

ACCESS DENIED

IMPLEMENTING THE ISPS CODE

“Recognizing that the convention on the Facilitation of Maritime Traffic, 1965, as amended, provides that foreign crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order, Contracting Governments, when approving ship and port facility security plans, should pay due cognisance to the fact that the ship’s personnel live and work on the vessel and need shore leave and access to shore-based seafarer welfare facilities, including medical care.”

Paragraph 11, Preamble to the International Code
for the Security of Ships and of Port Facilities



International Ship and Port Facility Security (ISPS) Code

1. Hailed as a comprehensive new regime for the shipping industry, the International Ship and Port Facility Security (ISPS) Code came into effect on 1 July 2004. Its 'fast track' introduction was agreed by the International Maritime Organization in response to the 9/11 terrorist attacks in the United States.
2. The Code sets out a wide range of requirements intended to improve security in the maritime sector, including the use of ship security plans, ship and company security officers, shipboard security equipment, port security plans and security officers, and measures to monitor and control access and the activities of people and cargo onboard ships and within port facilities.
3. During the lead-in to implementation, widespread concerns were raised about the industry's ability to meet the deadline and maritime unions around the world expressed concerns about various aspects of the Code, not least the way in which it could impact upon seafarers. As a result, in January 2005 a questionnaire on maritime security was sent to ITF inspectors and seafarers' trade unions. There are currently 127 ITF inspectors and 230 affiliated seafarers' unions representing approximately 700,000 members. The questionnaire sought to gauge the effectiveness of the ISPS Code and the implications of its implementation for seafarers.
4. Inspectors and trade union representatives discussed the questionnaire broadly with their members, eliciting responses from a wide range of seafarers - including Turkish, Greek, Ukrainian, Indonesian, Chinese, Filipino, South American, Polish and Croatian crew members. The inspectors also reported on their own challenges when seeking access to vessels in port all around the world. A total of 58 completed questionnaires were returned. The trade unions that responded can be said to speak on behalf of a combined membership of approximately 165,000 seafarers worldwide.
5. The resulting responses are summarised below.

Key issues:

- Increased workload
- Increased responsibility
- No commensurate increase in pay
- Inadequate training
- Restrictions on shore leave
- Problems in obtaining United States visas
- Difficulties for seafarers' welfare and trade union representatives seeking to board vessels to provide services to crew

'Seafarers are being exploited, it has become a health hazard and, in so far as vessels operating on short voyages, it is becoming impossible to perform the requested clerical duties together with the normal duties diligently, efficiently and consciously.'



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6. An overwhelming majority of respondents (86%) indicated that the ISPS Code has resulted in extra work and adversely affected crew performance - yet 96% said there had been no increase in crew levels to deal with the additional workloads.
7. Whilst ample instructions have been received regarding the ISPS Code, there would appear to have been insufficient training for seafarers with the 'frontline' responsibilities for implementing and enforcing the Code.
8. Fifty-six per cent (56%) indicated the ISPS Code had a negative effect on members. Particular problems cited include the fraught issue of shore leave and the increased, uncompensated workload - 'present manning levels have been stretched to extremes'.
9. Introduction of the ISPS Code has increased the pressure on seafarers and, in some cases, made them feel as though they pose a potential terrorist threat themselves. Significantly greater responsibility has not attracted any increase in pay. The ISPS Code has impeded family access and, in some cases, forced crew to act as gangway security. In some parts of the world seafarers are subjected to restrictions that amount to a breach of basic human rights.
10. Inspectors identified particular problems regarding access to vessels and their crew. The tightening of controls has reduced the interaction between different parties and placed the control of information more firmly in the hands of the ship owner.
11. With regard to effective implementation, it is noted that though chief officers are generally charged with security of vessels, commercial pressures are such that frequently these tasks are delegated to less experienced crew members.

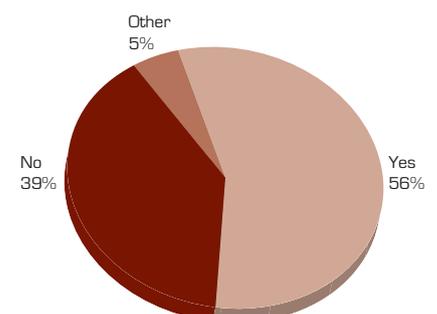
'...present manning levels have been stretched to extremes.'

