

GUIDANCE NOTE 03/2011

CARRIAGE OF PRIVATELY CONTRACTED SECURITY PERSONNEL (PCASP) ON BOARD CAYMAN ISLANDS SHIPS IN THE GULF OF ADEN REGION

To: OWNERS, MANAGERS AND MASTERS OF CAYMAN ISLANDS SHIPS

This Guidance Note was previously issued as Shipping Notice 03/2011 and the content remains unchanged.
A copy of Shipping Notice 03/2011 is attached to, and forms part of, this Guidance Note.

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SHIPPING NOTICE 03/2011

**CARRIAGE OF PRIVATELY CONTRACTED SECURITY PERSONNEL (PCASP)
ONBOARD CAYMAN ISLANDS SHIPS IN THE GULF OF ADEN REGION**

To: OWNERS, MANAGERS, CHARTERERS AND MASTERS OF CAYMAN ISLANDS SHIPS
(INCLUDING PRIVATE AND COMMERCIAL YACHTS).

1. BACKGROUND

- 1.1 Along with many other Flag Administrations, the Maritime Authority of the Cayman Islands (MACI) has received a number of enquiries regarding the implications of carrying PCASP onboard ships transiting the Gulf of Aden region.
- 1.2 Cayman Islands laws and regulations do not expressly prohibit the carriage of firearms or PCASP onboard Cayman Islands Ships. With the escalation of acts of piracy and armed robbery in the Gulf of Aden and Indian Ocean, MACI recognizes why many ship owners feel that the carriage of PCASP is necessary for the protection of crews, ships and cargoes.
- 1.3 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 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 should be borne in mind at all times:

2.3.1 “Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area¹” (BMP3) should be observed at all times in areas of high piracy threat. The carriage of any armed security personnel should supplement BMP3, 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. There are ongoing international initiatives on the “accreditation” of PSMCs, but until these are finalized 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 Consideration should also be given as to when it might be considered prudent to cease resistance in an escalating situation involving firearms.

2.3.6 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. ONGOING INTERNATIONAL INITIATIVES

3.1 IMO has developed guidance to shipowners, ship operators and shipmasters on the use of privately contracted armed security personnel on board ships in high risk areas. These guidelines will shortly be the subject of a MSC Circular, and a preliminary copy of the draft guidelines is included as an annex to this Shipping Notice.

3.2 If such armed security personnel are carried it should be in accordance with the guidelines issued by IMO.

3.3 Records required by the guidelines need not be entered in the Official Log Book, but should nonetheless be retained onboard.

3.4 This advice and guidance will be updated periodically to reflect the work and decisions of the Maritime Safety Committee of IMO.

¹ As may be amended or updated, from time to time.

ANNEX

**DRAFT [INTERIM] GUIDANCE TO SHIPOWNERS, SHIP OPERATORS, AND SHIP
MASTERS ON THE USE OF PRIVATELY CONTRACTED ARMED SECURITY
PERSONNEL (PCASP) ON BOARD SHIPS IN HIGH RISK AREAS.**

(as developed by IMO at MSC 89)