

THE POSITION OF INTERNATIONAL SHIPPING AND PORT FACILITY (ISPS) CODE IN NIGERIA MARITIME ENVIRONMENT

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ABSTRACT

The purpose of this study is to critically examine the position of international shipping and port facility security (ISPS) code in Nigeria maritime environment. The paper looked at what Nigeria stand to benefit by implementing the international shipping and port facility security (ISPS) code in the maritime industry. Due to the attack of United States of America on September 11th 2001, it shows that no country in the world is safe from terrorist attack, base on this, the International Maritime Organization (IMO) through its consultative organization established in Geneva in 1948, which went into operation in 1959 to develop and maintain regulatory framework for shipping industry in order to secure vessels, notable among regulatory bodies is Safety Of Life At Sea (SOLAS). The study analyze the degree of ISPS Code, it's compliance with the provision of the rules and regulations to port and ship. It also x-rayed the functions of security officers at ship and port. The paper also looked at the position of ISPS code to the maritime industry. The research therefore concludes that the issue of security must be treated with seriousness by both stakeholders and government for effective implementation. It therefore recommends among others that government at all levels should show real political will and commitment to maritime security.

Keyword: Development, Impact, International, Maritime, Nigeria, Port-facility securing, Shipping Socio-economic.

INTRODUCTION

The increasing emphasis on maritime security has led to many changes on board vessels, changes that encompass operations commercial concern and also the workload of the personnel. The issue of insecurity, lack of safety consciousness and threats of terrorism pervaded world maritime landscape without checks. Today issues regarding safety and security at airports and seaports from tropical discourses are among government priority list all over the world. The terrorist attack on the United States in September 11th 2001 shook the world as it took everyone by surprise such day light attack, were thought to be impossible on united states soil, given the country's technological sophistication at the time (Ndikom, 2008).

According to Jones (2006), the shipping industry is one of the most regulated in the world and is face with a vast amount of legislative requirements. Every aspect of the shipping industry or operations is covered by strict rules and regulations and over this year's these standards have involved and developed into an overall concept of managing risk to make the industry secure and safe. We must understand what risk and danger, means in the content of shipping industry. What safety and security actually means when discussing the content of the shipping industry.

Risk and danger is the mother of both safety and security. Both the notion of safety has come to life before security. From the beginning of the world, when human ancestors were fighting with their hands and stony weapons against the wild nature, safety was born. They never slept at a place where they felt danger to be surprised by wild animal's humans or disaster. On the contrary, security was born when the humans learned to live in societies, empires, factions, borders and cities were created and thereupon new danger were discovered. Security was created to protect the communities walls were built around the cities of avoid enemy attacks and spies tongue were cut to prevent the leak-out of information. Safety and security are two words that most of the times are used interchangeably. American heritage dictionary has described the security as safety. It is a bit complicated. It is necessary to know where it is meant security and where safety to avoid misunderstanding. Safety is reducing the risk or occurrence of loss, injury or death, which will be occurred because of some accidental events or natural causes like natural disasters, while security is reducing the risk of occurrence of loss, injury or death which will be occurred because of deliberate or intentional actions (Mazaheri, 2008) in (Neal 1994). Security subjects were given heightened attention after 9/11 aviation terrorist

attack on world trade center twin towers and pentagon in New York, U.S. (Timlen, 2006). Even though the security was not a new subject, most of the actions to enhance security have started after that catastrophic terrorist attack.

Conceptual Framework

The international shipping and port facility security (ISPS) code, is a code which is aimed at getting an enhanced security package for all the maritime nations of the world. The code was actually adopted to address the emergency threat of terrorism which the international maritime organization (IMO) believed could extend to the maritime sector. It is a new convention and all the nations ports of the world, are to ensure that they put in place a programme to enhance security (Ndikom, 2011). The code is a set of new maritime regulations designed to help detect threats to international shipping. The international maritime organization (IMO) is aware of the consequences that the terrorists attack could have on human life, the economy, society and the maritime environment, hence the introduction of the international ship and port facility (ISPS) code.

