

PIRACY AND SEA ROBBERY CONFERENCE 2009: BUILDING PARTNERSHIPS, ENHANCING SECURITY



22 APRIL 2009
SINGAPORE

PIRACY AND SEA ROBBERY CONFERENCE 2009: BUILDING PARTNERSHIPS, ENHANCING SECURITY

Conference Report

A Conference Organized By:

- 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)
- International Chamber Of Shipping (ICS)
- International Association Of Dry Cargo Shipowners (INTERCARGO)
- International Association Of Independent Tanker Owners (INTERTANKO)
- S. Rajaratnam School Of International Studies (RSIS)

22 April 2009
Singapore

Regional Cooperation Agreement on Combating Piracy and
Armed Robbery Against Ships in Asia
Information Sharing Centre (ReCAAP ISC)

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. It was finalised on 11 November 2004 and entered into force on 4 September 2006.

To date, 14 States have become Contracting Parties to ReCAAP. The 14 countries 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 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 was officially launched in Singapore on 29 November 2006. It 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 through the Information Network System (IFN); facilitate communications and information exchange between the participating governments to improve incident response by member countries;
2. Conduct research and analysis of piracy and armed robbery incidents to foster better understanding of the situation in Asia; provide accurate statistics and analysis of the piracy and sea robbery situation in the Asia region, and
3. Facilitate capacity building efforts that help improve the capability of member countries to combat piracy and sea robbery in the region.

The ReCAAP Agreement sets out obligations undertaken by member countries to effect measures to combat piracy and armed robbery. It also lays out a framework for cooperation among member countries, with information sharing of 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 prevention 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 during real-life incidents and promoting operational co-operation between Contracting Parties with their respective authorities and law enforcement agencies in improving responses to incidents.

1. Executive Summary	4
2. Opening Remarks	5
3. Keynote Address	6
4. Session 1: Overview and Perspective of Piracy and Armed Robbery Against Ships in Asia	8
Piracy and Armed Robbery Trends in Asia 2008 and Developments at the ReCAAP Information Sharing Centre	8
International Cooperation and Capacity Building to Combat Piracy and Armed Robbery Against Ships	9
Asian Shipowner Forum's Perspective on Piracy and Armed Robbery Against Ships in the Region	10
Discussion	11
5. Session 2: The Industry's Perspective and Responses Towards Piracy and Armed Robbery Against Ships	12
Keynote Speech	12
Operational Experience in Combating Piracy and Armed Robbery Against Ships off Somalia and in the Gulf of Aden	13
Case studies on Incidents off Somalia and in the Gulf of Aden	14
International Shipping Association's Perspective on Combating Piracy and Armed Robbery Against Ships	15
Discussion	16
6. Closing Remarks	18
7. Programme	19
8. List of Moderators and Speakers	21
9. List of Participants	22
10. Contact of ReCAAP Focal Points and ReCAAP Contact Point	29

This report summarizes the proceedings of the conference as interpreted by the assigned rapporteurs and editors of the S. Rajaratnam School of International Studies. 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 2009 was held in Singapore on 22 April 2009 to gain an overview of the various perspectives and responses towards piracy and armed robbery against ships. The conference was organized by the ReCAAP Information Sharing Centre (ISC) and the Roundtable Group of International Shipping Associations, comprising BIMCO, ICS, INTERCARGO and INTERTANKO, and the S. Rajaratnam School of International Studies (RSIS) of the Nanyang Technological University. It was participated by representatives of national, regional and international organizations, regional and international associations of the shipping and maritime industries, as well as individual ship owners and operators.

The conference had two sessions. The first session provided an overview and perspectives of piracy and armed robbery against ships in Asia while the second session focused on practical responses to piracy and armed robbery attacks, particularly off the coast of Somalia and in the Gulf of Aden.

The first session highlighted the piracy and armed robbery trends in Asia, developments at the ReCAAP ISC, and the perspective of the Asian Shipowner Forum (ASF) on the problem. It also provided insights on international cooperation and capacity building to combat piracy and

armed robbery against ships. In this session, piracy has been identified as a global problem that threatens the security and safety of shipping and international trade and requires strong cooperation among governments, industries and relevant stakeholders. The ReCAAP has been hailed as a model for regional cooperation among governments in terms of responses and information sharing in combating piracy and armed robbery against ships. The ReCAAP model of regional cooperation had been extended to other piracy-prone areas such as Somalia and the Gulf of Aden.

The second session examined the industry's perspective, operational and practical responses in addressing piracy and armed robbery in Somalia and the Gulf of Aden. This session highlighted the successes of the efforts by the United Kingdom Royal Navy's Maritime Trade Organization (UKMTO) in addressing piracy and armed robbery in the Gulf of Aden. It emphasized the importance of naval presence and coordinative efforts in the area until a more stable government in Somalia is established. The session also discussed a number of preventive and defensive measures that ships and the shipping industry may adopt to address piracy before, during and after attacks. These measures are embodied in the Best Management Practices formulated and accepted by members of the international shipping industry.



