

**QUESTIONNAIRE ON INFORMATION ON PORT AND COASTAL STATE
REQUIREMENTS RELATED TO PRIVATELY CONTRACTED ARMED SECURITY
PERSONNEL ON BOARD SHIPS**

**ANNEX
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PERSONNEL ON BOARD SHIPS**

(The present questionnaire should be read in conjunction with MSC.1/Circ.1408 on the Interim Recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area¹)

1 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals when carrying firearms and/or security-related equipment and/or PCASP².

1.1 Do you require specific notification from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

Yes

.1 If yes,

- What information do you require?

a. **As Port State Control is exercised by the Shipping Division of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, maritime security regulations have been drafted in line with the regulations of the ISPS Code. Notification from ships intending to enter or depart from port is part of these regulations. But as regulations are not yet in force, notification from ships is not yet mandatory.**

b. **The National Coast Guard carries out the boarding of vessels calling at the port, anchorages, roadstead for security purpose, to verify existing information, as received from the Mauritius Ports Authority, which liaises with the Shipping Agents representing the vessels.**

The following information is gleaned from the boarding procedure:

- Name of Vessel:
- Previous Name (If any):
- Nationality of Vessel:
- Port of Registration: Registered No.:
- Owner of Vessel: Nationality:
- Name of Master: Nationality:
- Agent in Mauritius:
- Call sign of ship: Inmarsat No. :
- IMO No. : MMSI No. :
- Satellite Phone No.: AIS:
- Communication (HF, VHF):
- Channel manned/frequency:
- Type of Ship:
- Length: Breadth:
- Draught: Colour: Gross Tonnage: Net Tonnage:
- Last Port of Call: Next Port of Call:
- Date/Time entered harbor: Duration of Stay:
- Detail of Cargo:
- Arms and Ammunition: Dangerous cargo:
- Drugs/Narcotics:
- Explosives:
- Stowaway(s):
- Animals/Pets (If any):
- Crew List :

S/N	NAME	NATIONALITY	SEX	DATE OF BIRTH	PASSPORT NUMBER	PROFESSION	REMARKS

- c. With respect to Mauritius Revenue Authority (Customs Department), the agent of the ship shall notify the authorities by means of letter prior to the arrival/ /departure of vessel specifying the following:
- i. All the particulars of the Firearms such as the model nos. the serial numbers and caliber of the firearms.
 - ii. The quantity and type of ammunition
 - iii. A list of guards with their full names, Passport no. and Nationality.
 - iv. A letter of authorisation from The Commissioner of Police authorising Transit and Storage of Firearms and Ammunition.
- d. The Mauritius Ports Authority [MPA] requires all ships to put in the Notice of Arrival and information is listed in paragraph b above are taken from MPA's form.

- When do you require it?

At least 24 hrs (preferably 48 hrs) before reaching Port Louis

- To whom is it required to be sent?

The agent or Master of vessel shall inform the following authorities:

- a. Port Master
- b. Director General, MPA
- c. Director, Ports Operation, MPA
- d. Superintendent of Shipping
- e. National Coast Guard
- f. Harbour Police.
- g. The Officer in Charge Central Armoury.
- h. Chief Preventive Officer, Customs
- i. Officer I/C Port Health

- j. Commissioner of Police**
- k. Passport & Immigration Officer**
- l. Harbour Radio**

Note: FAL Standard 2.2 establishes the principle that the "General Declaration" (IMO FAL Form 1) shall be the document providing data required by public authorities relating to the ship.

- 1.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

Yes

- i. This information is required only by Mauritius Police and Shipping Division of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.**
- ii. In order to operate in the territorial waters of Mauritius, foreign Private Maritime Security Companies (PMSC) providing services of PCASP onboard vessels, need to obtain prior authorisation of the Government of Mauritius (Prime Minister's Office).**

When submitting their application, the Mauritian Shipping Agents, representing the vessel having onboard PCASP/PMSC, shall submit all necessary documents with a view to ensuring that PMSCs are duly registered with the Government authorities concerned in their respective countries and, are of good background and authorized to provide such services.

Subject to approval of the Prime Minister's office is obtained, the Mauritian Shipping Agents, shall notify and obtain authorisation directly from the Mauritius Police Force for every vessel entering our Territorial waters with PCASP onboard.

.1 If yes,

- What information do you require?

