

Maritime Terrorism in South East Asia: An Assessment

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Abstract- This research evaluates the possibility of an increase in maritime terrorist violence in Southeast Asia, based on a recounting and analysis of some of the most recent past incidents in these waters. Through the research objective, it tries to identify the challenges facing states in the region in maritime terrorism and the emerging trends in maritime terrorism. It also studies the emerging terrorists in Southeast Asia and their potential. Further, it pays particular attention to how geo-strategic issues in Southeast Asia are confronted. The research was based on qualitative methodology, and only secondary data were used. Secondary data were collected by means of a literature review and reference sources such as legislation, international treaties, academic literature, newspaper articles and sources. Maritime terrorism is seen as a critical threat to maritime safety in Southeast Asia. According to research, maritime security challenges in Southeast Asia are relatively high compared to other Asian regions, and maritime terrorism has grown significantly. Terrorist attacks in the maritime domain are worrisome because of their potential flow on trade effects. In South-East Asia, maritime terrorism by vile non-state actors takes place primarily in the Sulus and Celebes seas, with the Abu Sayyaf group considered the main author.

Keywords— *maritime terrorism, maritime security, South East Asia*

I. INTRODUCTION

Maritime terrorism is frequently specified as “the undertaking of terrorist acts and actions within the maritime environment, using or against vessels or fixed platforms at sea, or in port; or against any one of their passengers or personnel, against coastal facilities or small towns, including tourist resorts, port areas. Marine terrorism in South-East Asia refers to politically motivated acts of extreme marine violence in the South-East Asia region. Despite seaborne terrorist attacks accounting for

just 2% of all international terrorist incidents from 1978 to 2008, according to RAND's Terrorism Database, Southeast Asia has proven a hotbed of maritime terrorism. As a result of the high frequency of pirates in the region, many terrorist groups based in Southeast Asia have appropriated piracy tactics to carry out their violent political struggles. In 2003, the International Maritime Bureau reported that out of the 445 actual or attempted pirate attacks on merchant vessels, 189 occurred in Southeast Asia, Southeast Asia remained at the top of the regional standings, with 93 incidents occurring in Indonesian waters. Between 2014 and 2018, there have been 242 attacks in Southeast Asia, mostly in Indonesian waters. Among the maritime terrorists in Southeast Asia, the most popular weapons are IEDs and firearms, which have served in about 60% of maritime attacks in the region.

A. *Objectives of the research.*

Southeast Asia holds global and strategic importance. This research examines the development of Southeast Asian maritime terrorism and its strategic risks. Maritime terrorism often occurs in this area. Also, studies of emerging terrorists in Southeast Asia and its potential. This research seeks to identify the challenges faced by states in the region in maritime terrorism and emerging trends in maritime terrorism. It also pays special attention to the way in which Southeast Asia is confronted with a geostrategic level. In evaluating the odds of a major panic attack, it explores a suspected terrorism-piracy nexus and the land of port protection in key continental regions, highlighting steps to bolster regional security, and ways to improve coastal preparedness against terrorism. The document is not an attempt to sketch out a complete anti-terrorism doctrine for maritime agencies a task best left to professional security planners. Its objective is to evaluate recent attacks in the Asian seas in order to better understand the dynamics of maritime terrorism violence.

B. Concepts for marine, terrorism.

International maritime laws and treaties

Before 1988, there had been a debate in the international legal community as to whether the human activities of maritime terrorism could be meaningfully prosecuted under anti-piracy legislation put forth every bit a constituent of the UNCLOS III agreement in 1982. The main debate was around exactly what was meant by "private ends" that UNCLOS III called piracy. International jurists such as Douglas Guilfoyle have argued that "private" refers to the lack of state sanction behind the law, considering that "private" and "public" constitute the relevant dichotomy. Other researchers, such as Saiful Karim, argued that the term "private" refers to the presence of a profit motive behind the act, and thus considers the term "private" and "political" to be the relevant dichotomy. Karim based his assessment on attempts to codify anti-piracy laws dating back to the work of the League of Nations committee during the inter-war period.

A founding convention that has been significant in defining maritime terrorism was the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) of 1988 and its accompanying SUA Fixed Platform Protocol. While the 1988 SUA does not define "terrorism" or "maritime terrorism", it is a response to the 1985 attack on the Achille Lauro cruise ship, a major terrorist incident. The United Nations General Assembly subsequently asked the International Maritime Organization (IMO) to study terrorist attacks on board or against ships in order to formulate recommendations for countermeasures. On November 1986, Italy, Austria and Egypt submitted a draft to the IMO for a new formula for the suppression of maritime terrorism, which had taken influences from 3 previous counterterrorist conventions; the Hague Convention on Aircraft Hijacking, the Montreal Convention on Sabotage of Airplanes and the International Convention Against the Taking of Hostages. Following two years of discussions, the IMO adopted the 1988 AUS Convention. The commissariat of the convention made the threatened or actual hijacking, damaging or destruction of vessels and violence against crew prosecutable offences under the rule as such acts threatened the safe piloting of ships. Unlawful acts committed for both individual and political ends were hidden under the convention and an obligation was imposed on all countries party to the agreement to deport or prosecute convention offender's

resident upon their soil. The AUS Fixed Platform Protocol was also signed during the 1988 Rome Convention, after the US and Spain raised the question of fixed platforms as potential terrorist targets. The SUA Protocol thus made it a prosecutable offence to launch attacks against a fixed platform on the provision that the fixed platform is bound to the ocean floor, serves economic purposes like resource exploration or exploitation and operates on a continental shelf.

Nevertheless, the 1988 SUA Convention and Protocol did possess several flaws, one of which was the fact that both parts of the legislation were reactive towards maritime terrorist acts and offered no preventative provisions or measures to prevent maritime terrorist acts from taking place, as put forth by Justin S. C. Mellor. In essence, the legislation was merely in place to prosecute perpetrators in the wake of the crime rather than provide contracting states with powers and legal authority to interdict and prevent violations of the 1988 SUA Convention and Protocol.

