



Storage of weapons on board a floating armoury off Fujairah, United Arab Emirates, 2014. © Anonymous

# Stockpiles at Sea

## FLOATING ARMOURIES IN THE INDIAN OCEAN

### INTRODUCTION

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Somali piracy has attracted considerable attention in recent years, including that of UN Secretary-General Ban-Ki Moon and British film director Paul Greengrass, whose *Captain Phillips* was inspired by an actual pirate hijacking of a US-registered vessel in the Indian Ocean in 2009 (UNSC, 2013, p. 4; *Captain Phillips*, 2013). Although the frequency of piracy attacks off the coast of Somalia began to decline in 2013, when Greengrass's film hit the cinemas, the shipping industry's demand for anti-piracy measures has remained high. Indeed, private armed guards were on board on roughly 35–40 per cent of the estimated 65,922 merchant vessels transiting across the Indian Ocean's 'high-risk area' (HRA) in 2013 (OBP, 2014, p. 18; see Box 8.1).

One of the major challenges for the armed guards on vessels in the HRA is moving arms and ammunition between coastal states that prohibit or have restrictions on vessels with arms on board. To overcome this challenge, many maritime private security companies (PSCs) have turned to floating armouries for the storage of arms and, in some cases, the accommodation of guards. Oceans Beyond Piracy estimates that one-quarter of HRA transit journeys with armed guards in January 2013 involved the use of a floating armoury for embarkation or disembarkation of personnel, arms, and equipment, and that the rate increased to more than one-third by September 2013 (OBP, 2014, p. 48).

The sudden appearance of ships full of weapons 'beyond the remit of any effective international regulatory authority' has sparked concerns among countries located around the HRA and among other international stakeholders (UNSC, 2012, para. 73; 2013, para. 9). In particular, it has been noted that there are no established standards for the storage of arms and ammunition on the floating armouries, a situation that could be exploited by 'unscrupulous and criminal actors', transforming the armouries from a maritime security solution into a 'threat to regional peace and security' (UNSC, 2012, para. 74; annexe 5.4, paras. 10, 15).

In an effort to bridge the knowledge gap on floating armouries, this chapter presents original research on maritime PSCs and other key stakeholders carried out during May–September 2014. Its key findings include the following:

- The number of registered maritime PSCs rose from 56 in 2010, the year the International Code of Conduct for Private Security Providers was officially established, to more than 400 in 2014, with the companies based in 65 countries.
- Floating armouries are lucrative businesses that have responded to diverse, often contradictory, legislative and administrative measures relating to the carriage of armed guards into territorial waters and ports.
- While there is no publicly available registry of floating armouries, this research indicates around 30 such vessels were operating in the HRA during 2014. Storage capacities vary, but some floating armouries can hold approximately 1,000 firearms, as well as ammunition.
- There are no international standards for floating armoury security or storage and armoury practices vary significantly. There is concern that new market entrants will seek to undercut existing operations by cutting costs and neglecting armoury security.

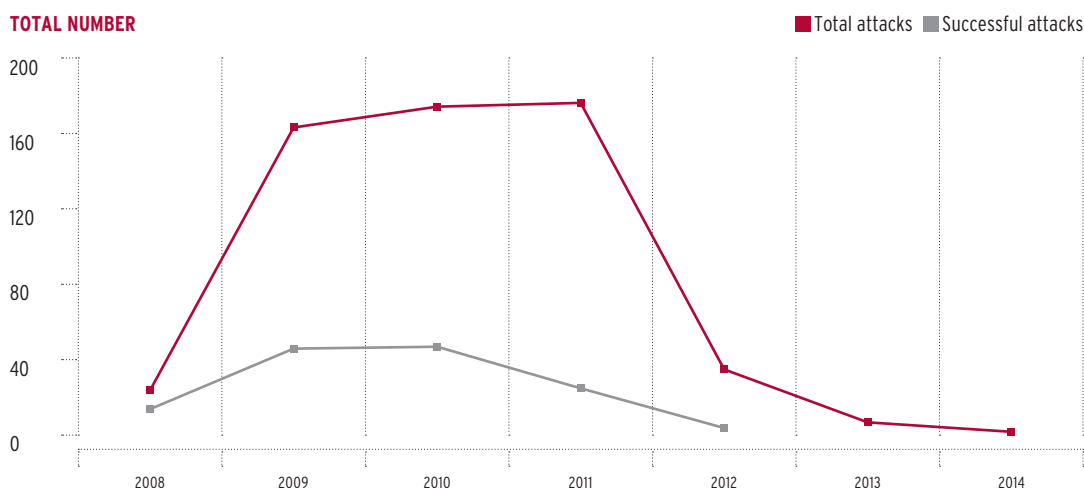
- Official government statements stress that no arms have been diverted from maritime PSCs or authorized floating armouries, but anecdotal evidence provided by maritime PSCs utilizing floating armouries reveals practices—such as transferring arms and ammunition from one maritime PSC to another—that violate the terms of arms export licensing provisions.
- While oversight is provided by some governments that authorize the supply of small arms to maritime PSCs (such as Germany and the UK) and by several flag states for vessels operating as floating armouries (such as Mongolia and Saint Kitts and Nevis), key stakeholders have not agreed common minimum standards for the safety and security of floating armouries that operate in international waters.

The chapter begins by presenting recent information on piracy off the eastern coast of Africa, along with the rationale for floating armouries, as provided by their supporters. It then examines the types of vessels, flag states, and maritime PSC services associated with floating armouries, reviews estimates of maritime PSC arms in the HRA, and considers some of the main security and safety concerns. This section includes a profile of the Sri Lankan government's approach to floating armouries. The chapter then outlines the nascent—and potential—approaches to regulating floating armouries to ensure safe and secure practices. The conclusion reflects on possible means of strengthening oversight of floating armouries and alternative measures for handling maritime PSC arms in the HRA. The chapter also reviews the potential for the use of floating armouries in other parts of the world.

## ADDRESSING MARITIME INSECURITY: THE PSC SOLUTION

Piracy has been hampering international shipping off the eastern coast of Africa for almost a decade (see Box 8.1). The *Small Arms Survey 2012* reviews the root causes of Somali piracy, as well as the Somali pirate groups' 'business model', which involved the hijacking of merchant vessels, with ransom demands tied to the release of vessels and crews (Florquin, 2012). Figure 8.1 shows that the period 2009–11 witnessed a high point in piracy attacks on vessels,

Figure 8.1 **Pirate event statistics, as of September 2014**



Source: EUNAVFOR-Somalia (2014)

followed by a dramatic decline in 2012. According to data available at the time of writing, there had not been a successful pirate attack since 2012. The decline in total attacks, and in successful attacks, correlates with the deployment of private armed guards on board vessels that are transiting the HRA and the increased presence of international naval forces in the region (OBP, 2014, p. 7). Moreover, there has not yet been a successful attack on a commercial vessel with an armed maritime PSC team on board in the HRA (OBP, 2014, p. 4).

Maritime PSCs have justified the use of private armed guards on board commercial vessels by highlighting this correlation (OBP, 2014, p. 44). At the same time, they argue that in view of the ongoing risk of a pirate or terrorist attack, the use of private armed guards on commercial vessels remains necessary. This section does not interrogate this causal argument. Rather, it outlines some of the main reasons offered for the existence of floating armouries in the HRA as well as their links to the increased number of maritime PSCs operating in the HRA. The private security industry is currently using similar arguments to promote the use of floating armouries in other parts of the world, most notably in the Gulf of Guinea, where piracy represents a major maritime security challenge (see Box 8.4).

According to the United Nations Convention on the Law of the Sea (UNCLOS), the sovereignty of coastal states extends into territorial waters (UN, 1958, art. 2; see Box 8.1). Therefore, coastal states' legislation determines whether, or under what conditions, commercial vessels are permitted to enter territorial waters with arms on board. UNCLOS makes no special provision for vessels carrying arms in international waters and thus the responsibility for and jurisdiction over these ships lies exclusively with the vessel's flag state. At the time of writing, however, no flag state had legislation governing the operation of floating armouries, such that their activities tend to be treated as legal grey areas.

