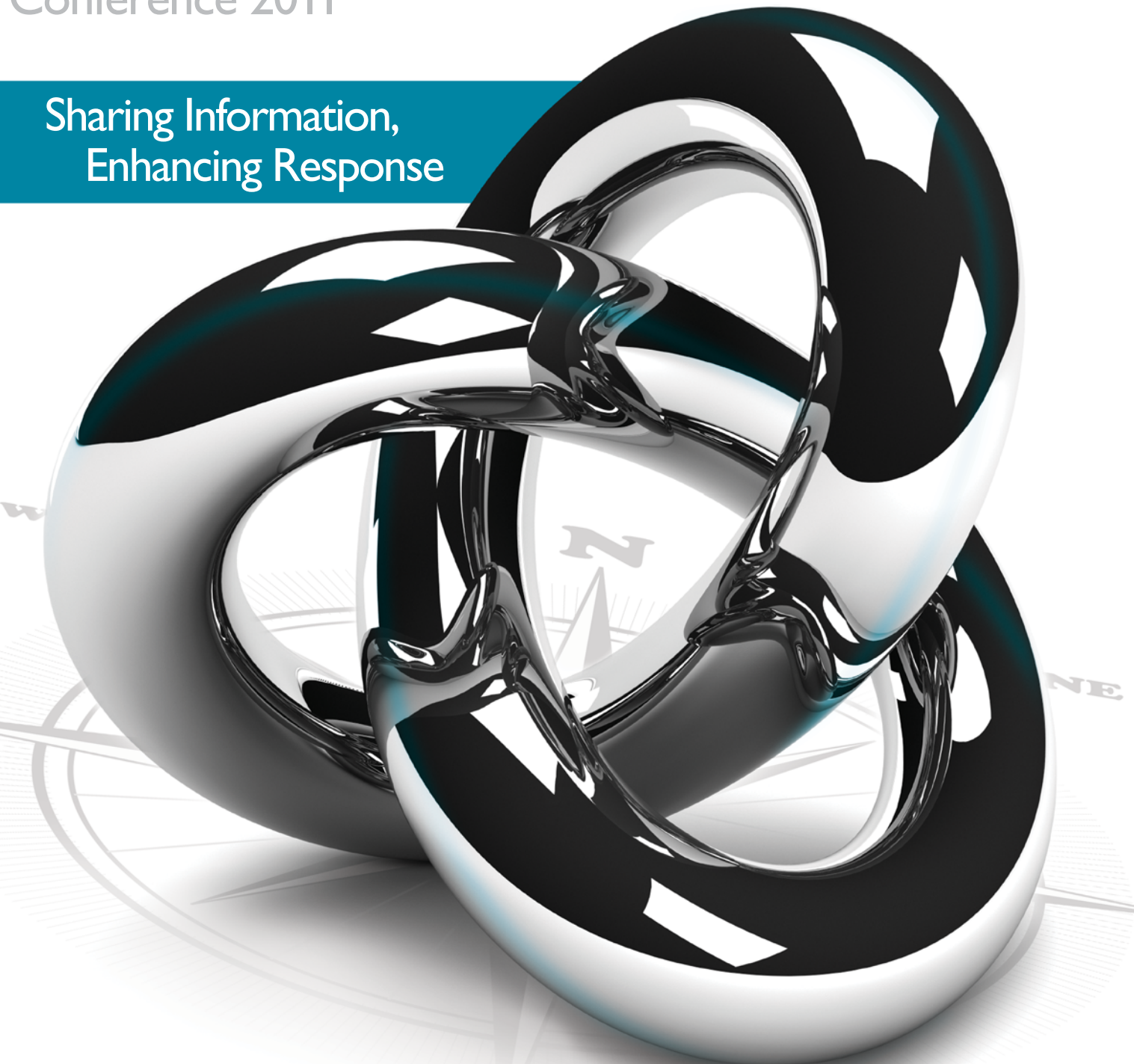


Piracy & Sea Robbery

Conference 2011

14 April 2011
Singapore

Sharing Information,
Enhancing Response



Jointly Organised by:



BIMCO
REFLECTING YOUR INTERESTS







Piracy & Sea Robbery

Conference 2011

Sharing Information,
Enhancing Response

Conference Report

A conference jointly organised by:

- The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC)
- The Baltic and International Maritime Council (BIMCO)
- The International Association of Independent Tanker Owners (INTERTANKO)
- The NATO Shipping Centre (NSC)
- The S. Rajaratnam School of International Studies (RSIS)

14 April 2011
Singapore

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

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is the first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery in Asia. It was finalised on 11 November 2004 and entered into force on 4 September 2006. To date, 17 States have become Contracting Parties to ReCAAP.

The 17 Contracting Parties to ReCAAP are the People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Kingdom of Denmark, the Republic of India, Japan, the Republic of Korea, the Lao People's Democratic Republic, the Republic of the Union of Myanmar, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

The ReCAAP Information Sharing Centre (ReCAAP ISC) was established under the Agreement, and was officially launched in Singapore on 29 November 2006. It was formally recognised as an international organisation on 30 January 2007.

The roles of the ReCAAP ISC are to:

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

The ReCAAP ISC facilitates exchange of information among the ReCAAP Focal Points through a secure web-based Information Network System (IFN). Through this network, the ReCAAP Focal Points are linked to each other as well as the ReCAAP ISC on a 24/7 basis, and are able to facilitate appropriate responses to incident. The agency receiving the incident report will manage the incident in accordance to its national policies and response procedures, and provide assistance to the victim ship where possible. The agency will in turn, inform their ReCAAP Focal Point which will submit an incident report to the ReCAAP ISC and its neighbouring Focal Points.

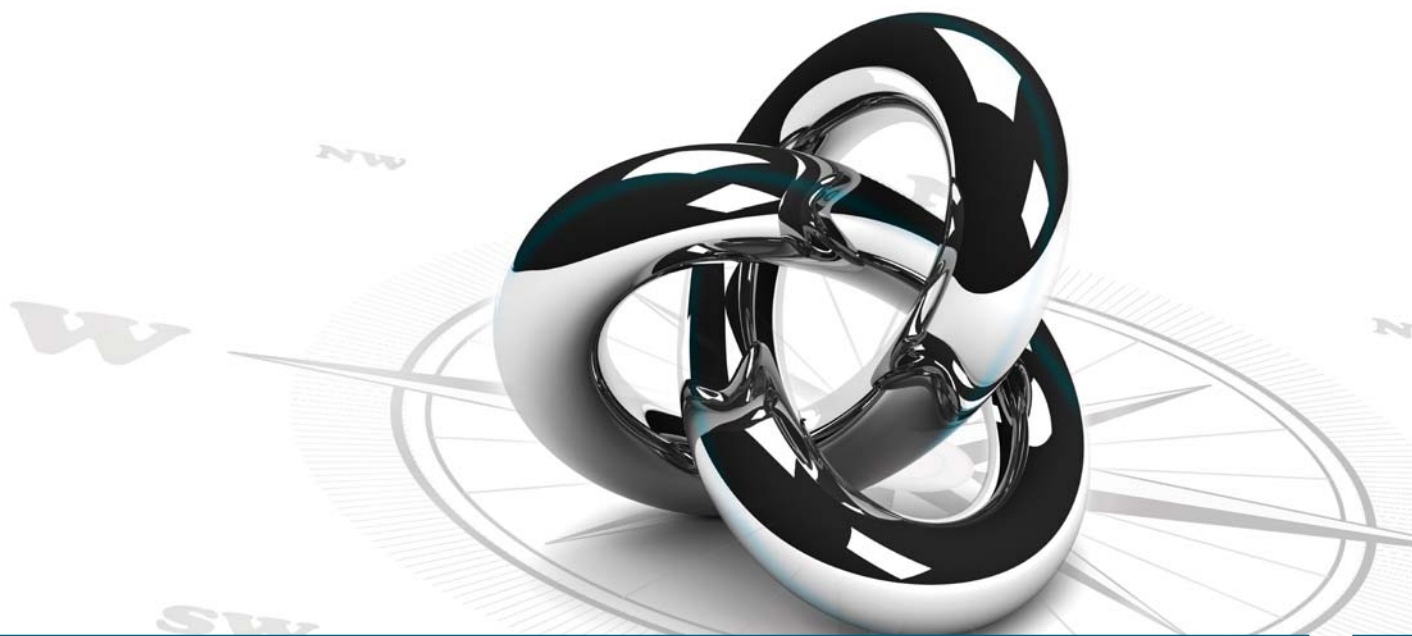
About the Baltic and International Maritime Council (BIMCO)

