

IMO maritime security policy

Background paper

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IMO MARITIME SECURITY MEASURES - BACKGROUND

The International Maritime Organization, as the United Nations' regulatory body responsible for the safety of life at sea and environmental protection, has adopted a great number of conventions and regulations since its creation in 1959. Due to the new security challenges imposed by the devastating terrorist acts of 11 September 2001 in the United States, the Organization had to respond swiftly and firmly to any threat against the security of transport by sea. This resulted in the development of the new SOLAS chapter XI-2 on Special measures to enhance maritime security and the International Ship and Port Facility Security Code (ISPS Code).

The terrorist attacks in the United States put in doubt the vulnerability of ships and ports around the world, but they also proved that the maritime industry is determined to stand firm and to respond to one of the biggest challenges of all the times. The new regulatory regime entered into force on 1 July 2004. These requirements represent the culmination of co-operation between Contracting Governments, Government agencies, local administrations and shipping and port industries to assess security threats and take preventive measures against security incidents affecting ships or port facilities used by international seaborne trade.

HISTORY

The hijacking of the Italian cruise ship **Achille Lauro**, in October 1985, marked one of the first actual terrorist acts recorded in modern maritime history. Following that incident, the International Maritime Organization adopted resolution A.584(14) on Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews. Subsequently in 1986, taking also account the request of the United Nations General Assembly to study the problem of terrorism on board ships and to make recommendations on appropriate measures, the Organization issued MSC/Circ.443 on **Measures to prevent unlawful acts against passengers and crews on board ships**.

Pursuant to the Achille Lauro incident the Organization continued working towards the development and adoption of conventions and security regulations and adopted, in March 1988, the **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA)**. The Convention, which is a legal instrument, extends the provisions to unlawful acts against fixed platforms located on the Continental Shelf (Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, 1988).

The SUA Convention ensures that appropriate action is taken against persons committing unlawful acts against ships, including the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it. The Convention provides for application of punishment or extradition of persons who commit or have allegedly committed offences specified in the treaty. The Convention has recently been updated with the addition of further provisions (see below)

OTHER SECURITY-RELATED INSTRUMENTS

The Organization had adopted other maritime security instruments including:

1. MSC/Circs. 622 and 623, as revised, on Guidelines for administrations and industry on combating acts of piracy and armed robbery against ships;
2. MSC/Circ.754 on Passenger ferry security, providing recommendations on security measures for passenger ferries on international voyages shorter than 24 hours, and ports;
3. Assembly resolution A.871(20) on Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases; and
4. Assembly resolution A.872(20) on Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (this resolution is currently under review by the Organization's Facilitation Committee (FAL)).

ACTIVITIES AT THE IMO SINCE "September 11"

In the wake of the tragic events of 11 September 2001 in the United States of America, Assembly resolution A.924(22) (November 2001) called for a review of the existing international legal and technical measures to prevent and suppress terrorist acts against ships at sea and in port, and to improve security aboard and ashore. The aim was to reduce risks to passengers, crews and port personnel on board ships and in port areas and to the vessels and their cargoes and to enhance ship and port security and avert shipping from becoming a target of international terrorism.

The Assembly also agreed to a significant boost to the Organization's technical co-operation programme of GB £1.5 million, to help developing countries address maritime security issues. Subsequently a large number of regional and national seminars and workshops on the enhancement of maritime and port security were held around the world in 2002, 2003 and 2004, with more initiatives launched in 2005. In addition fact-finding and assessment missions and advisory services have been and will continue to be conducted upon request of the countries concerned.

As a result of the adoption of resolution A.924(22), a Diplomatic Conference on Maritime Security, held at the London headquarters of the International Maritime Organization (IMO) from 9 to 13 December 2002 (the 2002 SOLAS Conference), was attended by 109 Contracting Governments to the 1974 SOLAS Convention, observers from two IMO Member States and observers from the two IMO Associate Members. United Nations specialized agencies, intergovernmental organizations and non-governmental international organizations also sent observers to the Conference.

The 2002 SOLAS Conference adopted a number of amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, the most far-reaching of which enshrined the new International Ship and Port Facility Security Code (ISPS Code). The Code contains detailed security-related requirements for Governments, port authorities and shipping companies in a mandatory section (Part A), together with a series of guidelines about how to meet these requirements in a second, non-mandatory section (Part B). The Conference also adopted a series of resolutions designed to add weight to the amendments, encourage the application of the measures to ships and port facilities not covered by the Code and pave the way for future work on the subject.

CO-OPERATION WITH ILO AND WCO

The Organization has also undertaken activities for co-operation with other organizations. A Memorandum of Understanding (MoU) was signed with the World Customs Organization (WCO) in July 2001 to strengthen co-operation in the fields of container examination, integrity of the multi modal transport chain and matters relating to the ship/port interface. The ensuing work by a WCO Task Force led to the unanimous adoption, by the Directors General of 166 Customs Administrations in June 2005, of the Framework of Standards to secure and facilitate global trade (WCO SAFE Framework of Standards).

