

Piracy & Sea Robbery

Conference 2010

In conjunction with:

SINGAPORE
maritimeweek
2010

29 April 2010 Singapore

Sharing Information,
Enhancing Security



Jointly Organised by:

ReCAAP
Information Sharing Centre



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Piracy & Sea Robbery

Conference 2010

Sharing Information, Enhancing Security

Conference Report

A conference jointly organised by:

- The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC)
- The Baltic and International Maritime Council (BIMCO)

29 April 2010
Singapore

About the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), and the ReCAAP Information Sharing Centre (ISC)

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is the first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery in Asia. The Agreement was finalised on 11 November 2004 and entered into force on 4 September 2006. To date, 16 States¹ have become Contracting Parties to the ReCAAP, and they are the People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Republic of India, Japan, the Republic of Korea, the Lao People's Democratic Republic, the Union of Myanmar, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand, and the Socialist Republic of Viet Nam. The ReCAAP Information Sharing Centre (ReCAAP ISC) was established under the Agreement, and officially launched in Singapore on 29 November 2006. The ReCAAP ISC was formally recognised as an International Organisation on 30 January 2007.

The roles of the ReCAAP ISC are to:

1. Serve as a platform for information exchange with the ReCAAP Focal Points via the Information Network System (IFN); facilitate communications and information exchange among participating governments to improve incident response by member countries; analyse and provide accurate statistics of the piracy and armed robbery incidents to foster better understanding of the situation in Asia;
2. Facilitate capacity building efforts that help improve the capability of member countries in combating piracy and armed robbery against ships in the region; and
3. Cooperate with organisations and like-minded parties on joint exercises, information sharing, capacity building programme, or other forms of cooperation, as appropriate, and agreed upon among the Contracting Parties.

The ReCAAP Agreement sets out obligations to be undertaken by the Contracting Parties to effect measures to combat piracy and armed robbery against ships in Asia. It also lays out a framework for cooperation among the Contracting Parties, with information sharing as its main pillar. Sharing of piracy and armed robbery information can help improve operational cooperation when responding to incidents as well as enable the development of more effective preventive measures.

The ReCAAP initiative is one of several measures to combat piracy and armed robbery against ships in Asia by regional governments. The ReCAAP ISC supports regional governments' efforts by providing an accurate picture of the piracy and armed robbery situation, sharing of best practices adopted by seafarers and ship owners/operators and promoting operational cooperation between member countries with their respective authorities and law enforcement agencies in improving responses to incidents.

¹ The Kingdom of the Netherlands is the 16th State to become a Contracting Party to the ReCAAP on 3 July 2010.

About BIMCO

BIMCO is an independent international shipping association, consisting of ship owners, managers, brokers, agents and many other stakeholders with vested interests in the shipping industry. The association acts on behalf of its global membership to promote higher standards and greater harmony in regulatory matters. It is a catalyst for the development and promotion of fair and equitable international shipping policy. BIMCO is accredited as a Non-Governmental Organisation (NGO), holds observer status with a number of United Nations organisations and is in close dialogue with maritime administrations, regulatory institutions and other stakeholders within the EU, the USA and Asia. The association provides one of the most comprehensive sources of practical shipping information and a broad range of advisory and consulting services to its members.

Contents

1 Executive Summary

3 Opening Remarks

4 Keynote Address

Session One

Overview and Perspective of Piracy and Armed Robbery Against Ships

6 Trends on Piracy and Armed Robbery Against Ships in Asia

8 International Efforts and Initiatives

9 Asian Shipowners' Perspective

10 Situation Update : Gulf of Aden / Indian Ocean

Session Two

Reality at Sea : Operational Challenges and Experiences

12 Operational Challenges in Securing Safety of Vessels in the Gulf of Aden and the Western Indian Ocean

14 Case Study : Effective Preventive Measures

15 162 Days of Captivity : A Ship Master's Perspective

17 Question & Answer Session

19 Closing Remarks

20 Programme

Lists

21 List of Moderator and Speakers

22 List of Participants

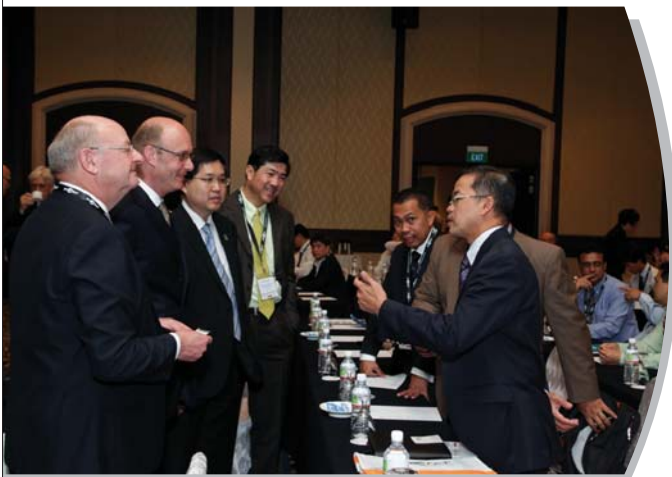
Contacts

31 Contact Details of ReCAAP Focal Points and ReCAAP Contact Point

This report summarises the proceedings of the conference as interpreted by the assigned rapporteurs, and the editors of the report. Participants neither reviewed nor approved this report.

