The grim realities of a ship hijacking in the Gulf of Guinea

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Keywords

Hijacking, piracy, armed robbery at sea, Gulf of Guinea (GoG), Crisis Management Team (CMT)

Abstract

This article is a distillation of the dissertation submitted for the author's MSc in Maritime Operations and Management at City, University of London, submitted in 2019.

In the summer of 2019, a Bulk Carrier of 22,000GT with a complement of 21 crew members was at anchor within the territorial waters of a Gulf of Guinea coastal state, 2.5 n.m. from the breakwater entrance to the port, awaiting daylight so the ship could enter the port and commence the discharge of its cargo. At midnight with all the regular security measures in force for the anchorage area, a group of armed men boarded the ship and proceeded to kidnap nine seamen. The kidnappers abducted the nine-crew comprising the ship's Master, Chief Engineer, Third Officer, Third Engineer, Chief Cook, and four ratings, all of them Filipinos. It was later proven the kidnappers came from a neighbouring state, and during their captivity, the nine men were held on a small island off the borders of the two states. All parties concerned were informed of the incident, and a company specialised in negotiating was appointed. The nine hostages were finally released after 41 days in captivity. Piracy affects shipping for centuries, with some periods of peace. It has returned more robust and aggressive, profoundly affecting shipping in specific geographical areas, exposing maritime trade and the seafarers' lives in danger.

From 2008 to 2012, piracy off the coast of East Africa drew the attention of the global community. The measures taken have suppressed piracy, and the incidents have dramatically reduced. On the other hand, piracy and kidnapping incidents in the Gulf of Guinea in West Africa have risen over the past years. The global community seems to tolerate the insecurity in the area, and only a few measures by the European Union and the United States have been introduced. The regional countries have announced measures, so did the continental African Union organisation and some local states individually, but all these efforts seem to be un-synchronised, and the actions of one party disorientate the others. The causation of piracy is not at sea: it is ashore. The spotlights of the initiatives should focus on the mainland. The global community has the expertise, experience, and mechanisms to fight this ancient crime.

Both the academic and maritime communities have numerous papers about countering piracy, but none that the author has found is based on the details of one incident; they tend to focus on theoretical aspects. The author, being a permanent member of the Crisis Management Team of a shipping company, endured the hijacking of a vessel under its management in the Gulf of Guinea, and part of the vessel's crew was taken hostage and moved ashore into the criminals' hideout. It then became a race against time involving specialised negotiators, the P&I Club of the ship, and a PMSC to negotiate the ransom and its delivery and release of the crew as quickly as possible.

Apart from the first-hand experience of being part of the Crisis Management Team for more than 40-days and nights of a ship hijacking and hostage negotiation process, the author has researched the background widely to piracy and specifically its impact in West Africa. He interviewed members of the crew held hostage and spoken with experts in the field.

The principal reason for writing the dissertation and this article was to share the experiences and insights of a hijacking in the Gulf of Guinea, from the perspective of a shipping company with ships visiting the Gulf of Guinea on a regular basis, so that others may learn from the experiences and hopefully prepare seafarers more effectively for this maritime peril.

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Introduction

This article is unique as it presents an insider's account of an actual maritime piracy and kidnap situation. The two exceptions are the autobiographical account by Captain Richard Phillips[i] of the hijacking of the *Maersk Alabama*[ii] in 2009 and the feature film *Captain Phillips* which followed. The second is "*A Hijacking*",[iii] which follows both the events on board a hijacked ship off the coast of Somalia and the procedures conducted by the shipping company in Denmark. Regrettably, there is very little academic information on the chain of events surrounding the hijacking of a vessel, incarceration of hostages and the processes the ship operators undergo for a protracted period of negotiation. Reports referring to the piracy in the Gulf of Guinea (GoG), have been written through the prism of the economic impact, prediction of the incident, and the insurance cost, but have not focused on the human and technical aspects of the incident, utilising inside information, or reporting the victims' input, or the way a shipping company reacts to such an event. The steps taken in reporting and analysing this real maritime kidnap situation have been split into two different levels: support and release of the kidnapped crew and the continuation of the operations of the vessel.

In view of the lack of available data from a kidnapping incident, the author collected primary data by distributing a questionnaire to the seafarers of the vessel, both the released and the non-confined crew, and the analysis of that data.

The primary data used is from the authors' personal experience, being a permanent member of the Crisis Management Team (CMT) of a shipping company that experienced a piracy and kidnapping incident to a ship in its fleet. Shipping companies, especially smaller private ones, are very reluctant to court any type of publicity, either good or bad; probably, because they do not have the expertise and experience to cope with it. Whereas larger companies have the capacity and wherewithal to manage their public profile. Consequently, smaller shipping companies refrain from giving information to the public, which is the most likely reason for the paucity of primary data on maritime kidnapping incidents.

In order to protect the shipping company, the seafarer victims, members of the CMT and the negotiation consultants of this unfortunate incident, no names, exact locations, or specific timings are given. Every possible measure has been taken to protect the identity of those involved in this incident and referred to in this article as it could possibly detract from the value of the information.

