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**The Human Face of Piracy  
- The Seafarer's Perspective**

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# Introduction

- Safety of vessels & seafarers is of significant importance to all maritime nations.
- Piracy on the world's seas has risen to record levels.
- Ships are regularly attacked & seafarers put at risk as they go about their legitimate business in international waters.
- Seafarers of all nationalities are victims of maritime piracy. Seamen are held captive for weeks or often months under intolerable conditions.
- Pirates are often heavily armed - use rocket propelled grenades & automatic weapons to pose serious threat of injury and death to seafarers.

# Worldwide Piracy Statistics

## *Worldwide Incidents as at 18-05-2012*

	<u>2011</u>	<u>2012</u>
<b>Total Attacks</b>	<b>439</b>	<b>143</b>
<b>Total Hijackings</b>	<b>45</b>	<b>17</b>

## *Incidents Reported for Somalia*

	<u>2011</u>	<u>2012</u>
<b>Total Incidents</b>	<b>237</b>	<b>58</b>
<b>Total Hijackings</b>	<b>28</b>	<b>12</b>
<b>Total Hostages</b>	<b>470</b>	<b>188</b>
<b>Total Killed</b>	<b>15</b>	<b>0</b>
<b>No. of vessels held by Somali Pirates (2012)</b>	<b>-</b>	<b>13</b>
<b>No. of hostages held by Somali Pirates (2012)</b>		<b>197</b>

*Source: IMB*

# Definition of Piracy

Article 101 of the 1982 UN Convention on the Law of the Sea (UNCLOS) defines Piracy as:

- a) Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of private ship or a private aircraft, and directed:
  - 1. On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - 2. Against a ship, aircraft, persons or property in a place outside jurisdiction of any State:
- b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft
- c) Any acts of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)

# Piracy versus Armed Robbery

*The IMO defines “Armed Robbery against ships” as :*

1. Any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy committed for private ends and directed against a ship or persons or property on board such a ship, within a state’s internal waters, archipelagic waters and territorial sea;
2. Any act of inciting or of intentionally facilitating an act as described above

# IMB defines Modern Maritime Piracy as

An act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act

*Source: IMB*

# Causes of Piracy

**Political:** Instability, corruption, diversity, easy access to large caliber hi-tech weaponry.

**Socio-Economic:** Poverty, inequality, inadequate training & job opportunities, costs of piracy control expensive.

**Territorial:** Loopholes in jurisdiction particularly due ships flying flags of convenience, lack of enforcement on the high seas due to decreasing naval budgets and shifting priorities, non-compliance of certain countries' governments.



# Causes of Piracy

**Technological:** Easy access and use of mobile phones, portable satellite navigation systems, handheld VHF ship-to-ship/shore radios, supercharged & fast speedboats.

**Vulnerabilities of vessels exploited:** Low speed when passing through narrow channels, low freeboard, inadequate planning and procedures by ship management, visibly low state of alert and or lack of vigilance by crew.

# Types of Piracy Activity

## *Small Scale Pirates*

- Operate on independent basis
- Mode of operation: Use smaller boats and typically use knives, swords and smaller firearms as weapons. Crew left alone or set adrift in lifeboat. Ship may be repainted and sold.
- Incentive: Interested in cash held in ship's safe, crews possessions and any other portable ship equipment (including ropes).

# Types of Piracy Activity

## *Organized Pirates*

- Linked to organized crime groups.
- Mode of operation: Use either fast motorboats or hijacked ocean going fishing vessels or hijacked merchant vessels. May masquerade as coast guards or some other legitimate vessel. May use “mother vessels” to conduct piracy operations at very far distance from coast. Launch skiffs, use grappling hooks and ropes/poles to get aboard ship. Use automatic weapons (e.g. machine-guns), mortars & Molotov-cocktails.
- Incentive: Valuable cargo (such as crude oil), intent to hold crew hostage for ransom, either sell hijacked vessel or will use it for further criminal activity.
- Pirates have acknowledged hijacking of Maersk Alabama & Liberty Sun, both vessels carrying food aid to Somalia

