



FACILITATION COMMITTEE  
34th session  
Agenda item 19

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**REPORT OF THE FACILITATION COMMITTEE  
ON ITS THIRTY-FOURTH SESSION**

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## 1 GENERAL – ADOPTION OF THE AGENDA

### Introduction

1.1 The Facilitation Committee held its thirty-fourth session from 26 to 30 March 2007 under the chairmanship of Mr. Charles Abela (Malta). The Vice-Chairman, Captain Arnett E. Hill (Liberia), was also present.

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

ALGERIA	MALTA
ANGOLA	MARSHALL ISLANDS
ARGENTINA	MEXICO
AUSTRALIA	MOROCCO
BAHAMAS	NETHERLANDS
BELIZE	NEW ZEALAND
BOLIVIA	NIGERIA
BRAZIL	NORWAY
CANADA	PANAMA
CHILE	PAPUA NEW GUINEA
CHINA	PERU
COLOMBIA	PHILIPPINES
CÔTE D'IVOIRE	POLAND
CUBA	PORTUGAL
CYPRUS	REPUBLIC OF KOREA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	RUSSIAN FEDERATION
DENMARK	SAINT KITTS AND NEVIS
ECUADOR	SAUDI ARABIA
EGYPT	SINGAPORE
ESTONIA	SOUTH AFRICA
FINLAND	SPAIN
FRANCE	SWEDEN
GERMANY	SYRIAN ARAB REPUBLIC
GHANA	THAILAND
GREECE	TRINIDAD AND TOBAGO
INDONESIA	TUNISIA
IRAN (ISLAMIC REPUBLIC OF)	TURKEY
ISRAEL	TUVALU
ITALY	UKRAINE
JAPAN	UNITED KINGDOM
KENYA	UNITED STATES
LATVIA	URUGUAY
LIBERIA	VANUATU
MALAYSIA	VENEZUELA

and the following Associate Member of IMO:

HONG KONG, CHINA

1.3 The session was also attended by representatives from the following United Nations and specialized agencies:

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)  
INTERNATIONAL LABOUR ORGANIZATION (ILO)

1.4 The session was also attended by observers from the following intergovernmental organizations:

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

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
INTERNATIONAL SHIPPING FEDERATION (ISF)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
BIMCO  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
ICHCA INTERNATIONAL (ICHCA)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
DANGEROUS GOODS ADVISORY COUNCIL (DGAC)  
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS  
(INTERCARGO)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)  
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)

### **Opening address**

1.5 In welcoming the participants the Secretary-General, emphasized the need for the entry into force of the 1991 amendments to the IMO Convention, which sought the institutionalization of the Committee. He noted that, since FAL 33, the number of acceptances had gone up to 108 which meant that 3 more out of the required 111 were needed for the amendments to enter into force. He considered that although this was good news, the fact that the amendments have not yet come into force 16 years after adoption should not go unnoticed and asked the Committee to question what has impeded this for such a long time – especially when the benefits that accompany them are agreed and that their acceptance bears no financial implications. The Secretary-General would, therefore, even at this late stage, once again urge Member States that have not yet accepted the amendments, to favourably consider doing so as soon as possible and encouraged Members, which may require assistance in order to do so, to notify the Organization. Once it was formally institutionalized, the Committee would be on a par with the other Committees and would be in a better position to fulfil its role of complementing the other Committees' work by ensuring an appropriate balance between their regulatory tasks and the maintenance of the desired efficiency in shipping operations.

It was with that very linkage in mind that, at the beginning of this year, a new Sub-Division for Maritime Security and Facilitation was established within the Maritime Safety Division. The aim of this restructuring was to reinforce the high priority given by the Organization both to the security of ships and port facilities and to the complementary issue of facilitating international maritime traffic; it also reflected the continuing need for the Organization, and the maritime community as a whole, to sustain efforts to enhance and improve security in all aspects of ship and port operations while, at the same time, ensuring that the flow of seaborne trade continued to be smooth and efficient and that the movement by sea of persons is not unduly impeded.

In drawing attention to the theme for this year's World Maritime Day "IMO's response to current environmental challenges", the Secretary-General pointed out that this theme provided an opportunity to show that the maritime sector did care about the environment and, was indeed in the forefront of this challenge. He emphasized that the Organization had adopted a wide range of measures to prevent and control any pollution caused by ships which were all positive proof of the firm determination of Governments and the industry to reduce to the barest minimum the impact that shipping might have on the fragile environment. Conversely, the public's image of shipping and negative views of the industry and its regulators, following accidents that cause pollution was unfair. He urged all concerned to work together on several fronts to counter-balance such views through a determined proactive approach to environmental issues.

The Secretary-General recalled that FAL 32 had adopted amendments to the FAL Convention to introduce the concept of risk management for efficient border control, together with systems for the transmission of pre-arrival and pre-departure information thus facilitating the processing of data required for the clearance of ships and allowing their transmission to a single point, commonly known as the 'Single Window'. Those amendments entered into force in November 2006.

The Secretary-General also referred to the important amendments to the FAL Convention to be considered at this session with a view to their approval and subsequent adoption at FAL 35. Among those, there were proposed amendments aiming at regulating a subject that he and the Director-General of the International Labour Organization had jointly addressed, in communications with a number of Governments, to express concern over travel requirements imposed on seafarers and to stress the importance of facilitating the seafarers' shore leave and the access to and from ships in cases such as crew changes and medical care. He requested delegates to reflect carefully on these matters before taking final decisions on the proposals before the Committee in order to strike the right balance between the need to enhance security and the desire to facilitate maritime traffic and, specifically, the movement of people by sea.

The Secretary-General further recalled that important amendments to the SOLAS and SAR Conventions, on persons rescued at sea, came into force on 1 July 2006 and, through these, the master's obligation to render assistance to persons in distress at sea was, for the first time, complemented by the corresponding obligation of Governments to co-ordinate and co-operate in relieving the master of the dual responsibility to provide follow-up care to survivors and, then, to deliver them to a place of safety. He considered that although the Committee had adopted consequential amendments to the FAL Convention, it may still be necessary that additional guidance be developed to ensure the expeditious and orderly disembarkation of persons rescued at sea. For, unfortunately, incidents were still occurring and ships continued to face several problems in ports concerning the disembarkation of survivors, especially when they turn out to be undocumented migrants. This may have a serious impact on the time-honoured tradition to proceed to rescue persons in distress at sea and, therefore, every effort should continue to be

made to ensure that masters are relieved of their relevant responsibilities under the SOLAS and SAR Conventions within a reasonable time and with as little impact on their ships as possible.

Enhancing the security of closed cargo transport units and freight containers has been an issue under discussion within the Organization since February 2002 and the Secretary-General believed that the time had now come for appropriate measures or guidance to be developed to address it. He recalled, in this regard, that the SAFE Framework of Standards was adopted by the World Customs Organization in June 2005, in response to, *inter alia*, the 2002 SOLAS Conference resolution 9, which recognized the inter-modal and international nature of their movement and the need to ensure security throughout the supply chain. Although security in certain shore-side segments of the supply chain lay outside the scope of the Organization, it was, nevertheless, important to recognize that measures to facilitate international maritime traffic needed to be consistent with relevant security measures.

The Secretary-General repeated his concern, voiced on several occasions, over the effective implementation of SOLAS chapter XI-2 and the ISPS Code, which, among many other benefits, should have brought about a significant reduction in stowaway incidents. So far, this did not seem to have been the case because, although the number of incidents dropped in 2004 and 2005, as compared to 2003, the incidence rose, in 2006, to the earlier 2003 level. These figures pointed to the need for Governments, and the owners or operators of ships and port facilities, to reflect further on the adequacy and effectiveness of the systems they have put in place to implement the preventive security measures incorporated in the 2002 amendments to the FAL Convention, to bring matters related to stowaways under control. In this regard, he referred to the proposal by INTERCARGO and INTERTANKO to be considered by the Committee on the possible establishment of an “IMO Stowaways Focal Point” to assist in the process of resolving stowaway cases. In considering the merits of the proposal and whether to recommend it to the Council, as suggested, the Secretary-General requested the Committee to bear in mind the relevant IMO and industry measures already in place for the resolution of such cases and any consequent implications for the Organization.

In highlighting some of the other important issues on the agenda, the Secretary-General referred to issues such as the electronic clearance of ships; the facilitation of shipments of dangerous cargoes (including the issue of delays surrounding, and denials concerning, the shipment of class 7 radioactive materials); technical co-operation; the development of an explanatory manual for the FAL Convention; and matters relating to the Committee’s planned outputs during this and the next biennium.

In his concluding remarks, the Secretary-General stressed that there should be no complacency about security at any of the various venues where meetings were scheduled to be held during the refurbishment period and appealed to all to abide by the security rules in place and any other *ad hoc* measures that may be necessary. In referring to the implementation of the Voluntary IMO Member State Audit Scheme in accordance with resolution A.974(24), he updated the Committee on the audits conducted so far and requested Member States to offer themselves for audit to facilitate the planning of audits for the next biennium and to nominate individuals as auditors from whom to choose audit teams.

### **Chairman’s remarks**

1.6 The Chairman, in thanking the Secretary-General, stated that the Secretary-General’s words of encouragement as well as the advice and requests would be given every consideration in the deliberations of the Committee and its working groups.

## **Adoption of the agenda**

1.7 The Committee adopted the agenda (FAL 34/1) and a provisional timetable for guidance during the session.

## **Credentials**

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

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

2.1 The Committee considered (FAL 34/2 (Secretariat)) the decisions of DSC 11, MEPC 55, C 97 and MSC 82 which had met since FAL 33 and took actions on issues pertaining to the Committee's work.

### **Outcome of DSC 11**

2.2 The Committee noted that DSC 11 was held from 11 to 15 September 2006 and the report of that session was reported in document DSC 11/19. Actions taken by DSC 11 pertaining to the Committee's work were considered under agenda items 5 and 11.

### **Outcome of MEPC 55**

2.3 The Committee also noted that MEPC 55 was held from 9 to 13 October 2006 and the outcome of the session was reported in document MEPC 55/23. Actions taken by MEPC 55 pertaining to the Committee's work were considered under agenda items 9, 15 and 16.

### **Outcome of C 97**

2.4 The Committee further noted that C 97 was held from 6 to 10 November 2006 and the decisions of the Council were reported in document C 97/D. The Committee noted that C 97 approved the list of substantive items for inclusion in the provisional agenda for FAL 34 and the report of FAL 33 in general and decided to transmit it, with its comments and recommendations, to A 25. Other actions taken by C 97 pertaining to the Committee's work were considered under agenda items 13, 14 and 16.

2.5 The Committee noted in particular that C 97, when considering the report of LEG 92, agreed, *inter alia*, that it would be both appropriate and beneficial that the Legal Committee, taking into consideration its differing needs, harmonize its work methods with those of the Maritime Safety Committee and the Marine Environment Protection Committee. In this respect C 97 also endorsed the Secretary-General's proposal that the Chairmen of all five Committees, together with the Secretaries of these Committees, should meet in the context of C 98, to consider how best to harmonize their Committees' work methods to achieve well-run meetings, based on best practice and characterized by the smooth flow of work in the best interests of the delivery of the work programmes entrusted to each; and to report to the Council at its twenty-fourth extraordinary session in November 2007.

## **Outcome of MSC 82**

2.6 The Committee also noted that MSC 82 took place from 29 November to 8 December 2006 and that the outcome of that session was reported in document MSC 82/24. Actions taken by MSC 82 pertaining to the Committee's work were considered under agenda items 7, 9, 10, 15 and 16.

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

### **Status of the Convention**

3.1 In considering FAL 34/3/2 (Secretariat), the Committee noted that, since FAL 33, Azerbaijan, El Salvador and Kenya had acceded to the Convention<sup>1</sup> on 12 June 2006, 21 December 2006 and 10 November 2006, respectively, and Montenegro succeeded to the Convention with effect as of 3 June 2006. The number of Contracting Governments<sup>2</sup>, as at 23 March 2007, was 110 which was an increase of four since FAL 33. A list of Contracting Governments was displayed on the Organization's website (www.imo.org).

3.2 The Committee again expressed its appreciation to those Member States which had acceded or succeeded to the Convention, and urged those Member States which had not yet acceded to it, to consider doing so as soon as possible, in order to assist the Organization's efforts to facilitate international maritime traffic in a secure environment and the Committee's Mission, Role and Strategy, as agreed by FAL 32 (see FAL 32/22, annex 4).

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

3.3 The Committee recalled that FAL 29:

- .1 agreed to review those Standards<sup>3</sup> and Recommended Practices<sup>4</sup> to which differences have been registered by Contracting Governments thereto, with a view to determining whether they were 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; and
- .2 agreed that it would be desirable to reduce the number of differences and in order to reach this objective recognized that it was necessary in the first instance to obtain up-to-date information from Contracting Governments concerning differences to the Standards and the implementation of Recommended Practices. This could be achieved by sending a questionnaire to all Contracting Governments requesting them to update the differences they have registered and the implementation of Recommended Practices.

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<sup>1</sup> *Convention* means the Convention on Facilitation of Maritime Traffic, 1965, as amended.

<sup>2</sup> *Contracting Governments* means Contracting Government to the Convention.

<sup>3</sup> *Standards* means Standards contained in the annex to the Convention.

<sup>4</sup> *Recommended Practices* means Recommended Practices contained in the annex to the Convention.



3.4 The Committee also recalled that FAL 30:

- .1 confirmed the need for the development of such a questionnaire and agreed that the questionnaire should be sent to all Member States not only to address the differences registered by Contracting Governments but also to find out what impediments were being faced by Member States in acceding to the Convention; and
- .2 approved FAL.3/Circ.184 on Review of Standards and Recommended Practices in the Annex to the FAL Convention which annexed the aforesaid questionnaire.

3.5 The Committee further recalled that FAL 31, *inter alia*:

- .1 noted that the Secretariat had issued FAL.3/Circ.185 on 9 February 2004, reminding Member States which had not submitted the duly completed questionnaires, to do so as soon as possible, to enable the Secretariat to prepare a consolidated set of results of the questionnaire for consideration by the Committee;
- .2 noted that only fourteen Member States and one Associate Member responded to the questionnaire;
- .3 agreed that the responses to the questionnaire cannot be taken as a formal notification by Contracting Governments of differences to Standards and/or the adoption of Recommended Practices in accordance with article VIII of the Convention unless Contracting Governments inform the Secretary-General otherwise;
- .4 advised Contracting Governments that if, after reviewing their differences as part of the exercise to reply to the questionnaire, they wish to update their previous notification of differences to Standards and adoption of Recommended Practices, they can do so by sending to the Secretary-General a formal notification in accordance with article VIII of the Convention. The Secretariat should only include the notifications in Appendix 7 of any future reprints of the sales publication of the Convention; and
- .5 agreed that the review of Standards and Recommended Practices to which differences have been registered by Contracting Governments should be further considered at FAL 32 and urged those Member States, which had not yet responded to the questionnaire in FAL.3/Circ.184, to do so at their earliest convenience.

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

3.7 The Committee further recalled that FAL 33 was, *inter alia*, informed that, since FAL 32, the Secretariat had not received any completed questionnaires; noted that the Secretariat was still in the process of making a detailed analysis of the completed questionnaires received so far; agreed that there was little benefit derived from the replies to the questionnaire, since only 20 Member States had replied; and invited, once more, Member States to submit replies to the aforementioned questionnaire as soon as possible.

3.8 The Committee noted (FAL 34/3/1 and FAL 34/INF.2 (Secretariat)) that:

- .1 since FAL 33 the Secretariat had not received any further replies to the questionnaire and thus the number of Member States and Associated Members which had responded remained unchanged since FAL 32;
- .2 the Secretariat, as requested by the Committee, attempted to make an analysis of the replies to the questionnaire; however, while in the process of the analysis, it was realized that, in order to make a detailed analysis and to arrive at any meaningful conclusion, additional information was needed as to the reasons for differences being reported which had not been provided in a number of replies to the questionnaire; and
- .3 the replies provided by those who responded to the questionnaire were consolidated and were presented in document FAL 34/INF.2 (Secretariat). The replies had been received during the period between May 2003 and May 2005. However, in some instances no date was indicated. In order to facilitate a study of the replies to the questionnaire, the Secretariat had set out the replies in two, broadly speaking, columns *vis-à-vis* the texts of the Convention incorporating the amendments adopted in 2002 and 2005 respectively. In addition, salient features of the comments received had been captured and reflected adjacent to the aforementioned amendments.

3.9 The Committee reaffirmed that the reasons for which FAL 29 had initiated the Review of Standards and Recommended Practices to which differences had been registered by Contracting Governments continue to apply and that this task was one of the strategic directions identified in the Role, mission, strategic direction and work of the Committee as adopted during FAL 32.

3.10 The Committee agreed that for this task to be advanced, it needed to have before it up-to-date information from all Contracting Governments concerning differences to the Standards and the implementation of Recommended Practices.

3.11 The Committee agreed with the conclusion of the Chairman that the progress to date was far from satisfactory and there was a need to seriously consider what needs to be done, especially if one was to take into account the fact that the number of Contracting Governments has increased from 89 during FAL 29 to 110 during the present session.

3.12 The Committee recalled that FAL 31, when considering the number and the quality of the replies received, *inter alia*:

- .1 noted that some Member States might have found difficulties in interpreting the questionnaire and might require a considerable time to complete the questionnaire since a number of different national authorities were involved in this exercise;

- .2 instructed a working group: to consider the replies to the questionnaire which had been received at that time with a view to identifying Standards or Recommended Practices which need to be reviewed in light of differences registered from Contracting Governments; and to explore avenues, which may include but not be limited to improving the format of the questionnaire and the content of the circular in order to encourage responses from the Member States who had not responded; and
- .3 noted that, due to time constraints, the working group could not explore avenues for encouraging responses to questionnaires from those Member States who had not responded.

3.13 The Committee agreed that it was pointless to engage in any discussions using the information provided in documents FAL 34/3/1 and FAL 34/INF.2 (Secretariat) or to refer these to any working group as, in essence, these contained a summary of the information which FAL 32 had already considered and agreed that it was not possible to make a detailed analysis.

3.14 The Committee noted that a close scrutiny of FAL.3/Circ.184 indicated that the time had come for the circular, which had been issued in March 2003, to be reviewed and updated if it was to serve the purpose for which it was developed. In particular, the Committee noted that the circular needs to reflect, *inter alia*:

- .1 the adoption and entry into force of the 2005 amendments to the Convention as the circular only makes reference to the Convention including the 2002 amendments to the Convention;
- .2 the need to provide complete and comprehensive answer and additional information for example as to the reasons which lead a Contracting Government to adopt differences to certain Standards or not to implement particular Recommended Practices; and
- .3 other salient issues which had transpired since it was published such as for example those which transpired during FAL 31 in connection with the difference between responding to the questionnaire and notifications pursuant to article VIII of the Convention.

3.15 The Committee also noted that the paragraph of FAL.3/Circ.184 inviting Member States “to return to the Secretariat the attached questionnaire, providing the requested information, at their earliest but no later than 31 May 2003” needed amending as reading the circular either in a vacuum or in the context of the reports of FAL 31 to FAL 33 which urged Member States to respond to the questionnaire was likely to be causing confusion.

3.16 The Committee instructed the Working Group on General review and implementation of the Convention to prepare a draft circular on Review of Standards and Recommended Practices and submit it for consideration with a view to approval.

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

3.17 The Committee noted that no 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 the agenda items 5, 7, 8 and 10 in relation to instruments under the purview of ILO, UNODC, UNHCR, UN ECE, UN CEFACT and WCO.