The International Maritime Organization (IMO) has issued recommendations and guidance that address the issue of commercial vessels carrying private armed guards and arms in international and territorial waters (IMO, 2009a; 2009b; 2011; 2012). These call on private armed guards to ensure that the carriage and use of their weapons and equipment is in compliance with the legislation and policies of the vessel's flag state and of the countries with jurisdiction over the territorial waters and ports that the vessel is to enter (IMO, 2009a, para. 59; 2009b, para. 7).

### Box 8.1 Key definitions

**Floating armoury:** A ship that is located in international waters and that provides services for maritime PSCs, in particular the storage of arms, ammunition, and other equipment belonging to private armed guards operating on board commercial vessels. Floating armouries are often referred to as logistical support vessels for anti-piracy operations.

**High-risk area (HRA):** The HRA boundaries are currently defined in the fourth version of the *Best Management Practices for Protection against Somalia Based Piracy* (UKMTO et al., 2011). Bounded by Port Suez and the Strait of Hormuz to the north, the HRA includes the Arabian Sea, the Gulf of Aden, and the Red Sea; it extends east to the Indian Ocean, up to the western coast of India, and southward into the Mozambique Channel (UKMTO et al., 2011, p. 4; see Map 8.1).

**Maritime private security companies (PSCs):** Private contractors employed to provide security personnel, both armed and unarmed, on board commercial vessels for protection against piracy.

**Piracy:** 'Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

- (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
- (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State' (UN, 1958, art. 101).

**Territorial waters (or territorial seas):** 'The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea. [ . . . ] Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with [the United Nations Convention on the Law of the Sea]' (UN, 1958, arts. 2.1, 3).

In 2011 the IMO issued recommendations calling on the coastal states bordering the Arabian Sea, Gulf of Aden, Indian Ocean, and Red Sea to establish policies and procedures that 'should facilitate the movement of [private armed guards] and of their firearms and security-related equipment and be made known to the shipping industry and to the [private armed security] service providers [ . . . ] and all [IMO] Member Governments' (IMO, 2011, para. 5). The IMO also provides good practice guidelines for ship owners, companies, ship operators, shipmasters, crews, and maritime PSCs regarding the carriage of private armed guards and arms (IMO, 2012, para. 5.12). Despite these various recommendations and guidelines, there are no common standards or practices agreed among flag states and coastal states regarding the carriage, embarkation, disembarkation, or storage of maritime PSC arms.

National laws and regulations relating to (a) arms exports and imports; (b) customs; and (c) the activities of private security companies in general can be utilized to regulate the carriage of private armed guards and their arms and ammunition in territorial waters and ports (Petrig, 2013, p. 675). The following list provides several examples of the different practices utilized by HRA coastal states:

**There are no common standards or practices agreed among flag states and coastal states.**

- All private armed guards and foreign-owned firearms are prohibited from entering territorial waters or ports, even temporarily, due to applicable national legislation (such as that of the United Arab Emirates, or UAE) or UN arms embargoes (such as those concerning Eritrea and Somalia) (UNSC, 2012, annexe 5.4, para. 9).
- The entry of private armed guards and foreign-owned firearms into territorial waters or ports is to be announced in advance of entry and the firearms are to be bonded and sealed on board any vessel for the duration of its time in territorial waters or ports (as stipulated by Saudi Arabian law) (McMahon, 2013a; Petrig, 2013, p. 685).
- The entry of private armed guards and foreign-owned firearms into territorial waters or ports is to be announced in advance of entry and the firearms disembarked from the vessel and stored under the supervision of national police or security forces for a fee (as in Kenya, Mauritius, and Oman) (McMahon, 2013a; Petrig, 2013, p. 685).

In addition, some states restrict the entrance into their territorial waters and ports to certain types of arms. For example, Oman only permits the carriage of semi-automatic firearms into its territorial waters and charges a fee for the storage of such firearms in a government-owned land-based armoury (Florquin, 2012, p. 209; Petrig, 2013, p. 685). Several Middle Eastern states have reportedly become particularly sensitive towards the storage of maritime PSC arms in land-based armouries as a result of internal instability following the 'Arab Spring' (AP, 2012). Although states that allow such storage earn revenue from it, the growing number of maritime PSCs transiting the HRA and their around-the-clock demands have put a strain on their land-based armouries. For these reasons, it has been argued that one of the biggest challenges for maritime PSCs today is 'a logistical one relating to the storage of controlled goods' (UKHC, 2014a, para. 372).

In the face of regulatory hurdles, including prohibitions on the entry of arms, and the often high cost of purchasing permits and paying for storage in government-owned land-based armouries, maritime PSCs have reportedly resorted to one of two options with regard to their arms. In the first case, a PSC buys weapons from states where purchasing firearms is relatively easy and dumps them overboard before entering territorial waters at the end of a particular operation (UNSC, 2012, annexe 5.4, para. 5).<sup>1</sup> In the second, increasingly popular, case, PSCs use floating armouries. Maritime PSCs that support the second option argue that floating armouries:<sup>2</sup>

- enable them to be armed in international waters, where they need to be, and keep arms out of ports, where they are not wanted;

- help them to avoid the problems of contending with a diverse range of national regulations;
- are less bureaucratic, easier to use, and cheaper than land-based armouries operated by governments; and
- are often more secure than a land-based armoury, where, depending on the country, physical security and stockpile management standards may be lax and weapons can go missing, posing a threat to fragile and conflict-affected states.

## WHAT IS A FLOATING ARMOURY?

Floating armouries are owned and run by businesses that are usually connected to the private security industry. At present, governments in and around the HRA are not known to own or operate any floating armouries. All government-owned armouries that service the private security industry are land-based (such as in Djibouti).<sup>3</sup> Even the Galle floating armoury—which Sri Lanka authorizes, largely controls, and provides with access to a naval base—is actually run by a private company (see Box 8.3). Floating armouries are, in essence, commercial ventures, deriving their revenues from the services they offer maritime PSCs that operate in the HRA.

One of the main reasons behind concerns over the use of floating armouries in the HRA relates to the lack of information regarding their number, their use, the number of arms they store, and related physical security and stockpile management practices. At the time of writing, it was not possible to estimate with any certainty how many floating armouries were operating in the HRA. In 2012 and 2013, various sources placed the number anywhere between 10 and 20.<sup>4</sup> Research conducted for this chapter has identified some 30 vessels that serve as floating armouries or provide support for floating armouries in the HRA (see Map 8.1 and Table 8.1). Plans are also under way for the deployment of new floating armouries in the region.<sup>5</sup>

The market has remained dynamic, with private armed guards conducting an estimated 23,072–26,368 transit journeys in the HRA in 2013 (OBP, 2014, p. 18). Sovereign Global, a company that maintains a floating armoury in the Gulf of Oman and another in the Red Sea, reported in early 2014 that more than 1,000 private armed guards were transiting through the company's two floating armouries

