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TO: Related departments of CCS Headquarters; Branches and Offices; and Ship Companies

Use of Privately Contracted Armed Security Personnel (PCASP)

--Marshall Marine Notice No.2-011-39, Rev. 2/12

The Office of The Maritime Administrator of Marshall Island issued the Marine Notice No.2-011-39, Rev. 2/12 to provide flag state policy to ship-owners, operators, masters and officers of merchant ships considering the use of PCASP on board ships for the purpose of additional protection against piracy. The notice supersedes Rev. 12/11. All the auditors of CCS branches and offices should comply with the requirements of this notice during relevant inspections and audits.

PURPOSE:

The increased threat to commercial shipping by Somalia-based pirates has led to extended use of armed guards and a marked expansion in the number of firms offering armed maritime security services for vessels transiting the High Risk Area (HRA). The Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”), while not endorsing or prohibiting the use of privately contracted armed security personnel (PCASP), understands that shipping companies may find it difficult to identify reliable, professional private providers of armed security.

The decision on the employment of PCASP on board ships is a complex one for a ship owner. The absence of applicable regulation and industry self-regulation coupled with complex legal requirements governing the legitimate transport, carriage and use of firearms gives the Administrator cause for concern. This situation is further complicated by the rapid growth in the number of private maritime security companies (PMSC) and the significant variation in competence and quality present across the spectrum of contractors offering services.

Therefore, the purpose of this Notice is to provide flag State policy to ship owners, ship operators and ship Masters considering the use of PCASP on board ships for the purpose of additional protection against piracy. Please note that this Notice is subject to updating as needed.

This Notice supersedes Rev. 12/11 and reflects the updating of reference (b) above, the addition of a new section on Egyptian Ports and Suez Canal Procedures and consequent renumbering of the sections, the addition of the PCASP Information Request form in Appendix II, the re-numbering of the following Appendices, the updating of the PMSC/PCASP Assessment Report form in Appendix III.

APPLICABILITY:

1.0 Vessels

1.1 Ship owners, managers and operators of the following RMI flagged vessels that operate in HRAs must comply with the provisions of this Notice:

- Passenger ships, including high-speed passenger craft;
- Cargo ships, including high-speed craft, of 500 gross tonnage (ITC 69) and upwards;
- Special Purpose Ships of 500 gross tonnage;
- Self-propelled mobile offshore drilling units capable of making international voyages unassisted and unescorted when underway and when on location; and

1.2 Yachts, especially sailing vessels, are particularly vulnerable to attack due to their low speed and low freeboard. The Administrator strongly advises *against any* operation and travel by RMI flagged yachts in designated HRAs. However, should they choose to do so, yacht owners must also comply with these requirements.

1.3 All ships, including yachts, under the RMI flag must comply with all risk assessment and reporting requirements.

2.0 Definitions

2.1 *Private maritime security companies* (PMSC): Private Security Companies contracted to provide security personnel, both armed and unarmed, on board for protection against piracy.

2.2 *Privately contracted armed security personnel* (PCASP): armed employees of PMSC.

2.3 *High Risk Areas* (HRA): areas of the ocean where acts of terrorism, piracy or armed robbery have taken place. An area defined as High Risk may change periodically or over

time due to changes in weather, tactics and areas of operation of the perpetrators. Therefore, it is imperative that owners, operators and Masters assess areas of risk based on the latest available information from the Maritime Security Centre Horn of Africa (MSCHOA), the NATO Shipping Centre (NSC) and the International Maritime Bureau (IMB). Vessels also must be prepared to alter course at short notice to avoid pirate activity when information is provided by NAV Warnings and/or naval/military forces.

3.0 BMP High Risk Area

Somalia, the North West Indian Ocean and Gulf of Aden (GoA): The HRA contained in the BMP Guidelines is defined as an area bounded by Suez, the Strait of Hormuz to the North (26°N), 10°S and 78°E.. (Note: the UK Maritime Trade Operations (UKMTO) voluntary Reporting Area is slightly larger as it includes the Arabian Gulf). Attacks have taken place at most extremities of the HRA, including at 78°E. The possibility remains that they could take place further out. Attacks to the South have extended into the Mozambique Channel and below 10°S. A high state of readiness and vigilance should be maintained even to the South of the Southerly limit of the HRA. Therefore the Administrator has extended the limits of the HRA to 15°S and advises against using the Mozambique Channel altogether.

4.0 Other High Risk Areas

- 4.1 *Strait of Hormuz:* The Strait of Hormuz is considered an HRA by the Administrator. It is highly recommended that all ships transiting the Strait of Hormuz exercise the highest level of vigilance and caution, particularly during night transits with increased monitoring of small vessel and boat activity. Ship Masters that observe suspicious activity in the area and around their vessel are advised to make as early an assessment of a threat as early as possible. See section 5.8, below.
- 4.2 *Waters Near Yemen:* A piracy operating area has been established in the southern end of the Red Sea. In addition, information suggests that al-Qaida remains interested in maritime attacks in the Bab-al-Mandeb Strait, Red Sea and the GoA along the coast of Yemen. It should be noted that for reasons of customary international law, it is not possible for international military forces (non-Yemeni) to be able to protect ships that are attacked inside Yemeni Territorial Waters (12 miles).
- 4.3 *Indian Ocean:* Recent attacks indicate that pirates have moved towards the eastern part of the Indian Ocean approaching closer to Indian west and south coast, Lakshadweep/Minicoy Islands, northern Maldives and Seychelles. There have been reports indicating that pirates have and will continue to operate as far south as within the Mozambique Channel and 15°S latitude. Vessels sailing in the western, central, eastern and northern parts of the Indian Ocean should maintain strict antipiracy measures.
- 4.4 *South East Asia and South China Sea:* The situation in Southeast Asia has deteriorated recently. Although attacks at sea have increased, attacks in the region are mainly opportunistic petty theft from ships at anchor or in port. These occur in and around ports and anchorages in Indonesia, Vietnam and the Philippines. Pirates in these regions are normally armed with guns, knives and or machetes and attack at night. Attacks in the

South China Sea continue, particularly in the vicinity of the Anambas, Natuna, Mangka Islands, Subi Besar and Merundung areas. Vessels sailing in the South East Asia and the South China Sea should maintain strict antipiracy measures, including maintaining a strict antipiracy watch when transiting the Malacca Straits.

- 4.5 *West Africa:* Piracy, armed robbery and reports of hostage-taking are increasing in the Gulf of Guinea. Such incidents have occurred in: Benin (Cotonou), Guinea (Conakry), Cameroon (Douala Outer Anchorage) and Nigeria (Lagos and Bonny River). These incidents in West Africa are different than those occurring off the Coast of Somalia and in the Indian Ocean. Somali pirates, to date, have sought to hijack a vessel, her cargo and crew and hold them until a ransom demand is paid. In contrast, the perpetrators in West Africa are more violent, often terrorizing and injuring the crews before robbing them and their ship of valuables and cargo. Most recently, the United Nations voiced concern over the increase in piracy in this West African sub-region. Vessels transiting these areas are advised to take extra precautions and maintain appropriate anti-piracy BMPs.
- 4.6 *Latin America:* Increases in maritime criminal incidents, primarily armed theft, have been noted off the Pacific Coast of Latin America, particularly at the Peruvian port of Callao. Incidents of piracy (violent attacks resulting in death) off the coast of Venezuela are a serious concern especially for yachts. Yachts sailing in Venezuelan waters should exercise a heightened level of caution and implement appropriate BMP.

