

ITF House
49 - 60 Borough Road
London SE1 1DR
Telephone +44 207 403 2733
Fax +44 207 357 7871

Federación Internacional De Los Trabajadores Del Transporte
Fédération Internationale Des Ouvriers Du Transport
Internationale Transportarbeiter-föderation
Internationale Transportarbeiter-föderation
International Transport Workers' Federation

To all seafarers' **affiliates**

Circular no. 1631S.38/2004

S/TW/daw

2 September 2004

Dear Friends,

Seafarers' Section Day of Action 1 World Maritime Day, 30 September 2004

Further to our previous Circulars, please find attached for your information a copy of the message from the Secretary-General of the International Maritime Organization (IMO) on the occasion of World Maritime Day 2004 on the IMO's chosen theme "IMO 2004: Focus on Maritime Security" (**Annex 1**). We are also enclosing a copy of the Background paper prepared by the IMO (**Annex 2**). Both these documents are available in English, Spanish and French only.

We would ask seafarers' affiliates to note the section in the IMO Background paper on achieving a balance and referring to seafarers' issues.

We hope this may assist you in your preparations for the ITF Seafarers' Section Day of Action.

Yours fraternally,

Jon Whitlow

Secretary Seafarers' Section

ENC Message by IMO Secretary-General Background paper

daw/153

President Umraornal Purohit General, Secretary David Cockroft E-mail mail@itf.org.uk Internet www.itf.org.uk

INTERNATIONAL MARITIME ORGANIZATION
4 ALBERT EMBANKMENT
LONDON SE1 7SR

Telephone: 020 7735 7611
Fax: 020 7587 3210

World Maritime Day 2004

IMO 2004: FOCUS ON MARITIME SECURITY

**A message from the Secretary-General of the
International Maritime Organization
Mr. Efthimios Mitropoulos**

J/8670

Every year, the International Maritime Organization and its 164 Member States and 3 Associate Members celebrate World Maritime Day, when we take the opportunity to bring the objectives and achievements of the Organization to the attention of a wider audience and, at the same time, increase overall public awareness of the vital role that the shipping industry plays in all our lives.

In 2002, IMO acknowledged its changing priorities by endorsing a new mission statement, an evolution from the then theme of "Safer Shipping and Cleaner Oceans" to "Safe, Secure and Efficient Shipping on Clean Oceans". This better reflects the broader objectives of the Organization and provides a blueprint for future action. In selecting our World Maritime Day theme for this year, we have chosen to highlight the increased emphasis that IMO has placed recently on maritime security.

If the natural perils of the sea were not sufficient, today, as we all know, shipping has additionally to confront the man-made threat of crime at sea, which is often violent and brutal, along with the scourge of international terrorism. Regrettably, this is not a new phenomenon. As long ago as the late 1970s, IMO was forced to turn its attention to unlawful acts such as barratry, the unlawful seizure of ships and their cargoes and other forms of maritime fraud; and, since 1982, we have been monitoring acts of piracy and armed robbery against ships in various parts of the world and have taken measures to combat them in those areas that suffer most. Perhaps the most disconcerting aspect in all these efforts is that the degree of violence in incidents involving piracy and armed robbery seems to be increasing.

Following the 1985 incident, in which terrorists hijacked the Italian cruise ship **Achille Lauro** and killed a passenger before agreeing terms to end their siege, IMO developed a series of technical measures to prevent unlawful acts against passengers and crews on board ships and later on, in March 1988, adopted the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation - the SUA Convention - and its Protocol relating to offshore platforms.

The principal purpose of the SUA instruments is to ensure that persons committing unlawful acts against ships will not be given shelter in any country but will either be prosecuted or extradited to a State where they will stand trial. Unlawful acts covered by the SUA Convention include 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.

MJ-\8670.doc

The dreadful events of 11 September 2001 gave unprecedented impetus to IMO's concern about unlawful acts which threaten the safety of ships and their passengers and crews. In the wake of 9/11, it became clear that the shipping industry needed a new, more stringent and more comprehensive set of measures to address the question of maritime security. In November 2001, the IMO Assembly called for a thorough review of all existing measures to combat acts of violence and crime at sea. At the same time, Contracting Governments to the Safety of Life at Sea Convention attending the Assembly agreed to hold a diplomatic conference on maritime security in December 2002 to

adopt any new security regulations and measures that might be deemed necessary. The Assembly also agreed a significant boost of £1.5 million to the Organization's technical co-operation programme to help developing countries address maritime security issues.

The 2002 Conference adopted a series of wide-ranging new security measures, along with 11 associated resolutions, which represented the culmination of a great deal of intense and detailed work in IMO during the preceding year. These new measures entered into force on 1 July 2004.

The most far-reaching of them is the International Ship and Port Facility Security Code -the ISPS Code. It provides a consistent, standardized framework for evaluating risk, enabling Governments to offset changes in threat with changes in vulnerability for ships and port facilities through the determination of appropriate security levels and corresponding security measures.

IMO's efforts to improve maritime security have been part of an all-embracing initiative across the UN system to tackle terrorism. UN Security Council resolution 1368 was adopted the day after the 9/11 attacks and, since then, several more UN resolutions have been adopted to counter terrorism. Security Council resolution 1456, for example, adopted in January 2003, requested States to assist each other to improve their capacity to prevent and fight terrorism and invited the Counter-Terrorism Committee to facilitate the provision of technical and other assistance by developing targets and priorities for global action. This resolution also calls on international organizations, such as IMO, to evaluate ways in which they can enhance the effectiveness of their action against terrorism, including by establishing dialogue and exchanges of information with each other.

To this end, IMO has participated in UN-organized activities such as the Special Meeting of the Counter-Terrorism Committee in March 2003 and the meeting of the Counter-Terrorism Action Group in February this year. That group was established by the G-8 Leaders in June 2003 to serve as a forum for co-ordinating and expanding the provision of counter-terrorism training and assistance.

