

# **REPUBLIC OF THE MARSHALL ISLANDS**



## **Piracy, Armed Robbery, and the Use of Armed Security**

**MARITIME ADMINISTRATOR**

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# REPUBLIC OF THE MARSHALL ISLANDS

MARITIME ADMINISTRATOR

Marine Notice

No. 2-011-39

Apr/2019

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

**SUBJECT: Piracy, Armed Robbery, and the Use of Armed Security**

- References:**
- (a) IMO Circular [MSC.1/Circ.1406, Rev.3](#), *Revised Interim Recommendations for Flag States Regarding the Use Of Privately Contracted Armed Security Personnel On Board Ships in the High Risk Area*, issued 12 June 2015
  - (b) IMO Circular [MSC.1/Circ.1443](#), *Interim Guidance to Private Maritime Security Companies Providing Privately Contracted Armed Security Personnel On Board Ships in the High Risk Area*, issued 25 May 2012
  - (c) IMO Circular [MSC.1/Circ.1405, Rev.2](#), *Revised Interim Guidance to Ship owners, Ship Operators, and Shipmasters on the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area*, issued 25 May 2012
  - (d) IMO Circular [MSC-FAL.1/Circ.2](#), *Questionnaire on Information on Port and Coastal State Requirements Related to Privately Contracted Armed Security Personnel on board Ships*, issued 22 September 2011
  - (e) IMO Circular [MSC.1/Circ.1601](#), *Revised Industry Counter Piracy Guidance*, issued 07 December 2018
  - (f) RMI Weapons Control Act, §1304(e) (7MIRC13)
  - (g) [BMP West Africa](#), *Best Management Practices to Deter Piracy and Enhance Maritime Security off the Coast of West Africa including the Gulf of Guinea (2020)*
  - (h) [Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia](#) (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), 2016)
  - (i) RMI Marine Notice [2-011-13](#), *International Safety Management (ISM) Code*
  - (j) RMI Marine Notice [2-011-16](#), *International Ship and Port Facility Security (ISPS) Code*
  - (k) RMI Marine Notice [2-011-18](#), *Ship Security Alert System (SSAS)*
  - (l) RMI Marine Guideline [2-11-12](#), *Guidance for Company Security Officers on Preparing a Company and Crew for the Contingency of a Hijacking by Pirates (Western Indian Ocean and Gulf of Aden)*
  - (m) RMI Marine Guideline [2-11-14](#), *Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG) Voluntary Reporting Scheme*

## PURPOSE

This Notice establishes the requirements and policies of the Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”) for the use of Private Maritime Security Companies (PMSCs) and their personnel on board RMI-registered vessels transiting areas of high risk for piracy, armed robbery, and terrorism.

This Notice supersedes Rev. Aug/16. §4.0 has been revised to reflect the reduction of the Indian Ocean High Risk Area (HRA), effective 01 May 2019.

## BACKGROUND

The global threat of piracy and armed robbery remains pervasive and unlikely to subside in the near future. While the frequency and types of piracy vary regionally, the historical trend of the emergence of a new “hot spot” as another fades remains constant. To protect ships and their crews, companies must continue to perform due diligence; including thorough voyage security risk assessments and the utilization of industry [Best Management Practice \(BMP\) Guidelines](#). The threat of piracy and armed robbery has also led to the prevalent use of armed guards and a marked expansion in the number of firms and national military authorities offering armed maritime security services for vessels transiting defined HRAs. It is within this context that the Administrator sets out the following requirements and policies.

## APPLICABILITY

### 1.0 Vessels

#### 1.1 Shipowners, managers, and operators of the following RMI-registered vessels operating in [designated HRAs](#):

- .1 passenger ships, including high-speed passenger craft;
- .2 cargo ships, including high-speed craft, of 500 gross tonnage (ITC 69) and upwards;
- .3 Special Purpose Ships of 500 gross tonnage and upwards; and
- .4 self-propelled mobile offshore drilling units capable of making international voyages unassisted and unescorted when underway and when on location.

