

PIRACY AND THE YACHTING COMMUNITY

'A British woman told how she was tied up naked in the cabin of her yacht by pirates who slit her husband's throat and threw him overboard.

Three men boarded the yacht in the Andaman Sea near the Thai-Malaysian border. They overpowered the couple, locking Mrs Robertson away while they bludgeoned her husband to death with hammers, slit his throat and dumped his body in the sea'. (The Times, 26 March 2009).

The Piracy Threat

In 2008 there was a total of 293 reported incidents of piracy against all types of ships, up more than 11% from 2007. In 2008, 49 vessels were hijacked, 889 crew taken hostage and a further 46 vessels reported being fired upon. A total of 32 crew members were injured, 11 killed and 21 missing – presumed dead. Guns were used in 139 incidents, up from 72 in 2007.

Commercial ocean-going cargo and passenger vessels have a number of resources on which to rely in minimising the risk of pirate attack and in calling for assistance once an attack is underway. Ship owners and agents receive briefings on piracy issues from their national maritime trade associations and marine insurers and relay this guidance to ships' masters; specialist anti-piracy equipment is commonly fitted out on ocean-going vessels; the International Chamber of Commerce's International Maritime Bureau (ICC-IMB) maintains a listening watch on emergency channels; and some Maritime Trade Operations components in allied navies monitor commercial vessels transiting areas of concern.

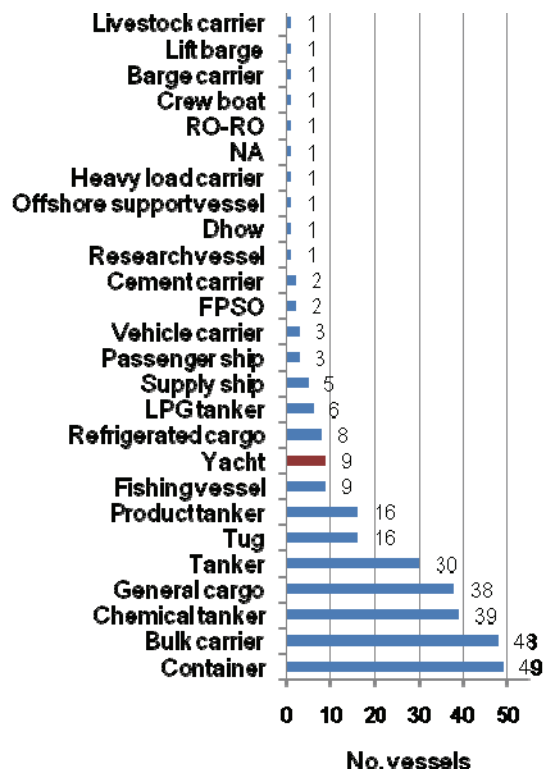
Whilst the common perception may be that merchant trading vessels are the sole target of piracy, fishing vessels, tugs and ocean going yachts are also vulnerable to attack. They are seen as easy prey and opportunistic targets.

In general, privately owned and operated ocean-going yachts lack the resources to install anything other than basic anti-piracy equipment; they have insufficient manning to maintain effective 24 hour watches in hazardous waters or in port; they have slower speed than larger commercial vessels and their low freeboard make them more vulnerable to boarding. Finally, the yachting community do not have a ready resource they can turn to for guidance on anti-piracy measures or advice as to the appropriate emergency response when under threat.

Prevalence of Piracy against Yachts

According to official statistics, acts of piracy against yachts appears to form only a small percentage of total piracy reported on a world-wide scale; the ICC-IMB's Piracy Reporting Centre reporting only 9 attacks against yachts, world-wide, during 2008, as shown in figure 1.

Figure 1: ICC-IMB – piracy and armed robbery against ships worldwide 2008



In a geographical breakdown of data, the ICC-IMB reports only two acts of piracy against yachts in the Caribbean, Central America and South America during the entire year 2008, yet an informal yachting group, the Caribbean Safety and Security Net (CSSN), received reports of 9 robberies in this region for the period January-June 2008 alone. (Refer figure 2).

Why this inconsistency in the statistics?