### Box 8.2 Research methodology

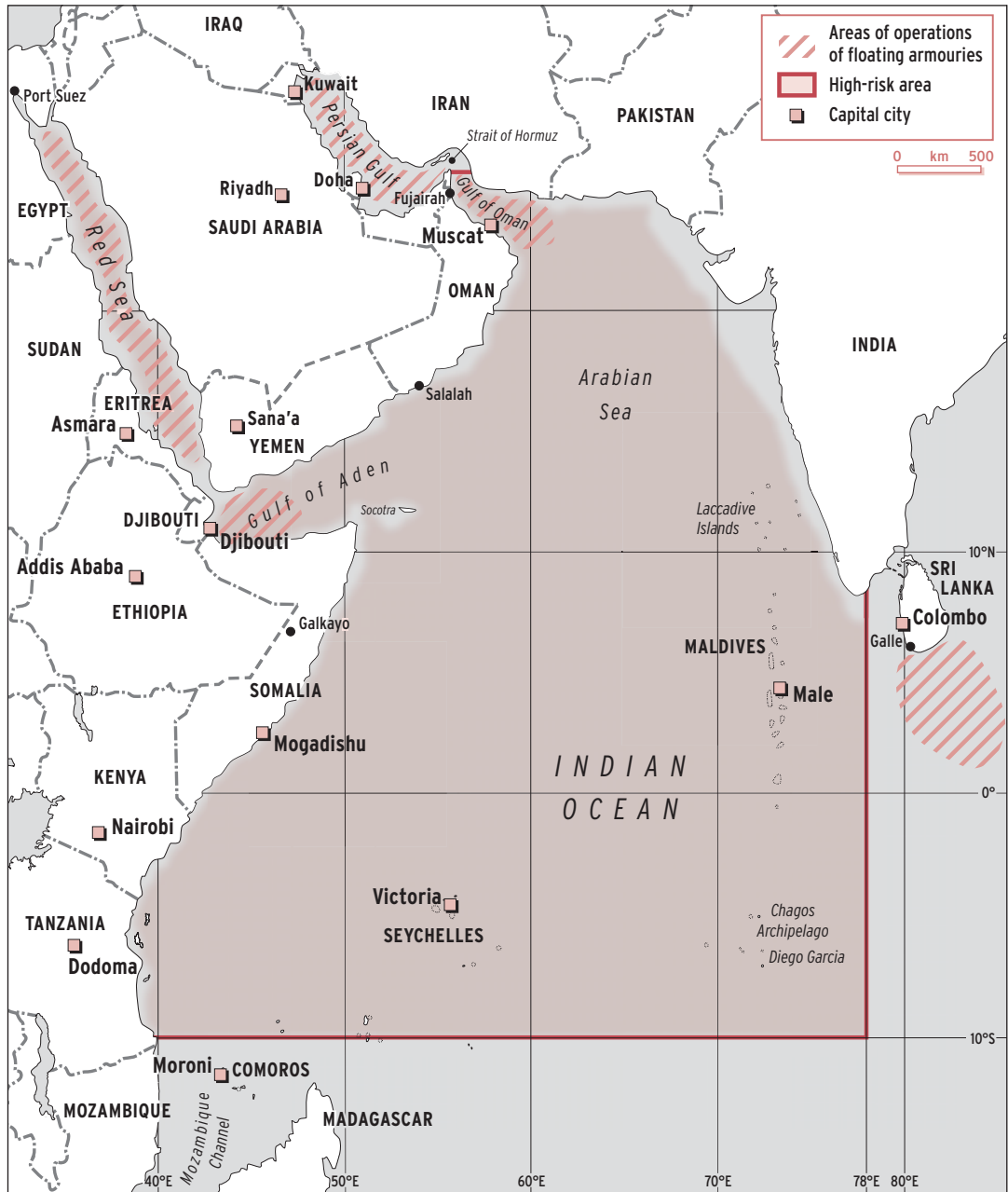
This chapter is based on two types of research carried out during May–September 2014. First, the authors undertook a thorough review of available open-source literature on floating armouries, including official documents and materials published by relevant states and international organizations, academic research centres, the media, and private maritime security industry associations. This review highlighted a paucity of material on floating armouries in general and on their development and operation in particular.

Second, semi-structured key informant interviews were conducted with maritime PSCs to fill this gap and to obtain the 'user's perspective' on floating armouries. The authors secured interviews with operations managers and managing directors of well-established maritime PSCs based in Greece, Sri Lanka, the UK, and the United Arab Emirates. The interviewees had been employed in the field for many years and had experience working on vessels as team leaders or making arrangements in relation to the use of floating armouries. In addition, the authors interviewed the managing director of a prominent floating armoury and an arms broker. The authors also corresponded with the Saint Kitts and Nevis registry and British and German licensing authorities. All interviewees provided informed, often candid, personal opinions on floating armouries, but they requested anonymity.

Due to the limited availability of open-source material on floating armouries, this chapter relies on information provided by a relatively small number of key informants. Yet it should be noted that different interviewees often provided the same information on the operation of floating armouries or presented similar options for strengthening standards and oversight. All of the chapter's main conclusions on the operation of floating armouries and options for strengthened standards and oversight are derived from two or more interviews. While the chapter provides new insight into an understudied topic, it also suggests areas for further study and analysis in this dynamic, fast-moving sector.

on a monthly basis (Sovereign Global, 2014). Avant Garde Maritime Services (AGMS), which runs the Sri Lankan floating armoury that enjoys a monopoly around the island country, reported ‘800–1,000 movements on and off’ its floating armoury each month (Rickett, 2013). The following sections describe the types of vessels that were operating as floating armouries in 2014 and the services they were providing.

Map 8.1 Floating armouries and the high-risk area, 2014



Sources: UKMTO et al., 2011; Table 8.1

**Table 8.1 List of known floating armouries and associated vessels, 2014**

Ship name	IMO ship identification number	Flag state	Registered vessel type	Area
<i>Abdallah</i>	8112823	UAE	Supply tender	Gulf of Oman
<i>Alladin</i>	6524230	Djibouti	Research/survey vessel	Gulf of Oman
<i>Al Nader</i>	7027502	UAE	Supply ship	Gulf of Oman
<i>Anchor 1</i>	8965593	Cook Islands	Utility vessel	Red Sea
<i>Antarctic Dream</i>	5278432	Mongolia	Passenger ship	Gulf of Oman
<i>Arina Dilber</i>	8107713	Panama	Anchor handling vessel	Gulf of Oman
<i>Avant Garde</i>	n/a	New Zealand	Pleasure craft	Red Sea
<i>Avant Garde</i>	8107036	Sri Lanka	Supply ship	Red Sea
<i>Deena</i>	7313432	UAE	Supply ship	Gulf of Oman
<i>Defiant</i>	5427784	Panama	Pilot ship	Gulf of Oman
<i>Deo Juvante</i>	8701105	Cook Islands	Trawler	n/a
<i>Dynamic Karim</i>	8129084	Panama	Offshore supply ship	Gulf of Oman
<i>Elishka</i>	7406215	Liberia	Pipe carrier	Gulf of Oman
<i>Express Opportune</i>	9606194	Panama	Passenger	Persian Gulf
<i>Home</i>	8131386	Panama	Research vessel	Gulf of Oman
<i>LG251</i>	n/a	UK	n/a	Gulf of Oman
<i>Maagen</i>	n/a	Cook Islands	Pleasure craft	n/a
<i>Mahanuwara</i>	7412018	Mongolia and Sri Lanka	Anchor handling vessel	Sri Lanka
<i>Milad</i>	7624635	Comoros	Offshore supply ship	Gulf of Oman
<i>MNG Resolution</i>	8413174	Saint Kitts and Nevis	Supply ship	Gulf of Oman
<i>Muru</i>	n/a	Djibouti	Cargo ship	Gulf of Oman
<i>Navis Star</i>	7353432	Panama	Anchor handling vessel	Red Sea
<i>Northern Queen</i>	7709253	Tuvalu	Research vessel	Gulf of Oman
<i>Samaritan</i>	8206105	Mongolia	Utility vessel	Gulf of Oman
<i>Samriyah</i>	7911777	Mongolia	Offshore supply ship	Gulf of Oman
<i>Sea Lion</i>	7115567	Sierra Leone	Fishing vessel	Gulf of Oman
<i>Sea Lion S</i>	9050101	Panama	General cargo ship	Gulf of Oman
<i>Sea Patrol</i>	4908729	Saint Kitts and Nevis	Other cargo	Gulf of Oman
<i>Seaman Guard Ohio</i>	8410691	Sierra Leone	Patrol vessel	Gulf of Oman
<i>Seapol One</i>	8912572	Mongolia	Research vessel	Gulf of Oman
<i>Selat Faith</i>	8333283	UAE	Diving support vessel	Gulf of Oman
<i>Selat Pisces</i>	8301216	UAE	Offshore supply ship	Gulf of Oman
<i>Sinbad</i>	7932006	Sri Lanka	Fishery patrol vessel	Gulf of Oman
<i>Soha Folk</i>	8003175	UAE	Offshore supply ship	Gulf of Oman
<i>Star Global</i>	7319242	Palau	Offshore supply ship	Gulf of Oman
<i>Sultan</i>	7636339	Mongolia	Research/survey vessel	Red Sea
<i>Suunta</i>	7392854	Djibouti	Research vessel	Djibouti
<i>Theresa</i>	8333506	Mongolia	Tug	Gulf of Oman

Sources: MarineTraffic (n.d.); MIRIS International (n.d.); Moran Security Group (2013); Sovereign Global (2014); UK (2014a, pp. 54-55); VesselFinder (n.d.); author interviews with maritime PSCs, 20-22 May 2014



### Types of vessels used as floating armouries

All ocean-going vessels must be certified as belonging to a particular category of vessel and must be maintained in line with minimum standards for this vessel type, to demonstrate safety and suitability for particular roles. Classification societies determine the main characteristics of each type of vessel, setting standards for their construction and maintenance. Every ocean-going vessel is then classified in accordance with these standards and its details are entered into a national registry. At present, classification societies have not designated any vessel as a ‘floating armoury’, nor have any flag states registered vessels as such. Although most floating armouries are converted tugs, a variety of other vessel types are also in operation, thus precluding the development of a specific typology. In 2014, that variety included offshore supply ships, patrol vessels, diving support vessels, anchor handling vessels, research or survey vessels, pleasure craft, trawlers, and general cargo ships (see Table 8.1 on previous page).

