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MARITIME COOPERATION

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BACKGROUND

Narcotraffickers are making extensive and diverse use of maritime means to transport the illicit drugs that they produce. For the purpose of this discussion, maritime narcotrafficking in the western hemisphere is meant to involve the port and coastal areas and extend to the littoral and blue waters. Frequently these illicit drugs and related contraband are well hidden among legitimate cargos. The magnitude of maritime traffic, the many ports involved and the large expanses of waters and long, isolated coastlines make detection and interdiction an even greater challenge. It is one that requires greater consideration among states and among national enforcement authorities as well.

Maritime narcotrafficking is a major concern to the Inter-American Drug Abuse Control Commission (CICAD) and its 34 member states. In addition to what is noted above, a successful strategy in response to maritime narcotrafficking must operate more effectively to overcome the logistical challenges of operational coordination and the timely exchange of information while respecting territorial waters' sovereignty.

SITUATION

International maritime drug trafficking from South American source countries destined for markets in North America, Europe, the Far East and other parts of the world pass through a maritime transit zone of approximately six million square miles (approximately the combined areas of Brazil and Peru) which includes the Caribbean Sea, the Gulf of Mexico and the Eastern Pacific Ocean. According to estimates by United States counterdrug authorities, most of the approximately 900 metric tons of cocaine HCL produced annually passes through this transit zone, – with more than 90% of this volume transported via maritime means on board commercial ships and other vessels such as fishing boats and “go-fast” speed boats.

According to law enforcement agencies in the region, approximately 65% (approx. 425 metric tons) of the cocaine destined for North American markets transits by sea through the Mexico/Central America corridor, 80% of it along the Eastern Pacific – while the remaining 35% (approx. 200 metric tons) transits through the Caribbean Sea corridor.

Countries and agencies in these areas have concentrated their monitoring and enforcement activities and deployment of naval and aviation assets in the Caribbean and Eastern Pacific. The magnitude of maritime traffic and the opportunities presented by vast expanses of the waters in these areas underline the importance of information gathering and exchange as well as targeted and coordinated operational activities. Bilateral and multinational agreements among countries and agencies in the area are

the major mechanisms now used to enable the foregoing. While data on outcomes of these agreements are limited, US Government statistics show, for example, that during 2002 cooperative efforts between Colombia and the United States resulted in 30,184 kilos of cocaine seized in international waters, 25,237 kilos in Colombia territorial waters and 4,079 in Colombian ports.

Ports serve as a gateway for maritime narcotrafficking. Ten of thousands of vessels and millions of containers pass through major ports in the hemisphere annually. Effective and systemic port security therefore becomes an important component of successful maritime control.

Port authorities – both public and private – face an incredible challenge. They must ensure effective control over their ports, minimizing the movement of illegal drugs and related contraband without unnecessarily impeding legitimate maritime trade and commerce. In doing so, port authorities are faced with large, fast moving (unloading an average of 25 containers per hour) volumes of container and ship traffic (upwards of 48 million metric tons of cargo per year in some cases), limited resources, laws and powers that are frequently inadequate and a system in which counterdrug efforts are “shared” among a number of government agencies and the private sector. National Port Security Programs (PSPs) such as the Colombian model, in which government counterdrug authorities work hand in hand with the private sector –including the ports and the exporting industry – can play an important role in combating maritime drug trafficking. The extent to which such programs are in place in CICAD member states is not known at this time. The US Department of State, however, has initiated a limited study of selected countries to examine this issue. Presently, Colombia, Guatemala, Panama and Honduras are known to have established or are in the process of establishing their own PSPs.

In addition to enhanced inter-agency cooperation and private sector participation in maritime counterdrug efforts, there is a need to promote this same approach internationally or at a regional level for Coast Guard/Naval, national air patrol services and the national police for information exchange, coordinated monitoring and joint operational activities. All of the foregoing must frequently take place within a matter of hours if their objective is not to be lost

Thus, even in the absence of a comprehensive study of maritime narcotrafficking, it is possible to conclude that this is a major problem facing CICAD states individually and the region as a whole. The elements of a potential solution are complicated and challenging at many levels, but they do not all translate into larger claims on government budgets.

The hemisphere’s drug policy leadership – as a whole – has recognized that the foregoing is true. They have considered the issue of maritime narcotrafficking in a number of different fora and explored strategies and ways to enhance international cooperation in response to this threat. Recently, the issue has been the focus of discussion in meetings such as the Inter-American Counterdrug Forum, held in Miami,

in August 2002 and the Second Western Hemisphere Drug Policy Leadership Conference, held in September 2002, in Washington, DC. During both meetings, the subject generated a great deal of discussion, leading to a series of recommendations aimed at improving maritime cooperation and port security. More recently, the Commission discussed the issue of maritime cooperation during its XXXII Regular Session in Mexico City.

