PIRACY AND ARMED ROBBERY AGAINST SHIPS

Repression of piracy and armed robbery against ships in the Gulf of Guinea

Note by the Secretariat

SUMMARY

Executive summary: This document proposes expanding the use of the LRIT Distribution Facility to facilitate the voluntary sharing of LRIT information in the Gulf of Guinea within the framework of Assembly resolution A.1069(28) and United Nations Security Council resolution 2018 (2011)

Strategic direction: 6.2

High-level action: 6.2.3

Planned output: No related provisions

Action to be taken: Paragraph 19

Related documents: SOLAS regulation V/19-1; UN GA resolution 67/78 (2012); UN SC resolution 2018 (2011); resolutions A.1069(28), MSC.298(87) and MSC.331(90)

Background

1 The United Nations Security Council through resolution 2018 (2011) and 2039 (2012) encourages the States of the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), and the Gulf of Guinea Commission (GGC) to develop a comprehensive strategy, including, inter alia, the development of a regional framework to counter piracy and armed robbery at sea for information sharing and operational coordination mechanisms in the region. The Security Council also encourages the international community to assist, upon request, the States concerned in the region, ECCAS, ECOWAS, GGC and other relevant organizations and agencies in strengthening their efforts to counter piracy and armed robbery at sea in the Gulf of Guinea, including their capacity to conduct regional patrols, and to establish and maintain joint coordination centres and joint information-sharing centres.
2 On 11 December 2012, the United Nations General Assembly, at its sixty-seventh session, adopted resolution 67/78 on Oceans and the Law of the Sea recognizing the crucial role of international cooperation in combating, in accordance with international law, threats to maritime security, including piracy and armed robbery at sea, and terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats and the prosecution of offenders.

3 The twenty-eighth regular session of the IMO Assembly adopted resolution A.1069(28), which noted with appreciation the actions taken by the General Assembly and the Security Council, and urged Governments to, inter alia, cooperate with and assist States in the Gulf of Guinea to strengthen the sharing of information, and requested the Secretary-General to continue monitoring the situation in relation to threats to ships sailing in the Gulf of Guinea and report, as and when appropriate, on developments and any further actions that may be required.

The Information Distribution Facility

4 The Committee, at its eighty-seventh session, recognizing that LRIT information could provide a very useful source of data to security forces and responding to Assembly resolution A.1026(26) and United Nations Security Council resolution 1897 (2009), agreed on the establishment of a distribution facility for the provision of LRIT information to security forces operating in waters of the Gulf of Aden and the western Indian Ocean to aid their work in the repression of piracy and armed robbery against ships (resolution MSC.298(87), as amended by resolution MSC.331(90)).

5 The Committee, noting that the distribution facility was not covered by SOLAS regulation V/19-1, agreed also that it should not be considered as part of the LRIT system, but it should leverage the LRIT technical architecture in order to accomplish its goal, without any prejudicial impact on the LRIT architecture or the LRIT system.

6 The Committee further:

.1 agreed that the flag State participation in the distribution facility would be completely voluntary, having the ability, by means of an "opt-in" arrangement, to determine which security force, if any, should receive LRIT information about its ships;

.2 invited the Secretariat to establish, test, operate and maintain the distribution facility to provide, in an automatic manner, flag State LRIT information to security force(s) operating in the area; and

.3 invited the Secretary-General to consider and grant requests for access to the distribution facility to security forces operating in the area to aid their work in combating piracy and armed robbery against ships, taking into account the procedures set out in the annex to resolution MSC.298(87).

7 Following the above request and procedures, the distribution facility was established in 2010 and two security forces, namely the North Atlantic Treaty Organization (NATO) and the European Union Naval Force Somalia (EU NAVFOR), were associated and provided with access to the distribution facility.