#### 1.2 Yachts are particularly vulnerable to attack in the HRAs and International Naval Counter Piracy Forces are not deployed to the HRAs to protect transiting yachts. Therefore, the Administrator strongly advises **against any** operation and travel by RMI-registered yachts in designated HRAs. However, should yacht owners choose to transit these areas, they shall comply with the requirements contained in this Notice, including industry BMP Guidelines, as relevant and practicable.

In addition to all other reporting requirements, RMI-registered yachts due to transit the

defined Indian Ocean HRA shall inform the Maritime Security Centre Horn of Africa (MSCHOA) by emailing [postmaster@mschoa.org](mailto:postmaster@mschoa.org) with the subject line: “Yacht Vessel Movement.” Advice provided by [World Sailing](#) should also be closely monitored.

- 1.3 RMI-registered vessels, including yachts, shall comply with all risk assessment and reporting requirements, including reporting the decision to embark armed security and all security incidents to the Administrator.

## 2.0 Definitions

- 2.1 **Armed Robbery** means any of the following acts:

- .1 any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends, and directed against a ship or against persons or property on board such a ship, within a state’s internal waters, archipelagic waters, and territorial sea;
- .2 any act of inciting or of intentionally facilitating an act described above.

- 2.2 **BMP Guidelines** means the most recent version of the industry-developed and prepared BMP for Protection against Somalia Based Piracy which are supported and endorsed by the Administrator through the *New York Declaration*. The BMP Guidelines aim to assist Companies and ships in avoiding piracy attacks by providing suggested planning and operational practices. BMP Guidelines complement guidance provided in International Maritime Organization (IMO) Circular [MSC.1/Circ.1339](#).

- 2.3 **Company** means the owner of the ship or any other organization or person, such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Safety Management (ISM) Code.

- 2.4 **High Risk Areas** (HRAs) means areas of the ocean specified by industry [BMP Guidelines](#), or the Administrator where acts of piracy or armed robbery have occurred or are likely to occur.

- 2.5 **Master** means the licensed mariner in ultimate command of the vessel.

- 2.6 **National Contingent** means armed security units, including Vessel Protection Detachment (VPD) teams, belonging to a Supplying National Authority.

- 2.7 **New York Declaration** means flag State commitment to require that International Ship and Port Facility Security (ISPS) Code compliant vessels in their fleet incorporate BMP Guidelines (as relevant and practicable) into their Ship Security Plans (SSPs) in order to avoid, deter or delay acts of piracy and armed robbery. The New York Declaration was originally signed by the RMI on 29 May 2009.

2.8 **Piracy** means:<sup>1</sup>

- .1 any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - .1 on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - .2 against a ship, aircraft, persons, or property in a place outside the jurisdiction of any State;
- .2 any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- .3 any act inciting or of intentionally facilitating an act described in subparagraph .1 or .2 above.

2.9 **Privately Contracted Armed Security Personnel (PCASP)** means armed employees of a Private Maritime Security Companies.

2.10 **Private Maritime Security Companies (PMSCs)** means private security companies contracted to provide security personnel, both armed and unarmed, on board a vessel for protection against piracy or armed robbery.

2.11 **Rules for the Use of Force (RUF)** means a set of rules established for the benefit of the Master, Ship owner, charterer, insurer, underwriters, PMSCs, PCASP, and interested third parties, providing guidance on lawful graduated response measures and lawful use of force, including lethal force, in accordance with the right of self-defense in the context of maritime piracy or armed robbery.

2.12 **Supplying National Authority** means the recognized authority of the State to which the National Contingent, including a VPD and its personnel belong.

2.13 **Vessel Protection Detachment (VPD)** means a unit of a national military authority of a Supplying National Authority, together with its personnel, equipment, arms and ammunitions, which is embarked on board a vessel in order to ensure its protection against acts of piracy or armed robbery.

2.14 **Washington Declaration** (also known as the “Declaration Condemning Acts of Violence Against Seafarers”) means flag and seafarer State commitment to report acts of violence against seafarers in order to assist the maritime community in the fight against piracy and armed robbery. The RMI has been a signatory to the Washington Declaration since 03 August 2011.

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<sup>1</sup> Article 101 of the 1982 [United Nations Convention on the Law of the Sea \(UNCLOS\)](#)

2.15 **Weaponry** means firearms, ammunition, and other security-related equipment.

