

# Primer: Piracy in Asia

*Piracy: 'Any illegal acts of violence or detention, or any act of depredation committed by individuals for private ends against a private ship or aircraft'*



Piracy and Armed Robbery - 1 Jan to 30 June 2003  
Attacks in S E Asia, Indian Sub Cont and Far East

Map: [http://www.iccwbo.org/home/news\\_archives/2003/images/piracy/july2003/maps.asp](http://www.iccwbo.org/home/news_archives/2003/images/piracy/july2003/maps.asp)  
Photo: <http://www.abcnews.go.com/sections/world/DailyNews/piracy010129.html>



**Prepared by:** The Virtual Information Center, (808) 477-3661, ext. 2000  
**Updated on:** 31 Oct 2003

# Primer: Piracy in Asia

## Executive Summary

- 1. Assessment:** By all accounts and indicators, piracy in Asian waters is increasing at alarming rates. Although piracy has been around for quite sometime, the recent escalation of attacks in the Asia-Pacific region is a global concern. Terrorist ties and political agendas are the latest trend in motivation for stealing cargo and ships; suggesting that modern pirates are raising the stakes and increasing the violence and severity of recent attacks. In response to the increased coordination and sophistication of pirate attacks, countries in the region are improving their cooperation toward collective maritime security. Technologically advanced anti-piracy measures in concert with heavy prison sentences are significant progressive steps toward decreasing piracy, but even more effort and resources are required of the Asia-Pacific community to retard the rise of piracy, and dull its effect on security and economics in the region. ([Expanded Assessment](#))
- 2. Background:** Piracy, in varying degrees, has been a problem ever since the first ships were invented. Modern piracy is violent, bloody and ruthless. Today, as compared to the “days of sail,” it is all the more fearsome because almost invariably its victims are defenseless and far from prepared to deal with the sophistication and violence of modern pirate attacks. In some cases, organized crime is behind the marauders that prey on shipping around Asian countries. The world's most piracy infested channel is in fact, the Strait of Malacca between Malaysia and Indonesia. More than two thirds of the attacks reported to the International Maritime Bureau (IMB), a division of the International Chamber of Commerce (ICC), are in Asian waters. Reported incidents have tripled since the early 1990s and the first half of 2003 was the worst 6 month period on record with 234 pirate attacks and 16 deaths and 52 injured worldwide. There were also 193 crew members held hostage during this period.
- 3. Discussion:** In its annual piracy report for 2002, the International Maritime Organization (IMO) put the total number of reported incidents for 2002 at 370. The rate of violence also rose to a new level with 72 seafarers killed and 99 injured, up from three killed and 24 injured the previous year. The Bureau's recent 2003 piracy report shows a huge increase in piracy-related attacks. In addition, the violence and severity of attacks has increased and links to terrorism is on the rise. Indonesian waters, with its narrow sea channels and island hideouts, are the worlds most dangerous for maritime navigation, and account for a quarter of all incidents. Kuala Lumpur is considering providing armed police escorts for vessels and Japan, which relies on the Strait of Malacca for oil supplies, has offered joint police operations. The International Maritime Organization (created by the UN) and the International Chamber of Commerce's International Marine Bureau have been in the forefront of the fight against piracy. Although Indonesia, the Malacca Straits, Bangladesh, and India have made significant progress combating terrorism, their efforts are far from eliminating the threat of piracy in the region. Both the Chinese and Indian governments have taken progressive steps toward thwarting pirating, by prosecuting pirates and sentencing them to long prison terms. Still, bilateral cooperation on patrolling the sea-lanes is a must and needs to be strengthened, especially between Indonesia and Malaysia and Indonesia and Singapore. International forums such as the Association of Southeast Asian Nations, the ASEAN Regional Forum and Asia Pacific Economic Cooperation should continue to place piracy in Asian waters at the top of their agendas.
- 4. Prepared by:** The Virtual Information Center, (808) 477-3661 ext. 2100 on 17 April 2001  
**Updated on:** 8 April 2002 and 31 October 2003

# Primer: Piracy in Asia

## Table of Contents

- Executive Summary ..... 2**
- 1. Assessment: ..... 5**
- 2. Background: ..... 5**
- 3. Discussion:..... 6**
  - A. Piracy on the Rise..... 6**
  - B. 2003 Figures – IMB and IMO Reports..... 8**
    - Pirate attacks have tripled in a decade, IMB report finds (1st Quarter 2003)..... 8
    - Asia/Piracy (1<sup>st</sup> Quarter)..... 9
    - High seas piracy hits record level ..... 9
    - Piracy soars as violence against seafarers intensifies (2<sup>nd</sup> Quarter)..... 10
  - C. 2002 Figures – IMB and IMO Reports..... 11**
  - D. Piracy Primer Link for 2000/2001 Information: ..... 14**
  - E. Regional Analysis of Piracy ..... 14**
    - 2002..... 14
    - 2003..... 17
  - F. Modus Operandi of Pirates ..... 18**
    - Maritime Muggings..... 18
    - The Phantom Ship ..... 19
  - G. Developments That Have Helped Increase Piracy..... 21**
    - Who Will Pay to Police the Oceans? ..... 21
  - H. Piracy and Terrorism..... 22**
    - Terror attacks feared on sea oil rigs ..... 22
    - Danger on the high seas - Pirate attacks have hit a record high but the real danger may be from terrorists, say experts..... 22
    - Terrorism threat from Asia's pirates..... 23
    - Terror on the High Seas? Piracy Is Up, Increasing Fears of Terror Attacks at Sea..... 23
    - Breeding Ground for Pirates and Terrorists ..... 24
    - A Ship Explosion Could Cause Massive Damage ..... 24
    - Industry security experts combat maritime terrorist threat ..... 25
    - What if Asia's pirates and terrorists joined hands? ..... 25
    - ASIA: Pirates may be linked to terrorist network: Report..... 26
  - I. Piracy and Economic Impact ..... 26**
    - Protect Asia's Shipping..... 26
    - Piracy in the Asia Pacific Region: A Barrier to Maritime Trade ..... 27
    - Piracy – Threat to International Commerce ..... 27
  - J. Anti-Piracy Measures/Initiatives ..... 28**
    - Secure-Ship ..... 28
    - ShipLoc ..... 29
    - Electric fence for ships steps up fight against pirates..... 29*
    - ICC Weekly Piracy Report on the Internet..... 30*
    - IMB Calls for Clamp-down on Fake Maritime Documents..... 30*

<b>K. United Nations and Geneva Convention on Piracy.....</b>	<b>31</b>
Convention on the High Seas .....	31
United Nations Convention on the Law of the Sea.....	31
<b>L. Organizations Dealing with Piracy.....</b>	<b>31</b>
International Maritime Organization (IMO) .....	31
International Chamber of Commerce International Maritime Bureau (IMB).....	32
Regional Piracy Center.....	32
Association of Southeast Asian Nations (ASEAN) .....	33
Council for Security Cooperation in the Asia Pacific (CSCAP).....	33
<b>M. Press Coverage of Recent Piracy Initiatives and Incidents .....</b>	<b>34</b>
Brunei.....	34
China .....	35
Indonesia .....	36
Malacca Straits .....	37
Malaysia .....	39
India.....	41
Japan.....	42
Singapore.....	43
Piracy - General.....	43
Russia .....	46
Taiwan .....	46
<b>N. Other Sources:.....</b>	<b>46</b>
Modern Piracy .....	46
Piracy against Yachts .....	46
ICF/ISF – Piracy Guidance and Reports.....	46
Pirate – Wikipedia Encyclopedia .....	46
Radio Australia – Asia/Piracy.....	46
Piracy Report - 2002 .....	46
Anarchy on the Seas - Pirates Flourishing in Asia.....	46
<b>Appendix A: Convention on the High Seas, 1958* .....</b>	<b>47</b>
<b>Appendix B: United Nations Convention on the Law of the Sea (UNCLOS) .....</b>	<b>56</b>
<b>Appendix C: Weekly Piracy Report (21 – 27 October 2003).....</b>	<b>58</b>

## Primer: Piracy in Asia

**1. Assessment:** By all accounts and indicators, piracy in Asian waters is increasing at alarming rates. Although piracy has been around for quite sometime, the recent escalation of attacks in the Asia-Pacific region is a global concern. Terrorist ties and political agendas are the latest trend in motivation for stealing cargo and ships. Piracy has long been a concern of nations and businesses throughout the world, but the recent jump in incidents of piracy in Asia, and in particular in South and Southeast Asia, worries multi-national corporations and regional economists who recognize Asia's importance to the world economy. As export-oriented economies in Asia rely on safe ports and seas for the transshipment of goods vital to their development, acts of piracy in strategic sea lanes is gaining greater attention and action by the states affected and hosting such activity. Aside from a general increase in reported acts of piracy throughout the region, observers have also noted an upward trend in the violence of such attacks, prompting some to begin labeling piracy as a form of maritime terrorism. Historically, pirates have simply robbed the riches of passing seafarers for personal use, but as evidence from the waterways of Indonesia suggest, piracy has taken on a political guise. For instance, Aceh rebels are held culpable for many of the 64 attacks in the first two quarters of FY04 in Indonesia, as they sought financing for their operations against Indonesian forces through kidnapping ransoms and captured booty.

This trend suggests that modern pirates are raising the stakes; thus, observers have also noticed a dramatic increase in the violence and severity of recent attacks. The highest incidence of pirate attacks was in Indonesian waters, accounting for 64, or about 27 per cent of the attacks, during the first six months of this year, said the IMB. Of the total, 43 ships were boarded, four ships were hijacked and attempted attacks were made on another 17 ships. "It was also the location where the greatest violence was experienced, with many of the pirates armed with guns and knives. There are no signs that the number of attacks will drop unless Indonesia takes serious steps to address the problem," says the IMB in a separate interview.

In response to the increased coordination and sophistication of pirate attacks, countries in the region are improving their cooperation toward collective maritime security. Technologically advanced anti-piracy measures in concert with heavy prison sentences are significant progressive steps toward decreasing piracy. Nevertheless, more effort and resources will be required of the Asia-Pacific community to retard the continuing rise of piracy, and dull its effect on security and economics in the region.

**2. Background:** Piracy, in varying degrees, has been a problem ever since the first ships were invented. Modern piracy is violent, bloody and ruthless. Today, as compared to the "days of sail," it is all the more fearsome because almost invariably its victims are defenseless and far from prepared to deal with the sophistication and violence of modern pirate attacks. In some cases, organized crime is behind the marauders that prey on shipping around Asian countries. The world's most piracy infested channel is in fact, the Strait of Malacca between Malaysia and Indonesia. More than two thirds of the attacks reported to the International Maritime Bureau (IMB), a division of the International Chamber of Commerce (ICC), are in Asian waters. Reported incidents have tripled since the early 1990s and the first half of 2003 was the worst 6 month period

on record with 234 pirate attacks and 16 deaths and 52 injured worldwide. There were also 193 crew members held hostage during this period.

**3. Discussion:** In its annual piracy report for 2002, the International Maritime Organization (IMO) put the total number of reported incidents for 2002 at 370. The rate of violence also rose to a new level with 72 seafarers killed and 99 injured, up from three killed and 24 injured the previous year. The Bureau's recent 2003 piracy report shows a huge increase in piracy-related attacks. In addition, the violence and severity of attacks has increased and links to terrorism is on the rise. Indonesian waters, with its narrow sea channels and island hideouts, are the worlds most dangerous for maritime navigation, and account for a quarter of all incidents. Kuala Lumpur is considering providing armed police escorts for vessels and Japan, which relies on the Strait of Malacca for oil supplies, has offered joint police operations. The International Maritime Organization (created by the UN) and the International Chamber of Commerce's International Marine Bureau have been in the forefront of the fight against piracy. Although Indonesia, the Malacca Straits, Bangladesh, and India have made significant progress combating terrorism, their efforts are far from eliminating the threat of piracy in the region. Both the Chinese and Indian governments have taken progressive steps toward thwarting pirating, by prosecuting pirates and sentencing them to long prison terms. Still, bilateral cooperation on patrolling the sea-lanes is a must and needs to be strengthened, especially between Indonesia and Malaysia and Indonesia and Singapore. International forums such as the Association of Southeast Asian Nations, the ASEAN Regional Forum and Asia Pacific Economic Cooperation should continue to place piracy in Asian waters at the top of their agendas.

<http://www.globalsecurity.org/military/library/news/2003/05/mil-030501-38195568.htm>

<http://en.wikipedia.org/wiki/Pirate>

### **A. Piracy on the Rise**

According to the International Maritime Bureau (IMB) in its half-yearly report released recently, pirate attacks globally in the first half of this year reached a record high. For the first six months of this year, a total of 234 pirate attacks — the highest figure since the IMB started compiling records in 1992 — was reported. The figure was a 37 per cent increase over the 171 cases reported in the first half of last year. What's even more alarming is that comparisons for the same six-month period showed a rising trend of violence that occurred during the pirate attacks — from 77 cases in 2000, 175 in 2001 and 168 in 2002, to 345 cases this year. Sixteen crew members were killed and another 52 were injured in the 345 attacks. Says IMB director Captain Pottengal Mukundan, commenting on the IMB statistics: "The statistics show that levels of violence have increased significantly. It is vital that coastal states in these and other risk-prone areas deploy patrol vessels capable of dealing with these incidents and ensure that these criminals do not treat these waters as a pirates' charter. We would like to see the arrest and prosecution of these gangs."

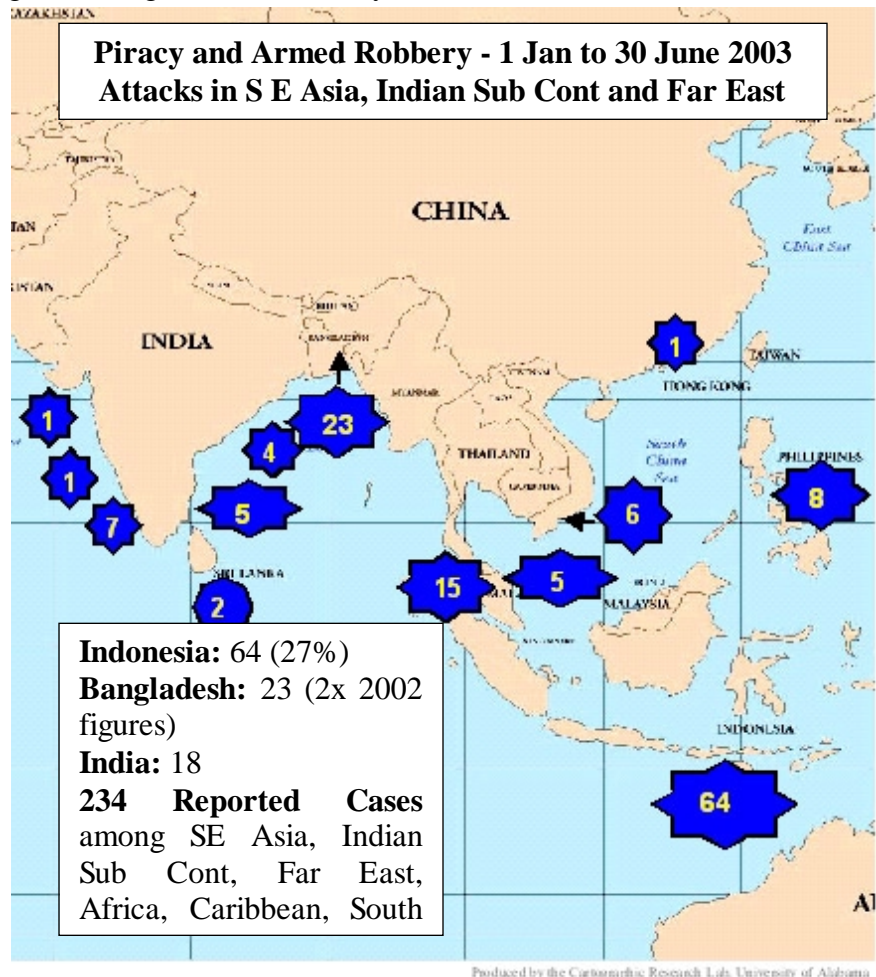
The highest incidence of pirate attacks was in Indonesian waters, accounting for 64, or about 27 per cent of the attacks, during the first six months of this year, said the IMB. Of the total, 43 ships were boarded, four ships were hijacked and attempted attacks were made on another 17 ships. "It was also the location where the greatest violence was experienced, with many of the pirates armed with guns and knives. There are no signs that the number of attacks will drop unless

Indonesia takes serious steps to address the problem,” says the IMB in a separate interview.

Piracy-prone areas in the Indonesian archipelago include waters around the Anambas and Bintan Islands, the Gaspar Straits and oil ports of Balikpapan and Dumai. Shipping experts say in some cases, the Indonesian pirates were unusually well-armed with weapons like AK-47s. In February, pirates in four speedboats, armed with AK-47s, shot at and chased a chemical tanker, injuring the chief engineer. “These were no ordinary pirates and more cases of this nature are being reported. The suspicion is that the pirates are either Aceh rebels, or even rogue Navy personnel or worse, Islamic militants,” says an IMB official. “As of now, until they are arrested, we can only suspect who these pirates might be. However, given the fact that the area is a hotbed of Islamic militarism, it doesn’t take a genius to figure out that terrorist elements could use tankers and their cargo as weapons.”

Bangladesh was the next on the list, with 23 attacks reported, double the number of attacks in the previous year. India and Nigeria were next with 18 attacks each, both showing a record number of incidents in the 11 years since 1992. Bangladesh — especially Chittagong and Mongla — also registered the highest number of deaths (seven) and injuries (33), making it possibly the most dangerous spot when it comes to piracy-related fatalities.

