



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-4/2010/12/2

3/2012

FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters and Ship Officers

SUBJECT: UPDATES TO ISSUES RELATING TO PIRACY AND ARMED ROBBERY AGAINST SHIPS IN WATERS OFF THE COAST OF SOMALIA AND OTHER HIGH RISK AREAS

PURPOSE:

This Marine Circular serves to notify the above parties on the availability of the most recent version of the Best Management Practices (BMP) as well as IMO guidance on the use of Privately Contracted Armed Security Personnel (PCASP) to deter piracy off the Coast of Somalia and other high risk areas.

APPLICATION:

The guidelines in this Marine Circular apply to the following vessels that are subject to the International Ships and Port Facility Security (ISPS) Code:

- Passenger ships, including high-speed passenger craft;
- Cargo ships, including high-speed craft, of 500 gross tonnage (ITC 69) and upwards;
- Special Purpose Ships of 500 gross tonnage; and
- Self-propelled mobile offshore drilling units capable of making international voyages unassisted and unescorted when underway and not on location.

This Administration requires vessels subject to ISPS Code to have their Ship Security Plans (SSPs) include security measures that meet the internationally accepted BMP, to protect against incidents of piracy, armed robbery, hijacking or terrorism.

1. All Tuvalu vessels transiting through any high risk areas as defined by BMP or in this Marine Circular shall raise their Security Level according to their Ship Security Plan (refer to Tuvalu Marine Circular MC-3/2010/12/2).

REFERENCES:

2. MSC.1/Circ.1408
3. MSC.1/Circ.1406/Rev.1
4. MSC.1/Circ.1405/Rev.1
5. Tuvalu Marine Circular MC-10/2010/12/2
6. Tuvalu Marine Circular MC-3/2010/12/2
7. MSC.1/Circ.1339 (replaces MSC.1/Circ.1337)
8. MSC.1/Circ.1333
9. MSC.1/Circ.1334

CONTENTS:

1. Definitions

- 1.1. "Piracy" - as contained in Article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and as amended consistent with the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP Agreement), consists of any of the following acts:



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- 1.1.1. any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - 1.1.1.1. on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - 1.1.1.2. against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - 1.1.2. 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; or
 - 1.1.3. any act inciting or of intentionally facilitating an act described in subparagraph 1.1.1. or 1.1.2.
- 1.2. "Armed Robbery" against ships means any of the following acts:
- 1.2.1. 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 against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;
 - 1.2.2. any act of inciting or of intentionally facilitating an act described above.
- 1.3. "Internationally Recommended Transit Corridor (IRTC)" – Since 1 February 2009, the Maritime Security Centre-Horn of Africa (MSCHOA) has established the IRTC where military assets (Naval and Air) have been strategically deployed within the area to best provide protection and support to merchant ships. Tuvalu vessels are strongly recommended to use the IRTC which includes the creation of separate eastbound and westbound transit lanes. Each lane will be 5 NM wide and will be separated by a 2 NM buffer zone. As the IRTC is subject to change, by military authorities, according to prevailing circumstances, Tuvalu vessels are urged to obtain up-to-date information from MSCHOA website: www.mschoa.org or NAV-warnings promulgated for that area.
- 1.3.1. Masters using the IRTC are not relieved of their obligation and should continue to maintain a strict 24 hour lookout using all available means to get an early warning of an approaching threat. Some vessels have been attacked/hijacked in the corridor.
 - 1.3.2. Ships / Owners are advised to register their details on the MSCHOA website and obtain further information regarding the close support protection details for ships transiting the Gulf of Aden. Ships are encouraged to conduct their passage through the IRTC in groups based on their transit speed of 10, 12, 14, 16 and 18 knots.
 - 1.3.3. Masters are also advised to maintain a listening watch on CH 16, CH 8 and CH 72 in order to hear the Maritime Advisory Calls from the warships in the area who will make general security broadcasts and in turn also listen to merchant ships calling them. Masters are also advised to monitor the International Maritime Bureau Piracy Reporting Centre (IMB PRC) broadcast and Warnings via Inmarsat C EGC Safety Net. All attempted and actual attacks and suspicious sightings reported to warships should also be reported to the IMB PRC.
- 1.4. "Best Management Practices (BMP)" – Refers to the BMP4 booklet, as stipulated in MSC.1/Circ.1339, which updates the guidance contained within the 3rd edition of the Best



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Management Practice document that was published in June 2010. The purpose of the Industry Best Management Practices (BMP) is to assist ships to avoid, deter or delay piracy attacks in the High Risk Area, as defined below. Experience and data collected by Naval/Military forces, shows that the application of the recommendations contained within this booklet can and will make a significant difference in preventing a ship becoming a victim of piracy. The latest version of BMP available during the publication of this circular can be downloaded from Appendix III of this circular.

