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Hemispheric study
of Maritime Narcotrafficking

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**HEMISPHERIC STUDY
OF MARITIME NARCOTRAFFICKING**

GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, D.C. 20006

HEMISPHERIC STUDY OF MARITIME NARCOTRAFFICKING

I. EXECUTIVE SUMMARY

This report was prepared by a working group of experts from Argentina, Barbados, Brazil, Canada, Chile, Colombia, Mexico, Peru, Trinidad and Tobago and the United States as well as representatives from the Inter-American Committee Against Terrorism (CICTE). It examines the issue of maritime narcotrafficking involving illicit drugs and related contraband in the hemisphere. The scope of this maritime study extends from the coastal waters and ports areas out to the “blue” or international waters.

The study and this report consider the maritime movement of illicit drugs and related contraband and efforts by CICAD member states to combat such movement. The information presented is based on the self assessment questionnaire that was prepared for this purpose; the answers provided by member states; reference information concerning existing studies and reports compiled by the Executive Secretariat; and the expertise found within the membership of the Working Group. It should be noted that a total of 20 of CICAD’s 34 member states, representing all regions of the Hemisphere, responded to this questionnaire.

The report considers three major areas related to maritime narcotrafficking and its control. They include Legislation and Cooperation Agreements; Ports; and Port and Maritime Interface and Interdiction. Each section describes the current situation in the hemisphere, identifies limitations and challenges for member states to control, monitor and interdict illicit drug trafficking, makes some observations regarding the situation and offers recommendations to help member states respond to the foregoing. At the same time, the Working Group observed that drug trafficking by sea varies in each sub-region. Therefore any future work in this field should take into account the particular circumstances and challenges that exist in each sub-region as well as the different legal and control systems.

On the basis of the information collected, the Working Group makes a series of recommendations to the Commission, which are contained in the report. These recommendations focus on capacity-building, and on enhancing cooperation and communication – within and among member states. Additionally, the recommendations propose the creation of an Experts Group to develop tools that will assist member States in overcoming current challenges and limitations and becoming more efficient and effective in their maritime counterdrug efforts.

II. INTRODUCTION

Due to the vast expanse of the sea, drug traffickers have been and continue to use maritime means to transport illicit drug cargos and related contraband. The large areas of open water and the long coastal areas provide narcotraffickers with the opportunity to use a multitude of routes, means and methods to move their illicit cargos. Narcotraffickers have the ability and flexibility to change in response to pressures and opportunities and to take advantage of vulnerabilities among the member states of CICAD presented by poor controls, limited resources or weak legal and regulatory frameworks.

It is estimated that 90% of cocaine produced in South America is transported via the maritime sector. The majority of illicit drugs shipped to North America and Europe from South America pass through a transit zone of six (6) million square miles (15 million square kilometers) of ocean, including the Caribbean Sea, the Gulf of Mexico, and the eastern region of the Pacific Ocean. However, a new trend has been observed; drug traffickers are rerouting their illicit cargo to the immediately adjacent sea zones, south of the traditionally used area, specifically in the south Atlantic and south Pacific Oceans.

Small ports and larger ones handling significant volumes of maritime cargo including transshipment trade, are both at risk of exploitation and are being used by drug smuggling conspiracies. These ports can serve as a gateway for drug related contraband to enter or leave a country and require particular attention by law enforcement officials. Interface activities between the port and vessels are also a major concern that require special attention and particular strategies involving various agencies.

Drug traffickers are using both commercial container and other cargo vessels and non-commercial maritime transportation to move their illicit drugs. This latter group includes fishing vessels, pleasure craft, and small coastal freighters. Multi-engine, fiberglass or wooden vessels known as “go-fasts” are often used in the Caribbean Sea and the Eastern Pacific Ocean. In addition, drug traffickers modify the structures of vessels and/or the equipment on board. They build hidden compartments within the vessel or attach them to the vessel’s hull, add tanks to conceal their illicit cargo, or modify the engines to deliver extra power.

In responding to this threat, member states suffer from insufficient funding, lack of resources equipment and trained personnel, and a lack of coordination at both the inter-agency level within the member states and internationally.

Member states also suffer from insufficient tactical information and intelligence. While the problem varies among the countries, shortfalls exist in the amount and/or quality of intelligence data available. While some countries suffer from a

lack of raw data, others do not have the analytical tools and/or skills necessary to generate accurate, usable intelligence.

Drug traffickers take advantage of the diversity of legal regimes and jurisdictions amongst States. Member states have to confront these realities, developing their capacities and national strategies in order to suppress drug trafficking by sea while at the same time cultivating and supporting cooperative efforts with other countries.

The magnitude of the maritime drug trafficking problem is so great that no one country has the capacity to confront this challenge alone. Enhanced international cooperation and coordination among member states is essential. There exists an opportunity for member states to learn from the experiences of others. Bilateral and regional agreements and other arrangements among member states and their agencies are the major mechanisms to enable cooperation. Mechanisms of international cooperation offer a way to overcome deficiencies in maritime counterdrug efforts and to empower effective actions at the international and national level.

III. 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 involves 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.

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. This issue was 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.

Maritime narcotrafficking is a major concern to the Inter-American Drug Abuse Control Commission (CICAD) and its 34 member states. The Commission discussed the issue of maritime cooperation during its XXXII Regular Session in

Mexico City (December 2002) and its XXXIII Regular Session in Washington, D.C. (April 2003).

IV. PURPOSE AND SCOPE

During its XXXIII Regular Session, the Commission directed that the Executive Secretariat establish a small working group of experts to undertake a study of maritime narcotrafficking. The hemispheric report from this study is to be presented to the Commission during its XXXIV regular session to take place in Canada in November 2003. The decision by the Commission defined the task in the following way:

“...The study would consider the current trends in maritime narcotrafficking, the routes and methods used, the problems encountered by member states in responding to these challenges, and the needs they have to overcome to do so....”

The resultant report is to address each of these elements and present a series of recommendations for the consideration of the Commission. The scope of the study is to extend from the coastal areas (port areas, shore and coastal waters), through the littoral waters to the open waters or blue sea.

V. METHODOLOGY

The Commission directed that the Working Group develop a self-assessment questionnaire to gather the basic information regarding trends, methods and routes used in maritime narcotrafficking, the challenges and the impediments facing member states and the areas where they need assistance in overcoming the foregoing. In addition to the study, the Working Group was directed to draw on existing reports, studies and papers regarding this issue to supplement the information generated by the questionnaire.

The Working Group met on June 30 in Washington, D.C. in the offices of the Executive Secretariat. Members of the Working Group included 17 experts representing 9 countries (Brazil, Canada, Chile, Colombia, Mexico, Peru, Trinidad and Tobago, USA, and Venezuela). Also represented at the meeting was the Inter-American Committee Against Terrorism (CICTE) of the Organization of American States (OAS).

During this first meeting, the Working Group finalized the questionnaire and the report format. Following the meeting, the members of the Working Group reviewed the reference material compiled by the Executive Secretariat, extracting information they believed would be useful for the report or its recommendations.

The Executive Secretariat compiled information from the replies to the questionnaire as they were received. This information was then made available to the working group through a special secure web site created for this purpose. As the coordinators completed their draft of the individual sections, they circulated them to the other working group members for review in preparation for a second meeting.

