



FACILITATION COMMITTEE  
33rd session  
Agenda item 19

FAL 33/19  
17 July 2006  
Original: ENGLISH

## REPORT OF THE FACILITATION COMMITTEE ON ITS THIRTY-THIRD SESSION

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## 1 GENERAL – ADOPTION OF THE AGENDA

### Introduction

1.1 The Facilitation Committee held its thirty-third session from 3 to 7 July 2006 under the chairmanship of Mr. C. Abela (Malta). The Vice-Chairman, Captain A.E. Hill (Liberia), was also present.

1.2 The session was attended by delegations from the following Member States:

ALGERIA	MALAYSIA
ARGENTINA	MALTA
AUSTRALIA	MARSHALL ISLANDS
BAHAMAS	MEXICO
BELGIUM	MOROCCO
BELIZE	NETHERLANDS
BRAZIL	NIGERIA
CANADA	NORWAY
CHILE	PAKISTAN
CHINA	PANAMA
COLOMBIA	PAPUA NEW GUINEA
CUBA	PERU
CYPRUS	PHILIPPINES
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	POLAND
DENMARK	PORTUGAL
DOMINICAN REPUBLIC	REPUBLIC OF KOREA
ECUADOR	ROMANIA
EGYPT	RUSSIAN FEDERATION
ESTONIA	SAUDI ARABIA
FINLAND	SINGAPORE
FRANCE	SOUTH AFRICA
GERMANY	SPAIN
GHANA	SWEDEN
GREECE	THAILAND
IRAN (ISLAMIC REPUBLIC OF)	TURKEY
ISRAEL	TUVALU
ITALY	UNITED KINGDOM
JAPAN	UNITED STATES
KENYA	URUGUAY
LATVIA	VANUATU
LIBERIA	VENEZUELA
LITHUANIA	VIET NAM

and the following Associate Members of IMO:

HONG KONG, CHINA	FAROE ISLANDS
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1.3 The session was also attended by observers from the following intergovernmental organizations:

WORLD CUSTOMS ORGANIZATION (WCO)  
LEAGUE OF ARAB STATES  
EUROPEAN COMMISSION (EC)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL SHIPPING FEDERATION (ISF)  
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)  
BIMCO  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)

### **Opening address**

1.4 In welcoming the participants on behalf of the Secretary-General, Mr. K. Sekimizu, Director, Maritime Safety Division, drew the attention of the Committee to this year's theme for World Maritime Day, namely, "Technical Co-operation: IMO's response to the 2005 World Summit", which had given IMO the opportunity to contribute, from its perspective, to the fulfilment of the Millennium Development Goals. In so doing, there would be a special focus on the maritime needs of Africa, in line with the priority that IMO has given to that continent, since the mid-1990s, through its technical assistance activities and resources. Currently, the ITCP's Africa programme represented 22% of the total biennial allocation from the Technical Co-operation Fund; three of the four IMO regional presence offices were located in Africa; and, against that continuing commitment, the Secretary-General decided to transfer an additional sum of up to US \$800,000 from the un-programmed reserves of the TC Fund to further support maritime capacity-building activities in Africa.

The Director then referred to the 2005 amendments to the FAL Convention, noting that, so far, no Contracting Government had notified the Secretary-General that it had not accepted them. It was envisaged that, if that trend continued, the amendments would enter into force on 1 November 2006. He went on to congratulate all Member States for developing acceptable, timely and appropriate amendments to the FAL Convention, which would further facilitate international maritime traffic.

On the importance of the early entry into force of the 1991 amendments to the IMO Convention, regarding the institutionalization of the Committee and its ability to continue its contribution to efficient shipping, the Director noted that only 10 additional acceptances, out of the required 111, were needed for the entry into force conditions to be met. On behalf of the Secretary-General, he, therefore, encouraged Member States, which had not yet accepted the amendments, to consider accepting them at their earliest convenience.

The Director then expressed concern about an incident involving stowaways and the consequences of the reported failure of the crew to follow normal procedures of reporting them to the authorities. He emphasized that extreme caution and vigilance were always needed in such

incidents and suggested that the Committee, following its review of the reports on stowaway incidents provided by Member States and international organizations, might wish to consider taking further action.

In connection with the perils of the sea that thousands of refugees, undocumented migrants, asylum seekers and stowaways face every year, reference was made to the World Refugee Day marked on 20 June 2006. In this context, the Committee's attention was brought to the SOLAS and SAR Convention amendments, which entered into force on 1 July 2006 and would assist significantly in the rescue of persons in distress at sea and facilitate their delivery to a place of safety.

Referring to the request of the Assembly in resolution A.984(24) to the Secretary-General, to explore the possibility of establishing an *ad hoc* mechanism in the Secretariat to co-ordinate efforts to speedily resolve difficulties in the carriage of class 7 radioactive materials, the Director informed the Committee that the Secretariat could establish a contact point in the Secretariat, through which sectors of the industry would report on difficulties in the shipment of such materials, including denials and delays, and proposals would be made on ways to resolve them. He stated that IMO's involvement in the process would be that of a facilitator and that the collective efforts of the relevant bodies of IMO and IAEA would make a significant contribution towards the resolution of associated outstanding issues.

On the issue of the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic, the Director expressed the belief that the revised and finalized guidelines that would emerge during the session, would make a significant contribution to the suppression and eventual elimination of international terrorism, organized crime, illicit drugs, money laundering and illegal arms trafficking.

The Director, recalling that, at the Committee's last session, consideration was given to the "WCO Framework of standards to secure and facilitate global trade", emphasized that, at this session, further consideration should be given to the security and facilitation aspects of the Framework of standards and the maritime aspects of the security of the supply chain, as requested by MSC 81.

The Director then turned to a few additional issues of a more general nature. The first concerned security at IMO meetings. Complacency about security was not an option, and no compromise could be made on this critical issue. All delegates should therefore abide by the security rules in place, as outlined in the updated security information provided in circular letter No.2692, issued on 20 January 2006.

He then referred to the Voluntary IMO Member State Audit Scheme and outlined three areas on which the Secretary-General would appreciate receiving favourable responses from the Member States - that they offer themselves for audit, as requested in resolution A.974(24); that they nominate auditors to enable the selection of audit teams for the conduct of the audits of volunteering Members; and that they nominate qualified auditors to participate in the regional training courses which the Organization was planning to convene to provide uniform training for effective implementation of the Scheme. In this regard, the Secretary-General looked forward to receiving many more offers, together with the particulars of many more auditors from whom to choose audit teams.

Concerning the planned refurbishment of the Headquarters Building, the Director reminded delegates that the building would be closed for approximately 12 months between the summers

of 2006 and 2007, during which period the Secretariat would move to offices provided by the Host Government and the meetings of the Council, Committees and Sub-Committees would be held elsewhere in London and abroad. In this context, the Secretary-General had expressed the hope that delegates would be prepared to face, with resolute spirit and good humour, any discomfort and disruption from normal operations experienced during the refurbishment period. The Director informed further that FAL 34 would be held in London, at the International Coffee Organization, from 26 to 30 March 2007.

### **Chairman's remark**

1.5 The Chairman, in thanking the Director of the Maritime Safety Division, stated that the Secretary-General's words of encouragement as well as the advice and requests would be given every consideration in deliberation of the Committee and its working groups.

### **Adoption of the agenda**

1.6 The Committee adopted the agenda (FAL 33/1) and a provisional timetable for guidance during the session (FAL 33/1/1/Add.1, annex, as amended). The agenda, as adopted, with a list of documents considered under each item, is set out in document FAL 33/INF.3.

### **Credentials**

1.7 The Committee was informed that the credentials of delegations attending the session were in due and proper form.

## **2 DECISIONS OF OTHER IMO BODIES**

### **Outcome of the fifty-third session of the Marine Environmental Protection Committee**

2.1 The Committee noted (FAL 33/2, paragraphs 2 and 3) the outcome of the fifty-third session of the Marine Environment Protection Committee on carriage of publications on board ships, and convening of Working Group on Ship/Port Interface.

### **Outcome of the tenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC)**

2.2 The Committee noted (FAL 33/2, paragraph 4) the outcome of DSC 10 on matters relevant to measures to enhance maritime security.

### **Outcome of the twenty-third extraordinary session of the Council**

2.3 The Committee noted (FAL 33/2, paragraphs 6 to 19) the outcome of the twenty-third extraordinary session of the Council on matters pertaining to its work.

### **Outcome of the twenty-fourth session of the Assembly**

2.4 The Committee noted (FAL 33/2, paragraphs 20 to 40) the outcome of the twenty-fourth session of the Assembly with regard to consideration of the report of the FAL Committee on its thirty-second session, in particular the outcome on the revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic. A list of the Assembly resolutions adopted by A 24 is set out in the annex to document FAL 33/2.

### **Outcome of the thirty-seventh session of the Sub-Committee on Standards of Training and Watchkeeping (STW)**

2.5 The Committee noted (FAL 33/2, paragraphs 41 and 42) the outcome of STW 37 relevant to the Model course for ballast water management officer.

### **Outcome of the fifty-fourth session of the Marine Environment Protection Committee**

2.6 The Committee noted (FAL 33/2/1, paragraph 2) the outcome of the fifty-fourth session of the Marine Environment Protection Committee on matters relevant to agenda item 11 (Facilitation aspects of other IMO forms and certificates).

### **Outcome of the ninety-first session of the Legal Committee**

2.7 The Committee noted (FAL 33/2/1, paragraph 3) the outcome of the ninety-first session of the Legal Committee relevant to the draft Convention on wreck removal, fair treatment of seafarers, and places of refuge.

### **Outcome of the eighty-first session of the Maritime Safety Committee**

2.8 The Committee noted (FAL 33/2/1, paragraphs 4 to 33) the outcome of the eighty-first session of the Maritime Safety Committee relevant to electronic access to IMO documents required to be carried on board ships; carriage of publications on board ships; the Global Integrated Shipping Information System (GISIS); illegal migration; piracy and armed robbery; prevention and suppression of illicit drug trafficking; and difficulties encountered with shipment of the IMDG Code class 7 radioactive materials.

## **3 GENERAL REVIEW AND IMPLEMENTATION OF THE CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC**

### **Status of the Convention**

3.1 The Committee noted (FAL 33/3) that, since FAL 32, Albania, Honduras and Viet Nam acceded to the Convention and that Japan accepted the Convention with a notification.

3.2 Being informed that, since document FAL 33/3 was issued, Azerbaijan accepted the Convention on 12 June 2006, the Committee noted that, as at 30 June 2006, the number of Contracting Governments to the Convention was 107 which is an increase of five since FAL 32.

3.3 The Committee expressed appreciation to States which had accepted the Convention, and urged those Member States which had not yet accepted it to consider doing so as soon as possible, in order to assist the Organization's efforts to facilitate international maritime traffic in secure environment.

### **Information submitted on implementation of individual provisions of the Annex to the Convention**

3.4 The Committee recalled that FAL 30 had agreed to review those Standards and Recommended Practices contained in the Annex to the FAL Convention to which differences have been registered by Contracting Governments thereto, with a view to determining whether they are outdated or could be amended to make them more universally acceptable; and to provide

a mechanism through which parties will be encouraged to review those differences they have registered and other measures taken to align their national requirements and procedures with those of the Convention.

3.5 The Committee also recalled that FAL 30, noting that it would be desirable to reduce the number of differences and, in order to reach this objective, had recognized that it was necessary in the first instance to obtain up-to-date information from Contracting Governments concerning such differences to the Standards and implementation of the Recommended Practices in the Annex to the Convention and had agreed to send them the associated questionnaire (FAL.3/Circ.184 on Review of Standards and Recommended Practices contained in the Annex to the Convention).

3.6 The Committee further recalled that FAL 30 had decided to issue that questionnaire (FAL.3/Circ.184) to those Member Governments which are not Contracting Governments to the Convention in order to find out what obstacles were being faced by them in ratifying the Convention and to encourage them to prepare their national legislation required and, if need be, request assistance from the Organization to enable them to effectively implement the provisions of the Convention.

3.7 The Committee noted that, until FAL 32, completed questionnaire had been received from 19 Member States (Argentina, the Bahamas, Belgium, Brazil, Cuba, Denmark, Greece, Italy, Japan, Malta, the Netherlands, Norway, Poland, the Republic of Korea, Singapore, Sweden, Thailand, the United Kingdom and the United States) and one Associate Member (Hong Kong, China). In addition, FAL 32 had noted the analysis of the implementation of the FAL Convention in Colombia.

3.8 The Committee recalled that on the basis of a short analysis of the completed questionnaire, FAL 32 had identified a number of differences in Standards and Recommended Practices, noting that it was not possible to make a detailed analysis based on the reports received from 20 Member States and one Associate Member. It, therefore, requested the Secretariat to carry out a detailed analysis and urged Member States, which had not responded to the questionnaire (FAL.3/Circ.184), to do so as soon as possible.

3.9 The Committee was informed that, since FAL 32, the Secretariat had not received any completed questionnaires and noted that the Secretariat still is in the process of making a detailed analysis of the completed questionnaires received so far.

3.10 The Committee urged Member States which had not yet responded to the questionnaire (FAL.3/Circ.184), so far, to do so as soon as possible and requested the Secretariat to continue with the detailed analysis of the questionnaires for consideration by the Committee.

### **Review of Standards and Recommended Practices and FAL Forms in the Annex to the Convention to which differences have been registered by Contracting Governments**

3.11 The Committee recalled that it had agreed at FAL 32 to further consider the proposal made by France (FAL 32/7/2) at this session of the Committee.

3.12 Following consideration of the proposals by France (FAL 32/7/2) regarding draft amendments to the FAL Convention concerning mainly the arrival and departure of persons; Spain (FAL 33/3/2) regarding draft amendments to the FAL Convention designed to improve compliance with the legislation on cross-border movement of persons; and the Netherlands

(FAL 33/3/3) regarding draft amendments to the FAL Convention related to the arrival and departure of persons, the Committee, having agreed that, with regard to:

- .1 Standard 2.6.1, section 2 (Crew list), an amendment relevant to the nature and number of visa, if issued, should only be made if that aspect is not covered by other requirements of the Convention;
- .2 Standard 3.10, section 3 (Seafarer's identity document), it is not necessary to make specific reference to ILO Conventions No.180 and No.185 as general provisions covering aspects of those Conventions should be adequate;
- .3 Standard 3.15, section 3 (Carrier's liability for failure to ensure that passengers have the correct documentation), the provisions should not go to such an extreme whereby penalties must be imposed and that the penalties, if and where applied, need to be reasonable and proportionate to the degree of responsibilities shared by the shipowners,

decided to refer them to the Working Group on General Review and Implementation of the FAL Convention, for detailed consideration.

#### **Harmonization with other international instruments**

3.13 The Committee noted that no specific document had been submitted for consideration under this item; and that, however, issues relevant to the harmonization with other international instruments had been addressed under agenda items 5 (Electronic means for the clearance of ships) and 8 (Measures to enhance maritime security: facilitation aspects), particularly in the context of the revised Kyoto Convention, UN/ECE, UN/CEFACT, ILO and WCO instruments relevant to electronic data interchange and framework of standards to secure and facilitate global trade.

#### **Development of an explanatory manual to the Convention**

3.14 The Committee recalled that FAL 32 had agreed to re-establish the Correspondence Group on Development of an Explanatory Manual to the FAL Convention, under the co-ordination of the Netherlands, to continue the work intersessionally and report to FAL 33.

3.15 The Committee further recalled the terms of reference of the correspondence group, as listed in document FAL 31/20, annex 5, as follows:

- .1 to continue with the development of an explanatory manual to the FAL Convention.
- .2 in the development of the manual, to take into consideration the following guiding principles, namely the manual should:
  - .1 encourage and improve the implementation of the FAL Convention;
  - .2 include explanations of Standards and Recommended Practices of the FAL Convention with the view to facilitating their possible implementation by providing technical advice and highlighting best practices;

- .3 lead to a better understanding of the underlying principles of the FAL Convention and, thus, promote its implementation;
  - .4 help Contracting Governments in the preparation of their national legislation and other regulatory instruments; and
  - .5 be non-binding to Contracting Governments and entail no legal obligations.
- .3 in the development of the manual, to take into consideration the relevant provisions of Annex 9 on Facilitation to the Convention on International Civil Aviation (Chicago, 1944), the Revised Kyoto Convention on Customs procedures, and other relevant UN/ECE Recommendations.

3.16 Having considered the report of the correspondence group (FAL 33/3/1), the Committee agreed that the group had made substantial progress on the development of explanatory texts to sections 1, 5, 6 and 7 of the Annex to the Convention and noted that, regarding sections 2 and 4, progress had been made; however, the text was not annexed to the report, as drafting of texts for the explanatory manual for section 3 was postponed by the correspondence group because a number of Member States announced during FAL 32 that they would prepare proposals for the amendment of a number of provisions in section 3.

3.17 After a preliminary consideration of the report of the correspondence group, the Committee decided to refer the report to the Working Group on General Review and Implementation of the FAL Convention, for further detailed consideration.

#### **Establishment of a working group**

3.18 The Committee established the Working Group on General Review and Implementation of the FAL Convention, under the chairmanship of Mr. Eildert Broekema (Netherlands) and instructed it, taking into account the relevant decisions and comments made in plenary, to:

- .1 prepare a consolidated text of draft amendments to the FAL Convention on the basis of proposals contained in documents FAL 32/7/2, FAL 33/3/2 and FAL 33/3/3;
- .2 continue with the development of an explanatory manual to the FAL Convention using document FAL 33/3/1 as basic document and taking into account the terms of reference listed in document FAL 31/20, annex 5;
- .3 prepare draft terms of reference for the correspondence group, for the Committee's consideration; and
- .4 giving priority to items .1 and .3, submit part 1 of the report to the Committee on Thursday, 6 July 2006; and continuing working till Friday, 7 July 2006, submit part 2 of the report to FAL 34.

#### **Report of the working group**

3.19 Having considered the report of the working group (FAL 33/WP.3), the Committee approved the report in general and took action as indicated in the ensuing paragraphs.

***Amendments to Standard 2.6.1 and Recommended Practice 2.7.3 of the Annex to the FAL Convention***

3.20 In considering the proposed amendments to Standard 2.6.1 (Crew list), and the Recommended Practice 2.7.3 (Passenger list), regarding the introduction of visa information into the lists, the Committee noted the different views expressed by the Contracting Governments to the Convention and the views expressed by observers from the maritime industry.

3.21 The Contracting Governments were of the view that recent international developments have put a greater emphasis on security of cross border movement of persons and, as a result, the maritime world has had to adjust to these changing circumstances. The reality of balancing security and facilitation brought about by unfortunate events worldwide has led a number of States to still require visas in some cases. They were of the opinion that providing visa information in the FAL forms could aid in the facilitation of crew member, passenger and vessel clearance; allows risk analysis to be conducted prior to vessel arrival; and reduces paper work by sparing vessels having to provide visa information on separate documentation. Moreover, it avoids undue ship delay which could otherwise be caused by longer processing of data not immediately available on the relevant FAL forms. In the light of this, the Contracting Governments were of the opinion that review of the FAL Convention was a good opportunity to align the Convention with these developments, taking into account its facilitative objectives and the current change in demands and practices in the field of security.

3.22 Observers representing the industry did not agree to the introduction of text into the FAL Convention which lends credence to, or facilitates the requirements for visas for crew members. They considered that it would violate the mission statement recently approved by FAL 32 (FAL 32/22, annex 4). In their opinion, the Organization has made clear its view of what should be required as the means of identification of seafarers, i.e., the use of the Seafarers Identity Document developed by ILO. It was further pointed out that Member States spent countless hours developing an appropriate seafarers' identity document at ILO, which culminated in ILO Convention No.185. In the opinion of the industry, it was inconceivable that in the face of clear IMO statements and the adoption of the seafarers' identity document by ILO, that the will of those bodies should be flouted by this Committee. While it was recognized that some States would require seafarers to have a visa in clear disregard for overwhelming world opinion as expressed by IMO and ILO, that was no reason for the Committee to advance a process that is in derogation of the IMO policy. The proposed amendments suggested, in the view of the industry, merely to facilitate the job of immigration and border authorities and not international maritime traffic.

3.23 In the light of the concerns discussed in relation to the amendments, the Committee agreed to include explanatory texts, where necessary, on those issues in the explanatory manual to the FAL Convention.

***Replacing Standard 3.15 by Recommended Practice 3.15 of the Annex to the FAL Convention***

3.24 In considering Standard 3.15, the Committee noted the amendment, proposed by the group, to replace the current Standard 3.15 by the Recommended Practice 3.15 with some amendments to the current text.

3.25 In view of the reality that a large number of States impose fines on shipowners in the event that passengers are found inadmissible on the basis of inadequate documentation, it was felt by Member States that Standard 3.15 no longer conforms to reality. It was underlined that States should only impose fines within reason and with due regard to the specific circumstances

of the care. However, the observers representing the industry did not support the amendments as, in their view, the possibility for a fine was now introduced into the Convention.

### ***Deletion of Standard 2.6.3 and Recommended Practices 2.7.1, 3.24, 3.39 and 3.40***

3.26 In considering Standard 2.6.3 and Recommended Practices 2.7.1, 3.24, 3.39 and 3.40, the Committee noted that the majority of the delegations supported the deletion of these standards and recommended practices. However, observers representing the industry were of the view that there was no added value in the deletion of the above standard and recommended practices. In addition, they expressed the view that the justification for the deletions took into account only security issues. By making these deletions, the flexibility that the industry already had would be taken away without having considered the impact on international maritime traffic.

### ***Draft amendments to the Annex to the FAL Convention***

3.27 Having considered the above issues, the Committee noted the draft amendments to the Annex to the FAL Convention, as set out in annex 1, with a view to approval at FAL 34 and subsequent adoption at FAL 35 and urged Member States and international organizations to submit proposals on those draft amendments to facilitate their approval at FAL 34.

### ***Other issues***

3.28 The Committee noted that the present overview of differences notified to IMO, as set out in appendix 7\* to the Convention, related to Recommended Practices is a set of approved and non-approved recommended practices. According to article VIII(3) of the Convention, Contracting Governments are only required to inform the Secretary-General of the implementation of Recommended Practices. The Committee agreed to refer this matter to FAL 34 with a view to update appendix 7\* to the Convention.

3.29 The Committee also noted that there was little benefit derived from the replies to the questionnaire (FAL.3/Circ.184), since only 20 States have replied, and invited Member Governments to submit replies to the aforementioned questionnaire as soon as possible.

### ***Terms of reference of the Correspondence Group on Development of an Explanatory Manual to the FAL Convention***

3.30 The Committee, taking into account the work completed at this session, agreed to establish the correspondence group, under the co-ordination of the Netherlands\*\*, to continue its work intersessionally, with the following terms of reference:

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\* FAL Convention, as amended (including 2005 amendments).

\*\* **Co-ordinator:**

Mr. Ed Broekema  
Policy Adviser  
Customs & Consumer Taxes Directorate  
P.O. Box 20201  
The Hague  
2500 EE  
The Netherlands  
Telephone: + 31 70 342 8129  
Fax: + 31 70 342 7938  
E-mail: [e.broekema@minfin.nl](mailto:e.broekema@minfin.nl)

- .1 continue with the development of an explanatory manual to the FAL Convention, taking into account that the manual should:
  - .1 encourage and improve the implementation of the FAL Convention;
  - .2 include explanations of Standards and Recommended Practices of the FAL Convention with the view to facilitating their possible implementation by providing technical advice and highlighting best practices;
  - .3 lead to a better understanding of the underlying principles of the FAL Convention and promote its implementation;
  - .4 assist Contracting Governments in the preparation of their national legislation and other regulatory instruments; and
  - .5 be non-binding to Contracting Governments and entail no legal obligations;
- .2 in the development of the manual, take into consideration the relevant provisions of Annex 9 on Facilitation to the Convention on International Civil Aviation (Chicago, 1944), the Revised Kyoto Convention on Customs procedures, and other relevant UN/ECE Recommendations; and
- .3 submit a report to FAL 34.

#### **4 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE ANNEX TO THE CONVENTION**

4.1 The Committee recalled that FAL 32 had adopted resolution FAL.8(32) on Adoption of amendments to the Convention on Facilitation of International Maritime Traffic, 1965, as amended and that, in accordance with article VII(2)(b) of the Convention, the amendments would enter into force on 1 November 2006, unless, prior to 1 August 2006, at least one third of Contracting Governments to the Convention had notified the Secretary-General in writing that they do not accept them.

4.2 The Committee noted that no amendments to the FAL Convention were due for adoption at this session of the Committee and agreed that, in the future, under this agenda item it would consider only those amendments to the Convention which are scheduled for adoption.

4.3 The Committee requested the Secretariat to prepare a consolidated text of the FAL Convention and the Annex, incorporating the 2005 amendment, for ease of reference at FAL 34, and was informed by the Secretariat of its intention to place that text on the IMO website after 1 August 2006.

#### **5 ELECTRONIC MEANS FOR THE CLEARANCE OF SHIPS**

##### **Development of uniform systems for the arrival and clearance of ships, persons and cargoes**

5.1 The Committee noted that, although no specific document had been received for consideration under this item, other items, to be considered under this agenda item, were closely associated with it.

### **E-business possibilities for the facilitation of maritime traffic**

5.2 The Committee recalled that at FAL 32 it had established the Correspondence Group on Electronic Means for Clearance of Ships, under the co-ordination of the United States, with the following terms of reference:

- .1 to reflect, as appropriate, the amendments to the Annex to the FAL Convention, adopted at FAL 32 (FAL 32/22, annex 1), in the draft revised IMO FAL Compendium to be prepared;
- .2 to extract data elements in FAL Forms 1 to 7 and develop a matrix sheet based on ISO 7372 (UNTDED) to avoid duplication of data for realizing the Single Window Concept;
- .3 to develop new or recommend adoption of the existing Message Implementation Guidelines (MIG) for the individual FAL Forms;
- .4 to develop EDI message for transmission of security-related information based on MSC/Circ.1130, for inclusion in the IMO FAL Compendium; and
- .5 to review and finalize the draft revised IMO FAL Compendium for submission to FAL 33 for approval and submission to WCO, UN/CEFACT (TBG) and other organizations for comments.

5.3 In considering the report of the correspondence group (FAL 33/5 and FAL 33/5/Add.1), the Committee noted, in particular, that the item in the term of reference stating “develop EDI message for transmission of security-related information based on MSC/Circ.1130 for inclusion in the IMO FAL Compendium” had not been addressed by the correspondence group.

5.4 The Committee, noting that the text in section G of document FAL 33/5, annex, concerning FAL Form 7 (Dangerous Goods Manifest), could, in the light of amendments to the IMDG Code, benefit from improvement and the MSC Chairman’s concurrence to refer the matter directly to the DSC Sub-Committee, decided to forward the draft IMO FAL Compendium to DSC 11 for comments on matters under that Sub-Committee’s purview.

5.5 After a preliminary consideration of the aforementioned report of the correspondence group, the Committee referred it to the Working Group on Electronic Means for Clearance of Ships for further detailed consideration.

### **Assistance to countries in accepting and implementing electronic means for clearance of ships**

5.6 The Committee considered the submissions by:

- .1 Chile (FAL 33/5/1) which, highlighting that sustained developments of information technologies and communications in the recent decades had exerted a strong impact on progress in maritime activities at the global level, compelling the public and private sectors to share information and thus bring greater flexibility to activities relating to maritime traffic and maritime and port security, proposed that Member States should promote bilateral electronic data interchange between their

respective maritime administrations and that the latter should make use of electronic data interchange (EDI) to improve States' and/or Governments' handling of their responsibilities in the realms of maritime security, safety of life at sea, protection of the marine environment and facilitation of maritime traffic. In addition, Chile intended to establish bilateral agreements of understanding which would formalize procedures and content with the aim of ensuring a continuous and useful flow of information for the benefit of all parties, and had realized that data integration through the single-window concept provides both maritime users and public authorities a useful product for decision-making, both in activities specific to an administration and in those relating to facilitation of maritime traffic. Chile offered support to interested Member States in standardizing the initial implementation procedure; and

- .2 the Islamic Republic of Iran (FAL 33/5/3), informing the Committee that, in order to create a pattern for implementing one window system, they had prepared a system which takes maximum benefit out of minimum facilities and infrastructure available in governmental and commercial relations specifically in port and harbour services. The programme comprises an integrated mechanism for collection and distribution of the data which allows traders and other users to submit standard data only once and the system processes and distributes the data to the agencies that have an interest in the transaction. The software needs to be installed in order to use this programme and a website acts as a window system which renders possible for the traders to exchange the data online with the port through the website, thus enabling a lesser number of approaches to the port requesting information. The Islamic Republic of Iran expressed its willingness and readiness to co-operate with other Member States in implementing a similar system either through IMO or directly,

and, having thanked the delegations of Chile and the Islamic Republic of Iran for the information provided, invited Member States, which wish to benefit from those programmes and developments, as appropriate, to contact the relevant administrations of Chile and the Islamic Republic of Iran directly.