Background

It seems that "piracy", from the ancient Greek word "πειράομαι", or "peiraomai", meaning "attempt", an attempt to rob for personal gain, is not unfamiliar to shipping, as a reference is made of this practice back in the Late Bronze Age. According to the classical historian Janice Gabbert "the eastern Mediterranean has been plagued by piracy since the first dawn of history"[iv] Piracy in the ancient era was mainly due to two significant factors: a) to steal goods and money and b) to capture people for slavery. The motivation to adopt this practice can also be enumerated in just three reasons: i) the geographical factor, as the rocky Mediterranean basin was not very easy for agricultural cultivation; therefore, the inadequate resources led people to seek other sources of income; ii) primary support to the mainland was fishing, so pirates were already skilled seamen and navigators; and iii) sea trading was

continually growing as the inland trade routes were few, often difficult to negotiate, incurred *ad hoc* customs/tax payments and plagued by highwaymen and thieves.

The purpose of this article is not to examine or attempt to dissect the causes or reasons for piracy or armed robbery at sea. As Guilfoyle points out, "viewed in context, every major instance of piracy is always factually different – piracy is a single label for a diverse phenomenon which is highly contingent on local conditions."[v] Research and analysis into the causation of armed robbery at sea and piracy are ongoing, drawing in criminologists, anthropologists, political and social scientists. The likelihood of a seafarer formulating the answer is remote, but they continue to be threatened by these maritime criminals around the globe. A list of research sources I used as part of my examination of challenging questions is listed in this article's bibliography.

Solutions: While clearly there is a significant diplomatic effort focused on resolving piracy in the GoG, there seems to be little tangible progress from the shipping industry perspective. The pirates and criminals always seem to be several steps ahead of the countermeasures implemented. It is beyond the remit of this article to provide any further explanations of the international attempts to suppress GoG piracy and armed robbery at sea, but the frequency of ships being hijacked, and seafarers being taken hostage is exasperating and frustrating, and seafarers seem to be the most vulnerable and innocent victims who clearly by the lack of demonstrable progress are classified as a low priority and an acceptable expense. The following account is based on the author's own experience, interviews with and questionnaires distributed to the crew.

Incident Analysis: The Managing Company for the ship involved in the incident is a reputable ship management company based in Greece. The company was established in 1998 and manages a fleet of more than 25 vessels comprising bulk carriers and container ships. The company holds a valid Document of Compliance issued by an International Association of Classification Society on behalf of a Whitelisted,[vi] Open Registry.

Pre-incident: The vessel was on time-charter between a loading port and a discharge port in West Africa. On arrival at the port of discharge, the Notice of Readiness to the port authorities was submitted as per the agreed terms and conditions of the Charter-Party. The port was congested, so the port authorities instructed the captain to anchor in a designated secure anchorage point 2.5 n.m. from the breakwater. Although the local authorities officially provide security protection at that port, the Company Security Officer (CSO)[vii] in Greece was not aware of the situation, nor did the agent/port authorities provide any relevant information to the vessel upon arrival.

Five days before arrival, in accordance with the port maritime security requirements, the Ship Security Officer (SSO) had submitted the International Ship and Port Facility (ISPS) security code Declaration of Security information. During the sea passage to the port, some drills and training were performed in accordance with the Ship Security Plan (SSP)[viii] in which all crew, with designated duties, participated. No further instructions were given from the managing company, nor any questions arose from the Master or crew.

The vessel followed the approved SSP and established security measures for Security Level 1, deploying roving patrols on deck and an extra lookout at the bridge at night. The SSP of the vessel defines a range of security drills and an annual training schedule. Some scenarios are performed every other month, whilst others are performed annually.

Incident: At around midnight, two speedboats with an unknown number of armed men came alongside and some of the men boarded the vessel. The criminals split into two teams. Using the threat of force, one team took the seafarer conducting a single person on deck roving patrol hostage. The second team, using the external stairways, went directly to the bridge, immobilised, and took hostage the two

seafarers on watch on the bridge. The doors were unlocked, so the criminals silently entered the crew accommodation area. They opened cabins, starting from the highest decks, wanting to capture the most valuable individuals. The boarding party kidnapped the captain and senior officers along with several ratings whose cabins were on the higher decks and were asleep at the time of the incident.

Having kidnapped nine seafarers, the pirates and the kidnapped crew disembarked the vessel, boarded the two high-speed boats, and vanished into the night. None of the rest of the crew, including those on duty in the Engine Control Room, were aware of the incident. Only one crew member realised what had happened. He hid in his cabin all night until he was satisfied the criminals had gone, and he felt safe enough to come out of hiding. This seafarer raised the alarm by sending a message to a fellow seafarer on another vessel, owned by the same company, who in turn informed his Master, who immediately informed the Managing Director of the vessel's ship management company.

As soon as the Managing Director of the Ship Management company was notified, he turned to seek assistance from a Private Maritime Security Company (PMSC) who in turn informed that he could not offer any service in the area because the local states do not allow PMSC deployment but could provide intelligence service which was denied at that instant by the Managing Director. The Ship Management company officers were informed of the incident later that morning during their office working hours when the Managing Director called together the company's Crisis Management Team (CMT).