- 1.5. "High Risk Area" defines itself by where pirate activity and/ or attacks have taken place. For the purpose of BMP, the High Risk Area is an area bounded by Suez and the Strait of Hormuz to the North, 10°S and 78°E. Attacks have taken place at most extremities of the High Risk Area. Attacks to the South have extended into the Mozambique Channel. A high state of readiness and vigilance should be maintained even to the South of the Southerly limit of the High Risk Area.

2. Interim Guidance on use of PCASP by IMO

- 2.1. Further interim guidance on the use of privately contracted armed security personnel (PCASP) on board ships to counter Somali-based piracy has been approved by an IMO intersessional working group.
- 2.2. The Intersessional Maritime Security and Piracy Working Group of the Maritime Safety Committee, which met at IMO Headquarters in London from 13 to 15 September 2011, approved the following Maritime Safety Committee (MSC) circulars for dissemination:
 - 2.2.1. MSC.1/Circ.1408 on *Interim Recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area;*
 - 2.2.2. MSC.1/Circ.1406/Rev.1 on *Revised Interim Recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area*
 - 2.2.3. MSC.1/Circ.1405/Rev.1 on *Revised Interim Guidance to shipowners, ship operators and shipmasters on the use of privately contracted armed security personnel on board ships in the High Risk Area;* and

a joint MSC and Facilitation Committee (FAL) circular (MSC-FAL/Circ.2) on *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships*, which is aimed at gathering information on current requirements.

- 2.3. However, the IMO has stated that the interim guidance and recommendations does not endorse or institutionalize the use of PCASP and does not represent any fundamental change of policy by the IMO in this regard.
- 2.4. This Administration recommends that Owners/Operators take into account the guidance and recommendations contained in the above circulars when considering the use of PCASP but in any case to refer to Tuvalu Marine Circular MC-10/2010/12/2 with regards to this Administration's policy on the use of PCASP.
- 2.5. It should be noted that the use of PCASP should not be considered as an alternative to the BMP as disseminated in the form of MSC.1/Circ.1339 and other protective measures which the officers and crew shall still closely adhere to when transiting "High Risk Area".



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- 2.6. All Tuvalu vessels are requested prior to transit, or leaving a port within "High Risk Area", to follow the BMP and to contact the local information centres for up to date instructions or transit and reporting. It is anticipated that the BMP will be periodically updated based upon operational experience and lessons learned.
- 2.7. Tuvalu vessels are urged to keep to the latest BMP and verify these with the designated information centres when approaching the GoA and the Somali Basin. Any Tuvalu vessels operating within the World Food Program in the Gulf of Aden (GoA) and Somali Basin shall implement as far practicable the BMP.
- 2.8. Experience and data collected by Naval/Military forces, shows that the application of the BMP can make a significant difference in preventing a vessel becoming a victim of piracy. Owners / Operators / Masters / Officers are thereby encouraged to act accordingly to the latest version of the BMP while taking into account the guidance provided in IMO MSC.1/Circ.1333 and 1334.
- 2.9. This Administration recommends all Owners / Operators / Managers to use the BMP, IRTC, and the guidance of this circular as first option before considering other options.

3. High Risk Areas

- 3.1. In addition to "High Risk Area" as defined by BMP, this Administration strongly recommends that Owners / Operators / Masters study the "**Piracy & Armed Robbery Prone Areas and Warnings section**" listed by the ICC Commercial Crime Services (CCS) - the anti-crime arm of the International Chamber of Commerce.
- 3.2. Below you will find a list of High Risk Areas that have been identified and Mariners are warned to be cautious and to take necessary precautionary measures when transiting the following areas:
- 3.3. South East Asia and Indian Sub Continent
 - 3.3.1. **Bangladesh:** Attacks continue but with reduced numbers. Robbers are seen targeting ships preparing to anchor. Most attacks reported at Chittagong anchorages and approaches. Attacks in Bangladesh have fallen significantly over the past few years because of the efforts by the Bangladesh Authorities.
 - 3.3.2. **Indonesia:** Anambas / Natuna / Mangkai / Subi / Merundung islands / Tanjung Priok – Jakarta / Dumai waters. Pirates / Robbers are normally armed with guns / knives and / or machetes. Generally be vigilant in other areas. Many attacks may have gone unreported. Pirates / Robbers normally attack vessel during the night. When spotted and alarm sounded, pirates / robbers usually abort the attack and move away.
 - 3.3.3. **Malacca Straits:** Although the number of attacks has dropped substantially due to the increase and aggressive patrols by the littoral states authorities since July 2005, ships are advised to continue maintaining strict anti piracy / robbery watches when transiting the straits. Currently, there are no indications as to how long these patrols will continue or reduce.
 - 3.3.4. **Singapore Straits:** Attacks are increasing. Vessels are advised to continue maintaining adequate anti piracy watch and measures. Pirates/Robbers attack ships while underway or while anchored at the Straits.



