

# **POTENTIAL OF NEW COOPERATIVE FRAMEWORK FOR PROTECTION OF SOUTHERN SHIPPING LANES OFF EAST AFRICA**



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# OVERVIEW:

- Brief Introduction to IMO
- Piracy & related Conventions
- Djibouti Code of Conduct and other initiatives of the Region
- Cooperative Mechanism (The Mozambique Channel)





# IMO

## What is IMO ?

**Safer** shipping

**Cleaner** oceans

***“IMO: SAFE, SECURE AND EFFICIENT  
SHIPPING ON CLEAN OCEANS”***



International Maritime Organization  
United Nations Secretariat of the Sea  
London, United Kingdom  
www.imo.org

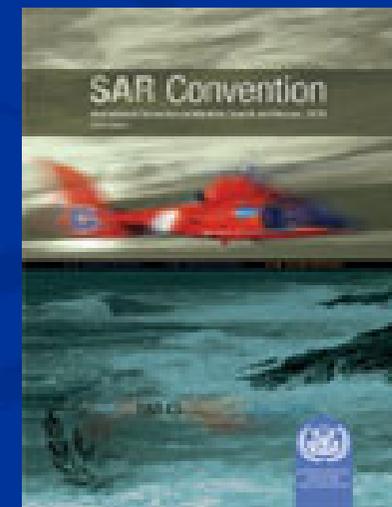
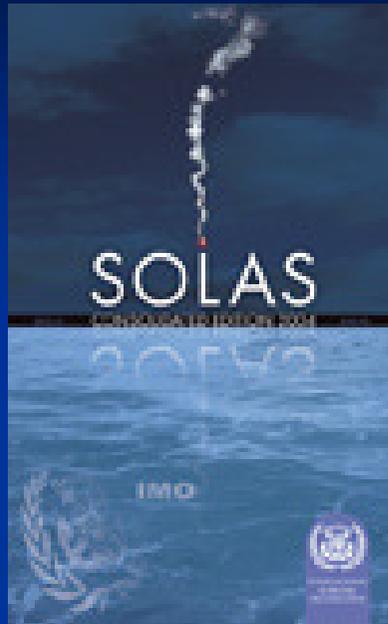


# Global Coverage

- 170 Member States
- All major ship owning nations
- All major coastal States
- IGOs and NGOs
- 99% of world tonnage



# IMO Conventions



# conventions/agreements: SUA

The SUA Convention requires

- Each party shall take such measures as may be necessary to establish its jurisdiction over the offences set out the Convention committed within its territory, including its territorial sea, on board vessels flying its flag, and by its nationals
- Parties must extradite or prosecute alleged offenders
- The 2005 Protocol set outs additional offences

## conventions/agreements: SUA

### The 2005 Protocol to the SUA Convention

- Provides for the possibility of enforcement action being taken by a State other than the flag State against a ship outside the territorial sea of a State, if:
  - requested by the flag State
  - authorized by the flag State
- Provides that any use of force must not exceed the minimum degree of force necessary and reasonable in the circumstances
- Sets out safeguards

# IMO's work on counter-piracy

- Global guidance to Governments, ship owners, ship operators and crews on suppression of piracy
- Statistic of offences
- Somalia-specific guidance including BMP
- Guidance to flag States, coastal and port States, ship-owners, ship operators and ship masters on privately contracted armed security personnel (MSC.1/Circs. 1405/Rev.1, 1406/Rev.1 and 1408) Guidance to private maritime security companies (MSC.1/Circ. 1443)
- DCoC and West and Central Africa initiatives, among other global initiatives

# Cooperative arrangements for the Malacca and Singapore Straits

## Four Entities

- Tripartite Technical Expert Group (TTEG)
- Cooperation Forum
- Project Coordination Committee
- Aids to Navigation Fund



# Cooperative arrangements for the Malacca and Singapore Straits

## Objectives

- Littoral States (Indonesia, Malaysia and Singapore):
  - To engage user States, shipping industry and other stakeholders to participate and share the responsibility in maintaining and enhancing the safety of navigation and protection of the marine environment in the Straits which is of strategic importance for regional and global trade
  - Littoral States (Indonesia, Malaysia and Singapore)
- User States, shipping industry and other stakeholders:
  - Co-operate, contribute and play a role in above



