

Suppression of Piracy and Armed Robbery against Ships in Asia: A shared Responsibility



LTC(Retd) Nicholas Teo Beng Guan Deputy Director, ReCAAP - Information Sharing Center

Introduction/Background

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP) came into force on 4 September 2006. It's the first Government-to-Government International Organization (IO) to address the suppression of Piracy and Armed Robbery against Ships in Asia. Under the Agreement, it established the Information Sharing Centre (ISC) in Singapore, which was officially launched on 29 November 2006. It is headed by an Executive Director who is appointed by the Governing Council.

At its launch, 14 Contracting Parties from its founding members¹, started the Asian Initiative. To date, 6 more States² have since joined the network making the ReCAAP now 20 Member States strong. Each of these Member States nominate a Governor to be in the Governing Council, where a Chairperson and a Vice-Chairperson are appointed. They will also

designate a law enforcement agency, be it the Navy, Coast Guard, Marine Police, Port Authority, etc, to be its national Focal Point. These focal points coordinate with other ministries or like-minded agencies within their respective State to address the maritime crime under their area of jurisdiction, whilst linking up with the ReCAAP ISC and other neighbouring focal points, as appropriate.

Bridging the Information Gap

The initial challenge in the formative years following the launch of the ReCAAP ISC was to work with the designated focal points to establish their role as the national coordinating body with other like-minded agencies, especially among other government ministries within their State. As "Inter-ministry coordination" is not a given state of affair due to differing mandates, assigned roles/responsibilities, authority and budget allocation, etc, many ministries/ agencies worked within their own perimeters/command structure.

1. The founding members of ReCAAP (listed in Article 18) are: People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Republic of India, the Republic of Indonesia, Japan, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand, the Socialist Republic of Viet Nam.

2. The 6 other States that joined ReCAAP after its launch: The Kingdom of Denmark, the Kingdom of Netherlands, the Kingdom of Norway, the United Kingdom, Australia and the United States of America.

Even within the same organisation, departmental and functional roles do not necessitate the free flow of information, let alone, to have open communication between different ministries/agencies. It gets even more complex when information need to flow to external agencies from other nations to facilitate “inter-state coordination”. To bridge the information/coordination gap, some contracting parties formalised their inter-ministry mechanism, through the setting up of maritime enforcement co-ordinating centres (MECC) either on a 24/7 or “when required” basis. Some States also established a “Co-ordinating Ministry” to manage their inter-ministries matter.

The Three Pillars of ReCAAP

Encapsulated in the ReCAAP ISC’s mission statement – “*To enhance regional co-operation through **information sharing, capacity building and cooperative arrangements** in combating piracy and armed robbery against ships*”, are the three pillars of the organisation.

Whilst “**Information Sharing**” is the key pillar, “**Capacity Building**” is highly emphasized, to gel those involved, in particular operators, supervisors and management in Focal Points to meet and share challenges, experiences and best practices in managing their scope of work. More importantly, the physical meet-up to place a “face” behind all the emails, faxes and phone calls, necessitates regular opportunities for engagement. It is through face-to-face interactions that “trust and confidence” are built and strengthened over time. Without “trust and confidence”, effective information flow can be an elusive process. The need to create “the comfort zone” is thus necessary for information to freely flow.

Cooperative Arrangements are subsequently forged through Memorandum of Understanding (MoU), mutual Agreements or formalised Standard Operating Procedures (SOP) s between them, when parties are comfortable with each other to bring their relationship to a higher platform. Cooperative Arrangements thus lay the “*Telephone lines*”, *but without trust and confidence, that are forged and nurtured through Capacity Building, information may not necessary flow*”, as an analogy.

Shared Responsibility

In tandem, whilst fostering better inter-ministries coordination among the law enforcement agencies, building relationship/establishing better rapport with the stakeholders namely the shipping community also need to be appropriately addressed. Being commercially driven, many ship-owners **do not report** incidents for various reasons, ranging from lack of follow-up actions, being held back for investigation, casting negative perception of the company, amount loss was insignificant, inconvenience, etc. Without consolidated reports, law enforcement agencies are unable to size-up the extent of the problem. Not knowing the magnitude of the problem or the issues at hand, compounds the ability of the enforcement agencies to respond effectively. The shipping community must therefore be part of the equation in the suppression of the maritime crime.

