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Guidance for Ship Owners/Operators and Masters of Liberian Flagged Vessels on the use of Private Maritime Security Companies and Private Armed Security Personnel

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PURPOSE

The following document provides guidance and clarification for companies that own, manage or operate Liberian flagged vessels and may be considering the service and embarkation of armed security personnel in High Risk Area(s) (HRA).

This document clarifies the current Liberian Administration policy, but does not alter existing law. The document addresses common and frequently asked questions regarding the carriage of arms and armed guards.

BACKGROUND

The Republic of Liberia is very concerned about the safety of the crew of Liberian flagged vessels operating in the affected waters. The pirate hijacking incidents appear to be executed by “organized professional criminals” putting at risk the lives of the crew and threatening the safety of merchant vessels. Liberia recognizes the increasing problem of piracy and condemns all acts of piracy and hijackings. Ship-owners of Liberian flagged vessels have an active role in ensuring self-protection measures are taken to reduce the risk of acts of piracy. Experience has shown that the increased vigilance and preparedness of crews along with high profile measures taken in advance continue to be an effective deterrent against hijacking.

Liberia has taken a proactive and committed stance to fiercely combating the scourge of piracy which is currently threatening the lives of thousands of innocent seafarers each year.

On August 3, 2011 the Liberian Administration signed a Declaration Condemning Acts of Violence Against Seafarers, supporting new reporting procedures for Violence at Sea.

Liberia has further developed and enhanced partnership and combined efforts with Maritime Security Centre Horn of Africa (MSCHOA) and has continued working actively with MSCHOA and the United Kingdom Maritime Trade Organization (UKMTO) to increase the number of vessels reporting their transits through the piracy areas; promote the reporting schemes and encourage compliance with Best Management Practices.

Liberia is one of the original advocates and is an active supporter of the IMO ‘LRIT Distribution Facility’ that allows MSCHOA to identify vessels navigating within the High Risk Waters off the coast of Somalia and in the Arabian Sea area thus enhancing MSCHOA’s tracking capacity, situational awareness and the effective use and response capabilities of the limited number of Naval assets.

The Liberian Administration continues its constant efforts to provide its ship owners with timely and useful information on preparedness and protective measures to avoid and deter piracy attacks by gathering and sharing information with shipowners. This information is disseminated in the form of periodic advisories, security alerts, lessons learned from incidents, training programs and seminars. This real-time data is used to augment the existing guidelines and standing orders that the Liberian Administration has provided to vessels in regards to measures that must be taken to deter, avoid and delay acts of piracy.

This guidance document sets out:

- Liberian Administration's policy on embarkation of armed security guards, firearms and ammunition
- The importance of Route Planning and Risk Assessment
- Selecting a Private Maritime Security Company
- Deciding upon size and composition of the security team
- Master's overriding authority
- Storage, handling and recording of firearms and ammunition
- The importance of the Rules of Use of Force
- Registration with Maritime Security Center – Horn of Africa
- Training of crew and security personnel
- Embarkation and Disembarkation of security personnel, firearms and ammunition
- Port and Coastal State requirements
- Best Management Practices for Protection against Piracy
- Setting Ships Security Level
- Liberian Administration's requirement to the Ships Security Plan for embarkation of privately armed security personnel
- Carriage of additional personnel

Acronyms:

- BMP: Best Management Practices
- EUNAVFOR Somalia: European Union Naval Force Somalia
- HRA: High Risk Area
- IMB: International Maritime Bureau
- IMO: International Maritime Organization
- MSCHOA: Maritime Security Centre (Horn of Africa)
- ONI: Office of Naval Intelligence
- PCASP: Privately Contracted Armed Security Personnel
- PCSP: Privately Contracted Security Personnel (Unarmed)
- PMSC: Private Maritime Security Company
- SSL: Ships Security Level
- SSP: Ships Security Plan
- UKMTO: The United Kingdom Maritime Trade Operations office in Dubai

Terms:

- “High Risk Area” (HRA) means the area at high risk of piracy which is defined on the Maritime Security Chart Q6099.
- “Private Maritime Security Company” (PMSC) means a private company who provides armed (and unarmed) onboard security services to the maritime sector, for protection against acts of piracy/robbery.
- “Privately Contracted Armed Security Personnel” (PCASP) means armed employees of PMSC

Administration Policy:

Liberian laws and regulations do not prohibit the use of firearms or armed guards on board Liberian flagged vessels.

