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**U. S. Maritime Security – Strategies and  
Measures Applied**

*Master's thesis*

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## **Abstract**

National security of the United States of America is dependent on secure use of the world's oceans. U. S. security interests are bound to international trade which is carried out primarily by ships (80 percent of world trade by volume of which 20 percent is bound to U. S. maritime trade). Vastness of maritime domain brings about many security issues which threaten interests of the United States. Terrorist attacks on the World Trade Center and Pentagon on 9/11 caused rapid intensification of security measures. These measures have been implemented to deal with maritime related threats such as terrorism, piracy, drug smuggling, human trafficking, arms trade, computer criminality or natural disasters.

This work proceeds from widened concept of security pioneered by authors representing the Copenhagen school.

## **Keywords**

United States of America, maritime security, port, piracy, container transportation

## **Abstrakt**

Národní bezpečnost Spojených států amerických se odvíjí od zajištění námořní bezpečnosti po celém světě. Americké bezpečnostní zájmy jsou úzce spjaté s mezinárodním obchodem, který je realizovaný zejména nákladními lodmi (80 procent celkového světového obchodu, z čehož 20 procent se přímo týká Spojených států). Rozměrnost světových oceánů a jejich obtížná kontrola dává prostor pro výskyt událostí, které znamenají nebezpečí pro zájmy Spojených států. Teroristické útoky na Světové obchodní centrum a sídlo Ministerstva obrany Spojených států amerických způsobily výrazné zesílení bezpečnostních opatření v námořní oblasti. Tato opatření mají za cíl snížit námořní hrozby, mezi které lze zařadit terorismus, pirátství, obchod s drogami, lidmi, či zbraněmi, ale také počítačovou kriminalitu nebo přírodní katastrofy.

Tato práce vychází z rozšířeného pojetí bezpečnosti, tak jak je chápáno zástupci Kodaňské školy.

## **Klíčová slova**

Spojené státy americké, námořní bezpečnost, přístav, pirátství, kontejnerová doprava

## **Rozsah práce**

201 756 znaků s mezerami.

## **Declaration**

1. I declare that the following Master's thesis is my own work and that I used only the listed sources and literature.
2. I declare that this thesis was not used to obtain another title.
3. I give my consent to Charles University to make this work available for research purposes.

In Prague, 15 May, 2017

Bc. Jakub Herout

## **Acknowledgement**

I would like to express my gratitude to my supervisor doc. PhDr. Mgr. Francis Raška, Ph. D. for his valuable comments and suggestions throughout my research.

## **Institute of Political Studies – Master’s thesis project**

### Theme:

My Master’s thesis will focus on issues and factors that affected maritime security of the United States of America in the time period after terrorist attacks on 9/11. I will evaluate not only relevant reactions that occurred immediately after the attacks, but also specific long term plans related to maritime security as a part of homeland security.

### Methodology:

This work will function as an explanatory case study, consisting of complex research of specific phenomenon, which will be processes within the field of U. S. maritime security system in my case. I will focus on “why” and “how” rather than simply labeling security responses the U. S. authorities applied after 2001.

My research will concern one single case which will serve as an end in itself; therefore any outcome of this work shall not be used as a pattern for different cases, even if they were somehow related to the field of maritime security. I will approach the U. S. maritime security theme as a closed system with its inherent logic and clear limits. One of these limits will be the time period specification as it will cover only strategies and measures applied after 9/11. Another limitation will concern the relevance to a specific nation as this work will consist of information related to the United States of America.

I will use descriptive and explanatory methods while focusing also on historical elements related to my topic. Based on my analysis of existing literature, published academic journals and valid legislation related to the field of my study, I will use deductive techniques in order to explain the phenomenon of U. S. maritime security in adequate depth.

### Brief background information:

The United States is reliant on the security at the global level. Its own safety and economic prosperity depends highly on whether world’s oceans are secure or not. Considering constantly growing importance of container transportation, vessels

enlargements, and quicker inner processes within the ports, protecting world's oceans is nowadays a necessity. However, apart from controlling open seas, there are also other sectors that need attention when evaluating the U. S. maritime transportation security. The U. S. domestic trade is dependent on secure functioning of inland water ways, Great Lakes water routes and also domestic deep sea. There are barges and vessels operating mainly on the U. S. inland waterways and in the area of Great Lakes. Domestic coast wise trade is dependent primarily on containerships and tankers. There have been various programs established since 2001. I will cover them in my work and try to come up with explanation of why these were used and how successful the implementation of these programs was. With the development of container transportation, new security challenges have emerged, such as protecting cargo against theft, having control over containers through monitoring and protecting shipment against pirates. High use of containers provides an alternative for smuggling drugs, people or weapons, including weapons of mass destruction. In my thesis I will apply my mind to the existence of Bureau of Transportation Statistics, which is supposed to provide with data related to the U. S. transportation system and I will also explain the significance of the U. S. Coast Guard, which acquired extensive powers after 2001 and has operational responsibilities at the federal level and also in the ports. Considerable part of my work will focus on studying legislation passed by the U. S. Congress after 9/11 such as the Maritime Transportation Security Act, The Security and Accountability for Every Port known as the SAFE Port Act, The Secure Freight Initiative, and the Importer Security Filing.

#### Research questions and hypothesis:

In my thesis I will focus on the most problematic issues related to the U. S. maritime security, including the adverse smuggling and corruption. Apart from this basic theme I will try to find an answer on the question: "What strategies and measures were applied after 9/11 in order to ensure the U. S. maritime security?" This shall lead me to another question: "Why these strategies and measures were applied and were they effective enough to fulfill their objectives meaning protecting the U. S. maritime transportation system and securing the U. S. ports?" Third question which should be answered is: "What gaps remained to be filled in terms of providing with security in the



U. S. maritime system?” My hypothesis is that: “The United States of America reacted to the terrorist attacks of 9/11 with various strategic plans and security measures that altogether signified dramatic change for the homeland security and guaranteed eminent safety in the field of maritime transportation. More specifically, Combined Task Force serving as piracy deterrent, alongside with implementation of the Secure Freight Initiative with the aim to scan 100 percent of U. S. bound containers for radiological and nuclear material, and with the Importer Security Filing through which authorities have enough information about all importers that plan to access the ports, all risks and threads maritime sector has been facing is now reduced to a minimum“.

#### Sources critique:

Regarding sources and literature, I will be working mainly with printed books, official reports provided by U. S. bureau authorities, and academic journals. Key publication on the topic is called *The New Era in the U.S. National Security: an Introduction to Emerging Threats and Challenges* was written by Jack A. Jarmon in 2014. In one chapter it explains the functioning of maritime trade between the United States and its foreign partners with emphasis on weak elements of this phenomenon. I will also use information on national security strategies applied during the Bush administration provided in the publication called *American Foreign Policy: Pattern and Process*, which was written by Eugene R. Wittkopf, Charles W. Kegley Jr., and James M. Scott.

There are yearly reports provided by the Bureau of Transportation Statistics that clarify processes in the U. S. transportation system including maritime trade. I will use annual reports from years 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2015 and report covering the development in transportation systems between 1994 and 2014. Other reports I will study are concerned with America’s container ports, operational functioning of large passenger vessels, and changing tide of U. S. - international container trade.

I will evaluate the *National strategy for maritime security* from 2005 and the *U. S. counter piracy and maritime security action plan* from 2014. To understand the phenomenon of piracy properly, I will add report written by Matthew Chambers called

*International piracy and armed robbery at sea: hindering maritime trade and water transportation around the world* to my research. Also I will use article from the Journal of Peace Research called *Global patterns of maritime piracy, 2000-09: Introducing a new dataset*.

Department of Defense published *The Asia-Pacific maritime security strategy* in 2015, which explains the functioning and processes valid for this specific region and expresses the U. S. national security objectives related to freedom of the seas and conflict deterrence.

John F. Frittelli wrote a report on *Port and Maritime Security: Background and Issues for Congress*. In 2005, Maritime Security Policy Coordinating Committee came up with *Maritime Transportation System Security Recommendations for the National Strategy for Maritime Security*.

I will also work with texts such as *Establishment of U. S. Antiterrorism Maritime Transportation System* or *New U. S. Maritime Security Strategy Includes Legal and Institutional Initiatives*.

Important part of my study will be concerned with specific legislation; therefore I will include documents such as the *Maritime Transportation Security Act*, the *Security and Accountability for Every Port*, the *Secure Freight Initiative*, and the *Importer Security Filing* to my references.

After all, there are various sources related to field of maritime security. My goal is to understand them properly and come up with a detailed study that would explain the causes that brought existing conditions in the maritime security field about.

I may not use some of the articles mentioned above if they end up being irrelevant or if the information in them are to appear coincident to one another. On the other hand, I may also come across new articles related to topic of my thesis or any work that has been missed by me during my search for sources.

Expected sources:

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# INTRODUCTION

*“Perfect maritime security can only be achieved by shutting down the transportation system.”<sup>1</sup>*

The purpose of this master thesis is to explain all relevant factors that have shaped the U. S. maritime security framework since terrorist attacks on the World Trade Center and Pentagon on 9/11. While investigating the crucial context of inner principles and processes within maritime sphere from the perspective of the U. S. administration, this work aims to present a complex study as an end in itself with no ambition to serve as a manual for other maritime systems with different experiences and objectives. This work aspires to present systematic research conducted by thorough analysis of published strategic documents, including national security strategies, updated initiatives, and operational plans which altogether serve as instruments that deal with maritime related threats to the U. S. national security.

Case study research design is staged on the grounds of common technical definition which states that case study: (1) investigates a contemporary phenomenon within real-life context, and (2) lacks clearly evident boundaries between selected phenomenon and its context.<sup>2</sup> Proposed definition does explain what conditions need to be fulfilled in order to use case study as research strategy. However, it does not suggest research methods that may be used to study selected case. The most applicable method for the purpose of this thesis is qualitative content analysis. In this case it means studying text documents including official national strategies, approved legislation documents, or published academic reports. Philipp Mayring differentiates between three forms of analytical procedures of interpretation: (1) summary, (2) explication, and (3) structuring.<sup>3</sup> In this context, summary means reducing the studied material in a way that the essential contents remains; explication provides additional material with view to increasing comprehension, explaining, and interpreting particular passages of text; and

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1 FRITTELLI, John, F., Port and Maritime Security: Background and Issues, Nova Publishers, 2003, p. 65, ISBN 1-59033-823-5

2 YIN, Robert, K., Case Study Research: design and methods, 4<sup>th</sup> edition, Applied Social Research Methods Series, Vol. 5, SAGE, 2009, p. 18, ISBN 978-1-4129-6009-1

3 MAYRING, Philipp, Qualitative content analysis: theoretical foundation, basic procedures and software solution, Klagenfurt, 2014, p. 63

structuring filters out particular aspects of material and assesses the material according to pre-determined ordering criteria.<sup>4</sup>

This thesis will also use statistical data, which will serve as quantitative additions necessary for the proper assessment of relevant context. However, rather than comparing statistics from different time periods or simply describing various issues related to maritime industry based on statistical data, the major substance of this research should be in finding determinant logic of the U. S. maritime security in the 21<sup>st</sup> century. Explanatory and deductive researching techniques will be used to a certain degree as this study aspires to provide the reader with comprehensive understanding of inner processes and trends within maritime system in regards to the U. S. national security. Researching given case based on determined methodological application- while respecting chosen theoretical framework- shall explain maritime related system rules and give the reader complex picture of this phenomenon. Because all branches of the U. S. national security have their own specifications, it is important to understand not only principal strategies and methods the U. S. administration has to provide, but also the very reasons of doing so. In other words, this work seeks to search for patterns that have influence on constant changes in the U. S. maritime security framework.

Empirical part of this research deals with specific sets of questions: “What strategies and measures have been applied after 9/11 in order to ensure the U. S. maritime security and why were these applied?” Thorough study of this phenomenon should give us proper answer on the actual level of the U. S. maritime security by explaining the sub-question: “How effectively does the U. S. administration deal with threats affecting U. S. ports and U. S. maritime security as part of homeland security?” The last question still waiting to be answered is: “What holes remain to be filled in terms of providing security in the U. S. maritime system?”

The U. S. reacted to terrorist attacks on 9/11 with various strategic plans and security measures that altogether signified dramatic change for the homeland security and guaranteed eminent safety in the field of maritime transportation. More specifically, with Combined Task Force serving as piracy deterrent, alongside with implementation of the Secure Freight Initiative which aims to scan 100 percent of U. S. bound containers for radiological and nuclear material, and with the Importer Security Filing

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4 MAYRING, Philipp, Qualitative content analysis: theoretical foundation, basic procedures and software solutions, Klagenfurt, 2014, p. 64



through which official authorities have enough information about importers that plan to access U. S. ports, all risks and threats maritime sector has been facing is now reduced to minimum.

It wouldn't be possible to come up with valid and reasonable research without proper conceptualization. Apart from already mentioned purposes, this thesis will also have function of testing whether chosen concept is applicable to real world situations. It is necessary to note that incorporation of selected concept is also supposed to redeem the lack of conceptual specification in attached project.

Changes in the international system affected the way of how traditional approaches perceive world's order and its characteristic principles. Concept of national security approached by realists put emphasis on military power, politics or two-way relation of struggle between states as sole referent objects. Realist school was primarily concerned with struggle for power, which was prevailing approach during the Cold War era.<sup>5</sup> However, this approach is not sufficient for the purpose of this thesis because of the complex nature of studied phenomenon. Therefore there is a need to apply some kind of widened concept in terms of both referent objects and sources of threats. In this case, the studied relation has been formed between the widened concept of national security pioneered by authors representing the Copenhagen Peace Research Institute (COPRI) and practical understanding of dealing with issues that had been securitized to be existential threats affecting national security of the U. S.

Chosen conception is thoroughly explained by Barry Buzan, Ole Wæver and Jaap de Wilde in the book *Security: A New Framework for Analysis*, which shall serve as primary guidance when evaluating theoretical basis of this study. After evaluating the widening process on both vertical and horizontal lines, meaning adding community to the state as another referent object and considering wider range of threats falling into political, economic, societal, and environmental field, it shall be possible to research processes related to the U. S. maritime security and apply them on chosen theoretical framework. Another significant contribution regarding security field was caused by introduction of process called "securitization". This conception will be introduced later as it is a very important element of chosen theoretical framework.

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<sup>5</sup> BUZAN, Barry, *People, States & Fear: An Agenda for International Security Studies in the Post-Cold War Era*, ECPR Press, 1 March, 2008, p. 30, ISBN 0955248817

This thesis assesses U. S. maritime security as part of homeland security. Dependence on the world's ocean and its commercial use is essential for the U. S. for many reasons. Ships carry most of the world's trade by volume which brings many issues into question, such as transnational crime and terrorism. Drug trafficking cartels, illegal migration, money laundering and piracy all fall under this section. More detailed analysis of transnational crime and all relevant issues connected to this phenomenon is a subject of matter of one of the later chapters. Reactions of the U. S. administration in terms of new strategies and measures that have been applied in order to deal with emerging threats will be introduced and explained alongside with the evaluation of effectiveness of the U. S. maritime security.

This research has its limitations in two essential ways. First, its time period limitation is specific to evaluations of the subject of study only for the 21<sup>st</sup> century. Therefore, the information presented in this research shall not be applied to any historical events related to the U. S. maritime security before 9/11. Second, the main focus is given to the U. S. maritime security as part of its national security, or more precisely homeland security. While respecting the importance of international regime when researching maritime system and its logic, main focus of study is the U. S. and its relation to its own maritime security interests.

## LITERATURE REVIEW

Besides already mentioned book *Security: A New Framework for Analysis* written by Barry Buzan, Ole Wæver and Jaap de Wilde, this thesis will be based on in-depth study of other publications, academic journals, legislation transcriptions, or statistical reports. One of the key publications regarding maritime security as part of homeland security is called *The New Era in the U.S. National Security: an Introduction to Emerging Threats and Challenges* written by Jack A. Jarmon in 2014. It explains functioning of maritime trade between the U. S. and its foreign partners, with the emphasis on the weak elements of this process. Another publication *American Foreign Policy: Pattern and Process* by Eugene R. Wittkopf, Charles W. Kegley, and James M. Scott is relevant to the subject of this thesis because of its focus on U. S. national security strategy introduced by the administration of George W. Bush.

Regarding systematic changes and security measures introduced by the U. S. administration, there are several important reports and key legislations that are crucial for the purpose of this research. John F. Frittelli published a report on *Port and Maritime Security: Background and Issues for Congress*. In 2005, Maritime Security Policy Coordinating Committee came up with *Maritime Transportation System Security Recommendations for the National Strategy for Maritime Security*. This review will be compared with the actual *National Strategy for Maritime Security* from 2005. Other key texts, *Establishment of U. S. Antiterrorism Maritime Transportation System* and *New U. S. Maritime Security Strategy Includes Legal and Institutional Initiatives*, published by the American Society of International Law, serve as additions to *Cooperative Strategy for 21<sup>st</sup> Century Sea-power* of 2007 introduced by deputies to the U. S. Navy, the U. S. Marine Corps, and the U. S. Coast Guard. Department of Defense published *The Asia-Pacific Maritime Security Strategy* in 2015. This issue explains functioning and processes valid for this very important maritime region and also expresses U. S. national security objectives related to freedom of the seas and conflict deterrence. Relevant pieces of legislation will be crucial for this research. To name a few, this work will evaluate the *Maritime Transportation Security Act*, the *Security and Accountability for Every Port*, the *Secure Freight Initiative*, and the *Importer Security Filling*. It is important that given subject of study is assessed within the legal normative framework.

As for the piracy phenomenon, there is a file called *United States Counter Piracy and Maritime Security Action Plan*, which explains this issue in detail. For better comprehension of this matter, there is a report written by Matthew Chambers called *International Piracy and armed robbery at sea: hindering maritime trade and water transportation around the world*. The piracy phenomenon is perceived from a different perspective in the article called *Global patterns of maritime piracy, 2000-09: Introducing a new dataset*. This article assesses the piracy issue from a statistical point of view and represents more quantitative style of research which will be useful for the purpose of this thesis.

