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Washington, D.C. 20006
United States of America

INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION

CICAD

Organization of American States

P. 202.458.3000

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Secretariat for Multidimensional Security

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FINAL REPORT
GROUP OF EXPERTS ON MARITIME NARCOTRAFFICKING
(DRAFT)



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GROUP OF EXPERTS ON MARITIME NARCOTRAFFICKING
August 8-12, 2011
Santo Domingo, Dominican Republic

OEA/Ser.L/XIV.4.7
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August 16, 2011
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FINAL REPORT
(DRAFT)

Executive Summary

The forty-eighth regular session of the Inter-American Drug Abuse Control Commission (CICAD) took place in Washington, DC from December 6 to 8, 2010. During this meeting the Commission reviewed and accepted the report and recommendations of the Group of Experts on Maritime Narcotrafficking. In doing so the Commission directed the Group to meet in 2011 and execute the approved plan of action.

The Group of Experts on Maritime Narcotrafficking met in the Hotel Occidental El Embajador in Santo Domingo, Dominican Republic, from August 8 to 12, 2011. Dr. Mabel Félix Báez, President of the National Drug Council (CND), Vice Admiral Nicolas Cabrera Arias, Chief of Staff of the Dominican Navy (M. G.) and Ambassador Anibale E Quinonez Abarca, Director of the National OAS office in the Dominican Republic spoke at the opening, offering welcoming remarks.

Rear Admiral Edwin Dominici Rosario and Captain Jose A Liriano Rodriguez chaired the meeting, which included 43 participants from 14 member states (Argentina, Bahamas, Brazil, Canada, Chile, Colombia, Dominican Republic, Haiti, Jamaica, Mexico, Panama, Suriname, United States of America and Venezuela).

The Group proceeded to work on the plan of action approved by the Commission during its forty-eighth regular session. A copy of the schedule of activities for the meeting is attached.

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

That the Commission:

- **accept** the following resource documents:
 - § **Guidelines for Strengthening Control of Containers;**
 - § **Use of Go-Fast Boats in Drug Trafficking and Distribution;**
 - § **Guide to Best Practices for Combating Illicit Drug Trafficking on Lakes and Waterways;**
 - § **Information Bulletin on Methods and Routes used to move illicit drugs and related contraband by maritime means;**
- **direct** the Group of Experts to continue its work on the issues initiated for consideration and to be finalized at the next meeting;
- **accept** the proposed plan of action for the Group of Experts;
- **direct** the Group of Experts to meet during 2012 and implement the plan as proposed, allowing for the consideration of new or emerging issues.

I. BACKGROUND

Rear Admiral Luis Rafael Lee Ballester and Captain Anthony Jiminián Objío chaired the last meeting, which took place in the Oasis Hamaca Hotel in Boca Chica, Dominican Republic, from August 9 to 13, 2010.

The report from this meeting was presented to the CICAD Commission during its forty-eighth regular session in Washington, DC (December 6 to 8, 2010). The Commission approved the report and plan of action, directing the Group to meet in 2011. Following this meeting, the Government of the Dominican Republic offered to continue its presidency of the Group and host the meeting proposed for 2011.

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II. PROCEEDINGS

A. PARTICIPANTS

1. Member States of CICAD

A total of 43 participants from 14 member states (Argentina, Bahamas, Brazil, Canada, Chile, Colombia, Dominican Republic, Haiti, Jamaica, Mexico, Panama, Suriname, United States of America and Venezuela) attended the meeting in Santo Domingo.

B. SESSIONS AND ORGANIZATION OF THE MEETING

1. Opening Session

The Group of Experts met in the Hotel Occidental El Embajador in Santo Domingo, Dominican Republic from August 8 to 12, 2011. Dr. Mabel Félix Báez, President of the National Drug Council (CND), Vice Admiral Nicolas Cabrera Arias, Chief of Staff of the Dominican Navy (M. G.) and Ambassador Anibale E Quinonez Abarca, Director of the National OAS office in the Dominican Republic addressed participants during the opening, offering welcoming remarks.

2. Working Sessions

Rear Admiral Edwin Dominici Rosario and Captain Jose A Liriano Rodriguez chaired the meeting, which included plenary and working group sessions.

2.1. Presentations

The following agencies and entities of the Dominican Republic delivered presentations during the course of the meeting:

- National Drug Council (CND)
- Navy of the Dominican Republic
- General Directorate of Customs (DGA)
- Specialized Body for Port Security (CESEP)
- Dominican Port Authority (APORDOM)
- Joint Information and Coordination Center (CICC) of the DNCD

Speakers provided an overview of the drug problem in the Dominican Republic and the challenges that they face in relation to the routes and methods used to move drugs through the Dominican Republic to Puerto Rico, Bahamas, the United States of America and to the countries of Europe. The presentations included information on each agency or organization, their responsibilities and the activities that they pursue to control the movement of illicit drugs and related contraband.

2.2. Working Groups

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

Guide for the Control of Containers (Argentina)

The movement of illicit drugs and related contraband represents a major challenge for member states. In addition to dealing with the large volumes of containers moving through ports, member states need to minimize the effects of their activities on trade and the movement of goods while ensuring proper controls. During the last meeting the delegation of Argentina chaired a working group to develop a guide to assist countries in dealing with this challenge. The working group continued its work and finalized the guide for the broader consideration of the Group of Experts.

