

EMSA Network

- NETWORK NAME (SSID):
RdN
- Network Key :
emsang2009

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WELCOME TO THE INTERNATIONAL SHIP & PORT FACILITY SECURITY CODE

Ship Security Training Course May 2012



A Course prepared for



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DAY ONE

House Keeping

YOUR PRESENTERS

- Phil Davies – Short Course Manager
LMC
- John Harris – ISPS & Investigative
Trainer

EMSA AGENCY

PRESENTATION



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Course Advice

- ❑ Mobile Phones off or on Silent during lectures
- ❑ This Course is yours! Please ask if you have any requirements.
- ❑ Our ultimate aim is that you gain knowledge of the ISPS Code and its application.
- ❑ ENJOY THE COURSE!

Course Objectives

Delegates should on completion of the course have an understanding of:-

- ❑ Legal Framework and background behind the ISPS Code
- ❑ Fundamental requirements of the International Legislation on security (UNCLOS, IMO resolutions and circulars on piracy and stowaways, EU Legislation)
- ❑ Role of the EU and EMSA
- ❑ ISPS Code, its implementation, operation and related background information
- ❑ Need and Scope of National Legislation related to the ISPS Code
- ❑ Importance of ISPS Code in the supply chain and the concept of intermodel security policy.

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Course Objectives Part 2 (S) Roles and Responsibilities

- ❑ The role, tasks and responsibilities of the flag administration
- ❑ The role, tasks and responsibilities of a Recognised Security Organizations (RSO) where used
- ❑ The link between ISM and ISPS Codes in respect of
 - A Port state control officer (PSCO's)
 - A Duly Authorised Officer (DAO)
 - The role, tasks and responsibility of :
 - Security Personnel
 - Company Security Officer
 - Ships Security Officer
 - Port Security Officer
 - Port Facility Security Officer
 - Staff with Security responsibilities

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Course Objectives

- ❑ Review of the Operational Issues:
 - ❑ Ship Security Assessment
 - ❑ Ship Security Plan
 - ❑ Declaration of Security
 - ❑ Verification and certification for ship
 - ❑ Training requirements
 - ❑ Drills and Exercises
 - ❑ Security Levels implementation and control
 - ❑ Auditing (types of audits) and inspection in relation to ISPS Code
 - ❑ Control and Compliance measures
 - ❑ Sanctions

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Competencies to be evaluated

During the course it is necessary to evaluate your understanding of the ISPS Code requirements through:

- ❑ Participation in open discussions
- ❑ Group Exercises and workshops
- ❑ Quiz's
- ❑ Multiple Choice Self Assessment

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Questions ?

Delegate Introductions

- NAME
- JOB TITLE
- EMPLOYER
- GENERAL EXPERIENCE
- SECURITY EXPERIENCE
- CURRENT KNOWLEDGE OF THE ISPS CODE
- LEVEL OF KNOWLEDGE OF YOUR
ADMINISTRATIONS APPLICATION OF ISPS

PRE – COURSE ASSESSMENT

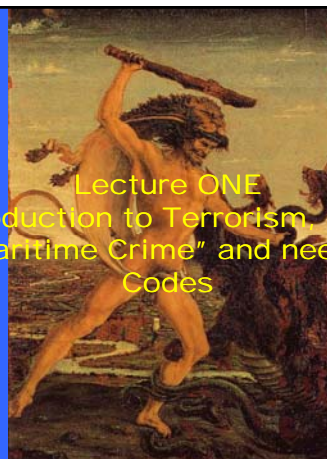
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COFFEE

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TERRORISM

Lecture ONE
“Introduction to Terrorism, Piracy
and Maritime Crime” and need ISPS
Codes



WORLD TRADE CENTRE

11 September 2001



The Terrorist Threat

Abu Sayyaf Group	Somali National Movement	
Abu Nidal Organisation		New Peoples Army
Abyan-Aden Islamic Army/Al-Qai'da	Iran	Tamil Tigers
Chechen Dissidents		Israel
Islamic Jihad		Moro Islamic Liberation Front
Algeria		France
N-17 (Greece)		Palestine Liberation Front
Eritrean Peoples Liberation Front	Popular Front for the Liberation of Palestine	
15th May Arab Organisation		Jewish Defence League
	Knukayin National Union	
FARC	Partei Kerkeren Kurdistan	Gerakam Aceh Merdeka

