

Final report – Security in ports

Introduction

1. This Meeting of Experts was held to review a draft code of practice consisting of two parts, one covering security in ports and the second safety and health in ports. The first part on security derives from the work of the Joint ILO/IMO Working Group on Port Security, established by the Governing Body of the ILO at its 286th Session (March 2003) and by the IMO Maritime Safety Committee at its 77th session (May-June 2003), which met in Geneva from 9 to 11 July 2003. The text on security in ports complements IMO's International Ship and Port Facility Security (ISPS) Code, which contains requirements relating to the security of the ship and the immediate ship/port interface. The second part on safety and health was prepared by the Office with external expertise.
2. The Governing Body of the ILO, at its 287th Session decided that the Meeting should be composed of 12 experts nominated by Governments, 12 after consultation with the Employers' group, and 12 after consultation with the Workers' group of the Governing Body. The 12 Government experts were from Australia, Brazil, Canada, China, Egypt, Germany, Nigeria, Panama, Philippines, Spain, United Kingdom and United States. Expert observers from the Governments of Finland, Italy and Turkey attended as well. According to the Governing Body decision taken at its 288th Session, a number of United Nations specialized agencies, intergovernmental organizations and international non-governmental organizations were represented at the Meeting as observers. A list of participants is annexed to this report.
3. The terms of reference of the Meeting were "to review and adopt a draft ILO code of practice on security, safety and health in ports".
4. The Meeting had before it the draft code of practice on health, security and safety in ports, Part A: Security (MESSHP/2003/A), and Part B: Safety and health (MESSHP/2003/B), which it decided to adopt as the basis for the discussion. The Meeting adopted a timetable which provided for parallel sittings of Part A: Security, and Part B: Safety and Health.
5. Miss Sally Paxton, Executive Director, Social Dialogue Sector, stressed in her opening address that the right to a safe and healthy workplace had always been a priority issue for the ILO. In the case of work in ports, the ILO has adopted several sector-specific international instruments. However, to date only 20 countries had ratified the Occupational Safety and Health (Dock Work) Convention No. 152 adopted in 1979. Meanwhile, technical developments, including the introduction of increasingly sophisticated cargo-

handling equipment with greatly increased capacity and reach, had outpaced the advice in the 1977 Code and 1976 Guide. While it was to be acknowledged that many changes in cargo-handling methods had resulted in significant improvements for the safety of port workers, sometimes these changes had introduced new hazards and port work still had very high accident rates. She then observed that since the September 11 events in the United States in 2001, the focus had shifted from the threats **to** trade and transport such as theft and hijackings, to the much more alarming threat **from** trade and transport, where the mechanisms and processes of transport could be used as weapons. For these reasons, the draft code concerning port security was to be seen in the framework of the two new international initiatives by the ILO and the IMO. In the case of the ILO, the International Labour Conference in June 2003 had adopted the ILO Seafarers' Identity Documents Convention, which provided seafarers with shore leave and would allow access to port areas. In 2002, the IMO had adopted amendments to the International Convention on Safety of Life at Sea, which included the adoption of the International Ship and Port Facility Security Code, and was due to enter into force in July 2004. The draft code of practice on security in ports extended the consideration of port security beyond the area of the port facility into the whole port area. It was intended to be compatible with the provisions of the IMO's ISPS Code, which contains requirements that related only to security of the ship and the immediate ship/port interface.

6. The Officers of the Meeting were:

<i>Chairperson:</i>	Mr. Henderson (United Kingdom)
<i>Vice-Chairpersons:</i>	Mr. Pope (United States)
	Mr. Cox (Employer member)
	Mr. Tannock (Worker member)
<i>Chairperson Part A:</i>	Mr. Platts (Canada)
<i>Chairperson Part B:</i>	Mr. Henderson (United Kingdom)

Employers' group

<i>Vice-Chairperson and spokesperson Part A:</i>	Mr. Van de Laar
<i>Vice-Chairperson and spokesperson Part B:</i>	Mr. Cox

Workers' group

<i>Vice-Chairperson Part A:</i>	Mr. Tannock
<i>Vice-Chairperson Part B:</i>	Mr. Hansen
<i>Spokesperson Part A:</i>	Mr. Carlstedt
<i>Spokesperson Part B:</i>	Mr. Marges

7. A representative of the Office made a presentation on the background of the present Meeting. He recalled, in particular, the terms of reference of the Joint ILO/IMO Working Group on Port Security that met in July 2003, and the guidance to be considered by this

Meeting in finalizing the code of practice, as well as on the various comments received from member States on the draft code.

