



MARITIME SAFETY COMMITTEE
87th session
Agenda item 19

MSC 87/19/8
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PIRACY AND ARMED ROBBERY AGAINST SHIPS

Piracy-related issues for further consideration by the Committee

Submitted by ICS, ISF, BIMCO, INTERTANKO, INTERCARGO and OCIMF

SUMMARY

Executive summary: The co-sponsors comment on MSC 87/19/3 (Secretariat) and the report of the MSC *Ad Hoc* Working Group on LRIT and make proposals on the dissemination of information in support of counter-piracy operations and other related matters

Strategic direction: 6.2

High-level action: 6.2.1

Planned output: 6.2.1.2

Action to be taken: Paragraph 7

Related documents: MSC 87/19/3, MSC 87/6/1 and MSC 87/6/1/Add.1

Background

1 This document is submitted in accordance with the provisions of paragraph 4.10.5 of the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.2) and comments on document MSC 87/19/3.

2 The co-sponsors of this document are the core authors of the Best Management Practices on piracy and armed robbery in the waters off the coast of Somalia (BMP) and are therefore pleased with the actions taken so far by IMO in promoting the distribution of the document through the actions of the Committee.

BMP Distribution

3 The co-sponsors note the request in paragraph 19 of document MSC 87/19/3 for the Committee to consider expedient promulgation of counter-piracy guidance and make the following proposals:

3.1 The industry associations are committed to updating the BMP on a regular basis to reflect experiences gained with piracy tactics and developing tactical guidance to international shipping. The industry makes every effort to issue the guidance in a timely

manner and would prefer to find a mechanism for IMO that is not bound by the Committee's meeting cycle. It is therefore proposed that the Committee grants the IMO Secretariat the freedom to liaise with the Chairman and to distribute revised BMP guidance without having to wait for the Committee to formally approve the MSC circular. The Committee should be invited to retrospectively approve the circular at its next meeting.

3.2 The co-sponsors note with appreciation the various marine notes issued by flag States that recommend the BMP to ships flying their flag. However, the associations also note with concern that only a few flag States make the BMP itself freely available on their own website. Indeed, some flag States promote BMP derived products for sale. The industry associations have gone to considerable lengths to make the BMP freely available on industry and piracy-related websites; the practice of selling BMP training products is viewed with some concern. Notwithstanding this, the Committee is invited to urge flag States to promulgate the BMP to ships flying their flag, either through their website as a free download or through a link to existing industry websites.

Guidance to Masters and crews on investigation of piracy incidents

4 The co-sponsors endorse the concept of guidance on the collection and maintenance of evidence and on investigation prerequisites to be developed by the Committee. The industry associations undertake to contribute to this work to the extent possible.

Guidance to Companies, Masters and crews on the care of seafarers and others who have been subjected to a hijack

5 The co-sponsors were represented at the recent Working Group 3 of the Contact Group on Piracy off the Coast of Somalia meeting in IMO Headquarters (18-19 March 2010) and organized a workshop on first-hand experience of hijack incidents. Building on these discussions, the co-sponsors are working on guidance documents on seafarer welfare and on handling a hijacking situation. These documents cover, *inter alia*, piracy related training of seafarers, conduct during a period of captivity and actions to be taken post-release. It is intended that documents will be submitted to the Committee at its next session.

Release of LRIT data for Counter-Piracy Operational Support

6 The co-sponsors fully endorse the concept of releasing LRIT data on merchant ships in the area of interest off Somalia for the sole purpose of facilitating counter-piracy operational support. This view is taken on the basis that the prevailing circumstances are unique, that LRIT data will make a substantial contribution to the surveillance picture and that the flag State retains a veto on the use of data on ships flying its flag. In the interest of agreeing this concept without delay, it could be communicated in an MSC circular, but in the longer term, a draft SOLAS amendment should be required.

Action requested of the Committee

7 The Committee is requested to review the information provided and to decide as appropriate.
