The Relevance of a MASS Code for Maritime Law Enforcement (MLE)

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Autonomous ships and maritime security
*A double-edged sword*

- **enforcer MASS**
  - reduce lawlessness at sea
  - augment capabilities, effectiveness and reach; reduce costs
  - important tool to enforce law at sea

- **offender MASS**
  - provide criminals with cutting edge
  - perpetrators no longer on board: lowers their risks
  - attractive tool to commit crimes at sea
Autonomous ships and maritime crime
The example of smuggling and trafficking offenses

Drug smuggling: Underwater drones seized by Spanish police

By Leo Sands
BBC News
3 July

Autonomous ships and maritime crime
*The example of smuggling and trafficking offenses*

transporting illicit cargo along licit cargo: drugs, illegally traded weapons, sanctioned goods, …

Rules on law enforcement at sea

Assumptions on which they rest no longer met with MASS 3/4

- rules on MLE assumptions
- perpetrators on board
- human-human encounter between suspects and enforcers at sea
- direct communication exchange of documents

MASS level 3 and 4 no onboard crew assumptions no longer met
MASS Code does not directly deal with MLE...
... but its transversal issues are highly relevant for MLE!

- master, crew, remote operator
- certificates
- remote-operation centres
- others

relevance for MLE
example: visit and search
Master, crew and remote operator
How to hail, stop or warn a MASS?

MASS
new technologies and channels
Master, crew and remote operator

With whom do enforcers interact to hail, warn, stop a MASS?

- traditionally
  master is person “in charge”
  on board the ship

- MASS
  new allocation of tasks
  some actors on dry land

- Who is the interlocutory of MLE authorities?
  - Who performs role of master?
  - Split role of master?
  - Natural or legal person?
  - Residual on-board crew?
Certificates
Assumptions underlying rules on visit and search of ship

- physical documents
- MASS e-certificates
- visit and search on board the ship
- operational and security issues

Source: <https://research.mysticseaport.org/item/l029400/>
Certificates
Virtual rather than physical visit and search?

traditionally: on board the ship

MASS: virtually?

safeguards
when: suspicion
what: not more
who: authorized

markings, uniforms, IDs
Remote operation centre and remote operator
*How to ensure effective jurisdiction?*

- Shift from sea to land
- Offender ship has no crew
- Patrolling naval state cannot question/arrest

**Genuine link**

- Enforcement jurisdiction only if seat/operations of ROC/RO in its territory

**Cooperation with flag state necessary**
IMO MASS Code does not address MLE directly...
... but deals with issues highly relevant for MLE!

Source: <https://s29755.pcdn.co/wp-content/uploads/2019/06/The_future_autonomous_1.jpg>
Thank you very much for your attention!