



Armed Guards on Merchant Vessels

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Comprehensive Information on Complex Crises

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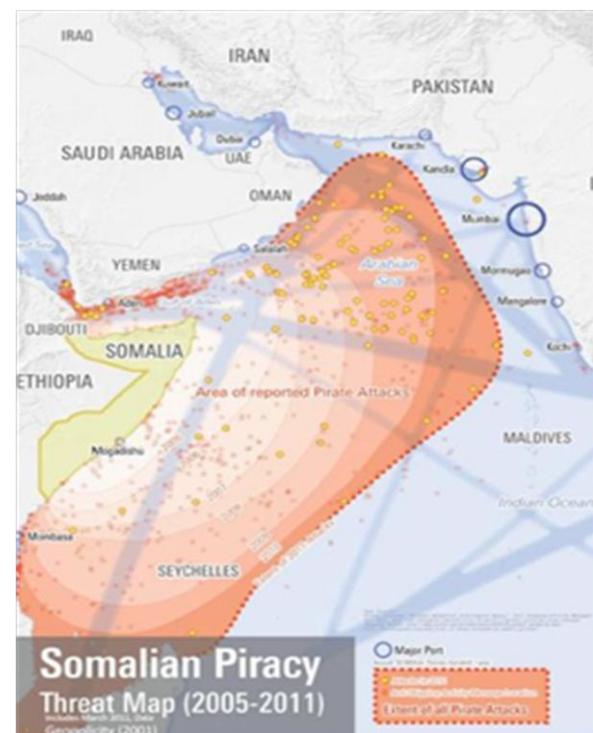
*This paper provides an overview of the use of private armed guards on merchant vessels and its current debate by the shipping industry and other actors affected by Somali piracy. Related information is available at www.cimicweb.org. **Hyperlinks to source material are highlighted in blue and underlined in the text.***

The threat of piracy off the coast of Somalia, as well as in the Gulf of Aden (GoA), Horn of Africa (HoA) and the Indian Ocean has sparked a [new discussion on the use of](#) privately contracted armed security personnel (PCASP) on board merchant vessels to prevent pirates from successfully boarding and hijacking a vessel. Vessels with low freeboard and/ or low speed are [more vulnerable](#) to pirate attacks. Therefore hiring armed guards on these [vulnerable vessels are more likely](#). However, employing private armed guards to protect commercial vessels traveling through pirate-prone waters is controversial for a number of reasons, such as legal issues, safety concerns for seafarers and varying national regulations. This paper will provide a brief overview of the on-going debate over the use of PCASPs as well as recent movements related to this matter.

Despite unprecedented high numbers of Somali pirate attacks this year, the [success rate](#) of a vessel being boarded and hijacked is much lower compared to previous years, according to the International Maritime Bureau's (IMB) Piracy Reporting Centre (PRC). In the first nine months of 2011, there [were 199 attacks](#) compared to 126 in 2010 reported. In the same time period, 24 vessels were successfully hijacked in 2011 compared to 35 in 2010.

As of [07 November, 2011](#) the [IMB](#), part of the International Chamber of Commerce ([ICC](#)), reported the following statistics for 2011.

Figure 1. Somali Piracy Threat Map 2005-2011



Source: [Geopolicity Report "The Economics of Piracy"](#)

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Table 1. Incidents Reported for Somalia

Total Incidents¹	217
Total Hijackings	26
Total Hostages	450
Total Killed (hostages)	15

Table 2. Current Vessels Held by Somali Pirates

Vessels	13
Hostages	249

The International Maritime Organization (IMO) “is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships”. In May 2011, various industry associations such as the Baltic and International Maritime Council (BIMCO), the International Chamber of Shipping (ICS), International Group of P & I Clubs (IGP&I), and INTERTANKO, along with others, [submitted a set of suggested guidelines](#) to IMO’s Maritime Safety Committee (MSC) before their 89th session “in the form of what is known as a “J” paper to provide assistance to the MSC 89 maritime security working group” on the use of Private Maritime Security Contractors (PMSC). Among other outcomes, the meeting resulted in the establishment of three documents:

1. [MSC.1/Circ.1405](#) - Interim Guidance to Shipowners, Ship Operators, And Shipmasters on The Use Of Privately Contracted Armed Security Personnel on Board Ships in The High Risk Area
2. [MSC.1/Circ.1406](#) - Interim Recommendations For Flag Sates Regarding The Use of Privately Contracted Armed Security Personnel On Board Ships In the High Risk Area
3. [MSC.1/Cir. 1408](#) - Interim Recommendations For Port and Coastal States Regarding the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area

In September 2011, IMO revised the first two documents, ([MSC.1/Circ.1405/Rev.1](#) and [MSC1/Circ.1406/Rev.1](#)) and approved all three documents. Although IMO has established these recommendations, they emphasize that the circulars should be [seen as guidelines](#) and not as an endorsement to employ armed guards.

Examples of use of PCASP

The past success of armed guards in deterring pirate attacks is compelling. Tracy Peverett, the head of Maritime Security at the IMO, said [in an interview](#), with *Reuters* on 25 July of this year, that these companies or Armed Maritime Security Providers (AMSP), “seem to be working, there has been no successful attack on a vessel that has been carrying private armed security”. Several recent media stories support her statement that on board security guards have demonstrated success in deterring Somali pirates from boarding vessels. These include an incident involving [a freighter](#) in the Indian Ocean on 15 August and a [chemical tanker](#) in the Gulf of Aden on 29 August. The *Associated Press* released an article describing an aborted attack by Somali pirates on a Danish [product tanker](#) in September of this year. The pirates allegedly aborted the attack when warning shots were fired by the tankers’ security guards. In October, *Reuters* described an incident involving an oil and gas exploration ship, [Ocean Rig Poseidon](#), which was able to [thwart an attack](#) with the assistance of on-board security personnel and with the support of the Tanzanian Navy. Another success story includes the container ship [MV Kota Nasrat](#), which [was attacked](#) on 06 October, about 220 nautical miles south east of Mombasa, Kenya, according to *Somalia Report*. Since armed guards have had a good success rate in deterring Somali pirate attacks and preventing hijackings, a greater number of security companies are emerging on the international scene, but as the IMO’s Ms. Peverett further pointed out in her above mentioned interview with *Reuters*, there are “not enough qualified companies”.

Private Armed Security Standards

The decrease in [successful pirate attacks](#) has been linked to the presence of international naval forces in Somali pirate prone waters, compliance of the shipping industry to Best Management Practices (BMPs) and military or private security guards. However, there is reluctance by many involved in international shipping to use armed guards on board merchant vessels due to concerns about the level of training, lack of industry

¹ Piracy and armed robbery



regulation and a [drastic increase in the number of security companies](#) over the several years. Several companies are working on establishing certain standards and overarching guidelines in order to mitigate some of these apprehensions. One example of this is the [Gray Page](#), a specialist maritime intelligence, investigation and crisis management company that provides an Armed Maritime Security Provider Vetting ([AMSP](#)) page as a resource for shipowners [seeking information on](#) potential security providers. Another example is the International Association of Maritime Security Professionals ([IAMSP](#)), which is geared towards the maritime security industry and was founded by several companies within the industry to establish “[standards of best practice](#)”. Furthermore, the International Code of Conduct for Private Security Service Providers ([ICoC](#)), is committed to setting industry standards with which its members comply. Similarly, the Security Association for the Maritime Industry ([SAMI](#)) focuses on providing guidance and standards for maritime security companies and aims to help shipping companies find the “very best maritime security providers in the industry”. SAMI has also established the SAMI Accreditation Programme, which includes several stages and the process can take up to six months to complete. Finally, in order to provide certain standards for maritime security companies, the German government is [looking into developing certifications](#) to ensure that certain safety standards are met.

