

MARITIME SAFETY COMMITTEE  
94th session  
Agenda item 14

MSC 94/14/2  
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## PIRACY AND ARMED ROBBERY AGAINST SHIPS

### Regulating "floating armouries"

Submitted by India

#### SUMMARY

*Executive summary:* This document seeks to highlight the need to deliberate on the evolving issues of merchant ships being used as "floating armouries" and the urgent need for developing guidelines for regulating "floating armouries"

*Strategic direction:* 6

*High-level action:* 6.2

*Planned output:* 6.2.2

*Actions to be taken:* Paragraphs 9 and 10

*Related document:* MSC.1/Circ.1405/Rev.2

#### Introduction

1 A "floating armoury", which supplies privately contracted armed security personnel (PCASP) to cargo ships, to protect them from the risk of piracy, has exposed a "nebulous area!" in the legality of the rapidly growing practice. The recent case is the detention of the special purpose vessel **MV Seaman Guard Ohio** when the vessel was observed to be manned with an excessive number of armed guards.

2 On 12 October 2013 the vessel **Seaman Guard Ohio** was intercepted by the Indian Coast Guard, within Indian territorial waters. Briefly, the vessel was built in 1984 and is registered in Sierra Leone and owned by a company based in Washington DC, United States. The vessel was manned by 10 crew (2 Ukrainians, including the master and 8 Indians), along with 25 security guards (6 British, 14 Estonians, 1 Ukrainian and 4 Indians). The police seized 35 assault rifles and 5,680 rounds of ammunition.

3 There have been several instances of terrorist attacks in India whose footprints can be directly traced towards our sea borders; two of the more dangerous incidences were:

- .1 On 12 March 1991, a huge consignment of arms and explosives used for serial explosions in Bombay were brought from Dubai-Karachi to the landing points in the provincial state of Gujarat and Maharashtra, on the west coast of India. In these explosions, 257 persons were killed and more than 700 were injured; and
- .2 On 26 November 2011, 10 terrorists of LeT, responsible for the Mumbai attack, came via sea. They started their journey in a boat named "AL Hussaini" and later captured the Indian fishing boat "Kuber" and finally boarded a rubber dingy and reached Mumbai shore and attacked innocent persons, killing as many as 175 and injuring 291 persons.

4 It is estimated that as of mid-2012, approximately 18 "floating armouries" have been operating on the high seas and carrying approximately 7,000 weapons. Presence of the "floating armoury" close to the Indian coast has raised several security concerns particularly in the absence of any international regulatory mechanism for such merchant vessels which primarily operate for embarking and disembarking privately contracted armed security personnel.

5 While the policy aspects, its legality and the functional regulatory mechanism in the context of security vulnerabilities arising out of proliferation of the "floating armouries" are examined, it is a matter of serious concern for countries such as India, whose large coast line stands exposed and in fact seriously threatened due to presence of largely unregulated "floating armouries" with large amount of undeclared weapons and ammunitions. The security concerns get further heightened due to the very existence of such vessels, their profile and operations close to Indian coastal waters and the fact that they do not get reported. These security concerns essentially raise the question: What if the arms and ammunition of the vessel get into wrong hands while the vessel is operating near the Indian coast? In the past, we have also come across a case of an armed guard issuing threats to the master of the vessel, while the vessel was at an Indian port.

6 MSC.1/Circ.1443 (paragraph 1.3 of the annex) mentions PMSC should seek appropriate approval from the competent authorities but India's experience in the **MV Seaman Guard Ohio** case has shown that this has not been followed. Though the IMO specifically does not endorse the use of PCASP on merchant ships, it has, nevertheless, issued interim guidelines for deployment of PCASP on board merchant ships. Similarly, IMO may issue guidelines to deal with "floating armouries".

7 During the nintieth session of the MSC, India had, through document MSC 90/20/16 dated 27 March 2012, raised the issue of reporting the details of armed security guards on board ships, which sail through the High Seas, close to the coastline of a State, to the concerned State. At that time, the proposal did not find favour with this August gathering. Now we are faced with another evolving issue of "floating armouries" which operate close to India's coastal waters and are thus causing serious security concerns.

8 India is of the firm view that a coastal State has the inherent right to protect its marine environment up to the limits of its EEZ and to that extent, it becomes imperative that within the larger canvas of maritime domain awareness, the details of privately contracted armed guards on ships that sail through the EEZ of a State and the details of the "floating armouries" that transit or operate within such waters, are mandatorily shared with the

concerned coastal State authorities so that coastal States are fully informed about merchant ships that carry weapons on board in their waters.

**Actions requested of the Committee**

9 To develop interim guidelines for regulating the operation of "floating armouries" and, in the meantime, encourage all States whose merchant vessels operate as "floating armouries", to inform the whereabouts and details of such vessels to the concerned coastal State.

10 Revisit MSC.1/Circ.1405/Rev.2, dated 25 May 2012 to insert, under paragraph 5.21, line 2, after the word HRA, "or to the concerned Coastal State when intending to transit or transiting its EEZ, within the coordinates of HRA".