

Current Issues Brief
No. 27 2002–03

Ripples from 9/11: the US Container Security Initiative and its Implications for Australia

One of the ripples to flow out from the attacks on 11 September 2001 was the requirement for greater security at America's ports. Coming from one of Australia's largest trading partners, this US Container Security Initiative has significant implications for future policy direction, in particular given the Free Trade Agreement currently under consideration between Australia and the United States.

Nigel Brew
Foreign Affairs, Defence and Trade Group
13 May 2003

ISSN 1440-2009

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Acknowledgments

The author would like to thank John Hawksworth, former National Director Border Compliance and Enforcement in the Australian Customs Service, for his valuable advice and comments on an earlier draft of this paper.

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Executive Summary

The Container Security Initiative (CSI) was devised by US Customs in response to fears arising out of the 11 September 2001 attacks that sea cargo containers bound for the US could be used to facilitate a terrorist attack by providing direct access to a US port. By posting officials at major foreign ports and requiring the advance transmission of manifest documentation, US Customs hopes to be able to pre-screen and clear containers bound for the US before they are even loaded onto the ship. With nearly 50 per cent of the total value of all imports into the US arriving by ship, this is likely to have a major impact on the management of sea cargo worldwide.

The CSI is currently operational in at least eighteen foreign ports, and despite having been recognised by both the G-8 Group and the World Customs Organisation (WCO), Australia has so far not signed up to the initiative. The Australian Customs Service (ACS) is already currently in the process of improving its cargo management and screening systems and is already committed to implementing a variety of WCO and International Maritime Organisation security initiatives, but is monitoring progress of the CSI nonetheless. Given the significant logistical and financial problems that have emerged with the introduction of the CSI package, and in light of various issues that remain unaddressed, the apparent intention of the ACS to monitor the development, uptake and success of the CSI, seems a sensible course of action for now.

However, although Australia is already committed to, and possibly better served by, making improvements to maritime security in a more coordinated, internationally agreed fashion, Australia may ultimately be unable to avoid the ever-increasing changes brought about by bilateral arrangements such as the Container Security Initiative, the potential implications of which, are significant.

Introduction

In January 2002, the US Customs Service sparked a revolution in the handling of containerised sea freight worldwide when they launched their Container Security Initiative (CSI) in response to fears arising out of the 11 September 2001 attacks that containers bound for the US could be used to bring weapons, such as a nuclear/radiological device, or even terrorists directly into a US port.

The CSI is being implemented in two main phases, with Phase 1 already operational and aimed at the top twenty ports sending sea cargo containers to the US,¹ and Phase 2 designed to include smaller ports with the necessary infrastructure and technology in place. In addition to the twenty ports identified by US Customs as a priority under Phase 1, other countries around the world have been approached to sign on for Phase 2, including Australia and at least a further eleven European ports.

What Is It?

The key feature of the CSI is the posting of US Customs officials to the world's major seaports, with the agreement of the host country, to pre-screen at their port of loading, sea cargo containers destined for the US. To avoid the inevitably complex issues of sovereignty and jurisdiction, US Customs officials have no authority to inspect containers themselves and serve only in an observer capacity. It is also intended that this aspect of the CSI be fully reciprocal, with outposted Customs officials from participating countries welcome to establish themselves in US ports.²

The other three complementary components of the Initiative include:

- the use of intelligence and automated information systems to identify and target high-risk containers
- the use of advanced and large-scale detection technology (such as container X-ray machines and radiation detectors) to assess more quickly and reliably those containers deemed to be high-risk, and
- the use of 'smarter' more secure containers with electronic tamper-proof seals which alert authorities to tampering whilst the container is in transit.³

A separate, but equally significant, initiative that is designed to work in conjunction with the CSI is the US Customs requirement for the electronic transmission of detailed manifest information 24 hours in advance of a container's loading (the '24-hour rule'). This is being implemented to further improve the identification and targeting of high-risk containers, and applies to carriers in any country intending to send cargo to the US.