International Naval Response

The European Union ([EU](#)) established European Union Naval Force ([EU NAVFOR](#)) Somalia - Operation ATALANTA in [December of 2008](#). As of October 21, EU NAVFOR comprises [six warships and three aircrafts](#) (*see Annex D*). The area of operations includes the GoA, the southern Red Sea and part of the Indian Ocean. According to the EU NAVFOR media brochure from 21 October, this covers “an area of 2,000,000 square nautical miles (almost 4,000,000 square kilometres). This is [an area 1.5 times the size of Europe mainland](#), 30 times the size of England, 10 times Germany, or 7 times France or Spain”. EU NAVFOR’s [mission strives to](#) protect World Food Programme ([WFP](#)) vessels and African Union Mission in Somalia ([AMISOM](#)) shipping in addition to protecting other “vulnerable shipping”. The mission also includes the prevention and repression of piracy and armed robbery and monitoring of fishing activities.

NATO launched [Operation Allied Provider](#) in October 2008 and followed on with [Operation Ocean Shield](#) in August 2009. At this time, the mission consists of [five warships and one aircraft](#) according to Allied Command Operations’ website (*see Annex D*); the area of operations includes the GoA and the Somali Basin, an area of approximately 1,000,000 square kilometres. The NATO Shipping Centre ([NSC](#)), located in Northwood, UK provides “information important for shipping in the area of operation - primarily the HoA”. NATO seeks to develop a comprehensive approach offering support to “[regional-state counter-piracy capacity building](#)”, in addition, to [deter, disrupt piracy in the region and protecting](#) WFP vessels.

In January of 2009, the Combined Task Force ([CTF](#)) 151, a multinational force was established. It is a mission-based task force and currently operating in the Gulf of Aden and off the coast of Somalia, “covering an area of approximately 1.1 million square miles”. CTF 151 is part of the Combined Maritime Forces ([CMF](#)) (*see Annex E and Annex F*). Other international naval forces operating in the region with a focus on counter-piracy include but are not limited to: [China, India, Japan, Russia, and Taiwan](#).

The ICS and the International Shipping Federation ([ISF](#)), represent approximately 80% of the world merchant fleet. The chairman of ICS, Spyros Polemis, has been criticising governments for not doing enough to protect merchant vessels. “The fundamental problem is [the lack of navy ships](#) that are committed to protecting shipping – a band aid on a gaping wound, although the navies do an excellent job under the circumstances and we commend them for this,” says Mr. Polemis. In July 2011, ICS, in cooperation with the European Community Shipowners’ Associations ([ECSA](#)), provided an [eight-page document](#) describing flag states’ policies for having security personnel and weapons on board.

The ECSA newsletter from [September 2011](#), stated that, while it recognized the efforts made by military forces in pirate-prone areas, they still urged EU Member States and the International Community to take action in the seven following areas:



1. Stronger terms of engagement for the military forces
2. Targeting of mother ships of the pirates
3. Supply of military Vessel Protection Detachments (VPDs)
4. Creation of an International Task Force in the UN involving relevant Authorities
5. Prosecuting of pirates
6. Establishing of a coast guard in the area
7. Enhance efforts to create law and order in Somalia

Changing Policy

While previously opposed to the use of PCASP on board their vessels, the desire to protect their crew and cargo from pirate attacks and the lack of alternatives has prompted some in the shipping industry to reconsider their stance. An increasing number of shipping companies, such as the [China Ocean Shipping Company \(COSCO\)](#), [Danish Torm A/S](#), as well as [Maersk Tankers](#), have announced that they will start hiring armed guards to protect their vessels from pirates. The cost of hiring private armed guards can be expensive for shipping companies. According to an article by *The Economist*, a four-man team “can run [up to USD 100,000 per voyage](#)”. In addition to considerations of high costs, the legislation of the [flag state](#) also plays an important role in determining the feasibility of shipping companies using armed guards in pirate-prone areas.

The Somali pirate threat and the effect it has on the world economy has also caused numerous countries to change their positions on the use of armed guards on merchant vessels. At the end of August 2011, India published a nine-page set of guidelines² outlining possible risks involved in using armed guards and stated, “whilst not endorsing the use of armed guards on merchant ships, given the present serious danger to shipping from the pirates, the Indian ship owners may deploy armed security guards, subject to their risk assessment”.