History of Terrorism

- ❑ Traced back to earliest recorded History
 - Zealots Jews against Romans & Greeks
 - **Sicari** Jews against Jews
- ❑ 11th Century
 - "Assassins" – Fanatical Muslims murdered leaders who deviated strict Muslim law.
- ❑ 18th Century – Post French revolution
 - Word Terrorism from Robespierre. State terrorism
- ❑ Start of modern terrorism mid 19th Century Italian revolutionary - Carlo Pisacane theorised that terrorism could deliver a message to an audience and draw support for a cause - 'Propaganda of the Deed'

Terrorism – Key Features

- " The unlawful use or threatened use of Force or Violence by a Person or an Organised Group against People or Property with the intention of intimidating or coercing Societies or Governments, often for ideological or Political Reasons".

UK TERRORISM ACT 2004

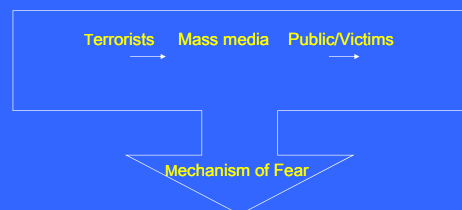
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Modern Terrorism

- ❑ 1972: Munich, West Germany: Black September seize Israeli athletes
- ❑ 1983: Beirut, US Embassy bombed, later Marine Barracks bombed
- ❑ 1993: New York, USA: World Trade Center truck bombed
- ❑ 1998: Nairobi and Dar es Salaam Embassies bombed
- ❑ 2001: World Trade Centre/Pentagon
- ❑ 2002: Bali
- ❑ 2004: Madrid
- ❑ 2005: London
- ❑ 2005: Egypt
- ❑ 2005: Bali
- ❑ 2005: Jordan
- ❑ 2006: Egypt (Dayhi)
- ❑ 2006: Israeli warship hit by Hezbollah missile
- ❑ 2007: Glasgow Airport
- ❑ 2008: Mumbai Bombings and attacks
- ❑ 2009: Attacks in Islamabad
- ❑ 2010: Moscow
- ❑ 2010: Yemen (Alr container bombs)
- ❑ 2011: Norway (Internal)
- ❑ 2012: Brindisi Italy
- ❑ 2012: Toulouse France Bomb attacks



Chain of communication between terrorists and citizens



London 2005



Victims



- Direct
 - Death, Injury, Trauma
- Secondary
 - Agencies involved in dealing with aftermath
- Indirect
 - Physical/Psychological effects of indirect involvement via media coverage
 - Commercial/Financial consequences
 - Political Consequences

Bali Bombing 2002



- Over 200 Dead
- Over 100 Seriously Injured
- Local Economy Damaged and remains so in 2012

□ CAN WE ERADICATE ACTS OF TERRORISM?

□ THE ANSWER FROM THE EXPERTS IS 'NO'

□ HOWEVER WE CAN MANAGE IT, AND THROUGHOUT THIS COURSE, WITH YOUR INCREASED UNDERSTANDING OF THE ISPS CODE WE CAN SHOW HOW YOU HOW

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The Maritime Terrorist Threat

Source: McDonald TRANSEC

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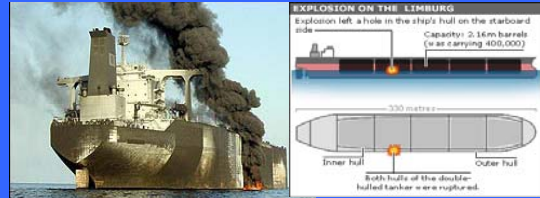
High Profile Maritime Attacks



•1985: Achille Lauro Incident-1 killed

VLCC "LIMBURG"

Off YEMEN 06/10/2002 - Spilled 90,000 bbls crude oil



Intelligence – Only 5 of her tanks were loaded. The strike was specifically aimed at the area of these tanks!
Inside information?

