REPUBLIC OF
THE MARSHALL ISLANDS

MINISTRY OF TRANSPORTATION, COMMUNICATIONS, AND INFORMATION TECHNOLOGY

PORT SECURITY REGULATIONS

PORT SECURITY REGULATIONS

These Regulations are made pursuant to Sections 6 and 65 of the Ports Authority Act, 2003.

PART 1 - EXPLANATORY NOTE

Amendments to the International Convention on the Safety of Life at Sea Convention (SOLAS) 1974 and the new International Ship and Port Security (ISPS) Code are effective from I July 2004. The Republic of the Marshall Islands is obliged to have implemented and be effectively enforcing comprehensive security framework to ensure that the maritime sector is prepared and protected from terrorist attacks. These Regulations incorporate the provisions of the SOLAS Amendments and the ISPS Code into the law of the Republic of the Marshall Islands.

Under these Regulations, the RMI Ports Authority and domestic shipping companies shall be required to implement and maintain port and port facility security plans. The Minister of Transport and Communication (the "Minister"), as the Designated Authority for Port Security regulation, shall review draft plans and approve those that are considered to meet the provisions of these Regulations.

The RMI Ports Authority and port facility operators shall use the plans to describe those preventive security practices and procedures they have in place in order to comply with the provisions of these Regulations; and the Ministry of Transport and Communication, Marine Department shall use the plans as part of its security audit process.

The RMI Ports Authority and port facility operators to which these Regulations apply shall be required to:

a) draft a security plan and submit it to the Minister for approval;
b) maintain an approved security plan for the ports or port facility; and
c) comply with the plan as approved by the Minister.

Such plans shall contain:

a) a description of the structure of the security organisation at the port and port facilities;
b) details of the security systems, practices and operations (including the human and other resources used, and the procedures followed) that are used by the operator to comply with legislative requirements;
c) location of access controlled areas including, where necessary, charts, maps, designs or drawings, as well as the location of access points;
d) details of security training provided to staff;
e) relevant contact details and arrangements for the handling of specific threats and security incidents; and
f) recognition of the need for additional security measures, in order to meet a heightened threat situation.

The Plans when completed are to be kept "Confidential" and the Certificates of Compliance are all that are necessary to prove compliance with the ISPS Code.

PORT SECURITY REGULATIONS 2004

PART 1 - PRELIMINARY

1. Citation and commencement

(1) These Regulations may be cited as the Ports Security Regulations 2004,

(2) These Regulations come into force on 1 July 2004.

2. Application

(1) These Regulations apply to -

(a) Ports and Port Facilities within ports in the Republic of the Marshall Islands that serve vessels engaged on international voyages; and

(b) all foreign going vessels in the domestic waters of the RMI to which the SOLAS Convention applies.

(2) Notwithstanding the provisions of subsection (1), the Secretary of Transportation and Communications (the "Secretary") may decide the extent of application of these Regulations to those port facilities, which, although used primarily by ships engaged on domestic voyages, are required, occasionally, to serve ships arriving or departing on an international voyage.

3. Interpretation and Definitions

(1) In these Regulations, unless the context otherwise requires -

"Company" means a company to which these Regulationsapply.

"Company Security Officer" (CSO) means the person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer. Note: a person may act as a CSO for more than one ship.

"Contracting Government" means the Government of the Republic of the Marshall Islands, which is signatory to the SOLAS Convention.

"Convention" means the International Convention for the Safety of Life at Sea, 1974 (SOLAS)

"Deadweight Tonnage" (DWT) means the total load of cargo, fuel, stores and ballast that a ship can carry.

"Department" means the Ministry of Transportation and Communications.

"Designated Authority", under the International Ship and Port Facility Security Code, means the Minister of Transportation and Communications.

"Director" means the person holding the position, or acting in the position of the Director of the RMI Ports Authority.

"Exclusion Zone" means a waterside area to which access is temporarily restricted to persons authorised by the RMI Ports Authority.

"Faeilily Operator" means port facility to which these Regulations apply.

"Gross Registered Tonnage" (GRT) means the total capacity of a vessel as per the International Tonnage Convention 1979 as amended.

"ISPS Code" means the International Ship and Port Facility Security Code.

"Port Security Committee" means the committee constituted under section 5 to provide advice as to the Port Security Assessment, comprising representatives from Attorney General, Department of Public Safety, Customs, Immigration, , RMI Ports Authority, the Department, and representatives from other agencies as required.

"Master" means a person having command or charge of a ship.

"Maritime Administrator" means The Trust Company of the Marshall Islands, Inc., which has been duly appointed to act as the Republic of the Marshall Islands Maritime Administrator for foreign going vessels.

"DPS" means the Department of Public Safety of the RMI.

"Point of Contact" means the Designated Authority within the Contracting Government through whom all communications relevant to matters of Port Security in the Marshall Islands

"Port Facility Operator" means the manager of ship/port interface facility that provides for the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship.

"Port Facility Security Officer" (PFSO) means a suitably qualified person designated by the facility operator responsible for the development, implementation, review and maintenance of the Port Facility Security Plan and for liaison with ship security officers, company security officers and the port security officer.

"Port Facility Security Plan"(PFSP) means a plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship's stores within the port facility from the risks of a security incident.

"Port Security Officer" (PSO) means a suitably qualified person designated by the RMI Ports Authority to facilitate the development, implementation, review and maintenance of the port security plan and for liaison with port facility security officers and ship security officers, where appropriate.

"Restricted Areas" means areas on the ship to which access is restricted to crew, persons invited by the master or ship security officer and persons authorised pursuant to these Port Security Regulations.

"Restricted Zone" means landside areas to which access is restricted to persons authorised by the facility operator or persons authorised pursuant to these Port Security Reaulations.

"RMI" means the Republic of the Marshall Islands.

"RIMI ports" means the ports in RIMI that service ships engage on international voyages including the areas known as the port at Majuro, Ebeye and Jaluit or any other publicly owned port in the Republic of the Marshall Islands as may be declared by the Minister..

"RMI Ports Authority" means the Marshall Islands Ports Authority.

"Screener" means a person, approved by the Director of RMI Ports Authority, who screens people or goods for disallowed items, such as a weapon or any goods which is not allowed aboard a ship.

¿'Screening Procedures" means those measures involved in the inspection of people (e.g. passenger, visitor, industry personnel) and goods, checking for disallowed items to make sure these items are not carried into sterile areas where established or onto the ship.

"Secretary" means the Secretary for the Ministry of Transport and Communication.

"Security Level 1" means the level for which minimum appropriate protective security measures shall be maintained at all times.

"Security Level 2" means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.

"Security Level 3" means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target.

"Ship Security Officer" (SSO) means the person on board a ship, accountable to the master, designated by the Company as responsible for the security of the ship, who shall perform those duties stipulated in the ISPS Code, including implementation and maintenance of the

ship security plan, and liaison with the company security officer and port facility security officers.

"Ship Security Plan" means a plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores or the ship from the risks of a security incident.

"Sterile Area" means an area of the port approved pursuant to these Regulations to which persons, vehicles and goods are not permitted until given clearance, in relation to Port Security.

"Unaccompanied Baggage" means any baggage, including personal effects, which is not with the passenger or member of ship's personnel at the point where of screening.

"Unlawful Interference" means, by way of examples, any of the following types of acts committed by a person without a lawful excuse:

(a) seizing, or exercising control of, a ship by force, or threat of force, or any other form of intimidation;

(b) damaging or destroying a ship that is in service;

(c) placing, or causing to be placed, on board a ship in service a thing that is likely to:
(i) destroy or damage the ship; or
(ii) endanger its safety and that of its personnel and cargo

(d) communicating information, which is known to be false, thereby endangering the safety of a ship;

(e) committing an act of violence against a person, property or the environment at a port, if the act:
(i) causes, or is likely to cause, injury or death; and
(ii) endangers, or is likely to endanger, the safe and efficient operation of the port or the safety of anyone at the port;

(f) attempting to commit an act described in any of the above paragraphs.

(2) The term "Contracting Government" includes a reference to the Designated Authority.

(3) Terms not otherwise defined in this part shall have the same meaning as the meaning attributed to them in SOLAS.

(4) The following abbreviations mean:

CSO Company Security Officer
DPS Department of Public Safety
PSC Port Security Committee PSA
Port Security Assessment
PSP Port Security Plan
PSO Port Security Officer
PFSA Port Facility Security Assessment

PFSP Port Facility Security Plan
PFSO Port Facility Security Officer
RSO Recognized Security Organization
SSA Ship Security Assessment sso Ship Security Officer SSP Ship Security Plan

4. Minister's and Secretary's Responsibility

(1) The Minister is responsible for:

(a) Approving Port Security policy, Legislation, Standards and Procedures; (b) approving Port Security Plans;

(2) The Secretary is responsible for:

(a) issuing Certificates of Compliance in accordance with these Regulations indicating those Ports which have fully complied with the amendments to SOLAS and the ISPS Codes

(b) coordinating the Port Security policy to a threat or act, which threatens the security of the maritime transport sector;

(c) coordinating the provision of intelligence and information on threats to the maritime industry;

(d) ensuring that auditing is made regularly to the Port Security Plan and pursuing compliance with the Plan and Regulations accordingly.

5. Port Security Committee

(1) Recognizing the need for effective co-ordination and implementation of security controls and procedures across various jurisdictions and boundaries at the interface between ships and ports, a Port Security Committee (PSC) shall be constituted.

(2) The PSC shall meet as required by the Director.

(3) The chair of the PSC shall be a person with the authority to make decisions on behalf of Government, including the commitment of reasonable resources. This person shall be the Secretary or Director of the RMI Ports Authority.

(4) The role of the PSC shall be to:

(a) initiating, developing, promoting and reviewing a Port Security Assessment, Port Security Plan, policy, legislation, standards and procedures;

(a) coordinate the implementation of national Port Security measures in RMI ports;

(b) provide a forum for the discussion of Port Security matters affecting port tenants/users and ships visiting the ports;

(c) draw up and maintain a list of vulnerable points of the ports, including essential equipment/facilities and review their security from time to time;

(d) provide a forum for communication between port tenants/users and shipowners on issues of security and procedures in place to meet threats, providing for normal situations and contingencies for periods of heightened tension and emergency situations; (e) promote security awareness amongst port workers/users and shipowners; and

(f) providing advice on Port Security to government, industry and the public; and (g) advising of the need for additional security measures.

(h) liaise, as considered appropriate, with external agencies to discuss security issues.

(5) The PSC shall comprise, where appropriate, representatives from the following organisations:

(a) Marshall Islands Port Authority

(b) Port Security Officer

(c) Port Facility Operators

(d) Ship Representatives (e) DPS

(f) Immigration

(g) Quarantine

(h) Customs

(i) Ministry of Transportation and Communication

G) Trust Company of the Marshall Islands

(k) Attorney Generals' Office

(1) Majuro Atoll Local Government

(6) The Chair shall ensure that a record of each meeting is kept and minutes are forwarded within one month of the meeting, either in written or electronic form, to all committee members.

(7) In the event of a security incident the Director shall immediately convene a meeting of the PSC, along with other members as determined appropriate, who will set up a support team.

(8) The role of the support team is to:

(a) provide technical and operational advice and assistance to the DPS in relation to operational matters and resources available at the port;

(b) consult with the DPS, ensure the orderly conduct of other operations on the port not associated with the incident; and

(c) provide incident-related advice and information to their respective organisations and the Department.

6. Security Levels

(1) The Secretary shall, with the assistance of the PSC, set security levels and provide guidance for protection from security incidents. Higher security levels indicate greater likelihood of occurrence of a security incident. Factors to be considered in setting the appropriate security level include:

(a) the degree that the threat information is credible;
(b) the degree that the threat information is coroborated;
(c) the degree that the threat information is specific or imminent; and (d) the potential consequences of such a security incident.

(2) The Secretary shall, when necessary, with the assistance of the PSC, issue appropriate instructions and shall provide security related information to the ships and port facilities that may be affected.

(3) At higher levels of alert additional preventive and protective security measures will need to be considered. Such measures may be required in relation to an entire port, specific port operations, certain port facilities, etc.

(4) These additional security measures may be implemented either at the direction of the Department or on the initiative of the RMI Ports Authority or ship owner. In the latter cases, advice of such implementation shall be immediately passed to the Department.

(5) The Director may delegate to a Recognized Security Organization (RSO) certain of the duties under these Reuulations with the exception of:

(a) setting of the applicable security level;
(b) approving a Port/Port Facility Security Assessment and subsequent amendments to an approved assessment;
(c) determining the powport facilities that will be required to designate a Port (Facility) Security Officer;
(d) approving a Port/Port Facility Security Plan and subsequent amendments to an approved plan.

7. The Need for a Declaration of Security

(1) A Declaration of Security (DOS) should be completed in respect of a port or port facility when the Secretary deems it necessary or when a ship deems it necessary.

(2) The need for a DOS may be indicated by the results of the Port Facility Security Assessment (PFSA) and the reasons and circumstances in which a DOS is required should be set out in the Port Facility Security Plan (PFSP).

(3) The need for a DOS may be indicated by the maritime administration for ships entitled to fly its flag or as a result of a ship security assessment and should be set out in the ship security

plan. The Director may request a DOS from any ship prior to a ship/port interface as part of conditions for entry into Ports

(4) It is likely that a DOS will be requested at higher security levels, when a ship has a higher security level than the port facility, or another ship with which it interfaces, and for ship/port interface or ship-to-ship activities that pose a higher risk to persons, property or the environment for reasons specific to that ship, including its cargo or passengers or the circumstances at the port facility or a combination of these factors.

(5) In the case that a ship or a maritime administration, on behalf of ships entitled to fly its flag, requests completion of a DOS, the Port Facility Security Officer (PFSO) or Ship Security Officer (SSO) should acknowledge the request and discuss appropriate security measures.

(6) A PFSO may also initiate a DOS prior to ship/port interfaces that are identified in the approved PFSA as being of particular concern. Examples may include the embarking or disembarking passengers, and the transfer, loading or unloading of dangerous goods or hazardous substances. The PFSA may also identify facilities at or near highly populated areas or economically significant operations that warrant a DOS.

(7) The main purpose of a DOS is to ensure agreement is reached between the ship and the port facility or with other ships with which it interfaces as to the respective security measures each will undertake in accordance with the provisions of their respective approved security plans.

(8) The agreed DOS should be signed and dated by both the port facility and the ship(s), as applicable, to indicate compliance with SOLAS chapter XI-2 and part A of the ISPS Code and should include its duration, the relevant security level, or levels and the relevant contact details.

(9) A change in the security level may require that a new or revised DOS be completed.

(10) The DOS should be completed in English or in a language common to both the port facility and the ship or the ships, as applicable.

(Il) A model DOS is included in Appendix I to these Regulations. This model is for a DOS between a ship and a port facility. If the DOS is to cover two ships this model should be appropriately adjusted.

8. Issuance of a Declaration of Security

(1) The Secretary shall determine when a Declaration of Security is required, by assessing the risk the ship/port interface or ship-to-ship activity poses to persons, property or the environment.

(2) A ship can request a Declaration of Security when:

(a) the ship is operating at a higher security level than the port facility or another ship it is interfacing with;

(b) there is an agreement on a Declaration of Security between Contracting Governments covering certain international voyages or specific ships on those voyages;
(c) there has been a security threat or a security incident involving the ship or involving the port facility, as applicable;
(d) the ship is at a port that is not required to have and implement an approved port facility security plan; or (e)the ship is conducting ship-to-ship activities with another ship not required to have and implement an approved ship security plan.

(3) Requests for the completion of a Declaration of Security, under this section, shall be acknowledged by the applicable port facility or ship.

(4) The Declaration of Security shall be completed by:
(a) the master or the ship security officer on behalf of the ship(s); and, if appropriate,
(b) The port facility security officer or, if the Contracting Government determines otherwise, by any other body responsible for shore-side security, on behalf of the port facility.

(5) The Declaration of Security shall address the security requirements that could be shared between a port facility and a ship (or between ships) and shall state the responsibility for each.

(6) The Declaration of Security shall specify the minimum period for which it shall be kept by the port facilities located within the Republic of the Marshall Islands.

(7) The Maritime Administrator shall specify the minimum period for which Declarations of Security shall be kept by ships entitled to fly the flag of the Republic of the Marshall Islands.

9. Port Organization and Responsibility

(l) All employees and agents of the RMI Ports Authority whose duties require them to implement security controls at the port or routinely access a restricted zone at the port have a responsibility to ensure that the protective security arrangements covered by this Plan are observed at all times.

(2) Any employee or agent on becoming aware of a:
(a) breach or suspected breach of security arrangements;
(b) any deficiency in the Plan; or
(c) who observes activities of a suspicious nature; must report the matter immediately to the PSO.

(3) The RMI Ports Authority, in conjunction the PSC, shall ensure compliance with the provisions of the PSP and for the implementation of complementary additional security measures as required by the Department.

(4) The RMI Ports Authoritv, in conjunction the PSC, shall initiate periodic internal audits or reviews of the PSP to ensure compliance with, and appropriateness of, existing security measures.

(5) The RMI Ports Authority shall appoint a Port Security Officer (PSO) who, with the authority of management, shall administer the day-to-day operations of the PSP at the port.

(6) The duties and responsibilities of the PSO shall include, but not be limited to:

(a) in consultation with Port Facility Security Officers (PFSO), ensure that appropriate security measures are maintained at the port;

(b) maintain and supervise the implementation of the PSI), including any amendments to the Plan;

(c) propose modifications to the PSP;

(d) report to management any deficiencies and non conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective actions; (e) attend Ports Security Committee meetings;

(f) enhance security awareness and vigilance by all staff;

(g) ensure adequate security training has been provided to port employees and agents with regard to their security roles and responsibilities and maintenance of training records;

(h) ensure that security equipment is appropriately operated, tested, calibrated and maintained, if any; (i) ensure effective communication and cooperation between the port and members of the Ports Security Committee

G) report all security incidents to the Department; and

(k) oversee the issue of copies of the PSP and maintain a record of all authorised holders.

10. Port Security Plans

(1) The RMI Ports Authority shall, in accordance with the requirements of these Regulations and following discussion with the PSC, conduct a Port Security Assessment (PSA) and produce a Port Security Plan (PSP), issued under the authority of the Director of the Port Authority.

(2) The Department shall review the Draft PSP and may approve its content prior to its circulation and shall approve all amendments prior to their being put into effect.

(3) The Port Security Officer (PSO) may amend the Plan as necessary, subject to approval by the Department, in consultation with the PSC.

(4) The completed PSP is classified "Confidential" and, while selected members of staff will need to be apprised of particular aspects of the Plan, it shall be protected from unauthorised access or disclosure.

(5) No part of the PSP may be reproduced or transmitted, in any form or by any means, without the written consent of the PSO.

(6) The PSO may, at any time, review this Plan. In reviewing the Plan the PSO may have regard to:

(a) developments in relation to human and other resources used and procedures followed concerning security; and

(b) experience gained in relation to security by other port authorities.

(7) If the RIMI Ports Authority/Port Facility operator, in consultation with the Ports Security Committee, is satisfied that:

(a) the approved Plan is no longer adequate for any one or more of the Plans purposes; or

(b) the effectiveness of the Plan for those purposes could be substantially improved:

the PSO should prepare and submit to the Department for approval, proposals for any variation of the Plan considered necessary.

11. Port Facility Operators' Responsibility

(1) The Port Facility Operator shall, in co-operation with the RMI Ports Authority and in accordance with the requirements of these Regulations and following discussion with the PSC, conduct a Port Facility Security Assessment (PFSA) and produce a Port Facility Security Plan (PFSP), issued under the authority of Port Facility Security Officer (PFSO).

(2) The PFSP shall be ncorporated into the overall psp where appropriate.

(3) The Department shall review the Draft PFSP and may approved its content prior to its circulation and shall approve all amendments prior to their being put into effèet.

(4) The Port Security Officer (PSO) may amend the Plan as necessary, subject to approval by the Department, in consultation with the PSC.

(5 Port facility operators, lessees and tenants are responsible for:

(a) the security of their facilities and areas specifically allocated for their use;

(b) maintaining access control procedures as they apply to any of their facilities; and

(c) ensuring that any staff or other persons, such as contractors, who enter restricted zones or sterile areas do so only on current essential duties related to that area; which could be effected through contractual arrangements.

(5) Port facility operators, lessees and tenants may be required, at short notice from the IR-MI Ports Authority or the Department, to comply with security systems and/ or procedure variations resulting from increases in Port Security threats.

(6) Security exercises, to test measures and response arrangements, shall be conducted by the RMI Ports Authority/ owner at a frequency agreed with the Department. Broadly these exercises may take the form of:

(a) theoretical or desktop exercises; or

(b) simulated incidents to practice response and handling arrangements.

(7) The object of the exercises is to not only test response arrangements to a simulated act of unlawful interference but to also:

(a) practice call out of all involved elements;

(b) test the adequacy of facilities;

(c) exercise members of the port security committee in the provision of effective support to DPS operational elements; and

(d) test the adequacy of appropriate contingency plans.

(8) The PSO and appropriate Port Facility Security Officers will review each security exercise and submit a formal report to the Department, and the Port Security Committee, within two months of the completion of the exercise.

12. Other Port Users

Persons who enter the Port are required to comply with all regulatory provisions brought to their notice by any means including public notices, signs, announcements, publications or oral messages.

13. Contingency Procedures - Ports

(l) In the event of an employee or agent of the RMI Ports Authority or Port Facility Operator becoming aware of a significant act of unlawful interference (e.g. one involving the use of weapons or force) or an unlawful threat (e.g. bomb or sabotage threat), that person shall report the incident/ threat as soon as practicable to the PSO.

(2) Where the incidenUthreat directly impacts upon another organisation, or may impact upon one or other organisations, the PSO is to relay details of the incident/threat to the organisation(s) concerned as soon as possible.

(3) The assessing and classifying of all threats, such as bomb or sabotage threats, against any of the port's amenities rests with the RMI Ports Authority, whereas assessing and classifying threats against a Port Facility Operator's amenities rests with the company concerned.

(4) Threats are to be classified as either "GENUINE", in which case appropriate response procedures are to be enacted, or "HOAX", in which case no further action (other than to report the Incident to the local DPS and the Department) is necessary.

(5) Where the search of a building or facility (over which the RMI Ports Authority or Port Facility Operator has management control) is considered necessary, the threat shall be considered to remain genuine until the PSO advises that the threat has been reclassified as a hoax, or any suspicious object discovered during the search has been removed or declared safe.

(6) The PSO will report to the local DPS details of significant breaches of security or threats impacting upon the operations of the RMI Ports Authority or Port Facility Operator involving violence.

(7) The PSO is to report, at the earliest opportunity, all security related incidents as well as actual or suspected acts of terrorism impacting upon the operations of the RIMI Ports Authority or Port Facility Operator such as:

(a) discovery of weapons or prohibited items (including explosive devices) within the Port or Port Facility;
(b) unauthorised access to restricted areas;
(c) unauthorised access to a ship
(d) bomb or sabotage threats;

(e) disruptive and/or abusive passengers or stevedores; and (f) incidents that have attracted media attention. to the Director and the Department.

(8) Contingency procedures shall be developed and maintained to provide for situations that could present a threat to the security of the Port or Port Facility.

(9) These procedures shall form part of the PSP or PFSP.

(10) Other types of emergencies that should be provided in the PSP or PFSP include:

(a) bomb search routine;
(b) evacuation procedures;
(c) security equipment failure; and
(d) action to be taken in respect of a major security incident at the port.

(11) Where it may not be possible to provide a full report within a reasonable time frame, due to the need to investigate certain aspects, a preliminary report shall be forwarded.

(12) The type of information that the PSO should include in any report to the Department is detailed at Annex VI.

14. Security Training - Ports

(l) Responsibility for developing and maintaining the security awareness and training of the Ports Authority's employees and agents rests with the Ports Authority.

(2) The PSO shall ensure that relevant employees and agents of the Ports Authority are provided with a basic level of training, the object of which is to establish a rudimentary level of security awareness. The minimum level of training shall include the following:

a) port layout and organisations;

b) the role of the Ports Authority, the Department, DPS and other government agencies;

c) basic port security procedures;

d) access control;

e) threat response; and f) other training specific to their duties.

(3) The PSO shall ensure that employees and agents of the Ports Authority engaged in port security activities undertake more advanced training, which as a minimum shall include the following:

a) principles of protective Port Security;

b) legislation;

c) IMO standards;

d) Ports Securitv Committee; e)law enforcement interface;

f) passenger and baggage screening (where applicable);

g) bomb threat assessment; and

h) search and evacuation guidelines.

(4) The training modules offered shall be reviewed periodically, as shall the need for refresher training, with regard being given to developments in equipment used and proccdurcs.

(5) The PSO shall ensure that records on the content, duration and dates of those training activities undertaken by employees and agents of the Ports Authority are retained for the previous five years.

(6) Port Facility Security Training is the responsibility of the Port Facility Operator. The Operator is responsible for developing and maintaining security awareness and training of its employees and agents, and it shall follow as closely as possible the procedures required to be followed by the Ports Authority for the ports in subsections 1 — 5 above.

(7) The PSO shall ensure that Port Facility Operators are regularly conducting their Port Facility Security Training for which they are responsible under these Regulations. At the discretion of the Director, administrative sanctions may be levied against PFOs who fail to do so.

15. Role of the DPS

(1) The DPS are responsible for responding to any act of terrorism or other act of unlawful interference to maritime operations. The DPS retain responsibility for the resolution of any incident notwithstanding that other contingency procedures are activated.

(2) The DPS are responsible for providing preventative policing, which includes responding to reports of criminal activity or suspicious behaviour and, in consultation with the maritime sector, identifying issues of crime and disorder that are important to the Department, the RMI Ports Authority, Port Facility Operators, Shipping Companies and the wider community.

16. The Role of Government Departments and Agencies

A number of government departments and agencies have specific powers and responsibilities at seaports in accordance with relevant legislation. The personnel of these authorities, however, shall comply at all times with these Regulations and in accordance with any Port Security Plan or and Ship Security Plan and shall heed instructions by persons given authority by these Regulations in respect of security in ports and on board ships.

Form of the International Port Security Certificate

REPUBLIC OF THE MARSHALL ISLANDS

STATEMENT OF COMPLIANCE OF A PORT OR PORT FACILITY

(Official seal) (State)

Certificate Number……

Issued under the provisions of the

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS
AND OF PORT FACILITIES (ISPS CODE)

Under the authority of the Government of the Republic of the Marshall Islands

by the Director ofRMI Ports Authority on behalf of the Minister of Transport and Communication

Name of Facility:……

Address:

_____

Telephone: ……. Fax: ……..

…….Port Director Email ..……

Port Facility Security Officer and Contact Details

_____ E:mail……

Telephone:…….Fax:……Mobile ..……

THIS IS TO CERTIFY THAT the requirements ofthe provisions of SOLAS Chapter Xl-2 and part A of the ISPS Code have been complied with.

Date of initial / renewal verification on which this certificate is based .....…

This Certificate is valid until .....

Issued at Majuro by the Secretary of Transportation and Communication(signature)

_____

Issued on the . .day of.....….20. .... (Seal or Stamp)

_____

GUIDELINES FOR THE DEVELOPMENT OF PORT AND PORT FACILITY SECURITY PLANS

The following is for the guidance of operators of port facilities to which these Regulations apply.

1. — Facilitv Access Control Measures

(l) Peripheral protection of the restricted zone is provided by intrusion protection and detection equipment. It is normally achieved by installing security barriers (fencing), which can be complemented by installing peripheral or close intrusion detection equipment and/or intrusion display equipment. Openings in security barriers should be kept to a minimum and secured when not in use. Security barriers should accomplish the following:

(a) define the area to be protected;

(b) create a physical and psychological deterrent to persons attempting or contemplating unauthorised entry;

(c) delay intrusion, enabling operating personnel and security guards to detect and apprehend intruders; and

(d) provide designated and readily identifiable places for entry of personnel and vehicles into areas where access is controlled.

(2) Where feasible, buildings and other suitable permanent obstacles should be used as part of the physical barrier, provided that access through the buildings used is controlled. If buildings are used as part of the security barrier, they should be inspected to ensure that windows, roofs, ventilation openmgs, etc, do not provide for unauthorised access, with consideration being given to the fitting of bars, grills or screens.

2. —Access Control Measures - Staff

Only those employees/ agents who have a legitimate need to access the facility operator's restricted zone shall enter the area. Other staff members will need to justify a need for access to the PFSO.

3. Access Control Measures — Service Providers & Visitors

(1) Where a service provider, such as a maintenance contractor or a ship's providor, requires access to a restricted zone their need to access the area shall be verified with the requesting organisation.

(2) Where that need can be established, the person(s) may be authorised to enter the restricted zone. However, where the need cannot be established the person is to be denied entry and the matter bought to the attention of the PFSO, who in turn may consider it appropriate to inform the DPS.

(3) Visitors with a legitimate requirement for access to a restricted zone shall remain under supervision by their sponsor at all times during the visit.

(4) The identity of each non-employee/ non-agent provided access to the restricted zone is to be recorded, for each visit, in a visitor's register. The minimum detail to be recorded shall comprise their name, organisation represented, arrival time, departure time, who sponsored their visit. The register is to also show the signature of the person authorising their access to the restricted zone.

(5) Records of those persons authorised to access the restricted zone will be retained by the PFSO for a period of twelve (12) months.

4. —Access Control Systems

(l) Where access points into the restricted zone are key-controlled a restricted key system is to be used.

(2) Keys will only be issued, by the PFSO, to authorised persons (e.g. staff and regular contractors) who have a valid reason to access to the restricted zone in the course of their duties.

(3) A key register will be maintained detailing to whom specific keys have been issued as well as the date of issue and return (where appropriate). Recipients are to sign the register for each key issued.

(4) Change of coding should be considered where control of any key is lost. Coding must be changed when 5% or more of the keys to any particular lock cannot be accounted for.

(5) Where an electronic access control system is fitted access rights will only be provided, by the PFSO, to authorised persons who have a valid reason to access the restricted zone in the course of their duties.

(6) A register of those with access rights will be maintained detailing to whom specific rights have been provided as well as the date granted, date withdrawn (where appropriate), the areas into which the holder has access and any prohibitions that may apply (e.g. access limited to ceflain hours).

(7) The PFSO shall audit bi-annually the manual and electronic systems registers and ensure that any deficiencies are rectified within one month of the audit.

(8) Keys and access cards, or changes to access cards, will only be effected where the applicant has requested the issue/ change in writing and the request is approved by their supervisor/manager.

5. —Electronic Surveillance

Enhanced surveillance over specific facilities/ installations or specific areas may be determined essential to guard against a perceived threat and could involve the use of the following types of equipment: CCTV or intruder detection systems.

111

THREAT/INCIDENT REPORT

PORT OR PORT FACILITY

General information

Name of Port/ Facility:.....

Person providing Report:.....

Date _: .....Time: ..... Location: .....

Type of occurrence (e.g. bomb/ sabotage threat, unauthorised entry, suspect device, extortion, etc)

_____

Description of threat/ incident

_____

_____

_____

_____

_____

_____

_____

Alleged offender(s)

Name:..... Nationality:.....

Name:.....Nationality:.....

Name:..... Nationality:.....

Name:..... Nationality:.....

Nature and severity of any injuries sustained by others

Name:.....link to port: _____.. Injury:.....

Name:.....link to port: ._____. Injury: .....

Name: ..... link to port: _____. ..... Injury:.....

Name: .....link to port: ._____Injury: .....

Circumstances surrounding device(s) used

Type of Device(s): .....

Method of introduction (e.g. passenger, baggage, cargo, stores, etc):.....

Security measures circumvented•

Proposed measures and procedures to prevent recurrence of a similar event?

Other pertinent details

Reporting Officer

Signature:.....Name (printed):.....

Designation/Title:..... Date:.....

Upon receipt ofthis report the PSO shallforward a copy to the Department.

IV

THREAT/INCIDENT REPORT

SHIP

General information

Name of Ship:.....

Person providing Report: .....

Date . _____.. Time: _____ Location:.....

Type of occurrence (e.g. bomb/ sabotage threat, unauthorised entry, passenger incident, suspect device, etc)

_____

Description of threat/ incident

_____

_____

_____

_____

_____

_____

_____

Alleged offender(s)

No. Passengers:.....No. Crew:.....Other:.....

Name:..... Nationality:..... Embarked: .....Name:

.....Nationality:..... Embarked:.....

Name:.....Nationality:..... Embarked:.....

Nature and severity of any injuries sustained by passengers, crew or others

Name:..... Crew/ Pass/ Other:.....Injury:.....

Name:.....Crew/ Pass/ Other: .....Injury:.....

Name:..... Crew/ Pass/ Other:..... Injury: .....

Name:..... Crew/ Pass/ Other: ..... Injury:.....

These procedures do not come into force until reviewed by the Port Security Committee and approved by the Designated Authority (DA).

MARITIME SECURITY PROCEDURES

PART 1 - GENERAL

Application

1.1 The Port Security Regulations 2004 as incorporated into and formed part of this port security plan shall apply to:

(a) Ports and Port Facilities within ports in the Republic of the Marshall Islands that serve vessels engaged on international voyages; and

(b) Foreign going vessels 500 gross ton and greater in the domestic waters of the RIMI to which the SOLAS Convention applies.

1.2 Notwithstanding the provisions of subsection (1.1), the Secretary of the Ministry of Transport and Communications (the Secretary) may decide the extent of application of these Regulations to those port facilities, which, although used primarily by ships engaged on domestic voyages, are required, occasionally, to serve ships arriving or departing on an international voyage.

1.3 English and Marshallese shall be the official working languages applicable to this Port Security Plan (PSI)).

Definitions (reserved)

Designated Authority

1.4 The ISPS Code provides that Contracting Government can appoint Designated Authotity (DA) within government to undertake their security duties under Chapter XI-2 and Part A of the ISPS Code. The Designated Authority in RMI is the Ministw of Transport and Communications.

1.5 The Port Security Committee (PSC) is responsible for port security risk assessment. 'The PSRA is fundamentally a risk analysis of all aspects of a port facility's operation in order to detemine which part (s) of it are more susceptible and/or more likely to be the subject of attack. Security risk is a function of the threat of an attack coupled with the vulnerability of the target and the consequences of the attack.

1.6 The RMI Ports Authority is responsible for the development and implementation of a port security plan to be reviewed by the PSC and approved by the Designated Authority. Changes to the PSI) cannot be made without the approval of the DA.

1.7 The Port Security Risk Assessments (PSRA) shall periodically be reviewed and updated on account of changing threats and/or minor changes in the port facility, and shall always be reviewed and updated when major changes to the port facility take place.

Responsibilities

1.8 The Designated Authority must specify in accordance with the regulations the appropriate security level for port facilities and ships either registered in RIMI or using RIMI ports. or conducting ship-to-ship activity in RIMI waters. Other relevant functions and duties include exercising the control measures specified in the regulations concerning the control of ships in port, taking into account the clear grounds provisions under the regulations.

1.9 Under these regulations the Designated Authority has the power to delegate certain functions and powers.

ISPS Compliant Port Facilities in RIMI

1.10 The port facilities that are compliant with the ISPS Code and RIMI Regulations are listed as follows:

Majuro/Jaluit
Ebeye

Security Levels

1.11 The DA shall set security levels and provide guidance for protection from security incidents. Higher security levels indicate greater likelihood of occurrence of a security incident. Central to the Maritime Security framework is the maritime security levels established under the ISPS Code. These are:

Security Level 1 :	Security Level 3:
Security Level 2:	The level of operation for which minimum appropriate protective measures shall be maintained at all times.
	The level for which additional appropriate protective security measures shall be maintained for a period of time as a result of a heightened risk of a security incident.

The level for which fin-ther	specific protective security measures shall be maintained fòr a limited period of time
	when a security incident is probable or imminent, although it may not be possible to identify the specific target.

1.12 The ability to operate at all three levels is an essential requirement of both ship and port facility security plans.

Authority to Alter Security Levels

1.13 Security levels can only be set and altered by the DA acting through the Port Security Committee (PSC). Where a security level is raised the DA and PSC must provide the affected ports and ships with appropriate security infonmation and instructions. In general, actions by the affected ports and ships will likely involve initiating the action already stipulated in the security plans for that level.

Notification of Ships of a Change in Security Level

1.14 When the security level is changed, either up or down, all international ships on voyage to or in RIMI territorial waters must be informed. If a change in alert occurs the Director (during working hours) or the port security officer on duty (after hours) is to inform concerned shipping representatives and all other concerned.

Declaration of Security (DOS)

1.15 The main purpose of DOS is to ensure agreement is reached between the ships and the port facility or with other ships with which it interfaces as to the respective security measure each will undertake, in accordance with the provisions of their respective approved security plans.

1.16 Port security is addressed in the port security plan and is the responsibility of the port facility security officer (PFSO). Ship security is addressed in the ship security plan and is the responsibility of the Master or ship security officer (SSO). The DOS is the mechanism that harmonizes this interface in order to prevent the inadvertent compromise of one party's activities by the other.

1.17 The occasions when a DOS may be sought are not specifically indicated in the port security regulations 2004 and mav be restricted by RIMI law. The master or SSO of a ship may lodge a request tòr DOS with the port facility security officer (PFSO) or master of another ship when:

- The ship is operating at a higher level than the port facility or ship it intends to interface with. A likely example where this is expected to occur is the situation where US cruise ships are operating at Level 2 as a consequence of threats to US

interests in general. Historically such a reaction has occun-ed where, for example, the US has engaged in conflict in places such as the Middle East.

- A security incident involving the ship or the port facility it is using or intending to use has occurred. An example may be some form of domestic unrest at the port or intelligence generated non-specific threat to either the port or the ship.

- The ship is at a port that is not required to have and implement an approved port facility security plan. RMI Ports Authority Act of 2003 specifically made reference to porfs and port facilities within ports in the RIMI that serve vessels engaged on international voyage. However, remote anchorages in outer islands are not required [o implement port security plans therefore any request or concern regarding additional security measures may be refused because supplementary security cannot be provided to these sites.

Note: Cruise Vessels and Maritime Security Levels

In the event of a heightened security threat in RMI waters that results in a increase in the Maritime Security Level to 2, advice should be soughtfrom the RMIPA Director to determine whether cruise operations should continue. In Addition, passenger exchanges represent the greatest risk actively associated with cruise ships. Accordingly, consideration will be given to restricting such passenger exchanges to Majuro alone. In such circumstances the port security service in conjunction with the master or the SSO could then be instructed to carryout the screening of embarking passengers. If the Maritime Security Level is raised to 3 all cruise operations are to be suspendedforth with.

Note. Only an appropriate government agency can be appointed as a Maritime Security Organization to carryout these tasks, e.g., RMIPA, Police, Customs, etc.

1.18 A port may also request a DOS before or during a ship-port interface if the port facility security plan identifies the ship-port interface as being susceptible to a security incident. The common examples are expected to be cruise vessels or gas, oil and chemical tankers. The port can also require a DOS where it is operating at a higher security level than the ship with which it is interPacing. This is an unlikely scenario as an increase in the port security level is expected to be accompanied by the directive for ships in that port to increase to Level 2 while alongside.

1.19 It is important to note that the occasions above may be limited by RIMI law and that in the main they are an issue between the port and ship or ship and ship. There should be no need for Designated Authority to become involved in such situations. There is however a provision for the Secretary to require a DOS under Section 8 (1) of the Port Security Regulations. Section 8 (l) provides that the Secretarv shall determine when a Declaration of Security is required, by assessing the risk the ship/port interface or ship-to-ship activity poses to persons, property or the environment.

Form of a DOS

1.20 There is not a prescribed form for the DOS in RMI. The approach under Section 8 of the Regulations is to instead prescribe the requirements that must be addressed.

1.21 A generic form is attached as Annex C but must be adapted to suit the specific circumstances. This form is based on the example in Appendix 1 to part B of the ISPS Code.

Bomb Threats

1.22 While there is no Bomb threats in the RMI the national police have direct access to assistance from Bomb squad at the Ronald Reagan Missile Testing site at KwQjalein, and from Hawaii and Guam. Request must go through Attorney General's Office and the Foreign Affairs Department.

Reporting Maritime Bomb Threats

1.23 A port or ship contacting the RMI to report a bomb threat in the first instance shall immediately be referred to the RIMI National Police. RIMI National Police are the most appropriate first responder to deal with such threats. The RMI National Police will apply a svstematic approach to assessing the threat.

Decisions

1.24 It shall be the National Police that must decide whether or not to evacuate. It shall be depend on the information received. If evacuation is ordered. a Search Group will likely be called out to search for the presumed explosive device.

1.25 In circumstances where the decision to enter port following a bomb threat is made by the master in conjunction with the Police, the Director shall immediately be informed and involved in the deliberations.

Media

I .26 Throughout a bomb threat incident it is of paramount importance that all inquiries by the media be directed to the National Police. All other persons should be instructed not to discuss the current situation with any outsiders, specially the media. The purpose of this provision is to insure that the media is furnished with accurate information and that irresponsible statements from uninformed sources do not precipitate additional bomb threat calls. Therefore- all media enquiries are to be referred to the RIMI National Police.

Security Incident Reporting

1.27 Ship Security Alert System (SSAS)

All VMS and SSAS alerts will be received at the RMI National Police Sea Patrol Unit and the office of the RIMI Chief Secretary Rescue Coordination Center (see emergency contact details).

Marine VHF 16 is monitored 24/7 by the RMI Ports Security. All security communications are normally handled through Marine VHF and Telephones.

1.28 All other incidents.

All other security incidents requiring an urgent response are to be reported to the RIMI Ports Authority and/or to the following contacts:

Emergency Contact Details

1.29

RMI Ports Authority:	625-8269, 8805
Director	Ext. 26
Port Security Officer	Ext. 22
Chief of Security	Ext. 39
	625-4269 Fax
Mobil Oil Micronesia:	625-3338, 4664
Manager	455-3338
	625-3833 Fax
Marshalls Energy Company:	625-3837, 3828, 3829
Tank Farm	625-8410
	652-7254 Fax

I .28 RIMI Government Emergency Numbers

RMI Chief Secretary:	625-5181
DMO	625-3649 Fax
RMI Customs Office:	625-8606, 5196, 5724
Chief	625-5730 Fax
RMIEPA	455 —5203 cell

GM	625-5202 Fax
National Police	625-6911. 8666, 3323
Fire Department	625-3222
Police Commissioner	62)-- 4049
	625-5134 Fax
Immigration Office	625-8633, 8099
Chief	625-5218 Fax
RIMI Ministry of T&C:	625-8377. 8869
Secretary	625-03486 Fax
RMI Quarantine:	625-3206, 7458
Chief	625-7471 Fax

Majuro Atoll Local Government Emergency Numbers

Police Emergency:	625-8148, 8999
Sheriff	625-7999
	625-5714 Fax