

The Good, the Bad

Mark Hankey of MUSC advises shipowners on how they can avoid being attacked by 'corporate pirates' – the cowboy security operators

'Hello mate – where's the map? While this may seem a perfectly reasonable request ashore, afloat it doesn't engender confidence from a ship's master or crew. Over the past few years, there has been an explosion of security providers in the maritime domain. This article will examine the issues faced by shipowners, operators and managers every day as they struggle to navigate the minefield of this specialist requirement and ensure they hire well trained, quality personnel to address their needs.

It is really easy to set up a maritime security company these days – all you need is a mobile phone, website and pool of manpower (trained or otherwise). The question is what differentiates the good companies from the bad? The first thing a shipowner ought to look for is an indication that the company is legally registered in the country it claims to be operating in. Furthermore, this company registration should be supported by a telephone number (not a mobile or cell phone), a formal address and, ideally, solid marketing collateral such as a website and brochure. You should not proceed any further until you are satisfied that the company has legal standing.

As professional mariners, you do not need to be told about the plethora of insurance and liability issues that arise when placing personnel onboard vessels. If the company you select is not insured for professional liability, employer liability, business travel, medical and personal accident, then you should walk away as you may be opening yourselves up to potential costs and possibly even litigation. Many companies will ask you to add their personnel to the vessel's existing Kidnap and Ransom (K+R) cover – this is often cheaper for all in the long run.

Once this hurdle has been jumped it is worth finding out if the company

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can provide any form of references from former clients, flag registries or other accredited bodies. If these are not forthcoming, this company is not for you.

If you have satisfied yourself that the company exists, is covered by insurance and has satisfied clients, then you must next look at the personnel who would be deployed to your vessel. You wouldn't dream of employing anyone for your own company without looking at their curriculum vitae (CV), and it is crucially important to do so in this case too.

CVs for maritime security personnel should have a series of key competences which include:

- an unblemished military record
- a criminal record check
- demonstrable knowledge of the maritime environment
- evidence of specific marine-based commercial security and counter-piracy training.

In addition, you should ask for

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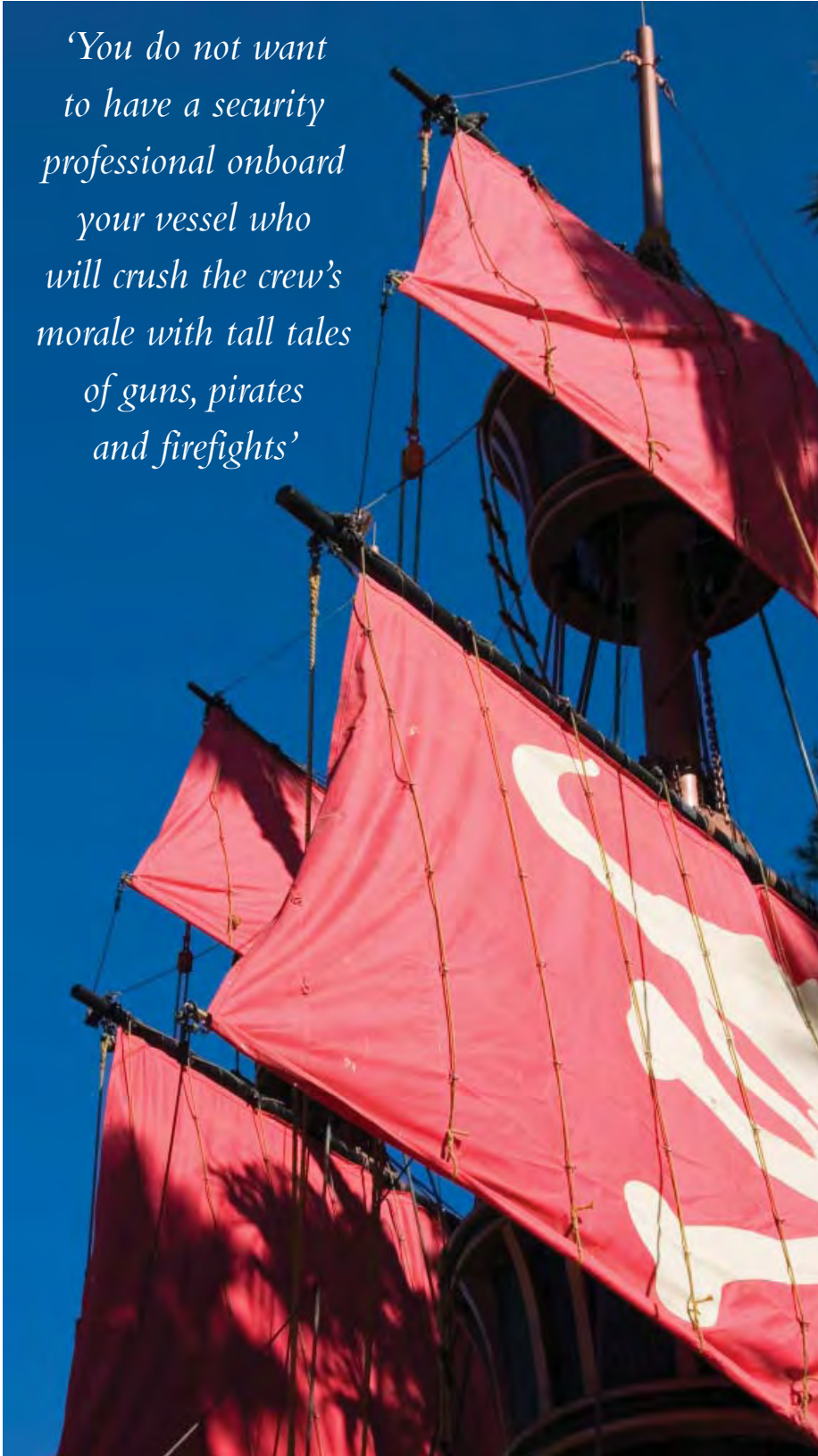
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evidence of their ability to professionally mentor masters and crews – you do not want to have a security professional onboard your vessel who will crush the crew's morale with tall tales of guns, pirates and firefights! They should be able to work with the command or senior management team onboard in order to provide appropriate guidance and training packages that are delivered in a sensitive but professional manner to get the best out of all.

The next area that needs to be looked at is the issue of weapons. If you are contemplating placing armed teams onboard your vessels you need to be mindful of a whole host of issues that could land you in a lot of trouble. Firstly, you need to get permission from a range of key stakeholders, including (but not limited to) flag, insurer, owner, charterer, master, etc. You will also need to satisfy yourself that the proper licences are in place for ports of embarkation and disembarkation – failure to do so could lead to potential port state control actions.

Processes need to be in place before weapons even come onboard. For example, approval needs to be sought for specific Rules of Engagement – it is worth noting that this is a very complex issue which is fraught with potential exposure to risk. Where will the weapons be stowed? How will they be maintained? How will their carriage interface with the existing safety plan? All these issues will need to be addressed. Importantly, you need to reassure yourself that the personnel operating the weapons are fit to do so. You must know when they last fired a weapon, and what training they have had.

In summary, today's maritime security world is full of pirates of another kind trying to make a quick buck. A quick search of the internet will lead to evidence of security teams jumping over board, shipowners suing security providers or indeed escort vessels failing to turn up at prior arranged rendezvous points. Make sure that you do your due diligence and avoid becoming a victim of another type of attack.



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