

CONTACT GROUP

ON PIRACY OFF THE COAST OF SOMALIA

مجموعة الاتصال الخاصة بالقرصنة قبالة السواحل الصومالية • Groupe de contact sur la piraterie au large de la Somalie
Grupo de Contacto sobre la Piratería frente a costas de Somalia • 打击索马里海域海盗联络组
Контактная группа по борьбе с пиратством у берегов Сомали

Contact Group on Piracy off the Coast of Somalia
Working Group 3
2nd session
18-19 March 2010

CGPCS WG3/2/WP.1
19 March 2010
ENGLISH ONLY

CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA

Report of Working Group 3

General

1.1 Working Group 3 of the Contact Group on Piracy off the Coast of Somalia held its second session at IMO Headquarters from 18 to 19 March 2010 under the Chairmanship of Mr. Jeffrey G. Lantz (United States). The agenda for the Working Group is at annex 1.

1.2 The Group was attended by representatives from the following States:

ARGENTINA
BAHAMAS
BELGIUM
CHINA
DENMARK
FRANCE
GERMANY
GREECE
INDONESIA
ITALY
JAPAN
LIBERIA
MALAYSIA
MARSHALL ISLANDS
MOROCCO
NORWAY
PANAMA
PHILIPPINES
PORTUGAL
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SINGAPORE
SPAIN
SWEDEN

UKRAINE
UNITED KINGDOM
UNITED STATES
YEMEN

1.3 The session was also attended by representatives from the following United Nations specialized agency, Inter-governmental and Non-governmental organizations:

INTERNATIONAL MARITIME ORGANIZATION
EUROPEAN UNION
COMBINED MARITIME FORCES
EUROPEAN COMMISSION
NORTH ATLANTIC TREATY ORGANIZATION (NATO)
EUROPEAN COMMISSION (EC)
INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL CHAMBER OF COMMERCE (ICC)
INTERNATIONAL SHIPPING FEDERATION (ISF)
BIMCO
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL GROUP OF P&I ASSOCIATIONS (P&I CLUBS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL
OPERATORS LIMITED (SIGTTO)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
INTERNATIONAL SAILING FEDERATION (ISAF)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)

Remarks by Secretary-General

2 The Secretary-General of the IMO welcomed the Participants and Observers to the Working Group. He placed special emphasis on 2010 being the IMO Year of the Seafarer and how protecting seafarers from the effects of acts of piracy is an essential part of the range of efforts that are designed to benefit seafarers worldwide.

Introduction by Convening Government

3 The representative of the United States welcomed the Participants and Observers to the Working Group. He further thanked the IMO Secretary-General for his opening remarks and thanked the IMO Secretariat for their hospitality and extensive support provided to Working Group 3. The United States explained that despite the decline in the rate of successful piracy attacks this year, the number of vessels being seized by pirates continues to rise. He specifically recognized the international cooperation among naval forces, including NATO, EUNAVFOR, and CMF (also including NATO Shipping Center, MSC-HOA, UKMTO, and MARLO Bahrain). He stated that we must continue to improve the effective implementation of BMP's, recognizing industry's commitment to periodically update and disseminate them and that technology could be useful to assist flag States in ensuring compliance with their respective requirements.

Opening

4 The Chairman opened the meeting and briefly described the existing remit for the Group and recounted the progression of their work to date.

Operational Overview

5 The Chief of Staff for EUNAVFOR provided a brief operational summary of present conditions off the Coast of Somalia. He emphasized that operational coordination, especially that occurring via the SHADE process, continues to be effective and is constantly improving. He used the enhancements in operational planning and execution in the Western Indian Ocean as an example of how these efforts are effective at adapting to changing operational conditions. He specifically noted the increased activity being observed in southern Somalia and the increased use of pirated mother ships as examples of evolving operational conditions.

6 A representative for UKMTO provided a summary of their operations and mission structure. He further provided a summary of their present observations of the situation in theatre. He specifically emphasized the value of the UKMTO reporting scheme and the continuing need for cooperation between industry and military operators. He described the value in the SHADE process. He further mentioned the operational limitations posed by practical force generation issues, particularly with regard to the Western Indian Ocean and Somali Basin. He clarified that UKMTO is the point of contact between pirates (only indirectly), military forces, and those seeking to obtain the release of hostages.