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

3.18 The Committee recalled that FAL 33 had established a Working Group on General review and implementation of the Convention under the chairmanship of Mr. Eildert Broekema (Netherlands) and that the first part of its report in relation to the proposed amendments to the Convention was presented and considered at FAL 33. The Committee also recalled that FAL 33 had instructed the working group to continue its work on the development of an Explanatory Manual to the Convention until the end of the week and agreed to consider the second part of the report of the working group during this session.

3.19 The Committee further recalled that FAL 33 re-established the Correspondence Group on the development of an Explanatory Manual to the Convention, under the co-ordination of the Netherlands (Mr. Eildert Broekema), to continue the related work intersessionally.

3.20 The Committee considered the report of the working group (FAL 34/3 (Chairman of the Working Group)) and the report of the correspondence group (FAL 34/3/3 (Netherlands as Co-ordinator of the Correspondence Group)) and after noting the work done referred the two reports to the Working Group on General review and implementation of the Convention for continuation of the work on the development of an Explanatory Manual to the Convention.

3.21 The Committee also instructed the working group to identify the pending issues for the completion of the development of version 1 of the Explanatory Manual to the Convention and to develop the terms of reference for a correspondence group to continue the work intersessionally with a view to completing the work by FAL 35.

### **Appendix 7 to the Convention**

3.22 The Committee recalled that FAL 33 noted that the present overview of differences notified to IMO, as set out in Appendix 7\* to the Convention (which was set out as appendix 6 to the 1998 Edition of the sales publication of the Convention (the 1998 sales Edition)), related to Recommended Practices was a set of approved and non-approved recommended practices. According to article VIII(3) of the Convention, Contracting Governments were only required to inform the Secretary-General of the implementation of Recommended Practices. FAL 33 agreed to consider the matter further during FAL 34 with a view to updating Appendix 7 to the Convention.

3.23 The Committee recalled that article VIII(1) of the Convention required Contracting Governments to notify the Secretary-General of differences between their own practice and the Standards. The Committee also recalled that article VIII(3) of the Convention required Contracting Governments to notify the Secretary-General when they bring their own formalities, documentary requirements and procedures into accord with any Recommended Practice.

3.24 The Committee noted that no document had been submitted for consideration under this item and that the 1998 sales Edition had been superseded by the 2006 Edition of the sales publication of the Convention. The Committee was advised that a review of the information contained in Appendix 6 of the 1998 sales Edition had revealed that the material was outdated

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\* This appendix is not included in the 2006 Edition of the sales publication of the Convention.

and somewhat confusing; the references did not necessarily correlate with current Standards and Recommended Practices and at least one of the States reported therein no longer existed.

3.25 The Committee instructed the Secretariat to prepare:

- .1 a list showing the notifications made by Contracting Governments pursuant to article VIII(1) of the Convention in relation to differences between their own practice and the Standards; and
- .2 a list showing the notifications made by Contracting Governments pursuant to article VIII(3) of the Convention when they bring their own formalities, documentary requirements and procedures into accord with any Recommended Practice.

3.26 In this respect, the Committee:

- .1 urged the Contracting Governments which had already tendered notifications pursuant to articles VIII(1) and/or VIII(3) of the Convention to advise the Secretary-General whether the information they had communicated was still in effect; and
- .2 reminded Contracting Governments of their obligation under article VIII of the Convention and of the need to keep the related notifications current when changes occur,

so as to enable the Secretary-General to inform, pursuant to article VIII(4) of the Convention, the other Contracting Governments of their current practices.

3.27 The Committee also instructed the Secretariat, in an effort to collate information reflecting the current practices, to approach the Contracting Governments which had already tendered notifications pursuant to article VIII of the Convention and to ascertain from them whether the information they had communicated was still in effect.

### **Establishment of the Working Group**

3.28 The Committee established the Working Group on General review and implementation of the Convention under the Chairmanship of Mr. Frank Bjerg Mortensen (Denmark) with the following terms of reference. The Working Group, taking into account the discussions and decisions in plenary, was instructed to:

- .1 continue the development of an Explanatory Manual to the Convention using documents FAL 34/3 and FAL 34/3/3 as basic documents and taking into account document FAL 33/3/3 and paragraph 2 and 3 of the terms of reference listed in document FAL 31/20, annex 5;
- .2 identify the pending issues for the completion of the development of version 1 of the Explanatory Manual to the Convention and develop terms of reference for a correspondence group to continue the work intersessionally with a view to completing the work by FAL 35;
- .3 prepare a draft circular on Review of Standards and Recommended Practices and submit it for consideration with a view to approval; and

- .4 report to plenary on Thursday, 29 March 2007.

### **Consideration of the report of the Working Group**

3.29 Having received the report of the working group (FAL 34/WP.7), the Committee approved the report in general and took action as indicated in the ensuing paragraphs.

#### *Development of an Explanatory Manual to the Convention*

3.30 The Committee noted that:

- .1 most of the drafting for the sections 1, 2, 4, 5, 6 and 7 of the first version of the Explanatory Manual to the Convention was completed;
- .2 it was now possible to start drafting text for section 3, which had been postponed on a number of occasions in the past for a variety of reasons, at least for those parts which were not in the process of being changed;
- .3 section 2H and minor parts of sections 4 and 5 needed to be developed further;
- .4 a number of changes to the available text of sections 2 to 7 (other than section 3) had been made;
- .5 a working document consolidating the work done to date had been prepared; this would be made available as an addendum to the report of the working group on a later date and form the basis for the continuation of the work intersessionally; and that there was no need to take any other action in relation to the consolidated text; and
- .6 the delegation of the United States had kindly offered to draft parts of the text for section 3 and the delegation of Denmark had offered to draft text for section 2H and that the outstanding parts for sections 4 and 5 would need to be developed on the basis of inputs to be provided by those who may participate in the proposed correspondence group.

#### *Re-establishment of the Correspondence Group on the development of the Explanatory Manual to the Convention and terms of reference*

3.31 The Committee re-established the Correspondence Group on the development of the Explanatory Manual to the Convention, under the co-ordination of the Netherlands\*, to continue the work intersessionally with the following terms of reference:

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\* **Co-ordinator:**

Mr. Eildert Broekema  
Policy Adviser  
Customs & Consumer Taxes Directorate  
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NL – 2500 EE The Hague  
The Netherlands  
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- .1 to continue with the development of the Explanatory Manual to the Convention, taking into account that the manual should:
  - .1 encourage and improve the implementation of the Convention;
  - .2 include explanations of Standards and Recommended Practices with a 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 Convention and promote its implementation;
  - .4 assist Contracting Governments in the preparation of their national legislation and other regulatory instruments;
  - .5 be non-binding to Contracting Governments and entail no legal obligations; and
  - .6 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;
- .2 prepare a list identifying the sections (including sub-sections) of the manual for which the work had not been completed or had not yet been undertaken; and
- .3 submit a report to FAL 35.

*FAL.3 circular on Review of Standards and Recommended Practices*

3.32 The Committee approved FAL.3/Circ.187 on Review of Standards and Recommended Practices. The Committee recommended that the circular should be made available on the IMO website in a Word format in order to facilitate easy completion and direct integration of text on the questionnaire.

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

##### **The 2005 amendments 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 entered into force on 1 November 2006.

##### **Consideration of proposals for amendments**

4.2 The Committee recalled that FAL 32 considered proposals by France (FAL 32/7/2) regarding draft amendments to the Convention concerning mainly the arrival and departure of persons. In addition, the Committee recalled that FAL 33 continued the consideration of the

proposals by France and in addition considered proposals by Spain (FAL 33/3/2) in reference to draft amendments to the Convention which were designed to improve compliance with the legislation on the cross-border movement of persons, and by the Netherlands (FAL 33/3/3) concerning draft amendments to the Convention related to the arrival and departure of persons.

4.3 The Committee also recalled that FAL 33, 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,

referred the proposals to the Working Group on General review and implementation of the Convention for detailed consideration.

4.4 The Committee further recalled that FAL 33, after considering the report of the working group (FAL 33/WP.3), noted (FAL 33/19, paragraph 3.27 and annex 1) the draft amendments to the Convention prepared by the group and agreed to consider these during FAL 34 with a view to approval and subsequent adoption at FAL 35. In addition FAL 33 urged Member States and international organizations to submit proposals on the issues of concern to them to facilitate the progress of the matter during FAL 34.

4.5 The Committee also recalled that 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, FAL 33 noted the different views expressed by the Contracting Governments and by observers from the maritime industry.

4.6 The Committee further recalled that FAL 33, in the light of the concerns expressed in relation to the proposed amendments, agreed to include explanatory texts, where necessary, on those issues in the Explanatory Manual to the Convention which was under development.

4.7 The observer from ICFTU introduced FAL 34/4/1 (ICFTU, ISF, ICS, CLIA, INTERTANKO, INTERCARGO and BIMCO) and stated that the social partners within the shipping industry believed that the amendments under discussion should not be approved. In their view, to do so would establish a contradiction in the Convention and other applicable international instruments, especially the Seafarers' Identity Documents Convention (Revised), 2003 (ILO Convention No.185). It would also send a political message that requiring seafarers to hold a visa for the purpose of shore leave was accepted by the Committee and the Organization. They believed that this would be prejudicial to the operation of the shipping industry and, given the fact that shipping carries 90% of world trade, to the global economy, as it would be a further impediment to the ability of the industry to attract and retain an adequate



number of suitably qualified seafarers. In this regard, it should be recalled that there is a growing shortage of suitably qualified officers.

The shipping industry also considered that the adoption of such an amendment would be inconsistent with resolution A.930(22) on Guidelines on provision of financial security in case of abandonment of seafarers and resolution A.931(22) on Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers; the 2002 SOLAS Conference resolution 11 on Human element-related aspects and shore leave for seafarers, which considered that, given the global nature of the shipping industry, seafarers need special protection; and resolution A.947(23) on the Human element vision, principles and goals for the Organization. In their view it was also clear, from the record of discussions during FAL 33 that the human element implications of such a decision were not considered.

4.8 The observer from CLIA introduced FAL 34/4/2 (CLIA, ICS and ISF) and stated that the co-sponsors were of the view that the proposed amendments to the Convention, while still recommendatory, shifted the emphasis away from the facilitation of passenger shipping. In their view, there can be no doubt that requiring visas to be obtained by thousands of cruise ship passengers for every port of call during a multi-country itinerary would discourage rather than facilitate passenger shipping. It would change what was now a relatively expedited process for embarkation and disembarkation during these transient visits into a process that could take hours and require dozens of customs officials and the added expense of additional shore-side facilities for processing passengers. In so doing, passengers would not only be inconvenienced and frustrated but also would be unable to spend time visiting countries and supporting local communities. As nations were unlikely to be willing to absorb the additional cost of screening, this change in policy would also result in a substantial additional cost to operators. It was their conclusion that this proposal did not "facilitate" shipping, which they understood was the primary purpose of the Convention.

The Recommended Practices 3.24, 3.39, and 3.40 (as the Convention was at the time in force) served as reasonable guidance given the special nature of cruise ship passengers and the extensive security practices on board cruise ships and should remain intact. These practices permitted Contracting Governments to require visas, or other documentation, in the appropriate circumstances and recognized the facilitation process by not making it compulsory in all circumstances. The current practices achieved the aim of the proposals from the Netherlands (FAL 33/3/3) without the explicit burden on the facilitation of the cruise ship industry.

4.9 The observer from ILO in introducing FAL 34/8/1 (ILO) suggested that care should be taken with respect to the wording of some of the proposed amendments to the Convention so as to avoid developments which may, at the end, be to the detriment of the maritime industry.

In their view, the authorization of the competent authorities to require information on the "nature and number of visa, if issued", as proposed in one of the amendments referred to above, would not be totally inconsistent with ILO Convention No.185 in the sense that, under that ILO Convention, the competent authorities would be able to require a visa or a similar measure if the country issuing the Seafarers' Identity Documents (SID) is unable to comply with the minimum requirements that are laid down by ILO Convention No.185. However, the amendment seemed to imply that a visa could be required, as a normal rule, when a seafarer requested temporary admittance on shore leave. Any absolute requirement of this kind would be totally inconsistent with the idea of facilitation, enshrined in the Convention itself and in ILO Convention No.185, and would be detrimental to the welfare of seafarers and the needs of the maritime industry.

4.10 In considering this issue, the Committee recalled that resolution A.944(23) on Strategic Plan for the Organization (for the Six-Year Period 2004 to 2010) stated that “at the same time, there are growing concerns that new security measures must not unduly affect the efficiency of shipping and port operations, the more so in an interconnected world which is so highly dependent on sea-borne trade and that the challenge for the Organization is to promote the effective implementation of the new security measures, and to instil a security consciousness in ship and port facility operations, at the same time ensuring that the right balance is struck in trade facilitation and that the flow of sea-borne trade continues to be smooth and efficient”.

4.11 The Committee also recalled that resolution A.971(24) on High-Level Action Plan of the Organization and Priorities for the 2006-2007 biennium also stated that the Organization will seek to ensure that measures to promote safe, secure and environmentally sound shipping do not unduly affect the efficiency of shipping. It will also constantly review such measures to ensure their adequacy and to ensure that an appropriate balance is maintained between measures to enhance maritime security and measures to facilitate international maritime traffic.

4.12 The Committee had an extensive discussion as to the substance of some of the proposed amendments and their implications for the facilitation of maritime traffic and the shipping industry. A significant number of delegations considered that it was not necessary to discuss further those proposed amendments that had been discussed at FAL 33 and that it was desirable to concentrate only on those which were the subject of submissions to this session.

4.13 In considering the proposed amendments with a view to approval, the overwhelming majority of delegations, both of Contracting Governments and of Member States which were not yet Contracting Governments, stated that they had serious reservations; advised that they were not convinced that the amendments were either properly justified or in the spirit of facilitation; and urged the Committee not to approve them. A number of delegations also repeated the comments they had made during the consideration of the issue during FAL 33.

4.14 With respect to the proposed amendments which envisaged the inclusion of the visa requirement for crew, it was pointed out, *inter alia*, that the proposed approach was neither in accordance with the principles of the Convention nor of ILO Convention No.185; would badly affect the seafarer’s right to shore leave; would decrease the attraction of seafaring as a career and consequently lead to the shortage of qualified seafarers; and would detract from the healthy development of shipping.

4.15 In addition, whilst welcoming efforts aimed toward enhancing the security of ships and ports, there was no evidence to indicate that inclusion of the visa information requirement in crew list could improve security. On the contrary, most of the delegations thought that this would have a negative effect.

4.16 With respect to the proposed amendments which envisaged the inclusion of the visa requirement for passengers, it was suggested that such an approach would discourage rather than facilitate international passenger shipping. It was suggested that it could lead to countries requiring all cruise ship passengers to obtain visas – culminating in thousands of passengers on each cruise ship having to obtain multiple visas for every cruise.

4.17 In the view of some delegations, such an approach would inconvenience and frustrate passengers through additional paperwork and through initiation of lengthy clearance procedures thus leaving less time available to spend ashore, or even prevent shore visits altogether. This would have a negative impact on local communities.

4.18 Some delegations also indicated that they were concerned on how the additional cost of screening and security checks resulting from the proposed amendments would be met as there was no confidence that States would absorb them.

4.19 It was suggested that the proposal to downgrade Standard 3.15 to a Recommended Practice would similarly appear to be contrary to the spirit of facilitation. The proposed amendment would change the existing requirement that shipowners “shall not be fined” to a recommendation that shipowners “should not be fined disproportionately”. As a matter of principle, it was suggested that the responsibility for checking that foreign visitors had adequate travel documents should clearly rest with the appropriate immigration authorities and not with shipowners who could not reasonably be expected to be experts on immigration requirements. Downgrading this to a Recommended Practice would remove all protection for ship operators.

4.20 The majority of delegations supported the views expressed by the industry co-sponsors of the documents and did not approve the proposed draft amendments to Standard 2.6.1 and Recommended Practices 3.24, 3.39, 3.40 and the consequential amendment to Recommended Practice 2.7.3.

4.21 The Committee approved amendments to Standards 2.6.3, 3.3.6, 3.10, 3.14, 3.15 and 3.21 and Recommended Practices 2.7.1, 2.7.3 and 3.35 (as amended), as set out in annex 1, for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption during FAL 35; and instructed the Secretariat accordingly (see also paragraph 5.26).

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

### **Consideration of part II of the report of the FAL 33 Working Group on Electronic means for the clearance of ships**

5.1 The Committee recalled that FAL 33 established a Working Group on Electronic means for the clearance of ships under the chairmanship of Mr. Itoh (Japan); considered part I of its report; and agreed to consider part II of its report during FAL 34.

5.2 The Committee considered (FAL 34/5/4 (Secretariat)) the actions requested by the working group in part II of its report, approved the report in general, and, in particular:

- .1 noted that developments relating to electronic business in the area of maritime traffic of relevance to the Organization in other *fora* were an ongoing process;
- .2 agreed that, in lieu of developing an IMO Single window system, interested Member States should make use of the WCO Recommendation and Guidelines on establishing a single window, which were based on UN/CEFACT recommendation No.33, and noted that the document was available on the UN/CEFACT website ([www.unece.org/cefact](http://www.unece.org/cefact));
- .3 noted the information provided on the involvement of the Organization in the implementation of the SAFE Framework of Standards;
- .4 noted the recommended continuation of the collaboration with other standardization bodies, such as WCO’s Information Management Sub-Committee (IMSC), UN/CEFACT (especially Transport Working Group (TBG3)), Customs Working Group (TBG4), International Trade Procedures Working Group

(TBG15), ISO/TC 104 and ISO/TC 154 and that representatives from shipping industry groups such as PROTECT and International Transport Implementation Guidelines Group (ITIGG) should be invited to contribute to the work done and to ensure a mutual understanding and usage of the various guidelines;

- .5 instructed the Secretariat to seek, when possible, the participation of WCO and UNCTAD when delivering technical co-operation activities relating to electronic data interchange; and
- .6 noted that, due to lack of time and non-availability of related submissions, proposals for the exchange of information on ships and other electronic-related matters between the Organization and other organizations were not developed and invited Member States to submit proposals in this respect for consideration during FAL 35.

### **Revision of the IMO Compendium on facilitation and electronic business**

#### *Consideration of the report of the Correspondence Group on Electronic means for the clearance of ships*

5.3 The Committee recalled that FAL 33 established a Correspondence Group on Electronic means for the clearance of ships under the co-ordination of the United States (Mr. William L. Nolle).

5.4 The Committee considered the actions requested by the Correspondence Group in its report (FAL 34/5 (United States as Co-ordinator of the Correspondence Group)) and, after noting the additional information provided by the Co-ordinator of the Correspondence Group in relation to developments which transpired after the submission of the report, approved the report in general and took action as set out in paragraphs 5.5 to 5.9.

5.5 The Committee recalled that FAL 31 agreed not to prescribe a form for transmitting the security-related information that a ship may be requested by a SOLAS Contracting Government to submit pursuant to SOLAS regulation XI-2/9.2.1 and, instead, agreed to develop a standard minimum data set that ships could expect to be required to transmit prior to entry into port. The Committee also recalled that this approach had been endorsed by MSC 79 which developed and agreed the standard data set and promulgated it under cover of MSC/Circ.1130 on 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.

5.6 The Committee further recalled that MSC 79 advised FAL 32 that, even though the standard data set contained in MSC/Circ.1130 was subject to review and amendment by the Maritime Safety Committee (MSC), the Committee should consider commencing the development of an electronic data interchange message (EDI message for security-related information), for joint adoption by the MSC and the Committee, and for inclusion in the IMO Compendium on Facilitation and Electronic Business (the Compendium), through which the standard data set could be transmitted electronically.

