

	CIRCULAR 2013-003		
	DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS)		
	Piracy and Armed Robbery	Ref	MSC.1Circ/1406 Rev2 MSC Circ 1339 MSC.1405 Rev 2 MSC.1408

**Companies operating ships registered in Antigua and Barbuda,
Seafarers operating ships registered under the flag of Antigua and Barbuda,**

This Circular updates the information previously contained in Circular 02-003-01 which is withdrawn and replaced by the updated guidance in this Circular.

1. General,

- 1.1. The continued threat of piracy and armed robbery at sea against ships and their crew navigating in the Somali Basin, the Gulf of Aden, the Wider Indian Ocean and the Gulf of Guinea remains of serious concern to this flag State Administration. The ADOMS fully endorses the International Maritime Organization's efforts to counteract this and guidance it has provided to contracting Governments, shipowners, ship operators and shipmasters on counter piracy efforts; and is particularly guided by the provisions of MSC.1/Circ.1406/Rev.2 entitled
"Revised interim guidance for flag States regarding the use of privately contracted armed security personnel on board ships in the high risk area."
- 1.2. ADOMS has provided access to LRIT data from Antigua and Barbuda ships transiting the HRA to European Naval Forces in order to support the UKMTO Voluntary Reporting Procedures and to enhance the maritime security forces domain awareness in the High Risk Area (HRA),. ADOMS is, therefore, notified when ships are deficient in adopting the provisions of the BMP and when advised of this, will seek to follow up with the ship's operators.
- 1.3. The Government of Antigua and Barbuda has also signed an agreement with the European Union to allow military Vessel Protection Detachments (VPDs) to board Antigua and Barbuda flagged vessels when they are chartered by the World Food Programme as well as vessels that are particularly vulnerable when transiting the HRA.

Piracy in the Somali Basin, Gulf of Aden and the Wider Indian Ocean

2. Best Management Practices,

- 2.1. This Administration endorses MSC.1/Circ. 1339 regarding *Piracy and armed robbery off the coast of Somalia – Best Management Practices for Protection against Somalia Based Piracy*, known as **BMP 4** and advises all involved in operating Antigua and Barbuda flagged ships navigating the HRA that their vessels must, as far as practicable, implement the anti-piracy measures in them.

2.2. Ship operators are asked to instruct their masters, ship security officers and crew to be familiar with the BMP4, as revised, and all other relevant IMO Circulars dealing with the issue of piracy. ADOMS would also highlight the three fundamental requirements of the BMP 4 for ships on every voyage through the HRA:

2.2.1. All ships intending on transiting the High Risk Area should register, by Fax or Email with the Maritime Security Centre Horn of Africa (MSCHOA); (registration forms for vessels can be found at www.mschoa.org.)

2.2.2. All ships on entering The UKMTO Voluntary Reporting Area should provide an initial report to the UK Maritime Trade Operations Office (UKMTO) at ukmto@eim.ae
Tel: +971 50 552 3215
Fax: +971 43065710,

2.2.3. All ships should, as far as practicable, implement the basic measures that are likely to be effective at reducing the risk of a piracy attack as prescribed in the *Implementation of Ship Protective Measures (SPMs)*.

3. Employment of Armed Security Personnel,

3.1. While the laws of Antigua and Barbuda do not explicitly prohibit the employment of Privately Contracted Armed Security Personnel (PCASP) on board Antigua and Barbuda flagged ships, ADOMS supports the IMO's position that the use of PCASP should not be considered as an alternative to best management practices and other protective measures.

3.2. However ADOMS also recognises that ship owners, ship operators and ship masters have the right and the responsibility to take or execute any decision which is necessary for the safety and security of the vessel and its crew.

3.3. ADOMS recommends that shipowners should only consider the option of placing armed guards (PCASP) on board if a risk assessment indicates that this is the best way to ensure the safety of the seafarers on board and the ship. In conducting the risk assessment ship owners, ship operators and ship masters may wish to refer to either of the following sources for valuable intelligence on pirate activities, in addition to the Useful Contacts as outlined in Annex A of BMP4:

3.3.1. US. Navy, Office of Naval Intelligence, *Piracy Analysis and Warning Weekly reports and World Wide Threat to shipping reports* at www.oni.mil.

3.3.2. The International Maritime Bureau (IMB) Piracy Report Center at www.icc-cs.org

- 3.4. In choosing a contractor to provide PCASP ship operators should be guided by the provisions of MSC.1405/Rev.2 entitled

“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”

in considering the company that will provide armed personnel. The use of firearms on vessels carrying dangerous cargoes should also be given special consideration with appropriate mitigating measures identified and established.

- 3.5. Ship operators and ship masters should also take note of MSC.1/Circ.1408 *on the interim recommendations to port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area*. This document provides guidance and information on the responses of coastal and port states to the carriage of PCASP on ships in the area.
- 3.6. It is incumbent on the ship owner/operator to ensure that PCASPs are given the same safety protection as the crew, therefore sufficient Life Saving Appliances (LSA) should be provided for all persons on board. In case of any shortfall in lifeboat capacity for the total number of persons on board when the PCASP are on board, an application should be made to ADOMS in good time explaining the circumstances and, if applicable, ADOMS will consider granting a suitable flag state permission.

4. Command and Control of PCASPs

- 4.1. All ship owners/operators should, when entering into a contract with a PMSC, ensure that there is a clearly defined and documented command and control structure linking the ship owner/operator, the Master, the ship's officers, and the PCASP team leader. It is recommended that documented procedures be established and implemented on board to cover safety briefings to the PCASP and secured measures for the stowage of the firearms.
- 4.2. The documented command and control structure should have a clear statement that indicates that the Master remains in command and retains the overriding authority at all times.
- 4.3. The master on board an Antigua and Barbuda flagged ship should also report the presence of PCASP, firearms and security related equipment embarked on board when reporting in to MSCHOA and UKMTO.

Piracy in the Gulf of Guinea

5. Interim Guidelines,

- 5.1. Acts of piracy and armed robbery in the Gulf of Guinea, while sharing some characteristics to the Somali based pirates, are harder to predict because these pirates appear to be more flexible in their operations and their fundamental strategy appears slightly different. The risk of a pirate attack is particularly high when a ship is at anchor or is drifting off a port area.
- 5.2. Neither the UKMTO nor MSCHOA play a role in this region, nor is there an established policing mechanism by international navies. This Administration therefore endorses the use of the Maritime Industry's – BIMCO, INTERTANKO, et al, *Interim Guidelines for Owners, Operators and Masters for the protection against piracy in the Gulf of Guinea region*, which is aimed at providing advice where there are gaps in the BMP4.

6. The use of Armed Guards – Gulf of Guinea,

- 6.1. Due regard should be taken in the employment of private armed guards in the Gulf of Guinea as they are normally prohibited from operating inside the territorial waters of the coastal states in the region. Current information suggests that some coastal states can make available armed escort vessels while others may permit certain companies to employ government police and military personnel onboard private escort vessels. Private teams may not be possible in this area.
- 6.2. Until the situation in the area becomes clearer any ship operator who wishes to embark an armed team in the Gulf of Guinea area should check local requirements carefully. ADOMS will support owners as far as possible and any application to permit armed teams should be made early and with as much information as possible.

7. Flag State Reporting Requirements,

- 7.1. Ship owners and ship operators are, as soon as practicable, to provide a report on all incidents of piracy attacks on Antigua and Barbuda ships to this Administration in accordance with *Flag State Notification Procedures* as set out in Circular 2012-002 (rev2).

February 2013

Circ 2013-003