

## Maritime Security Threats and Security Responsibilities in Myanmar: Glance on Drug Smuggling

Hnin Hnin Saw Hla Maung\*  
Department of Law, University of Yangon

### Abstract

Drug smuggling has become one of the most serious maritime threats to all civilized societies in modern history. Maritime security has evolved since the induction of the International Ship and Port Facility Security Code (ISPS Code) in 2004. Therefore, governments are required to undertake a port facility security assessment on each ship and port facility within the scope of the maritime security measures. Maritime security measures were developed in response to perceive maritime threats. A high proportion of drug trafficking is undertaken by sea because of the opportunities offered by the large quantity of shipment from producing to consuming countries for illicit markets. Myanmar has recently faced with drug smuggling by the large quantity of shipment. Myanmar has a responsibility for maritime security consistent with the ISPS Code and IMO Conventions.

**Key Words:** maritime security, maritime treats, drug smuggling

### 1. Introduction

One of the methods for smuggling drugs from producing to consuming countries is done by shipment, secreted in cargoes and shipping containers, to establish the most money-making illicit markets. The concept of security as normally understood must be expanded to the state of a shipping company, vessel, crew, port, making secure or safe against current threats as terrorism, piracy, drug smuggling and stowaway etc. The research attempts main areas such as evolution of maritime security, current maritime threats, responsibility for maritime security of the government, maritime security policy in Myanmar and current challenges of maritime security in Myanmar.

### 2. Evolution of Maritime Security

The international concern for the security of ships, cargoes, passengers, and crews has been steadily growing over the past forty years. Notable examples of security incidents include the *Achille Lauro* in 1985, *Pam Am Flight 103* in 1988, the Mumbai bomb blasts of 1993, the world Trade Center bombing in 1993, the hijackings of the *M.T. Petro Ranger* in 1998 and the *M.V. Alondra Rainbow* in 1999, the bomb attack on the *USS Cole* in 2000, the hijacking of the *M.V. Inabukwa* in 2001, the terrorist attacks of September 11, 2001 on the world Trade Center and the Pentagon, the hijacking of the *MT Han Wel* in 2002 and the explosion of the Limburg in 2002. According to IMO: until 2003, there are 2 confirmed terrorist attacks on vessels, 341 vessels have been attacked (Piracy, theft etc.), 4 persons have been killed, 26 wounded, 11 vessels have disappeared. Finally, IMO measures – International Security of Ships and of Port Facilities (ISPS Code) came following 9/11 Event. International Ship and Port Facility Security Code is the standard for establishing system for security management and secure operation of vessels and port facilities. It includes two parts: Part A: mandatory – ships, companies, port facilities and Flag/Port states and Part B: guidance for part A. (McNicholas, 2016)

---

\* Hnin Hnin Saw Hla Maung, Department of Law, University of Yangon

Looking back on International conventions and regulations for maritime security, in 1983, IMO Resolution A.545(13) adopted Measures to Prevent Acts of Piracy and Armed Robbery against Ships. Within the IMO, the first mention of "security" in any treaty, convention, or resolution appeared after the *AchilleLauro* hijacking in 1985. On 20 November of that year, the IMO Assembly adopted Resolution A.584 (14), titled "measures to Prevent Unlawful Acts which threaten the Safety of Ships and the Security of their Passengers and Crews". This resolution authorized the Maritime Safety Committee (MSC) to issue circular containing information on the measures developed by the committee to Governments, organizations concerned, and interested parties for their consideration and adoption.

In 1986, the MSC approved MSC/Circ. 443, titled "Measures to Prevent Unlawful Acts against passengers and Crews on board Ships". The next action taken the IMO regarding maritime security came in the form of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome Convention, 1988). This became known as the SUA Convention of 1988 which obliges contracting governments either to extradite or prosecute alleged offenders. After the tragic events on 9/11 IMO unanimously agreed to the development of new measures relating to the security of ships and of port facilities (ISPS Code) in 2001 and in 2004, Amendments to SOLAS 74 entered into force on July 1, 2004.

Maritime Security requires: measures (protective / security) to be put in place onboard vessels, port facilities, offshore installations, and other marine organizations or establishments: to protect against maritime threats such as Seizure, Sabotage, Piracy, Pilferage and to prevent hostile interference with lawful operations by embracing all pre-planned measures.

### **3. Current Maritime Security Threats**

Currently, maritime security threats to maritime trade are terrorism, piracy, the people problems such as stowaways and illicit boarders, and criminal activities: the illegal drug trade and smuggling. There are also threats to shipping: cyber threats, threats to specific vessel types and port as targets including seaways, canals and choke points. Different vessels, cargoes and geographical locations all pose different security risks (Jones, 2012). Among these threats, illegal drug smuggling has become one of the most serious threats to all civilized societies in modern history.

