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Washington, D.C. 20006
United States of America

INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION

CICAD

Organization of American States

P. 202.458.3000
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Secretariat for Multidimensional Security

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FINAL REPORT
GROUP OF EXPERTS ON MARITIME NARCOTRAFFICKING
(DRAFT)

Executive Summary

The Group of Experts on Maritime Narcotrafficking met at the Regente Palace Hotel in Buenos Aires, Argentina from July 16 to 20, 2012. Prefecto Mayor Rene Vicente Reibel, Chief of Counterdrug Investigations of the Prefectura Naval of Argentina chaired the meeting. 25 experts representing 13 member states (Argentina, Bahamas, Bolivia, Brazil, Canada, Chile, Ecuador, Mexico, Panama, Peru, St Kitts and Nevis, Trinidad and Tobago, and United States) participated in the meeting.

Following the attached schedule of activities the Group worked on the tasks assigned in the plan of action approved by the Commission during its fiftieth regular session in Buenos Aires (November 2-4, 2011).

The Group of Experts offers the following recommendations for the Commission's consideration:

That the Commission:

- **accept** the following resource documents:
 - § **Guide for the Control for Small Vessels: Recreational, pleasure, fishing**
 - § **Guide for the Control of Narcotrafficking Over Lakes and Riverine Systems**
 - § **Guide for the Control of "Go Fast" Boats**
- **direct** the Group of Experts to continue its work on the issues initiated for consideration and to be finalized at the next meeting
- **direct** the Executive Secretariat to update the questionnaire for the regional study of maritime narcotrafficking conducted in 2003 to replicate this study in 2013
- **direct** the Group to continue its work on the **Guide for Judicial Support**
- **direct** the Group to continue its work on the **Guide of Special Maritime Narcotrafficking Investigative Techniques**
- **accept** the proposed plan of action for the Group of Experts
- **direct** the Group of Experts to meet during 2013 and implement the plan as proposed, allowing for the consideration of new or emerging issues
- **accept** Peru's offer to host and chair the next meeting of this Group

I. BACKGROUND

During its fiftieth regular session in Buenos Aires, Argentina (November 2-4, 2012), the Inter-American Drug Abuse Control Commission (CICAD) received and considered the report of the Group of Experts on Maritime Narcotrafficking further to its meeting in Santo Domingo, Dominican Republic (August 8-12, 2011). In reviewing the report the Commission made note of concerns regarding several documents presented for approval indicating that further work was required. With these changes the report was approved and the Commission directed the Group to meet to execute the approved plan of action. Following the meeting the Government of Argentina offered to host and chair the next meeting.

II. PROCEEDINGS

A. PARTICIPANTS

1. Member States of CICAD

25 experts representing 13 member states (Argentina, Bahamas, Bolivia, Brazil, Canada, Chile, Ecuador, Mexico, Panama, Peru, St Kitts and Nevis, Trinidad and Tobago, and United States) participated in the meeting in Buenos Aires, Argentina.

B. SESSIONS AND ORGANIZATION OF THE MEETING

1. Opening Session

The meeting of the Group of Experts on Maritime Narcotrafficking took place at the Regente Palace Hotel in Buenos Aires, Argentina from July 16 to 20, 2012. Mr. Miguel Robles, deputy secretary for Complex Crimes of the Ministry of National Security; Dr. Rafael Antonio Bielsa, Secretary of State, Secretariat for Programming Drug Abuse Prevention and the Fight against Drug Trafficking (SEDRONAR), Chair of CICAD; Prefecto General José María de Bardeci, General Director of Security and Criminal Intelligence of the Prefectura Naval of Argentina addressed participants during the opening, offering welcoming remarks.

2. Working Sessions

Prefecto Mayor Rene Vicente Reibel of the Prefectura Naval of Argentina chaired the meeting. Following the customary format for this meeting it included both plenary and working group sessions.

A. Presentations

During the meeting the following presentations were delivered to the plenary:

Presentation by Argentina:

Responsibilities of the National Maritime Authority (Prefectura Naval) related to the Control of Illicit Drugs:

Prefecto Nestor David Alarcón Torres of the Prefectura Naval delivered a presentation on the Narcotics Investigation Division of the Prefectura Naval. Mr. Alarcón Torres provided an overview of the organization, its responsibilities and activities. At the same time he showcased a number of important operations and cases that have been pursued by this entity.

Presentation by Mexico:

Interdiction of Go Fast boats and Submersible/Semisubmersible Vessels on the Coast of Mexico

Captain Victor Manuel Garcia Macedo of the Naval Secretariat of Mexico delivered a presentation on the work that is being conducted to deal with the use of go fast boats and submersible and semisubmersible vessels to move illicit drugs to Mexico's coast.

Captain Macedo noted that trafficking routes have changed little over the past 6 years or so. There has been an increased use of more sophisticated equipment to facilitate the movement of these drugs. Narcotraffickers are also making use of national holidays and other events to cover the arrival of shipments.

Captain Macedo showcased a number of cases involving these vessels.

In addition to these specific operational activities, Captain Macedo provided an overview of institutional aspects and strategies that are applied to the plan and strengthen the activities of the organization. More recently Mexico has increased its participation in joint or multinational activities both regarding training and operational initiatives. Some of these joint operational activities were also showcased.

Captain Macedo also provided an overview of the legal framework for the control of maritime narcotrafficking in Mexico. In doing so he noted that Mexico does not currently have in place national legislation concerning the control of submersible and semisubmersible vessels. Such legislation is pending in the Congress at this time.

B. Plenary Discussions:

The Group of Experts considered the following issues:

Guide for the Control for Small Vessels: Recreational, pleasure, fishing (Argentina)

Member states are faced with the movement of large numbers of small recreational, pleasure and fishing vessels. This is further complicated by extended coastlines and many private marinas. Many of these vessels are used to move illicit drugs and related contraband either to offload to larger vessels and return to port or to transport these illicit goods to other countries. Under these circumstances it is difficult to monitor the movement of these vessels. During the meeting in 2011, the delegation of Argentina chaired a working group to prepare a guide on methods to control these vessels.

The delegation of Argentina presented the draft guide prepared by the working group it chaired. The guide provides member states with some basic elements for the control of drugs moved by these small vessels. After some discussion the draft was revised and the Group finalized the guide which it presents for the Commission's consideration.

Guide for the Control of Narcotrafficking Over Lakes and Riverine Systems (Venezuela)

The majority of illicit drugs are being moved by maritime means. While most of the enforcement activities have been focused on interdiction at sea, the systems of rivers and lakes are also being extensively used by narcotraffickers. Building on the discussions that took place during the meeting in 2010 the working group chaired by the delegation of Venezuela revised the draft guide that had been prepared. The working group finalized the draft guide and presented it to the Group of Experts for comment and additional modification as required. It was presented to the CICAD Commission during its fiftieth regular session (November 2011). In considering this guide the Commission noted that certain definitions used in the document were not consistent with those adopted in various international treaties. The Commission directed that the Group re-examine the definitions contained in this guide to ensure that they are consistent with those contained in relevant international treaties and conventions.

Unfortunately Venezuela was not able to attend the meeting to present a revised draft of this document. Nonetheless the Group worked from the original draft to revise the document. While the Group had already considered the body of the guide it made some editorial changes to the text so as to improve the quality of the document. In examining the glossary the Group determined that it was not necessary for the document and so it was deleted from the final draft. The Group finalized this draft document and submits it for the Commission's consideration and approval.

Guide for Judicial Support (United States/Canada/Panama)

In some instances prosecutors and judges are not familiar with the special circumstances surrounding interdiction activities related to maritime narcotrafficking. During the meeting in 2011, a Working Group started to prepare a questionnaire designed to identify the general obstacles relating to the investigation and prosecution of maritime narcotrafficking cases. The original plan of action called on the Working Group to prepare and distribute the questionnaire. Delays in finalizing the questionnaire made it impossible to follow the original plan. The Working Group finalized the questionnaire and a new plan of action, presenting both at the meeting. The purpose of this questionnaire is to create a catalogue with the nature and types of problems faced by investigators, prosecutors and the court system in maritime drug trafficking and related crimes. After identifying the obstacles, the Working Group will prepare a series of suggestions and training assistance in a document designed to support the investigation and prosecution of persons involved in maritime trafficking of drugs and chemical precursors. This document will create a practical guide that will allow each country to adopt specific provisions that will fit each country's domestic legislation and experience.

The US delegation presented the revised draft questionnaire for discussion by the Group as well as a plan of action for moving forward with this initiative. In doing so the delegation stressed the importance of both effective interdiction AND prosecution. In some instances effective prosecution is affected by certain loopholes in the legislation or prosecutorial system. Interdiction activities at sea are different from those on land. The circumstances at sea may make it impossible to meet the procedural requirements set forth for the prosecution of cases that were in fact structured in terms of land-based interdiction. In some instances these differences or a lack of understanding of these differences by judges and prosecutors can affect the successful prosecution of maritime narcotrafficking cases.

