Interim Guidelines for Owners, Operators and Masters for protection against piracy in the Gulf of Guinea region

(To be read in conjunction with BMP4)

1. Introduction

Piracy and armed robbery (hereafter referred to as piracy) in the Gulf of Guinea region is an established criminal activity and is of increasing concern to the maritime sector. With recent attacks becoming more widespread and violent, industry has now identified an urgent need to issue these Guidelines.

Although piracy in the Gulf of Guinea region in many ways differs from that of Somalia based piracy, large sections of the Best Management Practices already developed by industry to help protect against Somalia based piracy are also valid in the Gulf of Guinea region. Consequently, these interim Guidelines aim to bridge the gap between the advice currently found in BMP4 and the prevailing situation in the Gulf of Guinea region. Consequently, these guidelines should be read in conjunction with BMP4 and will make reference to BMP4 where relevant.

These interim Guidelines have been developed by BIMCO, ICS, INTERCARGO and INTERTANKO, and are supported by NATO Shipping Centre. A soft copy of BMP4 can be found on the websites of these organisations.

2. Area for consideration

Pirates in the Gulf of Guinea are flexible in their operations so it is difficult to predict a precise area of falling victim to piracy. As of 28 March 2012 the London Market's Joint War Committee defines the following 'Listed Areas for Hull War, Piracy, Terrorism and Related Perils' for the Gulf of Guinea:

- The territorial waters of Benin and Nigeria, plus
- Nigerian Exclusive Economic Zone north of latitude 3º N, plus

- Beninese Exclusive Economic Zones north of latitude 3º N.

However, recent incidents suggest that the area is liable to change. For the purpose of this interim Guidance the area off the coasts of Nigeria, Togo or Benin can be regarded as an area in which the counter-piracy management practises should be considered.

3. Risk Assessment

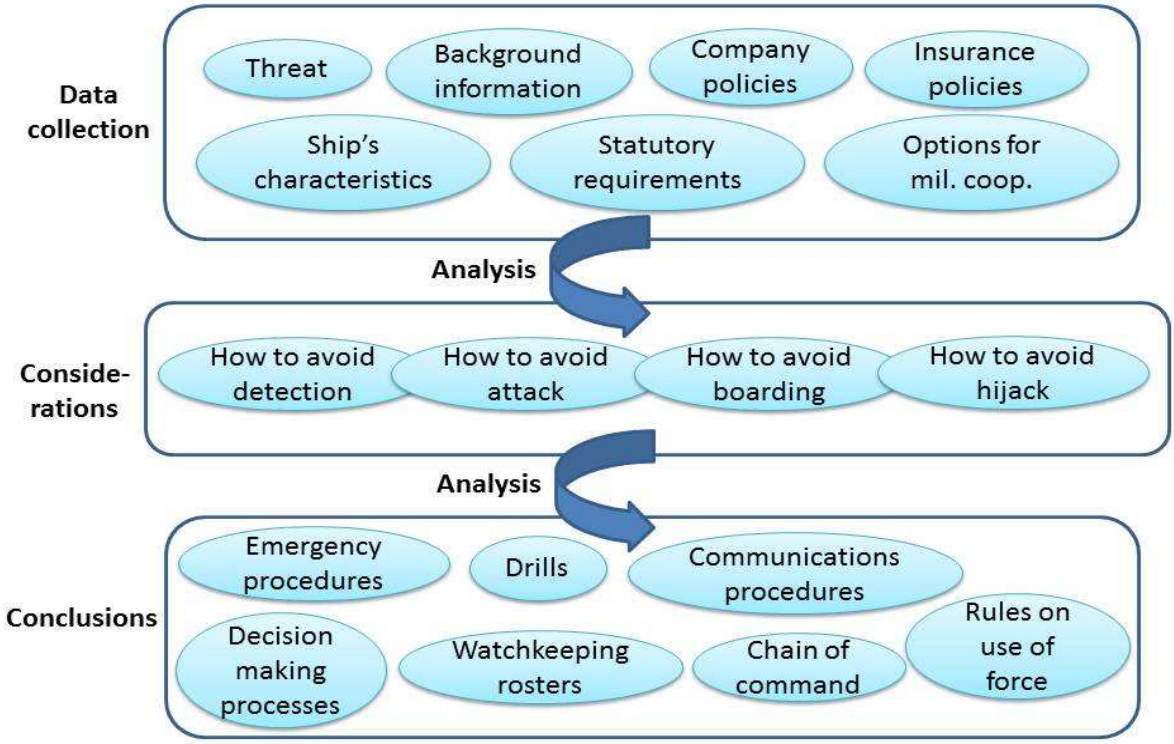
For the purpose of identifying suitable measures of prevention, mitigation and recovery in case of piracy, a ship and voyage specific risk assessment as recommended in Section 3 of BMP4 should be carried out prior to entering the above described area.

