

SEA★POWER

NAVY ★ MARINE CORPS ★ COAST GUARD ★ MERCHANT MARINE



Piracy

Old Danger Becomes
New Threat on the Open Seas

OCTOBER 2004 \$3.50
NAVY LEAGUE OF THE UNITED STATES
www.navyleague.org



Special Report: U.S. Navy Programs • Interview: Vice Adm. Walter Massenbug



MIKE GOLDWATER/NETWORK

Armed pirates are seen here aboard an outrigger boat in the South China Sea in 1993. Piracy has flourished in recent years in the largely unpoliced waters of Southeast Asia, Africa, the Strait of Malacca and the Caribbean.

Rise in Murders, Kidnappings at Sea Makes Piracy a Top Naval Priority Worldwide

By DAVID W. MUNNS
Assistant Editor

The Nigerian naval escorts were of no help to Americans Ryne Hathaway or Denny Fowler. The pirates who attacked their boat on the Olero Creek in Nigeria's Western Delta State April 23 gunned them down, along with five Nigerians.

Armed with Kalashnikov rifles, the pirates had drawn near the Americans' vessel — possibly using military-style dress as a ruse — and demanded that the escorts throw down their arms. The escorts refused and the pirates opened fire. Hathaway and Fowler, both Texans, had gone to Nigeria in April as contractors for ChevronTexaco Corp. to assess the

feasibility of resuming drilling operations that had been shut down due to escalating tribal violence.

Weeks later in the Strait of Malacca, a narrow channel between Sumatra and the Malay Peninsula notorious for violent attacks on shipping, the Indonesian transport *Ikan Murni* was boarded by two dozen pirates armed with automatic weapons. Waiting near Berhala Island, the pirates fired on the ship and boarded. Twelve crewmembers jumped overboard and were later picked up by local fisherman.

The pirates, believed to be Aceh separatists in Indonesia, kidnapped the ship's master and another crewmember, and abandoned the ship. They demanded a substantial ransom for crewmembers' release, but authorities decline to say

whether a ransom was paid. The owners of the *Ikan Murni* hired a tugboat to bring the ship back to shore, according to an account in “Tale of a Modern Pirate Gang” by piracy expert Mark Bruyneel.

Lawlessness on the High Seas

These incidents, and hundreds more like them each year, help explain why international piracy has become a top priority for military and police officials from Southeast Asia to Africa and the United States.

“The seas are unpoliced and unregulated and, therefore, attractive to those who want to exploit or abuse them,” said U.S. Navy Secretary Gordon R. England. Speaking in July at the Woodrow Wilson International Center for Scholars in Washington, D.C., England said, “On average, more than one ship each day is attacked, robbed, hijacked or sunk.”

The situation grows worse each year, according to the London-based International Maritime Bureau (IMB), part of the Commercial Crime Services division of the International Chamber of Commerce. Recorded pirate attacks increased by 20 percent in 2003 alone, rising to a total of 445 incidents compared with 370 in 2002, according to IMB statistics.

In these incidents, 21 seafarers are known to have been killed — compared with 10 the previous year — and 71 crew and passengers were listed as missing, IMB reported.

Prior to the killings of the American oil workers, 2004 had already gotten off to a bloody start. Four crewmembers of an oil tanker were shot dead by pirates in the Strait of Malacca off Indonesia’s Aceh province in February after the ship’s owner failed to pay a ransom for their release.

England put the overall increase in piracy incidents at “more than 56 percent in recent years.” The trend continues upward, he said, because criminal groups operate at sea “undetected and unchecked” and pose risks to U.S. interests abroad.

England has spoken in recent months to the Naval War College’s International Maritime Symposium and the Inter-American Naval Conference to encourage closer cooperation between navies on issues such as piracy.

England and others, including Adm. Thomas B. Fargo, commander of the U.S. Pacific Command, are calling attention to the trend because piracy is an international crime and attempts to deal with it often butt heads with national sovereignty concerns. Aware of the political conflicts and the paltry amount of cooperation between nations, pirates cross borders with impunity to seek safe haven and sell their goods in foreign markets.

