IMO’s Recent Counter-Piracy Regulatory and Capacity Building Work

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Overview

- Legal basis
- IMO Guidance on Piracy and armed robbery against ships
- Recent developments at IMO
- Future regulations / developments
- Counter-Piracy Capacity Building
UNCLOS

Definition of piracy – UNCLOS article 101

Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship and directed on the high seas, against another ship, or against persons or property on board such ship, or against a ship, persons or property in a place outside the jurisdiction of any State.

Any act of voluntary participation in the operation of a ship with knowledge of facts making it a pirate ship.

Any act of inciting to or of intentionally facilitating such acts.
MARITIME ZONES
Armed robbery against ships

Definition: Code of Practice for Investigation of Piracy and Armed Robbery Against Ships (A.922(22) amended by A.1025(26)) as follows:

“Armed robbery against ships” means any of the following acts:

- 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 a ship, within a State’s jurisdiction over such offences.

- any act of inciting or of intentionally facilitating an act described above.”
Other relevant provisions

- IMO Resolutions A.979(24), A.1002(25), A.1026(26) A.1044(27)
- UN SC Resolutions 1918/1950/1976/2015/2020
- Contact Group on Piracy off the Coast of Somalia (CGPCS)
- Gulf of Aden IRTC (SN.1/Circ.281)
- Djibouti Code of Conduct (DCoC)
- Integrated CG Function Network
- IMO Guidance
1988 SUA Convention

- Seizing/control of ships
- Acts of violence against person on board
- Destruction or damage to ship or cargo
- Placement of devices or substances to destroy or damage ship
- Damage/destruction of maritime navigational facilities
- False information
Launch of the Action Plan to promote the 2011 World Maritime Day theme: PIRACY

IMO Headquarters
Thursday, 3 February 2011 at 11.15 a.m.
IMO Guidance (1)

- Global guidance to Governments, ship owners, ship operators and crews on suppression of piracy
- Investigation of offences
- Somalia-specific guidance including BMP
- Guidance to flag States, coastal and port States, ship-owners, ship operators and ship masters on privately contracted armed security personnel (PCASP)
- Guidance to PCASP
- Guidance to Private Maritime Security Companies providing PCASP
The carrying and use of firearms for personal protection or protection of a ship is strongly discouraged.

Carriage of arms on board ship may encourage attackers to carry firearms thereby escalating an already dangerous situation, and any firearms on board may themselves become an attractive target for an attacker. The use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great. In some jurisdictions, killing a national may have unforeseen consequences even for a person who believes he has acted in self defence.
60 The carrying and use of firearms by seafarers for personal protection or for the protection of a ship is strongly discouraged. Seafarers are civilians and the use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great.
If armed security personnel are allowed on board, the master, shipowner, operator and company should take into account the possible escalation of violence and other risks. However, the use of privately contracted armed security personnel on board merchant ships and fishing vessels is a matter for flag State to determine in consultation with shipowners, operators and companies. Masters, shipowners, operators and companies should contact the flag State and seek clarity of the national policy with respect to the carriage of armed security personnel. All legal requirements of flag, port and coastal States should be met.
64 The use of military teams or law enforcement officers duly authorized by the Government of the flag State to carry firearms for the security of merchant ships or fishing vessels is a matter for the flag State to authorize in consultation with shipowners, operators and companies. The carriage of such teams may be required or recommended when the ship is transiting or operating in areas if high risk. Due to rules of engagement defined by their Government, or in coalition with other Governments, boarding conditions should be defined by the States involved, including the flag State. The shipowner, operator and company should always consult the flag State prior to embarking such teams.
MSC.1/Circ.1339 on Piracy and armed robbery against ships in waters off the coast of Somalia - Best Management Practices for Protection against Somalia Based Piracy (BMP4)
8.15 The use, or not, of armed Private Maritime Security Contractors onboard merchant vessels is a matter for individual ship operators to decide following their own voyage risk assessment and approval of respective Flag States. This advice does not constitute a recommendation or an endorsement of the general use of armed Private Maritime Security Contractors.
If armed Private Maritime Security Contractors are to be used they must be as an **additional** layer of protection and **not as an alternative** to BMP.

If armed Private Maritime Security Contractors are present on board a merchant vessel, **this fact should be included in reports** to UKMTO and MSCHOA.
Use of armed personnel

- IMO’s position on the use of armed personnel has not changed. The carriage of armed personnel remains a matter of decision for the ship owner, after a thorough risk assessment, and **the final decision of the flag State**.
- There are also implications for port and coastal States.
MSC-FAL.1/Circ.2

- Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships
- To raise awareness of relevant national legislation, policies and procedures relating to the carriage, embarkation and disembarkation of firearms and security-related equipment through their territory and the movement of PCASP
Welcome to the IMO Secretariat Area

- Maritime Security
- Maritime Casualties and Incidents
- Condition Assessment Scheme
- Status of Treaties
- Piracy and Armed Robbery
- Contact Points

Recognized Organizations
- Data on Maritime Casualties and Incidents as defined by circulars MSC-MEPC.3/Circ.1.
- Data on the available port reception facilities for the reception of ship-generated waste.
- Electronic database for the implementation of the Condition Assessment Scheme - Resolution MEPC.94 (46), as amended.
- Status of ratification of IMO conventions, including global tonnage figures.
- Reported incidents of piracy and armed robbery.
- Electronic database for Contact Points.