### **4. Security Responsibilities of Governments and Their National Authorities**

Government, port facility and port operators, and ship operators have their respective responsibilities on security. Among them, security responsibilities of Governments and their national authorities include national legislation, organizations within government, government co-ordination mechanisms, recognized security organizations (RSOs), secure equivalent security arrangements, enforcement actions, training of government officials with security responsibilities, national oversight, additional security related instruments and guidance issued by IMO and information to IMO. Governments can designate or establish designated authorities to update their security duties and allow RSOs to carry out certain work with respect to ship and port facilities, but acceptance and approval of such matters remains the responsibility of the contracting government of the designated authority.

## 5. Maritime Security Policy in Myanmar

Myanmar has a long extended coast line of about 2229 km and 16 International ISPS Compliance ports for sea going ships. There are ISPS compliance port-facilities: eight terminals in Yangon area, six terminals in Thilawa area, Kadikhe port Terminal in Dawei and Myanmar Made Island Port in Kyaukphyu.

Myanmar had already signed IMO conventions such as International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 78/95 (STCW), SOLAS 74/78, Convention for the Suppression of Useful Acts against the Safety of Maritime Navigation (SUA 88 and its protocols). According to SOLAS 74 Chapter XI-2, all passenger and cargo ships over 500 GT for international trade as well as International port facilities must comply with the ISPS Code before 1<sup>st</sup> July 2004. Myanmar is therefore responsible for maritime security to be implemented in accordance with the ISPS Code requirements.

Government therefore established Maritime and Port Security Committee by Notification 18/2004 at National Level and set up duties and functions of the committee to implement the ISPS Code as national legislation instruments as of the SOLAS XI-2 and the ISPS Code. The new government reformed the Maritime & Port Facility Security Committee by Notification No. 12/2011 in 2011. The Committee consists of 22 members led by the Union Minister for Ministry of Transport. But Regional and States Level Maritime Security sub-committees have not set up yet.

Thus, maritime security policies are set to prevent terrorist or criminal activities happening in Myanmar ships and port facilities and to assist the ship and port facilities for being more safe and secure: to identify the potential for criminal or terrorist activities happening; to detect, deter or minimize terrorist or criminal activities; to react when terrorist or criminal activities are encountered.

The Department of Marine Administration (DMA) is duly appointed by Ministry of Transport as the Designated Authority (as a focal point) for Ships and Port Facilities Security in Myanmar by Notification No. 106/2004. As a maritime law enforcement organization in Myanmar, the department of marine administration, customs, navy, marine police force and immigration work together to ensure the safety of navigation, maritime security and the protection of the marine environment under the IMO Conventions and ISPS Code.

DMA under Maritime & Port Security Committee conducts all port facilities in connection with port authority, port security officer, and port facility security officers; and deals with company security officer, master, and ship security officer and carries out for the ship.

In implementing maritime security, DMA approved ship security plan to Myanmar flagged vessels as well as issued international ship security certificate to the ship and statement of compliance of port facility to port facilities (According to SOLAS Chapter XI-2 and ISPS Code Part A & Part B). Accordingly, DMA delegates certain security duties to Lloyds, ABS, NK, Astro Marine Co. Ltd and KR as recognized security organization (RSO) (MSC/Circ.1074); to approve ship security plan, verify ship's compliance with SOLAS Chapter XI-2 & ISPS Code and to issue interim ship security certificate in line with Maritime Security & ISPS Code.

Also, DMA provides staff and officers to attend regional seminar/ workshop and meetings on Maritime Security in various countries such as Japan, US, India, Bangkok, Malaysia, Singapore, Indonesia, Australia and the IMO-Maritime Security "Train the Trainer Course" as capacity building efforts. Moreover, DMA has approved seven training centers to conduct security training course for ship security officer, company security officer, port facility security officer and security personnel. Also audit, inspections are from time to time conducted by DMA.

And DMA acts communication linkpoint of contacts and information flow process among various agencies such as port security committee and relevant inter-agencies: Customs, Immigration, Maritime Police Force, Navy, Fire Brigade, Intelligence agency and Terminal Operators etc. and carries out drill and exercise with such kind of inter-agencies at the National level and Regional level as joint exercises in order to handle the security related issues.

Regarding international co-operation on port facility security, Myanmar signed in the agreement of Regional Cooperation Agreement to Combat Piracy and Armed Robbery against Ships in Asia (ReCAPP) in 2006 to get information relating maritime security in the Asian region.

At present, together with DMA, Navy carries out the joint or bilateral exercise with Sri Lanka Navy, Pakistan Navy, India Coast Guard and Navy, Bangladesh Navy, China (Maritime Safety Agency) in territorial sea, EEZ to deal the security issues. Customs, Immigration and Quarantine (CIQ) inspection is regularly done for arriving vessel and departing vessel from Myanmar ports. In custom inspection, there are 3 channels: Green channel, Yellow channel and Red channel for export and import cargo inspection. In red channel, suspicious containers, and black listed companies are 100% checked by custom. Maritime police force was established on 28 June 2012 (Union Meeting No. 24/ 2012) by approval of the government in order to carry out security concern, safety and tranquility in internal water, territorial water, Exclusive Economic Zone. They have extended marine force organization and gradually conducted patrol for marine security, but have no capacity to control EEZ areas because of limited assets.

