STANDARD SAFETY

SETTING THE STANDARD FOR SERVICE AND SECURITY

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PIRACY SPECIAL EDITION

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Fishing vessel Feng Guo No 168 attacked and reportedly captured off
v Tromelin Island, October 2010

It is now nearly three years since the European Union (EU) called for more focused international effort to tackle piracy off the Somali coast after a series of attacks and hijackings of merchant ships. Since then, the EU has set up the naval force EUNAVFOR to patrol the seas off Somalia/Gulf of Aden, and initiated an International Recommended Transit Corridor (IRTC), through the Gulf of Aden.

Prominent industry bodies have lent their support and have compiled the important reference guide called *Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area: Suggested Planning and Operational Practices for Ship Operators and Masters of Ships Transiting the Gulf of Aden and the Arabian Sea*, better known as BMP3, for ships and shipping companies to prepare for and combat piracy.

It is now in its third edition (June 2010). It is essential that the guide should be used with constant reference to the Maritime Security Centre – Horn of Africa (MSC – HOA) website (www.mschoa.org), which provides the latest advice.

Even though anti-piracy measures on ships have improved, more naval forces have been drafted into the region, and intelligence is better and more readily available, pirate attacks still continue at an unacceptable level. In the first nine months of 2010, some 290 ships were attacked world-wide, with more than 44% of them in the Gulf of Aden/Somali Basin/Indian Ocean area. Attacks have ranged more than 1,300 miles from the Somali coast, and the high risk area is considered to stretch as far east as longitude 78ºE in the Indian Ocean. Incidents have been reported as near to the East African coast as 12 nautical miles from Mombasa and as far south as 16.00ºS, 55.00ºE, east of Tromelin Island, which is 260 miles east of Madagascar. In the first six months of 2010, there were eight attacks within 200 nautical miles of the Tanzanian coast, one ship being hijacked en route from Mombasa to South Africa. It is estimated that nearly 2,000 seafarers have been held hostage at various periods since 2008, and at the time of writing some 400 seafarers from 20 ships remain captive.

The Standard Club, as a member of the International Group of P&I Clubs, one of the industry bodies supporting the principles and guidelines in BMP3, strongly recommends to all its members that the BMP3 should:

- form the basis of their anti-piracy procedures;
- be integrated into company procedures;
- be available to all ships, (so that all masters and crew know how to react in an emergency).

While the advice within BMP3 may not be applicable to every company, ship type and trading area, given differing operational requirements, the general guidance should be taken into account for voyages through high risk piracy areas.

The following piracy related operational requirements should be considered when transiting the southern Red Sea, the Gulf of Aden, Somali Basin or Indian Ocean bounded by 10°S, 78°E.

1. observance of the BMP3 recommendations
2. registering with the Maritime Security Centre – Horn of Africa (MSCHOA) via the website www.mschoa.org
3. all ships transiting the Gulf of Aden/Indian Ocean areas bounded by 10°S, 78°E must report to the UK Maritime Trade Operations (UKMTO) office in Dubai which acts as the primary point of contact for merchant vessels and liaison with military forces in the region (email ukmto@eim.ae)

Naval forces advise that ships which do not register with the UKMTO can hamper the speed of naval response and create unnecessary confusion.

A company security officer should pay close attention to the information on the appropriate web sites, including that of the MSC – HOA, providing intelligence to the ships' master. Careful note should be made of naval convoy times organised by various nations, which will help masters plan a safe transit and facilitate anti-piracy preparations. This intelligence is useful for ships' masters to be better prepared and to be able to make appropriate anti-piracy decisions.

Although reporting to the UKMTO is voluntary, the Standard Club is urging all members to ensure that their ships report to the authorities when transiting the high risk piracy areas.

For reference, the following are the reporting requirements as advised on the MSC-HOA website.

v Fishing vessel Tai Yaun 227 reportedly being used as a mother ship for pirates in October 2010

UKMTO VOLUNTARY REPORTING REQUIREMENTS

Merchant vessel voluntary reporting schemes are established to increase security, provide anti-piracy support and to maintain the freedom of navigation for all vessels in the Indian Ocean, Arabian Sea, Gulf of Aden and the Red Sea.

Merchant vessels operating in these areas are strongly encouraged to liaise, as detailed below, with the authorities. Any vessel owner operator or manager choosing not to report may delay any military assistance in the event of an incident as military assets will not be expecting the ship and valuable information may not be available.

The schemes are free to participate in and vessels of any flag or ownership are invited to participate.

All information is treated in strict commercial confidence and only used within military circles.

