

## Section 3 Counter-piracy Operations

Piracy is a grave threat to public safety and order on the seas. In particular, for Japan, which depends on maritime transportation to import most of the resources and food necessary for its survival and prosperity as a maritime nation, it is an important issue that cannot be ignored. The United Nations Convention on the Law of the Sea states that all nations shall cooperate to the fullest possible extent in the repression of piracy, so it is necessary for Japan to actively fulfill its international responsibilities for counter-piracy operations as stipulated in the New NDPG.

### 1 Basic Approach

The Japan Coast Guard (JCG), one of the law enforcement agencies in Japan, is primarily responsible for coping with piracy. However, in cases in which it is deemed extremely difficult or impossible for the JCG to cope with piracy by itself, the SDF is to take action as well.

### 2 Circumstances Surrounding Incidents of Piracy and Initiatives by the International Community

Incidents involving pirates armed with machine guns and rocket launchers who seek to take hostages for ransom have continued to occur in waters off the coast of Somalia and in the Gulf of Aden. Piracy off the coast of Somalia and in the Gulf of Aden is a threat to the international community, including Japan, so it is an issue that should be dealt with via cooperation among the international community.

*See ▶ Fig. III-3-3-1 (Piracy Incidents Off the Coast of Somalia and in the Gulf of Aden (Comparison with the number of incidents in Southeast Asia))*

Successive United Nations Security Council resolutions<sup>1</sup>, such as United Nations Security Council Resolution 1816, which was adopted in June 2008, have requested various that countries take actions to deter piracy off the coast of Somalia and in the Gulf of Aden; in particular, the dispatch of their warships and military aircraft.

To date, approximately 30 countries, including the United States, have dispatched their warships to the waters off the coast of Somalia and the Gulf of Aden. Moreover, in December that year, the European Union (EU) decided to commence a counter-piracy operation (Operation Atlanta),

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<sup>1</sup> The other United Nations Security Council resolutions calling for cooperation in deterring piracy are Resolutions 1838, 1846, and 1851 (adopted in 2008), Resolution 1897 (adopted in 2009), Resolutions 1918 and 1950 (adopted in 2010), Resolutions 1976 and 2020 (adopted in 2011), Resolution 2077 (adopted in 2012), and Resolution 2125 (adopted in 2013).

escorting vessels transporting supplies for the United Nations World Food Programme (WFP) and patrolling the waters in the area; in addition, the North Atlantic Treaty Organization (NATO) has been conducting its own counter-piracy operation (Operation Ocean Shield) since August 2009.

All countries continue to treat piracy off the coast of Somalia and in the Gulf of Aden as a matter of serious concern, even now.

### **3 Japanese Initiatives**

#### **1 Legislation Concerning Counter-piracy Operations**

In March 2009, after receiving the approval of the Prime Minister based on a Cabinet decision under the provisions of Article 82 of the SDF Act, the Minister of Defense gave the order for Maritime Security Operations in order to protect Japan-affiliated vessels from acts of piracy in the waters off the coast of Somalia and in the Gulf of Aden. Following this order, two Japanese destroyers departed from Japan and began escorting Japan-affiliated vessels in the same month. Moreover, to conduct more effective counter-piracy operations over an extensive marine area, an order was given in May to dispatch P-3C patrol aircraft, and these aircraft commenced warning and surveillance operations in the Gulf of Aden in June the same year.

In view of the United Nations Convention on the Law of the Sea, Japan subsequently enacted the Act concerning the Punishment of Acts of Piracy and Measures to Deal with Acts of Piracy (the Anti-Piracy Measures Act) in July the same year in order to deal appropriately and effectively with acts of piracy. This act made it possible to protect the vessels of all nations from acts of piracy, regardless of their flag states; moreover, it became possible to use weapons to a reasonable extent, if no other means were available, in order to halt vessels engaging in acts of piracy, such as approaching civilian vessels.

