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**CICAD**

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**FINAL REPORT**

**EXPERT GROUP ON MARITIME NARCOTRAFFICKING**



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COMISIÓN INTERAMERICANA PARA EL  
CONTROL DEL ABUSO DE DROGAS

**CICAD**

Secretaría de Seguridad Multidimensional

**EXPERT GROUP ON MARITIME NARCOTRAFFICKING**  
**September 13-15, 2016**  
**Cartagena, Colombia**

**OEA/Ser.L/XIV.4.7**  
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**12 October 2016**  
**Original: Spanish**

**FINAL REPORT**

## Executive Summary

The Expert Group on Maritime Narcotrafficking met in the Naval Club of Cartagena, Colombia on September 13-15, 2016. The meeting was chaired by Captain Orlando Enrique Grisales Franceschi, Counter-Drug Director of the Colombian Navy, and was attended by 35 experts from 11 countries (Argentina, Bahamas, Brazil, Chile, Colombia, France, Honduras, Mexico, Panama, Peru and the United States).

The Expert Group followed the plan of action approved by CICAD at its meeting held in Cartagena, Colombia on September 9-11, 2015.

The Expert Group submits the following recommendations to the Commission for consideration:

That the Commission:

- **Approve** criteria for a Handbook on holding legal/operational seminars for judicial system agencies that participate in the prosecution of drug trafficking cases.
- **Consider** the information document on the Model of Fusion Centers in the region as a contribution to the fight against drug trafficking.
- **Instruct** the Expert Group at its next meeting to provide updates on the problem of riverine trafficking in drugs and inputs along borders, in order to determine which are the common variables and elements that States need to address.
- **Instruct** the Expert Group to meet in 2017, implement the proposed plan, and allow for consideration of new or emerging topics.

## **I. BACKGROUND**

The Inter-American Drug Abuse Control Commission (CICAD) met in Trujillo, Peru on November 10-12, 2015. During that meeting, Captain Orlando Enrique Grisales Franceschi, Counter-Drug Director of the Colombian Navy and Chair of the Expert Group on Maritime Narcotrafficking, presented the report of the Group's meeting held in Cartagena, Colombia (September 8-11, 2015). The Commission considered and approved the report, along with the products and plan of action presented by the Group. The Commission also instructed the Group to meet in 2016, and proposed Colombia to host and chair the meeting.

## **II. PROCEEDINGS**

### **A. PARTICIPANTS**

The meeting was attended by 35 experts from 11 countries (Argentina, Bahamas, Brazil, Chile, Colombia, France, Honduras, Mexico, Panama, Peru and the United States).

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

#### **1. Inaugural session**

The meeting of the Expert Group on Maritime Narcotrafficking started its meeting on September 13, 2016 in the Naval Club in Cartagena, Colombia. Opening remarks were made by Rear Admiral Andrés Vázquez Villegas, Commander of the Caribbean Naval Force (e); Marine Brigadier General Adolfo Enrique Martínez Flórez, Commander of Caribbean Counter-Drug Task Force No. 73; Captain Orlando Enrique Grisales Franceschi, Counter-Drug Director of the Colombian Navy, and Mr. Rafael Parada of the Inter-American Drug Abuse Control Commission (CICAD).

#### **2. Working sessions**

Captain Orlando Enrique Grisales Franceschi of the Colombian Navy chaired the meeting of the Expert Group, in accordance with the action plan approved by the Commission in 2015.

##### **2.1 Presentations**

The following presentations were made to the plenary:

**NEW STRATEGY FOR COUNTER-DRUG TRAFFICKING AND ANALYSIS OF RESULTS** (Captain Orlando Enrique Grisales Franceschi, Counter-Drug Director, Colombian Navy)

The Colombian Navy has three components: the Navy (surface units, submarines and the Naval Air Corps), the Coast Guard and the Marines, which provide the defense and surveillance of the nation.

The concept of “Governance at Sea” represents the State’s use of its capabilities to enable the lawful, sustainable use of the marine environment. To this end, the Navy has implemented the DPS3 Strategy, National Defense and Security, Maritime and Port Protection, Environmental Security, Administrative and Legal Security, and Comprehensive Maritime Security, which seeks to carry out “the mission of support and development as a maritime country”.

The volume of coca plant cultivation has fluctuated among Colombia, Peru and Bolivia. However, the average potential production of cocaine hydrochloride in South America is 850 tons per year, 90% of which is transported by sea. Hence the importance of generating synergies in the region to prevent illicit use of the marine environment. Triangular cooperation has helped enhance the capacities of the countries of Central America and the Caribbean.

Colombia proposes a second phase of the Triangular Cooperation Strategy to provide the countries of Central America and the Caribbean with appropriate assets and to help strengthen regional efforts to control lawful use of the sea.

Technological developments by transnational criminal organizations have been constant, and as a result, they have gone from using manned submersibles and/or submersibles to unmanned SPSS vessels. It is therefore important that [Colombian] law 1311 of 2009, which penalizes participation in the construction, equipping and use of such vessels, be replicated.

He closed by presenting a proposal that is still being developed called “On-Call Task Forces”, as a means of optimizing the use of maritime assets not only for ensuring lawful use of the sea but also to provide support in emergencies and catastrophes.

**DETECTION AND CLASSIFICATION OF THE ACOUSTIC SIGNATURE OF GO-FAST BOATS** (Captain Rafael Ricardo Torres Parra, Academic Dean, Colombian Naval Academy)

He presented the various research projects that are under way in the Admiral Padilla Naval Academy (ENAP) along with the Maritime Administration Faculty. The research is designed to develop tools that will enable maritime interdiction through analysis of the acoustic signature of go-fast boats.

The thinking behind ENAP’s line of research into acoustics for maritime interdiction is to make ships and aircraft more efficient in their operations. Determining this acoustic tool will help ensure the success of operations carried out by the forces of order, in terms of the high costs of operations, the great expanse and complexity of the marine environment, and the limitations of the electromagnetic spectrum.

