KEYNOTE ADDRESS

Keynotes on the Subject “Legal Challenges in Maritime Security”

Rüdiger Clauß1

Today I am speaking to you as a representative of the Federal Ministry of Transport and I therefore also speak for those who are affected by anti-terrorist measures. Anti-terrorist measures succeed through good global policy and with the help of better worldwide cooperation and comprehensive findings of the secret or intelligence services, Federal Office for the Protection of the Constitution, the police forces, and in many states through the support of the military forces.

Modes of transport are not "fortresses” and have no weapons for defense. They can only resist terrorist assaults by taking internal security measures, that is, measures that make intrusion into a means of transport more difficult for unauthorised persons or materials (terrorists, thieves, explosives, radioactive substances, biological substances). This sounds easy, but it is not.

As with “many cooks” who spoil the broth, the reasons for this difficulty are that individuals operate with

- different perspectives;
- competencies;

---

1 Federal Ministry of Transport, Building and Urban Affairs [Germany] (Bundesministerium für Verkehr, Bau und Stadtentwicklung).
• fearful fantasies;
• speculations; and
• threat scenarios

Also, they can creatively mix different approaches in a somewhat naive manner, for example,

• recommendations, guidelines, laws, ordinances and even regulations which are binding under international law are pushed through; and

• political procedures are employed in order to tell the modes of transport concerned what should be implemented under the term internal security measures, within fixed time limits; and in a binding and cost-intensive way.

But since every one of the “many cooks” has different special preferences, experiences and focal points on which his demands are based, the “recipes” developed to confront the problem, when they hit hard the mode of transport concerned, may not be compatible any longer. The “cooks” for anti-terrorist measures include:

• the G8, ICAO, IMO, ILO, WCO, the UN, the US in the global context;

• the EU with its Councils of Ministers, the Parliament, the Commission, OECD, ECMT in the European context; and

• the Parliament with its Committees, the national Governments with their different technical Ministries, the different federal, state and municipal competencies, and the economic federations in the national context.

What is “served” in the end are

• aviation security laws;
• the security of the maritime transport industry and of port installations;
• the security of logistics chains;