

Appendix I

UNCLOS Articles on Piracy

Article100

Duty to cooperate in the repression of piracy

All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.



Article101

Definition of piracy

Piracy consists of any of the following acts:

(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).



Article102

Piracy by a warship, government ship or government aircraft

whose crew has mutinied

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.



Article 103

Definition of a pirate ship or aircraft

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.



Article 104

Retention or loss of the nationality of a pirate ship or aircraft

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.



Article 105

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.



Article 106

Liability for seizure without adequate grounds

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.



Article 107

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.



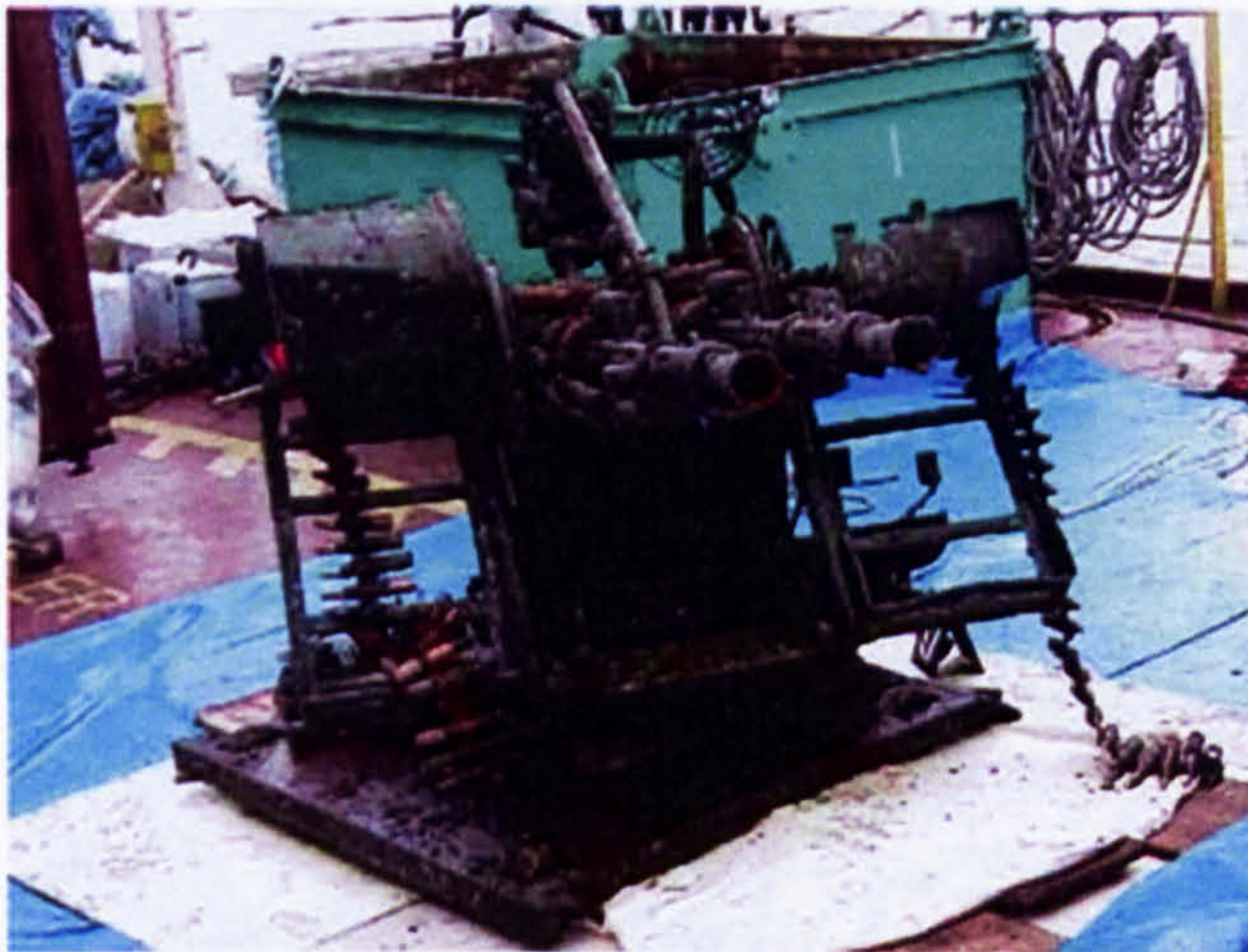
Source: http://www.un.org/Depts/los/convention_agreements/texts/unclos/part7.htm, accessed 23 July 2006.

Appendix II

North Korean Spy Ships



The Salvaged North Korean Spy Ship



Russian 14.5mm anti-aircraft machine gun

Source: www.kaiho.mlit.go.jp/.../topics01/01.html, accessed 23 July 2006.

