

## **Special Events and Seaport Security**

by

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The maritime industry has dealt with the requirements for security since the day the first ship put to sea. For as long as there have been ships sailing the high seas, there have been threats against them. Today, the historical threats of piracy, cargo theft, hijacking and attack from hostile combatants remains a constant and legitimate threat facing almost every deep draft vessel that sails the world's oceans. Acts of terror, as defined in the post September 11<sup>th</sup> environment, are not new to the shipping industry or the components of the Maritime Transportation System (MTS). What is new, however, is the recognition that vessels and port facilities provide a terrorist the ability to target and strike targets located in the periphery of the maritime shipping industry and which often have no role within the MTS. Events such as seafairs, fleet weeks and water sport venues find themselves within the curtain of vulnerability and provide an often more lucrative target by terrorist conspirators than the traditional maritime and port targets that the MTS is spending hundreds of millions of dollars annually just within the United States.

Before discussing the threat that special port events expose the MTS and the adjacent land mass and resident civilian population to, lets first look at the historical aspects of maritime security and the national and international maritime transportation systems.

The United States Maritime Transportation System provides the backbone for national and international trade, not just on the water, but also throughout the heart of America. The vital role that seaports and the inland waterways play in the economy of our nation cannot be overstated. The national Marine Transportation System comprises 1,000 harbor channels; 25,000 miles of inland, intracoastal, and coastal waterways; and 3,700 terminals that handle passenger and cargo movements. This system connects with 152,000 miles of rail, 460,000 miles of pipelines, and 45,000 miles of interstate highways (1).

Attacks against the international MTS can be traced back to the days well before the likes of Blackbeard and privateers. The threat facing the international shipping

community today, however, has changed very little from those when wooden ships were the norm. Piracy and organized criminal conspiracies continue to threaten commercial and private shipping across the globe, and have seen a drastic increase within the past several decades. In the first three months of 2003, the International Maritime Bureau received reports of 103 acts of piracy, which represents an increase of nearly 300% over the same period reported a decade previously. Terrorism, apart from piracy, has plagued the international maritime transportation system well before 9/11. Modern acts of political terrorism aimed against the international maritime transportation system have been recorded in almost every decade since terrorism was defined. From post millennium attacks against USS COLE and the French supertanker *Limburg* to the hijacking of the *Achille Lauro* by Palestinian terrorists in 1985, the maritime security industry has been forced to deal with terrorism long before other modes of transportation have been targeted.

Since September 11<sup>th</sup>, the international maritime community has taken considerable steps to increase security of commercial vessels and port facilities across the world. The International Ship and Port Security Code (ISPS) was ratified by the International Maritime Organization (IMO) in 2002 which established sweeping changes in security aboard vessels and at port facilities. On the home front, Congress passed the Maritime Transportation Security Act (MTSA) of 2002 which incorporated the international requirements contained within the ISPS Code and imposed additional security requirements on certain US flagged vessels, off-shore petroleum facilities, and commercial port facilities. These federal requirements were codified into law as part of the Code of Federal Regulations in October of 2003.

The primary intent of most new state, federal and international security requirements is focused at preventing a catastrophic incident aimed at the international or national MTS. The United States Coast Guard has defined a maritime transportation security incident (MTSI) as “security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption affecting the Maritime Transportation System.” (2)

Special events in our harbors and ports pose a completely different threat and vulnerability than what the maritime security industry has been preparing for. Where the intent of today's enhanced security requirements are focused on protecting the vessels, cargo, passengers, and facilities from a direct or indirect security threat intended to result in an MTSI, the target set created by a large public event held within the operations of the MTS are aimed at the urban, residential and public population that frequents or is co-located in proximity to such an event. Put plainly, the target is no longer the MTS but is the large transient population that is drawn to a facility that is part of the MTS and the threat is no longer from elements using vulnerabilities **of** the MTS but is now from vulnerabilities created *by* the MTS.

This vulnerability occurs due to the proximity of most of our nation's population to ports, harbors and coastal waterways and requires the security industry to rethink port and maritime security approaches when special events are held that draw large populations to the waterfront. During these events, the dynamics of security, already recognized to be extremely challenging, grows even more complicated as another dimension of threat is added to the already multi-dimensional threat environment facing the MTS. In addition to protecting the port facilities and vessels from a range of threats, we now face the added burden of protecting a large influx of visitors into waterfront facilities from exposure to threats indigenous to the MTS as well as protecting the facilities and berthed vessels from a mass of uncredentialed and often unscreened visitors. It is important that the private and public security professionals responsible for securing these events remember that they are equally protecting the facilities and vessels from an MTSI as well as protecting the public from being targeted through the MTS. Too often the focus is asymmetrical resulting in an entire venue of vulnerabilities and threats being neglected. This result can be attributed to a number of possible factors.

