

## **IMO and Maritime Security Historic background**

The International Maritime Organization, as the United Nations' regulatory body responsible for the safety of life at sea and environmental protection, has adopted a great number of conventions and regulations since its inception in 1959. Due to the new security challenges imposed by some devastating terrorist acts around the World, the Organization had to respond swiftly and appropriately. To deal with these maritime security threats effectively, IMO has as an integral part of its mandate, the duty to make travel and transport by sea as safe and secure as possible.

The hijacking of the Italian cruise ship Achille Lauro, on 7 October 1985, was a significant actual terrorist act. Following that incident, IMO adopted resolution [A.584\(14\) on Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews](#). Subsequently in 1986, taking also account the request of the United Nations General Assembly to study the problem of terrorism on board ships and to make recommendations on appropriate measures, the Organization issued [MSC/Circ.443 on Measures to prevent unlawful acts against passengers and crews on board ships](#).

Other noteworthy maritime security incidents:

- The hijacking of the SS Santa Maria (cruise ship), in La Guaira (Venezuela), 23 January 1961
- The hijacking of the Anzoategui (cargo ship), off the Venezuelan coast, 12 February 1963
- The hijacking of the SS Columbia Eagle (cargo ship), 14 March 1970
- The hijacking of MV Avrasya (ferry), in the port of Trabzon in Turkey, 16 January 1996
- The attack on the USS Cole (Navy ship), in the port of Aden in Yemen, 10 June 2000
- The attack on the SS Limburg (oil tanker), in the Gulf of Aden, off the coast of Yemen, 6 October 2002
- The attack on the SuperFerry 14 (ferry), in the Philippines, 27 February 2004
- The attack on the M/V M. Star (VLCC oil tanker), in the Persian Gulf, 27 July 2010

[The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 \(SUA Convention, including the 1988 and 2005 Protocols\)](#)



Pursuant to the Achille Lauro incident the Organization continued working towards the development and adoption of conventions and security regulations and adopted, in March 1988, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA). The Convention, which is a legal instrument, extends the provisions to unlawful acts against fixed platforms located on the Continental Shelf, through the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, 1988.

The SUA Convention ensures that appropriate action is taken against persons committing unlawful acts against ships, including the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it. The Convention provides for application of punishment or extradition of persons who commit or have allegedly committed offences specified in the treaty. Currently 196 states ratified the 1988 Convention, corresponding to 94% of the world merchant shipping tonnage, and 154 states have ratified the 1988 Protocol. For more information on the status of all IMO Conventions click [here](#).

## 2005 Protocols to the SUA Convention 1988

Important amendments to the 1988 Convention and its related Protocol, were adopted by the Diplomatic Conference on the Revision of the SUA Treaties held from 10 to 14 October 2005. The amendments were adopted in the form of Protocols to the SUA treaties (the 2005 Protocols).

### **Article 3bis (Unlawful acts provisions)**

With regards to Article 3 of the 1988 SUA Convention, the 2005 Protocols add a new Article 3bis which clarifies under what conditions a person commits an offence within the meaning of the Convention. [Read more](#).

### **Article 8bis (Boarding provisions)**

Article 8 of the SUA Convention covers the responsibilities and roles of the master of the ship, flag State and receiving State in delivering to the authorities of any State Party any person believed to have committed an offence under the Convention, including the furnishing of evidence pertaining to the alleged offence. A new Article 8bis in the 2005 Protocol covers co-operation and procedures to be followed if a State Party desires to board a ship flying the flag of a State Party when the requesting Party has 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 Convention. [Read more](#).

### **Article 11bis and 11ter (Extradition provisions)**

Article 11 covers extradition procedures. A new Article 11bis states that none of the offences should be considered for the purposes of extradition as a political offence. New article 11ter states that the obligation to extradite or afford mutual legal assistance need not apply if the request for extradition is believed to have been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

## **2005 Protocol to the SUA Convention vis-à-vis the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988 SUA Protocol) - Article 2bis (Range of offences)**

The 1988 SUA Protocol was adopted alongside the 1988 SUA Convention and applies exclusively to fixed platforms located on the Continental Shelf. Amendments to the 1988 Protocol to the SUA Convention are reflected in the 2005 Protocol to the SUA Convention.

