

Section
3

Counter-piracy Initiatives

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 its 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 Sea¹ 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.

1 Basic Approach

The Japan Coast Guard, one of the law enforcement agencies in Japan, is primarily responsible for coping with piracy. However, in case that it is deemed extremely difficult or impossible for

the Japan Coast Guard to cope with piracy by itself, the Self-Defense Forces is supposed to take actions against it.

2 The Situations of Piracy Incidents and Initiatives by the International Community

In recent years, there have been frequent incidents in waters off the coast of Somalia and in the Gulf of Aden, involving pirates armed with machine guns and rocket launchers, and the number of such incidents is increasing rapidly. Piracy off the coast of Somalia and in the Gulf of Aden is a threat to the international community including Japan, and an urgent issue it should tackle.

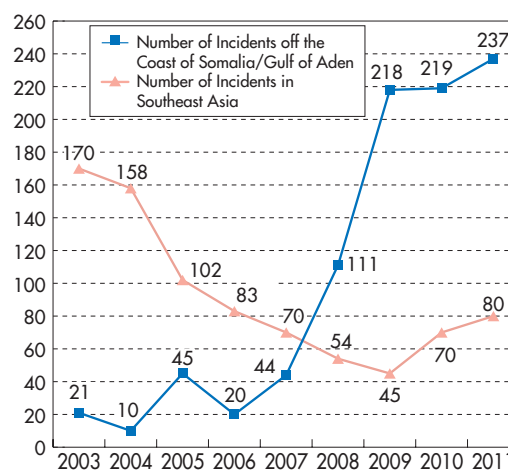
(See Figure III-3-3-1)

Successive United Nations Security Council resolutions¹, such as United Nations Security Council Resolution 1816, which was adopted in June 2008, have requested various countries to take actions to deter piracy off the coast of Somalia and in the Gulf of Aden; in particular, to dispatch of their warships and military aircraft.

To date, approximately 30 countries², including the U.S., have dispatched their warships to the waters off the coast of Somalia and the Gulf of Aden. Moreover, in December 2008, the European Union (EU) decided to commence anti-piracy operations (Operation Atlanta), 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) commenced its own anti-piracy operations (Operation Ocean Shield) in August 2009.

Fig. III-3-3-1

Incidents of Piracy Off the Coast of Somalia/Gulf of Aden (Comparison with Number of Incidents in Southeast Asia)



Notes: 1. The data is based on a report by the International Maritime Bureau (IMB) of the International Chamber of Commerce (ICC).

¹ See the United Nations Convention on the Law of the Sea <<http://www.mofa.go.jp/Mofaj/Gaiko/Kaiyo/law.html>>

²⁻¹ Also, resolutions Nos. 1838, 1846, and 1851 in 2008, No. 1897 in 2009, Nos. 1918 and 1950 in 2010, and Nos. 1976 and 2020 in 2011.

² As well as the U.S., these countries include the UK, France, Germany, Italy, Spain, Greece, Denmark, the Netherlands, Portugal, Sweden, Norway, Belgium, Canada, Russia, Turkey, Singapore, India, China, South Korea, Malaysia, Saudi Arabia, Yemen, Kenya, Australia, Pakistan, and Bahrain.

3 Japanese Initiatives

1 Legislation Concerning Anti-piracy Activities

In March 2009, after receiving the approval of the Prime Minister based on a Cabinet decision under the provisions of Article 82 of the Self-Defense Forces Act, the Minister of Defense gave the order for Maritime Security Operations in order to protect Japan-affiliated vessels from acts of piracy.

Following this order, two Japanese destroyers (Sazanami and Samidare) departed from Japan and began escorting Japan-affiliated vessels in the same month. Moreover, to conduct more effective anti-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 order to deal appropriately and effectively with acts of piracy by punishing, deterring and cracking down on such acts, regardless of the nationalities of those involved or the flag

states of the vessels concerned in accordance with 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 2009. Based on the Act, after obtaining the approval of the Prime Minister, the Minister of Defense decided to carry out anti-piracy operations for a year.

In the Maritime Security Operations that were initially ordered, it was only possible for the Self-Defense Forces personnel to protect vessels with an association with Japan, but this law made it possible to protect the vessels of all nations from acts of piracy¹, regardless of their flag states; moreover, it became possible to use weapons to halt vessels engaging in piracy such as approaching civilian vessels to the reasonable extent if there is no other means.

(See Fig. III-3-3-2)

See References 22, 23, 54

Fig. III-3-3-2 Comparison between Maritime Security Operations and Anti-Piracy Operations

Kind of Operations	Maritime Security Operations	Anti-piracy Operations
Conditions	In cases where it is particularly necessary to protect lives and properties, and to maintain security on the seas	In cases where it is particularly necessary to combat acts of piracy
Procedure to issue an order	The Minister of Defense shall issue an order upon approval of the Prime Minister	<ul style="list-style-type: none"> • The Minister of Defense shall issue an order upon approval of the Prime Minister • The Minister of Defense shall submit an outline of operations to the Prime Minister to gain his/her approval
Report to the Diet	No provisions	The Prime Minister shall report to the Diet without delay, when he/she has approved anti-piracy operations or when a mission has been completed
Ships and vessels to be protected	Japan-affiliated ships and vessels	All ships and vessels
Commissions given to the self-defense forces	Application <i>mutatis mutandis</i> of Article 16 (a request for cooperation to ships in the vicinity), Article 17-1 (on-the-spot inspection, and questioning the crew), and Article 18 (route change, stopping the ship) of the Japan Coast Guard Law (Article 93 of the Self-Defense Forces Law)	Application <i>mutatis mutandis</i> of Article 16 (a request for cooperation to ships in the vicinity), Article 17-1 (on-the-spot inspection, and questioning the crew) and Article 18 (route change, stopping the ship) of the Japan Coast Guard Law (Article 8 of the Anti-piracy Law)
Use of weapons ¹	By applying <i>mutatis mutandis</i> Article 7 of the Act concerning Execution of Official Police Duties, the use of weapons can be allowed only when it is used for self-protection, the protection of others, or for preventing interference with official duties, to such an extent as is considered reasonably necessary in accordance with the situation. (The use of weapons to harm persons is permitted only in the cases of self-defense and averting present danger and in other specified occasions.)	<ul style="list-style-type: none"> • Some as on the left • In addition, when countering acts of piracy, including such acts as approaching excessively close to a ship or following a ship, if any party perpetrating such acts of piracy continues their acts despite the countermeasures of others, and there are reasonable grounds to believe that no other means are available to stop the passage of the ship in question, the use of weapons is permitted to such an extent that is considered reasonably necessary in accordance with the situation

Notes: 1. By applying Article 95 of the Self Defense Forces Law (Use of weapons for guarding weapons, etc.), the use of weapons can be allowed in either operation.

¹ An act of piracy prescribed in the Anti-Piracy Measures Act is defined as any of the following acts committed for private ends on the high seas (including exclusive economic zones as stipulated in the United Nations Convention on the Law of the Sea) or the territorial seas as well as internal waters of Japan by the crew or the passengers of a ship (except for warships and other ships owned or operated by other government): (1) seizing another ship in navigation or taking control of the operation of another ship by rendering persons irresistible by assault, intimidation or any other means; (2) robbing property on another ship in navigation or obtaining or causing others to obtain an unlawful profit by rendering persons irresistible by assault, intimidation or any other means; (3) kidnapping persons on another ship in navigation for the purpose of taking as hostages to demand a third party any property or to take any other unobligated action or to waive that person's rights; (4) demanding a third party any property or to take any other unobligated actions or to waive those persons' rights by taking persons, on a robbed ship or a ship whose control is taken or kidnapped on another ship in navigation as hostage; (5) breaking into or damaging another ship in navigation for the purpose of committing the acts of piracy as referred to in subparagraphs (1), (2), (3) or (4) above; (6) operating a ship and approaching in close proximity of, beleaguering or obstructing the passage of another ship for the purpose of committing the acts of piracy as referred to in subparagraphs (1), (2), (3) or (4) above; (7) preparing weapons and operating a ship for the purpose of committing the acts of piracy as referred to in subparagraphs (1), (2), (3) or (4) above.



Then Minister of Defense Tanaka waving off the 12th Deployed Maritime Force for Anti-Piracy Operations

2 Activities by the Self-Defense Forces

(1) Achievements

The two destroyers are currently escorting civilian vessels back and forth across the Gulf of Aden. The escort method firstly involves forming the convoy at the assembly point (there are two assembly points for escorting designated at the eastern and western ends of the Gulf). Since civilian vessels differ in their capabilities, SDF destroyers then organize the most appropriate fleet formation to effectively protect the vessels. When the convoy sails across the Gulf of Aden, the destroyers guard the front and rear of the convoy; and helicopters carried on the destroyers also watch the surrounding area from the sky. In this way, the ships take around two days to sail 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 coast guard officers aboard the destroyers² and the Self-Defense Forces cooperate with the Japan Coast Guard to enable them to conduct judicial law enforcement activities, as required. As of May 31, 2012, not a single vessel has come to any harm from pirates under the protection of the destroyers that had escorted 2,672 vessels, and they have 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 whole world, the escort activities undertaken by the Self-Defense Forces provide a tremendous sense of security.

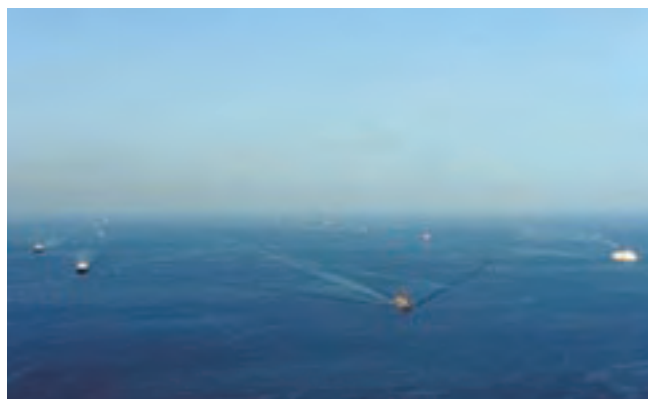
During the non-monsoon season (March - May, September - November), when the area within which acts of piracy become active because of the calmer seas, the escort route is extended by approximately 200km to the east.

(See Fig. III-3-3-3)

In addition, the maritime patrol aircraft (P-3C) based in the



300 escort journeys have been carried out (Gulf of Aden, November 13, 2011)

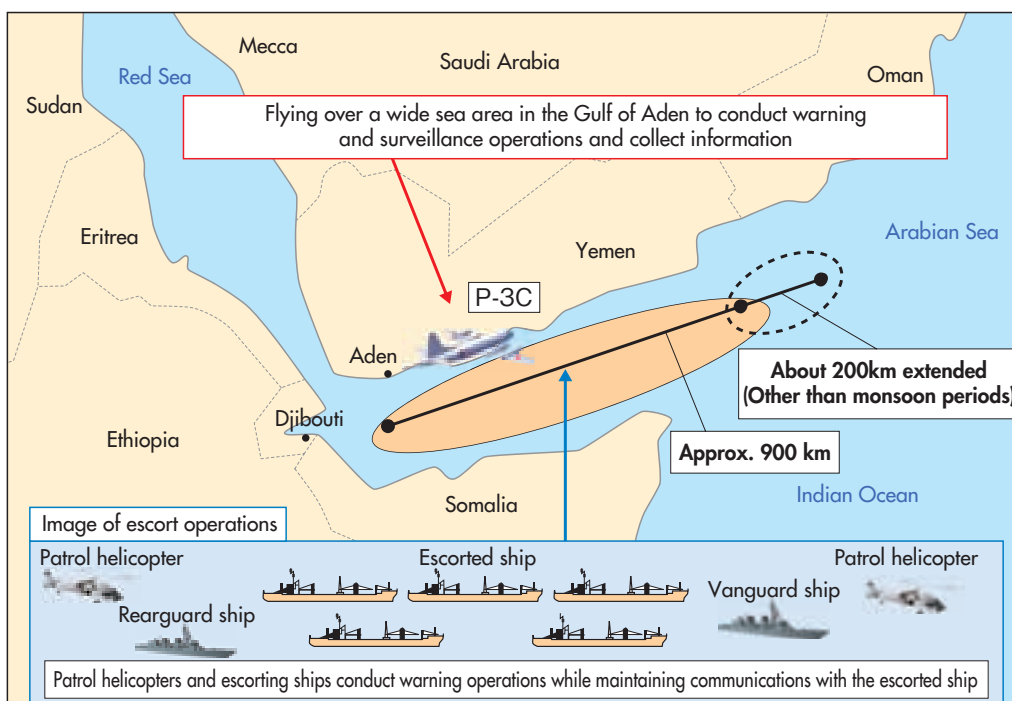


Convoy led by a destroyer (photographed from the air in front of the convoy)

