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IMO AND THE SHIP/PORT INTERFACE

(Presented by JO Espinoza Ferrey)

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A presentation to the
First Meeting of the Inter-American Committee on Ports
of the Organization of American States (OAS)

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Thank you, Mr President, for giving me the floor this morning for a presentation on the work of the International Maritime Organization and its relationship to ports. I have brought a limited number of materials on some of the relevant subjects that are available to the delegates. Virtually all the materials are available on our website.

I believe it has been some time since IMO was present at a meeting held under the auspices of the OAS – with which IMO has an agreement of co-operation – but I am certain that there will be further occasions since it is the wish of our Secretary-General, Mr William O'Neil, to increase mutual co-operation and exchanges between our two organs.

As port experts and officials, there is no doubt that all of you have heard of IMO and its functions in relation to the maritime sector. The Organization was established in the late 1950s as a specialized agency of the United Nations, to act as an inter-governmental forum for the adoption of international rules and standards governing maritime safety, the prevention and control of marine pollution from ships, the development of maritime legislation and the facilitation of maritime traffic.

IMO's regulatory framework is contained in international Conventions, as well as in related Codes, resolutions, guidelines and recommendations. This framework covers a wide spectrum of topics ranging from the construction and equipment of ships, and their operation and manning, to the environmental measures that need to be in place to protect the oceans and seas from the pollution that may be caused by shipping activities.

The ship/port interface (SPI)

What perhaps is not so well known, is that IMO's activities in the field of safety and environmental protection in ports are as old as the Organization itself. And this is because every safety or environmental provision implemented on board ships impacts in one way or the other on the ports.

However, it was really only in the early 1990s that IMO began giving formal, but increasing attention to the impact of shipping activities in port areas. Indeed, it was at the initiative of the Secretary-General that, in 1992, the Organization began developing a strategy for ship/port interface and the methods to implement it. A Working Group was established for that purpose and the strategy was approved through resolution A.786(19), adopted by IMO's Assembly in 1995. As a result, it was agreed that the SPI Working Group should remain in existence to:

- act as a forum of co-ordination between international organizations on matters relating to the ship/port interface

- identify related subjects
- establish and update objectives to be achieved in respect of each subject identified
- compile a global inventory of work and publications on those subjects
- identify areas for further work by IMO
- identify and prioritize the needs of countries in relation to the ship/port interface.

The SPI Group functions under the overall direction of IMO's Facilitation Committee where other ship/port interface matters are dealt with such as documentary requirements and procedures for the clearance of ships, persons and cargoes.

However, because of its multi-disciplinary nature, the Group also reports to IMO's Maritime Safety Committee and Marine Environment Protection Committee, and its work covers a wide variety of topics. The following is a representative list of subjects handled by the SPI Group.

- inspection programmes on freight containers, other cargo transport units and vehicles carrying dangerous goods
- communications between maritime Administrations and port Authorities
- safety problems connected with intermodal transport
- promotion of EDI in matters relating to the safety, efficiency and management of the ship/port interface
- revision of guidelines for packing cargo transport units (CTUs)
- establishment and operation of port reception facilities for ship-generated wastes, including funding mechanisms
- development of model courses on cargo handling in port areas
- emergency preparedness and response in port areas
- the provision of tug assistance
- continuous updating of the bibliography on SPI subjects.

Mr. President, I would have liked to distribute at this meeting the report of the SPI Group's last session – which was held in September – so that delegates might see the extent and scope of the work being carried out. While the report has not yet been published in final form, I will certainly forward it to this Committee's Secretariat in due course.

With this brief overview on the objectives of the SPI Group, I would now like to turn to specific aspects of IMO's work that affect the ship/port interface.

Safety of navigation

IMO was established principally to ensure maritime safety and promote quality shipping. While a great deal of IMO's work in these fields concerns the design, equipment and operation of ships, other issues include the establishment of vessel traffic systems and aids to navigation, as well as the identification and elimination of sub-standard ships.

