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MSC/Circ.476
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IMO

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MEASURES TO PREVENT UNLAWFUL ACTS AGAINST
PASSENGERS AND CREWS ON BOARD SHIPS

The attached Notice contains measures to prevent unlawful acts against passengers and crews on board ships, implemented in the United States in response to MSC/Circ.443.

In addition, the United States has prepared a syllabus of the most recent Department of State sponsored course on maritime security, which may be obtained from the Regional Security Officers at United States Embassies in various countries.

W/9587Y

Dated: April 1, 1987.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.

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**Measures to Prevent Unlawful Acts
Against Passengers and Crews On
Board Ships**

March 31, 1987.

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: This Notice publishes the International Maritime Organization Circular 443, 1986, on Measures to Prevent Unlawful Acts Against Passengers and Crews On Board Ships. Circular 443 contains a set of recommended preventative security measures which should be utilized by both passenger vessels and the facilities which serve them, to increase the safety and security of passengers and crews. Adoption of these guidelines, in coordination with increased emphasis on passenger terminal and vessel security by Coast Guard Captain of the Port offices, will provide improved levels of security for passenger vessel operations in U.S. ports.

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DRAFTING INFORMATION: The principal person involved in drafting this Notice is Lieutenant Patrick T. KEANE, Project Manager, Office of Marine Safety, Security and Environmental Protection (G-MPS-2).

Background

The October 7th, 1985 hijacking of the ACHILLE LAURO and murder of a U.S. citizen, resulted in the Coast Guard and State Department drafting a resolution for submission to the International Maritime Organization (IMO) Assembly in London in November 1985 on measures to protect passengers and crews onboard ships. The measures were reviewed and endorsed by both the Facilitation and Legal Committees of the IMO in March and April 1986, respectively. On September 12, 1986 the IMO unanimously adopted recommended preventative security measures. The measures are published in IMO Circular 443 dated 26 SEP 86.

The purpose of the IMO measures is to assist member governments in reviewing and strengthening port and vessel security. They include detailed and practical technical measures which may be employed to ensure the security of passengers and crews on board ships by reducing the vulnerability to unlawful acts.

Concurrently, the Omnibus Diplomatic Security and Antiterrorism Act of 1988, Pub. L. 99-399, August 26, 1986, was enacted. This legislation specifically recognizes the international aspects of terrorism and the desirability of internationally coordinated action. Title IX of this law, the International Maritime And Port Security Act addresses maritime terrorism and is codified in Title 46, U.S. Code at 46 U.S.C. App. 1801 et seq. and 33 U.S.C. 1226. In addition to promoting efforts of the International Maritime Organization to develop measures to improve international seaport and shipboard security, it requires the Secretary of Transportation to evaluate the security measures and the threat of terrorism at U.S. and foreign ports. It amends existing legislation (Ports And Waterways Safety Act of 1972) to allow the Secretary of Transportation to take action to prevent or respond to an act of terrorism, which includes the authority to carry out or require specific measures and procedures.

The Secretary of Transportation, in consultation with the Secretary of State must implement a plan to assess the effectiveness of security at foreign ports. The Secretary of State is required to issue travel advisories with respect to those ports which the Secretary of Transportation finds have inadequate security. The President may suspend the right of any passenger vessel common carrier to operate to and from, and the right of any U.S. passenger vessel to utilize, any port in a foreign nation which permits the use of territory under its jurisdiction for terrorists or terrorist groups which knowingly use the illegal seizure of passenger vessels or threat thereof as an instrument of policy.

The IMO Measures are intended to be applicable to passenger ships making international voyages of 24 hours or more and the facilities which service them, however, they provide guidance on measures that could be applicable to all port and vessel operations. They address measures and equipment to prevent weapons or other dangerous devices being taken aboard ships, use of restricted access on terminals and on board ships, designation of security personnel, their evaluation and training, and detailed survey and inspection procedures and planning.

Implementation Strategy

Since all U.S. ports and passenger vessels are unique, the Coast Guard feels that an antiterrorism preventative security program can best be implemented on a port-by-port and ship-by-ship basis, utilizing the IMO approved measures as guidelines. The local Coast Guard Captains of the Port have excellent rapport and liaison with the local port officials and vessel owners and are therefore in a position to

coordinate voluntary compliance with the IMO measures. Internal Coast Guard program guidelines and policy are being established and promulgated by the Port Safety and Security Program Director in U.S. Coast Guard Headquarters. A program of mandatory regulatory requirements under the authority of 33 U.S.C. 1226 is not considered necessary or appropriate at this time.

Recognizing the need for implementation of preventative security measures on a local basis, the Coast Guard is assisting the cooperative efforts of vessel operators and port authority/terminal operators. The Coast Guard has established local Port Readiness Committees (PRCs), for liaison with the participating agencies concerning the issues of port security. The PRC's include a Security Subcommittee, with members from the maritime industry, to coordinate security and security operations including waterside security, shoreside security, personnel access control, physical security, onboard vessel security, and intelligence.

Through these committees, Coast Guard Captains of the Port are tasked with assisting industry in implementing the procedures and equipment outlined in the IMO Measures. Periodic security assessments are being conducted to evaluate existing procedures and equipment and identify potential improvements.

The maritime industry has been cooperating in the Coast Guard's efforts to reduce the risk of terrorism in U.S. ports. Many U.S. cruise ship terminals and the passenger vessels using them have already designated security personnel and are developing contingency plans in accordance with the Measures and it is expected that the remaining ships and terminals will be doing so in the near future.

Ports and vessels should now be conducting a Security Survey as outlined in the Measures (Annex 1), or an appropriate equivalent. Action then needs to be taken utilizing Security Measures and Procedures (Annex 2) of the IMO Measures to identify and correct those deficiencies discovered by the surveys.

It is anticipated that voluntary action by ports and vessels to reduce vulnerability to terrorist acts will preclude the need for development of mandatory regulations to meet this threat. To facilitate these voluntary actions and to provide information to the travel industry and public on the measures being taken, IMO Circular 443 is reprinted as an attachment to this notice. *

Dated: April 1, 1987.

J.W. Kims,

Rear Admiral, U.S. Coast Guard, Chief, Office
of Marine Safety, Security and Environmental
Protection.