BIMCO is the largest of the international shipping associations, with a membership drawn from a broad representation of stakeholders within the shipping industry, notably from the shipowning community, representing 640 million DWT or about 65% of merchant shipping. With a total membership of approximately 2,600 individual members from 123 countries, composed of shipowners, shipbrokers and agents and other entities with an interest in or associated with the Maritime Industries, BIMCO is widely respected for its practical approach; and its opinions and recommendations are regular and important elements in the international governmental organisations' process of creating international standards and guidelines for the shipping industry. BIMCO is accredited as a Non-Governmental Organisation (NGO) and holds observers' status with several United Nations agencies involved with shipping industry matters, notably the International Maritime Organization and working closely together with maritime administrators in e.g. the European Community and the United States. In recognition of its position within the international shipping community, the US Coast Guard formed a partnership agreement with BIMCO to jointly address issues of regulatory compliance and maritime governance in an effort to find practical and workable solutions for shipowners plying US trade. BIMCO is committed to promote fair and equitable international shipping policy and regulatory matters and seeks to continue to be the selected and trusted sparring partner and source of practical information by policymakers and other stakeholders.

About International Association of Independent Tanker Owners (INTERTANKO)

INTERTANKO has been the voice of independent tanker owners since 1970, ensuring that the oil that keeps the world turning is shipped safely, responsibly and competitively.

Membership is open to independent tanker owners and operators of oil and chemical tankers, i.e. non-oil companies and non-state controlled tanker owners, who fulfil the Association's membership criteria. Independent owners operate some 80% of the world's tanker fleet and the vast majority are INTERTANKO members. As of January 2011, the organisation had 250 members, whose combined fleet comprises some 3,400 tankers totalling 260 million DWT. INTERTANKO's associate membership stands at some 330 companies with an interest in shipping of oil and chemicals.



About the NATO Shipping Centre (NSC)

Who we are:

The NATO Shipping Centre (NSC) is the link between NATO military forces and the merchant shipping community. Manned by uniformed NATO members, the NSC is the primary, permanent point of contact in NATO for the shipping community, for the exchange of merchant shipping information between NATO's military authorities and the international shipping community. The NSC is the primary advisor to merchant shipping regarding potential risks and possible interference with maritime operations. In addition to our current Counter-Piracy mission, the NSC supports NATO, national, and multinational Naval Cooperation and Guidance for Shipping (NCAGS) operations and exercises. The NSC is part of the Allied Maritime Command Headquarters Northwood in the UK. It has been commanded since August 2008 by CDR SG Stein Olav Hagalid.

Our current operations:

The NSC is currently engaged in two NATO operations: **OCEAN SHIELD** and **ACTIVE ENDEAVOUR**.

OPERATION OCEAN SHIELD is NATO's counter-piracy operation in the Arabian Sea, Gulf of Aden and Somali Basin. The NSC collaborates with the United Kingdom Maritime Trade Operation (UKMTO) in Dubai and with the European Union's (EU) Maritime Security Centre - Horn of Africa (MSCHOA) in order to track merchant vessels as they transit these perilous waters. Beyond tracking ships and responding to pirate attacks, including the warning of individual ships that may be in the vicinity of an attack, the NSC is a proponent of the recommended self-protective measures found in BMP3 and works to encourage all merchant vessels transiting the operation area to employ the Best Management Practices that have been recommended by the BMP3 signatories. The NSC liaises with the international shipping community to raise awareness and compliance of BMP3 through workshops, conferences and industry meetings. The NSC provides current information on piracy to mariners through its website including; current alerts on pirate attacks and the location of Pirate Action Groups; the disposition of known pirated vessels ('motherships'); an alert map; weekly situation updates; and much more.

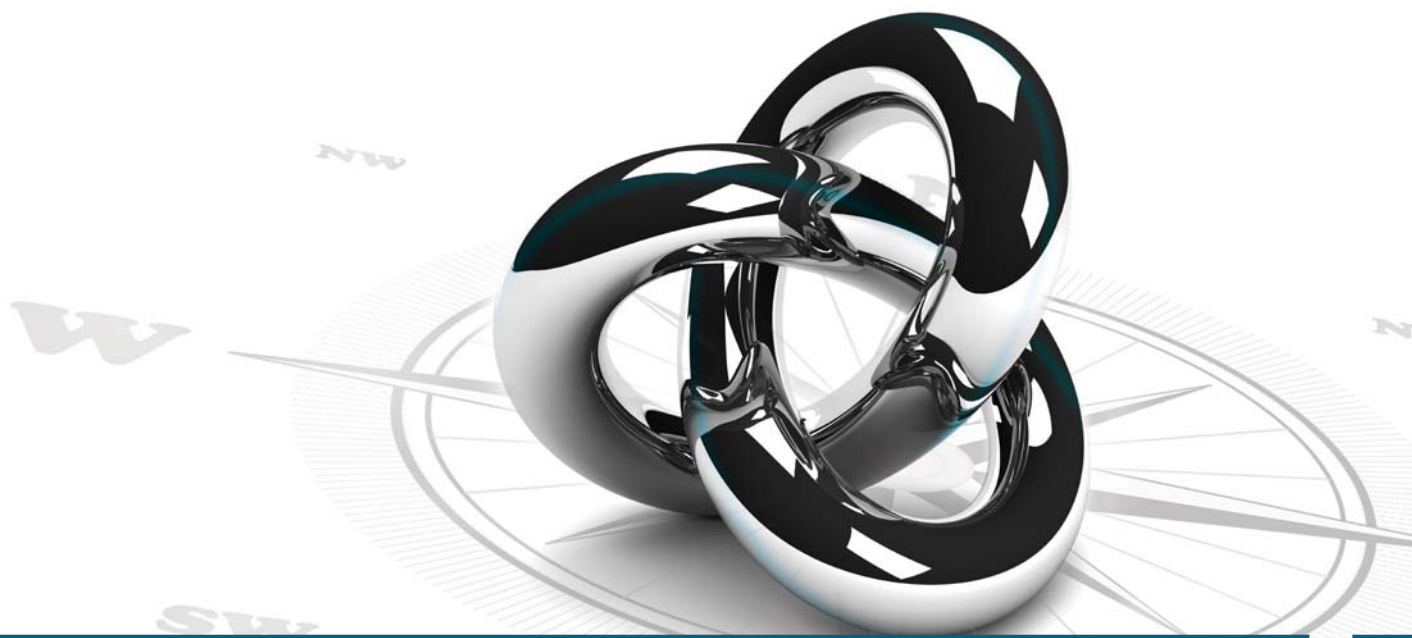
OPERATION ACTIVE ENDEAVOUR is NATO's counter-terrorism operation in the Mediterranean. The NSC's contribution includes tracking of merchant shipping through the region and providing voyage information to NATO warships in order to help them optimise their screenings and boardings. Reporting by merchant vessels to the NSC for ACTIVE ENDEAVOUR is voluntary, but lessens the likelihood of their voyage being disrupted by an ACTIVE ENDEAVOUR patrol.