On Oct 20-24, the Working Group met for a second time. During this meeting the Group reviewed and finalized the hemispheric report. Participants included 20 experts from 10 countries (Argentina, Barbados, Brazil, Canada, Chile, Colombia, Mexico, Peru, Trinidad and Tobago, and USA) as well as CICTE.

VI. STUDY RESULTS

Twenty member states submitted completed study questionnaires. The working group supplemented this information drawing on the experience of the experts in the group and using information from existing reports, studies and other sources. The resultant information is presented in the report under the following three headings:

- VI.1 Legislation and Cooperation Agreements
- VI.2 Ports
- VI.3 Port and Maritime Interface and Interdiction

VI.1 LEGISLATION AND COOPERATION AGREEMENTS

Illicit trafficking in narcotic drugs is a global problem. Relevant international agreements and conventions establish the legal foundation for the prevention and control of illicit traffic in narcotic drugs. Such instruments form the international frameworks for the development of national legislation, bilateral and regional agreements and arrangements to suppress the flow of illicit drugs while limiting the adverse impact on legitimate maritime commerce.

The magnitude of the problem is so great that no one country has the capacity to confront this challenge alone. Enhanced international cooperation and coordination among member states is essential. In this way, countries can work together and also learn and benefit from the experiences of others. Bilateral and regional agreements and other arrangements among member States and their agencies are the major mechanisms to enable such cooperation and coordination.

The framework for cooperation to suppress illicit drug trafficking by sea is found in the UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic

Substances (1988 Convention), which developed the rules contained in the UN Law of the Sea Convention (UNCLOS – 1982). Article 17 of the 1988 Convention establishes the framework for cooperation amongst State parties and specifically to illicit drug trafficking by sea.

The 2002 amendments to the International Maritime Organization (IMO) Safety of Life at Sea (SOLAS) Convention may also contribute to the suppression of illicit drug trafficking at ports, which requires all SOLAS ships and internationally serving port facilities to conduct security assessments and put in place security plans by July 1, 2004. The objectives of this Code are to establish an international framework involving cooperating States, government agencies, local administrations and shipping and port industries to detect and assess security threats and take preventive measures against security incidents affecting ship or port facilities ensuring maritime security at both the national and international level; to ensure confidence that adequate maritime measures are in place; and to ensure the efficient and timely collection and exchange of security-related information.

All member states responding to the questionnaire have signed the 1988 Convention and over 80% have ratified or acceded to it. OAS member states should be recognized for their commitment to participate in international maritime Conventions; however, a significant percentage of member states have not fully implemented them. It should be recognized that implementation at the national level will vary depending on the different systems for making these Conventions operational within domestic laws and regulations of the member states.

Article 17 of the 1988 Convention also encourages States to enter into bilateral or regional agreements or arrangements. Member states are entering into such agreements and arrangements for the purpose of suppressing illicit drug trafficking by sea. An example of the foregoing is the “Agreement Concerning Co-operation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area.” These bilateral or regional agreements and arrangements cover a range of issues or aspects of maritime narcotrafficking control such as interdiction, operational cooperation and information and intelligence exchange. Specifically, these agreements and arrangements can serve to establish channels of communication among authorities in order to facilitate secure and rapid exchange of information on specific trends, routes and methods involving suspected drug trafficking vessels.

It should be recognized that establishing bilateral or regional agreements can be a challenge for some countries as their constitutional frameworks may prevent them from entering into such agreements which give foreign authorities powers reserved for national authorities.

All member states responding to the questionnaire have in place legislation related to national maritime control, vessels, and port security. In some

instances the controls related to the foregoing were contained in broader legislation concerned with drug control, customs or other issues. Regarding maritime security, all member states reported that they either have or will have amended their legislation or regulatory framework related to national maritime, vessel and port security in order to fully implement the International Maritime Organization (IMO) International Ship and Port Facility Security (ISPS) Code by July 1, 2004.

Responding member states have indicated that they are working towards implementing the ISPS Code. It is recognized that compliance with the requirements of the ISPS Code might well bring many benefits for counter drug activities such as ship and port facility security plans and the requirement for vessels to maintain records of their last 10 ports of call

Some member states have indicated that their legislation may be inadequate to address maritime drug control. A significant percentage of responding member States reported legislative limitations to the control, monitoring or interdiction at ports; however, fewer member states reported limitations as it relates to the sea. In some cases such legislation provides insufficient powers or authorities.

Taking into account the political declaration adopted by the 20th Special Session of the UN General Assembly devoted to counter the world drug problem¹ and in accordance with CICAD's Anti-Drug Strategy in the Hemisphere, a large majority of member states have in place national counter drug control strategies or plans of action, which are concerned with or include maritime drug control.

RECOMMENDATIONS:

The Working Group recommends that the Commission:

- Call upon member states to continue to commit themselves to becoming parties to UNCLOS and the 1988 Convention and to implementing IMO instruments relating to maritime security.
- Call upon Member states to continue their efforts regarding port security and the control of maritime narcotrafficking through the effective implementation of international maritime rules and standards and the enactment and enforcement of appropriate national maritime legislation and regulations.
- Encourage member states to consider entering into bilateral and regional agreements and arrangements that lead towards the goals of Article 17 while working within national frameworks.

¹ United Nations General Assembly Resolution A/S-20/4, Annex, paragraph 2.

- Call upon member states to include the subject of the suppression of maritime narcotrafficking in the agendas of bilateral and regional commissions or meetings, consultation bodies and working groups.
- Call upon member states to develop internal mechanisms to ensure the efficient and timely response to Article 17 requests for cooperation.
- Encourage member states to continue their efforts to implement the ISPS Code by July 1, 2004.
- Direct the Executive Secretariat to collaborate with the OAS Inter-American Committee on Ports (CIP) and the Inter-American Committee Against Terrorism (CICTE) to coordinate and harmonize efforts and resources pertaining to counterdrug and counterterrorism port security activities including the implementation of the ISPS Code by CICAD member states.
- Direct the Executive Secretariat to provide technical assistance to member states in revising national maritime and port control legislation to fully comply with international agreements and to improve their national capacity and effectiveness in maritime control and law enforcement. In doing so, consideration should be given to address developing trends including mandatory reporting by industry regarding modifications to vessels.
- Direct the Executive Secretariat to provide technical assistance to aid member States in developing their national counterdrug strategies or plans of action to include maritime counter drug control.
- Revise the Multilateral Evaluation Mechanism (MEM) questionnaire to include indicators (qualitative and quantitative) regarding efforts to eliminate maritime narcotrafficking

VI.2 PORTS

The drug trafficking threat to ports is potentially pervasive throughout the Western Hemisphere. Drug trafficking organizations with sufficient expertise in the commercial shipping cycle or process are exploiting vulnerabilities in both commercial and non-commercial ports and harbors to move illicit drugs and related contraband. An estimated one-third of cocaine shipments are transported through the ports of the Hemisphere's countries via commercial maritime conveyances. Ports handling larger volumes of vessels and cargoes in transit are at risk of exploitation by commercial maritime narcotraffickers. Therefore, all ports in the Hemisphere are potentially at risk of exploitation by drug smuggling conspirators and require particular attention for drug control purposes.

Internal conspiracies involving people with otherwise legitimate access to the shipping cycle, represent a major challenge to countering commercial maritime drug smuggling in ports. In countries where ports have improved security and constricted opportunities for drug smuggling exploitation, cross-border displacement of smuggling operations have moved to more vulnerable ports in other countries, particularly for drug shipments to Europe. To counter these transnational organized crime threats, effective counterdrug port security programs should include sophisticated and comprehensive inter-agency and international investigative approaches and mechanisms.