Not unlike the Ship Security Assessment described in the ISPS Code, the risk assessment should include, but may not be limited to, the following:

- The threat (who are the pirates, what do they want to achieve, how do they attack, how do they board, which weapons do they use etc.?)
- Background factors shaping the situation (visibility, sea-state, traffic patterns e.g. other commercial ships, fishermen and human traffickers etc.)
- Possibilities for co-operation with military (escorting, employment of Vessel Protection Detachments, registering with authorities etc.)
- The ship's characteristics/vulnerabilities/inherent capabilities to withstand the threat (freeboard, speed, general arrangement etc.)
- Ship's procedures (drills, watch rosters, chain of command, decision making processes etc.)

In addition to the information found in this document, supplementary information about the characteristics of the threat and regional background factors may be sought with IMB, commercial intelligence providers or local sources e.g. ship's agents.

As also mentioned in BMP4, the risk assessment should take into consideration any statutory requirements in particular those of the flag state and/or the coastal state. Other requirements dictated by company and insurance policies should also be taken into consideration.



The risk assessment process

Much of this risk assessment already exists in BMP4, since it provides an overall list of which actions to take to defend against pirate attack. However, the guidance in BMP4 must be transformed into specific actions to take and self-defence measures to apply on a ship-by-ship and voyage-by-voyage basis. For example, many pirate attacks in the Gulf of Guinea region occur whilst ships are at anchor or drifting, in which case BMP4 self-defence measures like 'evasive manoeuvres' are not really applicable. Thus, the risk assessment must reflect the prevailing characteristics of the specific voyage and ship, and not just be a "recycling" of advice relating to a different geographical region and a different pirate *modus operandi*.

4. Typical Pirate Attacks

Pirate activity within the Gulf of Guinea can be split broadly into the following categories:

- Armed Robbery – In general this is opportunistic, is becoming increasingly violent, and occurs where vessels are approaching, drifting or anchored off ports. There have been instances across the Gulf of Guinea Region e.g. off Lagos, in Port Harcourt, Bonny River, Cotonou and Lome. For the most part

the intention is to take valuables from the safe, IT equipment, and personal effects.

- Cargo theft – This predominantly occurs in the STS transfer areas off Cotonou, Lagos, and Lome, and is almost exclusively related to product and chemical tankers. Vessels are hijacked for several days and cargo is transferred to a smaller vessel. These incidents tend to be well-organized potentially involving a criminal element with commercial interests ashore. Recent cargo thefts have demonstrated that pirates often have a maritime know-how allowing them to disable communications, operate the cargo system etc.
- Kidnapping – generally associated with the offshore oil industry and the political instability of the Niger Delta area. There are several instances of offshore supply vessels and occasionally other ship types being attacked. Robbery is often the prime objective but occasional kidnapping of crew members can occur.

Pirate attacks in the Gulf of Guinea region often share similar characteristics to those of Somalia based pirates (see BMP 4 Section 4), but there are some key differences. For example, at this point in time, the Gulf of Guinea 'pirate business model' does not primarily involve kidnap for ransom therefore the crew of a ship does not in itself represent the 'value'. Generally speaking pirates in the Gulf of Guinea are more violent than their Somalia based colleagues.

The main threat is from approaches made by high-powered speedboats, and a recent incident involved a speedboat launched from an unidentified mothership.

The risk of falling victim of a pirate attack is particularly high when the ship is at anchor or is drifting off a port e.g. close to pilot station. Another vulnerable situation is when conducting STS operations and the two ships are adrift and moored alongside each other.

For the tanker sector, cargo theft results in stolen oil products being sold in the region. For the dry cargo and other sectors, violent robbery is more common. Attacks, both outside and inside territorial waters, appear to be the result of intelligence-led planning by the pirates, with particular products such as gasoil or gasoline being targeted in very well coordinated and executed operations. Companies and ships operating regularly in the region are likely to be at increased risk of falling subject to pirate intelligence collection operations and subsequent pirate attack.

