

# **ANNEX D**

**ARF Statement on Cooperation Against Piracy and  
Other Threats to Maritime Security**

The Chairman of the ASEAN Regional Forum (ARF), on behalf of the participating states and organization, issues the following statement:

1. Recognizing that:

a). Piracy and armed robbery against ships and the potential for terrorist attacks on vulnerable sea shipping threaten the growth of the Asia-Pacific region and disrupt the stability of global commerce, particularly as these have become tools of transnational organized crime;

b). ARF Countries represents approximately 80 percent of the world's GDP and trade, and even more of maritime or container shipping trade;

c). Maritime security is an indispensable and fundamental condition for the welfare and economic security of the ARF region. Ensuring this security is in the direct interest of all countries, and in particular the ARF countries;

d). Most maritime armed-robberies in the Asia-Pacific region tend to occur in the coastal and archipelagic waters. Trends over the last few years indicate that piracy and armed-robbery against ships continue to threaten to be a significant problem in the Asia-Pacific region;

e). To deal with this increasingly violent international crime, it is necessary to step up broad-based regional cooperative efforts to combat transnational organized crime, including through cooperation and coordination among all institutions concerned, such as naval units, coastal patrol and law enforcement agencies, shipping companies, crews, and port authorities;

f). Such efforts must be based on relevant international law, including the 1982 Law of the Sea Convention;

g). It is important that there be national and regional cooperation to ensure that maritime criminals and pirates do not evade prosecution;

h). Effective responses to maritime crime require regional maritime security strategies and multilateral cooperation in their implementation;

i). National, Regional and International efforts to combat terrorism also enhance the ability to combat transnational organized crime and armed-robberies against ships.

2. The Participants of ARF endeavour to achieve effective implementation of the relevant international instruments and recommendations/guidelines for the suppression of piracy and armed-robbery against ships, including the United Nations Convention on the Law of the Sea, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 and its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and the International Maritime Organization's recommendations and guidelines for preventing and suppressing piracy and armed-robbery against ships at sea; the International Convention for the Safety of Life at Sea, 1974 particularly the new Chapter XI-2 and the International Ship and Port Facilities Security (ISPS Code); and to enhance their coordination and cooperation to that end. The members of ARF express their commitment to become parties to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and its Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelves as soon as possible, if they have not yet done so.

3. The ARF Participants will work together to protect ships engaged in international voyages by:

a). Enhancing cooperation on fighting piracy and armed-robbery in

the region between ARF participants' shipping and organizations such as the International Maritime Organization (IMO) and the Piracy Reporting Center of the International Maritime Bureau (IMB);

b). Early implementation of the comprehensive amendment to the International Convention for the Safety of Life at Sea, 1974, and the new ISPS Code adopted by the Diplomatic Conference on Maritime Security in December 2002; as called for in Conference Resolution 6.

c). Affirming their responsibilities to prosecute, in accordance with relevant domestic laws, perpetrators of acts of piracy and armed-robbery against ships.

d). Endorsing the development by the International Maritime Organization of the following instruments and recommendations/guidance for use in preventing and suppressing piracy and armed-robbery against ships:

- Recommendations to Governments for preventing and suppressing piracy and armed-robbery against ships, MSC/Circ. 622/Rev. I, 16 June 1999;
- Guidance to ship-owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed-robbery against ships, MSC/Circ. 623/Rev. 3, 29 May 2002; Directives for Maritime Rescue Coordination Centers (MRCCs), MSC/Circ. 967, 6 June 2000;
- Interim Procedures for MRCCs on Receipt of Distress Alerts, MSC/Circ. 959, 20 June 2000;
- Resolution A. 922 (22)- Code of Practice for the investigation of the crimes of piracy and armed-robberies against ships;
- Resolution A. 923 (22)- "Phantom" ships and registration process; and
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and its Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

4. The ARF participants *commit to* undertake the following actions:

a. Encourage bilateral and multilateral maritime cooperation among ARF members to combat piracy, including at the present increased personnel contact among personnel, information exchanges and anti-piracy exercises on the basis of respecting territorial integrity, sovereignty, sovereign rights and jurisdiction and in accordance with the principles of voluntary participation and agreement in line with the respective applicable international conventions.

b. Encourage ARF consideration and future discussion of new IMB proposals (10/23/02) on prescribed traffic lanes for large supertankers with coastguard or naval escort whenever and wherever possible on the high sea upon the consent of all ARF countries concerned. If considered feasible, forward to IMO for adoption as appropriate.

c. Provide, where and when possible, technical assistance and capacity-building infrastructure to countries that need help in developing necessary laws, extending training, and where and when possible, providing equipment.

d. Enhance ARF participants' ability to share information domestically and internationally as a vital component in the fight against maritime piracy and armed-robberies.

e. Institute regional ARF cooperation and training in anti-piracy and security. Cooperate with the world maritime university (under the IMO) as regards education and training of personnel engaged in anti-piracy and security.

f. Encourage greater ARF member states' transport industries and shipping community to report incidents to the relevant coastal states and to ships' flag administration for follow up action by the

proper authorities as prescribed in MSC/Circ. 623. In addition to the IMO, ships may also report to secondary reporting centers such as the International Maritime Bureau's Piracy Reporting Center in Kuala Lumpur.

g. Encourage the ARF Chair to explore with the ASEAN Secretariat or an ARF participant whether it would be willing to coordinate logging of requests for assistance by ARF participants in implementing the provisions of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and its Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf and other relevant instruments.

h. Review progress on efforts to combat maritime piracy and armed-robberies against ships at the 11<sup>th</sup> ARF Ministerial meeting, in 2004 and share their experiences with member states of the IMO.

i. Endorse the ongoing efforts to establish a legal framework for regional cooperation to combat piracy and armed-robberies against ships.

j. Welcome the discussion in the IMO on various issues relating to the delivery of criminals who have committed crimes on a ship on the high sea or on the exclusive economic zone to the authorities of port state by the master of the ship, and hope to reach a conclusion as soon as possible. (IMO document "LEG 85/10" )

k. Nothing in this statement, nor any act or activity carried out in pursuant to this statement, should prejudice the position of ARF countries with regard to any unsettled dispute concerning sovereignty or other rights over territory

---