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MARITIME ANTI-DRUG SURVEILLANCE AND COOPERATION

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1. Drug traffickers have been making markedly increasing use of sea routes in recent years, particularly, in the case of our Hemisphere, routes through the eastern Pacific Ocean, the Caribbean Sea, and the western Atlantic Ocean.
2. This illicit activity is mainly south-to-north in the case of the illegal drugs and north-to-south in the case of the precursors and chemical substances used to make them. Enormous expanses of ocean are involved, including both the territorial waters of coastal states and the high seas.
3. Monitoring and surveillance in territorial waters, which generally stretch 200 miles out from the coast, are no easy tasks and they require abundant means and resources given the huge expanse of sea to be patrolled.
4. Thus, international cooperation and collaboration in this field is essential and specialized international agencies have a very specific role to play in promoting them.
5. Exacerbating the difficulties of monitoring and inspection is the existence of a variety of different laws in the coastal states. Nevertheless, widespread application of the rules and regulations for seafarers established in the United Nations Convention on the Law of the Sea (CONVEMAR), to which 138 states are Parties and which is regarded as customary law by those that have not signed it, provides an appropriate legal and political framework for consensus-building regarding increasingly harmonized international efforts to combat drug smuggling by sea.
6. In the case of Peru, and many other countries in the Hemisphere, the Constitution does not allow agreements, such as that reached in the Caribbean region, which permit coast guard or naval units of third countries to operate in territorial waters, since the Constitution and the law ordain that such activity is the exclusive preserve of the Peruvian authorities acting through the Directorate General of Harbormasters and Coast Guards as the National Maritime Authority. It is to be noted that not even the Peruvian navy is empowered to carry out inspection functions, unless the vessel concerned is carrying a Coast Guard team to seize a vessel (crew to capture and man another vessel).
7. In addition to the difficulties associated with the sheer size of the maritime areas to be monitored and inspected, the variety of mechanisms, means, and methods used in maritime drug trafficking, and related illicit activities, such as small arms and ammunition smuggling, trafficking in illegal immigrants, and maritime piracy, directed especially against fishing boats and recreational vessels, call for a comprehensive study providing detailed insight into the specific features of this

illicit trade in the Hemisphere.

8. It is here that CICAD, as the competent forum in the Hemisphere, must play a leading role, captaining the efforts of the specialized regional and subregional organizations and the International Maritime Organization (IMO), which has acquired valuable experience of maritime surveillance in other parts of the world.
9. In this connection, in response to the paper entitled "Maritime Cooperation," circulated by the Executive Secretariat, Peru would like to suggest that, instead of conducting the proposed pilot study in two countries, that study should be carried out by region and in coordination with competent subregional agencies and the participation of IMO experts, taking full advantage of their experience, avoiding duplication of efforts, and facilitating the political decisions that countries would have to take to make headway in forging maritime cooperation against illicit drug trafficking.
10. In the case of the southeastern Pacific, for instance, CICAD could work together with the Permanent Commission of the South Pacific (PCSP), a maritime regional organization formed by Colombia, Ecuador, Peru, and Chile, with Panama as an associate state. Given the adverse repercussions of these maritime activities in the region, the Organization has begun investigating ways in which the four countries, possibly coordinated by the PCSP, might address their anti-drug monitoring and inspection tasks most efficiently.
11. The efforts of CICAD and the other involved and competent international agencies, as well as the member countries themselves, will enable us to identify and implement international cooperation measures and activities at the multilateral, bilateral, and individual levels and thereby to address the problem in an appropriate and effective manner.
12. The gravity of the situation demands that CICAD act promptly in this arena and that the Executive Secretariat show results as soon as possible.
13. In the case of Peru, thanks to support from CICAD, a study was carried out in 2002 by a group of experts from CICAD, the Spanish Judicial Police, Canada's Royal Mounted Police, and the US Center for Naval Studies.
14. The purpose of the study was to define the principal features of maritime drug trafficking and provide Peru with suggestions for the preparation of its national strategy for combating illicit maritime trafficking. To that end, the study focused on identifying maritime traffickers' methods and tactics, the relevant legislation, existing systems, procedures, and capability for dissuading and banning drug trafficking, the role of maritime and port authorities, and of the private sector, in interdiction, the degree of coordination and cooperation among institutions and with the private sector, and logistical and infrastructure shortcomings.

15. As maritime trafficking was a new phenomenon for Peru, the study afforded a comprehensive diagnostic assessment of the issues involved and helped the Peruvian Government to realize the magnitude of the threat and current limitations in dealing with it. The study also made specific recommendations in various spheres, including improvements in the legislation, inter-institutional coordination, regional cooperation, resources, and other areas, some of which are being implemented.
16. Development of a large-scale surveillance and interdiction program in Peru does, however, require technical resources that the country lacks. For that reason, Peru has requested technical assistance as one of the priorities of North American cooperation.
17. A copy of this comprehensive report, entitled “Estrategia Marítima contra el Narcotráfico en el Pacífico Sudoriental - Estudio piloto en el Perú” [Maritime strategy to combat drug-trafficking in the southeastern Pacific Ocean – A pilot study in Peru], is kept in the confidential archives of the Executive Secretariat, as its circulation is restricted, but it may serve as a methodological guide in preparing the aforementioned regional pilot projects.