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Organization of American States

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INTER-AMERICAN DRUG ABUSE  
CONTROL COMMISSION

**CICAD**

Secretariat for Multidimensional Security

**GROUP OF EXPERTS ON MARITIME NARCOTRAFFICKING**

**June 24-28, 2013**

**Lima, Peru**

**OEA/Ser.L/XIV.4.7**

**CICAD/SRGE/doc. 3/13**

**July 8, 2013**

**Original: English**

**FINAL REPORT**  
***(DRAFT)***

## Executive Summary

The meeting of the Group of Experts on Maritime Narcotrafficking took place at the Suites del Bosque Hotel in Lima, Peru from June 24 to 27, 2013. Captain Raul Robles Manrique, Executive Director of the General Directorate of the Peruvian Coast Guard served as the chair for this meeting. A total of 69 experts representing 14 member states (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, United States and Venezuela) as well observers from the Embassies of Germany, Italy, Portugal, United Kingdom, Spain, Holland, and Russia participated in the meeting.

The Group followed the plan of action approved by the Commission during its fifty-second regular session in San Jose, Costa Rica (November 28-30, 2012).

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

That the Commission:

- **accept** the following resource document:
  - Best practices Guide to Prevent the spread of criminal activities and corruption in maritime port facilities
- **direct** the Group of Experts to continue its work to update the hemispheric study of maritime narcotrafficking conducted in 2003 to replicate this study in 2013/14
- **accept** the proposed plan of action for the Group of Experts
- **direct** the Group of Experts to meet during 2014 and implement the plan as proposed, allowing for the consideration of new or emerging issues

## **I. BACKGROUND**

The Group of Experts on Maritime Narcotrafficking met in Buenos Aires, Argentina from July 16 to 20, 2012. The Inter-American Drug Abuse Control Commission (CICAD) received and approved this report during its fifty-second regular session in San Juan, Costa Rica (November 28-30, 2012). The Commission approved the proposed plan of action and directed the Group to meet in 2013. The Government of Peru offered to host and chair the next meeting.

## **II. PROCEEDINGS**

### **A. PARTICIPANTS**

Fourteen member states (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, United States and Venezuela) as well observers from the Embassies of Germany, Italy, Portugal, United Kingdom, Spain, Holland, and Russia participated in the meeting.

### **B. SESSIONS AND ORGANIZATION OF THE MEETING**

#### **1. Opening Session**

The meeting of the Group of Experts on Maritime Narcotrafficking was convened at the Suites del Bosque Hotel, June 24-27, 2013 in Lima, Peru. During the opening session Mrs. Carmen Masías, Executive President, National Commission for Development and Drug-Free Living (DEVIDA), and Vice Admiral Edmundo Deville del Campo, Director General, Peruvian Coastguard addressed the meeting, offering welcoming remarks.

Vice Admiral Deville del Campo welcomed participants to the meeting. In doing so he provided an overview of the challenges presented by maritime narcotrafficking including activities on the lakes and riverine systems. He further noted the changes taking place in Peru with the addition of new resources and the development of new legislation. The Vice Admiral further stressed the need for all countries and forces dealing with maritime narcotrafficking to come together and cooperate in this common effort.

Mrs. Carmen Masías expressed her thanks for the trust that had been shown to Peru in allowing them to host and lead this meeting. She noted that most drugs are transported by maritime means and that these routes and means are not only leading to the north but also to Europe and the Far East. With this movement of drugs comes violence and corruption along these routes. As such, she stressed the importance of cooperation and the need for all parties to work together and that CICAD provides the means for countries to do this.

## **2. Working Sessions**

Captain Raul Robles Manrique, Executive Director of the General Directorate of the Peruvian Coast Guard chaired the meeting. Further to the procedures for this meeting during the roundtable the Chair called on experts to identify new trends, challenges and threats regarding maritime narcotrafficking that they have noted. Issues of common concern identified in this manner served as the tasks assigned to working groups to explore during the meeting.