5.7 The Committee agreed not to pursue the proposal of the Correspondence Group for the development of a new IMO FAL Form on Security-related information. In this respect the Committee recalled that FAL 32 was informed that MSC 79 had agreed that prescribing

a specific form or developing a specific format was premature and had decided to keep the standard data set under review and to reconsider this issue at a later stage when SOLAS Contracting Governments had gained practical experience of using the standard data set. MSC 79 also agreed that the finalized standard data set should be included, at the appropriate time, in part B of the ISPS Code. In addition, the Committee noted that the number of SOLAS Contracting Governments stood at 158 and the number of Contracting Governments was 110. As a result including a new IMO FAL Form on Security-related information in the Convention would have no effect for the States which were only SOLAS Contracting Governments.

5.8 The Committee further noted that some of the terminology used in the proposed EDI message for security-related information and the requested data element codes (FAL 34/5, annex 1) was not in all respects consistent with the terminology in use in SOLAS regulation XI-2/9, ISPS Code, paragraphs B/4.37 to B/4.40 and MSC/Circ.1130.

5.9 The Committee instructed the Working Group on Electronic means for the clearance of ships to identify the Data Maintenance Requests (FAL 34/5, annex 1) for review by UN/CEFACT and possible inclusion in the electronic data interchange directories, as a number of the data elements of standard data of security-related information a ship might be expected to provide prior to entry into port specified in MSC/Circ.1130, do not have data codes under the UN/CEFACT electronic message scheme. In this respect the group should ensure consistency with the terminology used in SOLAS regulation XI-2/9, ISPS Code paragraphs B/4.37 to B/4.40 and MSC/Circ.1130.

#### *Outcome of DSC 11*

5.10 The Committee recalled that FAL 33, in order to expedite the revision of the Compendium, referred the part dealing with dangerous cargoes to DSC 11 for comments on matters under its purview, noted (FAL 34/11 (Secretariat)) the outcome of DSC 11 and instructed the Working Group on Electronic means for the clearance of ships to take it into account when progressing the revision of the Compendium on the understanding that the group would be advised in case any related issues transpired during the consideration of agenda item 11.

#### *Consistency between the intended revisions of the Compendium and the Convention*

5.11 The Committee recalled that its original intention was to complete the work on the revision of the Compendium during this session. However, the Committee noted the inclusion of the EDI message on security-related information in the revised Compendium required: (1) the allocation of data element codes under the UN/CEFACT electronic message scheme; and (2) the joint adoption of the EDI message for security-related information by the MSC. As a result, it was obvious that the completion of the revision of the Compendium during this session was not practically possible and this would need to be further considered during FAL 35 and referred to MSC 85 for concurrence, as far as the EDI message on security-related information was concerned.

5.12 The Committee agreed that the proposed amendments to the IMO FAL forms (set out in FAL 34/5, annex 2) would need to be reflected in the models of the IMO FAL forms set out in appendix 1 to the Convention and that required the adoption of relevant amendments to the Convention. Furthermore, in order to ensure consistency between the revised Compendium and the Convention the related amendments would need to enter into force on the same date.

5.13 The Committee instructed the Working Group on Electronic means for the clearance of ships to prepare the needed draft amendments to the Convention in order to ensure consistency between the contemplated amendments to the Compendium and the Convention.

### **Co-operation amongst Member States and assistance to countries in accepting and implementing electronic means for clearance of ships**

5.14 The Islamic Republic of Iran (FAL 34/5/2) presented a standard data model which had been developed based on Relational Data Analysis (RDA) of IMO FAL Forms and a software which was developed based on the data model so as to convert UN/EDIFACT messages to IMO FAL Forms and *vice versa*.

5.15 Israel (FAL 34/5/3) presented details of a computer based information exchange integrated system that it had implemented during the privatization of Israeli ports as a cross-platform and cross-industry project to improve and secure co-ordination among all the partners involved in sea trade, including the Government and to ensure, at the same time, electronic data interchange uniformity.

5.16 The Committee recalled the Role, Mission and Strategic Direction of the Committee, adopted by FAL 32, and in particular the strategic direction on encouraging the use of information and communication technology to drive continuous improvement and innovation in the facilitation of maritime traffic and the strategy to promote the use of electronic means to exchange information with the objective of harmonizing and simplifying procedures, adopted by FAL 28, and invited Member States to submit information on the steps they are taking in relation to promoting electronic business in the maritime transport sector.

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

5.17 The Committee recalled that during FAL 32, the Republic of Korea (FAL 32/5/3), in an effort to simplify, standardize and make effective use of the information on arrival/departure through electronic means, presented an XML-based Single Window System framework which was making it possible to automate and simplify clearance formalities by means of the reusability of information and FAL 32 invited the Republic of Korea to submit further information to FAL 33.

5.18 The Committee also recalled that FAL 33 discussed a submission by the Republic of Korea (FAL 33/5/2 and Corr.1) which proposed an ebXML collaboration model for an XML-based Single Window System for simplifying clearance formalities and invited Member States and organizations to consider benefiting from the ebXML collaboration model and invited the Republic of Korea to continue to keep the Committee informed of the relevant updates and new developments in this area.

5.19 The Republic of Korea (FAL 34/5/1) proposed that the Single Window UNEDocs Support System integrates the concept of UN/CEFACT UNEDocs to the ebXML Collaboration Model of Single Window for Marine Transport submitted by the Republic of Korea (FAL 33/5/2) during FAL 33. The proposed system translates the electronically exchanged data into various other formats such as PDF, FAX, E-mail, etc., and transfers them to the On/Off-Line device. The system leads to increase of data reusability and improvement of user convenience by substituting paper documents with electronic forms transformed from the data exchanged online. In addition, the system could globally achieve interoperability by defining the data model based on UNEDocs which is an international data model standard.

5.20 The Committee invited the Republic of Korea to continue to keep it informed of the relevant updates and new developments in this area.

### **Establishment of the Working Group**

5.21 The Committee established the Working Group on Electronic means for the clearance of ships under the chairmanship of Mr. K. Itoh (Japan) with the following terms of reference. The Working Group, taking into account the discussions and decisions in plenary, was instructed to:

- .1 identify the Data Maintenance Requests (FAL 34/5, annex 1) for review by UN/CEFACT and possible inclusion in the electronic data interchange directories, as a number of the data elements of standard data of security-related information a ship might be expected to provide prior to entry into port specified in MSC/Circ.1130 do not have data codes under the UN/CEFACT electronic message scheme. In this respect the Group should ensure consistency with the terminology used in SOLAS regulation XI-2/9, ISPS Code paragraphs B/4.37 to B/4.40 and MSC/Circ.1130;
- .2 incorporate, as necessary, in the draft revised Compendium prepared by the Correspondence Group (FAL 34/5, annex 2) the outcome of DSC 11 (FAL 34/11);
- .3 continue the revision of the Compendium and, in case it is not possible to finalize the required work, to draw up a list identifying the pending issues;
- .4 prepare the needed draft amendments to the Convention in order to ensure consistency between the contemplated amendments to the Compendium and the Convention;
- .5 identify any required future work on electronic means for the clearance of ships and, if necessary, to prepare terms of reference for a correspondence group to carry out any needed work intersessionally; and
- .6 report to plenary on Thursday, 29 March 2007.

### **Consideration of the report of the Working Group**

5.22 Having received the report of the working group (FAL 34/WP.6)\*, the Committee approved the report in general and took action as indicated in the ensuing paragraphs.

#### *EDI message for security-related information*

5.23 The Committee agreed with the recommendation of the Group that the security-related elements may be incorporated into any existing UN/EDIFACT message with the *proviso* that the EDI message processing capabilities of those receiving the message have adequate controls in place to ensure that only the duly authorized officer under SOLAS regulation XI-2/9.2 received the security-related information. Where these controls are not adequate, the security information must be sent in a separate EDI message.

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\* The report has been re-issued as document FAL 34/WP.6/Rev.1 and reflects a number of corrections and amendments introduced by the chairman of the group when presenting the report to plenary.

5.24 The Committee noted that the Group did not finalize the SECREP because the data elements needed to represent the security-related information have yet to be developed. The Committee, recalling the provisions of paragraph 14 of the annex to MSC/Circ.1130, further agreed not to include a data item for an electronic signature of the individual submitting the standard data set of security-related information specified in MSC/Circ.1130.

#### *Revision of the Compendium*

5.25 With regard to IMO FAL Form 3, the Committee recalled that FAL 33 had noted the view of the Group to use PAXLST. However, after further analysis and consultation with TBG4 (WCO), the Committee agreed with the Group's decision to withdraw PAXLST for IMO FAL Form 3 and recommend CUSCAR instead. As the Inventory Report (INVRPT) is already used in some countries, the Committee agreed to the recommendation from the Group that countries be given the option of using INVRPT or CUSCAR for IMO FAL Form 3.

#### *Proposed amendments to the Convention*

5.26 The Committee considered the recommendation from the Group on the need for amendments to the Convention in order to ensure consistency between the contemplated amendments to the Compendium and the Convention and approved the draft amendments to Standards 2.6.1 and 2.8.1, Recommended Practices 2.2.2, 2.3.1 and 2.7.3 and appendix 1, as set out in annex 1 (see also paragraph 4.21), for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption during FAL 35; and instructed the Secretariat accordingly. The Committee, recalling the salient discussions during earlier sessions and the related decision of the Maritime Safety Committee, did not approve proposed draft amendments regarding an IMO FAL form on security-related information.

#### *Establishment of a Correspondence Group*

5.27 The Committee did not agree with the recommendation of the Group to charge the Correspondence Group with the preparation and submission, intersessionally, of DMRs to appropriate UN/CEFACT-approving bodies for the electronic data elements needed to accommodate the security-related information in MSC/Circ.1130, as this would circumvent the responsibility of the Committee. Instead, the Committee noted that individual Member States may submit proposed DMRs to the appropriate UN/CEFACT body on their own behalf and was of the opinion that the group should be instructed to monitor the submission of such DMRs to the appropriate UN/CEFACT approving bodies and advise the Committee accordingly.

5.28 The Committee agreed with the decision of the Group on the revision of the Compendium, including the establishment of a Correspondence Group under the co-ordination of the United States\*, with the following terms of reference:

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\*  
**Co-ordinator:**  
Mr. Roger Butturini  
U. S. Coast Guard  
U. S. Department of Homeland Security  
Email: [roger.k.butturini@uscg.mil](mailto:roger.k.butturini@uscg.mil)



- .1 to monitor the submission of the electronic data elements needed to accommodate the security-related information in MSC/Circ.1130 to the appropriate UN/CEFACT approving bodies and advise the Committee accordingly; and
- .2 to review and finalize the draft revised Compendium for consideration with a view to adoption at FAL 35, taking into account the list identifying the issues which require attention and the outcome of MSC and other organizations such as WCO and UN/CEFACT (TBGs 3 and 4),

and approved the terms of reference for the Correspondence Group.

#### *IMO FAL Form 7*

5.29 The Committee invited DSC 12 to review IMO FAL Form 7 to accommodate any changes needed as a result of the revised text.

#### *Future work on electronic means for the clearance of ships*

5.30 The Committee endorsed the decision of the Group on the required future work on electronic means for the clearance of ships and decided to update accordingly items indicated in the High-level action plan for the 2006-2007 biennium as well as proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium to reflect the future work.

## **6 PREVENTION AND SUPPRESSION OF UNLAWFUL ACTS IN PORTS**

6.1 The Committee noted that no document had been submitted for consideration under this agenda item.

6.2 The Committee also noted that, in the past, this agenda item was entitled Prevention and suppression of unlawful acts in ports and at sea, however FAL 33 had decided to change this and, at present, there were at least three agenda items under which issues related to the prevention and suppression of unlawful acts in ports and at sea could be discussed.

6.3 The Committee decided that, as a result, there was a need to rationalize the agenda of the Committee and further discussions to this end took place under agenda item 16.

## **7 PREVENTION AND SUPPRESSION OF ILLICIT TRADE, INCLUDING DRUGS, WMD AND PEOPLE**

### **Adoption of the Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged on international maritime traffic**

#### *Adoption of the Revised Guidelines*

7.1 The Committee recalled that FAL 33 had completed the review of draft amendments to the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged on international maritime traffic (the Guidelines) adopted by resolution A.872(20) and, consistent with the practice for the joint adoption of instruments, had:

- .1 approved the draft revised guidelines and the associated draft FAL resolution for the adoption, as set out in annex 2 to document FAL 33/19;
- .2 forwarded to MSC 82, the draft revised guidelines and the associated draft MSC resolution on their adoption, 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 MSC 82 when adopting the revised guidelines.

7.2 The Committee noted (FAL 34/7 and Add.1 (Secretariat)) that MSC 82, acting within the framework of the instructions of A 24 in relation to the revision of the Guidelines as set out in resolution A.985(24) 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)), had adopted resolution MSC.228(82) on Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged on international maritime traffic. The Committee further noted that, in preparing the final text of resolution MSC.228(82), MSC 82 had made a few minor amendments to the draft MSC resolution prepared by the SPI Working Group during FAL 33 (FAL 33/WP.4, annex 2) on the adoption of the revised guidelines, but had made no changes to the body of the draft revised guidelines as approved by FAL 33 and set out in annex 2 to document FAL 33/19.

7.3 The Committee adopted resolution FAL.9(34) on Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged on international maritime traffic (the Revised Guidelines), as set out in annex 2.

7.4 The delegation of Venezuela suggested that consideration should be given to including, in the preambular paragraphs of future revisions of resolution FAL.9(34), references to the various United Nations General Assembly and Security Council resolutions dealing with the diversion of precursor chemicals and in particular those of dual use.

#### *Date of implementation*

7.5 The Committee recalled that A 24 had decided (operative paragraph 3 of resolution A.985(24)) that as from the date of the joint adoption by the Committee and the Maritime Safety Committee of the amendments to the Guidelines, resolution A.872(20) should be deemed as revoked. In this respect the Committee noted that resolutions MSC.222(82) and FAL.9(34) “urge Member Governments to implement the Revised Guidelines as from 1 April 2007”.

#### *Report to A 25*

7.6 The Committee recalled that A 24 had requested (operative paragraph 3 of resolution A.985(24)) the Committee and the Maritime Safety Committee to report on action taken in accordance with this resolution A.985(24) to A 25 and instructed the Secretariat to inform A 25 accordingly.

*Revision of model course*

7.7 The Committee recalled that FAL 31 considered a proposal from Colombia (FAL 31/8/2) in relation to the revision of the existing model course on the prevention and control of illicit drug trafficking on board ships and agreed that the revision might be warranted and this task should be undertaken after the relevant amendments to resolution A.872(20) had been developed and agreed by the Committee. The Committee instructed the Secretariat to explore how the matter could be progressed and to inform FAL 35 accordingly. In this respect, the Committee also agreed that, in case the revision of the course was possible within the allocated resources, the Secretariat should proceed with the task.

**Report on the outcome of the 2005 International Conference on the Revision of the SUA Treaties**

7.8 In considering the report (FAL 34/7/1(Secretariat)) on the outcome of the International Conference on the Revision of the SUA Treaties<sup>5</sup> held at the Headquarters of the Organization from 10 to 14 October 2005, the Committee noted that:

- .1 the 2005 SUA Protocol<sup>6</sup> to the 1988 SUA Convention amended the 1988 SUA Convention<sup>7</sup> by broadening the list of offences, such as to include the offence of using a ship itself in a manner that causes death or serious injury or damage and the transport of weapons or equipment that could be used for weapons of mass destruction. The 2005 SUA Protocol to the 1988 SUA Convention introduced provisions for the boarding of ships where there are reasonable grounds to suspect that the ship or a person on board the ship is, has been or is about to be involved in, the commission of an offence under the 1988 SUA Convention;
- .2 the 2005 SUA Protocol to the 1988 SUA Convention, when defining the various offences, made use of a definition of “transport” provided in article 2 in that to transport “means to initiate, arrange or exercise effective control, including decision-making authority, over the movement of a person or item”;
- .3 the 2005 SUA Protocol<sup>8</sup> to the 1988 SUA Protocol amended the 1988 SUA Protocol<sup>9</sup> and extended the scope of provisions on the new offences to fixed platforms in the continental shelf, as appropriate;

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<sup>5</sup> The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

<sup>6</sup> Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

<sup>7</sup> Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

<sup>8</sup> Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

<sup>9</sup> Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

- .4 the 2005 SUA Protocols<sup>10</sup> were opened for signature between 14 February 2006 and 13 February 2007. As at 13 February 2007, eighteen States had signed, subject to ratification, approval or acceptance, the 2005 SUA Protocols. As at 23 March 2007, one State had deposited with the Secretary-General an instrument of accession to the 2005 SUA Protocols; and
- .5 the 1988 SUA Convention and the 1988 SUA Protocol entered into force on 1 March 1992. As at 23 March 2007, 144 States had become Parties to the 1988 SUA Convention and 133 States had become Parties to the 1988 SUA Protocol.

7.9 The Committee agreed to take into account the provisions of the 1988 and 2005 SUA treaties when considering, from the facilitation of maritime traffic point of view, measures and procedures to prevent and suppress illicit trade in the context of the enhancement of maritime security.

#### **Technical co-operation activities with respect to the prevention and suppression of illicit trade, including drugs, WMD and people**

7.10 The Committee noted (FAL 34/7/2 (Secretariat)) that the Forum on the establishment of an integrated sub-regional coast guard network for West and Central African countries, jointly organized by the Organization and the Maritime Organization of West and Central Africa (MOWCA), was held in Dakar, Senegal from 23 to 25 October 2006 (the Forum) with logistic support from the Government of the Republic of Senegal.

7.11 The Forum was attended by over one hundred and sixty (160) participants and observers from twenty-two Member States of the MOWCA, namely Angola, Benin, Burkina Faso, Cameroon, Cape Verde, the Central African Republic, Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea Bissau, Guinea, Mauritania, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo; as well as representatives from international and regional institutions, regional maritime academies and MOWCA specialized agencies.

7.12 Subject-matter experts from the United Nations Division for Ocean Affairs and the Law of the Sea, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization, the International Civil Aviation Organization, INTERPOL, the Commonwealth of Dominica, France, Norway, the United Kingdom, and the United States, also participated actively.

7.13 During the Forum, these subject-matter experts gave presentations in the following areas:

- the legal framework;
- the technical challenges for the establishment of an integrated coast guard network;
- the sustainable development of exclusive economic zones; and
- maritime security and law enforcement issues.

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<sup>10</sup> The 2005 SUA Protocol to the 1988 SUA Convention and the 2005 SUA Protocol to the 1988 SUA Protocol.

7.14 The Forum adopted a resolution listing twenty-two action points in a variety of disciplines. This resolution is expected to be adopted by the MOWCA General Assembly of Ministers at its next meeting. It is intended that the operative paragraphs of the resolution will form the basis of action plans to be developed for the implementation of the integrated coast guard function network, and which will facilitate the co-ordination of specialized agencies' and other donors' capacity and capability building programmes in their own areas of expertise.

7.15 The Committee noted that the ultimate aim of this project was the enhancement of States' search and rescue capabilities, the prevention of pollution and protection of the marine environment; maritime security, countering piracy and armed robbery against ships, illegal migration and the trafficking of drugs, weapons and people. Such a system could also play a major role in States' efforts to realize the potential of their exclusive economic zones and to develop and maintain viable fishing industries, thus contributing to sustainable development, consistent with the United Nations Millennium Development Goals.

7.16 The Committee requested that delegates from Member States who were also Member States of MOWCA bring the outcomes of the Forum to the attention of any Government departments with an interest in maritime policy and law enforcement; delegates from other Member States were invited to consider how a similar approach may have merit in their own region or sub-region; and delegates from all Member States were requested to consider how they may be able to provide technical assistance, relevant to the aims of the Forum.

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

### **Formalities connected with the arrival, stay and departure of persons: Shipboard personnel**

8.1 The Committee recalled that the submission by ILO (FAL 34/8/1), the only written submission under this item, had already been considered under agenda item 4.