1. It is imperative that the following documents be provided while submitting their application:

a. Company's Bona Fides - The Company should be registered with the authorised armed industry regulator or any suitable regulatory body in its country (for example, in case of the US Government, the Office of Defence Trade Controls Compliance and Registration Division). This should be certified by the parent's nation Mission present/accredited to Mauritius. The Company should furnish the following information:

- i. Company structure and place of registration;
- ii. Company Ownership (Board of directors, Executive Profile, Investor Relations, etc.);
- iii. Financial position (e.g. Annual Accounts/Bank reference, Stock information, Earning Releases, last Quarterly Audit, Financial history, etc..)
- iv. Extent of insurance cover 9in particular covering third party risks);
- v. Senior management experience;
- vi. Quality management indicators (ISO accreditation);
- vii. Criminal background check; and
- viii. The Company's intention if any, to open a local office or to seek registration in Mauritius.

b. Certificate of origin and particulars of Arm and Ammunition issued by State/Governmental Authority from which the arms and ammunition are being purchased/ procured - The arms and ammunition should be licensed in the parent country. There is a need for a licence/document related to each arm and ammunition is being sought/procured by PMSCs. The document shall bear the serial numbers of the arms/ammunition and indicate that they are licensed

to that particular PMSC to prove the origin of the arms and ammunition, their sellers and the approval of the country's authorities to such transaction.

- c. End-User Certificate re. Purpose/Usage of the Arms and Ammunition issued by State/Governmental Authority from which the arms and ammunition are being purchased/procured - In order to enable proper control and prevention of illegal arms trafficking, recognized Governmental authority in the country where the arms and ammunition are being bought/purchased, should certify in a document stating that these arms and ammunition are being sold from that country's recognized arms and ammunition dealer to PMSCs with the sole aim to provide protection to ships against piracy attack.
- d. Document/Certificate of No Objection Authorising/Approving the Export of Arms and Ammunition from the country of origin by the Police or recognised Governmental Authority - A certificate/document issued by the local Police or some appropriate authority of the country of origin authorizing/approving the export or transit of the arms and ammunition should be produced. This would ensure that the arms and ammunition have been verified against the serial number and quantity prior to being shipped.
- e. Immunity Bond from PMSCs - An immunity Bond is required to be submitted by PMSCs undertaking that all arms and ammunition being transited through Mauritius, will be used only for the protection of ships against maritime piracy attack. This document should also include such legal clauses that will absolve the Mauritius police force and the Government of Mauritius of any liabilities in any possible mishaps.

- f. Security Bond - PMSCs may be requested to enter a security bond with the Government of Mauritius as is the case in other countries in the region.

- g. Quantity of Arms and Ammunition - The quantity of arms and ammunition on transit for the protection of ships against piracy should be reasonable and tally with the number of security officers onboard the ship. The storage capacity at the Police Central Armoury is limited and therefore, difficult to keep arms/ammunition for long period. It is recommended that arms/ammunition are kept at the Armoury for more than 2/3 days prior to their transfer onboard the ship or aircraft and beyond that period, a surcharge will be levied.

Note: The above documents in originals and where not possible, in certified true copies as well as the information sought for, would be required for all PMSCs and arms/ ammunition that are being transited through Mauritius either by air or sea.

- 2. The Customs Department requires the following information:
 - a. Flag State Authorisation
 - b. Particulars of Security Company providing armed personnel
 - c. Composition of Armed Security Team
 - d. Quantity and description of weapons and ammunition

- When do you require it?

At least one month in advance for Mauritius Police

At least 24 hrs (preferably 48 hrs) before reaching Port Louis for MPA

- To whom is it required to be sent?

The Permanent Secretary, Prime Minister's office/Commissioner of Police.

+ Same as reply to Q1

1.3 Do you require specific notification regarding firearms for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

Yes

.1 If yes,

- What information do you require?

1. **Mauritius Police requirements are the same as per paragraph 1.2 above.**
2. **The Customs requires the following information.**
 - a. **Letter from the Master or ship's Agent specifying all details of firearms and ammunition and names of guards with their Passport No. and nationality.**
 - b. **A declaration signed by the Master of the vessel on an annex to the IMO Fal forms with regards to arms, ammunitions or allied products on board the vessel either for Port Louis or for trans-shipment or for discharge at another port.**
3. **The MPA requires information on quantity, description of weapons and ammunition**

- When do you require it?

At least one month in advance for Mauritius Police.

