

Guidelines

For

the Transit of Arms and Ammunition

on the Mauritian Territory

for Use by Privately Contracted Armed Security

Personnel onboard Commercial/Fishing Vessels Sailing

in the High Risk Area of Piracy

(As amended on 30th June 2016)

Table of Contents

Sno	Contents	Page
1	Introduction	3
2	Part I - First Application by Foreign Private Maritime Security Company (PMSC)	4
3	Document to be Submitted for First Application	4-5
4	After Obtaining Approval of the Commissioner of Police(CP)	6
5	Types, Quantity and Storage of Arms and Ammunition	7
6	Withdrawal/Validity of Authorization	8
7	Part II – Procedures, Terms and Conditions	9
8	By Sea Route	9-11
9	By Air Route	12
10	Part III – Payment of Fees and Charges for Police Services	13-14
11	Contact details	15

Introduction

1. In the fight against the scourge of maritime piracy in the Indian Ocean, the Government of Mauritius (GoM) has agreed to facilitate the transit of arms and ammunition through the Mauritian territory destined to be used by Privately Contracted Armed Security Personnel (PCASP) onboard commercial/fishing vessels sailing in the High Risk Areas (HRA) of piracy.
2. Consequently, there has been an increasing demand for the transiting of arms and ammunition on the part of local shipping agencies.
3. With a view to standardizing and harmonizing procedures for the convenience of all stakeholders and bearing in mind the need to eliminating any risk of diversion of the weapons towards any illicit usage, the present guidelines are formulated to assist all stakeholders involved in this activity.
4. To that effect, the procedures and terms and conditions as well as the duties and responsibilities of shipping agencies, and other stakeholders are enumerated in the succeeding paragraphs for strict compliance.
5. These guidelines are supplemental to the Mauritian Laws and other relevant international requirements.
6. Failure on the part of any Private Maritime Security Company (PMSC) to comply with the guidelines may result in its application being rejected.

PART I

FIRST APPLICATION BY FOREIGN PMSC

7. Any foreign Private Maritime Security Company (PMSC) wishing to transit arms and ammunition through Mauritius, should first of all, seek prior approval of the GoM, represented by the Commissioner of Police (CP) therefor.

8. Such requests for approval should be sought from CP through PMSC's local representative (shipping agent). The PMSC through its local shipping agent is responsible to submit all the required information and documents for approval.

9. The CP may issue such authorization, on a case-to-case basis, after being satisfied that all the terms and conditions have been satisfied.

10. Any specific case where authorization falls outside the jurisdiction of the Commissioner of Police will be referred to the Prime Minister's Office for approval.

Document to be submitted for First Application

11. Any PMSC wishing to transit arms and ammunition through Mauritius should apply to the Commissioner of Police through its appointed local agent. The application shall mandatorily be supported by the following document:

(a) Company's Bona fides – The Company should be registered with the authorized armed industry regulator or any suitable regulatory body in its country and/or certified by the parent's nation Mission present/accredited to Mauritius, and will have to provide proof thereof. The Company will have to furnish the following additional information:-

- Company structure and place of registration;
- Company ownership (Board of Directors, Executive Profile, Investor Relations, etc...);
- Recruitment Procedures;

- Extent of insurance cover (in particular covering third party risks);
- Particulars of its Investors;
- Criminal background check/Morality Report/Police Clearance for its Privately Contracted Armed Security Personnel; and,
- List of the suppliers of its Arms and ammunition.

Note: The bona fides of the company concerned will also be verified through the INTERPOL or our Mission in the country concerned within 30 days as from the date the application is received at the Office of the Commissioner of Police.