Those containers which fail pre-screening, or for which manifest information is too vague or submitted too late, are issued with a 'Do Not Load' directive, which stays in place until the container satisfactorily meets all the requirements. Shipping agencies which fail to provide the required information in time may face monetary penalties or civil claims for damages⁴ arising from delays in shipments, and vessels ignoring a 'Do Not Load' directive will be denied permission to unload the container at any port in the US.⁵ Without any apology for the increased stringency, US Customs Service Commissioner, Robert Bonner, has described compliance with the '24-hour rule' as 'a matter of national security'.⁶

In addition to the obvious and intended security benefits of the CSI, other advantages claimed by US Customs include the potential for the exposure of revenue evasion, the protection and facilitation of legitimate commerce, the real-time sharing of shipping intelligence and experience, and greater long-term efficiency and cost-effectiveness of cargo processing.⁷

As an additional selling point, US Customs has indicated that in the event of a terrorist incident occurring which involved sea cargo containers, the US would allow trade with

CSI ports to continue, but may refuse vessels and cargo from other non-CSI ports as a security measure.

Why is it Necessary?

With more than 50000 containers arriving in the US every day⁸ and nearly 50 per cent of the total value of all imports into the US arriving by ship,⁹ the US believes in-bound sea cargo containers pose a threat that can no longer be ignored. US Customs asserts that approximately 90 per cent of the world's cargo is transported by container, and that some major economies, like the UK and Japan, conduct more than 90 per cent of their total trade by sea.¹⁰

By comparison, for the year 2001–02, 76 per cent of the value of Australia's trade was conducted by sea and 71 per cent of the total value of all imports into Australia arrived by ship.¹¹ For the same period, the top three ports of Melbourne, Sydney and Brisbane combined handled some 44 per cent of Australia's trade by value,¹² with Melbourne and Sydney accounting for well over three quarters of that. Given that most of Australia's trade by value is conducted by sea in and out of the country's two most populous cities, the consequences of a terrorist attack in Australia utilising shipping and/or sea cargo could be potentially catastrophic.

The Director of Terrorism Studies at the Australian National University's Strategic and Defence Studies Centre, Clive Williams, has warned that terrorists could feasibly take over a cargo ship and use it as a weapon against military vessels or civilian infrastructure such as bridges.¹³ Williams also suggests a seized ship could be used to cause large-scale pollution, and that containers could be used as a bomb, particularly as so few containers are fully searched.¹⁴ Indeed, the Australian Customs Service has acknowledged that prior to the recent introduction of container X-ray facilities, less than one per cent of sea containers was examined, due mainly to the fact that containers had to be manually inspected.¹⁵

Attacks at and by sea are known to have featured in al-Qaeda's ongoing terrorism plans;¹⁶ the speedboat attacks on the USS *Cole* in Yemen in 2000 and the French oil tanker *Limburg* in October 2002 would appear to confirm the group's intentions and demonstrate the devastating effect of such attacks.

Perhaps more worrying is the claim by US intelligence officials that al-Qaeda owns and operates some fifteen cargo freighters worldwide, many of which generate profits for the group through legitimate trade, but which could potentially be used in attack anywhere in the world.¹⁷ Of particular relevance to the CSI is the fact that one such vessel is believed to have carried and delivered the explosives used by al-Qaeda in the 1998 US embassy bombings in Africa.¹⁸

US Customs Service Commissioner, Robert Bonner, claims that if terrorists used commercial shipping in some way to stage an attack, world trade would effectively shut

down at a cost of billions of dollars, and that it is in this way that the CSI will act to protect global trade.¹⁹ Bonner further claims that '... a shutdown of global sea container traffic would be consequential to the economies of all trading nations ... Even countries that are less dependent on sea container traffic ...'²⁰ in much the same way that the international commercial airline industry ground to a halt following the attacks of 11 September 2001.

Progress and Current Status

Phase 1 of the Container Security Initiative is now operational and enforcement of the '24-hour rule' commenced on 3 February 2003.²¹ As at the end of February 2003, eighteen of the twenty foreign ports identified by US Customs as a priority under Phase 1, had formally agreed to participate in the CSI,²² and many of these are now operating as CSI ports. Only Kaohsiung (China) and Laem Chabang (Thailand) are yet to join, and Sweden and Malaysia are the only countries so far to have joined the CSI under Phase 2.