### **Formalities connected with the arrival, stay and departure of persons: Stowaways**

#### *Stowaway incidents*

8.2 The Committee noted that the Secretariat had continued to issue the quarterly and annual reports on stowaway incidents reported to the Organization as FAL.2 circulars. Since FAL 33, the Secretariat had issued FAL.2/Circ.98 and FAL.2/Circ.99 setting out the information reported to the Organization in relation to stowaway incidents during the third and fourth quarter of 2006. The annual statistics for 2006 were set out in FAL.2/Circ.102.

8.3 The Committee noted the following summary of information reported to the Organization in relation to stowaway incidents during the period 2002 to 2006:

Stowaway cases and stowaways

Year	2002	2003	2004	2005	2006
Stowaway cases	265	185	98	96	244
Stowaways involved	574	481	210	209	657

## Reporting sources

Year	2002	2003	2004	2005	2006
Member States	7	8	10	8	13
Associate Members	1	1	0	0	1
NGOs	2	1	0	0	1

8.4 The Committee noted that the need for submitting reports of stowaway incidents had been repeatedly stressed, the situation in this respect was not satisfactory and the low number of reporting sources did not provide any confidence on the objectivity of the statistical information collected by the Organization. The Committee further noted that in a significant number of cases the reports submitted were incomplete and this prohibits the analysis of the information and the drawing of conclusions. The Committee invited once more Member States and non-governmental organizations to submit reports of stowaway incidents and stressed the need for these to be complete and accurate.

8.5 The Committee shared the concerns expressed by the Secretary-General during the opening of the session that, setting aside issues related to the limited and inconsistent reporting, the statistical information pointed out that ships, port facilities and governments need to seriously reflect on the adequacy and effectiveness of the implementation of the preventive security measures stipulated in Standard and Recommended Practices which had been included in the Convention, through the 2002 amendments to Convention, in an effort to bring matters related to stowaways under control and which entered into force on 1 May 2003 and on the implementation of SOLAS chapter XI-2 and the ISPS Code which entered into force on 1 July 2004.

*Need to revise FAL.2/Circ.50/Rev.1 on Reports on stowaway incidents*

8.6 The Committee recalled that FAL 27 approved FAL.2/Circ.50/Rev.1 on Reports of stowaway incidents which sets out the information which needed to be submitted to the Organization and which calls for comments on the effectiveness of the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases adopted by resolution A.871(20).

8.7 The Committee also recalled that since FAL 27, the 2002 amendments to Convention, which contain Standards and Recommended Practices in relation to stowaways, had entered into force and thus there was a need to update accordingly FAL.2/Circ.50/Rev.1. The Committee also noted that it was also necessary in relation to the Performance indicators which are to be used to monitor the performance of the Organization against the Strategic plan for the Organization (for the six-year period 2006 to 2011) and the High-level action plan and priorities of the Organization.

8.8 The Committee further noted that FAL.2/Circ.50/Rev.1 was also inviting Member States to submit, three months before each session of the Committee, summaries of national legislation or in the absence of legislation, summaries of practices addressing stowaway incidents which in the light of the current provisions of the Convention may have been overtaken by events.

8.9 The Committee agreed that FAL.2/Circ.50/Rev.1 should be reviewed and updated during FAL 35 and invited submissions to this end.

*Harmonization of forms and notifications for the return of stowaways*

8.10 The Committee recalled that resolution A.871(20) on Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases provided in its appendix a form for the notification of stowaways.

8.11 The Committee also recalled that FAL 28, noting the difficulties experienced in the context of the return of stowaways, identified, *inter alia*, the lack of harmonization of national forms and notifications as a contributing factor and agreed to work towards the harmonization of these in the future. FAL 28 further agreed that there would be a need to consider samples of the national forms and notifications used prior to embarking on a work of harmonization and had invited Member States to submit, for consideration at FAL 29, models of their national forms and notifications. In addition, FAL 28 decided that such information should be reviewed with the aim of preparing standard forms to be included in the Convention.

8.12 The Committee further recalled that following the entry into force of the 2002 amendments to the Convention on 1 May 2003, Recommended Practice 4.6.2 and appendix 3 to the Convention provided a form which can be used by the master when gathering relevant stowaway details for notification.

8.13 The Committee recalled that during FAL 32 the Chairman suggested that, taking into account Recommended Practice 4.6.2 and appendix 3 to the Convention, Member States and international organizations might wish to consider changing this Recommended Practice to a Standard and formalize the recommended form into an IMO FAL Form, which may lead to the harmonization of forms used in reporting stowaways to public authorities and thus would assist ships' masters in reducing documentary requirements. In this respect the Committee noted that FAL 32 agreed to consider the proposal, invited submissions to this end for consideration at FAL 33 and reiterated the invitation to submit models of the national forms and notifications used for the return of stowaways. The Committee also noted that FAL 33 received no submissions in this respect.

8.14 The Committee agreed that, as a result, the issue of harmonization of forms and notifications for the return of stowaways had been under discussion since FAL 28 and until now none of the Member States had submitted information to this end despite the fact that the Committee had reiterated the request for submission of national forms and notifications used for the return of stowaways at every session since FAL 28. The Committee also agreed that, in view of the track record, reiterating once more the request for submission of national forms and notifications used for the return of stowaways may not produce results and thus the Committee needed to take another approach in addressing this issue.

8.15 The Committee agreed that changing Recommended Practice 4.6.2 to a Standard and appendix 3 to an IMO FAL Form in appendix 1 of the Convention would lead to the desired harmonization of forms and notifications for the return of stowaways.

8.16 The Committee also agreed that this task could be pursued either by approving the required amendments to the Convention during this session for consideration with a view to approval during FAL 35 or one of the Contracting Governments could submit, pursuant to article VII(2), the required amendments for consideration with a view to adoption during FAL 35.

8.17 The Committee recognized that it might not be practically possible to prepare and approve the required amendments during the session and, as a result, invited Contracting Governments to consider submitting the required amendments to the Secretary-General for consideration with a view to adoption during FAL 35, when it was contemplated to consider and adopt other amendments to the Convention which it had already approved under agenda items 4 and 5.

*National legislation on practices addressing stowaway incidents*

8.18 The Committee recalled that FAL 27 had urged Member States to provide the Organization with a summary of their national legislation addressing stowaway incidents or a summary of current practices and it had reiterated this request at every session since then. In this respect the Committee noted that only two<sup>11</sup> Member States had provided information in this respect.

8.19 The Committee noted that, following the entry into force of the 2002 amendments to the Convention, which contain Standards and Recommended Practices in relation to stowaways, a review of the discussions which led FAL 27 to urge Member States to provide the Organization with a summary of their national legislations addressing stowaway incidents or a summary of current practices suggested that matters may have been overtaken by events and the issue may only be relevant in relation to those Member States which are not yet Contracting Governments. In this respect, the Committee noted that the number of States which are Contracting Governments now stood at 110 as compared to 83 when the matter was discussed during FAL 27.

8.20 In the light of developments the Committee agreed to renew the request for submission of summaries of national legislations or of practices addressing stowaway incidents.

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

8.21 The Committee recalled that FAL 28 agreed that the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases (the Guidelines), adopted by resolution A.871(20), should be scrutinized at a later stage in order to strengthen their content and had invited Member States and international organizations to submit proposals to this end for consideration during FAL 29.

8.22 The Committee also recalled that FAL 29, FAL 30, FAL 31 and FAL 32, in the absence of submissions in this respect, repeated similar requests and FAL 33, having noted that no documents had been submitted on the issue, agreed that the Guidelines should be considered as adequate and that no further action was needed.

8.23 Notwithstanding the decision of FAL 33, the Committee noted that a review of the Guidelines clearly showed that these neither make reference to nor reflect any aspects of the provisions which had been included in the Convention in relation to stowaways through the 2002 amendments to the Convention. In addition, it was noted that resolution A.871(20) made no reference or took into account the provisions of SOLAS chapter XI-2 and the ISPS Code. As a result, the Committee agreed that resolution A.871(20) should be reviewed and updated during FAL 35 and invited submissions to this end.

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<sup>11</sup> FAL 31/INF.4 (Secretariat) information provided by Denmark and the Islamic Republic of Iran.



*Proposal for the creation of an IMO Stowaway Focal Point*

8.24 INTERCARGO and INTERTANKO (FAL 34/18) presented comments on practical problems associated with the disembarkation of stowaways and suggested the creation of an IMO Stowaway Focal Point to assist in the process of resolution of stowaway cases. They suggested that the IMO Stowaway Focal Point should be available on a 24-hour a day/7 days a week basis and should be tasked with facilitating communications between the various parties which may have a bearing on the particular case. They expressed the view that this could be of immense assistance in achieving an optimum outcome for all parties concerned. In addition they suggested that the IMO Stowaway Focal Point could also act as a repository of information and advice to the shipping industry in general on stowaway issues.

8.25 A number of delegations indicated that the establishment of an IMO Stowaway Focal Point was an idea which was worth exploring although some of them, in doing so, taking into account the number of stowaway incidents reported to the Organization during the recent years, expressed concerns on the additional work for the Secretariat that this may lead to. In this respect, some cited the increasing amount of work imposed on the Secretariat and enquired whether the Secretariat had had an opportunity to consider the implications of performing such a task.

8.26 The Director of the Maritime Safety Division pointed out that on the clear understanding of the Secretariat was not “operational” and cannot man such a service on a 24-hour basis, including on weekends and public holidays, arrangements could be made to try the system proposed on an experimental basis to last for example until FAL 35 when results could be evaluated before any further action is taken.

8.27 One delegation suggested that the proposed system could be expanded to include illegal migrants however, this view was not widely shared and the Committee agreed that, if such a system was to be tried on an experimental basis, it should only deal with stowaways.

8.28 The Committee, following an exchange of views on a variety of salient issues, requested the Secretary-General to establish within the Secretariat an IMO Stowaway Focal Point on a trial experimental basis. The Committee agreed that the primary function of such an IMO Stowaway Focal Point was to provide assistance for the successful resolution of stowaway cases only when the parties concerned had been unable to resolve such issues within the means available to them. In this respect, the Committee approved terms of reference for the conduct of such trials as set out in annex 3 and agreed to review the experience gained during FAL 35 before taking any further actions.

**Formalities connected with the arrival, stay and departure of persons: illegal migrants**

8.29 The Committee noted that no document had been submitted for consideration under this item.

**Formalities connected with the arrival, stay and departure of persons: persons rescued at sea**

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

8.30 The Committee recalled that FAL 33 had established a Correspondence Group on Administrative procedures for disembarking persons rescued at sea under the co-ordination of Denmark (Mr. Frank Bjerg Mortensen).

8.31 The Committee considered the actions requested by the Correspondence Group in its report (FAL 34/8 (Denmark as Co-ordinator of the Correspondence Group)) and, after noting the work done by the group, decided as follows.

8.32 The Committee, having noted that a number of Member States and non-governmental organizations supported the continuation of the work of the Correspondence Group and pledged to participate in its work, agreed to re-establish the Correspondence Group on Administrative procedures for disembarking persons rescued at sea, under the co-ordination of Denmark\*, with the following terms of reference:

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

8.33 The Committee also invited Member States to submit for consideration during FAL 35 details of the procedures they had in place for disembarking persons rescued at sea and information on the actions they had taken in implementing resolution MSC.167(78) on Guidelines on the treatment of persons rescued at sea.

*Developments at the inter-agency level*

8.34 The Committee recalled that FAL 33 was advised that UNHCR had compiled, with the assistance of the Secretariat, a guidance leaflet which was intended to be distributed to ship masters as a quick guide to principles and practice as applied to migrants and refugees and that it was hoped that the quick guide would be finalized and distributed shortly.

8.35 The Committee noted that the IMO/UNHCR leaflet on Rescue at sea: A guide to principles and practice as applied to migrants and refugees had been published and an electronic version of it was available on the IMO website and can be downloaded using the following internet address ([http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D15282/UNHCRIMOleafletpersonsrescuedatsea.pdf](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D15282/UNHCRIMOleafletpersonsrescuedatsea.pdf)).

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## **9 FACILITATION ASPECTS OF IMO FORMS AND CERTIFICATES**

### **Online access to certificates and documents required to be carried on board ships**

9.1 The Committee recalled that FAL 33 noted that MSC 81 had considered the outcome of FAL 32 and MEPC 54 on the issue 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 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 the Committee.

9.2 The Committee also recalled that MSC 81, 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.

9.3 The Committee also recalled that FAL 33 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 (Ms. Emily Comyn).

9.4 The Committee considered the actions requested by the Correspondence Group in its report (FAL 34/9 (ICS as Co-ordinator of the Correspondence Group)) and after noting the work done by the group, decided as follows.

9.5 The delegation of the Bahamas pointed out that it was clear from the discussions within the Correspondence Group that, whichever of the alternative systems under discussion was selected for accessing data, the process for establishing the database would be lengthy, costly and complicated. In particular, it had become clear that the task of ensuring that the data was up to date and correct would require radical changes to the way in which certification and documentation of ships was carried out. The Bahamas also pointed out that certificates and documents were issued by several bodies acting on behalf of many flag States, each of which had a different way of communicating with the flag State concerned and of ensuring that up-to-date certificates and documents were on board. The Bahamas suggested that it was necessary to reflect whether it would be worth the effort and the expense to establish such systems and whether there was a simpler process that would achieve the same end results more quickly and for less time, effort and expense.

As the aim of the proposed procedures was to give to the port to which a ship would be proceeding, easy access to information relating to certificates and documents carried on board before the arrival of the ship, perhaps a simpler procedure would be for a ship to hold electronic copies of these and to send them electronically to the port with one of its pre-arrival messages. Such electronic copies could be held for example in a pdf format on a single file which could be

readily attached to a suitable message. When new certificates and documents were received they could be placed in such a file as replacements for the expired ones.

In addition to the implementation of such a system being easy, quick and low in cost, the advantages of using such a system were, *inter alia*:

- the system would not require a central database, saving the cost, time and effort required to achieve such a massive objective;
- the ship would have control of the information being sent to the port and would not be vulnerable to the possibility of out-to-date information being sent from a central database;
- the burden on the ship before arrival would not be significantly increased and there would be the same benefit during a port State control inspection as with a centralized system; and
- the data would only be available to those entitled to view it and not to general inspection by all with access to the database and thus there would be much greater protection of the data.

9.6 The overwhelming majority of the delegations which engaged in the discussions supported the approach suggested by the Bahamas and some also pointed out additional areas and issues of concern to them.

9.7 The delegation of Denmark pointed out that, in its view, scanned copies of certificates and documents required to be carried on board were no better than photocopies when it comes to authentication and validation. The delegation of the Republic of Korea offered to provide the Committee with the results of the experience they have gained from trials of online access to documents.

9.8 The Committee instructed the Working Group on Electronic means for the clearance of ships to study the report of the Correspondence Group and to advise the Committee on any salient issues within its expertise which may need to be taken into account.

9.9 The Committee agreed to establish a Correspondence Group on Online access to certificates and documents required to be carried on board ships under the co-ordination of Saint Kitts and Nevis\* and instructed it to consider the proposal by the Bahamas (paragraph 9.5) in detail and to:

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- .1 determine the methodology and facilities required for maintaining certificates and documents in electronic format on board ships;
- .2 determine the procedures to be adopted for submitting electronic copies of certificates and documents on a pre-arrival basis;
- .3 identify any legal implications which need to be addressed, particularly in relation to the related IMO instruments, when implementing such a system;
- .4 advise the strengths, weaknesses, opportunities and threats of such a system; and
- .5 identify the required steps and associated time frames for implementing such a system.

9.10 The Committee reiterated its view that on-line access to certificates and documents required to be carried on board ships was still a long-term project and objective.

## **10 SECURING AND FACILITATING INTERNATIONAL TRADE**

10.1 The Committee recalled that FAL 33, following initial consideration of the issue by the Working Group on Ship/Port Interface, had approved the establishment and 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 transported by ships (Joint MSC/FAL WG) and had invited MSC 82 to convene the first meeting of the Joint MSC/FAL WG.

10.2 The Committee also recalled that FAL 33 had urged Member States 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 (closed CTUs) and freight containers to MSC 82 for consideration by the Joint MSC/FAL WG.

10.3 The Committee recalled also that FAL 33 had agreed that, subject to the discussions and developments during MSC 82, the second session of the Joint MSC/FAL WG may take place, subject to relevant decision of MSC 82, during FAL 34 under this agenda item.

10.4 The Committee noted that the deliberations of the Joint MSC/FAL WG during MSC 82 had been based on proposals outlined in documents MSC 81/5/4 (also issued as FAL 33/8/2) (Secretariat), MSC 82/4/2 (Japan), MSC 82/4/3 and MSC 82/INF.7 (United States) and MSC 82/INF.2 (ISO) and in the wider context of supply chain security, the WCO's SAFE Framework of Standards to secure and facilitate global trade (SAFE Framework of Standards) and the WCO's Authorized Economic Operator Guidelines (the AEO Guidelines).

### **Outcome of MSC 82**

10.5 Having noted (FAL 34/10 (Secretariat)) the record of the deliberations of the Joint MSC/FAL WG in the wider context of supply chain security and the SAFE Framework of Standards, and having also noted that no specific decisions had been asked of the Committee with respect to the security of closed CTUs and of freight containers transported by ships, the Committee approved the report of the Joint MSC/FAL WG during MSC 82 as a work in progress.

10.6 The Committee also noted that MSC 82 had also urged Member States 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 CTUs and of freight containers to FAL 34 for consideration by the Joint MSC/FAL WG.

### **Recent developments at WCO relating to supply chain security**

10.7 The Committee recalled that FAL 32 had been provided (FAL 32/INF.7 (Secretariat)) with information on the SAFE Framework of Standards including an associated fact sheet prepared by the WCO. The Committee also recalled that FAL 33 had been provided (FAL 33/8/1 (Secretariat)) with a copy of the Resolution of the Customs Co-operation Council on the Framework of standards to secure and facilitate global trade through which the WCO Council adopted the SAFE Framework of Standards in June 2005 and with details of the WCO website address from where the SAFE Framework of Standards could be downloaded in Arabic, English, French, Spanish and Russian.

10.8 The Committee noted (FAL 34/INF.3 (Secretariat)) that in June 2006 the WCO Council had adopted the Authorized Economic Operator standards (the AEO Guidelines) which were appended to the SAFE Framework of Standards. The AEO Guidelines, as approved by the WCO Council in June 2006, are available on the WCO website ([www.wcoomd.org](http://www.wcoomd.org)). The Committee noted further that 144 WCO Members had expressed their intention to implement the SAFE Framework of Standards.

### **Consideration of proposals**

10.9 The United States (FAL 34/10/1) proposed that work on securing and facilitating international trade should focus on:

- .1 maintaining the integrity of containers while within the port facility's or vessel's control;
- .2 container seals, both mechanical and electronic (e-seals), and developing measures that would facilitate the chain-of-custody for a properly applied seal as part of an end-to-end program;
- .3 facilitation of container movement rather than installing burdensome measures that slow container operations; and
- .4 single window and information security and, in particular, the need to elevate the importance of technical co-operation to bring about wider and more rapid implementation of the Single Window.

10.10 The United States (FAL 34/10/4) also suggested that the Facilitation and Maritime Safety Committees issue a joint MSC/FAL circular in order to raise awareness in relation to the SAFE Framework of Standards and the AEO Guidance and submitted for consideration a draft circular to this end.

10.11 The United States (FAL 34/10/5) further suggested how six individual elements of the AEO Guidelines (which apply to the Authorized Economic Operators (AEO) and Customs) might be taken into account by IMO instruments for the purpose of improving the security of closed CTUs and proposed ways to review the ISPS Code and the Convention accordingly. The

United States recommended that these may be appropriate for further deliberation within the Joint MSC/FAL WG.