Opening Remarks

Dr. Pornchai Danvivathana
Chairperson of the ReCAAP Information Sharing
Centre (ISC) Governing Council



Dr. Pornchai Danvivathana welcomed the participants attending this first conference organized by the ReCAAP Information Sharing Centre (ISC) and supported by members of the roundtable group of international shipping associations. He emphasized the significance of the ReCAAP ISC in combating piracy and armed robbery against ships, the first multilateral agreement in Asia to address the problem. With more than two years of existence, the ReCAAP ISC has established itself as the hub for information sharing on incidents

of piracy and armed robbery against ships in Asia. It will continue to build on this foundation to provide objective and comprehensive analysis of incidents in the region and enhance capacity-building efforts to strengthen the capabilities of the ReCAAP Focal Points.

Dr. Pornchai highlighted the increasing cooperation between government institutions and the industry in combating piracy and armed robbery against ships. On this note, he pointed out that some of the highlights of this conference included insights of the international shipping industries and organizations in addressing the problem, as well as first-hand operational experience in countering piracy activities in the Gulf of Aden.

Dr. Pornchai reiterated that combating piracy and armed robbery against ships is not the sole task of one agency, but a joint responsibility shared among governments, ship owners, shipping associations and the maritime industries. In closing, he thanked the speakers and participants for attending the conference and reiterated that the ReCAAP ISC is proud to be part of a regional network that addresses the global problem of piracy and armed robbery at sea and will continue to serve as a conduit to facilitate information exchanges among all stakeholders.

Keynote Address

Capt. Hartmut Hesse
Senior Deputy Director
Sub-division for Operational Safety and
Human Element
Maritime Safety Division
International Maritime Organization (IMO)



Captain Hartmut Hesse delivered the keynote address to the conference on behalf of the International Maritime Organization (IMO). He commended the organizers for holding a conference on a theme that is both timely and appropriate. Piracy and armed robbery against ships is a threat not only to the maritime industries but also to all who rely on global trade and carriage of goods by sea. This concern has become a problem of global proportions not only because it disrupts international trade but also, due to its negative economic and ecological impact, causes interruption to humanitarian aid supplies. More worryingly, the income obtained from piracy fuels political unrest, insurgency and terrorism, which further contribute towards maritime insecurity.

The speaker explained how the nature of the problem of piracy and armed robbery has changed over time. In the last century, there has been substantial piracy and armed-robbery activities in the Straits of Malacca and Singapore, and the South China Sea. Today, the situation has completely changed and this is marked by a

considerable decrease in the number of piracy and armed robbery attacks in the area. This significant improvement is attributed to the actions taken by the littoral states of the region, which culminated with the entry into force of ReCAAP. In particular, the establishment of the ReCAAP ISC has helped promote security and stability in the waters of the region.

On the other hand, in East and West Africa, the incidents of piracy and armed robbery off the coast of Somalia and in the Gulf of Guinea have increased, contributing to the significant deterioration in the security of the area. In 2008, there have been 44 ships seized by pirates and more than 600 seafarers kidnapped and held for ransom. Currently, there are seven ships and more than 120 seafarers held hostage in Somalia, including two people who have already lost their lives. The modus operandi of pirates has also changed. Not only have the attacks increased in number, they have also become more violent, signifying a more sophisticated organization, with pirates being well trained, well equipped and well informed.

A number of initiatives have been undertaken by the international community to address this problem. The International Maritime Organization (IMO), for example, has updated the guidance for governments, ship owners and ship operators, ship masters and crews on preventing and suppressing acts of piracy and armed robbery against ships. In 2005, the IMO also adopted a resolution encouraging member states to take appropriate action in accordance with international law to protect merchant shipping—in particular, the transportation of humanitarian aid—against piracy. This resolution was conveyed to the UN Security Council through the United Nations Secretary-General. In 2007, in light of worsening situation off the coast of Somalia, the IMO brought to the attention of the UN Security Council the need for the Transitional Government of Somalia to consent to foreign naval vessels and military aircrafts to enter the country's

territorial waters in order to assist merchant ships under attack by pirates and armed robbers. The resolution also called governments in the region to conclude a regional agreement to address the problem. As a result, a sub-regional meeting on piracy and armed robbery against ships in the Western Indian Ocean, Gulf of Aden and Red Sea area was organized in Dar es Salaam, Tanzania in 2008. In this meeting, a regional agreement was drafted, which was successfully concluded and formally adopted in Djibouti in January 2009. The resulting document, the Djibouti Code of Conduct, acknowledges the inspiration provided by the ReCAAP and the ReCAAP ISC in enhancing regional cooperation through information sharing and capacity building.

In addition to these IMO initiatives, the UN Security Council (UNSC) has also adopted a number of relevant resolutions: UN Security Council Resolutions 1816, 1846 and 1851. UNSC Resolution 1816 authorizes states, following consent from Somalia's transitional government, for a period of six months, to enter the country's territorial waters and use "all necessary means" to repress acts of piracy and armed robbery at sea in a manner consistent with international law. UNSC Resolution 1846 extends the original mandate by another 12 months and calls on members to intensify their efforts against piracy and armed robbery off the coast of Somalia, including "deploying naval vessels and military aircraft", as well as "through seizure and disposition

of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery, or for which there is reasonable grounds for suspecting such use". UNSC Resolution 1851 introduces the concept of special arrangements among states in permitting "shipriders" (or law enforcement officials) to embark on ships to facilitate the arrest and prosecution of suspected pirates.

