MSR InDepth

The Manila Amendments: More Security Legislation for Shipping Companies or a Positive Step for the Safety & Security of Seafarers?

By Nick Williams

Maritime Security Review

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"All involved in the enterprise of shipping – ashore and on board – have a role to play and a right to live and work within a secure environment."

Captain Steven Jones 2012 [1]

The STCW Convention and Code as amended by the Manila amendments (2010) contains new requirements regarding security training. This training is required by all personnel employed or engaged on board ships to which the ISPS Code applies. These Regulations came into force on 1 January 2012 (MCA instructions dated 31st July 2012)

Simply complying with statutory regulations is only the beginning of ensuring an effective security regime on board a ship.

"*The ship is a seafarer's home and needs to be protected as such. All involved in the enterprise of shipping – ashore and on board – have a role to play and a right to live and work within a secure environment. Compliance with international, national and company regulations is not the end of the process, rather the beginning.*"[1]

The Manila Amendments have been introduced on the back of increased piracy and violence against seafarers around the world. The international community have put into place certain measures to combat this menace in the Indian Ocean and Gulf of Guinea, but ships and their crews remain vulnerable in many other parts of the world.

The Manila Amendments are an opportunity for shipping companies to improve their security culture, and achieve a consistency of security on their ships. It goes without saying that highly trained and competent crews ensure that assets are managed and protected to the highest standards at all times. The safety of ships, crews and third party property are paramount, continuous and trouble free operations are fundamental and are enshrined in the Maritime Labour Convention 2006 (MLC) that comes into force internationally on the 20th of August 2013.

However, is there a culture developing where becoming compliant is just a 'tick in the box' for both the seafarer and the organisation? Surely, a different approach is necessary to ensure the safety and security of all seafarers and ships?

2012 has seen the number of attacks in the Indian Ocean decline for a number of reasons. At the Combating Piracy Week held in London during October, Martin Nethercot told of his experience when he worked as a non-armed guard on the New York Star when it was attacked in February 2011. He states that if the security team had been armed, the incident would not have escalated to "*such dangerous and potentially catastrophic levels*"[2] The crew and the security team evacuated into a pre-planned citadel and the hijack was thwarted. Although Martin advocates armed security, he did state later in his presentation "*Had it not been for the prior training of the crew for such an incident and the standard operating procedures of the team, I think the incident would have been far more serious.*"[2] Whether a ship uses armed security, unarmed security or no professional security, undoubtedly the security awareness and training of the ship's crew should always be the priority.

Best Management Practices (BMPs) were developed to assist ships to combat the scourge of Somalia based piracy. That said, BMPs are a common sense approach to ship protection measures (SPM) and are applicable anywhere, not just the Indian Ocean. They consist of a number of recommended actions and procedures designed to protect ships and crews.

In order for BMPs to be effective the master should ensure the crew are fully briefed and trained before the ship enters an HRA.

For this to happen the master and SSO have to be fully conversant and understand BMPs. What has become apparent is that a number of seafarers have been killed, injured, taken hostage or just put at unnecessary risk because BMPs have been incorrectly implemented due to a lack of understanding by masters and SSO's.

Several attacks on ships have been thwarted, not by armed guards, but rather by the training and preparation the crew have undergone to deal with such emergencies. "*For personnel to implement the provisions of the ISPS Code and make them work requires knowledge and confidence. This only comes through training, so it is vital that ship operators embrace a commitment to education and continuous improvement. Companies need to provide personnel with the skills to perform a security role, whether by external training or shipboard drills. It is vital that all involved understand and value security measures, the ways that security changes working habits and patterns, and also the role that each individual has in keeping the vessel secure*"[1]

There are new security training requirements: These are mandatory and CSO's need to ensure that the ships they are responsible for are fully compliant with the ISPS Code.