Following 9/11, the IMO adopted IMO Assembly Resolution A.924 (22) which called for a reassessment of existing statute law and bills that aimed to prevent terrorist acts against the safety and security of passengers, crew members and vessels. In October 2001, the IMO Legal Committee initiated a review of the 1988 SUA Convention and Protocol, with April 2002 witnessing the creation of a US-led Correspondence Group, which would provide the IMO Legal Committee with a working paper containing potential amendments to SUA 1988 for the Legal Committee's 85th session in October 2003. The amendments suggested by the Correspondence Group presented before the IMO Legal Committee included 7 new offences under Article III of the 1988 SUA Convention and new provisions authorising the boarding and searching of foreign vessels in international waters who are either suspected of involvement in or are at risk of being targeted by acts prohibited under Article III. Although most IMO delegations expressed support for the amendments, concerns were raised concerning the amendments' effects on freedom of piloting and the exclusivity of flag state jurisdiction over their vessels within international waters. Later on three years of slowness, the IMO Legal Committee completed its review during its 90th session during April 2005, with the resulting International Conference on the Revision of the SUA Treaties in October 2005 resulting in the official adoption of the 2005 SUA Protocol. New offences under the protocol included

the knowing and intentional weaponization of ships with terrorist motivation, the knowing and intentional transportation of WMDs and related materials via the high seas both with or without terrorist motivation and the knowing and intentional use of a ship as a transportation means for any person who has committed an offence under any current or future UN terrorism conventions, including the 1988 SUA Convention and the 2005 SUA Protocol.

C. Defining 'maritime terrorism'

Maritime terrorism is frequently specified as "the undertaking of terrorist acts and actions within the maritime environment, using or against vessels or fixed platforms at sea, or in port; or against any one of their passengers or personnel, against coastal facilities or small towns, including tourist resorts, port areas and port towns or cities". Another definition, however, determines the phenomenon as "any premeditated, politically motivated violence committed against non-combatant targets at sea by sub-national groups or clandestine agents". As many realize, there is a political dimension to terrorism, with essentially ideological objectives. In this account, a violent incident at sea can only be considered an act of "terrorism" if it has clear ideological and political motives. Others take a firm stand that all political violence (including maritime piracy and armed robbery) is a kind of terrorism, their radical causes and enabling factors being similar; this is not a sentiment widely shared by most legal experts.

Operationally, a simpler way to understand maritime terrorism is to establish a typology based on the use of maritime space and target selection.

- a. Where the ocean is just a medium for terrorist attacks on land-based targets: An instance is the Mumbai bombings on 26 November 2008, when ten terrorists landed on the city shores using speedboats and carried away a series of organized approaches on ground targets.
- b. Diversion of naval ships and hostage-taking by terrorists: one of the most widely used maritime terror tactics in conflict-prone areas. Examples include the series of hijackings of Abu Sayyaf in the Sulu Sea, the subsequent hostage taking and their brutal handling.
- c. An attack in ports, installations and coastal installations: On June 2018, terrorists

attacked the Libyan oil ports of Ras Lanuf and Es Sider, setting at least one storage tank on fire, following which the installations were closed and emptied.

- d. Terrorist Attacks on Civilian Vessels and Warships: On October 12, 2000, two Al-Qaeda suicide bombers hit an explosive canoe on the USS Cole, killing 17 US soldiers. Two long time later in October 2002, a terrorist strike on the French oil tanker, M/V Limburg killed 16 people and wounded dozens others, also causing an environmental catastrophe with a massive crude oil fall into the Gulf of Aden.

D. Piracy-Terrorism Nexus

However, the link between piracy and terrorism creates a theoretical and legal problem with regard to the legalized conceptualisation of maritime terrorism described above. This link implies maritime terrorist acts in which the tactics, immediate motives and long-term motives of maritime terrorists are ill-matched, showing piratic characteristics compared to terrorists only. These numbers include the co-optation of pirates by maritime terrorists to perform acts like hijacking and delivering a tanker to maritime terrorists for use as an attack delivery system, meaning the pirates would have indirectly assisted maritime terrorist activities invites. Other acts include maritime terrorists using piracy to extort and generate funds for their political cause. Those two actions are, from a tactical point of view, piratic, but from a strategic point of view, of a terrorist nature. Some maritime security analysts, like Peter Chalk, argue that this type of cooperation between pirates and maritime terrorists is implausible on a significant degree due to their differing incentives and motives. Others, such as Graham Gerard Ong, suggest that hackers and maritime terrorists are remarkably similar because of their transnational nature, similar tactics and weaponry, and similar levels of extreme violence that accompany them. This legal fuzziness and definitional ambiguity surrounding the legal classification of these illegal activities for prosecution has led to the conception that piracy and maritime terrorism exist on a continuum between each other. The Terrorism Financing Convention partially resolves this legal conundrum posed by the piracy-terrorism nexus for, by intentionally partaking in funding activities for illegal acts under numerous international treaties, including the SUA conventions, one can be pursued under the

Terrorism Financing Convention. As the treaty punishes and allows for intentional collaboration with maritime terrorism actors, and makes explicit mention of terrorism in its title, the treaty effectively punishes offenders as accomplices of maritime terrorists.

E. Maritime Terrorist tactics

In academia, it has been noted that marine terrorists use a range of tactics to carry out their attacks. There has also been speculation on the future evolution of marine terrorist tactics. Martin N. Murphy identifies several means and tactics that maritime terrorists have historically and currently employed, including improvised explosive devices and naval mines. In Southeast Asian countries, this includes:

-Kamikaze divers or “human torpedoes”: Several attacks on this variant have been attempted in South East Asia. Al-Qaeda planned to use kamikaze divers aboard U.S. Navy vessels moored in Indonesian ports in 2002. In 2005, an ASG operative by the name Gamal Baharan stated that he had moved to a Palawan Island ASG training camp in readiness for an underwater suicide bombing attack that was in the process of being planned by Jemaah Islamiyah. Attacks using a suicide bomber diver or an explosive-laden swimmer delivery vehicle could be employed to attack several different cases of maritime objects, including warships, naval bases, underwater oil pipelines or underwater telecommunication cables.

