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Calming troubled waters Global and regional strategies for countering piracy

Foreword

Last October the Australian Minister for Foreign Affairs and the European Union High Representative for Foreign Affairs and Security Policy co-chaired a forum on piracy in the margins of the Commonwealth Heads of Government Meeting in Perth, attended by Indian Ocean Rim countries and stakeholders promoting security in Somalia and off the Horn of Africa.

The Australian Government at that time agreed to host a Counter-Piracy Conference in Perth this year designed to explore further options to reduce piracy in Somalia and beyond. This Conference was held on 16–17 July 2012.

It was attended by delegates from 59 countries and organisations and chaired by Mr Peter Jennings, Executive Director of the Australian Strategic Policy Institute.

The Conference addressed global issues with piracy and armed robbery against ships. It compared the situation in the three main areas where these crimes are most prolific—in Southeast Asia, off the coast of Somalia and in the Gulf of Guinea—with a view towards gaining ideas about the lessons to be learned and how the fight against piracy and sea robbery might be strengthened at the national, regional and international levels.

This *Special Report* opens with the speech presented by Warren Snowdon, Minister for Defence Science and Personnel, on behalf of Stephen Smith, Australian Minister for Defence to the Perth Counter-Piracy Conference.

The report sets out a background paper prepared for the Conference by Dr Sam Bateman, Maritime Security Programme, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore, who was assisted in this task by ASPI's Deputy Director, Dr Anthony Bergin.

The report concludes with some personal reflections on the Perth international meeting by the Chairman of the Counter-Piracy Conference, as well as the final Chairman's Statement, issued immediately following the conclusion of the Conference.

The Perth Conference program is provided at the end of this *Special Report*.

Contents

Paper presented by Warren Snowden, MP	3
Background paper by Dr Sam Bateman	8
Global piracy	8
Southeast Asia	12
The Horn of Africa	17
West Africa	24
Chairman’s summary and reflections	30
Chairman’s final statement	36
Conference program	41

List of tables

Table 1: Global piracy – actual and attempted attacks 2006 to June 2012	8
Table 2: Southeast Asia – actual and attempted attacks 2004 to June 2012	13
Table 3: Status of ships during actual attacks in Southeast Asia 2011	15
Table 4: Horn of Africa – actual and attempted attacks 2007 to June 2012	18
Table 5: Attacks attributed to Somali pirates, 2011	19
Table 6: Ships hijacked by Somali pirates 2010–2011	20
Table 7: Central and West Africa – actual and attempted attacks 2007 to June 2012	25

List of figures

Figure 1: Actual piracy attacks worldwide 2012	9
Figure 2: Incidents in South and Southeast Asia 2012	14
Figure 3: Incidents off Horn of Africa 2012	18
Figure 4: West and Central Africa	25
Figure 5: Worldwide piracy prosecutions	32

Paper presented by Warren Snowdon MP, on behalf of Stephen Smith, Minister for Defence to the Perth Counter-Piracy Conference

16 July 2012

Introduction

Thank you Peter Jennings for that introduction.

Thank you also to the Australian Strategic Policy Institute for supporting the Perth Counter-Piracy Conference. The background papers produced by ASPI should provoke interesting discussions over the course of the next two days.

Distinguished participants, ladies and gentlemen.

Australia is a country with significant Indian Ocean as well as Pacific interests. The security of the Indian Ocean and the waters beyond goes to the heart of Australia's national interests, and indeed the interests of the region.

As the gateway to Australia for this region, our economic strength reflects our willingness and success in engaging with the fast-growing economies and major markets to our west.

Indian Ocean shipping routes are vital to Australia's economic interests, particularly for the energy and resources that meet rising demand in the Middle East, India and China.

Over \$130 billion of Australian trade passes through the High Risk Areas in South East Asia annually. Another \$50 billion of trade passes through the High Risk Area in the Horn of Africa to Europe, the Middle East and Africa.

The proportion of world energy supplies passing through critical transport choke points, including the Straits of Malacca, the

Straits of Hormuz, and the Suez Canal will increase in the coming years.

Maritime security is indeed vital to the trade that underpins much of global economic growth. It matters across the world, and certainly for those countries represented at this Conference.

The economic benefits of international trade necessitate safe and secure sea lines of communication.

The international community is increasingly aware of the need to respond to the threat that maritime piracy poses to international trade.

This Conference will continue the international dialogue that is necessary to ensure a coordinated and effective international response.

For many participants at this Conference, our respective national security is linked closely to maritime security. As well, our national economic prosperity is linked to the security and stability of the oceans, seas and straits.

Your deliberations will build on the forum Australia hosted on Indian Ocean Piracy in the margins of CHOGM in Perth in 2011 and the London Conference on Somalia in February this year.

Piracy – a regional and global challenge

Piracy has challenged maritime transport for hundreds of years, but has recently taken on a more modern and aggressive dimension in the Gulf of Aden and off the coast of Somalia.

This Conference will address the global nature of what has emerged out of localised problems in South East Asia to significant challenges in the Horn of Africa and the Gulf of Guinea.

Piracy attacks have increased steadily in recent years. They involve theft, demands

for large ransom payments, the taking of hostages and violent attacks that result in injury and death.

In 2011, there were 221 attacks against commercial vessels, as well as over 200 failed attempts.

International Maritime Bureau figures show 168 pirate attacks in the first six months of this year, with 19 commercial vessels highjacked.

Of that total, 67 piracy attacks took place off Somalia, included 13 highjackings and the taking of around 195 hostages. Today, many of these hostages remain under the captivity of pirates.

Recent trends in piracy have seen attacks on ships at further distances from the Somali coast and in areas to the North and East of the Horn of Africa. These trends make military intervention even the more challenging but also necessary.

There is also growing international concern that piracy attacks are increasingly violent.

Horn of Africa

While there has been some success in recent years in addressing a spike in piracy in the Gulf of Aden, we have witnessed the emergence of a significant piracy challenge in the Horn of Africa.

The significant international trade routes traversing the region, the large number of attacks, and the increasingly violent nature of these attacks has driven the international community to confront Somali piracy as a global issue.

Countering piracy in the Horn of Africa continues to be a complex and challenging task.

To address the root causes of piracy originating in Somali, the international

community must assist Somalia to resolve its political and economic challenges. The efforts of the Somali Government to build its maritime security capabilities are an important step in the right direction.

Somali maritime forces have been assisted by international naval forces, including Australian Navy warships.

The Gulf of Guinea

The rise in the incidence of piracy in the Gulf of Guinea has emerged as a pressing problem. These attacks threaten the economic prosperity of West and Central African nations, with flow on affects for landlocked states. The international community must support African states and institutions to respond to this problem before it develops further.

The increase in piracy in the Gulf of Guinea over the past two years has been alarming, particularly the well-organised, coordinated nature of attacks.

As an international community we have a responsibility to assist the countries affected in managing this problem with a well coordinated and integrated response not only at sea but on land as well.

In February this year the United Nations Security Council (UNSC) unanimously adopted Resolution 2039, which expressed deep concern at piracy in the Gulf of Guinea, urged states of the region to act quickly and for international partners to provide support to regional patrols, and coordination centres. The Security Council also called for the implementation of a region-wide strategy.

The African Union and the Gulf of Guinea Commission will convene a Summit later this year to develop a common maritime security strategy. Importantly, the Summit will look to develop a legal framework for the prosecution of persons involved in piracy.

On behalf of the Australian Government, I am pleased to announce that AusAID will offer scholarships for West and Central African countries to attend a course on Ocean Governance and Maritime Security at the University of Wollongong in November 2012. This builds on a similar program for East African countries.

South East Asia – highlighting the importance of coordination and dialogue

We need to keep momentum behind the growing and increasingly robust framework of international dialogue that underpins counter-piracy operations.

We know that piracy can be prevented.

I note the success in this region—particularly our neighbours Indonesia, Malaysia, Singapore and Thailand—in making significant progress in combating piracy in the Malacca Strait.

Piracy in this region is now less prevalent, is opportunistic and usually involves petty theft.

This contrasts with the more coordinated and violent pirate attacks occurring recently in the Horn of Africa and the Gulf of Guinea, which have tended to target merchant vessels and off shore gas and oil industries.

While not all challenges can be fixed with the same solutions, there are lessons to be learned from the experiences of this region.

South East Asia has benefited greatly from regional cooperation, dialogue and information sharing.

The 'Eyes in the Sky' initiative sees Malaysia, Indonesia, Singapore and Thailand conduct combined maritime air patrols over the Straits of Malacca and Singapore. This forms part of the Malacca Straits Security Initiative (MSSI), which has ensured maritime domain awareness over the Straits of Malacca and Singapore.

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (or ReCAAP) has emerged as an effective body that ensures the sharing of crucial information across the region.

The ReCAAP Information Sharing Centre has proven to be an effective long-term measure for preventing and monitoring acts of piracy.

Australia is already an active participant in regional mechanisms for dialogue, information sharing and coordination.

Australia co-chairs with Malaysia the ASEAN Defence Ministers Meeting-Plus Experts' Working Group on maritime security.

Australia contributes staff to Singapore's Information Fusion Centre, which helps to collate, interpret and deliver actionable maritime security information.

The Indian Ocean Rim Association for Regional Cooperation, known as IOR-ARC, is the region's largest grouping. Its interests are as diverse as its broad membership. Australia will assume the Chair of IOR-ARC for 2013 and 2014, having being Vice Chair to India for the period 2011 to 2012.

We will work closely with India and future Vice Chair Indonesia to ensure maritime security and piracy remain firmly on the IOR-ARC agenda.

Australia is a member of the Indian Ocean Naval Symposium (IONS), an initiative of the Indian Navy. We are looking forward to hosting the Conclave of Chiefs Meeting here in Perth in 2014.

We have had some success in this region. The challenge now will be for the international community to ensure a coordinated and efficient approach that maximises the impact of disruption efforts against pirates.

I expect this Conference to contribute to this important coordination effort.

Broader counter-piracy efforts

It is important that regional architecture and international organisations deal with emerging challenges in the maritime domain, both traditional threats such as territorial disputes, but also emerging threats from piracy, terrorism and transnational crime.

The international community has recognised the need to deal with the problem of piracy. The United Nations, regional bodies, international organisations and individual states are all making important contributions.

I recognise the counter-piracy efforts of the African Union, East African and Indian Ocean States, the US-led Combined Maritime Force of 26 countries (to which Australia contributes), the North Atlantic Treaty Organisation (NATO), the European Union, India, China, Japan, Korea and others.

Australia's operational contribution

Australia is making a significant contribution to counter both the symptoms and causes of piracy, as well as improved regional dialogue and coordination.

In the Horn of Africa, the Royal Australian Navy contributes a frigate to the Combined Maritime Forces, which is flexibly cross-tasked between the counter-terrorism, counter-piracy and Gulf maritime security task forces.

Australia is a member of the United Nations Contact Group off the Coast of Somalia. We contribute to legal and operational working groups, and the Shared Awareness and Deconfliction group which helps to coordinate Combined Maritime Force, NATO and European Union counter-piracy efforts.

A member of the Australian Defence Force was recently seconded to the UN Office for West Africa to contribute to maritime security and counter-piracy capacity building. We will seek to build on this foundation as we

look for opportunities to use our experience in this region to help build maritime security capacity in West Africa.

Australia also seconded navy officers to the UK-led Maritime Trade Operations cell in Dubai, which provides liaison and coordination for ships travelling through the region.

We are seeing the gains of military operations. However, until we address the root causes of piracy, our work will need to continue.

Dealing with symptoms and causes

As we improve our capacity to intercept attempted acts of piracy with a military and policing response, the next challenge will be to address the causes of piracy and to implement an effective system to prosecute apprehended pirates. We must work together to find such a solution.

Without seeking to oversimplify a complex problem, a lack of economic and employment opportunity, coupled with ineffective policing and judicial systems onshore are significant factors contributing to the growth of offshore piracy in some parts of the world.

Stabilising the situation in Somalia is a long-term task essential to efforts to reduce piracy in the Horn of Africa.

Legal frameworks

The international community must respond to piracy in the Horn of Africa by supporting nations in the region to establish legal and policy frameworks for preventing piracy and for detaining and prosecuting suspected pirates when their ventures are disrupted.

Australia recognises that regional states in the Horn of Africa require support and assistance to successfully prosecute alleged pirates.

Dealing with suspected pirates after detention is a significant challenge for international forces operating off the Horn of Africa.

