

Towards a Comprehensive Maritime Security Framework in Asia

– Broaden the Mandate of ReCAAP to Cover other Illicit Maritime Activities

6th AsianSIL Biennial Conference

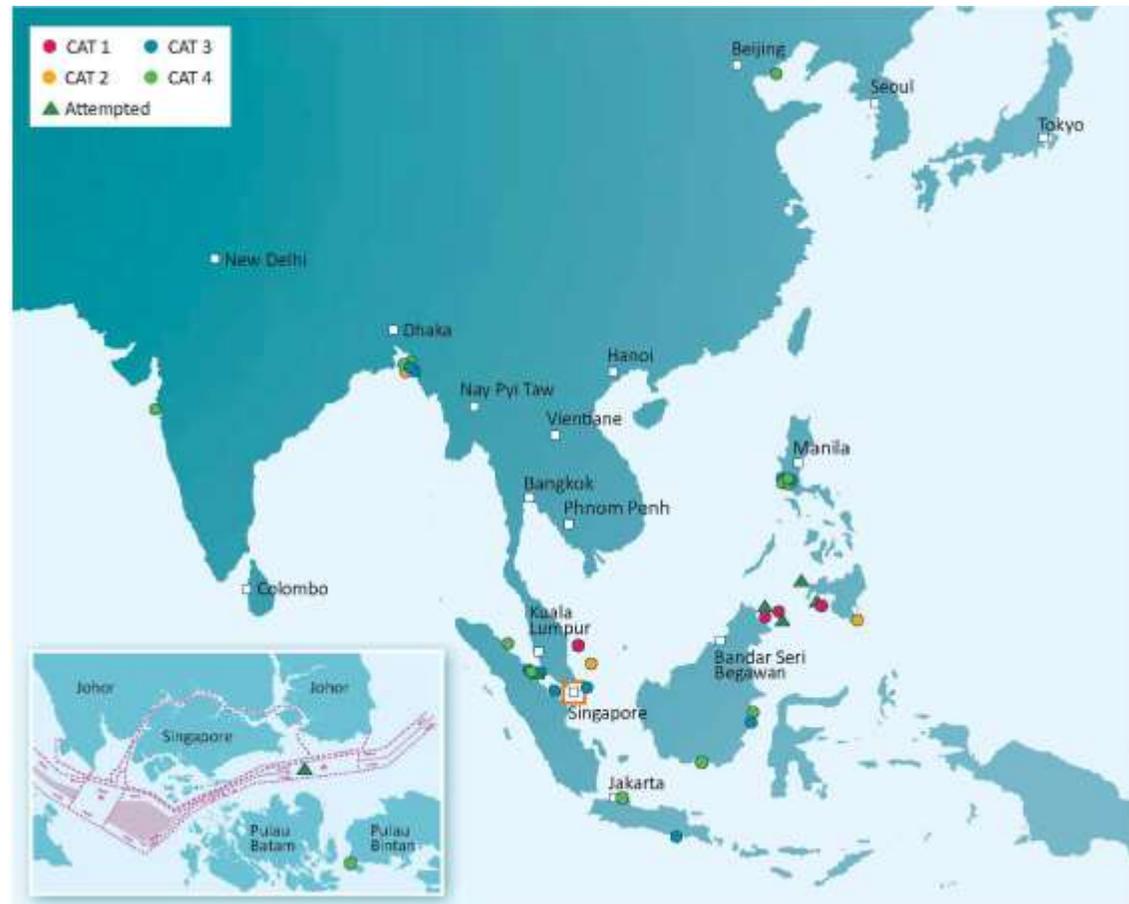
Asia and International Law in times of Uncertainty

25-26 August 2017, Seoul

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I. ReCAAP – A Decade Review

- Mandate and Scope
- Main Activities
- Contributions
- Next Phase

II. Feasibility to Revise the Agreement

- Legal Basis
- ReCAAP's Response to Abducting of Crew
- Key Recommendations

III. Djibouti Code of Conduct & Yaoundé Code of Conduct

I. ReCAAP – Overview

- The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (2006)
- The first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery in Asia
- 20 Contracting Parties: Australia, Bangladesh, Brunei, Cambodia, China, Denmark, India, Japan, Republic of Korea, Laos, Myanmar, the Netherlands, Norway, the Philippines, Singapore, Sri Lanka, Thailand, United Kingdom, United States, and Viet Nam
- Information Sharing Centre (ReCAAP ISC) based in Singapore