8. The spokesperson for the Employer experts declared that he saw the ILO as the appropriate entity to produce such a code, since it took into account the interests of all interested parties. The spokesperson for the Workers' group declared his interest in a detailed document, and his hope that such a level of details would appear in the final text.
9. The experts, after discussion, unanimously agreed to recommend that the draft code should be adopted and published as two separate publications, namely a code of practice on security in ports and a code of practice on safety and health in ports. The experts drew attention to the need to publish these codes in as many languages as possible and requested governments to consider translations in their national languages when this would not be done by the ILO.

General discussion

10. The Deputy Secretary-General representing the IMO explained the links between IMO and ILO as far as maritime security was concerned. He recalled that, in December 2002, IMO Assembly resolutions were passed that called for a new ship and port facility security code to enhance security of maritime transport. The application of the ISPS Code was limited to the ship-shore interface, in accordance with the mandate of the IMO, whereas the ILO could cover the rest of the port. Consequently, the codes developed by the ILO and the IMO would complement each other.
11. The Chairperson recalled that there had been a general consensus, at the July 2003 meeting, on the content of the draft code, except for Appendix A, which had been restructured in the interim. He also noted that the general comments summarized in document MESSHP/2003/6 had largely been dealt with in the plenary sitting.

Point-by-point discussion

12. The discussion of the draft code of practice on security in ports took place during 8-11 December 2003. A number of editorial and drafting changes of a non-substantive nature were made to the code and are not specifically referred to in this report.

Preface

13. Two paragraphs containing details of the background to the elaboration of the code were moved from the Introduction and included in the Preface. In keeping with comments submitted by the Workers' group, the Preface emphasized that the code was not a legally binding instrument, and was not intended to affect the fundamental principles and rights of workers provided by ILO instruments or the facilitation of workers' organization access to ports, terminals and vessels. It also noted that the code of practice should be aligned with member States' security and safety strategies.

Introduction

14. It was generally agreed that there was a need for consistency in terminology throughout the document. In this respect, the words "consisting of representatives of all relevant stakeholders" in paragraph 1.9.2 were deleted. It was also agreed to add "and stores" after "material" in paragraph 1.9.4 and wherever relevant. The experts also stressed the need to

be consistent with the ISPS Code. According to sections of the ISPS Code, “drills” implied the testing of individual aspects of the plan, while “exercises” concerned the wider aspects of the plan and seemed more operational. It was decided in paragraph 1.9.6 to use the terms “drills” and “exercises” in a cumulative manner. A new paragraph 1.6 was added in order to clearly define the scope of application of the code, and particularly the linkage between security measures in specific port facilities and the rest of the port. The remaining paragraphs of the Introduction were agreed without changes.

Scope and definitions

15. In paragraph 2.11, the reference according to which the PSAC is composed of “members of the port community and appropriate government agencies” was found to be incompatible with the membership of the PSAC as described in paragraph 5.4. Following discussion of various suggestions, it was agreed that the membership of the PSAC should remain in section 5.

Roles and tasks

16. The Deputy Secretary-General representing the International Maritime Organization (IMO) expressed his concern about the consistency with the ISPS Code, since paragraph 5.1.1 seemed to imply that the “designated authority” did not necessarily have to be a government agency and that there could be a different authority for each port. Keeping with the definition of “designated authority” in paragraph 2.5, and also in line with the ISPS Code, he suggested to amend paragraph 5.1.1 to read “identify *the* designated authority for each port”. The experts agreed on this amendment. Since the Meeting of Experts on Health and Safety in Ports had agreed to include the recommendation that port safety and health committees should cooperate with port security advisory committees, as appropriate, the Chairperson suggested that wording which mirrored the statement be inserted into this code of practice in paragraph 5.3. The rest of section 5 was accepted with very minor modifications.

Port security assessment (PSA)

17. The spokesperson for the Employer experts observed that, as in the ISPS Code, it would be relevant to refer to the skills necessary to persons for designing a PSA. Since the definition of the PSA in paragraph 2.12 was not considered sufficient, the Meeting agreed to include the appropriate wording in paragraph 7.1.

