

ASEM Seminar on Piracy at Sea

Brussels 4-5th May 2010

Concept Paper

1. BACKGROUND AND SEMINAR OBJECTIVES

The 2009 figures produced by the International Maritime Bureau on piracy incidents show a marked global increase in comparison to 2008. This growing threat is seriously affecting the global economy bearing in mind that more than 80 % of all goods traded are seaborne at one point in their production cycle. In particular, piracy is putting serious pressure on the trade flows between Asia and Europe. It therefore is a matter of common interest to the ASEM countries.

Taking this into account, combating piracy at sea will be one of the important issues for the next Asia-Europe Meeting (ASEM), which is to be held in Brussels (Belgium) on 4-5 October 2010.

In preparation of the ASEM Summit and in its role of host, Belgium organises a Seminar on Piracy at Sea in Brussels on 4-5 May 2010 open to governmental and non-governmental actors. It is the ambition of the Seminar to put forward motivated and prioritised suggestions for possible further elaboration towards an ASEM approach on piracy.

The conclusions of the Seminar are intended to provide a basis for the preparatory event on the same subject, to be held on 24-25 June 2010. During this event, ASEM negotiators will seek to develop a powerful ASEM 8 Summit message on combating piracy at sea. Seen in this perspective, the key aim of the Seminar on Piracy at Sea will be to prioritize and develop the issues at stake today.

2. SEMINAR APPROACH

To achieve the objectives of the Seminar a general approach inspired by a do-check-plan, is proposed.

A thorough exchange of views on current anti-piracy initiatives in all domains is to result in the identification of critical factors of failure and success. The lessons learnt from this can then be used as input into future efforts in combating piracy.

The seminar will bring together both governmental actors and non-governmental actors. This should allow for a cross-fertilization of views resulting in fruitful seminar outcomes.

3. TOPICS ADRESSED

Combating piracy requires a combination of approaches. These form the topics under consideration for the Seminar:

- **International and domestic law:** Currently, the United Nations Law of the Sea Convention (UNCLOS – 1982) provides a definition of piracy. The International Maritime Organization Assembly Resolution A.1025(26) on January 2010 put forward a definition of armed robbery. They both offer a geographical scope for piracy and describe the duty of States to cooperate to suppress piracy. ASEM Member States may wish to discuss the state of international legal cooperation on piracy, the need for domestic legislation, ways of avoiding impunity, etc.
- **Military involvement:** military action at sea has proven to be a useful first step in stemming piracy in the short term. Member States may wish to exchange views on lessons learnt, possibilities for enhanced coordination and cooperation, exit strategies, the usefulness and feasibility of military or law enforcement presence on board of merchant ships (Vessel Protection Detachments), the role of flag states, etc.
- **Involvement of the private sector:** flag states and shipping companies should be further encouraged to disseminate and apply self-protection measures against pirate attacks. The Best Management Practices to deter piracy in the Gulf of Aden and off the coast of Somalia developed by the industry and endorsed by the IMO through MSC.1/Circ. 1335 of 29 September 2009 constitute an important point of reference in this regard and deserve to be promoted.
- **Regional capacity building:** strengthening regional capacities is of crucial importance to endow States with the ability to launch the effective pursuit of pirates. In line with the stipulations made

under the aegis of the IMO in the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia and in the Djibouti Code of Conduct, initiatives may range from training, operating information centres, monitoring traffic monitoring, developing coastguard patrolling, etc. Members may wish to share their efforts, experiences and results in this regard.

- **Financial flows:** piracy generates significant cash flows apparently based on a well-organised business model. Member States may wish to exchange views on how to best interfere in the course of such business. This would include chartering the financial proceeds as well as examining ways to recover ransom monies. Also, it would prove fruitful to address situations where ransom extortion is involved. Finally, the combat against money laundering should be pursued vigorously and ways to strengthen it deserve to be examined.
- **Land-based initiatives:** pirates often destabilise local communities and indeed affect the functioning of states by introducing violence, criminal money, corruption, weapons, drugs, prostitution, etc. This has a negative impact on the capacity-building efforts that are undertaken. ASEM partners may wish to engage in an exchange of experiences and best practices for countering it.

4. PROVISIONAL ANNOTATED PROGRAMME OF ACTIVITIES

The ASEM Seminar on Piracy at Sea will be held in Brussels (Belgium) on 4-5 May 2010, Building Egmont II, Europa Room, Rue des Petits Carmes 24, 1000 Brussels.

TUESDAY, 4 MAY 2010	
08:30 – 09:00	Registration of participants
09:00 – 09:15	Welcome and opening address by [the Minister of Foreign Affairs]
09:15 – 09:20	Adoption of the agenda and practical arrangements of the Seminar.
09:20 – 10:30	SESSION 1: THE PRESENT STATE OF AFFAIRS
	Review of the evolution of piracy incidents and the corresponding modi operandi for different areas in the world over the last 10 years (<i>speaker tbc</i>)
	Views of the industry as to how and to what extent the present piracy threats affect the world trade that relies on seaborne transportation (<i>speaker tbc</i>)
	The human factor; Impact of piracy threats on the employment of seafarers (<i>speaker tbc</i>)
<i>10:30 – 10:45</i>	<i>Coffee break</i>
10:45- 12:00	SESSION 2: REVIEW EXPERIENCES WITH INITIATIVES TAKEN AND EFFORTS MADE
	Panel 1: Intergovernmental Cooperation
	History of initiatives and actions taken by IMO (<i>speaker tbc</i>)
	Update on the Regional Co-operation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP & Djibouti Code of Conduct) (<i>speaker tbc</i>)
	Update on the experiences gained by the three littoral states in the Straits of Malacca and Singapore performing coordinated patrolling activities (<i>speaker tbc</i>)
	Review of experiences gained and the EU Atalanta initiative so far (<i>speaker tbc</i>)
12:00 – 13:00	Open recapitulative debate on the lessons that can be learned

13:00 – 14:00	<i>Lunch offered by the Host of the Seminar</i>
14:00 – 15:20	Panel 2: Legal Framework and Means to Prosecute Pirates
	Multilateral conventions (<i>speaker tbc</i>)
	Review of the means of prosecution (<i>speaker tbc</i>)
	National legislation (<i>speaker tbc</i>)
	Piracy business models: financial flows, links with organised crime (<i>speaker tbc</i>)
15:20 – 15:50	<i>Coffee break</i>
15:50 – 17:00	Panel 3: Involving the private sector
	The importance of Best Management Practices to deter piracy : dissemination and implementation (<i>speaker tbc</i>)
	Partnerships with public sector, Vessel Protection Detachments (<i>speaker tbc</i>)
17:00 – 18:00	Open recapitulative debate on the lessons that can be learned (<i>speaker tbc</i>)
20:00 – 22:00	<i>Dinner offered by the Host of the Seminar</i>
WEDNESDAY , 5 MAY 2010	
9:30 – 10:30	SESSION 3 : WHAT IS NEEDED FOR FURTHER PROGRESS
	Vision from the Contact Group on Piracy off the Coast of Somalia (<i>speaker tbc</i>)
	Vision from the EU Commission (<i>speaker tbc</i>)
10:10 – 10:30	Open debate on content for possible Summit message
10:30 – 11:00	<i>Coffee break</i>
11:00 - 12:30	SEMINAR CONCLUSIONS
	Draft conclusions forming the basis for the June ASEM negotiators meeting (<i>proposed by the Host secretariat</i>)
	Open debate on the seminar draft conclusions; possible amendments of draft conclusions (<i>chaired by the Host</i>)
	Final reading and adoption of Seminar Conclusions