### **2.1 Presentations**

The following presentations were delivered to the plenary:

#### **Peruvian Maritime Authority**

The delegation of Peru delivered a presentation on the activities of its Maritime Authority. Within its mandate the Maritime Authority deals with Prevention and Response, Security and Environment. This includes search and rescue functions and aquatic surveillance over rivers, lakes and the sea where they monitor and gather information.

The Maritime Authority uses an automatic identification system for vessels at sea for water safety and security operations. The Aquatic Traffic Identification and Monitoring System (SIMTRAC) relies on GPS devices installed on vessels to track movement of vessels. The challenge has been to ensure that these devices are in fact installed in all vessels. A number of options are currently being explored for this purpose.

#### **Hemispheric Study on Maritime Narcotrafficking - 2003**

In 2003 the CICAD Commission directed the Executive Secretariat to undertake a study of maritime narcotrafficking in the hemisphere. During the Group's meeting in Buenos Aires in 2012 one of the delegations proposed that the Group of Experts on Maritime Narcotrafficking update this study.

Since only two delegations were aware of the study, Mr. Ziggy Malyniowsky, Chief of the Supply Reduction Section provided an overview of the study, how it was organized and conducted. In doing so he outlined what might be involved in updating the study as proposed.

During the discussion that followed the presentation, participants received clarification on various aspects of the study. The members of the Group noted the importance of the study and the need to update the information 10 years later.

The report from the study included a series of recommendations for member states, the Executive Secretariat and the Group of Experts that was prepared further to this study. The Group proposed as a first step that the Executive Secretariat prepare a report on the status of implementation of the recommendations to the Executive Secretariat and the Group. This status report was tabled for the information of the Group.

The Group then met in plenary to discuss how best to proceed in organizing the proposed study. As a point of departure the Group agreed on the following objectives for the study:

- determine the current state of maritime narcotrafficking with consideration for how this might develop or change in the future
- identify the capacity of member states to respond to maritime narcotrafficking as it is now and might evolve in the future
- identify the gaps or shortcomings that exist in member states to deal with the foregoing
- identify those things that member states, the Executive Secretariat and the Group of Experts might do to address the above noted gaps or shortcomings

Further discussion of the study was undertaken in the working group session.

## **2.2. Plenary Discussions:**

The Group of Experts considered the following issues:

### **Guide to Special Maritime Narcotrafficking Investigative Techniques (Argentina)**

During the 2012 meeting of the Group of Experts, the delegation of Argentina chaired a working group to develop a guide regarding various investigative techniques that can be used in controlling illicit trafficking of drugs and related contraband by maritime means (maritime narcotrafficking) . The delegation of Argentina provided participants with a brief on this initiative and the current status. As a starting point the working group had prepared a questionnaire that was to have been distributed to member states. For various reasons this did not take place. Further to a discussion by the Group it was decided that the Executive Secretariat would distribute the questionnaire to all member states. The Secretariat will compile the responses received and make this information available to the Group members and the chair from Argentina for discussion. Once the results of the questionnaire have been analyzed it will be determined what if any additional action is required.

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

A coordinated, multi-agency approach is key to any risk management program to control containers that may be containing drugs and related contraband. The delegation of Peru chaired a working group to develop a guide on establishing joint interagency units as part of such a container risk management program. The delegation of Peru presented outline that the working group had prepared at the last meeting. The working group was reconvened to continue its work.

### **Guide for Law Enforcement Officials to Help Ensure Successful Prosecutions on Maritime Law Enforcement Cases (United States) Formerly referred to as “Guide for Judicial Support”**

Lead by a working group chaired by the delegation of the United States, the Group of Experts has been considering how best to support the judiciary in better understanding the special circumstances surrounding interdiction activities related to maritime narcotrafficking.

As a first step in this process the working group developed a questionnaire designed to identify the general obstacles relating to the investigation and prosecution of maritime narcotrafficking cases. The questionnaire will serve to identify obstacles and constraints faced by investigators, prosecutors and judges in cases of illicit trafficking of drugs by maritime means. The questionnaire prepared by the working group was distributed to member states for consideration at this meeting. The delegation of the United States delivered a presentation on the results of the survey. A total of 12 member states completed and returned the questionnaire. The US delegation reviewed the results of the responses received and offered three options as next steps in considering the issue of judicial support. The objective of this support is to increase awareness among the judiciary regarding the complexities and operational realities regarding the interdiction of maritime narcotrafficking as they may relate to of affect the normal rules of law and evidence that are expected in terrestrial interdiction.