Another cause for concern, said the IMB, is the increasing number of weapons, especially firearms and knives, used in the attacks. Again, the figures stood at 11-year record levels — there were 53 incidents in the first half of this year involving firearms, compared with 31 last year, and 80 incidents where knives were used, compared with 57 a year ago. There were also 193 cases — another record high — where crew members were taken hostage. “A ship’s officer on board a tanker off Santos, Brazil, was shot in the head and killed,” says Mukundan. “Crew members have been abducted for ransom off Nigeria and a vessel was run aground. A chemical tanker off Indonesia was fired at with automatic weapons in an effort to force it to stop. One of the ship’s engineers was shot and had to be evacuated for emergency treatment at a hospital,” says Mukundan.



Of the 234 attacks in the first half of this year, 63 (the highest number) were on bulk carriers, 32 on container ships and 35 on cargo vessels. Twenty-one oil tankers were attacked during the six-month period, with most of them occurring in Indonesia, the straits of Malacca and Nigeria; each accounting for six, three and three incidents respectively.

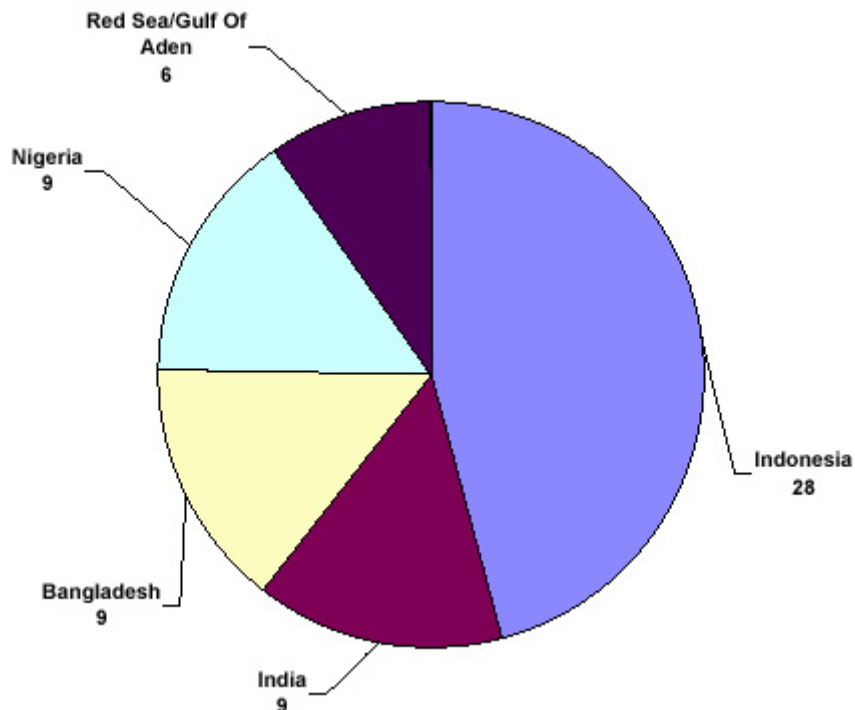
[http://www.iccwbo.org/home/news\\_archives/2003/images/piracy/july2003/maps.asp](http://www.iccwbo.org/home/news_archives/2003/images/piracy/july2003/maps.asp)

[http://www.asia-inc.com/September/danger\\_sep.htm](http://www.asia-inc.com/September/danger_sep.htm)

## **B. 2003 Figures – IMB and IMO Reports**

### **Pirate attacks have tripled in a decade, IMB report finds (1st Quarter 2003)**

1 May 2003 - Pirate attacks on ships have tripled in the last decade, with a reported 103 attacks in the first three months of this year, the International Maritime Bureau revealed today. In its quarterly report, the IMB found the number of attacks in the first three months of this year have already equaled the total number of recorded pirate attacks for the whole of 1993. The report found that Indonesian waters continue to be the world's most dangerous, with 28 pirate attacks recorded between January and March. Nigeria also recorded a jump in recorded attacks. Nine ships were attacked off Nigerian waters in the first quarter of this year, compared to six in 2002. A total of 145 seafarers were reported killed, assaulted, kidnapped or missing in the first quarter of 2003, with bulk carriers nominated as the vessels most likely to face attack. (Cont)



*The areas above shared nearly two thirds of the total reported incidents, i.e 61 from a total of 103 actual and attempted attacks*

[http://www.iccwbo.org/home/news\\_archives/2003/stories/piracy-quarter-1.asp](http://www.iccwbo.org/home/news_archives/2003/stories/piracy-quarter-1.asp)



## **Asia/Piracy (1<sup>st</sup> Quarter)**

**1 May 2003** - An international maritime watchdog says world-wide sea piracy hit an all time high during the first three months of 2003, and Indonesian waters were the world's most dangerous. Nancy-Amelia Collins has the details. Sailing on the high seas has become riskier than ever, with more than 100 pirate attacks on ships reported world-wide during the first quarter of this year. The number is up from 87 during the same period last year. The International Maritime Bureau, or (IMB), says this is the highest number of pirate attacks ever recorded during a three-month period since the bureau began keeping records more than a decade ago. Indonesian waters were listed as the most dangerous during the three-month period, with 28 of the 100 attacks. Indonesia was followed by Bangladesh, India, and Nigeria, each of which reported 9 attacks during the period. On a more positive note, the IMB says long prison sentences handed down to convicted pirates in China and India may help curb the growing problem. The IMB report cited a seven-year prison sentence recently given by an Indian court to 14 Indonesian pirates convicted of hijacking a Japanese-owned freighter in international waters. The report called the stiff sentences a "breakthrough." (Cont)

<http://www.globalsecurity.org/military/library/news/2003/05/mil-030501-38195568.htm>

## **High seas piracy hits record level**

**1 May 2003** - Piracy at sea reached record levels in the first quarter of 2003, with more than 100 incidents reported for the first time in a decade. There were 103 pirate attacks in the first quarter of the year, up from 87 in the same period last year.

The International Maritime Bureau, which compiles the statistics, warned that Indonesia was by far the greatest piracy risk. The country had more incidents than the next three countries combined. But the IMB praised India and China for handing down long prison sentences to pirates. India in February sentenced 14 Indonesian pirates to seven years in prison with hard labor, while China the same month sentenced a group of Indonesian pirates to terms of up to 15 years. "Both the Indian and Chinese authorities should be congratulated for having taken these difficult cases through to prosecution," the director of the IMB, Captain Pottengal Mukundan, said. "In contrast, the Indonesian authorities recently sentenced the hijackers of Inabukwa [a ship seized in March 2001] to between two and four years imprisonment," he said. Indonesia reported 28 incidents of piracy in the first quarter of the year. The next three worst-affected countries - Bangladesh, India and Nigeria - had nine each. The IMB said Indonesia's Anambas Islands and Gelasa Straits were areas of special concern. Captain Mukundan did credit Jakarta's move to introduce new patrols of dangerous areas, which did bring down the number of incidents.

The IMB also addressed the problem of terrorism, noting that countries such as Japan have reportedly increased security of oil shipments in connection with the war in Iraq. Malaysia - where the IMB's Piracy Reporting Center is based - has taken similar action. A French oil tanker was attacked by a boat filled with explosives in the Yemeni port of Aden in October of last year. One crew member was killed and 90,000 barrels of oil were spilled into the Gulf of Aden.

<http://news.bbc.co.uk/1/hi/world/asia-pacific/2994013.stm>

## Piracy soars as violence against seafarers intensifies (2<sup>nd</sup> Quarter)

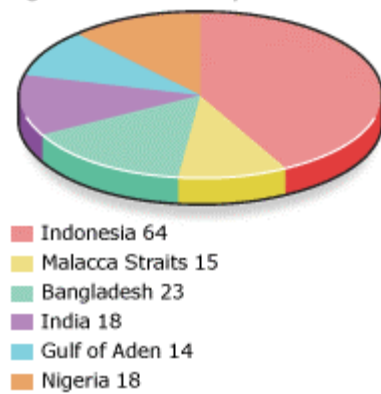
**24 July 2003** - Piracy against the world's shipping surged in the first half of this year, with a record 234 attacks reported and violence against seafarers escalating, the ICC International Maritime Bureau said today. Again, waters off Indonesia were the most dangerous.

The IMB Report, Piracy and Armed Robbery against Ships, showed a rising toll of dead and injured seamen as the number of incidents in which firearms were used rose. A total of 16 seafarers were killed in piratical attacks during the period, 20 were reported missing, and 52 were injured. Numbers taken hostage more than doubled to 193.



*More attacks were reported off Indonesia than anywhere else in the world*

Piracy attacks  
Figures from January-June 2003



SOURCE : IMB

IMB Director Captain Pottengal Mukundan said: "Levels of violence have increased significantly." He instanced as typical incidents the fatal shooting in the head of a ship's officer on board a tanker off Santos, and the abduction of crew for ransom off Nigeria where their vessel was run aground.

Pirate fired a hail of bullets from automatic weapons at a chemical tanker off Indonesia in an attempt to force it to stop. A ship's engineer was hit and was rushed to hospital for emergency treatment. The figures were the worst for a six months period since the IMB, a specialized division of the International Chamber of Commerce, started compiling global piracy statistics in 1991. The number of attacks rose 37% compared with 171 during the corresponding period in 2002, when six crew members were

killed. (Cont)

[http://www.iccwbo.org/ccs/news\\_archives/2003/piracy\\_report\\_second\\_quarter.asp](http://www.iccwbo.org/ccs/news_archives/2003/piracy_report_second_quarter.asp)

### C. 2002 Figures – IMB and IMO Reports

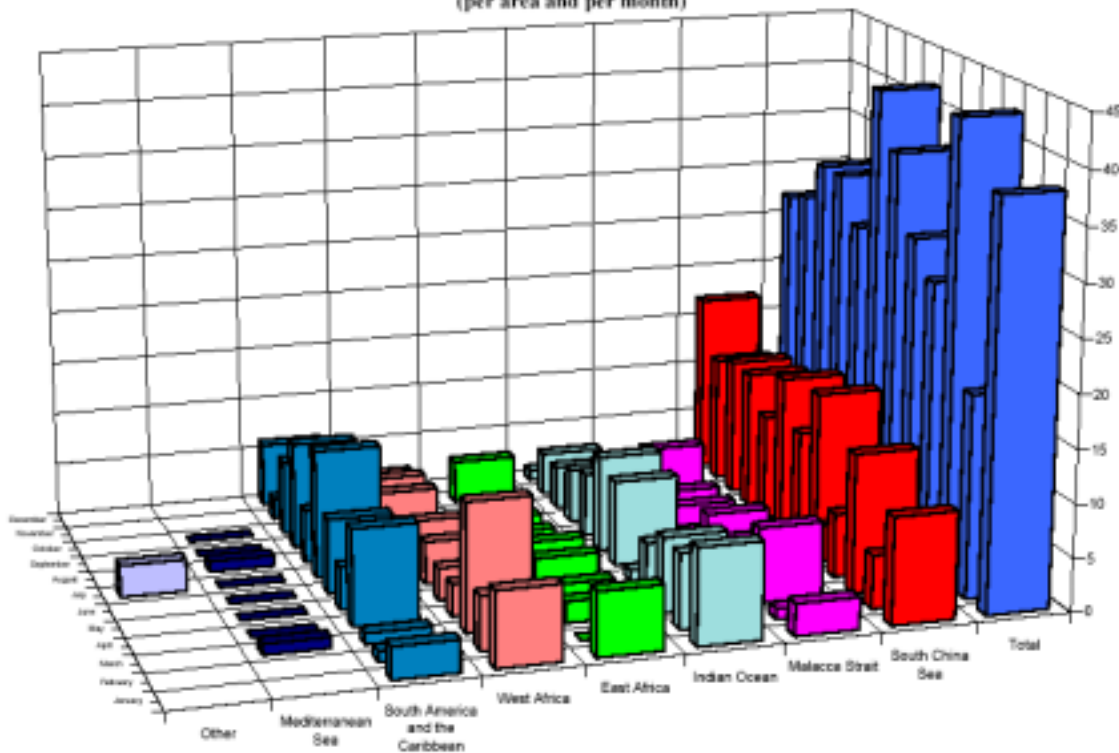
The number of acts of piracy and armed robbery against ships, which were reported to the International Maritime Organization, to have occurred or to have been attempted in 2002, was 383 -- an increase of 13 (4%) over the figure for 2001.

The areas most affected in 2002 were the Far East, in particular the South China Sea and the Malacca Strait, South America and the Caribbean, the Indian Ocean, West Africa and East Africa.

Over the period under review, the number of acts reported to have occurred or to have been attempted increased from 2 to 3 in the Mediterranean Sea, from 120 to 140 in the South China Sea, from 23 to 67 in South America and the Caribbean and from 22 to 24 in East Africa. However, it decreased from 58 to 47 in West Africa, from 58 to 34 in the Malacca Strait and from 86 to 66 in the Indian Ocean, over the 2001 figures.

MSC.4/Circ.

ANNEX 3  
REPORTED ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS  
WHICH WERE REPORTED TO HAVE OCCURRED OR TO HAVE BEEN ATTEMPTED IN 2002  
(per area and per month)

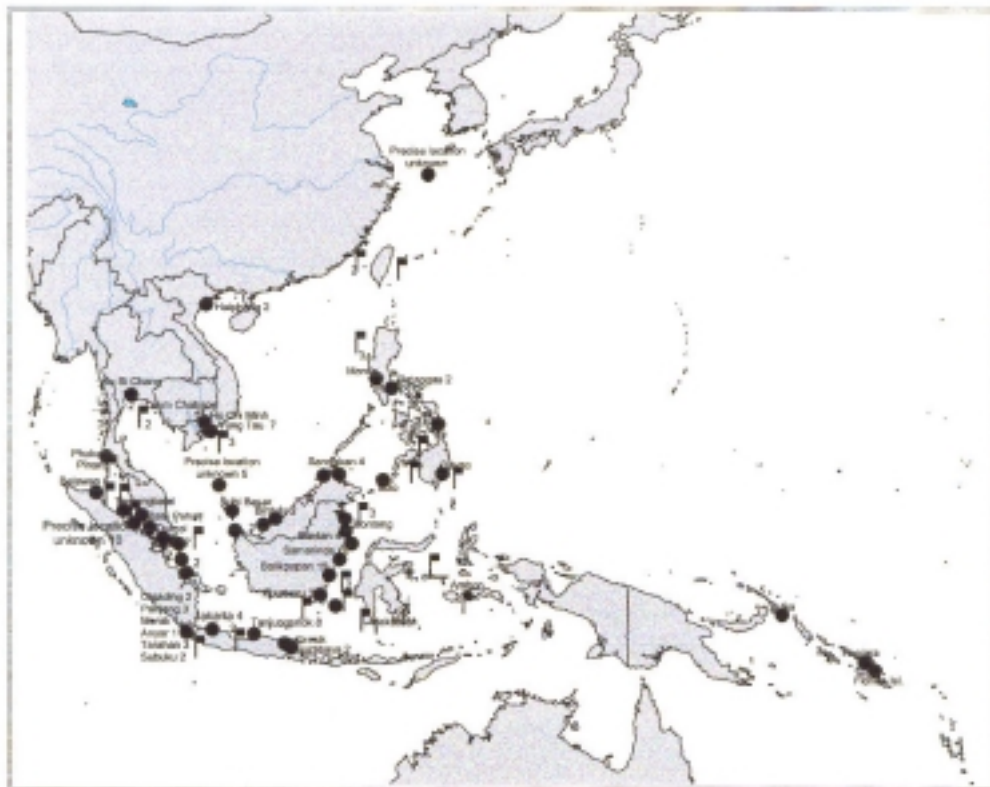


Most of the attacks worldwide were reported to have occurred or to have been attempted in the coastal States' concerned territorial waters while the ships were at anchor or berthed. In many of the reports received, the crews were violently attacked by groups of five to ten people carrying knives or guns. From the same information, it emerges that, during the period under review, six crew members of the ships involved were killed, fifty were wounded, thirty-eight went missing and thirty-eight were thrown overboard; to be later rescued in the reported incidents. It has also been reported that twelve ships were hijacked and eight went missing.