## **REQUIREMENTS**

### **3.0 Flag State Policy**

#### **3.1 Use of PCASP and VPD**

.1 The Administrator does not object to Companies and Masters taking appropriate security measures when it comes to ensuring the safety and security of their vessels and crew. Furthermore, the Administrator neither endorses nor prohibits the use of PCASP or VPD for the purpose of protection against piracy and armed robbery, particularly within designated HRAs.

.2 The aforementioned policy is based on section 1304(e) of the RMI Weapons Control Act (7 MIRC 13) which states, in part, that the prohibition on firearms shall not apply:

*...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.*

.3 In addition, the Administrator's decision to allow PCASP on board ships is within the purview of the flag State pursuant to article 92 of [UNCLOS](#) which grants flag State exclusive jurisdiction on the high seas. It is also the duty of flag States under article 94 of UNCLOS to ensure the safety of ships flying their flag.

.4 The RMI accepts no liability and shall not accept any liability for any claims of whatsoever nature made against it by PMSCs, the Supplying National Authorities, any personnel of the PCASP or VPD, or parties of interest arising or resulting from the shipowner, manager, or operator's use of PCASP or VPD or related activities.

#### **3.2 Coastal State Jurisdiction**

3.2.1 The sovereignty of a coastal State extends to the breadth of its territorial sea up to 12 nautical miles. This sovereignty is governed by Article 2 of UNCLOS and customary international law. Notwithstanding, Part II, Section 3 of UNCLOS provides ships of all States the right of innocent passage through the territorial sea.

- 3.2.2 The Administrator requires RMI-registered vessels operating in a territorial sea to comply with all applicable requirements of the coastal State in accordance with UNCLOS.

### **West Africa including the Gulf of Guinea**

Local or Government forces shall only be utilized in accordance with applicable local national law and regulation. Refer to [BMP West Africa](#), *Best Management Practices to Deter Piracy and Enhance Maritime Security off the Coast of West Africa including the Gulf of Guinea* (2020).

## **4.0 High Risk Areas**

### **4.1 Indian Ocean Region**

Effective 01 May 2019, the boundaries of the Indian Ocean HRA, as defined in [BMP Guidelines](#), are as follows:

- .1 In the southern Red Sea, a northern limit at 15° 00'N
- .2 In the Indian Ocean a line linking:
  - .1 from the territorial waters off the coast of east Africa at 05° 00'S, 050° 00'E, then to positions:
    - 00° 00'N, 055° 00'E;
    - 10° 00'N, 060° 00'E; and
    - 14° 00'N, 060° 00'E.
  - .2 then a bearing 310° to the territorial waters of the Arabian Peninsula.

### **4.2 Southeast Asia and the South China Sea:**

The piracy and armed robbery situation in Southeast Asia has deteriorated in recent years. Attacks in this region include hijacking for oil cargo theft via siphoning, armed robbery, and opportunistic theft while at anchor and in port. These incidents have occurred in and around ports and anchorages in Bangladesh, the Straits of Malacca and Singapore, Indonesia, Vietnam, Malaysia, and the Philippines.

Ships operating in this region should refer to the [Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia](#) (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia ([ReCAAP](#)), 2016).



#### 4.3 West Africa including the Gulf of Guinea

Piracy and armed robbery, including reports of hostage-taking, have dramatically increased in the GoG region. Incidents in West Africa greatly differ from those off the coast of Somalia in the Indian Ocean. Somali pirates have endeavored to hijack vessels, cargo, and crews to hold them until a ransom is paid.

In contrast, the perpetrators in West Africa are generally more violent, often terrorizing and injuring the crew before robbing them, kidnapping them for ransom, and stealing ship valuables and cargo. Hijacking for oil cargo theft via siphoning is also a prevalent concern in the region.

Vessels transiting this area shall take extra precautions and maintain relevant and practicable BMPs. The [BMP West Africa](#) guidelines take into account the regionally established [MDAT-GoG](#) VRA, as detailed in RMI Marine Guideline [2-11-14](#).

