



KPI SECURITY INFORMATION NOTICE SeIN May-2012

Highlights from Opening address by IMO Secretary-General Koji Sekimizu to the “High-level segment on arms on board (MSC 90)” 16 May 2012

Reports received by the Organization indicate that, although the number of attacks by pirates continues to increase, the proportion of attacks that are successful has decreased. This may be due to a number of factors, including naval protection and better implementation of IMO guidance and Best Management Practices, including the use of Privately Contracted Armed Security Personnel (PCASP). There is anecdotal evidence that the number of ships carrying firearms has increased. On the basis of declarations of weapons carried and on their observations, naval forces estimate that around 25% of ships in the High Risk Area are carrying firearms, however it is also believed that a number of ships are not declaring the presence of private armed security for various reasons, including the lack of flag State approval.

The carriage of firearms on board merchant ships is a complex legal issue with Member States taking diverse positions. The Committee has determined that the carriage of armed personnel is a matter for flag States to authorize, however it has also accepted that their carriage has legal implications for coastal and port States, particularly with respect to the carriage, embarkation and disembarkation of firearms and security equipment in areas under the jurisdiction of such port or coastal States.

Resolution A.1044(27) on piracy and armed robbery against ships in waters off the coast of Somalia endorses the position of this Committee that *seafarers should not carry firearms* and that the *carriage of armed personnel on board ships* for enhancing their protection should be *left to flag States to decide*, once a thorough risk assessment exercise has been carried out and following consultations with the shipowners concerned.

Amongst other things, the resolution strongly urges Governments which have not already done so:

- .1 to decide as a matter of national policy, whether ships entitled to fly their flag should be authorized to carry privately contracted armed security personnel and, if so, under what conditions; and
- .2 in their capacity as port or coastal States, to decide on their policy on the embarkation, disembarkation and carriage of privately contracted armed security personnel and of the firearms, ammunition and security-related equipment, and to promulgate it widely to other Member Governments, to industry, and to the Organization.

As a truly global industry with many stakeholders, shipping benefits from harmonization of procedures, adoption of common minimum standards and clarity with respect to national legal regimes. However, while progress has been made on developing general guidance, policy on the use of Private Security Guards is not common among Member Governments and, across the shipping industry. There are no agreed minimum performance standards for Private Security Guards and ships using them are subject to many, diverse legal regimes at present.

In order to stimulate debate on this important subject, we have issued MSC 90/20/5, which describes the current situation and outlines a number of related policy issues requiring further deliberation by this Committee. While recognizing the reality of the situation in which Private Security Guards are employed and the diverse positions of Governments, there is a need to consider how the international community should deal with the issue of Private Security Guards and, in particular, the need to arrive at practical solutions to the issue.

We have been dealing with piracy problems off the coast of Somalia for 5 years now.



Despite serious efforts by Governments, navies and the industry, the international community has not been able to stop Somali piracy.

We have seen significant developments over the last 4 years:

- Internationally Recommended Transit Corridor in the Gulf of Aden
- EUNAVFOR and strong action by international navies
- Contact Group on Piracy off the Coast of Somalia and its working groups
- Implementation of Best Management Practices
- IMO-led Djibouti Code of Conduct
- Contact Group Trust Fund and IMO Djibouti Code Trust Fund

and still the industry is asking for the strong will of Governments to take action and end piracy.

Seafarers are suffering. For insurance or trade partners, this may be just a matter of probability, but for seafarers it is a reality and a matter of life.

IMO has been actively advocating the strong will of Governments and, for example, the Council adopted the theme for last year's World Maritime Day to be: "IMO: Orchestrating the response". But words of a slogan cannot resolve the matter.

We must create an effective and robust mechanism to prosecute and punish pirates.

We must ensure strong defence for merchant ships.

We must work together to help Somalia to build up their country and we must create a united front and stronger international regime to deal with and end piracy off the coast of Somalia.

KPI Loss Prevention Team