

WILL THE PRESSURE OF COVID-19 BRING A RETURN OF PIRACY TO EAST AFRICA?

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KEY POINTS...

On May 17, 2020 a tanker vessel was attacked by pirates in the Gulf of Aden and **fire was exchanged on both sides.**

Analysis shows that the combination of a country's pre-existing economic and political situation, in combination with the government's response to the COVID-19 pandemic will together determine if the **intent for piracy in nearby waters has increased.**

Risk factors are exacerbated during the COVID-19 pandemic, which **heightens the probability for negative mental health outcomes.**

Port State Control Officers are **prioritizing inspections on high risk, unsafe, or substandard ships;** they are triaging inspections.

As perhaps a taste of what may be to come when Operation Atalanta ends, **in May 2020 a vessel was attacked by pirates off the coast of Yemen, between Yemen and Somalia.**

It is crucial that ship-owners and captains have measures in place to protect their vessels: **ship-hardening** and **comprehensive intelligence** are essential to managing the risk of piracy-aided terrorist attacks.



INTRODUCTION

On May 17, 2020 a tanker vessel was attacked by pirates in the Gulf of Aden and fire was exchanged on both sides. The ship had been approached by two skiffs, and after the armed guards fired warning shots the skiffs returned the fire. The armed guards were able to damage one of the skiffs, at which point the attack ceased. Though no crew were injured, this violent event has challenged industry assumptions in the past five years about the peacefulness of the Gulf of Aden and the waters around East Africa. Is piracy in this region on the rise again?

This paper will describe the changes that have already taken place in the shipping industry for vessels traveling through and docking in East African waters and the Gulf of Aden, during the COVID-19 pandemic and provide some foresight into future impacts and changes companies can take in order to improve the security and wellbeing of their crew and vessels. This assessment focuses on changes in the security situation since the pandemic, and does not address all of the background risks identified in the region prior to the pandemic. For a full review of general security risks in the region reference BMP5.

There are two notable changes; firstly, COVID-19 has created more opportunities for piracy through impacts to regular vessel inspections and the wellbeing of seafarers, and created potential pull factors for individuals to turn to piracy as a means of survival. Secondly, ports and shore leave have also become riskier due to the possibility of infection with the virus and potentiality of higher crime rates. We strongly recommend that companies reassess their security policies and implement new safeguards, as pre-COVID-19 standards of operation are unlikely to be sufficient during this time.

Each topic discussed in this paper is situated in terms of the threat triangle of opportunity, intent, and capability. An analysis will follow on the risks of sailing near and docking in each country in the region: Egypt, Eritrea, Kenya, Somalia, Sudan, Tanzania, and Yemen. These country analyses address any changes in the risk for piracy in terms of intent for piracy activities, as well as risk for onshore crime and infection with COVID-19. Additionally, the mental health and wellbeing of seafarers and crew should be taken into account to increase the safety of voyages, decrease the opportunity for piracy, and to generally safeguard crew wellbeing. Following, a discussion of vessel and crew inspections will shed light onto the main opportunities opening up to pirates and other safety risks. Finally, the paper will touch on the weapons trade that has provided the capability for piracy to flourish in the region in past decades, and potential impacts moving forward. aware of the risk of traditional methods of piracy repurposed as acts of terrorism.



1 Lisa Barrington and Jonathan Saul, "UK-Flagged Tanker Repulses Pirate Attack in Gulf of Aden, Ship Manager Says," WKZO, May 17, 2020, <https://wkzo.com/news/articles/2020/may/17/vessel-attacked-in-gulf-of-aden-britains-ukmto/1019112/>.

"Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea," Maritime Security Centre, June 2018, <https://on-shore.mschoa.org/reference-documents/bmp5/>.

This section details the response to COVID-19 by each government in the region, as well as the impact any measures have had on citizens. Analysis shows that the combination of a country's pre-existing economic and political situation, in combination with the government's response to the COVID-19 pandemic will together determine if the intent for piracy in nearby waters has increased, and will indicate the safety of the crew and vessel at port. Please note that in this section increases in risk for piracy are described in terms of potential intent, and not by an analysis of capabilities. Real time analysis of capabilities and changes therein are extremely difficult to conduct due to a lack of open source information. Therefore, this section focuses solely on intent, with the section on arms trade and violence addressing historical capabilities.