REPORTING

Upon entering the UKMTO voluntary reporting area (bounded by Suez in the north, to 10S and 78E) or when leaving a port within the area:
- send an initial report to UKMTO (by email to ukmto@eim.ae); see BMP3 Annex B for report details.
- register vessel movement with MSC-HOA (on-line at www.mschoa.org, by email to postmaster@mschoa.org or by fax +44 1923 958520); see www.mschoa.org for report details.
- after transmitting the initial reports above vessels are asked to report daily to UKMTO (with a copy to MSC-HOA) giving their position, course, speed and ETA. In addition, when calling at ports within the reporting area, the date/time of arrival and the ETD should be reported.
- if planning to transit the Gulf of Aden vessels are requested to add the ETA at the IRTC entry point ("Point A" or "Point B") to the daily reports to UKMTO and MSC-HOA.
- vessels are encouraged to increase the frequency of position reports to every six hours when within six hours of entering or navigating within the IRTC.
- when making reports all times should be in "UTC".
- reports may be made by either the vessel or by the owner/operator.

BMP3 has the following contents:

1.	introduction	ANNEX A	Useful contact details
2.	Somali pirate activity	ANNEX B	UKMTO vessel position reporting form
3.	risk assessment		
4.	typical pirate attacks	ANNEX C	Piracy definitions
5.	implementing BMP	ANNEX D	Follow-up report
6.	company planning		
7.	masters' planning	ANNEX E	Additional guidance for vessels engaged in fishing, in the Gulf of Aden and off the Coast of Somalia
8.	prior to transit – voyage planning		
9.	prior to transit – self-protection measures		
10.	if a pirate attack is imminent		
11.	if boarded by pirates	ANNEX F	Organisations
12.	in the event of military action		
13.	post incident reporting		
14.	updating best management practices		

PIRACY AREAS

## Piracy is a significant threat in many areas including:

- Southern Red Sea
- Gulf of Aden
- Indian Ocean bounded by 10°S, 78°E
- The Malacca Strait
- South China Sea
- West Africa

The level of threat in the above areas varies from country to country and when ships are trading in or transiting through these areas company security officers should monitor the latest available information from organisations such as:

- MSC-HOA: http://www.mschoa.org/Pages/default.aspx
- International Maritime Bureau: http://www.icc-ccs.org/
- US Maritime Administration: www.marad.dot.gov
- International Transport Workers' Federation: http://www.itfseafarers.org/maritime_news.cfm
- NATO Shipping Centre Counter Piracy web page: http://www.shipping.nato.int/CounterPir

Companies with ships which frequently transit these problem areas or which have ships with substantial risk factors, such as high value cargo, low freeboard, and slow speed, might consider contacting private companies that specialise in providing up to date information and advice about piracy and terrorism.

∨ Map of GOA/Somali Basin and Indian Ocean showing piracy hijacks, attacks and suspicious events – 09/2010