I mention the latter two because of their relevance to ports. For example, in accordance with our International Convention for the Safety of Life at Sea (SOLAS), vessel traffic systems can be put in place by Governments to contribute to the safety and efficiency of navigation and the protection of the marine

environment. Typically, such systems are run by national coast guard agencies, but in some instances they are actually run by, or under the auspices of, port authorities. Likewise, aids to navigation - which are also regulated by IMO instruments - are most often provided, maintained and financed through ports. Regarding the promotion of quality shipping, IMO has a two-part approach. The first part - which is flag State implementation - implies obligations on countries registering ships to ensure that their vessels are safe and to identify and eliminate sub-standard ships.

But under several IMO and ILO treaties, countries that receive foreign ships in their ports have the right to inspect such vessels, detain them if deficiencies are found, and indeed ban them from their territorial waters. This is the second part of IMO's approach. It is called port State control and it is a right normally exercised by the maritime Administration of the country receiving the foreign vessels. In principle, therefore, there is no direct linkage to the port authorities, although their co-operation is required to facilitate port State control inspections.

On the other hand, in Latin America most of the maritime Administrations are actually run by the national Navies who - in turn - may have delegated certain port State control duties to the port captaincies that fall under their jurisdiction. In the Caribbean, there are one or two maritime Administrations that are combined with the port authorities and therefore also carry out certain port State control duties.

IMO considers the building of capacities for port State control one of its principal activities - and we have taken a regional approach on the subject. Together with ILO we have helped the countries of this region to adopt port State control agreements - one for Latin America and another for the Caribbean - and with the support of Canada and the USA we are training port State control officers and inspectors to give effect to those agreements and to co-operate regionally for the identification and elimination of sub-standard ships in the Americas.

In that context, our activities have a direct beneficial impact on ports either because we are training personnel associated with your institutions, or because the progressive elimination of sub-standard ships will significantly reduce the threat of marine accidents and pollution in port areas and approaches.

Port safety

Perhaps the single most important aspects of IMO's work in relation to port safety concern the safe loading and unloading of vessels and the handling of dangerous goods. Most of this work comes under the mandate of IMO's Sub-Committee on Dangerous Goods, Solid Cargoes and Containers - or the DSC Sub-Committee - which is charged with developing the related global rules and standards. Naturally, the SPI Working Group is also involved and has contributed significantly to that Sub-Committee's work. In this connection, I would highlight the following matters that are currently on IMO's agenda.

The SPI Working Group will be continuing its work on a model course for safe and secure packing of CTUs, which is expected to be completed in 2001. By 2002, the Group is also expected to have developed a manual on loading and unloading of solid bulk cargoes which can be used by terminal representatives - and others involved in such operations - to train their personnel on the safe loading of bulk carriers. In this manner, and in conjunction with other measures adopted by IMO to ensure the safety of such vessels, the Organization is seeking to reverse the number of bulk-carrier casualties that are caused by over-loading.

Also by 2002, and at the request of the industry organizations, the Group will have developed global and harmonized guidelines on the minimum standards for training of port marine personnel. The industry and IMO have felt a need to address this issue because, traditionally, port marine personnel have been seafarers by origin who then join seaports as a second career on shore. However, recent projections are showing that there will be a shortage of seafarers in the medium-term future and, consequently, a possible vacuum in the pool of seafaring personnel that can carry out port marine activities. Accordingly, it is probable that future port marine personnel may be joining seaports as a first career – that is, without the traditional seafarers' training – and IMO therefore deems it essential to have guidelines on their minimum training requirements in order to ensure port safety and environmental protection.

Finally, the DSC Sub-Committee and the SPI Group have also worked together in the redesign of the International Maritime Dangerous Goods Code (IMDG Code) which has recently been the subject of a major revision and reformatting. The new version – known as amendment 30 – is expected to be approved next year by the DSC Sub-Committee and it will contain a new Section 28 which addresses the training requirements for shore-based personnel involved in the transport of dangerous goods.

