

MARITIME SAFETY COMMITTEE  
104th session  
Agenda item 8

MSC 104/8/2  
13 August 2021  
Original: ENGLISH  
Pre-session public release:

## PIRACY AND ARMED ROBBERY AGAINST SHIPS

### Revision of the High Risk Area

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#### 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.