

# Maritime Security: A U.S. Government Perspective

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# Maritime Security Issues - Agenda

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- 2005 Protocols to the Suppression of Unlawful Acts (SUA) at Sea Convention
- Proliferation Security Initiative (PSI)
- Maritime Domain Awareness
- Maritime Security Challenges and Opportunities



# Working together on common interests

- Prevent legitimate commercial routes and the global supply chain from being exploited by proliferators for nefarious or unlawful purposes.
- Minimize the disruption of legitimate cargo flows.
- Integrate public and private maritime security activities to:
  - Preserve freedom of the seas;
  - Facilitate commerce; and,
  - Prevent use of the “world’s highways” for unlawful activities.



# SUA Convention

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- The 1988 SUA Convention entered into force in 1995.
  - Focus on acts of terrorism that endanger the safe navigation of ships.
  - SUA has 90 parties, including all PSI participants.
- Requirement to extradite or prosecute alleged offenders
  - SUA requires parties to criminalize offenses set out in the treaty.

# SUA – 2005 Protocols

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• States Parties will criminalize under their domestic laws certain acts, including:

- Using a ship in a terrorist activity.
- Transporting WMD, including dual-use technology.
- Transporting terrorist fugitives



*States should ratify now.*

✓ *The protocols provide legal predicate to interdict materials.*

✓ *When implemented states will have clear legal authority to detain and prosecute individuals under their domestic laws.*

# SUA – 2005 Protocols

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- Ratification is encouraged, the new protocols will provide tools to prevent proliferation of WMD and related materials,
  - States ratifying SUA demonstrate their commitment to strengthening national and international legal authorities to effectively impede proliferation and deter terrorist acts at sea .
- When implemented states will have clear legal authority to detain and prosecute individuals under their domestic laws.
- The shipboarding provisions are based upon flag-state consent, and will facilitate quick “real-time” interaction on boarding requests.



# PSI: A History

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- The Proliferation Security Initiative (PSI) was launched in May 2003 as a cooperative framework to coordinate national actions supporting interdiction
  - PSI began with 11 like-minded states; 85+ countries now support PSI
- PSI Principles represent a commitment to act against proliferation-related shipments to or from states or non-state actors of proliferation concern
  - Supports action in the sea, air, and on land
  - Brings to bear multiple elements of national power (e.g., diplomacy, law enforcement, intelligence, and military)
  - Consistent with national legal authorities and international law

**PSI: An Activity, Not an Organization**

# PSI and interdiction:

## Unique nonproliferation tools

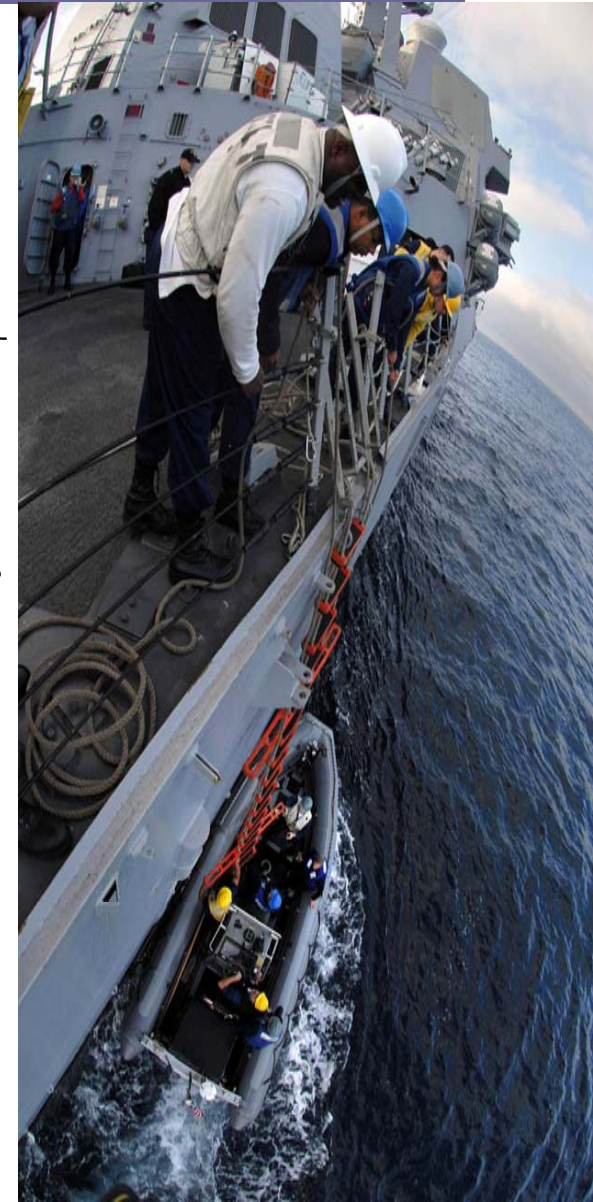
- Nonproliferation treaties only affect member states and assume those member states will honor their obligations...
- Export controls are applied by individual states...but
  - Interdiction focuses on states that do not implement effective export controls and cases where controls are circumvented
- Interdiction adds a new tool to deter both suppliers and customers by...
  - Making proliferation more costly and more difficult
  - Revealing covert proliferation behavior
  - Facilitating “enforcement” of UN Security Council Resolutions