The boundaries between acts of terrorism and crime are often indistinct and, within the overall perspective of the UN's fight against terrorism, it is important also to mention the United Nations Convention against Transnational Organized Crime, adopted by the General **Assembly in November 2000 and** which entered into force in September 2003. IMO has been working with the UN Office on Drugs and Crime in this context. Also adopted by the General Assembly was a Protocol, developed to supplement the Convention, aimed at combating the smuggling of migrants by land, air and sea. This Protocol reflects the relevant provisions of IMO's own measures for combating unsafe practices associated with the trafficking or transport of **migrants by sea, which were updated in 2001**.

1:J-8670.doc

IMO has also been working in co-operation with the International Labour Organization and the World Customs Organization on key issues with a bearing on maritime security. In July 2002, IMO and WCO signed a Memorandum of Understanding for co-operation on such issues of mutual interest as container examination and integrity in multimodal transport and matters relating to the ship/port interface. Following a request by the 2002 International Conference on Maritime Security, a new seafarers' identity document was developed by ILO establishing a more rigorous identity regime for seafarers, whilst a joint ILO/IMO Working Group has developed an ILO/IMO Code of Practice on Security in Ports, which was adopted by the two Organizations earlier this year.

In the broader scheme of things, IMO's work in the realm of maritime security provides support for its objectives in enhancing safety and also preventing pollution of the marine environment. The detrimental impact on the environment of a successful attack on a ship laden with oil, chemicals or other hazardous or noxious substances could be immense and, by raising our defences against terrorists, we are providing further protection in this respect.

It is very much in the spirit of international co-operation to counter the universal threat of terrorism that IMO has undertaken a far-reaching and multi-faceted programme of technical assistance aimed at helping Governments strengthen maritime and port security, particularly in the developing world.

IMO actually launched its global technical co-operation programme on maritime security in January 2002, that is 11 months before the package of new maritime security measures was adopted. The aim of the programme initially was to raise awareness of maritime security threats and of the possible future regulatory measures which, at that stage, were still under development, through activities such as regional and sub-regional seminars, workshops, training

courses and advisory missions. Subsequently, the emphasis has moved on to practical matters and implementation of the new regulatory regime, with the development of training programmes and materials, lesson plans and model courses. Furthermore, a Maritime Security Trust Fund has been established to provide a dedicated source of financial support for our maritime security technical co-operation activities.

Governments and the shipping and port industries made major efforts to improve maritime security in the weeks and months that followed the 2002 Conference leading up to the entry into force of the ISPS Code and all the related security measures. All over the world, a huge amount of work was undertaken to ensure the highest possible level of compliance. Figures made available by IMO regularly to keep the maritime community updated on progress being made indicated that more than 86 per cent of ships and 69 per cent of port facilities had their security plans approved by 1 July 2004. Coming close to 100 per cent compliance, I applaud all those involved for the work done.

Having agreed that the prime objective of the work done was to increase awareness of the real and present threat of terrorism and explain the implications of the ISPS Code and how best to implement it and, in so doing, raise the shipping industry's defences to protect it and seaborne trade from any terrorist attack, we must now ensure that we remain vigilant and alert in all respects and in all circumstances.

I:\J\8670.doc

There were, however, administrative bottlenecks in the run up to the entry-into-force date. Without them, the reported 56 per cent of International Ship Security Certificates issued by 1 July would have been much higher. But, although certification is undoubtedly important, what really counts is the work that has been done on the ground: security officers appointed on ships, in companies and port facilities; training undertaken; security plans drawn up; awareness raised; and vigilance heightened.

It goes almost without saying that significant and far-reaching measures such as these cannot be implemented without cost. The OECD, for example, has estimated the initial burden on ship operators to be at least US\$1.27bn and US\$730m per year thereafter. On the plus side, however, efficiency gains and reductions in theft and fraud are anticipated to exceed the expenses involved.

However, the price of inaction could potentially be far greater, as a large, well co-ordinated attack could result in the shutting down of the entire maritime transport system, with costs likely to be measured in billions of dollars. Moreover, potential savings resulting from the introduction of the new measures are also identified in the OECD report due to reduced delays, faster processing times, better asset control and fewer losses due to theft.

Another important element in all this is to realize the need for balance, not just in the cost/benefit equation but in other aspects, too. We must try to achieve the right balance between the need to implement the new security regime strictly and robustly and yet ensure that disruption to global trade, as a result of the introduction of security measures, is kept to a minimum; we must find a balance between the traditional and legally enshrined right of ships to enjoy freedom of navigation on the high seas and the need to make sure that strategic and potentially vulnerable sea lanes have the special protection they may need; and we must find a balance between the need to tighten security provisions so that criminals and terrorists cannot gain access to ships and port facilities by posing as seafarers, while ensuring that innocent seafarers are not themselves unfairly penalized as a result.

If shipping really is to continue on its path towards being safer, cleaner, more secure and more efficient, it needs to attract staff of high quality and high calibre and I look to all involved to recognize and appreciate the contribution seafarers the world over make towards safety, security and environmental protection.

To conclude: even though the new international maritime security measures are now in force, we must not make the mistake of resting on our laurels and assuming the work has been completed. The risks are too high to allow for any hint of complacency and we must make sure that high levels of vigilance and awareness are maintained and built upon until they become second nature throughout the shipping and port industries. Terrorism is not a matter of concern to one **country or a group** of countries - it is a global issue that affects us all and we should spare no effort to ensure that, together, we build a robust and resilient defence.

May we never experience the bitter and painful experience of a terrorist act against shipping.

I:\J\8670.doc

INTERNATIONAL MARITIME ORGANIZATION
4 ALBERT EMBANKMENT
LONDON SE1 7SR

Telephone: 020 7735 7611
Fax: 020 7587 3210

IMO

**World Maritime Day 2004
Background paper**

IMO 2004: FOCUS ON MARITIME SECURITY

History and background

The vulnerability of the global transport infrastructure, both as a potential target for terrorist activity and, perhaps even more threateningly, as a potential weapon of mass destruction, was made clear in the most graphic and chilling detail in the terrorist atrocities of 11 September 2001.

Subsequently, other incidents, such as the attack on the oil tanker **Limburg** off Yemen in October 2002 and the Madrid train bombings in March 2004, demonstrated that the transport infrastructures of the world, be they national or international, were vulnerable to terrorist attacks. From the perspective of an international Organization, IMO's concern has not been so much which country might be the terrorists' next target, but rather which mode of transport would next attract their interest.