The Group decided to form a working group to develop the proposed guide.

**Best practices Guide to prevent the spread of criminal activities and corruption in maritime port facilities (Saint Kitts and Nevis, Argentina)**

Internal conspiracies and corruption involving workers and officials in ports represent serious threats to effective drug control in these facilities. A working group lead by the delegations of Argentina and St. Kitts and Nevis were tasked with developing a guide to prevent the spread of criminal activities and corruption in maritime port facilities. The delegation of Argentina presented the draft guide for the consideration of the Group. Following a brief discussion the Group finalized the guide and presents it for the consideration of the Commission.

**Annual update of the Information Bulletin on Methods and Routes Used to Move Illicit Drugs and Related Contraband by Maritime Means**

The meeting of the Group of Experts provides an excellent opportunity to identify new trends, routes and methods used in illicit trafficking of drugs by maritime means. During the initial round table of introductions and identification of issues and challenges, many participants stressed the need for more information exchange. As part of the standard output from the meeting the Group of Experts produced an information bulletin that summarizes these observations that is posted on the web page and distributed to all member states. Among the participants were many officers working in areas of maritime intelligence. As such, the Group called on these officers to present regional briefs on the situation in the area. This and the information from other participants on routes, trends and methods of smuggling were compiled into an information bulletin.

**2.3. Working Groups**

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

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

Using the outline prepared during the last meeting this working group considered the proposed guide. The working group expanded the elements of the outline and the earlier draft. The working group will continue its work electronically to generate a draft in the next 3 to 4 months following the meeting. This draft will be distributed to members of the Group for review in preparation for final approval at the Group's next meeting.

**Guide for Law Enforcement Officials to Help Ensure Successful Prosecutions on Maritime Law Enforcement Cases (United States) Formerly referred to as "Guide for Judicial Support"**

As noted above the working group met to continue its work on the guide. The limitations and requirements of each country regarding rules of evidence and rules of law vary. The working group took note of the foregoing and the experiences of participating entities to develop a draft guide. Under the leadership of the US delegation the working group examined the results of the survey and discussed the proposed guide the working group. In doing so the working group decided that it would be more appropriate to re-focus the guide on what law enforcement needed to do or consider in order to satisfy the needs or requirements of the prosecutors and judiciary dealing with maritime narcotrafficking cases.

The working group will continue its work electronically to generate a draft in the next 3 to 4 months following the meeting. This draft will be distributed to members of the Group for review in preparation for final approval at the Group's next meeting.

### **Hemispheric Study of Maritime Narcotrafficking**

As mentioned above, the Group agreed with the need to conduct a new study with a prospective approach given that most of the recommendations made in 2003 were met and that there are new challenges in the use of the seas, rivers, lakes and ports for drug trafficking.

Two working groups were formed to begin the process of identifying how to assess the current state of maritime narcotrafficking in the hemisphere and how this might evolve and how to determine the capacity of member states to respond to the foregoing. The output from this process would be used to prepare the questionnaire or other appropriate tool to gather information from the member states for the study.

The Chairs of the two groups presented the results of their discussions. The Executive Secretariat was tasked with using the foregoing, elements of the questionnaire from the 2003 study and other information to prepare a draft questionnaire. This questionnaire would then be distributed to members if the Group of Experts for comments. The finalized draft questionnaire will then be distributed to member states.

CICAD's Supply Reduction Section will work with Peru to consult with the member states the steps to moving forward with the study. With the results Peru will convene and host a meeting of a special study working group in the first semester for the development of the report. The results will be presented at the next meeting of the Group of Experts in 2014.

### **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:

- Guide for establishing joint interagency units for risk management and assessment of cargo in ports
- Guide for Law Enforcement Officials to Help Ensure Successful Prosecutions on Maritime Law Enforcement Cases
- Hemispheric Study of Maritime Narcotrafficking

### **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:

- Counterdrug vessel inspection training
- Vessel "cloning" or "recycling" investigation

### **4. Other matters**

The Group made several changes to the way it which it functions and conducts its meetings.