Appendix III

Tokyo Appeal

International Conference of All Maritime Related Concerns, Both Governmental and Private, on Combating Piracy and Armed Robbery against Ships

The governmental authorities of participating States and region (hereinafter referred to just as the "States" but that includes "region"), shipping companies and other participants who attended this meeting,

BEING PROFOUNDLY CONCERNED about the rising trend in the number of acts of piracy and armed robbery against ships, including hijacking and other heinous and organized acts particularly committed in the waters of Southeast Asia,

BEING AWARE that such circumstances constitute an extremely grave threat to the lives of crews and the safe operation of ships, and that this is an issue that should be seriously addressed by the Asian region as a whole,

TAKING INTO ACCOUNT the IMO recommendation (MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1) adopted in the Maritime Safety Committee (MSC) on May 1999, AMING AT implementing these recommendations, and ALSO RECOGNIZING the role and responsibility of flag sates,

ACKNOWLEDGING that in taking measures to combat piracy and armed robbery against ships, it is first necessary to achieve a detailed understanding of the actual situation of piracy and armed robbery against ships,

CONSIDERING the need to ensure unfailng reporting by ships, in the event of any victimization, in view of the indispensability of immediate reporting to the concerned authorities of such incidents, so that States in whose internal waters or territorial sea piracy and armed robbery against ships occur (hereinafter referred to as "coastal States/port States") can crack down swiftly and effectively on piracy and armed robbery against ships,

CONSIDERING ALSO that, because some victimized ships have not taken adequate preventive measures, there is a need to seek more thorough measures by ships, and BEING AWARE anew that preparedness and action by shipping companies themselves is fundamental to the prevention of piracy and armed robbery against ships,

RECOGNIZING that the basis for undertaking measures to combat piracy and armed robbery against ships within maritime policy authorities in the flag States or other "substantially interested States" as is defined by MSC/Circ.622/Rev.1 para.16 is for shipping companies to provide guidance and supervision in, and create an environment conducive to, the taking of appropriate measures to combat piracy and armed robbery against ships, including reporting of such incidents by (ships owned or operated by) shipping companies,

RECOGNIZING ALSO that measures which should be taken by the coast guard agencies of coastal States/port States consist of cracking down and other enforcement operations designed to prevent piracy and armed robbery against ships and, in the event of piracy and armed robbery against ships, to conduct lifesaving and other rescue missions and to investigate the case,

EMPHASIZING that because most recent piracy and armed robbery against ships acts occur in the internal waters or territorial sea of a given State, it is above all necessary to strengthen crackdown measures by coastal States/port States in whose internal waters or territorial sea such acts take place,

CONSIDERING FURTHER that because many cases of victimization occur to ships which are berthed, anchored or adrift in or near ports, it is necessary to fortify countermeasures by authorities having jurisdiction over such territorial areas as well as to strengthen vigilance by ships in or near ports,

RECOGNIZING FURTHER that a truly effective response cannot be achieved without mutual coordination and

cooperation in measures taken by maritime policy authorities and coast guard agencies, and that acts of piracy and armed robbery against ships, like other incidents relating to ships, affect a large number of States, including the flag States or other substantially interested States as well as the coastal States/port States in whose internal waters or territorial sea such acts occur,

NOTING THAT, owing to the increase of heinous acts such as hijacking by international syndicates in recent years, there is an increasing prevalence toward the involvement of multiple States, and consequently the demand is becoming all the more pressing to strengthen liaison and cooperative structures embracing all States concerned within the affected area,

EMPHASIZING its importance of Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), and the Protocol which was adopted in 1988 under the auspices of IMO,

ACKNOWLEDGING ALSO that piracy and armed robbery against ships is not an issue that can be resolved if maritime policy authorities, coast guard agencies, flag states and other substantially interested States and coastal States/port States, each take measures independently based on their individual positions, but an issue that can be effectively tackled only when such parties mutually coordinate and cooperate in a manner transcending their individual positions,

1. REITERATE their firm resolve to cooperate, devise and implement all possible measures to combat piracy and armed robbery against ships;
2. RESOLVE, based on the foregoing, to prepare their own action plan, whose elements are outlined below, and swiftly implement appropriate measures;
 - (1) Implementation and enhancement of self-protection measures on ships, such as the introduction of position notification system technology, geared against hijacking and other heinous and organized acts;
 - (2) Preparation of an environment conducive to enforcing thorough reporting from victim ships to coastal States/port States authorities,

so that coastal States/port States can take swift and effective measures in the event of an act of piracy and armed robbery against ships