M. Star - 4/8/2010



USS "COLE"

Aden / October 2000 (17 dead - 30 Injured)



Use of Ports to conduct attacks

Aden Harbor/Refueling Dolphin



Notable Passenger Vessel Incidents



□ SANTA MARIA	Portuguese	1961
□ ACHILLE LAURO	Italian	1985
□ CITY OF POROS	Greece	1988
□ PRINCESS KASH	Sri Lanka	1998
□ TRABZON FERRY	Turkey	1996
□ SUPER FERRY 14	Philippines	2004
□ SEABOURNE SPIRIT	Somalia	2005
□ SRI LANKAN PORT	Sri Lanka	2006
□ Rare since 2007 but a number of Threats made are causing disruption		

Kartepi Ferry-007 Istanbul 11/11/2011

- ❑ Lone HI-Jacker
- ❑ Suicide Vest with
- ❑ Approx 450g plastic explosive
- ❑ Turkish Forces boarded 12 hours after the incident and shot dead hi jacker.
- ❑ Believed to be PKK



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The LTTE Terrorist Example

- ❑ Frequent use of Maritime Target attacks
- ❑ There were over 40 Suicide attacks from July 1990
- ❑ Believed to have 3000 Trained marine Personnel in 12 Operational Departments
- ❑ Has used miniature submarines for conveying suicide bombers inside harbours
- **31/10/2001 Suicide attack on tanker** - A flotilla of five LTTE suicide boats attacked a Point Pedro bound oil tanker carrying over 450 metric tonnes of fuel to the Jaffna peninsula, 12 nautical miles North of Point Pedro yesterday evening.
- ❑ Have they been defeated????????



PORTS AT THREAT? Suicide blasts kill 10 Israelis

* A double suicide bombing in the southern Israeli port area of Ashdod has killed at least 10 people. The blasts went off just before 1700 (1500 GMT) on Sunday in two separate areas of the busy port, witnesses say.

A summit between the Palestinian and Israeli leaders has been postponed indefinitely after the attacks. The al-Aqsa Martyrs' Brigades said it carried out the attack in co-operation with the largest Palestinian militant organisation, Hamas. It is reportedly the first deadly attack on a strategic installation in at least three years of Israeli-Palestinian conflict.

A Palestinian militant had entered the port and asked for water - and the moment he was shown where there was a tap "he blew up" - an employee of the port quoted one of his injured colleagues as saying.

BBC 14/3/04

POTENTIAL MARITIME THREATS

Several groups have a proven capability, notably:

- Al Qa'ida/JI
- LTTE (Sri Lanka)
- Abu Sayyaf
- FARC (Colombia)
- Palestinian factions
- Moro Islamic Liberation Front (MILF)
- Abyan-Aden Islamic Army
- N-17 (Greece)
- PIRA (Factions starting to re-appear)

TERRORIST – Ship Owner ?

- ❑ OSAMA BIN LADEN (al Qaeda) *before his death* was believed to be a ship owner with a fleet of between 15 to 300 ships, probably flying flags of convenience (FOCs). (Perhaps the most credible estimate of the fleet's size was provided by Norwegian intelligence sources and confirmed by the CIA, both placing the number at 23 vessels.)
- ❑ The world is woke up in 2001 to the dangers of allowing shipping to operate under the cloak offered by FOCs.
- ❑ Sri Lanka's Tamil Tigers were believed to own a large fleet. There appear to be no accounts of what outcomes the defeat of the LTTE has had on this alleged fleet.
- ❑ Has it disappeared? Perhaps not.....

22 Oct 2009

A migrant ship in the early hours in Canadian waters under the name Ocean Lady was identified as the Cambodian-flagged 'Princess Easwary'.

- ❑ The ship was owned by Ray Ocean Transport Corp., a company registered in the Seychelles, although its mailing address is in the Philippines, according to shipping records kept by Lloyd's Register.
- ❑ The vessel's operator is listed as Sunship Maritime Services, which uses the same mailing address in Cebu, Philippines.
- ❑ Alleged LTTE Leaders found on board detained British Colombia officials.