The following lines of research have been defined:

1. System for acoustic detection and independent classification of targets at sea.

2. Space-time characterization of the speed of sound in the Caribbean.
3. Development of an algorithm for acoustic detection and independent classification.
4. Development of an algorithm for recognition of acoustic patterns for the detection of targets.

#### Conclusions:

- Operational and technological innovation to improve the efficiency of interdiction.
- Capacity-building and training of researchers.
- Obtain economic support to meet the budgetary needs of the implementation phases.
- Link CIMCON projects with postgraduate research conducted in the Admiral Padilla Naval Academy (ENAP).

### **OVERVIEW OF MARITIME NARCOTRAFFICKING IN THE CARIBBEAN**

(Captain Xavier Lurreur de Fancy, Commander, French Naval Forces in the Caribbean).

He described the current spectrum of maritime narcotrafficking in the Caribbean, showing the need to reduce the footprint of drug trafficking in the Caribbean Basin, since it is adversely affecting public health in the countries, as well as their economies and democracies. He noted that the figures are not exact, since the information comes from open sources.

Drug trafficking crosses borders, whether on land or at sea. Organizations involved use different segmentation methods in order to avoid detection and evade the controls of government authorities. He explained how transnational criminal organizations move drugs out of both Colombia and neighboring countries such as Venezuela, Suriname and Guyana, and said that the flow of narcotics through this region has increased in recent years.

In terms of global trends, around 940 tons were produced in 2014 in Colombia, Bolivia and Peru, while in the same year, there were 18 million cocaine users worldwide, largely in the United States, Brazil and some European countries.

However, in the first quarter of 2016, 88 tons of illicit drugs were transported through routes in the Western Caribbean, mostly via non-commercial maritime vessels, and predominantly, go-fast boats. He also described the drug trafficking routes from the coasts of Santa Marta, Colombia to Honduras, sometimes using SPSS.

His purpose had been to give a thorough description of the broad spectrum of maritime narcotrafficking in the Caribbean, and to provide information that was not available to many people.

### **MARITIME NARCOTRAFFICKING AND ITS IMPACT ON THE SECURITY OF**

**THE REGION** (Marine Brigadier General Adolfo Enrique Martínez Flórez, Commander, Counter-Drug Task Force No. 73).

The “Neptuno” Counter-Drug Task Force No. 73 conducts interdiction operations in the maritime and coastal jurisdiction of the Caribbean Naval Force, with the goal of speeding up the degrading of drug trafficking, increasing the level of risk, and making this crime unprofitable. International cooperation is needed in order to achieve greater efficiencies in the fight against drug trafficking.

It was thought in the past that the center of gravity of drug trafficking was the drug trafficker himself (the individual), but studies have shown differently, that the main focus is the economic power obtained from criminal activities such as drug trafficking and related offenses: Worldwide trafficking in drugs is around US\$500,000 million a year, which is higher than the world trade in petroleum.

The bottom line for drug traffickers is exponentially positive, and this has enabled them to generate a “negative cycle” in regions where the State has limited institutional presence, and where drug trafficking is what makes it possible for families to obtain an income to supply their basic needs.

The implementation in Colombia of Law 1311 of 2009 enabled the State to become more efficient in countering the use of submersibles and semisubmersibles, by allowing for the capture of the crews of these boats and for bringing them before the competent authority even though the elements of proof were not able to be seized. The video was sufficient, and as a result, construction in Colombia diminished. Nevertheless, these boats are still being used to transport illicit drugs, and therefore the countries of the region should replicate this law and other successful laws so as to make them standard throughout the region.

Implementation of the C4 model was also fundamental to the success that Colombia has achieved. It is based on four fundamental principles: Co-responsibility for drug trafficking issues, Commitment, Cooperation within the region, and Coordination.

### **OPERATION “MARTILLO” (HAMMER): ANALYSIS, RESULTS AND RECOMMENDATIONS** (Captain Norman Ivan Cabrera Martínez).

He presented the background to the fight against drugs, and emphasized the countries’ common strategic objectives to counter the problem. He also described the Colombian Navy’s evolution in countering maritime narco trafficking.

Narco trafficking has been pervasive since the nineteen seventies and throughout the twenty-first century up until today. It has been the major engine of transnational crimes and terrorism, with a cumulative effect over this period of time. This meeting of experts has become the regional venue, requiring excellent cooperation among all of the countries and their counter-drug organizations, navies and maritime services that are working to contain the threat. Cooperation and inter-agency work have evolved from being individual efforts to a collective effort.

Over the last five years, it has been found that in order for the business to be profitable for drug trafficking organizations, at least five kilos must reach the final destination, if they are not to have losses and if they are to make a profit. On this basis, it has been found that *at least 77% of the region's potential production of cocaine hydrochloride must be seized. This is a very high and challenging bar, since it represents approximately 700 tons that must be seized*, and in other words, efforts must be stepped up via international cooperation.

Conclusions:

- Increase sustainability of operations by means of logistical provisioning in the various ports of the region for the units participating in Operation Martillo.
- Feedback on interdiction and seizure cases is important so as to discuss lessons learned and have analysis information available.
- Contribute to CIMCON's lines of research in order to gain a better understanding of narcotrafficking and its impact on the policy, economic, social and security fields, as well as the drug traffickers' technological developments given that trafficking is a highly adaptable business.

**THE JUSTICE FACTOR IN MARITIME INTERDICTION** (Mr. Daniel Mauricio Rico Valencia, Researcher, University of Maryland and the Ideas for Peace Foundation (FIP)).

