

United Nations Informal Consultative Process on Oceans and the Law of the Sea  
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**DISCUSSION PANEL:** Maritime security and safety: Enhancing cooperation, coordination and integration, and increasing capacity-building

**PRESENTATION:** Current activities and opportunities for strengthening coordination/integration at all levels (for example, within States, regionally and globally)

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### **PRESENTATION AS DELIVERED**

Several years ago, John Lewis Gaddis wrote: “Deterrence against States affords insufficient protection from attacks by gangs, which can now inflict the kind of damage only States fighting wars used to be able to achieve.”<sup>1</sup> Illegal, unreported, and unregulated fishing, migrant smuggling, piracy, and drug trafficking are evidence of Gaddis’ thesis in the maritime domain – evidence of the transcendent role of transnational crime. I’d like to show you a video that graphically illustrates how transnational criminals have fully assimilated the methods and technologies once only available to State actors. (Show SPSS video.)

Consider piracy, which has received a lot of attention lately: Piratical attacks constitute a direct threat to the lives and welfare of the citizens and seafarers of many nations, and inflict economic and political damage through fraud, stolen cargos, corruption, and delayed shipments. Indeed, the effects of a single attack on the high seas in the Gulf of Aden can affect the citizens of numerous countries (flag State, various States of nationality of the seafarers, coastal States, cargo destination State, and others). Such attacks undermine confidence in the global sea lanes of communication, weaken or undermine the legitimacy of States, and raise insurance rates and cargo costs, among other adverse consequences.

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In 1994, the author John Naisbitt described a paradox of the modern age: As the world economy grows in size and complexity, the importance of the individual parts increases in direct proportion. Or, as Naisbitt put it: "The bigger the world economy, the more powerful its smallest players." That's why a few pirates operating from Somalia can garner the attention of the United Nations Security Council – because local or regional adversity can have global effects in the interconnected world in which we live.

Gaddis and Nasbitt generated two powerful ideas that become even more powerful when joined together and applied in the maritime domain. Gaddis was right: the greatest threats to and in the maritime domain today are not inflicted by States on other States; instead, the greatest threats are disasters, man-made or natural maritime casualties, pandemic disease, transnational crime, and terrorism. These threats, and they include infectious disease and environmental degradation, are largely posed by non-State actors, do not recognize national boundaries, and threaten the territorial integrity of States as only other States could in the past.

The Naisbitt paradox teaches us that in a complex, interconnected global economy dependent on the ocean, our collective failure to address one maritime safety or security threat, regardless of the relative size of the effected State or region, may intensify the risk of another threat and have global impact. It's a fact that 70% of the earth's surface is ocean water, and it's a fact that the world's shipping fleets carry nearly 90% of global exports (worth over \$8.9 trillion US in 2007). But, saying that salt water covers 70% of the earth's surface should illustrate more than just the vastness and importance of the oceans: it should remind us that the largest part of our world is ripe for prosperity but also rife with threats. And, we all have a huge stake in how that part of our world is governed and used.

The oceans offer all nations, even landlocked States, a network of sea-lanes or highways that are of enormous importance to their security and

prosperity. Substantial elements of the global energy infrastructure operate at sea, and nations depend on the freedom of the seas to transport much of the energy that powers our planet. The ocean provides an efficient means of transportation for many essential commodities and products. The oceans are likewise a source of food, mineral resources, scientific discoveries, and recreation. It is the oceans that link our national economies and act as both a barrier to and a conduit for threats to the security of people everywhere.

Unfortunately, transnational crime thrives at sea for many of the same reasons that oceans are attractive to legitimate businesses and government. Indeed, transnational criminal organizations represent significant and harmful competition to the world's leading economies. The International Monetary Fund estimates that laundered proceeds from criminal activities equal between 2 and 5% of the world's gross domestic product annually. Unfortunately, crime often pays!

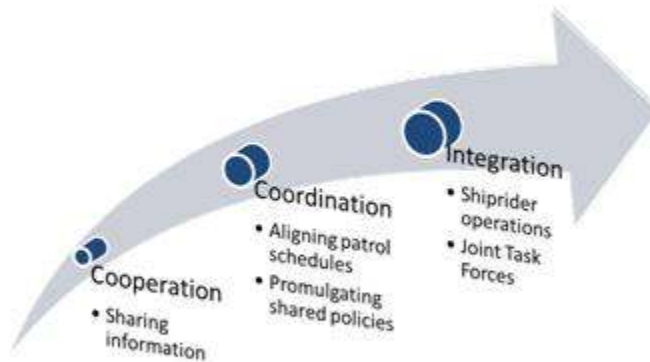
If our collective security and prosperity depends on global maritime security and safety, then how do we collectively achieve that outcome? At the most basic level, the answer to that question is: cooperation, coordination, and integration. Each of these "modes of collective action" exists along a continuum. Two or more entities can select from and use these modes to create or support a highly complex, greater-than-the-sum-of-its-parts system. The choice of mode depends on the specific problem we need to solve, available authorities, competencies, capacity, and political will. All of these modes are available to government agencies, States, business interests, non-governmental organizations, and other entities, and at local, sub-regional, regional, national, and international levels of engagement.