Establishment of the CMT: The International Safety Management (ISM) Code para 8.1 requires shipping companies to "identify potential emergency shipboard situations and establish procedures to respond to them." To this end, the CMT of the company comprises permanent and temporary members. Permanent members include the General Manager, the Designated Person Ashore (DPA) (ISM para. 4), the Technical, Operations and Insurance managers. In this particular case, the company's Crew manager was also participating in the CMT (ISM CODE). The author was a member of the CMT, which during the negotiations was reduced when the Technical and the Operations Managers were designated temporary members, on-call.

The DPA called the vessel's satellite phone in the morning following the incident, and after several attempts, an Officer answered the telephone. The DPA instructed the remaining senior Officer to muster all remaining crew on the bridge, inform them of the incident and ascertain who had been kidnapped. It is unclear how many of the crew were unaware of the incident or decided to hide from the criminals that boarded the ship, not knowing what might happen to them if discovered.

Having established an initial understanding of the situation, the CMT informed the relevant authorities (insurance incl P&I Club[ix], Flag State and manning agent). The vessel's P&I Club correspondent visited the Ship Management company offices the same day and met with the CMT. The head office of the vessel's P&I Club suggested the appointment of a company of specialised negotiators to assist with the negotiations at the appropriate time. The CMT contacted the negotiators, and a representative from the company moved to the offices the day the pirates made initial contact.

From the day of the incident to the repatriation of the abducted crew, the CMT held daily meetings in the presence of the appointed negotiator. Minutes of these meetings were all destroyed on the advice of the appointed negotiators, who advised these sensitive and vital records, should they leak to the press, could endanger the lives of kidnapped crew members in danger. Occasionally, the company's Crew manager would be briefed and relay information to the manning agent and the families of the abducted crew. The Claims and Insurance manager would brief the P&I Club. The DPA was responsible for keeping the Flag Administration up to date.

Negotiation process: All meetings between the negotiator's representative and the CMT were conducted behind-closed-doors with no secretaries present. The minutes of the meetings during the

negotiations were kept by the DPA. No copies of the minutes were allowed. The Management Company also notified the Greek Shipping ministry and the local Police about the incident, even though none of the kidnapped crew were Greek nationals, and the ship was not registered with the Greek flag; however, the ship was Greek-owned. INTERPOL contacted the CMT several days after the incident requesting confirmation of information they had. On the release of the kidnapped crew, INTERPOL made another contact to ask the amount of ransom paid with no questions about the channels used, the actual remittance dates or any other relevant information. No further interaction with INTERPOL occurred.

The negotiators' representative proved to be highly experienced and kept extensive notes during daily meetings, private conversations with the members of the CMT and telephone conversations with the pirates' negotiator. The negotiator mentored the shipping management company's spokesman and prepared the CMT for what to expect with each respective contact with the kidnappers, especially concerning ransom demands. At one stage, he also advised the CMT to prepare themselves for a telephone call from the abducted crew claiming they are mistreated or harmed as this could potentially be quite emotionally traumatic. Luckily, this call was never made.

Initial contact with the kidnappers was with a man who referred to himself as the 'Boss'. No other facts are known about the gang, their number of participants, weaponry, location, or organisation in general. The gang's regular communicator and kidnap negotiator, one 'Mr X', claimed to have provided this service to the gang for 21 years and lived in South Africa. Mr X appeared to be communicating from a town because the sound of traffic was audible in the background during conversations, and, on one occasion, an emergency siren was also heard. According to Mr X, he was located approximately one hour distance by motorboat from where the crew was being held captive. Mr X mentioned on several occasions that he had an uneasy relationship with the kidnappers' bosses.

Seven days after the incident, the DPA, who was the designated company negotiator, while driving to the office in the morning, received a call on his mobile phone from a restricted number. The caller claimed he was the abducted Captain. The DPA pulled over to the side of the road and started asking questions to verify the captain's identity. When the DPA had satisfied himself that he was talking to the captain, he sought information to confirm the number of crew abducted and their health condition. The DPA particularly wanted to verify the number of abducted crew was the same as the number reported on the missing persons' report and to confirm they were all together and none were missing.

During the conversation between the DPA and the Captain, he seemed calm and did not seem to be under duress. After a short period of initial negotiation, another person took the phone. He claimed to be a negotiator appointed by the kidnappers who had arrived on the scene that day from abroad. He spoke English with an African accent and, from time to time, used some French words. The DPA and the kidnappers' negotiator had a brief conversation confirming all nine crew were safe. The initial amount of money demanded for the release of the seafarers was mentioned, which was the going rate[x] for nine hostages.

The CMT had set a 'target settlement figure' and decided to resist any 'shopping list' demanded by the kidnappers with the target settlement derived from other known cases during the same period. A subsequent demand for satellite telephones was rejected.

The DPA pointed out that he was not allowed to discuss any kind of financial arrangements at an early stage without consulting his office first, in line with the advice given to all CMT members by the negotiators' company. Regular proof-of-life regarding the abducted was received, and the kidnappers negotiated downwards, with pauses of two to four days after a delay in the initial contact of six days. This tactic is commonly used by kidnapping gangs in the region, making the companies involved anxious, as they are responsible for the victims.

