

# ReCAAP ISC PIRACY & SEA ROBBERY

CONFERENCE 2012

26 APRIL 2012  
SINGAPORE



*Safeguarding Seafarers:  
A Shared Responsibility*

Jointly organised by:



# *Safeguarding Seafarers: A Shared Responsibility*



## 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 S. Rajaratnam School of International Studies (RSIS)

# ReCAAP ISC PIRACY & SEA ROBBERY

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# 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, 18 States have become Contracting Parties to ReCAAP.

The 18 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, the United Kingdom 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 communications and information exchange among participating governments to improve incident response by member countries; analyse and provide accurate statistics of the piracy and armed robbery incidents to foster better understanding of the situation in Asia;
- Facilitate capacity building efforts that help improve the capability of member countries in combating piracy and armed robbery in the region; and
- Cooperate with partner organizations 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 with its national policies and response procedures, and provide assistance to the victim ship where possible. The agency will in turn, inform the 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 oldest of the international shipping associations, comprising a membership of a broad range of stakeholders with vested interests in the shipping industry, including ship-owners, managers, brokers and agents. The shipowner segment alone operates about 65 per cent of the world's merchant fleet measured in deadweight tonnage. The association's main objective is to facilitate the commercial operations of its global membership through the provision of quality information and advice, education and training. While promoting fair business practices and developing standards for contract terms, BIMCO is a strong advocate for harmonisation and standardization of all shipping related activity, whether at sea, in ports or ashore. In support of its commitment to ensure a level playing field for all actors within the global shipping industry, the association promotes

the development and application of internationally agreed regulatory instruments. In acknowledgement of its constructive contributions to the regulatory process, BIMCO is accredited as a Non-Governmental Organisation (NGO) with all relevant United Nations agencies. In the pursuit of reaching its objectives, the association maintains a close dialogue with Governments and diplomatic representations around the world including maritime administrations, regulatory institutions 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 2012, the organisation had 240 members, whose combined fleet comprises some 3,100 tankers totalling 250 million dwt. INTERTANKO's associate membership stands at some 330 companies with an interest in shipping of oil and chemicals.

## ABOUT S. RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES (RSIS)

The S. Rajaratnam School of International Studies (RSIS) was officially inaugurated on 1 January 2007. It was previously 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.

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# EXECUTIVE SUMMARY



The ReCAAP Information Sharing Centre jointly organised the ReCAAP ISC Piracy & Sea Robbery Conference 2012 on 26<sup>th</sup> April 2012 with BIMCO, INTERTANKO and S. Rajaratnam School of International Studies (RSIS). The theme of the conference is "Safeguarding Seafarers: A Shared Responsibility." The conference provided a platform for sharing of situational updates, exchanging of views, and addressing challenges pertaining to piracy and armed robbery against ships among stakeholders comprising government agencies, international organisations, shipping associations, ship owners and operators, maritime industries, research institutes and like-minded individuals.

The conference consisted of two sessions: "Overview and Perspective of Piracy and Armed Robbery Against Ships" and "Safeguarding Seafarers: Citadel and Armed Guards onboard Vessels". A spectrum of issues was addressed during the presentations and discussion, of which two areas were of exceptional concern to the participants at the conference this year.

The first was the issue of under-reporting. A number of presenters expressed their concern that there might be a growing trend of ship owners and operators under-reporting incidents. They expressed concern that this might impede the relevant authorities from accurately assessing the situation.

The other area of concern was the increase in the deployment of privately contracted armed security personnel (PCASP) onboard vessels. While some presenters agreed that there were benefits in the deployment of armed guards, they were concerned that ship owners and operators might see the armed guards as a substitute for Best Management Practices (BMPs). Presenters emphasised that there should be a layered defence in the protection of seafarers against pirates and the deployment of armed guards should only be one of the considered approaches. They also reminded the participants that there were flag States that prohibit the deployment of armed guards onboard vessels and that it would be a huge logistical challenge to have weapons onboard vessels.

At the end of the discussion, despite differences in perception on the situation and the pros and cons of various anti-piracy measures, participants were agreeable that no measures can substitute the implementation of BMPs, and safeguarding seafarers should be the responsibility of all stakeholders.



# WELCOME REMARKS



**His Excellency,**  
**Dr. Pornchai Danvivathana**  
*Ambassador of Thailand,  
Royal Thai Embassy, Muscat,  
Governor of ReCAAP ISC (Thailand)*

Dr. Pornchai Danvivathana welcomed participants to the conference and noted that the ReCAAP ISC Piracy and Sea Robbery Conference received much accolades and constructive feedback since its first inception in 2009.

With reference to the theme of the conference which is "Safeguarding Seafarers: A Shared Responsibility", he stressed that combating piracy and armed robbery at sea is the responsibility of all stakeholders, including governments, shipping companies, ship owners, operators and crew. He hoped that the conference will continue to provide a platform for all stakeholders to come together to share information, exchange views and learn best management practices from one another.

In his address, Dr. Pornchai emphasised that as an information sharing hub, the ReCAAP ISC strives to be the conduit between governments and shipping industries in ensuring timely reporting, responsive assistance and immediate follow-up on investigation. To be able to do this, close cooperation and collaboration with the shipping industry is essential and necessary. On this note, he added that the ReCAAP ISC had participated in forums and presentations organised by overseas shipping associations and supported the International Maritime Organization (IMO) in training personnel operating in the three Information Sharing Centres under the Djibouti Code of Conduct (DCoC).

Dr. Pornchai also highlighted that in 2011, the ReCAAP ISC had launched three posters: an anti-piracy poster with BIMCO on "*Plan, Prepare, Protect*", a poster with the Information Fusion Centre (IFC) for owners and operators of tug boats and barges entitled "*Guidelines for Tug Boats and Barges against Piracy and Sea Robbery*", and a situation snap-shot poster showing location of incidents reported in Asia in 2011 which included the contact details of the ReCAAP Focal Points and Contact Point. The posters provide key anti-piracy pointers, reminders and an overall situation update to governments, ship owners/operators on land; and ship masters and crew at sea.

In conclusion, Dr. Pornchai reminded participants that eradicating the threat of piracy and armed robbery against ships is the responsibilities of all, and each one can make the difference.

# KEYNOTE ADDRESS



**Mr. Koji Sekimizu,**  
*Secretary-General, IMO*

Mr. Koji Sekimizu began his address by assuring the audience that the IMO has been advocating and working hard towards a coordinated approach in combating maritime piracy. In Southeast Asia, IMO was instrumental in establishing the framework for regional cooperation in the Straits of Malacca and Singapore.

He noted that intra-regional agreement such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) promoted an enhanced cooperation among the Contracting Parties in combating piracy and sea robbery. He explained that the ReCAAP had provided a foundation for information sharing, training, and capacity-building in the region. The ReCAAP model was a success and many of its initiatives had been incorporated into the Djibouti Code of Conduct (DCoC).

Mr. Sekimizu elaborated that the DCoC promotes regional cooperation mechanism supported by the IMO and other development partners. The IMO placed considerable efforts to fully implement the DCoC. Aside from the DCoC, the IMO also explored other ways to strengthen the protection of ships from pirates, and supported the industry guidelines on BMP which provided practical measures to protect vessels.