Further to input and comments from the Group the questionnaire was finalized. The Executive Secretariat will now distribute the questionnaire to all member states. The completed questionnaires will be returned to the working group for review and compiling. Results of the questionnaire will be presented at the Groups next meeting along with any documents coming from this first step

Guide for the Control of "Go Fast" Boats (Colombia/Mexico)

The use of "go fast" boats continues to be an important means for narcotraffickers to move illicit drugs and related contraband. During the meeting in 2009 a working group initiated a guide to help member states respond to this threat. The working group finalized the draft guide during the Group of Experts meeting in 2011. In considering this guide the CICAD Commission during its fiftieth regular session (November 2011) noted that the Group of Experts has a mandate to review and analyze a problem such as the one related to go-fasts and make recommendations to member states for approval by the Commission. However, this guide with various articles appeared like model regulations for which the Group did not have a mandate to prepare. As such the Commission did not approve this guide.

Unfortunately representatives from Colombia were not able to attend the meeting and present a revised draft of this document to the Group. The Group used the original draft as a starting point and revised the document to be more in the form of a guide or best practices manual in how to deal with this method of narcotrafficking. The Group also made some small changes to technical aspects of the document. The finalized draft is presented here to the Commission for its consideration.

Information Bulletin on Methods and Routes used to move illicit drugs and related contraband by maritime means

During the meetings of this Group participants have the opportunity to share experiences and information concerning maritime narcotrafficking. In the past, members have exchanged information on new smuggling routes or methods that narcotraffickers in their area are using. Similarly new trends that have been noted are shared. In organizing the meeting this exchange has been formalized through a round table discussion during which experts have the opportunity to share this type of information. The information was summarized in a single document that was then shared with participants. In addition, following the meeting, copies were distributed to all CICAD Commissioners for dissemination to relevant agencies. A copy of the information bulletin produced with the input from experts at this meeting is attached.

C. Working Groups

The following is a summary of the activities and tasks undertaken by working groups formed during the meeting:

Guide of special maritime narcotrafficking investigative techniques (Argentina coordinator)

Officials responsible for the control of maritime narcotrafficking apply many investigative techniques to achieve their goals. These investigative techniques may be applied in different ways from country to country. In some instances they are not permitted for legal and constitutional reasons.

A working group composed of representatives from Argentina, Chile, United States and Mexico was tasked to develop a guide regarding these various investigative techniques. As a starting point the working group prepared a questionnaire that it proposes be distributed to all member states. The results of the questionnaire will be compiled and used in the formulation of the guide for discussion when the Group next meets.

Guide for establishing joint interagency units for risk management and assessment of cargo in ports (Peru coordinator)

Maritime containers are used extensively to smuggle illicit drugs and related contraband. The volume of container traffic is significant making it impractical to check each container. As such, officials tasked with controlling these containers need to focus their activities, analyzing the risks associated with each container and managing the relative risk of each. It has been found that a joint effort that brings together all of the relevant agencies such as customs, police, maritime authorities and others into a risk analysis team has been effective.

A working group composed of representatives from Bolivia, Brazil, Chile, Ecuador and Panama was tasked with preparing a draft guide as to how to create and organize such joint container risk assessment teams for discussion when the group next meets.

Best Practices Guide to Disrupt Criminal Infiltration of Port Facilities (St. Kitts and Nevis coordinator)

A significant portion of illicit drugs and related contraband tend to be moved through ports and by maritime means. The people who work in these areas as well as those in the agencies tasked with controlling maritime narcotrafficking are particularly vulnerable to attempts of corruption. Countries need to make every effort to minimize or prevent infiltration of companies and agencies by agents of narcotraffickers.

A working group composed of representatives from Argentina, Bahamas, Brazil, Canada, Saint Kitts and Nevis and Trinidad and Tobago was formed to develop a guide to prevent such infiltration and to identify cases of corruption. A draft guide will be prepared for discussion and to be finalized when the Group next meets.

Hemispheric Study of Maritime Narcotrafficking

In addition to the foregoing issues noted, the Group revisited the 2003 CICAD/OAS Hemispheric Study of Maritime Narcotrafficking. As such, the Group expressed an interest in replicating and updating this study on its tenth anniversary. With the Commission's approval the Executive Secretariat will, with input from selected member states, update the questionnaire and use it to replicate the study in 2013.

Special Activity

The Chair and Prefectura Naval hosted a special visit to the Maritime Traffic Control Room of the Direction of Operations of the Prefectura Naval. This center is used to monitor the movement of vessels moving through Argentina's territorial waters. Prefecto Mayor Alejandro Rajruj made a demonstration about the system SIGO, an automated system that is used for this purpose. It is a comprehensive system that allows operators to identify specific vessels by various means and track their movement.

Prefecto Mayor Rene Reibel delivered a presentation on "Operación Quilla Blanca" (Operation White Keel) in which 444kg of cocaine were seized from a recreational vessel. The investigation led to the dismantling of a transnational criminal organization with links to the Cartel del Norte del Valle from Colombia, known for the use of maritime means for narcotrafficking, including submersible and semisubmersible vessels.

Special Announcements

The delegation of Peru expressed Peru's interest in hosting and chairing the next meeting of this Group of Experts, offering its candidacy to do so.

3. Plan of Action

Further to the discussions in plenary and in the working groups, the Group of Experts has prepared the following plan of action from which the assigned products will be presented when the Group next meets:

- **Distribute the questionnaire associated with the Guide for Judicial Support (United States/Canada/Panama) and process/compile the results for presentation at the next meeting and use in the formulation of the guide**
- **Distribute the questionnaire associated with the Guide of Special Maritime Narcotrafficking Investigative Techniques (Argentina) and process/compile the results for presentation at the next meeting and use in the formulation of the guide**

Other issues for discussion at the next meeting:

In addition to the foregoing, the Group identified the following topics as potential issues for further discussion at the next meeting:

- **Guide to establish and conduct bilateral operations (interagency and international)**
- **Procedure for the exchange of technical information (scanning equipment at ports, etc)**

4. Closing Session

The Group of Experts concluded its work on July 20. Prefecto Mayor Reibel offered closing remarks and thanked the members of the Group of Experts for their participation.

III. CONCLUSIONS AND RECOMMENDATIONS OF THE GROUP OF EXPERTS

RECOMMENDATIONS FOR THE CICAD COMMISSION'S CONSIDERATION:

That the Commission:

- **accept** the following resource documents:
 - § **Guide for the Control for Small Vessels: Recreational, pleasure, fishing**
 - § **Guide for the Control of Narcotrafficking Over Lakes and Riverine Systems**
 - § **Guide for the Control of "Go Fast" Boats**
- **direct** the Group of Experts to continue its work on the issues initiated for consideration and to be finalized at the next meeting
- **direct** the Executive Secretariat to update the questionnaire for the regional study of maritime narcotrafficking conducted in 2003 to replicate this study in 2013
- **direct** the Group to continue its work on the Guide for Judicial Support
- **direct** the Group to continue its work on the Guide of special maritime narcotrafficking investigative techniques
- **accept** the proposed plan of action for the Group of Experts
- **direct** the Group of Experts to meet during 2013 and implement the plan as proposed, allowing for the consideration of new or emerging issues
- **accept** Peru's offer to host and chair the next meeting of this Group



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GROUP OF EXPERTS ON MARITIME NARCOTRAFFICKING
July 16 - 20, 2012
Buenos Aires, Argentina

OEA/Ser.L/XIV.4.7
CICAD/SRGE/doc. 4/12
29 June 2012
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DRAFT SCHEDULE OF ACTIVITIES

Monday, July 16, 2012

09:15 Presentation and Registration of Participants
(Military: uniform; civil: formal attire)

INAUGURAL SESSION

10:00 Welcome remarks by:

- Dr. Rafael Bielsa, Secretary of State, Secretariat for Programming Drug Abuse Prevention and the Fight against Drug Trafficking (SEDRONAR), Chair of CICAD
- Prefect- General Oscar Adolfo Arce, National Naval Prefect, Argentine Naval Prefecture (Coast Guard)
- Dr. Nilda Garré, Minister, National Security Ministry
- Mr. Ziggy Malyniwsky, Chief, CICAD's Supply Reduction and Control Section

10:30 Coffee break and Photo of the Group

FIRST PLENARY SESSION

11:00 Introduction and Review by the Executive Secretariat of CICAD

- Background
- Objectives and CICAD Commission expectations
- Schedule of work
- Proposed work methodology
- Status report on Recommendations
- Other issues

11:45 First Roundtable: Identification of the new issues of concern, challenges and trends that could be assigned to a working group

12:30 Lunch

SECOND PLENARY SESSION

14:00 Guide for the Control for Small Vessels: Recreational, pleasure, fishing (Argentina)

- René Reibel, Argentina

Briefing: Member states are faced with the movement of large numbers of small recreational, pleasure and fishing vessels. This is further complicated by extended coastlines and many private marinas. Many of these vessels are used to move illicit drugs and related contraband either to off load to larger vessels and return to port or to transport these illicit goods to other countries. Under these circumstances it is difficult to monitor the movement of these vessels. During the meeting in 2011, the delegation of Argentina chaired a working group to prepare a guide on methods to control these vessels. The guide will be presented to the Group of Experts for review and approval in 2012.

