

Piracy & Sea Robbery

Conference 2010

In conjunction with:

SINGAPORE
maritimeweek
2010

29 April 2010 Singapore

Sharing Information,
Enhancing Security



Jointly Organised by:

Re  AAP
Information Sharing Centre



BIMCO
REFLECTING YOUR INTERESTS

Managed by:

PETROSPOT
EVENTS

International Efforts and Initiatives

Prof Robert Beckman, Director
Centre for International Law and Associate Professor of Law
National University of Singapore (NUS)



Professor Robert Beckman, Director of the Centre for International Law and Associate Professor of Law, National University of Singapore (NUS), gave a presentation on current international efforts to combat piracy off the coast of Somalia and the Gulf of Aden. These efforts include actions taken by the International Maritime Organisation (IMO) and the United Nations Security Council (UNSC), bilateral agreements on jurisdiction over pirates, contact groups to deal with different aspects of piracy off the coast of Somalia, the Djibouti Code of Conduct and coordinated naval patrols.

Despite the existence of such a myriad of arrangements including those providing for judicial processes, piracy continues unabated. Professor Beckman pointed out that even bilateral agreements' with ship-rider clauses have proved ineffective².

Professor Beckman also stated that greater work and international efforts are needed to contain piracy off Somalia and the Gulf of Aden in view of the total breakdown in law and order in Somalia and lack of capacity to secure its waters.

Noting that Somali piracy constitutes a serious threat to international peace and security, he called for transfer agreements and ship-rider agreements to be seriously considered by the relevant stakeholders.

Professor Beckman also argued that while United Nations Convention on the Law of the Sea (UNCLOS) should always be the basic legal framework used to combat piracy, other international conventions can be used to suppress attacks against ships and crew. These conventions include the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), the 2000 United Nations Convention against Transnational Organized Crime (UNTOC), and the 1979 Convention Against the Taking of Hostages (Hostages Convention).

He also stated that there is a need for nations to use these international conventions and not treat the ongoing problem as simply being piracy-centric.

Professor Beckman concluded by saying that the problems in dealing with Somali piracy have demonstrated the need for international cooperation to deal with piracy and other maritime crimes such as hijacking of ships and holding of crew for ransom. He called on States in Asia to put measures into place now to enable them to deal with these threats. Such measures include the review of national laws on piracy and armed robbery to ensure that national courts have jurisdiction to prosecute alleged offenders, adoption of guidelines and standard operating procedures for the exercise of jurisdiction, conduct of investigation and prosecution of alleged offenders as well as ratification of SUA, UNTOC, and Hostages Convention.

²Under the ship-rider agreement, law enforcement officials from one nation is to assist other nations who take custody of pirates while waiting for eventual prosecution.

Question & Answer Session



Professor Beckman, the moderator for the conference, presided over the questions and answers session for the conference. Compared to last year's conference there was a 'refreshing' approach to adopting counter piracy operations in the world, especially in the notorious Gulf of Aden region.

Though all speakers unanimously agreed that information sharing and prompt counter piracy actions still remained the best available option on hand, the address by BIMCO's Giles Noakes was noted for its forthrightness when identifying the root cause of global piracy.

His famous phrase that resolution must henceforth move away from the 'catch and release' stance to one of 'catch and prosecute' pirates, hardly raised a peep in the audience and thus came to be interpreted as silent acceptance that present-day methods have noticeably failed to address the issue.

And worsening the problem has been the absence of legal mechanisms to tackle piracy at its root core, outlined Mr Noakes. Whilst bilateral agreements indeed exist between nations to combat the menace such agreements unfortunately have been few and far between, conference participants learned.

The lack of a comprehensive supra-national authority to oversee counter-piracy operations also creates an opportunity for piracy to 'flourish'.

But even in nations that have such legislation, some experiences have shown that ship masters have been reluctant to testify against pirates. Such episodes undermine global efforts to contain piracy, the conference found out.

Notwithstanding the many solutions that speakers raised such as in the rigging of hulls with barb wires, altering ship designs or avoiding piracy-infested areas etc., the theme of the debates was more on defensive than offensive measures when combating global piracy.

"Is the international community waiting for it (Somalia) to explode?" thundered a questioner, clearly betraying the frustrations of the assembled audience of ship owners, operators, agents, masters and maritime enforcement personnel etc. That poser left none in doubt to the parallels of lawlessness and the tempting targets when nations such as Somalia experience the kind of interregnums it now does.

Just as instructive behind that poser, was the subconscious reality that the grounds for piracy is more shore-based than otherwise, as pointed by the President of BIMCO, Mr Robert Lorenz-Meyer:

Notwithstanding everything else, the question is whether such increased cooperation can really be of any use when the root cause of global piracy, namely the absence of an alternate form of livelihood for the Somali people, remains as yet unaddressed?

The conference also learned whether if ransom payouts were the unwitting allure for Somali pirates, as posed by one floor questioner.

Even as the conference learned that no ground rules currently exist for the Combined Maritime Naval Forces whether to aid or not aid ships in distress, the sentiments continued to remain as it was before: for the sake of crew safety, pay the ransom.