This conference adheres to a variation of the Chatham House Rule. Accordingly, beyond the speakers and paper presenters cited, no other attributions have been included in this report.

Executive Summary



The Piracy and Sea Robbery Conference 2010 was held on 29 April 2010. The presentations were mainly to give an overview of the various perspectives and responses towards piracy and armed robbery against ships. This year's event was significant as it was held against the backdrop of increasing reports of piracy against merchant shipping in the Gulf of Aden and the Western Indian Ocean. The conference was jointly organised by the ReCAAP Information Sharing Centre (ReCAAP ISC) and BIMCO and participated by representatives of various international, regional and national shipping associations, maritime organisations, and individual ship owners and operators.

The conference had two sessions. The first session gave an overview of the rising instances of piracy across the globe, various international conventions and efforts initiated to deal with it, and the limitations inherent in some existing conventions.

The second session deliberated on the operational challenges confronting ship owners when their ships transit the Gulf of Aden and the Western Indian Ocean; and the preventive measures put in place to combat piracy attacks. The presenters shared the logistical and operational challenges when securing a vessel's safety and when making approaches to the Gulf of Aden. The session also highlighted the successes and achievements of the Combined Maritime Forces (CMF) in ensuring the safe transit of vessels.

More importantly, the continued presence of the naval forces was deemed as crucial in the campaign against piracy in the Gulf of Aden. That status quo, many maintained, has to remain until a stable, representative government could be found on land for Somalia. The session also discussed a number of effective preventive measures the shipping industry has thus far initiated. The session ended with a gripping recount of a ship master's 162 days of captivity at the hands of pirates off the coast of Somalia.



Amidst the backdrop of the recent escalation of piracy in the Gulf of Aden and the Western Indian Ocean, the region will continue to be a major concern for ship owners and families of seafarers. Conference participants were, nonetheless, unanimous in their belief that the ReCAAP model of information sharing is the most effective platform to combat piracy not only in Asia but also in the Gulf of Aden and the Western Indian Ocean.

The conference witnessed the signing of a Memorandum of Understanding (MoU) between the ReCAAP ISC and BIMCO. The MoU institutionalises and seeks to establish methods of cooperation and consultation between the ReCAAP ISC and BIMCO in the areas of information sharing, mutual support and capacity building. The MoU was signed by Mr Yoshihisa Endo, Executive Director of the ReCAAP ISC and Mr Torben Skaanild, Secretary General of BIMCO; and was witnessed by Mr Lam Yi Young, Governor (Singapore) on behalf of the ReCAAP ISC Governing Council and Mr Robert Lorenz-Meyer, President of BIMCO.



Opening Remarks

Mr Lam Yi Young, Governor (Singapore)
ReCAAP Information Sharing Centre (ReCAAP ISC) Governing Council



In his opening address, Mr Lam Yi Young the Governor (Singapore) of the ReCAAP ISC Governing Council welcomed all to the conference put together by the ReCAAP ISC, BIMCO and PETROSPOT. He conveyed the regrets of the Chairperson of the ReCAAP ISC Governing Council, Dr Pomchai Danvivathana who was not able to deliver the opening address at the conference as he needed to attend to another engagement.

Noting the improvement in the piracy situation and armed robbery against ships in Asia over the last three and the half years, Mr Lam alluded it to the growing significance of the ReCAAP ISC and its efforts and information exchange that

have proved pivotal for governments and industry to jointly tackle the menace. More importantly, the information platform has become a critical tool for enforcement agencies to share information of the situation and engage in more vigorous pursuit and apprehension of pirates and sea robbers.

This year's conference was significant as it came at a time of growing ties between the ReCAAP ISC with 'like-minded' organisations such as the IMO, the Republic of Singapore Navy's Maritime Security Task Force - Information Fusion Centre (MSTF-IFC), BIMCO, INTERPOL and individual ship owners and operators.

A case in point, according to Mr Lam was the recent recovery of tug boat *PU 2007*, which after being purportedly hijacked by pirates was escorted back to Singapore waters on 22 April 2010 by the Singapore Navy. The locating of *PU 2007* and its return to Singapore within three days after the alert made on 19 April 2010 was hailed by Mr Lam as a tribute to collaborative efforts by regional and interested parties who have a vested interest in the safe and unhindered passage of ships and other crafts in the region. The success in the recovery of the vessel was yet another reminder of the continued need to leverage on the ReCAAP information network, for concerted, timely and value-added information exchanges among stakeholders in the Asian shipping and maritime industry.