As enforcement assets are never enough, the lack of knowledge / situation awareness compounds the ability of the enforcement agencies to efficiently deploy their limited resources to where it matters most. This extrapolate the situation to one of “lack of response/inability to respond” in many scenarios. Without the “total picture”, the shipping companies likewise are unable to carry out appropriate risk assessments to mitigate their risks, especially when operating/transiting an area of concern.

The perception that a commercial vessel’s role is to trade and maritime enforcement agencies’ existence is to protect them, thus need to be critically reviewed, as **no one agency nor organisation is able to address the suppression of the maritime crime alone**. Recognising that enforcement assets are limited and that “the policeman cannot be at every street corner”, the maritime community will have to take the collective responsibility to protect themselves at the first level, such as physical security to harden the ship, being more vigilant, ensuring that their crew are well trained and are aware of the prevailing situation at sea, so that they are better equipped to deter, delay or prevent any would-be attacks on their vessels.

Regional Guide for Asia

To facilitate the framework of self-protection as the first line of defence, ReCAAP ISC, together with some of our partner organisations and enforcement agencies, jointly developed and promulgated the *Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia* (more commonly referred to as the “Regional Guide for Asia”). This Guide, provides the factors for consideration to carry out risk assessment, guidelines for preventive measures (both physical deterrence and situation awareness at sea), reporting procedures and evidence preservation. It took into cognisance that there are numerous types of vessels operating within the region (ranging from small boats to large tankers), open seas, confined and congested water and multi-channel reporting requirements in a dynamic environment.

Over the years

Whilst the maritime crime is ever evolving, the overall situation (in Asia) over the past 11 years, saw a general declining trend. Approximately 90% of the annual incidents are categorised as “Armed Robbery Against Ships”³ (ie: took place in territorial waters / waters under the jurisdiction of Coastal States) and are mostly Category 3 or 4⁴ type of incidents (lower significant incidents/petty thief). Though there are occasional spikes owing to organised/ syndicate-based activities, such as hijacking of tugboats, thief of oil cargo and abduction of crew for ransom, the overall

situation is manageable and is generally lower than the period before ReCAAP’s existence.

In the 12 cases of “hijacking of tugboat” incidents, 11 were recovered though the information sharing / collaboration process with the tugboat owners. Prompt reporting and quick responses by law enforcement agencies in recent years saw the arrest of several groups of perpetrators that were involved in “thief of oil cargo” incidents and the cooperative efforts of littoral states in the Sulu/Celebes Sea have seen no further abduction cases since April 2017, whilst other landward enforcement actions are on-going. Joint efforts between enforcement agencies and the maritime community have progressively improved the situation and are continuously nurtured.

Conclusion

“Shared responsibility” has enabled the law enforcement agencies to be better informed so that they could bridge their operational gaps to carry out their roles effectively. More importantly, prompt reporting by seafarers (victims/would be victims) also warns other seafarers, to be better prepared and to take the necessary preventive measures to mitigate their risk. The effort to promote communication, cooperation and collaboration is an on-going one, as personnel changed at various management levels / within organisations, thus regular programmes to remind and educate all parties, remain a requirement to ensure its continuity.

3. ReCAAP uses the UNCLOS (Part VII, Article 101) definition of PIRACY and the IMO’s definition of ARMED ROBBERY AGAINST SHIPS.

4. CATEGORY 1-4 incidents are derived from ReCAAP’s ISC methodology based on two factors (namely ECONOMIC and VIOLENCE) where CATEGORY 1 is the “Most Significant” and CATEGORY 4 is the “Least Significant”. This allows the ReCAAP ISC to provide some perspective of the piracy and armed robbery situation in Asia.