Initially, calls were conducted every second day or so. As the negotiators neared agreement, the contacts were daily. Throughout the negotiation period, the CMT talked to all abducted crew members and were able to confirm their identity and provide encouragement and reassure them that their families had been informed of the situation.

Eventually, an amicable negotiated figure, in the required currency (U.S. dollars - USD), was agreed between the Shipping Management CMT and the kidnappers. All transactions in USD dollars pass from U.S. intermediate banks where U.S. law prevails. Because of the U.S. Presidential Executive Order 13536 of 2010[xi], if the banks managing specific transaction believe that the money is to pay a ransom to a group that may be linked to a terrorist organisation, the transaction can be blocked. The management of the transaction, therefore, requires very careful management via different channels to ensure the payment is made and the crew were released expeditiously.

Throughout the negotiations, Mr X was generally polite but easily excitable and occasionally shouted at length. He was unreliable in his timekeeping but was lucid and did not appear to be under the influence of drugs. He prided himself on being a 'businessman'.

The abducted crew later reported their 'guards' frequently smoked marijuana and took amphetamines, often leading them to be aggressive, argue and fight with each other. Indeed, the crew had feared that, during these episodes, there could be negligent gunfire, which could lead to their injury or, in the worst-case scenario, death. However, the crew reported they were not mistreated and received adequate food, clean water, and anti-malaria tablets.

Port response: Subsequent investigations revealed that the morning after the incident, on the shipping management company's instructions, the vessel contacted the ship's agents and the port authorities, reporting the incident and requesting immediate assistance. The port authorities refuted the claim, saying their waters were safe, and no such incidents had been reported to them. They also intimated the nine missing seafarers "may have been lost during the sea passage". The port authorities eventually acquiesced and sent a speedboat almost 24-hours after the event, losing valuable time and allowed the kidnappers to get away and cover their tracks. When the company and the remaining crew requested the vessel to be cleared and allowed to leave the anchorage to enter the port, the port officers said it was too late and that the Pilots had left for the day; therefore, the vessel had to wait until the next day. The company's DPA called the vessel to discuss the situation with the senior Officer and agreed to lock down the whole accommodation, turn all deck lights on and gather all crew in the officers' messroom for the night. Roving patrols within the accommodation area were appointed. They also had telecommunication with the office every hour for that night. The following day, two days after the incident, a Pilot took the vessel into port, and the cargo operations started. Throughout the period alongside the port authorities intimidated the crew threatening heavy penalties and imprisonment due to alleged cargo shortages. The authorities also prevented the appointed P&I Club correspondent from boarding the vessel for more than seven days giving various reasons, mainly regarding customs and security formalities; a seeming demonstration of power and bullying which led to a significant shaking of the crew's morale.

From the first day of the incident, the company took steps and started working on replacing the missing crew in order to have the vessel running with a full crew as before the incident. The new crew members (on-signers) arrived four days after the incident and boarded the vessel.

Whilst the ship was in the port, the local authorities, port, customs, Port State Control, International Convention for the Prevention of Pollution from Ships or MARPOL inspectors, International Labour Organization, or ILO inspectors, all visited the vessel. Some of the authorities visited more than once, claiming spurious violations of regulations, and attempting to get the new Captain to sign documents not

written in English. All these inspections seemed intent on intimidating the crew and the ship management company. It is only with the help and support of the local P&I Club correspondent that the ship could sail with no penalties finally being imposed. The vessel was allowed to sail several days after the incident with its new crew embarked.

Release preparation and post-incident

The P&I Club recommended that the ship management company appoint a PMSC with proven experience in a ransom delivery, to perform the task. Despite a carefully planned process, there were still some unforeseen problems. The payment phase of the delivery/recovery operation of the ransom was delayed as the nominated bank in the country of custody had insufficient cash in USD.

The delivery team collected the ransom from the bank and held it at a safe location until the exchange was made the following day. The PMSC ran a highly professional operation that had been carefully planned, and despite unexpected changes, the plan and the operatives proved to be flexible and effective. After the location for the 'drop' had been changed twice, the delivery agent met the kidnappers' representative that evening at sea, in the national waters of the country in which the crew was held. Contact was established, details of the exchange were agreed upon, and finally, the PMSC returned with the nine crewmen of the vessel towards midnight.

The escort team and freed crew travelled to a nearby city the following morning. Fresh clothing and shoes were provided by the company, based on the crew records, and delivered to the crew by the appointed local agent. Preliminary medical checks were conducted before the crewmen arrived in the country's capital, where fit-to-fly medical examinations were successfully organised. Eight of the nine abducted seafarers were suffering from malaria, though this did not prevent them from travelling to their home destinations.

The company arranged for two recruiting officers from the manning agent to meet the kidnapped crew in the hotel they were accommodated during their medical examinations. The purpose was to demonstrate that the ship management company were concerned about the crew; they wanted to reassure them that the plans for repatriation would be smooth and provide a briefing on how to deal with the media, should they be approached.

