

Sustainability of Contracted Security

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Agenda

- Types of Contracted Security
 - Concerns
- Where Authorized – High Risk Areas
 - Indian Ocean – Gulf of Guinea – South East Asia
- Oversight
 - High Seas – Territorial Waters
- Case Study – Hiring a team – Marshall Islands Flag
- Sustainability Discussion

Types of Contracted Security

- Private Maritime Security Companies

- Embarked Team
- Floating Armories

Concerns



“Guys with guns”
Policy for Floating Armories

- Embarked Uniformed Personnel

- Vessel Protection Detachments
- Coastal State Embarked Personnel

Concerns



Rules of Engagement
Blue on Blue
Ambiguous Policy
Training

- Public/Private Partnerships

- Escort Vessels
- Safe Areas

Concerns



Precedent: Pay for Security
Transparency

Recent Incidents Involving Armed Security



April 2019 –

- Armed teams engaged pirates – wounding 3

23 Jun 19. MV FWN SOLIDE reported being approached by one speedboat with six POB 28nm northeast of Assab (Eritrea). When embarked PAST showed their weapons, the speedboat turned away. No piracy tripwires were present. Ship and crew were reported safe.

1 Jul 19. Oil tanker JABER IX reported being approached by three skiffs with five POB each, 12nm southeast of Assab (Eritrea). Aside from carriage of small arms, no piracy tripwires were present on board the skiffs. When embarked PAST showed their weapons, the skiffs moved away. Ship and crew were reported safe.

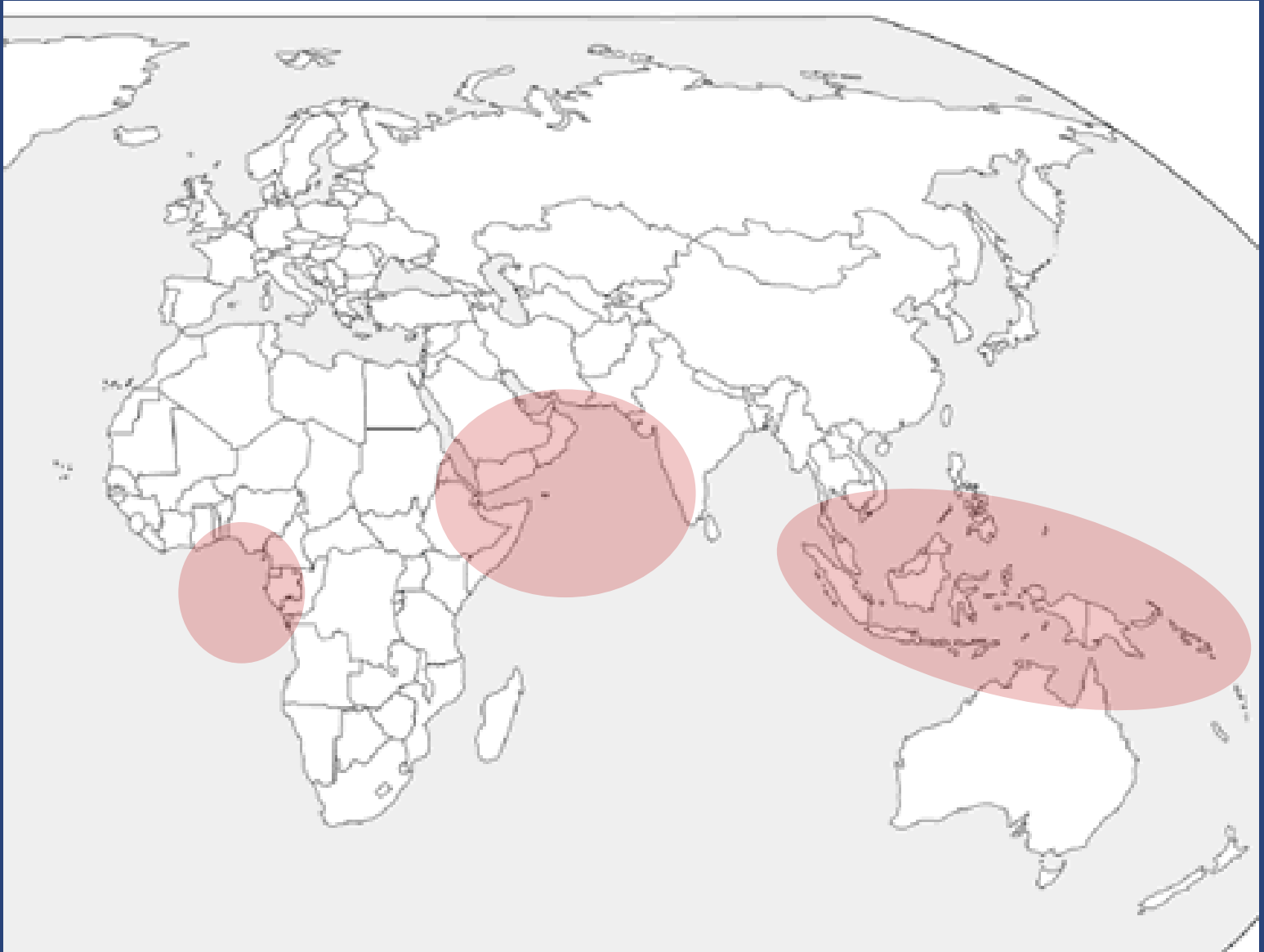
5 Jul 19. MV NORD KAITAN reported being approached by four skiffs 96nm southeast of Aden. When embarked PAST showed their weapons, the skiffs retreated. No piracy tripwires were present. Ship and crew were reported safe.