The large volumes of container and other cargo traffic make it necessary to target inspection and interdiction. According to member states responding to the questionnaire, the review of cargo manifests and other documents is crucial to effective targeting of suspect containers and vessels, serving as the basis for determining risk profiles in port security programs. In order to counter commercial maritime drug flows, some ports -- regardless of traffic volumes -- have adopted and implemented a counterdrug port security program. Ports with free trade zones and free port status present a special challenge for countries in that while they may have special economic or trade status they are still subject to compliance with Article 18 (1988 Convention), pertaining to systems of port security control.

Only a few member states responding to the questionnaire reported using methods to control the tracking, handling, and auditing of commercial maritime cargoes of chemicals that might be linked to the illicit drug production. To address the problem of illicit chemical shipments and diversion of legitimate commercial cargoes, these countries have implemented procedures to examine details regarding import, export, and transit cargoes to identify trade in commodities of potential concern, such as precursor chemicals.

Further to recommendations of the International Narcotics Control Board (INCB), countries are using the pre-export notification process to enhance their controls

of chemical substances. Through this process, countries can provide advanced notice of a shipment for preliminary review and investigation. This notification results in more effective processing of import, export, and transit cargoes of potential concern through their ports.

Nearly all member states responding to the questionnaire reported that a number of different government agencies actively participate in counterdrug monitoring and interdiction activities in the ports. These government agencies are responsible for delivering a comprehensive programmatic approach to counterdrug enforcement in the ports. In about half the member states, private industry stakeholders in the port also played a role in counterdrug port security programs at the national level or in specific ports.

A majority of member states responding to the questionnaire reported that responsibility for coordinating the implementation of counterdrug port security programs rests with a government port authority. In some instances, member states reported that this responsibility was shared through a governmental-private sector agency or authority. At the same time, countries reported the importance of including the private sector companies involved in exporting, importing, transporting, shipping, and private security to participate in the implementation of counterdrug port security programs. Nearly all member states reported that private industry stakeholders did not provide funding to counterdrug port security programs, and that funding was primarily provided by the government.

The majority of countries reported using a comprehensive set of mechanisms and activities in their counterdrug port security programs for monitoring, control and information gathering and exchange purposes. These included the use of standing interagency task forces; information exchange and sharing between private and public sector partners; access to common interagency databases; regular interagency meetings review of manifests and shipping documents for targeting purposes; use of informants; and coordination with law enforcement or other agencies in foreign countries.

RECOMMENDATIONS :

The Working Group recommends that the Commission:

- Establish an Experts Group for maritime narcotrafficking issues to undertake the following:
 - Develop a reference guide of best practices regarding the methods for the exchange of counterdrug intelligence and information applied to port security programs.
 - Develop a guide for the establishment of an interagency council or committee to coordinate the cooperative implementation of counterdrug port security programs.
 - Develop a reference guide of best practices and procedures for the effective systemic control of chemical cargoes shipped through ports, in order to prevent their illicit diversion
 - Develop a guide of best practices and procedures to enhance security in free trade zones in ports and free ports to a level comparable to other ports
 - Develop alternatives to increase private industry stakeholder participation in the funding of and involvement in counterdrug port security
- Direct the Executive Secretariat to expand its technical assistance initiative in the implementation of national port security programs, drawing on the success of existing initiatives and experiences in this area by member states, and to continue its efforts to “regionalize” best practices.
- Direct the Executive Secretariat to provide technical assistance to member states to ensure that their national port security programs are synchronized with or incorporated into national counterdrug strategies and other counterdrug programs.
- Direct the Executive Secretariat to promote the expansion of private sector counterdrug programs, such as the Business Anti-Smuggling Coalition (BASC).

VI.3 PORTS AND MARITIME INTERFACE AND INTERDICTION

Effective control of maritime narcotrafficking by member states depends upon a balanced approach, which on one hand promotes and facilitates legitimate maritime traffic and trade, while deterring and stopping illicit activities in ports, coastal areas, and maritime approaches. To achieve such a balance, member states must have clear Maritime Domain Awareness (MDA). In this state, the country needs to know the current situation or threat posed by maritime narcotrafficking, the challenges and impediments and what is required to overcome the foregoing.

The majority of illicit drugs shipped by surface vessel to North America and Europe from South America pass through the maritime transit zone of six (6) million square miles (15 million square kilometers) of ocean, or the approximate territorial size of the continental United States. This zone includes the Caribbean Sea, the Gulf of Mexico, and the eastern region of the Pacific Ocean. A new trend is emerging as routes are being detected in the south Atlantic and south Pacific Oceans.

The trafficking of drugs at sea as opposed to air or over land is most profitable at this time. Intelligence sources estimate that more than 90% of the cocaine is transported onboard ships and ocean craft that include both commercial and non-commercial transportation.

Most of the drugs moving through the transit zone are transported via non-commercial craft, although it should be noted that cocaine trafficking to Europe is primarily transported via commercial containerized cargo. Multi-engine, fiberglass, vessels known as "go-fasts" are used often in the Caribbean Sea and the Eastern Pacific Ocean because they are small, extremely fast and maneuverable, almost impossible to detect via radar, and very difficult to detect visually, even from aircraft when the go-fast is stopped. However, a myriad of other means, among them fishing boats, pleasure craft and small coastal freighters are used as well, making it impossible for law enforcement to concentrate on only one type of vessel. Drugs have been hidden onboard large, commercial fishing vessels or tuna boats, which presents a special challenge to law enforcement because of their large size, long endurance, use of onboard helicopters for counter-detection of law enforcement assets and use of small boats to transfer and/or conceal drugs.

The realities and dynamics of drug trafficking are that the smugglers can act and react quickly to enforcement methods or controls, while law enforcement, faced with many restrictions and other complications, reacts more slowly, following the creation of laws, policies and procedures. As law enforcement agencies experience successes over a particular mode of transport or route, the drug smugglers quickly adapt their methods and/or routes to avoid detection and capture. Therefore, law enforcement must alter their own efforts to counter the smuggler's newly implemented procedures.

Currently, the flexibility and rapidity of law enforcement to respond to smuggler's changes is problematic and inadequate to be effective. For instance, although it was well known that smugglers were using go-fasts, law enforcement took years to develop an effective means of detecting and stopping these elusive targets. Armed, equipped and reinforced helicopters had to be purchased and modified to protect the law enforcement officers. Procedures to use non-lethal weapons had to be developed and practiced before they could be used against the go-fast smugglers. Once these law enforcement helicopters and methods were put into place, a level of success against the go-fast was achieved in the Caribbean Sea. Smuggler's then quickly altered their routes to send more drugs along the Eastern Pacific corridors, using fishing vessels to provide fuel, food and water to the go-fast smugglers along routes in the Eastern Pacific that are longer but more difficult to detect. Again, it took law enforcement time, effort, funds, and training to react to this change in route and method of provisioning the go-fasts. The point is that as law enforcement shuts down or lessens the effectiveness of one method, route or smuggling activity, the smuggler's have the monetary means and criminal connections to rapidly change to a different way to get their illicit drugs produced, transported and delivered.