Mr. Sekimizu also highlighted the cooperation between IMO and the United Nations (UN). He informed the conference that on several occasions, he had discussed with Mr. Ban Ki-moon, Secretary-General of the UN

about the need to strengthen anti-piracy efforts. Mr Ban had agreed that capacity-building in Somalia and neighbouring countries should be enhanced through cooperation between the IMO, UN, and other international organisations. With Mr. Ban's support, the IMO organised a number of important events in May 2012 such as the ministerial meeting of the DCoC states, conference on capacity-building to counter piracy off the coast of Somalia and high-level segment of the IMO Maritime Safety Committee (MSC) addressing arms onboard merchant vessels.

He added that the IMO will continue to support the work of the UN Political Office for Somalia (UNPOS) in implementing national security and stabilisation plans and facilitates dialogue between the transitional government and regional authorities through the "Kampala" process. Such activities may include assistance for Somalia to accede to international laws such as the Suppression of Unlawful Acts at Sea (SUA) and International Shipping and Port Security (ISPS) Code. The implementation of ISPS Code will be a catalyst for the development of port security programmes and procedures that will help ports in Somalia to comply with international standards.

In conclusion, Mr. Sekimizu emphasised that Somali-based piracy was a reflection of the wider threats and deep-rooted problems in the Somalian society. A real progress in anti-piracy efforts could only be made by addressing the cause of these problems on land.

# OPENING REMARKS



**Mr. Torben Skaanild,**  
*Secretary-General, BIMCO*

Mr. Torben Skaanild started his address by commenting on the current piracy situation. Successful attacks off the coast of Somalia were on a decline due to multinational efforts and the use of armed guards. However, Mr. Skaanild's cautioned against over optimism as piracy has existed in the Gulf of Aden for 2,000 years. Given the attractive business of piracy, pirates would always adapt to each step made in counter-piracy efforts.

He further informed the participants that for 2012 alone, there were over 166 attacks with seven ships captured and over 200 seafarers held hostages along the coast of Somalia. Furthermore, the reach and scope of pirates and the ransom amount would continue to rise. There were also concerns that pirates in other parts of the world were imitating the act of their Somali counterparts. While piracy attacks in the Gulf of Guinea have declined due to Nigeria's more robust counter-piracy efforts, pirates have shifted their operations to neighbouring countries.

Mr. Skaanild noted that the conference would address both practical and legal issues of the piracy problem, and through sharing and discussion help alleviate the unfortunate situation where the payment of ransom was the only way to guarantee the safety of hijacked crew.

As the Secretary-General of BIMCO, Mr. Skaanild assured the audience that BIMCO has been extremely active in its anti-piracy effort. These efforts include advocating to the UN for more robust efforts against piracy, promoting BMPs and constructing citadels in merchant vessels. Another notable effort was an attempt by BIMCO to regulate the proliferation of PCASP by standardising a contract to be signed by ship owner and Private Maritime Security Companies (PMSCs). The objective of the contract was to provide an agreement that clearly spelled out the responsibilities and liabilities of the PCASP, particularly in the potential use of lethal force onboard a merchant ship.

# SESSION ONE



## TRENDS ON PIRACY AND ARMED ROBBERY AGAINST SHIPS IN ASIA

**Ms. Lee Yin Mui,**  
*Assistant Director (Research),  
ReCAAP ISC*

Ms. Lee Yin Mui presented the methodology adopted by the ReCAAP ISC in classifying incidents using a 4-categories classification system broadly defined as follows:

- Category 1 (very significant): mainly incidents involving kidnapping of crews or hijacking of vessels or death/missing crew;
- Category 2 (moderately significant): mainly incidents involving armed/unarmed pirates or robbers who threatened or even assaulted the crew;
- Category 3 (less significant): mainly incidents involving robbers either armed with knives or unarmed, boarded vessel with the sole intention of stealing items onboard, and escaped upon detected with or without the stolen items;
- Petty theft (minimum significant): mainly theft involving robbers who were not armed and the crew not harmed.

Ms. Lee then updated the conference on the situation of piracy and armed robbery against ships in Asia during January-March of 2012. Although the statistics showed an improvement compared to the same period in 2011, the numbers were still higher compared to the same period in 2008, 2009 and 2010. Ms Lee pointed out that although the decrease was more apparent in the number of attempted incidents, there were fewer incidents of vessels being attacked while underway in the South China Sea and in the Straits of Malacca and Singapore. However, there has been an increase in incidents reported at ports and anchorages in Indonesia which accounted for more than half of the incidents occurred at ports and anchorages in Asia. Ms. Lee commented that although most of the incidents were Category 3 or petty theft in nature, overall, there has been an increase in the number of Category 2 incidents during January-March of 2012 compared to the same period in the past four years.



On the situation in the Straits of Malacca and Singapore, Ms. Lee reported that a total of four incidents were reported during January-March 2012, a decrease from the 10 incidents reported during the same period in 2011. She highlighted that all four incidents involved tug boats towing barges which had been targeted more frequently compared to past years. She proceeded to mention that there had been improvement in Malaysia and the South China Sea. The number of incidents reported in Malaysia has decreased from seven incidents during January-March 2011 to only one incident during the same period in 2012. Situation in the South China Sea has improved remarkably with no incident reported there during the first quarter of 2012. These improvements could be attributed to an increase in surveillance and enhanced patrols carried out by the littoral States; and better situation awareness among seafarers who adopted BMPs in their anti-piracy measures.

Following the situation update, Ms. Lee shared on three case studies. The first was the recovery of hijacked Malaysia-registered tug boat *Sin Hin 5*, towing barge, *Sin Hin 6* which was reportedly hijacked on 28 Dec 11; and two robberies onboard vessels *OXL Lotus* on 22 Jan 12 and *Andakini* on 22 Mar 12 at the port of Chittagong, Bangladesh. The Bangladesh Coast Guard managed to apprehend three robbers and recovered the items stolen from *Andakini*; and in the incident involving *OXL Lotus*, the stolen items were also recovered.

Ms. Lee concluded that although there has been a decrease in the number of incidents, it remains unclear whether this is due to under-reporting or it was a true reflection of the current situation. She encouraged the littoral States to continue to enhance their surveillance and presence while seafarers are urged to observe BMPs and maintain situational awareness. Details of the report for period January-March 2012 can be found on the ReCAAP ISC website at [www.recaap.org](http://www.recaap.org).

# SESSION ONE



## ASIAN SHIPOWNERS' PERSPECTIVE ON PIRACY AND ARMED ROBBERY AGAINST SHIPS

Mr. Yuichi Sonoda,  
*Secretary-General,*  
ASF

Mr. Yuichi Sonoda began his address by introducing the Asian Shipowners' Forum (ASF). He mentioned that the ASF controlled about 50% of the world's merchant fleet. The objective of the ASF is to promote the interest of Asian shipping industry and projects.

Mr. Sonoda noted that piracy and armed robbery at sea was a common problem throughout the world but situations differed from region to region. In Asia, the most common problems were armed robberies and petty thefts where no hostages were held for ransom. However, he opined that despite continuous effort by the littoral States, the situation in Asia has not improved very much in 2011 and 2012 when compared to 2008, 2009 and 2010. Mr. Sonoda specifically listed Indonesia, Vietnam, Bangladesh and certain areas near the Singapore Straits as areas that warrant more attention.

