IMO measures do not explicitly focus on “preventing terrorists from acquiring weapons of mass destruction” but rather on maintaining the security of the ship at all times to prevent use of the ship for a terrorist purpose.

Maritime security is an integral part of IMO's responsibilities. A comprehensive mandatory security regime for international shipping entered into force on 1 July 2004 and included a number of amendments to the 1974 Safety of Life at Sea Convention (SOLAS), the most far-reaching of which enshrined the International Ship and Port Facility Security Code (ISPS Code), which contains detailed security-related requirements for Governments, port authorities and shipping companies in a mandatory section (Part A), together with a series of guidelines about how to meet these requirements in a second, non-mandatory section (Part B).

The purpose of these maritime security measures is to establish an international framework involving co-operation between Contracting Governments, Government agencies, local administrations and the shipping and port industries to detect/assess security threats and take preventive measures against security incidents affecting ships or port facilities used in international trade; to establish the respective roles and responsibilities of all parties concerned, at the national and international level, for ensuring maritime security; to ensure the early and efficient collation and exchange of security-related information; to provide a methodology for security assessments so as to have in place plans and procedures to react to changing security levels; and to ensure confidence that adequate and proportionate maritime security measures are in place. The objectives are to be achieved by the designation of appropriate officers/personnel on each ship, in each port facility and in each shipping company to prepare and to put into effect the security plans.

Under SOLAS Chapter XI-2 and the ISPS Code, ship security plans must address measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorized from being taken on board the ship. Ship security plans should have established procedures at all security levels to establish, maintain and update an inventory of any dangerous goods or hazardous substances carried on board, including their location, and make provision for restricted areas and access, including to spaces containing dangerous goods or hazardous substances.

Port facility security plans must also address measures designed to prevent weapons or any other dangerous substances and devices intended for use against persons, ships or ports, and the carriage of which is not authorized, from being introduced into the port facility or on board a ship. Those responsible for ship and port facility security are expected to have, as a competency, knowledge of recognition and detection of weapons, dangerous substances, dangerous goods and devices, and an awareness of the damage they can cause. Procedures and actions should be in accordance with the principles established by the maritime security measures and the relevant provisions of the International Maritime Dangerous Goods (IMDG) Code.

The IMO maritime security measures also require Governments to determine when a Declaration of Security (DOS)—which is an agreement between a port or port facility and a ship or between a ship and another ship that confirms the security responsibilities of each party during a ship/port interface or a ship-to-ship activity—is required. It is the responsibility of the respective security officers of the ship and port/port facility to assess the risk that the ship/port interface or ship-to-ship activity poses to persons, property or the environment. These circumstances are usually specified by the Designated Authority or Administration for inclusion in port, port facility and ship security plans, which are then
implemented in circumstances such as when the port facility/ship interface involves a cruise ship, a ship carrying dangerous goods or the loading or transfer of dangerous goods.

Many maritime countries have taken steps to regulate the carriage of dangerous goods by sea, based on the safety considerations set out in parts A and A-1 of Chapter VII of the 1974 SOLAS Convention, as amended. More recently, as marine pollution has become a serious concern, countries have taken further steps to regulate the carriage of marine pollutants, as described in Annex III of MARPOL.

The IMDG Code, which was first published in 1965, amplifies the requirements of both conventions and has become the standard guide to all aspects of handling dangerous goods and marine pollutants in sea transport. The Code as originally amended was recommended to governments as the basis for national regulations by which the requirements of SOLAS 1974 and MARPOL Annex III were effected, but as amended by Amendments 32, 33, 34 and 35 is now mandatory. The Code lays down basic principles: detailed recommendations for individual substances, materials and articles, and a number of recommendations for good operational practice, including advice on terminology, packing, labelling, stowage, segregation and handling, and emergency response action.

**Wider initiative to counter terrorism**

The maritime security provisions of SOLAS chapter XI-2 and the ISPS Code are part of a wider initiative to counter terrorism, including action by the Counter Terrorist Committee of the UN Security Council through resolution 1373; co-ordination with other UN agencies and Interpol through the UN Counter-terrorism implementation task force; co-operation with the World Customs Organization (WCO) on container security; and joint initiatives with the International Labour Organization (ILO) on port security and identification documents.

IMO’s Maritime Safety Committee and its subsidiary bodies are continuously working on additional elements of and guidance for the mandatory requirements, e.g. Ship Security Alert Systems (SSAS), long-range identification and tracking (LRIT) of ships, control and compliance measures, training and certification of security officers, etc.

**2005 Protocol to the SUA Convention**

Among the unlawful acts covered by the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 (the SUA Convention) in Article 3 are 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 2005 Protocol to the SUA Convention, which entered into force 28 July 2010, adds a new Article 3bis which states that a person commits an offence within the meaning of the Convention if that person unlawfully and intentionally:

- When the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from any act:
  - uses against or on a ship or discharging from a ship any explosive, radioactive material or BCN (biological, chemical, nuclear) weapon in a manner that causes or is likely to cause death or serious injury or damage;
  - discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration that causes or is likely to cause death or serious injury or damage;
  - uses a ship in a manner that causes death or serious injury or damage;

- Transports on board a ship:
  - any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act;
any BCN weapon, knowing it to be a BCN weapon;

- any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; and

- any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

The transportation of nuclear material is not considered an offence if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non Proliferation of Nuclear Weapons (Subject to conditions).

The 2005 Protocol establishes procedures to board ships suspected of transporting WMD and related goods under certain circumstances. A new Article 8bis 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. The authorization and co-operation of the flag State is required before such a boarding. A State Party may notify the IMO Secretary-General that it would allow authorization to board and search a ship flying its flag, its cargo and persons on board if there is no response from the flag State within four hours. A State Party can also notify that it authorizes a requesting Party to board and search the ship, its cargo and persons on board, and to question the persons on board to determine if an offence has been, or is about to be, committed. At time of writing, 20 Contracting States had ratified SUA 2005, representing approximately 30% of world tonnage.

In addition to the development of legal instruments and associated training and guidance material, IMO has focussed on assisting Governments to implement the provisions of SOLAS chapter XI-2 and the ISPS Code and other instruments through its technical cooperation programme. Such activities have included conducting training courses, needs assessment missions, seminars and workshops on a regional and national basis.