What is IMO?

“IMO: SAFE, SECURE AND EFFICIENT SHIPPING ON CLEAN OCEANS”
Maritime Security
Santa Maria – January 1961
Achille Lauro – October 1985
USS Cole – October 2000
Limburg – October 2002
Superferry 14 – February 2004
11 September 2001

Spencer Platt / Getty Images
Terrorism & WMD
Diplomatic Conference
December 2002

Conference resolution 1
Chapter V
Chapter XI

Chapter XI-1
Special measures to enhance maritime SAFETY

Chapter XI-2
Special measures to enhance maritime SECURITY
Diplomatic Conference
December 2002

Conference resolution 2

International Ship & Port Facility Security Code (ISPS Code)

Part A – Mandatory
Part B - Recommendatory
...to detect & deter acts that threaten security.
ISPS Code section A/16 - PFSP

• measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorized, from being introduced into the port facility or on board a ship (section A/16.3.1) and to include measures designed to ensure effective security of cargo and the cargo handling equipment at the port facility (section A/16.3.12).
Ship Security Measures
Port Facility Security Measures
Rationale

- Risk management activity
- Appropriate security measures
- Threat assessment
- Standard framework of functional security requirements for ships and port facilities
  - change security level
  - change vulnerability of ships / port facilities
Will the ISPS Code work?

- Consider the wider picture
- Government responsibility
- National legislation and programmes
- Co-ordinated response
- Threat assessment
- Training and guidance
Assessment of ISPS in Ports

MSC.1/Circ.1192
Revised May 2006

• Appendix 1: Voluntary self-assessment questionnaire for Contracting Governments
• Appendix 2: Voluntary self-assessment tool for port facility security
Limitations of using SOLAS
Co-operation IMO/ILO

ILO/IMO Code of practice on security in ports
Co-operation IMO / WCO
WCO ‘SAFE’ Framework of Standards

- Customs to Customs Pillar (11 Standards)
- Customs to Business Pillar (6 Standards)
- Seal integrity programme
- AEO guidelines

www.wcoomd.org
Methodologies

• ISO 20858 on Maritime port facility security assessments and security plan development

• ISO 28000 series on supply chain security
THE IMO’S SUPPRESSION OF UNLAWFUL ACTS (SUA) CONVENTIONS AND PROTOCOLS 1988 AND 2005
1988 SUA Convention

- Seizing/control of ships
- Acts of violence against person on board
- Destruction or damage to ship or cargo
- Placement of devices or substances to destroy or damage ship
- Damage/destruction of maritime navigational facilities
- False information
Gaps in SUA 1988

- Does not address modern threats of terrorism to the safety of shipping and persons on board
- Does not identify potentially appropriate measures, such as boarding and searching a ship, to interrupt the commission of a SUA offense
Threats Not Covered in SUA

- Use of ship and their cargoes as weapons
- Sabotage or hijacking of a high interest vessel
- WMD importation by container or other clandestine means
- Mining of critical ports by swimmer or small boat
- Sabotage of critical infrastructure
- Increase in drug or migrant trafficking to fund terrorist activities
Revision of SUA Convention

So San
In December 2002 Spanish and United States warships boarded SO SAN in the Gulf of Aden and found Scud missiles and chemicals bound from North Korea to the Yemen.

No basis in international law for seizure of the vessel or its cargo and it was released.

In 2003 the United States established Proliferation Security Initiative (PSI).
Revision of SUA Convention

SUA Conference, London, October 2005

• Adopted new offences (proposed Article 3 bis, ter & quater)

• Adopted new provisions allowing boarding of ships on the high seas (proposed Article 8 bis)
Revision of SUA Convention:
Article 3 *bis* Offences

- Terrorism offenses on board or against ships or platforms
- Non-proliferation offenses
- Transporting terrorist fugitives
- Threats, conspiracy, attempts
“Transport”

Transport is defined as initiating, arranging or exercising control, including decision-making authority, over the movement of a person or item.
Non-proliferation Offenses

- Consistent with nonproliferation obligations in UNSC Resolution 1540
  - Paragraph 2: adopt and enforce effective laws against WMD proliferation by non-State actors
  - Paragraph 3(d): adopt and enforce national export, trans-shipment and re-export controls; establish penalties for violations
CARGO RELATED THREATS
Cargo related threats

- Cargo theft
Stowaways & Illegal Migrants
Drugs & Weapons
Smuggling
Sabotage & Arson
Undeclared and/or incorrectly packed dangerous goods
Constraints on security
Constraints on security

• Volume carried 000s TEU annually
• Diversity in size, density and nature of goods
• “Just in time” deliveries
Cargo Security - Aim

To devise a system to prevent explosive or incendiary devices or WMD being placed on board ships through:

- Concealment in prepared consignments
- Access to ships via port facilities
Basic principles of cargo security

- Impractical to screen all cargo
- Bulk cargo security relies on access control at point of loading
Basic principles of cargo security

- Containerized and pre-packaged cargo is easier to screen before consolidation, stuffing and delivery to port facility
Basic principles of cargo security

- Containers and bulk cargo cannot be screened on board!!
Preventive Security

- Prevention of interference at source i.e. secure when packed
- Demonstrable maintenance of security
- Screening of cargo whose security cannot be easily determined
The Regulated Agent Concept

SHIP

Regulated agent

Known consignor

Non regulated agent

Unknown consignor

Security controls

Screening
The way forward?
2002 SOLAS Conference
resolution 9

• “agrees that the Convention should be amended, if and when appropriate, to give effect to relevant decisions taken by the WCO and endorsed by the Contracting Governments to the Convention insofar as these relate to the carriage of closed CTUs by sea”
MSC/FAL.1/ Circ.1

Member States developing guidance on the implementation of the FAL Convention and SOLAS chapter XI-2 and the ISPS Code, in the context of the SAFE Framework of Standards], should include statements to the effect that:

1. SOLAS chapter XI-2 and the ISPS Code sufficiently set out the requirements on ships and port facilities with respect to the security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships, taking into account the appropriate references in the ISPS Code;
the WCO has primacy over supply chain security, with IMO’s role being limited to those aspects related to ships and port facilities;

port facilities and ships are not responsible for maintaining the physical integrity of closed cargo transport units and of freight containers other than those in their custody;
the SAFE Framework of Standards including the risk-based cargo security strategy set out therein, should be taken into account in policies and practices with respect to the FAL Convention, SOLAS chapter XI-2 and the ISPS Code; and communication, co-ordination and co-operation at both national and local levels, between ships, port facilities, Customs and other competent authorities are of the utmost importance.
Maintaining Security

- Training of personnel
- Access control
- Awareness procedures
Dangerous Goods
Dangerous Goods

UN Model Regulations
- Chapter 1.3: Training
- Chapter 1.4: Security Provisions
Dangerous Goods

IMDG Code
- Chapter 1.3: Training
- Chapter 1.4: Security Provisions
- Recommendatory

- Introduction
- General provisions for companies, ships and port facilities
- General provisions for shore-side personnel
- Security training
- Provisions for high consequence dangerous goods
QUESTIONS?

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