Pollution Prevention Equipment
- Pollution prevention equipment required by MARPOL 73/78.

Port State Control
- Information communicated under the provisions of SOLAS regulation I/19, article 11 of MARPOL, article 21 of Load Lines, article X(3) of STCW and the Procedures for port State control.

Greenhouse Gas Emissions

Searchable Piracy database

http://gisis.imo.org
Indian Ocean (shown)
0 in 2012
5 in 2011
6 in 2010
Regional Agreements

- South East Asia and Malacca Straits
  - ReCAAP 2006
  - Cooperative Mechanism 2007

- West and Central Africa
  - IMO / MOWCA Integrated Coastguard Function Network

- East Africa (Somalia)
  - Djibouti Code of Conduct (DCoC)
2012 Global - 342 (571) - -229/40%

South East Asia and Malacca Straits
- 90 / 24 (113/22) – -23/+2

West Africa
- 64 (61) - plus 3

East Africa (Somalia)
- 100 (286) - minus 186
- successful 12 (33) - minus 21
- success ratio 12% (11.5%)
Global Situation

- Incidents
  - 2010 – 489
  - 2011 – 571
  - 2012 - 342
- Hostages taken
  - 2010 – 1179
  - 2011 – 599
  - 2012 - 313
Global Situation

12/2012 – 25 ships and 313 seafarers
12/2011 – 13 ships and 261 seafarers
12/2010 – 28 ships and 656 crew
02/13 – 12 ships and 159 seafarers held hostage
Reasons for Somali success/decline

- Naval forces patrol
- LRIT data provision
- Improved Guidelines and BMP implementation
- Imprisonment of 1000 pirates and several 100s lost
- Carriage of PCASP
Consequences

- Naval success GoA
- Geographical expansion of pirate operations
- Up to 1750 nm off Somali coast
- 2.8 Mio sq miles
- Mother ship operations
January 2009

20 of 21 States in the region

DCoC - co-operation:

a) Investigation, arrest and prosecution
b) Interdiction and seizure
c) Rescue of ships, persons and property
d) Conduct of shared operation
Djibouti Code of Conduct (DCoC) (2)

Four Pillars

- Implementation of national legislation
- Establishment of law enforcement / coast guard capability
- Development of capacity through training and other technical assistance
- Improvement of maritime situational awareness
Djibouti Code of Conduct (DCoC) (3)

- Information sharing centres:
  - MRCC in Mombasa, Kenya
  - RCC in Dar es Salaam, Tanzania
  - Regional Security Information Centre in Sana’a, Yemen

- Regional Training Centre in Djibouti
IMO’s Containment Strategy (1)

- Protection of passengers, seafarers and fishermen
- Ensure delivery of humanitarian aid to Somalia
- Preservation of the integrity of the shipping lanes
IMO’s Containment Strategy (2)

Containment by:

- Military vessels at present
- Regional Agreements / Capacity building in the medium term
- Until viable solution ashore in Somalia can be found
- Cooperation with UN entities in capacity building in Somalia
IMO / MOWCA Forum
Dakar, 23 to 25 October 2006

IMO / MOWCA Forum on the “Integrated Coast Guard Function Network”
A multi-disciplinary approach
Policing the EEZ
“Coastguard functions”

- Search and rescue
- Fisheries management
- Counter illegal trafficking
- Threats to maritime trade
- ISPS Code
- Protecting the environment
- Safety of navigation
An Inter-agency approach

- Political will
- An inclusive, interagency approach
- Clear strategic direction
- Legislation
An Inter-agency Approach

- Capability – appropriate Service
- Interoperability
- Shared support and training
- Maritime operations co-ordination centres
“All that is necessary for the triumph of evil is that good men do nothing”

*Edmund Burke*
Recent Action by IMO

- IMO Ministerial DCoC signatory meeting – 14/05/12
- IMO Conference on Counter-Piracy capacity building – 15/05/12
- MSC 90 H-L Segment on arms on board
- Djibouti Training Centre 04/2013
Future Action by IMO

- Implementation of DCoC
  - Legal
  - Maritime Situational Awareness
  - Communication
- PSSL
- Integrated CGFN West Africa
- UN / multi Agency cooperation
- Review BMPs and IMO Guidance
- Co-operation with Navies
- CGPCS e.g. HRA & liability debate
Future Action by IMO (2)

- Development of sustainable maritime sector in Somalia
  - Support UNPOS/Kampala process
  - SOLAS XI-2 & ISPS Code ratification and implementation
  - WMU/IMLI fellowships for Somalis
  - Rehabilitation seafarer/fishermen training & certification centres
  - Facilitation of maritime transport
  - Fishing sector training
  - Coast Guard & MDA Capabilities
International Maritime Organization

Safe, secure and efficient shipping on clean oceans

www.imo.org
QUESTIONS?