Impact of the ISPS Code on Seafarers

12. The majority of respondents felt that the introduction of the ISPS Code had had an overall negative impact on seafarers. A number of reasons were cited, the most recurrent themes being:

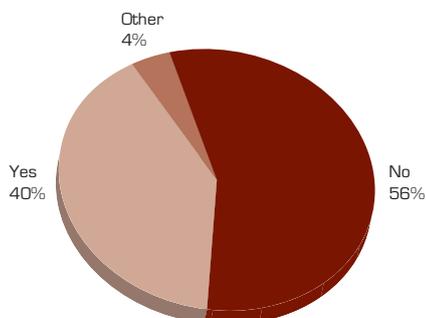
- Increased pressure and workload
- Problems with shore leave and family access
- Greater responsibility but inadequate training
- No financial compensation for extra work responsibilities

1. Has the introduction of the code had a negative impact on your members?

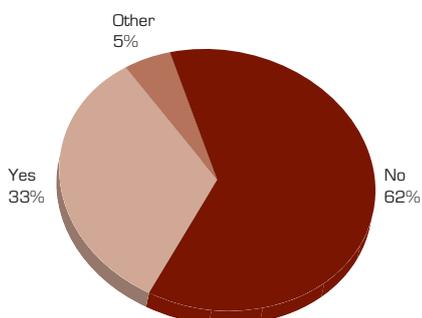




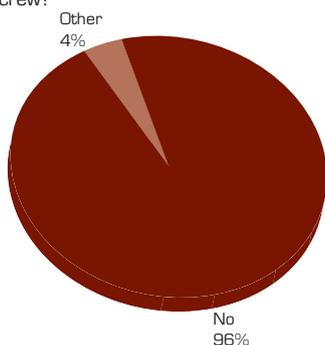
2. Do your members feel that they are valued as a result of being assigned a frontline role in the new maritime security regime?



3. Do your members consider that the Ship's Security Officer and other crew-members with designated security related duties have received adequate training?



4. Has the implementation of the Code resulted in an increase in the number of crew?



13. One seafarers' trade union representative drew attention to the problem of competing and conflicting priorities. Chief officers, for example, may be engaged in matters relating to port procedures and may have to delegate security tasks to junior members of crew. In addition, crew found themselves required to perform gangway watch whilst in port. This was deemed to be an inappropriate task for seafarers and one that took an inordinate amount of time that would ordinarily be spent on other essential tasks.

14. Some respondents expressed concern at the resultant adverse effects on health and levels of fatigue, as well as the increased stress of a higher workload. This was demonstrated by the respondent from the Danish Navigator's Union (SL), who reported that the Code has resulted in an additional 7-8 hours of work per month and noted that the social dimension of life at sea has suffered, with doors to accommodation being kept locked. Another felt that seafarers were now looked upon as a threat and treated 'more or less like a terrorist' suspect.

15. Though seafarers have received ample instructions relating to the introduction of the Code, a substantial majority report little or no training in the practical application of its many shipboard requirements - in particular how to handle difficult situations when people without proper documentation attempt to come onboard.

16. The significant proportion reporting inadequate training for members with designated security-related duties raises serious questions about the seriousness with which the Code had been treated and about the safety of those with 'frontline' responsibilities for implementing its provisions.

17. An additional side-effect is a reduction in the possibility for interaction between seafarers, their welfare organizations and trade unions. Either the former are restricted in leaving their vessel, or representatives of the latter organizations have difficulties in boarding.

Manning

18. Despite the evidence of significantly increased workloads, this survey shows that in the vast majority of cases, the introduction of the ISPS Code has not resulted in increased manning.

19. One seafarers' trade union representative commented that additional time was allocated 'only in cases that resting hours should not be respected anymore'. Another stated that 'present manning levels have been stretched to extremes'.



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20. Thus far it would seem that safe manning levels have largely not been re-examined since the Code entered into force. Flag States are clearly failing in their responsibility to reassess the principles used for issuing Safe Manning Certificates within the context of the responsibilities introduced by ISPS.

21. As may be expected, the vast majority - 86% - of respondents registered an increase in workload and an adverse impact on crew performance and well-being. This was generally not accompanied by an increase in pay, with 89% of those stating that they had received no compensation for the extra work.