14:30 Guide for the Control of Narcotrafficking Over Lakes and Riverine Systems (Venezuela)

- Presenter to be determined

Briefing: The majority of illicit drugs are being moved by maritime means. While most of the enforcement activities have been focused on interdiction at sea, the systems of rivers and lakes are also being extensively used by narcotraffickers. Building on the discussions that took place during the meeting in 2010 the working group chaired by the delegation of Venezuela revised the draft guide that had been prepared. The working group finalized draft guide and presented it to the Group of Experts for comment and additional modification as required. It was presented to the CICAD Commission during its fiftieth regular session (November 2011). In considering this guide the Commission noted that certain definitions used in the document were not consistent with those adopted in various international treaties. The Commission directed that the Group re-examine the definitions contained in this guide to ensure that they are consistent with those contained in relevant international treaties and conventions.

15:00 Guide for Judicial Support (United States/Canada/Panama)

- Lou Orsini, United States

Briefing: In some instances prosecutors and judges are not familiar with the special circumstances surrounding interdiction activities related to maritime narcotrafficking. During the meeting in 2011, a Working Group started to prepare a questionnaire designed to identify the general obstacles relating to the investigation and prosecution of maritime narcotrafficking cases. The original plan of action called on the Working Group to prepare and distribute the questionnaire. Delays in finalizing the questionnaire made it impossible to follow the original plan. The Working Group will finalize the questionnaire and a new plan of action, presenting both at the meeting. The purpose of this questionnaire would be to create a catalogue with the nature and types of problems faced by investigators, prosecutors and the court system in maritime drug trafficking and related crimes. After identifying the obstacles, the Working Group will prepare a series of suggestions and training assistance in a document designed to support the investigation and prosecution of persons involved in maritime trafficking of drugs and chemical precursors. This document would create a practical guide that will allow each country to adopt specific provisions that will fit each country's domestic legislation and experience.

15:30

Coffee break

15:45

Guide for the Control of "Go Fast" Boats (Colombia/Mexico)

- Presenter to be determined

Briefing: The use of "go fast" boats continues to be an important means for narcotraffickers to move illicit drugs and related contraband. During the meeting in 2009 a working group initiated a guide to help member states respond to this threat. The working group finalized the draft guide during the Group of Experts meeting in 2011. In considering this guide the CICAD Commission during its fiftieth regular session (November 2011) noted that the Group of experts has a mandate to review and analyze a problem such as the one related to go-fasts and make recommendations to member states for approval by the Commission. However, this guide with various articles appeared like a model regulation for which the Group did not have a mandate to prepare. As such the Commission did not approve this guide. If the Working Group and Group of Experts wish to pursue this issue it will have to be in the form of a guide or best practices manual in how to deal with this method of narcotrafficking.

- 16:30 Annual update of the Information Bulletin on Methods and Routes Used to Move Illicit Drugs and Related Contraband by Maritime Means
- Briefing: The meeting of the Group of Experts has been an ideal forum for officials to share information concerning new routes and methods used to move illicit drugs and related contraband. Participants to the meeting were invited to share their experiences and information that they have in this regard. A working group chaired by the delegation of the Dominican Republic compiled an information bulletin of the experiences shared by experts. This item or activity will be included as a basic element in the schedules of activity for all future meetings of this group.*
- 17:00 Closing of the working day
- 19:00 Welcome reception at the Lago room of the Hotel Regente Palace (Military: uniform; civil: formal attire)
- 21:00 End of the reception

Tuesday, July 17, 2012

THIRD PLENARY SESSION

- 09:00 Presentation by Argentina
- Néstor David Alarcón Torres, Prefectura Naval Argentina (Coast Guard)
- 09:45 Presentation by Mexico – Fast Boats and Semi-Submersibles Interdiction on the Mexican Coast
- Victor Manuel García Macedo, Capitan, Naval Secretariat of Mexico
- 10:30 Coffee Break
- 10:45 First Working Group Session
- Objective: working groups are established to review the documents presented in the second plenary session.
- 12:30 Lunch
- 14:00 First Working Group Session – cont.

- 15:30 Coffee Break
- 15:45 First Working Group Session – cont.
- 17:00 Closing of the working day

Wednesday, July 18, 2012

- 08:30 Trip to the Coast Guard Building of the Prefectura Naval
(Bus departs from Hotel Regente Palace)
- 09:00 Visit to the Maritime Traffic Control Room of the Direction of
Operations of the Prefectura Naval
- 10:30 Coffee Break
- 11:00 Presentation: Responsibilities of the National Maritime Authority
(Prefectura Naval) related to the Control of Illicit Drugs
- 12:00 Return to the Hotel
- 12:30 Lunch

FOURTH PLENARY SESSION

- 14:00 Presentation of the First Working Group Session results
- Objective: Representatives of each working group report on the status of their work to the plenary for comments and input from the other members of the meeting. The working group responsible would take note of the input to further refine the framework or scope of the document or guide being prepared to finalize it during the meeting or in the next meeting of the Group of Experts if it is the case.
- 15:30 Coffee Break
- 15:45 Presentation of the First Working Group Session results – cont.
- 17:00 Closing of the working day

Thursday, July 19, 2012

FIFTH PLENARY SESSION

- 09:00 Second Working Group Session
- Objective: working groups are established to: 1) address issues sent to CICAD before the meeting; 2) address issues identified during the roundtable.
- Issues sent to CICAD before the meeting
- Statistics in recent years with regard to seizures of drugs by sea
 - Maritime routes used for trafficking of illicit drugs
 - Factors that facilitate illegal drug trafficking by sea
 - Strategies used to counter trafficking of illicit drugs
- 10:30 Coffee Break
- 10:45 Second Working Group Session – cont.
- 12:45 Lunch
- 15:00 City Tour to Buenos Aires
(Bus departs from Hotel Regente Palace)

Friday, July 20, 2012

SIXTH PLENARY SESSION

- 09:00 Presentation of the Second Working Group Session results
- 10:30 Conclusions, commitments and recommendations for action by the Working Group to be submitted to the CICAD Commission for approval
- 12:00 Closing ceremony followed by a trip to the Prefectura Naval Officer's Club
(Bus departs from Hotel Regente Palace)
- 12:30 Lunch at the Prefectura Naval Officer's Club
- 15:00 Return to the Hotel Regente Palace



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Observations by CICAD's Group of Experts on Maritime Narcotrafficking Regarding Current Trends in Maritime Narcotrafficking

North America

Illicit drugs shipped in containers from the Caribbean and South America continues to present problems for countries in this region. Small vessels and pleasure craft are also used to transport drugs from producing countries. These same types of vessels are used to move cocaine and synthetic drugs (methamphetamine and ecstasy) between Canada and the United States along the lakes and river systems that separate these two countries.

Submersibles and semi-submersibles continue to be used to move illicit drugs from some producing countries to those in North America. Due to this trend, Mexico should promote its law initiative proposal regarding these vessels, to have a legal tool such as the "Model Legislation on Self-Propelled Submersible and Semi-Submersible Vessels".

Central America

Countries in this region continue to serve as transshipment points for drugs, chemicals and related contraband. Illicit drugs are frequently moved through this area by container.

Some countries have increased their monitoring and control of containers, in some instances, applying the container control program developed by the United Nations.

Caribbean

Many countries in the Caribbean continue to serve as transit points for cocaine and marijuana coming from Venezuela, Haiti and Jamaica. Europe

and the United States (often through the US Virgin Islands) are the principle destinations for these drugs. They are moved by go fast boats, containers (by freighter) and small aircrafts landing on small strips. Small vessels and fishing craft frequently move drugs off shore where they are transferred to larger vessels. Narcotraffickers continue to use "parasites" (storage containers attached to the hull of a ship) as a means to transport illicit drugs.

In many instances the drug smuggling takes place in conjunction with human trafficking/smuggling as well as arms trafficking, all of which are frequently controlled by street gangs. The resultant struggle over control of these illicit activities has led to gang vs. gang violence.

Many countries in the region lack the financial resources and assets to effectively monitor and control narco trafficking by maritime means.

Corruption of officials and infiltration of agencies controlling illicit drug trafficking is a problem in some countries in the region.

South America

Smuggling by small vessels and pleasure craft continue to present problems for countries in this region.

Trafficking along riverine borders also is an issue for many countries.

Some countries in this region that do not produce cocaine have been used as transshipment points for precursor chemicals used to produce this drug

Bilateral agreements and operations between neighboring countries have proven to be an important and effective way to respond to these challenges.

Cocaine and heroin destined for the United States and Europe are being shipped both directly from producing countries as well as transshipped through other countries in the region. This is most frequently accomplished using containers, go fast boats, small vessels and submersibles and semi-submersibles

In recent years there have been increased exports of legitimate goods from countries in the region. This has provided more opportunities for narcotraffickers that use containers to move illicit drugs.

Use of multi-agency task forces to target containers for investigation has proved to be an effective approach for counterdrug interdiction.

It has been evidenced the increase in domestic consumption in each country. This is an additional reason to neutralize the international trafficking of drugs and chemical precursors.



