



MARITIME SAFETY COMMITTEE
86th session
Agenda item 18

MSC 86/18/8
7 April 2009
Original: ENGLISH

PIRACY AND ARMED ROBBERY AGAINST SHIPS

Best Management Practices to Deter Piracy in the Gulf of Aden and off the coast of Somalia

Submitted by ITF

SUMMARY

Executive summary:	This document puts forward proposals for amendments and an additional section on Best Management Practices contained in document MSC 86/18/2 by the Secretariat, addressing guidance and responsibilities, post hijacking of a vessel and crew and after their release
Strategic direction:	1, 6
High-level action:	1.1.2, 6.2.2
Planned output:	6.2.1.2
Action to be taken:	Paragraph 14
Related documents:	MSC 84/17/2, MSC 86/18/1, MSC 86/18/2 and MSC 86/18/4

Introduction

1 In document MSC 86/18/2, the Secretariat has presented the outcome of the Working Group 3 of the United Nations Contact Group on Piracy off the coast of Somalia, which met at IMO Headquarters on 26 and 27 February 2009.

2 The shipping industry, during that meeting, concentrated on measures for deterring piracy attacks in the particular circumstances in the area of Gulf of Aden and off the coast of Somalia and presented the Best Management Practices contained in document MSC 86/18/2. The ITF stated at that meeting that whilst it was in general agreement with the guidance submitted, it considered that it did not do justice to protection of the seafarer in these specific circumstances, particularly post hijacking and subsequent to the vessel and crew release.

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.



3 Whilst the hijacking of ships, the taking of crew as hostages and use of arms and violence is not confined to these areas, the escalation of the crisis and the problems that have arisen for crew has been highlighted and must be addressed. It also may be true that the difference between the industry and the ITF is that they see the “glass half-full”, i.e. 50% of shipowners are applying best practice or exercise “duty of care” for their crews, and we see the “glass half-empty”, i.e. far too many owners are not taking due care of their crews prior to, or after the attack by pirates.

Proposed amendments or additions to the Best Management Practices

4 The ITF has for some time been of the opinion that the guidance of the industry and the IMO on piracy deals primarily with the master and crews deterring attacks on the vessel and not sufficiently on the protection of the seafarer. We have also stated that emphasis has been on the prompt release of the ship not the crew and some of these concerns were contained in our document MSC 84/17/2. We are of the opinion that some owners are failing in their “duty of care”, and too many flag States fail to recognize their responsibilities for the welfare of the crew.

5 We are conscious that some provisions are best contained in the ship’s security plan and too much information in the public domain may aid the pirates. However, basic considerations seem to be absent from the guidance and our experience is that too many employers do not believe it is their responsibility.

The specific areas of concern that need to be addressed are:

- Guidance that puts the seafarer at risk;
- Additional protection for operational areas;
- Advice to seafarers on how to handle the hostage situation and to masters on how to minimize the stress on crew or confrontation with the pirates;
- Information and support for families in a hostage situation;
- Access to counselling or ongoing support;
- The merits of some form of kidnap and ransom insurance when entering a high risk area; and
- Learning lessons from the debriefing of the crews.

6 Ultimately it could be considered that owners that do not have provisions covering the above, or send their crew into known areas of danger without training, suitable manning or without informing the naval authorities, are not exercising their “duty of care” to the crew. This could also be true for flag States that have not ensured that vessels have received, are aware of the contents and are implementing the IMO guidance in MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22).

7 The most contentious practice contained within the guidance is the use of low-pressure fire hoses by crew to repel well-armed pirates. Where the seafarer has been in the past expected to direct the hose, it must now be considered an extremely dangerous practice and in view of the current level of arms involved they should be advised against doing so. Given that the primary objective should be the protection of the crew, unless repelling pirates is with respect to remotely controlled high-pressure monitors, we are against this practice.

8 It is expected that the ship should be manoeuvred to deter the pirates boarding, therefore an acceptable level of the bridge protection should be mandatory. Ships should also identify a well-protected citadel for crew and no seafarer should remain on the decks in an attack situation.

9 From debriefings of seafarers it is clear that the situation on board during the hostage period can be controlled to some extent, and a tendency for violence minimized, as contained in document MSC 86/18/4 (Secretariat). This training should be included for crew but as this is sensitive information it should be contained in the ship's security plan and crew security familiarization.

10 Dependent on the negotiator and company, the families may or may not be kept informed on the progress to release the crew and their welfare. Support for the families is very important and is a primary cause of unwarranted trauma. Companies must accept this responsibility fully and learn from the examples of where this has been carried out successfully. Equally important to the crew is the assurance that families are receiving their salaries or any other assistance. Onboard personal internet communication systems, separate from the bridge, have proved very important in these circumstances.

11 The provision of counselling for crew and families is also extremely contentious but essential. The use of terms such as "psychological conditions" associated with the incident of being taken hostage, causes major concern to seafarers. In many labour supply countries seafarers who are under psychological counselling will be considered sick and unable to return to sea even where this is only a preventative measure. Alternatively they may not receive counselling unless they declared sick. There are a range of counselling options available, including through the various seafarers' welfare organizations, but it seems that the company does not ensure that the ongoing support is made available all the time.

12 The ITF has stated on a number of occasions that the primary concern of seafarers is that it is a negotiation to release the ship, not the crew and this is borne out as payments are usually via hull and cargo "general average" insurance. Very few vessels carry specific insurance, which would at least give the crew some confidence that their welfare comes first. This is of particular importance in the current financial downturn where ships and cargoes may not be worth the pirate's demands and it may become an abandonment situation. We should remember that the social partners and flag States have an IMO/ILO agreement to give financial security in cases of abandonment, but this is not designed to cover a piracy situation. Seafarers and their national administrations are already critical that negotiations are often protracted due to the commercial situation of the vessel.

13 The ITF is critical that the industry has not to date developed a joined up approach to debriefing and learning from the seafarer's experience. Clearly the desire for companies to keep personal details confidential must be respected but there is a need for the experience of seafarers and companies to be a major driver for future guidance. We are aware that a few large companies have taken an active role in training and company guidance, but on this subject we need to share our knowledge particularly with our naval forces currently operating in these areas.

Action requested of the Committee

14 The Committee is invited to consider the concerns expressed in this document and the need for additional areas of guidance to masters and seafarers post hijacking and to take appropriate action.