



MARITIME SECURITY COMPANIES: CHALLENGES AND LEGAL RESPONSIBILITIES¹

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ABSTRACT Key actors in international relation increasingly use the term 'maritime security' or structure their work around this framework. Maritime security encompasses emerging challenges, particularly in international straits and the high seas, and aims to mobilize global cooperation to address them. Issues such as piracy and terrorism have come into sharp focus, driven by statistical evidence of rising risks to ships in these waters. These threats underscore the urgent need to enhance security measures. However, the international community lacks a consensus on defining maritime security, hindering coordinated global action. Amid this ambiguity and persistent political tensions, private maritime-security companies have emerged to fill the gap, offering protection services to commercial vessels. Yet, their operations, particularly in international straits, raise significant legal and political concerns, including potential infringements on state sovereignty. This research aims to analyze frameworks for identifying shared understandings and unresolved disputes surrounding the concept of maritime security. It also investigates the implications of contracting maritime-security firms, assessing their short- and long-term impacts on the maritime landscape, against the backdrop of modern geostrategic challenges.

Keywords: Maritime; Piracy; Security Companies; Challenges; International Law.

الشركات الأمنية البحرية: التحديات والمسؤوليات القانونية

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المستخلص يشهد مفهوم "الأمن البحري" حضورًا متزايدًا في خطاب الفاعلين الرئيسيين في العلاقات الدولية، حيث بات يُستخدم كمفهوم مركزي أو إطار تُبنى عليه السياسات والبرامج ذات الصلة. ويشمل الأمن البحري جملة من التحديات الناشئة، لا سيما في المضائق الدولية والمياه الدولية، ويهدف إلى تعبئة التعاون العالمي لمواجهتها. وقد تصدرت قضايا مثل القرصنة والإرهاب البحري المشهد، مدفوعة بأدلة إحصائية تشير إلى تصاعد المخاطر التي تهدد السفن في تلك المناطق، مما يبرز الحاجة الملحة إلى تعزيز التدابير الأمنية. ومع ذلك، فإن غياب إجماع دولي حول تعريف موحد للأمن البحري يُعيق جهود التنسيق والتعاون المشترك. وفي ظل هذا الغموض وتفاقم التوترات السياسية، ظهرت شركات الأمن البحري الخاصة لتسد هذا الفراغ، مقدّمة خدمات الحماية للسفن التجارية، إلا أن أنشطتها، ولا سيما في المضائق الدولية، تثير إشكالات قانونية وسياسية بارزة، من بينها احتمالات المساس بسيادة الدول. وتهدف هذه الدراسة إلى تحليل الأطر التي يمكن من خلالها بناء فهم مشترك لمفهوم الأمن البحري، واستكشاف الخلافات غير المحسومة حوله. كما تسعى إلى دراسة تداعيات التعاقد مع شركات الأمن البحري، وتقييم آثارها قصيرة وطويلة المدى على المشهد البحري، في ظل التحديات الجيوستراتيجية المعاصرة.

الكلمات المفتاحية: الأمن البحري؛ القرصنة؛ شركات الأمن الخاصة؛ التحديات الأمنية؛ القانون الدولي.

1. INTRODUCTION

The use of maritime security companies (MSCs) is a relatively new phenomenon in modern international experience, posing significant challenges to international law and best practices. The international community has gradually accepted the idea of employing MSCs, with an increasing number of non-state actors relying on their services within a short period. Thus, the driving forces in shipping and insurance have facilitated the entry of security contractors into the maritime domain, and states have quickly adapted to this development. This shift has

compelled the International Maritime Organization (IMO) to reassess its stance on the use of force at sea by private actors. Initially, the introduction of firearms held by private entities was seen as a violation of the common interest, potentially leading to the proliferation and escalation of violence. However, this perception has gradually shifted toward a compromise. Today, professionally trained and adequately equipped entities are authorized to provide security services, using violent means only as a last resort to counter threats to people and goods at sea, in accordance with best practices (Colombo, 2022). As a result, the role of

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the state has somewhat diminished, partly due to the contractual nature of MSCs. While states insist on maintaining oversight through carefully crafted legislation, the effectiveness of these efforts is questionable due to practical difficulties in enforcement and monitoring. Meanwhile, the role of MSCs in protecting seas and oceans continues to expand (Marin, Mudrić & Mikac, 2017). This research analyzes the extent to which MSCs align with international law and the risks of legal violations that could exacerbate instability. It further investigates the role of risk management in high-threat areas, highlighting legal ambiguities arising from MSC activities—specifically gaps in regulating the use of weapons and force. The absence of a clear international regulatory framework creates conditions prone to misconduct and human rights abuses.

