

MARITIME PIRACY AND CRIME IN THE SINGAPORE STRAIT: TO SECURITIZE OR ACCEPT

Posted on September 2, 2023 by Kimon Kalliatakis



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The 113 km-long Singapore Strait, linking the South China Sea to the Strait of Malacca, is one of the busiest shipping routes in the world, with approximately 100,000 vessels sailing through the strait in 2020 (Kang et al., 2021). The maritime borders of the strait are shared between Singapore, Indonesia, and Malaysia. In line with the strait's sizeable and ever-increasing shipping traffic, the strait has also had a long and complex history of piracy - which dates back more than 800 years and is characterized by sporadic periods of violence.

In the last two decades, piracy and other forms of maritime crime in and around the Singapore Strait have seen a marked reduction in violent incidents. However, the overall rate of maritime crime continues to increase steadily. In 2021, the International Chamber of Commerce's International Maritime Bureau (IMB) recorded 35 confirmed (and an additional 14 unconfirmed) incidents of maritime armed robbery, of which only 2 of the reported incidents involved assault or injury of crew (2021). Despite the lack of violence, the IMB noted that the Singapore Strait had observed the highest number of reports of any sub-region across the globe in 2021 (IMB, 2021) - making up around 30% of all piracy-related crimes. Unfortunately, the 35 incidents also marked a 50% growth in number of incidents when compared with the previous year. Additionally, as of this writing, all indications suggest that the upward trend will continue, as the first quarter of 2022 has already been privy to seventeen confirmed boarding incidents (Chia, 2022).

While the fiscal and economic impact of these crimes is still relatively inconsequential, the risk of robbery is low; the increased insecurity is already prompting a knee-jerk reaction from regional security actors who have issued calls to securitize the strait further. New proposals for multilateral anti-piracy cooperatives in the sub-region indicate this and a call to strengthen the presence of naval vessels (Abke, 2021; Chia, 2022). While a more 'secure' environment may reduce the number of incidents, it also has the potential to be the necessary primer for the re-introduction of violent

maritime crime in the strait; perpetrators may be forced to adapt to an increased security presence and a refined security apparatus. Therefore, this prompts the question: How should regional actors tackle the problem to ensure the continued absence of piracy and violent maritime crime?

To answer this question, the following section provides a cursory summary of the various drivers likely facilitating the increase in maritime petty crime in the Singapore Strait. Identifying the dominant drivers may shed light on the root cause for the growing incident rate of maritime petty crime, which is essential for establishing tenable and effective solution pathways. The article ends with a discussion of the options available to regional actors (both governments and private entities) looking to tackle this issue and the respective presumptive effects these choices may have on the security environment in the Singapore Strait.

Drivers of Piracy and Maritime Crime

To determine the dominant factors driving the upsurge in piracy, we first need to understand what constitutes piracy. For brevity, this article will use the definition of piracy employed by the IMB when collecting data. That being article 101, subparagraph (a) of the United Nations Convention on Law of the Sea (UNCLOS). According to this definition, piracy consists of:

“Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.”

(UNCLOS, 2022)

It is also important to note the caveat that to qualify as piracy; the act must be committed in international waters, outside of a nation’s jurisdiction, otherwise it shall be considered a case of maritime armed robbery against the concerned vessel (UNCLOS, 2022). In the maritime armed robbery, the primary responsibility for enforcement falls to the coastal state to which the waters belong, meaning foreign actors would not have jurisdiction to seize or engage vessels suspected of piracy. However, taking into consideration that all actors concerned in this case are members of ASEAN, and as discussions of delimitation – the act of fixing territorial limits – concerning the Singapore Strait are complex and still ongoing despite years of deliberation, this article will forgo the above caveat – as it is both narrow and does not encompass many acts that local security forces would constitute as piracy (Barrios, 2005).

From the above definition and added consideration, we can make three suppositions about piracy in the Singapore Strait. The first is that piracy is an act performed by private actors using privately

owned vessels. The second supposition is that perpetrators will use violence and/or depredation to achieve their end goal. The third supposition is that the person(s) involved engages in the act solely for 'private ends,' be they monetary, ideological, or other motivations unaffiliated with, and not directly beneficial for, a public entity. Peter Chalk states these 'private ends' are predominantly economically driven (2009).