# ReCAAP

- First regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery in Asia
  - 19 Contracting Parties
  - ReCAAP ISC is located in Singapore

# ReCAAP

- Platform for information exchange with ReCAAP Focal Points via IFN
- Facilitates communication and information exchange to enhance response
- Analyse and provide accurate statistics to foster situation awareness
- Facilitate capacity building efforts to improve capabilities
- Cooperate with organisations and like-minded parties in joint exercises, information sharing, capacity building programme etc

# Djibouti Code of Conduct and other IMO's work on counter- piracy



# Djibouti Code of Conduct

- Signed in January 2009, the Code now has 20 signatory States from the 21 eligible to join
- Provides the framework for assistance to regional states to counter piracy and armed robbery at sea

**Comoros, Djibouti, Egypt, Eritrea, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, Sudan, Tanzania, U.A.E and Yemen**



# Djibouti Code of Conduct

## Purpose and scope

States agree to :

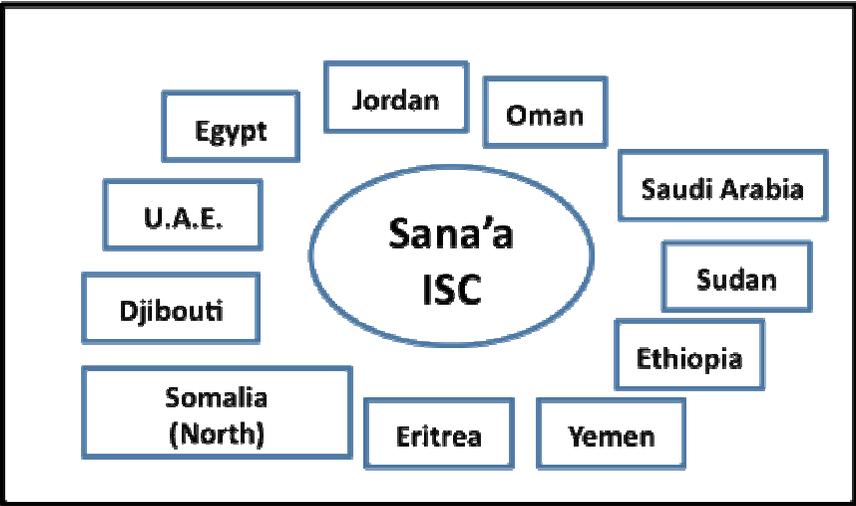
- share and report information
- interdict ships and aircraft suspected of engaging in acts of piracy/armed robbery
- ensure that persons committing such acts are apprehended and prosecuted
- facilitate treatment for the victims

# Djibouti Code of Conduct

The work outlined in the Code is aimed at improving regional co-ordination and co-operation and is based on 4 broad pillars:

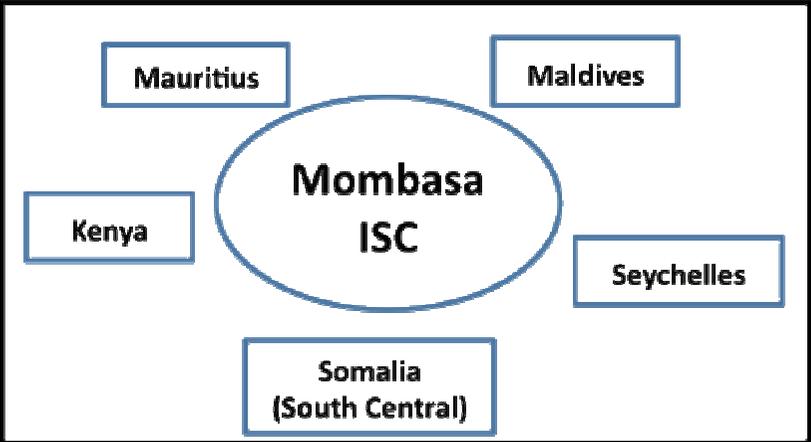
- **Information sharing**
- **Capacity Building**
- **Updating Legislation**
- **Regional Training**