(b) **Undertaking from PMSCs** – A written undertaking from the PMSC shall be required that all arms and ammunition being transited through Mauritius, will be used solely for the protection of ships against maritime piracy attacks and words to the effect that the transit of arms and ammunitions do not:

(i) Violate the obligations of Mauritius under measures adopted by the United Nations Security Council acting under chapter VII of the charter of the United Nation, including embargoes;

(ii) Contravene the other International obligations of Mauritius under an international agreement to which Mauritius is a party;

(iii) Constitute firearm and ammunition that have been used in the commission of genocide, crimes against humanity or war crimes. This document should also include such legal clauses that will absolve the Mauritius Police Force and the Government of Mauritius of any liability in case of any possible mishap.

(c) **Standard Operating Procedures (SOPs)** – The Company should provide its SOPs as well as its Rules of Engagement.

Note: As regards the above documents, only those issued by government authorities need to be authenticated through Apostille of their respective countries. The application should also be accompanied by a binding document between the PMSC and its local agent in order to fully commit the latter and to render it accountable for any legal action in event of any irregularity.

12. The Commissioner of Police on being satisfied on the validity of all documents will approve the application and grant the necessary authority for the PMSC to transit arms and ammunition through Mauritius or otherwise, will inform the applicant accordingly.

After Obtaining Approval of CP

13. Once approval of the Commissioner of Police is granted to the PMSC to transit arms and ammunition through Mauritius, it should apply to his Office through its shipping agent for authorization to transit arms and ammunition **on a case-to-case basis**. All such applications should reach the Office of the Commissioner of Police at least **two days** prior to the Expected Time of Arrival of the arms and ammunition in the Mauritian territory irrespective of whether by air or by sea and should be supported by the following documents in original:

- (a) Application letter which should contain the following details:
- Full details of arms and ammunition such as make, model, type, calibre, quantity and serial number;
 - The flight number/name of vessel and the date and time of its arrival;
 - If arriving by air, whether the weapons are being brought in as accompanied luggage by representatives of PMSCs or as consignment;
 - for outbound airfreight to any other country where the PMSC is registered to operate, an official authority from the country concerned;

The full particulars of Privately Contracted Armed Security Personnel including names, nationality, passport details, firearm licence and profile (Certificate of Morality); and,
- undertaking as outlined in paragraph 11 (b).

- (b) **Firearms Licence with Particulars of Arms and Ammunition issued by State/Governmental Authority** – 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 to be transited through Mauritius issued by a recognized state/governmental authority including the country of origin of the firearms and ammunition. The information on the licence should match that mentioned on the application. The document shall bear the serial numbers of the arms and ammunition and the country of origin as well as it shall indicate that they are licensed to that particular PMSC;
- (c) **End-User Certificate respecting Purpose/Usage of the Arms and Ammunition issued by State/Government/Authority concerned from which the arms and ammunition are being purchased/procured** – A Government 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 the specific PMSC with the sole aim to providing protection to ships against maritime piracy attacks and that the weapons will not be sold or transferred to a third party.
- (d) **Document/Certificate of 'No Objection' Authorizing/ Approving the Movement of Arms and Ammunition from the country where PMSC is based by the Police or Recognized Government Authority** – A certificate/document issued by the local Police or some appropriate authority of the parent country authorizing/approving the movement of the arms and ammunition should be produced.

- (e) **Authorisation Letter from PMSC Certifying its Local Shipping Agent**
– The PMSC should furnish a letter certifying its local shipping agent which will represent its company for the transit of arms.
- (f) **Last and Next Port of Call**- Information pertaining to the last and next port of call of the ship/vessels should be provided. The same applies for aircraft also.