The WCO SAFE Framework of Standards has four principles in mind, namely that Customs services would undertake to harmonize advance electronic information; to use a consistent risk management approach; to use non-intrusive detection equipment; and to lead to the accrual of benefits to customs, business and ultimately nations. At the heart of the Framework of Standards are two 'pillars', the Customs-to-Customs pillar and the Customs-to-Business pillar which together comprise seventeen standards. The SAFE Framework of standards also includes a seal integrity programme.

In addition to the work which has been carried out in co-operation with the International Labour Organization (ILO) in developing and adopting a new seafarer's Identity Document through the adoption of the Seafarers' Identity Documents Convention (Revised), 2003, (No. 185), the ILO/IMO Code of practice on security in ports was developed by a Joint ILO/IMO Working Group. This was finalized in December 2003, adopted by the ILO Governing Body in March 2004, and adopted by the IMO Maritime Safety Committee in May 2004.

REGULATORY FRAMEWORK FOR MARITIME SECURITY

General

The 2002 SOLAS Conference amended SOLAS chapter XI to include special measures for maritime security. Specifically, SOLAS Chapter XI was divided into two parts: Chapter XI-1: Special Measures to Enhance Maritime Safety; and Chapter XI-2: Special Measures to Enhance Maritime Security. In principle chapter XI-2 incorporated new regulations regarding definitions and the requirements for ships and port facilities. These regulations are supported by the **International Ship and Port Facility Security Code (ISPS Code)** which has a mandatory section (Part A) and a recommendatory section (Part B). The guidance given in Part B of the ISPS Code is to be taken into account when implementing the SOLAS chapter XI-2 regulations and the provisions of Part A. However, it is recognized that the extent to which the guidance on ships applies depends on the type of ship, its cargoes and/or passengers, its trading pattern and the characteristics of the Port Facilities visited by the ship. Similarly, in relation to the guidance on Port Facilities, the extent to which this guidance applies depends on the types of cargoes and/or passengers and the trading patterns of visiting vessels.

THE RATIONALE BEHIND THE NEW REQUIREMENTS

In essence, the new SOLAS chapter XI-2 and the ISPS Code were developed under the basic understanding that ensuring the security of ships and port facilities was a risk management activity and that to determine what security measures are appropriate, an assessment of the risks must be made in each particular case. The purpose of the ISPS Code is to provide a standardized, consistent framework for evaluating risk, enabling governments to offset changes in threat levels with changes in vulnerability for ships and port facilities.

This risk management concept is embodied in the ISPS Code through a number of minimum functional security requirements for ships and port facilities. For ships, such requirements include:

- .1 ship security plans;
- .2 ship security officers;
- .3 company security officers; and
- .4 certain onboard equipment.

For port facilities, the requirements include:

- .1 port facility security plans; and
- .2 port facility security officers.

In addition the requirements for ships and for port facilities include:

- .1 monitoring and controlling access;
- .2 monitoring the activities of people and cargo; and
- .3 ensuring that security communications are readily available.

To ensure implementation of all these requirements, training and drills will obviously play an important role.

RESPONSIBILITIES OF CONTRACTING GOVERNMENTS

Under SOLAS chapter XI-2 and Part A of the Code *Contracting Governments* can establish *Designated Authorities* within Government to undertake their security responsibilities under the Code. Governments or Designated Authorities may also delegate the undertaking of certain responsibilities to *Recognized Security Organizations (RSOs)* outside Government. Additional guidance is provided in MSC/Circ.1074 on **Interim Guidelines for the authorization of RSOs**.

The setting of the *security level* applying at any particular time is the responsibility of Contracting Governments and will apply to their ships and Port Facilities. The Code defines three security levels for international use:

Security Level 1, normal;

Security Level 2, lasting for the period of time when there is a heightened risk of a *security incident*; and

Security Level 3, lasting for the period of time when there is the probable or imminent risk of a security incident.

SOLAS chapter XI-2 and the ISPS Code require certain *information* to be provided to the IMO and information to be made available to allow effective communication between Company/Ship Security Officers and the Port Facility Security Officers responsible for the Port Facility their ships serve.

THE COMPANY AND THE SHIP

Any shipping company operating ships to which the Code applies shall appoint a *Company Security Officer (CSO)* for the company and a *Ship Security Officer (SSO)* for each of its ships. The responsibilities of these officers are defined, as are the requirements for their training and drills. The training needs and requirements of the SSO are being developed in the context of the STCW Convention. The CSO's responsibilities include ensuring that a *Ship Security Assessment (SSA)* is undertaken and that a *Ship Security Plan (SSP)* is prepared for each ship to which the Code applies.

The *Ship Security Plan* indicates the minimum operational and physical security measures the ship shall take at all times, i.e. while operating at security level 1. The plan will also indicate the additional, or intensified, security measures the ship itself can take to move to security level 2. Furthermore, the Plan will indicate the possible preparatory actions the ship could take to allow prompt response to the instructions that may be issued to the ship by the authorities responding at security level 3 to a security incident or threat. The need for these plans to be ultimately incorporated in the ISM Code has been acknowledged. The Ship Security Plan must be approved by, or on behalf of, the ship's Administration. The Company and Ship Security Officer are required to monitor the continuing relevance and effectiveness of the Plan, including the undertaking of independent internal audits. Any amendments to specified elements of an approved Plan will have to be resubmitted for approval.

