Attachment 1

United Nations Convention on the Law of the Sea

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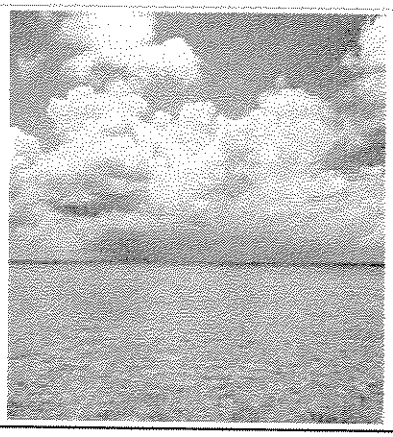

United Nations Convention on the Law of the Sea	
Opened for signature	??? at ???
Entered into force	November 16, 1994[1] (http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm)
Conditions for entry into force	60 ratifications
Parties	149[2] (http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#The%20United%20Nations%20Convention%20on%20the%20Law%20of%20the%20Sea)

The term **United Nations Convention on Law of the Sea (UNCLOS,** also called simply the **Law of the Sea** or **LOS)** refers to several United Nations events and one treaty. The events the term refers to are the (First) United Nations Convention on Law of the Sea, the Second United Nations Convention on Law of the Sea, and the Third United Nations Convention on Law of the Sea. The treaty resulting from the Third United Nations Convention on Law of the Sea also bears the name United Nations Convention on Law of the Sea and is the most recent major development in international law governing the oceans. The treaty provided new universal legal controls for the management of marine natural resources and the control of pollution. Its Secretariat resides within the United Nations Division for Ocean Affairs and the Law of the Sea.

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Historical background

The LOS was needed due to the weakness of the older 'freedom of the seas' concept, dating from the 17th century: national rights were limited to a specified belt of water extending from a nation's coastlines, usually three nautical miles (6 km), from the 'cannon shot' rule. All water beyond national boundaries was considered international waters- free to all nations but belonging to none of them.

Into the 20th century many nations expressed a need to extend national claims: to include mineral resources, to protect fish stocks and to have the means to enforce pollution controls. This was recognized by the League of Nations and a conference was held in 1930 at The Hague, but did not result in any agreements. One nation to undermine the 'freedom of the seas' was the United States, when in 1945 President Truman unilaterally extended his nation's control to cover all the natural resources of their continental shelf. Other nations were quick to emulate the USA. Between 1946 and 1950, Argentina, Chile, Peru and Ecuador all extended their sovereign rights to a 200 nautical mile (370 km) distance - so as to cover their Humboldt Current fishing grounds. Other nations extended their territorial seas to 12 nautical miles (22 km). By 1967 only 25 nations still used the old 3 nautical mile (6 km) limit, 66 nations had set a 12 nautical mile (22 km) territorial limit, and eight had set a 200 nautical mile (370 km) limit.

The (First) United Nations Conference on Law of the Sea (UNCLOS I)

In 1956, the United Nations held its first Conference on the Law of the Sea ("UNCLOS I") at Geneva, Switzerland. UNCLOS I resulted in four treaties concluded in 1958:

- Convention on the Territorial Sea and Contiguous Zone [3] (http://www.un.org/law/ilc/texts/terrsea.htm), entry into force: 10 September 1964
- Convention on the Continental Shelf [4] (http://www.un.org/law/ilc/texts/contsh.htm), entry into force: 10 June 1964
- Convention on the High Seas [5] (http://www.un.org/law/ilc/texts/hseas.htm), entry into force: 30 September 1962
- Convention on Fishing and Conservation of Living Resources of the High Seas [6] (http://www.un.org/law/ilc/texts/fish.htm), entry into force: 20 March 1966

Although UNCLOS I was considered a success, it left open the important issue of breadth of territorial waters.

The Second United Nations Conference on Law of the Sea (UNCLOS II)

The United Nations followed this in 1960 with its second Convention on the Law of the Sea ("UNCLOS II"). UNCLOS II did not result in any international agreements.

The Third United Nations Conference on Law of the Sea (UNCLOS III)

The issue of varying claims of territorial waters was raised in the UN in 1967 by Arvid Pardo and in 1973 the *Third United Nations Conference on the Law of the Sea* was convened in New York to write a new treaty

covering the oceans. The convention lasted until 1982 and over 160 nations participated. The convention was conducted under a process of consensus rather than majority vote in an attempt to reduce the possibility of groups of nation-states dominating the negotiations. The convention came into force on November 14, 1994, one year after the sixtieth state, Guyana, signed it.

The convention introduced a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZ), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes.

The convention set the limit of territorial waters to 12 nautical miles (22 km), in which area the coastal state is free to set laws, regulate any use, and use any resource. Vessels were given the right of "innocent passage" through any territorial waters, with strategic straits allowing the passage of military craft as "transit passage", in that naval vessels are allowed to maintain postures that would be illegal in territorial waters. Beyond the 12 nautical mile (22 km) limit there was a further 12 nautical mile (22 km) or 24 nautical miles (44 km) from the territorial sea baselines limit, the "contiguous zone", in which area a state could continue to enforce laws regarding activities such as smuggling or illegal immigration.

The exclusive economic zones (EEZ) extended the exploitation rights of coastal nations to 200 nautical miles (370 km) from shore, covering all natural resources. The EEZ were introduced to halt the increasingly heated clashes over fishing rights, although oil was also becoming important. The success of an offshore oil platform in the Gulf of Mexico in 1947 was soon repeated elsewhere in the world, by 1970 it was technically feasible to operate in waters 4000 metres deep.

The convention set the definition of Archipelagic States in Part IV, which also define how the state can draw its teritorial borders. A baseline is drawn between the outermost points of the outermost islands. All waters inside this baseline is described as Archipelagic Waters and are included as part of the state's territory. This baseline is also used to chart its territorial waters 12 nautical miles (22 km) from the baseline and EEZ 200 nautical miles (370 km) from the baseline.

Aside from its provisions defining ocean boundaries, the convention establishes general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas, and also creates an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction, through an International Seabed Authority.

Landlocked states are given a right of access to and from the sea, without taxation of traffic through transit states.

Criticism

Libertarians criticize the treaty for creating a tragedy of the commons by designating oceanic resources as the "common heritage of mankind" – essentially public property – instead of privatizing the seabed. According to economic theories promoted by the Property and Environment Research Center and other free market environmentalists, privatization would create incentives for preservation by giving owners an economic interest in protecting the long-term value of their property. If long-term tuna fishing rights were auctioned off, for instance, the owner would have an incentive not to overfish, since depleting the population would lessen returns in future years.

Among some conservatives in the United States the treaty is considered antithetical to U.S. national interests. A small group of Republican senators, led by Jim Inhofe of land-locked Oklahoma, has blocked American ratification of the treaty, claiming that it would impinge upon U.S. sovereignty. The Bush administration and the Pentagon favor ratification.

Signature and ratification

Opened for signature - December 10, 1982

Entered into force - November 16, 1994

Parties - (149) Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, The Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei, Bulgaria, Burkina Faso, Burma, Cameroon, Canada, Cape Verde, Chile, People's Republic of China, Comoros, Democratic Republic of the Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Egypt, Equatorial Guinea, Estonia, European Union, Fiji, Finland, France, Gabon, The Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, South Korea, Kuwait, Laos, Latvia, Lebanon, Lithuania, Luxembourg, Macedonia, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Federated States of Micronesia, Monaco, Mongolia, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Russia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, São Tomé and Príncipe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Tanzania, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Kingdom, Uruguay, Vanuatu, Vietnam, Yemen, Zambia, Zimbabwe

Countries that have signed, but not yet ratified - (28) Afghanistan, Belarus, Bhutan, Burundi, Cambodia, Central African Republic, Chad, Colombia, Republic of the Congo, Dominican Republic, El Salvador, Ethiopia, Iran, North Korea, Lesotho, Liberia, Libya, Liechtenstein, Malawi, Morocco, Niger, Niue, Rwanda, Swaziland, Switzerland, Thailand, United Arab Emirates

References

External links

- Text of the treaty (http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm)
- List of countries that have ratified Law of the Sea conventions (http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm)
- United Nations Division for Ocean Affairs and the Law of the Sea (http://www.un.org/Depts/los/index.htm)
- UNEP Shelf Programme, UN organisation set up to assist States in delineating their continental shelf beyond 200 nautical miles (370 km) (http://www.continentalshelf.org/)

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Categories: Articles lacking sources | Treaties | Law of the sea

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Attachment 2

Conventions
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Anti-fouling
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List of Conve
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force dates)

Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988

Adoption: 10 March 1988
Entry into force: 1 March 1992

Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988

Adoption: 10 March 1988
Entry into force: 1 March 1992

The Protocol extends the requirements of the Convention to fixed platforms such as those engaged in the exploitation of offshore oil and gas.

Introduction
Resolution A.584(14) Measures to prevent unlawful acts
MSC Circular Measures to prevent unlawful acts
Convention aims
Amendment procedure
2005 Protocols

Introduction
Concern about unlawful acts which threaten the safety of ships and the security of their passengers and crews grew during the 1980s, with reports of crews being kidnapped, ships being hi-jacked, deliberately run aground or blown up by explosives. Passengers were threatened and sometimes killed.

In November 1985 the problem was considered by IMO's 14th Assembly and a proposal by the United States that measures to prevent such unlawful acts should be developed by IMO was supported.

Resolution A.584(14)
The Assembly adopted resolution A.584(14) Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crew which notes "with great concern the danger to passengers and crews resulting from the increasing number of incidents involving piracy, armed robbery and other unlawful acts against or on board ships, including small craft, both at anchor and under way."

The IMO Assembly directed the Maritime Safety Committee to develop, on a priority basis, detailed and practical technical measures, including both shoreside and shipboard measures, to ensure the security of passengers and crews on board ships. The measures were to take into account the work of the International Civil Aviation Organization (ICAO) in the development of standards and recommended practices for airport and aircraft security.

In December 1985 further support came from the United Nations General Assembly which called upon IMO "to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures."

MSC Circular
The MSC in 1986 issued a Circular (MSC/Circ.443) on Measures to prevent unlawful acts against passengers and crews on board ships - which states that Governments, port authorities, administrations, shipowners, shipmasters and crews should take appropriate measures to prevent unlawful acts which may threaten passengers and crews. The Circular gives guidelines on measures that can be taken - with application to passenger ships engaged on international voyages of 24 hours or more and port facilities which service them.

In November 1986 the Governments of Austria, Egypt and Italy proposed that IMO prepare a convention on the subject of unlawful acts against the safety of maritime navigation 'to provide for a comprehensive suppression of unlawful acts committed against the safety of maritime navigation which endanger innocent human lives, jeopardize the safety of persons and property, seriously affect the operation of maritime services and thus are of grave concern to the international community as a whole."

Convention aims
The proposal was supported, and in March 1988 a conference was held in Rome which adopted the **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.**

The main purpose of the convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are

likely to destroy or damage it.

The convention obliges Contracting Governments either to extradite or prosecute alleged offenders.

Amendment procedure
IMO may convene a conference of States parties to the Convention for the purpose of revising or amending the convention, at the request of one third or ten States Parties, whichever is the highest.

2005 Protocolsl
Adoption: 14 October 2005

Entry into force: The amended Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation will enter into force ninety days after the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession with the Secretary-General.

The amended Protocol requires ratification from three States which are also party to the SUA Convention but it cannot come into force unless the 2005 SUA Convention is already in force.

Status: see Status of Conventions

Amendments to the Convention for the Suppression of Unlawful Acts (SUA) Against the Safety of Maritime Navigation, 1988 and its related Protocol, were adopted by the Diplomatic Conference on the Revision of the SUA Treaties held from 10 to 14 October 2005. The amendments were adopted in the form of Protocols to the SUA treaties (the 2005 Protocols).

2005 Protocol to the SUA Convention
Among the unlawful acts covered by the SUA Convention in Article 3 are the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it.

The 2005 Protocol to the SUA Convention adds a new Article 3bis which states that a person commits an offence within the meaning of the Convention if that person unlawfully and intentionally:

- when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from any act:
  - uses against or on a ship or discharging from a ship any explosive, radioactive material or BCN (biological, chemical, nuclear) weapon in a manner that causes or is likely to cause death or serious injury or damage;
  - discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration that causes or is likely to cause death or serious injury or damage;
  - uses a ship in a manner that causes death or serious injury or damage;
- transports on board a ship any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act;
- transports on board a ship any BCN weapon, knowing it to be a BCN weapon;
- any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; and
- transports on board a ship any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

The transportation of nuclear material is not considered an offence if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non Proliferation of Nuclear Weapons (Subject to conditions).

Under the new instrument, a person commits an offence within the meaning of the Convention if that person unlawfully and intentionally transports another person on board a ship knowing that

the person has committed an act that constitutes an offence under the SUA Convention or an offence set forth in any treaty listed in the Annex. The Annex lists nine such treaties.

The new instrument also makes it an offence to unlawfully and intentionally injure or kill any person in connection with the commission of any of the offences in the Convention; to attempt to commit an offence; to participate as an accomplice; to organize or direct others to commit an offence; or to contribute to the commissioning of an offence.

A new Article requires Parties to take necessary measures to enable a legal entity (this could be a company or organization, for example) to be made liable and to face sanctions when a person responsible for management of control of that legal entity has, that capacity, committed an offence under the Convention.

Boarding provisions
Article 8 of the SUA Convention covers the responsibilities and roles of the master of the ship, flag State and receiving State in delivering to the authorities of any State Party any person believed to have committed an offence under the Convention, including the furnishing of evidence pertaining to the alleged offence.

A new Article 8bis in the 2005 Protocol covers co-operation and procedures to be followed if a State Party desires to board a ship flying the flag of a State Party when the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship is, has been, or is about to be involved in, the commission of an offence under the Convention.

The authorization and co-operation of the flag State is required before such a boarding. A State Party may notify the IMO Secretary-General that it would allow authorization to board and search a ship flying its flag, its cargo and persons on board if there is no response from the flag State within four hours. A State Party can also notify that it authorizes a requesting Party to board and search the ship, its cargo and persons on board, and to question the persons on board to determine if an offence has been, or is about to be, committed.

The use of force is to be avoided except when necessary to ensure the safety of officials and persons on board, or where the officials are obstructed to the execution of authorized actions.

Article 8bis includes important safeguards when a State Party takes measures against a ship, including boarding. The safeguards include: not endangering the safety of life at sea; ensuring that all persons on board are treated in a manner which preserves human dignity and in keeping with human rights law; taking due account of safety and security of the ship and its cargo; ensuring that measures taken are environmentally sound; and taking reasonable efforts to avoid a ship being unduly detained or delayed.

Extradition
Article 11 covers extradition procedures. A new Article 11bis states that none of the offences should be considered for the purposes of extradition as a political offence. New article 11ter states that the obligation to extradite or afford mutual legal assistance need not apply if the request for extradition is believed to have been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 12 of the Convention requires States Parties to afford one another assistance in connection with criminal proceedings brought in respect of the offences. A new Article 12bis cover the conditions under which a person who is being detained or is serving a sentence in the territory of one State Party may be transferred to another State Party for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences.

Amendment procedure
Amendments to the Articles in the Convention require acceptance by a requisite number of States. However, the Annex, which lists the treaties under which offences can be considered for the purpose of the SUA Convention, has a special amendment procedure.

The treaties listed are:

1. Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970
2. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971
3. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973

4 International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979
5 Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979
6 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988
7 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988
8 International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997
9 International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999

2005 Protocol to the 1988 SUA Protocol
The amendments to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf reflect those in the 2005 Protocol to the SUA Convention.

New article 2bis broadens the range of offences included in the Protocol. A person commits an offence if that person unlawfully and intentionally, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act, uses against or on a fixed platform or discharges from a fixed platform any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage; or discharges from a fixed platform, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration, that it causes or is likely to cause death or serious injury or damage; or threatens, with or without a condition, as is provided for under national law, to commit an offence.

New article 2ter includes the offences of unlawfully and intentionally injuring or killing any person in connection with the commission of any of the offences; attempting to commit an offence; participating as an accomplice; organizing or directing others to commit an offence.

See also Maritime Security

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Attachment 3

NEWSROOM
Press Briefin
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IMO adopts comprehensive maritime security measures

Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974: 9 - 13 December 2002

The International Ship and Port Facility Security Code
The Company and the Ship
The Port Facility
Responsibilities of Contracting Governments
Amendments to SOLAS
New Chapter XI-2 (Special measures to enhance maritime security)
Resolutions adopted by the conference
Officers of the Conference

A new, comprehensive security regime for international shipping is set to enter into force in July 2004 following the adoption by a week-long Diplomatic Conference of a series of measures to strengthen maritime security and prevent and suppress acts of terrorism against shipping. The Conference, held at the London headquarters of the International Maritime Organization (IMO) from 9 to 13 December 2002, was of crucial significance not only to the international maritime community but the world community as a whole, given the pivotal role shipping plays in the conduct of world trade. The measures represent the culmination of just over a year's intense work by IMO's Maritime Safety Committee and its Intersessional Working Group since the terrorist atrocities in the United States in September 2001.

The Conference was attended by 108 Contracting Governments to the 1974 SOLAS Convention, observers from two IMO Member States and observers from the two IMO Associate Members. United Nations specialized agencies, intergovernmental organizations and non-governmental international organizations also sent observers to the Conference.

The Conference adopted a number of amendments to the 1974 Safety of Life at Sea Convention (SOLAS), the most far-reaching of which enshrines the new International Ship and Port Facility Security Code (ISPS Code). The Code contains detailed security-related requirements for Governments, port authorities and shipping companies in a mandatory section (Part A), together with a series of guidelines about how to meet these requirements in a second, non-mandatory section (Part B). The Conference also adopted a series of resolutions designed to add weight to the amendments, encourage the application of the measures to ships and port facilities not covered by the Code and pave the way for future work on the subject.

Speaking at the end of the conference, IMO Secretary-General William O'Neil strongly urged all parties concerned to start putting in place all the necessary legislative, administrative and operational provisions needed to give effect to the decisions of the Conference as soon as possible. In a call for continued vigilance, he added, "In the meantime, all involved in the operation of ships and ports should continue to be aware of the potential dangers to shipping through acts of terrorism and the need to be extremely vigilant and alert to any security threat they might encounter in port, at offshore terminals or when underway at sea."

The Conference has been referred to in the United Nations General Assembly. At its current session, the General Assembly adopted a resolution on "Oceans and the law of the sea", which specifically welcomed initiatives at the International Maritime Organization to counter the threat to maritime security from terrorism and encouraged States fully to support this endeavour.

The International Ship and Port Facility Security Code
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The International Ship and Port Facility Security Code

In essence, the Code takes the approach that ensuring the security of ships and port facilities is basically a risk management activity and that to determine what security measures are appropriate, an assessment of the risks must be made in each particular case.

The purpose of the Code is to provide a standardized, consistent framework for evaluating risk, enabling governments to offset changes in threat with changes in vulnerability for ships and port facilities.

To begin the process, each Contracting Government will conduct port facility security assessments. Security assessments will have three essential components. First, 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 damage 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 prioritise security measures. Finally, the assessment must address vulnerability of the port facility by identifying its weaknesses in physical security, structural integrity, protection systems, procedural policies, communications systems, transportation 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 port facilities. For ships, these requirements will include:

· ship security plans
· ship security officers
· company security officers
· certain onboard equipment

For port facilities, the requirements will include:
· port facility security plans
· port facility security officers
· certain security equipment

In addition the requirements for ships and for port facilities include:
· monitoring and controlling access
· monitoring the activities of people and cargo
· ensuring security communications are readily available

Because each ship (or class of ship) and each port facility present different risks, the method in which they will meet the specific requirements of this Code will be determined and eventually be approved by the Administration or Contracting Government, as the case may be.

In order to communicate the threat at a 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 the port facility, since it triggers the implementation of appropriate security measures for the ship and for the port facility.

The preamble to the Code states that, as threat increases, the only logical counteraction is to reduce vulnerability. The Code provides several ways to reduce vulnerabilities. Ships will be subject to a system of survey, verification, certification, and control to ensure that their security measures are implemented. This system will be based on a considerably expanded control system as stipulated in the 1974 Convention for Safety of Life at Sea (SOLAS). Port facilities will also be required to report certain security related information to the Contracting Government concerned, which in turn will submit a list of approved port facility security plans, including location and contact details to IMO.

The Company and the Ship
Under the terms of the Code, shipping companies will be required to designate a Company Security Officer for the Company and a Ship Security Officer for each of its ships. The Company Security Officer's responsibilities include ensuring that a Ship Security Assessment is properly carried out, that Ship Security Plans are prepared and submitted for approval by (or on behalf of) the Administration and thereafter is placed on board each ship.

The Ship Security Plan should indicate the operational and physical security measures the ship itself should take to ensure it always operates at security level 1. The plan should also indicate the additional, or intensified, security measures the ship itself can take to move to and operate at security level 2 when instructed to do so. Furthermore, the plan should indicate the possible preparatory actions the ship could take to allow prompt response to instructions that may be issued to the ship at security level 3.

Ships will have to carry an International Ship Security Certificate indicating that they comply with the requirements of SOLAS chapter XI-2 and part A of the ISPS Code. When a ship is at a port or is proceeding to a port of Contracting Government, the Contracting Government has the right, under the provisions of regulation XI-2/9, to exercise various control and compliance measures with respect to that ship. The ship is subject to port State control inspections but such inspections

will not normally extend to examination of the Ship Security Plan itself except in specific circumstances.

The ship may, also, be subject to additional control measures if the Contracting Government exercising the control and compliance measures has reason to believe that the security of the ship has, or the port facilities it has served have, been compromised.

The Port Facility
Each Contracting Government has to ensure completion of a Port Facility Security Assessment for each port facility within its territory that serves ships engaged on international voyages. The Port Facility Security Assessment is fundamentally a risk analysis of all aspects of a port facility's operation in order to determine which parts of it are more susceptible, and/or more likely, to be the subject of attack. Security risk is seen a function of the threat of an attack coupled with the vulnerability of the target and the consequences of an attack.

On completion of the analysis, it will be possible to produce an overall assessment of the level of risk. The Port Facility Security Assessment will help determine which port facilities are required to appoint a Port Facility Security Officer and prepare a Port Facility Security Plan. This plan should indicate the operational and physical security measures the port facility should take to ensure that it always operates at security level 1. The plan should also indicate the additional, or intensified, security measures the port facility can take to move to and operate at security level 2 when instructed to do so. It should also indicate the possible preparatory actions the port facility could take to allow prompt response to the instructions that may be issued at security level 3.

Ships using port facilities may be subject to port State control inspections and additional control measures. The relevant authorities may request the provision of information regarding the ship, its cargo, passengers and ship's personnel prior to the ship's entry into port. There may be circumstances in which entry into port could be denied.

Responsibilities of Contracting Governments
Contracting Governments have various responsibilities, including setting the applicable security level, approving the Ship Security Plan and relevant amendments to a previously approved plan, verifying the compliance of ships with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code and issuing the International Ship Security Certificate, determining which port facilities located within their territory are required to designate a Port Facility Security Officer, ensuring completion and approval of the Port Facility Security Assessment and the Port Facility Security Plan and any subsequent amendments; and exercising control and compliance measures. It is also responsible for communicating information to the International Maritime Organization and to the shipping and port industries.

Contracting Governments can designate, or establish, Designated Authorities within Government to undertake their security duties and allow Recognised Security Organisations to carry out certain work with respect to port facilities, but the final decision on the acceptance and approval of this work should be given by the Contracting Government or the Designated Authority.

Amendments to SOLAS
The Conference adopted a series of Amendments to the 1974 SOLAS Convention, aimed at enhancing maritime security on board ships and at ship/port interface areas. Among other things, these amendments create a new SOLAS chapter dealing specifically with maritime security, which in turn contains the mandatory requirement for ships to comply with the ISPS Code.

Modifications to Chapter V (Safety of Navigation) contain a new timetable for the fitting of Automatic Information Systems (AIS). Ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 50,000 gross tonnage, will be required to fit AIS not later than the first safety equipment survey after 1 July 2004 or by 31 December 2004, whichever occurs earlier. Ships fitted with AIS shall maintain AIS in operation at all times except where international agreements, rules or standards provide for the protection of navigational information."

The existing SOLAS Chapter XI (Special measures to enhance maritime safety) has been re-numbered as Chapter XI-1. Regulation XI-1/3 is modified to require ships' identification numbers to be permanently marked in a visible place either on the ship's hull or superstructure. Passenger ships should carry the marking on a horizontal surface visible from the air. Ships should also be marked with their ID numbers internally.

And a new regulation XI-1/5 requires ships to be issued with a Continuous Synopsis Record (CSR) which is intended to provide an on-board record of the history of the ship. The CSR shall be issued by the Administration and shall contain information such as the name of the ship and of the State whose flag the ship is entitled to fly, the date on which the ship was registered with that

State, the ship's identification number, the port at which the ship is registered and the name of the registered owner(s) and their registered address. Any changes shall be recorded in the CSR so as to provide updated and current information together with the history of the changes.

New Chapter XI-2 (Special measures to enhance maritime security)
A brand-new Chapter XI-2 (Special measures to enhance maritime security) is added after the renumbered Chapter XI-1.

This chapter applies to passenger ships and cargo ships of 500 gross tonnage and upwards, including high speed craft, mobile offshore drilling units and port facilities serving such ships engaged on international voyages.

Regulation XI-2/2 of the new chapter enshrines the International Ship and Port Facilities Security Code (ISPS Code). Part A of this Code is mandatory and part B contains guidance as to how best to comply with the mandatory requirements.

The regulation requires Administrations to set security levels and ensure the provision of security level information to ships entitled to fly their flag. Prior to entering a port, or whilst in a port, within the territory of a Contracting Government, a ship shall comply with the requirements for the security level set by that Contracting Government, if that security level is higher than the security level set by the Administration for that ship.

Regulation XI-2/8 confirms the role of the Master in exercising his professional judgement over decisions necessary to maintain the security of the ship. It says he shall not be constrained by the Company, the charterer or any other person in this respect.

Regulation XI-2/6 requires all ships to be provided with a ship security alert system, according to a strict timetable that will see most vessels fitted by 2004 and the remainder by 2006. When activated the ship security alert system shall initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised. The system will not raise any alarm on-board the ship. The ship security alert system shall be capable of being activated from the navigation bridge and in at least one other location.

Regulation XI-2/10 covers requirements for port facilities, providing among other things for Contracting Governments to ensure that port facility security assessments are carried out and that port facility security plans are developed, implemented and reviewed in accordance with the ISPS Code.

Other regulations in this chapter cover the provision of information to IMO, the control of ships in port, (including measures such as the delay, detention, restriction of operations including movement within the port, or expulsion of a ship from port), and the s

Resolutions adopted by the conference
The conference adopted 11 resolutions, the main points of which are outlined below. The full text of each is available on request.

Conference resolution 1 (Adoption of amendments to the annex to the international convention for the safety of life at sea, 1974, as amended), determines that the amendments shall be deemed to have been accepted on 1 January 2004 (unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments) and that the amendments would then enter into force on 1 July 2004.

Conference resolution 2 (Adoption of the International Ship and Port Facility Security (ISPS) Code) adopts the International Ship and Port Facility Security (ISPS) Code, and invites Contracting Governments to the Convention to note that the ISPS Code will take effect on 1 July 2004 upon entry into force of the new chapter XI-2 of the Convention;

Conference resolution 3 (Further work by the international maritime organization pertaining to the enhancement of maritime security) invites the International Maritime Organization to develop, as a matter of urgency, training guidance such as model courses for ship security officers, company security officers and port facility security officers; performance standards for ship security alarms; performance standards and guidelines for long-range ship identification and tracking systems; guidelines on control of ships; and guidelines on "Recognized security organizations", and to adopt them in time before the entry into force of the amendments

to the Convention adopted by the Conference.

Conference resolution 4 (Future amendments to Chapters XI-1 and XI-2 of the 1974 SOLAS Convention on special measures to enhance maritime safety and security) recommends that future amendments to the provisions of chapters XI-1 and XI-2 of the Convention should be adopted by either the Maritime Safety Committee of the International Maritime Organization or by a Conference of Contracting Governments to the Convention.

Conference resolution 5 (Promotion of technical co-operation and assistance) strongly urges Contracting Governments to the Convention and Member States of the Organization to provide, in co-operation with the Organization, assistance to those States which have difficulty in meeting the requirements of the adopted amendments; and to use the Integrated Technical Co-operation Programme of the Organization as one of the main instruments to obtain assistance in advancing effective implementation of, and compliance with, the adopted amendments.

It also requests the Secretary-General of the Organization to make adequate provision, within the Integrated Technical Co-operation Programme, to strengthen further the assistance that is already being provided and to ensure that the Organization is able to address the future needs of developing countries for continued education and training and the improvement of their maritime and port security infrastructure and measures; and invites donors, international organizations and the shipping and port industry to contribute financial, human and/or in-kind resources to the Integrated Technical Co-operation Programme of the Organization for its maritime and port security activities.

It also invites the Secretary General to give early consideration to establishing a Maritime Security Trust Fund for the purpose of providing a dedicated source of financial support for maritime security technical-co-operation activities and, in particular, for providing support for national initiatives in developing countries to strengthen their maritime security infrastructure and measures.

Conference resolution 6 (Early implementation of the special measures to enhance maritime security) refers to the difficulties experienced during implementation of the International Safety Management (ISM) Code and draws the attention of Contracting Governments and the industry to the fact that chapter XI-2 of the Convention does not provide for any extension of the implementation dates for the introduction of the special measures concerned to enhance maritime security. It urges Contracting Governments to take, as a matter of high priority, any action needed to finalize as soon as possible any legislative or administrative arrangements, which are required at the national level, to give effect to the requirements of the adopted amendments to the Convention relating to the certification of ships entitled to fly their flag or port facilities situated in their territory. It also recommends that Contracting Governments and Administrations concerned designate dates, in advance of the application date of 1 July 2004 by which requests for certification should be submitted in order to allow for completion of the certification process and for companies and port facilities to rectify any non-compliance. It also recommends that Contracting Governments and the industry should take early appropriate action to ensure that all necessary infrastructure is in place in time for the effective implementation of the adopted measures to enhance maritime security on board ships and ashore.

Conference resolution 7 (Establishment of appropriate measures to enhance the security of ships, port facilities, mobile offshore drilling units on location and fixed and floating platforms not covered by chapter XI-2 of the 1974 SOLAS Convention) invites Contracting Governments to establish, as they might consider necessary, appropriate measures to enhance the security of ships and of port facilities other than those covered by chapter XI-2 of the Convention; it also encourages Contracting Governments to establish and disseminate, in an appropriate manner, information to facilitate contact and liaison between company and ship security officers and the authorities responsible for the security of port facilities not covered by Chapter XI-2, prior to a ship entering, or anchoring off, such a port;

Conference resolution 8 (Enhancement of security in co-operation with the International Labour Organization) invites the ILO to continue the development of a Seafarers' Identity Document as a matter of urgency, which should cover, among other things, a document for professional purposes; a verifiable security document; and a certification information document, and invites IMO and the ILO to establish a joint ILO/IMO Working Group to undertake more detailed work on comprehensive port security requirements.

Conference resolution 9 (Enhancement of security in co-operation with the World Customs Organization) invites the WCO to consider urgently measures to enhance security throughout international closed CTU movements and requests the Secretary-General of IMO to contribute expertise relating to maritime traffic to the discussions at the WCO.

Conference resolution 10 (Early implementation of long-range ships' identification and tracking) recalls that long-range identification and tracking of ships at sea is a measure that fully contributes to the enhancement of the maritime and coastal States security and notes that Inmarsat C polling is currently an appropriate system for long-range identification and tracking of ships. It urges Governments to take, as a matter of high priority, any action needed at national level to give effect to implementing and beginning the long-range identification and tracking of ships and invites Contracting Governments to encourage ships entitled to fly the flag of their State to take the necessary measures so that they are prepared to respond automatically to Inmarsat C polling, or to other available systems. It also requests Governments to consider all aspects related to the introduction of long-range identification and tracking of ships, including its potential for misuse as an aid to ship targeting and the need for confidentiality in respect of the information so gathered.

Conference resolution 11 (Human element-related aspects and shore leave for seafarers) urges Governments to take the human element, the need to afford special protection to seafarers and the critical importance of shore leave into account when implementing the provisions of chapter XI-2 of the Convention and the International Ship and Port Facility (ISPS) Code. It also encourages Governments, Member States of IMO and non-governmental organizations with consultative status at the Organization to report to the Organization any instances where the human element has been adversely impacted by the implementation of the provisions of chapter XI-2 of the Convention or the Code. It also requests the IMO Secretary-General to bring to the attention of the Maritime Safety Committee and the Facilitation Committee of the Organization, any human element related problems, which have been communicated to the Organization as a result of the implementation of chapter XI-2 of the Convention or the Code.

Officers of the Conference
The Conference elected Mr. J. Franson, Head of the delegation of Sweden, President of the Conference.

The following were elected Vice-Presidents of the Conference:

Mr. William J. S. Elliott (Canada)
Mr. Mitsuo Nakamoto (Japan)
H.E. Alma-Rosa Moreno Razo (Mexico)
Professor Marek Szymonski (Poland)
H.E. El Hadj Amadou Niang (Senegal)

The following were also elected:

Committee of the Whole:
Chairman: Mr. J.F. Wall (United Kingdom)
Vice-Chairman: Mr. D. Baird (Australia)
Vice-Chairman: Dr. S. Ilgin (Turkey)

Drafting Committee
Chairman: Mr. N. Charalambous (Cyprus)
Vice-Chairman: Admiral E. Schroth (Peru)
Vice-Chairman: Mr. I. Ponomarev (Russian Federation)

Credentials Committee
Chairman: Mr. Z. Alam (Singapore)

IMO - the International Maritime Organization - is the United Nations Specialized Agency with responsibility for the safety of shipping and the prevention of marine pollution by ships.
Web site: www.imo.org

For further information please contact:
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Natasha Brown, Information Officer on 020 7587 3274 (nbrown@imo.org).

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Attachment 4

News and Publications

Drug Abuse & Demand Reduction

Drug Supply Reduction

Terrorism, Corruption & Human Trafficking

- Crime Programme
- Terrorism
- Corruption
- Organized Crime
- The UN Convention against Transnational Organized Crime
- Country Assessments
- Training
- Trafficking in Human Beings
- Criminal Justice

Treaty & Legal Affairs

Analysis, Statistics & Scientific Support

About Us

Employment Opportunities

United Nations Crime and Drug Conventions

Crime Commission (CCPCJ)

Commission on Narcotic Drugs (CND)

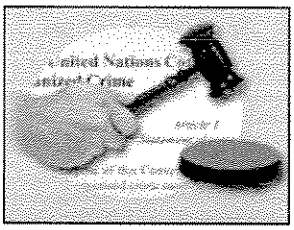
Global Youth Network

Information Services for Member States

The United Nations Convention against Transnational Organized Crime and its Protocols

New!
The Legislative guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto are now available online in all official languages.

Finalized instruments
Signatures/Ratifications
Legislative guides **New!**
Background information
Conference of the Parties
Address by Ambassador Luigi Lauriola, Chairman of the Ad Hoc Committee on The Elaboration of a Convention Against Transnational Organized Crime at The Millenium Assembly of the United Nations General Assembly, New York, November 2000



The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition of UN Member States that this is a serious and growing problem that can only be solved through close international cooperation. The Convention, concluded at the 10th session of the Ad Hoc Committee established by the General Assembly to deal with this problem, is a legally binding instrument committing States that ratify it to taking a series of measures against transnational organized crime. These include the creation of domestic criminal offences to combat the problem, and the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law-enforcement cooperation and technical assistance and training.

States Parties will be able to rely on one another in investigating, prosecuting and punishing crimes committed by organized criminal groups where either the crimes or the groups who commit them have some element of transnational involvement. This should make it much more difficult for offenders and organized criminal groups to take advantage of gaps in national law, jurisdictional problems or a lack of accurate information about the full scope of their activities.

The Convention deals with the fight against organized crime in general and some of the major activities in which transnational organized crime is commonly involved, such as money laundering, corruption and the obstruction of investigations or prosecutions. To supplement the Convention, two Protocols also tackle specific areas of transnational organized crime that are of particular concern to UN Member States.

The Protocol against the Smuggling of Migrants deals with the growing problem of organized criminal groups who smuggle migrants, often at high

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risk to the migrants and at great profit for the offenders. The Protocol against Trafficking in Persons deals with the problem of modern slavery, in which the desire of people to seek a better life is taken advantage of by organized criminal groups. Migrants are often confined or coerced into exploitive or oppressive forms of employment, often in the sex trade or in dangerous occupations, with the illicit incomes generated from these activities going to organized crime.

The Protocols also commit countries which ratify them to making the basic subject of the Protocol a criminal offence and to adopting other specific measures, such as controls on travel documents, to combat the problem. These supplement the more general measures found in the Convention, and countries must become parties to the Convention itself before they can become parties to any of the Protocols. A third Protocol, dealing with the illicit manufacturing of and trafficking in firearms, parts and components, and ammunition, remains under discussion.

The texts of these documents were developed over 11 sessions of the Ad Hoc Committee, and footnoted texts may be found under each session. The Convention was finalized at the 10th session, and the complete text forms part of the Report of that session. The Protocols dealing with the smuggling of migrants and trafficking in persons were finalized at the 11th session and are reported there. These three instruments were adopted by the UN Millenium General Assembly on 15 November 2000, and final texts are included in the Report of that session.

Instruments

Finalized instruments:

United Nations Convention against Transnational Organized Crime and following protocols:

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
(PDF) English, French, Spanish, Russian, Arabic, Chinese

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
(PDF) English, French, Spanish, Russian, Arabic, Chinese

Signatures

Background information

By resolution 53/111, of 9 December 1998, the General Assembly established an Ad Hoc Comittee open to all States, for the purpose of elaborating the international convention against transnational organized crime and three additional international legal protocols. The first session of the Ad Hoc Committee took place in Vienna, Austria, from 19-29 January 1999.

- First session (Vienna, January 1999)
- Second session (Vienna, March 1999)
- Third session (Vienna, April 1999)
- Fourth session (Vienna, June 28 - July 9 1999)
- Fifth session (Vienna, October 4 - 15 1999)
- Sixth session (Vienna, December 6 -17 1999)
- Seventh session (Vienna, January 17 - 28 2000)
- Eighth session (Vienna, February 21 - March 3 2000)
- Ninth session (Vienna, June 5 - 16 2000)
- Tenth session (Vienna, July 17-28 2000)
- Eleventh session (Vienna, October 2-27 2000)
- General Assembly documents (A/55/383 & Add.1, Add.2, Add.3))
- Signing Conference for the Convention (Palermo, December 12-15 2000)
- Twelfth session (Vienna, February 26 - March 2 2001)
- 13th Session of the Ad Hoc Committee to prepare the draft text of the Rules of Procedure
  of the Conference of the Parties of the United Nations Convention against Transnational Organized Crime
  (Vienna, 26 January - 6 February 2004)

Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Protocols - (CTOC/COP)

By its resolution 55/25 of 15 November 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime.

In accordance with Article 38, Annex I of the aforementioned resolution, the United Nations Convention against Transnational Organized Crime entered into force on 29 September 2003.

Pursuant to article 32 of the Convention, a Conference of the Parties to the Convention is hereby established to improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of this Convention. Article 32 also states that the Secretary-General of the United Nations shall convene the Conference of the Parties not later than one year following the entry into force of this Convention. The Conference of the Parties shall adopt rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of this article (including rules concerning payment of expenses incurred in carrying out those activities).

Meetings of the Conference of the Parties

CTOC/COP 2 - Second session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Protocols (Vienna, 10-21 October 2005)

Documents - Decisions

CTOC/COP 1 - First session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its Protocols (Vienna, 28 June - 9 July 2004)

Documents - Decisions

Attachment 5

United States Codes Relating to International Maritime Security

18 USC 2280 (violence against maritime navigation)

First part: offences against maritime navigation shall be punished by death of imprisoned for any term of years or for life. (Offenses)
Second part: Definition of the area in which there is jurisdiction over the activity prohibited in the first part. (Jurisdiction)
Third part: It is a bar to Federal prosecution under the first subsection for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. (Bar To Prosecution)
Fourth part: Procedure of how the master of a covered ship flying the flag of the United States can deal with any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. The same procedure maintains, if the master has reasonable grounds to believe that a person committed an offense. (Delivery of Suspected Offender)
Fifth part: Definitions of "covered ship", "national of the United Stated", "territorial sea of the United States", "ship", "United States". (Definitions)

18 USC 1651 (piracy under law of nations)

Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

18 USC 2232 (Destruction or removal of property to prevent seizure)

Definition and penalty of

a) destruction or removal of property to prevent seizure
b) impairment of in rem jurisdiction
c) Notice of search or execution of seizure warrant or warrant of arrest in rem.
d) Notice of certain electronic surveillance
e) Foreign intelligence surveillance.

18 USC 113 (Assaults within maritime and territorial jurisdiction)

Types of punishments and penalty for persons, who, within the special maritime and territorial jurisdiction of the United States, are guilty of an assault.

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:
(1) Assault with intent to commit murder, by imprisonment for not more than twenty years.
(2) Assault with intent to commit any felony, except murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than ten years, or both.
(3) Assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by a fine under this title or imprisonment for not more than ten years, or both.
(4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than six months, or both.
(5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.
(6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.
(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 5 years, or both.
(b) As used in this subsection—
(1) the term "substantial bodily injury" means bodily injury which involves—
(A) a temporary but substantial disfigurement; or
(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and
(2) the term "serious bodily injury" has the meaning given that term in section 1365 of this title.

18 USC 844 (Penalties)

(a) Any person who—

(1) violates any of subsections (a) through (i) or (l) through (o) of section 842 shall be fined under this title, imprisoned for not more than 10 years, or both; and
(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.

(b) Any person who violates any other provision of section 842 of this chapter shall be fined under this title or imprisoned not more than one year, or both.

(1) Any explosive materials involved or used or intended to be used in any violation of the provisions of this chapter or any other rule or regulation promulgated thereunder or any violation of any criminal law of the United States shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.
(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture in which it would be impracticable or unsafe to remove the materials to a place of storage or would be unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least 1 credible witness.
The seizing officer shall make a report of the seizure and take samples as the Attorney General may by regulation prescribe.
(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of (including any person having an interest in) the property so destroyed may make application to the Attorney General for reimbursement of the value of the property.

If the claimant establishes to the satisfaction of the Attorney General that—
(A) the property has not been used or involved in a violation of law; or
(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,
the Attorney General shall make an allowance to the claimant not exceeding the value of the property destroyed.

(d) Whoever transports or receives, or attempts to transport or receive, in interstate or foreign commerce any explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property, shall be imprisoned for not more than ten years, or fined under this title, or both; and if personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall be imprisoned for not more than twenty years or fined under this title, or both; and if death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment.

(e) Whoever, through the use of the mail, telephone, telegraph, or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive shall be imprisoned for not more than 10 years or fined under this title, or both.

(f)
(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance, shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.
(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct, directly or proximately causes personal injury or creates a substantial risk of injury to any person, including any public safety officer performing duties, shall be imprisoned for not less than 7 years and not more than 40 years, fined under this title, or both.
(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be subject to the death penalty, or imprisoned for not less than 20 years or for life, fined under this title, or both.

(g)
(1) Except as provided in paragraph (2), whoever possesses an explosive in an airport that is subject to the regulatory authority of the Federal Aviation Administration, or in any building in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, except with the written consent of the agency, department, or other person responsible for the management of such building or airport, shall be imprisoned for not more than five years, or fined under this title, or both.
(2) The provisions of this subsection shall not be applicable to—
(A) the possession of ammunition (as that term is defined in regulations issued pursuant
to this chapter) in an airport that is subject to the regulatory authority of the Federal Aviation Administration if such ammunition is either in checked baggage or in a closed container; or

(B) the possession of an explosive in an airport if the packaging and transportation of such explosive is exempt from, or subject to and in accordance with, regulations of the Research and Special Projects Administration for the handling of hazardous materials pursuant to chapter 51 of title 49.

(h) Whoever—
(1) uses fire or an explosive to commit any felony which may be prosecuted in a court of the United States, or
(2) carries an explosive during the commission of any felony which may be prosecuted in a court of the United States,
including a felony which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device shall, in addition to the punishment provided for such felony, be sentenced to imprisonment for 10 years. In the case of a second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for 20 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the felony in which the explosive was used or carried.

(i) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both; and if personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall be imprisoned for not less than 7 years and not more than 40 years, fined under this title, or both; and if death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection, shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment.

(j) For the purposes of subsections (d), (e), (f), (g), (h), and (i) of this section and section 842 (p), the term "explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or

device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

(k) A person who steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.

(l) A person who steals any explosive material from a licensed importer, licensed manufacturer, or licensed dealer, or from any permittee shall be fined under this title, imprisoned not more than 10 years, or both.

(m) A person who conspires to commit an offense under subsection (h) shall be imprisoned for any term of years not exceeding 20, fined under this title, or both.

(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense the commission of which was the object of the conspiracy.

(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable
cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924 (c)(3)) or drug trafficking crime (as defined in section 924 (c)(2)) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of an explosive material.

(p) Theft Reporting Requirement.—
(1) In general.— A holder of a license or permit who knows that explosive materials have been stolen from that licensee or permittee, shall report the theft to the Secretary [1] not later than 24 hours after the discovery of the theft.
(2) Penalty.— A holder of a license or permit who does not report a theft in accordance with paragraph (1), shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

18 USC 7 (Special maritime and territorial jurisdiction of the United States defined)

The wide reach, in which the term "special maritime and territorial jurisdiction of the United States", is used.

18 USC 2111 (Special maritime and territorial jurisdiction)

Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes or attempts to take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

18 USC 1659 (Attack to plunder vessel)

Whoever, upon the high seas or other waters within the admiralty and maritime jurisdiction of the United States, by surprise or open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be fined under this title or imprisoned not more than ten years, or both.

Attachment 6

NSPD 41/HSPD 13 National Strategy for Maritime Security Supporting Plans

NSPD 41/HSPD 13 Main >> Supporting Plans

The President and the Secretaries of Homeland Security, Defense and State approved supporting plans in October 2005. A team representing more than 20 government agencies contributed to the development of the Strategy and its supporting plans. Working groups for the Maritime Commerce Security, Maritime Transportation Systems Security and Maritime Infrastructure Recovery plans also sought public and private sector insight to ensure that those plans reflected maritime industry concerns and knowledge.

Although the implementation plans address different aspects of maritime security, they are mutually linked and reinforce each other. Together, National Strategy for Maritime Security and its supporting plans represent the beginning of a comprehensive national effort to promote global economic stability and protect legitimate activities, while preventing hostile or illegal acts within the maritime domain.

- **The National Plan to Achieve Maritime Domain Awareness** lays the foundation for an effective understanding of anything associated with the maritime domain that could impact the security, safety, economy, or environment of the United States, and identifying threats as early and as distant from our shores as possible.

- **Maritime Transportation System Security Plan** responds to the President's call for recommendations to improve the national and international regulatory framework regarding the maritime domain.

- **Maritime Commerce Security Plan** establishes a comprehensive plan to secure the maritime supply chain.

- **Maritime Infrastructure Recovery Plan** recommends procedures and standards for the recovery of the maritime infrastructure following attack or similar disruption.

- **International Outreach and Coordination Strategy** provides a framework to coordinate all maritime security initiatives undertaken with foreign governments and international organizations, and solicits international support for enhanced maritime security.

- **Global Maritime Intelligence Integration Plan** uses existing capabilities to integrate all available intelligence regarding potential threats to U.S. interests in the maritime domain.

- **Maritime Operational Threat Response Plan** aims for coordinated United States Government response to threats against the United States and its interests in the maritime domain by establishing roles and responsibilities that enable the government to respond quickly and decisively.

- **Domestic Outreach Plan** engages non-Federal input to assist with the development and implementation of maritime security policies resulting from NSPD-41/HSPD-13.

Attachment 7

Charter of the International

Military Tribunal

Whereas the United Nations have from time to time made declarations of their intention that war criminals shall be brought to justice;

And whereas the Moscow Declaration of the 30th October 1943 on German atrocities in occupied Europe stated that those German officers and men and members of the Nazi party who have been responsible for or have taken a consenting part in atrocities and crimes will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free governments that will be created therein;

And whereas this declaration was stated to be without prejudice to the case of major criminals whose offenses have no particular geographic location and who will be punished by the joint decision of the Governments of the Allies;

Now, therefore, the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics (hereinafter called "the signatories") acting in the interests of all the United Nations and by their representatives duly authorized thereto have concluded this agreement.

I. Constitution of the International Military Tribunal

Article 1

In pursuance of the Agreement signed on 8th day of August 1945 by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and
Northern Ireland and the Government of the Union of Soviet Socialist Republics, there shall be established an International Military Tribunal (hereinafter called "the
Tribunal") for the just and prompt trial and punishment of the major war criminals of the European Axis.

Article 2

The Tribunal shall consist of four members each with an alternate. One member and one alternate shall be appointed by each of the Signatories. The alternates shall,
so far as they are able, be present at all sessions of the Tribunal. In case of illness of any member of the Tribunal or his incapacity for some other reason

to fulfill his
functions, his alternate shall take his place.

Article 3

Neither the Tribunal, its members nor their alternates can be challenges by the prosecution, or by the defendants or their Counsel. Each Signatory may replace its
member of the Tribunal or his alternate for reasons of health or for other good reasons, except that no replacement may take place during a Trial, other than by
an alternate.

(a) The presence of all four members of the Tribunal or the alternate for any absent member shall be necessary to constitute the quorum.

(b) The members of the Tribunal shall, before any trial begins, agree among themselves upon the selection from their number of a President, and the President shall hold office during that trial, or as otherwise be agreed by a vote of not less than three members. The principle of
rotation of presidency for successive trials is agreed. If, however, a session of the Tribunal takes place on the territory of one of the four Signatories, the representative of that Signatory on the Tribunal shall preside.

(c) Save as aforesaid the Tribunal shall take decisions by a majority vote and in the case the votes are evenly divided, the vote of the President shall be decisive: provided always that convictions and sentences shall only be imposed by affirmative votes of at least three members of the Tribunal.

Article 5

In case of need and depending on the number of the matters to be tried, other Tribunals may be set up; and the establishment, functions, and procedure of each Tribunal shall be identical, and shall be governed by this Charter.

II. Jurisdiction and General Principles

Article 6

The Tribunal establishment by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation, or waging of wars of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity;

(c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecution on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

Article 7

The official position of the defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment.

Article 8

The fact that the Defendant acted pursuant to order of his government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determine that justice so requires.

Article 9

At the trial of any individual member of any group or organization the

Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard.

Article 10

In cases where a group or organization is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military or occupation courts. In any such case the criminal nature of the group or organization is considered proved and
shall not be questioned.

Article 11

Any person convicted by the Tribunal may be charged before a national, military or occupation court, referred to in Article 10 of this Charter, with a crime other than membership in a criminal group or organization and such court may, after convicting him, impose upon him punishment independent of and additional to the punishment
imposed by the Tribunal for participation in the criminal activities of such group or organization.

Article 12

The Tribunal shall have the right to take proceedings against a person charges with crimes set out in Article 6 of this Charter in his absence, if he has not been found or if the Tribunal, for any reason, finds it necessary, in the interests of justice, to conduct the hearing in his absence.

Article 13

The Tribunal shall draw up rules for its procedure. These rules shall not be inconsistent with the provisions of this Charter.

III. Committee for the Investigation and Prosecution of Major War Criminals

Article 14

Each Signatory shall appoint a Chief Prosecutor for the investigation of the charges against and the prosecution of major war criminals.

The Chief Prosecutors shall act as a committee for the following:

(a) to agree upon a plan of the individual work of each of the Chief Prosecutors and his staff,

(b) to settle the final designation of major war criminals to be tried by the Tribunal,

(c) to approve the Indictment and the documents to be submitted therewith,

(d) to lodge the Indictment and the accompanying documents,

(e) to draw up and recommend to the Tribunal for its approval draft rules of procedure, contemplated by Article 13 of this Charter. The Tribunal shall have power to accept, with or without amendments, or to reject, the rules so recommended.

The Committee shall act in all the above matters by a majority vote and shall appoint a Chairman as may be convenient and in accordance with the principle of rotation:
provided that if there is an equal division of vote concerning the designation of a Defendant to be tried by the Tribunal, or the crimes with which he shall be charged, that proposal will be adopted which was made by the party which proposed that the particular Defendant be tried, or the particular charges be preferred against him.

Article 15

The Chief Prosecutors shall individually, and acting in collaboration with one another, also undertake the following duties:

(a) investigation, collection and production before or at the Trial of all necessary evidence,

(b) the preparation of the Indictment for approval by the Committee in accordance with paragraph (c) of Article 14 hereof,

(c) the preliminary examination of all necessary witnesses and the Defendants,

(d) to act as prosecutor at the Trial,

(e) to appoint representatives to carry out such duties as may be assigned to them,

(f) to undertake such other matters as may appear necessary to them for the purposes of the preparation for and conduct of the Trial.

It is understood that no witness or Defendant detained by any Signatory shall be taken out of the possession of that Signatory without its assent.

IV. FAIR TRIAL FOR DEFENDANTS

Article 16

In order to ensure fair trial for the Defendants, the following procedure shall be followed:

(a) The Indictment shall include full particulars specifying in detail the charges against the Defendants. A copy of the Indictment and of all the documents lodged with the Indictment, translated into a language which he understands, shall be furnished to the Defendant at a reasonable time before the Trial.

(b) During any preliminary examination or trial of a Defendant he shall have the right to give any explanation relevant to the charges made against him.

(c) A preliminary examination of a Defendant and his Trial shall be conducted in or translated into, a language which the Defendant understands.

(d) A defendant shall have the right to conduct his own defense before the Tribunal or to have the assistance of Counsel.

(e) A defendant shall have the right through himself or through his Counsel to present evidence at the Trial in support of his defense, and to cross-examine any witness called by the Prosecution.

V. POWERS OF THE TRIBUNAL AND CONDUCT OF THE TRIAL

Article 17

The Tribunal shall have the power

(a) to summon witnesses to the Trial and to require their attendance and testimony and to put questions to them,

(b) to interrogate any Defendant,

(c) to require the production of document and other evidentiary material,

(d) to administer oaths to witnesses,

(e) to appoint officers for the carrying out of any task designated by the Tribunal including the power to have evidence taken on commission.

Article 18

The Tribunal shall

(a) confine the Trial strictly to an expeditious hearing of the issues raised by the charges,

(b) take strict measures to prevent any action which will cause unreasonable delay, and rule out irrelevant issues and statements of any kind whatsoever,

(c) deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any Defendant or his Counsel from some or all further proceedings, but without prejudice to the determination of the charges.

Article 19

The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and
shall admit any evidence which it deems to have probative value.

Article 20

The Tribunal may require to be informed of the nature of any evidence before it is offered so that it may rule upon the relevance thereof.

Article 21

The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental
documents and reports of the United Nations, including the acts and documents of committees set up in the various allied countries for the investigation of war crimes, and the records and findings of military or other

Tribunals of any of the United Nations.

Article 22

The permanent seat of the Tribunal shall be in Berlin. The first meetings of the members of the Tribunal and of the Chief Prosecutors shall be held at Berlin in a
place to be designated by the Control Council for Germany. The first trial shall be held at Nurnberg, and any subsequent trials shall be held at such places as the
Tribunal may decide.

Article 23

One or more of the Chief Prosecutors may take part in the prosecution at each Trial. The function of any Chief Prosecutor may be discharged by him personally, or by any person or persons authorized by him.

The function of Counsel for a Defendant may be discharged at the Defendants request by any Counsel professionally qualified to conduct cases before the Courts of his own country, or by any other person who may be specially authorized thereto by the
Tribunal.

Article 24

The proceedings at the Trial shall take the following course:

(a) The Indictment shall be read in Court.

(b) The Tribunal shall ask each Defendant whether he pleads "guilty" or "not guilty".

(c) The prosecution shall make an opening statement.

(d) The Tribunal shall ask the prosecution and the defence what evidence (if any) they wish to submit to the Tribunal, and the Tribunal shall rule upon the admissibility of any such evidence.

(e) The witnesses for the Prosecution shall be examined and after that the witnesses for the Defense. Thereafter such rebutting evidence as may be held by the Tribunal to be admissible shall be called by either the Prosecution or the Defense.

(f) The Tribunal may put any question to any witness and to any Defendant, at any time.

(g) The Prosecution and the Defense shall interrogate and may

cross-examine any witnesses and any Defendant who gives testimony.

(h) The Defense shall address the court.

(i) The Prosecution shall address the court.

(j) Each Defendant may make a statement to the Tribunal.

(k) The Tribunal shall deliver judgment and pronounce sentence.

Article 25

All official documents shall be produced, and all court proceedings conducted in English, French, and Russian, and in the language of the Defendant. So much of the record and of the record and of the proceedings may also be translated into the language of any country in which the Tribunal is sitting, as the Tribunal considers desirable in the interests of justice and public opinion.

VI. JUDGMENT AND SENTENCE

Article 26

The judgment of the Tribunal as to the guilt or the innocence of any Defendant shall give the reasons on which it is based, and shall be final and not subject to review.

Article 27

The Tribunal shall have the right to impose upon a Defendant on conviction, death or such other punishment as shall be determined by it to be just.

Article 28

In addition to any punishment imposed by it, the Tribunal shall have the right to deprive the convicted person of any stolen property and order its delivery to the Control
Council for Germany.

Article 29

In case of guilt, sentences shall be carried out in accordance with the orders of the Control Council for Germany, which may at any time reduce or otherwise alter the
sentences, but may not increase the severity thereof. If the Control Council for Germany, after any Defendant has been convicted and sentenced, discovers fresh evidence which, in its opinion, would found a fresh charge against him, the Council shall report accordingly to the Committee established under

Article 14 hereof, for such action as they may consider proper, having regard to the interests of justice.

VII. EXPENSES

Article 30

The expenses of the Tribunal and of the Trials, shall be charged by the Signatories against the funds allotted for maintenance of the Control Council for Germany.

PROTOCOL

Whereas an Agreement and Charter regarding the Prosecution of War Criminals was signed in London on 8th August 1945 in the English, French and Russian languages.

And whereas a discrepancy has been found to exist between the originals of Article 6, paragraph (c), of the Charter in the Russian language, on the one hand, and the originals in the English and French languages, on the other, to wit, the semi-colon in Article 6, paragraph (c), of the Charter between the words "war" and or, as carried in the English
and French texts, is a comma in the Russian text.

And whereas it is desired to rectify this discrepancy:

NOW, THEREFORE, the undersigned, signatories of the said agreement on behalf of their respective Governments, duly authorized thereto, have agreed that Article 6, paragraph (c), of the Charter in the Russian text is correct, and that the meaning and intention of the Agreement and Charter require that the said semicolon in the English
text should be changed to a comma, and French text should be amended to read as follows

> (c) LES CRIMES CONTRE L'HUMANITE- c'est a dire l'assassinat, l'extermination, la reduction en esc avage, la deportation, et tout autre acte inhumain commis contre toutes populations civile, avant ou pendant la guerre, ou bien les persecutions pour des motifs politiques, raciaux, ou religieux, lorsque ces aete ou persecution, qu'ils aient constitue ou non une violation du droit interne du pays ou ils ont ete perpetres, ont ete commi a la uite de tout crime rentrant dans la competence du Tribunal, ou en liaison avec ce crime.

IN WITNESS WHEREOF the Undersigned have signed the present Protocol.

DONE in quadruplicate in Berlin this 6th day of October,

1945, each in English, French, and Russian, and each text to have equal authenticity.

For the Government of the United States of America

/s/ ROBERT H. JACKSON

For the Provisional Government of the French Republic

/s/ FRANCOIS de MENTHON

For the Government of the United Kingdom of Great Britain and Northern Ireland

/s/ HARTLEY SHAWCROSS

For the Government of the Union of Soviet Socialist Republics

/s/ R. RUDENKO

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Last Updated 30/11/01 18:03:56
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Faculty of Economics and Social Science

Attachment 8

JACKSONVILLE Business Journal

EXCLUSIVE REPORTS
From the June 3, 2005 print edition

Disappearances leave mystery

At least 12 cruise ship passengers go overboard or missing in six years

M.C. Moewe
Staff Writer

When Glenn Sheridan disappeared in the early morning last Thanksgiving off the Carnival Celebration as the cruise ship returned to Jacksonville, his would-be rescuers in the local Coast Guard flotilla had a daunting task: Find a missing person over 350 square miles of open water.

Sheridan, a 54-year-old Virginia man last seen by his wife at 1:30 a.m., could not be located in the Atlantic Ocean or the St. Johns River. He became one of at least 12 cruise ship passengers who've gone into the water or disappeared in 11 incidents involving cruise ships that frequent U.S. ports since 2000, The Business Journal has determined. Two of the passengers were rescued, two were confirmed dead and the eight remaining passengers, including Sheridan, are still missing.

Although such incidents have been publicized, they have remained a relatively obscure part of a booming business since they are not tracked by any governmental or industry body. In a business required by the government to report gastrointestinal illness, there are no reliable statistics concerning overboard incidents.

Occurences are so rare they don't need to be tracked, said Michael Crye, president of the International Council of Cruise Lines, which counts 90 percent of the North American cruise line industry as members.

However, relatives of missing passengers are pushing for more awareness of the issue as the industry grows, including in Jacksonville. The number of U.S. cruise ship passengers increased by 20 percent between 2001 and 2003 to 7.5 million, according to ICCL.

The Jacksonville Port Authority expects to increase its fledgling cruise business to 150,000 passengers this year from 85,000 last year, its first full year of operation, spokesman Robert Peek said.

Cruise ships currently depart from and return to a temporary terminal that Jaxport has erected near its Dames Point cargo facility. But officials are looking for a permanent cruise facility site, saying the industry boosts the city's visibility and enhances economic development.

Jaxport also is negotiating a multi-year contract with Carnival Cruise Lines, whose deal with the authority expires at the end of 2005, Peek said.

Carnival served 3 million of the 10 million passengers who cruised worldwide last year, said company spokeswoman Jennifer de la Cruz.

Five passengers disappeared in the past 11 months from Carnival Cruise Lines ships.

"It was an unusually high number," de la Cruz said. The increase in the number of passengers may account for the recent uptick in disappearances, she said.

The lack of centralized information may stem from the infrequency of occurrences and the difficulty in solving the cases.

Investigators sometimes lack a body and/or witnesses, said Jose A. Vargas, chief of the FBI's special jurisdiction unit, which investigates cases involving U.S. citizens in international waters.

The Business Journal searched a spreadsheet that tracked more than 1,000 Coast Guard records of incidents aboard passenger ships, made inquiries to the FBI and sought out media accounts of incidents.

FBI investigative files are not made available to even relatives of the missing until the case is closed and when the person is proven dead or the family goes through the process of having their loved one legally declared dead by the courts, said FBI spokeswoman Debbie Beatty. Otherwise, release of the information would violate the privacy of the missing.

The Coast Guard maintains a database of incidents aboard ships that includes disappearances and other circumstances involving injuries and loss of life. However, incidents do not reach the publicly available database (cgmix.uscg.mil/IIR) until related investigations are closed by law enforcement.

That eight of the 11 incidents found since 2000 occurred on Carnival Cruise Lines ships could be a result of its dominant position in the market. The company's fleet of 20 ships can hold more than 48,000 passengers, de la Cruz said.

De la Cruz said that the totals compiled by The Business Journal underrepresent incidents involving other cruise lines. "I really don't think the non-Carnival statistic is accurate and unfortunately it paints a skewed picture," she wrote in a June 1 e-mail.

Overboard passengers are "extremely rare," said de la Cruz in an interview. Her company is a subsidiary of Miami-based Carnival Corp., which operates 11 other lines including Princess Cruise Line and Holland America.

"Throughout the history of our company, we have had no man overboard situations that we believe, nor to our knowledge that any law enforcement agency believes, were the result of anything other than suicide or an accidental fall," de la Cruz wrote in a May 24 e-mail.

Research found at least one person missing from Royal Caribbean Cruises Ltd. The company does not keep statistics, spokesman Michael Sheehan said.

If tracking does begin it should be done by all cruise lines, he said. "It's something you want to be done in a uniform manner involving all in the industry."

Carnival has detailed procedures to deal with passengers reported missing during a voyage and quickly finds most onboard ship, de la Cruz said in an interview.

If the guest does not respond to intercom pages and cannot be located by other travelers, a ship-wide search is conducted, she said.

Next, the Coast Guard is notified and Carnival personnel trace the passenger's last known whereabouts. The FBI is normally notified at the same time as the Coast Guard, de la Cruz said.

Ships have turned back to participate in a search, as the Carnival Destiny did May 13 when it canceled a visit to Aruba so that it could look for a Westminster, Calif., couple, Hue V. Pham, 70, and Hue T. Tran, 65, who were reported missing by traveling companions between the islands of Barbados and Aruba. Though still under investigation, the neat placement of personal items belonging to the missing couple and the position of some furniture do not indicate foul play, said the FBI's Vargas.

The search for Carnival Celebration passenger Glenn Sheridan in waters off Jacksonville last November was called off after 25.5 hours. "It's one of the hardest things the commanding officer has to do," said Petty Officer Dana Warr, a spokesman for the Coast Guard in Jacksonville.

Tim Sears offers a rare but still mysterious look at what can happen when a passenger goes overboard. While taking a five-day cruise on the Carnival Celebration on April 13, 2003, the 33-year-old Michigan man went overboard at night in pitch-black sea as the ship was heading to Cozumel, Mexico. He swam for 17 hours before being saved by a cargo ship. He was exhausted, badly sunburned and sick from consuming salt water during the ordeal.

Reached by phone at his home, Sears said his last memory was looking for a friend in the ship's casino after 11 p.m., then he woke up floating in the water with no shoes or pants and no ship nearby. After around 13 hours passed and several ships went by without seeing him, Sears said he momentarily gave up hope.

"I made my peace, closed my eyes and started going down. I got down about 20 or 30 feet and my eyes shot open and I came back up and started swimming again."

Though he was drinking alcohol, Sears doesn't believe he had enough to precipitate an estimated 60-foot fall overboard.

Carnival does not track the frequency of shipboard disappearances or how many times passengers go overboard. "Obviously I remember all of them because I dealt with all of them," de la Cruz said after hearing names of those who had fallen from or disappeared from Carnival ships.

One person who does compile records of these cases is Jean Scavone, 56, the mother of a student who vanished at sea in 1999.

James Scavone, newly graduated from Western Connecticut State University, had just been accepted into a master's program on city planning. He spent half of his parents' $2,000 graduation gift on a trip with friends from Miami to San Juan, Puerto Rico, aboard the Carnival Destiny.

"Jimmy was 22 years old, gorgeous and an athlete," his mother said. "He had the world in front of him."

He was last seen leaving a disco at 1 a.m. on July 5, 1999, to go to the bathroom. The case was closed in August 2000 with no evidence of foul play, said Keith Byer, a spokesman with the FBI in San Juan.

Jean Scavone keeps a file of cruise passenger disappearances and contacts surviving family members to offer support, saying she feels compelled to offer help because there was little for her.

"Don't make this about what happened to Jimmy," she said. "It has to be about letting people know this can happen. It's a horrible thing to go through."

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Attachment 9

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THE WHITE HOUSE

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January 19, 1978

Presidential Directive/NSC- 27

TO: The Secretary of State

ALSO: The Secretary of the Treasury
The Secretary of Defense
The Attorney General
The Secretary of the Interior
The Secretary of Commerce
The Secretary of Transportation
The Secretary of Energy
The Director of Central Intelligence
The Administrator, National Aeronautics and Space Administration
The Director, Arms Control and Disarmament Agency
The Director, U.S. Information Agency
The Director, Federal Preparedness Agency

SUBJECT: Procedures for Dealing with Non-Military Incidents

The President has directed that uniform and clearly understood procedures be established within the United States Government for dealing with various types of non-military incidents which could have an adverse impact upon the conduct of our foreign relations.

To assist the Special Coordination Committee in ensuring that the government's decisions are reached expeditiously and that the views of all concerned Departments and Agencies, as well as considerations of both domestic law and foreign policy, are brought together in reaching a decision, the Department of State will have primary responsibility to coordinate government planning and public statements for dealing with such incidents and will keep the White House fully informed throughout.

The following basic procedures shall be observed in dealing with such incidents:

~~Declassified~~/Released on 4/28/81 MICROFILMED
By the National Security Council BY S/S-I

-- All Departments and Agencies in receipt of this Directive are hereby charged to maintain a 24-hour watch supervised by a responsible officer, or such other comparable mechanism as will in the opinion of the Department/Agency and the Department of State be adequate to achieve the objectives of this Directive. It will be the responsibility of this watch to advise the Department of State Operations Center of incidents that are developing in a way that could impact adversely upon the conduct of US foreign relations. Actions already taken or under way by law enforcement agencies will be reported to the Department of State Operations Center, along with those agencies' recommendations for dealing further with the incidents.

-- The Department of State Operations Center will promptly inform appropriate officers of the Department of State and other Agencies concerned and the White House Situation Room of such incidents and will assure timely communication to the Situation Room of information concerning an incident and its development, proposed courses of action intended by the Departments and Agencies concerned, and actions already taken. In the event of interagency disagreement, the Department of State Operations Center will brief the Watch Officers of interested Agencies on the interagency differences and the considerations on which they are based, and will afford these Agencies the opportunity for further comment. The Operations Center will then refer to the White House for final decision the recommendations of interested Agencies. The Operations Center will inform the White House of: (a) any major disagreement among the Agencies, or (b) any known intention of a senior official of an interested Agency to express the views of that Agency directly to the White House.

-- As responsibility for the coordination of Intelligence Community operations will continue to be that of the Director of Central Intelligence, the Operations Center will ensure that the DCI is also promptly notified of such incidents.

-- The Operations Center will also ensure that there are full consultations with interested law enforcement agencies at each step of a developing incident in order that those agencies may properly carry out their law enforcement responsibilities.

-- The Department of State Operations Center is charged with the timely transmittal to the relevant Departments and Agencies of directives received from the White House.

-- Where it is decided to take an action or to refrain from an action based primarily on considerations of foreign policy, the Department of State will coordinate with other interested Departments and Agencies in developing public statements regarding the actions or inaction of the United States Government and in transmitting appropriate press guidance to Agencies requesting it. When requested by the relevant law enforcement authorities, every effort will be made by the Department of State to transmit to them appropriate press guidance on such incidents at the same time that a government decision is made.

Each Department or Agency in receipt of this Directive shall cooperate fully with the Department of State in the discharge of its responsibilities under this Directive. The Department of State, for its part, will take appropriate steps to ensure that it carries out its responsibilities under this Directive as expeditiously as possible, particularly in meeting the concerns of those Agencies charged with law enforcement.

Nothing in this Directive is intended to alter or restrict the statutory or other existing authority of any Department or Agency for the enforcement of the laws of the United States.

NSDM 207 is hereby rescinded.

Zbigniew Brzezinski

Attachment 10

November 7, 2005
Release Number: 05-11-40

FOR IMMEDIATE RELEASE

U.S. NAVY EOD TEAM REMOVES INERT RPG REMNANT FROM CRUISE LINER

VICTORIA, Seychelles-The U.S. Navy responded Nov. 7 to a request to dispose of suspected unexploded ordnance left over from a rocket propelled grenade (RPG) that struck the cruise liner Seabourn Spirit during a Nov. 5 attack by pirates near the coast of Somalia.

Members of U.S. Navy Explosive Ordnance Disposal (EOD) Mobile Unit Eight, Detachment Four were already in Seychelles to provide support to a previously scheduled port visit by USS Gonzalez. The EOD team met Seabourn Spirit at sea prior to its arrival in port.

Two RPG rounds had struck the Seabourn Spirit while the vessel evaded the pirates' attempt to board.

Two technicians from the Navy team, led by Officer in Charge Lt. John Stewart, were transported via the Seychelles Port Authority pilot boat out to the Seaborn Spirit early the morning of Nov. 7. Once aboard the Spirit, the team made a thorough inspection of both the suspected unexploded ordnance and the impact area of the second RPG. The technicians determined that the object in question was actually the remains of a rocket motor and not the warhead from the RPG that had detonated on impact.

"Upon boarding the ship we verified that the ship had set the proper hazardous exclusion zone from the suspected UXO (Unexploded Ordnance). We then made sure that the remnants of the RPG were no longer hazardous to the ship or the passengers," said Stewart.

Once the technicians assured that there was no threat to the cruise liner's passengers, the EOD team removed the remnants.

For further questions, please contact Commander, U.S. Naval Forces Central Command/Commander, U.S. 5th Fleet Public Affairs Office at 011-973-1785-4027 or pao@cusnc.navy.mil .

Attachment 11

Maritime Security

Cruise Control

By Teresa Anderson

The cruise ship industry is adapting to evolving security demands.

Most cruise ships may seem to passengers like magical islands where the fun never ends. However, the security personnel who protect these floating fantasies and their guests know that the isolation a ship offers can be a mixed blessing, creating both a welcome respite from the world and vulnerability. Though most problems encountered on cruise ships lean toward the mundane, security personnel must be prepared for the worst.

Cruises are the fastest growing segment of the travel industry, according to the Cruise Lines International Association (CLIA) in New York City, which represents the 25 largest cruise lines--all of which are headquartered in the United States. (Because most ships are manufactured outside the United States, which means they cannot fly the U.S. flag, many ships managed by U.S. companies fly a foreign flag.) CLIA estimates that more than 7 million passengers will take a cruise this year. As the industry expands, more cruise ships sail the seas. In the 1990s, approximately 80 new cruise ships were built, and more than 52 are being planned for release before 2005.

Floating cities.

"Cruise ships are like floating cities," says Robert Beh, director of security for Carnival Cruises. "Any problem you have in a town you have on a ship." And as in any town, "most criminal incidents aboard our craft are minor," says Captain Howard Newhoff, security manager for Royal Caribbean International. "They occur when people drink too much and get in fights, lose small items, or have wallets stolen from common areas."

Occasionally, security encounters a passenger attempting to use a fraudulent or stolen credit card. The more serious incidents, such as sexual assaults and terrorism--discussed in more detail later--are rare.

Jurisdiction. Complicating security's handling of crime aboard cruise lines is jurisdiction, says Newhoff. Issues of jurisdiction can affect how security investigates crimes that occur at sea. "These crimes often fall into a no man's land of law enforcement," he says. "A crime can occur among two people of different nationalities on a ship from a third country that is sailing in the territorial waters of a fourth."

Royal Caribbean reports most crimes to the FBI because it is the only federal agency that has jurisdiction outside the United States. In the waters of a foreign country, the crime is reported to the officials of that nation and to the embassies of the parties involved. (The laws of the country whose flag the ship flies do not come into play with regard to criminal issues unless the ship is actually in that country's waters at the time of the incident.) However, reporting does not mean that anything can be done. International maritime law is not as solidified as U.S. law. Newhoff says that he has reported many misdemeanor cases that should have resulted in convictions but that were not even investigated because of jurisdictional issues.

Similarly, Carnival's Beh makes the captain and the security manager on each ship aware of jurisdictional issues and gives detailed instructions on whom to contact in case of criminal activity. For example, security is instructed to contact the FBI when in international waters and the state or local police when in the waters of a U.S. state. When in the Caribbean, incidents are reported to officials at the next port of call.

However, guests can bring civil suits against the cruise lines for crimes that never face criminal prosecution. To help counter such claims, all cruise lines investigate and track incidents. Security then takes action based on the information collected. For example, passengers that cause trouble are identified and are not allowed to rebook on that line.

Personnel. To help mitigate security problems, all major cruise lines have both security managers and officers on each ship, which also typically has a central station from which security activities, such as CCTV monitoring and access control, are conducted.

No standards govern the training of cruise line security personnel. However, a new program slated to begin this year will establish informal guidelines and offer training. The program is being developed by the Maritime Security Council in Washington, D.C., in association with the Federal Law

Enforcement Training Center, which is overseen by the U.S. Treasury Department. In the meantime, each cruise line sets its own training standards. For example, all Carnival security employees go through a new 40-hour training program that covers standard crime prevention, intelligence gathering, crime scene management, drug smuggling, and stowaways, as well as guidance on dealing with international government agencies.

Royal Caribbean selects security officers with experience in security and seafaring. Most of their security personnel are former British navy or marine officers with ship experience. Security for Renaissance Cruises also selects security employees from the British navy, but further specifies that the employee's background include serving as master of arms aboard a war ship, a position that is equivalent to a director of security position. According to Kim Petersen, senior director of security for Renaissance, this stipulation ensures that the officer has specific training and expertise in access control, criminal and narcotics investigations, and maritime-specific skills.

On Renaissance, security officers oversee a team of security watchmen composed of former British Gurkha Regiment soldiers from Nepal. The Gurkhas are world-renowned soldiers and each must have a minimum of 15 years of military experience before being hired by the cruise line. Prior to being hired, they must also receive safety and firefighting training at a merchant marine training facility.

Policies. Cruise lines, and the security force that protects them, must meet regulations established in 1986 by the International Maritime Organization (IMO). These regulations outline specific security measures that ships must implement, including preparing security plans, restricting access to certain areas of the ship, establishing ID systems, and screening passengers and crew.

The United States issued its own security regulations in 1996 similar to those of the IMO. However, the U.S. regulations stipulate additional security measures in different risk situations. For example, security requirements are reduced when there is a low risk of terrorist activity.

In 1997, Canada issued regulations for all cruise lines visiting ports in that country. The Canadian regulations include security requirements that cover both cruise lines and port authorities.

In addition to these three main regulations, different countries impose additional requirements. For example, United Kingdom regulations require that all cruise lines screen a certain percentage of passengers and baggage at any given time.

Incidents of serious criminal activity remain relatively rare but are an ongoing concern. Among the major issues confronting cruise line security personnel are illegal drug smuggling, sexual assaults, stowaways, piracy, and terrorism.

Illegal drugs.
The amount of drugs seized by U.S. Customs from cruise ships is rising, according to Matt Allen, customs investigator. "Though we're not sure why the numbers are up, it is clear that both passengers and crew members are smuggling more drugs via passenger ships," says Allen.

The numbers validate the emphasis cruise security personnel place on such incidents. "Preventing drug smuggling preoccupies much of our time," says Newhoff.

In the United States, Royal Caribbean works with U.S. customs as part of the Sea Carrier Initiative Program. Similar to smuggling prevention programs established for airlines, the Sea Carrier Initiative requires that all ships take reasonable precautions to stop drug smuggling. Cruise lines have some discretion in defining what "reasonable precautions" are, but most follow similar plans, according to Petersen.

Reasonable precautions for major cruise lines, he says, include close liaison with narcotics officers in countries in which the lines operate and screening of passengers and crew using x-ray and metal detectors. Many cruise lines, like Renaissance, also conduct undercover and sting operations to identify likely sources of narcotics both on and off the ship. Preemployment and random drug screening of all employees is also part of the plan. For those cruise lines that participate in the Sea Carrier Initiative, fines and penalties are limited if Customs discovers drugs aboard ship.

In addition to working with government agencies, cruise lines must also stay on top of trends because perpetrators and drug types change rapidly. For example, according to Allen, heroin is almost exclusively smuggled via airplane, while cocaine smuggling is becoming more frequent on ships.

More than 50,000 pounds of cocaine were seized from marine vessels in 1997.

Sexual assault.
The cruise line industry has recently seen the public spotlight drawn to allegations of sexual assault aboard cruise ships. For example, Carnival recently faced two lawsuits from alleged victims of sexual assault. The cases, which were settled out of court, focused the attention of cruise security, potential passengers, and the press on the potential for sexual assaults at sea.

Though no centralized database of sexual assault reports exists, according to representatives of the International Council of Cruise Lines in Washington, D.C., individual cruise lines do keep records. For example, over the past five years, in which Carnival carried more than 6.5 million passengers, there were 108 reports of sexual assaults, including 22 rapes, aboard its cruise ships. The cruise liner terminated 49 employees as a result of these incidents.

Because of the allegations leveled against his cruise line, Beh was especially concerned. "We went through the entire fleet and gave a training course to each employee," says Beh. The program, titled "In the Spotlight," was overseen by the company's Miami-based training department and included information on sexual harassment, inappropriate behavior, and investigation of sexual assault allegations.

The emphasis was on how to prevent situations that might lead to allegations of sexual misconduct. For example, part of the training included teaching staff to take into account the cultural differences of passengers and the local customs in ports of call so that what they interpreted as normal behavior wouldn't be misconstrued as a sexual advance.

Even before sexual assault allegations became a public concern, Royal Caribbean's Newhoff was looking into incidents of sexual assault and harassment. "Though the rate of allegations aboard our ships was far below that of a municipality of the same size, we knew that an incident could be even more traumatic when it happens on a cruise ship," says Newhoff. "Our main concern was to protect the safety of our passengers and crew."

To deal with any potential problems with sexual misconduct, Royal Caribbean formed a sexual awareness task force. The four-member task

force included Newhoff, corporate counsel, risk management, and senior management. The cruise line also hired outside experts in psychology and sexual assault investigations to counsel the team. The outside consultants were given tours of ships and were encouraged to question crew members.

The task force analyzed all the sexual assault cases for the previous five years. To find trends, the task force cross referenced data such as which ships the incidents occurred on, where on the ship they occurred, the nationalities of crew members and victims, the jobs of the perpetrators, and the age of victims. Unfortunately, no clear trends emerged. "We learned that we couldn't address the problem with a single fix," says Newhoff.

Security decided that the best response was to conduct more thorough training of crew members, place more responsibility on middle managers, and make some modifications to physical security.

Training. The awareness program, which is still in the planning stage, will take the form of seminars given to all the officers, staff, and crew of each ship. Though the exact plan has not been finalized, the training will include awareness exercises and instruction on conducting sexual assault investigations. Details, such as whether training teams will move from ship to ship or occupy quarters in a specific port, have not as of yet been determined.

Manager responsibility. Middle managers will be charged more directly with conveying and enforcing the cruise line's zero tolerance policy. To this end, managers will be given special training on their duties and responsibilities, such as the need to convey information to subordinates and report sexual assault charges. The prompt and thorough reporting of sexual assaults, which is also the responsibility of middle managers, will be enhanced by standardized reporting forms that clarify what information should be provided.

Physical measures. Some additional physical security measures have been implemented on Royal Caribbean ships. For example, signage has been improved, making it clear that passengers are not allowed in certain areas of the ship. "This helps further delineate crew from passengers," says Newhoff. Security has also increased the number of CCTV cameras in certain areas of the ship, such as common areas where passengers and crew could meet.

Since the training and other changes have not been fully implemented, complaints have remained stable at about two cases for every 100,000 passengers. However, Newhoff feels confident that the rate will decline over time.

Stowaways.
A typical cruise line will have only a few stowaways each year, according to Newhoff. These stowaways get on board because of a lapse of security on the gangway and usually try to illegally immigrate into the United States, not to cause trouble aboard the ship. But to help eliminate the problem altogether, many cruise lines are installing electronic access control systems. At Royal Caribbean, a new system requires that a photo be taken of each passenger at the embarkation port. The photo ID, complete with bar code, must then be presented each time the person boards the ship. The system can determine whether the passenger is registered, whether the card has been used, and whether the total number of passengers on board tallies with the registry.

Carnival has just completed the installation of a similar electronic access control system. The A-Pass system, designed by SISCO of Palm Beach Gardens, Florida, is used to track both passengers and crew. The photo ID is used each time a passenger or crew member enters or leaves the ship. When the user swipes the card, his or her photo appears on the screen and is confirmed by a security officer. The card also serves as a room key and a shipboard credit card for each passenger.

The system tallies the number of passengers on the ship, and if a passenger fails to reboard at a port of call, Carnival security can provide all the necessary information to the port authority and Customs agents. Security can also determine whether crew members were on board the ship at a given time.

Piracy.
Though Hollywood-style piracy--based loosely on the swashbucklers of the 18th century--no longer exists, common thugs still roam the high seas. Most pirates operate in three areas, according to Newhoff: the Far East, the east coast of South America near Brazil, and the west coast of Africa. "Luckily, these are not major cruise ship operating areas," says Newhoff. "We don't find pirates in the major areas [where] we do business."

Also, pirates are more likely to attack a commercial boat with a small crew, rather than a cruise ship. They seek supplies, money, and valuable cargo, with the least amount of resistance. "Cruise ships are well-lit, fast, and hard to board," says Newhoff, making them a harder target.

"But even though we present the wrong environment for pirates," says Newhoff, "we still prepare for them--especially on the few cruise routes that traverse high-risk areas."

At night, for example, security patrols are increased and crew members place fire hoses on the deck to repel anyone using grappling hooks. Royal Caribbean also works closely with the Piracy Center in Kuala Lumpur. The center serves as a clearinghouse for all marine vessels to report suspected piracy. If a suspicious activity is noted, the ship's captain places a report to the Piracy Center on the main frequency so that the potential thieves can hear the report. After receiving a report, the center sends immediate warning notices to all ships in the affected area and to coast guards and law enforcement agencies worldwide.

Terrorism.
The hijacking of the Achille Lauro in the Mediterranean in 1985 proved that cruise ships can be vulnerable to acts of terrorism. In that incident, an American passenger was killed by the terrorists who took over the ship. Compared to existing luxury cruise liners, the Achille Lauro was an insignificant ship in a remote area of the world. But its victimization completely changed cruise industry security. Terrorism became a major industry concern overnight.

Royal Caribbean, for example, hires contractors to keep an eye on activities in various ports. The contractors provide intelligence and help devise risk management strategies. Carnival conducts three-day terrorism awareness seminars for new employees and conducts security searches each week on every ship. And all cruise lines get monthly government briefings on terrorist activity.

Though incidents of crime and misconduct are low on most cruise lines, each infraction is important. "What might be satisfactory to a police officer in a small town is not satisfactory to us," says Newhoff. "Because this is a high profile industry, what happens on one cruise ship affects the entire industry." And because the industry is judged as a whole, security

practitioners seek the advice and counsel of their peers. "We try to cooperate completely with other cruise lines," says Beh. "We don't share marketing strategies, but we do share security information."

Teresa Anderson is senior editor at Security Management.

Seaport Security

What happens aboard marine vessels is only half the story. Recognizing the other half of the equation--seaports--President Clinton formed the President's Commission on Seaport Security in April 1999. The commission was charged with evaluating incidents such as cargo theft, drug smuggling, illegal aliens, and tainted food in U.S. seaports.

The commission, which comprises representatives of several federal agencies, visited 12 of 361 U.S. seaports during the summer of 1999. Sites visited included New York, New Jersey, Charleston, Miami, San Juan, New Orleans, Long Beach, and Tacoma.

The 12 seaports chosen represent a mix of geography and function. For example, Miami was chosen because it hosts a number of cruise lines, but other ports deal with military vessels and commercial ships. Together, the seaports carry 60 percent of the container cargo shipped into and out of the United States. At each port, the commission conducted security surveys.

The resulting report, due to be completed in April of this year, will determine what security regulations will be imposed on seaports. Though no official recommendations have been released, commission member Jim Kelly gave his observations at a recent meeting of the Maritime Security Council.

Commission members, according to Kelly, determined that the most pressing issues facing seaports are drug and car smuggling, fraud, and cargo theft. In addition, they found that much of the significant cargo theft investigated by the ports proved to be an inside job. The seaport commission

also found a general lack of access control, the absence of uniform background screening of employees, and a failure by port authorities to conduct vulnerability assessments.

