirates, who intimately knew the trade routes, the hiding places, and the areas where best to capture slaves. Third, military measures to seal off the coastal areas from pirates intent on slave

raiding were too expensive to contemplate on a really grand scale. Re-locating the potential victims to inland areas was a step, moreover, the colonial authorities were only very reluctant to consider. It would, after all, admit their defeat in protecting the lives and properties of their subjects. It would symbolise their failure as colonial overlords. Fourth, the anti-piracy campaigns of the colonial naval forces were, paradoxically, conducted on too large a scale to make an impression on the opponent. As in counter-guerrilla operations, regular military forces – even when equipped with modern technology – are too unwieldy and inflexible to achieve success. Only slowly did the colonial forces recognize that anti-piracy campaigns, like counter-insurgency, ask for unorthodox approaches that do not emphasize military measures.

In the end the only really effective answer to piracy was to conquer and occupy the places from which it originated. These areas had to be permanently controlled. Good governance had to be introduced here, and the local population to be continually supervised. As with efforts to wean drugs producing peasants from their trade, it was essential, moreover, to offer the former pirates attractive economic alternatives and live-styles in order to prevent them from falling back into old habits. Another prerequisite for success was that the Dutch, Spanish and British authorities finally agreed as to the exact location of the lines separating their spheres of interest. Only when, for instance, the Dutch admitted that the Sulu zone did not fall under their responsibility, was it possible for the Spanish government in Manilla to completely subdue the sultanate and eradicate piracy there. The same process helped to put an end to piracy in the Riau-Lingga archipelago when the British colonial authorities (though not the private British traders in Singapore) admitted that these islands belonged to the Dutch East Indies. After that the Dutch could finally make a start with putting an anti-piracy policy into effect.

RECENT DEVELOPMENTS

It is beside the point to blame the end of the Cold War for the upsurge of piracy in Southeast Asia. True, the last few years brought an increase of this phenomenon, but piracy was reportedly on the rise years before this conflict came to its end. Still, the impression lingers that piracy, together with other forms of organised crime, was boosted by energies that formerly were held in check by the East-West confrontation. Part of the explanation no doubt is the attention recently paid to piracy by the media. This in itself is possibly connected to concerns about the extremely serious consequences for the local environment that can result from piracy-induced shipping disasters. Still, there is more to it than only the influence of the media. Their public no doubt is quickly bored. Its attention can certainly be captured by reports about – to outsiders – adventurous or even romantic exploits of pirates. On the other hand, the problem is real enough and rightly draws the attention of the international community. Piracy is responsible for rising economic and financial damage, to countries as well as to the international shipping industry. Piracy claims an increasing number of victims. Piracy eludes for the time being any efforts to fight it. The danger it poses to the environment, moreover, is real enough. In addition, the countries that are bound to suffer in case of a shipping disaster are too poor to carry

its financial consequences.

On a yearly basis, more than half of the world's seagoing traffic passes through Southeast Asia. The (until now) piracy-free detour around Australia and New-Guinea costs time and fuel and is therefore not attractive to the shipping industry. Besides, the aforementioned traffic is not simply a combination of a great number of small vessels. Annually, more than ten thousand ships of more than ten thousand tons cross the area in a northerly direction, more than six thousand in the opposite direction (Keynan 2000; World Wide Maritime Policy n.d.; *NRC-Handelsblad* 1-8-2000).¹ These numbers are easy to explain. In and around Southeast Asia some of the most densely populated countries of the world are located, a few of which (Japan, Taiwan, Singapore) can pride themselves on strong national economies that are dependent on much import and export. Other national economies are considerably weaker, but only peripheral North Korea seeks its national power in aloofness from the world markets. Peoples' Republics like China and Vietnam no longer follow this path. Some countries in Southeast Asia, moreover, produce minerals and agricultural products that are much in need elsewhere, both inside and outside of the area. Their national economies are to a considerable degree dependent on exporting these minerals and products and, consequently, on shipping. To all this seagoing business, fisheries and coastal traffic (both large and small scale) must be added. Together these various commercial activities make Southeast Asia the area with the busiest shipping in the world. The other side of this medal, of course, is that pirates are never short here of opportunities for plunder. They have, moreover, geography on their side. An enormous number of islands are available for their use as hiding places and bases from which to sortie. The distance, moreover, from these island bases to the place of the crime is never long. The logistics and security of the pirates is of course helped by these circumstances. The limited distance starkly reduces the time during which they have to expose themselves. Besides, the climate (during part of the year) and these short distances enable the pirates to carry on their business with relatively small ships. These vessels are easy to hide, something that is also made possible by the dense vegetation on most of the islands. The fact that there are less and less sailors aboard trading vessels forms another factor that makes life easy for the pirates.