Complicating matters, some maritime PSCs operate armed escort vessels that could be misidentified as floating armouries. Moreover, changes in ship names, flag states, registered vessel types, and owners are frequent, although the constant IMO ship identification number—consisting of the letters IMO followed by a unique seven-digit number—can help to overcome related identification challenges. In 2013, for example, the Bahrain-flagged *Hadi XII* (IMO 8107713) was renamed *Arina Dilber* and reflagged to Panama, while in 2014 the ‘supply ship’ MV *Sea Lion* (IMO 7115567) reflagged from Panama to Sierra Leone, with the result that it was reregistered as a ‘fishing vessel’.

### Services provided by floating armouries

This section provides information on the services provided by floating armouries operating in the HRA, including the embarkation and disembarkation of PSC personnel, arms, and equipment between a commercial vessel or port and the floating armoury; storage, service, and maintenance, or rental of arms; and the provision of accommodation for private armed guard teams. Table 8.2 presents average prices in 2014 for the services provided by floating armouries in the HRA, based on interviews with several maritime PSCs.

#### Embarkation and disembarkation of maritime PSC personnel, arms, and equipment

Currently, there are no standardized practices for the embarkation or disembarkation of maritime PSC personnel or arms. Different floating armouries have a variety of procedures in place. One such procedure, which is utilized by well-established floating armouries for disembarkation, was characterized by several maritime PSC interviewees as an efficient, safe, and secure approach. It usually involves the signing of a contract by the PSC and the floating armoury before private armed guards, arms, ammunition, and equipment can be transferred from a commercial vessel to the floating armoury. As part of this process, the company that operates the floating armoury normally provides the maritime PSC with the following information and documentation: flag state approval, registry of shipping classification

**Table 8.2 Average prices for services provided by floating armouries, 2014**

Offered service	Dis- and embarkation of arms and equipment and their storage	Dis- and embarkation of private armed guards	Visa arrangements	Arms service	Accommodation
Average price	USD 3,000-4,000	USD 500 per person	USD 50 per person	USD 100 per piece	USD 25-50 per person per day

Sources: Blue Palm Charters (n.d.); author interviews with maritime PSCs, 20-22 May 2014

status, pictures of the vessel, and details of the floating armoury's safety, security, and storage procedures for arms, ammunition, and equipment. In turn, the maritime PSC provides its registration details; documentary evidence that it is a well-established company that complies with relevant regulations and guidelines;<sup>6</sup> and arms export licences and end-user certificates for the arms, ammunition, and any controlled items being transferred to the floating armoury. If private armed guards are to be transferred to the floating armoury, it provides passports, seaman's discharge books, standards of training, certification, and watchkeeping endorsements, and other requested documentation.<sup>7</sup>

The actual process of disembarkation takes place when a commercial vessel carrying private armed guards reaches a pre-arranged point, where it is met by a launch that collects the private armed guards, arms, ammunition, and equipment for transfer to the floating armoury. During this process, the floating armoury requires the maritime PSC's team leader to ensure that the 'transfer application form', which contains information on the arms, ammunition, and equipment to be stored on board the floating armoury, is accurate (AGMS, n.d.c). Both the leader of the maritime PSC's team of armed guards and the floating armoury keep a copy of the 'Transfer Request Form'.

If the maritime PSC does not have another transit arranged shortly after the disembarkation or is reluctant to lodge the team on the floating armoury, the team is either transferred to accommodation ashore or transported to the local airport to fly back home. In such cases, the floating armoury can provide additional services, such as assisting with visa arrangements. In some cases the team disembarks only weapons and equipment onto the floating armoury. Other maritime PSC personnel on the same route collect the materiel, and the team stays with the commercial vessel and disembarks at the next port of call.<sup>8</sup>

### Arms: storage, service, or rental

The primary service of a floating armoury is to store arms, ammunition, and equipment for maritime PSCs operating in international waters. As noted in Table 8.2, storage is usually included in the fee charged for disembarkation, although additional fees are incurred if the arms are kept on the floating armoury for a significant period of time. For example, maritime PSCs are charged a fee for storage on the MV *Sea Lion* after 90 days have passed (Blue Palm Charters, n.d.).

Since different types of vessels serve as floating armouries, their capacities vary (see Photo 8.2). The MV *Sea Patrol*, which is operated by MNG Maritime off the coast of Fujairah (UAE), can store up to 400 weapons, including semi-automatic and automatic assault weapons and rifles, bolt action rifles, semi-automatic pistols and shotguns, as well as ammunition and optics for these arms



8.2

A converted tug operating as a floating armoury. © Anonymous

(*MV Sea Patrol*, 2014). AGMS vessels have greater capacity, with the *MV Sinbad* located off the coast of the UAE reportedly able to hold up to 1,000 arms (AGMS, n.d.b; Shauketaly, 2012; see Box 8.3).

In addition to storing weapons, one well-established floating armoury carries a qualified armourer who services and repairs the arms stored on board, and issues the required certificates.<sup>9</sup> This service provision responds to clauses 4.2.5 and 4.6.2 of the ISO/PAS 28007 standard for maritime PSCs, which requires them to service and maintain their weapons regularly and keep records and certificates (ISO, 2013). As listed in Table 8.2, a fee of USD 100 is charged per weapon.

A typical rental package for a four-person team of private armed guards from AGMS floating armouries off the coasts of Mauritius, Muscat, and Sri Lanka consists of: 4 semi-automatic AK-47 84S rifles or fully automatic Chinese T-56 assault rifles and 480 rounds of 7.62 mm ammunition for 16 rifle magazines (AGMS, n.d.a; Florquin, 2012, pp. 210–11). Supplementary arms or ammunition can reportedly be rented at an additional cost (UNSC, 2012, annexe 5.4, para. 6). The arms are owned by the Sri Lankan government and accompanied not only by an end-user certificate issued by the Sri Lankan Ministry of Defence, but also by a sea marshal who is employed by the Sri Lankan government-owned company Rakna Arakshaka Lanka to safeguard the weapons and ensure their proper use. The weapons have to be returned to one of nine locations belonging to what AGMS refers to as its ‘closed circuit network’, accompanied by the sea marshal (AGMS, n.d.a).<sup>10</sup>

### Box 8.3 MV Mahanuwara: Sri Lanka’s monopoly floating armoury model

AGMS operates the *MV Mahanuwara*, a Mongolian- and Sri Lankan-registered anchor handling vessel, which is the only floating armoury authorized by the Sri Lankan government to operate in its territorial waters (AGMS, n.d.b). It can also operate in international waters, like the other floating armouries in and around the HRA, but tends to remain close to the Sri Lankan port of Galle. The Sri Lankan government has also granted AGMS permission for the floating armoury to be moored next to the Galle naval base, whenever necessary—for example, in order to avoid rough seas or replenish stocks (see Photo 8.3). This advantage is not enjoyed by floating armouries elsewhere in the HRA and is clearly linked to the fact that, to a great extent, the Sri Lankan government controls the floating armoury.