2. STATEMENT OF THE PROBLEM

Maritime security issues, such as piracy and terrorism, have become a focal point for nations seeking to enhance security measures, given the increasing risks faced by ships in these waters. MSCs have emerged to address this gap and protect commercial vessels. However, their operations raise significant legal and political concerns. The deployment of MSCs on commercial ships has been widely accepted as a measure to safeguard sailors from harm and protect vessels operating in high-threat maritime areas. Nevertheless, the decision to employ these companies rests with ship operators, provided they adhere to security principles and human rights standards. Consequently, this research examines the extent to which MSCs comply with international law, the risks of legal violations, and the legal ambiguities arising from their activities.

3. STUDY OBJECTIVES

The research aims to:

1. Identify emerging security threats in international maritime passages and on the high seas.
2. Analyze shared concepts and unresolved conflicts surrounding the role and operations of MSCs.
3. Clarify the legal challenges arising from the contracting of MSCs.

4. RESEARCH QUESTIONS

1. What are the primary security challenges faced by MSCs in international waterways and on the high seas?
2. To what extent has the international community accepted the use of MSCs, and how dependent are non-state actors on their services?
3. What are the legal implications of contracting MSCs, and how do these implications affect compliance with international law?

5. METHODOLOGY

The deployment of MSCs on commercial vessels is widely accepted as a measure to protect sailors from harm and safeguard ships operating in high-threat maritime zones. However, best management practices neither recommend nor endorse the employment of MSCs, leaving the decision to individual ship operators—where permitted by the vessel's flag state. When engaging MSCs, operators must adhere to principles of security and human rights compliance.

Therefore, this research adopts the content analysis method, through which the researcher seeks to analyze the apparent and implicit content of the phenomenon of maritime security and then describe it in an objective and systematic manner. The topic of MSCs is one of the subjects where content analysis is used to identify knowledge, values, and achieve the goals and implications contained in published documents, books, and literature, as well as to analyze security, political, and legal texts. The research relies on qualitative inductive content analysis, where the research questions guide the process of collecting, analyzing, and directing information, while considering emerging topics that arise during reading and analysis. The qualitative content analysis resulted in identifying the underlying meaning of the maritime security phenomenon and the employment of MSCs under study, which is clearly reflected in the following findings of this research.

6. THE IMPORTANCE OF MARITIME SECURITY COMPANIES

Countries have long sought to secure maritime routes to safeguard commercial shipping. Piracy has spurred multilateral cooperation, with commercial carriers increasingly opting for protection from MSCs. While MSC can effectively deter piracy, their legitimacy remains a contentious and unresolved issue in international law. Piracy itself is an age-old crime; despite global efforts to curb it, the coast of Somalia, for instance, has seen a resurgence of piracy in recent years, underscoring the persistent challenge. Monitoring vast maritime zones, particularly in critical regions like the Gulf of Aden, exceeds the capacity of many states, prompting ship-owners to rely on MSC (Beri, 2011). Though, their presence correlates with reduced piracy rates, the legality of their operations—especially the use of lethal force—remains fiercely debated. Human rights concerns stem from MSCs' potential use of excessive force against suspected pirates, risking unlawful killings. Additionally, the transport of armed MSC personnel through territorial waters sparks jurisdictional disputes between nations, as laws governing onboard weapons vary widely. This regulatory

ambiguity fosters a lack of accountability for MSCs, enabling misconduct without clear legal recourse. Given that MSCs are a permanent fixture in maritime security, the international community urgently requires a binding regulatory framework to reconcile their role with human rights and state sovereignty (Bateman, 2016).

Countries have invested significant efforts to combat piracy through legislative measures and multilateral cooperation (Symmons, 2012). However, the surge in global trade and maritime activity has strained the capacity of naval forces to safeguard ships and cargo. Deploying military vessels for patrols is prohibitively expensive, particularly for monitoring vast oceanic regions. Consequently, ship-owners and shipping companies increasingly rely on MSCs for protection. These companies offer two primary services; a) armed onboard teams composed of trained personnel equipped with firearms. These teams board vessels at ports or via speedboats as contractually specified, providing temporary escort through high-risk zones, b) escort vessels that are smaller, armed ships with limited operational range that accompany cargo vessels (Tondini, 2012).