About S. Rajaratnam School of International Studies (RSIS)

The S. Rajaratnam School of International Studies (RSIS) was officially inaugurated on 1 January 2007. Before that, it was known as the Institute of Defence and Strategic Studies (IDSS), which was established ten years earlier on 30 July 1996. Like its predecessor, RSIS was established as an autonomous entity within the Nanyang Technological University (NTU).

The School exists to develop a community of scholars and policy analysts at the forefront of Asia-Pacific security studies and international affairs. Its three core functions are research, graduate teaching and networking activities in the Asia-Pacific region. It produces cutting-edge security related research in Asia-Pacific Security, Conflict and Non-Traditional Security, International Political Economy, and Country and Area Studies.

The School's activities are aimed at assisting policymakers to develop comprehensive approaches to strategic thinking on issues related to security and stability in the Asia-Pacific and their implications for Singapore.



Contents

01 **Executive Summary**

02 **Opening Remarks**

03 **Keynote Address**

Session One

Overview and Perspective of Piracy and Armed Robbery Against Ships

05 Trends on Piracy and Armed Robbery Against Ships in Asia

07 International Efforts and Initiatives

09 Asian Shipowners' Perspective on Piracy

Session Two

Reality at Sea: Operational Challenges and Experiences

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

13 Best Management Practices (Version 3)

15 Evading Capture - A Company Security Officer's Perspective

16 Capture to Release Guidelines

17 Questions & Answers Session

20 Launch of the Anti-Piracy Poster



Session Three

Anti-Piracy Workshop

- 21 NSC Workshop: Dedicated to Hardening Vessels, Crew and Companies Against Attacks by Pirates
- 25 Concluding Remarks
- 26 Programme

Lists

- 27 List of Moderators, Panelists and Speakers
- 28 List of Participants

Contacts

- 37 Contact Details of ReCAAP Focal Points / Contact Point

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

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



Executive Summary

The ReCAAP Information Sharing Centre together with BIMCO, INTERTANKO, NATO Shipping Centre and S. Rajaratnam School of International Studies (RSIS) organised a Piracy and Sea Robbery Conference 2011 on 14 April 2011. The theme of the Conference entitled “*Sharing Information, Enhancing Response*” aimed to share views and experiences in enhancing responses towards piracy and sea robbery among stakeholders including governments, international organisations, shipping associations, ship owners and operators, maritime industries, seafarers and like-minded individuals.

The different perspectives shared during the conference provided common understanding which help to foster closer cooperation among all parties in addressing the challenges of combating piracy and sea robbery. A spectrum of issues were highlighted and discussed during the conference, namely:

- (a) Trends and assessments of piracy and sea robbery in Asia,
- (b) Regional, industry, ship owner's and seafarer's perspectives on piracy and sea robbery,
- (c) Operational experiences of participating naval forces in combating piracy and sea robbery off the coast of Somalia and in the Gulf of Aden.

The Conference consisted of two sessions: the Conference in the morning, and an interactive Workshop in the afternoon. The workshop was conducted by NATO Shipping Centre and is supported by the IMO and an expert panel of representatives from the naval forces, the shipping industry and maritime organisations who shared operational experience in monitoring the piracy situation off Somalia and in the Gulf of Aden.

The scenario-based workshop followed a vessel's voyage departing Singapore, sailing through the Straits of Malacca and Singapore, in the Indian Ocean where pirates boarded the vessel. The workshop focused on preparation for transit, reporting procedures, Best Management Practices (BMPs) on approaching high-risk areas and reactions to boarding and process of negotiation and post-release. Among the topics of discussion included armed/unarmed security onboard vessels, the use of electronic devices and the use of citadel.

Widely discussed and shared at the conference were suggestions and experiences raised by participants in response to the prevailing situation off the east African coast and western Indian Ocean. The meeting unanimously opined that the final solution to the problem lies on land, and it has to be a shared responsibility among the shipping industry, law enforcement agencies, Navies and all other stakeholders.

Opening Remarks

VADM Ramon C. Liwag

Philippine Coast Guard

Chairperson of the ReCAAP Information Sharing Centre (ISC) Governing Council



VADM Ramon C. Liwag welcomed participants to the conference and introduced the theme of the conference: "*Sharing Information, Enhancing Response*". He highlighted that the theme of the conference was to harmonise with the International Maritime Organization's (IMO) message for its World Maritime Day 2011: Piracy: Orchestrating the Response.

In his address, he expressed concerns raised by the Contracting Parties of the ReCAAP regarding the adverse effects of piracy to seafarers and sea trade. Noting the imperative in dealing with piracy, he added that the conference was aimed to provide a platform for the various stakeholders and like-minded individuals to give their perspectives and responses on piracy.

Introducing the conference programme, VADM Liwag highlighted the scenario-based workshop to be conducted by the North Atlantic Treaty Organization (NATO) Shipping Centre and supported by the IMO in the afternoon of the conference. The workshop featured the voyage of a vessel departing Singapore, sailing through the Straits of Malacca and Singapore and in the Indian Ocean. The workshop was intended to generate discussion on preparation for transit, reporting procedures, Best Management Practices (BMPs) on approaching high-risk areas, reactions to boarding by pirates, negotiation and post-release processes. Among the more controversial topics of discussion were armed/unarmed security personnel onboard vessels, use of electronic devices and the introduction of citadel onboard vessels.

Further, VADM Liwag commented on the ReCAAP ISC's effort in bringing all stakeholders and like-minded individuals together to share information and enhance responses. He was glad that the ReCAAP ISC model has been emulated and incorporated in the MoU signed under the Djibouti Code of Conduct (DCoC), as initiated by the IMO. The Chairperson of the ReCAAP ISC Governing Council Meeting reiterated the ReCAAP ISC's continued efforts and support on information sharing, capacity building and cooperative arrangements.

Finally, he urged all stakeholders to play their part in combating piracy and armed robbery against ships.

Keynote Address

Mr Robert Lorenz-Meyer
President, BIMCO



Mr Robert Lorenz-Meyer began his keynote address by urging governments to exercise their political will and shared responsibility in resolving the unacceptable piracy situation off Somalia.