High Risk Areas

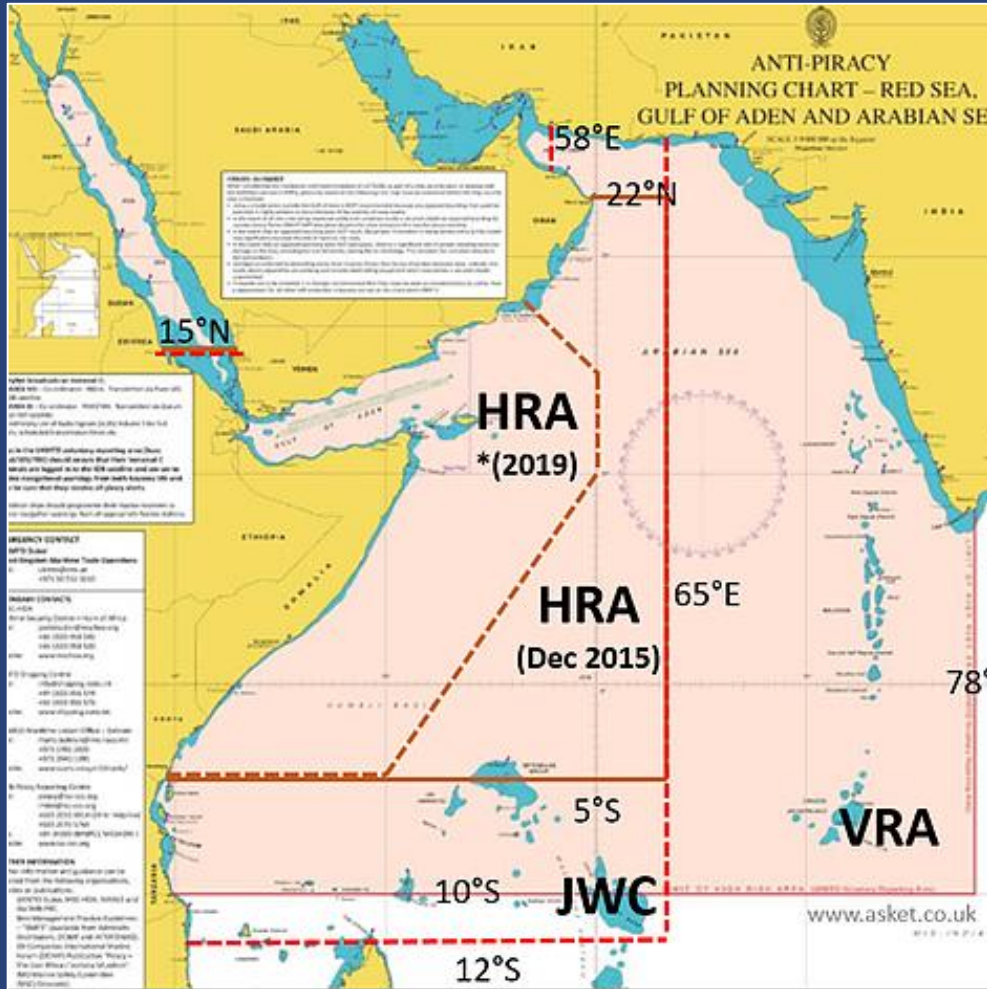
- Indian Ocean
- Gulf of Guinea
- South East Asia

