MEASURES TO ENHANCE MARITIME SECURITY

Sub-regional co-operation on maritime security, piracy and armed robbery against ships between States in the Red Sea and Gulf of Aden area

Note by the Secretariat

SUMMARY

Executive summary: This document provides information on the sub-regional meetings on maritime security, piracy and armed robbery against ships, for countries from the Red Sea and Gulf of Aden area, held in Sana’a, Yemen in April 2005 and in Muscat, Sultanate of Oman in January 2006. Parts of this document are relevant to agenda item 19 on piracy and armed robbery against ships.

Action to be taken: Paragraph 16

Related documents: None

The Sana’a seminar

1 The Committee, at its eightieth session (11 to 20 May 2005), received a verbal report on the sub-regional seminar on piracy and armed robbery against ships and maritime security held in Sana’a, Yemen, from 9 to 13 April 2005 (the Sana’a seminar). This seminar was considered to be highly successful and laid a very strong foundation for future regional co-operation between the countries from the Red Sea and Gulf of Aden area that participated in the seminar.

2 The Sana’a seminar was hosted by the Government of the Republic of Yemen, conducted in English, supported by IMO with financial and in-kind assistance provided by the United Kingdom and Denmark, funded by the Organization’s Technical Co-operation Fund. The United Nations Office on Drugs and Crime (UNODC) and the United Nations Inter-regional Criminal Justice Research Institute (UNICRI) also supported the seminar through their active participation.

3 The seminar, chaired by Mr. Khaled Al-Wazir, Chairman of the Maritime Affairs Authority of Yemen, was attended by 38 senior officials in the maritime and port authorities of Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Oman, Saudi Arabia, Somalia, Sudan and Yemen. Two resolutions were adopted unanimously:
The 22 operative paragraphs of Sana’a seminar resolution 1, a copy of which is attached at annex, may broadly be divided into four categories. These categories are:

1. national legislation (operative paragraphs 9 to 12 and 19);
2. co-ordination, including development and implementation of national maritime security policies and programmes (operative paragraphs 1 to 3, 13, 18 and 20);
3. communication, including the establishment of a regional maritime information centre (operative paragraphs 4 to 6, 8, 21 and 22); and
4. co-operation, including international agreements, support for Somalia and involvement of third party ships and warships in the enhancement of security (operative paragraphs 7 and 14 to 17).

The Muscat workshop

In order to progress the implementation of Sana’a seminar resolution 1, the Organization convened a follow-up sub-regional workshop on maritime security, piracy and armed robbery against ships for those countries from the Red Sea and Gulf of Aden area which had participated in the Sana’a seminar. This follow-up workshop, conducted in English, was held in Muscat, Sultanate of Oman, from 14 to 18 January 2006 (the Muscat workshop).

The aims of the Muscat workshop were to assess, promote and enhance the standard of national legislation, and national and regional co-ordination, communication and co-operation within and between States in the sub-region, in accordance with the agreed strategy detailed in Sana’a seminar resolution 1, as detailed in paragraph 4 above.

The Muscat workshop was hosted by the Government of the Sultanate of Oman, supported by IMO once again with financial and in-kind assistance provided by the United Kingdom, funded by the Organization’s Technical Co-operation Fund. Representatives of UNODC, the United Nations High Commissioner for Refugees, the United Nations Monitoring Group on Somalia, INTERPOL, the International Chamber of Shipping, the United Kingdom Transport Security Division, the Italian Navy and the United Kingdom Royal Navy also supported the workshop through their active participation at no cost to the Organization.

The workshop, chaired by Eng. Qassim Ahmed Al-Shizawi, Director General of Ports and Maritime Affairs, Sultanate of Oman, was attended by eighty-two participants from Djibouti, Egypt, Eritrea, Jordan, Oman, Saudi Arabia, Somalia, and Yemen. Eighteen observers from the eight organizations detailed above also participated in the workshop.

After the initial opening sessions, representatives of each participating State gave a briefing on the actions taken by that State since and pursuant to the Sana’a seminar. In addition to the formal presentations given by the lecturers, there were a number of discussion sessions, both informally during the lectures and in pre-arranged discussion sessions in groups. In all cases, the presentations generated considerable constructive discussion. Much of the workshop
was focused on developing a Draft Agreement for Regional Co-operation as submitted by Yemen with additional input from Egypt. The amended draft agreement has been forwarded to the capitals of the States concerned for further consideration and development.

