Armed Guards on Ships – a Controversy

Peter Cook
Founder & Director of SAMI
“The average man will bristle if you say his father was a thief, but he will brag if he discovers that his great-grandfather was a pirate”

Bern Williams
Armed Guards on Merchant Ships – a Controversy

• Threat
• Options available?
• PMSCs – Advantages & Disadvantages of embarking armed security teams.
• “Wild Eyed, pony tailed, gun toting, mercenaries”?
• Regulate or Regret
• Security Association for the Maritime Industry (SAMI)
• Maritime Security and the future.

Security Association for the Maritime Industry (SAMI)
Threat

• Complexities are numerous and multifaceted.
• Environmental
  – Area, weather, timings
• Tactics are dynamic
“While Western defence expenditure and investment in sophisticated Weaponry grew, it was a speedboat packed with improvised explosives that almost sunk the USS COLE in 2000.”

Professor Richard Holmes
Threat

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• Tactics are dynamic
• Psyche of the pirate
Threat

• Complexities are numerous and multifaceted.
• Environmental
  – Area, weather, timings
• Tactics are dynamic
• Psyche of the pirate
• Reduced naval presence autumn 2011
Chief of Staff EUNAVFOR

“We are comprehensively failing to do that” [deter piracy]

Col Richard Spencer RM
14 Sep 10
Options available?

- Route & Timing
Options available?

- Route & Timing
- BMP 4
- Embarked Unarmed Security Teams
- Embarked Armed Security Team
- Escort Vessels
- Run the Gauntlet
Armed Security Teams?

Advantages

• Not one ship with an armed team embarked have been successfully boarded by pirates.
• Greater route selection.
• Confidence boost for the crew.

Disadvantages

• Legal complexities including liabilities
• Embarkation/Disembarkation bureaucracy
• May complicate coalition support
“Wild eyed, pony tailed, gun toting, mercenaries!”

Blackwater incident: What happened

The shooting of Iraqi civilians in an incident involving US security firm Blackwater has been the subject of several investigations.

The Iraqi government has accused Blackwater security guards of killing the civilians on the morning of 16 September 2007, while they were escorting an American diplomatic envoy in Baghdad.

The company said the civilians were killed during a shootout after one of their convoys came under attack in Nisoor Square, in an affluent neighbourhood of the capital. They said the guards reacted lawfully to gunfire deliberately aimed at them.

The Iraqi government, citing eyewitness reports, concluded that the Blackwater guards fired on civilians without provocation.
“Wild eyed, pony tailed, gun toting, mercenaries!”
Growth of PMSCs

- Currently more than 160 private security companies currently claim to provide some form of maritime security in the Indian Ocean region.
- Approximately 5 new start-ups per week in the UK alone.
- Approximately 60% of all PMSCs are UK based the remainder are international.
- The largest PMSCs are collectively conducting around 500+ transits per month resulting in 20-25% of all transits embark armed security teams.
- Reputable PMSCs are reporting at least 25% increase in demand.
Regulate or Regret

- **Montreux Document (Sep 08)** “pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict”

- **International Code of Conduct for Private Security Service Providers (Nov 10)** “The Signatory Companies affirm that they have a responsibility to respect the human rights of, and fulfil humanitarian responsibilities towards all those affected by their business activities including Personnel, Clients, suppliers, shareholders and population in the area in which services are provided.”

- Both documents are very land operations and focused on armed conflict.

- ICoC Maritime Annex will be drafted with SAMI involvement, date uncertain.
Regulate or Regret

• Norwegian Shipowners’ Mutual War Risks Insurance Association Guidance on the Selection of PSC (Mar 11)
  “DNK’s intention is to assist its member companies in determining factors which may be important when choosing PSC’s”

• Industry Guidelines for the Use of Private Maritime Security Contractors (PMSC) as Additional Protection in Waters Affected by Somali Piracy (May 11) Developed by BIMCO, ICS, INTERCARGO, INTERTANKO, OCIMF, IG P&I Clubs – “Industry believes that the use, or not of armed Private Maritime Security Contractors (PMSCs) onboard merchant ships has to be a matter for individual ship operators to decide following their own voyage risk assessment.”
Regulate or Regret

• MSC Circulars initially drafted May 11 and Revised Sep 11:
  • 1406 – Revised Interim Recommendations for flag States Regarding the use of Privately Contracted Armed Security Personnel on board ships in the High Risk Area.
  • 1408 (drafted Sep 11) - Interim Recommendations for Port and Coastal States Regarding the Use of Privately Contracted Armed Security Personnel on board Ships in the High Risk Area.
MSC Circular 1405 - Revised Interim Guidance to Shipowners, Ship Operators and Ship Masters on the use of Privately Contracted Armed Security Personnel (PCASP) on board ships in the HRA