Security standards varied widely among ports. While some seaports had top-notch security procedures and equipment, others had no security at all. Responsibility for security also varied. For example, according to Kelly, one port had a casino operated by a local Native American tribe, so tribal security had responsibility, while at another, the local union was in charge of the security department

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Cruise Ship Used Sonic Blasts To Fend Off Pirates
Experts Say Cruises Vulnerable, But Lines Defend Security Plans
POSTED: 3:26 pm EST November 8, 2005
MIAMI -- It sounds like a scene in a Hollywood blockbuster: Pirates hit a luxury cruise ship with rocket-propelled grenades and machine guns off a lawless African country. The cruise crew tries to ram both pirate boats, uses an earsplitting high-tech weapon on the attackers and evades them.
That was the real-life situation the crew and passengers of the Seabourn Spirit found themselves in off Somalia last weekend. With piracy common in some areas and terrorism fears present after the Sept. 11, 2001, attacks, cruise lines say they train their crews and have security measures to respond effectively to these threats.
Images: Pirates Attack Cruise Ship
But security experts say that despite all the preparations, cruise liners are vulnerable to attacks like this one or the deadly bombing by al-Qaida-linked militants of the USS Cole in Yemen five years ago.
"No ship apart from a naval vessel is really prepared to protect against a waterborne assault of the sort against the Cole," said Kim Petersen, president of maritime security consultant SeaSecure and a former cruise line security official. "Even those ships that are best equipped to cope with such a threat, in the case of the Cole, are in a difficult situation."
Cruise industry officials said the Spirit's successful efforts to repel the attackers validate security plans that all ships must have in place under U.S. and international law. They point out that no passenger was injured on the Spirit and just one crew member had minor injuries.

"Cruising is and has been one of the most safe vacations that you can engage in and will remain so," said Michael Crye, president of the International Council of Cruise Lines, an industry lobbying group.

Cruise lines are in constant communication with authorities on land and the U.S. military responded to the attack on the Spirit, he said. The U.S. counterterrorism task force for the Horn of Africa is based in Djibouti, which borders Somalia.

But he said that attacks on cruise ships are rare -- this was the first since Palestinian terrorists hijacked the Achille Lauro in the Mediterranean in 1985 and killed a wheelchair-bound American Jew.

The cruise lines are reluctant to talk about their specific security plans, fearing that the information could help those willing to pounce ships. Crye said cruise companies are permitted to arm their crews, but he wouldn't say if they did.

Kenneth Bissonnette, staff manager for surveillance and security at Carnival Cruise Lines, told The Associated Press in March 2004 that security personnel for the world's largest cruise line didn't carry firearms, but had defenses like pepper spray. He said the company's security staff recruited heavily among Gurkhas, elite Nepalese soldiers renowned for their fearlessness.

Bissonnette declined to comment Monday. Tim Gallagher, a spokesman for company parent Carnival Corp., declined to comment on specific security procedures.

Cruise lines are reluctant to have armed guards onboard because that might hurt their image with some passengers, said William Callahan, president of maritime security consultant Unitel. He proposes that they should have armed speedboats as escorts when traveling in dangerous areas.

Other known defenses on cruise ships include high-pressure firehouses used to prevent intruders from boarding ships. That method was also used by the Spirit's crew. Seabourn Cruise Line, the Carnival Corp. subsidiary that operates the ship, also has bought the high-tech sonic weapons, which were developed for the U.S. military after the Cole bombing.

The Long Range Acoustical Device sends earsplitting noise in a concentrated beam. Its maker, American Technology Corp. of San Diego, doesn't know of any cruise lines other than Miami-based Seabourn that have installed them, said A.J. Ballard, the company's director of military operations.

Callahan also questioned why the Spirit was about 100 miles off Somalia, which has no effective government and is ruled by warlords. The International Maritime Bureau has for several months warned ships to stay at

least 150 miles away from Somalia's coast because of an increase in pirate attacks.
"That place is teeming with high-speed stolen vessels," Callahan said. Many cruise lines have tried to avoid the area, but vessels going from the Mediterranean to Asia or Africa must pass through there.
Seabourn spokesman Bruce Good said the line hasn't decided whether to change its routes. But he said the Spirit was on its highest alert while there.
"As far as we're concerned the incident is behind us. We are now in the next phase, getting people where they need to be and continuing with what we do for a living, which as make people happy on board," he said.
Seabourn has said it appeared the attackers were pirates whose motivation was robbery. But Petersen doubted that was the case, because he said pirates would have tried to disable the ship's steering and propulsion if they wanted to get onboard. Witnesses said the attackers shot grenades toward passengers.
Australian Foreign Minister Alexander Downer said Monday that the attackers might have been terrorists.
Either way, cruise lines fear that their image as safe havens of fun could be tarnished. After the Achille Lauro hijacking, the eastern Mediterranean cruise market had a sharp decline in traffic. The Sept. 11 attacks forced cruise companies to offer heavy discounts to lure leery passengers onto ships, and ticket prices are only now getting back to pre-attack levels as the industry is having a year of record profits and traffic.
Because no one was killed in the Spirit attack, travelers probably won't be spooked, said Jeff Sharlach, chairman and CEO of The Jeffrey Group, a public relations firm that runs crisis management teams for companies like FedEx Corp.
"You want to avoid making it into a bigger news story than it is naturally. Sometimes if you respond too aggressively, you make it more frightening than it is," said Sharlach, whose company doesn't work with cruise lines.

Cruise Ship Consumer Fact Sheet

OCEAN CRUISE SHIPS

This Fact Sheet explains how cruise ships are regulated by the U.S. Coast Guard and other Government agencies.

Coast Guard Safety Oversight

Vessel Safety. Ocean-going cruise ships of U.S. registry must meet a comprehensive set of Coast Guard safety regulations and be inspected annually by the Coast Guard to check for compliance. The safety regulations cover such things as hull structure, watertight integrity, structural requirements to minimize fire hazards, equipment requirements for lifesaving, firefighting, and vessel control, and requirements pertaining to the safe navigation of the ship. If the ship passes its annual inspection, it is issued a Coast Guard Certificate of Inspection valid for one year. The certificate must be displayed where passengers can see it.

Today, nearly all the ocean cruise lines employ passenger ships registered under flags of various foreign countries. (Note: The law requires that cruise-ship advertising in the U.S. disclose the country of registry.) Each ship is subject to the vessel inspection laws of the country in which it is registered. However, as a condition of permitting the vessels to take on passengers at U.S. ports, the U.S. Coast Guard requires the ships to meet the International Convention for the Safety of Life at Sea (referred to as SOLAS.) SOLAS and other international regulations also require compliance with stringent regulations regarding structural fire protection, firefighting and lifesaving equipment, watercraft integrity and stability, vessel control, navigation safety, crewing and crew competency, safety management and environmental protection.

To insure compliance with SOLAS, the Coast Guard examines the ship when it first goes into service at a U.S. port, with quarterly checks thereafter. The examinations emphasize structural fire safety and proper lifesaving equipment. Fire and abandon ship drills conducted by the ship's crew are witnessed, and operational tests are made on key equipment such as steering systems, fire pumps, and lifeboats. The Coast Guard has the authority to require correction of any deficiencies before allowing the ship to take on passengers at the U.S. port. The records of these examinations (called Control Verification Examinations) are open to the public at the Coast Guard Marine Safety Office (MSO) which conducted the examination. To do a search for a specific vessel, contact our Port State Information Exchange web site at: http://psix.uscg.mil.

Crewmember Competency. On U.S. passenger vessels, licensed individuals and crew must meet standards for experience and training set forth in Coast Guard regulations. The Coast Guard can revoke or suspend the individual's license or merchant mariner's document for acts of misconduct or incompetence. On foreign-flag cruise ships trading in the U.S., SOLAS requires the vessel to be sufficiently and efficiently manned. The officers' licenses and the vessel's compliance with manning standards are checked as part of the Control Verification Examination.

Medical Care and Services Are Not Covered Coast Guard regulations and SOLAS generally focus on requirements for the safe navigation and design of the cruise ship itself. There are many aspects of the daily care of passengers and their on-board accommodation that are not covered by Government regulation. One example of this is medical care. The Coast Guard does not require that passenger vessels carry a ship's doctor. Most, if not all ocean-going passenger vessels today do provide a doctor and medical facilities in order to offer attractive and competitive service. Passengers should realize that the quality of their medical care is not guaranteed by Coast Guard regulations. If you are concerned about this aspect of life aboard a cruise ship, contact the cruise line or travel agent for the particulars of medical services provided, both at sea and while visiting foreign ports.

Emergency Drills. Coast Guard regulations and SOLAS require that the master of an ocean cruise ship periodically hold fire and lifeboat drills. They are intended not only to give the crew practice, but also to show the passengers how to act in the event of an emergency at sea. Passengers should participate fully in these drills. The timing and frequency of the drills depends in large part on the length of the voyage. On voyages that will last more than one week, the first drill will be held before the ship gets underway (passengers who embark at the last minute sometimes miss this drill), with additional drills at least once a week thereafter. On voyages of one week or less, the drills must be held within 24 hours after leaving port.

Coast Guard and international regulations also require a notice to be posted conspicuously in each passenger cabin or stateroom. The notice explains the following: How to recognize the ship's emergency signals (alarm bells and whistle signals are normally supplemented by announcements made over the ship's public address system); the location of life preservers provided for passengers in that stateroom (special life preservers for children will be provided, if necessary, by the room steward); instructions and pictures

explaining how to put on the life preserver; and the lifeboat to which passengers in that stateroom are assigned. (Note: Passengers need not be alarmed if they discover that the total number of person's on board a cruise ship (passengers + crew) exceeds the total capacity of the ship's lifeboats. Modern cruise ships carry a variety of survival craft. Passengers are invariably assigned to lifeboats or similar survival craft. The total capacity of all the survival craft on board will exceed the total number of persons on the vessel).

When fire and lifeboat drills are held, crew members from the stewards department are generally responsible for assisting and directing passengers in the drill. Direction signs showing the path to reach lifeboats are posted in passageways and stairways throughout the ship. The crewmember in charge of each lifeboat will muster the passengers assigned to that lifeboat, and give passengers any final instructions necessary in the proper method of donning and adjusting their life preservers. If there is any portion of the emergency procedures the passenger doesn't understand, they should question the crew until the instructions are clear and completely understood.

Sanitation and Cleanliness. Oversight of sanitary conditions on passenger vessels is the responsibility of the U.S. Public Health Service (USPHS). The USPHS conducts both scheduled and surprise inspections of passenger vessels in U.S. ports. The inspections focus on proper sanitation for drinking water, food storage, food preparation and handling, and general cleanliness. The USPHS will provide the public with results of inspections on individual vessels, and take reports of unsanitary conditions on individual vessels.

Vessels Are Responsible for Proper Trash Disposal. As part of its mission to protect the marine environment, the Coast Guard enforces regulations regarding ocean dumping from vessels. The regulations make it illegal to dump plastic refuse and garbage mixed with plastic into **any** waters, and restrict dumping of non-plastic trash and other forms of garbage. These regulations apply to all U.S. vessels wherever they operate (except in waters under exclusive jurisdiction of a State), and to foreign vessels operating in U.S. waters out to and including the Exclusive Economic Zone (200 miles off shore.)

Terminal Security. In accordance with Federal regulations, terminal operators and cruise lines share the primary responsibility for shoreside and

shipboard security of passengers. The Coast Guard examines all security plans and can require improvements in their security measures. Passengers embarking on international voyages may expect to have their baggage searched or passed through screening devices before boarding. The terminal operator and cruise line have strict procedures for passenger identification and visitor control. Passengers who wish to have friends visit the ship prior to sailing should check with the cruise line well in advance. All these security measures are designed to prevent the introduction of unauthorized weapons and persons on the cruise ship.

Financial Responsibility. The Federal Maritime Commission requires that operators of passenger vessels carrying 50 or more passengers from a U.S. port must be financially capable of reimbursing their customers if the cruise is cancelled. The Commission also requires proof of ability to pay claims arising out of passenger injuries or death for which the ship operator may bear some liability. It is important to understand that the Commission does not have the legal authority to automatically secure these financial settlements for individual consumers. If a cruise is cancelled, or there is an injury incurred during the cruise, the consumer will have to initiate action on his or her own behalf against the cruise line.

HOW TO COMPLAIN

Vessel Safety: Persons who wish to complain about a safety-related matter they have observed on a cruise ship should contact the Coast Guard Marine Safety Office (MSO) responsible for the Control Verification Examination of the ship. Interested persons can get a referral to the appropriate MSO by calling the Coast Guard toll-free Consumer Hotline: 1-800-368-5647. The most popular ports for cruise ships are Miami, FL; Juneau, AK, and San Juan, PR. The Coast Guard MSO telephone numbers are: (305) 535-8705 (Miami); (907) 463-2450 (Juneau), and (787) 729-6800 (San Juan).

Sanitary Conditions: Reports of unsanitary conditions on a cruise ship can be made to: U.S. Public Health Service, Chief, Vessel Sanitation Program, National Center for Environmental Health, 1850 Eller Dr., Suite 101, Ft. Lauderdale, FL, 33316. Telephone: 954-356-6650.

Illegal Dumping: Passengers on cruise ships who observe any dumping of plastic at sea should report it to the National Response Center by calling 1-

800-424-8802 or the nearest Coast Guard MSO (to locate, call the Coast Guard Hotline.) A written report can be mailed to:

Commandant (G-MOR-3)
Response Operations Division
U.S. Coast Guard Headquarters
2100 Second Street SW
Washington, D.C. 20593-0001