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MSC.1/Circ.1406/Rev.2
25 May 2012

**REVISED INTERIM RECOMMENDATIONS FOR FLAG STATES REGARDING
THE USE OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL
ON BOARD SHIPS IN THE HIGH RISK AREA¹**

1 The Maritime Safety Committee, at its eighty-ninth session (11 to 20 May 2011), approved Interim recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area.

2 Given the importance and urgent nature of this issue, and the need to further develop and promulgate detailed guidance and recommendations as soon as possible, the Committee approved and the Council authorized the convening of an intersessional meeting of the Maritime Security and Piracy Working Group (13 to 15 September 2011) to update the recommendations.

3 The interim recommendations were further revised by the Maritime Safety Committee at its ninetieth session (16 to 25 May 2012) to take into account minor consequential amendments arising from the development of the interim guidance to private maritime security companies set out in MSC.1/Circ.1443 on Interim guidance to private maritime security companies providing privately contracted armed security personnel on board ships in the High Risk Area.

4 The Revised interim recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area is set out in the annex.

5 The attached revised interim recommendations should be read in conjunction with the interim guidance and recommendations set out in MSC.1/Circ.1443; MSC.1/Circ.1405/Rev.2 on Revised 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; and MSC.1/Circ.1408/Rev.1 on Revised interim recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area²; and the information provided in MSC-FAL.1/Circ.2 on Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships, as well as the other recommendations and guidance developed by the Organization for preventing and suppressing piracy and armed robbery against ships.

¹ High Risk Area: an area as defined in the Best Management Practices for Protection against Somalia Based Piracy (MSC.1/Circ.1339), unless otherwise defined by the flag State.

² As they may be revised.

6 Member Governments are urged to bring this circular to the attention of all national agencies concerned with anti-piracy activities, shipowners, ship operators, shipping companies, shipmasters and crews.

7 Member Governments are also urged to take any necessary action to implement, as appropriate, the revised interim recommendations given in the annex.

8 Member Governments, international organizations and non-governmental organizations with consultative status are invited to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained from the use of the revised interim recommendations so as to assist the Committee in deciding on any action to be taken.

9 MSC.1/Circ.1406/Rev.1 is hereby revoked.

ANNEX

REVISED INTERIM RECOMMENDATIONS FOR FLAG STATES REGARDING THE USE OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS IN THE HIGH RISK AREA¹

1 These interim recommendations provide considerations on the use of privately contracted armed security personnel (PCASP) if and when a flag State determines that such a measure would be appropriate and lawful. They are not intended to endorse or institutionalize their use. The recommendations do not address all the legal issues that might be associated with the use of PCASP on board ships.

2 In an increasing number of cases, shipowners are considering the use of PCASP to augment shipboard security arrangements when transiting the High Risk Area. The carriage of such personnel and their firearms and security-related equipment² is subject to flag State legislation and policies and it is a matter for flag States to determine if and under which conditions this will be authorized.

3 Flag States should take into account the possible escalation of violence which could result from the use of firearms and carriage of armed personnel on board ships when deciding on their policy. Flag States should provide clarity to Masters, seafarers, shipowners, operators and companies with respect to the national policy on carriage of armed security personnel.

4 Flag States should require the parties concerned to comply with all relevant requirements of flag, port and coastal States.

5 Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions. In developing such a policy, flag States are encouraged to take into account the following recommendations:

- .1 As a first step, consider whether the use of PCASP:
 - .1 would be permitted under the national legislation of the flag State;
 - .2 would be an appropriate measure under some circumstances to augment the security arrangements put in place, in accordance with related instruments and guidelines developed and promulgated by the Organization including the industry-developed best management practices, on ships flying its flag when operating in the High Risk Area; and
- .2 As a second step, if the use of PCASP is determined to be an appropriate and lawful measure, establish a policy which may include, inter alia:

¹ High Risk Area: an area as defined in the Best Management Practices for Protection against Somalia Based Piracy (MSC.1/Circ.1339), unless otherwise defined by the flag State.

² In the present recommendations, all references to firearms include the associated ammunition, consumables, spare parts and maintenance equipment for use by PCASP, and all references to security-related equipment include protective and communication equipment for use by PCASP.

- .1 the minimum criteria or minimum requirements with which PCASP should comply, taking into account the relevant aspects of the guidance set out in MSC.1/Circ.1405/Rev.2 on Revised 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 a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag;
 - .3 a process by which shipowners, ship operators or shipping companies may be authorized to use PCASP;
 - .4 the terms and conditions under which the authorization is granted and the accountability for compliance associated with that authorization;
 - .5 references to any directly applicable national legislation pertaining to the carriage and use of firearms by PCASP, the category assigned to PCASP, and the relationship of PCASP with the Master while on board; and
 - .6 reporting and record-keeping requirements; and
- .3 Provide information to the Organization on the use of PCASP for circulation to Member States.
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