The following important advice should be noted:

- Minimize use of VHF and use email or secure satellite telephone instead. Where possible only answer known or legitimate callers on the VHF, bearing in mind that imposters are likely and may even appear in uniform.
- Communications with external parties should be kept to a minimum, with close attention paid to organizing rendezvous points and waiting positions. For email correspondence to Agents, Charterers, Chandlers etc. it is strongly recommended that address lists are controlled and that information within the email is concise, containing the minimum that is legally required in order to fulfil requirements or contractual obligations.
- Vessels should avoid tendering the Notice of Readiness when not immediately conducting cargo operations. Contractual arrangements should be put in place with a view to keeping vessels out of harm's way.
- Know your agents and avoid or minimize requirements where possible. Unnecessary interaction with other parties creates opportunities for information regarding the vessel's position to be compromised.
- If the ship trades regularly in the region it is recommended to alter arrangements once in a while to make it harder for criminals to predict where operations might take place.
- The greatest risks of piracy are at night and these need to be factored into all planning. Where possible, operations should start and end during daylight hours.

5. Ship Movement Reporting Procedures

Although this may change in future, at present there is no centralised ship movement reporting procedure in place in the Gulf of Guinea region, however, individual flag states may have their own national ship movement reporting procedures.

- Any flag state reporting requirements should be clarified and complied with.

6. Company Planning

The Gulf of Guinea is not subject to an established policing mechanism by international navies, and neither the UKMTO nor MSCHOA play a role in the region.

Company planning procedures outlined in Section 6 of BMP4 should be applied in the Gulf of Guinea.

In terms of the availability of armed escort vessels, the Nigerian military are known to offer licenses to certain companies to employ government police and military personnel on board their escort vessels.

Likewise, some agents offer government police and military personnel as armed guards for deployment on board merchant ships. Such services should only be contracted if a requirement exists following the risk assessment, and only as a supplement to ship protection measures outlined in BMP4.

Using private armed guards in the Gulf of Guinea region is much more problematic than off Somalia, owing to the complex patchwork of legal, security, administrative, command and control interests that needs to be addressed and the following should be considered:

- Care should be exercised when using private armed guards, as they are prevented by law from operating inside territorial waters of coastal states in the region, and authorities are known to enforce these regulations vigorously.
- Local or Government forces should only be used if they are legitimate, understood and trusted.

7. Master's Planning

Many of the Master's planning procedures described in Section 7 of BMP4 also apply to the Gulf of Guinea, although there are no Group Transit schemes or national convoys. Given the *modus operandi* of the pirates operating in the Gulf of Guinea region, the Master should plan according to the following:

- Rendezvous - Where possible, avoid waiting and slow steaming. Consider offering several alternative rendezvous points and advice rendezvous points at the last minute. If waiting, keep well off the coast (up to 200nm). Do not give away waiting positions.
- Anchoring - Where practicable, a prolonged stay at anchorage is to be avoided.

8. Ship Protection Measures

The ship protection measures described in Section 8 of BMP4 also apply in the Gulf of Guinea. When STS operations are expected to be conducted, extra attention should be paid to the use of physical protection measures. Although barbed wire

can potentially make it very difficult to complete an STS operation, other protection measures should be considered to protect the ship from attack in these cases.

- Vessel hardening is likely to be quite effective in this region and a moving ship also makes an effective deterrent since, unlike Somalia based pirates, ladders are not often used to board ships.
- During STS operations or when adrift, equipment such as fenders, anchor chains and hawse pipes can potentially provide a vulnerable point of access for attackers, and entry should be physically blocked.
- Pirates detect and target vessels by sight and by the use of AIS. Therefore limit the use of lighting at night and reduce the power or turn off AIS. Unfortunately, this has a major drawback in that it may reduce the likelihood of an intervention by 'friendly forces' if attacked. Consequently, **AIS must be switched on immediately if the ship is boarded.**

9. Pirate Attack

The guidelines in BMP4 Section 9 are applicable with the exception of the role described for the UKMTO and MSCHOA.

In the event of a pirate attack in the Gulf of Guinea, the best way of alerting the local authorities of an attack is via the Regional Maritime Rescue Coordination Centre (RMRCC) in Lagos. This centre is run by the Nigerian Maritime Administration and Safety Agency (NIMASA) and can be contacted via details shown in Section 13 of this Guidance.

When contacted, the Lagos RMRCC will alert the military and/or coast guard forces in the region who will initiate a response if the necessary resources are available at the time of the alert.

