

**ARF Seminar on Counter Piracy and Armed Robbery in Asia**  
**Tokyo, Japan**  
**March 3-4, 2015**  
**Co-chairs' Summary Report**

**Introduction**

1. As endorsed at the 21<sup>st</sup> ASEAN Regional Forum (ARF) Ministerial Meeting in Nay Pyi Taw, Myanmar, the Government of Japan hosted the ARF Seminar on Counter Piracy and Armed Robbery in Asia, in Tokyo, Japan on 3-4 March, 2015. The seminar was co-chaired by Japan, Malaysia, India and the United States. The Program of this seminar is attached as Annex 1.
2. More than 70 participants from 16 ARF participating countries and a region attended the seminar. Experts from academic and research institutions and shipping industries also participated in the program. The List of Participants is attached as Annex 2.

**Opening Session**

3. In the opening remarks, Mr. Yoshihiro Katayama, Director of Maritime Security Policy Division, Ministry of Foreign Affairs of Japan, welcomed the participants as the host country of the seminar and emphasized the importance of rule of law at sea citing the words of Prime Minister Shinzo Abe in his keynote address at the Shangri-La Dialogue in 2014. Director Katayama's remark was followed by other co-chairs from India, the United States and Malaysia.
4. Dr. Pradip Choudhary, Director, Legal and Treaties Division, Ministry of External Affairs of India, also made opening remarks as a co-chair and highlighted the importance of the ASEAN way of dialogue and consensus and that the ARF, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the ASEAN Defence Ministers Meeting Plus (ADMM

Plus) serve as enabled platforms for a constructive initiative in combating non-traditional challenges such as piracy which undermines peace and economic growth of States in the region. He emphasized that the challenge could be overcome only through collective efforts of all States.

5. In his opening remarks, Mr. Jeffrey David Frederick, Executive Officer, Office of Plans and Initiatives, Bureau of Political - Military Affairs, U.S. Department of State, expressed his expectation of constructive discussion among participants in the seminar to identify challenges on piracy and armed robbery issues in Asia taking into consideration different regional characteristics of Asia from those of off the coast of Somalia and the Gulf of Aden.
6. Dr. Azfar Mohamad Mustafar, Deputy Director-General, Department of Maritime Affairs, Ministry of Foreign Affairs, also made his opening remark and stated Malaysia's intention to organize a maritime security event in Kuala Lumpur in May 2015 under the framework of Priority Area 2 of the ARF ISM on Maritime Security.
7. After the opening remarks by co-chairs, Prof. Isami Takeda made the opening presentation titled "Global Maritime Culture for Safety" and highlighted the importance of spirit of seamen, skill and expertise and system under law and rule to ensure the freedom and safety of navigation. His presentation appears as Annex 3.

### **Session 1: Introducing legal system to criminalize piracy and armed robbery against ships (Chaired by India)**

8. In Session 1, Mr. Jon Huggins, Director of Oceans Beyond Piracy, made a presentation first and highlighted the primary factors for successful piracy suppression in the Indian Ocean looking back the history of counter piracy efforts in the Western Indian Ocean. Those factors are: (i) coordinated and intelligence-based navy actions; (ii) Best Management Practices by the shipping industry; (iii) the use of armed guards on vessels; and (iv) the implementation of the legal cycle from

detention to incarceration. Mr. Huggins also stressed the need for multi-stakeholder coordination to ensure that these measures were effective in preventing the return of piracy threat. Mr. Huggins then discussed the specific practical aspects that allowed the development of a cost-effective legal finish for Somali pirates. His presentation appears as [Annex 4](#).

9. Dr. Akima Umezawa, Cabinet Counsellor, Cabinet Secretariat (Oceans Policy), shared Japan's experiences of enacting laws to criminalize piracy and explained how Japan arrested and prosecuted pirates in their legal systems. His presentation appears as [Annex 5](#).
10. Mr. Vishwesh Negi, Director, United Nations Political Division, Ministry of External Affairs also introduced India's efforts in providing a domestic legal framework to address maritime piracy. He also emphasized on the need to re-align High Risk Area (HRA) on the basis of actual piracy incidents on the ground. His presentation appears as [Annex 6](#).
11. Other participants also introduced their legal systems and shared their experiences. It appears that most countries do not have any specific stand-alone legislation on maritime piracy but criminalize and prosecute piracy under their general criminal law. Even though characteristics of piracy and armed robbery cases in Asia are very different from those of off the coast of Somalia and the Gulf of Aden, the participants generally shared the view on the importance of legal finish of piracy and armed robbery cases.