Furthermore, in this context a moderately increased risk of piracy does not equate to a moderate risk of piracy. If the pre-COVID-19 risk of piracy was low, a moderate increase may leave the overall risk at still a relatively low level. If the pre-COVID-19 risk was high, a moderate increase in risk would push the overall risk to extremely high.

Political Council and the Security Forces of the Hadi Government, is now in its third year, after over fifteen years of Houthi insurgency operations. The deterioration of the security situation in Yemen, coupled with the long-term instability in Somalia, has led to greater co-operation between Islamic terrorist groups and Somali pirates, primarily in the smuggling of arms, but also in other operational fields.⁵




EGYPT

Egypt has currently logged 34,079 confirmed cases of COVID-19 and 1,238 deaths. The economic impact of the pandemic will be very large in Egypt, because of its economic reliance on tourism and shipping particularly through the Suez Canal, both industries which have been greatly impacted. The government has taken measures to limit the spread of the virus, including increased testing, curfews, and closing houses of worship. Additionally, they have stopped the export of legumes in order to build up domestic reserves. Recently the government has released a three-stage plan to open the country and "coexist" with the virus.

Egypt's main port is in Alexandria, which is not in the waters near the Gulf of Aden addressed in this report. Egypt has many smaller ports along the Red Sea, located in relatively small cities, which should not pose much risk of crime and should decrease the risk of seafarers contracting the virus if they have onshore leave. This assessment shows the risk of piracy around Egypt to be unchanged, the risk of crime in Egypt to have moderately increased particularly in larger cities due to the economic impact of the virus, and a relatively high risk of infection in large cities due to the size of the outbreak.

³ "WHO COVID-19 Data Explorer," World Health Organization, accessed June 15, 2020, <https://covid19.who.int/explorer>.

⁴ "Policy Responses to COVID19," IMF, accessed June 15, 2020, <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>.

⁵ "WPS - World Map - Select a Region," World Port Source, accessed June 15, 2020, <http://www.worldportsource.com/ports/region.php>.



ERITREA

Eritrea has currently logged 39 confirmed cases of COVID-19 and no deaths. The authoritarian government has imposed one of the strictest lockdowns, including an end to all economic activity and trading except for essential services, a ban on citizens from using their private cars or leaving their homes except for essential tasks, and an end to all routine government activities considered non-essential. There have also been efforts to increase COVID-19 testing, though it is unclear how extensive this has been. However, there is some concern of future civil unrest because the extremely strict authoritarian government has not necessarily responded with putting the general interest first. For example, they have refused medical equipment donated by the international community. There is concern that a lack of trust on the side of citizens could become civil unrest, increasing the risk for crime and violence.

The two main ports of Assab and Massawa are located in relatively small cities, neither of which is the capital, which should limit chances of infection with the virus and crime on land. This assessment shows that the risk of piracy around Eritrea is unchanged, and the risk for increased crime and contraction of the virus is moderate. This country currently seems to be one of the safest in the region, with the possibility of future unrest.



KENYA

Kenya has currently logged 2,862 confirmed cases of COVID-19 and 85 deaths. The government has imposed restrictions such as closing businesses, enforcing social distancing, and the wearing of facemasks. However, the government has been criticized for using law enforcement to ensure these prescriptions, rather than public health strategies. The police are accused of abusing power and using more force than necessary, at times even breaking social distancing guidelines when arresting people for breaking those very guidelines. This issue can create a breakdown of public trust in law enforcement, which is already quite low in Kenya.

The main port in Kenya is Mombasa, the second largest city in the country, though there are two smaller ports of Lamu and Malindi on the coastline. The risk of infection is high in large cities including Mombasa. Due to the breakdown in the social contract between law enforcement and the public, there is a high risk of increased crime onshore, and a moderate possibility of maritime based crime, as citizens may be less likely to respect the law and will be feeling economic pressure. There is no history of piracy originating in Kenya and Kenyan waters were previously seen as low risk for piracy, so the moderate potential for maritime crime still leaves the overall risk as relatively low. There is no comparison between the horrendous socio-economic situation in Somalia prior to the major increase in piracy in the mid-2000's and the situation in Kenya currently; therefore, this historical example does not indicate that piracy from Kenya should become a problem. However, it is clear that the political and economic situation caused by the COVID-19 pandemic could be a motivation for individuals to consider resorting to piracy, and it should not be completely ruled out. Since real time data on equipment and infrastructure available to hypothetical would-be pirates is unavailable, we are unable to make an assessment on the capability of committing piracy.