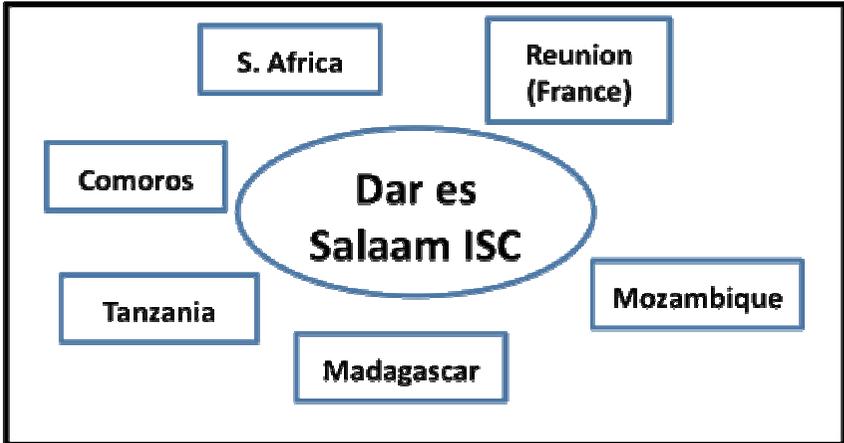


**Area North**

**IMO**



**Area Central**



**Area South**

# Legal

The signatories Djibouti Code of Conduct also undertook to **review and update their national legislation** in order to:

- criminalize piracy and armed robbery against ships
- exercise of jurisdiction
- conduct of investigations
- prosecute alleged offenders

## Article 11

### Review of National Legislation

*In order to allow for the prosecution, conviction and punishment of those involved in piracy or armed robbery against ships, and to facilitate extradition or handing over when prosecution is not possible, each Participant intends to review its national legislation with a view towards ensuring that there are national laws in place to criminalize piracy and armed robbery against ships, and adequate guidelines for the exercise of jurisdiction, conduct of investigations, and prosecutions of alleged offenders.*

# Progress to Date

- In cooperation with other partners and other UN agencies, IMO is delivering capacity building through Training:
  - Regional workshop
  - National tabletop exercise
  - National legal assessment
- Kampala Process – new maritime strategy



# Capacity Building and Training

- Djibouti Regional Training Centre (DRTC) - Resolution 3 of the Djibouti Meeting 2009 to enhance training in the region
- The construction of the building is funded by IMO, with funds donated to the DCoC Trust Fund
- Expected to be finalised later this year