The United Nations and a number of countries actively involved in countering piracy have started the important work of establishing legal frameworks for prosecuting suspected pirates once they are detained. This work is essential to building a strong deterrent to pirate activities.

The work of ReCAAP has played an important role in informing the development of the Djibouti Code of Conduct for information sharing, capacity building and training in the Horn of Africa.

Australia is playing a role in boosting the law and order response to piracy. Since 2009, Australia's overseas development agency, AusAID, has provided \$2.3 million to counter-piracy efforts including support totalling \$1.8 million to the UN Office on Drugs and Crime (UNODC) Counter-Piracy Programme, which provides rule of law assistance to Somalia, Kenya, Seychelles, Mauritius, Tanzania and other states in the region.

Australia has also seconded three Australian Federal Police officers on separate secondments since 2009 to assist the UNODC Counter-Piracy Programme. This assistance is aimed at enhancing the capacity of the judicial systems in Somalia, Kenya, Seychelles, Mauritius, Tanzania and other states in the region.

Detention

Kenya, the Seychelles, Mauritius and Somalia have made important progress in establishing processing facilities for suspected pirates.

In the margins of the London Conference on Somalia earlier this year, the Seychelles established the Regional Anti-Piracy Prosecution Intelligence and Coordination Centre and has signed a number of arrangements to support a prosecution framework for suspected pirates brought to the Seychelles by international partners. I commend the Seychelles for this important work.

Conclusion

The free movement of commercial shipping through international seas is of critical importance to security and economic interests of Australia, the countries of this region and beyond.

We should also bear in mind the human dimension of piracy, with mariners and sailors facing traumatic raids, kidnap, injury and murder.

Piracy is a complex problem with a long history. It is a challenge that the international community must join together to address. In this part of the world we have seen the benefits of close coordination, information and dialogue in reducing the prevalence and severity of pirate attacks. Vigilance will be required to ensure these gains are consolidated.

Piracy has recently taken on a more modern and aggressive dimension in the Gulf of Aden and off the coast of Somalia.

I welcome regional and national contributions that provide an important security response resulting in disruption of many attempted acts of piracy.

I also commend the equally important efforts of countries that are working hard to address the causes of piracy and to establish legal frameworks and detention facilities as a powerful deterrent to pirates. The international community has an obligation to assist in their efforts.

Dialogue is essential to ensuring the international community develops long-term solutions to the causes of piracy and to ensuring international counter-piracy operations are as effective as possible. I wish you well for your deliberations here in Perth, which will form part of that ongoing dialogue.

Thank you.

Background paper for the Perth Counter-Piracy Conference

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*These are his personal views.

Global piracy

What is the global situation with piracy?

Piracy is a global phenomenon but three major 'hot spots' stand out—the Horn of Africa, Gulf of Guinea and Southeast Asia with 237, 52 and 101 actual and attempted attacks respectively in 2011 (representing nearly 90% of total global attacks during the year). Table 1 shows the global situation with piracy. 221 of the attacks reported in 2011 were actual attacks of which 125 were on vessels at anchor or berthed alongside—these were invariably trivial incidents of petty theft. The vast majority of attempted attacks (204 out of a total of 218) were on vessels underway. Figure 1 shows where the actual attacks occurred worldwide in the first six months of 2012.

The Joint War Committee, representing Lloyd's of London underwriters and other insurers, lists extensive war risk areas due to piracy.¹ These include Benin, Nigeria, Somalia, Eritrea (but only south of latitude 15° N), Yemen, the ports of Balikpapan and Jakarta in Indonesia, the Sulu archipelago, parts of the northeast coast of Borneo, the northeast coast of Sumatra, the Beninese and Nigerian EEZs (north of latitude 3° N), and an extensive area of the Arabian Sea and Northwest Indian Ocean from the southern Red Sea and the Gulf of Oman east to longitude 78° E and south to latitude 12° S.

What is piracy?

Piracy is a crime subject to universal jurisdiction against which all states are able to take action. A legal definition of piracy is provided in Article 101 of the 1982 UN Convention on the Law of the Sea (UNCLOS). This definition excludes acts where only one vessel is involved, or that occur in the territorial sea, archipelagic or internal waters of a State. If only one vessel is involved, the act is within the jurisdiction of the flag State of the vessel. If the act is in the territorial sea, archipelagic or internal waters, it is within the jurisdiction of the coastal State.

Table 1: Global piracy – actual and attempted attacks 2006 to June 2012

Location	2006	2007	2008	2009	2010	2011	Jan-Jun 2012
Southeast Asia	87	78	65	68	113	101	48
Indian subcontinent	53	30	23	30	28	16	10
Americas	29	21	14	37	40	25	9
Horn of Africa	20	44	111	218	219	237	69
West Africa/Gulf of Guinea	25	49	56	47	38	52	32
Other Africa	16	27	22	7	4	5	9
Rest of world	9	14	2	3	3	3	0
Total	239	263	293	410	445	439	177

Source: International Maritime Bureau (IMB) Piracy Reports

Notes: 1. Horn of Africa includes attacks in the Gulf of Aden, Red Sea, Arabian Sea, and Indian Ocean and off Oman and Somalia—those carried out by Somali pirates.
2. Gulf of Guinea includes Cameroon, Congo, Democratic Republic of Congo, Equatorial Guinea, Ghana, Guinea, Ivory Coast, Nigeria and Togo.

Figure 1: Actual piracy attacks worldwide 2012



The International Maritime Organization (IMO) is also concerned with acts of ‘armed robbery against ships’ that fall short of piracy. This means ‘any illegal act of violence or detention, or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property onboard such a ship, within a State’s internal waters, archipelagic waters and territorial sea; or any act of inciting or of intentionally facilitating an act described above’.²

This definition includes not only acts against vessels underway, but also acts against vessels in port or at anchor, and regardless of whether they are inside or outside territorial waters when attacked. However, this definition has only been adopted by the IMO as part of a non-binding resolution, and is not an accepted crime under international law.

What are the key distinguishing features of each region?

There are marked differences in the attacks in the three main ‘hot spots’ for piracy. Off the Horn of Africa, pirates are well organised, hijacking ships and crews to hold them for ransom. They can execute this ‘business plan’ because they use secure anchorages with onshore support to hold hijacked ships. Although the pirates are heavily armed, little loss of life occurred until recently.

The situation is different in the Gulf of Guinea where attacks have been more violent. Most vessels attacked are associated with the offshore oil and gas industry. ‘High value’ crew members are sometimes kidnapped for ransom. More recent attacks have included the short-term hijacking of vessels to steal cargo. However, unlike off the Horn of Africa,

the pirates have nowhere to hold a ship for longer than a few days.

Improved coordination and cooperation between regional countries has led to a decrease in the number of more serious piracy incidents in Southeast Asia. In this region, it is now mainly opportunistic petty theft from ships at anchor or in port. This occurs in and around ports and anchorages in Indonesia, Vietnam and the Philippines.

Southeast Asian sea robbers also conduct 'hit and run' raids on ships underway to steal cash, the crew's valuables and ship's equipment. With the exception of an occasional tug or small tanker, long-term ship hijackings are infrequent in Southeast Asia. The International Ship and Port Facility Security (ISPS) Code with its requirements for a Ship Identification Number (SIN) and a Continuous Synopsis Record (CSR), providing a record of a ship's movement, changes of name, owner, etc., has made it difficult to create a 'phantom ship' with false registration documents.

In other parts of the world, piracy and sea robbery have declined over the years, including off the Indian subcontinent where sea robbery was also prevalent. Attacks were all in or off ports and anchorages, mainly in Bangladesh. The fall in number of attacks may be attributed to increased port security and harbour patrolling.

Are piracy statistics reliable?

Looking at aggregate figures for actual and attempted attacks can be misleading. A minor incident of petty theft counts as one attack, as does a much more serious incident of hijacking.³ The type of ship involved can be imprecise with the generic description of a 'tanker', for example, covering anything from a 500 dwt product tanker to a 300,000 dwt very large crude carrier (VLCC). Accurate threat assessments require detailed analyses of individual attacks.

Piracy attacks can be both under-reported and over-reported. The IMB and the IMO have noted some reluctance to report incidents due to concerns that ship schedules might be disrupted or insurance premiums increased. There have also been anecdotal reports of armed security guards onboard vessels off the Horn of Africa not reporting incidents for reasons of confidentiality. Under-reporting may also occur because attacks on local craft, such as fishing boats and small trading vessels, are not reported—particularly, in Southeast Asia.

Over-reporting of incidents is also possible. Contemporary figures are not comparable with data from the 1990s or early 2000s. Many incidents reported to the IMB are very minor, such as unsuccessful attempts to board or petty theft. These incidents were not reported in the past but are reported now due to an increased awareness of the problem, and the ease of reporting via email. In earlier years, many incidents, particularly minor ones and attempted attacks, went unreported. Statistics are also inflated if ships report any close approach by a small craft as an 'attempted attack', even though it may not have been.

What are the causes of piracy?

The prime causes of piracy around the world lie in the common causes of criminal activity generally—lack of economic opportunity, employment, and effective policing. Lack of good policing onshore is an important factor facilitating piracy and sea robbery because the perpetrators operate from land bases where their activities are more vulnerable to detection and disruption than they are at sea. Also, if there is not good policing onshore, invariably there is a lack of effective law enforcement at sea.

Many contemporary pirates and sea robbers come from coastal fishing communities which have suffered from the decline in fish stocks

and over-fishing, particularly by commercial fishing interests. This has been a factor both off the Horn of Africa and in Southeast Asia. However, there is also an historical perspective; piracy has a long history, including in these two areas.

What makes a ship vulnerable to attack?

Any ship is vulnerable to attack while at anchor or in port unless proper security is exercised. At sea, the vulnerability of ships depends on factors, such as type of ship, size, speed and freeboard. Sub-standard ships are more vulnerable than well-operated and maintained vessels, which take all necessary precautions against attack. The ships of some flags of registration also appear more prone to hijacking than others.

While it is not always the case, a large merchant vessel travelling at a speed in excess of 16 knots, and taking all appropriate precautions, should not be successfully attacked unless it slows down or stops. Consequently, pirates may use weapons and intimidation to persuade a vessel to slow down or stop.

What has been the impact of the Global Financial Crisis on piracy?

The Global Financial Crisis (GFC) has led to a major downturn in international shipping. Charter rates for all types of vessels are low. Time charter daily rates⁴ for tankers in 2011 were less than half the rates prevailing in 2006; and for bulk carriers and container ships about two-thirds of the 2006 rates.

The increased incidence of piracy and sea robbery between 2008 and 2009 coincided with the onset of the GFC. Many ships are unemployed and laid up in anchorages with skeleton crews or loitering at sea where they are vulnerable to attack. This has been a significant factor in explaining increased sea robbery in Southeast Asia where unemployed ships anchored in the eastern part of

Singapore Strait and off ports in Vietnam and elsewhere have been robbed. Another factor is that ship owners have pursued cost-cutting measures, including cutting crews and crew wages, and operating vessels at slower than normal operating speeds to reduce fuel costs. Underpaid and overworked crew are not conducive to maritime security.

What are the economic and social costs of piracy?

Piracy seems to have had relatively little impact on global trade generally despite increased shipping costs on some particular routes, particularly those serving East Africa. The actual global impact of piracy, however, is difficult to assess because it is totally dwarfed by the impact of the GFC and the depressed shipping market.

While in macro terms, piracy may have had relatively little impact on global trade, significant economic and social costs are incurred by particular sectors of the international community. Traditional fishers in areas where piracy and sea robbery are prevalent can lose their livelihoods. Seafarers work in a dangerous and stressful environment and the fear of piracy only adds to their problems.

The global costs of piracy are difficult to assess with precision. 'The Economic Cost of Somali Piracy 2011' report from the One Earth Future Foundation estimated that Somali piracy cost between US\$6.6 and \$6.9 billion in 2011.⁵ Of this, extra costs resulting from container ships proceeding at increased speeds past the Horn of Africa were assessed at \$2.7 billion per year. Other major costs were the military operations to counter piracy (\$1.273 billion), security equipment and guards (\$1.112 billion), insurance (\$635 million) and re-routing (\$583 million). However, these figures were based on doubtful assumptions that all container vessels proceed at speeds of 12 knots when not passing through high

risk areas and that 80% of vessels transiting the area use security equipment, as well as by assuming 'down time' charter rates for ships that ignore the impact of the GFC on these rates.