Lamu and Malindi can be investigated to determine whether they would be suitable as alternatives to Mombasa, and whether using them could decrease risk of crime on land and exposure to COVID-19. Malindi is a small sized port with a large harbor and can accommodate vessels up to 500 feet in length. The Port of Lamu is currently undergoing construction to increase its size and capabilities significantly, and may soon become operational for larger vessels. A full investigation into the security and capabilities of these ports should be carried out before committing to operations.

6 "WHO COVID-19 Data Explorer."

7 "Policy Responses to COVID19."

8 Abraham T. Zere, "Can Eritrea's Government Survive the Coronavirus?" Al Jazeera, May 3, 2020, <https://www.aljazeera.com/indepth/opinion/eritrea-government-survive-coronavirus-200424113745581.html>.

9 "WPS - World Map - Select a Region."

10 "WHO COVID-19 Data Explorer."

11 "Policy Responses to COVID19."

12 Patrick Gathara, "Opinion | Kenya Is Turning a Public Health Crisis into a Law-and-Order One," Washington Post, May 7, 2020, <https://www.washingtonpost.com/opinions/2020/05/07/kenya-is-turning-public-health-crisis-into-law-and-order-one/>.

13 "WPS - World Map - Select a Region."

14 "Port of Malindi (Kenya): Information and Characteristics," SeaRates, accessed June 25, 2020, https://www.searates.com/port/malindi_ke.htm.

15 "Lamu Port – LAPSSSET Corridor Development Authority," accessed June 25, 2020, <http://www.lapsset.go.ke/projects/lamu-port/>.





SOMALIA

Somalia has currently logged 2,334 confirmed cases of COVID-19 and 84 deaths. The government has imposed measures to lessen the spread, including curfews, a suspension of flights, and restrictions on public gatherings. The government is also leaning heavily on foreign donors at this time for supplies and economic support.

Somalia’s main port is Mogadishu, which is the capital city and largest city in the country. Other ports are Baraawe, Berbera, Kismaayo, and Merca, which are all located in smaller cities. In general, risk of infection with COVID-19 is higher in larger cities, which can also be said for onshore crime, though the characteristics of each city may defy this trend. Based on the size of the outbreak and the government’s reaction, this analysis shows a moderate risk of infection with COVID-19 onshore.

Prior to the surge of piracy out of Somalia in the mid-2000’s the economic condition for people on the coast and inland was dire. Piracy proved to be an extremely lucrative venture for both the pirates themselves and entire Somali communities. A typical profit a pirate might earn, .01% of the total profits of the attack, would on average be \$30,000, over fifty times the average annual earnings in Somalia. Furthermore, entire towns and provinces also benefitted without direct involvement; average wages in Nugal province increased by three times during the period when piracy flourished. It is clear that piracy offered much needed economic relief to the pirates and their families, but also to much larger communities that were not directly involved.

As is the case in every economy during the pandemic, Somalis are subjected to economic pressure and for many this means a struggle to survive. This economic pressure has the potential to remind would-be pirates of the economic relief experienced between 2005-2015 during the height of Somali piracy. With economic hardship there may be a moderate increase in intent to commit crime onshore and conduct pirate attacks; however, we do not have up to date information on piracy capabilities.

Piracy in the region over the past two decades has largely originated in Somalia, which makes the surrounding waters already a high risk area prior to the pandemic. This history should be taken into account and the Horn of Africa should continue to be treated with extreme caution as dictated by previous assessments. It remains to be seen whether we will see a resurgence in Somali piracy, but this possibility cannot be ruled out.



SUDAN

Sudan has currently logged 6,000 confirmed cases of COVID-19 and 359 deaths, with reports that the outbreak is steeply increasing in numbers. The government is trying to contain the outbreak, but lacks resources, for example hospitals are being reported as very under resourced. Food prices have also increased for the public, increasing the potential for civil unrest.

Port Sudan is the main port in the country, which is not a densely or highly populated city. There is a high increase in risk for crime and infection with the virus, though perhaps less so in the small city of Port Sudan. Sudan does not have a history of piracy and this is expected to remain unchanged.



16 "WHO COVID-19 Data Explorer."

17 "Policy Responses to COVID19."

18 "WPS - World Map - Select a Region."