During the meeting the delegation of Peru noted that the term of the presidency of the Group was for the year, lasting to the Group's next meeting. As such the President's responsibilities extended beyond the chairing of the meeting such that he/she is actively involved in ensuring that the work of the Group was completed in the interim. The Group agreed that this should be noted as part of its standard operating procedures.

In previous meetings members of the Group have noted the importance of exchanging information regarding new characteristics of maritime narcotrafficking. To this end the format of the meetings was amended to include an opportunity to share information new trends, challenges, routes, conveyances, methods of smuggling and other aspects of maritime narcotrafficking that the participants have noted. This information has been compiled into an information bulleting for distribution.

Among the participants in the current meeting were a significant number of intelligence officers. Taking advantage of the opportunity the participants were asked to provide a regional intelligence brief. The information from these officers and the others present were compiled for the information bulletin.

The Group decided to repeat process in future meeting. It was also agreed to call on the host country to have an intelligence officer to deliver a regional brief. This will be included as a standard element of the schedule of activities for future meetings.

As noted above the participants stressed the importance of exchanging information and working together. The meeting of the Group of experts provides an excellent opportunity for this to take place. The delegation of Colombia seized on the opportunity and asked the Executive Secretariat to organize a multilateral meeting with representatives from Ecuador, Mexico and Peru to discuss issues of mutual concern.

The Executive Secretariat proposes to provide this same opportunity for private bilateral and multilateral meetings among participants in the schedule of activities of future meetings.

## **5. Closing Session**

The Group of Experts concluded its work on June 2, 2013. Vice Admiral Edmundo Deville del Campo offered closing remarks and thanked the members of the Group of Experts for their participation. In doing so he highlighted the emphasis and importance of the exchange of information and intelligence expressed by participants in the meeting. The Vice Admiral stressed the importance of such exchanges and noted that the meeting of the Group of Experts provided an excellent opportunity to do so. Through this exchange it is possible to form a bond among participants that will certainly promote and facilitate cooperation, collaboration and a freer exchange of critical information.

## **III. CONCLUSIONS AND RECOMMENDATIONS OF THE GROUP OF EXPERTS**

The Group of Experts on Maritime Narcotrafficking recommends that the Commission:

- **accept** the following resource document:
  - Best practices Guide to Prevent the spread of criminal activities and corruption in maritime port facilities;
- **direct** the Group of Experts to continue its work to update the Hemispheric Study of Maritime Narcotrafficking conducted in 2003 to replicate this study in 2013/14;
- **accept** the proposed plan of action for the Group of Experts;
- **direct** the Group of Experts to meet during 2014 and implement the plan as proposed, allowing for the consideration of new or emerging issues.





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**June 24-28, 2013**  
**Lima, Peru**

**OEA/Ser.L/XIV.4.7**  
**CICAD/SRGE/doc. 2/13**  
**28 February 2013**  
**Original: English**

### DRAFT SCHEDULE OF ACTIVITIES

#### Monday, June 24

09:00                      **Registration of Participants**  
(Dress Code: Military: uniform; civilian: formal attire)

#### INAUGURAL SESSION

10:00                      **Welcome remarks by:**

- Vice Admiral Edmundo Deville del Campo, Director General, Peruvian Coastguard
- Mrs. Carmen Masías, Executive President, National Commission for Development and Drug-Free Living (DEVIDA)

10:30                      **Coffee break**

#### FIRST PLENARY SESSION

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

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

11:45                      **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 to Special Maritime Narcotrafficking Investigative Techniques (Argentina) – Document 1**

- Gabriela Sosa, SEDRONAR

**Briefing:** *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. In 2012, the delegation of Argentina chaired a working group 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 questionnaire was not distributed. Therefore, the document is brought back for consideration by the Group to define the next steps.*

14:30                      **Guide for establishing joint interagency units for risk management and assessment of cargo in ports (Peru) – Document 2**

**Briefing:** *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.*

*In 2012, the delegation of Peru chaired a working group to develop a draft guide as to how to create and organize such joint container risk assessment teams for discussion and to finalize it during this meeting.*