SOLAS chapter XI-2 and the ISPS Code include provisions relating to the verification and certification of the ship's compliance with the requirements of the Code on an initial, renewal and intermediate basis. The ship must carry an *International Ship Security Certificate (ISSC)* indicating that it complies with the Code. The ISSC is subject to *Port State Control (PSC)* / maritime security control and compliance inspections but such inspections will not extend to examination of the Ship Security Plan itself. The ship may be subject to additional control measures if there is reason to believe that the security of the ship has, or the port facilities it has served have, been compromised. The ship may be required to provide information regarding the ship, its cargo, passengers and crew prior to port entry and it is the responsibility of the company that up to date information relating to the ownership and control of the vessel is available on board. There may be circumstances in which entry into port could be denied, if the ship itself, or the port facility it served before, or another ship it interfaced with previously, are considered to be in violation with the provisions of SOLAS chapter XI-2 or part A of the ISPS Code.

Further guidance on control and compliance measures and reporting requirements are given in:

Annex 2 to MSC/Circ.1111 on **Guidance relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code** (also adopted as **Resolution MSC.159(78)** on Interim Guidance on Control and Compliance Measures to Enhance Maritime Security);

MSC/Circ.1113 on **Guidance to Port State Control Officers on the non-security related elements of the 2002 SOLAS Amendments**;

MSC/Circ.1130 on **Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port**;

MSC/Circ.1156 on **Guidance on the access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply**; and

MSC.1/Circ.1191 on **Reminder of the obligation to notify flag States when exercising control and compliance measures**.

The implementation of the mandatory fitting of ship-borne *Automatic Identification Systems* (AIS) for all ships of 500 gross tonnage and above, on international voyages was accelerated, through amendments to Regulation 19 of SOLAS Chapter V, to 31 December 2004, at the latest.

There is also a requirement for fitting ships with a *ship security alert system* (SSAS) for seafarers to use to notify authorities and other ships of a terrorist hijacking, and appropriate performance standards and procedures for fitting such systems on board ships have been developed. Further guidance on SSAS is given in MSC/Circ.1072 on “**Guidance on provision of ship security alert systems**”, MSC/Circ.1073 on “**Directives for maritime rescue co-ordination centres (MRCCs) on acts of violence against ships**”, MSC/Circ.1109 on “**False security alerts and distress/security double alerts**”, MSC/Circ.1155 on **Guidance on the message priority and the testing of ship security alert systems**, and MSC.1/Circ.1189 **Guidance on the provision of information for identifying ships when transmitting ship security alerts**.

IMO considered the issue of maritime security equipment and measures to prevent unauthorised boarding in ports and at sea. It is recognized that the type of equipment to be used on board would depend largely on risk assessment (e.g. ship types, trading areas). The section of the ISPS Code addressing the Ship Security Plan includes the consideration of such equipment and measures.

It was recognized that urgent action on an up-to-date **seafarer identification document** was needed. In this regard, new specifications for seafarer identification have been agreed as the Seafarers Identity Documents (Revised) Convention (No. 185), which was adopted by ILO in June 2003, and which revises ILO Convention No. 108.

THE PORT FACILITY

Contracting Governments are required to undertake *Port Facility Security Assessments (PFSA)* of their Port Facilities. These assessments shall be undertaken by the Contracting Government, a Designated Authority, or the Recognized Security Organization. Port Facility Security Assessments will need to be reviewed periodically. The results of the Port Facility Security Assessment have to be approved by the Government or Designated Authority and are to be used to help determine which Port Facilities are required to appoint a *Port Facility Security Officer (PFSO)*.

The responsibilities of the *Port Facility Security Officers* are defined in the ISPS Code, as are the requirements for the training they require and the drills they are responsible for undertaking. The Port Facility Security Officer is responsible for the preparation of the *Port Facility Security Plan (PFSP)*.

Like the Ship Security Plan, the *Port Facility Security Plan* shall indicate the minimum operational and physical security measures the Port Facility shall take at all times, i.e. while operating at security level 1. The plan should also indicate the additional, or intensified, security measures the Port Facility can take to move to security level 2. Furthermore the plan should indicate the possible preparatory actions the Port Facility could take to allow prompt response to the instructions that may be issued by the authorities responding at security level 3 to a security incident or threat.

The Port Facility Security Plan has to be approved by the port facility’s Contracting Government or by the Designated Authority. The Port Facility Security Officer must ensure that its provisions are implemented and monitor the continuing effectiveness and relevance of the approved plan, including commissioning independent internal audits of the application of the plan. The effectiveness of the plan may also be tested by the relevant Authorities. The Port Facility Security Assessment covering the Port Facility may also be reviewed. All these activities may lead to amendments to the approved plan. Major amendments to an approved plan will have to be submitted to the approving authority for re-approval.