SARA 2003

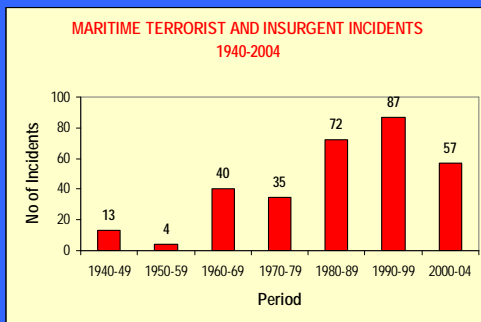


- The Sara's voyage began on Romania's Black Sea coast
- The Sara was at the heart of an international investigation into the smuggling of terrorists to Europe.
- Flagged to the Pacific Island of Tonga -
- One owner wanted by Greek Authorities
- To the Captain's surprise, 14 Pakistani "sailors" came aboard - on the instructions of the ship's owner. All had official seamen's documents and passports which were fraudulently obtained
- False ID & \$30000 US found
- Details of Italian Cities and Vatican seized

REALITY OF FOC's

- NATO has investigated a number of vessels which were thought to have terrorist links.
- All fly so-called flags of convenience. They allow owners to hide behind a corporate veil.
- The international seafarers' union says half the world's merchant fleet uses Flags of Convenience.

International Maritime Attacks



Source - D.McDonald/P.Levey TRANSEC

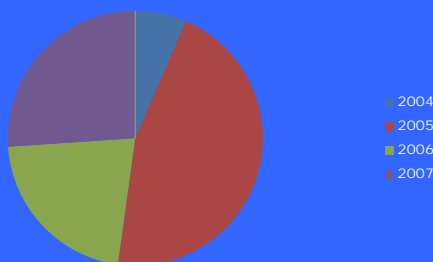
International Maritime Attacks

Maritime Terrorism by Year						I	D	W	H		I	D	W	H
Year	I	D	W	H	Colombia	12	42	28	38	Bangladesh	2	1	58	0
2004	3	135	0	0	Panama	1	1	0	0	India	2	0	0	0
2005	21	49	70	65	Lat.Am.	13	43	28	38	Nepal	1	0	0	1
2006	10	10	8	51	Iraq	2	3	8	0	Pakistan	1	0	0	18
2007	12	0	82	56	Jordan	1	1	2	0	Sri Lanka	3	0	3	32
Total	46	194	160	172	Lebanon	1	4	1	0	South Asia	9	1	61	51
Average	12	49	40	43	M. East	4	8	11	0	France	1	0	0	0
Maritime Terrorism by Region					Indonesia	4	0	12	23	N. Zealand	2	0	2	0
Algeria	1	3	13	0	Malaysia	1	0	0	3	Others	16	43	30	38
Nigeria	6	1	1	50	Philipp.	3	138	32	0	Legend: I: Incidents; D: Deaths;				
Somalia	1	0	0	0	Thailand	1	0	0	7	W. Wounded; H: Hostages; M. East:				
Africa	8	4	14	50	SEA	9	138	44	33	Middle East; SEA: South-east Asia				

Source - Danish Institute for International Studies

2004-2007

Maritime Terrorism by Year



Source - Danish Institute for International Studies

MARITIME TERRORIST ATTACKS

- Rare to date - Over last 30 years, Marine targets represent approx 2% of all international terrorist incidents
- Considered difficult to mount - Operating at sea requires more specialised equipment and knowledge
- Publicity aims may not be guaranteed - Unless attacking a high profile vessel or port installation

WHAT IS THE FUTURE?

WHAT IS THE FUTURE?

- ❑ Continued search for "Spectacular" mass casualty targets e.g. 9/11, London, Madrid.
- ❑ Arrests in Pakistan/UK and US in Aug 2004 uncovered intelligence illustrating the investment Terrorists are making in planning Spectacular attacks in the UK & US on economic targets.
- ❑ The intelligence sought by the Terrorists was more sophisticated and included:
 - Pedestrian flows
 - Potential for collapsing buildings
 - Potential for melting steel infrastructures
 - Details on security check points
 - Movements of employees
 - Changes in Security levels (e.g Sundays)
 - Locations of Emergency services, schools and hospitals

Citigroup Centre



Floors 59
Constructed 1977

WHAT IS THE FUTURE?

- ❑ 12/10/06 Dhiren BAROT of N.London convicted Woolwich Crown Court after admitting conspiracy to murder. On 7/11/06 he was sentenced to 40 years. Seven involved.
- ❑ The seven associates were sentenced to 136 years imprisonment.
- ❑ Additional information indicated Al Qa'eda to be considering the value of using a hijacked Tanker as a Terrorist weapon.