From IMO Guidance:

“Defined in the Best Management Practices for unless otherwise defined by the flag State.”



High Risk Areas

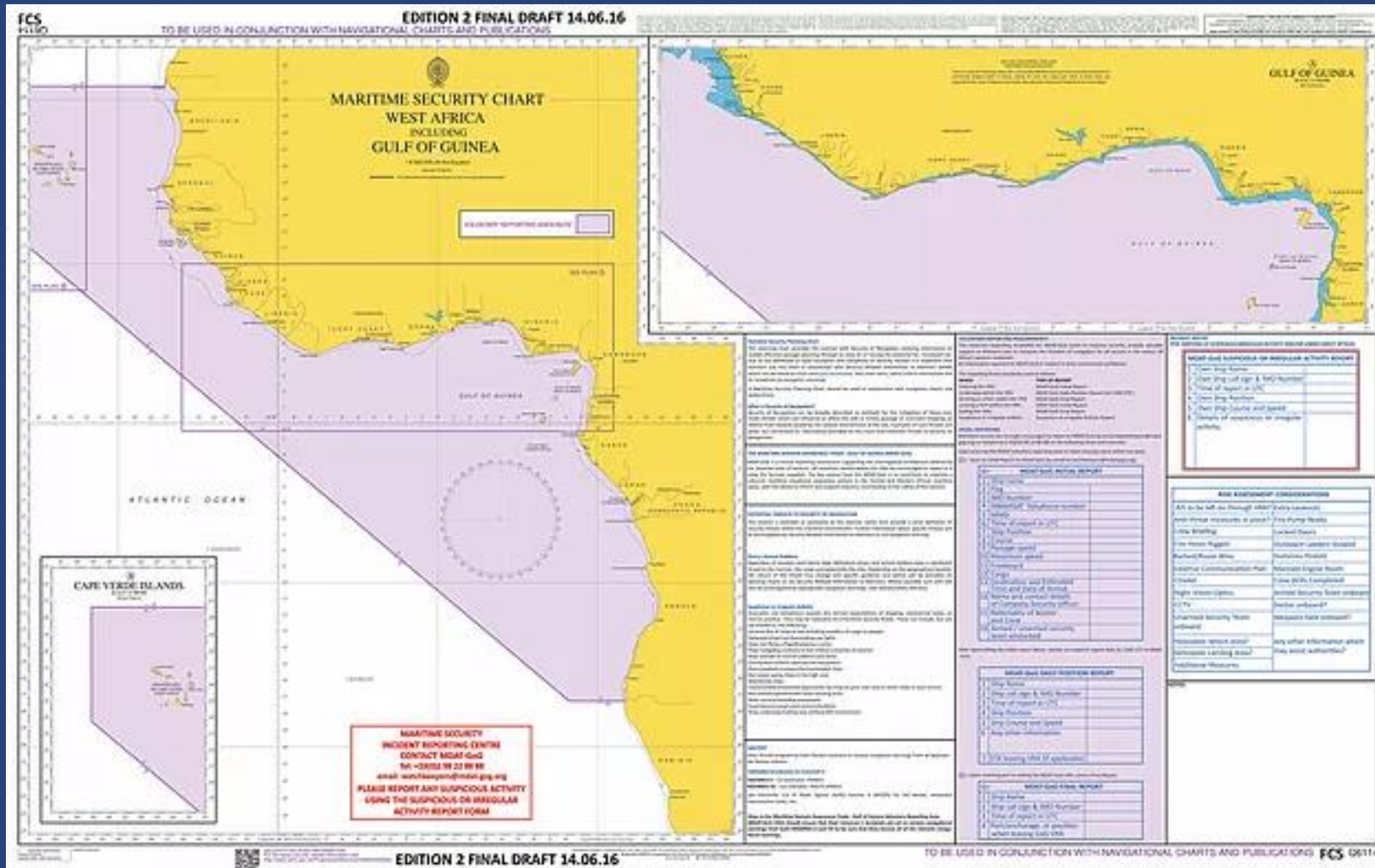


Graphic Courtesy of ASKET



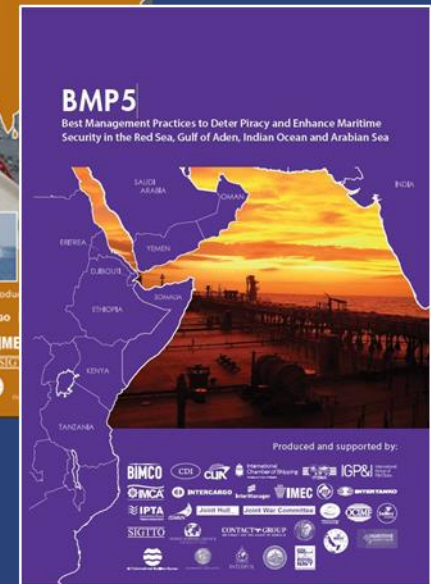
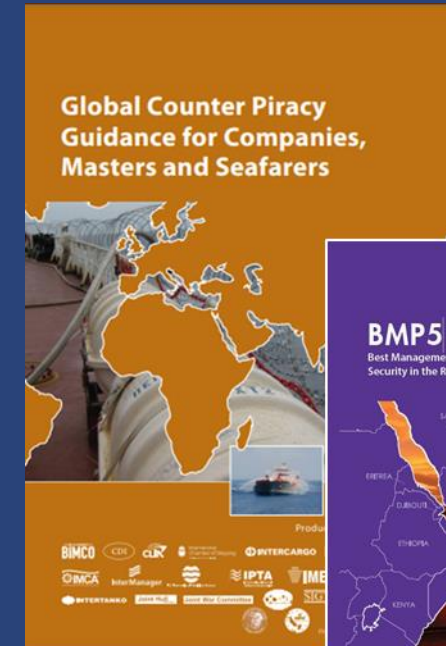
Graphic from Alpha Omega

High Risk Areas (2)



Oversight