The ISPS Code Part A 11.2 states that: In addition to those specified elsewhere in this part of the code, the duties of the Company Security Officer shall include, but are not limited to;

- .8 Enhancing security awareness and vigilance
- .9 Ensuring adequate training for personnel responsible for the security of the ship
- .11 Ensuring consistency between **security** requirements and **safety** requirements

Training Requirements

In addition to the existing Ship Security Officer (SSO) training (which is unchanged) the amendments to the STCW Convention brings in three new levels of security training:

- Security related familiarisation;
- Proficiency in security awareness (PSA); and
- Proficiency in designated security duties (PDSD)

(1) "Creating a Security Culture" – Captain Steven Jones MNI – Seaways – November 2012.

(2) Mr Martin Nethercot – speaking at the Combating Piracy Week – London October 2012

Security Related Familiarisation

Security related familiarisation training must be delivered by the SSO, or other equally qualified person, to all persons employed or engaged in any capacity on ships which are required to comply with the provisions of the ISPS Code, prior to them being assigned shipboard duties. This instruction should emphasise ship specific security issues and provide guidance for the seafarer to at least be able to:

- report a security incident, including a piracy or armed robbery threat or attack;
- know the procedures to follow when they recognise a security threat; and
- take part in security-related emergency and contingency procedures.

Proficiency in Security Awareness

Security awareness training must be undertaken by all seafarers employed or engaged in any capacity on ships which are required to comply with the ISPS Code. This training leads to the issue of a STCW Certificate of Proficiency in Security Awareness. On completion of this training a seafarer will at least be able to:

- Contribute to the enhancement of maritime security through heightened awareness;
- Recognise security threats; and
- Understand the need for, and methods of, maintaining security awareness and vigilance.

Proficiency in Designated Security Duties

Training in designated security duties must be undertaken by seafarers engaged on ships which are required to comply with the provisions of the ISPS Code, who have designated duties under the ships security plan. This training leads to the issue of an STCW Certificate of Proficiency in Designated Security Duties. On completion of this training a seafarer will at least be able to:

- Maintain the conditions set out in a ship security plan;
- Recognise security risk and threats;
- Undertake regular security inspections; and
- Properly use security equipment and systems

So should responsible shipping companies leave it up to their seafarers to "just get certification" either by invoking grandfather clauses or by attending a course? Any course?

Surely the answer is No!

The most effective training will be training undertaken in the seafarers working environment i.e. practical training on board ship.

Independent Maritime Security Associates Ltd (IMSA Ltd) is a specialist maritime security consulting company based in the United Kingdom with a 5* reputation as a global provider of ISPS Code training.

They have introduced these new training courses (PDSD & PSA) to their portfolio and are offering them as a turnkey package to the shipping industry. IMSA Ltd associates, acknowledged as being amongst the most experienced and knowledgeable maritime security specialists in the world will carry out a complete training package on board the clients vessel, they will provide all personnel with the knowledge necessary to be aware of "their" responsibilities for security on the ship and to become more than competent to carry out their security duties confidently with the emphasis on the safety of life, protection of the ship and the environment.

The trainer will, if required, run a comprehensive security exercise at the end of the PDSD/PSA training period to exercise the command team and all personnel employed on the ship. This exercise will validate and reinforce the training undertaken, and can also be used as the compliance exercise as per ISPS Code Part B 13.7, very much a positive step for the safety and security of seafarers.
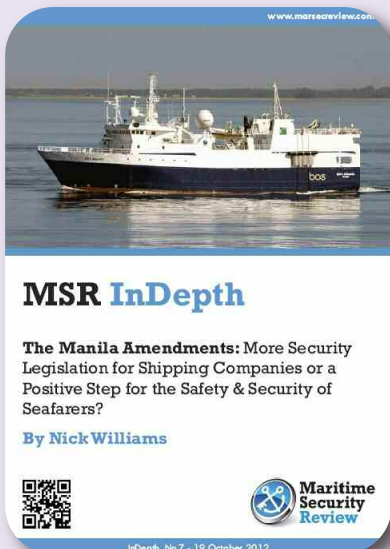
By bringing on board an experienced maritime security training company to conduct the security training, the CSO is fulfilling his responsibilities under the ISPS Code and the shipping company are demonstrating its commitment to a proper security culture on its vessels, and protecting the seafarer's home.

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