Mr. Sonoda pointed out that incidents that occurred at ports and anchorages was also of concern to the ASF. He hoped that this situation would be kept under control and improved through better cooperation among the littoral States. While he appreciated the efforts of the ReCAAP ISC and the IFC in monitoring the situation, he felt that more needs to be done. He hoped that the ongoing capacity building efforts by the ReCAAP ISC and their well-established network through the ReCAAP Focal Points could contribute towards a safer environment for seafarers in the Asian region.

As a closing remark, Mr. Sonoda brought to the audience's attention the 'Save Our Seafarer (SOS)' campaign.



## THE CONTINUED NEED FOR BMP AND FUTURE REQUIREMENTS FOR SAFE TRANSITS

**Mr. Tim Wilkins,**  
*Regional Manager Asia-Pacific,*  
**INTERTANKO**

Mr. Tim Wilkins summarised the development of BMP which is currently in its 4<sup>th</sup> edition. He informed the participants that INTERTANKO would continue to issue regular security bulletins to its members and conduct outreach campaign such as the SOS campaign mentioned by Mr. Sonoda.

He also presented statistics that indicated an improved situation in Somalia with the percentage of successful attacks decreased from 29% to 17% over the past three years. Nevertheless, the number of attacks has increased by 19% and the ransom payment has also increased to USD 8 million. To date, there were four cases of hijacking in 2012, one of which did not reach out to the naval presence. So far, a total of six merchant vessels with 148 crew was held and more attacks can be expected in the coming months with improvement in the weather conditions. As such, INTERTANKO urged all its members to be vigilant.

Mr. Tim stressed that while the number of successful attacks was lower because of greater naval presence; BMP compliance and increase in PMSC deployment had contributed towards the low pirates' success ratio. Nevertheless, the scope and range of piracy attacks are still wide and thousands of vessels are still at risk.

He mentioned that there was a continuous call to make the BMP mandatory as reports suggested that there was a high degree of non-compliance. He added that

there were ships which did not comply to the BMP requirement. However, he cautioned that when the BMP became a routine ritual, there was the danger of complacency. Hence, he advocated that ship masters, shipping companies and shipping associations should ensure high level of compliance to BMP by continuously assessing and auditing it.

Mr. Wilkins also raised the issue of under-reporting. He believed that it was important for all incidents and deployment of armed guards onboard vessels be reported to the nearest coastal state so that INTERTANKO and the relevant authorities could have a clearer picture of the situation and devise the most appropriate response.

Other than the deployment of armed guards, Mr. Wilkins proposed exploring other possible solutions to counter piracy attacks such as the usage of citadel, deployment of vessel protection detachments and innovative equipment and ship designs.

Mr. Wilkins agreed that it was not likely that the piracy problem be resolved in the short term. As such, ships would remain vulnerable to changing tactics adopted by pirates; and deployment of armed guards onboard vessels was a temporary solution. In conclusion, he reminded participants that piracy is a lucrative business with determined people who will adjust their tactics to assure their gain even if it comes with escalating consequences.

# SESSION TWO



## SOMALI PIRACY: THE ONGOING THREAT

**CDR SG Stein Olav Hagalid,**  
*Branch Head,  
NATO Shipping Centre*

CDR SG Stein Olav Hagalid started his presentation by updating the situation off the coast of Somalia from the perspective of the naval force operating in the region. There were seven captured vessels along with 210 seafarers currently being held hostage by Somali pirates. Despite a decline in piracy incidents in 2012 compared to 2011 when over 30 vessels were held, the numbers were still significant. A new trend emerged with fishing vessels being targeted by pirates. The overall actual and attempted piracy attacks have decreased considerably in the last six months of 2011, and would continue to trend downwards in the first quarter of 2012.

CDR SG Stein added that the North Atlantic Treaty Organisation (NATO) believed that the decline was attributed to the anti-piracy efforts carried out by governments and international shipping community, such as implementation of BMPs, deployment of naval patrols, construction of citadels, and the use of PCASP. He added that the naval forces are neutral to the use of PCASP, but they do support the proposal for licensing of PCASPs.

CDR SG Stein was concerned, however, that the implementation of BMP has been relaxed as shipping companies grow more reliant on the use of PCASPs. Furthermore, there have been many cases of under-reporting when PCASPs were deployed onboard vessels leading to loss of critical intelligence information.

He acknowledged that despite the decline in number of attacks, piracy was still a problem. The ransom amount paid to Somali pirates was increasing, and ships as well as seafarers were detained for longer duration. The pirates' tactics have also evolved and their areas of operation have expanded. In response to the situation, NATO will continue to deploy naval patrols in the joint operating areas and destroy pirate bases. He repeated NATO's call for the merchant shipping industry to comply with BMP and maintain situational awareness. CDR SG Stein also called on governments to increase the presence of naval assets and patrols, and place more emphasis on international cooperation.





## CITADEL: IMO GUIDELINES

**Mr. Giles Noakes,**  
*Chief Maritime Security Officer,  
BIMCO*

Mr. Giles Noakes's presentation was on the use and construction of citadel onboard merchant vessels. A citadel is a designated area specifically built into the ship where, in the event of imminent boarding by pirates, all crew will seek protection in it. Mr. Noakes stressed that the construction and use of citadel usually involved a very complex decision-making process which involved ship owners, ship operators and crew.

He explained that the IMO did not release guidelines on citadel for security reasons and also to maintain a certain level of flexibility because the construction of citadel must be customised to the type and size of vessels. If a detailed guideline was released, pirates will be able to use it to access the citadels. Detailed information regarding the citadel can be obtained in two password-enabled websites, i.e. the NATO Shipping Centre (NSC) and BIMCO websites.

On the use of the citadel, Mr. Noakes strongly advised the following measures to be taken: Firstly, the crew must still be able to control the ship and to take refuge while waiting to be rescued. Secondly, there must be a safe muster point outside the citadel where all crew could rally during an imminent boarding by pirates or when the vessel is under attack. And lastly, the pirates must be denied to the use of tools and equipment onboard vessels.

He also shared that it is important to have provisions within the citadel to last at least 72 hours, toilet facilities and more importantly, communication linkages with the outside world. The latter is very important as it would be the only means for the crew to inform neighbouring navies that the ship has been hijacked and maintain continued communication with them. Navies will only take military actions when they have ascertained that all personnel are inside the citadel.

Mr. Noakes concluded by saying that the use and construction of citadels should be seen as complementary to the implementation of BMP. It would not prevent a ship from being hijacked or guarantee a prompt response from naval forces. The citadel should be the last layered defence against pirates.

# SESSION TWO



## CITADEL: CASE STUDY

**Captain Choi Gum Chul,**  
*Accident Investigator & Safety Manager,  
Hanjin Ship Management Co. Ltd.*

Captain Choi Gum Chul briefly introduced the Hanjin Ship Management (HSM) and its anti-piracy efforts. He further explained HSM's reporting procedure in the high risk area, particularly in the Indian Ocean Region (IOR). These procedures include reporting to relevant authorities in case of hijacking, briefing, drilling, and other anti-piracy activities, as well as maintaining communications with home base and neighbouring naval forces.