REQUIREMENTS:

5.0 RMI Legislation

The RMI Weapons Control Act (7MIRC13) on the prohibition of possession of firearms, §1304, Exemptions from provisions of Chapter 13, provides the following:

“This Chapter shall not apply to:

(e) for the sole purpose of enhancing the safety and security of any Republic of the Marshall Islands registered vessel against acts or attempted acts of terrorism, piracy, armed robbery, or hijacking and in accordance with the Republic of the Marshall Islands Maritime Act and all maritime rules and regulations promulgated by the Republic of the Marshall Islands Maritime Administrator, any Republic of the Marshall Islands registered vessel not trading within internal, archipelagic, or territorial waters of the Republic of the Marshall Islands, including all individuals embarked or transferring firearms or dangerous devices to or from the vessel at the request of the vessel’s owner, operator, or master.”

6.0 Flag State Policy

Neither RMI legislation nor regulations prohibit the use of PMSC or the PCASP they provide. The Administrator has no objection to vessel owners, managers, operators, and/or Masters taking appropriate measures in regard to the safety and security of their vessels and crew. Whether to use an armed security detail and how to facilitate that

detail is a decision for the vessel owner, manager or operator to make after thoroughly assessing the piracy related risks in the defined HRA where the vessel will be operating, as well as the potential risks and benefits of available anti-piracy related countermeasures. It is essential that PCASP not be used as an excuse to put to one side the highly effective self-protection measures of BMP.

7.0 Use of PMSCs and PCASP

7.1 Risk Assessment

This risk assessment must be made in accordance with MSC.1/Circ.1405, Rev. 1, the Guidelines regarding the use of PCASP. The risk assessment should include and document at least the following factors and considerations:

- vessel and crew security, safety and protection;
- whether all practical means of self protection have been effectively implemented in advance;
- the potential misuse of firearms resulting in bodily injury or death;
- the potential for unforeseen accidents;
- liability issues, including those related to use of force;
- the potential for escalation of the situation at hand;
- compliance with international and all RMI laws and regulations; and
- careful consideration of any supplemental guidance on PMSC selection promulgated by the Administrator.

7.2 Consultation

The risk assessment may require the inclusion of consultation with labor representatives, port officials, charterers, legal counsel, and insurance underwriters as appropriate. It is also important that the Master of the ship be included in the decision making process.

7.3 Selection and Vetting of PMSC

7.3.1 Ship owners, managers and operators (for example those chartering vessels) must expect the PMSC to demonstrate its professional capability to carry out the proposed task. The PMSC should provide documentary evidence including:

- maritime (as opposed to land-based) experience;
- having written procedures on management including team-leading skills, chain of authority, change in command (in the event, for example, of incapacity of the team leader), responsibilities in life saving, Code of Conduct, Rules for the Use of Force;
- understanding of applicable laws (flag State, port State, coastal State and nationality) with respect to carriage and use of firearms, noting that the approvals from the flag State must be secured by the vessel owners/operators;
- written testimonials/references from previous clients in the maritime industry;
- documentary evidence that firearms are procured, transported, embarked and disembarked legally;

- understanding of the local piracy threat, military operations in the area, and the means to maintain current knowledge;
 - understanding of BMP and, in particular, ship protection measures;
 - having access to competent maritime legal advice on a 24/7 basis given the complexity of applicable laws concerning the carriage and use of firearms; and
 - documented processes for post incident actions to support State authority investigations / prosecution should a formal investigation be required.
- 7.3.2 As the quality of the service delivery depends to a very great extent on the quality and experience of the individuals that make up the onboard PCASP team, the quality of the selection and vetting of that team is essential. The PMSC should demonstrate that they have verifiable, written internal policies and procedures for determining suitability of their employees (PCASP).
- 7.3.3 The guidelines provided in IMO MSC.1/Circ.1405 must be closely followed. A list of recommended questions ship owners, managers and operators may also wish to ask by which to secure answers is provided in Appendix I. Any agreement entered into for the use of PCASP must at a minimum contain provisions for the use of force in compliance with established Rules of the Use of Force (RUF) and within the law.
- 7.3.4 The Administrator highly recommends that PCASP should be declared as supernumeraries.
- 7.3.5 The Security Association for the Maritime Industry (SAMI) covers security across the maritime spectrum (commercial shipping including passenger ships and luxury yachts, offshore oil & gas industry and port facilities & infrastructure). SAMI will be the focal point for global maritime security matters and it will establish a structure for effective and legal utilization of PMSCs to support the mitigation of security risk to the maritime industry. For more detailed information, refer to SAMI's website, www.seasecurity.org.
- 7.4 Ship Security Plan (SSP)
- RMI ship owners, managers, operators and Masters with vessels identified above must, when carrying out a risk assessment of their vessel(s) to determine the likelihood and consequences of a piracy attack, an armed attack, hijacking or act of terrorism, identify and incorporate prevention, mitigation and recovery measures, including any consideration being given to the use of PCASP, in their SSPs, taking into consideration the guidance contained in MSC.1/Circ.1339 and MCS.1/Circ.1405, Rev.1, along with the BMP Guidelines and additional Administrator-specific measures (refer to RMI Marine Notice 2-011-31).
- 7.5 BMP
- 7.5.1 The Administrator would again remind shipmanagers/operators that the use of PCASP is not to be used as a substitute for the active implement of the most current recommended BMP (refer to RMI Marine Notice 2-011-31).

- 7.5.2 Registering with the MSCHOA (<http://www.mschoa.org> /+44 (0) 1923 958545) and reporting to the UKMTO (ukmto@eim.ae / +971 505 523 215) is most important before entering the Somali HRAs. Each vessel must be registered with the MSCHOA for every intended transit of the HRA and continue to provide daily reports of the vessel position/course/speed to UKMTO while in the HRA.

8.0 Reporting the Use of PMSC/PCASP

Should the ship owner, manager or operator decide to use PCASP, this decision must be reported to the Administrator with details on the chosen PMSC to be engaged to supply PCASP for the ship's transit through the designated HRA. This information must be sent to shipsecurity@register-iri.com. The Administrator will be providing this information to the Secretariat of the IMO.

9.0 Letters of Non-Objection or Authorization

Port State Competent Authorities are requiring that the ship's Master be in possession of a Letter of Non-Objection or Authorization from the flag State to have firearms, ammunition and related support equipment on board. Ship owners, managers and operators when in need of a letter must make the request sufficiently in advance of need to allow the Administrator to issue the letter in a timely manner. All such requests must be addressed to shipsecurity@register-iri.com using the PMSC-PCASP INFORMATION REQUEST FORM provided at Appendix II.

10.0 Special Notification Requirements

10.1 MSCHOA and UKMTO

When registering with the MSCHOA and initially reporting to the UKMTO, they must also be advised when PCASP are aboard a commercial vessel.

10.2 Suez Canal and India

It must be noted that there are now special notification requirements in place for Suez Canal transits and transits through the Indian exclusive economic zone (EEZ) and into Indian ports. The following details must be provided through a Letter of Authorization issued by the flag State:

- Vessel name:
- Vessel Master:
- Vessel IMO Number:
- Vessel Official Number:
- Vessel Call Sign:
- Name of supplying PMSC:
- Itinerary of vessel with embarked guards (including any intervening port calls):
- Names, nationalities and passport numbers of PCASP:
- Makes, models, calibers and serial numbers of weapons to be used:
- Type and amount of ammunition to be carried:

- Any other materials “Kit” that may be considered by Customs or port State control authorities as weaponry (helmets, body armor, two-way radios, etc.)