8 Each one of the above security forces is associated with a geographical polygon (in this case, it is the same polygon for both of them) where they seek the voluntary provision of LRIT information. SOLAS Contracting Governments can opt-in and decide which security force(s), if any, should receive LRIT information transmitted by ships flying their flag while within the pre-defined geographical polygon.
9 Today, most of the SOLAS Contracting Governments which are part of the LRIT system have opted-in and provide LRIT information to the aforementioned security forces through the distribution facility. As reported by NATO and EU NAVFOR, the distribution facility has proven to be very useful and allows them to build a holistic picture combining LRIT information with data from other sources. The information is basically used to enhance the protection of all ships navigating in the area, irrespective of the flag they might be flying, or to assist those delivering humanitarian aid to Somalia in avoiding attack.

The situation in the Gulf of Guinea

10 The Heads of State Summit held in Yaoundé, Cameroon in June 2013, with representatives from 25 West and Central African countries and regional organizations, led to the adoption of a Memorandum of Understanding between ECCAS, ECOWAS and the GGC on maritime security in West and Central Africa, and of a Code of Conduct to address maritime security in its widest sense, including the establishment of an Inter-Regional Coordination Centre (ICC) to oversee implementation. The ICC was launched on 11 September 2014 in Yaoundé.

11 The work undertaken and programmed by IMO to support implementation of the Code of Conduct, as well as the implementation of the MoU developed by IMO and the Maritime Organization for West and Central Africa (MOWCA), is outlined in the IMO Strategy for implementing sustainable maritime security measures in West and Central Africa.

12 IMO's initiatives take place within the wider context of United Nations Security Council resolutions 2018 (2011) and 2039 (2012); United Nations General Assembly resolutions, including resolution 67/78 on Oceans and the Law of the Sea; the Zone of Peace and Cooperation in the South Atlantic; and the maritime strategies of the African Union, ECCAS, ECOWAS and the GGC.

Ship reporting and information sharing

13 The work of the Maritime Trade Information Sharing Centre Gulf of Guinea (MTISC-GoG) is complementary to that of the ICC, with the ICC overseeing implementation of the Code of Conduct by ECCAS, ECOWAS, the GGC and Member States in the region at the strategic level and the MTISC-GoG handling the civilian information exchange and maritime situational awareness aspects.

14 The MTISC-GoG is located in the Regional Maritime University in Ghana and aims at establishing an affordable, sustainable and enduring regional maritime information sharing centre within the Gulf of Guinea that is fully supported by regional States and all maritime stakeholders. It became fully operational in October 2014 with the launch of a new website (http://www.mtisc-gog.org) and guidance on how to report to the centre. Since April 2014, the centre has seen a steady increase in ships reporting to currently over 1000 reports per month (January 2015).

15 The MTISC-GoG operates a Voluntary Reporting Area (VRA), which is illustrated in the annex, and provides operational advice and situational awareness to merchant ships in the region to reduce the risk of unlawful acts against seafarers and ships. It also provides support to masters and companies during and after an armed attack. The centre receives reports and information on suspicious incidents from merchant shipping, warns ships reporting about maritime incidents that may affect them, and shares information provided by merchant ships with the appropriate authorities within the region.
Expanding the use of the LRIT distribution facility for the Gulf of Guinea

16  LRIT information transmitted by ships navigating within the VRA could assist MTISC-GoG to monitor shipping activity in the region in an automated manner.

17  Associating MTISC-GoG to the distribution facility is a simple process and would not require any additional technical developments. As already provided for security forces operating in the Gulf of Aden and the western Indian Ocean, the process would require those SOLAS Contracting Governments willing to provide their flag State LRIT information on a voluntary basis to opt-in and thus initiate the flow of information. By opting-in, the system would generate an instruction to the LRIT Data Centre associated with the Government concerned for the provision of LRIT information transmitted by ships flying the flag of that Government to MTISC-GoG while within the VRA.

18  The distribution facility also provides a second and separate opt-in arrangement (defined in resolution MSC.331(90)) which allows polling the current position of ships which may be approaching areas of high risk of piracy attack.

Action requested of the Committee

19  The Committee is invited to consider expanding the use of the distribution facility for the voluntary provision of flag LRIT information to MTISC-GoG and, if so decided, instruct the Working Group on Maritime Security and LRIT to prepare a draft MSC resolution for adoption.

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