Source: Secret arrest yielded 'treasure trove'
Daily Telegraph By Peter Foster South Asia Correspondent
(Filed: 03/08/2004) © LAIRDSIDE MARITIME CENTRE

WHAT IS THE FUTURE?

- ❑ The world is now considering measures to address the following types of attack:
- ❑ Agro Terrorism – Specifically mentioned in literature seized in Afghanistan
- ❑ Bioterrorism – Construction of Biological Weapon



WHAT IS THE FUTURE?

Cyber Terrorism - What could be achieved:

- 1988 – Robert Morris - Computer Worm
- 1989 – Legion of Doom – Bell South telephone system.
- 1997 – Hacker disabled computer system of airport tower - Worcester, Mass.
- 1998 – NASA, Navy, and University computers attacked. Servers were prevented from answering network connections
- 2001 – MCKINNON hacked into U.S. Military Data Base, and erased information from naval weapons station. Fighting extradition to U.S.



WHAT IS THE FUTURE?

- ❑ Cyber Terrorism – What could be achieved:
- ❑ 2009 - Estonia bombarded electronically bringing all communication systems to standstill
- ❑ 2010 - Superbug 'STUXNET' computerised 'worm' allegedly bringing Iranian nuclear power processing plant to standstill. Also its alleged availability for sale?
- ❑ 2010 - Recognition by most Western Countries now that countering Cyber Terrorist Attack is a priority

WHAT IS THE FUTURE?

- ❑ 2010/11 - LULZ SECURITY- GROUP OF HACKERS. HACKED INTO SONY, AND A NUMBER OF OTHER COMPANY SITES, AS WELL AS FBI AND CIA SITES - Arrest in UK of 19 year old involved with this group.



MARITIME TERRORISM POTENTIAL

ATTACK FROM SHORE



CHEMICAL RELEASE



- The global chemical tanker fleet is expanding strongly . Slowed in recent years but expected to increase 1.9% in vessels, (5.6% Deadweight) over next 4 years.
- US imports increased 10% in 2010
- Chemicals are now widely used throughout modern societies and most oil-producing countries have developed refining and petrochemical plants near major centres of oil production.

GAS EXPLOSION



- The carriage of liquefied natural gas (LNG) and liquefied petroleum gas (LPG) by sea has increased dramatically over the last decade or so.
- The international fleet of LNG carriers continues to grow steadily
- New vessels in very large category of between 135,000-140,000 cbm.
- Some analysts think this unlikely
- 5 mile blast zone - SVT

NUCLEAR SHIPMENTS



CONTAINER SHIPMENT



- Estimated 180 Billion TEU's moved Per Annum
- Felixstowe 8000 TEU Per day
- Only 1- 3% are Checked
- Theft accounts for some:
 - \$50Bn US
 - Fraud \$150bn US
- Increasing Search by 1% adds 0.5% on value of average TEU

The Low Tech Weapon and Operative Delivery Method !

3873 POTENTIAL HUMAN TARGETS



REVEALED: QE2 TERROR FEARS

Fears that terrorists might seek to crash an aircraft into the QE2 in 1973 were so strong that PM Edward Heath suggested sending the SAS to the ship.

Previously secret papers released last month showed the government feared the Cunard liner would be a "tempting" target for the PLO as it staged a cruise to celebrate the 25th Anniversary of the founding of Israel.

NUMAST Telegraph Feb 2004

WIDER THREATS

- ❑ PIRACY
- ❑ SABOTAGE
- ❑ CRIMINAL ACTS
- ❑ MUTINY
- ❑ DRUGS TRAFFICKING
- ❑ HOSTAGE TAKING
- ❑ SURVEILLANCE
- ❑ COERSION
- ❑ SUBVERSION

PIRACY



PIRACY AND CRIME DEFINITIONS PIRACY

The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

"Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)."

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PIRACY AND CRIME DEFINITIONS ARMED ROBBERY

- "Armed robbery against ships" is defined in the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (resolution A.922(22), Annex, paragraph 2.2), as follows:

"Armed robbery against ships means any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of "piracy", directed against a ship or against persons or property on board such ship, within a State's jurisdiction over such offences."