The United Kingdom is also in the process of changing its policy on the use of armed guards. On 12 October 2011, UK Foreign Office Minister Henry Bellingham gave a speech to the British Chamber of Shipping providing a brief overview of piracy and its human impact, steps the UK has taken to counter Somali piracy, including the involvement of the Royal Navy and the [upcoming policy changes](#) with regards to the use of armed guards. On 30 October, 2011 UK Prime Minister [David Cameron confirmed](#) the policy changes allowing for the use of armed guards.

Other countries are also looking into making changes to their national policies, among them [Germany](#) and [Cyprus](#). In August, a Maltese maritime consulting firm, [Combined Maritime Services Ltd.](#), explained that while several factors must be considered before allowing PCASP, all applications to hire private armed guards are evaluated on a case by case basis. According to the firm, a total of [14 requirements](#) have to be fulfilled before permission is granted. Some of the considerations include, but are not limited to: an undertaking that the ship owner, operator, and the master have considered and applied the provisions of MSC.1/Circ. 1405; voyage specific risk assessment of the vulnerability of the ship determining the requirement to engage PCASP; an undertaking that the provisions of the BMP in its up to date version will be implemented on board in its entirety; and details of the cargo on board.

The legal aspect of PCASP was discussed during the [9th meeting](#) of the Contact Group on Piracy off the Coast of Somalia Working Group 2 (Judicial Issues) held 11-12 October 2011, during which 90 participants from over three dozen countries gathered in Victoria, Seychelles. The meeting sought “to [continue exchanging](#) views on the use of PCASP on commercial vessels”.

Despite efforts by various governments to deploy naval vessels to suppress and deter acts of piracy off the coast of Somalia, shipowners have increased the use of on-board armed guards. While the exact number of vessels employing armed guards is unclear, Simon Benneet, an ICS spokesman said that an estimated [20% of](#)

² [Guidelines on Deployment of Armed Security Guards on Merchant Ships](#)



[vessels in the Indian Ocean](#) employ them. An article by *Bloomberg* from May 2011 offered slightly different numbers and predicts [an increase](#) in PCASPs in the GoA and Indian Ocean from 12% to about 20% within the next 18 months.

Some ship insurers would like to see an [increase in the use of PCASPs](#) to protect merchant vessels. Recently, an article in *Lloyd's List* stated that although not directly confirmed by insurers, "[some form of discount](#)" was applied. ICS Chairman Spyros M. Pelemis advises governments to provide additional naval forces. Furthermore, ICS and three other major international shipping associations (BIMCO, INTERTANKO and INTERCARGO), representing ca. 90% of the "world merchant fleet", have urged the United Nations ([UN](#)) to relay their proposal of a [UN armed military force](#) to the Security Council.

Military Vessel Protection Detachments

There are clearly real concerns and some apprehension towards the use of PCASP across a spectrum of stakeholders. This has resulted in an increase in the use of military Vessel Protection Detachments (VPDs). The [BMPs 4](#) makes mention of them, but does not offer a definition. VPDs are generally considered to be a military term meaning very small military teams deployed on civilian merchant vessels, however, a written definition and further explanation of these groups remains difficult to obtain from open source documents.

Thailand announced in May 2011 that its navy will deploy "a [60-strong armed guard unit](#)". The unit will travel in teams of four and provide protection on Thai vessel traveling through "piracy-prone sea lanes off Somalia". The Dutch Ministry of Defence announced on 12 October 2011 that in the coming year, their "armed forces will be [able to deploy](#) 50 VPDs to protect vulnerable merchant ships sailing under the Dutch flag from pirates". Only a few weeks prior, *World Maritime News* covered a story on Dutch Marines [protecting a Dutch semi-submersible vessel](#) on its voyage from Singapore to the United Arab Emirates. Meanwhile, on 11 October 2011, Italy announced that [10 military units](#) of the Italian Navy, each comprising six men, will be deployed on board Italian-flagged vessels while traveling through pirate-prone areas.