A faltering economy is a further stimulus, the more so as a country's peripheral parts suffer more from this slump than the centre. In these parts, piracy not only forms a welcome additional source of income, it can also be an expression of protest against a distant, indifferent and failing government. At this point it is important to underscore the following two points. First, that for most countries in Southeast Asia secure (and consequently busy) sea-lanes form one of the most important means to hold the state together. Whenever these sea-lanes are imperilled, it is likely that a process will start in which more and more centrifugal forces will exert themselves. Even when piracy is at the outset nothing but an economic phenomenon, it will in this process eventually have political consequences. Second, that pirates - like other economically oriented criminals - cannot survive without the help of receivers, a market on which to dispose of their plunder, and a friendly community that assists them with moral and material means. Moreover, the more bulky and expensive the plunder is, the greater the chance that the pirates stand in need of connections to the

respectable *upper world*. In this respect too the conclusion must be that what starts as an economic offence, in due time can have political consequences (Peterson 1989, 1995; Chalk 1998a).

In Southeast Asia representatives of the *upper world* are indeed under the suspicion of seeking and having contacts with communities of pirates. It is too far-fetched, however, to always see in these politically motivated power players people, who are in some devious way connected to secession movements. This can be the case. More often than not, however, these persons are only corrupt and interested in financial gain. Political and financial motives, however, do not always cancel each other out. Secession movements are not always composed of fanatics, willing to endure hardships for their ideals. With violent robberies and hostage taking, they vent their frustrations and protests. The income they draw from these activities is welcome: to buy weapons, to reward their followers with, but also to spend on the good things of this world. The line differentiating secession and resistance fighters from pirates is not always easy to draw (Chalk 1998a, 1998b; *NRC Handelsblad* 4-5-2000). The same reservation applies to the line between the latter and corrupt officials, bureaucrats and businessmen. One point, however, must be absolutely clear: all these phenomena only occur in *weak or failed states*. In other ways too these states are vulnerable to the dangers emanating from piracy. Their weakness or failure is an expression of a faltering political centralisation. Connected to this feature is a rather marked sensitivity as regards their sovereignty.

Their willingness to co-operate with neighbouring countries in the fight against piracy can suffer from this sensitivity. This co-operation can force them to grant these neighbours certain powers, for instance the right to pursue (with coast guard, police or even naval vessels) pirates who try to seek shelter in the territorial waters of the first state. In Southeast Asia this willingness to co-operate is at present rather small indeed. Several factors can account for this hesitancy. First, there is the reluctance to demonstrate in this way one's own political and administrative weakness. The weaker the state, the more reluctant it often shows itself to co-operate with its neighbours. Second, there are many maritime border disputes between the countries in this part of the world. They show themselves most reluctant to settle these differences and are ready to use even military force to defend what they see as their rights. Not surprisingly, under these circumstances they are most eager to keep foreign coast guard or police vessels at a distance. The third factor relates to the minorities that most countries in the region lodge on their territories. Central authorities often suspect these groups of co-operating with neighbouring countries, the more so of course when and where these neighbours have the same ethnic, religious or ideological background as the minorities (Keynan 2000). Pirates stand to profit from these suspicions. If members of minority groups, who feel discriminated against, indulge in this practice, they will expect, if not sympathy, then at least some assistance from their companions in distress. There are indications that do point to the working of this social mechanism. It can also help explain the ease with which pirate communities sometimes spread out over the area. Their effectiveness and chances to survive increase dramatically by this international proliferation.

