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AN OVERVIEW OF ISPS CODE IMPLEMENTATION IN MALAYSIA

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Abstract: *The International Ship and Port Facility Security (ISPS) Code was introduced by International Maritime Organization (IMO) on December 2002. The ISPS Code was introduced to enhance maritime security by outlining minimum security standards for ships and port facilities. Its aims are to establish an international framework for cooperation in efficiently collecting and sharing information to detect security threats such terrorism and to take preventive actions. Thus, this article will examine the implementation of ISPS Code in Malaysia and its implications to Malaysia. This article concludes that the implementation of ISPS Code has given positive implications by increasing security level of ships and port facilities in Malaysia. This can be seen in strict requirement of the certificate of the ship, the better control of port facility, and restriction of unauthorised access to ship and port facilities area.*

Keywords: *ISPS Code, Implementation, Ship, Port*

Introduction

The ISPS Code was introduced on December 2002 by International Maritime Organization (IMO) after September 11, 2001 when terrorist attacks against the World Trade Centre in New York. This code was introduced by amended Safety of Life at Sea (SOLAS) Convention and includes in new Chapter XI-2 of SOLAS. This code has two parts. Part A is mandatory and Part B is recommendatory. Part A concerned with contracting government responsible to set security level, declaration of security, obligation of shipping companies, ship security, ship security assessment, company and ship security officer, port facility security and so on. While Part B is taken into account after implementing Chapter XI-2 of SOLAS and provisions of Part A, as Part B is only recommendatory nature.

In general, ISPS Code applies to passenger ships and cargo ships which are include tankers of 500 gross tonnages or more. This also includes port facilities serving ships on international voyages, and mobile offshore units. (Solas, 2003) This code is implies to shipping companies,

port or facility personnel, and shipboard personnel. The main functions of this code are to detect security threats and take preventive action and measures against security incidents which are affecting ships or port facilities used in international trade. Moreover, it is also the maritime leg of the supply chain, namely port and shipping that is most at risk from terrorism related threats.

The objective of ISPS Code are to establish an international framework involving cooperation between contracting government, government agencies, local administrations and the shipping and port industries to detect security threats and take preventive measures against security incidents affecting ships or port in international trade. Furthermore it also to ensure confidence that adequate and proportionate maritime security measures are in place. (John, 2005) Thus, in really practice of the code, it comprises checks prior to entry of a ship into a port, as well as certificate verification in the port. (Solas, 2003)

Before the emergence of ISPS Code, world was facing many maritime threats especially on ship and port activities. The hijacking of the ACHILLE LAURO in October 1985 alerted the world to the terrorist threat to ship, and the suicide attack on USS COLE while bunkering at Aden. Seventeen of the COLE crew were killed and 39 wounded. Meanwhile, on October 2002, the French Tanker LIMBURG off the coast of Yemen had been attack by terrorist. Thus in this article will discussed the implementation of ISPS Code in Malaysia and its implications.

Implementation of ISPS code

Ministry of Transport is under duty in charge of ISPS Code, in implementing this code involved this ministry, designated authority, port officer, port and ships companies are provided with the standardization, consistent framework for managing risk and permit meaningful exchange and evaluation of information. Ministry of Transport is under duty to set security levels applicable at any particular of time with regards to ships flying and approaching port within their territory.

This Ministry held to set security levels applicable at any particular time with regard to ships flying and approaching their ports within their territory, (Solas, 2003) and to issue appropriate instruction and provide security related information when the Security Level is raised to 3 (High Level). Furthermore, this Ministry also responsible to designate an authority through the government mechanism to be responsible for ensuring the implementation of the provisions in the ISPS Code pertaining to port facility security and ship or port interface, from the point of view of the port facility.