Immigration formalities were another challenge the management company had to resolve. As the abducted crew had never "officially" entered the country from which they were about to depart, their passports and seaman's books had to be stamped as if they had entered the country before they were allowed to pass through immigration control and leave the country. The task of arranging this fell to the local agent, who found they had to be creative and find the amenable local officers to do the job against a facilitation payment. The freed crew departed for their final destination on direct flights. They travelled in two groups to avoid media exposure. Again, to avoid media attention, the families were not advised of the specific flight and date. Arrangements were also made for the seafarers to be driven directly to their homes to avoid mingling with other people in the airport or the railway station.

Despite an initial flurry of media focus, they quickly lost interest in the incident, and aside from some initial reports on the abduction, there was no further media attention. However, the company and the families of the abducted were regularly briefed on how to deal with the media. No statement was released to the press on the grounds this would draw more attention, and any publicity would be bad for the kidnapped crew and the negotiations, as per the negotiators' suggestion. However, a Media Crisis management company was appointed in case the ship's managers would eventually have to make statements.

From the first day, the company had informed the authorities and the other vessels under the management of the incident. This was a decision made because the retention rate of the company is very

high (more than 91%) and almost all crew know each other while in some cases, more than one family member is employed. Further, in this way, the company controlled the information released and was able to maintain calm and avoid the spread of misleading information.

Summary

From all the facts, this was a straightforward case of kidnapping for ransom by an experienced pirate group whose aim was purely financial.

This incident was just part of a well-planned and coordinated attack, in which two separate ships within the same anchorage were boarded by criminals and hostages were taken over a period of just ninety minutes. The hostages from both ships were taken out of the territorial waters of the coastal State; their ships were anchored in and into the Nigerian littoral for the duration of their containment.

All crew members (kidnapped and not) have since returned to the sea. The company still trades in the area. The vessels calling in the GoG are reporting to the Maritime Domain Awareness for Trade Gulf of Guinea (MDAT-GoG). Piracy and Kidnapping drills are performed before arrival in the area, whether these are due as per SSP or not. The CMT of the company still performs an annual safety meeting/drill, and periodical security meetings are scheduled.

Findings and Recommendations

It is hoped that the findings of this article will be of use to a range of people and institutions from those most directly affected (seafarers, shipping companies, flag States) to those indirectly affected (marine insurers to major institutions and GoG regional domestic governments). Some of the changes for those directly affected are potentially quicker fixes, whereas those less directly affected but arguably more important are less easy to influence and slower to change.

Human beings are land creatures, not aquatic; therefore, problems at sea originate from the pirate's habitat ashore. Piracy is a global phenomenon that has been conducted for thousands of years; we are very naive and deluding ourselves if we think it can be eradicated. Therefore, we have to learn to live with and manage it, as we do with other crimes that happen ashore.

Piracy has been a factor in the Gulf of Guinea since the early 1980s without any resolution. Whilst there have been periods of reduced piracy and armed robbery at sea incidents, this can normally be attributed to activities ashore (such as elections and oil price fluctuations) rather than constructive maritime operational deterrents. As an example, over the three years, 2017-2019, according to verifiable statistics, the number of seafarers that have been attacked, taken hostage has increased, tragically along with a steady increase in deaths[xii]. The current trend is an increasing level of piracy, demonstrating a greater level of organisation and sophistication. The seafarers are equally the most vulnerable and the most innocent individuals in this dreadful equation, and yet it is them who undergo the most immediate threat and suffer the greatest impact.

Seafarers receive security training before joining any vessel, as per Standards of Training, Certification & Watchkeeping (STCW) clause VI/6 (security awareness). The training is generic for those who have no specific security duties, whilst there is more specific training for those with designated security duties. The seafarers, however, are not trained or taught what to expect if the security measures fail, the ship is boarded, and they are taken hostage. The dislocation of expectation experienced by hostages and the shock of capture is bewildering and disorientating, making the experience far more traumatic and potentially causing longer-term mental torment. Additionally, seafarers are not trained on what to expect what happens to them during a hijacking or the resultant hostage period. They are not taught the outline process of negotiation for their release or how to behave throughout this terrifying period. It is very important seafarers understand what to expect during the ransom payment period and

the challenges faced during the period of their release. Knowledge dispels fear, and there is a sufficient body of evidence to prove that somebody who has been trained in what it is like to be taken hostage deals with the torments, deprivations, and anxiety far better than somebody who has not.

It is recommended that seafarer security training is reviewed, and that robust hostage training is conducted as part of the SCTW Clause V1/6 mandatory training, with updates, including case studies of actual incidents made available for seafarers about to visit the GoG region.

Contrary to the ISM Code, the requirements of the ISPS Code are verified during onboard audits only. The security responsibilities and the actions of the company are not required to be confirmed during the annual Document of Compliance Audit. This gap allows each company to perform the security drills the company has chosen to list in the Ship Security Plan. The requirements of the ISM Code are far more stringent. Shipping/ship management companies are obliged to perform annual Drills and Training with their fleet on Safety matters as per International Safety Management Code (ISM 1.4.5), and check and refresh the training of their Emergency Response Teams (ERT), which will typically be similar in structure and function to a Crisis Management Team (CMT). These are then counter checked during the Company's Annual External ISM Audit (DoC Verification) (ISM CODE PARAGRAPH 13).