Types, Quantity and Storage of Arms and Ammunition

14. For each application, the caliber and type of arms on transit for the protection of ships against piracy should not exceed Pistol bore 9 mm and Light Machine Gun (LMG) bore 7.62 mm /or compatibles. The quantity of such arms shall be approved by the Commissioner of Police on a case to case basis and the broad guidelines on the number of arms, in normal case, would be guided by the following:-

- (a) Fishing vessel of less than 900T :- 09 arms;
- (b) Fishing vessel of more than 900T :- 12 arms;
- (c) Commercial vessels :- 15 arms;and,
- (d) Passenger vessels of more than 1000 passengers:- 30 arms

15. The storage of arms and ammunition at Police Central Armoury should not exceed two (02) years. Where any firearm and ammunition in transit is kept for safekeeping at the Police Central Armoury has remained unclaimed for a period of one (01) year after the expiry of the period of two (2) years referred to in section 22(1A)(a)Firearms (Amendment) Act 2016, the firearm and ammunition shall become the property of the state and be disposed of such manner as the commissioner may determine.

Withdrawal/Validity of Authorisation

16. The Company needs to strictly comply with the above conditions, the Mauritian laws and other relevant international requirements. Any non-compliance will lead to the withdrawal of the authorization at any time.

Fax: (230) 212-2757
(230) 212-2770
Email: opsncghq@intnet.mu

- (ii) NCG Agalega- Tel.: (230) 727-5341
Fax: (230) 9828521
- (iii) NCG St Brandon- Tel.: 020870772222188
(Satellite Phone)

At all times, when sailing in Mauritian EEZ, the Master of the vessel shall ensure that all arms and ammunition are kept separately, in special reinforced metal boxes/safes on the ship to prevent any unauthorized access or use by a crew member onboard. When the vessel is transiting in piracy prone areas, the PCASP shall be allowed to carry arms and ammunition and any unused weapons shall be kept away in the safe.;

- (e) Forty eight hours prior to the entry of a vessel into the territorial waters of Mauritius, the shipping agency shall forward to the CP an undertaking from the Master of the ship that “all arms and ammunition have been mustered and correctly sealed in the strong box”;
- (f) NCG and other relevant authorities in Mauritius shall be informed not less than 48 hours before the arrival/transiting of any vessel at Port Louis Harbour or in Mauritian EEZ as per following:as per following:
 - (i) Point of entry into EEZ: Lat Long
 - (ii) Time & date of Entry into the EEZ: hh/mm (Z) dd/mm/yy
 - (iii) Point of departure from EEZ: ...Lat ...Long.
 - (iv) Time & date of departure from the EEZ: hh/mm/ (Z) dd/mm/yy;
and,
 - (v) Details of PCASP as well as of ammunition carried onboard shall also be communicated to the Police and other authorities concerned.

- (g) In the event the company's ship will be boarded by NCG personnel, the PCASP are to be mustered unarmed at a designated place onboard the ship. All arms and ammunition are to be kept in a safe location during the boarding operation.

Conditions/Procedures for Compliance on Arrival at Port Louis Harbour

19. The Master of the vessel having PCASP onboard will have to comply with the following procedures/conditions when calling at Port Louis Harbour:

- (a) On arrival of the vessel in Port Louis Harbour and after the necessary clearance by the Customs Officers and the strong box/es is/are sealed in presence of Police officer from Police Central Armoury (PCA) the arms and ammunition will be handed over to the Port Police. These will be transferred, under armed Police escort, to the Police Central Armoury in Line Barracks, Port Louis for safe custody;
- (b) Immigration and customs procedures will need to be complied with prior to embarkation and after disembarkation at Port Louis Harbour; and,
- (c) The arms and ammunition will be kept under safe custody at the Police Central Armoury during the ship's transit in Mauritius and appropriate fees/charges will be applicable for such services, in accordance with Part III.

Conditions/Procedures for Compliance Prior to Departure from Port Louis Harbour

20. The Master of the vessel will have to comply with the following procedures/conditions when embarking arms and ammunition to be used by PCASP.

- (a) On the scheduled date of departure of the vessel, the arms and ammunition will be handed over to the Master of the ship in Port

Louis Harbour by the personnel of the Port Police, in the presence of NCG officers, Customs officers and Shipping Agents; and,

- (b) Handing over of arms and ammunition will be effected against signature of relevant documents by the Master of the vessel and personnel mentioned at (a) above.

