

NEWSLETTER NO. 5/21

20th September 2021

Piracy in Indian water –High Risk Area reduced

On 17 August 2021, BIMCO, ICS, Intercargo, Intertanko and OCIMF announced an agreement to reduce the boundaries of the piracy High Risk Area (HRA) in the Indian Ocean.

The geographic changes have taken effect from 1 September 2021 and have consequently reduced the HRA boundaries to the Yemeni and Somali Territorial Seas and the EEZ in its eastern and southern reaches.

The new coordinates of the HRA are clearly indicated in the attached joint press release of the above global shipping and oil industries.

The reduction of the HRA is a result of a downward trend in Somali piracy, though all vessels transiting these waters must continue to remain vigilant and conform to the recommendations in the latest industry Best Management Practices. Therefore, all ships are advised to register with Maritime Security Centre Horn of Africa (MSCHOA) and report to the United Kingdom Maritime Trade Operations (UKMTO) prior to entering the region.

Despite this reduction the IMB (Piracy Reporting Centre) warns that Somali pirate groups still have the capacity to carry out attacks in the Somali basin and wider Indian Ocean.

HRA is only relating to the implementation of BMP measures and does not coincide with the listed areas indicated by Joint War Committee (see encl.JWL027LA) affecting the War Risks insurance.”

Our teams at P.L. Ferrari office’s are always ready to assist you for any type of additional information you may need.

This newsletter, our publication archive and all of our colleagues’ contact details can also be accessed through our website at www.plferrari.com

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MARITIME SAFETY COMMITTEE
104th session
Agenda item 8

MSC 104/8/2
13 August 2021
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PIRACY AND ARMED ROBBERY AGAINST SHIPS

Revision of the High Risk Area

Submitted by ICS, BIMCO, OCIMF, INTERTANKO and INTERCARGO

SUMMARY

Executive summary: The co-sponsors comment on document MSC 104/8 by the Secretariat and update the Committee on the Review of the extent of the Somali piracy High Risk Area, revisions to the area, and envisioned next steps to develop a more dynamic threat assessment process

Strategic direction, if applicable: 5

Output: 5.3

Action to be taken: Paragraph 13

Related documents: MSC 104/8; MSC 103/10/4, MSC 103/10/2 and MSC.1/Circ.1601

1 This paper is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2), providing additional information given in MSC 104/8 – Developments since MSC 103 (Secretariat).

2 This paper updates the Committee on the review of the extent of the Somali piracy High Risk Area (HRA) in the Indian Ocean, revisions to the area and next steps to develop a more dynamic threat assessment process to benefit the shipping industry globally.

Background

3 The HRA was created in the Indian Ocean in 2010 and represented where it was considered a higher threat of attack from pirates exists, and additional security requirements may be necessary. The HRA was last amended in May 2019, and the BMP 5 co-authors began a further review of the extent of the area in February 2021. The HRA enabled the maritime industry to align on how and where to protect seafarers. However, as the nature of the threat in the region has shifted, so has the maritime industry's requirements for identifying and managing threat.

4 It will be recalled that in response to document MSC 103/10/2 (Kenya), and taking into account the comments made in document MSC 103/10/4 (ICS et al.), the Committee encouraged the industry group and appropriate bodies to continue to work on the revision of the HRA with regional stakeholders, including coastal States and military authorities; and requested them to provide an update report to MSC 104, taking into account further consultations with Kenya. This paper outlines the review and describes options for the revision of the HRA.

Review of the HRA and conclusions

5 A thorough threat assessment for the Western Indian Ocean was conducted by the co-authors, drawing on the threat assessments of SHADE, EUNAVFOR Atalanta, UNODC and data from UKMTO. The following conclusions were drawn from this process:

- The threat from Somali piracy is at its lowest level since 2007. There have been no attacks against merchant ships since 2017 although one inconclusive incident involving an attack against a group of three fishing vessels was recorded in 2019.
- Pirate Action Groups and their kingpins have diverted operations to other crimes such as smuggling, exploiting the insecurity created by the Yemeni conflict.
- Changes in attitude within the Somali clan structure are likely to persist and will deny the pirates access to the anchorages at which they previously held captured ships with impunity. It is also more difficult for pirate action groups to raise the funding required to prepare and conduct attacks.
- Kenyan military deployments and law enforcement in and around Southern Somalia limit the opportunity and capability of pirates to operate in the southern reaches of the existing HRA, and the principal pirate bases are situated further north in Galmudug and Puntland.
- The economic development of maritime infrastructure in previous pirate strong holds has denied pirate groups the operating space they once held. Equally this has resulted in many of them choosing to focus on generating income through other means. This is an indicator that the societal and economic drivers of piracy have significantly diminished.
- Should there be any intent to return to conducting piracy attacks, it is assessed that there would be clear indicators of any build-up, which would provide time to warn the industry. The inherent level of counter-piracy knowledge within the industry also means a more robust defensive posture could be swiftly implemented.
- Other threats have emerged in the region since the publication of BMP 5. In particular, the threats to merchant shipping from asymmetric warfare and non-state actors in the Bab al Mandeb, Southern Red Sea and Gulf of Aden has been greater than that of piracy.
- Military mandates have expanded to cover an increased variety of maritime crimes.

Discussion

6 The designation of a high-risk area based solely on the threat from Somali piracy is now outdated, and a more dynamic mechanism is required to account for the changed threat environment in the region. The title "High Risk" is also outdated as the discussion is clearly about Threat and not Risk (see BMP 5, section 3). However, while the threat from Somali Piracy remains low, other threats exist, a total reduction in deterrent activities in the region could present opportunities for the perpetrators of maritime insecurity and should be avoided. Therefore, while the area cannot be deemed to be 'High Risk', it remains the case that maritime security threats are present and thus some designation is required. This will continue to enable the maritime industry to implement protective security measures based on their voyage risk assessments.

7 In addition, as the understanding of all security threats and the mitigation measures applied to them has increased over recent years, and as new security threats have emerged or intensified, it has become apparent the HRA concept as it currently exists is outdated and misleading. While the HRA was a highly effective measure to raise awareness of the threat of Somali Piracy and the area in which mitigation measures should be applied at the peak of the crisis, it has essentially served its purpose and is now an outdated concept when compared to other areas of more critical threat such as the Gulf of Guinea, where an HRA has not been designated. This disparity has been a source of confusion and frustration in the industry, and it is incumbent on the co-authors to resolve it in a way that benefits the industry.

Revision of the HRA

8 Taking the outcome of threat assessment into consideration, the BMP co-authors believe that a two-step approach should be taken to revise the concept for describing maritime security threats and informing the industry's risk assessment processes.

9 As a first step, from 1 September the HRA will be amended as follows, covering all threats described in BMP 5, section 2:



From position A (Latitude of 01 30'S on the Somali coast), a line to

Position B (01° 30' S – 046° 00' E), a line to
Position C (01° 00' N – 049° 30' E), a line to
Position D (09° 00' N – 055° 00' E), a line to
Position E (14° 20' N – 057° 30' E), a line to
Position F (the Yemeni coast at longitude 053° 00' E), then
Follow the Yemeni coast westwards and northwards, to
Position G (the Yemeni Red Sea coast at latitude 15° 00' N), then a line to
Position H (the Eritrea territorial sea border at latitude 15° 00' N), then
Follow southwards first Eritrea's and then Djibouti's territorial sea borders, to
Position I (the coastal border point between Djibouti and Somalia), then
Follow the Somali coast eastwards and then southwards, to
Position A.

10 This new designation is an interim measure to allow for the continued application of BMP 5, while the co-authors undertake substantive work to address maritime security threats in a global context. This second step is anticipated to be completed by 31 December 2021. After this date, a new industry-led security threat assessment will be provided to shipowners and operators along the lines described below.

11 Recognizing that the name High Risk Area no longer reflects the severity of the threats in the region, and the disparity between this area and others in which the threat is critical, the BMP co-authors will develop a mechanism to consolidate guidance on security threats around the world. This process will draw on a wide range of resources, including military intelligence and data, and will provide periodic threat assessments to allow shipowners and operators to conduct thorough threat assessments for their fleets. Consequently, it is expected that the High Risk Area, in its current form, will no longer be used and will be replaced by this more dynamic and threat-based approach.

12 By employing a more dynamic threat assessment process, the co-authors will regularly provide more relevant information on the threats faced by shipping and clearly identify areas in which threats exist. The aim of the process will be to define security threats consistently wherever they may occur, so that owners and operators will be aware of the level of threat faced, and mitigation measures that can be applied to minimize the effect of those threats as they manifest as risks. The first output of this process is anticipated in January 2022. The shipping industry will be consulted during this process to ensure that the final product meets the needs of owners and operators.

