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Overview of Current IMO Maritime Security Proposals

By

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INTRODUCTION

Following the attacks on the World Trade Centre in New York last September, many countries undertook wide-ranging reviews of security. As a matter of urgency, the Secretary General of IMO presented an important note to the 22nd session of the IMO Assembly, which met in London from 19 – 30 November 2001. The note addressed measures to prevent acts of terrorism which threaten the security of ships and demonstrated the SG’s determination to work with others so that shipping would not become a target of international terrorism.

As a consequence Assembly unanimously adopted a Resolution (A.924(22)) on “Measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships” and decided that a Maritime Safety Committee (MSC) intersessional working group be established (in February 2002) to prepare recommendations for submission to MSC 75 (due to meet in May 2002).

Initial measures proposed, to the IMO, by the United States for consideration, included:

- .1 reviewing the issues related to the installation of Automatic Identification Systems (AIS) on ships;
- .2 considering the need for security plans on ships, port facilities and offshore terminals;
- .3 reviewing the need for identification verification and background security checks for seafarers; and
- .4 ensuring a secure chain of custody for containers from their port of origin to their destination.

Reflecting the seriousness with which the world community and the International Maritime Organization (IMO) viewed events, the Maritime Safety Committee (MSC) of the IMO met in May this year to consider the risks associated with acts that threaten the security of ships and port facilities. This

consideration included how the international maritime community as a whole should address these risks.

The MSC session in May this year received the report of the intersessional working group on its initial considerations plus numerous submissions from many member States. These papers proposed draft amendments to Chapters V and XI of the SOLAS Convention, and the development of an International Ship and Port Facility Security Code (ISPS Code). The proposals agreed so far include proposed changes to Regulations and the mandatory section (Part A) of the Code. The drafts, together with a new draft guidance section (Part B) of the Code, will be considered further in September at a special Intersessional Working Group (ISWG) of the MSC.

Following deliberation at the ISWG, it is anticipated that the SOLAS amendments and the new ISPS Code will be further considered at the Maritime Safety Committee meeting in December and adopted at a Diplomatic Conference to be held from 9 to 13 December 2002. Opting for a SOLAS Diplomatic Conference, it was believed that a strong message would be conveyed about the seriousness IMO was attaching to the issue of maritime security.

OVERVIEW OF THE PROPOSALS

Background

The proposed SOLAS amendments and ISPS Code build upon the provisions of MSC Circular 443 issued in 1986, and Circular 754 issued subsequently, setting out measures to prevent “unlawful acts” against passengers and crews on board ships, in the wake of the “Achille Lauro” and “City of Poros” incidents. The Circular addressed in particular, the security of passenger ships on international voyages, but also established a basic framework of security responsibilities and measures for ships and ports.

MSC Circular 443 made provision for, among other things, ship and port security plans, the appointment of a designated authority to approve such plans, the duties of ship and port security staff, and for the reporting of security incidents. In the guidance section of that circular, advice was given on the conduct of security surveys at ports and on ships, together with detailed advice on security measures, and the training of security staff.

The intersessional working group meeting

At the intersessional WG meeting in February It was agreed that, on the basis of the decisions made the actions requested by the Assembly in Resolution A.924(22) could be classified as either immediate or actions to be taken in the short, medium and long terms.

The ISWG, in concurring with the proposals agreed to deal with the following issues:

- .1 Automatic Identification Systems (AIS)
 - amendments SOLAS regulation V/19.2.4

- long range AIS interface
- .2 Ship and offshore facility security plans
- .3 Ship security officer
- .4 Company security officer
- .5 Port facility security plans
- .6 Port vulnerability assessment
- .7 Seafarer identification verification and background check
- .8 Port of origin container examinations
- .9 Co-operation with the World Custom Organization (WCO)
- .10 Information on the ship, its cargo and people
- .11 Means of ship alerting
- .12 Ship security equipment
- .13 Update of MSC/Circ.443
- .14 Long term goal

Of these three issues have and probably will continue to be contentious, these relate to Seafarer Identification; Ownership and control.

Seafarer identification and background check

The first contentious item addressed was the proposal on the incorporation of a new regulation on a seafarer identification and background check supported by requirements for verifiable positive identification to be developed by IMO.

The overwhelming majority of the member states did not support the proposal for seafarer background checks. This opposition was based on legal and constitutional restrictions in national law and concern about issues of human rights, privacy and data protection. It was agreed that this proposal should not be taken forward.