# **West and Central Africa**

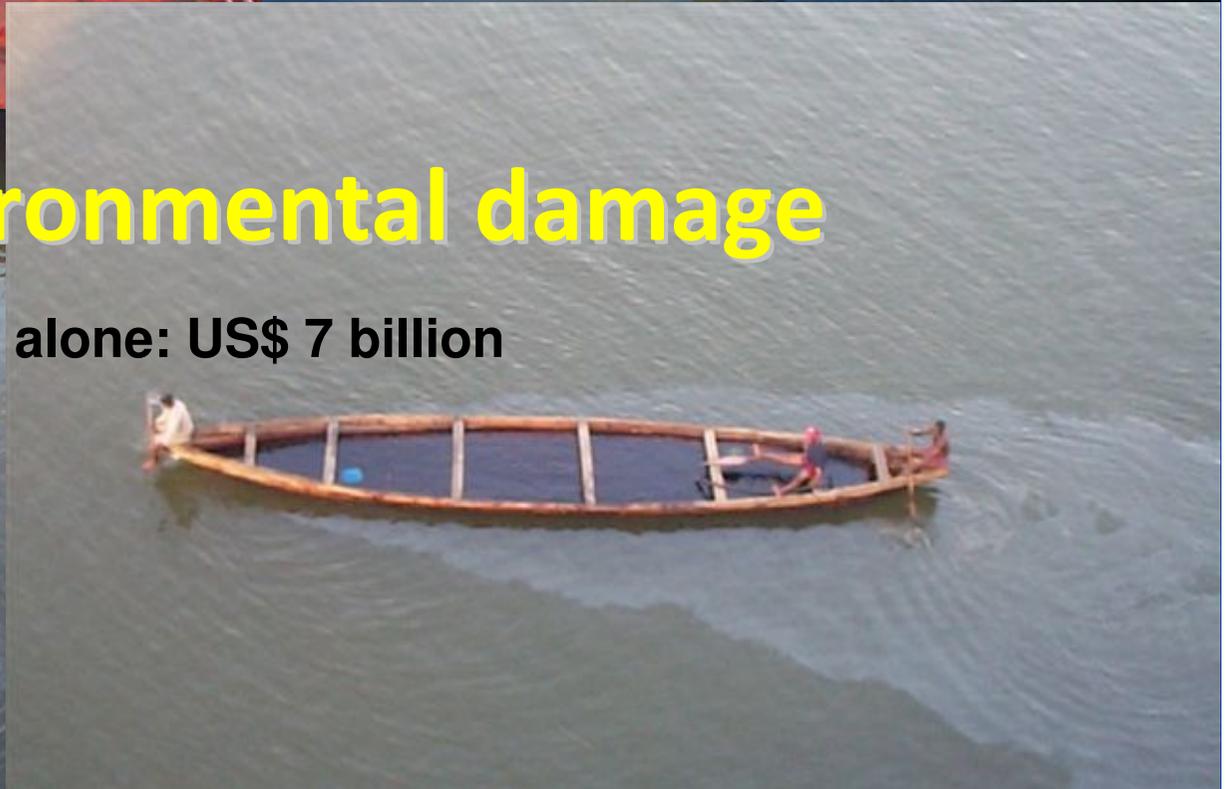
## **Initiatives for the region**

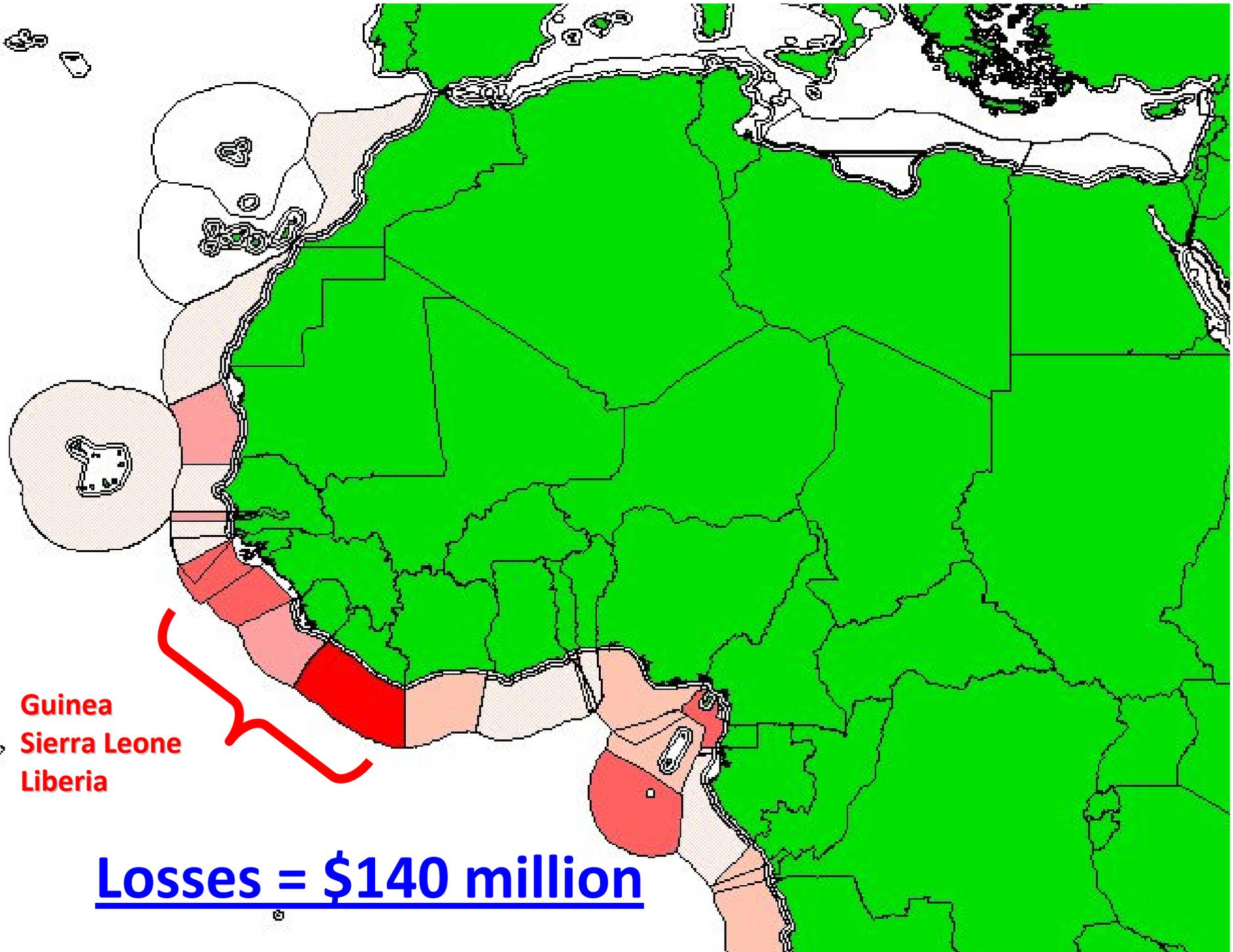




# Oil Theft / Environmental damage

Estimated cost to Nigeria alone: US\$ 7 billion





Guinea  
Sierra Leone  
Liberia