Mr Lam highlighted the signing of a Memorandum of Understanding (MoU) between the ReCAAP ISC and BIMCO, and hailed it as the ReCAAP ISC and BIMCO forging the step towards stronger collaborative ties. Mr Lam added that a similar MoU would also be concluded between the ReCAAP ISC and the Asian Shipowners' Forum (ASF) in the near future.

Keynote Address

Mr Robert Lorenz-Meyer, President
Baltic and International Maritime Council (BIMCO)



Mr Robert Lorenz-Meyer, President of BIMCO delivered the keynote address during the conference.

In his address Mr Lorenz-Meyer hailed the good relationship between BIMCO and the ReCAAP ISC since the inception of the ReCAAP almost four years ago. One such notable achievement was the publication of a pamphlet on measures on avoiding piracy and armed robbery against ships. Mr Meyer also highlighted the dangers of piracy which continues to pose untold hardships not just to ship owners, but also to the families of seafarers who suffer from the psychological trauma when their kith and kin were held in captivity.

BIMCO, he added, has contributed significantly to the work carried out at the IMO, including the revision of related IMO's guidance and participation in various IMO workshops and seminars held across the world.

While these dialogue sessions proved instrumental in reducing piracy in Southeast Asia where the littoral States have reaped the benefits of coordinated cooperation and mobilisation of resources that ultimately restored security for merchant ships transiting the Straits of Malacca and Singapore; the same, however, could not be said in the Horn of Africa or West Africa where conditions have progressively worsened. He suggested increased dialogue amongst all concerned parties as a way to formulate effective preventive measures for "creating a higher degree of confidence and a higher likelihood of success" in tackling the menace.

Mr Lorenz-Meyer identified that whilst several dialogue initiatives such as Shared Awareness and De-confliction (SHADE) Meetings and those with the Maritime Security Centre (Horn of Africa) MSCHOA have met with varying degrees of success, the underlying problem fuelling piracy, still lies within the shores of Somalia.

He called for a fresh approach in dealing with the piracy issue in the Gulf of Aden and East African region pivoting on the principle of “pursuit, arrest, prosecution and punishment of pirates”. A challenge to such an approach he said, is the small number of nations that have ratified the UNCLOS and SUA conventions and the lack of national legislation enabling enforcement agencies to arrest and prosecute pirates. He labelled the current policy of “catch and release” as otiose and proposed that the international community synergises their efforts in pursuing a policy of “catch and prosecute”.

Since piracy is related to poverty and any disruption to maritime shipping by piracy attacks is directly linked to the economy of States, Mr Meyer called upon the international community to effect ways to establish alternate livelihoods for [those] arguably forced into piracy, by providing them with better opportunities.

Anything short of addressing that aspect of the piracy problem, according to Meyer will only result in “economic hardships and a less stable world”.

Session One

Overview and Perspective of Piracy and Armed Robbery Against Ships

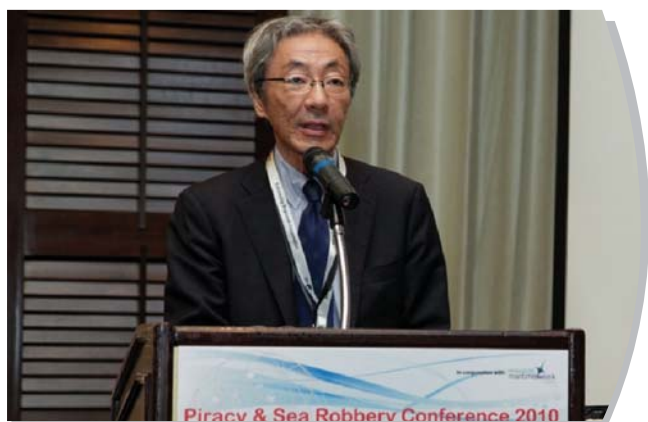
Trends on Piracy and Armed Robbery Against Ships in Asia

Introductory Remarks : Mr Yoshihisa Endo

Executive Director, ReCAAP Information Sharing Centre

Presentation : Ms Lee Yin Mui

Assistant Director (Research), ReCAAP Information Sharing Centre



The newly-appointed Executive Director of the ReCAAP ISC, Mr Yoshihisa Endo apprised the audience that there had been a 73% increase in the number of piracy and armed robbery incidents reported in Asia during January to March 2010 compared to the same period in 2009. Though he expressed optimism that the spike would be reversed, Mr Endo was concerned about the negative impact on seafarers and their families, further straining efforts to retain seafarer ranks across the world's fleets.

Mr Endo reiterated and identified the importance of enhanced cooperation in information sharing amongst all interested parties, including the IMO, maritime law enforcement agencies, shipping agencies and like-minded individuals as an effective means to counter the surge in incidents of piracy and armed

robbery against ships in Asia. Citing the case of tug boats, *Asta* and *PU 2007* that were recently hijacked, Mr Endo held up the recovery of these vessels and rescue of the crew as examples of the merits of enhanced cooperation in information sharing among the ReCAAP ISC, the ReCAAP Focal Points, the Malaysian authorities, the Indonesian authorities and the ship owners.