19 Brandon Scott , "How Piracy Saved Somalia," Fair Observer, March 20, 2016, <https://www.fairobserver.com/region/africa/how-piracy-saved-somalia-32393/>.

20 "Somali Piracy 'boosts Puntland Economy' - BBC News," accessed June 25, 2020, <https://www.bbc.com/news/world-africa-16534293>.

21 "Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea"; "2019-014-Red Sea, Gulf of Aden, Arabian Sea, Gulf of Oman, and Indian Ocean-Violence Due to Regional Conflict and Piracy | MARAD," accessed June 25, 2020, <https://www.maritime.dot.gov/content/2019-014-red-sea-gulf-of-aden-arabian-sea-gulf-of-oman-and-indian-ocean-violence-due-regional>.

22 "WHO COVID-19 Data Explorer."

23 "Policy Responses to COVID19."



TANZANIA

Tanzania has currently logged 509 confirmed cases of COVID-19 and 21 deaths; however, this statistic is widely regarded as a very small fraction of the actual count and these numbers have not been updated by the government since the end of April. Scientists estimate a far larger outbreak in the country. The government has done little to stem the outbreak; they closed schools, banned large gatherings, and stopped international flights, which have all now re-opened. Additionally, the president has made multiple statements about how the prayers of the Tanzanians have guarded their country and has now declared the country free of the virus. He has also refused testing kits and medical supplies from other countries. There are reports of overcrowded and under-resourced hospitals; however, getting a clear picture of the situation there is especially difficult because journalists have been arrested and imprisoned. Much of the situation in Tanzania is therefore unknown.

The main port of Tanzania is in Dar es Salaam, the most populated city and the country's capital, with a few smaller ports dotting the coastline. Any change in the risk of piracy, crime, and infection with the virus are all unknown in this country, although estimates show a sizeable outbreak and therefore high risk of infection. This assessment recommends treating the waters around Tanzania and its ports with extreme caution because much of the situation is unknown.



YEMEN

Yemen has currently logged 484 confirmed cases of COVID-19 and 112 deaths, the ratio of which indicates a severe lack of testing and scientists estimate a large undetected breakout. The country has little infrastructure with which to handle the pandemic, due to the ongoing war.

The largest port in Yemen is Al Hodeidah, a mid-sized city controlled by Houthi rebels, which poses its own risks to docking, as detailed in pre-COVID-19 security assessments. Previous assessments have shown the waters surrounding Yemen to be extremely dangerous to vessels due to the risk of piracy in general around the Horn of Africa and violence associated with the war in Yemen, such as missiles, rockets, and waterborne improvised explosive devices.

Due to the war, lack of infrastructure to deal with a pandemic, and the lack of data on the country at this time, any changes in the risk of piracy, the risk of crime, and the risk of infection are all unknown and therefore Yemen and its surrounding waters should be treated with extreme

25 "WHO COVID-19 Data Explorer."

26 Jason Burke, "Tanzanian President Accused of Covering up Covid-19 Outbreak," The Guardian, May 27, 2020, sec. World news, <https://www.theguardian.com/world/2020/may/27/tanzanian-president-accused-of-covering-up-covid-19-outbreak>.

27 "Policy Responses to COVID19."

28 Burke, "Tanzanian President Accused of Covering up Covid-19 Outbreak."

29 "WPS - World Map - Select a Region."

30 "WHO COVID-19 Data Explorer."

31 "Policy Responses to COVID19."

32 "Yemen - Port Situation - GARD," accessed June 25, 2020, <http://www.gard.no/web/content/yemen-port-situation;2019-014-Red Sea, Gulf of Aden, Arabian Sea, Gulf of Oman, and Indian Ocean-Violence Due to Regional Conflict and Piracy | MARAD>."





MENTAL HEALTH

Many studies over the past three decades have looked into the mental health and wellbeing of seafarers, and the picture is quite clear: seafarers are an at-risk group for negative mental health outcomes, including anxiety, depression, suicide, and substance dependency. Risk factors in the occupation include physical and mental fatigue, loneliness, separation from family, stress, lack of shore leave, short ship turn-around times, job security, cultural differences with colleagues, abuse / bullying, neglect from their employer, and piracy.