- (3) Strengthening patrols in the internal waters and territorial sea including securing safety in the port and swift and strict investigation by coastal States/port States of the piracy and armed robbery against ships reported by ship side.
- (4) Establishment of a legal framework by coastal States/port States to facilitate and enhance effective prosecution of the alleged criminals
- (5) Development of a system enabling effective and dynamic countermeasures to be taken by all concerned governmental authorities including the maritime policy authorities and the coast guard agencies working in concert
- (6) As a means of promoting the exchange of information and coordination, among such competent authorities with expertise as the maritime policy authorities and coast guard agencies of each State, establishment of a comprehensive information network of all the governmental authorities concerned, by designating relevant offices as their operational contact points in addition to the existing diplomatic channel
- (7) Sharing and joint use of data relating to piracy and armed robbery against ships, as a way of contributing to the fortification of self-protection measures by ships, early discovery of the missing ships in and the designation of waters to be especially secured by coast guard agencies etc.

Source:

http://www.mlit.go.jp/english/mot_news/mot_news_000330/mot_news_000330_2.html,
accessed 23 July 2006.

Appendix IV

Model Action Plan

Regional Conference on Combating Piracy and Armed Robbery
against Ships April 27–April 28, 2000, Tokyo

Model Action Plan for Maritime Policy Authorities and
Private Maritime Related Concerns to Combat Piracy and
Armed Robbery against Ships

I. Reinforcement of self-protection measures—Including the examination of the use of ship-position reporting technology and enhanced defensive equipment

[Purpose]

In order to protect human lives and the navigational safety of ships, from the risk of piracy and armed robbery against ships, and to minimize damage from such attacks, flag States and other substantially interested States shall promote in detail the formulation and implementation of ship security plan incorporating a systematic approach of the self-protection measures that should be taken by ships. In particular, flag States and other substantially interested States shall promote the formulation and implementation of the ships' new self-protection measures to cope with the brutal and organized nature of incidents, as seen in recent hijacking cases.

[Action to be taken]

1. Formulation of ship security plan pursuant to MSC/Circ.623/Rev.1

Shipping companies need to ensure that a ship security plan is drawn up and made thoroughly known to crew members. The ship security plan should cover anti-boarding measures to be taken against pirates, methods to minimize damage, notification to the appropriate authorities, education and training. Ship security plan should cover stronger security measures, based on points 2. to 4. below, that take into account brutal and organized incidents including hijacking. Considering that many incidents occurred while ships are berthed, anchored or adrift in or near ports, shipping companies should develop countermeasures such as checking suspicious persons while loading or unloading, as ship-security measures while mooring in port or immediately before and after leaving port, particularly at night.

2. Strict security surveillance in ships

In order to be able to cope with brutal and organized incidents including hijacking, shipping companies should plan for the introduction of high-tech

devices such as pirate intrusion alarms, and increase their security surveillance with regard to pirates.

3. Greater awareness of ship movements

Shipping companies should develop means of monitoring their ships' movements so as to be able to detect oddities as fast as possible in the event that an incident of piracy and armed robbery against ships occurs at sea, particularly in case of a hijacking incident where the ship cannot alert relevant authorities.

While the ship is in an area where piracy and armed robbery against ships is frequent, regular reports from the ship to the related shipping companies should be made more frequent, and the introduction of the latest high-tech equipment capable of automatically notifying the company in the event of an emergency including an attack by pirates should be considered.

4. Use of defensive equipment

Shipping companies should also consider the introduction of defensive equipment, while giving consideration to the risk of reprisal from the pirates or other risks in each specific case.

II. Reports to authorities

【Purpose】

In order to make it possible for the authorities of coastal States/port States to implement swift and effective measures to suppress piracy and armed robbery against ships, an environment in which the reporting from victim ship to coast guard agencies of coastal States/port States is conducted reliably should be created, in accordance with MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1.

【Action to be taken】

1. Measures to be implemented on the ship side pursuant to MSC/Circ.623/Rev.1

《immediate and post attack report》

- .1 A ship should make absolutely sure that if it falls victim to piracy and armed robbery against ships, it files an immediate report with the coast guard agencies of the coastal States/port States through RCC.
- .2 Shipowners/substantial owners/and, where appropriate, operators should be fully aware that, in order to resolve the problem of piracy and armed robbery against ships, it is essential to submit reports to the authorities, and should give thorough guidance to their ships regarding the submission of reports to the coast guard agencies of coastal States/port States as mentioned above if they fall victim to piracy and armed robbery against ships. They should also distribute the list of authorities to be reported* in coastal States/port States in order to facilitate immediate and post attack reports.

