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Piracy: Guidance for Liberian Flagged Vessels Regarding 3rd Party Security Teams



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1. Purpose

The following document provides guidance and clarification for companies that own, manage or operate Liberian flagged vessels and may be considering the service and deployment of on-board armed security guards in High Risk Waters (HRW). This document clarifies the current Liberian Administration policy, but does not alter existing law. The document addresses common and frequently asked questions regarding the carriage of arms and armed guards.

2. Background

Over the last 3 years there have been over 300 piracy attacks on commercial vessels in the Gulf of Aden and Indian Ocean region. The Republic of Liberia is very concerned about the safety of the crew of Liberian vessels operating in the affected waters. The pirate hijacking incidents appear to be executed by "organized professional criminals" putting at risk the lives of the crew and threatening the safety of merchant vessels. Liberia recognizes the increasing problem of piracy and condemns all acts of piracy and hijackings. Shipowners of Liberian flagged vessels have an active role in ensuring self protection measures are taken to reduce the risk of acts of piracy. Experience has shown that the increased vigilance and preparedness of crews along with high profile measures taken in advance continue to be an effective deterrent against hijacking.

The Liberian Administration is relentless in the pursuit of ways to contribute to the global anti-piracy effort and to aid shipowners in this unremitting undertaking. In July 2008, Liberia amended Chapters 14 and 15 of the Liberian Code of Laws, by adding four new sections thereby making the crimes of armed robbery, terrorism and hijacking, respectively, capital offenses, and providing punishment thereof. The accused convicted of these acts can be sentenced to death by hanging or imprisonment for life without possibility of parole.

Liberia has further developed and enhanced partnership and combined efforts with Maritime Security Centre Horn of Africa (MSCHOA) and has continued working actively with MSCHOA and the United Kingdom Maritime Trade Organization (UKMTO) to increase the number of vessels reporting their transits through the piracy areas, promote the reporting schemes and encourage compliance with Best Management Practices.

Liberia is one of the original advocates and is an active supporter of the IMO initiative that led to creation of the 'LRIT Distribution Facility' within the IMO premises that

allows MSCHOA to track vessels navigating within the High Risk Waters off the coast of Somalia and in the Arabian Sea area thus enhancing MSCHOA's tracking capacity, situational awareness and the effective use and response capabilities of the limited number of Naval assets.

The Liberian Administration continues its constant efforts to provide its ship owners with timely and useful information on preparedness and protective measures to avoid and deter piracy attacks by gathering and sharing information with shipowners. This information is disseminated in the form of periodic advisories, security alerts, lessons learned from incidents, training programs and seminars. This real-time data is used to augment the existing guidelines and standing orders that the Liberian Administration has provided to vessels in regards to measures that must be taken to deter, avoid and delay acts of piracy.

Unfortunately and despite the efforts of Liberia and other sovereign nations the piracy problem in the region persists and is expected to continue, and the need for naval protection, governmental involvement and additional merchant vessel protection measures, is likely to go on for a considerable time.

3. What is the Liberian Administration's policy on carriage of armed guards when transiting high risk waters?

Liberian laws and regulations do not prohibit the use of firearms or armed guards on board Liberian flagged vessels.

The Liberian Administration recognizes that due to the escalation of acts of piracy some shipowners are seeking additional measures to deter and protect their vessels from potential attack and hijacking, including the use of armed security guards.

The Liberian Administration will support the judgment of shipowners and Masters that; in assuming full responsibility for the safety of their vessel, crew, cargo and passengers when transiting and operating in high risk waters off the Coast of Somalia and in the Arabian Sea area; select the option to carry firearms or armed escorts for protection; providing that the requirements and considerations set forth in this document have been taken into account.

In accordance with Liberian Maritime Regulation 10.296 and Section 296, the ship's Master shall, among other duties, assume full responsibility for the safety of the members of the crew and passengers, if any, and to take all necessary and appropriate steps in connection therewith. The Master has overriding authority and discretion to take whatever action he or she deems necessary to protect the interests and safety of the passengers, officers, crew, cargo and ship and the marine environment. In order to protect the interests of the aforementioned parties, it is

within the Master's discretion to permit the hire of armed guards or allow armed personnel from an escorting Navy to board the vessel when transiting the high risk waters of the Gulf of Aden or when operating off the Coast of Somalia and the Arabian Sea Area.

4. What matters need to be considered and what is required of the operator should they decide to contract armed security personnel?

One of the key concerns for owners and Master's is to ensure the safety of their crew and their vessels. In doing so it is vital for owners, charterers and underwriters to review all provisions in their charters and policies and ensure adequate attention is paid to the questions raised.

