



SAMI

**Security Association for
the Maritime Industry**

www.seasecurity.org

Standards for Private Maritime Security Company (PMSC) Accreditation

This document is an executive summary of the Security Association for the Maritime Industry (SAMI) Accreditation Programme, a standard by which PMSCs are being vetted and accredited to ensure that Private Contracted Armed Security Personnel (PCASP) are safe, legal and providing an effective service for the protection of seafarers in the High Risk Area (HRA) of the Indian Ocean.

1 At the Maritime Safety Committee (MSC) 89 meeting in May 2011, and subsequently at the Intersessional Maritime Security and Piracy Working Group meeting in September 2011, the MSC drafted MSC.1/Circ.1405 and MSC.1/Circ.1406, (subsequently revised by the Intersessional Working Group) which were promulgated to provide guidance and recommendations on the use of privately contracted armed security personnel (PCASP).

During 2011 there was a significant increase in the number of shipping companies adopting the IMO guidance for contracting PCASP to provide security for their ships transiting the HRA of the Indian Ocean. It is estimated that currently somewhere between 35-40% of ships transiting the HRA have PCASP embarked, and concern has been expressed over the rapid proliferation of PMSCs without government or an international framework in place.



The SAMI Rationale

2 With PMSCs providing on-board guard services in the HRA, SAMI has considered it vitally important that there be governance and assurance PMSCs have the necessary maritime security expertise and credibility to perform the tasks required of them to protect their shipping company clients. With this imperative, SAMI set out to establish an acceptable and practicable standard and accreditation process that will ensure that PCASP are safe, legal and providing an effective service for the protection of seafarers in the HRA.

This document offers an executive summary of SAMI's Accreditation Programme through which it has established standards for the vetting and accreditation of PMSC. It is anticipated that flag State administrations might also consider recommending the use of this Programme in their policy guidelines to shipowners for the use of private armed security.

Background

3 The SAMI Accreditation Programme is derived from the guidelines laid down by the IMO MSC.1/Circ.1405 Rev.1, MSC.1/Circ.1406 Rev.1, the International Code of Conduct for Private Security Service Providers (ICoC) and from industry best practice. It is intended to enable a detailed assessment of the suitability of a PMSC and its security personnel to perform security operations in the HRA. The Programme provides recommendations for the management, staffing and operation of PMSC. It applies to a broad range of Maritime Security Services and is not restricted to the provision of armed security alone.

Three Stage Process

4 The SAMI Accreditation Programme requires a PMSC to undergo a three stage process of due diligence, systems checks and site visits.

4.1 **STAGE 1:** The initial stage consists of a due diligence process and assesses the financial, legal and insurance status of the applicant and whether it has the right risk cover and legal support, and whether it has the finances to remain a viable provider of security services.

4.2 **STAGE 2:** Once a company has passed Stage 1, then it progresses through the accreditation. Stage two is an in-depth analysis of the company's infrastructure, which includes physical verification of premises, systems and documentation.

4.3 **STAGE 3:** The third and final stage before approval is an operational review and check. The applicant PMSC's personnel will be assessed either pre- or post-operation to ensure that the standards, equipment, knowledge and experience are all in order.

4.4 The Programme is managed by SAMI, while the accreditations are performed by an independent third party certification body, the UKAS accredited National Security Inspectorate (NSI). NSI was selected owing to their wealth of experience in accrediting security organizations, and their personnel have undergone detailed training to work in the maritime security industry.

The SAMI Programme

5 The Programme addresses a number of key elements of the PMSC structure and operations which include having, possessing, maintaining and ensuring the following standards.

5.1 Company Structure

The PMSC must have a clearly defined Company management structure; provide details of the ownership of the Company and resumes/CVs of its principals; disclose any unspent criminal conviction or “un-discharged” bankruptcy; and be legally registered to provide the Maritime Security Services they offer.

5.2 Quality Management

The PMSC must operate under a Quality Management System (QMS) (such as ISO 9001); and have effective Environmental Management and Health and Safety Management.

5.3 Records and Data Protection

The PMSC must ensure that all records maintained are controlled in accordance with the Data Protection Act (or national equivalent).

5.4 Skills, Experience and Knowledge

The principals of the PMSC or its officers must demonstrate the skill and experience to perform their roles; possess a sound knowledge and understanding of the relevant national and international laws for the countries bounding the HRA; and understand the implications and responsibilities laid down within relevant Human Rights and Humanitarian Law and its relevance to maritime security operations conducted by the PMSC.

