



International Chamber of Commerce

*The world business organisation*

**International Maritime Bureau**

## **PIRACY AND MARITIME VIOLENCE**

### **A CONTINUING THREAT TO MARITIME INDUSTRY**

**BY**

**JAYANT ABHYANKAR**

**Deputy Director**

**ICC INTERNATIONAL MARITIME BUREAU**

**Maritime House, 1 Linton Road**

**Barking, Essex IG11 8HG, United Kingdom**

**Tel ++ 44 20 8591 3000**

**Fax ++ 44 20 8594 2833**

**E mail [j.abhyankar@icc-ccs.org.uk](mailto:j.abhyankar@icc-ccs.org.uk)**

**Web [www.icc-ccs.org](http://www.icc-ccs.org)**

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#### **SYNOPSIS**

Seafarers expect to sail on safe ships and safe seas. The trauma of a piratical attack can leave a mariner scarred for life, both physically and mentally. Modern day piracy, in various forms, is a violent, bloody, ruthless practice and is made the more fearsome by the knowledge on the part of the victims that they are alone and defenceless

Pirates steal, maim and even kill. They endanger navigation by leaving vessels underway, including fully laden tankers, without command. This creates the potential for grounding or collision leading to an environmental disaster.

In its annual Piracy and Armed Robbery Against Ships report for 2001, the IMB reports a total of 335 attacks on ships either at sea, at anchor or in port. The violence used in the attacks also rose to new levels, with 21 seafarers killed, 210 taken hostage and 14 ships were fired upon. Ships were boarded in 238 instances and a total of sixteen ships were hijacked

The purpose of this paper is to analyse developments and identify possibilities for future action to minimise the impact of piracy.

## **INTRODUCTION**

Piracy has always been romanticised by writers and filmmakers and many people harbour visions of bearded renegades sailing seas of endless blue, something akin to a maritime Robin Hood.

The truth is that modern day piracy, of whatever form, is a violent, bloody, ruthless practice and is made the more fearsome by the knowledge on the part of the victims that they are on their own and absolutely defenceless and that no help is waiting just round the corner.

What is making the situation worse is that so many countries, instead of being pro active about the difficulties, tend to be recessive and put forward copious arguments as to why either there isn't a problem or they cannot do anything about it anyway. So the practice flourishes and unless some positive action is taken, we are on course for a dramatic increase in this crime.

The purists might say, and they would be correct in so doing, that there is little piracy *per se* in the world today. Under the United Nations Convention on Law of the Sea of 1982, piratical acts are committed on the high seas or in a place outside the jurisdiction of any state. Although much of the present day acts take place within the territorial waters of a sovereign state.

Whilst this may be legally correct, such a distinction is irrelevant in the eyes of the victim. It is for this reason the ICC International Maritime Bureau (IMB) has adopted the following definition:

***“An act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act”.***

### **• REGIONAL VARIATIONS**

The last decade has seen five specific types of piracy, varying very much according to the region in which the practice was found.

**Firstly**, there has always been what could be called "Asian" piracy, where ships are boarded and cash and valuables are stolen from the ship's safe and the crew with the minimum of force. These attacks are not on the high seas as all the waters in the area are within the territory of the various countries, which border them. A well-known target area was the Philip Channel between Indonesia and Singapore but the emphasis has now shifted to Indonesian waters. The attacks take the form of intruders coming alongside a ship underway, usually during the night, boarding it and then taking possession of whatever cash and negotiable valuables come easily to hand. The notable feature of this type of attack is the degree of skill that is used to board the ship; coupled with the fact that violence is not normally used unless resistance is offered. It is this comparative "non-violent" approach, except in Indonesian waters that oddly enough makes the problem more difficult to combat.

**Secondly**, there is "South American" or what used to be "West African" type piracy, where ships berthed or at anchor are attacked by armed gangs that are more disposed to be violent than their Asian counterparts. Here the targets are cash, cargo, personal effects, ship's equipment, in fact anything which can be moved. The characteristics of these attacks include;

- The high degree of violence by heavily armed criminals after boarding a ship.
- The target items include money, negotiable goods and items of cargo and ship's equipment.
- The total value of goods stolen per attack tends to be higher than in the "Asian" piratical attack and there is a degree of pre-planning.
- There is a demonstrated lack of competence or willingness to respond on the part of law enforcement. Law enforcement takes long time to arrive at the scene and gives little assistance to the victims.
- Some of the target ships are at anchor and in the earlier days ships were encouraged to move out of range of the pirates by anchoring up to 40 miles offshore.

The only similarity between "Asian" piracy and the above attacks is that the pirates come alongside in small craft and mount high-sided ships with remarkable agility. From that point on the similarity no longer exists, as the attackers often offer gratuitous violence and will steal everything that is not well secured. If the ships' equipment is stolen, the safety of the ship can be at risk.