Smugglers, because they are acting outside the legal framework, do not respect sovereignties or borders, and act solely in the interest of successfully producing, transporting, and delivering their product to its destination with very few procedural rules to follow. Their abundant wealth combined with comparably fewer limitations allow them to rapidly overcome resource constraints.

Member states responding to the questionnaire provided little information regarding the routes being used by narcotraffickers to move illicit drugs and related contraband. At the same time the general routes for moving cocaine, heroin and other contraband through the Caribbean and the Eastern Pacific have been mentioned in other sections of the reports. While details were not provided, it is clear that narcotraffickers continue to use these channels and various intermediary stops to move their products. The methods used change based on pressures from control agencies and opportunities that present themselves that can potentially increase the advantage or return for the narcotraffickers. Most recently member states have noticed a move to use the southern Atlantic and Eastern Pacific areas to avoid detection in the areas further to the north.

The questionnaire results and references show us that currently MDA is limited in all member states. While there is greater awareness of and control over the commercial vessels entering ports as compared to non-commercial vessels (pleasure craft and traditional fishing vessels), the overall knowledge of actual traffic and goods moving in and out of ports and non-port landing areas is minimal and varies widely by country and region. Nearly all member states have mechanisms to record the information of commercial maritime traffic movement in and out of ports, and most mechanisms are computerized. Government agencies (Customs, Coast Guard, Immigration and others) usually have responsibility for and access to this information. Information collected seems to be fairly uniform and provides the means to target certain vessels for further inspection because of the suspicion they may be carrying illicit drugs.

All member states reported carrying out maritime detection and monitoring (D&M) activities and have gained some degree of control through these activities within their jurisdictional waters. However, the effectiveness of this D&M is limited and difficult to assess for various reasons. Most member states were not able to provide much information on reported seizures. There are also problems in cooperation among agencies and/or countries, and the dearth of actionable intelligence to target certain vessels or routes. There is a wide variety of patrolling or surveillance effort both near shore and offshore among member states, although patrolling beyond the 200 mile zone is limited. There are however, limited measures to link this relatively high level of effort with its effectiveness. The statistical information as to estimated production levels and the relatively stable price of street-level cocaine and its easy availability versus the reported level of seizures would indicate that the D&M activities are not as effective as they could be given additional resources and/or actionable intelligence.

Geographic diversity and vast open areas, in ports, coastal areas and maritime approaches pose significant challenges to achieve a useful degree of MDA. Smugglers have the advantages of choosing their time and place, and are not concerned with issues of sovereignty, regulations or budgetary constraints. It is extremely easy for smuggling vessels to hide in plain sight by mixing in with legitimate maritime traffic. Challenges for law enforcement officials include privacy laws, funding shortfalls, lack of communication, forged documents, false information and fragmented data collection. There are heterogeneous reconnaissance capabilities between sub-regions; some areas (such as the Southern Pacific Ocean or the Southern Atlantic Ocean) may not be included or surveilled properly to create MDA.

Navy, Coast Guard, Customs or National Police conduct maritime law enforcement (MLE) activities at sea in most member states; however, many other departments and agencies also have responsibilities in this area. Most member states report inadequate interagency cooperation to affect drug seizures.

The reported information on seizure was insufficient to draw any real conclusions. The little information that was submitted indicated that few drug seizures were occurring in ports. Seizures had occurred in coastal areas and at sea; depending upon the region and the country(s) involved.

Most member states reported having insufficient resources to carry out maritime counterdrug enforcement activities. Problems identified included inadequate funding, insufficient human and material resources, lack of proper training, and a shortfall of actionable information.

Bureaucratic in-fighting, competition or jealousy, overlapping areas of responsibility, inadequate legislative authority, and differing policies and procedures, often hinder agencies ability to work together or cooperate. At times, agencies may patrol and/or conduct D&M activities without proper coordination with each other, resulting in some critical areas not covered at all or a duplication of effort and a waste of resources in areas covered multiple times and/or concurrently by several aircraft and/or surface units.

As noted in the section on LEGISLATION AND COOPERATION AGREEMENTS, all countries have signed the 1988 Convention, and several have entered into bilateral and regional agreements or arrangements. In some countries, the department or agency receiving an Article 17 (of the 1988 Convention) request for assistance are different than the one responding to such a request. In a couple of countries, responses are not available 24 hours by 7 days. Fax and e-mail are the most common acceptable methods for responding to requests, although several countries will receive and respond to requests verbally. Some countries reported signing bilateral or regional agreements or arrangements to address information sharing, expedite responses to requests for assistance, and facilitate operations. At the same time, the extent to which countries use this mechanism to promote and facilitate coordination, cooperation and information exchange is limited.

Gaps in areas of cooperation between member states create opportunities for smugglers to travel undetected/unmolested across vast ocean areas and through sparsely patrolled territorial waters. Lack of confidence among law enforcement officials, competition between agencies and a suspicion of corruption hinder cooperation. Legal restrictions and conflicting national interests, policies or priorities for resources in some partner countries handicap efforts to cooperate.

Intelligence is limited in all member states regarding maritime drug trafficking routes, methods and smuggler capabilities. Drug trafficking trends (such as routes, types of vessels used, concealment methods, etc.) are historical; identified after they are well established, and may not be useful for tactical purposes. It is very difficult to directly link the level of operational effort to results or seizures, but there is no question that improvement in actionable intelligence and operational efforts is needed.

All member states suffer from insufficient, tactical (actionable) information and intelligence. Shortfalls in the amount and/or quality of intelligence vary among countries. While some countries suffer from a shortage of raw data, others lack the analytical tools and/or skills necessary to generate accurate, usable intelligence. Units operating without intelligence and/or surveillance support have little chance of detecting smugglers. Information and intelligence are not usually shared among and within countries in a timely, proficient manner in order to create effective and efficient counterdrug operations. The sharing of information and intelligence is limited among agencies/countries for several possible reasons. Among them are the fear of compromising operations or sources, no direct contact between officers that would foster trust, lack of communications, institutional rivalries, lack of bilateral or regional agreements/arrangements, lack of a secure means of sharing the information, limited knowledge of the operational capacity of others, and lack of understanding of the needs of others.

RECOMMENDATIONS :

The Working Group recommends that the Commission:

- Direct the Executive Secretariat to reestablish hemispheric meetings for Maritime Law Enforcement and other officials to share best practices and develop informal and informal cooperation; create an interactive website to allow continued informal communications and information sharing among the attendees to these meetings. These meetings would be the basis for building confidence and the establishment of more effective information sharing.
- Call on the Executive Secretariat to provide technical assistance to interested member states in establishing National Joint Command and Control Centers (NJC²C).
- Call on the government of the United States of America to consider expanding the availability of the Counter Narcotics Information Exchange System (CNIES) to enable real-time, secure communications between law enforcement and other officials in all the OAS member states.

- Encourage member states to establish or enhance National Joint Operations/Intelligence Centers staffed by law enforcement officers from various agencies (for example, the National Police, Coast Guard, Customs) that will also serve as a focal point of contact for all countries. Encourage international cooperation with these Joint Operations/Intelligence Command and Control Centers.

