The exercise of law enforcement at sea
INTRODUCTION

• Although piracy is an international menace, it is specifically associated with the increased activities off the coast of Somalia and in the Gulf of Aden, particularly during the first decade of this century.
What is piracy?

- A strict definition of maritime piracy only includes attacks on shipping on the high seas - that is, more than 12 nautical miles off the coastline and not under the jurisdiction of any state.
- Inside a country's territorial waters and within port facilities, these attacks are defined as armed robberies at sea.
What is modern day piracy?

- **Modern piracy.** According to the International Maritime Bureau (IMB), the piracy can be defined as “the act of boarding any vessel with intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of that act”.
Modern piracy

• In recent years, the problem of piracy has emerged as a major threat to sea transportation in some parts of the world.

• According to some estimates, pirate attacks have increased by a whopping 75% in the last decade alone.
Like legendary pirates, **modern pirates** are still involved in looting and hijacking ships for ransom, but their ways of operations has dramatically changed over time.

Modern pirates now don **night-vision goggles**; carry **AK-47s, heavy machine guns**, and **rocket launchers**; navigate with **GPS devices**; and use sophisticated speedboats mounted with heavy mortars to target ships.

Modern pirates today are part of organized crime gangs that target big and small cargo vessels, and even cruise ships and private yachts.
Worldwide piracy and armed robbery at sea incidences

*Data for 2015 only counted incidences in Southeast Asia
Source: The State of Maritime Piracy, One Earth Future
Hot Spots of Modern Piracy

• In recent times, pirates have been found to be very active in the waters between the Red Sea (particularly in Gulf of Aden) and Indian Ocean, off the Somali coast, and in the Strait of Malacca.
How can we stop piracy at sea?

- Preventing Pirate Attacks
  - Avoid discussing a ship's route or cargo while in port.
  - Keep constant watch in areas prone to piracy.
  - Search the ship before leaving port to make sure no one is on board without authorization.
What role do counter piracy patrols play?

In sum, NATO's role was to prevent and stop piracy through direct actions against pirates, by providing naval escorts and deterrence, while increasing cooperation with other counter-piracy operations in the area in order to optimise efforts and tackle the evolving pirate trends and tactics.
Law Enforcement at Sea

- It is an administrative and operational organization which entrusts: the representation of the State to a single administrative authority (the Navy),
- carrying out numerous missions to administrations with means of intervention at sea;
- Helped by all administrations involved at sea to record offenses at sea in a wide range of missions.
Marine Safety

• Maritime safety missions address humanitarian concerns: safeguarding human life at sea;
• environmental: preservation of the marine and coastal environment safe;
• fight against piracy, : preservation of the safety of navigation and maritime services.
Maritime security

• In a context of increasing maritimization, taking into account the safety of people and goods at sea has become a necessity.

• At the national level and in terms of security in the Moroccan maritime zones of responsibility, the State with all its ministries concerned, develop and work to the permanent improvement of the mechanisms of prevention, protection and reaction to be opposed to acts of terrorism and of piracy.
Fight against accidental and voluntary pollution

The Government is conducting an active policy of monitoring and combating illegal discharges at sea through the directives issued by the Ministry of the Environment to the maritime authorities and the maritime delegates of the areas concerned.
Illicit trades

• Since the beginning of the 2000s, Morocco has been carrying out a dual action of strengthening its national system to fight illicit trafficking at sea and to join enhanced cooperation with States that are also engaged in this fight on a global scale.

• (L.A.S) is an Animator and coordinator of this repressive action at sea,

• this competent authority at sea is associated with all national and international institutions and make consultation with the ministries involved, to improve and further develop the execution of this mission.
Illegal immigration by sea

• This activity, which has become one of the priorities of the action of the State at sea, is conducted under the auspices of the Navy and the Ministry of Interior.
What is maritime piracy?

- **Maritime Piracy** consists of any criminal acts of violence, detention, rape, or depredation committed for private ends by the crew or the passengers of a private ship or aircraft that is directed on the high seas against another ship, aircraft, or against persons or property on board a ship or aircraft.
Causes of piracy and armed robbery at sea

• The root causes of the (re-)occurrence of African maritime piracy and armed robbery at sea can be found on dry land rather than at sea.