The proposal for the seafarer identification document was discussed in great detail and while there was general agreement on the need for an updated seafarer identification document there was a clear division within the member States. Some delegations supported inclusion of a requirement within SOLAS as proposed by the United States but a majority supported action through revision of the International Labour Organization's (ILO) Seafarers' Identity Documents Convention, 1958 (No.108).

However all delegates who spoke did support the need for urgent action on an up-to-date seafarer identification document. A clear majority considered it was more appropriate for this work to be done through ILO, though there was a desire for the closest possible co-operation between IMO and ILO. Having discussed this issue with the ILO Secretariat and a number of interested parties the Secretary-General was requested to write to the Director-General of ILO seeking his co-operation. The note emphasised the importance the Member States of IMO gave to updating the ILO seafarer identification

document as a significant contribution to enhanced maritime security and requested early action on this matter, offering the assistance of IMO in this process.

However should this plan fail it was agreed that to safeguard IMO's position a new draft regulation be prepared requiring: "All Contracting Parties shall issue a seafarer identification document to each of its nationals who is a member of a ship's crew or is another person employed or engaged in any capacity on board a ship on the business of that ship". The Maritime safety Committee at its May session (MSC 75) would then be in a position to establish whether the ILO Governing body had agreed to the development of a Protocol to ILO No.108 on an accelerated timescale and could then decide what to do with the text proposed.

The other main contentious point still to be agreed is the addition of biometric information to the new seafarer's document. There is some concern as to the amount and type of information that may be held via this process. This issue will have to be further debated at both IMO and ILO.

Information on the ship, its cargo and people

The ISWG further considered the proposals and information submitted to discuss the issue of information exchange between ships/port States, flag States/port States and port States/port States on the ship, its cargo, its crew and its passengers. The consideration was to determine if additional measures should be implemented to enhance the current information exchange that takes place and to further increase maritime domain awareness world-wide.

In considering the issue of ownership and operational control of the ship it was agreed that full transparency in ownership information was desirable, but could be difficult to achieve. Nevertheless the owner of a ship needed to be defined, bearing in mind that many IMO instruments place responsibilities on the shipowner, who may not be easy to identify. Three information questions were finally developed for inclusion in the Continuous Synopsis Record (CSR), these related to 1) who appoints the crew; 2) who fixes the use of the ship, and 3) who signs the charter party on behalf of the owner. At present this information has been felt to be at least adequate to initiate a search for those responsible for the vessel. Also use of information exchange between parties concerned, utilising all available systems (e.g. flag State agreements, Equasis, PSC data, FAL Form information, Qualship '21, etc.) is strongly recommended.

Control

The third is the issue of control particularly with regard to inspection and control of ships within the internal waters of a Government and the communication with and inspection and control of ships intending to enter the internal waters of a contracting Government. The main concerns here relate to sovereignty and infringements into the right of innocent passage as covered by the UN Convention on the Law of the Sea (UNCLOS).

The main concern with this latter point is the provision to prevent a ship from entering the territorial sea of a State in whose territory the port is situated. A further point is the degree to which the imposition of control measures may be applied depending on the security procedures.

MARITIME SAFETY COMMITTEE - 75TH SESSION

At the 75th session of the MSC the committee considered and decided on various issues “of principle”, these were:

- 1 AIS matters
 - .1 Accelerated implementation
 - .2 interpretation of the term “first survey”
 - .3 Inmarsat C polling
- 2 Framework of security regulations:
 - .1 incorporation of all maritime security regulations either:
 - .1 in SOLAS chapter XI, supplemented by Part A and B of the IS Code; or
 - .2 in the ship and company security-related regulations in SOLAS chapter IX and the ISM Code and the port security-related regulations in chapter XI and the IS Code,
 - .2 government obligations
 - .3 levels of threat
- 3 Application to and treatment of MODUs and platforms
- 4 Ship Security Officer (SSO), Company Security Officer (CSO) and Port Security Officer (PSO)
 - .1 training requirements in the IS Code
 - .2 STW Sub-Committee to develop guidelines on training of SSO, CSO and PSO
- 5 Port Facility Security requirements in SOLAS
 - .1 requirements for port security in SOLAS, supplemented by the IS Code
 - .2 definition of ship/port interface
 - .3 definition of ship/platform (on site) interface
- 6 Port Facility Security Assessment – requirements in SOLAS and the IS Code
- 7 Seafarers identification
 - .1 ILO Convention No.108
 - .2 SOLAS XI regulation
- 8 Container examination
 - .1 co-operation with WCO
 - .2 proposed SOLAS XI regulation on sealing of containers
 - .3 proposed SOLAS XI regulation or ISC Part A on Company Security Officer (CSO) responsibility for sealing of containers
- 9 Ship “owner” and “control” of ship
 - .1 outcome of LEG 84 on “ownership” and “control”
 - .2 permanent marking of ships’ identification number
 - .3 continuous synopsis record (CSR)
- 10 long-term goal.

