

MAYDAY! MAYDAY! MAYDAY!

December 14, 2010

By Captain James Staples

Pirate Waters

The day begins as the sun starts to break the horizon. The ocean is like glass and I am on the bridge of the M.V. Green Bay enjoying my first cup of coffee. I sit in my chair next to the radar set and scan the horizon. A long standing tradition on a merchant vessel, the Captain and Chief Mate discuss the day's events and work projects ahead. We are transiting the Gulf of Aden or better known as the GOA.

We hear the bosun check in on the UHF radio, "bosun all clear bow", Dayman 2, "all clear starboard side", Dayman 1, "all clear stern", and finally oiler # 2, "all clear port side". The pirate watch has just checked in as they have for the past 12 hours every 15 minutes standing lookout for Somalia Pirates. We are bound for the Persian Gulf and then Japan. Once through the GOA, we will not set pirate watches again until we reach the Malacca Straits.

Attacked

It's been a quiet night when suddenly we hear the plea for help over the VHF radio another mariner is in trouble. MAYDAY! MAYDAY! MAYDAY! We are under attack. They are shooting at us. The Master pleads for help "Please help us, HELP! He nervously gives his position as 13-22.2N / 50-15.2E. He shouts over the VHF that two boats are attacking; they are shooting guns and rockets.

There is tension and anxiety in the voice as the distress call is made. Quickly, I jump out of my chair and plot his position. They are 50 miles away and behind us. My seaman's judgment tells me to turn the vessel and render assistance, but I am helpless as I can offer no help and only would endanger my own vessel and crew. This happens on almost a daily basis in the Gulf of Aden, as you transit the corridor and now the Indian Ocean.

The Nightmare Begins

The Captains nightmare has just happened. His only defense from this attack "The Best Management Practices" version number three. The ship try's evasive maneuvers while being shot at. There is high anxiety and excitement on board. Alarms are sounding and the crew musters. If you're lucky the pirates abandon their attempt to board your vessel and you continue on your voyage. If they succeed, then you are destined to be held for ransom for many months until hopefully the ransom is paid. I have witnessed this scenario during my transits in the GOA and felt helpless that I could not offer or render assistance to a fellow mariner. If he was sinking or on fire I would have options, but in a piracy attack I can only sail by and wish him luck.

Hijacked

Once the vessel is SEA-JACKED, the mariner's life is now hinged on the owner or operator of the vessel. The crew can only hope and pray that the owner will negotiate a quick ransom payment. Unfortunately, the hijacking period may last up to 7 months. The latest ransom paid is said to be 9.5 million dollars for the Samho Dream. Just a few short years ago, ransom payments ranged in

the \$500,000 dollar range.

Now they are almost 10 million U.S. dollars. Pirates have learnt very quickly that the value of a human life increases with time. The problem arises as the ransom demand increases. The crews get held in captivity for a greater period of time as the owner works on a negotiation price. The pirate has become more brazen in his attacks and understands that a vessel loaded with crude, containers or dry bulk and a crew size of approximately 20 persons can generate a hefty sum of money. The pirate knows he just needs to sit and wait it out. Time is on his side and he knows it well. Soon ransom amounts will be at 15 to 20 million dollar rates. The pirates have no salary cap and the clock just keeps ticking and ticking and ticking.

Owners Playing Roulette

If we look back to 2004 when the M.V. Cherry 201 was hijacked off the Indonesian coast of Aceh, 13 crew members were taken hostage at gunpoint, much like today. The pirates demanded only \$50,000 dollars. The owners negotiated the ransom down to \$8,500 US dollars and then decided to bluff the pirates by not paying the ransom.

The owner felt the pirates would become restless and decide to leave the vessel without collecting the ransom and the crew would get the vessel back. This was a gamble the owner was willing to take. A gamble which cost 4 crewmembers their lives as they were executed and the remainder of the crew had to jump over the side to save their lives. Today's crews are just as defenseless as the crew on the M.V. Cherry 201. The only tools available to a mariner are his knowledge, experience and the Best Management Practices 3.

Tragedy on Board Ariana

The MV Ariana was another very tragic case. Ariana was a Greek owned Maltese flagged and Ukrainian crewed vessel. The Ariana was hijacked in May 2009 and finally released in December 2009, after being held for 7 months in captivity. Ariana's crew suffered greatly, they were forced to eat rotten rice while the owner negotiated with pirates. The crew were kept in one location and not allowed to move around the vessel. They had minimal amount of fresh water to drink and none to wash with. However, the real tragedy during the ransom negotiation was what happened to cook Larysa Salinska.

This female sailor was beaten by one of the ship's engineers so severely that she suffered a miscarriage on board. The Captain uses Salinska and another female crewmember as pawns and felt that this situation would help him negotiate a much quicker release for the vessel and crew. The pirates agree to release the females to local authorities from the humanitarian branch of ECOTERRA while the ship owner refuses this request. As a Master your first obligation is to always keep your crew safe.