Despite all these efforts, the situation in Somalia and the Gulf of Aden continued to deteriorate in the second half of 2008. The IMO has therefore tackled the problem on a number of fronts with a threefold objective: (i) to ensure the protection of innocent seafarers, fishermen and passengers on board ships; (ii) to ensure the sustained delivery of humanitarian aid to Somalia; and (iii) to ensure that international trade continues to flow through the Gulf of Aden. The IMO has played, and will continue to play, a pivotal role in efforts to promote an appropriate, coordinated international response to the problem. Captain Hesse also recommended that all stakeholders need to take necessary measures, such as raising their ships' reporting standards; providing technical and practical assistance to developing nations to help improve standards of security in their ports and waters and to enact relevant legislation; installing effective security equipment on board their vessels; and undertaking all necessary avoidance, evasive and defensive measures to combat piracy and armed robbery against ships.

Overview and Perspective of Piracy and Armed Robbery Against Ships in Asia

Moderator: Capt. Hartmut Hesse
Senior Deputy Director
Sub-division for Operational Safety and
Human Element
Maritime Safety Division
International Maritime Organization (IMO)

Captain Hesse introduced the topic and the speakers for the session. Three presentations were given for this session. The first presentation provided an analysis of the piracy and robbery trends in Asia and developments at the ReCAAP ISC. The second presented a summary of the international cooperation to combat the problem and the third focused on the perspectives of the Asian Shipowners' Forum on piracy and armed robbery against ships.

Piracy and Armed Robbery Trends in Asia 2008 and Developments at the ReCAAP Information Sharing Centre

Mr. Yoshiaki Ito
Executive Director
ReCAAP ISC



Mr. Yoshiaki Ito started his presentation by thanking speakers and participants of the conference. He stated that the participation of different stakeholders in the conference emphasized the fact that combating piracy and

armed robbery is not the sole responsibility of government agencies but require the cooperation of all relevant parties, especially the shipping industry.

The speaker proceeded to highlight the trends and pattern of incidents of piracy and armed robbery in Asia, as well as the undertaking of the ReCAAP ISC. He presented the definitions of piracy under Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) and armed robbery under IMO Maritime Safety Committee Circular (MSC/Circ) No 984 on the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships. He also provided a summary on how incidents of piracy and armed robbery are classified and evaluated by the ReCAAP ISC. He identified two factors that are critical in classifying these incidents, namely, the level of violence and the economic loss incurred from an attack. He summarized the procedure for determining the significance of each piracy and armed robbery incident as follows: (i) verification of incident with the ReCAAP focal point; (ii) categorization of the incident; (iii) collation of relevant information about the incident; (iv) identification of trends and patterns; and (v) analysis of specific case studies. The categories for the overall level of significance for the attacks are: CAT 1 (very significant); CAT 2 (moderately significant); and CAT 3 (less significant).

Mr. Ito presented an analysis of the piracy and armed robbery incidents in 2008 and emphasized that, unlike global trends, there has been a significant decrease in the number of reported incidents in Asia. In summary, there has been a decrease in the number of CAT 1 incidents, an increase in the number of CAT 2 incidents, while the number of CAT3 incidents remained fairly the same in 2008 compared with previous years. One of the contributing factors identified in this significant change is the improvement of security in the ports and anchorages of Indonesia and Bangladesh. Piracy and armed robbery have occurred either mainly on ships at anchor with a

small likelihood of resorting to violence or on ships when underway where hijacking activities are operated in larger groups. Mr. Ito concluded that, in general, there has been a decrease in the number of piracy and armed robbery incidents in Asia, and a preliminary analysis of the number of reported incidents in early 2009 is showing a similar trend.

International Cooperation and Capacity Building to Combat Piracy and Armed Robbery Against Ships

Capt. Hartmut Hesse

Senior Deputy Director

Sub-division for Operational Safety and

Human Element

Maritime Safety Division (IMO)

In his presentation, Captain Hesse discussed the international legal framework for combating piracy and armed robbery at sea, including the initiatives of IMO in addressing the problem. He highlighted models of cooperation in combating piracy and armed robbery and focused his discussion on the Djibouti Code of Conduct. Captain Hesse emphasized that piracy and armed robbery in Somalia is only a symptom of an underlying problem due to the lack of law in the country. To help address the problem, the IMO has developed a strategy of containment until such time that a viable solution for Somalian shores can be found.

Captain Hesse enumerated some of the relevant international instruments related to addressing piracy and armed robbery at sea, such as Articles 100–111 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1974 International Convention for the Safety of Life at Sea (SOLAS) as amended, the International Ship and Port Facility Security (ISPS) Code, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and its Protocol, the 1965 Convention on Facilitation of International Maritime Traffic (FAL) as amended, and the 1979 International Convention

on Maritime Search and Rescue (SAR) as amended. The SOLAS XI-2 and the ISPS Code, for example, provide special measures for the security of ships in the case of threats and risks of attacks. A number of IMO Resolutions and Recommendations such as A.922(22), A.923(22), MSC/Circ 622/Rev.1 and MSC/Circ 623/Rev. 3 have been revised to take into account the changing nature of piracy and armed robbery incidents.