Action requested of the Committee

13 The Committee is invited to note the information provided and take action as appropriate.

Joint Committee Circular

Committee **Joint War**

Date 29th April 2021

Circular reference **JWLA-027**

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Hull War, Piracy, Terrorism and Related Perils Listed Areas

This list supersedes the recent JWLA-026. It amends the southerly high seas point of the Cabo Delgado area.

Amended:

Cabo Delgado

The waters within 50 nautical miles of Mozambique and Tanzania enclosed by the following boundaries:

- a) To the north, from Mnazi Bay at 10°19.6'S, 40°18.9'E to high seas point at 9°50.7'S, 41°7.6'E.
- b) To the south, from Baía do Lúrio at 13°30'S, 40°31.6'E to high seas point 13°30'S, **41°28.8'E**.

The application of this list on individual contracts will be a matter for specific negotiation.

This list will be published on the LMA and IUA websites and will be accessible to all on www.lmalloyds.com and www.iua.co.uk.

Neil Roberts
Secretary

JWC Hull War, Piracy, Terrorism and Related Perils Listed Areas	
Africa	
Benin	
Cabo Delgado, waters as defined overleaf	
Eritrea, but only South of 15° N	
Gulf of Guinea, waters as defined overleaf	
Libya	
Nigeria	
Somalia	
Togo	
Indian Ocean , Gulf of Aden and Southern Red Sea	
Waters as defined overleaf	
Asia	
Pakistan	
Middle East	
Iran	
Iraq, including all Iraqi offshore oil terminals	
Israel	
Lebanon	
Oman (Musandam Governorate)	
Persian or Arabian Gulf and adjacent waters as defined overleaf	
Saudi Arabia (Gulf coast)	
Saudi Arabia (Red Sea coast) excluding transits	
Syria	
United Arab Emirates	
Yemen	
South America	
Venezuela, including all offshore installations in the Venezuelan EEZ	

Defined Waters

Cabo Delgado

The waters within 50 nautical miles of Mozambique and Tanzania enclosed by the following boundaries:

- a) To the north, from Mnazi Bay at 10°19.6'S, 40°18.9'E to high seas point at 9°50.7'S, 41°7.6'E.
- b) To the south, from Baía do Lúrio at 13°30'S, 40°31.6'E to high seas point 13°30'S, 41°28.8'E.

Gulf of Guinea

The waters enclosed by the following boundaries:

- a) On the west, from the coast of Togo 6° 06' 45" N, 1°12'E, south to
- b) high seas point 0° 40' S, 3° 00' E
- c) and then east to Cape Lopez Peninsula, Gabon 0°40'S, 8° 42'E.

Indian Ocean, Gulf of Aden and Southern Red Sea

The waters enclosed by the following boundaries:

- a) On the northwest, by the Red Sea, south of Latitude 15° N
- b) on the northeast, from the Yemen border at 16°38.5'N, 53°6.5'E to high seas point 14°55'N, 53°50'E
- c) on the east, by a line from high seas point 14°55'N, 53°50'E to high seas point 10°48'N, 60°15'E, thence to high seas point 6°45'S, 48°45'E
- d) and on the southwest, by the Somalia border at 1°40'S, 41°34'E, to high seas point 6°45'S, 48°45'E

excepting coastal waters of adjoining territories up to 12 nautical miles offshore unless otherwise provided.

Persian or Arabian Gulf

Persian or Arabian Gulf and adjacent waters including the Gulf of Oman and waters west of the line from Oman's territorial limit off Cape al-Hadd at 22°42.5'N, 59°54.5'E northeast to the Iran-Pakistan border at 25°10.5'N, 61°37.5'E

excepting coastal waters of adjoining territories up to 12 nautical miles offshore unless otherwise provided.

Definitions:

Named Countries shall include their coastal waters up to 12 nautical miles offshore, unless specifically varied above.

Named Ports shall include all facilities/terminals within areas controlled by the relevant port authority/ies (or as may be more precisely defined by Insurers) including offshore terminals/facilities, and all waters within 12 nautical miles of such but not exceeding 12 nautical miles offshore unless specifically stated.