

Maritime security challenges ahead in the Black Sea

Karadeniz' in deniz güvenliđi mücadelesi

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Abstract

A number of new maritime security challenges in an upward wave of illegal maritime activities (buccaneering, piracy, armed sea robbery, environmental degradation, illegal fishing/over hunting and drug, human and arms trafficking). The increase of such illegal activities is obvious in both national and international maritime waters and threatens the interests of not only regional states but also non-regional states. New efforts to control this illegal activity are required by individual littoral states, regional organizations and the international community. Maritime activities of the black sea environment which is the most remarkable regional seas in the world, is faced these new threats.

International Ship and Port Facility Security (ISPS) Code entered into force on 1st July 2004, which requires close co-operation among the coastal States in the Black

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Sea in general, Maritime Authorities in particular. The ISPS Code is a set of new maritime regulations designed to help detect and discourage threats to international security. There is the need to harmonize procedures related to maritime security in the region which requires working together and joining efforts to comply appropriately with the goals laid out in the amendments included in the SOLAS (International Convention for the Safety of Life at Sea) Convention which adopted at a Diplomatic Conference after the September 11 tragic event to this end cooperation with IMO is essential. The ISPS Code applies to all SOLAS, vessels over 500gt engaged in international voyages and all port facilities serving such ships. The role of port State control and particularly the Port State Control Officers concerning the verification of security measures is very important.

Key words: Maritime, security, Black Sea, ISPS, SOLAS, IMO

Introduction

Challenges in the maritime environment call for more effective enforcement of the governing rule and regulations and the maintenance of maritime order. The challenges are essentially not only security organization but also economic and human welfare. Today's maritime, security threats are not like past or future. Over time, some threats will be stay behind, others come into sight, and yet others will withdraw or vanish, overcome by knowledge and geopolitical changes. At the present time, maritime crime has greater than before, which has opened avenues for maritime security cooperation. Opportunities have yet to be realized; hence the problems carry on, as do the challenges in maintaining maritime order (Ustaoğlu, 2001; Ghosh, 2004).

In the near future, access to ocean surveillance information from space-based sensors may be so advanced as to cause to be unnecessary some of the conventional investigation methods. On the other hand, many of the maritime security challenges of near future will still have to be addressed at sea, and will necessitate a suitable response force capability to deal with such challenges not only effectively but also proficiently. In the littoral regions, across the sea lines of communication and in the offshore translates to having the resources, property, technology and supporting communications required to meet the threats and challenges of today. Future threats and challenges to Maritime Security present some of the forces, events, and activities foreseen in a few years that will have generally defined maritime security implications. The center of concentration is not on the capabilities and threats posed by foreign navies, but on 1) the overarching forces and events that will shape the maritime security environment in future, and 2) the concrete activities occurring in that environment and their relation to maritime security. At first glance, some of the subjects may even appear irrelevant to maritime security, as considered in the classical sense. However, the world of 1999 is becoming more interconnected and complicated by the day. Traditional concepts of international security are being reevaluated and expanded. Defining what is and what is not in the national interest in the post-Cold War world is an ongoing debate (ONI and U.S. CGICE, 1999)

A Diplomatic Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, was convened for the purpose of considering with a view to adopting amendments to the

Convention as well as an associated International Ship and Port Facility Security (ISPS) Code aimed at enhancing maritime security. Requirements of the code include:

- Ship Identification Number to be permanently marked on vessel's hulls
- Continuous Synopsis Record (CSR) kept onboard showing vessel history
- Ship or Port Facility Security Assessment (SSA or PFSA)
- Ship or Port Facility Security Plan (SSP or PFSP)
- Ship or Port Facility Security Certificate (SSC or PFSC)
- Ship or Port Facility Security Officer (SSO or PFSO)
- Company Security Officer
- Continuous ship to port security communication link
- Training and drills
- A Ship Security Alert System (SSAS)

The code does not specific procedures that each port and ship must take to ensure the safety of the facility against security issues because of the many different types and sizes of these facilities. Instead it outlines “a standardized, consistent framework for evaluating risk enabling governments to offset changes in threat with changes in vulnerability for ships and port facilities”. For ships the framework are requirements on ship security plans and officers, company security officers and certain onboard equipment. For port facilities, the requirements are, port facility security plans and officers and certain security equipment. Additional requirements for ship and port facilities are ensuring security communications are readily available, monitoring and controlling access and the activities of people and cargo.

The Conference was held at the Headquarters of the International Maritime Organization from 9 to 13 December 2002. The Diplomatic Conference adopted 11 resolutions in total that will enter into force on July 1, 2004.