**Achievements and conclusions**

10 The Muscat workshop was judged by the participants to be very successful, having progressed the issues of co-operation at both national and regional levels. It reaffirmed the provisions of Sana’a seminar resolution No.1. However, the delegation of Saudi Arabia advised that the Sana’a resolution was being given further consideration.

11 The Muscat workshop reaffirmed the need for continuing efforts to urge the international community to support the establishment of stability in Somalia as a vital means of preventing and limiting acts of piracy and armed robbery at sea.

12 The representatives of Djibouti, Egypt, Eritrea, Jordan, Oman, Somalia, and Yemen, agreed that there was general consensus in principle with the concept concerning the establishment of a Regional Maritime Information Centre or System (RMIC/RMIS) as provided for in Sana’a seminar resolution 1 article 2. This could be achieved through the conclusion of a Memorandum of Understanding based on the draft referred to in paragraph 9 above.

13 The representatives of Djibouti, Egypt, Eritrea, Jordan, Oman, Somalia, and Yemen also referred to the importance of the establishment of a RMIC/RMIS to assist in enhancing maritime security and combating piracy and armed robbery against ships through co-ordination and exchange of information to achieve that end. They emphasized the importance of international technical and financial support for such efforts to establish the centre, as the enhancement of maritime security would serve the international maritime trade.

14 The delegation of the Kingdom of Saudi Arabia has taken note of the proposals submitted by Egypt and Yemen at the Workshop, and wished it to be noted that the subject would require further consideration and discussion.

15 The ultimate success or otherwise of this seminar will be evaluated in the context of the follow-up action taken by participating Governments to improve co-operation, co-ordination and communication nationally and throughout the sub-region, including, where appropriate, the implementation of memoranda of understanding on regional co-operation.

**Action requested of the Committee**

16 The Committee is invited to note the information provided.

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ANNEX

[Sana’a Seminar Resolution No.1]
PREVENTION AND SUPPRESSION OF PIRACY AND
ARMED ROBBERY AGAINST SHIPS AND ENHANCEMENT OF
MARITIME SECURITY

The Sana’a Seminar

NOTING the Nations General Assembly resolution A/RES/55/7 on Oceans and the law of the sea urging all States, and in particular coastal States, in affected regions to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional co-operation, and to investigate or co-operate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

NOTING ALSO the United Nations General Assembly resolution A/RES/59/24 on Oceans and the law of the sea also urging all States, in co-operation with the International Maritime Organization, to combat piracy and armed robbery at sea; and welcoming the progress in regional co-operation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urging States to give urgent attention to promoting, adopting and implementing co-operation agreements, in particular at the regional level in high-risk areas;

RECOGNIZING WITH DEEP CONCERN the grave dangers to the safety and security of persons at sea and to the protection of the marine environment arising from unlawful acts against ships and in particular from acts of piracy or armed robbery;

RECOGNIZING FURTHER that, although the number of reported piracy or armed robbery incidents against ships in the Red Sea and Gulf of Aden area was 6, it is important to recognize that the growing violence of such incidents may result in loss of life;

RECALLING that most piracy or armed robbery incidents and attempts in the area tend to occur in the waters off the Horn of Africa;

ALSO RECOGNIZING that national, regional and international efforts to combat terrorism also enhance the ability to combat organized crime and armed robberies against ships;

BEING AWARE that the fight against piracy and armed robbery against ships is often impeded by the absence of effective or adequate legislative and administrative arrangements for the investigation of reported cases of piracy or armed robbery against ships;

BEING ALSO AWARE that, when arrests are made, the existence of a legislative framework and of adequate guidelines for the conduct of investigation so as to allow for the prosecution, conviction and punishment of those involved in acts of piracy and armed robbery against ships is imperative;
BEARING IN MIND the rights and obligations of States under the international law of the sea, including the provisions of the United Nations Convention on the Law of the Sea, 1982 and in particular the provisions of article 43 relating to the co-operation between user States and States bordering a strait on matters relating to navigational and safety aids and the prevention, reduction and control of pollution;

RECALLING the obligations of States under United Nations Security Council resolutions 1373 (2001), 1540 (2004) and 1566 (2004);


RECALLING FURTHER the need for ships, on humanitarian grounds and consistent with the provisions of the United Nations Convention on the Law of the Sea, 1982, to providing assistance in response to any distress or security alert received from ships subject to acts of piracy or armed robbery.