Thus although the Ministry of Transport is a lead ministry, as this involves security issues the National Security Council (NSC), an agency under the Prime Ministers Department also came into the picture. This is because the National Security Council (NSC) has the authority to mobilize security forces such as the Royal Malaysian Navy, Malaysian Maritime Enforcement Agencies, Royal Marine Police, and the Immigration Department if there is a need to do so. Based on this, it was also agreed that the National Security Council (NSC) shall be responsible in determining the security level in consultation with the Malaysian Marine Department (MARDEP), which is the designated authority responsible for the implementation of the ISPS. (Nor Apandi, 2009)

The designated authority which is Malaysian Marine Department (MARDEP) is responsible to approve the Port Facility Security Assessment (PFSA) and subsequent amendments to an approved assessment. Moreover this department also responsible to determine the port facilities

which will be required to designate a Port Facility Security Officer (PFSO), to approve the Port Facility Security Plan (PFSP) and subsequent amendments to an approved plan. Designated authority which is (MARDEP) also responsible in exercising control in compliance measures and testing approved plans or its amendment. (Nor Apandi, 2009)

As the ISPS Code is securing of port area there must be appointment of Port Area Security Officer. He will responsible to facilitate the development, implementation review and maintenance of a Port Area Security Plan and also responsible to liaise with Port Facility Security Officer to facilitate administration and improve communication. The Port Facility Security Officer is responsible to conduct initial security survey of the port facility, others is to develop, maintain, implement and exercising the Port Facility Security Plan. Moreover to undertake security inspections of the port facility and to ensure the continuation of appropriate security measures. Recommend and incorporate changes to improve the Port Facility Security Plan, enhancing security awareness to the port facility personnel and also to ensure adequate training for the port. (ISPS Code, 2003)

As stated above, in implementing of ISPS Code, the commitment of many parties needed for succeed of this. This was including contracting government, designated authority, and ship and port facilities. At the first of implementing ISPS Code, Malaysia was facing some problem, such as the cost of implementing the code. An Organization for Economic Co-operation and Development (OECD) study estimated that the initial cost on global ship operators to comply with the ISPS Code amount to at least USD 1.279 billion, and USD 730 million per year thereafter. For Malaysian ship owners, who have spent a substantial amount of money and effort to obtain the International Ship Security Certificate (ISSC), another round of problems begin, with ports and contracting government implementing differing port state control measures. Malaysian ports and port authorities too will be busy carrying out their obligations under the Code. In addition, should prepare for visits from the US Coast Guard under the US Coast Guards International Port Security Program. Thus the better preparation should be made before the side visits by the US Coast Guard. (Syahriman, 2004)

The other problem is trainees for staff are not sufficient and not expected. Thus the code implementation needed such Port Facility Security Officer, Ship Security Officer and this entire staff needs training and explanation of operation ISPS Code.(MIMA)

Moreover, at the first when Malaysia ratified ISPS Code on July 2003, and the enforcement of ISPS Code worldwide on July 1, 2004 she had faced problem with shipping companies when its operate so slow in implementing of the code at first. It is because the shipping companies have to bear big amount in compliance of this such as the expenses to appoint Company Security Officer, Ship Security Officer, Ship Security Plan, and Ship Security Assessment and so on.

There are also opinions of ISPS Code states that by increasing security of the code, can potentially become a major source of shipping delays (Banamyong, 2005). Local shipping delays specifically impact port efficiency. Besides that some other authors are mindful of the inverse relationship between efficiency and costs and recognize. The importance of achieving high levels of both security and efficiency at costs that can be managed and controlled (Kwek & Goswami, 2004).There is also opinion by author state that fear of security creating a hierarchy or a black list of ports, with developing countries losing out by removal from liner services is expressed (Banomyong, 2005).

Security level

The ISPS Code had setting the security levels applying at any particular time that will be the responsibility of Contracting Government (Ministry of Transport) and will apply to ships and port facilities. This security level is important in order to know the situation and condition of port or ship in safety or not. There are three security levels for international use, firstly is Level 1 which is normal. In Level 1, the minimum position protective security measures to be maintained at all times. Secondly is Level 2, which is heightened risk. In Level 2, an additional protective security measures shall be maintained for a period of time as a result of heightened risk of security incident. Thirdly is Level 3, which is exceptional risk. In Level 3, a further specific protective security measures shall be maintained for a limited period of time. It is happen when a security incident is probable or imminent, although it may not be possible to identify the specific target. (Hartmut & Nicholas, 2004)