Republic of Djibouti make use of their cruising capability in conducting warning and surveillance operations in the Gulf of Aden, which covers an area as large as the territory of Japan. The P-3Cs taking off from Djibouti watch whether there are suspicious boats among 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, provide a finely-tuned response, and confirm the safety of the surrounding area immediately, if requested. The Self-Defense Forces which is dispatching two P-3Cs conduct warning and surveillance activities almost every day, while cooperating with other countries which are also dispatching maritime patrol aircraft to the area. The information gathered by the Self-Defense Forces P-3Cs is shared with the units dispatched to the area by countries such as the U.S. and other related organizations engaging in anti-piracy activities, and is making a significant contribution to deterring acts of piracy and disarming vessels suspected of being pirate ships. As collaborating with the navies of various countries is important in conducting effective anti-piracy operations in these waters, the dispatched units take

² If required, they conduct judicial police activities, such as arresting and questioning pirates.

Fig. III-3-3-3 SDF Counter piracy Operations (Image)



Parliamentary Vice-Minister of Defense Shimojo welcoming back the 9th Deployed Air Force for Anti-Piracy Operations



The Commander of the Fifth Fleet of the US Navy (center) visiting the Self-Defense Forces facility in Djibouti

every opportunity to promote interaction with them including exchanges of opinions and information.

Since commencing operational flights in June 2009, the aircraft had flown 689 missions as of May 31, 2012, and their flying hours totaled 5,330 hours. Approximately 53,000 ships have been identified and information has been provided to vessels navigating in the vicinity and other countries engaging in anti-piracy operations about 6,200 times.

Moreover, in conducting these anti-piracy operations, as well as guarding the P-3Cs and other equipment at the operational facility, Ground Self-Defense Force personnel also serve at the headquarters of the air units, forming the first joint force

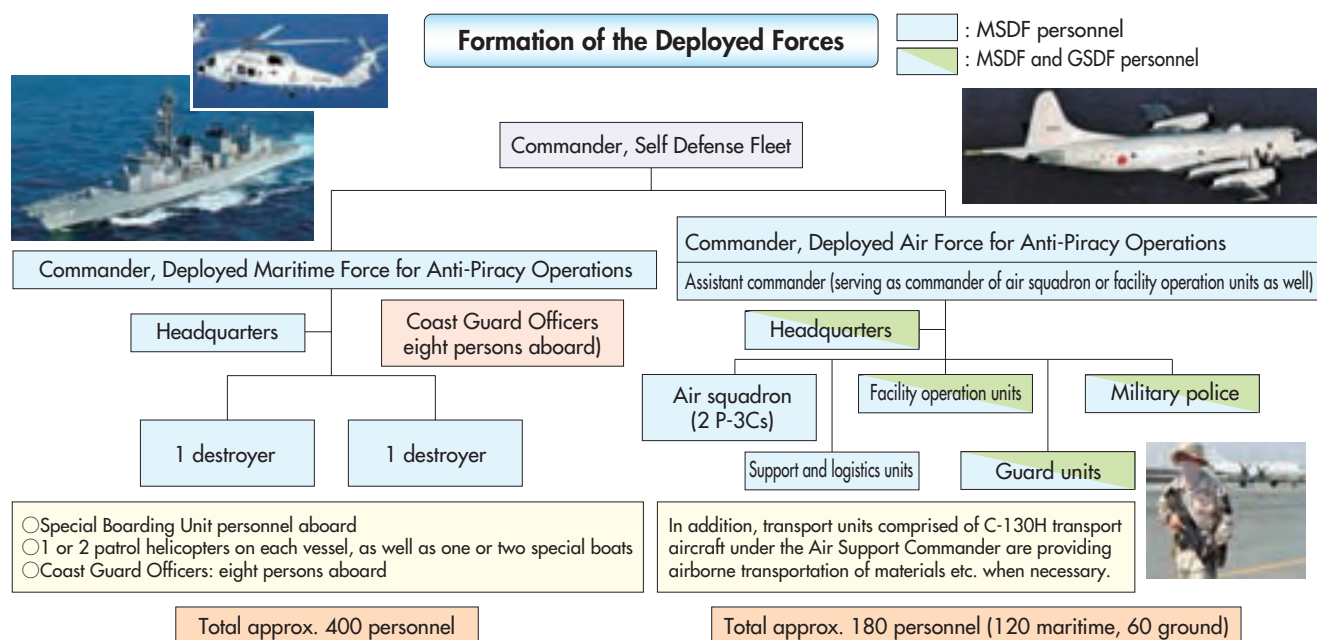
in the history of the Self-Defense Forces. In addition, the Air Self-Defense Force has formed an airlift squadron to support these activities, consisting of transport aircraft (C-130) and multipurpose support aircraft (U-4).