11.0 Egyptian Ports and Suez Canal Procedures

The following instructions are applicable to all vessels with arms or ammunition on board which call at Egyptian Ports or intend to transit the Suez Canal.

11.1 For Vessels Calling at Egyptian Ports

11.1.1 The vessel Master shall keep the weapons under lock and shall issue a certificate to that effect to be submitted to the pilot in the pilot-station. The certificate is to include an undertaking by the Master to hand in the weapons in a locked box to the Port Police immediately upon mooring. The box shall be carefully checked by the Port Police and will be handed back to the Master upon vessel departure.

11.1.2 In the case of non-compliance, the vessel shall not be permitted to enter harbor with weapons onboard.

11.2 For vessels transiting the Suez Canal

11.2.1 Civil Police elements (Port Security) shall receive the weapons from vessels transiting the Suez Canal at the entry point and shall transport them by land, and then hand them back to vessel crew at clearance point.

11.2.2 Note that there will be related fees to this operation to cover the following:

- A motor boat to collect the weapons and ammunitions from the pilot station area in either ports: Port Said or Suez.
- Customs clearance formalities at the port.
- Port Police fees.
- Transportation of weapons and ammunitions from Port Said to Suez or vice versa.
- Customs clearance formalities at the destination port.
- A motor boat for the redelivery of weapons and ammunitions onboard.

11.2.3 The Administrator is to be advised if any difficulties are experienced in transiting the Suez Canal.

12.0 PMSC/PCASP Assessment Reports

Appendix III provides the ship owner, manager or operator with a reporting matrix by which the services of the PMSC and PCASP may be assessed and reported to the Administrator. These Assessment Reports should also be sent to shipsecurity@register-iri.com. The Administrator will be using this information to monitor the performance of the PMSC.

13.0 Information on Port and Coastal State Requirements

Regarding IMO MSC-FAL.1/Circ.2, the Questionnaire on Information on Port and Coastal State Requirements Related to Privately Contracted Armed Security Personnel on board Ships, dated 16 September 2011, as information is received and distributed by the IMO Secretariat, the Administrator shall be providing it to ship owners, managers and operators by means of Ship Security Advisories (SSAs).

14.0 Contact List of Military and Other Authorities

Please note and refer to Appendix IV for contact information.

APPENDIX I

A Set of Questions that Ship Owners May Wish to Ask Potential Private Maritime Security (PMSC) Companies Providing Privately Contracted Armed Security Personnel (PCASP)

In this overview the aim is to identify the key concerns that a shipowner should have when examining which PMSC it should hire to protect its vessels. For ease of reference, these concerns have been distilled into a number of questions that the shipowner should be ready to ask. They are not exhaustive, nor should a shipowner feel that it must ask each one; for instance, it may have identified a likely provider, perhaps by recommendation from a satisfied customer, but on further examination feel that there are only some areas of the PMSC operations which need clarification. Nevertheless, these questions should serve as a useful primer.

- Does the PMSC have a system for monitoring pirate activity to support Owners/Masters in route planning?
- Does the PMSC have a firearms license in its home jurisdiction?
- Does it have an export license?
- Does the PMSC have a license to transport firearms in its home jurisdiction?
- Does it have the measures in place to do so legally?
- Is the PMSC aware of any specific flag State requirements affecting the carriage or type of weapons?
- Has the PMSC obtained any coastal State permissions that may apply?
- Will the PMSC hire weapons from other companies?
- If so, do their licenses permit the leasing of weapons to a third party?
- In international law, what constitutes legal self-defense?
- What weapons are appropriate to self-defense?
- Will the PCASP be using fixed weapons?
- What caliber will the weapons be?
- If the PCASP may only use sporting weapons, what ammunition will be used?
- Will the PCASP be using AK 47-family weapons?
- Is the firearms and ammunition inventory considered sufficient?
- Will the security team wear a uniform?
- What if the Master is uncomfortable with the uniform provided?
- What does the PMSC do with weapons at the end of a transit if port State import permission has not been obtained?
- What procedures does the PMSC have for weapons that have been used in an incident?

- Where does criminal liability for a PMSC Security Personnel's actions lie?
- Does the PMSC have liability insurance?
- What procedures does the PMSC have for weapons if the vessel its Security Personnel are protecting is about to be seized?
- What are the steps in the PMSC's rules for the use of force?
- What will the Security Team do if pirates are injured, killed, or captured?
- Can the shipowner obtain a copy of the PMSC's applicable standard operating procedures (SOPs)?
- Have the rules for the use of force been designed with a particular jurisdiction in mind?
- If the PMSC uses the term „rules of engagement“ instead of „rules for the use of force,“
- what is the difference between the two terms?
- Will the PMSC use a subcontractor?
- Would the PMSC use subcontractors if it were unable to fulfill the contract?
- If so, could the shipowner vet the firm concerned and incorporate it in a new contract?
- Why is the PMSC registered in a given jurisdiction?
- Which jurisdiction will apply in the case of a contract being signed?
- Could the shipowner see the PMSC's most recent annual results?
- Has the PMSC signed the International Code of Conduct (ICoC) for Private Security Providers?
- If not, why not?
- If signature of the ICoC were a condition of a contract, would the PMSC be willing to sign?
- Does the PMSC have a Code of Conduct and/or a Code of Business Ethics?
- If so, would it be ready for the shipowner to see it/them?
- What industry associations is the PMSC a member of?
- If it has not joined any of the key associations, why not?
- Would it be ready to subscribe to the codes of conduct of one or more of those bodies if that were a condition of the contract?
- Does the PMSC have List X status or a Facilities Security Clearance?
- What maritime services does the PMSC provide?
- How long has it provided them for?

- Does it have any experience in the Gulf of Aden/Indian Ocean?
- What is the background of the Security Personnel in the PMSC's armed teams?
- Do they have any maritime experience or qualifications?
- What training is given to those who do not have a naval infantry/special forces or maritime background?
- Does it have an ethics and/or legal component?
- Does it involve live firing?
- How long is the training?
- Is it in-house or subcontracted?
- What on-going and refresher training is provided?
- Does the PMSC maintain records of all training provided to each staff member?
- What are the qualifications/is the background of the recruitment personnel?
- Where are personnel recruited?
- What criteria are applied?
- Which skills would the PMSC trade for cost savings?
- Will all armed Security Personnel have been interviewed by the PMSC?
- What is the turnover in armed Security Personnel?
- What is the vetting process?
- Does it involve a criminal background check?
- Does it involve an employment check?
- Does it involve a military background check?
- Will every member of an armed Security Team have been through this process?
- What documentation will the Team Leader provide the Master with after embarkation?
- Are there any procedures for information sharing/system update with the Master after embarkation?
- Is the proposed size of the PCASP team considered adequate to the assessed risk?