The expanded use of MSCs over the past decade has drawn significant international attention, driven by their growing adoption by states and commercial entities. This trend toward privatizing security services has intensified debates over accountability and compliance with international humanitarian law (IHL), particularly as MSCs diversify into roles such as logistics, intelligence, and advisory support for maritime firms. To mitigate legal ambiguities, states classify maritime security personnel as civilian contractors, distinguishing them from state military actors (Kraska, 2015). MSCs are broadly categorized into three operational models:

- a. **Security Service Providers:** Deploy armed personnel for direct vessel protection.
- b. **Security Consulting Firms:** Offer risk assessment, training, and strategic advisories.
- c. **Security Support Companies:** Specialize in maintenance, logistics, and intelligence (Krahmann, 2016).

In 2011, the maritime industry experienced a surge in adoption of the International Maritime Organization's (IMO) guidelines for employing MSCs on ships transiting high-risk zones, such as the Indian Ocean (Voyer, et al., 2018). Estimates suggest that 35%–40% of vessels passing through these areas employed MSCs, sparking concerns over the rapid, unregulated growth of MSCs in the absence of a binding international framework. As these companies expanded their onboard security

operations, the need for governance mechanisms became urgent to ensure firms possessed the expertise, credibility, and legal compliance necessary to protect client vessels. To address this gap, the IMO collaborated with stakeholders to develop accreditation standards and operational guidelines for private security providers. These standards aimed to verify that personnel were properly trained, legally informed, and equipped to safeguard crews in high-risk environments. Complementing these efforts, the international code of conduct for MSCs' providers established criteria to assess the suitability of firms and their personnel for maritime operations. Together, these frameworks sought to mitigate risks—such as human rights violations or misuse of force—while legitimizing the role of private security in global shipping (Bueger & Edmunds, 2007).

MSCs are highly desirable and require operational standards to be adopted worldwide to ensure the acceptability of maritime security operations. The Security Association for the Maritime Industry (SAMI) has established standards that involves a three-stage process. The procedural phase assesses the financial, legal, and insurance status of the applicant, including whether they have appropriate risk coverage, legal support, and sufficient funding as a security service provider. This is followed by the company accreditation phase, which involves an in-depth analysis of the company's infrastructure, including physical verification of facilities, systems, and documentation. The final phase is an operational review and inspection, which evaluates the personnel of the maritime security service provider to ensure that standards, equipment, knowledge, and experience are all in place (Kraska, 2013).

Accreditations are typically carried out by an independent accreditation body selected based on its extensive experience in accrediting security organizations. The staff of these bodies undergo detailed training to work in the maritime security industry. MSCs must meet the following requirements:

- a. **Management Structure:** The company must have a well-defined management structure, provide details of company ownership, and be legally registered to provide maritime security services.
- b. **Quality and Compliance:** The company must operate under a quality management system and have effective environmental, health, and safety management systems in place. All records must be maintained in accordance with data protection laws.
- c. **Leadership Expertise:** Managers or officers of the maritime security company must demonstrate the necessary skills and experience to perform their roles.



- They must possess a sound understanding of national and international laws relevant to high-risk areas, as well as the implications and responsibilities outlined in human rights law and relevant humanitarian law. These are critical to the maritime security operations conducted by the company (Liss & Schneider 2015).
- d. *Code of Conduct*: The company must be a signatory to the International Code of Conduct and have a written business ethics code and code of conduct that aligns with the International Code of Conduct. This includes written rules on the use of force and procedures to prohibit unlawful arrest and detention, torture, cruel or degrading treatment, sexual exploitation, slavery, forced labor, and discrimination. The company must ensure its employees understand and adhere to these rules.
 - e. *Contractual Compliance*: The company must avoid entering into contracts that conflict with the International Code of Conduct or dealing with entities subject to United Nations sanctions.
 - f. *Internal Review*: A system for regular internal review of its systems, procedures, and processes must be established. Internal procedures should specify the areas to be audited, responsibilities for conducting audits, methods to be used, reporting formats, and the maintenance of accurate and effective records.
 - g. *Insurance Coverage*: The company must have insurance coverage appropriate to its operations, including coverage for the carrying and use of firearms by its personnel on the high seas and in territorial waters, in case of accidents, injuries, or damages.
 - h. *Operational Center*: The company must maintain an administrative or operational center where professional, financial; procedural, certification, files, correspondence, and commercial documents are securely stored and managed. Additionally, the company must have procedures and plans in place to ensure business resilience (Seasecurity, 2024).