10.12 The Committee noted that the United States (FAL 34/INF.4<sup>12</sup> and FAL 34/INF.5<sup>13</sup>) had catalogued, based on extensive validations and site visits, port security best practices and supply chain security best practices, and had made the catalogues available at the following website addresses:

<http://www.uscg.mil/hq/g-m/mp/xfacts.html>; and  
[http://www.cbp.gov/linkhandler/cgov/import/commercial\\_enforcement/ctpat/ctpat\\_best\\_practices.ctt/ctpat\\_best\\_practices.pdf](http://www.cbp.gov/linkhandler/cgov/import/commercial_enforcement/ctpat/ctpat_best_practices.ctt/ctpat_best_practices.pdf)

10.13 Japan (FAL 34/10/2) agreed that the SAFE Framework of Standards should be implemented but, noting that any amendments to the SOLAS and FAL Conventions and the ISPS Code would take a significant time to come into effect; and that it would also take time for the AEO system to work in practice, proposed that it was necessary for the Organization to develop the interim guidance on the security and facilitation of the movement of containers transported by ships, based on the SAFE Framework of Standards.

10.14 Japan proposed that:

- .1 the interim guidance should apply to all maritime container transport-related operators. Nevertheless, the interim guidance being considered with a view to adoption should in the first instance be applicable to operators working within port areas, and during implementation, this interim guidance could be utilized as best practice for the other operators working outside port areas. Full consideration could then be given to complete interim guidance for all maritime container transport-related operators including operators who are working outside port areas;
- .2 the interim guidance should be designed according to the type of operators;
- .3 measures described in the interim guidance should not be limited to seal management. Examples to be considered regarding measures other than seal management included cargo room management, access management, cargo load inventory work management, employee management, and documentation management; and
- .4 all maritime container transport-related operators should be recommended to establish rules or security plans to be used for their own use.

10.15 Japan further suggested that in order to achieve smooth and efficient transport, it was important to consider a framework in which, for example, maritime container transport-related operators who took security measures based on the interim guidance would be certified by neutral bodies and beneficial incentives would be given to them, such as a guarantee of uninterrupted transport.

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<sup>12</sup> Submitted to MSC 82 as document MSC 82/INF.5 (United States).

<sup>13</sup> Submitted to MSC 82 as document MSC 82/INF.7 (United States).

10.16 The Islamic Republic of Iran (FAL 34/10/3) made proposals on the enhanced security measures to be applied to closed CTUs in port facilities at security levels 2 and 3, as defined in the ISPS Code, and argued that inspecting every box was both unacceptable and an unnecessary burden upon the authorities of the port facility; thus a “green lane/red lane” system could play a significant role in balancing security and facilitation, especially when security level in port facility was raised to level 2.

10.17 Canada (FAL 34/10/6) proposed that with respect to the integrated supply chain security management framework; and customs control systems relating to the harmonization of ship/port security interface with the land movement of freight containers and closed CTUs, the Committee should:

- .1 review the Single Window requirements in the maritime sector;
- .2 review the role of AEOs within the maritime sector subject to the current ISPS Code and consider any potential further modifications to the SOLAS Convention; and
- .3 develop interim guidance for supply chain security.

10.18 The delegation of Germany, whilst welcoming the developments within WCO aimed at enhancing the security of global trade and the adoption of related standards and guidelines which could be applied in the international maritime transport sector, stated that it had difficulties in accepting some of the proposals under consideration or elements thereof. Germany pointed out that the work undertaken by the Organization in relation to the enhancement of maritime security did not provide the forum for setting security-related standards to be applied in the entire supply chain and thus it could not support the proposed development of interim guidance on supply chain security. In addition, it indicated that raising awareness in relation to the work done by WCO thus far was advisable and exploring possibilities of adopting appropriate amendments to the Convention and part B of the ISPS Code was an option. However, in their view there was no need to explore the possibility of amending part A of the ISPS Code.

10.19 The delegation of South Africa, supported by a number of other delegations, suggested that there should be safeguards against implementing any measures which increase the cost of doing business for developing countries and pointed out the need for establishing mechanisms which bring improvements to security without leading to increases in cost.

10.20 The observer from ICS suggested that the introduction of any new measures should be based on a gap analysis between the provisions of SOLAS chapter XI-2 and the ISPS Code and those of the SAFE Framework of Standards and the associated AEO Guidelines. In their view, before acting, the compelling need should be established and any proposals should provide a sound balance between measures designed to facilitate maritime traffic and security requirements. In addition, whilst observing the guiding principles of the 2002 SOLAS Conference resolution 9, there was a need to reflect on the practical difficulties encountered when undertaking inspections of cargo, closed CTUs and freight containers and the burden such inspections lead to.

10.21 The proposal of the United States (FAL 34/10/4) in relation to raising awareness on the SAFE Framework of Standards and the AEO Guidelines was supported by those who were engaged in the discussions.



### **ISO supply chain and freight container initiatives**

10.22 The Committee noted that MSC 81 and MSC 82 had invited (MSC 81/25, paragraph 5.73 and MSC 82/24, paragraph 4.54) ISO to continue to provide information on the various initiatives it pursued in an effort to contribute to the global efforts to enhance security; and in particular, in connection with the enhancement of security in the supply chain and in relation to the transport of freight containers.

10.23 The Committee also noted (FAL 34/INF.6 (ISO)) the updated information on the initiatives pursued by ISO on enhancing security in the supply chain and in relation to the electronic port clearance of ships.

10.24 The Committee invited ISO to continue to keep the Committee updated on the work it undertakes with a view to enhancing security in the supply chain and in relation to the electronic port clearance of ships.

### **Establishment of the Joint MSC/FAL WG**

10.25 The Committee instructed the Joint MSC/FAL WG, in the context of its terms of reference as set out in annex 3 to document FAL 33/19<sup>14</sup> and taking into account the comments and decisions made in plenary, to consider the proposals submitted by the United States (FAL 34/10/1, FAL 34/10/4, and FAL 34/10/5), Japan (FAL 34/10/2), the Islamic Republic of Iran (FAL 34/10/3), and Canada (FAL 34/10/6) and to advise the Committee and the Maritime Safety Committee on how the matter should be progressed.

### **Consideration of the report of the Joint MSC/FAL WG**

10.26 Having received the report of the Joint MSC/FAL WG (FAL 34/WP.5), the Committee approved the report in general and took action as indicated in the ensuing paragraphs.

10.27 The Committee noted (FAL 34/WP.5, paragraphs 3 to 13) the discussions of the joint MSC/FAL WG in respect of the security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships.

10.28 The Committee approved, from its own point of view, the draft joint MSC/FAL circular on Securing and facilitating international trade (FAL 34/WP.5, annex) and instructed the Secretariat to issue it once approved by the Maritime Safety Committee.

10.29 The Committee decided to forward the draft Joint MSC/FAL circular on Securing and facilitating international trade (annex 4) to the Maritime Safety Committee for its consideration with a view to approval, noting that the Committee had completed its work in this regard.

10.30 The observer from ICFTU reiterated their view that the ILO/IMO Code of Practice on security in ports and paragraph 10 of the preamble to the ISPS Code, were relevant to the above circular and should have been taken into account in the draft text of the circular.

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<sup>14</sup> From the point of view of MSC the terms of reference are set out in the annex to document MSC 82/4 (Secretariat).

## 11 SHIP/PORT INTERFACE

### Facilitation of shipments of dangerous cargoes

11.1 The Committee noted that on the basis of documents DSC 11/2, DSC 11/2/Add.1 and DSC 11/3/12, DSC 11 had noted that operative paragraph 7 of resolution A.984(24) requested the Secretary-General 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 the IMDG Code class 7 radioactive materials, in close co-operation with the IAEA. DSC 11 had considered the proposal of the Secretariat, whereby, in the above context, a way forward might be the establishment of a contact point at the Secretariat so that sectors of the industry experiencing difficulties in the shipments of class 7 radioactive materials could 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. In that context, the role of IMO would be that of a facilitator.

11.2 The Committee also noted that DSC 11, having noted that the aforementioned proposal of the Secretariat had been noted by MSC 81 and supported by FAL 33, had supported the proposal noting that such a mechanism would contribute to the resolution of such difficulties and requested the Secretariat to keep the Sub-Committee informed of the relevant developments.

11.3 The Committee recalled that FAL 33 had established a correspondence group on a mechanism within IMO for the resolution of difficulties in the carriage of class 7 radioactive materials with the terms of reference listed in paragraph 12.22 of document FAL 33/19.

11.4 The Committee had for its consideration:

- .1 documents FAL 34/11, FAL 34/11/1 and Corr.1 (Secretariat) which provided the relevant outcomes DSC 11 and MSC 82, whereby, amongst others, MSC 82 had instructed the DSC Sub-Committee to elaborate on the training requirements for those associated with the shipments and handling of IMDG Code class 7 radioactive materials; to prepare suitable amendments to the Code which would avoid duplication of information already provided; and to develop appropriate guidance, in the form of amendments to the IMDG Code, on providing additional information in the transport/shipment document to ensure that, amongst others, additional information does not clutter the transport documents and safety-related information is not suppressed;
- .2 document MSC 82/13/1 (United Kingdom) which raised concern regarding the proposal to include an entry in the transport document and/or dangerous goods manifest (FAL Form 7) to confirm that the radioactive material is to be used in medical or public health applications only;
- .3 document MSC 82/13/3 (WNTI) which provided reasons why the expeditious transport of radioactive materials should not be dependant on their end use;
- .4 document FAL 34/11/2 (Canada, co-ordinator of the correspondence group) which transmitted the report of the correspondence group. The delegation of Canada, while introducing the report which provided a mechanism within IMO Secretariat

for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, delivered an associated presentation;

- .5 document FAL 34/INF.7 (Secretariat) which provided information on recent developments at UN/CEFACT Working Group (ITPG) on Documentary aspects of the international transport of dangerous goods, issued by UN/CEFACT on 2 February 2007.

11.5 In addition, the Secretariat explained that the decision of the Committee to introduce a provision for additional information in FAL Form 7 (Dangerous Goods Manifest) was in line with the existing provisions of the IMDG Code, amendment 33-06, whereby in addition to the requirements of chapter 5.4 of the Code, other elements of information may be required by the Competent Authority; that section IX of draft revised Recommendation 11 stated that, where special additional requirements exist, regulations and conventions should permit incorporation of the necessary data in the dangerous goods transport document itself as an alternative to a separate document; and that, in the context of multimodal transport, the revision of Recommendation 11 had been welcomed by the UN Sub-Committee of experts on the transport of dangerous goods at its meeting in December 2006.

11.6 The Committee discussed the matter at length and in the ensuing discussion:

- .1 the delegation of Venezuela supported the proposed mechanism and clarified that the restrictions on shipments of class 7 radioactive material were historical in nature as certain amounts of radioactive waste had been found at various sites in the country between 2000 and 2002. The delegation stated that their Government was in contact with the authorities in Canada to facilitate the shipments of Cobalt 60 to and through Venezuela;
- .2 the delegation of the United Kingdom supported the proposed mechanism and suggested that it should not be confined to class 7 radioactive materials only, instead it should be extended to encompass all classes of dangerous goods. They further proposed that the development of class 7 training and handling guidance material would contribute towards the facilitation of such shipments;
- .3 the Secretariat elaborated that steps were being taken, in co-operation with IAEA, to explore the possibility of developing a class 7 e-learning package which would be developed along the lines of that for the existing IMDG Code;
- .4 the delegation of France expressed reservations about the proposed mechanism. It stated that in France an authority other than the maritime authority was responsible for matters relating to denial of shipments of class 7 radioactive materials, and that it was for each State to designate an administrative body to be its contact point under the proposed mechanism.

The French delegation also stated that such shipments were often denied for commercial reasons and that the IMO Secretariat should not try to intervene to resolve individual problems but simply collect and analyse information on problems;

- .5 the observer from ILO, in supporting the proposed mechanism, stated that ILO Convention 152 was relevant to the issue at hand and expressed the International

Labour Office's willingness to be associated with ongoing measures to facilitate the shipments of class 7 radioactive materials;

- .6 the delegation of China supported the proposed mechanism and expressed the view that there might be difficulties in defining class 7 radioactive materials for the end-user in medical/public health applications. Cobalt-60 is a kind of radioactive material that needs some special measures to be taken in shipping, handling in port and storing. IAEA also has similar requirements on this. This authority has not received any shortage report in Cobalt-60 from a domestic source. Chinese ports have sufficient capabilities to handle Cobalt-60 of class 7 radio-active material, as needed;
- .7 the representative of DGAC expressed the view that the proposed mechanism would address issues surrounding delays and denials of shipments of class 7 radioactive materials and that it should be extended to encompass all classes of dangerous goods particularly class 1.4S as 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) recommended that, amongst others, Member Governments and those concerned should facilitate the efficient, cost effective and expeditious handling and shipment of dangerous cargoes, including IMDG Code division 1.4S materials aboard ships and in and through ports, provided that these cargoes are shipped in accordance with the relevant provisions. The Committee noted the intention of DGAC to submit associated proposals for consideration at DSC 12 and FAL 35;
- .8 the delegation of the United Kingdom, supported by the delegation of France, expressed the view that any potential entry in the transport document should not be associated with the end-use of class 7 radioactive material; that the DSC Sub-Committee should develop appropriate text for entry in the transport document; and that the fact sheet prepared for the maritime transport supply chain should be suitable for use in multimodal transport; and
- .9 the Chairman clarified that neither the FAL Committee nor the DSC Sub-Committee would be preparing any specific text for entry in the transport document/dangerous goods manifest (FAL Form 7), instead, in accordance with the relevant decision of MSC 82 (FAL 34/11/1, paragraph 3.2), the DSC Sub-Committee will prepare guidance on providing such additional information.

11.7 The Director, Maritime Safety Division drew the attention of the Committee to the fact that the proposed new mechanism may have an implication on resources within the Secretariat, but the degree of that implication was proportional to the frequency of incidents of difficulties relating to the delays and denials of shipments of class 7 radioactive materials brought to the attention of the Secretariat and the existing work load of the Secretariat. He believed that it would be prudent to implement the proposed mechanism on a trial and experimental basis with a view to studying any implication before formally establishing such a mechanism. He expressed the view that the activity of the Secretariat in the proposed mechanism would be within the limit of consultation, exchange of information and facilitation and, therefore, within the scope of the IMO Convention.

11.8 The observer from IAEA supported the views of the Secretariat and emphasized that facilitating the shipments of such cargoes required, amongst others, a commitment from Member States and respective organizations. The observer expressed the view that the denial of shipment of class 7 radioactive material is a broad one which includes denial of that class of shipment in a port or its rejection by a carrier beforehand.

11.9 Having taken into account the relevant proposals submitted under this item and following the above discussion, the Committee, noting, in particular, that the concept of such a mechanism was noted by MSC 81 and supported by FAL 33 and DSC 11:

- .1 approved, in principle and subject to results of a trial, the proposed mechanism within IMO Secretariat for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, subject to editorial improvements by the Secretariat, as set out in annex 5;
- .2 requested the Secretariat to conduct a trial of the proposed mechanism and report on its experience to FAL 35 for evaluation of results of the trial; and
- .3 requested the Secretariat to continue to co-operate with IAEA, ILO and other UN bodies on issues surrounding the delays and denials of shipments of class 7 radioactive materials.

11.10 With regard to the notification of denials of shipment of dangerous goods other than class 7, the Committee requested the Secretariat to keep a record only of any notification of such denials which is brought to the attention of the Secretariat.

11.11 In the above context, having noted that as it had already agreed on the provision for additional information in IMO FAL Form 7, which is in line with the provisions of IMDG Code, IATA Dangerous Goods Transport Document and UN/CEFACT draft revised Recommendation 11, the Committee approved, with the view to adoption at FAL 35, the following draft amendments to the FAL Convention:

- .1 at the end of Standard 2.8.1, the following new item is added:  

“• Additional information.”; and
- .2 in appendix 1, below IMO FAL Form 7, a box containing the text “Additional information: . . .” is inserted.

11.12 The Committee recalled that it referred the outcome of DSC 11 in relation to matters pertaining to the revision of the IMO Compendium on Electronic Business to the Working Group on Electronic means for the clearance of ships for the necessary actions on the understanding that the group will be informed of any salient issues which may transpire during the consideration of the matter under this agenda.

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

11.13 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 a model course on training of mooring personnel under the co-ordination of Germany (the late Captain Hans-Jurgen Roos). The Committee also recalled that

for reasons beyond the control of the co-ordinator, the correspondence group was not in a position to report to FAL 33 and decided to defer the consideration of the matter to FAL 34.

11.14 The Committee further recalled that the origin of the issue went as far back as FAL 26 when the development of minimum standards for the education and training of port marine personnel was first discussed. When considering the work programme of the SPI Working Group, MSC 75 instructed the group to reconsider the matter and to provide MSC 77 with a justification for this work item. MSC 77 considered the justification provided and concurred with the decisions of FAL 30 to change the title of the item to “Guidelines on minimum training and education for shore-side mooring personnel” to clearly indicate that the guidelines were directed to shore-side personnel.

11.15 The Committee noted that, as a result, the developments of guidelines on minimum training and education for shore-side mooring personnel had been under discussion within the Committee since FAL 30 and very little progress had been made due to, as shown by the records of the Committee, lack of interest.

11.16 The Committee agreed that there was a need, in the light of the fact that FAL 32 approved FAL.6/Circ.11 on Guidelines on minimum training and education for mooring personnel (the Guidelines) and the lack of response to MSC/Circ.1098-FAL/Circ.99 on Development of guidelines on minimum training and education for shore-side mooring personnel, which invited Member States and non-governmental organizations to submit such standards to the co-ordinator of the correspondence group, to seriously reflect on why for almost ten years there had been very little progress on this issue.

11.17 The Committee agreed that it may be appropriate, at this stage, to allow some time for experience to be gained from the use of the Guidelines on minimum training and education for mooring personnel approved by FAL 32 before the question of the development of a model course is re-examined.

## **Bibliography**

11.18 The Committee recalled that FAL 34 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 occurred.

11.19 The Committee noted that, since the issue of FAL.6/Circ.14 on Revised list of existing publications relevant to areas and topics relating to the ship/port interface, the Secretariat had not received any information which would have necessitated the revision of the circular 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.

## **12 TECHNICAL CO-OPERATION SUB-PROGRAMME FOR FACILITATION**

12.1 The Committee recalled that the theme of World Maritime Day in 2006 was “Technical Co-operation: IMO’s Response to the 2005 World Summit” which was a reflection of the work of the Organization being in coherence with the wider context of the international agenda set by the United Nations. In this respect, the Technical Co-operation Committee at its fifty-sixth session (TC 56) had noted that the IMO mission strongly supported the Millennium Development

Goals (MDGs) and would contribute substantively to the delivery of the 2005 World Summit Outcome: in promoting environmental sustainability; in strengthening the Organization's maritime security framework and securing global consensus on the Organization's work on vital shipping lanes, recognized by the UN as a key element in the global fight against terrorism and in sustaining the security of maritime transport and the global supply chain in general. TC 56 also considered that the Organization's Integrated Technical Co-operation Programme (ITCP) contributed to the UN's wider development goals by promoting sustainable development, human resource development and capacity building.

12.2 The Committee noted (FAL 34/12 (Secretariat)) the status of activities relevant to the implementation of the Convention conducted under the ITCP. The activities could be broadly grouped into four categories, namely, seminars which might be regional, sub-regional and national; needs assessment; and follow-up and advisory missions. No needs assessment missions were conducted during the period under review or were scheduled for 2007. The schedule of seminars and advisory missions was set out in the annex to the document.

12.3 The Committee also noted that the objectives of the seminars were to:

- .1 fully acquaint the participants with the Convention;
- .2 make the participants fully aware of the institutional and economic advantages and benefits to be derived from the acceptance and implementation of the Convention;
- .3 provide guidelines on follow-up measures concerning the practical implementation of the Convention including the use of the IMO FAL Forms;
- .4 advise on the functions of a national facilitation committee; and
- .5 provide the participants with other information relevant to the seminar.