Included amongst those ports targeted under Phase 1 which have agreed to participate, are Hong Kong, which ranks number one in the world in terms of the number of containers it handles, Singapore, which is the world's busiest transit port, and Antwerp, the third largest container port in Europe.²³ Although these and the other seventeen top ports exporting to the US account for almost 70 per cent of all sea cargo containers shipped to the US,²⁴ US Customs continues to emphasise that the CSI is not limited to these ports, and stresses, too, that non-CSI ports will still be able to ship containers to the US under normal circumstances.

If countries choose not to participate, cargo from these countries will continue to be assessed, and if need be inspected, upon arrival in the US. Although US Customs has stated that not participating in the CSI does not prevent a country exporting containers to the US, Commissioner Bonner has indicated that the processing by the US of shipments from non-CSI ports may be less efficient than the processing of shipments from CSI-affiliated countries.²⁵ Of course, in the event of a terrorist incident, the US may decide to refuse vessels from non-CSI ports altogether.

However, the establishment of the CSI around the world has not been entirely trouble free. Perhaps the biggest potential problem facing the CSI is the fact that the European Commission (EC), the executive body behind the European Union (EU), is initiating legal proceedings against those member states which have individually entered into bilateral agreements with the US.²⁶ Claiming that any agreement to enter into the CSI has to be between the US and the EU as a whole, the EC is reportedly concerned that European ports will become divided into those which are approved by US Customs and those which are not, resulting in the erosion of fair and genuine competition between ports.²⁷

Notwithstanding the threat of legal action by the EC, US Customs claims to have won some endorsement from the World Customs Organisation (WCO) and the G-8 group.²⁸ Possibly in recognition of the fact that the CSI builds on some existing WCO concepts,

such as the advance transmission of manifest data and the increased use of technology, the WCO unanimously passed a resolution on 28 June 2002 that enables all 161 member nations to begin developing container security programmes of their own, in line with the CSI. The G-8 group also appeared impressed enough to implement some of their own container security initiatives in recognition of the US Customs CSI.

Australia's Response

Although the Australian Customs Service (ACS) has recently upgraded much of its detection technology and is currently 're-engineering' its cargo management systems, Australia has not rushed to join the CSI. At the 38th meeting of the Customs National Consultative Committee (CNCC)²⁹ held on 17 September 2002, information on the CSI was presented by the ACS, upon which it was resolved to simply continue monitoring its development.³⁰ Members apparently expressed concerns about the 'practical difficulties in meeting requirements, and uncertainty regarding the direction of the US in establishing a security regime'.³¹

At a hearing of the Senate Legal and Constitutional Legislation Committee on 20 November 2002, the Committee noted the new measures imposed on cargo vessels calling into the US and enquired about the intention of the ACS to implement similar regulations for cargo vessels sailing into Australian ports. In response, the Australian Customs Service CEO, Lionel Woodward, stated:

We are quite familiar with the new US approach. It does require the transmission of manifest information 24 hours before the cargo is loaded. That relates to a broader container security initiative ... At this stage, we are not proposing to change the current reporting arrangements, but there may be international moves that would cause us to reconsider that position ...³²

Whilst the installation of container X-ray facilities at major Australian ports³³—which the ACS claims will raise inspection rates of imported sea cargo containers to five per cent³⁴—might coincidentally satisfy the technology aspect of the Container Security Initiative, Australia has still not formally signed up to it (under Phase 2).

Besides, Australia is committed to implementing new international maritime security measures covering ports, shipping and offshore installations, as directed by the International Maritime Organisation (IMO); and the US Customs CSI might just have pre-empted what is perhaps a more coordinated approach to improving the security of commercial shipping worldwide. The IMO's International Ship and Port Facility Security Code (ISPS Code) comprises a set of maritime security measures which have been adopted as amendments to the *Safety of Life at Sea Convention, 1974* (SOLAS Convention), to which Australia is a party.³⁵

The format and wording of the Code was finalised in December 2002 by member States and it was resolved that the measures are to be in force in all jurisdictions by 1 July 2004.