One of the goals of the States should be to develop a holistic picture of drug trafficking so as to be able to work jointly and effectively fight this transnational threat. When an institution engaged in carrying out its part of combatting drug trafficking meets its own objectives, in terms of seizures and detentions, it is accomplishing its goals, but is also affecting how other institutions meet their own objectives. Therefore, another form of evaluation of management indicators should be instituted, and he proposed that it should be the State itself that measures and assigns common goals.

The statistics on arrests/detentions related to the topic of drug trafficking show that there are increasing numbers of women involved. This also means a social problem in the very short term, and it is therefore proposed that even more be invested in social prevention, or at least that all counter-trafficking investments be balanced among all stages of drug trafficking.

Drug trafficking organizations mutate and adapt themselves easily from one business to another. Currently, narcotrafficking organizations are engaged in the business of drug trafficking, illegal mining and trafficking in migrants. These different businesses within the organization have more or less weight depending on how and where government forces are attacking them.

It would be important to expand on these themes at future meetings, and not confine the agenda merely to maritime trafficking, but also deal with other topics such as, specifically riverine and port controls. From the social point of view, all investments



should be assessed, regardless of how they are allocated, because it is that assessment that will tell us in the future whether the work that was planned is being done and whether the investment was worth it or not.

**USE OF ILLICIT COMMUNICATIONS IN THE MARITIME ENVIRONMENT (COMINT)** (Mexican Navy Captain, Alfredo Enríquez Delgado, Expert Researcher, CIMCON).

According to the United Nations, drug trafficking is a threat to peace, and in Latin America, it is a real scourge that has been paid in blood, and has affected particularly badly the areas of the environment and education. It has gone from being a public security problem to a national security problem in the region.

Drug trafficking routes are by sea, overland and by air. The overland route has major escape points, whereas the maritime route is more complicated, but continues to be the most profitable because of the cost-benefit of freight rates.

Drug trafficking uses the same bases as a lawful business and follows the logistical cycle, from “needs assessment”, “production”, “distribution” and “assessment of impact on the consumer”, and back to the beginning of the cycle. For this to operate properly, there must be an “Organization”, which does planning, control and prioritization of functions.

Communications play an important role in enabling people to stay in touch, exchange ideas and provide ongoing feedback about whether goals have been met or not and about what needs to be done to achieve the organization’s objective. Drug trafficking organizations use the electromagnetic spectrum for their communications, since it has the power necessary for use over wide expanses of ocean.

There are commercial maritime communications systems that are both secure and reliable, such as HF, VHF, UHF and SHF systems, in addition to the INMARSAT and IRIDIUM satellite systems.

Bearing in mind the importance of communications, Navies and Maritime Services should strengthen their communications intelligence capabilities (COMINT) and seek true synergies that will make it possible to obtain the information needed to convert it into actionable intelligence and thus locate illicit shipments at sea, facing a common threat with a common solution.

**UNITED STATES COAST GUARD** (Mr. Lou Orsini Senior Law Enforcement Advisor, United States Coast Guard).

Mr. Orsini presented to the meeting of the CICAD Expert Group on Maritime Narcotrafficking information from the Joint Interagency Task Force South on trends in maritime trafficking:

The flows of the illegal trafficking in cocaine hydrochloride by lines of maritime communication worldwide must be borne in mind. Cocaine hydrochloride is mainly shipped to collection centers in Central America and the Caribbean, where 70% of the drugs leaving Colombia are stockpiled. It is from the countries of Central America and the Caribbean that the drugs will then leave for Mexico or the United States, where the price of cocaine rises exponentially. This type of situation increases the likelihood of violence and corruption in these countries. The statistics show that the use of go-fast boats is still prevalent, as, for example, in the Pacific Ocean, where approximately 573 tons have been seized.

Analysis of the allied forces and their presence in the Pacific and the Atlantic and the Caribbean Sea shows that the principal actors are the Navies and Coast Guards of the United States, France, Holland and the United Kingdom, all of which are committed to international cooperation. But support is insufficient, and more assets are needed (ships, MPA, etc.), along with a logistical capacity that will make these assets more operationally available and have an impact on the economics/financing of narco-trafficking groups.

### **Discussion in the plenary:**

The Expert Group considered the following issues:

Current trends in maritime narco-trafficking. The following observations were made:

- ✓ The efforts in technology and innovation being made by drug traffickers for their illicit business are quite significant, and transportation methods such as semisubmersibles and submersibles, which leave very little of their structure above water, are being seen more and more frequently: They navigate with very little of their structure above the water, which makes detection difficult.
- ✓ The importance of studying the phenomenon in order to achieve greater operational efficiency cannot be overstated. This includes some research projects that are designed to develop innovations in know-how for these purposes: one example is the use of the acoustic signature of illicit boats to secure an operational advantage.
- ✓ Drug trafficking crosses both land and sea borders, and the organizations involved in this scourge use different methods to avoid detection and to evade the controls of the maritime security services.
- ✓ The different State mechanisms must be given full support, including the legal rules and procedures that must play a vital role in the operations.
- ✓ It is important to step up the sustainability of operations by means of logistical provisioning in the ports of the region for units participating in Operation Martillo.

- ✓ Changes in drug trafficking are ongoing: traffickers not only adapt, they are in constant mutation—this is the case, for example, of large shipments of drugs leaving ports in the Southern Cone in containers, because of their large numbers and the difficulty in monitoring them.
- ✓ Commercially available technologies continue to be used for illicit activities: for example, the use of radio buoys: shipments of drugs are dropped into on the high seas with a location device attached. They are then transported in various segmented stages to their final destination in the international markets.
- ✓ Submersibles and semisubmersibles boats and go-fast boats continue to be used to transport drugs, with the latter being the most frequently used.

## 2.2 Working Groups

Summarized below are the activities and tasks undertaken by the working groups formed during the meeting:

**REGIONAL FUSION CENTERS: MODEL, DESIGN, IMPLEMENTATION AND OPERATIONS** (Captain David Sánchez, Deputy Regional Director of Caribbean Intelligence).

