

4 ALBERT EMBANKMENT
LONDON SE1 7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

Circular letter No.3210
18 July 2011

To: IMO Member States and other Governments
United Nations and specialized agencies
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **World Maritime Day, 2011**

Further to Circular letter No.3126 of 1 December 2010, the Secretary-General has the honour to enclose herewith material in connection with this year's celebrations of World Maritime Day, to take place during the week of 26 to 30 September 2011, namely:

- the text of his message on the occasion (attached as annex 1); and
- a statement on the year's theme ("**Piracy: orchestrating the response**") (attached as annex 2).

It would be appreciated if the material enclosed herewith could be forwarded, as soon as possible, to the authorities responsible for organizing the celebrations of World Maritime Day. In order to promote the Day more widely, it would also be appreciated if the authorities concerned would organize, wherever possible, suitable events to celebrate the Day; and inform the Secretariat, by 15 September 2011, of any activities that they are planning to this end, to enable a report to be prepared for submission to the Council at its 26th extraordinary session in November 2011.

The Secretary-General's message has been recorded in English only and will be available on the IMO website, at www.imo.org, in audio and video format, for downloading. Additionally, hard copies of the message will be available for downloading in all of the Organization's official languages (Arabic, Chinese, English, French, Russian and Spanish); while hard copies of the statement in annex 2 will be available for downloading in the three working languages of the Organization (i.e. in English, French and Spanish), as per the usual practice.

As stated in Circular letter No.3126, the 2011 World Maritime Day parallel event, which will be hosted by the Government of Italy, will be held in Rome on 13 and 14 October 2011. Full details of the parallel event, as well as the programme, will be circulated in due course.

ANNEX 1

WORLD MARITIME DAY 2011 PIRACY: ORCHESTRATING THE RESPONSE

A message from the Secretary-General of the International Maritime Organization, Mr. Efthimios E. Mitropoulos

As a manifestation of its overall concern about safeguarding human life at sea, the Organization has chosen, as the theme for this year's World Maritime Day, to highlight the efforts it has been making, over several years, to meet the challenges of modern-day piracy and, in so doing, generate a broader, global response to eradicate it. The intention has also been to complement and continue work in the spirit of last year's theme, which was dedicated to seafarers.

From the early 1980s until recently, the anti-piracy campaign of IMO was focused on the traditional hot spots of the Straits of Malacca and Singapore and the South China Sea. Through a series of measures, developed and implemented with the strong and much appreciated co-operation of the littoral States and the unreserved support of the shipping industry, the scourge of piracy in those waters has significantly reduced nowadays.

However, this thorny issue has lately manifested itself in other parts of the world, most notably – but not exclusively – in the waters off the coast of Somalia, the Gulf of Aden, the Arabian Sea and the wider Indian Ocean. Ships carrying oil out of the Persian Gulf and the Gulf of Oman are now firmly within the sights of pirates, who have become bolder, more audacious, more aggressive and violent and seem to be better organized than ever before.

All these disconcerting and worrying developments have, if anything, strengthened our determination to meet the challenge, as we believe that we can use the experience gained and the successes achieved in reducing piracy elsewhere in the world to good effect in the current arena too – but, to do so, requires a well devised and coordinated response.

Kidnap and ransom is the *modus operandi* in the Somali case and, in a continuously fluctuating situation, there are several hundred seafarers currently being held hostage on board hijacked ships, with their time in captivity averaging six months.

A recent study has revealed the shocking statistics that, during 2010 alone, 4,185 seafarers were attacked by pirates using firearms, even rocket propelled grenades; 1,090 were taken hostage; and 516 were used as human shields. No fewer than 488 were reported suffering significant psychological or physical abuse.

Moreover, while innocent seafarers bear the brunt of these crimes, the world economy suffers too – an annual cost that is now estimated to be between 7 billion and 12 billion US dollars. And, with more than 12 per cent of the total volume of oil transported by sea flowing through it, the strategic importance of the Gulf of Aden can be severely affected, while ships, electing to divert via the Cape of Good Hope to avoid being attacked by pirates, face significantly longer voyages with all the associated costs and environmental consequences.