He hailed the good relationship between BIMCO and the ReCAAP ISC. The BIMCO-ReCAAP ISC relationship has focused on exchanging of information between the industry and governments. There were several notable achievements realised from the cooperation, amongst which was the latest BIMCO-ReCAAP anti-piracy poster which was launched at the conference.

Mr Lorenz-Meyer noted that the cooperation between BIMCO and the ReCAAP ISC was instrumental in improving the situation in the Straits of Malacca and Singapore. He added that the littoral States benefited from multinational coordination and mobilisation of resources which contributed towards the safety and security of merchant ships transiting these waters. The contribution of the ReCAAP ISC certainly helped to reach and maintain this milestone. However, challenges remained in the Horn of Africa where conditions have progressively worsened.

Mr Lorenz-Meyer proceeded to report that BIMCO had organised a number of events involving stakeholders in sharing their views and experience. Dialogues amongst all concerned parties helped to apply effective preventive measures in dealing with actual hijacking incidents and creating higher degree of confidence and likelihood of success in evading an attack.

A forum which BIMCO actively engaged in was the Shared Awareness and De-Confliction (SHADE) meeting with all naval forces and industries. Also BIMCO had regular dialogues with the European Union Naval Force (EU NAVFOR) and the North Atlantic Treaty Organization (NATO). In addition, BIMCO strongly supported the Maritime Security Centre - Horn of Africa (MSCHOA) and NATO Shipping Centre in the effort towards coordinating and safeguarding merchant ships operating in the waters affected by Somali pirates. Further, BIMCO encouraged all shipping companies to report the movement of their ships to the MSCHOA and the UKMTO.

Despite the prompt attempts of multinational naval presence to protect merchant shipping in the Gulf of Aden and Indian Ocean, the pirates continued to attack ships. Mr Lorenz-Meyer opined that active pursuit, arrest, prosecution and punishment of pirates are some of the ways to solve the problem. However, the challenge to such approach was that not all States have ratified the United Nations Convention on the Law of the Sea (UNCLOS) or the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA CONVENTION). Parties to these conventions will have to ratify the provisions in their national legislation to enable enforcement agencies to arrest and prosecute pirates.

Mr Lorenz-Meyer concluded by urging governments to establish a comprehensive strategy to deal with the problem. Such strategy should also consider the livelihood on land and ensuring the interest of the Somali people.



Session One

Overview and Perspective of Piracy and Armed Robbery Against Ships

Trends on Piracy and Armed Robbery Against Ships in Asia



Mr Yoshihisa Endo

Executive Director, ReCAAP ISC

Mr Yoshihisa Endo expressed his gratitude to all who attended the conference. He added that the main purpose of the conference was to lay emphasis on information sharing for enhancing response of stakeholders in combating piracy and armed robbery at sea.

Further, he acknowledged the role ReCAAP ISC played over the past years in providing a platform for exchanging information and views. The objective and comprehensive analysis of incidents enabled all partners and stakeholders in decision making in terms of deployment of resources to combat piracy and sea robbery.

Finally, Mr Endo reiterated and identified the importance of enhanced cooperation in combating piracy and sea robbery amongst all stakeholders including governments, ship owners, shipping associations and the maritime industry.

Ms Lee Yin Mui

Assistant Director (Research), ReCAAP ISC

Ms Lee Yin Mui updated on the situation of piracy and armed robbery against ships in Asia for the first quarter of 2011 compared to past four years. The number of incidents of piracy and armed robbery against ships in Asia in the first quarter of 2011 was 34, an increase by 30% compared with the same period of 2010. Among the 34 incidents, 28 were actual incidents and six were attempted incidents. The increase was mainly the Category 2 incidents involving ships while underway off Nipa Transit, Tanjung Piai, and Batu Berhenti area. However, there had been a decrease in the Category 3 incidents occurred mainly at ports and anchorages. The number of Category 1 incidents had remained fairly consistent compared to the past four years.

Category 2 incidents usually involved robbers armed with knives, boarded vessels while underway, stole the crew's personal belongings and cash, and escaped without harming the crew. The other areas with high level of activities were off Tanjung Ayam, Tanung Ramunia, and Pulau Mungging, all of which involved ships when anchored.

A number of possible reasons were given to explain for the increase in the number of incidents in the first quarter of 2011, including:

- ◉ more stringent enforcement in other areas,
- ◉ increase in volume of vessels' traffic,
- ◉ crew lacked basic security awareness, and
- ◉ situation awareness resulted in more reporting by ship masters and owners.

Trends on Piracy and Armed Robbery Against Ships in Asia

The following recommendations were made to the authorities, ship masters and crew, as well as ship owners: For authorities, they were encouraged to enhance surveillance, stepped up patrols and develop inter-governmental linkages and cooperation.

For ship masters and crew, they were reminded to adopt basic security vigilance at all times, response and report immediately once an incident occurred, cooperate with authorities for investigation, and be wary of small boats approaching their vessels when anchored.

For ship owners, they should acquire situation awareness and be alert to latest development, maintain comprehensive ship security plan, enforce crew profiling, and report all incidents to the ReCAAP Focal Points of the coastal State immediately.

Ms Lee commended India for the improvement in the situation there. Two incidents were reported at the ports and anchorages of India in the first quarter of this year compared to four incidents during the same period last year. In the South China Sea, there were two actual incidents and one attempted incident, a decrease compared with the situation during the same period last year.

Further, Ms Lee illustrated the incident involving oil tanker *Front Queen* as the case study. The robbers boarded the tanker at approximately 2.3 nm south of Tanjung Ramunia in the night of 9 Mar 2011. The ship master and crew immediately raised alarm. A Malaysian Maritime Enforcement Agency (MMEA) patrol boat in the vicinity was alerted. With the assistance of another patrol ship, the MMEA

arrested the seven robbers onboard the tanker. Further investigation into the possibility of syndicates' involvement in the recent incidents occurred in the area was still ongoing.

In conclusion, two main points were highlighted. One was situation awareness and the other was engaging the shipping community. Ms Lee updated that in the coming months, there is likely a shift in activities to the South China Sea during April-July, and August-September based on past trends and the favourable weather condition in the area. Therefore, authorities and shipping communities were urged to do their part and be vigilant when operating in the area. Ms Lee further reiterated the joint responsibility between Government and shipping community, and commitment by the ReCAAP ISC to continue to engage the shipping community to build confidence and develop a comfort zone for information sharing.



International Efforts and Initiatives



Mr Chris Trelawny

Deputy Director, Maritime Safety Division, IMO

Mr Chris Trelawny started his presentation with an overview of the IMO's initiatives in addressing the piracy issues. The IMO's containment strategy was to protect the shipping delivery of humanitarian aid on behalf of the World Food Programme and other humanitarian agencies; to secure global maritime trade passing through the waters off the coast of Somalia; and to suppress piracy and armed robbery against ships in a manner consistent with international law.

In his opinion, the international legal framework for countering piracy based on UNCLOS was adequate. However, the lack of national laws implementing the provisions in UNCLOS was the main problem when dealing with prosecution and follow up.

In his assessment of the current situation in Somalia, he highlighted that ransom paid had increased, negotiations were slow, ships were being held for a longer time, and the level of violence against crew being held had increased. Although the number of incidents was going up, the success rate in arresting the culprits was going down.