The reluctance of the countries in the region to co-operate against pirates, presents these rogues in effect with sanctuaries. Too weak themselves to patrol exten-

sive coastal areas in border regions, government forces nevertheless refuse colleagues from neighbouring countries entrance to hunt pirates down here. The new (third) United Nations Convention on the Law of the Sea (UNCLOS, in force since 1994) aggravates this problem. Most countries in Southeast Asia now avail themselves of the opportunity to claim before their coasts and around their islands an Exclusive Economic Zone (of two hundred nautical miles). They lay claim, moreover, to distant and uninhabited islands, send gunboats thither, open fire in rivals, destroy rival symbols of sovereignty there and attract foreign companies with concessions to look for minerals. The tensions that grow out of these activities are ill suited to stimulate international co-operation against piracy. On the contrary, pirates only profit from the strained international relations in the area. Another UNCLOS III-regulation that works in their favour is the extension of the territorial sea from three to twelve nautical miles. Most instances of piracy now occur in this zone and only the coastal state can legally deal here with the depredations (Steel 1996). External forces can offer their assistance, but are only allowed to interfere when invited to lend a hand by the coastal state. If this latter authority refuses outside help, the international community is powerless to do anything against the rogues, who – according to international law – now can no longer even be labelled *pirates* (For this, after all, it is necessary for them to operate outside territorial waters.)

Data on the first six months of 2000 indicate that, world wide, only one in five cases of *piracy* do occur on the high seas. In Southeast Asia this proportion is even lower. This situation further enhances the importance of international co-operation. After all, Indonesia and the Philippines are, by themselves, too weak to effectively suppress piracy. It is especially in Indonesian waters that this phenomenon is on the increase the last few years (Chalk 1998b). Still, it manifests itself here on a rather small scale, while the pirates prefer to operate in the neighbourhood of harbours, roadstead and sea straits. They use relatively little violence, keeping the number of dead and wounded among their victims rather low. Operating with small craft, among them fishing boats, the pirates here are after money and movable goods of high value. Until recently, the seas around the Malaya peninsula formed another preferred pirate haunt. Pressured, however, by one of the few instances of international co-operation the criminals moved on to the South China Sea (Peterson 1995).

There appears, on the whole, to be little difference between the way in which piracy manifests itself in Indonesian waters and around Malaya, the latter case showing, however, more instances of violence. The Malaya piracy was more dangerous for still another reason. The perpetrators often left their victims in a condition in which they were unable to properly look after the ship. Under these circumstances, it is surprising that until now no large-scale collisions or beachings have occurred and that no harm has been done to the environment. The Strait of Malacca, after all, is one of the busiest sea traffic lanes in the world, rather difficult to navigate, moreover, even in normal times. The piracy haunt in the South China Sea is known as the *Honkong-Luzon-Hainan* triangle. The crime manifests itself here in two varieties. Firstly, operations conducted with much violence, the pirates using small coastal craft or boats launched from *mother ships*. In this case the pirates are mainly after the cargo of their prey, the personnel belongings of their victims forming but an extra income. The pirates are not interested in the victim's ship proper. After having completed the

operation, they let it drift to a beach or hand it over to those of their victims who have survived the attack. In the second variety the pirates concentrate on the ships of their victims. In this case they, of course, leave no survivors behind. The complete ship (with its cargo) disappears. It afterwards obtains a new identity and starts a new life under a new name, a different crew, forged papers and some changes in its external appearance. This last variety, of course, is the one on the grandest scale. It calls for a sophisticated organisation, international contacts and ample financial means. It cannot operate, moreover, without extensive help from the *upper world*.