Various government agencies need to participate in obtaining information of interest. That information must be forwarded to the Fusion Centers so that they can gather all the data; handle the information appropriately according to the principles of naval intelligence, and develop a final product that will be delivered to the operational units—the final users—to ensure that their interdiction operations are successful.

The result of this process of fusion of intelligence is a significant increase in the quality of maritime interdiction operations that have been carried out using excellent intelligence products coming from the Fusion Centers in Colombia. The proposal is to create Fusion Centers in the region, so that they, like the Fusion Centers in Colombia, can collect information of interest from all government agencies and their own search methods, performing in the same way with information of interest to the region as a whole, since the final users will be the operational units of each of the countries, as the case may be.

The Fusion Centers should not be operations centers, much less general archives where information is stored. They should be centers where information from external sources is handled appropriately and turned into a useful final product that will be used by the operational units headed by Operations Supervisors who are responsible for making all possible assets available to the units as they conduct their operations.

The present proposal is that each country in the region have a center that is responsible for handling and processing the information. It would be an important tool in the fight against the transnational drug threat and against those who commit violence. Also, a secure communications channel and common language would be needed for the exchange of information, using intelligence principles. This will have the effect of

building confidence among countries that thus ensure that the flow of information between the Fusion Center and outside agencies is constant and timely, and provided in real time.

### **THE JURIDICAL PROCESS AS A FACTOR THAT MULTIPLIES THE RESULTS OF OPERATIONS** (Captain Luz Marina Urrea Vanegas).

There are weakness in the “legal protection” of public servants in the region, in terms of their liability in the event of a flawed procedure in the course of performing maritime interdiction work. Such errors, however minimal, may translate into poor outcomes at the prosecution phase, in which case, the employee becomes directly responsible. Monitoring of court cases is necessary, and, as first responders in maritime interdiction, support the prosecutors to provide them with evidence and arguments.

It is important that when actions by personnel, that is, members of the Navy and the Police, are assessed, the starting point should be that this is a high-risk profession given their law enforcement function: there are increasing numbers of seizures of heavy weapons associated with the interdiction of vessels with illicit drugs, which raise the level of danger and threat to personal safety, and confirm the risk associated with the fight against illicit drug trafficking.

The education received by naval officers and NCOs in the training academies is of particular importance, in that it is here that they learn about the rules, laws and procedures that must be taken into account in maritime interdictions such as capture, bringing before the competent authority, and statements, in order to avoid making errors that could affect the legality of the court case.

Statistics on the outcomes of successful prosecutions have improved as the result of the Legal and Operational Seminars. These seminars have enhanced mutual understanding of both legal and operational terminology and procedures, resulting in improved efficiency of staff in protecting the chain of custody and in bringing individuals before the competent authority.

The present proposal is to study and assess the legal thinking behind the laws of each country in the region so that legislation can be enacted against the same crimes and can impose heavy sentences so that the criminals will be afraid to carry out any illegal activity related to drug trafficking.

### **III. Plan of Action**

In addition to the discussions in the plenary and the working groups, the Expert Group prepared the following plan of action and assigned the work that will be presented at the next meeting:

- ✓ Check and review the document on implementation of Fusion Centers in the region.

- ✓ Check and review the Handbook for Legal and Operational Seminars.

#### **IV. Other Business**

Visit to the facilities of the International Center for Maritime Narcotrafficking Analysis (CIMCON) and presentations on the subject.

Presentations were made during the visit on the Center's goals and scope, the most significant results obtained during its first year of operations, such as the process of awareness of the Center, recognition in different media outlets in the region, the academic and research papers published, the support received from various agencies and institutions involved in counter-drug efforts (CICAD, INL, UNODC, MAOC-N), and the countries that have visited the Center (Mexico, France, Honduras and Colombia). An overview was given of the problem as seen at various counter-drug events in the region, particularly maritime trafficking. The need for regional integration to combat maritime narcotrafficking was clearly stated, in an effort to disseminate strategies and operational recommendations, as is done by the Fusion Centers.

The link on CICAD's web page, which directs automatically to the portal of the International Center for Maritime Narcotrafficking Analysis, was also demonstrated.

Delegations were reminded of the invitation to participate in CIMCON and to disseminate its purposes.

#### **V. Closing Session**

The Expert Group concluded its deliberations on September 15, 2016. Rear Admiral Andrés Vázquez Villegas, Commander of the Caribbean Naval Force (e); Captain Orlando Enrique Grisales Franceschi, Counter-Drug Director of the Colombian Navy, and Mr. Rafael Parada, representing the Executive Secretariat of CICAD/OAS, participated in the closing ceremony.

#### **VI. CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT GROUP**

The Expert Group on Maritime Narcotrafficking recommends that the Commission:

- **Approve** criteria for a Handbook on holding legal/operational seminars for judicial system agencies that participate in the prosecution of drug trafficking cases.
- **Consider** the information document on the Model of Fusion Centers in the region as a contribution to the fight against drug trafficking.
- **Instruct** the Expert Group at its next meeting to provide updates on the problem of riverine trafficking in drugs and inputs along borders, in order to determine which are the common variables and elements that States

need to address.

- **Instruct** the Expert Group to meet during the sixtieth regular session of CICAD, to be held November 2-4, 2016 in Nassau, The Bahamas; to implement the proposed plan and allow for consideration of new or emerging topics.

## **DOCUMENT 1:**

### **WORKING GROUP:**

“The juridical process as a multiplier of the results of maritime operations”

### **PRESENTATION:**

The working group summarized the work that had been done by the legal group at the meetings of the CICAD Expert Group held in 2014 and 2015, at which they analyzed the problems in the legal field that were affecting the success of prosecutions of operations against drug trafficking.

