



MARITIME SAFETY COMMITTEE
88th session
Agenda item 18

MSC 88/18/2
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PIRACY AND ARMED ROBBERY AGAINST SHIPS

Company and Seafarer Guidance to Prepare for and Recover from an Attack

Submitted by the United States

SUMMARY

Executive summary: Regarding resolution A.1026(26) paragraph 5(i), this document attempts to recognize on-going work to develop advice and guidance to ensure that any attacked or hijacked ship and its shipboard personnel, continue to be fit to trade and work on board

Strategic direction: 6.2

High-level action: 6.2.1

Planned output: 6.2.1.2

Action to be taken: Paragraph 7

Related documents: Resolution A.1026(26), MSC.1/Circ.1334, MSC 86/18/6, MSC 86/26, MSC 87/19/3, MSC 87/19/7, MSC 87/26 and MSC 88/18/1

Background

1 The United States chairs the Contact Group on Piracy off the Coast of Somalia (CGPCS) Working Group 3 (WG3), concerned with shipping self awareness and other capabilities. Under their current remit, WG3 regularly reviews the progress of the gathering and dissemination of lessons learned and the implementation of internationally recognized best management practices onboard vessels operating off the coast of Somalia. WG3 was also asked to identify labour issues and develop labour related guidance in support of crew training and post event activities.

2 WG3 notes that there has been much useful discussion and effort over the past few years to improve and implement appropriate measures for preventing and suppressing pirate attacks. Guidance to prepare company personnel and crews for the challenging rigours of an attack, in addition to guidance in MSC.1/Circ.1334, and to provide for the needs and welfare of seafarers who have been affected by piracy, remains desirable.

3 Preparation of company and shipboard personnel and their trained responses to incidents of piracy promote ship and seafarer safety in the short term, and strengthened shipping resiliency, seafarer morale, company identity and positive public understanding in the long term.

Work Produced

4 We wish to inform the Committee of the recently produced work of WG3 Industry Representatives in producing *Guidance to Company Security Officers (CSOs) – Preparation of a Company and Crew for the Contingency of Hijack by Pirates*, set out in the annex. In the summer of 2010, the WG3 Industry Representatives collaborated on a guidance document to assist CSOs in making preparations for vessels scheduled to transit through waters experiencing a significant level of attacks from Somali based pirates. While the focus of the CSO's preparations should be directed toward preventing an attack or hijacking, the WG3 Industry Representatives' latest work intends to assist CSOs to develop procedures to prepare crews for this undesirable contingency. The guidance also sets out to address the actions of the Company in fulfilling their responsibilities to the crew, and highlights the need to prepare crisis management plans specifically to handle hijacking and its effects on the crew.

5 We also wish to inform the Committee of recently updated work of the Seamen's Church Institute (SCI), which is available online at <http://www.seamenschurch.org/law-advocacy/piracy-trauma-study>. SCI is a member of the International Christian Maritime Association (ICMA) and actively engaged in the area of seafarer care and welfare. ICMA submitted MSC 86/16/6 to the Committee inviting the Committee to consider seafarer welfare issues in its ongoing work related to piracy. The Committee expressly invited specific proposals for consideration in MSC 86/26, paragraph 18.83. In response, ICMA and the United States submitted MSC 87/19/5 outlining the work of SCI in developing a multi-year project exploring clinical assessment and treatment of seafarers affected by piracy and in preparing guidelines for caring for seafarers so affected. MSC 87 invited Member Governments and interested parties to provide comments and advice to ICMA for further development of their guidelines, prior to their submission to the next session of the Committee based on information gained in its ongoing clinical study and input from stakeholders, SCI has recently updated its guidelines on Piracy's impact on Seafarers – Post Piracy Care for Seafarers.

6 The United States, as the convener of CGPCS WG3, believes these works of WG3 Industry Groups and SCI are complementary, and that these works are sufficiently refined to form the basis for the Committee to develop guidelines for the care of seafarers and other persons onboard who have been subjected to acts of piracy and armed robbery against ships.