- Establish a CICAD Experts Group on hemispheric maritime counterdrug cooperation in the following areas:
 - Create a standardized threat/risk assessment matrix for countries to use in evaluating vulnerabilities and gaps in port security, coastal areas, and maritime approaches
 - Develop best practices and related strategies that member states could implement to promote effective controls over ports and maritime narcotrafficking in an environment of limited resources (human, financial and equipment)
 - Examine and evaluate current data collection systems used in ports and prepare a reference guide for use of member states in developing or upgrading their national systems
 - Create a Model Maritime Control Legislation (or a set of laws and regulations) that countries can use to review and update their laws and regulations to ensure adequate maritime jurisdiction and security. Such legislation may include laws dealing with logistics supply vessels that aid drug smuggling craft, vessels modified or built for the purpose of concealing illicit cargo, and vessels modified with excessive fuel capacity to carry illicit drugs over long distances and/or re-supply drug smuggling vessels.
 - Create a Model Maritime Operations Guide for Interagency Cooperation and Coordination that countries can use to align national operating procedures among agencies in accordance with the laws and regulations of that country
 - Develop Model Operating Procedures Manual for joint and combined bilateral or regional interdiction operations, for those member states whose laws and regulations allow them to conduct such operations, taking into account the jurisdictional limits and national legal systems of the parties involved when creating the bilateral or regional agreement or arrangements for such operations.

- Examine the feasibility of establishing regional or sub-regional Joint Operations Centers for cooperation among those member states whose laws and regulations allow them to do so.
- Develop a mechanism for agencies in member states to share information with counterparts in other countries regarding concealment methods, trends, routes and general event information related to port security and the control of maritime narcotrafficking
- Develop a model system or vessel registry to monitor pleasure boats, traditional fishing vessels and “go fast” boats in support of maritime domain awareness and investigations

The above recommendations regarding actions or considerations for the Experts Group are not meant to limit or constrain this group in any manner. Their deliberations should encompass all aspects of the recommended actions. In some recommendations, specific examples are included to assist the Experts Group in determining what was meant by this Working Group. However, it should not be taken as the only items to include in their products.

VII. CONCLUSIONS

Narcotraffickers are making extensive use of maritime means and the ports in member states to transport illicit drugs and related contraband. The large expanses of ocean and long coast areas in the hemisphere coupled with the volumes of container and vessel traffic that member states face present significant challenges for countries trying to monitor and control maritime narcotrafficking.

Countries have limited resources (financial, human and equipment) to respond to these challenges. While member states undertake monitoring and interdiction activities, it is difficult to assess the effectiveness of these activities. Member states need to make better and more efficient use of the limited resources that they have. This requires better planning and more targeted activities based on information gathering and exchange as well as international and interagency cooperation, coordination and information sharing. Member states could benefit from expanded use of bilateral and regional agreements and other arrangements for this purpose as well as other informal mechanisms.

VIII. SUMMARY OF RECOMMENDATIONS

Recommendation to the Commission to bring the following issues to the attention of CICAD member states for their consideration and action:

- Call on the government of the United States of America to consider expanding the availability of the Counter Narcotics Information Exchange System (CNIES) to enable real-time, secure communications between law enforcement and other officials in all the OAS member states.
- Encourage member states to establish or enhance National Joint Operations/Intelligence Centers staffed by law enforcement officers from various agencies (for example, the National Police, Coast Guard, Customs) that will also serve as a focal point of contact for all countries. Encourage international cooperation with these Joint Operations/Intelligence Command and Control Centers.
- Call upon member states that have not already done so to become parties to UNCLOS and the 1988 Convention and to implement the IMO instruments relating to maritime security.
- Call upon member states to continue their efforts regarding port security and the control of maritime narcotrafficking through the effective implementation of international maritime rules and standards and the enactment and enforcement of appropriate national maritime legislation and regulations.
- Encourage member states to consider entering into bilateral and regional agreements and arrangements that lead towards the goals of Article 17 while working within national frameworks.
- Call upon member states to include the subject of the suppression of maritime narcotrafficking in the agendas of bilateral and regional commissions or meetings, consultation bodies and working groups.
- Call upon member states to develop internal mechanisms to ensure the efficient and timely response to Article 17 requests for cooperation.
- Encourage member states to continue their efforts to implement the ISPS Code by July 1, 2004.

Recommendation that the Commission direct the Executive Secretariat to undertake the following tasks or activities:

- Provide technical assistance to member states in revising national maritime and port control legislation to fully comply with international agreements and to improve their national capacity and effectiveness in maritime control and law enforcement. In doing so, consideration should be given to address developing trends including mandatory reporting by industry regarding modifications to vessels.
- Expand its technical assistance initiative in the implementation of national port security programs, drawing on the success of existing initiatives and experiences in this area by member states, and to continue its efforts to “regionalize” best practices.
- Reestablish hemispheric forum for maritime law enforcement and other officials to share best practices and develop informal and informal cooperation; create an interactive website to allow continued informal communications and information sharing among the attendees to these meetings. These meetings would be the basis for building confidence and the establishment of more effective information sharing.
- Collaborate with the OAS Inter-American Committee on Ports (CIP) and the Inter-American Committee Against Terrorism (CICTE) to coordinate and harmonize efforts and resources pertaining to counterdrug and counterterrorism port security activities including the implementation of the ISPS Code by CICAD member states.
- Provide technical assistance to aid member states in developing their national counterdrug strategies or plans of action to include maritime counter drug control.
- Provide technical assistance to member states to ensure that their national port security programs are synchronized with or incorporated into national counterdrug strategies and other counterdrug programs.
- Provide technical assistance to interested member states in establishing National Joint Command and Control Centers (NJC²C).
- Promote the expansion of private sector counterdrug programs, such as the Business Anti-Smuggling Coalition (BASC).
- Revise the Multilateral Evaluation Mechanism (MEM) questionnaire to include indicators (qualitative and quantitative) regarding efforts to eliminate maritime narcotrafficking.

Recommend the creation of an Expert Group on Maritime Control Issues to undertake the following tasks:

- Create a standardized threat/risk assessment matrix for countries to use in evaluating vulnerabilities and gaps in port security, coastal areas, and maritime approaches.
- Create a Model Maritime Control Legislation (or a set of laws and regulations) that countries can use to review and update their laws and regulations to ensure adequate maritime jurisdiction and security.
- Develop best practices and related strategies that member states could implement to promote effective controls over ports and maritime narcotrafficking in an environment of limited resources (human, financial and equipment)
- Examine and evaluate current data collection systems used in ports and prepare a reference guide for use of member states in developing or upgrading their national systems
- Develop a reference guide of best practices regarding the methods for the exchange of counterdrug intelligence and information applied to port security programs.
- Develop a guide for the establishment of an interagency council or committee to coordinate the cooperative implementation of counterdrug port security programs.
- Create a Model Maritime Operations Guide for Interagency Cooperation and Coordination that countries can use to align national operating procedures among agencies in accordance with the laws and regulations of that country.
- Develop Model Operating Procedures Manual for joint and combined bilateral or regional interdiction operations, for those member states whose laws and regulations allow them to conduct such operations, taking into account the jurisdictional limits and national legal systems of the parties involved when creating the bilateral or regional agreement or arrangements for such operations.
- Develop a mechanism for agencies in member states to share information with counterparts in other countries regarding

concealment methods, trends, routes and general event information related to port security and the control of maritime narcotrafficking

- Develop alternatives to increase private industry stakeholder participation in the funding of and involvement in counterdrug port security
- Develop a model system or vessel registry to monitor pleasure boats, traditional fishing vessels and “go fast” boats in support of maritime domain awareness and investigations.
- Develop a reference guide of best practices and procedures for the effective systemic control of chemical cargoes shipped through ports, in order to prevent their illicit diversion.
- Develop a guide of best practices and procedures to enhance security in free trade zones in ports and free ports to a level comparable to other ports.
- Examine the feasibility of establishing regional or sub-regional Joint Operations Centers for cooperation among those member states whose laws and regulations allow them to do so.