MSC/Circ.32

ANNEX 4

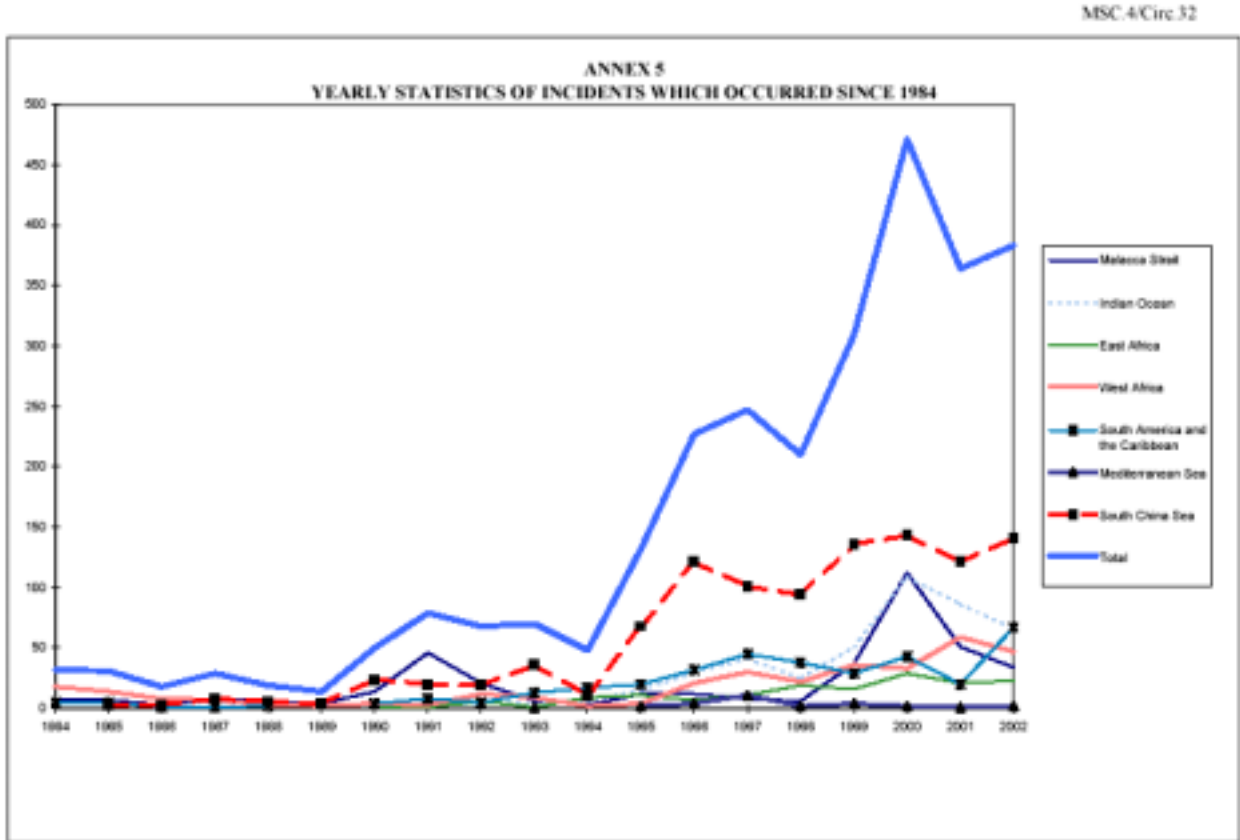
FAR EAST, SOUTH CHINA SEA AND MALACCA STRAIT



- Allegedly committed acts of piracy and armed robbery against ships
- ▮ Allegedly attempted acts of piracy and armed robbery against ships

This UNCLASSIFIED product is provided as a service of the USCINCPAC Virtual Information Center (VIC). The views contained herein are based entirely on public domain information and are those of the authors and their sources and do not represent the opinions and positions of HQ USPACOM or any other government agency.

The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of February 2003, has risen to 3,001.



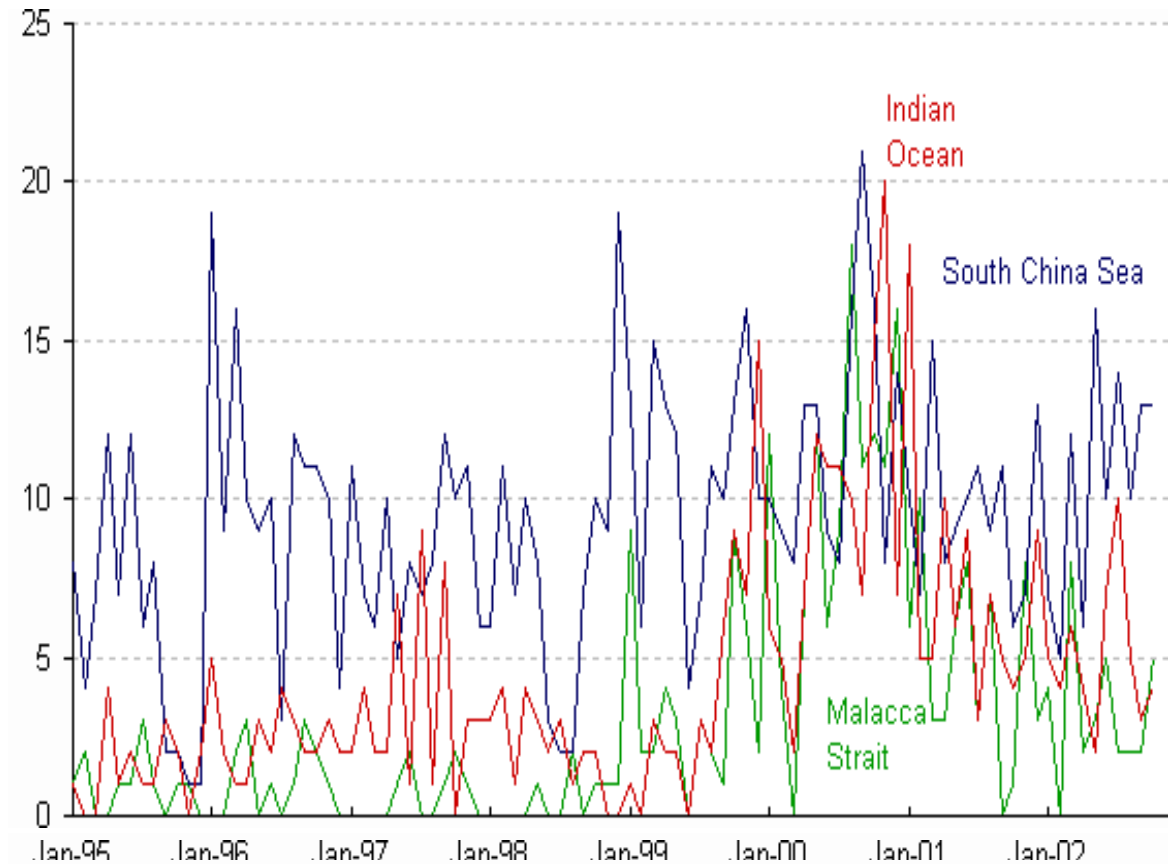
[http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D7215/32-b&w.pdf](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D7215/32-b&w.pdf)

### D. Piracy Primer Link for 2000/2001 Information:

<http://www.vic-info.org/RegionsTop.nsf/45cb6498825bd61d0a256c6800737df2/90b323f6d67ef5de0a256b9500807103?OpenDocument>

### E. Regional Analysis of Piracy

2002



[http://www.bts.gov/products/transportation\\_indicators/december\\_2002/Security/html/International\\_Piracy\\_by\\_Region.html](http://www.bts.gov/products/transportation_indicators/december_2002/Security/html/International_Piracy_by_Region.html)

ANNEX 2

**REGIONAL ANALYSIS OF REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS WHICH WERE REPORTED TO HAVE BEEN ALLEGEDLY COMMITTED OR ATTEMPTED DURING 2002**

ACTS REPORTED TO HAVE BEEN ALLEGEDLY COMMITTED	FAR EAST			AFRICA			SOUTH AMERICA AND THE CARIBBEAN	MEDITERRANEAN SEA	OTHER
	MALACCA STRAIT	SOUTH CHINA SEA	OTHER FAR EAST	INDIAN OCEAN	EAST AFRICA	WEST AFRICA			
<b>Location of incident</b>									
In international waters	10	3		4	2				
In territorial waters	6	16	1	7	3	8	10	1	
In port areas	8	93		35	9	31	43	2	2
<b>Status of ship when attacked</b>									
Steaming	12	14	1	9	4	4	8		
At anchor or on berth	10	97		37	10	35	44	3	2
Not stated	2	1					1		
<b>Number of persons involved in the attack</b>									
1-4 persons	8	40	1	13	4	10	19	1	
5-10 persons	3	29		13	2	10	16	1	
More than 10 persons	1	3		2	2	8	1	1	2
Not stated	12	40		18	6	11	17		
<b>Consequences to the crew</b>									
Actual violence used against crew	9	23		5	4	14	10	1	
Threat of violence (including crew being tied up but not physically)	4	33	1	21	5	18	25	1	
Ship missing	4	3						1	
Ship hijacked	6	5			1				
None/not stated	1	48		20	4	7	18		2
<b>Weapons used by attackers</b>									
Guns	11	10		3	3	8	14	1	
Knives	6	38		16	3	19	13		
Other		4		1	2	2			
None/Not stated	7	60	1	26	6	10	26	2	1
<b>Parts of the ship raided</b>									
Master and crew accommodation	3	7	1	1	2	6	12	2	2
Cargo area	3	13		4		4	9		
Store rooms	8	60		29	9	22	28		
Engine room	1	9		1					
Not stated	9	23		11	3	7	4	1	
<b>Total number of incidents reported per areas</b>	<b>24</b>	<b>112</b>	<b>1</b>	<b>46</b>	<b>14</b>	<b>39</b>	<b>53</b>	<b>3</b>	<b>2</b>
<b>Total number of incidents reported</b>	<b>294</b>								

[http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D7215/32-b&w.pdf](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D7215/32-b&w.pdf)

This UNCLASSIFIED product is provided as a service of the USCINCPAC Virtual Information Center (VIC). The views contained herein are based entirely on public domain information and are those of the authors and their sources and do not represent the opinions and positions of HQ USPACOM or any other government agency.

		FAR EAST			AFRICA		
ACTS REPORTED TO HAVE BEEN ALLEGEDLY ATTEMPTED		MALACCA STRAIT	SOUTH CHINA SEA	INDIAN OCEAN	EAST AFRICA	WEST AFRICA	SOUTH AMERICA AND THE CARIBBEAN
<b>Location of incident</b>							
	In international waters	3	4	11	6	3	3
	In territorial waters	5	6	2	3	2	2
	In port areas	2	18	7		3	9
<b>Status of ship when attacked</b>							
	Steaming	8	9	13	9	5	6
	At anchor or on berth	2	19	7		3	8
	Not stated						
<b>Number of persons involved in the attack</b>							
	1-4 persons	2	9	3		1	6
	5-10 persons	2	9	7	3	6	4
	More than 10 persons			2	2		2
	Not stated	6	10	8	4	1	2
<b>Consequences to the crew</b>							
	Actual violence used against crew	3	3	1	2	3	
	Threat of violence (including crew being tied up but not physically attacked)	2	7	2		3	1
	Ship missing						
	Ship hijacked						
	None/not stated	5	18	17	7	2	13
<b>Weapons used by attackers</b>							
	Guns	4	3	2	2	6	
	Knives	1	4	1			1
	Other		2				1
	None/Not stated	5	19	17	7	2	12
<b>Parts of the ship raided</b>							
	Not boarded	10	28	20	9	8	14
<b>Total number of incidents reported per areas</b>		<b>10</b>	<b>28</b>	<b>20</b>	<b>9</b>	<b>8</b>	<b>14</b>
<b>Total number of incidents reported</b>		<b>89</b>					

[http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D7215/32-b&w.pdf](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D7215/32-b&w.pdf)



2003

ANNEX 1

MSC.4/Circ

**REGIONAL ANALYSIS OF REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS WHICH WERE REPORTED TO HAVE BEEN ALLEGEDLY COMMITTED DURING THE FIRST QUARTER OF 2003**

		FAR EAST			AFRICA		SOUTH AMERICA		
		Malacca Strait	South China Sea	Indian Ocean	East Africa	West Africa	Atlantic	Caribbean	Pacific
<b>Location of incident</b>									
	In international waters	2			2				
	In territorial waters	1	3	1		2			
	In port areas	2	21	10	3	11	2	8	3
<b>Status of ship when attacked</b>									
	Steaming	2	2	1	3	3			
	At anchor or on berth	2	22	10	2	10	2	8	3
	Not stated	1							
<b>Number of persons involved in the attack</b>									
	1-4 persons	2	5	5	2	7		4	1
	5-10 persons	2	10	3	1	1	1	1	
	More than 10 persons	1				1	1		
	Not stated		9	3	2	4		3	2
<b>Consequences to the crew</b>									
	Actual violence used against crew	2	5	1		4	1		1
	Threat of violence (including crew being tied up but not physically attacked)	1	7	2	2	4		3	
	Ship missing								
	Ship hijacked	1	2						
	None/not stated	1	10	8	3	5	1	5	2
<b>Weapons used by attackers</b>									
	Guns	2	1		2	4	1	1	1
	Knives	2	12	4		2		4	2
	Other	1	1			1			
	None/Not stated		10	7	3	6	1	3	
<b>Parts of the ship raided</b>									
	Master and crew accommodation	1	2			1	1	1	
	Cargo area		12	3	3	5	1	4	
	Store rooms	1	6	6		6		2	1
	Engine room		1						
	Not stated	3	3	2	2	1		1	2
<b>Total number of incidents reported per areas</b>		<b>5</b>	<b>24</b>	<b>11</b>	<b>5</b>	<b>13</b>	<b>2</b>	<b>8</b>	<b>3</b>
<b>Total number of incidents reported</b>		<b>71</b>							

\*\* See link to view Regional Analysis of Reports on Piracy and Armed Robbery Against Ships which were Reported to have been Allegedly Attempted During the First Quarter of 2003

[http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D7350/34-b&w.pdf](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D7350/34-b&w.pdf)

ANNEX 2

MSC.4/Circ.3

**REGIONAL ANALYSIS OF REPORTS ON ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS WHICH WERE REPORTED TO HAVE BEEN ALLEGEDLY ATTEMPTED DURING THE SECOND QUARTER OF 2003**

	FAR EAST			AFRICA		SOUTH AMERICA	
	South China Sea	Malacca Strait	Indian Ocean	East Africa	West Africa	Pacific	Caribbean
<b>Location of incident</b>							
In international waters	1	4	5	1	2	1	1
In territorial waters	7	1	1		1		
In port areas			2		2		
<b>Status of ship when attacked</b>							
Steaming	8	5	6	1	3	1	1
At anchor or on berth			2		2		
Not stated							
<b>Number of persons involved in the attack</b>							
1-4 persons	2				2		
5-10 persons	2	2	2		1	1	1
More than 10 persons			1		2		
Not stated	4	3	5	1			
<b>Consequences to the crew</b>							
Actual violence used against crew	1						
Threat of violence (including crew being tied up but not physically attacked)		1	1		2	1	
Ship missing							
Ship hijacked							
None/not stated	7	4	7	1	3		1
<b>Weapons used by attackers</b>							
Guns	1						
Knives		1			1		
Other	1		1		3		
None/Not stated	6	4	7	1	1	1	1
<b>Parts of the ship raided</b>							
Not boarded	8	5	8	1	5	1	1
<b>Total number of incidents reported per area</b>	<b>8</b>	<b>5</b>	<b>8</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>1</b>
<b>Total number of incidents reported</b>	<b>29</b>						

\*\* See link to view Regional Analysis of Reports on Piracy and Armed Robbery Against Ships which were Reported to have been Allegedly Attempted During the Second Quarter of 2003

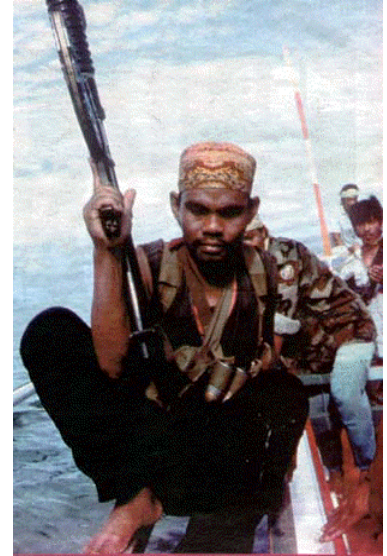
[http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D7350/34-b&w.pdf](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D7350/34-b&w.pdf)

**F. Modus Operandi of Pirates**

**Maritime Muggings**

The IMB Piracy Center collates reports of piracy and robbery from vessels whether in port or on the high seas. These reports cover a wide spectrum of attacks. At one end of the spectrum are the “maritime muggings”. A bunch of hooligans pull up alongside a ship, point a rocket-propelled grenade at the hull, and demand a payoff. A little more elaborate attack has two fishing boats

waiting on each side of a shipping lane at night. They stretch a line across the lane in the dark, and when a boat passes through, the line catches on the bow, and the boats get pulled along. The pirates scramble up the sides with grappling hooks, steal anything of value that isn't bolted down, and drop back down into their ships when they're done, releasing the line and escaping before the crew has time to react. Opportunists, like low-level criminals and unemployed fishermen, are the most common perpetrators of these crimes. They are quick, completed in a half-hour or so — and have only a little material gain in mind.



Petty theft of this kind is not new. It used to be the case that such pirates were easily frightened off by the crew. What differentiates the attacks of today is that the pirates are better armed, expect greater returns and are more determined. Many of the pirates head for the safe in the Captain's cabin and are quite prepared to injure or kill the Captain and crew if they cannot get what they want. Smaller pirates are usually only interested in the safe of the ship and the possessions of the crew (the safe of a ship sometimes contains a considerable amount of money to pay port and payroll fees). The crews are most often left alone and the ships are usually set adrift.

At the other end of the spectrum is the hijacking and theft of the vessel and her cargo. These crimes are planned well in advance with ships deliberately targeted usually for the value and easy disposal of the cargo. The attacks involve highly trained pirate gangs armed with submachine guns boarding the vessel with false ship's papers, cargo papers and passports. These pirates are capable of operating the vessel without the crew's assistance. Violence and intimidation of the crew are invariably a feature of such attacks. In some cases, these attacks result in the vessel becoming a type of "Phantom Ship".