**Third** type of maritime attacks have military or political feature. Notable amongst these was the attack by terrorists on the cruise ship ACHILLE LAURO on 7 October 1985, in the eastern Mediterranean. This attack was instrumental in the creation of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988 SUA CONVENTION) by the International Maritime Organization (IMO). In contrast to the attacks for purely monetary gain, the response to terrorist attacks; both on the part of the potential targets and by the forces of law and order have been of the highest degree. It is arguable whether this response has been effective in ensuring that there has been no repetition or whether the attacks were such as to be "one-off" incidents but, in either event, the world has been spared a scenario, which was unacceptable by any standards.

1993 saw a new trend off China where crafts manned by persons dressed in military uniforms intercepted and fired on passing ships. These attacks have reduced in numbers over the years due to the publicity given in the international press.

A new wave of attacks has been noticed in the southern parts of Red Sea. Pirates in small fast boats have been trying to board several ships off Bab Al Mandeb in the southern tip of the Red sea, around 13N - 43E. Ships have reported that small boats wait at the northern end of the narrow traffic lane where ships make a 90-degree turn.

Somalia and Gulf of Aden continues to be a risk prone area with 19 reported attacks in 2001. These are the expected consequences of an area, particularly in Somalia without a central authority where war and violence have become commonplace.

**Fourthly**, another violent form of piracy has emerged in South East Asia involving the hijacking of a ship underway, overpowering the crew and stealing the entire cargo before handing back the ship to the crew. In this scenario the likelihood of anyone ashore responding to the attack is remote.

Recently a pirate gang has been preying on small tankers entering the southern approaches to the Malacca Straits, seizing their cargoes of diesel oil - for which there is a ready market. The victim of the latest attack was the 3,298 ton Malaysian tanker *Nautica Kluang*, boarded off Pulau Iyu Kecil by a gang armed with guns and knives. The pirates locked the crew in a cabin and pumped the cargo onto a waiting pirate vessel.

On 27 September 2002, *Nautica Kluang*, sailing from Melaka in Malaysia to the port of Labuan in East Malaysia, was attacked in the early hours on Saturday. The captain was able to raise the alarm by mobile phone the following morning after the crew of 12 - Malaysians, Indonesians and Myanmar nationals - managed to free themselves.

There have been two previous attacks recently at exactly the same place involving small tankers loaded with diesel oil. It is believed the same gang is responsible for all these attacks,

**Finally**, there is an extension into a different type of violence towards ships and their crews. Since the late 1980's the Far East has seen several instances where ships were stolen. Whether these attacks should be called piracy or hi-jacking is purely academic, the result is the same for the victims. These attacks on ships were not so much for what they contained, as often as not they were empty, the objective was to use the ship by giving it a false identity and turning it into a "phantom ship". These phantom ships were then used to commit cargo frauds throughout the Far Eastern region. If the existing crew were found to be "surplus to requirements" they were set adrift in boats or thrown overboard or shot dead. The unfortunate *M V TENYU* with 15 crew and *M V CHEUNG SON* with 23 crew were hijacked by pirates in late 1998 and their crew were murdered in cold blood.

During 1998, the Piracy Reporting Centre of the IMB received 17 reports of ships being hijacked by pirates. The case of the *Petro Ranger* is representative of these hijackings. What makes this case important is that although the alleged pirates, the ship and its cargo were found intact, the pirates were not prosecuted and repatriated to their home country.

*M V Petro Ranger* sailed from Singapore on 16 April 1998 with a cargo of gas oil and Kerosene. Nine hours later, 12-armed pirates boarded her. The crew was held hostage whilst the pirates sailed the vessel to Hainan Island in China. The 21 crewmembers under control of the pirates were threatened with death and remained locked in the mess room for ten days. The Chinese authorities alleged that the ship was engaged in smuggling operations. They questioned the 12 alleged pirates who were carrying Indonesian travel documents. The authorities also detained and questioned the crew for over two weeks. However, on 16 October 1998, despite indisputable evidence, the alleged pirates were simply sent back to Indonesia without being prosecuted.

The *Alondra Rainbow* incident is a classic example of the Industry and the Authorities working together to defeat the pirates. This episode is described below.

On 22 October 1999, the *Alondra Rainbow* registered in Panama, loaded a cargo of 7000 mts of aluminium ingots and sailed from Kuala Tanjung in Indonesia for Miike in Japan. The ship was under command of Capt K O Ikeno with 16 other crew.

Shortly after her departure, a gang of pirates armed with swords and guns hijacked the ship. The 17-crew members were threatened with death and transferred to another ship, which came alongside at sea. They were held captive for a week and eventually set adrift in a life raft on 29 October 1999. They were rescued by a Thai fishing boat 10 days later on 8 November 1999, off the North East Coast of Sumatra.

On 28 October 1999, the IMB Piracy Reporting Centre commenced broadcasting a message to ships at sea via safetyNET service of Inmarsat-C with a request to report any ship, which matched the description of the *Alondra Rainbow*. This was followed by a special alert to relevant agencies, ports, authorities and law enforcement in the Region requesting them to look out for a ship or cargo of a similar description.