*List of authorities as recipients of immediate and post attack report of

piracy and armed robbery against ships in the jurisdictions thereof, which have been registered by participating States of the Conference.

- .3 In the event a ship falls victim to piracy and armed robbery against ships, shipowners/substantial owners/ and, where appropriate, operators should immediately confirm whether reports have been sent from the ship to coast guard agencies after being notified by the ship to the effect and provide the guidance to the master who should make the reporting if he fails to do so.

In urgent cases of brutal, organized incidents such as hijacks, in which pirates take possession of a ship and the ship cannot transmit any message, one should be fully cognizant that reporting the fact from the people on the land side, that they have become aware of something abnormal happened to the ship, is the only way of making the relevant authorities aware of the incident. When any related shipping companies, including shipowners, substantial owners, and operators become aware that something abnormal has happened, they should immediately notify the coast guard agencies of the coastal States/port States and should also notify the maritime policy authorities of the flag States and other substantially interested States. In case of hijacks, in particular, the role of operator cannot be overlooked.

«fuller report»

- .4 Shipowners/substantial owners/and, where appropriate, operators should transmit a fuller report of the incident, as soon as possible, to the maritime policy authorities of the flag States and other substantially interested States as well as to the coast guard agencies of the coastal States/port States and nearest coastal States.

2. Measures to be implemented by maritime policy authorities in flag States and other substantially interested States pursuant to MSC/Circ622.Rev1

- .1 The maritime policy authorities in flag States and other substantially interested States should distribute to their shipping companies the list of the authorities to be reported and endeavor to provide information concerning piracy and armed robbery against ships. In addition, flag States and other substantially interested States should ensure that, to resolve the problem of piracy and armed robbery against ships, their shipping companies are thoroughly aware of the necessity of notifying the relevant authorities immediately.
- .2 The maritime policy authorities in flag States and other substantially interested States should endeavor to make use of information, including reports received from shipping companies in their own States, for the future formulation of measures to combat piracy and armed robbery against ships.

III. Cooperation among relevant authorities within a government 【Purpose】

By developing a system for establishing close mutual liaison between their own authorities responsible for combating piracy and armed robbery against ships, each State will seek to build a system in which relevant authorities can work together to formulate and implement effective measures to combat piracy and armed robbery against ships, and a system in which, particularly when hijacks and other urgency occur, the relevant authorities are able to work together to rapidly adopt appropriate and functional responses.

【Action to be taken】

1. Each State must establish a system for the mutual communication and collaboration between relevant authorities within a government, and ensure that when reports of the occurrence of piracy and armed robbery against ships are received, information is passed rapidly to all the competent authorities, and that comprehensive and functional countermeasures are taken. From this same perspective, States that have already established a network for the exchange of information and mutual collaboration are expected to review and improve those systems.
2. Each State should give positive consideration to the effectiveness of establishing a liaison committee composed not only of governmental authorities but also of other interested parties such as related private-sector bodies, where appropriate.

IV. Establishment of international network for the exchange of information

【Purpose】

An international network for the exchange of information should be formed among competent authorities who have special knowledge in the field, by establishing and utilizing operational contact points at each authorities concerned, in addition to the existing diplomatic channel.

【Action to be taken】

1. Maritime policy authorities in each State should designate an unified operational contact point within their organizations through which information on piracy and armed robbery against ships problem is communicated.
2. Maritime policy authority that functions as a designated operation contact point for the State is requested to prepare direct telephone and fax lines, and wherever possible to prepare e-mail address, and advise them to all other States.
3. Maritime policy authorities of a State that are made aware of the occurrence of urgent and serious incidents such as hijacks should activate the communication network to exchange information concerning the incidents. In such case, the relevant maritime policy authorities are recommended to cooperate with the International Maritime Bureau (IMB) of the International Chamber of Commerce (ICC) for effective exchange of information.
4. As regards 1.~3. mentioned above, maritime policy authorities in each

- State request the coast guard agencies of the State to take similar actions.
5. Pursuant to MSC/Circ.622/Rev1, maritime policy authorities in each State should, via IMO or via their counterpart in the relevant coastal States/port States, whenever necessary, collect information as to what action has been taken by the coastal States/port States, and convey the information to the related shipowners/ substantial owners/ and, where appropriate, operators.
 6. Maritime policy authorities in each State should routinely work closely with each other in the exchange of information that will contribute to the prevention of piracy and armed robbery against ships.