### 5.0 SSP and BMP Guidelines

5.1 All ships to which the ISPS Code applies shall include in their SSP security measures to protect against incidents of piracy and armed robbery. These security measures shall incorporate the countermeasures contained in industry [BMP Guidelines](#), as practicable, based on a security risk assessment. See RMI Marine Notice [2-011-16](#).

#### 5.1.1 Security Risk Assessment

- .1 Companies, along with the Master, shall carry out a risk assessment of their vessel(s) to determine the likelihood and consequences of a piracy attack, an armed attack, hijacking, or terrorism. They shall then identify and incorporate prevention, mitigation, and recovery measures in their SSPs; taking into consideration the guidance contained in RMI Marine Guideline [2-11-12](#) and IMO Circular [MSC.1/Circ.1601](#).
- .2 Incorporation into the SSP of the most current BMP Guidelines (as applicable) and internationally recognized guidance on piracy and armed robbery is required immediately. However, verification and approval of new information in the SSP is not required until the next scheduled International Safety Management (ISM) / ISPS Code Audit. The provisions can be included as an Annex referenced throughout the SSP to facilitate anticipated updates to BMP Guidelines and guidance on post-piracy care for seafarers. See RMI Marine Notice 2-011-16.
- .3 Security risk assessments may include discussions with charterers, counsel, and underwriters, and shall be included in the SSP.

5.1.2 PCASP or VPDs shall not be used as a replacement for the highly effective self-protection measures of BMP Guidelines.

## **6.0 PMSCs, PCASP, and VPDs**

- 6.1 The guidelines provided in IMO Circular [MSC.1/Circ.1443](#), IMO Circular [MSC.1/Circ.1405, Rev.2](#), and all other guidance developed by the IMO relating to the prevention and suppression of piracy and armed robbery against commercial vessels, shall be closely followed.
- 6.2 A list of questions Companies should ask potential PMSCs is provided in Appendix I of this Notice.
- 6.3 Any agreement entered into for the use of PCASP shall, at a minimum, contain provisions for the use of force in compliance with established international standards regarding the Rules for the Use of Force (RUF). See §8.0, below.
- 6.4 The Administrator reserves the right to deny permission for the use of any PMSC or PCASP team member to provide service aboard RMI vessels at any time and at its sole discretion.
- 6.5 In accordance with the International Convention for the Safety of Life at Sea (SOLAS) regulation XI-2/8 (*Master's discretion for ship safety and security*), the Administrator requires that the overriding authority and responsibility of the Master for the security of the ship shall remain in full force when faced with the decision to engage PCASP or a locally sourced VPD.

## **7.0 Ship Safety Equipment Certificate**

- 7.1 PCASP shall be declared as supernumeraries, temporarily employed for a specific purpose other than the normal operation of the vessel.
- 7.2 Should it be the case that the embarkation of a PCASP team causes the total number of persons on board (crew and PCASP team) to exceed the maximum number of persons certified in the ship safety equipment certificate, the Administrator authorizes deviation from SOLAS regulation III/31, as applicable, for a single voyage, provided that countermeasures have been taken to ensure the provision of sufficient personal life-saving appliances.
  - 7.2.1 At a minimum, additional life rafts for the extra numbers of persons, capable of being launched on either side of the ship, shall be provided.
  - 7.2.2 A statement of authorization for the additional persons is provided within an issued letter of non-objection (LONO) and remains valid only for the timeframe noted in the LONO voyage itinerary. This statement of authorization is in lieu of the issuance of a short term safety equipment certificate and is not meant to modify any SOLAS valid certificates on board.

