

Definitions & Methodology in Classifying Incidents

Definitions

Piracy, in accordance with Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS), is defined as:

1. “Piracy” means any of the following acts:
 - (a) any illegal act 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 against persons or property on board such ship;
 - (ii) against a ship, 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).

Armed Robbery Against Ships, in accordance with the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships of the International Maritime Organisation (IMO) Assembly Resolution A.1025(26), is defined as:

2. “Armed robbery against ships” means any of the following acts:
 - (a) any illegal act of violence or detention, or any act of depredation, or threat thereof, other than an act of “piracy”, committed for private ends and directed against a ship, or against persons or property on board such ship, within a State’s internal waters, archipelagic waters and territorial sea;
 - (b) any act of inciting or of intentionally facilitating an act described above.

Petty theft is defined as whoever, intending to dishonestly take any moveable property out of the possession of any person/vessel without the person/owner’s consent, moves that property for private gains, is said to commit theft. For purpose of classifying an incident as petty theft, the classification methodology is adopted with the following pre-requisites:

- Incident meets the criteria to be considered as an act of armed robbery against ships, and
- Incident is categorised as a Category 3 incident, and
- The robbers who boarded the vessel were not armed or no reports that they were armed, and
- The crew of the vessel was not harmed or no reports that the crew was harmed.

Methodology in classifying incidents

To provide some perspective on incidents of piracy and armed robbery, the ReCAAP ISC evaluates the significance of each incident in terms of two factors – the level of violence and the economic loss incurred. The indicators for these two factors are as follows:

a. **Violence Factor.** This factor refers to the intensity of violence in an incident, and the three indicators used to determine this are:

(1) Type of weapons used. Incidents of pirates/robbers who board a ship with no visible weapons are generally deemed as less violent compared to those equipped with pistols, knives, machetes, or other dangerous weapons. In cases where more sophisticated weapons are used, such incidents would be considered more violent.

(2) Treatment of the crew. Incidents where pirates/robbers kill or kidnap crew are deemed to be more violent compared to petty thieves who flee upon being noticed. Other cases could include threatening crew members, assault, or serious injury.

(3) Number of pirates/robbers engaged in an attack. As a rule, an incident where a larger number of pirates/robbers were involved would be considered more significant as having a large capacity (as well as probability) for use of force. A larger number of pirates/robbers may also indicate the involvement of gangs or organised syndicates rather than petty and opportunistic pirates who generally operate in small groups.

b. **Economic Factor.** This factor takes into consideration the type of the property taken from the ship. Cases of theft of cash or personal effects are generally less significant incidents compared to cases where the entire ship is hijacked either for the cargo onboard or theft of the vessel.

Using these indicators, the ReCAAP ISC classifies all incidents into one of the four categories to determine their overall significance.

Category	Significance of Incident
CAT 1	Very Significant
CAT 2	Moderately Significant
CAT 3	Less Significant
Petty Theft	Minimum Significant

This classification of incidents allows the ReCAAP ISC to provide some perspective of the piracy and armed robbery situation in Asia.