Furthermore, the Act on Special Measures concerning the Security of Japanese Flagged Vessels in Areas that Are Highly Susceptible to Acts of Piracy came into force on November 30, 2013, which made it possible to have security guards on board a Japanese ship provided certain requirements are met, allowing them to carry small arms for the purpose of security operations.

*See ▶ Reference 21 (Main Operations of the Self-Defense Forces), Reference 22 (Statutory Provisions about the Use of Armed Force and Weapons by SDF Personnel)*

#### **2 Activities by the Self-Defense Forces**

##### **(1) Participation in CTF151**

Although the number of acts of piracy occurring in the waters off the coast of Somalia and in the Gulf of Aden declined substantially in recent years, the root causes of piracy such as poverty in Somalia have not been solved. In addition, considering the fact that Somalia's capability to crackdown piracy is still not sufficient, and that the criminal organizations responsible for piracy acts have not been totally destroyed, the situation in the waters off the coast of Somalia and in the Gulf of Aden remains unpredictable. If the international community reduces its counter-piracy efforts, the situation could be easily reversed. Moreover, the Japanese Shipowners' Association and other entities are still requesting that the SDF continue their counter-piracy operations; in addition, international organizations such as NATO and the EU have decided to continue their operations. Therefore, there is no great change in the situation in which Japan must carry out its counter-piracy operations.

In addition, due to the fact that the scope of the area susceptible to acts of piracy is spreading to areas off the coast of Oman and the Arabian Sea in recent years, the area of activity of the Combined Task Force 151 (CTF 151)<sup>2</sup>, which conducts warning and surveillance activities (zone defense), is increasingly spreading. Thus the number of deployed vessels of other countries in the Gulf of Aden decreases at certain times. Furthermore, the number of vessels that are directly escorted by the SDF surface force per escort operation was gradually reduced (a method in which the destroyers guard the front and rear of the convoy). In light of such a situation, in July of the same year, Japan decided to participate in the CTF 151 to commence zone defense in addition to escort missions as before, while coordinating closely with the units of other countries that are engaged in counter piracy operations, for the purpose of conducting more flexible and effective operations. Following this, the surface force started zone defense in December 2013.

In addition, the air force have been participating in the CTF 151 since February 2014. This participation enabled the force to acquire information that was previously not accessible, such as other countries' operation policies on flight squadrons and environment analysis that contributes to counter piracy measures. Moreover, it became possible to conduct more flexible warning and surveillance activities. For example, aircraft can be deployed as needed even to areas that are highly susceptible to acts of piracy, and as a result, coordination between other countries' counter piracy units was further enhanced.

Moreover, in July 2014, the SDF decided to dispatch a commander and command center staff to

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<sup>2</sup> The Combined Maritime Force (CMF), whose headquarters are located in Bahrain, announced that CTF151 was set up as a multinational task force for counter-piracy operations in January 2009.

the CTF 151<sup>3</sup>. With SDF personnel serving as the CTF 151 commander and command center staff, it becomes possible to facilitate coordination among units of countries involved, including units participating in the CTF 151, and more broadly gather information on counter-piracy operations of other countries off the coast of Somalia and in the Gulf of Aden. This enables Japan to enhance the effectiveness of the SDF's counter-piracy operations through strengthened coordination with units of other countries engaged in counter-piracy operations.

## (2) Achievements

At present, two destroyers have been dispatched, one of which is in principle escorting civilian vessels back and forth across the Gulf of Aden. The other destroyer is conducting zone defense in the designated marine area within the Gulf of Aden.

The direct escort method firstly places the destroyer and private vessels to be escorted at the assembly point, one each designated at the eastern and western ends of the Gulf. When the convoy sails across the Gulf of Aden, the destroyer guards the convoy; and helicopter carried on the destroyer also watches the surrounding area from the sky. In this way, the ships take around two days to sail the 900 km or so distance across the Gulf of Aden, all the while making absolutely certain that the convoy is safe and secure, day and night. Moreover, there are eight JCG officers aboard the destroyers<sup>4</sup> and the SDF cooperates with the JCG to enable them to conduct judicial law enforcement activities, as required.