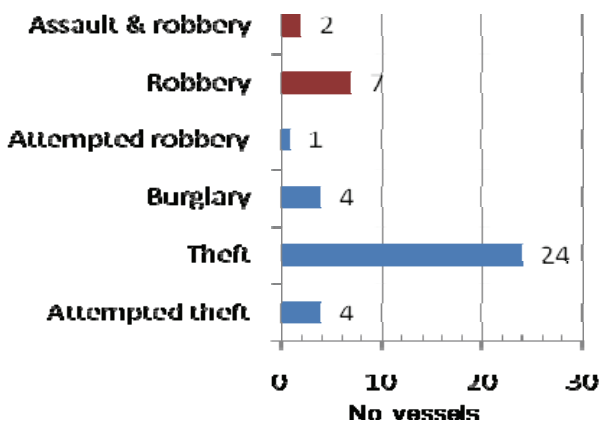
- Although a robbery in port or in territorial waters may be reported to the local authorities, the matter may well proceed no further. There is no requirement for national governments to report violence against vessels within their jurisdiction to a supra-national body like the International Maritime Organisation (IMO); such an attack being outside the legal definition of piracy. Instead, the matter is legally treated as 'robbery at sea' and accordingly falls within the responsibility of the local jurisdiction. Munich Re, the international maritime insurer, estimates that 80% of all piracy attacks occur inside territorial waters.
- Reporting to international organisations other than the IMO, such as the ICC-IMB, would be on a voluntary basis.



sis. Dubner suggests that no state is willing to admit such an act has occurred within its jurisdiction and in some instances the state may be unable or uninterested in solving the problem. Furthermore, not all robberies at sea reported to ICC-IMB appear in their statistics; the organisation specifically excludes theft unless the thieves are armed.

- c. Yachts face a different piracy risk than merchant vessels. Piracy against commercial shipping is usually with the intent of theft of cargo or ransom; yachts however, are often the target of robbery or attacks aimed at theft of the vessel for resale or drug running. There is always the possibility that yachts have been reported as lost at sea when in fact the Master and crew could have been murdered and the vessel stolen.

Figure 2: CSSN - Reported crime against yachts in the Caribbean 2008 (6mo. to June)



The unreliability of piracy statistics related to yachts is summarised by Munich Re: ‘...It is difficult to estimate the precise number of attacks every year. Although the ... IMB includes sailing yachts and motor yachts in its statistics, other sources such as the Yacht Piracy Information Centre for Blue Water Sailors cite much higher numbers. Experts estimate that the number of unknown cases could be twice as high as the number of reported cases...’.

Thus, while it is difficult to quantify the problem of violence against yachts with any certainty, the yachting community certainly appears to be concerned and several internet websites have attempted to fill the information gap and provide unofficial updates on piracy against private yachts and cruisers. Whilst there is not a complete lack of official anti-piracy advice available to the general public on the internet — eg the Australian Department of Foreign Affairs, the UK Foreign & Commonwealth Office and the National Geospatial Intelligence Agency web sites — the guidance is limited and general in nature. An internet search indicates the only official anti-piracy website specifically accommodating the needs of the yachting community is maintained by ONSA, the Venezuelan coastguard, which carries guidance and statistics, in Spanish, of piracy dangers off the coast of Venezuela. Unfortunately, the site does not appear to be updated on a regular basis.

The proliferation of unofficial sites indicates a need for more comprehensive information on the danger of piracy for the yachting community. However, the sites are of varying quality;

often provide conflicting advice and poorly organised information.

How to fill the information gap?

One distinguishing feature of the international reaction to piracy has been the co-operative response to the threat. This has ranged from regional efforts such as the joint Malaysia–Singapore patrols in the Malacca Straits, through to the multinational Combined Task Force Group currently patrolling the Gulf of Aden and UKMTO, operating out of Dubai. In all cases, naval assistance has been provided to vessels regardless of their flag of registry. It can be regarded as an ‘aid to the civil community’ on an international scale.

If the Royal Australian Navy were to pursue the idea of assistance to the yachting community, a similar approach should be adopted; advice should be provided to all sailing vessels departing Australian ports and marinas, notwithstanding their national registry – an expanded concept of ‘Defence Assistance to the Civil Community’.

Advice could include the following.