5.7 The Committee invited Member States and organizations to keep the Committee informed of similar developments so that further co-operation in this important area is enhanced.

#### **Development of EDI messages for transmission of security-related information**

5.8 The Committee recalled that FAL 32, on the basis of a recommendation of the Working Group on Electronic Data Interchange, had requested the Secretariat to invite UN/CEFACT for the allocation of codes for the International Ship Security Certificate (ISSC) and Interim ISSC and their listing in the UN Code List.

5.9 In this context, the Committee noted that the Secretariat would submit, to FAL 34, a report on the matter.

#### **The use of Single Window Concept**

##### ***UN/ECE Symposium on single window standards and interoperability***

5.10 The Committee was informed (FAL 33/5/4) that the UNECE Symposium on Single Window Standards and Interoperability (Geneva, 3 to 5 May 2006), organized by UN/CEFACT,

offered to single window operators and other stakeholders an opportunity to consider the international standards, which are essential for the efficient exchange of information and interoperability between the different Single Window facilities. In addition, the symposium worked on elaborating a concrete plan of action to further develop and expand such standards.

5.11 The Committee noted that the symposium, amongst others, emphasized three key elements in the Commission's approach to support national and international trade facilitation initiatives, as follows:

- .1 get all stakeholders involved in the standard setting process;
- .2 build on the work already accomplished; and
- .3 ensure a continuity of discussion and a follow-up.

5.12 The Committee noted the information provided and was of the view that IMO should continue to work together with WCO and UN/CEFACT and other international organizations to promote and build capacity in the use, implementation and customization of data models.

#### ***ebXML collaboration model of single window for marine transport***

5.13 The Committee recalled that FAL 32 had noted that, although the use of Single Window is a convenient tool for facilitation in ship/port interface, a further study was needed to ensure that security-related information does not end up in the wrong hands; that there was a possibility to develop a system using available programming techniques whereby the information once entered into the system will be accessed only by authorized personnel; and that UN/CEFACT was in a process of developing XML Standards.

5.14 It was also recalled that, in the above context, FAL 32 had invited the Republic of Korea to submit information further to that contained in document FAL 32/5/3 (Republic of Korea) on the XML-based system to this session of the Committee.

5.15 The Committee discussed the submission by the Republic of Korea (FAL 33/5/2 and Corr.1) and the associated presentation made by the delegation of the Republic of Korea which proposed an ebXML collaboration model about XML-based Single Window System for simplifying clearance formalities in an effort to simplify, standardize and make effective use of present arrival and departure information through electronic means.

5.16 The Committee noted that the system, as proposed by the Republic of Korea (FAL 33/5/2), included a concept of Single Window that expanded the existing port information system, which is confined to national boundaries, to a global one and, furthermore, that implementation of the proposal would lead to a global arrival/departure clearance system for international logistics, incorporating marine, air, road and rail.

5.17 Having noted the information provided, the Committee invited Member States and organizations to consider benefiting from the ebXML collaboration model and invited the Republic of Korea to keep the Committee informed of the relevant updates and new developments in this area.

### **Establishment of a working group**

5.18 Following the above discussions, the Committee established the Working Group on Electronic Means for Clearance of Ships, under the chairmanship of Mr. K. Itoh (Japan), and instructed it, taking into account the relevant decisions and comments made in plenary, to:

- .1 revise the IMO Compendium on Facilitation and Electronic Business (FAL.5/Circ.15) based on the latest amendments adopted by the Committee, including the matrix of data elements as per FAL Forms 1 to 7, for approval by the Committee and subsequent submission to WCO, UN/CEFACT (TBG) and other organizations for comments;
- .2 develop new or recommend adoption of existing Message Implementation Guidelines (MIG) for exchange of information electronically on all IMO FAL forms based on the latest version of UN/CEFACT Standards Directory, ISO 7372/2005 (UNTDDED) and WCO Data Model (Version 2);
- .3 develop a uniform ship's pre-arrival electronic message, taking into consideration SOLAS chapter XI-2, the ISPS Code and MSC/Circ.1130;
- .4 ensure the exchange of information with a view to keeping the FAL Committee informed of relevant developments relating to electronic business in the area of maritime traffic; and in this capacity, to act as a virtual focal point with a view to making further progress towards achieving the goal of total electronic clearance of ships and cargoes;
- .5 develop the Single Window System for the exchange and management of information, which would ensure that security and reliability are maintained by developing well-established privacy procedures and processes;
- .6 consider, consistent with the WCO "Framework of Standards to Secure and Facilitate Global Trade"\* , its primary goal to secure and facilitate maritime and other transport systems, as well as the trade supply chain;
- .7 consider the use of the WCO Data Model and Single Window Concept, with national appropriate administrations as the primary informational conduit, in view of the significant capacity building developments that are anticipated through broad global implementation of the adopted Framework (including those activities in the area of enhancement of automated data systems);
- .8 define proposals for the changes to procedures as a result of the electronic exchange of information, to actively follow the developments within the ISO TC8 and to encourage exchange of information among other organizations

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\* The World Customs Organization (WCO) "Framework of Standards to Secure and Facilitate Global Trade" is the preeminent global guidance, developed in co-ordination with 166 WCO Members and the global business community, for the enhancement of security and facilitation of the global supply chain and all transport modes. A summary of the Framework has been outlined in document FAL 32/INF.7. The Framework was adopted at the June 2005 WCO Policy Council Sessions where, before departing the WCO Sessions, a significant number of the Members expressed their intent to implement the standards contained therein.

(UN/CEFACT, WCO, ISO, etc.) with IMO on ship and electronic related information matters;

- .9 encourage collaboration with other standardization bodies, such as UN/CEFACT (especially Transport Working Group (TBG3), Customs Working Group (TBG4) and International Trade Procedures Working Group (TBG15)), ISO/TC154, ISO/TC104. In addition, representatives from the shipping industry such as PROTECT and International Transport Implementation Guidelines Group (ITIGG) should be asked to contribute to the work to ensure a mutual understanding and usage of the guidelines;
- .10 identify, in view of requests by countries for technical assistance in introducing electronic business, ways and means on how to expand the use of electronic business in such countries;
- .11 subject to the approval by the Committee of the finalized IMO FAL Compendium, refer it to the WCO, UN/CEFACT (TBG) and other organizations for comments, subject to comments by the DSC 11 on matters under its purview;
- .12 prepare draft terms of reference for the correspondence group for consideration by plenary; and
- .13 submit part 1 of the report to the Committee on Thursday, 6 July 2006; and continuing working till Friday, 7 July 2006, submit part 2 of the report to FAL 34.

### **Report of the working group**

5.19 Having received the report of the working group (FAL 33/WP.5), the Committee approved the report in general and took action as indicated in the ensuing paragraphs.

#### ***Transmission of security-related information***

5.20 The Committee, in the context of transmission of security-related information, compared the Customs Conveyance Report (CUSREP) message with the Berth Management (BERMAN) message and, noting that when comparing the two aforementioned options it is revealed that the segments in the former contained too many free text (FXT) segments which are not appropriate in the use of electronic data, instructed the correspondence group to submit the Data Maintenance Request (DMR) to the relevant authorities (e.g., UN/CEFACT, WCO, PROTECT) for more information and report to FAL 34.

#### ***Revision of the IMO Compendium on facilitation and electronic business (FAL.5/Circ. 15)***

5.21 In the context of the revision of the IMO Compendium on facilitation and electronic business (FAL.5/Circ.15), the Committee took the following actions:

- .1 agreed to add, on all FAL forms, the text 'Voyage reference' and decided to consider these amendments at FAL 34 with the view to incorporating them into the Convention;
- .2 noted the view of the group to change, on FAL Form 3, 'Place of Storage' (block 8) to 'Location on board' and the block to be moved to the position of 'official use' (block 11), and to use the PAXLIST message for the matrix table on

inventory of the stores declaration instead of using the present INVRPT, thus making the matrix table consistent with the recent changes under consideration at the WCO Technical Working Group;

- .3 agreed, on FAL Form 4, to include a separation between blocks 4 and 5;
- .4 agreed, on FAL Form 5, in order to make the layout of the blocks user- friendly, to renumber block 7 as 6, and 8 as 7, whereby block 6 becomes 11; and
- .5 agreed, on FAL Form 7, to renumber the data elements in order to be consistent with the other FAL forms.

### ***Developments at WCO***

5.22 On the basis of the information provided by the observer from WCO, the Committee noted that the following IMO EDI related issues would be reviewed at the WCO Data Model Project Team (DMPT) meeting scheduled for 9 October 2006:

- .1 provisions in MSC/Circ.1130 as recommended by the IMO EDI Working Group and an analysis of these provisions to determine the feasibility of using the CUSREP to report security-related information;
- .2 IMO EDI Working Group proposal to use the PAXLST message to report Ships Stores Declaration (FAL Form 3) in the GID segment of the PAXLST;
- .3 IMO EDI Working Group proposal to incorporate Crew Effects (FAL Form 4) in the PAXLST; and
- .4 Dangerous Goods Manifest (FAL Form 7) for possible incorporation of requirements into the CUSCAR.

### ***Establishment of a correspondence group***

5.23 The Committee agreed to establish the Correspondence group on Electronic Means for Clearance of Ships, under the co-ordination of the United States\*, with the following terms of reference:

- .1 to finalize the revision of the IMO Compendium on Facilitation and Electronic Business (FAL 33/5) based on the latest amendments adopted at FAL 32;
- .2 to prepare a list of recommended revisions to the IMO FAL Compendium based on the observations of the EDI Working Group during FAL 33;
- .3 to reflect, as appropriate, the amendments to the Annex to the FAL Convention in the draft revised IMO FAL Compendium to be prepared;

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- .4 to co-ordinate the work for revisions on the Compendium with that of the correspondence group responsible for the development of an explanatory manual to the Convention;
- .5 to continue to develop or recommend adoption of existing Message Implementation Guidelines (MIG) for the individual FAL forms;
- .6 to submit Data Maintenance Request (DMR) to appropriate authorities and report the outcome to the Committee;
- .7 to continue to develop or recommend EDI message for transmission of security-related information based on MSC/Circ.1130 for inclusion in the IMO FAL Compendium; and
- .8 to review and finalize the draft revised IMO FAL Compendium for submission to FAL 34 for approval and submission to WCO, UN/CEFAT (TBG) and other organization for comments.

## **6 APPLICATION OF THE COMMITTEE'S GUIDELINES**

### **General**

6.1 The Committee recalled that FAL 31, having reviewed its Guidelines on the organization and method of work in the light of experience gained with their application and with the view to improving them for the purpose of making them more user-friendly and further rationalizing the work of the Committee, approved the revised guidelines set out in FAL.3/Circ.186.

### **Amendments to the Committee's Guidelines**

6.2 The Committee noted (document FAL 33/6) that, in the context of resolution A.971(24) on High-level action plan of the Organization and priorities for the 2006-2007 biennium, the Committees had been requested, *inter alia*:

- .1 when considering proposals for new work programme items, to ensure that the issues to be addressed are those which fall within the scope of the Strategic plan (operative paragraph 4 of the resolution); and
- .2 to review the Guidelines on the organization and method of work, in order to require that submissions for new work programme items include an indication of how they relate to the scope of the Strategic plan (operative paragraph 5 of the resolution),

6.3 Having considered the relevant recommendations by the Secretariat (FAL 33/WP.8), the Committee approved the following amendments to the Committee's Guidelines:

- .1 the existing text of paragraph 2.6.2 of the Guidelines is replaced by the following:  
  - “is the subject addressed by the proposal considered to be within the scope of IMO's objectives and the Strategic Plan of the Organization?”; and
- .2 the following new subparagraphs are added after subparagraphs .2.1 and .2.2 of paragraph 2.16 of the Guidelines:

- “2.1-1      how is the proposed item related to the scope of the Strategic Plan of the Organization and fits into the High-level plan?
  
- .2.2-1      has sufficient time been set aside at future sessions for consideration of high-level actions and associated priorities in order to ensure that they both accurately and concisely describe the planned activities?”

6.4      The Committee noted the outcome of MSC 81 (FAL 33/2/1, paragraphs 29 to 33), with regard to start of working groups’ work on Monday mornings, work method of a working group with splinter group(s), deadline for submission of documents containing proposals for new work programme items and amendments to the Guidelines on the organization and method of work of the MSC and MEPC and, having concurred with the relevant decisions of MSC 81, requested the Secretariat to prepare draft amendments to the FAL Committee’s Guidelines, which should take into account amendments to the Guidelines on the organization and method of work of the MSC and MEPC, for consideration at FAL 34.

#### **Deadline for submission of documents containing proposals for new work programme items**

6.5      In the context of the decision concerning the reduction of the deadline for submission of documents, containing proposals for new work programme items, from 20 week to 13 weeks, the Committee agreed that this new deadline should take effect from FAL 34.

### **7      PREVENTION AND SUPPRESSION OF UNLAWFUL ACTS AT SEA OR IN PORT: FACILITATION ASPECTS**

#### **Statistical information**

7.1      The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships had been circulated under the MSC.4/Circ. series, the annual report for the calendar year 2005 having been issued under the symbol MSC.4/Circ.81.

7.2      The Committee also recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery against ships differentiated (in separate annexes) between acts of piracy and armed robbery actually “committed” and “attempted” ones.

7.3      In considering document FAL 33/2/1, paragraphs 14 to 17 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships, which were reported to the Organization to have occurred or to have been attempted in 2005, was 266, a decrease of 64 (19%) over the figure for 2004. The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of May 2006, was 4,109.

7.4      The Committee observed that although this 19% annual decrease in the reported acts of piracy and armed robbery against ships and the fact that the number of attacks had decreased for the third year in succession was encouraging, the fact that the annual report indicated an increase in the violence of the attacks, and an increase in the incidence of kidnapping and ransom, was not. The incidence of such acts remained a cause for concern and, therefore, as emphasized on previous sessions of the Committee, much more is still needed to be done to reduce this menace.

7.5 The Committee further observed that, from the reports received, the areas most affected in 2005 (i.e., five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, West Africa, South America and the Caribbean, the Indian Ocean, and East Africa, and that detailed statistical information had been provided in document MSC 81/19. The Committee noted that most of the attacks worldwide had occurred or been attempted in territorial waters while the ships were at anchor or berthed.

7.6 The Committee noted with concern that, in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during 2005, 152 crew members had been reportedly injured/assaulted, about 652 crew members had been reportedly taken hostage/kidnapped, out of which 11 crew members were reportedly still unaccounted for, and that 16 ships were reportedly hijacked and a tug and a barge were still unaccounted for.

7.7 The Committee noted that, although since the 11 September 2001 attacks emphasis had been placed on maritime security, piracy and armed robbery against ships continued to trouble the shipping industry. However, the implementation in July 2004, of SOLAS chapter XI-2 and the ISPS Code did appear to have had a positive impact on the reduction of piracy and armed robbery incidents, particularly in port areas. Whereas the effect of the application of SOLAS regulation XI-2/7 (Threats to ships) was difficult to quantify, the number of acts and attempted acts of armed robbery against ships allegedly committed against ships in port areas had decreased from 232 in 2003, through 173 in 2004 (a decrease of 25%), to 135 in 2005 (a further decrease of 22%). Despite this improvement, Contracting Governments should be aware that any incidents of armed robbery taking place in their port areas would raise serious concerns as to the compliance of the ports and port facilities of the country concerned with the maritime security regime. The Committee once again, urged all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

7.8 Noting that, despite numerous requests at previous sessions of the Committee, in the year to May 2006 the Secretariat had received very few reports from Member Governments on action they took with regard to incidents reported to have occurred in their territorial waters, the Committee noted the urgent need for all States to provide the Organization with the information requested. The Committee agreed that it was only with this information that the Organization would be able to assess if the correct actions were being taken, or if more needed to be done.

### **Initiatives to counter piracy and armed robbery at sea - Somalia**

7.9 In considering document FAL 33/7/1 (Secretariat), the Committee noted the action taken by the twenty-fourth session of the Assembly concerning piracy and armed robbery against ships in waters off the coast of Somalia and, in particular, the adoption of resolution A.979(24) on Piracy and armed robbery against ships in waters off the coast of Somalia.

7.10 By that resolution, the Assembly condemned and deplored all acts of piracy and armed robbery against ships and appealed to all parties, which may be able to assist, to take action, within the provisions of international law, to ensure that all acts or attempted acts of piracy and armed robbery against ships were terminated forthwith; that plans for committing such acts were abandoned; and that any hijacked ships were immediately and unconditionally released and that no harm was caused to seafarers serving in them.

7.11 It was noted that resolution A.979(24) had been considered at the 5387th meeting of the UN Security Council, held on 15 March 2006, in connection with its consideration of the item entitled "The situation in Somalia", and that a Presidential statement on the situation in Somalia,

issued on 15 March 2006 (UN document S/PRST/2006/11), concerning piracy and armed robbery was issued as given in paragraph 7 of document FAL 33/7/1.

7.12 The Committee noted that pursuant to resolution A.979(24), the Secretariat was planning to organize a seminar and workshop on coastal security in East Africa in the year 2006 for States from the region. Other interested States, United Nations organizations, intergovernmental and non-governmental organizations concerned would be invited to attend as observers.

### **Illegal migrants**

7.13 The Committee noted that, since FAL 32, the Secretariat had issued, on the basis of information received from Member Governments, reports of trafficking or transport of illegal migrants by sea, which were collated and disseminated by the Secretariat, on a biannual basis under the MSC.3/Circ. series (MSC.3/Circs.9, 10, and 10/Add.1) for the period between 31 July 2005 and 28 March 2006.

7.14 The Committee noted that the statistics on illegal migrants received for the year 2005, revealed that 247 incidents had been reported to the Organization involving 17,513 migrants from 45 countries. 9,061 migrants were from Middle East, 6,125 from African countries, 492 from Asia, 86 from Europe and 1,749 from regions/countries not known. In evaluating the statistics, it was noted that the number of reporting States was low and that, from 166 Member States, only two, Greece and Italy, had submitted information to the Secretariat in 2005.

7.15 The Committee noted further that, since January 2006, the Secretariat had received 112 reports involving 12,468 migrants, submitted by Ecuador, Italy and Turkey which covered the period from 2000 to 2006.

7.16 The Committee expressed appreciation to Member Governments which had submitted reports and urged Member Governments and international organizations to promptly communicate, in accordance with MSC/Circ.896/Rev.1, all unsafe practices associated with the trafficking or transport of migrants by sea.

7.17 The Committee noted that MSC 81 had agreed that such information might also serve as a useful measure of the effectiveness, or otherwise, of access control and other special measures to enhance maritime security in ports and port facilities.

### **Prevention and suppression of illicit drug trafficking**

7.18 The Committee recalled that United Nations Security Council resolutions 1373 (2001) and 1456 (2003) had, *inter alia*, noted with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money laundering and illegal arms trafficking; and had emphasized the need to enhance co-ordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to these serious threats to international security.

7.19 The Committee recalled that FAL 32 had considered the proposals of Colombia (FAL 32/9/1) on amending and updating resolution A.872(20), basically by adapting it to the 1965 FAL Convention, as amended, and to the ISPS Code, and also on updating it to take account of a ten-year period which had brought new methods of concealing drugs on board ships engaged in international maritime transport.

7.20 The Committee noted further that the Assembly, at its twenty-fourth session, taking into account the previous work of the Committee, had approved resolution A.985(24)/Rev.1 on Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)) and recalled that, in the context of the resolution, the Committee was requested by the Assembly to:

- .1 work, jointly and expeditiously with the Maritime Safety Committee, on the revision of the Guidelines;
- .2 adopt, jointly with the Maritime Safety Committee, the necessary amendments to the Guidelines and to promulgate these by appropriate means;
- .3 note that, as from the date of the joint adoption by the Facilitation Committee and the Maritime Safety Committee of the amendments to the Guidelines, resolution A.872(20) should be deemed as revoked; and
- .4 report, in co-operation with the Maritime Safety Committee, on action taken in accordance with the above resolution, to the twenty-fifth regular session of the Assembly.

In this regard, the Committee noted that MSC 81 had requested (FAL 33/2/1) the Secretariat to inform, in due course, of the developments on the matter within the FAL Committee, so that the MSC could contribute as appropriate.

7.21 In considering the report of the correspondence group (FAL 33/7 submitted by Colombia), set up at FAL 32 with the mandate to revise resolution A.872(20) on Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic, the Committee congratulated the correspondence group and, in particular, the delegation of Colombia on the valuable work done in assisting shipboard personnel to combat the scourge of drug smuggling.

7.22 Noting the specific proposals with respect to the need for co-operation between public authorities; the need to retain references to “precursors and essential chemicals” and “ships engaged in international trade”; and drafting the appropriate covering resolution, the Committee referred the draft Guidelines to the Working Group on Ship/Port Interface, instructing it, taking into account the relevant decisions taken and comments made in plenary, to complete the review of the Guidelines.

### **Report of the working group**

7.23 Having considered the part of the report of the working group (FAL 33/WP.4) relating to this item, the Committee took decisions as detailed in the following paragraphs.

7.24 In reviewing the Guidelines contained in the annex to document FAL 33/7, the Committee agreed to the substantive and editorial amendments which had been made to the text by the group. The salient changes are:

- .1 clarification of some paragraphs in the preamble on the relationship between terrorism and drug trafficking;

- .2 retention of the original title to reflect the decision of plenary to retain the references to “precursor chemicals” and “engaged in international traffic”;
- .3 use of the term “competent authorities” instead of “customs or competent public authorities” throughout;
- .4 amendments to clarify the differences between security levels set by SOLAS Contracting Governments and Administrations pursuant to SOLAS chapter XI-2 and the ISPS Code and the drug-related threat in any particular port facility;
- .5 amendments to clarify the differences between procedures implemented on board ship pursuant to SOLAS chapter XI-2 and the ISPS Code, as detailed in the ship security plan, and measures taken on board ship to prevent drugs being taken on board;
- .6 inclusion of a statement on the need for co-operation, communication and co-ordination between the various competent authorities and agencies to prevent and control illegal drug trafficking;
- .7 alignment of existing paragraphs 1.4, 1.5 and 1.6 and section 4 on port facility and ship security with the provisions of the ISPS Code;
- .8 replacement of the current list of training requirements (paragraph 3.1) by references to the training requirements detailed in the ISPS Code, the 1978 STCW Convention, the STCW Code and various MSC circulars on the issue;
- .9 inclusion of references to MSC/Circ.1112 on Shore leave and access to ships under the ISPS Code and MSC/Circ.1156 on Guidance on the access of public authorities, emergency response services and pilots onboard ships to which SOLAS chapter XI-2 and the ISPS Code apply, in existing paragraph 4.2.3;
- .10 deletion of references to proprietary brands of screening equipment;
- .11 deletion of the detailed procedures for identification of precursor chemicals given in chapter 2.2;
- .12 renaming of annex 2 as “The balance between security and facilitation”;
- .13 amendment to the list of relevant URLs given in annex 3;
- .14 deletion of annex 4 on “world trends”; and
- .15 movement of text on synthetic or designer drugs from existing annex 6 to existing annex 5 and deletion of annex 6.

7.25 The Committee noted that, although MSC 81 had received an interim progress report from the co-ordinator of the correspondence group which FAL 32 had established for the revision of the Guidelines, the MSC had not yet had an opportunity to review the actual text of the draft Revised Guidelines from the point of view of matters falling within its competency and, in particular, in relation to issues within the scope of SOLAS chapter XI-2 and the ISPS Code. The Committee agreed that, as A 24 had authorized the Committee and the MSC to jointly adopt amendments to the Guidelines, the MSC should be afforded a reasonable opportunity to review

the Revised Guidelines and, thus, it was advisable not to proceed with adoption of the Revised Guidelines from the point of view of the Committee during the present session.

7.26 Consistent with the emerging practice for the joint adoption of the revised Guidelines, the Committee:

- .1 approved the draft Revised Guidelines, incorporating the amendments listed in paragraph 7.24 above and the associated draft FAL resolution, as set out in annex 2;
- .2 decided to forward to MSC 82, the draft Revised Guidelines and the associated draft MSC resolution on the adoption of Revised Guidelines, as set out in annex 2 to document FAL 33/WP.4 for consideration with a view to adoption; and
- .3 agreed to adopt the draft Revised Guidelines at FAL 34, subject to review of any amendments agreed by the MSC when adopting the Revised Guidelines.

7.27 The Committee expressed its gratitude to Colombia and the members of the correspondence group for the work done in progressing the review of the Guidelines for the suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic.

## **8 MEASURES TO ENHANCE MARITIME SECURITY: FACILITATION ASPECTS**

### **Outcome of MSC 81 in relation to other matters connected with measures to enhance maritime security**

8.1 The Committee noted the decisions of MSC 81 relating to measures to enhance maritime security and, in particular, the various MSC circulars and resolutions which had been adopted by MSC 81 in relation to the implementation of SOLAS chapter XI-2 and the ISPS Code (FAL 33/8/5, annex 1 (Secretariat)).

### **Recommendations on safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675)**

8.2 The Committee recalled that MSC 79 had considered the work done by DSC 9 in relation to the revision of the Recommendations on safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675) and had referred certain aspects of the Recommendations to the MEPC and the BLG and STW Sub-Committees for their consideration. MSC 79 designated the DSC Sub-Committee as the co-ordinating body and invited FAL 32 to consider those aspects of the draft Recommendations which fell within its purview.

8.3 In considering document FAL 33/8 (Secretariat), the Committee noted that DSC 10, having been informed of the relevant decisions of MSC 79, STW 36, BLG 9, MSC 80, MEPC 53 and FAL 32, had established a drafting group on the issue, which had reported orally to DSC 10. DSC 10 had authorized the work to continue intersessionally with ICHCA International and IAPH undertaking the editorial revision of the Recommendations. The Committee noted further that the written report of the drafting group and the outputs of the intersessional work would be considered at DSC 11 with the view to approval by MSC 82.

## **Enhancement of security in co-operation with the World Customs Organization (WCO)**

8.4 The Committee recalled the adoption by the World Customs Organization (WCO) of the Framework of standards to secure and facilitate global trade (the Framework of Standards) and that it had instructed (FAL 32/22, paragraph 10.24) the Secretariat to:

- .1 make available to the FAL Committee the Framework of Standards once they become available in their final format so as to enable it to consider the issues involved and to advance the matter within the areas under the purview of the FAL Committee; and
- .2 keep the FAL Committee informed of any developments at WCO relating to supply chain security in order to enable the Committee to take any required actions.

8.5 In considering document FAL 33/8/1 (Secretariat), the Committee noted the text of the resolution of the Customs Co-operation Council through which the Framework of Standards was adopted (FAL 33/8/1, annex 1) and noted further that the text of the actual Framework of Standards was available on the WCO website ([www.wcoomd.org](http://www.wcoomd.org)) in Arabic, English, French, Russian and Spanish.

8.6 Noting that document FAL 33/8/2 (Secretariat) had also been issued to MSC 81 as document MSC 81/5/4, the Committee considered the background information provided in document FAL 33/8/2 on a strategy for developing maritime cargo security and facilitation procedures in the context of the Framework of Standards, as a basis of consideration by the Committee, addressing the existing IMO provisions on cargo security contained in SOLAS chapter XI-2 and the ISPS Code; the SUA Convention; and other IMO mandatory instruments and guidelines; as well as provisions on cargo security developed by other international organizations and non-governmental organizations including the International Labour Organization (ILO), International Organization on Standards (ISO), International Civil Aviation Organization (ICAO); and summarizing briefly the work of WCO on the Framework of Standards.

8.7 The proposal, as indicated in document FAL 33/8/2, revealed that the seventeen WCO Standards might broadly be divided as follows:

- .1 those most compatible with the tone of, and suitable for inclusion in, the 1965 FAL Convention, as amended;
- .2 those most applicable to part A of the ISPS Code; and
- .3 those most applicable to part B of the ISPS Code.

However, it was also suggested that some of the WCO Standards were uniquely applicable to Customs regulations. An annotated list of the WCO Framework of Standards, showing the suggested appropriate references to IMO instruments, was given in the annex to document FAL 33/8/2.

8.8 The proposal provided options for developing measures consistent with the Framework of Standards for inclusion in SOLAS chapter XI-2 and parts A and B of the ISPS Code and made recommendations to the FAL Committee on any provisions to be included in the FAL Convention.

8.9 Noting that any amendments to the SOLAS and FAL Conventions and the ISPS Code would take a significant time to come into effect, and given that Contracting Governments would need time to introduce national enabling legislation, the proposal invited the Committee to consider the development of a joint MSC/FAL circular on interim guidance on procedures for maritime cargo supply chain security. The Committee also noted that MSC 81 had been invited to explore the option of accepting such procedures as meeting the requirements of SOLAS regulation XI-2/12 (Equivalent security arrangements).