While those tragic events horrified the civilized world, they also engendered a new and firm resolve to tackle terrorism by addressing the issue of security in the widest possible sense. Immediately after the September 11 attacks, the International Maritime Organization, as the United Nations agency responsible for the safety of international shipping, mounted a swift and thorough response to the possibility of terrorist activity being directed against ships or of terrorists seeking to use ships themselves as weapons or using the proceeds of shipping activities in order to subsidize their unlawful operations. As part of this response, the end of 2002 saw the adoption of a comprehensive new regulatory regime which sets out in detail what governments, ship operators, ships' crews, port facility operators and others involved in the business of shipping should do in order to prevent and minimize this very real threat.

But, although 9/11 gave an unprecedented impetus to IMO's concern about unlawful acts which threaten the safety of ships and the security of their passengers and crews, the subject had, in fact, been addressed by IMO over the course of many years.

As long ago as in the late 1970s, IMO was forced to turn its attention to the consideration of unlawful acts such as barratry, the unlawful seizure of ships and their cargoes and other forms of maritime fraud. Since 1982, the Organization has been monitoring acts of piracy and armed robbery against ships in various parts of the world and has taken measures to combat unlawful acts in those areas that suffer most from them. So far, it has received some 3,500 reports involving loss of ships and, in many cases, loss of life. The most disconcerting aspect is to see that the degree of violence asserted in some of the reports is on the increase.

I:\J\8671.doc

An early catalyst in the work to combat terrorism was **the Achfile Lauro incident** in 1985, in which terrorists hijacked an Italian cruise ship and killed a passenger before agreeing terms to end their siege. That same year, IMO's fourteenth Assembly adopted a resolution on measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews, inviting IMO's Maritime Safety Committee (MSC) to develop detailed and practical technical measures to ensure the security of passengers and crews on board ships, taking into account the

work of the International Civil Aviation Organization in the development of standards and recommended practices for airport and aircraft security.

Furthermore, in December 1985, the UN General Assembly called on IMO to study the problem of terrorism aboard or against ships, with a view to making recommendations on appropriate measures. By the following year, the MSC had developed a series of measures to prevent unlawful acts against passengers and crews on board ships. An MSC circular gave guidelines on the steps that should be taken, with particular reference to passenger ships engaged on international voyages and the port facilities which service them.

Then, in November 1986, work began on the preparation of a convention on the subject of unlawful acts against the safety of maritime navigation and, in March 1988, a conference was held in Rome which adopted the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation - the so-called SUA Convention - and its protocol relating to offshore platforms "to provide for a comprehensive suppression of unlawful acts committed against the safety of maritime navigation which endanger innocent human lives, jeopardize the safety of persons and property, seriously affect the operation of maritime services and thus are of grave concern to the international community as a whole".

The main purpose of the SUA Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships - such as 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 obliges Contracting Governments either to extradite or prosecute alleged offenders.

In the years since its adoption, the SUA Convention gathered widespread if not universal acceptance and received sufficient ratifications to enter into force in 1992. The recent heightened awareness of security issues has led to a dramatic increase in the number of Parties to the SUA Convention. While in October 2001, it had been ratified by 56 States and the 1988 SUA Protocol by 51 States, by July 2004 the Convention had been ratified by 107 countries which between them were responsible for 81.52 per cent of the world's merchant shipping tonnage, and the Protocol by 96 countries which between them were responsible for 77.66 per cent of the world's tonnage.

The 2002 international maritime security measures

Unsurprisingly, IMO's work on maritime security intensified dramatically following the 9/11 attacks in the United States. It had become clear that the shipping industry needed a new, more stringent and more comprehensive set of measures to address the question of maritime security and IMO's Secretary-General at the time, Mr. William O'Neil, initiated the process by **submitting a resolution to the Organization's twenty-second Assembly in November 2001**. This **called for a thorough review** of all existing measures already adopted by IMO to combat acts of violence **and crime at sea and** was unanimously approved.

At the same time, Contracting Governments to the Safety of Life at Sea Convention attending the Assembly agreed to hold a diplomatic conference on maritime security to adopt any new regulations that might be deemed necessary to enhance ship and port security and prevent 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 £1.5 million, to help developing countries address maritime security issues.

The next step was the convening of an Intersessional Working Group (ISWG) on Maritime Security, which met from 11 to 15 February 2002. It produced a series of recommendations, which were further elaborated by the May 2002 meeting of the Maritime Safety Committee (MSC 75) as well as by other IMO bodies. A second ISWG was held in September 2002, to develop the measures still further, prior to the Diplomatic Conference, which was convened in December 2002.

Detailed work was also set underway in IMO's Legal Committee, which met for its eighty-third session in October 2001 and embarked on a review of the SUA Convention as a priority item in its work programme over the next two years. Mindful of the fact that those responsible for perpetrating terrorist acts should not be allowed to escape prosecution and punishment, the objective of the review was to ensure that SUA Convention and its Protocol, which provide for the prosecution or extradition of alleged criminals wherever they happen to be, remain relevant in the light of the new global climate of heightened terrorist threat.

The Diplomatic Conference on Maritime Security, held at IMO's London Headquarters, was of crucial significance not only to the international maritime community but the world community as a whole, given the pivotal role shipping plays in the conduct of world trade. It was attended by 108 Contracting Governments to the 1974 SOLAS Convention, and observers from two other IMO Member States and two IMO Associate Members. United Nations specialized agencies, intergovernmental organizations and non-governmental international organizations also sent observers.

The outcome of the Conference was a new, comprehensive security regime for international shipping (which entered into force on 1 July 2004), representing the culmination of just over a year's intense work by IMO's MSC and its Intersessional Working Groups. The Conference adopted a number of amendments to the 1974 Safety of Life at Sea (SOLAS) Convention, the most far-reaching of which was a new chapter XI-2 (on Special measures to enhance maritime security) which enshrines the new International Ship and Port Facility Security Code (ISPS Code). This chapter applies to passenger ships and cargo ships of 500 gross tonnage and upwards, including high-speed craft, mobile offshore drilling units and also applies to port facilities serving such ships engaged on international voyages.

The ISPS 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 SOLAS 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.