22. 'With the existing manning levels, seafarers are being exploited, it has become a health hazard and, in so far as vessels are operating on short voyages, it is becoming impossible to perform the requested clerical duties together with the normal duties diligently, efficiently and consciously.'

[ITF Inspector, Malta]

Effectiveness

23. In spite of the largely negative impact of the ISPS Code on the life of crew members, the majority - 59% - did find that it had improved security onboard ships and in port areas.

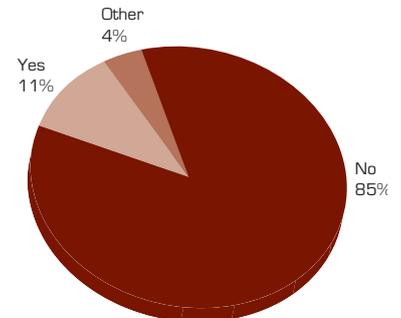
24. However, some commented on inconsistent working practices and only partial adoption of the procedures. Additional complaints related to lack of training and insufficient equipment.

Shore leave

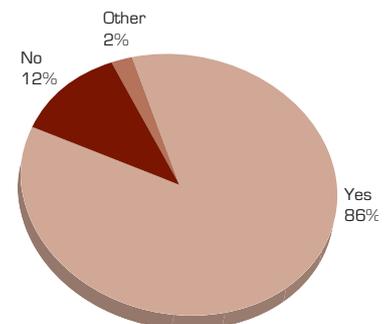
25. A worrying number of respondents reported that members have been denied shore leave since the introduction of the ISPS Code. Some 58% stated that they have been affected, with a particular emphasis on problems experienced in United States ports.

26. To quote one: 'Seafarers say that in USA ports they fear becoming ill and needing to go and get medical assistance at a clinic or hospital and perhaps not being allowed to leave the vessel.'

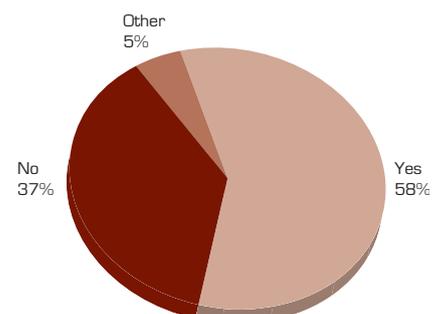
5. In the experiences of your members have flag States re-examined the minimum safe manning of ships after the entry into force of the Code?



6. Has the Code resulted in extra work and adversely impacted on crew performance and well-being?

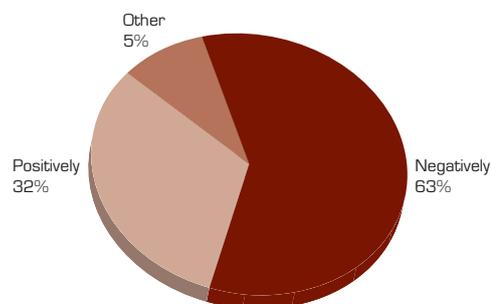


7. Have your members been denied shore leave?





8. In general, do your members view the new security measures positively or negatively?



'Seafarers say that in USA ports they fear becoming ill...'

27. The Associated Marine Officers and Seamen's Union of the Philippines (AMOSUP), an organization representing approximately 75,000 seafarers, used the questionnaire on maritime security to carry out an informal survey of their members over a two-week period. About 70% of those surveyed stated that they had been denied shore leave and 'most of those who answered in the affirmative cited United States ports as the most problematic.'

28. The Seafarers Union of Croatia (SUC) said that all crew had been denied shore leave in New Orleans, where the explanation given by the Immigration Officer was that the 'Captain was not co-operative with Immigration Control'.

29. United States ports are quoted generically as being problematic for access to shore leave, but specific ports cited are: Boston (USA), New York (USA), Port Elizabeth (USA), Portland, Oregon (USA), Vancouver, Washington (USA), Kalama, Washington (USA), Longview, Washington (USA), Tampa (USA), Houston (USA), Colombia (USA), Baltimore (USA).