Resolution 1: Amendments to the International Convention for the Safety of Life at Sea, 1974:

Provided amendments to SOLAS which created a new SOLAS chapter dealing with maritime security. The existing SOLAS Chapter XI, Special Measures to Enhance Maritime Safety, was re-numbered as Chapter XI-1, a brand-new Chapter Chapter XI-2, Special Measures to Enhance Maritime Security, was added after the renumbered Chapter XI-1. This new SOLAS chapter contains the mandatory requirement for ships and port facilities to comply with the ISPS Code. Amendments to the SOLAS Convention include also followings.

Automatic Identification System (AIS): The Conference adopted modifications to Chapter V, Safety of Navigation. Ship other than passenger ships and tankers, are required to fit AIS no later than the first safety equipment survey July1, 2004 or 31st December 2004 whichever occurs earlier.

Ship-to-Shore Alert Systems: Ships are required to be equipped with a silent alert system to signal ashore that a security incident is occurring or imminent to facilitate Coastal State response.

Port State Control: The SOLAS amendments covered both ships in port and ships intending to call port. Amendments specified when port State control

officers might verify that ships comply with SOLAS and ISPS code requirements and allowed port State control officers to take appropriate measures in response to any deficiencies found, including denial of entry to, or expulsion, port.

Continuous Synoptic Record: In order to facilitate the ability of the port State control officers to assess the security related risks posed by a ship, ships will be required to maintain a continuous record of registry, ownership, operational control etc.

Responsibilities of Various Parties: The amendments set out the responsibilities of administrations, ships, companies and port facilities to comply with SOLAS and the ISPS Code.

Threats to Ships: With an amendment to SOLAS defined in detail the responsibilities of the contracting governments regarding the security of ships traveling in their waters.

Equivalent and Alternative Security Arrangements: Contracting Governments provided flexibility to negotiate alternative security arrangements in order to ensure that new SOLAS requirements are met.

Resolution 2: Adoption of the International Ship and Port Facility Security (ISPS) Code;

In addition to the Resolution 1, amendments to SOLAS , the diplomatic Conference adopted resolution 2; the ISPS Code which establish an international framework involving cooperation between contracting

governments, governments agencies, local administrations and shipping and port industries to cooperate to detect and asses security threats and take preventive measures against security incidents affecting ships or port facilities.

In addition to the adoption of amendments to SOLAS (Resolution 1) and ISPS Code (Resolution 2) the Conference Adopted following resolutions which reinforce SOLAS Amendments and persuade ports and vessels not incorporated by the ISPS code to apply many of the new security measures.

Resolution 3: Further work by the International Maritime Organization pertaining to the enhancement of maritime security;

Resolution 4: Future amendments to chapters XI-1 and XI-2 of the 1974 SOLAS Convention on Special measures to enhance maritime safety and security;

Resolution 5: Promotion of technical co-operation and assistance;

Resolution 6: Early implementation of the special measures to enhance maritime security;

Resolution 7: Establishment of appropriate measures to enhance the security of ships, port facilities, mobile offshore drilling units on location and fixed and floating platforms not covered by chapter XI-2 of the 1974 SOLAS Convention;

Resolution 8: Enhancement of security in co-operation with the International Labour Organization;

Resolution 9: Enhancement of security in co-operation with the World Customs Organization;

Resolution 10: Early implementation of long-range ships' identification and tracking; and

Resolution 11: Human element-related aspects and shore leave for seafarers.

International Ship and Port Facility Security Code (ISPS Code)

International Ship and Port Facility Security Code (ISPS Code) entered into force on 1st July 2004 which aims;

1. To establish an international framework involving co-operation between Contracting Governments, Government Agencies, Local Administrations and Shipping and Port Industries to detect security threats and take preventive measures against security incidents affecting ships or ports facilities used in international trade,
2. To establish the respective roles and responsibilities of the Contracting Governments, Governmental agencies, local administrations and shipping and port industries at the national and international level for ensuring maritime security,
3. To ensure the early and efficient collection and exchange of security-related information,
4. To provide a methodology for security assessments so as to have in place plans and procedures to react to changing security levels, and

5. To ensure confidence that adequate and proportionate maritime security measures are in place.

Part A of the ISP Code contains mandatory provisions, while Part B contains non-mandatory guidance.