# Somali Pirate – Hayle Mohammed



# Launching rescue



# Launching rescue



# Capture of Pirates



# Capture of Pirates





# Pirates detained



# Pirates in jail






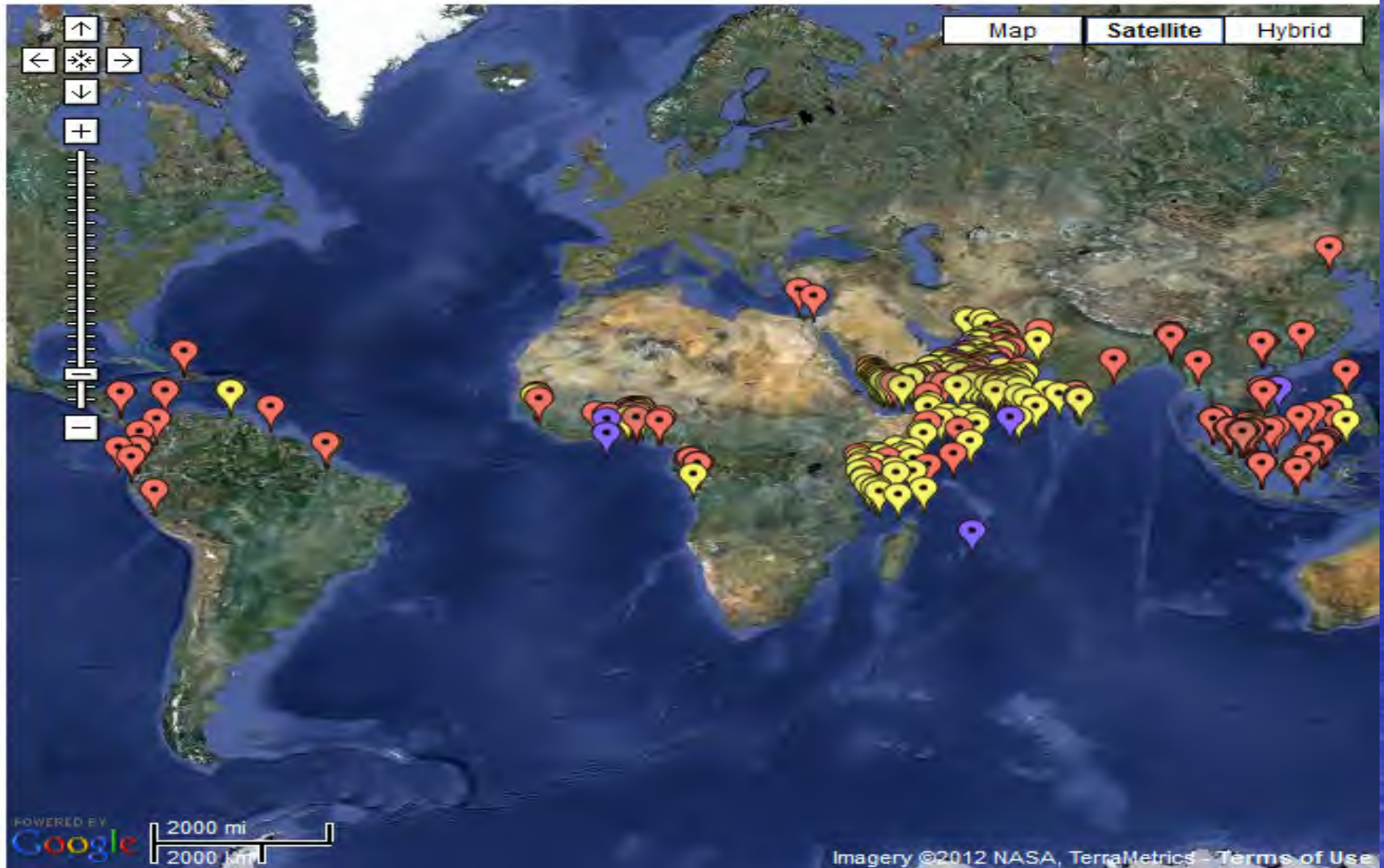
# Geographical Spread of Piracy

- Piracy rampant in many areas - Somalia stands out as the most pirate infested area in the world.
- Pirates are aggressively attacking vessels in the northern, eastern and southern coast of Somalia.
- Many attacks take place more than 1000 nm from Somali coast and have spread to far reaching areas such as:-