Considering recent events, notably the COVID-19 pandemic and the Russo-Ukrainian conflict, it is therefore feasible to assume that socio-economic elements are one of the primary drivers facilitating the upsurge in piracy in the Singapore Strait. This assumption is heavily supported by experts such as Chalk (2009) and renowned private data firms such as Emerald Insight and Oxford Analytica (2021), who argue that the primary contributor to the upsurge is the resultant economic downturn due to the Covid-19 pandemic - which in turn has driven individuals to search for alternative forms of income. The proposed solution would be to fund social welfare campaigns and focus efforts on developing coastal communities, theoretically removing the motivation.

While academics and news media heavily echo the above sentiment, there is also a contingent who believe that the surge in piracy is a compound result, merely sped up by the economic downturn, but not a sole consequence. Academics such as Collin Koh (2022) suggest that longstanding deficiencies in maritime security capacities in the strait, due to ineffective resource allocation and ballooning public debt, complicate any move to fund naval or coastguard expansion. A problem exacerbated by the geographic make-up of the strait and its high traffic volume makes it difficult to police effectively (Koh, 2022).

From the above arguments, two potentially significant drivers for the upsurge in piracy are (i) socio-economic pressure on coastal citizens and (ii) insufficient naval deterrence. These drivers are arguably intertwined compound resultants of bigger socio-economic and socio-political issues, but their solutions and the latent effects of those solutions vary wildly.

Solutions and Presumptive Effects

The general consensus among government officials, academics, and news media is that the only feasible long-term solution to maritime piracy and crime is the relief of socioeconomic pressures on coastal communities (Jin et. al., 2019; Hastings, 2020; Rahman, 2021; Koh, 2022). However, with a moderate-to-high likelihood that economic difficulties in Malaysia, Singapore, and Indonesia will persist in the medium term, relevant actors and agencies are limited in how quickly and to what degree they can action solutions to counter the upsurge in piracy. Policy-makers can take four potential decision paths to reduce maritime piracy and crime in the Singapore Strait.

The first decision path involves tackling the lack of deterrence in the strait by funding and expanding

the coast guard and naval presence. There is historical precedent that supports this decision path: Operation Ocean Shield (2009-2016), Allied Provider (2009), and Allied Protector (2008), which took place in the Gulf of Aden and the Indian Ocean. This path would also provide an almost immediate reduction in piracy and crime rates. However, this decision path also has the greatest potential for introducing violence as the socio-economic pressures remain, meaning the *mens rea* – motivation/intention – remain.

The second decision path involves addressing the socio-economic pressures, targeting intention and motivation. Academics heavily support this pathway and argue that the root cause should be the primary focus (Okeahalam and Otwombe, 2016; Jin, Xi, Lin, and Li, 2019; Schmitz and Gonçalves, 2019). This is a long-term solution that does not expressly address instances of piracy or crime. Therefore, pursuing this path means the strait may potentially observe a continued increase in incidents of piracy and crime in the medium term, as socio-economic pressures are notoriously difficult to address. However, unlike the first decision path, the likelihood of violent incidents transpiring in the strait is lower as the lack of deterrents means less of a need for perpetrators to arm themselves (Schmitz and Gonçalves, 2019).

The third decision path involves strengthening an intra-regional alliance, such as ASEAN. This path allows sub-regional actors to counter the purported limited deterrence (Koh, 2022) in the strait by removing jurisdictional concerns and allowing for joint operations between sub-regional security actors. A pre-existing legal framework exists because of a history of joint operations in the Singapore Strait between 2000 and 2004. Therefore, one can assume that this decision path would be the least costly solution and allow for a more diverse approach to the issue. However, consideration has to be given to the reliance on inter-country collaboration (varying degrees of willingness to combat the issue) and in-country pushback from nationalist parties.

The fourth and final decision path is a request by Singapore, Malaysia, and Indonesia for extra-regional assistance, similar to what occurred in Somalia between 2008 and 2016. Again, like the first decision path, there is a precedent of success when implementing deterrent measures (NATO, 2022). Additionally, pursuing this route would allow sub-regional actors to address socio-economic pressures. However, all three nations need to agree to extra-regional assistance due to the jurisdictional complexity of the strait. Therefore, implementing and actioning this decision path would be politically costly and unlikely due to potentially significant pushback from China or the USA, depending on which actor agrees to assist.