Which international organisations are involved in countering piracy and what are their responsibilities? Can any best practices be identified?

The principal global responses to piracy are developed through the IMO and the UN Office on Drugs and Crime (UNODC), the main international organisations involved in countering piracy. Best practices for governments, ship owners and ships are covered in a range of IMO documents including:

- Resolution A.1025(26) providing a Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery
- MSC.1/Circ.1333 on Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships
- MSC.1/Circ.1334 - Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships.

The UNODC focuses on matters related to countering piracy as an international crime, including the detention and prosecution of piracy suspects. International arrangements to defeat criminal activity generally have important benefits for countering piracy.

What is the outlook for global piracy?

Although the more serious manifestations of piracy and sea robbery occurring off the Horn of Africa and in the Gulf of Guinea will likely be brought under control, piracy and sea robbery will still continue in one form or another. This will be the case with 'hit and

run' attacks on smaller vessels in Southeast Asia, and acts of petty theft that occur on ships at anchor or in ports around the world.

Piracy and armed robbery against ships are just one form of criminal activity at sea. Pirates or sea robbers one day are often smugglers the next. They may also be just the 'foot soldiers' in a web of organised transnational criminal activity. It is no coincidence that there is a high incidence of trafficking illicit drugs, arms and people by sea in all three current 'hot spots' for piracy and sea robbery. Addressing criminal activity at sea requires a higher level of coordination and policing activity both ashore and afloat to promote good order at sea across the global maritime domain.

Enhancing regional defence cooperation and developing lasting security solutions — Southeast Asian focus

Why has the situation in Southeast Asia improved since 2004?

Statistics for actual and attempted incidents of piracy and sea robbery in Southeast Asia between 2004 and 2012 are shown in Table 2. Numerous factors explain the fall in the number of attacks from 2004 to 2009.

The disastrous tsunami in December 2004 reduced attacks off Sumatra. The peace agreement between the Indonesian Government and the Gerakan Aceh Merdeka (GAM) movement also helped because GAM had been attacking ships to raise funds. National and regional responses, including increased and coordinated patrolling and surveillance, have been important. As a consequence, few attacks now occur in the Malacca Strait and the ones that do occur are relatively minor.

Other key factors leading to the improved situation include tighter government control

and local policing onshore, as well as greater security awareness in the shipping industry, following the introduction of the International Ship and Port Facility Security (ISPS) Code in 2002. The establishment of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre (ISC) in November 2006 with its arrangements for coordination and information sharing between maritime security agencies has made a major contribution to the fight against piracy and sea robbery in the region.

What is the current situation with piracy and sea robbery in Southeast Asia?

The 2011 Annual Report from the ISC of ReCAAP noted an improved situation with piracy and armed robbery against ships in Asia compared to 2010.⁶ ReCAAP reported 155 incidents of piracy, armed robbery and petty theft in Asia during 2011 as compared with 167 incidents in 2010. One-third of the incidents involved vessels berthed or at anchor, while three-quarters of the attacks on vessels underway occurred in the South China Sea and the Malacca and Singapore straits. There were fewer attacks in the South China

Sea in 2011 than in 2010, but attacks increased in the Singapore Strait.

The situation in Southeast Asia deteriorated somewhat in 2009. A large increase in incidents is evident in Table 2 between 2009 and 2010. ReCAAP also shows this increase with 125 attacks reported in Southeast Asia in 2010 as compared with 72 attacks in 2009.⁷ Factors explaining this increase include a resurgence of attacks in Indonesia and the impact of the Global Financial Crisis (GFC) with more laid up ships at anchor around the region. Most of the increased attacks, however, were relatively minor. Many attacks, particularly in Indonesia, are classified by ReCAAP as cases of petty theft of minimum significance. Figure 2 shows the incidents of piracy and sea robbery in South and Southeast Asia in the first six months of 2012, including the cases of petty theft.

Under-reporting of incidents of piracy and sea robbery in Southeast Asian waters may occur because attacks on fishing vessels and barter trading vessels are sometimes not reported. Fishing vessels are targeted to steal valuables, the catch, fishing gear, fuel, or even the vessel itself. This type of activity has a long history in

Table 2: Southeast Asia – actual and attempted attacks 2004 to June 2012

Location	2004	2005	2006	2007	2008	2009	2010	2011	Jan-Jun 2012
Cambodia & Vietnam	4	10	3	5	13	9	12	8	4
Indonesia	94	79	50	46	29	15	40	46	32
Malacca Strait	38	12	11	7	6	2	2	1	1
Malaysia	9	3	10	9	10	16	18	16	4
Philippines	4	0	6	7	9	1	5	5	3
Singapore Strait	8	7	5	4	9	9	3	11	3
Thailand	4	1	1	2	0	2	2	0	0
Myanmar	1	0	0	0	0	1	0	1	0
South China Sea	8	6	1	6	5	13	31	13	1
Total	170	118	87	86	81	68	113	101	48

Source: International Maritime Bureau (IMB) Piracy Reports

Note: IMB data is used rather than ReCAAP data to show longer-term trends – ReCAAP data is not available prior to 2007.

Figure 2: Incidents in South and Southeast Asia 2012



parts of the region, including in the Malacca Strait and the tri-border area between Indonesia, Malaysia and the Philippines.

What particular causal factors are relevant to the region? What ships are being attacked and why?

As indicated by Table 3, the majority of attacks in Southeast Asian waters are opportunistic petty theft from vessels at anchor or in port (57 incidents out of a total of 91 actual attacks in 2011). This type of piracy is especially rife in and off ports in Indonesia, Vietnam and the Philippines. It is countered by active patrolling of the port or anchorage by marine police and greater vigilance on the part of ships' crews.

Another type of piracy occurs when ships are underway. Ships may be vulnerable due to their proximity to shore and the busy shipping environment which can hide the approach of small craft. Sea robbers board vessels to steal cash and valuables. Notable features of this type of piracy are the skills demonstrated by the pirates in making their attack and that violence is not normally used unless resistance is offered. Numerous attacks of this nature occurred during 2010 in southernmost parts of the South China Sea near Pulau Tioman off Malaysia and near Anambas and Natuna islands in Indonesia.

Smaller ships, such as tugs and barges, are occasionally hijacked in Southeast Asia

with the intention of recycling them for service under another name. This activity requires prior organisation, planning and capital outlay; it is indicative of transnational organised crime.

In a recent incident, the Malaysian-flagged tugboat WANTAS 6 towing barge WANTAS VII was hijacked in the South China Sea. The tug was last contacted on 16 April 2012 near Batam. Despite having no contact with the vessel from 16 April the owner did not report it missing to the Malaysian Maritime Enforcement Agency (MMEA) until 26 April. On 26 April the Philippines Police Coast Guard reported the barge had been found off Palawan. A Vietnamese fishing vessel picked up the crew of the tug in the South China Sea on 30 April. The tug itself has not been recovered and may have been repainted and sold.

ReCAAP, in conjunction with the towage industry and the Singapore Navy's Information Fusion Centre (IFC), has issued *Guidelines for Tug Boats and Barges against Piracy and Sea Robbery*.

In the last major incident involving a vessel other than a tug, the small Malaysian product tanker NAUTICA JOHOR BAHRU was hijacked off Bintan Island in October 2011. Good coordination between Indonesian and

Malaysian authorities led to the vessel being recovered in less than two days.

The eastern approaches to the Singapore Strait off Johor is an area where numerous ships are laid up with skeleton crews as a consequence of the downturn in international shipping associated with the GFC. Frequent attacks occurred in this area during 2009 and 2010, but have become less frequent due to active patrolling of the area by the MMEA.

What impact is piracy having on the region—actual and potential?

Piracy is no longer a major problem for larger commercial vessels passing through or calling at ports in Southeast Asia. However, vigilance and tight security against 'hit and run' raids and petty theft are required if ships slow down or anchor in areas where these attacks are known to occur.

The main impact of piracy and sea robbery in the region is on smaller craft, particularly fishing vessels. Sea robbers can destroy a fishermen's livelihood, but not only are fishermen the victims of this crime, they can also be the perpetrators. The sorry state of fisheries in many parts of the region means that fishermen can be tempted to attack their counterparts, particularly those from other villages or countries.⁸

Table 3: Status of ships during actual attacks in Southeast Asia 2011

Location	Berthed	Anchored	Steaming
Indonesia	2	36	6
Malacca Strait			1
Malaysia	1	6	7
Myanmar		1	
Philippines		3	
Singapore Strait			10
South China Sea			10
Vietnam		8	
Total	3	54	34

Source: International Maritime Bureau (IMB) Piracy Report 2011

What have been the lessons learned? What initiatives have been taken in the region for dealing with piracy? What are the current cooperative arrangements (including operational coordination and information sharing)?

Lessons learned from countering piracy over the past decade can be identified at both the national and regional levels.

National level

Comprehensive arrangements are required at the national level for inter-agency coordination on maritime security, including clearly specified responsibilities for agencies and procedures for cooperation. Most Southeast Asian countries now have some form of national coordinating committee or other body with responsibilities for countering illegal activity at sea. Another important lesson is that good policing onshore is required to prevent illegal activity at sea.

Regional level

The importance of coordination and cooperation between security forces and the need for information sharing are the main lessons to be learned at a regional level. This should include law enforcement agencies concerned with policing on land and at sea.

A high level of cooperation now exists in the Malacca and Singapore straits for operational coordination and information sharing. Relevant activities include:

- Air surveillance flights of the Malacca Strait under the Eyes in the Sky (EiS) programme, involving Indonesia, Malaysia, Thailand and Singapore.
- Coordinated sea patrols by Indonesia, Malaysia, Thailand and Singapore—the Malacca Straits Sea Patrols (MSSP).

- The Malacca Straits Patrol (MSP) network which has oversight of the EiS and MSSP programmes and comprises an Intelligence Exchange Group, the MSP Information System (MSP-IS) and Standing Operating Procedures, all under the direction of the Joint Coordinating Committee.
- ReCAAP
- The IFC at Changi Naval Base
- The Indonesia-Singapore Coordinated Patrol (ISCP) arrangement that coordinates patrols in Singapore Strait and includes SURPIC II, a real-time surveillance picture of the strait.

Maritime security cooperation also occurs in the tri-border area in the Sulu and Celebes seas between the Philippines, Indonesia, and Malaysia. Illegal activity is evident in this area, including smuggling, sea robbery and illegal people movement, but cooperation between the littoral countries is inhibited by the lack of agreed maritime boundaries. The Philippines has established the Coast Watch System (CWS), a collaborative initiative involving the United States, Australia, and the Philippines, which covers the tri-border area.⁹ This has potential to form the basis of an integrated system of maritime security tying together the three littoral states.

Will Somali-type piracy occur in Southeast Asia?

There has been some speculation that sea robbers in Southeast Asia might adopt the Somali model of piracy. However, this is unlikely for several reasons. The first is that Somali pirates get away with their actions because they are operating in the absence of effective policing. Good order at sea begins with good order on land.

Geography is a second area of difference. Southeast Asian waters are relatively

confined while Somali pirates operate in the open ocean, often using ‘mother ships’ to support small craft operations. Southeast Asian waters are suitable for the ‘hit and run’ attacks that occur in the region, but are unsuitable for the type of operations conducted by Somali pirates.

The last reason is that the modus operandi of pirates and sea robbers in the two areas are different. Attacks off the Horn of Africa are brazen, usually conducted in daylight, with the overt display of weaponry to intimidate the target vessel and its crew. In contrast, attacks in Southeast Asian waters are mostly made secretly under cover of darkness with the robbers boarding to steal whatever valuables they can. Many attacks are also on vessels at anchor or in port where security may be lax. In contrast with Somali pirates, Southeast Asian sea robbers are less well armed, and less organised. They do not often use firearms and their weapons of choice are generally knives and machetes.

What are the possible needs of the region for dealing with piracy? Capacity-building requirements?

It is not so much piracy and sea robbery that are problems in Southeast Asia, rather it is the general issue of good order at sea.¹⁰ Other threats at sea in the region include maritime terrorism, illicit trafficking in drugs and arms, people smuggling, pollution, illegal fishing and marine natural hazards, such as tsunamis and cyclones. Managing these problems requires regional cooperation, as well as cooperation between agencies at a national level.

More might be done to institutionalise the process of regional cooperation for good order at sea, including development, where appropriate, of institutional arrangements and capacity-building. More use might be made of existing institutions, and more attention given to regional ‘hot spots’ where

cooperation between adjoining countries is not well developed. This should include information sharing relevant to the detection, prevention and suppression of threats to good order at sea. The ReCAAP ISC and the Singapore’s IFC have made good progress in this regard, but there is still some way to go.