Action requested of the Committee

7 The Committee is invited to consider the above comments and take action as appropriate.

ANNEX

GUIDANCE FOR COMPANY SECURITY OFFICERS (CSO) – PREPARATION OF A COMPANY AND CREW FOR THE CONTINGENCY OF HIJACK BY PIRATES

INTRODUCTION

The purpose of this guidance is to assist the CSO in making preparations for vessels scheduled to transit through the Gulf of Aden and Arabian Sea, an area experiencing a significant level of attacks from Somali based pirates. The guidance is divided into 2 parts - Part 1 sets out issues to consider when preparing the crew of a vessel and Part 2 sets out issues to consider when preparing the Company.

Piracy off the Coast of Somalia and in the Arabian Sea differs from piracy in other areas of the world because the pirates have the clear objective to capture and hold the ship and crew in order to extract a ransom. Somali pirates appear to recognise that harm or injury to the crew or its cargo may have adverse effects on negotiations and ransom amounts.

The focus of the CSO's preparations should be directed toward preventing an attack or hijacking of the ship and/or crew; useful advice is contained in **Best Management Practice to Deter Piracy off the Coast of Somalia and Arabian Sea Area (BMP3)**¹, which defines a geographic "High Risk Area" for piracy attacks off the Coast of Somalia and in the Arabian Sea. The following guidance is intended to assist CSOs develop procedures to prepare crews for the contingency of their vessel being hijacked when transiting the High Risk Area. The guidance set out below also addresses the actions of the Company in fulfilling their responsibilities to the crew, and highlights the need to prepare crisis management plans specifically designed to handle hijacking and its effects on the crew.

The following documents provide useful further information:-

- EUNAVFOR - "Surviving Piracy off the Coast of Somalia"
- UN Guidance on Surviving as a Hostage
- IMO Maritime Safety Committee Circular 1334 - "Piracy and Armed Robbery Against Ships"

This guidance is supported by the following international industry representatives:

1. **BIMCO**
2. **International Chamber of Shipping (ICS)**
3. **International Shipping Federation (ISF)**
4. **International Association of Dry Cargo Ship Owners (INTERCARGO)**
5. **International Association of Independent Tanker Owners (INTERTANKO)**
6. **International Transport Workers' Federation (ITF)**
7. **Oil Companies International Marine Forum (OCIMF)**

1. **PREPARATION OF CREW**

When preparing crews of ships that are to travel through the High Risk Area, it is recommended that the CSO gives careful consideration to the following. These considerations are in addition to preparations which primarily focus on resisting a pirate attack, as contained in BMP3.

¹ MSC.1/Circ.1337 on Piracy and Armed Robbery Against Ships in waters of the coast of Somalia.

Training Requirements

- Consider any contractual, national / flag / training or preparation requirements for the crew.

Seafarers and Others onboard the Vessel

- Consider the rights of seafarers and what constitutes reasonable grounds with respect to requests for disembarkation and repatriation prior to entering the High Risk Area, this might have to be done on a case by case basis.
- Review the presence of seafarers and others e.g. partners, children onboard and their safety during the transit of the High-Risk Area.

Accurate Crew Records

- Ensure that the personal details of Crew Members are up to date including:
 - Contact details for next of kin (telephone number and email address)
 - Any medical conditions of crew members and medication required
 - Clothing sizes for each crew member (to enable replacement clothing to be provided)

Company Commitment

- Ensure, when possible, that crew are made fully aware in advance of the voyage route of the ship including projected dates and times of transiting the High Risk Area.
- Ensure crews are reassured of their rights and what constitutes reasonable grounds with respect to disembarking prior to entering the High Risk Area.
- Ensure crews are aware of the company's commitment to their health and safety.