The port security in this modern time is very vital to the sustainability and functionality of the port system. A close appraisal showed that terrorism does not have any particular boundary.

Due to the tragic event of terrorist attacks on United State, it showed that no country in the world is safe, it is on this premise, the international maritime organization (IMO) agreed to develop new measures relating to the security of ships and port facilities. In this regard in December 2002, a new rule for security issue in ships and port facilities were defined by a diplomatic conference from December 9 to December 13, 2002 at the London headquarters of international maritime organization (IMO) and passed into law in July 1st 2004 in order to reinforce maritime security and to prevent similar tourist acts. The ISPS code was adopted to ensure that the security of ships and port facilities onboard the ships and at the port/ship interfaces will always be in place. The code has been based on risk management activities continuous risk assessment must be checked in a regular time intervals to be sure that the security of seaborne transportation will be provided. Therefore the ISPS code is to establish a uniform and international framework for the risk evaluations in maritime transportation industry. International maritime organization considered safety and security, before adopting the ISPS.

Maritime Security

The concept of maritime security came into vogue back in the early 80s as part of the Iran-Iraq war, when oil tankers in the Persian Gulf tried to secure themselves in the face of vicious attack on port facilities and international shipping. By the end of the saga, Iran had carried out 214 attacks on mercantile shipping, while Iraq had conducted 181. Ships from at least 36 countries were targeted in the attacks, which included the use of anti-ship cruise missile, bombs, grenades gunfire and mines (Jones 2006). The attack on world trade centre in 2001 was a catalyst for change for the maritime industry. Shipping has for decades been vulnerable to attack, fraud and criminality. The maritime industry is also vulnerable to other factors such as natural disaster, climate change, piracy, hijacking, insurgency and other incident like ship collision and fire. Mitropoulous (2006) postulated that, the general level of security awareness and preparedness in shipping today is at a level where every seafarers and stakeholder vigilance needs to be increased. He further profess that, ships and seafarers are the facilitators of international trade and are seen

as frail to terrorists when in port and in coaster water. Coleman and Jennings (1998) adjudicate that since the power of supply chain depends on the power of its weakest link, therefore security in the maritime logistics is the subject that has a great potential to work and investigate on. Although there are examples of maritime misdeeds like smugglings, theft, stowaways or illegal immigrants, but the major concern about the maritime security as cited by Arsham (2008), are piracy, armed robbery and terrorism; however terrorism took the most consideration after the September 11, 2001 attack. All over the world, maritime environmental surveillance is considered a necessity and strategy by maritime nations for the purpose of monitoring terrorism and supervising operational activities in their locations. Over the years Nigeria has not had proper maritime environmental surveillance due to lack of well defined shipping policy. The introduction of international ship and port facility security (ISPS) code in 2004 made maritime environmental surveillance a necessary tool for monitoring and supervising the illicit activities of fraudsters within the Nigeria maritime landscape (Ndikom 2006). In the same vein, Onwuekwe (2005) argued that the consciously applied marine environmental protection policy achieve economic, ecological and social results. It is therefore imperative that government

agencies charges with the nation's waterways should integrate surveillance to optimally utilize maritime growth in the nation.

Functions of Security Officers in Ship and Port

In other to prevent and overcome danger in the maritime industry, ISPC code was introduced to assess the level of risk and security. According to Arsham (2008), security assessment is a process which identifies weaknesses in infrastructures and physical structure, databases and information system, communication systems, personal protection systems, processes or other areas that may lead to a security breach, which can pose a risk to a person or properties.

The following are the functions of security officers who are in charge of implementation of the security plan as cited by (Arsham 2008).