The Liberian Administration recognizes that due to the escalation of acts of piracy some shipowners are seeking additional measures to deter and protect their vessels from potential attack and hijacking, including the use of armed security guards. The Liberian Administration will support the judgment of shipowners and Masters that; in assuming full responsibility for the safety of their vessel, crew, cargo and passengers when transiting and operating in high risk waters off the Coast of Somalia and in the Arabian Sea area; select the option to carry firearms or armed escorts for protection; providing that the requirements and considerations set forth in this document have been taken into account.

In accordance with Liberian Maritime Regulation 10.296 and Section 296, the ship's Master shall, among other duties, assume full responsibility for the safety of the members of the crew and passengers, if any, and to take all necessary and appropriate steps in connection therewith. The Master has overriding authority and discretion to take whatever action he or she deems necessary to protect the interests and safety of the passengers, officers, crew, cargo and ship and the marine environment. In order to protect the interests of the aforementioned parties, it is within the Master's discretion to permit the hire of armed guards or allow armed personnel from an escorting Navy to board the vessel when transiting the high risk waters of the Gulf of Aden or when operating off the Coast of Somalia and the Arabian Sea Area.

The Piracy Threat:

Somali piracy continues to threaten ships and their crews. The success of military operations in the Gulf of Aden has pushed the piracy problem out into the wider Indian Ocean. The scale of the pirate operating area can preclude an international military response in sufficient time to prevent a successful seizure.

The advice included in the industry developed "Best Management Practices" (BMP) plays an essential part in a ship's defense against piracy. However, it has been seen that BMP alone is not always enough to effectively protect ships and their crews. The use of armed guards, as an additional layer of protection on top of BMP, has been shown to be a very effective means of defending ships from pirate attack.

The use of armed guards onboard Liberian flagged ships:

In accordance with Liberian Maritime Regulation 108 Section 10.296 (1) - Master's Duties and Responsibilities; the Master has overriding authority and discretion to take whatever action he or she considers to be in the best interest of passengers, officers, crew, cargo, ship and the marine environment.

Private Maritime Security Companies:

The Liberian Administration does not currently recognize an accreditation process for PMSCs operating in the maritime sector. Ship owners and Operators must therefore be extra vigilant in selecting an appropriate PMSC to provide armed security onboard their ships, and follow the advice included in this guidance.

If after a thorough Risk Assessment, a ship owner/operator should determine to contract with a PMSC to embark a team of PCASP on board a Liberian flagged vessel, the Administration requires the following:

Procedures of the PCASP shall be addressed within the Ship Security Plan (SSP) in the form of an Appendix. Confirmation that all requirements (A through E) have been met along with a copy of the Appendix to the SSP should be sent via e-mail to the Administration at (security@lis.cr) at least five (5) days prior to the embarkation of the PCASP.

The appendix should include at a minimum the following features:

- Procedures pertaining to application of additional antipiracy measures
- Watch keeping and vigilance
- Communication procedures with the PCASP
- Use of defensive measures
- Use of passive/non-lethal devices
- Authority of the Master (PCASP embarked on the vessel are at all times subject to the overriding authority of the vessel's Master)
- Activation of PCASP and the risk of escalation

PMSC Standard Operating Procedures (SOP) and/or Marketing Brochure is not an accepted substitution for the Appendix but can be used as supporting document.

A. Appropriate measure must be taken to verify the credibility, experience and past experience of the company providing PCASP, the experience and capabilities of their personnel and their preparedness for the mission at hand, including verification of piracy prevention and weapons training, adequate equipment and ongoing maintenance of weapons and ammunition to assure safety and functionality.

B. Accommodations and sufficient safety equipment must be available to the PCASP and a safe and secure location be provided to store ammunition and firearms.

C. It is the ship-owners responsibility to verify the PCASP ability to work and cooperate with the crew on board to assure the safety of the vessel.

D. If PCASP is utilized, it must be verified that there is a 'Use of Force Continuum' document in place, as part of the contract between the operator and the contracted security company.

E. The crew and officers must receive training and be fully familiar with the latest version of Best Management Practices (BMP) to deter and prevent piracy.

When the Administration has reviewed the Appendix to the SSP and is assured the ship owner/operator has exercised due diligence in selection of a private maritime security company to supply the vessel with privately contracted armed security personnel, the Administration will by request issue a letter acknowledging the embarkation of armed security personnel, firearms and ammunition.

See ANNEX 5 for request format.

Preliminary voyage risk assessment:

The CSO shall review the Ship Security Assessment (SSA) for all Liberian flag vessels prior to their operating in the affected areas to ensure full consideration has been given to the guidance issued by the IMO, industry and military sources, including IMO MSC.1/Circ.1334, “Guidance to ship owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships” and “Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area (BMP4) as developed by the industry.”

