



NIUE SHIP REGISTRY

Website: www.niueship.com

FIREARMS & PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL [Circular NMC3.2024 (rev0)]

PURPOSE: To provide guidance with regards to defense against piracy of Niue-flagged vessels in pirate-infested waters using firearms, whether through the crew or through PCASP (Privately Contracted Armed Security Personnel).

APPLICATION: This marine circular applies to all Niue-flagged vessels.

RELATED DOCUMENTS:

1. International Code for the Security of Ships and of Port Facilities (ISPS Code)
2. Niue Marine Circular NMC1.2024 – Ship Security Level
3. Niue Marine Circular NMC2.2024 – Best Management Practices for Piracy & Armed Robbery in High-Risk Areas

GUIDANCE:

The Niue Administration recognizes the concern with regards to the inherent problem of piracy in waters such as those off the coast of Somalia and have received feedback from various stakeholders on the intention to use firearms and PCASP from Private Maritime Security Companies (PMSC) to defend the vessel and crew against pirate attacks.

The Niue Administration has therefore provided the following guidance:

1. Use of Firearms by Crew

- 1.1. IMO strongly discourages the carriage and use of firearms by seafarers for self-defense as seafarers may well lack the degree of skill and training required for the safe use of firearms.
- 1.2. The use of firearms may escalate an already dangerous situation and will pose an even greater danger if used on board a vessel carrying flammable or otherwise dangerous cargo.
- 1.3. In addition to physical dangers, seafarers may face unforeseen penal consequences under foreign laws, in the event of causing death, despite the fact that many nations do reduce or absolve criminal liability where a criminal act is committed in self-defense.
- 1.4. There is no law under the Niue Merchant Shipping Act that prohibits the carriage of firearms. However, due to the reasons stated above, the Niue Administration does not encourage the carriage and use of firearms on board Niue-flagged vessels.
- 1.5. However, should ship operators/managers feel compelled to employ the carriage of firearms or PCASP on board Niue-flagged vessels, then do note that the Coastal/Port state law will regulate whether, and what type of firearms may be carried on board when a vessel calls at port. As such, owners/managers must:
 - 1.5.1. Check with port authorities prior to vessel arrival to see that no laws are breached with the firearms carried on board.
 - 1.5.2. Adhere strictly to procedures of declaration and storage of the firearms whilst at port. Generally, firearms are prohibited into entry of most ports in the world, as such all firearms onboard during entry must be placed in bonded store/strong room and sealed by customs.

- 1.5.3. Ensure the Safety Management System incorporates measures to ensure that the firearms are secured whilst the vessel is at sea to prevent any unauthorized or unlawful use of the firearms by the crew.
- 1.5.4. Obtain confirmation from P&I insurers that the carriage of firearms on board does not warrant a breach of the cover.
- 1.5.5. Consider the type of cargo onboard such as flammable cargo or similar types of dangerous goods before engaging armed security personnel onboard.
- 1.5.6. Ensure that the officers and crew adhere closely to the guidelines found in Niue Marine Circular NMC2.2024.

2. Employment of PCASP

- 2.1. All PCASP should be contracted from specialized and reputable PMSC (if applicable) who 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. Companies must check the credentials and licenses/permits of the PMSC, and where appropriate the PCASP, to ensure they have been issued by an appropriate authority and are operating legally against identified threats.
- 2.2. Prioritize the employment of private security firms that use non-lethal weapons instead of lethal firearms.
- 2.3. Carry out a cost versus benefit analysis on the employment of private security companies providing the services of armed security personnel on board vessels, seeking professional advice and guidance if required.
- 2.4. Provide prior notice to officers and crew on the carriage of firearms and/or deployment of PCASP on board the vessel. The crew should not be compelled to sail on a vessel carrying firearms and/or armed security personnel should they feel uncomfortable with the risks.
- 2.5. As far as practicable, to seek the prior consent of the mortgagee of the vessel (if any) even though it may not be a requirement under the terms of the applicable mortgage, but it is a recommended course of action as a matter of prudence.
- 2.6. The decision to use firearms or deploy PCASP is the sole responsibility of the ship operators considering all relevant circumstances in each case and ensuring that there is no conflict with the laws of the coastal states and port authorities.
- 2.7. Provide additional life-saving appliances/equipment to accommodate the additional security personnel onboard (if applicable).
- 2.8. We understand that certain insurers may launch a "private navy" and give owners/managers an opportunity to obtain safe escort through pirate-infested waters. Please be advised that the above guidelines continue to apply in this situation.

Yours sincerely,

Deputy Registrar
Niue Ship Registry