5.5 Legal Advice

The PMSC must have access to legal advice (e.g. in-house counsel/external legal advisers) on a 24/7 basis with relevant maritime law credentials and expertise.

5.6 Record of Service Delivery

The PMSC shall demonstrate its experience in the successful delivery of the Maritime Security Services.

5.7 Culture and Ethics

The PMSC must be a Signatory Company to the International Code of Conduct (ICoC). It must have an accessible, written Code of Business Ethics and Code of Conduct that align with ICoC; written Rules for the Use of Force (RUF); procedures for the prohibition of illegal apprehension and detention, torture or cruel, inhuman or degrading treatment, sexual exploitation, slavery or forced labour and discrimination and shall demonstrate that their personnel understand and adhere to them; and not engage in contracts that conflict with ICoC, or do business with entities subject to UN Sanctions.

5.8 Client Complaints

The PMSC must have a written Client Complaints Procedure; effective recording of all complaints and a system to notify key personnel of the nature of the issue; and the ability to investigate complaints and to resolve them.

5.9 Internal Audit

The PMSC must establish a system of regular internal audits of its systems and all supporting procedures and processes. They must also have internal procedures that lay down the areas to be audited, responsibilities for conducting audits, methods to be used, format for reporting and must maintain proper and effective records.

5.10 Finances

The PMSC must be financially sound with sufficient working capital and able to present audited trading accounts.

5.11 Insurance

The PMSC must have insurance cover commensurate with operations in which it is engaged including for its personnel to carry and use firearms on the high seas and territorial waters, for accident, injury and damage; employer's liability Insurance with a minimum cover of \$5M; public liability insurance for its own and third party liabilities with a minimum cover of \$5M; personal accident, medical expenses, hospitalisation and repatriation insurance; and professional indemnity insurance.

5.12 Infrastructure

The PMSC must have an administrative or operational centre where records, professional and financial documents, procedures, certificates, files, correspondence and business documents are held in a secure and controlled manner; procedures and plans to ensure business resilience, including regular data back-up and off-site or remote data storage; and a system for controlling access to the premises.

5.13 Operations

The PMSC must demonstrate a sound knowledge and understanding of the most recent Industry Best Management Practices (BMP) and have a written set of Standing Operating Procedures (SOP); written policies and procedures that outline how they prepare and plan for each operation; a formal, written process for evaluating and managing risk; a written set of Rules for the Use of Force (RUF) that align with the ICoC; plans that cover reaction to mission disruption; and provide guidance to security teams on their response if personnel are injured, killed, or captured.

5.14 Team Size, Composition and Equipment

The PMSC must demonstrate that the size and composition of the Security Team and the equipment they deploy has been discussed and agreed with the client, and this agreement is recorded in writing taking into account relevant factors such as ship type, size, speed and the degree of threat; ensuring that security teams include a Team Leader competent in vessel vulnerability and risk assessments; and ensuring that one of the security team is designated as the Team Medic.

5.15 Intelligence

The PMSC must have access to valid intelligence; ensure this intelligence is available to deployed Security Teams; and provide intelligence updates to clients if required.

5.16 Command and Control

The PMSC must have a clear command and control structure that ensures the command and control structure has been clearly defined and documented; contains a clear statement that at all times the Master remains in command and retains the overriding authority on board; and provides a documented list of duties, expected conduct, behaviour and documentation of the actions expected of the Security Team on board.

5.17 Briefing, Communication and Liaison

The PMSC must demonstrate that it provides pre-operational briefings to the PCASP on Operational Security (OPSEC) precautions and measures; the principles of ICoC, local national laws, Rules for the Use of Force (RUF); and on roles and responsibilities of the Master, arrangements for embarkation, onboard familiarization, operations, and disembarkation. It must provide the Team with communication equipment that is safe for use on the type of ship on which they are working; record details of personnel's next of kin; and have clear policies and procedures for communicating with the Media.

5.18 Subcontractors

The PMSC must have written procedures on employment of subcontractors; written contracts defining the services to be outsourced; and a clear process for the engagement of each subcontractor.

5.19 Logistics

The PMSC must effectively support Maritime Security Operations with procedures and systems to provide for the effective logistic support of operations and systems, records, and procedures for ensuring that supply chain partners are operating to the principles of ICoC.