<http://www.iilondon.co.uk/pdf/pmukundan071100.pdf>

<http://www.abcnews.go.com/sections/world/DailyNews/piracy010129.html>

[http://www.cargolaw.com/presentations\\_pirates.html](http://www.cargolaw.com/presentations_pirates.html)

## **The Phantom Ship**

The pirate attack used to create a "Phantom Ship" is the most sophisticated version of the crime, where pirates take literally everything including the merchant vessel itself. This type of pirate is much more organized and sometimes linked to another criminal organization. Although the most current figures available are a couple years old, this "Phantom Ship" practice is estimated to cost shippers at least US\$200 million dollars a year.

This is an example of the activities these pirates undertake:

1. Pirates look for a commodity seller or shipping agent with a letter of credit that has almost expired (this happens regularly since the demand for shipping space exceeds that which is available)

2. Pirates then offer the services of their ship (which is often stolen, renamed, etc. before being used in this manner)
3. A temporary registration certificate is then acquired through a registration office at a consulate. To get such a certificate a bribe combined with verbal information or some false documents is necessary. This certificate provides the ship with an official (new) identity
4. The ship is loaded and the shipper receives his bill of lading
5. The pirates then sail to a different port than the one named as the destination on the bill of lading. There they unload the cargo to a partner in crime or an unsuspecting buyer and change the temporary registration certificate again.

Because pirates in these cases intend to steal the ship, the crew's lives are immediately at stake. In past attacks of this nature, pirates have set the crewmen adrift in small boats, if they didn't kill them outright. The sailors' ordeal can last days, if not weeks. And their attackers usually command many more resources. They need to be able to dispose of a freighter's cargo as well as the vessel itself. Often the perpetrators of such crimes have been ex-military or affiliated with organized crime.

The Asian waters contain many small islands that make it possible to hide and make it impossible for large ships to pursue them. They can also choose which nations coastal waters they will escape to: Indonesia, Malaysia or Singapore. Some of the people in the villages and local towns on these coasts are sympathetic towards the pirates. This gives them several harbors to hide in and/or which to operate from. The following article is the very latest example of a phantom ship that escaped arrest:

### **Rogue ship breaks arrest**

**29 October 2003** - Multi-million dollar cargoes are once again at risk of being stolen after a ship operated by an organized group based in the Lebanon broke arrest from Banjul, Gambia, in the early hours of 25th October 2003, warns ICC International Maritime Bureau (IMB).

CIUTA (IMO no.8030960) was one of at least two ships operating in the Eastern Mediterranean, North African and West African coasts, duping shippers out of cargoes by offering bargain freight rates. Instead of discharging the cargoes at their destinations, the ships have been changing identity and deviating to other ports to illegally discharge the goods. (Cont)

[http://www.iccwbo.org/ccs/news\\_archives/2003/rogue\\_ship.asp](http://www.iccwbo.org/ccs/news_archives/2003/rogue_ship.asp)

[http://www.cargolaw.com/presentations\\_pirates.html#type\\_attacks](http://www.cargolaw.com/presentations_pirates.html#type_attacks)

[http://www.cargolaw.com/presentations\\_pirates.html](http://www.cargolaw.com/presentations_pirates.html)

## **G. Developments That Have Helped Increase Piracy**

The increase in piracy on the high seas has been facilitated by several developments:

1. Economic motives and technological improvements have resulted in smaller crews on (larger) vessels. This makes the ships that much more vulnerable to attacks
2. A ship is usually protected/defended in international waters by the country/state whose flag it flies. These days ships often fly flags of convenience, making it more problematic to use diplomatic pressure on countries from which pirates operate
3. The decreasing budgets of naval forces in many (smaller) countries as well as the shifts in priorities make it difficult to police the high seas. Many countries also tend to want to avoid diplomatic conflicts
4. Due to the remoteness of the coasts from the home ports of the ships the governments tend to *forget* about such incidents
5. In some cases governments or political motive seem to be involved in the pirate activities. In these cases, the pirates are interested in using hostages for ransom to fund their political cause

The inability or unwillingness of the countries in the area to act decisively against pirates in the Asian waters is mainly caused by difficulties regarding jurisdiction, diplomatic relations and politics.

[http://www.atimes.com/atimes/Southeast\\_Asia/EI04Ae05.html](http://www.atimes.com/atimes/Southeast_Asia/EI04Ae05.html)

<http://www.geocities.com/Tokyo/Garden/5213/current.htm>

[http://www.iccwbo.org/ccs/news\\_archives/2003/piracy\\_ms.asp](http://www.iccwbo.org/ccs/news_archives/2003/piracy_ms.asp)

### **Who Will Pay to Police the Oceans?**

9 Sept 2003 - Part of the problem is no country is willing to bear the cost of providing a force to police the oceans. Alan Chan, head of the Petroships fleet in Singapore, is demanding an international force to patrol the world's most dangerous waters. One of Chan's ships, the Petro Ranger, was hijacked and taken to China in 1998. The Chinese authorities released the pirates without charge, confiscated the oil cargo for "expenses" and let the ship return to Singapore. After another incident, in which a Chinese crew was murdered, the Chinese government has been much harsher on pirates, sentencing some to death. In the United States, the Coast Guard has created six SWAT teams since the attacks of Sept. 11, 2001, to counter terrorist threats from the sea. It is also requiring ships approaching American harbors to give 96 hours' notice, up from the previous one-day notification. How likely is an attack by ship on America's shores? Rear Adm. Kevin Eldridge, commander of the U.S. Coast Guard's 11th District off California, told ABCEWS, "It's likely enough for us to put a lot of effort into planning for it." But despite that planning, Eldridge is still concerned. "There aren't enough ships, there aren't enough planes for us to set up a picket line, so that we know what's coming," he said. "We're pushing our borders out. Frankly, if we have a vessel in our port that has a problem, it's too late."

[http://abcnews.go.com/sections/wnt/World/sept11\\_piracy030909.html](http://abcnews.go.com/sections/wnt/World/sept11_piracy030909.html)

## **H. Piracy and Terrorism**

### **Terror attacks feared on sea oil rigs**

*15 October 2003* - Oil and gas platforms in the Timor Sea are vulnerable to attack by terrorists, and Australia's naval and air patrols are failing to protect the area. This warning is contained in a damning navy think-tank report, which says oil and gas installations in the Joint Petroleum Development Area "are vulnerable to attack". "The amount of resources contained in the (JPDA) and their importance to Australia, East Timor and also indirectly Northeast Asia and the United States means they are potential targets for terrorist organizations wishing to interrupt petroleum supplies," says the Navy Sea Power Center report on the development area, 500km north of Darwin, which is jointly administered by Australia and East Timor. The report, by the Defense Department's Matthew Flint, says taxpayers can expect to reap as much as \$2 billion from the ConocoPhillips Bayu-Undan gas field, expected to come on line in a fortnight. Woodside's yet-to-be-developed Greater Sunrise field is expected to yield a further \$4 billion. Just outside the area is Australia's biggest oil-producing field, the BHP-owned Laminaria Corallina. The report warns that the importance of the petroleum industry has been recognized by al-Qa'ida and al-Qa'ida-linked terrorist groups in Southeast Asia. An attack on the oil tanker MV Limburg near Aden in October last year represented the "beginning of maritime terrorism against the petroleum industry", with al-Qa'ida leader Osama bin Laden declaring terrorists had hit the "umbilical cord and lifeline of the crusader community". The Philippines-based Moro Islamic Liberation Front has mounted several attacks on shipping, while pirates believed to be members of the Free Aceh Movement (GAM) had hijacked an Exxon Mobil supply ship near a North Sumatra oilfield in Indonesia. "Attacks by maritime terrorists with a domestic focus have been occurring in the Southeast Asian region for the last 10 years," the report says. "Organizations such as MILF and GAM are not linked to international terrorism. However, domestic-focused attacks in eastern Indonesia may have security implications for the Timor Sea. (Cont)

Source: *The Australian*, John Kerin

[http://www.theaustralian.news.com.au/common/story\\_page/0,5744,7562958%255E2702,00.htm](http://www.theaustralian.news.com.au/common/story_page/0,5744,7562958%255E2702,00.htm)

### **Danger on the high seas - Pirate attacks have hit a record high but the real danger may be from terrorists, say experts**

*September 2003* - On Aug 15, the captain and two crew members of a Malaysian-owned fuel tanker who had been kidnapped were released after an undisclosed ransom was paid to the pirates who had attacked their ship on Aug 10 in the Straits of Malacca. After the abductions, the MT Penrider and its remaining seven crew members, who had set sail from Singapore, were allowed to continue to Penang with its cargo of 1,000 tones of fuel oil. The Penrider was just one more statistic in the annals of piracy crimes worldwide. According to the International Maritime Bureau (IMB) in its half-yearly report released recently, pirate attacks globally in the first half of this year reached a record high. But the real danger, say industry experts, is not so much from pirates who are bent only on profits, but from terrorists. "Imagine a situation where, say, an LPG [liquefied petroleum gas] carrier is hijacked by the terrorists and used on a suicide run into Singapore port. The immediate impact would be more devastating than any bomb and the consequences on the regional economy would be too horrible to think about," said a shipping official representing the International Tanker Operators association (Intertanko) in a recent interview. For the first six

months of this year, a total of 234 pirate attacks — the highest figure since the IMB started compiling records in 1992 — was reported. The figure was a 37 per cent increase over the 171 cases reported in the first half of last year. What's even more alarming is that comparisons for the same six-month period showed a rising trend of violence that occurred during the pirate attacks — from 77 cases in 2000, 175 in 2001 and 168 in 2002, to 345 cases this year. (Cont)

Source: AsiaINC

[http://www.asia-inc.com/September/danger\\_sep.htm](http://www.asia-inc.com/September/danger_sep.htm)

### **Terrorism threat from Asia's pirates**

*11 September 2003* - For merchant seamen, the waters between Singapore, Malaysia and Indonesia have long been a zone of fear, but now there's a new concern: pirates brandishing the flag of radical Islam. "One worrying trend is the possibility that some of these attacks are linked to international terrorism," says Singapore's Deputy Prime Minister Tony Tan. Last month, in an attack with political overtones, pirates shot up the Malaysian oil tanker Penrider and held three crew members hostage for almost a week before a ransom was paid. The raiders were believed to be rebels fighting to establish an Islamic state in Indonesia's troubled province of Aceh. Experts say it could get much worse. "It's perhaps only a matter of time that the right ship at the right time is going to be seized by persons who don't have a profit motive but indeed see that vessel as a potential weapon of mass destruction," Kim Peterson of the Maritime Security Council told CNN. Throughout the region, authorities are heightening their vigilance. Hong Kong -- where a vessel arrives or departs every two minutes -- has introduced a new, state of the art monitoring system. It's far more sophisticated than anything other Asian ports have and can track thousands of vessels in real time. But it's not foolproof. "Possibly the worst scenario that we might look at is a passenger ship with 3,000 passengers and 2,000 crew on board being rammed by a gas carrier, or even a toxic chemical carrier which then releases the chemicals in a cloud of vapor across a very crowded city," Arthur Browning of the Hong Kong Ship owners Association says. "This could happen in New York. This could happen in Hong Kong" It hasn't happened yet, but it's a possibility that governments, security agencies and people in the shipping business are taking very seriously indeed.

<http://www.cnn.tv/2003/WORLD/asiapcf/east/09/11/asia.pirates/>

### **Terror on the High Seas? Piracy Is Up, Increasing Fears of Terror Attacks at Sea**

*9 September 2003* - Piracy at sea, far from being a forgotten relic of the world's buccaneering past, is now a modern growth industry. In the first half of this year, pirates attacked 234 ships, an increase of almost 40 percent over sea borne assaults reported last year to the International Maritime Bureau. What is more, pirates are becoming more violent and are adopting more sophisticated techniques — involving patrol boats, mother ships, modern communications and automatic weapons. The trend worries not only ship owners, crews and insurers, who pay the price; it is becoming a major concern to security officials and navies from Singapore to San Francisco. The reason: The pirates' advanced methods provide a potential model to international terrorists seeking so-called soft targets for attacks that could take thousands of lives, cripple world trade and provide a powerful symbol of destructiveness. An ABCNEWS investigation has uncovered the increasing fears in shipping and security circles that armed terrorists may, as pirates already do, seize ships carrying liquid natural gas, chemicals or oil. But, rather than rob a ship, they could transform it into what a sea captain in Malaysia, Raja Kumar, calls "a floating bomb."

Detonating a tanker in a port city like Singapore, Galveston, Texas, or Boston would wreak havoc, take thousands of lives and damage the environment for years to come. "The worrying trend is the possibility that some of these attacks are linked to international terrorists," said Tony Tan, the deputy prime minister of Singapore. Tan, who is also Singapore's chief coordinator of security and defense affairs, said he fears the city-state's container port — one of the largest in the world — could be a specific target. Last year, Singaporean police arrested Muslim suspects who had zeroed in on an American warship, locales used by American servicemen and foreign embassies on surveillance videotapes discovered in a safe house in Afghanistan.

### **Breeding Ground for Pirates and Terrorists**

*9 September 2003* - With much of the Muslim world angered by American military action in Iraq and Afghanistan, as well by U.S. support of Israel, Islamists are looking for ways to strike out at the United States and its allies. Muslim fundamentalists are especially active in the South China Sea, along the shores of the Malacca Strait and in the southern Philippines. These areas are also home to large numbers of pirates. Poverty and political instability make Indonesia and the Philippines fertile recruiting grounds for both pirates and fundamentalist movements. Actions at sea are nothing new to al Qaeda, which attacked the USS Cole off Yemen on Oct. 12, 2000, and may have been responsible for an explosion that set the French oil tanker Limburg alight in the same waters two years later. Al Qaeda is believed to have links to an underground Islamist movement in the Philippines, the Abu Sayyaf, which has attacked ships in Philippine waters. Security experts say it also has contacts with Islamic groups in the two Muslim countries along the Malacca Strait, Malaysia and Indonesia. Two-thirds of the world's cargo and half its oil exports travel through the strait, and Indonesia's shores saw more pirate attacks in the last year than any other country in the world. Two incidents underline the threat. In March, armed men seized the Indonesian chemical tanker Dewi Madrim in the Malacca Strait. They robbed the ship, but they also spent an hour steering it through the strait. Why? "There's a very strong possibility that we're looking at the equivalent of a flight training school for terrorists," said Dominic Armstrong, a maritime expert for Aegis Security in London. The second act of piracy that did not fit the usual criminal pattern was the seizure of an oil tanker, the Penrider, near Malaysia in August. Pirates attacked the ship and took three crew members hostage. The owners paid \$100,000 for their release, but government officials in Malaysia said the money went not to pirates, but to an Islamic guerrilla organization in Indonesia. The accused group, the Free Aceh Movement, denied the charge. However, the Free Aceh Movement has previously ordered all ships coming near the Aceh shore of the Malacca Strait to ask its permission to pass.

[http://abcnews.go.com/sections/wnt/World/sept11\\_piracy030910.html](http://abcnews.go.com/sections/wnt/World/sept11_piracy030910.html)

### **A Ship Explosion Could Cause Massive Damage**

*9 September 2003* - How much damage could a ship do? An explosion in the port of Halifax, Nova Scotia, in 1917 gives a clue. A French ship, the Mont Blanc, carrying munitions for the Western Front, collided near Halifax with the merchant ship Imo on Dec. 6, 1917. The impact set off the Mont Blanc's powder, killing 1,900 people immediately in the small Canadian town. There were 9,000 injuries, and almost the entire northern part of the town — more than 300 acres — was destroyed. During World War II, two munitions carriers, the Bryant and Quinalt Victory, exploded dockside at a naval port in San Francisco Bay. More than 300 crew members and dock workers



died. The University of California's seismograph measured the blast as a small earthquake, equal to 5,000 tons of dynamite. That is more or less the power of the atomic bomb used on Hiroshima. A similar incident in a densely populated port city like New York is the Coast Guard's worst nightmare. Has there ever been a suicide bombing by ship? The tactic was used against pirates, when, in 1804, the new U.S. Navy was besieging the port of Tripoli to suppress North African piracy. Commodore Edward Preble's gunships proved ineffective against Tripoli's massive city walls, so he ordered the USS Intrepid to sail up to the city's fortress packed with explosives. Master Commandant Richard Somers and 12 volunteers set out in fog on the evening of Sept. 4, 1804. Suddenly, their ship blew up well short of its target. All of the American seaman were killed. No one discovered why the ship blew up, but Preble insisted his men had done it themselves to avoid capture. If so, they were the sea's first suicide bombers.

[http://abcnews.go.com/sections/wnt/World/sept11\\_piracy030909.html](http://abcnews.go.com/sections/wnt/World/sept11_piracy030909.html)

### **Industry security experts combat maritime terrorist threat**

*15 May 2003* - Leading private maritime anti-crime and security service providers have joined forces to help governments and the maritime industry cope with ever tighter security requirements to meet the post 9/11 terrorism threat. The International Maritime Bureau, a division of the International Chamber of Commerce, and the Security Solutions International Group (SSI) have formed a joint venture combining their maritime and risk management expertise. IMB Director Captain Pottengal Mukundan said: "Everybody connected with shipping is under enormous pressure these days as governments, the International Maritime Organization (IMO) and other authorities impose ever tighter security requirements for cargoes, shipping and ports. There is an urgent need for expert advice and our two organizations can provide it." An early task for the new group will be assisting ports and shipping organizations to comply by a July 2004 deadline with the requirements of the International Ship and Port Facility Security Code, (ISPS), introduced by the IMO last December. This is just one of a welter of new requirements facing the shipping industry, among them the United States' 24-hour rule requiring advance manifest information to be delivered to US authorities before a cargo is loaded on ships bound for American ports. Others are the US Customs Container Initiative, designed to protect containerized shipping from terrorists, and recent amendments stiffening of the Safety of Life at Sea Agreement (SOLAS), which covers everything from fire precautions to life saving appliances and the stowing of dangerous goods. A further vital issue for the shipping industry is adjusting to changed security perceptions worldwide after 9/11. Captain Mukundan said: "The essential nature of the threat has changed. Risk and potential targets used to be assessed on the basis of the intrinsic value of cargoes and the ships carrying them. That no longer applies. "The main focus now has to be the strategic intentions of terrorist groups. Those responsible for security of ports and ships have to put themselves in the minds of terrorists and ask: 'How attractive a target do we present in terms of terrorist objectives?' (Cont)

[http://www.iccwbo.org/home/news\\_archives/2003/stories/maritime-terrorist-threat.asp](http://www.iccwbo.org/home/news_archives/2003/stories/maritime-terrorist-threat.asp)

### **What if Asia's pirates and terrorists joined hands?**

*17 May 2003* - An almost unnoticed battle against piracy in the South China Sea has become more intense: the pirates are winning, and governments in Southeast Asia fear they will join forces with terrorists and try to disrupt trade throughout Asia. "The essential nature of the threat has changed," Pottengal Mukundan of the International Maritime Bureau said this week. "Risk and potential

targets used to be assessed on the basis of the intrinsic value of cargoes and the ships carrying them. That no longer applies. "The main focus now has to be the strategic intentions of terrorist groups. Those responsible for the security of ports and ships have to put themselves in the minds of terrorists and ask, 'How attractive a target do we present in terms of terrorist objectives?'" The International Maritime Bureau, which tracks piracy worldwide from London, said attacks on ships had tripled in the past 10 years, with 103 assaults in the first three months of this year - equal to all attacks in 1993. During the decade, 145 seafarers were reported killed, assaulted, kidnapped or missing. The bureau reported 370 pirate attacks last year, down from a peak of 469 in 2000. While there are fewer attacks, the pirates are increasingly successful, indicating that they have become better at planning and executing their raids. Indonesia accounted for 103 attacks and the rest of Asia 115. Vessel hijackings rose to 25 last year from 16 the year before. Some had their markings repainted and superstructures altered to conceal their identities when they went back to sea. Only a few have been recovered. Governments in the region have been holding their breath for fear that Southeast Asian terrorists, especially those in Indonesia, would join the pirates and create a giant blockade to disrupt Asian trade. The fear is that terrorists will scuttle large ships in one or more of the three narrow straits - Malacca, Sunda and Lombok - along the southern edge of the South China Sea, forcing ships to sail much longer and more costly distances around Australia as they ply between East and South Asia. (Cont)

<http://www.uscib.org/index.asp?documentID=2636>

### **ASIA: Pirates may be linked to terrorist network: Report**

*25 July 2002* - A report in the Bangkok Post earlier this week has raised the terrifying prospect that pirates connected to the al-Qaeda terrorist network may be targeting vessels carrying radioactive material as they pass through the Malacca Straits. Sources quoted in the story claimed that the pirates want the radioactive material for use in so called "dirty bombs". The claims coincide with figures released yesterday by the International Maritime Bureau and the Piracy Reporting Center that acts of worldwide piracy have risen 3.6 percent. (Cont)

<http://www.abc.net.au/ra/asiapac/programs/s616005.htm>

## **I. Piracy and Economic Impact**

### **Protect Asia's Shipping**

*24 May 2002* - For the past five years, the world has experienced a serious rise in maritime piracy, particularly in Southeast Asia. The worst year was 2000, when pirate attacks rose by almost 60 percent. Although estimates are difficult to calculate, financial loss from maritime crime was conservatively estimated for that year at \$16 billion. More than two-thirds of these attacks occurred in Asian waters, with most taking place in Indonesia's sea lanes. Since that time, however, the situation has improved. The International Maritime Bureau (IMB) reports that pirate attacks dropped 27 percent worldwide and by one-third in Southeast Asia in 2001. Particular credit should be given to the governments of Malaysia and Singapore for implementing anti-piracy measures that have led to a 75 percent drop-off in incidents of piracy in the Malacca Straits in 2001. Nonetheless, Southeast Asia remains the region most prone to acts of piracy, accounting for 50 percent of all attacks worldwide. More than half the world's commerce passes through the Straits of Malacca, including two-thirds of the world's LNG trade. The flow of oil in the Straits of

Malacca is three times greater than what passes through the Suez Canal and 15 times greater than the flow of oil through the Panama Canal. If terrorists were to commandeer a ship transporting LNG for a suicide mission in the Straits of Malacca, such an act would devastate Southeast Asia's economies and environment and severely disrupt trade as the straits could be closed to shipping and fishing for years. Moreover, significant impediments to the flow of oil would be a direct threat to the national security of countries that are highly energy dependent, particularly Japan and South Korea. (Cont)

Source: John J. Brandon

<http://www.csis.org/pacfor/pac0221A.htm>

### **Piracy in the Asia Pacific Region: A Barrier to Maritime Trade**

*5 January 2001* - At the 9th Annual Asia Pacific Parliamentary Forum meeting, that will take place in the port city of Valparaíso, Chile, between the 14th and 19th of January 2001, member states from both sides of the Pacific will discuss the international problem of piracy. Piracy, particularly in Asia, has become increasingly common and resulted in an estimated loss of as much as \$16 billion annually. The repercussions of piracy include higher insurance rates and higher costs in general for maritime shippers, thus creating barriers to international trade and continued economic growth. Over the last decade, attacks on commercial ships have tripled and the risk of attack continues to increase, as 90% of the world's trade moves via ship. Almost half of all ships move through Asian waters and, in 1999, nearly two-thirds of all attacks occurred in Asia. Piracy is a concern of both the Asian countries, where it takes place, as well as of their trading partners. For example, as the United States lobbies to reduce trade barriers in Asia, these increased costs from piracy serve as a non-tariff barrier to trade. In addition, the added insurance costs and safety risks for trading in particularly dangerous ports act as an indirect economic boycott, restraining companies from conducting business with many of America's friends or allies that are least able to afford direct efforts to fight piracy. Maritime piracy today ranges from the classic boarding and hijacking of a merchant vessel on the high seas to the more common act of stealing from the ship while it is anchored. In fact, 72 % of all attacks on vessels are committed while the ship is anchored in port, and most of the attacks on vessels at sea occur in a country's territorial waters. (Cont)

Source: Press Release

<http://www.appf.cl/pags/apg/press/pags/20010105111232.html>

### **Piracy – Threat to International Commerce**

With ships transporting 90 percent of the world's freight, almost half of which passes through Asian waters, industry executives and government officials warn that the increase in piracy poses a significant threat to international commerce. Various estimates have pegged the cost of the attacks and other maritime fraud at as much as \$16 billion a year. Many of today's pirates are members of international criminal syndicates that use satellite phones, global positioning systems, forged documents and automatic weapons to stage meticulously planned heists of mammoth freighters. As they did centuries ago, cargo ships often carry a trove of lucrative commodities - no longer doubloons, nutmeg and silk, but jet fuel, palm oil and plywood - that can easily be fenced on the black market. And then there is the ship. After killing or otherwise ejecting the crew, pirates often will repaint and rename the vessel, which they then sell or use to steal new loads of cargo from unsuspecting merchants who charter the ship. (Cont)

Source: CDNN/Washington Post  
<http://www.cdninfo.com/article/pirate/pirate.html>

## **J. Anti-Piracy Measures/Initiatives**

To assist in anti-piracy measures, IMO issues reports on piracy and armed robbery against ships submitted by Member Governments and international organizations. The reports, which include names and descriptions of ships attacked, position and time of attack, consequences to the crew, ship or cargo and actions taken by the crew and coastal authorities, are now circulated monthly, with quarterly and annual summaries.

IMO has issued the following circulars:

- [Revised MSC/Circ.622](#) Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships suggests possible counter-measures that could be employed by Rescue Co-ordination Centers and security forces. Now also includes draft Regional agreement on co-operation in preventing and suppressing acts of piracy and armed robbery against ships.
- [Revised MSC/Circ.623](#) Guidance to ship owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships contains comprehensive advice on measures that can be taken onboard to prevent attacks or, when they occur, to minimize the danger to the crew and ship.

In November 2001, the IMO Assembly adopted the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (resolution A.922(22)) as well as Measures to prevent the registration of phantom ships (resolution A.923(22)).

The International Maritime Organization suggests these general steps to prevent piracy at sea:

- *at night, illuminate suspicious contacts by searchlight*
- *sound an audible alarm; and muster the crew, if a suspected pirate vessel has been detected*
- *send a distress message if a pirate attack is underway, or seems likely*
- *have high pressure water hoses ready to deter boarders*
- *execute speed changes and evasive maneuvering*
- *do not offer further resistance once pirates have boarded*
- *inform the IMB Piracy Reporting Center as soon as possible of any suspected piratical activity.*

<http://www.imo.org/home.asp>  
Reports on Piracy - IMO  
[http://www.imo.org/Circulars/index.asp?topic\\_id=334](http://www.imo.org/Circulars/index.asp?topic_id=334)

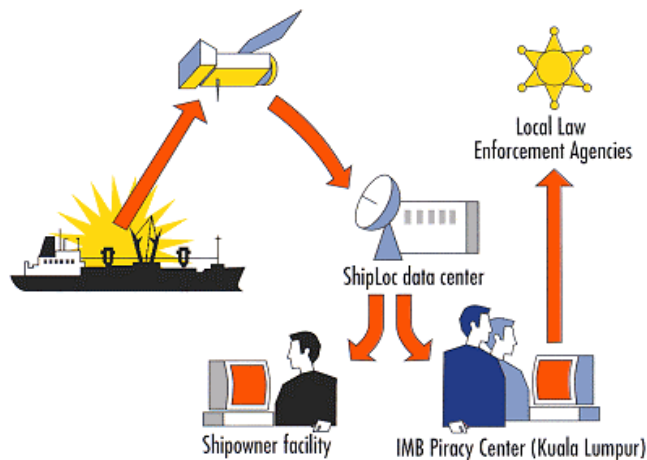
### **Secure-Ship**

Secure-Ship is the most recent and effective innovation in the fight against piracy. It is a non-

lethal, electrifying fence surrounding the whole ship, which has been specially adapted for maritime use. The fence uses 9,000-volt pulse to deter boarding attempts. An intruder coming in contact with the fence will receive an unpleasant non-lethal shock that will result in the intruder abandoning the attempted boarding. At the same time an alarm will go off, activating floodlights and a very loud siren. The IMB strongly recommends ship owners to install this device on board their ships. Further details can be obtained at [www.secure-marine.com](http://www.secure-marine.com)  
[http://www.iccwbo.org/ccs/imb\\_piracy/weekly\\_piracy\\_report.asp](http://www.iccwbo.org/ccs/imb_piracy/weekly_piracy_report.asp)

## ShipLoc

ShipLoc is an inexpensive satellite tracking system, which allows shipping companies, armed only with a personal computer with Internet access, to monitor the exact location of their vessels. In addition to anti-hijacking role, ShipLoc facilitates independent and precise location of ships at regular intervals. ShipLoc is fully compliant with the IMO Regulation SOLAS XI-2/6 adopted during the diplomatic conference in December 2002, concerning a Ship Security Alert System. The ship security alert system regulation that will be put into place as of July 2004, requires ships of over 500 GT to be equipped with an alarm system in order to reinforce ship security. The system allows the crew, in case of danger, to activate an alarm button that automatically sends a message to the ship owner and to competent authorities. The message is sent without being able to be detected by someone on-board or by other ships in the vicinity. ShipLoc is contained in a small, discrete waterproof unit which includes: an Argos transmitter, a GPS receiver, a battery pack in case of main power failure, and a flat antenna. ShipLoc, endorsed by the IMB, is the most reliable and inexpensive system as of today. For more information, please visit [www.shiploc.com](http://www.shiploc.com)



[http://www.iccwbo.org/ccs/imb\\_piracy/weekly\\_piracy\\_report.asp](http://www.iccwbo.org/ccs/imb_piracy/weekly_piracy_report.asp)

## Electric fence for ships steps up fight against pirates

23 January 2003 - A high-voltage electric fence for ships is the latest weapon to be endorsed by ICC's International Maritime Bureau (IMB) in the worldwide fight against piracy. The 9,000-volt fence, designed to protect a ship's deck, is currently being tested by Secure-Ship, a Dutch security company. Deployment of the fence onto the worldwide shipping market comes just a week before the release of ICC's Annual Piracy Report, which is expected to show a significant

increase in pirate attacks on the world's oceans. Devised to protect both a ship's cargo and its crew, the fence is being hailed by experts as a breakthrough in maritime security. "Creating an impenetrable barrier of safety around a ship's perimeter is a goal which manufacturers have been pursuing for years," explained International Maritime Bureau (IMB) director, Captain Pottengal Mukundan. "The majority of previous products of this nature proved incapable of offering a ship both safety and utility simultaneously. This fence strikes that perfect balance, allowing ship captains to protect their vessels from pirate attacks without having to arm themselves." According to the U.S. National Oceanic and Atmospheric Administration, 95 percent of the world's commerce is carried by ship. The Secure-Ship system comprises a collapsible electric fence mounted around a ship's deck. Crew members can activate port and/or starboard zones, allowing work to take place on one side of the ship while the fence is charged on the other. A sophisticated control module detects entry attempts and activates lights, alarms, and sirens to alert crew. (Cont)  
[http://www.iccwbo.org/ccs/news\\_archives/2003/electric\\_fence.asp](http://www.iccwbo.org/ccs/news_archives/2003/electric_fence.asp)

### **ICC Weekly Piracy Report on the Internet**

In December 1999, IMB launched its weekly piracy report online, a compilation of daily satellite broadcasts issued by the bureau's Piracy Reporting Center in Kuala Lumpur. The reports detail the location and nature of attacks on shipping, and allow companies to put their ship's masters on special alert when they are passing through waters in which recent piratical attacks have been reported.

\*\* *An example of the ICC Weekly Piracy Report is located at [Appendix C](http://www.iccwbo.org/ccs/news_archives/1999/weekly_piracy_launch.asp).*  
[http://www.iccwbo.org/ccs/news\\_archives/1999/weekly\\_piracy\\_launch.asp](http://www.iccwbo.org/ccs/news_archives/1999/weekly_piracy_launch.asp)

### **IMB Calls for Clamp-down on Fake Maritime Documents**

In January 2001, the International Maritime Bureau (IMB) issued a warning to ship operators about the thousands of unqualified crew and masters working illegally with false papers, and called for tighter security by authorities issuing certificates. The alert followed the release of statistics showing that of 54 maritime administrations surveyed, more than 12,000 cases of forged certificates of competency were reported. The figures were reported to the International Maritime Organization by the Seafarers' International Research Center, Cardiff University in Wales. "These figures highlight the gravity of the situation.

Around the world, vessels are being operated by people whose abilities have not been vetted," warned Captain Pottengal Mukundan, Director of IMB. "Ship owners and managers need to be aware of the widespread nature of the problem and take extra care to check for forged certificates when hiring crew. IMB can provide assistance in this respect." It is the responsibility of ship operators to check the validity of their crews' papers. If they are caught by the routine controls of the port authorities, they risk hefty charges for negligence. But, according to IMB, improved security is really needed at the source of the frauds - often the issuing authorities themselves are to blame.

Many of these frauds go undetected, but recently the Coast Guard office in Puerto Rico was reported to have issued nearly 500 suspicious certificates of competency. Cases like this would be avoided if certificates were re-examined before being issued. IMB believes that curbing the production of fake documents would reduce the incidence of maritime crime. Fraudulent maritime documents are sought by criminal seafarers who do not want to be identified and by those who are

unqualified and looking for work at sea. Many of the phantom ships that set off to sea with a cargo and then disappear are sailed by crewmen with false passports and competency certificates. They usually escape detection by the port authorities

[http://www.iccwbo.org/ccs/news\\_archives/2001/imb\\_fakes.asp](http://www.iccwbo.org/ccs/news_archives/2001/imb_fakes.asp)

## **K. United Nations and Geneva Convention on Piracy**

### **Convention on the High Seas**

- [high-sea.htm](#)
  - CONVENTION ON THE HIGH SEAS
  - Section: [Article 14](#) Sentence: [2](#)
  - Section: [Article 15](#) Sentence: [2](#)
  - Section: [Article 16](#) Sentence: [2](#)
  - Section: [Article 19](#) Sentence: [2](#)
  - Section: [Article 20](#) Sentence: [2](#)
  - Section: [Article 21](#) Sentence: [2](#)
  - Section: [Article 22](#) Sentence: [3](#)

\*\* Full text of the Convention on the High Seas is located at [Appendix A](#).

### **United Nations Convention on the Law of the Sea**

- [unclos.htm](#)
  - UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
  - Section: [Article 100](#) Sentences: [1-2](#)
  - Section: [Article 101](#) Sentences: [1-2](#)
  - Section: [Article 102](#) Sentences: [1-2](#)
  - Section: [Article 105](#) Sentence: [2](#)
  - Section: [Article 106](#) Sentence: [2](#)
  - Section: [Article 107](#) Sentence: [1](#)
  - Section: [Article 110](#) Sentence: [3](#)

\*\* Full text of the United Nations Convention on the Law of the Sea is located at [Appendix B](#).