Cooperation is the act of working or acting together – it is the alternative to working separately or in competition. Cooperation may involve sharing ideas or exchanging information, but it does not necessarily require harmony of action. We're cooperating here today by exchanging views and ideas.

Coordination is a bit more challenging – it is the act of bringing different entities into a common action, movement, or condition to achieve a shared goal or effect. In game theory, for example, coordination games involve situations in which all parties can realize mutual gains, but only by making mutually consistent and supportive decisions. Suppose that two ship Captains meet in a narrow channel. Both have to alter course in order to avoid a head-on collision. If they coordinate (by sounding signals or talking on the radio) so that they both alter course to the same side they will manage to pass each other, but if they choose different sides they will collide. Thus, coordination is essential to preventing disasters.

Finally, integration is the process of bringing together or combining two or more entities into a single successful enterprise. Integration can be hard work. In the maritime context, integration can include joint operations, joint interagency task forces, Shiprider operations, or one State assisting another in the other State's territorial waters. States sometimes express concern that integration threatens their sovereignty. I understand and appreciate that concern, and especially the domestic political considerations each State must manage when undertaking integrated operations. But consider the theses of Gaddis and Nasbitt, and ask yourself: what is the greater threat to sovereignty: nation-States working together in a deliberate manner to combat transnational threats, or the drug trafficker, fish poacher, or smuggler misusing the territory, waters, airspace, or flag of a State with impunity and free of consequences?

## Continuum of Modalities for Working Together



**Figure 1. Continuum of Modalities for Working Together in Maritime Safety & Security**

The United States believes that the pursuit and achievement of maritime safety and security requires cooperation, coordination, and integration on an international scale; however, we recognized that we likewise needed to improve our application of these modes and principles within our own Government. So, in December 2004, the Government of the United States undertook to coordinate its maritime safety and security policies, as well as the supporting actions of its various departments and agencies.<sup>2</sup> That undertaking resulted in the *National Strategy for Maritime Security*<sup>3</sup> and its eight supporting plans.<sup>4</sup> We also established an integrated infrastructure of policy and implementation bodies (depicted in figure 2) to coordinate and continuously assess the realization of the

<sup>2</sup> See Homeland Security Presidential Directive 13 of December 21, 2004, available at [www.fas.org/irp/offdocs/nspd/nspd41.pdf](http://www.fas.org/irp/offdocs/nspd/nspd41.pdf).

<sup>3</sup> Available at <http://www.whitehouse.gov/homeland/maritime-security.html>.

<sup>4</sup> See [http://www.dhs.gov/xprevprot/programs/editorial\\_0608.shtm](http://www.dhs.gov/xprevprot/programs/editorial_0608.shtm).

*Strategy* and plans. My written submission provides details about the *Strategy* and plans, as well as hyperlinks to those that are available to the public.

I can summarize the core principles like this: We need to work together to identify threats to maritime safety and security, share that information, and allow the nation or nations directly involved to use that shared information to take appropriate action against those threats aboard vessels and in waters subject to their jurisdiction. Where the nation or nations directly involved lack the capability or capacity to take timely and appropriate action, we seek opportunities for partnership to ensure that particular threats can be addressed effectively. We've applied these same principles to our domestic interagency relationships.

In furtherance of our *National Strategy for Maritime Security* and its eight supporting plans, the United States has undertaken or is participating in many initiatives intended to enhance cooperation, coordination, and integration among the many stakeholders in maritime security and safety. Each of these initiatives is based on shared objectives and intended to address different aspects of the overall challenge of achieving maritime security and safety in an interconnected world. Many of these undertakings require us to harness both available and emerging technologies to develop our maritime situational awareness. They also require nimble decision-making architectures and appropriate threat responses based on agency, ministerial, and international levels of cooperation, coordination, and information-sharing.

