

Firearms and the use of force

**Report No. 6.94/320
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**International
Association
of Oil & Gas
Producers**



*P*ublications

Global experience

The International Association of Oil & Gas Producers (formerly the E&P Forum) has access to a wealth of technical knowledge and experience with its members operating around the world in many different terrains. We collate and distil this valuable knowledge for the industry to use as guidelines for good practice by individual members.

Consistent high quality database and guidelines

Our overall aim is to ensure a consistent approach to training, management and best practice throughout the world.

The oil and gas exploration and production industry recognises the need to develop consistent databases and records in certain fields. The OGP's members are encouraged to use the guidelines as a starting point for their operations or to supplement their own policies and regulations which may apply locally.

Internationally recognised source of industry information

Many of our guidelines have been recognised and used by international authorities and safety and environmental bodies. Requests come from governments and non-government organisations around the world as well as from non-member companies.

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Firearms and the use of force

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Use of this document

Although companies should try to avoid the need for employees or security contractors to be armed, there are situations where firearms are appropriate. In such circumstances, it is important that clear instructions are given on how firearms and force should be used.

This document is being issued by OGP for information purposes only, and members may refer to it and use it as they see fit. This has been the approach taken in view of the widely differing legal, cultural, and political environments in which our members operate, and in the recognition of the fact that in many cases member companies are dependant for security on other companies, national oil or other companies, national government or other national bodies or forces, or others due to the above cited environments, or other legal, practical, or contractual reasons. Therefore, the items mentioned below may or may not be feasible, or even advisable, depending upon a particular environment or situation in which the member operates.

These guidelines cannot, and do not attempt to, take any position on, or give advice to companies concerning rules of applicable national or international law, not least because those rules will vary. Companies are strongly encouraged to obtain legal advice on the applicability and content of such law, including its application by the host country.

Summary

- The safety of all involved personnel is paramount.
- Minimise damage and injury and respect and preserve human life.
- Security agreements should respect human rights and be consistent with the applicable legal principles.
- Alternatives to armed protection should be considered. When armed protection is necessary, consider using host nation law enforcement.
- When a company has retained armed security, all those carrying arms on behalf of the company should be security professionals.
- If national forces of law and order are deployed in the protection of the company, and the company knows of past violations by such forces, the company should make efforts to include in any retention agreement that the national forces will respect international ethical standards.

Introduction

When it is determined there is a need for employees or security contractors to be armed, the following points should be considered. The possession of firearms can give a guard an exaggerated sense of security, they can provoke violence by attracting armed response or the weapons themselves can become the object of theft. Weapons should be stored securely, marked and disposed of appropriately. On occasion weapons will need to be issued to staff for protection against animal attack. The principles herein apply equally in such circumstances.

As a general principle, it is preferable that it is the national forces of law and order that carry firearms to protect public order, including protection of personnel and assets of all citizens, residents and business entities. However, a company may be held accountable and its conduct and reputation criticized by NGOs and the media for any incident with which it could be connected, regardless of its actual or legal control of the situation or of the involvement of national forces of law and order or security contractors.

Where firearms and/or force are employed by armed security guards (including body-guards), all should agree to abide by applicable law.

It may be desirable for companies to show that when they have entered into contracts with national forces for security protection, efforts have been made to include in these agreements that the national forces comply with the international ethical standards.

The carriage and deployment of firearms by company personnel should be approved by management and their necessity reviewed periodically.

Before using firearms, other avenues should be evaluated. These avenues may include the use of non-lethal or incapacitating weapons with a view to reducing the chance of death or injury. Note, however, that some non-lethal weapons may put a guard at increased risk since he may have no way of eliminating the threat. Similarly, good physical security and other deterrents and the issue of protective equipment and vehicles may also reduce the need to use weapons of any kind.

Considerations regarding the use of firearms and force

- Before firearms are carried by non-government personnel, i.e. company or contractor staff, an assessment of the threat should be made.
- Non-violent means should be considered.
- Firearms should only be deployed after a determination is made that they are needed.
- The use of firearms should be exceptional, and proportionate to the legitimate object to be achieved.
- Efforts should be made to minimise damage and injury, and to respect and preserve human life.
- Assistance and medical aid should be rendered to any injured or affected persons, including offenders, unless doing so would subject other personnel to risk of injury.
- Relevant authorities should be informed.
- Firearms should be held and used in respect of the laws of the host country and applicable international standards.
- A full report of an incident should be rendered promptly to line management.
- Security contractors should be properly trained and screened to avoid engaging personnel with criminal records.