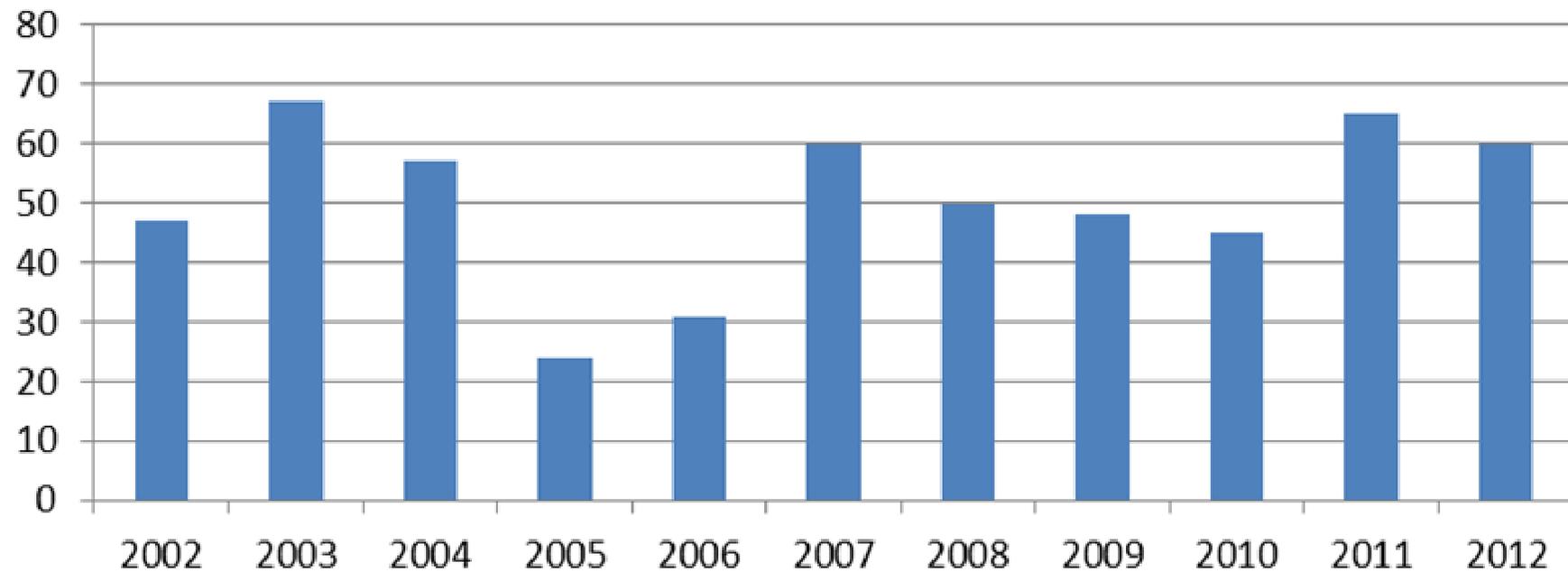
Losses = \$140 million



**“the highest levels of IUU fishing in the world, representing up to 37 % of the region’s catch. Along with the economic losses, pirate fishing in West Africa severely compromises the food security and livelihoods of coastal communities”**