The excellent response from various masters at sea helped locate the missing ship. On 14 November 1999, the master of a Kuwaiti tanker reported sighting a ship matching the profile of the *Alondra Rainbow* heading in to the Arabian Sea. The IMB Piracy Reporting Centre passed this information along with a photograph of the *Alondra Rainbow* to the Indian Coast Guard and requested their assistance.

The response of the Indian authorities was swift. The Coast Guard immediately despatched a patrol aircraft to search the area. Upon sighting the suspect ship, the Coast Guard advised that her profile matched the photograph of the *Alondra Rainbow*. However, the suspect ship had a name *Mega Rama* and was flying the Belize flag. Quick checks by the IMB Piracy Reporting Centre revealed that no such ship was registered in Belize. This was relayed to the Indian Coastguard. The patrol aircraft then attempted radio contact with the ship but she maintained radio silence. Thereafter a coast guard patrol vessel was sent to intercept the ship, 70 miles west of Ponnani. Despite warning shots fired across her bow, the ship increased speed and continued her path. It was only when a missile carrying Corvette, *INS Prahar*, was called in to action that the high seas chase was brought to an end. The naval ship deployed a graduated use of force to bring about the suspect ship's capture on the 16 November 1999, approximately 300 miles west of Mumbai. The 15 Indonesians found on board allegedly attempted to destroy the evidence by setting fire to and scuttling the ship. The naval boarding party put out the fire, brought the flooding under control and towed the ship to Mumbai.

Investigations showed that Mr Burham Nanda, chief engineer along with Christinous Mintando, master, met an employment agent at a coffee shop in Batam, Indonesia on 4 October 1999. They finalised the plans to hijack a ship. Nanda and Mintando boarded MV SANHO anchored in Jakarta. SANHO sailed with about 35 persons on board. 12 of these were armed with weapons. The persons in charge was referred to as "boss". SANHO's first port of call was Batam where she took bunkers, water and provisions. On 17 October 1999, she sailed for Kuala Tanjung, Indonesia arriving there on 22 October 1999. One member of the gang had already boarded the *Alondra Rainbow* whilst she was loading her cargo. In the late evening of 22 October 1999, about 10 to 12 persons armed with pistols and lethal weapons were transferred from SANHO to a speed boat. When the *Alondra Rainbow* was sighted, the speed boat reached behind her stern. The member of the gang who had hidden on board the *Alondra Rainbow*, lowered ropes for his accomplices to climb on board. The crew of the *Alondra Rainbow* were captured and their hands were tied. At this stage SANHO came alongside and Mintando and 14 other "crew" climbed aboard and took charge of the *Alondra Rainbow*. The original crew of the *Alondra Rainbow* were transferred to SANHO.

On 23 October 1999, Mintando and the 14 crew changed the name of the Alondra Rainbow to GLOBAL VENTURE and proceeded to Miri in East Malaysia, arriving there on 26 October 1999. Black paint was supplied at Miri and her hull was repainted in black.

On 27 October 1999, about 3,000 MT of aluminium ingots were transhipped on to another ship called BONSOON II, which came alongside. After this the employment agent instructed Mintando to sail toward Karachi in Pakistan. In the meantime the name of the ALONDRA RAINBOW, alias GLOBAL VENTURE was changed again to MEGA RAMA.

In the meantime BONSOON II proceeded to Philippines and discharged the stolen 3,000 MT of cargo there. The MEGA RAMA was finally captured and taken in to Mumbai as described above. At least two of the 15 Indonesians found on board had featured in the hijacking of *Tenyu* in September 1998, which suggest that they are part of an organised syndicate.

The 15 Indonesian alleged offenders are being prosecuted at the session's court in Mumbai. The hearing commenced on 14 March 2001 and is expected to last until the end of 2002. However, although India is a signatory to the United Nation Convention on the Law of the Sea (UNCLOS) 1982, this convention has not been incorporated in to the national legislation. The Indian Penal Code does not address the offence of piracy or hijacking of ships. Further, at the time of arresting the alleged pirates, India was not a signatory to the 1988 SUA Convention. However, the Indian Law Enforcement can prosecute the pirates under *Piracy Jure Gentium*, an offence against all nations. The offender is said to be punishable by his captors (In this case the Republic of India), wherever he may be found, to whatever nationality he may belong, and in whatever court having jurisdiction. Alternatively, the pirates could be tried under the British Admiralty Laws, as theses existed at the time of independence in 1947.

### **PIRACY - THE NUMBERS**

Worldwide reported piracy incidents in 2001 totalled 335, nearly three and half times more compared with 1991. Most attacks occurred while ships were at anchor and whilst steaming.

Those killed due to piracy rose to 21 from 15 in 2000. Incidents of crew being assaulted have increased. The figures showed an increased use of violence during attacks, particularly the rising number of instances where firearms were used instead of knives. The number of attacks using guns rose from 51 to 73 and the number using knives fell from 132 to 105. These figures must be examined in the light of the overall reduction in the number of attacks in 2001. Thus, increased violence to crew continues to be a worrying factor.