Mr Trelawny pointed out that new challenges were emerging. The geographic spread was getting broader as the pirates were operating further away from the coast of Somalia to waters close to India covering almost the entire Indian Ocean. The attack tactic was also changing. Ships being hijacked were used as mother ships, and crew were kept onboard which makes it difficult for naval forces to respond, but had to release the mother ships.

International Efforts and Initiatives

Under the IMO banner, there were a number of conventions dealing with piracy incidents, including the International Convention for the Safety of Life at Sea (SOLAS), International Convention on Maritime Search and Rescue (SAR Convention), International Ships and Port Facility Security (ISPS) Code, and so on. Parties to the conventions have the obligations to enforce law to maintain safety and security of navigation at seas. Political will, national legislation, clear strategic direction and capability for law enforcement were some of the key factors for inter-agency approaches at both national and regional levels.

Mr Trelawny updated the conference that 17 states in East Africa had signed the Djibouti Code of Conduct (DCoC), an initiative that emulated the ReCAAP model. The DCoC was intended to encourage states to implement national legislation, establish law enforcement capability, develop capability through training, provide technical assistance, and improve maritime situational awareness through piracy information exchange centers.

He remarked that the forthcoming IMO's Maritime Safety Committee meeting in May 2011 will be looking at developing guidelines relating to armed security personnel onboard vessels, guidance on post-piracy care of crew and also guidance on investigation of offences.

The IMO will continue to develop multi-agency cooperation and the implementation of the DCoC, focusing on legal frameworks and situation awareness. It will work with the Transitional Federal Government in Somalia to enhance law enforcement capabilities and work together with the United Nations (UN) and the Contact Group on Piracy off the Coast of Somalia (CGPCS).



Asian Shipowners' Perspective on Piracy



Mr Yuichi Sonoda
Secretary-General, ASF

In his address, Mr Yuichi Sonoda briefly introduced the Asia Shipowners' Forum (ASF). Founded in 1992 the ASF represents 14 national shipowners associations, controlling almost half of the world's merchant fleets. Based in Singapore, the objective of the ASF was to promote the interests of Asian shipping industry and project an unified voice of Asian shipowners to the international community. The ASF has five standing committees, including Seafarers Committee (SC), Shipping Economics Review Committee (SERC), Ship Insurance and Liability Committee (SILC), Safe Navigation and Environment Committee (SNEC), and Ship Recycling Committee (SRC). The issue of piracy and armed robbery is mainly dealt by SNEC.

Mr Sonoda then invited Capt George Solomon, Chairman of Singapore Shipping Associations Maritime Security Subcommittee, and member of Safe Navigation and Environment Committee (SNEC) to present the Asian Shipowners' perspective.

Capt George Solomon

Member of Safe Navigation and Environment Protection (SNEC)
Chairman of Singapore Shipping Associations Maritime Security Subcommittee

Capt George Solomon started his presentation by introducing the key message of the 20th annual meeting of ASF held in Singapore in March 2011. In the meeting, the SNEC expressed grave concern over the threats posed by pirates to international shipping particularly in the Gulf of Aden, the Indian Ocean and waters off Somalia. The SNEC was of the opinion that the world's economy had been hijacked by handful of pirates and the safety and well being of seafarers had been threatened. Hence, the masters and ship owners must take necessary actions to protect their ships and crew.

Capt Solomon pointed out that there were 219 reported piracy attacks, 49 vessels seized, 1016 seafarers taken hostages, and eight seafarers killed by Somali pirates in 2010. As of 16 March 2011, there were 83 attacks, 14 vessels seized, 250 seafarers taken hostage and seven seafarers killed by Somali pirates. The numbers showed that the situation was gaining greater concern.

Asian Shipowners' Perspective on Piracy

Capt Solomon noted that the attacks were shifting towards West Indian Ocean and successful attacks were occurring further away from the Somalia coast. The use of captured ships as mother ships and captured hostages as human shields gave pirates greater range and capability. On behalf of the SNEC, he urged all governments to act decisively and expeditiously to counter piracy and attacks on ships. The UN and IMO must exercise strong political will to bring the situation under control. The committee strongly supported the call by international shipping organisations worldwide to address the threat to the seafarers and neutralise the mother ships that enable pirates to operate in the wider Ocean.



Capt Solomon also acknowledged that in addition to comply fully with the measures stated in the latest Best Management Practices (BMP), the ASF members must adopt additional safety measures which include hiring of armed guards to protect lives and well being of seafarers. Fully acknowledging that this should be the last resort, he also hoped that IMO will consider developing guidelines for ship owners and operators who intend to employ private armed security services providers. He also conveyed the committee's full support for the 'Save Our Seafarers' (SOS) campaign on the website. In conclusion, Capt Solomon urged governments, navies and shipping industries to continue working together to address this problem.

Session Two

Reality at Sea: Operational Challenges and Experiences

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



Mr Simon Church

Industry Liaison Officer, EU NAVFOR

In his presentation, Mr Simon Church examined the increasing threat posed by Somali pirates and challenges facing EU NAVFOR operations in combating piracy off Africa. He also gave an introduction on the Best Management Practices and its relevance and importance for the protection of ships.

Mr Church said that EU NAVFOR has been keeping a close watch on the security scenario in Somalia. Unfortunately, they have not made any significant progress in dealing with the political stalemate on land where there is neither institutional law nor democracy. He added that it was difficult to disrupt piracy as the coastline of Somalia is very long and the piracy activities is being run like a business model. He expressed concern that the capability of conducting piracy is increasing as pirates demanded for more ransom and reinvested in the 'business'.

From February to July 2010, many piracy incidents occurred very close to Somalia coast and thus all naval forces collectively implemented a joint strategy to interdict pirates leaving the shore. Although, this strategy was effective in capturing pirates, it could not yield proportionate results in the prosecutions of the pirates. From the end of August 2010 to February 2011, there was a significant concentration of attacks in the Arabian Sea and the Indian Ocean. The pirates used pirated vessels as mother ships to attack other merchant ships. Given the limited time, long distance and inadequate number of assets for the operation, it was difficult for the naval forces to respond immediately. Concerned with the increasing level of violence to hostages both onboard mother ships and in captivity in Somalia, the naval forces have been constrained in implementing any forceful measures to thwart piracy.

Mr Church also pointed out that one of the main challenges was to get the naval ships to respond to an incident swiftly and decisively. To respond to an incident within 30 minutes, approximately 83 warships have to be stationed across the entire Indian Ocean.

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

The use of mother ships was by far the biggest challenge to the current naval operations. In some occasions, up to 50 pirates were onboard a mother ship, which posed a greater risk for naval forces to mitigate the threat.

Mr Church also explained the system of compilation of 'white shipping' picture which helps warships to track the merchant ships transiting in the shipping routes, to communicate with merchant ships directly and warn them of the existence of any mother ships operation in the vicinity. However, given the different streams and the large volume of data reported, it was very difficult for naval forces to process all the data effectively and efficiently. In addition, the contribution of Long Range Identification and Tracking (LRIT) data from 42 flag States was insufficient.

Mr Church further agreed that the assets were not sufficient to sustain naval operations in the long run and due to budget constraint, governments are reluctant to continue providing assets in the long term. He observed that convoy coordination was not robust enough and the convoy schedules needed to be rearranged.

