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Protection Measures for Merchant Ships

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Written by	Martin Conroy, Aref Fakhry (WMU)	2015-03-15
Checked by	Elisabeth Wilson (SAMI)	2015-03-16
Approved by	Aref Fakhry (Lead, WMU) Huw Davies (FLIR)- Coordinator	2015-03-17 2015-03-17

D5.1 –Initial Report of the Ethics Advisory Board

	Cor van der Zweep (UNR)- Project manager	2015-03-17
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Project partners:

- 1 – FLIR – FLIR Systems LTD - EN
- 2 – CMRE – Nato Science and Technology Organisation - BE
- 3 – WMU – World Maritime University - SE
- 4 – UoA – University of the Aegean-Research Unit - GR
- 5 – SAMI – Security Association for the Maritime Industry Limited - EN
- 6 – UNR – Uniresearch B.V. - NL
- 7 – TNO – Nederlandse Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek - NL
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Executive summary

The Ethics Advisory Board (EAB) is mandated by the PROMERC Description of Work, and described in Work Package 5. This document, designated as an Initial Report, describes the EAB meetings, the EAB's main findings to date and the plan of its future activities. The main observations that may be generated are:

- The review is being articulated principally in relation with the concept of 'European Human Right Standards'.
- The review undertaken by the EAB so far has confirmed that the decision support system used/proposed by the project is in line with 'European Human Right Standards'. In reaching its foregoing findings, the EAB has considered the overall approach adopted by the project and Work Packages 1 and 2, and the weighting scheme developed in Work Package 3.
- Ethics review is an ongoing process.
- The ultimate conclusions of the review will feed into D5.2, the Final Report of the EAB, expected in month 23 of the project.

1 Introduction

The Ethics Advisory Board (EAB) has been created as specified in the PROMERC Description of Work (DOW), under Work Package 5. The EAB is mandated to review the project in order to ensure that the decision support system proposed and used by the project is in line with 'European Human Right Standards'. It is also specified in the DOW that the main role of the EAB will be to assess the aspects of the research activities that may raise ethical concerns, particularly those relating with the use of force. In addition, the EAB will provide recommendations.

This Initial Report delineates the approach used by the EAB to conduct its work, as agreed following discussion at the EAB meetings. The report also describes the core findings of the EAB following its initial review of the main approach adopted in the project and deliverables within Work Packages 1, 2 and 3.

It is noteworthy that this report is now submitted following the first annual project review meeting with the European Commission (EC) on 4 March 2015 in The Hague. Specific suggestions and recommendations were aired by the Reviewers and the EC Project Officer in attendance in relation to the EAB's frame of reference and this valuable input has been taken into consideration in producing this report.

2 EAB mandate

Reference should be made at the outset to the DOW, which provides:

An Ethics Advisory Board (EAB) with demonstrated experience in Human Rights at the consortium level will be set up to review the project and to ensure that the decision support system used/proposed by the project is in line with European Human Right standards. Details of the EAB are given in Section 1.3.6.

The EAB will be available to advise the consortium as required during the project and will conduct an initial review at Month 10 and a final review at Month 23.(DOW, part A, page 17.)

It should be pointed out that the EAB effort forms part of Work Package 5, designated ‘Evaluation by Stakeholders’. The broad aims of that Work Package are, according to the DOW (part A, page 17), as follows:

- *Coordination and engagement between PROMERC and broad stakeholder group*
- *Provide Subject Matter Expertise on dissemination and/or exploitation of project results*
- *Evaluate Counter Piracy Measures Manual of WP3*
- *Evaluate Counter Measure Tactical Decision Aid of WP4*
- *Evaluate Voyage Planning Tool of WP4*
- *Provide Subject Matter Expertise to all work packages*

Further details on the EAB are given in the DOW:

The PROMERC Ethics Advisory Board (EAB) aims to review the project in order to verify its compliance with Ethical and Human Rights Standards supported by EU. The EAB will support the project development and will be available for members of the consortium. The board serves as an instrument to recommend, assess and develop protocols in order to stimulate human rights awareness and societal consciousness.

Therefore, the main role of the EAB will be to assess the aspects of the research activities that may raise ethical concerns, particularly those relating with the use of force. In addition, the EAB will provide recommendations. ...

The Board will be composed of internal and external experts involved in the field of law, social sciences and environment. Its interdisciplinary nature is considered paramount to assess the various dimensions of the project. In its work, the EAB will collect advices and data from various stakeholders. (DOW, part B, pages 27–28.)

3 Deliverable objectives

The specific objectives of this deliverable D5.1 are reflected in the DOW (part A, page 19) as follows:

D5.1) Initial Report of the Ethics Advisory Board: The Ethics Advisory Board (EAB) will review the project to ensure that the decision support system used/proposed by the project is in line with European Human Right standards. This report will focus on the overall approach adopted by the project and WP 1 and 2 and the weighting scheme which will be developed in WP 3. [Month 10]

The above requirements are elaborated further in the DOW:

1. Ensure that Ethical considerations on the use of force have been integrated in the decision support system and that alternative concepts that rely on less harmful interventions have been evaluated and integrated.

2. Ensure the compliance of the decision support system to European Human Rights standards. ...

4. A report must be provided to the REA on this assessment carried out on the points 1&2 within the 1st reporting period (DOW, part B, page 28.)

This report answers the requirements as set out above. It is noteworthy that, pursuant to the DOW, the Final Report of the EAB (D5.2) will be due at month 23 of the project:

After month 10 an intermediate meeting will initiate the first report. A final review of the project findings and outcomes will be conducted during month 23. (Part B, page 28.)

(...)

5 PROMERC EAB mandate's specificity

Some comments are necessary to reflect on the specific EAB mandate within PROMERC.

Ethics are generally seen as involving issues of consent of the research subject, privacy and protection of personal data, as well as dealings with human parts. PROMERC's focus area may not bring into question such issues, although they should not be ruled out completely.

As is clear from the project's EAB terms of reference, the question of human rights is overriding. The reference to 'European Human Rights Standards' is noteworthy. Accordingly, any ethical considerations must use benchmarks that are applicable and relevant within the European and/or EU context. This point will be elaborated on later.

A particular articulation emphasised in the terms of reference is the use of force. Since this project covers an array of piracy countermeasures, ranging from the most benign and discreet, to much more aggressive conduct on the part of the ship and its crew, it will be important for any ethical review to vet the necessary gradation of countermeasures by order of impact on human lives.

These pointers should direct and guide the PROMERC EAB's work.

The ultimate aim of the EAB component within PROMERC is, as stated in the terms of reference set out above, 'to ensure that the decision support system used/proposed by the project is in line with European Human Rights Standards'.

(...)