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Full Length Research Paper

The effectiveness of the International Ship and Port Facility Security Code (ISPS) in Nigeria

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Over the years, acts of insecurity, lack of safety consciousness and threat of terrorism have pervaded the maritime landscape of the world economy. The obvious dishonest outlook and fraud-like tendencies which over the years, have formed the most basic characteristics of the maritime industry have never helped matters either way, but has indeed complicated the issue of high insecurity of the port industries worldwide. The amendment of the Convention on Safety of Life at Sea (SOLAS) introduced the International Ship and Port Facility Security Code (ISPS) code) as preventive measure against the likelihood of terrorist attacks on Ships and Port Facilities.

Key words: Government, industry, maritime, security, port.

INTRODUCTION

Maritime transport is generally regarded as an important facilitator of world trade, permeating all national and international boundaries. More than purely a facilitator, maritime transport is also a significant exportable service in many countries and in the process contributes directly to national Gross Domestic Product (GDP) (Yarbrough and Yarbrough, 2006). In this occasion, access to a global network of reliable, efficient and cost-effective maritime transport service is beneficial to all countries including developed and developing countries, whose trade in price-sensitive goods often comprises a significant component of their economies (WTO, 2004). Notwithstanding the crucial role maritime transport plays in our daily lives, it also carries with it significant risk factors which can jeopardize the economies of countries if unchecked. Such risk factors include among others maritime terrorism and its potential negative effects on global transport chain (Ukpere, 2010). Historically, the security or safety of the vessel, its cargo, passenger and crew has been of great concern since vessels started going to sea and the advent of world trade. It is recalled that from earliest times the vessel, cargo, passengers and crew were jointly and severally exposed to pirates who can be said to be precursors of modern terrorists as far as marine transportation is concerned. Safety measures such as carrying of some arms and ammunition, standard, recognized and authorized practice on the sea-going vessels which became the rather basic and rudimentary self-help security approach to shipping aimed at ensuring safety of the ship and cargo traveling across the sea from part of the world to the other. There had to be an intervention, which the world maritime community accordingly responded to.

Background to the ISPS code

Following the terrorist attacks on the twin towers in New York, United States of America on 11th September, 2001, there were deep concerns and fears by Governments and operators in the maritime industry that the likely next target of terrorist attack could be in the maritime industry. In the words of the Secretary General of IMO, 'the threat of terrorist acts against the shipping and port industry are real and still exists to this day' (IMO, 2003). This concern was reinforced by various media and the industry in the months and years preceding the adoption of the ISPS Code. In the editorial comment of Lloyd's List (2, November, 2002:7), the necessity of the Code as panacea against terrorist attacks involving ships and port facilities was highlighted and urgent action for its implementation was recommended. Accordingly, maritime

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maritime and port security consequently generated significant attention both at the national and international levels (Marlow, 2002). At one of the meetings of transport officials from fourteen countries including the United States, Britain, China, Japan, Australia, there was an urgent call for a wider international co-operation to tackle the potential terrorism threats especially those against ports and shipping (IMO/MSC, 2003). There were fears that a terrorist incident directed at the international transport system could lead to interrupted service, port and terminal closures, delays to cargo and passenger traffic with potential catastrophic effects on world trade. While addressing the 80th session of the Maritime Safety Committee (MSC 80) of the IMO, Mitropoulos (2003b) reiterated the need for the world community to be vigilante at all times adding that terrorists only need to be lucky just once with devastating consequences for the global maritime trade (IMO, 2004). These fears are reinforced when a widely acknowledged understanding is taken into consideration that over 90% of world ports around the globe is open. The inference here is clear, and that is, the terrorist fear appears real and the impact of such attacks on maritime industry could be catastrophic.

ECONOMIC IMPACT/IMPLICATION OF INSECURE PORT

The cruise industries being the most obvious example were affected by changes in market sentiments, in particular in the short-term. As noticed in the September 11, 2001 attack on USA, both her economy and the global economy were adversely affected (Ohaku, 2005). The effect also has a major impact on crude oil and the stock market. In addition it caused the prices of premium to soar high in insurance companies.

EFFECTS OF GROWTH RATE ON VARIOUS ECONOMIES

Growth rate brings increasing instruments in defence industry for security purpose in general. These instruments are likely to crowd out other investments. It has made trade more difficult. Thus, the implementation of additional security measures has imposed large direct and indirect cost on travel activities and freight services. Furthermore, it induces change in behaviors, potentials less globalization, less international co-operations and more protectionism will potentially lead to a much inefficient allocation of global economic resources, which may lead to significant drops in productivity growth (Appleyard, 1997). It has also triggered Increase in security measures by international Maritime Organization and increase public expenditure of nations, particularly USA which spent more than 2.2 million dollars in 2003 alone.

TYPES OF SECURITY AGENTS

There are a good number of security agents in the seaport ranging from 33 to 36 existing agents, but the most important amongst them are considered below:

The Nigerian Police Force (NPF),
The customs and Excise (NCS),
The Immigration officers, The Nigerian Navy (NN),
Nigerian Port Authority (NPA),
National Law Enforcement Agents (NDLEA),
The State Security Service (SSS),
The Nigerian Air Force (NAF), NIMASA.

SECURITY OF SHIP, PORT FACILITIES AND PERSONNEL

To begin the process, each contracting government will conduct port facility assessment; security assessment will have three essential components. Firstly, they must identify and evaluate important assets and infrastructures that are critical to the port facility as well as those areas or structures that if damaged, could cause significant loss of life or damaged to the port facilities economy or environment. Secondly, the assessment must identify the actual threats to those critical assets and infrastructures that are critical to the port facility as well as those areas or structure that, if damaged could cause significant loss of life or damaged to the port facility's economy or environment. Then, the assessment must identify the actual threats to those critical assets and infrastructure in order to prioritize security measures. Finally, the assessment must address vulnerability of port facility by identifying it's weakness in physical security structural integrity, protection system, procedural policies, communication systems, transport infrastructure, utilities and other areas within a port facility that may be a likely target. Once this assessment has been completed, contracting government can accurately evaluate risk. This risk management concept will be embodied in the code through a number of minimum functional security requirements for ships and ports facilities. For ships, these requirements will include: Ship security plans, Ship security officers, Company security officers and certain onboard equipment.

Port facilities

These requirements will include: Port facility security plans, Port facility security officers and certain security equipments. In addition, the requirement for ships and port facilities include: monitoring and control access, monitoring the activities of people and cargo, ensuring that security communication are readily available. Since each class of ship and port facility present different risk, the method in which they will meet the specific requirement

of this code will be determined and eventually be approved by the administration or contracting government, as the case may be. Hence, in order to communicate the threat at the port facility or for a ship, the contracting government will set the appropriate security level. Security levels 1, 2 and 3 correspond to normal, medium and high threat situations, respectively. The security level creates a link between the ship and port facility.

MENACE OF UNDESIRABLE PERSONS IN THE PORT

The negative effect of having around and within the ports the presence of undesirable persons is becoming more organized in nature. This act of astigmatism brought about by the so called wharf-rats, smugglers, drug pushers in ports, only find way in the port solely for the purpose of vandalization, pilferage and theft activities. They cause unnecessary extortions, youthful rampages and crises in the port. The activities of the so-called hooligans, creates an atmosphere of insecurity in the port, hence making the port unattractive, unsafe and risk for maritime trade (Nigeria Year Book, 2004). In other development, the over-crowding of the port security agents all edge and corners makes the operation boring in the sense that they are busy doing little or nothing. They cause confusion here and there, thereby intimidating the innocent citizens. In most cases, the port policies precisely ganged up with the wharf rats in looting cargoes, smuggling and drug trafficking.

BASIC CONCEPTS AND PRINCIPLES OF MARITIME AND PORT SECURITY

The basic concepts, principles and aspirations of maritime (shipping) and port security resolve around safe navigation and smooth port operations (Marlow, 2002). For this to be achieved, however, several formalities have to be carried out on board the ship, it is sea and at the port in relation to its environment and the port's infrastructural facilities and operational mechanisms (South African Maritime Year Book, 2004). There are however, key measures to be taken on board ships and at ports in order to achieve maritime and port security. These are:

To prevent unauthorized persons entering a port facility or boarding a ship, whether from the seaside of the ship or when at sea.
To prevent unauthorized weapons and goods entering a port facility or being taken on board a ship, either hidden in cargo, in stores or in baggage.
To alert the appropriate authorities if a security incident arise, for instance, when being illegally boarded or when suspect items are discovered.

In order to systematically achieve this, the IMO carried out a meaningful overhead of the various provisions of the SOLAS Conventions,

Administrative requirements

The administrative requirement involved the creation of a central designated Authority and institutional national focal point of contact and the assignment of general and specific tasks. Under the Administrative requirement, a Presidential Implementation Committee on Maritime Safety and Security (PICOMSS) was established as the designated Authority for the ISPS Code. This Committee is still in existence and chaired by the Honorable Minister of Transport, who reports directly to the President. PICOMSS is an administrative convenience to fast track the implementation of the ISPS Code especially as it affects the port facilities.

Maritime security zones

For effective implementation of the provisions of the ISPS Code, the country's qualifying facilities were delineated into four geo-functional Maritime Security Zones (MSZs) as follows: Lagos MSZ, Delta MSZ, Rivers MSZ and Calabar MSZ.

Technical requirements

The technical requirement is the core of Nigeria's ISPS Code compliance initiatives. It is the basis on which Nigeria was assessed to have complied with the provisions of the Code. The technical requirement involved assessments and approval of plans and the training of relevant personnel. It involved the identification and designation of Port facilities that are required to comply with the relevant provisions. Nigeria has seventy five (75) Port Facilities, out of which seventy (70) have approved Port Facility Security Plans (PFSP) (PICOMSS, 2004). What this means is that the sixty five port facilities are compliant with the provisions of the Code for Port Facilities. These Port Facilities are required under the ISPS regime to comply with security requirements otherwise they will be considered unsafe for ships visits (PICOMSS, 2004).

