

# The Fact sheet of Anti-piracy Activities off the Coast of Somalia and the Gulf of Aden

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## Introduction

The question of the Piracy off the Coast of Somalia and in the Gulf of Aden remains a source of major concern today. As of the year 2012, Japan and the International Society are still continuing to join efforts to address international Anti-Piracy response.

Now, it is the 3rd year of enactment of 'Counter-Piracy Response Law' that consolidated the framework for Japan's Anti-Piracy activities from original 'maritime patrol activities' under SDF law, which used to provide the only legal basis for the activities at start-up. However, there is not sufficient data and basic records for academic research on Japan's and the International Community's anti-piracy response.

Based on this standpoint, the paper was drafted to provide the public with broad range of information including the factsheet and relevant articles about Japan and International Community's anti-piracy response in Somalia and the Gulf of Aden. It compiles the data and situation from March 2009 to June 2011.

### 1. The General Situation of Piracy of Somalia

#### (1) Basic Facts about Piracy

Piracy is an old and new problem that has existed from the ancient time. 'Wako' or Japanese pirate of medieval Japan is a well-known example of such. Today, 'piracy' is defined as 'any illegal acts of violence or detention, or any act of depredation, on the high seas, against other ship or aircraft, or against persons or property on board'<sup>1</sup>.

The origin of pirates operating off the coast of Somalia is not definitive. Their acts are generally regarded as collective actions of 1) local fishermen, 2) former local militia working under a warlord, and 3) military technical expert including former Somali Navy personnel or those who were trained by private security companies such as *Hart Security Limited*<sup>2</sup> of UK<sup>3</sup>.

They often use a modified second-hand trawl boat or hijacked commercial ship with 12~35 crews as mother ship, and sail from coast of Somalia into the Indian Ocean and

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<sup>1</sup> According to United Nations Convention on the Law of the Sea (UNCLOS), piracy is defined as following: (a) *any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft, (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;* (b) *Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate-ship or aircraft;* (c) *any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).*" (UNCLOS, § 101)

<sup>2</sup> Isami Takeda, "*Somalia kaizoku no shinsou ni semaru* (Getting to the core of piracy off the Coast of Somalia)", *Sekai*, March 2009, pp. 40-43.

<sup>3</sup> Mitsugi Endo "*Somalia ni okeru hunsou to sono gendaiteki kadai* (Current issues of Conflicts in Somalia)", *kaigai Jijo*, May 1998, pp.10-12.

Gulf of Aden. Then, they attack a targeted ship from small high-speed boat. The pirates off the coast of Somalia have following characteristics: they make precise operational plan by using GPS and small size radar before the raid, and are well equipped with heavy arms such as assault rifles (AK47, etc) and portable rocket launcher (RPGs-7). However, they rarely do harm to the hostage<sup>4</sup>.

## (2) The Situation before the Launch of SDF Anti-Piracy Response

According to the January 2009 monthly report of The Ocean Policy Research Institute (OPRF), the number of piracy case of the world was on the decrease until 2006 after the temporary peak in 2003 (see the below Table 1). However, it started to increase for the second consecutive year from 2007, to 293 cases in 2008. 111 cases, or nearly one-third of total number were observed in the Gulf of Aden and the Red Sea (92) or off Somalia (19). In particular, the number of piracy case in the Gulf of Aden had seen steep increase, from 13 cases in 2007 to 92 in 2008. On the other hand, the frequency of piracy in waters off Somalia was on the decrease, but there were recurrences of raids in the eastern and southern part of the area<sup>5</sup>. This was the situation just before the SDF anti-piracy activities was kicked off.

The pirates of off Somalia and the Gulf of Aden aim to hijack vessels. The record indicates that of 49 hijack cases (889 hostages) of the world in year 2008, 42 cases (10 in the waters off Somalia and 32 in the Gulf of Aden) and 815 hostages (186 in the waters off Somalia and 629 in the Gulf of Aden) were witnessed in this sea area<sup>6</sup>. All the cases concerned ransom demands in return for hostage and property release. Unlike the piracy of Indonesia where means of raid is usually knives, piracy of Somalia poses high level of threat considering the frequent use of firearms<sup>7</sup>.

In response to the above situation, United Nations Security Council adopted series of resolutions against the piracy. Until March 2009, it adopted SCR1816, 1838, 1846, and 1851<sup>8</sup>.

The SCR 1816 codifies temporary authorization for the period of 6 month, to *'enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with*

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<sup>4</sup> Akiko Sugiki "Kokkakensetu moderu no saikoujoron - Somalia oki kaizoku mondai to Somalia kokka no girei kara (Prolegomenon to review of state building model - the issue of piracy off the Coast of Somalia and reflection on the state of Somalia)", *Kokusaihou Gaikou Zasshi*, vol.110, No.1, January 2011, p. 90.

<sup>5</sup> Ocean Policy Research Foundation *OPRF MARINT Monthly Report*, January, 2009, pp. 22-23.

<sup>6</sup> *Ibid*, pp. 22-23.

<sup>7</sup> *Ibid*, pp. 25-26.

<sup>8</sup> [http://unic.or.jp/security\\_co/index\\_sc.htm](http://unic.or.jp/security_co/index_sc.htm) (accessed August 10, 2011).

respect to piracy under relevant international law,’ and ‘use, within the territorial waters of Somalia, in a manner <sup>9</sup>consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery.’ (UN SCR 1816, 2 June 2008.)

UN SCR 1846 further extended the period subject to above measures by 12 months. UN SCR 1851 expanded the area of operational activities to Somali territory including airspace by authorizing countries concerned to target ‘those who are using Somali territory and to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea.’ (UN SCR 1851, 16 December 2008.) <sup>10</sup>

Table 1: Trend of piracy cases in Somalia and the Gulf of Aden 2003-2008 (Source: *IMB Annual Report 2008*) <sup>11</sup>

Location	2003	2004	2005	2006	2007	2008
Somalia	3	2	35	10	31	19
Gulf of Aden/Red Sea	18	8	10	10	13	92
Other	424	319	231	219	219	182
Total at year end	445	329	276	239	263	293

Table 2: Seaborne raids in major sea areas (Source: processed from the Table 1 and *Ibid.*)

<sup>12</sup>

Locations	Armed with Guns	Armed with Knives	Other Weapons	Not Stated

<sup>9</sup> For the definition of ‘a manner consistent with action permitted on the high seas’, United Nations Convention on the Law of the Sea should be referred to.

‘Seizure of a pirate ship or aircraft

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.’

(UNCLOS, § 105)

‘Ships and aircraft which are entitled to seize on account of piracy

A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.’ (UNCLOS, § 107)

<sup>10</sup> United Nations Information Center, ‘United Nations Security Council Resolution’ ([http://unic.or.jp/security\\_co/index\\_sc.htm](http://unic.or.jp/security_co/index_sc.htm)) (accessed August 10 2011).

<sup>11</sup> Ocean Policy Research Foundation, *OPRF MARINT Monthly Report*, January, 2009, p. 22.

<sup>12</sup> *Ibid*, p. 26.

Gulf of Aden	85			7
Somalia	17		1	2
Indonesia	4	13		10
Straits of Malacca				2
Malaysia	4	3		3
Philippines	2	3		2
Singapore Straits	1	4		1
Other	26	45	5	53
Subtotal	139	68	6	80
Total	293			

### (3) Situation of piracy Early 2011

In the year 2010 or two years from the beginning of Japan's engagement in anti-piracy activities, the trend of piracy case was still on the increase, according to the January 2011 OPRF MARINT of Monthly Report (see the below Table 3.) The upward trend from 2007 persisted. The record also demonstrated that the situation was deteriorating: 219 cases were witnessed in the area (53 in the Gulf of Aden, 25 in the Red Sea, 139 off Somalia, 2 in the Arabian Sea), making up half of the total worldwide number, and the area of these activities was also expanding. On the positive side, raids in the Gulf of Aden decreased by more than a half, from 116 cases in 2009 to 53 in 2010. This was reported as the achievement from the anti-piracy efforts of engaging countries and result of manual of anti-piracy activities BMP3<sup>13</sup> (Best Management Practice 3.)<sup>14</sup>

Of all the incidents, Somali pirates attacked the ships underway (see the chart 4 and 5.) They fired upon the target or tried unsuccessfully to get on board in all the attempted cases.