MSCs must demonstrate that the size and composition of the security team, as well as the equipment deployed, have been discussed and agreed upon with the client. This agreement must be documented in writing, taking into account relevant factors such as the type, size, and speed of the vessel, as well as the threat level. The company must ensure that the security teams include a qualified team leader capable of assessing vulnerabilities and risks on the vessel, and that one member of the security team is designated as a medic (Ralby, 2018).

Additionally, the company must have access to accurate intelligence information and ensure that this information is available to deployed security teams. The company must

provide clients with intelligence updates when necessary. It should maintain a clear command and control structure that ensures the chain of command is clearly defined and documented. This structure must include a clear statement that the captain remains in command at all times and retains ultimate authority on board the vessel. MSCs should provide a documented list of duties, expected conduct, and procedures for the security team on board the vessel (Chapsos, 2014). They must also demonstrate commitment to the principles of the International Code of Conduct, local national laws, and rules on the use of force, as well as the roles and responsibilities of the captain. Furthermore, MSCs must equip the security team with secure communication devices for use on the vessel, and have medical support, include in its planning process an assessment of the potential need for medical support, have procedures in place for first aid, and ensure that security teams are briefed on their responsibilities toward hostile or neutral casualties. MSCs must provide regular training for its personnel to ensure they possess the skills necessary to perform their duties professionally and safely. This includes appropriate weapons training and specialized equipment training, ensuring that the weapons are suitable for the mission, and provide evidence that firearms are purchased, transported, shipped, and disembarked legally. The company must maintain detailed centralized records of weapons and ammunition movements and obtain and maintain the necessary legal permits and licenses (Seasecurity, 2024).

7. THE CHALLENGES FACING MARITIME SECURITY COMPANIES

Piracy has been, and continues to be, a significant cause of economic impact, prompting commercial shipping companies to turn to private security firms for enhanced protection (Gould, 2017). Between the 17th and 19th centuries, Barbary pirates operated in the Mediterranean Sea, seizing cargo ships and their crews while demanding ransoms. During that period, commercial shipping companies negotiated agreements with nations to pay higher taxes in exchange for naval protection against pirates. Historically, pirates were classified as "enemies of all humanity," a designation that remains relevant to modern-day piracy (Kraska & Wilson, 2008).

Modern piracy has devastating effects on the global economy. Insurance premiums for voyages have risen significantly, leading to substantial increases in shipping costs. These costs are ultimately passed on to producers and, eventually, end consumers. Beyond economic consequences, piracy is also linked to environmental harm and the obstruction of humanitarian aid, preventing it from reaching its intended destinations. Piracy manifests in various forms, with kidnapping and armed robbery being the most prevalent. For example, kidnapping was a common

tactic in the Strait of Malacca, where pirates would capture crew members and demand ransoms. However, this approach has declined in recent years, and pirates have shifted their focus to hijacking entire ships, which has now become the most common form of piracy (Spearin, 2012).

Most piracy attacks occurred in Southeast Asia during the 1990s. Initially, piracy incidents in this region were rare, and even the regional governments failed to acknowledge the existence of the problem. The hijacking of the MV Alondra Rainbow, a ship owned by Japanese shareholders and registered in Panama, sparked widespread discussions about piracy in the region. This incident led to the adoption of a new tool to combat piracy in Southeast Asia. The regional cooperation agreement on combating piracy and armed robbery against ships in Asia was established in 2004, an information sharing centre, which facilitates cooperation among participating nations to reduce piracy in the region. The centre also performs other essential tasks to prevent and suppress piracy and armed robbery. Additionally, the participating states agreed to assist victimized ships and rescue victims of such attacks (Hayashi, 2015).

