

# Summit agenda

*In the run-up to the Global Nuclear Security Summit in Washington D.C., David Fairnie, Global Ports Solutions Director for G4S, asks whether the tipping point has eventually been reached in the contentious 100% container scanning debate?*



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Many stakeholders within the international maritime supply chain community, both public and private, believe that the contentious international debate surrounding the US mandated 100% container scanning legislation (enacted within the 9/11 Commission Act) is coming to a close.

A newly released, European Union (EU) commissioned report has studied and assessed the potential impacts of implementing the US 100% scanning mandate. It concluded that such unilateral supply chain security legislation would be too difficult, complex and costly to implement, and could severely impact international trade and diplomatic relations should the US continue down the path of proposing to scan all shipping containers bound for its shores.

To address the extreme threat posed by certain terrorist groups, whose intent is to infiltrate and exploit vulnerabilities of the supply chain to transport illegal chemical, biological, radiological or nuclear (fissile) materials or, in the worst case, deliver a weapon of mass effect (WME), the EU prefers to adopt a 'multi-layered risk-based approach' in protecting its people and economic interests.

Now it appears that the views of the head of the US Government agency tasked by the US Congress with implementing the new law by 2012 are converging with the EU's assessment. In a hearing at the end of last year, **Department of Homeland Security (DHS) Secretary, Janet Napolitano**, briefed the **US Senate Committee on Commerce, Science and Transportation** that other areas of transportation also require attention and so the department has taken a 'layered approach' to cargo security.

The practicality of implementing the 100% container scanning law by 2012 was assessed by the EU as simply 'not doable', whilst the DHS appears to consider 100% cargo scanning at least as being insufficient to achieve US security goals. We do not know whether a US commitment to intermodal layered security for its transportation system might lead to backing off from the commitment to 100% foreign-based

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scanning and we do not know whether broader US political acceptance of these assessments is possible. Consequently, a confusing 'will they, won't they implement the law?' situation remains.

However, a significant forthcoming global event may hold the answers and, at last, provide some clarity on the matter, something which the maritime supply chain sector and the international community have for some time been seeking in relation to this critical and contentious issue.

Addressing the global Nuclear Non Proliferation issue was one of the central pillars of the Obama administration's election campaign. In April 2009, President Obama laid out a clear strategy to address the nuclear threats facing the United States and the world. His three-part strategy to address these threats globally proposes to:

- Take measures to reduce and eventually eliminate existing nuclear arsenals
- Strengthen the Non Proliferation treaty and halt proliferation of nuclear weapons to additional states
- Prevent terrorists from acquiring nuclear weapons or materials.

During the July 2009 G-8 Summit

in Italy, President Obama reiterated his call for a summit to specifically address the third component of his strategy (*preventing terrorists from acquiring nuclear weapons or materials*) and, as a consequence, a *Global Nuclear Security Summit* was planned and is scheduled to take place on 12 April 2010 in Washington, D.C. where the United States will host more than 40 heads of state and several international organisations.

The stated purpose, and primary focus, of the summit is to agree to international protocols to safeguard against nuclear terrorism through bolstering international cooperation and improving the security of nuclear materials worldwide.

The summit aims to provide an opportunity to discuss and agree practical ways to identify and disrupt the illicit trade and movement of nuclear materials. The White House, in the summit pre-*amble*, states that the event will facilitate *'discussion on the nature of the threat and develop steps that can be taken together to secure vulnerable materials, combat nuclear smuggling and deter, detect, and disrupt attempts at nuclear terrorism.'*

In hosting the summit, the US administration is seeking to transform the global nuclear security agenda into a multilateral effort.

It hopes that the summit will reaffirm each nation's responsibility to secure nuclear material on its own territory, as well as helping those nations which lack the capacity to secure material to do so successfully. Additionally, the summit is intended to strengthen the institutions and initiatives that combat nuclear smuggling and theft, including the *Global Threat Reduction Initiative*, the *Global Initiative to Combat Nuclear Terrorism*, and the *Proliferation Security Initiative*.

With the summit's purpose and aims clearly communicated in advance by the US government, it should be noted that there is significant and key language within the messaging that would strongly indicate that clarity is beginning to come from within the US administration as

to how it intends to tackle the issue of combating terrorist groups with nuclear aspirations (the threat for which, of course, was the reason the 100% scanning legislation was mandated by the US Congress in the first place).

Through interpretation of the pre-event messaging and appreciation of the historical background and the political intent of this major global event, it is not unreasonable to conclude that considerable political and diplomatic effort has taken place, or is currently underway, by the US administration, to intentionally move the focus away from the controversial aspects of the 100% scanning legislation into shaping a coordinated international response that would mitigate the specific risk posed by nuclear terrorism.

The Obama administration is clearly mindful of the considerable pushback from the international community and supply chain industry over the last two years, as a result of the decision taken by Congress to enact the 9/11 Commission 100% scanning legislation, including the diplomatic damage this has caused. It will, of course, also be appreciative of Secretary Napolitano's department's views on the considerable impracticalities of implementing the act's legislative requirements, as they are defined at this time. Through hosting this event, the US administration is publicly embracing the position that effectively addressing the threat can only be done in partnership, through an international multilateral effort, which is a clear and promising move away from the Congressional unilateral standpoint.

As for the practical solutions to address the threat of nuclear terrorism, interpreting the pre-event messaging again would indicate strongly that the US administration is intent on expanding, in partnership and collaboration, tried and tested initiatives such as the **Department of Energy's Second Line of Defense (SLD)** programme – the *Megaports* initiative, whose goal is to deliver an effective and sustainable global capability to *deter, detect* and *interdict* illicit trafficking in *special nuclear and other radioactive materials*.

The *Megaports* programme, which predates the politically contentious and potentially trade inhibiting 100% scanning legislation by four years, is a non-contentious, cost-effective and successful programme which has installed more than 150 radiation portal monitors, straddle carriers, spectroscopic portal monitors, and handheld radiation detection systems in 18 countries without adversely impacting trade. These *Megaports* detection systems are currently deployed at 19 international ports with 25 additional installations underway. The programme has a stated target of deploying similar systems in more than 100 ports worldwide by 2015, at which point 50% of global container traffic will be scanned for illicit special nuclear material.

The threat remains clear, the terrorist intent is unquestionable, and what 'is doable' to mitigate this threat should be done as a matter of urgency as part of a layered risk-based and progressive approach. The solution to the problem would appear to be patently obvious; governments and industry working together in safeguarding against nuclear terrorism through re-focusing on the real risk (illicit special nuclear materials), applying an agreed, tried and tested, cost-effective, trade facilitating solution universally (*Megaports*-type programmes – *Detect, Deter & Disrupt*) with governments, Customs, port authorities, port operators and private industry working together to:

- deploy radiation detection equipment with minimal impact to port operations at entrance, exit and trans-shipment points in port facilities, and
- to ensure that the placement and operation of equipment and systems results in trade facilitation benefits.

Such measures will, ultimately, through time, enable *all* container traffic to be scanned, resulting in...

*'The prevention of illicit trafficking of nuclear or radioactive materials (WMD) which could be used in a terrorist attack'* and concurrently achieving the intent of the Congressional 9/11 Commission Act in preventing an attack on the United States.