On the trends of piracy and armed robbery against ships in Asia, Ms Lee Yin Mui apprised the audience on the situation during the first quarter of 2010 compared to the same period of 2006- 2009. In her presentation, Ms Lee added that the increase were mostly Category 3 incidents, which were mainly petty theft incidents occurred at ports and anchorages. Of comfort was that there has been a drop in the number of Category 1 and Category 2 incidents.



Trends on Piracy and Armed Robbery Against Ships in Asia

Information sharing amongst concerned nations was again highlighted by Ms Lee as the recommended means in combating piracy and armed robbery against ships. The successful locating of the hijacked tug boats, *Asta* and *PU 2007* in February 2010 and April 2010 respectively was one such desired outcome resulting from institutionalised information sharing amongst concerned organisations.

In both incidents, the tug boats were found and the modus operandi involved was rather similar; namely; the crew were tied up, the comms/ tracker equipment onboard the tug boats were destroyed, both tug boats deviated from their scheduled course and moved towards the South China Sea, the barges in tow were detached and the tug boats were renamed and painted over.

Ms Lee reiterated the importance of information sharing declaring it as being instrumental in the recovery of the detached barges and locating of the tug boats. Amongst the contributing factors were the immediate reporting by ship owner/ship agent to Singapore's Port Operation Control Centre (POCC), which is also the ReCAAP Focal Point (Singapore) and the MSTF-IFC who provided valuable information to the ship owner/ship agent and the ReCAAP ISC. The ReCAAP ISC in turn alerted all ReCAAP Focal Points, the Malaysian authorities and the Indonesian authorities to be on lookout for the hijacked tug boats. Ms Lee disclosed that such

cooperation and information exchange amongst the ReCAAP ISC, the ReCAAP Focal Points in particular the Focal Points of Brunei and Philippines, MSTF-IFC, the Malaysian authorities, the Indonesian authorities, and the maritime community exemplifies good inter-agency coordination and ultimately led to the locating of the tug boats and rescue of its crew.

On reporting of incidents, Ms Lee again emphasised the confidence amongst the maritime community to share information with the ReCAAP Focal Points. Timely and effective flow of information from port authorities (first recipients of information) to the ReCAAP Focal Points to ensure timely reporting are made to the enforcement authorities so that immediate assistance can be rendered to the victim ship.

As for ship masters Ms Lee encouraged them to implement anti-piracy measures, exercise vigilance at all times especially during hours of darkness, to report all incidents to the nearest coastal States, and provide detailed description of the incident to facilitate investigation and follow-up actions by the authorities.

On the part of ship owners and ship operators they were advised to report all incidents immediately to the ReCAAP Focal Points, and provide ship masters' statements of the incident, photographs and detailed description of the pirates/robbers and boats used by them.

International Efforts and Initiatives

Prof Robert Beckman, Director
Centre for International Law and Associate Professor of Law
National University of Singapore (NUS)



Professor Robert Beckman, Director of the Centre for International Law and Associate Professor of Law, National University of Singapore (NUS), gave a presentation on current international efforts to combat piracy off the coast of Somalia and the Gulf of Aden. These efforts include actions taken by the International Maritime Organisation (IMO) and the United Nations Security Council (UNSC), bilateral agreements on jurisdiction over pirates, contact groups to deal with different aspects of piracy off the coast of Somalia, the Djibouti Code of Conduct and coordinated naval patrols.

Despite the existence of such a myriad of arrangements including those providing for judicial processes, piracy continues unabated. Professor Beckman pointed out that even bilateral agreements' with ship-rider clauses have proved ineffective².

Professor Beckman also stated that greater work and international efforts are needed to contain piracy off Somalia and the Gulf of Aden in view of the total breakdown in law and order in Somalia and lack of capacity to secure its waters.

²Under the ship-rider agreement, law enforcement officials from one nation is to assist other nations who take custody of pirates while waiting for eventual prosecution.

Noting that Somali piracy constitutes a serious threat to international peace and security, he called for transfer agreements and ship-rider agreements to be seriously considered by the relevant stakeholders.

