

The Apostleship of the Sea of the United States of America Resolution: *Inadequate Response to Somali Pirates*

WHERE AS, the Apostleship of the Sea of the United States of America is a Catholic organization that advocates God's concern for everyone and so the Church accompanies seafarers, caring for the special spiritual needs of those who for various reasons live and work in the maritime world;

WHERE AS, ships - which carry 80% of world trade - and the 2.3 million merchant seafarers that crew them are the lifeblood of the global economy;

WHERE AS, pirates in Somalia have threaten the lives of seafarers and the security of world trade for the last 17 years; the pirates are now attacking ships on a daily basis with machine guns and rocket propelled grenades, and currently holding 15 vessels and almost 300 seafarer hostages; there is an apparent world-wide indifference to the lives of merchant seafarers and the consequences for society at large;

WHERE AS, transiting the Gulf of Aden and the Red Sea/Suez Canal is a vital Asia to Europe sea lane affecting not just those countries to which cargoes are destined but all global seaborne trade;

WHERE AS, since 9/11, the international shipping community has had to comply with stringent new security requirements to address concerns about terrorism such as the IMO International Ship and Port Facility Security (ISPS) Code, and various new cargo security requirements within the World Customs Organization; yet when merchant ships are attacked by pirates, the response of many flag states is that it is not the governments' problem and ships should hire armed guards for protection;

WHERE AS, piracy is a criminal act and the arming of merchant ships will put the lives of ships' crews in even greater danger and escalate the level of violence employed by the pirates;

WHERE AS, the United Nations Convention on the Law of the Sea (UNCLOS), Article 105, states 'On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board'. The right of States to act against criminal acts at sea is reinforced by the IMO Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention).

WHERE AS, there have been five U.N. Security Council Resolutions this year: 1851 (2008), 1846 (2008), 1838 (2008), 1816 (2008), 1814 (2008); the response by governments and their maritime law enforcement and naval forces are inadequate; and the pirates are operating with impunity, and governments' inaction interpreting each nations' own current rules of engagement;

WHERE AS, the world's leading nations, with their maritime law enforcement and naval resources at their disposal, are unable to maintain the security of one of the world's most strategically important seaways, linking Europe to Asia via the Red Sea/Suez Canal;

WHERE AS, Alfred Thayer Mahan wrote: “the necessity of a navy, in the restricted sense of the words, springs...from the existence of peaceful shipping, and disappears with it.”

BE IT RESOLVED THAT THE APOSTLESHIP OF THE SEA OF THE UNITED STATES OF AMERICA:

URGES, governments to commit the necessary maritime law enforcement or navy vessels now, and to ensure they have the freedom to engage against acts of piracy in the Gulf of Aden;

URGES, governments to issue clear rules of engagement to allow maritime law enforcement or naval forces to intercept and take appropriate action against violent pirates, and the oceangoing 'motherships' from which the pirates are operating, as permitted by UN Security Council Resolution 1846, of 2 December 2008, and existing international law about the rights of states to repress criminal acts on the high seas;

URGES, governments to bring the pirates to justice in a court of law and not allowed the pirates to resume their criminal activities unimpeded because of governments' unwillingness or incompetence to take the necessary action;

URGES, the United Nations and the UN Security Council to immediately take appropriate action; and the greater urgency is required by governments and their navies, particularly those in the Coalition Task Force who are in the best position to protect merchant seafarers and restore security to this critical trade artery;

EMPHASIZES, that the lives of merchant seafarers and the security of world trade is at stake;

EMPHASIZES, the need for action, not rhetoric.

Notes:

UN Security Council Resolution 1851 (2008), adopted on December 16, 2008 authorizes further action to combat piracy and armed robbery against ships off the coast of Somalia. Naval forces patrolling in the area are encouraged to carry law enforcement personnel (ship riders) from regional nations so as to facilitate prosecution of captured pirates. With the consent of the Transitional Federal Government (TFG), military personnel from patrolling forces will be allowed to take appropriate action ashore to suppress piracy.

UN Security Council Resolution 1816 (2008), adopted on June 2, 2008 permits States cooperating with Somalia's Transitional Federal Government, 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.