It is for all these reasons that IMO has decided to make combating piracy not only the theme for World Maritime Day but also a central theme of its work this year and for as long as necessary. To this effect, we have developed a multi-faceted action plan designed to address the problem at several different levels and are proceeding with its implementation in an **orchestrated** manner – a reflection of the fact that the problem has become too entrenched and deep-rooted to be solved by any single entity. The United Nations, alliances (political and defence) of States,

Governments acting collectively or individually, military forces, shipping companies, ship operators and ships' crews, all have a crucial part to play in order to rid the world of the threat posed by piracy in the vast expanse of the Indian Ocean.

To alleviate this unacceptable situation, no effort should be spared. Shipping companies must ensure that their ships rigorously apply the IMO guidance and industry-developed Best Management Practices in their entirety, so that, when venturing into the western Indian Ocean region, they comply with all the recommended measures: no ship is invulnerable, in particular those with relatively low freeboards and slow steaming speeds. And Governments need to back up their oft-stated concern over the situation by deploying military and other resources commensurate, in numbers and technology, with the scale of the problem and with a realistic chance of dealing with it effectively.

While IMO has positioned itself in the epicentre of the concerted efforts being made, it cannot alone supply an instant solution to the issue – particularly since, although piracy manifests itself at sea, the roots of the problem are to be found ashore. Nevertheless, through our action plan and other initiatives, and in collaboration with other interested parties, equally determined and committed as ourselves, we feel confident we will be able to make a difference where the problem is being most acutely felt – at sea.

Some success in thwarting pirate attacks can already be claimed, as can be seen from the falling percentage of attacks that prove successful. Nevertheless, as the statistics so bleakly indicate, piracy and armed robbery against ships remain real and ever-present dangers to those who use the seas for peaceful purposes. So long as pirates continue harassing shipping, hijacking ships and seafarers, we are neither proud of, nor content with, the results achieved so far.

More needs to be done, including the capture; prosecution and punishment of all those involved in piracy; the tracing of ransom money; and the confiscation of proceeds of crime derived from hijacked ships, if the ultimate goal of consigning piracy to the realms of history is to be achieved. We hope that our choice of the theme for 2011 will provide an appropriate rallying point around which all those who can make a difference can focus their efforts.

In the meantime, our thoughts and prayers are with those seafarers, who, at present, are in the hands of pirates. May they all be released unharmed and returned to their families soon.

ANNEX 2

WORLD MARITIME DAY 2011 PIRACY: ORCHESTRATING THE RESPONSE

Background Paper

The escalation of piracy at sea in recent years has been a matter of great concern to the maritime community and has prompted IMO to make combating it a central theme of its work this year. The reality, of course, is that piracy is too complex and has become too entrenched for any one entity to deal with it effectively. The United Nations, Governments acting collectively or individually, military forces, shipping companies, ship operators, ships' crews, among others, all have a crucial part to play if shipping is to be rid of this crime and the integrity of strategically important shipping lanes maintained. What is needed is a collective effort, and that is why IMO chose "Piracy: orchestrating the response" as its theme for World Maritime Day 2011 and to underpin its own work in this area during this year and beyond.

IMO has devised a multi-faceted action plan, designed to address the problem at several levels. Although the waters off the coast of Somalia and in the wider Indian Ocean constitute the current piracy "hot spot", IMO's action plan draws heavily on the Organization's considerable experience of tackling piracy in other parts of the world, most notably the straits of Malacca, Singapore and the South China Sea.

Launched in the presence of UN Secretary-General Ban Ki-moon, as well as the heads of several other key stakeholders, IMO's action plan has six major objectives (see box 1).

MSC provides focal point

In May 2011, the eighty-ninth session of IMO's Maritime Safety Committee (MSC 89) noted that IMO statistics indicated the number of acts of piracy and armed robbery against ships reported to the Organization and which occurred in 2010 was 489, against 406 during the previous year, an increase of 20.4% from the figure for 2009. Two crew members had been killed and 30 crew members were reportedly injured/assaulted, while 1,027 crew members were reportedly taken hostage or kidnapped. Fifty-seven vessels were reportedly hijacked, with one vessel reportedly still unaccounted for.

