

ISSUE DEFINED

OBP has documented several different types of Contracted Maritime Security (CMS) that are in use to protect vessels from the threat of piracy or armed robbery at sea, or provide associated logistic services. These security services are used in internal waters, territorial waters (TTW), Exclusive Economic Zones and on the high seas. This paper is intended to define and categorize the various forms of CMS and provide information on the types of oversight currently in use.

DEFINITIONS

There is no universally held definition of the term Contracted Maritime Security (CMS) and the term may have different implied meanings for the variety of stakeholders active in the area of maritime security. Within this intentionally broad term are two general categories of providers: Contracted Private Services and Contracted Governmental Services. Within these two categories, we identify five basic models of contracted maritime security service provision in the definitions below.

Over the last decade, private maritime security contractors have been the most prevalent model. However, in recent years, several alternative models of CMS have become increasingly commonplace. These new models, which often involve government forces, are operating with very little transparency outside the shipping industry end-users.

One additional model identified is the escort of commercial vessels in convoys such as practiced in the Internationally Recognized Transit Corridor in the Gulf of Aden. The convoy escort model is not discussed in this paper.

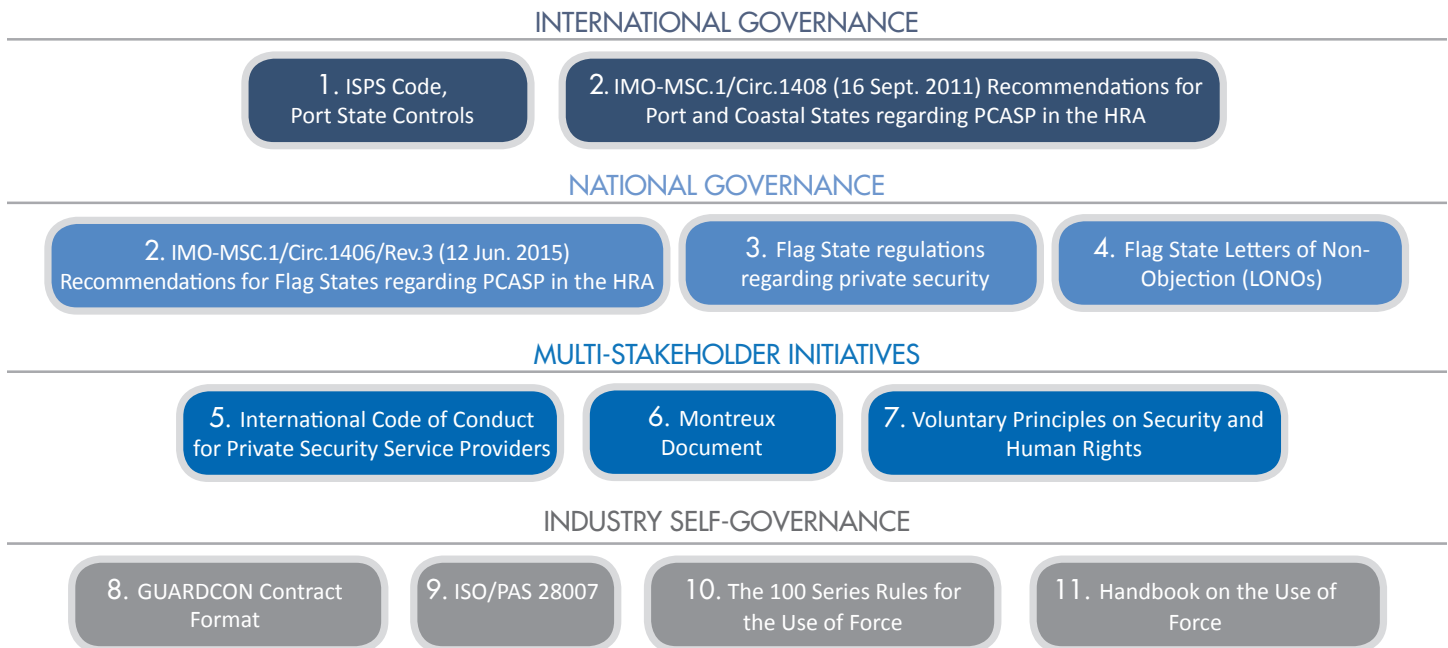
CONTRACTED PRIVATE SERVICES

- ▶ **Private Maritime Security:** Embarked private security force personnel hired by the shipping industry. This model is most prevalent in the Indian Ocean High Risk Area.
- ▶ **Floating Armories:** Vessels contracted to provide logistical support for private maritime security firms by storing weapons offshore for private security companies, providing temporary berthing for security guards and ferrying guns and guards to vessels needing protection. Their arsenal is usually self-protected by the armory's resident guards.
 - ▶ Floating armories can be wholly private or part of public-private partnerships.
 - ▶ Floating armories can be stationed in a Coastal State's TTW, and under its jurisdiction. Conversely, floating armories can be stationed outside of TTW, under the Flag State's sole jurisdiction.

CONTRACTED GOVERNMENTAL SERVICES

- ▶ **Vessel Protection Detachments (VPD):** VPDs are uniformed military personnel embarked on a vessel with explicit approval of the Flag State. VPDs most commonly match the nationality of the Flag or are procured and regulated through a Memorandum of Understanding (e.g World Food Program Vessels).
- ▶ **State Affiliated Escort:** Escort by a State military asset or asset operated as part of a Public-Private Partnership (PPP) under contract from the shipping industry. Examples include escort vessels, or contracted protection in Secure Anchorages and other designated Safe Areas.
- ▶ **Coastal State Embarked Personnel:** Embarked armed personnel originating from the Coastal State, based on arrangements between industry and the providing national authorities – not specifically endorsed by the Flag State. These arrangements are common in the Gulf of Guinea and off the Horn of Africa.