Security in some regional ports and anchorages remains a problem. Contributions from non-regional countries might assist in building the capacity of regional countries to provide the required security.

Multilateral coordination and de-confliction — The Horn of Africa

What is the current situation with piracy and sea robbery off the Horn of Africa?

The piracy situation off the Horn of Africa remains serious, but is improving (see trends in Table 4). As of late May 2012, Somali pirates were holding 13 vessels and about 280 crew, and demanding ransoms of millions of dollars. Although they attacked more ships in 2011 than in 2010, they hijacked fewer vessels. Figure 3 shows the incidents that have occurred in the first seven months of 2012.

Of the 237 vessels that reported attacks in 2011, 28 were hijacked (a success rate for the pirates of about 12%) (see Table 5). Of the 69 actual and attempted attacks in the first half of 2012, 13 resulted in the hijacking of vessels, but seven of these were local dhows or fishing vessels.

How has piracy evolved over recent years?

Piracy emerged as a major problem off the Horn of Africa in the mid-2000s. Initially attacks occurred mainly off Puntland, but then the pirates saw more opportunities in the Gulf of Aden. However, as security arrangements in the Gulf of Aden improved,

Figure 3: Incidents off Horn of Africa 2012



Table 4: Horn of Africa – actual and attempted attacks 2007 to June 2012

Location	2007	2008	2009	2010	2011	Jan-Jun 2012
Gulf of Aden	13	92	117	53	37	13
Red Sea	0	0	15	25	39	12
Somalia	31	19	80	139	160	44
Arabian Sea	4	0	1	2	0	0
Gulf of Oman	0	0	1	0	0	0
Indian Ocean	0	0	1	0	0	0
Oman	3	0	4	0	1	0
Seychelles	0	1	0	0	0	0
TOTAL	51	112	219	219	237	69

Source: International Maritime Bureau (IMB) Piracy Reports

Table 5: Attacks attributed to Somali pirates, 2011

Area	Actual attacks		Attempted attacks	
	Boarded	Hijacked	Fired Upon	Attempted Boarding
Gulf of Aden	1	4	19	13
Somalia	15	23	78	44
Red Sea	4	0	13	22
Oman	0	1	0	0
Sub-Total	20	28	110	79
Total	48		189	
Grand total		237		

Source: International Maritime Bureau (IMB) Annual Report 2011, Table 2.

pirates began to operate many miles out to sea into the Indian Ocean, even as far as the Seychelles, using larger craft as ‘mother ships’. Initially these were fishing vessels or dhows, but during 2010 the pirates started also using previously hijacked merchant vessels. This tactic posed problems for naval forces because it vastly increased their area of operations.

Somali pirates are well organised, hijacking ships and crews for ransom. The ransom paid for a large vessel and her crew now averages around US\$5.4 million—or \$13.5 million and \$12 million in the case of the crude oil tankers IRENE SL and ZIRKU respectively.

Somali pirates have secure anchorages to hold hijacked ships and are well supported by infrastructure on land. While just a few pirates might conduct an attack, they subsequently have the assistance of more people from shore to help guard a hijacked ship and look after her crew. All share in the spoils.

What impact is piracy having on the region — actual and potential?

Piracy has adversely affected East African trade through increased shipping costs and disrupted shipping schedules. Domestic fisheries and tourism in the region have also

been adversely affected by piracy. In the Seychelles, revenue from fisheries has fallen by over 30% while port and tourism revenues are also depressed by a similar amount.¹¹ The kidnapping for ransom of tourists from Kenyan beach resorts has damaged that country’s tourism industry.

Somali waters are ‘fish-rich’, but Somalia has not declared an exclusive economic zone (EEZ) and has no effective fisheries management. Foreign fishing fleets operate widely off the eastern coast of Somalia, but little is known about their catch or what is lost to the local economy.

The income provided by piracy and ransoms to impoverished communities in parts of Somalia have led to piracy becoming entrenched within these communities. It is a challenge for local leaders and the international community to counter this community support.

What particular causal factors are relevant to the region? What ships are being attacked and why?

Ship vulnerability factors are the same as those that prevail elsewhere—smaller, slower vessels are most vulnerable. Speed and a high freeboard offer considerable protection. Sub-standard ships are more likely to be

Table 6: Ships hijacked by Somali pirates 2010–2011

	2010	2011	TOTAL
Total hijackings	51	28	79
Fishing vessels	9	6	15
Dhows	5	1	6
Yachts	1	3	4
Commercial vessels of:	36	18	54
Good ships	8	5	13
Fair ships	13	5	18
Poor ships	15	8	23
Total	51	28	79

Sources: *IMB Piracy Reports and EQUASIS data base*

Notes: 1. Good ships have had few, if any, deficiencies at recent PSC inspections.

2. Fair ships have had some deficiencies at recent inspections.

3. Poor ships have had numerous deficiencies and/or have been detained after recent inspections. All were more than 25 years old.

successfully hijacked than quality vessels. Well-operated and maintained vessels follow the best management practice (BMP) guidelines recommended by IMO and ship owner associations to avoid attack,¹² but poor quality vessels are less likely to do so. Reports from naval authorities indicate that there is still a persistent number of ships operating in or through the region that are not following BMP.

Table 6 shows that of the 54 commercial vessels hijacked by Somali pirates in 2010 and 2011, 23 vessels, or about 42% of the total hijacked could be assessed as sub-standard by virtue of age and their Port State Control (PSC) record. PSC is less than effective in the northwest Indian Ocean where a disproportionate number of sub-standard ships operate as a consequence.

Sub-standard ships also figure disproportionately as vessels held longest before release. Of the seven commercial vessels still held as of May 2012 (the other vessels held were fishing vessels and dhows), five were sub-standard and one may even have been abandoned by its owner. Better managed, quality vessels are released more promptly.

What are the current cooperative arrangements (including operational coordination and information sharing)? Who are the key players?

Considerable international operational and political effort has been expended in developing cooperative arrangements for dealing with Somali piracy.

Operational activities

Operational responses include multinational naval patrols; the establishment of a secure area in the Gulf of Aden protected by international shipping patrols; and improved arrangements for surveillance and information sharing between participating navies.

At any one time during 2011, 35–45 naval vessels were typically deployed on counter-piracy operations in the region.¹³ These were drawn from some 28 states and operated either as national units or as participants in one of three dedicated anti-piracy coalition forces:

- The European Union's counter-piracy task force (EUNAVFOR or Operation Atalanta)

- NATO's Standing Naval Maritime Group (SNMG) 1 and 2
- Combined Task Force 151 (CTF-151).

Air surveillance is provided by maritime patrol aircraft and unmanned aerial vehicles (UAVs) from a range of countries. The EU recently launched its first airborne strike against a pirate base on the coast.

Shared Awareness and Deconfliction (SHADE) meetings coordinate the efforts of the different military forces countering piracy in the region. Tactical and operational commanders gather at these meetings to provide awareness of current and planned operations, discuss threat analysis, and provide feedback to the Contact Group on Piracy off the Coast of Somalia (CGPCS).

The UK Maritime Trade Operations (UKMTO) office in Dubai acts as primary point of contact for merchant vessels and liaison with military forces. It administers a Voluntary Reporting Scheme for ships passing through the area, and in conjunction with EUNAVFOR, the Combined Maritime Forces (CMF) and the shipping industry has established the Internationally Recommended Transit Corridor (IRTC) through the Gulf of Aden. This arrangement includes group transits for ships proceeding at different speeds. Ships are encouraged to register their movements with the Maritime Security Centre - Horn of Africa (MSCHOA).

The Counter Piracy Programme of the UN Office on Drugs and Crime (UNODC) supports the criminal justice response to piracy off the Horn of Africa. It works towards two related aims: fair and efficient piracy trials with humane and secure imprisonment in regional countries; and humane and secure imprisonment in Somalia for convicted pirates returned there to serve their sentences.

Several States in the region are now either prosecuting piracy cases with assistance

from the UN or elsewhere, or are considering doing so. A great deal of work is under way to assist regional States in conducting piracy prosecutions. As a consequence, more pirates are being detained and prosecuted.

Political activities

Over recent years, the UN Security Council has passed several Resolutions concerning Somali piracy. Pursuant to UNSC Resolution 1851, the UN established the CGPCS to facilitate discussion and coordination among states and organisations to suppress piracy off Somalia. In turn, the CGPCS established five Working Groups to address particular issues:

- Working Group 1: Military and Operational Coordination, Information Sharing, and Capacity Building, chaired by the UK, focuses on operational coordination and capacity-building
- Working Group 2: Judicial Issues, chaired by Denmark, focuses on judicial mechanisms for deterring piracy
- Working Group 3: Strengthening Shipping Self-Awareness and Other Capabilities, chaired by the Republic of Korea, works with the shipping industry to enhance awareness and improve capabilities
- Working Group 4: Public Information, chaired by Egypt, seeks to make clear to the world and the Somali public, the damage done by pirates
- Working Group 5: Financial Flows, chaired by Italy, focuses on illicit financial flows in order to disrupt pirate activity.

What initiatives have been taken within the region for dealing with piracy?

The IMO was instrumental in establishing the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (the Djibouti Code of Conduct). This

Code has been signed by most East African, Gulf and western Indian Ocean island states. Signatories agree to cooperate on operational activities for the suppression of piracy and in sharing information. Implementation of the Code is supported financially by numerous donor nations, including France, Japan, Netherlands and Norway.

The Indian Ocean Commission (IOC)¹⁴ has placed considerable emphasis on regional cooperation, particularly for strengthening the legal framework for dealing with maritime threats, including working with the UNODC on measures to prevent maritime crime.

The Seychelles plays a key role in countering Somali piracy.¹⁵ It has established military surveillance partnerships with major countries and has prosecuted numerous pirates successfully. Other states (including Kenya, Mauritius and Tanzania) have also indicated their willingness to consider receiving and prosecuting suspected pirates transferred to them by states involved in counter-piracy operations in the region.

The new Regional Anti-Piracy Prosecutions Intelligence Coordination Centre (RAPPICC) in the Seychelles will collect and disseminate intelligence about pirate activity, while also assisting with obtaining evidence for prosecutions.

Tentative first steps have been initiated within the Gulf Cooperation Council (GCC) to increase cooperation at sea between the GCC member states to deal more effectively with criminal activities at sea, including piracy.¹⁶

What factors explain the decline in the number of successful ship hijackings during 2011?

The fewer attacks and hijackings may be attributed to many factors, including better coordination and cooperation between naval forces; higher awareness among ship operators and crews, especially greater

adherence to the BMP guidelines and the use of citadels; more successful prosecutions of pirates; the increased use of armed guards onboard vulnerable vessels; and the reduced ability of the pirates to use 'mother ships' to conduct attacks out to sea.

Citadels can be a successful means of preventing a ship being hijacked even if pirates have been successful in boarding the vessel. A citadel is a secure compartment with good external communications to naval authorities where the crew, having immobilised the vessel, can wait until naval forces arrive to drive the pirates away. Citadels are complementary rather than an alternative to other ship protection measures. They are ineffective if any crew are left outside before the compartment is secured, or the pirates are able to break in before naval forces arrive on the scene.

Are armed security guards necessary?

Ship hijackings off Somalia provide good business for private security companies (PSCs). PSCs conduct risk assessments, offer security protection for ships and crews, including privately contracted armed security personnel (PCASP), and handle ransom payments. Naval forces have estimated that about 25% of ships transiting the area now use PCASP. The standards of PSCs vary and an independent vetting organisation, the Security Association for the Maritime Industry (SAMI), has been established for quality control of PSCs.

The use of PCASPs is a vexed issue. The IMO has approved interim guidance to flag States, ship owners and ship managers covering their use onboard ships in the Gulf of Aden and Indian Ocean. A special-high level segment of the Maritime Safety Committee (MSC) in May 2012 saw an intense debate on the issue with differing views expressed by various countries and ship owner representatives.

The IMO guidance points out that PCASP are not an alternative to BMP and should only be

considered following a risk assessment. While slow, vulnerable and valuable vessels, such as some crude oil tankers and critical offshore oil and gas infrastructure, may require armed protection, many vessels, such as large and fast container ships, do not.