CONFERENCE RESOLUTIONS

A number of other longer-term maritime security-related issues were also raised during the discussions at IMO in 2002. As a result, apart from the resolutions adopting the SOLAS amendments and the ISPS Code, nine Conference resolutions were adopted, which addressed:

- .1 Further work by the International Maritime Organization pertaining to the enhancement of maritime security;
- .2 Future amendments to Chapters XI-1 and XI-2 of the 1974 SOLAS Convention on special measures to enhance maritime safety and security;
- .3 Promotion of technical co-operation and assistance;
- .4 Early implementation of the special measures to enhance maritime security;
- .5 Establishment of appropriate measures to enhance the security of ships, port facilities, mobile offshore drilling units on location and fixed and floating platforms not covered by chapter XI-2 of the 1974 SOLAS Convention;
- .6 Enhancement of security in co-operation with the International Labour Organization;
- .7 Enhancement of security in co-operation with the World Customs Organization;
- .8 Early implementation of long-range ships' identification and tracking; and
- .9 Human element-related aspects and shore leave for seafarers.

MARITIME SECURITY ACTIVITIES SINCE THE 2002 CONFERENCE

The Diplomatic Conference outlined a number of areas for further development, many of which have been included in the work programme of IMO, especially the Maritime Safety Committee and its subordinate bodies.

The seventy-seventh session of the Maritime Safety Committee MSC 77 (May 2003) adopted resolution MSC.147(77) on Revised performance standards for SSAS and approved a number of circulars including:

MSC/Circ.1072 on Guidance on Provision of Ship Security Alert Systems

MSC/Circ.1073 on Directives for Maritime Rescue Co-ordination Centers (MRCCs) on Acts of Violence Against Ships

MSC/Circ.1074 on Interim Guidelines for the Authorization of RSOs Acting on behalf of the Administration and/or Designated Authority of a Contracting Government

MSC/Circ.1097 on Guidelines for the Implementation of SOLAS Chapter XI-2 and the ISPS Code

In September 2003, the IMO model courses for Ship, Company, and Port Facility Security Officers were published.

The **23rd Assembly** of the IMO (December 2003) issued Assembly resolution A.959(23) Format and guidelines for the maintenance of the Continuous Synopsis Record (CSR) and amendments to Assembly resolution A.890(21) - Principles of Safe Manning as Assembly resolution A.955(23)

The seventy-eighth session of the Maritime Safety Committee (MSC 78) (May 2004) adopted **Resolution MSC.159(78)** on Interim Guidance on Control and Compliance Measures to Enhance Maritime Security, the annex to which gives clear guidance to duly authorized officers of port States in the conduct of control and compliance measures under SOLAS regulation XI-2/9 (this is the same guidance as that given in annex 2 to MSC/Circ.1111). MSC 78 reaffirmed that the provisions of the ISPS Code did not prevent the master from being appointed as the ship security officer, if so decided by the Administration.

The Committee approved a number of maritime security related guidance circulars, including:

MSC/Circ.1109 on False security alerts and distress/security double alerts;

MSC/Circ.1110 on Matters related to SOLAS regulations XI-2/6 and XI-2/7;

MSC/Circ.1111 on Guidance relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code;

MSC/Circ.1112 on Shore Leave and Access to Ships under the ISPS Code; and

MSC/Circ.1113 on Guidance to Port State Control Officers on the non-security related elements of the 2002 SOLAS Amendments.

The seventy-ninth session of the Maritime Safety Committee (MSC 79) (December 2004) approved further maritime security related circulars, including:

An updated MSC/Circ.1109, now MSC/Circ.1109/Rev.1;
MSC/Circ.1130 on Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port;
MSC/Circ.1131 on Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities (subsequently replaced by MSC.1/Circ.1192);
MSC/Circ.1132 on Guidance relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code; and
MSC/Circ.1133 on Reminder of the obligation to notify flag States when exercising control and compliance measures (subsequently replaced by MSC.1/Circ.1191).

The eightieth session of the Maritime Safety Committee (MSC 80) (May 2005) passed **Resolution MSC.198(80)** on Adoption of amendments to the format and guidelines for the maintenance of the continuous synopsis record (CSR) (Resolution A.959(23)); and approved further maritime security related circulars, including:

MSC/Circ.1154 on Guidelines on training and certification for company security officers;
MSC/Circ.1155 on Guidance on the message priority and the testing of ship security alert systems;
MSC/Circ.1156 on Guidance on the access of public authorities, emergency response services and pilots onboard ships to which SOLAS chapter XI-2 and the ISPS Code apply; and
MSC/Circ.1157 on Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security.

The eighty-first session of the Maritime Safety Committee (MSC 81) (May 2006) approved a regulation for the long-range identification and tracking of ships (see below) and approved further maritime security related circulars, including:

MSC.1/Circ.1188 Guidelines on training and certification for port facility security officers;
MSC.1/Circ.1189 Guidance on the provision of information for identifying ships when transmitting ship security alerts;
MSC.1/Circ.1190 Interim scheme for the compliance of special purpose ships with the special measures to enhance maritime security;
MSC.1/Circ.1191 Further reminder of the obligation to notify flag States when exercising control and compliance measures;
MSC.1/Circ.1192 Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities;
MSC.1/Circ.1193 Guidance on voluntary self-assessment by Administrations and for ship security; and
MSC.1/Circ.1194 Effective implementation of SOLAS chapter XI-2 and the ISPS Code.