## **8.0 Rules for the Use of Force**

- 8.1 Companies shall verify that a PMSC has a clear policy and set of RUF consistent with an international model set of standards, such as the [100 Series RUF](#). PMSCs are also responsible for issuing specific RUF operating procedures to the PCASP, as agreed between the PMSC, Company, and Master. It shall be understood that the use of force is exclusively for the protection of the vessel and the lives of persons on board from armed attack. The RUF shall abide by applicable law and be routinely reviewed and adjusted as necessary.
- 8.2 Companies shall require their PMSC to ensure that PCASP operating for them have a complete understanding of, and to fully comply with, the PMSC's established RUF. In particular, the RUF shall ensure that PCASP:
- .1 act according to applicable laws with the knowledge that their role in regard to the above is exclusively for the protection of life of persons on board and the ship from acts of piracy and armed robbery;
  - .2 take all reasonable steps to avoid the use of force;
  - .3 utilize a graduated response plan if force must be used, including the strict implementation of relevant and practicable [BMP Guidelines](#);
  - .4 not exceed that force which is strictly necessary and reasonable in the circumstances, that care shall be taken to minimize damage and injury and to respect and preserve human life; and
  - .5 only use firearms against persons in self-defense or in defense of others.
- 8.3 A set plan of gradual responses for the use of force, including warning procedures, shall be documented, and signed prior to embarkation by all relevant parties, including the shipowner, the Master of the ship, and the PMSC. The plan shall include a description of the roles of the Master and the PCASP team leader and shall be attached as an Annex to the SSP, along with the plan that includes the relevant and practicable BMPs to protect against terrorism, piracy and armed robbery. This Annex shall be referenced throughout the SSP as necessary (see RMI Marine Notice [2-011-16](#)).
- 8.4 Companies, in consultation with the PMSC, shall ensure that:
- .1 both the Master and the PCASP team have had the RUF explained to them;
  - .2 the Master and the PCASP team understand and agree to the set conditions governing when and how the decision to invoke the RUF is made, and by whom; and
  - .3 the Master and the PCASP team sign a written note to the effect of their reading and understanding the RUF in place.

## **9.0 Letters of Non-Objection**

### **9.1 Purpose**

The principle purpose behind a Letter of Non-Objection (LONO) is to provide assurance to coastal State authorities that the flag State is aware of private armed security personnel embarked on the vessel for protection against piracy, armed robbery, hijacking, and terrorism on the high seas.

### **9.2 LONO Application Procedure**

See RMI [RA-03](#) for detailed LONO application instructions.

### **9.3 PCASP LONO**

- .1 Port State Competent Authorities may require that the Master be in possession of a LONO from the flag State to have firearms, ammunition, and related support equipment on board.
- .2 By applying for a LONO, the Company warrants the accuracy of the information so provided, including, but not limited to the necessary licensing and certifications for the embarked PMSC firearms under applicable law and in accordance with IMO Circular [MSC.1/Circ.1443](#).
- .3 The Administrator issues a LONO with the express understanding that the weapons to be embarked are warranted by the Company to be duly licensed to the PMSC in consideration of all applicable laws, regulations, and requirements.

### **9.4 VPD LONO**

- .1 The Administrator shall not issue LONOs for the use of locally-sourced VPD teams, embarked, disembarked, and utilized wholly within the territorial waters or jurisdiction of a coastal State.
- 9.4.2 The Administrator does not object to the use of PMSC or VPD teams. However, RMI-registered vessels operating within the territorial waters of a coastal State shall abide by all applicable laws and regulations of said coastal State.
- 9.4.3 Since a local VPD team embarks, operates, and disembarks within the jurisdiction of a single coastal State, authorization from the Administrator is neither appropriate nor necessary, unless required by coastal State authorities. If required by local authorities, a customized VPD LONO shall be issued by the Administrator that will place full responsibility for the embarked weaponry on the national Government providing said VPD.

## **10.0 PMSC and PCASP Teams**

### **10.1 PMSC Accreditation**

Effective 01 January 2016, Companies shall engage only those PMSCs that are certified to the ISO 28007 standard (including ISO/PAS 28007:2012 and ISO 28007-1:2015) by an accredited certification body. This requirement comports with the recommended guidance contained in IMO Circular [MSC.1/Circ.1406, Rev.3](#).

### **10.2 PCASP Team Size**

The size of a PCASP team utilized for protection on an RMI-registered vessel transiting an HRA shall not fall below three (3) team members.