The pirates of this area have two typical characteristics; they are armed with firearms (automatic rifles and portable rocket launchers) and attack the ships underway from mother ship and smaller high speed boat<sup>15</sup>.

Concerning Human suffering from the piracy, number of hostage had been on steady increase, from 188 hostages in 2006, 292 in 2007, 889 in 2008, 1052 in 2009, and peaked

<sup>13</sup> Practices to deter Piracy off the Coast of Somalia and in the Arabian Sea Area are given by The Contact Group on Piracy off the Coast of Somalia(CGPCS) as in the following manual:

“Best Management Practices 3 Piracy off the Coast of Somalia and Arabian Sea Area”  
<http://www.thecgpcs.org/download.do?path=document/60/PiracyBMP3.pdf>  
 (accessed August 24, 2011). BMP3 was revised as BMP4 since August 2011.

<sup>14</sup> Ocean Policy Research Foundation, *OPRF MARINT Monthly Report*, January, 2011, pp. 22-23.

<sup>15</sup> *Ibid*, pp. 23-24.

in 2010, to 1181. The number of victims counted 351 in the cases taking place in the Gulf of Aden and 506 in those of off Somalia. The numbers then decreased, on the Gulf of Aden to 275 and increased in Somalia to 723 in 2010<sup>16</sup>. This trend should be attributed to the anti-piracy effort of engaging countries. The pirates are thus shifting their area of activities from Gulf of Aden to off Somalia, the Red Sea and surrounding waters.

Table 3: Trend of piracy acts in major sea areas (Source: *IMB Annual Report 2010*) <sup>17</sup>

Locations	2006	2007	2008	2009	2010
Gulf of Aden	10	13	92	116	53
Red Sea				15	25
Somalia	10	31	19	80	139
Arabian Sea	2	4		1	2
subtotal	22	48	111	212	219
Indian Ocean				1	
Oman				4	
Other	217	215	182	193	226
Total	239	263	293	410	445

Table 4: Mode of attacks by pirates of major sea areas (Source: *Ibid.*)<sup>18</sup>

Locations	Accomplished crime		Attempted crime		Total
	Boarded <sup>19</sup>	Hijacked	Fired Upon	Attempted Boarding	
Gulf of Aden	2	15	22	14	53
Red Sea		1	4	20	25
Somalia	14	33	74	18	139
Arabian Sea				2	2
Subtotal	196	53	107	89	445
Total					

<sup>16</sup> *Ibid*, p. 25.

<sup>17</sup> Ocean Policy Research Foundation *OPRF MARINT Monthly Report*, January, 2011, p. 26.

<sup>18</sup> “Boarded” refers to a case where pirates succeeded to board but were not able to raid because most crew are secured in on-board “citadel” to self-defense. In such cases, pirates give up hijacking the ship as near-by patrol vessels approach to rescue it.

<sup>19</sup> Ocean Policy Research Foundation, *OPRF MARINT Monthly Report*, January, 2011, p. 28.

Table 5: Status of vessels when attacked in major sea areas (Source: *Ibid.*)<sup>20</sup>

Locations	Accomplished Crime			Attempted Crime		
	Alongside	Anchoring	Underway	Alongside	Anchoring	Underway
Gulf of Aden			17			36
Red Sea			1			24
Somalia			47			92
Arabian Sea						2
Other	15	115	54	3	16	23
Subtotal	15	115	119	3	16	177
Total	249			196		

Table 6: Types of Arms used by pirates of different areas (Source: *Ibid.*)<sup>21</sup>

Locations	Armed with Guns	Armed with Knives	Other Weapons	Not Stated
Gulf of Aden	48			5
Red Sea	13			12
Somalia	130			9
Arabian Sea				2
Other	13	88	6	80
Subtotal	243	88	6	108
Total	445			

Table 7: Human suffering from the pirates since 2003 (Source: *Ibid.*)<sup>22</sup>

Types of Violence	2003	2004	2005	2006	2007	2008	2009	2010
Taken hostage	359	148	440	188	292	889	1,052	1,181
Kidnap/Ransom		86	13	77	63	42	12	20
Crew threatened	65	34	14	17	6	9	14	18
Crew assaulted	40	12	6	2	29	7	4	6
Crew injured	88	59	24	15	35	32	68	37
Crew killed	21	32	—	15	5	11	8	8

<sup>20</sup> Ocean Policy Research Foundation, *OPRF MARINT Monthly Report*, January, 2011, p. 29.

<sup>21</sup> *Ibid.*, p. 32.

<sup>22</sup> Ocean Policy Research Foundation, *OPRF MARINT Monthly Report*, January, 2009, p. 25.

Missing	71	30	12	3	3	21	8	0
Total	644	401	509	317	433	1,011	1,166	1.270

#### (4) The Economic Harm by the Acts of Piracy

In 2005, the average amount of ransom money paid for Somali pirates was \$150,000/case, which increased drastically to \$5.4 million/case in 2010. \$ 238 million was spent as ransom over the course of one single year in 2010<sup>23</sup>.

‘Low-speed low-flotage’ ships are particularly vulnerable and most likely to become the targets of pirate attacks. The safest way for such types of ships is to avoid the high-risk zones. However, additional loss from detouring is enormous, estimated \$ 2.3~3 billion a year<sup>24</sup>.

To be more specific, the ships pass through the Gulf of Aden to transit the Suez Canal, which is the principal channel connecting the Indian Ocean and the Mediterranean Sea. If a ship decided to avoid the risky waters of the Gulf of Aden/ the Suez Canal and took a detour all the way around the Cape of Good Hope, the total distance between Rotterdam and Tokyo is 14,503 NM<sup>25</sup>, which is 3315 NM (23 %) longer than 11,192 NM of the original course. For aforementioned high-risk vessels, it would take additional 9 days and 5 hours<sup>26</sup> and the total cost of transportation would also increase (assume the velocity is 15 kt/hour).

On the other hand, ship owners would try to enhance security by installing equipment and hired security personnel to take the course through high-risk waters off Somalia. The overall cost related to the security arrangement is estimated between \$ 363 million to \$ 2.5 billion<sup>27</sup>. Insurance loss against piracy of Somalia is estimated between \$ 460 million to \$ 3.2 billion.<sup>28</sup> Moreover, the gross impact of other consequential cost upon the local economy is \$ 7 to 12 billion, including expenses for law enforcement, naval deployment<sup>29</sup> and prosecution of captured pirates<sup>30</sup>. All these estimates and facts

<sup>23</sup> Anna Bowden and etc., "The Economic Cost of Maritime Piracy," One Earth Future Working Paper December 2010, pp. 9-10.

<sup>24</sup> *Ibid*, pp. 12-14.

<sup>25</sup> NM : Nautical Miles (1,852m).

<sup>26</sup> "Saving in distance via SC", Suez Canal WebSite

<http://www.suezcanal.gov.eg/sc.aspx?show=11> (accessed November 17, 2011).

<sup>27</sup> Anna Bowden and etc., *op. cit.*, pp. 14-15.

<sup>28</sup> *Ibid*, pp. 10-12.

<sup>29</sup> Expenses of Naval deployment: According to OEF (One Earth Future) estimates, approximately 2 billion is spent for naval activities in Somalia. Costs of Naval presence here is calculated from two key framework:

- 1) costs of everyday operation and maintenance of each ships multiplied by number of ships deployed;
- 2) 3 major operations' administration and HQs cost. Namely, total cost for Operation

demonstrate that the piracy in Somalia now poses a global threat.

## 2. Effort of International Community

In January 1991, after demise of Mohamed Siyaad Barre regime, Somalia plunged into civil war with all the major armed factions in conflict. The country was divided in May when the northern part separated from Somalia and declared its independence as Somaliland<sup>31</sup>. In 1992, UN PKO mission as well as the US-lead coalition of Unified Task Force (UNITAF) were deployed, both of them failing to improve the situation and withdrew from the ground (UNITAF in 1993 and UN PKO in 1995). The domestic infrastructures were seriously destroyed and basic economics suffered crushing impact over the course of civil war<sup>32</sup>. Exports of marine products had naturally been suspended<sup>33</sup>. It used to bring \$ 15 million of income to Somalia as of 1989, so the indigenous Somali fishermen could not earn their bread and butter from fishing anymore. That was when the pirates started to appear in the coast of Somalia. There are various views as to the origins of Somali pirates, but most believed stories tell that they were former Somali fishermen who had no choice but to pirate or that a private maritime security forces from Puntland started relative activities<sup>34</sup>.