The *MV Mahanuwara* can store up to 1,000 weapons and associated ammunition in ‘air-conditioned TEU containers with custom made racks for storage of weapons’ (AGMS, n.d.b). Ammunition is usually stored separately from arms (AGMS, n.d.a). Night vision devices are also kept on board. All other maritime PSC equipment is stored on land in the Sri Lankan naval base’s warehouses in Galle. The *MV Mahanuwara* operates strictly as a ‘floating armoury’ and does not provide accommodation for private armed guards. However, as the authors witnessed while conducting this research, many maritime PSCs using the *MV Mahanuwara* provide accommodation for their teams in Galle, which has transformed the town into a private maritime security hub.

One of the justifications provided for the monopoly model is the ongoing need for strict control and monitoring of arms in and around Sri Lanka following the recent civil war.<sup>11</sup> However, the fact that the Sri Lankan Ministry of Defence is willing to rent its arms to maritime PSCs suggests an economic motivation for the monopoly. While the *MV Mahanuwara* can resupply in the port of Galle and thus has lower operating costs than floating armouries in the Gulf of Oman, there are concerns that its monopoly status is leading to overcharging.<sup>12</sup> Moreover, several maritime PSCs have reportedly been told to use AGMS floating armouries in the Gulf of Oman and Red Sea if they want to use the *MV Mahanuwara*.<sup>13</sup>



8.3

The *MV Mahanuwara* alongside the naval base in Galle, Sri Lanka, 2014. © Ioannis Chappos

### Accommodation for armed guards

For an additional fee, many of the floating armouries referenced in Table 8.1 provide on-board meals and accommodation for private armed guards awaiting their next transit. Some floating armouries provide free meals and accommodation for private armed guards if their PSC has utilized the floating armoury for a specified number of transfers during a given month.<sup>14</sup>

## ARMS CIRCULATING IN THE HIGH-RISK AREA

Due to limited transparency, questions persist regarding the control of arms supplies to maritime PSCs operating in the HRA, as well as the total number of arms that they use and store in floating armouries in the region. This section reviews some of the information that became available during 2013–14.

The UN Monitoring Group on Somalia and Eritrea reported in 2012 that maritime PSCs operating in the HRA held around 7,000 weapons, of which 90 per cent were semi-automatic rifles (UNSC, 2012, annexe 5.4, para. 4). James Brown of the Lowy Institute for International Policy estimated that there were 140 companies with at least 2,700 armed guards present on vessels transiting the Indian Ocean in 2011 (Brown, 2012, pp. 5–6). Since each of these guards is authorized to possess up to four small arms, the total number of PSC firearms may hover around 10,000. As of 2014, more than 400 maritime PSCs were signatories to the International Code of Conduct for Private Security Providers, a prerequisite for most shipping companies contracting PSC personnel (Chapsos, 2014, pp. 195–202; ICoC, 2010; UK, 2014d, p. 30). Since 2012, however, the average size of armed teams on board commercial vessels appears to be shrinking—from 4–6 to 1–3-member guard teams (OBP, 2014, pp. 16–17). It therefore remains difficult to arrive at an accurate estimate of the number of arms in the possession of maritime PSCs operating in the HRA.

Companies that supply or broker arms, ammunition, and other equipment for maritime PSCs are based in countries including Canada, Germany, Greece, Malta, South Africa, and the UK (ICoC, 2013). According to representatives of maritime PSCs interviewed for this chapter, their semi-automatic rifles are purchased primarily from companies based in Malta and the UK. The firearms used by maritime PSCs range in price from EUR 800 to EUR 1,500 (USD 900–1,750); among them are AR-15 semi-automatic rifles, Benelli semi-automatic shotguns, CZ 858 Tactical semi-automatic sporting rifles, FN-1A1 semi-automatic rifles, Izhmash Saiga semi-automatic hunting carbines, Zastava PAP semi-automatic sporting rifles, and Zastava M-2010 semi-automatic sporting rifles.<sup>15</sup>

Few countries provide information regarding small arms transfers to maritime PSCs. The Dutch government has publicly reported on its denials of authorizations for the transfer of small arms and ammunition to maritime PSCs when it considered the risk of diversion to be high and the requested transfer ‘not in favour of the presence of armed guards on board seagoing vessels’ (Netherlands, 2012, p. 12; van Ginkel, van der Putten, and Molenaar, 2013).<sup>16</sup> At the time of writing, the UK was the only country that had published information on authorizations and denials of exports of small arms and ammunition to maritime PSCs, including for use on floating armouries. Official UK data reveals that the UK issued various export and trade licences for the transfer of 181,708 items to maritime PSCs for counter-piracy purposes from April 2012 to September 2013 (UKHC, 2014a, para. 382).

Table 8.3 provides information on UK arms export licences for 61,992 small arms, broken down by type of weapon and destination.

Few countries provide information regarding small arms transfers to maritime PSCs.

**Table 8.3 UK arms exports licence approvals for goods for use in anti-piracy operations, April 2012–30 September 2013<sup>17</sup>**

Destination	Assault rifles	Combat shotguns	Machine guns	Pistols	Rifles	Sniper rifles	'Sporting guns' (shotguns)
Comoros	1,900	300	0	110	1,150	0	0
Djibouti	1,100	150	0	130	200	0	300
Egypt	700	150	0	60	0	200	700
Ghana	0	0	0	0	0	20	0
Kenya	300	100	0	50	101	0	200
Madagascar	4,900	750	0	490	1,000	204	300
Maldives	6,150	550	0	490	1,600	200	850
Mauritius	5,119	700	0	420	3,254	1	716
Oman	3,700	900	0	240	1,250	200	600
Russian Federation	17	0	0	0	0	19	0
Seychelles	12	0	22	0	0	0	0
South Africa	7,519	850	6	776	3,151	357	1,528
Sri Lanka	2,360	500	0	180	910	200	100
Tanzania	600	150	0	30	200	0	0
<b>Total</b>	<b>34,377</b>	<b>5,100</b>	<b>28</b>	<b>2,976</b>	<b>12,816</b>	<b>1,401</b>	<b>5,294</b>

Source: UKHC (2014a, para. 375)

**Table 8.4 Small arms authorized for export and delivered under UK-issued Open General Trade Control Licence (Maritime Anti-Piracy), April 2012–30 September 2013**

Small arms	Licences granted	Arms delivered
Assault rifles	34,377	2,332
Combat shotguns	5,100	83
Machine guns	28	6
Pistols	2,976	63
Rifles	12,816	623
Sniper rifles	1,401	0
'Sporting guns' (shotguns)	5,294	166
<b>Total</b>	<b>61,992</b>	<b>3,273</b>

Source: UKHC (2014a, para. 383–84)

In December 2013, the British parliament was informed that while the UK had authorized the transfer of 181,708 items for maritime PSCs, only 3,273 of these small arms had been delivered during the period April 2012–September 2013 (UKHC, 2014a, para. 382; see Table 8.4). The British business secretary, Vince Cable, explained that the difference between the number of items authorized for export and actual small arms deliveries was due to the fact that licence applicants were overestimating future demand; he emphasized that authorizations were not indicative of the ‘eventual level of exports’. Yet he also highlighted the need for ‘regular reporting of volumes exported to be included in the routine quarterly publication of export licensing data’ (UKHC, 2014a, para. 382).

## SAFE AND SECURE?

As noted above, one of the major concerns regarding floating armouries is that they may not be meeting minimum safety requirements for the storage of weapons and ammunition (Dutton, 2013, p. 155). Most maritime PSCs interviewed for this chapter were satisfied with the stockpile management and security standards on the floating armouries that they used. However, they also observed that each floating armoury had its own guidelines, standards, and procedures. One report notes that while some armouries are ‘professionally run’ and have secure storage and good records and security, ‘there are concerns that others do not have proper storage for weapons, enough watchmen, or enough space’ (Seacurus, 2012, p. 11). This section considers four areas critical to the safety and security of floating armouries in the HRA.