Voyage planning:

Pirate attacks are taking place at extreme distances from the Horn of Africa using “mother vessels.” The “mother vessel” is able to proceed further out to sea to launch boats or skiffs to attack or hijack passing vessels. Vessels trading anywhere in the western Indian Ocean and Arabian Sea must be on high alert before entering these waters. Ship owners/Operators and Masters shall obtain the latest information from MSCHOA before planning and executing a voyage in the HRA and should maintain maximum distance from specified threats within the HRA.

Consideration must be given to the vulnerability of the ship and those onboard (factors to consider here include; vessel type and size, freeboard, speed, maneuverability, sea state, self-protection measures including BMP, citadel etc).

Further mitigation measures:

If the risk assessment shows there to be a significant risk to the ship and its crew from piracy, the ship owner or operator should consider what other mitigation measures it can implement.

Measures may include:

- Avoiding the HRA by choosing an alternative route
- Engaging additional unarmed security personnel
- Use of armed guards.

Armed security personnel risk assessment:

Before taking a final decision to engage armed guards, the ship owner/operator must also assess the risks associated with their use. The risk assessment needs to assess whether the perceived benefits of engaging armed guards substantially outweigh the risks associated with their use.

Factors which need to be included, but are not necessarily limited to:

- Safety considerations
- The potential misuse of firearms resulting in bodily injury or death
- The potential for unforeseen accidents

- Liability issues
- The potential for escalation of the situation at hand
- Compliance with international and national laws (declaration and procedures in ports)

This is not an exhaustive list. Ship owners/Operators and Masters may identify other factors that they need to consider.

Note: *Masters, ship owners and operators should be aware that ships entering the territorial sea and/or ports of a State are subject to that State's legislation and importation of firearms is subject to port and coastal state regulations. Carriage of firearms poses an even greater danger if the ship is carrying flammable cargo or similar types of dangerous goods.*

Factors to consider:

As with any other type of contractor, it is important to undertake appropriate due diligence.

The Liberian Registry does not endorse, approve, advocate or oppose any specific security provider at this time and currently the Administration does not have a preferred vendor or favor the services of one security provider over another. However, the Administration **strongly encourages** that appropriate measures be taken to ensure the following:

- Company structure and place of registration
- Company ownership
- Financial position
- Extent of insurance cover (in particular covering third-party risks)
- Senior management experience
- Quality management indicators – e.g. ISO accreditation if available

Due diligence:

The quality of security personnel is vital to the overall success of a mission. When conducting due diligence of a security company and its personnel the ship owner/operator should enquire about:

Vetting procedures that the security company has conducted prior to selection of the security guards

Skill Sets of the personnel

Training programs - a security company should be able to verify continuation training in anti-piracy techniques, firearms handling, rules of force etc.

Management Support - Beyond the security team itself, the security company management is an important factor to consider. The security company management must be reliable and capable of providing oversight and support throughout the voyage and in the event of a problem. Security solutions offered should consist of more than simple delivery of a security team to the vessel.

The company should:

- Monitor the daily activities of the security team
- Have access to and supply the vessel (and/or the security team) with regular, intelligence based security updates throughout the voyage allowing the team to respond proactively to any nearby threats and prepare accordingly
- Offer genuine 24/7 emergency response capability

- Supply a post deployment report to the ship owner offering details of the deployment and any proposed security enhancements

- Have a contingency plan in place

Available/Offered Solutions:

Effective ship security must include a range of measures to create layers of defense against various threats or risks. It is therefore essential that the security provider has sufficient experience to be able to offer suitable solutions – *one size definitely does not fit all*.

An experienced maritime security company should, as a matter of routine, be prepared to:

- Provide a thorough, up to date route threat assessment prior to the voyage which, coupled with a vessel assessment, should form the basis of the proposed solutions
- Provide clearly defined and mission specific Operational Orders and a ‘Use of Force Continuum’ which reflect current best practices
- Offer advice and, if required, assistance with vessel hardening measures and establishment of a citadel or safe room
- Offer alternative solutions based on lethal and non-lethal deterrent options
- Be able to explain the pros and cons of various solutions and ideally be able to offer various alternative services, such as escort vessel services, where a riding team may not be appropriate
- Deliver threat briefings, antipiracy training, drills and exercises onboard to officers and crew in order to clarify the risks they may face and the mitigating measures needed to defend against them
- Understand flag State, port State & coastal State requirements with respect to carriage/usage of firearms

Insurance:

It is in the best interest of the ship owner to discuss in detail the insurance coverage that the maritime security company holds. In particular ensuring the cover is in force for the duration of the proposed operations and does not exclude claims for intentional acts, weapons, acts of piracy etc.