24 hrs (or preferably 48 hrs) before reaching Port Louis for the MPA.

- To whom is it required to be sent?

The Permanent Secretary, Prime Minister's office/Commissioner of Police.

+ Same as reply to Q1

Note: FAL Standard 2.4 establishes the principle that the "Ship's Stores Declaration" (IMO FAL Form 3) shall be the document providing data required by public authorities.

1.4 Do you require specific notification regarding security-related equipment for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

Yes

Notification is required for the Mauritius Police and Customs Department and Shipping Division of Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping only.

.1 If yes,

- What information do you require?

a. Details of weapons and ammunition are required to be specified, including quantities and caliber of weapons/ammunition for the Mauritius Police.

b. The Customs Department requires the following information:

- i. Letter from the Master/agent of the vessel informing authorities about the security-related equipment.**
- ii. Authorisation from the Commissioner of Police.**
- iii. Items to be declared to Boarding Officer on IMO Ship's Declaration.**

- When do you require it?

At least one month in advance.

- To whom is it required to be sent?

**The Permanent Secretary, Prime Minister's office/Commissioner of Police
Director of Shipping
Director Mauritius Revenue Authority (Customs Department)**

Note: FAL Standard 2.4, establishes the principle that the "Ship's Stores Declaration" (IMO FAL Form 3) shall be the document providing data required by public authorities.

1.5 Do you require specific notification regarding PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

Yes

.1 If yes,

- What information do you require?

Information pertaining to PCASP carried onboard ships intending to enter in or depart from ports, anchorages, roadstead or offshore terminals needs to be communicated in advance by the Shipping Agents, in the original application to the Mauritius Police and the Director of Shipping.

The Customs Department requires :

- a. Letter from Master of Vessel or agent giving details of PCASP such as their names, Passport No Nationality etc.
- b. All their effects shall be declared on IMO Crew's Effect Declaration and submitted to Customs Boarding Officer.
- c.

The Mauritius Ports Authority requires the following information:

- a. **Flag State Authorisation**
- b. **Particulars of Security Company providing armed personnel**
- c. **Composition of Armed Security**
- d. **Quantity and description of weapons and ammunition**

- When do you require it?

At least one month in advance for the Mauritius Police.

24 hrs (preferably 48 hrs) before reaching Port Louis for MPA and the Shipping Division.

- To whom is it required to be sent?

- a. **The Permanent Secretary, Prime Minister's office;**
- b. **Commissioner of Police; and**
- c. **Director of Shipping**
- d. **Director General, MPA**
- e. **Director Ports Operation, MPA**
- f. **Port Master**
- g. **The Chief Preventive Officer, Customs**

Note: FAL Standard 2.6 establishes the principle that the "Crew List" (FAL Form 5) shall be the document providing data required by public authorities.

1.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or PCASP when transiting through your territorial seas and/or contiguous zones before arrival in or after departure from your ports, anchorages, roadstead or offshore terminals?

The Mauritius Police requires that:

- a. **The vessel should have proper stowage arrangements (Such as arms lockers) for arms and ammunition, in accordance with its Ship**

Security Plan. In case, the vessel is boarded at sea by the NCG or any agency of the Mauritius Police Force, all security guards are to be mustered unarmed at a designated place. All arms and ammunition are to be kept in a safe location during the boarding.

- b. While taking temporary halt in Mauritius, the weapons and ammunition of the security guards should be deposited at the Police Central Armoury or other suitable location under the charge of Police. However, this service is chargeable, as determined by the commissioner Police, including cost for storage.

In addition to the above, the Shipping Division requires the vessel to comply with requirements of the Flag State and Ship Safety Management System.

2 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals for the purpose of embarking or disembarking firearms and/or security-related equipment and/or PCASP.

2.1 Do you allow the embarkation or disembarkation of firearms and/or the security-related equipment for use by the PCASP or of PCASP in your ports, anchorages, roadstead or offshore terminals or elsewhere in your territorial sea(s)?

Yes

.1 If yes,

- What information do you require?

In addition to the information required at paragraph 1 above, the Mauritius Police requires details of weapons and ammunition are required to be specified, including quantities and calibre of weapons/ammunition. Information regarding the arrival of the weapons and ammunition and their departure needs to be supplied with the application.