## **11.0 Firearms and Ammunition**

### **11.1 Prohibited Firearms**

The following types of firearms shall **not** be permitted to be brought on board an RMI-registered vessel:

- .1 Handguns or Pistols <sup>2</sup>
- .2 Machine Guns or Fully Automatic Weapons
- .3 Rocket-Propelled Grenades (RPGs)
- .4 Shotguns (*effective 01 January 2016*)<sup>3</sup>

### **11.2 Firearm and Ammunition Limitations**

#### **.1 *Maximum Number of Firearms***

The maximum number of firearms allowable shall be three (3) per embarked guard - one (1) for primary operational use and two (2) for standby reserve (see §10.2 and §11.2.3). As stated in the LONO, all firearms and ammunition shall be locked under the Master's control at all times unless deemed absolutely necessary in the event of a suspicious approach, actual attack, or routine test firing or rifle zeroing.

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<sup>2</sup> Close-range combat should not be necessary if the PCASP team is keeping a dutiful watch. If the vessel's owner or operator still feels strongly that handguns or shotguns are necessary after reevaluating their risk assessment and SSP, the Administrator may make an exception to this rule. If this should occur, all handguns and/or shotguns shall be classified as standby reserve, only to be unlocked from the Master's care if absolutely necessary during a suspicious approach, attack, or routine test firing. PCASP shall not be permitted to roam freely aboard the vessel during watch duty while equipped with a handgun or shotgun.

<sup>3</sup> *Ibid.*

.2 *Maximum Amount of Ammunition*

The maximum amount of ammunition allowed shall not exceed an aggregate total of 250 rounds per firearm.

.3 *Firearms and Ammunition for Standby Reserve*

Standby reserve firearms and ammunition, within the allowable limits defined in §11.2.1 and §11.2.2, shall be locked under the Master's care for the entire duration of the voyage unless their use is necessitated by a malfunction (e.g. misfire or jam) of a firearm for primary operational use, and in the event of a suspicious approach, actual attack, or routine test firing or rifle zeroing.

.4 *Ammunition Discharge During a Voyage*

In the event that ammunition is discharged by the PCASP after a LONO is issued, it shall be the Master's responsibility to assure that the PCASP Team Leader provides the Master with a detailed accounting of the amount of ammunition expended and remaining aboard the vessel at any given time. This information is to be attached to the LONO in order to avoid the need to reissue a revised letter after every ammunition discharge.

11.3 Licensing of PMSC / PCASP Weaponry

- .1 All firearms, ammunition, and additional kit contents (as applicable) shall be owned and licensed for export, transport, and end-use to the PMSC/PCASP by a national licensing agency or export control authority. Any additional requirements and prohibitions contained within this license shall be obeyed.
- .2 PCASP team members in possession of this weaponry shall be employed by the licensed PMSC. The renting or borrowing of weaponry that is licensed to another PMSC or third party shall not be permitted.

**12.0 Information Sharing / Notification Requirements**

12.1 Indian Ocean Region

- .1 RMI vessels transiting the Indian Ocean or United Kingdom Marine Trade Operations (UKMTO) VRA shall participate in the notification requirements outlined in [BMP Guidelines](#) for each transit made.<sup>4</sup> All ships transiting Indian Ocean VRA are being tracked and monitored through Long-Range Identification and Tracking (LRIT) by the European Union Naval Force Somalia (EU NAVFOR Somalia).

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<sup>4</sup> BMP notification requirements include registration with the MSCHOA and daily reporting to UKMTO.

- .2 Vessels and their Companies will be reported to the Administrator by EU NAVFOR Somalia if found not to be registered with MSCHOA or reporting to the UKMTO. Companies will be contacted by the Administrator and reminded to bring their vessels into compliance.
- .3 As soon as the Master feels that a threat is developing, he or she should immediately activate the Ship Security Alert System (SSAS)<sup>5</sup> and report the hostile or potentially hostile action (including suspicious activity) to the [International Maritime Bureau \(IMB\), COMUSNAVCENT Battlewatch Captain, and the UKMTO](#).

## 12.2 Zone Notification

- .1 The Administrator has established “zone notification” as a convenience for Masters and Company Security Officers (CSOs) of vessels that enter the UKMTO VRA. The notification serves as a reminder to register vessels with MSCHOA and report vessel movement to UKMTO.
- .2 For questions about this service or to unsubscribe, contact the Administrator’s Radio service area at [radio@register-iri.com](mailto:radio@register-iri.com).

