Regional Cooperation Agreement on Combating Piracy and Armed Robbery in Asia (ReCAAP)

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Piracy and armed robbery at sea have threatened the maritime community over the past two decades. The International Maritime Organisation (IMO) and the International Maritime Bureau (IMB) compile regular reports on piracy and armed robbery attacks, from which it is apparent that there are a number of global hot-spots. In particular, the Malacca Strait, Singapore Strait and South China Sea are identified as areas most affected in Asia.

The United Nations Convention on the Law of the Sea (UNCLOS) defines piracy as an act that takes place on the high seas outside the jurisdiction of any State. IMO statistics demonstrate that most attacks occur whilst a vessel is at anchor or in port and within a state's territorial waters. Legally, such attacks are classified as armed robbery and fall under the jurisdiction of the coastal State in which the attack occurs. With a number of littoral states bordering these waterways (Indonesia, Malaysia, Singapore), it is desirable to have a co-ordinated approach to combat the threat.

The IMBs Q3 2006 Piracy Report records the reported number of actual and attempted attacks in S.E. Asia for the period 01.01.06 30.09.06 as 65. Whilst this is not the final figure for the whole year, and caution should be exercised in interpreting such figures in isolation, a noticeable reduction in incidents can be seen in recent years. Whereas in 2004 there were 122 reported incidents, in 2005 there were 65. Even these figures compare favourably to the year 2000 where there were 151 reported attacks.

Given the level of trade transiting these waterways, the strategic importance of the Malacca and Singapore Straits to global economics cannot be underestimated. It is vitaly important that any threat to international navigation in the region is actively challenged by the littoral states and other stakeholders.

Over the past two decades the IMO has played a pivotal role in developing initiatives to address the problem. It publishes a set of recommendations to Governments for the prevention and suppression of piracy and armed robbery against ships and actively promotes co-operation between littoral states and stakeholders in the areas most affected. It also promotes the Guidance to Ship owners, ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships. Notwithstanding the continuing efforts of the IMO, the IMB and other stakeholders in the region, there remained concerns as to the ability to effectively co-ordinate anti-piracy initiatives.

In October 2001, the Japanese Prime Minister proposed an initiative to enhance multilateral co-operation amongst 16 regional countries to combat piracy and armed robbery against ships in the region. Following three years of negotiations, the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP) was concluded in Tokyo in November 2004.

Following ratification by the tenth signatory country, the ReCAAP entered into force on the 4th September, 2006. It is the first government-to-government agreement designed to enhance the security of regional waters. To date 14 countries have signed and ratified the ReCAAP agreement. The agreement sets out obligations of the member Countries and provides a framework for the exchange of information. The obligations of member Countries include prevention and suppression of piracy and armed robbery, the arrest of perpetrators and seizure of vessels/craft used to carry out attacks, as well as rescue of victims of attacks. Singapore is the host country for the Information Sharing Centre (ISC) which was established in November 2006 with the objective of facilitating the sharing of piracy-related information.

The ISC has a full-time secretariat to undertake daily operations, along with representatives from the ReCAAP member countries. The core activities include:

- Co-ordinate communications and exchange of information between member countries;
- Expedite appropriate response by member countries to attack incidents;
- Record and analyse statistics for piracy and armed robbery in the region;
- Assist in the improvement of anti-piracy capabilities of member countries.

Given this new phase of increased co-operation in the region, there is cautious optimism that the enhanced co-ordination of the anti-piracy measures will lead to an appreciable reduction in the number of attacks in the region. The latest figures published by the IMO and IMB appear to suggest such an improvement is underway.

1. www.imo.org/Circulars

2. The IMB is a specialist division of the International Chamber of Commerce and was established to act as a focal point in the fight against all types of maritime crime and malpractice. The IMB operates a Piracy Reporting Centre in Kuala Lumpur which disseminates daily status reports to ships, reports to law enforcement agencies and the IMO and offers support to shipowners and crews whose vessels have been attacked www.icccs.org


Piracy consists of any of the following acts:

(a) any illegal acts of violence or detention, or any act of deprecaction, 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 inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).
4. Armed robbery against ships is defined in the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (resolution A.922(22), Annex, paragraph 2.2), as follows. Armed robbery against ships means any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, directed against a ship or against persons or property on board such ship, within a State's jurisdiction over such offences.


6. E. Mitropoulos, Secretary-General of the International Maritime Organisation. Opening address to the Meeting on the straits of Malacca and Singapore, Enhancing safety, security and environmental protection, Kuala Lumpur, 18 September, 2006.

7. The 16 regional Countries are the ASEAN plus Peoples Republic of Bangladesh, Peoples Republic of China, Republic of India, Japan, Republic of Korea, Democratic Socialist Republic of Sri Lanka.