Unfortunately, almost all of these risk factors are exacerbated during the COVID-19 pandemic, which heightens the probability for negative mental health outcomes in a group that is already more at risk than the general population. During the pandemic, it is becoming normal for crew changes to occur with less frequency and seafarers are dealing with longer stints at sea and reduced shore leave because of the risk of infection during docking and crew switches. Additionally, there may be less crew on board at a given time.

These changes will likely increase fatigue, especially mental fatigue, the time seafarers are away from their families, their stress levels, and decrease their shore leave and ship turn-around times. Furthermore, intent for piracy attacks may also be heightened during this time. All in all, seafarers will now be in an extremely vulnerable position in regards to their mental health and wellbeing, and management should devote resources to protect their seafarers and invest in the smooth running of their vessels.

It should also be noted that an increase in these risk factors will also make ships more vulnerable to piracy attacks by decreasing the effectiveness of ship security protection measures. They will not necessarily increase

the chance that a vessel will encounter a piracy attempt, but they may decrease the vessel's ability to thwart these attempts, creating more opportunity for pirate attacks. High levels of fatigue and stress can make the crew less vigilant during lookout shifts, increasing the possibility of missing a suspicious approach early on and potentially impairing effective decision-making skills in response to an approach. These factors would increase the possibility of a suspicious approach resulting in boarding.

“ One recommendation that can aid seafarers and serve as an investment during this difficult time is to hire a mental health professional to counsel the seafarers ”

One recommendation that can aid seafarers and serve as an investment during this difficult time is to hire a mental health professional to counsel the seafarers at least once a week by video, and more often if desired. Additionally, companies can increase the frequency and length that seafarers are able to have video calls with their family. These changes may require additional investments in hardware and software.

The Sailors' Society "Not on My Watch" campaign seeks to aid seafarers in coping with the mental health challenges that accompany their profession. Their immediate aims are to petition the International Labour Organisation to make wellness training mandatory for seafarers, provide services for seafarers in crisis, and to provide free training programmes to companies. Companies are encouraged to support this organisation and take advantage of their services.

Another way that companies can support their crew is to increase their pay for these extended periods of time and conduct fair contract extension negotiations. While this may not directly affect their mental health, studies show that wellbeing is connected to how supported the seafarers feel by their company. Increased pay can be a gesture of goodwill towards the seafarers and an acknowledgement that their job has become significantly more demanding

33 "2019-014-Red Sea, Gulf of Aden, Arabian Sea, Gulf of Oman, and Indian Ocean-Violence Due to Regional Conflict and Piracy | MARAD"; "Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea."

34 oanne McVeigh et al., "Identifying Predictors of Stress and Job Satisfaction in a Sample of Merchant Seafarers Using Structural Equation Modeling," *Frontiers in Psychology* 10 (2019), <https://doi.org/10.3389/fpsyg.2019.00070>; Robert T. B. Iversen, "The Mental Health of Seafarers," *International Maritime Health* 63, no. 2 (2012): 78-89; "Not On My Watch," Sailors Society, accessed June 15, 2020, <https://www.sailors-society.org/not-on-my-watch>.

35 "Seafarers to Stop Work as Crew Change Deadline Passes," ARX Mouldings (blog), June 16, 2020, <https://arxmouldings.co.uk/seafarers-to-stop-work-as-crew-change-deadline-passes/>.

36 "Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea," 11.

37 "Not On My Watch."

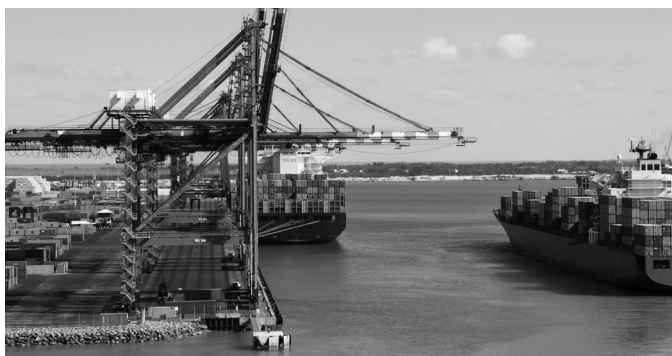
38 McVeigh et al., "Identifying Predictors of Stress and Job Satisfaction in a Sample of Merchant Seafarers Using Structural Equation Modeling."