Gulf of Aden, southern Red Sea, off Yemen, off Oman, Arabian Sea, off Kenya, off Tanzania, off Seychelles, off Madagascar, off Mozambique, the Indian Ocean, Arabian Sea, off west coast of India and off western Maldives.

# IMB Piracy Reporting Center Map - Piracy & Armed Robbery Incidents in 2011

 = Actual Attack    = Attempted Attack    = Suspicious vessel






# IMB Piracy Reporting Center Map - Piracy & Armed Robbery Incidents in 2012 (as at May 2012)

 = Actual Attack  = Attempted Attack  = Suspicious vessel



# IMB Piracy Reporting Center Map : 2012 Gulf of Aden

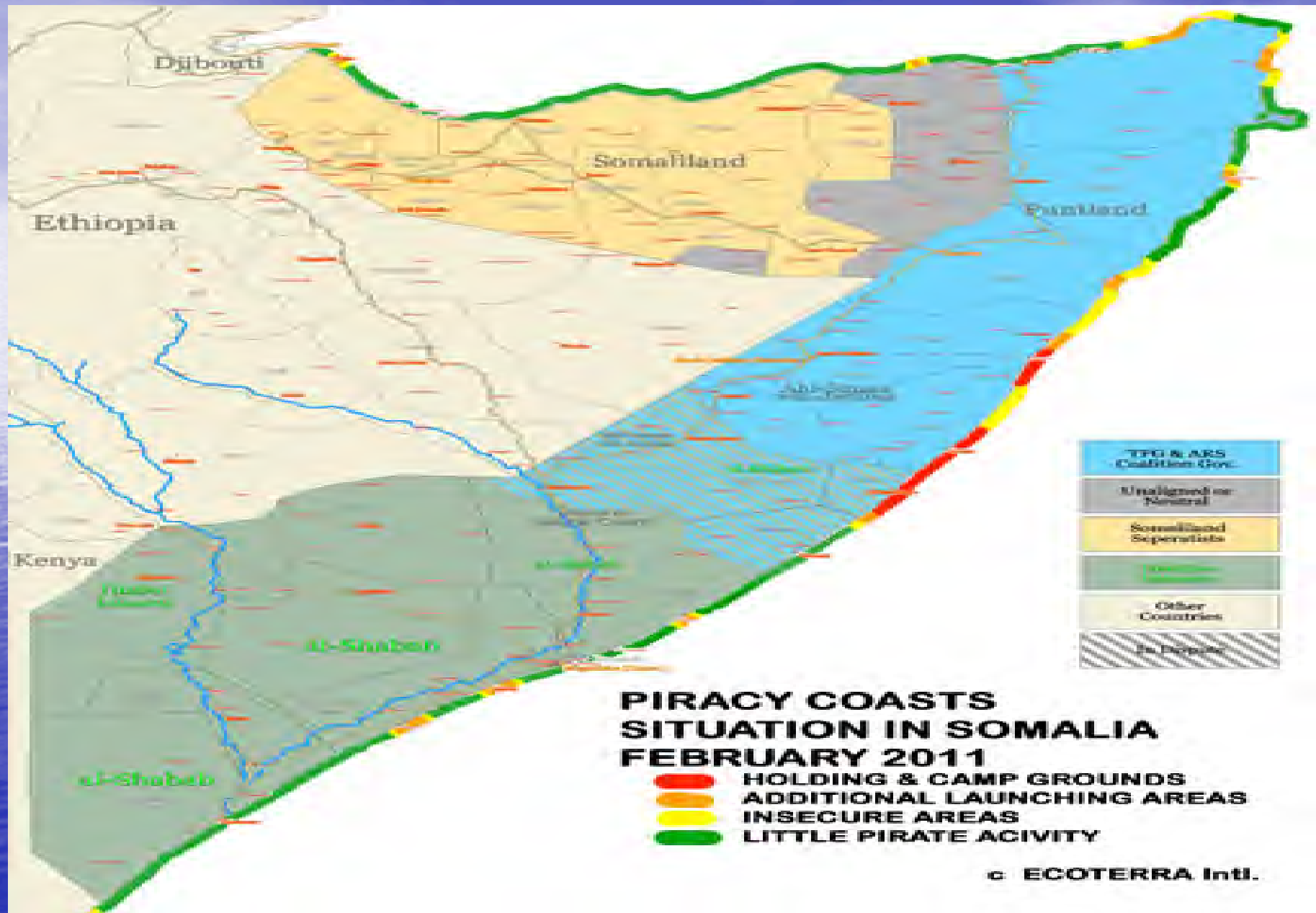
 = Actual Attack    = Attempted Attack    = Suspicious vessel



