

## GUIDANCE NOTE 09/2022 (Rev 01)

### CARRIAGE OF PRIVATELY CONTRACTED SECURITY PERSONNEL ONBOARD CAYMAN ISLANDS SHIPS IN THE FORMER HIGH RISK AREA

This Guidance Note replaces Guidance Note 03/2011 from 0001 UTC on 01 January 2023.

To: OWNERS, OPERATORS, CHARTERERS and MASTERS.

#### 1. BACKGROUND

- 1.1 At the 106<sup>th</sup> Session of IMO's Maritime Safety Committee, ICS, BIMCO, OCIMF, INTERTANKO, INTERCARGO and IMCA informed the Committee that the High Risk Area (HRA) established in the Gulf of Aden and Indian Ocean would be removed at 0001 UTC on 01 January 2023.
- 1.2 This Guidance Note is intended to outline the Maritime Authority of the Cayman Islands' (MACI) policy on the carriage of Privately Contracted Security Personnel (PCASP) in the former HRA.
- 1.3 The Merchant Shipping legislation of the Cayman Islands does not expressly prohibit the carriage of firearms or PCASP onboard Cayman Islands Ships. MACI recognizes that many ship owners feel that the carriage of PCASP is still necessary for the protection of crews, ships and cargoes despite the removal of the HRA.
- 1.4 As such, the decision as to whether armed security personnel are to be carried lies with the ship owner and MACI would not seek to prohibit such a course of action being taken.

#### 2. THE CARRIAGE OF ARMED SECURITY PERSONNEL

- 2.1 The decision to carry PCASP onboard Cayman Islands ships should only be taken after a careful assessment of all relevant risks and taking all reasonable steps to reduce and mitigate these risks.
- 2.2 As part of that risk assessment, detailed legal advice should be sought regarding the legal implications involved with the carriage of PCASP in all areas where the ship will be operating with the armed security personnel, including potential liabilities for any death or injury caused.

- 2.3 Following this Risk Assessment, should a ship owner decide that the carriage of armed security personnel in the Gulf of Aden and Indian Ocean region is necessary for the protection of crews, ships and cargoes; the following must be borne in mind at all times:
- 2.3.1 The latest published version of “Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area ” (BMP) should be observed at all times in areas of high piracy threat. The carriage of any armed security personnel should supplement BMP, and should in no way replace it.
  - 2.3.2 The shipowner should take great care in the selection of Private Maritime Security Companies (PMSC). Employing the services of a disreputable PMSC may greatly increase the risks faced by crews and ship owners. The onus for selection remains with the ship owner.
  - 2.3.3 Any armed security guards should be carried within the lifesaving equipment provisions of the ship.
  - 2.3.4 “Rules of Engagement” and the onboard command structure must be agreed and known to all onboard. The master retains ultimate responsibility for safety and security onboard at all times. Masters cannot delegate this responsibility to a “security contractor” and may well be held responsible for their actions.
  - 2.3.5 Cargoes carried on certain types of ship will bring additional risks with the carriage and use of firearms. These risks should be understood by all onboard, including security personnel.

### **3. LETTERS OF NO OBJECTION**

- 3.1 Prior to the withdrawal of the HRA, the Cayman Islands Shipping Registry (CISR) issued “Letters of No Objection” (LONO) to ships wishing to carry PCASP in the HRA. This was to enable the ship’s master to demonstrate to Port and Coastal State officials that the carriage of PCASP in the HRA had been accepted by the Flag State.
- 3.2 These letters made specific reference to the HRA and the current BMP in force at the time of the letter’s issue. As such, there is no guarantee that Port and Coastal States will continue to recognize these existing letters as valid, although some may choose to do so.
- 3.3 From 01 January 2023, CISR have confirmed they have no objections to the carriage of PCASP in the former HRA on condition that section 2 of this notice is strictly adhered to. Consequently, a formal LONO will no longer be required.
- 3.4 CISR will continue to issue LONOs, in exceptional circumstances, when evidence of acceptance of armed guards by the Flag State is required by a Port State that the ship intends to call at with armed guards embarked.
- 3.5 The issue of any LONO by CISR does not guarantee the acceptance of PCASP being embarked by any Port or Coastal State in whose jurisdiction the ship may be.