Highlights of the ISPS Code Include;

- Setting Security Levels
- Port Facility, Company and Ship Security Officer Responsibilities and Qualifications
- Control Measures
- International Ship Security Certificates
- Declaration of Security
- Contents of Port Facility and Ship Security Plans
- Recognized Security Organizations (R.S:O)

Administrations are responsible:

- Set the security level for ships of own flag
- Approve Ship Security Plan
- Recognize R.S.O.
- Issue International Ship Security Certificate
- Specify minimum period for records
- Issue Continuous Synopsis Record
- Specify minimum period for keeping Declarations of Security (DOS) by ships
- Inform Contracting Governments when establishing levels 2 and 3 on own ships in the port of another Contracting Government

Maritime Administrations responsibilities cover at least followings:

- Recognize R.S.O. pertaining to ships
- Issue International Ship Security Certificate
- Approve Ship Security Plan
- Authorize control and inspection officers (Port State Control)
- Decide to impose Port State Control
- Specify minimum period for records
- Issue Continuous Synopsis Record
- Communicate details of national authority
- Conclude bilateral or multilateral agreements on alternatives in cooperation with Ministry of Transport

Ports that receive ships engaged on international voyages must have the following in place :

- Port Facility Security Assessment
- Port Facility Security Plans
- Designation of a Port Facility Security Officer
- Measures required for various security levels
- Receive info from ships intending to enter port
- Act upon the security levels set by the Contracting Government
- Ensure a minimum of interference or delay to passengers, ship, goods and services

Important features of the shipping Companies are:

- Designate a Company Security Officer (CSO)
- Designate a Ship Security Officer on each ship
- Ensure and emphasize the master's overriding authority

- Ensure the necessary support to the Company Security Officer and the master when fulfilling their duties
- Ensure ship security assessment
- Document, verify and retain the ship security assessment
- Ensure documented information for responsibilities such as: Who appoints the crew? Who fixes the use of the ship? Who signed the charter party on behalf of the owner?

All passenger ships, including High Speed Passenger Craft and Ships over 500 GRT engaged on international voyages, must have the following in place:

- Ship security assessment
- Approved ship security plan
- Capability to conform to all threat levels
- A designated ship security officer
- Master's discretion for ship security (overriding authority)
- Ship security alert system
- Continuous synopsis record
- Ship identification – permanent markings on the hull of the ship
- Records of activities regarding security
- Training of the ship security officer and ship's crew
- Declaration of security

The ISPS Code part B provides guidance on:

- Responsibility of Contracting Governments
- Declaration of Security
- Obligations of The Company

- Ship Security
- Ship Security Assessment
- Ship Security Plan
- Company Security Officer
- Ship Security Officer
- Training and Drills
- Port Facility Security
- Port Facility Security Assessment
- Port Facility Security Plan
- Port Facility Security Officer
- Training and Drills
- Verification and Certification of Ships

Challenges Ahead

Regional Cooperation

Regional co-operation is required among the coastal states for the implementation of the amendments to SOLAS Convention in general ISPS code implementation in particular.

Establishment of an operational network of co-operation among the Black Sea Maritime Authorities is needed for effective implementation of the ISPS Code in the Black Sea in order to prevent ship incidents due to possible attacks especially in the congested waterways and approaches which may carry out into the other parts of the Black Sea with surface currents.

Therefore regional co-operation through a Network of Co-operation among the Maritime Authorities is a vital framework for enforcement of the IMO Conventions and Codes in the region which may be achieved through Memorandum of Understanding on Port State Control in the Black Sea (BS MOU).

Enhancement of PSC

Regulation 9 of new SOLAS chapter XI-2 describes the control and compliance measures to be taken by port States for a ship's non-compliance

There is the need to harmonize procedures related to maritime security in the region which requires working together and joining efforts to comply appropriately with the goals laid out in the amendments included in the SOLAS Convention. To this end cooperation with IMO (International Maritime Organization) is essential. The role of PSC and particularly the PSCO concerning the verification of security measures is very important.

There is a need to develop a regional strategy, intending to foster and encourage the exchange of information through electronic means, so as to coordinate and simplify procedures

- Identify the procedures that could best meet the regional needs, considering other procedures already developed worldwide.
- Develop a standard notification format so as to inform about security deficient ships intending to proceed to another port in the region.
- Suggest the pertinent design to input to the private website of the Memorandum a list of ships that would have been detained, denied access, rejected or allowed to perform restricted operations, at any port within the scope of the Memorandum.

- Suggest the pertinent modifications to add the necessary fields containing the deficiencies observed by the member States' PSCOs..
- Suggest the pertinent amendments to the text of the Manual so as to include the concept of "Maritime Security"

Input the fields necessary to add the information required in Chapter XI-2 Regulation 13 of the SOLAS 1974 Convention, as amended, into the private Website of the BS MOU. Such information would be updated by the Secretariat, based on the data that member States must submit on:

- *Names and contact details of the national Authority or Authorities responsible for ship and port facility security (reg. XI-2/13.1.1).*
- *Names and contact details of people appointed and fully available to receive ship-earth security alerts and take the pertinent steps (reg. XI-2/13.1.3).*
- *Names and contact details of people appointed and fully available to receive communications from other members to the Agreement who enforce control and compliance measures (reg. XI-2/13.1.4).*
- *Names and contact details of people appointed and fully available to advise or assist ships and to be informed about any security-related concerns (reg. XI-2/13.1.5).*
- *Recognized security organizations, as well as details of the specific responsibility delegated on such organizations and the conditions under which the authorizations were granted, plus all changes therein. (Reg. XI-2/13.2)*

Maritime Authorities in the region inform to possible port of destination of those ships showing security-related deficiencies to other authorities in the region.