As a guideline minimum coverage should include (but not be limited to):

- Public Liability/Maritime Employers Liability/Workers Compensation
- International Health Insurance including emergency evacuation
- Personal accident, medical expenses, hospitalization and repatriation insurance
- General/Third Party liability
- Professional liability

Individual armed security personnel:

The ship owner/operator should be able to satisfy itself that the PMSC they select has a system in place to ensure continued suitability of their personnel for employment as armed guards. In particular, the ship owner/operator should be satisfied that the PMSC's armed guards undergo:

- Police background checks
- History of employment checks (as evidence of relevant experience, including in the use of firearms)
- Relevant and up-to-date training
- Seafarer medical fitness checks (ENG1 or other national equivalent accepted on the ships on which they will be working)
- Additional medical and mental fitness checks to prove their suitability to work as armed guards (including confirmation that they have not been discharged from the armed forces, the police force, or any previous PMSC on medical or psychological grounds);
- Relevant STCW 95 training
- Relevant training in the use and carriage of deployed firearms, if applicable

To satisfy themselves of these checks, the ship owner/operator may request evidence for each of the armed guards that are to make up the security team.

Before the security team embarks, the ship owner/operator may also request personal details of each of the armed guards (for example, copies of passports etc), and information regarding any prescribed medication which any of the armed guards may take and which may inhibit their ability to undertake particular duties safely and effectively, and/or prescribed medication on which they are dependent.

The size, composition and equipment of the proposed PCASP team should be carefully discussed and agreed as necessary by the ship owner contracting with the PMSC. Factors for consideration may include:

Size of the PCASP Team

This will be influenced by factors including, length of the estimated time of the vessel transit, latest threat assessment, the agreed duties of the PCASP team (will they act as additional lookouts, assist with rigging self-protection measures?) and size and type of vessel. The analysis should indicate the number of persons that should form the security team.

Ship's Safety Equipment Certificate and Sewage Pollution Prevention Certificate

The size of the PCASP team plus the crew should not exceed that specified in the Ship's Safety Equipment Certificate and Sewage Pollution Prevention Certificate. If the Ship Safety Equipment Certificate and/or Sewage Pollution Prevention requirements cannot be met due to added security personnel the flag Administration must be consulted.

The Administration may authorize the vessel's classification society to issue a Short Term Safety Equipment and/or Sewage Pollution Prevention Certificate, valid for a prescribed period, permitting the vessel to carry additional personnel on board in excess of the maximum number allowed by the relevant Certificates provided:

- The vessel has installed additional life rafts on each side of the vessel capable of carrying the additional persons, or one additional life raft, which is so located that it can be transported to either side of the vessel in case of emergency.
- There are sufficient lifejackets for all persons on board with spares for the bridge crew and engine watch.
- If the vessel transits above 32 degrees North or 32 Degrees South thermal protective aids must be provided for the additional persons on board.
- The vessel can provide adequate and safe quarters and sanitation facilities for the additional persons

Prior to sailing the additional persons on board must be thoroughly briefed on the vessels emergency procedures and what they are to do in case of an emergency.

Issuance of the short term SEC and/or SPP is contingent on the verification of the above items to the satisfaction of the classification society.

Composition

It is important that there is an appropriate hierarchy, experience and skill mix within the onboard PCASP team. The team leader should be competent in vessel vulnerability and risk assessments and be able to advise on ship protection measures. It is recommended that one of the PCASP personnel be qualified as the team medic.

Firearms, Ammunition and Security equipment

The PMSC should give careful consideration to the selection of the type of firearms and ammunition to be carried by the PCASP.

The Administration does not endorse, approve, advocate or oppose any specific weapon type or caliber at this time, but will give careful consideration to appropriate and reasonable firearms packages to be employed in accordance with HRA current threat level and in order to provide an accurate and graduated level of defense.

Equipment - standard team equipment should include:

- Night Vision Devices
- Binoculars
- Radios/Mobile communications
- First Aid Trauma Kits
- Personal Protective Equipment (PPE), Tactical Vests, helmets and full body armor

The challenges of operations in the maritime environment are unique and skills acquired in land based security activities, even over many years, do not necessarily translate into capability on board ship.

Companies which do not have experience operating in the maritime environment may not be capable of providing effective security services when embarked on a commercial vessel.