Mr Church made a few suggestions for the shipping industries. First, the BMP is a series of measures that should be done collectively and properly. Second, only half of the ships transiting the Indian Ocean registered with MSCHOA. All vessels entering the demarcated zone were encouraged to report to the centre and adopt BMPs. Third, a new agreement signed by the International Transport Workers' Federation (ITF) and the International Bargaining Forum (IBF) demonstrates the need to safeguard seafarers' interest. Under this agreement, shipping industries should give higher payment and compensation to seafarers when they transit high risk zones.

In conclusion he reiterated that military resource is finite and it only treats the symptoms, naval forces are still falling short in deterring the piracy threat. In the long run, regional maritime capacity building and self protection measures are the most vital and effective means to counter piracy attacks.



Best Management Practices (Version 3)



Mr Tim Wilkins
Regional Manager Asia-Pacific, INTERTANKO

Mr Tim Wilkins started his presentation by outlining the industry philosophy that “eliminating piracy is a shared responsibility between the maritime industry and government, but establishment of law and order on the high seas is the responsibility of governments”.

He mentioned that governments are expected to focus on the following areas to counter piracy, including:

- to increase political will to eradicate piracy off Somalia,
- to deny the use of mother ships,
- to increase the will of prosecuting convicted pirates,
- to sustain naval assets in the region,
- to increase public awareness, and
- to address the root cause of piracy on land.

In addition, shipping industries have to take some actions too. They are expected to:

- comply with BMP3,
- continue updating the BMP regularly,
- ensure the MSCHOA is supported by merchant ships and send merchant navy liaison officers to provide information to navies,
- contribute their input to UN/IMO processes and activities, and
- address issues such as using citadels and armed guards, and give advices to the industries.

Mr Wilkins also mentioned that the third version of BMP was published in June 2010 and has gained significant support from industries, military forces and governments. The purpose of the BMP is to avoid, deter and delay the attacks from pirates. One of the key suggestions for updating BMP3 was to focus on seafarers. Additional advice augmenting BMP3 was on the MSCHOA website including providing self-protective measures. Mr Wilkins urged the industry to be more forthcoming in providing information for the improvement of the BMP.

Best Management Practices (Version 3)

BMP3 essentially addressed the need to enhance situation awareness and maintain communication. There were a number of channels to provide and receive the latest available information, including UKMTO, MSCHOA, NATO Shipping Centre, IMB Piracy Reporting Centre, and industry bodies. He emphasised that the process of registering and reporting were very important for getting information and feedback.

One of the preventive measures introduced in the BMP3 was the guidelines on using of citadels. According to Mr Wilkins, between 1 Sep 2010 and 20 Jan 2011, there were 21 recorded incidents of citadels being used by merchant crews under attack. Of the 21 incidents, 14 incidents reported the usage of citadels which had successfully foiled the pirates' attempt to hijack the vessels, resulting in them leaving the vessels thereafter. However, as the pirates' tactics evolved over time, the guidelines should also be updated.

Although, there has been an increase in the general level of compliance with BMP3, as of March 2011, only 45% of ships transiting the high-risk areas registered with MSCHOA. Overwhelming majority of ships hijacked did not register with MSCHOA or report to UKMTO. Therefore, it was important for the industry to exercise their responsibility by registering with the relevant agencies.

In conclusion, Mr Wilkins summarised the following: register with MSCHOA, report ship position to UKMTO regularly, implement and utilise the BMP, and employ self protective measures. He opined that an increase in public awareness will in turn result in an increase of government will. Therefore, he called upon the audience to register with the website of 'Save our Seafarers' campaign and send request to their governments.



Evading Capture – A Ship Company Security Officer's Perspective



Mr Benny Low
Company Security Officer, Thome Ship Management
Pte Ltd & Thome Offshore Pte Ltd

Mr Benny Low began by stressing a few elements in evading capture. First, shipping companies should protect themselves by exercising due vigilance and commitment to security issue. They should not rely on military assistance only. Second, shipping companies should learn from the shared knowledge and experience of others to plan and implement measures for preventing any possible hijacking. Third, shipping companies must have provisions for the necessary resources and budget.

Next, Mr Low proceeded to summarise key steps for successfully evading a capture.

The first step was at the planning stage which aimed to reduce risk in encountering pirates. In order to avoid high-risk areas, a company should conduct risk assessment of the route and be familiarised with the coastline in

case they needed assistance from the coastal State. To avoid the location of recent attacks, and to participate in the convoy movement, there is a need to align the time of transit or arrival. Furthermore, they need to consider the resources or specific measures, and conduct security meeting, drills and training before transiting the high-risk areas.

A ship must report its position regularly, particularly before they enter high-risk areas. Besides, crew must be vigilant at all times and be ready to take evasive manoeuvre when necessary. The vessel should increase its speed when transiting specific areas where attacks have been reported. While mentioning that only military forces or private armed guards could repel a pirate attack, the crew onboard could deter and delay pirates from boarding the ships by using protective equipments, such as rigging of razor wire, anti-pirate fencing and conduct of evasive manoeuvres. To prevent pirates from gaining access into accommodation and to avoid being captured once the pirates were onboard, the ship must have a proper lock down procedure. The crew should retreat to the citadel and prevent being captured, thus buy time for the arrival of external help. He highlighted that citadel must be a multi-layer defence installation and should be equipped with sustainable communication systems. In summary, shipping companies and crew should be prepared for every single voyage through the Indian Ocean. They must plan and implement all measures to evade every possible attempt by the pirates.

Capture to Release Guidelines



Mr Thomas Timlen
Asian Liaison Officer, BIMCO

Mr Thomas Timlen gave an overview of IMO's initiatives in combating piracy attacks on merchant ships both in the past and in the recent future. Part of BIMCO's role was to support all IMO's initiatives and facilitate in implementation and compliance. As a result, BIMCO developed the guidelines "From Capture to Release".

The document aims to help ship owners, company security officers, and masters carry out initial planning to meet all encounters with piracy or armed robbery at sea. A strategy contained therein helps to enhance security awareness among crew and includes all steps and details of the post release process.

Mr Timlen then elaborated on the outline of the document. He suggested that masters onboard vessels should be calm, compliant and visibly cooperative with the capturers once the ships are hijacked. They should remember the

pirates' objectives and business model, and hence avoid any panic. However, they should be prepared for an extended time of captivity.

He mentioned, in implementing its crisis plan, the company should coordinate with all stakeholders on the agreed strategy. There should only be single point of contact for all stakeholders within the company. Families should be kept informed. Companies may also have to consider hiring professional negotiators. The companies should keep the negotiations going on daily, be aware of the amount the pirates are generally accepting and try to keep the actual payment below that. He pointed out that the ransom amount actually paid would usually be significantly lower than what is initially demanded. Thus it was important to be familiar with the whole negation strategy and know how to 'counter offer'.

Mr Timlen suggested that after being released, the master should be debriefed and a full report of the incident prepared for records. The company should also keep MSCHOA informed on relevant issues.

Mr Timlen suggested that during the post release process, companies should continue to provide care and support to the crew and their families. Companies should also review the events, learn from past experiences, and plan for the future.

Questions & Answers Session



Dr Euan Graham, the moderator for the conference, presided over the questions and answers session. Presenters of the morning sessions were invited on the panel for discussion.