[http://www.univie.ac.at/RI/KONTERM/intlaw/konterm/vrkon\\_en/html/descript/608.htm](http://www.univie.ac.at/RI/KONTERM/intlaw/konterm/vrkon_en/html/descript/608.htm)

## **L. Organizations Dealing with Piracy**

### **International Maritime Organization (IMO)**



The IMO Convention entered into force in 1958 and the new Organization met for the first time the following year. The purposes of the Organization, as summarized by Article 1(a) of the Convention, are "to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters

concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships". The Organization is also empowered to deal with administrative and legal matters related to these purposes.

The IMO has been dealing with the problem of piracy and armed robbery since 1983 when the IMO Assembly adopted its first resolution on the subject. Two further resolutions have been adopted by the IMO Assembly since that time, resolution A.683(17) on "Prevention and suppression of acts of piracy and armed robbery against ships" in November 1991; and resolution A.738(18) on "Measures to prevent and suppress piracy and armed robbery against ships" in November 1993. Both resolutions refer to the United Nations Convention on the Law of the Sea. The main purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. It obliges Contracting Governments either to extradite or prosecute alleged offenders. Moreover, it seeks to remove the problem of jurisdiction in piracy cases, which has all too often prevented states from prosecuting pirates that enter their territorial waters after committing piracy in the jurisdiction of another country.

A new, comprehensive security regime for international shipping is set to enter into force in July 2004 following the adoption by a week-long Diplomatic Conference of a series of measures to strengthen maritime security and prevent and suppress acts of terrorism against shipping. The Conference, held at the London headquarters of the International Maritime Organization (IMO) from 9 to 13 December, was of crucial significance not only to the international maritime community but the world community as a whole, given the pivotal role shipping plays in the conduct of world trade. The measures represent the culmination of just over a year's intense work by IMO's Maritime Safety Committee and its Intersessional Working Group on Maritime Security since the terrorist atrocities in the United States in September 2001.

### **International Chamber of Commerce International Maritime Bureau (IMB)**

IMB's task is to prevent fraud in international trade and maritime transport, reduce the risk of piracy and assist law enforcement in protecting crews. It tracks cargoes and shipments and verifies their arrival at scheduled ports. In the event of frauds and piratical attacks it carries out investigations with a view to bringing perpetrators to justice and recovering losses. Other specific tasks are to:

- authenticate suspect bills of lading and other documents
- disseminate information on maritime crime that has been collected from commercial, government and international sources
- offer due diligence advice
- propose ways for victims of fraudulent transactions to extricate themselves and minimize the damage
- provide legal advice and support in litigation
- raise awareness of the dangers of maritime crime and provide training in counter-measures

<http://www.iccwbo.org/ccs/institutional/structure.asp>

### **Regional Piracy Center**

In 1992, reacting to an alarming growth in piracy on the world's oceans, IMB created the Piracy Reporting Center at its Far East Regional Office in Kuala Lumpur. The Center is financed by



voluntary contributions from shipping and insurance companies. Its services are free of charge to all vessels irrespective of ownership or flag. It operates on a 24-hour basis, 365 days a year.

**Services:**

- The Center receives reports from owners/managers, masters, law enforcement agencies or other sources on suspicious or unexplained craft movements or reports of piracy and armed robbery against vessels around the world.
- The Center broadcasts daily status reports of piracy and armed robbery in the region at 0000 hours UTC on the SafetyNET™ service of INMARSAT C via the Pacific Ocean region satellite from Singapore Land Earth Station. Vessels can also obtain these status reports by contacting the Center by phone, fax or telex.
- The Center collates and analyses the reports received and issues consolidated reports every quarter to interested bodies including the International Maritime Organization.
- The Center liaises with law enforcement agencies in the region on piracy related issues (to assist owners and crews of ships that have been attacked or to locate vessels that have been seized by pirates and recover stolen cargoes)

[http://www.iccwbo.org/ccs/menu\\_imb\\_piracy.asp](http://www.iccwbo.org/ccs/menu_imb_piracy.asp)

**Association of Southeast Asian Nations (ASEAN)**

The Association of Southeast Asian Nations (ASEAN) has been fostering cooperation to combat transnational crime for more than two decades. ASEAN was initially concerned with the abuse of narcotics and trafficking in illegal drugs. However, with the expansion and diversification of transnational crime to include terrorism, arms smuggling, money laundering, illegal migration, and piracy, and the highly organized nature of such crimes, ASEAN has intensified its efforts to fight these crimes.

<http://www.asean.or.id/>

**Council for Security Cooperation in the Asia Pacific (CSCAP)**

At a meeting in Seoul on 1-3 November 1992, representatives of some two dozen strategic studies centers from ten countries in the Asia Pacific region (Australia, Canada, Indonesia, Japan, South Korea, Malaysia, the Philippines, Singapore, Thailand and the USA) decided that there was a need to provide a more structural regional process of a non-governmental nature -- to contribute to the efforts towards regional confidence building and enhancing regional security through dialogues, consultation and cooperation. Over the next eight months, the concept of a Council for Security Cooperation in the Asia Pacific (CSCAP) was widely canvassed among both government officials and regional security analysts, and agreement was reached to formally establish CSCAP at a meeting in Kuala Lumpur on 8 June 1993. New Zealand, Russia, North Korea, Mongolia and a Western European consortium have joined as Full Members of the Council and the Indian Institute of Defense Studies and Analyses (IDSA) has become an Associate Member. The People's Republic of China and Vietnam joined as Full Members in December 1996. The European Union joined as an Associate Member in June 1994 and was granted Full Membership in December 1998. India became an Associate Member in December 1994 and was elevated to Full Membership in June 2000. Cambodia and Papua New Guinea were also granted Full Membership in June 2000.

With member committees from all the major countries in the Asia Pacific, CSCAP is looking forward to consolidating its links to the first track ASEAN Regional Forum (ARF).

CSCAP activities are guided by a Steering Committee composed of representatives of the broad-based member committees that have been established in each of the member countries. The CSCAP Steering Committee meets twice a year - in June in Kuala Lumpur and in December in one of the other member countries. The Steering Committee is co-chaired by a member from an ASEAN Member Committee and a member from a non-ASEAN Member Committee. The current co-chairs are Ambassador Barry Desker (Singapore) and Professor Brian Job (Canada).

The Steering Committee is served by a Secretariat, which is currently located in Kuala Lumpur at ISIS Malaysia (tel: +60 3 293-9366; fax: +60 3 293-9430).  
<http://www.cscap.org/>

## **M. Press Coverage of Recent Piracy Initiatives and Incidents**

### **Brunei**

#### **Brunei looks set to join ASEAN anti-terror pact**

Brunei Darussalam is set to join the ASEAN regional anti-terrorism pact at the soon-to-be-held ASEAN Ministerial Meeting (AMM) in Phnom Penh, ASEAN officials said Thursday. The Sultanate will join the pact that has already been inked by Indonesia, Malaysia, the Philippines, Cambodia and Thailand, Malaysian news agency Bernama reported. Brunei will sign the pact during the 36th AMM in the Cambodian capital. Indonesia, Malaysia and the Philippines joined the pact in May 2002 to share information on preventing and combating terrorism. Cambodia, the current host of the AMM, joined the pact at the 35th AMM held in Bandar Seri Begawan last July. It was followed by Thailand, which signed on during the ASEAN Summit in Phnom Penh in November last year. The regional anti-terrorism pact remains open for accession by other ASEAN countries, namely Laos, Vietnam, Myanmar and Singapore. Besides terrorism, the pact also binds member countries to work on piracy, money laundering, gun-running and smuggling.

Source: [Borneo Bulletin](#)

#### **Brunei signs regional terrorism pact**

Brunei has signed on to a regional pact calling for cooperation in the fight against terrorism and transnational crime. The signing comes ahead of the Association of South East Asian Nations (ASEAN) summit, which begins on Tuesday on the Indonesian island of Bali. Indonesia, Malaysia, Thailand and Cambodia are already signatories to the pact, which was initiated by the Philippines last year. It calls for coordination, collaboration, dialogue, information exchanges and common approaches to deal with terrorism, money laundering, smuggling, piracy and other crimes. ASEAN's 10 leaders are expected this week to endorse a document titled Bali Concord Mark II, which aims to tighten security and economic bonds. ASEAN groups Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Singapore, the Philippines, Thailand and Vietnam.

Source: [Radio Australia](#)

[http://www.abc.net.au/ra/newstories/RANewsStories\\_960794.htm](http://www.abc.net.au/ra/newstories/RANewsStories_960794.htm)

## **China**

### **China Jails 10 Indonesians for Piracy of Thai Oil Tanker**

A Chinese court in Shantou on Monday sentenced 10 Indonesians for 10 to 15 years of imprisonment for piracy and ordered their deportation. The Indonesians were arrested in Chinese waters after they had plundered a Thai tanker they in Malaysian waters and were selling diesel oil of the tanker. Atan Naim, with other nine Indonesians, held up at knifepoint the crew of the Simaxanxai on June 8, 1999. They repainted the ship and sailed it into Chinese waters, according to the Intermediate People's Court at the coastal city of Shantou, in south China's Guangdong Province. The pirates were all arrested by the Chinese coastguard two days after taking the ship when they sold the diesel oil. (Cont)

Source: People's Daily

[http://english.peopledaily.com.cn/200302/19/eng20030219\\_111878.shtml](http://english.peopledaily.com.cn/200302/19/eng20030219_111878.shtml)

### **India, China join hands at sea**

India and China plan to follow up on recent top-level diplomatic efforts aimed at ending decades of hostility through their first-ever joint naval exercises later this year. India's vice chief of naval staff, Vice Admiral John Desilva said that the venue and date of the exercise involving frontline warships from both sides had not been fixed. He said that the Indian navy had given China a proposal to hold anti-piracy exercises in the Malacca Straits, similar to those conducted with Indonesian and US warships in the region earlier. But Chinese officials then said that their coast guard vessels were given the task of conducting anti-piracy operations, after which the two sides opted for search-and-rescue exercises instead, Desilva added. (Cont)

Source: Asia Times, By Rahul Bedi

[http://www.atimes.com/atimes/South\\_Asia/EG08Df01.html](http://www.atimes.com/atimes/South_Asia/EG08Df01.html)

### **India, China plan joint naval exercises**

India and China are planning to hold joint naval exercises later this year, further strengthening their relations following high-level political visits, India's Vice Chief of Naval Staff John Desilva said on Friday. The announcement came as Prime Minister Atal Bihari Vajpayee ended his six-day visit to China, the first by an Indian premier in a decade. A three-day search and rescue exercise, including frontline warships from both countries, was in the offing, Desilva said in New Delhi. More exercises are also being mulled over. He said the date and venue had not yet been fixed. Indian and Chinese warships have been making calls at ports in each other's countries as relations have warmed, but it will be the first joint operation in recent times. India had given a proposal to hold anti-piracy exercises in the Malacca Straits, similar to those conducted with Indonesian and US warships in the region. But Chinese officials said their anti-piracy operations were carried out by border guard vessels, and the two countries have decided to hold search and rescue exercises instead, Desilva said. (Cont)

Source: AFP

[http://www.hindustantimes.com/news/181\\_292553,001300370003.htm](http://www.hindustantimes.com/news/181_292553,001300370003.htm)

## **Indonesia**

### **Pirate attacks have tripled in a decade, IMB report finds**

Pirate attacks on ships have tripled in the last decade, with a reported 103 attacks in the first three months of this year, the International Maritime Bureau revealed today. In its quarterly report, the IMB found the number of attacks in the first three months of this year have already equaled the total number of recorded pirate attacks for the whole of 1993. The report found that Indonesian waters continue to be the world's most dangerous, with 28 pirate attacks recorded between January and March. (Cont)

Source: ICC

[http://www.iccwbo.org/home/news\\_archives/2003/stories/piracy-quarter-1.asp](http://www.iccwbo.org/home/news_archives/2003/stories/piracy-quarter-1.asp)

### **Indonesian islets used as pirate bases**

The government has been urged to intensify its control over 20 islets amid fears they are being used as pirate bases, the Development Planning Board (Bappenas) says. "The islets may not feature in claim disputes with neighboring countries but are strategically positioned as pirate bases," Bappenas expert on spatial planning and maritime affairs Son Diamar said on Monday. Son, however, did not say the names of the islets although he said they were located close to Indonesia's neighboring countries. The latest cartographic survey found that there are more than 17,508 islands in Indonesia but only 5,707 have been named. (Cont)

Source: Jakarta Post

<http://www.thejakartapost.com/detailatestnews.asp?fileid=20030707201314&irec=0>

### **Pirate gang terrorizing ships off Indonesia**

The International Maritime Bureau has called upon the Indonesian government to take action against a gang of pirates who have this week been attacking and hijacking ships in the Gaspar Straits, east of Java. The IMB reports there have been six attacks on vessels in the past six days. In one attack, the master and chief officer were severely beaten before being robbed. In another, aboard a chemical tanker, the bridge crew were tied up for the duration of the attack. Vessels attacked include bulk carriers, container vessels and a chemical tanker. The IMB, via its Kuala Lumpur-based Piracy Reporting Center, has called upon the Indonesian authorities to take action against the pirate gang, and secure the shipping lanes in the Gaspar Straits (also known as the Gelasa Straits) off Java. (Cont)

Source: ICC

[http://www.iccwbo.org/home/news\\_archives/2003/stories/gaspar.asp](http://www.iccwbo.org/home/news_archives/2003/stories/gaspar.asp)

### **Navy to Merge Fleets**

The Indonesian Navy plans to merge its western and eastern fleets to meet potential challenges at sea, Navy chief Admiral Bernard Kent Sondakh said Thursday (23/10/03). He said a solid combat force ready for operations is needed to meet the challenges. The Navy has been planning the merger of its two fleets for some time, he said. "Now we are ready to carry it out," he was quoted as saying by state news agency Antara. Among the many challenges faced by the under-resourced Navy are combating piracy, ship hijackings, illegal fishing, smuggling of goods, and people smuggling. In recent months the Navy has been more active off the coast of Aceh province in an effort to prevent weapons from being smuggled in to the separatist Free Aceh Movement (GAM). Earlier this week, seven warships were deployed off Bali island to help provide security for a

fleeting visit by US President George W. Bush. The Navy, which will celebrate its 58th anniversary on December 5, plans to hold an exhibition of equipment at the Naval Academy in Surabaya, East Java, over December 5 to 7. "The expo would give an opportunity to the public to know more about the armament of the Indonesian Navy," Naval Academy director Major General Yussuf Solichien was quoted as saying by Antara. He said the exhibition would be participated in by several strategic state-owned industries, such as Surabaya-based shipbuilding company PT PAL and arms manufacturer PT Pindad.

Source: [Laksamana](#)

[http://www.laksamana.net/vnews.cfm?ncat=48&news\\_id=6219](http://www.laksamana.net/vnews.cfm?ncat=48&news_id=6219)

### **Indonesian-Singaporean Military Cooperation to Prevent Robbery in Maritime Zone**

Indonesian-Singaporean military cooperation is aimed at preventing any robberies taking place at sea. Indonesian Military (TNI) chief Gen. Endriartono Sutarto made this statement to the press following his visit with Singaporean Military chief Lt. Gen. Lim Chuan Poh to President Megawati Soekarnoputri at her home in Jakarta on Friday (21/2). According to Sutarto, the two leaders also evaluated Indonesian-Singaporean military cooperation during their meeting. One form of cooperation that is considered to provide mutual benefits to both Indonesia and Singapore are the joint patrol activities along the borders between Indonesia and Singapore.

Source: [Tempo Interactive](#)

<http://www.tempo.co.id/news/2003/2/21/1,1,5,uk.html>

### **Indian court gets tough with pirates who seized Japan ship**

Fourteen Indonesians were convicted and jailed by a Bombay court last week for hijacking a Japanese ship, in a case being described as a legal first. It was first case of piracy to go on trial in India, and the court assumed jurisdiction over a crime committed outside Indian waters. It was seen as a warning that those who engaged in such crimes could expect tough justice when caught. The Indonesians were sentenced to seven years of 'rigorous imprisonment' - India's equivalent to hard labor. The case was unique, because the Japanese vessel was hijacked in Indonesian waters and seized by Indian authorities in international waters.

Source: [Straits Times](#)

<http://straitstimes.asia1.com.sg/topstories/story/0,4386,174889,00.html?>

## **Malacca Straits**

### **Two piracy attempts in Malacca Straits**

Four armed pirates opened fire on a bulk carrier in the Malacca Straits last week, in one of two incidents that mark the end of a relatively quiet period in the often crime-plagued waterway. Two days later, pirates in a high speed boat attempted to board an LPG carrier underway in the Malacca Straits, but gave up and pursued another ship nearby after crew of the gas carrier directed searchlights at the craft. There had been a relative lull in reported piracy activity in the Malacca Straits since the mid-June closure of Indonesian waters off the war-torn Aceh province, due to the imposition of martial law in the area in late May. A spike of attacks around the island of Bintan in recent weeks, and an alarming rise in pirate activity in the Gelasa Strait earlier, indicated a slight geographical shift from the world's worst piracy hot-spot, resulting from the Aceh clampdown.