The Conference was subsequently referred to in the United Nations General Assembly, which adopted a resolution on "Oceans and the law of the sea", specifically welcoming initiatives at the **International Maritime Organization** to counter the threat to maritime security from **terrorism and encouraged States fully to support this endeavour.**

The International Ship and Port Facility Security Code - how it works

The purpose of the Code is to provide a standardized, consistent framework for evaluating risk, enabling governments to offset changes in threat with changes in vulnerability for ships and port facilities. In essence, it takes the approach that ensuring the security of ships and port facilities is basically 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.

To begin the process, each Contracting Government was required to conduct port facility security assessments. These security assessments have three essential components. First, they must identify and evaluate important assets and infrastructures critical to the port facility, as well as those areas or structures that, if damaged, could cause significant loss of life or damage to the port facility's economy or environment. Then, the assessment must consider the most likely threats to those critical assets and infrastructure in order to prioritize security measures. Finally, the assessment must address vulnerability of the port facility by identifying its weaknesses in physical security, structural integrity, protection systems, procedural policies, communications systems, transportation infrastructure, utilities, and other areas within a port facility that may be a likely target. Once this assessment has been completed, the Contracting Government can accurately evaluate risk.

In order to communicate the perceived threat at a port facility or for a ship, the Contracting Government sets the appropriate security level. Security levels 1, 2 and 3 correspond to normal, medium, and high threat situations, respectively. The security level creates a link between the ship and the port facility, since it triggers the implementation of appropriate security measures for the ship and for the port facility. As the preamble to the Code states, as threat increases, the only logical counteraction is to reduce vulnerability - and the Code provides several ways to reduce vulnerabilities, such as monitoring and controlling access, monitoring the activities of people and cargo, ensuring security communications are readily available and requiring certain types of equipment, depending on the security level in operation.

The Company and the Ship

Under the terms of the ISPS Code, shipping companies are required to designate a Company Security Officer (CSO) for the company and a Ship Security Officer (SSO) for each of its ships. The CSO's responsibilities include ensuring that a Ship Security Assessment is properly carried out, that Ship Security Plans are prepared and submitted for approval by (or on behalf of) the Administration and thereafter that the plan is implemented on board each ship.

The Ship Security Plan should indicate the minimum operational and physical security measures that the ship itself should implement at all times (i.e. security level 1) unless required to operate at a higher security level. The plan should also indicate the additional, or intensified, security measures the ship can take to move to and operate at security level 2 when instructed to do so. Furthermore, the plan should indicate the possible preparatory actions the ship could take to allow prompt response to instructions that may be issued to the ship at security level 3.

Ship Security Officer - the role of the master?

According to the ISPS Code, it is the responsibility of the Company and the Company Security Officer to appoint the Ship Security Officer. This, naturally, has to be endorsed by the Administration of the flag State and/or the Recognized Security Organization. It should be stressed that neither the drafting of the definition of the SSO ' nor the provisions of the ISPS Code relating to his responsibilities, training etc. are aimed at preventing the master, or any other person, from being designated as SSO.

The issue of whether the master should be the SSO, given his many other responsibilities, was first raised at the IMO's Flag State Implementation meeting in March 2004, which recommended to the Maritime Safety Committee that the master could be designated and act as SSO. Two months later the MSC agreed that the definition of the SSO should be viewed in conjunction with SOLAS regulation XI-2/8 on "master's discretion for ship safety and security", which makes it clear that the master has ultimate responsibility for safety and security. Regulation XI-2/4 confirms the role of the master in exercising his professional judgement over decisions necessary to maintain the security of the ship. It states that he shall not be constrained by the company, the charterer or any other person in this respect.

The phrase "accountable to the master", which is included in the definition of the SSO, is intended to cover those situations, for example on large passenger ships, where the SSO is not the master, by reaffirming that the master has overall responsibility for security. There is, therefore, implicitly no intention of preventing the master from assuming the duties of SSO, as this would be inconsistent with SOLAS regulation XI - 2/8.

It is, of course, for national Administrations to decide if they wish to impose particular restrictions on who may serve as SSOs on ships flying their flag. This should, however, not be imposed by national Administrations on ships not flying their flag through port State control measures, since this is clearly the prerogative of the Contracting Government of the flag State concerned.

The Port Facility

Each Contracting Government has to ensure completion of a Port Facility Security Assessment for each port facility within its territory that serves ships engaged on international voyages. The Port Facility Security Assessment is fundamentally a risk analysis of all aspects of a port facility's operation in order to determine which parts of it are more susceptible to, or more likely to be the subject of, an attack. Security risk is seen as a function of the threat of an attack coupled with the vulnerability of the target and the consequences of an attack.

The Port Facility Security Assessment helps determine which port facilities are required to appoint a Port Facility Security Officer and prepare a Port Facility Security Plan. As with the Ship Security Plan, this is required to indicate the minimum operational and physical security measures the port facility will implement at all times (i.e. security level 1) and also to indicate the additional, or intensified, security measures the port facility can take to move to and operate at security level 2 or 3 when instructed to do so.

Control and compliance

Under the ISPS Code, ships are required to carry an International Ship Security Certificate indicating that they comply with the requirements of SOLAS chapter XI-2 and part A of the ISPS Code. When a ship is at a port or is proceeding to a port of a Contracting Government, the Contracting Government has the right, under the provisions of regulation XI-2/9, to exercise various control and compliance measures with respect to that ship. Ships may be subject to port State control inspections, as well as to additional control measures if the Contracting Government exercising the control and compliance measures has reason to believe that the security of the ship, or the port facilities that have served it, has been compromised.

The relevant authorities may request information regarding the ship, its cargo, passengers and ship's personnel prior to the ship's entry into port and there may be circumstances in which entry into port could be denied.

Responsibilities of Contracting Governments

To summarize, contracting Governments have various responsibilities, including approving the Ship Security Plan and relevant amendments to a previously approved plan, verifying the compliance of ships with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code and issuing the International Ship Security Certificate, determining which port facilities located within their territory are required to designate a Port Facility Security Officer, ensuring completion and approval of the Port Facility Security Assessment and the Port Facility Security Plan and any subsequent amendments, exercising control and compliance measures and setting the applicable security level. It is also responsible for communicating information to IMO and to the shipping and port industries.