There are strong legal and practical arguments against firearms onboard a commercial vessel. The handling of lethal weaponry requires special training and precise rules of engagement. The use of firearms onboard oil tankers, gas carriers and other vessels with volatile cargoes is especially dangerous. Many countries have legislation preventing ships from having weapons onboard in their territorial waters. The carriage of weapons and use of deadly force by armed guards should be covered under flag State legislation, but few flag states have this type of legislation. PCASP should have appropriate insurance cover but some may not.

Developments with armed guards include floating armouries to get around the restriction of some port States to ships entering their waters with weapons onboard, and the deployment of armed escort vessels. These developments pose additional legal issues. Non-government escort vessels are particularly problematic and some flag States have refused to flag such vessels.

The International Code of Conduct (ICoC) for Private Security Providers aims to provide better governance, compliance and accountability for PSCs operating in 'complex environments'. Although not specifically tailored to the maritime environment, the ICoC clearly has relevance to PMSCs, as evidenced by the large number of PMSCs that have become signatories to it. The ICoC Charter and Independent Governance and Oversight Mechanism (IGOM) are being developed to take into account the interests of all ICoC signatories, including PMSCs.

What are the possible needs of the region for dealing with piracy? Capacity-building requirements?

Capacity-building requirements include requisite legal frameworks; appropriate arrangements at both the national and regional levels for information sharing and coordinating anti-piracy efforts; and the necessary resources (ships, aircraft, surveillance systems, judicial and correctional systems and facilities, and personnel with the necessary skills and training). ReCAAP is already contributing its expertise to regional capacity for information sharing and analysis.

The UK Government convened the London Conference on Somalia in February 2012. The conference addressed underlying causes of instability in Somalia and provided commitments to supporting Somalia in its transition to peace, stability and development. However, international forces cannot solve Somalia's security problems, and the country needs its own strong forces to do so both onshore and at sea.

Recent conferences in Istanbul and Dubai have focussed on the social and economic development of Somalia, including governance structures that will deny pirates the safe havens from which to conduct their activities and improve the capacity of the country to police its own waters. The Dubai conference in June 2012 addressed regional capacity-building requirements, as well as the needs of seafarers on the frontline of the threat.

What is the outlook for piracy in the region?

Piracy off the Horn of Africa is serious, but should be kept in perspective. In global terms, the impact of piracy is relatively small although there is a serious economic impact in East Africa. News reports often cite costs in the billions of dollars, but these might

be over-estimates. Only a small proportion of ships passing through the area are successfully hijacked, and these are often at the lower end of the spectrum in terms of value and standard of ship.

As well as the pirates, many entities, particularly PSCs, have an interest in piracy continuing. Responses should be measured to ensure that violence does not escalate and more innocent seafarers are not killed or injured. The shipping industry itself has a responsibility to ensure that BMP guidelines are followed.

The situation off the Horn of Africa has started to improve and become more manageable. Measures, such as improved governance onshore, better enforcement by local security forces, international support for capacity building, enhanced cooperation between foreign navies, more successful prosecutions, and greater vigilance by merchant ships, provide support for this optimistic assessment. These measures must be sustained if the situation is to be brought fully under control. Improved governance onshore is the vital factor, but is also the most difficult to achieve.

Emerging challenges — West Africa focus

What is the background to piracy and sea robbery in the Gulf of Guinea? What particular causal factors are relevant to the region?

Piracy in West and Central Africa has its origins in political instability and the vulnerability of oil and gas developments, particularly offshore in the Gulf of Guinea. Attacks in Nigeria in the 1990s were often perpetrated by groups such as the Movement for the Emancipation of the Niger Delta (MEND) which attacked pipelines and offshore platforms.

The Gulf of Guinea is the geographical area stretching from Guinea in the north-western part of Africa to Angola in the south-central part of the continent (see Figure 4). Large quantities of oil, fish and other marine resources make it a rich economic zone.

Despite problems of civil unrest, political instability, border disputes, corruption and poor governance, international oil companies have been attracted to the region. Exploration has taken place in five major sedimentary basins: the Niger Delta, the Anambra Basin, the Benue Trough (a large sedimentary area in Nigeria), the Chad Basin and the Benin Basin. The most prospective basin is the Niger Delta which includes the continental shelf and makes up most proven reserves.

Nigeria is the largest oil producer in Africa and the eleventh largest in the world. According to the 2010 BP Statistical Energy Survey, Nigeria had proven oil reserves of 37.2 billion barrels at the end of 2009 or 2.79% of the world's reserves. Other regional developments offshore include the Pazflor project off Angola which came on stream in August 2011 with one of the largest floating production, storage and offloading (FPSO) facilities in the world.

Gulf of Guinea countries produce more than 5 million barrels of oil per day and more than three quarters of the world's supply of cocoa. The region is also rich in minerals, including bauxite in Guinea, gold in Ghana, and unexploited resources such as iron ore in Liberia and other countries.

What is the current situation with piracy in the region? What ships are being attacked and why?

53 actual and attempted attacks were reported in the region during 2011, as opposed to 39 in 2010, and 32 attacks occurred in the first half of 2012 (see Table 7). 20 pirate attacks in the waters off Benin were reported in 2011, as compared with only one in the previous four years.

Figure 4: West and Central Africa



Table 7: Central and West Africa – actual and attempted attacks 2007 to June 2012

Location	2007	2008	2009	2010	2011	Jan–June 2012
Northern Region	5	1	6	7	6	0
Ivory Coast	0	3	2	4	1	3
Ghana	1	7	3	0	2	2
Togo	0	1	2	0	6	5
Benin	0	0	1	0	20	1
Nigeria	42	40	29	19	10	17
Southern Region	5	7	5	9	8	4
Total	53	59	48	39	53	32

Source: International Maritime Bureau (IMB) Piracy Reports

Notes: 1. Northern Region comprises Gambia, Guinea Bissau, Guinea, Senegal, Sierra Leone and Liberia.
 2. Southern Region comprises Cameroon, Equatorial Guinea, Principe Sao Tome, Gabon, Democratic Republic of Congo, the Congo and Angola.

The situation off Nigeria improved during 2011 (10 attacks in 2011 compared with 19 in 2010), but there has been a resurgence of attacks off Nigeria in 2012, as well as increased attacks off Togo. An apparent improvement in the situation off Benin in the first half of 2012 may be attributed partly to joint naval patrols by Nigeria and Benin.

Most attacks occur at night and target oil and chemical tankers that are stationary while conducting ship-to-ship transfer operations, usually at a distance of over 40 nautical miles offshore. The pirates may also be using 'mother ships' to attack ships further offshore.

There have been continuing attacks off Benin and Nigeria since mid-2011 where an oil tanker has been hijacked and a significant part of its cargo stolen—losses range from US\$2 million to \$6 million. The cargo is transferred into a smaller tanker for subsequent discharge ashore. These attacks suggest that the pirates in the Gulf of Guinea are becoming more systematic with better organisation and sophisticated modes of operation.

In a recent incident, the 76600 dwt product tanker BW RHINE was seized from an anchorage off Togo on 28 April 2012, laden with a cargo of gasoline, but was later released after some cargo had been stolen. According to the International Maritime Bureau (IMB), at least 16 similar incidents have been reported along the coastline from Togo to Nigeria over the past year. In West African countries, especially Nigeria, there is believed to be a large and highly developed black market for oil and its products. It has been estimated that Nigeria loses about 7% of its oil revenues to criminal activities.

Pirates in the Central African part of the Gulf of Guinea target both oil drilling platforms and ships, with the intention of seizing money, radio equipment and goods from the crew and the passengers. On some occasions, hostages are taken for ransom. Attacks in

the West African subregion generally occur during ship-to-ship transfer operations, with a view to stealing oil cargo and other high-value assets.

Unlike Somali pirates, West African pirates have no place to hold a vessel securely while ransom negotiations take place so they sometimes kidnap crew members, usually more senior or highly skilled technical people who may attract higher ransoms.

What impact is piracy having on the region – actual and potential?

It has been estimated that piracy currently results in an annual loss of US\$2 billion to the economy of the West African subregion. In August 2011, the London-based marine insurers' group—the Joint War Committee—added Benin to the list of high-risk countries, leading to increased insurance rates for vessels operating in Benin's waters. As a result, the number of ships entering the Port of Cotonou declined by 70%.

The incidence of piracy in the region has also affected the operation of a range of vessels associated with the exploration and exploitation of offshore oil and gas, such as seismic research vessels and offshore supply vessels. Seismic survey vessels are low and slow and thus vulnerable to 'hit and run' attacks to steal valuables or even kidnap crew members.

What initiatives have been taken in the region for dealing with piracy? What are the current cooperative arrangements (including operational coordination and information sharing)? Who are the key players?

Several regional associations have been actively involved in countering piracy in the region. These are:

- the Gulf of Guinea Commission (GCC) created in 2001 but only operational

in March 2007, when its Executive Secretariat was set up in Luanda¹⁷

- *the Economic Community Of West African States (ECOWAS)*¹⁸
- the Economic Community of Central African States (ECCAS)¹⁹
- The Maritime Organization of West and Central Africa (MOWCA) established to ensure a cost-effective shipping service for subregional countries focusing on safety and combating pollution.²⁰

In October 2009, the ECCAS Committee of Chiefs of Defence Staff adopted a Protocol that provided for the establishment of a subregional maritime security centre and committed ECCAS member states to the conduct of maritime operations against piracy. That led to the establishment of the Regional Centre for Maritime Security in Central Africa (CRESMAC), located in Pointe-Noire, Congo.

The Nigerian Maritime Administration and Safety Agency (NIMASA) and the Nigerian Navy have established the Maritime Guard Command for regular patrol of Lagos waters, while the Nigerian Marine Police patrol inland waterways. In addition, NIMASA is partnering with the Nigerian Air Force to establish a maritime air unit at Benin to carry out surveillance.

In order to counter the growing piracy problem along its coast, Ghana is setting up an electronic vessel traffic management and information system (VTMIS) to complement its sea and air patrols.

The IMO, in conjunction with MOWCA, is developing the Integrated Coast Guard Function Network. This will provide a regional mechanism for combating piracy and armed robbery against ships, and for enhancing maritime security in general for the area stretching from Mauritania to Angola.

What have been the lessons learned? Might any of these be applicable to other regions?

While some regional countries are open to having foreign warships patrolling in the Gulf of Guinea, similar to international naval operations off Somalia, others are sensitive to the idea, cautioning that an international naval response in the Gulf of Guinea would be controversial, especially given broad regional wariness over perceptions of external interference. It is also suggested that foreign warships in the Gulf of Guinea might be more destabilizing than helpful if they widened the strategic nature of the problem and attracted criminal or terrorist attacks.

UNSC Resolution 2018 encouraged members of ECOWAS, ECCAS and the GGC to conduct bilateral or regional maritime patrols in the Gulf of Guinea to counter piracy. The Resolution called upon states, in cooperation with the shipping industry, the insurance industry and the IMO to provide advice and guidance to ships on how to avoid attacks when sailing in the waters of the Gulf of Guinea. It also called upon members of ECOWAS, ECCAS and GGC to cooperate in the prosecution of alleged perpetrators, including facilitators and financiers of acts of piracy and armed robbery at sea, and encouraged the international community to assist, upon request, the states concerned in the region and relevant organisations and agencies in strengthening their efforts to counter piracy and armed robbery at sea in the Gulf of Guinea.

In addition to becoming signatories to the IMO/MOWCA memorandum of understanding, Central African countries have joined together under the umbrella of ECCAS to take collective steps to fight piracy. Despite being under-resourced, they have developed a comprehensive joint maritime security architecture that could serve as a good model for the entire Gulf of Guinea region. A more

coordinated mechanism is required for the region as a whole to counter piracy and sea robbery.

What are the possible needs of the region for dealing with piracy? Capacity-building requirements?

A UN mission was sent to the Gulf of Guinea in November 2011 to assess the scope of the threat of piracy in the region and its capacity to deal with piracy. It contributed significantly to raising awareness of the problem and the region's capacity-building requirements. The following observations are drawn from the report of the UN mission.²¹

Some international partners are already providing technical support or have committed to bilateral programmes with Benin in support of its maritime security strategy. France is funding a three-year project aimed at building the capacity of the national security forces of Benin, Ghana and Togo to enable them to provide effective maritime security. China has also agreed to fund the purchase of a ship, while the US has pledged \$300,000 to help with the development of a national maritime strategy. The US has also agreed to deploy assessment missions to Benin.