A memo issued by the IMO in February 2003 urged member States to expedite the installation of the necessary legislative, administrative and operational infrastructure to ensure that members meet the agreed deadline for the Code's commencement. The 2003–04 Federal Budget is expected to include provisions to begin implementing the ISPS Code, such as \$10 million to establish an administrative framework, although it has been reported that the Government is expecting the shipping industry to bear most of the cost of the plan, estimated at \$100 million.³⁶

Similar to the CSI, the security measures contained within the ISPS Code are preventative measures which apply to ships and port facilities. The overall objective of the Code is to establish an international framework of cooperation between member States, respective Government agencies, and shipping companies to identify security threats and to take preventative action against incidents which would impact on shipping or port facilities used in international trade. The Code also stipulates the formation of security plans by ships and port facilities and outlines a three-point security alert scale for use with shipping and ports. As such, many of the Code's provisions overlap with the CSI's efforts to screen, identify and assess threats to the security of shipping and cargo.

As the US Customs Service itself also concedes, the WCO too, already promotes advance electronic transmission of customs documentation and the use of technology and risk management processes through the WCO Customs Data Model and revised Kyoto Convention.³⁷ The WCO Customs Data Model³⁸ was developed after the G-7 group (as it was then) resolved in 1996 that the existing non-standard systems of data were confusing and overly complex to the extent that they had become a trade barrier.

It was agreed that as documentation is essential to the control of international trade, a standardised format was needed to cover common Customs procedures. The current Model provides a framework of standard formats for data and electronic messages which are submitted by industry to Customs administrations worldwide to complete arrival, departure and clearance formalities required in international trade. The main benefits of the Model, which G-8 countries have undertaken to implement by 2005, are that it reduces the amount of data transferred between agencies, expedites the clearance of cargo and cuts compliance costs. It also helps overall to ensure the security and facilitation of the global supply chain.

Perhaps the ACS CEO, Lionel Woodward, is anticipating that the impact of the apparent emergence of a new world standard for sea cargo reporting being spearheaded by the CSI, on top of the new IMO and WCO measures, will become harder to bear and ultimately trigger a change in Australia's cargo reporting arrangements. The development and existence of the IMO and WCO measures prior to the introduction of the US Customs CSI might also help explain the 'uncertainty' members of the (Australian) Customs National Consultative Committee expressed regarding attempts by the US to use the CSI to establish 'a security regime'. The changes brought about by the CSI are indeed dramatic, and by all accounts, have been a massive shock to the industry, but such major change will

become harder to resist over time. Change, for better or worse, may well be forced upon Australia.

Implications for the Future

In Australia at least, the commencement of the '24-hour rule' alone has resulted in headaches for all involved. Issues such as different time zones, tight documentation deadlines, changes to stevedoring practices, and questions over responsibility for the extra costs involved, are just the beginning. Logistical problems will be sorted out over time as shipping companies develop new timetables to accommodate the strict deadlines imposed by the '24-hour rule', but the US community may find itself bearing the increased costs associated with it if US Customs wants the CSI adopted globally.

For example, the UK freight industry has been urged by the British International Freight Association to forward to US importers all costs arising from the CSI and the '24-hour rule' on the basis that the new regulations are a requirement of the US domestic homeland security agenda, not HM Customs and Excise, and that the US party to the transaction should therefore pay the compliance costs associated with what is essentially 'a mandatory US domestic security requirement'.³⁹ This frustration and annoyance with the US initiative looks set to continue until the significant changes imposed upon the industry are fully bedded down. Although there does not appear to be any similar moves so far in Australia, with several shipping lines instead intending to charge their customers an additional fee, it is, at least superficially, a logical option.

Whilst there is some resentment over US authorities imposing their will and methodologies upon the international maritime industry, particularly in the face of similar changes proposed by the IMO and WCO, few would disagree that the world has changed dramatically since 11 September 2001 and that commercial shipping is as potentially vulnerable as the aviation industry was.

Without doubt, the Container Security Initiative is a step in the right direction, but despite what the marketing of the CSI might suggest, it is not the only answer and nor is it failsafe. Just as no one realistically expects an alarm to guarantee your house completely safe from burglary, the CSI cannot guarantee to prevent terrorists from utilising sea cargo. As with the alarm in your house, the CSI is best viewed as another barrier giving additional layers of protection. It does so by increasing both the chances of detection and the level of deterrence.