7 A representative of ISAF thanked the military operators for their commitment and efforts. He informed the Group of the existence of guidance that they have produced for the benefit of protecting recreational vessels from acts of piracy and armed robbery at sea. He made the specific point that ISAF recommends against such vessels transiting the region. He requested that the Group specifically make reference to that guidance in its report. That guidance can be found at <http://www.sailing.org/28144.php>. He made a request to all concerned States to assist in ensuring that ISAF's guidance is provided to the recreational maritime community as broadly as possible.

Seafarer Welfare

8 Several industry representatives expressed their views that developing guidance on human element issues, including those specifically tied to seafarer welfare, are very well suited for the Group. The industry groups also described a workshop that they intended to hold on the afternoon of 19 March in London and invited all of the Group's participants and observers to attend. The industry representatives expressed a desire for the output of that workshop to be integrated into the work of the Group and ultimately form a unified set of guidance that IMO would be asked to promulgate on behalf of the industry. It was their view that the industry was best placed to draft the guidance in the light of experience but that the Group could be useful in assisting industry to develop the relevant guidance, in coordination with the Maritime Safety Committee, in much the same way that the BMP's had been developed. They also sought the assistance of the Group in promoting the wide dissemination of such guidance.

9 It was further specified by industry representatives that there are distinctly different types of guidance that they considered necessary. Specifically, it was expressed by INTERTANKO as being logically separated into guidance related to: Being prepared; How to handle captivity; and How to handle post-release care. Accordingly, there was some

discussion that separate documents might be necessary to effectively reach the intended audiences for the different types of guidance. ICS added that there was a clear case for Seafarer Welfare guidance that could draw upon industry experience, and would benefit from deliberation within the Group and at MSC. He also stated that there was a case for limited distribution advice for companies on hostage negotiation. To assist these efforts, industry representatives stated that they had prepared two discussion documents for additional development via their workshop. Specifically, the ISF has produced a document entitled "Recommended Guidance for Companies and Masters for the Care of Seafarers and their Families in Cases of Piracy" (contact James Langley at james.langley@marisec.org). Additionally, BIMCO a document entitled "Guidelines for Companies and Masters in the Event of Being Taken by Pirates off the Coast of Somalia" (Giles Noakes at gno@bimco.org). The Group noted these efforts with appreciation.

10 The representative of ICMA described their joint submission to MSC 87, co-sponsored by the United States, which is designed to follow up on their prior submission to MSC 86(MSC 86/16/6). Consistent with a decision taken by that session of MSC, that paper recognizes ongoing work to develop guidelines for post-piracy care of seafarers and aims to produce guidance to establish plans and procedures for putting in place measures and taking appropriate actions with a view to providing for the welfare of any attacked or hijacked seafarers. That paper further states that the United States, as the convener of the Group, intends to assist in further developing this work and to combine it with the collaborative contributions of others for submission to, and consideration by, MSC 88. He further stated that it was ICMA's goal for their study to serve as a foundation for developing future guidance. He also stated that participation of seafarers in the associated clinical studies is essential.

11 The representative of ITF supported the initiatives from industry and ICMA in relation to the guidance being produced, but expressed concern that some 20% to 30% of shipowners had minimal relationships with their crews and did not follow up with those seafarers after piracy incidents. He also had concerns over seafarers rights and the possibility of victimization of seafarers seeking post trauma medical advice. He placed special emphasis on a need for confidentiality and the voluntary nature of seeking medical advice to be reflected in any such guidance.

12 The Group discussed the ongoing and planned work of both industry and IMO in this regard. Many States expressed views on the related issues and generally expressed their support. The Group agreed to provide input into both the industry and IMO efforts regarding development of Seafarer Welfare guidance and to facilitate their successful conclusion.

Seafarer Training

13 The Philippines described its anti-piracy awareness training requirements for preparation of seafarers prior to entering waters where they may be at risk of attack by pirates. They further explained that they are considering potential national requirements for related operational reporting and Ship Security Plans, as a pre-requisite for manning by their seafarers.