**Each floating armoury had its own guidelines, standards, and procedures.**

### Vessel and armoury security

The physical security of a vessel depends on at least two factors. The first is whether the vessel complies with the International Convention for the Safety of Life at Sea’s limitations on the number of passengers on board (IMO, 1974). Given that most floating armouries are converted tugs, which, by default, have limited capacity (see Photo 8.2), and that 3–6 armed guards are on board at any one time in addition to each vessel’s crew members, these limitations may indeed be exceeded in some cases.<sup>18</sup> The second factor relates to the security provisions for the floating armoury. Some of these vessels maintain a sufficient number of armed guards to allow for a 24-hour security watch in shifts, as reportedly happens on the MV *Sinbad* (Badam, 2012). In some cases, PSC teams on board floating armouries have reportedly been expected to protect the vessels from attack. For such situations, there are no specific plans, procedures, or rules on the use of force, nor is there a designated commander.<sup>19</sup> These types of weaknesses spur fears that floating armouries could be captured by pirates or terrorists (PTI, 2013; Rickett, 2013).

### Armoury management

Interviewees also raised concerns about the inadequate storage space allocated for weapons, ammunition, and equipment on some floating armouries operating in the HRA. Floating armouries are not designed to serve as armouries and demand can exceed storage capacity, especially on vessels that have converted existing compartments into storage units for arms and ammunition. As a result, pelican cases containing arms are sometimes simply tied to the deck of a floating armoury (see Photos 8.1 and 8.4). Among other problems, such poor storage conditions risk advertising the status of the vessel as a floating armoury and possibly attracting unwanted attention from pirates or terrorists.<sup>20</sup>



8.4

Storage on the deck of a floating armory.

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Procedures to embark PSC arms, ammunition, and equipment onto a floating armory can also be problematic (see Photo 8.5). Interviewees reported that documentation on the number, type, and other details of arms stored on board a floating armory can easily be verified through a physical check, but that when it comes to ammunition, not all floating armory personnel are willing or interested in checking declared volumes. In particular, interviewees noted that if another PSC team is due to embark or disembark, some floating armories will save time and ask for verbal confirmation of the number of rounds to be stored. One informed interviewee attributed the discovery of one company's ammunition boxes on pirate skiffs to lax procedures of this kind.<sup>21</sup>

### Potential for diversion

The UK says it is confident that arms delivered to PSCs have not been diverted, as evidence of diversion has not been presented to the government (UKHC, 2014a, para. 382). Without post-licensing checks, however, the government is not likely to find out about such incidents. The conditions of the Open General Trade Control Licence (Maritime Anti-piracy)—which authorizes vetted maritime PSCs to supply, deliver, and transfer particular types of small arms and ammunition



8.5

Loading equipment onto a floating armoury off Fujairah, United Arab Emirates, 2014.  
© Anonymous

of the world's top ten maritime PSCs in terms of employees and number of transits, ceased to exist (Gallagher and Owen, 2014). The company left private armed guards and their arms and ammunition on board vessels and floating armouries in and around the HRA. According to Steve Collins, operations manager of the well-established maritime PSC Sea Marshals:

*We've now taken responsibility for those that are on board vessels—they will be looked after by us. Additionally many of those onboard the floating armouries in the Gulf and Red Sea have been offered work by us or other [maritime PSCs], who are rallying around, and are therefore already covered for getting home (Gallagher and Owen, 2014).*

There is no information concerning the arms and ammunition of Gulf of Aden Group Transits.

### Floating into territorial waters

A final set of concerns revolves around floating armouries drifting or intentionally entering the territorial waters of a state bordering the HRA. As several episodes have shown, floating armouries can enter territorial waters by accident

for use onto commercial vessels in the HRA—include a commitment not to transfer the materiel to any other entity (UK, 2014a).

Yet anecdotal evidence indicates that maritime PSCs do transfer arms to other maritime PSCs through the intermediary of floating armouries.<sup>22</sup> One interviewee stated that maritime PSCs increasingly share arms and equipment. For example, if maritime PSC X has stored arms on board a floating armoury and maritime PSC Z has a team in need of arms to conduct a transit, maritime PSC X will complete a 'transfer application form' and sign an employment contract with maritime PSC Z's team before formally transferring the arms to maritime PSC Z. The transfer can take place with or without the knowledge of the owners of the floating armoury, even though the arms were loaded onto the floating armoury as the property of maritime PSC X and removed by maritime PSC Z. Maritime PSCs interviewed for the chapter indicated that floating armouries do not question or stop such transfers of arms and ammunition.<sup>23</sup>

A second diversion risk can arise from the sudden cessation of maritime PSC activity. In July 2014, Gulf of Aden Group Transits, one



or because they need to resupply. Yet even innocent passage into territorial waters for resupply and refuelling may be regarded as problematic by HRA coastal states, due, for example, to fears that national security could be threatened if the weapons and ammunition on board were seized by terrorists, criminals, or insurgents.

The following three cases illustrate the kinds of problems that can arise in this regard. Sovereign Global utilizes the vessel *Muru* to serve as a supply ship for the floating armoury MV *Sultan*, ensuring that the floating armoury does not need to travel into territorial waters for resupply (Sovereign Global, 2013).

### **Case 1: Protection Vessels International's *Sea Scorpion*, 2010**

The *Sea Scorpion* was a floating armoury used by Protection Vessels International for anti-piracy operations in the HRA. It entered Eritrean territorial waters in December 2010 to visit the port of Massawa for resupply and refuelling, having deposited its arms and ammunition on a small island in Eritrean waters before entering Massawa (UNSC, 2011, para. 355). The Eritrean government nevertheless detained the ship, holding four of the company's employees for six months on charges of 'organizing acts of terrorism and sabotage, as well as concealing [evidence]' (UNSC, 2011, annexe 6.5).

### **Case 2: AGMS's *Sinbad*, 2012**

On 1 October 2012, the AGMS floating armoury *Sinbad* was seized by the UAE Coast Guard in international waters after the vessel was reportedly 'lured' into UAE territorial waters during a routine refuelling exercise. The vessel was released after a week. The seizure was reportedly connected with opposition to the vessel taking business from floating armouries established in the Gulf of Oman (Badam, 2012; Shauketaly, 2012).

### **Case 3: AdvantFort's *Seaman Guard Ohio*, 2013**

In October 2013 AdvantFort's *Seaman Guard Ohio* was seized by government authorities while in Indian territorial waters (TNN, 2013). The 35 crew and guard members (12 Indians, 14 Estonians, 6 British nationals, and 3 Ukrainians), in possession of 35 firearms, well over 5,000 rounds of ammunition, and more than 100 magazines, were charged with illegally entering Indian territorial waters with arms and ammunition in violation of relevant national legislation (see Photo 8.6). A judge dismissed the case, however, deciding that the vessel had been in Indian waters



8.6

Indian policemen escort crew members of the MV *Seaman Guard Ohio* in Tuticorin, India, on 18 October 2013. © AP Photo

due to ‘necessity’ and had therefore been operating under the UN Convention on the Law of the Sea’s principle of ‘innocent passage’. He stated that the ship did not pose a threat to Indian national security, but was instead engaged in anti-piracy operations (Subramani, 2014).

## REGULATING FLOATING ARMOURIES

A variety of approaches have been proposed for regulating floating armouries, to increase control and monitoring possibilities. The UN Monitoring Group on Somalia and Eritrea has called upon the UN Security Council to:

*consider options for the establishment of an international regulatory authority that regulates, monitors and inspects the activities of private maritime security companies operating floating armouries and providing armed protection to vessels in international waters* (UNSC, 2012, para. 116(d)).



The Security Council has not followed up on this recommendation, but other proposals have been made for measures to be undertaken at the international level. Indian Admiral D.K. Joshi has called for the IMO to regulate floating armouries and ensure that all littoral states be aware of the location of floating armouries, and the number of private armed guards and arms on board (PTI, 2013). IMO guidelines, standards, and recommendations for floating armouries could, in fact, promote confidence and reassurance in the HRA without overburdening established operators. Such measures would, however, require that flag states pay greater attention to the issue of floating armouries. This section therefore begins by highlighting practices currently utilized by some flag states for registering vessels used as floating armouries. It also examines initiatives undertaken by arms-exporting states to authorize the use of floating armouries by maritime PSCs and the potential for moving away from the current self-regulatory approach towards international standards, such as those developed by the International Organization for Standardization.