Ship and port facility

Ship

The ISPS Code embodied through a number of minimum functional security requirements for ships and port facilities. Meanwhile, ships are subject to verification and certification. They have to bear an International Ship Security Certificate (ISSC), indicating compliance with the requirements of the mandatory provisions of the ISPS Code. (Hartmut & Nicholas, 2004)

The shipping companies operating ships are required to prepare Ship Security Plan (SSP). Ship Security Plan (SSP) will have to be established under the responsibility of the Company Security Officer (CSO) which provides inter alia for the minimum operational and physical security measures the ship under security level 1 at all times. (ISPS Code)

Meanwhile, a Company Security Officer (CSO) as the representative of the company also has to conduct Ship Security Assessment (SSA). From this assessment, Ship Security Plan (SSP) will be drawn up which is then submitted to the approval. The Recognized Security Organization (RSO) would approve Ship Security Plan (SSP) and Ship Security Assessment (SSA). (ISPS Code)

The International Ship Security Certificate (ISSC) will be issued to the ship after Ship Security Assessment (SSA) and Ship Security Plan (SSP) had been approved by Recognized Security Organization (RSO). This certificate only valid for five years only. After five years shipping companies have to follow the same procedure that had been guided in ISPS Code. Besides that, the shipping companies have to appoint a Ship Security Officer (SSO) for each of their ship, responsible in implementing Ship Security Plan (SSP) on board of the ship.

Besides implementing Ship Security Plan (SSP), Ship Security Officer also has responsible to Ship Security Alert System (SSAS). This alert system is prescribed for the use of seafarers in order for Ship Security Officer (SSO) to be able to notify authorities and other ships or vessels of the terrorist act on board ships. This is how the ISPS Code operated to aware of terrorist by using alert system. (ISPS Code)

Ship Security Officer (SSO) holds responsibility to communicate with the Port Facilities Security Officer for the port facility that the ship will be calling at. SSO is required to communicate certain information such as whether the ship is in possession of a valid ISSC, the last port of call, and the security level of the ship. Similarly, SSO can communicate with the Company Security Officer (CSO) to obtain any pertinent information relevant to the port the ship is going to call at.(Chris, 2005) While this entire requirement must be followed in order to succeed of the implementing of this code, and also to in enhance the maritime security in Malaysia. Furthermore, the commitment all of the officer and their cooperation is important in implement this code.

Port facility

The ISPS Code also gave the minimum requirement of the port facilities. Port Facility Security Plan (PFSP) should be drawn in compliance with ISPS Code. But before PFSP be drawn, Port Facility Security Assessment (PFSA) should be conducted and need to be reviewed periodically. The Port Facility Security Assessment (PFSA) and Port Facility Security Plan (PFSP) have to approve by Designated Authority. PFSA is used to help determine which Port Facilities are required to appoint a Port Facility Security Officer (PFSO).

Meanwhile, Port Facility Security Officer (PFSO) is responsible for the preparation of the Port Facility Security Plan (PFSP). Like the Ship Security Plan, the Port Facility Security Plan shall indicate the minimum operational and physical security measures the Port Facility shall take at all times in security Level 1. The plan should also indicate the additional, or intensified, security measures the Port Facility can take to move to security level 2. Furthermore the plan should indicate the possible preparatory actions the Port Facility could take to allow prompt response to the instructions that may be issued by the authorities responding at security level 3 to a security incident or threat.

Moreover, the Port Facility Security Officer also need to ensure that the Port Facility Security Plan provisions are implemented and monitor the continuing effectiveness and relevance of the approved plan, including commissioning independent internal audits of the application of the plan. The Port Facility Security Assessment covering the Port Facility need also be reviewed. The reviewed of assessment may lead to amendments to the approved plan. (Chris, 2005) Major amendments will have to be submitted to the Designated Authority for re-approval.