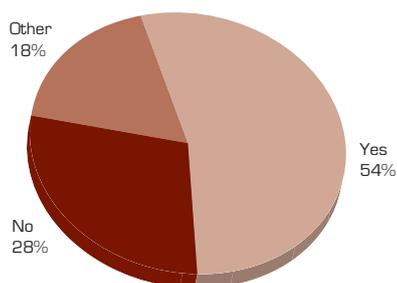
30. A Ukrainian crewmember reported spending 30 days alongside in the Port of Baltimore with none of the crew being permitted ashore.

31. Additionally, problems have been experienced in some Northern European ports, along the Gulf Coast and by Chinese seafarers visiting Taiwanese ports.

32. The National Chinese Seamen's Union (NCSU) states: 'Some members who are covered by the NCSU's Agreement, especially those who come from China are still not being given shore passes when they visit Taiwanese ports. We believe the code is used for political impact and Chinese seafarers are really innocent.'

33. Non-United States ports mentioned by name are: Tees (UK), Cork (Ireland), Puerto Jose (Venezuela) - in the latter access is not merely restricted but 'fully forbidden'.

9. Are your members generally required to hold a United States visa as a prerequisite for gaining employment?



United States Visas

34. One aspect of the leave-related problems is the requirement for some seafarers to obtain United States visas, usually at additional personal expense and inconvenience.

35. Of those interviewed, 54% said their members were generally required to hold a United States visa in order to gain employment and 42% reported crew experiencing problems in acquiring the visa.

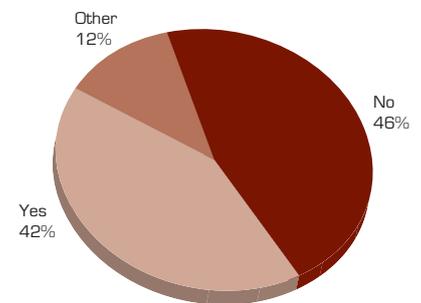


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36. The most frequent difficulty cited was the time in which it took for visa applications to be processed. In some cases this exceeded the time available in which to take up employment on a vessel. AMOSUP quoted an average waiting time of 2-3 months. Other problems included access to shore leave and the additional expense incurred to acquire individual visas.
37. Respondents from China and Croatia drew attention to the cancellation of the crew visa and the new requirement for individual crew members to be granted the required documentation.
38. According to the NCSU: 'Our members have to apply for an individual visa in person under a strict United States regulation, and if they have been given an interview they have to face stern words and of course be fingerprinted.'
39. Croatian seafarers must go to the United States embassy in Zagreb, where 'they must spend all day waiting for a visa. Sometimes the company organises a bus service to the capital. That is an additional cost.'
40. The survey also found that seafarers of certain nationalities and religions can expect greater difficulty in obtaining a United States visa, in particular those from Vietnam, China and the Middle East.
41. Eight respondents were aware of members considering leaving shipboard employment on account of the new security regime.
42. The respondent from the NCSU cautioned: 'In recent years, some members have left the sea to get away from the matters which are getting multiplied, complicated by the conventions (eg. ISM Code, STCW 95, ISPS Code). I reckon the ISPS Code will be becoming an unbearable load to make more seafarers leave.'

10. Have they experienced any problems in gaining a US visa?



'... the ISPS code [is] becoming an unbearable load...'

Additional concerns

43. As well as the fundamental problems relating to shore leave and workload, the questionnaire brings to light a number of other serious issues where security concerns have resulted in a negative impact on seafarers.
44. One respondent noted a lack of access to welfare services, 'such as refusal by some captains to allow union representatives and welfare workers on board their ships on the pretence of the ISPS Code.'
45. Particularly alarming is comment made by NUMAST: 'Concern over security taking first place to safety. Eg: Locks on doors/securing of escape hatches etc.'



46. The survey responses have underlined a prevailing sense amongst those working at sea that the new regulations have been brought in primarily to protect United States interests and without consideration of the effect on seafarers.
47. In addition to the practical problems outlined earlier in the report, there is a damaging psychological aspect to the situation. On the one hand seafarers are expected to take on additional work, without financial recompense, in the name of international security and on the other they face new procedures and restrictions. They are expected to embrace the role of security guard whilst simultaneously being treated as potential terrorists. Experiences reported to seafarers' trade union representatives indicate that whilst crewmembers are criticised if they are not seen to be taking on a policing role, they themselves are treated as potential suspects.
48. The following extract comes from a seafarers' trade union representative following a conversation with a master about the Port of Baltimore:

'Transportation:

After a long voyage at sea, the crew requested some shore leave. No problem for the Captain. But, for the transport from the berth to the gate it cost 65 USD, one way, number of persons not important... then the seafarer still has to pay for a cab to get to the city...