• For centuries, maritime piracy has been intertwined within local communities on shore.
How do ships protect themselves from pirates?

• Fire hoses are the first physical defense a massive ship has against attackers.
• It said that “Part of the piracy-prevention measures is to fire pressurized water from fire extinguishing cannons.” The idea is that the water will also deter or hinder attackers.
Is piracy legal in international waters?

- Maritime piracy is a violation of international law and a universal crime that imposes a duty on all states to take action.
- The United Nations Convention on the Law of the Sea, the constitution for the world's oceans, defines maritime piracy as an illegal act of violence or detention committed for private ends.
Are there still pirates in 2019?

• Yes they still exist and they're a significant threat to trade in a few areas.

• Somali pirates operating around the Horn of Africa have received the most international attention in recent years.
Identification of Suspects and Witnesses

- Identity Challenges
  - The identification of suspects is crucial to effective and successful investigations and prosecutions.
  - Determining the correct identity of individuals suspected of involvement in acts of piracy has been recognised as a challenge by some national authorities.
  - In some cases, the authorities take the names suspects provide. However, the absence of official documents, on the basis of which the identity of suspects and/or witnesses can be determined, results in complications in the court procedures that follow.
  - Names are often spelled phonetically, which may generate several versions of the same name and require thorough investigation and analysis of data in order to confirm whether different names refer to the same person. The illiteracy of some suspects presents another challenge, particularly when no identification documents are available.
• Photographs of suspects taken by naval forces after a vessel has been taken under their control are sometimes considered as classified information and are therefore not available to use for identification purposes.

• Furthermore, difficulties in the identification of suspects lead to unawareness of possible criminal records, and thus obstruct the detection of persons repeatedly involved in acts of piracy or other criminal acts, the detection of links between cases and the identification of criminal networks.
International Cooperation

- The multinational Combined Task Force 151 (CTF-151) was set up by the United States Navy in 2009 as part of the Combined Maritime Forces (CMF) in response to piracy attacks off the coast of Somalia.

- To achieve this, CTF-151 established an 'international recommended transit corridor' (IRTC), allowing any ship passing along the IRTC to be closely monitored and escorted by naval detachments.

- Additionally, CTF-151 launched the Shared Awareness and Deconfliction (SHADE) initiative, as an information sharing and efficiency enhancing tool for the various military missions: the CTF-151, NATO and the EU all operating in the Gulf of Aden.
Operation Ocean Shield.

- From 2008 to 2016 NATO contributed to the fight against piracy with its Operation Ocean Shield (OOS).
- The military alliance provided escorts for ships transiting the Gulf of Aden area in close cooperation with other operations in the region.
- A permanently staffed NATO shipping centre (NSC) provided an information sharing platform for the military authorities of NATO and shipping companies.
- All allies contributed to the mission either directly or indirectly.
- With the consent of the authorities, NATO vessels were able to enter the territorial waters of Somalia.
- Detained pirates were transferred to the respective national law enforcement agencies.
Improving collective military cooperation
Between 2008 and 2016, NATO helped to deter and disrupt pirate attacks, while protecting vessels and helping to increase the general level of security in the region through different military operations.
Maritime piracy and armed robbery off the African coast are also a threat for the European Union's security and economy.
• The very presence of this international naval force deterred pirates from pursuing their activities and contributed to the suppression of piracy in the region. The implementation of best management practices by the shipping industry, as well as the embarkation of armed security teams on board, also contributed to this trend.

• With no successful piracy attacks since 2012, NATO terminated Ocean Shield on 15 December 2016. However, NATO is remaining engaged in the fight against piracy by maintaining maritime situational awareness and continuing close links with other international counter-piracy actors.

• NATO is also maintaining its counter-piracy efforts at sea and ashore – by supporting countries in the region to build the capacity to fight piracy themselves.

- the United Nations Security Council recognised INTERPOL as a key player in the fight against maritime piracy and tasked it with the creation of a global piracy database.