- Risk Assessment
- PMSC Selection criteria
  - Company structure, ownership, financial position, insurance cover, management experience, quality management indicators, background information.
- Selection, vetting and training of PCASP
- PMSC and shipowner insurance cover
- PCASP team size, composition and equipment
- Command and Control of Onboard Security Team – including relationship with the Master
- Management of Firearms and Ammunition from Embarkation to Disembarkation
- Rules for the Use of Force
- Reporting and Record Keeping
- Familiarisation for Master and Crew

26 September 2011
SAMI
Security Association for the Maritime Industry (SAMI)

• Evolution of SAMI commenced summer 2008
• Round Table discussions with PMSCs in Q4 2010
• Signatory of the ICoC Nov 2010
• Dramatic increase in piracy and level of violence end of 2010/early 2011 acted as the catalyst
• PMSCs that are signatories of the ICoC invited to join from 11 Apr 11
• 58 PMSCs have joined from around the globe (32 UK, 5 Gr, 3 NL, 3 US, 2 Cyprus, 2 Fr, 2 SA, 2 UAE, 1 CH, 1 Estonian, 1 Malta, 1 Nor, 1 NZ, 1 Rus, 1 Sri Lanka – 60% UK based, 40% international)
• SAMI acted as maritime security advisor to Marshall islands at IMO MSC/89 and at the intercessional meeting Sep 11.
• SAMI liaises with all coalition naval forces about PMSCs and the growing industry
The Due Diligence and Vetting of SAMI members.

- Cornerstone of SAMI credibility
- SAMI Accreditation process will be conducted in accordance with the IMO's MSC Circular 1405 in order to satisfy the requirements of MSC Circular 1406 and 1408.
- SAMI Accreditation process will be conducted by the National Security Inspectorate (NSI) a professional and fully accredited vetting agency.
- Accreditation reports of PMSCs will be available online and clients will be able to access by purchasing a licence.
- Vetting of personnel and training structure will be formulated concurrently
SAMI Accreditation Process

- Accreditation Process will be conducted in 3 Phases:
  - Phase 1 - Due Diligence will commence early October 11 and will be the documentation processing of SAMI Members.
  - Phase 2 – Headquarters Audit will be conducted over ½ days on site to look at procedures and sustainability of the PMSC management and operations team.
  - Phase 3 – On site spot check of a PCASP Team having just disembarked or about to embark a ship to conduct an escort. Spot check will include checking of all documentation, knowledge of procedures with ship and Port State Authority.
- The first PMSCs should have completed the Accreditation process by Q2 12.
- A full and detailed explanation of the Accreditation process will be available in early October 11 on the SAMI website (www.seasecurity.org)
Future for SAMI.

- SAMI Accreditation will be established and ‘clients’ will be able to access Accreditation Reports via SAMI licensing (average cost of 4 man armed PCASP embarked for one day - $5K).
- Set up Working Group to formulate RUF
- PMSC Engagement Contracts
- Formulate Training Structure for PMSC Personnel
- Represent the maritime security industry to industry bodies and naval coalition forces
- SAMI is not just about piracy off East Africa!
Maritime Security: The new growth industry?

• The volume of World trade being moved by sea is expected to increase by 50% over the next 20 years. Over that same period the Western Navies are going to shrink in size by 30%.

• Cruise liner fleet increased in size by 50% between 2006-2010 (520K people at sea on cruise liners every day of the year).

• There are more than 4500 Super Yachts and construction is on the rise again and the second hand market is ‘buoyant’.

• The global thirst for oil and gas is unquenchable, oil and gas prices are rising, ME supply less predictable; pushing the oil & gas industries into more technically challenging and unsafe areas (of the 52 undeveloped countries in the world, 67% have a coastline).

• With the increase in world population (7 Billion in 2011 – National Geographic) and the scarcity of resources, cargoes will become increasingly valuable and the easiest place to get hold of a cargo is in port.
“People sleep peaceably in their beds only because rough men stand ready to do violence on their behalf”

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Of the 52 undeveloped 67% have a coastline.

“...disorder at sea is most often the consequence of disorder on land and that, in consequence, naval activity conducted purely at sea usually deals with the symptoms of the problem rather than its causes”

Professor G Till ‘New Directions in Maritime Strategy? Implications for the US Navy’
Current Situation.

• Coalition Forces have between 15-20 warships actively patrolling the Indian Ocean Region (IOR), mostly concentrated in Gulf of Aden.
• Chief of Staff for EUNAVFOR said of deterring piracy: “We are comprehensively failing to do that”.
• For the coalition to guarantee a 60 min response time with a helicopter over a distressed ship in the HRA they would require 83 warships.
• All western nations have recently been through some form of defence review and none have emerged without some form of reduction to maritime forces. It is very unlikely that significant additional assets will be dedicated to the operation.
• Autumn 2011 will see half the number of maritime assets (warships and maritime patrol aircraft) in the HRA as there were in autumn 2010.
• Very difficult to conduct a naval constabulary operation against an asymmetric threat.
“Doubt is not a pleasant condition, but certainty is absurd.”

Voltaire