35th Round Table on current issues of International Humanitarian Law

Private Military and Security Companies

San Remo, 6-8 September 2012

Maritime Security Standards

Mr. Ian SIMPSON

General Manager, Neptune Maritime Security

Firstly may I thank the President and staff off the IIHL and Red Cross for the chance to address such a distinguished audience and to present the Private Security Providers side of the debate. I aim to show you that we in the maritime security industry are not "mercenaries" but a necessary requirement that operates within shipping industry and national guidelines.

The area that we operate in is the Indian Ocean, from Suez in the North, Cape Town in the South, the Western Coast of Africa and over to the Southern tip of Sri Lanka.

As 90% of world trade is moved by sea and it is imperative that shipping companies enjoy free passage across the high seas. The piracy threat within the High Risk Area (HRA) has severely disrupted the freedom of the seas and this has led to many companies avoiding the region completely. Those companies that do transit the HRA had increased their normal cruising speed from around 12 knots up to 18 knots plus, resulting in a doubling of fuel consumption. Insurance premiums have also been driven up due to the hijackings and hostage taking over the years.

The average time spent as a hostage of the Somali Pirates is currently 7 months, and this time is spent in horrific conditions often face down on the floor in un-sanitary conditions. The released hostages reports and accounts have led to a dramatic effect on the welfare and morale of merchant seamen with mariners refusing to transit through the HRA.

The military initiatives within the region have been successful in policing the piracy in the region, however, there is a clear overstretch of the Navies involved with EU NAVFOR. The vast expanse of the Indian Ocean means that EU NAVFOR would need to be many times its current size in order to cover the region and the amount of merchant ships operating there. This overstretch has led to shipping companies employing PSC to supplement the Best Management Practice 4 security procedures in order to operate safely and at a reasonable cost in the current economic climate.

The Flag, Coastal and Port States within the region have all issued regulations in response to the piracy threat and the use of maritime PSC. These regulations have given a clear framework to operate within but do get amended on a regular basis. The ICoC and the Montreux Document also provide operational and ethical guidance for PSC.

The Modus Operandi of the Pirates has developed and the use of Dhows and mother ships has seen the area of operation grow from 165 nautical miles off the Somali coast in 2005, to over 1200 nautical miles.

There are many government and civil organisations that are involved in countering and monitoring piracy and we work with or send reports to the following; UK Maritime Trade Operations (UKMTO), Maritime Security Centre Horn of Africa (MSCHOA), EU NAVFOR, International Maritime Organisation (IMO) and International Maritime Bureau to name a few.

In the UK there is a body called the Security in Complex Environments Group (SCEG) and this is a special interest group within the Aerospace, Defence and Securities Group (ADS) that is the UK Governments industry partner for the regulation of PSC.

The maritime security have a range of guidelines that they must operate to and these form the framework for due diligence and vetting that is conducted on them by clients and third party agencies. The guidelines are;

- IMO MSC 1405, Ship-owners, operators and Masters
- IMO MSC 1406 & 1444, Flag States
- IMO MSC 1408, Port and Coastal States
- IMO MSC 1443, Private Maritime Security Companies
- UK Government Interim Guidance
- Best Management Practice 4
- BIMCO GUARDCON
- Voluntary Principles on Security and Human Rights
- International Code of Conduct

I have extracted the requirements from the above documents amongst others, and identified 7 key areas that are identified throughout;

- Governance - Companies need to prove that they are a registered and incorporated business with a structured business model, ideally hold ISO9001.
- Insurance – levels as per BIMCO GUARDCON
- Legal advice – access to 24 hour legal advice
- Recruitment and Vetting
  - 7 years minimum service to include operational tours – this ensures a knowledge of firearms safety an measured response to conflict
  - Criminal Record Background checks
  - Mental and physical health check – an assessment of potential Post Traumatic Stress is made by a qualified practitioner
  - Fitness to handle firearms
  - Knowledge of piracy situation
  - References and military testimonial
- Training
  - STCW95
  - Maritime Firearms Competency Course

- Safe handling of all company firearms
- RUF
- ISPS
- Flag state regulations
  - o Maritime Security Operators
    - ISPS Code
    - Navigation
    - Flag state laws
    - SOLAS
    - ICoC, Montreux Document and VPSHR
    - IMO and National Guidelines
  - o Enhanced medical (Trauma) – each team will have at least one enhanced medic
  - o Team Leaders – a separate course that enhances knowledge and covers extra navigation, RADAR and legal subjects
  - o Continuation and Refresher - conducted during transits
- Firearms procurement, movement and storage – all firearms and equipment is purchased and exported with a current Open General Trade Control Licence. Firearms are stored in Police or military armouries and accounted for at all times; these are escorted by the authorities to/from each vessel and the armoury and added to the vessels bill of laden.
- Rules for the Use of Force (RUF) – these are as per the BIMCO GURDCON (guidance) and ensure that the industry has a standard and graduated response to any aggressive approach.

The Standard Operating Procedures (SOP) for Neptune Maritime Security have been developed as a result of all the above and these are given to the client for discussion to ensure agreement on the following areas;

- The Masters authority – our teams are on the vessel as supernumeraries and therefore part of the crew. The Master will be advised of all security situations and he will decide when firearms may be loaded and if required, discharged.
- RUF – a graduated response that is proportionate to the threat is agreed on and adhered to. In the vast majority of occasions we have found that merely standing on the deck and raising firearms above the head has resulted in suspicious/pirate vessels turning away. When fired at, a warning shot to no closer than 50m at the pirate vessel has forced the pirates to change course and depart.
- BMP4 contains guidance for the protection of vessels that is followed by the teams, they also contain reporting procedures and templates for communication with the UKMTO. These reports ensure that all potential and actual incidents are logged and communicated to the relevant agencies
- Firearm locations are always known as they are checked and reported when moving from the Police/Military armoury and this checked against the firearms allocation issued to the Team Leader and ships Master prior to the task. A complete equipment list is then sent to the company HQ and checked against the firearms database– prior to disembarking the list

is sent to the receiving agent and military body – firearms are then placed in the armoury and a receipt is sent to the company HQ and cross referenced against the database.

- Applicable Flag, Coastal and Port State laws and regulations are updated from the International Chamber of Shipping and by in country agents and these regulations are passed to the teams and operations managers to ensure compliance therein.

There are currently guidelines, as listed, for the maritime security industry, however, the IMO have linked with the International Standards Organisation (ISO) to produce an ISO specifically for the industry. Work is currently underway to produce ISO28007 "Procedures for Maritime Private Security Companies" and the aim is to have this completed by the end of November 2012. This will then enable PSC to be audited and certified against quantifiable standards, and so raise standards where needed.