

Isps code and thw imo essay



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In the wake of the September 11th attacks in the USA, security not just in aviation but also in all areas of transportation became priority for all local government and International agencies. The international Ship and Port Facility Security (ISPS) code is a comprehensive security regime for the maritime sector, which was adopted in a resolution on the 12th December 2002 by a Diplomatic Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS) 1974.

The Code contains to Parts A & B, with A being Mandatory and B Recommendations. Compliance with the ISPS Code became obligatory on July 1st 2004 and contains detailed security requirements for governments, ports, vessel owners / operators and companies (IMO 2002). As the code was implemented in such a short space of time (18 Months), it is surrounded by a number of controversies. Without any doubt the maritime security legislative process - within IMO - has been dominated by the US (US Maritime Administration Report, 2004).

In addition, the speed imposed on the consultation procedures, against IMO standards, would indicate a politically motivated alliance, putting the much-appreciated technical character of the UN organization under controversy (Alexandros M et al...2010). On Paper, the ISPS is the same for all contracting governments; however, because it is a risk-based security process one size does not fit all (Gaouette M , Carver K 2010) The ISPS code is applicable to all so called SOLAS vessels which are over 500 gross tons (IMO 2001). However it does not apply to small boats that could be used as weapons against bigger vessels. Michael Chertoff of U.

S homeland security mentioned 4 major concerns on the threat of 17 million 'small boats'. One of the concerns was "boats being used as launching pads for an attack on the maritime industry or on critical infrastructure". The ISPS code does not apply in this instance. Piracy has become one of the major concerns of the IMO and has been described by UN security general as completely unacceptable and has urged a coordinated response to stem piracy. In an open letter in February 2011, IMO Secretary- General Efthimos Mitropoulos noted that more needs to be done if the ultimate goal of consigning piracy to the realms of history.

In March 2011 IMO Member Ukraine submitted a proposal on introducing special measures to prevent and suppress piracy and armed robbery against ships while implementing the ISPS code. In conjunction with this British Prime Minister announced recently that cargo ships sailing under a British Flag would be able to carry armed guards in the fight against pirates. Figures from the International Maritime Bureau, showed attacks by Somali pirates numbered a record 199 in the first nine months of this year, compared with 126 in 2010 - two-thirds of all the maritime hijackings recorded.

And at least 15 hostages have been murdered this year. Hence the need for the ISPS code to be changed in order to combat the threat of piracy, and its effects on international trade **** Figure for 2011 is up to September 2011 only as yearly figure not currently available. Source: International Maritime Bureau The controversy here is that the ISPS Code has not been successful in eliminating acts of terrorism against the ships. Ship owners having spent huge amount of money for effective implementation of ISPS Code onboard ships, still find their ships prone to terrorist activities.

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The rationale behind the development of the ISPS code was that maritime security was essentially a risk management activity. As stated by a member of the Maritime Security Section of the IMO: The Purpose of the ISPS code is to provide standardized, consistent framework for evaluating risk, enabling governments to offset changes in threat levels with changes in vulnerability for ships and port facilities. (Trelawny C , 2005) As Chris Trelawny of the IMO writes “ this risk management concept is embodied in the ISPS code through a number of minimum functional security requirements for ships and port facilities”.

When looking at the ISPS code for vessels this can be illustrated as : SHIP SECURITY OFFICERS MONITORING AND CONTROLING ACCESS COMPANY SECURITY OFFICERS SHIP SECURITY PLANS ENSURING THAT SECURITY COMMUNICATIONS ARE READILY AVAILABLE ISPS CODE CERTAIN ONBOARD EQUIPMENT MONITORING ACTIVITIES OF PEOPLE AND CARGO The ISPS code can be considered to be the first step in establishing a world - wide framework in the need for enhancing maritime safety through maritime security. The objectives of the ISPS code as mentioned where initially formulated in the after mouth of the September 11th events.

When looking into safety , piracy , ISPS and the IMO. The IMO clearly states that the act of piracy and armed robbery can have a impact on human life , the safety of navigation and the enviroment. Piracy is a criminal act, which not only affects the victims but also has serve finaincial repercussions (IMO). The IMO has recongnised the need to reinvigorate ISPS related efforts and to make better linkages between ISPS and other ongoing IMO initiatives, ie: *

Benefits of ISPS code to anti piracy efforts Utility of LRIT for enhanced

Maritime Situational Awareness * Role seafarers in the security regime *

Balance between facilitation of trade and security Safety has always been an primary aspect of the IMO , and although the ISPS has been successful in its uptake and implementation recent pirate attacks and hijackings in the gulf of Aden and off the coast of Somalia have tarnished and tainted the work of the ISPS code and the IMO.

Hence the need for restructuring of the code in order to cope with the threat that Piracy imposes on the shipping community. With the recent surge in attempted and successful attacks on vessels in the Gulf of Aden, Indian Ocean and Somali waters it seems that the ISPS code needs to reconstructed and developed further to counter the threat of Major Criminal Hijack piracy. Although UK Prime Minister has sanctioned the use of armed guards on British Flagged vessels and his claiming “ no vessel carrying armed security has yet to be hijacked” (IFW Oct 2011).

Also the US have just recently passed an Act called the Piracy Suppression Act which authorizes armed security on vessel carrying cargo for US agencies through high risk waters. These has been done without consultation with the IMO and also falls foul of rules and laws of other countries especially Egypt which announced “ armed guards would not be permitted on ships going through the Suez canal” however this has now been changed as the Egyptian Marine Insurance consultation services (EMICS) that regulations have now been amended to permit transit of armed guards through the Suez canal.

The issue for the IMO is that if armed guards are deployed on vessels under the Flag of state jurisdiction under provision in article 94(1) of the United Nations Convention on the Law of Sea ("UNCLOS") which dictates that each state must exercise jurisdiction and control of vessel flying under its flag. However there is some ambiguity on who is ultimately responsible in the cases when armed guards are deployed on vessels and it becomes involved in a piracy incident.

ISPS codes is clear on the fact as it states that the Master has the final decision in issues concerning safety of the vessel and its crew. None the less if armed guards are deployed, then the security company may wish to overseas aspects into the contract pertaining to the security vessel and may wish to become ultimately responsible and may authorize the use of force to see off any hijacking attempt. This could breach the SOLAS regulations as the Master will not have full control over vessel security.

With new policy and measures being discussed by the IMO, MSC, Flag states and international governments on the application of armed guards on the ships it is wise for the ISPS code to develop some criteria and best practices model in terms of who and what security personnel to choose and employ and maybe some IMO certification policy for security companies. It would be beneficial to ensure that all armed security companies used are certified by the Security Association for the Maritime Industry (SAMI). Ensure that security companies have experience in providing security for vessels.