# Somali Pirates

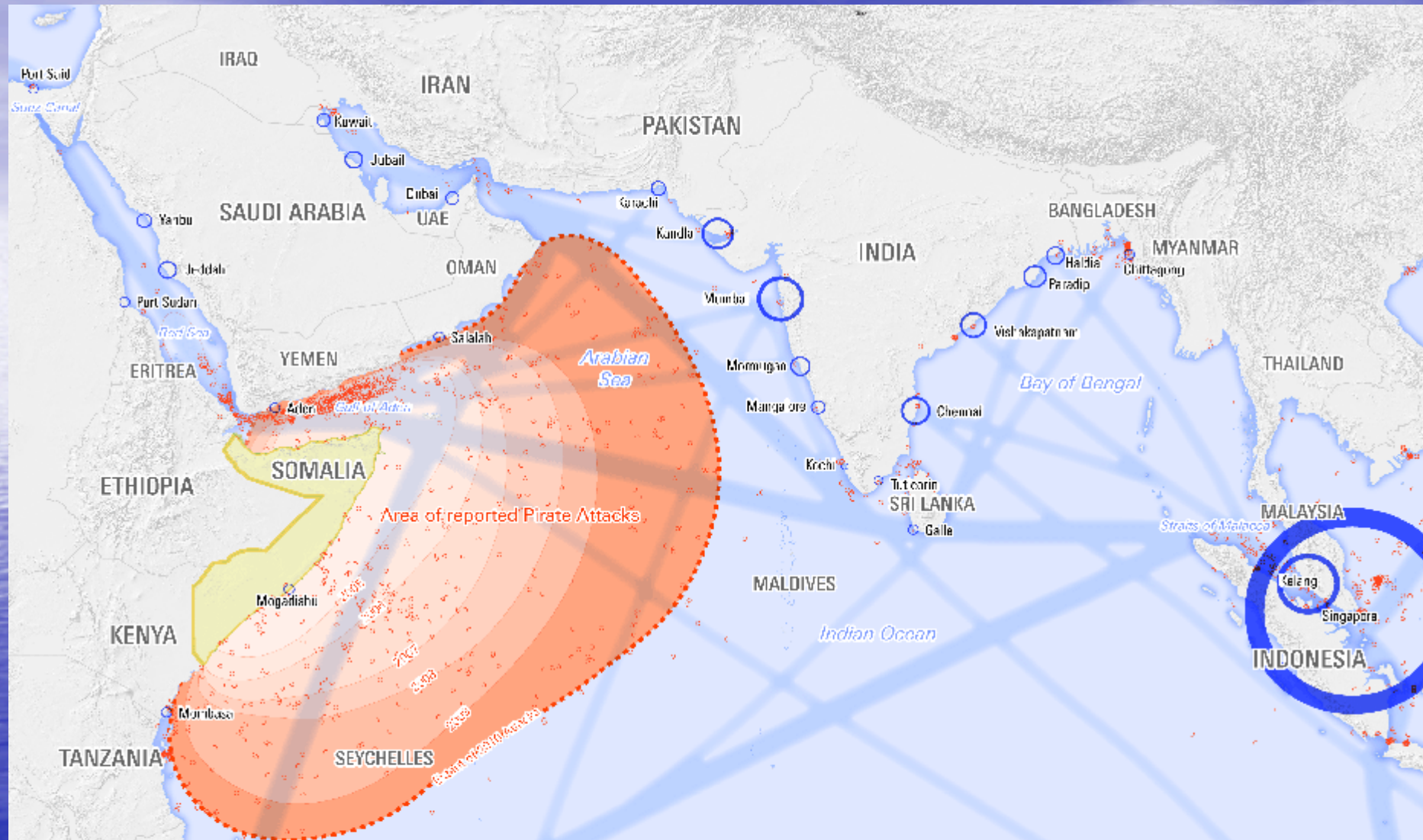
- Attack of chemical tanker in Salalah, Oman in August 2011 is significant for several reasons:-
  - I. First time hijacked an anchored vessel in non-Somali port
  - II. Pirates are becoming increasingly bold
  - III. Pirates constantly rethink & evolving attack tactics.
- Piracy will never disappear completely just as bank robberies will never cease. Big money to be made. Piracy of Somalia must be stopped on land with stability and security on shore.