## **Session 2: Establishing and strengthening maritime law enforcement agencies (Chaired by Malaysia)**

12. In Session 2, Mr. Yasutaka Katagiri, Deputy Director, International Affairs & Crisis Management Division, Administration Department, Japan Coast Guard (JCG), introduced the establishment and development of JCG and also its international cooperation including the establishment of HACGAM. His presentation appears as [Annex 7](#).

13. Kept. Maritime Hamid Hj. Mohd Amin, Director from the Malaysian Maritime Enforcement Agency (MMEA) made a comprehensive presentation on MMEA's establishment, mission, functions, organizations and activities including bilateral and multilateral cooperation. His presentation appears as Annex 8.
14. Dr. Eddy Mulya, Deputy Director of ASEAN Political-Security Cooperation, Ministry of Foreign Affairs, also introduced their global maritime fulcrum vision and recent efforts in transforming Indonesia Maritime Security Coordinating Board (Bakorkamla/IMSCB) into Indonesian Maritime Security Agency (IMSA/Bakamla). His presentation appears as Annex 9.
15. Ms. Nicole Benny, Assistant Manager of International Division, Maritime and Port Authority of Singapore introduced Singapore's efforts to address piracy in the region, especially in the Straits of Malacca and Singapore (SOMS) and the South China Sea. Those efforts include internal efforts to secure Singapore's waters, a coordinated regional response, working with like-minded organizations such as ReCAAP and industry engagement. Her presentation appears as Annex 10.
16. The coastal states of SOMS emphasized their sovereignty and primary responsibilities for the security of their own territorial waters while introducing examples of international cooperation among the coastal states, such as joint patrols and information sharing.
17. The participants generally shared the view that multilateral cooperation in information sharing and capacity building continues to be important to address piracy and armed robbery against ships in Asia.

**Session 3: Identify challenges and possible steps to enhance measures against piracy and armed robbery against ships in Asia (Chaired by the United States)**

18. In Session 3, Mr. Michael Rene Leon Guerrero, Executive Officer, US Coast Guard Activities Far East, introduced U.S. counter-piracy program. The U.S. program is based on a whole of government approach that supports three basic tenants of prevention, response, and governance to support prevention and response efforts. The first and best defence against piracy and related maritime crime is prevention. His presentation appears as Annex 11.
19. Director Masahiro Yamada of Japan Coast Guard's Piracy Countermeasures Office made a presentation on JCG's countermeasures against piracy. Director Yamada introduced JCG's international cooperation both in Southeast Asia and off the coast of Somalia including various capacity building programs. His presentation appears as Annex 12.
20. Mr. Aleksandr Lupinovich, Head of Section, National Defence Control Center from the Russian Federation also made a presentation on Russian efforts to counter piracy. His presentation appears as Annex 13.
21. CDR Piyanun Kaewmanee, Section Chief, Maritime Security Policy and Strategy Section, Naval Operation Department, Royal Thai Navy and Thailand Maritime Enforcement Coordinating Centre (THAI-MECC), Plan, made a presentation to introduce its efforts in transition of maritime law enforcement agency into Administrative Centre. His presentation appears as Annex 14.
22. After the presentations from coast guards' representatives, Capt. Katsuhiko Haruna, Marine Group Deputy General Manager of NYK LINE, one of the largest global logistics enterprises and a member of Japanese Ship owners' Association, presented a view from the industry side and explained its challenges to counter piracy and armed robbery against ships in Asia. His presentation appears as Annex 15.

#### **Session 4: Recommendations for further actions (Chaired by Japan)**

23. Based on the discussions in the previous sessions, the participants shared the view on the importance of further enhancing the following measures to combat piracy and armed robbery against ships in Asia:
- (i) strengthen regional and international cooperation for the capacity building of maritime law enforcement agencies of coastal states;
  - (ii) enhance regional and international cooperation to facilitate the information exchanges on piracy and armed robbery against ships through existing mechanisms; and
  - (iii) promote exchanges among maritime law enforcement agencies to share experiences and lessons learned through both bilateral and multilateral frameworks.

#### **Closing**

24. The co-chairs of the seminar expressed appreciation to the participants for their contributions to the discussions.
25. The co-chairs emphasised the importance of continued discussions and welcomed Malaysia's intention to organize a maritime security event in Kuala Lumpur in May 2015.

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