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

The use of "go fast" boats continues to be an important means for narcotraffickers to move illicit drugs and related contraband. The delegations of Colombia and Mexico coordinated the development of a guide to help member states respond to this threat. The working group reviewed and finalized the proposed draft for the consideration of the Group of Experts

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

The majority of illicit drugs are being moved by maritime means. While most of the enforcement activities have been focused on interdiction at sea, the systems of rivers and lakes are also being extensively used by narcotraffickers. Building on the discussions that took place during the meeting in 2010 the working group chaired by the delegation of Venezuela revised the draft guide that had been prepared. The working group finalized draft guide and presented it to the Group of Experts for comment and additional modification as required.

Guide for Judicial Support (Canada/United States)

In some instances prosecutors and judges are not familiar with the special circumstances surrounding interdiction activities related to maritime narcotrafficking. The delegations of Canada and the United States coordinated a working group that began work on a questionnaire designed to identify generic needs and possible obstacles regarding the investigative and prosecutorial process. The group prepared a draft questionnaire and a plan of action that they propose to follow. The CICAD Executive Secretariat will review the draft questionnaire, drawing on its experience with such matters to refine this instrument. The Executive Secretariat will have the questionnaire translated and distributed to all member states. The completed questionnaires will be received by two points of contact (Canada and Panama) in the Working Group. The points of contact will compile the responses for use in the next phase of this task and the preparation of the proposed document in support of the judiciary, for consideration and approval by the Group of Experts during the proposed meeting in 2012.

Guide for the control for small vessels: recreational, pleasure, fishing (Argentina)

Member states are faced with the movement of large numbers of small recreational, pleasure and fishing vessels. This is further complicated by extended coastlines and many private marinas. Many of these vessels are used to move illicit drugs and related contraband either to off load to larger vessels and return to port or to transport these illicit goods to other countries. Under these circumstances it is difficult to monitor the movement of these vessels.

The delegation of Argentina chaired a working group to prepare a guide on methods to control these vessels. Following a plan of action the working group will prepare the guide for presentation to the Group of Experts for review and approval when the Group next meets.

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

The meeting of the Group of Experts has been an ideal forum for officials to share information concerning new routes and methods used to move illicit drugs and related contraband. Participants to the meeting were invited to share their experiences and information that they have in this regard. A working group chaired by the delegation of the Dominican Republic will compile an information bulletin of the experiences shared by experts. This item or activity will be included as a basic element in the schedules of activity for all future meetings of this group.

Other Issues:

To facilitate and improve its work, the Group of Experts agreed to the following changes in methodology:

- prior to the meeting the CICAD Executive Secretariat will ask experts attending the meeting to identify the issues, challenges and new trends that could be assigned to a working group prior to the meeting. Participants will still be asked for their input in this regard during the “round table” at the beginning of the meeting. Identification of issue prior to the meeting will provide the opportunity to prepare additional materials or presentations in support of these items and promote the anticipated discussions.
- based on the issues identified one could be selected to serve as a focus or theme for part of the next meeting. A presentation, panel discussion or other vehicle to showcase this issue could be organized.
- the issue of methods and routes to move illicit drugs and related contraband will be included a standard item in the agenda of this meeting. The participants will be asked to come prepared to share their experiences in this regard and an information bulletin will be prepared by a working group to be posted to the CICAD web page and for distribution to all member states.

2.3. Plenary Discussions

Working in plenary and in smaller groups the Group of Experts focused on the task defined in the plan of action approved by the Commission. The Schedule of Activities for the meeting is attached. The plenary considered and approved the following documents:

- § **Guidelines for Strengthening Control of Containers (Argentina)**
- **Use of Go-Fast Boats in Drug Trafficking and Distribution (Colombia/Mexico)**
- **Guide to Best Practices for Combating Illicit Drug Trafficking on Lakes and Waterways (Venezuela)**
- **Information Bulletin on Methods and Routes used to move illicit drugs and related contraband by maritime means (Dominican Republic)**

2.4. Special Activity

The Chair hosted the participants on a tour of the Port of DP World Caucedo. This is the largest privately owned and operated container port in the Dominican Republic, located 25 km from Santo Domingo.

The port was opened in December 2003 and processed 1,250,000 TEU's per year.

Participants were provided a “behind the scenes” tour of how this port operates and the controls that are in place.

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:

Preparation of the following guides, manuals or other papers:

- **Guide for Judicial Support (Canada/United States)**
- **Guide for the control for small vessels: recreational, pleasure, fishing (Argentina)**
- **Information Bulletin on Methods and Routes used to move illicit drugs and related contraband by maritime means**

4. Closing Session

The Group of Experts concluded its work on August 12. Dr. Mabel Félix Báez, Vice Admiral Nicolas Cabrera Arias, and Rear Admiral Edwin Dominici Rosario offered closing remarks and thanked the members of the Group of Experts for their participation.