Source: [Business Times Asia](#), by [Beth Jinks](#)

<http://business-times.asia1.com.sg/sub/shippingtimes/story/0,4574,89996,00.html?>

### **Straits Of Malacca Safe For Ships - Malaysia**

The 780-nautical mile stretch of Malacca Straits in Malaysian waters has been declared safe with no reports of piracy in the area throughout last year and up to July 2003. "While the Malaysian waters was free from piracy due to strict security patrols by police and other Government agencies, piracy was reported in the Malacca Straits in Indonesian waters," Bukit Aman Marine Police Commandant SAC I Mohamad Muda said. He said this Monday when asked to comment on a report by an English daily which claimed that piracy in the Straits of Melaka had increased this year. The article was based on a report by the International Maritime Bureau (IMB), produced twice annually. Although there were no incidents of piracy until July this year, there were seven piracy attempts reported to the department. Quick action by the crew to report the incidents to the authorities managed to thwart the piracy attempts, Mohamad said. (Cont)

Source: [Bernama](#)

<http://www.bernama.com/bernama/v3/news.php?id=8376>

### **New brand of piracy threatens oil tankers in Malacca Straits - Indonesia**

Gangs of heavily armed pirates using fishing and speed boats have been targeting small oil tankers in the Malacca Straits, according to the ICC's Piracy Reporting Center. Issuing a fresh warning today to commercial ships operating in the area, the IMB says the recent wave of attacks follow a pattern set by Indonesian Aceh rebels. Captain Pottengal Mukundan of the ICC's International Maritime Bureau (IMB) says, "In addition to the obvious threat to human life and potential environmental damage, we are very concerned about politically motivated attacks against vessels." Captain Mukundan said there was evidence to suggest Aceh rebels are responsible for the growing piracy in the area. (Cont)

[http://www.iccwbo.org/ccs/news\\_archives/2003/piracy\\_ms.asp](http://www.iccwbo.org/ccs/news_archives/2003/piracy_ms.asp)

### **New brand of piracy threatens oil tankers in Malacca Straits**

Gangs of heavily armed pirates using fishing and speed boats have been targeting small oil tankers in the Malacca Straits, according to the ICC's Piracy Reporting Center. Issuing a fresh warning today to commercial ships operating in the area, the IMB says the recent wave of attacks follow a pattern set by Indonesian Aceh rebels. Captain Pottengal Mukundan of the ICC's International Maritime Bureau (IMB) - whose organization manages the Piracy Reporting Center - says the latest attacks raise a number of serious concerns. "In addition to the obvious threat to human life and potential environmental damage, we are very concerned about politically motivated attacks against vessels." Captain Mukundan said there was evidence to suggest Aceh rebels are responsible for the growing piracy in the area. Their principal motivation, he said, is to fund their political cause by holding hostages for ransom. "Political piracy threatens to rewrite the rules of engagement," said Captain Mukundan. "Authorities need to recognize the motives behind these crimes and adopt new methods of tracking and deterring them."

Source: ICC

[http://www.iccwbo.org/ccs/news\\_archives/2003/piracy\\_ms.asp](http://www.iccwbo.org/ccs/news_archives/2003/piracy_ms.asp)

## **Malaysia**

### **Malaysian Maritime Agency to Begin Operations Next Year**

The Malaysian Maritime Agency, to be tasked with maritime law enforcement and search and rescue operations, will begin operations next year, Defense Minister Datuk Seri Najib Tun Razak said Monday. He said that the agency was set up to ensure safe passage for merchant vessels plying Malaysian waters and protect the country's marine resources. "The setting up of the agency will also provide a guarantee of safety for the tourism sector," he told reporters after opening the Third National Maritime Seminar here. (Cont)

Source: [Bernama](#)

<http://www.bernama.com/bernama/v3/news.php?id=19637>

### **Malaysia, RI pledge cooperation to fight piracy, crime**

Malaysian police and their Indonesian counterparts on Wednesday pledged to increase cooperation in efforts to reduce escalating pirate activity and other criminal activities along shared borders. The cooperation between security officers from Malaysia's northern region and Indonesian police aim to wipe out drug and weapons smuggling, as well as the threat of piracy, the official Bernama news agency said. The police chief from Malaysia's northern Perak state, Amiruddin Embi, said both sides would focus concerns on the pirate-infested waters of the Straits of Malacca, which separates the two neighbors. (Cont)

Source: [Jakarta Post](#)

<http://www.thejakartapost.com/detailatestnews.asp?fileid=20030730182604&irec=0>

### **Malaysia, Thailand to crack down on crime at sea**

Malaysia and Thailand have agreed to boost efforts to combat crime, particularly arms smuggling, along their maritime borders. Malaysia's marine police commander, Muhamad Muda, says the two countries have agreed to a more effective exchange of intelligence on criminal activities. The AFP news agency says Thailand and Malaysia have both been active against members of the Jemaah Islamiah (JI) terrorist movement, blamed for the Bali and Jakarta bomb attacks in Indonesia. (Cont)

Source: [ABC Radio Australia](#)

[http://www.abc.net.au/ra/newstories/RANewsStories\\_943356.htm](http://www.abc.net.au/ra/newstories/RANewsStories_943356.htm)

### **Singapore, Malaysia Hold Naval Exercise**

The Republic of Singapore Navy (RSN) and the Royal Malaysian Navy (RMN) are holding a weeklong exercise, code named Exercise Malapura, in the Malacca Straits. The drill started on Tuesday and will end next Monday. This year's exercise, hosted by the RMN, is the 15th in the series of bilateral exercises held every year between the two navies. A total of seven warships from both navies are involved in Exercise Malapura. Maritime patrol and fighter aircraft from the Royal Malaysian Air Force are also involved. Senior officers from both navies will jointly command a group of warships during the exercise. (Cont)

Source: [Straits Times](#)

<http://straitstimes.asia1.com.sg/singapore/story/0,4386,211365,00.html>

### **R.P.-Malaysia naval patrols near Sabah start**

Eight naval ships from the Philippines and neighboring Malaysia took part at the start of a weeklong training exercise against piracy, ship hijackings, illegal fishing and smuggling, it was learned Wednesday. The annual border patrol exercise will cover the Sulu Sea, off Malaysia's eastern Sabah state on Borneo island, and the southern Philippines' Sulu archipelago, where pirates, Muslim guerrillas and smugglers roam. Ahead of the exercise, the two countries held three days of border patrol talks in Zamboanga.

Source: ABS-CBN

[http://www.abs-cbnnews.com/abs\\_news\\_flash\\_article.asp?FlashOID=9627](http://www.abs-cbnnews.com/abs_news_flash_article.asp?FlashOID=9627)

### **Philippines, Malaysia begin week of naval exercises**

The Philippines and Malaysia are conducting joint navy exercises, to improve their ability to combat cross border crime, including terrorism. Our correspondent in Manila, Shirley Escalante, says the week of exercises is being conducted in the southern Philippines. Both countries agree that there is a need to intensify patrols in the border region, where incidents of piracy, smuggling, kidnapping and terrorism occur. In 2000, the southern Philippine-based extremist group, the Abu Sayyaf sailed to Malaysia and kidnapped 21 foreigners. Meanwhile, the army chiefs of the Philippines and India have held talks in Manila. They have agreed to enhance exchanges on intelligence and military training, particularly to counter insurgency.

Source: ABC Radio Australia News

[http://www.abc.net.au/ra/newstories/RANewsStories\\_958523.htm](http://www.abc.net.au/ra/newstories/RANewsStories_958523.htm)

### **6 kidnapped in speedboat raid on Malaysian resort**

Armed kidnapers riding in a speedboat raided a remote resort in Malaysian Borneo, seizing six people before escaping, officials said Monday. Three Indonesian and three Filipino migrant workers - all men in their 30s - were taken in the attack on the Borneo Paradise Eco-Farm Resort in eastern Sabah state at about 10:30 p.m. Sunday, Malaysian national police chief Norian Mai said. He said the kidnapers were believed to be Malaysians - possibly pirates - and authorities did not believe any foreign group was involved. But the raid bore some of the hallmarks of two attacks in 2000 on dive resorts in Malaysia by the Abu Sayyaf, an al-Qaida-linked Islamic extremist group in the southern Philippines. In Manila, Lt. Gen. Rodolfo Garcia, chief of staff for the Philippine military, said reports indicated the kidnapers were headed for the southern Philippine island of Mindanao, which "indicates that they could have been a Filipino armed group." Using speedboats, Abu Sayyaf militants made lightning strikes on resorts on two Malaysian islands, seizing dozens of hostages, including Western tourists, and taking them to the southern Philippines. The hostages were eventually released after large ransoms were reportedly paid. (Cont)

Source: AP

<http://www.azcentral.com/news/articles/1006MalaysiaKidnap06-ON.html>

### **Russian Vessels' Call in Malaysia Not Connected To Iraq Conflict**

Two warships and an auxiliary vessel of Russia's Pacific Fleet [are on their] way to the Indian Ocean for an exercise with the Indian navy. "The fleet's main aim is to demonstrate the Russian navy flag in the Asian region, to strengthen ties between Russia and RMN and to protect any ship from piracy. There are plans for joint exercises between the RMN and the Pacific Fleet in future." (Cont)

Source: Bernama

<http://www.bernama.com/bernama/v3/news.php?id=716>



## **India**

### **India, China join hands at sea**

India and China plan to follow up on recent top-level diplomatic efforts aimed at ending decades of hostility through their first-ever joint naval exercises later this year. India's vice chief of naval staff, Vice Admiral John Desilva said that the venue and date of the exercise involving frontline warships from both sides had not been fixed. He said that the Indian navy had given China a proposal to hold anti-piracy exercises in the Malacca Straits, similar to those conducted with Indonesian and US warships in the region earlier. But Chinese officials then said that their coast guard vessels were given the task of conducting anti-piracy operations, after which the two sides opted for search-and-rescue exercises instead, Desilva added. (Cont)

Source: Asia Times, By Rahul Bedi

[http://www.atimes.com/atimes/South\\_Asia/EG08Df01.html](http://www.atimes.com/atimes/South_Asia/EG08Df01.html)

### **India, China plan joint naval exercises**

India and China are planning to hold joint naval exercises later this year, further strengthening their relations following high-level political visits, India's Vice Chief of Naval Staff John Desilva said on Friday. The announcement came as Prime Minister Atal Bihari Vajpayee ended his six-day visit to China, the first by an Indian premier in a decade. A three-day search and rescue exercise, including frontline warships from both countries, was in the offing, Desilva said in New Delhi. More exercises are also being mulled over. He said the date and venue had not yet been fixed. Indian and Chinese warships have been making calls at ports in each other's countries as relations have warmed, but it will be the first joint operation in recent times. India had given a proposal to hold anti-piracy exercises in the Malacca Straits, similar to those conducted with Indonesian and US warships in the region. But Chinese officials said their anti-piracy operations were carried out by border guard vessels, and the two countries have decided to hold search and rescue exercises instead, Desilva said. (Cont)

Source: AFP

[http://www.hindustantimes.com/news/181\\_292553,001300370003.htm](http://www.hindustantimes.com/news/181_292553,001300370003.htm)

### **India: The world's parade ground**

India appears to be the flavor of the month in bilateral and multilateral military engagement, where almost all major militaries have either exercised or are planning to hold exercises in the near future. The United States, the United Kingdom, France, Israel, Tajikistan, Iran, Oman, South Africa and South East Asian countries, both individually and under the rubric of MILAN, have held a series of exercises aimed at confidence-building, and to address common regional concerns like piracy, environmental disasters and poaching. The naval component of these exercises has been held on both sides of important international waterways, such as the Malacca Strait off Singapore and Sunda Strait between the Indonesian islands of Java and Sumatra. Interestingly, India held its first-ever joint exercise with Russia, its long-standing strategic partner, which, until then, had never ventured to hold joint exercises with Indian armed forces. Similarly, even China, which until recently was chary of any major military cooperation, apart from certain preformed exchanges and training exchange visits, has evinced interest in naval exercises, as per the recent statement of Indian Defense Minister George Fernandes. (Cont)

Source: Asia Times, By Arun Sahgal

[http://www.atimes.com/atimes/South\\_Asia/EJ18Df06.html](http://www.atimes.com/atimes/South_Asia/EJ18Df06.html)

## **Japan**

### **RP, Japan, Indonesia in exercise**

Coast guard personnel from the Philippines, Indonesia, and Japan will take part in exercises later this week to combat marine pollution and piracy, the Philippine Coast Guard said Wednesday. The anti-pollution exercise, which start Saturday in Subic Bay near Manila, will involve 600 Coast Guard personnel. It will simulate a major oil spill from a burning ship and airborne evacuation of its crew, a coast guard statement said. Japan had been an observer of the anti-pollution exercise between the Philippines and Indonesia since it started in 1988, and began to participate directly in 1995.

Source: Manila Bulletin

<http://www.mb.com.ph/news.php?art=28387&sect=1&fname=MN03022628387o.txt>

### **Japan Helping Indonesia Set Up Coast Guard**

The four-day visit is a result of what Shipping Times understands to be recognition within the Indonesian government of the serious inadequacies of the current maritime safety and security regime. It is a regime that has proved itself wholly inadequate for dealing with today's often inter-connected challenges of territorial incursions, human trafficking, terrorism and piracy, highlighted by the country's dubious position as piracy capital of the world.

Source: Business Times

<http://business-times.asia1.com.sg/sub/shippingtimes/story/0,4574,76347,00.html>

### **Japan to contribute to Indonesian maritime security**

Japan will send a coast guard delegation, consisting of 12 people, here on Wednesday to help Indonesian law enforcers improve their ability to secure the country's maritime territory, a Japanese official said. The Japanese delegation will be led by the head of the Japan Police's Sea International Crime Division, Tatsuro Matsuwaki. The Japanese men will also take part in a joint patrol on the Java Sea on Thursday and discuss anti-piracy, anti-terrorism and law enforcement against illegal drugs with their Indonesian counterparts, Information and Cultural Attaché of the Japan Embassy Sachiko Furuya was quoted Wednesday by The Jakarta Post assaying. The Japanese delegation will also give a patrol ship to Minister of Communications Syamsul Mu'arif in Batam on Oct. 10. The ship will operate on the Malacca Strait.

Source: Xinhua

[http://news.xinhuanet.com/english/2003-10/01/content\\_1108813.htm](http://news.xinhuanet.com/english/2003-10/01/content_1108813.htm)

### **RI-Japan Cooperation in Maritime Security**

Indonesia and Japan are establishing cooperation in marine safety and security, including eradication of terrorism in Indonesia, a Japanese envoy said on Thursday. Japanese Consul General Motokatsu Watanabe said here that a Japanese Coast Guard's airplane arrived in Soekarno-Hatta airport on Wednesday and later conducted a patrol flight over the Java sea. While in Indonesia, the officials of the Japanese Coast Guard would discuss such issues as anti-piracy, antiterrorism and law enforcement on drugs with their counterparts from the National Police's water and air unit and the Ministry for Transportation and Telecommunication.

Source: Antara

[http://www.antara.co.id/e\\_berita.asp?id=107147&th=2003](http://www.antara.co.id/e_berita.asp?id=107147&th=2003)

## Singapore

### **Singapore implicated as piracy hub**

Singapore has been a success story in fighting pirated movies, but an industry association warns the city-state could just be shipping the problem out of the country. "Singapore is the third lowest in terms of losses due to piracy in Asia-Pacific," said Michael Ellis, vice president and regional director of the Motion Picture Association, a U.S.-based film industry rights advocate.

But he warned that Singapore acts as a transit center for pirated DVDs produced in Indonesia and Malaysia. About 13 percent of counterfeit seizures made in the United Kingdom last year were shipped from the republic, he said. Singapore has the busiest airports and seaports in Southeast Asia and serves as the region's most important transport hub, so its role in pirated DVD redistribution is a byproduct of that. According to statistics from the MPA, Singapore's domestic DVD piracy losses in 2002 totaled \$8 million, dwarfed by losses of \$168 million in China and \$110 million in Japan.

Source: CNET Asia

[http://news.com.com/2100-1026\\_3-991344.html](http://news.com.com/2100-1026_3-991344.html)

## Piracy - General

### **Piracy soars as violence against seafarers intensifies**

Piracy against the world's shipping surged in the first half of this year, with a record 234 attacks reported and violence against seafarers escalating. The IMB Report, Piracy and Armed Robbery against Ships, showed a rising toll of dead and injured seamen as the number of incidents in which firearms were used rose. A total of 16 seafarers were killed in piratical attacks during the period, 20 were reported missing, and 52 were injured. The figures were the worst for a six months period since the IMB started compiling global piracy statistics in 1991. The number of attacks rose 37% compared with 171 during the corresponding period in 2002. The report identifies 26 ports and anchorages that are the most prone to attacks. Chittagong, Lagos, Cochin, Chennai, Dakar and Rio Haina headed the list. The following six areas shared two thirds of the total reported incidents i.e. 152 from a total of 234 incidents for the period. (Cont)

[http://www.iccwbo.org/ccs/news\\_archives/2003/piracy\\_report\\_second\\_quarter.asp](http://www.iccwbo.org/ccs/news_archives/2003/piracy_report_second_quarter.asp)

### **Pirates Attack Chemical Tankers**

Pirates armed with assault rifles and using small boats have been blamed for attacks on three chemical tankers in the Straits of Malacca in the past month. A tanker was seized briefly in the latest attack, which occurred on Wednesday, but none of the incidents resulted in any spillage of toxic cargo. The attacks 'might have been unrelated to terrorism or the war in Iraq', according to Mr. Noel Choong, the chief of the International Maritime Bureau Piracy Reporting Center based in Kuala Lumpur.