The Bureau of Transportation Statistics releases yearly reports that focus processes within the U. S. transportation system including the U. S. maritime trade and issues relevant to this phenomenon. For the purpose of this work, reports from 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, and 2015 will be used as well as the report covering the development in the transportation system between 1994 and 2014. These reports will serve as important documents that shall manifest definite patterns of maritime security development throughout the years.

It is necessary to note that there are no complex studies concerning U. S. maritime security trends following terrorist attacks on 9/11. This work is based on analyzing separate documents dealing with respective issues. Lack of all-embracing works regarding the U. S. maritime security framework was one of the primary reasons for actual embarking on this research.

# 1 CONCEPTUALIZATION

When evaluating theoretical framework essential for this thesis, it is necessary to distinguish between various approaches that assess concept of security, or more precisely national security. Only with proper conceptualization it is be possible to actually research maritime security and its inner logic.

Traditionalists argue that state-centered international system is shaped by political influence and military threat. This presumption could potentially serve the purpose of this work supposing that we only considered military strategies within maritime security. However, the concept of security is flexible and it means different things in different places, depending on what people perceive as threats and what is in stake in terms of protection.<sup>6</sup> This research works on the presumption that there are many aspects apart from the military ones that shape maritime security of the U. S.

As noted in previous chapter, this conceptualization proceeds mainly from principles introduced by scholars such as Barry Buzan, Ole Wæver and Jaap de Wilde. Based on their work we are able to differentiate traditional realist approach from the newer approach which has widened both referent objects and sectors of security threats. Moreover, new constructivist operational framework was introduced. This addition to methodology discipline is groundbreaking and certainly worthy of separate in-depth analysis. Focus on the process of securitization, in spite of its importance, could divert our orientation away from the primary intent of this work. Following text will introduce this operational framework so that later chapters dealing with maritime related threats to the U. S.- and strategies and implemented measures protecting the U. S. from these threats- make sense in terms of security projection.

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<sup>6</sup> MANGOLD, Peter, *National Security and International Relations*, Routledge, 1990, p. 4, ISBN 0-415-02295-9

## 1.1 SECURITIZATION

Politics deal with public issues that are ranging from non-politicized to securitized, based on the official presentation of these issues. When issue is presented by the authority as existential threat, it is put higher on the political agenda and extraordinary measures may be applied in order to deal with such threats. According to Wæver, securitization is a process through which issue is labeled as “security issue” by an actor; it is done by speech act, which shifts “normal issues” to “security issues”.<sup>7</sup> Moreover, threats can arise in many areas, military and non-military and they have to meet defined criteria to be able to be characterized as security issues: “They have to be staged as existential threats to a referent objects by securitizing actor who thereby generates endorsement of emergency measures beyond rules that would otherwise bind.”<sup>8</sup>

Authors from COPRI analyzed how issues become security issues on the basis of strictly defined operational methodology. The process of securitization is a speech act which has to fulfill three preconditions to be successful: (1) labeling existential threat, (2) taking emergency action, and (3) having effects on inter-unit relations by breaking free of rules.<sup>9</sup> Therefore, securitization is only successful if the message regarding the issue presented as an existential threat manages to get from securitizing actor to respective audience and gets accepted as existential threat by such audience. This is an important condition as if the message was not accepted by the audience the process would be called “securitizing move”.<sup>10</sup>

The object of security is not stable; it is rather a system of historical discourses comprised of threats designated by political representation.<sup>11</sup> Identification of security threats comes hand in hand with implementation of measures to deal with these threats. The objectivity of such identification is then challenged due to its non-universal validity.

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7 SHEPHERD, Laura, J., *Critical Approaches to Security: An Introduction to theories and methods*, Routledge, 2013, p. 52

8 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, 1998, p. 25, ISBN 1555877842

9 Ibid, p. 26

10 Ibid, p. 25

11 KRAUSE, Keith, WILLIAMS, Michael, C., *Broadening the Agenda of Security Studies: Politics and Methods*, *Mershon International Studies Review*, Vol. 40, No. 2, October 1996, p. 243

## 1.2 WIDENING OF THE NATIONAL SECURITY CONCEPT

Widening of referent objects and sources of threat is a crucial element of securitization theory because it explains the concept of national security as general term covering subcategories including maritime security. It is necessary to delineate limits of research so that there is no doubt about what given referent objects or sources of threat are. Methodology itself is a matter of choice and since the core purpose regarding maritime security addresses specific causes of threats and consequent maritime strategies, it is not requisite to focus exclusively on securitization process itself- or in other words it is not necessary to describe “speech acts” of securitizing actors. Instead, focus on fundamental processes within maritime security domain and finding its inner logic is purposeful within this case study.

This thesis works on the presumption that later specified security threats within maritime system are at the same time existential threats to the U.S national security. Reforming security studies in a sense of widening the concept of security is a key aspect of security discipline that subsequently allowed this research to explore all core issues that are relevant to maritime security of the U. S.

State is no longer the only referent object, even though it remains crucial notion when evaluating national security issues. Apart from this referent object, there are also other units such as society, nation, non-state actors or individuals, depending on what threats are considered. And all these components representing different referent objects of national security are swayed to maritime threats to some degree. Widening of sectors of interest with respect to sources of threat is necessary for our purposes. Apart from military and political sectors, there is also the economic sector, which includes issues related to trade, production department and finances, the societal sector which applies questions of collective identity, and the environmental sector dealing with relationships between human activity and the environment.<sup>12</sup>

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12 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, Security: A New Framework for Analysis, Lynne Rienner Publishers, 1998, p. 7, ISBN 1555877842

### 1.2.1 THE MILITARY-POLITICAL SECTOR

The military-political sector is dealing with threats aiming at the fundamental substance of a state, meaning its sovereignty or ideology. State- as primary political structure that defines a notion of political administration having power over given territory- has to provide national security that deals with both domestic and international threats and must preserve its political foundation and inherent autonomy. State must protect these values by all possible means, even by using armed force. The purpose of armed force is to defend state and its core principles from military threats and it must be directed into domestic construction as well as to the position of a state amongst other members of the international system.<sup>13</sup> States are trying to find balance between expenditures on defense and providing security to all referent objects. Perception and operation of military threats is shaped by geography through distance and terrain. In other words, military threats are less likely to be put into practice when they have to travel over long distances. However, this may not apply to nontraditional military relations. Terrorists and other criminal groups are not as much concerned about the distance as they intend to carry out their quests by other means (such as cyber war for example) in which distance does not matter.<sup>14</sup> Yet advancement in technologies related to the military industry and the globalization enabling prompt commerce and interstate trade disparage the distance element. Distance is not the only element that influences the success rate of military actions directed at particular referent object. It also matters what means of attack must the aggressor use, depending on the character of terrain separating both locations. For instance, the U. S. can capitalize on its position between the Atlantic Ocean and the Pacific Ocean, having common land borders with only two neighboring countries- Mexico and Canada. Oceans may serve as shields slowing down aggressors and enabling the U. S. to prepare for an attack. On the other hand, this assumption is only applicable when considering mainland- as proved in December 1941 when Japanese attacked U. S. naval base at Pearl Harbor, Hawaii. Also there are many U. S. naval bases and other maritime platforms across the world that fall under the U. S. administration and do not profit from isolation caused by the ocean. These outposts have to rely on their own operational programs and procedures intended to cover both

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13 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, 1998, p. 50, ISBN 1555877842

14 *Ibid*, p. 59



preventive and reactive measures. They also operate as representatives of U. S. authority which gives them distinctive negotiating powers.

### **1.2.2 THE ECONOMIC SECTOR**

In case of the economic sector, the most important purpose of a state is to provide its citizens with basic needs. In order to do so, state authorities must consider not only domestic trade and production, but also global market, because of its influence on economies of constituent states. The largely liberalist approach in economic agenda is noticeable in both production and trade. The U. S. was a dominant economic power at the global level after the Second World War and it was not until the seventies of the twentieth century that the U. S. started to be dependent on the import of oil, trade deficits, and pressure on the dollar. Alongside with the emerging globalization, economic interdependence and market liberalization, American concerns about hegemonic decline started to rise and the U. S. administration had to adapt to these new systemic changes.<sup>15</sup> Economic agenda consists of: (1) ability of a state to provide independent military production, (2) possibility of exploitation of oil trade within the global market, (3) existing inequalities, (4) dealing with illegal trade including drugs, light weapons, weapons of mass destruction and its components; and (5) possible financial crisis at the global level.<sup>16</sup>

Regarding referent objects, the economic sector consists of units such as global market as the most universal notion, regional commonwealth, state, governments, firms and other non-governmental organizations, community, or individuals. All these objects are concerned about the free flow of finances and goods. Liberal approach dominating current global market is in direct conflict with security needs of all referent objects. State administration must find balance between efficient commerce and adequate security by preventing security threats while not overly intervening trade processes. Security policy of a state is linked to insurance as states look for compromise between

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15 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, 1998, p. 97, ISBN 1555877842

16 *Ibid*, p. 98

strategically desirable and economically possible. This activity may lead to under-insurance on one hand and over-insurance on the other.<sup>17</sup>

### 1.2.3 THE SOCIETAL SECTOR

The societal sector represents a state's ambition to secure its core values in terms of "identity". Considering both national and religious values is essential for state and its population. Society has to prevent unwanted foreign identities and flow of migrants from entering the country by establishing measures that present specific rules and procedures that eventually allow limited influx of different cultures and diverse habits. Unlike the "social" security concept- concerning individuals in economic sense, dealing with their wealth rate, living and working conditions, or insurance capacity- the "societal" security is peculiar to wider community of people sharing same values or location and language, even though the later two elements represent political construction rather than historical shaping of communities into society. It is important to distinguish society from other notions such as the nation or the state, because these terms may not always correspond.

Identity is usually constructed as the "us" which is indispensably in conflict with some "them" idea. The societal security has to deal with following issues that count for threats to the "us" identity: (1) migration, meaning that some people from different parts of the world decide to move from various reasons from their country and settle in my country, thereafter shifting the composition of the population and simultaneously changing the identity, (2) horizontal competition peculiar to original community that has to change their ways because of the cultural and linguistic influence from the infiltrating community, and (3) vertical competition signifying the end of old ways. Identities of the past are no longer relevant as there are new identities constructed.<sup>18</sup>

Society can react to these threats either by forming its own closed organization in which the community exists with no intentions to interact with the "outside" world, or by securitizing threats in order to put them higher on the political agenda. If this

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17 MANGOLD, Peter, *National Security and International Relations*, Routledge, 1990, p. 15, ISBN 0-415-02295-9

18 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, 1998, p. 121, ISBN 1555877842

happens and society delegates these issues to political authorities of a state, new expedient options for dealing with security threats are set up. These include updates in legislation, strict admission requirements, or military action across state border.

The case of the U. S. and its attitude to identity is interesting in many ways. First of all, the U. S. is a state which constitutes of various groups representing different cultures. Americans are all in all descendants of immigrants who travelled the Atlantic Ocean to pursue and live their “American dream”. The emphasis on togetherness of specific people holding same values and feelings was manifested as far back as in 1788 when *the United States Constitution* was ratified. The opening line of the preamble: “We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America”<sup>19</sup> indicates the “us” awareness that has never disappeared.

Americans must be indispensably concerned about migration processes since their case is in fact the perfect example of consequences migration can have on identity of original community. When migrants- coming to the U. S. mainland from Europe- surpassed the native population in terms of quantity, identity of the population as a whole shifted in favor of newcomers. Americans, to most people, still represent a model of white Christians devoting their lives to “the Stars and Stripes”. However, this idea is undermined by the increase in the population rate of Hispanic and Asian peoples as well as the influx of people from all around the world, bringing new customs and habits to the U. S.

This unrelenting process of disrupting the original culture- established by the founders of the U. S. and shaped by many generations of white European Americans- suggests that the identity in the U. S. is going to experience another reshaping steps towards new multicultural community where the “us” element becomes less and less relevant.

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<sup>19</sup> Constitution of the United States, Preamble, p. 1

#### 1.2.4 THE ENVIRONMENTAL SECTOR

The environmental sector is also very important in context of security because any environmental oddness may have negative effect on a state, region, community, or even individuals. Environmental issues were added to the security agenda later than the other mentioned fields of interest. Respective discourse was first introduced at the United Nations Conference on the Human Environment in 1972 and it was not until the nineties of the twentieth century that environmental issues gained considerable level of interest.<sup>20</sup> The biggest concern of environmental sector lies in relationship between scientists and politicians. Whereas scientists name specific environmental issues and concerns from their point of view- and compel the public to follow their scientific explanations- politicians react to these impulses in more practical way, considering possible financial and political costs. In other words, politicians try to react to environmental threats conscientiously while evincing their own political stances in rather short-term period. The environmental agenda from a political point of view includes: (1) state and public awareness of issues introduced by scientists and specialists, (2) the acceptance of political responsibility for dealing with specific environmental issues, and (3) the political management of environmental questions related to international cooperation and institutionalization.<sup>21</sup>

State has to be able to establish specific measures and response plans in times of environmental crises. Agenda of environmental sector in general follows up: (1) disruption of ecosystems, such as climate change, transformation in biodiversity, depletion of the ozone layer, and pollution, (2) energy problems, including depletion of natural resources, oil transportation issues, and uneven distribution, (3) populations problems in terms of population growth and excessive consumption, unwanted migration, and unmanageable urbanization, (4) food problems arising from poverty, overconsumption, (5) economic problems caused by asymmetric distribution of goods, societal instability and securing production modes, and (6) civil strife, representing war-related environmental damage and side-effect violence.<sup>22</sup>

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20 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, 1998, p. 71, ISBN 1555877842

21 Ibid

22 Ibid, p. 74

Threats falling under the environmental sector may be caused by nature as just as by human action. Earthquake or volcano may have the same devastating effect on the particular area or community like oil spilling caused by humans.

### 1.3 INTERNATIONAL COOPERATION

All mentioned sectors- pioneered by authors from COPRI- are bound to various referent objects. States, as traditional referent objects, are still considered to be substantial authorities representing concerns of their population. However, states must cooperate with other states or international organizations in order to guarantee security to respective population. They join together with other states and form regional units that share similar values and their mutual objectives range from economic cooperation to military coactions. These regional groups are usually given by their geographical location and common threats. According to Barry Buzan, security regions are composed of two or more states, they constitute geographically coherent grouping, relationship between these states is marked with security interdependence, and pattern of security interdependence must be deep and durable, although not permanent.<sup>23</sup>

Yet there are other options how states can solve their security needs. In nowadays globalized world, security of a state is conditional to security at the global level. States, geographically isolated from one another by the ocean, are dependent on secure maritime commerce lines. These can be protected and controlled by international organizations or bilateral agreements between states that are not close to one another in terms of geographical location. This is significant for subsequent study of respective case because the U. S. is indisputably dependent on secure global maritime system and international trade since ships are major mode of transportation for the world trade with approximately 80 percent of world trade by volume of which 20 percent is bound to the U. S. maritime trade.<sup>24</sup> This research focuses on official maritime strategies and security initiatives which enable introduction of proactive and reactive measures within maritime security system. This work does not look into the preceding process of persuading the public to accept the information designated by relevant actors as a subject matter of securitization. In other words, this research does not explain how U. S. authorities perceive security- and how they securitize issues on their political agenda- but then again it focuses on practical implementation of specific maritime security measures that have been incorporated into national security framework.

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23 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, 1998, p. 15, ISBN 1555877842

24 FRITTELLI, John, F., *Port and Maritime Security: Background and Issues for Congress*, May 27, 2005, Congressional Research Service, p. 3

## 2 MARITIME THREATS

According to Barry Buzan, existential threats must be always considered in relation to particular referent object.<sup>25</sup> Threats affect international regimes and national states as well as other constituent units, including regions, communities or even individuals. When evaluating threats, it is necessary to distinguish which referent object is determined to face such threats. Simultaneously, these threats must be clearly defined since the relationship between threats and referent objects is imperative. Therefore, threats are more than just actions aiming to undermine state's sovereignty or governing authority in traditional way, even though such perception is still in the foreground of contemporary security strategies addressing security threats. For illustrative purposes, the economic sector deals with factors that might jeopardize processes within global market, interstate trade, or even single national economy- in case of commerce relocation. Threats related to the economic sector may be caused by humans through transnational crimes- such as acts of piracy- or by nature. Natural disasters then fall into economic and environmental categories. For example, pollution may undermine state's commerce and cause financial losses to the U. S. administration and other referent objects including individuals. Oil spills may negatively affect environment in areas on the coast just like hurricanes or floods. Protecting people living within coastline areas from natural disasters and having functioning reaction plans is certainly very important element of national security of a state considering that 80 percent of people globally live within 200 miles of the shoreline.<sup>26</sup>

Threats are defined by political authorities through process of securitization. As clarified in previous chapter, the purpose of this thesis is not to analyze the process itself. Instead, this work aims to consider threats that had been already securitized and analyze strategies and measures that were initiated by the U. S. administration with clear intention to deal with such threats. Contemporary discourse on maritime threats includes transnational criminal activities such as terrorism, piracy, drug smuggling, human trafficking, illegal trade of arms including weapons of mass destruction (WMD),

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25 BUZAN, Barry, WÆVER, Ole, DE WILDE, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, 1998, p. 21, ISBN 1555877842

26 Global Maritime Intelligence Integration Plan for the National Strategy for Maritime Security, October 2005, p. 1

corruption of public officials, environmental crime, computer crime, etc. This is just a demonstration of how wide the range of possible threats to the U. S. national security is.

The U. S. administration has concentrated on agenda addressing transnational crime since the end of the Cold War. The National Security Strategy of Engagement and Enlargement from 1995 even acknowledged this phenomenon to be both short- and long-term issue that must be taken seriously since it may threaten national security of the U. S. This document addressed new issues such as intrusions to military and commerce information systems, unfair trade practices, growing influence of terrorism, narcotics smuggling, and refugee flows.<sup>27</sup> These activities have not emerged all of the sudden as they had been around for many decades. Yet the process of technical development and globalization trend enabled such threats to cross state borders and function globally. There are still many countries lacking adequate form of government that would provide its population with basic living conditions and security needs. Such countries serve as primary bases for terrorist organizations and other transnational crime networks. Criminal organizations generate profit through their activity which leads to subsequent redistribution of capital within other crime networks.

Mutual connections between sources of threats are causing that particular sections of threats may overlap. Following sections introduce maritime activities that pose major threat to the U. S. national security.