III. CONCLUSIONS AND RECOMMENDATIONS OF THE GROUP OF EXPERTS

RECOMMENDATIONS FOR THE CICAD COMMISSION'S CONSIDERATION:

That the Commission:

- **accept** the following resource documents:
 - § **Guidelines for Strengthening Control of Containers;**
 - § **Use of Go-Fast Boats in Drug Trafficking and Distribution;**
 - § **Guide to Best Practices for Combating Illicit Drug Trafficking on Lakes and Waterways;**
 - § **Information Bulletin on Methods and Routes used to move illicit drugs and related contraband by maritime means;**
- **direct** the Group of Experts to continue its work on the issues initiated for consideration and to be finalized at the next meeting;
- **accept** the proposed plan of action for the Group of Experts;
- **direct** the Group of Experts to meet during 2012 and implement the plan as proposed, allowing for the consideration of new or emerging issues.



GROUP OF EXPERTS ON MARITIME NARCOTRAFFICKING MEETING

**Organized by the Inter-American Drug Abuse Control Commission (CICAD),
the National Drug Council (CND) and the Navy of the Dominican Republic
August, 8 to 12, 2011, Santo Domingo, Dominican Republic**

DRAFT SCHEDULE OF ACTIVITIES

Sunday, August 7, 2011

Time	Activity	Place	Responsible
06:00 ↓ 24:00	Arrival of delegations	Airport according to itineraries	Welcoming delegation
08:00 ↓ 24:00	Transport from the airport to the Hotel Occidental El Embajador, Santo Domingo, D.R.	Airport according to itineraries	Welcoming delegation
08:00 ↓ 24:00	Install at the hotel Accreditation for the meeting	Conference room lobby of the Hotel Occidental El Embajador	Protocol and General Services Office

Monday, August 8, 2011

Time	Activity	Place	Responsible
08:00 ↓ 08:30	Accreditation process Registration of participants		Protocol and General Services Office
08:30 ↓ 09:00	Inauguration of the Meeting National hymn of the Dominican Republic Blessing of the meeting Welcoming remarks by President of the National Drug Council (CND) Welcoming remarks by the representative of the OAS in the Dominican Republic Welcoming remarks by the Navy of the Dominican Republic	Meeting room - Hotel Occidental El Embajador	Master of Ceremonies Protocol Navy Chaplain Dr. Mabel I. Félix Báez, Ambassador Aníbal Enrique Quiñónez Abarca Vice Admiral Nicolás Cabrera Arias

09:00 ↓ 09:30	Official meeting photograph		General coordinator for the meeting
09:30 ↓ 10:00	Coffee Break		
10:00 ↓ 10:15	Introduction and Review Background Schedule of work Proposed work methodology Review of tasks assigned		Executive Secretariat/CICAD
10:15 ↓ 11:00	Introduction of participants and “roundtable” identification of additional issues of concern		Executive Secretariat/CICAD
11:00 ↓ 12:30	Control of containers (Argentina) Control of "Go Fast" Boats (Colombia/Mexico) Control of Narcotrafficking Over Lakes and Riverine Systems (Venezuela)	Meeting room - Hotel Occidental El Embajador	
12:30 ↓ 14:00	Lunch		Protocol
14:00 ↓ 15:30	Working Groups - Colombia’s experience in the prosecution of maritime narcotrafficking cases by its Public Prosecutor’s Office - Standardization of seizure and other data collection stemming from counterdrug operations and related activities - To be determined based on “roundtable” discussion		
15:30 ↓ 15:50	Coffee Break		
15:50 ↓ 17:00	Working groups (<i>cont.</i>)		
19:00 ↓ 21:00	Reception	Patio Español of the Hotel Occidental El Embajador	

Tuesday, August 9, 2011

Time	Activity	Place	Responsible
08:30 ↓ 09:45	Presentation by the Dominican Republic	Meeting room - Hotel Occidental El Embajador	Representatives of the National Drug Council (CND) and the Navy of the Dominican Republic
09:45 ↓ 10:30	Working groups (<i>cont.</i>)		
10:30 ↓ 11:00	Coffee Break		
11:00 ↓ 13:00	Working groups (<i>cont.</i>)		
13:00 ↓ 14:30	Lunch		Protocol
14:30 ↓ 15:30	Working groups (<i>cont.</i>)		
15:30 ↓ 15:50	Coffee Break		
15:50 ↓ 17:00	Presentations by the working groups		

Wednesday, August 10, 2011

Time	Activity	Place	Responsible
0830 ↓ 0945	Presentation by the Dominican Republic	Meeting room - Hotel Occidental El Embajador	Representatives from Customs Directorate (DGA) and the Specialized Port Security Group (CESEP)
09:45 ↓ 10:30	Working groups (new tasks)		
10:30 ↓ 11:00	Coffee Break		
11:00 ↓ 13:00	Working groups (new tasks) Cont.		
13:00 ↓ 14:30	Lunch		Protocol
14:30 ↓ 15:30	Working groups (new tasks) Cont.		
15:30 ↓ 15:50	Coffee Break		
15:50 ↓ 17:00	Working groups (new tasks) Cont.		