He elaborated on HSM's other anti-piracy measures such as the use of PCASP and construction of citadel. HSM ships in high risk area are fitted with physical barriers, such as razor wire, steel plate, empty drum, water and stream spray, while tactical helmets and body armours were provided for the crew. To implement these measures effectively, the HSM conducts joint drill twice a year in Korea to familiarise military personnel with characteristics of merchant vessels so they could conduct better counter-piracy military operations.

At the end of his presentation, Captain Choi shared the case study of an attempted hijack on one of HSM's ships, *M/V Hanjin XX*, in the Indian Ocean while she was enroute from Spain to Singapore in April 2011. The successful implementation of BMP denied the pirates' access and control of the ship. All crew was able to get inside the citadel and with communication established with the Republic of Korea Navy, *M/V Hanjin XX* was successfully rescued with no casualty reported.



## PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ONBOARD VESSELS (PCASP)

**Captain Geoffrey John Pearson,**  
*Global Head of Fleet Security,  
BW Fleet Management Pte Ltd*

Captain Geoffrey Pearson began his presentation by introducing BW's anti-piracy measures, which is based on the layered defence principle comprising of detection, prevention and deterrence. All vessels were required to comply with BMP at all times and Captain Pearson added that he would personally brief all ship masters on the BMPs to ensure that they were updated with the procedures. The engagement of PMSC was only one of BW's many layers of defence.

Captain Pearson maintained that BW has a very strict process for the selection of PMSC. Through the thorough review of several recommended service providers, BW will shortlist a selection of service providers that specifically fulfil their requirements. BW will ensure that every service provider was in full compliance with IMO MSC.1/Circ. 1405 and proper vetting was done. If the request for other PMSC by chartered vessel is received, BW would ensure that the chartered vessels were competent in their choices and fulfilled BW's requirements.

He also explained BW's decision to contract PMSC would only be made after a careful risk analysis based on intelligence reports from various sources. Even if the risk analysis suggests the deployment of armed guards, Captain Pearson will discuss with the master to explore voyage alternative and explore the possibility of deploying unarmed security personnel onboard the vessel instead. The placement of an armed team will be a last resort as it is a logistical challenge to place and remove weapons onboard the vessel.

Captain Pearson also shared a BMP checklist that helps the ship master comply with the BMP and make sure that the armed guards complied with the guideline provided under MSC.1/Circ.1405. One must also bear in mind the laws and regulation of the flag States, including those who prohibits the carriage of weapons onboard. In most cases, BW's voyages were carried out without the use of armed guards unless necessary.

He also shared with the participants the benefits in having an armed security team onboard. He explained that armed security personnel were a massive morale booster and able to support with the hardening and fixing of security equipment. They helped in crew drill and train crew in anti-piracy measures and played the advisory role in some instances when the vessels were sailing through lower risk areas. The security guards can also act as additional lookouts, thus freeing the crew for other tasks and thus an additional layer in BW's deterrent measures.

Captain Pearson felt that it was a sad reflection of today's world that shipping companies have to go to such length to protect innocent seafarers at their legitimate place of work. He concluded his presentation by urging the audience to come up with better alternate solutions than what are available currently.

# SESSION TWO



## ARMED GUARDS ONBOARD VESSELS: THE LEGAL ASPECT

**Mr. Bill Kerr,**  
*Partner and Master Mariner,  
Holman Fenwick Willan Singapore LLP*

Mr. Bill Kerr shared on the legal aspect of having armed guards onboard vessels by illustrating some of the points in the context of the new BIMCO Guardcon contract. The Guardcon is a standard contract for the employment of security guards onboard ships to combat piracy. It was intended to protect both parties (the ship company and the PMSC).

Although Guardcon was intended to be a balance contract, he felt that it was fair to say that it was probably more pro-ship owners than pro-PMSC. For that reason, it can be expected that there will be more pressure from the PMSC to propose changes to some of the clauses inside the Guardcon.

Mr. Kerr emphasised that while the detail of each contract can vary, there were a number of clauses in the standard contract that should not be tempered with to ensure best protection for both parties. He elaborated on the following clauses:

- Clause 6 (The Contractor's Obligation). Both parties must be confident in fulfilling their obligation; failing which, the parties should seek re-negotiation. The contractors must not have an automatic right to sub-contract. Mr. Kerr shared on a case where the security company sub-contracted to another company who does not comply fully with the license they have and the ship ended up being detained by the authorities.

- Clause 8 (Master's authority and division of responsibility). This is drafted to ensure that no provision of Guardcon will contravene the mandatory provision of International Convention for the Safety of Life at Sea (SOLAS). For this purpose, the master has the expressed authority over all the security personnel onboard the ship. The master does not have the control over the use of arm. It is the private security team leader who has to decide when to use arms, and that was intended to protect the master from being potentially criminal liable. In short, the master cannot order anyone to fire their weapon, but has the authority to order them to stop firing. However, the master's authority and SOLAS cannot interfere with the security personnel's right to self-defence. So if the master orders the team to cease firing and if they feel they are under personal threat, they have the option to continue.
- Clause 9 (Hijacking). The contractors do not guarantee the safety of the vessel or crew during the provision of the security services.



- Clause 10 (Permits and licenses). Permits, certificates and licenses, operational permits etc are keys to the provision of security guards. The logistics of placing weapons onboard is challenging and weapons must be removed from the ship at the end of the engagement. While it was an obligation, there are companies currently operate without permits and licenses and it was the purpose of the Guardcon to 'eliminate' companies operating without licenses. This clause primarily protects the interest of the ship owner.
- Clause 12 (Insurance Policies). Insurance protection is integral to any contract for the security guards and feature very prominently in the Guardcon. The clause was drafted in consultation with insurers and was intended to offer package products to PMSC specifically to cover their obligation and liability under Guardcon. In order to be covered, the vessel must be a member of a valid P&I club.
- Clause 15 (Liabilities and Indemnities). Given the challenging nature of the services provided under the Guardcon, the liability provisions were essential to its entire rationale. The underlying principles were that each party should bear the losses suffered by those responsible for that area of the contract and the losses of the property that follows.
- Clause 16 (Security Personnel liability). The idea of this clause was to protect each member of the security detail personally, thereby excluding individual liability and gives him the protection he will need under the contract.
- Clause 17 (Security Personnel – Waiver). Guardcon provides a standard waiver form. When a passenger boards a ship he/she is often asked by the owner to sign a waiver on boarding ship and security personnel will be no exception to that. However, the general Kidnap & Ransom provision will also cover those onboard the vessel, including the security personnel.

At the conclusion of his presentation, Mr. Kerr invited participants to visit BIMCO's website for a copy of the Guardcon contract.

# QUESTIONS & ANSWERS SESSION



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

The first question put forward was with regard to the issue of under-reporting. A participant was interested in knowing how the presenters were able to conclude that there was a problem of under-reporting and why would ship owners choose not to report.