12.4 The Committee further noted that under the ITCP during 2006, six national seminars on facilitation issues had been held in Eritrea, Mauritius, the Philippines, Cambodia, Maldives and Pakistan, with a total of some 200 participants and two regional seminars held in Nigeria and Benin, with a total of 16 countries and 67 participants involved. In 2007, three national seminars were scheduled to be held in Senegal, Liberia and Syria; one regional seminar in El Salvador; and one advisory mission was to be conducted in Myanmar.

12.5 The Committee expressed its appreciation to the Governments of the above Member States for their willingness to host these events and the Secretariat and consultants for organizing and successfully conducting the missions.

12.6 The Committee also expressed the view that it was important to continue these activities in relation to facilitation aspects in order to assist in fulfilling the Role, Mission, and Strategy Direction and Work of the Committee, as adopted by FAL 32, which, *inter alia*, seeks to promote wider acceptance of the Convention and adoption of measures contained therein, to assist the Committee's effort and work towards the universal implementation of measures to facilitate international maritime traffic.

12.7 In this respect the Committee recalled, in particular, that among its strategic directions and work it should:

- identify possible technical assistance measures to facilitate international maritime traffic in developing countries; and
- identify possible technical assistance measures to expand information technology and E-business in the area of maritime traffic, particularly in developing countries,

and invited Member States and international organizations to provide proposals on possible actions which might be pursued in co-operation with the Technical Co-operation Committee (TCC).

12.8 The Committee also recalled that it had been requested, 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 and in co-operation with the TCC:

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

and invited, once more, Member States and international organizations to submit proposals for possible measures and actions requested of the Committees so that the Committee can contribute to the work of the TCC on the matter.

### **13 INSTITUTIONALIZATION OF THE FAL COMMITTEE**

13.1 The Committee recalled that FAL 33 had urged those Member States which had not already done so, to accept the 1991 amendments to the IMO Convention on the institutionalization of the Facilitation Committee (the 1991 amendments) at their earliest convenience and stressed that these amendments have no financial implications for Member States accepting them.

13.2 The Committee also recalled that A 23 adopted resolution A.945(23) on the 1991 Amendments to the Convention on the International Maritime Organization (Institutionalisation of the Facilitation Committee) urging, *inter alia*, those Member States who have not yet done so, to give careful consideration to accepting the 1991 amendments.

13.3 The Committee noted (FAL 34/13 and FAL 34/INF.8 (Secretariat)) that, C 97 when considering the status of the 1991 amendments, took particular note of the information provided by the Secretary-General as to the number of Member States which had accepted these amendments; and the additional measures he had undertaken to encourage further acceptances required to bring them into force. The Council requested the Secretary-General to continue urging those Member States, which had not already done so, in particular Council Members, to give urgent consideration to accepting the 1991 amendments at the earliest possible opportunity, and to report developments to C 98.

13.4 The Committee also noted, with considerable interest, that as at 23 March 2007, 108 of the 167 Member States had accepted the amendments. Accordingly, only a further three acceptances were still needed in order to make up the total of 111 required, at present, to enable the amendments to enter into force twelve months later, in accordance with the provisions of Article 66 of the IMO Convention.



13.5 The Committee, recognizing the very clear and emerging importance of the Committee in seeking the essential balance between the enhancements of maritime security and the facilitation of maritime traffic, urged those Member States who have not yet done so, as listed in annex 3 of document FAL 34/13, to give careful consideration to accepting the 1991 amendments which are contained in resolution A.724(17) as soon as possible. The Committee also noted that acceptance of the 1991 amendments may be affected by the deposit of an instrument of acceptance with the Secretary-General of the United Nations who is the depositary for the IMO Convention. Alternatively, the instrument of acceptance may be sent to the Secretary-General for onward transmission to the Secretary-General of the United Nations. A model instrument of acceptance, for ease of reference, was provided in annex 1 of document FAL 34/13 (Secretariat).

## **14 RELATIONS WITH OTHER ORGANIZATIONS**

### **Relations with the United Nations and the specialized agencies**

14.1 The Committee was informed (FAL 34/14 (Secretariat)) that C 97 had noted:

- .1 the outcome of the second regular session of the United Nations Chief Executives Board for Co-ordination for 2006;
- .2 the resolutions adopted by the General Assembly of the United Nations, which are of relevance to the Organization; and
- .3 the United Nations Global Counter-Terrorism Strategy, the G8 Declaration on Counter-Terrorism and the G8 Statement on Strengthening the United Nations' Counter-Terrorism Program.

14.2 The Committee also noted that C 97 had requested the Secretary-General, in future, to include information on discussions in the G77 on matters of relevance to the Organization.

14.3 The Committee further noted that C 97 had requested the Maritime Safety Committee, the Legal Committee, the Technical Co-operation Committee and the Committee to study the United Nations Global Counter-Terrorism Strategy, as well as related United Nations General Assembly and Security Council resolutions; and to prepare and submit, through the *Ad Hoc* Working Group on the Organization's Strategic Plan, where practicable, for consideration by the Council at its twenty-fourth extraordinary session in November 2007, specific proposals in association with a plan of action, within the framework of the Strategic Plan of the Organization, on how the Organization could respond and contribute to the implementation of the United Nations Global Counter-Terrorism Strategy. This matter was further discussed under agenda item 16.

### **Relations with intergovernmental organizations**

14.4 The Committee noted that C 97 had approved the proposed draft Agreement of Co-operation between IMO and the African Union and decided to submit it to the twenty-fifth regular session of the Assembly for consideration and final approval.

14.5 In addition, the Committee noted that C 97 agreed, in principle, with the request from the International Tropical Timber Organization (ITTO) to enter into an Agreement of Co-operation with the Organization, in order to further its links with the maritime sector and requested the Secretariat to advise ITTO accordingly.

## **Relations with non-governmental organizations**

14.6 The Committee noted that C 97 had been provided with information in relation to the merger of the International Council of Cruise Lines (ICCL) with the Cruise Line International Association and agreed to permit ICCL to continue to represent its cruise industry members in the work of the Organization, under the new name Cruise Line International Association (CLIA), once the merger had become effective.

14.7 The Committee also noted that C 97 decided to grant consultative status to the Federation of National Associations of Ship Brokers and Agents (FONASBA).

## **World Maritime Day 2007**

14.8 The Committee noted that C 97 approved the Secretary-General's proposal that the theme for this year's World Maritime Day should be:

“IMO'S RESPONSE TO CURRENT ENVIRONMENTAL CHALLENGES”.

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

### **Draft amendments to the Guidelines on the organization and method of work**

15.1 The Committee recalled that FAL 33 had noted that, in the context of resolution A.971(24) on the 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 for the Organization for the six-year period 2006 to 2011 (operative paragraph 4 of the resolution); and
- .2 to review their Guidelines on the organization and on their 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).

15.2 The Committee also recalled that FAL 33 had approved amendments to the Committee's Guidelines in respect of the High level plan of the Organization and priorities for the 2006-2007 biennium. FAL 33 also noted the outcome of MSC 81 with regard to the start of working groups' work on Monday mornings, the work method of a working group with splinter group(s), the 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 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.

15.3 The Committee further recalled that 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 weeks to 13 weeks, FAL 33 had agreed that this new deadline should take effect from FAL 34.

15.4 The Committee considered (FAL 34/15 (Secretariat)) and approved the proposed amendments to the Committee's Guidelines, prepared by the Secretariat at the request of FAL 33, which reflected the relevant decisions of FAL 33 and the salient decisions of MEPC 55 and MSC 82. The Committee instructed the Secretariat to prepare and circulate the revised Committee's Guidelines by means of a new FAL.3 circular, which should incorporate the approved amendments and supersede FAL.3/Circ.186 on Guidelines on the organization and method of work of the Committee. In this respect the Committee authorized the Secretariat to effect any needed editorial changes and corrections, to address inconsistency and to renumber the revised Guidelines accordingly.

#### **Need for capacity building when developing new instruments or amending existing ones**

15.5 The Committee noted (FAL 34/15/1 (Secretariat)) the discussions of MSC 82 in relation to the need for capacity building, when developing new instruments or amending existing ones. During MSC 82 the delegations of the Bahamas, Italy, Nigeria, South Africa and Spain (MSC 82/20/1) had proposed that the MSC and all its sub-committees should ensure when developing new instruments and/or when amending existing ones, where necessary, guidance for implementation is prepared; and they should also identify issues, which the Technical Co-operation Committee (TCC) might need to consider for the purpose of developing related technical co-operation and assistance programmes. In addition, they proposed that the terms of reference of the FSI Sub-Committee be amended accordingly to empower the Sub-Committee to, where appropriate, develop implementation guidance for new and/or amended instruments as a contribution to technical assistance efforts.

15.6 The Committee also noted that while supporting the proposal in principle, MSC 82 had recognized that, *inter alia*, an appropriate mechanism for preparing such guidance and a consultative mechanism for the implementation of new measures may need to be established. MSC 82 had further noted a view that an appropriate policy may also need to be established, taking into account the relevant paragraphs of resolution A.500(XII), as an Assembly resolution to be adopted at the next Assembly. MSC 82 had further recognized that the issue was a matter not only relevant to the MSC and its sub-committees but also to the other Committees (MEPC, LEG and the Committee), as well as the Assembly and Diplomatic Conferences convened by the Organization. Concerns were also raised by some delegations at MSC 82 that the preparation of such guidance should not delay the process of the development of new instruments or the amending of existing ones.

15.7 In addition, the Committee noted that MSC 82 had agreed to further consider the matter at MSC 83 and had included, in the provisional agenda for MSC 83, a new item on "Capacity building for the implementation of new measures" and invited Member States to submit proposals. MSC 82 had further invited the other Committees to consider the same matter and requested the Secretariat to inform them accordingly.

15.8 In this context the Committee recalled that ongoing work on the preparation of an Explanatory Manual to the Convention and its strategy to promote the use of electronic means to exchange information with the objective of harmonizing and simplifying procedures, adopted by FAL 28, are examples of items which could be utilized towards capacity building.

## 16 WORK PROGRAMME

### **The United Nations Global Counter-Terrorism Strategy**

16.1 The Committee noted (FAL 34/16/1 (Secretariat)) that the General Assembly of the United Nations, during its sixtieth session, had adopted a number of resolutions relating to counter-terrorism; measures to eliminate international terrorism; protection of human rights and fundamental freedoms while countering terrorism; non-proliferation; measures to prevent terrorists from acquiring weapons of mass destruction; role of science and technology in the context of international security and disarmament; and developments in the field of information and telecommunications in the context of international security. In addition, the Committee noted that the General Assembly of the United Nations also adopted resolution A/RES/60/288 on The United Nations Global Counter-Terrorism Strategy (the UN Global Strategy) which has a direct bearing on the work of the Organization in relation to the enhancement of maritime security.

16.2 The Committee also noted that C 97 had requested the Maritime Safety Committee, the Legal Committee, the Technical Co-operation Committee and the Committee to study the UN Global Strategy, as well as related United Nations General Assembly and Security Council resolutions; and to prepare and submit, through the *Ad Hoc* Working Group on the Organization's Strategic Plan, where practicable, for consideration by the Council at its twenty-fourth extraordinary session in November 2007, specific proposals in association with a plan of action, within the framework of the Strategic Plan of the Organization, on how the Organization could respond and contribute to the implementation of the UN Global Strategy.

16.3 In addition, the Committee noted the views of the Secretary-General when introducing document C 97/13(a)/2 (Secretary-General) who pointed out, *inter alia*, that it was reasonable to expect that the consideration of the issue by the aforesaid committees could also lead to: (1) identification of areas which need to be addressed and thus lead to future work within the framework of the Organization; (2) horizontal integration and co-ordination of the work undertaken by the aforesaid committees; and (3) identification of needs in terms of capacity building.

16.4 The Committee instructed the Joint MSC/FAL Working Group on Security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships (the Joint MSC/FAL WG) to consider the issue and to advise the Committee on how it should respond to the request of the Council.

16.5 Having received the report of the Joint MSC/FAL WG (FAL 34/WP.5), the Committee approved the report in general and noted (FAL 34/WP.5, paragraphs 14 to 18) the discussions of the Joint MSC/FAL WG in respect of the United Nations Global Counter-Terrorism Strategy.

16.6 In this respect, the Committee agreed to take into account the salient provisions of the United Nations Global Counter-Terrorism Strategy when considering, from the facilitation of maritime traffic point of view, measures and procedures to prevent and suppress unlawful acts in ports and at sea and in the context of the work on securing and facilitating international trade.

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

16.7 The Committee recalled that, in the context of the requests of the Assembly made in resolution A.970(24) on Strategic plan for the Organization (for the six-year period 2006 to 2011)

and resolution A.971(24) on High-level action plan of the Organization and priorities for the 2006-2007 biennium, the Committee, FAL 33 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 the 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 Organization's Strategic Plan to be held in September 2007,

and requested the Secretariat to act accordingly.

16.8 The Committee considered the matter further and taking into account the information provided in relation to the consideration of the same issues during CWGSP 6, instructed the Secretariat to update the documents after the session taking into account the progress and decisions made during the session and forward them to the Council as required.

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

16.9 The Committee agreed to review and refine 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 and invited submissions to this end for consideration during FAL 35.

#### **Request of CWGSP 6**

16.10 The Committee noted (FAL 34/WP.2 (Secretariat)) that the sixth session of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan (the CWGSP 6) was held from 14 to 16 March 2007. The Committee also noted that CWGSP 6 discussed, *inter alia*, the performance indicators to be used to monitor the performance of the Organization against strategic direction 8 and the high-level actions and agreed to request the Committee to review the proposed performance indicators and to provide any advice to the next session of the working group which is scheduled to be held in September 2007.

16.11 The Committee discussed the issue, reached a number of conclusions and recommendations and instructed the Secretariat to inform CWGSP 7 accordingly. The Committee agreed, *inter alia*, that the use of the term "efficiency of shipping" in relation to the performance indicator was not correct and discussed alternative titles; that the criteria associated with the performance indicator should be objective and measurable. The Committee noted various aspects of the Convention and a number of issues under the purview of the Committee provided criteria which should be associated with the performance indicator. The Committee also noted that as the performance indicator included a number of criteria there was a need to establish the comparative degree of relevance of each of the criteria and their level of significance or weight. The Committee instructed the Secretariat to highlight and explain these to CWGSP 7.

16.12 The delegation of Venezuela expressed its concern about the link between the Organization's Strategic Plan, the High-level Action Plan and the Organization's general budget.

With a view to assisting the Organization on matters relating to facilitation, the delegation of Venezuela will submit proposals on performance indicators at FAL 35.

### **Substantive items for inclusion in the provisional agenda for FAL 35**

16.13 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 FAL 35, as set out in annex 6 and invited the Council to approve them.

### **Establishment of working and drafting groups during FAL 35**

16.14 The Committee, taking into account the decisions made under various agenda items, agreed that working groups on the following items should be established at FAL 35:

- .1 General review and implementation of the Convention.
- .2 Electronic means for the clearance of ships.
- .3 Securing and facilitating international trade.

16.15 The Committee also agreed that, should the need arises, the Joint MSC/FAL Working group on the Security and facilitation of the movement of closed cargo transport units and of freight containers could also meet during FAL 35 to continue its work.

16.16 The Committee also agreed that drafting groups on the following items may need to be established at FAL 35:

- .1 consideration of proposed amendments to the Convention; and
- .2 ship/port interface.

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

16.17 The Committee noted that FAL 35 had been tentatively scheduled to take place from 8 to 12 September 2008 at the IMO Headquarters, 4 Albert Embankment, London, United Kingdom. In this respect, the Committee noted that, subject to the progress made in relation to the entry into force of the 1991 amendments to the IMO Convention on the institutionalization of the Facilitation Committee, the date of the opening session of FAL 35 may be adjusted so as to be convened as an institutionalized body of the Organization.

## **17 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2008**

17.1 The Committee, in accordance with its draft Rules of Procedure, unanimously re-elected Mr. Charles Abela (Malta) and Captain Arnett E. Hill (Liberia) as Chairman and Vice-Chairman, respectively, for 2008.

## **18 ANY OTHER BUSINESS**

18.1 The Committee recalled that the submission of INTERCARGO and INTERTANKO (FAL 34/18), the only written submission under this agenda item, had already been considered under agenda item 8. No other issues were introduced under this agenda item.

### **Expressions of appreciation**

18.2 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. Heru Prasetyo (Indonesia) (on return home);
- Mr. Fikret Hakgüden (Turkey) (on transfer);
- Captain Carlos Ormaechea (Uruguay) (on transfer – and who had joined the Secretariat at the beginning of February);
- Captain Estaban Pacha Vicente (Spain) (on appointment as Director of IMSO);
- Mr. Francis Van Tongerlooy (Secretariat) (on early separation from service).

### **Expressions of condolences**

18.3 The Committee noted with deep sadness the untimely death in October 2006 of the Chairman of the Maritime Safety Committee, Mr. Igor Ponomarev, the Permanent Representative of the Russian Federation who had actively and tirelessly contributed to the work of the Organization for over 13 years. During that period, he had also ably and enthusiastically chaired the DE Sub-Committee, the Technical Committee of the 24th Assembly and a number of MSC working and drafting groups. His short but vibrant life was dedicated to the objectives of the Organization on safe, secure and efficient shipping, which he served well with zeal, zest and enthusiasm. The Committee requested the delegations of the Russian Federation to convey the Committee's sincerest condolences and sympathy to the family, friends and colleagues of Mr. Ponomarev who would indeed be thoroughly missed by the Organization.

18.4 With equal sadness and deepest regret, the Committee also learnt of the death in July 2006 of Captain Hans-Jurgen Roos of Germany, a former Chairman of the SPI Working Group, who was a dedicated stalwart to the objectives of the Committee and delegate to many other IMO bodies, whose commitment to shipping was matched by his dedication to IMO's noble ideas. The Committee requested the delegation of Germany to convey the Committee's sincerest condolences and sympathy to the family, friends and colleagues of Captain Roos who would indeed be thoroughly missed by the Organization and by this Committee, in particular, as one who thoroughly believed in the objectives of the Committee.

## **19 REPORT TO THE COUNCIL**

19.1 The Council is invited to:

- .1 note the actions taken in relation to the review of Standards and Recommended Practices to which differences had been registered by Contracting Governments (paragraphs 3.3 to 3.16);

- .2 note that further progress was made in the development of an Explanatory Manual to the Convention (paragraphs 3.18 to 3.21);
- .3 note the approval, with a view to adoption at FAL 35, of draft amendments to the Convention regarding the arrival, stay and departure of ships; contents and purpose of documents; arrival and departure of persons; requirements and procedures; measures to facilitate clearance of cargo, passengers, crew and baggage; and facilitation for ships engaged on cruises and for cruise passengers (paragraph 4.21 and annex 1);
- .4 note that progress was made relevant to the transmission, by electronic means, of information relating to the clearance of ships; and on the revision of the IMO Compendium on facilitation and electronic business, including IMO EDI related issues (paragraphs 5.23 to 5.30);
- .5 note the adoption of resolution FAL.9(34) on revised Guidelines for the suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (paragraphs 7.1 to 7.5 and annex 2);
- .6 note the decisions in relation to resolution A.871(20) on Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases (paragraphs 8.6 to 8.9);
- .7 note the Committee's request to the Secretary-General to establish, on a trial basis, an IMO Stowaway Focal Point to provide assistance for the successful resolution of stowaway cases (paragraphs 8.24 to 8.28 and annex 3);
- .8 note the actions taken in relation to administrative procedures for disembarking persons rescued at sea (paragraphs 8.30 to 8.33);
- .9 note the progress made by the Joint MSC/FAL Working Group on the Security and Facilitation of the Movement of Closed Cargo Transport Units and Freight Containers (paragraphs 10.26 to 10.30 and annex 4);
- .10 note the Committee's decision to establish, on a trial basis, a mechanism within the Secretariat in pursuance of resolution A.984(24) on the Facilitation of the carriage of IMDG Code class 7 radioactive materials including those in packaged form used in medical or public health applications (paragraphs 11.1 to 11.11 and annex 5);
- .11 note the approval of amendments to the Guidelines on organization and method of work of the Facilitation Committee to harmonize them as much as possible with those of the MSC and MEPC (paragraph 15.4);
- .12 note the Committee's decisions regarding the High-level action plan for the 2006-2007 biennium; and proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium (paragraphs 16.7 to 16.11);



- .13 approve the list of substantive items for inclusion in the provisional agenda for FAL 35 (paragraph 16.13 and annex 6); and
- .14 approve the report in general.