8.10 In considering the decisions of MSC 81 relating to the enhancement of security in co-operation with the World Customs Organization (FAL 33/8/5 (Secretariat)), the Committee noted that the Maritime Security Working Group (MSWG) had discussed the issue of the security of closed cargo transport units and of freight containers transported by ships in the wider context of supply chain security and the WCO Framework of Standards. The Committee further noted that, whereas it had been generally agreed that a system for securing the supply chain was necessary, some delegations within the MSWG had expressed concern that many aspects of supply chain security were outside the purview of the Organization. In the ensuing deliberations, the MSWG had considered operative paragraph 3 of the 2002 SOLAS Conference resolution 9; the current requirements of part A of the ISPS Code on the responsibilities of port facilities with respect to cargo shipments; the need for an interface between the supply chain security system and the port facility security plan; current inland security and cargo practices required by IMO in respect of the IMDG Code; the multimodal aspect of container security; and the role, if any, of SOLAS and the ISPS Code in supply chain security.

8.11 The Committee noted that the MSWG had subsequently agreed, as the way forward, to recommend that MSC 81 should instigate a joint MSC/FAL Working Group on the security and facilitation of the carriage of closed cargo transport units and of freight containers transported by ships with terms of reference as set out in annex 2 to document FAL 33/8/5, however MSC 81 had instead agreed to invite FAL 33 to consider referring the matter to the SPI Working Group with appropriately modified terms of reference.

8.12 In the context of this item, the Committee noted the information provided by Japan (FAL 33/8/3) on the outcomes of the Ministerial Conference on International Transport Security (the Tokyo Ministerial Conference) which was held at the invitation of the Government of Japan in Tokyo on 12 and 13 January 2006. The event had been attended by ministers responsible for transport security and officials from 14 countries, namely Australia, Canada, China, France, Germany, Indonesia, Italy, Japan, the Republic of Korea, Malaysia, the Russian Federation, Singapore, the United Kingdom and the United States, and from the European Commission. The outcomes of the conference which relate to the work of the Committee were set out in the Ministerial Statement on Security in International Maritime Transport Sector (FAL 33/8/3, annex 2). The conference invited IMO, *inter alia*, to consider, in co-operation with WCO, the development and adoption, as necessary, of appropriate measures to enhance the security of the maritime transport of containers in the international supply chain, while respecting efficiency and international harmonization.

8.13 The States which participated in the conference also agreed, in an effort to enhance maritime security, to pursue a variety of other actions which are also set out in the Ministerial Statement on Security in International Maritime Transport Sector.

8.14 The Committee noted that the request of the Tokyo Ministerial Conference for the Organization to undertake a study and make, as necessary, recommendations to enhance the security of ships other than those already covered by SOLAS chapter XI-2 and the ISPS Code had been addressed by MSC 81.

8.15 In considering document FAL 33/8/4 (BIMCO and ICS) and noting that some elements of the document had been superseded by recent events at WCO, the Committee noted the recommendation of BIMCO and ICS that the Committee should defer any decision on possible amendments to the FAL Convention, and on any interim guidance on cargo security measures, until the WCO implementation requirements had been agreed and the Framework of Standards had been completely finalized.

8.16 The Committee noted with appreciation the presentation by the observer from WCO on the SAFE Framework of Standards and congratulated WCO on the work done to date. The observer from WCO pointed out that the framework was not a convention *per se*, and that implementation of its provisions would be in accordance with the 136 member organizations' capacities.

8.17 In the ensuing discussions on how best to progress the implementation of the SAFE Framework of Standards in the context of maritime security and facilitation, the majority of delegations expressed an opinion that it would be premature to consider amendments to SOLAS, the ISPS Code and the FAL Convention at this stage, however, the majority of the delegations agreed that it would be appropriate to develop associated guidelines. Noting the request of the MSC for the matter to be referred to the SPI Working Group (paragraph 8.11 above), a number of delegations expressed concern that, whereas the SPI Working Group may be able to address the facilitation related issues, it lacked the expertise to address security related issues, and that the development of suitable guidance material should be a joint venture by the Committee and the MSC.

8.18 In this context, the Chairman of the MSC recalling that at MSC 81, the Maritime Security Working Group had supported this view, invited the Members of the Committee to liaise with their respective heads of delegations to the MSC, to ensure the effectiveness of such a joint venture.

8.19 The Committee instructed the Working Group on Ship/Port Interface to consider and recommend, taking into account the related decisions of the 2002 SOLAS Conference, the WCO Framework of Standards, documents FAL 33/8/2 and FAL 33/8/5 (Secretariat), the salient aspects of document FAL 33/8/3 (Japan) and document FAL 33/8/4 (BIMCO and ICS), the approach to be taken by the joint MSC/FAL Working Group in developing measures which further enhance the security of closed cargo transport units and of freight containers transported by ships whilst simultaneously achieving positive gains in the facilitation of maritime transport.

8.20 In the context of matters relevant to consideration of issues under this agenda item, the Committee agreed to the following terms of reference for the Working Group on Ship/Port Interface:

Noting the decision of plenary to establish a joint MSC/FAL Working Group on Security and Facilitation of the Movement of Closed Cargo Transport Units and of Freight Containers; and using annex 2 to document FAL 33/8/5 (Secretariat) as the basic document for consideration:

- .1 review, from the viewpoint of the FAL Committee and submit for approval by the Committee, the draft terms of reference for the MSC/FAL Working Group; and
- .2 consider the need to revise Standard 2.1 and advise the Committee accordingly.

### **Report of the working group**

8.21 Having considered the part of the report of the working group (FAL 33/WP.4) relating to this item, the Committee took decisions as indicated in the following paragraphs.

### **Joint MSC/FAL Working Group on Security and Facilitation of the Movement of Closed Cargo Transport Units and of Freight Containers**

8.22 The Committee approved, from its point of view, the terms of reference for the Joint MSC/FAL Working Group on Security and Facilitation of the Movement of Closed Cargo Transport Units and of Freight Containers, as set out in annex 3 and agreed to refer them to MSC 82 to progress the issue.

8.23 The Committee noted that the first meeting of the joint MSC/FAL working group (MSC/FAL WG) will take place during MSC 82. As MSC 81 had already agreed on the Maritime Security Working Groups to be established during MSC 82, the joint MSC/FAL Working Group will be held as part of the Maritime Security Working Group. Documents to be submitted for consideration by the joint MSC/FAL Working Group should be submitted as documents to be considered by MSC 82 under its agenda item 4 (Measures to enhance maritime security). The deadlines for submission of such documents are those applicable for documents to be considered by MSC 82, and are found in document MSC 82/1.

8.24 The Committee agreed that, subject to the discussions and developments during MSC 82, the second session of the MSC/FAL Working Group may take place, subject to relevant decision of MSC 82, during FAL 34 under agenda item on “Securing and facilitating international trade”.

8.25 The Committee urged Member Governments and international organizations to consult with their experts in all aspects of the security and facilitation of maritime cargo and to submit their proposals on the security and facilitation of the movement of closed cargo transport units and of freight containers to MSC 82 for consideration by the joint MSC/FAL Working Group.

### **Revision of Standard 2.1 of the FAL Convention**

8.26 The Committee noted that the group, due to the lack of any documents proposing amendments to Standard 2.1 of the FAL Convention, had agreed that it was not appropriate to discuss the matter further. The Committee, therefore, urged Member Governments and international organizations to again consider the need for a revision of Standard 2.1 and, if appropriate, to submit their proposals to FAL 34.

## **9 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF PERSONS**

### **Stowaways**

#### *General*

9.1 The Committee recalled that FAL 32, noting that, since the adoption of the 2002 amendments to the FAL Convention, which address the resolution of stowaway incidents, and the entry into force on 1 July 2004 of SOLAS chapter XI-2 and the ISPS Code, there had been a significant decrease in the number of stowaway incidents. In that context, the Committee was of the view that this development clearly showed that the efforts of IMO had a positive impact on the reduction of the number of stowaway cases.

9.2 The Committee further recalled that, at FAL 32, some delegations and observers had expressed the view that the actual number of stowaway incidents might be much higher since not all countries would have reported such incidents. While some other delegations stated that the number of stowaway cases might also be much higher than stowaway incidents reported in the statistics as attempted stowaway incidents were not reported under the current reporting system.

9.3 The Committee was informed that, since FAL 32, the Secretariat had issued, on the basis of information received from Member States, FAL.2/Circs. 91, 92 and 94 for the period covering 1 July 2005 and 31 March 2006 and that during that period 92 incidents had been reported.

9.4 The Committee noted that a total of 2,532 stowaway incidents, involving 7,934 stowaways, had been reported since 1998 and was informed that the Secretariat had issued FAL.2/Circ.95, which provided annual statistics for the year 2005, whereby a total of 96 stowaway incidents, involving 209 stowaways, have been reported to the Organization. The statistics reveal that 106 stowaways travelled from West African countries, 47 from the Mediterranean, the Black Sea and the North Sea areas; 29 from South America, North America and the Caribbean Regions, 22 stowaways from East African countries and Indian Ocean region and 5 from regions which are not stated.

9.5 The Committee expressed its appreciation to those Member States and international organizations which had submitted the reports on stowaway incidents and invited them to continue to report such incidents; and urged those Member States and international organizations, which had not, as yet, submitted such reports, to do so, in accordance with resolution A.871(20) and FAL.2/Circ.50/Rev.1.

#### *National legislation or practices addressing stowaways*

9.6 The Committee recalled that, at FAL 32, the Chairman, recalling that Recommended Practice 4.6.2 states that “when gathering relevant details for notification, the master should use the form as specified in appendix 3” and in view of the successful experience and measures in the resolution of stowaway cases, had expressed his view that Member States and international organizations might wish to consider changing this Recommended Practice to a Standard and formalize the recommended form into a FAL form, which might lead to the harmonization of forms used in reporting stowaways to public authorities and, thus, would assist the master in reducing documentary requirements.

9.7 The Committee further recalled that FAL 32 had invited Member States and international organizations to consider the above proposal by the Chairman and submit to FAL 33 comments and proposals thereon and also to submit models of their national forms and notifications used for the stowaways.

9.8 Noting that no proposals on the issue had been submitted to this session, the Committee urged Member States and international organizations to consider submitting appropriate proposals to FAL 34.

***Guidelines on the allocation of responsibilities to seek the successful resolution of stowaways (resolution A.871(20))***

9.9 The Committee recalled that FAL 32 had invited Member States to submit comments and proposals to FAL 33 to strengthen the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaways, if considered necessary. Having noted that no documents had been submitted on the issue, the Committee agreed that the Guidelines should be considered as adequate and that no further action was needed.

**Persons rescued at sea**

***General***

9.11 The Committee recalled that, at FAL 32, it had adopted amendments to the FAL Convention relevant to persons rescued at sea.

***Administrative procedures and a checklist for disembarking persons rescued at sea***

9.12 The Committee recalled that FAL 32 had agreed that the issue relevant to administrative procedures and check-list for disembarking persons rescued at sea should be further considered at this session and had invited Member States and international organizations to submit proposals on the development of administrative procedures and a check-list for disembarking persons rescued at sea.

9.13 The Committee recognized the humanitarian act, in line with international law and custom, of the master and crew of the cruise ship **Noordam** in rescuing 22 people in the Aegean Sea, in June 2006, expressed sympathy for the people who had to leave their countries of origin under compelling circumstances and commended the collective efforts of the Secretary-General, UNHCR and the authorities of the Netherlands and Turkey which led to the refugees being landed safely at the port of Kusadasi, Turkey.

9.14 The Committee noted that no proposals had been submitted on the issue; however, following debate which highlighted and emphasized the importance of the issue, decided to establish the Correspondence Group on Administrative Procedures for Persons Rescued at Sea, under the co-ordination of Denmark\*, with the following terms of reference (FAL 33/WP.7):

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- .1 identify relevant administrative procedures from Member States;
- .2 consider the procedures and identify common threads; and
- .3 prepare additional guidance which could be useful for the expeditious and orderly disembarkation of persons rescued at sea.

### ***Developments in the inter-agency group***

9.15 The Committee was informed that 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 the recent inter-agency activities in relation to the treatment of persons rescued at sea, the Secretariat, at UNHCR invitation, has attended several meetings, including an expert meeting held in Athens, Greece, in September 2005 to consider the specific migration problems relating to the Mediterranean, such as the trafficking of migrants from North Africa and the implications on SAR in the region, etc. This was followed by a further meeting of State's representatives in Spain, in May 2006.

9.16 The Committee noted that, at those meetings, the Secretariat had given presentations on the legal and humanitarian obligations on masters of ships at sea and on the new SOLAS and SAR Convention amendments and associated guidelines and had represented maritime interests in discussions, particularly on the implications of the new amendments to the Convention to Member States. It was noted that the UN inter-agency initiative continued to achieve effective liaison and close co-operation between agencies during several recent incidents involving the rescue of persons in distress by ships at sea and the subsequent disembarkation to a place of safety ashore.

9.17 The Committee was also informed that UNHCR had compiled a guidance leaflet, with the assistance of the Secretariat, which it is intended to distribute to ship masters as a quick guide to principles and practice as applied to migrants and refugees and that it is hoped that the quick guide would be finalized and distributed shortly.

9.18 Having noted the information provided, the Committee requested the Secretariat to continue to keep the Committee informed about the developments in the inter-agency group.

## **10 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF SHIPS**

### **Status of implementation of FAL forms**

10.1 The Committee noted (FAL 33/10) the updated information provided by 56 Member States on the status of implementation of the FAL Forms 1 to 7 and was informed that, since document FAL 32/13 was submitted to FAL 32, additional information had been received from the Bahamas, Japan and Egypt, which was reflected in the document.

10.2 The Committee thanked Member States which had responded to the request for information on the status of implementation of the FAL forms and urged those Member States which had so far not responded to the request for information on the status of implementation of the FAL forms, to do so at their earliest convenience, including information on the status of implementation of the new IMO FAL Form 7 (Dangerous Goods Manifest) (FAL.2/Circ.51/Rev.1).

## **Integration of FAL Forms II and VII**

10.3 The Committee considered document FAL 33/10/1 wherein, noting that dangerous cargoes which fall into nine IMDG Code classes are frequently transported between developed countries and further observing that these cargoes are also transported between ports around the world where, at times, the masters do not find it necessary to declare them to the port authority, the Islamic Republic of Iran proposed to combine FAL Form 2 (Cargo Declaration) and FAL Form 7 (Dangerous Goods Manifest), thus facilitating the declaration of all cargoes, particularly dangerous cargoes.

10.4 Having noted the contents of the above proposal by the Islamic Republic of Iran, the Committee decided to consider the proposal in detail at FAL 34 and invited Member States and international organizations to submit comments thereon.

## **11 FACILITATION ASPECTS OF OTHER IMO FORMS AND CERTIFICATES**

### **List of certificates and documents required to be carried on board ships**

11.1 The Committee recalled that the revised List of certificates and documents required to be carried on board ships, as approved by FAL 31, MSC 79 and MEPC 52 was circulated by means of FAL.2/Circ.87-MEPC/Circ.426-MS/Circ.1151 dated 17 December 2004.

11.2 The Committee also recalled that FAL 32 had agreed that the aforementioned list should contain details of the certificates and documents which are required under IMO instruments and that it does not include documents required by instruments of other international organizations or governmental authorities.

11.3 Having requested the Secretariat to keep the list under review and, if needed, prepare a draft revised list, together with the associated draft FAL/MEPC/MS/C circular, for consideration at FAL 34, the Committee invited Member States and international organizations to send comments and contributions, as appropriate, directly to the Secretariat.

### **Electronic access to IMO certificates and documents**

#### ***Background***

11.4 The Committee recalled that FAL 32 was of the view that a system on Electronic access to IMO certificates and documents, from the facilitation point of view, would have the following advantages:

- .1 reduce delays in ports, as port State control officers could examine and verify the validity of certificates and documents before a ship's arrival;
- .2 enhance security, as it would reduce the risk of fraudulent paper certificates;
- .3 reduce the risk of detention of vessels in ports if paper certificates were accidentally destroyed due to fire or water or other incidents on board;
- .4 enable the master to spend less time collecting and presenting certificates and documents for ship inspections, since they could be verified on a pre-arrival basis; and

- .5 enable port State control authorities to access a ship's certificates and documents at all times enabling any problems between port State and flag State to be addressed.

11.5 The Committee also recalled that FAL 32 had agreed that a more detailed analysis needed to be carried out to identify those certificates and documents which would have to be kept on board ships and those which might be retained in electronic format; and that careful consideration needed to be given to who could access such documents.

11.6 The Committee further recalled that FAL 32, in view of the perceived advantages to port States having access to information on ship certificates and documents on a pre-arrival basis, and of advantages to the ship of the removal of the need to collect and present such certificates and documents at port State inspections, had requested the MSC and the MEPC to consider the proposal as worthy of further examination by the Committee and advise the Committee as to which certificates might be made accessible by electronic systems (see also paragraphs 11.7 to 11.10).

#### ***Outcome of MEPC 54***

11.7 The Committee noted (FAL 33/11) that MEPC 54:

- .1 having noted the relevant outcome of FAL 32, considered the proposal by INTERTANKO (MEPC 54/11/4) regarding online access to ships' certificates and documents which was currently operational through the Q88.com system and the information on the experience of INTERTANKO members with that system;
- .2 had noted that the focus of the discussions at FAL 32 was on the facilitation of easy access to certificates for inspection purposes under various IMO conventions, which would not necessarily mean substitution of paper documents kept on board; and
- .3 following discussion, had noted a number of concerns expressed with regard to commercially operated and controlled systems, the access to which was restricted on the basis of subscription, and that it could not endorse the Q88.com system.

11.8 The Committee further noted with satisfaction that a number of delegations, who spoke on the subject at MEPC 54, had supported the proposal for online access to certificates and expressed the view that the FAL Committee should explore the matter further, including reliability and security of such systems.

#### ***Outcome of MSC 81***

11.9 The Committee noted that MSC 81 (FAL 33/2/1, paragraphs 4 to 6) had considered the outcome of FAL 32 and MEPC 54 and the proposal by INTERTANKO (MSC 81/24/9), regarding the online access to certificates and documents required to be carried on board ships and, having discussed the matter, had agreed with the decision of MEPC 54 that the FAL Committee should explore the matter further, including reliability and security of databases on online access to ships' certificates and documents, and urged Member States and organizations to submit relevant proposals for consideration by this Committee.

11.10 MSC 81 also, being conscious of the potential of an online access to certificates and documents and having duly noted the technical feasibility of a system, had recommended that a step-by-step approach should be applied and the emphasis should be given to the facilitation aspects of such a system. Concerning the potential use of such a system in port State control activities, MSC 81 noted the view that an electronic access to certificates would not be considered as an alternative to the physical inspection of the certificates and could, possibly, serve in the context of the prioritization of port State control inspections.

### ***Establishment of a correspondence group***

11.11 The Committee, having concurred with the above views of MEPC 54 and MSC 81 and having considered the proposal by ICS (FAL 33/11/1) reiterating that the validation and examination of many mandatory certificates and documents currently required to be carried on board ships could be better achieved through online access to databases of issuing administrations, and after a preliminary discussion on the matter, established the Correspondence Group on Electronic Access to IMO Certificates and Documents, under the co-ordination of ICS\*, with the following terms of reference (FAL 33/WP.6):

- .1 to identify which certificates might be appropriate for inclusion in online databases;
- .2 to identify the steps leading to the online access to certificates and documents required to be carried on board ships;
- .3 to explain each step and determine the associated time frames;
- .4 to comment on the reliability and security of databases on online access to information; and
- .5 to report to FAL 34.

## **12 SHIP/PORT INTERFACE**

### **Bibliography**

12.1 The Committee recalled that FAL 32 had invited Member States and international organizations to continue to submit to the Secretariat information relevant to the bibliography and had decided that the Secretariat, in turn, should continue to keep it updated as and when changes occur.

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12.2 The Committee noted that the revised List of publications relevant to areas and topics relating to the ship/port interface is available as document FAL.6/Circ.14 and invited Member States and international organizations to review the details of the publications in that circular and inform the Secretariat of any publications which were no longer available or which were out-of-date, as well as those which, in their view, should be added to the list.

### **Development of a model course on training of mooring personnel**

12.3 The Committee recalled that FAL 32 had approved FAL.6/Circ.11 on Guidelines on minimum training and education for mooring personnel and established the Correspondence Group on Development of Model Course on Training of Mooring Personnel, under the co-ordination of Germany, with the terms of reference that it, *inter alia*, should prepare course frameworks, course outlines and terms of reference for the developers, and submit it for consideration by FAL 33, including a series of project milestones leading to delivery of the camera-ready draft of the proposed model course to IMO.

12.4 Having been informed by the delegation of Germany that Captain Hans-Jurgen Roos, the co-ordinator of the correspondence group, had been taken ill and was currently recovering, the Committee requested the delegation of Germany to convey to Captain Roos the Committee's and the Secretariat's best wishes for a quick and complete recovery, and decided to defer the consideration of the matter to FAL 34.

### **Difficulties encountered with shipment of the IMDG Code class 7 radioactive materials**

#### ***General***

12.5 The Committee recalled that FAL 32, being concerned with the potentially adverse consequences the denial of IMDG Code class 7 radioactive materials used in medical applications might have on public health, had approved FAL.6/Circ.12 on Difficulties encountered in the shipment of the IMDG Code class 7 radioactive materials and, in particular, Cobalt-60.

12.6 The Committee noted that A 24, considering that despite the issuance of the aforementioned circular, the situation had not improved and difficulties continued to be encountered in the shipment of the IMDG Code class 7 radioactive materials, in particular Cobalt-60, had adopted resolution A.984(24) on Facilitation of the carriage of the IMDG Code class 7 radioactive materials including those used in medical or public health applications.

12.7 Having recalled the relevant decisions of FAL 32 and of A 24, the Committee took action as detailed in paragraphs 12.8 to 12.17.

#### ***Ad hoc mechanism within the Secretariat to co-ordinate efforts to speedily resolve difficulties in the carriage of IMDG Code class 7 radioactive materials***

12.8 The Committee, in particular, took note of operative paragraph 7 of resolution A.984(24), wherein the Assembly requested the Secretary-General, in close co-operation with IAEA, to explore the possibility of establishing an *ad hoc* mechanism within the Organization to co-ordinate efforts to speedily resolve difficulties in the carriage of class radioactive materials.

12.9 The Committee, in the context of that resolution, was informed that the Secretariat had initiated informal consultations with representatives of interested Member States, including representatives of IAPH, ICHCA and ICS, and that, as a result of such informal consultations, it

had emerged that a way forward might be the establishment of a contact point at the Secretariat whereby sectors of the industry experiencing difficulties in the shipments of class 7 radioactive materials would provide information as to the causes of such delays and denials and make proposals on the way forward. IMO would monitor the situation in accordance with the reports provided and take appropriate action which might include contacting the relevant national authorities with the view to facilitating the carriage of such materials.

12.10 In the above context, the Committee particularly noted that the role of IMO should be that of a facilitator.

12.11 The Committee, expressing its appreciation to the Secretariat's efforts in exploring the possibility for the *ad hoc* mechanism, supported it and was of the view that such a mechanism would contribute to the resolution of such difficulties (see also paragraph 12.22.2).

***Assignment of a specific UN number and proper shipping name to radioactive material used in medical or public health applications***

12.12 With regard to the negative perceptions associated with the carriage of class 7 radioactive materials and noting that it might be appropriate to consider the assignment of a specific UN number and, thus, an associated proper shipping name to those radioactive material(s), in packaged form, which are solely used in medical or public health applications, the Committee agreed that it would not be appropriate to assign specific UN numbers on the basis of the requirements of the end-users of the radioactive materials.

***Entry in the Transport Document and/or Dangerous Goods Manifest (FAL Form 7) to confirm that the RAM shipment is to be used in medical or public health applications only***

12.13 The Committee, noting that the entry in the Transport Document and/or Dangerous Goods Manifest (FAL Form 7) to confirm that the radioactive shipment concerned is to be used in medical or public health applications would facilitate its identification as such by the public authorities concerned, agreed (FAL 33/WP.4, paragraph 14) on the following entry in those documents:

“Cobalt-60 in this shipment has been specifically produced for immediate use in medical, consumer, public health or agriculture applications”,

and requested DSC 11 to comment on the above entry in the context of technical matters under its purview, subject to MSC's concurrent decision.

12.14 The delegation of France made reservation on the decision of the Committee to incorporate the above, or an associated entry, in the Transport document and/or Dangerous Goods Manifest.

***Format for reporting of denials and delays of radioactive material***

12.15 The Committee considered the proposal by the World Nuclear Transport Institute (WNTI) (FAL 33/12/1), which, with reference to resolution A.984(24), operative paragraph 4, provided a format for reporting denials and delays of radioactive materials and, having agreed with the proposal in principle, instructed the Working Group on Ship/Port Interface to prepare draft form for reporting denials and delays of radioactive materials.

### ***Reports on difficulties and refusals of carriage of class 7 radioactive material***

12.16 Canada (FAL 33/12/3), in accordance with resolution A.984(24), operative paragraph 4, informed the Committee of instances, together with the associated reasons, where the carriage of class 7 radioactive materials, specifically Cobalt-60, encountered difficulties or are refused carriage aboard ship or in or through ports.

12.17 Having noted with appreciation the information provided by Canada, the Committee invited the delegation of Canada to consider submitting the information in document FAL 33/12/3, in the format agreed by the Committee, including the causes of such delays and denials, and proposals on the way forward, for consideration at FAL 34.

### **Difficulties encountered with the shipment of IMDG Code division 1.4S products, specially sporting ammunition and related products**

12.18 The Committee considered document FAL 33/INF.2 (Italy) inviting the Committee to note issues surrounding the increasing number of difficulties encountered with regard to the worldwide shipment of division 1.4S sporting ammunition (UN 0012); and that acceptance for shipment of such material was becoming increasingly difficult for some commercial carriers and ports. Italy emphasized that, in the light of such denials, there is a growing need for worldwide harmonization of facilitation of maritime traffic between the various authorities for the safe, secure and efficient carriage of dangerous goods.

12.19 Having noted the concerns expressed by Italy, the Committee agreed that an appropriate FAL circular should be developed to address the concerns and decided to refer the matter to the Working Group on Ship/Port Interface for further consideration.

### **Establishment of a working group**

12.20 The Committee established the Working Group on Ship/Port Interface, with the following terms of reference, in addition to those referred to in paragraphs 7.22 and 8.20:

- .1 using document FAL 33/12/1 (WNTI) as a basic document, to prepare a draft form for reporting denials and delays of radioactive materials and an analysis of the mechanism for using such reports as referred to in paragraph 5 of document FAL 33/12/2 (Secretariat);
- .2 using document FAL 33/INF.2 (Italy) as a basic document, to consider the scope of the guidance required to address issues referred to in that document and prepare an appropriate draft FAL circular for approval by the Committee; and
- .3 to prepare draft terms of reference for the correspondence group, for approval by the Committee.

### **Report of the working group**

12.21 Having considered the part of the report of the working group (FAL 33/WP.4) relating to this item, the Committee took decisions as detailed in the following paragraphs.

***Denials and delays of radioactive materials***

12.22 In the context of the facilitation of the carriage of class 7 radioactive materials, the Committee:

- .1 agreed to the form entitled “Report on difficulties encountered in relation to the carriage of IMDG Code class 7 radioactive materials”, set out in annex 4; and
- .2 approved the establishment of the Correspondence Group on a mechanism within IMO for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, under the co-ordination of Canada\*, with the following terms of reference:

Taking into account the relevant decisions and comments made in plenary and using resolution A.984(24) as a base document, prepare a working process by which IMO, in co-operation with IAEA, will monitor, facilitate and co-ordinate the resolution of difficulties identified in the carriage of IMDG Code class 7 radioactive materials; and in addition:

- .1 integrate the form entitled “Report on difficulties encountered in relation to the carriage of IMDG Code class 7 radioactive materials”; and
- .2 integrate, where applicable, the wording relating to Cobalt-60 being used in medical or public health applications, as may appear on the dangerous goods declaration.

***Shipment of dangerous cargoes and, in particular, sporting ammunition and related components (IMDG Code division 1.4S)***

12.23 The Committee approved FAL.6/Circ.15 on Difficulties encountered in the shipment of dangerous cargoes and, in particular, sporting ammunition and related components (IMDG Code division 1.4S).