15:00                      **Guide for Judicial Support (United States) – Document 3**

- Lou Orsini

**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 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. The data gathered will help in creating 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

**Best practices Guide to Prevent the spread of criminal activities and corruption in maritime port facilities (Saint Kitts and Nevis, Argentina) – Document 4**

- Gabriela Sosa, SEDRONAR

**Briefing:** *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.*

*In 2012 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 presented for discussion and to be finalized during this meeting.*

16:15

**Annual update of the Information Bulletin on Methods and Routes Used to Move Illicit Drugs and Related Contraband by Maritime Means – Document 5**

- Ziggy Malyniowsky - CICAD

**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 are invited to share their experiences and information that they have in this regard during the round table. The Group agreed that the information bulletin update will be part of the activities of the Group of Experts meetings.*

16:30

**Hemispheric Study of Maritime Narcotrafficking – Document 6**

- Ziggy Malyniowsky - CICAD

**Briefing:** *In 2002 the CICAD Commission requested the creation of a working group composed of representatives from Argentina, Barbados, Brazil, Canada, Chile, Colombia, United States, Mexico,*

*Peru and Trinidad and Tobago and staff of the OAS Inter-American Commission against Terrorism (CICTE) and CICAD to prepare the hemispheric study which was presented in 2003.*

*In 2012, the Group expressed an interest in replicating and updating this study on its tenth anniversary during the 2013 meeting. The proposal is to create a working group to review the questionnaire used in the 2003 study and develop a methodology to compile the results and prepare a final report.*

17:00 Closing of the working day

## **Tuesday, June 25**

### **THIRD PLENARY SESSION**

09:00 **Presentation by Peru**

- Customs

10:0 Coffee Break

10:15 **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, June 26**

09:00 **Presentation: “Information and Monitoring Aquatic Traffic System (SIMTRAC) in Support of the Interagency Task Force on Drug Control and Interdiction”**

- Director General of Peruvian Coastguard (DICAPI)

10:00 Coffee Break

10:15 **First Working Group Session – cont.**

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 coordinator 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.*

15:30 Coffee Break

15:45 **Presentation of the First Working Group Session results – cont.**

17:00 Closing of the working day

**Thursday, June 27**

#### **FIFTH PLENARY SESSION**

09:00 **Second Working Group Session**

**Objective:** *working groups are established to: 1) address issues identified during the Group of Experts meeting in 2012 that could not be initialized; 2) address issues identified during the roundtable Monday morning*

##### **Issues identified during the Group of Experts meeting in 2012**

- Guide for Bilateral Operations (Inter-agency and International)

10:30 Coffee Break

10:45 **Second Working Group Session – cont.**

12:30 Lunch

14:00 **Second Working Group Session – cont.**

15:30 Coffee Break

15:45 **Second Working Group Session – cont.**

17:00 Closing of the working day

**Friday, June 28**

## **SIXTH PLENARY SESSION**

09:00	<b>Presentation of the Second Working Group Session results</b>
10:30	<b>Conclusions, commitments and recommendations for action by the Working Group to be submitted to the CICAD Commission for approval</b>
12:00	Closing ceremony

## **Guide to best practices to prevent the spread of criminal activities and corruption in maritime port facilities**

### **Background**

At the meeting of the Group of Experts on Maritime Drug Trafficking of CICAD held in Buenos Aires, Argentina, July 16-20, 2012, experts analyzed the problem of the ever increasing spread of criminal elements, persons or groups, within the private companies responsible for the maintenance, security and operation of maritime port facilities in Member States.

A Working Group was established conformed by representatives of Argentina (coordinator), Bahamas, Brazil, Canada, Saint Kitts and Nevis and Trinidad and Tobago, to develop a Guide to Best Practices to prevent the infiltration of criminal activities and corruption in maritime port facilities and to propose a series of preventive measures as a tool for all Member States to have at their disposal should they deem it necessary.

This document was developed taking into account the international regulations, the provisions of the Articles 17 and 18 of United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and The International Ship and Port Facility Security Code (ISPS Code).