“There is a consensus among nations that proliferation cannot be tolerated. Yet this consensus means little unless it is translated into action.”

*- President George W. Bush, February 2004, National Defense University*

# US PSI Shipboarding agreements

- PSI bilateral shipboarding agreements establish a streamlined means to obtain flag-state authorization to board sea vessels suspected of carrying WMD-related shipments
- They facilitate bilateral cooperation by establishing agreed-upon procedures to board and search such vessels in international waters
- The U.S. currently has 8 bilateral shipboarding agreements in place with: Belize, Croatia, Cyprus, Liberia, Malta, Marshall Islands, Mongolia, and Panama
- PSI shipboarding agreements complement SUA, and provide for effective bilateral cooperation while the SUA process moves forward.



# PSI governments seek industry support

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- Most proliferation-related trafficking occurs via commercial channels
- Participants in all stages of the international supply chain occupy a unique vantage point over international trade flows
  - Shipping companies (e.g., container lines, freight forwarders, and brokers) are uniquely qualified to identify potentially suspicious transactions
  - ***Industry cooperation can deter proliferators from using unwitting commercial vendors and reduce disruption/costs of interdictions***
- PSI governments are opening dialogue with key industry segments on interdiction



Aug 2004 - Shipping Container Security Workshop  
Copenhagen, Denmark

Sept 2005 - Air Cargo Industry Workshop  
Los Angeles, United States

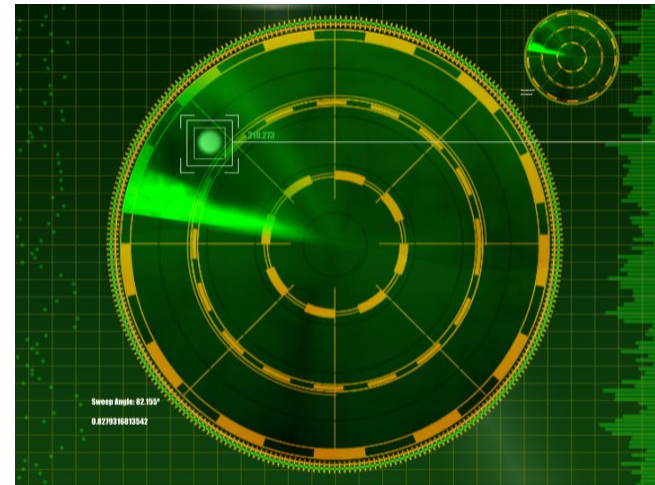
Apr 2006 - Exercise TOP PORT, Netherlands  
Industry input on exercise scenarios

Sept 2006 - Maritime Industry Workshop  
London, U.K.

# Maritime Domain Awareness

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- Developing a common operating picture that is accurate and dynamic.
- IMO – Long Range Identification and Tracking;
  - Amendment to the SOLAS Convention.
  - Means for Flag, port and coastal states to track vessel traffic by means of an electronic transmitter (not limited to line of sight as with AIS)
  - Ships would transmit data within 1000m of port or coast, or within 96-hours transit from port of coast.
  - IMO is developing implementation architecture and governance.



# Maritime Security Challenges and Opportunities

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- Piracy.
- International Ship and Port Facility Security (ISPS) Code Compliance.
- Global Maritime Partnership.
- Freedom of Navigation



# Questions?

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