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**DRAFT GUIDE OF BEST PRACTICES FOR IMPROVING CONTROLS OF
VESSELS FOR SPORTING USE, SMALL-SCALE FISHING, AND LIMITED
TOURISM**

**DRAFT GUIDE OF BEST PRACTICES FOR IMPROVING CONTROLS OF
VESSELS FOR SPORTING USE, SMALL-SCALE FISHING, AND LIMITED
TOURISM**

PREAMBLE:

Vessels for sport, recreation, small-scale fishing, and limited tourism that ply rivers and seas pose one of today's primary challenges in terms of control in the fight against drug trafficking, diversion of controlled chemical substances, and transnational crime, because they are an ideal transport medium for developing concealment methods and strategies for such purposes, **given the weakness of controls and the lack of a system for efficient monitoring of those craft.**

A working subgroup was formed to address this problem, coordinated by the delegation of Argentina and including representatives of Bahamas, Brazil, Chile, Colombia, Dominican Republic, Haiti, Mexico, Suriname, United States, and Venezuela, to analyze the subject and establish the bases for execution of an action plan to prepare a **Guide of Best Practices for Improving Controls of Vessels for Sporting Use, Small-scale Fishing, and Limited Tourism**, to prevent the vessels' use for transnational crime.

GENERAL OBJECTIVE:

The objective of the draft **Guide of Best Practices for Improving Controls of Vessels for Sporting Use, Small-scale Fishing, and Limited Tourism** is to provide member states with a resource to help them establish an **Online Documentation System** for the control of such vessels. In doing so member states will be able to ensure that the legal and recreational use of these boats that navigate in the seas and rivers of each member state is not diverted to activities involved in the illicit trafficking of drugs and controlled chemical substances. Member states are invited to apply it, respecting their domestic legislation and regulations.

This document is not a legal instrument, and therefore does not establish any obligations for the member states, and does not abolish, limit, or suspend existing maritime control systems.

CONTROL MEASURES:

Agencies in member state's with jurisdiction for the control of small vessels should consider adoption of the following measures:

- § Facilitate and accelerate the control and traffic of vessels for sporting use, small-scale fishing, and limited tourism, preventing in all cases their diversion to activities involved in the illicit trafficking of drugs and controlled chemical substances.
- § Cooperate in the process of preparation and application of measures to facilitate the arrival, stay, and departure of this type of craft, seeking simplification and accuracy in the information.
- § Seek the greatest possible uniformity in the formalities, documentary requirements, and procedures, in order to facilitate and improve domestic and international seaborne and river borne traffic, minimizing insofar as possible the differences that must be adopted for special reasons.
- § Transfer data organized according to approved standards electronically between computer applications.

Relevant agencies in member states should consider implementing a uniform system in accordance with the sociocultural, political, and economic development of the states involved, guaranteeing the facilitation and simplification of procedures and data processing, yet responsive to the various demands and contingencies that may arise after their implementation and subsequent use.

Member states that are part of the International Maritime Organization (IMO) should make greater use of various procedures to harmonize the information flow regarding the vessel, cargo, and documentation needed for entry or departure from a port, in order to improve the handling and alacrity of the data by using standard online documents for swift exchange of information to facilitate proactive and appropriate controls by the maritime, police, and customs authorities.

Both those member states that request and provide have certain responsibilities. The basic idea is to use techniques for transferring a minimum amount of information as efficiently as possible. The criterion should be the minimum information needed for the process, and not the

minimum for persons who wish to get the information for other purposes. This imposes a special responsibility on the interested parties, especially the governments, state agencies, and other parties authorized to require information.

The information should be transmitted by the most rapid and efficient means available to the interested parties, and the parties (especially the government agencies involved), have the capacity to process and analyze the data efficiently.

Increased use of computer-based management and administration systems by various agencies such as maritime and government authorities would facilitate the expansion of these systems.

The advantages of open networks would be even greater if the member governments agreed to use standard forms (such as common data for presentation of documentation).

Implementation of the guide proposed here would potentially solve many of the problems associated with the information flow by using a standard electronic documentation system.

In view of the foregoing, those agencies requesting information (customs, port authorities, immigration services, etc.) should require a minimum of information at the best possible time, and should use a standard form to facilitate filling out documents (such as customs declarations).

Those agencies providing information should be required to furnish precise data in a timely manner on the agreed-upon form. If these conditions are met, both parties (information providers and receivers) could use efficient documentation systems and complete their own processes with a minimum of time.

ANNEXES:

The annexes specify the data recorded by the individual responsible for the vessel's embarkation, in this case the duly licensed owner or operator and the possible situations that might occur at the time of the craft's arrival or departure.

ANNEX I:

CONTENT OF THE GUIDE OF BEST PRACTICES FOR IMPROVING CONTROLS OF VESSELS FOR SPORTING USE, SMALL-SCALE FISHING, AND LIMITED TOURISM

The Guide relates to an electronic form on a web site, on which at the moment of these vessels' departure from and arrival at port their owners or operators will be required to submit a sworn statement with the following data:

- Ø Name of the vessel.
- Ø Registration number of the vessel issued by the maritime authority.
- Ø Full name of the crew member responsible for the vessel.
- Ø Number of certificate or license for piloting the vessel.
- Ø Number of the crew member's national identity document.
- Ø Number of other persons aboard.
- Ø Full name and national identity document number for each of them.
- Ø Number of auxiliary vessels on board
- Ø Name (s) or number(s) of auxiliary vessels
- Ø Specify the geographical place or zone to which sailing.
- Ø Duration (in hours or days) of the trip.
- Ø Date and time of the vessel's return.
- Ø Request authorization for the vessel's departure and arrival online from the competent maritime authority.

ANNEX II:

PRACTICAL IMPLEMENTATION OF THE “GUIDE OF BEST PRACTICES FOR IMPROVING CONTROLS OF VESSELS FOR SPORTING USE, SMALL-SCALE FISHING, AND LIMITED TOURISM”:

National Navigation: Persons seeking authorization for departure of their vessel have access by password, granted by the maritime authority when they receive their pilot’s license, to the Internet site or official page of the guide. They find two forms that constitute a sworn statement for the departure and subsequent arrival of the vessel, and insert the required data in the respective fields.

International Navigation: For international navigation, immigration formalities must be completed in advance with the appropriate authority and attached to the online departure form. In addition, all required data must be provided on the departure form and then transmitted to the competent authority of each of the two States parties involved.

In this way, the departure form will be formally registered in both countries and the person who prepared it will be responsible for the data provided.

Upon arrival, the responsible party must complete the entry form, filling out all the fields for that purpose and transmitting the form to both countries’ authorities to complete the control process.

Comments: The maritime authority and/or competent authority that receives the online form may in addition physically inspect the vessel to ensure that the established guidelines in the Guide’s forms have been followed, and see whether it is necessary to revise the authorization.



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INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION

CICAD

Secretariat for Multidimensional Security

**GUIDE TO BEST PRACTICES FOR COMBATING ILLICIT DRUG TRAFFICKING
ON LAKES AND RIVERINE SYSTEMS**

GUIDE TO BEST PRACTICES FOR COMBATING ILLICIT DRUG TRAFFICKING ON LAKES AND RIVERINE SYSTEMS

PREAMBLE

Lakes and riverines offer an excellent means for transportation of illicit drugs, controlled chemical substances, and other offenses. These routes are particularly useful when they cross or are part of the borders of two or more neighboring countries.

A group of experts of CICAD member states analyzed the problem to identify elements that the member countries could consider when developing their strategies to control these offenses. They made a series of recommendations on best practices for combating illicit drug trafficking on lakes and waterways.

PURPOSE

This guide presents a series of proposed best practices for combating the use of coastal and river transportation routes for illicit drug trafficking. They are suggested to the member states, with respect for their domestic legislation and regulations. This document is not a legal instrument, and therefore not binding on the member states.

JURISDICTION

Member states are urged to respect international conventions, treaties, bilateral/multilateral international agreements, and domestic legislation on joint or combined procedures in the fight against illicit drug trafficking by sea and river routes. When a member state finds it necessary to operate in jurisdictional waters of another state, it must above all respect that state's sovereignty, and only act with the express consent of that state.

PROPOSED MEASURES:

1. Member states should consider upgrading their technological platform so each country can develop and seek the methods and/or mechanisms best suited to their jurisdiction for implementation on river and coastal navigation with the sole purpose of optimizing control, surveillance, and interdiction to ensure best practices in the fight against illicit drug trafficking, diversion of precursor chemicals, and other types of offenses.