APPENDIX II

INFORMATION REQUIRED FOR THE ISSUANCE OF NON-OBJECTION LETTERS FOR PCASP

Name of Vessel:
IMO Number:
Official Number:
Call Sign:
Name of Master:
Name of ISM Code designated Company Operator/agent:
Name of Private Maritime Security Company (PMSC):
Country of Registry:

Members of PCASP Team:

Name	Nationality	Passport Number

Firearms and Ammunition:

Licensed Owner of Firearms:		
National Licensing Agency:		
Type (make and model)	Serial Nos.	Ammunition (caliber/No. of rounds)

Kit, if provided:

Itinerary of vessel during which time PCASP team will be on board (including ports where security team/firearms will be embarked, on board during intervening ports, disembarked, transiting the Suez Canal or Indian EEZ, as appropriate):

APPENDIX III

PMSC/PCASP ASSESSMENT REPORT

PMSC:	Excellent	Very Good	Good	Fair	Poor
1. Maritime Experience (as opposed to land-based)					
2. System for provision of security identity documentation, travel documents and visas.					
3. Understanding of procedures on management including team leading skills, chain of authority, change in command, responsibilities in life saving					
4. Understanding of flag State, port State, and coastal State requirements with respect to carriage and usage of firearms					
5. Understanding of the Somalia-based piracy threat including the military operations in the area, and the means to maintain current knowledge					
6. Appropriate firearms package employed in accordance with the applicable flag State national legislation pertaining to the type, carriage and use of firearms by PCASP, in order to provide an accurate and graduated level of deterrence, at a distance.					
7. Documented compliance with the relevant flag, coastal and port State legislation and relationships governing the transport and provision of firearms, ammunition and security equipment to the point of embarkation and disembarkation or ports/places at which the vessel may call as part of its intended voyage whilst the PCASP team is on board, and process of embarkation and disembarkation of these arms through the local agents in a legal manner					
8. Availability of documentary evidence of relevant experience and certification in the use and carriage of the firearms on board including company end user certificate and proof of purchase of all firearms and accessories.					
9. PCASP able to prove that actual inventory carried matches all documented declarations (inventory should detail make, model, caliber, serial number and; and details of ammunition and amount).					
10. Understanding of the BMP and, in particular, ship operation in the area, and the means to maintain current knowledge					

APPENDIX IV

CONTACT LIST OF MILITARY AND OTHER AUTHORITIES

The following authorities have roles in combating piracy and other attacks against merchant shipping.

1.0 Maritime Security Centre Horn of Africa (MSCHOA)

1.1 MSCHOA is the planning and coordination authority for EU Naval Forces (EUNAVFOR). A Ship and its passage plan should be registered with MSCHOA at <http://www.mschoa.org> prior to entering the High Risk Area (including the Internationally Recommended Transit Corridor (IRTC)). Note that the EUNAVFOR operational area does not extend east of 65 East.

1.2 MSCHOA may be reached directly at:

+44 (0) 1923 958545 (telephone)

+44 (0) 1923 958520 (fax)

postmaster@mschoa.org (email)

2.0 UK Maritime Trade Operations (UKMTO)

2.1 UKMTO office in Dubai is the first point of contact for ships in the region. The day-to-day interface between Masters and the naval/military forces is provided by UKMTO which talk to merchant ships and liaise directly with MSCHOA and the naval commanders at sea and ashore. UKMTO administers a Voluntary Reporting Scheme, under which merchant ships are encouraged to send regular updates on their position and intended movements. These reports are comprised of:

-Initial Report;

-Daily Reports; and

-Final Report (upon departure from the high risk area or arrival in port).

UKMTO uses the emerging and relevant information from these reports to help the naval/military units maintain an accurate picture of shipping, thereby improving responsiveness to any incident. UKMTO is also a material source of information on the establishment and use of citadels.

2.2 The preferred method of communication with UKMTO for routine reporting is email to ukmto@eim.ae; Fax: +971-4-306-5710; or Telex: (51) 210473.

2.3 In case of emergency, the UKMTO may be reached by the 24-hour Duty Phone:

+971-50-552-3215

3.0 Maritime Liaison Office (MARLO) Information Exchange

3.1 MARLO operates as a conduit for information exchange between the Combined Maritime Forces (CMF) and the commercial shipping community within the region.

3.2 Passage information should be provided to MARLO 48 hours prior to transiting through the GoA via email to marlo.bahrain@me.navy.mil, telephone +973-1785-3925, or cell +973-1785-1395.

3.3 In case of emergency, the MARLO may be reached by the 24-hour Duty Phone:
+973-3940-1395

4.0 NATO Shipping Centre (NSC)

NSC provides the commercial link with NATO's Maritime Forces. The NSC is NATO's primary point of contact with the maritime community and is used by NATO as the tool for communicating and coordinating initiatives and efforts with other military entities (e.g., UKMTO, MSCHOA and MARLO) as well as directly with the maritime community.

Telephone: +44(0) 1923 956574

Fax: +44(0) 1923 956575

Email: info@shipping.nato.int

Website: www.shipping.nato.int

5.0 International Maritime Bureau (IMB)

5.1 IMB is a specialized division of the International Chamber of Commerce (ICC) whose principal area of expertise is in the suppression of piracy through its PRC in Kuala Lumpur, Malaysia. It maintains a 24/7 watch system reporting pirate attacks in this area to the CMF and issuing warnings about hotspots. It also offers valuable advice as to what to do when pirates actually succeed in getting aboard.

5.2 It is recommended that Masters of vessels transiting the GoA include the IMB PRC as part of the reporting procedures by email to imbkl@icc-ccs.org.

5.3 In case of emergency, the IMB may be reached by the 24/7 Helpline Number: +60-3-2031-0014 or by the 24/7 Help Email: piracy@icc-ccs.org.

5.4 Other useful IMB contact points are:

IMB PRC website: www.icc-ccs.org

Fax: +60 3 2078 5769

Telex: MA34199 IMBPCI.

6.0 Commander United States Naval Central Command (COMUSNAVCENT) Battlewatch Captain

When transiting the Strait of Hormuz, as soon as the Master feels that the threat is developing, he/she should immediately call to report hostile or potentially hostile action to:

COMUSNAVCENT Battlewatch Captain at +973-1785-3879.

7.0 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre

Tel: +65 6376 3091

Fax: +65 6376 3066

Website: www.recaap.org

Email: secretariat@recaap.org

8.0 INTERPOL

INTERPOL is an international police organization with 188 member countries that facilitates cross border police co-operation to combat international crime. INTERPOL hosts a secure website to provide support to ship operators who have had their vessels hijacked by pirates. Their Maritime Piracy Task Force can assist in taking the appropriate steps to preserve the integrity of the evidence left behind the crime scene. The INTERPOL Command and Coordination Centre (CCC) operators in all four of INTERPOL's official languages-English, French, Spanish and Arabic.

Website: www.interpol.int

Email: os-ccc@interpol.int

Telephone (24 hrs): [+33\(0\) 4 72 44 76 76](tel:+330472447676)

9.0 The International Sailing Federation (ISAF)

The ISAF has posted guidelines and warnings for yachts on their website at:

www.sailing.org/piracy.

10.0 Suez Canal Authority (SCA)

Eng. Ahmed El Manakhly

Director of Transit

Suez Canal Authority

Fax: +20 64 3914785 / 3914784

Email: info@suezcanal.gov.eg

or

Through ship's Agent

11.0 Indian Authorities

Indian Navy:

Email: wncmocmb-navy@nic.in

Fax: +91 22 22661 702

Indian Coast Guard:

Email: mrcc-west@indiancoastguard.nic.in

Fax: [+91 22 24316558](tel:+912224316558) or [+91 22 24333727](tel:+912224333727)

Customs Authorities: Through Vessel's Agent at the Concerned Port

12.0 RMI Duty Officer

Tel: +1-703-476-3762

Email: dutyofficer@register-iri.com

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**REPUBLIC OF
THE MARSHALL ISLANDS**

**OFFICE OF THE
MARITIME ADMINISTRATOR**

Marine Notice

No. 2-011-39

Rev. 2/12

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF
MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Use of Privately Contracted Armed Security Personnel (PCASP).

