



FOURTH ITEM ON THE AGENDA

Report of the Joint ILO/IMO Working Group on Port Security

1. At its 286th Session (March 2003),¹ the Governing Body had before it a paper² prepared by the Office on the outcome of the IMO Diplomatic Conference on Maritime Security (London, 9-13 December 2002). The Governing Body decided on the establishment of the Joint ILO/IMO Working Group on Port Security (Working Group) and approved the agenda and the composition of the Meeting.
2. At its 287th Session (June 2003), the Governing Body suggested invitations to six intergovernmental organizations and eight international non-governmental organizations to be represented at the Working Group as observers.
3. The Working Group was composed of eight Government experts, nominated by the IMO in consultation with the ILO, from Brazil, Egypt, India, Nigeria, Panama, the Philippines, the United Kingdom and the United States. Four Employer and four Worker representatives were nominated by the ILO. Eight Government experts, three of the Employer experts and four Worker experts participated in the Meeting. In addition, there were 14 advisers and eight observers.
4. The terms of reference of the Meeting were as follows:
 - (a) consider and recommend, for the purpose of enhancing security, safety and the protection of the environment, the form and content of any further guidance, which may be required, on the wider issue of port security, including the relationship between ship and port security and the wider security and safety and the protection of the environment considerations relevant to port areas, including the question of verifiable identification of those working within these areas or having access to such areas;
 - (b) consider the need for any mandatory requirements relating to the above and, if such a need is identified, to recommend the form and content of such requirements; and

¹ GB.286/21.

² GB.286/STM/4.

- (c) prepare and submit a report (including interim work and progress reports) on the aforesaid, together with the relevant reasons and justifications thereto, as well as an assessment of the impact, benefits and costs of the recommendations, for the consideration of the International Maritime Organization and of the International Labour Organization.
5. The Working Group had before it the draft code of practice (guidance) on security in ports,³ which it decided to adopt as the basis for the discussions in addressing item (a) of its terms of reference. This document was the outcome of four previous ILO informal meetings and in some cases it provided alternative texts in square brackets.
6. Mr. J. Platts (Canada) was elected Chairperson of the Meeting. Mr. M. Carlstedt (Sweden) was the spokesperson of the Workers' group and Mr. F. Van Der Laar (Netherlands) was the spokesperson of the Employers' group. Mr. J. Nichols (International Cargo Handling Co-ordination Association, United Kingdom) was appointed as Reporter. Captain Hartmut Hesse, Deputy Director, Head, Navigational Safety and Maritime Security Section Maritime Safety Division, IMO, and Mrs. Cleopatra Doumbia-Henry, Deputy Director and Officer-in-Charge, Sectoral Activities Department, ILO, were the joint Secretaries-General of the Meeting.
7. In his opening speech Captain Hartmut Hesse welcomed all delegates on behalf of the IMO and conveyed greetings from the Secretary-General of the IMO, Mr. William O'Neil. He stated that the vulnerability of the global transport infrastructure as a potential target for terrorist activity had been made clear in the atrocities of 11 September 2001. He outlined the work of the IMO since those events, including the revision of the SOLAS Convention and the new International Ship and Port Facility Security (ISPS) Code. He stressed the complementarity of the current work being undertaken by the IMO and the ILO in the field of maritime security. The IMO Diplomatic Conference had adopted Conference resolution No. 8 entitled "Enhancement of security in cooperation with the International Labour Organization", which had recognized the need to establish further appropriate measures to enhance the security of ships and port facilities. The IMO and the ILO were asked to establish a joint working group to undertake any further work, which could be required, on the wider issue of port security, based on the terms of reference attached to the resolution. It had also requested the Secretary-General of the IMO to contribute, with appropriate expertise, to the work of the ILO on the "improved security of seafarers' identification" and to the proposed joint work on the wider issue of port security. He referred to MSC/Circ. 1067 on "Early implementation of the special measures to enhance maritime security" urging parties concerned to take expeditious action to ensure the timely implementation of the provisions, which also encompassed the implementation of the recently adopted Seafarers' Identity Document Convention. He congratulated the ILO for the expeditious and successful completion of the Convention. A similarly expeditious development was now expected of the Joint Working Group on the code of practice on security in ports.
8. In her opening speech, Ms. Cleopatra Doumbia-Henry welcomed all delegates to Geneva to the Meeting of the Joint ILO/IMO Working Group on Port Security. She considered that security had always been a factor in maritime transport, and a number of mechanisms and procedures already existed to address that issue. However, recent and serious security incidents had prompted new initiatives at international, national and company level. Effectively, the focus had shifted from the relatively minor threat **to** trade and transport (from theft, hijackings, terrorist interventions, etc.) to the much more alarming threat **from**