The introduction of the new Code – and the other port safety materials to which I have referred – will no doubt stimulate demand for increased training on their application and this will have to be addressed by IMO. I would suggest that these, and similar subjects, are matters on which IMO could collaborate with regional organizations such as the OAS, and this particular Committee, in order to maximize effort and resources in building effective port capacities.

Port security

Mr President, as regards port security, there are several topics which IMO is currently dealing with. I am aware that this Committee and its Secretariat have addressed the matter and that regional and national training events have been carried out regularly. This too is a subject on which joint co-operation with IMO could be beneficial, for the following reasons.

Through an agreement with United States Coast Guard, an officer has been seconded to IMO to serve as an adviser to the Wider Caribbean countries on several matters, including port security. The officer is stationed in Curaçao, in what we call the Regional Marine Pollution Emergency, Information and Training Centre (REMPEITC-Carb). His services are at the disposal of the countries.

A related issue which is very high on IMO's agenda is piracy and armed robbery against ships. The number of such incidents has been on the increase world-wide and has led IMO to develop guidance – through circulars and resolutions – for shipowners, ship-managers, crews, maritime and port authorities and others. The application of such guidance – which includes measures for bilateral and multilateral co-operation – has brought some beneficial results insofar as the incidence of such acts may be flattening out, if not declining.

In the Americas, such acts have so far been limited to armed robbery against ships in ports or at anchor. However, because of the increase in the number of such acts in this region, in October 1998 IMO fielded a mission of experts to assess the situation and to deliver a regional seminar in Brasilia on that subject. The report of the mission and seminar was considered by IMO's Maritime Safety Committee in May 1999. Based on the results of that work, and similar missions and seminars held in other regions, IMO is now developing revised guidance for the global shipping and port community on the prevention and suppression of such acts.

There are two interesting outcomes of the Brasilia seminar that I would like to touch upon. First, there appeared to be a drug-related aspect to some of the attacks on ships that have occurred in the region's ports. As a result, there was a strong recommendation from the seminar participants that the agencies involved in preventing and combating piracy and armed robbery against ships should consider ways of integrating anti-drug enforcement with anti-piracy and port security efforts. I believe this Committee has taken a similar approach and any information on the results of your experiences would certainly be beneficial to IMO.

Secondly, the Brasilia seminar adopted a resolution requesting IMO to develop, as a matter of urgency, an international Code for the investigation of such acts, as well as recommendations on appropriate punishments. Our Maritime Safety Committee has responded positively to the request and work is now being done, under the leadership of the United Kingdom, to prepare an instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships.

Returning to the illicit drug-trafficking through ships and ports, I should like to recall that, at its last session in November 1997, the IMO Assembly adopted resolution A.872(20) which bears the long title of "Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged international maritime traffic". These guidelines were previously prepared by a working group under the leadership of Colombia and then approved by IMO's Facilitation Committee which is the principal organ dealing with this subject.

The guidelines are addressed to – and call for co-operation among – personnel involved in the management, operation and servicing of ships engaged in international maritime traffic. Accordingly, the target population covers maritime and port authorities, customs, shipowners and managers, crews and others.

In order to facilitate the effective implementation of the guidelines – at a practical level – IMO has developed a related model course in co-operation with several industry bodies and the United Nations International Drug Control Programme (UNDCP). The model course was tested successfully in the Caribbean region in May 1999 with the participation of English-speaking representatives from all the concerned sectors.

As a result of this test run, the model course has now been finalized and is being translated into French and Spanish for subsequent publication and distribution. It is now IMO's aim to initiate a world-wide programme delivering the model course in all developing regions. And it is IMO's hope that regional partners – such as the OAS and this Committee – will wish to join us in ensuring adequate resources for the delivery of the course in the Americas.