Port security plan (PSP)

18. Following the remarks of the spokesperson for the Workers’ experts, it was agreed that the intent of the code of practice, as reflected by the preface to the document, is that workers’ rights and access of workers’ representatives should not be infringed. Such rights should always be included in the make up of the port security plan.

Physical security of the port

19. The Meeting agreed to modify the latter part of paragraph 9.1 to read “... control procedures required to reduce the level of threat through security measures”, since the word “approved” could not be considered in a non-binding instrument; the second sentence under paragraph 9.3 was deleted. It was also considered that the mention, in paragraph 9.4

of “identity documents” was misleading, and the term “access documents” was accepted in lieu of the preceding expression.

20. The Meeting noted the comments submitted by the Government of Peru concerning the need to create procedures that would facilitate the movement in the port of seafarers as well as representatives of social organizations and portworkers’ organizations in accordance with the provisions of the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185). It was agreed however that this issue had been sufficiently covered elsewhere in the code and it was therefore not necessary to also include text on this matter in section 9.

Security awareness and training

21. It was decided to add a mention of “law enforcement” in paragraph 10.2.1, since there was a clear need to educate and train this category of personnel. The mention “material and stores” was added in paragraph 10.2.3, for the sake of consistency.

Appendix A

The port security assessment (PSA)

Introduction

22. The Government expert of the United States introduced the substance of Appendix A and the principles of the Threat and Risk Analysis Matrix (TRAM). The objective of the TRAM was explained in paragraph 5. Concern was expressed over possible confusion over the use of terms like “security level” and the notions of “threat” and “threat scenario”. Appropriate changes were made in this respect, whilst the term “security level” was removed from paragraphs 15.1 and 15.3 since this concept was set by governments in relation to their assessment of the risks. As such it should not be part of the TRAM at all, which was designed as a tool for individual ports to use.

Assessment process

23. The spokesperson for the Employer experts, having pointed out that financial considerations should not form part of the assessment of vulnerability in paragraph 13, agreed to remove all reference to resource constraints from subsections 3 and 2 of paragraph 13.
24. The Meeting also agreed to delete the whole of paragraph 18 on the grounds that the explanation contained in this item could be found elsewhere. Paragraphs 20 and 21, which referred to paragraph 18, were therefore redundant and were also removed.

Table 1 and subsequent tables

25. The table was accepted with changes in the heading for column C from “Risk” to “Threat” and column F from “Score” to “Risk score”. These changes were also made in the subsequent tables from step 1 to step 10 and in some of the tables’ titles.

Appendix B

The port security plan (PSP)

Introduction

26. The Meeting considered and accepted the written submission made by the Government of Peru regarding the necessity to clarify on the difference between PSP and PSA in the present code, and those of PFSP and PFSA in the ISPS Code.
27. For the purpose of consistency, the word “stores” was added to the enumerations in paragraphs 3.13, 4.3 and 4.5, and the word “drills” in paragraph 33. The Employer experts questioned the necessity of naming and describing all commercial and industrial concerns operating in a port, as stipulated in paragraph 20. This paragraph was deleted. In paragraph 17, it was suggested to replace the term “sub-plan” by “other security plans”, to avoid possible misinterpretations. It was also agreed to replace the term “facilities” with “infrastructure”. Since gaps should be identified before the setting up of a PSP, and to avoid duplication with paragraph 25, the experts decided to remove paragraph 29.

Appendix C

28. The Deputy Secretary-General and representative of the IMO suggested adding to Appendix C a reference to Security Council resolution No. 1373 of 2001, “Threats to international peace and security by terrorist acts”.

Remaining issues

29. The Meeting recommended that the code of practice be translated into all the working languages of the ILO and the IMO so that it could be widely implemented. The experts further proposed that the code should appear on the web sites of both those organizations and urged the ILO to follow up on progress in using the code.

Adoption of the code of practice and of the report

30. After examining the text of the draft code of practice on port security, the experts adopted the code of practice.
31. After examination of the draft report, the experts adopted it as amended. The Meeting concluded with the usual expression of thanks.

Geneva, 11 December 2003.

(Signed) Mr. John Platts,
Chairperson.

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Liste des participants
Lista de participantes

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