By the late 2000s, piracy incidents in Southeast Asia began to decline. However, during this period, pirate attacks started to surge off the coast of Somalia (Berl, 2017), primarily due to the country's political and economic instability. Somalia is considered a failed state, lacking effective governance on land or along its coastline. This created a safe haven for Somali pirates, who knew they could hijack ships and bring them into Somali territorial waters without fear of apprehension. Somali pirates typically operate using a mothership accompanied by high-speed boats to board commercial vessels. They are often armed with heavy weapons. The IMO has actively worked to enhance the safety of ships and their crews transiting the Somali coast. Incidents like the hijacking of the supertanker MV Sirius Star were unprecedented, demonstrating the technological sophistication pirates had achieved. In response, the IMO Secretary-General urged the UN Security Council to take necessary measures to address piracy in the region (Chapsos, 2014). The IMO also requested the Somali transitional federal government to allow entry into its territorial waters for operations against pirates or suspected pirates who endanger ships carrying humanitarian aid to Somalia or departing the country after unloading such cargo. However, it is important to note that this request applies specifically to the situation of piracy off the coast of Somalia (Spearin, 2012). Recently, the waters off the coast of Nigeria, Africa's largest oil producer, have emerged as a new hotspot for piracy. Pirates in this region often target fuel shipments, offloading them onto their vessels to sell on the black market. This type of piracy is

particularly dangerous for sailor safety, as pirates in these cases have little incentive to keep hostages alive. With piracy now extending to the coasts of East Africa, countries are finding it increasingly challenging to monitor vast areas using military ships alone (Chapsos & Kitchen 2015).

The UK Department for Transport, in its 2011 interim guidance, stated that MSCs' teams should use the minimum force necessary to deter pirates and protect the ship's crew. This force must be gradual, reasonable, and proportionate at all stages of an attack. However, the guidance does not specify what constitutes a gradual, responsible, and proportionate response to a pirate attack. It suggests that measures demonstrating the potential use of force—such as displaying firearms and issuing verbal warnings—should be employed. Warning shots are also permitted but must not be considered an act of aggression. Under English law, the use of lethal force is only justified in cases of grave danger. In contrast, U.S. law appears more lenient, allowing the use of non-lethal force to protect the ship or its cargo from theft or damage. Non-lethal measures may include the use of fire hoses or acoustic blasts. Additionally, lethal force is permissible in cases of self-defense or defense of others, provided there is an imminent threat of death or serious bodily harm. Self-defense is defined as an act to prevent an attack on oneself or another person, using force, including lethal force. Notably, under U.S. law, warning shots are not considered a use of force, a stance that aligns with the logic adopted by the International Tribunal for the Law of the Sea (Eski, 2016).

In Egypt, shipping agencies are required to provide a detailed list of weapons and ammunition on board the ship. These items must be stored in a locked container under the authority of the ship's captain and presented to port security officials for inspection. The weapons are returned to the ship before it departs the port. While in India, all ships transiting its territorial waters or exclusive economic zone must secure firearms and ammunition in a locked space before entering these areas. Additionally, at least 96 hours before entering these waters, the ship must submit a report to the regional coast guard detailing the types of weapons on board and the personal information of the private security team. Yet, France and the United Kingdom adopt a more liberal approach, allowing the transportation of firearms by foreign ships exercising their right of innocent passage. However, all weapons and ammunition must be securely stored on board, and the relevant authorities must be notified in advance. In contrast, Spain and Israel are the most lenient jurisdictions, as they do not require prior notification for ships carrying firearms (Bueger, 2015).

Malta, one of Europe's largest shipping registries, has had to address the employment of MSCs on commercial ships. Until 2011, Malta's transport authority adhered to IMO policy, which prohibited Maltese-flagged ships from carrying weapons on board. However, this changed when the IMO issued its interim guidelines on the use of MSCs. If a ship-owner decides to deploy a MSC, they must obtain prior authorization from the Merchant Shipping Directorate, Malta's competent authority. The MSC must submit an application, accompanied by the voyage plan and a crew list of all security personnel. Once authorization is granted, the ship-owner must ensure a ship security plan is in place and conduct a ship security assessment (Liss & Schneider, 2015).