RECOGNIZING the strategic importance and significance of the Strait of Bab el-Mandab and of the Suez Canal for the world trade and, in particular, for sustaining the economic growth of the Red Sea and the Gulf of Aden area;

RECOGNIZING ALSO the vulnerability of transport networks, the important role shipping plays in the global economy, and the importance, in this respect, of enhancing safety, security, and environmental protection of the Red Sea and the Gulf of Aden;

BEING AWARE of the fact that today’s global logistics chain is heavily reliant on just-in-time delivery systems and that any disruption to the supply chain of oil, gas, or of manufactured goods, would have significant economic consequences;

RECOGNIZING FURTHER the need to balance maritime security and facilitation and to minimize any adverse effects on the free flow of commerce through the Strait of Bab el-Mandab, the Suez Canal and the Red Sea and Gulf of Aden area in general, and that enhanced maritime security in the Red Sea and Gulf of Aden will promote international trade and economic co-operation and will minimize any disruption of the stability and continuity of the global trade;

ACKNOWLEDGING the fact that the enhancement of the security in the international maritime transport sector is an indispensable and fundamental condition for the welfare and economic security in the Red Sea and the Gulf of Aden area and is in the direct interest of all States and, in particular, of the States in the Red Sea and the Gulf of Aden area;

FURTHER RECOGNIZING that the successful implementation and maintenance of compliance with the Special Measures to Enhance Maritime Security detailed in the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), chapter XI-2 and the International Ship and Port Facility Security Code (ISPS Code) require, inter alia, the early and efficient collection, assessment and exchange of security-related information;
ALSO RECOGNIZING the need to set, in accordance with SOLAS regulation XI-2/7 on Threats to ships, security levels and to ensure the provision of security level information to ships operating in our territorial sea or having communicated an intention to enter our territorial sea, and where a risk of an attack has been identified, to provide advice to the ships concerned;

EXPRESSING great concern for the security of passengers and crews on board ships including small craft, both at anchor and underway, in the context of incidents involving terrorism and other unlawful acts against ships, and the associated risks to people on shore or populations in port areas as well as to ports, offshore terminals and the marine environment;

BEING CONVINCED of the need for States to co-operate and to take, as a matter of the highest priority, all necessary action to prevent and suppress any incidents which threaten the security in the international maritime transport sector;

RECALLING the concerns and desires of the Council of the International Maritime Organization in relation to the protection of shipping lanes of strategic importance and significance;

BEING AWARE that restoring stability and State’s power in Somalia is a key solution to suppress piracy and armed robbery in the area;

STRONGLY BELIEVING that for effective suppression of piracy and armed robbery against ships, it is essential to enhance the capability to combat piracy and to provide training to coastal States directly affected by piracy;

FURTHER EMPHASIZING the need for supporting the maritime security authorities of those countries which are directly affected by piracy and armed robbery against ships;

RECALLING WITH APPRECIATION the contribution States and other stakeholders have made and continue to make towards the enhancement of the safety of navigation in, and the protection of the environment of, the Red Sea and Gulf of Aden area;

BEING AWARE of the benefits of co-operative arrangements and frameworks in enhancing the safety, security and environmental protection in the Red Sea and the Gulf of Aden area;

BEING MINDFUL of the sovereignty and territorial integrity of the States participating in this seminar and the relevant provisions of international law, in particular the Convention on the Law of the Sea, 1982;

DESIRING that, as per set out above, the Red Sea and the Gulf of Aden remain safe and open to international shipping at all times, and to build upon and enhance existing co-operative arrangements and measures towards this end;
1. **CALLS UPON** the Governments of: Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Oman, Saudi Arabia, Somalia, Sudan and Yemen:

1. to develop and implement a national maritime security policy to safeguard maritime trade from unlawful acts; including the establishment of an organization to develop and implement regulations, practices and procedures, which together provide the security necessary for the safe and secure operation of port facilities and ships at all security levels;

2. to establish a national system for co-ordinating activities between the departments, agencies, control authorities, and other organizations of the State, port operators, Companies and other entities concerned with, or responsible for the implementation of maritime security measures;

3. to establish a national system for harmonizing maritime security measures with those of other modes of transport;