-Submarines as vehicles of terrorist transportation: There have been two famous examples of terrorist either obtaining or seeking to obtain these capabilities: The first took place in 1999, when the Moro Islamic Liberation Front in the southern Philippines inquired about the possibility of buying a North Korean mini-submarines. The second was in 2000, when the Tamil Tigers were exposed in the construction process for a submarine and three mini-submarines in Phuket, Thailand.

Ms. Murphy also noted the possibility of a rarer and unprecedented use of marine terrorist tactics used at sea in the future. These include: -Running an oil tanker aground or sabotaging it in a similar way to the M/V Limburg in 2002 to cause intense oil pollution through the leakage, subsequently closing ports or blocking critical choke points, like the Malacca Straits. This would cause regional and global economic losses that would undermine the stability of the countries of Southeast Asia and the international trading system.

-Aerial attacks against vessels, such as the use of small aircraft loaded with explosives to force and attack the vessel. Murphy, however, judged the chances of such an attack to be extremely improbable.

Assumptions were also made as to whether ships could be used as a delivery system for weapons and power devices. Donna Nincic creates a typology for this type of attack between attacks from capacity, where maritime terrorists could use a vessel to deliver a traditional chemical, biological, radiological or nuclear device, and attacks from opportunity, whereby maritime terrorists hijack a vessel carrying dangerous maritime cargo (DMCs) such as LNG, LPG or ammonium nitrate and subsequently weaponise the cargo. Still, Murphy casts doubt on the potential for maritime terrorists to use vessels as a delivery system for WMDs or ‘dirty bombs’, which he judges as incredibly improbable due to the trouble in gathering such a gimmick and the high risk of mishap in transporting the weapon to its mark. Murphy also speculates upon the potential for massive casualty attacks committed using DMCs in a heavy inhabited area, merely intimates that such an approach would be logistically difficult to perpetrate, potentially ineffective and highly detectable to security helps.

F. Maritime Terrorism and The United States

The horrific events of 9/11 deeply affected the lives of all Americans. In order to prevent future terrorist attacks on the United States, we must learn from the events of that day and the circumstances that contributed to these events. The safety of the American people must be protected (9/11, 1). The Commission's report on the events of September 11 mentions that ports and shipping industries may be particularly vulnerable to future terrorist attacks. The introduction of a dirty bomb or other large quantities of explosives into one of our harbours could have a significant impact. This would not only be catastrophic to the safety of the masses, particularly those living in coastal areas nearby, but it could also effectively block the worldwide transfer of commodities and materials (9/11, 1). One way the United States can protect itself is to enhance the Coast Guard's capacity to prevent future attacks. The Coast Guard has been and is the primary organization responsible for protecting our country's coasts (11/9, 1). They identified maritime domain knowledge as a key objective (9/11, 2). The 9111 Commission report called for system-wide improvement in the national intelligence community

so that we may amend the quantity and quality and the integration of the data that is being gathered. We need to focus our energy and resources on expanding our intelligence capabilities on the high seas and at overseas harbours. We also need to be able to verify the lists of ports that vessels approaching the United States have used in the past. We need to enhance our ability to identify individuals or groups who control the interests in ships and goods and to track the long-range movement of those ships. Improving the collection and dissemination of maritime intelligence data is essential if the Coast Guard is to succeed in securing United States ports (9111.2). We have made some improvements in the last little while. For example, the Marine Transport Security Act provides for the boarding and inspection of thousands of foreign and Canadian vessels. It has also enhanced the security of American ports. Security needs are continually being identified, and we still need to refine and continue to look for new ways to meet these new needs (11/9, 2).

Eighty per cent of the drugs sent by Colombian water to the United States enter our safety and reach our shores. If it is not hard for drug runners to bring their drugs into the United States, it would not be hard for somebody to smuggle a weapon of mass destruction into the U.S. Less than four percent of the containers that enter the United States each year are fully scrutinized. In addition, terrorist organisations used suicide bombers to attack civilian and military maritime platforms with small ships that explode on impact. It was al-Qaeda's method of attacking the U.S.S. Cole in October 2000 and Limburgh in October 2002. Other terrorist groups used the method during the 25 April 2004 attack on the Basra oil terminal in Iraq. These tactics could also be employed against cruise ships, offshore oil installations, chemical tankers and other vessels. The LOOP oil terminal offshore Louisiana is highly vulnerable. This oil terminal handles 25 percent of our imported oil, and a small boat with explosives could attack the facility and severely cripple our economy (9111, 3) the world organization is characterised by free flowing international trade in a globalized economy. The system has changed over the years to be the most open it can be. The hope was that this system of painless commerce would lead to enormous growth. This system is dependent upon large fleets of ocean-going vessels and the reduction of commercial barriers. This was a scheme that was forever changed on September 11, 2001, as governments around the globe raced to take in how susceptible

they were two attempts by organized terrorist groups that were not hesitant to sacrifice thousands of animations to further their case. The primary focus was on the air transport industry, but the focus was on the marine sector. "Counter-terrorism efforts are compounded by a global trend towards deregulation, open borders and expanded trade (Perl 5)." In this part of my dissertation, I will explore how globalization has not only made it possible, but also easier for international terrorist organizations to run together from areas around the globe to work the process of openness and global trade. I will review the Southeast Asia case study in this section to prove it and examine how globalization has affected marine terrorism in Southeast Asia.

II. REAERCH METHODOLOGY

The research methodology was based on qualitative methodology and used secondary data. Secondary data were collected by means of a literature review and reference sources such as legislation, international treaties, academic literature, newspaper articles and sources. The quality research methodology was used primarily for this research. Historical reports and sources were also used. Sources of maritime law and international law were used. There was a dual analysis of maritime defense theories as well as international maritime law.