\*\*\*



## ANNEX 1

## DRAFT AMENDMENTS TO THE ANNEX TO THE CONVENTION

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

*B. Contents and purpose of documents*

1 In Recommended Practice 2.2.2 after “● flag State of ship” the following new text is inserted:

“● voyage number”.

2 In Recommended Practice 2.3.1(a) after “● call sign” the following new text is inserted:

“● voyage number”.

3 In Recommended Practice 2.3.1(b) after “● call sign” the following new text is inserted:

“● voyage number”.

4 In Standard 2.6.1 after “● call sign” the following new text is inserted:

“● voyage number”.

5 The existing Standard 2.6.3 is deleted.

6 The existing Recommended Practice 2.7.1 is deleted.

7 In Recommended Practice 2.7.3 after “● flag State of ship” the following new text is inserted:

“● voyage number”.

8 In Recommended Practice 2.7.3 the following text is deleted:

- “● type of identity document supplied by the passenger
- serial number of identity document”

and replaced by the following new text:

- “● type of identity or travel document supplied by the passenger
- serial number of identity or travel document”.

9 In Standard 2.8.1 the text reading “● Voyage reference” is amended to read “● Voyage number”.

10 In Standard 2.8.1 at the end, after “● Stowage position on board”, the following new text is inserted:

- “● Additional information.”.

### **Section 3 – Arrival and departure of persons**

#### ***A. Arrival and departure requirements and procedures***

11 In second sentence in Standard 3.3.6 after the words “responsible for the costs of” insert “stay and”.

12 The existing Standard 3.10 is deleted and replaced by the following new 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***

13 In Standard 3.14 after the words “accept persons” insert “present”.

14 The existing Standard 3.15 is deleted and replaced by the following new text:

“3.15 **Recommended Practice.** Public authorities should not impose 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***

15 The existing Standard 3.21 is deleted and replaced the following new text:

“3.21 **Standard.** For cruise ships, the General Declaration, the Passenger List and the Crew List should be required only at the first port of arrival and final port of departure in a country, provided that there has been no change in the circumstances of the voyage.”

16 The existing Recommended Practice 3.35 is deleted.

### **Appendix 1 – IMO FAL Forms**

17 The existing IMO FAL Forms are deleted and replaced by the following ones:

### IMO GENERAL DECLARATION

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure
1.1 Name and type of ship 1.2 IMO number 1.3 Call sign 1.4 Voyage number		2. Port of arrival/departure	3. Date – time of arrival/departure
4. Flag State of ship	5. Name of master	6. Last port of call/Next port of call	
7. Certificate of registry (Port; date; number)		8. Name and contact details of ship's agent	
9. Gross tonnage	10. Net tonnage		
11. Position of the ship in the port (berth or station)			
12. Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged)			
13. Brief description of the cargo			
14. Number of crew (incl. master)	15. Number of passengers	16. Remarks	
Attached documents (indicate number of copies)			
17. Cargo Declaration	18. Ship's Stores Declaration	21. The ship's requirements in terms of waste and residue reception facilities	
19. Crew List	20. Passenger List		
22. Crew's Effects Declaration*	23. Maritime Declaration of Health*		

24. Date and signature by master, authorized agent or officer.

For official use

IMO FAL  
Form 1

\* Only on arrival.

### IMO CARGO DECLARATION

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure	Page No.
	1.1 Name of ship 1.2 IMO number 1.3 Call sign 1.4 Voyage number	2. Port where report is made		
	3. Flag State of ship	4. Name of master	5. Port of loading/Port of discharge	
B/L No. *	6. Marks and Nos.	7. Number and kind of packages; description of goods, or, if available, the HS code	8. Gross weight	9. Measurement

IMO  
 FAL  
 Form 2

10. Date and signature by master, authorized agent or officer.

\* Transport document No.  
 Also state original ports of shipment in respect to goods shipped on multimodal transport document or through bills of lading.

### IMO SHIP'S STORES DECLARATION

<input type="checkbox"/> Arrival <input type="checkbox"/> Departure		Page No.	
1.1 Name of ship 1.2 IMO number 1.3 Call sign 1.4 Voyage number		2. Port of arrival/departure	3. Date of arrival/departure
4. Nationality of ship		5. Last port of call/Next port of call	
6. Number of persons on board.	7. Period of stay		
8. Name of article	9. Quantity	10. Location on board	11. Official use
12. Date and signature by master, authorized agent or officer.			

Convention on Facilitation of International Maritime Traffic

### IMO CREW'S EFFECTS DECLARATION

Page No.
----------

**Convention on Facilitation of International Maritime Traffic**

1.1 Name of ship 1.2 IMO number 1.3 Call sign <span style="color: red;">1.4 Voyage number</span>							
2. Flag State of ship							
3. No.	4. Family name, given names	5. Rank or rating	<span style="color: red;">6. Effects ineligible for relief from customs duties and taxes or subject to prohibitions or restrictions*</span>			7. Signature	

IMO  
FAL  
Form 4

8. Date and signature by master, authorized agent or officer.

\* e.g. wines, spirits, cigarettes, tobacco, etc.



**IMO CREW LIST**

**Convention on Facilitation of International Maritime Traffic**

						Page No.	
				Arrival	Departure		
1.1 Name of ship 1.2 IMO number 1.3 Call sign <b>1.4 Voyage number</b>			2. Port of arrival/departure		3. Date of arrival/departure		
4. Flag State of ship			5. Last port of call				
6. No.	7. Family name, given names	8. Rank or rating	9. Nationality	10. Date and place of birth	11. Nature and No. of identity document (seaman's passport)		
12. Date and signature by master, authorized agent or officer.							

IMO  
FAL  
Form 5

### IMO PASSENGER LIST

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure					Page No.
1.1 Name of ship 1.2 IMO number 1.3 Call sign 1.4 Voyage number		2. Port of arrival/departure		3. Date of arrival/departure				
4. Flag State of ship								
5. Family name, given names	6. Nationality	7. Date and place of birth	8. Type of identity or travel document	9. Serial number of identity or travel document	10. Port of embarkation	11. Port of disembarkation	12. Transit passenger or not	
10. Date and signature by master, authorized agent or officer.								

**DANGEROUS GOODS MANIFEST**

PAGE NUMBER (e.g., 5 of 7)

(As required by SOLAS 74, chapter VII, regulation 4.5 and 7-2.2, MARPOL 73/78, Annex III, regulation 4.3 and chapter 5.4, paragraph 5.4.3.1 of the IMDG Code)

- |                   |                    |                       |                     |
|-------------------|--------------------|-----------------------|---------------------|
| 1.1 NAME OF SHIP  | 1.2 IMO NUMBER     | 2. FLAG STATE OF SHIP | 18.1 MASTER'S NAME  |
| 1.3 CALL SIGN     | 3. PORT OF LOADING | 4. PORT OF DISCHARGE  | 19.1 SHIPPING AGENT |
| 1.4 VOYAGE NUMBER |                    |                       |                     |

5.Booking/Reference Number	6. Marks & Numbers Container Id. No(s). Vehicle Reg. No(s).	7. Number and Kind of Packages	8. Proper Shipping Name	9. Class	10. UN No.	11. Packing Group	12. Subsidiary Risk(s)	13. Flashpoint (in °C,c.c.)	14. Marine Pollutant	15. Mass (kg) Gross/Net	16. EmS	17. Stowage Position on board

ADDITIONAL INFORMATION:	
-------------------------	--

AGENT'S SIGNATURE \_\_\_\_\_

MASTER'S SIGNATURE \_\_\_\_\_

19.2 PLACE AND DATE \_\_\_\_\_

18.2 PLACE AND DATE \_\_\_\_\_



## ANNEX 2

**Resolution FAL.9(34)  
adopted on 30 March 2007****REVISED GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF THE  
SMUGGLING OF DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR  
CHEMICALS ON SHIPS ENGAGED IN INTERNATIONAL MARITIME TRAFFIC**

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.228(82) on Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic 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

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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.”

Code require ships, companies and port facilities to comply with provisions for enhancing 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 website [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 or 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 min and then diminish. The after-effects will include fatigue and depression. This means that the dose may have to be

repeated every 20 min 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/Psilocybin*

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****IMO STOWAWAY FOCAL POINT****TERMS OF REFERENCE FOR THE CONDUCT OF TRIALS****1 Definitions**

1.1 *Attempted stowaway* means a person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person, and who is detected on board the ship before it has departed from the port. (section 1A of the Convention)

1.2 *Stowaway* means a person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities. (section 1A of the Convention).

1.3 *Company* means a Company as defined in SOLAS regulation IX/1.

1.4 *IMO Stowaway Focal Point* means the official(s) of the Secretariat designated by the Secretary-General to perform the functions specified in paragraph 2 and includes any alternates.

**2 Functions**

2.1 The IMO Stowaway Focal Point should provide assistance towards the successful and expeditious resolution of stowaway cases by facilitating communications and fostering co-operation between the relevant public authorities of the Governments of the Member States and with the Company and the master of the ship concerned.

2.2 The Secretary-General or the Director, Maritime Safety Division, may provide further instructions to the IMO Stowaway Focal Point if it is deemed necessary taking into account the circumstances of a particular stowaway case.

**3 Framework**

3.1 Section 4 of the Convention and resolution A.871(20) on Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases.

**4 Requests**

4.1 Member States, international organizations and non-governmental organizations in consultative status may seek the assistance of the IMO Stowaway Focal Point. However, the consent of the flag State of the ship concerned will be required in the cases of requests made by international organizations and non-governmental organizations.

4.2 Requests for assistance should be restricted to the absolute minimum and only when the circumstances of the case or the developments appear to suggest that such assistance may be warranted.

4.3 Requests for assistance should be accompanied by: (1) a record summarizing the related events from the time the stowaway(s) was/were detected on board to the time of the request and in particular the efforts undertaken with a view to disembarking the stowaway(s); and (2) for each stowaway, a completed Form of Stowaway Details (set out in appendix 3 of the Convention) or a completed Stowaway Details Note (set out in the appendix to the annex to resolution A.871(20)).

## **5      *Acceptance of requests***

5.1 The acceptance of a request to provide assistance remains at the discretion of the IMO Stowaway Focal Point and is subject to the priority of other work assigned to the official at the time.

5.2 Requests for assistance in relation to attempted stowaway cases should not be submitted.

## **6      *Availability***

6.1 The IMO Stowaway Focal Point will operate in that capacity between 9:00 am and 5:30 pm during the working days of the Organization subject to the requirements of other duties assigned to the official.

## **7      *Undertakings by interested Member States***

7.1 Member States should: (1) communicate to the Organization a single national point of contact (name, title, address, office telephone, facsimile and e-mail address and after hours telephone number) through whom all communications relating to stowaways are to be routed; and (2) provide information in relation to their national laws, policies, practices and procedures relating to stowaways, taking into account the provisions of Section 4.1 to 4.15.4 of the Convention, if Contracting Governments.

7.2 Such single national points of contact are expected to enable the IMO Stowaway Focal Point to establish communications with the official(s) charged with dealing with, *inter alia*, (1) stowaways found on a ship entitled to fly the flag of that State; (2) its nationals or citizens being found as stowaways on board ships; (3) ships carrying stowaways and proceeding to its ports; and (4) considering a request to accept ashore stowaways found on a ship.

## **8      *Inventory of practices***

8.1 Using the information submitted by Member States and any other related information provided by international organizations and non-governmental organizations, the Organization should establish an inventory of national legislation and practices relating to stowaways and should make such information available to Member States, Associate Members, international organizations and non-governmental organizations.

## **9      *Conditions***

9.1 The provision of assistance by the IMO Stowaway Focal Point is on the strict understanding that neither the official(s) concerned nor the Organization assume any

responsibility or liability whatsoever *vis-à-vis* any State, individual or legal entity or *vis-à-vis* the stowaway concerned.

9.2 The fact that the assistance of the IMO Stowaway Focal Point has been requested or is provided is not in any way admissible as an argument or excuse.

9.3 The assistance of the IMO Stowaway Focal Point will be provided at no charge to those requesting it and to all other parties involved, including the stowaway(s).

9.4 As a rule, any assistance from the IMO Stowaway Focal Point will be provided from the Headquarters of the Organization.

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**ANNEX 4**

Ref. T2-MSS/2.11.1

MSC.1/Circ.[...]  
FAL/Circ.[...]  
[[....] October 2007]**DRAFT JOINT MSC/FAL CIRCULAR ON SECURING AND FACILITATING  
INTERNATIONAL TRADE**

1 The Facilitation Committee, at its thirty-fourth session (26 to 30 March 2007), [and the Maritime Safety Committee, at its eighty-third session (3 to 12 October 2007),] (the Committees) recalled that the 2002 Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, when considering proposals to enhance maritime security, had recognized the inter-modal and international nature of the movement of closed cargo transport units (closed CTU) and requested the World Customs Organization (WCO) to consider urgently measures to enhance security throughout international movements of closed CTUs.

2 As a result of a consultative process involving WCO member Customs administrations and representatives of the private sector, the WCO Council adopted in June 2005 the Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework of Standards). In June 2006 the WCO Council adopted Authorized Economic Operator Guidelines (AEO Guidelines) which were appended to the SAFE Framework of Standards. Although voluntary, at the time of issuing this circular, 144 States had expressed their intention to implement the SAFE Framework of Standards.

3 The SAFE Framework of Standards is the only global instrument encouraging Customs authorities to implement a series of measures to enhance the security and facilitation of international trade. It rests on twin pillars; a “Customs to Customs” pillar and a “Customs to Business” pillar.

- .1 The “Customs to Customs” pillar seeks to encourage co-operation among Customs and other competent authorities on the basis of common and accepted standards for data exchange and risk profiles to maximize the security and facilitation of the international supply chain. Central to this pillar is the use by Customs authorities of advance electronic information as part of a risk-based cargo security strategy. Requirements on the use of high security mechanical seals, as part of a seal integrity programme for containers, form an important element of this pillar and have been allocated a separate appendix. This programme, which is based on the use of high security mechanical seals that conform to ISO [PAS] 17712 [:2003] on Freight containers – mechanical seals, requires seals to be affixed at the point of stuffing of the container and checked at key interchange points along the supply chain until release from Customs.
- .2 The “Customs to Business” pillar which specifies the need for Customs authorities to establish partnerships with the private sector, particularly through the creation of an international system of Authorized Economic Operators (AEOs) whereby businesses that offer a high degree of security guarantees in respect of their role in

the international supply chain can, by meeting certain criteria in the [SAFE Framework of Standards and the AEO Guidelines], receive tangible facilitation benefits, such as the quicker movement of low risk cargo through Customs.

4 The Committees recommend that Member States, either as SOLAS Contracting Governments or as FAL Contracting Governments, or both, raise awareness of the [SAFE Framework of Standards and AEO Guidelines] among Government agencies, local administrations and the shipping and port industries.

5 The text of the [SAFE Framework of Standards and the AEO Guidelines] are available [in Arabic, English, French, Russian and Spanish] on the WCO website ([www.wcoomd.org](http://www.wcoomd.org)).

6 The Committees recommend that Member States, in the context of raising awareness of the [SAFE Framework of Standards and the AEO Guidelines], give due consideration to the points detailed in the annex to this circular.

7 Member States, international organizations and non-governmental organizations with consultative status are invited to bring their experience on all aspects of the security and facilitation of maritime cargo to the attention of subsequent meetings of the Committees.

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## ANNEX 5

**MECHANISM WITHIN THE IMO SECRETARIAT FOR THE RESOLUTION  
OF DIFFICULTIES IN THE CARRIAGE OF IMDG CODE DANGEROUS GOODS  
INCLUDING CLASS 7 RADIOACTIVE MATERIALS**

**Introduction**

1 Using the provisions of Assembly resolution A.984(24) and relevant decisions of the Facilitation Committee as guidance, the mechanism within IMO for the resolution of difficulties in the carriage of IMDG Code dangerous goods including class 7 radioactive materials is described in the ensuing paragraphs. The flowchart, as set out in annex 1, provides a step-by-step review of the working process.

2 At this stage, the IMO Secretariat's role will be limited to the resolution of difficulties associated with class 7 radioactive material; however, information submitted on difficulties encountered in the shipments of other dangerous goods will be compiled for consideration by the appropriate bodies.

**Abbreviations/Definitions**

3 The following abbreviations/definitions are used in this mechanism:

<b>IAEA:</b>	International Atomic Energy Agency
<b>IAPH:</b>	International Association of Ports and Harbors
<b>ICHCA:</b>	ICHCA International Limited (representing cargo handlers)
<b>ICS:</b>	International Chamber of Shipping
<b>IMDG Code:</b>	International Maritime Dangerous Goods Code
<b>IMO:</b>	International Maritime Organization
<b>Involved Association:</b>	That association (VOHMA/ICS/ICHCA/IAPH) whose member has been involved in the denial/delay of shipment
<b>Involved Organization:</b>	That organization or party which is denying or delaying the transport of the radioactive material
<b>Manufacturer:</b>	That organization which has manufactured the finished product which is undergoing a denial or delay in transit
<b>Competent authority:</b>	Administration associated with the difficulty in the carriage of class 7 radioactive material in the Member State concerned
<b>Producer:</b>	That organization which has produced the radioactive material which is undergoing a denial or delay in transit
<b>RAM:</b>	Radioactive material
<b>Report:</b>	Report on Difficulties Encountered in Relation to the Carriage of IMDG Code class 7 Radioactive Materials
<b>Shipper:</b>	That organization which has submitted the radioactive material for carriage which is undergoing a denial or delay in transit
<b>VOHMA:</b>	International Vessel Operators Hazardous Materials Association, Inc.
<b>Working Process:</b>	The process followed from the moment of shipping difficulty to the moment of reporting outcome of the IMO facilitation process

## **Working Process**

4 The IMO process to facilitate the resolution of difficulties encountered in the carriage of IMDG Code class 7 radioactive materials incorporates 4 essential components:

### ***Notification***

5 This is the initial step of the process where a shipment of IMDG Code class 7 radioactive materials has been denied or delayed for/in transport by a carrier or via a certain route or through a certain geography/port, or by a country's regulatory restriction. Normally, it will be the Manufacturer/Producer/Shipper who will experience this denial or difficulty, either in planning a shipment or while a shipment is in transit. A denial/delay involves situations where a planned route is unavailable because of one of the restrictions noted above or where an alternate routing has had to be found and utilized at significant additional cost or administration (e.g., a more convoluted route to the point of cargo disembarkation). The notification will occur using the Report on Difficulties encountered in relation to the carriage of IMDG Code dangerous goods including class 7 radioactive materials, as set out in annex 2.

6 The Notification Process requires the involved Manufacturer/Producer/Shipper to prepare and submit the Report to the Maritime Administration of the country in which they reside. The Maritime Administration, or the appropriate NGO with consultative status, or the shipper/consignor shall then submit the Report (once they have investigated and reviewed it to define a potential action plan to deal with the denial) to the IMO designated contact. It is expected that the Competent Authority or the NGO will promptly submit the Report to the IMO, following receipt and review.

