

The implementation of the ISPS Code in Sao Tome and Principe

Enhancing integration among STP institutions

Mr. Me Chinho Costa Alegre
United Nations-Nippon Foundation
Fellow 2009

Objectives

- Describe the work developed in Sao Tome and Principe to strengthen the coordination among the institutions with responsibilities in maritime security.
- This presentation also highlights the recent achievements with the implementation of the ISPS Code.

Contents

- Context
- The ISPS Code
- Recent achievements
- Perspectives

Context (1) Geography

- Located off of the Western Coast of Africa, in the Gulf of Guinea, straddling the Equator (1 00 N, 7 00 E)
- Two larger islands: Sao Tome and Principe.
- Population is 168.800



Context (2) Geography (cont'd)

- Land surface of 1001 Sq. Km and an EEZ of 160.000 Sq. Km;
- However, Sao Tome and Principe is the second tiniest Country in Africa

Context (3) Economy

- STP economy is extremely dependent on marine resources such as fish, that constitutes more than 60% of the protein sources for the population;
- Transportation of goods is mainly carried by sea, using national port facilities;
- Sao Tome is planning to build a Deep Water transshipment Port with the purpose of rendering services to the Region;
- Future offshore oil exploitation

Institutional Framework (1)

Ministry of Public Works and Natural Resources

- Maritime and Ports Authority
- Environment Directorate
- Ports of STP (ENAPORT)

Ministry of Defense

- Coast Guard (STCG)
- Fiscal Police (FP)
- National Police
- Immigration (SMF)
- Captain of the Port (Harbor Master)

Institutional Framework (2)

Ministry of Finance and International Cooperation

- Customs

Ministry of Plan and Development

- Ports Company (ENAPORT)

Ministry of Justice

- Criminal Investigation Police (PIC)

Other relevant bodies

**Gov. Departments/
Services**

Fisheries

**Gov.
Agencies**

National Petroleum
Agency (ANP)

Judiciary
Courts/ Attorney
General Office

Principe Regional
Government

Districts local
authorities

Legal Framework (1)