14 ITF described its efforts to establish a system to conduct training and rapid response to assist seafarers affected by piracy and their families.

15 The United States described the anticipated amendments to the STCW Convention related to piracy. The United States announced its intention to update the existing security model course to complement the anticipated amendments to STCW. The United States

invited Working Group 3 Participants and Observers to provide input as they undertake that effort.

16 The Group agreed to provide input in developing model courses that are intended to complement the anticipated 2010 amendments to the STCW Convention.

Best Management Practices

17 The United States described its efforts to implement effective defensive measures, via the existing ISPS infrastructure, for ships flying their flag. The United States used a combination of directives and advisories to require certain ships to implement these measures via their Ship Security Plans. The measures drew heavily upon the BMP's developed by industry, but incorporate policy and technical considerations unique to the United States fleet.

18 Liberia provided a formal presentation to describe its efforts to effectively implement the BMP's. They re-stated their commitment to the New York Declaration and to implementing the relevant measures via the ISPS Code. Their requirements are communicated via notices and incorporated into specific sections of Ship Security Plans. They expressed concern over the potential banning of ransom payments, as this was often the only way to ensure the safety of seafarers.

19 The Marshall Islands also gave a brief presentation on their efforts. They described close cooperation specifically between themselves, Liberia, Bahamas and Panama. Like Liberia, they also described a close relationship between themselves and EUNAVFOR and thanked them for their efforts. They disseminate guidance via advisories and require implementation of BMP's and other defensive measures via ISPS Ship Security Plans. They are concerned over an increase in violence of these attacks, including flogging of seafarers. Like Liberia, they also expressed specific concern over the possibility of criminalization of ransom payments.

20 EUNAVFOR described their efforts to assist industry in updating their BMP guidance. They have hosted multiple meetings for this purpose and are playing a liaison role to facilitate cooperation on developing this guidance between the involved military commanders and industry representatives. The target for publication of the update is early June 2010 and they intend to provide the revised guidance in a booklet form. They further reported arrangements for exchange of LRIT data between themselves and a substantial number of flag States. They also reported a successful effort to conduct outreach to ships transiting the Suez Canal, in cooperation with the Suez Canal Authority.

21 Several other major flag States explained a variety of efforts that they are taking, which included modification of Ship Security Plans, use of LRIT data to facilitate their follow-up with shipowners with respect to implementing counter piracy measures, coordination with industry, and commitment to the principles in the New York Declaration.

22 One State specifically suggested they would welcome positive text in the ISPS Code to clarify that security risks posed from piracy are within its scope, as they understand it to be today. Two States expressed their view that, as piracy has a different nature than terrorism, they do not believe that the BMP's should be incorporated into the scope of the ISPS Code, but should continue to be positively promoted and disseminated throughout industry. Additionally, one State added that the ISM Code could also be relevant for implementing BMP's. The majority of speakers agreed that security threats posed by piracy are within the scope of the existing ISPS Code.

23 The IMO Secretariat described a proposal to create a limited LRIT Data Center, which could be utilized to provide LRIT data to specified military operators. Such an arrangement would be based upon consensual access provided by flag States and controlled upon their direction. The data was considered to be at no additional cost. This proposal was considered, on a notional and technical basis, by the last session of the LRIT Ad Hoc Working Group. This proposal will be further discussed at MSC 87. ICS offered the support of the industry for the dissemination of LRIT data to support counter-piracy operations. The Chair specifically asked all States to ensure that the subsequent discussion at MSC 87 is a well-informed discussion.

24 The Group discussed the process of updating the BMP's by the industry and MSC-HOA and the process for disseminating the updated versions. The IMO Secretariat described a potential process for the Maritime Safety Committee to consider, which would accommodate updates to the BMP document and other potential industry-produced guidance, such as those related to seafarer welfare and training, by issuing an inter-sessional MSC circular with the agreement of the MSC Chairman and subsequent endorsement of the process for issuance of the circular. The Group noted the widest possible dissemination of BMP's is needed and recognized the efforts to date by many stakeholders to do so.