Since then, as the statistics of IMB demonstrates, African pirates, especially the pirates in Somalia and around the Horn of Africa, has increased its number steadily as the civil war in Somalia continues<sup>35</sup>. Somalia, just like Afghanistan after the withdrawal of USSR, became a destabilized failed state, providing a haven for armed groups such as terrorists and pirates<sup>36</sup>. The clans<sup>37</sup> in Puntland are allegedly running piracy as business<sup>38</sup>. Piracy in Somalia is source of grave concern and threat for international security and economy.

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Atlanta, Operation Ocean Shield and CTF-151 HQs and administration. (*Ibid*, pp. 16.)

<sup>30</sup> *Ibid*, pp. 25.

<sup>31</sup> <http://www.mofa.go.jp/mofaj/area/somali/data.html>(accessed October 21, 2011)

<sup>32</sup> [http://www.mofa.go.jp/mofaj/gaiko/oda/shiryo/kuni/10\\_databook/pdfs/05-27.pdf](http://www.mofa.go.jp/mofaj/gaiko/oda/shiryo/kuni/10_databook/pdfs/05-27.pdf)  
(accessed October 21, 2011)

<sup>33</sup> “Somalia: Fishermen appeal for help over foreign fishing ships”

<http://www.irinnews.org/report.aspx?reportid=58369> (accessed December 5, 2011)

<sup>34</sup> Mamoru Inamoto, “*Somaliaoki kaizoku mondai to kaizoku taisho wo meguru ichikousatu* (Reflection of Piracy off the Cost of Somalia and Anti-Piracy Response)” Tokyo Kaiyo Daigaku Kenkyu Houkoku No.7, p. 18.

[lib.s.kaiyodai.ac.jp/library/kiyou/tkh07/p17.pdf](http://lib.s.kaiyodai.ac.jp/library/kiyou/tkh07/p17.pdf) (accessed August 6, 2011)

<sup>35</sup> The Japaneses Shipowners’ Association “*Kaizoku anzen mondai: kaizoku infomation: IMB niyoru toukei 1955-2004*(Issue of piracy and security: information on piracy, According to the statistics of IMB)”

<http://www.jsanet.or.jp/pirate/text/pi1-1-1b.html> (accessed August 24, 2011)

<sup>36</sup> S/RES/1910 (2010)

<sup>37</sup> “a large group of families that often share the same name” in dictionaries definition.

<sup>38</sup> Sugiki, *op. cit*, pp. 90-94.

International Community under UN leadership responded to the counter piracy and the problems in Somalia at civil war in tandem with the Global War on Terrorism after 9.11.

#### (1) Anti-Piracy Efforts of the Various International Actors

##### A United Nations

##### a Security Council<sup>39</sup>

The UN Security Council has adopted series of resolutions calling for international cooperation for deterring the piracy.

The Security Council Resolution 1816 (SCR1816, 2008) authorizing the countries concerned *to enter the territorial waters of Somalia and use “all necessary means” to repress acts of piracy and armed robbery at sea*, was followed by SCR 1838(2008), 1846(2008), 1851(2008) and 1897(2009) to further strengthen the measures to be taken as well as to extend the period subject to the anti-piracy response. SCR 1851(2008) expanded the area to take above measures and enabled to take *all necessary means* within the whole territory of Somalia.

Moreover, SCR1918 (2010) called on *all States, including States in the region, to criminalize piracy under their domestic law and favorably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia, consistent with applicable international human rights law*. Two more resolutions followed (SCR 1950 and 1976) to further strengthen the measures with revised law enforcement provisions. In May 2011, the Security Council was going further to recommend the establishment of special court for Somali pirates in Somalia and in countries of the East Africa region at an early date.

Concerning the issue of prosecution related to piracy, 750 Somali suspects were on trial or awaiting in more than 11 countries as of the end of 2010. The cost related to trials and imprisonment was estimated to \$ 31 million in 2010<sup>40</sup>.

##### b The Contact Group on Piracy off the Coast of Somalia (CGPCS)<sup>41</sup>

Based on SRC 1851, 24 countries including Japan, the US and China, as well as 5

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<sup>39</sup> [http://unic.or.jp/security\\_co/index\\_sc.htm](http://unic.or.jp/security_co/index_sc.htm) (accessed August 8, 2011)

<sup>40</sup> Anna Bowden and etc., *op. cit.*, pp. 18-19.

<sup>41</sup> Reference articles are as follows

[http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia\\_taisaku.html](http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia_taisaku.html),  
(accessed August 24, 2011)

CONTACT GROUP on piracy off the coast of somalia Plenary Sessions

<http://www.thecgpcs.org/plenary.do?action=plenaryMain> (accessed November 17, 2011)

major International Organizations<sup>42</sup>, met at the UN headquarters on 14 January 2009 to set up the Contact Group on Piracy off the Coast of Somalia (CGPCS) as an principal international framework for coordinating the anti-piracy activities in the Gulf of Aden. As of June 2011, 8 sessions were organized. Japan chaired the 4<sup>th</sup> session of CGPCS.

As of the end of 2010, CGPCS has participation of 50 countries and 9 international organizations<sup>43</sup>. Operating expense is \$ 3.7 million<sup>44</sup>.

At its 1<sup>st</sup> session in January 2009, the CGPSC identified the following 6 areas of focus<sup>45</sup>:

- 1) improve operational and information support to counter-piracy operations;
- 2) establish a counter-piracy coordination mechanism;
- 3) strengthen judicial frameworks for arrest, prosecution and detention of pirates;
- 4) strengthen commercial shipping self-awareness and other capabilities;
- 5) pursue improved diplomatic and public information efforts;
- 6) track financial flows related to piracy.

#### (A) 5 Working Groups of CGPCS

- The Working Group 1 (WG1) is *responsible for ensuring effective naval operational co-ordination and supporting the building of the judicial, penal and maritime capacity of Regional States to ensure they are better equipped to tackle piracy and maritime security challenges.*
- The WG2 on Legal Issues is *providing specific, practical and legally sound guidance to the CGPCS, States and organizations on all legal aspects of counter-piracy.*
- the WG3 addresses *concerns of the participant states, maritime industry and labor groups regarding the actions that should be used to provide self-defensive actions to protect vessels from hijacking by pirates in the high risk waters off Somalia.*
- The WG4 focuses on *the public diplomacy aspect of the problem of combating piracy*

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<sup>42</sup> Participating in the meeting were representatives from: 24 nations of Australia, China, Denmark, Djibouti, Egypt, France, Germany, Greece, India, Italy, Japan, Kenya, The Netherlands, Oman, Russia, Saudi Arabia, Somalia TFG, Republic of Korea, Spain, Turkey, United Arab Emirates, United Kingdom, United States, and Yemen, as well as 5 international organization of the African Union, the European Union, the North Atlantic Treaty Organization (NATO), the UN Secretariat and the International Maritime Organization(IMO).

<sup>43</sup> Conference of Japanese ministries concerned on Anti-Piracy Response off the Coast of Somalia and Gulf of Aden '*Anti-Piracy Response Report 2010*, p 7.

<sup>44</sup> Anne Bowden and etc., *op. cit*, p. 20.

<sup>45</sup> CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA: about CGPCS: mission

<http://www.thecgps.org/about.do?action=mission> (accessed Novemver 17, 2011)

*over the coast of Somalia.*

- The WG5 was newly set up at the 9<sup>th</sup> session of CGPCS meetings that *coordinates international efforts to identify and disrupt the financial networks of pirate leaders and their financiers.*

(B) The overview of the meetings of CGPCS

1) The 1<sup>st</sup> plenary session (14 January 2009)<sup>46</sup>

The meeting discussed the specific options for likeminded countries to improve their capabilities to detain and prosecute the pirates. They also touched upon other counter-piracy measures including foundation of international tribunal for the piracy off the Coast of Somalia.