- Ship Security assessment (SSA)
- Company Security officer (CSO)
- Ship Security Plan (SSP)
- Ship Security Officer (SSO)
- Port Facility Security Assessment (PFSA)
- Port Facility Security Plan (PFSP)
- Port Facility Security Officer (PFSO)

Ship Security Assessment (SSA)

The ship security assessment is an integral and essential part of the process of developing and updating the ship or security plan which is reviewed periodically. The ship security assessment is the most vulnerable parts in ship operation.

Ship Security Plan (SSP)

A ship security plan is a plan which ensures that all measures on board the vessel have been properly designed to protect the ship, persons on board, cargo transport units and ship's stores from the risk of a security incident. When preparing the SSP, all the action that might be happened must be considered and proper noted according to specific threat has to be thought over. The SSP shall be reviewed and updated periodically, according to the ship security assessment (SSA).

Ship Security Officer (SSO)

The ship security officer is the person on top on board the ship accountable to the master, for security of the ship, including implementation and maintenance of the ship security plan (SSP). The ship security officer (SSO) is in liaison with the CSO and the port facility security officer (PFSO).

Port Facility Security Assessment (PFSA)

The port facility security assessment (PSFA) is a risk analysis of all aspects of a port facility's operation in order to determine which parts of it are more susceptible to be the subject of attack. All possible threats should be considered, the danger of each attack and the consequence of each

attack shall be considered as well, while the PFSA is carrying out. The contracting government (CG) is responsible for implementation of PFSA in the ports that are located within its territory.

Port Facility Security Plan (PFSP)

Port facility security plan shall be designed according to the PFSA. The PFSA is a plan to ensure the application of measures designed to protect the port facility and ship, person, cargo transport units and ship's stores within the port facility from the risk of security incident. The PFSP approval is the responsibility of the contracting government.

Port Facility Security Officer (PFSO)

Port facility security officer (PFSO) is the person who is solely responsible for the development, implementation, revision and maintenance of the PFSP and for liaison with the ship security officer (SSO) and company security officer (CSO).

The diagram below shows port facility security procedures according to the ISPS code. The ship/port interface has not been considered in the port facility security diagram.

From the above analyses it obvious that to have a secure qualitative maritime environment at the high sea, precautions must be adhered to, when under way and alongside as cited by Parritt (1991).

- Strict control must be maintained at all gang and access, allowing only those who are identified and authorizes on board.
- Large effective rat-guards must be placed on mooring ropes, out of reach of the ship's side and the jetty.
- Fairless and hawse pipe should be sealed, allowing no human access.
- At night, all upper deck lighting should be on at full brilliance, and extra lighting should be rigged as necessary over the ship's stern and seaward side as necessary to eliminate dark areas, powerful search or arc lights are preferable.
- All upper deck lockers should be looked, also any accesses leading to accommodation or technical areas which are not strictly needed for the period during which the ship is along side or at anchor.
- Upper deck patrols should be maintained at times during the hours of darkness.
- In dangerous areas, tendering of passengers after dark should be avoided, and commemoration ladders should be raised. Parrett, further went to state that when a vessel is under way the following must also be adhered to;
 - Maximum safe speed should be used in prone or pirate.
 - Whenever possible, passage of dangerous areas should be made in daylight.

Position of the ISPS (code) on Nigeria Maritime Industry

Since the advent of ISPS code, the maritime industry sub-sector of the world economy has never remained the same. This is due to some international maritime policies and regulations have been changed and revolutionaries to conform to the realities of the times. The level of security consciousness and awareness within the maritime sub-sector has been increased (Ndikom, 2011). Frankly speaking, the September 11, 2001 terrorist attack on United States of America (USA) has serious socio-economic and political effects on the world economy. It is common knowledge that every individual country has adopted one security modification of the ISPS code or the other, and has also fashioned it in conformity to local demands. The attack on United States as a nation is a reflection of an attack on the entire world. Based on this singular incident, many international countries looked inward as it affects world maritime operations reshaped their political policies. This also changed and transformed all major world economic decisions in terms of operational functions of most ports. The emergences of international shipping and port facility security (ISPS) code are more an issue of an international shipping politics which the advanced economics have imposed on the developing nations. Nigeria as a nation has no choice, since we are looking outward for our economy to grow. It is clear that Nigeria do not have the political muscle to negotiate and dictate with the outside world what happen in our port.

