ARMED PERSONNEL ONBOARD VESSELS – IMO PERSPECTIVE

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What is IMO?

“IMO: SAFE, SECURE AND EFFICIENT SHIPPING ON CLEAN OCEANS”
UNCLOS

Other relevant provisions

- UN Security Council resolutions
- UN General Assembly resolutions
- Regional agreements
1988 SUA Convention

• Seizing/control of ships
• Acts of violence against person on board
• Destruction or damage to ship or cargo
• Placement of devices or substances to destroy or damage ship
• Damage/destruction of maritime navigational facilities
• False information
IMO Guidance

- Global guidance to Governments, ship owners, ship operators and crews on suppression of piracy
- Investigation of offences
- Somalia-specific guidance including BMP
- Guidance to flag States, coastal and port States, ship-owners, ship operators and ship masters on privately contracted armed security personnel
- Guidance to privately contracted armed security personnel
The carrying and use of firearms for personal protection or protection of a ship is strongly discouraged.

Carriage of arms on board ship may encourage attackers to carry firearms thereby escalating an already dangerous situation, and any firearms on board may themselves become an attractive target for an attacker. The use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great. In some jurisdictions, killing a national may have unforeseen consequences even for a person who believes he has acted in self defence.
The carrying and use of firearms by seafarers for personal protection or for the protection of a ship is strongly discouraged. Seafarers are civilians and the use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great.
MSC.1/Circ.1334

63 If armed security personnel are allowed on board, the master, shipowner, operator and company should take into account the possible escalation of violence and other risks. However, the use of privately contracted armed security personnel on board merchant ships and fishing vessels is a matter for flag State to determine in consultation with shipowners, operators and companies. Masters, shipowners, operators and companies should contact the flag State and seek clarity of the national policy with respect to the carriage of armed security personnel. All legal requirements of flag, port and coastal States should be met.
MSC.1/Circ.1334

64 The use of military teams or law enforcement officers duly authorized by the Government of the flag State to carry firearms for the security of merchant ships or fishing vessels is a matter for the flag State to authorize in consultation with shipowners, operators and companies. The carriage of such teams may be required or recommended when the ship is transiting or operating in areas if high risk. Due to rules of engagement defined by their Government, or in coalition with other Governments, boarding conditions should be defined by the States involved, including the flag State. The shipowner, operator and company should always consult the flag State prior to embarking such teams.
MSC.1/Circ.1339 on Piracy and armed robbery against ships in waters off the coast of Somalia - Best Management Practices for Protection against Somalia Based Piracy (BMP4)
8.15 The use, or not, of armed Private Maritime Security Contractors onboard merchant vessels is a matter for individual ship operators to decide following their own voyage risk assessment and approval of respective Flag States. This advice does not constitute a recommendation or an endorsement of the general use of armed Private Maritime Security Contractors.
BMP 4 – Section 8
Ship Protection Measures

• If armed Private Maritime Security Contractors are to be used they must be as an additional layer of protection and not as an alternative to BMP.

• If armed Private Maritime Security Contractors are present on board a merchant vessel, this fact should be included in reports to UKMTO and MSCHOA.
Use of armed personnel

- IMO’s position on the use of armed personnel has not changed. The carriage of armed personnel remains a matter of decision for the ship owner, after a thorough risk assessment, to request and the flag State to decide.

- There are also implications for port and coastal States.
The observer from IPTA advised the Committee that there were limits to what could be done by owners and crews of chemical tankers to protect themselves and to avoid attack. By their very nature these vessels tended to be small, with a low freeboard and without the capacity to outrun the high-speed vessels often utilized by the pirates. Chemical tankers often carried extremely volatile cargoes and there was therefore no question of firearms being taken on board, either by vessel crews or by specialist security guards. Equally, if faced by pirates threatening to use firearms the master would, in most cases, have no option but to capitulate. The potential consequences of a fire fight in the vicinity of such products would be too terrible to contemplate.
Outputs from MSC 89
(11 to 20 May 2011)

• Resolution MSC.324(89) on Implementation of Best Management Practice Guidance Guidelines
• MSC.1/Circ.1404 on Guidelines to assist in the investigation of crimes of piracy and armed robbery against ships
Outputs from MSC 89 (11 to 20 May 2011)

• MSC.1/Circ.1405 on Interim Guidance to shipowners, ship operators and shipmasters on the use of privately contracted armed security personnel on board ships in the High Risk Area
Outputs from MSC 89
(11 to 20 May 2011)

• MSC.1/Circ.1406 on Interim Recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area.
Further discussion

- FAL Committee (5 to 9 Sep 2011)
- CGPCS Working Group 3 (12 Sep 2011)
- Intersessional MSC Maritime security Working Group (13 to 15 Sep 2011)
- MSC 90 (16 to 25 May 2012)
- ISO PAS 28007
- Rules for the use of force
1. Introduction: Definitions, Risk Assessment

2. PMSC Selection Criteria
   2.1 General
   2.2 PMSC Background Information
   2.3 Selection and Vetting of PMSC
   2.4 Training of PCASP
3. Service Provision Considerations
3.1 Insurance: Shipowners, PMSC
3.2 PCASP Team Size, Composition and Equipment
3.3 Command and Control of Onboard Security Team – including relationship with the Master
3.4 Management of Firearms and Ammunition from Embarkation to Disembarkation
3.5 Rules for the Use of Force
3.6 Reporting and Record Keeping
3.7 Categorization of PCASP
3.8 Reporting within the High Risk Area
3.9 Familiarization for Master and the crew
MSC.1/Circ.1406/Rev.2