MSC 89 provided a focal point for several ongoing issues in the Organization's anti-piracy efforts. As concern over piracy has escalated, so has the debate over the use of private armed security personnel aboard ships. MSC 89 approved recommendations and guidance for both flag States and for shipowners, ship operators, and shipmasters on the use of privately contracted armed security personnel (PCASP) on board ships in high-risk areas.

The guidance notes that the use of PCASP should not be considered as an alternative to the already adopted Best Management Practices (BMP) and other protective measures, and that placing armed guards on board as a means to secure and protect the vessel and its crew should only be considered after a risk assessment has been carried out. The guidance includes sections on risk assessment, selection criteria, insurance cover, command and control, management and use of weapons and ammunition at all times when on board and rules for the use of force as agreed between the shipowner, the private maritime security company and the Master.

The interim recommendations and guidance do not change IMO's position on the use of armed personnel – seafarers should not be armed and the carriage of armed personnel remains a matter for individual shipowners, after a thorough risk assessment, to request and the Flag State to decide. Flag States should have a policy in place on whether or not the use of PCASP will be authorized and, if so, under what conditions.

Following the decision of an earlier session of the MSC, an information distribution facility (IDF) was established in January 2011, for the provision of Long Range Identification and Tracking (LRIT) information to security forces operating in the Gulf of Aden and the western Indian Ocean, to aid their work in the repression of piracy and armed robbery against ships. Access to the IDF has been provided to both the North Atlantic Treaty Organization (NATO) and the European Union Naval Force (EU NAVFOR) in order to improve maritime domain awareness in that area in an effort to warn vessels in the vicinity of potential piracy threats. IMO continues to encourage all SOLAS Contracting Governments to participate in the LRIT IDF.

MSC 89 also adopted a resolution on *Implementation of Best Management Practice Guidance*, which strongly urges all parties concerned to take action to ensure better implementation of these important measures, recognizing the urgent need for merchant shipping to take every possible measure to protect itself from pirate attacks and that effective self-protection is key to avoiding, evading and deterring such attacks.

The resolution strongly urges all those concerned to take action to ensure that, as a minimum and as recommended in the Best Management Practices, ships' masters receive updated information before and during sailing through the defined high-risk area; ships register with the Maritime Security Centre Horn of Africa and report to United Kingdom Maritime Trade Operations (UKMTO) Dubai; and that ships effectively implement all recommended preventive, evasive and defensive measures.

The MSC also agreed *Guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships*, which are intended to be used in conjunction with the existing IMO-developed *Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships*. The guidelines are intended to assist investigators in the collection of evidence, including forensic evidence, to support the submission of written reports which may assist in the subsequent identification, arrest and prosecution of the pirates that held the vessel and crew captive. Formats for crew statements and logging of evidence are included, as well as guidelines on recovery and packaging of exhibits such as blood, clothing and weapons.

Looking ahead, both the Facilitation Committee and an intersessional meeting of the Working Group on Maritime Security and Piracy will convene in early September 2011 to consider and further develop recommendations to Governments on the use of PCASP; review the interim guidance to shipowners, ship operators and shipmasters on the use of PCASP for any consequential amendments and identify any necessary consequential amendments to the current *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships* and the *Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships*.

Djibouti Code of Conduct

The Djibouti Code of Conduct, established by IMO to develop regional capacity to counter piracy in the Gulf of Aden and western Indian Ocean, is a major element in the Organization's anti-piracy strategy. Signatories to the Code (see box 2), which has been in effect since 29 January 2009, undertake to co-operate in a variety of activities, including:

- the investigation, arrest and prosecution of persons reasonably suspected of having committed acts of piracy and armed robbery against ships, including those inciting or intentionally facilitating such acts;
- the interdiction and seizure of suspect ships and property on board such ships;
- the rescue of ships, persons and property subject to piracy and armed robbery and the facilitation of proper care, treatment and repatriation of seafarers, fishers, other shipboard personnel and passengers subject to such acts, particularly those who have been subjected to violence; and
- the conduct of shared operations – both among signatory States and with navies from countries outside the region – such as nominating law enforcement or other authorized officials to embark on patrol ships or aircraft of another signatory State.

Signatories to the Code also undertake to review their national legislation with a view to ensuring that there are laws in place to criminalize piracy and armed robbery against ships and to make adequate provision for the exercise of jurisdiction, conduct of investigations and prosecution of alleged offenders.