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MSC/Circ.623/Rev.3
29 May 2002

- **PIRACY AND ARMED ROBBERY AGAINST SHIPS**
- Gave guidance to ship owners, ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships.
- It took best practice from around the world.
- The Problem did not go away and has now become the major Maritime Security Issue

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ATTACKS AND PIRACY

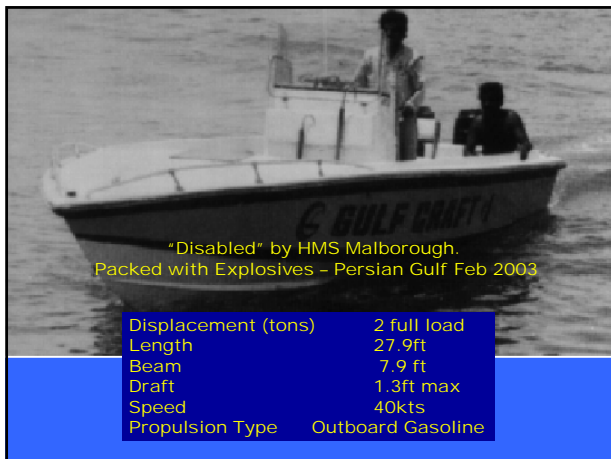


May 2012



BOAT or TERRORIST WEAPON ?





Seabourn Spirit – Somalia 10/11/05

Attempted attack
100nm from coast

AK-47
RPG-7

Thwarted by on board defences
Long Range Acoustic Device
HP Hoses
Ex-Gurka security staff !!!!



IMO MSC.1/Circ.1404,1405,1406 MCS 1408

- ❑ Issued 23rd May, 2011.
- ❑ Provide guidance in the use Private Contract Armed Security Teams
- ❑ Provides Governments with guidance in Investigating crimes of Piracy and Armed Robbery
- ❑ THE HOT TOPIC.

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MSC1408 Issued 15/9/2011

- ❑ MSC.1/Circ.1408 on Interim Recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area: Latest 16/9/2011 – MSC1408
- 16/9/2011 – MSC1408

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Newly adopted guidance at MSC 90 (23 May 2012)

- ❑ (Draft) Interim guidance to shipowners, ship operators, and shipmasters on the use of privately contracted armed security personnel on board ships in the high risk area
- ❑ (Draft) Interim guidance to shipowners, ship operators, and shipmasters on the use of privately contracted armed security personnel on board ships in the high risk area (revokes MSC.1/Circ.1405/Rev.1)
- ❑ (Draft) Interim guidance for flag states on measures to prevent and mitigate Somalia-based piracy

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CHAOS OF A DRY-DOCK – Port State Considerations



BLOCKADING PORTS?



HARBOUR OPERATIONS



SEAWARD APPROACHES AND FAIRWAYS



ANCHORAGES



ISPS

- FUNDAMENTAL CHANGE IN SECURITY THINKING.
- WHAT COMES INTO A PORT BY SEA OR LAND, RATHER THAN WHAT GOES OUT

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Questions ?

Lecture 2

"Maritime Security" (SOLAS V & XI), Intro to EU legislation and ISPS Code

MARITIME VULNERABILITY

- ❑ CHOICE TERRORIST TARGET:
 - 90-95% WORLD TRADE MOVES BY SEA AND THE TRADE IS INCREASING
- ❑ GENERALLY LAX PORT AND SHIP SECURITY – SHIPS MOST VULNERABLE WHEN AT ANCHOR AND IN PORT
- ❑ LACK OF ON BOARD PROTECTION: MUCH REDUCED CREW SIZES
- ❑ OTHER BUSINESS OPERATED IN PORT PERIMETERS
- ❑ INCREASED INCENTIVES FOR MARITIME CRIME

POSSIBLE THREATS TO MARITIME INTERESTS

- ❑ Al-Qaeda or associated groups may perceive passenger ships as "soft" targets that are relatively easy to attack.
- ❑ Operational details may vary according to the attack scenario, but a terrorist operation involving small boats or combat swimmers may feature several common operational elements.
- ❑ Operatives would likely conduct research and surveillance of a number of potential targets before selecting one. Operatives then would likely conduct additional surveillance to identify vulnerabilities and to refine their attack plan.
- ❑ Operatives involved in the actual assault probably would arrive well beforehand to familiarize themselves with the tactical environment, their equipment, and local security conditions.

