



BERMUDA MERCHANT SHIPPING NOTICE

Piracy Counter Measures 2022-012

Application

Ship Owners, Managers, Masters and Officers of Bermuda Registered ships

Summary

Piracy continues to be a significant threat to seafarers and to maritime transport in the following areas in particular:

- Red Sea
- The Gulf of Aden
- The Arabian Sea
- The Straits of Hormuz
- Large areas of the Indian Ocean
- The West African Coast and the Gulf of Guinea

This notice details the views and recommendations of the Bermuda Shipping and Maritime Administration on the practice of carrying armed security teams and includes the latest interim guidelines from the IMO for the guidance of owners, managers, and masters.

References

IMO Circular MSC.1/Circ.1405/Rev.2

IMO Circular MSC.1/Circ.1406/Rev.3

IMO Circular MSC.1/Circ.1443

Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea

Best Management Practices to Deter Piracy and Enhance Maritime Security off the Coast of West Africa including the Gulf of Guinea

MCA Marine Guidance Notice MGN 440 Amendment 1

Department for Transport Interim Guidance to UK Flagged Shipping on the Use of Armed Guards to Defend Against the Threat of Piracy in Exceptional Circumstances

Department for Transport Guidance to UK Flagged Shipping on Measures to Counter Piracy, Armed Robbery and Other Acts of Violence Against Merchant Shipping

1. General Security advice.

(1) Red Sea, Gulf of Aden, Arabian Sea, Straits of Hormuz and Indian Ocean

- a. An international joint naval force in the area offers a level of protection and support for ships of all nationalities in these areas; however this protection and assistance depends for its effectiveness on the co-ordinators of the forces being aware of the identity and location of ships in the area. The Bermuda Shipping and Maritime Authority (BSMA) requests that all Bermuda ships co-operate with the naval forces in the area and register with the naval co-ordinators at Maritime Security Centre Horn of Africa (MSCHOA) prior to entry into the risk area. The registry form for vessels can be found at the MSCHOA website at; www.mschoa.org
- b. Bermuda registered vessels should register with MSCHOA and also provide an initial report to the UK Maritime Trade Operations Office (UKMTO) at ukmto@eim.ae Tel (24hrs): +44 2392 222 060 Tel: +971 50 552 3215 Fax: +971 4 306 5710.
- c. The BSMA recommends that all ships follow the published “Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea” (BMP5) a copy of which is available on the MSCHOA website.
- d. It is recommended that LRIT is NOT turned off on entering the high risk area. Bermuda has granted access to the LRIT data for Bermuda ships to the naval forces in the area and this is used to track ships and allow the available forces to make the fastest possible response when required.
- e. In the event that a Bermuda vessel does come under attack and is subsequently able to do so, the Company or the ship should notify UKMTO (Tel: +44 2392 222 060 Email: watchkeepers@ukmto.org) and send a copy of the report to the BSMA at: survey@bermudashipping.bm.

(2) Coast of west Africa and Gulf of Guinea

- a. The maritime security situation off the coast of West Africa is complex and dynamic. A Voluntary Reporting Area (VRA) has been established by the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG).
- b. The BSMA advises all Bermuda ships using the VRA to contact MDAT-GoG at watchkeepers@mdat-gog.org upon entering the VRA. Further information can also be found at <https://gog-mdat.org/home>.
- c. The BSMA recommends that all ships follow the published “Best Management Practices to Deter Piracy and Enhance Maritime Security off the coast of West Africa including the Gulf of Guinea” (BMP West Africa).
- d. In the event that a Bermuda vessel does come under attack and is subsequently able to do so, the Company or the ship should immediately

notify MDAT-GoG (Tel: +33 298 228888) and when it is safe to do so, send a copy of the report to BSMA at: survey@bermudashipping.bm.

2. Carriage of Armed Security Teams;

- (1) The carriage of Privately Contracted Armed Security Personnel (PCASP) is not explicitly recommended in the Best Management Practices; however BSMA recognises that shipowner's have an obligation to protect their crews and supports this intent when the circumstances are such that putting an armed team on board is considered to be the only effective solution.
- (2) Bermuda laws and regulations do not expressly prohibit the carriage of firearms or armed teams onboard Bermuda ships and the BSMA will not object to their carriage on board.
- (3) A decision to use armed security teams must lie with the owner and should be taken after consideration of all the issues and an analysis of the risks. An owner taking this course should do so in consultation with their insurance underwriters, P&I Club, charterers and legal counsel.
- (4) The BSMA is not in a position to approve Private Maritime Security Companies (PMSC), however will accept PMSC's approved by the UK Administration. It is recommended that shipping companies only employ private security providers that are accredited to the current ISO 28007-1:2015 "Guidelines for Private Maritime Security Companies (PMSC) Providing Privately Contracted Armed Security Personnel (PCASP) On Board Ships".
- (5) Owners should also note that the carriage of firearms on board vessels is not accepted in some port locations and that it will be necessary to plan carefully to avoid serious problems in some ports if an armed security team and its weapons cannot be disembarked in advance.
- (6) In any case where the carriage of an armed team places the total complement on board in excess of the vessel's life-saving appliances capacity it will be necessary to contact BSMA which will consider, on a case by case basis, the issue of a temporary exemption for the period necessary.
- (7) Whenever a decision is made to place an armed team on board there is no requirement to inform the BSMA; however interested parties (such as charterers) may require a "Letter of non-Objection" from the vessel's Flag Administration.
 - a. Please send such requests to: survey@bermudashipping.bm
- (8) If a "Letter of non-Objection" is requested the following information is to be provided:
 - a. Number of armed security guards to be placed on board
 - b. Location and date that the security team and weapons will be placed on board.
 - c. Location and date that the security team and weapons will disembark the vessel
 - d. The name of the Private Maritime Security Company employed

3.Recommendations;

- (1) The guidance contained in BMP 5 or BMP West Africa should be always followed in the areas of high risk. The carriage of any armed security personnel should only supplement the above BMP guidance, and should in no way replace it.
- (2) Owners and managers should take great care in the selection of Private Maritime Security Companies. Before the services of a PMSC are engaged the vessel owners and managers must check their credentials and licences/permits to ensure that they have been issued by an appropriate authority and are operating legally against identified threats. Employing the services of a disreputable Company could increase the risks faced by ships and their crews.
- (3) It is essential that "Rules of Engagement" are clear, agreed and understood by the onboard command structure and known to all onboard. The "Rules of Engagement" should clarify exactly the circumstances when a response with weapons is permitted, the steps of escalation and the Master's overall authority to call for a cease fire.

The master always retains overriding authority and the ultimate responsibility for protecting the crew, ship and cargo.

- (4) Masters cannot delegate the above responsibility to a PMSC.
- (5) Any armed security team must be briefed fully by the master on the nature and risks associated with the ship's cargo.

4. MSC.1/Circ.1405/Rev.2 – Guidance to Shipowners, Ship Operators and Shipmasters

- (1) The IMO has developed interim guidelines regarding the use of Privately Contracted Armed Security Personnel on Board Ships.
- (2) The BSMA agrees with the content of these guidelines and recommends them to all owners and managers considering the engagement of private armed security teams to protect their ships.