PERTH COUNTER-PIRACY CONFERENCE
15-17 JULY 2012

CHAIRMAN'S FINAL STATEMENT OF THE MEETING
[This is a personal, informal report of our meeting which I offer for consideration by the Australian Government and others with an interest in countering piracy]

The Perth Counter-Piracy Conference was attended by 108 participants from 59 different countries and organisations. It was sponsored by the Australian Government and hosted by the Australian Acting Minister for Defence, the Hon. Warren Snowdon MP.

The conference focussed on global issues with piracy and armed robbery against ships. Particular consideration was given to the three areas where these crimes are most prolific: in Southeast Asia, off the Horn of Africa, and in the Gulf of Guinea.

The conference explored some of the successes in fighting against piracy in Southeast Asia and how these might be applied elsewhere. It developed a range of lessons learned to strengthen international and regional cooperation.

Current Situation with Global Piracy

The conference noted that piracy is a global problem, which occurs in several regions. Defeating piracy will require effective national, regional and global strategies. The current situation in the main areas where it occurs is as follows:

- In <u>Southeast Asia</u>, piracy has declined in recent years owing to coordinated efforts by countries in the region, including through increased patrols, policing and information sharing.

- Off the <u>Horn of Africa</u>, piracy remains a serious international security issue with increasingly violent kidnapping of seafarers. According to EUNAVFOR,

as of 2 July 2012, Somali pirates were holding 7 vessels and approximately 211 crew.

- In the <u>Gulf of Guinea</u>, piracy is an increasing concern. By targeting lucrative cargo including oil on ships, piracy is a threat to the peace, security and development of West and Central African countries.

Prime causes of piracy around the world lie in the common causes of criminal activity generally - lack of economic opportunity, employment, and effective policing. Good policing onshore is an important factor in preventing piracy and sea robbery because the perpetrators operate from land bases where their activities are more vulnerable to detection and disruption than they are at sea. If there is not good policing onshore, invariably there is a lack of effective law enforcement at sea. Good order at sea begins with good order on land.

The conference commended the efforts being made by navies and other maritime security forces around the world to counter piracy and armed robbery against ships. It also noted the excellent work to counter piracy being done by international agencies, notably the International Maritime Organization (IMO), the UN Political Office for Somalia (UNPOS), the UN Office on Drugs and Crime (UNODC), the UN Development Programme (UNDP), and the International Criminal Police Organization (ICPO or INTERPOL).

Lessons Learned

<u>National Capacity</u>

The conference recognised that many coastal states in areas where piracy and sea robbery occur lack the necessary capacity to counter these crimes effectively. The requisite capacity comprises:

- <u>Organisational Arrangements and Procedures</u>. These should cover inter-agency coordination, including clearly specified responsibilities for agencies and procedures for cooperation; the collection, analysis and dissemination of intelligence; and the determination of risk assessments related to piracy and

sea robbery. A national coordinating committee or other body with responsibilities for coordinating the national response to illegal activity at sea is desirable.

- Legal Frameworks. Domestic legislation is required for dealing with the offences of piracy and armed robbery against ships. Countries should be parties to relevant international conventions, including the 1982 UN Convention on the Law of the Sea (UNCLOS) and the 2005 Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation (SUA Convention).

- National efforts in some states would be enhanced if a 'best practice' handbook could be developed to set out the requirements of domestic legal frameworks and their links to international treaties and conventions.

- Resources. The resources required comprise patrol vessels, aircraft, surveillance systems, judicial and correctional systems and facilities, and personnel with the necessary skills and training.

- Lexicon. There might be value in developing a readily accessible compilation of terms covering piracy and armed robbery at sea for use by non-specialists.

Regional cooperation

The conference noted how good cooperation between regional maritime security and police forces in Southeast Asia had contributed to the improved situation in that region. It recognised that regional organisations have an essential role to play in fostering cooperation to counter piracy.

The conference noted the following requirements for regional cooperation:

- Standard Operating Procedures for dialogue and cooperation between maritime security forces and regional police forces.

- Multilateral or bilateral legal arrangements to facilitate apprehension, investigation, hot pursuit, transfer of detainees, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of piracy.

- Information-sharing and coordinated patrolling by regional countries, including arrangements for the development of a cooperative approach to maritime domain awareness. A regional coordination centre, such as ReCAAP, is a very important measure to facilitate information-sharing.

- Standardisation of piracy laws across the region to facilitate prosecution of suspected pirates by increasing the range of jurisdictions in which they may be prosecuted.

International cooperation

The conference recognised that international arrangements to defeat criminal activity generally have important benefits for countering piracy. Piracy and armed robbery against ships are just two forms of criminal activity requiring effective policing both on land and at sea, including anti-corruption measures.

It is essential to establish mutual trust and respect between national organisations involved in counter-piracy activities. This is best built through regular information sharing, gatherings such as this conference and the globally shared commitments of governments to develop effective counter-piracy strategies.

It is no coincidence that there is a high incidence of trafficking illicit drugs, arms and people by sea in areas where piracy and sea robbery are prevalent. Addressing criminal activity at sea requires a higher level of coordination and policing activity both ashore and afloat to promote good order at sea across the global maritime domain.

