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

UN Sustainable Goals

Energy Management

Variables - piracy

Risk Management - PMSCs

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)

HAZMAT
- Noxious liquid substances carried in bulk (annex II)
- Harmful substances carried by sea in packaged form (annex III)

Imagery:
- Ballast Waters
- IMDG Code
- Irradiated Nuclear Fuel Code
- Marine energy production
- Garbage from ships (annex V)
- Air pollution from ships (annex VI)
- Noxious/hazardous substances
- Toxis substances, heavy metals, radioactive

Int. Safety Management Code (ISM)
Offshore mining

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**
- **Irradiated Nuclear Fuel Code**
- **Art 87 Freedom of navigation**
- **Transit passage through Int straits Art. 38**
- **World Nuclear Association - Nuclear regulation**
- **Art 194(2) SOLAS, activities not to cause damage by pollution or from incidents under their jurisdiction**

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

- Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium & High Level Radiactive Wastes in Flasks Aboard Ships (INF Code)

- Akatsuki Maru: France to Japan (2,200 pd 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 wide spread, 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

Int. 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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