- a. **Current hazardous areas where piracy is prevalent.** Generally most common in Asian, Latin American and African waters, however, violence against yachts can be prevalent in regions where piracy against larger commercial vessels is rare. Areas of risk can change over time and it is crucial that information is updated on a regular basis, if credibility of advice is to be maintained.
- b. **Precautions against piracy attack.** This should include advice on specialist equipment, watch keeping, the lodging of sailing plans, precautions to be taken in port, discussion on the advantages and disadvantages of carrying firearms;
- c. **Emergency contact details,** including available, radio channels for relevant authorities.
- d. **Recommended actions when under attack.**

There are a variety of methods that could be used to promulgate such advice to the yachting community. Perhaps two of the simplest would be:

- a. an aide memoire on anti-piracy precautions and recommended emergency response. This could be distributed by mail to yachting associations across Australia and to the Australian Customs Service, with a request that a copy be provided to any yacht bound for an international port; and
- b. an internet web-site, regularly updated to maintain currency on emerging areas of piracy threat, recent incidents and changes to emergency contact details. A bulletin board could be beneficial in encouraging yachts to seek convoy partners on hazardous transits.

CONCLUSION

Whilst it is difficult to quantify the problem due to the unreliability of official statistics, it is recognised that there is an increasing threat of piracy against foreign-going yachts across the globe.

There are minimal defensive measures against piracy available to yachts and motor leisure craft, which are normally un-



armed, have a small crew and are restricted by civilian regulations. Situational awareness is necessary if a Master is to counter or avoid a threat, or mitigate the consequences. This includes knowledge of the threat and of the presence of friendly forces or authorities that can be contacted to provide support. It also includes knowledge of individual preparations that can be implemented prior to entering a threat area and the recommended response to immediate threats of piracy.

There is no official international resource dedicated to providing anti-piracy guidance to owners and Masters of ocean-going yachts and, as a consequence, the yachting community have turned to unofficial means of sharing information and offering advice. These informal networks are mostly web-based and of varying quality.

There is a need to provide structured, accurate and up-to-date information and appropriate guidance to this community.

The RAN may have the necessary knowledge and skills to fill the information gap.

Figure 3: Somali pirates and hostages aboard the yacht



Tanit, April 2009. One of the hostages was subsequently found dead after the yacht was liberated by the French Navy. Source: www.airforcetimes.com

End Notes

1. International Chamber of Commerce- International Maritime Bureau (ICC-IMB): 'ICC-IMB, 2009, *Piracy and Armed Robbery Against Ships – Annual Report 2008*, p 26.
 2. *ibid*, p 6
 3. ICC-IMB, *2008 Piracy Map*, Available from the internet: ICC-IMB web page. <http://www.icc-ccs.org/>
 4. Stone, M. 2008, *CSN Crime Reporting Analysis 2005-2008 (June), Virgin Islands to Central America*, Available from the internet: CSN web page, Figure 2, p 3. <http://www.safetyandsecuritynet.com/index.html>
 5. 'Piracy consists of any of the following acts:
 - (a) 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:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
 - (c) Any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).'
- United Nations 1982, *United Nations Convention on the Law of the Sea (UNCLOS)*, Article 101.
6. Munich Re. 2006, *Piracy – Threat at Sea: A Risk Analysis*, p 20.
 7. Dubner, B. 1980, *The Law of International Sea Piracy: Sea Piracy Vol 2*, Brill, Leiden, p 151.
 8. ICC-IMB 2009, *op cit*, p 3.
 9. Munich Re. *op cit*, p 16.
 10. Some of the more reliable websites include: Noonsite.com; Onpassage.com; Caribbean Safety & Security Net (CSSN); YachtPiracy.org; The International Sailing Federation (ISAF) and YachtPals.com.
 11. Organización Nacional de Salvamento y Seguridad Marítima de los espacios Acuáticos de Venezuela.
 12. Australian Department of Defence, *Defence Instruction (General) Operations 05-01*, Defence Assistance to the Civil Community Policy and Procedures.

About the Author: LCDR Peter E Button RANR, MBus FCPA FCIS FAICD is a Maritime Trade Operations specialist and in civilian life a General Manager currently based in Bermuda. During his early career as a Merchant Navy Officer, he spent several weeks at anchor in the pirate-infested roads off Lagos -- an experience that has influenced his views of the piracy menace.

Published by: The RAN Professional Studies Program, Office of the Director General Reserves (Navy). The views expressed in this publication are entirely those of the author and do not necessarily represent those of the RAN, The Department of Defence or the Australian Government