V. Analysis of information

【Purpose】

In taking measures to combat piracy and armed robbery against ships, it is first necessary to achieve an understanding of the actual situation of piracy and armed robbery against ships. With the cooperation of the IMO and the ICC, by organizing, collating, and analyzing the data held by each State concerning piracy and armed robbery against ships, maritime related concerns would gain an accurate understanding of trends in sea areas and ports where the occurrence of piracy and armed robbery against ships is frequent, and characteristics of incidents including types of ship attacked, method of infiltration used by pirates, and timings of attacks. The findings from analyzing the data can then be used to enhance self-protection measures by ships, and can be used as a resource in fortifying maritime patrols by coast guard agencies.

【Action to be taken】

1. For the purpose of data collation, analysis, and use, when the maritime policy authorities in coastal States/port States are notified of the occurrence of piracy and armed robbery against ships, such authorities should report the information reliably to the IMO, pursuant to MSC/Circ.622/Rev.1.
2. The maritime policy authority in each State should make the findings from analyzing the statistical resources in the annual and quarterly reports on piracy and armed robbery against ships published by the IMO and ICC/IMB well known to the shipping companies of the State, and give guidance to the companies based on these findings, about enhancing their self-protection measures for sea areas and ports where incidents are frequent. In addition, the maritime policy authority in States within which jurisdiction incidents frequently occur should request the coast guard agency of the State to reinforce patrols of the sea area in question.
3. As regards the issue of missing hijacked vessels whose certificates are forged, it would be effective to take advantage of Port State Control (PSC) opportunities for the early discovery of the vessels. For this purpose, maritime policy authorities in each State should request their PSC authorities of the State to report to their competent authorities including

coast guard agencies when their PSC inspectors come across certificates that may be fraudulent.

Source:

http://www.mlit.go.jp/english/mot_news/mot_news_000428/mot_news_000428_3.html,
accessed 23 July 2006.

Appendix V

Asia Anti-Piracy Challenge 2000

REGIONAL CONFERENCE ON COMBATING PIRACY AND ARMED ROBBERY AGAINST SHIPS

Asia Anti-Piracy Challenges 2000

Heads of Coast Guard Agencies of Brunei; Cambodia; China; Hong Kong, China; India; Indonesia; Japan; Lao; Malaysia; Myanmar; Philippines; Republic of Korea; Singapore; Thailand and Vietnam (27 to 29 April 2000, Tokyo)

1. The delegations of Brunei; Cambodia; China; Hong Kong, China; India; Indonesia; Japan; Lao; Malaysia; Myanmar; Philippines; Republic of Korea; Singapore; Thailand and Vietnam (hereinafter referred to as the "Participating Administration(s)") consisting of the heads and acting-heads of authorities responsible for conducting law enforcement activities of anti-piracy and armed robbery against ships and/or providing assistance to persons and/or ships in distress as a result of such attacks (hereinafter referred to as the "Authority(ies)"), met from 27 to 29 April 2000 in Tokyo to discuss necessity and possibility of co-operation in combating piracy* and armed robbery against ships. The Conference was conducted under an extremely friendly and cordial atmosphere.

2. At the Conference, the Authorities of Participating Administrations analyzed and considered the trend of problems of piracy and armed robbery against ships. The Authorities of Participating Administrations, noting that recent piracy and armed robbery against ships are significantly threatening maritime safety, expressed the intention that they should promote mutual co-operation, as practical as possible, on anti-piracy and armed robbery against ships to tackle these problems effectively. It should nonetheless be pointed out here that these relevant activities including potential co-operation can only be done subject to relevant international treaties, each Participating Administration's domestic legislation as well as its availability of adequate resources to sustain these activities.

3. In view of the above, the Authorities of Participating Administrations expressed the intention that the information exchange should be conducted among relevant Authorities of Participating Administrations referring to the List of Operational Contact Points for Anti-Piracy and Armed Robbery against Ships prepared by the "Preparatory Meeting of the Coast Guard Agencies for the Regional Conference on Combating Piracy and Armed

Robbery against Ships" held from 7 to 9 March 2000 in Singapore. Information that should be exchanged includes:

- 1) initial message (including a probability phase), e.g., when a ship is attacked or could be attacked, ships name, position, ships characteristics, nature of event, situation of a attacked ship, etc;**
- 2) follow-up report, e.g., details of incident including method of attack, number and brief description of pirates and robbers, their weapons, etc.**
- 3) report regarding law enforcement activities, e.g., investigation, prosecution, conviction, etc; and**
- 4) other relevant information.**

4. The Authorities of the Participating Administrations welcomed the "Tokyo Appeal", which was agreed upon by the International Conference of All Maritime Related Concerns, both Governmental and Private, on Combating Piracy and Armed Robbery against Ships (28 to 30 March 2000, Tokyo), and its resolve made by maritime policy authorities and other relevant bodies in order to prevent and suppress piracy and armed robbery against ships. In the Tokyo Appeal, various valuable points are laid out and one of them is the importance of timely reports of attack and post attack to the Coastal States/Port State. The Authorities of the Participating Administrations, recognizing also the importance of such reports with a view to enabling the Authorities to take necessary actions in time and consider effective counter measures by analyzing data consisting of such reports, highly evaluated the compiling the "List of Immediate and Post Attack Reports Recipients for when Incidents Occur" at the above mentioned International Conference.

5. Further, the Authorities of Participating Administrations, taking into account that recent piracy and armed robbery against ships such as "Anna Sierra", "Petro Ranger", "Ten Yu" and "Alondra Rainbow" seems to be connected to international syndicates, seems therefore to be more brutal, and seems to be operated beyond one Participating Administration's jurisdiction, shared the view that it is necessary for all Authorities of Participating Administrations to promote mutual co-operation in these fields including following items refereed to in paragraphs 5.1 to 5.6, and therefore to start prompt and effective co-operation in the immediately co-operable items where practical and appropriate:

1) Enhancement of Law Enforcement Activities

The Authority(ies) of each Participating Administration should enhance law enforcement activities to deal with piracy and armed robbery against ships;

2) Actions to be taken on receiving information on crew being under attack (including probability phase)

2-1. Assistance to be provided to persons and/or ships under attacks or recently attacked

On receiving information on persons and/or ships under attacks or recently attacked, the Authority(ies) of each Participating Administration should immediately provide assistance to such persons or ships as far as practicable;

2-2. Interception and Seizure

When a suspect ship or a ship likely hijacked is detected, the Authority(ies) of each Participating Administration should take appropriate and practical actions to intercept or seize the ship;

2-3. Co-operated Actions

In taking actions referred to in paragraphs 5.2.1 and 5.2.2, through the operational contact points referred to in paragraph 3, the Authority(ies) of each Participating Administration may inform relevant Authority(ies) of other Participating Administration(s), in particular, those of which are related to the case of such actions and explore the possibility of taking co-operated actions and should take such co-operated actions with such Authority(ies) of other Participating

Administration(s), where practical.

3) After Interception and Seizure

On the high seas, or in any other place outside the jurisdiction of any Participating Administration, when the Authority(ies) of each Participating Administration seize(s) suspects or intercept(s) a suspect ship, such Authority(ies) may consult with relevant Authority(ies) of other Participating Administration(s), in particular, those of which are related to the case through diplomatic channels on how to deal with them.

4) Bilateral or Multilateral Assistance in Investigation

The Authority(ies) of each Participating Administration should request bilateral or multilateral assistance in investigation to the Authority(ies) of other Participating Administration(s) through diplomatic channels, or operational contact points referred to in paragraph 3, or other appropriate channels, where necessary. The best endeavors should be exercised by the Authority(ies) of other Participating Administration(s) which is(are) requested such assistance.

5) Promotion of Co-operated Activities

The Authorities of Participating Administrations noted the effectiveness of the co-operated activities and shared the view that the possibility of exploring such co-operation may be considered in an appropriate meeting in the future.

6) Technical Co-operation

The Authorities of Participating Administrations, recognizing the necessity of enhancing individual

capability of each Administration and its Authority in these fields, took note of the intention of Japan to explore the possibility of providing support for those Authorities which request technical assistance:

6-1. to train personnel; and

6-3. to ensure the availability of relevant technology, equipment and facilities.

6. The Authorities of Participating Administrations shared the view that the operational level meeting on anti-piracy and armed robbery against ships should be held periodically in the future in order to further facilitate and strengthen co-operation in these fields including follow-ups to the Conference, and date, venue and other details of such potential meetings and/or the Conferences would be arranged through diplomatic channels.

7. The Authorities of Participating Administrations, considering it desirable that unnecessary duplication of maritime law enforcement activities be avoided, shared the view that it is appropriate for relevant authorities of Participating Administrations including the Authorities of Participating Administrations to explore the possibility of utilizing scope of the Asia Anti-Piracy Challenge 2000 to apply other maritime crimes associated with piracy and armed robbery against ships.

Source: <http://www.jsanet.or.jp/e2-3/pi2-2-3.html>, accessed 23 July 2006.