# West Africa – Trends (IMO)

Figure 1. Piracy and Armed Robbery Against Ships in West Africa



# West Africa – Totals (IMO)

## Piracy and armed robbery incidents reported to IMO (2002-2012)

Piracy	Armed robbery	Number of ships hijacked	Number of seafarers held hostage	Number of seafarers killed
110	444	24	444	44

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*In international waters* **110**

*In territorial waters* **174**

*In port area* **270**

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*At anchor* **345**

*Steaming* **149**

*Not stated* **53**

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# West Africa Piracy Incidents Jan to 19 Jul 2013

	Suspicious Approach	Vessel Fired Upon	Boarded & Robbed	Hijacked	Monthly Total	Vessels Hijacked
Jan		1	2	1	4	ITRI (16)
Feb		4	2	3	9	Gascogne (17) Armada Tugas 1(11) Esther C (3)
Mar		1	1		2	
Apr	2	2	3		7	
May	2	5	1		8	
Jun		2	2	1	5	Adour
July* (19Jul)	1		1	2	4	MV Cotton (20) Ocean Centurion
<b>Total</b>	<b>5</b>	<b>15</b>	<b>12</b>	<b>7</b>	<b>39</b>	

# Piracy and Armed Robbery off West Africa

- Different from Somalia-based piracy
- Theft not kidnap and ransom
- Trading vessels not passing traffic
- Stationary
- In territorial waters
- Sovereignty issues



# Initiatives for the Region

- UN Security Council resolutions 2018(2011) and 2039(2012)
- African Union Integrated Maritime Strategy
- ECCAS Maritime Strategy
- ECOWAS draft Integrated Maritime Strategy
- IMO / MOWCA MoU



# State responsibilities at sea

- Maritime and offshore security
- Suppressing piracy and armed robbery
- Fishery protection
- Counter illegal trafficking
- Protecting the environment
- Safety of navigation
- Search and rescue



# MOWCA



**IMO / MOWCA “Integrated Coast Guard Function Network”**  
**15 signatory States from the region**

# 'Table-top exercises'

- Ghana
- Liberia
- The Gambia
- Sierra Leone
- Equatorial Guinea
- Côte d'Ivoire
- Congo
- DR Congo
- Senegal
- More to come



# 'Table-top exercises'

- National maritime strategy
- National maritime security strategy
- National maritime security committee
- National maritime security plans, practices and procedures
- Business plan
- Pull not push



# MTISCG G

Maritime Trade Information Sharing Centre  
Gulf of Guinea

MTISCG   
Maritime Trade Information Sharing Centre  
Gulf of Guinea

Ex OBANGAME  
EXPRESS 2013  
(MTISCG-GoG Concept Trial)

Supported by:

- Ghana Navy
- Ghana Maritime Authority
- Ghana Ports & Harbours Authority
- Regional Maritime University

&

- IMO
- INTERPOL
- UK Foreign Office
- US AFRICOM
- France Diplomatie
- OCIM



**Code of Conduct concerning the  
repression of piracy, armed  
robbery against ships, and illicit  
maritime activity in West and  
Central Africa**

*Adopted: Cotonou, Benin, 19 March 2013*

Signed by 22 States at the Head of State  
meeting Yaoundé, Cameroon, 25 June 2013

# Key Objectives

- Review of national legislation
- Capability for maritime law enforcement
- Capacity building cooperation
- Coordinated, smooth, and effective communications through information exchange centres



# 'Djibouti Code plus'

- Addresses: transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea
- Article 3 - Measures at the National Level
- Article 7 - Measures to repress IUU fishing
- Article 9 - Embarked Officers
- Article 14 – Training and education
- African Union is the repository



# Way forward

- Build on political will of Heads of State meeting
- Challenge sea blindness
- Promote development of national maritime strategies – focus on opportunities
- Promote ‘joined up government’ in region
- Focus on implementing what the member States want rather than the development partners

# Why do this?

- Food security
- Secure energy supply
- Better facilitation → increased trade
- Increased prosperity → stability
- Reduction in trafficking of drugs, weapons, people
- Deterrence of maritime terrorism
- Reduction in illegal migration
- Improved safety of life at sea
- Better implementation of IMO instruments
- More States acceding to IMO Conventions
- .....