The most far-reaching of these proposals is the proposed International Ship and Port Facility Security Code (ISPS Code) to be implemented through SOLAS Chapter XI. The code will have two parts, one mandatory and the other recommendatory.

In essence, the code takes the approach that ensuring the security of ships and port facilities is basically a risk management activity and that to determine what security measures are appropriate, an assessment of the risks must be made in each particular case.

This risk management concept would be embodied in the code through a number of minimum functional security requirements for ships and port facilities. For ships, these requirements would include:

- Ship security plans
- Ship security officers
- Company security officers
- Certain onboard equipment

For port facilities, the requirements would include:

- Port facility security plans
- Port facility security officers

In addition the requirements for ships and for port facilities include:

- Monitoring and controlling access
- Monitoring the activities of people and cargo
- Ensuring security communications are readily available

To ensure implementation of all these new requirements, training and drills would naturally play an important role.

While all these subjects were extensively addressed a full consensus could not be achieved. There was not sufficient time to finalise all issues for consideration and agreement at the proposed Diplomatic Conference. However sufficient agreement was achieved to convince the Committee that there was ample consensus to ensure that final agreement could be achieved at the Conference.

Further time was also needed to complete the recommendatory Part B of the Code and to give Member States time to further consider the achievements to date. It was therefore agreed that a further intersessional meeting would be held in September with a further working group at MSC in December, by which stage hopefully a successful Conference could be achieved.

SUMMARY OF PROPOSALS TO DATE

The amended SOLAS Regulations and the new Code have been designed to establish an international maritime security framework. Central to that framework is a proposed system of three "security levels" for international

use, which will reflect the degree of risk associated with the threat of a security incident at any given time. Each contracting Government will need to set the security level applying to its ships and port facilities. All ships and port facilities to which the Code will apply will be required to have, and maintain, a minimum level of security, "security level 1". Each must be able to demonstrate that they can respond appropriately when the security level moves to "security level 2" and, when there is credible information that a security incident is probable or imminent, to "security level 3".

This framework also seeks to ensure as much consistency of approach as possible, in the organisation and management of security by ships and port facilities, in order to ensure effective harmonisation of ship and port facility arrangements.

The proposed changes to Regulations address:

- Definitions and Application;
- Automatic Identification of Ships (AIS);
- Ship Identification Number;
- Requirements for Ships, and Master's Discretion for Ship Security;
- Ship security alarm;
- Requirements for Port Facilities;
- Alternative and Equivalent Arrangements;
- Provision of Information;
- Control
- Specific Responsibilities of Companies; and
- Continuous Synopsis Record.

Part "A" of the new Code will impose mandatory requirements in respect of:

- Responsibilities of Governments, and port state control measures;
- Responsibilities of companies;
- Responsibilities of ships;
- Ship security assessments, security plans and records;
- Continuous synopsis records;
- Port facility security assessments, security plans and records;
- Duties, responsibilities and training of company, ship and port security officers, and other personnel;
- Surveys and certification of ships.

Part "B" of the Code will give extensive detailed guidance on each of these issues.

Application

Most of the proposed regulations to improve maritime security will be contained in a new Part 2 of Chapter XI of SOLAS- and will apply to:

- a) The following types of ships engaged on international voyages:
 - passenger ships including high speed craft;

- cargo ships including high speed craft of 500 gross tonnage and upwards; and
- Mobile offshore drilling units (MODUs): and

b) Port facilities serving ships engaged on international voyages.

The proposals will not apply to recreational craft, war ships, naval auxiliaries or other ships operated by Governments on non-commercial service. Neither will the draft Code apply explicitly to fixed or floating platforms, although Governments will be encouraged to apply the security provisions also to these facilities.

