

Shipping: International Maritime Law

Question

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Asked By **Lord James of Blackheath**

To ask Her Majesty's Government whether they will issue any guidance to ex-Navy personnel or independent commercial organisations offering security and escort convoy services to shipping off the coast of Somalia regarding their rules of engagement and their compliance with international maritime law.

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): My Lords, the Department for Transport issued interim guidance on the use of private maritime security companies in December 2011. This was updated in June 2012 and is periodically reviewed to ensure its relevance. The Government are working with industry to establish a national accreditation system for this industry; both stress the importance of compliance with international maritime law, including the principle of self-defence, which provides the only condition under which these privately contracted civilian guards may use force.

Lord James of Blackheath: My Lords, I thank the Minister for that response, but I am a little disappointed not to hear that it is possible for us to ban altogether this independent commercial activity. It is seriously prejudicial to the interests of, perhaps, formerly redundant members of our services who find deliverance from their predicament by joining, given the extreme hazard that they will represent under international law, both to themselves and to this country's reputation.

Baroness Warsi: My Lords, there are, of course, many members of the Armed Forces who take part in private security companies, including private maritime security companies: 90% of private maritime security companies are based in London. We have led the international community in providing the guidance and rules under which such companies can operate. My noble friend will be aware that these companies operated long before we issued the guidance; clearly, they now operate within a system for which there is guidance.

Lord West of Spithead: My Lords, I declare an interest that I am involved with a maritime security company. I am glad to say that I do it not because I am desperate for things to do, but because I feel that it is an important thing to do. I am delighted to speak because, 710 years ago today, the first admiral was commissioned in our country. That is rather nice. However, I would point out to the Minister that we must really focus on, and produce, some clearer guidance. There is no doubt that a large number of companies are now doing things which are beyond the law, since it is quite difficult for them to meet the requirements that are meant to be met. For example, the whole issue of floating armouries is a very real problem. Could I ask the Minister to push this issue much faster, because there will be an occasion—as the noble Lord said—where people will be getting into serious difficulties as a result of unintentionally breaking our laws and international law?

Baroness Warsi: The noble Lord speaks to this matter with great experience, both in relation to his previous role and in terms of his current role. He will be aware that these companies were operating before we issued guidance; it was really a reaction and response to the fact that they were predominantly operating out of the United Kingdom that the guidance was issued. The guidance is quite detailed in terms of the plans that they must set out and being responsive to the necessary organisations that monitor this in the particular area that they are in. The noble Lord will be aware, too, that international law will apply in international waters. The law of the particular flagged ship will apply to that particular vessel. For the companies that operate in that specific area around Somalia and the Indian Ocean, there are specific rules on which we have led in the drafting.

Lord Chidgey: My Lords, with new companies employing in the order of 2,700 armed guards to meet the surge in demand, costing the international shipping community over \$1 billion a year,

does my noble friend agree with the analysis that the current downturn in piracy is temporary and that it will in time re-emerge from the Somali clans unless irreversible progress is achieved in stability, security and the rule of law? In that regard, what progress has been made since last year's Somalia conference in London?

Baroness Warsi: I can inform my noble friend that I have just come from a meeting. The president of Somalia is in the United Kingdom, having discussions about progress that has been made since the Somalia conference. My noble friend will be aware, too, that a follow-up conference has been planned for later on this year. I have the statistics somewhere in this great brief, but I can inform noble Lords that numbers of successful piracy attempts in that region have gone down dramatically. My noble friend is right that, ultimately, we need to keep working to keep those numbers down rather than providing security.

Lord Boyce: Could the Minister tell the House whether she feels that an increase in armed guards on board merchant vessels transiting that area has significantly improved security and, as a result, we see far less hostage taking so that lives are saved?

Baroness Warsi: I can inform the noble and gallant Lord that no vessel has been successfully pirated when it has had security on board.

Lord Anderson of Swansea: Could the Minister answer the specific question raised by my noble friend in respect of floating armouries, which is approved by the Security Association for the Maritime Industry? By having these arms on board ships outside territorial waters, they will avoid the need to go into port, with the obvious legal and bureaucratic problems that might arise. When will the Government come to a decision in respect of floating armouries?

Baroness Warsi: The noble Lord refers to the issue of floating armouries. Noble Lords may not all be aware that these are, effectively, vessels that sit outside of immediate country waters with a view to providing a place where armed items can be transferred and reused. We are currently consulting across Whitehall as to the best way in which to operate. The noble Lord will be aware that Sri Lanka has a specific example, whereby a ship which is used as a floating armoury lies just outside their territory. I am sure that he and other noble Lords will agree that to have such a vessel also increases concerns about what may happen if it is taken over.

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Lord Naseby: Is not the reality that the NATO navies cannot cope on their own? The reduction now has come about because of a combined effort from the navies of NATO plus the private sector. Therefore, are the Government not right in the way in which they have approached this, working with the private sector and the merchant marines? It is not the first time that that has happened-and godspeed to those who work together to ensure that this scourge on that part of the world is brought to an end.

Baroness Warsi: My noble friend makes an important point. I add that it is also important that we work in the region to make sure that these pirates are captured, properly prosecuted and subsequently sentenced. That would send out a strong message that there is not a culture of impunity in this matter.

Lord Elystan-Morgan: On that note, my Lords, will the Minister tell the House whether the combined effect of the Merchant Shipping and Maritime Security Act 1997 and the United Nations Convention on the Law of the Sea of 1982, which is incorporated in statute, means that piracy in any sea in the whole world can be brought before the courts of this land and such persons prosecuted? Will she say whether there is any intention, in respect of the pirating of any British-registered vessel, for any such case to be brought into the courts of the United Kingdom?

Baroness Warsi: The noble Lord is right; universal jurisdiction applies in these matters and, in fact, these matters can be tried anywhere in the world. However, we firmly believe, as of course the region also believes, that it is right that those people are captured, prosecuted, tried, convicted and detained in the region in which they are found.