Chapter v

From the Achille Lauro to the Present Day: An Assessment of the International Response to Preventing and Suppressing Terrorism at Sea

Rosario Domínguez-Matés*

Introduction

There are many aspects to maritime security: piracy, trafficking in drugs, human beings and weapons of mass destruction, environmental protection and terrorism at sea1.

Terrorism at sea is a relatively recent but significant phenomenon 2 as maritime history shows: Santa María in 1961, Anzoategui in 1963, Achille Lauro in 1985 and the City of Poros in 1988. The scenario was the same in all four incidents: an armed group took control of the ship and hijacked the cargo or passengers in order to bring a particular political problem to the attention of international public opinion3.

Since the 9/11 terrorist attacks, the international community in general and the United States of America in particular have been forced to consider the possibility of terrorist threats or attacks at sea4. From the hijacking of passenger ships to the use of petrol tankers as a means of attack or merchant ships for transporting weapons of mass destruction, the sea could become a new scenario for terrorist attacks.

The United States of America has become the main bastion for promoting preventive and suppressive measures in this sphere. Its action, however, oscillates between seeking international cooperation under the aegis of the International

---

* Assistant Doctor Professor of Public International Law and International Relations, University of Huelva (Spain).
1 BOISSON, Ph., La sûreté des navieres et la prevention des actes de terrorismo dans le domaine maritime, in Le Droit Maritime Français, no. 640, September, 2003, p. 723.
3 BOISSON, Ph., La sûreté des navieres et la prevention des actes de terrorismo dans le domaine maritime, in Le Droit Maritime Français, no. 640, September, 2003, p. 724.
4 BERTIN-MOUROT, E., LELIEUR, F., and TERROIR, E., Terrorisme et piraterie... op. cit., pp. 61-64.
Maritime Organisation and the International Labour Organisation and entering into bilateral agreements with certain groups of countries outside the sphere of international organisations or even acting on its own. This multilateralism versus unilateralism dichotomy has obviously raised questions on the significance of such measures and whether they conform to existing norms of international law along with possible changes in the maritime security framework which we examine below.

1. Reinforcing maritime and port security

1.1. Action within the framework of the International Maritime Organisation

In the sphere of multilateral agreements, in 2002 the International Maritime Organisation (hereinafter, IMO) amended the International Convention for the Safety of Life at Sea (1974) (hereinafter, SOLAS Convention) creating a new Chapter XI-2 (“Special Measures to Enhance Maritime Security”) and adopting the International Ship and Port Facility Security Code (hereinafter ISPS Code), among other preventive measures. In essence, the purpose of this new legal regime is to prevent ships, their cargo or port facilities from becoming terrorist targets.


The amendments to the 1974 SOLAS Convention introduced control requirements and made mandatory the carrying of security alert devices aboard ships. In essence, the amendments to SOLAS Convention consist of changes in the existing Chapter XI (which is renamed as Chapter XI-1) and the addition of a new Chapter XI-2. The amendments require ships, shipping companies and port authorities to comply with Part A of the ISPS Code as well as the special requirements provided for in Chapters XI-1 and XI-2 as amended. Following MENSAH, we can highlight the following measures:

---