Thursday, August 11, 2011

Time	Activity	Place	Responsible
08:30 ↓ 09:45	Presentation by the Dominican Republic	Meeting room - Hotel Occidental El Embajador	Representative of the Dominican Port Authority (APORDOM) and the Joint Information and Coordination Center (CICC) of the DNCD
09:45 ↓ 10:30	Working groups (new tasks) Cont.		
10:30 ↓ 11:00	Coffee Break		
11:00 ↓ 13:00	Working groups (new tasks) Cont.		
13:00 ↓	Lunch		Protocol

14:30			
14:30 ↓ 17:00	Visit to the Puerto Multimodal Caucedo	Puerto Multimodal Caucedo	
19:00 ↓ 21:00	Farewell reception	Officers Club of the Navy of the Dominican Republic Sans Soucí, S.D.E.	Protocol

Friday, August 12, 2011

Time	Activity	Place	Responsible
09:00 ↓ 10:30	Presentations by the Working groups	Meeting room - Hotel Occidental El Embajador	
10:30 ↓ 10:45	Coffee Break		
10:45 ↓ 12:00	Conclusions, commitments and recommendations for action by the Working Group		
12:00 ↓ 12:30	Closing ceremony		



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GUIDELINES FOR STRENGTHENING CONTROL OF CONTAINERS

GUIDELINES FOR STRENGTHENING CONTROL OF CONTAINERS

INTRODUCTION

International maritime trade mobilizes millions of containers a year. This freight should be handled in an expeditious manner; however, that does not exclude proper control by the authorities concerned.

Control of containers should be done intelligently in order to successfully detect diversion and illicit activities that affect foreign trade in each country, such as drug trafficking, terrorism, fraud, smuggling, and others. Control of containers should also be done bearing in mind the economic and technological disparities that might in each country and encourage international cooperation in these areas.

Selectivity, desk study analysis, the identification of risk profiles, intelligent control systems (including non-intrusive technology) and information exchange, are tools designed to assist port facilities, customs and police surveillance in countries to establish control of containers in an intelligent way. These tools will enable the authorities in the ports of origin, transit and destination to coordinate joint operations and avoid delays and increases in the cost of international trade. They will also prevent the use of these containers for illicit activities, such as trafficking in stolen and counterfeit goods, weapons and explosives, dangerous chemicals, narcotics, and human beings.

PURPOSE

In the course of the roundtable meeting held at the Officers' Club of the Colombian Navy from August 18 to 20, 2008, in Cartagena de Indias, Colombia, officials from the customs, maritime authorities, health authorities, and police of Argentina, Chile, Brazil, Venezuela, El Salvador, Canada, Haiti, Mexico, and Colombia, responsible for control of container control as regards trafficking in illicit substances in seaports, concluded that there was a need for non intrusive controls on containers based on risk profiles and new technologies. They also noted that the recommendations are not binding and that their adoption should be consistent with the sovereignty and domestic laws of each country.

SUPPLY CHAIN SECURITY AND INFORMATION EXCHANGE

The following steps are necessary in order to provide accurate commercial information to import and export companies alike and ensure the security of their supply chains, something that is valuable and highly important for allowing the authorities in each country to design and implement, as part of their control processes, documentary and operational risk analysis activities to improve cargo controls:

- A. Develop reliable information systems on foreign trade operators.
- B. Enhance information exchange between different countries, in accordance with their respective laws, and in keeping with international agreements

PROPOSED APPROACH

It is suggested that the use of the current information exchange agreements be stepped up, and that each country look into the possibility of establishing a contact group of relevant agencies to exchange information by email, inter alia, for identifying operators considered reliable by third countries.

Members of the contact group in each country will forward information to the activity coordinator, in this case Argentina, at gsosa@sedronar.gov.ar. The activity coordinator will forward the consolidated information to each participant and to CICAD Executive Secretariat.

CONTAINERS. BACKGROUND AND ROUTING. RISK ASSESSMENT

The Group considers it essential, for the purposes of assessing the risks involved in the control of containers, to have information, with sufficient advance notice, of container routing in different countries. To that end, the following information should be required:

1. Date of departure from port of origin, transit, transshipment.
2. Place of origin of the cargo.
3. Departure seals.
4. Length of stay in port.
5. Entry seals.
6. Activity of the container in each country:
 - a) Cities visited
 - b) Name of the company that leases the container for foreign trade activities.
 - c) Storage sites.
 - d) Places where the capacity of the container is checked.

PROPOSED APPROACH

It is recommended that the competent bodies in each country initiate communication with the private sector, including the owners of containers, in order to expedite and increase the efficient provision of information and records on container movements. It is also suggested that competent agencies request shipping lines, subject to domestic laws, to increase the time for which they are required to provide cargo manifest information. This would allow the authorities more time to plan risk analysis and institute the pertinent controls. In suspicious cases or where evidence or problems have been detected it is suggested that agencies provide feedback to the countries concerned with information on the cases analyzed, in accordance with national laws of the countries concerned.

TECHNOLOGY AND PHYSICAL INSPECTION APPLIED TO THE CONTROL OF CONTAINERS

Some participating control agencies commented on the usefulness and functionality of ongoing monitoring of containers using cutting-edge technology. This can provide warnings when containers are opened during the export logistics chain process and when they are in storage in the port, indicating the date and time of such events. This would provide the control authorities at ports with a verification tool indicating the need, or otherwise, for physical

inspection of the cargo. In relation to the above, we suggest that consideration be given to the use of the following:

1. Intelligent electronic seals which tell the exact location in real time of the container and also provides alerts of any alteration in their integrity en route.
2. Optical character recognition (OCR) cameras stationed at strategic points on countries' borders and main distribution routes to capture vehicle license plates and identify letters and numbers on containers, allowing the assessment of routes and detours.
3. Non-intrusive system, using x-rays, neutrons and gamma rays as a container cargo inspection tool.

Likewise, regarding the physical inspection, the following actions are suggested:

4. To promote the implementation of a policy that entitles Maritime Authorities, within the port jurisdiction, to act as Customs offices when the legislation does not provide such guarantees, to inspect domestic and in transit cargo, when Customs officers are not present or under their supervision to not overlap their roles and responsibilities.
5. To allow the Maritime Authority, according to the mentioned normative instrument, access, visit, verification and control of cargo in ships that are in the waters of each member state and which the destination is a port of those states.

PROPOSED APPROACH

Authorities in each country should consider the possibility of implementing intelligent control mechanisms similar to those mentioned, subject to their respective reality. At the same time, representatives from countries where this technology is in place should offer their cooperation to other member states implementing such changes.

FOREIGN TRADE INTERMEDIARIES. RESPONSIBILITIES

Customs brokerage companies, customs offices, and others entities with similar functions should provide the competent counter-drug authorities with the following information to help competent control bodies to develop appropriate risk profiles:

1. Potential suspicious transactions or operators.
2. Potential fictitious companies.
3. False documents.
4. New and/or unusual customers in foreign trade.
5. Security of documentation related to the foreign trade transaction.

PROPOSED APPROACH

Customs brokerage companies, customs offices, and all others persons that perform customs procedures in each country should undertake, in accordance with existing or future domestic regulations, to cooperate with the relevant control services in obtaining the above information. It is also suggested, subject to local law in each country, to direct legal mechanisms toward achieving the indicated implementation.

CHEMICAL PRECURSOR CONTROL AND INFORMATION GATHERING

In addition to the controls currently in place to control precursors and essential chemical substances, countries should consider studying the following measures:

1. Optimize information exchange procedures both internally and with other countries to encourage positive results in efforts to prevent trafficking and diversion of such substances.
2. Implement internal computer systems with centralized databases.
3. Create and/or implement committees or working groups to strengthen links between domestic institutions.

RISK PROFILES. WARNINGS. THE PROPER RESPONSE.

It is recognized that each country has the autonomy to:

1. Set risk profiles in line with desk study analyses or the warning software in place for effective drug trafficking control.
2. Institute recognition and priority policy in response to notifications, announcements or intelligence reports received from other countries.
3. Provide a response to the issuing country on the effectiveness and efficiency of warnings issued.

CONTAINER SEAL SECURITY CONTROL

The following measures are suggested for containers used, inter alia, for export, import, transit, and cargo unload/reload:

1. Random and selective checks to verify the integrity of seals and/or sealing locks since seals can be cloned or have their structure or numbering altered. They can also be breached or opened and then resealed or rebuilt with adhesives.

APPENDIX I

CONTROL OF CONTAINERS

In the City of Viña del Mar, Chile, the delegates of Mexico, Chile, Haiti, El Salvador, and Argentina decided to attach to the document prepared at the meeting held in Cartagena de Indias, Colombia the following appendix containing recommendations.

- 1) Encourage the real-time exchange of preliminary information. To that end, it would be advisable for customs, maritime authorities, health authorities, police, and other competent agencies to establish a secure web-mail address for the purpose of exchanging provisional information which, after being verified by the recipient, could be used in an official manner. Should it not be possible to verify the information received, it would simply be stored on file or else requested via official channels. This procedure will be carried out to the extent that the laws of each state permit it.
- 2) Promote the use of a unified importers and exporters registry as a control tool, subject to the possibilities and laws of each country.
- 3) Encourage updating of container movement records and promote the creation of a registry of containers for which illegal activities have been detected, subject to the laws of each state.

The following is a proposed model registration form.

INCIDENCE REGISTRY OF CONTAINERS		
Date of seizure		
Place of seizure		
Goods declared		
Quantity of seized substance		
Container No.		
Seal No		
Forwarder's bill of lading		
Tare		
Packages		
Country of origin:		
Port of Loading		
Port of delivery		
Importer		
Exporter		
Container operating company		
Shipping company		
Receiver		
Ship's name		
I.M.O.		
Condition of container and seals or customs stamps		
Layover in port of transit		
Observations		



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

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

PREAMBLE

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

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

PURPOSE.

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

THE PROBLEM

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

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

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

Are go-fast boats contributing to a problem in our societies?

How are they contributing to the problem?

What is the effect of this form of transportation in our countries?

Is it a threat to our countries' sovereignty and order?

How can we stop this damage? It is necessary to stop the arrival of go-fast boats.

How to prevent it? We could stop go-fast boats before they enter our waters or before they reach the coast; alternatively, we could stop them from leaving the coast.

How are we going to stop go-fast boats from arriving at or leaving the coast? By controlling national waters or controlling the movements of the go-fast boats.

Can we control all our national waters?

