

MARITIME SAFETY COMMITTEE  
105th session  
Agenda item 9

MSC 105/INF.3  
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## PIRACY AND ARMED ROBBERY AGAINST SHIPS

### Points of interest from online seminar on how to effectively meet the challenge of Niger Delta pirates and how to draw on lessons learned from Somali piracy

Submitted by BIMCO, InterManager and ITF

#### SUMMARY

*Executive summary:* This document summarises the points of interest from an online seminar exploring similarities between Somali piracy and Niger Delta based piracy.

*Strategic direction, if applicable:* 5.

*Output:* 5.4.

*Action to be taken:* Paragraph 7

*Related document:* MSC 104/INF.3.

#### Background

1 Two years ago, BIMCO, in coordination with ICS, ITF, IMCA, and OCIMF, held a dedicated seminar about piracy in the Gulf of Guinea to investigate ways of increasing cooperation between industry and governments. In the following months the NIMASA Industry Working Group (NIWG) was formed to kick off cooperation between NIMASA, Nigerian Navy, and industry. This has now been followed by the formation of the SHADE-GoG forum to further increase cooperation.

2 While there have been positive signs this year that these coordination forums are having a positive impact on the situation, it may be premature to determine if a long-term and sustainable solution has been found. Therefore, BIMCO, with the support of the International Transportation Workers Federation (ITF), World Shipping Council (WSC), and the International Shipmanagers' Association (InterManager), hosted an online seminar to examine progress made so far, and, drawing on experiences from the Somali piracy case, discuss what remained to be accomplished to suppress piracy in the Gulf of Guinea.

3 A wide range of experts from regional stakeholders, seafarer groups and UN agencies gave their perspective. Featured speakers included the authors of the 2021 UNODC report "Pirates of the Niger Delta, Between Blue and Brown Water", a seafarer recently affected by piracy, and authorities from Gulf of Guinea coastal states providing updates on regional efforts to coordinate operations. There was also a session specifically devoted to exploring how to better incorporate international support, and how to ensure a legal finish for longer term results.

4 The full agenda of the seminar is listed below:

Time	Subject	Speaker
10	Keynote speech	Mr. Eugene Lenn Nagbe, Commissioner, Liberia Maritime Authority

<b>Session 1</b>		
<b>The piracy challenge</b>		
Time	Subject	Speaker
10	The Gulf of Guinea piracy threat	Mr. Casper Goldman, Analyst, Dryad Global
10	Kidnapped in the Gulf of Guinea: The seafarers' ordeal	Mr. Sudeep Choudhury, former 2nd Officer MV Apecus
10	UNODC Report: Pirates of the Niger Delta – Between Brown and Blue Waters	Ms. Siji Song, Maritime Crime Prevention and Criminal Justice Officer, UN Office on Drugs and Crime (UNODC) Ms. Katja Lindskov Jacobsen, Researcher, University of Copenhagen
20	Panel Q & A	Moderated by Mr. Jon Huggins

<b>Session 2</b>		
<b>Near Term Measures – Filling the Gaps</b>		
Time	Subject	Speaker
10	Fostering international coordination, shared awareness, and deconfliction in the Gulf of Guinea	Rear-Admiral (Nigerian Navy) Agada, Co-Chair of Gulf of Guinea Maritime Coordination Forum – Shared Awareness and Deconfliction (GoG/MCF- SHADE)
10	Non-regional navies' contributions	Captain Marco Stocco, Italian Navy
5	Reflections from a global shipping industry association	Mr. Jakob P. Larsen, Head of Maritime Safety & Security, BIMCO
10	Securing Beninese waters: Meeting the industry's needs through combined means	Mr. Maxime Ahoyo, Préfet Maritime du Benin
10	Tailoring capacity building to regional needs	Colonel Abdourahmane Dieng, Head of Regional Security Division, ECOWAS Commission (invited)
25	Panel Q & A	Moderated by Mr. Jon Huggins

<b>Session 3</b>		
<b>Ensuring a Legal Finish – Building on Success</b>		
Time	Subject	Speaker
10	Regional developments (legislation, trials, handover agreements, training)	Ms. Siji Song, Maritime Crime Prevention and Criminal Justice Officer, UNODC
	Reflections from the Gulf of Guinea region on the current state of play with regards to antipiracy	Regional representative (invited)
	Practical and legal implications of non-regional navies' antipiracy operations	Mr. Jakob Brix Tange, Special Representative for Maritime Security, Danish Ministry of Foreign Affairs
10	Seychelles' experience with piracy trials	Mr. Raymond St. Ange, Superintendent, Seychelles Prison Service
20	Panel Q & A	Moderated by Mr. Jon Huggins

### Points of interest

5 The following points of interest were raised at the online seminar:

.1 The seafarers' ordeal – a kidnap victim's account

Background/Context:

- Being kidnapped by Niger Delta pirates is a traumatizing event and mental suffering during the incident necessitates post-incident support and can make it difficult to go back to sea.
- Pirates abuse hostages physically and psychologically.
- Hostage holding area was in the mangroves with poor hygiene facilities, poor nutrition, and unsafe conditions.
- The case in question saw an attack in the immediate vicinity of several Nigerian Navy ships who did not intervene.
- Coastal Communities protected and hosted the released hostages. However, other coastal community members were seen bringing food and supplies to the pirates.

Looking Forward:

- Antipiracy training and self-protection should be a focus area.
- Coastal Community engagement is a necessary part of a sustainable solution.

