



NIUE SHIP REGISTRY

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GUIDANCE ON PREVENTING AND SUPPRESSING PIRACY AS WELL AS THE USE OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS IN HIGH RISK AREAS

(Circular NMC1.2014 (rev1))

PURPOSE: Provide ship owners/managers/operators with the guidance recommended by IMO for preventing and suppressing piracy as well as the interim guidance on the use of privately contracted armed security personnel on board ships in high risk areas.

RELATED DOCUMENTS:

1. MSC.1/Circ.1334 – IMO guidance to ship owners and ship operators, ship masters and crews on preventing and suppressing acts of piracy and armed robbery against ships
2. BMP 4 – Best Management Practices against Somali Based Piracy
3. MSC.1/Circ.1405/Rev.2 – Revised Interim Guidance to Shipowners, Ship Operators and Shipmasters on the use of privately contracted armed security personnel on board ships in the high risk area

INTRODUCTION:

Under Article 101 of the United Nations Convention on Law of the Sea (UNCLOS), piracy is defined as any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b) above.

CONTENTS:

A. GENERAL ADVICE

1. Niue strongly recommends that ship owners/operators/masters apply the guidelines recommended by IMO MSC.1/Circ. 1334 on prevention and suppressing acts of piracy and armed robbery against ships.
2. Ship owners and operators are also advised to familiarise and adopt as far as practical, Best Management Practice version 4 (BMP4) when formulating their own management plans in prevention of piracy.

B. GUIDANCE ON THE EMPLOYMENT OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL (PCASP)

1. Ship operators are reminded that the use of PCASP should not be considered as an alternative to Best Management Practices (BMP) and other protective measures.
2. Although Niue does not prohibit the use of PCASPs on board Niue-flagged ships, the carriage and use of firearms and ammunition on board Niue-flagged ships is not encouraged due to the potential escalation of violence and increased risks of crew injury and fatality.
3. Before engaging PSCASP within High Risk Areas, ship owners/operators should conduct a thorough risk assessment (as per IMO MSC.1/Circ.1405/Rev.2) and ensure all other practical means of self-protection have been employed.
4. No official approval letter for the use of PSCASP is required from this Administration so long as the above recommendations are complied with.

Please do not hesitate to contact the Registry at technical@niueship.com or call: +65 6226-2001 for further assistance.