**Inter-American Drug Abuse Control Commission
Maritime Narcotrafficking Study Questionnaire**

Please complete the attached questionnaire and return it to the attention of Mr Rafael Parada either by email (rparada@oas.org) or fax (202-458-3658)

Note that in questions requiring a “Yes” or “No” response, a space left blank will be considered to be a “No” reply



Inter-American Drug Abuse Control Commission Maritime Narcotrafficking Study Questionnaire

Legislation and Agreements

1	Which of the following international agreements have you signed, ratified and implemented?	Signed			Ratified			Implemented		
		Yes	No	If "yes" when	Yes	No	If "yes", when	Yes	No	If "yes", when
	Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988									
	UN Convention on the Law of the Sea (UNCLOS -1982)									
	UN Convention on Transnational Organized Crime (2000)									
	IMO Safety of Life at Sea (SOLAS) Convention (1974)									
	2002 Amendment to the 1974 SOLAS Convention									

2a	Have you signed or are you planning to sign any bilateral or multinational agreements for counterdrug maritime cooperation?		
		Yes	No
	Signed or ratified		
	Pending ²		

² "Pending" refers to a situation where the action such as the signing, adoption or implementation of an agreement or legislation or similar instrument has not been completed but is anticipated or is in progress.

2b If "Yes" or Pending"¹, please provide the following details:							
	Name of agreement (as appropriate)		Participating countries		Effective date		
3a Have you noted a trend in which the physical structure or engines of vessels are built or subsequently altered to facilitate the smuggling of illicit drugs?							
				Yes	No		
Comments/Explanation							
3b Does any of your national legislation require the ship building industry or outfitters to report suspicious cases where they are requested to alter or modify a vessel in a way that could facilitate the smuggling of illicit drugs?							
					Yes	No	Pending ¹
Comments/Explanation							

¹ "Pending" refers to a situation where the action such as the signing, adoption or implementation of an agreement or legislation or similar instrument has not been completed but is anticipated or is in progress.

4	What national maritime, vessel, port security-related or other port-related legislation do you have in place, including relevant decrees, regulations and other instruments, concerned with the control of drugs, chemicals or related contraband?							
	Name and/or reference number for Legislation	Maritime	Vessel	Port	Port Security	Other	Effective date	
5a	Do you have in place a plan of action or national strategy regarding maritime counterdrug control ?							
						Yes	No	Pending ¹
5b	If "Yes", please provide the following details:							
	Name of the plan or strategy		Effective dates	Objectives				
5c	If "Pending"¹, please provide the following details:							
	Name		Anticipated implementation effective dates	Proposed objectives				

¹ **"Pending"** refers to a situation where the action such as the signing, adoption or implementation of an agreement or legislation or similar instrument has not been completed but is anticipated or is in progress.

5d	Do you have in place mechanisms to measure the effectiveness of this plan of action or national strategy?			
		Yes	No	
5e	If "Yes", please provide some details of these measures:			
6a	Have you implemented the International Ship and Port Facility Security (ISPS) Code developed by the International Maritime Organization (IMO) adopted in December 2002?			
		Implemented		
		Yes	No	If "yes", when
6b	Who is responsible for coordinating the implementation of the provisions in the standards?			
	Name of the office	Name of the Department, Ministry or agency		
6c	If "No", do you propose to do so and when?			
		Yes	No	If "yes", when

Ports

7	What are the maritime ports in your country that require particular attention for drug control purposes?							
	Name/location	"Free Port" or "Free Trade Zone" ²		Volume of movement in 2002		Port administration		
		Yes	No	Number of Vessels	Number of Containers	Private	Governmental	Joint Private/Governmental

8a **Do you have in place a system to designate selected ports through which specified cargos (eg. chemicals, pharmaceutical products etc) that might be linked to the illicit drug trade can leave or enter the country?**

		Yes	No

8b **If "Yes", please provide the following information regarding these "designated ports"**

Name/Location	Designated for import of what cargos?	Designated for export of what cargos?	Designated for transit of what cargos?

² **"free trade zone" / "free ports"** refer to ports or areas with special economic status in which taxes, custom duties or other assessments on cargos are waived or reduced.

9a	In accordance with article 18 of the 1988 UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, are "free trade zones" and "free ports"² subject to your national laws for the control and prevention of trafficking of illicit drugs, precursor chemicals and other related contraband?		
		Yes	No
9b	If "Yes", which of the following controls apply ?		
		Yes	No
	Monitoring ⁴ the movement of goods, cargos and persons suspected of having illicit drugs or chemical substances.		
	Authorization from competent authorities to inspect the arrival and departure of cargos and vessels including non-commercial ⁸ vessels or pleasure craft.		
	Existence of a permanent monitoring systems to detect shipments suspected of having illicit drugs, chemical substances, arms and related contraband.		
	Others (please specify)		

² **“free trade zone” / “free ports”** refer to ports or areas with special economic status in which taxes, custom duties or other assessments on cargos are waived or reduced.

⁴ **“monitoring”** refers to activities intended to ensure compliance or to identify actual or suspected illegal activities including diversion and smuggling. The “monitoring” could be through direct observation, tracking and observation by electronic means including radar and similar technologies and the review of documents, papers and other information sources.

⁸ **“Non-commercial vessels”** refers to any maritime craft or vessel not engaged in port to port transfer of cargo or passengers (ie., pleasure craft, fishing vessels, offshore work boats etc.)

10	Which of the following agencies participate in counter drug monitoring ⁴ and interdiction ³ activities in your ports?								
		Yes	No	Responsibilities					
				Coordination	Control of cargos	Control of persons	Information gathering ³	Interdiction ³	Monitoring ⁴
	Private port authority								
	Governmental port authority								
	Attorney General's office								
	Customs								
	National Police								
	National Guard								
	Coast Guard								
	Navy								
	Others (please specify)								

³ “**interdiction**” refers to activities such as detection, interception, search, seizure and others related to counterdrug operations.

⁴ “**monitoring**” refers to activities intended to ensure compliance or to identify actual or suspected illegal activities including diversion and smuggling. The “monitoring” could be through direct observation, tracking and observation by electronic means including radar and similar technologies and the review of documents, papers and other information sources.

11	Do you have in place a counterdrug port security program⁵?				
	Level of implementation	Yes	No	Pending ¹	
	National (all or most ports)				
	Selected ports (please specify)				
	Pilot implementation (please specify)				
	Other (please specify)				
12	Who is responsible for coordinating the implementation of the counterdrug port security program⁵ and what other partners (governmental or non governmental) are involved?				
		Coordinator		Participant	
		Yes	No	Yes	No
	Private port authority				
	Governmental port authority				
	Attorney General's office				
	Customs				
	National Police				
	National Guard				
	Coast Guard				
	Navy				
	Exporting companies				
	Importing companies				
	Transport/carrier companies				
	Shipping companies				
	Private port security companies				
	Foreign governmental agencies or Embassies				
	Others (please specify)				

⁵ **“Port security program”** refers to the operational application of anti-crime activities by government agencies and private sector stakeholders to counter the criminal exploitation of seaports in support of the port security strategy.