Call home:

When a Seafarer wants to use the telephone on the shore (50 meters from the ship) he has to wait for somebody from the shore to accompany [guard] him...

32 vs. 16:

For a crew of 16 people it takes 32 men from the harbour police/immigration or whatever with big guns to check that the crew are not terrorists... First come the "troops" to clear the vessel (drive all crew together) and afterwards, officers come on board... First question to the Captain: Why there is not a gangway watch???'

'First come the "troops" to clear the vessel (drive all crew together) and afterwards, officers come on board... First question to the Captain: Why there is not a gangway watch?...'

49. Another seafarers' trade union representative, this time from Canada, recounted an incident at Port Moody, Vancouver. The representative received a call from a Filipino Ordinary Seaman serving on a Greek registered vessel. He claimed to have been choked by a Greek Chief Officer who also threatened to kill him.



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50. The representative's attempts to investigate the situation were hindered by a number of seemingly arbitrary barriers to accessing the ship. Although in possession of a port pass, he was asked first for Pacific Coast Terminals Security Clearance, then an invitation from the agent or vessel, and finally written authorization from Vancouver Port Authority Security. During the course of his attempts to gain access to the vessel some exchanges were sympathetic others were indifferent, even hostile. The Director General of Security began his analysis of the situation with: "Suppose you were a terrorist..."
51. After contacting the shipping company in Greece, the inspector received a call from the seafarer who said he was being discharged that day. The vessel owners, initially reluctant to allow the inspector on board, eventually relented and the inspector was able to mediate between the company, the crew member, the officers and the Captain. Had the situation got out of hand, the delay of at least two days could have been critical.

Seafarers... are expected to embrace the role of security guard whilst simultaneously being treated as potential terrorists

Concluding comments

52. The majority of seafarers who answered the questionnaire would appear to have serious reservations about the implementation of the ISPS Code. This is particularly the case for those travelling to United States ports. In the name of security, some seafarers are experiencing discrimination and even abusive treatment.
53. The implementation of the ISPS Code has, broadly, increased the workload for seafarers and introduced additional procedures that have negative cost and time implications. It has significantly added to the stresses of life at sea - most obviously in the form of tighter restrictions inhibiting rest and relaxation. The additional responsibilities and extra tasks to be carried out at busy times - such as loading and unloading in port - raises serious concerns on such issues as health and safety/working time/fatigue and stress, particularly as a result of conflicting and competing duties.
54. In addition, there is widespread resentment that seafarers are frequently treated as potential threats to security rather than allies.
55. Finally, it would seem that while the ISPS Code has improved security onboard ships and in port, greater efforts need to be made to ensure consistent standards. It is of concern to note that there is evidence to show there has been no reduction in the levels of armed robbery attacks in certain ports since the adoption of the ISPS Code.



56. Attention should be paid to sufficient manning levels and appropriate compensation for increased responsibilities and workload.
57. In the current geopolitical environment and with the very real security threats that face the international shipping industry, the introduction of the ISPS Code offers a valuable opportunity to address shortcomings in the procedures and measures adopted to reduce the risk of attack upon this essential mode of transport and those employed within the industry.
58. Whilst the Code has, as this survey has shown, increased awareness of security issues and introduced systematic procedures for assessing and responding to security threats, it is clear that much greater efforts need to be made by the industry to ensure that it generates the desired effects. If flag States and shipowners are really serious in their desire to reduce the risk of attacks on ships and port facilities, considerably more attention must be paid to staffing resources. To move beyond a token 'lip service' approach to security requires increased investment in training and a practical recognition of the workloads generated by the Code.

The International Transport Workers' Federation (ITF) is a federation of more than 600 transport workers' trade unions in 136 countries, representing 4.5 million workers. The 230 seafarers' unions affiliated to the ITF represent about 700,000 members.

The ITF is a member of Global Unions, an alliance of international trade union organisations which includes the ten sector-based Global Union Federations and the International Confederation of Free Trade Unions (ICFTU). Website: www.global_unions.org

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