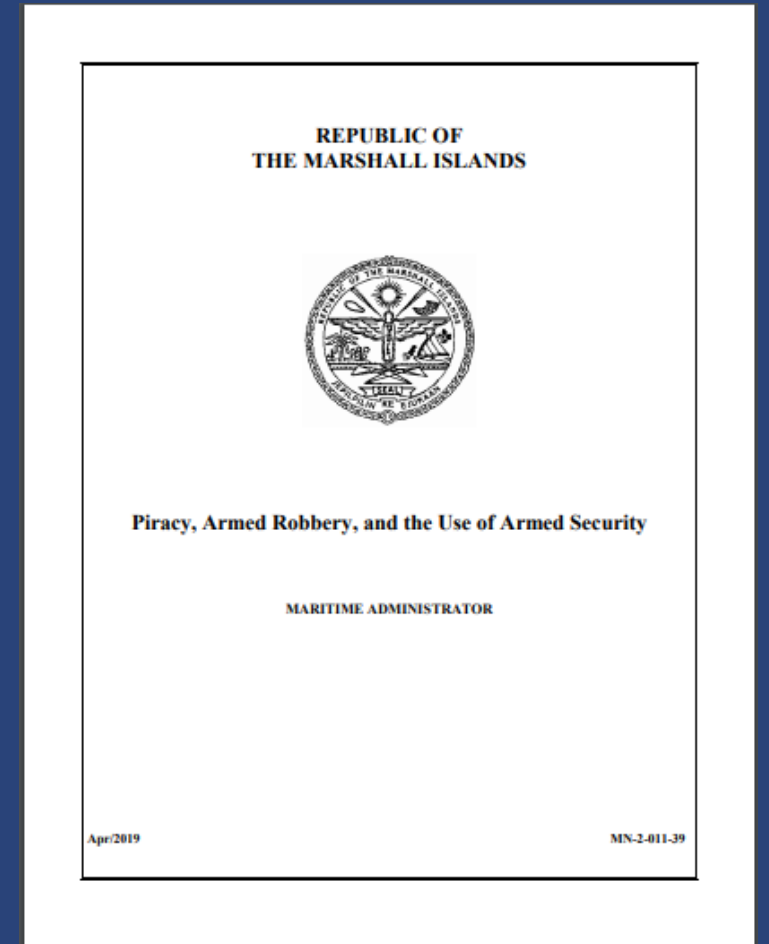
- High Seas
 - UNCLOS
 - IMO Guidance
 - Flag State Policies
- Territorial Waters
 - Coastal State Policies
 - IMO Guidance
 - Memoranda of Understanding
- Other Guidance:
 - Best Management Practices
 - Regional Guidance
 - Global Piracy Guidance
 - Rules for the Use of Force (Series 100)
 - ISO 28007