COUNTER MEASURES

It has long been recognised that to fight piracy international co-operation is needed. Evidence of this insight is the International Maritime Bureau (IMB). Founded in 1981 by the Board of the International Chamber of Commerce, this Bureau directs its activities – with help from the United Nations' sponsored International Maritime Organisation – on the prevention, restriction and fight of criminal business surrounding sea transport. The IMB has instituted a Kuala Lumpur based Piracy Centre, that operates as an intelligence agency, mediates between national security services, advises the shipping industry and sailors' unions, and assists with the recovery of stolen property (Ellen 1989). Important as the IMB and Piracy Centre are, direct co-operation between the countries in Southeast Asia forms an indispensable tool in any anti-piracy campaign. For some time it looked like the Regional Forum of the Association of Southeast Asian Nations (ASEAN) could help in this respect. Of late, however, this Forum is less and less heard of. Probably, the economic and internal problems recently troubling many ASEAN-countries are responsible for this slack. On their side, for the near future, nothing more seems possible in the fight against piracy than bi- or trilateral contacts. Examples of these are the co-operation between Singapore, Malaysia and Indonesia, between Malaysia and the Philippines, and between Vietnam and Thailand.

If agreements between these countries allow the participants to operate (with coast guard, police and naval craft) in each other's waters, much will have been won. Experience shows that these agreements form an important anti-piracy instrument. When, moreover, the participating countries restrain themselves when making use of this right of *hot pursuit*, a foundation is probably laid for other forms of co-operation. These might go in the direction of including larger and larger geographical areas in the agreements. Another possibility for the co-operating countries is to better attune the anti-piracy procedures in their administration of justice. These countries might even agree to extradite captured pirates to the state that suffered most from their depredations (Goodman 1999). Effective as these measures might be, it is not to be expected that ASEAN countries will soon agree following this path. Realising this reluctance, Japan recently has taken some interesting initiatives to involve these states in its anti-piracy plans. If ASEAN does not stir itself into action, indeed some outside stimulus is perhaps needed to accomplish this feat. One can sympathise in his respect with Japan. Most of its sea-lanes of communication pass through the endangered zones, while it disposes of ample means to combat the

piracy problem on its own. Remarkably, until now Japan has managed to restrain itself. It does not push the ASEAN countries too hard and offers to lead them in the co-ordination of their coast guards, while keeping its naval forces in the background. It realises all too well that – seeing to its World War II record in the region – such an overreaction would probably stifle any positive reaction from the countries in Southeast Asia (*NRC Handelsblad* 29-4-2000).²

Until now the Japanese initiative has only elicited a lukewarm reaction. China in particular seems to be unresponsive. Four considerations possibly influence this negative reception by the Chinese: first, mistrust of the leading role that Japan might claim in an anti-piracy campaign; second, rejection of the prospect of having to co-operate – even in the non-political context of this campaign – with coast guard or even naval forces of Taiwan; third, rejection of the claims many countries in the region extend to island groups in the South China Sea: fourth, fears that an effective anti-piracy campaign unmasks Chinese officials as accomplices of the criminals. Whether such suspicions are indeed well founded is still not proven. Hard facts to incriminate Chinese bureaucrats are still missing, but voices can be heard saying that China's rejection of Japan's proposal is ill suited to stop the accusations. However that may be, most other countries in the region seem willing to go along with the Japanese initiative. After all, international pressure to tackle the problem is mounting, while it is much more difficult for smaller countries to resist Japan than it is for China.