The eighty-second session of the Maritime Safety Committee (MSC 82) (December 2006) approved a further maritime security related circular:

MSC.1/Circ.1217 Interim Guidance on voluntary self-assessment by Companies and CSOs for ship security

REVISION OF THE SUA CONVENTION AND PROTOCOL

Two new protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and its Protocol relating to Fixed Platforms Located on the Continental Shelf, 1988 (the SUA Treaties) were adopted on 14 October 2005.

The original 1988 SUA treaties provided the legal basis for action to be taken against persons committing unlawful acts against ships, including the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board which are likely to destroy or damage the ship. Contracting Governments are obliged either to extradite or prosecute alleged offenders. The two new Protocols expand the scope of the original Convention and protocol to address terrorism by including a substantial broadening of the range of offences and introducing boarding provisions for suspect vessels.

The revision took into account developments in the UN system relating to countering terrorism. The relevant UN Security Council resolutions and other instruments, including the International Convention for the Suppression of Terrorist Bombings (1997), and the International Convention for the Suppression of the Financing of Terrorism (1999) are directly linked to the new SUA protocol.

Drafted to criminalize the use of a ship “when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act”, these new instruments represent another significant contribution to the international framework to combat terrorism.

LONG RANGE IDENTIFICATION AND TRACKING OF SHIPS

Early implementation of long range identification and tracking of ships (LRIT) was required by 2002 SOLAS Conference resolution 10. The scope, carriage requirements and specifications for LRIT, developed by COMSAR 8 and MSC 78 and further reviewed by COMSAR 9, MSC 80 and COMSAR 10, and by sub-groups of these bodies meeting between sessions, resulted in the agreement of a draft amendment to SOLAS chapter V on Safety of Navigation by MSC 81 in May 2006, namely the new SOLAS regulation V/19.1.

The new regulation, which if adopted through the IMO’s tacit acceptance procedure, established a multilateral agreement for sharing LRIT information amongst SOLAS Contracting Governments. Such an agreement should meet the maritime security needs and other concerns of the SOLAS Contracting Governments. It maintained the right of flag States to protect information about the ships entitled to fly their flag where appropriate, while allowing coastal States’ access to information about ships navigating off their coasts.

In addition to the proposed new SOLAS regulation V/19.1, MSC 81 also adopted resolution MSC.210(81) on Performance standards and functional requirement for the long-range identification and tracking of ships; resolution MSC.211(81) on Arrangements for the timely establishment of the long-range identification and tracking system and agreed to approve the establishment of an *ad hoc* Working Group on engineering aspects of LRIT with the arrangements.

CARGO AND CONTAINER SECURITY

Following initial consideration of the SAFE Framework of Standards by the IMO’s Maritime Safety Committee (MSC) and Facilitation Committee (FAL), it was agreed to establish a joint MSC/FAL Working Group to progress the work on the enhancement of security of container traffic and to facilitate maritime trade.

The joint MSC/FAL Working Group addressed a range of issues on the facilitation aspects of maritime trade, in the context of the new security requirements. This included continuing close co-operation with the WCO to enhance security in the multi modal movement of CTUs; through the application of the standards and implementation strategies envisaged by the WCO SAFE Framework of standards, and the provisions of SOLAS and the ISPS Code insofar as they relate to ship and port facility port security and relevant aspects of facilitation of maritime traffic, for example, port arrivals and departures, standardized forms of reporting and electronic data interchange. Pursuant to this work the Maritime Safety Committee and the Facilitation Committee jointly issued MSC/FAL.1/Circ.1 on Securing and facilitating international trade.

DEVELOPMENTS WITHIN ISO

The International Organization on Standardization (ISO) has during recent years, undertaken various activities in the area of security.

In 2004, the ISO Technical Committee on Ships and marine technology (ISO/TC8), developed a publicly available specification (PAS), ISO/PAS 20858:2004, on Maritime port facility security assessments and security plan development. ISO/PAS 20858:2004 established a framework to assist port facilities in specifying the necessary competences of personnel tasked with conducting port facility security assessments and developing port facility security plans as required by the ISPS Code; conducting the port facility security assessment; and drafting the port facility security plan. In addition, it established certain documentary requirements designed to ensure that the process used in performing the duties described above was recorded in a manner that would permit independent verification by a qualified and authorized agency, if the port facility had agreed to the review. ISO PAS 20858 is now a full ISO standard.

ISO/TC8 also developed the ISO 28000 series of standards on supply chain security which are now published as full ISO standards and numerous ports, terminals and organizations are being certified by third party independent accredited auditors. ISO standards can be applied to all ships, irrespective of size, type, purpose and whether operated internationally, domestically or within internal waters.

PREVENTION AND SUPPRESSION OF THE SMUGGLING OF DRUGS

Assembly resolution A.872(20) on Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic, has been reviewed and updated by the MSC and FAL Committee and has been issued as a resolution of each of those bodies.

OTHER ON-GOING PROJECTS

Work on reviewing the IMO Model Courses for Ship, Company and Port Facility Security Officers and the development of an IMO Model Course on Duly Authorised Officer, to supplement the Interim Guidance already issued, continues.

