

"Piracy, the curse of maritime transport"

3rd Seminar on

Piracy and Armed Robbery at Sea

Brussels, 28/29 March 2012

Closing speaking points

- Piracy, which is an endemic problem in some regions of the Globe like the Indian Ocean, the Gulf of Guinea and South East Asia, is still threatening vital international maritime routes and cause unacceptable sufferings for seafarers and their families.
- In the Indian Ocean, after the declining we have recorded in late 2011, the number of attacks and hijackings has increased again in January/February 2012. This is of great concern, as it shows piracy is not going to stop, but it may continue to affect those areas in the future, with serious consequences on trade, economy, international routes and, first of all, with serious risks for seafarers.
- In West Africa, due to the increase in number of piracy attacks, the seafarers are now entitled to get double pay for serving in the territorial waters of Benin and Nigeria, according to the results of recent negotiations between employers' organisations and seafarers unions. This shows how the situation is currently worsening also in this region.
- Only a comprehensive approach, both at sea and on land can bring a sustainable solution, but capacity building initiatives need time.
- Prevention, deterrence and reaction are playing a role now. Today the most visible of all EU counter-piracy action is the EUNAVFOR – Atalanta mission. The Council has just decided to prolong its mandate to December 2014, but available military assets – due to the extension of the region – cannot ensure a widespread presence everywhere.
- The first short-term answer in such a situation is "**Hardening the target**": the implementation of self-protection measures should a priority for all ships transiting risk areas. Flag States should take this element in due consideration while developing their policy.
 - First of all, ships vulnerability can be reduced by an effective implementation of the Best Management Practices – BMP¹ which

¹ The updated version of the Best Management Practices – BMP 4 has been released in August 2011. Due to the efforts of the European Commission and Member States the current rate of non compliant EU

offer practical advice on how to minimise the risks for ships in case of piracy attacks. A correct implementation of BMP showed to be very effective in deterring piracy incidents. The Commission strongly believes that this is the first irreplaceable tool to mitigate the risk and flag States must encourage their application aboard vessels.

- In this aim the European Commission adopted the Recommendation of 11 March 2010 on measures for self-protection and prevention of piracy and armed robbery against ships.
 - The European Commission will include the implementation of BMP in the inspection regime provided under the Regulation 725/2004. Ship Security Plans shall be fit to mitigate risks of potential unlawful acts of any nature, piracy included. For this reason ships bound for piracy-prone areas shall comply with requirements by implementing self-protective measures, first of all those contained in the fourth version of the Best Management Practices - BMP.
 - Best Management Practices, even if specifically developed for Somali waters and the Indian Ocean, could be adapted and applied in all piracy-prone areas.
- Secondly, ship vulnerability can be reduced by the use of Vessel Protection Detachments – VPDs provided by Governmental forces. This is probably a very good solution, but it depends on assets availability and costs.
 - Thirdly, the active self-defence measure of employing Privately Contracted Armed Security Personnel (PCASP) on board ships is an increasing phenomenon. Due to the situation and the level of risk on maritime routes, this cannot be avoided, but it needs to be regulated. The subject is among the most actual items for discussion.
- We need to reduce as much as possible dangerous regulatory gaps and make clear where responsibilities lie. This can be done by introducing international mandatory instruments addressing PCASP and Private Maritime Security Companies (PMSC), especially for maritime related issues like armed guards qualification aboard and training, as well as consistency of ship safety equipment, drills and exercises. The European Commission would like to see IMO addressing this item and leading on the development of a comprehensive regulation of what seems to be a new maritime professional occupation.

flagged ships is very low: less than 1 % of EU flagged ships sailing in the area do not follow the fundamental requirements of BMP.

- If it will not be the case, the European Commission is ready to use its regulatory powers to address issues related to PCASP and even initiate bilateral negotiations on conditions for embarking, disembarking and transiting ammunitions, weapons and armed guards with port and coastal States in the area.
- In the long term **changes in ship structures and design** could be an option. It takes time but ships can be conceptually intended also for this purpose: offer least vulnerability against boarding and control taking. The European Commission could develop research programs on this specific issue.
- The **human element** is a key item. Reducing human costs of piracy must take precedence.
 - First of all, in order to let the ship security system be more effective and to contain fatigue under an acceptable level also where and when attention has to be very high, ship-owner and flag States should seriously accept and promote consistent manning levels. The EC Regulation 725/2004, recalling the ISPS code, clearly states that manning levels cannot address only the safe navigation of a ship, but they must consider any additional workload which may result from the implementation of the Ship security Plan and, we can say in the case of piracy-prone areas, of BMP and any other additional, necessary activity. It is both a question of safety and of security of ships, cargoes and human beings.
 - In some occasions a total lack of assistance for seafarers and their family has been highlighted during or/and after hijackings. Nowadays the fear of piracy is a reality for thousands of them. Many seamen are not paid during their detention after an hijacking and are not refunded for personal losses. This is not acceptable.
 - It is also unacceptable for ship-owners to be left alone without any support after hijackings, as well as to hear about seafarers abandoned or held ashore (after their ship has been released) for political purposes in order to force Governments to release captured pirates.
 - Finally, in most occasions the only chance for seafarers to be freed is someone pays for their ransom. Human life shall always be the priority. The European Commission adds its voice to the concerns expressed by International maritime stakeholders due to declarations that the payment of ransoms to pirates, in order to secure the release of seafarers being held hostage, should be prohibited or criminalised.
- The European Commission will continue to be active and to follow up all items highlighted during this seminar.

- I take the opportunity to thank all the International Organizations, maritime Authorities, Ship-owners, captains and seafarers associations and stakeholders' representatives, the moderators and the speakers, and all of you for your contribution to the fruitful discussions we had during these two intensive days.