Can we control all the go-fast boats?

What is the solution? To increase the degree of control of our waters and the go-fast boats.

How can we control the go-fast boats? We need to know who they are, the names of their crew members, where they are, their characteristics, the motors they use, and if they leave we need to know if we can pursue them or find them.

PRACTICAL GUIDE FOR CONTROL OF BOATS.

GENERAL PROVISIONS

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

1. **IDENTIFICATION MARK:** The identification mark is the symbol used to identify all vessels of national registry, except for warships.
The identification mark must have the following characteristics:
 - a. **Placement:** as determined by each country.
Homemade vessels will only have the identification mark on the bow sides.
 - b. **Information:** numbers and symbols as determined by each maritime authority.
For pilot vessels, they should also have the word “pilot” in capital letters, in the center of the vessel’s sides.
 - c. **Size:** Each letter or number should be placed in proportional size to the freeboard and length, based on the size of the vessel or naval craft.
 - d. **Appearance:** The mark should be painted in a color that contrasts with the vessel color to permit visibility and clear identification, using long-lasting weather-resistant reflective or fluorescent paint.

2. **SIGNAL TO STOP ENGINES:** Is the signal emitted by a unit of the maritime authority or Coast Guard Service that orders the owner or captain of the vessel to bring it to a complete stop.
The signal will be determined by each country, and can be accompanied by intermittent light signals to the vessel in question. It can also be supplemented by a verbal order to halt on VHF-FM channel 16.

3. **REQUIRED DOCUMENTS:** The required documents are the set of documents issued by the national or local maritime authority, and those recognized or accepted that have been issued by a foreign maritime authority or a recognized organization, which will vary depending on the class of vessel. They will be checked during the vessel inspections.

Required documents for vessels and artifacts of national registry are:

- a. Navigation licenses for all crew members.
- b. Vessel registration or special navigation permit (depending on class of vessel).

- c. National Fisheries Institute permit for fishing vessels.
- d. Resolution of authorization or route registration (depending on the vessel's traffic pattern).
- e. Sailing document and other documents required by current merchant marine regulations, based on the vessel class.
- f. Registration certificate or, if there is none, a safe-conduct.
- g. Motor registration certificate.
- h. Certificate of maximum authorized fuel capacity.
- i. Statutory certificates of safety, seaworthiness, minimum crew, and prevention of pollution.
- j. Special transit authorization issued by the maritime authority.
- k. Other documentation that the maritime authority of each country deems pertinent

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

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

J Other documents that each country deems pertinent

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

ARTICLE 2. NORMS FOR CONTROL OF TRANSIT OF SHIPS OR NAVAL CRAFT: All large vessels, i.e., those that have or exceed twenty-five (25) net register tons (NRT) or are more than sixteen (16) meters long, and smaller vessels, i.e., those with less than twenty-five (25) net register tons (NRT) or are less than sixteen (16) meters long, and naval craft under the jurisdiction of each maritime authority, except for warships, must comply with the following requirements:

1. Vessels and naval craft of foreign registry:
 - a. Be registered with the foreign maritime authority.
 - b. Have aboard and current at all times the required documents for the vessel and its crew, issued by the foreign maritime authority or recognized authority, depending on the specific case.
 - c. Heed the “signal to stop engines” and the order to halt communicated on VHF-FM channel 16 and other requirements and procedures carried out by the country’s operational units.
 - d. Stay on the authorized route in the case of coastal traffic, or the registered route for international traffic, in accordance with the authorization in the administrative act issued by each country’s maritime authority.
 - e. Cruise at speeds less than twenty-five (25) knots in internal bays and access channels and (30) knots in jurisdictional waters, except for vessels engaged in competitive racing, as previously authorized by the harbor master of the corresponding port.
 - f. Obtain from the area harbor master the special transit permit for ships whose hull-motor ratio enables them to make speeds greater than twenty-five (25) knots.
 - g. Obtain from the appropriate harbor master the special transit permit for smaller vessels that wish to sail between 7 p.m. and 5 a.m., in which case they must have battery-powered navigation lights.
 - h. Not carry on board equipment that is for exclusive use by relevant authorities, including night vision devices, radar detectors, and radio scanners for HF, VHF, and UHF frequencies.
 - i. Report periodically to the jurisdiction’s maritime traffic control station on VHF-FM channel 16 when the vessel intends to enter the port and/or go out to sea.
 - j. Not to transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo, in order to prevent marine pollution, protect human life at sea, and comply with the authorization for maximum fuel capacity (at each country’s criteria).

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

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

that exposes the crew and vessel to danger, and to reduce the risks of marine pollution.

1. Not to use outboard motors larger than twenty-five (25) HP in smaller fishing support boats.
2. Vessels and naval craft of national registry.
In addition to the provisions in section 1 of this article, they must comply with the following requirements:
 - a. Display the identification mark, as indicated in Article 1.1 of this resolution, which shall be visible at all times.
 - b. Register any motor for sea or river use with a harbor master in the country, who shall issue the motor registration certificate (Annex B of this resolution).
 - c. Not to transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo, in order to prevent marine pollution, protect human life at sea, and comply with the authorization for maximum fuel capacity (Annex A of this resolution).

