

Shipping Industry & EUNAVFOR Meeting
Somali Piracy
Held at ICS in London on 8 November

Note of the Meeting

1. Welcome

ICS explained that the purpose of the meeting was to explore areas of concern held jointly by the shipping industry and EUNAVFOR/NATO. It was hoped that the discussion would reveal opportunities for joint action and proposals for a new strategy to eradicating piracy.

2. Update on current situation

COS EUNAVFOR (by teleconference) gave an overview of the current situation, culminating in his appreciation of current problems. The PPT is attached. Amongst the points raised were:

- Deterrence – failure in national law led to failure to prosecute arrested pirates.
- Disruption – generally effective at sea but some statistical decrease in autumn 2010 due to increased naval activity close to the Somali coast, that had proved effective.
- Protection (of merchant ships) – exercised to good effect in the IRTC.
- Looking for flag State support for the deployment of VPDs to World Food Aid Programme ships. Deployment of a VPD gave some flexibility in the employment of warships engaged in close protection of WFP ships. However flag States were resistant; **it was requested that industry associations should increase the pressure on flag States to provide VPDs to WFP ships.**
- Current transition phase. 15 warships had been deployed off the Somali coast to disrupt PAG deployments. This had proved to be a successful tactic.
- Tanzania/Kenya. Recently pirate attacks had moved south from Somalia to off the coast of Tanzania/Kenya probably as a direct result of the warship deployments off the Somali coast. However in the new region there was little opportunity for warship deployment and very little regional counter-piracy capacity. **There was a need for regional capacity building.**
- Motherships. A new development was the rapid turnaround of mother ships from completion of one attack to deployment for the next – in one case this had been only 4 days. This was possibly also a direct response to the warship deployments off the coast.
- Citadels. Recent experience had underlined the good sense of existing citadel guidance in the BMP. If a citadel was to be used by crew as a response to a successful boarding by pirates then 100% of the crew had to be secured inside the bullet-proof citadel from an early stage in

the attack. This questioned what was meant by a bullet-proof citadel and how pirates might respond in the future. There had already been some attempts to set fire to the ship and in the future cutting equipment might be taken onboard. As a minimum the citadel had to have good long-range communications with the outside world (military headquarters/warships) and 96 hours of water. The ability to deny the pirates the ship's main propulsion was paramount and appeared so far to have determined that the pirates would then abandon the hijack. Communication between the crew in the citadel and the on-scene warship was a pre-requisite before an opposed boarding could be conducted. There were actually very few EUNAVFOR ships that had the capability for an opposed boarding and this severely limited the military options and the time taken to organise a response. **It was questioned whether a halon drench system outside the perimeter of the citadel was an option.**

- Trends. Current statistics showed that the success rate for hijacking had been reduced to 25%. There was no identifiable trend targeting either flag States or the nationality of owners.
- Ransom payments. The recent very large ransom payment perhaps marked a watershed for insurers? How would pirates react to their recent success? There might be increased violence against individual seafarers as part of a (likely) prolonged negotiation; crew, ship and cargo might be separately ransomed.
- Private Military Companies. There was evidence of increased use of PMCs but military and industry were in denial and this prevented the development of a mechanism for operating in coordination with armed guards.
- Convoy coordination. The coordination of convoys provided by countries outside the SHADE arrangement was extremely inefficient. Associations agreed to put pressure on individual convoy providers to accede to coordination of military activity.

3. Comments on BMP compliance and ideas for increased compliance

- Registration with MSCHOA was reported as irregular.
- EUNAVFOR felt that there was a disconnect between CSO and SSO. CSOs tended to be aware of piracy issues and BMP but this was not being comprehensively passed down to SSOs.
- Industry briefed the BMP distribution plan and the intention to advertise it at the CGPCS WG3 meeting and then at the CGPCS Plenary.
- EUNAVFOR/NATO agreed to an industry request to receive information on ships that failed to report to EUNAVFOR or UKMTO. Industry associations undertook to raise the information to the companies concerned via their individual membership structure.

4. Industry concerns

- 'Catch and release', prosecution, evidence

There was universal unease with the flaws in the legal process that prevented successful prosecution of arrested pirates. Industry agreed to maintain pressure on flag States regarding national laws on piracy and the need to prosecute all arrested pirates.

- Provision of prosecution witnesses

Discussion centred on the difficulty of identifying and providing witnesses months or even years after the original crime. However associations are committed to assist in the provision of witnesses where this is achievable.

- Armed guards – VPD, PMC

It was generally accepted that military and associations alike were 'in denial' about the provision of private armed guards. It was recognised that companies were turning to armed guards where they felt this was the only viable option. To some extent the growth in the use of armed guards might be leading to reduced rates of reporting to military authorities.

It was agreed that this area was in need of urgent work and that associations should seek advice from members on how to move forward. One possible option was to support the development of a process for vetting PMCs so that companies could be advised on where to turn to for guidance.