The Master of the M.V. Ariana Captain Genadiy Voronov had the obligation to get the best medical care and release of his crew in question as did the ship owner. Did both Captain Voronov and the ship owner fail at doing this? We can understand that Captain Voronov was under considerable stress and his decision making process was most likely not at its best. What we need to look at is the decisions the owners made, and ask ourselves, should the owner be held accountable for his actions during this hijacking in a court of law?

You would think that any decent ship owner would want to get this hijacked crew off his vessel at the earliest possible time, never mind tend to the sick and injured. Yet Larysa Salinska was left on board the entire time in poor health with the real possibility of dying in captivity from her miscarriage. Her dead child was put into the refer boxes the entire duration of captivity. This is simply cruel and inhumane to treat another human in this manner. When the vessel was finally released by the pirates in December 2009, the Ariana crew was forced to stay on board and sail the vessel to an Oman port remaining another month before the crew finally walked down the gangway to final freedom. Who are the real criminals along with the Somalia pirates here?

The crew received compensation for the time they were held in captivity but had to sign a paper waiving all claims against the company prior to receiving any funds. Should this owner be held liable in a court of law for his actions during this hostage situation? Could that be the reason the crew signed away any right of claims due to fear of prosecution?

The Black Market Option

The most recent travesty of inhumanity is happening on board the MV ICEBERG 1 which was sea-jacked on 29 March 2010. The vessel is U.A.E. owned and Panamanian registered. The operating company is Azal Shipping out of Dubai. The vessel has a multi-national mixture of Yemenis, Indians, Ghana, Sudanese, Pakistani and Filipino crew. The vessel has run out of food, water, and medicine.

They have no diesel for the generators to run the hotel amenities, lights and other needed requirements. She is a dead ship in the heat of Somalia. It has been also reported that she has no insurance yet carries a high valued cargo. The crew is starving to death as the owner refuses to send any money to buy food for the crew. The owner neglects this crew as he negotiates a ransom price he can live with. On October 27th, it was reported that the third officer has died from starvation and malnutrition.

I can tell you that this third officer did not sign aboard in good faith only to die in the hands of Somali pirates because the owner was so neglectful as to send food for his crew. The crew is now being threatened by the pirates that if the owner does not pay the ransom then they will kill the crew and sell their body parts to the black market. Whether these threats are real or not, the mental anguish being placed on this crew can not be measured.

Try and imagine what it would be like to be threatened with death and then have your kidney's and eyes sold. This should be criminal. In this day and age we still have owners who have less care for human life than do the Somalia pirates. This owner holds all the cards in his hand and knows that no repercussion will come from this crew due to the diversity of their nationalities. They will simply all go their own way once this is over and never see each other again or be organized to take action against the owner. They can only hope and pray that they do not go home in a body bag due to the hideous neglect of this owner.

Rolling the Dice or Risk Assessment

The countless stories of inhuman treatment towards merchant seaman by Somalia pirates continues and will continue until we find a solution to keep ships and crews safe. Owners and operators are still rolling the dice when it comes to combating piracy, and rely on the Captain to keep the vessel out of harms way only armed with "BEST MANAGEMENT PRACTICES".

When the vessel evades capture you get the headlines as follows "Pirates Fail in Pirating M.V. Kythira Thanks to Use of Best Management Practices". What we do not hear is how many ships captured used the Best Management Practices and failed to safely navigate or evade capture. The owner-operator has at his disposal many options that he can choose to go with, from non-lethal to lethal, electronic aids, CCTV systems and the list goes on. Yet most owners' choice to do nothing at all and will only rely on the BEST MANAGEMENT PRACTICES to keep their vessels safe. It's all about economics, risk, and ROLLING THE DICE at the Merchant Seaman's expense.

Best Management Practices

Best Management Practices are another tool which should be used. I can tell you from first hand experience that having Best Management Practices on board my vessel gave me no comfort level at all when it came to dealing with a pirate attack and only gives a false sense of security to the owner. When discussing Best Management Practices with another long time seasoned Sea Captain he put it very eloquently.

He felt the Best Management Practices was an oxymoron and equated it to “Quality Low Wages”. As of this writing over 600 mariners are held in captivity. It’s obvious that the Best Management Practices have done absolutely nothing to stem piracy off Somalia. The amount of hostages and ransom price continue to grow. Hopefully when Best Management Practices version 4 is published it will contain some real solutions which the Master can use to keep his vessel and crew safe.

Real Solutions Needed

Owners and operators need to put real security measures on board that will protect the crew and vessel. Piracy will not be stopped with a PDF word document on Best Management Practices. Piracy will not be stopped while Somalia continues to be a failed state. It will not be stopped as long as we continue to pay high ransom payments in the millions of dollars.

The United States Navy, the most powerful navy in the world has had great difficulty in curbing piracy. Unfortunately, we must look at the short term solution until we can achieve stability in the region. Piracy needs to be stopped at the rails on board every merchant ship that sails in the region. One way that has been proven to work every time is to put security measures onboard so that the crews can wakeup everyday looking at the horizon and enjoy that first cup of coffee.

<http://www.idga.org/maritime-security/articles/mayday-mayday-mayday/>