Overall, differing geopolitical interests and sustained socio-economic pressures due to the COVID-19 pandemic and the ongoing Russo-Ukrainian conflict mean that sub-regional actors (Singapore, Malaysia, and Indonesia) are limited in how much they can take each decision path. With that said, the observed fiscal impact due to piracy and maritime crime in the Singapore Strait remains limited, meaning sub-regional actors and stakeholders have the time to choose and implement the best course of action. Additionally, the above decision paths are not solitary ‘one-and-done’ decisions.

Instead, they should be taken on a cautionary 'ad hoc' basis to prioritize the physical safety of victims over potential economic losses.

Works cited:

- Abke, T. (2021). Singapore counters pirates with new maritime flotilla. *Indo-Pacific Defense*. Retrieved on April 21, from: <https://ipdefenseforum.com/2021/03/singapore-counters-pirates-with-new-maritime-flotilla/>
- Barrios, E. (2005). Casting a wider net: Addressing the maritime piracy problem in Southeast Asia. *BC Int'l & Comp. L. Rev.*, 28, 149.
- Chalk, P. (2009). Maritime piracy: Reasons, dangers and solutions. *Rand Corporation*. Retrieved from: <https://www.rand.org/pubs/testimonies/CT317.html>
- Chia, O. (2022). Piracy, sea robberies in the Singapore Strait on the rise: Anti-piracy group. *The Strait Times*. Retrieved on April 21, from: <https://www.straitstimes.com/singapore/transport/piracy-sea-robberies-in-the-singapore-strait-on-the-rise-anti-piracy-group>
- Division for Ocean Affairs and the Law of the Sea. (2022). Legal Framework for the Repression of Piracy Under UNCLOS. *UNCLOS*. Retrieved from: https://www.un.org/depts/los/piracy/piracy_legal_framework.htm
- Hastings, J. V. (2020). The return of sophisticated maritime piracy to Southeast Asia. *Pacific Affairs*, 93(1), 5-30.
- International maritime Bureau. (2022). IMB Piracy & Armed Robbery Map 2022. *International Chamber of Commerce*. Retrieved from: <https://www.icc-ccs.org/piracy-reporting-centre/live-piracy-map>
- Jin, M., Shi, W., Lin, K. C., & Li, K. X. (2019). Marine piracy prediction and prevention: Policy implications. *Marine Policy*, 108, 103528.
- Kang, H. S., Loon, S. C., Wong, J. H., Harun, M. A., Abdulhamid, M. F., Nusyirwan, I. F., ... & Ee, J. Y. C. (2021). Prediction of Ship Collision Risk on Singapore Strait Using AIS Data. *Journal of Transport System Engineering*, 21-28.
- Koh, C. (2022). Thinking outside the box on Southeast Asian maritime security. *The Interpreter*. Retrieved from: <https://www.lowyinstitute.org/the-interpreter/thinking-outside-box-southeast-asian-maritime-security>
- Middleton, R. (2008). Piracy in Somalia. *Chatham House - Africa Programme*. Retrieved from: <https://www.chathamhouse.org/sites/default/files/public/Research/Africa/1008piracysomalia.pdf>
- NATO MARCOM. (2022). Operation Ocean Shield. Retrieved from: <https://mc.nato.int/missions/operation-ocean-shield>
- Okeahalam, C., & Otwombe, K. (2016). Socio-economic development and the risk of maritime

piracy. *Journal of transportation security*, 9(3), 125-160.

- Oxford Analytica. (2021). Small uptick in South-east Asia piracy is likely. *Emerald Expert Briefings*, <https://doi.org/10.1108/OXAN-DB259138>
- Rahman, M. (2021). The Persistence of Piracy and Armed Robbery against Ships in the Straits of Malacca and Singapore. *Modern Diplomacy*. Retrieved from: <https://moderndiplomacy.eu/2021/07/19/the-persistence-of-piracy-and-armed-robbery-against-ships-in-the-straits-of-malacca-and-singapore/>
- Schmitz, P., & Gonçalves, D. (2019). Using GIS and cartography as part of the whole-of-society approach to determine coercion into marine wildlife poaching and piracy. In: 29th International Cartographic Conference (ICC 2019), 15–20 July 2019, Tokyo, Japan.
- (2022). Legal Framework for the Repression of Piracy Under UNCLOS. *United Nations*. Retrieved from: https://www.un.org/depts/los/piracy/piracy_legal_framework.htm

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