SOLAS Contracting Governments can designate, or establish, Designated Authorities within Government to undertake their security duties and allow Recognized Security Organizations to carry out certain work with respect to port facilities, but the final decision on the acceptance and approval of this work must be given by the Contracting Government or the Designated Authority.

Other safety and security measures

Although of crucial significance for the ship and port industries, the ISPS Code is far from being the only new maritime safety and security provision now in force, and it is perhaps worthwhile to summarize some of the less publicized but equally important measures aimed at enhancing safety and security on board ships and at ship/port interface areas that were adopted by the 2002 Conference.

Modifications to SOLAS chapter V (Safety of Navigation) contain a new timetable for the fitting of Automatic Information Systems (AIS). Ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 50,000 gross tonnage, will be required to fit AIS not later than the first safety equipment survey after 1 July 2004 or by 31 December 2004, whichever occurs earlier.

The existing SOLAS chapter XI (Special measures to enhance maritime safety) was re-numbered as chapter XI - 1. Regulation XI - 1/3 was modified to require a ship's identification number to be permanently marked in a visible place either on the ship's hull or superstructure. Passenger ships should carry the marking on a horizontal surface visible from the air. Ships should also be marked with their ID numbers internally.

A new regulation XI-1/5 requires ships to be issued with a Continuous Synopsis Record (CSR), which is intended to provide an on-board record of the history of the ship. The CSR shall be issued by the Administration and must contain identity-related information such as the name of the ship and of the State whose flag the ship is entitled to fly, the date on which the ship was registered with that State, the ship's identification number, the port at which the ship is registered and the name of the registered owner(s) and their registered address. Any changes shall be recorded in the CSR, so as to provide updated and current information together with the history of the changes.

As well as the ISPS Code, the brand-new chapter XI-2 (Special measures to enhance maritime security) includes a number of other important measures.

Regulation XI-2/6 requires all ships to be provided with a ship security alert system, according to a strict timetable that will see most vessels fitted by 2004 and the remainder by 2006.

When activated, the ship security alert system shall initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration, identifying the ship, its location and indicating that the security of the ship is under threat or that it has been compromised. It must be capable of being activated from the navigation bridge and in at least one other location, but - and this is a key consideration when dangerous criminals or terrorists may be on board - the system will not raise any alarm on-board the ship itself

Resolutions adopted by the Conference

In addition to the two resolutions introducing the ISPS Code and the other SOLAS amendments outlined above, the 2002 Diplomatic Conference also adopted nine other resolutions. Although some dealt with what are essentially administrative matters, such as entry-into-force criteria and the methods by which future amendments

should be adopted, the majority addressed important, substantive issues and promise to have a strong impact in the overall endeavour to improve maritime security.

Conference resolution three, for example, set the agenda for the Organization in its future work on the subject, specifically inviting it to develop, as a matter of urgency, training guidance, such as model courses for ship security officers, company security officers and port facility security officers; performance standards for ship security alarms; performance standards and guidelines for long-range ship identification and tracking systems; guidelines on control of ships; and guidelines on "Recognized security organizations", and to adopt them in time before the entry into force of the amendments to the Convention adopted by the Conference.

Another addressed the question of long-range ships' identification and tracking, which was recognized as something that could make a useful contribution to the enhancement of maritime and coastal States' security. It urged Governments, as a matter of high priority, to take any action needed at national level to begin implementing long-range identification and tracking of ships and to encourage ships entitled to fly their flag to take the necessary measures to be able to respond automatically to polling. However, recognizing that there are two sides to every coin, it also requested Governments to consider all aspects, including its potential for misuse (as an aid to ship targeting, for example) and the need for confidentiality in respect of the information gathered.

Among the other resolutions adopted by the conference were two addressing IMO's co-operation with other agencies on security issues, specifically the International Labour Organization (ILO) and the World Customs Organization (WCO) and we shall look at these collaborative efforts in more detail elsewhere in this paper.

Implementation holds the key

Even though every new standard adopted by IMO represents a step forward, it is virtually worthless without proper implementation. And, in this particular context, there is no doubt that the mere existence of the new regulatory maritime security regime will provide no guarantee that acts of terrorism against shipping may be prevented and suppressed. It is the wide, effective and uniform implementation of the new measures that will ensure shipping does not become the soft underbelly of the international transport system.

One of the most important of the resolutions adopted by the conference dealt with this aspect in some detail, referring to the difficulties that had been experienced during implementation of the International Safety Management (ISM) Code and drawing the attention of

Contracting Governments and the industry to the fact that chapter XI-2 of the SOLAS Convention did not provide for any extension of the implementation dates for the new security measures.

It urged Contracting Governments, as a matter of high priority, to take any action needed to finalize as soon as possible the legislative or administrative arrangements required at national level to give effect to the requirements of the adopted amendments and recommended that Contracting Governments and Administrations should designate dates, in advance of the application date of 1 July 2004, by which requests for certification should be submitted so that the certification process could be completed in good time and for any non-compliance to be rectified.

From the outset, even before the amendments and the Code were adopted, the SOLAS Contracting Governments and the industry knew very well that they were bound to face a very challenging task. In the event, there were administrative bottlenecks in the run up to the deadline, and there were instances, from all sectors of the maritime community, where the necessary processes were started too late.

But, important though it undoubtedly is, the administrative process is not the most critical factor in all this. What really counts is the work that has been done on the ground: security officers appointed on ships, in companies and port facilities; training undertaken; security plans drawn up; awareness raised; and vigilance heightened. The real aim of IMO's security measures is to make shipping more secure, and the issuance of certificates is simply the final part of a lengthy process, every step of which is a step in the right direction.

Governments and the shipping and port industries made major efforts to improve maritime security in the weeks and months that followed the 2002 Conference leading up to the entry into force of the ISPS Code and all the related security measures. All over the world, a huge amount of work was undertaken to ensure the highest possible level of compliance. Figures made available by IMO regularly to keep the maritime community updated on progress

being made indicated that more than 86 per cent of ships and 69 per cent of port facilities had their security plans approved by 1 July 2004.