The Organization will continue to consider the need and, if necessary, develop any further guidance to ensure the global, uniform and consistent implementation of the provisions of chapter XI-2 or part A of the ISPS Code.

STATUS OF IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

The current status of implementation

Since the entry into force of chapter XI-2 and of the ISPS Code on 1 July 2004, a number of ports have reported a marked reduction in both the incidence of thefts and the number of accidents in security restricted areas. In addition, it has been reported that, during the first six months since the introduction of the ISPS Code, there was a 50 percent drop in stowaway cases in US ports. A review of the statistics published by the Paris and Tokyo MOUs on port State control also suggests a positive picture.

However, at the same time, other information suggests that the level of stringency of implementation, adherence to and enforcement of the provisions of chapter XI-2 and the ISPS Code seems to have been relaxed in some instances, which, if correct, is a worrying development. It is vitally important that all concerned maintain as high standards of implementation as possible and exercise vigilance at all times. Reports that not all Contracting Governments have given full effect to all of the applicable provisions of chapter XI-2 and the ISPS Code cause considerable concern and the States concerned should seriously examine their level of implementation and take any necessary corrective action without delay.

As with all other aspects of shipping regulated through multilateral treaty instruments the effectiveness of the requirements is dependant on how the relevant provisions are implemented and enforced. Thus, the matter is in the hands of Contracting Governments and the shipping and port industries.

If the Special measures to enhance maritime security are implemented and enforced wisely and effectively they may be successful in protecting ships and port facilities from unlawful acts. However, although the measures came into effect on 1 July 2004, it may still be some time before the entire security net is in place and the actual security of ships and of port facilities has been enhanced quantifiably.

THE TASK FOR THOSE INVOLVED

Although individual ships or port facilities may operate in accordance with an approved security plan, unless all Contracting Governments put in place and maintain the necessary arrangements to address all the objectives and the functional requirements of the ISPS Code, the actual level of security will not be enhanced.

The ISPS Code requires, amongst others, Contracting Governments to gather and assess information with respect to security threats and exchange such information with other Contracting Governments.

Shipboard and port facility personnel need to be aware of security threats and need to report security concerns to the appropriate authorities for their assessment. Governments need to communicate security-related information to ships and port facilities. Therefore, in effect we are talking about establishing an entirely new culture amongst those involved in the day-to-day running of the shipping and port industry.

ANNEX 1

SOLAS CHAPTER XI-2

Special measures to enhance maritime security

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REGULATION 6 - SHIP SECURITY ALERT SYSTEM

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ANNEX 2

INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE

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| 10 RECORDS | |
| | <i>Sections</i> 10.1 – 10.4 |
| 11 COMPANY SECURITY OFFICER | |
| | <i>Sections</i> 11.1 – 11.2.13 |

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| 12 | SHIP SECURITY OFFICER | <i>Sections</i> 12.1 – 12.2.10 |
| 13 | TRAINING, DRILLS AND EXERCISES ON SHIP SECURITY | <i>Sections</i> 13.1 – 13.5 |
| 14 | PORT FACILITY SECURITY | <i>Sections</i> 14.1 – 14.6 |
| 15 | PORT FACILITY SECURITY ASSESSMENT | <i>Sections</i> 15.1 – 15.7 |
| 16 | PORT FACILITY SECURITY PLAN | <i>Sections</i> 16.1 – 16.8 |
| 17 | PORT FACILITY SECURITY OFFICER | <i>Sections</i> 17.1 – 17.3 |
| 18 | TRAINING, DRILLS AND EXERCISES ON PORT FACILITY SECURITY | <i>Sections</i> 18.1 – 18.4 |
| 19 | VERIFICATION AND CERTIFICATION FOR SHIPS | <i>Sections</i> |
| | Verifications | 19.1.1 – 19.1.4 |
| | Issue or endorsement of certificate | 19.2.1 – 19.2.4 |
| | Duration and validity of certificate | 19.3.1 – 19.3.9 |
| | Interim certification | 19.4.1 – 19.4.6 |

APPENDICES TO PART A

- Appendix 1 – Form of the International Ship Security Certificate
- Appendix 2 – Form of the Interim International Ship Security Certificate

Part B

Guidance regarding the provisions of Chapter XI-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974 as amended and part A of this Code

| | | |
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| 1 | INTRODUCTION | <i>Sections</i> |
| | General | 1.1 – 1.5 |
| | Responsibilities of Contracting Governments | 1.6 – 1.7 |
| | Setting the security level | 1.8 |
| | The company and the ship | 1.9 – 1.15 |
| | The port facility | 1.16 – 1.21 |
| | Information and communication | 1.22 |
| 2 | DEFINITIONS | <i>Sections</i> 2.1 – 2.2 |
| 3 | APPLICATION | <i>Sections</i> |
| | General | 3.1 – 3.4 |