The skill sets of the security personnel should be relevant to the mission and therefore the security company should be able to verify personnel training in antipiracy techniques, firearm handling at sea and specific rules of engagement at sea.

Minimal/Basic pre-assignment training should include:

- Maritime Ops
- Medical training
- Operations in high risk waters
- Anti-Piracy measures (physical & procedural)

Private security contractors must maintain valid travel documents and should have knowledge, through training or equivalent job experience, in the following general security areas:

- Knowledge of current security threats and patterns
- Recognition and detection of dangerous substances and devices
- Recognition of characteristics and behavioral patterns of persons who are likely to threaten security
- Techniques used to circumvent security measures

- Crowd management and control techniques
- Security related communications
- Knowledge of emergency procedures and contingency plans
- Operation of security equipment and systems
- Inspection, control and monitoring techniques
- Relevant provisions of the Ship Security Plan (SSP)
- Methods of physical screening of persons, personal effects, baggage, cargo and vessel stores
- The meaning and consequential requirements of the different Maritime Security Levels

Training:

The Liberian Administration requires that all crew be briefed on the dangers of the high risk waters prior to transit. The Ship Security Plan (SSP) must be reviewed prior to entering the high risk area and crew members should be familiar with their responsibilities in the event of a piracy related incident. Crew members should be familiar with the latest version of industry's Best Management Practices (BMP) which was created to assist ships to avoid, deter or delay piracy attacks off the coast of Somalia, including the Gulf of Aden (GOA) and the Arabian Sea. An updated version of the BMP handbook is available for download at www.liscr.com. The BMP includes guidance and recommendations on planning, preparing, taking action and reporting as well as contact information and useful references.

Experience, supported by data collected by naval forces, shows that the application of the recommendations contained in the BMP can and will make a significant difference in preventing a ship becoming a victim of piracy.

Masters should be up to date on intelligence information and security advisories relevant to the HRA. This information can be obtained from various sources including www.mschoa.org and IMB. In addition, the Administration provides specific guidance and updates in the form of Marine Security Advisories that are available on the LISCR website and in the form of email notifications that are sent to CSO's and DPA's that are on the LISCR Security Advisory Distribution List. Please contact security@liscr.com if you would like to be added to the Security Advisory Distribution List.

The crew and officers must complete an "Anti-Piracy Best Practices Training Program" (Computer Based Training (CBT) - BMP) accepted by the Administration.

Documentation confirming and verifying completion of a training course must be available to the Administration upon request. The Liberian Administration has created a computer based training program that is available for purchase on the Registry's website (www.liscr.com) or at the following link: <http://www.liscr.com/liscr/PiracyPrevention/tabid/222/Default.aspx>

The training can be completed on board in 45-90 minutes. Some of the unique features of the program include a highly interactive interface where users are required to answer multiple choice questions to reinforce what they have learned from the program. The Best Management Practices program is concise, multimedia rich, interactive and portable.

Liberian Maritime Regulation 108 Section 10.296 (1) - Master's Duties and Responsibilities

The Master has overriding authority and discretion to take whatever action he or she considers to be in the best interest of passengers, officers, crew, cargo, ship and the marine environment.

Armed security personnel embarked on the vessel are at all times subject to the overriding authority of the vessel's Master.

A ship owner/operator when entering into a contract with a PMSC should ensure that the command and control structure linking the ship operator, the Master, the ship's officers and the PCASP team leader has been clearly defined and documented.

Further, prior to boarding the PCASP, the ship owner should ensure that the Master and crew are briefed and exercises are planned and conducted so that all the roles and responsibilities are understood by all personnel on board prior to entering the HRA.

In order to provide the required clarity the documented command and control structure should provide:

- A clear statement that at all times the Master remains in command and is the overriding authority on board, and a defined procedure in the event of the Master being unavailable.
- A clearly documented set of vessel and voyage specific governance procedures
- A documented list of duties, expected conduct, behavior and documentation of PCASP actions on board
- Transparent two-way information flow and recognizable coordination and cooperation between the ship-owner, charterer, PCASP, PMSC and the vessel's master, officers and crew

An essential requirement of the PCASP team is to be able to demonstrate responsible management and use of weapons and ammunition at all times when on board. Issues to be considered should include:

- 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. PCASP should be able to prove that actual inventory carried matches all documented declarations
- Appropriate containers for firearms, ammunition and security equipment at the point of transfer to the ship
- Documented standards and procedures for a complete inventory of all firearms, ammunition and security equipment available upon arrival aboard the vessel (Inventory should at a minimum detail make, model, caliber and serial number of all firearms; and details of ammunition and amount)
- Control procedures for separate and secure onboard stowage and deployment of firearms, ammunition and security equipment
- Areas where firearms may or may not be carried, together with the weapon state (e.g. unloaded & magazine off, magazine on & safety catch on & no round chambered) and what will initiate a change in that state should be confirmed
- Detailed and exercised orders for when firearms can be loaded and "made ready" for use should be confirmed, trained and documented during certain periods as listed in the PCASP contract, to ensure the highest of safety and operational capabilities for use of arms aboard the vessel
- The inventory should be reconciled on disembarkation of all arms and ammunition from the vessel.
- It is recognized that the security team and their firearms must embark before entering the HRA, and disembark after leaving it. Whilst not in the HRA, firearms should be safely and securely stored onboard the vessel.
- When transiting foreign territorial seas with firearms onboard, it is essential that the laws of that coastal state are respected and complied with.

If, with BMP ship protection measures in place, the threat persists, the use of firearms by the security team may be considered as a final option.

The use of force:

The primary function of the security team must be to deter and prevent illegal boarding of the vessel and to protect the lives of those onboard, using the minimum force necessary to do so.

The ship owner/operator/Master and PMSC must agree upon the rules for the use of force that the armed security personnel will operate within. All members of the armed security team must fully understand the rules of the use of force and comply with them.

These rules should provide for a graduated response, each stage of which is considered to be reasonable and proportionate to the force being used by the attackers; and which at no point will needlessly escalate a situation.

Having and complying with rules of use of force may serve to reduce the risk of armed guards acting unlawfully. However in the event that criminal charges (e.g. of grievous bodily harm, manslaughter or murder) are brought to court, proving that one acted within the agreed rules would not in itself serve as a defense. It would be for the court to decide whether the force used in the particular case was necessary.

The applicable laws governing the use of force will depend on the court where charges are brought, which may depend on where the offence took place and / or where the victim (or possibly the alleged perpetrator) is from.

An increasing number of Port and Coastal States are requesting specific information from vessels with contracted armed security on board and, in some cases, documentation from the Flag state recognizing the presence of privately contracted armed security personnel, firearms and ammunition.

The information requested is as a minimum the following, but can also include names and picture identification of the additional security personnel together with end-user certificates on firearms.

- Proper Trade Name of Private Maritime Security Company (PMSC)
- Number of Guards
- Type, Make, Model and Serial Nos. of firearms
- Quantity of firearms
- Quantity of cartridges (Rounds of ammunition)

Ship-owners/Operators are encouraged to take into account the following considerations when operating in waters of Coastal States and embarking/disembarking PCASP and/or when calling at ports:

Embarkation

- Requirements regarding notification of firearms and security-related equipment proposed for embarkation
- Arrangements and requirements relating to firearms in transit, including pre-embarkation storage and security
- Requirements regarding identification and notification of PCASP
- Requirements regarding documentation of port/coastal State authorization of PCASP, firearms and security-related equipment, as applicable
- Requirements regarding arrangements for storage, security and control of firearms and security-related equipment on board the ship prior to departure, and within the territorial sea.

Disembarkation

- Requirements relating to pre-arrival notification of ships carrying PCASP, firearms and security-related equipment
- Requirements relating to notification of intention to disembark firearms and security-related equipment;
- Requirements regarding identification and notification of PCASP
- Requirements regarding documentation of port/coastal State authorization of PCASP, firearms and security-related equipment, as applicable
- Requirements relating to post-disembarkation storage, security and control of firearms and security-related equipment.

Vessel calling

- Requirements regarding notification of PCASP, firearms and security-related equipment retained on board
- Requirements regarding storage, security and control of firearms and security-related equipment retained on board
- Requirements regarding documentation of port/coastal State authorization of PCASP, firearms and security-related equipment, as applicable

The purpose of the Industry Best Management Practices (BMP) is to assist ships to avoid, deter or delay piracy attacks in the High Risk Area. Experience and data collected by Naval/Military forces, shows that the application of the recommendations contained within BMP can and will make a significant difference in preventing a ship becoming a victim of piracy.

The potential consequences of not following BMP are severe. There have been instances of pirates subjecting their hostages to violence and other ill treatment. The average length of a hijacking of vessel and her crew is over 7 months. (Note Naval/Military forces often refer to a “pirated” vessel rather than a “hijacked” vessel, the meaning, however, is the same).

For the purposes of the BMP the term ‘piracy’ includes all acts of violence against ships, her crew and cargo. This includes armed robbery and attempts to board and take control of the ship, wherever this may take place. Somali pirates have to date sought to hijack a vessel, her cargo and crew and hold them until a ransom demand is paid.

