

Piracy update



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Trading off West Africa presents different risks to East Africa.

In its 2013 annual report on piracy and robbery against ships, the International Maritime Bureau reported an overall reduction in piracy incidents off Somalia, with 15 events in the past 12 months, as opposed to 75 in 2012 and 237 in 2011.

The reduction in piracy off the east coast of Africa is attributed to three principal factors: the employment of privately contracted armed security personnel on board vessels, the combined efforts of navies in the region and the adoption of vessel protection tactics recommended in the latest version of Best Management Practices (**BMP4**).

However, the level of attacks off West Africa's Gulf of Guinea (including Nigeria, Togo and Benin) has remained relatively consistent in recent years, with 53 attacks in 2013, 62 in 2012 and 53 in 2011. Worldwide, West African piracy accounted for 19% of attacks in 2013, with 31 of the area's 51 attacks occurring in Nigerian waters.

Although pirates operating off the west coast of Africa appear to be more focused on short-term hijack in order to steal cargo and other property, the risk of kidnap for ransom is still present. In 2013, 36 people were taken hostage in West Africa, more than in any year since 2008.

Whereas piracy off Somalia generally takes place in international waters, vessels trading to the Gulf of Guinea face piracy risks in the territorial waters of local states. Generally speaking, the use of privately contracted armed security personnel on vessels in states' territorial waters is prohibited, creating an additional challenge for shipowners.

- Overall reduction in piracy on a global level (including off East Africa)
- Level of piracy off West Africa relatively constant
- The issue of private armed guards, prohibited in states' territorial waters.

Piracy off West Africa differs from that off East Africa in the following principal ways:

	East Africa	West Africa
Location	International waters	Territorial waters of local states (although reports also indicate attacks at up to 170nm offshore)
Piracy type	'Transit' – vessels coming under attack while travelling through the region's waters	'Destination' – vessels coming under attack whilst waiting for or approaching a port or other final destination
Apparent aim of pirates	Long-term hijack/kidnap for ransom	Short-term hijack to facilitate the theft of cargo (usually gas oil), as well as robbery of vessel's equipment/stores and the crew's personal effects and kidnap ashore for ransom
Method	Pirates are dangerous and often fire upon the vessel with small arms, including RPGs, in order to attempt to board	Pirates are well-armed, violent and dangerous, and show less value for life than those off the east coast. Attacks often occur at anchorages and off the coast at night

Recommendations

The club strongly recommends that members follow BMP4 (and when trading off West Africa, the specific guidance developed for that region).

In relation to West Africa, although privately contracted armed security personnel cannot be used in states' territorial waters, local forces may be used. If members decide to use local forces, the club recommends the engagement of unarmed privately contracted security personnel who can provide guidance and oversight.

An amended version of the BIMCO GUARDCON contract, to which the club has contributed, is currently being drafted and will address the specific contractual issues arising from the use of local guards off West Africa. The contract and an explanatory circular are expected to be published imminently.

How can the club help?

The club has developed a considerable body of experience in this area and can assist members in the following ways:

- Contract review – advising members in relation to the wording of proposed contracts with security companies to make sure they do not prejudice club cover. The club strongly recommends the use of BIMCO GUARDCON, suitably

- amended for use off West Africa
- Advice in relation to general piracy issues – the club is happy to share its broad range of knowledge with members, and
- Kidnap and ransom insurance – we offer comprehensive kidnap and ransom cover to our members. The club's policy covers the costs of negotiations with pirates, legal expenses, the ransom itself, loss of the ransom in transit and crew liabilities arising from a maritime piracy incident. Loss of hire cover relating to a piracy incident is also available. Members can expect club-style service at a time of crisis and the support of dedicated piracy responders.

Members are invited to contact their usual **club contacts** for further information.

The club has received a positive response to its kidnap and ransom policy and has received numerous enquiries from its members as well as writing a number of accounts. Further details of the club's kidnap and ransom cover may be found on the club's **website**.