The IMO has taken the lead in capacity building in this area by conducting more than 60 seminars and workshops, including regional workshops on coastal security and assessments of implementation of measures in various parts of the world, such as the Gulf of Aden, the Caribbean, Dakar, and Djibouti. Captain Hesse mentioned models of regional cooperation in this regard, such as the IMO and Maritime Organization of West and Central Africa (MOWCA) Integrated Coastguard Function Network, the ReCAAP and the Djibouti Code of Conduct. The latter, which was adopted by 17 states, has four pillars: implementation of national legislation, law enforcement and enhancement of coastguard capability, the development of capacity and technical assistance, and the improvement of maritime institution awareness.

The speaker claimed that the international legal framework for addressing piracy and armed robbery at sea is adequate. However, most national legislation does not meet the standards provided by international instruments. For example, most domestic legislation has failed to criminalize piracy and provide adequate guidelines for the exercise of jurisdiction over such activities. In order to address this gap, the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), the UN Office on Drugs and Crime (UNODC), and the IMO have established cooperation in order to provide direct assistance to states in developing model legislation and agreements.

The second feature of the Djibouti Code of Conduct to repress acts of piracy and armed robbery against ships is the development of law enforcement and coastguard functions. The functions of the coastguard in most states include search and rescue, fisheries enforcement,

countering illegal trafficking of drugs, addressing threats to maritime trade, implementation of the ISPS Code, protection of marine environment, and promoting safety and navigation. The coastguard also plays a crucial role in combating piracy and armed robbery at sea. As such, the Djibouti Code of Conduct promotes inter-agency cooperation and inter-operability of the coastguard, and coordination of maritime operations.

The third feature of the Djibouti Code of Conduct is the development of the capacity of personnel in terms of exchange of information on piracy. This includes the delivery of training in Djibouti and the formulation of a joint approach to address the problem with Interpol, the UNODC and the World Customs Organization (WCO). The Djibouti Code of Conduct also promotes regional and sub-regional initiatives and cooperation such as joint patrols, ship-rider arrangements, law enforcement and training on military skills.

The development of maritime situation awareness is the last feature of the Djibouti Code of Conduct and includes the provision of technical assistance on the implementation of automatic identification system (AIS), long-range information and tracking of vessels (LRIT), coastal radars, vessel tracking systems (VTS), and monitoring, control and surveillance (MCS) systems. Assistance is provided to states in terms of situation awareness building and exchange of information between national focal points and regional piracy information exchange centres.

In conclusion, Captain Hesse stated that he believed that the assistance provided by the IMO in combating piracy and armed robbery at sea would enhance the security of ships in critical areas. He reiterated the statements made by earlier speakers that the situation poses a transnational problem that requires international cooperation. Addressing piracy and armed robbery against ships requires a multi-agency approach that promotes stronger cooperation and facilitation of communication. He ended his presentation by emphasizing the role of navies as a force in addressing the problem.

Asian Shipowner Forum's Perspective on Piracy and Armed Robbery Against Ships in the Region

Mr. Wang Cheng
Secretary-General
Asian Shipowner Forum (ASF)



Mr. Wang Cheng expressed his appreciation for the work of the ReCAAP ISC, which has assisted members of the Asian Shipowner Forum (ASF) in addressing threats of piracy attacks and armed robbery against ships. The ASF has seven member countries, which control about 50 per cent of the merchant fleet around the world.

The speaker noted the increase in piracy attacks in the world from 2007 to 2008, which he attributed to the significant rise in the number of incidents off the coast of Somalia and the Gulf of Aden. On the contrary, the piracy and armed robbery incidents in Southeast Asia have been well under control, largely due to the continued air and naval coordinated patrols by the littoral states. The ReCAAP ISC has served as an effective deterrent to the problem through cooperation among governmental and non-governmental organizations. Because of its success, the IMO has worked together with African states to establish a version of the ReCAAP ISC in East Africa.

Mr. Wang detailed a number of measures that need to be undertaken by both government authorities and private entities in order to address piracy and armed robbery against ships. First, he suggested that the evolving nature of piracy and armed robbery would need to be monitored. He explained that recent piracy attacks off the coast of Somalia involved more sophisticated automatic weapons, navigational aids and communication systems.

The pirates also used wooden boats, which do not show on radar. These activities suggest that pirates have never been more determined in attacking ships. There has also been a concern on the recent case of piracy in the Straits of Malacca and Singapore involving *MLC Nancy 5*. Hence, the international community would need to be well prepared and adjust its responses to the changing operations of pirates. The speaker also posed the potential increase of maritime crimes in Asia due to the global financial crisis.

According to Mr. Wang, the long-term solution to the problem is to assist the government of Somalia in addressing its internal security concerns. International organizations, national governments and the industry need stronger cooperation among themselves to help address piracy and armed robbery at sea. There is also a need to look into other means, such as collaboration among navies. The speaker concluded that there might still be some scope of work that needs to be done to prevent piracy and armed robbery in Asian waters but he expressed confidence that with initiatives such as the ReCAAP, such problems would be eradicated.