# Somalia





# Somalia Piracy



## Somalian Piracy Threat Map (2005-2010)

Major Port  
UNEP Assessment Area

Area of reported Pirate Attacks

Extent of 2010 Pirate Attacks

Data Sources:  
Aerial Reconnaissance Intelligence Agency - [www.aerialrecon.com](http://www.aerialrecon.com)  
BBC News - [http://www.bbc.com/news/1/2010/01/100101\\_somali\\_pirates\\_01.shtml](http://www.bbc.com/news/1/2010/01/100101_somali_pirates_01.shtml)  
BBC News - [http://www.bbc.com/news/1/2010/01/100101\\_somali\\_pirates\\_01.shtml](http://www.bbc.com/news/1/2010/01/100101_somali_pirates_01.shtml)  
[http://www.pirates.org/wiki/List\\_of\\_ships\\_attacked\\_by\\_somali\\_pirates](http://www.pirates.org/wiki/List_of_ships_attacked_by_somali_pirates)

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# Importance of Seafarers Welfare

- Human cost of piracy to seafarers & their families is enormous. Much more needs to be done.
- In recent years more than 5000 seafarers have been hijacked and held captive while thousands of others have been victims of piracy attack.
- Every day of the year more than 100,000 seafarers experience anxiety while sailing in or towards piracy infested waters..
- Seafarers are putting well-being & their lives at risk on daily basis.

# Impact of piracy on seafarers

- Seafarers expect to sail on safe ships & safe seas. At present seafarers are putting their well-being & their lives at risk.
- 1/4 of all seafarer hostages report abusive treatment by pirates.
- Hostages subjected to deprivation, starvation, thirst, squalor, captivity, restraint, isolation, beatings & torture.
- Pirates use extreme brutality & threat of death against seafarers & their families. Pirates threaten to kill hostages & make them plead for their lives while on telephone to their families to speed up ransom negotiations.
- Seafarers face loss of hope, faith and psychological damage. Released seafarers often physically and emotionally damaged, traumatized and broken in mind and spirit.
- Older hostages rarely return to sea. Seafarers and their families pay for the misfortune of being captured with a lifetime of hardship, poverty, illness and depression.

