

The maritime security code three years on



There should be a proper balance between the needs of security and the protection of seafarers' human rights but, says **Erol Kahveci** of the Seafarers' International Research Centre, in recent years this balance has seemed to shift against seafarers

THE International Ship and Port Facility Security (ISPS) code was brought into force on July 1, 2004. The aim of the new security code was to reduce risks to passengers, crews and port personnel on board ships and in port areas as well as to vessels and their cargoes. The emphasis is on the need to increase ship and port security and prevent shipping from becoming a target of international terrorism.

The code also deals with the whole question of human element-related aspects and, in particular, of shore leave for seafarers. It urges governments, port facility security officers and the maritime industry to take the human element, and the need to afford special protection to seafarers and the critical importance of shore leave, into account when implementing the new security provisions.

The security regime in international shipping on a global basis has potential human aspect problems affecting the fundamental human rights of seafarers. Seafarers have the primary duties and responsibilities for implementing the new security regime for ships. However, emphasis on port facility security can result in the ship and seafarer being viewed as a potential threat to security rather than partners in the new security regimes. There should be a proper balance between the needs of security and the protection of the human rights of seafarers, but over the past three years the balance has seemed to shift against seafarers.

One of the major impacts of the ISPS code on seafarers is that it has increased their workload. Since its introduction, seafarers have had to work longer hours



SHUT in: the ISPS code has, among other negative effects, made the social isolation of seafarers greater than ever. (Photo: Erol Kahveci)

to implement it because it requires gangways and ramps to be manned while vessels are in port, passes to be checked and visitors to be accompanied while on board.

New security regulations for ports and ships are putting seafarers under more stress and helping to make them more isolated. A Mission to Seafarers'

port chaplain expressed concerns about the pressure on crews. "There have to be more seafarers on watch, so this means fewer of them coming to the Mission. Masters are complaining they are having more and more work to do, but no extra crew to do it. I am not sure how long this level of pressure can be sustained

before someone cracks," he said.

It has been widely reported that port welfare workers themselves around the world are experiencing unwarranted restrictions by port security personnel on their ship visiting. Interpretation of the port security rules appears to vary depending on which

ports are involved. In some, the discretion of port security workers seem to supersede the existing regulations.

The crewing manager of one of the biggest ship management companies has reported that until recently his company used to employ officers from Pakistan but, because of the difficulties experienced by seafarers in various ports due to their Pakistani nationality, the management company has decided to terminate their employment. The manager said that the company had considered not employing them aboard US-bound vessels but this proved to be very difficult as vessels could change their schedule at very short notice.

As the above account suggests, seafarers from Islamic countries seem to be negatively affected by the new security regime which potentially could limit the employment of seafarers from those countries. This, in turn, would exacerbate further the shortage of seafarers in the global labour market. These problems also send out negative messages to those considering a seafaring

career. There is no attraction in being treated like a potential terrorist.

The different interpretation of the ISPS code around the globe creates a fear factor for seafarers. Such an environment of fear has the potential to stop seafarers reporting any unusual happenings on board their vessels or around the port. This undermines the whole effort of maritime security and prevents seafarers from playing an active role in the war on terror.

Overall, one of the main impacts of the new security regime is that seafarers are seen as providers of security, victims of terrorist attacks and also potential terrorists.

Terrorism is not a matter of concern to just one country or a group of countries; it is a global issue and affects us all. The ISPS code needs to be welcomed because it came into force to protect innocent citizens and workers from terrorist attacks. However, as we have seen, despite various International Maritime Organisation resolutions put in place to counterbalance the potential pitfalls, the implementation of the new

security code undermines fundamental rights, freedoms and the basic dignity of seafarers as well as increasing their workload and social isolation.

There are no proven statistics or scientific works that state that seafarers are more of a security risk than any other occupational group. On the contrary, seafarers are more likely to be victims of terrorist attacks and piracy. However, seafarers are currently assumed to be, and are portrayed as, possible terrorists rather than marginalised victims.

To limit the negative impact of the new security regime on seafarers' basic human rights some steps need to be taken. It is important for everyone in the maritime industry, including seafarers, to systematically document the extent of the problems caused by the new security regime in co-operation with trade unions, shipowners' representatives, maritime welfare organisations and regulatory bodies. Where there are problems, it is important to try to resolve these through representation and discussion.