However, a major issue of concern is the fact that the integrity of the CSI as a whole seems to rely heavily on the security and integrity of the tamper-proof seals used to secure a cleared container en route. If sealed containers are indeed not re-assessed upon importation, as is the plan under the CSI, and the seal happens to be breached after clearance without the authorities knowing, then the CSI has done nothing to prevent the entry of a potentially unsafe container into the US. Like all security technologies, it would only be a matter of time before the security afforded by the seals was circumvented and

this begs the question of who would be liable for such a breach, particularly if a terrorist incident occurred as a result.

While the US Customs Container Security Initiative certainly has merit, it needs to be considered in the context of other similar changes developed by international bodies like the World Customs Organisation and the International Maritime Organisation. With the emphasis on reciprocity however, and the freedom granted by the WCO to member states to begin developing their own CSI-type initiatives, one wonders just how long it will be before other countries start imposing their own specific restrictions on in-bound containers. The chaos that could potentially result from the individual actions of several different countries in response to the CSI would only confuse and undermine the range of internationally agreed security measures currently being developed.

Domestically, the Australian Customs Service is currently in the process of dramatically improving its cargo management and screening systems and continues to assess emerging technologies for their potential benefit to Customs functions. As such, Australia already has in place a number of different mechanisms to deter and detect criminal misuse of the supply chain. Whilst Australia is both able and prepared to meet the technological requirements of the CSI, and currently routinely screens both imported and exported cargo, the question of whether or not the ACS is prepared to have its screening processes effectively supervised by US Customs may be the real issue at the heart of Australia's reluctance to join the CSI.

For the moment, the apparent intention of the Australian Customs Service to monitor the development, uptake and success of the CSI, seems a sensible course of action for now. On the international front, Australia (through the Department of Transport and Regional Services) is currently engaged in responding to the recent IMO directives concerning maritime security, and as a member of the WCO, would also be obliged to act on any further directives it issued. However, despite the fact that Australia is already committed to, and possibly better served by, making improvements to maritime security in a more co-ordinated, internationally agreed fashion, Australia may ultimately be unable to avoid being swept up in the ever-increasing changes to the global supply chain brought about by bilateral arrangements such as the Container Security Initiative. In the event that this occurs, Australia must be ready to respond.

General Issues for Australia

- Despite assertions by US Customs to the contrary, there are potentially significant sovereignty issues related to the CSI. Even though the Australian Customs Service routinely utilises some of the most modern and effective technology available to screen inbound and outbound cargo as part of a finely-tuned risk assessment framework, US Customs officials would be present under the CSI to 'observe' screening of cargo bound for the US. It is in this way that participation in the CSI could amount to 'supervision' of Australian practices in Australia by US authorities.

- Given that there appears to be some overlap between the IMO and WCO measures and the CSI, there is the potential for administrative confusion and the creation of an overly bureaucratic system which each of the initiatives individually aims to avoid. As Australia is already committed to implementing the IMO and WCO initiatives, there is some question as to which security protocol would have primacy if Australia was to also participate in the CSI.
- There are also substantial issues, which remain unaddressed, concerning liability under the CSI in the event of a terrorist attack utilising shipping or sea cargo. If Australia joined the CSI and accepted US Customs observers as required, who would be liable if an attack was successfully conducted along the US supply chain supposedly protected by the CSI process? Despite the fact that US Customs would be monitoring Australian cargo bound for the US, would its lack of jurisdiction (and therefore, responsibility) within Australia mitigate the liability of the US or even absolve the US altogether?
- Given that the US has declared they would quite possibly refuse vessels and cargo from non-CSI ports in the event of a terrorist incident involving sea cargo containers, any refusal by Australia to sign up to the CSI could have profound implications for Australian trade if an incident did occur, particularly if other trading partners adopt similar measures.
- What implications are there, if any, of the CSI for current and future Free Trade Agreements (FTAs)? Is there the potential for the US to make participation in the CSI a condition of any future FTA?
- It is possible that smaller, less economically independent nations will be intimidated by veiled US threats of isolation in the event of an attack and will join the CSI simply to ensure continued US support. There is therefore perhaps a risk that Australia might ultimately come to be considered an unsafe or insecure trading partner by countries other than the US if Australia decides not to join the CSI.
- The issue of additional costs arising from the CSI and the '24-hour rule' do not appear to have been properly considered—is industry simply prepared to accept increased costs as the price of security? While passing on the operating costs of the CSI package to US importers, as has been suggested in the UK, seems logical, could such a move adversely impact on trade relations with the US? The additional cost to US importers of trading with countries adopting such cost-recovery measures may be enough to cause importers to consider cheaper alternatives.
- It is also quite possible that by concentrating efforts on the sea cargo supply chain, terrorism and other criminal activity will simply be displaced rather than deterred or removed, possibly resulting in the increased use of air cargo by terrorists. Questions remain as to whether or not US Customs has considered this potential displacement effect and has any plans to extend the CSI to commercial air cargo.