## 12.3 Armed Transits to India

Indian authorities require all foreign merchant vessels with PCASP on board to provide the following information to the jurisdictional port authority, customs and regional coast guard authority and Indian Navy, 96 hours prior to their arrival, with their Pre-Arrival Notification for Security.<sup>6</sup>

- .1 Names, addresses, and details of identification cards and passports of the security personnel.
- .2 Number and details (Make, Model, bore, caliber, serial number etc.) of firearms and ammunition.
- .3 Details of license issued or accepted by the jurisdictional national administration where the PMSC is registered.
- .4 All armed security guards are required to be in possession of valid arms licenses issued by the flag administration of the vessel.<sup>7</sup>
- .5 Where a private security company has been engaged by a ship owner to provide armed guards, such a private security company shall be in possession of a valid license issued by the flag administration of the country.<sup>8</sup>

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<sup>5</sup> RMI Marine Notice [2-011-18](#), *Ship Security Alert System (SSAS)*

<sup>6</sup> [Guidelines on Deployment of Armed Security Guards on Merchant Ships](#) (India Ministry of Shipping, 2011)

<sup>7</sup> The Administrator does not issue firearms licenses. Instead, a LONO shall be provided to Indian Authorities along with the firearms license issued to the PMSC by a national licensing authority or agency.

<sup>8</sup> *Ibid.*

- .6 All foreign vessels visiting Indian ports are required to secure their firearms and ammunition in a guarded/secured “strong room” when entering Indian territorial waters.
- .7 Indian Authorities have issued DGS Order No. 02 of 2012 banning the use of Thuraya, Iridium and other such satellite communication in Indian waters as an anti-terrorist measure. All PMSCs and PCASPs must be made aware of the contents of this Order and act in accordance with the instruction in paragraph 4 of the Order prior to entering Indian ports.<sup>9</sup>

#### 12.4 Strait of Hormuz and Arabian Gulf

When transiting these areas, as soon as the Master feels that a threat is developing, he or she should immediately activate the SSAS to alert the CSO and Administrator, and call to report hostile or potentially hostile action (including suspicious activity) to local authorities depending on ship location.

#### 12.5 Follow-up Reporting of an Incident

- .1 Companies shall immediately (within 24 hours) report by fax or email the occurrence of all incidents of piracy and armed robbery, armed attacks, attempted or actual hijacking, terrorism, or other hostile or suspicious activity to:

Republic of the Marshall Islands Maritime Administrator  
c/o Ship Security  
11495 Commerce Park Drive  
Reston, Virginia 20191-1506 USA  
Fax: +1-703-476-8522  
Email: [marsec@register-iri.com](mailto:marsec@register-iri.com)  
[dutyofficer@register-iri.com](mailto:dutyofficer@register-iri.com)

- .2 The report shall be submitted to the Administrator on RMI Form [MI-109-2](#), *Report of Piracy and/or Armed Robbery Against Vessels*.
- .3 Reports received by the Administrator will be transmitted to:
  - .1 IMO, Subdivision for Maritime Security and Facilitation, Maritime Safety Division, London, UK
  - .2 IMB Piracy Reporting Centre, Essex, UK / Kuala Lumpur, Malaysia
- .4 The [MI-109-2](#) form also may be used for submission to the international organizations (e.g., MSCHOA, UKMTO, IMB, MDAT-GoG, and IMO).

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<sup>9</sup> DGS Order No. 02 of 2012, *Usage of Thuraya, Iridium and other such Satellite Communication in Indian Waters* (India Ministry of Shipping / Directorate General of Shipping, 2012)



## 12.6 Reporting Acts of Violence Against Seafarers

- .1 The RMI is a signatory to the 03 August 2011 *Declaration Condemning Acts of Violence Against Seafarers* (the “*Washington Declaration*”). This Declaration recognizes that such acts of violence are largely underreported and that this information would be of value to the maritime community in the fight against piracy.
- .2 The IMB of the International Chamber of Commerce has developed a [questionnaire](#) to collect this information on violence against ships’ crews. This questionnaire shall be completed by Companies and seafarers post-incident.
- .3 Importantly, the *Washington Declaration* requires all reporting bodies or agencies to refrain from reporting or confirming the names of any vessel upon which an act of piracy or armed robbery has been committed, until such time as the vessel owners and operators can confirm notification to next of kin.

