Role of Private Maritime Security Companies (PMSCs) in sensitive shipping management

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1. Introduction

Source: IMO
1. Introduction


UN Framework on Climate Change

IMO- MEPC Annex VI of MARPOL - pollution from ships

Energy Management

UN Sustainable Goals

Risk Management - PMSCs

Variables - piracy

Ocean Governance - EU Energy Strategy

Suppressing maritime piracy, armed robbery. Welfare of seafarers: Gulf of Aden, Gulf of Guinea, Malacca Straits

UNSG World Oceans Day 2015: ‘..an ..emerging vision for sustainable development ...for the next 15 years..the gift of the oceans peacefully, equitably and sustainability for generations to come.’
2. What is sensitive shipping management?

Hazardous materials - 2010 Int Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention)


Human elements

Geography - Particularly Sensitive Sea Area (PSSA)

Piracy - Gulf of Guinea, Aden, Malacca Straights

Environmental
   Economic
   Political
   Legal

factors
2. What is sensitive shipping management?

SOLAS:
- Prevention and control of pollution by oil (annex I)

Noxious liquid substances carried in bulk (annex II)

HAZMAT
- Toxis substances, heavy metals, radioactive

Harmful substances carried by sea in packaged form (annex III)

IMDG Code

Irradiated Nuclear Fuel Code

Marine energy production

Garbage from ships (annex V)

Air pollution from ships (annex VI)

MARPOL Annex VI, global sulphur cap 0.5% (5,000ppm) from 2020
3. Environmental developments

- Recent International PCA case
- Climate Change
- Global Sulphur Cap
- Annex VI of the MARPOL Convention, adopted in 2009, for all ships trading outside sulphur Emission Control Areas (ECAs) to use fuel with a sulphur content of 0.5% or lower.
- EU - 0.5% sulphur requirement will apply in 2020 within 200 miles of EU Member States’ coasts
- Source: ICS
3. Legal Regime - Ultra-hazardous radioactive Materials

- IAEA Code on Transboundary Movement of Radioactive Waste
- MARPOL
  - Obligation to protect and preserve the marine environment Art. 192
- SOLAS
- Art 87 Freedom of navigation
- Irradiated Nuclear Fuel Code
- Transit passage through Int straits Art. 38
- Art 194(2) SOLAS, activities not to cause damage by pollution or from incidents under their jurisdiction
- World Nuclear Association - Nuclear regulation

Sensitive cargo, protected cargo
3. Legal Regime - Ultra-hazardous radioactive Materials

- Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium & High Level Radioactive Wastes in Flasks Aboard Ships (INF Code)
- Akatsuki Maru: France to Japan (2,200 lbs of plutonium) (1992)
- Pacific Swan, 90,000,000 curries of radioactivity, traveled around Cape Horn (Jan 2001)
- Pacific Pintail and Pacific Tea, Cape of Good Hope, 230 kg plutonium & 4 tons of uranium contained 28 MOX fuel assemblies

- Highly radioactive and radiotoxic nuclear materials could endanger large coastal populations or widespread, LT radioactive contamination of the marine environment

- Source: J.M.V. Dyke (2002)
4. Private Maritime Security Companies (PMSCs)

IMO
Maritime Security Committee

BMP4

Stakeholders:
Shipowners
Charterers
Seafarers
Port states
Insurance
Consumers
Etc

ISO/PAS: Ships and marine tech: Guidelines for PMSC provide privately contracted armed security personnel (PCASP) on board ships (and pro forma contract)
4. Private Maritime Security Companies (PMSCs)

Guides
- ICoC
- ISO
- BMP4

International law
- Geneva Conventions
- SOLAS

National law
- Civil
- Criminal laws

International norms
- Innocent passage
- Universal jurisdiction
- Extraterritorial
- Conflict of laws

Politics
Economics
Social
Environmental
5. Future role of PMSC in shipping

- Lessons from Gulf of Guinea: international co-operation
- Combined Taskforce 150, EUNAVFOR - ATALANTA
- Escorting Vessels
- General onshore/offshore/shallow waters/high seas
- Training and Education
- Future roles with regards to Unmanned systems
- How to tackle increased international trade?
- Options for dispute resolution? Maritime Arbitral/Tribunal?
- Future - Blue ocean thinking
Thank you

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