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**CONSIDERATION OF THE REPORTS AND RECOMMENDATIONS  
OF THE MARITIME SAFETY COMMITTEE**

**Combating security threats by organized crime in the maritime industry**

**Submitted by Belgium, Colombia, Cyprus, Kenya, Netherlands (Kingdom of the),  
Panama, Peru, IAPH, WWF and FONASBA**

**SUMMARY**

*Executive summary:* This document seeks the adoption of a draft resolution on the threats caused by organized crime in the maritime industry. The draft resolution stresses the importance of security awareness and build resilience as the maritime sector is vulnerable to crime due to its open nature and valuable cargo. It also highlights the devastating effects of organized crime, emphasizing its impact on society, economy, wildlife and security. Finally, it calls for potential amendments to existing frameworks to combat organized crime in the maritime sector.

*Strategic direction, if applicable:* 5

*Output:* Not applicable

*Action to be taken:* Paragraph 18

*Related documents:* Resolution A.924(22); Conference resolutions 3 and 4 of the Conference on maritime security in December 2002; resolutions MSC.228(82); FAL.9(34) and FAL.5/Circ.50

**Background**

1 After the attack on the **Achille Lauro** in 1985, the Maritime Safety Committee adopted MSC/Circ.443 at its fifty-third session which contains measures to prevent unlawful acts against passengers and crews on board ships. This guidance introduced the system of a facility security plan for the first time, however this plan was limited to cruise ports and terminals. At the sixty-sixth session of the Maritime Safety Committee in 1996, the application of this guidance was extended to international passenger ferry services and the port they call at. At the same time three threat levels, namely background, moderate and high, were introduced (MSC/Circ.754).

2 Two months after the tragic events of 11 September 2001, the IMO Assembly adopted, at its twenty-second session, resolution A.924(22) which called for a review of the existing international legal and technical measures to prevent and suppress terrorism against ships and to improve security aboard and ashore, in order to reduce the risk to passengers, crews and port personnel on board ships and in port areas and to the vessels and their cargoes. The Maritime Safety Committee, the Legal Committee and the Facilitation Committee, under the coordination of the Council, were requested to undertake this review with a high priority.

3 In December 2002, a Diplomatic Conference was held at IMO Headquarters in London. The Diplomatic Conference adopted, in accordance with article VIII(ii) of the SOLAS Convention, a new chapter XI-2 – *Special Measures to enhance maritime security and the International Ship and Port Facility Security Code (ISPS Code)*. The ISPS Code consists of part A which contains provisions that shall be treated as mandatory and part B with provisions that shall be treated as recommendatory. These amendments and this Code entered into force on 1 July 2004. Contracting Governments are required to enact national legislation to give full effect to chapter XI-2 of the SOLAS Convention and the ISPS Code. Furthermore, no legislative provisions whose effect would be to apply lower requirements to ships and port facilities than those specified in chapter XI-2 of the SOLAS Convention and the ISPS Code can be adopted.

4 The ISPS Code has been proven to be an efficient instrument to tackle terrorism from the standpoint of the maritime industry. Where ports used to be open environments at the start of this century, they are nowadays better protected and secured. After the adoption of the ISPS Code, IMO has continued its work on maritime security. As mentioned in the next paragraphs, the Maritime Safety Committee and the Facilitation Committee have adopted resolutions that build further on the ISPS Code. The co-sponsors underline the hard work and progress made in the field of maritime security, achieved through cooperation at global level. Member States are working closely with all involved stakeholders such as shipowners, crew, ports and port facilities, and many more.

5 At its eighty-second session in 2006, the Maritime Safety Committee adopted resolution MSC.228(82) on *Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic*. The purpose of these Revised Guidelines is to establish basic procedures, not only for detecting drugs on board, but also for making prevention central in ensuring that the scourge of drug trafficking does not damage the world's economy and wellbeing through attacks on international trade. In the same way, the Facilitation Committee, at its thirty-fourth session in 2007, adopted resolution FAL.9(34) on revised guidelines with the same name. The resolution makes several references to the *ILO/IMO Code of Practice on Security in Ports*,<sup>1</sup> developed in 2004 by the Joint ILO/IMO Working Group on Port Security. A working group was established to give effect to Conference Resolution number 8 – *Enhancement of security in cooperation with the International Labour Organization*, adopted during the 2002 Diplomatic Conference. The ILO/IMO Code of Practice on Security in Ports offers a valuable framework for formulating and implementing security strategies and identifying potential risks to a port's security. It is intended to promote a common approach to port security amongst Member States and outlines security roles, tasks and measures to deter, detect and respond to unlawful acts against ports serving international traffic and maritime operations and may also form the basis for security strategy in domestic ports. The vital issues of security awareness and training are also addressed. These Guidelines have existed for more than 15 years but unfortunately it is not clear how these Guidelines are implemented and used in the Member States of IMO.

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<sup>1</sup> [https://www.ilo.org/public/libdoc/ilo/2004/104B09\\_186\\_engl.pdf](https://www.ilo.org/public/libdoc/ilo/2004/104B09_186_engl.pdf)

6 At its forty-sixth session in 2022, the Facilitation Committee approved FAL.5/Circ.5 on *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic*. The Guidelines serve as an additional tool to prevent and combat the smuggling of wildlife by enhancing awareness and involvement of shipowners, shipping lines, maritime transport operators, shippers, seafarers, passengers, competent government agencies and others closely involved in the operation of ships. They provide information on the nature and context of maritime smuggling of wildlife, and on the prevention, detection and cooperative suppression of wildlife trafficking. These Guidelines are also a great source of information to complement guidance on preventing and combating other forms of transnational organized crime in the maritime domain and other illicit activities. In point 2.1.2, the Guidelines encourage the competent administrations to review port facility security plans and consider ways in which they can be adjusted to enhance the prevention and suppression of the smuggling of wildlife, whilst not compromising their primary purpose as set out in the ISPS Code.

### **Security awareness**

7 Ports and shipping have always experienced high threats from criminal activity, even from the time when the first ships were sailing on our seas and oceans. Due to the open environments in which ships operate and the value of goods being transported, ships and ports unfortunately attract crime. The maritime sector is vital for the global economy and trade. It enables the transportation of goods, raw materials and energy resources across the world, accounting for over 80% of global trade by volume. Additionally, it supports diverse industries such as fishing, tourism and offshore energy production. The sector creates millions of jobs, sustains coastal communities and drives economic growth. Criminal organizations transport the illegal products or smuggle people in or out a country through the use of ships and ports. Their methods are extremely violent and create a lot of danger for seafarers and port workers. Security is often seen as a less important part of the operations. Investing in security does not generate immediate profit. However, port facilities and shipping companies that have implemented effective security standards benefit from economic advantages. They are considered to be more reliable and their cargo is more likely to arrive without unnecessary delays and without tampering.

8 Security awareness is paramount in safeguarding ports, ships, and all individuals and organizations working in the maritime environment in an ever-evolving landscape. It gives people the knowledge and skills needed to recognize, respond to and mitigate potential risks of organized crime. Firstly, security awareness promotes a culture of vigilance. By educating individuals about various threats and best practices for a secure behaviour, a collective defence mechanism is fostered. Secondly, security awareness cultivates a sense of responsibility. When people understand the potential consequences of a security breach, they are more likely to adopt and adhere to security protocols. Prevention is one of the most important aspects where illicit trafficking of humans, wildlife or goods, including drugs, is concerned. It should involve all who are active in the maritime sector. Increasing their awareness of the scale of global trafficking problems will give them the necessary tools in hand to contribute to the international efforts to detect and eliminate illicit trafficking. Seafarers and port workers also need to be trained to withstand the pressure from organized crime.

## **The devastating effect of organized crime**

9 Organized crime has a profoundly disturbing effect on society as a whole, leaving a trail of destruction and undermining the fabric of communities, economies, and even Governments. The following points can be considered as the most significant impacts:

- .1 Undermining the rule of law: organized crime undermines the rule of law by infiltrating institutions and corrupting officials. This erodes trust in public institutions and weakens the foundations of a functioning Government.
- .2 Economic drain: organized crime diverts resources from legitimate economic activities. It engages in illicit markets, such as drug, human and/or wildlife trafficking and distribution of counterfeit goods, which siphon off funds that could otherwise contribute to legal economic growth and development.
- .3 Violence and intimidation: organized crime groups often resort to extreme violence and intimidation tactics to establish and maintain their foothold. This can result in a climate of fear and insecurity, affecting the overall quality of life and work conditions for the people working in the maritime sector.
- .4 Social disintegration: communities plagued by organized crime often experience social disintegration. Families may be torn apart and social bonds may weaken as individuals become entangled in criminal activities or become victims of crime.
- .5 Public health issues: the activities of organized crime, particularly in drug trafficking, can lead to public health crises. The production and distribution of illegal drugs can result in addiction, overdose deaths, and the spread of diseases. Wildlife and wildlife products shipped illegally do not undergo hygiene, sanitary, and biosecurity controls and can potentially contribute to the spread of zoonotic diseases and viruses and become drivers of pandemic risks. It is important to protect the integrity of maritime supply chains from these zoonotic health risks.
- .6 Undermining national security: in some cases, organized crime groups have the capacity to challenge the authority and stability of Governments. They can compromise national security by engaging in acts of terrorism, arms trafficking or cybercrime.
- .7 Loss of trust and confidence: communities affected by organized crime may lose trust in law enforcement and public institutions, believing that they are unable or unwilling to protect them. This undermines the social contract and can lead to a breakdown in law and order.
- .8 Global impact: organized crime is not constrained by national borders and thus requires international coordination to combat effectively. It has a global reach, affecting multiple countries and regions. Wildlife crime, including illicit wildlife trafficking, is a highly organized and profitable phenomenon and it is a significant contributor to the global biodiversity crisis. Its impacts are felt not only at the species level but have far reaching consequences for global wellbeing through the degradation of ecosystem resiliency, with implications for human health and social stability.

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In conclusion, the devastating effects of organized crime permeate every aspect of society, from the personal level to the political level. Tackling this threat requires a multifaceted approach involving law enforcement, legislation, community engagement and international cooperation.

10 The UN Security Council unanimously adopted resolution 2482(2019) on 19 July 2019. The UN Security Council acknowledged that terrorists can benefit from organized crime whether domestic or transnational, such as trafficking in arms, drugs, artifacts, cultural property and trafficking in persons, as well as the illicit trade in natural resources including gold and other precious metals, minerals, charcoal and oil and the illicit trafficking in wildlife. The resolution also mentioned the organized crime at sea.

11 The UN General Assembly resolution "Tackling illicit trafficking in wildlife" A/RES/77/325, adopted on 25 August 2023, expressed serious concern about the increasing scale of poaching and illegal trade in wildlife and wildlife products and its adverse economic, social and environmental impacts.

### **Urgent need to strengthen the existing framework, raising awareness and building resilience**

12 Both chapter XI-2 of the SOLAS Convention and the ISPS Code have a risk-based approach. An assessment of the risks must be made in order to determine which security measures are necessary to mitigate the identified risks. The Port Facility Security Assessment (PFSA) will be carried out and approved by the Administration. The Port Facility Security Officer (PFSO) appointed by the port facility shall be based on this PFSA and draft the Port Facility Security Plan (PFSP). As mentioned in the *Guide to Maritime Security and the ISPS Code, 2021 Edition*, in point 1.5.6 (English version, page 5), these measures were developed in response to perceived terrorist threats. It is important to note that, in varying degrees, the measures can also be applied equally to counter other forms of security threats, notably piracy and armed robbery in international and territorial waters; and unlawful activities such as drug smuggling in ports. The fundamental purpose of the ISPS Code can be considered as reducing the vulnerability of the maritime industry to security threats, regardless of their nature.

13 Resolution 4 on *Future amendments to chapters XI-1 and XI-2 of the 1974 SOLAS Convention on special measures to enhance maritime safety and security*, adopted during the 2002 Diplomatic Conference (see paragraph 3), recognizes the need for urgent and special measures to enhance maritime security and the desire of Contracting Governments to bring these measures into force as soon as possible. However, the Diplomatic Conference also noted that due to the special nature of the issues involved, it may be necessary to frequently amend the provisions in order to respond, in a proactive manner, to new or emerging security risks and threats. However, neither chapter XI-2 nor the ISPS-Code have been amended since their entry into force on 1 July 2004. The Guidelines of 2006 (resolution MSC.228(82)) and the ILO/IMO Code of Practice on Security in Ports are also yet to be updated since their adoption. There has been positive progress in this field as just last year the important and practical guidelines of 2022 on the prevention and suppression of illegal wildlife trafficking were successfully adopted by the Facilitation Committee.

14 As already underlined in paragraphs 1 to 5 and 10, much important work has already been carried out by the Organization on this topic. However, the world is changing rapidly and the challenges related to organized crime have significantly changed since the adoption of most of this work. In addition, the threats and risks faced by seafarers, port workers and others involved in the maritime sector have altered and need to be addressed.

15 The above-mentioned resolution 2482(2019) of the UN Security Council calls upon the Member States of the UN to strengthen their efforts as well as encourages international and regional cooperation to counter the threat to the international community posed by the illicit cultivation, production, trafficking and consumption of narcotic drugs and psychotropic substances, which can significantly contribute to the financial resources of terrorist groups. The resolution further calls upon Member States to act in accordance with the principle of common and shared responsibility in addressing and countering the world drug problem, including through cooperation against the trafficking of illicit drugs and precursor chemicals, also underlining the importance of border management cooperation, and welcomes in this context the continued efforts of the United Nations Office on Drugs and Crime (UNODC). The resolution further calls upon Member States to consider the ratification and implementation of global instruments as well as their participation in national, regional and global initiatives that aim to build capacity to prevent and counter the illicit trafficking, including through seaports and at sea, of natural resources, arms, drugs, artefacts and cultural property, as well as human trafficking, in order to prevent and counteract the linkages between terrorism at sea and organized crime, whether domestic or transnational.