The panelists responded that the conclusion was drawn by comparing the naval intelligence on the number of active pirate groups operating in the region with the number of incidents reported. Assuming the intelligence was accurate, the number of incidents should be higher than what was reported. As for the reasons for under-reporting, it could be for fear of self-jeopardy. The conference noted that 15 percent of the flag States do not allow the use of armed guards onboard vessels, if the vessel involved in the incident has armed guards and if the company or master reported that, it would show them up as violating State law.

The panelists were concerned that the rise of such a trend would cause an information blackout. They felt that honest reporting was essential for authorities to have an accurate picture of the situation and if the authorities know that there were armed guards onboard a vessel, they can better allocate the naval resources to concentrate on more vulnerable vessels. Other panelists were worried that ship operators used armed guards as an alternative to BMP.

The next issue raised was whether States lack the legal tools to fight piracy effectively or do the governments lack the political will to do so? A participant believed that it was the legal tools that was lacking and proposed establishing an anti-piracy convention to address the problem. One panelist felt that the idea of a convention was sound, but it will be a long process and it only addresses one of the many aspects of piracy. Even if there were legal tools to prosecute the pirates, it would still be very expensive and States may resist efforts for such a convention. Others pointed out that there were in fact legal regimes in place and it would be better to implement existing conventions



and address the piracy issue at its social roots. The panelist explained that many arrested pirates returned to piracy upon their release and youth in Somalia aspired to be pirates. This was a reflection of the social problems in Somalia that must be tackled before the piracy problem can be effectively addressed.

A participant felt that there was no need to develop new convention as there were enough means to deal with the problem. The real problem, in his opinion, was a lack of public and political attention on the issue. This is because piracy was an insignificant issue in the context of world trade and economy. He felt that the solution was to convince governments that it was their responsibility under the law of the sea to address the piracy issue and that they should not hold back, but let the military do what the people have contracted them to do.

The last topic of discussion was on arms proliferation and the Somali pirates' business model. A panelist responded that the reports on arms proliferation have not been verified. With regard to the business model of pirates, he

felt that the pirates were also caught in a paradox. With the introduction of more effective anti-piracy measure, the pirates may have to escalate the level of violence to achieve their objective, however if they do that, then they risk attracting the attention and hence stronger reaction from governments.

# CLOSING REMARKS



**His Excellency,  
Dr. Pornchai Danvivathana**  
*Ambassador of Thailand,  
Royal Thai Embassy, Muscat,  
Governor of ReCAAP ISC (Thailand)*

In his closing remarks, Dr. Pornchai expressed his gratitude to the participants for attending the conference and for sharing their ideas and perspectives. He also thanked BIMCO, INTERTANKO and the RSIS for co-organising the conference.

Dr. Pornchai reminded the participants that as the information hub for piracy and sea robbery in Asia, the ReCAAP ISC looks forward to continue sharing information with its focal points and other stakeholders via its website. Participants were invited to visit the ReCAAP website at [www.recaap.org](http://www.recaap.org), which contains the ReCAAP ISC reports and contact details of ReCAAP Focal Points and Contact Point.

Lastly, Dr. Pornchai encouraged all stakeholders to voice their views and learn from each other through frequent dialogues. He hoped that the conference had served as a platform for all participants to understand that the responsibility to protect and safeguarding seafarers should be shared among all.



# PROGRAMME



**0830** Registration

## MORNING SESSION (CONFERENCE)

**0900** **Welcome Remark**

HE Dr. Pornchai Danvivathana, Ambassador of Thailand, Royal Thai Embassy, Muscat,  
Governor (Thailand) of the ReCAAP Information Sharing Centre (ISC) Governing Council

**0910** **Keynote Address**

Mr. Koji Sekimizu, Secretary-General, IMO

**0920** **Opening Remarks**

Mr. Torben C. Skaanild, Secretary-General, BIMCO

## SESSION ONE

### OVERVIEW AND PERSPECTIVE OF PIRACY AND ARMED ROBBERY AGAINST SHIPS

**0930** **Trends on Piracy and Armed Robbery Against Ships in Asia**

Ms. Lee Yin Mui, Assistant Director (Research), ReCAAP ISC

**0950** **Asian Shipowners' Perspective**

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

**1005** **The Continued Need for BMP and Future Requirements for Safe Transit**

Mr. Tim Wilkins, Regional Manager Asia-Pacific, INTERTANKO

**1020** **Coffee/Tea break**

## SESSION TWO

### SAFEGUARDING SEAFARERS: CITADEL AND ARMED GUARDS ONBOARD VESSELS

**1035** **Somali Piracy: The Ongoing Threat**

CDR SG Stein Olav Hagalid, Branch Head, NATO Shipping Centre

**1050** **Citadel: IMO Guidelines**

Mr. Giles Noakes, Chief Maritime Security Officer, BIMCO

**1105** **Citadel: Case Study**

Captain Choi Gum Chul,  
Accident Investigator & Safety Manager, Hanjin Ship Management Co. Ltd

**1120** **Privately Contracted Armed Security Personnel (PCASP) Onboard Vessels: Case Study**

Captain Geoffrey John Pearson, Global Head of Fleet Security, BW Fleet Management Pte Ltd

**1135** **Armed Guards onboard Vessels: The Legal Aspect**

Mr. Bill Kerr, Partner & Master Mariner, Holman Fenwick Willan Singapore LLP

**1150** **Q & A Session**

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

**1220** **Presentation of Mementos**

**1225** **Closing Remarks**

HE Dr. Pornchai Danvivathana, Ambassador of Thailand, Royal Thai Embassy, Muscat,  
Governor (Thailand) of the ReCAAP Information Sharing Centre (ISC) Governing Council

**1230** **End of Conference**

# LIST OF MODERATOR, PANELISTS AND SPEAKERS

01. **HE DR. PORNCHEI DANVIVATHANA**  
Ambassador of Thailand,  
Royal Thai Embassy, Muscat,  
Governor (Thailand) of the  
ReCAAP ISC Governing Council
02. **KOJI SEKIMIZU**  
Secretary-General  
International Maritime Organization (IMO)
03. **TORBEN C. SKAANILD**  
Secretary-General  
BIMCO
04. **BILL KERR**  
Partner & Master Mariner  
Holman Fenwick Willan Singapore LLP
05. **CAPT. CHOI GUM CHUL**  
Accident Investigator & Safety Manager  
Hanjin Ship Management Co. Ltd
06. **DR. EUAN GRAHAM**  
Senior Fellow in Maritime Security Programme  
S. Rajaratnam School of International Studies (RSIS)
07. **CAPT. GEOFFREY JOHN PEARSON**  
Global Head of Fleet Security  
BW Fleet Management Pte Ltd
08. **GILES NOAKES**  
Chief Maritime Security Officer  
BIMCO
09. **LEE YIN MUI**  
Assistant Director (Research)  
ReCAAP Information Sharing Centre (ISC)
10. **LTC (RETD) NICHOLAS TEO B G**  
Deputy Director  
ReCAAP Information Sharing Centre (ISC)
11. **CDR SG STEIN OLAV HAGALID**  
Branch Head  
NATO Shipping Centre
12. **TIM WILKINS**  
Regional Manager Asia-Pacific  
INTERTANKO
13. **YUICHI SONODA**  
Secretary-General  
Asian Shipowners' Forum (ASF)