## Flag state regulation

Flag states are the only states that have jurisdiction over floating armouries operating in international waters. However, many of the floating armouries fly flags of convenience, such as those of Panama or Sierra Leone, which generally have lax regulations (AP, 2012). These open-registry flag states have shown limited interest in addressing the issue of floating armouries to date (ITF, 2012).

Djibouti, Mongolia, and Saint Kitts and Nevis all reportedly recognize the particularities of floating armouries when issuing flag state approval for this purpose, but none has introduced a vessel description for 'floating armouries'. Although the registry of Saint Kitts and Nevis claims that it has not yet defined or applied rules for floating armouries operating under its jurisdiction, the Security Association for the Maritime Industry reported that the two-island country's registry was the first to formulate such legislation (SAMI, 2014). The Saint Kitts and Nevis registry has elaborated the following set of minimum requirements for the registration of ships to be used as floating armouries:

**Flag states are the only states that have jurisdiction over floating armouries.**

- The registered owners or time charterer operating the vessel must comply with due diligence requirements and identify the actual and beneficial owners.
- The ship must be assigned an IMO number that is marked on the vessel.
- The 'principals' of the vessel 'operators' must be interviewed at their offices by Saint Kitts and Nevis officials to ensure that the company is not merely a 'brass plate' operation (in other words, a firm that is duly registered, but that does not conduct any business or 'exist' beyond a nameplate at the declared address of operations).
- Evidence of appropriate insurance for the commercial activities of the vessel must be shown to Saint Kitts and Nevis officials.
- The vessel operators must hold a licence or permit to carry out storage, import and export, purchase, and use of arms and ammunition stored on the vessel (for example, an operator can hold a UK-issued Open Individual Trade Control Licence).
- The documentation provided to the government that issued the above-mentioned licence relating to arms and ammunition must be provided to Saint Kitts and Nevis officials.
- Minimum requirements for records on the use of the floating armoury must include: the number, type, serial numbers, and stocklist bar code for all arms, ammunition, and maritime PSC equipment held on the vessel as well as the names and details (passport and nationality) of personnel embarked and disembarked.
- Saint Kitts and Nevis officials must conduct an inspection of the vessel prior to its registration or its entering into operation to ensure the integrity of storage facilities, handling areas, and embarkation and disembarkation sites.
- The vessel must comply with all international conventions and national legislation applicable to its size and must have statutory certificates issued by a recognized organization authorized by the Saint Kitts and Nevis government (a classification society authorized by the government of Saint Kitts and Nevis according to the appropriate IMO resolution to inspect or survey registered ships to ensure compliance with national registry requirements).<sup>24</sup>

On 14 May 2014, Saint Kitts and Nevis granted flag state approval for MNG Maritime to operate the floating armoury *MV Sea Patrol*, registered as 'other vessel', near Fujairah in the UAE (SAMI, 2014, p. 15). As of September 2014, Saint Kitts and Nevis had received at least ten other enquiries to register floating armoury vessels and provided the above list as 'minimum requirements' in response to these enquiries. At the time of writing, it was processing a second application for the registration of a floating armoury,<sup>25</sup> yet the remainder of the applications had not progressed beyond the enquiry stage.

## Arms exporters licensing the use of floating armouries

In 2013, the UK government recognized that floating armouries had become a fact of life for maritime PSCs operating in the HRA. It adopted a case-by-case approach to authorizing the use of floating armouries by maritime PSCs holding an Open General Trade Control Licence (Maritime Anti-piracy). In July 2013, the MV *Mabanuwara* was the first floating armoury to be authorized as an approved armoury for such a licence (UKHC, 2014a, para. 372).

By August 2013, the UK had reportedly issued 50 licences authorizing maritime PSCs to use specific floating armouries operating in and around the HRA (McMahon, 2013b). In 2014, the risk assessment criteria used by the UK for floating armouries were made publicly available:

- The name and International Maritime Organisation (IMO) number of the floating armoury.
- Details of the flag under which the vessel operates.
- Vessel size/class and description.
- The vessel's minimum and maximum crew complements.
- The location(s) where the vessel operates, including ports.
- Details of the operation and accessibility to the vessel's armoury.
- Details of which personnel, apart from the crew, will be allowed access to the vessel and under what circumstances.
- Details of vessel insurance.
- The maximum armoury capacity of the vessel and the types of weapons that will be stored on board.
- Details of plans for the disposal of surplus/abandoned equipment.
- Details of vessel protection measures.
- Details of legislation and regulations applicable to the vessel, including any inspections undertaken to date.
- Details of any circumstances under which the vessel may lease capacity to other organisations.
- Details about any circumstances under which weapons may be leased to other organisations (UKHC, 2014a, para. 372).

Some maritime PSCs operate their own floating armouries.

In addition, those holding a licence authorizing the use of particular floating armouries are required to keep records of all transactions carried out under the terms of the licence, provide quarterly reports on the use of the licence, and notify the licensing authorities of any changes in the status of the floating armoury with regard to the risk criteria outlined above. Further, UK export control organization officials conduct compliance audits of the licence holders' records. In July 2013 the UK government announced it was exploring the 'viability of conducting on-vessel inspections' (UKHC, 2014a, para. 372).

In contrast to the UK, Germany only authorizes the use of state-run floating armouries that operate in territorial waters for small arms and ammunition exported from Germany to maritime PSCs.<sup>26</sup> However, German maritime PSCs can utilize other floating armouries for the storage of arms and ammunition acquired from countries other than Germany and for transit on vessels that do not fly the German flag.

## From self-regulation to an international standard?

During the early years of floating armouries, the only real form of regulation was self-regulation by the private maritime security industry. Maritime PSCs used floating armouries that they themselves owned or that they had come to trust over time. Some maritime PSCs operate their own floating armouries and reportedly do not make them available for use by other maritime PSCs (AP, 2012). British maritime PSCs have stressed that in controlling their arms and ammunition in accordance with UK licensing requirements, including on authorized floating armouries, they are able to exercise sufficient control and prevent diversion (McMahon, 2013b).

Yet some maritime PSCs express a desire for agreed international standards, especially given the variety of floating armouries' flag states and registries. These could be related to UK licensing requirements or based on the international ISO/PAS 28007 standard, which shipping companies use as one of their main criteria for the selection of maritime PSCs (ISO, 2013).<sup>27</sup> The ISO/PAS 28007 covers maritime PSC operations and guard training and qualifications, but not floating armouries.

It can be expensive and time-consuming for maritime PSCs to conduct due diligence, and in particular physical checks, of all the floating armouries that they might potentially use. Therefore, some maritime PSCs request their private armed guards to conduct checks and report back the first time that they use a floating armoury.<sup>28</sup> Reputation is an important factor in the selection of a floating armoury, as is the long-term use of the vessel. As a result, maritime PSCs may be reluctant to consider contracting newly established floating armouries.<sup>29</sup> Nevertheless, the market is competitive. In an attempt to entice customers, new floating armouries tend to offer lower prices than those charged

#### Box 8.4 Maritime security provision in the Gulf of Guinea

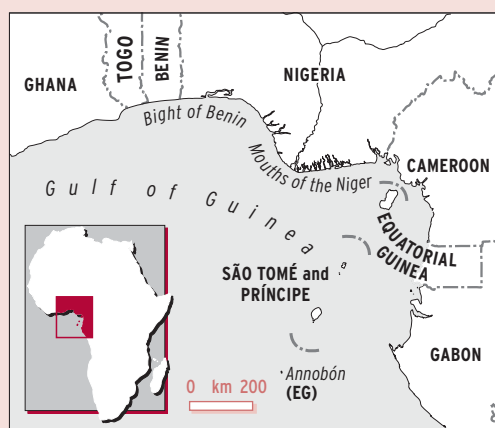
For more than three decades, the Gulf of Guinea has been a hot spot of maritime insecurity due to piracy and armed robbery at sea, but with key differences compared to the Indian Ocean's HRA. In this sub-region, heavily armed pirates mostly hijack oil tankers in order to offload the oil and other cargo for subsequent disposal via the black market (Chapsos, 2014, pp. 153-58). In 2013, an estimated 100 vessels were attacked in the Gulf of Guinea, with 56 of these attacks succeeding (OBP, 2014, p. 5).