- References:**
- (a) Best Management Practices for Somali Based Piracy, Suggested Planning and Operational Practices for Ship Operators, and Masters of Ships Transiting the High Risk Area, Version 4 (August 2011)
 - (b) IMO MSC.1/Circ.1339, dated 14 September 2011
 - (c) International Maritime Organization (IMO) MSC.1/Circ.1405, Rev.1, Revised 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, dated 16 September 2011
 - (d) IMO MSC.1/Circ.1406, Rev.1, Revised Interim Recommendations for Flag States Regarding the Use of Privately Contracted Armed Security Personnel on board Ships in the High Risk Area, dated 16 September 2011
 - (e) IMO MSC.1/Circ.1408, Interim Recommendations for Port and Coastal States Regarding the Use of Privately Contracted Armed Security Personnel on board Ships in the High Risk Area, dated 16 September 2011
 - (f) IMO MSC-FAL.1/Circ.2, Questionnaire on Information on Port and Coastal State Requirements Related to Privately Contracted Armed Security Personnel on board Ships, dated 16 September 2011
 - (g) Republic of the Marshall Islands Weapons Control Act, §1304(e) (7MIRC13)

PURPOSE:

The increased threat to commercial shipping by Somalia-based pirates has led to extended use of armed guards and a marked expansion in the number of firms offering armed maritime security services for vessels transiting the High Risk Area (HRA). The Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”), while not endorsing or prohibiting the use of privately contracted armed security personnel (PCASP), understands that shipping companies may find it difficult to identify reliable, professional private providers of armed security.

The decision on the employment of PCASP on board ships is a complex one for a ship owner. The absence of applicable regulation and industry self-regulation coupled with complex legal requirements governing the legitimate transport, carriage and use of firearms gives the Administrator cause for concern. This situation is further complicated by the rapid growth in the number of private maritime security companies (PMSC) and the significant variation in competence and quality present across the spectrum of contractors offering services.

Therefore, the purpose of this Notice is to provide flag State policy to ship owners, ship operators and ship Masters considering the use of PCASP on board ships for the purpose of additional protection against piracy. Please note that this Notice is subject to updating as needed.

This Notice supersedes Rev. 12/11 and reflects the updating of reference (b) above, the addition of a new section on Egyptian Ports and Suez Canal Procedures and consequent re-numbering of the sections, the addition of the PCASP Information Request form in Appendix II, the re-numbering of the following Appendices, the updating of the PMSC/PCASP Assessment Report form in Appendix III.

APPLICABILITY:

1.0 Vessels

1.1 Ship owners, managers and operators of the following RMI flagged vessels that operate in HRAs must comply with the provisions of this Notice:

- Passenger ships, including high-speed passenger craft;
- Cargo ships, including high-speed craft, of 500 gross tonnage (ITC 69) and upwards;
- Special Purpose Ships of 500 gross tonnage;
- Self-propelled mobile offshore drilling units capable of making international voyages unassisted and unescorted when underway and when on location; and

1.2 Yachts, especially sailing vessels, are particularly vulnerable to attack due to their low speed and low freeboard. The Administrator strongly advises *against any* operation and travel by RMI flagged yachts in designated HRAs. However, should they choose to do so, yacht owners must also comply with these requirements.

1.3 All ships, including yachts, under the RMI flag must comply with all risk assessment and reporting requirements.

2.0 Definitions

2.1 *Private maritime security companies* (PMSC): Private Security Companies contracted to provide security personnel, both armed and unarmed, on board for protection against piracy.

2.2 *Privately contracted armed security personnel* (PCASP): armed employees of PMSC.

2.3 *High Risk Areas* (HRA): areas of the ocean where acts of terrorism, piracy or armed robbery have taken place. An area defined as High Risk may change periodically or over

time due to changes in weather, tactics and areas of operation of the perpetrators. Therefore, it is imperative that owners, operators and Masters assess areas of risk based on the latest available information from the Maritime Security Centre Horn of Africa (MSCHOA), the NATO Shipping Centre (NSC) and the International Maritime Bureau (IMB). Vessels also must be prepared to alter course at short notice to avoid pirate activity when information is provided by NAV Warnings and/or naval/military forces.

3.0 BMP High Risk Area

Somalia, the North West Indian Ocean and Gulf of Aden (GoA): The HRA contained in the BMP Guidelines is defined as an area bounded by Suez, the Strait of Hormuz to the North (26°N), 10°S and 78°E.. (Note: the UK Maritime Trade Operations (UKMTO) voluntary Reporting Area is slightly larger as it includes the Arabian Gulf). Attacks have taken place at most extremities of the HRA, including at 78° E. The possibility remains that they could take place further out. Attacks to the South have extended into the Mozambique Channel and below 10°S. A high state of readiness and vigilance should be maintained even to the South of the Southerly limit of the HRA. Therefore the Administrator has extended the limits of the HRA to 15°S and advises against using the Mozambique Channel altogether.

4.0 Other High Risk Areas

- 4.1 *Strait of Hormuz:* The Strait of Hormuz is considered an HRA by the Administrator. It is highly recommended that all ships transiting the Strait of Hormuz exercise the highest level of vigilance and caution, particularly during night transits with increased monitoring of small vessel and boat activity. Ship Masters that observe suspicious activity in the area and around their vessel are advised to make as early an assessment of a threat as early as possible. See section 5.8, below.
- 4.2 *Waters Near Yemen:* A piracy operating area has been established in the southern end of the Red Sea. In addition, information suggests that al-Qaida remains interested in maritime attacks in the Bab-al-Mandeb Strait, Red Sea and the GoA along the coast of Yemen. It should be noted that for reasons of customary international law, it is not possible for international military forces (non-Yemeni) to be able to protect ships that are attacked inside Yemeni Territorial Waters (12 miles).
- 4.3 *Indian Ocean:* Recent attacks indicate that pirates have moved towards the eastern part of the Indian Ocean approaching closer to Indian west and south coast, Lakshadweep/Minicoy Islands, northern Maldives and Seychelles. There have been reports indicating that pirates have and will continue to operate as far south as within the Mozambique Channel and 15°S latitude. Vessels sailing in the western, central, eastern and northern parts of the Indian Ocean should maintain strict antipiracy measures.
- 4.4 *South East Asia and South China Sea:* The situation in Southeast Asia has deteriorated recently. Although attacks at sea have increased, attacks in the region are mainly opportunistic petty theft from ships at anchor or in port. These occur in and around ports and anchorages in Indonesia, Vietnam and the Philippines. Pirates in these regions are normally armed with guns, knives and or machetes and attack at night. Attacks in the

South China Sea continue, particularly in the vicinity of the Anambas, Natuna, Mangka Islands, Subi Besar and Merundung areas. Vessels sailing in the South East Asia and the South China Sea should maintain strict antipiracy measures, including maintaining a strict antipiracy watch when transiting the Malacca Straits.

- 4.5 *West Africa:* Piracy, armed robbery and reports of hostage-taking are increasing in the Gulf of Guinea. Such incidents have occurred in: Benin (Cotonou), Guinea (Conakry), Cameroon (Douala Outer Anchorage) and Nigeria (Lagos and Bonny River). These incidents in West Africa are different than those occurring off the Coast of Somalia and in the Indian Ocean. Somali pirates, to date, have sought to hijack a vessel, her cargo and crew and hold them until a ransom demand is paid. In contrast, the perpetrators in West Africa are more violent, often terrorizing and injuring the crews before robbing them and their ship of valuables and cargo. Most recently, the United Nations voiced concern over the increase in piracy in this West African sub-region. Vessels transiting these areas are advised to take extra precautions and maintain appropriate anti-piracy BMPs.
- 4.6 *Latin America:* Increases in maritime criminal incidents, primarily armed theft, have been noted off the Pacific Coast of Latin America, particularly at the Peruvian port of Callao. Incidents of piracy (violent attacks resulting in death) off the coast of Venezuela are a serious concern especially for yachts. Yachts sailing in Venezuelan waters should exercise a heightened level of caution and implement appropriate BMP.