These countries might well realise, moreover, that without the assistance of a great power, it is rather difficult indeed to eradicate piracy. Regionally, Japan is then in a position to play the role Great Britain performed during most of the nineteenth century, when it pressed for anti-piracy and anti-slavery campaigns³. Finally, these smaller countries possibly are motivated by the fear to be accused of involvement in the crime when they refuse to follow Japan. They fear this accusation the more, as a co-ordinated anti-piracy campaign (under Japanese leadership) can also be used to fight the smuggling of drugs in, through and from the region. The shadow of being entangled in the drugs business is already hanging over them, and further suspicions are easily aroused. Indeed, it is only probable that criminal organisations that are involved in piracy also are busy on the drugs traffic scene. The first evil supports the second. Both, moreover, are in need of international ramifications and of contacts with the *upper world* of respectable officials, politicians, bureaucrats and businessmen. Under these circumstances it is rather difficult for small Southeast Asian countries not to show themselves interested in Japan's initiatives. Besides, to go along with these plans perhaps presents them with another advantage. It allows them to distance themselves from criminal accessories in their own backyards who until now, counted on some kind of government protection. Towards these circles, the government in question can point out now that it must withdraw this protection under heavy, external pressure.

The complications, accompanying the Japanese initiative indicate that anti-piracy activities by Western countries will meet with even greater obstacles. Japan may be hampered by its World War II legacy, but countries like Great Britain, France, the Netherlands and the United States have to carry the burden of their colonial pasts. Southeast Asian states will not easily and gracefully react to anti-piracy initia-

tives, coming from this direction. Consequently, Western countries are well advised to go no further than to offer suggestions, money and perhaps the assistance of civilian experts. These restraints make these countries at the same time, however, vulnerable to complaints uttered by shipping companies and sailors' unions. These groups demand an effective anti-piracy policy. As they are sceptical about the ability of regional states to implement it, they turn towards their own governments. While doing this, they bring the following points to their governments' attention. First, old Western naval forces are expected to protect the shipping industry from any danger, including piracy. There is no reason why this tradition nowadays should no longer obtain. Second, while most instances of piracy do not occur on the high seas – so outside the reach of Western naval forces – their presence in the vicinity might still have a beneficial effect. On one hand it will deter pirates and on the other hand warn regional countries not to slacken their anti-piracy efforts. Third, Western countries (together with Japan) might take the initiative to raise an anti-piracy unit under the auspices and flag of the United Nations. Such a unit could be tasked with convoy and patrolling duties in high-risk areas. Placing this unit under United Nations' responsibility might, moreover, go a long way to placate the sensitivities of the regional countries as to Western and Japanese interference in their regional affairs.

For the time being, however, Western countries seem little inclined to accept these arguments. Whether this situation will change in the near future is open to doubt. Western naval forces are, after all, ambivalent. On the one hand, after the end of the Cold War, they are free to go *out of area* and accept new and non-military tasks. On the other hand, they will have to do with lower budgets and are confronted by severe recruiting problems. Under these circumstances, it is hardly acceptable for them to send their ships and personnel to faraway places on dull and monotonous convoy duties. Besides, Western naval forces are on the whole reluctant to accept non-military tasks on a regular basis. They hesitate to see their future (their ships' design, weaponry, training, et cetera) in police-like terms. To them nothing less than their self-image and *raison d'être* as a military organisation are at stake. Only when this kind of non-military task is presented as *peace support* operations might this situation change. For anti-piracy duties the attachment of this *peace support* label, however, is at present not very likely (Scott 1994; Pugh 1994).

After this overview it will be clear that for international anti-piracy measures the future is still rather bleak. Even the Piracy Centre of the IMB seems to suffer from this state of affairs, dependent as it is on financial help from Southeast Asian countries. Some of these are at times rather slow to pay their fees. Perhaps this reluctance is partly caused by fears (and irritation) that the Piracy Centre gives a bad name to the region by drawing (too much) international attention to the piracy problem. Of course, this purblind reaction does not hurt the criminals, but only the messenger of the bad tidings (Chalk 1998a). However this may be, where state authorities fail to take effective action, private industry reacts in a time-honoured way: by taking initiatives of its own. Western countries (at least the non-totalitarian ones) are of old familiar with this reaction and have at times even reckoned with them on a regular basis. Through all ages, weak states have learned to accept the assistance of private firms. Even essential government tasks – as the care for internal and external security – were not exempt from this rule. At sea the activities of chartered companies and

privateers (an end to the activities of the latter started only after the 1856 treaty of Paris) (Stark 1967) attested to this, as well as the fact that, till the beginning of the nineteenth century, merchants often paid for and organised their own convoys in times of war. It is striking, moreover, that at land private security firms start to fill the gaps that police departments are unable to stop in ever more metropolitan cities (and not only in Western countries).