# Statistics: Types of violence to crew

## Jan to Sep 2007 - 2011

<u>Types of Violence</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
<b>Assaulted</b>	<b>21</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>6</b>
<b>Hostage</b>	<b>172</b>	<b>581</b>	<b>661</b>	<b>773</b>	<b>619</b>
<b>Injured</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>27</b>	<b>41</b>
<b>Kidnap</b>	<b>63</b>	<b>9</b>	<b>12</b>	<b>17</b>	<b>6</b>
<b>Killed</b>	<b>3</b>	<b>9</b>	<b>6</b>	<b>1</b>	<b>8</b>
<b>Missing</b>	<b>2</b>	<b>7</b>	<b>8</b>	<b>-</b>	<b>-</b>
<b>Threatened</b>	<b>4</b>	<b>4</b>	<b>12</b>	<b>13</b>	<b>23</b>
<b>Total for period Jan -Sep</b>	<b>286</b>	<b>637</b>	<b>726</b>	<b>834</b>	<b>703</b>

*Source: IMB*

# Suffering of Seafarer Hostages



# Suffering of Seafarer Hostages



## Case Study: M.V. Albedo

- On 26 November 2010 Malaysian flag container cargo ship M. V. “Albedo” was on route from Dubai, U.A.E. to Mombassa, Kenya when it was hijacked by Somali Pirates approx 900 NM off coast of Somalia, 293 NM west of the Maldives in the Indian Ocean.
- The vessel had a crew of 23 seamen from Pakistan, Sri Lanka, Bangladesh, India and Iran.
- Tragically, a young Indian sailor died of cholera from drinking contaminated water, eating unhygienic food and lack of proper medical treatment.
- Seafarers have spent 553 days in captivity (as at 30<sup>th</sup> May 2012)
- M. V. “Albedo” is currently being reported to be held at location 60 NM off Somali coast.

# Case Study: M.V. Albedo

- Seafarers are being held hostage under intolerable, inhuman & cruel conditions. Being forced to drink contaminated water and survive on boiled rice for 17 months. Each of them has lost 20-30 kilos of weight. Their condition is deteriorating day by day.
- Pirates have been calling family members of seafarers directly to intimidate and threaten them with death of their loved ones in case required payment was not made.
- Ship's owner, Malaysian national of Irani origin, Mr. Omid Khosrojerdi, owned only one ship & having virtually no other significant assets closed down his company a few months after the hijacking. Reports are that he remains involved trying to release the crew.
- The seafarers were the sole income earners for their families & families have been suffering with day to day existence due to no other source of income.



# Case Study: M.V. Albedo

- Extensive negotiations for release of seafarers have taken place over period of 1.5 years. Negotiations held via video conference between seafarers families representative (who was also authorized by owner to represent him) and Dubai-based Somali businessmen, Somali tribe elders & leaders of Somali pirates.
- Final amount demanded by pirates equal to USD \$2.85 million.
- Not being termed as ransom payment but rather payment towards expenses incurred by pirates (e.g. food, medicines, costs for 74 somali pirates guarding the ship) while the vessel and seafarers held captive.
- The owner of this ship has advised that he can only pay USD\$ 1.15 million and thus the balance of USD \$1.7 million had to be raised by seafarers families through other means.

# Case Study: M.V. Albedo

- The Governments of Pakistan, Sri Lanka and Malaysia have all refused any financial assistance leaving the relatives of the seafarers to fend for themselves.
- The wives of the Pakistani Captain and Chief Officer have spearheaded a fund raising campaign worldwide to raise funds to pay USD \$1.7 million on behalf of all the crew.
- Due to the generosity of philanthropists in Pakistan, the seafarers families have been successful in raising USD \$1.7 million.
- Now in final stages of arranging transfer of funds as per requirements of Somali pirates, with hopes of seafarers being released in the coming weeks.