Security-wise, an annual drill is usually performed with the fleet, which mainly consists of a back-and-forth correspondence between the vessel's Ship Security Officer and the Company's Security Officer. The scenario is predefined, and the emails exchanged are often regrettably pre-prepared. This obligation is more of a box to tick on the Ship's Auditor Security checklist, which is performed every two and a half years. However, no form of structured training or preparation for a security event (whether it be piracy or any other security-related incident) is checked at the office level. It is also known that most office personnel do not participate in these exercises as they consider them irrelevant to their duties and failure to attend is not penalised. The shipping company office ERT has a crucial role in the event of a safety or a security incident, and many of the same procedures for problem-solving can be used in both scenarios. Office teams that have no knowledge of the fundamental steps to take in the event of a ship under their management being boarded by pirates and their crew being taken hostage are likely to make some basic mistakes that can potentially threaten the lives of the seafarers on their ship, prolong the incident, costing the company significant amounts of money (negotiators, lawyers, ransom payments and time taken to get the ship seaworthy and trading again after an incident) and reputational damage. It is also a part of their duty of care to the seafarers on the vessel as well as the office members who must live through the incident without any prior training to do so.

It is recommended that shipping companies and ship management companies are required to conduct security incident exercises as part of their annual audit for ISPS compliance. External resources such as negotiators, crisis media teams, and PMSC can and should participate in these drills. The requirement should oblige these third-party companies to participate in such scenarios/drills to keep their ISO Certificates and Flag Administration approvals valid. Shipping Companies should contract and periodically train with Crisis Management Experts (including Media Response) in conjunction with their annual Shore-to-Ship drill obligations.

Some flag administrations are more proactive than others in complying with and upholding not only the letter but also the spirit of UNCLOS Art 94 Duties of the flag State. In paragraphs 1-4, the Article states the duties of the flag State in accordance with requirements and conventions from a technical and physical perspective. At paragraph 5 it requires the flag State to; "conform to generally accepted international regulations and procedures and practices and to take any steps which may be necessary to secure their observance."

It is recommended that to reduce the vulnerability of vessels to piracy attacks and the more effective and efficient management of an incident for both the ship's crew and the office staff, flag administrations should provide more realistic and supportive levels of preparatory advice and requirements to their members.

All forms of marine insurance are affected if a ship is boarded by criminals and a proportion, or the entire crew are kidnapped and taken hostage. The P&I Clubs often bear the greatest financial burden.

It is recommended that marine insurers provide guidance to their clients and reduce premiums if they have conducted additional training, and the shipping/ship management company can prove that all appropriate security measures in accordance with the appropriate Best Management Practice (BMP) measures have been carried out.

Ships transiting the GoG region currently provide information about their position via the Automatic Identification System (AIS) and the Long-Range Identification Tracking (LRIT) systems. AIS is principally designed as a collision prevention tool so that all ships within a given radius can identify other vessel's locations, calculate their course and speed in order to avoid accidents. The ship's Master decides upon how much information about the ship he divulges on AIS. The AIS information is therefore available publicly to friend and foe alike and can be easily used for criminal intent, including an armed robbery at sea and piracy targeting. The LRIT information is not available publicly but is transmitted to flag States and regional reporting centres. Historically, Masters have often switched off their AIS when transiting high-risk areas to counter criminals.

It is recommended that IMO examine the regulations regarding the distribution of LRIT information to include flag States and authorised regional Reporting Centres like MDAT-GoG.

The existence of six (Maritime Organisation for the West and Central Africa (MOWCA[xiii]), MDAT-GoG[xiv],; G7 Group of Friends of the Gulf of Guinea (G7++ FOGG[xv]), Inter-Regional Network for the Gulf of Guinea (GoGIN[xvi]), Economic Community of West African States (ECOWAS), and Economic Community of Central African States (ECCAS)) organisations designed to counter maritime crime in the GoG alone is impressive. Whilst the combined efforts of these listed organisations produce many great initiatives and plans, there is very little tangible evidence of measurable progress. To seafarers, this list of acronyms is symptomatic of the confusion and futility of the situation and causes despair instead of inspiring confidence.

The GoG is an extremely large area; regional navies currently lack the vessels, capacity, or operational capability to effectively patrol and dominate their respective EEZs, consequently armed robbery at sea and piracy across much of the region is effectively conducted with impunity. Whilst there is some evidence of progress, the evolution of the process is not suppressing or stopping the incidents of an armed robbery at sea or piracy; indeed, it seems to be getting worse. Whilst the international community has deployed naval vessels to support the regional navies, the coordination of forces is at an embryonic stage, and the legal infrastructure across the region is incoherent.

The non-executing MDAT-GoG, established in 2016, is a French/U.K. reporting centre based in France. It replaced the MTISC-GoG (Maritime Trade Information Sharing Centre Gulf of Guinea) set up by the shipping industry in 2014 established in Ghana. The shipping industry were assuming MDAT-GoG would fulfil the role of the very successful UKMTO (United Kingdom Maritime Trade Operations) cell-based in Dubai covering the western Indian Ocean. However, MDAT-GoG is solely a reporting and monitoring centre with no tangible influence over regional naval operations. It is purely designed to monitor the merchant vessels in the vicinity and generate relevant reports; it does not cover or monitor illicit acts such as smuggling, illegal fishing or environmental issues. Its resources are the voluntary reports from the merchant ships in the area and hold a liaison role. Exasperated seafarers see the

impotence of MDAT-GoG as synonymous with the situation and, in many cases turned to social media to exchange information about incidents.