2) The 2<sup>nd</sup> plenary session (17 March 2009)<sup>47</sup>

The second plenary session of CGPCS was met in Cairo on 17<sup>th</sup> March 2009 with Egypt's chairmanship.

In this session, Working Group 1 presented an 'option paper' for military coordination framework as well as for regional capacity building effort. It also touched upon the potential mandate of a counter-piracy coordination center.

The Working Group 2 raised the issues of legal framework for counter-piracy activities and proposed an establishment of UN trust fund for supporting judicial affairs related to piracy.

The Working Group 3 was tasked to coordinate the administrative matters for Working Group 1.

The Working Group 4 on public relations was designed to examine the role of CGPCS Press Officer as well as an effective ways to convey the CGPCS messages to the subject audience.

The member states agreed to elect the chairmanship by rotation.

3) The 3<sup>rd</sup> Session (29 May 2009)<sup>48</sup>

The US chaired this session in New York City.

The CGPCS approved the establishment of the aforementioned UN Trust Fund to support financing counter-piracy activities. It also stated that the harm arising from the

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<sup>46</sup> First Plenary Session of the Contact Group on Piracy Off the Coast of Somalia  
<http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=3> (accessed Novemver 17, 2011)

<sup>47</sup> Second Plenary Session of the Contact Group on Piracy Off the Coast of Somalia  
<http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=4> (accessed Novemver 17, 2011)

<sup>48</sup> Third Plenary Session of the Contact Group on Piracy off the Coast of Somalia  
<http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=5> (accessed Novemver 17, 2011)

piracy had decreased as a result of military coordination mechanism of SHADE (Shared Awareness and Deconfliction).

The Working Group 1 was further tasked to study the need for establishing a counter-piracy coordination center and for setting up the area of escort operations.

The Working Group 2 reported the need for enhanced cooperation in capture, prosecution and custody of pirates. The group also charged itself of drafting the terms of references for UN Trust Fund.

The Working Group 3 examined the effectiveness of Best Management Practice (BMP) as a guideline for counter-piracy measures<sup>49</sup>.

The Working Group 4 adopted the CGPCS public relations strategy.

4) The 4<sup>th</sup> session (10 September 2009, New York)<sup>50</sup>

The session with Japan as the chair was met by representatives of 45 countries and 9 international organizations including Somali Transitional Federal Government (TFG) and International shipping organizations. It welcomed the 17 new members such as Malaysia, Singapore, Canada, Belgium and so on.

This session was marked by major increase of member states and organizations, making it a milestone with a substantial progress. The Contact Group agreed on establishment of UN Trust Fund for supporting countries of the region in judicial procedures. It also committed to set up a International Maritime Organization Multi-donor Fund for capacity building of cracking down of piracy.

Concerning the UN Trust Fund, Germany, UK, Norway, Denmark and others pledged contribution.

5) The 5<sup>th</sup> session (28 January 2010, New York)<sup>51</sup>

Norway chaired this session with 39 members including Somali TFG and 9 organizations. Reports of 4 Working Groups were presented to the plenary session to be discussed upon.

They shared the view that situation was worsening and that the piracy had become an

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<sup>49</sup> BMP (Best Management Practice) 3 Piracy off the Coast of Somalia and Arabian Sea Area

<http://www.thecgpcs.org/download.do?path=document/60/PiracyBMP3.pdf>  
(accessed August 24, 2011)

<sup>50</sup> Fourth Plenary Session of the Contact Group on Piracy off the Coast of Somalia  
[http://www.mofa.go.jp/mofaj/gaiko/pirate/somali\\_cg.html](http://www.mofa.go.jp/mofaj/gaiko/pirate/somali_cg.html),  
<http://www.thecgpcs.org/plenary>.

[do?action=plenarySub&seq=6](http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=6) (accessed November 17, 2011)

<sup>51</sup> Fifth Plenary Session of the Contact Group on Piracy off the Coast of Somalia  
[http://www.mofa.go.jp/mofaj/gaiko/pirate/somali\\_cg5.html](http://www.mofa.go.jp/mofaj/gaiko/pirate/somali_cg5.html), (accessed August 24, 2011)

<http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=8> (accessed November 17, 2011)

issue of grave concern for international community, judging from increased number of piracy cases in 2009 nearly doubling from that of 2008. The hijacking cases were especially frequent in the eastern coast of Somalia, making it a source of particular concern. The Contact Group urged the countries concerned to deploy patrol aircraft and supply ships to tackle the challenges.

6) The 6<sup>th</sup> session (10 June 2010, New York)<sup>52</sup>

Greece was the chair of the 6<sup>th</sup> session of CGPCS. They emphasized the need for reinforcement (warships, supply ships, maritime patrol aircraft, helicopters) to effectively cover the expanding area of piracy activities.

Also important item of this session was proper punishment of pirates. However, it was left over to future discussion to reflect the Secretary General's report to be issued in July.

7) The 7<sup>th</sup> session (10 November 2010, New York)<sup>53</sup>

South Korea Chaired the session.

They welcomed the collaboration between SHADE and Working Group 1 emphasizing the importance of cooperation among the shipment, international organizations, governments concerned and military commanders.

Working Group 2 discussed the treatment of pirates who are found guilty. Working Group 3 continued to review the implementation of BMPs.

The CGPCS agreed on matters related to the Communication Strategy of Working Group 4 and decided future actions to be taken by the Working Group.

8) The 8<sup>th</sup> session (10 June 2010, New York)<sup>54</sup>

Turkey Chaired the session.

Because of the urgent need to pursue more forceful and comprehensive approach to combat piracy, the CGPCS urged the countries concerned to provide equivalent military supports on the ground as that of maritime activities, and to boost their assistance for law enforcement and development activity.

It also recommended that International Community should pursue multiple

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<sup>52</sup> Sixth Plenary Session of the Contact Group on Piracy off the Coast of Somalia  
[http://www.mofa.go.jp/mofaj/gaiko/pirate/somali\\_cg6.html](http://www.mofa.go.jp/mofaj/gaiko/pirate/somali_cg6.html), (accessed August 24, 2011)

<http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=9> (accessed November 17, 2011)

<sup>53</sup> Seventh Plenary Session of the Contact Group on Piracy off the Coast of Somalia  
<http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=10> (accessed November 17, 2011)

<sup>54</sup> Eighth Plenary Session of the Contact Group on Piracy off the Coast of Somalia  
<http://www.thecgpcs.org/plenary.do?action=plenarySub&seq=11> (accessed November 17, 2011)

approaches as recognized in the Lang Report<sup>55</sup> to the Secretary General, in order to prosecute all pirates and funders in all cases.

To build the maritime law enforcement capacity of regional countries including Somalia, it also called for exploitation of the UN Trust Fund Supporting Initiatives of States Combating Piracy off the Coast of Somalia.

Ship owners and operators were requested to conduct training and navigation in accordance with BMP standard.

The CGPCS highlighted the need for continuous robust military response to aggressive and widespread pirate activity, as well as the need to provide sufficient military capability to sustain counter piracy operations.

The CGPCS noted the critical role of Somalia itself in combating piracy and called upon Somali authorities to take the necessary steps to pass and implement anti-piracy legislation.

## B Efforts of Other International Organization

### a International Maritime Organization (IMO)

IMO hosted 'Djibouti meeting' from 26 to 29 January 2009 in Djibouti. This session was met by Somali ocean neighbors to adopt the 'Code of conduct' for counter-piracy<sup>56</sup>. They also signed the convention emphasizing importance of neighboring countries' enhanced maritime security capability. It also called for participating nations to enact domestic legislation for capture and punishment of perpetrators. The convention also stipulates an establishment of three counter-piracy information centers in Mombasa (Kenya), Dar es-Salaam (Tanzania) and Sana (Yemen)<sup>57</sup> in order to cover the Western Indian Ocean around the clock<sup>58</sup>.

(A) Participating countries and organizations<sup>59</sup>: (\* indicates the signatory to COC)

(a) Countries of the region: Comoros, Djibouti\*, Egypt, Ethiopia\*, France, Jordan, Kenya\*, Madagascar\*, Maldives\*, Oman, Saudi Arabia, Seychelles\*, South Africa, Sudan, Tanzania\*, Yemen\* (16 countries) and Somali TFG.