According to an article by *Deutsche Verkehrs-Zeitung (DVZ)*, from 26 August 2011, German shipping companies would also like to see the German Navy [help protect their vessels](#) from the increased threat of pirate attacks in the GoA and Indian Ocean. However, German Defence Minister Thomas de Maizière said that the use of private armed guards would be a good alternative for German shipping companies, as Germany is currently investigating the possibility of legalising the use of PCASP. In some cases, shipping companies have [registered a ship](#) under a flag of convenience ([FOC](#)) in order to deploy PCASP. The German shipping company Ernst Komrowski, based in Hamburg, [registered a ship in Liberia](#) to be able protect their vessels with armed guards. The use is only semi-legal in Germany because regulations do not allow armed guards on German-flagged ships but also "[don't explicitly forbid them](#)".³

Conclusion

The use of PCASP remains controversial and several aspects have to be considered, including legal aspects and the safety of seafarers. The IMO emphasises that MSC.1/Circ.1405/Rev.1, MSC.1/Circ. 1406/Rev.1 and MSC.1/Circ.1408 are guidelines and "are [not intended to endorse or institutionalize](#) the use of armed guards" or to replace BMPs. According to the IMO, while traveling through high risk waters, BMPs should continue to guide initial steps before any other measures are considered. The majority of shipowner associations such as the ICS and the ISF have made it clear that they prefer to use international military personnel over the hiring of armed guards to protect their ships and cargo. Yet, given the current situation for ships traveling through pirate-prone areas, certain provisions have been made. Ultimately, as stated by Kiran Khosla, ICS Director of Legal Affairs and secretary of the ICS' maritime law and insurance committees, "[to engage armed guards](#), whether military or private, is a decision to be made by the ship operator". He further states that various factors have to be considered, such as risk, policy of the flag state as well as the approval of the insurer. Based on the growing trend for the use of armed security guards and success in deterring pirate attacks, it seems that more countries are contemplating a change in legislation to allow armed security guards

³ See [Flag State Rules and Requirements on Arms and Private Armed Guards on Board Vessels: Combined ICS/ECSA Table](#)



on board merchant vessels, at least as a temporary measure to counter pirate activities. The International Transport Workers' Federation ([ITF](#)) has raised concerns about these recent developments warning of a [possible arms race](#) between the pirates and the shipping industry. David Heindel, chairman of the ITF, would rather see a stronger engagement of the counter-piracy forces, to include [land-based assaults](#). During a recent visit to the Civil Military Fusion Centre ([CMFC](#)) Rolf Pedersen, Security Manager at Maersk Line, Limited in Norfolk, Virginia said “after extensive investigation and experimentation, Maersk Line, Limited has discovered the one non-lethal deterrent that gives our crews confidence and has shown to be very effective is the capability to provide a well-aimed warning shot”. With recent policy changes in various countries allowing the use of armed guards and more shipping companies hiring them, it will be important to see how these changes will develop and impact the overall security situation in Somali pirate-affected areas.

