

## ASEM Seminar on Piracy at Sea

Brussels, 4-5 May 2010

### Chair Summary

The ASEM Seminar on Piracy at Sea was held in Brussels, Belgium, on 4-5 May, 2010. The event was co-sponsored by Japan, the Republic of Indonesia and the Republic of the Philippines. It was attended by both governmental and non-governmental actors, amongst whom maritime security experts, shipping industry representatives, and staff of different national and European naval forces. The seminar is a part of the identification process on Piracy at Sea in view of the ASEM 8 Summit in Brussels later this year.

#### Background

1. Piracy at sea has a destabilizing effect on regional and global trade and security, in particular on maritime routes between Asia and Europe; hence it is a major threat to the sustainability of maritime transport;
2. Piracy represents an intolerable threat against the life of crews and passengers on board of ships;
3. In 2009, for the third successive year, the number of reported piracy incidents has increased whereby an unacceptably high number of crew members were taken hostage;
4. Although the international community is tempted to focus on piracy off the coast of Somalia due to the magnitude of the phenomenon, worrying situations in other hotspots should not be underestimated;
5. It is estimated that 80% of all goods traded worldwide are seaborne at one point in their production cycle;
6. Therefore, combating piracy is one of the global issues that the Brussels ASEM 8 Summit of 4-5 October 2010 will focus on;

### State of affairs

7. The actions of the United Nations, by Security Council as well as by its specialised bodies – foremost the IMO – were underlined;
8. Participants were informed about the activities of the Contact Group on Piracy off the Coast of Somalia and looked forward to its deliverables;
9. During the presentations, the achievements of ReCAAP and the Djibouti Code of Conduct were set out extensively, as examples of the efficiency of a regional approach in the fight against piracy at sea;
10. Speakers stressed the importance of naval action, such as the operations that have been carried out off the coast of Somalia by the EU, CMF and NATO and by many ASEM partners;

### International Cooperation

11. Some speakers pleaded for a thorough application of military rules of engagement of forces as well as a larger mandate for those forces;
12. Furthermore, the Shared Awareness and Deconfliction Mechanism (SHADE) has proven to be a highly valuable tool for boosting the efficient use of all naval assets available;
13. Participants stressed the importance of promoting the IMO Djibouti Trust Fund and the Contact Group on Piracy off The Coast of Somalia Trust Fund;
14. It was felt that ReCAAP's experience in focal points, information sharing and law-enforcement capacity building could serve as a model for other regional cooperation mechanisms;
15. Presentations were also made on the Tripartite agreement between littoral states on safety and navigation in the Straits of Malacca and Singapore under which coordinated patrolling actions are conducted in the Straits of Malacca and Singapore. They were successful in effectively reducing the number of piracy- and armed-robbery incidents;
16. Speakers underlined the importance of using the agreed channels to report all incidents;
17. Participants believed it would be helpful if diplomatic facilitation measures could be developed and granted to the international forces involved in anti-piracy actions off the coast of Somalia;
18. Speakers called for additional efforts to enhance the seafarers' awareness of anti-piracy tools and actions. In particular the potential of anti-piracy training for seafarers and the assistance to victims of piracy acts and their families were highlighted in this context. They furthermore underlined that piracy forms a threat to the attractiveness of the seafarer career, thereby further exacerbating the existing shortage of seafarers;

### Legal aspects

19. Speakers clarified the range of existing international legal instruments to combat piracy and in particular the leading role of the United Nations herein, in full respect of sovereignty and territorial integrity as stipulated in the relevant UN Security Council Resolutions;
20. There must be continued encouragement for the ratification of the United Nations Convention on the Law of the Sea (UNCLOS), the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and the 1979 International Convention on Maritime Search and Rescue (SAR) as well as for other relevant conventions;
21. Speakers expressed serious concerns about initiatives making the payment of ransoms illegal, in particular regarding its potential consequences for the lives of crews and for the environment;
22. All States should ensure that piracy and armed robbery at sea are treated as criminal offences in their respective legislation in accordance with UN Resolution 1918 of 2010;
23. It was stressed that progress is necessary, amongst others through regional capacity-building, to tackle the problems regarding the collection of evidence for prosecution. In this context, the adoption by the IMO of the Code of practice for the investigation of crimes of piracy and armed robbery against ships forms an important step;
24. As a way of tackling the issues regarding the trial of pirates, the creation of an ad-hoc international court was touched upon;
25. Seminar participants also pointed out the importance in this context of Flag State responsibility and cooperation;
26. Some participants said that a more detailed analysis of the “business model” under which pirates operate should be undertaken: better knowledge of the origins of the resources to acquire equipment and weapons would provide additional ways for cutting short the possibilities of attacking vessels. Some speakers thereby highlighted the importance of dealing adequately with combating the criminal organisations behind the piracy activities;
27. It was furthermore emphasised that the role of the ‘motherships’ should be addressed in all its aspects;

### Involvement of the private sector

28. The importance of sharing best practices and the promotion of a strict and widespread application of the “Best Management Practices” (BMP) developed by the shipping industries and adopted by the IMO was repeatedly stressed. Several speakers underlined that a strict application of BMP greatly reduces the chances that ships are hijacked by pirates;
29. It was also said that further development of BMP through cooperation between the private and public sector are of equally great importance;

30. Speakers of the seminar stressed the importance of registering vessels with MSCHOA and UKMTO;

Closing paragraph

31. The seminar provided clear indications that the fight against piracy should continue to be a priority for the international community. It will continue to require great efforts in the political, military, economic, legal, and law-enforcement domain. Speakers suggested that failure to act could engender wider-ranging threats to security and lead to regional instability. Long-term actions in order to address root causes ashore by restoring political stability in affected countries and capacity building in the affected regions should also be sought.