- Extension of the risk area and crew resistance to passage

It was agreed that incidences of crew reluctance to passage through the declared risk was increasing. Whilst it was also agreed that ships should take BMP measures in a wider area of the Indian Ocean beyond the declared risk area, this exacerbated crew discomfort. Associations nevertheless agreed to provide greater encouragement for BMP compliance outside the strict declared area. EUNAVFOR agreed to provide an updated snapshot of vessel tracks in the region using LRIT data – this would enable associations to understand the routes that ships have been taking.

- Concerns with piracy off coast of Kenya/Tanzania

It was noted that a centre for recent attacks had been off the coast of Kenya and Tanzania. This may be due to the success of recent naval patrols close to the coast of Somalia.

- BMP to be kept distinct from ISPS/SOLAS?

Industry associations could not support the concept of incorporating the BMP text into SOLAS or the ISPS Code; this would jeopardise the current freedom to update the BMP text when required. It was recalled that the BMP was now in its third edition; this would not have been possible if the document was embodied in a regulation.

There was however some sympathy for the concept of referring to the BMP in regulatory or resolution text, thus emphasising the role of flag (and Class) in ensuring compliance.

- MNLOs at Northwood and UKMTO

It was reported that OCIMF had now provided an MNLO to UKMTO and others were committed to trying to find MNLOs for Northwood. These efforts were restricted by the security requirement for a UK passport in UKMTO and an EU passport in Northwood. EUNAVFOR undertook to provide updated security guidance.

OCIMF was investigating UK tax regulations to try to optimise the period that a UK national could remain in UK before attracting full tax liability.

- EU Pirasat information to merchant ships

EUNAVFOR briefed that Pirasat was an EMSA product designed to produce a combined common picture for military forces. This was not a system for passing information to merchant ships.

- Citadels and recent use of them

It was recognised that citadels had recently been used with some success by merchant ships. However there were some clear prerequisites for successful use (see discussion under agenda item 2 above).

- Concept of an Industry SHADE

EUNAVFOR undertook to provide more information on what was envisaged by an industry SHADE. Some attendees felt that the current meeting was in essence an industry SHADE and perhaps the frequency of industry meetings on piracy related matters was not fully appreciated by the military.

- Concept of an Industry MERCURY chat forum

EUNAVFOR undertook to provide more information on what was intended. However associations were aware of a commercial internet based contact forum for CSOs and agreed that advertising by the commercial provider should be sufficient to bring the system into common usage. Associations were unable to undertake any promotional activity.

5. Identify areas of common concern and future joint activity

List of action points from the meeting:

- **It was requested that industry associations should increase the pressure on flag States to provide VPDs to WFP ships.**
- **There was a need for regional capacity building.**
- **It was questioned whether a halon drench system outside the perimeter of the citadel was an option.**

- Does the recent increased ransom payment level indicate a watershed for engagement by the insurers or a possible change in pirate negotiating tactics?
- Associations undertook to investigate with their members the growth in the employment of private armed guards and whether this required a different approach; noting that none would endorse the use of PMCs
- Associations to provide pressure on companies to comply with the BMP beyond the strictly defined boundary of the current risk areas. This to be combined with continued pressure for full BMP compliance.
- EUNAVFOR/NATO to provide information to associations on ships that failed to report to EUNAVFOR and/or UKMTO.
- Industry (as the customer) to put pressure on individual States providing convoy protection to submit to better coordination with the SHADE group.
- Industry associations could not agree to mandatory application of the BMP text but some could support a reference to BMP guidance in a regulation or resolution. This to be investigated with members and to be discussed prior to MSC.
- Industry to continue to search for MNLOs for Northwood and UKMTO.
 - EUNAVFOR to provide updated information on security requirements
 - OCIMF to report back on UK tax implications
- EUNAVFOR to expand on what was intended by an industry SHADE meeting.
- A draft statement for the CGPCS WG3 meeting to be prepared by BIMCO/Intertanko.

6. Requirement for BMP update?

It was agreed that BMP 3 should be maintained at least until mid 2011, if not longer. When the time came the core group would once again undertake a review.

All attendees were reminded that the concept of BMP 3 was to provide basic long term guidance with contemporaneous amplifications being posted on the military websites.

7. Details of High Level meeting at Northwood

EUNAVFOR would provide a calling notice details in due course.

8. AOB

No further items were raised.

9. DoNM

It was agreed that ICS would propose a date prior to the Northwood High Level meeting. It is therefore proposed that the group should meet again on **18 January at ICS.**

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Attendance List

EUNAVFOR	(Col Richard Spencer) by telephone Simon Church
NATO	Cdr Stein Hagalid
ICS	Peter Hinchliffe John Stawpert Tim Watson Filip Geerts (Royal Belgian Shipowners' Association)
BIMCO	Giles Noakes
Intercargo	David Jones
Intertanko	Howard Snaith
OCIMF	David Cotterell Philip Pascoe