

# Clear rules must govern use of force against pirates

*From Nigel Carden*

SIR, With reference to the recent article “A ship is not the place for armed security ‘cowboys’” (Lloyd’s List, Monday August 1), Steve Matthews states: “All the various legal provisions and guidelines make clear that ultimate responsibility for such decisions are with the ship’s master.”

In the context of the preceding paragraph, the inference might be made

that “such decisions” include decisions on the use of firearms against a pirate attack.

That the master should remain responsible for the navigation and safety of his vessel, crew and cargo is unquestionable. The decision to use armed force in response to a pirate attack is another matter.

The International Maritime

Organization Interim Guidance to shipowners on the use of privately contracted armed security personnel on board (MSC.1/Circ.1405) does not impose on the master the responsibility for all decisions on the use of armed force, but rather exhorts, thorough consultation between the shipowner, PMSC (private maritime security company) and the master, the agreement and

implementation of clearly defined ‘Rules for the Use of Force’.

Similar guidance is being given by a number of flag states and is included in the recently issued Norwegian provisional guidelines.

Ships’ masters are not trained or qualified in armed warfare, or experienced in taking decisions with regard to armed engagement.

This is precisely the reason why the IMO, flag states, shipowners, seafarers and other concerned industry associations are placing such strong emphasis on the importance of clear and unambiguous rules for the use of force. ■

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