Appendix VI

JCG Bilateral Patrols and Exercises 2000-2005

Year	Month	Location	Details
2000	November	Chennai, India	JCG vessel, <i>Shikishima</i> , conducts joint exercises with the Indian Coast Guard.
		Port Kran, Malaysia	JCG vessel, <i>Shikishima</i> , carries out a joint exercise with the Royal Malaysian Maritime Police.
2001	May	Yokohama	Indian Coast Guard ship, <i>Sagram</i> , conducts manoeuvres with the JCG off of Kagoshima Prefecture.
	August	Singapore	Crew of JCG vessel, <i>Shikishima</i> , exchange ideas with the Director of the Singapore Coast Guard.
		Philippines and Thailand	JCG Falcon 900 plane undertakes an international practice flight and crew exchanges ideas with various Thai and Filipino organizations.
	October	Philippines	JCG vessel, <i>Mizuho</i> , conducts joint exercises with the Filipino Coast Guard.
December	Remchaban, Thailand	JCG vessel, <i>Ryūkyū</i> , conducts training with the Royal Thai Maritime Police and the Ports and Harbours Bureau of the Thai Ministry for Transport and Communications.	
2002	March	Jakarta, Indonesia	JCG patrol boat, <i>Yashima</i> , conducts joint exercises.
		Brunei and Jakarta, Indonesia	JCG Falcon 900 plane dispatched on an anti-piracy patrol and aids in the search of pirated vessels.
2003	March	Manila, Philippines	JCG conducts anti-piracy exercises with the Philippine Coast Guard.
	September	Kobe, Japan	JCG conducts anti-piracy exercises with the Indian Coast Guard.
	December	Singapore	JCG conducts anti-piracy exercises with the Singapore Maritime Police and the Singapore Port Authority
2004	February	Remchaban, Thailand	JCG takes part in anti-piracy drill with the Thai Coast Guard and Maritime Bureau.
	October	Mumbai, India	JCG conducts anti-piracy exercise with the Indian Coast Guard.
2005	August	Brunei	JCG conducts anti-piracy drills with the Brunei Maritime Police and Airforce.
	October	Moji, Japan	JCG conducts anti-piracy drills with the Indian Coast Guard.

Sources: *Kaiyōhōanchōkokusaijika*, 2002: 145; Nakamura, 2006: 23.

Appendix VII

Philippines-China Memorandum of Understanding

Appendix VII, Philippines-China Memorandum of Understanding, follows on the next four pages.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS
OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF
COMMUNICATIONS OF THE PEOPLE'S REPUBLIC OF CHINA
ON MARITIME COOPERATION**

The Department of Transportation and Communications of the Republic of the Philippines and the Ministry of Communications of the People's Republic of China (hereinafter referred to collectively as "the Parties" or individually as "a Party");

STRENGTHENING the good relationship and mutual understanding between maritime agencies of China and the Philippines;

ACKNOWLEDGING the common interest in establishing a lasting framework for maritime cooperation;

IN THE SPIRIT of laying solid foundations for lasting cooperation in the maritime sector;

Pursuant to the principles under Joint Communique of the Government of the People's Republic of China and the Government of the Republic of the Philippines signed in Beijing on June 9, 1975 when establishing diplomatic relations between the two countries.

HAVE AGREED AS FOLLOWS:

**Article I
OBJECTIVE**

On the basis of equality, mutual benefit and reciprocity, the Parties shall cooperate in the maritime sector within their respective purview and in accordance with their respective applicable national laws and regulations, and where applicable, international treaties and conventions to which the Parties are signatories.

**Article II
AREAS OF COOPERATION**

The Parties shall promote the following areas for cooperation:

1. **MARITIME SAFETY.** The Parties shall cooperate in the implementation within the framework of relevant International Maritime Organization (IMO) conventions on safety of navigation at sea, and search and rescue at sea, with the assistance of other maritime agencies in both countries.

2. MARINE ENVIRONMENTAL PROTECTION AGAINST POLLUTION. The Parties shall undertake cooperation within the IMO framework on the management of ship's ballast water and marine environmental protection against pollution from ships.

3. PORT STATE CONTROL. The Parties shall undertake closer cooperation on port state control, in line with the amended Tokyo Memorandum of Understanding on Port State Control in the Asia-Pacific Region, in so far as the respective Parties are parties thereto.

4. HUMAN RESOURCES DEVELOPMENT. The Parties shall cooperate in personnel-exchange; mutual visits, holding of workshops or seminars on subjects of common interest in the maritime sector. Subjects may cover, but not limited to, the following areas:

- a) Traffic Separation Scheme or Routing Scheme, VTS, AIS, ENC, Aids to Navigation;
- b) Techniques and equipment on Maritime search and rescue;
- c) Port State Control;
- d) Precautions for oil pollution at sea and responses;
- e) Management on ship's ballast water;
- f) Implementation of relevant International Maritime Organization (IMO) conventions on seafarers.
- g) Marine scientific research and experimentation in relation to marine environment protection.