Users of firearms

If the carriage and deployment of firearms is considered to be necessary, consider calling for those who are authorised to carry weapons to:

- be licensed, trained and tested, including periodic re-training and range practice. Selection criteria should include a background check of a candidate's work history and criminal record, to the extent practical;
- be given instructions (e.g. suggested rules of engagement below) on how force, which could lead to serious injury or loss of life, should be used;
- be made aware of their possible personal legal accountability under the relevant laws; and
- be given an appropriate type of weapon and ammunition for the circumstances.

Use of firearms

'Rules of Engagement' is a term applied to guidelines concerning the deployment and use of firearms given to military, police and other legally authorised bearers of firearms; they were originally developed in a military context but have since been adopted as reasonable conduct by police and other legally authorised bearers of firearms.

Example rules of engagement are included in Annex A, which may be considered for inclusion in retention contracts between company and contractor. These are not firm rules, but illustrate acceptable practice, because situations and environments vary. Therefore, these are presented as points to consider only.

The issue of firearms

Applicable legal requirements concerning issue of firearms and ammunition should be observed. To the extent consistent with such law, private security contractors may wish to consider:

- sufficient appropriate quality ammunition is available and a specified amount issued for each weapon. Ammunition should be replaced and disposed of periodically as conditions cause deterioration;
- the issue of ammunition should be recorded;
- firearms should only be issued to those people who have been trained and selected as fit to use them. Training should also include rules of engagement and safe handling and cleaning of weapons;
- refresher training and testing should take place periodically with the issued weapons;
- there should be written guidelines about opening fire (see example Rules of Engagement above and Annex A);
- there should be written instructions as to when firearms may be carried off duty;
- the instructions given in Annex A should be carried by each security professional for ease of reference in action;
- weapons be carried in a 'safe' condition, and, where operationally practical, with no round in the breech until they need to be fired.

The storage of firearms

Applicable legal requirements concerning storage of firearms and ammunition should be observed. To the extent consistent with such law, private security contractors may wish to consider:

- all firearms should be licensed by the appropriate authority;
- the serial and licence numbers of firearms should be recorded against the name of the persons holding them and a permanent record maintained of their issue;
- when not in use all weapons should be locked in a suitable gun safe/armoury and the key properly safeguarded, and the location included in the security plan;
- spare ammunition should be kept in a safe;
- where practical, weapons should be ballistically tested and this evidence should be made available to any enquiry. Records should be held in duplicate at an appropriate location.

Additional considerations for armed private security contractors are specified in Annex B, and may be considered for inclusion in specific retention contracts between company and contractor.

Bibliography

- UN Basic Principles on the Use of Force & Firearms by Law Enforcement Officials.
- UN Code of Conduct for Law Enforcement Officials.
- International Human Rights Standard for Law Enforcement.

Annex A – Example rules of engagement¹

Example general rules of engagement for individuals authorised to carry firearms

In all situations, use the minimum force necessary. **Firearms should only be used with restraint and as a last resort in proportion to the offence and the objective to be achieved and when there is a direct threat to life.**

Firearms should always be made safe and carried in a 'semi-loaded position': that is, no live round immediately ready to fire and the safety-catch in the safety position. It is appreciated that the design of some firearms will not permit carriage in the 'semi-loaded' condition (e.g. some types of shotgun). In such circumstances the firearm may be carried 'loaded'. With such firearms it is vital that the safety-catch is applied. Firearms without a fitted safety-catch must not be carried.

Guards should be issued with pocket-sized cards with the requirements for the use of force and rules of engagement in their own language and if necessary supported by diagrams.

Challenging

A challenge - or warning - **must be given** before opening fire **unless**:

- to do so would increase the risk of death or grave injury to you or any other person,
- or**
- you or others in the immediate vicinity are under armed attack and there is no other way to prevent the danger.

You are to challenge by shouting '**Stop or I'll fire**' or words to that effect.

Opening fire

You may only open fire against a person if he/she is committing or about to commit an act likely to endanger life or serious injury, and there is no other way to prevent the danger.

The following are some examples of such acts:

- *firing or about to fire a firearm;*
- *planting, detonating or throwing an explosive device (including a petrol bomb);*
- *deliberately driving a vehicle at a person, where there is no other way of stopping him/her;*
- *attack by other life-threatening weapon (e.g. knife, machete, syringe)*

If you have to open fire, you should:

- fire only aimed shots at the centre of the body to stop the attack
- and**
- fire no more rounds than are necessary to eliminate the threat
- and**
- take all reasonable precautions not to injure anyone other than your target.

After opening fire

Any use of firearms must be reported and investigated without delay.

¹ Subject to legal advice upon applicable law

Annex B

Suggested standards for carriage and use of firearms by contractors¹

National, provincial or local government authority

- Official written authority or licence for a company to employ armed guards which includes the national regulation on which the authority is based and the types of firearms and ammunition that can be carried.
- Official written authority or licence for each individual guard to carry and use a firearm, specifying the type of firearm and ammunition to be held.
- Copies of the written authority or licences should be kept.