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<sup>27</sup> National Security Strategy of Engagement and Enlargement, the White House, February 1995, p. 8



## 2.1 TERRORISM

Before analyzing factual terrorist threats to the U. S., it is important to define the term terrorism itself and to understand its relation to maritime domain. Even though there are plenty of different interpretations of what terrorism actually is, there is no universal legal definition of such term. Political authorities, national security services, or scholars perceive terrorism differently based on their preoccupation with defining any activities that could affect their agenda both theoretically and in practice. Therefore, there are many definitions of terrorism ranging from very short ones- that tend to simplify this concept- to half page long ones- that aim to cover as many elements of this phenomenon as possible- so that such definition bears even the strictest criterion and can function as theoretical base for real-life incidents.

One of the most apposite academic definitions of terrorism was introduced by Alex P. Schmid and Albert J. Jongman in their publication *Political Terrorism, A New Guide to Actors, Authors, Concepts, Data Bases, Theories, & Literature* in which the term was defined as: “An anxiety-inspiring method of repeated violent action, employed by (semi-)clandestine individual, group, or state actors, for idiosyncratic, criminal, or political reasons whereby – in contrast to assassination- the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.”<sup>28</sup> This definition includes many elements that seek to thoroughly specify given phenomenon. The complexity of this definition enables us to question any constituent part of it in regards to the word meaning. However, just because of this complex formulation, activities that are nowadays considered terrorist activities fall perfectly within this definition.

The North Atlantic Treaty Organization (NATO) defines terrorism as: “The unlawful use or threatened use of force or violence, instilling fear and terror, against

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28 SCHMID, Alex, P., JONGMAN, Albert, J., *Political Terrorism, A New Guide to Actors, Authors, Concepts, Data Bases, Theories & Literature*, North-Holland Publishing Company, 1988, p. 28

individuals or property in an attempt to coerce or intimidate governments or societies, or to gain control over a population, to achieve political, religious, or ideological objectives.”<sup>29</sup> This interpretation uses more general language as it draws on rather practical attitude towards terrorism and it does not aspire to contribute to contemporary academic discourse regarding terrorism and its definition shaping process, even though it does so naturally just by introducing its understanding of the term.

The Central Intelligence Agency (CIA) understands terrorism as: “Premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents.”<sup>30</sup> This formulation proceeds from definitions that are to be found in the *U. S. Code of Laws*.

All mentioned definitions only clarify meaning of the term as it is. However, they do not explain the very methods and procedures used by terrorists to carry out operations. As clear from mentioned definitions, terrorists use asymmetric warfare tactics to meet their objectives. With national defense services investing large amounts of money into counter-insurgency plans and terrorism prevention programs, it may seem like terrorists have almost no chance to succeed in their lethal quest. However, they are incessantly looking for new ways of how to outsmart their enemies. This thesis is concerned with U. S. maritime security, thus it is necessary to link terrorism with maritime domain. There are inner principles that work between the two instances. First of all, as it was just mentioned, terrorists use any opportunity that would bring them closer to fulfilling their goal. Therefore, using maritime commerce lines is something terrorists certainly take into considerations. With technological development and advanced telecommunications, terrorists can operate globally while remaining in the shadows. There have been confirmed incidents when terrorists have used shipping as a means of transportation for moving people from one place to another, logistical support, and gaining profit by establishing smuggling networks.<sup>31</sup> Terrorists may undermine maritime security system by following actions: (1) riding suicide boats loaded with explosives and attempting to hit other boats or port facilities, (2) swimming underwater and attempting to infiltrate ports, (3) using unmanned underwater explosive delivery

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29 North Atlantic Military Committee, Military Committee Concept for Counter-Terrorism, 6 January, 2016, Part I. Introduction, Sec. 1 Key Definitions, Para. Terrorism

30 CIA, Terrorism FAQs, posted 6 April, 2007, updated 19 April, 2013, available at: <https://www.cia.gov/news-information/cia-the-war-on-terrorism/terrorism-faqs.html>, viewed 8 April, 2017

31 National Strategy for Maritime Security, September 2005, p. 4

vehicles, (4) planting mines because they are inexpensive and cause relatively big damage, (5) using commercial ships as platforms for launching missile attacks, (6) taking advantage of chemicals or liquefied natural gas loaded as a legitimate cargo and using it as explosive material to conduct an attack, (7) using vessels to transport explosives or WMD and attempting to explode the load in harbor or to put it into circulation ashore, (8) using biological weapons because they are relatively difficult to detect unlike the other WMD, and (9) conducting cyber attacks to disrupt information networks or to damage information systems important for the regular operation of marine transportation system.<sup>32</sup>

John F. Frittelli, specialist in transportation, describes possible scenarios of terrorist operation within maritime domain. He puts emphasis on terrorist threats affecting port security. According to him, terrorists could: (1) use commercial cargo containers to smuggle terrorists, nuclear, chemical, or biological weapons, components thereof, or other dangerous material, (2) seize control of a large commercial cargo ship and use it as a collision weapon for destroying a bridge or refinery located on the water front, (3) sink a large commercial cargo ship in a major shipping channel, thereby blocking all traffic to and from the port, (4) attack a large ship carrying a volatile fuel (such as liquefied natural gas) and detonate the fuel so as to cause a massive in-port explosion, (5) attack an oil tanker in a port or at an offshore discharge facility so as to disrupt the world oil trade and cause large-scale environmental damage, (6) seize control of a ferry (which can carry hundreds of passengers) or a cruise ship (which can carry more than 3,000 passengers, of whom about 90 percent are usually U. S. citizens) and threaten the deaths of the passengers if a demand is not met, (7) attack U. S. Navy ships in an attempt to kill U. S. military personnel, damage or destroy a valuable U. S. military asset, and (in the case of nuclear-powered ships) cause a radiological release, (8) use land around a port to stage attacks on bridges, refineries located on the waterfront, or other port facilities.<sup>33</sup>

Above mentioned listings of possible scenarios of terrorists using maritime domain to conduct the attack- on high seas or in ports- are supporting the premise that maritime sphere is in fact relevant domain when assessing terrorist threats. Issues related to WMD are biggest concerns for the U. S. administration as the chance of

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32 National Strategy for Maritime Security, September 2005, pp. 4-5

33 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, pp. 5-6

terrorists having access to WMD is certainly the worst possible scenario. Even the *National Strategy for Maritime Security* concedes that WMD will be most likely brought into the United States via maritime domain.<sup>34</sup>

Experts on terrorism identify various reasons of why people join together into terrorist organizational structures. Apart from individual motives such as living in repressive regimes or in cultures of violence, personal victimization, low educational level, and extreme poverty, there are other impulses that attract people to join in terrorist organizations. People living in unsatisfactory conditions respond to charismatic leaders, visions of better life, and self-realization in a sense of nationalism or ideology.<sup>35</sup> The U. S. has been a key player in terms of combating terrorism since 9/11 as it initiated the “War on Terror” doctrine. The Bush administration appealed to allies for joining the U. S. in fight against terrorism as this contest became global issue. Al Qaeda played role of arch enemy of the Western culture. The U. S. directed its efforts to break up this organization which led to the eventual killing of Osama bin Laden in May 2011. However, Al Qaeda endured all attempts of the U. S. led coalition to destroy the organization. Even though the organization lost its traditional hierarchical structure, it transformed into disintegrated local cells sharing common ideology.<sup>36</sup> The Middle East is a safe haven for terrorists as they take advantage of hostile conditions in the region and pursue illegal activities. Just like people who live in the region do not understand the Western culture and see the presence of the Western coalition in the area as unjustified occupation and existential threat, same incomprehension works vice versa as well. Since 9/11 the U. S. has been struggling with fighting far enemy formed by groups following the “global Salafi jihad” movement. Whereas traditional irredentist jihadists focused solely on removing foreign occupiers from their country, contemporary global jihadists make it their goal to attack the “far enemy” which poses threat to the U. S. as the U. S. symbolizes a representative of the wicked Western culture and the biggest enemy of terrorists.<sup>37</sup> Despite the recent attenuation of activities of Al Qaeda, the U. S. must continue with its struggle against terrorism as a new major actor emerged about a decade after terrorist attacks on 9/11. The Islamic State (ISIS) substituted Al Qaeda as

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34 National Strategy for Maritime Security, September 2005, p. 4

35 FREEMAN, Michael, Democracy, Al Qaeda, and the Causes of terrorism: A Strategic Analysis of U.S. Policy, *Studies in Conflict & Terrorism*, 2008, p. 41, ISSN 1057-610X

36 HOFFMAN, Bruce, A First Draft of the History of America’s Ongoing Wars on Terrorism, *Studies in Conflict & Terrorism*, 2015, 38:1, pp. 75-76, DOI:10.1080/1057610X.2014.974405

37 FREEMAN, Michael, Democracy, Al Qaeda, and the Causes of terrorism: A Strategic Analysis of U. S. Policy, *Studies in Conflict & Terrorism*, 2008, p. 41, ISSN 1057-610X

prime terrorist organization which currently carries out most terrorist operations aimed at Western targets. This organization also adheres to the global Salafi movement and its violent practices.

## 2.2 PIRACY

*United Nations Convention on the Law of the Sea (UNCLOS)* defines piracy as any of the following acts:

- 1) “Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - a. On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft,
  - b. Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State,
- 2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft,
- 3) Any act of inciting or of intentionally facilitating an act described in subparagraph (1) and (2).”<sup>38</sup>

The Maritime Safety Committee (MSC) went even further in defining piracy as it recognized the importance of the Best Management Practices (BMP) design which was founded in order to deal with Somalia based piracy. Principles assessing acts of piracy include activities such as:

- 1) “The use of violence against the ship or its personnel, or any attempt to use violence,
- 2) Attempt(s) to board the vessel where the Master suspects the persons are pirates,
- 3) An actual boarding whether successful in gaining control of the vessel or not,
- 4) Attempts to overcome the Ship Protection Measures by the use of:
  - a. Ladders
  - b. Grappling hooks
  - c. Weapons deliberately used against or at the vessel”<sup>39</sup>

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38 United Nations Convention on the Law of the Sea, December 1982, Part VII. High Seas, Sec.1 General Provisions, Art. 101 Definition of Piracy

39 Piracy and Armed Robbery Against Ships in Waters off the Coast of Somalia, Best Management Practices for Protection against Somalia Based Piracy, International Maritime Organization, 14 September, 2011, pp. 57-58

Acts of piracy may differ in their intensity and imminent consequences. The MSC understands pirate attacks as approaches of pirate crafts with subsequent discharge of weapons on target vessel. Term hijacking stands for pirate activity where pirates take control over the vessel against the will of its personnel. Illegal boarding is where pirates board the vessel but do not take control over the command on the vessel.<sup>40</sup>

Pirate attacks may happen in harbors or on high seas. However, they are usually concentrated in “areas of heavy commercial maritime activity, especially where there is significant political and economical instability, or in regions with little or no maritime law enforcement capacity.”<sup>41</sup> Special report *International Piracy and Armed Robbery at Sea* published under the Bureau of Transportation Statistics in 2010 indicates the course of incidents of piracy or armed robbery at sea from 2001 until 2008. This report shows that the number of such incidents has been rising in Eastern Africa over the years with increase of over 600 percent when it peaked at 134.<sup>42</sup> Majority of these incidents happened in areas of Gulf of Aden and Red Sea.

Other regions with rather high occurrence of piracy attacks and armed robbery at sea include Indian Ocean, South China Sea, or Malacca Strait. Incidents in all these areas influence U. S. interests because it is dependent on international trade and functioning global commerce. Piracy and related maritime crime interfere with freedom of the seas, disturb the lawful flow of commerce, and thus affect regional stability.<sup>43</sup>

The U. S. suffers from pirate attacks even though these are not usually directed at U. S. flagged vessels. Most of U. S. related trade happens through foreign vessels. In fact, U. S. flagged vessels comprise less than one percent of the world fleet.<sup>44</sup>

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40 Piracy and Armed Robbery Against Ships in Waters off the Coast of Somalia, Best Management Practices for Protection against Somalia Based Piracy, International Maritime Organization, 14 September, 2011, p. 58

41 National Strategy for Maritime Security, U. S. Department of Homeland Security, Washington D. C., September 2005, p. 5

42 CHAMBERS, Matthews, International Piracy and Armed Robbery at Sea, Hindering Maritime Trade and Water Transportation Around the World, Special Report, April 2010, p. 1

43 United States Counter Piracy and Maritime Security Action Plan, June 2014, p. 2

44 CHAMBERS, Matthews, International Piracy and Armed Robbery at Sea, Hindering Maritime Trade and Water Transportation Around the World, Special Report, April 2010, p. 3

## 2.3 MARITIME TRANSPORTATION RELATED THREATS

Maritime transportation system is very important domain in regards to national security of the U. S. as it is vulnerable to transportation related threats both domestically and globally. The U. S. maritime system is an aggregate of more than 300 sea and river ports operating over 3,700 cargo and passenger terminals through which about 9 million marine containers enter U. S. soil each year.<sup>45</sup> As of December, there were 9,309 U. S. commercial waterway facilities (piers, wharves, and docks) engaged in domestic and foreign trade.<sup>46</sup> This number has been nearly the same over next five years with the peak in 2005 when total number of commercial waterway facilities reached 9,399.<sup>47</sup>

As mentioned above, U. S. flagged merchant fleet is active globally and also domestically. The U. S. domestic sector is then divided into three major parts constituting (1) the inland waterways, (2) Great Lakes, and (3) domestic deep sea or coastwise. The first sector is operated by barges, the second one by self-propelled vessels and integrated barge units, and the third one by container ships and tankers.<sup>48</sup> Most of transportation related threats are bound to container transportation. Containers- large boxes made from steel plates bolted together- are used to carry various goods ranging from all types of clothing, electronics, or spare parts for manufactures within engineering industry, to agricultural products or chemicals. Shipping containers were put into practice between 1957 and 1966 and they caused a revolution in global commerce.<sup>49</sup> Nowadays, there are approximately 3,000 containers per one large container ship.<sup>50</sup> However, pressure on speedy and efficient functioning of maritime transportation system makes this type of transportation vulnerable to possible human trafficking, illegal drug trade or smuggling of arms or WMD components.

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45 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 1

46 Transportation Statistics Annual Report 2001, U. S. Department of Transportation, Bureau of transportation Statistics, Washington, DC, 2002, p. 116, BTS02-07

47 Transportation Statistics Annual Report 2007, Research and Innovative Technology Administration, U. S. Department of Transportation, Bureau of Transportation Statistics, Washington, DC, 2007, p. 28

48 Transportation Statistics Annual Report 2001, U. S. Department of Transportation, Bureau of Transportation Statistics, Washington, DC, 2002, p. 48, BTS02-07

49 JARMON, Jack, A., The New Era in U. S. National Security: An Introduction to Emerging Threats and Challenges, Rowman & Littlefield, 21 March, 2014, p. 78, ISBN 978-1442224117

50 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 3



The problem is that containers usually carry cargo belonging to multiple independent companies. The process of container transportation starts at the very loading of cargo at individual company warehouses. High multitude of parties involved in single container shipment generates about 30 – 40 documents<sup>51</sup> making it difficult to track down important information regarding the shipment. Typical supply chain of representative container includes exporter, importer, freight forwarder, customs broker, customs inspector, inland transportation provider(s), port operators, and ocean carriers.<sup>52</sup> This listing of parties involved suggests that maritime domain is not- and cannot be- exclusively controlled by single agency since the scope of activity within container transportation is way too complex. Moreover, containers may be reloaded at any stopover port, which makes it difficult for terminal port to have thoroughgoing information regarding the content of a container. Also, constant upgrades in size of container ships suggest that the maritime trade is reliant on this type of transportation. U. S. bound containerships had an average capacity of 3,903 Twenty-foot Equivalent Unit (TEU) in 2012, the increase of 28.9 percent from 2002.<sup>53</sup>

The U. S. national security might be affected not only by direct misuse of container transportation. Free maritime commerce may be affected by direct attack on U. S. container ports as well. Port facilities are usually very vast areas with wide access from sea or inland. Terrorists may easily get inside the unauthorized zones and conduct attacks from hiding place within port facility. Such attack may subsequently lead to death of U. S. personnel within port facility. This suggests such source of threat have individual as well as national effect. In regards to global commerce, it is generally believed that a single attack on major container port may affect stability of global commerce because such disruption would lead to public demand for screening 100 percent of cargo.<sup>54</sup> Prior 9/11, approximately 2 percent of U. S. bound containers had been physically inspected. This numbers has risen only by three since terrorist attacks

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51 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 8

52 Ibid

53 Two Decades of Change in Transportation, Reflections from Transportation Statistics Annual Report 1994-2014, U. S. Department of Transportation, Bureau of Transportation Statistics, Washington, DC, 2015, p. 10

54 JARMON, Jack, A., The New Era in U. S. National Security: An Introduction to Emerging Threats and Challenges, Rowman & Littlefield, 21 March, 2014, p. 76, ISBN 978-1442224117

on 9/11 as it is believed that an inspection rate above 5 percent would cause a suspension of global commerce due to excessive delays.<sup>55</sup>

Moreover, container ships operating at ports are slow or even stationary based on port facility maneuvering needs. Such ships are rather easy to be taken over by terrorists using fast-moving boats or fishing boats which are hard to detect. Furthermore, the crew of container ships is usually unarmed, and thus vulnerable to seizure by a small group of armed people.<sup>56</sup>

One of the later chapters will be analyzing security measures of peculiar services, each functioning within specific organizational and functional boundaries as there is no general security network which would guarantee global maritime security.

Although U. S. maritime services provide national security through their operations within whole maritime security domain, their adversaries use various methods to transcend security of the maritime system. For example, terrorists and other criminals undermine transparency in ship registration by registering ships under fictitious corporate name and operative repainting of the name painted on ships.<sup>57</sup>

As previous paragraphs focused mostly on threats related to container transportation in general, next part of this chapter will focus on specific threats that are also bound to container transportation, yet they pose direct threat to the national security of the U. S. because of their iniquitous nature. Following section will cover issues related to drug smuggling, then trafficking in humans will be explained, followed by evaluating arms trade and WMD issues within maritime transportation system.

