

MARITIME CONFERENCE- GALLE DIALOGUE 2011

Overview of recent IMO activities related to Maritime Security, including Piracy and Armed Robbery 14 – 15 November, 2011 Galle, Sri Lanka

The IMO Council, in June 2010, decided that the World Maritime Day theme for 2011 would be “**Piracy: orchestrating the response**”.

On 3 February 2011, the Action Plan developed by the Secretariat in cooperation with industry and seafarer representative organizations to give effect to the theme and help achieve the objectives set for the year and beyond, was launched at IMO Headquarters by the United Nations Secretary-General.

The launch brought together representatives of Governments, through the London diplomatic community; other UN organizations (the United Nations Office on Drugs and Crime and the World Food Programme); naval and military personnel; the shipping industry; seafarers and other concerned entities and individuals – all of whom were united in condemning piracy and armed robbery at sea in all their forms.

In his remarks, the United Nations Secretary-General stressed that the current situation was **completely unacceptable** and had become a global menace, outpacing the efforts of the international community to stem it – the goal should be to work out a sustainable solution.

Through the Action Plan, the International Maritime Organization aims at maintaining and strengthening its focus on anti-piracy endeavours of all kinds and at facilitating a broader, global effort.

Action Plan

That plan has several prime objectives for 2011 and beyond.

These objectives are:

- to increase pressure at the political level to secure the release of all hostages being held by pirates;
- to review and improve the IMO guidelines to Administrations and seafarers and promote compliance with industry best management practices and the recommended preventive, evasive and defensive measures ships should follow;
- to promote greater levels of support from, and coordination with, navies;
- to promote anti-piracy coordination and co-operation procedures between and among States, regions, organizations and industry;
- to assist States to build capacity in piracy-infested regions of the world, and elsewhere,
- to deter, interdict and bring to justice those who commit acts of piracy and armed robbery against ships; and
- to provide care for those attacked or hijacked by pirates and for their families.

While this year has seen an increase in the number of attacks, the number of successful hijacks has been on the decline.

Since August 2008 where approximately 50% of attacks were successful, on a **12 month rolling average** the pirate success ratio has been reduced to its current level of **below 20%**.

On 1 January 2011 there were **28 ships and 656 seafarers** being held. At the official launch of the Action Plan on 3 March 2011, this had risen to **30 ships and 714 seafarers**. At present (26

October) there are **15 ships and 298 seafarers** being held, a significant reduction, but indicative that the situation is far from acceptable.

The figures for the first six months of this year (187 attacks leading to 22 hijacks) indicate that **88% of attacks are being defeated**, largely by proper application of Best Management Practices and other self protection measures.

BMP stands for Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area.

BMP was developed by the industry and it prescribes self protection measures which can be adopted by the ship's crew.

The European Union Naval Force or the EUNAVFOR, monitors compliance with the BMP in three key areas: registering with MSCHOA; reporting to UKMTO Dubai; and displaying visible deterrent measures.

EUNAVFOR has reported a steady increase in the number of ships complying with the measures – an increase from **32% to 57.5%** between the last quarter of 2010 and the start of the second quarter of 2011.

EUNAVFOR also advised IMO that the overall number of ships registering with MSCHOA is increasing.

The IMO guidance and BMP3 call for ships to implement a number of self protection measures including gaining full situational awareness, using full speed and aggressive manoeuvring of the ship, the rigging of razor wire, and where appropriate, the use of citadels.

It is interesting to note that in an analysis of **95 attacks** in which pirates boarded the target vessel, **30** of these boardings did not lead to a successful hijack.

Analysis by EUNAVFOR indicates that in **26 of these 30** cases, citadels proved to be a decisive factor in preventing the pirates from taking control of the vessel, often because the delay bought time for the naval forces to intervene.

Guidance on the use of citadels has been added to the newly revised Best Management Practices (BMP4), which was released in August.

Despite the good news, there remains significant cause for concern.

- There is evidence that the pirates have become more aggressive, violent and better organized.
- The pirates are now using captured merchant vessels and dhows as “mother ships” to greatly extend their area of operation. They are also using seafarers as “human shields” to keep naval vessels at bay.
- The decrease in recent attacks is weather-related; attacks will doubtless increase as the monsoon period ends.
 - Also of cause for concern, there has been a dramatic spike in the number of reported attacks in 2011 in West Africa.
- Already this year, there have been 15 reported pirate attacks off the coast of Benin, an area that saw just one attack between 2006 and 2010.