More importantly is the development of National ISPs Code Guidelines, which is generally referred to as National Maritime Security Plan (NMSP). This is a comprehensive plan that embodies all the security plans, Port Facilities and ships alike. These plans are audited and reviewed on a regularly basis to ascertain the needs or otherwise for update as the security scenario demands. For the Nigerian Maritime Administration, the lead RSO

namely the Maritime Underwater Security Company (MUSC) played a very key role in the development and audit of the National Maritime Security Plan. This is an on-going exercise.

Only ships of five thousand Gross Registered Tonnages (GRT) are classified as SOLAS vessels and such come under the requirements of the ISPS Code, other ships are classified as Non-SOLAS vessels. A major component of the technical requirement was the identification and upgrading of security infrastructure and equipment (Emah, 1998). The Recognized Security Organisation appointed by Nigeria carried out equipment survey report (ESR) which was produced on a port by port basis. Based on approved existing global industry benchmarks, the technical requirement involved the establishment of national baseline standards for pot security infrastructure/ equipment upgrade. As a natural component of maritime security initiatives, there is an ongoing implementation of the Global Maritime Distress and Safety (GMDSS) system by the Nigerian Safety Administration. Furthermore, to ensure complete adherence to the requirements for complying with the provisions of the ISPS Code, Nigeria has embarked on the development and integration of various telemetric and surveillance infrastructure for ship to shore, shore to ship, shore to shore, intra/inter agency communications, through the following maritime communication installations (Sekibo, 2004):

Automatic Identification System (AIS)
Vessel Traffic Management System (VTMS)
Global Maritime Distress and Safety Systems (GMDSS)
Ship Security alert System (SSAS)
Long Range Identification and Tracking of Ships (LRIT)
Tracking/Identification of non Convention Crafts
Command Communication/Co-ordination Centers.

Overall there was upgrading of vulnerable or sub-optimal physical structures, port approaches, quay/land side access and restricted areas. An important element in the technical requirements, was training. In accordance with the dictates of the ISPS Code, training for maritime security was carried out at all levels in the maritime industry (ISPS Code, 2003). For instance, over one hundred top maritime executives were trained at very high levels both within and outside Nigeria. Other personnel trained for the same purpose include four hundred and thirty three (433) Port Facility Security Officers, sixty four (64) Company Security Officers (CSO) and Ship Security Officers (SSO), twenty seven (27) Port State security courses were also held for all the marine police attached to all maritime agencies in Nigeria (PICOMSS, -Train – the- trainer, 2004).

METHODOLOGY

As indicated in the introduction, this project concerns the evaluation of the impact of ISPS code on port operations in the developing countries in general and Nigeria in particular.

The sources of the researcher's data involved two major sources, namely:

i) Primary source
ii) Secondary source

However, considering the relative newness of the subject matter, this research relied mainly on primary data gathered through questionnaires and a secondary data through semi-structured interviews (Bell, 2006). The rationale for this method of data collection is hinged on the fact that such data have the advantage of being authentic, practical and to a very large extent reliable (Straus and Corbin, 1998). The benefits of this approach are reinforced by Creswell (2003:181), who buttressed the originality and dynamic attributes of research methods, and stated that qualitative research is emergent rather than tightly prefigured. Several aspects emerge during a qualitative study. The research questions may change and be refined as the inquirer learns what to ask and to whom it should be asked. Alluding to the above, Dawson (2006) described qualitative research method as the exploration of attitudes, behaviors and experiences through such methods as interviews.

Furthermore, the author added that such method attempts to get an in-depth opinion from participants.

Accordingly and as has been stated earlier, the adoption of the qualitative research method (Silverman, 2005) for this study is based on the fact that the ISPS Code regime is relatively new in the global shipping industry and the experiences of shipping countries are only beginning to manifest after almost four years of operation of the Code as demonstrated in the preceding review of available literature.

RESULT

The result shows that though the Code has contributed immensely to port security and efficient port operation, NIMASA being the apex regulatory agency is fully aware about the Code and the compliance level by operators of the maritime industry. The agency has been low in providing clear guidelines and directives, for example, on the Recognized Security Organizations (RSOs). It has also been observed that most vessels have not complied with the code. One of the issues that have posed difficulty in the implementation of the code is financial constraints. The result also shows that the issue of no or low compliance could be solved by relevant stakeholders through the institution of appropriate measures.

Conclusion

One cannot deny the fact that the Code have contributed immensely to port security and efficient port operations in Nigeria. However, the Code has also presented compliance challenges to the maritime administration (Moth, 2004). Therefore, it is recommended that Nigeria should adopt a pragmatic approach to the Code's implementation, by complementing security gadgets with human resource training and development within the maritime

industry. There is an urgent need to reappraise the implementation of strategies with a view to making them more effective.

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