

STATEMENT OF THE
AMERICAN MARITIME OFFICERS
INTERNATIONAL ORGANIZATION OF MASTERS, MATES
& PILOTS
MARINE ENGINEERS' BENEFICIAL ASSOCIATION
AND
SEAFARERS INTERNATIONAL UNION
TO THE
SUBCOMMITTEE ON COAST GUARD AND MARITIME
TRANSPORTATION
OF THE
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE
ON
PIRACY AGAINST UNITED STATES-FLAG VESSELS:
LESSONS LEARNED

MAY 20, 2009

Mr. Chairman and Members of the Subcommittee:

The American Maritime Officers (AMO), the International Organization of Masters, Mates & Pilots (MM&P), the Marine Engineers' Beneficial Association (MEBA) and the Seafarers International Union (SIU) appreciate the opportunity to submit this statement in conjunction with your Subcommittee's hearing on piracy. The licensed and unlicensed merchant mariners our labor organizations represent crew United States-flag vessels that frequently operate in waters where the threat of piracy is the greatest. Consequently, the officers and members of our unions deeply appreciate your leadership, Mr. Chairman, in scheduling this hearing. We look forward to working with you and your Subcommittee to formulate responses to the threats posed by piracy which offer the greatest measure of protection for U.S.-flag vessels and their United States citizen crews.

In fact, American mariners working aboard U.S.-flag vessels operating in that region continue to face an immediate and ongoing threat from international pirates. As our American mariners simply attempt to do their jobs, their lives are in constant peril as these pirates decide when – not if - to take further aggressive action against commercial ships.

Clearly, the actions taken by the Administration and, most specifically, the Department of Defense in response to the recent attacks against the U.S.-flag vessels MAERSK ALABAMA and LIBERTY SUN demonstrate that the United States Navy and its personnel have the capability and expertise to respond quickly and effectively. In both instances, the pirates never took control of the U.S.-flag vessel and, as everyone is now aware, the Navy SEALs executed a dramatic rescue of Captain Richard Philips, master of the MAERSK ALABAMA, which has attracted the worldwide praise it deserves.

This is important not only because no American ship, cargo or crew member was lost but because our country unequivocally demonstrated that we will protect our U.S.-flag fleet which contributes to the economic, political and military security of the United States. Our country cannot allow pirates to force the U.S.-flag off the high seas or to drive American citizens out of our industry. All too often the role that our organizations and

the United States citizen merchant marine officers and crew we represent play in protecting the economic security of our nation and supporting the Department of Defense and our troops overseas is overlooked. Without a United States-flag merchant fleet and without the American citizen licensed officers and crew who sail aboard these vessels, our armed forces overseas would be dependent on others for the supplies, equipment and other cargo they need to do their job to protect America's interests.

Consequently, we are extremely disappointed that the Department of Defense has apparently decided not to accept primary responsibility for protecting United States-flag vessels and their U.S. citizen crews. Our unions had in fact asked the Administration to continue to treat this situation and the ongoing threat posed by pirates with the utmost urgency. In a letter to the President dated April 24, 2009, we stated that it is our position that "the most effective step that must be taken to prevent further aggressive action against U.S.-flag commercial vessels and their crews is for our government to immediately provide U.S.-flag vessels with the force protection necessary to prevent any further acts of piracy against them." We strongly believe it is first and foremost the responsibility of the United States government to provide the protection necessary to ensure the safety of life and property aboard United States-flag vessels. When a vessel flies the United States flag it becomes an extension of the United States itself, regardless of where in the world the vessel is operating.

This is in fact why we believe the decision by the Department of Defense to defer primary responsibility to the private maritime industry for affirmatively protecting against attacks by pirates ignores their duty to protect merchant vessels, and to ensure the unfettered movement of cargo along the world's sealanes. We do not disagree that there is a limit to any government's resources - even America's. In fact, due to the vastness of the area to be covered - and the areas of threat are continually growing larger - our Navy and the coalition of other navies currently positioned in the Gulf of Aden region may simply not have the resources to provide all the protection necessary to prevent and stop every attack.

Nor do we disagree that private industry must and should assume some responsibility. But, it is in our opinion naïve at best to believe that private industry does not need and deserve the U.S. Government's help. Simply having the Department of Defense respond to an attack, rather than working in concert with private industry to prevent attacks, is not enough to properly assure American mariners that their Government stands ready, willing and able to protect them from attack by pirates.

In the case of the LIBERTY SUN and the MAERSK ALABAMA, the vessels and crews were on a mission of mercy, carrying U.S. food aid cargo to some of the world's neediest people. These vessels and other vessels carrying American aid proudly fly the United States-flag in foreign ports to help demonstrate that Americans are a compassionate people. It shows that American ships and their crews will work to make sure that the less fortunate of the world who need our aid will in fact receive our aid – U.S. produced agricultural commodities. U.S.-flag ships and their crews play a key role in the process which must continue.

Notwithstanding the outcomes of the MAERSK ALABAMA and LIBERTY SUN incidents, it is important for all Americans to understand that the threat presented by piracy is a fact of life for American mariners and for seafarers around the world. It has recently been reported by the International Maritime Bureau (IMB) of the International Chamber of Commerce that compared to the first quarter of 2008, piracy incidents have almost doubled in the first quarter of 2009, from 53 to 102. According to the IMB, this increase is due almost entirely to increased pirate attacks off the Gulf of Aden and the east coast of Somalia, where 61 of the 102 attacks occurred.