Case Study – Marshall Islands

- Overall

- The administrator neither endorses nor prohibits the use of PCASP or VPD for the purpose of protection against piracy and armed robbery, particularly within designated HRAs.
- PCASPs or VPDs shall not be used as a replacement for the highly effective self-protection measures BMP Guidelines.
- Administrator reserves the right to deny permission for the use of any PMSC
- Decision to authorize is within purview of flag State:
 - Article 92 – exclusive jurisdiction on the high seas
 - Article 94 –ensuring the safety of ships under their flag



Case Study – Marshall Islands (2)

- Ship conducts a thorough risk assessment – develops a ship security plan
 - Can be considered if:
 - Permitted under the legislation of the Flag State (Yes)
 - Meets requirements of IMO Guidance (ISO 28007 Certified)
 - Geographic – Is it within an HRA?:
 - SE Asia, Indian Ocean, Gulf of Guinea
 - Guidance to follow:
 - Best Management Practices 5
 - Global Counter Piracy Guidance
 - Industry Guidance



Safety & Security and the use of Privately Contracted Armed Security Personnel (PCASP) in Arabian Gulf, Strait of Hormuz and Gulf of Oman

Introduction

Recent attacks against shipping off Fujairah and in the Gulf of Oman have caused great concern. This guidance is issued to offer risk mitigation considerations, available resources, clarity on the use of PCASP and awareness of navigation safety. Of the advice noted below, three aspects in particular are of vital importance:

1. PCASP should not be used as a risk mitigation measure in these waters;
2. All seafarers operating in the Gulf of Oman, Straits of Hormuz and Arabian Gulf must remain vigilant and listen for military warnings AT ALL TIMES;
3. Navigational norms in the Strait of Hormuz should continue to be complied with, and the use of the inshore traffic zone for navigation should only be undertaken for vessels calling at ports within the inshore area.

Case Study – Marshall Islands (3)

- Once decision has been made to hire PMSC:
 - Only those companies that are certified to the ISO 28007
 - Master has responsibility for the security of the ship
 - Needs to contain provisions for the Use of Force
 - Must be only for the purpose of protection of the vessel and the lives of the persons on board from armed attack.
 - Take reasonable efforts to avoid use of force
 - Graduated response
 - No excessive force
 - Team is no less than 3
 - Firearms restrictions (no shotguns, machine guns or handguns)
 - Issue of a LONO (Letter of Non-Objection)
 - None for embarked uniformed personnel
 - In case of an incident - reporting

Due to the ongoing issues regarding embarked security personnel in the West Africa / Gulf of Guinea region, the following is provided for clarification:

Please be advised that the Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”) will no longer issue letters of non-objection (LONOs) for the use of locally sourced vessel protection detachment (VPD) teams, embarked, disembarked, and utilized wholly within the territorial waters of a coastal State.

Private Security Sustainability

Feasible

- Many coastal states do not have the capability to protect their own waters
- No ships with private security have been successfully attacked
- Vulnerability of merchant shipping is now clear
- No vessel with a professional team has ever been taken

Not Feasible

- Industry does not desire the normalization of private security
- Private teams do not arrest for prosecution
- Possibly increase the chance for escalation in violence
- Not always appropriate against other threats (Terrorism, conflict related)