- To maximise this role, INTERPOL established a Maritime Piracy Task Force, focusing on collecting evidence, facilitating data exchange, and building capacity at regional level.
The International Maritime Bureau (IMB), founded in 1981,
is a specialised division of the International Chamber of Commerce (ICC), focusing on the fight against all types of maritime crime and malpractice.
The Piracy reporting Centre/PRC's mission includes: issuing daily reports on piracy and armed robbery to ships via a broadcast service; reporting piracy and armed robbery incidents to respective authorities (law enforcement and the IMO); assisting ship-owners
How many pirate attacks have there been in 2018?

Worldwide, the IMB **Piracy** Reporting Centre (PRC) recorded 201 incidents of maritime **piracy** and armed robbery in **2018**, up from 180 in 2017.
Piracy increased on the world’s seas in 2018, with a marked rise in attacks against ships and crews around West Africa, the International Chamber of Commerce’s International Maritime Bureau’s (IMB) latest annual piracy report reveals.

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The Gulf of Guinea remains increasingly dangerous for seafarers.
Piracy and armed robbery at sea 2018

Concentration of attacks
Low  High

Source: The State of Maritime Piracy, One Earth Future
SAR as a tool to counter maritime piracy
SAR as a tool to counter maritime piracy

The role of maritime rescue coordination centre in the fight against piracy
INSTITUTIONS

MOROCCAN SAR SERVICES
SOLAS Convention – SAR Convention

- Decree No. 2-97-763 of September 09, 1997;
- Decree of application N° 2-01-1891 of October 09, 2002
Organization

- National Commission for the Coordination of Search and Rescue of Lives at Sea
- National Coordinator (Ministry in charge of Ocean Fisheries)
- SAR Technical Committee
- National Maritime SAR Office (Rabat)
- Maritime Rescue Coordination Centre (MRCC Rabat)
- Responding and alerting stations
Maritime SAR Organizational Scheme

National Commission for the Coordination of Search and Rescue
- draws up maritime SAR general policy

Maritime SAR National Coordinator
- Set-up and manages maritime Search and Rescue Plan
- National SAR Office
- SAR Technical Commitee
- manages National SAR System
- suggests and implements improving actions for SAR components
All for SAR mission!

- Royal Navy
- Royal Gendarmerie
- Royal Air Forces
- Civil Protection Directorate
MARITIME RESCUE COORDINATION CENTRE

MRCC
MISSIONS OF THE CENTER
INTERNATIONALLY

- IMO Coordinator for the African NO Region;
- Coordinator of the International Federation of Maritime Rescue for Africa;
- Observer member of the COSPAS-SARSAT Organization;
- Member of the North Atlantic MRCCs Group;
- Correspondent of the Satellite Mission Control Center French MCC of Toulouse;
- Medical Teleconsultation Center Correspondent International Toulouse.
Co-operation plans between SAR services and passenger ships on fixed routes

According to the SOLAS regulation V/7.3

Ship: Tarifa Jet

SAR cooperation plan with passenger vessels
Departments cooperate in the development of equipments and rescue procedures, techniques, and also in the exchange of information relevant of SAR or information regarding the means of communication.
NATIONAL SAR PLAN

OBJECTIVES

STRUCTURES

MOYENS

FORMATIONS
OBJECTIVES / COOPERATION

MRCC / MADRID

IBM
Regional cooperation

• Regional cooperation is a central mechanism when it comes to fighting maritime crime in general and piracy and armed robbery at sea in particular.
• Africa's Regional Economic Communities are growing in their understanding of the importance of protecting maritime territories for their people.
• Closely linked with this perception is the concept of a 'blue economy' and understanding the economic opportunities that come with a secure maritime area.
• To make the most of these opportunities, we understand that we have to cooperate to safeguard our 18 950 miles of coastline.
SIGNIFICANT RISK

- Sinking
- Grounding
- Collision
- Waterway
- Fire and / or explosion
- Piracy
- Various
Surface units
Dedicated SAR units
CO-OPERATION PLANS BETWEEN SAR SERVICES
AND
PASSENGER SHIPS ON FIXED ROUTES