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| 4 | RESPONSIBILITY OF CONTRACTING GOVERNMENTS | <i>Sections</i> |
| | Security of assessments and plans | 4.1 |
| | Designated authorities | 4.2 |
| | Recognized Security Organizations | 4.3 – 4.7 |
| | Setting the security level | 4.8 – 4.13 |
| | Contact points and information on port facility security plans | 4.14 – 4.17 |
| | Identification documents | 4.18 |
| | Fixed and floating platforms and mobile drilling units on location | 4.19 |
| | Ships which are not required to comply with part A of this Code | 4.20 |
| | Threats to ships and other incidents at Sea | 4.21 – 4.25 |
| | Alternative security arrangements | 4.26 |
| | Equivalent arrangements for port facilities | 4.27 |
| | Manning level | 4.28 |
| | Control and compliance measures | |
| | - General | 4.29 – 4.35 |
| | - Control of ships in port | 4.36 |
| | - Ships intending to enter the port of another Contracting Government | 4.37 – 4.40 |
| | - Additional provisions | 4.41 – 4.44 |
| | - Non-party ships and ships below convention size | 4.45 |
| 5 | DECLARATION OF SECURITY | <i>Sections</i> |
| | General | 5.1 – 5.6 |
| 6 | OBLIGATIONS OF THE COMPANY | <i>Sections</i> |
| | | 6.1 – 6.8 |
| 7 | SHIP SECURITY | |
| | <i>Relevant guidance is provided under sections 8, 9 and 13.</i> | |
| 8 | SHIP SECURITY ASSESSMENT | <i>Sections</i> |
| | Security assessment | 8.1 – 8.13 |
| | On-scene security survey | 8.14 |
| 9 | SHIP SECURITY PLAN | <i>Sections</i> |
| | General | 9.1 – 9.6 |
| | Organization and performance of ship security duties | 9.7 – 9.8 |
| | Access to the ship | 9.9 – 9.17 |
| | Restricted areas on the ship | 9.18 – 9.24 |
| | Handling of cargo | 9.25 – 9.32 |
| | Delivery of ship's stores | 9.33 – 9.37 |
| | Handling unaccompanied baggage | 9.38 – 9.41 |
| | Monitoring the security of the ship | 9.42 – 9.49 |
| | Differing security levels | 9.50 |
| | Activities not covered by the Code | 9.51 |
| | Declaration of Security | 9.52 |
| | Audit and review | 9.53 |
| 10 | RECORDS | <i>Sections</i> |
| | | 10.1 – 10.2 |
| 11 | COMPANY SECURITY OFFICER | |
| | <i>Relevant guidance is provided under sections 8, 9 and 13.</i> | |

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| 12 | SHIP SECURITY OFFICER | |
| | <i>Relevant guidance is provided under sections 8, 9 and 13.</i> | |
| 13 | TRAINING AND DRILLS | <i>Sections</i> 13.1 – 13.8 |
| 14 | PORT FACILITY SECURITY | |
| | <i>Relevant guidance is provided under sections 15, 16 and 18.</i> | |
| 15 | PORT FACILITY SECURITY ASSESSMENT | <i>Sections</i> |
| | General | 15.1 – 15.4.13 |
| | Identification and evaluation of important assets and infrastructure it is important to protect | 15.5 – 15.8 |
| | Identification of the possible threats to the assets and infrastructure and the likelihood of their occurrence in order to establish and prioritise security measures | 15.9 – 15.12 |
| | Identification, selection, and prioritisation of countermeasures and procedural changes and their level of effectiveness to reduce vulnerabilities | 15.13 – 15.14.4 |
| | Identification of vulnerabilities | 15.15 – 15.16.12 |
| 16 | PORT FACILITY SECURITY PLAN | <i>Sections</i> |
| | General | 16.1 – 16.7 |
| | Organization and performance of port facility security duties | 16.8 – 16.9.6 |
| | Access to the port facility | 16.10 - 16.20 |
| | Restricted areas within the port facility | 16.21– 16.29 |
| | Handling of cargo | 16.30 - 16.37 |
| | Delivery of Ship’s Stores | 16.38 – 16.44 |
| | Handling Unaccompanied Baggage | 16.45 – 16.487 |
| | Monitoring the Security of the Port Facility | 16.49 – 16.54 |
| | Differing Security Levels | 16.55 |
| | Activities not covered by the Code | 16.56 |
| | Declarations of Security | 16.57 |
| | Audit, Review and Amendment | 16.58 – 16.60 |
| | Approval of Port Facility Security Plans | 16.61 |
| | Statement of compliance of a port facility | 16.62 – 16.63 |
| 17 | PORT FACILITY SECURITY OFFICER | <i>Sections</i> 17.1 – 17.2 |
| 18 | TRAINING AND DRILLS | <i>Sections</i> 18.1 – 18.6 |
| 19 | VERIFICATION AND CERTIFICATION OF SHIPS | |
| | <i>No additional guidance.</i> | |
| | APPENDIX TO PART B | |
| | Appendix 1 – Form of a Declaration of Security | |
| | Appendix 2 – Form of a statement of compliance of a port facility | |