The sharing of timely information on the current piracy situation is a key element of the orchestrated response. Under the auspices of the Djibouti Code, a Regional Maritime Information Sharing Centre (ISC) has been established in Sana'a, Yemen, serving principally the northern group of States of the Red Sea and Gulf of Aden. Radiocommunication and IT equipment for the Centre has been funded through the IMO Djibouti Code Trust Fund and was installed in January 2011. The Centre went operational in February 2011. Two other Information Sharing Centres, linked to, and sharing information with, the Sana'a ISC, and co-located with the maritime search and rescue centres in Mombasa, Kenya and Dar es Salaam, United Republic of Tanzania, became operational in March 2011.

IMO continues to work with signatory States to the Djibouti Code of Conduct and donors to identify and implement projects that will enhance maritime situational awareness throughout the region. For example, the Organization has embarked on a joint project with the United States and the United Republic of Tanzania to have Automatic Identification System (AIS) and radar sensors installed at key sites along the Tanzanian coast. The project is expected to be completed by the end of 2011 and will result in increased visibility of commercial and unknown vessels in the Tanzanian EEZ. Elsewhere, work on technical projects in Seychelles to provide enhanced counter-piracy equipment to the Seychelles Maritime Safety Administration is progressing, with the installation of an international NAVTEX broadcasting station due this summer.

A workshop on legal training for counter-piracy operations, organized by IMO and the United Nations Office on Drugs and Crime (UNODC), was held in Djibouti in March 2011. It focused on law enforcement procedures and rules of engagement which must be developed and applied on a multi-agency basis, covering issues such as maritime zones; use of force in maritime law enforcement; and case studies.

Looking ahead, further training activities are planned for maritime law enforcement, situational awareness and communications for experts in the signatory Governments to the Djibouti Code. Furthermore, equipment-specific training for personnel operating the ISCs, and technical assistance programmes to upgrade national anti-piracy legislation to assist signatory Governments to meet their obligations under the Code are planned for 2011. These activities will be carried out in co-operation with the United Nations Political Office for Somalia (UNPOS), UNODC, the International Criminal Police Organization (Interpol), the European Commission and the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP-ISC) from which much of the inspiration for the Djibouti Code is drawn.

Raising awareness

Much of IMO's 2011 anti-piracy campaign has focussed on raising awareness of the issues and galvanizing those who may be in a position to act.

In January, a workshop on preventing and suppressing piracy was held at IMO HQ in order to raise awareness among those responsible for the oversight and delivery of seafarer training. Briefings were given by representatives of flag States, industry groups, the Contact Group on Piracy off the Coast of Somalia (CGPCS), navies and the IMO Secretariat.

This was followed in February by a meeting at IMO HQ involving the Secretary-General and representatives of the Round Table of international shipping associations (BIMCO, ICS/ISF, INTERCARGO and INTERTANKO), OCIMF and ITF, which reiterated the need for urgent and coordinated action from Governments, the shipping industry and the maritime community to address the escalating crisis. Among other things, the meeting agreed on the need for compliance with the IMO guidance and industry best management practices; the need for improved co-operation, communication with, and deployment of, naval forces operating in the area; and the need for more proactive measures to avoid ships becoming victim to this organized criminal activity at sea.

A further meeting took place at IMO Headquarters in February to discuss ways of promoting greater levels of support from, and coordination with, navies. The meeting noted that the naval vessels deployed in the Gulf of Aden had been effective in reducing the number of merchant ships being hijacked while transiting this vital shipping lane but that, unfortunately, the pirates' increased operating area had not been matched by an increase in naval vessels, maritime patrol and reconnaissance aircraft or other surveillance assets provided by Governments. The meeting concluded that Member States should be encouraged to provide appropriate assistance, both from military and other sources.

It was these meetings that prompted IMO to issue Circular letter No.3164, advising that an unacceptably high proportion of the ships transiting the Gulf of Aden and western Indian Ocean were not registered with the Maritime Security Centre Horn of Africa (MSCHOA); were not reporting to United Kingdom Maritime Trade Operations (UKMTO) Dubai; were showing no visible deterrent measures; and were not responding to navigational warnings to shipping promulgating details of pirate attacks and suspect vessels. It strongly urged "all those concerned, particularly Administrations, industry representative bodies, seafarer associations, shipowners and companies to take action to ensure that ships' masters receive updated information unfailingly and that all the recommended preventive, evasive and defensive measures are fully and effectively implemented".

