

The 8th Sub-Committee of the Tokyo Defense Forum (TDF)
Summary by the Chair
(15 July 2009, Tokyo)

Introduction

1. The 8th Sub-Committee of the Tokyo Defense Forum (Forum for Defense Authorities in the Asia-Pacific Region) was convened in Tokyo on July 14th and 15th, 2009 with the participation of twenty-four countries (Australia, Bangladesh, Kingdom of Cambodia, Canada, People's Republic of China, India, Republic of Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, Union of Myanmar, New Zealand, Islamic Republic of Pakistan, Papua New Guinea, Republic of the Philippines, Republic of Korea, Russian Federation, Republic of Singapore, Democratic Socialist Republic of Sri Lanka, Kingdom of Thailand, Timor-Leste, United States of America, Socialist Republic of Viet Nam) and the European Union. The International Maritime Organization and the Japanese Shipowners' Association also participated in the meeting.

2. The Sub-Committee was chaired by Mr. Koji Kurauchi, Director of International Policy Division, Bureau of Defense Policy, Ministry of Defense of Japan.

3. The agenda of the Sub-Committee was three-fold: "Recent Situations of Piracy and Armed Robbery at Sea" for Session I; "Operational Issues Pertaining to Coordination among Armed Forces against Piracy and Armed Robbery at Sea" for Session II; and "Roles, Missions and Authorities of Armed Forces in Interagency Efforts against Piracy and Armed Robbery at Sea" for Session III.

4. Mr. Hiroshi Oe, Director-General for International Affairs, Ministry of Defense of Japan, made the opening remarks. In his remarks, Mr. Oe pointed out that, while the anti-piracy operations are carried out by law enforcement agencies in many countries, responses of naval forces have also become significant because there is a need for long-term deployment of vessels and for the capabilities to address heavily armed pirates in such cases as Somali waters where damages and casualties caused by piracy are increasing and patrol systems of littoral states are insufficient.

5. Citing the achievement of anti-piracy operations in Southeast Asia, Mr. Oe stated that since many countries from the Asia-Pacific region have participated in anti-piracy operations off the coast of Somalia, it is worthy to make an interim review of the operational issues in this Sub-Committee in order to contribute to future discussions.

Presentations and Discussion by Participants

(1) Recent Situations of Piracy and Armed Robbery at Sea

6. The International Maritime Organization and the Japanese Shipowners' Association made presentations on this topic.

7. Participants shared views on the recent situations of piracy and armed robbery at sea off the coast of Somalia, in the Gulf of Aden and in Southeast Asia, and on the efforts of the international community, in particular, the series of resolutions, recommendations and guidance adopted by IMO and UN Security Council. This included expectations of, and appreciation by, ship-owners to the international community. It was pointed out that 1) the recent worldwide trend of damage and casualties caused by piracy showed a constant increase in the total number of seajack and hostage incidents; that 2) the majority of hostage incidents had taken place in areas surrounding the Horn of Africa, in international waters in particular; and that 3) acts of piracy have been seen in wider areas.

8. The Sub-Committee noted the sharp increase in the number of piracy incidents and armed robbery at sea in Africa, especially off the coast of Somalia and in the Gulf of Aden. In this regard, participants shared the view that piracy and armed robbery at sea in these areas is a threat to the international community, and appreciated the efforts made by countries and international organizations concerned, emphasizing the importance of continuous effort of the international community as a whole as well as the importance of implementation of the regional cooperation scheme, the Djibouti Code of Conduct.

(2) Operational Issues Pertaining to Cooperation among Armed Forces against Piracy and Armed Robbery at Sea

9. The Sub-Committee shared the view that appropriate, timely information sharing and operational coordination among deployed forces are

important in enhancing cooperation among armed forces against piracy and armed robbery at sea, while paying attention to the differences between the cases in Southeast Asia where efforts of littoral states are successful, and those off the coast of Somalia and in the Gulf of Aden where there is an absence of a functioning state.

10. The participants emphasized that, in the long run, there will be no effective measures without a holistic approach to the root causes of piracy and armed robbery at sea, such as the current economic crisis and the collapse of the state function of Somalia. In this context, the participants also emphasized that military solutions were deemed as mainly short to medium term measures.

Topic 1: Operational Issues in Southeast Asia

11. Republic of Indonesia, Republic of Singapore, Kingdom of Thailand and Australia made presentations on this topic.

12. The Sub-Committee noted the declining trend of piracy and armed robbery incidents in Southeast Asian waters. The participants appreciated the efforts made by Southeast Asian nations, particularly by littoral states of the Malacca and Singapore Straits, in measures against piracy and armed robbery at sea, including coordinated patrols.