 - ▶ Contracted teams from coastal state authorities could either come under direct arrangement between shipping companies and the Coastal State, or regionally-registered private companies could be used as an intermediary under a PPP with the Coastal State.

THE VARIETY OF POTENTIAL REGULATORY FRAMEWORKS FOR CONTRACTED PRIVATE SERVICES:



- 1. International Ship and Port Facility (ISPS) Code:** The ISPS code establishes a mandatory security regime for international shipping, in cooperation between Government agencies, local administrations and the shipping and port industries.
- 2. International Maritime Organization (IMO):** The IMO has released a set of guidance to Flag States and Coastal States regarding the use of privately contracted maritime security personnel.
- 3. Flag State Regulations:** Flag States have the authority to regulate private maritime security contractors embarked on vessels operating under their flag, though regulation in this area varies widely across Flag States.
- 4. Letters of Non Objection:** The issuing of Letters of Non-Objection (LONO) declaring the presence of, and authorizing the use of, weapons on board is an example of regulation implemented by some Flag States. IMO recommendations may serve as a guide.
- 5. International Code of Conduct Association (ICoCA):** ICoCA is a multi-stakeholder initiative which seeks to hold private security contractors more accountable by providing information to States about existing accountability mechanisms. They promote the use of the Montreux Document.
- 6. Montreux Document:** The Montreux Document is the result of a process led by the Swiss government and the ICRC which provides a collection of international legal obligations and best practices surrounding use of private military and security companies.
- 7. Voluntary Principles:** The Voluntary Principles (VP) were created by the governments of the United States and the United Kingdom along with stakeholders from the private sector and human rights NGO's. The resulting guidelines constitute a set of best practices for actors hiring private security personnel. The VPs are primarily applicable to government security related to the extractives industry, but may provide a useful model for study).
- 8. GUARDCON:** Created by the Baltic and International Maritime Council, GUARDCON is a standardized template contract for commercial vessels hiring embarked maritime security contractors.
- 9. ISO/PAS 28007:** Created by the International Organization for Standardization, ISO 28007 provides guidelines for Private Maritime Security Companies (PMSC), which may use it as a standard for their certification before embarking as private maritime security contractors on board ships.
- 10. The 100 Series Rules for the Use of Force:** The Series 100 Rules are intended to serve as a legal model for regulations surrounding the use of force by Privately Contracted security forces at sea.
- 11. Handbook on the Use of Force:** Document written to provide procedures and rules which provide a comprehensive and flexible framework that can be used in PMSC operations. Soon to be published.