Capacity Building

Capacity building is a major pillar of the Action Plan.

The capacity building activities focus not only on the seafarers but also on governments and those involved in responding to reports of piratical attacks.

The Djibouti Code of Conduct-- adopted in January 2009--welcomed its 18th Signatory State with the signature of the United Arab Emirates on 18 April 2011 during the Dubai Conference.

IMO is supporting capacity building in the region to enhance the ability of the States in the region to deal with the anti-piracy activities through the implementation of the Djibouti Code of Conduct.

The Organization has a Project Implementation Unit in place to deliver capacity building in the region, which is based upon 4 pillars:

- Information sharing
- Regional Training
- National legislation
- Operational capacity building

The Information Sharing Network under the Djibouti Code of Conduct is based around three Information Sharing Centres (ISCs):

- The Sana'a Regional Maritime Information Sharing Centre, which has been operational since February 2011; and
 - The Mombasa and Dar es Salaam ISCs, which were both declared operational in March 2011.
 - The entire regional web-based information sharing network was equipped and operational this summer.

The 21 countries of the Djibouti Code of Conduct have been divided into 3 sub-regions 'controlled' by the 3 ISCs.

All these 'sub-regions' are subject to mutually agreed resolutions to transfer piracy information to their parent ISC, and the ISCs to report to each other, and issue warnings to shipping.

This system is live and has commenced passing basic piracy reports.

It will in future be the basis for passing a digital picture of the maritime situation in States' territorial waters.

Training is an important strand of the Djibouti Code of Conduct, and the Project Implementation Unit has been running a programme of fundamental training for all signatories of the Djibouti Code of Conduct to generate a common level of understanding in maritime communications, administration and legislation and law-enforcement.

A regional training centre in Djibouti will act as the one-stop-shop for regional training and is being funded by IMO.

Building work commenced [earlier this month] and should be completed by the end of 2012. US\$2.5 million has been set aside for this building project.

The Project Implementation Unit is working with DCoC signatory states to improve their maritime situational awareness.

IMO is trying to create better awareness of what is happening in the region's territorial waters in order to give States the ability to regain control.

The work is based upon using existing infrastructure but linking it together and delivering the information to those who need it.

In the long run we hope to be able to fuse every coastal picture in the region together to create a regional Maritime Situational Awareness picture.

With respect to West and Central Africa, the Sub-regional Integrated Coast Guard Network is a joint IMO/MOWCA project aimed at reinforcing cooperation between member States in the face of mounting problems of piracy, armed robbery and other illicit acts against ships (SUA Convention), combating illegal immigration, terrorism and also marine pollution (MARPOL), illegal exploitation of the resources of the exclusive economic zones of member States, the implementation of United Nations Conventions on Maritime Security and Safety (SOLAS and ISPS Code), Search and Rescue (SAR Convention), protection of marine environment as well as the implementation of the Convention on the Law of Sea.

IMO / MOWCA held a meeting to progress the implementation of an integrated coast guard function network for West and Central African Countries in Accra, Ghana, 13 to 17 December 2010.

The meeting agreed to propose to the MOWCA Bureau of Ministers, and the Governments of MOWCA Member States, 23 recommendations for advancing the establishment of an integrated coast guard function network.

The IMO Action Plan to promote this year's theme of *Piracy: Orchestrating the Response* also places an emphasis on improving IMO guidelines to Administrations and seafarers and promote compliance with industry best management practices and the recommended preventive, evasive and defensive measures ships should follow.

In addition to the significant amount of guidance that IMO has produced on maritime security, we have also produced considerable guidance specific to piracy.

The Maritime Safety Committee continues to stress the importance of self protection as a deterrent to successful piracy attacks; specifically the Best Management Practice (BMP) guidance currently promulgated by IMO as MSC.1/Circ.1337, Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area developed by the industry.

MSC 89 therefore approved resolution MSC.324(89) on Implementation of Best Management Practice guidance, which strongly urges all concerned to take action to ensure that ships flying their flag implement the self protection measures described in the BMP

As mentioned, industry has produced an updated BMP, which the IMO will be circulating to all Member States.

The Committee also approved MSC.1/Circ.1404 on Guidelines to assist in the investigation of crimes of piracy and armed robbery against ships, which provides useful supplementary guidance to the information provided within resolution A.1025(26) on the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships.