REQUIREMENTS:

5.0 RMI Legislation

The RMI Weapons Control Act (7MIRC13) on the prohibition of possession of firearms, §1304, Exemptions from provisions of Chapter 13, provides the following:

“This Chapter shall not apply to:

(e) for the sole purpose of enhancing the safety and security of any Republic of the Marshall Islands registered vessel against acts or attempted acts of terrorism, piracy, armed robbery, or hijacking and in accordance with the Republic of the Marshall Islands Maritime Act and all maritime rules and regulations promulgated by the Republic of the Marshall Islands Maritime Administrator, any Republic of the Marshall Islands registered vessel not trading within internal, archipelagic, or territorial waters of the Republic of the Marshall Islands, including all individuals embarked or transferring firearms or dangerous devices to or from the vessel at the request of the vessel’s owner, operator, or master.”

6.0 Flag State Policy

Neither RMI legislation nor regulations prohibit the use of PMSC or the PCASP they provide. The Administrator has no objection to vessel owners, managers, operators, and/or Masters taking appropriate measures in regard to the safety and security of their vessels and crew. Whether to use an armed security detail and how to facilitate that

detail is a decision for the vessel owner, manager or operator to make after thoroughly assessing the piracy related risks in the defined HRA where the vessel will be operating, as well as the potential risks and benefits of available anti-piracy related countermeasures. It is essential that PCASP not be used as an excuse to put to one side the highly effective self-protection measures of BMP.

7.0 Use of PMSCs and PCASP

7.1 Risk Assessment

This risk assessment must be made in accordance with MSC.1/Circ.1405, Rev. 1, the Guidelines regarding the use of PCASP. The risk assessment should include and document at least the following factors and considerations:

- vessel and crew security, safety and protection;
- whether all practical means of self protection have been effectively implemented in advance;
- the potential misuse of firearms resulting in bodily injury or death;
- the potential for unforeseen accidents;
- liability issues, including those related to use of force;
- the potential for escalation of the situation at hand;
- compliance with international and all RMI laws and regulations; and
- careful consideration of any supplemental guidance on PMSC selection promulgated by the Administrator.

7.2 Consultation

The risk assessment may require the inclusion of consultation with labor representatives, port officials, charterers, legal counsel, and insurance underwriters as appropriate. It is also important that the Master of the ship be included in the decision making process.

7.3 Selection and Vetting of PMSC

7.3.1 Ship owners, managers and operators (for example those chartering vessels) must expect the PMSC to demonstrate its professional capability to carry out the proposed task. The PMSC should provide documentary evidence including:

- maritime (as opposed to land-based) experience;
- having written procedures on management including team-leading skills, chain of authority, change in command (in the event, for example, of incapacity of the team leader), responsibilities in life saving, Code of Conduct, Rules for the Use of Force;
- understanding of applicable laws (flag State, port State, coastal State and nationality) with respect to carriage and use of firearms, noting that the approvals from the flag State must be secured by the vessel owners/operators;
- written testimonials/references from previous clients in the maritime industry;
- documentary evidence that firearms are procured, transported, embarked and disembarked legally;

- understanding of the local piracy threat, military operations in the area, and the means to maintain current knowledge;
- understanding of BMP and, in particular, ship protection measures;
- having access to competent maritime legal advice on a 24/7 basis given the complexity of applicable laws concerning the carriage and use of firearms; and
- documented processes for post incident actions to support State authority's investigations / prosecution should a formal investigation be required.

7.3.2 As the quality of the service delivery depends to a very great extent on the quality and experience of the individuals that make up the onboard PCASP team, the quality of the selection and vetting of that team is essential. The PMSC should demonstrate that they have verifiable, written internal policies and procedures for determining suitability of their employees (PCASP).

7.3.3 The guidelines provided in IMO MSC.1/Circ.1405 must be closely followed. A list of recommended questions ship owners, managers and operators may also wish to ask by which to secure answers is provided in Appendix I. Any agreement entered into for the use of PCASP must at a minimum contain provisions for the use of force in compliance with established Rules of the Use of Force (RUF) and within the law.

7.3.4 The Administrator highly recommends that PCASP should be declared as supernumeraries.

7.3.5 The Security Association for the Maritime Industry (SAMI) covers security across the maritime spectrum (commercial shipping including passenger ships and luxury yachts, offshore oil & gas industry and port facilities & infrastructure). SAMI will be the focal point for global maritime security matters and it will establish a structure for effective and legal utilization of PMSCs to support the mitigation of security risk to the maritime industry. For more detailed information, refer to SAMI's website, www.seasecurity.org.

7.4 Ship Security Plan (SSP)

RMI ship owners, managers, operators and Masters with vessels identified above must, when carrying out a risk assessment of their vessel(s) to determine the likelihood and consequences of a piracy attack, an armed attack, hijacking or act of terrorism, identify and incorporate prevention, mitigation and recovery measures, including any consideration being given to the use of PCASP, in their SSPs, taking into consideration the guidance contained in MSC.1/Circ.1339 and MCS.1/Circ.1405, Rev.1, along with the BMP Guidelines and additional Administrator-specific measures (refer to RMI Marine Notice 2-011-31).

7.5 BMP

7.5.1 The Administrator would again remind shipmanagers/operators that the use of PCASP is not to be used as a substitute for the active implement of the most current recommended BMP (refer to RMI Marine Notice 2-011-31).

- 7.5.2 Registering with the MSCHOA (<http://www.mschoa.org> /+44 (0) 1923 958545) and reporting to the UKMTO (ukmto@eim.ae / +971 505 523 215) is most important before entering the Somali HRAs. Each vessel must be registered with the MSCHOA for every intended transit of the HRA and continue to provide daily reports of the vessel position/course/speed to UKMTO while in the HRA.

8.0 Reporting the Use of PMSC/PCASP

Should the ship owner, manager or operator decide to use PCASP, this decision must be reported to the Administrator with details on the chosen PMSC to be engaged to supply PCASP for the ship's transit through the designated HRA. This information must be sent to shipsecurity@register-iri.com. The Administrator will be providing this information to the Secretariat of the IMO.

9.0 Letters of Non-Objection or Authorization

Port State Competent Authorities are requiring that the ship's Master be in possession of a Letter of Non-Objection or Authorization from the flag State to have firearms, ammunition and related support equipment on board. Ship owners, managers and operators when in need of a letter must make the request sufficiently in advance of need to allow the Administrator to issue the letter in a timely manner. All such requests must be addressed to shipsecurity@register-iri.com using the PMSC-PCASP INFORMATION REQUEST FORM provided at Appendix II.

10.0 Special Notification Requirements

10.1 MSCHOA and UKMTO

When registering with the MSCHOA and initially reporting to the UKMTO, they must also be advised when PCASP are aboard a commercial vessel.