Indonesia continues to record the highest number of attacks with 91 reported incidents in 2001. Piracy attacks in India are ranked second highest with 27 attacks and Bangladesh is third with 25 attacks. However, both countries have seen a reduction in the number of attacks as compared to year 2000 due to increased patrols.

Malaysia and Nigeria recorded 19 attacks each. Nigeria, Ivory Coast, Cameroon and Tanzania have shown a marked increase in attacks. Piracy is on the increase in Africa.

The Malacca Straits, one of the busiest shipping lanes, has seen a remarkable drop in the number of piracy attacks to 17 compared with 75 for the year 2000. This is due to vigilant patrols and constant operations by the relevant authorities particularly the Royal Malaysian

Marine Police. However the shipping industry hopes that the Indonesian Authorities will increase their efforts, without which the area will always remain high risk.

During the year, a new trend in piracy emerged in the northern part of the Malacca Straits in the waters off Aceh. Pirates attacked and kidnapped crewmembers demanding ransom for their safe return. These "*kidnap and ransom*" cases were previously confined to Somali waters. Within two months there were two similar incidents off Aceh involving MT Tirta Niaga IV and TB Ocean Silver. The amount demanded by these pirates is normally not exorbitant and shipowners pay to avoid complications. The IMB believes that there may be more incidents, which may have gone unreported because owners have been threatened and warned not to report to the Authorities. The Indonesian Authorities have been notified and are said to have intensified patrols in the area. The Free Aceh Movement (GAM), which had threatened to disrupt shipping in the Straits of Malacca was blamed for the incidents by the Indonesian Authorities.

## **Piracy prone areas**

### **S E Asia and the Indian Sub Continent**

- Bangladesh - Chittagong and Mongla at berth and anchorage.
- India - Chennai, Cochin, Haldia, Kandla and Tuticorin anchorages
- Indonesia - Belawan, Balikpapan, Lawi Lawi, Merak, Panjang, Samarinda and Tanjong Priok (Jakarta). Ships have reported numerous attacks whilst at berth and anchor. Other areas include Bangka, Berhala and Gelasa Straits
- Malacca straits - Coast near Aceh is particularly risky for hijackings
- Malaysia - Bintulu, Penang and Sandakan
- Philippines - Davao
- Thailand - Koh Si Chang
- Vietnam - Vung Tau

### **Africa and Red Sea**

- Abidjan, Bonny River, Conakry, Dakar, Dar Es Salaam, Douala, Lagos, Luanda, Owendo and Tema.
- Gulf of Aden - between four to six fast boats have attempted to board ships around coordinates Lat 14:34N – Long 051:22.5E
- Somalian waters - high-risk area for hijackings.

### **South and Central America and the Caribbean waters**

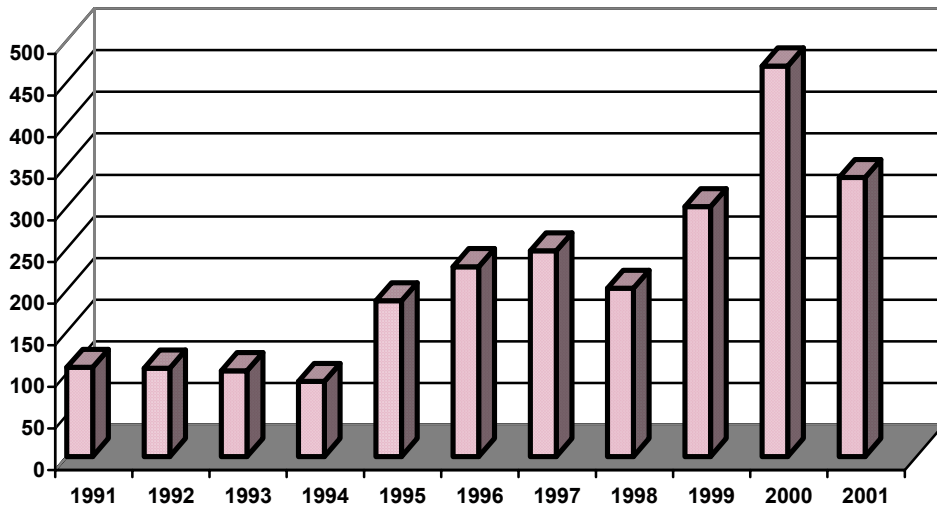
- Brazil – Fazendinha, Guiba Islands, Santana, Santos, Sepetiba, Rio De Janeiro and Rio Grande Port
- Colombia – Buenaventura and Cartagena
- Dominican Republic - Rio Haina
- Ecuador – Guayaquil
- Peru - Callao
- Venezuela - Guanta, Lake Maracaibo and Puerto La Cruz.