The handbook on holding legal/operational seminars for judicial system agencies involved in the prosecution of maritime drug trafficking cases was then presented. It had been prepared during the 2015 meeting, but still needed to be circulated to CICAD member states for validation.

The handbook was presented as a guide to be used by member states to structure interaction with the judicial authorities, and to allow for exchanges of experiences and know-how that would enhance prosecution of illicit acts related to trafficking in narcotic substances.

The meeting participants discussed the document and made their observations on it, and then developed the following criteria for development of a Model Handbook.

Having analyzed the problems described by the countries in relation to difficulties at the prosecution stage with the outcomes of narco trafficking operations, the CICAD Expert Group on Maritime Narco trafficking determined that it was necessary:

- To provide justice system personnel with the tools they need to bring successful prosecutions in cases of maritime narco trafficking.

- To stress the importance of having court personnel know and understand the marine operations environment during counter-drug actions.
- To apply Operations Law, understood as national and international law, including human rights and international humanitarian law as applicable in each State, in operations against maritime narcotrafficking.

The present handbook was prepared in light of the international agreements that form the basis of international cooperation in fighting maritime narcotrafficking. Member states are invited to apply it within their own laws and regulations. It is not a legal instrument and therefore is not binding on member states nor does it eliminate, suspend or limit existing maritime control systems.

#### **BASIC DOCUMENTS:**

- Guide for law enforcement officials, to ensure successful prosecutions of cases involving the application of maritime law.
- Handbook on Best Practices for forming risk management analysis groups and assessing shipments in port.
- Operational and procedural lessons from participating countries.

#### **PROPOSED AGENDA:**

##### **PART ONE**

1. Operational agencies responsible for conducting maritime interdiction processes.
  - 1.1 Organization chart
    - 1.1.1. Mission
    - 1.1.2. Vision
    - 1.1.3. Legal basis
    - 1.1.4. Functions
    - 1.1.5. Other



## 2. Operational Matters

### 2.1. Marine culture:

- 2.1.1. Marine terminology
- 2.1.2. Types of ships
- 2.1.3. Structure of a ship
- 2.1.4. Features of a ship
- 2.1.5. Navigation (Position- direction- speed)
- 2.1.6. Marine weather (wave and wind conditions)

### 2.2. Law of the sea:

- 2.2.1. Origin
- 2.2.2. Sources
- 2.2.3. National and international base
- 2.2.4. Jurisdiction over maritime areas (State governing the port – riverine State – inland waters, territorial waters. Contiguous area-ZEE. etc.).
- 2.2.5. Regimen for foreign ships
- 2.2.6. Conducts that the State is obliged to curb: (Trafficking in illicit substances, trafficking in slaves – Piracy, unauthorized transmissions, etc.).
- 2.2.7. Description of modes/forms of narcotics trafficking
- 2.2.8. Treaties, conventions and/or agreements among states.

### 2.3. The right to visit

- 2.3.1. Concept
- 2.3.2. Legal basis
- 2.3.3. Types of visit
- 2.3.4. Operational procedures rules
- 2.3.5. Crew requirements for visits
- 2.3.6. Seizure, preservation and delivery of the scene.

### 2.4. Rules on the use of force

- 2.4.1. Concept
  - 2.4.2. Legal basis
  - 2.4.3. General rules on the use of force
- 3. Submersibles, semisubmersibles and new modalities of drug trafficking at sea.
  - 3.1. Concept
  - 3.2. Legal basis
- 4. Administrative agencies supporting counter trafficking. (Maritime Authority, Port Authority, Environmental Authority)
  - 4.1. Organization chart
    - 4.1.1. Mission
    - 4.1.2. Vision
    - 4.1.3. Legal basis
    - 4.1.4. Functions
    - 4.1.5 Other
- 5. Procedure for penalizing, domestic maritime
  - 5.1. Legal basis
  - 5.2. Procedure
  - 5.3. Evidentiary documents
  - 5.4. Penalty
- 6. Documents and information demonstrating operations.
- 7. PBIP
  - Concept.
  - Regulatory development.
- 8. Administrative actions for compensation for damage to ships

## PART TWO

1. Jurisprudence.
2. Doctrine
3. Concepts of different control entities, etc.
4. Judicial System
  - 4.1. Judicial systems (Inquisitorial, adversarial)
  - 4.2. Judicial Police
    - 4.2.1. Judicial Police functions given to maritime authorities (scope and limitations)
      - 4.2.1.1 First responder
      - 4.2.1.2 Chain of custody and handling of evidence
    - 4.2.2. Work of the Judicial Police
  - 4.3. Judicial authorities
    - 4.3.1. Jurisdiction
    - 4.3.2. Judicial terms
    - 4.3.3. Hearings for legalizing captures and procedures, the bringing of charges and trial.
5. Evaluation and monitoring of cases

## RECOMMENDATIONS

- Develop general criteria for members of operational agencies.