# LIST OF PARTICIPANTS



1. **Adam BH**  
Shipbroker  
Oceantrans Maritime Pte Ltd
2. **Akira Ubukata**  
Team Leader  
JICA Expert on Maritime Safety and Security  
Ministry of Transportation
3. **Alvin Jiang**  
Manager  
Marine Safety Department  
Technical Services APL
4. **Alvin Lim**  
Director  
Sea Transport Division  
Ministry of Transport (MOT)  
Singapore
5. **LCDR Angel Z. Viliran**  
Philippines ILO  
Information Fusion Centre (IFC)
6. **Anthony Chua**  
Assistant Manager  
International Department  
International Division  
Maritime and Port Authority of Singapore (MPA)
7. **Aoki Nobuyuki**  
Bureau Chief  
Sankei Shimbun
8. **Ariane Perez**  
Reporter  
IHS Fairplay
9. **Arjuna Gunawardena**  
Managing Director  
Protecht Risk Management Solutions Ltd
10. **Baharom bin Mohamed Amin**  
Superintendent  
Megaports Shipmanagement Pte Ltd
11. **Benny Low**  
Company Security Officer  
Thome Ship Management Pte Ltd  
& Thome Offshore Pte Ltd
12. **Bouko de Groot**  
Content Manager  
IHS Fairplay, Shanghai
13. **LTC Budi Mulyadi**  
Head  
Operation Planning in Maritime Security  
BAKORKAMLA
14. **Carl Consalves**  
Regional Marine Superintendent  
Chevron Shipping
15. **Caroline Lee**  
Shipbroker  
Oceantrans Maritime Pte Ltd
16. **Chandrasekhar Josyula**  
Manager  
Hydrographic Department  
STET Maritime Pte Ltd
17. **Charles Chew**  
Head (IMO Affairs Office)  
International Division  
Maritime and Port Authority of Singapore (MPA)
18. **Cholthanasorn Pistasat**  
Security Analysis  
Office of the National Security Council, Thailand
19. **Christine Chok**  
Senior Manager  
Panahon Marine Surveys Services Pte Ltd
20. **Christl Li**  
Policy Analyst  
IMO Affairs Office  
Maritime and Port Authority of Singapore (MPA)
21. **Clarence Chong KH**  
Superintendent  
Megaports Shipmanagement Pte Ltd
22. **Clarence Somasundram**  
Business Development Manager Drum Cussac
23. **COL Clay Sutton Director**  
Strategy, Engagement & Counter Terrorism  
Border Protection Command
24. **Clifton Jothy Simon**  
Manager – Safety  
Safety Department  
Ocean Tankers (Pte) Ltd
25. **Colin Chiok Kuat Hock**  
Assistant Director (Operations)  
National Maritime Sense-making Centre

# LIST OF PARTICIPANTS

26. **Dale Wainwright**  
Asia Correspondent  
TradeWinds
27. **Dante Jerusalem**  
QA Manager  
Columbia Shipmanagement (S) Pte. Ltd.
28. **David Pickard**  
Head  
Maritime Division  
Drum Cussac
29. **Denise Tan**  
General Manager  
Drum Cussac
30. **CDR Dulyawat Chaowadee**  
Naval Specialist  
Naval Strategic Studies Center  
Royal Thai Navy
31. **Ee Tian Koon, John**  
Marine & Safety Superintendent  
Seacastle Singapore Pte Ltd
32. **Elena Sadovaya**  
PhD Student  
Nanyang Technological University (NTU)
33. **Elvin Tan**  
Executive Officer  
Asian Shipowners' Forum (ASF)
34. **Farrah Mohd Fadil**  
Assistant Director  
International Department  
International Division  
Maritime and Port Authority of Singapore (MPA)
35. **Ferdinand Somasundram**  
Director  
7Gill Maritime Consultants Pte Ltd
36. **Foo See Poh**  
General Manager  
NYK Group South Asia Pte Ltd
37. **Dr. Frederik Blumrich**  
Visiting Assistant Professor  
Nanyang Technological University (NTU)
38. **Ganesh Upadhyay**  
Marine Manager  
Diamond Star Shipping Pte Ltd
39. **Han Shuo**  
Correspondent  
People's Daily
40. **Henrik Kellberg**  
Journalist  
DR Perspektiv
41. **Hideaki Nishio**  
Marine Superintendent  
K Line Ship Management (Chemical) Pte Ltd
42. **Ho Tuck Hoi**  
Consultant  
STET Maritime Pte Ltd
43. **Inder Jit Singh**  
General Manager, HSEQ  
Hanjin Shipping Pte Ltd
44. **LT Ishwarlal Prakash Patil**  
Indian ILO  
Information Fusion Centre (IFC)
45. **James De Foe**  
Senior Lecturer / Marketing Manager  
Singapore Maritime Academy
46. **James Soon**  
President  
Zycraft Pte. Ltd.
47. **Jamie Foo**  
Assistant Manager  
IMO Affairs Office  
Maritime and Port Authority of Singapore (MPA)
48. **Jens Ringefelt**  
Marine Insurance Broker  
Oriental Special Risk Services Pte Ltd
49. **Jill Lim**  
Senior Executive (Capability Development)  
Capability Development & International Partnerships  
Ministry of Home Affairs (MHA)
50. **John Kizhakethil John**
51. **Jon Eirik Einvarseen**  
Assistant Broker  
NorthEdge AS
52. **Josef Stingl**  
Managing Director  
Transocean Shipmanagement (Pte) Ltd

# LIST OF PARTICIPANTS



53. **Julie Dowdle**  
Department of Foreign Affairs and Trade (DFAT),  
Australia
54. **Jun Yanagawa**  
Managing Director  
Diamond Star Shipping Pte Ltd
55. **K Nirmal Raj**  
Senior Lecturer  
Singapore Maritime Academy
56. **Karl Woodhead**  
Liaison Officer  
Information Fusion Centre (IFC)
57. **Karsten von Hoesslin**  
Senior Analyst  
Risk Intelligence
58. **Keith Wallis**  
Journalist  
South China Morning Post
59. **Kensuke Mori**  
Principal Researcher  
Technical Strategy Group  
Monohakobi Technology Institute
60. **LCDR Jean-Michel Kergoat**  
French ILO  
Information Fusion Centre (IFC)
61. **CAPT Kiattiyut Tiansuwan**  
Deputy Chief  
Strategic Studies Division  
Naval Strategic Studies Center  
Royal Thai Navy
62. **Kim Byoung Gi**  
First Secretary & Consul  
Embassy of the Republic of Korea
63. **Kim Young Chae**  
Counsellor  
Embassy of the Republic of Korea
64. **LCDR Komkrit Kanjananuwat**  
Engineer  
War Gaming Division  
Naval Strategic Studies Center  
Royal Thai Navy
65. **Lam Mee Yoong**  
Shipping Executive  
Soon Fong Shipping Pte Ltd
66. **Lance L. Lira**  
Director  
ESPADA Marine Services
67. **Lars Robert Pedersen**  
Deputy Secretary-General  
BIMCO
68. **Leonard Lin**  
Ministry of Defence (MINDEF)
69. **Lim Chee Kia**  
Nanyang Technological University (NTU)
70. **Lim Yu Sing**  
Ministry of Defence (MINDEF)
71. **Lynn Kan**  
Journalist  
The Business Times
72. **Malcolm A. Soares**  
DPA & CSO  
SHEE & Quality Department  
Norgas Carriers Pte Ltd
73. **Matthew Koh**  
Consultant  
7Gill Maritime Consultants Pte Ltd
74. **Matthew Pay**  
Managing Director  
MWS Marine Surveys Pte Ltd
75. **Mohamad Shahril Bin Shahrudin**  
Assistant Manager  
MISC BERHAD
76. **Narong Wangdee**  
Fleet of Security Section  
Vessel Traffic Control & Maritime  
Security Center  
Marine Department, Thailand
77. **Nattasuda Mettaprasert**  
Second Secretary  
International Security Unit  
Ministry of Foreign Affairs, Thailand
78. **Ng Kwang Chiau**  
Senior Vice President  
Fleet Management Division  
Ocean Tankers (Pte) Ltd
79. **Ng Siew Boon**  
QHSSE Executive  
Pacific Radiance Limited