Scope:

- **Control of illicit drug trafficking and precursor chemicals.**
- **Control of trafficking in fuels and contraband.**
- **Control of trafficking in persons and human smuggling.**
- **Control of trafficking in weapons.**
- **Environmental protection.**
- **Help with search and rescue operations.**
- **Crimes against property**

2. Member states should consider developing and implementing a model system for registration and control of small vessels and homemade craft used on river and coastal routes, with mechanisms and control documents that will enable authorities to inspect, investigate, and do field work and/or document checks with a view to preventing and punishing any illegal activity, based on reliable information that provides real data on the facts of the case, with the supervision, coordination, and cooperation of competent authorities pursuant to the laws and legal norms of each member state. The model system should involve the following suggested actions:
 - **Increase control with personnel duly qualified to inspect and search river and coastal vessels.**
 - **Implement navigation rules based on the situation in the jurisdiction and each country's laws. (For example, Colombia restricts navigation from 6 p.m. to 6 a.m.)**
 - **Improve controls on authorization for departure and arrival of smaller vessels from foreign ports, border ports if applicable, and/or national ports depending on each jurisdiction's circumstances.**
3. Member states should study the interest in and viability of establishing a mechanism for the exchange of information so competent authorities in each country can receive timely data on the characteristics of any vessel involved in or suspected of offenses of illicit drug trafficking and other types of offenses that occur in the common river and coastal areas of the member states along the established channels.
 - **Create a basic information exchange system between neighboring countries**
4. Member states should consider developing regulations, treaties, and bilateral or multilateral international agreements that will enable them to work together to prevent and punish any illicit activity in common waterway areas, and thereby organize a regional or local coordination and cooperation mechanism in which the parties undertake to make an effort to cut off the traffic of vessels suspected of involvement in the commission of crimes and violation of the provisions recommended in this guide, respecting the countries' self determination and each nation's sovereign jurisdiction.
5. Member states should consider promoting education and training of public officials, (immigration, customs, law enforcement agencies, militaries etc according to the country) in topics involving illicit drug trafficking, for the sole purpose of assisting in their fight against illicit drug trafficking and other related crimes, taking into account the following aspects:
 - **Recognition, detection, and handling of various types of illicit drugs.**
 - **Recognition, detection, and handling of chemical inputs.**
 - **Recognition, detection, and handling of firearms and explosives.**
 - **Techniques for inspection of ships and/or river and coastal vessels.**
 - **Methods for physical searches of individuals, search of baggage, and/or cargo searches.**
 - **Knowledge of national legislation related to the control of illicit drug trafficking.**



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USE OF GO-FAST BOATS IN DRUG TRAFFICKING AND DISTRIBUTION.

USE OF GO-FAST BOATS IN DRUG TRAFFICKING AND DISTRIBUTION

PREAMBLE

Use of go-fast boats is a frequent modus operandi for criminal groups and organizations for drug trafficking and distribution. Specific characteristics favor this type of crime, the most important of which is the widespread use of these boats for legal fishing, making it very hard to find criminals in the huge universe of fishing activity.

Another serious problem in this regard is the legislation of the different countries to regulate the boats' use, and the lack of adequate regulations to restrict their illegal use, a situation that criminals thoroughly exploit for their illicit activities, taking advantage of these legal gaps or loopholes, which also facilitate arms trafficking, trafficking in illegal aliens, and other offenses.

PURPOSE.

The purpose of this document is only to serve as a reference guide of best practices for member states to use to the extent they consider it might help with each nation's specific problems; it is not intended to constitute an obligation or be binding on the countries.

THE PROBLEM

Examining the problem faced by each of our countries, we can see that it involves many social facets that have a negative impact on our countries' citizens, but since this group cannot address all the problems of each of our governments, we have endeavored to fulfill the group's mandate by focusing on the go-fast boats.

For a critical analysis, we think this paper should start with some questions that will help us to organize the process in a focused manner.

Since the topic is the use of go-fast boats, the questions we should ask are:

- Is the inappropriate use of go-fast boats contributing to a problem in our societies?
- How are they contributing to the problem?
- What is the effect of this form of transportation in our countries?
- Is it a threat to our countries' sovereignty and order?
- How can we stop this damage? It is necessary to stop the arrival of go-fast boats.
- How to prevent it? We could stop go-fast boats before they enter our waters or before they reach the coast; alternatively, we could stop them from leaving the coast.
- How are we going to stop go-fast boats from arriving at or leaving the coast? By controlling national waters or controlling the movements of the go-fast boats.
- Can we control all our national waters?
- Can we control all the go-fast boats?
- What is the solution? To increase the degree of control of our waters and the go-fast boats.
- How can we control the go-fast boats? We need to know who they are, the names of their crew members, where they are, their characteristics, the motors they use, and if they leave we need to know if we can pursue them or find them.

PRACTICAL GUIDE FOR CONTROL OF BOATS

GENERAL MEASURES

1. DEFINITIONS: The following definitions are offered for the purposes of this document:

1. **IDENTIFICATION MARK:** The identification mark is the symbol used to identify all vessels of national registry, except for warships.
The identification mark should have the following characteristics:
 - a. Markings should be unique and permanently affixed to the vessel
 - b. Placement: as determined by each country.
Homemade vessels will only have the identification mark on the bow sides.
 - c. Information: numbers and symbols as determined by each maritime authority.
For pilot vessels, they should also have the word “pilot” in capital letters, in the center of the vessel’s sides.
 - d. Size: Each letter or number should be placed in proportional size to the freeboard and length, based on the size of the vessel or naval craft.
 - e. Appearance: The mark should be painted in a color that contrasts with the vessel color to permit visibility and clear identification, using long-lasting weather-resistant reflective or fluorescent paint.
2. **SIGNAL TO CHANGE SPEED:** Is the signal emitted by a unit of the maritime authority or Coast Guard Service that orders the owner or captain of the vessel to stop or change the speed of the vessel (as the case may be) to allow boarding safely. The signal will be determined by each country, and can be accompanied by intermittent light signals to the vessel in question. It can also be supplemented by a verbal order regarding the directions in question on the VHF-FM channel designated for this purpose.
3. **REQUIRED DOCUMENTS:** The required documents are the set of documents issued by the national or local maritime authority, and those recognized or accepted that have been issued by a foreign maritime authority or a recognized organization. The nature of the documents required will vary based on the class of the vessels in question and the requirements defined by each country. These documents should be checked during the vessel inspections.

Required documents for vessels and artifacts of national registry could include the following and others:

- a. Navigation licenses for all crew members.
- b. Vessel registration or special navigation permit (depending on class of vessel).
- c. National Fisheries Institute permit for fishing vessels.
- d. Resolution of authorization or route registration (depending on the vessel’s traffic pattern).

- e. Sailing document and other documents required by current merchant marine regulations, based on the vessel class.
- f. Registration certificate or, if there is none, a safe-conduct.
- g. Motor registration certificate.
- h. Certificate of maximum authorized fuel capacity.
- i. Statutory certificates of safety, seaworthiness, minimum crew, and prevention of pollution.
- j. Special transit authorization issued by the maritime authority.
- k. Other documentation that the maritime authority of each country deems pertinent

The required documents for ships and craft of foreign registry are:

- a. Navigation licenses for all crew members.
- b. Vessel registration or special navigation permit (depending on class of vessel).
- c. Fishing authority of each country permit for fishing vessels.
- d. Resolution of authorization or route registration (depending on the vessel's traffic pattern).
- e. Sailing document and other documents required by current merchant marine regulations, based on the vessel class.
- f. Registration certificate.
- g. Motor registration certificate.
- h. Statutory certificates of safety, seaworthiness, minimum crew, and prevention of pollution.
- i. Special transit authorization issued by the maritime authority.
- j. Other documents that each country deems pertinent

1. **STATUTORY CERTIFICATES:** Statutory certificates are the documents issued by the maritime authority to ships and naval craft to certify their adequacy in terms of safety, seaworthiness, minimum crew, and prevention of pollution, in accordance with current technical regulations.

2. NORMS FOR CONTROL OF TRANSIT OF SHIPS OR NAVAL CRAFT: All large and smaller vessels (as defined in each case by the country in terms of length and other factors) and naval craft under the jurisdiction of each maritime authority, except for warships, should comply with the following requirements:

1. Vessels and naval craft of foreign registry:
 - a. Be registered with the foreign maritime authority.

- b. Have aboard and current at all times the required documents for the vessel and its crew, issued by the foreign maritime authority or recognized authority, depending on the specific case.
- c. Heed the “signal to stop engines” and the order to halt communicated on VHF-FM channel 16 and other requirements and procedures carried out by the country’s operational units.
- d. Stay on the authorized route in the case of coastal traffic, or the registered route for international traffic, in accordance with the authorization in the administrative act issued by each country’s maritime authority.
- e. Cruise at speeds less than twenty-five (25) knots in internal bays and access channels and (30) knots in jurisdictional waters, except for vessels engaged in competitive racing, as previously authorized by the harbor master of the corresponding port.
- f. Obtain from the area harbor master the special transit permit for ships whose hull-motor ratio enables them to make speeds greater than twenty-five (25) knots.
- g. Obtain from the appropriate harbor master the special transit permit for smaller vessels that wish to sail between dusk and dawn, in which case they should have battery-powered navigation lights.
- h. Not carry on board equipment that is for exclusive use by relevant authorities, including night vision devices, radar detectors, and radio scanners for HF, VHF, and UHF frequencies.
- i. Report periodically to the jurisdiction’s maritime traffic control station on the VHF-FM channel designated for this purpose by the country when the vessel intends to enter the port and/or go out to sea.
- j. Not to transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo, in order to prevent marine pollution, protect human life at sea, and comply with the authorization for maximum fuel capacity (at each country’s criteria).

NOTE: The restriction indicated in the previous paragraph should only applies to vessels with a tonnage equal to or less than one thousand (1,000) gross register tons (GRT).