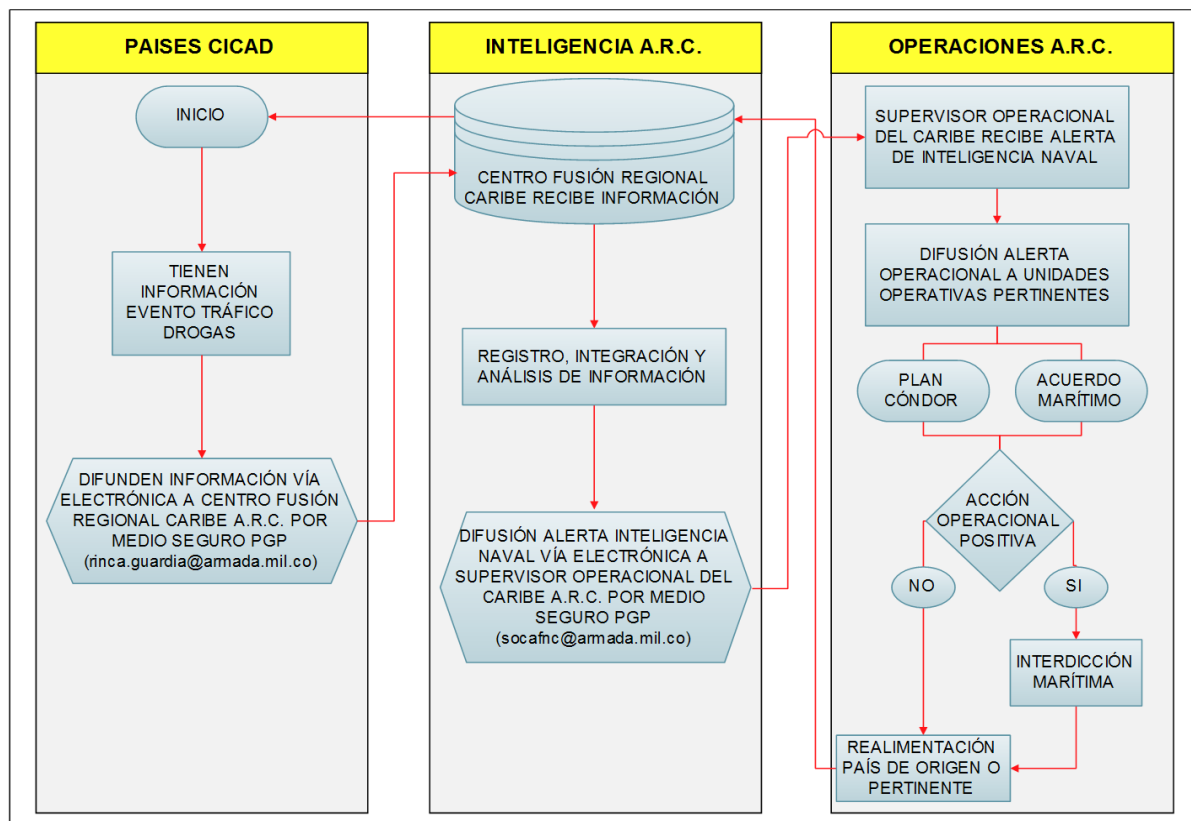
## DOCUMENT 2:

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#### VII. REGIONAL FUSION CENTER

##### C. What is it?

It is the central and regional level institutional capacity (doctrine, personnel, organization, infrastructure, systems and equipment) of the Office of the Chief of Naval Intelligence, which brings together the efforts of the agencies involved and provides intelligence information in a timely, secure manner. This is in order to submit naval intelligence and counterintelligence information, data and signals to procedures for handling, processing and producing information, in order to maximize understanding, detection, prevention and neutralizing of the different risks and threats and deliver a complete product that can help guide decision-making by the Naval High Command.



##### D. What it is not?

It is not an operations center or a documents management office (archives or correspondence). Entry to its facilities is restricted. It must have real-time connectivity in

order to reach the operations centers of the operational units.

E. What does it do?

Develops procedures for the handling, processing and production of the cycle of naval intelligence, and boosts the production of specialized naval intelligence and counterintelligence products, to support decision-making. It is based on an institutional model of fusion and integration of information from various sources, so that the intelligence information, data and signals provided by the participating bodies can be integrated in real time, with a timely response and decisive operational impact.

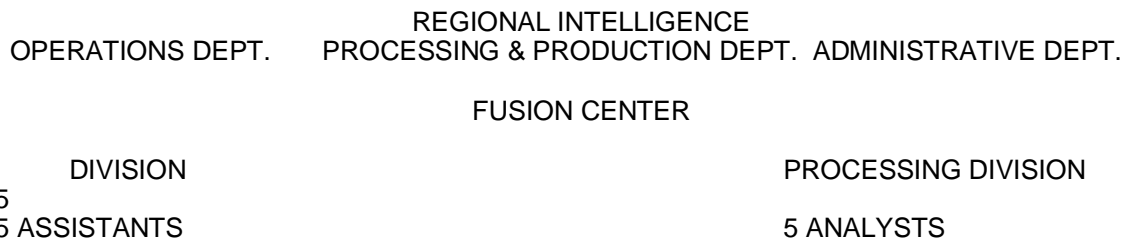
Below is an example in the case of Colombia:

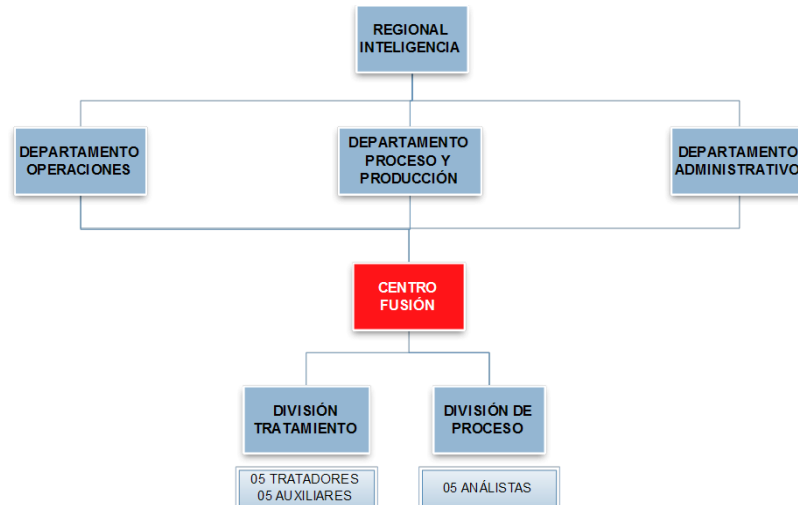


F. What are its functions?

To handle and process data, signals and information from a variety of sources, using the model of systematic fusion and integration, using specialized methods and techniques to produce naval intelligence and counterintelligence that is timely and rolled out in real time for effective decision-making.