## PIRACY INCIDENTS BY LOCATIONS 1991 – 2001

Locations	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>S E ASIA</b>											
Cambodia			1	1	1	1	1				
Indonesia	55	49	10	22	33	57	47	60	115	119	91
Malacca Straits	32	7	5	3	2	3		1	2	75	17
Malaysia	1	2		4	5	5	4	10	18	21	19
Myanmar(Burma)						1	2		1	5	3
Philippines		5		5	24	39	16	15	6	9	8
Singapore Straits				3	2	2	5	1	14	5	7
Thailand					4	16	17	2	5	8	8
<b>FAR EAST</b>											
China/ Hong Kong/Macau			1	6	31	9	5	2			2
East China Sea		1	10	6		1	1				2
Hong Kong/Luzon/Hainan (HLH) Area			27	12	7	4	1			-	
Papua New Guinea						1	1	3			1
Solomon islands							1		1	2	
South China Sea	14	6	31	6	3	2	6	5	3	9	4
Taiwan					2						2
Vietnam				2	4		4		2	6	8
<b>INDIAN SUB CONTINENT</b>											
Bangladesh				2	2	4	9	9	25	55	25
India		5	1		8	11	15	12	14	35	27
Sri Lanka			2	1	6	9	13	1	6	3	1
<b>AMERICAS</b>											
Brazil			4	7	17	16	15	10	8	8	3
Caribbean				1							
Colombia			1		1	3		4	4	1	1
Dominican Republic						1	3	4	2	4	5
Ecuador				3		3	10	10	2	13	8
Guatemala										1	
Guvana			1			2		2		1	
Haiti									1	1	
Honduras										1	
Jamaica						1	3	2	2		
Mexico									1		1
Nicaragua					1	1					
Panama					1					1	
Peru					1	2	1	1	2	4	1
Salvador						1	1				
Trinidad & Tobago											1
Uruguay						1					
USA							1	1		1	
Venezuela						1	3	1	6	3	1
<b>AFRICA</b>											
Algeria				1							1
Angola			3				1	1	1	3	1
Cameroon							3	5	3	2	7
Congo										1	1
Egypt				1				2	1	1	2
Equatorial Guinea										1	
Gabon					1			2	3	2	3
Ghana					1	2	2	4	2	2	5
Guinea				1	1	2	3	2	6	6	3
Guinea Bissau									1		1
Ivory Coast				1		4	4	1	5	5	9
Kenya								7		5	
Mauritania										1	
Madagascar							1				1
Morocco									1	1	1
Mozambique										2	
Nigeria			2		1	4	9	3	12	9	19
Red Sea / Gulf of Aden										13	11
Senegal						2	6	2	1		1
Sierra Leone						3	3				3
Somalia/Djibouti				1	14	4	5	9	14	9	8
South Africa										1	1
Tanzania			2	1	2	3	4	3	3	2	7
Togo										1	
Yemen						1	5			1	1
Zaire									2		
<b>REST OF WORLD</b>											
Albania							5	1			
Arabian Sea										2	
Australia										1	
Denmark					1		1				
France								1			
Greece						1	2			1	
Indian Ocean										1	1
Iran					8	2	3	1	3	1	1
Iraq											2
Italy					1	2		1	2		
Malta							1				
Netherlands							1				
Portugal							1				
Russia					1		1				
Turkey					1	1	2				
UAE										1	
Location Not Available	5	31	2		1			1			1
<b>Total for the year</b>	<b>107</b>	<b>106</b>	<b>103</b>	<b>90</b>	<b>188</b>	<b>228</b>	<b>247</b>	<b>202</b>	<b>300</b>	<b>469</b>	<b>335</b>

The illustrations below show the number of attacks and an analysis in the past eleven years.

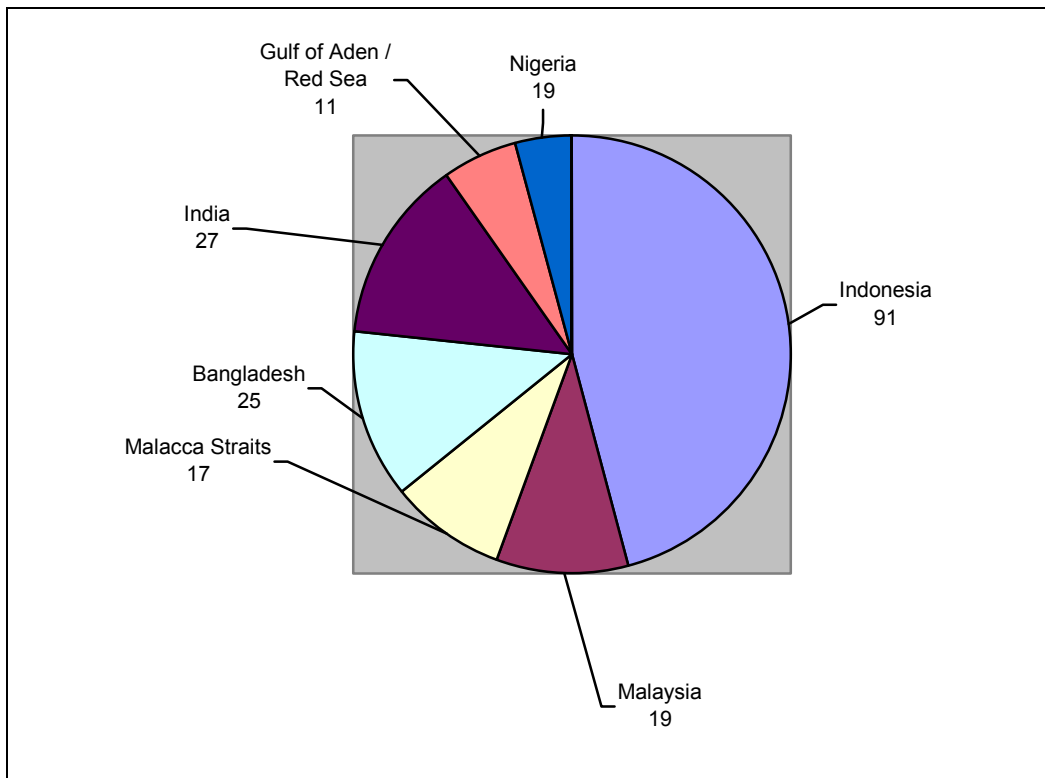
**NUMBER OF ATTACKS BETWEEN 1991 - 2001**



