ICC-IMB International Meeting on Piracy, Armed Robbery and Maritime Security
Addressing risks in a changing threat environment
14-15 September 2015, Shangri-la Hotel, Kuala Lumpur
Organised by ICC-IMB, MMEA, INTERPOL, RMP

Meeting report

The ICC-IMB International Meeting on Global Piracy, Armed Robbery and Maritime Security was held on 14 and 15 September in Kuala Lumpur, where 216 delegates from 30 countries and 10 international organisations assembled. Reflecting the cooperation between civil and commercial entities, the meeting organised by the ICC International Maritime Bureau was co-hosted by the Malaysian Maritime Enforcement Agency, Interpol and the Royal Malaysia Police.

In response to alarming global statistics showing a continual increase in the number of piracy and armed robbery attacks against merchant ships, the international gathering of key maritime stakeholders discussed the major risks, responses and challenges in a changing threat environment.

To ensure that all areas of concern within the scope of maritime security were adequately addressed, the two-day programme involved experts in several fields. The session topics illustrate the wide scope of concerns facing all stakeholders

- Maritime Security – Overview of high risk areas
- Piracy and Armed Robbery – A need for intelligence sharing
- The future of self-protection measures – an industry perspective
- International initiatives
- Panel discussions: Maritime Security – challenges and response
- Evidence gathering and the law enforcement perspective
- Combating piracy and armed robbery at sea - towards a sustainable global information sharing framework
- The human element

Opening the meeting, IMB Director P. Mukundan welcomed all participants, and invited a healthy discussion aimed at identifying long-term solutions which, whilst dealing with the present piracy and armed robbery hotspots, would also adequately address future developments. Not only is it important to bear in mind the fact that the regions affected by piracy and armed robbery are not static, participants were reminded that there are a number of other illegal activities which similarly require vigilant monitoring as they shift both geographically and in level of intensity.

In their respective keynote speeches Malaysian officials reminded the participants of two key points. Firstly, in view of the fact that 95% of Malaysia's trade is carried by sea, safe and secure merchant shipping is the backbone of national prosperity. Furthermore, with a third of global trade passing through the Straits of Malacca and Singapore, a waterway only surpassed by the Straits of Hormuz in respect to the value of commerce transiting, regional cooperation is essential to maintain global economic security.

Secondly, a robust legal framework is required to enable coastal states to intervene, arrest, prosecute and punish the perpetrators of piracy and armed robbery. Malaysia is seeking to incorporate the stipulations of UNCLOS into its national penal code in order to expedite such enforcement and prosecution. In the meantime, recent arrests and prosecutions of pirates, armed robbers and ship hijackers illustrate Malaysia's ongoing commitment to address such crimes.

Specifically the recent arrest and prosecution of the SUN BIRDIE gang and the arrest of the ORKIM HARMONY hijackers serve as apt and positive examples of progress in the region.

Such enforcement measures will not only serve as a welcome deterrent, these will ultimately lead to the arrest and prosecution of the piracy kingpins behind the planning and financing of

the more elaborate hijackings.

Speaking on behalf of the industry, HKSOA's Managing Director Arthur Bowring pointed to the challenges facing the shipping industry which, in addition to piracy, include mass illegal migrations, the scale of which overwhelms the capacity of all stakeholders. Illegal migration is not a new challenge, and merchant shipping should be credited with the longstanding valiant efforts of seafarers in rescuing many migrants in distress at sea. These heroic efforts do, however come at a price, as seafarers often find themselves outnumbered by the people they have rescued, adding additional stress to their already busy workload.

Whilst much has been done to address the risks surrounding piracy and armed robbery, focus has sadly centred predominantly on the symptoms created by this disease, rather than on the root causes.

All stakeholders agree that information sharing is crucial to support much-needed analysis to identify trends and patterns, pinpointing where and how attacks are taking place in order to better focus limited protection resources. However, some reluctance remains within the industry to report minor incidents, as anxiety regarding delays due to investigations could result with costs in excess of the value of the items stolen.