## **6. Challenges of Maritime Security in Myanmar**

In very recent years, Myanmar had many serious incidents on drug smuggling (UNODC, World Drug Report, 2016). Notable examples are seizure of 84 Herein blocks (29.4 kg) concealed inside wood sticks on the MV Kota Tegap at Asia World Port in Kyimyindine Township, Yangon on 25 January 2009; seizure of Heroin 592.52 Kg at Hnitkayin Village, in Yay Township, Mon State; under joint investigation with other local authorities; seizure of illegal drug including 2.4 Millions Ecstasy Tablet on Wooden cargo vessel named "Tun Lin Shwe" (Mawlamyine, Mon State) on 19 August 2014 in joint investigation with other local authorities.

And on July 26, Yangon police seized 26.7 million tablets worth K133 billion and weighing 2.67 tons from a truck parked in Oh Eain road near Zegabar housing in Mingaladon Township. A raid on a house in East Dagon Township last week netted 1.8 million tablets and 575 bottles of phensedyl and drug-related materials. According to the colonel, the case is the second-biggest drug case in the world after China. (Myanmar Times: Monday, October 5, 2015)

As Problem Areas in Port Facility Security Implementation, the main ports and port facilities serving ships engaged on international voyages have already complied with ISPS Code and the new ports under construction are still preparing their facilities to comply the ISPS Code. Due to the limited budget and the condition of development on these areas, some coastal port facilities are still facing difficulties to ensure effectiveness of each port facility security plan and continuous implementation of the ISPS Code.

Electronic Data Interchange (EDI) is increasingly used in modern marine terminals. It enables shipping transactions to be conducted entirely from a computer terminal linked to a data network. Transactions include booking freight, tracking shipments, billing customers, and clearing customs. Therefore, EDI is potentially rich sources of shipping information to cargo thieves and other criminals and must be adequately protected by Security Chain Links. Even Myanmar Port Authority (MPA) and private wharf accepted that EDI system is more effective and good system for our maritime transport industry and Maritime Security Regime. MPA has already set up and introduced the EDI system in Myanmar since 2015 and planned to establish step by step as follows: cargo management information system, container management information system, vessel management information system and trade EDI to complete in near future. There are ten mobile container cargo scanner units in Yangon Port Area but the efficiency and capacity of the cargo scanner unit is not well enough for future maritime transport development and it still needs to set up the fixed container cargo scanner in the busy ports for more detailed inspection.

## 7. Conclusion

Myanmar has recently met many incidents on drug smuggling as international crimes. There remains lack of national legislation for enforcement action on maritime security areas. Another barrier turns out to be legislative amending process regarding dividing responsibilities among related government agencies. The maritime law enforcement organization is not well organized. Accordingly, maritime police force cannot fully set up yet for the maritime security because of limited facilities. Also, to prevent and suppress illicit drug trafficking on Ships Engaged in International Maritime Traffic, coast guard needs to be established to effectively handle security-related information and communications, to get international aid. The budget of the DMA constrains to extend human resources and infrastructure for maritime safety and security as well. Other obstruction is inadequate maritime domain awareness and insufficient security assets. As Myanmar is a member of SOLAS Convention, supplemented ISPS Code and IMO conventions, it would be better if the requirements for maritime security will be fulfilled in line with ISPS Code and IMO conventions to contribute to the international effort aimed at combating illicit drug trafficking around the world.

## Acknowledgements

I gratefully acknowledge the receipt of research funding for this research from the Asia Research Centre, Yangon University. I am deeply grateful to Dr Pho Kaung, Rector of University of Yangon, Dr. Kyaw Naing, Pro Rector of Yangon University of Distance Education and Dr Khin Mar Yee, Head of Department of Law, University of Yangon for their assistances and encouragement in various ways. My deep gratitude is also extended to Capt. The Htay, Director of Marine Safety, Security & Environmental Protection Division; Capt. Ko Ko Naing, Deputy Director of Maritime Safety, Security & Environmental Protection Division, Department of Marine Administration, for the completion of my research. My

teacher, DrKhinKhin Yi, Professor, Head of Department of Law, Taungoo University, is also gratefully acknowledged for her kindly help.

### References

- DMA**, 2011. Maritime Security Training Course for Ship Security.
- IMO**, 2004. International Ship and Port Facility Security Code.
- IMO**, 2012. Guide to Maritime Security and the ISPS Code.
- IMO**, 2012. Security Awareness Training for All Seafarers.
- IMO**,Resolution A. 545(13), 584(14).
- Jones**,S. M., 2012. Maritime Security: A Practical Guide.
- McNicholas**, M.,2016. Maritime Security: An Introduction.
- NICB**, 2015. International Narcotics Control Board Report.
- United Nations Office on Drugs and Crimes (UNODC)**, 2016. World Drug Report.