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**The Emerging International Regulatory Framework
for Managing Maritime Security - Related Risks
Associated with Shipping: Vessel and Seafarer
Identity in the APEC Region**

Submitted by: University of Wollongong



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The Emerging International Regulatory Framework for Managing Maritime Security-

Related Risks Associated with Shipping: Vessel and Seafarer Identity in the APEC Region



ANCORS
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Summary



- ❖ Introduction
 - ❖ Maritime security in the APEC context
- ❖ International Legal Regulatory framework for Maritime Security, focussing on-
 - Identity of Vessels
 - Identity of Seafarers
- ❖ Un-resolved Issues
- ❖ Some observations

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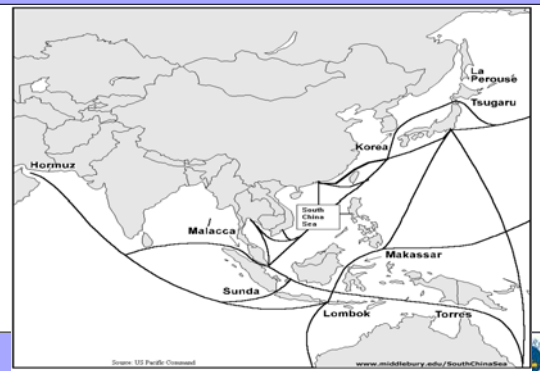
Importance of Maritime Security in the APEC Region





- ❖ High level of dependence upon seaborne trade
 - Seaborne trade accounts for 80-90% of world trade
 - Energy dependence
- ❖ The sea as an important food source
- ❖ Economic reliance on the sea by many coastal communities
- ❖ Environmentally fragile marine ecosystems


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Major Asia Pacific Shipping Lanes



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Ship Identity Risks



Beneficial Owners



Passengers

Crew


History of flagging

History of previous Ports of call

History of beneficial ownership

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Cargo Identity Risks



Point of Transit



Shipper

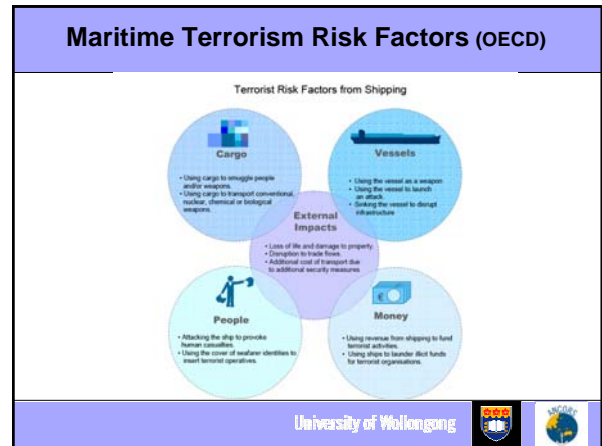
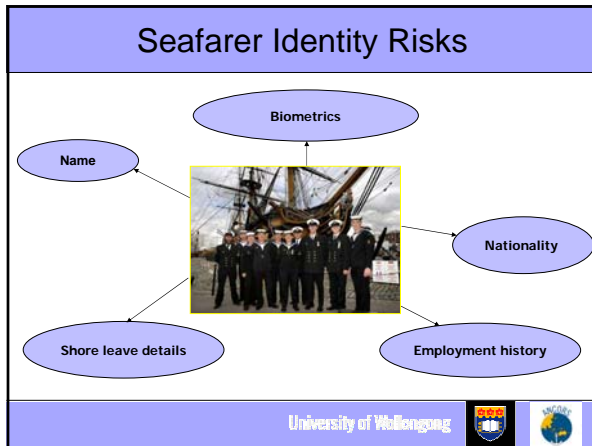
Final destination