**13 TECHNICAL CO-OPERATION SUB-PROGRAMME FOR FACILITATION****Status of activities relevant to the implementation of the FAL Convention**

13.1 The Committee was apprised (FAL 33/13) on the status of activities relevant to the implementation of the FAL Convention for the years 2005 and 2006 and noted that in 2005, IMO

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under its Integrated Technical Co-operation Programme (ITCP) conducted the following activities:

- .1 one regional seminar in Bahrain which participants from Bahrain, Kuwait, Oman, Saudi Arabia, the United Arab Emirates and Yemen attended;
- .2 four national seminars, one each, in Kenya, Cape Verde, Viet Nam and Sierra Leone; and
- .3 three needs assessment missions, one each, in Kenya, Viet Nam and Cape Verde.

In the above context, the Committee was informed that in 2005, 208 participants from Bahrain, Cape Verde, Kenya, Sierra Leone and Viet Nam had benefitted from IMO activities relevant to the implementation of the FAL Convention, as amended.

13.2 The Committee was further informed of the following six activities scheduled for 2006:

- .1 one regional seminar in Benin;
- .2 one sub-regional seminar in Nigeria; and
- .3 four national seminars, one each, in the Islamic Republic of Iran, Mauritius, Pakistan and Senegal.

In the above context, the Committee was informed that in 2006, indicative figures showed that 210 participants from 24 countries, namely, Benin, Cameroon, Cape Verde, Congo, the Democratic Republic of the Congo, Comoros, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, the Islamic Republic of Iran, Liberia, Madagascar, Mauritania, Mauritius, Nigeria, Pakistan, Sao Tome and Principe, Senegal, Sierra Leone and Togo, should have benefitted from IMO activities relevant to the implementation of the FAL Convention, as amended.

13.3 The Committee thanked the Governments of Bahrain, Benin, Cape Verde, the Islamic Republic of Iran, Kenya, Mauritius, Nigeria, Pakistan, Senegal, Sierra Leone and Viet Nam, for their willingness to host these events and the Secretariat and consultants for organizing and successfully conducting those missions.

13.4 The delegation of Viet Nam, thanking the Secretariat for the support provided in the implementation of the FAL Convention, requested Member States for assistance and co-operation in the review of their domestic legislation on the facilitation of maritime traffic.

13.5 The delegation of Uruguay, supported by the delegations of Venezuela, Liberia and the Bahamas, appreciated the efforts of the Secretariat in promoting a better understanding of the Convention internationally and furthermore, requested the Secretariat to consider organizing and/or conducting, as appropriate, similar events in the Latin American and the Caribbean region.

#### **Free access to IMO instruments in electronic format**

13.6 The Committee recalled that C 94 had considered the results of the Pilot scheme for the electronic access to certain IMO publications (C 94/3(e)/3), and had decided to maintain the scheme for another year and to evaluate its effectiveness in accordance with the recommendations of the Technical Co-operation Committee. Also, the Council requested the

Secretariat to undertake a survey, within the ambit of International Technical Co-operation Programme (ITCP), to assess the relative impact of the scheme on developing countries and to assess how the scheme might be utilized more extensively by developing countries.

13.7 The Committee noted that C 96 had taken note of the successful completion of the survey on the extent to which developing countries are making use of the scheme to provide free access to IMO instruments in electronic format (TC 56/12, section 9) and had endorsed the recommendation that the Secretariat should re-examine the method by which free access to IMO texts in electronic format is operated, with a view to improving user-friendliness and avoiding duplication.

13.8 The Committee also noted that the Council had endorsed the recommendation that Member States and the donor community be encouraged to provide the maritime administrations of developing countries with computer hardware to enable them to benefit from access to IMO texts in electronic format.

## **14 INSTITUTIONALIZATION OF THE FAL COMMITTEE**

### **Status of the 1991 amendments to the IMO Convention**

14.1 The Committee recalled that FAL 32 had urged Member States, which had not already done so, to accept the 1991 amendments to the IMO Convention at their earliest convenience and stressed that these have no financial implications for countries accepting them.

14.2 The Committee noted (FAL 33/2) that the Council, at its twenty-third extraordinary session, requested the Secretary-General to continue urging those Member States, which have not already done so, to consider accepting the 1991 amendments to the IMO Convention at the earliest possible opportunity; and to report to the ninety-sixth session of the Council.

14.3 The Committee was informed that in response to the above request, the Secretary-General had written to the Ministry for Foreign Affairs inviting those Member States, which had not already accepted the 1991 amendments to the IMO Convention, to consider doing so, to enable the amendments to enter into force without delay.

14.4 The Committee noted that the Council, at its ninety-sixth session, took particular note of the additional measures which the Secretary-General had undertaken to encourage the further acceptances required to bring the 1991 amendments to the IMO Convention into force and requested him to continue urging Member States, which had not already done so, in particular any Council Members, to consider accepting the amendments at the earliest possible opportunity and to report to the ninety-seventh session of the Council accordingly.

14.5 The Committee noted (FAL 33/14/1) that, as at 26 April 2006, 98 Member States had accepted the amendments and that the lists of Member States which have accepted the 1991 amendments and those, which have not done so, as yet, are set out in annexes 2 and 3, respectively, to document FAL 33/14/1.

14.6 The Committee was informed that, since document FAL 33/14/1 had been issued, more acceptances had been received from Bolivia, Japan and Yemen, and that, therefore, as of 5 July 2006, a total of 101 Member States had accepted the 1991 amendments to the IMO Convention out of a required total of 111, which represented an increase of 9 since FAL 32. However, 10 more acceptances are required to bring these amendments into force 12 months after the last acceptance needed has been received.

14.7 The Committee expressed its appreciation for the steps taken by the Secretary-General to encourage further acceptances required to bring the amendments into force and commended the efforts of the Secretary-General in achieving a high level of acceptances.

14.8 The delegation of Nigeria informed the Committee that its Government was putting into place necessary administrative measures to accept the 1991 amendments to the IMO Convention.

14.9 The Committee, in accordance with operative paragraph 2 of resolution A.945(23), urged Member States, which had not yet done so, to accept the 1991 amendments as soon as possible to enable them to enter into force without delay, thus institutionalizing the Facilitation Committee, and stressed that these amendments have no financial implications for countries accepting them.

### **Draft Rules of Procedure of the Facilitation Committee**

14.10 The Committee recalled that FAL 32 had adopted amendments to the Draft Rules of Procedure; that the Council, at its twenty-third extraordinary session, had noted the adoption of those amendments; and that the Assembly, at its twenty-fourth session, had approved the reports of FAL 31 and FAL 32.

14.11 The Committee also recalled that FAL 23 had agreed that its Draft Rules of Procedure would apply on a temporary basis for its future meetings until the amendments to the IMO Convention, institutionalizing the Committee, entered into force, namely twelve months after two thirds of the Contracting Governments to the Convention have informed the Secretary-General in writing of their acceptance.

14.12 The Committee noted that the Secretariat had produced, for ease of reference by the Committee, a consolidated and up-to-date set of the Draft Rules of Procedure of the Facilitation Committee, as set out in annex 5.

## **15 RELATIONS WITH OTHER ORGANIZATIONS**

15.1 The Committee recalled that FAL 32 had requested the Secretariat to keep the Committee informed of the developments in other international organizations on trade facilitation and invited Member States to submit such information to future sessions of the Committee.

15.2 The Committee noted that, though no document was submitted for consideration under this agenda item, relevant outcomes of IAEA, ICAO, ILO, ISO, WCO, UNHCR, UNECE and UN/CEFACT had been considered by the Committee under agenda items 5 (Electronic means for the clearance of ships), 8 (Measures to enhance maritime security: facilitation aspects) and 9 (Formalities connected with the arrival, stay and departure of persons).

15.3 Having invited Member States to submit information on developments in other international organizations on trade facilitation to its future sessions, the Committee requested the Secretariat to keep the Committee informed of the relevant developments in other international organizations.

## **16 WORK PROGRAMME**

### **Role, mission, strategic direction and work of the FAL Committee**

16.1 The Committee noted that A 24, with regard to the role, mission, strategic direction and work of the FAL Committee, had noted that the Committee had considered its future work and, having acknowledged the fact that the adoption by the Organization of the special measures to enhance maritime security had created new responsibilities for the Organization in the context of the delivery of its Strategic Plan, had agreed, noting that the MSC would be the regulatory body for maritime security, that this work would need to be complemented, from a facilitation point of view, to enable the Organization to fulfil its mission. The Committee had refined its role, mission, strategic direction and work in order to more actively contribute, in co-operation with other IMO bodies, towards the achievement of the objectives of the Strategic Plan of the Organization.

### **Strategic plan of the Organization and High-level action plan and priorities**

16.2 The Committee noted, as promulgated in document FAL 33/16, the relevant decisions of the Council, at its twenty-third extraordinary session and the Assembly, at its twenty-fourth session, and, in particular, with regard to:

- .1 the Strategic plan for the Organization, that the document brings to the attention of the Committee the specific issues the Council requested the Committee to take into account in the context of prioritization of its work during the 2006-2007 biennium; and
- .2 the High-level action plan of the Organization and priorities for the 2006-2007 biennium, that while the document informs of the approval of the reporting cycle for biennium 2006-2007, and of the Council's request for the Committee to set aside sufficient time in the future sessions, for considering the high-level actions and their priorities for 2006-2007 biennium in order they both accurately and concisely describe its planned activities, the document also reports on specific requests of the Assembly in the context of resolution A.971(24) on High-level action plan of the Organization and priorities for 2006-2007 biennium, as indicated in paragraph 4 of document FAL 33/16.

16.3 Regarding actions requested of it in document FAL 33/16, paragraph 5, the Committee decided as follows:

- .1 noted the request to take into account the issues referred to in paragraphs 1.3.1 to 1.3.5 of document FAL 33/16 in the context of prioritizing of the Committee's work during the 2006-2007 biennium;
- .2 noted the output referred to in paragraph 3.1 of document FAL 33/16 and agreed to set aside sufficient time, at its future sessions, for considering the high-level actions and associated priorities for the 2006-2007 biennium in order to ensure that they both accurately and concisely describe their planned activities (see also paragraph 6.2);

- .3 noted the approved reporting cycle for the 2006-2007 biennium, set out in annex 3 to document FAL 33/16, as guidance to be followed, for reporting to the Council on the work done; for proposing priorities for 2008-2009 biennium; and for finalizing work programme and priorities for 2006-2007 biennium; and
- .4 with regard to the specific actions requested of the Committee in the context of resolution A.971(24) on High-level action plan of the Organization and priorities for 2006-2007 biennium:
  - .1 noted the endorsement of the Council's decision to discontinue the preparation of the Organization's Long-term Work Plan comprising an indicative list of subjects for consideration by the Organization, as a consequence of the Strategic plan and the High-level action plan;
  - .2 noted that, when reporting on its work to the Assembly at its twenty-fifth regular session, it should report progress towards fulfilling the Organization's aims and objectives using the framework of the high-level actions and planned biennial outcomes;
  - .3 noted the request to take into account that the High-level action plan and related outputs, and especially those involving amendments to existing conventions, particularly those which have been in force for a short period, should take fully into account the directives in resolution A.500(XII), and that due attention should be given to the requirement that a well-documented compelling need must be demonstrated for the development and adoption of new or revised standards; and
  - .4 noted that, when making recommendations for its work programme during the Strategic plan period, it should bear in mind the desirability of not scheduling more than one diplomatic conference in each year, save in exceptional circumstances.

16.4 The Committee, with reference to the reporting cycle for the 2006-2007 biennium, as approved by the Council (see paragraph 16.3.3), and the appropriate decisions by MSC 81 on the same subject, agreed to the action on the review process for the High-level action plan and priorities for the 2006-2007 biennium, as follows:

- .1 the Secretariat should, in consultation with the Committee's Chairman, prepare, for consideration by FAL 34, the information on progress made on items indicated in the High-level action plan for 2006-2007 biennium as well as proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium; and
- .2 the outcome of discussions of the above-mentioned information and proposals at FAL 34 should be submitted to the Council, at its ninety-eighth session, for referral to the Council Working Group on the Strategic Plan to be held in September 2007,

and requested the Secretariat to act accordingly.

**Matters relating to specific requests for action in the context of resolutions adopted by A 24**

16.5 The Committee noted (FAL 33/16/1) that in the context of resolution A.984(24) on Facilitation of the carriage of IMDG Code class 7 radioactive materials including those in packaged form used in medical or public health applications, the Committee was requested to co-operate with other bodies of the Organization with a view to resolving difficulties encountered in the carriage of all IMDG Code class 7 radioactive materials and recalled that the Committee discussed, under agenda item 12 (Ship/port interface), matters regarding the *ad hoc* mechanism to co-ordinate efforts to speedily resolve difficulties in the carriage of such materials.

16.6 Noting that, in the context of resolution A.985(24)/Rev.1 on Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships (resolution A.872(20)), it had been requested to take specific actions, the Committee recalled that the matter had been dealt with under agenda item 7 (Prevention and suppression of unlawful acts at sea or in port).

16.7 The Committee, noting that, in the context of resolution A.986(24) on The importance and funding of technical co-operation as a means to support the United Nations Millennium Declaration and the Millennium Development Goals, it had been requested, in co-operation with the Technical Co-operation Committee:

- .1 to consider and adopt measures relating to technical assistance, with the aim of promoting the ratification and implementation of IMO instruments; and
- .2 to consider and take appropriate action to assist in the provision of technical co-operation for Member States to implement the Audit Scheme,

invited Member Governments, international organizations and the Secretariat to provide to FAL 34, their proposals for possible measures and actions requested of the Committees so that the Committee can contribute to the work of the Technical Co-operation Committee on the matter.

**Substantive items for inclusion in the provisional agenda for FAL 34**

16.8 On the basis of the progress made during the session, the Committee approved the list of substantive items to be included in the provisional agenda for its thirty-fourth session, as set out in annex 6, invited the Council to approve them.

**Establishment of working and drafting groups during FAL 34**

16.9 Recalling the provisions of paragraphs 3.1 to 3.3 of the Committee's Guidelines on the organization and method of work, concerning the number of groups which may be established at any given session, the Committee, taking into account the decisions made under various agenda items, agreed that working groups on the following items should be established at the Committee's thirty-fourth session:

- .1 general review and implementation of the Convention;
- .2 ship/port interface; and

- .3 securing and facilitating international trade, bearing in mind that, subject to the relevant decision of MSC 82, the joint MSC/FAL Working Group on the Security and Facilitation of the Movement of Closed Cargo Transport Units and of Freight Containers is likely to be established under this item,

and further agreed to establish a drafting group on electronic means for the clearance of ships.

#### **Date and venue of the next session of the FAL Committee**

16.10 The Committee noted that its thirty-fourth session had been tentatively scheduled to take place from 26 to 30 March 2007, at the International Coffee Organization, 22 Berners Street, London, W1T 3DD, United Kingdom.

#### **17 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2007**

17.1 The Committee, in accordance with its Rules of Procedure, unanimously re-elected Mr. C. Abela (Malta) and Captain A.E. Hill (Liberia) as Chairman and Vice-Chairman, respectively, for 2007.

#### **18 ANY OTHER BUSINESS**

##### **Facilitation in avoiding safety threatening conditions**

18.1 The Committee recalled that FAL 32, noting the need to facilitate the movement of materials, equipment, fuels and supplies on board ships engaged in international voyages, had issued FAL.6/Circ.13 on Facilitation in avoiding safety threatening conditions.

18.2 It was also recalled that the circular had acknowledged that the FAL Convention may need to contain specific provisions for facilitating the movement to a ship of materials, equipment, fuels and any other supplies which are essential for safe operation, and that Contracting Governments to the Convention may wish to submit proposals to the Committee to amend the Convention accordingly.

18.3 The Committee, finally recalling that, through that circular, Member Governments and international organizations are urged to bring to the attention of the Committee any incidents when the supply to a ship of materials, equipment, fuels and any other supplies, has been unreasonably withheld by public authorities, had noted that neither a proposal regarding amendments to the Convention nor incidents when the supply to a ship of materials, equipment, fuels and any other supplies has been unreasonably withheld by public authorities had been submitted to the Committee.

##### **International Health Regulations**

18.4 The Committee recalled that FAL 32 had noted that the revised International Health Regulations were adopted by the fifty-eighth World Health Assembly on 23 May 2005, that these regulations will enter into force in 2007 and that Member States have five years following the date of entry into force to bring their surveillance and response capacities in line with the legislation.

18.5 The Committee noted that the complete set of the revised International Health Regulations, adopted by WHO, were set out in the annex to document MSC 81/INF.2.

### **Recommendation on wider implementation of facilitation measures in maritime travel and transport (resolution A.194(VI))**

18.6 The Committee, having noted the view of the delegation of Cyprus regarding the validity of resolution A.194(VI) on Recommendation on wider implementation of facilitation measures in maritime travel and transport, invited the delegation of Cyprus to consider submitting a comprehensive and definitive version of the proposal on the issue for consideration at FAL 34.

### **Marine accidents and supply/chain security**

18.7 The delegation of Egypt requested Member States to consider reporting, to the Organization, promptly and expeditiously, all marine accidents along with the associated reports so that relevant existing recommendations could be improved and, where appropriate, new ones could be developed. In addition, that delegation emphasized the need for taking into account the salient features of the United States Container Security Initiative, CTPAT and the relevant provisions of the instruments of IMO and WCO when preparing any guidance relevant to supply/chain security.

### **Statement by the delegation of Japan**

18.8 The delegation of Japan drew the attention of the Committee to the fact that on 5 July, Japan time, the Democratic People's Republic of Korea had conducted multiple launches of missiles without issuing any navigational warning. It may be recalled that, in August 1998, the Democratic People's Republic of Korea launched a missile without giving a prior navigational warning. The delegation of Japan would like to remind all the delegates that later that year, subsequent to the missile launch, the Maritime Safety Committee of IMO issued MSC/Circ.893, which appealed to all Member States to strictly comply with IMO Assembly resolution A.706(17) which deals with the management of the World-Wide Navigational Warning Service.

By these missile launches, many ships and seafarers were exposed to a grave threat. The delegation of Japan firmly believes that these acts of the Democratic People's Republic of Korea constitute not only a threat to neighbouring States but also a challenge to the established order of maritime safety and is unacceptable to all IMO Member States who have interests in the safe use of the sea.

Being aware that the FAL Committee may not be the right place for a detailed discussion on this matter, the delegation of Japan, however, considering the seriousness of the matter, felt that it was a duty to briefly note this issue at the FAL Committee where many delegates with a strong concern for maritime safety are present. The Japanese delegation believes that this issue should be discussed in a serious way at an appropriate occasion at IMO in the nearest future. The delegation asked the Secretary-General to take expeditiously any action he may deem appropriate in the circumstances.

### **Statement by the delegation of the Democratic People's Republic of Korea**

18.9 The delegation of the Democratic People's Republic of Korea, with regard to the statement by the Japanese delegation on missile launches, stated that the FAL Committee is not the relevant venue to discuss this kind of issue as the Japanese delegation recognized themselves. As far as the statement by the Japanese delegation on missile launches is concerned, the delegation of the Democratic People's Republic of Korea would like to inform that the successful

missile launches were part of regular military drills to strengthen self-defence. As a sovereign nation, this is the Democratic People's Republic of Korea's legal right and it is not bound by any international law or bilateral or multilateral agreements.

As for the prior-notification issue raised by the Japanese delegation in their statement, the Democratic People's Republic of Korea have not been informed by them before whenever Japan conducted military drills, including missile launches, in the past.

For these reasons, the delegation rejected the argument of the Japanese delegation in their statement. If the Japanese delegation intends to raise this issue at other IMO meetings, the delegation of the Democratic People's Republic of Korea will make its firm and clear position on that, too.

The delegation stated that the Democratic People's Republic of Korea military will continue with missile launch drills in the future as part of its efforts to strengthen self-defence. It is their consistent position that they wish to see the realization of denuclearization of the Korean peninsula. The delegation emphasized that the Democratic People's Republic of Korea will continue to join the Member States in their efforts to ensure maritime safety and safe navigation in a clean marine environment in the future, as in the past.

### **Expressions of appreciation**

18.10 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Pawel Czerwinski (Poland) on return home;
- Mr. Tadayuki Uemura (Japan) on return home;
- Mr. Hag-Bag Yoon (Republic of Korea) on return home;
- Mr. F Hakgüden (Turkey) on return home; and
- Mr. Vladimir Lebedev (Secretariat) on separation.

## **19 REPORT TO THE COUNCIL**

The Council is invited to:

- .1 note that draft amendments to the FAL Convention (regarding ships' arrival, stay and departure; arrival and departure of persons; measures to facilitate clearance of cargo, passengers, crew and baggage; facilitation for ships engaged on cruises and for cruise ship passengers; and special measures of facilitation for passengers in transit), will be considered with a view to approval at FAL 34 and subsequent adoption at FAL 35 (paragraph 3.27 and annex 1);
- .2 note that progress was made in the development of an explanatory manual to the FAL Convention with due account being taken of the relevant provisions of Annex 9 to the Convention on International Civil Aviation, the Revised Kyoto

- Convention on Customs procedures and UN/ECE recommendations (paragraphs 3.14 to 3.18 and 3.30);
- .3 note that progress was made relevant to the transmission, by electronic means, of security-related information, the revision of the IMO Compendium on facilitation and electronic business, including IMO EDI related issues (paragraphs 5.20 to 5.23);
  - .4 note that, in the context of resolution A.971(24), the Committee approved amendments to its relevant Guidelines; and requested the Secretariat to prepare further amendments for consideration at FAL 34 (paragraph 6.4);
  - .5 note the view expressed by the Committee that States should provide the Organization with information regarding the actions taken relevant to incidents of piracy and armed robbery against ships reported to have occurred in their territorial waters to enable the Committee to assess, from its perspective, the efficiency of such actions (paragraph 7.8);
  - .6 note that the Committee approved draft revised Guidelines for the suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic and an associated draft FAL resolution, with a view to adoption at FAL 34, subject to any amendments proposed by MSC 82 (paragraphs 7.25 to 7.27 and annex 2);
  - .7 note the Committee's decision to establish, subject to relevant decisions of MSC 82, a joint MSC/FAL Working Group on the Security and Facilitation of the Movement of Closed Cargo Transport Units and Freight Containers, with appropriate terms of reference (paragraphs 8.22 to 8.25);
  - .8 note the outcome of the Committee's consideration of stowaway-related issues, in particular its decision that the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases (resolution A.871(20)) adequately cover the issue and, therefore, that no further action was needed (paragraphs 9.1 to 9.9);
  - .9 note the Committee's decisions on matters associated with the development of administrative procedures for disembarking persons rescued at sea (paragraphs 9.12 to 9.14);
  - .10 note the progress made by the Committee in pursuance of the request of the Assembly in resolution A.984(24) on Facilitation of the carriage of the IMDG Code class 7 radioactive materials including those used in medical or public health applications (paragraphs 12.5 to 12.17 and 12.22);
  - .11 note the Committee's decisions regarding the review process for the High-level action plan and priorities for the 2006-2007 biennium (paragraphs 16.2 to 16.4);

- .12 approve the list of substantive items for inclusion in the provisional agenda for the Committee's thirty-fourth session (paragraph 16.8 and annex 6); and
- .13 approve the report in general.

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## ANNEX 1

## DRAFT AMENDMENTS TO THE ANNEX TO THE FAL CONVENTION

(Inserted words are underlined and deleted words are struckthrough)

## Section 2 – Arrival, stay and departure of the ship

*B. Contents and purposes of documents*

1 In Standard 2.6.1 the following subparagraphs are amended to read:

- “• nature and number of identity or travel document
- visa, if required, including nature and number
- port and date of arrival”

2 Standard 2.6.3 is deleted.

~~“2.6.3 **Standard.** Public authorities shall not normally require a Crew List to be submitted on each call in cases where a ship, serving in a scheduled programme, calls again at the same port at least once within 14 days and when there has been no change in the crew, in which case a statement of “No Change” shall be presented in a manner acceptable to the public authorities concerned.”~~

3 Recommended Practice 2.7.1 is deleted.

~~“2.7.1 **Recommended Practice.** Public authorities should not require Passenger Lists on short sea routes or combined ship/railway services between neighbouring countries.”~~

4 In Recommended Practice 2.7.3 the following sub-paragraphs are amended to read:

- “• type of identity or travel document supplied by the passenger
- serial number of identity or travel document
- visa, if required, including nature and number
- port of embarkation”

## Section 3 – Arrival and departure of persons

*A. Arrival and departure requirements and procedures*

5 In Standard 3.3.6 the words “stay and” are included after the words “responsible for the costs of”.

6 Standard 3.10 is replaced by the following text:

**“3.10 Standard.** A passport or an identity document issued in accordance with relevant ILO conventions, or else a valid and duly recognized seafarer’s identity document, shall be the basic document providing public authorities with information relating to the individual member of the crew on arrival or departure of a ship.”

***B. Measures to facilitate clearance of cargo, passengers, crew and baggage***

7 In Standard 3.14 the word “present” is inserted after the words “accept persons”.

8 Standard 3.15 is replaced by Recommended Practice 3.15, with the following text to read:

**“3.15 ~~Standard~~Recommended Practice.** Public authorities ~~shall~~ should not impose ~~any unreasonable or disproportionate fines~~ upon shipowners, in the event that any control document in possession of a passenger is found by public authorities to be inadequate, or if, for that reason, the passenger is found to be inadmissible to the State.”

***D. Facilitation for ships engaged on cruises and for cruise passengers***

9 Standard 3.21 is replaced by Recommended Practice 3.21 with the same text except that the word “shall” is replaced by the word “should”.

10 Recommended Practice 3.24 and respective note are deleted.

~~“3.24 Recommended Practice. If a cruise ship stays at a port for less than 72 hours, it should not be necessary for cruise passengers to have visas, except in special circumstances determined by the public authorities concerned.~~

~~Note: It is the intention of this Recommended Practice that each Contracting State may issue to such passengers, or accept from them upon arrival, some form indicating that they have permission to enter the territory.”~~

11 Recommended Practice 3.35 is deleted.

~~3.35 Recommended Practice. Except where passenger control is based solely on the Passenger List, the public authorities should not insist on the completion of the following details on the Passenger List:~~

- ~~• nationality (column 6)~~
- ~~• date and place of birth (column 7)~~
- ~~• port of embarkation (column 8)~~
- ~~• port of disembarkation (column 9)~~

*E. Special measures of facilitation for passengers in transit*

12 Recommended Practices 3.39 and 3.40 are deleted.

~~“3.39 **Recommended Practice.** A passenger in transit who is continuing his journey from the same port in the same ship should normally be granted temporary permission to go ashore during the ship's stay in port if he so wishes.~~

~~3.40 **Recommended Practice.** A passenger in transit who is continuing his journey from the same port in the same ship should not be required to have a visa except in special circumstances determined by the public authorities concerned.”~~

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## ANNEX 2

## DRAFT FAL RESOLUTION

**Resolution FAL.[...](34)  
adopted on [...] March 2007**

**REVISION OF THE GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF  
THE SMUGGLING OF DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR  
CHEMICALS ON SHIPS ENGAGED IN INTERNATIONAL MARITIME TRAFFIC  
(RESOLUTION A.872(20))**

THE FACILITATION COMMITTEE,

RECALLING that the 2002 SOLAS Conference adopted resolution 3 on Further work by the International Maritime Organization pertaining to the enhancement of maritime security, which, in operative paragraph 1(h), invited the Organization to review resolution A.872(20) on Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international traffic (the Guidelines) and, if necessary, to develop appropriate amendments thereto,

MINDFUL that United Nations Security Council resolutions 1373(2001) and 1456(2003) have, *inter alia*, noted with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money laundering and illegal arms trafficking; and have emphasized the need to enhance co-ordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to these serious threats to international security,

MINDFUL ALSO of the work conducted by other United Nations agencies and international organizations, such as the United Nations International Narcotics Control Board, the United Nations Office on Drugs and Crime, the United Nations Interregional Criminal Justice Research Institute, Interpol and the World Customs Organization, to assist States to combat international terrorism and transnational organized crime, illicit drugs, money-laundering and illegal arms-trafficking through the provision of guidance and capacity-building activities,

RECALLING ALSO resolution A.985(24) adopted by the Assembly at its twenty-fourth regular session, by which the Assembly, *inter alia*, authorized the Facilitation Committee and the Maritime Safety Committee to adopt jointly the necessary amendments to the Guidelines and to promulgate them by appropriate means,

NOTING that the Maritime Safety Committee, at its eighty-second session, adopted resolution MSC.[...](82) on Revision of the guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)) through which it adopted identical amendments to the Guidelines,

1. ADOPTS the Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international traffic, set out in the Annex to the present resolution;

2. URGES Member Governments to implement the Revised Guidelines as from [1 April 2007];
3. INVITES ALSO Member Governments and non-governmental organizations in consultative status with IMO to circulate the Revised Guidelines as widely as possible in order to ensure their widespread promulgation and implementation and to bring them in particular to the attention of harbour masters, shipping companies, ship operators and managers, shipmasters and other parties concerned;
4. FURTHER INVITES, where appropriate, Member Governments to consider amending their national legislation to give full and complete effect to the Revised Guidelines;
5. REQUESTS ALSO the Assembly to endorse the action taken by the Maritime Safety Committee and the Facilitation Committee and to revoke resolution A.872(20).

ANNEX

**REVISED GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF THE  
SMUGGLING OF DRUGS, PSYCHOTROPIC SUBSTANCES AND  
PRECURSOR CHEMICALS ON SHIPS ENGAGED IN  
INTERNATIONAL MARITIME TRAFFIC**

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**REVISED GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF THE  
SMUGGLING OF DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR  
CHEMICALS ON SHIPS ENGAGED IN INTERNATIONAL MARITIME TRAFFIC**

**PREAMBLE**

The International Maritime Organization (IMO) proposes the following revised “Guidelines for the Prevention and Suppression of the Smuggling of Psychotropic Substances and Precursor Chemicals on Ships engaged in International Maritime Traffic”, harmonized with international instruments and recommendations issued by various international bodies such as IMO, the World Customs Organization (WCO) and the International Labour Organization (ILO), their purpose being to strike a balance between facilitation of international trade and management of security, thus helping to prevent drug-trafficking activities.

The ultimate aim is to comply with United Nations Security Council resolution 1373(2001), whose paragraph 4 refers to the close connection between international terrorism and transnational organized crime, illicit drugs, money laundering and illicit arms trafficking, and highlights the need for closer co-operation at national, subregional, regional and international levels so as to strengthen the international response to terrorism and serious threats to international security, and also with resolution 1456(2003), which reaffirms the duty to prevent terrorists from making use of other criminal activities such as transnational organized crime, illicit drugs and drug trafficking, and other criminal activities.

The purpose of these Guidelines is thus to establish basic procedures, not only for detecting drugs on board, but also for making prevention the principal means of ensuring that the scourge of drug trafficking does not damage the world’s economy and wellbeing through attacks on international maritime trade.

In this regard, it is worthwhile recalling the work done by States and international organizations to tackle drug trafficking, which is reflected in international instruments that are now gaining unequivocal international acceptance.

To illustrate this point, there follows a brief summary of the various international efforts to tackle drug trafficking, some of which address the close links with international maritime transport.

In general terms, the most important of these are the International Opium Conventions (The Hague, 1912, and Geneva, 1925), the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs (Geneva, 1931), the Convention for the Suppression of Illicit Traffic in Dangerous Drugs (Geneva, 1936), the New York Protocol of 1946 amending most of the above-mentioned instruments, the Single Convention on Narcotic Drugs (New York, 1961) and its amending Protocol of 1972, the Convention on Psychotropic Substances (Vienna, 1971) and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 1988; this shows how the legal treatment of this matter has developed over time, as well as the international response to an activity that has a direct impact on society.)

The latter – the Vienna Convention of 1988<sup>1</sup> – can now be said to have gained a large measure of acceptance in the international community, following a full examination and review of its provisions to take into account the prevention and eradication of illicit drug trafficking. Implementation of these Guidelines will thus require a general knowledge of the Vienna Convention. In this regard, special attention should be paid to the following articles of the Convention: 3. Offences and sanctions; 5. Confiscation; 9. Other forms of co-operation and training; 12. Substances frequently used in the manufacture of narcotic drugs and psychotropic substances; 13. Materials and equipment; 15. Commercial carriers; 16. Commercial documents and labelling of exports; 17. Illicit traffic by sea; 18. Free trade zones and free ports; 20. Information to be furnished by the Parties.

It is also important to bear in mind the bilateral agreements concluded between States on the subject of preventing and controlling illicit drug trafficking, many of which draw on the international agreements mentioned above.

Furthermore, the 1982 United Nations Convention on the Law of the Sea (UNCLOS)<sup>2</sup> is fundamentally important to application of the Guidelines, especially its emphasis on the principle of co-operation as the prerequisite for achieving common objectives on the basis of shared responsibility, since action against drugs is ultimately a joint responsibility requiring an integrated and balanced approach.

However, as stated at the outset, mankind is today confronted with a set of variables which radically affect development, trade and world economies, and factors such as drug trafficking and terrorism threaten the facilitation of global maritime trade. It is pertinent to highlight the direct link between these factors and positive responses such as the new provisions in chapter XI-2 of SOLAS, the ISPS Code developed by IMO, the “ILO/IMO Code of Practice on Security in Ports” and the “WCO Framework of Standards to Secure and Facilitate Global Trade” (SAFE Framework of Standards).

Familiarity with the content of these documents is advisable for implementing the Guidelines; they should be regarded as complementing and extending the Guidelines when dealing with the areas of harmonization of procedures, flexible dealings in maritime transport, and security for seafarers, shore-based personnel, port facilities and ships; their ultimate aim is to help achieve the balance between security and facilitation.

It is likewise worth recalling that at a diplomatic conference convened by IMO in 2002 new provisions to the SOLAS Convention were adopted, together with the ISPS Code, for the sole and specific purpose of significantly enhancing maritime security through the efforts of governments and private companies. The new provisions in the Code undoubtedly provide a solid basis for international co-operation between ships and port facilities to prevent and identify acts that threaten the security of maritime transport. The new chapter XI-2 of SOLAS and the ISPS Code require ships, companies and port facilities to comply with provisions for enhancing

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<sup>1</sup> The Vienna Convention of 20 December 1988 came into international force on 11 December 1990. By January 2006 it had 179 States Parties, including 87 signatories.

<sup>2</sup> UNCLOS, 1982, article 108: “1. All States shall co-operate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to international conventions.  
2. Any State which has reasonable grounds for believing that a ship flying its flag is engaged in illicit traffic in narcotic drugs or psychotropic substances may request the co-operation of other States to suppress such traffic.”

maritime safety and security, and above all to protect those persons engaged in maritime activities, whether on land or at sea.

Because the ISPS Code provides for effective co-operation and understanding between all the actors involved in maritime transport, namely the authorities and national, regional and local governments, and thus also masters, crews, passengers, shipowners, shipping agents and port administrations, it may be regarded as another element supporting application of the Guidelines, since co-operation among the various actors and among those for whom they are responsible can contribute to effective application. Here, it is worthwhile mentioning the threat to security posed by drug smuggling. Although the Code makes no mention of terms such as drug trafficking, drugs or narcotics, it is not difficult to see illicit drug trafficking in terms of a genuine threat to security. One has only to imagine what lies behind this trade: arms, easy money, illicit goods, robbery, kidnapping and terrorist attacks to name only some aspects.

The “ILO/IMO Code of Practice on Security in Ports”, seeks to integrate aspects of security, safety and health in ports and terminals. The Code of Practice complements the international efforts to support IMO’s work on maritime security, by offering a method for identifying weaknesses in port security, so as to establish security measures designed to prevent, detect and respond to illicit acts against ports used for international maritime traffic; however, it is equally the case that the recommendations can be used as the basis for action designed to protect maritime operations and ports in the national context.

In this respect, the Code of Practice elaborates on issues relating to security, beyond the scope of port facilities to the port as a whole; the provisions of the ISPS Code set out the requirements relating only to ship security and the direct interface between the ship and the port facility, but are still compatible with the Code of Practice. This is why it is stipulated that the port facility security assessment and the port facility protection plan must take into account the security measures in place at port facilities - the importance of a link between each facility and the rest of the port is therefore emphasized.

Equally, emphasis is placed on training and awareness in relation to security, as basic factors for effectively carrying out an adequate port security strategy.

With regard to integrating the Code of Practice and these Guidelines, it is emphasized that any security measures brought into effect must focus on preventing the fraudulent introduction of contraband, medicines, narcotics, other illegal substances and prohibited materials, with the overall objective of maintaining an acceptable standard at all security levels.

The recommendations in the Code of Practice are not concerned solely with defining the factors to take into account in evaluating and implementing security plans; they also draw attention to the fact that Member States must prepare a “policy statement on port safety”, which should be reviewed and updated periodically to reflect changes in these and related activities that take place in them. This statement must specify the measures taken by the Member State to promote regional and international co-operation, acknowledgement of the importance of the human element, and interdependence between security and public safety, economic development and marine environment protection.

Last, but no less important, is the “SAFE Framework of Standards”, which begins by stating that world trade is the basis for economic prosperity but is also vulnerable to being used for terrorist acts that can disrupt the global economy. Accordingly, the document sets forth basic minimum principles and standards for action by WCO Members aimed at securing the flow of global trade and facilitating the movement of goods.

The SAFE Framework of Standards describes the work of customs services as an important contribution to safety and the facilitation of world trade and emphasizes their importance in developing integrated management of the logistical chain, facilitating trade, enhancing reliability and predictability, tackling the challenges of the twenty-first century, strengthening co-operation between customs services and companies, and reforming internal co-operation so as to enhance capacity.

The SAFE Framework of Standards provides a scheme made up of four basic elements which are fully complementary with IMO’s work on facilitation of international maritime traffic. These are harmonization of requirements relating to electronic information, a consistent focus on risk analysis in safety matters, inspection of high-risk containers and cargo destined for abroad using non-intrusive methods as far as possible, and a focus on the commercial benefits to be obtained from applying and complying with minimum standards of safety in the logistical chain.

The basic aim of the SAFE Framework of Standards is to see how, using methods built around two pillars of collaboration, the basic elements can be brought to bear in order to benefit world trade. These two types of collaboration are described as Customs-Customs and Customs-Business; if these are developed to the full, they can stimulate world trade, ensure greater security against terrorism, improve the contribution that customs services and commercial partners make to the economic and social wellbeing of States, strengthen the ability of customs services to detect, dispatch and manage high-risk consignments through more efficient handling of goods, and eliminate duplication and multiple requests for submission of reports.

It is thus important to revise the “Guidelines for the Prevention and Suppression of the Smuggling of Psychotropic Substances and Precursor Chemicals on Ships engaged in International Maritime Traffic” in the light of the WCO Framework of Standards as well, because the Framework emphasizes the IMO theme of facilitation on principle, in particular the notion of co-operation and prevention, and also establishes criteria for granting companies within the logistical chain official status as collaborators in security-related tasks. These criteria concern analysis of risk assessment, security plans adjusted to risk assessments, communication plans, measures to prevent irregular or undocumented goods from entering the international logistical chain, physical security of buildings and premises used for loading or storage, cargo and container security, security of means of transport, control of personnel, and security of information systems.

Finally, it is important to bear in mind that most drug seizures worldwide and a considerable proportion of drug smuggling occurs by sea. For this reason, all efforts to prevent illicit trafficking on board any kind of ship and to monitor routinely for diversion of chemical products must ensure that risks are reduced and that, at all costs, difficult situations for ship, master, crew and cargo do not arise. Three principal factors should be borne in mind when considering the implications of illicit drug trafficking for commercial means of transport:

- (i) The very high value of drugs when smuggled in large quantities has attracted the major international criminal organizations and terrorist groups. The possibility of violent incidents, including armed assault, on discovering any sizeable quantity of drugs should not be overlooked and, consequently, due precautions should always be taken.
- (ii) The professional trafficker rarely carries the drugs himself and usually finds an accomplice to do so. Merchant seamen are frequently targeted by drug traffickers anxious to get their products from producing to consuming countries. Often the seafarers are not fully aware of the risks involved, which include long prison sentences and, in some countries, the death penalty.
- (iii) There are no “safe” shipping routes where operators can be quite certain that there are no illicit substances on their ships. Direct sailings from countries of supply to countries of consumption are clearly considered as a risk and receive special attention from customs authorities. However, increasing quantities of drugs are being moved by roundabout and circuitous routes, using ports in countries which are not drug producers which drug traffickers believe invite less risk of interception in countries of destination.

These Guidelines provide general advice that may give guidance to shipowners, seafarers and others closely involved with the operation of ships. Their aim is to help shipping companies, operators and managers, ships’ masters and officers to prevent and combat illicit drug trafficking and to recognize the main symptoms of drug dependence among crew members. On the basis of these Guidelines, shipowners may wish to examine the possibility of adopting or improving procedures aimed at preventing drug trafficking offences and the diversion of chemical products aboard their ships. Such procedures will necessarily vary from one ship to another, depending on the types of ship, their cargo and the routes they serve.

Shipping is vulnerable to drug trafficking on two fronts. First, the threat of drugs being concealed on vessels means that law enforcement efforts by the competent Authorities of each State may result in long delays to the departure of ships, especially cargo ships. Secondly, the possible involvement of crew members in drug use threatens the safety of the vessel.

The essential and basic way to create a united front against drug trafficking and drug dependence on ships and among their crews is education, training, appropriate personnel selection, and assistance for ships’ crews. Without these, it is impossible to create awareness among the crew and achieve the genuine commitment from the company and the ship that will ensure transparency and fairness in the ship’s operations.

Finally, it is important to acknowledge the invaluable information obtained from the Internet sites and written documents of the International Narcotics Control Board, the United Nations Office on Drugs and Crime, the International Criminal Police Organization (Interpol), the European Union, the Organization of American States (OAS), and the records of the inter-American courses on port security held by the OAS, which provided the raw material for preparation of these Guidelines.

## **CHAPTER 1 – PREVENTION OF ILLICIT TRAFFICKING OF DRUGS AND PSYCHOTROPIC SUBSTANCES**

Prevention is one of the most important aspects where illicit trafficking of narcotic drugs is concerned; it should involve all who belong to the maritime sector, increasing their awareness of the scale of the global drug-trafficking problem and encouraging them to contribute to the international efforts to detect and eliminate narcotic drugs trafficking and psychotropic substances.

Likewise, part of prevention involves enhancing the safety and security arrangements for boarding points, ports, port facilities and ships, and supporting co-ordinated action among the competent authorities in port, particularly those operating at the ship-port interface. This is an area in which it is becoming even more important to develop the mentality, based on facilitation, co-operation and training needed to inform relations between those authorities, the shipping companies and the crews, if the best possible overall outcome of a protected port, including control of illicit trafficking, is to be achieved.

However, it is important to strike a balance between control and facilitation, as too much control would hamper normal international trading of legal cargoes, causing unnecessary delays for both ships and port facilities, and insufficient control would lead to increased drug trafficking.

### **1 COMPETENT AUTHORITY PROCEDURES**

#### **1.1 Action by officers of the competent Authorities**

Officers of the competent Authorities have certain duties to fulfil with respect to all vessels arriving from and departing for foreign countries and normally seek to establish friendly co-operation with ships' officers and crews. Their training should prepare them to respect the ship as the seafarer's home, and to recognize that crew members wish to do their work without interference and without shipboard life being disturbed more than necessary.

It is important that the officers of the competent Authorities receive any co-operation and information that any crew member can provide to eliminate drug trafficking. Information provided will be treated in the strictest confidence and will be investigated without delay.

Some Authorities of the coastal State are empowered by law to board<sup>3</sup> without the permission of the flag State any ships not entitled to sovereign immunity within their ports or transiting or remaining in its territorial sea and to inspect and examine any part and open any closed place or container suspected of concealing contraband whether or not keys are available. Some Authorities may also be empowered to exercise, in the contiguous zone, the control necessary to prevent, *inter alia*, infringement of the coastal States customs, laws and regulations within its territory or territorial sea. Such procedures vary according to the legislation in different countries. The Authorities of the coastal State may also be empowered to board and search foreign flag suspect ships located seaward of the territorial sea/contiguous zone with the permission of the flag State.

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<sup>3</sup> See MSC/Circ.1156: Guidance on the access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply.)

Questions asked about possible actions by officers of the competent Authorities in relation to the ship include the following:

Can officers of the competent Authorities board the vessel?

Most national legislation provides that any officer of the competent Authorities may board the ship at any time while it is within the limits of a port or within territorial waters. Ship security plans may not be used by the competent Authorities as grounds for access to the ship or to any place in it.

Can officers of the competent Authorities search the ship?

Most national legislation allows specified officers of the competent Authorities to search any part of the ship. They are also permitted, by law, to remain on the ship while the necessary searches are made. In certain areas of the vessel for example cargo spaces, void cargo spaces, sensitive electronic equipment, etc., where they will need advice, crew assistance, it may be necessary to use special clothing or equipment to conduct a search. Officers of the competent Authorities are to be informed of such areas on boarding. Such officers should respect the need to comply with the requirements of the ship security plan where this does not conflict with their operational tasks and legal right of access.

Can ships on which illicit drugs are found be seized by officers of the competent Authorities?

Under certain national legislation, some ships used to carry goods subject to seizure may also be seized under the relevant legislation. Sanctions may be imposed on a vessel whose responsible officers (i.e. the master, officers and engineers, manager or owner of a vessel) are involved, either through their acts or through failure to take reasonable precautions to avoid any member of the crew under their supervision engaging in illicit drug trafficking.

Does a proper gangway have to be provided for access to the vessel?

Most legislation requires officers of the competent Authorities to be provided with safe means of access to and exit from the vessel. These officers' requirements must be complied with immediately, provided that they are reasonable in the circumstances.

What power does an officer of the competent Authority have when searching a vessel?

The law may permit subject to the powers of individual authorities within national law an officer of the competent Authority to have free access to every part of the ship and its cargo. Additionally he may:

- .1 mark, or cause to be marked, any goods before loading;
- .2 lock up, seal, mark or secure any goods carried in the ship, or in any place, or in any container;
- .3 break open any place or container which is locked if the keys are withheld or otherwise unavailable.

Such officers of the competent Authorities may have authority to:

- .1 board or search ships when these actions are necessary to suppress illicit trafficking by sea;
- .2 arrest any offender and may impose sanctions or fines, and order arrest, unless otherwise laid down in the legislation of the country.

When officers of the competent Authorities take legal proceedings, the master and other responsible parties may be held criminally liable, as appropriate under national law.

## **1.2 Information about the crew**

Ships' masters may be asked to comply with any reasonable request by the competent Authority for important information which may be available concerning one or more individual crew members. Although there may be criminal liability, co-operation and the value of the information supplied by the master may be mitigating factors with regard to the ship's liability.

On the arrival of the vessel, officers of the competent Authority should, where practicable, be notified of the fact that one or more crew members have left or joined the ship in that port. It is important to bear in mind that prior to a "free pratique" visit, where applicable, no crew member may leave the ship.

Officers of the competent Authorities should be provided with any information on the cargo and the crew before the ship's arrival<sup>4</sup>.

IN NO CIRCUMSTANCES SHOULD THE OFFICERS OF THE COMPETENT AUTHORITIES ABUSE THE POWERS CONFERRED UPON THEM BY THE LEGISLATION THAT GOVERNS THEIR FUNCTIONS. ANY INSTANCE OF LACK OF INTEGRITY ON THE PART OF SUCH OFFICERS ANYWHERE IN THE WORLD SHOULD BE REPORTED TO THE NATIONAL AUTHORITIES AND THE FLAG STATES.

On request, the competent Authorities will advise shipowners and masters of high risk ports. Customs authorities should designate specific contact points in ports for reporting drug-related incidents.

## **1.3 Action by Companies**

Whenever practicable, Companies should be prepared to assist the competent Authorities in suitable training on methods of searching the type of ships operated by the company.

Details including drawings of any recent structural repair, major remodelling or refit of the vessel (interior or exterior) should be made available in case they are required by the competent Authorities.

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<sup>4</sup> See MSC/Circ.1130: Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port.

Companies should normally allow competent Authorities access to commercial information on ships and their cargo, especially changes of destination, consignee, etc.

Companies should assist in training officers of the competent Authorities on the use of container routes, cargo and information systems or provide the competent Authorities with appropriate access to such systems.

#### **1.4 Cargo security**

In preparing the cargo handling procedures and their security plans, Companies and port facilities may request the competent Authorities for assistance in providing information and expert advice to their staff responsible for security, cargo handling and documentation, in order to train them to recognize and report cases where the circumstances are suspicious, such as discrepancies in weight, losses, inconsistencies in payments, make-up of bales, route, anomalies in documentation or any other inconsistency.

Such plans and procedures should include provisions for notification of competent authorities of any security breaches or cargo security concerns.

#### **1.5 Security in the port facility**

Port facilities and locations covered by approved port facility security plans should implement security procedures in accordance with the provisions of the ISPS Code. Port facilities and other locations, for example fixed and floating platforms, not covered by port facility security plans approved by the Contracting Government concerned, should establish appropriate measures to enhance the security of ships interfacing with them, in accordance with 2002 SOLAS Conference resolution 7 on Establishment of appropriate measures to enhance the security of ships, port facilities, mobile offshore drilling units on location and fixed and floating platforms not covered by chapter XI-2 of the 1974 SOLAS Convention. Such measures may include:

- .1 The control of access by private vehicles to cargo stores and loading services.
- .2 Having a list of all vehicles and persons with regular authorized access to cargo stores and port services, and making this list available to the competent Authorities.
- .3 Restricting parking of all vehicles to a designated area, remote from the active loading areas.
- .4 Any vehicle authorized to enter at one time to cargo stores or loading services must be issued with a dated entry pass and parking should be restricted to designated areas. The pass numbers should be recorded and made available to the competent Authorities if required.
- .5 When the port facility or ship has electronic security systems, such as closed circuit television covering the cargo holding or loading area, the systems must be accessible to the competent Authorities, if they so request.
- .6 Access to cargo and loading areas should only be permitted to authorized persons and vehicles showing the correct identification.

- .7 All these precautions and actions should be harmonized, to the extent possible, with the relevant measures in the ship security plan.

## **1.6 General security**

The ship security officer and/or the company security officer must periodically carry out reviews of the control and security measures in their ports of call and take measures to report them to the port facility security officer and/or competent Authority of the port concerned. The review should focus specifically on those measures designed to restrict access of unauthorized persons, cargoes and/or provisions to the vessel, services and cargoes.

The Company security officer should notify the competent Authorities when employees discover suspect packages or unjustified cargoes on the ship or outside it. Suspect packages should be kept under observation while the competent Authorities are notified.

The Company security officer should send warning signals to ships and loading services, with the description of internal sanctions and/or measures applied to employees in confirmed cases of drug trafficking or abuse, with general reference to the severe penalties imposed by the competent Authorities throughout the world for drug-related offences.

The Company should provide the competent Authorities with information on stevedoring companies which provide services to its ships in the respective ports, and identify companies which provide ship-related services.

The Company should, to the extent possible, take all the precautions necessary when recruiting new employees to work on their ships, to check that none of them has been convicted of drug trafficking or has a history of drug abuse.

## **1.7 Personnel security**

The Company security officer and where applicable the ship security officer should allow only authorized and duly identified employees to handle operational information about the cargo or the ship.

The Company security officer and the ship security officer should involve the competent Authorities in educating its personnel in identifying areas where exceptions to normal commercial practice may suggest the possibility of a drug-related offence.

The relevant company personnel should be trained to recognize signs that an employee may be likely to commit drug-related offences and in the measures to be taken when suspicion is aroused.

## **1.8 General**

The Company should provide clearly identified and easily accessible local contact points for all matters shown to be of legal interest to the competent Authorities, such as cargo lists, passenger reservations, cargo routes, employee information, etc.

Companies should notify all employees or agents involved in ship or cargo operations, ashore and on board, of the content of these matters and give them instructions to carry them out in line with Company policy.

Companies should encourage constant and open exchange of information with the competent Authorities.

Companies and the competent Authorities, together with other bodies involved in commercial transactions, should regularly discuss matters of mutual interest, both locally and nationally.

Companies should seek advice from the competent Authorities concerning the provision of suitable assistance and educational material, so that the company security officer or ship security officer can:

- .1 list the illicit trafficking of drugs in their ship's security assessments as a threat;
- .2 develop procedures in ships' security plans for preventing illicit trafficking of drugs; and
- .3 implement those plans.

Companies should endeavour to educate their personnel, both ashore and on board, in the dangers of drug abuse and ways of identifying illicit substances.

## **2 POSSIBILITY OF ILLICIT LOADING ONTO SHIPS**

The procedures necessary to prevent illicit drugs being concealed on board vessels clearly depends on the level and nature of the risk. Carriers need to assess the threat and identify their vulnerability.

Factors which need to be taken into account include:

- .1 ports of call and routes taken by the vessel;
- .2 the origin and routing of the cargo;
- .3 the level of control exercised at port facilities;
- .4 the degree of control exercised regarding access to the ship; and
- .5 the vulnerability of the crew to pressure by drug traffickers.

Today's traffickers use a wide variety of routes, often transshipping the cargo several times until its country of origin is completely obscured. Few ports can now be considered safe from attempts to place drugs and other illicit substances on board, although ports in producing countries remain those in which the vessel is most at risk.

Ships are vulnerable to being used as a conduit for the movement of drugs:

- .1 in cars, freight vehicles, trailers, etc.;
- .2 by visitors to the vessel;
- .3 in luggage placed in a baggage trolley;

- .4 in ships' stores;
- .5 by contractors' personnel (for example repair or cleaning gangs);
- .6 as part of crew effects;
- .7 concealed on or in the vessel's machinery or hull; and
- .8 in cargo or in the structure of cargo containers or packing.

In such cases, the trafficker may have the unwitting assistance of innocent people. Trafficking on commercial vessels can therefore be conducted by:

### **2.1 Overt or covert entry and concealment of drugs within the ship**

The trafficker can board the ship, conceal a package and disembark before its discovery.

### **2.2 Indirect entry and concealment of drugs within the ship**

The trafficker may use some convenient means of concealing and smuggling his illicit package on board (for example in cargo, its packing or containers, some item of passenger or crew baggage, in a carton of fresh provisions or in a box of machine spares). Such an exercise generally puts all the risk of detection on to an innocent third party.

### **2.3 Conspiracy to insert and conceal drugs within the ship**

This will involve one or more members of the ships' crew or shore staff. For example: crane operator and crew member in the bridge-house during loading and unloading.

### **2.4 Concealment of drugs on the outside of the ship**

Major drug movements can be carried out by a diver reaching the vessel's hull, either from another vessel or underwater, and securing a package to the ship's hull or to a main intake, a propeller bracket or a rudder fitting. Such attempts require considerable knowledge and technical skill and are only undertaken by the more sophisticated traffickers. This form of illicit trafficking is more likely in drug producing areas, which are also the areas of greatest risk.

## **3 COMPANY ROLES IN OVERALL SHIP SECURITY**

Overall responsibility for the security of a ship, and the people on it, rests with the master. It is difficult for any organization to provide absolute security in every circumstance since commercial considerations, such as the need to continue operating and the cost of such a measure, have to be borne in mind. Security measures inevitably become a compromise between what is desirable and what is practicable in the circumstances.

Security measures, however, should relate directly to the level and nature of the risk of illicit drug trafficking in any particular location. The risk in the ports visited by ships needs to be reviewed regularly by both the company and the master, with the security measures being adjusted as appropriate.

Good security involves a readiness to accept that risks exist, perhaps involving employees, and that arrangements might be necessary to counter them.

Companies through the company security officer should consider:

### **3.1 Education and training of crew**

Although security is the responsibility of all crew members, they are likely to be more security conscious and vigilant if the principles of good security, and the risks of becoming involved in drug trafficking or abuse, are explained. A continuous and thorough training and education programme can support measures taken to safeguard overall ship security.

The whole crew in accordance with their rank and duties should receive appropriate training in accordance with the provisions of the ISPS Code, STCW Convention, STCW Code and relevant MSC circulars issued by the organization.

This training must include drills and exercises carried out at appropriate intervals taking into account the ship type, ship personnel changes, port facilities to be visited and other relevant circumstances.

### **3.2 Liaison between competent Authorities at the port and the Company**

Good communication and liaison with competent Authorities at the port in regular ports of call is essential since it will provide local “intelligence”, contacts and guidance, and assistance in all aspects of threat assessment. This contact and communication in ports is done by the ship security officer or the Company security officer.

### **3.3 Awareness of the risk of illicit trafficking**

The threat of illicit drug trafficking in different ports of the world varies. The Company therefore needs to consider the threat in relation to each port of call. The Company’s shore staff at each port should also be made aware of the risk and ways in which they can assist in combating it. Such reviews should be discussed with the competent Authorities at the port at both ends of the trade in which the vessel is engaged.

### **3.4 Review of ship security**

In the light of a carrier’s assessment of the threat to its operations, a continuous review of the evaluation and the security plan measures currently in force should be carried out, since this might reveal areas where additional measures are necessary.

### **3.5 Personnel available for ship security**

Company personnel, ashore and afloat, are vital to the operation of a good security system, whether or not they are directly employed in security functions.

Drug traffickers generally carry out a reconnaissance of potential smuggling opportunities for whatever type of operation they are planning. An unsecured vessel or cargo compound is more likely to be targeted than an obviously protected one and traffickers are deterred by visible security arrangements. A ship whose crew is obviously vigilant is less likely to be selected as an innocent conduit for a drug run than one with a crew whose security procedures are neither

extensive nor diligently enforced. It is therefore of great importance that security precautions are seen to be effective at all times.

The greatest deterrent to a potential trafficker is the obvious awareness of the threat by shore-based and seagoing staff.