At the outset, shipowners interested in using armed security guards on their vessels shall conduct a risk assessment that includes and documents the following factors and considerations, prior to making the determination to take such action:

- a) Safety Considerations
- b) The potential misuse of firearms resulting in bodily injury or death
- c) The potential for unforeseen accidents
- d) Liability issues
- e) Potential for escalation of the situation at hand
- f) Compliance with international and local laws (declaration and procedures in ports)

Note: Masters, shipowners and companies should be aware that ships entering the territorial sea and/or ports of a State are subject to that State's legislation and importation of firearms is subject to port and coastal state regulations. Carriage of firearms poses an even greater danger if the ship is carrying flammable cargo or similar types of dangerous goods.

Once it has been determined to embark armed guards on board a Liberian flagged vessel, the Administration requires the following:

- A. Procedures of the team shall be addressed within the Ship Security Plan (SSP) in the form of an appendix. The appendix should include at least the following features:
 - Procedures pertaining to application of additional anti-piracy measures
 - Watch keeping and vigilance
 - Communication procedures
 - Use of defensive measures
 - Use of passive/non-lethal devices

- Authority of the Master (Armed guards embarked on the vessel are at all times subject to the overriding authority of the vessel's Master)
 - Activation of private contracted armed personnel and the risk of escalation
- B. Appropriate measure must be taken to verify the credibility, experience and past experience of the company providing armed security services, the experience and capabilities of their personnel and their preparedness for the mission at hand, including verification of piracy prevention and weapons training, adequate equipment and ongoing maintenance of weapons and ammunition to assure safety and functionality.
- C. Accommodations and sufficient safety equipment must be available to the members of the security team and a safe and secure location be provided to store ammunition and firearms.
- D. It is the shipowners responsibility to verify the security teams ability to work and cooperate with the crew on board to assure the safety of the vessel.
- E. If civilian security teams are utilized, it must be verified that there is a 'Use of Force Continuum and/or 'Rules of Engagement' document in place, as part of the contract between the operator and the contracted security company.
- F. The crew and officers must receive training and be fully familiar with the Best Management Practices (BMP) to deter and prevent piracy.

5. What factors should be considered in selecting a provider of armed security guards?

The Liberian Registry does not endorse, approve, advocate or oppose any specific security provider at this time and currently the Administration does not have a preferred vendor or favor the services of one security provider over another. However, the Administration strongly encourages that appropriate measures be taken to ensure the following:

- a) Credibility of the contracted organization
- b) Reputation of the service provider
- c) Experience conducting similar tasks
- d) Country that the contracted party and its members are associated with meets operational requirements and relevant laws
- e) Members of the team have relevant military or naval training and maritime experience
- f) Primary language of the personnel of the contracted organizations correlates with the primary language spoken on the vessel to ensure proper communication

Due Diligence

The quality of security personnel is vital to the overall success of a mission. When conducting due-diligence of a security company and its personnel the shipowner should enquire about:

- a. **Vetting procedures** that the security company has conducted prior to selection of the security guards.
- b. **Skill Sets** of the personnel
- c. **Training** - a security company should be able to verify continuation training in anti piracy techniques, firearms handling, rules of engagement etc.
- d. **Equipment** - standard team equipment should include:
 - Night Vision Devices
 - Binoculars
 - Radios
 - Mobile communications
 - First Aid Trauma Kits
 - Tac Vests
 - Personal Protective Equipment (PPE), helmets and full body armor for armed teams
- e. **Management Support** - Beyond the security team itself, the security company management is an important factor to consider. The security company management must be reliable and capable of providing oversight and support throughout the voyage and in the event of a problem. Security solutions offered should consist of more than simple delivery of a security team to the vessel. The company should:
 - Monitor the daily activities of the security team
 - Have access to and supply the vessel (and/or the security team) with regular, intelligence based security updates throughout the voyage allowing the team to respond proactively to any nearby threats and prepare accordingly.
 - Offer genuine 24/7 emergency response capability
 - Supply a post deployment report to the shipowner offering details of the deployment and any proposed security enhancements
 - Have a contingency plan in place

Training

The challenges of operations in the maritime environment are unique and skills acquired in land based security activities, even over many years, do not necessarily translate into capability on board ship. Companies which do not have experience

operating in the maritime environment may not be capable of providing effective security services when embarked on a commercial vessel.

The skill sets of the security personnel should be relevant to the mission and therefore the security company should be able to verify personnel training in anti piracy techniques, firearm handling at sea and specific rules of engagement at sea.

