



MARITIME SAFETY COMMITTEE
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Agenda item 5

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MEASURES TO ENHANCE MARITIME SECURITY

The effective implementation of SOLAS chapter XI-2 and the ISPS Code

Submitted by ICS

SUMMARY

Executive summary: The present document comments on the information contained in document MSC 81/5/8 (ICFTU) relating to the effective implementation of SOLAS chapter XI-2 and the ISPS Code and identifies a number of concerns as a result of the findings of an ISPS survey conducted between October 2005 and March 2006

Action to be taken: Paragraph 13

Related documents: MSC 79/5/7, MSC 81/5/8 and MSC/Circ.1156

Background

1 This document is submitted in accordance with the provision of paragraph 4.10.5 of the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies, as amended (MSC/Circ.1099-MEPC/Circ.405) and comments on document MSC 81/5/8 (ICFTU) on the effective implementation of SOLAS chapter XI-2 and the ISPS Code.

2 ICS provides a report on the outcomes of an ISPS survey conducted between October 2005 and March 2006 which gives an overview of ISPS implementation worldwide and highlights areas of concern and compliments the findings detailed in MSC 81/5/8 (ICFTU).

Overview

3 A total of 152 reports was received from ships trading at port facilities worldwide, of these 111 (73%) reported that no problems had been encountered, whilst 41(27%) problems were reported. These could be summarised in the following categories: enforcement in port facilities; identification and behaviour of officials; identification and behaviour of stevedores; pre-arrival requirements; access; and miscellaneous incidents.

4 The problems varied in severity from those which were easily remedied by either immediate or consequential action, to those of sufficient seriousness to affect the security and operational efficiency of the ship experiencing them. Two of these categories were felt to be of sufficient seriousness in their implications to warrant the Committee's attention.

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5 The overall results of the survey indicate that the ISPS Code is generally well observed by ships and most port facilities. However, some of the deficiencies identified by the survey indicate that a shortfall exists in the ISPS Code application on the part of port facilities and shore-side authorities, and it is felt that this requires the Committee's attention if maritime security is to be properly assured.

Enforcement in port facilities

6 There were 14 reported instances where port facilities failed in their implementation of the ISPS Code, representing 34% of reported deficiencies, and 9% of the total reports received. The deficiencies falling under this category involved facilities lacking in such fundamental security measures as lighting and access controls, or the absence of the PFSO and any means of contacting him. Similarly, it was found that in some ports PFSOs rarely visited ships calling at their facilities. Of notable concern, were two reports where port facilities remained unresponsive to calls for assistance from ships under attack from pirates.

7 The absence of such cornerstone provisions as the availability of the PFSO in the port facility is of serious concern, since such deficiencies compromise maritime security in general, as well as inevitably and unfairly increasing the security burden on ships.

Behaviour of shore-side officials

8 Concerns over the identification of officials and their behaviour when carrying out their duties were raised at MSC 79 (see MSC 79/5/7 (ICS *et al*)) and consequently addressed by MSC/Circ.1156.

9 However, the recent industry security survey uncovered eight instances where it was reported that officials were behaving inappropriately, representing 19% of reported deficiencies and 5% of the total reports received.

10 These incidents closely mirrored those originally reported to MSC 79. It was found that officials continued to arrive without identification, refused to wear visitor identification or sign their names in the visitors books where required by the Ship security plan.

11 It is felt that the persistence of such behaviour by officials, which contravenes MSC/Circ.1156 and the spirit and letter of the ISPS Code, is not an acceptable situation. Such occurrences place ships and their crews in untenable positions with respect to their security obligations.

Conclusion

12 ICS believes that any shortfall in the application of the ISPS Code by port facilities, as manifested in the incidents detailed above, is not acceptable. This shortfall jeopardises the wider effort to assure maritime security and compromises the security of ships. Whilst provisions exist within the ISPS Code to account for ships calling at non-compliant ports, it is unfair that ships must enact these provisions when calling at supposedly compliant ports. Such incidents unfairly increase the burden of responsibility for security on ships and their crews, with possible detrimental impacts on their welfare and ability to perform their duties. ICS feels that the provisions of the ISPS Code must be properly enforced by all stakeholders if maritime security is to be assured.

Action requested of the Committee

13 The Committee is requested to note the above and take action as appropriate.