(b) Observers: Japan, US, UK, Italy, India, Indonesia, Nigeria, African Union, League of Arab States, European Commission, Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships in Asia (ReCAAP) organization, UN Political

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<sup>55</sup> The Lang Report for Secretary-General

[http://cil.nus.edu.sg/wp/wp-content/uploads/2010/10/Lang\\_report\\_S-2011-301.pdf](http://cil.nus.edu.sg/wp/wp-content/uploads/2010/10/Lang_report_S-2011-301.pdf)  
(accessed November 17, 2011)

<sup>56</sup> <http://www.mlit.go.jp/common/000032073.pdf> (accessed August 24, 2011)

<sup>57</sup> Ocean Policy Research Foundation *OPRF MARINT Monthly Report*, January, 2009, p. 21

<sup>58</sup> Ocean Policy Research Foundation *OPRF MARINT Monthly Report*, April, 2011, p. 5

<sup>59</sup> <http://www.mlit.go.jp/common/000032073.pdf> (accessed August 24, 2011)

Office for Somalia (UNPOS), UN Office of Drugs and Crimes (UNODC), International Criminal Police Organization (ICPO), INTERTANKO and others.

(B) Expense for the session: 13.8 million dollar<sup>60</sup>.

(C) Key points of the COC and relevant resolutions<sup>61</sup>

The signatories to the Code have agreed to co-operate, in a manner consistent with international law, in:

(a) the investigation, arrest and prosecution of persons, who are reasonably suspected of having committed acts of piracy and armed robbery against ships, including those inciting or intentionally facilitating such acts;

(b) the interdiction and seizure of suspect ships and property on board such ships;

(c) the rescue of ships, persons and property subject to piracy and armed robbery and the facilitation of proper care, treatment and repatriation of seafarers, fishermen, other shipboard personnel and passengers subject to such acts, particularly those who have been subjected to violence; and

(d) the conduct of shared operations – both among signatory States and with navies from countries outside the region – such as nominating law enforcement or other authorized officials to embark on patrol ships or aircraft of another signatory.

In addition, the Code provides for sharing of related information, through a number of centres and national focal points using existing infrastructures and arrangements for ship to shore to ship communications (i.e. the Regional Maritime Rescue Coordination Center in Mombasa, Kenya and the Rescue Coordination Sub-Centre in Dar es Salaam, United Republic of Tanzania) and the regional maritime information centre, which is being established in Sana'a, Yemen.

The signatories also undertook to review their national legislation with a view to ensuring that there are laws in place to criminalize piracy and armed robbery against ships and to make adequate provision for the exercise of jurisdiction, conduct of investigations and prosecution of alleged offenders.

In relevant resolutions, the Meeting requested States, IMO, the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the European Commission (EC), the Regional Co-operation Agreement on Combating Piracy and Robbery Against Ships in Asia – Information Sharing Centre (ReCAAP-ISC) and the maritime industry to provide assistance, either directly or through IMO, to those States, which require support in the effective implementation of

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<sup>60</sup> Anna Bowden and etc., *op. cit.*, p.20

<sup>61</sup> <http://www.imo.org/ourwork/security/piu/pages/dcoc.aspx> (accessed November 10, 2012)

the Djibouti Code of Conduct. It further recommended the establishment of a regional training centre for the purposes of promoting the implementation of the Code and accepted, with appreciation, the offer of the Government of Djibouti to host a regional training centre within the scope of the Code.

#### **b European Union (EU)<sup>62</sup>**

EU started the EUNAVFOR operation ATALANTA in December 2008 to countermeasure the piracy. The objectives of the operation are:

- 1) to protect the ships of World Food Program (WFP) humanitarian assistance activities for Somalia and the African Union Mission in Somalia (AMISOM);
- 2) to protect ships navigating the Gulf of Aden and the Indian Ocean that are particularly vulnerable against pirate attack;
- 3) prevention of all acts of piracy and dismantlement of pirate organization;
- 4) deployment of fisheries patrol boats.

Contributions of participating countries are following: (as of June 2011)

Portugal: frigate (1)

Germany: frigate (1)

Spain: frigate (1), patrol aircraft (1)

France: frigate (1)

Greece: frigate (1)

Luxembourg: patrol aircraft (1)

Italy: frigate (1)

#### **c North Atlantic Treaty Organization (NATO)**

NATO launched the operation OCEAN SHIELD on 17 August 2009. The operation brought together the alliance's past experiences and by employing a more comprehensive approach, NATO sought to take on a brand new role in counter-piracy. The objective of NATO's capacity building effort consists of assisting sub-regional states, upon their requests, in developing their own capability to combat piracy activities.

It not only conducts maritime anti-piracy operation but also supports capacity-building efforts of the countries of the region in counter-piracy where requested. This is to supplement the international effort to empower them and an effort to improve the maritime security situation of the area surrounding the Horn of Africa<sup>63</sup>. Deployed unit is made up of the ships of the Standing NATO Maritime Group 2 (SNMG 2).

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<sup>62</sup> EUNAVFOR Somalia Website <http://www.eunavfor.eu> (accessed October 24, 2011)

<sup>63</sup> NATO NEWS ROOM [http://www.nato.int/cps/en/SID-D4EC0ECF-504F8522/natolive/news\\_56991.htm](http://www.nato.int/cps/en/SID-D4EC0ECF-504F8522/natolive/news_56991.htm) (accessed April 13, 2012)

Allied Joint Command Lisbon has the overall command and control of the operation, while Maritime Component Command Northwood takes the lead for day-to-day maneuver.

The major strength of NATO forces as of June 2011 was following<sup>64</sup>.

Netherlands: frigate (1)

US: destroyer (1)

Denmark: multi-purpose support ship (1)

Turkey: frigate (1)

Portugal: frigate (1)

NATO declared its intention to maintain the operation until December 2014<sup>65</sup>.

### C SHADE Meetings<sup>66</sup>

SHADE meeting is organized by military personnel of countries and organizations concerned to enhance the partnership and cooperation among participating units. The group of CTF<sup>67</sup>, EU, NATO and the individual contributors such as China, Russia, and India are striving to improve harmonized operations.

### D Anti-Piracy Efforts of Individual Countries

#### a The Coalition of the Willing lead by the United States

The United States sets up the Combined Maritime Forces (CMF) CTF-151 which brings together various units of coalition powers. The buildup of the CMF CTF-151 is as follows<sup>68</sup>:

US: Cruiser, destroyer, frigate, supply vessel, patrol aircraft deployed regularly

ROK: destroyer (1)

UK: frigate (1)

Singapore: patrol aircraft (1)

CMF has also set up the Maritime Security Patrol Area (MSPA) and provided support for the counter-piracy activities through CTF-150. The original mandate of CTF-150

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<sup>64</sup> NATO Counter-piracy operations  
[http://www.nato.int/cps/en/natolive/topics\\_48815.htm](http://www.nato.int/cps/en/natolive/topics_48815.htm)  
(accessed April 13, 2012)

<sup>65</sup> NATO Press releases\_10<sup>th</sup>May2011  
<http://www.manw.nato.int/pdf/Press%20Releases%202011/Press%20releases%20Jan-June%202011/SNMG2/10%2005%2011%20GB%20PAO%20%207%20Pirates%20surrender%20to%20NATO.pdf> (accessed April 13, 2012)

<sup>66</sup> Conference of Japanese Ministries concerned on Anti-Piracy Response off the Coast of Somalia and Gulf of Aden '*Anti-Piracy Response Report 2010*', p 12.

<sup>67</sup> *Ibid*, p. 7.

<sup>68</sup> [http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia\\_taisaku.html](http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia_taisaku.html) (accessed August 24, 2011)

was to carry out maritime security operation (MSO) or maritime interdiction of terrorists and arms on the Gulf of Oman, the Arabian Sea, the Red Sea and the Indian Ocean as a part of Operation ENDURING FREEDOM. CTF-151 was thus established on 9 January 2009 to provide counter-piracy activities on the Gulf of Aden and adjacent sea area<sup>69</sup>.

