



# *IMO Briefing*

International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom  
Tel: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210  
Contacts: Lee Adamson – Head, Public Information Services  
Natasha Brown – External Relations Officer  
E-mail: [media@imo.org](mailto:media@imo.org) Web site: [www.imo.org](http://www.imo.org)

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## **High-level meeting in Djibouti to conclude regional agreement to prevent, deter and suppress acts of piracy and armed robbery against ships**

A high-level meeting in Djibouti has been convened by IMO to help address the problem of piracy and armed robbery against ships off the coast of Somalia and in the Gulf of Aden.

The meeting, which was opened yesterday (26 January 2009) by IMO Secretary-General Efthimios E. Mitropoulos and the Prime Minister of Djibouti, Mr. Dileita Mohamed Dileita, is expected to conclude and adopt, pursuant to a request made by the IMO Assembly in its resolution 1002 of 2007, a regional agreement to assist countries in the region to build capacity to suppress piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden.

The opening session was attended by several Ministers of Transport and Ambassadors of countries in the region; high-level representatives of States that have sent naval assets to protect shipping from acts of piracy and armed robbery in the troubled waters off Somalia (including those of China, Italy, Japan, the Russian Federation and the United Kingdom); and officials of international organizations co-operating with IMO on this issue (including the United Nations and the World Food Programme).

In his opening address, Secretary-General Mitropoulos expressed appreciation to the countries that had to date contributed to the protection of shipping off the coast of Somalia and in

the Gulf of Aden. He underlined that it was indicative of the seriousness with which the issue was now being addressed worldwide that the response to earlier calls by IMO and the United Nations, rallying support for decisive action, had come from afar.

Mr. Mitropoulos further stressed that the contributing alliances of Governments, organizations and individual countries (citing the European Union, NATO and China, India, the Russian Federation and Saudi Arabia) had done their duty and that the time had now come for States in the region to add their own contribution to the concerted efforts of the international community. More importantly, he continued, it was “time for Somalia itself to act. One can have few hopes that the situation at sea will improve dramatically unless and until there is significant improvement on the political front on land. For it is favourable political developments ashore that will help stem the scourge offshore. The fate of Somalia is in the hands of the people of Somalia as they, and they alone, are, and should be, the masters of their country and its destiny. We wish their leaders courage, wisdom, prudence and determination to bring peace and stability to their country and among its citizens; to help them build hope in themselves and in the future of their country; and to succeed in leading their proud nation to the path of happiness and prosperity – of which it has been deprived for so long and which it so much deserves.”

The Djibouti meeting will conclude on 29 January 2009 and is being attended by senior officers from the maritime and port authorities of Comoros, Djibouti, Egypt, Eritrea, Ethiopia, France, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, Sudan, the United Arab Emirates, the United Republic of Tanzania and Yemen as well as from other IMO Member States.

The event follows from earlier regional meetings, also convened by IMO, including the *Subregional seminar on piracy and armed robbery against ships and maritime security* held in Sana'a, Yemen, in April 2005; the *Follow-up subregional workshop on maritime security, piracy and armed robbery against ships* held in Muscat, Sultanate of Oman, in January 2006; and the *IMO subregional meeting on piracy and armed robbery against ships in the Western Indian Ocean*, held in Dar es Salaam, United Republic of Tanzania, in April 2008.

The Dar es Salaam meeting, in particular, developed a draft regional Memorandum of Understanding concerning the repression of piracy and armed robbery against ships in the

Western Indian Ocean, the Gulf of Aden, and the Red Sea, which forms the basis of the draft agreement now being considered in Djibouti.

The draft regional agreement is based on the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and its Information Sharing Centre (ReCAAP-ISC), which has operated, and continues to operate, with great success in the Asian region.

The draft agreement recognizes the extent of the problem of piracy and armed robbery against ships in the region and calls on its signatories to co-operate to the fullest possible extent in the repression of piracy and armed robbery against ships, with a view towards sharing and reporting relevant information; interdicting ships suspected of engaging in acts of piracy or armed robbery against ships; ensuring that persons committing or attempting to commit acts of piracy or armed robbery against ships are successfully apprehended and prosecuted; and facilitating proper care, treatment, and repatriation for seafarers and passengers subject to acts of piracy or armed robbery against ships, particularly those who have been subjected to violence.

Signatories will agree to arrest, investigate and prosecute persons who have committed piracy or are reasonably suspected of committing piracy; seize suspect ships and the property on board such ships; and rescue ships, persons, and property subject to acts of piracy. These acts would be consistent with international law.