The use of weapons by MSCs is a controversial issue, as regulations vary significantly between countries. This includes differences in firearms licensing and whether countries permit the carrying of weapons through their territorial waters. The UN Convention on the Law of the Sea (UNCLOS) does not explicitly address this issue. However, states encourage ships carrying firearms and maritime security teams to comply with applicable laws governing the acquisition and transportation of firearms. The IMO guidelines emphasize that MSCs must be aware of their legal responsibilities under the flag state of the ship, the state in which the MSCs is registered, and the countries through which the ship will transit (UNCLOS, 1982). Another legal issue that arises is the obligation to rescue pirates after their means of transport becomes unseaworthy following a repelled attack. In such cases, the ship's captain is required to rescue them, as they are considered 'persons in distress at sea.' However, this situation raises serious human rights concerns, particularly at the moment of apprehension. It must be determined whether the laws of the flag state authorize the ship's captain or private security personnel to arrest and detain these individuals. Additionally, if the decision is made to release the pirates and return them to their home countries, the flag state must comply with its obligations under the Refugee Convention (Kraska, 2013).

There is significant debate surrounding the activities of MSCs, particularly regarding security incidents and efforts to legitimize their operations. Ship-owners are often cautious about employing such services due to concerns about potential liability for their companies and the risk of reputational damage if MSCs use force. Another concern regarding the employment of MSCs is that crew members may begin to demand legal protections, which could increase the costs of maritime voyages and reduce shipping companies' profits. Ship-owners are also wary of the potential escalation of violence by pirates, which could result in loss of life, damage to cargo, and harm to the ships

themselves, leading to significant financial losses. While ship-owners have welcomed best practices for deterring piracy that emphasize non-lethal measures, these practices are not mandatory and are often less effective than employing MSCs (Ralby, 2018).

8. MARITIME SECURITY COMPANIES AND INTERNATIONAL LAW

The threat to maritime security attracts universal jurisdiction and is defined in Article 101 of the UNCLOS as acts of violence or unlawful detention committed for private ends by the passengers or crew of one ship or aircraft against another ship or aircraft. Article 100 of the same convention stipulates that all states must cooperate to the fullest possible extent in the repression of piracy. Consequently, the UN General Assembly has consistently encouraged states to cooperate to neutralize this threat (UNCLOS, 1982). However, if such acts are committed within the territorial waters of a specific state, they do not qualify as piracy. The IMO has labeled these acts as 'armed robbery against ships,' defining it as 'any illegal act of violence, detention, or depredation, or threat thereof, other than piracy, directed against a ship, or against persons or property on board such a ship, within a state's jurisdiction over such offenses.' It is worth noting that armed robbery against ships is also considered a crime under the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (IMO Assembly Resolution, 2010).

States remain concerned about the legality of using MSCs, as their deployment could potentially escalate violence in an already highly dangerous area. This concern stems from a lack of accountability and control over these companies. While studies have examined MSCs from a military perspective, the legal aspects of their operations have rarely been addressed. There appears to be a scarcity of literature focusing on the legal dimension of the emergence and operation of MSCs, leaving a legal void that these contractors often fill while conducting their activities. Yet, MSCs are subject to international law, but assessing their applicability requires evaluating their activities on a case-by-case basis. In most countries, there is a legal gap within which these companies operate. In this context, the importance of domestic legislation has been emphasized to regulate their activities effectively (Kraska, 2013).

The status of MSCs' personnel is another area of discussion, particularly whether they should be classified as civilians, mercenaries, or combatants under international law conventions. However, the definition of mercenaries is ambiguous and debatable, creating further confusion that complicates regulatory initiatives. Therefore, it is hoped that host states will enforce a legal licensing framework and

regulate these companies in accordance with their policies and regulations (Tondini, 2012).

The international community has adopted various approaches to dealing with MSCs. Some countries have explicitly banned them, while others, particularly those with large ship registries like Cyprus, encourage ship-owners to utilize such services. A middle ground has been adopted by countries such as Norway, where the use of maritime security companies is permitted, but the responsibility lies entirely with the ship-owner. This lack of international coordination in regulating the activities of MSCs has led to confusion among states. Under customary international law and the UNCLOS, states are obligated to prevent and suppress acts of piracy. They also have the right to seize ships suspected of piracy and confiscate everything on board (Symmons, 2012). However, these obligations do not extend to maritime security companies, which are solely employed to deter pirate attacks. This raises the question of whether privately contracted security guards are allowed to carry weapons on commercial ships and whether they can use lethal force in self-defense or to defend the ship's crew.