The Customs Department requires information on:

- a. Embarkation or disembarkation of firearms and /or security-related equipment and /or PCASP is allowed provided there is a written authorisation from the Commissioner of Police and a complete list of Arms and Ammunitions submitted.
- b. A letter from Master or ship's agent informing Police and Customs together with a detailed list of Arms and Ammunitions, security-related equipment /PCASP.
- c. All arms and ammunitions should be embarked and disembarked under Police and Customs supervision.

The MPA requires:

- a. Flag State Authorisation
- b. Particulars of Security Company providing armed personnel
- c. Composition of Armed Security Team, Name, Nationality and Identity Document
- d. Quantity and description of weapons and ammunition
- e. Particulars of vessel/s involved

- When do you require it?

At least one month in advance for the Mauritius Police

24 hrs (preferably 48 hrs) before reaching our EEZ for MPA

- To whom is it required to be sent?

- a. The Permanent Secretary, Prime Minister's office
- b. Commissioner of Police

- c. **Director General, MPA**
- d. **Director Ports Operation, MPA**
- e. **Port Master**
- f. **The Chief Preventive Officer, Customs**

2.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports for the purpose of embarking or disembarking firearms and/or the security-related equipment for use by the PCASP or PCASP?

Yes

.1 If yes,

- What information do you require?

In addition to the information required at paragraph 1 above, the Mauritius Police requires information pertaining to PCASP and/ or the firearms and/ or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports for the purpose of embarking or disembarking firearms and/or the security-related equipment for use by the PCASP or PCASP need to be provide in advance.

The Customs Department requires Flag State Authorisation only.

- When do you require it?

At least one month in advance for the Mauritius Police.

- To whom is it required to be sent?

- a. **The Permanent Secretary, Prime Minister's office**
- b. **Commissioner of Police**
- c. **Director Mauritius Revenue Authority (Customs Department)**

Note: MSC.1/Circ.1406/Rev.1 establishes the principle that "Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions." This policy "may include a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag."

2.3 What requirements, if any, do you have in place in connection with the import or arrival in and/or export or departure from your territory of firearms and/or security-related equipment for use by PCASP?

The Mauritius Police requires that:

- a. **For Import - Should be in possession of an Import Permit issued by the Commissioner of Police**
- b. **For Export - in accordance with Section 21 of the Firearms Act 2006, an export permit may be issued by the Commissioner of Police for hunting in foreign country on invitation or if the firearm is being sent for repairs to the country of origin.**
- c. **Arrival/Departure re. Transit onboard Vessel with PCASP - Authorization from the Government of Mauritius/Mauritius Police Force is needed therefore.**

The requirements for the Customs Department, as defined in the Firearms Act 2006 shall be strictly complied with namely;

- a. **Authorisation obtained from Police and Customs before proceeding with landing /exporting operations.**
- b. **All operations carried out under Police Armed Escort and Customs supervision.**
- c. **The arms and ammunitions in transit are kept in Police Custody at the Police Central Armoury unless derogation is obtained.**

The MPA requires that prior arrival in Port, approval need to be sought from:

- a. The Commissioner of Police
- b. The Chief Preventive Officer, Customs
- c. Director General, MPA
- d. Director Ports Operation, MPA
- e. Port Master

2.4 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment for use by the PCASP prior to their embarkation or after their disembarkation?

The Mauritius Police requires that while taking temporary halt in Mauritius, the weapons and ammunition of the security guards should be deposited at the Police Central Armoury or other suitable location under the charge of Police. However, this service is chargeable, as determined by the Commissioner Police, including cost for storage.

The Customs Department requires that :

- a. On arrival, the Master shall declare arms and ammunitions on board to the Customs Boarding Officer.
- b. The Customs Boarding Officer performs physical check in presence of the Police.
- c. A detain receipt is issued by the Customs Boarding officer
- d. The Arms and ammunitions are handed over to Police and transferred to Police Armoury.

The MPA requires that:

- a. For short transit firearms and ammunition will be kept under police custody on board until departure of vessel

- b. For overnight transit firearms and ammunition will be taken over by customs and handed over to Police to be kept under police custody to be returned four hours before departure of vessel.**

2.5 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment carried on board for use by the PCASP after their embarkation or prior to their disembarkation, when the ship is in your port, anchorage, roadstead or territorial waters?

The Mauritius Police requires that while taking temporary halt in Mauritius, the weapons and ammunition of the security guards should be deposited at the Police Central Armoury or other suitable location under the charge of Police. However, this service is chargeable, as determined by the Commissioner Police, including cost for storage.