# LIST OF PARTICIPANTS

80. **LCDR Nic Zillman**  
Australia ILO  
Information Fusion Centre (IFC)
81. **Nicholas Chan**  
Deputy Director  
7Gill Maritime Consultants Pte Ltd
82. **Y. Bhg. Dato' Noor Aziz bin Yunan**  
Director General  
Maritime Institute of Malaysia (MIMA)
83. **Norhasliza Mat Salleh**  
Principal Assistant Director  
Maritime Security Policy Directorate  
National Security Division  
Prime Minister's Department, Malaysia
84. **Paiman M. Said**  
Marine Superintendent / HSEQ Administrator  
B+H Equimar Singapore Pte Ltd
85. **CDR Paul Tebbet**  
Assistant Defence Adviser  
British High Commission
86. **Paulus Dwi Nurcahyo**  
Operational Manager  
PT. Sharks Security Services
87. **Peter Bowmar**  
Royal New Zealand Navy
88. **Peter Heng**  
Vice President  
Technical Services  
Seacastle Singapore Pte Ltd
89. **Pinyada Reiniger**  
Third Secretary  
Legal Division  
Treaties and Legal Affairs Department  
Ministry of Foreign Affairs, Thailand
90. **CDR Pongkalin Kluabthong**  
Instructor  
Strategic Division  
Academic Affair  
Naval Education Department  
Royal Thai Navy
91. **Poon Kia Chin**  
General Manager  
Megaports Shipmanagement Pte Ltd
92. **Pradeep Balakrishnan**  
Deputy Company Security Officer  
Maersk Tankers
93. **Praveen Bajaj**  
Senior Manager, HSEQ  
B+H Equimar Singapore Pte Ltd
94. **CAPT Prawin Chittinan**  
Defence and Naval Attaché  
Royal Thai Embassy, Singapore
95. **Radzwan Awang**  
Manager – Operations  
Trust Energy Resources Pte Ltd
96. **Ramadas Rao**
97. **Ravi Ramprasad**  
Gateway Media
98. **Raymond Chan**  
General Manager  
Ship Technical & Management  
Trust Energy Resources Pte Ltd
99. **Richard Davies**  
Manager  
New Zealand Customs Service
100. **Robert Nesbitt**  
Royal New Zealand Navy
101. **Rohit Chitkara**  
Company Security Officer  
Columbia Shipmanagement (S) Pte. Ltd.
102. **CAPT Maritime Rozali bin Mohd Said**  
Malaysian Maritime Enforcement  
Agency (MMEA)
103. **Lieutenant Ryan S. Bohning**  
United States ILO  
Information Fusion Centre (IFC)
104. **Ryuji Nishibun**  
JICA Expert on Maritime Safety and Security  
Ministry of Transportation
105. **S S Varma**  
Vice President – Operations  
Trust Energy Resources Pte Ltd

# LIST OF PARTICIPANTS



- 106. Sanjay**  
Research Associate  
Centre for International Law  
National University of Singapore (NUS)
- 107. LT Sara Warynovich**  
COMPACFLT Maritime Liaison Unit,  
Singapore Detachment
- 108. Seiichiro Watanabe**  
IINO Singapore Pte. Ltd.
- 109. Shanmuganandam S/O Nachiappan**  
Assistant Director (Operations)  
National Maritime Operations Group
- 110. Sharom Bin Hashim**  
Senior Assistant Port Operations Operator  
Vessel Traffic Management Department  
Maritime and Port Authority of Singapore (MPA)
- 111. Siriphone Khouhathep**  
First Secretary and Deputy Chief of Mission  
Embassy of the Lao People's Democratic Republic
- 112. Siswanto Rusdi**  
Director  
Namarin Jakarta
- 113. Siti Rahil Dollah**  
Correspondent  
Kyodo News
- 114. Stanley Siaw**  
Director  
Marine Safety Department  
Technical Services  
APL
- 115. LT CDR Stefan Hansen**  
New Zealand ILO  
Information Fusion Centre (IFC)
- 116. Syamim binte Yahya**  
Shipping Executive  
Registry Department  
Shipping Division  
Maritime and Port Authority of Singapore (MPA)
- 117. Syed A Marican. AAll**  
Marine Claims Office of Asia Pte Ltd (MCO)
- 118. CDR Takashi Sakai**  
Deputy Managing Director  
Nippon Maritime Center
- 119. Tammy Key**  
Investigator  
Naval Criminal Investigative Service (NCIS)
- 120. Tan Kah Heng**  
Shipbroker  
Oceantrans Maritime Pte Ltd
- 121. Tan Tah Jiun**  
Country Officer  
Southeast Asia Directorate  
Ministry of Foreign Affairs (MFA)
- 122. Tay Wei Ping**  
Ministry of Defence (MINDEF)
- 123. Thomas Timlen**  
Asia Liaison Officer  
BIMCO
- 124. Dr. Timo Bretschneider**  
Senior Expert – Signal Processing  
Research Team Leader  
Real-time Embedded Systems  
EADS Singapore Pte Ltd
- 125. CDR Tomoya Shimizu**  
Manager  
International Office  
Japan Association of Marine Safety
- 126. Ugan@Ungan Anak Seli**  
Marine Superintendent  
Sealink SDN BHD
- 127. Victor Han Lam Hin**  
Senior Analyst Research (Civil Maritime)  
National Maritime Sense-making Centre
- 128. Vincent Wee**  
Hong Kong Correspondent  
Seatrade Asia
- 129. Wang Jingchao**  
Graduate School of Asia-Pacific Studies  
Waseda University (Japan)
- 130. RADM Wilers Smabut**  
Director  
Naval Strategic Studies Center  
Royal Thai Navy
- 131. Ambassador Wong Kwok Pun**  
Ambassador to the Kingdom of  
Saudi Arabia and Bahrain  
Ministry of Foreign Affairs (MFA)