13. In addition to these efforts, participants noted that non-littoral related states and relevant international organizations also play important roles in the sphere of information sharing, in particular, referring to successful international cooperation in establishing effective information sharing systems.

14. Some participants pointed out that piracy in the Malacca Straits has distinct characteristics when compared to piracy occurring off the coast of Somalia and in the Gulf of Aden: in the Malacca Straits area the pirates use simple weapons such as blades, and both patrol activities by littoral states and international cooperation are in place.

15. The Sub-Committee discussed the possibility of applying the experience, knowledge and lessons learned from Southeast Asian nations' efforts such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and Singapore's Information Fusion Centre (IFC) to the Somali case. Regarding information sharing, some participants stated the need to build an information community based on

networks among not only armed forces but also relevant government organizations and the private sector.

Topic 2: Operational Issues off the Coast of Somalia and in the Gulf of Aden

16. Republic of Korea, the European Union, People's Republic of China, Russian Federation and Malaysia made presentations on this topic.

17. Participants reviewed various cases in which serious anti-piracy efforts have been made by navies. They shared the view that 1) such efforts have achieved certain positive results; 2) long-term regional and international cooperation is needed to fight piracy and armed robbery at sea off the coast of Somalia and in the Gulf of Aden; and 3) enhanced multilateral information sharing and operational coordination is essential. Participants also reaffirmed the need for the implementation of anti-piracy measures in accordance with international law.

18. Some participants indicated that the effective use of limited assets and financial resources is necessary in order to sustain anti-piracy operations off the coast of Somalia and in the Gulf of Aden. The Sub-Committee noted the suggestion for an innovative use of ships having logistic functions as a substitute for naval vessels, thereby reducing cost and manpower deployment of naval forces. Some also pointed out that mutual visits of crews of dispatched naval vessels contributes to cooperative relations as well as confidence-building.

19. Participants discussed different tactics, such as direct escort of convoys, area protection, and group transit. Participants recognized that differences in mission priorities, perceptions of risks and costs, requests from shipping companies, and other domestic conditions and constraints are some of the factors resulting in various approaches. The Sub-Committee shared the view that it is necessary to continue to consider ways for efficient and effective operations, including the aforementioned aspects, bearing in mind that the area of operation is extensive. It should also be noted that, apart from the naval operations, the private sector especially the shipping companies should consider taking some protective action against piracy.

(3) Roles, Missions and Authorities of Armed Forces in Interagency Efforts against Piracy and Armed Robbery at Sea

20. Japan, India and Republic of the Philippines made presentations in this session.

21. The Sub-Committee shared the view that integrated efforts between armed forces and law enforcement agencies such as the coast guard are required for effective measures against piracy and armed robbery at sea, and that the establishment of a framework for information sharing and coordination among related organizations is becoming more significant.

22. The participants introduced to each other their domestic legal systems, including Japan's new anti-piracy legislation, for the implementation of measures against piracy and armed robbery at sea by the armed forces as a part of the government. The Sub-Committee exchanged views on the question of judicial procedures when suspected pirates and robbers are captured. Noting the differing arrangements made by individual countries to allow for prosecution and trial, most of the countries of the Sub-Committee indicated that they had no legislations allowing them to prosecute suspected pirates when there was no national linkage in terms of the crew or the flag of the vessel attacked or hijacked. Hence, the establishment of an agreement with regional nations to allow for the transfer and prosecution of suspected pirates was deemed necessary in order to overcome this significant hurdle.

Closing Remarks

23. Participants expressed their wish that the perspectives and discussions shared in this Sub-Committee will contribute to domestic and international efforts against piracy. The Sub-Committee shared the view that discussions on cooperation and coordination among armed forces as well as among relevant government organizations against piracy and armed robbery at sea should be further pursued in various international fora including the Contact Group, the Shared Awareness and De-Confliction (SHADE) meetings, and ASEAN Regional Forum (ARF) as well.

24. It was agreed that the outcomes of this Sub-Committee would be reported by the host country to relevant ARF meetings, including next ARF Inter-sessional Meeting on Maritime Security.

25. Participants expressed their appreciation to the Chair and the Secretariat for organizing this Sub-Committee and for providing the opportunity to share experience and knowledge in tackling piracy and armed robbery at sea.

26. Participants look forward to the 14th Tokyo Defense Forum, which will be held in autumn 2009 in Tokyo.