Endnotes

1. The top twenty foreign ports, in terms of exports to the US, that were identified as a priority for the CSI, are as follows: Hong Kong, Shanghai, Singapore, Kaohsiung (China), Rotterdam, Pusan (Republic of Korea), Bremerhaven (Germany), Tokyo, Genoa, Yantian (China), Antwerp, Nagoya, Le Havre, Hamburg, La Spezia (Italy), Felixstowe (UK), Algeciras (Spain), Kobe, Yokohama, and Laem Chabang (Thailand) – US Customs Service, 'US Customs Container Security Initiative Guards America, Global Commerce from Terrorist Threat', press release, 1 November 2002 at: http://www.customs.gov/xp/cgov/newsroom/press_releases/112002/11012002_4.xml (25 February 2003)
2. Address by US Customs Commissioner Robert C. Bonner to the World Customs Organisation in Brussels on 28 June 2002 at http://www.customs.gov/xp/cgov/newsroom/commissioner/speeches_statements/jun282002.xml (26 February 2003)
3. After containers are security cleared in a foreign port, they will be sealed with tamper-proof seals with the intention that the containers will not be screened or inspected again on arrival in the US.
4. Remarks of US Customs Service cited in Llew Russell, CEO of Shipping Australia Limited, 'Counter-terrorism Will Change the Way We Do Business', *Lloyd's List Daily Commercial News*, 5 December 2002, Internet archives at: http://www.lloydslistdcn.com.au/NASApp/es/ContentServer?pagename=LLDCN/displayarticle&art_id=1034682824538&instance=1034682824275 (5 March 2003)
5. US Customs Service, 'Enforcement of 24-Hour Rule Begins February 2', press release, 30 January 2003 at http://www.customs.gov/xp/cgov/newsroom/press_releases/012003/01302003.xml (5 March 2003)
6. *ibid.*
7. Address by US Customs Commissioner Robert C. Bonner to the World Customs Organisation in Brussels on 28 June 2002, *op. cit.*
8. Janet Porter, 'US Customs to Defuse Bomb Threat', *Lloyd's List Daily Commercial News*, 24 January 2002, Internet archives at: http://www.lloydslistdcn.com.au/NASApp/es/ContentServer?pagename=LLDCN/displayarticle&art_id=1010740392874&instance=1010740391859 (5 March 2003)
9. 'US Customs Container Security Initiative Guards America, Global Commerce from Terrorist Threat', *op. cit.*
10. Address by US Customs Commissioner Robert C. Bonner to the World Customs Organisation in Brussels on 28 June 2002, *op. cit.*
11. 'Trade Through Australia's Ports', *International Merchandise Trade, Australia*, Australian Bureau of Statistics, September 2002.
12. *ibid.*