# LIST OF PARTICIPANTS

- 132. Wu Siong Yen**  
Director  
Business Development  
Maritimechain Pte Ltd
- 133. Yami Yeo**  
Manager  
Business Development  
Maritimechain Pte Ltd
- 134. Yukiko Toyoda**  
Bureau Chief  
Kyodo News
- 135. CAPT Maritime Yusof bin Ali**  
Malaysian Maritime Enforcement Agency (MMEA)
- 136. Zen Tan**  
Shipbroker  
Oceantrans Maritime Pte Ltd
- 137. Zhang Kangmin**  
Assistant Manager  
International Department  
International Division  
Maritime and Port Authority of Singapore (MPA)
- 138. Alvin Mok**  
Senior Specialist (Research)  
ReCAAP Information Sharing Centre (ISC)
- 139. Amy Fang**  
Manager (Corporate Communications)  
ReCAAP Information Sharing Centre (ISC)
- 140. Caslyn Chee**  
PA to ED-ISC & DD-ISC  
ReCAAP Information Sharing Centre (ISC)
- 141. Comdt. (JG) Chinmoy Das Mohapatra**  
Manager (Research)  
ReCAAP Information Sharing Centre (ISC)
- 142. Chua Ming Han**  
Specialist (Administration)  
ReCAAP Information Sharing Centre (ISC)
- 143. Jovian Koh**  
Assistant Director (Administration)  
ReCAAP Information Sharing Centre (ISC)
- 144. CDR Kenichi Matsumura**  
Assistant Director (Programmes)  
ReCAAP Information Sharing Centre (ISC)
- 145. Capt. Kim Min Jong**  
Assistant Director (Operations)  
ReCAAP Information Sharing Centre (ISC)
- 146. CDR Sanit Fuangkhajorn**  
Manager (Programmes)  
ReCAAP Information Sharing Centre (ISC)
- 147. Shamus Seow**  
Specialist (Operations/Information)  
ReCAAP Information Sharing Centre (ISC)
- 148. CDR Teotimo Borja**  
Manager (Operations)  
ReCAAP Information Sharing Centre (ISC)
- 149. LTC (Retd) Toong Ka Leong**  
Senior Manager (Operations/Programmes)  
ReCAAP Information Sharing Centre (ISC)
- 150. LTC Xiao Cheng Rong**  
Manager (Research)  
ReCAAP Information Sharing Centre (ISC)
- 151. Chan Git Yin Jane**  
Research Fellow and Coordinator of the Maritime Security Programme  
S. Rajaratnam School of International Studies (RSIS)
- 152. Henny Pudiawati**  
Conference Secretary  
S. Rajaratnam School of International Studies (RSIS)
- 153. Kyaw San Wai**  
S. Rajaratnam School of International Studies (RSIS)
- 154. Ristian Atriandi Supriyanto**  
Research Analyst  
Maritime Security Programme  
S. Rajaratnam School of International Studies (RSIS)



# CONTACTS



## CONTACT DETAILS OF ReCAAP FOCAL POINTS / CONTACT POINT

Country & Agency-In-Charge	Point of Contact	
	Phone No	Fax Number
<b>People's Republic of Bangladesh</b>		
Department of Shipping Email: dosdgdbd@bttb.net.bd	+88-02-9554206	+88-02-7168363
<b>Brunei Darussalam</b>		
National Maritime Coordination Centre (NMCC) Email: P2MK@jpm.gov.bn	+67-3223-3751 +67-3717-6322	+67-3223-3753
<b>Kingdom of Cambodia</b>		
Merchant Marine Department E-mail: mmd@online.com.kh	+85-5-2386-4110	+85-5-2386-4110
<b>People's Republic of China</b>		
China Maritime Search and Rescue Centre (Beijing) Email: cnmrcc@mot.gov.cn	+86-10-6529-2218 +86-10-6529-2219 +86-10-6529-2221	+86-10-6529-2245
Maritime Rescue Coordination Centre (Hong Kong) Email: hkmrcc@mardep.gov.hk	+85-2-2233-7999 +85-2-2233-7998	+85-2-2541-7714
<b>Kingdom of Denmark</b>		
Danish Maritime Authority (DMA) Email: ReCAAP-FP-DK@dma.dk	+45-3917-4400 +45-3917-4699	+45-3917-4401
<b>Republic of India</b>		
MRCC (Mumbai) Email: icgmrcc_mumbai@mtnl.net.in	+91-22-2431-6558	+91-22-2433-3727
Coast Guard Region (West) Mumbai – India Email: mrcc-west@indiancoastguard.nic.in	+91-22-2438-8065	+91-22-2431-6558
<b>Japan</b>		
Japan Coast Guard (JCG) Ops Centre Email: op@kaiho.mlit.go.jp	+81-3-3591-9812 +81-3-3591-6361	+81-3-3581-2853
<b>Republic of Korea</b>		
Ministry of Land, Transport and Maritime Affairs (MLTM) Operations Centre Email: piracy@gicoms.go.kr	+82-2-2110-8864 +82-2-2110-8865 +82-2-2110-8866 +82-2-2110-8867	+82-2-503-7333

# CONTACTS

Country & Agency-In-Charge	Point of Contact	
	Phone No	Fax Number
<b>Lao People's Democratic Republic</b>		
Department of Foreign Relations Ministry of Public Security Email: keomps@yahoo.com	+85-6-2121-2505	+85-6-2121-2505 +85-6-2121-2547
<b>The Republic of the Union of Myanmar</b>		
MRCC Ayeyarwaddy (Myanmar Navy) Email: mrcc.yangon@mptmail.com.mm	+95-313-1650	+95-1202-417
<b>Kingdom of the Netherlands</b>		
Netherlands Coastguard Centre Email: info@kustwacht.nl	+31-223-542-300	+31-223-658-358
<b>Kingdom of Norway</b>		
Norwegian Maritime Authority Email: morten.alsaker.lossius@sjofartsdir.no	+47-5274-5130 +47-5274-5000	+47-5274-5001
<b>Republic of the Philippines</b>		
Philippine Coast Guard PCG Action Centre-MRCC (Manila) PCG Hot Text Email: cg2@coastguard.gov.ph pcg_cg2@yahoo.com	+63-2-527-3877 +63-2-527-8481 to 89 (ext: 6136/6137) +63-917-724-3682 (Text Hotline)	+63-2-527-3877
<b>Republic of Singapore</b>		
Maritime and Port Authority of Singapore Port Operations Control Centre (POCC) Email: pocc@mpa.gov.sg	+65-6226-5539 +65-6325-2493	+65-6227-9971 +65-6224-5776
<b>Democratic Socialist Republic of Sri Lanka</b>		
Sri Lanka Navy Operations Centre Email: nhqsoo@navy.lk nhqsoo@yahoo.com	+94-1-1244-5368	+94-1-1244-9718
<b>Kingdom of Thailand</b>		
Naval Intelligence Department, Royal Thai Navy Email: nidint@navy.mi.th	+81-3-3591-9812 +81-3-3591-6361	+81-3-3581-2853
<b>United Kingdom</b>		
National Maritime Information Centre Ops Centre Email: nmic-group@mod.uk	+44(0)1923 956128	+44(0)1923 956133
<b>Socialist Republic of Viet Nam</b>		
Vietnam Marine Police Email: phongqhqtcsb@vnn.vn vietnamfocalpoint@yahoo.com.vn	+85-6-2121-2505	+85-6-2121-2505 +85-6-2121-2547

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