(See Fig. III-3-3-4)

(2) The Necessity of Continuing Anti-piracy Operations

In the waters off the coast of Somalia and in the Gulf of Aden, the situation remains unpredictable because acts of piracy such as hijackings are continuing in 2012 as in the previous year, and pirate attacks on Japan-affiliated vessels are occurring. Moreover, the Japanese Shipowner's Association and other entities are still requesting the Self-Defense Forces to continue its anti-piracy operations while the international organization

Fig. III-3-3-4 Formation of the Deployed Forces



such as NATO and the EU decided to continue their operations. Therefore, there is no great change in the situation in which Japan must carry out its anti-piracy operations.

(3) Operating the Self-Defense Forces Operational Facility in Djibouti

In order to operate the Deployed Air Units for Anti-Piracy Operations in an efficient and effective manner, the Ministry of Defense and Self-Defense Forces established an operational facility in the northwestern zone of Djibouti-Ambouli International Airport, and the facility commenced operations in June 2011. This operational facility consists of offices for

the headquarters, living quarters for the troops, maintenance hangars, an aircraft parking apron (with a capacity of three aircraft); as well as the air corps, it is used by troops from the maritime units as well as the Air Units.

In order to ensure the stable operation of the Self-Defense Forces operational facility in Djibouti, the Self-Defense Forces in Djibouti maintain collaborative relationships by such means as the regular exchanges of information with government agencies of Djibouti and the U.S. forces stationing there, as well as seeking to deepen interactions with the people of Djibouti through voluntary activities.



The commanding officer of the Deployed Air Force for Anti-Piracy Operations hands over to children at Douda Elementary School (Djibouti) relief supplies provided by the Japanese Shipowners' Association in response to the drought in Djibouti



Parliamentary Senior Vice-Minister of Defense Watanabe (center) visiting the Self-Defense Forces facility in Djibouti



Voice of Personnel in Duty at the Djibouti SDF Facility

Lieutenant **Masanori Aoki** Leader of Public Relations Unit, the 9th Deployed Air Force for Anti-Piracy Operations

Sent to the Republic of Djibouti in December 2011 as the leader of public relations unit of the 9th Deployed Air Force for Anti-Piracy Operations, I have been pushing forward with public relation duties. In this column I will describe the local exchange activities on which I have been working to contribute to creating a facility-surrounding environment suitable for carrying out our duties in Djibouti.

Deployed Air Force for Anti-Piracy Operations has been engaged in local exchange in various forms. During the time of my duty here, I built a relationship with schools near the facility with which we have had no exchange in the past and expanded the relationship through donation of goods and cultural exchange. In the environment where even one pencil is treasured unlike in Japan, I saw students who listen to their teacher with shining eyes. I'll never forget their pure eyes.

The principal of an elementary school said to me "Japan was hit by a great earthquake last year and lost so many things due to tsunami. I wonder how Japan, in such a difficult situation, can help people of other countries. Thank you very much." This was a moment when I realized that the "cordiality" of Japanese people can contribute to establishing friendly relations with other countries.



The author making arrangements with people of an elementary school



Commemorative photo at the school where an exchange took place
(the author is second from the left in the back row)

4

Praise for Japan's Endeavors

The anti-piracy operations by the Japan Self-Defense Forces have been highly praised by the international community including leaders of other countries, who have expressed their gratitude. Moreover, the Maritime Self Defense Force engaging in anti-piracy operations off the coast of Somalia and in the Gulf of Aden have received many messages from the captains and shipowners of the vessels escorted by the Self-Defence

Forces units thanking for safe navigation in the Gulf of Aden while requesting the continuation of the operations. From the first to the tenth unit, total 2,040 messages have been received.

In this way so far, no single piracy incident occurs during the escort operations, meaning that Self-Defense Forces units fulfill their missions with complete safety.