

## IUMI Policy Agenda

### 14. Maritime security / Piracy

#### *Brief description*

Best Management Practice (BMP) 5, use of private armed security guards, UN and IMO guidelines, national regulations, legality of payment of ransoms, and ISO rules for the use of force are some of the issues still very much on the international maritime security agenda.

The International Maritime Bureau (IMB) Piracy Reporting Centre (PRC) reported 97 piracy and armed robbery incidents worldwide in the first nine months of 2021 - the lowest reported H1 figure since 1994. Violence against crew continuous with 51 crew kidnapped.

Incidents in the Gulf of Guinea dropped from 46 in the first nine months of 2020 to 28 in the same period in 2021. Only one crew member was kidnapped in Q3 2021, compared to 31 during Q3 2020. Despite these gains, IMB warns that the risk to crew remains high in the region. Vessels are advised to remain at least 250 nm from the coast at all times, or until the vessel can transit to commence cargo operations at a berth of safe anchorage. A maritime security working group was convened during the IMO's Maritime Safety Committee (MSC) meeting in May 2021 to discuss further collaboration and possible action to address piracy in the Gulf of Guinea. MSC 103 subsequently agreed to update a resolution for the area in view of adoption by the IMO Assembly in December 2021. Nigeria's Deep Blue Project and the Gulf of Guinea Maritime Collaboration Forum are recent complementary initiatives, created to support the fight against piracy in the region.

In January 2021, the EU Council approved the launching of the first pilot case of the Coordinated Maritime Presences (CMP) concept in the Gulf of Guinea (GoG). The pilot will support efforts by the coastal states and the organisation of the Yaoundé Architecture to address increasing security challenges such as armed piracy and kidnapping for ransom, which undermine maritime security and good governance of the oceans.

ReCAAP ISC reported a total of 37 incidents in Asia in the period January-June 2021, down from 35 incidents in the first half of 2020. However, IMB reported the highest number of incidents recorded since 1991 in the Singapore Straits with 20 incidents of armed robbery in the first nine months of 2021 against 15 in 2020 and just one incident in 2019. There was no incident of abduction of crew in the SuluCelebes Seas and waters off Eastern Sabah in the first half of 2021, but ReCAAP warns that ASG leaders responsible are still at large and the threat remains high. Ship masters and crew are strongly advised to exercise vigilance, maintain constant lookout for suspicious boats in the vicinity, report all incidents immediately to the nearest coastal State, and implement preventive

measures recommended in the “Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia”.

The Callao anchorage in Peru is an area of concern with 15 incidents reported to IMB in the first nine months of 2021 - the highest number since 1991.

There were no reported incidents from Somalia, but IMB continues to advise that vessels and crew remain cautious with the security concerns in the Gulf of Aden and the Indian Ocean still present. In consequence, insurers will continue to ask owners about their security precautions in this region.

The EU Maritime Security Revised Action Plan was adopted in June 2018. The revised Plan underlines that international cooperation at sea is instrumental to achieve safe and secure seas across regions and improve global maritime security. Although NATO reassigned its counter-piracy mission in the Indian Ocean in November 2016, the European Union has extended its counter-piracy operation until 31 December 2022. In June 2017, the IMO Secretary-General, Mr Kitack Lim, called upon governments to continue to provide naval assets to the area, underlining that the situation remains a cause for concern. IUMI notes the continuing support from EU and the Combined Maritime Forces (CMF) and believes the extended security corridor to be prudent.

With drawdown and the passage of time in mind, the 5th edition of the piracy-specific Best Management Practice (BMP5) was published in June 2018. BMP5 compiles a useful and comprehensive guidance which introduces effective measures for the protection of crew, vessels and cargo while transiting the Red Sea, the Gulf of Aden, the Indian Ocean and the Arabian Sea.

In March 2020, a new publication offering Best Management Practices to Enhance Maritime Security for Vessels & Mariners Operating Off the Coast of West Africa including the Gulf of Guinea (BMP WA) was published. The BMP WA is the result of a collaborative work between industry organisations, supported by government and military organisations, to help mariners detect, deter and delay external threats to their safety in this region.

#### Tensions in the Strait of Hormuz

The countries around the Gulf possess almost half of the world’s oil reserves and have often been a focus of tension. Estimates vary, but at least 20% of the world’s oil and 25% of its LNG pass through the narrow Strait of Hormuz.

The US political strategy of exerting maximum pressure to prevent Iranian nuclear progress is creating new strains for commerce. The situation has evolved considerably since the vessel attacks at Fujairah/Strait of Hormuz in May/June 2019. In July 2019, Iran openly seized vessels in direct but intentionally proportionate retaliation to Gibraltar’s detention of the *Grace 1* for breaching EU sanctions on Syria.

Although international shipping is clearly at risk, the international response has been mixed and disconnected. US navy vessels are in the area, and in 2019 the United States launched a new maritime security initiative for the Persian Gulf region. In early 2020, several EU member states, including Belgium, Denmark, France, Germany, Greece, the Netherlands and Portugal, established a European Maritime Surveillance Mission in the Strait of Hormuz (EMASOH) to maintain freedom of navigation in the area. EMASOH aims to decrease tensions in this region of strategic interest. The operation is open to other countries to join. An escort programme by the UK offers welcome support to UK flagged vessels.

A lasting solution is needed to ensure the safe passage of vessels and crew in the Strait of Hormuz and the Persian Gulf. With no identifiable resolution in sight, underwriters are faced with great uncertainties and have to be alive to developments. Shipowners are largely required to notify their underwriters, who will then have the chance to assess individual voyages to the area.