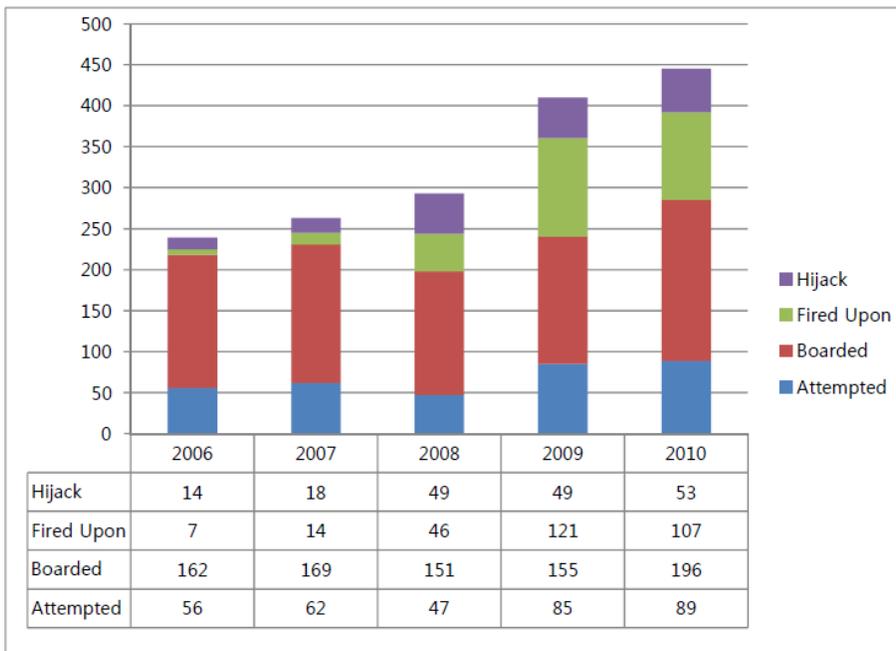


Glossary

AMSP	Armed Maritime Security Providers
BMPs	Best Management Practices
CGPCS	Contact Group on Piracy off the Coast of Somalia
CMF	Combined Maritime Forces
CTF 151	Combined Task Force 151
FOC	Flag of convenience
ICC	International Chamber of Commerce
ICS	International Chamber of Shipping
IMB	International Maritime Bureau
IMO	International Maritime Organization
ISF	International Shipping Federation
ITF	International Transport Workers' Federation
PCASP	Privately Contracted Armed Security Personnel
PMSC	Private Maritime Security Company
PRC	Piracy Reporting Centre
SAMI	Security Association for the Maritime Industry
VPDs	Vessel Protection Detachments (VPDs)

Annex A.

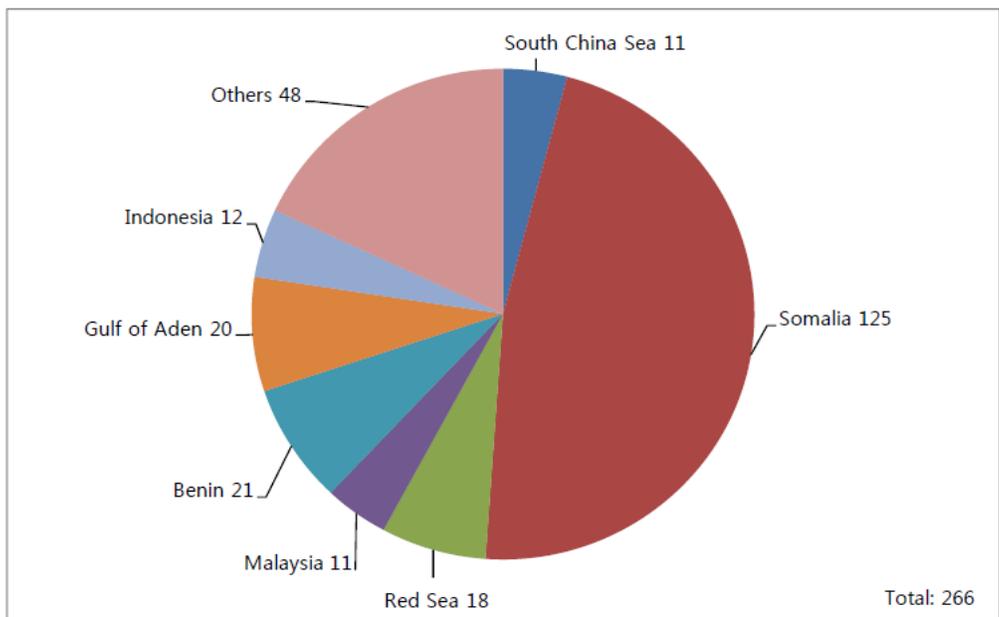
Yearly Comparison of Piracy Incidents



Source: *IMB-ICC Piracy Reports*
 Accessed via [Contact Group On Piracy Off the Coast of Somalia, 16 September, 2011](#)