Port in Malaysia

Ports in Malaysia can be classified as federal ports and state ports. Apart from these major ports, there are other minor ports and landing places that come under the purview of the Malaysian Marine Department (MARDEP). The federal ports, which are under the jurisdiction of the Ministry of Transport, are further divided into major and minor ports. There are at present seven major federal ports consisting of Port Klang, Penang Port, Bintulu Port, Johor Port, Pasir Gudang Port, Pelabuhan Tanjung Pelepas, Kuantan Port, and Kemaman Port. Out of seven federal ports, six of them except Kemaman Port have been privatized.

These privatized ports are regulated by port authorities. Apart from the ports mentioned earlier, there are additional minor ports and jetties under the control of the Malaysian Marine Department (MARDEP), making a total of 78 Port Facility. Out of these 78 Port Facilities, 71 are listed as being in compliance with the ISPS Code. (Nor Apandi, 2009)

Effects and implications of ISPS code

There are positive implications of ISPS Code to Malaysia, the positive implications are that new security initiatives have had some positive impacts to ships and ports in Malaysia. Not only that, there is a good relation between contracting governments (Ministry of Transport), designated authority (MARDEP), ships officer and port officer, when they cooperate together to detect and deter acts which threaten security in the maritime transport sector in Malaysia. Besides that, by providing training and heightening awareness of security has promoted good relationships between the shipping lines and also the ports.

Meanwhile the implication of the code can reduce the vulnerability of the industry to attack, thus countering threat and reducing the risk. Furthermore, by this code there is enhancement of security level of ships and port facilities in Malaysia. By putting in place an effective and complaint security regime, ports will be able to continue to participate fully in global trade, and the potential economic consequences of a major security breach, which might result in disruption or even port closure, are serious indeed. The ISPS Code also provide security measures will even save costs in the long term, as better security will reduce incidents of terrorist, thefts and smuggling and can support the call for reduction of insurance premiums, resulting in reduced transportation costs.

Conclusion

As a conclusion the implementation of ISPS Code in Malaysia had given advantages in order to enhance the maritime security, especially on ship and port facilities in Malaysia. The implementation of ISPS Code will enhance national and international security. Meanwhile, by this code implementation can build multi agency approach by co-ordination, cooperation, and communication between contracting government, designated authority, ship and port officer and so on. Besides that, the strict requirement of the ISPS Code such by appointed Port Facility Security Officer and also Ship Security Officer can give information to authorities about the condition of both port and ships are in good condition or not. Thus the security level guided by ISPS Code can be the first information aware of the condition of port and ship, and this can make the authorities to take any preventive action. While the emergence of ISPS Code had come out in response to threats of terrorism, its goal to detect and deterrence of threats to ships and ports can give security measures at international level and also national level, especially in Malaysia.

References

Banomyong, Ruth (2005) Maritime Policy Management, Vol 32, No 1, pp 3-13

Bernard Delsupexhe, French Ministry of Transport and Equipment France, Practical Implementation of the ISPS Code in the French Seaports.

Chris Trelawny, (2006) IMO Maritime Security Policy, Background Paper. The American Journal of International Law, Volume 100. No 1, pp 222-224

Chris Trelawny, (2005) Maritime Security: Implementation of ISPS Code, 3rd Intermodal, Africa.

Hartmut Hesse and Nicholas L.Charalambous, (2004) New Security Measures for the International Shipping Community, WMU Journal of Maritime Affairs, 3.

IMO News,(2010) The Magazine of the IMO Issue 3.

ISPS Code, (2003) Edition, International Ship and Port Facility Security Code and SOLAS Amendment 2002, International Maritime Organization (IMO).

John King, (2005) The Security of Merchant Shipping, Cardiff University UK, Marine Policy 29.

Nor Apandi Osnin. (2009) ISPS Code: Implementation in Malaysia, Lloyd's MIU Handbook of Maritime Security, Edited by Rupert Herbert-Burns, Sam Bateman and Peter Lehr, Auerbach Publication, Taylor & Francis Group.

Syahriman Baharom Shah. (2004) MIMA Issue Paper, Securing Maritime Trade: Post-September 11 Maritime Security Initiatives and their Implications on Malaysia.

www.imo.org.com

www.mima.com.my