Non-governmental organisations offer their services in a quickly growing number of societal spheres. Besides, even the armed forces learn to delegate logistical and other support tasks to private firms. At sea this development now seems to go even one step further. Since 1993 several shipping companies and Gurkhas (who were hurt by a loss of interest in their services by the British army) have found each other on the anti-piracy market. No less than sixteen shipping companies – operating between them about seventy five ships – use the military reputation of these mercenaries to ensure their ships a safe passage through pirate-infested areas (World Wide Maritime Policy n.d.).⁴ In principle the ex-soldiers are unarmed. Their reputation as members of an elite unit must suffice to keep the criminals at a distance. To accomplish this, it is imperative of course that the shipping companies concerned loudly proclaim the presence of the Gurkhas on board their vessels. Without this message the martial reputation of the latter does not show to full advantage, forcing the Gurkhas into action. That, however, is decidedly not the intention. In case the pirates might have missed the message, the Gurkhas are not supposed to use more than *non-lethal weapons*.

This kind of weapons become available in ever more varieties, not least because Western soldiers are of late regularly tasked with restoring order after urban riots and peace keeping missions. The effect of these weapons is rather restricted. However, to use them to full advantage the skills and discipline are needed of which only very well trained soldiers (and police units) dispose. In this respect, it is to be applauded that the shipping companies have hired Gurkhas to handle these weapons and do not trust their regular crews with them. Apart from the fact that accomplices of the pirates may well be hidden among the crew, the effect of *non-lethal weapons* is probably nil when used by amateurs. For this reason too shipping companies do well to discourage the crews on board of their ships not to try (armed) resistance (*NRC Handelsblad* 15-11-2000; Ellen 1989). Almost all of the pirates operating in South-east Asia are very well armed and do not hesitate to use all of the weapons in their arsenal at the slightest pretext. Resistance that is not of a massive and disciplined kind is only likely to elicit a brutal and effective response. There seems to be of late no lack of small private security firms who offer their services in the anti-piracy branch. No doubt the professional qualities of these firms are well below those of the Gurkhas.

SIMILARITIES AND DIFFERENCES

A first point to stress is that the susceptibility of Southeast Asia to piracy has not notably changed since the nineteenth century. Shipping routes are still very crowded, especially so when the seas narrow themselves into straits. Still, the forms in which

piracy presents itself nowadays are dissimilar from those during the former period. Then, assaults from the sea on coastal villages were among the most frequent and dangerous. At present they are seldom heard of. Yet, they are not completely absent. The recent hostage taking of Western tourists on the island of Basilan (Northeast of Borneo) by Muslim resistance fighters from the Philippines attests to this fact. All the same, this assault differs from the activities of the nineteenth century pirates, coming from approximately the same area (the Sulu archipelago). The hostage taking was perpetrated by terrorists, eager to attract the attention of the media of Western countries, to expose the weakness of the Philippine government and to earn money to buy weapons with. Compared to these motives, the Sulu pirates were simply after economic gain. Their goal was to capture people who could be sold on the slave market. Yet, this financial motive should not distract from the fact that, for the inhabitants of the Sulu sultanate, piracy was also a means to oppose the centralistic tendencies of the (Spanish) government in Manila. That this opposition was directed against non-Muslims gave an extra edge to their exploits (Warren 1981).