³ ILO/IMO WGPS/2003/1.

trade and transport, where the mechanisms and processes of transport could be used as weapons. She stressed the objectives of the Joint ILO/IMO Working Group on Port Security, which were defined in the terms of reference. She then introduced the document ILO/IMO WGPS/2003/1, containing the draft code of practice (guidance) on security in ports, which was the outcome of four previous informal meetings organized by the ILO and which had provided a significant input into the draft document being submitted to the Meeting. She urged the Group to produce an effective and practical document, which would contribute to the security of ports and the workers of the sector.

9. An ILO consultant, Mr. Peter Green, made a brief presentation of the draft code of practice (COP) on security in ports. The objective of the COP was to provide a framework of guidance and security strategies to all port-serving communities. The goals of the COP included the identification of vulnerability and measures to eradicate or minimize risks, and the development of a comprehensive and effective port security plan to complement the ISPS Code. The informal Working Group had followed the guidance that the draft COP should not be prescriptive or repetitive of the IMO ISPS Code, and should use, whenever possible, the ISPS Code terminology. The intention was not to give guidance on the ISPS Code. The draft took into account the fact that the reference to “port” in the COP could include one or more port facilities. The draft refers to other relevant preventive and consequence management systems as well as other relevant rules, regulations and best practices, which may already exist.
10. The contents of the COP were considered and discussed point by point. The discussion covered the following sections of the COP: Preface; Scope and definitions; Aim of security measures; Security policy; Roles and tasks; Security level; Port security assessment; Port security plan; Physical security of the port; Security awareness and training; Confidentiality and non-disclosure of information; Appendix A (The port security assessment); Appendix B (The port security plan); and Appendix C (Indicative references). The Working Group agreed that the code of practice should provide guidance aimed at assisting governments, employers, workers and other stakeholders in reducing the risks posed by threats to security. Following the presentation of the position of the Governments, the Employers’ group and the Workers’ group on each point that was discussed, a number of editorial and substantive modifications were made to the text on a consensus basis. The resulting new version of the draft code of practice on security in ports⁴ was subsequently adopted by the Working Group. The draft code of practice will be reviewed by the Tripartite Meeting of Experts on Security, Safety and Health in Ports scheduled to be held from 8 to 17 December 2003.
11. The Working Group also considered whether there was a need for mandatory requirements, as set out in its terms of reference. The experts were of the view that, as it would be necessary to assess the impact of the implementation of the code of practice, consideration was being given only at this stage to guidance. It was therefore premature to address this issue of mandatory requirements. The Working Group considered that at a later stage the need for mandatory requirements could be reviewed.
12. The Working Group, during the discussion on the impact, benefits and costs assessment requirements in its terms of reference, recalled that there were substantial differences between ports and their specific geographic, technical and economic situations, and considered that a general assessment of impact, benefits and costs was not presently feasible, or advisable. The experience of the United States in similar exercises, which was presented by their representative, was taken into account by the Working Group. Within

⁴ ILO/IMO WGPS/2003/7.

the framework of this discussion, the Workers' group emphasized its position that any costs associated with the implementation of a COP on security in ports should not be borne by the workers.

- 13.** The Working Group reviewed the subsequent activities pertinent to its work. It recommended that at the Tripartite Meeting of Experts on Security, Safety and Health in Ports (Geneva, 8-17 December 2003) both the security and the safety and health components would be best addressed in parallel sittings. The parallel sittings for the security component could preferably take place during the first four days of the Meeting.
- 14.** In their closing remarks, the Governments, the Employers' and Workers' spokespersons, the Chairperson as well as the two joint Secretaries-General expressed their satisfaction with the spirit of teamwork that prevailed throughout the Meeting that facilitated the desired consensus on the draft code of practice on security in ports.

Geneva, 29 September 2003.

Submitted for information.