Discussion



Question was raised about the role of the military in addressing piracy and armed robbery at sea. Captain Hesse replied that the situation in the coast of Somalia called for as much military involvement as possible. There are currently 20 naval ships deployed and are conducting operations on a massive sea area. While the number of naval ships may be enough to cover the Gulf of Aden, it is certainly inadequate to respond to every incident off the coast of Somalia. Captain Hesse underscored the importance of

the deployment of naval forces in addressing piracy and armed robbery. However, he stressed that this is only an interim solution. The long-term remedy to the problem lies in the creation of a stable government and effective law enforcement in Somalia.

The importance of a regional naval task force in addressing the problem of piracy and armed robbery against ships was emphasized during the discussion. Captain Hesse said that the IMO is grateful to countries that deployed their naval vessels under the task force that focused on activities offshore. The United Nations is currently trying to find a solution to resolve the problem not only at sea but also onshore.

On the question of whether the declining trend in the number of piracy and armed robbery attacks in Asia might be sustained in the light of the economic recession, Mr. Ito in response, recalled the surge in the number of piracy incidents in the Straits of Malacca and Singapore, which happened during the Asian financial crisis. He speculated that an increase in the number of attacks in Asian waters might happen in view of the current financial crisis. However, Mr. Ito assured the participants that the region is now more prepared and states have enhanced their capacities to address the problem. The ReCAAP ISC will continue to monitor the trend of incident reports, and report on them so that the respective governments can take immediate action.

On the question of the specific plans and activities of the IMO in assisting vessels transiting the Gulf of Aden, Captain Hesse reiterated that such activities include navies patrolling the sea areas, implementation of the the Djibouti Code of Conduct, training of personnel and development of a model legislation that will provide for the arrest, detention and prosecution of pirates.

Lastly, a question was raised on whether Indonesia and Malaysia are close to ratifying the ReCAAP Agreement. Mr. Ito responded that the ratification of the agreement by both countries is an internal matter of the respective governments. However, he emphasized that, at the operational level, the ReCAAP ISC has regular discussions with the two countries with respect to information exchange.

The Industry's Perspective and Responses Towards Piracy and Armed Robbery Against Ships

Moderator: Dr. Peter Swift
Managing Director
The International Association of Independent Tanker Owners (INTERTANKO)



Dr. Peter Swift introduced the keynote speaker and panellists. He noted that while the first session focused on the international cooperation to combat piracy and armed robbery against ships and the successes of the ReCAAP ISC in addressing the problem in the region, this session would look at practical responses to the problem, particularly in Somalia and the Gulf of Aden.

Keynote Speech

Mr. Torben Skaanild
Secretary-General
Baltic and International Maritime Council (BIMCO)



In his keynote speech, Mr. Torben Skaanild expressed the strong support of BIMCO to the work of the ReCAAP ISC, which sets an example on how information may be shared

and efforts coordinated to address piracy and armed robbery against ships. He stated that the international community is continuously pursuing solutions or activities that may be undertaken through regional cooperation and that the IMO has already used the ReCAAP ISC as a model for addressing the problem in other regions.

Mr. Skaanild pointed out that the theme of the conference mirrored the approach of BIMCO in ensuring safer shipping. He stressed that shipping is global in scope and it follows that an international or inter-governmental approach is necessary to identify common measures to promote maritime security in different parts of the world. BIMCO has an established cooperation with the United Nations and the IMO but there is still room for further action. There have been good examples of regional cooperation to promote safe and secure shipping in the Straits of Malacca and Singapore. It shows that the implementation of measures against piracy and armed robbery at sea is critical in order to resolve the problem. At the national level, there is also a need to have a robust national legislation that includes the prosecution of pirates. There are a number of instances where pirates hold crew as hostages and demand for ransom, but they themselves were free from prosecution.

BIMCO is committed in assisting the international shipping industry and the international community in fights against piracy and armed robbery. It has conducted a workshop to bring together ship owners, published best management practices and developed recommendations to address the problem. These best management practices also discussed ways for seafarers to deal with the psychological effects of piracy attacks.

The keynote speaker said that pirates continue to conduct more daring attacks, especially in Somalia and the Gulf of Aden. Somali pirates now operate farther out in the Indian Ocean, which can be seen as an ironic consequence of the successful naval operations along the coast and in the Gulf of Aden. BIMCO believes and would like to protect the fundamental rights of ships to safe passage and free from risk and harm. Mr. Skaanild further emphasized BIMCO's preference for operations in Somalia and the Gulf of Aden under UN command and coordination to promote

safer shipping in the area. BIMCO also proposes a more proportional response to meet the rise in the number of piracy incidents in northwest Indian Ocean and the provision of more assets to patrol the area and provide assistance to ships.

Operational Experience in Combating Piracy and Armed Robbery Against Ships off Somalia and in the Gulf of Aden

Cdr. Steve Fry

The United Kingdom Royal Navy's Maritime Trade Organization (UKMTO)



Cdr. Steve Fry shared the experience of the U.K. Royal Navy's Maritime Trade Organization (UKMTO) in combating piracy and armed robbery in the Horn of Africa. After September 2001, the UKMTO offered reassurance to the maritime community by deploying warships. The UKMTO established a mission in Dubai to provide intelligence, information and advice on piracy and armed robbery at sea in the Horn of Africa. The UKMTO also established presence on the ground and provided day-to-day contact with the shipping industry and ship masters.