It is true that Nigeria is link to the interest of the advanced nations of the world economy, which are major controller of trade and commerce of our home country. Most of these advanced economics are major importer of our natural resources as such their interest must be considered first for the purpose of growth, continuity and development. To this end, if Nigeria as a nation wants to remain relevant in the maritime business, she must conform to the observance of the ISPS code. Furthermore, the implementation of the code will definitely give enough security to vessels and protection to the individual ports from terrorist attacks it will also be expected to increase the functionality and operational modalities of the port systems, it will also increase the productivity and efficiency the port's system. The traffic flow of vessels and containers will be increased while the port will experience a reduction in the level of vessel delay time, which will increase efficiency of the port operations. The following are the benefits of ISPS code on Nigeria maritime seaports, as cited by Ndikom (2016).

- (i) With the implementation of ISPS Code there has be a drastically reduction level of security problems in Nigeria sea ports.
- (ii) It has improve the level of security and safety awareness at our various ports has be enhanced
- (iii) It has increased the security and safety standards of Nigeria sea ports.
- (iv) It has increased the level of ports compliance to security and safety standards.
- (v) It has lead to increase in a high level of security and safety awareness at our ports.
- (vi) It has improved the development of security technology facilities at our various ports.
- (vii) The level of cargo throughout at our various port has be improved
- (viii) The menace of wharf rats incidents has been reduced at our various ports.
- (ix) Human and cargo security management level at our sea ports has been increased
- (x) Revenue generation of government at our various sea ports has been increased through increased cargo through put.
- (xi) The development of super-structure and infrastructure facilities at the port has been increased
- (xii) Due to the ISPS code, government interest in overseeing the management and control of port's security and safety measures has been increased due to the level of awareness created by government on ports security.
- (xiii) A stowaway which is a threat to ship that call at the port has the drastically reduced to the barest minimum.

CONCLUSION

Since the maritime industry is vital to the economy and remain no doubts the gateway to the nation's economy, the issue of security must be treated with all seriousness. Stakeholders must appreciate the enormity of the ISPS code in the maritime industry. Although the reason for the ISPS code was terrorism, but the other security issues like smuggling, piracy theft has been be handled by the implementation of the ISPS code. Since most of these advanced economy are major importer of our natural resources ,we as a nation must then conform to observance of ISPS code so as to remain relevant in the world patronage of our port and also do business with the rest of the outside world. The level of security and safety awareness in our various ports has be enhanced, the level of human and cargo security management has been increased, the level of stowaways through ship has been reduced to mention be a few. It is hope that once the shipping industry can come to accept the role of security in day-to-day operations, and is fully conversant with the international ship and port facility security (ISPS) code, then sea borne trade will become more and more secure.

RECOMMENDATIONS

For qualitative maritime security to be attained and for Nigeria to become a global player in the comity of maritime nations, the following recommendations are necessary.

- (i) There is need for government at all levels to show real political will and commitment to maritime security and policies implementation. By so do the level of revenue generated for government at our various ports through increased cargo throughput will be increased. Also the level of human and cargo security management at our ports will also be increased.
- (ii) It is imperative that the company officer (CSO), ship security officers (SSO) and port facility security officer (PFSO) should continually assess security threats and vulnerabilities and apply risk management techniques and skills that been embraced by the shipping industry with regards to security and safety.
- (iii) In addition to all passenger ship, high-speed cargo vessels, chemical tankers, oil tankers and gas carriers of more than 500 GT must be filtered with a ship security alert system.
- (iv) All ship must be equipped with the modern ship security equipment, especially long range identification and tracking as it provides global coverage for ships.
- (v) Also government should ensure that companies appoint a chief security officer (CSC) and that ship flying their flag has ship security officer (SSO) in place and approved.

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