International Conference on Piracy at Sea
ICOPAS, 17-19 OCTOBER 2011

CONFERENCE SUMMARY AND CONCLUSIONS

The participants at the International Conference on Piracy at Sea (ICOPAS) examined the current scourge of piracy from a number of different angles. The purpose of this document is to summarise the findings and conclusions of the conference.

Piracy and the World Public Order

The humanitarian and economic costs of piracy are unacceptable and there is no such thing as an acceptable level of piracy. The keynote speakers expressed serious concerns about the need for greater political unity and resolve to deter and defeat piracy at its roots.

The UN Convention on the Law of the Sea (UNCLOS) guarantees the freedom of navigation for all ships on the high seas and obligates all States to cooperate to the fullest possible extent in the repression of piracy on the high seas.

There is a clear growth in maritime crime in and off the waters of "weak" and "failed" States, with a particular increase in the use of violence everywhere. Seafarers should not have to be subjected to this.

There is a growth in "vessel hijacking" and "hostage taking", in the Indian Ocean. This occurs now as much in the Gulf of Guinea as in the Indian Ocean and there is a worrying resurgence of attacks in East Asian waters. The hijacking of yachts, fishing vessels, and their respective crews, as well as tourists is increasing.

Conclusions on Restoring Public Order through Law Enforcement

- States, in particular flag States, should extradite or prosecute persons suspected of having committed piracy and/or armed robbery at sea

according to their obligations under international law and by respecting international human rights law. They should comprehensively criminalize piracy and armed robbery at sea under their domestic law.

- Greater political effort should be exercised to bring an end to the "Catch and Release" practice.
- Cooperation among law enforcement agencies and institutions should be enhanced; in particular, the interface between military forces, national police organizations, and Interpol must be promoted.
- Ship operators and crews should facilitate prosecutions by assisting Interpol response teams, where possible, in preserving evidence at the scene of the crime.
- Continued support should be given to UNODC and other efforts in legal capacity building including the promotion of prisoner exchange.
- There is a need to continue to develop innovative international tools to overcome the constraints of national boundaries and jurisdiction in dealing with piracy, i.e.,
  - o Whilst regional capacity remains inadequate, prosecution and incarceration elsewhere should be exercised through, amongst others, national courts in the region or an "International Court with a Legal Mandate - "Piracy Chambers"" followed by post-trial transfer to Somalia, in accordance with international human rights law.
  - o Concurrently, a "Maritime Enforcement Mandate" should be created within the Somali EEZ once established, to protect Somali and international interests.
- In general, a means must be found to strengthen maritime governance in weak and failed states to prevent piracy from breaking out.
- Regional judicial and enforcement training is essential to enhancing the capability to successfully prosecute pirates.

Conclusions on Suppressing Piracy: Operational and Economic Issues

- Operational:
  - o Enhance co-ordination and de-confliction of coalition naval assets to effectively and efficiently mitigate the threat from Piracy.
  - o Strive for greater integration of independent and regional forces and efforts – including the basing of maritime patrol aircraft.
  - o Continue strategic commitment of the coalition navies in the area

- o There should be full and total Flag State and Industry cooperation in order to provide full LRIT details to the coalition navies and remove all obstacles to the use of Military VPDs both for WFP escorts and indeed, for all vessels identified as vulnerable.
- Economic:
    - o Improve supranational and regional initiatives external funding.
    - o Establish better co-operation mechanisms and harmonize efforts by the CGPCS WG with those of other organizations –including UNDP, UNPOS, UNODC, ICG, IMO, AU, AMISOM, IOC, EU, and NATO – and develop one point of contact for all.
    - o Promote Somali engagement and a better understanding of perspectives by looking at a bottom up rather than top down approach.
    - o Establish the Somali EEZ now, at the same time as addressing related economic, social and environmental concerns; capacity building programmes have to address all of these simultaneously.
    - o There is room to consider a Maritime Mandate that could be policed by the international community to fill the maritime law enforcement gap until a Somali legal and law enforcement structure is effectively established.

Conclusions on Piracy, Technological Developments, and Multisectoral Response

- While there is positive and close co-operation between industry and the multinational naval forces, industry must work harder to ensure full and effective implementation of BMP4 in order to inform and help seafarers whilst transiting the region.
- There is a very clear requirement to use risk assessment methodologies across the spectrum of stakeholder interests – including whether to use armed guards.
- There are a growing number of technologies available to mitigate risk that can be considered from effective application of razor wire through advanced radar systems to effective citadels.

Conclusions on Privately Contracted Armed Security Personnel

- The consensus is very clear: seafarers should not be armed.

- IMO does not endorse the use of PCASP and agreed that this is a matter for Flag states.
- Industry would prefer where risk analysis suggests the requirement for the use of a VPD, that they are provided by Flag states to enhance the legitimate use of such armed security and reduce potential liability.
- Industry also recognises that ship owners use PCASPs to discharge their duty of care to the seafarers who are employed on their vessels and as a result of risk analysis. However, there are other issues that need to be addressed such as regulatory, commercial, CSR and liability.
- The use of PCASPs should only be accepted as a temporary measure and the industry maintains this position in order to avoid their use becoming institutionalized and in order to avoid to the greatest possible extent a further escalation Somali piracy.
- Industry is of the view that self regulation, through the transparent due diligence operations of developing maritime security accreditation organizations and the implementation by PCASPs of guidelines provided in IMO MSC Circular 1405, might be sufficient for the short term.
- If the application of the guidelines provided in IMO MSC Circulars 1405 and 1406 proves ineffective, then regulation may have to be addressed.
- It was agreed that accurate and extensive reporting of any incident in which PCASPs acted to protect the vessel and crew is of great importance in assessing the effectiveness of this temporary measure.

Conclusions on the Humanitarian Response to Piracy at Sea

- The potential for being involved in a piracy attack creates a high level of anxiety in many seafarers and their families.
- Greater and more accurate reporting of all piracy incidents is required.
- There is a growing understanding of the actual psychological impact of piracy on seafarers and their families – the human cost of piracy on seafarers' and their families should be further researched.
- The "good practice" guides for companies and welfare associations for the humanitarian support of seafarers and their families should be implemented.
- "Good practice" guidance and appropriate training for responders should be continued and fully implemented a database of such responders should be established.
- There is a requirement for evidence based and appropriately timed post release care/support.

- Psychosocial supports that are designed and implemented must be rigorously researched to ensure quality and efficacy of the highest standards.
- Standardised training for seafarers to survive piracy and increased awareness of the risks involved is essential.
- Organisations seeking to support seafarers and their families are encouraged to work together so that good practice can be affirmed and reinforced.
- There is a need to coordinate with humanitarian organizations in dealing with the issue of juvenile pirates.

Abbreviations

AMISOM	African Union Mission in Somalia
AU	African Union
BMP	Best Management Practices for Protection against Somalia Based Piracy
CGPCS WG	Working Groups of the Contact Group on Piracy off the Coast of Somalia
CSR	Corporate Social Responsibility
EEZ	Exclusive Economic Zone
EU	European Union
ICOPAS	International Conference on Piracy at Sea
ICG	International Contact Group on Somalia
IMO	International Maritime Organization
Interpol	International Criminal Police Organization
IOC	Indian Ocean Commission
LRIT	Long Range Identification and Tracking
MSC	Maritime Safety Committee of the IMO
NATO	North Atlantic Treaty Organization
PCASP	Privately Contracted Armed Security Personnel
SOLAS	International Convention for the Safety of Life at Sea
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNPOS	United Nations Political Office for Somalia
VPD	Vessel Protection Detachment
WFP	World Food Programme