Crew Awareness of the Hijack Environment

- Ensure that the crew are aware of the “shock of capture” and that the greatest anxiety is usually experienced in the hours after the initial hijack incident. Feeling depressed, helpless and humiliated are emotions that many hostages experience during captivity. The crew should be encouraged to try to focus on surviving the ordeal.
- Ensure that the crew understand the importance of being cooperative with the demands without appearing either servile or antagonistic.
- Ensure that the crew appreciate the importance of mutual support, teamwork and maintaining a shipboard routine both during and in the aftermath of a hijack incident.
- Ensure that the crew understand the importance of trying to maintain the standard of living conditions onboard for the crew.
- Advise that the pirates may demand that the crew pose for photographs and muster on the upper deck. This should not be resisted as this maybe to prove the wellbeing of the crew to the owners during the negotiations for release.
- Ensure crew awareness that the pirates are likely to show them disrespect during captivity and may seek to disorientate them by possible separation into small groups or being held in confined areas, e.g. Bridge / Engine Room.
- Ensure crew awareness of personal actions to reduce opportunities for coercion and intimidation by pirates in the event of capture, for example minimising pirates access to crew's family contact details (e.g. mobile phone SIM Cards, email addresses, etc), not being isolated from other crew members, trying to establish a single point of contact amongst the crew for communications with the pirates.
- Advise the crew to treat all information given to them by the pirates with caution.

- Ensure the crew awareness of the use by Somali pirates of the drug khat and its effects.
- Ensure crew awareness of communications procedures to be followed during captivity by company and crew in particular:
 - Onboard the ship amongst crew members
 - Between the ship and company
 - Between the company and crew families e.g. via the internet, telephone contact and face-to-face meetings
 - How the crew should cooperate with pirates during captivity - where possible try establish a single contact point amongst the crew
- Advise the crew of the need to be observant (without appearing to study the captors) during captivity in the interests of recalling events clearly during the crew debrief post-incident.
- Ensure that the crew and the families understand that it can take significant time to readjust after a hostage incident and that this is a normal reaction to an abnormal experience

Crew Awareness of Company Actions

- Ensure that the crew are aware of company crisis management procedures that will be undertaken during captivity and after release, in particular:
 - Assurances that the Company will do everything practical to expedite release
 - Assurances of the Company's commitment to its continued obligations towards the crew in respect of, safety, pay, employment, replacement of personal effects, etc
 - Assurances that the Company will notify the Next of Kin in the event of an incident and establish a point of contact within the Company to provide families with ongoing information and coordinate support for families from internal and external sources as required
 - Awareness that negotiation can be a lengthy process and that the company will be working hard for the crew's release
 - Company policy on media relations during a hijack
- Awareness of Company considerations / actions following release:
 - The provision of supplies to the ship and crew as required post incident, including
 - Food and Water
 - Fuel
 - Replacement clothing,
 - The provision of medical assistance including counselling, in the period commencing after release. The Company policy on how to handle events at the first port of call including repatriation of the crew
 - A Company policy on post-incident press relations
 - The Company policy on post-incident debriefs and review of Crisis Management Procedures

2. COMPANY CRISIS MANAGEMENT

When preparing Crisis Management Procedures to respond to a hijack of a ship and crew the CSO should as a minimum prepare and exercise plans to address the following:

- The Company Board's designation of a head of crisis management answerable to the Board for the duration of the crisis and to lead the response effort.
- Establishment of a single point of contact within the company for contact with the pirates

- The composition of the management team and the roles and responsibilities of the persons involved, including:
 - Negotiator
 - Crew welfare (including contact with families and external sources of support e.g. welfare organisations)
 - Logistics and operations
 - Medical advice
 - Media relations
 - The ongoing obligations to the crew in respect of such items as wages, employment, replacement of personal effects
 - Communications policy during the crisis:
 - Recommendations on communications between captive crew members
 - Communications between company and ship
 - Communications between the company and families of crew including, internet, telephone contact and face to face meetings
 - Communications with pirates
 - Provisions of supplies prior to transit and after release, including food, water, stores and fuel
 - Choosing a first port of refuge post-release, factors are likely to include:-
 - The availability of relevant local resources
 - The provision of vital assets to the ship, including,-
 - Counselling and/or medical assistance to the crew
 - Replacement clothing
 - Specialist Contractors/Advisors
 - Full or partial replacement of crew
 - Victuals
 - Repatriation of crew members
 - Provision of immediate medical assistance post release including counselling and the potential requirement for ongoing support and assistance.
 - Post-release media relations
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