

Notices to Members

No. 4 2014/2015 - GUARDCON West Africa

April 2014

Dear Sirs,

GUARDCON West Africa

Members are referred to the International Group's Piracy FAQs and Notices published by the International Group clubs confirming that the BIMCO GUARDCON contract for the employment of private maritime security companies (PMSCs) on vessels conforms with club cover and pooling arrangements.

GUARDCON has been in existence since 2012 and has become the industry's standard contract for the employment of PMSCs, harmonising terms of engagement and making the process simpler and quicker for shipowners.

GUARDCON was designed with East Africa in mind but since its inception, the shipping industry's focus has widened to include piracy and other threats to shipping in the Gulf of Guinea off West Africa.

GUARDCON in its unamended form is not a suitable contract to use for the engagement of PMSCs off West Africa where it is contemplated that armed security personnel provided by littoral states will operate alongside unarmed PMSCs. This protection model has evolved in response to the littoral states' prohibition on the use of armed PMSCs on board vessels in their territorial waters.

Members are referred to BIMCO's Special Circular No. 1 – 20 February 2014 which sets out recommended amendments to GUARDCON for use off West Africa, developed by BIMCO with input from International Group clubs. Whilst BIMCO has stated it has no intention of producing an amended version of GUARDCON for use off West Africa, the International Group clubs have produced an amended version of the contract called "GUARDCON West Africa".

GUARDCON West Africa is approved by all of the International Group clubs. It will provide contract certainty and make it simpler and quicker for shipowners to put in place appropriate security arrangements when trading in the high risk areas off West Africa.

However, this Notice should not be read as a recommendation for Members to use armed security. Members are reminded that the use of PMSCs and other security personnel should not be seen as an alternative to compliance with the current version of the Interim Guidelines for Owners, Operators and Masters for protection against piracy in the Gulf of Guinea region. Placing armed security guards on board a vessel should only be considered after a thorough risk assessment. Members should also follow IMO Circular MSC.1/Circ.1405/Rev.2 and ensure they comply with all applicable laws and regulations, including those of their Flag State, littoral states and any other relevant authority.

All clubs in the International Group have issued a similar circular.

Yours faithfully

For: **West of England Insurance Services (Luxembourg) S.A.**
(As Managers)

M W H Williams
Director