The EU is another key partner in the fight against piracy in the Gulf of Guinea through the implementation of a programme on maritime piracy, of which Benin and other West and Central African countries are beneficiaries. The programme focuses on maritime security and safety, maritime information sharing, and enhancing the operational capacity of coastguards and law enforcement agencies.

Although a joint maritime force arrangement exists within ECCAS, there is no joint arrangement for effective patrolling and monitoring of the maritime domain for the whole Gulf of Guinea area. There is no collective surveillance system including

coastal radars covering the Gulf of Guinea coastline, even though some states have begun installing and operationalising national coastal radars, notably under the framework of bilateral defence cooperation programmes with France and the US.

The joint maritime patrols by Nigeria and Benin are a model for inter-state cooperation to combat piracy in the Gulf of Guinea. The mission, however, saw this initiative only as a temporary solution. A longer-term strategy would require a broad synergy of efforts among concerned regional states to prevent pirates from seeking sanctuary in any country in the region. For such a strategy to be effective, substantial assistance would be required from the international community.

What is the outlook for piracy in the region?

Piracy will likely continue in the region without extensive capacity-building assistance. The required capacity includes the development of national legal frameworks; national and regional arrangements to better coordinate anti-piracy activities and information sharing; and the necessary operational resources (ships, aircraft, skilled people and surveillance systems).

Nevertheless, just as elsewhere in the world, the fight against piracy and sea robbery in West Africa begins on land. As the UN mission in 2011 concluded, any viable or lasting regional strategy to combat piracy needs to take account of the root causes of regional piracy: high levels of youth unemployment, wide income disparities within society, the uncontrolled circulation of illicit weapons and the prevalence of corruption.

Notes

- 1 Current war risk areas are listed in 'Hull War, Piracy, Terrorism and Related Perils – Listed Areas', *JWLA/020*, dated 28 March 2012, available at: http://www.lmalloyds.com/Web/Market_Places/marine/JWC/JW_Bulletins/Copy_of_JWLA020.aspx

- 2 Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships, *IMO Resolution A.1025(26)*, annex, paragraph 2.2., adopted on 25 November and 2 December 2009.
- 3 ReCAAP avoids this problem by classifying incidents into three different levels according to level of seriousness. ReCAAP also now includes a fourth level of petty theft as one of minimum significance.
- 4 The time charter daily rate is the fee a ship charterer pays per day to have operational control of a vessel to carry his cargo for some fixed period of time. In other words, it is the rent per day that a ship owner receives for hiring out his ship.
- 5 Anna Bowden and Shikha Basnet, 'The Economic Cost of Somali Piracy 2011', *One Earth Future Foundation Working Paper*, April 2012, available at www.oneearthfuture.org
- 6 ReCAAP Information Sharing Centre, *Annual Report January-December 2011*, www.recaap.org
- 7 ReCAAP tends to show a few more attacks than the IMB because it receives reports both from government focal points as well as from ships. IMB only receives reports from ships.
- 8 Carolin Liss, *Oceans of Crime – Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh*, Singapore: Institute of Southeast Asian Studies, 2011, pp. 110-113.
- 9 Angel Rabasa and Peter Chalk, 'Non-Traditional Threats and Maritime Domain Awareness in the Tri-Border Area of Southeast Asia -The Coast Watch System of the Philippines', *Occasional Paper*, Santa Monica CA: Rand Corporation, 2012, http://www.rand.org/pubs/occasional_papers/OP372.html
- 10 Sam Bateman, Joshua Ho and Jane Chan, *Good Order at Sea in Southeast Asia – Policy Recommendations*, Singapore: S. Rajaratnam School of International Studies (RSIS), April 2009.
- 11 HE Joel Morgan, Minister of Home Affairs, Environment, Transport and Energy, 'The Role of Seychelles in Counter-Piracy', transcript, Chatham House, 21 February 2012, <http://www.chathamhouse.org/publications/papers/view/182339>
- 12 Best Management Practices Version 4 (BMP 4), has been produced by the Shipping Industry in consultation with the combined naval forces - EUNAVFOR, the NATO Shipping Centre and the UKMTO. BMP 4 was released in August 2011 and is available at: [http://www.mschoa.org/bmp3/Documents/BMP4%20low%20resolution%20\(3\).pdf](http://www.mschoa.org/bmp3/Documents/BMP4%20low%20resolution%20(3).pdf)
- 13 Rupert Herbert-Burns, 'Countering Piracy, Trafficking and Terrorism: Ensuring Maritime Security in the Indian Ocean', *Analysis*, Washington DC: The Stimson Centre, 30 April 2012, <http://www.stimson.org/summaries/countering-piracy-trafficking-and-terrorism-ensuring-maritime-security-in-the-indian-ocean>
- 14 Membership of the IOC comprises Comoros, France (Reunion Island), Madagascar, Mauritius and Seychelles.
- 15 The Hon Jean Paul Adam, Minister for Foreign Affairs, Republic of Seychelles, 'The Role of Seychelles in Counter-Piracy', transcript, Chatham House, 21 February 2012, <http://www.chathamhouse.org/publications/papers/view/182339>
- 16 The member states of the GCC are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates.
- 17 Membership of the GCC comprises includes eight States, seven in the Central African subregion (Angola, Cameroon, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe) and one in West Africa (Nigeria).
- 18 Membership of ECOWAS comprises Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.
- 19 Membership of ECCAS comprises Cameroon, Central Africa Republic, Chad, Equatorial Guinea, Republic of the Congo and Gabon.
- 20 MOWCA unifies 20 West and Central African coastal States and five landlocked States. Coastal member States of MOWCA are Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo; and the landlocked member States are Burkina Faso, the Central African Republic, Chad, Mali and Niger.
- 21 Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24 November 2011), UNSC document S/2012/45, 19 January 2012.

Chairman's summary and reflections on the Perth Counter-Piracy Conference

Peter Jennings
Executive Director, ASPI

Event summary

The Perth conference highlighted the growing global momentum to develop effective counter-piracy strategies at the national, regional and international levels. I will first note some of the highlights from the individual contributions delivered at the Perth Counter-Piracy Conference and then present what in my view are the findings from the meeting which should be read in addition to the material contained in the Chairman's Statement, which was issued at the conclusion of the conference and is included in this publication.

In his welcoming remarks, Minister for Veterans' Affairs and Minister for Defence Science and Personnel, Mr Warren Snowdon MP, highlighted the Australian Government's continued commitment to countering piracy, demonstrated by the government's decision to convene the Perth Conference.

Minister Snowdon announced new scholarships for West and Central African countries to attend an ocean governance and maritime security course at an Australian university.

The Minister also highlighted Australia's overseas aid program contribution to counter-piracy efforts. Since 2009, Australia's overseas development agency, AusAID, has provided \$2.3 million to counter-piracy efforts including support totalling \$1.8 million to the UN Office on Drugs and Crime (UNODC) Counter-Piracy Programme, which provides rule of law assistance to Somalia, Kenya, Seychelles, Mauritius, Tanzania and other

states in the region. As part of our assistance to UNODC, Australia has also deployed three Australian Federal Police officers to support the UNODC's Counter-Piracy Programme since 2009.

Rear Admiral Allan du Toit, Head of Navy Capability, Royal Australian Navy (RAN), set out the RAN's recent effective efforts in counter-piracy operations. Admiral du Toit discussed these operations in the context of Australia's international engagement efforts.

Southeast Asia

Southeast Asia's success in countering piracy and sea robbery provides important lessons for other regions where these crimes are prevalent. Successful measures employed in Southeast Asia include coordinated patrolling and surveillance of areas where attacks are prevalent, information sharing, onshore policing, and close liaison between security forces both onshore and afloat.

Lieutenant Colonel (retired) Nicholas Teo, Deputy Director for the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre (ISC) addressed the importance of establishing mutual trust and respect as a basis for cooperation, and emphasised the criticality of information sharing. He spoke of the need to meet commercial entities half way in ensuring maritime safety, and made the important point that the problem of piracy cannot be handled by one agency alone.

The Conference highlighted the successful cooperation between Malaysia, Indonesia and Singapore in countering piracy and armed robbery against ships in the Malacca and Singapore Straits.

Admiral Karunanithi Munusamy, Head of Enforcement, Sabah and Labuan, Malaysian Maritime Enforcement Agency (MMEA), signalled the importance of a visual maritime

presence in deterring piracy. He discussed the link between piracy and organised crime.

First Admiral Tri Yuswoyo, Head of the Centre for Information, Law and Cooperation, Maritime Security Coordination Agency, Indonesia, emphasised the importance of port administration and security.

Dr Sam Bateman, Maritime Security Programme, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore, reinforced the linkage between crime at sea and its origins on land. He reiterated the importance of port security as a capacity-building measure. Dr Bateman suggested that non-naval maritime forces could often achieve a higher level of international coordination than naval forces.

Horn of Africa

Commodore Jonathan Mead, Surface Force Commander, Fleet Headquarters, RAN, highlighted the practical challenges of policing a zone of two million square miles in the Horn of Africa with two ships and one aircraft. He provided an important reminder of the dangers to crews in performing this work.

Commodore Simon Ancona, Deputy Commander Combined Maritime Forces and United Kingdom Maritime Component Commander, outlined the piracy business model: prepare – operate – recover. He suggested that the current greatest enemy in the counter-piracy world is the complacency that comes with apparent success. CDRE Ancona emphasised that recent progress is reversible and reiterated the importance of vessels complying with best management practices.

Dr Sarah Percy, Political Science and International Relations, University of Western Australia, addressed piracy as a model of organised crime. She highlighted the strong correlation between government corruption

and higher incidence of piracy. Dr Percy spoke about the use of naval forces as a very expensive hammer being used to ‘crack a nut’, and emphasised the need to nip nascent piracy problems in the bud.

His Excellency David Daly, Ambassador and Head of Delegation, Delegation of the European Union (EU) to Australia and New Zealand, spoke about ‘Operation Atalanta’ and the recent disruption operation against pirate logistical camps on land. He talked about the central importance of developing workable detainee transfer arrangements and the work of the EU to develop this capability in key countries. Ambassador Daly underlined the need for cooperation mechanisms among prosecuting countries and the values of joint investigation teams.

Mr Andrew Mwangura of the Kenya Seafarers Association noted the capacity of pirate criminal organisations to shape political outcomes to suit their business model. Mr Mwangura spoke about the criminal links between piracy and some governments, which have allowed illegal fishing, gun running, human trafficking and other illegal activities to occur. He spoke passionately about the need to assist the families of seafarers who become hostages, often for whom no assistance is provided.

Mr Shamus Mangan of the United Nations Office on Drugs and Crime Counter-Piracy Programme (UNDOC CPP) highlighted the importance of a robust and practical legal framework for prosecuting pirates in each country and the need for flexibility in the trial process. He spoke about the development of relevant infrastructure in Kenya and Seychelles, and the construction of prisons in the Somali regions of Puntland and Somaliland. The UN Development Programme (UNDP), UNODC and UN Political Office for Somalia (UNPOS) have been assisting states around the Horn of Africa

with arrangements for the prosecution of suspected pirates and imprisonment of those convicted. Piracy prosecutions worldwide are shown in Figure 5.

Mr Issa Mohamud Farrah, Director General of Puntland Petroleum and Minerals Agency, Somalia, noted that Somalia has 3,333 kilometres of coast but with very little capacity to protect this area. He pointed out that the lack of employment and educational opportunities for young men within the Puntland communities can make involvement in piracy an attractive option. In such circumstances the resort to piracy can be forced by economic necessity, and therefore, the support of the international community is crucial to breaking the cycle of young men entering piracy.

Mr Farrah spoke about the 1048 Somalis currently being held in prison by 20 countries, and noted that hostages are held in captivity for an average of six to seven months.