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

ARTICLE 3. NORMS APPLICABLE TO REGIONAL PORT AUTHORITIES.

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

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

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

capacity, seeking any type of service, so that the harbor master can take appropriate action.

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

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

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

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

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

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

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

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

The following data must be submitted:

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

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

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

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

11. If they make or market any type of vessel and/or motor for sea or river use, after submitting the abovementioned report, file a report with the maritime authority within

the first fifteen (15) calendar days of each month, listing repairs, modifications, increase of range and/or maximum fuel capacity, as well as sales during the period since the date of publication of this document.

The following information is required:

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

ARTICLE 6. NORMS APPLICABLE TO SHIP REPAIR SHOPS AND OTHER INDIVIDUALS AND CORPORATIONS ENGAGED IN THE CONSTRUCTION, REPAIR, MODIFICATION, AND/OR MAINTENANCE OF VESSELS OR NAVAL CRAFT: Ship repair shops and those described above that are in areas under the jurisdiction of the maritime authority shall comply strictly with the following requirements:

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

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

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

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

6. Not to alter the design capacity for transportation of fuel without prior authorization from the respective harbor master.
7. Within sixty (60) calendar days from the date of publication of this resolution, submit a monthly report to the maritime authority on repairs and modifications made, including those to increase the range and/or maximum fuel capacity, modification of tanks, coffers, or any interior space, as well as sales completed during the past three (3) years if they make or market any type of vessel and/or motor for sea or river use.

The following data must be submitted:

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

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

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

The following information is required:

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

ARTICLE 7. NORMS APPLICABLE TO INDIVIDUALS OR CORPORATIONS THAT SELL VESSELS OR NAVAL CRAFT AND/OR MOTORS FOR SEA OR RIVER USE: Individuals and corporations that sell vessels or naval craft and/or motors for sea or river use in areas under the jurisdiction of the maritime authority shall comply strictly with the following requirements:

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

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

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

The following information is required:

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

ARTICLE 8. NORMS APPLICABLE TO OWNERS, OPERATORS, AND MARITIME AGENTS: Owners, operators, and maritime agents, in areas within their competence, shall follow guidelines for the prevention and suppression of trafficking in narcotic or psychotropic substances, and inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs, established by the International Maritime Organization (IMO) in resolution A872 (20), complying with the following requirements:

1. Vessels registered with the national maritime authority: The owner, operator, or maritime agent of a duly licensed vessel or naval craft or a motor duly registered prior to the date of publication of this resolution, within three (3) months from this date, shall undertake the following procedure with the harbor master of his or her jurisdiction:

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

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

1. Report to authorities any crimes or violations of which they may become aware, particularly those involving:
 - a. Piracy.
 - b. Trafficking in persons.
 - c. Human Smuggling
 - d. Making unauthorized transmissions.

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

DETENTION

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

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

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

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

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

- a. Piracy.
- b. Trafficking in persons.
- c. Human Smuggling.
- d. Making unauthorized transmissions.
- d. Trafficking, manufacture, or transportation of narcotics or psychotropic substances, inputs or essential chemical products or precursors for the elaboration, processing, or transformation of drugs.
- e. Unauthorized transportation of weapons, ammunition, or explosives.
- f. Unauthorized exploration for shipwrecked antiquities.
- g. Unauthorized recovery of shipwrecked currency.
- h. Contraband of goods and encouragement of contraband.
- i. Unauthorized fishing, exploration, exploitation of resources or in areas not authorized for fishing by the competent authority.
- j. When the vessel is not registered with a national or foreign maritime authority.
- k. When the vessel and/or the crew lack the required documents.
- l. When the vessel or its crew ignore the “signal to stop engines” or the order to halt given in a communication on VHF-FM channel 16 by a unit of the national navy, the vessel shall be pursued.
- m. When a vessel engaged in coastal traffic strays from the authorized route, or when a vessel in international traffic strays from the route authorized by the maritime authority.
- n. When the vessel runs at more than twenty-five (25) knots in domestic bays and access channels or more than thirty (30) knots in sea and river waters under the maritime authority’s jurisdiction without special authorization to do so.
- o. When the smaller vessel does not have specific authorization to operate in the period from 7 p.m. to 5 a.m., or operates without lights as required in Article 1.3.j in connection with Article 2.g of this resolution.
- p. When the number or power of the motor differs from that on the registration certificate and the motor registration certificate.