# Case Study: M.V. Albedo



**Pakistan family members of MV Albedo crew make an appeal to general public for funds for release of seafarers**



**M.V. Albedo Vessel**



# Steps to ensure seafarers welfare

## *Pre-incident preparation*

Time and effort must be devoted to educating seafarers on following areas which will assist them to better cope with potential situation they may face:-

### Technical:

- Familiarity with protective measures adopted by ship
- Knowledge of pre-planned use of convoys with associated security resources.
- Knowledge of pre-planned methods of communication with company in case of attack
- Knowledge of company compliance with best management practices.

# Pre-incident preparation continued

## Psychological & Physical:

- Knowledge of company planned communications methods with family & company commitment to providing family support.
- Commitment from company on continuity of payment of wages as per seafarer's contract.
- Companies should appoint Family Liaison Representatives to maintain contact with seafarer's families in event of attack.
- Training to enhance seafarers leadership skills & personal resistance measures such as optimism, emotional self-control & spirituality.
- Educate seafarers on survival techniques such as compliant behaviour.
- Raise seafarers' awareness on types of conditions they may face if held captive & various tactics pirates may employ to manipulate them during captivity.

# Steps to ensure seafarers welfare

## *Post-piracy incident support*

- Review of piracy attack by Ship's Master. Seafarers to be encouraged to discuss their experiences at appropriate event/activity.
- Practical & emotional support to released hostages should be very swift. Attention to physical well-being is 1st priority such as: medical treatment, nourishment, appropriate clothing, personal hygiene etc. Emotional well being should be addressed such as: communication with family, timely repatriation to home & briefing on company actions to support them when home.
- Psychological debriefing techniques & counseling support should be provided on ongoing basis once released hostages are home.
- Follow up medical treatment & practical support resources (e.g. assistance for claiming benefits) should be provided on ongoing basis.
- Company should facilitate peer support network amongst released hostage seafarers.

# Greater protection and support required

- Launch of Maritime Piracy Humanitarian Response Programme (MPHRP)

Objectives are to implement a model for assisting and responding to seafarers and their families with humanitarian aspects of traumas of caused by maritime piracy. MPHRP published excellent “good practice guidelines for shipping companies and managing agents” for the humanitarian response to piracy incidents.

- International Seafarers Assistance Network (ISAN) has launched new 24 hours hotline for crew and families affected by stress and traumas of piracy.

- “Save Our Seafarers” Campaign

Established in March 2011 by maritime industry grouping. Objectives are to raise awareness of human & economic cost of piracy; to influence & compel Governments to take necessary actions to deter, defeat, eradicate piracy and to stop seafarers from being tortured and murdered.

**These initiatives are a good start but they must be promoted more widely internationally & ensure that facilities/services are available to seafarers worldwide.**

# Recommendation: Seafarers Piracy Relief Financial Pool (SPRFP)

All ship owners worldwide should contribute a levy of USD \$0.01 (one cent) per net register ton (NRT) for every merchant ship sailing across the vast oceans & transporting valuable cargoes. These contributions will go into a Seafarers Piracy Relief Financial Pool (SPRFP).

SPRFP should operate under the United Nation Headquarters in New York (or in conjunction with IMO). The pool should be operated in a transparent manner and should be used for following:-

- To provide compensation for released seafarers piracy victims after they are successfully released from Pirates clutches. Compensation will need to be calculated on an agreed formula.



# Recommendation: Seafarers Piracy Relief Financial Pool (SPRFP)

- To make monthly remittances to the families of seafarers piracy victims (as per seafarers' written nomination). These payments would provide much needed financial assistance to the families for their day to day existences/needs. This payment would need to be calculated in accordance with an agreed formula and should continue to be paid for each-day the seafarers remain in captivity.

All shipping lines must continue contribute to the SPREFP until such time that their vessel is released from the Pirates custody.