The speaker stated that piracy is an international problem that requires the application of rules that would deny safe havens for criminals and establish conditions that would preclude criminal activities. He emphasized that piracy has always been about financial gain, and counter piracy strategies should include conduct of naval patrols and implementation of international legal and policy instruments by states and defensive measures by ships.

Examples of these activities include the application of the UN Security Council resolutions, the conduct of naval operations (e.g. EUNAVFOR Somalia) and the deployment of reconnaissance aircrafts and unmanned aerial vehicles (UAVs).

Cdr. Fry also updated the audience on the operations of modern-day pirates, which involved organized groups of people with small flotillas of skiffs. Some piracy operations use motherships that sail 600 miles off the coast and use weapons such as AK47, rocket propelled grenades and anti-personnel weapons. The general intent of pirates is to intimidate vessels and their crew, not kill or harm the crew. Statistics shows that in the 250 vessels transiting the Gulf of Aden in a given day, attacks account for only 0.05 per cent of the total number.

According to the speaker, the greatest challenge to mariners in the Horn of Africa is the identification of pirate vessels. These vessels closely resemble fishing vessels. Legitimate fishing vessels, which are sometimes mistaken for pirate vessels, have a tendency to follow larger and faster merchant vessels for additional propulsion that aid them in catching yellow-fin tuna. As a result, there has been an increase in the number of false alarms in the reporting of piracy attacks to the UKMTO.

The speaker shared a number of practical measures that vessels might undertake in order to avoid or prevent piracy and armed robbery attacks. Masters of ships are advised to keep on the speed and not stop in case where pirates try to board their vessels. Ships can also use slippery foam on deck, barbed wire around the vessel, steel bating, fire hoses and good lookouts on the bridge. Identifying pirates early is a good deterrent to any attack.

The UKMTO has also devised ways to maximize the use of their naval assets and cooperate with the industry and mariners to prevent piracy attacks. The UKMTO encourages the transit of a number of vessels that are grouped according to their speed. Slower vessels transit the Gulf of Aden first, followed by the faster vessels. These vessels are led to the corridor patrolled by the UKMTO where they are closely monitored.

Cdr. Fry concluded by stating that a combination of preventive and defensive measures that can lead to the successful prevention of piracy and armed robbery at sea. Vessels are encouraged to adopt these measures and report any suspicious activities to the UKMTO, which is committed to provide support and protect ships off the coast of Somalia and in the Gulf of Aden.

Case Studies on Incidents off Somalia and in the Gulf of Aden

Mr. Steffen Tunge
Managing Director
B+H Equimar Pte. Ltd.



Mr. Steffen Tunge presented an owner's dilemma in cases of piracy and armed robbery attacks in the Gulf of Aden. He cited instances in 2008 when vessels, particularly cargo or chemical tankers, reported or requested for assistance when they thought they were being pursued by suspicious crafts. He reported that in the last year, there have been attempts but no successful attack on vessels in the Gulf of Aden. From January to October 2008, there had been

60 attempted incidents of piracy and armed robbery in the area. From these numbers, the likelihood of an attack may be computed as 0.45 per cent per vessel or one in 200 vessels. As at March 2009, there had been 29 attacks, which gives a likelihood of 0.01 per cent per vessel or one in 100 vessels. These numbers suggest that the likelihood of an attack is small, but they do not take into account the possibility that some incidents were not reported.

The speaker provided some of the counter-measures applied in addressing piracy and armed robbery in the Gulf of Aden. One measure is the hiring of licensed security professionals who are unarmed but equipped with magnetic acoustic devices. Mr. Tunge also reiterated some of the measures mentioned by Cdr. Fry, such as the participation in group convoys, supplementing crew lookouts, the strict adherence to internationally recommended transit areas, steering clear from suspicious vessels and registration with the Maritime Security Centre, Horn of Africa (MSC HOA). He also reviewed some practical measures to deter pirates from getting onboard vessels, such as use of mock weapons, setting up of emergency messages, establishment of citadel locations and restricting interior visibility.

Mr. Tunge concluded his presentation by providing an economic estimate of the cost of combating piracy and armed robbery. The estimated amount included USD275,954 in security costs, USD400,000 in security agency fees, and other costs associated with the delay of waiting for convoys. The speaker emphasized the need for increased naval presence and group convoys in the Gulf of Aden. However, he maintained that even though there is constant vigilance in preventing piracy attacks in the area, the risk to life and property remains severe.

International Shipping Association's Perspective on Combating Piracy and Armed Robbery Against Ships

Mr. Tony Mason
Secretary-General
International Chamber of Shipping (ICS)



Mr. Tony Mason presented the international shipping association's perspective on combating piracy and armed robbery at sea. He first mentioned the significant contribution of the ReCAAP ISC in reducing the number of incidents in Asia. He then said that there are short-term and long-term remedies in addressing the problem and these solutions involve the crucial participation of the shipping industry.