According to the SOLAS regulation V/7.3

SHIP: TARIFA JET
Ship Master’s planning prior to entering areas of increased risk:

• Gives details of procedures that should be undertaken by the ship’s Master prior to a ship entering an area of increased risk

• To be able to identify the risk assessment, in order to mitigate against the risk of attack.
• Make sure that a SPMs should be implemented as determined through the risk
• Brief crew, about the area and the necessary security arrangements;
• check equipment and conduct drills
• Drills should be conducted prior to arrival in an area of increase risk as identified through the risk assessment.
• Drills should be unannounced, to ensure crew respond appropriately in the event of an actual attack.
  If necessary, drills should be repeated in order to improve response times.
  Personnel should be briefed on their duties.
Drills should be conducted prior to arrival in an area of increase risk as identified through the risk assessment.
• Testing the SPMs and physical security including all access points.
• Removing unnecessary equipment from the upper deck.
• Securing the accommodation block.
• Testing Ship Security Alert System (SSAS) (giving prior warning).
• 5. Testing all communications equipment, alarms, etc.
• 6. Testing all deck lights and search lights.
Masters are advised to ensure that an Emergency Communication Plan has been developed in accordance with the risk assessment, that includes all essential emergency contact numbers and prepared messages, and which should be ready or permanently displayed near all external communications stations: (e.g. telephone numbers of regional centres, MRCC, RCC, JRCC, CSO, IMB PRC etc.).
Automatic Identification System

- It is recommended, subject to frequent assessment, that Automatic Identification System (AIS) transmission is left on throughout any and all areas of risk, but that it is configured to transmit ship’s identity, position, course, speed, navigational status and safety related information only.
- It should be recognised that certain flag and/or coastal State regulations can require AIS to be left on.
- Define the ship’s Ship-to-ship Transfer (STS)/Single Buoy
- Mooring policy if needed.
KENYA:
TANZANIA, KENYA, SEYCHELLES AND SOMALIE

LIBERIA:
GUINEA, SIERRA LIONE, LIBERIA, COTE D’IVOIRE, GHANA AND TOGO

MOROCCO:
MAURITANIA, SENEGAL, GAMBIA, CABO VERDE

MOROCCO PARTNER OF INTERNATIONAL SAR PLAN

NIGERIA:
BENIN, NIGERIA, CAMEROUN, EQUATORIAL GUINEA, SAO TOME ET PRINCIPE, GABON, CONGO ; DEMOCRATIQUE REPUBLIC OF CONGO

SOUTH AFRICA:
ANGOLA, NAMIBIA, SOUTH AFRICA, MOZAMBIQUE, MADAGASCAR AND COMORES
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Maritime Security Centre – Horn of Africa MSC-

• Established by EUNAVFOR, and located within its operations headquarters, the Maritime Security Centre - Horn of Africa functions as a registration platform for vessels traveling off the coast of Somalia.

• The vessel movement registration system enables merchant ships to share their 'vulnerability profile' with naval forces operating in the high risk area.

• Based on specific information, such as the dimensions of the ship, cargo or crew numbers and nationalities a 'vulnerable risk category' is set for every registering vessel.

• This information is disseminated daily to task force partners.
• It's not just the huge tankers exporting oil and gas that are targeted.

• Commercial ships from smaller countries are also in the sights of the pirates.

• the rise in attacks on regional shipping is stated.
Why are attacks rising?

- Most of the attacks have been against ships involved in oil and gas transportation, such as tankers, bulk carriers and tugs. Fishing vessels have also been targeted.
- The coastline off Nigeria saw the most attacks in 2018. This is partly because of "petro-piracy", targeting tankers from Nigeria's rich oil and gas fields.
- There were also incidents reported at the loading and anchorage facilities in the Nigerian port of Lagos.
- Piracy in the form of hijacking and kidnapping for ransom payments was also common off the coasts of Benin, Ghana, Nigeria, Congo-Brazzaville and Cameroon.
- Rich pickings at sea, political instability, the lack of law enforcement and poverty on land are all factors which have contributed to the increase in piracy.
- Most of the seafarers affected are not from the region. Around half are from the Philippines, followed by India, Ukraine and Nigeria.
• One of the reasons West Africa is now the number one spot for piracy is because of the downward trends recorded elsewhere.