Not all Ship Protection Measures discussed in the BMP may be applicable to every ship type.

The BMP complements piracy guidance provided in the latest IMO MSC Circulars. (see Annex 3)

In accordance with BMP, ship owners/operators should register their ships with MSCHOA before entering the HRA.

Masters of Liberian flagged vessels **must participate** in the Merchant Vessel Voluntary Reporting Scheme to improve responsiveness and to save time when naval assistance is required. Both UKMTO and MSCHOA pass the position reports of vessels in the affected area to EUNAVFOR Somalia which coordinates the activities of all warships and NATO forces in the region.

When registering with / reporting to MSCHOA and UKMTO respectively, all vessels that have armed guards onboard must inform MSCHOA and UKMTO of the fact together with the nationality of the additional persons on board.

If while armed guards are deployed on deck, naval forces are identified in the vicinity, the Master should advise the naval forces via VHF Channel 16 that armed guards are deployed onboard as a defensive measure.

This information allows the military forces carrying out counter-piracy operations in the area to have a clear understanding of their operating environment; helps ensure that armed guards are not mistaken for pirates or vice versa; and, if an armed vessel were taken, assists the military forces in understanding the situation onboard the vessel before attempting a rescue operation.

The Liberian Administration has revised its instructions for the setting of MANDATORY SECURITY LEVEL II for all Liberian flagged vessels to be consistent with the risk when transiting the Gulf of Aden and the High Risk Area (HRA) for piracy in the Red Sea, Arabian Sea and Indian Ocean.

Mandatory Security Level II shall be set when transiting the Gulf of Aden and the HRA, defined as the Suez as the Northwestern boundary, Strait of Hormuz as Northeastern boundary; *25 °S as the Southern boundary; and 78 ° E as the Eastern boundary, including when departing a port within this area.

****Note:** The Southern boundary of the Mandatory Security Level II area, has been set at LAT 25 °S (South of the Southerly limit of the HRA) due to ongoing elevated threat levels between LAT 10 ° S to 25 °S and particularly off the coast of Mozambique and Madagascar.*

When operating within territorial seas or calling ports within the defined area Masters shall set the Security Level to the level set by the Port State authority.

Security Level II is required to ensure higher vigilance and tighter controls to protect against possible acts of piracy.

Upon change of Security Level Masters should report to the Administration via email to security@lisr.com.

Security Organization: _____
Point of contact: _____
Telephone: _____
Email: _____

The PMSC should demonstrate that it has in place procedures to guarantee its competence to provide security services to shipowners and ship operators and they comply with all relevant legal requirements in their country of residence and/or country of registration

The PMSC should be able to demonstrate corporate competence and the soundness of its management processes and provide all necessary information to this end

Company structure and place of registration

Company ownership

Financial position and bank references

Extent of insurance cover (in particular covering third-party risks)

Senior management experience, general and specific to the task

Quality management indicators – e.g. ISO accreditation

The PMSC should demonstrate awareness and understanding of national and international laws relevant to piracy and the use of private security contractors

The PMSC should have a clear 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;

The PMSC should have access to competent maritime legal advice on a 24/7 basis, recognizing the complexity of applicable laws concerning the carriage and use of firearms on board merchant ships;

Does the PMSC have awareness of and compliance with legal requirements covering the storage of weapons and ammunition in littoral States, for example, but not limited to: Sri Lanka, Muscat, Mauritius, South Africa and Malta

The PMSC should provide documentary evidence that they hold and will maintain for the duration of the contract: Public and employers liability insurance cover to an appropriate level and as required by the ship owner; and personal accident, medical expenses, hospitalization and repatriation insurance.

Do they offer comprehensive antipiracy solutions, beyond just offering security teams, such as consultancy on hardening of vessel, self-protection measures including anti-piracy measures in accordance with Best Management Practices, use of Citadel etc.?

The PMSC should demonstrate that it has verifiable, written internal policies and procedures for determining the suitability of persons to be deployed as PCASP. They should be able to provide documentary evidence demonstrating the suitability and effectiveness of their personnel selection and management procedures including, but not limited to:

- Criminal background checks
- History of employment checks;
- Military and law enforcement background checks, where applicable;
- Records of medical, physical, and mental fitness of personnel (including regular drug and alcohol testing);
- A verifiable system ensuring the continued suitability for employment of their personnel (on-going vetting procedures);
- Documentary evidence of relevant experience and specific certification in the use and carriage of any firearms to be deployed including in the maritime environment

What maritime security training is provided to the PCASP upon hire and prior to mission?