Two final aspects relating to port security and which IMO is also covering, concern stowaways and illegal immigration. Guidelines on these subjects have been developed by the Organization and are being continuously updated. Indeed, in 1997 the IMO Assembly adopted two pertinent resolutions: The first – resolution A.871(20) – introduced "Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases" which is addressed to shipping and port interests in particular. The resolution was adopted because there had been a significant increase in the number of reports on stowaways submitted to IMO. Accordingly, the guidance provided through the resolution was aimed at the introduction of effective measures to prevent such incidents and ensure appropriate co-operation among all concerned agencies.

The second resolution – A.867(20) – deals with “Combating of unsafe practices associated with the trafficking or transport of migrants by sea”. Essentially, the subject concerns the organized transportation of illegal migrants which is sometimes carried out in sub-standard vessels and has resulted in numerous deaths of people who are very often escaping economic and political hardship in their own countries. Following from the latter resolution, our Maritime Safety Committee issued a circular in December 1998 on interim measures to combat such practices. They are called interim measures because the guidance provided to shipping and port interests on this subject will be revised after the entry into force of a global Convention against transnational organized crime which is being prepared by the United Nations Commission on Crime Prevention and Criminal Justice. The latter Commission has made considerable progress over the last 12 months in developing that instrument which will contain IMO’s provisions against illegal trafficking of migrants by sea.

Environmental protection

I will now turn to IMO’s marine environment protection regime, and its effects on ports. One of our principal aims is to set in place binding measures for the prevention and control of marine pollution from ships. Some of these measures have a direct bearing on port development and operations.

In this context, you are of course all familiar with the International Convention for the Prevention of Pollution from Ships – otherwise known as MARPOL 73/78 – which is one of the principal pillars of IMO’s marine environment protection strategy. The Convention emerged from earlier IMO efforts dealing with the prevention of oil pollution from operational discharges such as routine tanker-loading and washing, and discharges of oily wastes from machinery spaces.

The MARPOL Convention deals not only with oil, but with all forms of marine pollution that can be caused by ships, with the exception of activities involving the dumping at sea of land-generated wastes. The basic elements of the Convention relate to vessel construction and equipment, and also the control of discharges of several substances. In respect of the latter aspect, parties to MARPOL are obliged to put in place – on board their ships – measures and equipment to minimize discharges to the sea and thereby protect the marine environment. In several areas, such discharges are entirely prohibited.

Consequently, in order to allow ships to retain their wastes on board and then discharge them in an environmentally-sound manner, the Convention obliges its parties to ensure the provision of facilities in ports, terminals and repair yards for the reception, without undue delay, of:

- oil residues and oily mixtures (MARPOL Annex I – in force)
- residues of noxious liquid substances (MARPOL Annex II – in force)
- sewage (MARPOL Annex IV – not yet in force)
- garbage (MARPOL Annex V – in force)

A new Annex VI to MARPOL, which deals with air pollution from ships – and which has yet to come into force – will also require the parties thereto to provide appropriate port reception facilities for ozone-depleting substances, for example.

As you are no doubt aware, a reception facility is essentially anything that can receive shipboard wastes. The type and size of the facility depend on the needs of the ships visiting a port. Where a simple garbage bin and a barrel for waste oil may suffice in a small port, another will need large storage tanks for the reception of residues and mixtures containing oil or noxious liquids. But in spite of these self-evident

facts, and although reception facilities are mandatory, in practice they are often inadequate and in certain cases non-existent. For many countries, the reasons cited for this are economic and technical – that is, the high cost of providing potentially sophisticated facilities in ports and terminals.

In order to guide relevant agencies on these points, IMO published two books. The first is “MARPOL: how to do it” and the second is the “Comprehensive Manual on Port Reception Facilities”. Both were developed by our Marine Environment Protection Committee, with the support of the SPI Working Group and other IMO bodies. The objective was to promote very practical knowledge on MARPOL implementation and on reception facilities. One of the manual’s singular advantages is that it also addresses financing and cost-recovery options for the construction and operation of such facilities. Like all of IMO’s guidelines and manuals, these two are also subject to constant updating in line with changes in the industry, technological developments and new environmental strategies. Indeed, a new version of “MARPOL: how to do it” is being prepared to include enforcement aspects, and next month our Assembly is expected to adopt a resolution which will mandate IMO to prepare new guidelines on the provision and use of port reception facilities.