Given the recognition of the growing use of privately contracted armed security personnel (PCASP), the Maritime Safety Committee considered the issue and approved interim guidance to shipowners, ship operators and shipmasters, and separate interim recommendations for flag states, regarding the use of PCASP in the High Risk Area. (Note that the High Risk Area is as defined by the BMP unless otherwise defined by the individual flag state)

It is important to note that MSC.1/Circs.1405 and 1406 **DO NOT** change IMO's position on the use of armed personnel as set out in MSC.1/Circs.1333 and 1334, that the carriage of armed personnel remains a matter of decision for the ship owner, after a thorough risk assessment, to request and the Flag State to decide.

There are also implications for port and coastal states regarding the use of PCASP.

Accordingly, MSC 89 requested that the Facilitation Committee, at its 37th meeting 5-9 September (FAL 37), review and advise MSC on the following issues:

- embarkation and disembarkation of PCASP; and
- embarkation and disembarkation of firearms—and of security-related equipment—for use by PCASP.

Given the importance and urgent nature of this issues, MSC also agreed to convene a special intersessional meeting of the Maritime Security and Piracy Working Group from 13-15 September 2011.

The meeting took into account the outputs of Working Group 2 of the Contact Group on Piracy off the coast of Somalia (CGPCS) which discusses legal aspects of piracy; FAL 37; and Working Group 3 of the CGPCS in their development of further guidance, as indicated in the slide.

Meantime, work on the issue of PCASP continues.

Working Group 3 of the Contact Group on Piracy off the Coast of Somalia is looking at the issue with the aim of developing guidance for the Private Maritime Security Companies that provide PCASP.

This work is expected to be submitted to MSC 90 for consideration of the way forward.

The Maritime Safety Committee also approved the IMO User Guide to SOLAS chapter XI-2 and the ISPS Code.

The document is undergoing final editorial review, and it is anticipated that it will be published by the IMO Secretariat in early 2012.

The User Guide is a compilation of all existing IMO guidance related to the maritime security measures, supplemented by explanatory material.

The User Guide has a particular focus on implementation at the national level, including issues of governance and information sharing amongst departments with an interest in maritime security.

The IMO is currently developing a companion training manual to complement the User's Guide, and intends to use the User Guide and manual to reinvigorate its Maritime Security capacity building programme in 2012-2013, with a particular emphasis on assisting Member States in implementing improved port facility security.

The IMO Secretariat also reported to MSC on changes to both the Maritime Security and Piracy modules of its Global Integrated Shipping Information System or "GISIS" website.

The **piracy module** of GISIS gives details of all incidents reported to the Organization by Member States and by Organizations in consultative status with IMO and now offers a publicly

available, searchable, regularly updated database of incidents worldwide, which includes the ability to produce a geographical display.

The IMO has also incorporated changes to the **maritime security module** in GISIS to provide the facility for Contracting Governments to demonstrate that they have met the requirements of section A/16.3.8 of the ISPS Code to periodically review— and if they deem necessary update—the port facility security plan, as well as to indicate the date of the most recently issued Statement of Compliance if they issue such a document.

The Secretariat has also recently contacted national focal points for maritime security in GISIS, requesting each to verify the information provided by their respective Member State on: the names and contact details of their national authority or authorities responsible for ship and port facility security; the names and contact details of those who have been designated to be available at all times to receive and act upon ship security alert system (SSAS) alerts; and the names and contact details of any recognized security organization authorized to act on their behalf.

All Member States are encouraged, if they have not already done so, to meet their obligations to update their GISIS information.

The IMO also continues to encourage Member States to meet their obligations for Long Range Identification and Tracking of ships (LRIT).

LRIT is a useful situational awareness tool both for determining where your own vessels are anywhere in the world, and for identifying and tracking foreign flagged vessels transiting your coasts or intending to enter your ports.

Under SOLAS, Chapter XI-2, Regulation 9, a Contracting Government may require that ships intending to enter its ports provide information prior to arrival at port, with the aim of avoiding the need to impose control measures or steps.

A number of countries are using LRIT to track vessels once they have submitted pre-arrival information.

The IMO also continues to encourage flag States to utilize the IMO Information Distribution Facility to provide LRIT information to security forces operating in the Gulf of Aden and the western Indian Ocean.

Giving the naval forces a clear indication of where the merchant vessels are allows them to identify and contact those which have not registered with MSCHOA, and to pass on warnings of pirate activity so that the merchant vessels can take early action to avoid trouble.

IMO continues to initiate activities towards ensuring maritime security achieved in all the regions of the world and it is our hope that we are able to provide useful updates on the subject of the conference.

Thank you