As a sea-going nation, the economic impact of an attack on the MTS would have a terrible and massive impact on the United States. This topic has been examined and discussed at length by economists and security experts since the attacks on 9/11. However, one must remember that more than just our economy is exposed to trade winds that blow along our nation's coastlines, large population centers are also directly touched by the oceans surrounding our country. . In fact, coastal areas are among the most

crowded and developed land regions in the nation comprising less than one-fifth of the contiguous United States land area but accounting for over one-half of the nation's population and housing supply. (3) It would be reasonable then to expect that a determined and capable enemy would and could target the heart of our country's inhabitants by striking on the edges of our country's landmass. Large public events held in venues located along or adjacent to the waters encompassing our nation provide a unique opportunity to strike at a concentrated population located in an already dense concentration of people. Further, the multi-dimensional threat envelope incorporating access from the air, surface, subsurface (and in many cases subterranean access) and land, provides increased exposure to possible targets and increased vulnerabilities that terrorist organizations might exploit. But what makes protecting a venue or special event located on the waterfront any different than protecting a convention center located miles from water or a waterfront facility already facing a threat against an MTSI?

Often is the case where the priorities of the agencies that typically have the lead for security during a special event held within a port or usually much different from the agency charged with protecting a rock concert held in middle America. Anyone familiar with ports understand that the makeup of the port community as well as the jurisdiction of governing port authorities or port districts vary completely from state to state, and often from city to city. While many port communities have law enforcement agencies charged with protecting the facilities and the waters surrounding the facilities, it is not uncommon for all but the largest of our nation's ports to have no dedicated law enforcement presence patrolling the waters or the land that comprise the port. When a government entity does exist that has this law enforcement capability, it is often a special government district whose jurisdiction and responsibility for public safety and protection ends at the limits of the port property. In these cases, the agency's primary responsibility will generally focus on protecting port and maritime assets with an eye toward preventing theft or destruction of port property first, and the protection of the population residing outside of or temporarily visiting the port second.

Protection of one's own property and interests first is a natural state of mind that often creates a culture and environment where even the best intentions to do more take a backseat to the day to day mission of those charged with protecting the property. With

the intense focus currently on training port security personnel to protect the vessels, cargo, and facilities from being attacked from outsiders, the mission of protecting the community that borders the port from threats introduced through the port, can easily assume no more than a token effort by understaffed and under funded port security agencies. Contract security guards, who guard almost all private port facilities and provide a primary or secondary security function at most public port facilities, typically are charged with maintaining perimeter security to keep the facility from being the target of an economic crime. By and large, when a special event is held within the confines of the port, the primary security staff charged with protecting the port continues to focus on this mission first and the safety and security of the public second.

Another factor contributing to the difficulty of protecting the public from threats originating from the MTS is an issue that varies only slightly from the challenge of protecting the waterfront from an MTSI—lack of coordination among a host of public and private security organizations responsible for port security. The Maritime Transportation Security Act of 2002 designated the USCG Captain of the Port as the Federal Maritime Security Coordinator with oversight authority for maritime security to include jurisdiction on land facilities now regulated by 33 CFR Part 105. However, in addition to the USCG, there can be a dozen or more federal, state and local law enforcement agencies who can claim legal jurisdiction within a port in addition to the thousands of contract security guards who stand guard at most public and private port facilities. Add to this mix, other law enforcement and security organizations that might be involved in coordinating security for a special event and the number of agencies can expand exponentially. Imagine how many federal and state law enforcement agencies had boats in the water during the Democratic National Convention in Boston this past July. Each agency with their own mission, training, culture, response plans and authority under the law. In each of these cases one agency must take the lead and demonstrate clear leadership in assigning duties and responsibilities for all security personnel, regardless of the color of uniform that they wear. The need to protect the facilities, vessels and cargo from being attacked by conspirators using the event as a means to gain access must be balanced with the need to protect the public and surrounding community from threats capable of using the facility, vessels or cargo as a means to strike dense

population centers. These requirements, while appearing to be similar in scope, actually vary in complexity on a variety of fronts to include jurisdiction, laws governing search and seizures, Rule of Engagement (ROE) or use of force. Security issues inherent to events such as political conventions or Navy fleet weeks differ significantly from security issues involved in a music concert or fireworks display held in a waterfront park. Security at all of these events is significantly more complicated than the day to day requirements of securing the MTS.

In providing security for special events that are to be held in a port environment, the key to ensuring all vulnerabilities are addressed and planned for lies in providing a balance to the often-conflicting security demands of people versus MTS. If those wishing to do our nation serious damage are capable of detecting a pattern of sacrificing one over the other, it will be only a matter of time before these vulnerabilities are exploited and an attack occurs based on these perceived vulnerabilities. If that should occur and the terrorists are successful in launching such an attack, whether the goal of such an attack lie in targeting the population of the event or community hosting the event or effecting an MTSI, the resulting consequences will cause grave damage to both our nation's economy as well as the safety of people inhabiting waterfront communities. In either case, it will be a clear win for the terrorists (regardless of the success of the attack itself) and a failure of the maritime security industry.

Notes:

- (1) Center for Ports and Waterways, Texas Transportation Institute
- (2) 33 Code of Federal Regulations, Subchapter H, Part 101.105
- (3) National Oceanic and Atmospheric Administration