	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
TOTAL	107	106	103	90	188	228	247	202	300	469	335

**COUNTRIES MOST PRONE TO ATTACKS IN 2001**

Following eight areas shared approximately two thirds of the total number of incidents, i.e., 218 from a total of 335 reported attacks for the period.



## **ENVIRONMENTAL ASPECTS**

For a variety of reasons, short-term seizures have caught the imagination of industry, the press and the public. Much is made of the unacceptability of the situation but it is necessary to get the problem into perspective. Whilst theft by violence is inexcusable, the frequency of these attacks and the sums stolen compared with the frequency and size of similar shore-based crimes is relatively small. Therefore, in spite of pressures put upon law enforcement, these attacks will not necessarily loom large on their order of priorities.

What is ever present but often accorded little attention or interest, if even acknowledged, is the potential for disaster. In the early 1990s', most of the attacks in South East Asia took place in a twenty-mile long stretch of the Philip Channel, the southern half of the waterway between Singapore Island and Indonesia. In this area, which is the west-east seaway, ships of all types were attacked - conventional cargo ships, container ships and tankers. Tankers proceeding eastbound are generally laden and come from Persian Gulf ports. The statistics relating to ships using this area show that the greatest possible time interval between ships proceeding in any one direction is about twenty minutes and the lateral clearance between two ships going in opposite directions is sometimes no more than a mile. The hazards of the area are such that the Master of a large tanker will tell you the maintenance of look-outs and other navigational responsibilities while transiting the narrow and crowded waterway mean there are no personnel to spare for an anti-piracy watch.

The potential consequences of a tanker having her bridge unmanned and, therefore, not under control during a pirate attack are obvious. In one recorded incident, due to the fact that when the attackers left a ship the crew could not immediately free themselves, the bridge was unmanned for a period of 70 minutes. Had this incident taken place in the Philip Channel a disaster would have been virtually inevitable. In the first nine months of 1999, there were 13 reported piracy attacks in the Indonesian part of Singapore straits. On 16 January 1999, MT CHAUMONT, a fully loaded VLCC was attacked by pirates whilst navigating in narrow waters of the Phillip Channel. The pirates threatened the chief officer with a machete on the back of his neck and tied his hands.

In March 1989, the world was appalled at the ecological and environmental carnage caused by the EXXON VALDEZ disaster. For reasons unconnected to piracy, the ship's holds were breached and some 11 million gallons of oil were released. A conservative figure states that cleansing operations were necessary along 1800 miles of coastline. The world has seen that a spillage of this magnitude can occur. The world has also seen the consequences and so this is not a matter for conjecture but one of a hard experience. Disastrous though the consequences of the EXXON VALDEZ incident were, in one respect Alaska was probably the best place it could have happened in that the area is sparsely populated. Transpose the circumstances to a similar incident in the Philip Channel and the resultant oil pollution would be disastrous. Apart from the pollution consequences, there is every possibility that the seaway would have to be closed to shipping and the fishing in the area would be ruined for many years.

It is an unfortunate fact that many people will never acknowledge something that exists in potential only. The IMB is convinced that, because there will be no second chance with an oil-spill, a pro-active attitude to the possibility is essential and it would be fool-hardy to the point of irresponsibility not to take all possible measures to prevent the first one.

## **PRACTICALITIES OF PREVENTION**

Much has been written concerning the preventive measures and many guidelines for mariners have been published. On the one side there are those measures to be taken by the ship owners and crew themselves, and on the other side there are measures to be taken by governments that are of a more complex nature when national borders are crossed.

Obviously the most effective way to meet the problem is to prevent the pirates boarding the ship in the first instance. The experience of so many masters, officers and crew is of great use here and the following points are a distillation of tried and tested techniques and lessons learned in this hard school of experience. Further details can be found in MSC circulars 622 (Rev1) and 623 (Rev3) published by IMO. These excellent guidelines are also available on the internet at [www.imo.org](http://www.imo.org)

- Look-out
- Exhibiting a readiness to respond
- Not resisting boarders
- Conduct during an attack
- Pre planning and post incident response
- Radio watch keeping

The industry has done what it can. It helped with the setting up of the IMB Piracy Reporting Centre (PRC) in Kuala Lumpur. The centre is open 24 hours per day, 365 days per year to provide its free service to the shipping industry. The work of the IMB Piracy Reporting Centre is funded by 17 organizations, mostly P&I Clubs, ship owners and insurers. The Centre is now recognized throughout the maritime industry for its valuable contribution in quantifying the problem of world piracy and providing assistance, free of charge to ships that have been attacked. The IMB now broadcasts its Piracy Situation Reports daily to all ships in world piracy hotspots including Asia, the coasts of Africa and South America through INMARSAT-C's safetyNET service. As a result Masters receive up-to-date intelligence on pirate activity in these areas.

The contact details of PRC are;

Telephone : +603 2031 0014  
Telex: +MA 31880 IMBPCI

Facsimile: +603 2078 5769  
e-mail : [imbkl@icc-ccs.org.uk](mailto:imbkl@icc-ccs.org.uk)

The IMB now posts the weekly updates of attacks on the Internet at [www.icc-ccs.org](http://www.icc-ccs.org). The report is compiled from the Piracy Reporting Centre's daily status bulletins. Thus the ship owners and authorities ashore as well as ships at sea can access the weekly updates.

- **ADVANCES IN TECHNOLOGY**

Technology can play an important role in the battle against piracy.

### **Secure-Ship**

Secure Marine in the Netherlands, have developed a unique preventive and deterrence system to combat piracy. It is a non-lethal, electrifying fence surrounding the ship, which has been specially adapted for maritime use. The fence uses 9,000 volt pulse to deter boarding attempts. An intruder coming in contact with the fence will receive an unpleasant non-lethal shock that will result in the intruder abandoning the attempted boarding. If the fence is tampered with then an alarm will go off, activating floodlights and a very loud siren. The fence is collapsible, enabling quick folding against the railing when required. Special, quick release gates are used in case a pilot wants to board, lowering a gangway or launching a life raft.

The fence can be dismantled or re-installed by the crew as required. When a ship approaches a piracy prone area the crew can re-install the fence, which takes a few hours. When the ship leaves this area master can decide to leave the fence collapsed against the railing or dismantle it if bad weather is due. A smart remote control system enables complete control over the systems functions without requiring wires to be pulled through the ship.

The fence has been tested at various sea conditions including force 7 seas, with salt water waves splashing over it. Further information is available by visiting [www.secure-ship.com](http://www.secure-ship.com)

### **ShipLoc**

IMB is also been working together with CLS, a world leading satellite tracking system operator, which has produced a satellite tracking system called ShipLoc. ShipLoc has been specially designed to locate ships at sea or in port and has already been installed on a number of ships.

The tiny transmitter is relatively inexpensive and can be concealed onboard ships. For their own safety, the crew of the ship need not be informed of the existence or location of the transmitter. ShipLoc enables the ship owners to monitor the exact location of their ships. The only equipment needed by the ship owners is a PC with Internet access. ShipLoc provides valuable intelligence in cases of piracy attack or hijack. It can also be used as a management tool to monitor progress of a voyage around the world.

In the past, similar systems have been prohibitively expensive. ShipLoc monthly rental is US 280 per month and gives the owners up to 15 positions for the ship a day. In case a ship fitted with ShipLoc is hijacked, the IMB piracy Reporting Centre will monitor the ship's movements and liaise with law enforcement until the ship is recovered. The IMB strongly encourages ship owners to install this device on board their ships. In addition to anti-hijacking role, ShipLoc facilitates independent and precise location of ships at regular intervals. Further details can be obtained at [www.shiploc.com](http://www.shiploc.com)

Fitted together ShipLoc and Secure-Ship will finally be an answer to combat piracy in most cases (Secure-Ship can not yet be fitted to tankers and gas carriers).

## **MARITIME TERRORISM**

The attacks on the World Trade Centre in New York on September 11th, 2001 generated a great deal of discussion at the IMO and elsewhere on the vulnerabilities of shipping to terrorism. Verifying the contents of containers, ensuring the security of containers in transit, the identity of crew members on board vessels, the transport of biological and chemical weapons, attacks against vessels and their use as weapons have all become the subject of intense debate.

Many in shipping hoped that whilst it was necessary to prepare for all eventualities, the industry would probably escape the attention of the terrorists. After all, attacking a merchant vessel carrying cargo is unlikely to fuel the publicity sought by terrorists.

