

# PRIVATE GUARDS FOR PRIVATE SHIPS: THE UK APPROACH TO ARMED MARITIME SECURITY

MATTHEW PHILLIPS & COMMANDER RNLN ERIC WILMS

Scenes of skiffs filled with young armed men attacking oil tankers filled our TVs in the mid-2000s and our cinemas after that. Since the emergence of Somali piracy, nations across the world have rallied and launched a number of national and international attempts to combat the threat. Entering 2018, Somali piracy remains a threat that has not been decisively dispelled.

Although the number of attacks has fallen dramatically in recent years, piracy in the Gulf of Aden still poses a significant threat, with the first **successful hijacking** in several years occurring during 2017. With the Dutch Parliament now **once again** debating the issue of deploying privately contracted armed security personnel (PCASP) aboard Dutch shipping this HCSS Snapshot aims to give an insight into what the United Kingdom's (UK) policy with regards to PCASP is, and how that may be of use to the Netherlands.

The UK government permitted the deployment of PCASP aboard British shipping in 2011 and many of the world's maritime security companies are based in the country. The Netherlands has previously disallowed the use of PCASP but has used a scheme of deploying **Dutch Marines** aboard select shipping for many years. With continued instability in Somalia, and civil war raging in Yemen across the Red Sea, the conditions that allowed piracy to propagate in

the 2000s have not substantively changed, and the issue may once more erupt, demanding further international action.

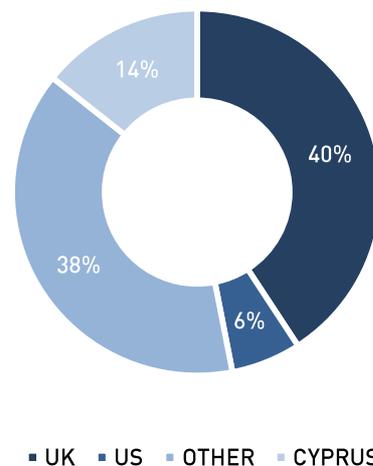


FIGURE 1. LOCATION OF PMSC REGISTRATION  
(SOURCE: OCEANS BEYOND PIRACY)

## THE UK FIGHT AGAINST PIRACY

Due to the essentiality of maritime trade to the UK, it has long taken a leading role in the fight against piracy in the Indian Ocean. The UK runs a **center** set up to provide support to commercial vessels threatened by piracy, as well as contributing naval vessels to the international NATO and European Union anti-piracy missions since 2007. In October 2011, at the height of the Somali piracy problem, the UK government made the decision to **allow** the deployment of PCASP aboard British-flagged shipping in high

risk area (HRA). This decision to allow the maritime deployment of PCASP is an extension of a long-held relationship between the UK government and land based private military security companies (PMSCs), which saw **extensive use** in Afghanistan and Iraq.

Parliamentarians and shipping interests debated and supported the deployment of military personnel aboard British shipping, but this was **dismissed** due to the ongoing commitments of the Royal Marines. As a result of this, the only option for deploying armed guards aboard UK shipping was to use PCASP. Since this time, the UK has become an industry leader with regards to maritime PMSCs, with **40%** of the companies offering these services being based there. The UK also governs the actual deployment of these guards aboard British-flagged shipping. This is a valuable industry to the UK, with the global market estimated to be worth over **\$15bn** in 2015.

#### REGULATING PCASP ON UK SHIPPING

The UK government continues to allow the use of PCASP only in exceptional circumstances, and **clearly outlines** the conditions that must be met in order to allow the deployment of a PCASP team. These are that the ship must be travelling through the designated HRA; and the IMO **Best Management Practices 4** are being carried out in full but are deemed insufficient to adequately protect the ship; and the use of armed guards is assessed to increase the safety and wellbeing of those on board. These conditions are a minimum needed to be met, and are supplemented in a variety of ways. For example, the submission of an anti-piracy plan to the UK Department of Transport by the ship operator is requested, the prompt disembarkation of guards after leaving the HRA is required, and the review of the PMSC by the ship owner is advised. In order to help ship owners do this, the government also outlines the requirements that these PMSCs and the PCASP themselves need to meet, in order to satisfy government accreditation.