What kind of equipment will the PCASP have, and if firearms and ammunition is required, what type - caliber and category?

If required, what non-lethal weapons will the PMSC/PCASP deploy?

How will the PMSC acquire the weapons?

Can the PMSC demonstrate its professional capability to carry out its role which is primarily to prevent illegal boarding of the vessel and to protect the lives of those on board, using the minimum force to do so?

Does the PMSC have a written policy on the procurement, transport, embarkation and disembarkation of firearms in accordance with relevant legal requirements?

Does the PMSC have a clear policy on the rules for the use of force based on the consideration of several scenarios and providing a graduated response plan, each stage of which is considered reasonable and proportionate to the force being used by the attackers; and which at no point will needlessly escalate a situation?;

Does the PMSC have written testimonials/references from previous clients in the maritime industry?

Additional Notes:

1) *Application of additional Anti-Piracy Measures*

Describe additional security measures to counter the threat of piracy and armed robbery including a reference to the use of measures as recommended in the BMP

2) *Watch Keeping and Vigilance*

Describe how watch-keeping will be handled and how the PCASP can augment the crew in keeping a good lookout and remain vigilant

3) *Communication Procedures with PCASP*

Describe how communication is carried out between vessel command and PCASP – radio, hand signals, meetings etc.

4) *Use of defensive measures*

Describe how the vessel will comply with recommendations in the latest version of the BMP and if the PCASP is assisting in further hardening of the vessel.

5) *Passive/ Non-Lethal Devices*

Describe if the vessel has any passive/non-lethal devices in use – such as LRAD, Night-vision etc.

6) *Overriding Authority of the Master/ Ultimate Responsibility for the Ship*

Insert a Statement which in a unmistakable and clear way outline the Master's overriding authority on board the vessel – at any and all times.

7) *Activation of PCASP and the risk of escalation*

Describe how and when the PCASP will be activated, including the step-by-step escalation usually expressed in the rules of Use of Force.

MSC.1/Circ.1334	23 June 2009
MSC.1/Circ/1390	09 December 2010
A.1044(27)	20 December 2011
MSC.1/Circ.1444	25 May 2012
MSC.1/Circ.1405/Rev.2	25 May 2012
MSC.1/Circ.1408/Rev.1	25 May 2012
MSC.1/Circ.1406/Rev.3	12 June 2015
MSC.1/Circ.1506	12 June 2015
BMP5	June 2018
Liberian Administration Marine Ops Note 02/2012	
Liberian Administration Marine Security Advisory 03/2011	
Liberian Administration Marine Security Advisory 05/2018	

1. Liberian Registry (Security)
Web: www.liscr.com
Email: security@liscr.com
Telephone: +1 703 790 3434

Email: dutyofficer@liscr.com
Telephone (24hrs): +1 703 963 6216
2. UKMTO – United Kingdom Maritime Trade Operations
Email: watchkeepers@ukmto.org
Telephone (24hrs): +44 2392 222060
3. MSCHOA – Maritime Security Center – Horn of Africa
Via Website for reporting: www.mschoa.org
Telephone: +44 1923 958545 / 958700
Fax: +44 1923 958520
Email: postmaster@mschoa.org
4. NATO SHIPPING CENTRE
Web: www.shipping.nato.int
Email: info@shipping.nato.int
Telephone (24hrs): +44 1923 956574
Fax: +44(0)1923 956575
5. US Naval Cooperation and Guidance for Shipping
Web: www.cusnc.navy.mil/marlo/
Email: cusnc.ncags_bw@me.navy.mil
Office: +973 1785 1023
Duty (24hrs): +973 3904 9583
6. INTERPOL
Web: www.interpol.int
Email: os-ccc@interpol.int
Telephone (24hrs): +33 472 44 76 76
7. IMB
Web: www.icc-ccs.org
Email: piracy@icc-ccs.org
Telephone: +60 3 2031 0014
Fax: +60 3 2078 5769
Telex: MA34199 IMBPC1

8. Singapore Information Fusion Centre
Email: information_fusion_centre@defence.gov.sg
Telephone: +65 9626 8965
Fax: +65 6594 5734

9. ReCAAP Information Sharing Centre
Email: info@recaap.org
Telephone: +65 6376 3063
Fax: +65 6376 3066

When a Risk Assessment has been conducted and voyage planning include the use of armed security personnel, the Administration must be contacted via email to security@liscr.com with a copy of the attached application and all required documentation listed therein.