# Challenges

- Articulate a vision
- Workload vs resources
- Develop and implement a coordinated approach
- Delivery predicated on using existing resources i.e. IMST funds

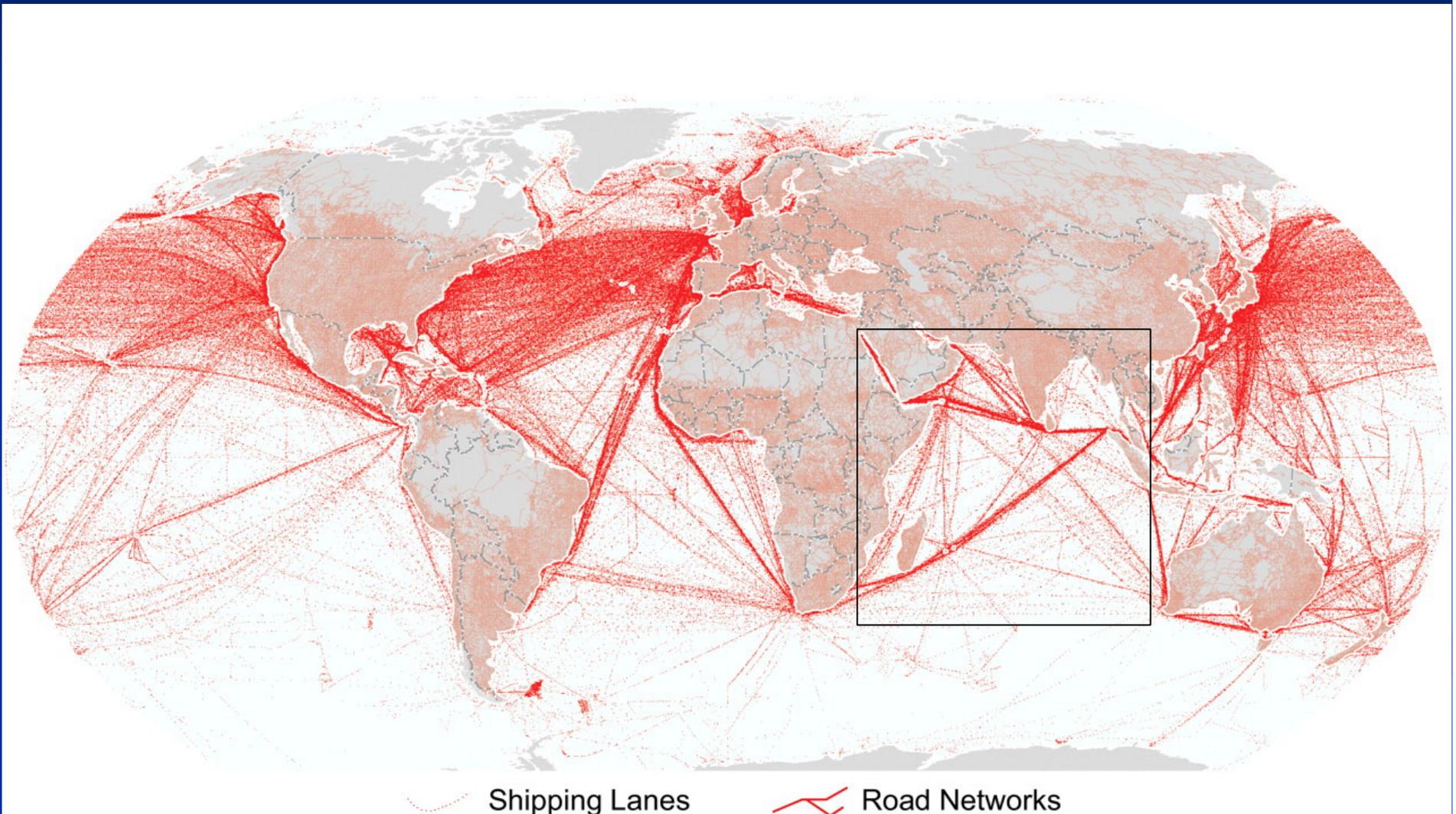


**COOPERATIVE MECHANISM FOR THE  
PROTECTION OF SHIPPING LANES IN  
THE SOUTH WESTERN INDIAN OCEAN  
(THE MOZAMBIQUE CHANNEL)**

**POSSIBLE? OR USEFUL?**



# The Maritime Routes in ESA-IO



# Disruption of CMR / IO (2011)



## Regional Option

Combine current infrastructure and sea-going resources in a co-operative regional mechanism to address the threat through mutual patrolling and prevention of attacks

**(STRENGTH IN UNITY)**



# Protection of Shipping Lanes in the South Western Indian Ocean High Risk Area (PSSL)

- Broader definition of what needs to be protected
- Support for maritime forces in holistic approach vis-a-vis economic value of the maritime domain
- Use of existing forces through inter-national, sub-regional, and intra-national coordinated commands
- Accurate operational picture to allow maritime forces to concentrate efforts
- Information exchange between parties concerned

# Protection of Shipping Lanes in the South Western Indian Ocean High Risk Area (PSSL)

- Maritime safety, security and marine environmental protection
- As envisaged in both the:
  - African Maritime Transport Charter
  - AU maritime strategy, adopted in 2012
- International and regional organisations, such as EU, EASF, SADC, Alindien, US AFRICOM, IOC
- Two specific areas:
  - Protection of EEZs with positive economic output (e.g. fishing grounds, oil fields etc.)
  - Protection of shipping lanes extra- and inter-regional

# Cooperative Mechanism for the Mozambique Channel and its' Approaches

- Participating littoral States
- Comoros, France ([La Reunion and] La Mayotte), [Kenya,] Madagascar, [Mauritius,] Mozambique, [Seychelles,] South Africa, and Tanzania
- User States
- International and regional Organisations
- Other stakeholders

# Cooperative Mechanism for the Mozambique Channel and its' Approaches

## Principles:

- Sovereignty, sovereign rights, jurisdiction and territorial integrity of the participating littoral States over the Channel