# Restricting Ransoms

- Payment of ransoms to pirates to release seafarer hostages is closely tied to the overall issue of protecting seafarers welfare. It is a very controversial issue with intense debate on whether or not ransoms should be paid.

## *Facts relating to Ransom payments*

- Average ransom per ship in 2005 was USD \$150,000, by 2010 it had jumped to average of USD \$5.4 Million per ship.
- In year 2011, 2 ransoms over USD \$10 Million have been paid.
- Approx USD \$240 million was paid to Somalia Pirates in 2011 to free ships and crew and as of July 2011 another 400 sailors remain hostage off Somali Coast.

(Source: Reuters)

- Recent case of MV Yuan Xiang, ransom payment was facilitated through London Based Law Firm and UK Bank.
- Ransom payments are legal under UK Law & covered by marine insurance.

# Restricting Ransoms

## *Facts relating to Ransom payments continued*

- Britain's Court of Appeal stated - no recognized principle of morality, no clearly identified public policy, nor any incontestable public interest which could lead the courts to condemn ransoms.
- UK Govt has been slow to take action on financial flows relating to ransom payments. They have done little to collect, analyze & act upon information concerning ransom payments made by British companies and individuals.
- US Govt prohibits ransoms transactions by US citizens, permanent residence or entities organized under US Law.
- African Union vigorously condemns payment of ransoms but does not ban it.
- Philippines government is opposed to paying ransoms but has passed no law to prohibit it.

# Restricting Ransoms

## *Pros of restricting ransom payments*

- Maritime piracy hijacking occurs due to opportunity & incentive.
- Estimated cost to global economy of piracy is USD\$7-12 Billion a year. Only way to decrease incident of piracy is to cut-off the incentive by obstructing ransoms payments.
- Int. efforts such as naval patrols not effective enough to curb piracy.
- Successful release of Somaliland bound oil tanker (off the coast of Oman) without payment of ransom as a result of negotiations by local clan leaders & business community proves that alternative methods available to secure safe release of hostages.

## *Cons of restricting ransom payments*

- Ransoms seen as only safe way to free seafarers. Necessary evil, to late to stop them, lives of hundreds of hostages are at risk.
- Ship-owners believe private armed guards on ships are working. Thus hostage for ransoms cases should decrease without having to take such drastic action as prohibiting ransom payments.

# International Conference on Somalia

- British Prime Minister David Cameron hosted an International Conference on Somalia on 23<sup>rd</sup> Feb 2012 . Objective was to coordinate international community's approach towards bringing peace to Somali by focusing on key issues including tackling piracy, terrorism and humanitarian assistance.
- British PM urged delegates to “keep up the pressure on pirates” but did not specifically acknowledge seafarers and the hardships that seafarers are facing to keep world trade moving through these pirates infested waters.
- At the conference, statements were made by both UK & US reps. regarding “creating an international task force to discourage the payment of ransoms to pirates & other groups to eliminate the profit motive”.
- These statements may be considered alarming by some shipping companies and seafarers because payment of ransoms is currently viewed as only way for ship-owners to ensure ultimate safety of hijacked seafarers.

# Conclusion

- No justification for abuse of seafarers. Mistreatment of seafarers should not be tolerated. The world should strongly condemn these actions and pirates responsible should be held accountable and punished.
- Criminalization of ransoms payments alone will not solve problem. Need to have a comprehensive approach to eradicating piracy including following actions:-
  - ✓ Improved safety measures & improved protection for seafarers & vessels
  - ✓ Improved judicial capacity to detain and prosecute pirates
  - ✓ Changes to various countries laws to curb ransom payments and illegal financial flows
  - ✓ Humanitarian programs to improve overall economic & social conditions in Somalia.

# Conclusion

- The issue of piracy is based on land & must be resolved on land.
- Significant risk that in the future a large number of seafarers will refuse to sail on ships passing through pirates infested water. Result will be increased cost of sea transportation and disruption to smooth and efficient movement of world trade.



*Thank You*