- k. Limit the amount of fuel carried by fishing vessels whose purpose is refueling of fishing support boats, taking into account that the hourly consumption rate of fuel in an outboard motor is ten percent (10%) of the motor’s horsepower. Before harbor masters authorize the departure of fishing vessels that use smaller support boats that must be refueled in the course of the activity they must calculate the number of fishing days and the total horsepower of the motors used. This is in order to limit the amount of fuel loaded, to prevent unnecessary handling of fuel that exposes the crew and vessel to danger, and to reduce the risks of marine pollution.

1. Not to use outboard motors larger than twenty-five (25) HP in smaller fishing support boats.
2. Vessels and naval craft of national registry.
In addition to the provisions in part 1 dealing with Identification Marks, they should comply with the following requirements:
 - a. Display the identification mark, which shall be visible at all times.
 - b. Register any motor for sea or river use with a harbor master in the country, who shall issue the motor registration certificate (Annex B of this resolution).
 - c. Not to transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo, in order to prevent marine pollution, protect human life at sea, and comply with the authorization for maximum fuel capacity (Annex A of this resolution).

NOTE. The restriction indicated in paragraph c of this section should only apply to vessels with tonnage equal to or less than one thousand (1,000) gross register tons (GRT), except for: vessels that navigate within the jurisdiction of the same harbor master, those dedicated to personal fishing, transport of passengers (which may only have enough fuel for their use); family boats that have to carry fuel for domestic use, and those dedicated to coastal traffic on a route authorized by the maritime authority.

3. NORMS APPLICABLE TO REGIONAL PORT AUTHORITIES. Personnel in regional port societies in the jurisdictional areas of the maritime authority, in areas of their competence, should follow the guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20).

4. NORMS APPLICABLE TO MARINAS AND YACHT CLUBS: Marinas and yacht clubs, in jurisdictional areas of the maritime authority, should comply strictly with the following requirements:

1. Be registered with the maritime authority.
2. Have a current business license, issued by the maritime authority.
3. In areas within their competence, follow guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20).
4. Immediately inform the jurisdiction's harbor master when a vessel of national registry arrives without an identification mark or the certificate of maximum authorized fuel capacity, seeking any type of service, so that the harbor master can take appropriate action.

5. Immediately inform the jurisdiction's harbor master of the arrival or departure to or from its installations of any vessel of foreign registry, including sailboats and yachts, in order to control the length of their stay in domestic waters.
6. Fuel vessels in accordance with the specifications in the certificate of maximum authorized fuel capacity, issued by the harbor master for each planned voyage.
7. Keep a permanent register of fuel sold by ship.
8. Keep an updated record of regular activities as marinas or yacht clubs, for which within sixty (60) calendar days after the publication of this document (unless they have already done it) they should start a book of vessel arrivals and departures, which registers for each vessel the name of the owner or operator, with address and telephone number, identification number, motor registration number, and number of the certificate of maximum authorized fuel capacity.

NOTE: The book of vessel arrivals and departures and the fueling register should be subject to review by the harbor master or competent authority in the inspections done to control and check those activities.

9. Send the harbor master of the jurisdiction a monthly report of movement of vessels for which some service was provided, indicating the time they spent in the marina or yacht club without movement; hours they arrived and departed; full names of the captain and crew, and their respective identification numbers.

5. NORMS APPLICABLE TO SHIPYARDS: Shipyards in jurisdictional areas of the maritime authority should comply strictly with the following requirements:

1. Be registered with the maritime authority.
2. Have a current business license, issued by the maritime authority.
3. In areas within their competence, follow guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20).
4. Not to repair, modify, and/or do maintenance on vessels or naval craft of national registry without the corresponding authorization for modification issued by the maritime authority, and/or if they lack the required documents specified in section 1.3 of this document.

NOTE: Repairs and modifications of vessels and/or naval craft of national registry should be supervised by an inspector named by the jurisdiction's harbor master.

Vessels of foreign registry should present documents equivalent to the national ones.

5. Immediately inform the jurisdiction's harbor master when a vessel or naval craft requiring repair, modification, and/or maintenance or any other service fails to present or lacks the documentation specified in the previous paragraph, so that the respective harbor master can take the appropriate action.

6. Immediately inform the jurisdiction's harbor master of the arrival or departure to or from its installations of any vessel of foreign registry, including sailboats and yachts, in order to control the length of their stay in domestic waters.
7. Not to alter the design capacity for transportation of fuel without prior authorization from the respective harbor master.
8. For vessels built or imported, with authorization from the owner or operator apply for the vessel registration certificate and the motor registration certificate from the harbor master of the jurisdiction where the vessel or motor will be used.
9. Place the identification mark, as prescribed in section 1.1 of this document, and deliver the vessel or naval craft and/or motor to the owner, after obtaining the vessel registration certificate and motor registration certificate, with authorization from the owner or operator.
10. Within sixty (60) calendar days from the date of publication of this document, submit a monthly report to the maritime authority on repairs and modifications made, including those to increase the range and/or maximum fuel capacity, modification of tanks, coffers, or any interior space, as well as sales completed during the past three (3) years if they make or market any type of vessel and/or motor for sea or river use.

The following data should be submitted:

- a. Name, identification number, and address of the buyer (individual or corporation).
- b. Number and class of vessels and/or motors sold, including technical specifications and serial numbers on the hull and motor.
- c. Intended use of the vessel and/or motors.

NOTE 1. Filers of the list of sales during the past three (3) years should continue submitting the monthly report.

NOTE 2. In the case of vessels or naval craft that are manufactured or imported (hull and/or motors, joined or separate) for a commercial distributor, the distributor, upon authorization from the owner or operator, may process the registration of the vessel or naval craft, registration of the motor, and affixing of the identification mark before effecting delivery to the buyer

For these purposes the shipyard should send a list with updated data on commercial distributors that are authorized to distribute its products; the list should be kept current, and the harbor master informed of any new development or change in the information.

11. If they make or market any type of vessel and/or motor for sea or river use, after submitting the abovementioned report, file a report with the maritime authority within the first fifteen (15) calendar days of each month, listing repairs, modifications, increase of range and/or maximum fuel capacity, as well as sales during the period since the date of publication of this document.

The following information should be required:

- a. Name, identification number, and address of the buyer (individual or corporation).
 - b. Number and class of vessels and/or motors sold, including technical specifications and serial numbers on the hull and motor.
 - c. Number of registration certificate and motor registration certificate.
 - d. Intended use of the vessel and/or motors.
12. Immediately inform the jurisdiction's harbor master when a vessel or naval craft requiring repair, modification, and/or maintenance or any other service has had any type of structural modification of the internal or external spaces of the motor vessel that are not duly shown in the plans of the vessel or naval craft or authorized by competent authority and could be used for the transportation of narcotics or psychotropic substances, or of inputs or essential chemical products or precursors for the making, processing, or transformation of drugs, or any unauthorized substance.

6. NORMS APPLICABLE TO SHIP REPAIR SHOPS AND OTHER INDIVIDUALS AND CORPORATIONS ENGAGED IN THE CONSTRUCTION, REPAIR, MODIFICATION, AND/OR MAINTENANCE OF VESSELS OR NAVAL CRAFT:

Ship repair shops and those described above that are in areas under the jurisdiction of the maritime authority should comply strictly with the following requirements:

1. Be registered with the maritime authority.
2. Have a current business license, issued by the maritime authority.
3. In areas within their competence, follow guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20).
4. Not to repair, modify, and/or do maintenance on vessels or naval craft of national registry without the corresponding authorization for modification issued by the maritime authority, and/or if they lack the required documents specified in section 1.3 of this document.

NOTE: Repairs and modifications of vessels and/or naval craft of national registry should be supervised by an inspector named by the jurisdiction's harbor master.

Vessels of foreign registry should present documents equivalent to the national ones.

5. Immediately inform the jurisdiction's harbor master when a vessel or naval craft requiring repair, modification, and/or maintenance or any other service fails to present or lacks the documentation specified in the previous paragraph, so that the respective harbor master can take the appropriate action.
6. Not to alter the design capacity for transportation of fuel without prior authorization from the respective harbor master.

7. Within sixty (60) calendar days from the date of publication of this resolution, submit a monthly report to the maritime authority on repairs and modifications made, including those to increase the range and/or maximum fuel capacity, modification of tanks, coffers, or any interior space, as well as sales completed during the past three (3) years if they make or market any type of vessel and/or motor for sea or river use.

The following data should be submitted:

- a. Name, identification number, and address of the buyer (individual or corporation).
- b. Number and class of vessels and/or motors sold, including technical specifications and serial numbers on the hull and motor.
- c. Intended use of the vessel and/or motors.

NOTE: Filers of the list of sales during the past three (3) years should continue submitting the monthly report.

8. If they make or market any type of vessel and/or motor for sea or river use, after submitting the abovementioned report, file a report with the maritime authority within the first fifteen (15) calendar days of each month, listing repairs, modifications, increase of range and/or maximum fuel capacity, modification of tanks, coffers, or any interior space, as well as sales during that period, since the date of publication of this resolution.