25 The Group agreed it would conduct a survey of States on BMP dissemination and implementation. It was also agreed that flag States are encouraged to disseminate the BMP's, via their websites and by other means, at no cost and as widely as possible. It was further agreed that the proposal for the mechanism updating industry-produced guidance was useful.

Items of Interest in Other Working Groups

26 A representative of the United Kingdom provided the Group with a brief report of the activities of Working Group 1, especially focusing attention on its activities related to capacity building in the Horn of Africa region.

27 A representative of the United States, speaking on behalf of the Danish Chairman, provided the Group with a brief report of the activities of Working Group 2. He specifically brought to the Group's attention the ongoing efforts to develop model contractual clauses to further promote the implementation of BMP's and other effective shipboard defensive counter-measures, as well as to assist in promoting the successful prosecution of suspected pirates. He emphasized that he understood that work did not include attempting to create any contractual requirement for seafarer witnesses to be required to participate in trials of suspected pirates.

The representative of the ICC stated that there should be a system for obtaining forensic evidence after an attack.

WG3 Future Work Plan

28 The IMO Secretariat briefly described their submission to the upcoming session of MSC (MSC 87/19/3), which offers suggestions on aspects of piracy and armed robbery against ships where further consideration on policy and/or development of guidance may be appropriate. The Group noted the submission of the paper.

The representative of ICS made the suggestion that the CGPCS Plenary should be asked to consider, in greater detail, the issue of effectively combating piracy in the Western Indian Ocean.

Conclusions

- 29 The Group specifically agreed on the following action points:
- .1 to provide input into both the industry and IMO efforts regarding development of Seafarer Welfare guidance and to facilitate their successful conclusion;
 - .2 to provide input in developing model courses that are intended to complement the anticipated 2010 amendments to the STCW Convention;
 - .3 to conduct a survey of States on BMP dissemination and implementation;
 - .4 to encourage flag States to disseminate the BMP's, via their websites and by other means, at no cost and as widely as possible;
 - .5 that the proposal for the mechanism updating industry-produced guidance was useful; and
 - .6 that the CGPCS Plenary should be asked to consider, in greater detail, the issue of effectively combating piracy in the Western Indian Ocean.

Action requested of the Contact Group

30 The Contact Group is invited to consider the report of the Group in general and agree that the Group should continue its work in accordance with its existing remit.

Closing Remarks

The representative of the United States thanked all in attendance, and especially the Director of the IMO Maritime Safety Committee and the IMO Secretariat. He summarized the results of the meeting and the expected way forward for the Group. He further commented that he believed the meeting had been very productive and helpful in advancing the important issues before the Group. The meeting was adjourned by the Chairman.

ANNEX

AGENDA

18 March 2010

Opening remarks by the Chairman

Opening remarks by the United States (in its capacity as convening Government)

Seafarer welfare

(desired outcome – document(s) to submit for discussion/consideration at MSC 87 & MSC 88)

- Presentations by interested groups
- Discussion and decision on submission(s) to the Maritime Safety Committee

Methods to improve compliance with Best Management Practices (BMPs) and other anti-piracy guidance

Reports from participants on observed compliance rates

- Possible use of LRIT
- General discussion

Status of BMPs and other anti-piracy guidance

- Industry efforts
- IMO Secretariat presentation
- General discussion

19 March 2010

Items of interest in other Working Groups

Any new business

Future work plan for the Working Group

Consideration and adoption of the Report of Meeting

Closing remarks by the Chairman

Closing remarks by the United States (in its capacity as WG3 convening Government)

Working hours

	18 March 2010	19 March 2010
09:30 – 11:00	In session	In session
11:00 – 11:30	Morning break	Morning break
11:30 – 12:30	In session	In session**
12:30 – 14:30	Lunch break	-----
14:30 – 16:00	In session	-----
16:00 – 16:30	Afternoon break	-----
16:30 – 17:30	In session*	-----
<p>* may continue beyond 17:30 hours at the discretion of the Chairman</p> <p>** may continue beyond 12:30 hours, at the discretion of the Chairman, until completion of the business</p>		