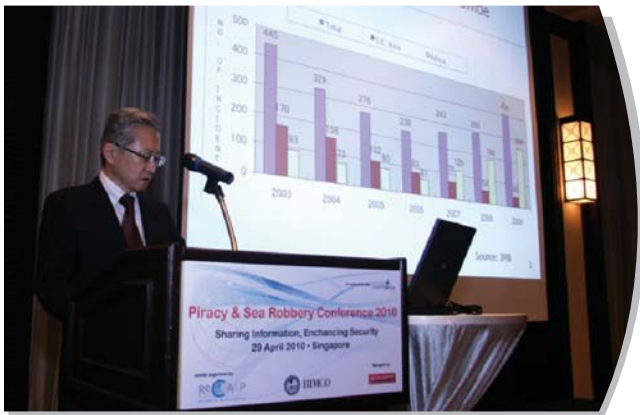
Professor Beckman also argued that while United Nations Convention on the Law of the Sea (UNCLOS) should always be the basic legal framework used to combat piracy, other international conventions can be used to suppress attacks against ships and crew. These conventions include the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), the 2000 United Nations Convention against Transnational Organized Crime (UNTOC), and the 1979 Convention Against the Taking of Hostages (Hostages Convention).

He also stated that there is a need for nations to use these international conventions and not treat the ongoing problem as simply being piracy-centric.

Professor Beckman concluded by saying that the problems in dealing with Somali piracy have demonstrated the need for international cooperation to deal with piracy and other maritime crimes such as hijacking of ships and holding of crew for ransom. He called on States in Asia to put measures into place now to enable them to deal with these threats. Such measures include the review of national laws on piracy and armed robbery to ensure that national courts have jurisdiction to prosecute alleged offenders, adoption of guidelines and standard operating procedures for the exercise of jurisdiction, conduct of investigation and prosecution of alleged offenders as well as ratification of SUA, UNTOC, and Hostages Convention.

Asian Shipowners' Perspective

Mr Yuichi Sonoda, Secretary-General
Asian Shipowners' Forum (ASF)



The ongoing efforts and measures taken by the littoral States in combating piracy and armed robbery against ships in Asia prompted Mr Yuichi Sonoda, Secretary-General of the Asian Shipowners' Forum (ASF) to urge greater participation by all uncommitted littoral States to join the ReCAAP initiative in the continued fight against piracy and sea robbery.

The ASF currently comprises eight member associations from the shipowner's associations of Asia Pacific region and 13 national ship owners associations, outlined Mr Sonoda. And they comprise some 50% of the world's cargo-carrying fleet and promote the interests of Asia's shipping community.

The increasing alacrity caused by the boldness of pirates and their use of rocket propelled grenades (RPG) and automatic machine guns are a worrying trend in the Gulf of Aden and off the coast of Somalia, declared Mr Sonoda. For situation in Asia, he urged the increase in surveillance across waters of the South China Sea and the bolstering of security at ports and anchorages.

Significantly, Mr Sonoda called for establishing a real-time alert system.

Mr Sonoda pointed out that the figures for 2009 were an astonishing 406 reported cases compared to the paltry 283 reported in 2008. And most of the attacks were significantly more sophisticated and daring, quipped Mr Sonoda. These included RPG attacks on the vessel bridges, attacks on a ship's radar mast and boring of a hole in a VLCC.

Mr Sonoda ended his address by urging the international community to help the African nations to set up a similar inter-governmental body like the ReCAAP ISC for the security of the Gulf of Aden and off the coast of Somalia.

Situation Update : Gulf of Aden / Indian Ocean

Mr Giles Noakes, Chief Maritime Security Officer
BIMCO



Mr. Giles Noakes's address revolved on the central theme of ransom payments and if they actually perpetuated the menace, by default. In the absence of viable counter-piracy solutions he called such payouts as 'pragmatic' - in a measure of Hobson's choice over what the current dilemma now presents - when taking a floor question. He added that "there is no alternative" to it (meaning as a response to countering piracy). He assailed a US's proposal asking ship owners not to pay ransom which was deemed as "illogical" saying it risks the lives of seafarers and loss of owners' investments and charterers' cargo.

Piracy however, continues to be abetted by the 'tyranny' of distance (more than 1 million square miles of ocean surface pirates operate in), lack of military assets and the changing patterns of piracy attacks. He added that desperate and highly motivated pirates are bound to attack slow-moving vessels that open their 'flanks' wide open and do not

take steps to re-route and avoid the treacherous areas around the Somali Basin. Mr Noakes cited the New Transit Corridor as an example of how vessels can avoid pirate-infested areas along with an exhortation that owners take preventive non-lethal steps such as rigging the hulls of their vessels with barbed wire. Though purely experimental now, Mr Noakes also called for a re-look at ship designs to thwart pirates from attacking vessels.

But he dismissed outright the suggestion of stationing of armed guards onboard vessels to ward off pirates in accordance with long-held industry preferences that such options are dangerous and replete with legal and commercial implications.

Yet according to Mr Noakes, there was no denying that the current policy of 'catching and releasing' pirates is self-defeating. New circumstances require new measures and a policy of 'catch and prosecute' is now the preferred option over the former, he declared. And the legal tools to implement such onerous undertakings must also be made available, underscored Mr Noakes.

The greatest impact of pirate activities, he correctly identified was the sufferings of the kith and kin of seafarers held in captivity apart from the financial impact it imposes on seafarers, charterers and port terminals.