### **2.3.1 DRUG SMUGGLING**

This illegal activity is affecting all referent objects within the U. S. ranging from individual to societal and ultimately even national. Drug trade poses a threat to the public through two major maladies: (1) drug traffickers and dealers use violence to obtain authority over the drug-related business- which includes production and

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55 JARMON, Jack, A., *The New Era in U. S. National Security: An Introduction to Emerging Threats and Challenges*, Rowman & Littlefield, 21 March, 2014, pp. 81-82, ISBN 978-1442224117

56 FRITTELLI, John, F., *Port and Maritime Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 7

57 Ibid

distribution networks, and (2) drug consumers engage in criminal activities to support their habits.<sup>58</sup>

Illegal drug business is beyond doubt an important part of national economy as it has an influence over disproportionate interest rates between drug-associated business with its own sources of capital and legitimate businesses that depend on banks and stock markets. Money laundering is certainly one of the most prominent maladies of drug business. Illicit capital is immediately reinvested in organized crime networks and terrorist organizations and may be subsequently used for bribing government officials, bypassing established financial controls, or funding particular terrorist operations or illegal activities including human trafficking and arms smuggling.<sup>59</sup> Inability of U. S. government to cope with illegal drug trade undermines its commitment to provide national security because the functionality of law enforcement is questioned in this respect.

Whereas terrorists carry out their operations solely for ideological reasons and intend to undermine enemy's government, motives of drug-related criminals are rather financial as they seek profit with no ambition to destroy the state. Another possible approach is that successful drug business provides its instigators with high status level amongst other actors. This normative motive may not be the most important aspect of drug enterprise, yet it is certainly relevant and highly regarded.

The U. S. administration maintains questionable level of control over established drug cartels that rule out the possibility of fair business in the country. Extensive scope of drug-related trade hinders U. S. security services from capturing all illegal drug activities within the U. S. and its borders. The Bureau of Customs and Border Protection (CBP) claims it seizes daily around 2,313 pounds of narcotics at ports of entry.<sup>60</sup> Moreover, the U. S. Coast Guard (USCG) confiscated 132,480 pounds of cocaine and 50,000 pounds of marijuana<sup>61</sup> in 2000. Successful interceptions of drug-related deliveries do not put an end to illegal trade with drugs or narcotics. Most recently, in 2017, interdiction of delivery comprising of 4.2 tons of cocaine worth approximately

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58 COLLINS, Alan, *Contemporary Security Studies*, Oxford University Press, 2007, p. 349, ISBN 978-0-19-928469-6

59 National Strategy for Maritime Security, September 2005, p. 5

60 JARMON, Jack, A., *The New Era in U. S. National Security: An Introduction to Emerging Threats and Challenges*, Rowman & Littlefield, 21 March, 2014, p. 109, ISBN 978-1442224117

61 Transportation Statistics Annual Report 2001, U. S. Department of Transportation, Bureau of Transportation Statistics, Washington, Dc, 2002, pp. 107-108, BTS02-07

\$125 million meant the largest maritime seizure in the Atlantic Ocean since 1999.<sup>62</sup> Nevertheless, total extent of the U. S. bound drug trade is not even remotely estimable just like it is not possible to intercept all drug-related activities within maritime domain.

Security services of the U. S. are looking for patterns in drug trade because drug smugglers tend to make many shipments in comparison with terrorists who contrarily look for new ways of how to pass across security barriers.<sup>63</sup> Apart from random container inspections, the U. S. administration has also taken advantage of technological development as it employed drones to monitor activities of drug cartels. For example, the Heron drone was used in maritime operation as it was intended to track down cartel members who were using open waters to smuggle drugs into the U. S.<sup>64</sup>

### 2.3.2 TRAFFICKING IN HUMANS

Preventing drugs from entering the country comes hand in hand with preventing illegal migrants from accessing the U. S. soil. Official state strategies and security initiatives class these two security threats as crucial tasks in providing national security of the U. S. None of these threats is given preferential treatment as they are considered to have similar effect on the national security interests. Drug smugglers use similar techniques as criminals trafficking in humans. Global maritime system allows smugglers to send people illegally from one place to another by capitalizing on the lack of physical inspections in container shipments. Just like drugs are relatively easy to be blended into various types of consumer goods inside a container, humans may be handled exactly the same way. In simple terms, drug freight is a variable interchangeable with human. *Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime* of 2000 defines smuggling of migrants as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent

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62 Coast Guard Seizes Cocaine Worth an Estimated \$125 Million, U.S. Department of Homeland Security, posted 1 March, 2017, available at: <https://www.dhs.gov/blog/2017/03/01/coast-guard-seizes-cocaine-worth-estimated-125-million>, viewed 13 April, 2017

63 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 7

64 PADGETT, Tim, Drones Joint the war Against Drugs, Time Magazine, posted 8 June, 2009, available at: <http://content.time.com/time/nation/article/0,8599,1903305,00.html>, viewed 12 April, 2017

resident”.<sup>65</sup> Articles 7, 8, and 9 of this document assess the smuggling of migrants in terms of international cooperation, application of strictly defined measures, and safeguarding clauses. Human trafficking may be understood also as criminal activity involving smuggling of people to target country to promote prostitution.<sup>66</sup>

### **2.3.3 ARMS TRADE AND WMD**

Another threat which poses probably the biggest threat to national security of the U. S. is related to arms trade and WMD proliferation. For the U. S. administration, there are not many issues as troubling as allowing WMD or its components to be smuggled across U. S. borders. It is likely that if WMD were to be trafficked into the U. S., it would be through the U. S. border with Canada.<sup>67</sup> The biggest threat regarding the WMD trade is that it could eventually get to hands of terrorists which could have an immense impact on U. S. national security. However, proliferation of WMD threatens not only homeland security of the U. S. but also national securities of its foreign partners.

There are two possible scenarios regarding the misuse of WMD. Firstly, any hostile state in possession of WMD may use it against its opponent. And secondly, any foreign state may provide WMD components, delivery systems, or weapons expertise to another rogue state or terrorist organization, which could subsequently use it to conduct deadly attack.<sup>68</sup> Just like containers have been used for smuggling humans or drugs, they are also expedient devices for trafficking in arms and WMD. Criminals active within arms industry take advantage of tangled supply chain and use money to either corrupt the personnel or to purchase well-established exporter with a trustworthy shipping record.<sup>69</sup> The immense number of containers and the inability of security services to properly inspecting them makes this type of transportation very attractive to criminals

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65 Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Conventions against transnational Organized Crime, United Nations, 2002, Art. 3, Use of Terms, p. 2

66 GALLAGHER, Anne, Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: a Preliminary Analysis, Human Rights Quarterly 23, The Johns Hopkins University Press, 2001, p. 985

67 JARMON, Jack, A., The New Era in U. S. National Security: An Introduction to Emerging Threats and Challenges, Rowman & Littlefield, 21 March, 2014, p. 82, ISBN 978-1442224117

68 National Strategy for Maritime Security, September 2005, pp. 3-4

69 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 8

who also look for new ways of how to get over security barriers in ports. Once illegal weapons enter U. S. soil through ports, it is practically impossible to intercept them as roads, railroads, or inland waterways are usually interconnected with port facilities.

As pointed out by John Meredith, head of Hutchinson Port Holdings, probability of terrorists using containers to smuggle WMD into the U. S. is generally a question of when, not if.<sup>70</sup> The inability of port security services to identify all contents of containers is just a side-effect of glutted global market. Moreover, various terrorist organizations have been able to generate enough capital to become capable of affecting commerce within the global maritime network. Terrorists may enter the global supply chain either by simple hijacking and subsequent infiltration of legitimate cargo with WMD devices or by using legitimate trading identity to smuggle WMD, meaning that terrorists could find a trustworthy shipping company which is not likely to be physically inspected and manage to get their deadly devices inside the container.<sup>71</sup>

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70 FLYNN, Stephen, Why America Is Still an Easy Target, posted 18 July, 2004, available at: <http://content.time.com/time/magazine/article/0,9171,664992,00.html>, viewed 13 April, 2017

71 JARMON, Jack, A., The New Era in U. S. National Security: An Introduction to Emerging Threats and Challenges, Rowman & Littlefield, 21 March, 2014, p. 101, ISBN 978-144-2224117

## 2.4 ENVIRONMENTAL THREATS AND OIL SPILLS

There are also threats which are affecting national security of a state but are not caused primarily by human activity. For example, unstable weather conditions may have an impact on all referent objects including individuals, societies within specific regions or even states. If there is an earthquake or long-lasting flood, it causes stress to individuals living within affected area. These people certainly perceive such environmental abnormalities as existential threat. If any natural disaster covers whole region, it may result in change for the worst in terms of living conditions within affected area or losses of job opportunities due to inevitable shut-downs. Moreover, earthquakes or storms have an impact on maritime trade, which may subsequently lead to economic instability. In March 2011 there was a tsunami in Japan which resulted in lower maritime imports in automobiles, spare parts, high-end electronics, and specialty chemicals, which led to disruptions in industrial supply chains in the U. S and closing of pickup truck manufacturing and assembly plants in New York and Louisiana.<sup>72</sup> Massive pollution of the oceans could also result in significant damage to ecosystems and undermine the national security of dependent nations.<sup>73</sup> Moreover, disputes over marine resources may lead to violent conflicts between private businesses and national services protecting their own interests.

This work does not seek to provide argumentation defending or disproving circumstances related to global warming. However, glacier recession is affecting traditional sea lanes used for commerce as it enables to use new Arctic lane for transportation.<sup>74</sup> Changes in the layout within the polar area is affecting the maritime security as there are new traffic routes and reservoirs of natural resources. This is definitely affecting decision making processes within U. S. administration as this location is undoubtedly strategically important from the geopolitical point of view. Moreover, climate change may lead to imminent mass migration of people living in unsatisfactory living conditions caused by sea level rising on one hand or long-lasting periods of drought on the other.

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72 JAHANMIR, Sean, Preliminary Observations of the Tsunami's Impact on U. S. Trade and Transportation With Japan, Research and Innovative Technology Administration, U. S. Department of Transportation, Bureau of Transportation Statistics, May 2011, p. 1

73 National Strategy for Maritime Security, September 2005, p. 6

74 RICHARDSON, John, M., A Design for Maintaining Maritime Superiority, Version 1.0, United States Navy, January 2016, p. 2

## 2.5 CYBER THREATS

Computer crime is certainly gaining momentum as cyber space is vulnerable to threats arising from technology proliferation. Services providing information technology support widen their expert knowledge simultaneously with rapid technological development. In many cases, cyber treats may be associated with fields such as banking facilities or state bureaus. American businesses and political leaders have been victims of various cyber attacks, which have caused losses of confidential information.<sup>75</sup> However, virtually all spheres of human activity are nowadays somehow bound to information technology and maritime domain is no exception. Ship operators and port personnel use information technologies for navigation, communications, engineering, cargo monitoring, ballast, safety, fire detection, environmental control, etc.<sup>76</sup> Problematic aspect of this issue is in possible misuse of this technology not only by adversaries, but also by personnel officially certified to use such technology. For instance, the vessel navigation system is functioning exclusively on the Global Positioning System (GPS) which is vulnerable to signal disruption or possibility of human misuse caused by improper use of particular dataset. Confidential information may be intercepted by hackers who may subsequently affect commerce course or initiate chaos in ports. Cyber systems are predisposed to constant changes and software updates which give adversaries opportunity to penetrate through unprotected segments of the system.

Just like in other cases mentioned above, computer-related criminality poses a threat to all referent objects of security. Individuals may be harmed by the misuse of their personal information by criminals, properties may be deprived of revenues due to loss of financial data, and states could lose out on economic deviations caused by careless information management.

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75 Ensuring Strong Sea Services for a Maritime Nation, 2017-2018 Maritime Policy, Navy League of the United States, p. 1

76 Cyber Risks in the Marine Transportation System, The U. S. Coast Guard, August 2016, p. 1



### 3 NORMATIVE APPROACH TO MARITIME SECURITY

Security may be generally described as the absence of threats. This work assesses security based on a concept introduced by Barry Buzan and his fellow researchers from COPRI. Their approach widened the then conception of security both in terms of sources of threats as well as in referent objects related to these threats. Previous chapter introduced primary maritime related threats that had been securitized by U. S. political authorities and thus had been officially affecting U. S. national security. Be it the possibility of deadly terrorist attack, piracy incidents, smuggling of drugs, humans, or illegal weaponry, computer-related crime, or natural disasters, it is a fundamental responsibility of a state to protect its population from all of these threats. National security of the U. S. is provided by successful implementation of constitutive measures initiated by services at federal, state, and private operational levels. All security services are expected to cooperate with one another in order to guarantee security of a state, or more precisely its population.

Realist approach considered a state to be the exclusive referent object facing threats especially within military domain. However, the widening process of sources of threats and referent objects caused the extension of entire security framework. Not only states or regions, but also whole societies, communities, individuals and economic or religious units are threatened by activities extending far beyond the military sphere, including political, societal, economic, or environmental sectors. U. S. administration understands homeland security as an equivalent of national security. Its mission is to defend the nation from terrorist and other attacks inside and outside the country by using all possible domestic as well as military instruments.<sup>77</sup> This definition is suitable because it takes into account possibility of an attack beyond military sphere, it admits that attacks outside the country may have an impact on national security of a state, and eventually it authorizes other security sectors- apart from the military one- to contribute to collective effort to prevent actions that pose a threat to the state or its segments.

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77 HOLMES, Kim, R., What is National Security, 2015 Index of U. S. Military Strength, available at: <http://index.heritage.org/military/2015/important-essays-analysis/national-security/>, viewed 13 April, 2017

After 9/11, the U. S. has established sophisticated security structure which was supposed to react to contemporary threats. Its initial objective was to enhance the quality of security procedures in all relevant spheres including the maritime domain. Establishment of the Department of Homeland Security within the U. S. administration was certainly one of the most significant innovations following terrorist attacks on the World Trade Center (WTC) on 9/11. As the public reacted to these attacks with strong demand for increased national security, U. S. authorities have been introducing new strategies in order to meet requisite task. The question is whether the U. S. should search for new strategies related to maritime industry and invest billions of dollars on the implementation of these measures and sustaining considerable industrial base. If we assess this problematic issue as the immediate reaction to terrorist attack, the answer “no” suggests itself. For instance, according to U. S. government, potential financial costs of terrorist attacks are rather small when compared with those caused by natural disasters or eventual labor disruptions. Terrorist attacks in 2001 totaled approximately \$20 billion which was less than the \$20.8 billion paid out for the impact of Hurricane Andrew in 1992.<sup>78</sup> If we adopt this rather economic stance on the issue in a re-active sense, the necessity of a new security strategy proposing advanced measures does not seem too urgent. However, for the purpose of this research, it is possible to assess issues within maritime domain as crucial for the U. S. in regards to the import of goods and associated economical growth. For instance, investments necessary to remain major power in the Pacific region may pay out in terms of national growth as almost 50 percent of all growth outside the U. S. is expected to come from Asia between 2015 and 2020.<sup>79</sup> After all, if we consider national security as primary concern of a state, any strategy should constantly adapt to all emerging threats and security concerns and therefore there is no reason to assume that any existing security strategy is concurrently definitive.

Official strategies presented by U. S. administration after 2001 will be analyzed in following chapters. Just after analyzing these strategies, it will be possible to focus on specific measures employed by U. S. security services and evaluate their efficiency. In other words, first it is important to understand what the U. S. security services want and only then it is possible to research specific means of how they want to achieve it.

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78 BAYLIS, John, WIRTZ, James, GRAY, Colin, S., COHEN, Eliot, *Strategy in the Contemporary World*, Second Edition, Oxford University Press, 2007, p. 299, ISBN 9780199289783

79 National Security Strategy, the White House, February 2015, p. 24

Specific measures may be represented by implementation of respective legislature, defining responsibilities of specific security services, adopting advanced procedures for reductions of vulnerabilities, supporting close cooperation among nations and international organizations related to maritime domain, or performing other activities that would contribute to higher level of the U. S. national security.

## 4 MARITIME SECURITY WITHIN NATIONAL SECURITY DOMAIN

The Cold War signified exemplary model of how international relationships could be securitized in the context of one state's foreign policy or- in this case- two opposing foreign policies. The nineties of the twentieth century symbolized the end of the then bipolar world in which the U. S. and the Union of Soviet Socialist Republics (U. S. S. R.) split the world into two mutually competing spheres of influence. Maintaining leading role within the maritime domain has been crucial for the U. S. since the First World War. The U. S. joined Great Britain and became the naval superpower just then. Controlling world's oceans was a key aspect of American foreign policy ever since the First World War. Realist approach facilitated considerations regarding the increase of naval capacities and generally higher standards. After all, the U. S. went through deadly battles on the sea during the Second World War as it fought on both Pacific and Mediterranean fronts. These events pointed out to the importance of the maritime domain when going through armed conflict.

As evident from the report to Congress presented by Comptroller General Elmer B. Staats in 1978, main functions of U. S. naval forces during the Cold War era- following the Second World War- were related to maritime combat superiority. Two of four functions of the U. S. Navy (USN) - sea control and power projection- were wartime functions, whereas the remaining two- presence and crisis management- were related to peacetime sphere.<sup>80</sup> Nonetheless, both of these peacetime functions are- in a way- related to naval warfare since they are connected to supporting of U. S. foreign policy and stabilizing critical occurrences in order to prevent spread of armed conflict or even war.

The Reagan administration went even further in its strategy when it proposed the "600-Ship Navy" plan. This strategy put emphasis on naval force expansion and modernization and most importantly on the "forward offensive strategy" which would

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80 STAATS, Elmer, B., Implications of the National Security Council Study „U. S. Maritime Strategy and Naval Force Requirements“ on the Future Ship Force, 7 March, 1978, pp. 5-6

move the Navy closer to the enemy and force the opponent to draw away its fleet.<sup>81</sup>  
Factual objectives of this strategy constitute following points:

- 1) Increase the number of battle force ships to 600,
- 2) Raise the number of deployable carrier battle force groups from 12 to 15,
- 3) Increase the number of active carrier air wings from 12 to 14,
- 4) Enlarge the number of nuclear-powered attack submarines to 100,
- 5) Expand amphibious lift capability by about 50 percent,
- 6) Modernize the force with new ships and aircraft designed to meet the threat posed by the capabilities of potential enemies.<sup>82</sup>

Based on choice of words and overall impression of this strategy it is evident that the attitude of U. S. administration was rather offensive during the Cold War period. Collapse of the U. S. S. R. meant that the U. S. lost its prominent adversary, yet the U. S. continued to strengthen its position within international organizations in order to maintain naval superiority. The U. S. administration intended to remain the global leader by defending its status of naval superpower.

