

## **BRIEF ON JEDDAH AMENDMENTS PROVISIONS IN HANDLING ATTACKS AGAINST COMMERCIAL SHIPS**

### **Background**

The IMO SG-Mr. Kitack Lim issued a statement on 13 December 2023 requesting Member States to work together and ensure unhindered and safe global navigation everywhere as a pre-requisite for maintaining the world's supply chains and in line with the framework of the DCoC/JA. This was as a result of the recent reports of threats made to commercial shipping in the Red Sea Area.

The Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against ships in the Western Indian Ocean and the Gulf of Aden was adopted in 2009 and later revised to the Jeddah Amendment in 2017 with an extended scope of the Code “calling on the Signatory States to cooperate to the fullest possible extent to repress transnational organized crime in the maritime domain, maritime terrorism, Illegal, unregulated and unreported (IUU) Fishing and other illegal activities at sea”

The DCoC/JA also focuses on “security for a purpose”, that purpose being to create the security conditions necessary for maritime development, a sustainable blue economy, meeting the United Nations’ Agenda 2030 and the Sustainable Development Goals. Convinced that the Code of conduct will promote regional maritime cooperation and a stable maritime environment, contribute to the peace, good order and continuing prosperity of the western Indian Ocean and the Gulf of Aden area, the Code has the following provisions which apply to addressing illegal activities at sea and protection of ships;

#### **1. Article 4 -Protection Measures for Ships**

The Participants intend to encourage States, ship owners, and ship operators, where appropriate, to take protective measures against transnational organized crime in the maritime domain, maritime terrorism, and other illegal activities at sea, taking into account the relevant international Conventions, Codes, Standards and Recommended Practices, and guidance adopted by IMO and the maritime industry. The Participants intend to cooperate in the implementation of measures to protect ships.

#### **2. Resolution 2. Clause 6**

Emphasizing, in this regard, the grave threat piracy, armed robbery against ships and other illicit maritime activity, including fisheries crime, can pose to the safety of navigation, seafarers and to the marine environment, if not repressed promptly and effectively, further Invites Member States of IMO to take appropriate action within all available frameworks and mechanisms to prevent and repress illegal activities offshore that impact peace and stability throughout the western Indian Ocean and the Gulf of Aden area

### **Other measures in place**

In addition to the provisions of the Jeddah Amendment, the Signatory States have gone steps further to practically implement the Code of Conduct and have so far agreed on the following measures;

1. A strong regionally led Steering Committee and Working Groups on Information Sharing and Capacity Building Coordination which entails all maritime threats envisioned in the Jeddah Amendment including emerging crimes and threats which can effectively identify the needs and priorities of the Region and advocate for the same effectively amongst all the Signatory States. A strong sub working group on Ship and Port Security and Coastal Installations is also in place to champion protection of ships and ports as per the relevant provisions and best practices.
2. ISN Strategy and RoadMap which calls for modalities for Information Sharing both at National Level and at Regional Level with the 2 Regional Centers and IFC-IOR as information sharing is the foundation for addressing the root causes of illicit maritime activities.
3. A dedicated Friends of DCoC Framework which is available to be called up for support and provision of technical assistance on matters related to addressing illegal activities at sea including measures for protection of ships against attacks.
4. Coordination with the Red Sea Project which has been ongoing in the Red Sea countries and capacities have been built to enhance maritime security.

## **The Current situation**

The current situation in the Red Sea, which is one of the most international maritime critical corridors with more than 2000 ships transiting every month, indicates that maritime safety and security in the region is under threat. The freedom of navigation under UNCLOS is getting compromised to ships trying to navigate through this crucial trade route.

The number of attacks and attempt of attacks are already presented by earlier presenter. To show you the effect, as per Chairman of the Suez Canal Authority, 55 ships diverted to transit through the Cape of Good Hope from November 19 until today.

With ongoing conflicts and tensions in the region, maritime security has become a major concern. Following the attacks, some global Shipping lines that are targeted have started to take extra precautions to the extent of rerouting their vessels away from the corridor. The situation if not circumvented may have a catastrophic effect on global trade.

As per the report of BIMCO and closed maritime information sharing reports, Merchant ships have been attacked using anti-ship missiles, waterborne improvised explosive devices (WBIED), unmanned aerial vehicles (UAV), laid mines, and unmanned surface boats. Furthermore, the piracy activity, which has been suppressed for the last few years has shown a sign of rise.

Based on the above Articles in the Jeddah Amendment and the measures provided in International Conventions, Codes, Standards and Recommended practice like the UNCLOS, ISPS Code and latest BMPs which have various provisions for safety of navigation and the DCoC Signatory States are party to, then the Signatory States can address the current threats in the Red Sea Area effectively using this regional framework-DCoC/JA.

## **Recommendation/Way forward**

1. Adopt the resolutions/recommendations noted in the Press Statement issued on
2. Signatory States to agree to an enhanced operational type action including;
  - improved coordination with international Navies,

- sharing of maritime situational awareness data
- 3. Hold continuous meetings/reviews with International Partners with to keep a close look at the progress of the situation.
- 4. Hold a meeting with the SG-IMO and look at developing an MSC Paper on the same ahead of the next MSC Meeting in May 2024 to pass concrete resolutions that will be adopted by Member States on modalities for dealing with maritime threats and trends in the region as they may arise using the DCoC Mechanism.

## **Conclusion**

Based on the above Articles in the Jeddah Amendment and the measures provided in International Conventions, Codes, Standards and Recommended practice like the UNCLOS, ISPS Code and latest BMPs which have various provisions for safety of navigation and the DCoC Signatory States are party to, then the Signatory States can address using this regional framework-DCoC/JA the current threats in the Red Sea Area effectively.

In conclusion, the willingness of the Regional States to work together and address maritime security threats makes DCoC/JA the regionally led vehicle to drive the regional cooperation and enhance maritime security in the Region including the current threats in the Red Sea Area.