Timetable

There is a general recognition that progress needs to be made as soon as is practicable, and that there will most likely be different time scales for some elements of the proposals. For the majority of the proposals, however, a date of implementation of July 2004 is under consideration.

Costs of Compliance

These proposals will inevitably place an increased burden on Government and the shipping and ports sectors. There are potential implications for service costs, and efficiency and competition within the relevant markets. The impact of these proposals in terms of cost and operation will need to be carefully considered.

As a general principle costs will lie where they fall. Harbour authorities are normally given general and specific rights to enable them to discharge their duties. These include powers to raise dues for the discharge of a harbour authority's statutory obligations. People use ports on the condition that they pay dues and the security system for the port must be properly funded.

The costs of arranging for and conducting a port facility security assessment and developing, implementing and maintaining a port facility security plan will fall to the operator of the port facility. Governments will however need to meet the costs of establishing a competent authority for setting standards and enforcing standards through a compliance assurance programme associated with the security requirements for ships under its Administration and for port facilities within its jurisdiction. One aspect of the compliance assurance programme will be the approval of ship and port facility security plans and the issuance of certificates of compliance in respect of ships.

THE IMPLICATIONS FOR GOVERNMENTS

Legislation

The SOLAS Convention necessarily addresses only the "ship/port interface". The wider "land-side" issues concerning ports, including security, are matters subject to the national laws of contracting Governments. Governments will therefore need to consider the form of a domestic legislative instrument to discharge its responsibilities as a contracting government, to address the

wider security issues concerning the port as a whole, and to take into account those ports which will fall outside the SOLAS criteria.

Implementation and Enforcement

It is proposed that the ISPS Code will require Governments with port facilities within their territory, to which the Code applies, to ensure that:

- control measures are implemented;
- port facility security assessments are carried out;
- port facility security plans are developed, implemented and reviewed;
- security levels are set, that ports are notified of these and that ships are notified of the port's current security level prior to entering port;
- alternate and equivalent arrangements, such as bilateral or multilateral agreements are allowed, and that details of these are forwarded to the IMO;
- information is provided to the IMO concerning the national authority or authorities responsible for ship and port facility security, as well as details of any "recognised security organisations" authorised to act on their behalf; and
- within one year of the adoption of the ISPS Code, a point or points of contact for security matters at all port facilities in their territory is communicated to the IMO.

Governments may need to establish criteria to determine which ports handling ships engaged on international voyages should be subject to the regime of security assessment and planning. In doing so Governments may exercise judgement based on risk assessment, and seeking to ensure that measures at ports are reasonable and proportionate.

Having categorised ports in relation to the application of the code guidance will need to be established to enable port facility security assessments and facility security plans to be developed in accordance with the Code.

THE IMPLICATIONS FOR PORTS

Ports affected by the Code

The pattern of the Ports Industry varies between countries. Each will have to decide how to incorporate SOLAS into domestic law and the extent to which its own regulations may need to go further than the ship / port interface to co-ordinate application.

Adoption of the simple definition "ports facilities serving ships engaged on international voyages" will bring a very high number of ports and terminals within the Code. As such there is a major concern within some countries so this particular issue will need to be seriously considered before a final decision is reached. Many member states feel that the response to the Code needs to be proportional. The final position must however be to ensure as much consistency of approach as possible between Contracting Governments in the categorisation of ports and terminals in relation to the new Code.

The Port facility security assessments, current and proposed, will influence the final judgement as to whether or not particular ports or terminals should fall within the Code. It is probable that the initial categorisation of some ports could change as a consequence of the security assessment.

Overall, those ports, which may fall within the provisions of the new ISPS Code, could be:

- ports or terminals serving ships engaged on international voyages, subject to port facility security assessment as specified in the ISPS Code; and
- ports or terminals categorised by Governments for security reasons.

Responsibilities of Ports

Ports categorised as being likely to fall within the scope of the Code will need to undertake port facility security assessments. In some cases ports may undertake this work themselves, or contract the task to a “recognised security organisation” within the meaning of the Code. Conceptually the approach proposed is one under which the implementation will consist of dialogue with ports to ensure consistency of approach, followed by verification and approval of the assessments by Government.