Bruyneel, who maintains an online database of piracy activity, writes of a pirate gang that for years has operated in the Strait of Malacca, stealing ships and their cargo, and selling the goods in Chinese ports.

The gang first came to the attention of regional authorities in 1995 after its attack on the *Anna Sierra*, a freighter that regularly carried cargo from Thailand to the Philippines. In September 1995, a hooded gang of pirates armed with machine guns took control of the ship, handcuffing and imprisoning the crew in the engine room. The crew sat in the room for two days while the pirates painted the ship and renamed it the *Arctic Sea*.

Violence on the Increase

Some regions such as the Strait of Malacca experience ‘an alarming rise’ in piracy incidents. Violence against crewmembers is on the rise.

- ◆ Navy Secretary Gordon R. England seeks joint international efforts to combat piracy.
- ◆ One pirate gang hijacked ships, repainted them, threw the crews overboard and sold the cargoes.
- ◆ China executed 13 pirates late last year.



Members of the Malaysian Maritime Agencies Unit rappel from a helicopter during an anti-piracy demonstration near Kuala Lumpur on June 29. The unit comprises the Royal Malaysian Police, Royal Malaysian Navy, Marine Department, and Customs and Fisheries Department. Naval forces from Malaysia, Indonesia and Singapore have begun joint patrols to combat piracy and terrorism along the Strait of Malacca.

The pirates then lined up the crew on the deck of the ship, threatened them with their weapons, robbed them of valuables and threw them overboard without navigation equipment or food. Fortunately, the crew was discovered floating on rafts by Vietnamese fisherman.

The boat continued to the Chinese harbor of Beihei, where the pirates presented officials with false papers. They sold the cargo of sugar to traders at the port. The IMB offered a reward for their arrest, and Beijing authorities apprehended the gang. No charges were pressed, however, and the pirates were released two years later.

Soon thereafter, other ships plying the Strait of Malacca began disappearing. A vessel headed to Korea in December 1998 went missing a day after departing its homeport on North Sumatra. The ship was later spotted in Thailand with a new paint job, a new name and a new flag. Its 15 original crewmembers are still missing.

Another ship — this one a tanker — was attacked in October 1999 after leaving Kuala Tanjung in Sumatra, Indonesia, en route to Japan. Indian authorities later spotted the boat and apprehended the pirates after a two-day chase. In February 2003, members of the pirate gang were tried under the International Penal Code provided by the U.N. Convention on the Law of the Sea and convicted in Mumbai,

India, after a complex legal battle regarding jurisdiction over internationally committed crimes. The pirates were sentenced to imprisonment ranging from six months to seven years.

Bruyneel stated on his website that the arrest was a “breakthrough” against acts of piracy. But he noted that “it may be too soon to start cheering. ... The [Indian] defense counselor will most probably appeal the verdict in the High Court since he feels there were major discrepancies in the prosecutor’s case.”

The defense counselor has argued that the crewmembers found on the hijacked boat may have boarded the boat after it was hijacked and therefore were innocent of piracy.

Under the Radar

A weekly IMB report in late August covered recent piracy attempts near Indonesia, Bangladesh and Nigeria. These incidents ranged from petty thievery to an attack at Makassar, Indonesia, by five individuals armed with axes and long knives who boarded a container ship, held the commander at knifepoint, stole cash from the ship’s safe and sped away in a speedboat.

Charles N. Dragonette, author of the weekly “Worldwide Threat to Shipping Mariner Warning Information” and a senior analyst for the Civil Maritime Analysis Department at the Office of Naval Intelligence, said areas of high risk for



A mock pirate vessel simulates firing on a patrol ship during a drill by Japan’s Coast Guard in Tokyo Bay on Sept. 28, 2002.



This map plots the number of piracy and armed robbery at sea incidents in 2003 for Southeast Asia, the Indian Subcontinent and the Far East. With 121 reported incidents, the Strait of Malacca off Indonesia has more than double the number of attacks of any other region.

piracy are ports and estuarial waters of the Strait of Malacca, Nigeria, Bangladesh and Somalia.