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3.3.5. **South China Sea:** in the vicinity off Anambas / Natuna / Mangkai islands / Subi Besar / Merundung area.

3.3.6. **Vietnam:** Vung Tau

3.4. Africa and Red Sea

3.4.1. **Africa:** Nigeria: Lagos, Bonny river and off the Nigerian / Benin coast up to about 150nm – pirates/robbers are well armed and violent. They attacked and robbed vessels / kidnapped crews along the coast, rivers, anchorages, ports and surrounding waters/off the coast. Crew members were injured/killed in some attacks. Vessels also advise to be vigilant in other areas as many attacks may have gone unreported.

3.4.2. **Benin (Cotonou):** Attacks are increasing. Pirates / Armed Robbers are violent and in some incidents, ships have been fired upon. A number of ships particularly tankers were attacked and hijacked. Pirates / Armed Robbers forced Masters to sail to unknown location where ship's properties and sometimes part cargos were stolen. Crew members have been injured in the past.

3.4.3. **Gulf of Aden / Red Sea:** Somali pirates continue to attack vessels in the northern Somali coast in the Gulf of Aden and southern Red Sea in the Bab El Mandeb TSS despite presence of warships. The pirates fire automatic weapons and Rocket Propelled Grenades (RPG) at merchant vessels in an attempt to board and hijack them. Once the attack is successful and the vessel hijacked, they would sail the vessel towards the Somali coast and thereafter demand a ransom for the release of the vessel and crew. All vessels transiting the area are advised to take additional precautionary measures and maintain strict 24 hours visual and radar anti piracy watch using all available means. Watch keeping crews should lookout for small suspicious boats converging to own vessel. Early sightings / detection and accurate assessment will allow Master to increase speed and take evasive manoeuvres to escape from the pirates and at the same time request for assistance from various Authorities / Agencies including the IMB PRC. Monitor and keep clear of all small boats if possible. Adhere to the latest BMP recommendations.

3.4.4. **Somalia:** Somali pirates continue aggressively to attack vessels in the northern, eastern and southern coast of Somalia. The attacks have spread and taken place very far reaching up to off Kenya, off Tanzania, off Seychelles, off Madagascar off Mozambique/Mozambique Channel and in the Indian Ocean and Arabian Sea / off Oman and off west coast India and off western Maldives. Somali pirates are dangerous and are prepared to fire their automatic weapons and RPG at vessels in order to stop them. Pirates are believed to be using "mother vessels" to launch attacks at very far distance from coast. Somali pirates are also using hijacked ocean going fishing vessels and hijacked vessels to conduct piracy operations. The "mother vessel" is able to proceed very far out to sea to launch smaller boats or skiffs to attack and hijack unsuspecting passing vessels. Many attacks had taken place more than 1,000 nm from the Somali coast (towards Indian west and south coast in the Indian Ocean). Recent attacks showed that pirates are also attacking vessels close to the coast of Tanzanian, Kenya, Somalia, Yemen and Oman. Masters are cautioned that attacks have taken place as far east as 76°E and as far south as 22°S and as far north as 22°N. Mariners are advised to report any attacks and suspicious boats to the IMB PRC. A 24 hour visual and radar watch must be maintained at all times while transiting these waters as early sightings / detection



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and accurate assessment will allow Masters to take evasive actions, increase speed and at the same time request for assistance and escape. Monitor and keep clear of all small boats if possible. Adhere to the latest BMP recommendations.

3.5. South and Central America and the Caribbean Waters

3.5.1. **Ecuador:** Guayaquil. Attacks seen increasing.

3.6. Rest of the World

3.6.1. **Arabian Sea / Off Oman:** Attacks reported off Oman and Arabian Sea where a number of vessels were attacked and hijacked. Pirates believed to be Somali pirates extending their attack areas.

3.6.2. **Indian Ocean / Off Seychelles / Off Madagascar / Off west Maldives:** Suspected Somali pirates continue to operate in these waters to conduct piracy attacks. At times the pirates use hijacked ocean going fishing vessels and hijacked merchant vessels to conduct piracy operations as "mother vessels" to sail far from Somali coast to attack and hijack passing vessels. Smaller skiffs are launched from the pirate "mother vessel" to attack the merchant vessels. Pirates are heavily armed with automatic weapons and RPG. Attacks also extend to west coast of Maldives, India and Minicoy island.

3.7. A 24 hour visual and radar watch must be maintained at all times while transiting these waters as early sightings / detection and accurate assessment will allow Masters to take evasive actions, increase speed and at the same time request for assistance and escape.