III. FINDING AND DISCUSSION

A. *Maritime terrorism in Southeast Asia*

Maritime terrorism is seen as a critical threat to maritime safety in Southeast Asia. As noted in the 2001 ASEAN Declaration on Joint Action to Counter Terrorism: the 'ASEAN heads of states view acts of terrorism in all its phases and manifestations, committed wherever, whenever and by whomsoever, as a heavy threat to international peace and security which require concerted action to protect and defend all peoples and the peace and security of the world'. In ordination to come up to this, the ARF member States committed to extend existing activities, including joint coordinated patrols, intelligence and information interchange, and workouts to combat piracy, armed robbery against ships at sea and other transnational crimes (including terrorism). Terrorism refers to a group of people associated with a particular organization engaged in criminal activities to achieve their political ambitions. This is violence (or threat of

violence) intentionally directed at civilians in order to create a climate of fear and intimidation.

In order to exert political pressure, terrorists often target their attacks to obtain as much publicity as possible, generally claiming the merit of what they have done. Terrorists also seek to create lasting harm by their actions. This price can be psychological, in the sense of cultivating an aura of fear and panic, or it may assume the form of physical acts causing damage or destruction, the aim being that the relevant authorities may grant (or partially concede) to the terrorists' demands. This chapter looks at international and regional frameworks for marine terrorism. In order to understand the extent of the problem in Southeast Asia, as well as the measures taken to combat terrorism, this chapter will explore:

- (i) maritime terrorist activity as a security threat;
- (ii) type of maritime terrorist threats in South East Asia; and
- (iii) international legal framework for marine terrorism; and
- (iv) The regional legal framework for the fight against marine terrorism; and.
- (v) What are the gaps in international and regional frameworks?

Current frameworks, both internationally and regionally, fail to combat maritime terrorism in South East Asia. Furthermore, given its transnational nature, maritime terrorism cannot be fought by unilateral state action. In fact, regional cooperation involving all Southeast Asian states is needed to eradicate maritime terrorism in the region.

B. Marine terrorism is a threat to marine security.

Maritime terror is generally recognized as a threat to maritime security. The terrorists operate in the maritime zones and target naval and civil vessels. There is suspicion of a link between piracy and maritime terrorism with respect to numerous maritime attacks in South-East Asia. Although the modus operandi of both acts is fairly similar, the distinction resides in the motive of the attack in question. As I said earlier, maritime terrorism is politically motivated, while piracy is mostly for private ends. Maritime terrorists need the specialized knowledge and skills that pirates tend to have to conduct their attacks. Nevertheless, such skills may not be sufficient where the intention is to stage a major terrorist attack, and therefore

terrorists are also suspected of having ties with former naval personnel and commercial seafarers in Southeast Asia. In addition, pirates in the region are believed to have received assistance from other actors when they diverted maritime assets (including cargo) and then sold them to other parties. Indeed, it would be almost impossible for pirates to over-sell misappropriated assets without full planning and connections with other criminal unions.

It is important to note the different hacking patterns. One of the reasons behind the hacking is to get a financial advantage. Indeed, this view was emphasised at the 2004 Maritime Security in the Asia Pacific (MSAP) Conference, which identified that the most pressing subjects in the region was the need to fight pirates, not terrorists. This is because pirates are now thoroughly trained and are usually armed with grenades, automatic weapons and anti-tank missiles. In addition, they tend to be equipped with GPS systems and satellite phones. Given that the primary sources of funding for terrorist groups are increasingly frozen by the international community, terrorists can turn to piracy to support their activities. Moreover, as both terrorists and pirates have operated in the same areas for prolonged periods of time, such as in the Sulu Sea and the Arabian Sea, it is not hard for them to play together and mutually confirm each other's actions. During the 1990s, terrorism was not considered a major threat to international marine safety. As a result, unlike other threats to maritime security, such as piracy and armed robbery at sea, maritime terrorism was not governed by any single international instrument.

Several more incidents of maritime terrorism have occurred since then. For example, on May 4, 1991, a marine terrorism incident took place against *Abheeta*, a Sri Lankan navy ship. The Liberation Tigers of Tamil Eelam (LTTE) claimed responsibility for the attack that took place north of Sri Lanka's Kankesanthurai port. A similar terrorist attack was carried out in October 2000 against the *USS Cole*, this time off the shores of Yemen. During this incident, the United States Navy guided missile destroyer *USS Cole* (DDG-67) was attacked by al-Qaeda while refueled in Aden Harbor. Despite these attacks, historical evidence shows that maritime terrorism is not a common form of terrorism. Terrorists are more likely to target areas that make planning easier and will lead to more victims. That includes the aviation industry and ground targets. In addition, in order to carry out marine terrorist activities, terrorists need

certain equipment, such as ships and weapons, as well as specific skills, such as boarding techniques and knowledge of ship operations. As a result, terrorists who choose to carry out illegal activities in the maritime domain most often have naval jurisdiction and usually come from coastal states.

However, after the 9/11 attacks, terrorist groups widened their attention from the aviation sector and land-based targets to include the maritime arena, targeting container traffic, port infrastructure and the transportation industry. This transformation is due to the fact that the international community has gone to big lengths to halt the tide of terrorist attacks in the sky and on solid ground, whereas the maritime sector had been left largely unprotected and is therefore vulnerable to assault. This shift toward marine targets was detected by the terrorists themselves. Following their arrest in 2001, members of the militant group Jemaah Islamiah stated that they intended to attack U.S.-owned ships and naval facilities. In early 2002, terrorists planned to attack a U.S. warship in the Indian Ocean by hijacking a civilian plane and crushing it into the warship. Although Moroccan authorities foiled a terrorist plot to attack merchant ships in Strait of Gibraltar in mid-2002, a ferry, the Super Ferry 14, was bombed by terrorists in Manila Bay in the Philippines in February 2004.

C. Types of Sea Terrorism Threats in South East Asia.

Terrorist attacks in the maritime domain are very worrisome because of their potential flow on trade effects. Indeed, the maritime sector is vulnerable to terrorist attacks, as the international community has focused heavily on the development of packages of safeguards against land-based terrorism. We can see maritime terrorism in recent attacks on naval assets. Arguably, terrorists have been able to cope with the operational constraints of the marine sector by working with other criminal groups involved in crimes committed at sea. In any event, maritime terrorism differs from other marine crimes. Terrorists are motivated by their political objectives, not by a financial profit. Maritime terrorism has direct or strategic political goals. Terrorists are prepared to learn from past mission failures and may have the patience to wait until they have broadened their capabilities to ensure a higher probability of mission success. Other crimes at sea, like piracy, for example, are carried out for profit. Hackers are looking for the best return on their investment, and are prepared to shift their focus to

opportunity targets that offer the highest probability of success. Southeast Asia is famous for its waterways, which are very important for international trade. Straits such as the Strait of Malacca, the Strait of Singapore, the Strait of Sunda and the Strait of Lombok are among these important straits found in South-East Asia. Thus, from a geographical perspective, any disturbance of these waterways would have serious implications for recent relevant maritime attacks. These waterways are positioned between the islands of Southeast Asian States, which are inhabited by people who do not have ideal economic, societal or political conditions. Furthermore, the region is renowned for its shallow reefs, small islands and narrow channels. It creates an unstable environment ideal for the commission of maritime crimes such as piracy and terrorism.

The bottlenecks, which occur in different parts of the narrow channels, offer a perfect opportunity for terrorists to commit illegal acts. The Strait of Malacca links the Indian Ocean to the Southern China Sea and the Pacific Ocean. The 1,000-kilometre-long strait is one of the busiest shipping lanes in the world, and approximately 50% of the world's large vessels pass through it every year. We have container ships, bulk carriers and tankers. Moreover, it is only through the Strait of Malacca that approximately 50% of Asia's oil supply is shipped. The Singapore Strait also has narrow points that make it ideal for those who commit crimes at sea. The narrowest portion of Phillips Channel in the Singapore Strait is only 1.5 miles wide. A planned attack against American ships in the area by members of the Jemaah Islamiah was discovered by the Singaporean authorities and the persons involved were apprehended. The terrorists' strategy was to bomb American ships moving eastward from the Sembawang dock by means of a small suicide ship. Because of the narrowness of the channel, the possibility of the American ship escaping the suicide ship would have been small. Therefore, ramming a suicide vessel into a targeted ship (in a standardized manner to the approaches on the USS Cole and the Limburg) could be a potential tactic used by terrorists. The incident involving Limburg occurred in October 2002 in the Gulf of Aden, where an explosive-laden dinghy bumped into the side of the vessel, is an exemplar of this style of terrorist attempt. The Limburg, which was transporting more than 390,000 drums of crude oil caught fire and approximately 90,000 barrels of oil leaked into the ocean and caused pollution to the maritime

environment. One crew member was killed, while 12 others were wounded. Another tactic which terrorists could use to disrupt the flow of world trade would be to place huge ships at checkpoints, thus causing container and other ships to discover alternative routes and undoubtedly increasing transport costs for manufacture.

The Organisation for Economic Co-operation and Development (OECD) published a report in 2003 that addressed the risks posed by terrorist organizations to the international commercial maritime transport system. The report drew attention to the economic impact of terrorist attacks on maritime transport. Some of the risk factors identified by the OECD that are relevant in Southeast Asia include risks to ships, financing and logistical support, and risks to persons. The motives of terrorists to attack ships include holding the crew hostage for ransom, hijacking their cargo, or sinking the ship. In order to support the terrorist activities of their related groups, the main terrorist groups are able to provide financial and logistical support through marine transport. Moreover, the participation of a large number of seamen in the international trade of commercial vessels makes them vulnerable as victims of terrorist attacks directed against ships.

Marine terrorism threatens South East Asian trade. The ports serve as hubs for the transportation of logistics from one area to the next. These logistical items are normally stored in containers and transported to the destination ports. Containerization has changed the delivery of logistics from the traditional port to the port approach to a modern door-to-door delivery service. As a result, the goods may reach their final destination without ever being opened during the shipment process. While each port has some level of capacity, the busiest ports are those that can provide complete logistical networks and accommodate large container vessels. In fact, there are only several ports that are large enough to handle the high volume of containers required for world marine trade. Aside from their capacity, these megaports must be located in areas or along shipping lanes with a high density of vessels. To exemplify the importance of ports to sea trade, one estimate has been established that if the Port of Singapore were to close, the toll on the global economic system would exceed \$200 billion per year. Another important example is the closure of U.S. west coast harbours in 2002. This closing resulted in losses of about \$1 billion per day.

Given the importance of ports (and especially megaports) to the global economy, it is easy to understand why terrorists would choose to focus on them. Terrorists are able to make bombs from liquefied petroleum gas (LPG), first by diverting LPG carriers, then by detonating them in order to disrupt port operations. Because of this kind of attack, not only would the harbour facilities be damaged or destroyed, but the real risk of loss of life exists. A 1,200-metre-wide fireball could well be generated by the explosion of a tanker transporting 600 tonnes of LPG.

The laying of bombs in ports may also be done by smuggling containers carrying logistics. Maritime terrorists don't just target the ports; they attack the ships. In order to reduce the risk of attack, shipowners or captains would be able to choose other routes that are less likely to be targeted by terrorists. However, this will likely result in higher transportation costs for businesses, which will then have to be passed on to consumers. There are significant maritime capabilities for terrorist organizations in Southeast Asia. Organizations such as the Abu Sayyaf group, Laskar Jihad, Jemaah the Kumpulan Militan Malaysia, Al-Qaeda and the Moro Islamic Liberation Front have all reportedly carried out naval attacks since 2000. Marine areas are also used by terrorists to ship weapons back and forth.

D. South East Asian terrorist groups.

There are a number of terrorist groups in the region that have maritime capabilities, so they are well positioned to carry out terrorist attacks against maritime targets. These include the Abu Sayyaf Group (GSA), the Moro Islamic Liberation Front (MILF) in the Philippines, Jemaah Islamiah and Al-Qaida. One pioneer in Asian maritime terrorism was the LTTE. The militant group consisted of approximately 3,000 people and was equipped with more than 100 surface and submarine vehicles. In addition, the LTTE had a maritime division specializing in the development of maritime engineering and boat building capabilities, as well as underwater demolition teams. Although the LTTE operated only in Sri Lanka, it was known to share information on maritime techniques and tactics with other terrorist groups, such as the MILF and the ASG. Even though not all terrorist groups in Southeast Asia are in a position to commit acts of maritime terrorism, each group has its own agenda and individual capacity to commit maritime crimes. Among the groups that are well positioned to

conduct maritime terrorist attacks are ASG, MILF, GAM, JI and Al-Qaeda.

E. The Abu Sayyaf Group.

Abu Sayyaf is a small violent and feverish Muslim group which operates in the western fringes of the large island of Mindanao and on the Sulu Islands which extend from Mindanao. He has murder and abduction records and links to al-Qaeda. Abou Sayyaf abducted three US nationals in May 2001. One of them was beheaded in June 2001. The kin of the other two, a missionary couple, the Burnhams, has revealed that in March 2002 they made a ransom payment of \$300,000 to Abu Sayyaf, but the pair was not resigned, presumably because the payment was mistakenly handed over to a rival Abu Sayyaf faction. Payment would have been facilitated by representatives from the United States and the Philippines, including the Federal Investigation Office²⁴. In June, the Philippine army rangers met with the Abu Sayyaf groups that owned the Burnham. In the follow-up shock, Mr. Burnham, along with one Filipino hostage, were killed. Burnham got bailed out.

Terrorist attacks in Mindanao increased in the latter part of 2002 and in 2003. The attacks were initially perpetrated by Abu Sayyaf, until February and March 2003, when AFP accused the Moro Islamic Liberation Front (MILF) of major bombings.

Table: 01 Major terrorist attacks in South-Eastern Asia.

Terrorist Group	Attack	Year	Maritime Attack
Abu Sayyaf	Attack against the MV Doulo. There were over five fatalities and 32 injuries as a result of this incident.	August 1991	Yes
Abu Sayyaf	Made a raid on the Christian city of Ipil,	April 1995	No

	south of the Philippines, killing more than 50 people after stealing banks and shops and burning down the city center.		
Abu Sayyaf	Gunmen seized 21 people, including Western tourists, from a Malaysian resort and got them to their Philippine stronghold in Jolo Island; most are resigned in exchange for millions of dollars in ransom reportedly paid by Libya.	April 2000	No
	Americans and other tourists are snatched from the DOS Palmas resort in the southwestern Philippine	May 2001	No

	province of Palawan, starting a year long kidnapping saga that left several hostages dead, including Americans Guillermo Sobero and Martin Burnham.				ga, killing four people, including an American green beret. Another four attacks in a month, killing 16 people.		
					A suicide bomber attacks the J. W. Marriott Resort in Jakarta, killing 11 people.	August 2003	No
	33 Christian residents of the village of Balobo in the southern Filipino island of Basilan are held hostage and 10 are beheaded.	August 2001	No				
				Abu Sayyaf	A bomb on a Superferry 14 passenger in Manila Bay kills 116 in Philippines' worst terrorist attack.	February 2004	Yes
Al-Qaida helped fund the attacks	The triple bombardment on Bali, Indonesia, killed 202 people, mainly foreign tourists, including 88 Australians.	October 2002	No		Three crewmen of a Malaysian tugboat are abducted off Malaysia's Sabah state; they are believed to have either died of illness or killed by their captors	April 2004	Yes
Abu Sayyaf	A nail bomb detonates in the southern Philippine town of Zamboan	October 2002	No		A suicide bomber exploded a ton of explosive	September 2004	No

	s wrapped in a delivery truck outside the Australian embassy in Jakarta, killing 11 people and wounding 200.				Red Cross of Switzerland, Italy and the United States. Philippines. They are released individually, after the payment of the ransom.		
	Almost simultaneous shelling in Manila and two southern towns kill. Eight and over a thousand wounded.	February 2005	No		Filipino militants abduct an American, his adolescent son and his Filipino cousin. She was released two months later and the young man escaped in December.	July 2011	No
Abu Sayyaf	Triple suicide bombers kill 20 of them in diner attacks in Bali.	October 2005	No				
Abu Sayyaf	Attack on a Donald Ramona ferry. It killed two people and wounded over 20 others.	August 2005	Yes				
	Armed men on Jolo abduct three aid workers of the International Committee of the	January 2009	No		Armed men grab two tourists, one Dutch and one Swiss, in Tawi-Tawi province in the southern Philippines.	February 2012	No

Source: Major attacks in the Philippines, Indonesia and Malaysia attributed to the al Qaeda linked Abu Sayyaf group and their allies from the regional terrorist network Jemaah Islamiyah, see a look at

major terror attacks in Southeast Asia, <http://newsinfo.inquirer.net/139063/a-look-at-major-terrorattacks-in-southeast-asia> at 21 October 2015 and see Peter Chalk, Angel Rabasa and William Rosenau, The evolving terrorist threat to Southeast Asia: A net assessment (Rand Corporation, 2009),99.

Terrorist groups based in South-East Asia have a longstanding predisposition to use the seas as a vector of attack. As shown in Table 1, between 2014 and 2018, there were close to 200 actual attacks and attempts on vessels in the coasts. The bulk of the attacks were carried out by the Abu Sayyaf (ASG) group, a radical Islamist organisation based in the Philippines. The same terrorist organization attacked Superferry14 off the coast of the Philippines in 2004, killing 110 passengers and crew members. Since 2015, the ASG has existed at the intersection of crime and panic, carrying out armed robberies at sea, but also violent hostage taking and executions, revealing tactics inspired by the IS and Al Qaeda. As can be seen from Table 2, the actual number of attacks in the waters off Indonesia remains considerable. Many of them were allegedly carried out by Abu Sayyaf and Jemaah Islamiyah, another fundamentalist organization closely related to IS.

Table 1: Actual and attempted attacks against maritime transport in South Asia and Southeast Asia (2014-2018)

Location	2014	2015	2016	2017	2018
Indonesia	47	54	24	19	25
Malacca Strait	1	3	-	-	-
Malaysia	9	11	4	3	3
Philippines	2	4	3	13	3
Thailand	1	-	-	-	-
Singapore Strait	6	6	-	1	-
China	-	5	1	2-	
Bangladesh	10	11	2	5	7
India	4	4	13	1	2

Source: ICC-IMB Piracy and Armed Robbery against Ships Report (01 January to 30 June 2018)

Table 2: Actual and attempted attacks against navigation in South East Asia (January to June 2018)

Location	Actual attacks		Attempted attacks	
	Boarded	Hijacked	Attempted	Fired Upon
Indonesia	19	-	6	-
Malaysia	1	-	1	-
Philippines	1	-	1	1
China	-	-	2	-
Vietnam	2	-	-	-

Source: ICC-IMB Piracy and Armed Robbery against Ships Report (01 January to 30 June 2018)

In 2016, mounting pressure from the Philippines combined with renewed international interest in fighting global piracy, restricted ASG's freedom of motion along the Sulu archipelago, limiting its ability to conduct onshore kidnappings. In response, the group moved operations further offshore, carrying out seafarer abductions while the ships were en route. They first targeted smaller vessels, but quickly began to attack larger vessels, threatening international and regional traffic. After Philippine armed forces clashed with ASG and IS militants in Marawi city in June 2017, Indonesia, Malaysia and the Philippines set up joint operations to oppose terrorism and transnational crimes in the Sulu Sea.

Even thus, action against the Abu Sayyaf challenge in the Sulu-Celebes Sea has been hard to coordinate first, the militant group's main area of bodily process is the Philippine seas, where Manila is less than eager to grant admission to foreign maritime powers, resulting in a slowdown of security operations. Second, the presence of extra-regional forces in the disputed areas of the South China Sea (including the Chinese Navy, PLAN) made the South-East Asian states afraid to expand their cooperation. Manila was particularly cautious, fearing that larger and more capable naval forces would overshadow the Philippine Navy and Coast Guard in its own hinterland. The ASG exploited the situation, widening regional networks, buying arms and

munitions on the black market, even using ransom money to buy local officials. Executives sought to replicate the brutal tactics of IS in South East Asia, with violent kidnappings and a series of suicide bombings, revealing a vicious side of his ideology.

F. Terrorist Centre of Gravity in South-East Asia.

The Sulu-Célèbes Sea is known for their hostage-taking tactics (KFR). The GSA started using KFR after the death of its leader Abdurajak Janjalani in 1998, which severed the financial link between the GSA and Al-Qaeda. Besides KFR tactics, the ASG has exploited their asymmetric maritime capabilities to check the flow of terrorist militants, logistics, and finances. Thus, while ASG still carries out illegal activities on land, they can also rely on maritime alternatives, such as the diversion of freighters to plunder and steal from the gang.

In South-East Asia, maritime terrorism by violent non-state actors takes place mainly in the Sulu and Célèbes seas, with the Abu Sayyaf Group (ASG) being considered the main group. Kontinentalist says it is an Islamist separatist organisation fighting for an independent Muslim state in the south of the Philippines. Also have to recognize that marine insecurity does not happen in a vacuum. To wit, in Southeast Asia, pirates and armed robbers live in an arena that is full of natural resources and a lot of it is in the gloomy depths of Asia's oceans and oceans. However, the economic development of that region has left millions of dollars on the sidelines. Instead of helping coastal communities prosper, coastal communities suffer from poverty and environmental degradation. Specifically, Asia is home to nearly 85% of the world's fishing and aquaculture population.

Figure number 01 SULU SEA – Piracy and Terrorism.



Source;

https://www.google.com/url?sa=i&url=https%3A%2F%2Fpraesidiumintl.com%2Fgeneral%2Fsulu-sea-piracyandterrorism%2F&psig=AOvVaw0oSARQAO_MV0a9rpCFDw24d&ust=1624030515337000&source=images&cd=vfe&ved=0CAoQjRxqFwoTCICZ7qn_nvECFQAAAAAdAAAAABA3

[rce=images&cd=vfe&ved=0CAoQjRxqFwoTCICZ7qn_nvECFQAAAAAdAAAAABA3](https://www.google.com/url?sa=i&url=https%3A%2F%2Fpraesidiumintl.com%2Fgeneral%2Fsulu-sea-piracyandterrorism%2F&psig=AOvVaw0oSARQAO_MV0a9rpCFDw24d&ust=1624030515337000&source=images&cd=vfe&ved=0CAoQjRxqFwoTCICZ7qn_nvECFQAAAAAdAAAAABA3).