Constitution

Framework Law on Maritime Safety and Pollution Prevention

Fisheries Law
Nr. 9/2001

Law nr. 1/98 - Defines
STP maritime
jurisdictional boundaries

IMAP - Statutes

Customs Regulations

Regulation of the Captain
of the Port

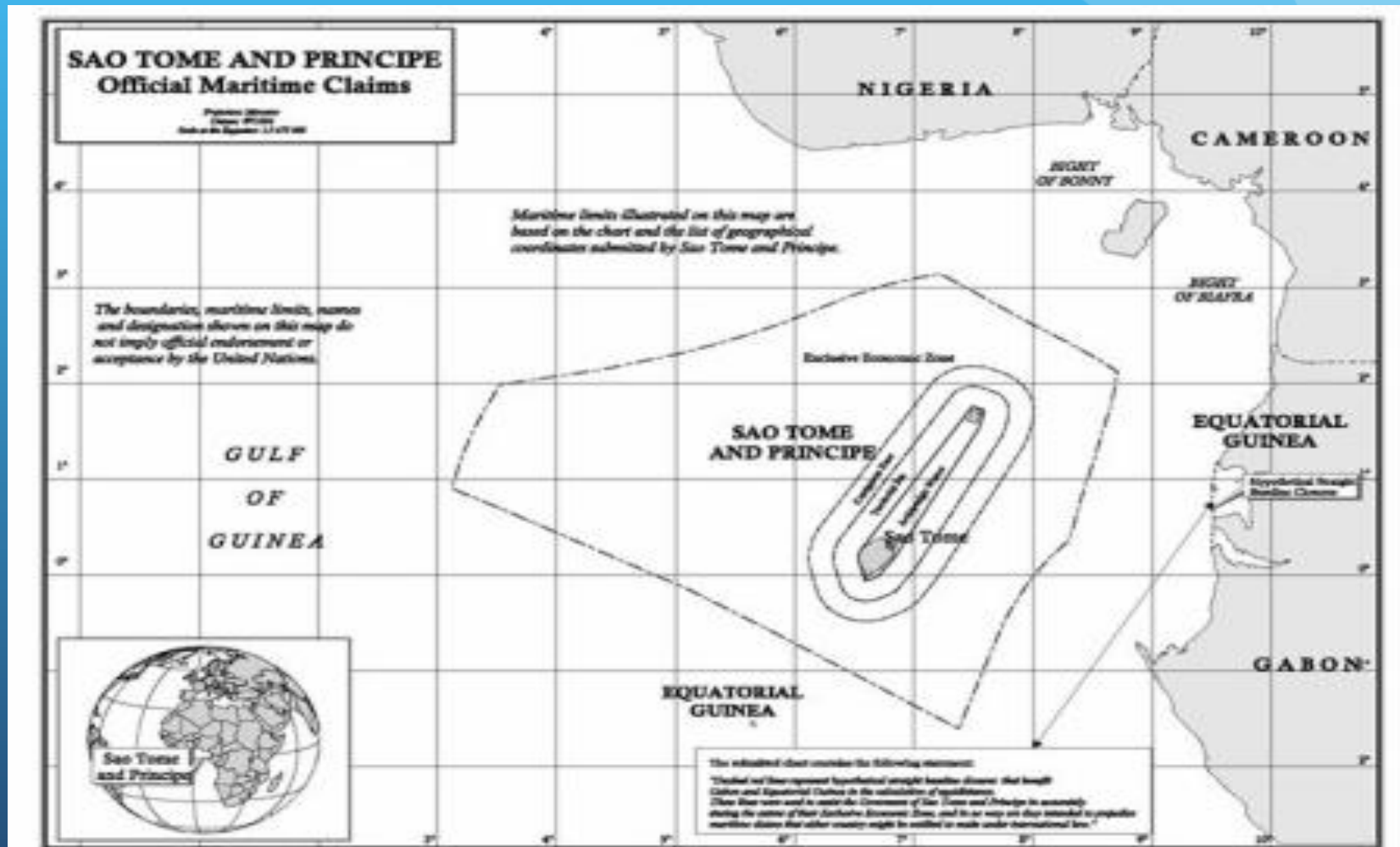
STP Criminal Procedure
Law

Criminal Code

Judicial (Courts
jurisdictions and
organizations)

National Defense and Armed Forces Act

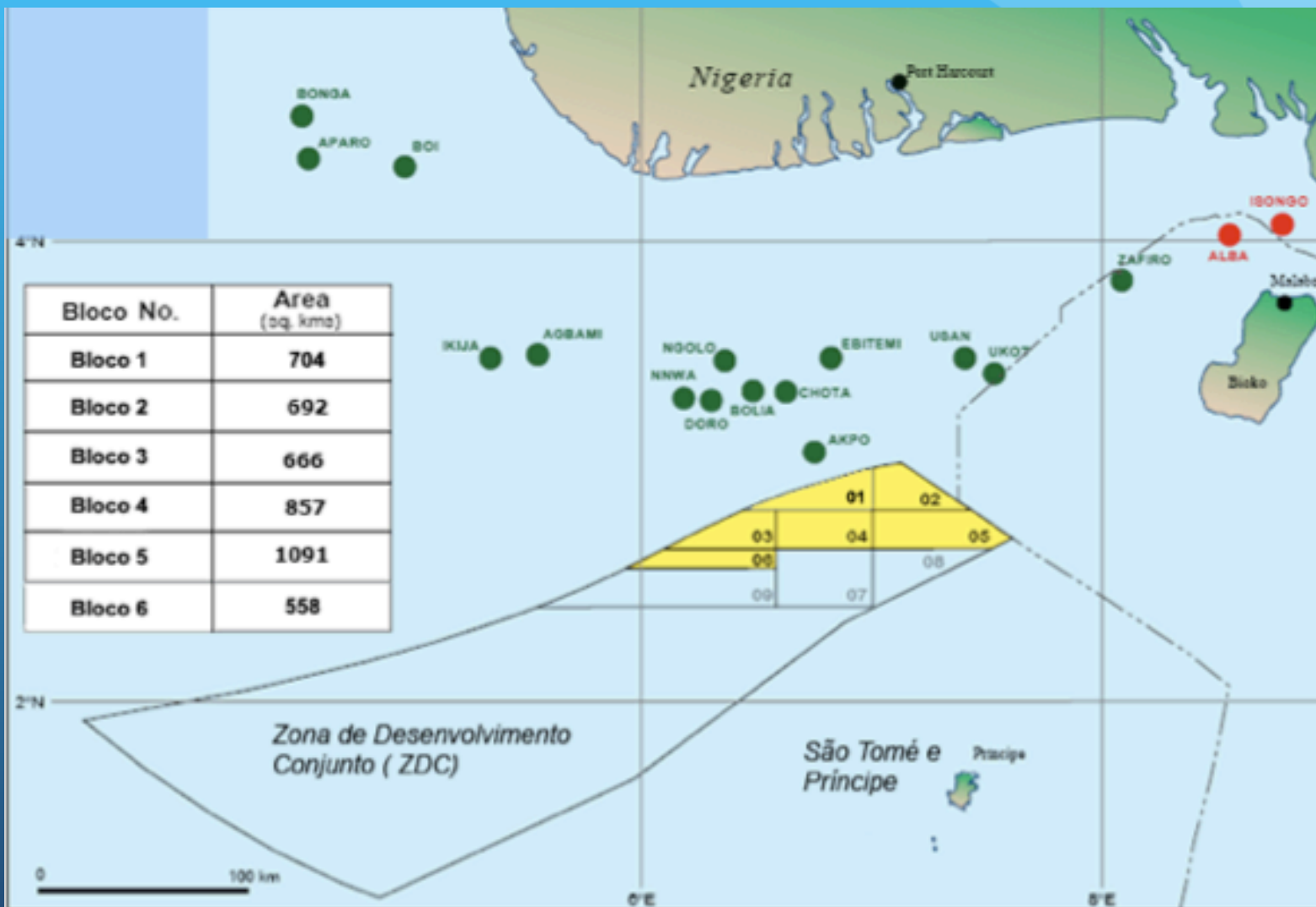
Context: National Maritime Jurisdictions