On Sunday, 13th October 2002, the LIMBURG a 299,000 ton tanker suffered an explosion as it was approaching the pilot station at, Mina Al-Dabah in Yemen. One crew member died and 90,000 barrels of crude spilt into the sea. The crew claimed that they saw a fast small boat approach the vessel just before the collision and concluded that the vessel had been attacked. The Yemeni authorities claimed that the explosion was caused internally. A few days later investigators who flew to the scene confirmed that the impact had originated from outside the vessel, and they found traces of fibreglass and TNT, which confirmed that a boat filled with explosives had rammed the vessel. Maritime terrorism had become a reality.

The kind of attack launched on the LIMBURG is difficult to prevent. No shipboard action can protect the ship in these circumstances. These are slow vessels and their manoeuvrability restricted. It is therefore impossible for the vessel to avoid a fast moving boat intent on a beam-on collision.

The answer must therefore lie with the coastal state to ensure that the approaches to their ports are made secure. We recommend that the port authorities specify approach channels for tankers and other vulnerable vessels. These channels and the areas on each side of them should be monitored by coastguard or police vessels to ensure that no small craft, leisure, fishing or unauthorised vessel enters this restricted zone. If they do, the vessel must be immediately approached and investigated. The idea is to have a “clearway” through which authorised vessels can navigate without the fear that a small vessel close to the fairway will suddenly project itself towards it at high speed.

The risk of terrorist attack can perhaps never be eliminated, but sensible steps can be taken to reduce the risk.

There will be ports where it may not be possible for many practical reasons to delineate a special channel, which will be clear of all small craft without upsetting other vested interests.

The issue here is how seriously do the governments take the threat of maritime terrorism. If they do not consider it serious, then they need not make such provisions. If they do, then they must take action to deal with the problem.

Post LIMBURG we cannot continue to hope for the best, and ignore its lessons.

## **THE WAY FORWARD**

*A fishing vessel MN3-NORMINA with a crew of ten, was fishing off Basilan Island, between Sibago and Matanal Point, in the southern Philippines. At midday, suddenly two speedboats approached her, with two men in each and armed with automatic firearms. The gunmen opened fire and killed nine of the crew. The tenth, Jangay Ajinohon, was injured in the back of the head. Despite his injury, Mr. Ajinohon managed to escape by swimming away, while the pirates were busy attaching lines to the MN3-NORMINA to tow her.*

The above incident is typical of some of the recent violent attacks. In view of the increasing ferocity and numbers of piratical attacks, one could be excused for asking "why?" and "what will happen now?"

The answer to the first question is simple - the pirates have all the advantages. They have the knowledge of what is being carried by specific ships and, perhaps the most relevant point, they have all the sea room in which to operate. This and the fact that modern radar will enable them to watch to see if they themselves are being followed means that they can wait and commit their crime with impunity knowing that they will have time to escape at the first suggestion that any intervention force is on its way.

The difficulties are enormous. Not only is there the sheer size of the sea areas to be covered but there are also the strained financial circumstances of some governments. To create a response capability able to catch and match the pirate would require the expenditure of considerable resources and some countries just do not have that type of money. When one adds to these difficulties the political problems which arise when pirates are acting in waters which are the territory of two neighbouring states and move quickly from one jurisdiction to another, it is little wonder that so much remains to be done.

Consequently, governments have done little although the humanitarian outcry in respect of the Vietnamese situation resulted in apparent action by the Thai Government, albeit with international aid to set up an anti piracy unit in 1980. It is alleged that in the first eight years of operation and having spent some US \$13 million, the unit had not caught a single pirate!

The answer to the second question is not so simple. Following in the wake of the Achille Lauro incident in the autumn of 1985, the International Maritime Organization (IMO) responded with the creation of recommendations for "the implementation of measures to prevent unlawful acts against passengers and crews on board ships". The IMO both retained the initiative and maintained the impetus for this by conducting several regional missions and seminars on piracy and ship security matters as well as discussing the issue in its Maritime Safety Committee.

IMO's 1988 SUA Convention is meant to ensure that states take appropriate action against any person committing offences such as seizure of ships by force, acts of violence against persons on board ships and the placing of devices on board a ship which are likely to destroy or damage it. Whilst this convention was primarily designed for terrorism, it can be applied to most incidents involving piracy and armed robbery against ships.

Whilst any initiative is welcome, in reality, it is doubtful if the hardened criminals described above will be affected by such measures. Because the main problem is to be able to "catch the pirates", and not so much as "what to do with them once caught." It has already been shown that some coastal states lack the resources to react at sea and this is understood and has to be accepted but what is lacking is any form of co-ordinated response on-shore. It has to be accepted that pirates operate at sea only for the purposes of committing their crime. At the end of the day they must come ashore, somewhere to dispose of their gains and this is where they would be vulnerable and law enforcement would be more efficient. This can only come to pass if there is collective action by national law enforcement. At present, piracy does not loom too large on the law enforcement horizon of individual countries as it does not affect the local population but literally is a problem of "those that pass in the night". It is hoped that this parochial attitude alters and countries co-operate to rid their seas of this menace.