The archipelago terrain has improved the GSA's ability to survive. Marine law enforcement has difficulty locating members of the GSA who jump on the island to avoid arrest. The ASG also used shallow waters and mangroves from the region to foil the authorities. In addition, they often carry out their removals and flights at sea in small vessels to avoid satellite detection and reduce visual exposure to air or naval patrols. The Sulu-Celebes Sea is also the doorway to terrorism in Mindanao. During the era of Al Qaeda (AQ) terrorism in the late 1990's - 2000's, its affiliate Jemaah Islamiyah (JI) had sent terrorists from Indonesia, Malaysia and Singapore to Mindanao to train. A lot of these were smuggled into Mindanao by the TBA. CA continues to be a significant threat now. A recent statement by Sabah Police Commissioner Hazani Ghazali in February 2021 stresses that Sabah remains a point of recruitment, transit and fund-raising for CA members. In fact, between 2014 and 2020, there were 83 people held in Sabah for suspected involvement in JI activities, of which 38 were locals, were Filipino and eight were Indonesian. Today, Mindanao is ISIS's primary battleground in Southeast Asia. Authorities reported that activists were smuggled through the Sulu Archipelago, the Sangihe Islands or Palawan to attend the Marawi siege in 2017. In the post-Marawi environment, the Sulu-Celebes Sea remains essential to the survival of terrorist groups in Mindanao. Foreign fighters worldwide continued to enter Mindanao to support ISIS-affiliated groups like Abu Sayyaf, Maute Group, Ansharul Khilafah Philippines and Bangsamoro Islamic Freedom Fighters. Their daughter, Risky Fantasya Rullie (also known as Cici), who also intended to become a suicide bomber, was detained in August 2020 on Jolo Island, along the Sulu Archipelago.

G. A dilemma of national sovereignty and counterterrorism.

The weaknesses of the ATT are often attributed to the lack of coordination capabilities required for joint patrols as a result of sovereignty claims in the region that affect the three countries. The Malaysian-Indonesian-Malaysian-Philippine dispute over the Ambalat and Sabah block can complicate the responsibilities of maritime patrols. Indonesia has deployed warships and air squadrons to carry out exercises near the Malaysian borders around the disputed Ambalat area. It was said that this exercise

was intended to improve the coordination of the Indonesian navy and aviation to protect their sovereignty. The Philippines has also re-launched its claims on Sabah even though no military action has been undertaken to date.

However, in addition to the territorial disputes among the three ATT Member States, they are also troubled by the maritime dispute in the South China Sea, north of the Sulu-Celebes Sea. Each year, a total of US\$3.37 trillion in trade and the percentage of LNG in the world crosses the South China Sea. China has claimed territorial sovereignty over the percent of the South China Sea on the basis of its 1947 nine-dash lines — an arbitrary line drawn by Chinese authorities on the basis of “historical rights.” This land claim straddles the exclusive economic areas (EEZs) of Brunei, Indonesia, Malaysia, the Philippines, Taiwan and Vietnam. The main territories disputed by the ATT Member States are the Natuna Islands, the North Borneo Seas, the West Palawan Seas and the Sabah Region. Asylum-seeking states have increasingly been militarizing their naval assets. Indonesia has relocated its headquarters from the Navy Combat Squad to the Natuna Islands 58, highlighting the priorities of the current administration. In October 2019, then Foreign Minister of Malaysia, Saifuddin Abdullah, shared his concerns on a major usurpation of his country’s maritime territory and indicated that Malaysia would need to upgrade their naval assets to bring off their territorial waters better. The Philippines is also in the process of building a para-military force at sea to counter China’s demands in the South China Sea. Of late, there has also been increased military collaborations between the United States and Philippines at the South China Seas after the Chinese navy encircled the Philippines naval assets at Philippines’ territorial waters. Given limited resources, states would likely prioritize national sovereignty over their initiatives to combat terrorism. For example, the arms race in the South China Sea could further limit the TBA’s resources. Despite their relative proximity, naval assets deployed to resist China’s naval expansion in the South China Sea cannot be crossed-deployed for counterterrorism or counterpiracy efforts in the TBA due to the assortment of terrain in these contested waters. The TBA also includes scattered deep-water and shallow mangrove regions. Hence, the blue (deep water and open ocean capabilities) or green water (littoral and nearshore capabilities) military assets deployed to safeguard their interests in the South China Sea by the three TCA countries

may not be capable to sail the waters of the Sulu-Celebes Sea.

IV. CONCLUSION

The political efforts and cooperation of ASEAN over the past decade have eliminated loopholes in the law that offered a safe haven for terrorists. Regional efforts and the whole-of-government approach to counter-terrorism have been effective in discouraging, detecting and disrupting terrorism.

Countering terrorism requires careful threat assessment and prioritization of mitigations. The main challenge is getting the merchant community ready for this task. Despite increased adherence to best management practices, the shipping community as a whole does not take maritime terrorism as seriously as it should be. In fact, many in the shipping industry view terrorism as an exaggerated threat; they are convinced that terrorists have not yet developed the capacity to target high-value platforms. The primary objective of their business-as-usual approach is to keep costs low and increase turnover, which will create greater opportunities for terrorists. It should be noted that the psychological dimension of terrorism remains critical in evaluating the strategy behind seemingly random attacks in coastal areas. Terrorists may commit violent attacks to target the minds of maritime security planners. Radical terrorist organizations understand that an attack at sea is a logistic challenge. Also have to recognize that marine insecurity does not happen in a vacuum. To wit, in Southeast Asia, pirates and armed robbers live in an arena that is full of natural resources and a lot of it is in the gloomy depths of Asia’s oceans and oceans.

Regional states need formal and effective means to investigate threats, identify vulnerabilities and engage stakeholders in counterterrorism processes. A strong law that empowers security agencies to act quickly and defend commercial and coastal military property is a precondition. Regional governments need to make stakeholders and security agencies accountable, with liability fixed in ways so that the associated costs of a terrorist incident are borne by the parties responsible for having neglected to forestall it. This analysis of existing definitions of maritime piracy and terrorism has identified four key gaps, which should be addressed in the next analysis framework. First, there is a lack of common understanding of the kinds of assaults that are subject to maritime violence. Tertiary, the broad definitions of piracy informing IMB and IMO statistics on maritime violence do not distinguish

between simple acts of robbery and the form of crimes this study is concerned with, namely major attacks threatening international cargo transportation and/or international security. The newly established framework should clearly delineate the core instruments of this study. Finally, the important intersections between the two phenomena of piracy and maritime terrorism will have to be specified and incorporated into a coherent analytical concept.

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