10. If Pirates Take Control

The advice in Section 10 of BMP4 is also applicable, again with the exception that UKMTO does not play a role in the Gulf of Guinea. Instead Lagos RMRCC should be contacted.

As previously mentioned the pirates operating in the Gulf of Guinea often use violence in order to subdue the crew. Therefore it is extremely important not to engage in a fight with the pirates, because this will entail great risk of the crew getting hurt or killed. *NB: Records exist of an incident where an on-board naval*

guard detachment engaged in gun battle with attacking pirates leading to the killing of two navy personnel, and the kidnap for ransom of the remaining crew.

Violent shipboard robberies can take place as a result of a previously unsuccessful attack on another vessel. Therefore:

- Great care needs to be taken if your ship is boarded, as life is little valued by robbers. Compliance/submission to attackers is essential once a vessel has been taken.
- Generally minimizing cash carried will make vessels less attractive in the longer run.

11. In the Event of Military Action

Section 11 of BMP4 fully applies.

12. Post Incident Reporting

Section 12 of BMP4 and the related Annexes containing reporting formats also apply in the Gulf of Guinea, however with the exception of involving the UKMTO and MSCHOA in the reporting.

- As described in BMP4, all piracy incidents should be reported to the IMB in accordance with Annex A to this Guidance (for contact details, see Section 13).

The relevant reporting format can be found in Annex A.

13. Contact details

Lagos Regional Maritime Rescue Coordination Centre (RMRCC).

The following emergency numbers are manned on a 24/7 basis:

- Mobile: +234 (0) 803 068 5167.
  (Leave out the (0) when calling from outside Nigeria).
- Land line: +234 (1) 730 6618.
  (Include the (1) when calling outside Lagos, and also include +234 when calling outside Nigeria).

International Maritime Bureau – IMB Piracy Reporting Centre (IMB PRC)

ICC IMB (Asia Regional Office),

PO Box 12559,

Kuala Lumpur,

50782,

Malaysia.

Tel: + 60 3 2078 5763

Fax: + 60 3 2078 5769

E-mail: imbkl@icc-ccs.org / piracy@icc-ccs.org

24 Hours Anti Piracy HELPLINE Tel: + 60 3 2031 0014

ANNEX A

PIRACY ATTACK REPORT, VESSEL

General Details

01 Name of Ship:

02 IMO No:

03 Flag:

04 Call Sign:

05 Type of Ship:

06 Tonnages:

GRT:

NRT:

DWT:

07 Owner's (Address & Contact Details):

08 Manager's (Address & Contact Details):

09 Last Port/Next Port:

10 Cargo Details: (Type/Quantity)

Details of Incident

11 Date & Time of Incident:

LT UTC

12 Position:

Lat: (N/S)

Long: (E/W)

13 Nearest Land Mark/Location:

14 Port/Town/Anchorage Area:

15 Country/Nearest Country:

16 Status (Berth/Anchored/Steaming):

17 Own Ship's Speed:

18 Ship's Freeboard During Attack:

19 Weather During Attack (Rain/Fog/Mist/Clear/etc, Wind (Speed and Direction), Sea/Swell Height):

20 Types of Attack (Boarded/Attempted):

21 Consequences for Crew, Ship and Cargo:

Any Crew Injured/Killed:

Items/Cash Stolen:

22 Area of the Ship being Attacked:

23 Last Observed Movements of Pirates/Suspect Craft:

24 Type of vessel (Whaler, Dhow, Fishing Vessel, Merchant Vessel)

25 Description of vessel (Colour, Name, Distinguishing Features)

26 Course and Speed of vessel when sighted

Details of Raiding Party

27 Number of Pirates/Robbers:

28 Dress/Physical Appearance:

29 Language Spoken:

30 Weapons Used:

31 Distinctive Details:

32 Craft Used:

33 Method of Approach:

34 Duration of Attack:

35 Aggressive/Violent:

Further Details

36 Action Taken by Master and Crew and its effectiveness:

37 Was Incident Reported to the Coastal Authority? If so, to whom?

38 Preferred Communications with Reporting Ship:

Appropriate Coast Radio Station/HF/MF/VHF/INMARSAT

IDS (Plus Ocean Region Code)/MMSI

39 Action Taken by the Authorities:

40 Number of Crew/Nationality:

41 Please attach with this Report – A Brief Description/Full Report/Master – Crew Statement of the Attack/Photographs taken if any.

42 Details of Self Protection Measures.