It is recommended that the Regional States review the status, identify what they can and cannot realistically achieve and look for practical and possibly creative ways to cover the gaps.

Piracy in the GoG has been a problem since the early 1980s, almost 40-years, without any significant progress. Whilst the number of incidents in the region fluctuate over the years, seafarers continue to be the innocent victims of this scurrilous crime. The main causes of piracy occur ashore, and the maritime industry is unable to influence these efforts directly. Between 2008-2012, off the coast of Somalia and across the western Indian Ocean, Somali pirates attacked hundreds of ships and took thousands of hostages. The piracy was suppressed by a combination of factors; the shipping industry implemented the BMP self-protection measures, and naval coalition forces actively patrolled with warships and aircraft, the 2 million square miles of the High-Risk Area. However, pirates were still successfully hijacking ships, subjecting crews to unacceptable levels of depravity. The shipping industry's initiative to use private armed guards on ships, bounded by formalised standard contracts, internationally agreed on standards of conduct and robust rules for the use of force, in concert with BMP and the naval presence, piracy was and continues to be suppressed. All of the seafarers involved in the incident described in this article, and many others, are at a loss as to why this method of prevention cannot be used in the GoG.

It is accepted that the complexities of the situation in the GoG are different to those that existed off the coast of Somalia, but from a shipping industry perspective, progress is imperceptible. Whilst the use of armed guards using the Somalia model may not be workable it should actively examine, possibly utilising a new format, by international organisations, regional countries, flag States, marine insurers, and shipping companies. The shipowner's perception is that seafarers are being treated as the sacrificial lamb of the systemic political and diplomatic failures that define counter piracy off the coast of West Africa.

Conclusion

This article has been designed to enlighten a largely uncharted aspect of piracy and armed robbery at sea by providing an insider's view of an incident. The account provides the view from those most immediately affected, the seafarers and those managing the ship. This article is important for both the maritime industry and the academic community as it provides a frank account of an incident of an armed boarding of a vessel at anchor in an anchorage in the GoG, the taking and holding of hostages. Whilst this is technically an incident of an armed robbery at sea, rather than piracy, for the seafarer, the experience is largely the same and equally as terrifying.

"It is now clear that maritime piracy is purely the crime scene for a crime that has as its roots on the mainland. Maritime piracy is the consequence of instability, anarchy, and lack of political will to fight crime. It is forced by poverty and driven by the organised crime gangs in the area which enjoy loose legislation and patrol measures."[xvii]

Armed robbery at sea and maritime piracy is not a new crime. Over the centuries, there have been fluctuations in the extent of piracy, their targets, and they have dominated seas in different areas of the world. Areas that were once considered safe have turned into a nightmare for seafarers, while other "dangerous" areas have been cleared of pirates. What has remained unchanged over the centuries is the driving force behind piracy. Weak legal regimes, lack of enforcement, favourable coastal or archipelagic geography, internal conflict or social disorder, helpful political environments, cultural acceptance, and the promise of reward have been the catalyst to feed and grow the culture of piracy.

The perpetrators are not part of highly trained gangs; there is no cutting-edge technology involved; there are no sophisticated plans used. Since it is not a high-end crime, why do we still face issues with this? Why are our seas not safe? What needs to be done to 'clean up' these territories? It reminds the

author of a project that he completed whilst studying for his Maritime Operations and Management Masters; it was about a colossal project of the USCG named "Deepwater Project", where a structural reformation of the USCG, seaborne and airborne units and departments, which cost more than $24 Billion, ended up to a huge disaster. What does this project have in common with piracy? The answer is management. In the "Deepwater Project," the responsibilities and the money were assigned to the USCG, which had no previous experience in such management. We could say the same stands for piracy in the GoG. All the resources (money, means and time) spent in the area are not wisely managed. The State and continental organisations formed to fight piracy lack experience; it is something new to them, and it seems that their local habits and needs disorientate them from their target to tackle the actual crime.

To fight piracy, a robust state legal system is needed in line with the global legislation, to extinguish corruption and fight poverty, and finally, to patrol the areas of crime both at sea and on land.

The recently issued Best Management Practices West Africa[xviii] issued by prominent shipping associations, marine insurers, national government, and inter-governmental organisations aims to help ships operating in the area to plan their voyage, detect, avoid, deter, and report attacks. The publication highlights the need for a Vessel Hardening Plan (VHP), which will assist vessels and crews in preparing for operations in the GoG. Whilst transforming cargo vessels to forts is a way to protect the seafarers, it does not tackle the crime. Piracy is a dynamic crime that spreads like rampant cancer if the situation is not managed. It requires proactive leadership from the flag States prompting the IMO to establish more comprehensive counter-piracy measures with effective oversight and management, like the auditing of ISM requirements.

