NATIONAL CENTRE OF EXCELLENCE AND INNOVATION FOR MARITIME SECURITY

VALUES AND ETHICS

Self Defence at Sea

NCoEI-VE-UoF
Protecting people within lawful limits

Source course © IAMSP Certification Group, 2011, 2017

Learning objectives

Recognize when an incident calls for a protective shipboard response.

- Explain the Canadian defence-of-person test where Canadian law applies.
- Distinguish a seafarer's duties from government and specialist security roles.
- Describe when to stop, seek aid, report and preserve evidence.

Source course © IAMSP Certification Group, 2011, 2017

Different threats and a common priority

Piracy, armed robbery, terrorism and state-linked violence can endanger crews.

- Report what you observe and identify uncertainty about intent or affiliation.
- Follow the ship security plan and the master's directions.
- Protect life and avoid unnecessary confrontation.

Source course © IAMSP Certification Group, 2011, 2017

Persian Gulf and Strait of Hormuz

Transport Canada MSN 2026-002 calls for increased vigilance in the region.

- It addresses Canadian-owned or operated vessels and companies employing Canadian seafarers.
- Check current notices and company instructions before and during the voyage.
- Use the ship's designated reporting and emergency procedures.

Source course © IAMSP Certification Group, 2011, 2017

Authority and responsibility aboard ship

The master exercises professional judgement on ship security decisions.

- The ship security officer coordinates assigned security duties.
- Crew follow their assigned roles, report concerns and protect life.
- Specialist security arrangements have separate legal and contractual requirements.

Source course © IAMSP Certification Group, 2011, 2017

Which law applies

Identify the ship's flag, location and the circumstances of the incident.

- Flag, coastal and port State requirements may be relevant.
- Confirm applicable rules and ship procedures before the voyage.
- Canadian section 34 illustrates the test when Canadian criminal law applies.

Source course © IAMSP Certification Group, 2011, 2017

Canadian defence of person

Reasonable grounds to believe force is being used or threatened against you or another person.

- The act is for the purpose of defending or protecting yourself or that person.
- The act is reasonable in the circumstances.

Source course © IAMSP Certification Group, 2011, 2017

The section 34 test in three questions

1. Reasonable belief [s. 34(1)(a)] — Did I believe, on reasonable grounds, that force was being used or threatened against me or another person?
2. Protective purpose [s. 34(1)(b)] — Did I act to defend or protect myself or that person from that force or threat?
3. Reasonable response [s. 34(1)(c)] — Was what I did reasonable in the circumstances?

All three answers must be yes.

Source course © IAMSP Certification Group, 2011, 2017

Assessing reasonableness

Consider the nature and immediacy of the threat.

- Consider other available means of responding and your role in the incident.
- Consider relevant circumstances, including weapons and the parties' capabilities.
- Consider the nature and proportionality of the response.

Source course © IAMSP Certification Group, 2011, 2017

Protective decisions under uncertainty

Report what you see, where it is and how it is changing.

- Alert the bridge and follow directions for crew protection and accountability.
- Avoid approaching or confronting someone when safer options are available.
- Reassess as the threat, information or available options change.

Source course © IAMSP Certification Group, 2011, 2017

When the protective need ends

Stop any use of force when it is no longer justified to protect a person.

- Maintain crew accountability and advise the bridge of changed conditions.
- Arrange medical help and protect the dignity of everyone affected.
- Follow instructions for preserving the scene and handing over to authorities.

Source course © IAMSP Certification Group, 2011, 2017

Assistance and care

Report injuries and persons in distress to the bridge immediately.

- Arrange first aid within your training and follow the master's directions.
- The master coordinates assistance with the responsible authorities.
- Record requests for help, assistance provided and the handover.

Source course © IAMSP Certification Group, 2011, 2017

Report and preserve the record

Record what happened, when and where, and what you knew at the time.

- Describe what you believed, why you acted and when you stopped.
- Record injuries, assistance, witnesses and notifications.
- Preserve relevant records through approved channels and keep access controlled.

Source course © IAMSP Certification Group, 2011, 2017

Case an uncertain approach

A vessel approaches during a heightened regional alert. Its intent is unclear.

- A crewmate wants to confront the people aboard. Another calls the bridge.
- What can you report now and what protective action is within your role?
- What additional facts would change your assessment?

Source course © IAMSP Certification Group, 2011, 2017

Case a threat changes

A crew member reports a direct threat of violence to a colleague.

- The colleague reaches safety and the person making the threat withdraws.
- What facts matter to a defence-of-person assessment at each point?
- What should the crew do once everyone is safe?

Source course © IAMSP Certification Group, 2011, 2017

Final knowledge check

What three elements make up the Canadian section 34 test?

- Who directs the shipboard response and what is your assigned role?
- What would lead you to stop and what would you record?

Source course © IAMSP Certification Group, 2011, 2017

References for shipboard security

[1] Transport Canada • Regional vigilance notification 2026-002

- [2] IMO • SOLAS and master discretion
- [3] IMO • Piracy and armed robbery guidance

Source course © IAMSP Certification Group, 2011, 2017

References for self defence and assistance

[4] Justice Laws • Criminal Code section 34

- [5] Supreme Court of Canada • R. v. Khill, 2021 SCC 37
- [6] United Nations • UNCLOS Part VII and Article 98
- [7] Justice Laws • Canada Shipping Act, 2001 section 131
- [8] Justice Laws • Canada Shipping Act, 2001 section 132

Source course © IAMSP Certification Group, 2011, 2017