Terrorist attacks on the U. S. on 9/11 foreshadowed significant change in the U. S. foreign policy. The Bush administration initiated the “War on Terror” as a consequence of these attacks. Labeling specific threats as existential and putting security issues higher on the political agenda was a logic step which affected all sectors of security, including the maritime sector. U. S. administration shifted its security discourse from defensive to preventive- or more precisely pre-emptive- as a result of permanent feeling of vulnerability and fear caused by the growing influence of terrorist organizations.<sup>83</sup> This change is apparent from the overall conception of the *National Security Strategy of the United States of America* from 2002. There are many sections within this document explaining existential threats to the U. S. and their effects on the U. S. national security, nevertheless the following excerpt properly expresses the chosen approach to contemporary threats, or more precisely terrorist organizations: “We will disrupt and destroy terrorist organizations by defending the United States, the American people, and our interests at home and abroad by identifying and destroying the threat before it

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81 Congress of the United States, Future Budget Requirements for the 600-Ship Navy, Congressional Budget Office, September 1985, p. 3

82 Ibid, p. 11

83 VAN MUNSTER, Rens, Logics of Security: The Copenhagen School, Risk Management and the War on Terror, Faculty of Social Sciences Publications, 10/2005, p. 9

reaches our borders. While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right to self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country.”<sup>84</sup> This interpretation suggests that U. S. administration decided to react to 9/11 tragedy by replacing re-active measures with pro-active arrangements that would attempt to confront projected threats in advance. Projecting terrorism as primary threat to the U. S. security was based on the grounds of immediate grievance caused by deadly attack.

The above mentioned approach is bound to the context of the U. S. national, but as it will be researched in depth in following chapter, this stance can be applied also in constituent units of the national security, such as the maritime security. This mutual connection is even acknowledged in the *National Security Strategy of 2010* and *National Security Strategy of 2015* introduced by the administration of the then President Barack H. Obama. First of these two documents puts emphasis on the international cooperation with foreign partners in order to cover all security sectors, including securing free international trade and open commerce or improving early detection of emerging maritime threats.<sup>85</sup> The later document also explicitly labels maritime security- alongside air security- as part of the national security. It refers to territorial disputes in Asia, combating piracy off the Horn of Africa and drug smuggling in the Caribbean Sea and across Southeast Asia.<sup>86</sup>

Apart from the mentioned *National Security Strategy of 2002*, the U. S. responded to terrorist attacks on 9/11 with introduction of new concept on maritime security which- alongside with other security sectors- falls under the homeland security. Public Law 107-296, known as *Homeland Security Act of 2002*, initiated the establishment of the Department of Homeland Security (DHS).

Extensive Agenda of DHS comprised of various preventive mechanisms regarding the use of intelligence, border security, or prevention related to weapons of mass destruction proliferation.

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84 National Security Strategy of the United States of America, the White House, September 2002, p. 6

85 National Security Strategy, the White House, May 2010, p. 50

86 National Security Strategy, the White House, February 2015, p. 13

Generally, the main objectives of the DHS are:

- 1) Prevent terrorist attacks within the United States,
- 2) Reduce the vulnerability of the United States to terrorism,
- 3) Minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States,
- 4) Carry out all functions of entities transferred to the Department, including by acting as a focal point regarding natural and man-made crises and emergency planning,
- 5) Ensure that the functions of the agencies and subdivisions within the Department that are not related directly to securing the homeland are not diminished or neglected except by a specific explicit Act of Congress,
- 6) Ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland,
- 7) Monitor connections between illegal drug-trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.<sup>87</sup>

The *Homeland Security Act of 2002* also set missions for specific agencies linked to the newly established DHS. The USCG is certainly one of the most important components of the DHS in regards to maritime security. Next chapter presents in-depth analysis of functions of all services relevant to the U. S. maritime security. The USN is accompanied by the U. S. Marine Corps (USMC) and the mentioned USCG. Other service branches include the CBP, the Transportation Security Administration (TSA), and Maritime Administration (MARAD). Branched out structure of maritime services suggests that U. S. administration considers this specific domain to be crucial for homeland security- meaning U. S. national security.

To conclude this general overview of U. S. maritime security as part of national security, it is important to add the newest fundamental guideline of the USN, which explains the extent of its operational activity. The *U. S. Navy Program Guide of 2017* suggests that the U. S. is taking account of all challenges at sea arising from technological and strategic development of 21<sup>st</sup> century. Six priorities assuring naval superiority and providing national security of the U. S. include: (1) maintain a credible,

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<sup>87</sup> Homeland Security Act 2002, Public Law 107-296, 116 Stat. 2135, 25 November, 2002, Sec. 101, Executive Department, Mission

modern, and survivable sea based strategic deterrent, (2) sustain forward presence, distributed globally in places that matter, (3) develop the capability and capacity to win decisively, (4) focus on critical afloat and ashore readiness to ensure the Navy is adequately funded and ready, (5) enhance the Navy's asymmetric capabilities in the physical domains as well as in cyberspace and the electromagnetic spectrum, and (6) sustain a relevant industrial base, particularly in shipbuilding.<sup>88</sup>

Overall impression of mentioned general tasks of the USN indicates the wide scope of activities of this service as well as its endeavor to give adversaries the impression of the U. S. being capable of doing anything to protect its national interests abroad. Specific measures and programs conducted by the USN will be explained in the chapter analyzing specific strategies and measures initiated to increase the level of the U. S. national security.

Rather broad range of operations of given services means that U. S. maritime security is affected by wide scale of threats. Terrorist attack on the U. S. on 9/11 certainly intensified the striving of the U. S. administration for secure homeland that emerged to be vulnerable to threats coming out especially from asymmetric warfare. Following chapter assesses measures of the U. S. security services with respect to all sources of maritime threats based on official strategies that have been designed by U. S. administration since 9/11 attacks.

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88 U. S. Navy Program Guide 2017, INTRO



## 5 STRATEGIES AND MEASURES APPLIED

Strategy is a public document of a state's administration intended to inform the public about the state's position on issues emerging within the constantly changing political environment. Its purpose is to react adequately to these changes and to satisfy public demand for secure international stability. Terrorist attacks on the WTC in 2001 resulted in the initiation of the "War on Terror" which brought about advanced structural consolidations in terms of national security of the U. S. as well as higher demand for international cooperation in both public and private spheres.

As the purpose of this thesis is to explain inner processes within the maritime domain in relation to the U. S. national security, it is necessary to understand the importance of such domain in the first place. Even though terrorist attacks on 9/11 were carried out by using airplanes, subsequent pressure on increased security measures had an impact on maritime system as well. The U. S. administration understood that safety within world's oceans is essential for national security as oceans cover about two thirds of the Earth. And just because of this approach, there have been numerous security strategies, initiatives, or emergency response plans that would address strategic objectives to all constituent units of security framework of the U. S.

Although maritime security had historically existed only within department level strategies, it happened to be an important part of national security of the U. S. soon after 9/11 attacks. Political authorities at federal level accepted the fact that secured maritime domain had been an important security element in terms of safety and prospering economy of the U.S.<sup>89</sup> Globalization and technological development in transatlantic shipments increased dependence of states on maritime commerce, depriving oceans of their basic function as a barrier.

This phenomenon brought about two fundamental strategic objectives of nations: (1) to facilitate vibrant maritime commerce and (2) to protect against ocean-related terrorist and other criminal acts.<sup>90</sup> Safeguarding the ocean and protecting its critical infrastructures have been essential to secure transatlantic commerce ever since states

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<sup>89</sup> National Strategy for Maritime Security, September 2005, p. 1

<sup>90</sup> Ibid, p. 2

have applied this discourse to their official strategic documents. Transatlantic shipments have been determined by reciprocal relation between allowing staple commodities and people to legally cross borders and preventing all illicit material or dangerous people from entering the country by all feasible means.

The way of how official maritime-related strategies of the U. S. have been formulated suggests that U. S. administration perceive threats affecting the country's interests as existential at all levels of referent objects. Moreover, the overall impression of these strategies indicates that the U. S. administration considers all sectors of human action- as well as natural disasters- as possible sources of threats to have substantial importance in regards to national security of the U. S.

## 5.1 1<sup>st</sup> PRESIDENTIAL TERM OF GEORGE W. BUSH

Prompt response to terrorist attacks on 9/11 and the immediate declaration of the “War on Terror” was imprinted also in the *National Strategy for Homeland Security* in 2002. This document addressed the need to fight terrorist organizations as they allegedly posed the biggest threat to the security of the U. S. New strategic priorities- preventing terrorist attacks within the U. S., reducing U. S. vulnerability to terrorism, and minimizing damage caused by terrorist attacks- fell into official definition of the new homeland security concept.<sup>91</sup> Functions such as controlling borders, securing all port entries into the U. S., and protecting global commerce lines managed to gain considerable level of attention as this document put stress on the necessity to provide greater security by protecting the homeland from terrorist attacks or other criminal activities including smuggling of drugs and illegal migrants, cyber crime, or theft of natural resources. Moreover, U. S. administration intended to arrange for screening of international shipments for all possible illicit contents.<sup>92</sup>

The biggest structural change of last decades within the U. S. security framework was initiated by the Bush administration as it intended to bring together 22 security-related entities under the newly established DHS.<sup>93</sup> Public Law 107-296 of November 2002, commonly known as the *Homeland Security Act of 2002*, was an accompanying document of the DHS establishment. It provided with detailed structure description of this framework with the emphasis on correlative functions and relations amongst its constituent units. It described specific missions of individual sections, including the newly added USCG, which has preserved its performance tasks in terms of non-homeland security missions- marine safety, search and rescue, aids to navigation, fisheries law enforcement, marine environmental protection, and ice operations- and homeland security missions- ports, waterways, and coastal security, drug and migrant interdiction, defense readiness, and other law enforcement.<sup>94</sup> The USCG mission is a determinant part of the homeland security performance as it deals with security threats coming from maritime domain by evaluating and inspecting commercial ships as they

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91 BUSH, George, W., *National Strategy for Homeland Security*, Office of Homeland Security, The White House, 16 July, 2002, p. 2

92 Ibid, p. 22

93 Ibid, p. 13

94 *Homeland Security Act 2002*, Public Law 107-296, 116 Stat. 2135, 25 November, 2002, Sec. 888, Preserving Coast Guard Mission Performance

approach U. S. waters, countering terrorist threats in ports, and protecting U. S. Navy ships and all other ships in ports from possible armed attacks.<sup>95</sup> Moreover, the USCG has managed to set up 100-yard security zone around all USN, USCG and cruise ships and also extended the advance notification requirement for vessels over 300 gross tons from former 24 hours to 96 hours.<sup>96</sup>

Legislation appertaining to the establishment of the DHS- alongside with the accenting of the role of DHS in providing national security of the U. S. - is supplemented with the official *National Security Strategy of the United States of America* from 2002. Just like in previous examples of immediate reactions of U. S. administration to 9/11 terrorist attacks, this document is also reasoning its peculiar national security conception in regards to terrorism as the most acute source of threat. In 2002, the main strategic objective of the U. S. was to protect the country from terrorist threats. Authorities of the U. S. worked on the premise that poor states with considerable democracy deficit, and high level of corruption may serve as a nesting sites for terrorist networks or criminal organizations. U. S. administration suggested that cooperation within global trading community, alongside with protecting free markets around the globe, would lead to growing prosperity and put an end to extreme poverty within regions in question. Free commerce and secured trade markets were defined as top priorities of this strategy.<sup>97</sup>

Restructuring of national security framework only a year after terrorist attacks in 2001 was diversified by establishing new organizations and agencies or initiating both bilateral and multilateral agreements in order to increase maritime security network.

The *Aviation and Transportation Security Act of 2001* created the TSA which has been responsible for providing security of all modes of transportation, cargo, and passenger.<sup>98</sup> To conduct its mission, the agency has implemented the Operation Safe Commerce (OSC) in 2002. The main mission of this initiative was to track the content of a container from the place of origin to the final destination. The World Shipping

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95 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, pp. 9-10

96 Transportation Statistics Annual Report 2001, U. S. Department of Transportation, Bureau of Transportation Statistics, Washington, Dc, 2002, p. 118, BTS02-07

97 BUSH, George, W., National Security Strategy of the United States of America, the White House, 17 September, 2002, p. 23

98 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 10

Council (WSC) has reacted to the project in presenting five specific comments regarding the criteria. These criteria comprised subjects regarding: (1) validating security at the point of origin, (2) securing the supply chain, (3) enhancing the accuracy and communication of cargo information, (4) monitoring the movement and integrity of cargo in transit, and (5) other criteria.<sup>99</sup> This measure was applied in order to increase the level of the information regarding the cargo inside containers and thus reducing the possibility of interspersing of illicit item with legal freight.

Another important measure initiated by the TSA was meant to secure cargo and passenger areas within port facilities. Transportation Worker Identification Credential (TWIC) has been functioning as a system controlling access to these areas. The TWIC program requires all maritime workers to obtain a biometric ID card based on the previous background check. Only personnel with this ID card are allowed to move within secure facilities and vessels at the port level. There were 1.1 million workers in the TWIC program by 15 April, 2009.<sup>100</sup>

The CBP was appointed to analyze all information related to the U. S. bound cargo and to decide which containers to inspect. The CBP personnel have been targeting suspicious containers based on their origins, destinations, shipper information, and container content. Actual design of container targeting and subsequent physical inspecting includes unloading of cargo from the container, screening the content of container with sophisticated x-ray or gamma-ray machine, or implementing of Automated Commercial Environment (ACE) system which assists CBP with cargo evaluation and speeds up the customs filling procedures for all U. S. imports.<sup>101</sup> However, only a small portion of containers had their content physically inspected by the CBP. Also the implementation of the ACE has undergone some difficulties. The initial bill regarding the ACE was passed by the Congress to work in 1994. However, the replacement of the established Automated Commercial System (ACS) with the ACE

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99 Operation Safe Commerce, Docket Number TSA-2002-13827, World Shipping Council, Partners in America's Trade, 5 December, 2002, pp. 3-4

100 U. S. Department of Transportation, Research and Innovative technology Administration, Bureau of Transportation Statistics, America's Container Ports: Linking Markets at Home and Abroad, Washington, DC, 2011, p. 35

101 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, pp. 1-3

is yet to come.<sup>102</sup> The CBP gained considerably extensive powers after 9/11 which is supported by the implementation of two important programs.

The Custom-Trade Partnership Against Terrorism (C-TPAT) was initiated in April 2002. Registered transportation companies are supposed to provide with all necessary information regarding the shipment if they want to acquire certification from the CBP, which would eventually cause reductions of respective cargo inspections and curtail the risk of shipment delay.<sup>103</sup> There were more than 8,200 members of this program in 2008.<sup>104</sup>

The necessity of upgraded security measures- implemented on the grounds of the official strategy presented in the *National Security Strategy of the United States of America* from 2002- was associated with the urge to prevent possible threats as far from the U. S. soil as possible. This approach is connected with preventive- or more precisely pre-emptive- attitude of U. S. administration which replaced former defensive model of threat prevention model.

New Container Security Initiative (CSI) was certainly one of those programs that were supposed to push the security framework forward in terms of international cooperation. The CSI is a system of bilateral agreements between the CBP and foreign ports which allow the CBP personnel to pre-screen the U. S. bound containers at selected ports. Moreover, the CBP inspection is expected to obtain all relevant information regarding the content of containers 24 hours before the actual loading of given content.<sup>105</sup> This measure allows the CBP to have necessary information regarding the U. S. bound shipment in advance. Being part of the inspecting team during the loading of high-risk content enables the CBP to control another important part of the international supply chain which is vulnerable to various forms of threats. As of 2010,

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102 WANG, Dan, CBP's Automated Commercial Environment Can Make it Easier To Clear Shipments – If It's Properly Implemented, Flexport, Inc., posted on 9 March, 2016, available at: <https://www.flexport.com/learn/cbps-automated-commercial-environment-importing/>, viewed on 17 April, 2017

103 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 12

104 U. S. Department of Transportation, Research and Innovative technology Administration, Bureau of Transportation Statistics, America's Container Ports: Linking Markets at Home and Abroad, Washington, DC, 2011, p. 37

105 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 11

there were 58 selected foreign ports cooperating under the CSI, which comprised 96 percent of U. S. bound containerized cargo.<sup>106</sup>

New initiatives introduced by U. S. security services had to be implemented as soon as possible after 9/11 attacks as the public demanded immediate security reaction plans. The *Maritime Transportation Security Act* (MTSA) of 2002 addressed the port and waterways security in terms of reducing threats related to the maritime trade by assessing all vulnerabilities in maritime domain, preparing efficient and cooperative security plans, developing transportation security response plans, or assigning of USCG personnel as sea marshals.<sup>107</sup> The MTSA also required passenger vessel operators to screen all passengers and their baggage with metal detectors and x-ray machines.<sup>108</sup> Moreover, it authorized \$90 million in grants for developments in cargo inspection, including detection measurements regarding nuclear materials or improving procedures related to physical security of cargo containers.<sup>109</sup> Extent of this share is relative in comparison to estimated investments into modernization of port facilities and infrastructure by the U. S. public ports in the time period from 2001 to 2005. These were appraised \$9.4 billion by the Department of Transportation (DOT). It should be noted that there were \$22 billion spent on improvements of facilities from 1946 of which \$6.4 billion were invested between 1996 – 2000.<sup>110</sup>

Measures intended to increase security within the U. S. port facilities were supplemented by new conditions which would allow the secretary to adopt firm measures in reaction to ineffective measures maintained at foreign ports. These extraordinary measures performed by the secretary included: (1) prescribing conditions of entry into the U. S. for any vessel arriving from designated port, or any vessel carrying cargo or passengers originating from or trans-shipping through such port, (2)

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106 U. S. Department of Transportation, Research and Innovative technology Administration, Bureau of Transportation Statistics, *America's Container Ports: Linking Markets at Home and Abroad*, Washington, DC, 2011, p. 37

107 *Maritime Transportation Security Act 2002*, Public Law 107-295, 116. Stat. 2064, 25 November, 2005, Sec. 102, Port Security

108 CHAMBERS, Matthew, *U. S. Ocean Passenger Terminals: Serving Larger Vessels Closer to Home and Central Transit Connections*, Special Report, January 2010, p. 3

109 FRITTELLI, John, F., *Port and Maritime Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 13

110 *Transportation Statistics Annual Report 2001*, U. S. Department of Transportation, Bureau of Transportation Statistics, Washington, Dc, 2002, p. 51, BTS02-07

denying entry into the U. S. to any vessel that does not meet prescribed conditions, and (3) providing public notice for passengers of the ineffective anti-terrorism measures.<sup>111</sup>

Application of requirements presented in the MTSA was adjusted only two years later when the *Intelligence Reform and Terrorism Prevention Act of 2004* was adopted. This piece of law set deadlines for the DHS in planning specified maritime security activities introduced in the MTSA. Moreover, the DHS was required to create a list of people who could pose potential threat to the security abroad cruise ships.<sup>112</sup>

Another necessary measure intended to reduce risks of terrorist attacks via maritime domain was determined by the *Trade Act of 2002*. The CBP was given the authority to obtain electronic information regarding the cargo destined for importation to the U. S. or exportation from the U. S. prior to such importation or exportation.<sup>113</sup>

MARAD, agency within the DOT, has been active over a half of the century. It cooperates with the USCG, CBP, and TSA in order to provide security to maritime container transportation department. Its principal mission has been to provide security recommendations relate to container transportation and to develop training programs for maritime security personnel.<sup>114</sup> MARAD also functions as a negotiator trying to improve the participation of the U. S. carriers in international trade and as a participant in international forums regarding the free trade.<sup>115</sup>

The international cooperation- especially in regards to the common combat against terrorism- was demanded from the U. S. administration immediately after 9/11 attacks. Establishment of Combined Maritime Forces was an apparent scheme to conduct coordinated international exercises standing for counter-terrorism, or more precisely counter-piracy measures. The U. S. was aware of the necessity to preserve safe sea commerce lines. For this purpose, coalition ships have been patrolling over 2.5 million square miles of international waters.<sup>116</sup>

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111 Maritime Transportation Security Act 2002, Public Law 107-295, 116. Stat. 2064, 25 November, 2002, Sec. 70110, Actions When Foreign Ports Not Maintaining Effective Antiterrorism Measures

112 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 14

113 Trade Act 2002, Public Law 107-210, 116. Stat. 933, August 2002, Sec. 343, Mandatory Advanced Electronic Information for Cargo and Other Improved Customs Reporting Procedures

114 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 12

115 MARAD, Maritime Transportation, United States Department of Transportation, available at: <http://www.marad.dot.gov/about-us/international-activities/>, viewed 17 April, 2017

116 American Society of International Law, Continued U. S. Navy Operations Against Pirates Off Somalia, *The American Journal of International Law*, Vol. 170, No. 1, January 2008, pp. 169-170



The International Maritime Organization (IMO) - international agency falling within the United Nations (UN)- serving as a regulatory framework for international maritime issues permitted for the implementation of the International Ship and Port Facility Security Code (ISPS Code) which involved a set of measures necessary to upgrade security of ships, or more precisely port facilities. It presented fixed instructions on how to protect vessels against terrorists or other maritime criminals, it introduced principal conditions for ship and port facility security plans, access to secured areas and monitoring and handling of cargo. This security manual served as a pattern for the implementation of the MTSA in 2002.<sup>117</sup>

Another established organization- the World Customs Organization (WCO) - has been active in developing customs procedures which would improve efficiency of international commerce. This organization comprises of 164 countries which stands for 99 percent of global trade.<sup>118</sup> One key element regarding security of the U. S. is linked to security operations conducted abroad. The Megaports Initiative (MI)- resulting from the activity of the U. S. Department of Energy (DOE) - was a necessary move causing installment of radiation detection equipment at selected foreign ports. This technology are arranged to scan all U. S. bound containers as well as containers expected to terminate at ports of U. S. allies. In 2010, these scanning machines were installed in 27 ports.<sup>119</sup>

There were other measures designed by U. S. security services in relation to maritime domain. Broadly speaking, they were all security measures addressing the biggest threat which was securitized by the U. S. administration as existential threat to national security of the country. All focus was on implementing new measures which would prevent the U. S. from terrorist attack of any form. The public expected the U. S. administration to carry out its duty regarding the protection of its population and defending its interests. Developing its security apparatus consisted in intensification and strengthening of existing security procedures. For instance, the former 24 hours advance

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117 Maritime Security, Substantial Work Remains to Translate New Planning Requirements into Effective Port Security, Report to Congressional Requesters, GAO, United States General Accounting Office, June 2004, pp. 7-8

118 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 13

119 U. S. Department of Transportation, Research and Innovative technology Administration, Bureau of Transportation Statistics, America's Container Ports: Linking Markets at Home and Abroad, Washington, DC, 2011, p. 37

Notice of Arrival (NOA) was raised to 96 hours.<sup>120</sup> This means that all vessels entering U. S. ports must report to the port authorities in advance with all required information regarding the shipment, including the information on crew and cargo. Establishing of the Maritime Domain Awareness (MDA) was another concept which was created with the ambition to interconnect public, private, commercial and international spheres with respect to efficient information sharing. This approach would boost intelligence activity and help with advanced level of general knowledge regarding potential security threats within maritime domain. Furthermore, U. S. security services capitalize on the technological development as it operates the Automatic Identification System (AIS). This system enables authorized personnel to monitor ship traffic in ports and look for any uncommonness in terms of ship movement or suspicious appearance.

All measures presented in the previous paragraph were certainly expected to be considered in planning of maritime intelligence system by the DHS as per the *Coast Guard and Maritime Transportation Act of 2004*. The DHS was also required to report on maritime security grant program, costs of vessel and container inspections and implementation of secure systems of transportation. Moreover, the DOT was supposed to investigate sensors that would detect risky and radioactive materials inside containers. Furthermore, the USCG was required to report on the functioning of operational centers in selected U. S. ports.<sup>121</sup>

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120 FRITTELLI, John, F., *Port and Maritime Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 11

121 *Ibid*, p. 14

## 5.2 2<sup>nd</sup> PRESIDENTIAL TERM OF GEORGE W. BUSH

Strategies are long-term principles of government policy which are intended to expose strategic priorities of a state in its international relations. These principles characterize state's official stance on acute security issues in constantly changing security environment at the global level. Therefore, it is a common practice to modify some aspects of contemporary strategy in order to adequately adapt to any changes that may affect the national security. As threats are having altered forms or there are even new threats emerging, states present new official strategies, strategic plans or initiatives to define such threats and propound strategic designs to deal with them. Regarding maritime security domain, 2005 was an important year because of the implementation of the *National Strategy for Maritime Security*, which was a principal document addressing maritime security issues present at the time. It defined the distribution of general agenda and responsibilities to all constituent parts of the national security framework, including responsibilities of private owners. According to this document, the Federal Government was supposed to: (1) produce and distribute timely and accurate threat advisory and alert information and appropriate protective measures to Senate, local, and tribal governments and the private sector via a dedicated homeland security information network, (2) provide guidance and standards for reducing vulnerabilities, and (3) provide active, layered, and scalable security presence to protect from and deter attacks.<sup>122</sup> Private owners were responsible for increasing physical security of their property, investing in protective measures and updating their regular risk management planning.<sup>123</sup> Both sectors shared the responsibility to protect critical infrastructure related to maritime domain as it was necessary element of the national security framework.

The *National Strategy for Maritime Security of 2005* was formulated on the presumption that the maritime industry had been affecting all referent objects of national security of the U. S. Therefore, it appealed to all referent units of security framework for coordinated international approach. It demanded profound cooperation among international security services in order to agree on new initiatives addressing specific responsibilities to prevent terrorist attacks or other criminal activities. Close

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<sup>122</sup> National Strategy for Maritime Security, September 2005, p. 10

<sup>123</sup> Ibid, p. 10

cooperation among nations through diplomatic action was supported by the U. S. as this was necessary in order to provide maritime security at the global level. This activity was supposed to be performed through international organizations such as the IMO, WCO, or International Standards Organization (ISO) by:

- 1) “Implementing standardized international security and WCO frameworks for customs practices and standards to ensure that goods and people entering a country do not pose a threat,
- 2) Expanding the use of modernized and automated systems, processes, and trade-data information to make vessel registration, ownership, and operation, as well as crew and cargo information/identification, more transparent,
- 3) Developing, funding, and implementing effective measures for interdicting suspected terrorists and criminals,
- 4) Developing and expanding means for rapid exchanges among governments of relevant intelligence and law enforcement information concerning suspected terrorist or criminal activity in the maritime domain,
- 5) Expanding the U. S. government’s capabilities to prescreen international cargo prior lading,
- 6) Adopting procedures for enforcement action against vessels entering or leaving a nation’s ports, internal waters, or territorial seas when they are reasonably suspected of carrying terrorists or criminals or supporting a terrorist or criminal endeavor,
- 7) Adopting streamlined procedures for inspecting vessels reasonably suspected of carrying suspicious cargo and seizing such cargo when it is identified as subject to confiscation.”<sup>124</sup>

Respective measures were laid down in compliance with strategic actions designed in the *National Strategy for Maritime Security of 2005*. These included: (1) enhancing international cooperation, (2) maximizing domain awareness, (3) embedding security into commercial practices, (4) deploying layered security, and (5) assuring continuity of the marine transportation system.<sup>125</sup>

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124 American Society of International Law, New U. S. Maritime Security Strategy Includes Legal and Institutional Initiatives, *The American Journal of International Law*, Vol. 100, No. 1, January 2006, p. 223

125 National Strategy for Maritime Security, September 2005, p. 13

The most appropriate way of how to interpret mentioned strategic objectives is to assess them in the context of the then circumstances. The U. S. was already involved in military operations in Afghanistan and Iraq when the new strategy was introduced. Ongoing wars were affecting the commonness within the U. S. maritime domain as it had to adapt to unusual conditions. For instance, the Department of Defense (DOD) defined seventeen U. S. ports as strategic, which allowed the U. S. to use such facilities for military deployment.<sup>126</sup> Also the U. S. kept appealing to its allies for close cooperation in fighting terrorism. Such cooperation was realized through bilateral or multilateral agreements which were intended to increase the level of capabilities securing interests of the U. S. and its allies. The U. S. adopted the strategy of assisting regional partners across the world to maintain sovereignty of their territorial seas which would eventually lead to economic development in the respective area. This approach is in conformity with the interest of the U. S. in preserving free maritime commerce at the global level with no barriers caused by territorial disputes trespassing on important commercial zones.

This selection of strategic objectives designed by U. S. authorities corresponds with the *International Outreach and Coordination Strategy* from 2005, which highlighted two primary strategic goals for the U. S. international cooperation: (1) a coordinated policy for the U. S. maritime security activities with foreign governments, international organizations, and the private sector, and (2) enhanced outreach to foreign governments, international organizations, and the private sector in order to improve the global maritime security framework.<sup>127</sup>

The way of how the U. S. intended to increase the maritime security through international cooperation was connected to the fact that the U. S. was a maritime superpower at that time. Superiority in terms of know-how, alongside with advanced maritime related technology, enabled U. S. security services to extend their activities beyond own facilities and be active in areas of interest far from the U. S. soil. Therefore, the U. S. administration would provide port security assistance at foreign ports, training of personnel, or expert consultations. Moreover, the U. S. would offer financial help to developing countries to coordinate maritime security assistance and to enhance

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126 FRITTELLI, John, F., *Port and Maritime Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 5

127 LOVELACE, JR., Douglas, C., *Terrorism: Documents of International and Local Control*, Vol. 87, Oxford University Press, Oceana, 2008, p. 168, ISBN 978-0-19-533878-2

prosperity. At last, international cooperation was determined by the level of communication between governments, international organizations and private businesses. Need for coordination in implementing of proposed initiatives, programs or other international agreements.<sup>128</sup> Maximizing domain awareness was very important aspect of the *National Strategy for Maritime Security of 2005*, as it conceded that the general comprehension of maritime related issues is insufficient. U. S. authorities decided that there is a need for a better coordination between all sectors of national security framework. This change was required for the sake of better information sharing not only between actors within the security organization but also between these actors and the public. Moreover, high occurrence of maritime related threats indicated the necessity of detailed databases regarding the vessel movement, cargo information, regional intelligence analysis sharing, and supply chain security practices.<sup>129</sup> Databases extension was supposed to cover all possible threats related to maritime domain and to serve as a measure necessary to protect respective maritime powers from such threats. Focusing on increased information sharing would cause that security services could use detailed databases to look for patterns in maritime domain and prepare preventive security plans as well as advanced reactive measures according to findings from such databases. Furthermore, financial investments suggestions would be put forward based on the knowledge adopted from established information channels. *The Global Maritime Intelligence Integration Plan for the National Strategy for Maritime Security*, issued in October 2005, explains the security framework and determines specific roles of particular security departments or agencies. It operates with term Global Maritime Community of Interest (GMCOI) which constitutes of departments ranging from local ones to federal ones. This document underpins all core principles introduced in the *National Strategy for Maritime Security*. Maritime domain awareness was designed to function as an increased collaboration between public and private sectors. Eventual effect of gained information on the maritime domain shall be able to reach all referent objects including individuals. In other words, if there was to be new strategic concept introduced by any security service, individuals shall be allowed to have access to such concept either via the Internet or at least through formally noticing the respective bureau. At the local level, the only way of how to manage to reach all-source maritime intelligence sharing is by providing functioning organizational architecture and

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128 National Strategy for Maritime Security, September 2005, pp. 15-16

129 Ibid, p. 17

including civilian sector to participate and cooperate in various aspects of maritime industry.<sup>130</sup>

Since U. S. national security is mostly threatened by the possibility of misusing maritime commerce lines by adversaries, it is understandable why new security measures have been applied in the field of container transportation. Cargo inspecting has been in the spotlight in terms of looking for new ways of how to secure global commerce and thus protect the U. S. national security. After 9/11, the U. S. government focused on the increased level of international information sharing so that the U. S. bound cargo was evaluated even before it reached the U. S. port. Security services collect intelligence on importers and use specific set of practices to lower risk of possible terrorist attack or any other maritime related criminal activity. In 2005, the WCO initiated Standards to Secure and Facilitate Global Trade (SAFE), new framework of security standards based on the existing C-TPAT and CSI programs implemented in 157 countries globally, including the U. S.<sup>131</sup> This framework set out principles for advance data-sharing between importers and suppliers.<sup>132</sup> Other important measures reducing the risk of possible misuse of maritime domain for terrorist attack or any other criminal activity were determined by the Secure Freight Initiative (SFI) and Domestic Port Radiation (DPR). The first program- implemented by the CBP and DOE in 2006- was designed to scan 100 percent of U. S. bound container cargo for nuclear and radiological material, while the DPR- initiated by the DHS- was intended to scan 100 percent of containers with radiation detection prior to leaving U. S. domestic ports.<sup>133</sup> Nonetheless, no port participating in the SFI has managed to meet the requirements to scan 100 percent of U. S. bound container cargo.<sup>134</sup> Moreover, it is not likely that other ports will ever participate in the program because of the possible negative effect on the port commerce efficiency.

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130 Global Maritime Intelligence Integration Plan for the National Strategy for Maritime Security, October 2005, p. 12

131 U. S. Department of Transportation, Research and Innovative technology Administration, Bureau of Transportation Statistics, America's Container Ports: Linking Markets at Home and Abroad, Washington, DC, 2011, p. 37

132 FRITTELLI, John, F., Port and Maritime Security: Background and Issues for Congress, Congressional Research Service, The Library of Congress, updated 27 May, 2005, p. 13

133 U. S. Department of Transportation, Research and Innovative technology Administration, Bureau of Transportation Statistics, America's Container Ports: Linking Markets at Home and Abroad, Washington, DC, 2011, p. 37

134 Ibid, p. 36

Joint strategic plans of the USN, USCG and USMC were set in accordance to the official *Cooperative Strategy for 21<sup>st</sup> Century Seapower* of 2007. This document proceeded from U. S. endeavor to remain global superpower through protecting maritime domain and thus preventing war. Enlisting of primary challenges does not concern only protecting commercial routes and preventing terrorists and marine criminals from taking advantage of this vulnerable network but also other issues including climate change, human migration, corrupt governments, religious extremism, asymmetric use of technology, or cyber systems. This proves that even official national strategic documents address widened concept of security including sources of threats extending far beyond military-political sector. However, deterrence and war prevention remain primary concerns of joint maritime services with many options of how to overcome maritime barriers. These options include features such as lethality, global reach, speed and operational persistence.<sup>135</sup>

*The National Strategy for Homeland Security* of 2007 was another important strategic document issued by the Bush administration during his second presidential term. It also put stress on the importance on the multi-layered approach in providing national security, meaning it encouraged cooperation at all levels of organizational structure, ranging from local agencies to federal departments. However, U. S. administration remained to see terrorism as the most threatening phenomenon, as the War on Terror was presented as the first, thus the most important challenge with the explanation that this struggle is generational.<sup>136</sup> This document also pledged to continue with efforts to strengthen security capabilities necessary to adequately inspect the U. S. bound cargo. Lengthy part of the *National Strategy for Homeland Security* from 2007 addresses maritime related security issues as well as particular measures (CSI, C-TPAT, MI, and SFI) that were introduced to deal with threats labeled as existential since they may have a negative effect on the national security of the U. S. This document was the last significant strategic update of the Bush administration, which realized its stint on the grounds of persuasion of the War on Terror campaign which was persistent during both presidential terms of George W. Bush.

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135 *Cooperative Strategy for 21<sup>st</sup> Century Seapower*, October 2007

136 BUSH, George, W., *National Strategy For Homeland Security*, Homeland Security Council, the White House, 5 October, 2007, p. 6



### 5.3 1<sup>st</sup> PRESIDENTIAL TERM OF BARACK H. OBAMA

Just after Barack H. Obama substituted George W. Bush in presidency the CBP's initiative called Importer Security Filing and Additional Carrier Requirements (ISF) was implemented. This initiative meant that importers were required to provide ten fundamental shipping data plus two additional carrier data at least 24 hours before the ship arrives to the respective port. Required information included:

- 1) "Seller or owner name and address
- 2) Buyer or consignee name and address
- 3) Importer of record number/foreign trade zone applicant I. D.
- 4) Consignee number
- 5) Manufacturer/supplier name and address
- 6) Ship-to party name and address
- 7) Country of origin
- 8) Commodity Harmonized Tariff Schedule U. S. number
- 9) Container stuffing location
- 10) Consolidation/stuffer name and address"<sup>137</sup>

The other two required information include following elements:

- 1) "Vessel stow plan
- 2) Container status messages regarding loaded containers destined for U. S."<sup>138</sup>

Even though the substitution in the U. S. presidency may have shifted strategic position of the country in many ways, the maritime domain was more or less vulnerable to possible de-securitization activity as the newly elected president Obama may have turned away from the War on Terror campaign inherited from his predecessor. Fight against terrorism certainly remained one of the top priorities. However, other important issues gained considerably high level of focus on the agenda of the new administration. Initiation of the ISF may have indicated that Obama's administration would concentrate on secure container transportation as it would continue in the inherited strategy proceeding from free global commerce. Nevertheless, Barack Obama shifted its

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<sup>137</sup> U. S. Department of Transportation, Research and Innovative technology Administration, Bureau of Transportation Statistics, America's Container Ports: Linking Markets at Home and Abroad, Washington, DC, 2011, p. 36

<sup>138</sup> Ibid

orientation from distinctive political-military approach of his predecessor, who had been focusing mostly on counter-terrorism measures, possibly omitting other threats affecting the U. S. security. *The National Security Strategy of 2010* affirmed the military superiority at one hand, yet it proposed increased bilateral cooperation with foreign states including Russia, China, or India.<sup>139</sup> The overall impression of this document suggested that the U. S. considered free global trade to be necessary precondition for secure world. Moreover, it put emphasis on nuclear non-proliferation and the U. S. made a stand against the possibility of terrorists obtaining nuclear weapons or any WMD components. The widened concept of national security was put into effect in terms of including new security elements into the official national security strategy. One of the most progressive approaches within this document is incorporation of global change phenomenon into security issues affecting national security of the U. S. and its population.<sup>140</sup>

In regards to economic growth and sustainable commerce lines, U. S. administration put emphasis on the piracy phenomenon. In spite of continual counter-piracy measures during two presidential terms of George W. Bush, the total rate of international piracy and armed robbery at sea has not decreased significantly from 2001-2009. The average number of such incidents during Bush's first presidential term was 383 per year- which was only 77 occurrences more than the total number of incidents in 2008.<sup>141</sup> The total number of international piracy and armed robbery incidents at sea in 2009 was estimated 402 in total.<sup>142</sup>

Counter-piracy measurements depend on advanced intelligence sharing and international cooperation and coordination of resources allocation. Tangible counter-piracy measures were initiated soon after Obama became president in 2009. The International Maritime Bureau (IMB) established the Piracy Reporting Centre (PRC) in Kuala Lumpur, Malaysia; and the United Nation Security Council Resolution 1851 facilitated the creation of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in 2009.<sup>143</sup> The most fitting interpretation of the establishment of these

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139 OBAMA, Barack, H., National Security Strategy, the White House, 20 May, 2010, p. 3

140 Ibid, p. 18

141 CHAMBERS, Matthews, International Piracy and Armed Robbery at Sea, Hindering Maritime Trade and Water transportation Around the World, Special Report, April 2010, p. 1

142 Transportation Statistics Annual Report 2010, U. S. Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics, Washington, DC, 2011, p. 33

143 CHAMBERS, Matthews, International Piracy and Armed Robbery at Sea, Hindering Maritime Trade and Water transportation Around the World, Special Report, April 2010, p. 4

agencies is the high number of occurrences of piracy and armed robbery at sea in respective areas. Situating the PRC in Kuala Lumpur is understandable due to the fact that the nearby Strait of Malacca is one of the most frequent commercial lines in the world and therefore the possibility of a piracy incident in this area is rather high. The CGPCS is another measurement enabling mariners to share information regarding piracy and to coordinate actions to deal with piracy threats emerging in frequented areas sprawling from the Gulf of Aden to the harbor in Mombasa, Kenya. It was already pointed out that piracy had not disappeared with advanced security measures during the Bush era. The CGPCS has been established to provide joint security body to be able to deal with given security threat as successfully as possible. Actions conducted by the CGPCS include: (1) support to the military carrying out counter-piracy operations, (2) support to the shipping industry deploying self-deterrence measures, (3) support to law enforcement and to the judiciary to investigate piracy networks and prosecute pirates, especially in the region, (4) support to capacity building programs in the region.<sup>144</sup> The most expedient interpretation suggests that the CGPCS mechanism is having supporting role in a way that it delegates operations and encourages coordination activities and intelligence sharing.

Another important constituent of the security organization in the area of the Horn of Africa was the creation of the Operation Ocean Shield. The NATO mission was designed to patrol waters in the area in question and to conduct counter-piracy operations with the aim to reduce the risk of piracy attacks on commercial or private ships. This program was successful and helped with dramatic reduction of pirate attack occurrences in the Arabian Sea, Gulf of Aden, and Somali Basin as the total number of piracy attacks went down from 130 in 2009 to mere 22 in 2012 and negligible 6 in 2013.<sup>145</sup> Operation Ocean Shield cooperated with participating counter-piracy missions under the European Union (EU) and also Combined Task Force 151 (CTF-151) established under the Combined Maritime Force in 2009. Presence of independent naval forces in the area gave rise to creation of new coordinating body called Shared Awareness and De-confliction (SHADE).<sup>146</sup> Its purpose was to create operational and

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144 TARDY, Thierry, Fighting piracy off the coast of Somalia: Lessons learned from the Contact Group, EU Institute for Security Studies, Report No. 20, October 2014, p. 14, ISBN 978-92-9198-249-3

145 Operation Ocean Shield, North Atlantic Treaty Organization, Fact Sheet, November 2014, p. 1

146 TARDY, Thierry, Fighting piracy off the coast of Somalia: Lessons learned from the Contact Group, EU Institute for Security Studies, Report No. 20, October 2014, p. 28, ISBN 978-92-9198-249-3

cooperative plans for active naval forces in the area so that their action was unified and effective with no superfluous duplications or communication inconsistency.

It is common- and reasonable- to propose official state's strategy at first and then implement specific measures to meet conditions and objectives suggested in such strategy. Obama's administration began its mission with clear direction towards eventual nuclear disarmament. Obama's first official foreign speech in Prague in April, 2009 was addressed in a spirit of a vision of nuclear non-proliferation and elimination of nuclear stockpiles. Incorporating WMD phenomenon into the first foreign speech of capital importance and to *the National Security Strategy of 2010* manifested the diversion of Obama's attitude from his predecessor. Fear of the possibility of terrorists obtaining nuclear weapon was the primary concern of the U. S. as implementation of all possible measures necessary to prevent terrorists and other criminal groups from acquiring nuclear weapon was securitized by the president of the U. S. to be the top national security priority. When searching for patterns that shape the maritime industry, it is necessary to be aware of the situation within maritime domain during the respective time period. Even though there is no evidence that new security measures applied in the maritime security domain might have any consequences on the balance change between the U. S. export and import, it is definitely appropriate to point out to such change. The end of the second term of the then president Bush was connected to the global financial crisis, which without a doubt affected the maritime transportation domain. In fact, container balance between export and import has been constantly rising from 2001 to 2006 with subsequent downfall in years 2007-2009, which meant that for the first time the respective balance was decreasing due to slowing, or more precisely decreasing import caused by the change in the U. S. dollar value.<sup>147 148</sup> This may be also explained due to the fact that while the export has managed to sustain growing rates over recent years, the import has not been able to keep pace with such trend despite the establishment of new marine terminals in Jacksonville, FL, Jasper County, SC, Houston, TX, and Portsmouth, VA.<sup>149</sup> Furthermore, vessels active in the maritime trade are increasing in their size. Specifically, in 2012 U. S. bound container ships had an average

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147 Transportation Statistics Annual Report 2007, U. S. Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics, Washington, DC, 2007, p. 81

148 Transportation Statistics Annual Report 2010, U. S. Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics, Washington, DC, 2011, p. 142

149 Transportation Statistics Annual Report 2008, U. S. Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics, Washington, DC, 2008, p. 89

capacity of 3903 TEUs, up 28.9 percent from 2002. This just proves that maritime trade industry is constantly evolving.<sup>150</sup>

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150 U. S. Department of Transportation, Bureau of Transportation Statistics, Two Decades of Change in Transportation: Reflections from Transportation Statistics Annual Reports, 1994 – 2014, Washington, DC, p. 10

## 5.4 2<sup>nd</sup> PRESIDENTIAL TERM OF BARACK H. OBAMA

As it was mentioned before, maritime related threats are undergoing constant changes and so do official national strategies issued to respond to such threats. These strategies usually serve as declarations of national foreign policy referring to various security sectors, in our case maritime domain. Security measures and strategic plans must be implemented in accordance to formal requirements presented by respective authorities. First years of Obama's second presidential term were associated with economic cooperation with foreign partners and considerations regarding wider range of security issues within national security of the U. S.

Prevailing multi-layered approach was presented in the *Maritime Security Coordination Policy* of 2013. This document appeals to maritime and security agencies across U. S. government to coordinate their activities with private companies and international organizations.<sup>151</sup> It assigns particular tasks to the USN, USMC, and USCG to provide short-range and long-range security measures needed to address all maritime related threats to the U. S. national security. Effectiveness of security objectives has been assessed by the Measures of Effectiveness, which enabled official authorities to be given final scores.<sup>152</sup>

The U. S. continued to focus on international cooperation in order to deal with piracy threat, which has become an incessant issue over the years. Combating piracy was a key activity necessary to secure free global trade. Such activity was consisting following features: (1) preventive actions, (2) interruptions of piracy acts, (3) building maritime security and governance capacities in affected states.<sup>153</sup> *The United States Counter Piracy and Maritime Security Action Plan* is important because it provides with concrete set of policies projected to repress piracy: (1) reduce the vulnerability of the maritime domain to piracy and related maritime crime, (2) prevent pirate attacks and related maritime crime against U. S. vessels, persons, and interests, as well as those of our allies and partners, (3) interrupt and terminate acts of piracy and related maritime crimes consistent with international law and the rights and responsibilities of coastal, flag and other states, (4) ensure that those who commit acts of piracy and related

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151 Maritime Security Cooperation Policy: An Integrated Navy-Marine Corps-Coast Guard Approach, January 2013, p. 3

152 Ibid, p. 10

153 United States Counter Piracy and Maritime Security Action Plan, June 2014, p. 2

maritime crime are held accountable for their actions by facilitating the prosecution of suspected pirates and ensure that persons committing maritime crime are similarly held accountable by regional, flag, victim, or littoral states or, in appropriate cases, the U. S., (5) preserve the freedom of the seas, including all the rights, freedoms, and uses of the sea recognized in international law, (6) protect ocean commerce and transportation, (7) continue to lead and support international efforts to combat piracy and related maritime crime and urge other states to take decisive actions both individually and through international efforts, (8) build capacity and political will of regional states to combat piracy and related maritime crime, focusing in particular on creating institutional capacity for governance and the rule of law, and (9) strengthen national law to better enable successful prosecution of all members of piracy related criminal enterprises, including those involved in financing, negotiating, or otherwise facilitating acts of piracy or related maritime crime.<sup>154</sup> All criminal attributes of piracy enterprise affect global transportation system and free flow of commerce. Mentioned policies of the respective action plan indicate that the U. S. counted on strong international cooperation as all stated principles are connected to joint activity against piracy or related maritime crime. However, the U. S. retained the decisive influence regarding the prosecution of pirates and other maritime related criminals.

Important aspect of mentioned action plan is in proposition regarding core principles. These include: (1) prevention of attacks, (2) response to acts of maritime crime, and (3) enhance maritime security and governance.<sup>155</sup> These principles may be interpreted as necessary measures employed to prevent possible piracy attack and if such attack does happen, then react as effectively as possible and deter future criminal acts. To fulfill designed action plan, enhanced international cooperation and operational coordination with foreign partners must remain primary concern for the U. S. Adherence to international law is principal approach of other security actors at the global level. For instance, the EU contributes to stable global maritime domain by respecting its fundamental maritime related strategy, the European Union Maritime Security Strategy (EUMSS). This document addresses various maritime related threats coincident with those stated in official maritime related strategic documents of the U. S., including the

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<sup>154</sup> United States Counter Piracy and Maritime Security Action Plan, June 2014, p. 3

<sup>155</sup> Ibid

use of force and armed conflicts within maritime domain, and transnational organized crime, inclusive of piracy.<sup>156</sup>

General agreement regarding necessary procedures aiming towards secure maritime domain is crucial for the U. S. as it would be hard for a single nation to protect its interests across the world individually. Focus on developing transpacific partnerships remained to be primary concern of Obama's administration throughout his first presidential term and it predominated during his second term as well. The U. S. continued in its adopted course to focus on better trans-pacific relationships with foreign countries. This approach would endorse maritime stability in the area and thus promote economic development and ensure security stability. *A Cooperative Strategy for 21<sup>st</sup> Century Seapower* of 2015 acknowledged the U. S. interest in strengthening partnerships with ceaselessly developing countries in India-Asia-Pacific region, including Australia, Japan, New Zealand, Philippines, the Republic of Korea, Thailand, Bangladesh, Brunei, Indonesia, Malaysia, Micronesia, Pakistan, Singapore, and Vietnam.<sup>157</sup> Moreover, the U. S. focused on cooperation with economically strong China- despite its questionable level of transparency and issues regarding territorial disputes in the region- and India which has responded to their rivalry with China, Pakistan and terrorist insurgents with practical implementation of Modi doctrine serving as a strategy through which India seeks to pursue political power- by maintaining significant maritime power in the Indian Ocean region.<sup>158</sup>

Normative reasons for the U. S. naval presence in the area are represented by features such as notions of power and economic prosperity or international prestige. Moreover, persistent U. S. maritime activity would provide secure commercial environment, free maritime transportation and economic stability in the region. Moreover, once U. S. forces patrol waters in the Pacific, they simultaneously serve as conflict deterrents and natural resources protectors.

Primary strategic principles of U. S. maritime activities from 2015 included: (1) defending the homeland, (2) deterring conflict, (3) responding to crisis, (4) defeating aggression, (5) protecting maritime commons, (6) strengthening partnerships, and (7)

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156 European Union Maritime Security Strategy, Council of the European Union, Brussels, 24 June, 2014, Sec. V, Maritime Security Risks and Threats, p. 7

157 Cooperative Strategy for 21<sup>st</sup> Century Seapower, March 2015, p. 2

158 TANDON, Aakriti, India's Foreign Policy Priorities and the Emergence of a Modi Doctrine, Strategic Analysis, Vol. 40, No. 5, 7 August, 2016, p. 354



providing humanitarian assistance and disaster response.<sup>159</sup> These principles have been carried out by constant monitoring of suspicious vessels, investing in operational measures, coordinating maritime related actions with foreign governments and international organizations, and upgrading contemporary natural disaster response plans. *A Cooperative Strategy for 21<sup>st</sup> Century Seapower* of 2015 has been put forward as an update of the respective strategy of 2007 and is the latest official maritime strategy proposed jointly by three naval forces including the USN, USMC, and USCG. Its missions have been assigned five primary functions, including all-domain access, deterrence, sea control, power projection, and maritime security.<sup>160</sup> Historically, power projection has served as primary deterring approach proceeding from U. S. naval superiority and effective financial sources allocation. Security services have been applying this strategy to have adequate control over sea commerce lines and other zones of particular interest of the U. S.

Strategic objectives of this document have been following patterns of national strategies presented by the U. S. administration over the last decade. Widening of sources of threats incorporated issues regarding climate change, raising sea level, cyberspace criminality, or international debate over human trafficking, illegal fishing, etc. Qualities of this document have been questioned in regards to its practical implementation as it emphasizes the necessity of strong international cooperation which brings foreign reactions- especially Chinese- to this strategic document into question.<sup>161</sup> Respective agency, which put climate change issues rather high on its agenda, is the United States Environmental Protection Agency (EPA). Its current strategic plan includes following goals: (1) addressing climate change and improving air quality, (2) protecting America's waters, (3) cleaning up communities and advancing sustainable development, (4) ensuring the safety of chemicals and preventing pollution, (5) protecting human health and the environment by enforcing laws and assuring compliance.<sup>162</sup> The EPA is- alongside with many security agencies and federal

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159 Cooperative Strategy for 21<sup>st</sup> Century Seapower, March 2015, p. 2

160 Ibid, p. 19

161 TILL, Geoffrey, The New U. S. Maritime Strategy: Another View from Outside, Naval War College Review, Vol. 68, No. 4, Autumn 2015, pp. 38-39

162 EPA Strategic Plan, FY 2014 – 2018, U. S. Environmental Protection Agency, Washington, DC, 20460, 10 April, 2014, p. 4

departments- a member of the U. S. National Response Team (NRT) and even serves as Chair of this organization.<sup>163</sup>

*The National Security Strategy* of 2015 put emphasis on covering wide range of threats. Preventing the spread of terrorism remained one of the major goals within this strategy, yet other security issues gained considerable level of attention. Specifically, the stress was laid on recent U. S. activities in international efforts to respond to natural disasters such as the earthquake in Haiti, tsunami in Japan, or typhoon in Philippines; stopping proliferation of nuclear weapons, dealing with cyberspace criminality, risk of another global economic breakdown, global infectious disease outbreaks, or security issues related to climate changes- these include uncontrollable refugee flows due to conflicts over natural resources, increase in sea levels, or natural disasters which subsequently affect not only societies living in coastal areas but they may also have a negative effect on the global economy because of regular commerce lines disruptions. This document also addresses the long lasting issue of U. S. failure to ratify the UNCLOS treaty which undermines the U. S. interest in rule-based international system.<sup>164</sup> There are noticeable patterns of taking wide range of security threats into consideration when assessing national security of the U. S. The international approach of dealing with existential threats has been clear from the first term of the then president George W. Bush as he called for international coordination of counter-terrorism measures. Nevertheless, Barack Obama went beyond this rather realist approach of launching military campaign against terrorism. Obama's administration incorporated wider range of issues that had been securitized by respected authorities as existential threats for the U. S. national security.

Obama's second term was connected to intensification of Asia-Pacific partnerships which gained considerable level of attention of the U. S. because of the growing interest in the regional commerce routes. Their protection has been one of the primary interests of the U. S. since the country is dependent on the influx of cargo passing through this particular area. According to the DOD, maritime instability in the area remains high despite applying advanced security measures from international community. This instability is connected to regional disputes over particular territories

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163 National Response Team Brochure, c/o U. S. EPA, Washington, DC, December 2011, available at: <http://nrt.org/NRT/About.aspx>, viewed 4 May, 2017

164 National Security Strategy, the White House, February 2015, p. 13

as well as to the lack of transparency regarding maritime diplomacy.<sup>165</sup> The overall meaning of this strategy is to point out to the importance of securing Asia-Pacific region in terms of providing stability necessary for secure maritime transportation and general security in challenged security environment.

Vulnerability of the U. S. national security is caused by addressing more security issues and labeling them as existential threats to U. S. interests. This notion includes not only the sovereignty of the U. S., but also its entire population. Computer criminality has become one of the primary security issues with its rapid development. This phenomenon may not seem to be relevant when assessing maritime security but it is not true. Current demand for efficient maritime transportation comes hand in hand with technical and technological development in various ways. Vessels are larger, they are built to carry more containers than ever before, and ports have applied measures that increase efficiency in ports due to advanced scanning technologies and purposeful operational plans. Container ships are functioning because of developments in technology and coordinated use of important data. Automated information systems working on the GPS basis and other important technological mechanisms are vulnerable to hacker attacks performed by unauthorized personnel. The USCG has reported cyber attacks on container terminal facilities and positioning systems for offshore vessels.<sup>166</sup> Such incidents may have catastrophic consequences as they may undermine the national security of the U. S. by preventing security services from protecting the homeland. U. S. official stance on the national security assurance has been affected by the growing influence of cyber related challenges. Because of rapid development in the field of information technology, there are new ways of how to harm U. S. economy and interests of U. S. population. Adversaries may now threaten individuals in the U. S. from hidden place far from U. S. soil. This phenomenon is unpredictable as the U. S. may be harmed basically anytime, anywhere and by anybody. Uncontrollable quantity of data is exchanged on daily basis while remaining vulnerable to seizure and subsequent misuse by unauthorized persons or governments. U. S. administration decided to start with proactive approach which means that it invests considerable investments into cyber defense systems in order to keep pace with adversaries so that defensive mechanisms of the U. S. are able to prevent the country from computer related attacks. Deploying

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165 Asia-Pacific Maritime Security Strategy: Achieving U. S. National Security Objectives In a Changing Environment, Department of Defense, 2015, p. 19

166 Cyber Risks in the Marine Transportation System, The U. S. Coast Guard, August 2016, p. 2

tailored Signal Intelligence (SIGINT) capabilities as support for naval forces helps to detect possible threats and provides expertise information which may be subsequently used by commanders during maritime operations.<sup>167</sup> The most important approach for protected cyber security related to maritime operations is through constructing the network as war-fighting network. This means that the USN must be able to provide with secured communication systems, operational know-how, efficient flow of data, and increased speed in decision-making.

Last two years of Obama's second term were linked to preparing operational programs for the U. S. maritime forces, especially the USN. The U. S. was aware of the fact that its security interests around the globe had always been reliant on global power dynamics. Territorial disputes and security challenges caused by activities of particular foreign governments or insurgent groups have been critical concerns for U. S. decision-makers. The USN has responded to these challenges by introducing new strategy of sustaining sea control through implementation of distributed lethality. This strategy was designed to incorporate new elements into operational apparatus of U. S. naval forces. These included: (1) increasing offensive lethality of all warships, meaning that ships shall be equipped with improved offensive weapons and advanced sensors, (2) distributing offensive capability geographically or in other words spreading the combat power to bring multiple domains into being so that adversaries are challenged by multiple attacks from various domains, and (3) giving ships the right mix of resources to persist in a fight- this means that it is also necessary to upgrade defensive capabilities of warships so that they are able to protect themselves individually and mutually.<sup>168</sup> Such defensive mechanism is called Ship Self-Defense System (SSDS) and includes "detection and engagement elements of the combat system with automated weapons control doctrine and tactical data links for enhanced battle space awareness".<sup>169</sup>

Distributed lethality concept may be interpreted as a return to realist approach which would assess the role of naval services in rather combating readiness instead of them monitoring and patrolling respective areas within maritime domain. This adjustment may be explained as a reaction to insufficient outcomes of activities aimed at dealing with security challenges presented by pirates, insurgent groups, or unreliable governments. Most recently, the U. S. intensified its operational activities in East China

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167 Strategic Plan 2015 – 2020, U. S. Fleet Cyber Command/TENTH Fleet, p. 14

168 ROWDEN, T., S., Surface Force Strategy: Return to Sea Control, Naval Surface Forces, 2017, p. 10

169 U. S. Navy Program Guide 2017, Department of the Navy, Washington, DC, 2017, p. 57

Sea and Sea of Japan in reaction to Kim Jon Un's reckless behavior in terms of conducting missiles tests. The USN has conducted joint exercises with South Korean, French, British, and Japanese naval forces in the south-west Japan area. In May 2017, Japan even supplied the USN with its biggest warship *Izumo*. This helicopter carrier has been deployed as an escort to U. S. supply vessel heading to the USN Nimitz-Class aircraft carrier group in the region.<sup>170</sup>

Actions carried out by the USN are connected with world's power dynamics and they also comply with priorities set by the USN service: (1) serve as modern and credible sea based strategic deterrent, (2) sustain forward presence, distributed globally in places that are crucial for the U. S. security interests, (3) develop capabilities that would enable the U. S. to win decisively, (4) enable adequate funding and operational readiness of the USN forces, (5) enhance asymmetric capabilities in physical domains as well as in cyberspace, (6) sustain a relevant industrial base.<sup>171</sup>

The last up to date official statement regarding strategic plan of the U. S. was presented by the Navy League of the United States (the Navy League). Its *2017-2018 Maritime Policy* has reacted to security challenges caused by rapid investments of Russia and China into modernization of their offensive and defensive systems, uncontrollable nuclear and ballistic-missile program of North Korea, lethal activities of ISIS and other insurgent groups, and finally Iran, which has disturbed the USN vessels and commerce line in the Strait of Hormuz- one of the most frequent oil transits in the world. Moreover, the Navy League acknowledged cyber criminality as a new type of warfare. In addition, it linked massive migration to regional instability caused by climate change, or more precisely natural disasters. The USCG activity should be bolstered by increased investments put into construction of at least two offshore patrol cutters per year, six fast response cutters per year, and also heavy icebreakers needed in Polar Regions which will have increased geo-strategic significance.<sup>172</sup>

Recent policy also supports incorporating UNCLOS into U. S. legislative framework as it would generate many advantages for U. S. interests- such as the extension of its

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170 WINGFIELD-HAYES, Rupert, Japan sends biggest warship to protect US supply vessel, posted 1 May, 2017, available at: <http://www.bbc.com/news/world-asia-39768110>. viewed 2 May, 2017

171 U. S. Navy Program Guide 2017, Department of the Navy, Washington, DC, 2017, introduction

172 Ensuring Strong Sea Services for a Maritime Nation, 2017 – 2018 Maritime Policy, Navy League of the United States, p. 20

continental shelf and secure sovereign rights over hundreds of thousands square miles in the Gulf of Mexico, along the Pacific Coast and within the Arctic area.<sup>173</sup>

The most recent strategic plans and suggested policies came into existence during last months of Obama's presidency before he handed his office over to his successor, Donald J. Trump, who assumed the office in the mid January 2017. Focusing on combat readiness of the USN- alongside with its increased level of operations conducted in the East and South-East Asia in regards to questionable course of power dynamics in the area- may imply reversion to traditional perception of international relations, yet there is not enough evidence to validate such evaluation. Trump's presidency is at the outset and it will take months or even years to be able to assess his actions in regards to maritime challenges affecting the U. S. national security.

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<sup>173</sup> Ensuring Strong Sea Services for a Maritime Nation, 2017 – 2018 Maritime Policy, Navy League of the United States, p. 6

## CONCLUSION

Presented study aspired to analyze all relevant strategic documents related to security apparatus within maritime system. It proceeded from the widened concept of security which was pioneered by authors representing the COPRI. Such conceptualization enabled this work to illustrate inner processes within maritime domain and search for trends that have shaped the U. S. since 9/11. The reason why this study set limitations in terms of strictly defined time period is that it allowed this research to focus just on the most relevant security issues within maritime domain and conduct a comprehensive piece of work which would be in compliance with master thesis preconditions.

Widened concept of national security introduced by scholars such as Barry Buzan, Ole Wæver or Jaap de Wilde was chosen as it presents rather general design on which maritime security issues of the U. S. may be applied. Another innovative contribution to security studies was produced by mentioned authors by adding the process of securitization to methodology discipline. However, this work was approached as a case study as it did not intend to look into the process of labeling certain issues as existential threats to respective referent objects. Instead, it aspired to assess the selected case within its broader context and inquire into its inner logic and real-life trends. U. S. maritime security case itself is so interesting that it was worthy of proper research, despite the fact that more attention has been paid to other domains falling within U. S. national security.

Before actually conducting conceptual analysis of selected strategic documents and measures implemented by U. S. security services, this work had to provide with proper conceptualization. Stress was put on the widened understanding of security which brought about additions to categories comprising of referent objects and sources of threats. Authors representing the COPRI interpreted security in a way that it includes more referent objects aside from the state. They added society to the category alongside with non-state actors and individuals. This addition was only possible by widening of sectors encompassing respective sources of threats. Military sector is no more the sole source of threat as there are also political, economic, societal, and environmental. This

research supplemented mentioned sectors with explanation of particular threats which altogether fall within respective sector(s). Such threats include terrorism, piracy, maritime transportation related threats such as drug smuggling, human trafficking, or arms trade and WMD proliferation, environmental threats, and computer criminality presented as cyber threats.

After evaluation of relevant threats, this work pursued contextual factors of U. S. national security. This part was intended to put on analytical section of this study, which was engaged in interpretation of selected official strategic documents presented by U. S. government. Only after such operation it was possible to introduce particular measures intended to deal with mentioned security threats.

Analytical part was divided into several sections corresponding with individual presidential terms of George W. Bush and Barack H. Obama. On the grounds of proper analysis of official strategic documents and practical implementations of security measures it was possible to find out that approach of respective government changed distinctively as time went by.

Initial emphasis on the War on Terror campaign was provoked by strong impulse caused by terrorist attacks on the WTC and the Pentagon on 9/11. Initiation of War on Terror by the then president Bush was a prompt reaction to these lethal incidents and definite measures were carried out within maritime domain as well. The most significant change was induced by the creation of the DHS which addressed new strategic priorities linked to the vulnerability of the U. S. to terrorism. This change brought about restructuring of national security apparatus for instance by newly adding the USCG to the DHS. The USCG was assigned to deal with threats coming from maritime domain and to react to such threats adequately. One of such reactions resulted into establishing 100-yard security zones around all USN and USCG ships. The U. S. implemented new measures linked especially to the protection of port facilities and cargo arriving into the U. S. on container ships. These measures were exercised by initiating of TWIC program under the TSA control. C-TPAT and CSI have been established to provide more information regarding the U. S. bound shipments; in case of the CSI this activity has effect on operational functioning at foreign ports as the CBP personnel is allowed to prescreen U. S. bound containers at respective ports under the CSI. Implementation of MTSA was linked to preparations of efficient and cooperative



security plans. Establishments of NOA and ISPS Code had effect on upgrading security within port facilities. All these maritime related measures were applied to protect U. S. interests from potential abuse of maritime domain and subsequent undermining of national security of the U. S. These measures were put into effect just because of the vulnerability of the U. S. to misuse of maritime system for conducting terrorist attack.

The second presidential term of George W. Bush was primarily connected to enhanced international cooperation, especially within maritime transportation system. This approach was delineated in the National Strategy for Maritime Security as well as in the International Outreach and Coordination Strategy. Continuation of striving for protecting U. S. interests from terrorist threats was represented by initiation of the SAFE program under the WCO. This framework set up security measures provided by advanced data sharing. The U. S. struggled to increase the security level in cargo screening sphere as it introduced the SFI. This initiative had ambition to screen all U. S. bound cargo for nuclear and radiological contents. However, this security measure has not been successful at all as no port was able to screen required 100 percent of cargo. This failure was caused by the fact that screening would be time-consuming which would have negative effect on the tracked port efficiency.

With security improvements and change in presidency, the U. S. administration continued in established trend of strengthening security primarily in maritime transportation system and port facilities, for instance by implementation of ISF which is connected to necessity to provide required information regarding the shipment. Free global commerce and international cooperation in trade was understood as fundamental to protect U. S. security interests. Preservation of piracy phenomenon gave rise to the establishment of the PRC and CGPCS in the respective areas with high occurrence of piracy incidents. Major deviation from preceding approach was by incorporating other sources of threats into national security strategies. Obama's administration put emphasis on the WMD proliferation, climate change- and related occurrence of natural disasters and human migration- cyber systems, etc. This widened conception of security has been maintained throughout both Obama's presidential terms. During his second term, Obama put stress on improving partnerships with countries in India-Pacific-Asia region, which had limitations in disagreements about territorial disputes in respective area. Yet the U. S. cooperates with large numbers of partners in the region, including official states' governments, international organizations, or private businesses.

In spite of constant striving of U. S. administration to provide security within maritime domain, there are still several troubling issues which undermine this effort. Major problems- which have been perceptible during presidencies two presidencies following terrorist attacks on 9/11- are connected to the lack of national legislation regarding maritime security issues and complicated implementation of international security agreements. These communication contradictions have been caused by different interests of particular governments and also by the fact that the U. S. has not incorporated the UNCLOS into its own legislative apparatus.

Other problems in providing security are bound to technological development, which is linked to the possibility of producing unprotected segments of respective security layer. Terrorists and other criminals are searching for these exposed segments of security, which may have catastrophic consequences for the U. S. national security. Therefore, the U. S. must ceaselessly invest into security measures which would reduce the risk of emergence of threats.

As ascertained by this study, U. S. administration has linked its national security to secure maritime domain as oceans cover two thirds of the Earth. Connection between security and trade efficiency generates conflicts between state's and private businesses' interests. On one hand, the state has to maintain sovereign rights and guarantee security to its population, but on the other it has to provide efficient flow of goods from and into the country, which is in interest of private companies as well as of respective state as it benefits from free commerce. In the U. S. case, there are various problematic aspects of this mutual relation between security and trade. For instance, the SFI proved that demanded security measures might not be put into practice because the efficient trade would pre-dominate any possible security challenges. Another security issue troubling U. S. security services is insufficient guideline on the ISPS Code implementation. This is connected to one of the most problematic aspects of maritime security framework. As there is no universal authority having control over maritime domain and its inherent processes, there are multi-layered security services which altogether strive to provide national security through secured maritime domain. This arrangement is felicitous on one hand, but it brings into question issues regarding complicated organizational structure and implementation of strategic plans into reality. Such complex layout causes redundancy of security service personnel on one hand, and lack of clarity regarding operational practice on the other.

Despite constant striving for increased maritime security by implementing advanced security measures into practice, maritime domain remains to be vulnerable to various sources of threats, which concurrently affects U. S. national security. On the grounds of researched information and taking prevailing security deficiencies into consideration, it is apposite to conclude this research with its opening line which states that perfect maritime security can only be achieved by shutting down the transportation system.

## **SUMMARY**

This Master's thesis assessed U. S. maritime security as part of homeland security based on widened concept of security introduced by Barry Buzan and his fellow workers representing Copenhagen school. Based on researched material this work came to a conclusion that the U. S. has responded to 9/11 terrorist attacks with rapid intensification of security measures within maritime domain. Moreover, the U. S. has been updating its national security strategies in order to adequately react to all existential threats to the national security of the U. S. and its allies. This work itemized these threats and commented on changing trends within U. S. security framework during presidencies of George W. Bush and Barack H. Obama. On the grounds of respective findings, this study acknowledged the effort of U. S. administration in terms of its dedication to maritime security, regardless of strong influencing of private businesses which collectively demand efficient maritime commerce.

## **ABBREVIATIONS**

ACE – Automated Commercial Environment

AIS – Automatic Identification System

BMP – Best Management Practices

CBP – Bureau of Customs and Border Protection

CGPCS – Contact Group on Piracy off the Coast of Somalia

CIA – Central Intelligence Agency

COPRI – Copenhagen Peace Research Institute

CSI – Container Security Initiative

CTF-151 – Combined Task Force 151

C-TPAT – Custom-Trade Partnership Against Terrorism

DHS – Department of Homeland Security

DOD – Department of Defense

DOE – Department of Energy

DPR – Domestic Port Radiation

EPA – Environmental Protection Agency

EU – European Union

EUMSS – European Union Maritime Security Strategy

GMCOI – Global Maritime Community of Interest

GPS – Global Positioning System

IMB – International Maritime Bureau

IMO – International Maritime Organization

ISIS – Islamic State

ISO – International Standards Organization

ISPS Code – International Ship and Port Facility Security Code

MARAD – Maritime Administration

MDA – Maritime Domain Awareness

MI – Megaports Initiative

MSC – Maritime Safety Committee

NATO – North Atlantic Treaty Organization

NOA – Notice of Arrival

NRT – National Response Team

PRC – Piracy Reporting Center

SAFE – Standards to Secure and Facilitate Global Trade

SFI – Secure Freight Initiative

SHADE – Shared Awareness and De-confliction

SIGINT – Signal Intelligence

SSDS – Ship Self-Defense System

TEU – Twenty-foot Equivalent Unit

TSA – Transportation Security Administration

TWIC – Transportation Worker Identification Credential

UN – United Nations

UNCLOS – United Nations Convention on the Law of the Sea

U. S. – The United States of America

U. S. S. R. – The Union of Soviet Socialist Republics

USCG – United States Coast Guard

USMC – United States Marine Corps

USN – United States Navy

WCO – World Customs Organization

WMD – Weapons of Mass Destruction

WSC – World Shipping Council

WTC – World Trade Center

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