10.2 Suez Canal and India

It must be noted that there are now special notification requirements in place for Suez Canal transits and transits through the Indian exclusive economic zone (EEZ) and into Indian ports. The following details must be provided through a Letter of Authorization issued by the flag State:

- Vessel name:
- Vessel Master:
- Vessel IMO Number:
- Vessel Official Number:
- Vessel Call Sign:
- Name of supplying PMSC:
- Itinerary of vessel with embarked guards (including any intervening port calls):
- Names, nationalities and passport numbers of PCASP:
- Makes, models, calibers and serial numbers of weapons to be used:
- Type and amount of ammunition to be carried:

- Any other materials “Kit” that may be considered by Customs or port State control authorities as weaponry (helmets, body armor, two-way radios, etc.)

11.0 Egyptian Ports and Suez Canal Procedures

The following instructions are applicable to all vessels with arms or ammunition on board which call at Egyptian Ports or intend to transit the Suez Canal.

11.1 For Vessels Calling at Egyptian Ports

11.1.1 The vessel Master shall keep the weapons under lock and shall issue a certificate to that effect to be submitted to the pilot in the pilot-station. The certificate is to include an undertaking by the Master to hand in the weapons in a locked box to the Port Police immediately upon mooring. The box shall be carefully checked by the Port Police and will be handed back to the Master upon vessel departure.

11.1.2 In the case of non-compliance, the vessel shall not be permitted to enter harbor with weapons onboard.

11.2 For vessels transiting the Suez Canal

11.2.1 Civil Police elements (Port Security) shall receive the weapons from vessels transiting the Suez Canal at the entry point and shall transport them by land, and then hand them back to vessel crew at clearance point.

11.2.2 Note that there will be related fees to this operation to cover the following:

- A motor boat to collect the weapons and ammunitions from the pilot station area in either ports: Port Said or Suez.
- Customs clearance formalities at the port.
- Port Police fees.
- Transportation of weapons and ammunitions from Port Said to Suez or vice versa.
- Customs clearance formalities at the destination port.
- A motor boat for the redelivery of weapons and ammunitions onboard.

11.2.3 The Administrator is to be advised if any difficulties are experienced in transiting the Suez Canal.

12.0 PMSC/PCASP Assessment Reports

Appendix III provides the ship owner, manager or operator with a reporting matrix by which the services of the PMSC and PCASP may be assessed and reported to the Administrator. These Assessment Reports should also be sent to shipsecurity@register-iri.com. The Administrator will be using this information to monitor the performance of the PMSC.

13.0 Information on Port and Coastal State Requirements

Regarding IMO MSC-FAL.1/Circ.2, the Questionnaire on Information on Port and Coastal State Requirements Related to Privately Contracted Armed Security Personnel on board Ships, dated 16 September 2011, as information is received and distributed by the IMO Secretariat, the Administrator shall be providing it to ship owners, managers and operators by means of Ship Security Advisories (SSAs).

14.0 Contact List of Military and Other Authorities

Please note and refer to Appendix IV for contact information.

APPENDIX I

A Set of Questions that Ship Owners May Wish to Ask Potential Private Maritime Security (PMSC) Companies Providing Privately Contracted Armed Security Personnel (PCASP)

In this overview the aim is to identify the key concerns that a shipowner should have when examining which PMSC it should hire to protect its vessels. For ease of reference, these concerns have been distilled into a number of questions that the shipowner should be ready to ask. They are not exhaustive, nor should a shipowner feel that it must ask each one; for instance, it may have identified a likely provider, perhaps by recommendation from a satisfied customer, but on further examination feel that there are only some areas of the PMSC operations which need clarification. Nevertheless, these questions should serve as a useful primer.

- Does the PMSC have a system for monitoring pirate activity to support Owners/Masters in route planning?
- Does the PMSC have a firearms license in its home jurisdiction?
- Does it have an export license?
- Does the PMSC have a license to transport firearms in its home jurisdiction?
- Does it have the measures in place to do so legally?
- Is the PMSC aware of any specific flag State requirements affecting the carriage or type of weapons?
- Has the PMSC obtained any coastal State permissions that may apply?
- Will the PMSC hire weapons from other companies?
- If so, do their licenses permit the leasing of weapons to a third party?
- In international law, what constitutes legal self-defense?
- What weapons are appropriate to self-defense?
- Will the PCASP be using fixed weapons?
- What caliber will the weapons be?
- If the PCASP may only use sporting weapons, what ammunition will be used?
- Will the PCASP be using AK 47-family weapons?
- Is the firearms and ammunition inventory considered sufficient?
- Will the security team wear a uniform?
- What if the Master is uncomfortable with the uniform provided?
- What does the PMSC do with weapons at the end of a transit if port State import permission has not been obtained?
- What procedures does the PMSC have for weapons that have been used in an incident?

- Where does criminal liability for a PMSC Security Personnel's actions lie?
- Does the PMSC have liability insurance?
- What procedures does the PMSC have for weapons if the vessel its Security Personnel are protecting is about to be seized?
- What are the steps in the PMSC's rules for the use of force?
- What will the Security Team do if pirates are injured, killed, or captured?
- Can the shipowner obtain a copy of the PMSC's applicable standard operating procedures (SOPs)?
- Have the rules for the use of force been designed with a particular jurisdiction in mind?
- If the PMSC uses the term 'rules of engagement' instead of 'rules for the use of force,' what is the difference between the two terms?
- Will the PMSC use a subcontractor?
- Would the PMSC use subcontractors if it were unable to fulfill the contract?
- If so, could the shipowner vet the firm concerned and incorporate it in a new contract?
- Why is the PMSC registered in a given jurisdiction?
- Which jurisdiction will apply in the case of a contract being signed?
- Could the shipowner see the PMSC's most recent annual results?
- Has the PMSC signed the International Code of Conduct (ICoC) for Private Security Providers?
- If not, why not?
- If signature of the ICOC were a condition of a contract, would the PMSC be willing to sign?
- Does the PMSC have a Code of Conduct and/or a Code of Business Ethics?
- If so, would it be ready for the shipowner to see it/them?
- What industry associations is the PMSC a member of?
- If it has not joined any of the key associations, why not?
- Would it be ready to subscribe to the codes of conduct of one or more of those bodies if that were a condition of the contract?
- Does the PMSC have List X status or a Facilities Security Clearance?
- What maritime services does the PMSC provide?
- How long has it provided them for?

- Does it have any experience in the Gulf of Aden/Indian Ocean?
- What is the background of the Security Personnel in the PMSC's armed teams?
- Do they have any maritime experience or qualifications?
- What training is given to those who do not have a naval infantry/special forces or maritime background?
- Does it have an ethics and/or legal component?
- Does it involve live firing?
- How long is the training?
- Is it in-house or subcontracted?
- What on-going and refresher training is provided?
- Does the PMSC maintain records of all training provided to each staff member?
- What are the qualifications/is the background of the recruitment personnel?
- Where are personnel recruited?
- What criteria are applied?
- Which skills would the PMSC trade for cost savings?
- Will all armed Security Personnel have been interviewed by the PMSC?
- What is the turnover in armed Security Personnel?
- What is the vetting process?
- Does it involve a criminal background check?
- Does it involve an employment check?
- Does it involve a military background check?
- Will every member of an armed Security Team have been through this process?
- What documentation will the Team Leader provide the Master with after embarkation?
- Are there any procedures for information sharing/system update with the Master after embarkation?
- Is the proposed size of the PCASP team considered adequate to the assessed risk?