5.20 Health

The PMSC must include in the planning process an assessment of the likely need for medical support; have First Aid procedures; ensure teams include first aid trained personnel; provide suitable first aid equipment/trauma kits; and brief Security Teams on their responsibilities towards hostile or neutral casualties.

5.21 Operational Reporting

The PMSC must establish and maintain routine reporting; incident reporting; and post operation reports.

5.22 Control Room Role

Where the PMSC operates a Control or Operations Room facility, it must demonstrate that it monitors and co-ordinates all activities between PCASP and the client with the purpose of managing the security operations and recording all interactions between the operations room, PCASP and clients and provide communication to clients.

5.23 Records

The PMSC shall ensure it has a system for recording all communication with deployed teams and reported incidents, which are kept for a minimum of 7 years.

5.24 Human Resources

The PMSC must have Human Resources Policies and Procedures; use effective Pre-employment Screening of Personnel; use criminal records checks; a system for regular drug and alcohol testing; and carry out appraisals and continuous professional development.

5.25 Safe Working Environment

The PMSC must provide the safest possible working environment for its personnel, subject to the vessel's policies and procedures, and put in place procedures to protect personnel in high risk or life threatening environments.

5.26 Contracts of Employment

The PMSC must provide appropriate contracts of employment and have a written disciplinary code for its PACSP.

5.27 External Communications

The PMSC must have clear written policies on reporting; information and communication technology (ICT) usage by deployed security teams; and a clear written policy on any dealings with the press or media.

5.28 Identification and Uniform

The PMSC must ensure that personnel are in possession of verifiable forms of identification and that they wear uniform on task.

5.29 Personnel Records

The PMSC shall hold, maintain and retain Personnel Files and Screening Files for all personnel. On cessation of employment these files are to be retained for 7 years.

5.30 Training

The PMSC must provide initial selection training and recurring training; ensure personnel have the skills they need to perform professionally and safely; provide comprehensive records of training for inspection; training in Personal Survival Techniques, Fire Prevention and Fire Fighting, Elementary First Aid, and Personal Safety and Social Responsibilities; and provide appropriate Weapons Training and Specialist Equipment Training.

5.31 Weapons and Equipment

The PMSC must ensure that weapons are appropriate for the task; documentary evidence is available to prove that firearms are procured, transported, embarked and disembarked legally; detailed central records are held of weapons and ammunition movements; and necessary legal authorizations and licences are acquired and maintained.

Recommendation

6 Establishment of an international standard and accreditation process for the governance and use of PCASP is desirable rather than having a 'patchwork' of national standards around the globe which is making it extremely challenging and complex for maritime security operations to be conducted.

SAMI has promulgated its Programme for review to over 50 separate points of contact that it has established across the maritime industry including shipping companies, International Shipping Associations, ship managers, charterers, flag States, legal professionals and the marine insurance industry.

The process of discussing the Programme with these contacts is to glean their opinion and incorporate their suggestions if practical and appropriate. Giving consideration to the SAMI Programme could be a significant step forward in the formulation of a framework of international standards and an accreditation process upon which shipowners can rely to make an informed judgment and decision on the selection of a PMSC in keeping with the Guidelines of the International Maritime Organization.

SAMI Standard References

The UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials 7 Sep 1990

The Voluntary Principles on Security and Human Rights Sep 2000

Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area
Version 4 dated July 2011

MSC.1/Circ.1405/Rev.1 Revised Interim Guidance to Ship-owners, Ship Operators and Shipmasters on
the use of Privately Contracted Armed Security Personnel on board ships in the High Risk Area

MSC.1/Circ.1406/Rev.1 on Revised Interim Recommendations for flag States regarding the use of
Privately Contracted Armed Security Personnel on board ships in the High Risk Area

Msc.1/Circ.1408 Interim Recommendations for Port and Coastal States Regarding the use of Privately
Contracted Armed Security Personnel on Board Ships in the High Risk Area

Industry Guidelines for the use of Private Maritime Security Contractors as Additional Protection in the
Waters Affected by Somali Piracy dated May 2011

The Norwegian Ship-owners' Mutual War Risks Insurance Association Guidance on the Selection of
Private Security Companies (PSC) dated 29 Mar 2011

Montreux Document on Pertinent International Legal Obligations and Good Practices for States related
to Operations of Private Military and Security Companies during Armed Conflict dated Oct 2008

International Code of Conduct for Private Security Providers dated 9 Nov 2010

International Ship & Port Facility Security Code (ISPS) 2003