#### *Relevant authority / organisations and documents*

- **International Maritime Organization (IMO)**
  - **Global Integrated Shipping Information System (GISIS)**: Recent reported incidents of piracy & armed robbery.
  - ***MSC Circular 1405/Rev.2 (as amended)***: “Revised interim guidance to shipowners, ship operators and ship masters on the use of privately contracted armed security personnel on board ships in the High Risk Area”, released 25 May 2012.
  - ***MSC 92/INF.14***: “International model set of rules for Rules for use of Force” (RuF), submitted by Marshall Islands, ICS, ISO and BIMCO, 9 April 2014.  
Also used as input to ISO TC 8.
  - ***MSC.1/Circ.1406/Rev.3***: Revised interim recommendations for flag states regarding the use of privately contracted armed security personnel on board ships in the High Risk Area, 2 June 2015.
  - ***MSC.1/Circ.1585***: Reporting of incidents of piracy and armed robbery against ships in the Gulf of Guinea, 5 July 2017.
  - ***MSC.1/Circ. 1601***: Revised Industry Counter Piracy, December 2018.
  - ***MSC102/10/3***: Security in the Gulf of Guinea, submitted by ICS, BIMCO, OCIMF, INTERTANKO and INTERCARGO, 10 March 2020.
  - ***Circular Letter No. 4382***: Piracy in the Gulf of Guinea, 10 February 2021.
  - ***Resolution A.1069(28)***: Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea.
  - ***MSC103/10/1***: Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea, submitted by Secretariat, 2 March 2021.
  - ***MSC103/WP.9***: Report of the Working Group, 13 May 2021.

- **MSC104/8/2:** Revision of the High Risk Area, submitted by ICS, BIMCO, OCIMF, INTERTANKO and INTERCARGO, 13 August 2021.
- **International Organization for Standardization (ISO)**
  - ISO/PSA 28007:2012 Ships and marine technology – Guidelines for Private Maritime Security Companies (PMSC) providing privately contracted armed security personnel (PCASP) on board ships (and pro forma contract), published 14 March 2013.
- **BMP5:**
  - **Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea, June 2018.**
- **BIMCO's GUARDCON contract**
  - **Special Circular No. 1** – 20 February 2014 on recommended amendments to GUARDCON for use off West Africa.
  - **IGP&I GUARDCON West Africa** – IG clubs' version including the recommended amendments in Circular 1, 9 April 2014.
- **European Union:**
  - Gulf of Guinea strategy, 17 March 2014.
  - Council Decision (CFSP) 2020/2188, amending and extending the mandate of the EU Naval Force Somalia Operation Atalanta until 31 December 2022.
- **EU Naval Force (EU NAVFOR)** – Operation Atalanta.
- **ICC International Maritime Bureau – Piracy Reporting Centre**
- **Maritime Security Centre Horn of Africa (MSCHOA)**
- **Joint War Committee (JWC):** Listed areas, revised 10 December 2015.
- **IUMI: [Position Paper - Piracy and its suppression, 29 January 2016.](#)**
- **ReCAAP:**
  - Guide for Tankers Operating in Asia Against Piracy and Armed Robbery Involving Oil Cargo Theft, 25 November 2015.
  - Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia, 17 February 2016.
  - Guidance on abduction of crew in the Sulu-Celebs seas and waters off Eastern Sabah, July 2019.
- **Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG)**
- **ICS, BIMCO & INTERTANKO:** Interim Guidance on Maritime Security in the Southern Red Sea and Bab Al-Mandeb, 24 January 2018.
- **Maritime Global Security:**
  - Global counter piracy guidance for companies, masters and seafarers, June 2018.
  - The 3<sup>rd</sup> edition of the guidelines for owners. Operators and masters for protection against piracy and armed robbery in the Gulf of Guinea, 3 June 2018.
- **BMP WA:**

- **Best Management Practices to Deter Piracy and Enhance Maritime Security off the Coast of West Africa including the Gulf of Guinea, 30 March 2020.**
- **U.S. Coast Guard:** Port Security Advisory (1-20), 10 June 2020.
- **Benin:** Interministerial decree concerning means of protection of ships in territorial waters, 13 July 2020.
- **BIMCO, ICS, INTERTANKO, INTERCARGO & OCIMF:** Joint statement: Increased security threats for vessels operating in the Gulf of Guinea, 21 October 2020.
- **OCIMF:** Guidance for the employment of private maritime security companies, October 2021.

#### *Timeline / important dates*

- NATO terminated its counter-piracy mission November 2016.
- MSC 103: 5-14 May 2021.
- Assembly: 6-15 December 2021.
- EU NAVFOR (Operation Atalanta) extended until 31 December 2022.

#### *IUMI will:*

- Monitor and inform IUMI membership of new developments.
- Strongly support implementation of BMP5 and consider amendments and/or more suitably adapted versions for new areas/threats as and when appropriate.
- Support implementation of ISO PSA 28007 as the sole standard when determining rules for the use of force.
- Endorse guidelines issued by BIMCO and ICS for vessels and crews.
- Encourage governments to support counter-piracy operations through naval task forces and other means of support off the Horn of Africa.
- Encourage owners and insurers to remain vigilant in the Indian Ocean.
- Support all efforts to find a lasting solution to ensure the safe passage of vessels and crew in the Strait of Hormuz and Persian Gulf.