The discussion started with concerns on the limited mandate of the EU NAVFOR operation and its inconsistency with UN Security Council Resolution. As mentioned by one of the speakers, the EU NAVFOR was not mandated to operate on land. However, the UN Security Council Resolution gave the international body the right to 'hot pursuit' and thus extend into Somalian waters or on land. The speaker acknowledged the limitation of the current EU NAVFOR mandate and fortunately the

mandate has been extended to end of 2012 at which time the political security committee will collectively decide on the areas of mandate to be reviewed and may also include the consideration of these limitations. Currently, the EU NAVFOR can only return pirates or suspected individuals to Somalia after detention, which was in keeping with the conventions of Human Rights. He added that the Naval forces have been incapacitating the pirate operations by disabling the mechanism being used for piracy activities so that they are unable to conduct piracy at sea. Although, not an ideal solution compared to prosecuting the pirates, the panelist opined that it was relevant given the constraint within which the Naval forces have to operate.

Questions & Answers Session

A participant pondered on what small shipping companies should do if they do not have the insurance to cover the ransom. The panelist addressed that it is important even for small shipping companies to get the best insurance coverage they can afford.

The audience also expressed concern on the legal framework for combating piracy and the inadequacy and ineffectiveness of the national legislations empowering the law enforcement to successfully arrest and prosecute pirates. One panelist responded that the legal basis provided by UNCLOS in combating piracy is adequate and the immediate need was to include the instruments in national laws, which would require political will at the State level.

For States which do not have adequate legal framework to prosecute pirates successfully, naval forces have no choice but to send them back to Somalia. Another panelist pointed out that it was time for all governments to seriously consider changing their national law to address the issues of piracy and armed robbery at sea.

Queries were also raised on governments' actions to tackle the problem. Given the limited resource for naval operation and the vast areas to be patrolled, governments were expected to share the responsibility to address the problem. In realisation of the important role of merchant shipping towards the world economy, Governments should adopt immediate measures to ensure safer waterways.



Questions & Answers Session

To enhance the safety of navigation through Indian Ocean and reduce the burden on naval patrols operating in the region, participants proposed that IMO should develop a few traffic lanes for ships to follow. This proposal generated varied responses. As the protection provided by Naval forces in the International Recommended Transit Corridor (IRTC) in Gulf of Aden was an effective measure to be followed, it was opined that coastal States should build up their capabilities to protect their territorial waters.

The last point raised by the participants was the employment of armed security onboard vessels. The panel agreed that an increasing number of shipping companies were considering hiring armed security onboard. A proper legal framework is required to guide and regulate the action of private armed guards. The issue would be also debated and discussed at the IMO's Maritime Safety Committee meeting in May 2011.

Launch of the Anti-Piracy Poster



ReCAAP ISC and BIMCO

An anti-piracy poster jointly produced by the ReCAAP ISC and BIMCO was launched by Mr Yoshihisa Endo, Executive Director, ReCAAP ISC and Mr Torben Skaalind, Secretary General, BIMCO. The poster is a joint project undertaken by the ReCAAP ISC and BIMCO, and aims to

provide seafarers a quick reference to the BMPs. The poster has been designed to serve as a check off list which should be appropriately displayed at conspicuous locations onboard a vessel.

Session Three

Anti-Piracy Workshop

NSC Workshop: Dedicated to Hardening Vessels, Crew and Companies Against Attacks by Pirates



CDR SG Stein Olav Hagalid

Branch Head, NATO Shipping Centre

Mr Chris Trelawny

Deputy Director Maritime Safety Division, IMO

Introduction of Workshop, Setting the Scene, Piracy Update

This workshop was conducted by the NATO Shipping Centre, supported by the IMO and involved an expert panel of representatives from the naval forces, the shipping industry, the ReCAAP ISC and maritime organisations. The scenario-based workshop followed a vessel's voyage departing Singapore, sailing through the Straits of Malacca and Singapore, and the Indian Ocean where she was attacked by pirates. The workshop focused on preparation for transit, reporting procedures, BMPs on approaching high-risk areas and reactions to boarding by pirates, and finally the process of negotiation and post-release. The topics discussed included armed/unarmed security onboard, the use of electronic devices and citadel.

During this session, the panelists highlighted the importance of keeping sealines safe and secure, and the imperative to tackle piracy threats. The participants realised that the transit of goods between Asia and Europe is fundamental for the security and sustainability of world economy. Meanwhile, maintaining a free passage is vital for shipping companies in terms of the safety of crew, cargoes and ships.

Preparations for Transit

In this part, a few issues were brought up for discussion.

First, panelists introduced the purpose of BMP3 and the implementation of BMP3 by shipping companies. Also, shipping company security officers shared their views on the need for a security plan within a company.

Second, from the insurance company's perspective, issues like whether the implementation of BMPs would entitle any discount on insurance premium as well as the insurance industry's perspective towards the using of arms onboard ship were discussed.

NSC Workshop: Dedicated to Hardening Vessels, Crew and Companies Against Attacks by Pirates

Third, there were debates over whether armed/unarmed security teams should be used. As of April 2011, of 1,800 ships, about 10% to 12% of ships registered with MSCHOA were using armed security. In the first few months of 2011, shipping community had a growing interest with regard to the use of armed guards onboard merchant ships in high-risk areas. However, some important issues should be taken into consideration before employing armed guards are:

- Who is in command of the armed security team?
- Risk of escalation of violence.
- Different views on the use of lethal force by flag State, coastal State and port State.
- Justification of the use of lethal force.
- Risk for cargo and crew.
- Recommendations of BMP3.
- Medical support after an incident.
- Due diligence/guidelines.

Through the discussion, participants and panelists generally agreed on a few points:

- A credible, standard guideline is necessary for guiding the use of armed security team onboard ships.
- Ship must do risk assessment before entering a high-risk zone.
- Flag States should introduce legalisation with regard to armed guards employment onboard ships.
- Shipping companies should exercise due diligence and apply strict rules and standards.
- Full implementation of BMP measures and ship security plan is a must and deployment of armed security personnel should be the last resort.

Reporting and Procedures, Southeast Asian Region

Discussion on this topic generated a few viewpoints:

- Victim ship transiting this area was advised to report all incidents of piracy and armed robbery against ships immediately to the Rescue Coordination Centre (RCC) of the nearest coastal State. Owner/operator was also advised to report all incidents to the nearest ReCAAP Focal Point to facilitate the issuance of an Incident Alert to all stakeholders including the shipping industry.
- There were marked differences between piracy in Southeast Asia and Somalia area in terms of types of threats, pirates' motives, tactics of operation, level of violence (treatment to the crew), etc.
- Specific measures should be adopted for protection of ship when transiting this area.
- There was always a concern over the possibility of pirates in the Asian region adopting the Somali's modus operandi of hijacking ships. However, the key difference was that the littoral States in this region have been cooperating very closely and able to deal with the situation together. Moreover, unlike in Somalia, a pirate 'safe haven' is denied in this region.
- Although, there had been an increase in number of incidents in Asia, most of them were attempted incidents, and less significant ones of petty thefts that occurred at ports and anchorages. The number of relatively more serious incidents had remained constant.