This latter element, however, was not of fundamental importance. Centralising states in general do not take kindly to migrating groups that are able to withdraw from their bureaucratic and administrative attention. These states almost always try to tighten their grip on such groups, whether these latter consist of co-religionists or not. Another difference between the present and the nineteenth century seems to be that nowadays the pirates do not seem to form durable social communities, with a dedicated culture and economy. In the nineteenth century the sultanates of Sulu and sizable groups of islands in the Riau-Lingga sultanate, confirmed to this pattern (Tarling 1971). At present, the pirates seem to be much more loosely structured, operating from a multitude of only loosely connected groups. Still, some of these entities are not without a measure of permanence. After all, between pirates and corrupt officials, relationships may grow that are so profitable to both sides, that they may obtain some durability. On the other hand, these officials are geographically not so deeply rooted – and consequently much more vulnerable – than the pirates' nineteenth century political protectors. This difference means that this durability is still rather restricted. This is even more the case when the government in question takes care to implement two measures: first, to let its officials rotate geographically and second, to keep them out of resorts in which they might find people with the same ethnic background.

An important, but not very striking feature (of all times) is that pirates are dependent on receivers, moneylenders, supporters among the local population, and people on key posts in the *upper world*. In this sense, pirates are not more than the tip of an iceberg, just as guerrilla fighters are. These fighters too cannot operate without the (often massive) support of local sympathisers. In the case of piracy it is important to note that – in addition – this support has to be spread out (in order to be effective) over quite an extended area. At present, this area might cover the sea territories of several states, while ethnicity often forms the glue with which to cement the contacts over this range together. The nineteenth century too witnessed this phenomenon. Especially the pirates operating from the Sulu zone took care to assure themselves of the help of several colonies along their routes of operation. For the fight against piracy important consequences follow from these international

ramifications. As in counter-insurgency campaigns, piracy fighters can aim at three targets. They can single out the pirates themselves. They can try to isolate the pirates from their sympathisers, and they can direct their efforts at this latter category. Experience has taught that the first alternative rarely brings lasting results when it is tackled in isolation.

Another similarity between the present and the nineteenth century, is the trouble it takes for the suffering parties to pool their efforts against the pirates. During the latter period, this trouble originated from the uncertainties surrounding the delineation of spheres of influence. Riau-Lingga was claimed by the Netherlands and Great Britain as well, Sulu by the Netherlands and Spain. These uncertainties do not explain why so many pirates came from these areas. They do explain, however, why the colonial powers took so long to eradicate there the evil. They simply choose not to force the issue for fear of provoking conflicts among themselves. The same mechanism now seems to be at work again. Territorial disputes abound in Southeast Asia, making the countries here reluctant to ask each other for assistance against the pirates – fearing their neighbours might interpret these calls for help as a confirmation of their claim. Again, this situation presents the pirates with sanctuaries in which they are safe from pursuers. These sanctuaries are the geographical equivalents of the protected enclaves that corrupt officials can create around the pirates. An interesting feature of the present situation is that a relative outsider like Japan is perhaps needed to break this deadlock. All the same, if Japan's efforts stop at offering the assistance of its coast guard, nothing much will be accomplished. Japan can do Southeast Asia a much greater favour if it succeeds in bringing the regional countries together in a co-operative plan that encompasses diplomatic, operational and judicial matters.

In the nineteenth century, the naval organisations of the colonial powers were fully engaged against the pirates. In contrast, Western naval forces nowadays, while aware of the magnitude of the problem, hesitate to commit themselves. In doing so, they point to the following considerations: first, the primary responsibility for the suppression of piracy of the regional powers; second, that they can only lend an operational hand after one or more of these countries have called them in for help; third, that they want to avoid accusations of neo-colonialism when indulging in unilateral actions; fourth, that anti-piracy campaigns mean withdrawing military assets from their primary security mission. This last restriction, of course, also made itself felt in the nineteenth century. In that period, however, the Pax Britannica was rooted deeply enough to keep the colonial powers from actually fighting each other. This meant that colonial officials, both civil and military, were in effect free from this worry, allowing them to assign their navies to anti-piracy tasks. Under present circumstances, Western naval forces are placed in a much more complicated situation. This restriction also applies to the naval forces of the Southeast Asian countries themselves. Indonesia, for instance, will have to guard against the accusation that, under the cloak of an anti-piracy campaign, it uses its naval forces to suppress separatist movements on the outer islands. In the nineteenth century, colonial forces were always sure of widespread public approval when fighting piracy. Nowadays, the situation is distinctly more troublesome to their successors. Coupled to the reluctance of Western naval forces to interfere, and the restraint shown by Japan, forceful