B. M. SALERNO
Captain, U.S. Coast Guard
Captain of the Port
Boston, Massachusetts

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THE FINANCIAL COST

The following are estimates:-

- ❑ USS Cole
 - Implementation \$5000 US
 - Repair \$240M US
- ❑ 9/11
 - Implementation \$500K US (but alleged that \$250K US retained debt on Credit Cards)
 - Costs \$135Bn US – On going \$1.7Trn US
- ❑ Bali
 - Implementation \$30K US
 - Cost \$120M US + Economic meltdown
- ❑ Suicide Individual
 - \$90 – Flexible.

Source Australian Terrorism Intelligence Centre

ISPS IN CONTEXT

- ❑ ISPS came into force 1/7/2004.
- ❑ The IMO Stated that there would be NO EXTENSIONS..there weren't
- ❑ The UK endorsed this position
- ❑ There have already been effects in the US and Europe
- ❑ Preceding the initiation of the ISPS Working groups and number of National and International bodies had precedents in place.....

IMO INITIATIVES

- ❑ **NOVEMBER 2001** - IMO SCHEDULES DIPLOMATIC CONFERENCE FOR DECEMBER 2001
- ❑ **FEBRUARY 2002** – 1ST ISWG ON MARITIME SECURITY, *PART A*
- ❑ **MAY 2002** – MSC 75 FINALISES PART A
- ❑ **SEPTEMBER 2002** – 2ND ISWG ON MARITIME SECURITY, *PART B*
- ❑ **DECEMBER 2002** DIPLOMATIC CONFERENCE APPROVES SOLAS AMENDMENTS AND ISPS CODE
- ❑ **1ST JANUARY 2004** – END OF TACIT ACCEPTANCE PERIOD
- ❑ **1ST JULY 2004** – ISPS CODE AND AMENDMENTS WERE ENFORCED INTERNATIONALLY

SUA 2005 Protocol

- ❑ The new instrument also makes it an offence to unlawfully and intentionally injure or kill any person in connection with the commission of any of the offences in the Convention; to attempt to commit an offence; to participate as an accomplice; to organize or direct others to commit an offence; or to contribute to the commissioning of an offence.
- ❑ A new Article requires Parties to take necessary measures to enable a legal entity (this could be a company or organization, for example) to be made liable and to face sanctions, when a person responsible for management or control of that legal entity has, in that capacity, committed an offence under the Convention.



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EU LEGAL REQUIREMENTS

- ❑ Precise legal basis for implementation depend on the adoption of the EU regulation 725/2004 on enhancing ship and Port facility security and the in a wider context the adoption of EU Directive 65/2005.
- ❑ EU regulation does not require transposition into EC Member State Law as it has direct legal effect. However,
- ❑ EU Members require their own regulations to give full effect to EU Reg 725/2004. Examples
 - UK has applied the international obligation to implement IMO requirements by 1/7/04: SI1495
 - The Republic of Ireland have applied this obligation by introduction SI 413/2004
 - Malta S.L 352/21 Legal Notice 484 of 2004
 - UK is currently reviewing existing and new National Legislation issued to put an enforcement regime in place.

Penalties against whom?

- ❑ Most European sanctions apply to Operating Companies and their staff for not fulfilling their obligations in respect of the code.

i.e

- ❑ Port operators
- ❑ Shipping companies
- ❑ CSO, PFSO's SSO's

There is little legislation to assist these individuals in support of their obligations.

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Other member states?

- ❑ What are the legal sanctions in delegates states?

- ❑ **Croatia** - O PROGLASENJU ZAKONA O SIGURNOSNOJ ZAŠTITI POMORSKIH BRODOVA I LUKA 3096
- ❑ **Poland** - Regulation from 17.06.2004 Dzennik Ustaw Nr. 172 from 4.08.2004 Poz. 1801
- ❑ **Romania** - 484 Nov 2003
- ❑ **Sweden** - 437/2004
- ❑ **Slovenia** - Governmental Decree 2904/12/06/2004 - OJ RS 64/2004 Ammended 4/1/2007

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ISPS CODE & LEGAL ASPECTS

- ❑ IMO requirements are comprehensive but....
- ❑ They DO NOT set out specific Security Standards so as an example.....
 - The UK considers such standards are necessary in the UK to ensure effective security which is consistent across all Ships and UK Port Facilities.
 - The Ship and Port Facility Security Regulations 2004 (SI1495) provides a mechanism by which the SoS for Transport will issue legally binding Directions to Harbour authorities and operators and UK Shipping Companies.