In the Americas, IMO has been promoting the implementation and enforcement of MARPOL – including its provisions on reception facilities – through a variety of programmes.

In Central and South America we have assisted the countries to develop and adopt regional strategies for the protection of the marine environment which include target objectives for the installation of reception facilities, together with an accompanying manual.

In the Wider Caribbean region – which covers all the island nations and the mainland countries bordering the Caribbean sea – IMO recently concluded a major project entitled the “Wider Caribbean Initiative on Ship-generated Wastes” which produced a regional strategy to promote and realize the widest possible ratification and implementation of MARPOL. The project included a regional legal framework, regional waste management plans, public awareness campaigns, training of personnel and the identification of national projects for reception and disposal facilities.

As a follow-up to that project, in February of this year IMO convened a Caribbean Forum on Marine Environment Protection which was held in the Dominican Republic. The objective of the Forum was to present the results of the project I have just mentioned and, by inviting the donor community, to submit for its consideration the individual country proposals on port reception facilities. While the Forum was a success in respect of the former aspects – that is, approval of the results of the project and of the future work to be done nationally and regionally for MARPOL implementation – the intended mobilization of donor interest for the individual country proposals was not so positive. This is a matter for regret since the Wider Caribbean region is heavily reliant on tourism which demands a pristine marine environment. After all, that is why the tourists come.

It is also a matter of regret because IMO has declared the Wider Caribbean region as a Special Area under Annex V of MARPOL. This status means that, in the region, ships are prohibited from discharging garbage into the sea, except under strictly defined conditions, and they are completely banned from dumping any plastics. The Special Area was declared in 1993 but it will not come into force until the region itself informs IMO that sufficient garbage reception facilities are in place. At the Caribbean Forum earlier this year, the countries of the region committed themselves to securing the entry into force of the Special Area status by 2003 – which means that up to 23 countries of the Americas must by then have provided such facilities.

IMO is in no doubt that the countries of this region are indeed committed to the full implementation and enforcement of MARPOL. However, the historic reasons of the cost of reception facilities remains a stumbling block, but financing options exist and IMO will continue its efforts to bring together donors, and recipient Governments, to seek ways of overcoming the barrier. In this context, one of the interesting discoveries of our project in the Wider Caribbean was that the private sector showed great interest in constructing and operating reception facilities, in the framework of adequate financing and cost-recovery methods. This is certainly an area which should be explored further in co-operation with the region's organizations and development banks.

Mr President, still in relation to the environment, I would like to address two further topics that have a bearing on ports.

During the 1990s, IMO has had occasion to address the environmental impact assessment of port development and port operations. While our activities in this field have been limited, they include an international Symposium held in Baltimore in 1992 – which some of the delegates here may in fact have attended. One of the recommendations adopted at the Symposium called on IMO to organize regional seminars on the subject, and we have since delivered such events in Africa, Asia and Latin America. At the latter meeting, the region developed and approved Latin American Guidelines on environmental impact assessment in ports, which are still being applied.

The second aspect I wish to refer to concerns contingency planning to combat and control marine pollution resulting from accidents in ports and terminals. You may be aware that the preparation of such plans is mandatory for countries that are parties to the International Convention on Oil Pollution Preparedness Response and Co-operation (OPRC) which was adopted by IMO in 1990.

Assisting countries to put in place contingency plans in general is one of IMO's principal technical assistance activities. In this context, I have already referred to our centre in Curaçao – REMPEITC-Carib – which was set up precisely to assist the countries of the Wider Caribbean region to establish national and regional systems to fight marine pollution. The centre is therefore at the disposal of the region to assist also in relation to port contingency planning.

