

The Editor, Lloyd's List.

Sir,

With some 200+ firms now enjoying the lucrative returns afforded by the maritime security industry some form of regulation is called for - but one must question if the regulatory verbiage "slowly and painfully filtering down" (LL.13/4/12) in the form of BIMCO's Guardcon is the answer.

We read that "The Master has absolute authority but Guardcon gives the decision to open fire to the head of the security detachment" but "The Master can decide to stop firing".

Shipboard citadels were introduced with the understanding that, if attacked, the crew (including the Master) sought refuge therein - and the security guards repulsed the attackers. That being the case, precisely how or when the Master "decides" to stop firing is difficult to ascertain.

If the guards, acting on his orders, unlawfully injure a third party, the Master could be exposed to criminal liability .The document stipulates "Under no circumstances should there be a derogation of the Master's authority - he retains at all times full command of and responsibility for the vessel" and recognises that if "the guards, acting on his authority, unlawfully injure a third party, the Master could be exposed to criminal liability" Later we read that "The Master cannot order a guard to shoot...each guard must act in accordance withnational lawand will be held liable for the consequences". Security guards can be recruited from a wide variety of countries and backgrounds including "or other service acceptable to the Owners" so it is doubtful if the security contractors globally will seek the services of trained operators requiring decent remuneration when so many cheaper alternatives are available. It is not unlikely that some of the less successful hostage takers will offer their services!

Should a guard face criminal charges I am sure a reasonable defence would be "The Captain Sahib told me to shoot" but, in any event, the lawyers will have a rewarding field day and, although today there is bewilderment that the Master of "Enrica Lexie" is currently not facing criminal charges relating to the killing of two Indian fishermen, it is early days.

A spokesman is correct when he relates the legislation to Pandora's Box - a receptacle that contained "All the Evils of the World" and, once released they created evil that could not be undone.

The one item that was not released was "Hope" - something that has been denied the hundreds of hostages being brutalised by their Somali captors while we turn our backs on their plight.

The right of innocent passage for seafarers on the trade routes of the world (and the release of hostages) should be the responsibility of international militia and the enforcement of the Rule of Law by Governments.

Guns have no place on today's commercial vessels.

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