Situation Update : Gulf of Aden / Indian Ocean

As a first up measure, Mr Noakes impressed his audience with the need to equip themselves with BIMCO's Automated Voyage Risk Assessment (AVRA) which in its essential form covers assessment of every known activity from smuggling to corruption, to terrorism and piracy at sea. The web-based tested tool simplifies and speeds up the risk analysis process with global coverage.

The tool, importantly, reduces losses and cuts costs by guarding against the financial impact of maritime crime and meets industry Best Management Practices for combating piracy off the coast of Somalia. And the same information, outlined Mr Noakes can also be given to underwriters.

Session Two

Reality at Sea : Operational Challenges and Experiences

Operational Challenges in Securing Safety of Vessels in the Gulf of Aden and the Western Indian Ocean

Captain Chris Chambers, Chief of Staff
Combined Maritime Forces



The address by Capt Chris Chambers, Chief of Staff of Combined Maritime Forces (CMF) was punctuated exclusively by the extent and benefits that can derive out of continued partnership programmes. The CMF is not just about countering piracy but serves as a vehicle for humanitarian relief and assistance in environmental disasters, Capt Chambers added.

The CMF's 24 coalition partners also provide forces (ships and aircraft), command and administrative support in its overall pursuit of combating piracy and extremist-linked terrorism. The CMF cited its international force participation in the coalition, the shipping industry's awareness of threat, adoption of self-defence best practices and a 'legal finish' for pirates, as being some of the factors critical to accomplishing its tasks.

According to Capt Chambers a successful pirate attack can occur if ships made themselves vulnerable to such attacks, and ship managers failed to standardise their risk assessment with a predictive model.

Despite the existing of anti-piracy measures, Capt Chambers noted pirate activities have alarmingly expanded into several areas since March 2009, aided by the use of mother ships and larger pirate skiffs in the Gulf of Aden. Just as alarming were reports of pirate attacks close to Seychelles; a region discernibly far from the epicentre of all known attacks in the Somali Basin.

Like all the other speakers before him, Capt Chambers did not throw caution to the wind. He said high-risk pirate areas continue to remain and only by possible preventive measures can owners guarantee the safety of their vessels. He urged owners to be on a lookout at all times, have a comprehensive plan that includes risk assessment, participate in group transit movements and avoid high-risk areas if possible.

With the famous catchphrase of "Do not allow yourselves to become easy pirate targets", Capt Chambers also urged owners to hire professional security teams capable of repelling pirates, secure the hatches in their vessels and limit access to crew etc.

Operational Challenges in Securing Safety of Vessels in the Gulf of Aden and the Western Indian Ocean

Some of the greatest dangers he identified was when ship owners are not talking to the United Kingdom Maritime Trade Organisation (UKMTO), not registering with the UKMTO, or not complying to the schedule of transit in the Internationally Recommended Transit Corridors (IRTC). He added that low free-board and slow-moving vessels are targets for pirates. The others are the lack of visible self-protection measures by ships and B2B calls when pirates get onboard, he outlined.

Just before summing his address, Capt Chambers called for increased military participation adding there must be improved coordination and information sharing in the Gulf of Aden. Developing a coastal

piracy (CP) aircraft de-confliction guide and incorporating independent deployers are the remaining measures, Capt Chambers outlined as critical in the continuing fight against pirates.

For the maritime industry, he called on industry leaders to adopt Best Management Practices, continued participation in Shared Awareness and De-confliction (SHADE) meetings and registration with MSC-HOA. Maintaining contact with UKMTO and sharing post release information with the military and making crews testify are also some of the measures needed in the never ending campaign to wipe out piracy, explained Capt Chambers.

Case Study : Effective Preventive Measures

Captain Alexey Matskevich, Deputy Managing Director
PRISCO (Singapore) Pte. Ltd.



Amidst the recurring theme of piracy and its continued wanton excesses, a presentation of how a vessel 'outflanked' and pre-empted a probable pirate attack gave the morning's session a refreshing whiff of assurance that piracy can after all be contained.

The case study involved a handymax oil/chemical tanker, the *Prisco Alexander* with a speed of 14 knots sets sail on 13 September 2009 from Mina Al Ahmadi, Kuwait bound for the Suez Canal. Carrying MSCHOA registration particulars with the UKMTO, the master had judiciously undertaken a Risk Assessment for passage through the high risk areas. The mainly Russian crew were briefed of the potential risks lying ahead and participated in a security drill. And in compliance with flag State requirements, the master adopted a mandatory Security Level 2 state of alert.

On 19 September 2009 when the vessel was transiting the International Recommended Transit Corridor (IRTC) with a number of other merchant vessels it sighted a suspicious-looking dhow some 6 miles to port. A white skiff that was soon seen leaving the dhow reportedly began heading towards the *Prisco Alexander*. Without hesitation the master activated the

SSAS and a broadcast was made on VHF Channel 16 to warn all other vessels and contact ships in the area. As the skiff made several attempts to approach the vessel the master ran evasive manoeuvring exercises whilst simultaneously raising the vessel's speed.