G. How is it organized?





#### H. How is it staffed?

It will be coordinated by the Chief of the Fusion Center. Its staff will consist of handlers, and development and support technicians, as shown below:

- Chief of the Fusion Center
- Chief, Handling Division
- Chief, Processing Division
- IT Development Technician
- Network and Telecommunications Technician
- Support Technician
- Analyst
- Information handlers

#### I. How does it operate?

It will operate 24 hours a day, seven days a week, 365 days a year, and will be permanently staffed by two crew members who are named and relieved according to the internal rules of each unit. The steps the Fusion Center takes are the following:

**Step 1:** "Initial input": gathering all the information received from the different external intelligence agencies and information search engines available; external agencies will be both domestic and from allied countries.

**Step 2:** "Handling of the information": sorting the information gathered, so that it can be stored in an orderly way in the different data bases managed on board the Fusion Center, so that it is easily accessible to analyst personnel. This work is done by information handlers.

**Step 3:** "Processing and Production": a set of procedures that selects useful information selected from the different databases, in order to develop the final product. This process is done by the Fusion Center analysts.

**Step 4:** "Consultations and integration": takes the information available in the

different databases, consults as necessary, and compare it with all the related data received from external agencies and the Center's own search assets.

**Step 5:** "Fusion and developing products for dissemination": takes all the information produced according to the above steps, bring it together in one document that will be the final product of the Fusion Center and sent to the operational units to act on it.

**Step 6:** "Feedback": once the final product has been produced by the operational units, they must send in a report on, among other things, the utility, veracity, quality and timeliness of the information in conducting the operation. The Fusion Center will put all of the information provided by the operational units into its own format, and forward it to the various agencies from which the information was initially obtained.

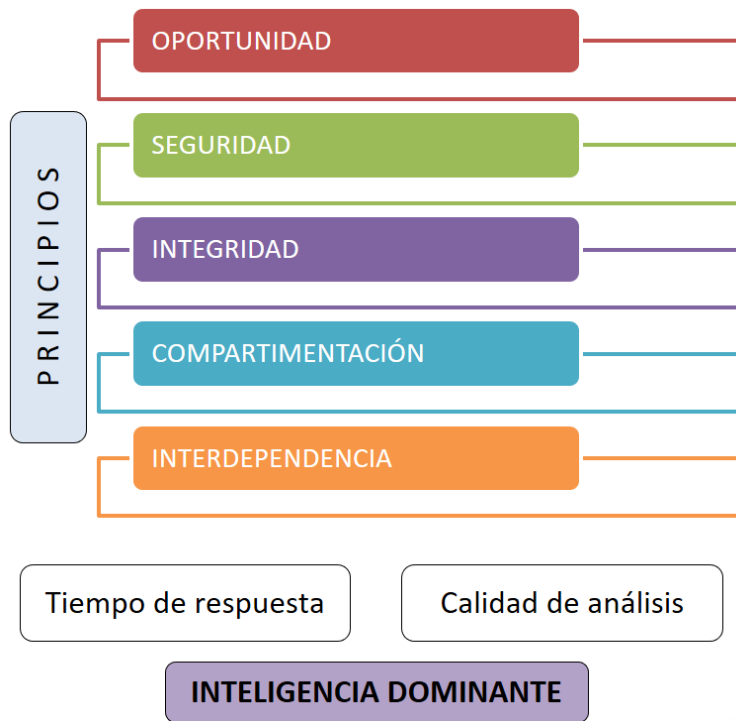
## VIII. PROPOSAL FOR THE EXCHANGE OF INFORMATION

We recommend examining implementation of the following proposal for the exchange of information.

### J. Principles

TIMELINESS  
SECURITY  
INTEGRITY  
COMP  
INTERDEPENDENCE

RESPONSE TIME QUALITY OF THE ANALYSIS  
DOMINANT INTELLIGENCE



In the spirit of cooperation and understanding, with the goal of having short response times, high quality analysis and producing dominant intelligence, the present proposal for the exchange of information will be based on the principles of:

**Timeliness:** Information will be distributed in timely fashion in order to be useful, based on the idea of the need to share.

**Security:** Will be via secure communications channels to prevent leakage of information.

**Completeness:** Information that is shared will be integral and complete, and will try to answer at least the five basic questions: WHAT, WHERE, WHEN, HOW AND WHO (and if possible: WHY and FOR WHAT PURPOSE).

**Compartmentalization:** The information that one country shares with another shall be used only for the purposes that the originating country deems advisable (for operations, information, prosecution). Information will be shared only with countries and agencies that the originating country considers advisable, and distribution is not authorized without prior consultation with the originating country. The results and actions taken using the information that is shared must be reported back to the country originating the information, and only to that country. The origins of the information will be honored at all times. It will be determined which other countries or agencies make contributions, and traceability of the information given out will be preserved.

**Interdependence:** Close coordination is required with counterintelligence, to



protect the information distributed and help eliminate false information.