#### **b Other Country-specific Activities<sup>70</sup>**

Besides the effort put together in the aforementioned frameworks, some countries conduct their own missions directly. The following is the data of such individual approaches as of July 2011.

Russia: destroyer (1), supply ship (1), tug boat(1)

India: destroyer (1)

China: missile frigate (2), supply ship (1)

Malaysia: naval support vessel (1)

Saudi Arabia: supply ship (1)

Australia: frigate (1), patrol aircraft (1)

Iran: destroyer (1), supply ship (1)

#### **(2) Approaches to Somalia problem**

Facing the severe intensification of civil war in war, UN PKO was met with fierce resistance from armed insurgents that finally forced it to withdraw in March 1995. the TFG was formed with the mediative efforts of neighboring countries, which by no means improved the situation. On 19 January 2007, AU<sup>71</sup> launched AMISOM to take over the mission upon the request from the UN.

##### **• AMISOM Mandate<sup>72</sup>**

- (i) To provide support to the TFIs (Transitional Federal Institutions) in their efforts towards the stabilization of the situation in the country and the furtherance of dialogue and reconciliation,
- (ii) to facilitate the provision of humanitarian assistance, and
- (iii) to create conducive conditions for long-term stabilization, reconstruction and development in Somalia.

In order to achieve the above three items, AMISON shall undertake the following tasks

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<sup>69</sup> Combined Maritime Forces Public Affairs, Press Release, January 8, 2009  
<http://www.cusnc.navy.mil/articles/2009/001.html> (accessed October 28, 2011)

<sup>70</sup> [http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia\\_taisaku.html](http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia_taisaku.html) (accessed August 24, 2011)

<sup>71</sup> <http://www.mofa.go.jp/mofaj/area/oau/oau.html> (accessed August 24, 2011)

<sup>72</sup> AMISOM Mandate  
<http://amisom-au.org/?wpdmact=process&did=NjAuaG90bGluaw==>  
(accessed October 31, 2011)

to support dialogue and reconciliation, among all stakeholders in Somalia.

- 1) to provide, as appropriate, protection to the TFIs and their key infrastructure, to enable them carry out their functions,
- 2) to assist in the implementation of the National Security and Stabilization Plan of Somalia, particularly the effective reestablishment and training of all inclusive Somali security forces, bearing in mind the programs already being implemented by some of Somalia's bilateral and multilateral partners,
- 3) to provide, within capabilities and as appropriate, technical and other support to the disarmament and stabilization efforts,
- 4) to monitor, in areas of deployment of its forces, the security situation,
- 5) to facilitate, as may be required and within capabilities, humanitarian operations, including the repatriation and reintegration of refugees and the resettlement of IDPs, and
- 6) to protect its personnel, installations and equipment, including the right of self-defense;

United Nations Security Council Resolution 1964 of 22 December 2010 authorized the deployment of AMISOM until 30 September 2011<sup>73</sup>.

Authorized maximum strength is 12000 personnel then, 8000 troops from Burundi and Uganda are currently dispatched to AMISOM as on June 2011<sup>74</sup>

In addition, most of expenses for AMISOM are covered by EU<sup>75</sup>. Despite such efforts, there is no sign of improvement of unstable situation.

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<sup>73</sup> European Commission Development and Cooperation-EuropeAid AMISOM  
[http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/peace-support-operations/amisom\\_en.htm](http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/peace-support-operations/amisom_en.htm) (accessed November 30, 2011)

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

### 3. Japan's Efforts

#### (1) The Situation Surrounding Japan's Anti-Piracy Activities before 2009

In Japan, the Japan Coast Guard has primary responsibility and takes overall anti-piracy measures as law-enforcement organization. There was no special law to deter the piracy in early 2009<sup>76</sup>, and police actions on high seas were only taken in the case of Japanese ships<sup>77</sup> being victims<sup>78</sup>.

Maritime Self Defense Force (MSDF) was to respond to acts of piracy only through Maritime Patrol Activities, based on the Article 82 of the Self-Defense Force Law. In such case, MSDF could only protect ships<sup>79</sup> connected with Japan from acts of piracy, because Maritime Patrol Activities assumes only protecting the lives and assets of the Japanese national<sup>80</sup>.

More controversial for MSDF was that it was not allowed to conduct effective anti-piracy tactics such as close support firing against approximating ships. The situation started to change later in 2008 when the International Community came to face the worsening situation in Somalia and adopted series of Security Council Resolutions. In response, Government of Japan ordered Maritime Security Operations on March 13, 2009. In addition, in order for Japan to respond appropriately and effectively to acts of piracy, the "Law on Penalization of Acts of Piracy and Measures against Acts of Piracy" (hereinafter, referred to as "Anti-Piracy Measures Law") was submitted to the ordinary session of the Diet. It was passed on June 19, 2009 and was

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<sup>76</sup> Hiroshi Sasamoto and Naoko Takatou '*Somalia oki Aden wan niokeru kaizoku taisaku toshiteno houseibi, Kaizoku taisyo houan no gaiyou to kokkaigiron* (the enactment of Anti-Piracy Measures Law off the Coast of Somalia and the Gulf of Aden [Summary of Anti-Piracy Measures Law and debate under way in the Diet])' Secretariat of the House of Councilors, *Rippou to Tyosa*, No.295, August, 2009, p 15.

<sup>77</sup> Japanese-registered ships and Foreign-registered ships with Japanese crew members on board

<sup>78</sup> Ministry of Defense *Defense of Japan 2009*, pp. 126-128.

<sup>79</sup> The definition of "Ships connected with Japan" was newly given to protect the lives and property of Japanese citizens and it represents subjects of escort of Maritime Patrol Operations. The term "Ships connected with Japan" in this paper, too, follows this definition. The precise definition in *Defense of Japan 2009* is as follows.

'Ships to be protected: The lives and property at sea to be protected by maritime security operations are, in principal, the lives and property of Japanese people.

Specifically, ships falling under the following categories shall be protected:

1) Japanese-registered ships;

2) Foreign-registered ships with Japanese crew members on board; and

3) Foreign-registered ships operated by Japanese shipping companies or foreign-registered ships with Japanese cargo on board, which are important for the stable economic activities of Japanese people.' (Ministry of Defense *Defense of Japan 2009*, p 130.)

<sup>80</sup> Ministry of Defense *Defense of Japan 2009*, p. 128.

enacted on July 24, 2009<sup>81</sup>.

In deliberation processes, it was considered difficult for Japan Coast Guard to deploy its patrol ships off the coast of Somalia, not only because of legal aspects, but also the distance to the area of activities and the weapons that pirates use.

It was considered appropriate for government of Japan to dispatch MSDF's destroyers off the Coast of Somalia after considering the international trend that EU, NATO and other countries have dispatched warships and other vehicles to the areas off the Coast of Somalia and in the Gulf of Aden<sup>82</sup>.

## (2) Anti-Piracy Response through Maritime Patrol Activities

As is mentioned above, new legislation and then taking action is the principle of the SDF's anti-piracy response. However, with the repeated and increasing number of cases of piracy and the necessity to urgently protect the lives and assets of the Japanese peoples, an emergency measure until new laws was developed, pursuant to the provision of Article 82 of the Self Defense Force Law, and with the authorization of the Prime Minister and based on Cabinet approval. On March 13 2009, the Defense Minister ordered the commencement of security operations at sea (maritime security operations) to protect ships connected with Japan. Upon the issue of this order, two destroyers *Sazanami* and *Samidare* (including approximately 400 crew members<sup>83</sup> and eight officers of Japan Coast Guard as judicial police officers) embarked from Japan on March 14, and began escorting ships connected with Japan on March 30<sup>84</sup>.

In order that anti-piracy activities are more effectively conducted over a large area of sea, the order was also given for P-3C fixed-wing patrol aircraft to be dispatched on May 15. Upon the issuance of this order, two P-3Cs embarked from Japan on May 28, and began its warning and surveillance activities in the Gulf of Aden on June 11<sup>85</sup>.

Troop of approximately 150 members<sup>86</sup> including aircraft maintenance crew and security officers were sent to support the activities.

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<sup>81</sup> Ministry of Defense *Defense of Japan 2010*, p. 205.