¹ **“Pending”** refers to a situation where the action such as the signing, adoption or implementation of an agreement or legislation or similar instrument has not been completed but is anticipated or is in progress.

13	Which of the following elements are included in your counterdrug port security program⁵?		
		Yes	No
	Active involvement of the private or commercial sector		
	Funding of the program by the private or commercial sector in the port		
	Funding of the program by the government		
	Funding shared by the government and private sector		
14	Which of the following formal mechanisms and/or activities are in place to gather, analyze, exchange and share information and intelligence among the above noted governmental agencies and other entities involved in counter drug control and counter terrorism activities in ports?		
		Yes	No
	Common interagency data base ⁶		
	Mutual access to databases ⁷		
	Standing Inter-agency task forces		
	Information exchange and sharing between private and public sector partners		
	"Know your client" program		
	Review of manifests and other documents for targeting purposes		
	Regular interagency meetings		
	National electronic monitoring		
	Information on electronic monitoring from other countries or agencies		
	Informants		
	Private or commercial sector		
	Shipping documents		
	Law enforcement or other agencies in other countries		
	Others (please specify)		

⁵ **“Port security program”** refers to the operational application of anti-crime activities by government agencies and private sector stakeholders to counter the criminal exploitation of seaports in support of the port security strategy.

⁶ **“common interagency database”** refers to a system in which a single database is established and to which various agencies, ministries and departments input data and to which they all have access (remote or direct)

⁷ **“mutual access to databases”** refers to a system in which individual agencies, ministries and departments maintain their own electronic databases to which other organizations have access (remote or direct) to search for information

Interface - Ports and Vessel Interdiction

15a	Do you have in place a mechanism or system (manual or automated) to monitor or record the movement of commercial or non commercial vessels into and/or out of your ports?		
		Yes	No

15b	If "Yes", what kind of mechanism or system is it?	Commercial			Non-commercial⁸		
		Yes	No	Not Applicable	Yes	No	Not Applicable
	Manual record system						
	Computerized record system						
	Other (please specify)						

15c	How is the information gathered?	Commercial			Non-commercial⁸		
		Yes	No	Not Applicable	Yes	No	Not Applicable
	Observation and monitoring						
	Reporting by vessel to the harbor pilot, port authority or other entity						
	Others (please specify)						

⁸ "Non-commercial vessels" refers to any maritime craft or vessel not engaged in port to port transfer of cargo or passengers (ie., pleasure craft, fishing vessels, offshore work boats etc.)

15d	Who operates this system?						
		Commercial			Non-commercial⁸		
		Yes	No	Not Applicable	Yes	No	Not Applicable
	Private port authority						
	Governmental port authority						
	Attorney General's office						
	Customs						
	National Police						
	National Guard						
	Coast Guard						
	Navy						
	Others (please specify)						
15e	Who has access to this information?						
		Commercial			Non-commercial⁸		
		Yes	No	Not Applicable	Yes	No	Not Applicable
	Private port authority						
	Governmental port authority						
	Attorney General's office						
	Customs						
	National Police						
	National Guard						
	Coast Guard						
	Navy						
	Inter-agency task force or team						
	Foreign or international agencies/entities						
Others (please specify)							

⁸ **"Non-commercial vessels"** refers to any maritime craft or vessel not engaged in port to port transfer of cargo or passengers (ie., pleasure craft, fishing vessels, offshore work boats etc.)

15f	How do these entities access or otherwise receive this information?									
					Commercial		Non-commercial⁸			
					Yes	No	Not Applicable	Yes	No	Not Applicable
	Access by computer									
	Inter-agency meetings									
	Bilateral exchanges									
	Others (please specify)									
16a	What records, papers or other documents do you receive regarding containers, bulk cargo, other cargos, passengers and crew members arriving in your ports?									
								Yes	No	
	Cargo manifests									
	Shipping documents									
	Schedules of arrival									
	Export/import Customs documents									
	Weigh bill									
	Import report									
	Commercial receipts or invoices									
	Certificate of origin									
	Insurance certificate									
	Load or stevedore plan									
	Crew list									
	Passenger list									
	Other (please specify)									

⁸ **“Non-commercial vessels”** refers to any maritime craft or vessel not engaged in port to port transfer of cargo or passengers (ie., pleasure craft, fishing vessels, offshore work boats etc.)

16b	Are the following normally received in a timely manner for monitoring⁴ and interdiction³ purposes?			
		Yes	No	Not Applicable
	Cargo manifests			
	Shipping documents			
	Schedules of arrival			
	Export/import Customs documents			
	Weigh bill			
	Import report			
	Commercial receipts or invoices			
	Certificate of origin			
	Insurance certificate			
	Load or stevedore plan			
	Crew list			
	Passenger list			
	Other (please specify)			
16c	How do you determine which vessels, cargos or containers should undergo a more comprehensive inspection?			
		Yes	No	
	Review of documents			
	Use of established risk indicators			
	Inter-agency exchange of information			
	Reports from agencies in other countries			
	Others (please specify)			

⁴ “**monitoring**” refers to activities intended to ensure compliance or to identify actual or suspected illegal activities including diversion and smuggling. The “monitoring” could be through direct observation, tracking and observation by electronic means including radar and similar technologies and the review of documents, papers and other information sources,

³ “**interdiction**” refers to activities such as detection, interception, search, seizure and others related to counterdrug operations.

⁸ “**Non-commercial vessels**” refers to any maritime craft or vessel not engaged in port to port transfer of cargo or passengers (ie., pleasure craft, fishing vessels, offshore work boats etc.)

17	Which ministries, departments, military branches or agencies in your country have authority to carry out interdiction³ and seizure activities in your ports?		
		Yes	No
	Attorney General's office		
	Customs		
	National Police		
	National Guard		
	Coast Guard		
	Navy		
	Inter-agency task force or team		
	Others (please specify)		
18a	What seizures of illicit drugs, chemicals, arms or other contraband related to the foregoing were made in your ports during 2002?		
		Number of seizures	
	Materials seized		Quantities (number, weights, volumes) seized

³ "interdiction" refers to activities such as detection, interception, search, seizure and others related to counterdrug operations.

18b	What methods have been used to move illicit drugs, chemicals, arms or other contraband related to the foregoing into or out of your ports?

18c	What impediments exist to respond to these methods and ensure effective control of illicit drugs, chemicals, arms or other contraband related to the foregoing in ports?		
		Yes	No
	Insufficient financial resources		
	Insufficient trained personnel		
	Insufficient equipment for monitoring and detection		
	Insufficient maritime assets (boats, aircraft etc) for monitoring and interdiction activities		
	Lack of effective coordination among the entities involved		
	Inadequate legislation		
	Legislation that limits or impedes control, monitoring and interdiction activities		
	Insufficient powers or authorities		
	Limited cooperation among entities		
	Limitations on ability to gather or exchange information		
	Reluctance among agencies to share information		
	Limited information available in a timely manner		
	Others (please specify)		

Maritime Monitoring and Interdiction

19a	Do you carry out maritime counterdrug detection, monitoring⁴ and interdiction³ activities?	Yes	No

19b	If "Yes", where are these activities carried out?	Yes	No
	In waters up to 12 miles from shore		
	In waters up to 24 miles from shore		
	In waters up to 200 miles from shore		
	Beyond 200 miles from shore		
	Others (please specify)		

20	Who is responsible for coordinating the detection and monitoring⁴ activities and "at sea" interdiction³ operations and what other partners are involved?								
		Detection and Monitoring ⁴				Interdiction ³			
		Coordinator		Participant		Coordinator		Participant	
		Yes	No	Yes	No	Yes	No	Yes	No
	Attorney General's office								
	Customs								
	National Police								
	National Guard								
	Coast Guard								
	Navy								
Others (please specify)									

³ "interdiction" refers to activities such as detection, interception, search, seizure and others related to counterdrug operations.