Recently debate regarding the methods used to categorise the various types of piracy attacks has sadly diverted attention away from the need to improve the collection and sharing of this vital information. Whilst it is recognised that there is room for improvement in respect to incident analysis, such as avoiding the ill-advised use of terminology that can trivialise crimes on board ships, this should not unduly distract attention from the urgent need to identify solutions aimed at the improvement of information sharing.

Maritime Security – Overview of high risk areas

Criminal acts at sea are seen in all regions in varying degrees and forms. Illegal migrations are presently creating difficult challenges across Europe as people flee the hardships of the Middle East, whilst similar movements have been seen for decades between South and North America and from Asia southwards towards Australia. Meanwhile the flow of illegal drugs and the movements of stowaways follow well-established routes, with occasional variations.

According to the United Nations Office on Drugs and Crime, these crimes, in addition to a wide range of other seaborne crimes such as illegal fishing and weapons trading, contribute to about USD 870 billion of transnational crime. Even more troubling is that aside from organized crime figures profiting from such activity, some terrorist organisations also benefit.

Piracy high-risk areas have historically changed as well. The meeting considered three areas, namely South East Asia, the Indian Ocean and the Gulf of Guinea. South America, known for violent attacks within port anchorage areas in the 1990s, was notably absent due to the welcome improvements at its ports.

Progress achieved off the coast of Somalia into the Indian Ocean and the Gulf of Aden serve well as a testament to what can be achieved by a concerted global approach to piracy. The combination of naval assets offering support, coordinated reporting, the development and implementation of industry best practices, and the introduction of private maritime security companies together fractured the Somali pirate's business model, greatly reducing the number and frequency of attacks. As a result, only 29 seafarers are presently held hostage in Somalia.

Noting this commendable result, the meeting was reminded that the Somali piracy threat could resurface if any of the corrective measures are prematurely scaled down, particularly should this occur prior to improvements being achieved on land.

In stark contrast to improvements in Somalia, the situation in the Gulf of Guinea represents both high risks and high concern. One concern is the lack of reporting, or lack of coordinated reporting, resulting with statistics and analysis that are not reflective of the true threat level, in

which seafarers have faced violent attacks involving injuries and fatalities. Kidnapping for ransom has also taken place. The IMB has received only 20 incident reports so far in 2015, yet there are indications that the actual figure is significantly higher.

Coordinated efforts to protect the shipping lanes in South East Asia resulted with a welcome reduction of incidents that began in 2003, lasting for about ten years. However a resurgence of incidents was seen in 2012, soon followed in 2014 by a spate of hijackings. Attackers now focus their attention on hijacking small coastal product tankers, a trend that has continued into 2015 at a frequency of about one hijacking every two weeks. Despite the vast sea area, regional law enforcement and naval forces have succeeded in making some arrests and prosecutions.

Piracy and Armed Robbery – A need for intelligence sharing

Discussion of the geographical shifts of piracy hotspots exposed a related development, the proliferation of reporting centres which are established in unison with each new risk area. This proliferation creates several challenges:
- Increased confusion amongst seafarers as to which centre to contact
- Inaccurate statistics and analysis due to inefficiencies of information sharing between centres
- More than one reporting centre within a region
- Silos hindering the exchange of information between reporting centres, even for some within the same jurisdiction
- Varied reporting requirements, some based on territorial waters, others based on risk zones, in addition to other considerations such as flag state requirements
- Lack of uniformity with respect to the information required when lodging a report
- Superfluous reporting centres that remain operational after the cessation of the piracy and armed robbery activity

Not only does such proliferation reflect an inefficient use of limited resources, the confusion this creates may cause unnecessary delays in providing adequate response to ships under attack.

Seafarers are the source of the information, as such it is critical that confusion is minimized at the initial stage, namely at the time of an attack. The immediate pressing goal must be to ensure that the ship under attack is provided with the most rapid response possible.