As expected, the attempted boarding by the pirates proved unsuccessful. But as is always the case it was not before the pirates left their trademark signatures; they fired shots at the vessel which damaged its port side bridge and a window. Despite those terrifying moments, the vessel maintained contact with the UKMTO.

Some 15 min after the VHF broadcast, a helicopter arrived on the scene and naval patrol crafts operating in the area began pursuit of the culprits in the skiff.

The address as thought provoking and instructive as it was, underscored the importance of the need for security preparation and measures crucial for pre-empting a piracy attack. Not only did the *Prisco Alexander* rig its hulls with barb wire and prepared itself for the eventuality of an attack by sealing off entry into cabins, it undertook security drills and risk assessment evaluations and adequately briefed its crew of actions that needed to be taken in the event of an attack.

It soon emerged that following the despatch of the helicopter and the subsequent radioing of Korean destroyer *Daejoyoung*, the dhow itself was hijacked a few days prior to the incident. The pirates had reportedly been using it to tow the skiff to the IRTC for their piracy runs.

162 Days of Captivity : A Ship Master's Perspective

Captain Abelardo M. Pacheco, Ship Master



The session's most heart wrenching account belonged to Captain Abelardo M. Pacheco, the ship master held in captivity for 162 days. The incident off the coast of Somalia occurred soon after his vessel the *MT Stolt Strength* was commandeered by pirates on 10 November 2008 along with its 23 Filipino crew.

Not only were they held incommunicado for days but the solitary state of confinement had a special 'dehumanising' effect, declared Capt Pacheco. It was marked by the anguish and sorrow of being held far away from their native Philippines; a pain Capt Pacheco described as "immeasurable". The slow wilting of the human spirit sapped every ounce of energy of his men and for a moment it appeared that the only way to win their freedom was to engage in a fire-fight with the pirates onboard. That fortunately, however, did not materialise.

And when freedom finally came on 16 April 2009 after a ransom payout, it did not exactly turn out into the momentarily joyous occasion the crew and Pacheco could savour.

Bureaucratic snafus and 'logistical' dithering over bunker supplies and the non-availability of navy ships to escort the *MT Stolt Strength* out from the piracy infested waters of Somalia soon began turning what had originally began as a joyous moment into a bitter sweet occasion for Capt Pacheco. For a moment it appeared that their 'new found' freedom was beginning to dangerously slip away. And the situation was exacerbated further by lack of a security escort which again exposed the vessel to a possible second pirate attack and a further round of captivity.

Though a second round of captivity never did happen but the lack of logistical support such as in the replenishment of bunker supplies and security escorts to pre-empt just that; began to fast emerge as a real and probable possibility, rued Capt Pacheco.

After considerable negotiations with the Philippine's Maritime Industry Authority (MARINA) and cognizant Chinese authorities, a Chinese Navy ship began steaming into the position of the *MT Stolt Strength*.

162 Days of Captivity : A Ship Master's Perspective

Even as that soothed some nerves, it was hardly of any real comfort. According to Capt Pacheco, he and his men lived in fear of reprisals from pirates, because they had betrayed to the media of the pirate leaders' short changing their men on the ransom payouts received from the owners of the *MT Stolt Strength*. And the 36 hours that remained before the arrival of a Chinese Navy vessel to escort the *MT Stolt Strength* gave the pirates just the opportunity to avenge that betrayal Capt Pacheco added, because there was no security cover and the vessel was left vulnerable allowing it to be easily retaken again.

Fortunately the arrival of *USS Walter Deihl* prevented that. But her immediate departure following the provision of some five days of food, had on the contrary only prolonged the *MT Stolt Strength's* 'agony' instead of ending it.

It was only by the timely intervention of the US media through news interview did the departed *Walter Deihl* felt compelled to change course and head on back to the location of *MT Stolt Strength*, which by now was vulnerable for another pirate attack without the badly-needed security escort she had sorely sought.

Finally on 25 April 2009, the Chinese vessel *Huang Shuan* arrived to escort the *MT Stolt Strength* to the safety of Salalah, Oman.

From then onwards, *MT Stolt Strength* began its last and final voyage back home with its ordeal of the pirate drama, demonstrably in tow.

Question & Answer Session



Professor Beckman, the moderator for the conference, presided over the questions and answers session for the conference. Compared to last year's conference there was a 'refreshing' approach to adopting counter piracy operations in the world, especially in the notorious Gulf of Aden region.

Though all speakers unanimously agreed that information sharing and prompt counter piracy actions still remained the best available option on hand, the address by BIMCO's Giles Noakes was noted for its forthrightness when identifying the root cause of global piracy.

His famous phrase that resolution must henceforth move away from the 'catch and release' stance to one of 'catch and prosecute' pirates, hardly raised a peep in the audience and thus came to be interpreted as silent acceptance that present-day methods have noticeably failed to address the issue.