I. ReCAAP – *Objectives*

- Conscious of the importance of international cooperation as well as the urgent need for **greater regional cooperation and coordination** of all States affected within Asia, to prevent and suppress piracy and ARAS effectively
- Convinced that **information sharing and capacity building** among the Contracting Parties will significantly contribute towards the prevention and suppression of piracy and ARAS in Asia
- Affirming that, to ensure greater effectiveness of this Agreement, it is indispensable **for each Contracting Party to strengthen its measures** aimed at preventing and suppressing piracy and ARAS

I. ReCAAP – *General Obligations*

Each Contracting Party shall, in accordance with its national laws and regulations and applicable rules of international law, make every effort to take effective measures in respect of the following:

- (a) to **prevent and suppress** piracy and ARAS;
- (b) to **arrest** pirates or persons who have committed ARAS;
- (c) to **seize** ships or aircraft used for committing piracy or ARAS, to seize ships taken by and under the control of pirates or persons who have committed ARAS, and to seize the property on board such ships; and
- (d) to **rescue** victim ships and victims of piracy or ARAS.

I. ReCAAP – *ISC Main Activities*

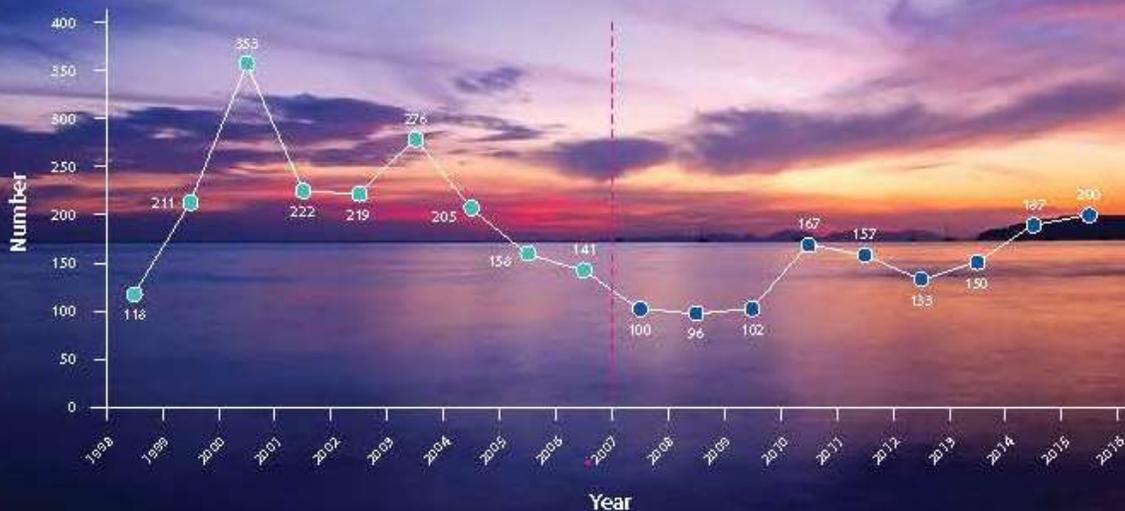
- Information Sharing
 - Focal Points of Contracting Parties
 - Issue warnings and alerts to shipping industry
 - Facilitate the responses by the law enforcement agencies of littoral States
 - Publish periodical reports, guidelines, and special reports
- Capacity Building
 - Technical assistance
 - Workshops and training programme to share experiences and best practice
- Cooperative Arrangements
 - Request for cooperation among contracting parties
 - Promote cooperation with other regional and international organisations to share information and best practices

I. ReCAAP – Contributions

ReCAAP ISC REPORTS AND JOINT DELIVERABLES WITH PARTNER ORGANISATIONS



Number of Incidents in Asia (1998 - 2015)



Commemorating a Decade of Regional Cooperation 2006-2016
<http://www.recaap.org/Home.aspx>

I. ReCAAP – Contributions



Commemorating a Decade of Regional Cooperation 2006-2016

<http://www.recaap.org/Home.aspx>

I. ReCAAP – *Next Phase?*

Causes:

- Root cause on land;
- Lack of maritime domain awareness;
- Lack of maritime surveillance;
- Lack of maritime law enforcement;

Increasing Threats:

- Maritime Terrorism;
- Trafficking of Drugs;
- Human Trafficking;
- Smuggling of Migrants;
- Illegal Trade of Arms;
- IUU Fishing;

Solutions:

- National measures;
- Strengthen cooperation in information sharing;
- Coordination in maritime surveillance;
- Capacity building and share of best practice;

II. Feasibility to Revise the Agreement – *Legal Basis*

- **1969 Vienna Convention on the Law of Treaties – Article 39**
 - A treaty may be amended by agreement between the parties.
- **ReCAAP – Article 19 Amendment**
 - Any Contracting Party may propose an amendment to this Agreement, any time after the Agreement enters into force. Such amendment shall be adopted with the consent of all Contracting Parties.
 - Any amendment shall enter into force 90 days after the acceptance by all Contracting Parties.

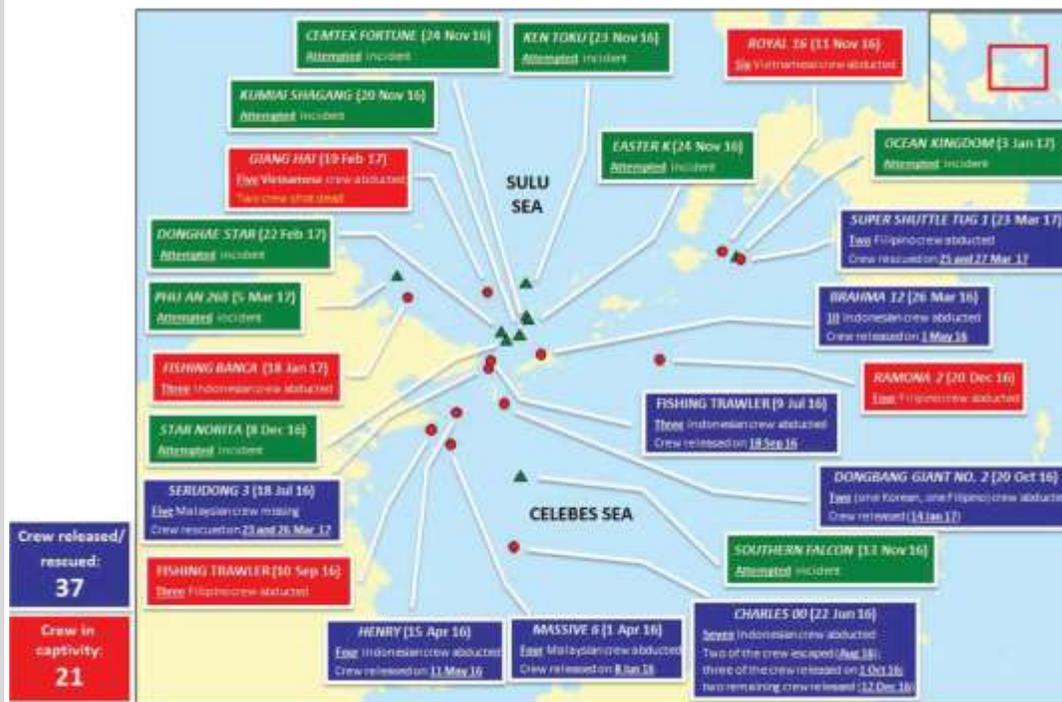
II. Feasibility to Revise the Agreement – *Practice*

ReCAAP's Response to Maritime Terrorism

Three Special Reports on abducting of crew from ships in the Sulu-Celebes Sea and waters off Eastern Sabah

- Facilitate information sharing
- Incidents alert & situation update
- Case Study
- Practical advices
- Call for regional cooperation

13 Incidents of Abduction of Crew & 9 Attempted Incidents (March 2016 – March 2017)



Map 2 – Approximate location of incidents (March 2016-March 2017)

Special Report on Abducting of Crew from Ships Part III

II. Feasibility to Revise the Agreement – *Recommendations*

- Expand the scope to cover other threats to maritime security;
- Strengthen cooperation with the IMO and other stakeholders;
- Focus on promoting information sharing and capacity building;

III. Djibouti Code of Conduct

The 2009 Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden

- Delivering national and regional training
- Enhancing national legislation
- Information sharing and maritime domain awareness
- Building counter piracy capacity