Shipment Details

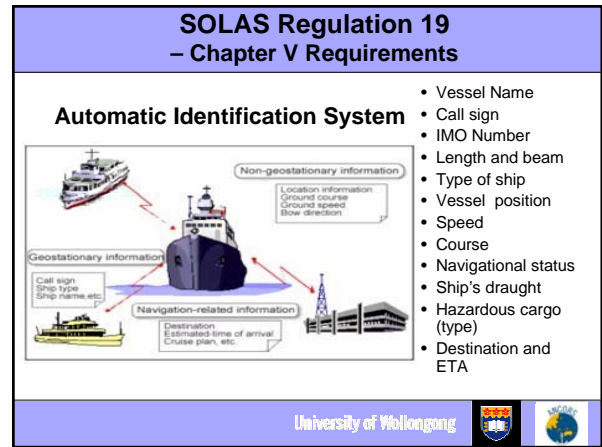
Origin

Manufacturer

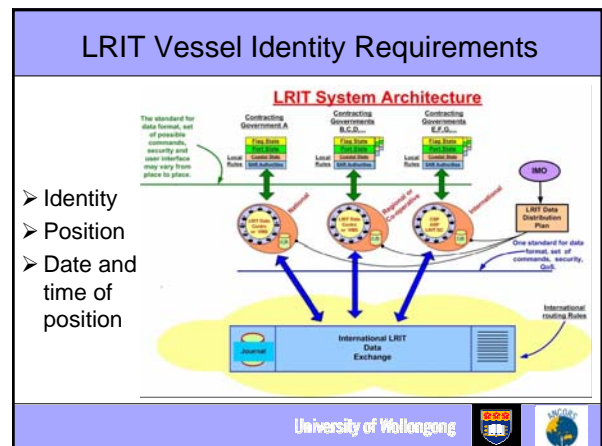
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- ## International Regulatory Framework for Managing Vessel Identity Risks
- ❖ SOLAS Regulation 19 Chapter V
 - ❖ International Ship and Port Facility Security (ISPS) Code 2001
 - ❖ SOLAS Chapter V Amendment – Long Range Tracking & Identification of Vessels 2006
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- ## ISPS Code Vessel Identity Requirements
- ❖ International Ship Security Certificate
 - ❖ the security level at which a ship is currently operating
 - ❖ the security level at which a ship operated in the previous ten port calls
 - ❖ other practical security related information:
 - information contained in the Continuous Synopsis Record (CSR)
 - location of the ship
 - expected time of arrival of the ship in ports
 - crew list
 - general description of cargo aboard the ship
 - passenger list
 - information regarding who is responsible for the employment of the ship crew
-
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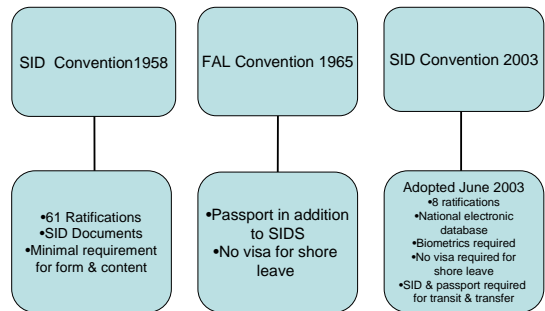
Gaps in Ship Identity Risk Regulatory Framework

- ❖ Confidentiality of information
- ❖ Sharing of information
- ❖ Identifying beneficial owners of vessels
- ❖ Identifying non-SOLAS vessels
- ❖ Identifying transiting vessels
 - Freedom of navigation concerns
 - Limitations regarding enforcement action

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International Regulatory Framework for SIDS



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NUMBER OF SEAFARERS IN THE APEC REGION

APEC Member Economy	Number of Seafarers	
	Officers	Ratings
Australia	4,800	3,240
Brunei Darussalam	0	0
Canada	4,557	10,076
Chile	2,360	8,168
People's Republic of China	42,704	79,504
Hong Kong, China	1,697	1,575
Indonesia*	7,750	34,000
Japan	12,968	6,865
Republic of Korea	8,201	5,035
Malaysia	4,224	8,447
Mexico	4,046	5,250
New Zealand	600	900
Papua New Guinea	434	553
Peru	700	1,000
Philippines*	46,359	74,040
Russia	21,680	34,000
Singapore	647	534
Chinese Taipei	4,333	2,713
Thailand	3,000	5,000
US	6,433	14,127
Viet Nam	10,504	6,954
Total Seafarers in the APEC Region	187,997	301,981
World Total of Seafarers	466,470	721,021
Percentage of the World Total	40.30%	41.88%

Source: BIMCO/ISF Manpower 2005 Mandate, Main Report, December 2005. UK: Warwick Institute for Employment Research.

These estimates are based on country survey conducted by BIMCO/ISF.

*The original data provided by Indonesia and Philippines are:

Indonesia Officers - 46,497 Ratings - 64,704
 Philippines Officers - 97,842 Ratings - 158,934

Seafarer ID and Maritime Security Risk Concerns

- ❖ Outmoded international regulatory framework
- ❖ Lack of uniformity in seafarers' identity documents - problems of "positive verifiable identification"
 - No background checks
 - Fraudulent documentation
- ❖ Easy for a terrorist to assume the identity of a seafarer to gain the skills required to operate a ship or to move around the world

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Unresolved Seafarer ID issues

- ❖ Passports... ?
- ❖ Requirements for crew visa... ?
 - Shore leave
 - Transit and transfers
- ❖ Requirements for biometrics identifying characteristics... ?
 - physiological or behavioural characteristic unique to each individual
 - Biometrics versus privacy
- ❖ Human rights context

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States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular human rights, refugee and humanitarian law.

Protection of Human Rights and Fundamental Freedoms while Countering Terrorism - UN General Assembly Resolution A/RES/57/219

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APEC ECONOMY APPROACHES TO VESSEL & SEAFARER IDENTITY RISK MANAGEMENT

- ❖ Vessel Tracking
 - Different national maritime security requirements and approaches becoming evident
- ❖ Seafarer ID
 - Non ratification of SID 2003 Convention
 - Individual Economy requirements for passports & crew visas

RATIFICATION OF FACILITATION AND SEAFARERS ID CONVENTIONS BY APEC MEMBER ECONOMIES

APEC Member Economy	SID 1958	SID 2003	FAL 65
Australia			X*
Brunei Darussalam			
Canada	X		X
Chile			X
People's Republic of China			X
Hong Kong, China			
Indonesia			X
Japan			X
Republic of Korea			
Malaysia			
Mexico	X		X
New Zealand			X*
Papua New Guinea			
Peru			X
Philippines			
Russia	X		X
Singapore			X
Chinese Taipei			X
Thailand			X
US			X*
Viet Nam			X

* Reservation on the implementation of SID related provisions

THE CHALLENGE FOR APEC

How to strike the delicate balance between trade promotion and ensuring security required

Danger of fragmented National Approaches to Maritime Security

THE WAY FORWARD?

- ❖ *Need for closer APEC-wide responses*
- ❖ *Need for more comprehensive assessment of APEC Economy practices*
 - *Harmonised measures?*
 - *Adoption of best practices?*



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Thank You