The IMB PRC report states that there was an increase in incidents in 2020 from 17 attacks in 2019 to 22 attacks in 2020, and a total of 130 crew were taken hostage, and the trend demonstrated an increase in sophistication and coordination of attacks. In the first quarter of 2021, there was a slight reduction in the number of vessels boarded (47 vessels boarded in Q1 2020 compared to 33 vessels boarded in Q1 2021)[xix]. However, there was a marked increase in the violence against crews (22 crew taken hostage in Q1 2020 compared to 40 crew, including one death in Q1 2021). "Pirates operating within the Gulf of Guinea are well-equipped to attack further away from shorelines and are unafraid to take violent action against innocent crews."[xx] There must be a point at which seafarers are no longer exposed to these threats without some form of credible and effective protection.

Note: Cooperation among countries in the region has been significantly improved in recent years. Joint operations between Cameroon, Equatorial Guinea, Gabon and Sao Tomé have proven results (AFRICA PRESS OFFICE, 2020). Benin, Côte d'Ivoire, Ghana, and Togo have expanded their cooperation and have set common targets for the future (FCWC). Nigeria, in collaboration with Benin, Cameroon, Chad and Niger are fighting against Boko Haram (COUNCIL ON FOREIGN RELATIONS,2020) (AFRICANEWS.COM, 2020) which is a factor in destabilisation and terrorism in Central Africa.

unwavering, for which I am extremely grateful. He then encouraged me to refine the dissertation into an article for this Journal so that it could reach the widest possible maritime industry audience.

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[i] A Captain's Duty: Somali Pirates, Navy SEALs and Dangerous Days at Sea Richard Phillips and Stephan Talty (2010)

[ii] Which later became the feature film "Captain Phillips" A Columbia Pictures Production, directed by Paul Greengrass and released in 2013.

[iii] "A Hijacking" Produced by Rene Ezra and Tomas Radoor, directed by Tobias Lindholm, released in 2012.

[iv] Janice J. Gabbert rt,' Piracy in the Early Hellenistic Period: A Career Open to Talents',

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[v] Douglas Guilfoyle *Modern Piracy: Legal Challenges and Responses* (Elgar, London, 2013) p.1

[vi] PARIS MOU https://www.parismou.org/detentions-banning/white-grey-and-black-list

[vii] Company Security Officer is an International Ship and Port Facility Security (ISPS) Code, SOLAS Ch XI-2 requirement Part A, para 11. The ISPS Code is an amendment to the Safety of Life at Sea (SOLAS) Convention(1974/1988) on Maritime Security including minimum security arrangements for ships, ports and government agencies and came into force in 2004. It prescribes responsibilities to governments, shipping companies, shipboard personnel, and port/facility personnel to "detect security threats and take preventive measures against security incidents affecting ships or port facilities used in international trade."

[viii] Ship Security Plan is a requirement of the ISPS Code Part A, para 9 and para 13.

[ix] Protection and Indemnity (P&I) Associations or Clubs are independent, not-for-profit mutual insurance associations, providing cover for its shipowner and charterer members against third party liabilities arising out of the use and operation of ships at sea and in ports.

[x] The company's negotiator had briefed the CMT on a number of scenarios and likely tactics kidnappers typically use, including the going rate for hostages at that time.

xi BLOCKING PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN SOMALIA https://www.govinfo.gov/content/pkg/CFR-2011-title3-vol1/pdf/CFR-2011-title3-vol1-eo13536.pdf

xii One Earth Future and Stable Seas figures reports for 2017, 2018 and 2019: in 2017, there were 97 incidents, 100 hostages taken, 2 deaths; in 2018 there were 112 incidents, 104 hostages taken, 4 deaths; in 2019, there were 98 incidents, 164 hostages taken and 5 deaths.

xiii A sub-regional body designed to promote cost-effective shipping service high on safety and low on pollution.

xiv A cooperation centre between the Royal Navy (UKMTO) and the French Navy (MICA-Center) in support of the Yaounde Process.

xv An international body comprising the Group of 7 (Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States) plus other regional countries that focuses on dealing with illegal activities at sea in the Gulf of Guinea.

xvi The GoGIN project covers the 19 coastal countries, from Senegal to Angola, and works closely with the three regional organisations (ECCAS, ECOWAS, CGG), the three transnational centres (CRESMAO, CRESMAC and ICC), the five multinational coordination centres. and the national centres, constituting the architecture of Yaoundé.

xvii Managing Director of a shipping firm interviewed in 2020. He was this the Managing Director of the shipping company whose ship was involved in the incident in the article.

xviii Best Management Practices West Africa can be downloaded from the websites of P&I Clibs and International Shipping Associations including https://www.ics-shipping.org/wp-content/uploads/2020/03/BMP-West-Africa.pdf, https://static.mycoracle.com/igpi_website/media/article_attachments/BMP_West_Africa.pdf

xix https://www.icc-ccs.org/reports/2021_Q1_IMB_Piracy_Report.pdf

xx https://iccwbo.org/media-wall/news-speeches/gulf-of-guinea-remains-worlds-piracy-hotspot-in-2021-according-to-imbs-latest-figures/