VESSEL AND CREW INSPECTIONS

Since the COVID-19 pandemic many vessel and crew inspection organisations have modified their operating procedures. For example, the US Coast Guard is now conducting virtual vessel inspections through photographs and videos, and allowing deferral of inspections for up to ninety days. Canada has also extended the expiration dates of certificates of competency, proficiency, and medical checks of crew for six months. Liberian-flagged ships were the first to undergo fully digital inspections beginning in March 2020; although the development of such capabilities have been in the works for over a year, they are even more crucial at this time.

Port State Control Officers are prioritizing inspections on high risk, unsafe, or substandard ships; they are triaging inspections. It is reported that PSC data is an important aspect of assessing the safety of a vessel, and those assessments will now have to be made with less data; it will be harder to distinguish between vessels with low risk and those with high, decreasing the effectiveness of risk assessments over time. Drone video inspections may offer a solution, if a partial one, because some amount of the communication, interviews, and understanding of the big picture operations are compromised using this method. It should be noted that there has been a mounting trend in ships failing inspections due to safety and security issues.



“ Port State Control Officers are prioritizing inspections on high risk, unsafe, or substandard ships; they are triaging inspections. ”

These changes create a situation in which a vessel and crew operating at sub-optimum levels may continue operations at sea, increasing the probability of a suspicious approach resulting in a vessel boarding; this situation creates more opportunity for piracy. For example, if a vessel is not sailing at its optimum speed and continues to make journeys in high risk areas, the time in which it would take for a skiff to approach and board the vessel would be decreased. Crew would have less time to react and enact emergency measures, increasing the chance that pirates could board.

Some recommendations for companies operating in this environment would be to seek out high-quality digital inspections services and train crew to fill this gap in the meantime. Provision of digital inspections is an emerging industry, and companies can expect to see improvements in

this field. Already there are vessel inspection apps, kits for conducting digital inspections, and many more services.

In the meantime, it may also be worthwhile to conduct virtual trainings for seafarers to learn how to conduct inspections of the vessel and the crew themselves, as they may not have access to third party inspections or may receive less thorough virtual inspections for the time being. Another option is to ensure that a member of each crew has already been trained in these inspections, whenever there is a crew change. It is easy to neglect inspections and pass them off as unimportant, but failure to operate at optimum levels will increase the opportunity for successful pirate attacks.

Furthermore, vessel hardening measures are essential for mitigating the risk of pirates boarding. These measures are outlined in BMP5, and include alerting the crew as soon as possible to muster in the citadel, turning on alarms to let the pirates know that the ship is aware of their approach and taking action, and utilizing equipment such as ARX Mouldings anti-piracy barriers and water cannons.

39 David Y. Loh, "U.S. Coast Guard Announces Alternative COVID-19 Vessel Inspection Procedures," April 3, 2020, <https://www.americanbar.org/groups/litigation/committees/admiralty/practice/2020/us-coast-guard-alternative-covid-19-vessel-inspection/>.

40 Marine Safety Government of Canada; Transport Canada; Safety and Security, "Extending the Validity of Canadian Marine Personnel Certificates - SSB No.: 03/2020," March 18, 2020, <https://www.tc.gc.ca/eng/marinesafety/bulletins-2020-03-eng.htm>.

41 "COVID-19: D'Amico Leverages Remote Technologies for Vessel Inspections," VPO (blog), March 24, 2020, <https://vpoglobal.com/2020/03/24/covid-19-liberian-registry-rina-damico-leverage-remote-technologies-for-vessel-inspections/>; "Liberian Registry Conducts First Ever Remote Flag Inspection," Seatrade Maritime, April 6, 2020, <https://www.seatrade-maritime.com/regulation/liberian-registry-conducts-first-ever-remote-flag-inspection>.

42 "OCIMF: Guidance for Inspectors on COVID-19," SAFETY4SEA (blog), April 30, 2020, <https://safety4sea.com/ocimf-guidance-for-inspectors-on-covid-19/>; Gabriella Twining, "COVID-19 Restrictions on Inspection Surveys Poses Long-Term Problem for Maritime Safety," Safety at Sea, May 19, 2020, <https://safetyatsea.net/news/2020/covid-19-restrictions-on-inspection-surveys-poses-long-term-problem-for-maritime-safety/>.

43 "JRS - Marine Vessel Digital Inspection Maintenance Software," accessed June 16, 2020, <https://marine.jrsinnovation.com/>.

44 "ARX Mouldings | Pioneering Change for Safer Seas," ARX Mouldings, accessed June 16, 2020, <https://arxmouldings.co.uk/>; "Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea."