As of October 2014, Nigeria, the key actor in the region, was still prohibiting commercial vessels from carrying arms into its territorial waters. However, Nigeria offers its armed forces personnel as vessel protection detachments on commercial vessels, with arrangements made via local PSCs and agents (Steffen, 2014a). Due to the lack of established and reliable mechanisms and procedures for the delivery of such services, there were nevertheless certain risks for

companies contracting Nigerian government security forces. These risks included: (a) discrepancies in the arrangements concluded between unauthorized agents and clients and the rules and policies set by security agencies; (b) insufficient training, which resulted in several fatalities and other problems; and (c) a lack of inter-agency coordination (Steffen, 2014b). Hence, the Round Table of International Shipping Industry Associations' revised guidelines for protection against piracy in the Gulf of Guinea indicate that:

- Care should be exercised when using private armed guards, as they are prevented by law from operating inside territorial waters of coastal states in the region, and authorities are known to enforce these regulations vigorously.
- Local or Government forces subcontracted by maritime PSCs should only be used if they are legitimate, and trusted [ . . . ]. For example it is illegal to use Nigerian Maritime Police beyond the fairway buoy (ICS, 2014, p. 7).

Map 8.2 Gulf of Guinea



Several companies are reportedly exploring the option of deploying floating armouries in the region.<sup>30</sup> The application of the HRA model to the Gulf of Guinea seems unlikely, however. First, the risk of violent armed pirate groups attacking a floating armoury in the region is high and therefore other measures are preferred for addressing piracy. Second, in 2014 the UK stated it would reject applications for licences for armed anti-piracy operations and floating armouries in West Africa (UK, 2014b, p. 17); as of October 2014, UK maritime PSCs were not allowed to use floating armouries off the coast of Cape Verde (UK, 2014a, pp. 54-55). At the end of the day, a great deal will depend on the direction Nigeria takes with regard to permitting, or at least accommodating, armed private guards operating on commercial vessels in the region.

by well-established counterparts. Competition on price is especially strong in the Gulf of Oman and in the Red Sea. Several maritime PSCs interviewed for this chapter expressed concerns that new entrants to the market could push down prices, with the result that floating armouries with good safety and security standards might begin to cut corners on security and safety to remain competitive.<sup>31</sup>

All maritime PSCs interviewed also stressed that they conduct due diligence when initially selecting and continuing to use a floating armoury, particularly in view of the responsibility they have for their equipment and personnel. They all reported having developed their own assessment criteria for floating armouries, which include the following elements:

- flag registration certificates;
- classification society inspections and documentation;
- health and safety certificates;
- crew manning documentation and health and vaccination reports;
- a security team that is available and qualified to provide physical security for the floating armoury;
- appropriate accommodation, good health, and sanitary conditions for the armed teams;
- good weapons and equipment storage conditions and physical security;
- communication and Internet access;
- operational procedures for embarkation and disembarkation;
- round-the-clock availability of disembarkation and embarkation services, as well as of storage and accommodation; and
- evidence of regular audits for all of the above.

There is scope for the development of international guidelines and standards based on the criteria that maritime PSCs are already using for floating armouries. In any case, whatever their source, international standards for floating armouries would undoubtedly help those that have good practices for stockpile management and security to maintain them, while encouraging those that do not have such practices to adopt them.

## CONCLUSION

Several maritime PSCs have remarked that floating armouries would not be required if HRA coastal states followed relevant IMO recommendations and guidance.<sup>32</sup> They see state-controlled armouries ashore as a better alternative since they do not carry the same weapons diversion risks that unregulated and potentially substandard floating armouries do.<sup>33</sup> The onshore option would also address the needs of private armed guards for meals and accommodation between trips through the HRA. As the use of floating armouries has become commonplace among maritime PSCs transiting the HRA, its decline may require a dramatic drop in the use of the PSCs themselves. It is more likely that other areas at risk from piracy and armed robbery at sea will copy the HRA model, with the Gulf of Guinea, in particular, identified as a potential site for such activity.

To date, few flag states have shown interest in regulating or monitoring the ‘fishing vessels’ and ‘cargo ships’ in their registries that serve as floating armouries. This reluctance has fuelled concern for the security of maritime PSC arms and ammunition on board floating armouries. It has also limited efforts to determine the number of floating armouries in the HRA, map their location, and monitor their use. States and other stakeholders also exhibit low levels of interest in the development of standards, even industry standards, relating specifically to floating armouries, which could be modelled on the ISO/PAS 28007 for maritime PSCs.

Some flag states and governments that license maritime PSCs and PSC arms transfers have taken steps to monitor floating armouries. As part of this process, criteria are being elaborated to guide physical security and storage on board, record-keeping, documentation checks, and broader inspections. While such measures have no doubt also influenced the selection of floating armouries by maritime PSCs that take their own security and safety seriously, there are still no agreed international standards for floating armouries or evidence that flag states or other entities are shutting down those that are insecure. On the contrary, it appears that floating armouries currently respond primarily to market forces, striving in particular to offer their services at the lowest possible cost. This opens the door to the weakening, rather than strengthening, of on-board security. At present, it seems that only a catastrophic incident, such as a successful attack on a floating armoury, may prompt the international community to give the activity more attention and, most importantly, endeavour to regulate it. ■

## LIST OF ABBREVIATIONS

AGMS	Avant Garde Maritime Services
HRA	High-risk area
ICoC	International Code of Conduct
IMO	International Maritime Organization
ISO/PAS	International Organization for Standardization/Publicly Available Specification
PSC	Private security company
UAE	United Arab Emirates
UNCLOS	United Nations Convention on the Law of the Sea

## ENDNOTES

- 1 Author telephone interview with a maritime PSC, 20 May 2014.
- 2 Author telephone interviews with maritime PSCs, 21–22 May 2014.
- 3 Author telephone interviews with maritime PSCs, 20–22 May 2014.
- 4 AP (2012); Houreld (2012); Rickett (2013); Shiptalk (2012); UNSC (2012, annexe 5.4, para. 9).
- 5 Author telephone interviews with maritime PSCs, 21–22 May 2014.
- 6 Such evidence may include proof that the PSC is a signatory to the International Code of Conduct for Private Security Service Providers (ICoC) and that it has received ISO/PAS 28007 certification. The International Organization for Standardization issued the standard as a Publicly Available Specification (ISO/PAS).
- 7 Author telephone interviews with maritime PSCs, 21 and 22 May 2014.
- 8 Author telephone interview with a maritime PSC, 21 May 2014.
- 9 Author telephone interview with a company operating a floating armoury, UK, 23 May 2014.
- 10 Besides Galle in Sri Lanka, the other eight locations for returning arms are: Dar es Salaam (Tanzania), Djibouti, Mauritius, Mombasa (Kenya), Port Suez (Egypt), the Seychelles, Zanzibar (Tanzania), and the floating armouries MV *Simbad* (in the Gulf of Oman) and MV *Avant Garde* (in the Red Sea). See AGMS (n.d.).
- 11 Author telephone interview with a company operating a floating armoury, UK, 23 May 2014.
- 12 Author telephone interview with a company operating a floating armoury, UK, 23 May 2014.
- 13 Author telephone interview with a company operating a floating armoury, UK, 23 May 2014.
- 14 Author telephone interviews with maritime PSCs, 21–22 May 2014.
- 15 Author telephone interview with maritime PSCs, 20 and 22 May 2014.

- 16 The Netherlands only authorizes the use of Dutch military personnel—vessel protection detachments—on Dutch-flagged vessels. However, 12 Dutch maritime PSCs that are also signatories to the ICoC are licensed to provide security for vessels that do not fly the Dutch flag.
- 17 A representative of the British export control organization explained that the term ‘sporting guns’ referred to ‘ordinary 12-bore shotguns’, whereas a ‘combat shotgun’ was a semi-automatic shotgun (UKHC, 2014b, Q. 69).
- 18 Author telephone interview with a maritime PSC, 21 May 2014.
- 19 Author telephone interview with a company operating a floating armoury, UK, 23 May 2014.
- 20 Author telephone interview with a maritime PSC, 22 May 2014.
- 21 Author telephone interview with a maritime PSC, 21 May 2014.
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