The UK government advises hiring PMSCs that meet **ISO standards**, certified by the **UK Accreditation Service**, directly concerned with the governing of these security companies. The UK also requires an extensive licensing portfolio

concerning the possession and transport of the weapons used by the PCASP. The Government additionally states that in the contract between ship owners and the PMSC, a clear chain of command should be established between the ships master and the guards onboard. With regards to incidents involving PCASP using weapons, the government demands strict adherence to UK law with regards to the use of force, and demands that an after-incident report is also filed.

#### LESSONS FROM THE UNITED KINGDOM

The UK, as a market leader in PMSCs with an important stake in the global maritime industry, now has more than 6 years of experience in dealing with maritime PMSCs. Lessons can undoubtedly be drawn from this and adapted to the Dutch context. The UK requires that PMSCs based in the country are subject to a high standard of accreditation, based on **industry driven guidelines**, but independently applied. However, the government does not require that ship owners use these companies, only **advising** that they should. This is a pattern for the UK, which has refrained from strict regulation, favoring instead accreditation and the supply of ample advice to stakeholders to ensure their decisions are well informed, backed up by the potential of legal action against those who break UK law on the use of force. This is similar to the approach taken towards the control of land-based PMSCs in the country. With regards to maritime PCASP, the government only allows their deployment in a specific area, and demands that vessels adhere to BMP4 before being allowed to use PCASP.

“ Choice is left to the consumer, but restricted and informed by the government. ”

This UK approach has several advantages, including a higher rate of flexibility than a per-deployment licensing approach, one of the main criticisms of the Dutch VPD program.

Additionally, the geographical restrictions and BMP requirements have helped to prevent the proliferation of PCASP across shipping, and has meant that ship owners are not able to hire armed guards as an alternative for improving the general security of the vessel. This careful combination, where choice is left to the consumer, but restricted and informed by the government, has led to the UK's **world leading** maritime security industry. One key difference in context between the UK and the Netherlands concerns the use of force, where the Dutch constitution is far more restrictive than in the UK. Although this **concern** was raised in the UK prior to the proliferation of land-based PMSCs, it was minimized, and due to the UK's use of PMSCs over the last 10 year, was not raised in the maritime discussion.

### CONCLUDING REMARKS

The dangers of the use of armed guards are clear to see, with risks to stability and the potential proliferation of weapons, as well as concerns about a **weakening of the state monopoly on force** and accountability, offering a reasonable point of opposition to the use of armed guards. However, these are manageable risks, as has been shown by the UK. The use of a strong

regulatory regime, strict conditions for the use of armed guards, and ensuring the use of practices that minimize the likelihood that their use is necessary, has meant that the UK has not had an incident where the use of PCASP has caused problems. The success rate of PCASP (not a single ship using them has been hijacked), with this safety net offered by their conditional use has meant that the use of PCASP has been useful for the UK.

### FURTHER READING

The Economist, *Laws and Guns*, April 2012. Via [link](#)

Srilatha Vallabu, *Privately Contracted Armed Security Personnel in the Indian Ocean Region*, May 2017. Via [link](#)

Simon Williams, *The Development and Regulation of Private Maritime Security*, November 2014. Via [link](#)

David Isenberg, *The Rise of Private Maritime Security Companies*, May 2012. Via [link](#)

## ABOUT

In order to expand upon the detailed reports that HCSS publishes, our Podcasts and Snapshots tackle current issues in global security. HCSS conducts its activities independently and in collaboration with its large network of affiliated experts. Our products are diverse: full-fledged reports, issue briefs, quick topic reports, and commentaries in the media. These products often consist of strategic surveys, innovative policy recommendations, trend and scenario analyses, risk assessments, geopolitical and regional security analyses, conflict analyses, operational evaluations and identifications of lessons learned. HCSS is also a platform for the exchange of ideas and development of new concepts and strategic insights.