New Article 2bis of the 2005 Protocol broadens the range of offences contained in the 1988 Fixed Platforms Protocol. [Read more.](#)

## **The International Ship and Port Facility (ISPS) Code**

The tragic events of September 11 (2001) in the United States of America raised the question of the vulnerability of ships and, in particular, the possibility of shipping being used as a vector of terrorist activity. Consequently, in November 2001 IMO Assembly resolution [A.924\(22\) on the Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships](#), called for an assessment of the existing international legal and technical measures to prevent and suppress terrorist acts against ships at sea and in port, and to improve security aboard and ashore. The aim was to reduce risks to vessels and their cargo, passengers, crews, port personnel on board ships and in port areas, and also to enhance the overall security of ships and in ports, in order to manage and minimise the possibility of shipping becoming a target of international terrorism.

The IMO Assembly also agreed to a significant boost to the Organization's technical co-operation programme, to help developing countries address maritime security matters. Since then a large number of [regional and national seminars and workshops](#) on the enhancement of ship and port security are conducted by IMO around the world. In addition, fact-finding, assessment missions and advisory services may be conducted by the Organization, upon request of the Member States concerned.

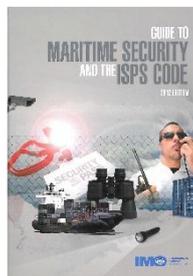


As a result of the adoption of resolution A.924(22), a [Diplomatic Conference on Maritime Security \(2002 SOLAS Conference\)](#), was held at the London headquarters of IMO, from 9 to 13 December 2002. The conference was attended by 109 Contracting Governments to the 1974 SOLAS Convention, observers from two IMO Member States and observers from the two IMO Associate Members. United Nations specialized agencies, intergovernmental organizations and non-governmental international organizations were also represented at the Conference as observers.

The 2002 SOLAS Conference adopted a number of amendments to the [International Convention for the Safety of Life at Sea \(SOLAS\), 1974, as amended](#), the most far-reaching of which enshrined the new [International Ship and Port Facility Security \(ISPS\) Code](#). The ISPS Code, which is divided into a mandatory Part A and a recommendatory Part B, contains detailed security-related requirements for Governments, port authorities and shipping companies in Part A and recommendations on how to implement those requirements in Part B. The Conference also adopted a series of resolutions designed to add weight to the amendments and encourage the application of the measures to ships and port facilities not covered by the Code.

Since the adoption of the ISPS Code, the IMO has adopted further guidance for its Member States and the Maritime Industry, with a view to safeguarding the effective implementation of the Code. A consolidated version of all the relevant guidance adopted by IMO was subsequently developed in the form of the *IMO Guide to Maritime Security and the ISPS Code*.

### **The IMO Guide to Maritime Security and the ISPS Code (2012 Edition)**



The IMO published the first (2012) edition of the [Guide to Maritime Security and the ISPS Code](#), to assist Member Governments with the implementation of the ISPS Code. Since 2012, under the Organization's [Global Maritime Security Integrated Technical Co-operation Programme \(ITCP\)](#), the Sub-Division for Maritime Security and Facilitation (MSF) develops and implements a comprehensive global technical cooperation programme with the ISPS Code Guide as a basis. The Guide focuses on assisting States in the implementation, verification, compliance with, and enforcement of, the provisions of the IMO maritime security measures, including the ISPS Code and the SOLAS chapter XI-2, [counter-piracy initiatives](#), the [SUA Convention](#) and [Long-range Identification and Tracking \(LRIT\)](#).

### **IMO technical cooperation and assistance**

To provide support, assistance and guidance to its Member States in the process of implementation of the relevant maritime security related measures and instruments, in 2004 the IMO established the Maritime Security Section (MSS), which operated under the umbrella of the Maritime Safety Division (MSD). MSS was eventually restructured and functions as MSD's Sub-Division for Maritime Security and Facilitation (MSF). Overseeing Maritime Security matters within that Sub-Division is a small team of staff supported by specialist consultants.

The IMO Secretariat, in particular MSF staff with maritime security related duties, work in close cooperation with Member States, other United Nations bodies, regional organizations, development partners and the maritime industry, to safeguard global maritime security and suppress piracy, armed robbery against ships and other illicit maritime activities. This multilateral and cooperative effort has helped to ensure that the response in dealing with

major maritime security threats and incidents are adequate, at national, regional and international levels.

MSF's global technical cooperation programme entails a complementary series of national and regional seminars, workshops, needs assessment missions, etc. In 2014 the Organization successfully delivered 47 activities around the world, making maritime security increasingly one of the largest capacity building programmes in the Organization.