ISSUES

Among the various elements or issues related to maritime narcotrafficking that should be addressed, the Executive Secretariat proposes that as a starting point, the Commission give consideration to the following needs:

1) develop a greater understanding of the nature, elements of maritime narcotrafficking and new trends that are evolving (see recommendation #1)

2) evaluate the capacity (including maritime control, port security and Customs control) to respond to the foregoing both at a national and regional level (see recommendation #1)

3) identify successful strategies and mechanisms or “best practices” to counter maritime narcotrafficking and the dissemination of this information (see recommendation #1 and 2)

4) identify and promote the introduction of mechanisms or ways to promote or facilitate the exchange of information among agencies and internationally (see recommendation #2)

5) identify and promote the introduction of mechanisms for enhanced interagency and international operational maritime cooperation, particularly as it relates to monitoring, planning and interdiction (see recommendation #2)

6) identify and promote “best practices” or approaches for port security including those that encourage interagency cooperation and private sector involvement (see recommendation #3)

RECOMMENDATIONS

Considering these needs, the Executive Secretariat recommends the following:

1) That the Commission direct the establishment of a small working group of up to 10 specialists from member states to develop and execute a pilot study of maritime narcotrafficking and capacity to respond at the national and regional level. The proposed pilot would focus on two selected countries with the potential to expand it to other member states based on the experience gained in the pilot. The study should take into consideration the following for each of the two selected countries:

- nature and scope of maritime narcotrafficking
- new trends
- the capacity of countries to respond to this threat, taking into account:
 - availability of resources and assets,
 - legal framework and powers or authorities,
 - operational cooperation and coordination (interagency and international),
 - information exchange,
 - planning,
 - instruments or agreements for cooperation
 - port security
 - Customs activities

The working group would also be tasked with developing a methodology and instruments for such a pilot study. The Executive Secretariat has prepared a draft methodology that could be used by the working group as a point of departure for discussion.

The Secretariat's experience with this type of study shows that the time required to conduct a study depends on several factors including the size and scope of maritime and port activities to be examined and the level and nature of support received from the subject country to facilitate the study. With consideration to the foregoing, a study could be completed in approximately two months (more for a larger country). The Secretariat believes that the two pilot studies can meet this schedule.

At this rate, with two study teams working concurrently, it will take almost three years to execute the same studies for all member states. The importance of addressing the issue of maritime cooperation requires that we complete these studies in a much shorter timeframe, in the order of 12 to 15 months. To do so, the working group will need to explore other study methodologies that may include one or more of the following approaches or others as defined by the working group:

- use of a comprehensive questionnaire supplemented with selective country visits as required
- study methodologies of varying complexity and team composition depending on the country in question
- a "sampling" approach in which studies might not be undertaken in all member states

The working group, including participation from the pilot countries, would undertake the pilot studies and report back to the subject countries and the Commission with their observations and proposals for action during the XXXIV Regular Session of CICAD. At that time, the working group would also present their plan and methodology to complete the studies for the remaining member states within the 12-15 month timeframe referenced above.

2) The Executive Secretariat recommends the creation of a group of experts on maritime cooperation to consider the following and report back to the Commission during the XXXIV Regular Session of CICAD:

- consider the feasibility of preparing a framework or plan for hemispheric maritime cooperation and, as appropriate, prepare an outline of such a framework and a proposal or plan for its development. **Note:** this effort would advance in parallel to that of the study series discussed in Recommendation #1 above.

The Experts Group would also:

- identify impediments to and strategies or best practices to promote and facilitate interagency and international:

- information gathering and exchange

- monitoring maritime narcotrafficking

- operation planning, cooperation and interdiction activities

- effective and timely implementation of Article 17 of the 1988 Convention:

- procedures

- operational contacts (24/7)

- develop model standard operating procedures (SOPs) for multinational interdiction activities to maximize response time

3) The Executive Secretariat recommends that it continue its efforts in the area of port security working with member states as well as interested agencies and organizations including the Inter-American Committee on Ports (OAS). In this regard, the Executive Secretariat would prepare a plan of action that will include its training activities and efforts to promote interagency cooperation and private sector involvement in the control of illicit drugs and related contraband using the approach used in Colombia as a model.