ARMS TRADE AND VIOLENCE

Another, more historical issue to consider is the arms trade that has increased the capability of pirates in East African waters and the Gulf of Aden, and the violence that has accompanied it. Piracy is made possible by advanced weaponry, usually small arms and light weapons, without which pirates would be successful far less often. Since piracy originating in Somalia has flourished in the past two decades, the question begs: How have weapons come to Somalia? One must consider that there has been an arms embargo on the country imposed by the UN since 1991, yet there seem to be no shortage of accessible weapons. Though we have the most information on arms in Somalia, moving forward we should assume that piracy has the potential to originate from countries as well.

Investigations into weapons found in Somalia and on piracy attacks have shown a combination of those designed and likely obtained pre-embargo, and those definitely obtained since the embargo began nearly three decades ago. Most of the weapons found are older Soviet and Chinese designs, which imply that they were originally obtained pre-embargo. It is documented that the Soviets exported arms to the Barre government of Somalia before the 1990's. Estimates show that 85% of the weapons used in the country are traded in Somali arms markets, specifically the Bakaara market, and about 10% are obtained through "unauthorized international transfers".

This ratio suggests that only 10% of the arms have been obtained since the embargo. However, many countries are implicated in breaking this embargo; for example, Ethiopia and Yemen have been caught transporting arms

into the country. Others identified by the UN as breaking the embargo include Kenya, Sudan, Uganda, the UK, and the US. Weapons in Somalia hail from both pre-embargo transfers of weapons that are now considered older, and new weapons illegally transferred from many countries since the embargo began. This information is significant because it shows that the embargo has not been totally effective, and that new weapons are still available in Somalia, and potentially to pirates, increasing their capability.

In the history of piracy in this region over the past two decades, there has been a trend towards an increasing use of violence. In the early 2000's weapons were generally used for intimidation purposes and violence was not used as a usual course of action. However, in the late 2000's and 2010's the violence of attacks increased, and pirates seemed more willing to use their weapons. Between 2008 and 2011 Somali pirates fired weapons in over 85%

of attacks, while the world average was around 56% of attacks, showing that these tended to be much more violent than other contemporary attacks.

This trend towards increased violence has co-existed with a code of conduct documented in pirate groups. Researchers have observed a code of conduct generally followed by pirates, which is clear to them upon beginning an attack, and is enforced through rewards, fines, and social pressures. These codes have usually addressed treatment of captives, women, and use of violence, generally limiting the use of violence. It is unclear how these codes have morphed along with increasing levels of violence, but it is known that they have existed in tandem in the 2010's.

“ Between 2008 and 2011 Somali pirates fired weapons in over 85% of attacks... As perhaps a taste of what is to come when Operation Atalanta ends ”



ARMS TRADE & VIOLENCE CONT..

In the past decade the EU NAVFOR Operation Atalanta is largely credited with stopping piracy in this region, alongside regional efforts by the African Union, the UN, and Kenya. However, the mandate of this operation expires at the end of 2020, and it is unclear whether it will be renewed. Even if the operation's mandate is extended, at some point the region will have to reckon with its withdrawal, and should prepare to do so at the end of this year.

Additionally, private security companies, providing both armed and unarmed guards, have been hired to guard vessels in high risk areas as a regular practice in the industry. There are many concerns and considerations with using armed guards, and some flag states do not allow them. This article will not go in depth into these discussions, but many others do, and should be considered when making decisions in this regard.

The presence of armed guards is considered an effective tool to both deter piracy and decrease the potential of a successful boarding. Armed guards can visually intimidate pirates and cause them to abandon a potential attack. If they do attack, the armed guards are more likely to fight them off than a vessel would be able to on its own. Companies should consider that pirates will consistently have and use weapons.

As perhaps a taste of what may be to come when Operation Atalanta ends, in May 2020 a vessel was attacked by pirates off the coast of Yemen, between Yemen and Somalia. The attack ended after fire was exchanged by the armed guards on board the shipping vessel and the pirates. This incident, which resulted in a large display of violence prior to any boarding attempt, indicates that though the region has been peaceful for the past five years, piracy could restart, and at a heightened level of violence. Companies and seafarers should take historical trends into account when assessing pirate capabilities and travel through this region with extreme caution.