- q. When the vessel lacks the identification mark required by Article 1.1 of this resolution.
 - r. When there is no motor registration certificate (Annex B of this resolution).
 - s. When the vessel carries on board equipment that is for exclusive use by the police, including night vision devices, radar detectors, and radio scanners for HF, VHF, and UHF frequencies.
 - t. When vessels and naval craft with tonnage equal to or less than one thousand (1,000) gross register tons (GRT) transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo in accordance with the certificate of maximum authorized fuel capacity (Annex A of this resolution).
 - u. When the vessel is not flying any flag.
 - v. When the vessel has no nationality.
 - w. When the vessel is carrying radioactive waste or substances.
 - x. When ordered by the court of jurisdiction.
 - y. When the vessel poses a serious hazard to the safety of human life at sea and/or protection of the marine environment.
2. By the maritime authority in the following cases:
- a. When the vessel is not registered with a national or foreign maritime authority.
 - b. When the vessel and/or the crew lack the required documents.
 - c. When a vessel engaged in coastal traffic strays from the authorized route, or when a vessel in international traffic strays from the route authorized by the maritime authority.
 - d. When the smaller vessel does not have specific authorization to operate in the period from 7 p.m. to 5 a.m., or operates without lights.
 - e. When the number or power of the motor differs from that on the registration certificate and the motor registration certificate.
 - f. When the vessel lacks the identification mark required by Article 1.1 of this resolution.
 - g. When there is no motor registration certificate (Annex B of this resolution).
 - h. When the vessel carries on board equipment that is for exclusive use by the police, including night vision devices, radar detectors, and radio scanners for HF, VHF, and UHF frequencies.
 - i. When vessels and naval craft with tonnage equal to or less than one thousand (1,000) gross register tons (GRT) transport fuel in tanks or open containers, or in an amount that exceeds the design capacity for fuel transport, or the quantity of additional fuel to be carried as cargo, except for vessels engaged in personal

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

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

BOARDING

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

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

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

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

OPERATIONAL PROVISIONS

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

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

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

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

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

PARAGRAPH 1°: Required documents for vessels and naval craft of domestic registry can only be issued by the maritime authority through the harbor masters.

10. Issue special transit authorization for vessels whose hull/motor ratio permits them to operate in excess of twenty-five (25) knots, taking into account the following considerations:
 - a. The ship's commercial activity.
 - b. The assigned route and the water and weather conditions along it.
 - c. Transportation of passengers whose safety must be ensured throughout the voyage.
11. Not to issue special transit authorization to vessels that do not document use for legal activities of motors that together with the hull can reach speeds in excess of twenty-five (25) knots.
12. Issue special transit authorization for smaller vessels that wish to operate between 7 p.m. and 5 a.m.
13. Request commanders of waterborne naval units to board vessels or naval craft when circumstances require it.
14. Impose applicable penalties for violations of the regulations in this resolution, if within their competence.

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

EXAMPLE

1. Captains and crews:
 - a. Suspension of navigation license.
 - b. Revocation of navigation license.
 - c. Monetary sanctions established by each country.
2. Owners or operators of vessels, maritime agents, marinas, yacht clubs, shipyards, and naval repair shops:

Monetary sanctions established by each country for:

 - a. an individual
 - b. a corporation
3. Vessels:
 - a. Suspension of the operating permit.
 - b. Revocation of the operating license or special operating permit.
 - c. Revocation of the authorized or registered route.

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

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

FINAL PROVISIONS

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



17th St. & Constitution Avenue N.W.
Washington, D.C. 20006
United States of America

Organization of American States

P. 202.458.3000
www.oas.org

INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION

CICAD

Secretariat for Multidimensional Security

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

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

PREAMBLE

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

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

PURPOSE

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

JURISDICTION

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

RECOMMENDATIONS:

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

Scope:

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

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

ANNEX

GLOSSARY

ILLCIT DRUGS:

Any substance that, introduced in the organism by any means of administration, may in some way alter the individual's central nervous system and create addiction.

ILLCIT DRUG TRAFFICKING:

When committed intentionally: the production, manufacture, extraction, preparation, supply, distribution, sale, delivery in any conditions, brokerage, shipping, transportation, import, or export contrary to the provisions of the single convention of 1961, amended by the protocol of 1972, or the convention on psychotropic substances of 1971.

INTERDICTION:

The act of confronting or halting activities, before their consummation, usually done by judicial police organs.

CHEMICAL PRECURSOR:

Any chemical substance used in the making of narcotic or psychotropic drugs, whose molecular structure is partially or totally incorporated in the final product, so they are indispensable for the drug's synthesis.

CONTROL:

A set of measures adopted by the countries to control illicit activities and prevent the commission of specific crimes.

VESSEL TRAFFIC SERVICE:

According to the International Maritime Organization's definition, Vessel Traffic Service, usually referred to by the English acronym VTS, "is a service implemented by a competent authority, designed to improve the safety and efficiency of vessel traffic and to protect the environment. The service should have the capability to interact with the traffic and to respond to traffic situation."

RADIO DIRECTION FINDING SYSTEM:

The radio direction finder is an electronic system capable of finding the direction of the source of a radio signal.

AUTOMATIC IDENTIFICATION SYSTEM (AIS):

The AIS is a shipboard broadcast system that acts like a transponder, operating in the VHF maritime band, that is capable of handling well over 4,500 reports per minute and updates as often as every two seconds. Class B systems consist of one 2W VHF transmitter, one GPS receiver, and two VHF receivers, one of which can selectively decode DSC and AIS. A vessel with AIS A transmits information every 2 to 10 seconds during navigation and every 3 minutes when the vessel is anchored. It continues transmitting even when position data are lost.

PUBLIC PROSECUTOR'S OFFICE:

The Public Prosecutor's Office (*Ministerio Fiscal, Fiscalía General*) is a public organ, generally a governmental one, with responsibility in the democratic rule of law for representing society's interests in carrying out the investigation of facts that constitute an offense, protecting victims and witnesses, and enforcing the public criminal code.