anti-piracy campaigns are not to be expected in the near future.

This conclusion explains the security initiatives taken by private companies, resulting in their hiring of Gurkhas. At first sight, these initiatives were absent in the nineteenth century. Governments were, after all, rather active then against the pirates, while only a few Western ships fell victim to this evil. On the other hand, in the nineteenth century too government policy was for a long time rather unsuccessful. Besides, many European traders made use of native vessels. So, whenever pirates took one of these, Western interests were hurt as well. Seen in this light, there is room after all to expect some private initiatives during the nineteenth century. The activities of a James Brooke on Northern Borneo confirm this supposition. For Brooke the creation of commercial opportunities were from the outset accompanied by anti-piracy measures (Tarling 1971). He had, moreover, many imitators, though it proved extremely difficult to emulate his successes. To a considerable degree, the Dutch government in the East Indies was responsible for this course of events. After having lost part of its (ill-defined) sphere of influence to the Englishman Brooke, it was determined to stop any further erosion of its territories in border regions. It was not prepared to exchange one group of freebooters (the pirates) for another one (British private traders). It considered the latter as being even more dangerous than the former, seeing to the anti-Dutch support they might evoke in Singapore.

Dutch colonial authorities took no chances with Brooke-like initiatives by Dutchmen either. They were, however, very much interested in a suggestion made around 1840 by one Jan Nicolaas Vosmaer. This Dutch trader hoped to counter piracy by convincing the perpetrators to change from piracy to agriculture, and to settle down to this end on tracts of land he purchased from the government. The colonial authorities appreciated these efforts and were certainly willing to help Vosmaer. The initiative, however, was implemented on a too restricted scale to be really successful. It came, moreover, too early. At that time the Dutch government in the East Indies was still rather negatively inclined towards opening up the islands outside of Java to private capital and business initiatives (Vosmaer 1839; de Waal 1879).⁵ Lastly, mention must be made of the booty money colonial governments in Southeast Asia were willing to pay to private ships' crews that managed to capture or kill pirates. This regulation attests to the fact that these governments acknowledged to be unable on their own to guarantee the safety of these crews at sea. Their reaction was to delegate a government responsibility to private action, taken directly by the threatened part of the colonial community itself. This reaction reflects on two considerations: first, the seriousness of the piracy problem and second, that governments more easily accepted the use of force for the protection of private interests at sea than they were prepared to do on land. Evidently they felt less threatened by the former activity than by the latter.

FURTHER QUESTIONS

The purpose of comparisons is not simply to tally similarities and differences between the phenomena under scrutiny. It is to get these phenomena more sharply into focus, in this way enabling researchers and policy makers to ask new, relevant

questions. In the present case, these questions may be directed at: the parallels between state formation and decline, and the role piracy plays in these processes; the connection between piracy and other forms of organised crime (drugs trafficking, hostage taking, extortion, smuggling of refugees, et cetera) and the extent to which resistance movements are involved in these activities. Of course, this list is not meant to be exhaustive.

NOTES

¹ Internet data have also been used.

² Internet data have also been used.

³ See for this role of Great Britain, Steel 1996.

⁴ Internet data have also been used.

⁵ Further mention of Vosmaer's plans in Kniphorst (n.d.), chapter 3 'Middelen, ook Aanverwante, ter Bestrijding'.

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