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MSC.1/Circ.1406
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**INTERIM RECOMMENDATIONS FOR FLAG STATES REGARDING THE USE OF
PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS IN THE
HIGH RISK AREA**

1 The Maritime Safety Committee, at its eighty-ninth session (11 to 20 May 2011), approved the interim recommendations given in the annex.

2 This document was developed taking into account the guidance provided by the Organization for preventing and suppressing piracy and armed robbery against ships, including the guidance contained in MSC.1/Circ.1334 on Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships, and MSC.1/Circ.1333 on Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships.

3 This circular should be read in conjunction with MSC.1/Circ.1405 on Interim Guidance to shipowners, ship operators, and shipmasters on the use of privately contracted armed security personnel (PCASP) on board ships in the High Risk Area.

4 Member Governments are recommended to bring this circular to the attention of all national agencies concerned with anti-piracy activities, shipowners, ship operators, shipping companies, shipmasters and crews.

5 Member Governments are also recommended to take any necessary action to implement, as appropriate, the interim recommendations given in the annex.

6 Member Governments, international organizations and non-governmental organizations with consultative status are invited to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained from the use of the interim recommendations so as to assist the Committee in deciding on any action to be taken.

ANNEX

INTERIM RECOMMENDATIONS FOR FLAG STATES REGARDING THE USE OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS IN THE HIGH RISK AREA¹

1 These interim recommendations provide considerations on the use of privately contracted armed security personnel (PCASP) if and when a flag State determines that such a measure would be appropriate and lawful. They are not intended to endorse or institutionalize their use. The recommendations do not address all the legal issues that might be associated with use of PCASP on board ships.

2 In an increasing number of cases, shipowners are considering the use of PCASP to augment shipboard security arrangements when transiting the High Risk Area. The carriage of such personnel and their firearms is subject to flag State legislation and policies and it is a matter for flag States to determine if and under which conditions this will be authorized.

3 Flag States should take into account the possible escalation of violence which could result from the use of firearms and carriage of armed personnel on board ships when deciding on their policy. Flag States should provide clarity to Masters, seafarers, shipowners, operators and companies with respect to the national policy on carriage of armed security personnel.

4 Flag States should require the parties concerned to comply with all relevant requirements of flag, port and coastal States.

5 Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions. In developing such a policy, flag States are encouraged to take into account the following recommendations:

- .1 As a first step, consider whether the use of PCASP:
 - .1 would be permitted under the domestic law of the flag State;
 - .2 would be an appropriate measure under some circumstances to augment the security arrangements put in place, in accordance with related instruments and guidelines developed and promulgated by the Organization including the industry-developed Best Management Practices, on ships flying its flag when operating in the High Risk Area; and
- .2 As a second step, if the use of PCASP is determined to be an appropriate and lawful measure, establish a policy which may include, *inter alia*:
 - .1 the minimum criteria or minimum requirements with which PCASP should comply, taking into account the relevant aspects of the guidance set out in 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;

¹ High Risk Area: an area as defined in the Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area (BMP) unless otherwise defined by the flag State.

- .2 a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag;
 - .3 a process by which shipowners, ship operators or shipping companies may be authorized to use PCASP;
 - .4 the terms and conditions under which the authorization is granted and the accountability for compliance associated with that authorization;
 - .5 references to any directly applicable domestic laws pertaining to the carriage and use of firearms by PCASP, and the relationship of PCASP with the Master while on board; and
 - .6 reporting and record-keeping requirements; and
- .3 Provide information to the Organization on the use of PCASP for circulation to Member States.
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