The conference appreciated that counter-piracy measures would be more effectively implemented if the relevant international organisations were better resourced, noting

for example, that the annual budget of the IMO is roughly equivalent to the costs of about two weeks of operations by the naval forces off the Horn of Africa

Shipping Industry

The conference appreciated that countering piracy and armed robbery against ships is not just a matter for governments and international organisations but also requires the total commitment of the international maritime industry. It also noted possible links between the Global Financial Crisis, the associated downturn in international shipping, and piracy and sea robbery. As a result, many ships are unemployed and laid up in anchorages where they are vulnerable to attack, and ship owners are pursuing cost-cutting measures that might adversely affect ship security. Security in some ports and anchorages around the world remains a problem.

The conference recognised that ships which fall below international standards of safety and security figure disproportionately in the incidence of ship hijackings. Reports from naval authorities indicate that there are still a persistent number of ships operating off Somalia that are not following Best Management Practice (BMP) guidelines. Sub-standard ships also figure prominently as vessels held longest before release, causing additional and unnecessary harm to their crews. Measures are required to reduce the incidence of sub-standard ships at sea, including stricter observance of flag State responsibilities and stricter implementation of Port State Control (PSC).

Governments and relevant organisations might promote more widely appropriate 'best practice' mechanisms for non-commercial vessels such as yachts. States should develop appropriate communication mechanisms with organisations representing non-commercial shipping, including yacht clubs and industry.

Fishing Industry

The conference noted the potential links between the state of the world's fisheries, illegal, unreported and unregulated fishing and piracy and sea robbery. These crimes can have a major impact on fishing activities, but fishermen are not just the victims of these crimes, sometimes they are also the perpetrators.

Somali waters are 'fish-rich', and a valuable economic resource for Somalia. However, Somalia has not declared an exclusive economic zone (EEZ) and has no effective fisheries management. Foreign fishing vessels operate widely off its east coast, but little is known about their catch or what is lost to the local economy.

Key Findings

a. <u>Good Order at Sea.</u> Regional cooperation to deal with threats to good order at sea should be enhanced, and cooperation improved between agencies at a national level. As well as piracy and sea robbery, other threats at sea include maritime terrorism, illicit trafficking in drugs and arms, people smuggling, pollution, illegal dumping of toxic waste, and illegal fishing.

b. <u>Regional Cooperation.</u>
   i. A comprehensive and cooperative maritime security architecture should be the objective of all regions where illegal activity at sea is relatively high.
   ii. A cooperative approach to maritime domain awareness should be developed.
   iii. A regional information-sharing centre should be considered as a useful measure to facilitate information-sharing.

c. <u>Legal Frameworks.</u>
   i. Countries should be parties to all relevant international conventions dealing with illegal activities at sea.
   ii. Domestic legislation should be developed for dealing with the offences of piracy and armed robbery against ships (IMO circular letter No. 3180 of 17 May 2011 contains information and guidance on elements of international law relating to piracy that might be useful to States that are either developing national legislation on piracy or reviewing existing legislation).
   iii. Multilateral or bilateral legal arrangements should be considered to facilitate apprehension, investigation, hot pursuit, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of piracy.

d. <u>Policing On Land.</u> Noting that the fight against piracy and sea robbery always begins on land, onshore policing should implement measures to counter these crimes.

e. <u>Capacity-Building Assistance.</u>
   i. Concerted action on the part of the international community as a whole is required to develop targeted capacity-building requirements for individual countries and particular regions.
   ii. While recognizing the sovereignty concerns of coastal States, assistance should include building the capacity of countries to provide security in ports and anchorages where there is a high level of petty theft from ships.

f. <u>Shipping Industry.</u>
   i. The IMO should continue its efforts to reduce the incidence of sub-standard shipping, including through measures to ensure stricter observance of flag State responsibilities and stricter implementation of PSC.
   ii. Ships passing through high risk areas should adhere to current BMP guidelines.
   iii. The requirements of the International Ship and Port Facility Security (ISPS) Code must be strictly followed.
   iv. Company Security Officers should monitor vessels passing through high risk areas for compliance with BMP guidelines.
   v. Crews of vessels anchored or stopped in areas where attacks occur should take all precautions against attack.
   vi. The utility of secondary tracking systems hidden on vessels should be explored.

g. <u>Private Maritime Security Companies.</u>
   i. More Private Maritime Security Companies (PMSCs) should become signatories to the International Code of Conduct (ICoC) for Private Security Providers, the Charter and Independent Governance and Oversight Mechanism (IGOM) which are being developed with reference to their interests.

ii.   The IMO has approved interim guidance for use by PMSCs. Further international standards are being developed in conjunction with the International Standards Organisation (ISO).

h.   <u>Sustainability of Measures.</u> Even if the situation with piracy and sea robbery in a region appears to be coming under control, successful counter-measures should be sustained to avoid any subsequent upsurge of these crimes.

i.   <u>Assistance to captured seafarers and their families.</u> The victims of piracy suffering most acutely are often the least visible: crew members held for ransom and their dependent families; and the families of gaoled pirates. The conference discussed the importance of communication between seafarers associations, welfare providers, and relevant governmental agencies to provide practical assistance to those in need.