

Standard Club updates on Gulf of Guinea piracy



By Insurance Marine News, 12th February 2020

With the assistance of Tunde Adesokan, a consultant for HFW in Nigeria, plus Budd Cameroon, Budd Togo, Ocean Land Security West Africa, TCI Ghana and TCI Nigeria, Standard Club has issued an update on the current piracy situation off West Africa.



Standard Club said that it had identified a marked increase in incidents of piracy and armed robbery attacks off West Africa during 2019 and early 2020.

This included a worrying increase in kidnappings involving tankers, often occurring a long way from shore. The club has collated various guidance from local lawyers and correspondents in West Africa.

In October 2019 Nigeria hosted the Abuja Global Maritime Security Conference (GMSC) where delegates from various Gulf of Guinea (GoG) states discussed some of the recent trends affecting the maritime security of the region. It was recognised that:

- Their navies were insufficiently resourced to combat the well-funded and well-equipped pirates;
- There was a lack of co-operation especially sharing of intelligence between the navies and other authorities of these states;
- There should be more done to invest in infrastructure, environment, education and job creation in the Niger Delta from where many pirates were believed to emanate; and,
- There was a need to comprehensively legislate for piracy and associated crimes and cooperate on a regional level including a standardisation of laws.

Following the conference, it was not specified how the standardization of local laws was likely to be achieved and it was not expected that the GoG states would agree regional laws. More likely they would agree on a standard set of laws to be enacted on a state by state basis.

For example, Nigeria had already implemented a new law, the Suppression of Piracy and other Maritime Offences Act 2019. This Act seeks for the first time in Nigeria to criminalize piracy and other associated maritime crimes, and to impose severe consequences for offenders.

Standard Club noted that its rules contained no definition of (or exclusion for) piracy and armed robbery. Therefore, the third-party liabilities insured by the club remained covered when they arise out of incidents of piracy and armed robbery.

However, third-party liabilities were excluded from club cover if caused by the use/engagement of certain 'weapons of war' that are specifically named in the club's rules or any 'other similar weapons of war'.

'Weapons of war' are identified as being mines, torpedoes, bombs, rockets, shells and explosives. While the club's rules do not define 'similar weapons of war', the specifically identified weapons of war indicate that something more than guns/rifles/conventional ammunition would be needed to trigger the operation of the exclusion.

P&I liabilities arising from terrorism were excluded. P&I liabilities arising from the use/engagement of weapons of war, terrorism and other war risks would fall to be covered under a shipowner's P&I war risks cover.

Cameroon

Until recently, the territorial waters and ports of Cameroon were considered comparatively safe compared to other parts of the GoG. However, since March 2019 at least two cases of piracy, involving three ships, had been recorded at Douala anchorage with several crew abducted. As a result, local authorities were taking more steps to improve the security on board ships at Douala anchorage. This included an order that local armed guards be placed on board each ship at the Douala anchorage. The service was currently free of any charges to shipowners.

Benin

Since late January 2020 new steps have been taken by the Port of Cotonou to protect ships whilst at port and at the anchorage. Guidance from local authorities included information that if a berth was unavailable for a ship then local naval forces would assign an anchorage position to the ship and an armed guard will board the ship. This is a compulsory service that is provided free of charge.

Ghana

Piracy has been reported as a serious threat in the territorial waters of Ghana. Pirates are attacking ships to steal both personal belongings as well as cargo. In some cases crew are being taken by pirates for ransom.

Local authorities have put in place several measures including that the anchorage areas for the two major ports (Tema and Takoradi) are regularly patrolled by the security officers of Ghana Ports and Harbours Authority (GPHA) and the territorial waters are patrolled by the Ghanaian Navy. The regular patrols by both GPHA and the navy are said to be deterring piracy activities.

The deployment of armed guards to ships is not said to be mandatory. Ship owners who wish to have an escort or an armed guard from the local armed forces on board should make a formal request should be arranged through the shipping agent.

Nigeria

Security in Nigerian waters remains a concern. There have been several recent incidents of piracy attacks off Lagos and Bonny. These attacks are usually highly coordinated and have generally been against small tankers with a low freeboard that are carrying marine gas oil and / or intermediate fuel oil, or against offshore vessels. In such cases it is the cargo rather than the crew that is targeted, with the ship typically being released some days later once some or all of the cargo has been discharged to another waiting ship or barge (often for subsequent sale on the black market). The pirates can be extremely violent and such criminal activity is said to be supported by local criminal gangs.

Ships are advised to take all appropriate means to prevent unauthorised persons boarding either at sea, at the anchorage or whilst alongside. This includes use of razor wire, increased lookouts, pressurized fire hoses, restricted / secure access to accommodation, cargo spaces and deck stores and increased deck patrols etc.

Until recently, it was possible for ships to anchor at the Safe Anchorage Area (SAA) to the west of Lagos port, which was a specified area patrolled by ships from a private security company working in collaboration with the Nigerian Navy (further information is available at www.saawestafrica.com). However, the Nigerian government has recently announced that this arrangement may be cancelled.

The guidance in the meantime is that, rather than wait at the anchorage, masters should stay as far away as possible from the Fair Way Buoy to minimize the chance of any piracy attack. Instead of the SAA, the Nigerian Navy is to ensure safety in port and at the anchorage at no extra cost. There had been a charge for using the SAA, which was patrolled/controlled by a licenced private operator).

With regards to armed guards, these can be arranged only via the Nigeria Navy, through agency channels and not via the Nigerian Maritime Police.

Security in Nigerian ports is said to have improved in recent times as a result of better security measures being in place. Under these, access to the various terminals are strictly controlled and limited to authorized personnel and officials. However, correspondents are warning that particular care and vigilance should be exercised by the Master when dealing with local approved service providers (such as husbandry agents, garbage disposal companies etc.). Any crew venturing ashore should be vigilant against personal robbery attacks.

If bunkering in Nigerian waters, the master and agent should insist on using only official channels. Any ship-to-ship (STS) operations, whether for bunkers or cargo, should be declared to the authorities so that they can be properly monitored. Several ships have reportedly been attacked during undeclared STS operations being carried out far offshore away from any supervision or surveillance.

Togo

Until late 2019, reports of piracy cases in Togolese coast were rare. However, two recent incidents have highlighted that the waters off Togo also represent a risk for ships trading in this area.

Security measures have been tightened up and include a requirement for all ships in Togolese waters to have navy armed guards on board until the ship berths. The service is currently offered at no charge for ship owners. Additional armed guards are also recommended but this is not a mandatory requirement.

<https://www.standard-club.com/risk-management/knowledge-centre/news-and-commentary/2020/02/article-west-africa-maritime-security-update.aspx>

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