

SAFETY OF PASSENGER SHIPS

As a result of a comprehensive review on the safety of passenger ships, in particular large cruise ships built in recent years, the MSC at its 82nd session held in December 2006 adopted amendments to the SOLAS Convention. The work in developing the new regulations has based its guiding philosophy on the dual premise that the regulatory framework should place more emphasis on the prevention of a casualty from occur

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS (GBS)

In 2005, an independent experts group was established by the IMO Secretary-General to study the impact of the ISM Code. The relevant Committees, having endorsed the group's recommendations, approved circulars on guidelines for operational implementation of the ISM

has always acknowledged that the effective implementation and enforcement of these standards are primarily the responsibility of, although not being limited to, the flag States.

November 2005, led to the IMO Assembly to adopt resolution A.979(24) on piracy and armed robbery against ships in the waters off Somalia.

The purpose of above IMO Assembly resolution was to raise the level of awareness of the situation; encourage flag States to provide specific instructions to their ships; and to foster co-operative arrangements in an effort to reduce the likelihood of occurrence of further incidents in the waters off the coast of Somalia. The resolution also urges all States, in cooperation with the IMO and by implementing its guidelines on preventing attacks of piracy and armed robbery, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention; reporting and investigation of incidents; bringing the alleged perpetrators to justice, in accordance with international law; and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration.

Whilst the recommendations set out in resolution A.979(24) continue to be sound and relevant, a review of a number of incidents reported to the Organization appeared to suggest that not all Member States had acted pursuant to it. In view of the continuing situation in the waters off the coast of Somalia and the impact any act of piracy and armed robbery may have on human life, the safety of navigation and the environment

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robbery at sea, including through regional cooperation, and to investigate or cooperate in the investigation of such incidents wherever they occur and to submit reports on such investigations to the Organization. Ongoing regional initiatives to suppress piracy include working with the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and its new Information Sharing Centre; working with the Maritime Organization of West and Central Africa (MOWCA) to develop a regional network of agencies performing coast guard functions in that region; developing a regional maritime information exchange system for States in the Gulf of Aden and Red Sea area; and a regional initiative to enhance safety, security and environmental protection in the Straits of Malacca and Singapore.

PROTECTION OF STRATEGIC SHIPPING LANES

IMO has continued its work relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation. The Organization encourages States bordering straits or shipping lanes of strategic importance and significance and user States to continue their cooperation efforts to keep such straits and lanes safe and open to international navigation at all times, consistent with international law, in particular UNCLOS.

IMO further promotes cooperation by user States and States bordering straits for

the associated guidelines is to help ensure that persons in distress are assisted, while minimizing the inconvenience to assisting ships and ensuring the continued integrity of SAR services.

In 2006, the problem of undocumented migration by sea continued, particularly in the Mediterranean and Eastern North Atlantic Ocean, where major flows of undocumented migrants from North Africa were being experienced. Close co-operation continued between the Secretariat and UNHCR and other UN agencies relevant to persons rescued at sea which subsequently turn out to be involved in unregulated migration.

Following on from inter-agency activities in relation to the treatment of persons rescued

FAIR TREATMENT OF SEAFARERS

amendments and the application of the measures to ships and port facilities not covered by the Code providing future work programme on the subject.

Chapter XI-2 of the SOLAS Convention (SOLAS chapter XI-2) and the ISPS Code together stipulate a variety of mandatory measures aimed at enhancing the security of ships engaged on international voyages and the port facil

The prevention and punishment of crimes at sea are particularly difficult to prosecute and punish them on account of the interaction between flag and coastal State jurisdiction in the territorial sea and the exclusive economic zone and the exclusivity of flag State jurisdiction in the high seas. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,

acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession with the Secretary-General of IMO.

The 2005 SUA Protocol to the 1988 SUA Protocol requires ratification from three States which are also Parties to the 2005 SUA Protocol to the 1988 SUA Convention but it cannot come into force unless this last one is already in force.

Each of the 2005 Protocols had been signed by 18 States. In all cases signature was made under reservation as to ratification, acceptance or approval. So far no State, out of the ones which they have signed the instruments, has deposited any instrument of ratification, acceptance approval to formally become Party to any of the two 2005 Protocols. However, as of 4 May 2007, 2 States have deposited instruments of accession to the 2005 SUA Protocol to the 1988 SUA Convention.

The programme activities for 2006-2007 focus, with respect to those countries that are already Contracting Governments to the 1974 SOLAS Convention (SOLAS Contracting Governments), on: (a) review of the implementation of SOLAS chapter XI-2 and the ISPS Code with a view to identifying areas where SOLAS Contracting Governments need specific assistance; (b) continuing to promote collaboration at the regional and sub-regional level; and (c) training more maritime security instructors. Specific programmes are also made available to those countries that become or are planning to become SOLAS Contracting Governments.

Programme activities are delivered through regional, sub-regional and national seminars, workshops or training courses; regional and sub-regional meetings to promote co-operation at the regional and sub-regional level; needs assessment and technical advisory missions; and through the provision of training materials such as maritime security manuals for participants and instructors, IMO model courses for Ship, Company and Port Facility Security Officers, a Train-the-Trainer course, a DVD film “Know your port” and an interactive computer-based

respectively, the ILO/IMO Code of Practice on Security in Ports which addresses security in the wider port area.

Also during the development of SOLAS chapter XI-2 and the ISPS Code, the multimodal nature of the transport of freight containers and of other closed cargo transport units was recognized and IMO requested World Customs Organization (WCO), in December 2002, to urgently consider measures to enhance security throughout the international transport of closed cargo transport units.

This request led to the adoption by WCO, in June 2005, of the SAFE Framework of standards to secure and facilitate global trade and, as indicated above, IMO is presently considering how best to incorporate the relevant standards into the appropriate IMO instruments (e.g. the SOLAS and FAL Convention).

IMO has also co-operated with International Organization of Standardization (ISO) on the development of Publicly Available Specifications relating to the development of port facility security assessments and plans and on supply chain security.

Following the establishment, by the Secretary-General of the United Nations, of the Counter Terrorism Implementation Taskforce (CTITF) in June 2005, IMO has been fully involved in the work of that body and in particular on the development of the United Nations Global counter-terrorism strategy and its associated implementation measures. Subsequently a Counter terrorism Handbook was developed by CTITF, which provides Member States with current and relevant information on the United Nations' and its entities' work and resources contributing to countering terrorism. A number of different search functions are provided to help in better determining and accessing the information needed (<http://www.un.org/terrorism/cthandbook/>).

IMO is also, apart from updating the UN Security Council Counter Terrorism Committee Assistance Matrix, co-operating with UN Counter-Terrorism Executive Directorate (CTED) and participates in on-site visits in selected countries to assess and evaluate the implementation of those aspects of UN Security Council resolution S/Res/1373(2001) which fall within the scope of work of IMO.

In the field of application of the 1988 and 2005 SUA Treaties, the United Nations Office on Drugs and Crime (UNODC) cooperates with IMO regarding consultations on the co-relation between these treaties and other anti-terrorist conventions regulating the “prosecution or extradition” principle.

Other examples of field applications are the involvement of UNODC and UNICRI in the Sana'a meeting and the involvement of UN/DOALOS, FAO, UNHCR, UNODC and Interpol in the Dakar meeting.