During the non-monsoon season (March - May, September - November), when the area within which acts of piracy become active because of the calmer seas, the escort route is extended by approximately 200 km to the east.

On the other hand, in zone defense, an operation area is allocated to each destroyer based on the coordination with the CTF 151 headquarters. The destroyer conducts warning and surveillance activities within the allocated area, and contributes to improve security for all countries' vessels, including those of Japan.

As of May 31, 2014, 3461 vessels have been escorted under the protection of the destroyers. Not a single vessel has come to any harm from pirates and they have all passed safely across the Gulf of Aden. In this body of water, which is a major artery for the economy not only of Japan, but also of the world economy, the escort activities undertaken by the SDF provide a

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<sup>3</sup> Going forward, time for dispatching, etc. is to be decided upon coordinating with Combined Maritime Forces (CMF)

<sup>4</sup> If required, they conduct judicial police activities, such as arresting and questioning pirates.

tremendous sense of security.

See ► *Fig. III-3-3-2 (SDF's Counter-Piracy Operations)*

In addition, the maritime patrol aircraft (P-3C) based in the Republic of Djibouti make use of their excellent cruising capability in conducting surveillance operations in the vast Gulf of Aden. The flight zone is determined based on coordination with CTF151 headquarters. The P-3Cs taking off from Djibouti watch whether there are suspicious boats among the numerous ships navigating in the Gulf. At the same time, they provide information to the destroyers engaging in escort activities, the naval vessels of other countries and civilian vessels sailing through the area, responding by such means as confirming the safety of the surrounding area immediately, if requested. The SDF, which has dispatched two P-3Cs, conducts warning and surveillance activities in the Gulf of Aden, while cooperating with other countries who have also dispatched maritime patrol aircraft to the area. This activity accounts for 60% of warning and surveillance conducted by each country in the maritime area.

The information gathered by SDF P-3Cs is constantly shared with CTF151 or other related organizations, and contributes significantly to deterring acts of piracy and disarming vessels suspected of being pirate ships.

Since commencing duties in June 2009, the aircraft have flown 1,140 missions as of June 30, 2014, and their flying hours total 8,820 hours. Approximately 92,700 ships have been identified and information has been provided to vessels navigating the area and other countries engaging in counter-piracy operations on around 9,620 occasions.

Moreover, in order to improve the operational efficiency and effectiveness of the Deployment Airforce for Counter Piracy Enforcement, the Ministry of Defense and SDF has set up the base in the northwest district of the Djibouti International Airport, which started its operation in June 2011. Although this force is mainly composed of the MSDF personnel, P-3Cs and other equipment are guarded by the GSDF personnel at the base. In addition, the ASDF personnel to the headquarters are also involved in this force.

In addition, the Deployment Support Unit for Counter Piracy Enforcement, which is engaged in operations necessary for SDF personnel to carry out counter-piracy operations, is made up of MSDF and GSDF personnel, and GSDF personnel provide security for P-3C patrol aircraft and other equipment at operational bases in Djibouti, and also serve as the unit's command center staff. Furthermore, the ASDF has formed an airlift squadron to support these activities,

consisting of transport aircraft (C-130H) and aerial refueling/transport aircraft (KC-767), which is engaged in transport missions. Also, the local coordination center in Djibouti is in charge of communication and coordination with the government of Djibouti and other foreign units/organizations.

*See ▶ Fig. III-3-3-3 (Structure of the Deployed Forces)*

#### 4 Praise for Japan's Endeavors

The counter-piracy operations by the Japan SDF have been highly praised by the international community, with national leaders and others expressing their gratitude. Moreover, the MSDF, which is engaging in counter-piracy operations off the coast of Somalia and in the Gulf of Aden, has received many messages from the captains and shipowners of the vessels that its units have escorted, expressing their gratitude that the ships were able to cross the Gulf of Aden with peace of mind and asking them to continue escorting ships there. From the 1st to the 17th unit, a total of 2,700 messages have been received.