<http://www.imo.org/en/OurWork/Security/PIU/Pages/Content-and-Evolution-of-the-Djibouti-Code-of-Conduct.aspx>

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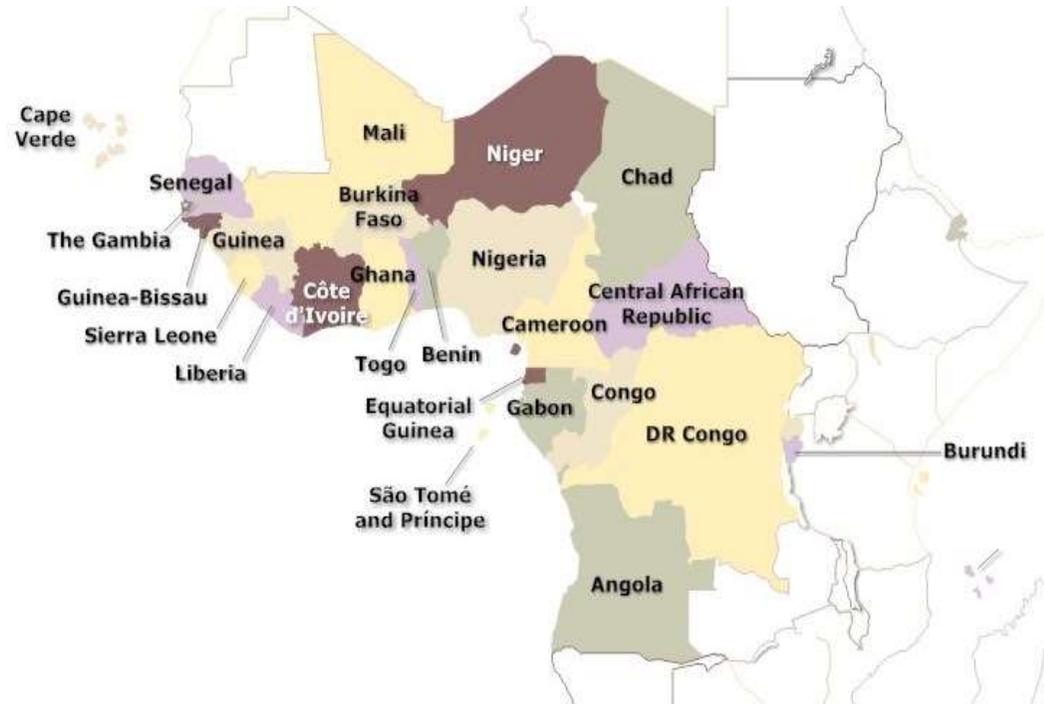
III. Djibouti Code of Conduct – *Jeddah Amendment*

- Broadened the scope to cover IUU fishing and transnational organized crime in the maritime domain: trafficking in arms/narcotics and psychotropic substances — illegal trade in wildlife — illegal oil bunkering — crude oil theft — human trafficking/smuggling — illegal dumping of toxic waste.
- The intention of Participants to develop and implement measures at the national level: strategy for marine economy development, maritime security policies, legislation for maritime security, and protection of the marine environment and sustainable management of marine living resources.

III. Yaoundé Code of Conduct

The 2013 Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa

- Delivering national and regional training and capacity building
- Coordination and information sharing
- Develop and implement measures at national level



<http://www.imo.org/en/OurWork/Security/WestAfrica/Pages/Code-of-Conduct-against-illicit-maritime-activity.aspx>

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III. Yaoundé Code of Conduct

Transnational organized crime in the maritime domain includes but is not limited to:

- Money laundering — illegal arms and drug trafficking — piracy and armed robbery at sea — illegal oil bunkering — crude oil theft — human trafficking/smuggling — maritime pollution — IUU fishing — illegal dumping of toxic waste — maritime terrorism and hostage taking — vandalism of offshore oil infrastructure

IV. Conclusions

- ReCAAP-ISC contributed to the suppressing of piracy and ARAS, promoting regional cooperation, and enhancing capacity building
- Scale the achievements to the next level, bringing a multi-layered regional approach in combating maritime crimes
- Amendment on mandate and scope must be agreed by the contracting parties as customized to Asia

THANK YOU

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