As part of international efforts to regulate the activities of MSCs, and after years of reluctance to recognize their legitimacy due to concerns about escalating violence, the IMO issued the Maritime Safety Committee Circular in 2009. This circular provided essential recommendations on the use of maritime security service companies. Additionally, the IMO issued guidelines for ship-owners, emphasizing that their ships would be subject to the legislation of the coastal state once they entered its waters. This means MSCs may be subject to different rules and regulations depending on the jurisdiction. These recommendations led to the development of an international standard and an accreditation process for MSCs. Therefore, to obtain accreditation, companies must adhere to specific standards, including licensing of firearms, vetting of security personnel, rules on the use of force, and command and control of security personnel. Additionally, companies must undergo auditing and inspection by accredited bodies established in various countries (IMO Assembly Resolution, 2010).

Following extensive consultations with shipping companies, the Security Association for the Maritime Industry (SAMI) issued rules on the use of force. These rules are largely based on the principle of self-defense, provided that the MSCs act lawfully while deterring any attack. Furthermore, the international code of conduct for private security service providers was established. It is important to note that adherence to these rules does not grant immunity to MSCs' team (Tondini, 2012). Human rights activists have

welcomed such initiatives, as they take into account the fundamental human rights that even pirates are entitled to.

According to the established principle of self-defense, the actor must demonstrate the necessity of defensive measures and ensure that such measures are proportionate to the perceived threat. In 2012, the IMO issued interim guidelines for MSCs providing privately contracted armed security personnel on ships in high-risk areas. These guidelines emphasize the overarching authority of the ship's captain while addressing the use of force (Kraska, 2015). The guidelines state that all reasonable steps must be taken to avoid the use of force. However, if the use of force is deemed necessary, it must be applied in a gradual manner, with only those measures that are necessary and reasonable under the given circumstances being implemented. Lethal force may only be used when absolutely necessary, ensuring that the measures taken are proportionate and appropriate to the circumstances, and that the minimum necessary force is applied. Furthermore, all reasonable steps must be taken to avoid the use of lethal force by employing non-violent means first, except in cases where circumstances require the immediate use of force, such as brandishing weapons or firing shots. Non-lethal evasive measures should be prioritized to thwart an imminent attack. As several guidelines suggest, lethal force should only be used when an attack is imminent and no other means are available to prevent it (Marin, Mudrić & Mikac, 2017).

According to the Montreux Document, states and their contractors from private military or security companies have a legal obligation under international law. These obligations are explained in detail by classifying states into three types: a) contracting states: states that hire services from private security companies, b) territorial states: states where private military or security companies operate, c) home states: states where security companies are officially registered, if not the location of their headquarters or management. Each of these states must fulfill its obligations under international law by specifying the distinct roles and responsibilities of each. The document clarifies the status of private military or security services' personnel through the application of their home state's national law. According to Part I, Article 22 of the Montreux Document, private military or security companies are obliged to comply with international humanitarian law or human rights law imposed on them under applicable national law, as well as other applicable national laws such as criminal law, tax law, immigration law, labor law, and specific regulations related to private military or security services (UNCLOS, 1982). However, the phenomenon of MSCs poses challenges, as many of them lack official registration records or are

registered in states with weak legal sovereignty to circumvent their legal obligations. It is also evident that the Montreux Document only reaffirms the application of international law to both states and their contractors. Therefore, states cannot relinquish their responsibilities regarding the application of international humanitarian law through contracted companies.

9. CONCLUSION

The use of maritime security companies is steadily increasing, driven by their effectiveness in deterring piracy. As a result, the international community should strive to establish a global regulatory framework to govern the activities of these companies. In particular, there is an urgent need for uniform regulations regarding what constitutes acceptable use of force, as current guidelines

remain ambiguous. If global regulation proves unattainable, individual states should provide specific guidelines on permissible use of force. Additionally, investigations between states must be conducted to ensure that maritime security companies use reasonable force without endangering innocent lives or violating the human rights of pirates. To ensure transparency, it is recommended to report all piracy attacks, the use of maritime security companies, and the carrying of weapons on commercial and cargo ships. By adopting a multilateral approach, universally acceptable rules can be established, taking into account the perspectives and interests of all relevant parties involved.

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