ISPS CODE

Applies to the following types of ships engaged on international voyages :-

- ❑ Passenger ships including high speed vessels
- ❑ Cargo ships including high speed vessels of 500 gross tonnes and upwards
- ❑ Mobile off-shore drilling units (MODU)
- ❑ Port facilities serving such ships engaged on international voyages

WHAT IS A PORT FACILITY

SOLAS XI Reg 2 - DEFINITIONS

- ❑ A port facility is defined by the IMO as a location, as determined by the Contracting Government, where interactions occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provision of port services to or from the ship.
- ❑ It includes areas such as anchorages, waiting berths and approaches from seaward.
- ❑ The IMO's definition of a port facility in practical terms, can therefore be an individual berth, wharf or terminal.

WHAT IS A Ship/Port Interface

SOLAS XI Reg 1.8 - DEFINITIONS

- ❑ A Ship to Port Interface means the interactions that occur when a Ship is directly and immediately affected by actions involving the movement of persons, goods or the provision of Port Services to or from the Ship

What is a Security Incident?

SOLAS XI Reg 1.13 - DEFINITIONS

- ❑ *Security Incident* means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high speed craft, or of a port facility or of any ship/port interface or any ship to ship activity.

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WHAT IS A Ship/Ship Activity

SOLAS XI Reg 1.10 - DEFINITIONS

- ❑ A Ship to Ship Activity means any activity not related to a port facility that involves the transfer of goods or persons from one Ship to another.

WHAT IS A Designated Authority

SOLAS XI Reg 1.11 - DEFINITIONS

- ❑ Designated Authority means the organization(s) or administration(s) identified within the Contracting Government as responsible for ensuring the implementation of the provisions of this chapter pertaining to port facility security and ship/port interface, from the point of view of the port facility.

THE 3 LEVELS OF SECURITY

SECURITY LEVEL 1

Normal – The level which ships and port facilities normally operate.

SECURITY LEVEL 2

Heightened – The level applying for as long as there is a heightened risk of a security incident.

SECURITY LEVEL 3

Exceptional – The level applying for the period of time when there is a probable or imminent risk of a security incident.

ISPS CODE – 19 ELEMENTS

Internationally
PART A- MANDATORY
PART B – GUIDANCE

BUT!!!!!!! for Europe
EU Regulation No 725/2004 makes
many sections of Part B mandatory
especially Drills & Exercises.

ISPS CONTRACTING GOVERNMENT INSPECTIONS

- ❑ The contracting government will determine the security level for Port facilities and Ships in their territory and under their Administration.
- ❑ Conduct Port Facility Security Assessments.
- ❑ Will verify the validity of the international ship security certificate.
- ❑ Will control or deny access to the port or movement within the port.

SHIP ISPS COMPLIANCE

Install Equipment (AIS, SSAS etc)
Issuance of a Continuous Synopsis Record
Carry out Ship Security Assessment (SSA)
Appoint Company & Ship Security Officers (CSO & SSO)
Develop and submit Ship Security Plan (SSP)
Implement Security training, drills, auditing
Inspection by Flag (Approved RSO)
Maintain Records
Administration of Declarations of Security
International Ship Security Cert Issued
Maintain the Plan

PORT FACILITY ISPS COMPLIANCE

Port Facility Security Assessment undertaken
Appoint Port Facility Security Officer (PFSO)
Possibly undertake Counter Terrorist Checks
Develop Port Facility Security Plan
Undertake PFSO and Facility Staff Training
Port Facility Security Plan Approved & Implemented by Contracting Government
Implement Security training, drills, auditing
Maintain the Plan

SOME ABBREVIATIONS

PFSO – Port Facility Security Officer
SSO – Ship Security Officer
CSO – Company Security Officer
PFSA – Port Facility Security Assessment
PFSP – Port Facility Security Plan
SSA – Ship Security Assessment
SSP – Ship Security Plan
RSO – Recognized Security Organisation
DOS – Declaration of Security

(SEE COURSE NOTES FOR A FULL LIST AND DEFINITIONS)

Questions?

SUMMARY AND CLOSE DAY 1



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