In case a ship is to proceed to another port of the region, arrangements will be made in order to inform the Maritime Authority of that port by using a standard notification format.

Ship Monitoring and Tracking System

For maritime safety, environmental protection and to achieve a maritime security environment that effectively differentiates between lawful and unlawful activities, coastal states in the Black Sea must have awareness of all vessels operating to and from their port, as well as transiting in their waters and sailing in the Black Sea.

On the horizon, access to ocean surveillance information from space-based/airborne sensors may be so advanced as to cause to be unnecessary some of the conventional investigation methods. Many of the maritime security challenges of future will still have to be addressed at sea, and will necessitate a suitable response force capability to deal with such challenges both successfully and competently. Basic sensor systems on naval platforms are the primary means for acquiring position information and for generating situational awareness. It is therefore, not an under-statement to say that without reliable sensor performance in terms of detecting, tracking and supporting identification of all relevant surface objects in a commandant's area of interest, then operational capability cannot be assured. Maritime surveillance requires sensor capabilities able to assure detection, tracking, as well as identification and reduced reaction time. Future ship monitoring and tracking systems focuses on how an advanced system can be adopted to meet the operational needs to modern RF sensor (millimeter wave radar

technology) aimed at producing a clear picture of the air and surface situation, even if in an unknown scenario.

Resolution 10 also called for prompt member country action to implement long range identification and tracking of ships, including the measures necessary to prepare for automatic response to INMARSAT C polling and other existing satellite systems.

There is a need for Maritime Authorities in the region jointly pursue a combination of options to provide some level of coordinated Maritime Domain Awareness (MDA) in the Black Sea. This would be similar to the aviation tracking and monitoring processes that have been in place for decades. Building MDA; and formulating a plan for interdiction, port control asset protection and incident response provides ability for:

- Timely interdiction of the threats,
- Asset projection and incident response,
- Unity of efforts and improves maritime safety and environmental protection in the region

Establishment of an operational network of co-operation among the Black Sea Maritime Authorities is prerequisite for a MDA which is the key for maritime safety, security, environmental protecting of coastal, ports and waterways areas.

Disclaimer

Any statements or conclusions made in this article are those of the authors only and does not necessarily correspond to the position of the

Black Sea MoU Committee and Secretariat, or to any other body or Administration that may be affected.

Özet

Denizlerde güvenlik sorunları (korsanlık, fidye, silahlı soygun, çevresel bozulma, kanunsuz veya aşırı avcılık, uyuşturucu, silah ve insan kaçakçılığı, vb.) her geçen gün hem nitelik hem de nicelik olarak artmaktadır. Söz konusu güvenlik konularının kapsamı ulusal veya uluslararası denizlik faaliyetlerini etkilemekle kalmayıp bölgesel etkileri çok büyük olmaktadır. Küreselleşen sermayenin yaygınlığı nedeni ile etkilerin sınırları bölgenin çok ilersine kadar ulaşabilmektedir. Söz konusu kanunsuzlukların engellenmesi amacı ile devlet, bölgesel organizasyonlar ve uluslar arası örgütler işbirliği çalışmalarını son yıllarda göstermektedirler. Yeni tehditlerin hedefindeki Karadeniz Bölgesi' de bu tür engelleyici faaliyetler için öneme haiz bölge olarak dikkati çekmektedir.

1 Temmuz 2001 tarihinde yürürlüğe giren ISPS Kodu Karadeniz' e kıyısı olan ülkeler ve örgütleri arasındaki işbirliği imkanlarını artırmaktadır. ISPS Kodu uluslar arası güvenliği sağlamak için tehditleri belirlenmek ve önlemek amacı ile denizliğe ait bir dizi yeni kurallar getirmektedir. Söz konusu yaptırımlar ile SOLAS kurallarının yeniden düzenlenmesi günümüzde büyük önem kazanmaktadır.

Bu çalışmada Karadeniz Bölgesinde Denizciliğe ait güvenlik sorunlarının ISPS kodu ile yürürlükte olan prosedürler arasında ilişkiler kurulmaya çalışıldığı kadar Karadeniz' in daha güvenilir bir deniz bölgesi için yapılması gerekenler anlatılmıştır.

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