APPENDIX II

INFORMATION REQUIRED FOR THE ISSUANCE OF NON-OBJECTION LETTERS FOR PCASP

Name of Vessel:
IMO Number:
Official Number:
Call Sign:
Name of Master:
Name of ISM Code designated Company Operator/agent:
Name of Private Maritime Security Company (PMSC):
Country of Registry:

Members of PCASP Team:

Name	Nationality	Passport Number

Firearms and Ammunition:

Licensed Owner of Firearms:		
National Licensing Agency:		
Type (make and model)	Serial Nos.	Ammunition (caliber/No. of rounds)

Kit, if provided:

Itinerary of vessel during which time PCASP team will be on board (including ports where security team/firearms will be embarked, on board during intervening ports, disembarked, transiting the Suez Canal or Indian EEZ, as appropriate):

APPENDIX III

PMSC/PCASP ASSESSMENT REPORT

PMSC:	Excellent	Very Good	Good	Fair	Poor
1. Maritime Experience (as opposed to land-based)					
2. System for provision of security identity documentation, travel documents and visas.					
3. Understanding of procedures on management including team leading skills, chain of authority, change in command, responsibilities in life saving					
4. Understanding of flag State, port State, and coastal State requirements with respect to carriage and usage of firearms					
5. Understanding of the Somalia-based piracy threat including the military operations in the area, and the means to maintain current knowledge					
6. Appropriate firearms package employed in accordance with the applicable flag State national legislation pertaining to the type, carriage and use of firearms by PCASP, in order to provide an accurate and graduated level of deterrence, at a distance.					
7. Documented compliance with the relevant flag, coastal and port State legislation and relationships governing the transport and provision of firearms, ammunition and security equipment to the point of embarkation and disembarkation or ports/places at which the vessel may call as part of its intended voyage whilst the PCASP team is on board, and process of embarkation and disembarkation of these arms through the local agents in a legal manner					
8. Availability of documentary evidence of relevant experience and certification in the use and carriage of the firearms on board including company end user certificate and proof of purchase of all firearms and accessories.					
9. PCASP able to prove that actual inventory carried matches all documented declarations (inventory should detail make, model, caliber, serial number and; and details of ammunition and amount).					
10. Understanding of the BMP and, in particular, ship operation in the area, and the means to maintain current knowledge					

APPENDIX IV

CONTACT LIST OF MILITARY AND OTHER AUTHORITIES

The following authorities have roles in combating piracy and other attacks against merchant shipping.

1.0 Maritime Security Centre Horn of Africa (MSCHOA)

1.1 MSCHOA is the planning and coordination authority for EU Naval Forces (EUNAVFOR). A Ship and its passage plan should be registered with MSCHOA at <http://www.mschoa.org> prior to entering the High Risk Area (including the Internationally Recommended Transit Corridor (IRTC)). Note that the EUNAVFOR operational area does not extend east of 65°East.

1.2 MSCHOA may be reached directly at:

+44 (0) 1923 958545 (telephone)

+44 (0) 1923 958520 (fax)

postmaster@mschoa.org (email)

2.0 UK Maritime Trade Operations (UKMTO)

2.1 UKMTO office in Dubai is the first point of contact for ships in the region. The day-to-day interface between Masters and the naval/military forces is provided by UKMTO which talk to merchant ships and liaise directly with MSCHOA and the naval commanders at sea and ashore. UKMTO administers a Voluntary Reporting Scheme, under which merchant ships are encouraged to send regular updates on their position and intended movements. These reports are comprised of:

- Initial Report;
- Daily Reports; and
- Final Report (upon departure from the high risk area or arrival in port).

UKMTO uses the emerging and relevant information from these reports to help the naval/military units maintain an accurate picture of shipping, thereby improving responsiveness to any incident. UKMTO is also a material source of information on the establishment and use of citadels.

2.2 The preferred method of communication with UKMTO for routine reporting is email to ukmto@eim.ae; Fax: +971-4-306-5710; or Telex: (51) 210473.

2.3 In case of emergency, the UKMTO may be reached by the 24-hour Duty Phone:

+971-50-552-3215

3.0 Maritime Liaison Office (MARLO) Information Exchange

3.1 MARLO operates as a conduit for information exchange between the Combined Maritime Forces (CMF) and the commercial shipping community within the region.

3.2 Passage information should be provided to MARLO 48 hours prior to transiting through the GoA via email to marlo.bahrain@mc.navy.mil, telephone +973-1785-3925, or cell +973-1785-1395.

3.3 In case of emergency, the MARLO may be reached by the 24-hour Duty Phone:
+973-3940-1395

4.0 NATO Shipping Centre (NSC)

NSC provides the commercial link with NATO's Maritime Forces. The NSC is NATO's primary point of contact with the maritime community and is used by NATO as the tool for communicating and coordinating initiatives and efforts with other military entities (e.g., UKMTO, MSCHOA and MARLO) as well as directly with the maritime community.

Telephone: +44(0) 1923 956574

Fax: +44(0) 1923 956575

Email: info@shipping.nato.int

Website: www.shipping.nato.int

5.0 International Maritime Bureau (IMB)

5.1 IMB is a specialized division of the International Chamber of Commerce (ICC) whose principal area of expertise is in the suppression of piracy through its PRC in Kuala Lumpur, Malaysia. It maintains a 24/7 watch system reporting pirate attacks in this area to the CMF and issuing warnings about hotspots. It also offers valuable advice as to what to do when pirates actually succeed in getting aboard.

5.2 It is recommended that Masters of vessels transiting the GoA include the IMB PRC as part of the reporting procedures by email to imbkl@icc-ccs.org.

5.3 In case of emergency, the IMB may be reached by the 24/7 Helpline Number: +60-3-2031-0014 or by the 24/7 Help Email: piracy@icc-ccs.org.

5.4 Other useful IMB contact points are:

IMB PRC website: www.icc-ccs.org

Fax: +60 3 2078 5769

Telex: MA34199 IMBPCI.

6.0 Commander United States Naval Central Command (COMUSNAVCENT) Battlewatch Captain

When transiting the Strait of Hormuz, as soon as the Master feels that the threat is developing, he/she should immediately call to report hostile or potentially hostile action to:

COMUSNAVCENT Battlewatch Captain at +973-1785-3879.

7.0 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre

Tel: +65 6376 3091

Fax: +65 6376 3066

Website: www.recaap.org

Email: secretariat@recaap.org

8.0 INTERPOL

INTERPOL is an international police organization with 188 member countries that facilitates cross border police co-operation to combat international crime. INTERPOL hosts a secure website to provide support to ship operators who have had their vessels hijacked by pirates. Their Maritime Piracy Task Force can assist in taking the appropriate steps to preserve the integrity of the evidence left behind the crime scene. The INTERPOL Command and Co-ordination Centre (CCC) operators in all four of INTERPOL's official languages-English, French, Spanish and Arabic.

Website: www.interpol.int

Email: os-ccc@interpol.int

Telephone (24 hrs): +33(0) 4 72 44 76 76

9.0 The International Sailing Federation (ISAF)

The ISAF has posted guidelines and warnings for yachts on their website at:

www.sailing.org/piracy.

10.0 Suez Canal Authority (SCA)

Eng. Ahmed El Manakhly

Director of Transit

Suez Canal Authority

Fax: +20 64 3914785 / 3914784

Email: info@suezcanal.gov.eg

or

Through ship's Agent

11.0 Indian Authorities

Indian Navy:

Email: wncmocmb-navy@nic.in

Fax: +91 22 22661 702

Indian Coast Guard:

Email: mrcc-west@indiancoastguard.nic.in

Fax: +91 22 24316558 or +91 22 24333727

Customs Authorities: Through Vessel's Agent at the Concerned Port

12.0 RMI Duty Officer

Tel: [+1-703-476-3762](tel:+1-703-476-3762)

Email: dutyofficer@register-iri.com

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