45 Geneva Small Arms Survey, ed., "Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq, and Somalia," in *Small Arms Survey 2012: Moving Targets*, Small Arms Survey (Cambridge: Cambridge University Press, 2012), 312–55, <https://doi.org/10.1017/CBO9781139013925.015>.

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CONCLUSION

This report has highlighted the ways in which the maritime security situation in the waters of East Africa and the Gulf of Aden have changed since the global pandemic of COVID-19. Issues of concern are the security situation of each country, the mental health of seafarers, the consistency of vessel and crew inspections, and the historical trends of violence and arms trade in the region. We strongly predict an increase in risk of piracy, crime, and infection with COVID-19 while working in this region, and we assert that continuing with standard security measures is not enough protection during this time.

We have assessed that Egypt, Eritrea, and Sudan do not have an increased risk of piracy as compared to previous estimates which are low. Kenya may experience a moderately increased intent to commit piracy, although capabilities are unknown. Somalia is assessed to have a moderately increased risk of piracy, and Tanzania and Yemen are unknowns. Furthermore, Egypt, Eritrea, and Sudan have ports outside of large cities, that are most likely still relatively safe to use in terms of crime and risk of infection. Companies should seek out port security assessments and capacities if they wish to consider moving operations to smaller port cities in Kenya and Tanzania to decrease risk of infection and crime.

Companies should be prepared to devote more resources towards protecting the mental health of their seafarers as an investment in their staff. During this time seafarers are thrown into harsh conditions of longer stints at sea, less shore leave, and increased stress and fatigue. They are already at risk for negative mental health outcomes, and the pandemic is merely increasing this risk, which can also make the vessel more vulnerable to pirate attacks. We recommend providing mental health counselling to all crew, investing in hardware and software that will make it feasible for crew to have more time for video calls with loved ones, take advantage of free trainings and services, and increase pay during this period. It is imperative to provide mental health services for seafarers, for their own wellbeing as well as for the safety of the vessel against piracy.

Vessel and crew inspections are another aspect of the industry that is rapidly shifting. While some countries and organisations are limiting and deferring inspections due to the pandemic, digital inspections are also being developed. Digital inspections are currently in use, and will continue to improve in their quality and effectiveness. Companies may consider training their crew in inspections as a stop gap measure. It is important to keep up inspections in order to ensure that the vessel and crew are functioning at their highest efficiency, so as not to create new opportunities for successful pirate attacks. Vessels can be further protected through ship hardening measures, including anti-piracy barriers, water cannons,

vigilant lookouts, and a strong emergency preparedness programme.

Furthermore, it is vital to be aware of the violence and arms trade that have historically impacted piracy in this area. Small arms and light weapons have been transferred to Somalia both pre-1991 embargo and illegally since then. Pirates have access to these weapons, and have become increasingly comfortable firing them, as opposed to using them for intimidation. As the EU NAVFOR Operation Atalanta comes to a close, and given the current pandemic situation, piracy in East Africa and the Gulf of Aden is given a good opportunity for a comeback, and we can be sure that this surge would be accompanied by high levels of violence.

Operations will need to change in order to adapt to new risks, and if companies want to provide the highest level of security for their vessels and wellbeing for their crew, they may need to devote more resources towards this goal. Recommendations include:

- Seek out the most up-to-date information on local COVID-19 and crime situations, as well as any piracy attempts, particularly in Kenya, Tanzania, Somalia, and Yemen, though some information may not be available
- Treat this region with extreme caution
- Hire mental health professionals that will be available for counselling the crew throughout their prolonged time at sea, with mandatory weekly check-ins at a minimum
- Invest in more hardware and software to increase the quality and duration of crew calls with loved ones in order to keep up their moral on prolonged periods at sea
- Investigate high-quality digital inspections and train crew in inspections as a stop-gap
- Invest in ARX Maritime anti-piracy barriers that will deny entry of pirates, rather than simply delaying them

Lastly, all industries have come under increased cyber-attacks, and maritime shipping is no exception. Though this issue is not specific to the region of East Africa and the Gulf of Aden, it affects the industry as a whole and should be considered a security threat. Other papers can be considered for in-depth conversations on this issue.

We would like to express that during this pandemic, adapted measures must be taken to ensure the safety of crews and vessels. As threats change, new procedures and precautions need to be taken; business as usual will not protect your crew and vessel while transiting and docking in the waters of East Africa and the Gulf of Aden.

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