The following information should be required:

- a. Name, identification number, and address of the buyer (individual or corporation).
- b. Number and class of vessels and/or motors sold, including technical specifications and serial numbers on the hull and motor.
- c. Number of registration certificate and motor registration certificate.
- d. Intended use of the vessel and/or motors.

9. Immediately inform the jurisdiction's harbor master when a vessel or naval craft requiring repair, modification, and/or maintenance or any other service has had any type of structural modification of the internal or external spaces of the motor vessel that are not duly shown in the plans of the vessel or naval craft or authorized by competent authority and could be used for the transportation of narcotics or psychotropic substances, or of inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs.

7. NORMS APPLICABLE TO INDIVIDUALS OR CORPORATIONS THAT SELL VESSELS OR NAVAL CRAFT AND/OR MOTORS FOR SEA OR RIVER USE:

Individuals and corporations that sell vessels or naval craft and/or motors for sea or river use in areas under the jurisdiction of the maritime authority should comply strictly with the following requirements:

1. Purchases of vessels should only be permitted using traceable means of payment.

2. With authorization from the owner or operator, they may apply for the vessel registration certificate and the motor registration certificate from the harbor master of the jurisdiction where the vessel or motor will be used.
3. Place the identification mark, as prescribed in section 1.1 of this document, and deliver the vessel or naval craft and/or motor to the owner, after obtaining the vessel registration certificate and motor registration certificate, with authorization from the owner or operator.
4. Within sixty (60) calendar days from the date of publication of this resolution, submit a report to the maritime authority on sales completed during the past three (3) years, with the following information:
 - a. Name, identification number, and address of the buyer (individual or corporation).
 - b. Number and class of vessels and/or motors sold, including technical specifications and serial numbers on the hull and motor.
 - c. Intended use of the vessel and/or motors.

NOTE: Filers of the list of sales during the past three (3) years should continue submitting the monthly report.

5. After submitting the abovementioned report, file a report with the maritime authority within the first fifteen (15) calendar days of each month, listing sales during that period, since the date of publication of this document.

The following information should be required:

- a. Name, identification number, and address of the buyer (individual or corporation).
- b. Number and class of vessels and/or motors sold, including technical specifications and serial numbers on the hull and motor.
- c. Number of registration certificate and motor registration certificate.
- d. Intended use of the vessel and/or motors.

8. NORMS APPLICABLE TO OWNERS, OPERATORS, AND MARITIME AGENTS:

Owners, operators, and maritime agents, in areas within their competence, should follow guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20), complying with the following requirements:

1. Vessels registered with the national maritime authority: The owner, operator, or maritime agent of a duly licensed vessel or naval craft or a motor duly registered prior to the date of publication of this resolution, within three (3) months from this date, shall undertake the following procedure with the harbor master of his or her jurisdiction:
 - a. As required, arrange for authorization or register of a specific route or reconfirm the previously assigned or registered route, according to the vessel's traffic pattern.

- b. Take necessary steps for issuance of the certificate of maximum authorized fuel capacity for each intended voyage, whenever it is necessary to leave.
 - c. Arrange for issuance of the motor registration certificate.
 - d. Request a special inspection from the harbor master where registered in accordance with the provisions of section 17.9 of this document.
2. Unregistered vessels: The owner, operator, or maritime agent of a vessel or naval craft not duly licensed or a motor not duly registered prior to the date of publication of this resolution, within three (3) months from this date, in addition to the requirements in paragraph 1 of this article, shall undertake the following procedure with the harbor master of his or her jurisdiction:
- a. Take the necessary steps for issuance of the various required documents, depending on the class of vessel or naval craft.
 - b. Obtain from the respective harbor master authorization for any modification of the design capacity for transporting fuel on the vessel or naval craft.
 - c. Inform the harbor master with which registered of any development or change in the information concerning the vessel's technical data, personal data and that of the owner when this is not the operator, and the place where the vessel is normally docked.
 - d. Not to alter the characteristics of the vessel or naval craft without prior authorization from the maritime authority, and not to take on more fuel than specified in the certificate of maximum authorized fuel capacity. (Annex A of this resolution.)

9. NORMS APPLICABLE TO VESSEL CREWS AND CAPTAINS: Vessel crews and captains in areas within their competence, should follow guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20), complying with the following requirements:

- 1. Report to authorities any crimes or violations of which they may become aware, particularly those involving:
 - a. Piracy.
 - b. Trafficking in persons.
 - c. Human Smuggling
 - d. Making unauthorized transmissions.
 - e. Trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs.
 - f. Unauthorized transportation of weapons, ammunition, or explosives.

- g. Contraband and encouragement of contraband.
 - h. Unauthorized exploration for shipwrecked antiquities.
 - i. Unauthorized recovery of shipwrecked currency.
 - j. Unauthorized fishing, exploration, exploitation of resources or in areas not authorized for fishing by the competent authority.
 - k. That the vessel does not have a nationality.
 - l. Transport of radioactive waste or substances.
2. In addition to the provisions of the previous number, ship captains should comply with the following requirements:
- a. Report all suspicious activities to an appropriate agency or office designated for this purpose
 - b. Not to permit objects of illicit trade aboard the vessel or naval craft.
 - c. Give advance notice by radio or other communication means or through their maritime agent if they have one, to the authorities or nearest harbor master that they are carrying essential chemicals or precursors for the elaboration, processing, or transformation of narcotics, and indicate the route in the case of innocent passage or the port where they intend to dock.
 - d. Give advance notice by radio or other communication means, or through their maritime agent if they have one, to the respective harbor master and other competent authorities at least twenty-four (24) hours before the estimated time of arrival at the port, with indication of the type of merchandise, amount, marks, manufacturer, country of origin, and itinerary of ports where the vessel will stop before unloading the essential chemical products or precursors for the elaboration, processing, or transformation of narcotics, in addition to declaring said merchandise per applicable regulations of each country's customs authority.
 - e. Permit boarding of the vessel or naval craft by commanders of the waterborne units of the maritime authority in order to check the required documents of the vessel or naval craft and/or the crew and/or to inspect and search all or part of the vessel or naval craft.

DETENTION

10. DETENTION OF VESSELS OR NAVAL CRAFT: This is the action taken by commanders of operational units or by the maritime authority or Coast Guard Service to temporarily prevent the sailing or navigation of vessels or naval craft so they can be boarded as provided in section 13 of this document.

11. PRESENCE OF AUTHORITY: When a unit of the maritime authority is present, all vessels or naval craft should monitor VHF-FM channel 16 and answer if called.

Any vessel that does not heed or ignores the “signal to stop engines” or an order to halt shall be pursued and temporarily detained because the action is considered an indication that felonies or misdemeanors are being committed. In addition, failure to comply with the “signal to stop engines” shall cause the maritime authority to impose the penalties specified in section 18 of this document.

12. APPLICATION: Temporary detention of vessels or naval craft can be executed by any marine authority unit, as follows:

1. By operational units, when there is evidence that would imply that felonies or misdemeanors are being committed by the vessel or its crew, as follows:

- a. Piracy.
- b. Trafficking in persons.
- c. Human Smuggling.
- d. Making unauthorized transmissions.
- d. Trafficking, manufacture, or transportation of narcotics or psychotropic substances, inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs.
- e. Unauthorized transportation of weapons, ammunition, or explosives.
- f. Unauthorized exploration for shipwrecked antiquities.
- g. Unauthorized recovery of shipwrecked currency.
- h. Contraband of goods and encouragement of contraband.
- i. Unauthorized fishing, exploration, exploitation of resources or in areas not authorized for fishing by the competent authority.
- j. When the vessel is not registered with a national or foreign maritime authority.
- k. When the vessel and/or the crew lack the required documents.
- l. When the vessel or its crew ignore the “signal to stop engines” or the order to halt given in a communication on VHF-FM channel 16 by a unit of the national navy, the vessel shall be pursued.
- m. When a vessel engaged in coastal traffic strays from the authorized route, or when a vessel in international traffic strays from the route authorized by the maritime authority.
- n. When the vessel runs at more than twenty-five (25) knots in domestic bays and access channels or more than thirty (30) knots in sea and river waters under the maritime authority’s jurisdiction without special authorization to do so.
- o. When the smaller vessel does not have specific authorization to operate in the period from dusk to dawn., or operates without lights as required in section 1.3.j in connection with section 2.g of this document.
- p. When the number or power of the motor differs from that on the registration certificate and the motor registration certificate.