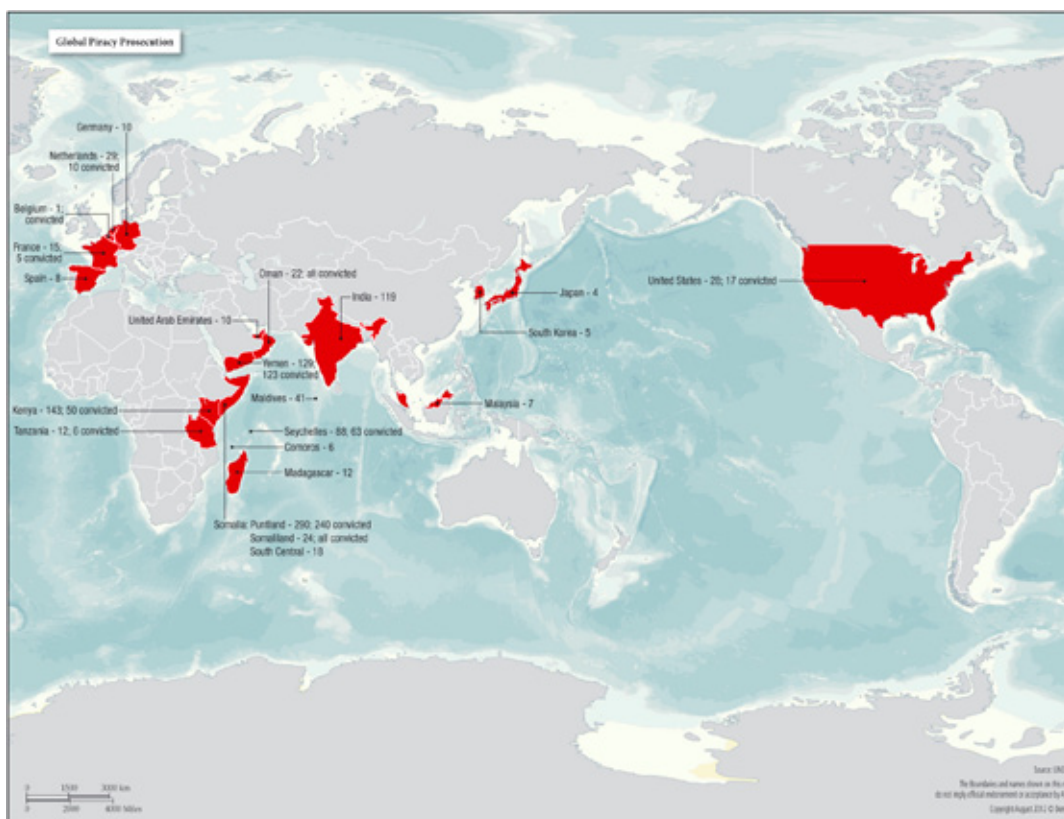
Mr Yonis Hashi, the Consul General of the Republic of Somalia in Australia, observed that Somalia is a patient with many doctors but was optimistic about the capacity of his country to understand and address the piracy problem including root causes, with the appropriate help from the international community.

Gulf of Guinea

Captain Harmut Hesse, Special Representative of the Secretary-General of the International Maritime Organization (IMO) for Maritime Security and Anti-Piracy Programs, detailed the painstaking work necessary to develop international agreements to underpin capacity development and the enormously complex multi-disciplinary and multi-agency approach required.

CAPT Hesse advocated a ‘pull, not push’ approach to identifying what countries require for countering piracy. That is to say solutions should not be imposed by external

Figure 5: Worldwide piracy prosecutions



powers, but rather should be shaped by the needs of identified countries and addressed accordingly. He made four key points on the topic of countering piracy: government commitment is essential; regional cooperation is crucial; the role of international organisations is important; and that there's a connection between piracy and a spectrum of illegal behaviour.

CAPT Hesse also highlighted the new global Long Range Identification and Tracking Systems which will be potentially useful for tracking ships and providing added security.

His Excellency Jean-Francis Zinsou, Permanent Representative, Permanent Mission of Benin to the United Nations, addressed the economic cost of piracy to Benin and the shortfall this created in government revenue. He spoke about the issue of piracy being considered by the UN Security Council and how countries in the Gulf of Guinea region had shaped UN Security Council action to investigate counter-piracy strategies.

Captain Denis Hounsou Gbessemehlan, Benin Chief of Naval Staff, spoke about the importance of his country's joint naval patrols with Nigeria. He emphasised the essentiality of political will and the need to develop capabilities to counter piracy, and underlined the drastic reduction of illegal activities at sea which had been achieved through 'Operation Prosperity'.

Rear Admiral Austin Oyagha, Naval Headquarters, Nigerian Navy, outlined various counter-piracy initiatives undertaken by Nigeria including the demobilisation of 1,600 militants and reintegration of these militants back into Nigerian society. He spoke of the success of joint patrolling and training in 'Operation Prosperity' which has been extended for another six months.

RADM Oyagha outlined several lessons for counter piracy: a stable political state is essential; it must be a collaborative effort;

countries within the Gulf of Guinea region must have the right capabilities; and that the Navy is an adequate force to perform counter-piracy tasks.

Captain Neyo Takounadi, Ministry of Defence, Togo, spoke about maritime governance and the difficulties in providing security for large numbers of ships. He reiterated that working to counter piracy must be done together.

Personal reflections

Let me now set out ten key findings from the two days of discussions at the Perth Counter-Piracy Conference, that are not otherwise covered in my Final Chairman's statement.

Information sharing

The experience of ReCAAP points to the importance of having a single focal point for coordinating the handling of information in each country participating in a regional information-sharing centre. Networking between representatives of the focal points is important to build the trust and relationships necessary for effective information sharing.

Think globally, act regionally and nationally

The maxim of developing best practices at a global level, but applying them at the regional and national level applies to counter-piracy measures. Regional and national ownership of operations and responses is essential.

Southeast Asia and the Gulf of Guinea region have working governments and are sensitive to active international participation in regional counter-piracy operations. They do not wish to see operations internationalised.

The Horn of Africa is an exception to this principle due to the problems of governance in Somalia.

Piracy statistics

Some governments are dissatisfied with the way in which statistics are presented on piracy and armed robbery against ships. The incidence can be inflated by including acts of petty theft from ships in port or at anchor, including ones where the robbers are not armed.

This problem arises because the IMO and the International Maritime Bureau (IMB) recognise only two forms of crime—piracy and armed robbery against ships.

ReCAAP has circumvented this problem and recognised the sensitivities of some Asian countries by recently introducing an additional classification of petty theft of minimum significance.

The IMB and IMO might consider doing likewise.

Port and anchorage security

Many reported incidents of piracy and armed robbery against ships occur in ports and anchorages. These distort the overall picture of global piracy and the responses required.

Security in ports and anchorages is under the jurisdiction of the relevant coastal state but many states lack the capacity to provide this security. The situation can also be complicated by the overlap of responsibilities between the agencies providing the security, such as navy, coast guard, port administration, and local police forces.

A guide might be developed covering best practice for security in ports and anchorages covering for example:

- the importance of radar coverage of the port and anchorage with effective monitoring by a command and control headquarters
- the requirement for ships at anchor to keep their Automatic Identification System (AIS) active and to report at regular intervals to the command and control headquarters
- the importance of a clear statement of responsibilities for the agencies involved.

Illegal, unreported and unregulated (IUU) fishing

The incidence of IUU fishing is an important causal factor in all main regions of the world where piracy and armed robbery against ships occur. Sometimes this fishing is not strictly illegal because the coastal state concerned has not declared the necessary maritime zones or has not legislated for enforcement against illegal fishing.

More could be done to address this problem by:

- closer monitoring of the situation by regional fisheries management organisations
- capacity-building assistance for the coastal states concerned for the establishment of the appropriate zones and development of the necessary legislation
- better self-regulation by the distant water fishing nations that may engage in IUU fishing.

Social costs

Greater international attention might be given to the social costs of piracy. The Save Our Seafarers campaign supported by influential maritime associations, trade unions and P&I insurers has done much to draw international attention to the plight of seafarers affected by piracy.

However, there are also the ‘hidden victims’ of piracy. These are the families of seafarers

held hostage, of fishermen whose livelihoods have been affected by piracy, and even of the pirates who may be 'lost' at sea.

The situation is aggravated by some ship owners of vessels held for ransom not caring sufficiently about the welfare of ships' crews and by unreported incidents of 'trigger happy' armed guards.

Coastguard function

Piracy and armed robbery against ships are just two forms of illegal activity at sea. The coast guard function is an important consideration in both regional cooperation and national arrangements for managing the maritime domain because it embraces all forms of illegal activity at sea, as well as search and rescue and marine environmental protection.

The coast guard function is actively promoted by the IMO, for example, in the Integrated Coast Guard Function Network, being developed by the IMO in conjunction with the Maritime Organization of West and Central Africa to provide a regional mechanism for combating piracy and armed robbery against ships, and for enhancing maritime security in West and Central Africa.

Legal finish

The lack of 'legal finish' has been frustrating for the international agencies involved in counter-piracy operations. The justice sector is an important area for capacity-building along with arrangements for prisoner transfer and prosecution. Domestic legislation needs to cover inchoate offences, such as facilitation of piracy and receiving the proceeds of piracy.

Corruption

Improved governance onshore does not necessarily mean the end of corruption. Public or private sector corruption can be both a cause of piracy and armed robbery against

ships, and an obstacle to effective policing against these crimes onshore.

Corruption also facilitates transnational organised crime, including in the necessary planning and implementing of piratical acts, such as the theft of cargo from oil tankers anchored in the Gulf of Guinea and the hijacking of tugs in Southeast Asia. Anecdotal reports from the Horn of Africa suggest that corrupt officials may be protecting pirates in Somalia and sharing in the spoils of ship hijackings.

Vested interests

Measures to countering piracy and armed robbery against ships have many stakeholders in both the public and private sectors. Most are genuinely concerned with the eradication of these crimes, but some, such as private security companies and parts of the marine insurance industry, benefit from the continuation of these crimes. This can lead to the distortion of risk assessments and policy responses.

Acknowledgments

I would like to thank each of the speakers at the Perth Conference for their insightful and significant contributions to the issue of countering piracy, as well as the Conference delegates who contributed their expertise in the interactive parts of the Perth meeting.

I would also like to offer my thanks to the conference team from International Policy Division, Australian Department of Defence, supported by the Australian Department of Foreign Affairs and Trade, whose hard work made the event possible.

Finally, I will be reporting back to the Australian Government on the findings from the Perth Conference.

I hope that these findings will inform its plans for enhancing Australia's counter-piracy strategy in the United Nations and elsewhere.

Chairman's final statement of the meeting

[This is a personal, informal report of our meeting which I offer for consideration by the Australian Government and others with an interest in countering piracy]

The Perth Counter-Piracy Conference was attended by 108 participants from 59 different countries and organisations. It was sponsored by the Australian Government and hosted by the Australian Acting Minister for Defence, the Hon. Warren Snowdon MP.

The conference focussed on global issues with piracy and armed robbery against ships. Particular consideration was given to the three areas where these crimes are most prolific: in Southeast Asia, off the Horn of Africa, and in the Gulf of Guinea.

The conference explored some of the successes in fighting against piracy in Southeast Asia and how these might be applied elsewhere. It developed a range of lessons learned to strengthen international and regional cooperation.

Current Situation with Global Piracy

The conference noted that piracy is a global problem, which occurs in several regions. Defeating piracy will require effective national, regional and global strategies. The current situation in the main areas where it occurs is as follows:

- In *Southeast Asia*, piracy has declined in recent years owing to coordinated efforts by countries in the region, including through increased patrols, policing and information sharing.
- Off the *Horn of Africa*, piracy remains a serious international security issue with increasingly violent kidnapping of

seafarers. According to EUNAVFOR, as of 2 July 2012, Somali pirates were holding 7 vessels and approximately 211 crew.

- In the *Gulf of Guinea*, piracy is an increasing concern. By targeting lucrative cargo including oil on ships, piracy is a threat to the peace, security and development of West and Central African countries.

Prime causes of piracy around the world lie in the common causes of criminal activity generally - lack of economic opportunity, employment, and effective policing. Good policing onshore is an important factor in preventing piracy and sea robbery because the perpetrators operate from land bases where their activities are more vulnerable to detection and disruption than they are at sea. If there is not good policing onshore, invariably there is a lack of effective law enforcement at sea. Good order at sea begins with good order on land.

The conference commended the efforts being made by navies and other maritime security forces around the world to counter piracy and armed robbery against ships. It also noted the excellent work to counter piracy being done by international agencies, notably the International Maritime Organization (IMO), the UN Political Office for Somalia (UNPOS), the UN Office on Drugs and Crime (UNODC), the UN Development Programme (UNDP), and the International Criminal Police Organization (ICPO or INTERPOL).