- Consistent with international law and in particular, Article 43 of UNCLOS ?

# Cooperative Mechanism for the Mozambique Channel and its' Approaches

## Principles:

- Recognising the interests of user States [international and regional Organisations] and other stakeholders and the role they could play in respect of the Channel, and that such co-operation should be on a **voluntary basis**

# Cooperative Mechanism for the Mozambique Channel and its' Approaches

Three main components:



Co-operation  
Forum for  
open  
dialogues

Project Co-  
ordination  
Committee on  
implementation  
of projects in co-  
operation with  
sponsoring users

Trust Fund for  
direct financial  
contribution for  
renewal and  
maintenance of  
maritime safety,  
security and  
environmental  
protection related  
equipment

# Cooperation Forum

- Main body for parties concerned to meet and co-operate with participating littoral States
- Promote general dialogue and exchange of views on issues of common interests
- Facilitate concrete and practical co-operation between all parties concerned
- Avenue for participating littoral States to gather feedback from users of the Channel in coordinated manner

# Project Co-ordination Committee

- Implementation of specific projects, identified and agreed by the CF
- Comprising of participating littoral States and sponsors of projects
- Overseeing the co-ordination in the implementation of projects
- Overall project co-ordination



# Trust Fund

Long-term & sustainable means of financing

States, industry, private benefactors, non-governmental organizations and inter-governmental organizations

Contributions to Trust Fund (voluntary)

Maintenance of critical aids to navigation; maritime tracking and monitoring equipment; and operation of ISCs for the Channel

Trust Fund administration by participating littoral States on rotation basis

Trust Fund Committee

Providing means for all users / stakeholders to contribute financially

Secretariat

**Any Questions?**



**Thank you**

