

Report of CIL Webinar on
MARITIME SECURITY AND COMMERCIAL SHIPPING:
APPROACHES OF THE IMO AND ASEAN

MONDAY, 26 September 2022, 16:00 – 18:00 via Zoom

This Webinar was moderated by Ms. Maria Pia Benosa, Research Associate in Ocean Law and Policy Programme, NUS Centre for International Law (CIL). The speakers were Prof. **Robert Beckman**, Emeritus Professor, Faculty of Law, Head of Ocean Law & Policy Programme, CIL and Dr **Vu Hai Dang**, Senior Research Fellow in Ocean Law and Policy Programme, CIL. The Webinar summarized the main findings in a report prepared by the speakers under the CIL research grant from the Singapore Maritime Institute.*

The first presentation was by Prof Beckman. He spoke on the IMO and the Security of Commercial Shipping. He explained that the primary functions of the IMO are to address the safety of shipping and the prevention of pollution from ships, not the security of ships. However, the IMO has had to address maritime security in response to threats to the security of commercial shipping. In response to the hijacking of the *Achille Lauro* passenger ship in the Mediterranean Sea in 1985, the IMO adopted the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988 SUA Convention). In response to the attack of the World Trade Center in New York in 2001, the IMO adopted Amendments to Chapter XI-2 of the Convention on the Safety of Life at Sea (SOLAS) by amending Chapter XI and adding a new chapter establishing the International Ship and Port Security Code (ISPS Code). In addition, the IMO adopted the 2005 SUA Protocol to deal with terrorist attacks against commercial shipping.

The IMO has also been addressing the security of commercial shipping activities on piracy and armed robbery against ships. In response to the increase in piracy incidents in the Gulf of Aden in the early 2000s, the IMO adopted the *Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships*. The IMO also supported the establishment of regional centres to combat piracy and armed robbery against ships such as the 2005 Regional Agreement to Combat Piracy and Armed Robbery Against Ships in Asia (ReCAAP) and its Information Sharing Centre (ISC) in Singapore. The IMO has also provided recommendations

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to governments and guidance to ship owners and ship operators in addressing the threat of piracy and armed robbery against ships (ARAS). Prof Beckman explained that the IMO instruments on piracy and ARAS are only recommendations, not legally binding on member States. This is in contrast to most IMO instruments on the safety of navigation and the prevention of pollution from ships.

The second presentation was by Dr Vu Hai Dang. He explained how ASEAN as a regional organization has responded to threats to maritime security in general and the security of commercial shipping in particular. He summarized various instruments, measures and initiatives adopted by ASEAN relating to the security of commercial shipping.

Dr Vu stated that ASEAN categorizes “sea piracy” as a form of transnational crime with linkage to other forms of transnational crime, such as terrorism, illicit drug trafficking, illicit trafficking of wildlife and timber, and trafficking in persons and people smuggling. However, most States do not classify piracy and armed robbery against ships as transnational crimes.

Dr Vu explained the measures taken by ASEAN to address terrorism, including the 2007 ASEAN Convention on Counter-Terrorism. He explained that the 1988 SUA Convention and the 2005 SUA Protocol are two of the conventions governed by the cooperative measures adopted by the ASEAN under the 2007 ASEAN Convention on Counter-Terrorism. He also opined that ASEAN approaches the issue of “maritime security” in a very broad sense rather than in the narrow sense of threats to commercial shipping. ASEAN addresses maritime security through various ASEAN and ASEAN Plus mechanisms including the ASEAN Regional Forum, the ASEAN Maritime Forum and the ASEAN Expanded Maritime Forum.

Dr Vu then stated that these classifications create some conceptual and practical difficulties because many of the threats to commercial shipping in Southeast Asia cannot be easily classified as transnational crimes or terrorism. He observed that issues relating to commercial shipping were generally dealt with by Ministers of Transport under the Economic Pillar of ASEAN, but that issues of maritime security and transnational crimes were dealt with by representatives from the agencies responsible for foreign affairs, defence and security under the Political and Security Pillar of ASEAN. In practice, this means that ASEAN has not focused specifically on the security of commercial shipping. He concluded that enhanced cooperation between the two pillars would be necessary for ASEAN to focus on threats to the security of commercial shipping.

The speakers also responded to questions from the moderator and the audience.

Dr Vu Hai Dang, CIL

Emeritus Professor Robert Beckman, CIL

21 October 2022