Maritime security: Implementation of the ISPS Code

International Maritime Organization, London, UK

Building the defences against any threat to maritime security is essential in order to achieve safe, secure and efficient shipping on clean oceans, the prime objectives of the International Maritime Organization (IMO), the United Nations regulatory body responsible for the safety and security of life at sea and environmental protection.

Following the terrorist acts of 11 September 2001 in the United States, the Organization developed new international regulations for maritime security, which were adopted in December 2002 and entered into force on 1 July 2004. The regulations are contained in chapter XI-2 Special Measures to Enhance Maritime Security of the International Convention for the Safety of Life at Sea (SOLAS), supported by the International Ship and Port Facility Security Code (ISPS Code), which 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 non-mandatory section (Part B).

One year later

Since the measures entered into force more than a year ago, there has not been any report of a major terrorist incident on international shipping or port facilities required to comply with SOLAS and the ISPS Code. But that is not to say that the security threat has diminished or that defences can be relaxed. There needs to be continued co-operation between 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 sea borne trade.

In essence, SOLAS chapter XI-2 and the ISPS Code are based on the understanding that ensuring the security of ships and port facilities is a risk management activity. To determine what security measures are appropriate, an assessment of the risks must be made. The purpose of the ISPS Code is to provide a standardised, consistent framework for evaluating risk, enabling Governments to offset changes in threat levels with changes in vulnerability for ships and port facilities.

Security requirements and responsibilities

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, they include ship security plans, ship security officers, company security officers, and certain onboard equipment. For port facilities, the requirements include port facility security plans and port facility security officers.

In addition the requirements for ships and for port facilities include monitoring and controlling access; monitoring the activities of people and cargo; and ensuring that security communications are readily available. Training and drills also play an important role.

SOLAS contracting governments have a number of responsibilities. They may establish Designated Authorities within Government to undertake their security responsibilities. Governments or Designated Authorities may also delegate certain responsibilities to Recognized Security Organizations (RSOs) outside Government. Certain information must be provided to the IMO and made available to allow effective communication between Company/Ship Security Officers and Port Facility Security Officers.

The setting of the security level applying at any particular time is the responsibility of contracting governments and applies 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.

Verification and certification

SOLAS chapter XI-2 and the ISPS Code include provisions relating to the verification and certification of the ship’s compliance with the Code and the ship must carry an International Ship Security Certificate (ISSC), which is subject to control and compliance inspections in port (but such inspections do 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. For example, 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.
A series of circulars and resolutions giving guidance on control and compliance measures and reporting requirements have been adopted/approved by IMO’s Maritime Safety Committee (MSC).

Other relevant requirements in SOLAS include the mandatory fitting of ship-borne Automatic Identification Systems (AIS) for all ships of 500 gross tonnage and above, on international voyages, and the requirement to fit a ship security alert system (SSAS) to notify flag State authorities of a terrorist hijacking.

**IMO technical assistance programmes on maritime security**

The successful implementation of the maritime security regime has been made possible through the implementation of IMO’s technical assistance programmes on maritime security.

The Global Programme on ISPS implementation was launched in 2002. By the end of 2005, 22 regional seminars/workshops and 87 national training courses/advisory missions will have been organised, resulting in some 4,000 people being trained globally. In addition, a total of 17 sub-regional maritime security “Train-the-Trainer” courses will have been successfully delivered.

IMO Model Courses for Ship Security Officer, Company Security Officer and Port Facility Security Officer have been published and are available in English, French and Spanish. Videos and CD-ROMs on port security have been produced in Arabic, Chinese, English, French, Russian and Spanish. The conversion of the maritime security model courses into distance-learning tools is also planned.

IMO has also been working in tandem with other United Nations agencies on maritime security issues. Work on the facilitation aspects of maritime trade, in the context of the new security requirements, is ongoing and this includes close cooperation with World Customs Organization (WCO) to enhance security in the multi modal movement of containers.

IMO has collaborated with the International Labour Organization (ILO) to develop a new seafarer's Identity Document. The Seafarers Identity Documents (Revised) Convention (No. 185) was adopted by ILO in June 2003. Besides this, a Code of Practice for the security of all port areas was developed by a Joint ILO/IMO Working Group and adopted by the ILO Governing Body in March 2004 and by the IMO Maritime Safety Committee (MSC) in May 2004.

**Updates and amendments**

The IMO work programme on maritime security continues to be updated. As an example, the issue of long range identification and tracking and possible requirements for ships to carry relevant equipment is under discussion and proposed draft amendments to SOLAS on LRIT are being developed. The aim would be to establish a mechanism for the collection from ships of LRIT information for security, search and rescue and other purposes and also a scheme for the provision of LRIT information to contracting governments.

Meanwhile, a diplomatic conference held in October 2005 adopted amendments to the 1988 Suppression of Unlawful Acts (SUA) Convention (and Protocol), which provide the legal basis for action to be taken against persons committing unlawful acts against ships (and against fixed platforms located on the continental shelf). These acts include 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 (or fixed platform). Under the treaties, contracting governments are obliged either to extradite or prosecute alleged offenders.

The aim of the amendments, adopted in the form of Protocols to the existing SUA treaties, is to strengthen them in order to provide an appropriate response to the increasing risks posed to maritime navigation by international terrorism.

IMO is also playing a role in the protection of shipping lanes of strategic importance and significance and held an IMO-sponsored meeting in Jakarta in September, as part of a series of meetings on the security of regional waters that bring together littoral States and user States, so that their interests can be balanced, while upholding the fundamental principle of freedom of navigation.

Maritime security is a fundamental objective of IMO. Seen in a wider context, in which shipping underpins the global economy and supports efforts to promote sustainable development worldwide, the protection of ships and ports from terrorist attack must be successfully achieved – balanced, however, with the need for facilitation of international maritime traffic.

IMO remains committed to ensuring full and continued implementation of the maritime security regime and will develop further measures as may be necessary. There can be no room for complacency when global trade is at stake.