### **3.6 Special care with cargo in containers**

Companies are encouraged to co-operate with the competent Authorities at the port in sharing information that may be valuable in the establishment of a “container-risk profile”. A systematic analysis of criteria such as consignee companies, owners, source, market history, form of payment, ports of call, etc., may be valuable in establishing such profiles, in accordance with the SAFE Framework of Standards.

Remember:

IF DRUGS ARE PREVENTED FROM GETTING ON BOARD THEY CANNOT BE UNWITTINGLY CARRIED. THE KEY ISSUE, THEREFORE, IS CONTROL OF ACCESS TO SHIP AND CARGO.

## **4 MEASURES AND PROCEDURES FOR OVERALL SHIP SECURITY**

### **4.1 Port facility security**

Security measures and procedures reduce the vulnerability of any facility. The security level set by the Contracting Government will have a significant influence on the number and type of security measures and procedures required. The presence or absence of effective shoreside security measures is one of the main factors which determine the need for additional shipboard security measures.

### **4.2 Security on board ship**

The master is responsible for the safety and security of the ship. Additional security measures should be implemented to counter increased risks when warranted. A properly trained crew is in itself a strong deterrent to breaches of security. The first line of defence is the maintenance of the integrity of the vessel. This could be seriously compromised if crew members or other company employees become involved in drug trafficking.

#### **4.2.1 Control of access to the ship and identification**

The main task facing a would-be trafficker aiming to conceal packages on board the vessel is to gain access by infiltration. Security measures aimed at prevention should therefore be in the ship security plan. In each case the best methods of deterring and preventing unauthorized access are crew awareness and control of entrance to the vessel.

The vessel’s hull is a clear boundary which is easily defined. Protection of this boundary creates a physical and psychological deterrent to persons attempting unauthorized entry. It delays intrusion, enabling crew and security guards to detect and, if necessary, apprehend intruders. It also provides personnel and vehicles with designated and readily identifiable places for entry on to the vessel.

#### **4.2.2 Precautions while ships are in port**

Where appropriate, and in addition to the security measures appropriate for the security level in force, in order to adequately prevent illicit drugs from being brought aboard, additional measures to counter drug smuggling should be applied for example when required cargo nets might need to be intercepted and opened on the main deck before being lowered into the hold, for purposes of inspection, since drugs, components or precursors are often wrapped in the cargo nets so as to bring them aboard undetected.

#### **4.2.3 Access by persons other than crew members**

In addition to the guidance given in MSC/Circ.1112 on Shore leave and access to ships under the ISPS Code and MSC/Circ.1156 on Guidance on the access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply, where persons other than crew members are permitted on board, the following precautions should be observed:

- .1 access may be authorized to specific departments but should not be granted to restricted areas, engine rooms, holds, stores, etc.;
- .2 any package or bag brought on board or removed from the ship should be examined;
- .3 in the case of shore personnel working on board, for maintenance, loading, unloading, stowing or unstowing the ship, etc., the ship security officer should ensure that access to restricted and unauthorized areas is controlled; and
- .4 access control at the ship's access ladder or gangway while at the port facility.

#### **4.3 General precautions on ships**

In addition to the security procedures appropriate to the security level in force, additional precautions should be applied in drug risk areas, for example restricted areas on board ships for example, bridge, engine room, radio room, etc. should also be established. The locking of store rooms, cabins and internal access points, unused while in port, is an obvious precaution. The use, number and distribution of ships' master keys should be controlled by the ship security officer. Corrective action should be planned in advance in case security should be compromised by misuse or loss of keys. The following measures might be considered for protecting the natural boundary created by the ship's hull:

- .1 Access points to the vessel should be kept to a minimum, ideally a single controlled gangway, ramp or companion way. When regulations demand a second emergency ladder, consideration should be given to keeping it rolled up or lifted clear of the water.
- .2 If the risk warrants it, access points should be manned. In certain circumstances two members of the crew or supplementary security staff may be required. They should be fully briefed on their duties and the action to take in the event of an incident or emergency. They need to be provided with a flash light, a means of summoning assistance and communications equipment to remain in touch with the duty officer. A means of discreet communications by radio, direct-line facilities

or other reliable means should be provided at each access point for use by security or operating personnel to contact the port facility security officer in the event that assistance is required.

- .3 Gangway duty personnel need to hold a list of crew members, shore officials and expected visitors. Security alarms and devices may be appropriate in certain ports, as a complement to guards and patrols. Immediate and appropriate response to alarms is important if they are to be effective.
- .4 Packages, spares and stores should be carefully scrutinized when being taken on board.
- .5 Random, frequent and thorough searches should be made if it is impractical to search every item. Items sent ashore for repair, inspection or replenishment, such as fire extinguishers, gas bottles, etc., should be closely examined on return to the vessel.

In areas of high risk or at security level 2 or 3 visitors may need to be searched and photographed on boarding, accompanied whilst on board or even prohibited from entering the ship.

Shore facility employees, vendors, assigned law enforcement officials and others, whose official duties require them to board the vessel, should be asked to identify themselves and prominently display suitable identification. Persons refusing to present security documents at an access point to the vessel should be denied entry and reported to the port facility security officer and the competent Authorities at the port. If necessary, a responsible officer should be called to confirm their identity. Strangers should be challenged.

Unexpected visitors should only be allowed to embark one at a time and should be watched from the other side of the ship.

Vulnerable or little-used compartments and unmanned machinery spaces should be kept locked, especially in high risk ports, and watchkeepers should make random inspections to look for signs of tampering. Consideration should also be given to removing identifying tallies over the doors of those compartments.

The decision to keep certain spaces locked during a stay in port should take into account basic security aspects.

Crew members should be warned to be suspicious of unexpected objects or packages in unusual places. They should not accept packages from strangers and should be aware that drugs may be introduced into seemingly innocent packages.

To prevent this, boxes which have been searched could be bound with coloured tape for identification, or automatically strapped using polypropylene tape.

Small craft in the vicinity of the vessel should be kept under surveillance and, at night, illuminated where possible.

At sea, if there is any doubt about the identity or intentions of a vessel which is seeking to attract attention, no reply should be given. Furthermore, when circumstances so warrant and safety permits, the ship should increase speed and/or extinguish navigation lights and increase deck

lighting. Attempts should be made to identify or photograph any vessel behaving in a strange manner and the competent Authorities at the nearest port should be informed immediately by the fastest possible means. Particular care needs to be exercised in narrow waters and during the hours of darkness, when a surreptitious approach could be carried out more easily.

#### **4.4 Measures to provide protection against external concealment**

##### **4.4.1 Lighting**

While in port, at anchor or underway, the ship's deck and overside can be illuminated in periods of darkness and restricted visibility, though care should be taken not to interfere with the required navigation lights and safe navigation.

The lights should be arranged to illuminate specific areas continuously during the hours of darkness or restricted visibility. In some circumstances, it may be preferable to use such lighting systems only in response to an alarm.

Floodlights may be used to supplement the primary system and may be either portable or fixed. Where available, searchlights can be used to illuminate suspicious persons, vehicles or craft approaching the vessel.

##### **4.4.2 Watch from on board**

A good lookout should be kept from the deck, to look for bubbles divers, floating refuse (which may hide swimmers) or small boats. Approaching boats should be challenged and, if unidentified, should be prevented from coming alongside.

##### **4.4.3 Searches below the waterline**

If it is thought likely that a device has been fixed to the outside of the hull below the water-line, a search can be carried out to locate the device, though not to dislodge it. Qualified clearance divers are required to do this and their assistance should be sought through the competent Authorities at the port.

#### **4.5 Personnel control**

Passengers, crew members and other Company employees having legitimate business on board vessels clearly have greater opportunity to circumvent access control measures if determined to do so. Their potential for involvement in illicit activities must not be overlooked in assessing a vessel's vulnerability for use in the transport of drugs.

Where the threat warrants it, therefore, all reasonable and legal precautions should be taken to check the background and integrity of employees, especially prospective new staff. References from previous employers should be requested. Dismissals from previous employments or frequent job changes should be explained.

In assessing the possibility of employees succumbing to drug related pressures, the following points should be considered:

- .1 Is there an anti-drugs commitment from management and are staff aware of it?
- .2 Is there a drugs awareness and education programme and is staff co-operation encouraged?
- .3 Do all employees entitled to access to vessels or cargo have identification badges?
- .4 Are all employees aware of what to do and whom to tell if a suspicious bag or package is found?
- .5 Are all employees aware of what to do if they become suspicious of cargo, customers or colleagues?
- .6 Are any employees exhibiting signs of drug involvement such as changes in appearance, behaviour or character, frequent requests for swift changes or a desire to be allocated to a particular vessel, consignment or work station?

#### **4.6 Forms of involvement of on-board personnel in drug trafficking**

Employees, crew members or passengers may become involved in drug trafficking either as individuals or as part of an organized conspiracy.

##### **4.6.1 Individually**

Experience indicates that officers and management are rarely involved in this kind of activity. Since access to the cargo at both loading and discharge is difficult to guarantee for a crew member – and even more so for a passenger – drug trafficking by individual carriers generally uses the personal or working area of the crew member involved. However, an effort may be made to conceal the goods in an area which will not immediately draw attention to the individual if the goods are discovered.

##### **4.6.2 The organized conspiracy**

Such conspiracies may sometimes involve several or all crew members, including ships' officers, port facility staff and port management. With inside knowledge of vessel schedules, routing, shipboard routines, cargo information systems and customs procedures, large quantities of drugs can be involved and concealment techniques can be highly sophisticated as there is time to prepare the hiding place and conceal the product. Other places of concealment which may require an organized conspiracy are fuel tanks, engine room machinery, conduits or pipes.

## **5 DETECTION OF CONCEALED DRUGS**

### **5.1 Shipboard searches**

To help ensure maximum effectiveness, the search plan should be practised from time to time to build up confidence on the part of the crew and to remind them that good security is everyone's business. In areas of high risk or if specific information has been received, searches may be conducted after leaving each port. In these areas crews should be prepared to conduct a greater number of searches of people and goods. Every crew member should have areas of responsibility and search areas, which should be rotated randomly by the ship security officer.

Ships are particularly vulnerable to the transport of illicit substances. In the case of drugs, precursors and chemicals used in their manufacture, two main factors should be borne in mind:

- .1 the high value of the drugs, precursors and chemicals used in their manufacture and the involvement of international organized crime mean that large sums of money are at stake, with the consequent pressures including the risk of violence; and
- .2 the possibility that some crew members may be drug addicts.

N.B.: All psychotropic substances are very dangerous and some can be absorbed through the skin. Gloves and masks should always be used when handling suspicious substances. Never rub, touch or handle substances with exposed skin. Do not inhale vapours or powder. Do not smoke near the substance in question. Do not test it. Do not taste, eat or drink it.

Everyone should bear in mind the possibility of sudden violence, including armed attack, when a large quantity of psychotropic substances, chemicals used in their manufacture or precursors are discovered. Due precautions should be taken at all times.

## **5.2 Shipboard search planning**

To ensure that a thorough and efficient search is completed in the shortest possible time, search plans should be prepared in advance. This should normally be done by the competent Authorities in conjunction with the ship security officer and can be reviewed and modified in the light of experience.

The search plan should be comprehensive, and should detail the routes searchers should follow and all the places on the route where a package might be hidden.

The plan should be developed in a systematic manner to cover all options and to ensure no overlap or omission. This allows those responsible to concentrate on the actual search without worrying about missing something.

Before conducting the search, the configuration of the vessel should be taken into account to ensure that:

- the ship is divided into manageable areas;
- all areas of the ship are included; and
- all areas of the ship are accessible.

This configuration would show:

- .1 number of decks;
- .2 number and location of cargo holds;
- .3 number and location of tanks and void spaces;
- .4 size and layout of engine room;

- .5 number and size of crew quarters and public areas;
- .6 accessibility of ventilation systems; and
- .7 number and size of storerooms used for various purposes.

One location on board needs to be designated as the control point where search team reports are sent, analysed and controlled.

Preparations should be made to equip the search teams with:

- .1 flash lights and batteries;
- .2 screwdrivers, wrenches and crowbars;
- .3 mirrors and probes;
- .4 gloves, hard hats, overalls and non-slip footwear;
- .5 plastic bags and envelopes for collection of evidence; and
- .6 forms on which to record activities and discoveries.

A system of check cards would be useful. One would be issued to each searcher specifying the route to follow and the areas to be searched. These cards can be colour-coded for different areas of responsibility, for example blue for deck, red for engine room. On completion of individual search tasks, the cards are returned to a central control point. When all cards are returned, the search is known to be complete.

When the master or the ship security officer has decided to search the ship, he should first brief his department heads who, in turn, can brief their own search group leaders. It is the group leaders who then organize their teams and search allocated spaces, using search plans to ensure that no spaces are missed.

### **5.3 Types of shipboard search**

#### **5.3.1 Reactive search**

This type of search would be carried out in reaction to a specific threat or piece of intelligence indicating that a package or bag has been placed on board. It can also be used as a precaution at level 2 or 3, or during times of heightened threat. A reactive search should comply with the following principles:

- .1 Crew members should not be allowed to search their own areas in case they are involved in a drug smuggling operation and have concealed packages or bags in their own work or personal areas.
- .2 The search should be conducted according to a specific plan or schedule and must be carefully controlled.

- .3 Special consideration should be given to search parties working in pairs with one searching “high” and one searching “low”. If a suspicious object is found, one of the pair can remain on guard while the other reports the find.
- .4 Searchers should be able to recognize a suspicious package or bag.
- .5 There should be a system for marking or recording “clean” areas.
- .6 To prevent the illicit movement of goods during a search, the movement of persons should be controlled. Where this is not applicable, persons should be subject to search when transiting between searched and un-searched areas.
- .7 Searchers should maintain contact with the search controllers, perhaps by UHF/VHF radio.
- .8 Searchers should have clear guidance on what to do if a suspicious package or bag is found.
- .9 Searchers should bear in mind that smugglers may try to match the package or bag to the background, such as a tool box in an engine room.

The engine-rooms of ships are common places for concealing psychotropic substances, drug components or precursors. Generally shaft tunnels and lubricating oil and settling tanks are suspect, as are starting air bottles, the gauges of which can readily be set to show pressure even when empty. Access to the engine-room can be made from the shaft tunnel escape trunk opening on to the main deck or the steering engine flat. Once again it must be emphasized that such doors should be kept closed when the ship is in port and opened only in cases of need or emergency. Nevertheless, the need to keep escape routes clear must be observed.

The search controller should keep a record of all reports from the search groups to ensure that all spaces are checked and that the master and/or the ship security officer always has an up-to-date search status.

The discovery of one package or bag should not be the end of a search as there is always the possibility that more than one package or bag has been planted.

### **5.3.2 Fast search**

Similar to the above search plan, a plan for fast search, or ‘quick look’, at the unlocked or more vulnerable and accessible areas can be drawn up for use after unloading/disembarkation and before loading/embarkation, etc. Using the card system, selected cards only are issued, covering the more vulnerable and accessible areas.

In this event:

- .1 all previously locked doors should be checked to ensure they have remained locked; and
- .2 all unlocked spaces, lifts and rubbish bins should be thoroughly searched.

On completion of the fast search, the master and/or the ship security officer can decide whether a full search, including a search of locked spaces, is necessary.

### **5.3.3 Preventive search**

Preventive searching aims to deter smugglers from trying to smuggle a package or bag on board a ship and to find it before it is planted. There may be occasions when all visitors to the ship need to be searched.

The point or points where people and goods pass into a restricted or sterile zone, such as the vessel, need to be established and controlled. At these points, checks and searches should be made to ensure that everything that passes through the point is clean. Once through the point, segregation is important and no contact should be allowed with uncleared personnel. The percentage of persons/goods searched will, of course, depend upon the threat level.

Passengers and their hand-carried baggage can be examined on shore, at one or more search points, or on boarding the vessel. As every port is different, final judgement must be made by the competent Authority.

No person or vehicle should be allowed to “turn back” from a sterile area or depart the ship without the knowledge of the person controlling the search.

Restricted or sterile areas should be searched if they have been accessed.

The frequency of such searches will be determined by the threat level.

## **5.4 Methods of searching**

The method of search chosen will depend on the individual situation and the level of threat. Physical search remains the final and most reliable method as long as it is correctly carried out.

### **5.4.1 Physical searching**

Passengers and visitors to ships may be physically searched. With large numbers of people, this is best carried out in private booths, as this minimizes embarrassment and increases effectiveness. The use of private booths also prevents search methods from being observed. Passengers should not be given the opportunity of selecting a particular searcher and barriers should be used to prevent searchers being distracted by the large number of people around them.

A supervisor should observe visitors or passengers to note suspicious behaviour and to direct people to available searchers.

To be properly effective, a physical search of packages, bags and belonging should include a check for false bottoms, lids, sides and compartments. Very often a smell of glue or a heavy odour to mask the smell of certain drugs is an indication that a lining may have been removed and put back in position. Special attention should be paid to any tampering or repair to a package, greasy stains or small holes in the exterior. Contents should be assessed during the search and if the weight seems unbalanced or disproportionate for no obvious reason, a further check for a false compartment may be justified.

Particular attention should be paid to electrical and electronic apparatus, new as well as used, being brought on board. Passengers should be questioned on the origins of the equipment and whether it has been out of their possession for any period of time. Equipment may be examined for unusual characteristics such as signs of tampering, excessive weight or loose objects inside.

Other containers carried in bags which could be used to conceal drugs must also be examined. Normally this can be done visually.

#### **5.4.2 X-ray systems and detection technology**

The most usual method of screening high volumes of baggage and personal belongings is to use X-ray equipment. Modern equipment is capable of producing images of good definition and penetration, but X-ray examination can be less effective than physical search in identifying drugs, although false compartments or hollow sections in goods, packaging or containers can be revealed.

Baggage X-ray equipment provides a fast and convenient way of seeing inside objects without the need to unpack or damage them. It can be bought with various tunnel sizes, from the typical 600 mm wide x 400 mm high tunnel equipment that is used for screening passengers bags, through the 1 650 mm wide x 1 500 mm high equipment which is used to screen cargo, to specialized systems capable of screening whole containers and vehicles. This flexibility will allow most objects that can conveniently be moved to be passed through the equipment and produce an X-ray image.

Operator efficiency decreases significantly after only a relatively short time, particularly at peak screening periods, and operators should only scan X-ray images for a maximum of 20 minutes before being employed on other duties. The image must be presented for a minimum of 5 seconds to permit proper examination.

Bulk detection devices measure some bulk characteristic of materials in an attempt to detect the possible presence of explosives or drugs. Some of the bulk characteristics that may be measured are the X-ray absorption coefficient; the X-ray backscatter coefficient; the dielectric constant; gamma or neutron interaction; and the microwave, millimetre wave, or infrared emissions. Further analysis of these parameters can result in calculated mass, density, nitrogen content, and effective atomic number. While none of these characteristics are unique to explosives or narcotics, they can be sufficiently indicative to point to a high probability of the presence of explosives or certain types of drugs.

Explosives and drugs may also be detected by means of the vapours they give off or the particulate traces spread when they are handled. In general, vapours are found in the air while particles are mostly found on surfaces. Because some explosives and drugs are more volatile than others, vapour detection tends to be appropriate to some materials while trace detection is more appropriate to others. It is essential to recognize that vapour detection equipment relies on the presence of explosive vapour and is not capable of detecting explosives and drugs which do not vaporize, or if the vapour is contained.

Further information on available technology to secure and facilitate international trade, including drug detection equipment, can be found in the WCO Databank on advanced technology which is available via the WCO web site [www.wcoomd.org](http://www.wcoomd.org).

### **5.4.3 Use of dogs**

Specially trained dogs can be very effective in searching cars, baggage and freight. Dogs can also be used for searching in ships but need to be familiar with the sea-going environment to achieve results.

### **5.4.4 Additional considerations**

In addition to searches of people and accompanying belongings, there may be occasions when searches of other items boarding the vessel may be necessary.

.1 The searching of freight and vehicles before boarding is difficult and expensive but there are times when the security levels warrant such measures to be taken. In high risk areas careful examination of:

- external packaging,
- container and vehicle infrastructure,
- paperwork,
- the screening of drivers,
- coupled with good intelligence

contributes to solving the problem.

If companies are suspicious that freight, freight vehicles or trailers may contain illicit goods they should be isolated and advice sought from the relevant law enforcement authority immediately.

.2 Ships' stores

All ships' stores consigned to a ship offer a conduit for drugs. Ships must check their stores carefully and screen each item when the security level so demands. The unexpected package or bag is the one to be wary of.

.3 Miscellaneous deliveries to ships and ports

Smugglers may well use innocent-looking vehicles and people delivering routine items such as bread, milk, flowers or fresh vegetables to contacts on board. Good access control, personnel identification and random search will help to counter this risk.

## **6 CONCEALMENT OF DRUGS ON BOARD SHIPS AND TELL-TALE SIGNS**

### **6.1 On board ship**

Drugs on board vessels can be hidden in the structure of the vessel itself or in seldom-used compartments, spaces and machinery, concealed in accommodation areas or, where crew members are involved, held on the person or in personal effects. The cargo offers many opportunities for concealment, especially where unit load or containerized cargo is involved.

## **6.2 Places of concealment on board ship**

There are many places on board a ship where drugs can be concealed. Some of the more common places where drugs have been found include:

- .1 where it is unlikely that anyone will enter or where searches are rarely made, whether due to respect (for example master's cabin, the sofa in his day room), awkwardness (for example propeller shaft tunnel) or danger (for example behind electrical panels and in inert cargo spaces); near the funnel where fumes may disguise distinctive smells such as cannabis; passenger cabins;
- .2 store rooms (flour bins, refrigerators, freezers for provisions such as fish and meat, sacks of vegetables or inside canned goods);
- .3 deposited provisions (wardrobes);
- .4 paint stores (paint lockers);
- .5 in crew quarters (for example behind or in radiators or toilet fittings, behind pictures or skirting boards, in porthole panelling, in cabin, ceiling and wall panelling, in false compartments in the bases of wardrobes and in coat hangers, under lockers and drawers, beneath bunks and mattresses and other cabin furniture);
- .6 places where access is prohibited to unauthorized personnel;
- .7 inside lubricating oil tanks or cargo tanks; in companionway ducts, floor, wall and ceiling panels, inside ventilation pipes and shaft tunnels or cable ducts in the deck or inside engine-room machinery, in computer rooms, control panels, sumps, bilges and funnel shafts;
- .8 crates or containers with false bottoms; double-bottomed oil drums, cylinders and paint drums;
- .9 places where the substances may not seem out of place (for example medical stores, lifeboat stores); inside fire extinguishers, hoses and their storage spaces;
- .10 inside recent structural alterations; in freight containers or in hollow spaces in their construction;
- .11 inside false floors and/or ceilings in cabins and companionways;
- .12 in oil or water tanks false probes or visual indicators and falsely calibrated gauges may be fitted.

## **6.3 Suspicious circumstances on board**

The following are examples of circumstances which should be regarded as suspicious and warrant further investigation:

- .1 strangers found in unusual places while the ship is in port;
- .2 strangers carrying parcels and seeking access to the vessel;
- .3 shore gangs or contractors' staff working unsupervised on apparently unnecessary work or outside normal hours without good reason;
- .4 unanticipated work, especially structural adaptations of alterations (for example closed off spaces);
- .5 crew members found in strange places without reason (for example, catering crew in the hold or engine room), loitering in unusual places during the voyage or showing undue interest or unease during officers' inspections;
- .6 passengers found outside passenger or public areas;
- .7 unexpected occurrences (for example, a supposedly full ballast tank found empty) or things out of place (for example, sacks of flour in the paint store);
- .8 evidence that packages, tanks or containers have been opened;
- .9 disturbed stowage, closed off spaces, pipes going nowhere;
- .10 missing keys;
- .11 unexplained failure of electrics or mechanics, for however short a period; and
- .12 evidence of tampering with welded tank tops, primed gauges, insecure boat covers, unlocked "secure places".

#### **6.4 Suggested checks for masters and ships' officers**

- .1 know your crew's usual habits and study any unease or departure from routine, such as unusual places for routine jobs on board or any uncharacteristic behaviour;
- .2 maintain proper gangway watch at all times in port and forbid unauthorized access;
- .3 conduct regular inspections of varied nature, place and duration and log them;
- .4 question all strange persons in an unusual place on board while the ship is in port;
- .5 take into consideration the possible significance of finding things out of place; for example, a supposedly full ballast tank found empty, or sacks of flour in the paint store;
- .6 inspect all disturbed stowage, closed off spaces, pipes going nowhere;
- .7 seek evidence of tampering with the ship's fittings, for example, welded tank tops, insecure boat covers, equipment which does not work;
- .8 where possible, arrange supervision of shore gangs; and

- .9 lock all spaces and access points to, for example, cargo spaces not regularly in use and control access to keys.

## **6.5 Observation of behaviour patterns**

Crew members or passengers should be carefully observed as to their behaviour patterns. The following might be significant:

- .1 nervous or suspicious behaviour;
- .2 unusually large amounts of money;
- .3 unusually large local purchases;
- .4 expensive clothing;
- .5 lists containing names, dates or places and references to money, weights or other units;
- .6 unusual clothing when going ashore or returning to the vessel (for example, bulky or out-of-season clothing, conspicuous bulges on the body);
- .7 unusual interest in a particular area of the vessel, consignment or container;
- .8 possession of unusual tools not connected to the job; and
- .9 possession of drug paraphernalia.

## **6.6 Suspicious circumstances at sea**

In addition to being aware of the threats to their own vessel, crew members may, while undertaking their normal duties, become aware of unusual activities which may be worth reporting through the master and/or ship security officer to the competent Authorities. For example:

- .1 goods being transferred to and from vessels at sea;
- .2 goods being brought aboard from vessels close to shore;
- .3 marker buoys in unusual places;
- .4 signalling between vessels and the coast;
- .5 inflatables moving offshore at high speed (especially at night);
- .6 unusual diving activity in the port; and
- .7 craft anchored or off-loading goods on remote areas of coastline.

## 6.7 Suspicious circumstances on shore

Companies, through the company security officer, should be aware of the drug trafficking threat and take it into account, whether or not:

- .1 the person making the cargo booking is familiar;
- .2 the shipper/consignee is a regular customer or a first-time client;
- .3 the article involved is consistent with the client's business;
- .4 the shippers'/consignees' addresses are incomplete, misspelt, vague or inappropriate;
- .5 the "notify party" is difficult to contact;
- .6 it is a last minute booking;
- .7 the charges are prepaid and in cash;
- .8 any attempt has been made to hide the name/address of the payer of freight;
- .9 the shipment originates in a known drug source or transit country;
- .10 the consignment appears to be normal bearing in mind the origin and routing of the cargo, commodity, country of origin and destination and the value of the goods;
- .11 the cargo is properly described on the documentation; and
- .12 the size/weight ratio is commensurate with the commodity.

All staff should be aware of the threat and alert to any unusual circumstances. Any such circumstances, together with details of the ship and cargo, should be reported to the competent Authorities.

Cargo handling staff should be asked to look for:

- .1 broken seals on containers;
- .2 false floors in containers (not flush with the door frame) or false ceilings (roof above the corner blocks or changes in height of internal ceiling);
- .3 blocked cavities in the frame of containers or trailers;
- .4 evidence of drilling in the frame of a container or chassis;
- .5 evidence of fresh paint or new welding, or variations in wall, floor or ceiling texture, which may indicate a structural alteration designed to conceal drugs or other contraband.

Special attention should be paid to reefer boxes where insulation spaces and material, as well as the machinery, offer additional smuggling opportunities.

## **7 ACTION WHEN DRUGS ARE FOUND**

### **7.1 General guidance**

In the absence of any specific standing guidance from the Company in the ship security plan, ship security officers should seek directions on measures to be taken whenever drugs are discovered on vessels, in cargo or on premises. If drugs are found at sea, the authorities at the next port of call should be notified by radio before entering territorial waters. The competent Authorities should be informed as soon as possible.

### **7.2 Personal safety considerations**

The following points must be observed to ensure personal safety when a suspicious package or bag or substance is discovered:

- .1 Do not pierce or open suspicious packages or bags wrapped in newspaper, foil, carbon paper, or polythene bags and sealed with masking tape.
- .2 Do not feel, handle or touch the substance without skin protection and a face mask.
- .3 Do not inhale powders, fumes or vapours.
- .4 Do not rush your actions.
- .5 Do not smoke near the substance or expose it to heat or flame.
- .6 Do not UNDER ANY CIRCUMSTANCES taste, eat or drink the suspect substance.
- .7 Always wash hands and brush clothing free from any contamination as soon as possible.
- .8 Ensure adequate ventilation and lighting in confined or enclosed spaces.
- .9 If moving the items to a secure place, wrap them in plastic film, sheet or bags and take them to a secure place or safe as quickly as possible.
- .10 Take note of anyone taking an unusual interest in what you are doing.

### **7.3 Specific guidance**

Get another person to witness the position of a suspicious package or bag before taking any action. If possible, take photographs of the package or bag as it was found, i.e. find a witness (avoiding the “minder”). Handle as little as possible and remember there may be fingerprint evidence on the package or bag. Where necessary, taking handling precautions, remove the goods to a safe place under lock and key. Guard if necessary. If at sea, record any discovery in the

ship's log. Include as much detail as possible: date, time, location, approximate quantity, person detecting, names of witnesses, etc.

- .1 Do not disclose the find, and limit information to persons who need to know.
- .2 Notify the competent Authorities at the next port of call before entering territorial waters. Failure to do so could result in charges of drug trafficking.
- .3 Do not allow crew members to disembark before being interviewed by the competent Authorities.
- .4 Protect any wrapping and anything else found in the space.
- .5 Consider searching similar locations and spaces.
- .6 Write a report AS SOON AFTER THE EVENT AS POSSIBLE. Include everything that occurred. Making a sketch plan of the space and area often proves helpful. It is also very useful to note why the particular location or cargo was inspected or how the package(s) or bag(s) came to be found. Include any suspicious activity noticed. The report should be signed by any witnesses. At sea, the finder of the package or bag, the witnessing officer, the master and/or the ship security officer, or the head of department, should sign the report, showing the date and time. If the finding is in cargo, the relevant cargo documentation should be collected for subsequent examination by the competent Authorities.
- .7 Ships' masters and/or security officers should notify the competent Authorities and the port facility security officer upon arrival.

## **8 MEDICAL SUBSTANCES PERMITTED ON BOARD**

### **8.1 Medical substances used on board**

Most vessels today carry medical supplies for treatment of illness during the voyage as well as emergency lifeboat medical stores. Vessels within territorial waters are subject to the provisions of the appropriate national legislation and any regulations relating to storage and supply of listed drugs will need to be observed. These are generally common rules based on international agreement.

The master of any vessel is responsible for the safe storage of medicines and security of the ship's medical locker, which is to be kept locked. Very often, substances such as morphine and diazepam are under the direct control of the master, who keeps them in his cabin together with a detailed record of the existing and used amounts, the corresponding incidents which occurred on board and the substance expiry dates.

Medical stores kept in lifeboats should be frequently inspected at sea and removed to the medical locker for security when the vessel is in port. If alternative arrangements are made, security should be the best available.

The vessel should provide a list, with quantities, of all controlled drugs (for example, morphine) to the competent Authorities, together with the ship's report, on arrival at a port. Providing the quantities carried are reasonable, no licence will generally be required.

On vessels such as cruise liners which carry a ship's doctor, he or she is responsible for the medicines and for any related irregularities that may arise, but the master will still carry the legal responsibility for every irregularity.

## **8.2 Medical substances for trade**

Drugs, irrespective of quantity, require a valid licence for import or export, although some minor relaxations may apply. The licence will specify the substances, period of validity of the licence, ports to be used and any special conditions concerning the shipment. Since any variation from the licence constitutes an offence, the competent Authorities at the port should be approached if changes are required.

It must be remembered that pharmaceutical preparations containing substances which appear in the tables of the 1988 Vienna Convention are not exempt from control, unless their composition is such that those substances cannot easily be used or recovered by the available means. Thus, unless expressly exempted, pharmaceutical preparations must be controlled appropriately.

## **CHAPTER 2 – CONTROL OF THE TRANSPORT OF PRECURSORS AND CHEMICAL PRODUCTS**

### **1 Precursors and essential chemical products used in the illicit manufacture of narcotic drugs and psychotropic substances**

Drug producers, in addition to needing access to raw plant materials for processing into narcotic substances, also require access to large supplies of chemicals to obtain the illicit substances that are to be marketed. Some drugs, known as synthetic drugs, are entirely chemically based. However, it must be borne in mind that most finished products contain a percentage of chemical products, which may be distinguished as follows:

**Precursor:** a chemical substance which is needed for processing of a finished product, either cocaine or heroin; its molecules will be present in the molecule of the finished product. If the precursor is not used, the final product cannot be obtained. Before obtaining the finished product it is necessary to have this precursor.

**Reagent:** a product used to provoke a chemical reaction, but which is replaceable by another reagent if the same chemical reaction is obtained. The precursor must be a product of this type. The reagent may be one type of product, or another with similar properties which provokes the same chemical reaction: one may be substituted by another.

**Solvent:** a chemical substance which is included in the formula. Its presence is required in order to cause a reaction which dissolves and eliminates impurities, thus making the product easier to handle.

Controlling the transport of precursor chemicals is thus essential to the control of drug manufacture.

The cocaine production process serves as a useful reminder:

The initial requirement is for coca leaf, from which a cocaine paste is extracted. This is refined into cocaine base, which is then converted to cocaine hydrochloride. The chemical products used

are kerosene, ammoniacal water and sulphuric acid. The refinement process requires ammoniacal water and potassium permanganate. The conversion process requires acetone, ether and hydrochloric acid.

The following table provides a summary of the chemicals used in preparing various narcotics:

### CHEMICAL PROCESSING IN DRUG MANUFACTURE

INDUSTRIAL CHEMICALS	DRUGS PRODUCED
Acetone	Heroin, morphine, cocaine
Ethyl acetate	Heroin, cocaine
Butyl acetate	Cocaine
Hydrochloric acid	Heroin, morphine, cocaine
Sulphuric acid	Cocaine, marijuana oil
Butyl alcohol	Morphine, cocaine paste
Acid anhydride	Heroin, methaqualone
Chloroform	Heroin, morphine, cocaine
Sodium carbonate	Heroin, morphine, cocaine
Methanol	Cocaine
Ethyl ether	Heroin, cocaine

\* Internet site of the Air and Space Power Journal International (Spanish)

Many of these are classified as controlled substances under the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Illicit Substances (see annex 1).

It is therefore important that ships and port facilities deemed to be at risk from drug trafficking formulate and implement plans to prevent and control the illegal diversion of chemical substances in order to restrict illicit drug production.

## 2 Precautions for the transport of precursors or essential chemical products used in the manufacture of narcotic drugs

Shipments of these products to drug producing areas are certain to generate interest on the part of the competent Authorities who are likely to investigate the consignment in greater detail. If any of the substances should be discovered on board unmanifested or in unusual circumstances, the competent Authorities at the next port of call should be notified.

- .1 Both the master and the crew of a ship carrying essential chemicals or precursors used in the manufacture of narcotic drugs or psychotropic substances should take security measures in respect of store rooms and lockers where they are stored, including inspections to check the quantity and condition of the packages, for example to ensure that brand labels have not been altered.
- .2 During its voyage, any ship carrying essential chemicals or precursors used in the manufacture of narcotic drugs or psychotropic substances, must inform the competent Authorities of the nearest port that it is carrying such substances, indicating the class, quantity, destination, route and itinerary. Ships masters are reminded that the ship's stores may include legitimate chemicals which are, or contain, precursors. Care should be exercised to ensure such chemicals in the ships stores are declared to the appropriate competent authorities.

Both the master and the crew of the ship should be informed about the existence of various diversion mechanisms used by those engaged in illicit chemical trafficking.

### **3 Recommendations to countries which produce, distribute and supply precursor chemicals**

Countries which produce chemical products that can be used to manufacture narcotics are requested to make special efforts to control their distribution or supply, through measures such as the following:

- .1 establishing government control of precursors so that the destination and means of distribution of these substances is known precisely;
- .2 submitting timely reports from the port of loading to the port of destination of ships carrying chemical products, including description of the ship, route and itinerary, type of substances, quantities and intermediate ports of call;
- .3 urging ships carrying precursors to notify the Authorities at the port of destination and intermediate ports of call at least twenty-four (24) hours in advance, so that the necessary control measures may be taken by each State.

Bearing in mind that chemical products are essential to the manufacture of psychotropic substances, it is important that all governments insist on such controls as they deem appropriate to ensure that the specific quantities and qualities of those products reach their legal destination.

Do not fail to assist if it is in your power to do so.

ANNEX 1

**LIST OF ESSENTIAL CHEMICALS AND PRECURSORS FREQUENTLY USED IN THE MANUFACTURE OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES**

(under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, signed in Vienna on 19 December 1988)

**Table 1**

N-acetyl-anthranilic acid  
Ephedrine  
Ergometrine  
Ergotamine  
Isosafrole  
Lysergic acid  
3,4-methylenedioxyphenyl-2-propanone  
1-phenyl-2-propanone  
Piperonal  
Pseudoephedrine  
Safrole

The salts of the substance listed in this table whenever the existence of such salts is possible.

**Table 2**

Acetic anhydride  
Acetone  
Anthranilic acid  
Ethyl ether  
Hydrochloric acid\*  
Methyl ethyl ketone  
Phenylacetic acid  
Piperidine  
Potassium permanganate  
Sulphuric acid\*  
Toluene

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\* The salts of hydrochloric acid and sulphuric acid are specifically excluded from Table 2.

## ANNEX 2

### **THE BALANCE BETWEEN SECURITY AND FACILITATION**

The world is confronting processes that call for large-scale action on the part of the maritime industry, which is becoming stronger in its role as motor of international trade. Globalization, trade agreements between States, competition and quality of services ensure that maritime transport tackles the important challenges, in order to continue developing as a vital contributor to the flow of international trade while also retaining features that enable it to function on a secure and protected footing.

At the same time, the world is also faced with situations which may place international maritime transport at risk, examples being terrorism, drug trafficking and logistical and procedural problems; if these are not foreseen and addressed in accordance with the established international procedures, they can harm the development of markets and ultimately transport itself.

This is why it is increasingly important to achieve the required balance between facilitation of international transport and maritime security. The way to achieve this is to deploy the capacities of every competent Authority at the port, in both facilitation and control. Equally important are exchange of information, collaboration and respect between the various departments and areas of expertise in each competent Authority.

Only in this way will it be possible to have international maritime transport which is not subject to unnecessary delays, is protected from incidents which might pose a threat to its overall security and, at the same time, is equipped with security mechanisms which both offer protection and can develop into outstanding state resources, in turn ensuring optimal levels of security which will encourage international trade.

To develop this balance between facilitation and security, the international community has made considerable efforts to produce regulations and recommendations offering States guidance on what action to take and how to co-ordinate it. With respect to matters relating to facilitation of international maritime transport, the first instrument to mention is the IMO Convention on the Facilitation of International Maritime Traffic and also the contributions by organizations such as WTO and the WCO. The latter has published the Framework of Standards to Secure and Facilitate Trade, which gives practical guidance for developing, on the basis of two basic pillars, namely Customs-Customs collaboration and Customs-Business collaboration, flexible and effective measures, with the training of officials and the commitment of States constantly to the fore.

The fact that States are following the guidelines on security in compliance with the ISPS Code has contributed to greater awareness of security and to an overall understanding of safety, in turn making the maritime transport interest groups more accountable for ensuring smoother integration of planning, safety and scope of application; this should make both the shipping and the trade sectors more efficient.

Accordingly, competent authorities at the port, shipping agencies and clients have a shared responsibility to contribute their utmost, in keeping with the spirit and procedures of the existing international mechanisms and instruments pertaining to facilitation and security at sea and in port.

Finally, the balance between facilitation and security will become firmer with the passing of time, as companies and clients on the one hand, and States on the other, become more involved in both areas. Gradually, this will introduce practices that prevent unnecessary delays in port, thus minimizing of people, cargo and ships to safety risks. All this will take place in a framework of local security plans that combine to assure the overall safety of port facilities, companies and ships.

ANNEX 3

**INTERNET SITES PROVIDING INFORMATION RELATING TO INTERNATIONAL  
AND NATIONAL LEGISLATION, STATISTICS ON CONSUMPTION AND SEIZURES,  
AND SITUATIONS INVOLVING ILLICIT TRAFFICKING OF DRUGS,  
PSYCHOTROPIC SUBSTANCES AND CHEMICAL PRODUCTS**

**UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)**

[www.unodc.org/unodc/index.html](http://www.unodc.org/unodc/index.html)

**INTERNATIONAL NARCOTICS CONTROL BOARD (INCB)**

[www.incb.org/incb](http://www.incb.org/incb)

**INTERNATIONAL CRIMINAL POLICE ORGANIZATION (ICPO/INTERPOL)**

[www.interpol.int](http://www.interpol.int)

**WORLD CUSTOMS ORGANIZATION (WCO)**

[www.wcoomd.org](http://www.wcoomd.org)

**EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG ADDICTION  
(EMCDDA)**

[www.emcdda.eu.int/mlp/ms\\_es-index.shtml](http://www.emcdda.eu.int/mlp/ms_es-index.shtml)

**THE INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION (CICAD)**

[www.cicad.oas.org](http://www.cicad.oas.org)

## ANNEX 4

### DRUGS AND DRUG ADDICTION

#### *Drugs of abuse*

A drug is defined by the World Health Organization (WHO) as “any substance that, when taken into the living organism, may modify one or more of its functions”. Within this definition is a wide range of substances, some of which are both freely available and socially acceptable.

To give some examples:

- Socially acceptable and freely available substances:  
Caffeine, tobacco (although increasingly becoming less socially acceptable), alcohol (in most countries).
- Socially unacceptable and freely available substances:  
glue, methylated spirit, petrol, solvents, cleaning fluids.
- Socially acceptable and freely available pharmaceuticals:  
aspirin, paracetamol, vitamin tablets.
- Socially acceptable and controlled pharmaceuticals:  
barbiturates, valium, diazepam (librium), and numerous other prescription drugs.
- Socially unacceptable and controlled pharmaceuticals or substances:  
cannabis, LSD, cocaine, morphine, heroin, amphetamines, opium.

Many of the substances in each category carry some risk of drug dependence, but those in the last category carry by far the greatest. Although some of the latter substances may be used under strictly controlled medical supervision, total dependence can still occur within a short period of time. When these drugs are abused (i.e. used in uncontrolled circumstances) addiction can result very rapidly.

Drug dependence can take various forms:

#### *Physical addiction*

This is defined by WHO as “a state that shows itself by physical disturbances when the amount of drug in the body is markedly reduced. The disturbances form a withdrawal or abstinence syndrome composed of somatic and mental symptoms and signs which are characteristic for each drug type”.

In the case of physical addiction the body develops a craving for the drug. Withdrawal symptoms occur when the drug is withheld and some of the symptoms are physically visible in the form of excessive sweating, constant desire for liquids, scratching, twitching of muscles, irritability, diarrhoea, muscle spasm and in extreme cases, coma and death. Where physical addiction occurs the body requires progressively larger doses of the drug to achieve the same level of intoxication or “high”. The quicker this increase is noticed the higher the body tolerance is said to be.

### *Psychological addiction*

“This is a condition in which the drug promotes a feeling of satisfaction and a drive to repeat the consumption of the drug in order to induce pleasure or avoid discomfort” (WHO 1974).

In this case the mind develops a dependence on the drug although there may be no physical dependence. Withdrawal symptoms are not as pronounced as in physical addiction but there may still be irritability, fits of anger, fixation on taking a further dosage, irrational behaviour, feelings of victimization, etc.

### *Environmental addiction*

This can occur when the addict becomes accustomed to a particular lifestyle. Social meetings or meeting places, not just of opium or cannabis users, have been conducive to environmental addiction and provide opportunities for both addicts and “pushers”. If drugs circulate in particular places, the addict has a permanent source and the “pusher” a constant market.

The increasing incidence of the AIDS virus in many parts of the world has given new impetus to reducing drug abuse, since one of the main conduits for spreading infection is the use of contaminated hypodermic needles shared by drug users.

There are no social divisions or classes of drug users. They may be found in all walks of life and at all social levels. The physical characteristics of drug addicts depend on the type of drug used and the time that has elapsed since the last dose.

The drug user generally develops an ability to lie about his habit and keep it secret. Crew members may not notice a drug user among their colleagues.

In a closed community, such as exists in a ship’s crew, there may be a strong bond of group loyalty which may result in an unwillingness to believe the worst about a colleague. Drug abusers and drug traffickers are aware of this and will, if suspicions are aroused, take advantage of this.

### *Drug characteristics and identification*

The effect of drugs differs from person to person depending on the amount taken, the surroundings and the reactions of other people. There are certain behavioural tendencies which can be a useful guide to the identification of drug use.

Sophisticated forensic analysis is often required to establish the exact nature of any substance found. The following guidance may, however, help with tentative identification.

## **CANNABIS**

### *Origin*

Cannabis, the hemp plant (*Cannabis sativa*), is a bushy plant which grows wild throughout most of the tropical and temperate regions of the world, especially in the Middle East, south-western

North America, South East Asia and Mexico. It can be grown virtually anywhere in the world although the major “commercial” movements generally originate in the West Indies, Africa, Turkey, the Indian sub-continent and Thailand.

The most important active ingredients are concentrated in the resin at the top of the plant. Hashish or “hash” is resin scraped from the plant and compressed into blocks.

Although historically herbal cannabis has always been grown outdoors in regions with warm climates, it has become clear that growers in cooler climates are now producing high quality cannabis indoors in climate controlled conditions. Plants produced in this way are particularly rich in the active ingredient of cannabis (tetrahydrocannabinol or THC) and the product of such plants has a particularly pungent aroma which may account for its nickname “skunk”.

Cannabis is the most common illicit drug. It can be found in three forms:

#### *Herbal (marijuana)*

This is found as a green, yellow or brown herbal material, rough or fine in texture depending on the grade of the sample and similar in appearance to dried stinging nettles or hay. Stalks, stems and twigs may be present as well as small white seeds. The substance smells of spicy damp earth and mild rotting vegetation. There is a noticeably acrid “bonfire” smell when being smoked. The smell will linger in a non-ventilated environment.

#### *Resin*

This appears as beige to dark brown or black (occasionally with a yellowish or greenish tinge) and is normally found as slabs or small chunks, although occasionally in powdered form or moulded shapes. It is slightly sticky in texture. If it is in slabs or moulded blocks, these are normally 0.5 or 1 kg in weight with dimensions 130 mm x 100 mm x 25 mm (5 in x 4 in x 1 in) or 260 mm x 200 mm x 25 mm (10 in x 8 in x 1 in) respectively.

The slabs will usually be wrapped in polythene or linen. The substance can be moulded into various shapes such as the soles of shoes, beads, carved heads, etc.

#### *Oil*

This appears as a dark green to black, occasionally golden, viscous oily liquid and has a smell similar to herbal cannabis, but stronger. It is normally transported in glass or metal 5 litre or 1 gallon containers though they may sometimes be smaller. Cannabis oil dissolves polythene or plastic.

#### *Smell*

In general, all forms of cannabis have a spicy smell reminiscent of damp earth and rotting vegetation. It is likely to cause nausea where exposure is prolonged. The smell varies with the age of the sample, but is more noticeable in oil than in resin, which is itself stronger smelling than the herbal variety. The smell of the drug lingers in the clothing and the atmosphere where it has been smoked.

#### *Administration*

The herbal and resin forms of cannabis are usually smoked, but they may be eaten or chewed. In its oil form it can be absorbed through the skin or painted on cigarettes.

## ASSOCIATED EQUIPMENT

Addicts use long cigarette papers, often several layers, small earthenware bowls, wood pipes or any wide-bored article such as animal horns, tree roots or water pipes, or crude cardboard tubes or filters - all designed to cool the temperature of the smoke. Commercial cigarettes may also be found with a line of oil “painted” around them.

*Special safety note:* Cannabis oil can be absorbed through the skin and cause powerful hallucinations.

### Degree of addiction

Psychological addiction:	fairly strong
Environmental addiction:	fairly strong
Physical addiction:	none
Body tolerance:	none to slight

### Influence and symptoms

The most common effects are talkativeness, bouts of hilarity, relaxation, and a greater appreciation of sound and colour. The substances can induce drowsy and uninhibited behaviour with the addict exhibiting markedly slow reactions. There will be a marked inability to follow reasoned argument, the pupils of the eye will dilate, and the user will exhibit aggression when confronted.

With higher doses there may be perceptual distortion and persons using the drug when anxious or depressed may find their feelings magnified. For people with disturbed personalities heavy use can precipitate a temporary psychotic disorder.

### Popular myths

Fiction:	cannabis is an aphrodisiac
Fact:	the drug reduces sperm count and fertility
Fiction:	it is harmless
Fact:	the drug is stored in the brain and lowers the intelligence rating. It is also carcinogenic.

### Quantities of shipment

Generally 25 kg to 5,000 kg. Most shipments of cannabis and its derivatives have been found on ocean-going vessels.

## OPIATES AND OPIOIDS

### Origin

Opiates are drugs derived from the opium poppy. Opium is the dried “milk” of the poppy and contains morphine and codeine. From morphine it is not difficult to produce heroin which is, in its pure form, a white powder over twice as potent as morphine. Opiates have medical uses as pain-killers, cough suppressants and anti-diarrhoea treatments.

The main sources of supply for illicit opium and its derivatives, morphine and heroin, are the poppy fields of the so-called “Golden Triangle” area of Burma, Thailand and Laos in South East Asia and the “Kabul Triangle” or “Golden Crescent” area of Afghanistan, Pakistan and Iran in South West Asia. It is produced in smaller quantities in other areas of the Eastern Mediterranean

through to South East Asia. Most likely ports of origin, based on past seizures, are Bangkok, Singapore, Penang, Port Klang, Bombay, Calcutta, Karachi and Kota Kinabalu. However, most other ports within the area of production have been used by drug traffickers.

Both morphine and heroin are chemically derived from opium. Opium is converted to morphine in a relatively simple chemical process that usually takes place in a makeshift laboratory near the poppy fields. It takes about 10 kg of opium to produce 1 kg of opium and 3 kg of opium to produce 1 kg of heroin (i.e. 30 kg of opium to produce 1 kg of heroin). Heroin is a name commonly used to describe a preparation containing diacetyl morphine base or its salts.

It is a semi-synthetic product derived from the complete acetylation of morphine base.

Opiates may appear in various forms:

#### *Raw opium*

Raw opium starts as a thick, dark brown or almost black sticky substance, hardens to the consistency of liquorice and then, with time, to a hard brown/black slightly sticky mass like sealing wax, depending on its age.

Care is usually taken to ensure that it does not dry out since it loses much of its value if it becomes hard and brittle. In its raw state opium cannot be smoked. It is smoked only after conversion to prepared opium. Raw opium is unlikely to have identification marks. It may be wrapped in cellophane or polythene inside waterproof paper in order to stop the raw opium drying out. Polythene or cellophane bags have been found inside tins or wrapped in sacking or sailcloth.

Raw opium has a sweet, oily, pungent aroma, reminiscent of hay. It is not an unpleasant smell from a distance, but is sickly and nauseous when close up or in a confined space without ventilation. Its method of packing is designed to reduce the chance of detection by smell.

#### *Prepared opium*

This is produced by treating raw opium with various methods of water extraction, filtration and evaporation to obtain a product suitable for smoking. It usually appears as a black, brittle mass or parings and may smell faintly sickly like raw opium.

#### *Opium dross*

This is the substance remaining in the pipe after smoking. Due to incomplete combustion and volatilization, it can retain some characteristics of opium and contain a considerable amount of morphine. It will have a charred appearance and the smell of opium will linger in the air long after smoking.

#### *Medicinal opium*

Medicinal or powdered opium is opium that has been dried at moderate temperatures and reduced to a fine powder, usually light brown in colour. It has the characteristic smell of opium, though this may be disguised by additives such as camphor. The product can be used in medicines, any of which are classed a medicinal opium if they have a morphine content greater than 0.1%.

### *Morphine*

Morphine is chemically derived from opium. In its pure form it consists of white crystals. It is often adulterated and its colour may range from white, cream or beige to a dark coffee colour. It is also found in a medical injection form as a colourless liquid in ampoules. Both pills and ampoules may be commercially produced. In this form it may smell faintly of ammonia or rotting fish.

### *Diamorphine (heroin)*

Diamorphine is a further distillation of morphine. Generally similar to face powder in appearance, it is perhaps slightly coarser, and cream to light brown in colour. It is generally odourless but may have a faint vinegary smell. The substance may be commercially produced in pill, capsule or ampoule form. It is more popular with addicts than morphine since it gives a quicker and more intense "high".

### *Synthetics: for example pethidine*

These normally appear in pill or ampoule form. The pills, which are odourless, are often white but may vary in colour.

### *Semi-synthetics: for example Dilaudid, Omnipon*

These usually appear as odourless pills or ampoules.

### *Codeine*

This is usually found as white tablets or pills.

## **Administration**

Opium and its derivatives are smoked, inhaled or injected through the skin (subcutaneously), or directly into the bloodstream (intravenously).

## **Associated equipment**

This may consist of pipes, porcelain bowls, skewers, small peanut oil lamps, rags, charred silver foil, matchbox covers, hypodermic needles, eye droppers, etc. Possession of opium utensils is in itself an offence in many countries.

## **Notes:**

- Identification of pills and capsules is possible by reference to manufacturers' charts. Information such as the diameter of the pill or tablet, its colour, its shape and any markings or scoring on the surface can often be radioed ahead and a tentative identification requested.
- Ships' supplies of opium, in all its forms except raw and prepared, are generally permitted in small quantities under the control of the master or ship's doctor.

**Special safety note:** Narcotic fumes are generated at about 40°C. If found, opium or its derivatives should be stored in a cool place. The fumes or vapours should not be inhaled.

### **Degree of addiction**

Psychological addiction: strong  
Environmental addiction: strong  
Physical addiction: strong  
Body tolerance: high

### **Influence and symptoms**

Moderate doses of pure opiates produce a range of generally mild physical effects (apart from analgesia). Like sedatives, they depress nervous system activity, including reflex functions such as coughing, respiration and heart rate. They also dilate blood vessels, giving a feeling of warmth, and depress bowel activity, resulting in constipation.

Immediately after taking the drug the user's eyes will become constricted. Subsequently the pupils will dilate and the drug will induce a drowsy torpid state in the addict, with dilated pupils, constipation and a slow response to stimuli. Symptoms similar to influenza or malaria but longer lasting will appear if the drug is withdrawn. In the longer term, loss of appetite and general apathy will result in the addict becoming emaciated and in poor health with poor hygiene.

There will be needle marks on the addicts' veins.

The addict generally uses around 0.25 g per day.

### **Popular myths**

*Fiction:* the high purity of black market opiates is guaranteed.

*Fact:* purity at street level is usually 5-10%. Sugar, brickdust, caffeine, cement, milk powder, urine, powdered glass etc are known adulterants to so-called "pure smack" (diamorphine).

*Fiction:* it is easy to be cured.

*Fact:* research shows that of treated addicts, 10% have stayed off for more than 6 months but only 2% or 3% for more than 2 years.

*Fiction:* the substance is not really dangerous.

*Fact:* the average life expectancy of a heroin or morphine addict is about 6-8 years. Some can survive much longer. Many die within 4-5 years. AIDS can be transmitted by using infected needles or syringes.

### **Quantities of shipment**

Usually from 5 kg to 75 kg.

## **COCAINE**

### *Origin*

Cocaine is derived from the leaves of the Andean coca shrub and has powerful stimulant properties similar to those of amphetamine. It is produced mainly in the northern half of South America, especially Colombia and Venezuela, where cocaine profits are a major influence on the economy. The main problem facing the producers is transporting the substance to consumption areas.

It is moved in three forms: coca leaf, coca paste and cocaine.

*Coca leaf*

This appears as an elliptical leaf, greenish brown to red in colour, similar to large bay leaves in appearance, usually dried. It is odourless.

*Coca paste*

This appears as a white to off-white or creamy coloured putty-like substance. It has a strong chemical odour, rather like linseed oil.

*Cocaine*

This appears as a fluffy white crystalline powder which glistens like snow, though occasionally transported as a colourless solution. It is odourless.

*“Crack”*

“Crack” emerged as the “in” drug in the early 1980s, initially in the United States. Its use has now spread to other countries. It is produced by mixing cocaine hydrochloride with baking soda or ammonia and/or amphetamine powder. Water is then added to form a paste which is heated and dried. After drying, the “crack” is broken into small pieces.

Being an adulteration of pure cocaine, “crack” is unlikely to be shipped in large quantities since it is bulkier than the pure form of cocaine.

**Administration**

The substance can be inhaled, injected or rubbed into gums, genitals or the anus. Regular users with sufficient supplies (and wealth) might consume 1-2 grams a day. “Crack” can also be smoked through a heated glass pipe.

**Associated equipment**

Equipment consists of hypodermic syringes, needles, eye-droppers, snuff spoons, razor blades, mirrors, fancy phials or pill boxes, straws, etc. The “sniffing” paraphernalia can be antique or expensive metal tubes encrusted with precious stones worn as ornaments. Less wealthy addicts use plastic spoons, straws, empty ball point pen refills, etc.