Source: Straits Times

<http://straitstimes.asia1.com.sg/asia/story/0,4386,179824,00.html?>

### **Piracy terror attack warning**

Freighters carrying payloads of fuel could be hijacked and used in terror operations similar to the 11 September attacks on America, according to a new report. The study, by a global piracy watchdog, says ships transporting liquefied natural gas could be used by terrorists "to undergo suicide missions for their cause". The International Maritime Bureau's Piracy reporting Center says

security "should become a top priority for the maritime industry" to prevent such incidents from happening. It says that while the number of pirate attacks declined in 2001 from a peak the year before, firearms are being used more often and the attacks are getting more violent. Twenty-one seafarers died last year at the hands of the pirates, according to the International Chamber of Commerce (ICC), which collects details of incidents. (Cont)

Source: BBC

<http://news.bbc.co.uk/1/hi/world/asia-pacific/1799654.stm>

### **A Time Series Analysis of International Piracy**

Piracy is defined as any illegal act of violence, detention, or any act of depredation committed for private ends against a ship on the high seas or otherwise outside of the jurisdiction of a state. Incidents of armed robbery against ships, similar acts which happen while a ship is within the territorial waters of a state, have also been included.

Figure 1 provides the time series plot on the monthly number of incidents of international piracy, from 1995 to the present. Whereas the 1995-1997 period appeared to have maintained an overall level of approximately 20 incidents per month, the subsequent period seems less uniform. How much of this is attributable to seasonality? How much is due to a shift in the underlying trend? The next graph separates the seasonal component from the data. (Cont)

[http://www.bts.gov/products/transportation\\_indicators/december\\_2002/Special/html/A\\_Time\\_Series\\_Analysis\\_of\\_International\\_Piracy.html](http://www.bts.gov/products/transportation_indicators/december_2002/Special/html/A_Time_Series_Analysis_of_International_Piracy.html)

### **Pirate attacks against ships increase, ICC report finds**

The ICC Piracy Report, released today, has recorded a significant increase in the number of piracy attacks on the world's oceans, rising from 253 incidents in the nine months of 2001 to 271 for the corresponding period in 2002. Indonesia continues to record the highest number of attacks with 72 reported incidents, according to the report. Piracy attacks in Bangladesh are ranked second highest with 26. The report indicates that Bangladesh has seen an alarming increase of pirate attacks in the past three months. Incidents of hijackings increased to 20 as compared to 15 in the first nine months of last year. The number of crew killed during pirate attacks fell to six as compared to nine in 2001. The figures also showed an increased use of weapons during attacks. The number of attacks using knives rose from 81 to 99. "The incidents of hijackings have increased dramatically since 2000," said Captain Mukundun, Director of the ICC International Maritime Bureau. "These are serious and violent attacks, committed by organized crime groups. Crewmembers are often abducted or injured and both ship and cargo worth millions of dollars are often stolen. The IMB calls upon the governments in South East Asia to ratify the SUA Convention of 1988, which will give them jurisdiction over these crimes when the vessels are recovered." (Cont)

[http://www.iccwbo.org/home/news\\_archives/2002/stories/piracy%20report%20oct2002.asp](http://www.iccwbo.org/home/news_archives/2002/stories/piracy%20report%20oct2002.asp)

### **Organized crime takes to the high seas, ICC piracy report finds**

Hijackings at sea doubled last year despite a fall in the total number of pirate attacks, according to figures released today. The International Chamber of Commerce annual report on piracy shows that while attacks to ships were down by 27% to 335 worldwide in 2001, the number of cases involving the capture and taking of the whole ship doubled from eight to 16. ICC says the increase in hijackings is due to greater involvement in piracy by organized crime networks. "The hijacking of a whole ship and the resale of its cargo requires huge resources and detailed planning," said Pottengal Mukundan, Director of ICC's Commercial Crime Services. "It typically involves a

mother ship from which to launch the attacks, a supply of automatic weapons, false identity papers for the crew and vessel, fake cargo documents, and a broker network to sell the stolen goods illegally. "Individual pirates don't have these resources. Hijackings are the work of organized crime rings." The global piracy statistics are compiled by ICC's Piracy Reporting Center in Kuala Lumpur. The center collects data on pirate activity and advises law enforcement, governments and seafarers. It transmits daily alerts to all ships in piracy hotspots ([www.icc-ccs.org](http://www.icc-ccs.org)). According to Captain Mukundan, there is a greater than ever need to report piracy and increase awareness worldwide, as highly organized and resourced criminal networks move into the field, and attacks at sea become increasingly deadly. Pirates killed a total of 21 crewmembers and ships' passengers last year, and 210 more were taken hostage, the new report revealed. All but one of the murders were in Asian waters. (Cont)

Source: ICC

[http://www.iccwbo.org/home/news\\_archives/2002/stories/piarcy\\_report.asp](http://www.iccwbo.org/home/news_archives/2002/stories/piarcy_report.asp)

### **IMB investigates organized theft of cargo in Eastern Mediterranean**

Multi-million dollar cargoes are at risk of being stolen by an organized criminal group based in Lebanon, an investigation by ICC's International Maritime Bureau (IMB) has found. The IMB reports that a cell is operating at least two vessels off the Eastern Mediterranean, North Africa, and West African coasts, duping their victims out of cargoes. This gang is connected to at least three recent cases of deviation and appropriation of cargoes. By offering bargain freight rates to shippers operating on the Eastern Mediterranean and North African coasts, the vessels' operators are easily obtaining cargo. Rather than discharging the cargo at the originally contracted port, the vessels have been changing identity and illegally discharging the cargoes at other ports. The cargo is often sold at reduced rates to another buyer. The cargo owner's suspicions regarding delay in delivery of goods are invariably allayed by excuses ranging from bad weather to technical difficulties. (Cont)

Source: ICC

[http://www.iccwbo.org/ccs/news\\_archives/2003/cargo\\_theft.asp](http://www.iccwbo.org/ccs/news_archives/2003/cargo_theft.asp)

### **Five-power defense group shifts focus to terrorism – Malaysia, Singapore, NZ, Australia, Great Britain**

A five-nation grouping dedicated to the defense of Malaysia and Singapore is to shift its focus from conventional threats to terrorism, Malaysia's Defense Minister Najib Razak said. He was speaking after a one-day meeting in this northern Malaysian city with his counterparts from Australia, Britain, New Zealand and Singapore, which comprise the 32-year-old Five Power Defense Arrangement (FPDA). "The ministers agreed we should look at non-conventional forms of threats, in particular global terrorism, piracy and illegal immigrants." (Cont)

Source: AFP

<http://sg.news.yahoo.com/030602/1/3bgj.html>

## **Russia**

### **Russian patrol boats return home after joint exercises with Japanese**

The Russian patrol ships Sokol and Korsakov have returned to their bases in Maritime Territory and Sakhalin after a three-day visit to the Japanese port of Otaru. The Pacific Fleet regional press service said that the two boats had been taking part in exercises aimed at developing the capability of dealing with smuggling, piracy and drug trafficking. The visit took place as part of a permanent cooperation between the coastguard services of Russia and Japan, the agency added. (Cont)

Source: ITAR-TASS

<http://www.gazeta.ru/intnews.shtml?260179#260179>

## **Taiwan**

### **Cabinet to toughen piracy laws - Taiwan**

Under the proposed law, a certain amount of digital copying would be allowed for personal use, but fines for distributing pirated works would increase. Those who reproduce, sell or lease counterfeited products would be subject to public prosecution if draft amendments to the Copyright Law are passed into law by the legislature. To make the punishment a more effective deterrent, the draft would also increase the maximum fines for severe copyright violators from NT\$1 million to NT\$5 million in civil cases and from NT\$450,000 to NT\$8 million in criminal cases. The draft, approved by the Executive Yuan yesterday, will proceed to the legislature for further review and final approval. (Cont)

Source: Taipei Times; Ko Shu-ling

<http://www.taipetimes.com/News/taiwan/archives/2003/03/27/199645>

## **N. Other Sources:**

### **Modern Piracy**

<http://home.wanadoo.nl/m.bruyneel/archive/modern/modern.htm>

### **Piracy against Yachts**

<http://www.sailmag.com/features/piracy/index.html>

### **ICF/ISF – Piracy Guidance and Reports**

<http://www.marisec.org/piracy/index.htm>

### **Pirate – Wikipedia Encyclopedia**

<http://en.wikipedia.org/wiki/Pirate>

### **Radio Australia – Asia/Piracy**

<http://www.globalsecurity.org/military/library/news/2003/05/mil-030501-38195568.htm>

### **Piracy Report - 2002**

<http://www.rand.org/randeuropa/news/seacur/piracyterrorism.chalk.pdf>

### **Anarchy on the Seas - Pirates Flourishing in Asia**

<http://www.cdn.info/article/pirate/pirate.html>

## **Appendix A: Convention on the High Seas, 1958\***

The States Parties to this Convention,

Desiring to codify the rules of international law relating to the high seas,

Recognizing that the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, adopted the following provisions as generally declaratory of established principles of international law,

have agreed as follows:

### **Article 1**

The term "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of a State.

### **Article 2**

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, inter alia, both for coastal and non-coastal States:

- (1) Freedom of navigation;
- (2) Freedom of fishing;
- (3) Freedom to lay submarine cables and pipelines;
- (4) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

### **Article 3**

1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter, and in conformity with existing international conventions, accord:

- (a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions.

#### **Article 4**

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

#### **Article 5**

1. Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

#### **Article 6**

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

#### **Article 7**

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.

#### **Article 8**

1. Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.



2. For the purposes of these articles, the term "warship" means a ship belonging to the naval forces of a State and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

### **Article 9**

Ships owned or operated by a State and used only on government noncommercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

### **Article 10**

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard inter alias to:

- (a) The use of signals, the maintenance of communications and the prevention of collisions;
- (b) The manning of ships and labor conditions for crews taking into account the applicable international labor instruments;
- (c) The construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

### **Article 11**

1. In the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or license shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

### **Article 12**

1. Every State shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers,

- (a) To render assistance to any person found at sea in danger of being lost;

(b) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(c) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.

2. Every coastal State shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and--where circumstances so require--by way of mutual regional arrangements co-operate with neighboring States for this purpose.

### **Article 13**

Every State shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall ipso facto be free.

### **Article 14**

All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

### **Article 15**

Piracy consists of any of the following acts:

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(3) Any act of inciting or of intentionally facilitating an act described in sub-paragraph 1 or sub-paragraph 2 of this article.

### **Article 16**

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are

assimilated to acts committed by a private ship.

### **Article 17**

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

### **Article 18**

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

### **Article 19**

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

### **Article 20**

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft, for any loss or damage caused by the seizure.

### **Article 21**

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorized to that effect.

### **Article 22**

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

- (a) That the ship is engaged in piracy; or
- (b) That the ship is engaged in the slave trade; or
- (c) That though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in sub-paragraphs (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.
3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

### **Article 23**

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 24 of the Convention on the Territorial Sea and the Contiguous Zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.
2. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State.
3. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship are within the limits of the territorial sea, or as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.
4. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorized to that effect.
5. Where hot pursuit is effected by an aircraft:
  - (a) The provisions of paragraph 1 to 3 of this article shall apply mutatis mutandis;
  - (b) The aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.

6. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an enquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.

7. Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

#### **Article 24**

Every State shall draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the seabed and its subsoil, taking account of existing treaty provisions on the subject.

#### **Article 25**

1. Every State shall take measures to prevent pollution of the seas from the dumping of radioactive waste, taking into account any standards and regulations which may be formulated by the competent international organizations.

2. All States shall co-operate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radio-active materials or other harmful agents.

#### **Article 26**

1. All States shall be entitled to lay submarine cables and pipelines on the bed of the high seas.

2. Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of such cables or pipelines.

3. When laying such cables or pipelines the State in question shall pay due regard to cables or pipelines already in position on the seabed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

#### **Article 27**

Every State shall take the necessary legislative measures to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done willfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or

injury.

### **Article 28**

Every State shall take the necessary legislative measures to provide that, if persons subject to its jurisdiction who are the owners of a cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.

### **Article 29**

Every State shall take the necessary legislative measures to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

### **Article 30**

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

### **Article 31**

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

### **Article 32**

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### **Article 33**

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 31. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

### **Article 34**

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day

after deposit by such State of its instrument of ratification or accession.

### **Article 35**

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

### **Article 36**

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 31:

- (a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 31, 32 and 33;
- (b) Of the date on which this Convention will come into force, in accordance with article 34;
- (c) Of requests for revision in accordance with article 35.

### **Article 37**

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 31.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

### **Entry into force: 30 September 1962**

(Note: The 1958 Law of the Sea Conventions were largely superseded by the 1982 United Nations Convention on the Law of the Sea)

## **Appendix B: United Nations Convention on the Law of the Sea (UNCLOS)**

### **Articles Pertaining to Piracy**

#### Article 101

##### Definition of piracy

Piracy consists of any of the following acts:

- (a) Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - (i) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - (ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

#### Article 102

Piracy by a warship, government ship or government aircraft whose crew has mutinied

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

#### Article 103

##### Definition of a pirate ship or aircraft

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

#### Article 104

Retention or loss of the nationality of a pirate ship or aircraft



A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

#### Article 105

##### Seizure of a pirate ship or aircraft

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

#### Article 106

##### Liability for seizure without adequate grounds

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

#### Article 107

##### Ships and aircraft which are entitled to seize on account of piracy

A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

The full document can be found at:







[http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/closindx.htm](http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm)

## Appendix C: Weekly Piracy Report (21 – 27 October 2003)

### Weekly Piracy Report 21 - 27 October 2003

*The following is a summary of the daily reports broadcast by the IMB's Piracy Reporting Center to ships in Atlantic, Indian and Pacific Ocean Regions on the SafetyNET service of Inmarsat-C from 21 - 27 October 2003*

#### Recently reported incidents

-  27.10.2003 at 1520 LT at Texaco berth, Georgetown, Guyana.  
Pirates boarded a tanker at forecastle during cargo operations. They stole ship's stores and escaped in a boat waiting below with three accomplices. Master informed port police and three police officers came onboard for inspection.
  
-  26.10.2003 at 2000 - 2030LT in position 04:33.5N - 099:22.4E, Malacca Straits.  
Pirates boarded a fishing trawler underway and stole stores and property of crew and escaped.
  
-  26.10.2003 at 0430 LT in position 07:20N - 103:20.5E, Gulf of Thailand.  
Pirates boarded a general cargo ship underway. They could not enter accommodation and bridge as all doors were bolted from inside. Pirates left when deck lights were switched on.
  
-  25.10.2003 2240lt in position 03:37S - 107:00E, Selat Leplia, Indonesia.  
Eight pirates armed with guns and long knives boarded a chemical tanker underway. They entered the bridge and tied up 3/o. Then they went to master's cabin and tied him up. Pirates stole ship's cash and property and took master to poop deck and jumped overboard and escaped.
  
-  25.10.2003 at 0420 UTC in position 04:56.7N - 098:06.2E, Indonesia.  
Persons inside a speedboat opened gunfire at a general cargo ship underway. Master took evasive maneuvers and averted boarding. Bridge window was smashed and 12 gun shot holes were seen in wheelhouse.
  
-  25.10.2003 at 0315 LT at Teluk Semangka anchorage, Indonesia.  
Duty A/B on a tanker sighted one pirate armed with knife onboard and another in process of climbing using bamboo poles. He raised alarm and crew mustered. Pirates fled empty handed.

▶ 23.10.2003 at 0530 UTC in position 06:07S - 106:53.6E, Tg.Priok anchorage, Indonesia. Four pirates boarded and stole ship's safety equipment. Alert A/B raised alarm and pirates jumped overboard and escaped in a waiting boat.

▶ 23.10.2003 at 0430 LT at Belawan port, Indonesia. Two pirates started boarding a container ship using ropes attached to hooks. Alert crew raised alarm and pirates threatened duty officer and fled. At 1315 LT four pirates boarded and entered engine room. They broke into storeroom and tried to steal spares. Alert duty crew raised alarm and pirates fled. At 2230 pirates in a boat started to board but aborted the attempt seeing alert crew. Master contacted authorities who did not respond.

▶ 22.10.2003 at 0415 LT, Chittagong 'B' anchorage, Bangladesh. Three pirates boarded a general cargo ship coming in to anchor from stern and stole three mooring ropes. Master contacted port authorities who did not respond. Pirates jumped overboard and escaped in a boat waiting with six accomplices.

## **Piracy prone areas and warnings**

### **S E Asia and the Indian Sub Continent**

Bangladesh - Chittagong and Mongla at berth and anchorage. Theft of zinc anodes welded to ship's sides and stern.

India - Chennai, Cochin

Indonesia - Anambas Island, Balikpapan, Bintan Island, Dumai, Gaspar (Gelasa) Straits, Pulau Laut, Samarinda, Tanjong Priok (Jakarta).

Malacca straits - avoid anchoring along the Indonesian coast of the straits. Coast near Aceh is particularly risky for hijackings.

Malaysia - Pangkor

Philippines - Manila

Vietnam - Haipong, Vung Tau

### **Africa and Red Sea**

Gulf of Aden

Somalian Waters - Eastern and Northeastern coasts are high-risk areas for hijackings. Ships not making scheduled calls to ports in these areas should keep at least 75 miles and if possible 100

miles from the coast. Use of radio communications including VHF in these waters should be kept to a minimum.

West Africa: Bonny River, Conakry, Dakar, Dar Es Salaam, Lagos, Tema, Warri.

**South and Central America and the Caribbean waters**

Brazil - Belem

Colombia - Buena Ventura

Dominican republic - Rio Haina

Guyana - Georgetown

Jamaica - Kingston

Peru - Callao

Venezuela - Puerto Cabello Colombia - Barranquilla, Buena Ventura, Cartagena