

## Piracy's Effects on Seafarers: Sailing in High Risk Areas and Post Piracy Care

Dr. Douglas B. Stevenson

Director, Center for Seafarers' Rights, Seamens' Church Institute

Considerable progress has been achieved in reducing the scourge of piracy and its effects on seafarers. Somali piracy appears to be under control, at least for now. While Somali pirate attacks have fallen to the lowest levels since 2007,<sup>1</sup> we must not forget the 37 seafarers still being held hostage by Somali pirates.<sup>2</sup> The drop in Somali piracy seems to be the result of four factors: merchant vessels following the maritime industry's best management practices; aggressive, coordinated naval anti-piracy patrols; information and intelligence sharing by piracy reporting centers; and merchant vessels deploying private maritime security teams while transiting high risk areas off Somalia.

While prevention remains the best way to protect seafarers from piracy and armed robbery, there has also been considerable progress in humanitarian efforts to reduce piracy's effects on seafarers. For example, the Maritime Piracy Humanitarian Response Program (MPHRP), an alliance of ship owners, managers, manning agents, insurers and welfare associations, has published best-practices guidelines; provides training to seafarers and first responders; provides support to families of seafarers being held hostage; and has established a fund for direct financial assistance to seafarers and their families affected by pirates.<sup>3</sup> The Seamen's Church Institute of NY & NJ (SCI) conducted a clinical study of the effects of piracy on seafarers and has published a study report and guidelines addressing piracy's impact on seafarers' mental health.<sup>4</sup> SCI has also posted on the Internet videos of seafarers describing their experiences with piracy.<sup>5</sup> The International Christian Maritime Association (ICMA) offers crisis preparedness training to port chaplains. Several ICMA member societies have trained port chaplains ready to serve as first responders to piracy incidents. The United Nations Office on Drugs and Crime (UNODC) hostage support program for seafarers provides medical support to hostages in captivity, information and communication links to their families and Embassies, and helps them with their release and repatriation.

Despite commendable progress to protect seafarers from pirates, piracy's effects on them endure. More than 5,000 seafarers have been kidnapped or held hostage by pirates since 2007, and many more have been attacked or otherwise affected by piracy. Because many piracy incidents are not reported by ships or flag states, the actual number of pirate attacks and the number seafarers affected by them is unknown. This is particularly true in West Africa where an estimated 30 to 70 percent of pirate attacks and armed robbery are not reported. Shipping companies have raised legitimate security and economic reasons for not reporting pirate activity, including delays caused by investigations, corruption, and futility of reporting – no help ever comes and no pirates have been prosecuted in West Africa. It is therefore incumbent on reporting organizations to establish a level of trust between them and the maritime industry. Reporting pirate activity to the various reporting organizations and sharing information between them are vitally important so that information and real time intelligence can be shared with vessels to protect seafarers and to help seafarers who may have been affected by piracy incidents get the help they need.

SCI's clinical study and anecdotal evidence gained through seafarers' conversations with port chaplains reveal that seafarers and their families continue to have considerable anxiety and stress about transiting piracy high risk areas. Many seafarers report that they do not reveal to their families that they will be sailing through high-risk areas. Even though the number of Somali pirate attacks has diminished, the pirates have not gone away and the stress associated with transiting high risk areas remains.

Some seafarers report feelings of abandonment, of being left high and dry by their shipowners and their countries, after being released by pirates. Maritime law obligates shipowners to pay seafarers their earned wages, to pay for seafarers personal property stolen by intruders, to provide medical care for seafarers' illnesses or injuries sustained during their employment up to the point of maximum cure, and to repatriate seafarers when they complete their employment. These shipowner obligations remain even when pirates hold seafarers hostage. While most shipowners and relevant nations take good care of seafarers after their release from captivity some, unfortunately, do not. The following are a few examples:

- **MV Faina:** The Belize flag RoRo MV Faina, with a Ukrainian crew, operated by Tomex Team, was captured by Somali pirates on September 25, 2008. The vessel and crew were released on February 5, 2009. To this day, the crew has not been paid their earned wages or been compensated for their personal property stolen by the pirates. Some of the crew suffered injuries during their captivity and have not been provided medical care.
- **MV Blida:** The Algerian flag bulk carrier MV Blida, with a crew of seventeen Algerians, six Ukrainians, two Filipinos, one Jordanian, and one Indonesian, operated by Sekur Holdings, was captured by Somali pirates on January 1, 2011. The vessel and crew were released on November 3, 2011. The Ukrainian crew has not been paid all of their wages, has not been provided medical care, or reimbursed for the medical care paid out of their own pockets, and has not been compensated for personal property stolen by the pirates. In denying their claims for stolen cameras, laptops, and mobile telephones, the shipowner's lawyer stated that such items were "not a requisite for their employment or good standard of living on board the vessel". . . and that such equipment was "unreasonable for the purposes of the crewmember's employment".<sup>6</sup>
- **MV Iceberg 1:** The Panama flag RoRo MV Iceberg 1, with a crew of eight Yemenis, six Indians, four Ghanaians, two Sudanese, two Pakistanis and one Filipino, operated by Azal Shipping and Cargo, was captured by Somali pirates on March 29, 2010. After almost three years of malnutrition, physical torture and mental abuse by the Somali pirates, the Puntland Maritime Forces rescued the crew after a thirteen-day battle with the pirates. Since their release the four Ghanaians reported that they have had to rely on charity from their families, friends, churches, the MPHRRP, UNODC, and International Organization for Migration for their survival. They have not received any governmental assistance. The Ghanaian seafarers do not want to be objects of charity. They want to work, but only one of them has been able to gain employment.

Many seafarers experience symptoms that commonly follow post-traumatic events. While effective therapies and programs exist for caring for seafarers affected by piracy, stigmas associated with mental health therapies remain an obstacle to seafarers from receiving the help they need.<sup>7</sup> Many seafarers are reluctant to take advantage of effective therapies to deal

with stress related symptoms because of stigmas against mental health care or concerns about their employability.

The downturn in Somali piracy has shifted attention to piracy and armed robbery in West Africa. The West African piracy threats are very different from those in East Africa. In East Africa, Somali pirates attacked ships to hold them and their crew hostage for high ransoms. In West Africa, piracy and armed robbery at sea generally take three forms: stealing seafarers' personal property and ship's stores, kidnapping and taking ashore a few crewmembers for ransom, and stealing ships' cargoes (normally fuel-oil). The West African pirates are often heavily armed and very violent. Up to now, solutions to West African piracy and armed robbery at sea have been elusive. West African piracy is nothing like piracy in Somalia, and very different anti-piracy measures are required. Meanwhile, seafarers on ships trading in West Africa are confronted by dangers of very violent pirates and stress associated with these menaces.

This article was commissioned by the Institute for Near East and Gulf Military Analysis (INEGMA) on behalf of the fourth United Arab Emirates Counter Piracy Conference, '**Securing State Recovery: Sustaining Momentum at Sea, Confronting Instability on Land**', organized by the UAE Ministry of Foreign Affairs in partnership with global ports operator DP World, held in Dubai on October 29-30, 2014. The opinions expressed in this paper are the views of the author only, and do not reflect the opinions or positions of the conference organizers. Content may have been edited for formatting purposes.

*For more information, visit the conference website at [www.counterpiracy.ae](http://www.counterpiracy.ae).*

## Endnotes

<sup>1</sup> ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships, Report for the Period 1 January – June 30, 2014.

<sup>2</sup> Source: EU Naval Force – Somalia

<sup>3</sup> Information regarding MPHRP's programs are available on their website at <http://www.mphrp.org>

<sup>4</sup> <http://www.seamenschurch.org/primary-category/piracy-study>

<sup>5</sup> <http://www.youtube.com/playlist?list=PL55FA87827536CA44>

<sup>6</sup> The master of the MV Blida continues to suffer. After his release from pirate captivity, Captain Valentyn Dudnik took command of the anti-piracy security vessel MV Seaman Guard Ohio owned by the American security company AdvanFort. On October 12, 2012 the vessel was seized by Indian authorities and charged with carrying illegal weapons and unlawfully buying 2000 liters of diesel fuel from an Indian vendor. Captain Dudnik was imprisoned until July 2014 when the Indian court dismissed the weapons charges. Captain Dudnik remains detained in India to face the misdemeanor bunkering charge. The Indian vendor who sold the fuel has not been charged with the offence.

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<sup>7</sup> The Seamen's Church Institute of New York and New Jersey, *Guidelines: Post-Piracy Care for Seafarers* <http://seamenschurch.org/law-advocacy/piracy-trauma-study> contain an appendix listing common symptoms experienced by persons who have experienced a traumatic event. Seafarers, their families and shipmates can use the list to assess the advisability of seeking therapy should the symptoms become problematic in terms of magnitude or duration.