

Testimony of
Mr. Kim E. Petersen

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Thank you Chairman Feinstein and members of the Committee. As the Executive Director of the Maritime Security Council, I am pleased to have this opportunity to address the committee today to relate the views and concerns of our membership.

Background

The Maritime Security Council was created in 1988 to address the many security concerns of the US and international maritime community. We are a member-driven organization that works closely with United States government agencies concerned with maritime security and counterterrorism. Our mission is to advance the security interests of the international maritime community against terrorist and other transnational criminal threats. The MSC represents maritime interests before government bodies; works in partnership with industry and government; disseminates timely information to its members; encourages the development of industry-specific, task-appropriate security technologies; and, convenes conferences and meetings for the membership.

The MSC has established partnerships with a number of these agencies to prevent or respond to a wide range of transnational criminal activities, including terrorism, illegal drug trafficking, piracy, theft, and trafficking in human cargo.

In addition to being the principle clearinghouse for the exchange of information between its carrier members, the MSC also acts as a liaison with regulators and governments offering vital intelligence on crimes at sea, and information on security conditions in foreign ports. The Maritime Security Council has been designated as a maritime security advisor to both the US State Department, through its Overseas Security Advisory Council, and Interpol, the international police agency. As a consequence of these roles, the MSC was called on to assist in the development of US Sea Carrier Initiative and Super Carrier Programs and was instrumental in helping develop sections of the Port, Maritime, and Rail Security Act of 2001.

Maritime Industry Actions

It is important to acknowledge that the maritime industry, both the sea carriers and the ports, have been working for years to address the issue of crime and security in the maritime environment. The passenger cruise industry unilaterally developed and implemented access control and accountability measures designed to mitigate or deter criminal activity through the identification and exclusion of unauthorized personnel. Some states, most notably Florida, had begun extensive port security programs that have become models for the rest of the nation.

However, subsequent to the terrorist attacks of September 11, the maritime industry's focus changed from mitigation of criminal activities to the prevention of terrorism. This has had the effect of directing resources at a new and more complex threat, while at the same time providing

viable safeguards against criminal concerns, such as container theft, drug smuggling, and conspiracies to bring in illegal aliens.

Threats and Challenges to Maritime Homeland Security

While it is readily accepted that our seaports are a critical component of the US national infrastructure, a clear understanding of how these engines of commerce are protected is not so readily appreciated. What is of surprise to many is that it is not the federal government that is providing security for our nations seaports, but rather it is local governments and port authorities coupled with local law enforcement and private security companies. Were it not for local governments protecting the seaports themselves, federal agencies such as INS, Customs, and the Coast Guard would not be able to perform their mission. Therefore, it is of significant concern to the Maritime Security Council that the extraordinary needs of port authorities and local governments for funding to perform fundamental security operations necessary not be overlooked when monies for infrastructure security enhancements and recurring operational costs are being allocated. Absent state-directed funding and federal reimbursements for completed security capital improvements, we can expect that many ports will simply be unable to meet the many challenges created as a consequence of the horrible events of September 11.

Maritime Homeland Security: Where Does It Begin?

As I testified before the US Senate's Commerce Committee in October, it would be a catastrophic mistake for us to consider US borders and coastlines as our first line of defense against foreign-based foes. In addition to enhancing domestic seaport security measures, the Maritime Security Council believes it is critical to push back the boundary of homeland security to foreign ports of origin. Particularly in an age of increasingly available Weapons of Mass Destruction, it must be seen as a dangerous policy to await the arrival of a suspicious cargo into an American seaport before it is subjected to scrutiny.

A program analogous to the Federal Aviation Administration's foreign airport security assessment program needs to be developed and funded. A foreign seaport assessment program would need to identify those ports that fail to meet minimum security standards with such standards being agreed to through the UN's International Maritime Organization. There is presently movement in that direction by the US Coast Guard, the Department of Transportation, and organizations such as the Maritime Security Council in meetings with the IMO in London. The next critical element would be for the US to spearhead a program that would provide technical assistance and, where necessary, financial help to those ports that serve as potential points of origin for those bent on harming American interests.

The Maritime Security Council recommends to this Committee that every port of origin with ships bound for a US destination should be audited at least once every three years, with non-compliant ports being audited annually until they achieve compliance. Implementation of this program, and the sanctions that would become a part of it, will create self-sustaining financial incentives for compliance with these new international port security standards.

Training and Certification of Maritime Security Professionals

The Maritime, Port and Rail Security Act of 2001 creates a mechanism for establishing training and certification standards for maritime security professionals. It creates the Maritime Security Institute, under the direction of the Federal Law Enforcement Training Center, as an international

center for training and certification. This program would also be open to foreign personnel responsible for managing port or vessel security operations. The Maritime Security Council is proud to have been instrumental in this component of the Act and we believe it will prove to be one of the significant legacies of this legislation.

Conclusion

The Maritime Security Council thanks you, Madam Chairwomen and the other members of the Committee for the opportunity to provide this testimony. We at the MSC stand prepared, as we always have, to assist the Committee and its staff on its important efforts, and we will be dedicating a significant portion of our International Maritime Security Conference, being held in Ft. Lauderdale, March 6 - 8, 2002, to discuss the issues raised in this hearing.

Thank you.