4. to seek the establishment of a regional maritime information centre through which the States participating in this seminar, which are: Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Oman, Saudi Arabia, Somalia, Sudan and Yemen, can share and exchange security-related information, for the aim of preventing or combating unlawful acts against seafarers and ships in the area and securing quick response to any distress alert received from these ships;

5. to fully implement and comply with the harmonized procedures and guidelines on communication means for alerting other ships in the area, developed by the International Maritime Organization;

6. to seek, until the establishment of such centre, ways for engaging States which use the Red Sea and the Gulf of Aden and the shipping industry to support and enhance the safety, security and environmental protection of the Red Sea and the Gulf of Aden;

7. to combat maritime crime by enhancing the regional maritime security strategies and multilateral co-operation in their implementation;

8. to review any existing co-operative efforts or arrangements relating to combating unlawful acts against seafarers and ships and trans-national organized maritime crime, including those relating to collection, assessment, sharing and exchanging of security-related information and those relating to the co-operation and co-ordination among the institutions concerned, such as naval units, coastal patrol and law enforcement agencies, shipping companies, seafarers, and port authorities with a view of identifying any areas which may warrant improvements;

9. to base the efforts to combat unlawful acts and trans-national organized crime on relevant international law, including the United Nations Convention on the Law of the Sea, 1982;

10. to improve national and regional co-operation with a view to ensure that persons committing criminals acts against seafarers, ships, port facilities and port facility personnel and pirates do not evade prosecution;
to prosecute, in accordance with relevant domestic laws, perpetrators of unlawful acts against ships and of acts of piracy and armed-robbery against ships;

to review any existing legislative and administrative arrangements relating to the investigation of alleged piracy or armed robbery incidents and for the prosecution, conviction and punishment of those involved in acts of piracy and armed robbery against ships with a view of identifying any areas which may warrant improvement;


to seek the establishment of a legal framework for co-operation between the States represented at this Seminar, to combat unlawful acts against ships and in particular piracy and armed robbery against ships in the Red Sea and the Gulf of Aden, and to find ways for getting necessary assistance to achieve this aim;

to co-operate and to seek the co-operation of the international community, to act effectively and to use all means to restore stability and State’s power in Somalia;

to call for support for those coastal States which are directly affected by piracy and armed robbery against ships. This should include the enhancement of capabilities to combat piracy such as making available vessels capable of conducting lengthy patrols in all sea conditions and the provision of training for personnel to enable them to become more effective in combating piracy;

to seek the commitment, on humanitarian grounds and consistent with the provisions of the United Nations Convention on the Law of the Sea, 1982, of any military ship or other ships in the area capable of providing assistance, to respond to any distress or security alert received from any ships subject to acts of piracy or armed robbery;

to implement, where necessary, appropriate security measures and procedures and to maintain an effective continuous compliance with the requirements of the Special measures to enhance maritime security contained in chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974 as amended, and the International Ship and Port Facilities Security (ISPS) Code;

\(^1\) MSC/Circ.622/Rev.2 - Recommendations to Governments for preventing and suppressing piracy and armed-robbery against ships;
MSC/Circ.623/Rev.3 - Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed-robbery against ships;
MSC/Circ.967 - Directives for Maritime Rescue Co-ordination Centres (MRCCs);
MSC/Circ.959 - Interim Procedures for MRCCs on Receipt of Distress Alerts;
Resolution A.922(22) - Code of Practice for the investigation of the crimes of piracy and armed-robbery against ships;
Resolution A.923(22) - “Phantom” ships and registration process;

to ensure that the need to balance the need for maritime security and facilitation is taken into consideration to avoid unnecessary delays to international maritime trade in the area;

to periodically review the progress of the efforts to suppress unlawful acts against the safety of navigation and to combat piracy and armed robbery against ships and to share the result of our experiences with Member States of the International Maritime Organization; and

to keep the Assembly and Council of the International Maritime Organization informed of the results of our efforts in the area of combating maritime crime and piracy and armed robbery against ships, and of the international support provided in this regard.

2. **INVITES** the Secretary-General of the International Maritime Organization to bring this resolution to the attention of all coastal States in the area.

3. **FURTHER INVITES** the Secretary-General of the International Maritime Organization to bring this resolution to the attention of the 80th session of the Organization’s Maritime Safety Committee.