Following a Security Assessment, port facilities to which this Code applies will need to appoint a Port Facility Security Officer and prepare a Port Facility Security Plan. The Plan, in the form specified in the Code, will need to demonstrate the measures to maintain security level 1 and the capability to move to security level 2. The Port Facility Security Plan will also need to show how the port facility will move to security level 3 when that security level applies. The Plan will need to be approved by Government.

In implementing their responsibilities, Ports will also be required to act upon the security levels as set by contracting governments. Detailed guidance on the measures that should be taken at each security level will be set out in Part B of the Code.

Declaration of Security

Under certain circumstances, which will be determined by governments, it will be necessary for a “Declaration of Security” to take place between a ship and the port facility which is being entered. It will normally be the responsibility of the port facility to complete the shore-side part of the declaration, which will in effect be a confirmation of the security arrangements which will be shared between a port facility and a ship, and will state the responsibilities of each.

Training

The ISPS Code will also require ports to undertake drills periodically and will set out other matters concerning the duties and training of security staff and others with security responsibilities.

THE IMPLICATIONS FOR SHIPPING COMPANIES AND SHIPS

Responsibilities of Shipping Companies

Companies operating ships over 500 tonnes on international voyages will need to designate Company and Ship Security Officers, undertake Ship Security Assessments and prepare Ship Security Plans in accordance with the requirements of the Code. The Ship Security Plan will need to demonstrate the measures applied to maintain security level 1 and the additional actions to be taken when moving to security level 2. The Ship Security Plan will also need to show that the ship has arrangements in place which would allow it to move to security level 3 when that level applies. The measures to be taken at security level 3 are likely to be set by the ship's flag State or by the administration responsible for the port facility the ship is using.

The Ship Security Plan will need to be approved by the flag State and the ship will need to carry a certificate indicating that it has an approved Ship Security Plan on board. The Plan itself will remain protected from unauthorised disclosure. Certain subsequent amendments to an approved Ship Security Plan will also need to be approved by the ship's flag state.

The Ship Security Plan certificate will become subject to the equivalent of Port State Control inspection. Duly appointed officers will be expected to work with Port Facility Security Officers to ensure that all requirements of SOLAS are met including the provisions of the Code. The authority of the duly appointed officer will not, however, be pre-empted by any document issued under the Code.

Master's Discretion for Ship Security

The Regulations will make clear that the Master must not be constrained by the Company or any other person from taking any decision which, in his professional judgement, is necessary to maintain the security of the ship.

Continuous Synopsis Record (CSR)

Ships to which this regulation applies will need to have a Continuous Synopsis Record, which is intended to provide an onboard record of the history of the ship. The record will identify the flag State, date of registration, the identification number and name of the ship together with details of ownership, classification and other matters. The record will also record all previous flag States, owners and classification societies of the ship.

The Continuous Synopsis Record will also detail the government or Recognised Security Organisation which has issued the Safety Management Certificate, and the International Ship Security Certificate. The CSR must be in the official language of the administration which has issued the Document of Compliance and, if not already, also either English, French or Spanish.

Ship Identification Number

The regulations will require that the ship identification number will be permanently marked either on the stern of the ship or on either side of the hull, plainly visible, and in a manner, which cannot easily be erased. For passenger ships the marking may also need to be on a horizontal surface

visible from the air. There will also be a need for the marking to be made within the ship on a bulkhead in an easily accessible place.

Ship Security Alert

It is proposed that ships to which the Code applies will be fitted with a ship security alarm (now proposed to be known as an alert) capable of transmitting a ship-to-shore security alert identifying the ship, its location and indicating that the security of the ship is under threat or has been compromised. Further progress on this is awaiting the outcome of the Joint ICAO/IMO Working Group meeting on the issue. At present it is acknowledged that there is an urgent need for a performance standard, and that further consideration needs to be given to both ship-board and shore-based responses to a security alarm.

Declaration of Security

As indicated above, in certain circumstances, which will be determined by governments, it will be necessary for a "Declaration of Security" to be completed between a ship and the port facility which is being entered. The declaration of Security will need to be completed by the Master or the Ship Security Officer on behalf of the Ship.

Training

The ISPS Code will also require ships to undertake drills periodically and will set out other matters concerning the duties and training of security staff and others with security responsibilities.

Resources and Implementation

The Code is expected to make explicit reference to the fact that the mandatory requirements of the Code will impose additional responsibilities and burdens on many employed in the shipping and port industries. It will be essential that those involved in security, as well as safety, have the resources, manpower and competencies needed to allow them to perform their tasks effectively.