4. Reporting Requirements

4.1. This Administration recognizes the important role that prompt reporting to the proper authorities and organizations, both during and post-incident, plays in preventing, deterring and suppressing attacks.

4.2. Owner / Operators with vessels identified in the above section on APPLICATION must, together with the Master, carry out a risk assessment of their vessel(s) to determine the likelihood and consequences of a piracy attack and identify and incorporate prevention, mitigation and recovery measures in their SSPs, taking into consideration the guidance contained in MSC.1/Circ.1334, along with the BMP Guidelines.

4.3. Initial Notification

If attacked by pirates, a vessel should immediately activate its Ship Security Alert System (SSAS). This will alert the Company Security Officer (CSO) and the Flag Administration. If the vessel is a subscriber to SSRS, it also will directly alert naval forces. [Note: This Administration strongly recommends that vessels subscribe to the Ship Security Report System (SSRS) which offers real-time link between ship operations and naval operations by enhancing the counter-piracy effectiveness of the existing Ship Security Alert System (SSAS) – more information at: www.ssrs.org]

4.4. Follow-up Reporting

Masters, owners or operators must immediately (within 24 hours) report by fax or email the occurrence of all incidents of piracy and armed robbery, armed attacks, attempted or actual



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hijacking or terrorism on their merchant vessels to [Tuvalu Ship Registry – Security Department / Fax: +65 6227 2345 / Email: security@tvship.com]

4.5. The report should be submitted to the Administration on Form RSI, Report of Security Incident. Form RSI can be downloaded at: www.tvship.com, and can be used for submissions to the international organizations (e.g., MSCHOA, UKMTO, MARLO, IMB).

4.6. The following section 5 of this circular contains the contact numbers in order of priority that should be called by a vessel under attack. It also is important to note that the coordinates for which ships should begin their position reporting have changed due to the expanded area of operations of pirates in the Indian Ocean.

5. Priority of Piracy Reporting Contact Details if under attack

5.1. MSCHOA

A Ship and its passage plan should be registered with MSCHOA at www.mschoa.org prior to transit of the Internationally Recommended Transit Corridor (IRTC), the Somali Basin or the Western Indian Ocean.

MSCHOA may be reached directly at:

- Tel: +44 (0) 1923 958545
- Fax: +44 (0) 1923 958520
- Email: postmaster@mschoa.org

5.2. UKMTO

The UKMTO based in UAE works closely with CMF headquarters passing on positional information and providing emerging and relevant information directly to ships improving responsiveness to any incident and saving time.

The preferred method of communication with UKMTO for routine reporting is email/fax/telex to the following:

- Fax: +971 4 306 5710
- Telex: +51 210473
- Email: UKMTO@eim.ae

In case of emergency, the UKMTO may be reached by the 24-hour Duty Phone:

- Tel: +971 50 552 3215

5.3. MARLO Information Exchange

Passage information should be provided to MARLO 48 hours prior to transiting through the GoA via the following:

- Tel: +973 1785 1395
- Email: marlo.bahrain@me.navy.mil

In case of emergency, the MARLO may be reached by the 24-hour Duty Phone:

- Tel: +973 3940 1395



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5.4. IMB PRC

It is recommended that Masters of vessels transiting the GoA include the IMB PRC as part of the reporting procedures by fax/telex/email to the following:

- Fax: +60 3 2078 5769
- Telex: MA 34199 IMBPCI
- Email: imbkl@icc-ccs.org / piracy@icc-ccs.org

Ships are advised to maintain strict anti-piracy watches and report all piratical attacks (actual and attempted) and suspicious sightings to the IMB Piracy Reporting Centre, Kuala Lumpur, Malaysia.

In case of emergency, the IMB may be reached by the 24/7 Helpline Number or by the 24/7 Help at the following:

- Tel: +60 3 2031 0014 (24 hours anti piracy helpline)
- Email: imbsecurity@icc-ccs.uk

The IMB Piracy Reporting Centre website is: <http://icc-ccs.org>

6. Other useful Piracy Reporting Contact Details

6.1. Tuvalu Ship Registry

- Mobile No. : +65 9739 0551
- Alternative Mobile No.: +65 8323 5292
- Tel: +65 6224 2345 (24 hours)
- Fax: +65 6227 2345
- Email: security@tvship.com

6.2. NATO

- Tel: +44 (0) 1923 956574
- Fax: +44 (0) 1923 956575
- Email: info@shipping.nato.int

7. The following Appendices are relevant to this Marine Circular:

Appendix I: Bridge Checklist for high risk areas

Appendix II: Form RSI

Appendix III: BMP (ship owners/managers are advised to always check for the latest version)

Note: The above documents can be downloaded from the appropriate Appendices of this Marine Circular.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry