

25 February 2011

## **Seafarer boycott of piracy areas 'now possible'**

The ITF (International Transport Workers' Federation) today signalled its revulsion at the increasingly widespread and brutal piracy epidemic and said it is moving closer to having to advise seafarers to consider avoiding working in all the affected areas – including the Indian Ocean.

The global union federation, which numbers 201 maritime trade unions representing 720,000 seafarers worldwide, took the step after a week-long consultation sparked by the increasing number and range of Somali pirate attacks, and by their now routine use of extreme violence and death threats against the 800 mariners they are currently holding hostage.

The ITF also endorsed the need to neutralise the threat of the captured, hostage-crewed motherships that are allowing pirates to roam the Indian Ocean unmolested, recommended the carrying of military guards on ships, and recognised the use of private armed guards, subject to certain conditions.

There are currently over 800 seafarers being held hostage by Somali pirates, who executed two seafarers last month. They now routinely use death threats, torture and brutality such as keelhauling.

ITF seafarers' section chair Dave Heindel commented: "The world has lost control of piracy. Each day it's becoming more savage and more widespread. All the Arabian Gulf and most of the Indian Ocean are now effectively lawless. Yet there is a way that control can be regained: by actively going after pirates, stopping them and prosecuting them. Not this ludicrous situation of taking away their guns and setting them free to strike again.

"The burden of dealing with pirates is being borne by a few nations and the burden of actually taking them to court by even fewer. We have repeatedly requested stronger intervention by all governments, including the flag of convenience states that are reaping the profits from so much of the world's shipping fleet without meeting any of the obligations. If we daily allow a few thousand thugs to rack up the danger and violence

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then we will soon reach a point where there is no alternative but to stop putting people and ships within their reach – with all the effects that could have on world trade and oil and food prices.”

These latest moves by the ITF reflect growing concern or even disgust across the shipping industry that pirates are being allowed to endanger lives, kill and put a stranglehold on vital trade routes almost at will. The ITF, BIMCO, the International Chamber of Shipping, INTERCARGO and INTERTANKO have already warned that ‘ship owners and their crews will be re-evaluating their current determination to ensure that this vital trade route remains open – over 40% of the world’s seaborne oil passes through the Gulf of Aden and the Arabian Sea. The shipping industry will be looking at all possible options, including alternative routes, which could have a dramatic effect on transport costs and delivery times - piracy is already estimated to cost the global economy between \$7-12 billion per year” (see [www.itfglobal.org/press-area/index.cfm/pressdetail/5598/region/1/section/0/order/1](http://www.itfglobal.org/press-area/index.cfm/pressdetail/5598/region/1/section/0/order/1)).

The ITF’s position is laid out in the following ITF statement and revised policy on piracy, adopted today:

### ***ITF Statement on Somali Piracy*** ***February 2011***

***The ITF Seafarers’ Section considers that the grave increase in the level of violence by Somali pirates directed against ships and seafarers has reached a tipping point which calls for bold countermeasures. This has been caused by:***

- ***The cold blooded murder of two seafarers and drowning of another member of that crew;***
- ***The increased brutality of the pirates and the systematic torture of crew members on hijacked ships;***
- ***The increased and sustained attacks against ships running the gauntlet of gunfire and rocket propelled grenades in the area;***
- ***The increase in the period of time seafarers are held captive;***
- ***The increased use of motherships (ships previously captured with the crews on them used as human shields) which have significantly increased the area of operation of the pirates; and***
- ***The increase in the number of attacks against vessels and the growing number of seafarers being held.***

***We therefore advise seafarers and their trade unions to begin to prepare to refuse to go through the danger area, which includes the Gulf of Aden, off the Somali coast, the Arabian Sea and the wider Indian Ocean.***

***We call on shipowners to join us in avoiding going through the area. The risk of passing through the affected area and the knowledge of the inhuman manner in which captured seafarers will be treated amount to a breach of their duty of care to seafarers. It is also reckless, to a point that, should a seafarer be killed by a pirate attack while the vessel transits the high risk area, it would amount to corporate manslaughter.***

***We call on the military to neutralise the threat caused by the use of motherships.***

*We call on Governments to take all necessary measures to restore the freedom of navigation in these critical trade routes and eliminate the threat of pirate attacks.*

## ***ITF Policy on Somali Piracy***

***February 2011***

*Governments, especially flag States, should protect ships and ensure that ships which fly their flag comply with internationally accepted requirements and guidelines, and ensure that the ship takes all necessary measures which are commensurate with the risk it could face, in order to protect the wellbeing of the seafarers serving on the vessel. All Governments should co-operate in combating piracy;*

*Governments, especially flag States, should deploy naval assets to protect ships from acts of piracy and, where they are not available, make other contributions to improving the security of the area, including providing financial support for counter-piracy measures;*

*Flag States should also ensure that:*

- All seafarers working on the ship are informed that the shipowner will take all necessary measures to protect them and their families in case they are kept captives as a consequence of a piracy act;*
- Shipowners are committed to ensure that every seafarer held captive has their full wages (including any additional risk premium) paid to their families until such time the seafarer is released;*
- Shipowners keep the families of captive seafarers properly informed about the steps taken to free their loved ones;*
- Shipowners/shipmanagers have in place contingency plans to attend to the psychological and medical needs of the seafarers and their families during and immediately after the period of captivity;*
- Shipowners/shipmanagers agree to fully co-operate with naval forces and law enforcement officials to bring pirates to justice, including paying wages, and paying accommodation and fares expenses incurred by any crewmembers who are required to testify.*

*The ITF reaffirms its position that seafarers should never be armed;*

*Given the level of risk, ships - especially high risk vessels - should, subject to national law, embark armed military personnel for transit of the entire area where there is a significant risk of piracy. The military personnel should ideally come from the flag State or, failing that, from another State which has a bilateral agreement with the flag State to embark such personnel;*

*The ITF recognises that a growing number of shipowners are, in order to discharge the employer's duty of care to the seafarers on board, embarking private armed guards or using private security vessels. Such personnel should be suitably trained, and put on only when there is an agreement with the trade union(s) representing the seafarers and adequate provisions have been made to avoid the seafarers on board the vessel having to face any potential criminal or civil sanctions. The crew should also retain any right they may*

*have to choose not to work within that zone and be repatriated without penalty;*

*Flag States have the primary responsibility to exercise their jurisdiction over persons who have been apprehended in a situation where there are grounds to arrest them. The alleged pirates should receive a fair trial and, if found guilty, face proportionate criminal sanctions. To this end flag States should conclude suitable bilateral agreements with other States which have deployed naval forces to facilitate the speedy extradition of pirates to the flag State;*

*Other States are encouraged to exercise jurisdiction over persons who have been apprehended by their naval forces and, where there are grounds, to subject them to a fair trial and, if found guilty, to proportionate criminal sanctions;*

*The ITF should maintain dialogue with shipowners' organisations to seek agreement on what measures can be taken to combat the threat of piracy and lessen the risk to seafarers and ships; and*

*The United Nations should take all necessary measures to address the underlying shore based situation in Somalia which has allowed piracy to flourish and to address the absence of effective governance and the lack of the rule of law, which has caused the population to live in dire conditions.*

ENDS