Criteria to identify the individual's suitability to carry and use firearms

- No criminal record.
- A minimum defined educational standard.
- Free of alcohol (8 hours before duty) or drugs, including specified medical drugs.
- Initial and periodical follow-up medical and psychological examination by an approved organisation.
- Trained to the appropriate standard and assessed as competent.

Definition of firearm type, and type and quantity of ammunition

- Preferred types of firearms are low-velocity handguns or shotguns, fitted with a safety-catch.
- Ammunition should be of a standard type; special ammunition (e.g. hollow point and armour piercing) is forbidden under all circumstances.
- The quantity of ammunition that is carried by the individual should be proportional to the task and role of a civilian security guard.
- Firearms and ammunition should be carried overtly but in a non-threatening way, and only by uniformed guards.

Defined safety and maintenance rules for both firearms and ammunition

- Firearms should always be carried 'made safe' and in a 'semi-loaded' condition, i.e. no live round immediately ready to fire and the safety-catch in the safety position.
- It is appreciated that the design of some firearms will not permit their carriage in the 'semi-loaded' condition (e.g. some types of shotgun). In such circumstances they may be carried 'loaded'. With such firearms it is vital that the safety-catch is applied. Firearms without a fitted safety-catch should not be carried by civilian security guards.
- Handguns should be carried in a holster and long-barrelled firearms with a sling around the shoulder; additional ammunition should be carried securely in a magazine or suitable container.
- Firearms should be clean and fully functional at all times.
- Ammunition should be serviceable. Ammunition that has been loaded regularly on a firearm should be disposed of after a maximum of one year (e.g. used for live firing training).

Annex B (continued)

Defined custody, issue and return procedures for both firearms and ammunition

- Weapons should not be held by off-duty personnel unless there are extenuating circumstances.
- Firearms which are not in use should be stored in a locked steel container or armoury in an 'unloaded' condition, i.e. no round or magazine in the firearm. Ammunition should be securely stored separately.
- The container or armoury should be designated secure, including key control procedures, by a security professional
- Records should be kept of the serial numbers of all firearms and the quantity/type of ammunition held.
- Registers of issue and return of firearms and ammunition should be kept, including the name and signature of each individual, the serial number of the firearm and the quantity of ammunition.
- Ammunition should always be counted and the number checked during the issue and return procedures.
- A loading/unloading bay that would stop any round accidentally fired into it is required at the point of issue and return of firearms and is to be used for every loading/unloading operation.
- Weapons will be destroyed when no longer required or unservicable.

Training standards, records and individual certification of competence

- Standards for training frequency, type of firearms, amount of ammunition to be fired and distances to be practised at are to be defined.
- Training should include theoretical instruction on the use of force and the rules of engagement.
- Training should include situations where the knowledge of the rules of engagement can be practised and tested (e.g. include 'shoot' and 'no-shoot' scenarios).
- Standards of competence are to be set and regularly tested in training.
- Individual training records are to be held by management.
- Consequences of not meeting the training standards must be enforced.
- Individual certificates of competence, which must be updated after each training session, are to be held by management.
- During training, adequate ear protection must be used.

Incident reporting and investigation procedures

- All firearms discharges (accidental, negligent and deliberate) should be reported at a suitable and identified level in the company and, if required, to the Law Enforcement Authority who has issued the authority or licence.
- Irrespective of a potential investigation by the Law Enforcement Authority, the company should investigate any incident, with the help of the relevant company professional security adviser.

¹ Subject to legal advice upon applicable law

What is OGP?

The International Association of Oil & Gas Producers encompasses the world's leading private and state-owned oil & gas companies, their national and regional associations, and major upstream contractors and suppliers.

Vision

- To work on behalf of all the world's upstream companies to promote responsible and profitable operations.

Mission

- To represent the interests of the upstream industry to international regulatory and legislative bodies.
- To achieve continuous improvement in safety, health and environmental performance and in the engineering and operation of upstream ventures.
- To promote awareness of Corporate Social Responsibility issues within the industry and among stakeholders.

Objectives

- To improve understanding of the upstream oil and gas industry, its achievements and challenges and its views on pertinent issues.
- To encourage international regulators and other parties to take account of the industry's views in developing proposals that are effective and workable.
- To become a more visible, accessible and effective source of information about the global industry, both externally and within member organisations.
- To develop and disseminate best practices in safety, health and environmental performance and the engineering and operation of upstream ventures.
- To improve the collection, analysis and dissemination of safety, health and environmental performance data.
- To provide a forum for sharing experience and debating emerging issues.
- To enhance the industry's ability to influence by increasing the size and diversity of the membership.
- To liaise with other industry associations to ensure consistent and effective approaches to common issues.



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