

Circular 30 / 2012

To: All Vessel Managers, Company Security Officers, Ship Security Officers, Deputy Registrars, Surveyors and Other Interested Parties

Subject: Requirements concerning the use of Armed Personnel on board Cook Islands Merchant ships

Date: 4 January 2012

Summary:

This circular is to be read in conjunction with

- [MSC.1/Circ.1405/Rev.1](#)
- [MSC.1/Circ.1406/Rev.1](#)
- [MSC.1/Circ.1333](#)
- [MSC.1/Circ.1334](#)

The IMO at its 89th Maritime Safety Committee approved Interim Guidance on the use of privately contracted armed security personnel on board ships in the High Risk Area, as set out in MSC.1/Circ.1405/Rev.1 and MSC.1/Circ.1406/Rev.1.

The decision to carry armed personnel on board a Cook Islands ships transiting High Risk Areas (as defined by BMP4) is a decision to be taken by the Owner, following the careful consideration of the IMO guidelines and consent from Maritime Cook Islands.

Cook Islands Ship-owners intending to utilise the services of private security contractors are advised to provide the necessary training and information to crew regarding the risks of having armed guards on board.

Armed personnel shall be carried onboard Cook Islands vessels as supernumeraries and the ship shall carry a statement or certificate issued by Cook Islands to this effect. Ship owners and masters must ensure that the ship is properly equipped and certified for the additional personnel in terms of safety equipment and pollution prevention.

Maritime Cook Islands will grant consent for the carriage of armed personnel following the presentation and approval of the following documents by the Owner:

- i. Letter from the Ship-owner requesting consent to carry armed personnel
- ii. Contractual agreement – signed by both the Ship Owner and the Private Security Company; when entering into a contract with a Private Security Company compliance with the MSC.1/Circ.1405/Rev.1 should be ensured.

The Contract must include *inter alia* -

- a) Contact details of parties involved;
- b) Limitation of Liability and Insurances;
- c) 3rd Party Liability and Indemnities;
- d) Governing Law and Jurisdiction;
- e) Rules of Engagement;
- f) General Definitions;
- g) Customer Obligations;
- h) Supplier Obligations;
- i) Duration and termination;
- j) Equipment and standard weapons systems utilised;
- k) Transit route;

- iii. Passport copies of each security personnel that will be carried onboard. They must not have criminal record.
- iv. Evidence from the Private Security Company of the training and experience of the personnel in (iii), in the following areas:
 - a) Military, law enforcement or private security
 - b) Self defence - firearms qualification
 - c) Fire Fighting
 - d) Basic medical training - First Aid qualification
 - e) Sea survival
 - f) Familiarization with the ship they will be voyaging on
 - g) Any Other documents related to the PMSC or the PCASP.

Contact may be made with the Registrar of Ships at fleet@maritimecookislands.com

Ship-owners shall note that the ships SSP and Emergency plans shall be updated accordingly to include all measures that are being employed on the ship, including the carriage of armed guards. Therefore Ship-owners and Managers must take account of the "Best Management Practices" when considering the anti-piracy measures which are relevant to the particular vessel under consideration.

All Cook Islands vessels transiting the High Risk Areas are hereby requested to maintain a wide communication with the Maritime Cook Islands and to liaise with the International Contact Centres according to the BMP4.

Ship-owners are advised to take note of the international joint naval presence in the high risk areas, which provide protection and support to ships of all nationalities in these waters. Protection and assistance is only practicable if the co-ordinators of these forces are fully aware of the identity, location and intended course of ships.

Cook Islands requires that all Cook Islands ships register with naval co-ordinators at Maritime Security Centre Horn of Africa (MSCHOA) at least four (4) days prior to entry into the Risk Area; The registration form for vessels is found on the secure portion of the website of the MSCHOA at www.mschoa.org. It should be noted that the MSCHOA registration form includes provision to advise of the presence of firearms on board. It is vital that the military forces understand what they may be faced with in the event of an intervention and therefore Cook Islands ships must communicate this information to them.

The UK Maritime Trade Operations Office (UKMTO) can also be contacted on ukmto@eim.ae for advice regarding the Voluntary Reporting Scheme. Ship-owners and Companies are reminded that the correct procedure for ships is to register with the MSCHOA **and** provide an initial report to UKMTO, followed by daily position reports and intended movements to UKMTO only. Routine position reports **must not** be sent to MSCHOA.

Additional Information

The Maritime Security Centre Horn of Africa (MSCHOA)

The EU Naval Force (EU NAVFOR) Coordination Centre tasked to safeguard merchant shipping operating in the region by preventing and deterring acts of piracy in the Gulf of Aden, off the Horn of Africa and in the Somali Basin. This site provides information and guidance for the shipping community³.

Website: www.mschoa.org **Email:** postmaster@mschoa.org

Tel: +44 (0) 1923 958547 +44 (0) 1923 958700

Fax: +44 (0) 1923 958520

The UK Maritime Trade Operations Office (UKMTO)

The UK Maritime Trade Operations (UKMTO) office in Dubai acts as the primary point of contact for merchant vessels and liaison with military forces in the region. UKMTO Dubai also administers the Voluntary Reporting Scheme, under which merchant vessels are encouraged to send regular reports, providing their position/course/speed and ETA at their next port whilst transiting the region currently bounded by Suez, 78°E and 10°S. UKMTO Dubai subsequently tracks vessels and the positional

information is passed to Combined Military Force and EU headquarters. Emerging and relevant information affecting commercial traffic can then be passed directly to ships, rather than by company offices, improving responsiveness to any incident and saving time

Email: ukmto@eim.ae

The NATO Shipping Centre (NSC)

The NATO Counter Piracy Operation Ocean Shield commenced on 17 August 2009 with the following military tasks:

- a) Deter, disrupt and protect against pirate attacks, rendering assistance to ships in extremis as required.
- b) Actively seek suspected pirates and prevent their continued activity through detention, seizure of vessels and property, and the delivery of suspects and evidence to designated law enforcement authorities, in accordance with NATO agreements.
- c) Facilitate and support the development of regional states' capacity to conduct effective counter-piracy operations, in coordination with other related international efforts.
- d) Coordinate NATO operations and initiatives with coalition maritime forces, EU naval forces, and other non-NATO forces conducting counter piracy operations off the Horn of Africa.

Their website at www.shipping.nato.int provides details of convoy schedules through the Internationally Recommended Transit Corridor (IRTC).

Please ensure this has been forwarded to interested parties within your organisation including owners, operators, Company Security Officers, Ship Security Officers, Masters etc.

For further information or clarification please contact the Registrar of Ships, Deputy Registrar or Fleet Manager at Maritime Cook Islands; alternatively you may contact Maritime Cook Islands Head Office at: +682 23848 Phone, +682 23846 Fax, info@maritimecookislands.com.