## 12.7 Responding to Acts of Violence Against Seafarers

The International Seafarers’ Welfare and Assistance Network ([ISWAN](#)) Maritime Piracy Humanitarian Response Programme has issued an updated [Good Practice Guide for Shipping Companies and Manning Agents – humanitarian support of seafarers and their families in cases of armed robbery and piracy attack](#). The guide covers good practice in the support of seafarers and their families before, during and after an incident. Companies are encouraged to utilize this guide in the unfortunate event that a seafarer becomes subjected to violence.

## 13.0 Information on Port and Coastal State Requirements

The Administrator shall provide Companies with information regarding port and coastal State PCASP requirements as it is received and distributed by the IMO Secretariat, by means of a Ship Security Advisory. (See IMO Circular [MSC-FAL.1/Circ.2](#), *Questionnaire on Information on Port and Coastal State Requirements Related to Privately Contracted Armed Security Personnel on Board Ships*.)

## 14.0 Contact Information for Military and Other Authorities

Important information regarding anti-piracy contacts and links to anti-piracy organizations along with the latest forms, publications, procedures and guidelines may be found on the Administrator’s [Maritime Security webpage](#).

## 15.0 Current Operational Situation

For current information on international maritime security initiatives and specific areas of high risk, visit the Administrator’s [Library](#) for all published Ship Security Advisories.

## **APPENDIX A**

### **A SET OF QUESTIONS THAT SHIP OWNERS, MANAGERS AND OPERATORS MAY WISH TO ASK COMPANIES PROVIDING PCASP**

Following is a list of questions that shipowners, managers and operators may want to reference when examining potential PMSCs. The questions below are in no way exhaustive, in any order of importance, nor should a shipowner feel that it must ask each one.

- Does the PMSC have a system for monitoring pirate activity to support Companies and Masters when route planning?
- What is the PMSC's history with provision of marine security?
- What training and certification is required of employees of the PMSC to be embarked?
- What is the PMSC's history operating in the HRAs?
- What on-going and/or refresher training is provided by the PMSC?
- Does the PMSC maintain records of all training provided to each staff member?
- Does the PMSC have liability insurance?
- What are the steps in the PMSC's rules for the use of force?
- 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 transport firearms outside of its home jurisdiction legally?
- Is the PMSC aware of any specific flag State requirements affecting the carriage or type of weapons?
- Has the PMSC obtained the coastal State permissions that may apply?
- Will the PMSC hire weapons from outside companies?
- If so, do the outside companies' licenses permit the leasing of weapons to a third party?
- 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?
- Is the firearms and ammunition inventory considered sufficient?
- Is the proposed size of the security team considered sufficient?
- Will the security team wear a uniform?
- 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?
- What procedures does the PMSC have for weapons if the vessel its security personnel are protecting is about to be seized?
- What will the security team do if pirates are injured, killed, or captured?
- Can the shipowner, manager or operator obtain a copy of the PMSC's applicable standard operating procedures (SOPs)?
- Will the PMSC use a subcontractor (which the Administrator discourages) and, if so, under what circumstances? Could the shipowner vet the proposed subcontractor and incorporate the new company into a new contract?
- What ability to control/direct any subcontractor is retained by the shipowners, managers and operators?
- Do any further issues arise out of the engagement of subcontractors?
- If so, could the shipowner vet the proposed subcontractor and incorporate the new company into a new contract?
- Could the shipowner see the PMSC's most recent annual operational results?
- Has the PMSC signed the International Code of Conduct (ICoC) for Private Security Providers? If not, why not?
- What industry associations is the PMSC a member of?
- If the PMSC has not joined any of the key associations, why not?

- Is the PMSC certified to ISO 28007?
- Will all armed security personnel have been interviewed by the PMSC?
- What is the company turnover in armed security personnel?
- What is the vetting process of armed security personnel?
- 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 and system updates with the Master after embarkation?