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PIRACY AND ARMED ROBBERY AGAINST SHIPS

Comments on document MSC 101/18/3

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SUMMARY

Executive summary: This document comments on MSC 101/18/3 submitted by India. The document expresses support for the initiative by India, outlines the steps being undertaken by the industry and calls for additional support to protect seafarers in the Gulf of Guinea.

Strategic direction, if applicable: 5

Output: 5.4

Action to be taken: Paragraph 11

Related documents: MSC 101/18/3 and MSC 100/14/1

Introduction

1 This document is submitted in accordance with paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and comments on document MSC 101/18/3 submitted by India.

2 The industry believes that the minimization and eventual eradication of piracy and armed robbery worldwide, assuring freedom of navigation without the need for additional self-protection measures and/or non-marine risks insurance cover arrangements, is a common goal of the international community.

Comments on document MSC 101/18/3

3 The co-sponsors welcome document MSC 101/18/3, submitted by India, and share the concerns expressed on the safety and security of seafarers. The increase in the numbers and severity of attacks in the region, noted in figures 1 and 2 in document MSC 101/18/3, is a

cause for significant concern and action. Whilst these statistics show the extent of the problem, they do not reflect the grave and severe physical harm and psychological trauma that attacks and kidnap cause to seafarers and their families – and seafarers' overall confidence in the region's ability to respond.

4 The co-sponsors welcome the initiative by India in calling for the setting up of a new contact group focused upon the Gulf of Guinea. Backed by IMO, a similar initiative in the Indian Ocean has a proven track record. It is expected to promote better dialogue, cooperation and communication, and form the basis for solving the real problems faced by seafarers in the region.

5 Additionally, the co-sponsors support the Yaoundé Code of Conduct and its associated activities. The Ministerial Code of Conduct provides a mechanism for the region to take ownership of the issue and adequately respond to the scourge of piracy and armed robbery. However, it is a rising concern that the adoption of the Code of Conduct is yet to produce significant results or impact in any way upon the increasing attacks on ships and the kidnapping of seafarers by criminal gangs.

6 Noting the lessons learned from combating piracy in East Africa, regional States should be encouraged to recognize that the best chance for success is presented through broad regional cooperation and international support. The co-sponsors therefore urge the regional States to welcome international support where it is offered, particularly from the coastguards and navies of non-regional States.

7 Furthermore, the development of maritime situational awareness is fundamental to increased security for industry and protection of the maritime domain. States and civil society, along with the use and promotion of the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG) centre as a means of coordination and cooperation that supports the Yaoundé reporting framework, are a high priority.

8 Whilst recognizing the good work by the United Nations Office on Drugs and Crime (UNODC) on judicial development, it is both surprising and disappointing that a single individual is yet to be prosecuted for the sale of misappropriated goods and commodities or attacks on ships and seafarers in this region. This absence of due legal process has been attributed to a deficiency in appropriate domestic legislation; a problem also identified during efforts to combat Somali piracy. As in that instance, a contact group can provide significant assistance to States in developing the necessary legislation and supporting regional projects to facilitate the prosecution and conviction of criminals in third party States.

Shipping industry activity

9 As reported in document MSC 100/14/1, the shipping industry provides comprehensive guidance to companies, masters and seafarers on protective measures that should be applied when operating in the region. If faced with an intractable security scenario the industry remains ready to go further, as it did when faced with the crisis in the Western Indian Ocean Region. Yet, as with that crisis, industry alone cannot resolve the deep-rooted criminality, nor the permissive environment that allows pirate gangs to attack ships and their crews with impunity. Only a concerted international effort founded on mutual cooperation can achieve the ultimate goal of an end to piracy and armed robbery in the region.

Conclusion

10 The international and regional community should assist in the creation of an environment whereby seafarers can safely conduct their business and maintain the flow of global trade free from the threat of attack and kidnap. This problem is not one that should be seen in isolation and be dismissed as a shipowner's issue.

Action requested of the Committee

11 The Committee is invited to note the steps being taken by the co-sponsors and in particular paragraph 9. We would encourage Member States to support the initiative from India as this is not a regional problem but one that affects every country as the attacks on ships, seafarers and international trade is an attack on the interests of all.