<sup>82</sup> *Dai171kai kokkaisyugin kaizokutaisyō tokubetuiinkai giroku4go27peji(heisei21.4.17)oyobi boueisyō kaizokukoui no syobatu oyobi kaizokukoui heno taisyō nikansuru houritu ni motozuku kaizokutaisyokoudou nitsuite(kokkai houkoku shiryō)*(Record of the 171<sup>st</sup> House of Representatives special committee on Anti-Piracy Response, No.4, p 27 and Ministry of Defense 'Anti-Piracy activity based on Anti-Piracy measure Law for report to Congress' in July, 2009.)

<sup>83</sup> Ministry of Defense 'Anti-Piracy activity based on Anti-Piracy measure Law for report to Congress' in July, 2009, p 2.

<sup>84</sup> Ministry of Defense *Defense of Japan 2009*, p. 111.

<sup>85</sup> Ministry of Defense *Defense of Japan 2009*, p. 111.

<sup>86</sup> Ministry of Defense 'Anti-Piracy activity based on Anti-Piracy measure Law for report to Congress' in July, 2009, p 2.

The units are based in the U.S Army Camp Lemonnier, next to Djibouti Airport which is the hub for activity<sup>87</sup>.

This is the first time that MSDF conduct Anti-Piracy activity with operational facility in Africa in the history of SDF overseas deployments<sup>88</sup>.

### (3) Response through Anti-Piracy Measures Law

Maritime Security Operations ended<sup>89</sup> as the anti-piracy operations started under Anti-Piracy Measures Law on 24 July 2009<sup>90</sup>.

With the initially-ordered duty of Maritime Security Operations, the deployed units had only been allowed to protect ships connected with Japan. After the enactment of the new law, deployed units were authorized to protect ships of all nations from acts of piracy, regardless of their registry. As a result, it made it a great contribution to the International Community.

Even before the enactment of Anti-Piracy Measures Law, Japanese troops had already shared information with foreign and international troops. For example, they provided deployed units with internet and radio communication, including with CTF-151(coalition centering on the U.S.), NATO and EUNAVFOR from commence of maritime security operation. After enactment of the law, it enhanced cooperation framework including close information sharing in order to facilitate effective operation<sup>91</sup>.

The P-3Cs engaged in warning and air surveillance within the Gulf of Aden share information with the dispatched forces of other countries.

Such information sharing efforts prove effective in enhancing deterrence and control over the piracy<sup>92</sup>. For example, foreign destroyers could decide to conduct on-board investigation or even disarmament of suspected vessels based upon information collected by SDF P-3Cs.

The two destroyers currently are dispatched to escort commercial ships navigating Internationally Recommended Transit Corridor (IRTC)<sup>93</sup> across the Gulf of Aden. In

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<sup>87</sup> Ministry of Defense *Defense of Japan 2011*, p. 262.

<sup>88</sup> After the establishment of the new Japanese facility near Djibouti airport in June 2011, the unit of P3C has conducted Anti-Piracy activities from this base.

<sup>89</sup> Ministry of Defense 'Anti-Piracy activity based on Anti-Piracy measure Law for report to Congress' in July, 2009, p 3.

<sup>90</sup> Order of Minister of Defense to end Maritime Security Operations in July 24, 2009.

<sup>91</sup> Conference on Anti-Piracy Response off the Coast of Somalia and Gulf of Aden ministries concerned '*Anti-Piracy Response Report 2010*', p 7, p12.

<sup>92</sup> Ministry of Defense *Defense of Japan 2010*, p. 208.

<sup>93</sup> EUNAVFOR Somalia : Mission

<http://eunavfor.eu/about-us/mission/> (accessed October 28, 2011)

<http://www.mlit.go.jp/maritime/gaikoh/pirate/BMP3kariyaku.pdf>

order to effectively protect the commercial ships from the pirates, an appropriate formation is arranged for each operation. In the Gulf of Aden, the destroyers dispose in ahead and rear of the escorted ships, and patrol helicopters belonging to the destroyers observe the area surrounding the convoy from the sky. Escort ships also take advantage of information collected by foreign troops to help one another. All possible means are taken to ensure the safety of the convoy, in order that passage through the Gulf of Aden, taking approximately one and a half days (approximately 900 kilometers) is secured<sup>94</sup>. As of June 1st, 2011, 1,914 ships have safely passed the Gulf of Aden with the protection provided by the SDF destroyers, without any pirate incidents taking place<sup>95</sup>.

#### (4) Other Measures

Beside JSDF anti-piracy activity, Japan promotes enhancement of neighboring countries' maritime security capability to create a radical solution of piracy off Somalia with ODA budget<sup>96</sup>. Namely, by supporting the peace process in Somalia.

The following part explains Japan's support using ODA budget in United Nation's framework and Japan Coast Guard's activities.

##### A Enhancement of Law-enforcement Capabilities of Somalia and Neighboring Countries

For neighboring countries' enhanced maritime security capability, in October 2010, Japan invited Coast Guard staff of Yemen, Djibouti, Kenya and Tanzania to hold a meeting to promote neighboring countries' enhanced maritime security capability and discussed measures to be taken and applicable Japanese methods to help them in this region<sup>97</sup>.

Additionally, from October to November the same year, Japanese government invited Coast Guard staff of Yemen, Djibouti, Oman and etc, then offered training of crime control at sea. Japan provided them with the knowledge and the skills of crime control and criminal investigation and as well as guidance to Japan Coast Guard's know-how to countermeasures of maritime crime as part of technical assistance by JICA<sup>98</sup>.

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(accessed August 24, 2011)

<sup>94</sup> Conference on Anti-Piracy Response off the Coast of Somalia and Gulf of Aden ministries concerned '*Anti-Piracy Response Report 2010*', p 8.

<sup>95</sup> <http://www.mod.go.jp/j/press/news/2011/06/06c.htm> (accessed August 24, 2011); [http://www.mod.go.jp/jso/Activity/Anti-piracy/anti\\_pb\\_activity.htm#1th](http://www.mod.go.jp/jso/Activity/Anti-piracy/anti_pb_activity.htm#1th) (accessed August 24, 2011)

<sup>96</sup> <http://www.mofa.go.jp/mofaj/gaiko/oda/index.html> (accessed October 21, 2011)

<sup>97</sup> Japan Coast Guard sent out press releases on holding of conference of enhancement of maritime law enforcement capacity of Somalia and other neighboring countries and International Forum on Anti-Piracy Response off the Coast of Somalia in September 27, 2010.

<sup>98</sup> Japan Coast Guard sent out press releases on holding of seminar of crime control at sea in October 7, 2010.

Furthermore, Japan provides to enhance law-enforcement capabilities of Somalia and neighboring countries by dispatching Japan Coast Guard staff to join the projects of anti-piracy of Somalia under the initiative of IMO<sup>99</sup>

#### B Promotion of International Cooperation for Anti-Piracy Measures

Japan disbursed 14.6 million dollars to multi-donor fund established by IMO in 2009 promoting to set up training center to enhance law-enforcement capabilities of Somalia and neighboring countries (as already described Japan dispatches Japan Coast Guard staff)<sup>100</sup>.

Japan programmed to disburse total of 1.5 million dollar to United Nation Trust Fund established in UNODC (United Nations Office on Drugs and Crime) for prosecution of pirates until March 2011. This Trust Fund financed to build facility of the court and prisons in Somalia and Neighboring Countries<sup>101</sup>

Besides the above effort, Japan started to consider a dispatching experts and provision of patrol boats to support Yemen's Coast Guard (As of June 2011).<sup>102</sup>

#### C Bilateral Assistance to Somalia

In order to support political domestic stability in Somalia, Japan disbursed 179 million dollars for enhancement of security and humanitarian support and infrastructure building from 2007 to 2010<sup>103</sup>.

Japan participated CGPCS established with UN SCR 1851 in New York and coordinate with various countries and organization concerned for the anti-piracy activities off

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<sup>99</sup> Conference on Anti-Piracy Response off the Coast of Somalia and Gulf of Aden ministries concerned 'Anti-Piracy Response Report 2010', p 12.