The agreement also covers the possibilities of hot pursuit into another country's territorial waters and shared operations, such as nominating officers to embark in the patrol ships or aircraft of another signatory.

The draft agreement further envisages the setting up of national focal points for piracy and armed robbery against ships and the sharing of information relating to incidents reported.

It additionally envisages that signatory countries will review their own 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. This is intended to allow for the prosecution,

conviction and punishment of those involved in acts of piracy or armed robbery against ships, and to facilitate extradition when prosecution is not possible.

## **Background**

The above-mentioned regional meetings leading up to the on-going Djibouti event have been organized by IMO pursuant to IMO Assembly resolution A.1002(25), on *Piracy and armed robbery against ships in waters off the coast of Somalia*, which, among other things, called upon Governments in the region to conclude, in co-operation with the Organization, and implement, as soon as possible, a regional agreement to prevent, deter and suppress piracy and armed robbery against ships.

IMO's initiative on the Somali issue goes back to 2005, when a resolution, adopted by the IMO Assembly (expressing the Organization's concern at the situation and appealing to all parties, which might be able to assist, to take action to ensure that all acts or attempted acts of piracy and armed robbery against ships were terminated forthwith), was conveyed, through the United Nations Secretary-General, to the UN Security Council. This resulted in a Security Council Presidential Statement encouraging "Member States, whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia, to be vigilant to any incident of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law".

Subsequently, in 2007, together with his counterpart at the World Food Programme (WFP), IMO Secretary-General Mitropoulos wrote to the Secretary-General of NATO proposing the formalization of a coordination mechanism between the three organizations (IMO, WFP and NATO), by means of which naval operational centres in the region were provided systematically with the details of merchant ships chartered to deliver humanitarian aid to Somalia on behalf of the UN System, so as to facilitate the task of naval assets operating in the region in undertaking the tracking and, where necessary, the provision of assistance to, merchant vessels carrying urgently-needed humanitarian aid.

In June 2007, the IMO Council endorsed a proposal from IMO Secretary-General Mitropoulos that UN Secretary-General Ban Ki-moon be requested to bring the piracy situation

off Somalia once again to the attention of the Security Council, specifically asking it to request the Transitional Federal Government – the TFG - of Somalia to consent to foreign naval vessels and military aircraft entering the country’s territorial sea to assist merchant ships under attack by pirates and armed robbers.

In November 2007, the IMO Assembly adopted resolution A.1002 in which it also asked the TFG to advise the Security Council of its readiness to conclude any necessary agreements to enable warships or military aircraft to escort ships employed by the WFP for the delivery of humanitarian aid.

The Security Council subsequently decided, by resolution 1816, adopted on 2 June 2008, that, following consent from Somalia’s TFG, States co-operating with the TFG would be allowed, for a period of six months, to enter the country’s territorial waters and use “all necessary means” to repress acts of piracy and armed robbery at sea, in a manner consistent with relevant provisions of international law.

Yet, despite these efforts, the situation continued to deteriorate in the second half of 2008, with new incidents being reported almost daily. In response, IMO has tackled the problem on a number of fronts in a concerted effort to achieve a threefold objective: ensure the protection of innocent seafarers, fishermen and passengers; ensure the sustained delivery of humanitarian aid into Somalia; and ensure that international trade continues to flow through the Gulf of Aden.

IMO has continued to bring the matter to the attention of the Security Council, which agreed on 2 December 2008, through the adoption of resolution 1846, to extend the six-month mandate referred to above for another 12 months, and to strengthen the Members’ resolve to stem the incidence of piracy and armed robbery off the coast of Somalia, including by “deploying naval vessels and military aircraft”, as well as “through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery, or for which there is reasonable grounds for suspecting such use”.

Since then, the Security Council has adopted resolution 1851 – on 16 December 2008 – which introduces the concept of special arrangements among States permitting “shipriders” (or law enforcement officials) to be embarked on ships to facilitate the arrest and subsequent prosecution of suspected pirates. That resolution further envisages that, also for a period of

12 months and subject to appropriate consents, States may undertake all necessary measures that are appropriate in Somalia for the purpose of suppressing acts of piracy and armed robbery at sea.

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IMO – the International Maritime Organization – is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships.

*Web site: [www.imo.org](http://www.imo.org)*

*For further information please contact:*

Lee Adamson, Head, Public Information Services on 020 7587 3153 ([media@imo.org](mailto:media@imo.org)) or

Natasha Brown, External Relations Officer on 020 7587 3274 ([media@imo.org](mailto:media@imo.org)).