.2 The nature of the piracy threat

Background/Context:

- Pirate operations have expanded to reach out to 300+nm from Nigeria.

- Kidnap for ransom piracy emanates exclusively from the Niger Delta, often from known locations. In addition to being addressed at sea, the threat should also be addressed ashore.
- Niger Delta locations of onshore pirate camps in the Niger Delta region are known and well established.
- Delta pirates operate powerboats, are heavily armed, and prepared to fight to get away from law enforcement forces. In the past they have fired on helicopters as well as surface ships.
- Niger Delta piracy is organised crime where investors rely on a return on their investment. Furthermore, the 2021 UNODC report "Pirates of the Niger Delta" indicated that some corruption and collusion with officials is likely and as such an enabling factor to piracy.

#### Looking Forward

- If the piracy business model is broken, piracy will no longer be attractive to the investors. Therefore, it is important that law enforcement efforts concentrate on ensuring investors lose their infrastructure (holding camps) and i.e. the pirate skiffs, outboard engines, weapons, and equipment.

### .3 Impact on the blue economy

#### Background/Context:

- Piracy has a disproportionately negative impact on the blue economy of African states. The damage to regional economies amounts to at least 1.925 billion dollars per year whereas pirates only earn around 4 – 5 million dollars per year in ransoms.
- Gulf of Guinea nations are facing significant direct, indirect, and opportunity costs related to the presence of piracy and armed robbery.
- The significant cost endured by shipping is passed on to the customers in the Gulf of Guinea region.
- Ports in the region experience loss of business and some shipowners will not call at ports in the region for security reasons. The result is a decreased supply of ships which negatively impact the supply/demand ratio and increase freight rates.

### .4 Law enforcement and Operations at Sea

#### Background/Context:

- The GoG MCF SHADE is promoting regional leadership and is looking to strengthen relationships between regional and international navies and industry through increased cooperation, deconfliction, and information sharing.

- Regional efforts such as the Yaoundé Architecture and the Deep Blue Project are encouraging, but still need time to become fully operational.
- While regional states are responsible to address armed robbery incidents in territorial waters, all States have a duty and responsibility to cooperate to the fullest possible extent to address piracy outside territorial waters.
- Non-regional navies typically possess well-trained and equipped assets that are necessary to apprehend aggressive Niger Delta pirate gangs. (i.e. armed helicopters and boarding teams with special forces capable of opposed boardings).
- Currently, there is a lack of timely communication and coordination between non-regional and regional forces that can impact response and cooperation.

#### Looking Ahead:

- The coastal states in the region can play a key role in maritime security efforts and should continue to focus on capacity building with the assistance of international partners.
- The relatively limited area where Niger Delta pirates operate makes this piracy threat manageable with the assistance of a small number of dedicated and proactive international forces which could provide a credible and active deterrent. (One estimate is that two frigates with helicopters from high-end non-regional navies, supplemented with a capable maritime patrol aircraft, and with robust antipiracy mandates under orders to apprehend suspected pirates, is enough to provide a credible and effective deterrent).
- Information sharing between regional and non-regional law enforcement agencies is critical. However, there are still operational security concerns by some international forces and commercial vessels based on previous instances of collusion and corruption by some regional authorities.

#### .5 Private security solutions

##### Background/Context:

- Private security such as onboard armed guards or security escort vessels can be a useful supplement to law enforcement but will only provide for protection to individual ships.
- Law enforcement agencies' commercial involvement in protection business can entail a possible conflict of interest to the detriment of effective law enforcement.
- At least one coastal state has made it compulsory to use armed guards in territorial waters. They can either be privately contracted by the ship or can be provided by the coastal state. The concept includes guidance that once the ship is alongside weapons are sealed and inspected by the coastal State authorities.

Looking Ahead:

- Coastal states in the Gulf of Guinea region could do more to harmonise regulation of onboard armed guards across the region.
- Some states have already proactively enabled the use of privately contracted armed guards in their waters.
- States could explore ways to ensure cooperation and deconfliction of private security and law enforcement to address active incidents and provide coordinated deterrence.
- A consistent legal framework across regional coastal states could make privately contracted security more efficient and effective.

.6 Legal finish

Background/Context:

- Non-regional states are often disadvantaged when it comes to prosecution of pirates due to defendants and convicted criminals seeking asylum in prosecuting nations.
- Some regional coastal States have criminalised acts of piracy, but others prosecute pirates under other provisions such as robbery, or similar. Inspiration could be sought by implementing a concept like the one of the Seychelles.
- There is an urgent need to establish handover agreements between non-regional states and regional coastal States.
- To facilitate handover between non-regional states and regional coastal States there is an urgent need to ensure prison facilities which live up to international human rights standards.

Looking Ahead:

- Pirates were successfully apprehended by non-regional forces and were prosecuted by the Seychelles and other regional states during the Somali piracy crisis. It helped Seychelles reduce the damage to its economy done by Somali piracy.
- Subsequent handover of convicted pirates from Seychelles back to Somalia for incarceration worked well to help end the Somali piracy crisis.
- Prison conditions and legal statutes in the GoG region must be considered to eliminate potential stumbling blocks that would prevent the handover of suspected pirates for prosecution in the region.

### **Recording of the online seminar**

- 6 A recording of the online seminar is available here:  
<https://www.youtube.com/watch?v=kosf1GvE9DM>

### **Action requested of the Committee**

- 7 To inform the further work regarding piracy in the Gulf of Guinea, the Committee is invited to note the information provided in this document and via the link in paragraph 6.
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