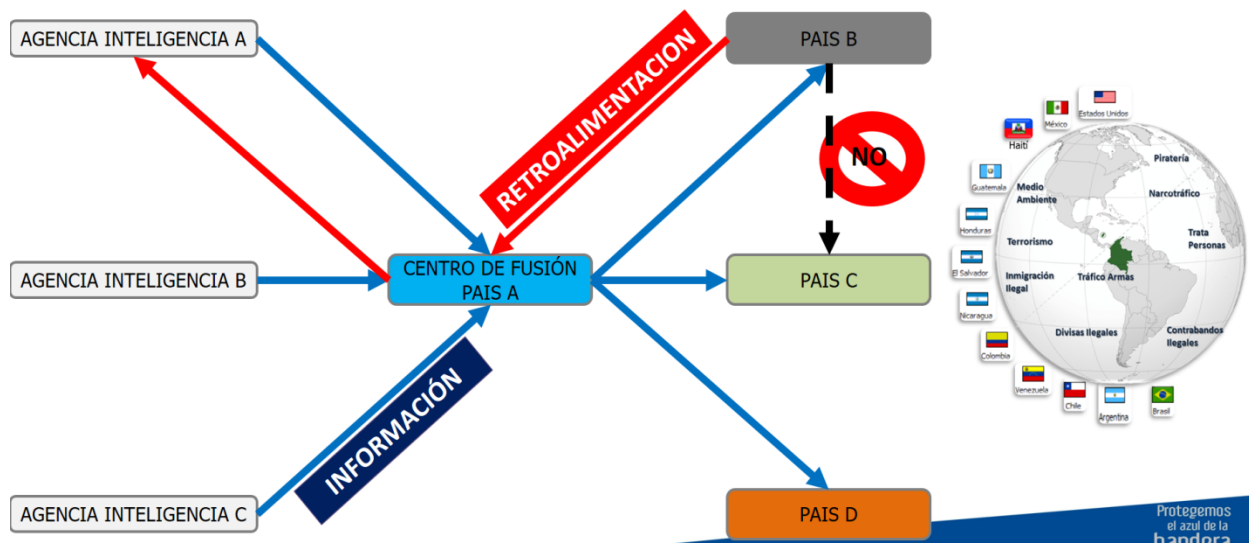
K. Channels of communication

The information would be transmitted among the different participating countries by official e-mail, encrypted and passworded using software available to members that exchange information, such as PGP or TRUE-CRYPT.

In the case of Colombia, the official e-mail for the exchange of information would be: [rinca.guardia@armada.mil.co](mailto:rinca.guardia@armada.mil.co)

L. Information flow

Flow chart. Proposal for exchange.



M. Prioritizing the information

Information shared through this mechanism may be ranked as follows:

**Red Alert:** reaction for interdiction.

**Blue Bulletin:** notice about individuals.

**Yellow Bulletin:** notice about ships.

**Green Bulletin:** notice about new modalities, routes, markings and any other information deemed pertinent to be shared as intelligence and that is not red, blue or yellow priority.

N. Proposed format for information distribution

|  |  |   |   |   |   |                                 |   |   |   |   |                     |
|--|--|---|---|---|---|---------------------------------|---|---|---|---|---------------------|
| CLASSIFICATION:  | Secret /unclassified   |   |   |   |   |                                 |   |   |   |   |                     |
| PRIORITY:  | Red alert  |   |   |   |   |                                 |   |   |   |   |                     |
|  | Yellow bulletin  |   |   |   |   |                                 |   |   |   |   |                     |
|  | Blue bulletin  |   |   |   |   |                                 |   |   |   |   |                     |
|  | Green bulletin   |   |   |   |   |                                 |   |   |   |   |                     |
| TO WHOM:   | Country B (Request reaction)   |   |   |   |   |                                 |   |   |   |   |                     |
|  | Country C (For information)  |   |   |   |   |                                 |   |   |   |   |                     |
|  | Country D (For information)  |   |   |   |   |                                 |   |   |   |   |                     |
| ORIGINATOR:  | Country A  |   |   |   |   |                                 |   |   |   |   |                     |
| REFERENCE:   | Number of document according to filing system rules  |   |   |   |   |                                 |   |   |   |   |                     |
| ASSESSMENT<br>(PROBABILITY OF<br>OCCURENCE,<br>EXACTNESS): | RELIABILITY OF<br>THE SOURCE   |   |   |   |   | EXACTNESS OF<br>THE INFORMATION |   |   |   |   | PROBAB<br>LITY      |
|  |  |   |   |   |   |                                 |   |   |   |   | Example:<br>B-3     |
|  | 00   | 0 | 0 | 0 | 0 | 00                              | 0 | 0 | 0 | 0 | $(80+60)/2$<br>=70% |
| WHAT:  | What the information to be shared deals with   |   |   |   |   |                                 |   |   |   |   |                     |
| WHERE:   | Describe the place where the event of interest will begin.   |   |   |   |   |                                 |   |   |   |   |                     |
| WHEN:  | Describe the time period during which the event will occur.  |   |   |   |   |                                 |   |   |   |   |                     |
| HOW:   | Describe the means used to carry out the illicit activity.   |   |   |   |   |                                 |   |   |   |   |                     |
| WHO:   | Describe the organization to which the illicit action is attributed.   |   |   |   |   |                                 |   |   |   |   |                     |
| COMMENT:   | Additional information that may be useful in operational planning of the event, such as other ships involved or under suspicion.       |   |   |   |   |                                 |   |   |   |   |                     |
| ADICIONALES:   | Graphics, images, tables   |   |   |   |   |                                 |   |   |   |   |                     |
| NOTE:  | The present information is for reaction and information. It may not be shared with third parties, and may not be used in prosecutions. |   |   |   |   |                                 |   |   |   |   |                     |

#### IX. On a positive note

The proposal for information exchange was welcomed by several participants who made excellent observations about the initiative.

Recommendations were received from various participants on standardizing the format for information exchange.

#### X. Conclusions

It is clear that when dealing with a transnational phenomenon such as narcotrafficking, a coordinated response by different countries is needed in order to counter it. After the event at the Twin Towers on September 11, 2001, the idea of the "need to share" emerged within the intelligence community. Therefore, the agencies of the various interested countries should exchange information via centralized mechanisms.

The overall picture in the region demands a unified strategy among states and

agencies that are fighting this threat in order to promote new strategies and strengthen existing ones.

Thus, implementation of Fusion Centers based on Information Centers that already exist in the region, and providing them with the capacity for fusion and integration of the information will enable the information to be reliable and complete and the information flow to be rapid. It will not require significant investment, as long as implementation is confined to standardizing communications and setting up protocols for information exchange.