The IMB said those areas show an alarming rise in the number of attacks at sea, while violence against crewmembers continues to grow. The organization adds South and Central America and Caribbean waters to that list.

“Only Northern Europe and North America are reliably free of piracy,” Dragonette told *Sea Power*.

Pirates flourish where they find general political instability, compromised law enforcement and a high volume of unprotected shipping. The Strait of Malacca ranks particularly high in piracy surveys released by the IMB and other anti-piracy organizations due to a combination of these factors. Malaysian and Indonesian forces are spread thin, and Indonesia is contending with separatist violence in Aceh, which diminishes its ability to focus on anti-piracy efforts.

However, the two nations recently formed a cooperative effort with Singapore to interdict and prosecute pirates — operating principally in the Strait of Malacca — who easily elude capture and prosecution by crossing national boundaries. That is a key step forward because 50,000 ships per year — nearly a quarter of world shipping — pass through the Strait, and almost all oil entering Singapore and Japan makes that perilous journey.

Fargo told the House Armed Services Committee this year that numerous “creative initiatives” are needed to address the transnational concerns posed by piracy, trafficking in humans and terrorism in the littoral regions of Southeast Asia. Among them is the Regional Maritime Security Initiative (RMSI), the U.S. Pacific Command’s effort to bolster cooperation by working with other navies in the region.

Adm. Walter F. Doran, Pacific Fleet commander, emphasizing the infancy of RMSI added, “Each nation would

decide on its own how they participate” in RMSI. “This is not an alliance, it is not a treaty [and] it doesn’t set anything else up.” It is a protocol to foster the sharing of information among nations.

In addition, the U.S. Fifth Fleet plays a role in Combined Task Force (CTF) 150, a multinational task force comprising Australia, Canada, France, Germany, Italy, Pakistan, New Zealand, Spain, United Kingdom and the United States. Operating in the North Arabia Sea, members of the task force patrol coastal areas, search suspect vessels and build an intelligence picture of the area.

Cmdr. James Graybeal, public affairs officer for the commander of the U.S. Naval Forces Central Command and U.S. Fifth Fleet, said a recent example of CTF 150’s work was the interdiction of two dhows found in the North Arabia Sea. The search teams seized substantial amounts of pure heroin and methamphetamines.

“While the link between these drug smuggling networks and international terrorist organizations is still being investigated, the U.S. intelligence community believes these networks have facilitated [international terrorist organization] activities in the past,” he said.

In Dragonette’s view, the difference between piracy and terrorism is largely an informal distinction. “If the motive is financial gain then it is piracy, and if it is political gain then it is terrorism,” he said.

There are no statistics to cover annual losses to piracy. More than 400 acts of piracy are reported per year, but many are minor incidents involving the loss of mooring lines, spare parts or a life raft, so the actual costs are difficult to estimate.

Compiling accurate figures is made more difficult because, “Pirates tend to work under the radar of international attention — and reaction,” Dragonette said.

Small Victory

The recent coordination of patrols by Indonesia, Malaysia and Singapore ... “is the first successful effort to address these problems on a multinational level in perhaps the most highly active and dangerous area fostering piracy,” Dragonette said. “However, this sort of military approach ignores the necessary political coordination and information sharing the RMSI seeks to address.”

Despite the gaps in the system, some pirates eventually get caught. The undoing of an especially vicious pirate gang began in November 1998, according to ABC News, when fishermen in Shantou, China, found a corpse in their net bound to a metal weight, its mouth taped shut. Fishermen in the area would bring up several more corpses over the next several days. All were crewmembers of the cargo ship *Cheung Son*, which had been reported missing weeks before while on course from Shanghai to Malaysia.

The ship and its cargo have never been found, and the pirates might have gotten away with their crime, but for one slip up. While questioning a suspect, Chinese authorities discovered some photographs of the pirates partying among the dead aboard the *Cheung Son*, ABC News reported. Thirteen of the pirates were executed in late 2003. ■