### **Overall Purpose**

The overall purpose or objective is to foster the integration of the various interested parties to cooperate and work together in order to ensure that the application and effects of the security measures do not violate the domestic legislation and/or regulations of any State in the effort to prevent potential corruption among personnel responsible for the control of precursor chemicals, narcotics and/or pharmaceutical products at maritime port facilities. This Working Group considered that Member States could include the following competent authorities in the promotion and implementation of this Guide:

- Customs Authorities
- National Police Authorities
- Coast Guard Authorities
- Military Authorities (if applicable within the individual State)
- Port Authorities (ports may be operated by the State or by private contractors)
- National Competent Authority for the control of precursor chemicals, psychotropic substances and pharmaceutical products.

### **Specific Objective**

The objective of this document is to provide Member States guidelines and best practices to use as preventive measures to encourage the active participation of private companies and government entities responsible for the maintenance, security and operation of maritime port facilities in order to raise awareness, through internal meetings in those competent companies and government entities, regarding the potential risks, threats and consequences of trying to prevent corruption-

This Guide could serve as reference for Member States to the extent their respective domestic legislation and regulations permit it.

This Guide should not be interpreted as a legal instrument imposing new obligations on Member States, nor does it limit or override existing maritime control systems.

### **The problem**

In the area of trade and transportation of both national and international merchandise, the Group of Experts has recognized that the use of maritime freight containers is the most efficient method for the commercialization of products, and that criminal organizations take advantage of legitimate shipping mechanisms to transport products toward illicit channels not only in the Americas but throughout the world. The problem of corruption among personnel working in private companies located in maritime ports has been raised in previous CICAD sessions; therefore, the plan is to pursue a series of measures aimed at mitigating risks and strengthening security measures within maritime ports and facilities.

This initiative includes front line workers at the ports, administrative personnel, as well as outside managers and contractors that provide support and take part in the day to day operation of port facilities.

Criminal organizations use various methods in order to gain assistance from within the facilities, offering employees tempting financial compensation that wildly exceeds their salaries.

### **Specific proposal**

The following is a series of suggested pro-active measures to be implemented by government entities with direct competence in the area in order to prevent and discourage the criminal activities outlined above, which could then be proposed for implementation to the private companies involved in the operation of the port facilities. To wit:

- Develop and print information brochures, posters and other graphic tools to alert personnel of the serious risks posed to them by proposals to engage in corruption and disseminate them among the companies.
- Explain to private businesses the interest of the government sector in preventing criminal activities and promote cooperation more fluid communications with the private sector.
- Suggest to private businesses that they conduct criminal background checks of potential employees.
- Organize formal meetings with top management of private companies to make them aware of the importance of implementing preventive and protective measures to safeguard operations and personnel, and then, at a second meeting, include the rest of their employees.
- Encourage the businesses involved to draft an internal Code of Ethics aimed at employees to promote “professionalism” and corporate citizenship.
- Hold regular informational meetings in the format of training and awareness sessions to provide information regarding the legal framework regulating port operations and also with regard to foreign trade of narcotics, precursor chemicals and pharmaceutical products.
- Encourage and promote dialogue between the government and the business sector.
- Foster the establishment of permanent channels of communication between employees and company management whether by creating a special email account for that purpose and/or by setting up a suggestions box and written notifications system.



- Provide information regarding known and illicit methods of maritime trafficking in narcotics, precursor chemicals and pharmaceutical products and the risks associated with taking part in such activities.
- Foster the adoption of preventive measures to be implemented by the business sector.
- Provide information to businesses so that they may alert employees regarding the various methods used to take advantage of them and emphasizing the consequences of providing support to drug traffickers.
- Encourage businesses to implement a mechanism for employees to report suspicious activities or operations through anonymous notification when they detect that such activities violate the security protocols in force at port facilities.
- Guarantee the confidentiality of information provided in anonymous reports.
- Train port personnel on the importance of control measures (polygraph/random drug tests), as long as it is permitted by the legislative authorities in the Member State.
- Encourage the internal auditors of companies to conduct regular background and financial control checks of employees (if authorized by the domestic legislation of the Member State).