ANNEX 3

Other guidance material on maritime security

Extant guidance material on the implementation of SOLAS XI-2 and the ISPS Code (in chronological order of issuance):

| | |
|--------------------------|--|
| Resolution MSC 136(76) | Performance Standards for a Ship Security Alert System |
| Resolution MSC 147(77) | Adoption of the Revised Performance Standards for a Ship Security Alert System |
| MSC/Circ.1067 | Early Implementation of the Special Measures to Enhance Maritime Security |
| MSC/Circ.1072 | Guidance on Provision of Ship Security Alert Systems |
| MSC/Circ.1073 | Directives for Maritime Rescue Co-ordination Centers (MRCCs) on Acts of Violence Against Ships |
| MSC/Circ.1074 | Interim Guidelines for the Authorization of RSOs Acting on behalf of the Administration and/or Designated Authority of a Contracting Government |
| MSC/Circ.1097 | Guidelines for the Implementation of SOLAS Chapter XI-2 and the ISPS Code |
| MSC/Circ. 1104 | Implementation of SOLAS chapter XI-2 and the ISPS Code |
| MSC/Circ. 1106 | Implementation of SOLAS chapter XI-2 and the ISPS Code to Port Facilities |
| Resolution A.959(23) | Format and guidelines for the maintenance of the Continuous Synopsis Record (CSR) |
| Circular Letter No. 2514 | Information required from SOLAS Contracting Governments under the provisions of SOLAS regulation XI-2/13 |
| Circular Letter No. 2529 | Information required from SOLAS Contracting Governments under the provisions of SOLAS regulation XI-2/13.1.1 on communication of a single national contact point |
| Resolution MSC.159(78) | Interim Guidance on Control and Compliance Measures to Enhance Maritime Security |
| MSC/Circ.1109 | False security alerts and distress/security double alerts |
| MSC/Circ.1110 | Matters related to SOLAS regulations XI-2/6 and XI-2/7 |
| MSC/Circ.1111 | Guidance relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code |
| MSC/Circ.1112 | Shore Leave and Access to Ships under the ISPS Code |
| MSC/Circ.1113 | Guidance to port State control officers on the non-security related elements of the 2002 SOLAS amendments |

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| MSC/Circ.1109/Rev.1 | False security alerts and distress/security double alerts |
| MSC/Circ.1130 | Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port |
| MSC/Circ.1131 | Interim Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities |
| MSC/Circ.1132 | Guidance relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code |
| MSC/Circ.1133 | Reminder of the obligation to notify flag States when exercising control and compliance measures |
| Resolution MSC.198(80) | Adoption of amendments to the format and guidelines for the maintenance of the continuous synopsis record (CSR) (Resolution A.959(23)) |
| MSC/Circ.1154 | Guidelines on training and certification for company security officers |
| MSC/Circ.1155 | Guidance on the message priority and the testing of ship security alert systems |
| MSC/Circ.1156 | Guidance on the access of public authorities, emergency response services and pilots onboard ships to which SOLAS chapter XI-2 and the ISPS Code apply |
| MSC/Circ.1157 | Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security. |
| MSC.1/Circ.1188 | Guidelines on training and certification for port facility security officers |
| MSC.1/Circ.1189 | Guidance on the provision of information for identifying ships when transmitting ship security alerts |
| MSC.1/Circ.1190 | Interim scheme for the compliance of special purpose ships with the special measures to enhance maritime security |
| MSC.1/Circ.1191 | Further reminder of the obligation to notify flag States when exercising control and compliance measures |
| MSC.1/Circ.1192 | Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities |
| MSC.1/Circ.1193 | Guidance on voluntary self-assessment by Administrations and for ship security |
| MSC.1/Circ.1194 | Effective implementation of SOLAS chapter XI-2 and the ISPS Code |
| MSC.1/Circ.1217 | Interim Guidance on voluntary self-assessment by Companies and CSOs for ship security |

STCW.6 Circulars

STCW.6/Circ.9

Amendments to Part B of the Seafarers' Training, Certification and Watchkeeping (STCW) Code^{2, 1}

Model Courses

IMO Model Course 3.19

Ship Security Officer

IMO Model Course 3.20

Company Security Officer

IMO Model Course 3.21

Port Facility Security Officer

Circular Letters

Circular Letter No.2514

Information required from SOLAS Contracting Governments under the provisions of SOLAS regulation XI-2/13

Circular Letter No.2529

Information required from SOLAS Contracting Governments under the provisions of SOLAS regulation XI-2/13.1.1 on communication of a single national contact point

Circular Letter No.2554

Implementation of IMO Unique Company and Registered Owner Identification Number Scheme (resolution MSC.160(78))

Other material

ILO/IMO Code of practice on security in ports.

Seafarers' Identity Documents Convention (Revised), 2003 (ILO Convention No. 185)².

Publicly Available Specification ISO/PAS 20858:2004 on Ships and marine technology – Maritime port facility security assessments and security plan development.

Publicly Available Specification ISO/PAS 28000:2005 on Specification for security management systems for the supply chain.

WCO SAFE Framework of standards to secure and facilitate global trade.

¹ Related to resolutions MSC.203(81) and MSC.209(81).

² The ILO Governing Body, at its 289th Session, in order to facilitate the early acceptance of the convention has selected for use the *minutiae*-based method for fingerprint template creation, truncation, and barcode storage (PDF417 2-D bar code) and has approved document ILO SID-0002 (ILO document GB.289/7 Appendix II), as embodying the standard for the fingerprint template required under item (k) of Annex I of the Convention.