We agree that the increased level of piracy in this region of the world is due largely to the political and economic conditions within Somalia. There is, at best, tremendous political instability which is coupled with severely depressed economic conditions that do not offer the level or measure of opportunity necessary to discourage individuals from pursuing this life of crime.

This is not, of course, a situation that can or will be solved quickly, or just by the United States. It will require a coordinated international effort to try to reverse the conditions within Somalia that have led to this increased level in piracy. But while the world works to confront the root causes of piracy, it is critical that the United States and the rest of the world act to address piracy itself – to develop an international approach that entails uniform response procedures when pirates are discovered in waters near a vessel; that includes a uniform approach to protecting vessels and crews; and which covers the prosecution for piracy and penalties for those convicted. We also believe that all flag nations, including those which do not have military forces to contribute to this effort, must therefore participate in this effort financially. They should pay their fair share to help offset the cost of protecting their flag vessels that the United States and other countries will incur.

It is also important to reach an international agreement that applies and enforces any new requirements equally to all vessels in order to ensure that U.S.-flag vessels are not economically disadvantaged. It is important to remember that shipping is a business; ship owners, operators, and cargo shippers are interested in moving their cargo from point to point safely and at the lowest possible cost. If the threat posed to merchant mariners by piracy is not given the same seriousness by all vessel owners and operators and flag states, and if these same vessel owners and operators and flag states choose to sacrifice the health and safety of their mariners for the bottom line, American vessel owners and operators will be disadvantaged as they try to do the right thing, and the number of U.S.-flag vessels will likely diminish, taking American maritime jobs with them. To the degree this happens, more and more of American cargo will be carried by foreign vessels that are more susceptible to pirate attacks, and more and more of American cargo will be at risk. Simply put, we believe that the ultimate response to piracy must be international, the steps taken and the requirements imposed must be applied to all vessels, and the costs of protecting vessels, cargo and crew must be borne equally and not disadvantage any one flag.

Nevertheless, as we said previously, the immediate threat to vessels and crews posed by piracy is real, and action must be taken now to protect U.S.-flag vessels and American mariners. We remain convinced that until and unless the international maritime community acts, there is no effective alternative to United States government involvement and action working in concert with our shipping industry and maritime labor organizations. We agree with the statements made by Secretary of State Hillary Clinton: “We have to act swiftly and decisively to combat this threat. These pirates are criminals. They are armed gangs on the sea. And those plotting attacks must be stopped, and those who have carried them out must be brought to justice. Defending against piracy must be the joint responsibility of governments and the shipping industry.”

Consequently, it remains our firm conviction that as an essential first step, the United States government should immediately provide protection for the United States-flag vessels that are and will be operating on sea lanes where piracy remains a serious threat. This protection should entail military escorts or military security detachments placed aboard the vessel. Nevertheless, as we noted earlier, it does not appear that the Department of Defense will provide the escorts or security detachments that are necessary to more effectively prevent pirates from successfully boarding United States-flag vessels and capturing, harming or killing the American crew.

Consequently, and because our maritime industry is serious about combating piracy, our maritime unions are prepared to consider any and all steps that may be necessary to protect the lives of the men and women we represent. We believe, for example, that the utilization of a private security detachment aboard a vessel may provide some measure of protection against pirate attacks. In fact, a force protection detachment of a few highly qualified, experienced personnel, with armed forces background and training, to serve as first responders in the event pirates are detected can be effective in repelling the attack. Such individuals can and should be equipped to take aggressive action when it is confirmed that pirates are approaching the vessel and an attack against the vessel may be imminent. However, it should be noted that there are serious concerns and risks throughout the maritime industry regarding this approach. The employment of private

security detachments can, for example, raise command and liability issues which must be thoroughly considered before proceeding in this fashion.

We would ask, Mr. Chairman, that you and your Subcommittee work with us to help eliminate whatever statutory and regulatory impediments may exist to the employment of a private security force aboard United States-flag commercial vessels.

In addition, Mr. Chairman, we would like to address the issue of “arming the crew”. We categorically reject the notion that this should be considered the best or even a primary solution to the problem of piracy or that it is “the answer” to the threat posed by pirates. Rather, we believe that to the degree this option is considered – and we believe it must be considered - it should be considered as only one part of an overall, comprehensive response. Even then, it should entail no more than a few highly trained individuals who, as determined by the ship owner and Master, have extensive training and expertise in the use of weapons and that only these few individuals have access to the arms. Conversely, we do not believe that an individual should have access to arms aboard the vessel simply and exclusively because he happens to hold a certain rating or license.

Again, we would ask that you work with us to help eliminate whatever statutory and regulatory impediments may exist to giving a limited number of crewmembers access to arms aboard a United States-flag commercial vessels.

In conclusion, we again wish to express our appreciation for your efforts, Mr. Chairman, and the efforts of your Subcommittee to focus attention on this extremely serious problem. We stand ready to continue to work with you and your Subcommittee and we request that this statement be included as part of hearing record.