The Customs Department requires that:

- a. All arms and ammunitions are detained by Customs after physical check and handed over to Police.**
- b. The Arms and Ammunitions are then transferred to Police Armoury by the police.**
- c. In special cases where derogation from the Ministry of Foreign Affairs, Regional Integration and International trade has been obtained, the Arms and Ammunitions may be kept on board subject to the following conditions:**
 - i. The ship owners through their agents must provide the following information at least one week but not less than three days prior to the arrival of the vessel:**
 - ii. The name of the vessel and the date and time of its arrival and departure.**
 - iii. The list of armed guards on board.**

iv. The details of firearms and ammunition on board.

b. The arms and ammunition shall be placed in two specially reinforced storage boxes and kept under locks and seals in a safe place on board the vessel and this exercise is carried under the supervision of Mauritian Police and Customs.

c. The storage boxes must be guarded on a 24 hour basis by the PCASP during the stay of the vessel in Port Louis.

d. The National Coast Guard/Customs may at any time when the vessel is at berth or in the territorial waters may come on board the vessel for verification

2.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or of PCASP (which they have embarked your anchorages, roadstead or offshore terminals) when transiting through your territorial seas and/or contiguous zones after departure from your ports, anchorages, roadstead or offshore terminals?

Use of weapons is prohibited in the territorial waters of Mauritius.

3. Reporting of security-related incidents in territorial seas.

3.1 What do you consider to constitute a security incident in your territorial sea(s)?

a. The conduct of any vessel in the territorial waters is governed by the right to 'innocent passage', enshrined in the United Nations Conventions on the Law of the Seas (UNCLOS).

As per the Maritime Zones Act 2005, UNCLOS has force of law in Mauritius and we exercise sovereignty over the territorial sea, subject to the right to innocent passage of international vessels amongst other rights, as provided by UNCLOS.

Passage is innocent so long as it is not prejudicial to the peace, good order or security of Mauritius. Such passage shall take place in conformity with the Law of the Sea Convention and with other rules of international law.

- b. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if, in the territorial sea, it engages in any of the following activities:
- i. any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
 - ii. any exercise or practice with weapons of any kind;
 - iii. any act aimed at collecting information to the prejudice of the defence or security of the coastal State;
 - iv. any act of propaganda aimed at affecting the defence or security of the Coastal State;
 - v. the launching, landing or taking on board of any aircraft;
 - vi. the launching, landing or taking on board of any military device;
 - vii. the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;
 - viii. any act of willful and serious pollution contrary to this Convention;
 - ix. any fishing activities;
 - x. the carrying out of research or survey activities;
 - xi. any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;
 - xii. any other activity not having a direct bearing on passage.

Any incident, falling in the category of the above listed activities/occasions, will constitute a security incident. In addition, acts of piracy, terrorism, maritime violence, armed robbery, hijacking, etc...will be deemed as security incidents.

3.2 Do you require information regarding security-related incidents occurring in your territorial sea(s)?

Yes

.1 If yes,

- What information do you require?

The information should be communicated by the fastest available means in the following format:

- a. Name of vessel with IMO number and International Call Sign;**
- b. Flag**
- c. Type and Size**
- d. Date and Time of occurrence (in UTC) and Location**
- e. Last and next port of calls**
- f. Brief description of Incident**
- g. Other entities involved in the Incident, with nationalities (if Known)**
- h. Damage sustained if any, with details**
- i. Casualties/Injuries if any, with details such as nationality and passport number**
- j. Medical Assistance required (if any)**
- k. Any other information**

- When do you require it?

The Mauritius Police requires information on the incident at the earliest, by fastest available means, but not later than 30 min after the occurrence of the incident

- To whom is it required to be sent?

- a. Commissioner of Police (via Police Headquarters Information Room);**
- b. NCG Ops Room or the nearest Outer Island NCG Post**
- c. Mauritius Ports Authority**

- d. Director of Shipping thru' the Mauritius Radio Services**
- e. Mauritius Radio Services**

The communication details are as follows:

- a. NCG Ops Room - Tel: 00230-208935, 2088317**
Fax: 00230-2122757, 2122770
Email: opsncghq@intnet.mu

 - b. NCG Agalega - Tel: 00230-7275341**
Fax: 00230-9828521

 - c. NCG St Brandon - Tel: 020870772222188 (satellite Phone)**
-