The speaker highlighted the importance of protecting ships regardless of their nationality. International agreements and policy instruments have emphasized this objective and need to be implemented by national governments. Through international cooperation, piracy cases involving the *Sirius Star* and *Maersk Alabama* had successful resolutions. Piracy off the coast of Somalia is also being

addressed through the UN Security Council Resolutions and other diplomatic efforts. The international shipping association appreciates these military and diplomatic activities in Somalia. However, it maintained that the international community would still need to explore long-term solutions for problems such as the restoration of law and order in Somalia, an aspect that is beyond the influence of the shipping industry.

One area where shipping associations have assisted in addressing piracy and armed robbery at sea is the development of best management practices. These guidelines include proper procedure and preparation for transit in piracy-prone areas, preventive measures and steps to be taken during piracy attacks. The industry has also conducted workshops among the private sector to address the problem.

Mr. Mason stated that the international shipping association is opposed to the idea of arming seafarers onboard vessels. The association believes that ship owners and ship masters must take practical and sensible measures against piracy attacks and that they should have regular contact with governments or regional task forces deployed in areas such as the Somalian waters and the Gulf of Aden. Unless the situation in Somalia changes radically, naval operations would be necessary and would need to be maintained for as long as required. There is a further need for awareness to be raised among governments, the media and the public in order to address the problem. In closing, the speaker said that piracy is a serious threat to the lives of crew and passengers onboard ships and the security of the passage of ships and free movement of trade would need to be protected and maintained.

Discussion



Dr. Swift summarized the key points of the presentations. He reiterated the importance of cooperation between government and industry and the implementation of practical measures to combat piracy and armed robbery at sea. Other issues raised in the session were the adoption of self-defensive measures and deployment of armed guards on ships. The two areas that were not discussed and which Dr. Swift said might merit the attention of the participants are the related concerns of illegal fishing in Somali waters and coordination among navies in the Gulf of Aden.

When asked on the opinion of the speakers on the proclamation of the Philippine government to prohibit Filipino crew from being employed in vessels that transit Somali waters and the Gulf of Aden, Mr. Mason responded that the Philippine government has a valid security concern for its seafarers and that nothing in their contracts prevents them from leaving vessels for this reason. There have been structural agreements providing for additional remuneration and bargaining forum for seafarers to address these concerns. One participant from the shipping industry informed the conference that such a statement of the Philippine government has recently been retracted.

On who licensed the security companies hired by ships, Mr. Tunge clarified that there is no single authority that provides licenses to security guards. In the case of ships transiting the Gulf of Aden, some of the security personnel are licensed by the governments of Djibouti and Yemen.

It was commented that it is necessary to target not only pirates and armed robbers but also the warlords who finance or benefit from piracy attacks. Dr. Swift stated that there have always been issues as to how ransom payments are moved, transferred, paid and negotiated. It is common knowledge that ransom payments go to the warlords and pirates, as well as the operations involved in piracy. This view is shared by Mr. Skaanild, who added that piracy has become a lucrative business in some parts of the world and not all ransom proceeds are received by the warlords but are used to buy more sophisticated equipment and arms.

Question was raised on whether the supply of weapons is being addressed and if there is a possibility to institute blockades in Somalia. Dr. Swift said that the UN Security Council resolutions have clearly provided for the deterrence of arms. Unfortunately, such resolutions have not been effectively implemented. Mr. Skaanild added that the issue of blockades in Somalia had been raised in previous international discussions. However, the idea was rejected. Instead, it has been suggested that after the piracy attack involving the *Maersk Alabama*, the international community might be able to persuade the United States to use more sophisticated technology to spot suspicious vessels in ports.

On whether pirates could be classified as terrorists, Dr. Swift stated that piracy is well defined under international law and there is no clear evidence to suggest that all pirates are terrorists. There is also a dilemma on equating pirates with terrorists in terms of payment of ransom as international instruments prohibit payments to terrorists. Comments from the floor added that there are four other international conventions—which are widely ratified—that might be applicable in addressing the concerns of piracy and hostage of crew for ransom. One, the SUA Convention provides for piracy as an offence against ships. Two, the International Convention Against the Taking of Hostages provides for the liability not only for those who have taken the crew as hostages but also for

those who participate in such undertaking as accomplices. The third and fourth international agreements are the UN Convention Against Transnational Organized Crime and the International Convention for the Suppression of the Financing of Terrorism, which cover SUA-related offences and hijacking.

When asked about the perceived advantages of the charter party clauses in BIMCO agreements, BIMCO confirmed that the model charter party clauses have been endorsed and well received by the industry. This clause promotes responsible chartering and is favourable to both ship owners and ship masters.

Questions were raised on the coordination of military activities, the obstacles to liaison in these activities, and whether it is possible for a force such as the North Atlantic Treaty Organization (NATO) to attack the bases or strongholds of pirates. A similar question was also put forth as to whether it is possible to deploy a single destroyer rather than use a number of smaller vessels. CDR Fry pointed out there are currently no obstacles in the coordination of military activities in the Gulf of Aden and that the level of cooperation in addressing piracy in the waters of Somalia is very high. Such coordination serves as a guide for future activities further south of the area. He also said that the communication network among military ships assists the collective response to piracy attacks. He claimed that the number of military ships might not be sufficient to patrol all risk areas but the navies maximize the use of these ships to the best of their abilities.

