

## **Maritime Talks: Introductory Statement**

### **Piracy and armed robbery against Ships: The policy of the Federal Ministry of Transport, Building and Urban Affairs**

#### 1. Situation

Since last year, piracy and armed robbery against ships has become a first ranking political issue in Germany caused by the increasing and alarming number of attempted and successful assaults by pirates in the Gulf of Aden and the waters off Somalia.

German ship-owners operate one of the largest fleet of merchant vessels worldwide and the affected region, in particular the Gulf of Aden, is a shipping lane of enormous strategic importance and significance. About 22.000 vessels annually pass the Gulf of Aden coming from or sailing to the Suez Canal. They carry around 12 % of the total volume of oil transported by sea as well as raw materials carried by bulk or finished goods transported by containerships.

For Germany, as an export-orientated country, the integrity of this sea-lane is of high strategic and economic importance. Thus piracy in that region has become an issue of particular public interest.

It goes without saying, that the German federal government supported all efforts on international level which aim to counter piracy and armed robbery at sea, namely the deliberations on UN level, which resulted in the Security Council Resolutions 1816, 1838, 1846 and 1851.

Furthermore an intensive national debate took place, whether Germany should actively support international military operations in that region by means of sending naval military forces into the region, despite of notable legal restrictions emanating from the German constitution. It would exceed the time-frame of this Statement by far, to go into the – indeed very interesting - details of this legal discussion. For today's purposes it seems to me sufficient, to recall the result:

Based on the Decision of the EU-Council 2008/851/CFSP dated 10<sup>th</sup> November 2008 on the joint military action "ATALANTA" to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast, the German Parliament decided to provide the German Navy with a strong mandate in December last year. Additionally a budget of 45 Millions € was granted to enable the Navy to take actively part in the military operations to combat piracy off the coasts of Somalia. This was the first time in the history of the Federal Republic that the

German Navy was authorized by a clear mandate– on the basis of international law – to fight against piracy and armed robbery at sea.

## 2. The policy of the Federal Ministry of Transport, Building and Urban Affairs

What is the specific role and task of the Federal Ministry of Transport in this respect, now?

Being responsible for safety and security of the merchant fleet flying the German flag, our principal concern is to foster all efforts, which aim to prevent a successful piracy-assault on a merchant vessel. We initiated a dialogue between ship-owners, trade-unions representing the interests of seafarers and the relevant ministries including military agencies in order to make the best use out of the current military protection.

An Agreement was reached on the following points:

- Very important is the **awareness** of ship-owners, masters and crews- that despite of all military efforts and the increasing presence of naval forces of many nations - **it is still extremely dangerous** to sail through the Gulf of Aden or the waters off the coasts of Somalia . Before passing through this region, ships are requested to report their passage to the relevant military contact points, in particular to register on the website of European Union Maritime Force “MSCHOA”.

- Master and crew should operate at a heightened state of readiness, maintaining strict 24 hours anti-piracy visual and radar watches, actively implement recommended anti-Piracy measures and regularly report their position, course and speed to the military operational headquarter.
- They must take into account, that the naval forces operate under a specific international mandate and have clear priorities for providing protection – always under the condition, that capacities are available. These priorities are:
  1. the protection of vessels of the world food program, delivering food aid to Somalia in accordance with UNSC Resolution 1814 (2008),
  2. the protection of vessels, in particular vulnerable vessels under the Flag of EU-Member States,
  3. the protection of other vessels.
- They should strictly follow the advices given by the Maritime Forces.

Furthermore it is worth while mentioning, that there is an agreement amongst the representatives of ship-owners, trade-unions and ministries, that there will **be no recommendation for armed resistance of crews against a piracy-attack**, for the risks are deemed much too high. **The integrity of lives and health of all crew-members is of overriding**

**importance** – also in the case, when they get kidnapped and had than to be freed by means of paying a notable ransom.

Likewise there is no recommendation to make use of the services of certain private security-companies, which offer armed anti-piracy-teams on board of ships.

It was felt, that this would lead to an escalation of violence and would also be to the detriment to the agreed security aims.

In case, that a piracy attack was successful and the vessel has been captured by pirates, **all efforts should be concentrated on non-violent measures**. In particular ship-owners and trade-unions underlined, that lives and health of crew-members taken as hostages shall not be endangered by military or police enforcement actions.

A point of particular concern for all ministries involved in the fight against piracy **is the passage of passenger-vessels on cruise-voyages through the Gulf of Aden**. In the strategic discussions, the potential case of a large passenger-vessel captured by pirates, while taking hundreds of tourists as hostages, is a real horror-scenario, which hopefully never will be realized.

Therefore it is very important, that tourist-industry, ship-owners and tourists know about the piracy-dangers in that region and the risks involved. A clear travel-warning for the region was issued by the Foreign Office and is kept up to date on a regular basis. The federal government gave clear warnings for cruise-voyages in that region.

The purpose of cruise-voyages is the recreation and the pleasure of tourists and therefore we feel, that there are better and definitely safer places to go. So we recommend, that cruise-voyages passing through the Gulf of Aden should be avoided at any rate. This message caused some worries by a number of representatives of the tourist-industry but I think, all parties involved are obliged to handle the security-problems with utmost responsibility because the safety of lives must prevail any commercial interests.

In this regard I would like to underline, that **Flag-States of passenger vessels have a particular responsibility under the SOLAS-ISPS-Code** and may take measures with respect to the ship security plan and the declaration of security level 3 for an individual ship. As regards Germany, for the whole area concerned there is security level 2 in force.

In all the discussions on security-questions with the stakeholders involved one thing was always underlined: German citizens, which become victims of criminal acts always enjoy world-wide the protection and consular-aid of the federal government.

The Federal Ministry of Transport has taken a particular responsibility with regard to preventive measures on the side of the shipping-industry .

### 3. Outlook

Despite of all international efforts to suppress piracy, there are still 19 vessels captured by somalian pirates with more than 200 seafarers taken

as hostages (this figures are dated by the end of last week). It is assumed, that unless there will be achieved political stability in Somalia together with effective law-enforcement and a real deterrent prosecution and punishment of criminals, the general situation will remain unchanged.

Therefore there is an vital need, to strengthen international co-operation at all levels, namely the United Nations, and in particular in the IMO and the European Union. Three weeks ago I participated to the 95<sup>th</sup> session of IMO's Legal Committee and witnessed the preparedness of the international shipping community, to take further actions against the piracy-scourge at all levels. IMO now puts more emphasis in its work-programs on items, dealing with anti-piracy measures especially in the ongoing work of the Maritime Safety Committee, where piracy for a long time is a major item on the agenda, and the Legal Committee will also take the work solving specific legal problems.

Last December the threat of piracy forced Germany to political decisions with respect to the deployment and mandate of its naval forces, which had not been foreseen just a year ago. I think, that the international community now is aware of the gravity of this problem and I sincerely hope, that appropriate decisions will soon be taken on international level.