Facilitation of maritime traffic

Turning finally to facilitation matters, as port officials you are all well aware of the Convention on the Facilitation of International Maritime Traffic – the FAL Convention – which was adopted by IMO in 1965 and came into force in 1967. There are currently 83 parties to the Convention, but within the Americas however, only 17 of the 35 hemispheric nations have accepted that instrument.

This audience will certainly recognize the advantages afforded through the FAL Convention in terms of the simplification, standardization and harmonization of the formalities and procedures connected with the arrival, stay and departure of ships, persons and cargoes. These advantages benefit:

- maritime and port administrators, immigration, customs, security and health authorities
- shipowners, ship-operators and agents
- shippers, consignees, road, rail and inland water transport operators and agents

Facilitation is one of the four cornerstones of IMO's work and a great deal has been done since 1965 to improve the efficiency and effectiveness of related port procedures. More will be done in the future, since the FAL Convention and its Annex are continuously being updated to ensure that facilitation measures and practices address:

- the requirements of today's shipping industry
- technological developments – such as EDI messages for the clearance of ships and cargo, in particular dangerous goods
- the introduction of uniform systems for the arrival and departure of ships, persons and cargoes
- and other aspects of the ship/port interface, including illicit drug-trafficking.

Indeed, at its last session – which was held only last month – our Facilitation Committee considered a proposal by Germany for a comprehensive review of the FAL Convention, taking into account recent and current developments in trade facilitation matters that are being addressed by several other international organizations. The FAL Committee has requested Germany to submit a proposal for such a review which will be examined next year. Simultaneously with that decision, the Committee also adopted amendments to the FAL Annex on some of the subjects highlighted earlier, and these are expected to enter into force in 2001.

Once again, I would have liked to distribute the latest report of the Facilitation Committee, but this too has not yet been published in final form. Nevertheless I will forward it to your Secretariat in due course.

Mr President, in a forum such as this – with port officials, and representatives of the very same industry organizations that attend IMO meetings – it would be redundant to enter into further details on maritime facilitation. Nevertheless, I would like to emphasize the importance of this subject to those countries of the Americas that have not yet accepted the Convention, and I would call on the OAS and this Committee to collaborate with IMO in promoting its further acceptance throughout the region.

The issue, however, is not merely one of acceptance. It is also one of effective implementation and enforcement of the Convention and, on this point, greater effort is still required even from those countries that are already parties to that instrument, and certainly from IMO.

To that end, in 1998 IMO launched a regional project on FAL matters in Latin America and the Caribbean. The objective of the project is to promote the acceptance and implementation of the Convention and, to this end, we have commissioned diagnostic studies on the current status of facilitation measures in Central and South America and in the Caribbean. What we have found is that, although they are aware of the advantages deriving from maritime facilitation, the countries do not yet have sufficient knowledge of the measures and procedures that can be put in place and that will bring the benefits described previously.

Originally, we had envisaged that the project might, after the diagnostic phase, proceed to the preparation of subregional facilitation strategies based on the realities of each subregion. Here again we have found that, although the strategies can be prepared to promote improved maritime facilitation, the three country groupings are perhaps not yet ready to adopt them because, before accepting voluntary commitments on a regional level, more needs to be done nationally. IMO will nevertheless persevere with this objective in the future.

And in order to increase awareness on facilitation issues, the third and final component of the project – which will be carried out later this year and in 2000 – is a series of subregional seminars. This will provide training to officials from the maritime and port authorities, and the shipping interests, on the advantages of accepting the FAL Convention and on its effective implementation and enforcement. We would certainly welcome the participation of the OAS in these events.

Conclusion

Mr President, I have taken up a considerable amount of your time and I should now conclude. I hope that this presentation has given you food for thought in relation to how IMO's work affects the ports sector and by identifying some areas of possible co-operation between the OAS and IMO. I believe that the Secretary of your Committee is planning to come to London for the IMO Assembly in November. He would be most welcome and I hope that we can pursue a dialogue of collaboration and co-ordination in respect of our common interests.

Thank you.