Throughout the year, IMO has been engaged at all levels to ensure that the response to piracy stays high on the international agenda.

In February, IMO Secretary-General Mitropoulos wrote to the Secretary-General of NATO and the High Representative of the European Union for Foreign Affairs and Security Policy, thanking them for the contributions made by their respective organizations and requesting them to urge their member States to make greater efforts to provide the additional naval, aerial surveillance and other resources needed.

Then in April, he wrote to Ministers of Transport and other competent Ministers of States with significant shipping interests, drawing their attention to the need for implementation of the IMO guidelines, including the Best Management Practices, and expressing concern at the reported low level of compliance among merchant ships sailing in western Indian Ocean waters. He stressed that persistently and consistently pursuing a high degree of compliance with the Best Management Practices would greatly assist in achieving the long-term objective of eliminating piracy.

The way ahead?

IMO has been dealing with piracy issues for many years. The Straits of Malacca and Singapore were the previous focus of attention. There, through a series of measures, developed and implemented with the strong co-operation of the littoral States and the support of the shipping industry, we have been able to help significantly reduce piracy in those parts of the world. And it was as long ago as 2005 that IMO first drew the attention of the United Nations Security Council to the problem of piracy off the coast of Somalia.

The need has been identified to seek solutions concurrently in three distinct time horizons. In the immediate term, there is a need to contain piracy and thwart pirate attacks; in the mid-term, a need to undermine organized crime entities to plan and mastermind pirate operations and make it harder for pirates to engage in and conduct such operations; and, in the long term, the international community as a whole must help the people of Somalia to rebuild their country and establish the forces of law and order so that crime is no longer the preferred option for them.

It is crucial that the political will among those Governments that have the potential to make a difference is translated into reality in a manner that the severity of the issue demands. Resources being made available; legislation to ensure pirates do not escape prosecution being expeditiously adopted and rigorously enacted; and ensuring that all ships transiting piracy-infested areas comply with the recommended best management practices – all these need to maintain a high priority on the agenda of all those concerned.

Despite the number of pirate attacks overall continuing to cause concern, there is, nevertheless, some cause for optimism. The percentage of attempted attacks that prove successful for the pirates has dropped, from more than 40 per cent historically to less than 20 per cent this year – testimony, no doubt, to the effectiveness both of the naval presence in the region and of the best management practices for ships developed by the industry and promulgated through IMO.

With so many players involved, if the fight against piracy is ultimately to succeed, all concerned must be reading from the same score – hence IMO's choice of "Piracy: orchestrating the response" as its overall theme for the year. The first six months have seen a great deal of progress; the next six promise even more.

Box 1

IMO anti-piracy objectives for 2011 and beyond:

- to increase pressure at the political level to secure the release of all hostages being held by pirates;
- to review and improve the IMO guidelines to Administrations and seafarers and promote compliance with industry Best Management Practices and the recommended preventive, evasive and defensive measures ships should follow;
- to promote greater levels of support from, and coordination with, navies;
- to promote anti-piracy coordination and co-operation procedures between and among States, regions, organizations and industry;
- to assist States to build capacity in piracy-infested regions of the world, and elsewhere, to deter, interdict and bring to justice those who commit acts of piracy and armed robbery against ships; and
- to provide care for those attacked or hijacked by pirates and for their families.

Box 2

Djibouti Code signatories

Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Oman, Saudi Arabia, Seychelles, Somalia, Sudan, United Arab Emirates, United Republic of Tanzania and Yemen

Box 3

Ships and hostages

At beginning February 2011: 30 ships and 714 seafarers held

At end June 2011: 22 ships and 462 seafarers held

Peak: 31 ships held, end February 2011

Successful vs unsuccessful attacks

February 2011: 23% of attacks successful

May-June 2011: 0 successful attacks

Ratio of BMP non-compliant ships

Oct-Dec 2010: 68%

April 2011: 42.5%