As ever, IMO also recognized that not all its Member States shared the same ability to implement the new measures; that, particularly among the developing countries, there would be shortages of expertise, manpower and resources. Another key conference resolution addressed the vital question of technical co-operation and assistance, strongly urging Contracting Governments to the Convention and Member States of the Organization to provide, in co-operation with the Organization, assistance to those States which have difficulty in meeting the requirements.

It also requested the Secretary-General of the Organization to make adequate provision, within the IMO's Integrated Technical Co-operation Programme, to strengthen further the assistance that was already being provided and to ensure that the Organization was able to address the future needs of developing countries for continued education and training and the improvement of their maritime and port security infrastructure and measures, and invited donors, international organizations and the shipping and port industry to contribute financial, human and/or in-kind resources to the Integrated Technical Co-operation Programme of the Organization for its maritime and port security activities.

IMO actually launched its global technical co-operation programme on maritime security in January 2002, 11 months before the package of new maritime security measures was adopted. The aim of the programme initially was to raise awareness of maritime security threats and of the possible future regulatory measures that, at that stage, were still under development, through activities such as regional and sub-regional seminars, workshops and advisory missions.

Subsequently, the emphasis has moved on to practical approaches to implementation of the new regulatory regime, with the development of training programmes and materials, lesson plans and model courses. Thousands of personnel from maritime administrations, shipping companies, ports and industry and regional organizations have already been trained as a result of IMO's activities and the steady stream of requests to the Organization for technical assistance in the field of maritime and port security shows no sign of slowing down.

The success and continuation of IMO's work in this field depends on funding being made available to support further training activities. An International Maritime Security Trust Fund has been established, on the basis of voluntary donations, to provide a dedicated source of financial support for the maritime security technical co-operation activities and, in particular, for national initiatives in the developing regions. Secretary-General Mitropoulos has appealed to Governments and industry to make contributions to the Fund in order to support the programme over the coming biennium.

The cost factor

Of course, it is not just the developing countries that have had to consider resource implications in implementing the new security provisions. Significant and far-reaching measures such as these cannot be implemented without cost, and while it is impossible to put a completely accurate figure on the total cost to the industry and the various other stakeholders, there have been some attempts made to do so.

Last year, the OECD published a detailed report on the risk factors and economic impact of security in maritime transport. It reached three broad conclusions. The first was that the costs of inaction would have been potentially tremendous. A large, well-co-ordinated attack, it said, could have the effect of shutting down the entire maritime transport system as governments scrambled to put in place appropriate security measures - which might be drastic, such as the complete closure of some ports, and inefficient, such as duplicative and lengthy cargo checks in both originating and receiving ports. The report estimated that the cost of such an attack would likely be measured in tens of billions of dollars, and quoted a figure of up to US\$58 billion for the United States alone.

The second conclusion - perhaps not surprisingly - was that some costs are more easily measured than others, and that those costs that can be measured with some precision are significantly less than the costs of doing nothing. Generally, said the report, ship-related costs tend to be relatively easy to ascertain as these involve specific equipment purchases and labour costs at known international rates. The OECD estimated the initial burden on shipowners to be at least US\$1,279 million and US\$730 million a year thereafter. The bulk of ship-related costs are related to management staff and security-related equipment expenses.

Estimates of port-related security costs are extremely difficult to derive, says OECD, due to uncertainty about exactly what the new measures will mean in terms of additional personnel requirements coupled with the vast differences in labour rates that apply, depending on location. Also very difficult to estimate are costs derived from procedural changes: however, OECD estimates that, for the costs that can be measured, the overall figure of slightly over US\$2 billion is **still substantially below the costs that might result from a major attack.**

Finally, while its main focus had been on costs, the report also concluded that many of the new measures had distinct benefits that were not directly related to their anti-terrorism task. These benefits related from reduced delays, faster processing times, better asset control, fewer losses due to theft and decreased insurance costs. For example, direct savings to United States importers through a new electronic customs manifest handling system in the United States are estimated to be US\$22.2 billion over 20 years while the United States Government would make savings of US\$4.4 billion over the same period, according to the report.

Aside from the OECD report, a number of individual countries have also attempted to quantify the financial costs and benefits associated with the new measures. In the United States, for example, the Commandant of the Coast Guard has stated that the United States maritime security regulations will cost the home industry US\$7 billion over the next 10 years. The regulations will affect some 10,000 United States vessels, 5,000 facilities, 361 ports and 40 offshore facilities.

And, in Australia, the Government announced in the 2003-04 Federal Budget that it would allocate A\$15.6 million over two years to tighten the country's maritime and port security by developing enabling legislation, providing guidance to industry and ensuring compliance with the ISPS Code. The Government expects that the implementation costs to industry will be A\$313 million in the first year with ongoing costs of up to A\$96 million per year thereafter; while the Australian Shipowners' Association estimates that the cost for Australian flagged vessels could be between A\$750,000 and A\$900,000 each.

Achieving a balance

Throughout the development of the new security measures and the implementation process, IMO has always been at pains to stress the importance of achieving a proper balance. This has applied not just in the cost/benefit equation but in other aspects, too.

Clearly, there is an overriding imperative to find a balance between the need to implement the new security regime strictly and robustly and yet ensure that disruption to global trade, as a result of the introduction of security measures, is kept to a minimum; a balance between the traditional and legally enshrined right of ships to enjoy freedom of navigation on the high seas, and the need to make sure that strategic and potentially vulnerable sea lanes have the special protection they may need must be established; and while tightening security provisions so that criminals and terrorists cannot gain access to ships by posing as seafarers, ensuring, at the same time that innocent seafarers are not themselves unfairly penalized as a result.

