

SEMINAR

PIRACY AND ARMED ROBBERY AGAINST SHIPPING: To Prevent, Deter, Protect and Fight against an ACTUAL Threat

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Key Note Address

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The subject of this seminar is very current as are the various analytical perspectives, because acts of piracy and armed robbery against ships represent a serious threat to the life of crews and passengers, to the safety of navigation, the maritime transport economy and to the stability of coastal states.

These concerns become even more acute during a period of time in which it is even more essential that we have to rely on a maritime supply of energy resources and free and secure use of the "vital shipping lanes" to Europe. Therefore, we have to reflect carefully on what happened just after the hijacking and diverting of the super-tanker SIRIUS STAR with its 300,000 tons of crude oil, on November 2008, when the price of crude oil increased by **1,4%**. This fact alone is alarming, without taking into consideration the possibility of an explosion of prices in the case of a bigger re-routing of ships engaged on East-West routes via the Cape of Good Hope.

Piracy and armed robbery acts are of great concern to the Commission, taking into account that maritime transport is used for carrying **90%** of world trade, and **40%** of the world's merchant fleet flies the flag of an EU Member State. Let us not forget that the Treaty includes Community competence for transport, **and we are here for just this purpose: to contribute to enhance the safety and the security of maritime transports**.

In order to identify the magnitude of the problem, I will make reference to the figures given by the IMO, knowing that they are only related to cases officially reported, whereas we are aware that the **real number** of attacks against ships, in particular in terms of acts of armed robbery, is without doubt much bigger. Reluctance to give precise information from ships, owners and authorities could have a **plausible explanation, but not be justified**, for the following reasons: decreasing the degree of perceived trust from potential customers or in the international environment, as well as for various other reasons such as increasing insurance premiums.

Although in the four-year period 2003-2006, worldwide, the number of the reported acts of piracy and armed robbery decreased; in **2007** an **alarming increase (17%)** in the

number of these crimes has been reported. During **2008** this phenomenon became even more prominent as far as the number and degree of violence are concerned. This is especially the case in the Gulf of Guinea and the Horn of Africa, where the endemic "**low profile**" criminal activities have been supplemented by other factors, such as **political involvement** (namely: in Nigeria) and an **upgraded organizational level** (namely: in Somalia).

It is well-known that in the Horn of Africa a revival of the phenomenon has been registered. As a matter of fact **during 2008 the number of attacks has practically doubled** in the Gulf of Aden and in the Western Indian Ocean off the Somali coasts. Also off the Kenyan coast an increased piracy activity has been recorded.

Obviously, an accurate analysis of the root causes which contributed to the reappearance of these criminal activities is not simple, but to be brief, and as far as Somalia is concerned, we should mention some geographic, social and political factors, such as:

1. the length of the Somali shore line (2,100 nautical miles, more than 3,500 km) and the geographical shape of the Gulf of Aden where the Bab el Mandeb Strait forms a "bottle-neck" for maritime traffic flows using the Suez Canal;
2. the volume of the above-mentioned flows: the Gulf of Aden and the Suez Canal are used by more than **20,000** merchant ships every year;
3. the strategic value of the transported goods: around **12%** of the world production of crude oil is shipped on this route, without considering other types of energy (i.e. liquefied natural gas and coal);
4. the absence of an **effective capability** to undertake activities in order to prevent, monitor, and repress criminal phenomena by the Transitional Federal Government of Somalia (TFG) and of the **Puntland Authorities**;
5. the situation of **extreme poverty** affecting a third of the population, internal **conflicts, widespread corruption** and, in some cases, the **connivance** of local institutions, which results in the rise and spreading of criminal associations and in the phenomenon of emulation resulting in "**safe havens**" for pirate activity.

Identifying coherent responses to the problem is made even more difficult by the "**fluidity**" of the scenario. One example is how the traditional Somali most active pirate groups during former years (National Volunteer Coast Guard, Merka Group, Somali Marines e Puntland Group) have been recently replaced by new gangs, **around twenty**, which have lost their original link to the locally dominant clans. As a matter of fact, the location of the operative bases and the origin of the pirates (**phenomena of emigration and emulation**) have been influenced by the recent expansion of the Islamic insurgency which, as in 2007, during the short period of predominance of the Union of the Islamic Courts (UIC), is substantially against such criminal practices.

However, although the traditional authority (**elders**) and the majority of the Islamic Militia connected with the former UIC, now reorganised within the Alliance for the liberation of Somalia (**ARS**), are officially against piracy and armed robbery activities, it should be highlighted that some recent press releases of the **Al-Shabaab**, issued during the still unsolved case of the Ukrainian ship **FAINA** (with a cargo of ammunition and 33 tanks), are a worrying sign; in particular, it should be noted that this group, in July 2006,

following a suspected link to Al-Qaeda, has been listed as a terrorist organisation by the USA.

Now, after this brief analysis it is necessary to define the **policy** to be followed by the Community institutions in order to support the activities falling under the responsibility of the Member States and the maritime industry.

We realize that the Community policy has to facilitate, **in the short term**, the prevention, deterrence and repression of piracy. These actions are indispensable in containing the problem, whereas in the **medium-to-long-term** these activities have to be supplemented by measures addressing the need to reduce the root causes of the instability in the region such as **poverty and violence**.

Therefore, we believe that all possible efforts should be made to establish an **effective State** in Somalia and to enhance within the region as a whole, the capability of the coastal states to re-establish a **legal framework** at sea and on shore, coherent with both **internal legislation** and **international law**. Only a synergy between these strategies could lead to the **eradication** of the problem.

In line with these needs, the Community has adopted the Regulation (EC) n. **725/2004** which explicitly cites piracy as one of the **unlawful acts, against which the protection of the Community shipping should be ensured**. And it is by this legal instrument that we intend to facilitate through the Member States the implementation of the International Maritime Organization (IMO) Assembly Resolution no. **1002(25)** of December 2007 on prevention and protection of ships against piracy and armed robbery activities off the Somali coasts.

In the light of what I have just mentioned, this seminar has been launched and we are confident that sufficient momentum will be achieved for Member States to ratify and apply coherently and quickly the relevant international legislative instruments.

We are furthermore confident that this seminar provides useful information and "best practices" to companies, masters and crew of ships which are confronted daily with the threat of piracy.

And finally this seminar is to highlight the objective of the Commission to facilitate and contribute to put in place the strategic plans identified by IMO for the Horn of Africa and I am particularly glad to express my best wishes for the next and, I hope decisive, Djibouti meeting.

Thank you and I wish you a successful seminar.