Useful post incident analysis and development of accurate global risk assessments is dependent on an efficient collection and compilation mechanism, one that both ensures that details of attacks are complete whilst avoiding duplication. Such a mechanism should also facilitate the efficient sharing of information amongst all stakeholders, national authorities and industry partners alike.

Addressing the concerns raised by Mr. Bowring regarding the categorisation of incidents, another speaker outlined the advantages of simplifying such categories in a manner that would paint a true picture for both the coastal states and the industry.

An example of a potential way to achieve this would see incidents placed in three clearly understandable tiers;
1. Hijacking: regardless of duration or intent,
2. Attack: In which weapons are involved, including failed boardings during which shots are fired,
3. Theft and/or Pilferage: Incidents in which property has been stolen without violence or detected weapons.

The clarity achieved by simplified categorization will enable coastal authorities to understand the extent of the risks and to allocate appropriate resources to protect their waters. The same holds true with respect to the industry being able to employ preparations proportionate to the existing risks found in different areas.

The establishment of a streamlined and centralised reporting mechanism would also serve well to reduce the level of confusion now faced by seafarers, whilst enhancing efficiencies with information sharing and improving the threat analysis.

Pottengal Mukundan, Director of IMB said: "Information sharing and coordinated action between concerned coastal states is crucial in responding to this threat. However, the proliferation of reporting centres in different regions has created a degree of confusion that can leave seafarers and ships unnecessarily at risk."

"For crimes at sea, rapid response is crucial if there is to be any possibility of prosecuting the pirates," added Mukundan. "The IMB Piracy Reporting Centre plays a crucial role liaising between merchant ships and coastal authorities and navies, and is prepared to further enhance the effectiveness of these joint efforts." Industry suggested this important role could be broadened to encompass global information sharing, offering an opportunity for the IMB to play a leading role.

In view of the consensus surrounding the development of a global information sharing network, the meeting welcomed news that the European Commission has initiated a study aimed at evaluating the feasibility of such an arrangement, with a related workshop scheduled in France in February 2016.

The future of self-protection measures – an industry perspective

Industry highlighted a number of actions taken to support international efforts to suppress maritime crime and to protect seafarers. The further development of best management practices and a standardisation of global reporting is high on Industry's agenda.

To date merchant ships have availed themselves of a number of protective measures. Initially the IMO piracy guidance for ships was revised then followed by the ISPS Code, which in turn was soon followed by the Best Management Practices (BMP). During this time several non-lethal ship defence options were utilized, leading up to today's deployment of guards on board ships, both military and private.

A global BMP would strive to address the common characteristics of criminal activity in all regions whilst promoting protective measures that have been effective. Nuances specific to certain areas could be addressed in annexes.

Meeting participants gained valuable insights provided by Interpol regarding the importance of protecting the crime scene and any evidence that can be used to prosecute the attackers. Government officials present also clarified the number of items required as evidence for use in prosecution procedures, with some countries requiring a minimum of two items whilst others require more.

The human element

The plight of seafarers facing the risks of piracy and kidnapping must be recognised. A speaker who was held hostage by Somali pirates provided first-hand insights into the impact of such an ordeal. Unbeknownst or forgotten by many, hostages face abhorrent conditions that often involve torture, beatings, and foul food to name but a few. Organisations such as ISWAN, through its MPHRP programme seek to provide support to both the kidnapped seafarers and their families, focusing on the basic human needs of both, including the provision of rehabilitation assistance once seafarers are released by their captors.

With fewer seafarers held hostage and surveys indicating improvements on the seafarer happiness index, there are grounds for optimism. However, it is important to remember the full spectrum of factors that impact seafarers' well-being. Working and living conditions, workload and things often taken for granted such as access to the Internet all affect seafarers' mental health and well-being. A constructive suggestion to 'humanise' the issue by replacing terms

such as 'the human element' with 'maritime welfare' was seen as a step in the right direction.

Participants agreed that the meeting brought about a better understanding of the priorities, capabilities and limitations of both the industry and response agencies, and set the stage to enable each to better support the other in their respective tasks.

The meeting was supported by the Caravel Group and Oceans Beyond Piracy.