Seafarer issues

The whole question of human element-related aspects and, in particular, of shore leave for seafarers was dealt with in one very important Conference resolution. It urged Governments to take the human element, the need to afford special protection to seafarers and the critical importance of shore leave into account when implementing the new security provisions. It also encouraged Governments, Member States of IMO and non-governmental organizations with consultative status at the Organization to report to the Organization any instances where the human element has been adversely impacted by the implementation of the provisions of **chapter XI-2 of the Convention or the Code, and requested the IMO Secretary-General to bring to the attention of the Maritime Safety Committee and the Facilitation Committee of the Organization any human element-related problems that may be reported to the Organization.**

This is a theme to which Secretary-General Mitropoulos has subsequently returned. Speaking at the opening of the thirty-first meeting of the IMO Facilitation Committee in July this year, he said:

"When, on the eve of the ISPS Code becoming effective, I appealed to Governments and port authorities to apply the Code with a sense of pragmatism and common sense, my plea was that they should do so not only when they were dealing with ships and cargoes but also when dealing with seafarers serving on ships calling at their ports. We must not forget that it is on the seafarers, initiatives, co-operation and constant vigilance that we rely heavily in order to prevent breaches of maritime security. Without their support and wholehearted commitment to the cause of security, the system the ISPS Code aims so meticulously to put in place will be severely weakened, to the detriment of the overall effort."

Mr. Mitropoulos added that if, on security grounds, seafarers face difficulties, such as refusal of shore leave, they may well feel somehow rejected or their services not sufficiently recognized. He pointed out how important shore leave is to hard-working professionals reaching port after days or even weeks of isolation at sea, often after having faced the elements at their full strength. He also warned that such restrictions may easily discourage prospective entrants to the maritime profession from joining ranks at a time when the industry is already short of quality officers worldwide - a situation, which may worsen in the future to include shortage of ratings as well.

He concluded by appealing to Governments and port authorities to treat seafarers as partners in the fight against terrorism and to facilitate their access to ports and shore facilities. "Ships' stays in port are short nowadays," he said, "and the seafarer's free time is limited, so we should provide them with every opportunity to relax and recover before they again take their ships out to sea in pursuit of their peaceful objectives in the service of world trade."

Strategic sea lanes

In addition to seafarer issues, another concern in which finding the right balance is paramount is the importance of keeping strategically important shipping lanes secure and open to international maritime traffic, thereby ensuring the uninterrupted flow of world trade. The IMO Secretariat has taken steps to identify which areas might be particularly vulnerable and the IMO Council, at its ninety-second meeting earlier this year, shared the concern of the Secretary-General in this respect and authorized him to work with interested parties to find ways in which they might collaborate - while always observing the sovereign rights of the coastal States concerned.

One of the world's most important, indeed truly vital, strategic shipping channels is undoubtedly the Malacca Strait. This 800 km long and, in places, extremely narrow link between the Indian Ocean and the South China Sea is an artery through which runs a huge proportion of global trade. Tankers and bulk carriers move vast quantities of oil, coal, iron ore and grain to the manufacturing centres of south-east and north-east Asia, while high-value manufactured goods carried in millions of containers pour back through the same outlet to feed consumer markets all over the world. Some 50,000 ship movements carrying as much as one quarter of the world's commerce and half the world's oil pass through the Malacca and Singapore Straits each year.

Any serious **disruption to the** flow of maritime traffic through this channel would clearly have a widespread and far-reaching detrimental effect. That is why the preservation of its **integrity is such an important** issue. But being a natural "choke point" **for shipping makes the area particularly vulnerable, both** to operational and navigational incidents and to the external threat posed by pirates and armed robbers. However, with south-east Asia still, unfortunately recording the highest number of pirate attacks globally, there is clearly a fear that terrorists could resort to pirate-style tactics, or even work in concert with pirates, to perpetrate their evil deeds. Although criminals and terrorists may operate in similar ways, it should be remembered that terrorists aim to use their violence in pursuit of strategic objectives and, all too frequently, mass destruction: while pirates seek private gains, terrorists pursue political ones.

Through co-operation, led by the littoral States of the Malacca and Singapore Straits, and including other user States and stakeholders - such as industry organizations - and by applying various means of state-of-the-art technology - including the utilization of the Marine Electronic Highway project, specifically designed by IMO for the Malacca Strait - it is expected that this strategic lane will continue to remain open to international navigation to serve the needs of seaborne trade and the economy - regional and global.

For IMO, balance has been a recurring theme throughout the entire process of developing and implementing the new maritime security regime. The concern had been expressed that, if the focus were placed too heavily on "security" and less attention was paid to other parts of IMO's responsibilities, i.e. "safety", "the environment" and the "facilitation of maritime traffic", then shipping would not be rendered the good services it deserves. The right balance

had to be struck between the various objectives involved when legislating, for example, on inspecting ships for port State control purposes; and the need for such balance has been reflected in IMO's new mission statement which calls for "Safe, Secure and Efficient Shipping on Clean Oceans".

The wider picture

UN Secretary-General Kofi Annan has denounced terrorism as a "global scourge with global effects", and it is very much in the spirit of international co-operation to counter this universal threat that IMO's efforts to improve maritime security should be seen. They are part of an all-embracing initiative across the LTN system to tackle this invidious modern-day scourge, to which no-one today is immune.

Since the 9/11 attacks in the United States, the United Nations has consistently addressed the issue of terrorism. UN Security Council resolution 1368 was adopted the day after the attacks and, since then, several more UN resolutions have been adopted to counter terrorism. In December 2002, for example, the UN General Assembly adopted a resolution on Oceans and the law of the sea which, among other things, welcomed the initiatives taken by IMO to counter the threat to maritime security from terrorism, and encouraged States to support that endeavour fully.

One month later, the UN Security Council, meeting at the level of Ministers for Foreign Affairs, reaffirmed its position on terrorism and determined to counter it by a sustained, comprehensive approach involving the active participation and collaboration of all States, international and regional organizations, and by redoubled efforts at the national level. The Security Council therefore called for all States to take urgent action to prevent and suppress all active and passive support to terrorism.

Security Council resolution 1456, adopted on 20 January 2003, requested States to assist each other to improve their capacity to prevent and fight terrorism and invited the Counter-Terrorism Committee (CTC) to facilitate the provision of technical and other assistance by developing targets and priorities for global action. **This resolution also calls** on international organizations to evaluate ways in which they can enhance the effectiveness of their action against terrorism, including establishing dialogue and exchanges of information with each other.

Furthermore, at a special meeting of the Counter-Terrorism Committee of the UN Security Council held in New York in March 2003, participants agreed that all international, regional and sub-regional organizations invited had a specific role to play in enhancing the effectiveness of global action against terrorism. While each had its own mandate and its own contribution to make, all recognized the high value of co-operation at the global level. They agreed that their co-ordinated approach to the suppression of terrorism would include the sharing of data and best practices and the avoidance of duplication of effort, while remaining aware of the need for respect for the rule of law and human rights' obligations.