**Degree of addiction**

Psychological addiction:	strong
Environmental addiction:	strong
Physical addiction:	none to slight
Body tolerance:	slight

**Influence and symptoms**

Like an amphetamine, cocaine produces psychological arousal accompanied by exhilaration, decreased hunger, indifference to pain and fatigue and feelings of great strength and mental capacity. Users will exhibit pinpoint pupils and suffer from a highly excitable state and erratic behaviour. They will be talkative and may have an increased heart rate and respiration. Repeated doses over a short period of time can lead to an extreme state of agitation, anxiety, paranoia and perhaps hallucination.

When sniffed, the physical effects peak after about 15-30 minutes and then diminish. The after-effects will include fatigue and depression. This means that the dose may have to be repeated every 20 minutes or so to maintain the effect. Withdrawal symptoms include depression, anxiety for another dosage and feelings of victimization.

The physical signs of abuse include injection marks, abscesses on gums etc, running nose, sniffing and streaming eyes.

The symptoms of “crack” are an immediate “high” lasting approximately 30 minutes followed by intense depression. The user can become psychotic, violent, paranoid and extremely confused. The physical effects are brain seizure, loss of consciousness and lung damage.

### **Popular myths**

*Fiction:* it is not physically addictive like heroin.

*Fact:* true. But it is addictive mentally and can damage the membranes lining the nose and also the structure separating the nostrils. The addict can be easily overdosed and purities vary from the usual 30% to about 90% from source to source.

*Fiction:* it does not do any real harm.

*Fact:* AIDS has been commonly transmitted by contaminated needles or syringes. There is no known cure for AIDS.

### **Quantities of shipment**

Usually from 5 kg to 75 kg.

## **HALLUCINOGENS**

### *Lysergic Acid Diethylamide (LSD)*

LSD is a synthetic white powder which can be formed into crude pills or shapes.

It is also found as impregnated papers the size of postage stamps, often with mystic signs or sheets of cartoon characters or miniature pictures. It is a pale or colourless solution in its pure form.

### *Mescaline*

This appears either as black to brown buttons with white, thready fungus often present or as a black ground powder.

### *Psilocin/Psilobycin*

This is found as a pale pink or yellow liquid and in pill or tablet form.

### *DMT*

This comes either as small black seeds, or as a finely ground black/brown powder.

### *Bufotenine*

Bufotenine is odourless and is usually found as tablets or in liquid form.

### *Synthetics*

These are found in powder, crude pill or tablet form, or as colourless liquids.

### **Smell**

All forms are odourless.

### **Administration**

This can be by eating, sniffing, injecting, smoking (occasionally), handling or by rubbing into gums, genitals or anus.

### **Associated equipment**

This may include silver foil wrappings or photographic paper (LSD degenerates in daylight). Clear gelatine capsules may also be found. Small quantities are usually involved (10 micrograms can cause toxicity if absorbed through the skin). Hallucinogens will be carefully wrapped for transport.

*Special safety note:* Minute quantities will cause toxicity (from 10 micrograms in the case of LSD, 6 to 60 milligrams in other types). Some forms are readily absorbed through the skin. The utmost care must therefore be used when handling.

### **Degree of addiction**

Psychological addiction:	strong
Environmental addiction:	fairly strong
Physical addiction:	none
Body tolerance:	none to slight

### **Influence and symptoms**

These will vary according to the drug. There will be highly irrational behaviour and the user may be oblivious to outside stimuli, perhaps cowering, voluble or convinced of superhuman ability (e.g., flying, floating, great strength). The user may run amok with apparent schizophrenia and insane behaviour. There may be periods of lucidity and instances of “flashback”.

### **Popular myths**

*Fiction:* good “trips” bring you into contact with God, the Universe, Nature, etc.

*Fact:* more often the “trips” are bad and permanently scar the personality.

### *Quantities of shipment*

Not usually found in commercial quantities in maritime freight.

## **STIMULANT DRUGS**

Among the main stimulants are amphetamine salts and sulphate, phenmetrazine, benzphetamine, chlorphentamine, fencamfamine, mephentamine, methylenedioxyamphetamine (MDA), pemoline, phendimetrazine, phentermine, pipradol and prolintane.

### **Description**

Amphetamine products, legally manufactured, contain the drug in the form of the sulphate or phosphate salt. They are marketed in different countries as tablets, capsules, syrups or elixirs. In pure form all are white powders except pipradol which is found as white crystals. There are many hundreds of brand names. They are usually found in pill or tablet form or as capsules, but occasionally in ampoules for injection.

All are stimulant drugs, but fencamfamine has been decontrolled to prescription availability. Identification of individual pills and capsules is possible by consulting manufacturers' charts. Information such as the diameter of pill or tablet, colour, shape and markings can be radioed from the ship to the next port of call to obtain a tentative identification.

Illicit products vary in colour from a white or off-white powder to yellow or brown depending on the type and amount of impurities and adulterants. They are often damp, with a characteristic unpleasant odour due to the presence of solvent residues. They can be found as small gelatin capsules and as tablets.

All discoveries of apparently medical preparations outside their normal context should be regarded as suspicious.

### **Smell**

All are normally odourless. Pure forms of amphetamine may smell faintly ammoniac or "fishy".

### **Administration**

Pills are usually taken orally or as a powder either sniffed, smoked or dissolved in water and injected. They are frequently taken in association with alcohol. Dosages of 200 tablets a day are common among addicts.

### **Associated equipment**

Usually none, except empty wrappings. Occasionally hypodermic syringes and needles.

### **Influence and symptoms**

Amphetamines arouse and activate the user much as the body's natural adrenalin does. Breathing and heart rate speed up, the user will exhibit dilated pupils and a depressed appetite. The user feels more energetic, confident, excited and cheerful and will exhibit erratic behaviour and extreme sociability.

High doses can produce delirium, panic, hallucination and a feeling of persecution which, in the longer term, can develop into a psychotic state from which it can take several months to recover. Regular users of high dosages also risk damaged blood vessels or heart failure.

As the body's energy stores become depleted, the predominant feelings may become anxiety, irritability and restlessness and hunger.

### **Popular myths**

*Fiction:* they are totally harmless. They just pep you up.

*Fact:* instances of renal failure have been reported and these substances are known to affect other internal organs.

*Fiction:* they are all different.

*Fact:* each of the types has many hundreds of brands. Often the addict will swear that only "Purple Hearts" will work whereas "Peaches" will not. Both contain the same quantity of the same drug. Only the colour and the presentation are different.

### **Quantities of shipment**

Not usually found in commercial quantities in maritime freight.

## **SEDATIVE DRUGS**

Sedatives depress the nervous system in the same way as alcohol, producing similar effects. They come in two forms: barbiturates and methaqualone.

In their pure form all are white powders. There are many hundreds of brand names when the substances are found as pills, tablets and capsules.

All discoveries of apparent medical preparations outside their normal context should be regarded as suspicious.

### **Smell**

All forms are normally odourless.

### **Administration**

Pills are usually taken orally, sometimes with alcohol. Occasionally the substances may be injected.

### **Associated equipment**

Usually none, except empty wrappings. Occasionally hypodermic syringes and needles.

### **Note:**

There are many other forms of sedative which are available on prescription. Although the above forms are controlled, numerous other sedatives can be equally abused (for example diazepam, marketed as Librium, etc.).

### **Degree of addiction**

Psychological addiction:	strong
Environmental addiction:	fairly strong
Physical addiction:	fairly strong
Body tolerance:	fairly strong

### **Influence and symptoms**

The user will exhibit dilated pupils, drowsy appearance and slurred speech. There can be extreme unpredictable emotional reactions and mental confusion. Large doses can produce unconsciousness, eventual respiratory failure and death.

### **Popular myths**

*Fiction:* not a dangerous drug, easy to get hold of, cheaper than the hard drugs.

*Fact:* it is easily overdosed. Where prescription control exists, each illicit tablet may cost many times the “white” market price.

Synthetic or designer drugs: The United Nations uses this term to describe the illicit drugs deriving from chemical modification of matrix substances, the latter sometimes corresponding to pharmacological compounds.

This category includes MDMA (Ecstasy).

3,4 methylene-dioxymethamphetamine (MDMA), popularly known as “Ecstasy”, is a substance of abuse belonging to the group of so-called designer drugs. It was synthesized in 1910 by Manis and Jacobson and patented by Merck Laboratories in Germany in 1914 as an anorexic drug, but not marketed. Not until the 1970s and 1980s was it used again, this time for drug treatment testing, and in 1985 it was shown to have a neurotoxic effect on animals and classified as a restricted substance. It is made in clandestine laboratories for recreational use, and in the form known as MDMA it has given rise in Europe and the United States to the “rave” movement, which is characterized by high-tempo parties at which the drinks are mixed with amino-acids and caffeine to achieve a stimulant effect.

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## ANNEX 3

**TERMS OF REFERENCE OF THE JOINT MSC/FAL WORKING GROUP  
ON SECURITY AND FACILITATION OF THE MOVEMENT OF  
CLOSED CARGO TRANSPORT UNITS AND OF FREIGHT CONTAINERS**

The Joint MSC/FAL Working Group on Security and Facilitation of the Movement of Closed Cargo Transport Units<sup>1</sup> and of Freight Containers<sup>2</sup> transported by ships should:

recalling the operative paragraph 3 of the 2002 SOLAS Conference resolution 9 on Enhancement of security in co-operation with the World Customs Organization (WCO) which states that the SOLAS Contracting Governments have agreed “that the [SOLAS] Convention should be amended, if and when appropriate, to give effect to relevant decisions taken by WCO and endorsed by the Contracting Governments to the [SOLAS] Convention insofar as they relate to the carriage of closed CTUs by sea”,

using as a basis the detailed proposals contained in the WCO Framework of Standards to secure and facilitate global trade (the SAFE Framework of Standards) adopted by WCO in response, *inter alia*, to the aforesaid resolution,

taking into account, as a basis for discussion, the proposals contained in document MSC 81/5/4 (Secretariat) (also submitted as document FAL 33/8/1 (Secretariat)) and the deliberations and decisions during MSC 81 and FAL 33, and

taking into account also other programmes and initiatives to enhance the security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships, including but not limited to those of the International Standards Organization (ISO), the International Civil Aviation Organization (ICAO), regional bodies and Member Governments,

- 1 consider the need for and, if appropriate:
  - .1 make recommendations on the extent, if any, to which the Organization should develop regulations and/or guidance on the security and facilitation aspects of the carriage and handling of closed cargo transport units and of freight containers transported by ships;
  - .2 make recommendations on the extent, if any, to which the Organization should develop regulations and/or guidance based on the SAFE Framework of Standards;

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<sup>1</sup> *Closed cargo transport unit* means a unit which totally encloses the contents by permanent structures (see 1.2.1 of the International Maritime Dangerous Good (IMDG) Code, as amended).

<sup>2</sup> *Freight container* means an article of transport equipment that is of a permanent character and accordingly strong enough to be suitable for repeated use; specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading; designed to be secure and/or readily handled, having fittings for these purposes, and approved in accordance with the International Convention for Safe Containers, 1972, as amended.

- .3 develop draft amendments to the SOLAS Convention recognizing that the authority of public officials, in particular customs officials is not compromised, in order to enable port facilities and ships to accept closed cargo transport units and freight containers for carriage by ship, without the need for further security checks other than the maintenance of access controls, where the security of such consignments has been established through the application of security measures consistent with the SAFE Framework of Standards;
  - .4 make recommendations on the extent, if any, to which parts A and B of the ISPS Code should be amended to include provisions on supply chain security;
  - .5 develop draft measures consistent with the SAFE Framework of Standards for consideration by the FAL Committee, with a view to inclusion in the FAL Convention; and
  - .6 develop interim guidance on the security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships to be used until the appropriate amendments to the relevant instruments take effect; and
- 2 Submit a report on progress for consideration by MSC 83 and FAL 34.

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## ANNEX 4

**REPORT ON DIFFICULTIES ENCOUNTERED IN RELATION TO THE CARRIAGE  
OF IMDG CODE CLASS 7 RADIOACTIVE MATERIALS**  
*(submitted pursuant to the provisions of resolution A.984(24))*

Report submitted by<sup>1</sup>:

Date:

Product name:

UN number:

Proper shipping name:

IMDG Code class or division:

Shipment reference number (consignor ID)

The shipment of the above consignment encountered difficulties The carriage of the above consignment was delayed  was denied 

Consignor:

Consignee:

Carrier: *(completed for denial or difficulty)*

Name of ship:

IMO Ship identification number:

Port and date of loading:

Port(s) and date(s) of transit:

Port of destination:

Port denying transit: *(completed for denial)**(completed for denial / difficulty in transit)*

Brief description of events:

Reasons stated for delaying or denying the carriage:

Action(s) taken to resolve the matter *(if any)*:

Consequences of the development(s):

Other relevant information or comments:

Suggestions *(if any)*:

Name, title and contact details of person submitting the report:

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<sup>1</sup> Name of Member Governments or non-governmental organizations with consultative status submitting the report.



## ANNEX 5

## DRAFT RULES OF PROCEDURE OF THE FACILITATION COMMITTEE

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## **DRAFT RULES OF PROCEDURE OF THE FACILITATION COMMITTEE**

### **Definitions**

#### **Rule 1**

For the purposes of these Rules:

- (i) “Convention” means the Convention on the International Maritime Organization.
- (ii) “Organization” means the International Maritime Organization.
- (iii) “Member” means a Member of the Organization.
- (iv) “Other Participant” means a Government which is not a Member but which is entitled to participate in the work of the Committee under the relevant provisions of an international convention or other instrument when the Committee performs functions conferred upon it by or under such convention or instrument, in accordance with article 35 of the Convention.

### **Sessions**

#### **Rule 2**

- (a) In accordance with article 50 of the Convention, the Committee shall meet in regular session at least once a year.
- (b) Subject to paragraph (a) of this rule, the Committee shall meet in extraordinary session upon the summons of its Chairman or upon the request in writing made to the Secretary-General by not less than 15 Members.
- (c) The Secretary-General, acting on the direction of the Chairman, shall notify Members, and other Participants where appropriate, at least 60 days in advance of the holding of a session. The notice required for an extraordinary session shall be at least 30 days.

#### **Rule 3**

Sessions of the Committee shall be held at the Headquarters of the Organization unless convened elsewhere in accordance with a decision of the Committee and with the prior approval of the Council.

#### **Rule 4**

- (a) The Secretary-General shall invite the United Nations, the specialized agencies of the United Nations and the International Atomic Energy Agency to be represented at sessions of the Committee.
- (b) The Secretary-General shall invite other intergovernmental organizations with which agreements or special arrangements have been made to send observers to sessions of the Committee.

- (c) In accordance with the decisions of the Assembly and the Council, the Secretary-General shall invite the liberation movements recognized by the Organization of African Unity or the League of Arab States to be represented by observers at sessions of the Committee.
- (d) The Secretary-General shall invite non-governmental international organizations with which the Organization has established appropriate relationship in accordance with article 62 of the Convention, to send observers to sessions of the Committee.

#### **Rule 5**

- (a) Representatives of the United Nations, the specialized agencies and the International Atomic Energy Agency may participate without vote in the deliberations of the Committee or any of its subsidiary bodies, and shall receive copies of all documents issued to the Committee, subject to such arrangements as may be necessary for the safeguarding of confidential material.
- (b) Observers invited in accordance with rule 4 above may, upon invitation by the Chairman and with the consent of the Committee, participate without vote in the deliberations of the Committee or of its subsidiary bodies on matters of concern to them. Observers shall have access to non-confidential documents and to such other documents as the Secretary-General, with the approval of the Chairman, may decide to make available to them.
- (c) The participation of observers from non-governmental organizations shall be in accordance with the rules governing consultation with such organizations.

#### **Delegations**

#### **Rule 6**

Each Member shall designate a representative, and may also designate alternates and such advisers and experts as may be required. Other Participants shall designate representatives, alternates, advisers and experts, as the case may be.

#### **Rule 7**

Each Member or other Participant where appropriate shall transmit to the Secretary-General the credentials of its representatives and alternates, if any, together with the names of any other members of its delegation. The credentials shall be issued by the Head of State, or by the Head of Government or by the Minister for Foreign Affairs or by an appropriate authority properly designated by one of them to act for this purpose. The Secretary-General shall examine the credentials of representatives and alternates and report thereon to the Committee without delay.

#### **Rule 8**

At sessions for which credentials are required, all representatives shall be seated provisionally with the same rights until the Secretary-General has reported on credentials and the Committee has given its decision.

## **Publicity**

### **Rule 9**

The Committee may decide to hold meetings in private or in public. In the absence of a decision to hold meetings in public, they shall be held in private. Meetings of subsidiary bodies of the Committee shall be held in private, unless the Committee decides otherwise in any particular case.

Notwithstanding the aforesaid, and in accordance with the Guidelines for media access to meetings of the Committees and their subsidiary bodies, adopted by the Organization, media may attend meetings of the Committee and its subsidiary bodies unless the Committee decides otherwise. Meetings of working groups and drafting groups established by the Committee and its subsidiary bodies shall be held in private.

## **Agenda**

### **Rule 10**

The provisional agenda for each session of the Committee shall be drawn up by the Secretary-General with the approval of the Chairman.

### **Rule 11**

The provisional agenda for each regular session of the Committee shall include:

- (i) all items the inclusion of which has been requested by the Assembly;
- (ii) all items the inclusion of which has been requested by the Council or any Committee of the Organization;
- (iii) all items the inclusion of which has been requested by the Committee at a previous session of the Committee. Any item on the agenda of a session of the Committee, consideration of which has not been completed at that session, shall automatically be included in the agenda of the next session unless otherwise decided by the Committee;
- (iv) any item proposed by a Member, or other Participant where appropriate;
- (v) items, if any, pertaining to the report of the Committee to the Council on the work of the Committee;
- (vi) subject to such preliminary consultations as may be necessary, any item proposed by any subsidiary body of the Organization or by the United Nations, or by any of the specialized agencies, or by the International Atomic Energy Agency;
- (vii) any item proposed by the Secretary-General.

### **Rule 12**

The provisional agenda for each session, together with the supporting documents issued, as provided for in rule 25(a), in all working languages, shall be communicated by the Secretary-General to Members and other Participants, where appropriate, at least one month before the opening of the session.

### **Rule 13**

The first item on the provisional agenda for each session shall be the adoption of the agenda.

### **Rule 14**

In exceptional circumstances, the Secretary-General may, in consultation with the Chairman, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda. The Secretary-General shall advise Members and other Participants where appropriate immediately of the intention to include an item in a supplementary provisional agenda.

### **Rule 15**

The Secretary-General shall report to the Committee on the technical, administrative and financial implications of all substantive agenda items submitted to the Committee, before they are considered. Unless the Committee decides otherwise, no such item should be considered until the Committee has been in possession of the Secretary-General's report for at least forty-eight hours.

## **Chairman and Vice-Chairman**

### **Rule 16**

- (a) The Committee shall elect a Chairman and a Vice-Chairman from among the representatives of Members. The elections shall take place once every calendar year.
- (b) The Chairman and Vice-Chairman shall be eligible for re-election.

### **Rule 17**

- (a) If the Chairman is absent from a session or any part thereof, the Vice-Chairman shall preside.
- (b) If the Chairman, for any reason, is unable to carry out his duties until the expiry of his term of office, the Vice-Chairman shall act as Chairman pending the election of a new Chairman.
- (c) If the Chairman and Vice-Chairman are both unable to preside at a session, the Committee shall elect an interim Vice-Chairman who shall preside and act as Chairman for as long as the Chairman and the Vice-Chairman are unable to do so.

### **Rule 18**

A Chairman, or a Vice-Chairman acting as Chairman, shall not vote.

## **Subsidiary bodies**

### **Rule 19**

The Committee may establish such subsidiary bodies as it considers necessary. Such subsidiary bodies shall follow the present Rules of Procedure as far as they are applicable. The Committee shall examine at least once a year the desirability of continuing the existence of any subsidiary body.

## **Secretariat**

### **Rule 20**

The Secretary-General shall act as Secretary of the Committee and of its subsidiary bodies. The Secretary-General may delegate such functions to a member of the Secretariat.

### **Rule 21**

The Secretary-General or a member of the Secretariat designated by the Secretary-General for the purpose may make either oral or written statements concerning any question under consideration.

### **Rule 22**

The Secretariat shall receive, translate and circulate to Members and other Participants where appropriate all reports, resolutions, recommendations and other documents of the Committee and its subsidiary bodies.

## **Languages**

### **Rule 23**

The official languages of the Committee are Arabic, Chinese, English, French, Russian and Spanish. The working languages are English, French and Spanish.

### **Rule 24**

Speeches at the Committee and its subsidiary bodies shall be made in one of the official languages and shall be interpreted into the other official languages.

### **Rule 25**

- (a) All supporting documents to agenda items of the Committee and its subsidiary bodies shall be issued in the working languages.
- (b) All reports, resolutions, recommendations and decisions of the Committee and its subsidiary bodies shall be drawn up in one of the official languages and translated into the other official languages.

### **Voting**

### **Rule 26**

- (a) Only Members shall be entitled to vote, provided that, when the Committee performs functions assigned to it by or under any international convention or other instrument, the right to vote on amendments to such convention or other instrument shall be in accordance with the applicable provisions of the convention or other instrument in question.
- (b) Each Member or other Participant entitled to vote shall have one vote.

### **Rule 27**

- (a) Except as otherwise provided for in any international convention or other instrument by or under which the Committee performs functions in accordance with article 48 of the Convention, decisions of the Committee and its subsidiary bodies shall be made and reports, resolutions, recommendations adopted by a majority of the Members or other Participants entitled to vote who are present and voting.
- (b) For the purpose of these rules, Members or other Participants shall be deemed to be “present and voting” when they cast an affirmative or negative vote. Those abstaining from voting or casting an invalid vote shall be considered as not voting. Members or other Participants shall be deemed to be “present” when they are actually present at the meeting when the vote is taken, whether they cast an affirmative or negative vote, whether they abstain, whether they cast an invalid vote or whether they take no part in the voting. Members or other Participants attending the session but who are not present at the meeting at which voting takes place shall be considered as not present.
- (c) The provisions of this Rule shall apply only if the quorum specified in rule 35 is obtained at the time when the vote is taken.

### **Rule 28**

The Committee shall normally vote by show of hands. However, any Member or other Participant entitled to vote may request a roll-call vote. A roll-call vote shall be taken in the alphabetical order of the names of the Members or other Participants entitled to vote in English, beginning with the Member or other Participant whose name is drawn by lot by the Chairman.

### **Rule 29**

The vote of each Member or other Participant voting in any roll-call shall be inserted in the report of the session concerned.

### **Rule 30**

If a vote is equally divided, a second vote shall be taken at the next meeting within the same session. If this vote is equally divided, the proposal shall be regarded as rejected.

## **Elections**

### **Rule 31**

All elections in which there are more candidates than the places to be filled shall be decided by secret ballot.

### **Rule 32**

In a secret ballot two scrutineers shall be appointed by the Committee to scrutinize the votes cast and report thereon. The scrutineers shall be appointed by the Committee, on the proposal of the Chairman, from the delegations present. The scrutineers shall report to the Committee on all invalid votes cast in the election.

### **Rule 33**

If one person only is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the election shall be deferred until the next meeting during the same session. If, at that meeting, another tie results the Chairman shall decide between the candidates by drawing lots.

### **Rule 34**

- (a) When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining a majority in the first ballot shall be declared elected. If the number of candidates obtaining the requisite majority is greater than the number of places to be filled, those candidates who obtained the highest number of votes shall be declared elected. If the number of candidates obtaining a majority is less than the number of places to be filled, there shall be an additional ballot or ballots, as necessary, to fill in the remaining places. The voting in such ballot or ballots shall be restricted to the candidates obtaining the highest number of votes in the previous ballot, and the number of candidates shall normally not be more than twice as many as the places remaining to be filled.
- (b) The provisions of rule 33 shall apply if votes are equally divided where two or more places are to be filled.

## **Conduct of business**

### **Rule 35**

- (a) Twenty Members or other Participants, where appropriate, shall constitute a quorum. In the case of subsidiary bodies the quorum shall be as determined by the Committee.
- (b) When an international convention or other instrument in respect of which the Committee performs functions contains a provision for a quorum, that provision shall apply when the Committee performs such functions.

### **Rule 36**

In addition to exercising the other powers conferred by these rules, the Chairman shall declare the opening and the closing of each session of the Committee. The Chairman shall direct the discussion and ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

### **Rule 37**

Proposals and amendments shall normally be introduced in writing and handed to the Secretary-General who shall circulate copies to delegations. As a general rule no proposal shall be discussed or put to the vote at any meeting of the Committee unless copies thereof have been circulated to delegations at least twenty-four hours in advance. The Chairman may, however, permit the discussion and consideration of amendments to existing proposals or of procedural motions, even though such amendments and motions have not been circulated or have only been circulated the same day.

### **Rule 38**

The Committee may, on the proposal of the Chairman, limit the time to be allowed to each speaker on any particular subject under discussion.

### **Rule 39**

- (a) During the discussion of any matter a Member or other Participant where appropriate may raise a point of order and the point of order shall be decided immediately by the Chairman, in accordance with these Rules of Procedure. A Member or other Participant where appropriate may appeal against the ruling of the Chairman. The appeal shall be put to the vote immediately and the Chairman's ruling shall stand unless overruled by a majority of the Members or other Participants present and voting.
- (b) A Member or other Participant raising a point of order may not speak on the substance of the matter under discussion.

#### **Rule 40**

- (a) Subject to the provisions of rule 39 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:
- (i) to suspend a meeting;
  - (ii) to adjourn a meeting;
  - (iii) to adjourn the debate on the question under discussion; and
  - (iv) for the closure of the debate on the question under discussion.
- (b) Permission to speak on a motion falling within (i) to (iv) above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

#### **Rule 41**

If two or more proposals relate to the same question the Committee, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

#### **Rule 42**

Parts of a proposal or amendment thereto shall be voted on separately if the Chairman, with the consent of the proposer, so decides, or if any Member requests that the proposal or amendment thereto be divided and the proposer raises no objection. If an objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.

#### **Rule 43**

Those parts of a proposal which have been approved shall then be put to the vote as a whole. If all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

#### **Rule 44**

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

#### **Rule 45**

If two or more amendments are moved to a proposal, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. The Chairman shall determine the order of voting on the amendments under this Rule.

#### **Rule 46**

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member or other Participant where appropriate.

#### **Rule 47**

Where a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Committee unless the Committee, by a majority of the Members, and other Participants where appropriate present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### **Invitation to experts**

#### **Rule 48**

The Committee may invite any person whose expertise it may consider useful for its work. A person invited under this rule shall not have the right to vote.

#### **Amendments to and application of Rules of Procedure**

#### **Rule 49**

These Rules of Procedure may be amended by a decision of the Committee taken by a majority of the representatives of Members present and voting.

#### **Rule 50**

The Committee may at its discretion apply such Rules of Procedure of the Assembly as it may deem appropriate to particular circumstances.

#### **Rule 51**

A rule of procedure may be suspended by a decision of the Committee taken by a majority of Members present and voting, provided that twenty-four hours' notice of the proposal of suspension has been given. This notice may be waived if no Member objects.

**Overriding authority of the Convention**

**Rule 52**

In the event of any conflict between any provisions of these Rules and any provision of the Convention, the Convention shall prevail.

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**ANNEX 6****SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDA FOR  
THE COMMITTEE'S THIRTY-FOURTH SESSION**

General review and implementation of the Convention on Facilitation of International Maritime Traffic:

- .1 status of the Convention
- .2 information submitted on implementation of the Convention
- .3 review of the Convention
- .4 harmonization with other international instruments
- .5 development of an explanatory manual to the Convention

Adoption of proposed amendments to the Convention

Electronic means for the clearance of ships:

- .1 standardization of systems for the arrival and clearance of ships, persons and cargoes
- .2 e-business possibilities for the facilitation of maritime traffic
- .3 co-operation amongst Member States
- .4 development of EDI messages for transmission of security-related information
- .5 the use of the Single Window Concept

Prevention and suppression of unlawful acts in ports

Prevention and suppression of illicit trade, including drugs, WMD and people

Formalities connected with the arrival, stay and departure of persons:

- .1 shipboard personnel
- .2 stowaways
- .3 illegal migrants
- .4 persons rescued at sea

Facilitation aspects of IMO forms and certificates:

- .1 list of certificates and documents required to be carried on board ships
- .2 electronic access to IMO certificates and documents
- .3 Implementation of the standardized IMO Model FAL Forms 1 to 7

Securing and facilitating international trade

Ship/port interface:

- .1 facilitation of shipments of dangerous cargoes
- .2 development of a model course on training of mooring personnel

Technical co-operation sub-programme for facilitation

Institutionalization of the FAL Committee

Relations with other organizations

Application of the Committee's Guidelines

Work programme

Any other business

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