⁴ "monitoring" refers to activities intended to ensure compliance or to identify actual or suspected illegal activities including diversion and smuggling. The "monitoring" could be through direct observation, tracking and observation by electronic means including radar and similar technologies and the review of documents, papers and other information sources,

21a	What ministry, department, military branch or agency in your country has been designated to RECEIVE requests under the provisions of article 17, paragraph 7 of the 1988 Convention?		
		Yes	No
	Ministry of Foreign Affairs		
	Attorney General's office		
	Customs		
	National Police		
	National Guard		
	Coast Guard		
	Navy		
	Others (please specify)		
21b	What ministry, department, military branch or agency in your country has been designated to RESPOND TO requests under the provisions of article 17, paragraph 7 of the 1988 Convention?		
		Yes	No
	Attorney General's office		
	Customs		
	National Police		
	National Guard		
	Coast Guard		
	Navy		
	Others (please specify)		
21c	Do you have a center or office responsible for responding to requests under Article 17 that is operational 24 hours a day, 7 days a week?		
		Yes	No

22a	What ministry, department, military branch or agency in your country has been designated to RECEIVE requests for assistance or cooperation under the provisions of any bilateral or multinational agreements for maritime counterdrug cooperation?		
		Yes	No
	Ministry of Foreign Affairs		
	Attorney General's office		
	Customs		
	National Police		
	National Guard		
	Coast Guard		
	Navy		
	Others (please specify)		
22b	What ministry, department, military branch or agency in your country has been designated to RESPOND TO requests for assistance or cooperation under the provisions of any bilateral or multinational agreements for maritime counterdrug cooperation?		
		Yes	No
	Attorney General's office		
	Customs		
	National Police		
	National Guard		
	Coast Guard		
	Navy		
	Others (please specify)		
22c	Do you have a center or office responsible for responding to requests under such bilateral or multinational agreements that is operational 24 hours a day, 7 days a week?		
		Yes	No

22d	Which of the following means of communication are acceptable for receiving requests made under article 17 of the 1988 Convention?						
		Yes	No				
	Verbal						
	Fax						
	email						
	Others (please specify)						
22e	Have your flag ships reported any problems when boarded and searched by agencies of a foreign government under the provisions of article 17 of the 1988 Convention?						
		Yes	No				
22f	If "Yes", please explain and give examples.						
23	During 2002, how many requests for assistance of cooperation did your country make under Article 17 of the 1988 Convention and the bilateral or multinational agreements that you have in place for maritime drug control purposes and what was the time taken by the country to respond to your request?						
		Number of requests by average response time					
		less than 2 hours	2 to 6 hours	6 to 12 hours	12 to 24 hours	more than 24 hours	Information not available
	Article 17						
	Bilateral/multinational agreements						

24a	During 2002, how much time did you in spend conducting maritime counterdrug detection and monitoring activities by sea and air?		Time	
	Patrol days ⁹ by maritime vessels (patrol day = 6 hours)		Days	
	Patrol hours by aircraft		Hours	
24b	During this patrol time, how many of the following counterdrug operational activities took place?		Number of activities	
	Detections (identification of a suspect vessel)			
	Boarding and search of suspicious vessels			
	Seizures			
	Disruptions (an interdiction operation that ends with the suspects trying to destroy their vessel or to dispose of the illicit cargo)			
24c	Of the vessels that you boarded and searched during 2002, how many were vessels without nationality or flag?			Number
	Vessels without nationality or flag			
25a	During 2002, how many maritime counterdrug operations¹⁰ were undertaken in partnership with one or more other countries?			
	Number of operations		Partner countries involved	
25b	During 2002, how many controlled deliveries of maritime shipments did you permit?			Number
	Controlled deliveries ¹¹			

⁹ **“Patrol days”** refers to any day in which a maritime patrol vessels is underway for six or more hours conducting maritime counterdrug activities such as detecting, monitoring, boarding, and searching.

¹⁰ **“Maritime counterdrug operations”**: refers to activities or patrols conducted by maritime vessels or aircraft to detect, monitor or interdict vessels suspected of engaging in narcotrafficking

¹¹ **“Controlled deliver”** refers to the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence

26	What seizures of illicit drugs, chemicals, arms or contraband related to the foregoing were made at sea during 2002?	
	Number of seizures	
Materials seized	Quantities (number, weights, volumes) seized	
27	What trends have you noted regarding methods and routes used to move illicit drugs, chemicals, arms and contraband related to the foregoing into or out of your jurisdictional waters to international waters?	

28	What impediments exist to effective detection and monitoring⁴ of maritime narcotrafficking and the successful interdiction of vessels?			
		Yes	No	
	Insufficient financial resources			
	Insufficient trained personnel			
	Insufficient equipment for monitoring and detection			
	Insufficient maritime assets (vessels, aircraft etc) for monitoring and interdiction activities			
	Lack of effective coordination among the entities involved			
	Lack of contact information regarding operational counterparts in other countries			
	Inadequate legislation			
	Legislation that limits or impedes control, monitoring and interdiction activities			
	Insufficient powers or authorities			
	Limited cooperation among entities			
	Limitations on ability to gather or exchange information			
	Reluctance among agencies to share information			
	Limited information available in a timely manner			
	Lack of mechanisms for cooperation with other countries or their agencies in the region.			
	Limited equipment for communication			
	Limitations in ability to communicate with other national agencies			
	Limitations in capacity to communicate with counterparts in other countries due to language barriers.			
	Limitations on ability to search and seize vessels			
	Limitations caused by delays in receiving replies further to requests under Article 17			
	Special requirements to preserve evidence for prosecution in other countries.			
	Others (please specify)			
29a	Have you encountered problems or obstacles to the effective application of treaties or agreements to which your country is a party for bilateral/multinational cooperation in maritime counterdrug activities?			
		Yes	No	Not Applicable

⁴ “**monitoring**” refers to activities intended to ensure compliance or to identify actual or suspected illegal activities including diversion and smuggling. The “monitoring” could be through direct observation, tracking and observation by electronic means including radar and similar technologies and the review of documents, papers and other information sources.

29b	If "Yes" please explain	
30	Excluding additional resources (financial and personnel) and assets (vessels and aircraft) what specific initiatives or actions (national or regional) would you recommend be pursued to help address your impediments, limitations and problems in the effective control of maritime narcotrafficking in ports and at sea?	
31	In priority order with "1" being the highest, how would you rank the following activity areas in terms of importance to your national control of maritime narcotrafficking?	
		Rank
	Legislation	
	Communication (interagency)	
	Communication (international)	
	Information and/or intelligence gathering and exchange (interagency)	
	Exchange of information and/or intelligence (international)	
	Coordination of interdiction planning and execution (international)	
	Coordination of interdiction planning and execution (inter-agency)	
	Port security	
	Identification of suspicious vessels, containers, cargos or crew personnel	