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INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

**CICAD**

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## **Guide to best practices to prevent the spread of criminal activities and corruption in maritime port facilities.**

### **Background**

At the meeting of the Group of Experts on Maritime Drug Trafficking of CICAD held in Buenos Aires, Argentina, July 16-20, 2012, experts analyzed the problem of the ever increasing spread of criminal elements, persons or groups, within the private companies responsible for the maintenance, security and operation of maritime port facilities in Member States.

A Working Group was established conformed by representatives of Argentina (coordinator), Bahamas, Brazil, Canada, Saint Kitts and Nevis and Trinidad and Tobago, to develop a Guide to Best Practices to prevent the infiltration of criminal activities and corruption in maritime port facilities and to propose a series of preventive measures as a tool for all Member States to have at their disposal should they deem it necessary.

This document was developed taking into account the international regulations, the provisions of the Articles 17 and 18 of United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and The International Ship and Port Facility Security Code (ISPS Code).

### **Overall Purpose**

The overall purpose or objective is to foster the integration of the various interested parties to cooperate and work together in order to ensure that the application and effects of the security measures do not violate the domestic legislation and/or regulations of any State in the effort to prevent potential corruption among personnel responsible for the control of precursor chemicals, narcotics and/or pharmaceutical products at maritime port facilities. This Working Group considered that Member States could include the following competent authorities in the promotion and implementation of this Guide:

- Customs Authorities
- National Police Authorities
- Coast Guard Authorities.
- Military Authorities (if applicable within the individual State)

- Port Authorities (ports may be operated by the State or by private contractors)
- National Competent Authority for the control of precursor chemicals, psychotropic substances and pharmaceutical products.

### **Specific Objective**

The objective of this document is to provide Member States guidelines and best practices to use as preventive measures to encourage the active participation of private companies and government entities responsible for the maintenance, security and operation of maritime port facilities in order to raise awareness, through internal meetings in those competent companies and government entities, regarding the potential risks, threats and consequences of trying to prevent corruption-

This Guide could serve as reference for Member States to the extent their respective domestic legislation and regulations permit it.

This Guide should not be interpreted as a legal instrument imposing new obligations on Member States, nor does it limit or override existing maritime control systems.

### **The problem**

In the area of trade and transportation of both national and international merchandise, the Group of Experts has recognized that the use of maritime freight containers is the most efficient method for the commercialization of products, and that criminal organizations take advantage of legitimate shipping mechanisms to transport products toward illicit channels not only in the Americas but throughout the world. The problem of corruption among personnel working in private companies located in maritime ports has been raised in previous CICAD sessions; therefore, the plan is to pursue a series of measures aimed at mitigating risks and strengthening security measures within maritime ports and facilities.

This initiative includes front line workers at the ports, administrative personnel, as well as outside managers and contractors that provide support and take part in the day to day operation of port facilities.

Criminal organizations use various methods in order to gain assistance from within the facilities, offering employees tempting financial compensation that wildly exceeds their salaries.

### **Specific proposal**

The following is a series of suggested pro-active measures to be implemented by government entities with direct competence in the area in order to prevent and discourage the criminal activities outlined above, which could then be proposed for implementation to the private companies involved in the operation of the port facilities. To wit:

- Develop and print information brochures, posters and other graphic tools to alert personnel of the serious risks posed to them by proposals to engage in corruption and disseminate them among the companies.
- Explain to private businesses the interest of the government sector in preventing criminal activities and promote cooperation more fluid communications with the private sector.
- Suggest to private businesses that they conduct criminal background checks of potential employees.
- Organize formal meetings with top management of private companies to make them aware of the importance of implementing preventive and protective measures to safeguard operations and personnel, and then, at a second meeting, include the rest of their employees.
- Encourage the businesses involved to draft an internal Code of Ethics aimed at employees to promote “professionalism” and corporate citizenship.
- Hold regular informational meetings in the format of training and awareness sessions to provide information regarding the legal framework regulating port operations and also with regard to foreign trade of narcotics, precursor chemicals and pharmaceutical products.
- Encourage and promote dialogue between the government and the business sector.
- Foster the establishment of permanent channels of communication between employees and company management whether by creating a special email account for that purpose and/or by setting up a suggestions box and written notifications system.
- Provide information regarding known and illicit methods of maritime trafficking in narcotics, precursor chemicals and pharmaceutical products and the risks associated with taking part in such activities.
- Foster the adoption of preventive measures to be implemented by the business sector.
- Provide information to businesses so that they may alert employees regarding the various methods used to take advantage of them and emphasizing the consequences of providing support to drug traffickers.
- Encourage businesses to implement a mechanism for employees to report suspicious activities or operations through anonymous notification when they detect that such activities violate the security protocols in force at port facilities.

- Guarantee the confidentiality of information provided in anonymous reports.
- Train port personnel on the importance of control measures (polygraph/random drug tests), as long as it is permitted by the legislative authorities in the Member State.
- Encourage the internal auditors of companies to conduct regular background and financial control checks of employees (if authorized by the domestic legislation of the Member State).