NSC Workshop: Dedicated to Hardening Vessels, Crew and Companies Against Attacks by Pirates

Approaching the High Risk Area-Reporting and Procedures

First, BMP3 recommends reporting by ships entering a high risk zone. Ideally, a ship must register with the MSCHOA 4-5 days before entering the IRTC, to ensure that a Vessel Position Reporting Form has been submitted to MSCHOA. Similarly, a ship must ensure that a UKMTO Vessel Position Reporting Form is sent before entering the UKMTO Voluntary Reporting Area. Behind the scenes, NATO Shipping Centre (NSC), MSCHOA, UKMTO and the Maritime Liaison Office (MARLO) are involved in the coordination of interaction between Naval forces and the merchant community.

Also, ship master and company security officer should contact and update information with each other regularly. Ships were advised to take self protective measures including enhanced vigilance, preparation of all necessary equipment to deter boarding by pirates, conducting manoeuvring practice, and so on.

Next, the panel elaborated on the process of Group Transit in the Gulf of Aden. All westbound transit vessels were grouped together when passing through what EU NAVFOR believed to be the most vulnerable phase of the transit. NATO, Combined Maritime Forces (CMF), EU NAVFOR and International Forces including navies from Japan, China, Iran, Russia, India, Republic of Korea, and Malaysia had sent warships to conduct counter-piracy operations and protect merchant ships in the Gulf of Aden and Horn of Africa.

With reference to the legal framework for tackling piracy, the panel agreed that the prosecution of pirates on land is problematic. While new UN resolutions were leading towards the direction, politicians should consider changing national laws to allow the prosecution of pirates within their legal frameworks.

Further, they all noted that the problem is rooted at land and hence governments should take action to deal with the problem at its source.



NSC Workshop: Dedicated to Hardening Vessels, Crew and Companies Against Attacks by Pirates

Approach, Attack, Pirates Onboard: How to Act and What to Expect

In this process, panelists had an overview of reactions of ship masters and crew to the situation when a piracy attack was imminent and when pirates were onboard the ship, as well as the response from naval forces after they received an Incident Alert. Heated debates covered two issues; one was the use of mother ships by pirates, and the other was the use of citadel to seek refuge and protection in the event of imminent boarding by pirates.

While the attack was in progress, ship master should continue to adopt evasive manoeuvres, report immediately to UKMTO, and activate all available defensive measures including activation of ship security alert system (SSAS), sound emergency alarm, increasing speed and conducting evasive manoeuvres. When boarding by pirates is eminent, the crew should move to the citadel and take any other necessary actions.

If captured by pirates, the ship master and crew should remain calm, cooperate with the pirates, and leave any CCTV equipment running.

After receiving the alert, the regional navies should quickly establish communication with ship masters, identify the location, coordinate among all forces and get the best suitable asset to respond to the situation timely.

The panel acknowledged that it was difficult for navies to take action against mother ship especially when pirates are holding hostages onboard. The only thing navies can do under such circumstance was to shadow the mother ships and try to push them to retreat from the vessel.

On the issue of using citadel as protection, all panelists agreed that it was an effective way to prevent the pirates from gaining control of the vessels and crew. It can buy time pending a military response. However, it was not a guaranteed solution. Crew must ensure the design of the citadel should include sustainable communication systems, necessary equipment to command and control the ship remotely, emergency rations, water and food supply.

Negotiation and Post Release

It was suggested that the master and shipping company should take proper actions once a ship was seized by pirates. The master should keep calm, cooperate with the pirates and protect the crew. Company should immediately implement a contingency response plan, inform the families of the crew, contact relevant agencies, specialist negotiators and deal with media properly.

It was opined that during the negotiation process, services of professional negotiator may be availed. It has been noted that the ransom demanded would decrease gradually during the progress of negotiation.

In the post release process, proper care and support must be given to the crew and families. Ship master should be debriefed, evidences preserved, incident recorded and report extended to MSCHOA for future reference.

Concluding Remarks



VADM Ramon C. Liwag

Philippine Coast Guard
Chairperson of the ReCAAP Information Sharing Centre
(ISC) Governing Council

In the concluding remarks, VADM Ramon C. Liwag expressed his thanks to all the participants for attending the conference as well as their contribution in terms of ideas and perspectives.

Through sharing and networking, all participants were able to better appreciate the challenges encountered by the various stakeholders in countering piracy and armed robbery at sea.

VADM Liwag called for sharing of responsibilities among all stakeholders including governments, ship owners, shipping associations and the maritime industries to tackle the menace of piracy. VADM Liwag highlighted that the ReCAAP ISC will continue to remain committed in bringing all stakeholders and like-minded individuals together to share information and enhance response.

Programme

0830 Registration

Morning Session (Conference)

0900 Opening Remarks

VADM Ramon C. Liwag, Philippine Coast Guard, Chairperson of the ReCAAP Information Sharing Centre (ISC) Governing Council

Session I

Overview and Perspective of Piracy and Armed Robbery Against Ships

0910 Keynote Address

Mr Robert Lorenz-Meyer, President BIMCO

0920 Trends on Piracy and Armed Robbery Against Ships in Asia

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

0940 International Efforts and Initiatives

Mr Chris Trelawny, Deputy Director, Maritime Safety Division, IMO

1000 Asian Shipowners' Perspective

Mr Yuichi Sonoda, Secretary-General, ASF
Capt George Solomon, Chairman, Singapore Shipping Association Maritime Security Subcommittee

1015 Coffee/Tea break

Session II

Reality at Sea: Operational Challenges and Experiences

1030 Operational Challenges in Securing Safety of Vessels in the Gulf of Aden and the Western Indian Ocean

Mr Simon Church, Industry Liaison Officer, EU NAVFOR

1050 Best Management Practices (Version 3)

Mr Tim Wilkins, Regional Manager Asia-Pacific, INTERTANKO

1110 Evading Capture - A Company Security Officer Perspective

Mr Benny Low, Company Security Officer, Thome Ship Management Pte Ltd & Thome Offshore Pte Ltd

1130 Capture to Release Guidelines

Mr Thomas Timlen, Asia Liaison Officer, BIMCO

1150 Q & A Session

Moderator: Dr Euan Graham, Senior Fellow in Maritime Security Programme, RSIS

1220 Presentation of Mementos

1225 Lunch

Launch of the Anti-Piracy Poster
(A joint project by the ReCAAP ISC and BIMCO)

Afternoon Session (Workshop)

Session III

Anti-Piracy Workshop

Conducted: CDR SG Stein Olav Haglid, Branch Head, NATO Shipping Centre
by Mr Chris Trelawny, Deputy Director Maritime Safety Division, IMO

1315 Introduction of Workshop, Setting the Scene, Piracy Update

1345 Preparations for Transit

(Open discussion: Armed/unarmed security onboard)

1440 Reporting and Procedures, Asian Region

1515 Coffee/Tea Break

1530 Approaching the High Risk Area-Reporting and Procedures

(Open discussion: The use of electronic devices)

1600 Approach, Attack, Pirates Onboard: How to Act and What to Expect

(Open discussion: Use of Citadel)

1625 Negotiation and Post Release

1650 Presentation of Mementos

1655 Closing Remarks

VADM Ramon C. Liwag, Philippine Coast Guard, Chairperson of the ReCAAP Information Sharing Centre (ISC) Governing Council

1700 End of Conference

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