

# CIRCULAR

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## OUTLINE

- GUARDCON in its unamended form is not a suitable contract to use for engaging private maritime security companies (PMSCs) off West Africa
- West African littoral states prohibit the use of armed PMSCs on vessels in their territorial waters
- International Group clubs have produced an amended wording of the contract – GUARDCON West Africa
- GUARDCON does not represent a recommendation or endorsement by BIMCO or the International Group of P&I Clubs for the use of security guards on board vessels.

TO THE MEMBERS

Dear Sirs,

## **AMENDED BIMCO GUARDCON CONTRACT FOR THE EMPLOYMENT OF SECURITY GUARDS ON VESSELS OFF WEST AFRICA**

Members are referred to the International Group's Piracy FAQs and circular 5/12 published by the Clubs in March 2012, confirming that the BIMCO GUARDCON contract for the employment of private maritime security companies (PMSCs) on vessels conforms with club cover and pooling arrangements.

GUARDCON has been in existence since 2012 and has become the industry-standard contract for the employment of PMSCs, harmonising terms of engagement and making the process simpler and quicker for shipowners.

GUARDCON was designed with East Africa in mind but since its inception, the shipping industry's focus has widened to include piracy and other threats to shipping in the Gulf of Guinea off West Africa.

GUARDCON in its unamended form is not a suitable contract to use for the engagement of PMSCs off West Africa where it is contemplated armed security personnel provided by littoral states will operate alongside unarmed PMSCs. This protection model has evolved in response to the littoral states' prohibition on the use of armed PMSCs on board vessels in their territorial waters.

Members are referred to BIMCO's Special Circular No. 1 – 20 February 2014 which sets out recommended amendments to GUARDCON for use off West Africa, developed by BIMCO with input from International Group clubs. Whilst BIMCO has stated it has no intention of producing an amended version of GUARDCON for use off West Africa, the International Group clubs have produced the attached version of the contract – called "GUARDCON West Africa" – which incorporates recommended amendments.

GUARDCON West Africa is approved by all of the International Group clubs. It will provide contract certainty and make it simpler and quicker for shipowners to put in place appropriate security arrangements when trading in the high risk areas off West Africa.

However, this Circular should not be read as a recommendation for members to use armed security. Members are reminded that the use of PMSCs and other security personnel should not be seen as an alternative to compliance with the current version of the Interim Guidelines for Owners, Operators and Masters for protection against piracy in the Gulf of Guinea region. Placing armed security guards on board a vessel should only be considered after a thorough risk assessment. Members should also follow IMO Circular MSC.1/1405/Rev 2 (1)\* and ensure they comply with all applicable laws and regulations, including those of their Flag State, littoral states and any other relevant authority.

Should Members have any questions regarding GUARDCON they should contact the Club.

All clubs in the International Group have issued a similar circular.

Yours faithfully

**THE MANAGERS**

\* MSC.1/Circ.1405/Rev.2 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

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