- q. When the vessel lacks the identification mark required by section 1.1 of this document.
 - r. When there is no motor registration certificate (Annex B of this resolution).
 - s. When the vessel carries on board equipment that is for exclusive use by the police, including night vision devices, radar detectors, and radio scanners for HF, VHF, and UHF frequencies.
 - t. When vessels and naval craft with tonnage equal to or less than one thousand (1,000) gross register tons (GRT) transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo in accordance with the certificate of maximum authorized fuel capacity (Annex A of this resolution).
 - u. When the vessel is not flying any flag.
 - v. When the vessel has no nationality.
 - w. When the vessel is carrying radioactive waste or substances.
 - x. When ordered by the court of jurisdiction.
 - y. When the vessel poses a serious hazard to the safety of human life at sea and/or protection of the marine environment.
2. By the maritime authority in the following cases:
- a. When the vessel is not registered with a national or foreign maritime authority.
 - b. When the vessel and/or the crew lack the required documents.
 - c. When a vessel engaged in coastal traffic strays from the authorized route, or when a vessel in international traffic strays from the route authorized by the maritime authority.
 - d. When the smaller vessel does not have specific authorization to operate in the period from dusk to dawn or operates without lights.
 - e. When the number or power of the motor differs from that on the registration certificate and the motor registration certificate.
 - f. When the vessel lacks the identification mark required by section 1.1 of this document.
 - g. When there is no motor registration certificate (Annex B of this document).
 - h. When the vessel carries on board equipment that is for exclusive use by the police, including night vision devices, radar detectors, and radio scanners for HF, VHF, and UHF frequencies.
 - i. When vessels and naval craft with tonnage equal to or less than one thousand (1,000) gross register tons (GRT) transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo, except for vessels engaged in personal

fishing; transport of passengers, which may only carry the amount of fuel needed for consumption; those for family use that need to carry fuel for domestic use; and those engaged in coastal traffic on a route authorized by the port authority, in accordance with the certificate of maximum authorized fuel capacity.

- j. When the equipment of the vessel or naval craft does not meet the established requirements for validation.
- k. When the vessels or naval craft are working for transportation companies whose licenses, operating permits, or registrations have been suspended or revoked, unless they qualify for the expressly established exceptions.
- l. When documents to authorize the vessel's operation are missing or altered, it may be detained for the time needed to clarify the facts.
- m. When the vessel or naval craft lacks the technical and mechanical conditions for operation, or is providing an unauthorized service. In the latter case, the vessel or naval craft shall be detained for up to three (3) months, and if it is a recurring offense it may be punished by fine.
- n. When the vessel or naval craft exceeds permissible limits for size, weight, or cargo.
- o. When it is necessary to halt the sailing of a vessel or stop it at sea because it has violated current domestic merchant marine regulations.
- p. When the vessel poses a serious hazard to the safety of human life at sea and/or protection of the marine environment.

BOARDING

13. BOARDING THE VESSEL OR NAVAL CRAFT: This is the action taken by commanders of the waterborne units of the maritime authority, Navy or Coast Guard Service that consists of boarding the vessel or naval craft by an officer, noncommissioned officer, or other competent authority for the purpose of checking the required documents of the vessel or naval craft and/or the crew, or determining whether illegal activities are being carried out by the vessel and/or the crew, for which purpose the boarding party may inspect and search all or part of the ship.

14. TREATMENT OF GOODS AND INDIVIDUALS: When evidence or indications are found that implicate the vessel and/or naval craft, cargo, or crew in a felony and/or misdemeanor, they should be placed at the disposal of the competent authority by written order of the commander of the unit, maritime authority, and other participants, accompanied with photos or videos where relevant, indicating at least: brand, type, model, date of construction, number of the vessel and/or naval craft, registry, hull material, motor number, displacement, net tonnage, length, beam, colors of the hull, use, condition, name of individual or corporation who owns the vessel and/or naval craft and their identification numbers, operator and identification number, list of persons allegedly responsible and their identification numbers, annexing a statement of good treatment, name of the unit that made the seizure, date of same, including inventories, if applicable, and other information

considered necessary so that competent authorities can determine the circumstances of the time, manner, and place that the facts occurred.

15. SCOPE OF APPLICATION: Boarding of the vessel or naval craft can be done at any time, under any circumstances, or at any place, whether on land, in marinas, yacht clubs, naval shipyards, repair shops, or any other jurisdictional area on land, wherever the ship is tied, alongside, anchored, or operating in jurisdictional waters or on the high seas.

The boarding of vessels should be undertaken in the manner and to the extent legally authorized by relevant legislation, regulations or other legal instruments of provisions.

OPERATIONAL PROVISIONS

16. OPERATIONAL ENFORCEMENT: Operational enforcement of the provisions of this document should be done by:

1. Naval units, through patrolling in their jurisdiction, for detention, boarding, and pursuing vessels and naval craft as established in sections 10, 11, 12.1, and 13 of this document.
2. Maritime authority, through the harbor masters, in their respective jurisdictions, for the detention, boarding, inspection, and search of vessels and naval craft, and the monitoring and control of individuals and corporations engaged in maritime activities.

17. PROVISIONS FOR HARBOR MASTERS: Harbor masters should comply strictly with the following instructions:

1. In areas within their jurisdiction, follow guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20).
2. (If there are restrictions on fuel use) Issue to domestic vessels with tonnage equal to or less than one thousand (1000) gross register tonnage (GRT) the certificate of maximum authorized fuel capacity for each voyage with the sailing document, taking into account the following considerations:
 - a. The vessel's original designed fuel capacity.
 - b. The amount of fuel needed to cover the authorized route.
 - c. Refueling in the destination port to return on the authorized route (if practical).
 - d. Additional fuel to be carried as cargo for sale in the destination port, or for conducting authorized activities, provided that the vessel complies with the technical and safety specifications and requirements for navigability and prevention of pollution when executing the activity.

- e. The harbor master will establish specific regulations for issuing this authorization, taking into account the circumstances of the jurisdictional area and the activity conducted by the vessel.
3. Issue the motor registration certificate to motors of all vessels of domestic registry that operate within its jurisdiction, taking into account the import declaration, authorization for retrieval, commercial invoice, or any other document required by the national customs authority.
4. Issue the annual national inspection certificate to the vessels.
5. At the time of the registration, determine the correlation between the power of the motors, the type of hull, and the activity for which the vessel is registered.
6. Prepare and maintain an accurate updated register of the technical data of the vessels and motors, as well as the personal data of their owner, operator, or maritime agent.
7. Notify the legal office and the ships and sea personnel division of the maritime authority of any confirmed infractions involving the imposition of any penalty against sea personnel, vessels, or individuals or corporations engaged in maritime activities. Data and documents should be included in the information submitted regularly to the maritime authority within the first (5) calendar days of each month.
8. During the first and second half of each year make regular inspections of shipyards, ship repair shops, marinas, and yacht clubs in their respective jurisdictions, at least once each semester, to ensure compliance with the requirements established in this document. The inspection reports shall be submitted to the maritime authority.
9. Make special inspections of vessels and/or motors based on existing registers of the harbor master or at the request of the owner, operator, or maritime agent, in order to:
 - a. Verify the location of the vessels and/or the motors.
 - b. Update the harbor master's register with complete personal data on the owner, operator, or maritime agent.
 - c. Update the harbor master's register with technical characteristics of the vessels and motors, including serial number of hull and motors.
 - d. Confirm the correct location and format of the identification mark on vessels, as required in section 1.1 of this document.
 - e. Determine the maximum design capacity for transport of fuel.
 - f. Register the number of the hull and motors officially on the registration certificate.
 - g. Verify the existence and currency of required documents that should be carried aboard, as provided in section 1.3 of this document, including those for the motors and the crew.

NOTE: Required documents for vessels and naval craft of domestic registry should only be issued by the maritime authority through the harbor masters.

10. Issue special transit authorization for vessels whose hull/motor ratio permits them to operate in excess of twenty-five (25) knots, taking into account the following considerations:
 - a. The ship's commercial activity.
 - b. The assigned route and the water and weather conditions along it.
 - c. Transportation of passengers whose safety must be ensured throughout the voyage.
11. Not to issue special transit authorization to vessels that do not document use for legal activities of motors that together with the hull can reach speeds in excess of twenty-five (25) knots.
12. Issue special transit authorization for smaller vessels that wish to operate between dusk and dawn
13. Request commanders of waterborne naval units to board vessels or naval craft when circumstances require it.
14. Impose applicable penalties for violations of the regulations in this resolution, if within their competence.

18. SANCTIONS: Without prejudice to the provisions of each country's laws, failure to comply with the provisions of this document should authorize the maritime authority to impose the sanctions it deems appropriate.

EXAMPLE

1. Captains and crews:
 - a. Suspension of navigation license.
 - b. Revocation of navigation license.
 - c. Monetary sanctions established by each country.
2. Owners or operators of vessels, maritime agents, marinas, yacht clubs, shipyards, and naval repair shops:
Monetary sanctions established by each country for:
 - a. an individual
 - b. a corporation
3. Vessels:
 - a. Suspension of the operating permit.
 - b. Revocation of the operating license or special operating permit.
 - c. Revocation of the authorized or registered route.

NOTE: Penalties established in this section should be imposed without prejudice to those that may be applied by other agencies or organs in concurrent or related conduct in their areas of competence.

19. ORGANIZATION OF THE MARITIME AUTHORITY: The maritime authority should be organized as established by each country for compliance with the mission set forth in this document.

FINAL PROVISIONS

20. DISSEMINATION: Harbor masters should broadly publicize and disseminate this administrative act, particularly to individuals and corporations that own marinas, yacht clubs, shipyards, ship repair shops, distributors of vessels and/or motors, owners, operators, and maritime agents of vessels and naval craft, and captains and crews within their jurisdiction, by posting it in a visible place in their office for thirty (30) calendar days from the date of publication of this document, in addition to sending written notice to each and every one of the interested parties.