My written submission provides a non-exhaustive list of initiatives, but I'd like to focus for the remainder of my time on just one example of a very recent multilateral operation during which a law enforcement detachment of Cape Verde Coast Guard officers embarked in the United States Coast Guard cutter DALLAS to conduct maritime law enforcement patrol and interdiction operations in and around Cape Verde's 200 nautical mile exclusive economic zone (EEZ). This pilot project featured a fully integrated maritime partnership between the United

States and Cape Verde and was the culmination of a natural progression built through years of cooperation and coordination through exercises and training.

Successful integration often involves promoting regional cooperation and coordination by focusing on areas where mutual national interests intersect. In the case of DALLAS' Cape Verde operations, our mutual interest was building durable maritime law enforcement capacity in Cape Verde in order to maintain sustainable fishing stocks and combat narco-trafficking in the Cape Verde EEZ.

Strategically located at a maritime crossroads of Africa, Europe, and South America, Cape Verde's EEZ is under-governed and presents a target of opportunity for South American drug trafficking organizations transshipping cocaine destined for Western Europe. It also is an area in which extensive illegal fishing takes place.

The collapse of fish stocks around the globe is driving fishing fleets to Africa in search of new resources. Fishing is an important source of revenue for the national economy of Cape Verde, where fisheries products represent 63% of the country's exports. Limited surveillance and patrol assets increase the likelihood of EEZ violations and poaching of Cape Verde's natural resources.

Cape Verde's EEZ is also in close proximity to a major trans-shipment zone for illicit drugs from South America to Europe. In fiscal year 2007, maritime cocaine flow to West Africa was estimated at 550 metric tons. The full scope of the operational narco-trafficking threat between South America and West Africa remains poorly defined and requires focused surveillance, interdiction, and prosecution operations to better understand and respond to the threat.

While its EEZ may be under-governed due to lack of capacity, the World Bank has called Cape Verde one of the best governed countries in Africa. In November 2007, Cape Verde signed a special partnership agreement with the European Union that focused on trade and security. During consultations in late 2007, Cape Verde authorities expressed a strong interest in moving beyond

cooperation in the form of training and assessments, and advancing to coordination and integration through maritime law enforcement operations conducted with or from partner nation vessels in order to improve maritime governance in Cape Verde's national waters. During the operation, several States shared tactical information and others provided maritime patrol aircraft to improve maritime domain awareness. The first integrated Shiprider patrol lasted about two weeks, and included several boardings and surface and air patrols in maritime space that has largely gone unmonitored for many years. This convergence of conditions, opportunities, and interests presented a superb opportunity for maritime law enforcement capacity building and to explore a different way of combating maritime threats.

We think the model of placing law enforcement detachments of one State aboard patrol vessels of opportunity of another State supported by maritime patrol aircraft and information sharing from still more States is a promising model for West Africa in the near term. It is relatively quick and cost effective to build capacity by training and regularly deploying coastal State law enforcement teams on board existing partner nation hulls of opportunity, than it is to acquire and maintain multiple naval or constabulary fleets. To be sure, there are challenges in sorting out criminal jurisdiction, disposition of persons, vessels, and seized goods and contraband, information sharing protocols, and aligning tactics, techniques, and procedures. There is no lack of work to do. I have a good friend who is a prosecutor and he always tells me: little case, little problems; big case, big problems; no case, no problems! So, we'd much rather mobilize to meet the challenges of integrated multinational operations than abdicating the oceans to poachers, smugglers, and transnational criminals.

The Cape Verde operation demonstrates how the international community has come to understand that new and evolving threats require a new vision of collective security. There are other great examples like Combined Task Force (CTF) 150 conducting Maritime Security Operations (MSO) in the Gulf of Aden, Gulf of Oman, the Arabian Sea, Red Sea and the Indian Ocean. These



operations complement the counterterrorism and security efforts of regional nations and seek to disrupt violent extremists' use of the maritime environment as a venue for attack or to transport personnel, weapons or other material. Since its inception, CTF 150 has been commanded by France, Netherlands, UK and Pakistan.

Many of today's maritime dangers threaten the territorial integrity of States as only other States could in the past. These threats recognize no national boundaries. The interconnected nature of our oceans and economies means that our failure to address one threat may intensify the risk of another, and that actions and effects in one State or in one region can substantially affect other States and regions. The inescapable conclusion is that combating interconnected maritime safety and security threats requires a more integrated approach by all stakeholders at all levels. If nothing else, we, as the representatives of nation-States cannot be less cooperative, less coordinated, or less integrated than those who seek to compromise our sovereignty through transnational threats.

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