- Flag State to decide
- Escalation of violence
- Relevant requirements of flag, port and coastal States
- National legislation
- Appropriate?
- Minimum criteria
- Process for authorization: PCASP, use of PCASP
- Terms and conditions
- National legislation
MSC.1/Circ.1408/Rev.1

Interim recommendations for port and coastal states regarding the use of privately contracted armed security personnel on board ships in the High Risk Area

– Embarkation
– Disembarkation
– Vessel calling
MSC-FAL.1/Circ.2

- Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships
- To raise awareness of relevant national legislation, policies and procedures relating to the carriage, embarkation and disembarkation of firearms and security-related equipment through their territory and the movement of PCASP
privately contracted armed security personnel on board ships"

November 17, 2011

Australia
Brazil
Denmark
France
France (E)
Hong Kong, China
India
Israel
Jordan
Madagascar (E)
Madagascar (FR)
Mauritius
Panama
Somalia
Spain
Spain (E)
United Kingdom
United States of America

See also

Responses to the World Customs Organization (WCO) questionnaire on PCASP
MSC.1/Circ.1443

Interim Guidance to private maritime security companies providing privately contracted armed security personnel on board ships in the High Risk Area

1. Purpose
2. PMSC professional certification
3. PMSC company requirements
4. Management
5. Deployment considerations
Section 5. Deployment considerations

- BMP
- PCASP Team size, composition and equipment
- Command and Control
- Category assigned to PCASP
- Management of firearms and ammunition from embarkation to disembarkation
- Shipboard familiarization
- Use of force
- Reporting and Record Keeping
MSC.1/Circ.1444

Interim Guidance for flag States on measures to prevent and mitigate Somalia-based piracy

1. Introduction
2. Counter-piracy policy
4. Capture and humanitarian response
5. Suppression of piracy in the High Risk Area
6. Reporting
http://gisis.imo.org

Searchable Piracy database
‘We are not the solution’ to piracy, says Somalia coalition navy chief

Royal Navy officer urges owners of ships in Gulf of Aden to look at funding private security measures

David Oler

Coalition navies have privately been stung by shipping industry criticisms of their work to prevent piracy in Somalia, according to the deputy commander of the task force charged with the task.

In a frank interview with Lloyd’s List, the Royal Navy’s Keith Winstanley insisted that the merchant shipping industry should realise that, to some extent, it must provide for its self-protection.

In line particularly with this, he argued that shipowners should consider the use of private sector security detachments for vessels transiting the Gulf of Aden, even where that necessitates financial outlay.

Claude Winstanley consistently stressed that Coalition Task Force 150 is doing its best to provide limited resources, but cannot offer comprehensive coverage of a huge sea area.

By added that 12 pirate attacks have occurred since the introduction of a Maritime Security Patrol Area in the region last month. Pirate vessels have been destroyed, arms seized and pirates captured.

But even this tactic has not proved foolproof, and one recent ‘hit’ took place within the patrol area, he admitted.

“The root cause of this problem is ashore in Somalia. There's a limit to what we can do about that. Root causes are much bigger than navies can cope with”

EU considers increasing naval presence

The European Union is to provide additional naval protection for ships "vulnerable" to pirate attacks off the Somali coast and has indicated that it is considering launching a wider-ranging European naval operation, with a Portuguese carrier.

A military co-ordination unit has already been set up in Brussels under Spanish command with the task of ensuring that vulnerable vessels such as fishing vessels and merchant ships carrying food and aid are given adequate protection against pirate attacks.

According to French transport secretary Dominique Bussereau, who announced the measures to the European Parliament on Tuesday in his capacity as president of the EU transport ministers' council, the unit will aim to co-ordinate the use of existing naval capacity in the region to this end.

But Mr Bussereau added that preparations were also under way for a “possible” wider-ranging EU naval operation to be carried out in the name of EU security and defence policy.

Meanwhile, six Somali pirates captured by French navy commandos last week had been brought to France, where they are expected to be charged. The six, who hijacked a 16 m yacht with two French nationals aboard, arrived on Tuesday evening aboard a French military transport plane. They were immediately placed in custody and, according to French judicial sources, are likely to be charged with hijacking a ship and its two crew members with the aim of obtaining a ransom.

We’re not ceding the waters of the Gulf of Aden to pirates, and where we can be there and give support, we are doing that. But we can't be everywhere at once and I would ask and urge the international shipping community just to check and verify that they are consent that they are taking every possible action themselves to reduce the chances of piracy.

"That might mean something that costs money, such as private security. Ultimately, that's a question for the individual companies, as is whatever instructions they give to their masters in the event of coming across piratical attacks.

"Just speed, manoeuvre and communication rather than stopping at the first shot would be my advice."
“All that is necessary for the triumph of evil is that good men do nothing”

Edmund Burke
The view from Muirhead

SOMEWHERE IN THE SOUTH CHINA SEA...

I ASK YOU AGAIN, WHERE ARE THE REST OF THE CREW?

WE ARE THE CREW

REDUCED MANNING - EVEN PIRATES CAN'T BELIEVE IT!
Questions?

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