Automatic Identification System (AIS)

The Code will incorporate, in due course, provision for all ships to which the Code applies to be fitted with an Automatic Identification System (AIS). The proposal is seen as having significant value in the early identification of vessels by contracting Governments, but the timescale of implementation will depend upon agreement of the technical specification. The IMO Navigation sub-committee (NAV 48) has been asked to complete the technical specifications for all AIS related-standards in time for consideration by the December Diplomatic Conference. The introduction of some form of long range tracking either via AIS or by INMARSAT C polling has been passed to the relevant IMO sub-committees for further detailed consideration.

Survey and certification

Ships to which the Code applies will be subject to surveys in relation to their security arrangements. An initial survey will be required before the ship's Security Certificate is issued and will confirm that the ship fully complies with the applicable regulations and the Code. There will also be provisions in the

Code with respect to endorsement of the Certificate and in relation to the duration and validity of the Certificate.

INDUSTRY REACTION

While endorsing in principle the conclusions and recommendatory actions proposed, the shipping industry believe that a number of issues remain to be addressed and that some of the issues, which are discussed above, had yet to be fully addressed; some areas they believed were worthy of particular attention, namely:

- .1 the early introduction of AIS in terms of availability of, and timeframe for, fitting that equipment, and coastal states' readiness to receive the information;
- .2 the implications for administrations in respect of the fitting of "alert" buttons on ships;
- .3 the implication of the use of long-range tracking for improper purposes;
- .4 the permanent marking of ships;
- .5 the proper identification for all persons boarding a ship in port to carry out their duties; and
- .6 the need for an overarching port security plan.

All of these issues and possibly others will be subject to further discussion and debate at the intersessional meeting, in the MSC 76 working group and at the Diplomatic Conference before final agreement.

CONCLUSION

The issue of Maritime security has introduced a new, and very important, issue into IMO's network of responsibilities. It has also brought with it understandable sensitivities for certain Governments. However we need to ensure the seamless flow of international seaborne trade and maintain awareness of the importance and significance of shipping to world trade. Likewise we need to be aware of the economic chaos that would be caused if the world-wide supply chain were to be breached because of terrorist attacks against ships, ports or offshore terminals.

We need to strike a balance between the two extremes. This balance will have to be struck on the issue of inspection and control of ships. This is primarily the point at which the sensitivity over sovereignty is involved. We can understand the concern and responsibility of Governments over the security of their citizens and their determination to use every tool available to protect their people and the global trading system. There can be no doubt that Governments, the industry, seafarers and the travelling public attach

great importance to the safety and security of international shipping. Shipping must therefore continue to serve the flow of international trade effectively and efficiently and, to ensure this, we all have an obligation and responsibility to keep it secure from terrorist attacks.

It was satisfying to note at the recent G8 meeting in Canada that the G8 leaders recognised the leadership role that they expect of IMO in the promotion of the globally perceived need to protect shipping from becoming a target of international terrorism. By recognising IMO's role in this world effort they demonstrated their confidence in IMO's swift and decisive reaction to last years tragic events but we also have to be very aware of the responsibility of the great expectations they have of the results of the Diplomatic Conference in December.

I can understand the importance of Governments wishing to erect anti-terrorist barriers as soon as possible. If however these measures bring international industry such as shipping to a halt, then who has won? I agree with the Secretary General of IMO in urging patience until IMO adopts, in a very short period of time, a meaningful set of international standards. I trust that the world community appreciates the speed with which IMO has responded to the challenge with regard to maritime security. (A process, which in normal circumstances would take 4 – 5 years.) It has taken a vast amount of co-operation to put in place the determination and commitment of so many member States, industry and other co-competent organisations to assist in the goal of preventing shipping from becoming a soft target for international terrorism.

Post script

This paper was written in advance of the Intersessional Working Group meeting to be held at IMO on 9 – 13 September and of course MSC 76 (2 – 12 December) and the Diplomatic Conference (9 – 13 December 2002). As such it must be stressed that a final decision on the proposals has not yet been made.

The paper has attempted to provide a short history of the debate to-date, to identify the main format of the proposals and the main issues discussed and at the moment generally agreed. I have also tried to identify those issues of contention that may in the end not be finally agreed until the Diplomatic Conference in December.