Regional context

- STP participates actively in main legal instruments within the Region (Central African);
- STP is part of the Community of Central African States (CEAC)
- Is also part to the Gulf of Guinea Commission
- STP is part of major regional range Joint Exercices and Action
- From the maritime safety stand point, STP is part of the Regional Search and Rescue Coordination Centre and to the Abuja MoU on Port State Control

Joint Development Zone



Regional level - specific case of the JDZ

- The Joint Development Zone is an oil and marine resources shared zone with Nigeria, under a bilateral Joint Development Agreement, signed in 1998.
- Oil fields which are being jointly developed in a 60-40 split with Nigeria;

Regional level - specific case of the JDZ

- The JDA established a Joint Authority, under coordination of a Joint Ministerial Commission which serves also as a cooperation platform.
- Accordingly with the Treaty that establishes the JDZ, both countries must cooperate in protection their common interests.
- That cooperation includes military coordinated actions and joint patrol along with other initiatives.

Main maritime and port security issues

- Unreported/
illegal fishing;

- Smuggling of
goods

- Dumping at sea

- Drug trafficking
- Illegal
immigration
- Piracy

- Lack of
resources to
control
efficiently the
movement of
ships

Main reasons to implement inter-agency coordination

- The new Deep Water Port in Sao Tome requires safety to compete with other ports;
- Lack of human and financial resources – that leads to a joint effort and rational use of existing resources.
- Small Island State but EEZ 160 times bigger – almost impossible to grant 100% surveillance;
- Risk of depletion of natural resources;

The ISPS Code

- International Ships and Port Facilities Security Code (*Código Internacional para a Protecção de Navios e Instalações Portuárias*)
- SOLAS Convention - Chapter X-II
- Main obligations of contracting Governments:
 - 1) Establish a Designated Authority
 - 2) Define the applicability (ships and port facilities included)
 - 3) Define rules for ships and port facilities (drills, exercises and port security plans)
 - 4) Approve and inspect port/ship security plans

Framework Law on Maritime Security and Pollution Prevention

- IMAP was established under the Framework Law on Maritime Security and Pollution Prevention - Law nr. 13/2007 (FLMS). IMAP was the leading Agency in this coordination process.
- The FLMS defines the vision for the maritime Security in STP, by the so called National Maritime Security System, which is formed by IMAP, the Coast Guard and the IMO National Committee;
- The implementation of the ISPS comes as a result of the implementation of the FLMS, as stated in the article 22.

Implementation of the ISPS Code



2008

- Total lack of coordination
- Each agency promotes individually its tasks
- Potential “conflict” of jurisdictions



2009

- More efforts from all sides
- Sensitization
- Training
- Access control rules



2010

- Integrated approach
- Joint Actions
- Visible results
- Legislation enter into force
- Joint drills

2008

- IMAP assumes the leadership of the process, as the representative of the Government before IMO (the role of the designated authority for STP as contracting Government)
- The initial efforts found some resistance among the agencies involved but arrangements were made to establish a Port Security Committee (PSC);
- The PSC started the discussions towards the adoption of some basic rules to control the access to the port of Sao Tome.

MEMBERS OF THE PSC

- MARITIME AND PORTS AUTHORITY (IMAP)
- CUSTOMS
- COAST GUARD
- CAPTAIN OF THE PORT
- MIGRATION
- FISCAL POLICE
- ENAPORT

2009

- The port of Sao Tome **Access Control Regulations** come into effect;
- Everybody was involved in the drafting, discussion and adoption;
- Given the form of adoption these Regulations became effective as **Port Company's Regulations** - not suitable for criminal and administrative enforcement (soft regulation).
- Sensitization (agencies, Government members, private sector - shipping industry)

2010

- Entry into force of new Legislation implementing ISPS at the national level - **Decree Law nr. 4/2010**
- Training courses for all the institutions involved provided by the USCG (May)
- Joint drills and exercises at the Port of Sao Tome (April);
- Designation of a PFSO

Decree Law nr. 4/2010

- This Decree Law is a broad national legal binding instrument that applies to any individual or entity.
- Port and ship certification in compliance with the ISPS Code;
- Establishes legally the Committee for the Protection of Maritime Transport and Ports (in portuguese Comité Protecção do Transporte Marítimo e Portos - CPTMP), that formally replaces the PSC (2008).

CPTMP - Structure

- **SECRETARIAT** is with **IMAP** as the leading agency;
- Chair Agency (**PRESIDENT**) position is shared among the agencies.
- One ordinary meetings per trimester and any of the agencies can ask the Secretariat for urgent meetings as a consequence of any incident or threat occurred at Sea.

Current status and perspectives

IMAP

- In functions since 2008

Committee

- Created in 2010
- Meeting regularly

Coast Guard:

- to be formally created, organized and equipped



Questions?

Acknowledgments