Looking at the wider picture, UN Secretary-General Annan, in a call for a 'new vision of global security', has appealed to international and regional organizations to create a new sense of common endeavour in their responses to terrorism, weapons of mass destruction and collapsing States.

At a meeting of more than 30 organizations, including NATO, Interpol and the League of Arab States, Mr. Annan said that the "unprecedented" range and diversity of challenges warranted a "new vision of global security" drawing on the "resources and legitimacy of mutually reinforcing multilateral mechanisms". He stressed that, as the world changes, our institutions ought to keep pace with those changes and we should not add to our burdens by descending into unproductive polarization.

IMO participation

In this context, IMO has striven to work in co-operation and collaboration with partners wherever and whenever possible. It has participated in UN-organized activities, such as the Special Meeting of the Counter-Terrorism Committee in March 2003 and the meeting of the Counter-terrorism Action Group (established by the G-8 Leaders in June 2003 to serve as a forum for co-ordinating and expanding the provision of counter-terrorism training and assistance) held in Washington D.C. USA, in February this year.

As mentioned previously two of the resolutions adopted by the 2002 maritime security conference addressed specifically IMO's work in collaboration with the World Customs Organization (WCO) and the International Labour Organization (11,0).

One invited the WCO to consider urgently measures to enhance security throughout international closed container transport unit (CTU) movements and requested the Secretary-General of IMO to contribute expertise relating to maritime traffic to the discussions at the WCO.

The importance of this work in the context of maritime security cannot be overstated: the world container fleet was estimated by Containerisation International's 2003 Yearbook at some 15,855,000 TEUs. The reported moves of containers through maritime ports were estimated at 225,300,000 TEUs in UNCTAD's "Review of Maritime Transport 2003", and experts say this figure may grow to up to 450 million TEUs by 2010. Today, according to the Lloyd's Register/Fairplay World Fleet database, the population of dedicated containerships stands at nearly 4,000 units, representing more than 100 million deadweight tonnage.

These figures show not only the importance of the sea mode of container transportation but, more significantly, the serious difficulties encountered in knowing, at any time in the transportation chain, where they are, where they are transported to and, above all, what they contain. Containers are typically loaded some distance from sea ports and terminals, hence the importance of close co-operation between all parties concerned.

Co-operation between IMO and WCO had already been established, but it was further strengthened by the signing, in July 2002, of a Memorandum of Understanding between the two Organizations to arrange for matters concerning container examination and integrity in multimodal transport as well as matters relating to the ship/port interface.

With regard to seafarer issues, the ILO was invited by a SOLAS conference resolution to continue the development of a Seafarers' Identity Document as a matter of urgency. The idea was that this document would combine, among other things, a document for professional purposes, a verifiable security document, and a certification information document. Subsequently, the ninety-first session of the International Labour Conference (in June 2003) adopted a new Convention on Seafarers' Identity Documents to replace the ILO Convention, which had been adopted in 1958. The new Convention establishes a more rigorous identity regime for seafarers with the aim of developing effective security from terrorism and ensuring that the world's 1.2 million seafarers will be given the freedom of movement necessary for their well-being and for their professional activities and, in general, to facilitate international commerce.

The 2002 Conference on Maritime Security also invited IMO and ILO to establish a joint Working Group to undertake more detailed work on comprehensive port security requirements. This group has developed an ILO/IMO Code of Practice on Security in Ports, which was adopted by the two Organizations earlier this year.

The future

While acknowledging that after the September 11 attacks the world would not be the same again, Mr. Mitropoulos has also acknowledged that, all over the world, a huge amount of work had been undertaken in the period leading up to the entry-into-force date of the 2002 SOLAS amendments and the ISPS Code to ensure the highest possible level of compliance.

I think we now have to look on the positive side and remember that the prime objective of this work has been to increase awareness of the real and present threat of terrorism, explain the implications of the ISPS Code and how best to implement it and, in so doing, raise the shipping industry's defences to protect it and seaborne trade from any act of terrorism. There is no doubt that that has been done, the defences are significantly higher than they were before, and we must now ensure that they continue to rise. While I appreciate the efforts made worldwide to achieve the set objectives, I also acknowledge with appreciation the tremendous work done by the IMO Secretariat, both at the legislative level and with regard to the provision of technical assistance and co-operation, to contribute to the establishment of an adequate maritime security infrastructure to keep terrorism at bay. Their commitment and dedication are most commendable".

The emphasis now must be placed on ensuring that security remains a high priority throughout the industry, even after the additional impetus given by the entry-into-force of the SOLAS amendments and the ISPS Code has diminished. According to the IMO Secretary-General, "throughout the implementation period, IMO has repeatedly urged Governments and the industry to take steps to increase awareness of the potential dangers and to encourage ships' crews to be vigilant and alert to any security threat they may encounter. Great **emphasis has been placed on the entry-into-force date, but the real challenge** is to ensure that, now that that date has passed, we do not allow ourselves to relax and adopt a complacent attitude."

To conclude: In the aftermath of the attacks in the United States, it seemed obvious that the global transport infrastructure was vulnerable, not simply as a target for terrorist activity but also, in the wrong hands, as a potentially highly destructive weapon. Although aircraft were the chosen weapon of the 9/11 terrorists, ships might just as easily have been selected and one only has to consider the implications of one of the mammoth cruise ships plying the seas nowadays falling into the hands of terrorists or of a laden chemical tanker being hijacked, or of even a conventional cargo ship loaded with explosives being blown up in a densely populated area or of a vital shipping channel being blocked to see how serious the consequences of terrorist action involving ships might be.

The answer to any of these nightmarish scenarios is multi-faceted, embracing alertness and vigilance, training, implementation of the IMO and national security measures and, more importantly, co-operation between Governments and the industry at the national, regional and global levels. In this way, we may hope that we never again have to witness terrorist atrocities such as those that have struck New York, Washington, Bali, Moscow, Istanbul, Baghdad, Madrid, the oil tanker **Limburg**, the USS **Cole** and many others, and that the maritime infrastructure may never again become a victim.