

## ARTICLES

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# Piracy and Floating Armouries in the Indian Ocean: Risk or a Solution?

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Rising trends in piracy in the Indian Ocean, off the coast of Somalia, over the last few years have forced States to adopt innovative and collaborative approaches as effective counter-measures. The once tabooed private military security companies (PMSCs) are an attractive option today, which has triggered a huge demand for it. As of 2013, close to 140 security firms reportedly operated in the Northern Indian Ocean, the bulk of which were conceived in 2011.

The modus operandi is generally to place a team of four armed contractors on each ship for a specific length of the transit; these are generally passages that have been declared as High-Risk Areas (HRA). It is when these ships carrying armed PMSC contractors enter ports that the legal complications begin. Use and transport of arms are subject to international maritime conventions and treaties. Declaration of arms onboard before entry into territorial waters is mandated by several States, while a select few choose to completely debar weapons onboard any visiting vessel.

Regardless of the nation's preference, carrying arms is accompanied by complex legalities and even high costs. To avoid this, floating armoury ships have sprouted across the Indian Ocean Region (IOR). Their use allows companies to embark their personnel onboard ships from ports, who then pick up their equipment including weapons and ammunition from these ships outside the country's territorial waters. Their use however is not limited to merely those passing by. Armed contractors can even seek food and lodging on board these ships until their next deployment.

Floating armouries rather than being a pragmatic and simple solution to the problems of the security companies have themselves morphed into another source of anxiety confronting the international community. Their existence on the 'fringes of legality' and frequent use of open registers coupled with a dearth of objective information has created reservations and even outright suspicion in States over these entities. Moreover, the active use of old ships to store large caches of weapons has sparked fears that they may be vulnerable to the very malefactors that they are intended to guard against – pirates.

India, after two harrowing incidents near its coastline, both of which involved States or private companies hiring out personnel for anti-piracy operations, perhaps has far more cause for concern. In 2009, the high-risk zone was shifted from 65 degrees to 78 degrees – all the way to the coast of Tamil Nadu. This development has two serious implications. First, it has resulted in merchant ships sailing closer to Indian shores, sometimes even in the territorial waters, as a safeguard against pirates. Many of them tend to carry armed guards on board, who like in the *Enrica Lexie* case may mistake Indian fishermen for pirates or may conduct a rendezvous with floating armouries in Indian waters.

Second, given the strategic environment, the possibilities to which such arms-laden ships can be put to are countless. For India, after the traumatic event of the 26/11 attack on Mumbai, unregulated and unaccounted vessels with a large stockpile of arms on board form a very threatening picture.

At the risk of playing the devil's advocate, it must be acknowledged that if planned well, floating armouries have the potential to cater to the security needs of PMSCs, which have been very effective in providing security to vessels sailing through the High Risk Area. With checks and balances in place, the governments could look at floating armouries with less concern, eventually helping make a case for their legality.

For floating armouries to be effective:

• Vessels being put to this particular use must be subjected to a rigorous and specialised inspection by a certified

- vessels being put to this particular use must be subjected to a rigorous and specialised inspection by a certified regime. Floating armoury vessels should undergo verification under the compliance rules and standards as set out by the International Association of Classification Societies (IACS).
- Since the use of open registries and dual registration has been a cause of concern, the registration procedures must be carefully monitored for such vessels. They must not be allowed to register with any State other than those deemed internationally respectable.
- Monitoring will also have to be undertaken of the size, construction and design of the floating armouries in order to ensure that they do not fall into the wrong hands.
- Detailed management systems must be designed specifically for the supervision and running of floating armouries.

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