[www.cas.go.jp/jp/gaiyou/jimu/pdf/siryou2/report.pdf](http://www.cas.go.jp/jp/gaiyou/jimu/pdf/siryou2/report.pdf) (accessed October 26, 2011)

<sup>100</sup> Conference on Anti-Piracy Response off the Coast of Somalia and Gulf of Aden ministries concerned 'Anti-Piracy Response Report 2010', p 12.

[www.cas.go.jp/jp/gaiyou/jimu/pdf/siryou2/report.pdf](http://www.cas.go.jp/jp/gaiyou/jimu/pdf/siryou2/report.pdf) (accessed October 26, 2011)

<sup>101</sup> *Ibid*, pp. 12-13.

<sup>102</sup> *Ibid*, p. 13.

<sup>103</sup> Japan's assistance for Somalia (through International Organization):

- Total amount: 171.91 million dollars from 2007 to 2010 (FY) (including 5.47 million dollars as the fiscal 2010 supplementary budget)

- Support for security issues : 3.8 million dollars

1) Somalia's transitional government police assistance : 2.4 million dollars

2) Security sector reform by enhancement of border control : one million dollars

3) Plan of collection and destruction of small arms in Horn of Africa : 3.5 million dollars

4) Support for AMISOM : 9.50 million dollars

- Humanitarian assistance and support of infrastructure building : 141.1 million dollars

1) Food assistance, health, water, sanitary accommodations, education, basic infrastructure building : 104.65 million dollars

2) Job-training and job creation for young and affected people : 25.2 million dollars

3) Upgrade of harbor facilities to prepare for port call of victualer : 8.25 million dollars

4) Countermeasures to human trafficking and illegal immigration : 3 million dollars

(*Ibid*, p. 13.)

Somalia.

Japan chaired the 4<sup>th</sup> session, and actively promote international framework for coordination of the anti-piracy activities in the Gulf Aden.

#### (5) Bilateral Cooperation with major contributors

##### A The United States

The United States has embarked on counter-terrorism operation with the Coalition of the Willing since the 9.11 terrorist attacks. In particular, in the continent of Africa the United States has used Djibouti as the hub for counter-terrorism operations of patrol aircrafts and military vessel, as well as deployment of ground forces. The United States negotiated with Djibouti government to rent facilities, Camp Lemonnier, near Djibouti airport that French Foreign Legion used to secure as the principal base in Djibouti. It started settlement in 2001. The United States started to use those facilities after restoring from the end of 2002<sup>104</sup>.

In the meantime, CJTF-HOA (Combined Joint Task Force-Horn of Africa) was inaugurated at Camp Lejeune, North Carolina in October, 2002.

This Task Force has an assigned area of interest that includes Djibouti, Ethiopia, Eritrea, Somalia, Sudan, Kenya, Seychelles, Yemen, Red Sea, Gulf of Aden and coastal areas of Indian Ocean<sup>105</sup> and tasked to find intentioned terrorist groups of the region, hinder their acts of terrorism and ultimately destruct them.

Approximately 400 members including Headquarters staff took USS Mount Whitney and advanced into North Africa, and deployed as a part of OEF-HOA(Operation Enduring Freedom - Horn of Africa).

CJTF-HOA is composed of approximately 400 personnel on a ship, approximately 900 in Camp Lemonnier, and a few liaisons deployed across Africa at the time<sup>106</sup>.

Headquarters of CJTF-HOA moved from ship to Camp Lejeune in May 2003. The group originally had approximately 1300 personnel, increasing to 1500 at the end of 2007<sup>107</sup>.

US forces restructured Camp Lemonnier facilities, and completed with power and water supply at the end of 2008, therefore, could accommodate more than 2500 personnel of CJTF-HOA and Coalition of the Willing.<sup>108</sup>

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<sup>104</sup> <http://www.globalsecurity.org/military/facility/djibouti.htm> (acceded March 9,2012)

<sup>105</sup> Kensuke Ebata “*Beiahurikagun no sosetu no haikei to mondai* (Background and Issues of Establishment of the U.S. AFRICOM)” *Kaigai Jijo*, September 2008, pp.51-52.

<sup>106</sup> <http://www.globalsecurity.org/military/facility/djibouti.htm> (accessed March 9, 2012)

<sup>107</sup> Kensuke Ebata “*Beiahurikagun no sosetu no haikei to mondai* (Background and Issues of Establishment of the U.S. AFRICOM)” *Kaigai Jijo*, September 2008,p.51.

<sup>108</sup> Cnic // Camp Lemonnier, Djibouti <http://www.cnic.navy.mil/CLDJ/index.htm> (accessed March 9, 2012)

In such situation, Japan asked for cooperation of the United States, and deployed unit of P3C in MSDF at Camp Lemonnier. Unit of P3C obtained a benefit such as facilities use and maintenance, continued activities based in Camp Lemonnier.

## B Djibouti

Djibouti maintains close relationship with France even after the independence in 1977 and accommodates French stationary forces in its territory. As already described, US forces have also been stationed in Djibouti since 2002<sup>109</sup>.

Japanese and Djibouti governments agreed on the use of the port and the airport for anti-piracy activities, which resulted in the conclusion of Exchange of Notes of the status of the Self-Defense Forces of Japan and the Japan Coast Guard as well as their personnel and other personnel of the Government of Japan sent to the Republic of Djibouti. It aims to take law enforcement measures to counter acts of piracy off the Somali coast<sup>110</sup>. The Liaison Office of the Government of Japan in Djibouti was established accordingly in March 2009 to facilitate Japan's activities. They also opened the office of government of Japan in April 2010<sup>111</sup>.

## C Other Countries

Japan has cooperated with EUNAVFOR, and troops of other country, such as China, Russia, by sharing information on the spot<sup>112</sup>.

The enactment of the Anti-Piracy Measures Law made it possible to protect ships of all nations from acts of piracy, regardless of their registry. Japanese troops protected three-fourth of ships of other countries' registry. Among them, Chinese ships count the biggest<sup>113</sup>.

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<sup>109</sup> Cnic // Camp Lemonnier, Djibouti <http://www.cnic.navy.mil/CLDJ/index.htm> (accessed March 9, 2012)

<sup>110</sup> [http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia\\_taisaku.html](http://www.mofa.go.jp/mofaj/gaiko/pirate/pdfs/somalia_taisaku.html) (accessed August 24, 2011)

<sup>111</sup> <http://www.mofa.go.jp/mofaj/area/djibouti/data.html> (accessed October 21, 2011)

<sup>112</sup> Conference on Anti-Piracy Response off the Coast of Somalia and Gulf of Aden ministries concerned '*Anti-Piracy Response Report 2010*', p 12.

<sup>113</sup> Shipping escorted by Japan from 28 July, 2009 to 31 May, 2011: Target shipping total 1793 ships (8.6 ships in one delivery)  
-breakdown:

1. 66 ships connected with Japan (the vessels the Japanese carrier operate) 423 ships
  - 1) Japanese flag-flying vessels 11 ships
  - 2) foreign vessels Japanese carrier operate 412 ships
2. Other foreign vessels (foreign vessels Foreign carrier operate) 1370 ships (including 66 ships connected with Japan, such as Japanese enterprises are ship owners and ship management Companies.) Sorting the shipping company according to nationality, Chinese counted the most shipping by far at 194 ships, followed by Singaporeans with

## Conclusion

As described above, Japan has endeavored to conduct anti-piracy response first as part, Maritime Patrol Operation, and eventually in the framework of anti-piracy response through Anti-Piracy Measures Law.

In addition, Japan made assistance for Somalia and neighboring countries by ODA mainly for anti-piracy response off the Cost of Somalia and the Gulf of Aden.

These activities represent Japan's call for contribution of international peace and stability as well as the responsible power with the International Community.

Harm from the piracy in the Gulf of Aden has been on a decline thanks to the efforts of the International Community including Japan. However, the coast off Somalia continues to be a major haven for harmful pirates. Because of the persistently troubled situation of the Somalia which is considered to be the primary source of the issue, we have to admit that the piracy in Somalia and the Gulf of Aden is not likely to be settled in near future.

This paper provides a factsheet that summarizes anti-piracy response of International Community and Japan until June 2011.

We hope it will be of use for investigations and studies.

This factsheet is author's own study as part of research in Joint Staff College.  
It does not represent official view of the Ministry of Defense or Joint Staff.