Mr. Skaanild stated that although there are UN Security resolutions providing for all necessary measures to be taken to combat piracy, the rules of engagement may hinder forces to attack pirates onshore. Dr. Swift also added that in such cases, there may be an issue on which state is willing to lead such activities. Resolving the roots of piracy activities onshore may be addressed more appropriately under a UN banner rather than by a national government.

Question was posted to the panel on the level of compliance for the industry's best management practices and whether there is a connection between insurance and compliance with such practices. Mr. Skaanild stated that there have been estimates of about 70 per cent level of compliance of best management practices within the industry. He clarified that these guidelines are fairly new and have been presented to the IMO Maritime Safety Committee in the hope that such practices will be adopted by flag States for implementation by their vessels. Dr. Swift confirmed that insurance has a role to play in the implementation of the best management practices but the link is difficult to determine at this point.

The moderator of the session thanked the panel and the participants in the discussion. He reiterated the need for vessels to register with the MSC HOA and report regularly to the UKMTO to prevent piracy and armed robbery against ships. He reminded the participants to consider preventive and defensive measures found in the best management practices developed by the industry.

Closing Remarks

Dr. Pornchai Danvivathana
Chairperson of the ReCAAP ISC
Governing Council

In closing the conference, Dr. Pornchai Danvivathana underlined the benefits of sharing ideas and appreciating the challenges expressed by the IMO, shipping associations, maritime industries, and research institutes in combating piracy and armed robbery against ships. He reiterated that the main take-away from the conference is that it is the common responsibility of all to address these problems. He believes that the existing collaboration between government and industries, as well as the networking gained from this forum, will enable all stakeholders to address the problem in a collective manner.

Dr. Pornchai Danvivathana ended the conference with the assurance that the ReCAAP ISC will continue to strive to be the key entity for networking and strengthening cooperation among ReCAAP Focal Points, government agencies, and the maritime industries. The unyielding commitment between the ReCAAP ISC and its stakeholders will also ensure the effectiveness of this regional arrangement in keeping abreast with changes and developments with regard to piracy and armed robbery against ships, and in responding to any related uncertainty that may happen in the region in the future.

Piracy and Sea Robbery 2009
Building Partnerships, Enhancing Security
22 April 2009

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|-------|---|------|--|
| 14:30 | <p>Opening Remarks
 Dr. Pornchai Danvivathana
 Chairperson of the ReCAAP Information Sharing
 Centre (ISC) Governing Council</p> | | <p>Piracy and Armed Robbery Trends in Asia –
 2008 and Developments at the ReCAAP
 Information Sharing Centre
 Mr. Yoshiaki Ito
 Executive Director
 ReCAAP ISC</p> |
| 14:35 | <p>Keynote Address
 Capt. Hartmut Hesse
 Senior Deputy Director
 Sub-division for Operational Safety and
 Human Element
 Maritime Safety Division
 International Maritime Organization (IMO)</p> | 1500 | <p>International Cooperation and Capacity
 Building to Combat Piracy and Armed
 Robbery Against Ships
 Capt. Hartmut Hesse
 Senior Deputy Director
 Sub-division for Operational Safety and
 Human Element
 Maritime Safety Division
 International Maritime Organization (IMO)</p> |
| | <p>Session I – Overview and Perspective of
 Piracy and Armed Robbery Against Ships
 in Asia
 Moderator: Capt. Hartmut Hesse
 Senior Deputy Director
 Sub-division for Operational Safety and
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 International Maritime Organization (IMO)</p> | 1520 | <p>Asian Shipowner Forum’s Perspective on
 Piracy and Armed Robbery Against Ships
 in the Region
 Mr. Wang Cheng
 Secretary-General
 Asian Shipowner Forum (ASF)</p> |
| | | 1530 | <p>Q & A</p> |

PROGRAMME

- 1545 **Break**
- Session II – Industry’s Perspective and Responses Towards Piracy and Armed Robbery Against Ships**
Moderator: Dr. Peter Swift
Managing Director
The International Association of Independent Tanker Owners (INTERTANKO)
- 1600 **Keynote**
Speaker: Mr. Torben Skaanild
Secretary-General
Baltic and International Maritime Council (BIMCO)
- 1610 **Operational Experience in Combating Piracy and Armed Robbery Against Ships off Somalia and in the Gulf of Aden**
Cdr. Steve Fry
The United Kingdom Royal Navy’s Maritime Trade Organisation (UKMTO)
- 1640 **Case Studies on Incidents off Somalia and in the Gulf of Aden**
Mr. Steffen Tunge
Managing Director
B+H Equimar Pte. Ltd.
- 1710 **International Shipping Association’s Perspective on Combating Piracy and Armed Robbery Against Ships**
Mr. Tony Mason
Secretary-General
International Chamber of Shipping (ICS)
- 1720 **Q & A**
- 1745 **Closing Remarks**
Dr. Pornchai Danvivathana,
Chairperson of the ReCAAP ISC
Governing Council
- 1750 **Conference ends**

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Correct as at 3 August 2009



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