16 Recent reports of UNODC<sup>2</sup> show clearly an increase in the use and production of drugs. Our youth is growing up in a world where drugs become normal. These reports also underline the role of organized crime in the trafficking of drugs and the effect on different topics of society. Also, the Global Organized Crime Index, published on 26 September 2023,<sup>3</sup> shows that organized crime, including the illicit trade of humans, wildlife and goods, is significantly rising in all parts of the world and that the gap between criminality and resilience is widening. The 2020 World Wildlife Crime Report from UNODC<sup>4</sup> shows the same evolution. Lives are being taken and our society is threatened. The time to act and make the maritime sector more secure and safe again is now.

17 Annexed is a draft resolution on enhancing the framework of the fight against organized crime in the maritime sector. The objective of this draft resolution is to raise awareness of the security threats caused by organized crime and to enhance the framework to help the seafarers and port workers to build resilience against the threats and pressure caused by organized crime. Member States are also invited to submit relevant proposals to the Facilitation Committee and the Maritime Safety Committee in order to raise this awareness and to build resilience by enhancing and adapting the existing framework to bring the fight against organized crime into the scope of the preventive measures taken by IMO.

### **Action requested of the Assembly**

18 The Assembly is invited to:

- .1 recognize the serious and devastating effects of organized crime and illicit trafficking on society as a whole;
- .2 adopt the resolution on enhancing the framework of the fight against organized crime in the maritime sector (paragraph 17 and annex);
- .3 recognize the need to continue raising awareness on maritime security and enhancing the resilience against the pressure caused by organized crime;

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<sup>2</sup> [https://www.unodc.org/documents/data-and-analysis/cocaine/Global\\_cocaine\\_report\\_2023.pdf](https://www.unodc.org/documents/data-and-analysis/cocaine/Global_cocaine_report_2023.pdf)  
<https://www.unodc.org/unodc/en/data-and-analysis/world-drug-report-2023.html>

<sup>3</sup> <https://ocindex.net/report/2023/01-global-illicit-economy.html>

<sup>4</sup> [https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World\\_Wildlife\\_Report\\_2020\\_9July.pdf](https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf)

- .4 examine the need to amend the existing framework at IMO to include the fight against organized crime; and
- .5 invite interested Member States to submit proposals to the Maritime Safety Committee and the Facilitation Committee on the points mentioned under 3 and 4.

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**ANNEX**

**DRAFT ASSEMBLY RESOLUTION**

**ENHANCING THE FRAMEWORK ON THE FIGHT AGAINST ORGANIZED CRIME  
IN THE MARITIME SECTOR**

THE ASSEMBLY,

BEARING IN MIND the purposes of the principles of the Charter of the United Nations concerning the maintenance of international peace and the promotion of friendly relations and cooperation among States,

RECALLING Article 15(j) of the Convention regarding the functions of the Assembly,

RECALLING ALSO resolution 2482(2019) of the UN Security Council, adopted on 1 July 2019,

RECALLING FURTHER 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*) of the Diplomatic Conference of 2002 on Maritime Security, noting that, due to the special nature of the issues involved, it may be necessary to amend frequently the provisions on maritime security in order to respond, in a proactive manner, to new or emerging security risks and threats,

RECALLING the *Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic*, adopted by resolution MSC.228(82),

RECALLING ALSO the *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic*, as set out in FAL.5/Circ.50,

CONCERNED ABOUT the illicit trafficking of humans, wildlife and goods by organized crime and the devastating impact on society caused by these criminal activities,

NOTING that organized crime negatively impacts society as a whole and in particular the maritime sector,

NOTING ALSO that the safety of seafarers, port workers and everyone involved in maritime traffic is of essential importance to the Organization and its Member States,

STRESSING that the ISPS Code is a tool for preventing the illegal use of ships and port facilities by third parties and that seafarers and port workers must be protected and not criminalized for infringements of the ISPS Code by third parties,

CONVINCED that the fight against organized crime is a fight that has to be undertaken by all together, including international, governmental and non-governmental organizations, Member States and all private partners,

RECOGNIZING the need to continue to raise awareness in the maritime sector of the effects of organized crime, including the need for capacity-building and cooperation in the field of cybersecurity,

ACKNOWLEDGING the need to enhance the resilience of seafarers and port workers against the pressure caused by organized crime,

1 CALLS UPON interested Member States and governmental and non-governmental organizations to submit proposals to the Maritime Safety Committee and the Facilitation Committee, in accordance with the applicable rules of procedure of these Committees, with the aim of enhancing and adapting the framework for the fight against organized crime in the maritime sector;

2 INVITES Member States to share with the Organization the strategies that in their experience have worked to mitigate the impacts of organized crime on international maritime traffic and port facilities.

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