◆ Pirated   ■ Attack   ○ Suspicious event   • Disruption
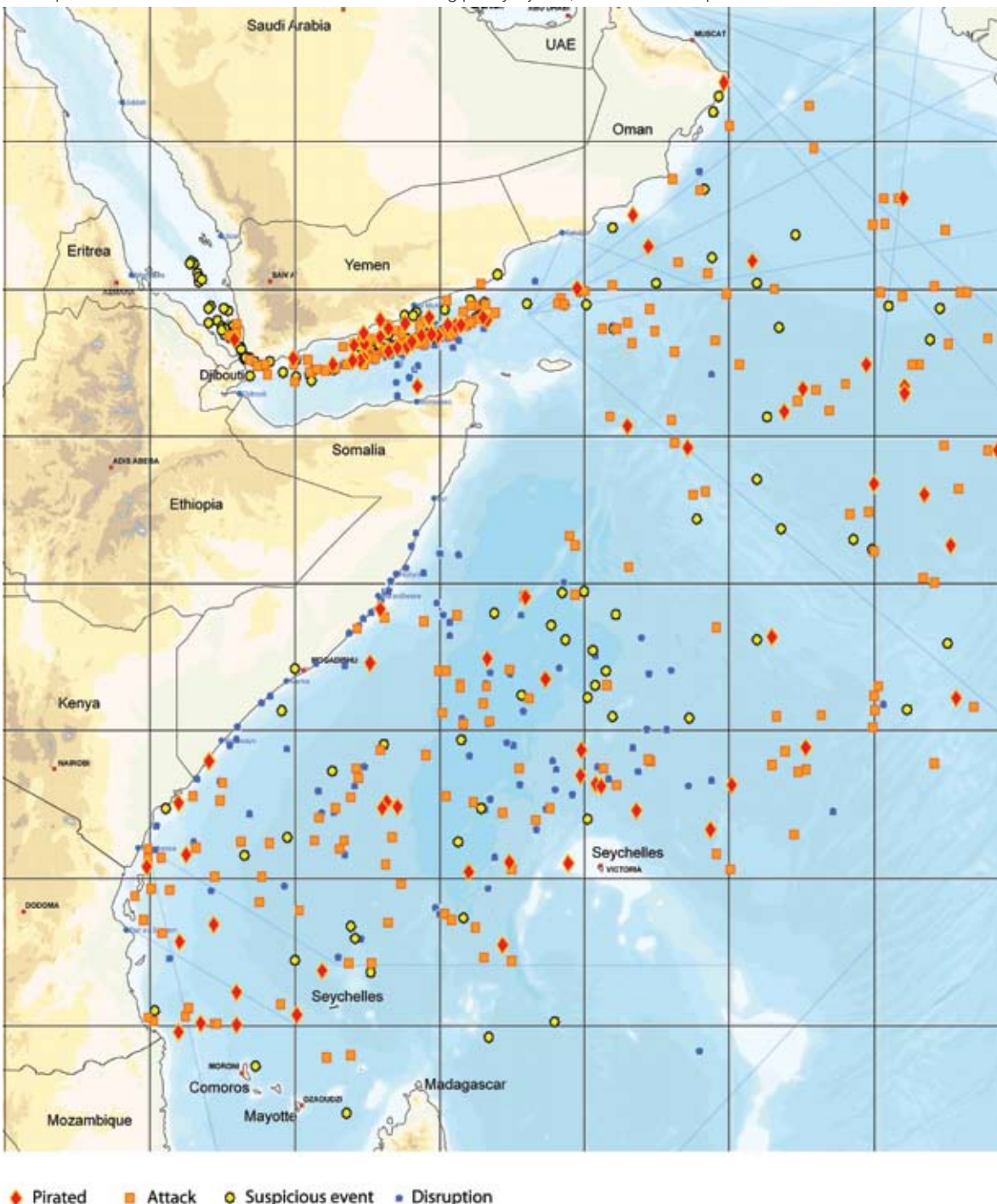
LEGAL IMPLICATIONS

It is possible that a failure to follow BMP could amount to a contravention of ISM Code, and that this in turn could make the ship 'unseaworthy'. However, to date, there have not, as far as we know, been any cases where a court or arbitrator has considered this point.

INDUSTRY CONSULTATION

An industry workshop was recently held at the EU naval anti-piracy headquarters.

The issues raised included:

- a significant percentage (estimated to be 15–20%) of ships were still not reporting their presence to the authorities when transiting high risk piracy areas
- a significant number of ships were not implementing BMP3

The Chief of Naval Staff stated that implementation of the BMP3 should be considered as a minimum.

Some industry and government bodies have suggested that implementation of BMP3 should be made mandatory and even incorporated into the International Ship and Port Facility Security Code. The International Group of P&I Clubs has been asked to consider whether P&I clubs should require that BMP3 is implemented as a condition of cover. This is not a position held by the Standard Club because operational decisions may sensibly require operators, on occasion, to diverge from guidance in BMP3 and implement other more relevant provisions. We make the point, however, that adherence in general to BMP3 is sound practice. Continuous use of the information on the MSC-HOA website, and contacting the UKMTO when transiting the high risk piracy areas in the Gulf of Aden/Somali Basin/Indian Ocean are recommended.

ISM CODE AND RISK ANALYSIS

Since June 2010 the ISM Code has required companies to use risk analysis techniques, (see the September 2010 issue of *Standard Safety*). Transiting a high risk piracy area could be considered a critical operation and therefore require a formal risk assessment. Members should use such risk analysis when transiting high risk piracy areas. Members who charter ships trading in these areas should also make use of risk analysis and may want to stipulate this to be included in the charterparty.

As a minimum the risk analysis should include assessment of:

- piracy statistics: number of attacks, areas affected, time of year
- weather
- available naval protection
- vulnerability of ship
- sensitivity of cargo
- number and experience of personnel onboard
- amount of time likely to be spent in piracy area
- type of piracy prevailing: theft, hijacking, terrorism
- routeing
- passive security measures
  – BMP3
  – training
  – communications
- additional security measures
  – ship modifications
  – boarding preventative measures
  – additional personnel
  – citadel for crew

Every company and ship type has different anti-piracy requirements, and as mentioned earlier, the general use of the information and guidance from BMP3 should be the minimum.

Certain flag states, importantly including the USA, require specific anti-piracy procedures to be followed, including the forwarding to ships of advisory notices issued by the administration. Many flag states recommend that the BMP3 should be used.

CTC
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