Lessons Learned

National Capacity

The conference recognised that many coastal states in areas where piracy and sea robbery occur lack the necessary capacity to counter these crimes effectively. The requisite capacity comprises:

- *Organisational Arrangements and Procedures.* These should cover inter-agency coordination, including clearly specified responsibilities for agencies and procedures for cooperation; the collection, analysis and dissemination of intelligence; and the determination of risk assessments related to piracy and sea robbery. A national coordinating committee or other body with responsibilities for coordinating the national response to illegal activity at sea is desirable.
- *Legal Frameworks.* Domestic legislation is required for dealing with the offences of piracy and armed robbery against ships. Countries should be parties to relevant international conventions, including the 1982 UN Convention on the Law of the Sea (UNCLOS) and the 2005 Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation (SUA Convention).
- *National efforts* in some states would be enhanced if a 'best practice' handbook could be developed to set out the requirements of domestic legal frameworks and their links to international treaties and conventions.
- *Resources.* The resources required comprise patrol vessels, aircraft, surveillance systems, judicial and correctional systems and facilities, and personnel with the necessary skills and training.
- *Lexicon.* There might be value in developing a readily accessible compilation of terms covering piracy and armed robbery at sea for use by non-specialists.

Regional Cooperation

The conference noted how good cooperation between regional maritime security and police forces in Southeast Asia had contributed to the improved situation in that region. It recognised that regional organisations have an essential role to play in fostering cooperation to counter piracy.

The conference noted the following requirements for regional cooperation:

- *Standard Operating Procedures* for dialogue and cooperation between maritime security forces and regional police forces.
- *Multilateral or bilateral legal arrangements* to facilitate apprehension, investigation, hot pursuit, transfer of detainees, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of piracy.
- *Information sharing and coordinated patrolling* by regional countries, including arrangements for the development of a cooperative approach to maritime domain awareness. A regional coordination centre, such as ReCAAP, is a very important measure to facilitate information sharing.
- *Standardisation of piracy laws* across the region to facilitate prosecution of suspected pirates by increasing the range of jurisdictions in which they may be prosecuted.

International Cooperation

The conference recognised that international arrangements to defeat criminal activity generally have important benefits for

countering piracy. Piracy and armed robbery against ships are just two forms of criminal activity requiring effective policing both on land and at sea, including anti-corruption measures.

It is essential to establish mutual trust and respect between national organisations involved in counter-piracy activities. This is best built through regular information sharing, gatherings such as this conference and the globally shared commitments of governments to develop effective counter-piracy strategies.

It is no coincidence that there is a high incidence of trafficking illicit drugs, arms and people by sea in areas where piracy and sea robbery are prevalent. Addressing criminal activity at sea requires a higher level of coordination and policing activity both ashore and afloat to promote good order at sea across the global maritime domain.

The conference appreciated that counter-piracy measures would be more effectively implemented if the relevant international organisations were better resourced, noting for example, that the annual budget of the IMO is roughly equivalent to the costs of about two weeks of operations by the naval forces off the Horn of Africa

Shipping Industry

The conference appreciated that countering piracy and armed robbery against ships is not just a matter for governments and international organisations but also requires the total commitment of the international maritime industry. It also noted possible links between the Global Financial Crisis, the associated downturn in international shipping, and piracy and sea robbery. As a result, many ships are unemployed and laid up in anchorages where they are vulnerable to attack, and ship owners are pursuing cost-cutting measures that might adversely

affect ship security. Security in some ports and anchorages around the world remains a problem.

The conference recognised that ships which fall below international standards of safety and security figure disproportionately in the incidence of ship hijackings. Reports from naval authorities indicate that there are still a persistent number of ships operating off Somalia that are not following Best Management Practice (BMP) guidelines. Sub-standard ships also figure prominently as vessels held longest before release, causing additional and unnecessary harm to their crews. Measures are required to reduce the incidence of sub-standard ships at sea, including stricter observance of flag State responsibilities and stricter implementation of Port State Control (PSC).

Governments and relevant organisations might promote more widely appropriate 'best practice' mechanisms for non-commercial vessels such as yachts. States should develop appropriate communication mechanisms with organisations representing non-commercial shipping, including yacht clubs and industry.

Fishing Industry

The conference noted the potential links between the state of the world's fisheries, illegal, unreported and unregulated fishing and piracy and sea robbery. These crimes can have a major impact on fishing activities, but fishermen are not just the victims of these crimes, sometimes they are also the perpetrators.

Somali waters are 'fish-rich', and a valuable economic resource for Somalia. However, Somalia has not declared an exclusive economic zone (EEZ) and has no effective fisheries management. Foreign fishing vessels operate widely off its east coast, but little is known about their catch or what is lost to the local economy.

Key Findings

- a. *Good Order at Sea.* Regional cooperation to deal with threats to good order at sea should be enhanced, and cooperation improved between agencies at a national level. As well as piracy and sea robbery, other threats at sea include maritime terrorism, illicit trafficking in drugs and arms, people smuggling, pollution, illegal dumping of toxic waste, and illegal fishing.
- b. *Regional Cooperation.*
 - i. A comprehensive and cooperative maritime security architecture should be the objective of all regions where illegal activity at sea is relatively high.
 - ii. A cooperative approach to maritime domain awareness should be developed.
 - iii. A regional information-sharing centre should be considered as a useful measure to facilitate information sharing.
- c. *Legal Frameworks.*
 - i. Countries should be parties to all relevant international conventions dealing with illegal activities at sea.
 - ii. Domestic legislation should be developed for dealing with the offences of piracy and armed robbery against ships (IMO circular letter No. 3180 of 17 May 2011 contains information and guidance on elements of international law relating to piracy that might be useful to States that are either developing national legislation on piracy or reviewing existing legislation).
 - iii. Multilateral or bilateral legal arrangements should be considered to facilitate apprehension, investigation, hot pursuit, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of piracy.
- d. *Policing On Land.* Noting that the fight against piracy and sea robbery always begins on land, onshore policing should implement measures to counter these crimes.
- e. *Capacity-Building Assistance.*
 - i. Concerted action on the part of the international community as a whole is required to develop targeted capacity-building requirements for individual countries and particular regions.
 - ii. While recognising the sovereignty concerns of coastal States, assistance should include building the capacity of countries to provide security in ports and anchorages where there is a high level of petty theft from ships.
- f. *Shipping Industry.*
 - i. The IMO should continue its efforts to reduce the incidence of sub-standard shipping, including through measures to ensure stricter observance of flag State responsibilities and stricter implementation of PSC.
 - ii. Ships passing through high risk areas should adhere to current BMP guidelines.
 - iii. The requirements of the International Ship and Port Facility Security (ISPS) Code must be strictly followed.
 - iv. Company Security Officers should monitor vessels passing through high risk areas for compliance with BMP guidelines.
 - v. Crews of vessels anchored or stopped in areas where attacks occur should take all precautions against attack.
 - vi. The utility of secondary tracking systems hidden on vessels should be explored.

- g. *Private Maritime Security Companies.*
- i. More Private Maritime Security Companies (PMSCs) should become signatories to the International Code of Conduct (ICoC) for Private Security Providers, the Charter and Independent Governance and Oversight Mechanism (IGOM) which are being developed with reference to their interests.
- ii. The IMO has approved interim guidance for use by PMSCs. Further international standards are being developed in conjunction with the International Standards Organisation (ISO).
- h. *Sustainability of Measures.* Even if the situation with piracy and sea robbery in a region appears to be coming under control, successful counter-measures should be sustained to avoid any subsequent upsurge of these crimes.
- i. *Assistance to captured seafarers and their families.* The victims of piracy suffering most acutely are often the least visible: crew members held for ransom and their dependent families; and the families of gaoled pirates. The conference discussed the importance of communication between seafarers associations, welfare providers, and relevant governmental agencies to provide practical assistance to those in need.

Peter Jennings

Executive Director

Australian Strategic Policy Institute

Acronyms and abbreviations

BMP	best management practice
CGPCS	Contact Group on Piracy off the Coast of Somalia
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community Of West African States
EEZ	exclusive economic zone
EU	European Union
GFC	Global Financial Crisis
IMB	International Maritime Bureau
IMO	International Maritime Organization
IOC	Indian Ocean Commission
MOWCA	Maritime Organization of West and Central Africa
PCASP	privately contracted armed security personnel
PSCs	private security companies
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia
ReCAAP	
ISC	ReCAAP Information Sharing Centre
UKMTO	UK Maritime Trade Operations
UNODC	UN Office on Drugs and Crime

PERTH COUNTER-PIRACY CONFERENCE 15-17 JULY 2012

PROGRAM

Sunday 15 July 2012	
1200-1800	Conference Registration opens (<i>Parmelia Hilton Lobby</i>)
1830-2000	Welcome Reception hosted by the Australian Acting Minister for Defence, The Hon. Mr Warren Snowdon MP
Monday 16 July 2012	
0800	Conference Registration desk opens
0915	Opening of the Conference
0915-0930	Opening Remarks (<i>Conference Chairman</i>) Mr Peter Jennings, Executive Director, Australian Strategic Policy Institute Includes <i>Acknowledgement of Country</i> by Professor Colleen Hayward, Edith Cowan University
0930-0950	Welcome by The Hon. Mr Warren Snowdon MP
0950-1000	Group Photos with The Hon. Mr Warren Snowdon MP
1000-1030	Session One: Overview of Piracy – Southeast Asia, Indian Ocean and Beyond Keynote Speaker: RADM Allan du Toit <i>Head Navy Capability, Royal Australian Navy</i>
1030-1100	Morning Tea
1100-1230	Session Two: Enhancing Regional Cooperation and Developing Lasting Maritime Security Solutions – Southeast Asia Focus Keynote Speaker: LTCOL (Retd) Nicholas Teo <i>Deputy Director ReCAAP Information Sharing Centre</i> Panel Contributions 1) First Admiral Karunanithi A/L Munusamy, Head of Enforcement, MMEA Sabah and Labuan, Malaysian Maritime Enforcement Agency 2) First Admiral Tri Yuswoyo, Head of the Centre for Information, Law and Cooperation, Maritime Security Coordination Agency (Bakorkamla), Indonesia 3) Dr Sam Bateman, Maritime Security Programme, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore
1230-1330	Buffet Lunch

1330-1425	Session Two (continued) Discussion Session – Question and Answer with Keynote Speaker and panel members
1425-1440	Afternoon Tea
1440-1500	Travel to Cultural Event
1500-1700	Cultural Event: Cruise on Swan River
1900-2100	Official Dinner Keynote Speaker: CDRE Jonathan Mead <i>Surface Force Commander, Fleet Headquarters, Royal Australian Navy</i>
Tuesday 17 July 2012	
0900-0930	Review of previous day's discussions (<i>Conference Chairman</i>)
0930-1030	Session Three: Multilateral Coordination and De-confliction – The Horn of Africa Focus Keynote Speaker: CDRE Simon Ancona <i>Deputy Commander Combined Maritime Forces and United Kingdom Maritime Component Commander</i> Panel Contributions 1) Dr Sarah Percy, Political Science and International Relations, University of WA 2) His Excellency Mr David Daly, Ambassador and Head of Delegation, Delegation of the European Union to Australia and to New Zealand 3) Ms Yvonne Nambia Wamalwa, Deputy High Commissioner, High Commission of the Republic of Kenya 4) Mr Shamus Mangan, Counter-Piracy Programme, United Nations Office on Drugs and Crime (UNODC) 5) Mr Issa Mohamud Farah, Director General of Puntland Petroleum and Minerals Agency, Somalia 6) Mr Yonis Hashi, The Honourable Consul General, Consulate General of the Republic of Somalia
1030-1100	Morning Tea
1100-1230	Session Three (continued) Discussion session – Question and Answer with Keynote Speakers and panel members
1230-1330	Buffet Lunch

1330-1430	<p>Session Four: Emerging Challenges – Gulf of Guinea Focus</p> <p>Keynote Speaker: CAPT Hartmut Hesse <i>Special Representative of the Secretary General for Maritime Security and Anti-Piracy Programmes, International Maritime Organization</i></p> <p>Panel Contributions</p> <p>1) His Excellency Mr Jean-Francis Zinsou, Permanent Representative, Permanent Mission of Benin to the United Nations 2) CAPT Denis Hounsou Gbessemehlan, Benin Chief of Naval Staff 3) RADM Austin Oyagha, Naval Headquarters, Nigerian Navy 4) CAPT Neyo Takougnadi, Ministry of Defence, Togo</p>
1430-1500	Afternoon Tea
1500-1630	<p>Session Four (continued)</p> <p>Discussion Session – Question and Answer with the Keynote Speaker and panel members</p>
1630-1700	Closing Remarks (<i>Conference Chairman</i>)
1700	Official Program ends

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