7 The IMO Secretariat will then interact/communicate with the appropriate designated contact within the IAEA and, if required, with another UN agency.

### ***Investigation***

8 This is the interim step where information is gathered and questions are asked/answered regarding the shipping denial/difficulty. This can occur between any of the parties involved, however it is expected that the IMO Member State's Competent Authority will have reviewed and evaluated the Manufacturer/Producer/Shipper Report, upon receipt, to ensure it is complete and the information accurate and consistent. Essentially, this will be a quality control and validation step to ensure that the information and concern raised is valid and that it should be integrated into the IMO process.

9 Upon receipt, the IMO Secretariat will review the Report and clarify any questions which may exist with either or both the submitting Competent Authority and the originator of the Report. In addition, the IMO Secretariat will, as standard practice, request feedback from the organization experiencing the denial/delay as to what corrective action they see as possible and reasonable in that situation. As required and depending upon the incident, the IMO Secretariat may then discuss and plan appropriate subsequent actions (step 3), based on this review.

10 The IMO Secretariat will, upon receipt, uniquely code and classify the incident and enter the resulting data into a secure database system within the IMO. This database will be developed by the IMO (in conjunction with other organizations as deemed necessary). The coding and classification will incorporate:

- .1 a reference to the specific Report code;
- .2 name of country where the incident occurred;
- .3 denial or delay;
- .4 timing of incident (in planning, or during transit);
- .5 reason for denial/delay (carrier/port or port authority/cargo handler/regulatory); and
- .6 resolved/not resolved (this report will be updated throughout the working process).

11 The reference back to the detailed Report will allow additional and ongoing investigation and evaluation of the history of that incident. The unique coding will also provide IMO with the ability to maintain an essentially separate file for each incident. Coding and classification is critical to the effectiveness of the reporting mechanism described below.

12 Where the denial is due to a regulatory restriction, the IAEA will assist in the evaluation and review, and subsequent facilitation and resolution of the problem with the involved Member State. The consistent mandate of IAEA and IMO, and the reciprocal nature of these organizations, provides significant opportunity for a combination of resources and efforts which will significantly improve the possibility for resolution of shipping difficulties. The individual nature of each incident may require a specific investigation and action plan. Where the incident is not regulatory, the IMO will submit the Report to the relevant Involved Association for investigation and review.

13 It is possible that the Involved Organization in the denial is not a member of one of the referenced Involved Associations, thereby negating the Involved Association's ability to work directly with them. In such circumstances, the Involved Association will note this to the IMO Secretariat who will then forward the Report directly to the Maritime Administration of the country where the denial/delay occurred. That Maritime Administration will then review/discuss the denial with the organization involved.

#### ***Facilitation/Mediation/Action***

14 This step involves the IMO Secretariat (with IAEA where appropriate) facilitating/mediating an evaluation and resolution of the issue. This will be the most time consuming step in the process as it may entail the IMO Secretariat contacting the IMO Member State representative in whose country the restriction occurred as well as the Involved Association.

15 It is foreseeable that the IMO Secretariat will also interact with the IAEA Secretariat where the restriction is due to a national regulatory restriction. Integration of the Manufacturer/Producer/Shipper and their Competent Authority will occur as required by the situation and as deemed appropriate by the IMO Secretariat.

16 Actions taken will be specific to each incident. It is also acknowledged that discussions will be detailed and iterative enough to ensure that all options and opportunities are explored and evaluated. This may mean that the process will be time intensive. Parties involved may vary from incident to incident and at various times throughout the investigation and facilitation/mediation. The IMO Secretariat, the Competent Authority (of Manufacturer/Producer/Shipper and/or of Involved Organization), the Involved Association and the Involved Organization will all form part of this process.

17 The IMO Secretariat, as the initiator of the notification and subsequent review of the incident by the Involved Association and the Involved Organization may be enough to cause the Involved Organization to contact and work with the affected manufacturer/producer/shipper towards a mutual agreement on course of action taken, which will lead to resolution.

18 Where this does not occur, the IMO Secretariat will encourage the Involved Association and Involved Organization to review the circumstances around the incident and to discuss any options forward which may result in a resolution. Where this does not occur, the IMO Secretariat will contact directly the Involved Organization in an effort to explore meaningful steps toward resolution.

19 Where such intervention results in progress, the IMO Secretariat will work with both the Involved Organization and the Manufacturer/Producer/Shipper to encourage discussion and problem solving. A successful resolution will be tested with subsequent shipments, whereby the Manufacturer/Producer/Shipper will notify their Competent Authority and the IMO Secretariat of the outcome so that the incident can be closed and the database updated accordingly. However, where the intervention proves unsuccessful, the Manufacturer/Producer/Shipper will produce another Report (referencing the original) and will start the notification process again.

20 Where such intervention does not result in progress, the reason may be one of corporate policy or physical inability to transport radioactive materials. This working process is not intended to compromise safety, therefore if the denial is due to lack of ability to safely transport RAM (e.g. not having the equipment, procedures or infrastructure needed), then either the decision is final or subject to discussion regarding appropriate requirements to safely handle and ship these products. Where the issue is policy driven, the Involved Organization will be requested to consider options which would allow carriage in the future. IMO will contribute to the Involved Organization's understanding of the impact on the industry and assist in "education" regarding the regulatory environment, precautions and controls in place to help assure safe transport of these products. If this results in a solution being defined, the Manufacturer/Producer/Shipper will take the same actions as noted in the paragraph above. Where no progress is made, the incident report will be closed and the database updated accordingly.

21 It is also possible that the IMO Secretariat facilitation will result in industry associations (representing the Manufacturer/Producer/Shipper) meeting with Involved Associations to work towards a broader and more global approach to denials.

22 Where the reason for denial is based on regulation, the IMO Secretariat will work with IAEA Secretariat to identify an appropriate process forward. Progress or lack of progress will be managed as above.

23 On a broader basis, the IAEA and IMO should look for opportunities to standardize requirements in shipping, handling regulations, required processes, practices and procedures at ports and with Port Authorities around the world. An initiative to look solely at these factors would help facilitate this issue and help both organizations achieve their mandate regarding this important issue. Consistency in requirements will significantly assist in this process.

### ***Reporting***

24 This is the final step in the process. The outcome of the facilitation/mediation process will be recorded in the database according to success/no success, to ensure each incident is brought to closure. The IMO Secretariat shall endeavour to maintain the database current and shall prepare status reports for each FAL and Assembly meeting. This report may be a standing agenda item in each of these meetings, and will be drafted as submissions (from the Secretariat), are prepared in time to be considered in these meetings. The IMO Secretariat will maintain ongoing co-operation with IAEA.

25 The Working Process Flowchart, as set out in annex 3, summarizes the actions and outcomes described above.

### **Summary of method of operation**

26 The Facilitation Committee will monitor and support the facilitation of instances of denials in the transport of radioactive material. The Facilitation Committee will not involve itself in solving individual instances of denial, but should focus on broad and long term solutions associated with underlying causes. The Facilitation Committee will review the records, will seek to determine the root causes and agree on actions intended to resolve these causes.

27 Interested UN agencies will collectively develop administrative processes, systems and a single, secure database to retain, compile and analyse the reports. The database will include fields, which permit the grouping of reports for ease of analysis.

The method of operation will be the following:

#### **1 Notification of instances**

IMO Secretariat will:

- .1 establish a point of contact to whom reports are to be submitted; and
- .2 establish a mutually agreed, upon information, sharing methodology.

Manufacturers/producers/shippers should:

- .3 utilize the standard report form for notifications of denials/delays (as shown in the annex); and
- .4 file the report with the relevant Competent Authority.

The Competent Authority should:

- .5 validate the information in the manufacturers/producers/shippers report; and
- .6 file the report with the appropriate UN agency.

## **2 Investigation of the cause of specific instances**

The appropriate Competent Authorities will:

- .1 work together to investigate reports on denials of shipments to determine the root cause; and
- .2 after the root cause has been determined, provide the information to the appropriate UN agency.

The IMO Secretariat will:

- .3 co-ordinate with the Competent Authorities and the manufacturers/producers/shippers, who experience difficulty, to ensure the accuracy of the report;
- .4 share information with other UN agencies and coordinate on next steps; and
- .5 communicate reported instances of denials to involved associations and organizations.

## **3 Facilitation / Mediation of specific instances**

All parties involved, including manufacturers/producers/shippers, Competent Authorities, involved associations and organizations and UN agencies will cooperate to facilitate the resolution of issues which result in the denial or delay of shipments of radioactive materials.

On this basis the involved parties should:

- .1 work together to facilitate the investigation and resolution of the reason for denial/delay;
- .2 conduct open and meaningful discussions regarding the incident, with the aim of finding a resolution.

## **4 Reporting of instances**

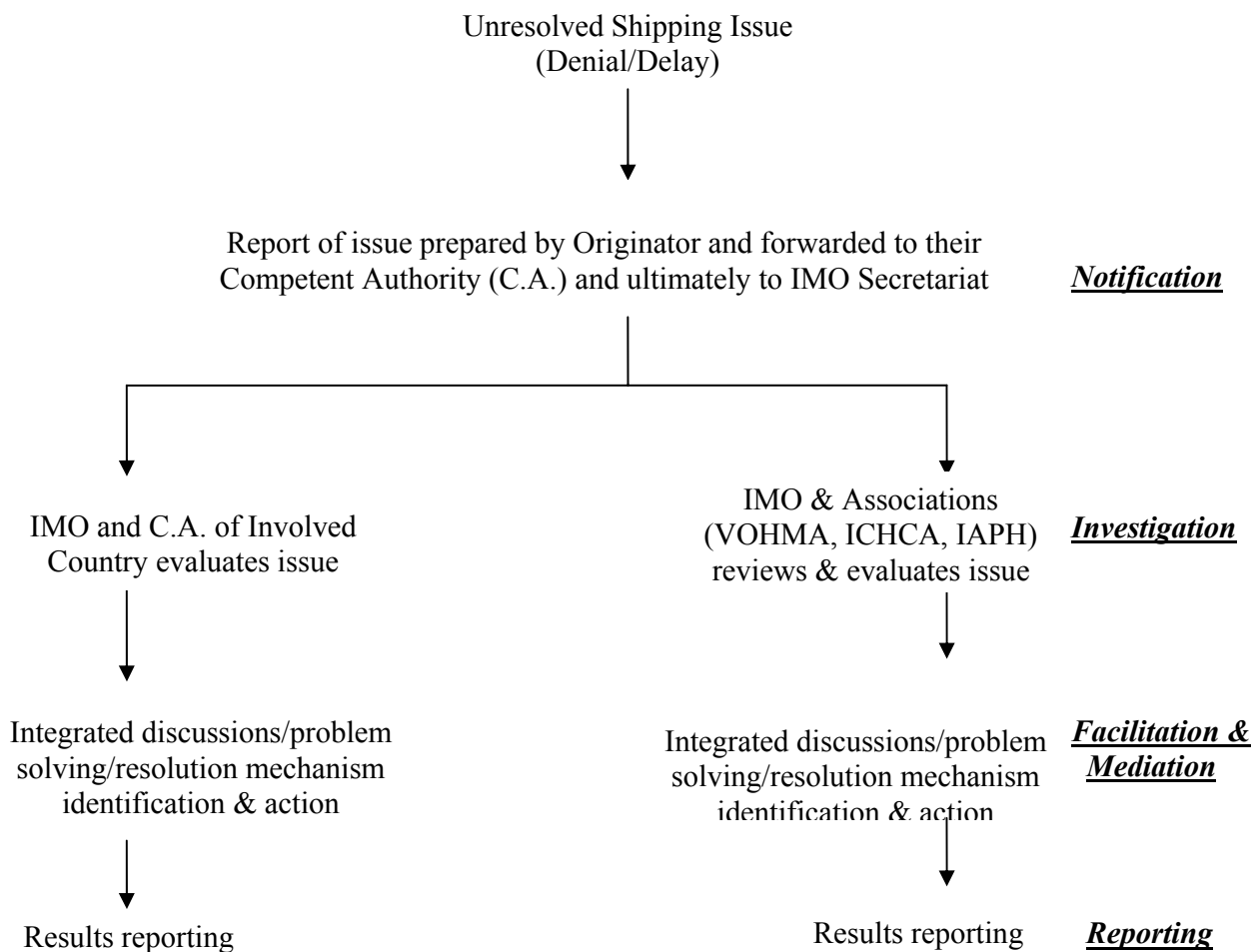
The IMO Secretariat, in co-operation with other interested UN Agencies, will:

- .1 ensure that the database is kept up to date, including all outcomes of the facilitation/mediation process; and
- .2 prepare a report of denial/delay incidents/status/causes/key outcomes for submission to the FAL Committee and to other appropriate bodies, if required.



ANNEX 1

**OVERVIEW OF IMO WORKING PROCESS**



ANNEX 2

**REPORT ON DIFFICULTIES ENCOUNTERED IN RELATION TO THE  
CARRIAGE OF IMDG CODE DANGEROUS GOODS INCLUDING CLASS 7  
RADIOACTIVE MATERIALS**

*(submitted pursuant to the provisions of resolution A.984(24) and decisions of FAL 34)*

Report submitted by<sup>1</sup>:

Date of report:

Product name:

UN number:

Proper shipping name:

IMDG Code class or division:

Shipment reference number (consignor ID):

The carriage of the above consignment was delayed  was denied

Consignor:

Consignee:

Carrier:

Name of aircraft/ship/vehicle:

Type of aircraft/ship/vehicle:

Flight/IMO Ship identification/vehicle number:

Flight number/Voyage reference/route reference:

Location and date of loading:

Date of difficulty:

Name of entity with whom the alleged difficulty:

Location(s) and date(s) of transit:

Destination:

Brief description of events:

Reasons stated for the difficulty of the carriage:

Action(s) taken to resolve the matter *(if any)*:

Consequences of the development(s):

Other relevant information or comments:

Suggestions *(if any)*:

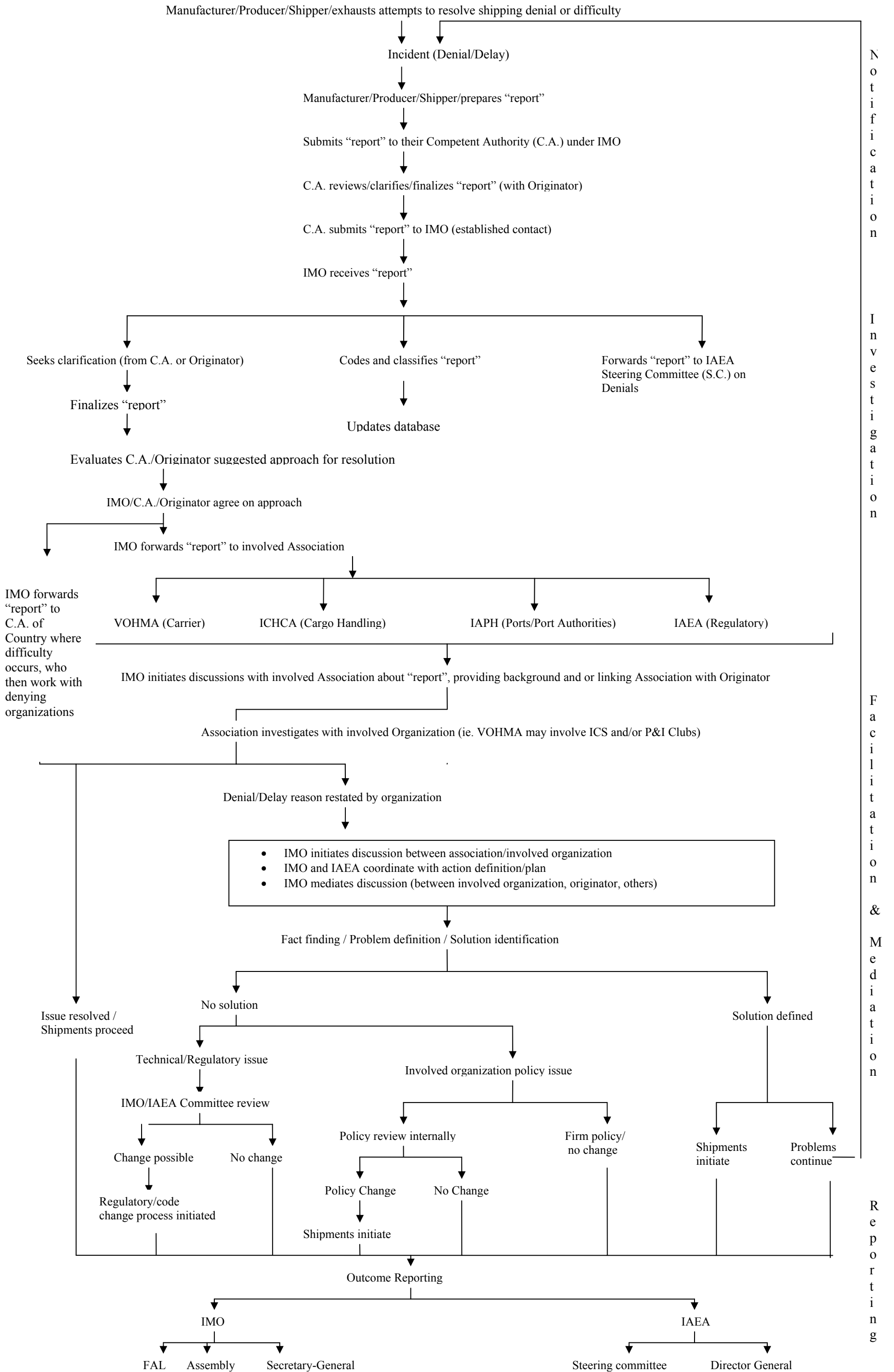
Name, title and contact details of person submitting the report:

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<sup>1</sup> Name of Member Government's Maritime Administration or Non-Governmental Organization with consultative status, Manufacturer/Producer/Shipper submitting the Report.

ANNEX 3

IMO Working Process for Monitoring, Facilitating and Co-ordinating Resolution of Difficulties in the Carriage of IMDG Code Class 7 Radioactive Materials



Notification  
Investigation  
Facilitation & Mediation  
Reporting

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**ANNEX 6****SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDA  
FOR THE THIRTY-FIFTH SESSION OF THE COMMITTEE**

Adoption of rules of procedure\*

Decisions of other IMO bodies

Consideration and adoption of proposed amendments to the Convention

General review and implementation of the Convention:

- .1 status of the Convention
- .2 review of Standards and Recommended Practices
- .3 development of an Explanatory Manual to the Convention

Electronic means for the clearance of ships:

- .1 e-business possibilities for the facilitation of maritime traffic
- .2 development of EDI messages for transmission of security-related information
- .3 revision of the IMO Compendium on facilitation and electronic business
- .4 co-operation amongst Member States
- .5 the use of the Single Window Concept

Formalities connected with the arrival, stay and departure of persons:

- .1 shipboard personnel
- .2 stowaways
- .3 illegal migrants
- .4 persons rescued at sea

Certificates and documents required to be carried on board ships and FAL Forms:

- .1 list of certificates and documents required to be carried on board ships
- .2 online access to certificates and documents required to be carried on board ships

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\* Subject to the entry into force of the 1991 amendments to the IMO Convention.

.3 implementation of FAL Forms 1 to 7

Prevention and suppression of unlawful acts in ports and at sea

Securing and facilitating international trade

Ship/port interface:

.1 facilitation of shipments of dangerous cargoes

Technical co-operation and assistance

Institutionalization of the Committee\*

Relations with other organizations

Application of the Committee's Guidelines

Work programme

Election of Chairman and Vice-Chairman for 2009

Any other business

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\* Subject to the entry into force of the 1991 amendments to the IMO Convention.