And worsening the problem has been the absence of legal mechanisms to tackle piracy at its root core, outlined Mr Noakes. Whilst bilateral agreements indeed exist between nations to combat the menace such agreements unfortunately have been few and far between, conference participants learned.

The lack of a comprehensive supra-national authority to oversee counter-piracy operations also creates an opportunity for piracy to 'flourish'.

But even in nations that have such legislation, some experiences have shown that ship masters have been reluctant to testify against pirates. Such episodes undermine global efforts to contain piracy, the conference found out.

Notwithstanding the many solutions that speakers raised such as in the rigging of hulls with barb wires, altering ship designs or avoiding piracy-infested areas etc., the theme of the debates was more on defensive than offensive measures when combating global piracy.

“Is the international community waiting for it (Somalia) to explode?” thundered a questioner, clearly betraying the frustrations of the assembled audience of ship owners, operators, agents, masters and maritime enforcement personnel etc. That poser left none in doubt to the parallels of lawlessness and the tempting targets when nations such as Somalia experience the kind of interregnums it now does.

Just as instructive behind that poser, was the subconscious reality that the grounds for piracy is more shore-based than otherwise, as pointed by the President of BIMCO, Mr Robert Lorenz-Meyer.

Notwithstanding everything else, the question is whether such increased cooperation can really be of any use when the root cause of global piracy, namely the absence of an alternate form of livelihood for the Somali people, remains as yet unaddressed?

The conference also learned whether if ransom payouts were the unwitting allure for Somali pirates, as posed by one floor questioner.

Even as the conference learned that no ground rules currently exist for the Combined Maritime Naval Forces whether to aid or not aid ships in distress, the sentiments continued to remain as it was before: for the sake of crew safety, pay the ransom.

Closing Remarks

Mr Lam Yi Young, Governor (Singapore)

ReCAAP Information Sharing Centre (ReCAAP ISC) Governing Council

In his closing remarks, Mr Lam Yi Young thanked all participants attending the conference for their ideas and perspectives hoping that such opinions will enable all to understand each other better and appreciate the challenges encountered by the various stakeholders in tackling the piracy menace.

He called the fostering of trust and confidence amongst all stakeholders as vital in the fight against piracy noting that tackling piracy is the collective responsibility of every State and stakeholder. The key to this is the efficient and expeditious reporting of all incidents to the authorities and relevant agencies in the quickest time possible.

Programme

Piracy and Sea Robbery Conference 2010 Sharing Information, Enhancing Security 29 April 2010

0830 Registration

0900 Opening Remarks

Mr Lam Yi Young, Governor (Singapore) of the ReCAAP Information Sharing Centre (ReCAAP ISC) Governing Council

0910 Keynote Address

Mr Robert Lorenz-Meyer, President of BIMCO

Session One

Overview and Perspective of Piracy and Armed Robbery Against Ships

0920 Trends on Piracy and Armed Robbery Against Ships in Asia

Mr Yoshihisa Endo, Executive Director, ReCAAP ISC
Ms Lee Yin Mui, Assistant Director (Research), ReCAAP ISC

0940 International Efforts and Initiatives

Prof Robert Beckman, Director, Centre for International Law, National University of Singapore (NUS)

1000 Asian Shipowners' Perspective

Mr Yuichi Sonoda, Secretary-General, Asian Shipowners' Forum (ASF)

1020 Situation Update: Gulf of Aden / Indian Ocean

Mr Giles Noakes, Chief Maritime Security Officer of BIMCO

1040 Coffee / Tea break

Session Two

Reality at Sea: Operational Challenges and Experiences

Moderator: Prof Robert Beckman, Director, Centre for International Law, NUS

1100 Operational Challenges in Securing Safety of Vessels in the Gulf of Aden and the Western Indian Ocean

Captain Chris Chambers, Chief of Staff, Combined Maritime Forces

1120 Case Study: Effective Preventive Measures

Captain Alexey Matskevich, Deputy Managing Director, PRISCO (Singapore) Pte. Ltd.

1140 162 Days of Captivity - A Ship Master's Perspective

Captain Abelardo M. Pacheco, Ship Master

1200 Question & Answer Session

1220 Presentation of Plaques

1230 Signing of MoU between the ReCAAP ISC and BIMCO

1235 Closing Remarks

Mr Lam Yi Young, Governor (Singapore) of the ReCAAP Information Sharing Centre (ReCAAP ISC) Governing Council

1245 Conference ends

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- 2. Capt Alexey Matskevich**
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PRISCO (Singapore) Pte. Ltd.
- 3. Capt Chris Chambers**
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- 4. Gile Noakes**
Chief Maritime Security Officer
BIMCO
- 5. Lam Yi Young**
Chief Executive
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Correct as at 3 July 2010



Notes

Horizontal lines for writing notes.







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