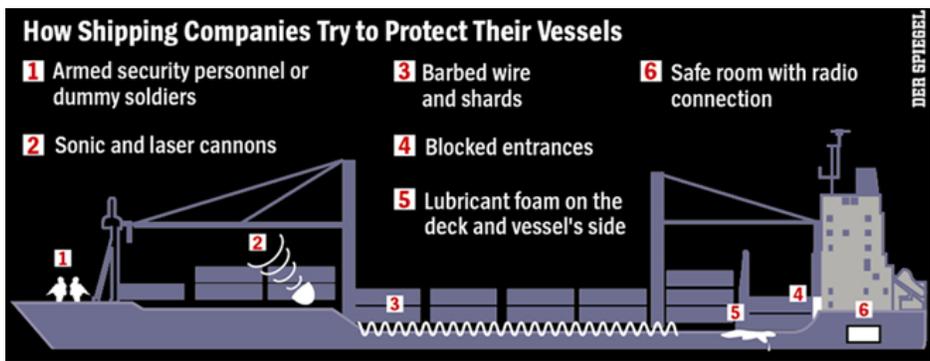
Annex B.

Piracy by Location
(During the period of January ~ June 2011)



Source: *IMB-ICC Piracy Reports*
 Accessed via [Contact Group On Piracy Off the Coast of Somalia, 16 September, 2011](#)

Annex C.



Source: [Der Spiegel, accessed 04/07/2011](#)



Annex D.

EU NAVFOR Forces as of 03 November 2011

FGS BAYERN (Flagship)	Germany
FGS KÖLN	Germany
HNLMs ZUIDERKRUIS	Netherlands
FS SURCOUF	France
SPS INFANTA CRISTINA	Spain
SPS GALICIA	Spain
P-3A ORION	Spain
FAIRCHILD MERLIN	Luxembourg
P-3C ORION	Germany

Source: [EU NAVFOR Media Information Guide](#)

NATO Forces as of 01 November 2011

ITS ANDREA DORIA (Flagship)	Italy
USS CARNEY	USA
USS DE WERT	USA
RFA FORT VICTORIA	United Kingdom
HDMS ABSALON	Denmark
P3 Aircraft	Norway

Source: [Allied Maritime Command Headquarters Northwood](#)

Annex E.



Combined Maritime Forces

- Coalition of the Willing
- Primary Missions:
 - Counter violent extremists and terrorist networks
 - Work with regional and coalition partners to improve overall maritime security and stability
- CTF 150
 - Established in support of Operation Enduring Freedom
- CTF 151
 - Counter-piracy
- CTF 152
 - Arabian Gulf maritime security

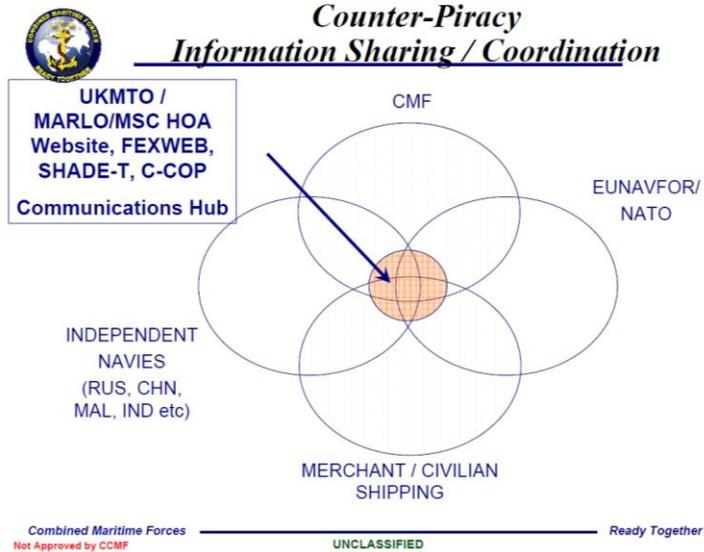


Combined Maritime Forces Not Approved by CCMF UNCLASSIFIED Ready Together

Source: [Combined Maritime Forces \(CMF\) Counter Piracy Operations, Challenges, Shortfalls and Lessons Learned presentation from 04 June 2009 by Cdr Alastair Clark RN.](#)



Annex F.



Source: Combined Maritime Forces (CMF) Counter Piracy Operations, Challenges, Shortfalls and Lessons Learned presentation from 04 June 2009 by Cdr Alastair Clark RN.