BY AIR ROUTE

21. The procedures at the airport for the handling of arms and ammunition arriving/departing by airfreight (air carrier) will be subject to procedures as set out in the guidelines of the Mauritius Revenue Authority (MRA) 'Handling of Fire Arms and Ammunition – Part One – Airport Operations' and in accordance with International Civil Aviation Organisation regulations.

Conditions/Procedures for Compliance When Arriving by Air

22. On completion of these procedures and upon clearances from the MRA and Airport Police, the arms and ammunition will be handed over to personnel of the PCA in presence of representative/s of the Shipping Agent and thereafter, the arms and ammunition will be conveyed in Police vehicle under Police armed escort to the PCA at Line Barracks, Port Louis for safe custody or directly to the ship, if she is already at Harbour.

Conditions/Procedures for Compliance When Departing by Air

23. Outbound airfreighting of arms/ammunition will be carried out subject to the arms/ammunition being returned to the country of origin at the request of the PMSC and / or in any other country whereby the PMSC is duly authorized by such destination state country. Such airfreighting will not be allowed onboard any private aircraft.

24. The following procedures/conditions will be applied when arms and ammunition are leaving Mauritius by air to its country of origin and / or in any other country whereby the PMSC is duly authorized by such destination state country as stated in the PMSC's application letter:

- (a) On the scheduled date of the flight, the arms and ammunition will be transported in Police vehicle to the Airport under armed escort by personnel of the PCA under Police armed escort in presence of representative/s of Shipping Agent. The weapons will be handed over to MRA for procedures respecting handling of firearms and ammunition; and
- (b) *The appropriate fees/charges will be applicable for Police services.*

PART III

PAYMENT OF FEES AND CHARGES FOR POLICE SERVICES

25. The following fees/charges will be applicable for Police services:

- (a) Storage fee:
- For each such firearm, per day – Rs 100
 - During the period of one year after the expiry of the period of two (02) years, for each such firearm, per day - Rs 200
- (b) Transportation charges per vehicle per trip will be as follows:-
- (i) for conveyance from Sir Seewoosagur Ramgoolam International Airport, Plaisance to Police Central Armoury, Port Louis (or vice versa) –
- (a) Armoured vehicle :- Rs 10,000/-;** and
- (b) Double cab : Rs 1,800/-.**
- (ii) for conveyance from Port Louis Harbour to Police Central Armoury, Port Louis (or vice versa) –

(a) Armoured vehicle : Rs 3,000/-; and

(b) Double cab : Rs 1,000/-.

Note: Armoured vehicle will be used in the event the number of arms exceeds **ten (10)**.

The above fees are VATable.

(c) Service Fees payable to the Mauritius Police Force with respect to a maximum of four Police personnel engaged will be at the same rate as for Extra Duty as per the Police Standing Orders (SO. 111) as follows:

Rank	Weekdays 0600hrs- 2300hrs (up to 3hours)	Weekdays 2300hrs- 0600hrs Sundays & Public Holidays (up to 3 hours)	Additional Hour/Part of an Hour	
			Weekdays (0600hrs- 23hrs)	Weekdays 2300hrs- 0600hrs Sundays & Public Holidays
	(Rs)	(Rs)	(Rs)	(Rs)
DCP	1,625	1,875	450	600
ACP	1,250	1,500	375	525
SP	1,125	1,375	325	450
ASP	875	1,125	275	375
CI	750	1,000	225	300
INSP	625	875	200	275
PS	575	750	175	225
PC	500	625	150	200

Contact details:

26. All correspondence should be addressed to:-

The Commissioner of Police
Police Headquarters
Line Barracks
Port Louis
Republic of Mauritius

Tel.: (230) 208-1212 Ext: 1605 or 1213
(230) 210-4914
Fax: (230) 208-7022
Email: ccphq.mpf@gov.mu.org