5. INFORMATION EXCHANGE. The Parties shall cooperate in the exchange of information on maritime development. The information may cover, but not limited to, the following areas:

- a) Policies and views while attending meetings by international or regional organizations such as IMO, IALA, Tokyo MOU;
- b) Formulation or amendment on their respective national laws and regulations;
- c) Special measures on navigation management and pollution prevention from ships;
- d) Regulations on seafarers going ashore; and
- e) Notification and investigation on maritime accidents.
- f) Activities and studies related to marine scientific research and experimentation in relation to marine environment protection.

6. OTHER AREAS OF COOPERATION. The Parties shall, with mutual consent, also cooperate in any other areas of the maritime sector.

Article III IMPLEMENTATION

1 Philippine Coast Guard under the Department of Transportation and Communications of the Republic of the Philippines and China Maritime Safety Administration under the Ministry of Communications of the People's Republic of China shall be the agencies responsible for the identification, coordination, implementation and monitoring of projects and activities conducted pursuant to this Memorandum of Understanding.

2 Working groups or ad-hoc expert task forces may be formed, as appropriate, to expedite the implementation of specific areas of cooperation under this Memorandum of Understanding.

3 The specific tasks, obligations and conditions relating to the cooperative activities under this Memorandum of Understanding, including the responsibility for cost payment, shall be discussed and agreed to by the relevant Parties prior to the implementation of such activities, and be subject to the availability of funds and technical personnel of the Parties.

Article IV AMENDMENT

A Party may request in writing any amendment of all or any part of this Memorandum of Understanding. Such amendment shall be mutually agreed upon in written form by the Parties and shall form an integral part of this Memorandum of Understanding. Such amendment shall enter into force on such date as agreed upon in writing by the Parties.

Article V INTERPRETATION AND SETTLEMENT

Interpretation and settlement of the provisions of this Memorandum of Understanding shall be on the basis of common understanding. Any differences arising out of the interpretation and implementation shall be settled amicably through consultation between the two parties.

Article VI EFFECTIVITY AND TERMINATION

1 This Memorandum of Understanding shall take effect on the date of signature and remain in force unless either Party provides thirty (30) days' advance notice in

writing to the other Party of its intention for the termination.

2 For purposes of the termination of this Memorandum of Understanding, official notification shall be communicated to the Department of Transportation and Communications of the Republic of the Philippines or the Ministry of Communications of the People's Republic of China.

3 The termination of this Memorandum of Understanding shall not affect any project or activity already undertaken under this Memorandum of Understanding, which has not been completed, unless the Parties agree otherwise in writing.

IN WITNESS WHEREOF, the undersigned, duly authorized by the respective Governments of the Republic of the Philippines and the People's Republic of China, have signed this Memorandum of Understanding.

DONE in duplicate at Manila, Philippines on this 27th day of April 2005, in the English and Chinese languages. Both texts are equally authentic. In case of any discrepancy in interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF THE
PHILIPPINES



LEANDRO R. MENDOZA
Secretary of Transportation and
Communications

FOR THE GOVERNMENT OF THE
PEOPLE'S
REPUBLIC OF CHINA

ZHANG CHUNXIAN
Minister of Communications



AUTHENTICATED BY:


HENRY N. VENTURA
ENS/PCG
Acting Coast Guard Adjutant

Appendix VIII
Piracy Map – 1st Quarter 2006



Source: <http://www.sitesatlas.com/Maps/Maps/idn-pol.gif>

- ☠ Robin Hood Piracy (RHP) – an attack involving little or no violence, in which under \$5,000 in cash and valuables is stolen.
- ☠ Low-level Armed Robbery (LLAR) – an attack by an armed piratical gang, who are prepared to employ moderate to high levels of violence and remove between \$5,000 and \$15,000 from their victims.
- ☠ Medium-level Armed Assault and Robbery (MLAAR) – an attack by a well organized and equipped piratical group willing to injure and kill. The amount of goods and valuables stolen by such pirates would tend to exceed \$15,000 in a single raid.
- ☠ Major Criminal Hijack (MCH) – an attack aimed at capturing a vessel in order to use it for illicit purposes. Such an attack is most often perpetrated by Transnational Criminal Organizations and often involves high levels of violence.
- ☠ Kidnap and Ransom (K&R) – an attack in which crew members are targeted with the purpose of holding them for ransom. The execution of the crew usually follows an unpaid ransom.
- ☠ Global Terrorist Act (GTA) – an act of major maritime violence designed to damage the economic or military assets of an enemy state and have a significant political impact. High casualties are often desired in order to have the greatest political impact.

The size of the skull and crossbones denotes the number of maritime attacks in one area.

1 Attack: ☠ 2 Attacks: ☠☠ 3 Attacks: ☠☠☠

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