• The East African shipping routes along the Somali coastline have been notorious for hijackings and robberies.

• But since peaking in 2011, rates of piracy there have fallen off dramatically in recent years.

• This is in large measure as a result of a successful multi-national effort to patrol these waters and take firm action against acts of piracy.
• Local efforts on land in Somalia to change attitudes towards permitting piracy and building legal capacity to prosecute criminals have also helped improve the situation.

• Concerted action by regional naval forces has reduced the problem there, but piracy still persists.
International Maritime Bureau

• The ICC International Maritime Bureau (IMB) as a focal point in the fight against all types of maritime crime and malpractice.

• The International Maritime Organization (IMO) in its resolution A 504 (XII) (5) and (9) adopted on 20 November 1981, has inter alia, urged governments, all interests and organisations to cooperate and exchange information with each other and the IMB with a view to maintaining and developing a co-ordinated action in combating maritime fraud.

• IMB’s main task is to protect the integrity of international trade by seeking out fraud and malpractice.

• For over 25 years, it has used industry knowledge, experience and access to a large number of well-placed contacts around the world to do this: identifying and investigating frauds, spotting new criminal methods and trends, and highlighting other threats to trade.
• The information gathered from sources and during investigations is provided to members in the form of timely advice via a number of different communication routes.
• It lists the threats and explains how members can reduce their vulnerability to them.
• Over the years, this approach has thwarted many attempted frauds and saved the shipping and trading industry many millions of dollars.
IMB Piracy Reporting Centre

• The IMB Piracy Reporting Centre (IMB PRC) follows the definition of Piracy as laid down in **Article 101** of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and Armed Robbery as laid down in Resolution A.1025 (26) adopted on 2 December 2009 at the 26th Assembly Session of the International Maritime Organisation (IMO).
Executive summary Broadly defined, maritime security concerns the protection of states' land and maritime territories, and is affected by a broad range of illegal activities, including arms, drugs and human trafficking, illegal, unreported and unregulated (IUU) fishing, and pollution at sea.

However, it only tends to hit the news when pirate attacks are involved. African maritime security is particularly severely affected by maritime piracy and armed robbery at sea. Two maritime regions are chiefly troubled by piracy: the Gulf of Aden to the east of Africa and the Gulf of Guinea to the west. The return of modern day maritime piracy in Africa and armed robbery at sea had its genesis on land. Economic hardship, bad governance and domestic conflicts are definite drivers of piracy.
• Studies show that piracy tends to be conducted or supported by marginalised communities. Unemployment and poverty, compounded by weak law enforcement and corruption are critical factors that allow maritime piracy to prosper.

• In both Gulfs, the most common form of modern maritime piracy and armed robbery at sea is the hijacking of ships, with a focus on kidnapping and ransom payments. In addition, in the Gulf of Guinea, the oil boom has triggered attacks to steal crude oil from tankers and pipelines in order to feed illegal refineries, thus adversely affecting the local economy as well as the environment.
Aside from the national and regional effects, maritime security in Africa is having a global impact as well. Maritime piracy and armed robbery at sea are considered a threat to the global economy. Therefore, national states, regional actors, and the international community are dedicated to fighting maritime piracy in Africa in a broad set of contexts. Various regional cooperation structures, such as the Djibouti Code of Conduct (DCoC) or the African Union's Lomé Charter, are functioning as the basic structure for anti-piracy efforts on the continent.
Since 2005, the focus of pirate activity has shifted from southeast Asia to Africa, particularly the waters of Somalia and Nigeria. This article dismisses as tautological the popular notion of “failed states” in order to explain modern piracy and questions the efficiency of current international naval intervention in Somali waters. Instead, a number of structural reasons, of global and regional magnitude, are identified as the root causes of piracy, including global inequality paired with increases in global trade, the exploitation of maritime resources, and the proliferation of small firearms.