

**FOURTH MEETING OF THE OPEN-ENDED INFORMAL CONSULTATIVE
PROCESS ON OCEANS AFFAIRS AND THE LAW OF THE SEA
IMO INTERVENTION**

(Tuesday 3 June 2003, United Nations Headquarters, New York)

The International Maritime Organization (IMO) is the United Nations Specialized Agency competent to regulate matters relating to the safety of navigation, prevention of marine pollution from ships and the legal matters relating thereto. To put it briefly, safety of navigation, prevention of pollution, response in case of accidents, together with liability and compensation for damage, are the corner stones of the IMO activity.

The IMO work is carried out in close co-operation and co-ordination with the activity of the United Nations and of the other UN Specialized Agencies. Ongoing consultations with the UN over the years have assured that, ever since the adoption of UNCLOS, all IMO instruments conform with it.

Since the horrendous terrorist attacks of 11 September 2001, in the United States, IMO's main efforts also focused on the development of an entirely new set of measures on maritime security, which were adopted by a diplomatic conference in December 2002. The preparatory works for these measures was carried out by the Maritime Safety Committee and involved several weeks of intense meetings of the Committee and of its work group on maritime security. The new measures are set to enter into force on 1 July 2004.

Among the raft of measures that have been adopted, the most far-reaching is the International Ship and Port Facility Security Code (ISPS Code), which will be implemented through a new chapter XI-2 of the SOLAS Convention.

In essence, the Code takes the approach that ensuring the security of ships and port facilities is basically a risk management activity and that in order to determine what security measures are appropriate, an assessment of the risks must be made in each particular case.

A description of the measures adopted by the Diplomatic Conference last December is contained in the IMO contribution to the report of the Secretary General. The maritime community has now a well-considered regime, on which to build an effective maritime security infrastructure. Because of the worldwide escalation of acts of terrorism, the challenge is now for all parties concerned to put in place all the necessary infrastructure as soon as possible, including the legislative, administrative and operational measures needed to give effect to the decisions of the Maritime Security Conference, without waiting for the entry into force date of 1 July 2004.

The following issues are being considered, among others, for the purpose of the review of the so-called SUA Treaties:

- revision and expansion of the offences in article 3 to ensure that a wider range of unlawful acts are covered by the Convention in the light of the experience of 11 September;
- enlarging the scope of application to cover domestic cabotage navigation; and
- widening the regulations on jurisdiction and extradition, including for instance, making it obligatory not to use the political offence exception in order to deny extradition.

In order to progress speedily, the Committee has established a formal Correspondence Group under the leadership of the United States, with the task of studying and proposing necessary amendments to the two treaties in order to facilitate, strengthen and expand international co-operation and co-ordination as a means of combating unlawful acts, including terrorist acts.

On matters of relevance to this body, the Legal Committee, at its 86th session, noted that the new provisions on boarding should conform with the principles contained in UNCLOS, and should take into account existing precedents, such as, for example, the 1988 Vienna Drug Convention and the 2000 Protocol on

In order to help full implementation of the new SOLAS regulation, the International Hydrographic Organization (IHO) in liaison with the IMO Secretariat, has prepared a draft revised text of resolution A.532 (13) adopted in 1983 by the IMO Assembly. The content of the draft Assembly resolution on provision of hydrographic services is described in the 'IMO

Another issue to be considered by the MEPC at its forthcoming session in July is the designation of a Western European Particularly Sensitive Sea Area. This measure has been proposed by several European States in the wake of the Prestige accident. It is accompanied by new protective measures, prohibiting the carriage of heavy grades of oil through the PSSA in vessels of more than 600 DWT, except in double-hull tankers, which will have to comply with a reporting obligation.

Stemming from the **Prestige** accident, are also the proposals by Spain to establish two additional lanes for ships carrying dangerous bulk cargoes in the existing *Cape Finisterre* traffic separation scheme. Spain has also proposed to extend the mandatory reporting area to the proposed additional lanes. Both proposals will be considered by the Sub-Committee on Safety of Navigation at its 49th session, at the end of this month. If approved, the measures will be submitted for adoption to the IMO Assembly at its 23rd sessh thh11(h)ve2wm2()mbh4Tc 014(s)(p)16-22.5th