13. cited in Caroline Henning 'Cargo Ships Attractive to Terrorists: Summit', *Lloyd's List Daily Commercial News*, 1 August 2002, Internet archives at:
http://www.lloydslistden.com.au/NASApp/cs/ContentServer?pagename=LLDCN/displayarticle&art_id=1028087023413&instance=1028087023127 (5 March 2003)
14. *ibid.*
15. Senate Legal and Constitutional Legislation Committee, *Hearings*, 20 November 2002, p. 172.
16. John Mintz, '15 Freighters Believed to be Linked to al-Qaeda; US Fears Terrorists at Sea; Tracking Ships is Difficult', *The Washington Post*, 31 December 2002.
17. *ibid.*
18. *ibid.*
19. cited in Janet Porter, 'US Customs Revolution', *Lloyd's List Daily Commercial News*, 4 July 2002, Internet archives at
http://www.lloydslistden.com.au/NASApp/cs/ContentServer?pagename=LLDCN/displayarticle&art_id=1025742220751&instance=1025742220422 (5 March 2003)
20. Address by US Customs Commissioner Robert C. Bonner to the World Customs Organisation in Brussels on 28 June 2002, *op. cit.*
21. The amendment to the US Customs Regulations which enables the '24-hour rule' was gazetted in the *Federal Register*, 67 (211), 31 October 2002, pp. 66318–66333. In a press release 'Customs Issues "No-Load" Directives on the 24-Hour Rule', 13 February 2003, US Customs advised that of the 142 000 bills of lading scrutinised between 2–9 February 2003, thirteen were issued with 'Do Not Load' directives in the first enforcement of the '24-hour rule' under the CSI – http://www.customs.gov/xp/cgov/newsroom/press_releases/02132003.xml (5 March 2003)
22. *ibid.*
23. *ibid.*
24. Address by US Customs Commissioner Robert C. Bonner to the World Customs Organisation in Brussels on 28 June 2002, *op. cit.*
25. *ibid.*
26. Michael Grey, 'Sensitive to Security', *Lloyd's List Daily Commercial News*, 27 June 2002, Internet archives at:
http://www.lloydslistden.com.au/NASApp/cs/ContentServer?pagename=LLDCN/displayarticle&art_id=1024782328573&instance=1024782328234 (5 March 2003) and Brian Reyes, 'EU to Challenge US Terror Pacts', *Lloyd's List Daily Commercial News*, 21 November 2002, Internet archives at:
http://www.lloydslistden.com.au/NASApp/cs/ContentServer?pagename=LLDCN/displayarticle&art_id=1034682787616&instance=1034682787547 (5 March 2003)
27. *ibid.*

28. Address by US Customs Commissioner Robert C. Bonner to the World Customs Organisation in Brussels on 28 June 2002, op. cit.
29. The CNCC was established in 1991 as an industry forum for discussion of Customs policies, practices and procedures, the membership of which comprises representatives from national transport, freight, accountancy, commerce and legal associations. The Committee meets quarterly and is chaired by the ACS.
30. CNCC report entitled 'Customs – Summary of Outcomes 17 September 2002' at: http://www.customs.gov.au/site/page.cfm?area_id=5&nav_id=120 (7 March 2003)
31. *ibid.*
32. Senate Legal and Constitutional Legislation Committee, op. cit., p. 173.
33. The first container X-ray scanner, installed in Melbourne, became operational in late November 2002. The second scanner was launched in Sydney in early March 2003, and is to be followed by scanners in both Brisbane and Fremantle.
34. Senate Legal and Constitutional Legislation Committee, op. cit., p. 172. There are also plans for some 10–15 per cent of exported sea cargo containers to be examined by X-ray.
35. Information about the IMO ISPS Code was primarily sourced from the Internet website of the Department of Transport and Regional Services (DOTARS), accessed at http://www.dotars.gov.au/transinfra/imo_isps_info.htm (2 May 2003). More detailed information on the Code is available from the IMO's Internet website at http://www.imo.org/Newsroom/mainframe.asp?topic_id=583&doc_id=2689
36. Michael Harvey, 'ASIO Port Security Plan', *news.com.au*, 6 May 2003, accessed at http://www.news.com.au/common/story_page/0,4057,6389310%5E421,00.html (6 May 2003).
37. Address by US Customs Commissioner Robert C. Bonner to the World Customs Organisation in Brussels on 28 June 2002, op. cit.
38. Information about the WCO Customs Data Model was sourced from a WCO Fact Sheet accessed at: http://www.wcoomd.org/ie/En/Topics_Issues/FacilitationCustomsProcedures/wco%20customs%20data.pdf (15 April 2003).
39. Roger Hailey, 'Hapag-Lloyd Seeks US\$30 as 24-hr Fee', *Lloyd's List Daily Commercial News*, 6 February 2003, Internet archives at http://www.lloydslistdcn.com.au/NASApp/cs/ContentServer?pagename=LLDCN/displayarticle&art_id=1034683040182&instance=1034683040053 (5 March 2003)