Minimal/Basic pre-assignment training should include:

- a) Maritime Ops
- b) Medical training
- c) Operations in high risk waters
- d) Anti-Piracy measures (physical & procedural)

Private security contractors must maintain valid travel documents and should have knowledge, through training or equivalent job experience, in the following general security areas:

- a) Knowledge of current security threats and patterns
- b) Recognition and detection of dangerous substances and devices
- c) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security
- d) Techniques used to circumvent security measures
- e) Crowd management and control techniques
- f) Security related communications
- g) Knowledge of emergency procedures and contingency plans
- h) Operation of security equipment and systems
- i) Testing and calibration of security equipment and systems, and their maintenance while at sea
- j) Inspection, control and monitoring techniques
- k) Relevant provisions of the Ship Security Plan (SSP)
- l) Methods of physical screening of persons, personal effects, baggage, cargo and vessel stores
- m) The meaning and consequential requirements of the different Maritime Security Levels

Available/Offered Solutions

Effective ship security must include a range of measures to create layers of defense against various threats or risks. It is therefore essential that the security provider has sufficient experience to be able to offer suitable solutions – *one size definitely does not fit all*.

An experienced maritime security company should, as a matter of routine, be prepared to:

- Provide a thorough, up to date route threat assessment prior to the voyage which, coupled with a vessel assessment, should form the basis of the proposed solutions.
- Provide clearly defined and mission specific Operational Orders and a 'Use of Force Continuum' which reflect current best practices.
- Offer advice and, if required, assistance with vessel hardening measures and establishment of a citadel or safe room.
- Offer alternative solutions based on lethal and non lethal deterrent options
- Be able to explain the pros and cons of various solutions and ideally be able to offer various alternative services, such as escort vessel services, where a riding team may not be appropriate.
- Deliver threat briefings, anti-piracy training, drills and exercises onboard to officers and crew in order to clarify the risks they may face and the mitigating measures needed to defend against them.

Insurance

It is in the best interest of the shipowner to discuss in detail the insurance coverage that the maritime security company holds. In particular ensuring the cover is in force for the duration of the proposed operations and does not exclude claims for intentional acts, weapons, acts of piracy etc.

As a guideline minimum coverage should include (but not be limited to):

- Maritime Employers Liability/ Workers Compensation.
- International Health Insurance including emergency evacuation
- General/Third Party liability
- Professional liability

6. What are the Administrations recommendations for Master's and Crew prior to entering high risk waters?

The Liberian Administration requires that all crew be briefed on the dangers of the high risk waters prior to transit. The Ship Security Plan (SSP) must be reviewed prior to entering the high risk area and crew members should be familiar with their responsibilities in the event of a piracy related incident. Crew members should be familiar with the latest version of industry's Best Management Practices (BMP3) which was created to assist ships to avoid, deter or delay piracy attacks off the coast of Somalia, including the Gulf of Aden (GOA) and the Arabian Sea. An updated version of the BMP3 handbook is available for download at www.liscr.com . The BMP includes guidance and recommendations on planning, preparing, taking action and

reporting as well as contact information and useful references. Experience, supported by data collected by naval forces, shows that the application of the recommendations contained in the BMP can and will make a significant difference in preventing a ship becoming a victim of piracy.

Masters should be up to date on intelligence information and security advisories relevant to the navigation area. This information can be obtained from various sources including www.mschoa.org and IMB. In addition, the Administration provides specific guidance and updates in the form of Marine Security Advisories that are available on the LISCR website and in the form of email notifications that are sent to CSO's and DPA's that are on the LISCR Security Advisory Distribution List. Please contact security@liscr.com if you would like to be added to the Security Advisory Distribution List.

As part of the required actions to be taken, the crew and officers must complete an "Anti-Piracy Best Practices Training Program" (BMP) accepted by the Administration. Documentation confirming and verifying completion of a training course must be available to the Administration upon request. The Liberian Administration has created a computer based training program that is available for purchase on the Registry's website (www.liscr.com) or at the following link: <http://www.liscr.com/liscr/PiracyPrevention/tabid/222/Default.aspx>

The training can be completed on board in 45-90 minutes. Some of the unique features of the program include a highly interactive interface where users are required to answer multiple choice questions to reinforce what they have learned from the program. The Best Management Practices program is concise, multimedia rich, interactive and portable.

For more information please contact David Friesem by email at security@liscr.com or by telephone: 703 790 3434.

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Appendix A

Sample Security Organization Interview Checklist

Security Organization: _____

Point of contact: _____

Telephone: _____

Email: _____

Maritime Experience?

Demonstrable maritime experience similar to the scope of this voyage (size of vessel/cargo/ports of call/ weapons requirement)?

Do they offer comprehensive anti-piracy solutions, beyond just offering a security teams?

What is the security organizations vetting procedures for their security personnel? Experience with weapons?

What maritime security training is provided to the organizations security officers upon hire and prior to mission?

How will the security team be presented? What equipment will they have?

What management support does the security organization have?

If weapons are required, what weapons will the security organization deploy?

If required, what non lethal weapons will the security organization deploy?

How will the security organization acquire and deploy the weapons?

What insurance coverage does the security organization carry?

Additional Notes:
