

# IMLI<sup>e</sup>-News

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## NARCOTICS SMUGGLING AND THE USE OF FORCE

Lieutenant Commander Matthew Fay of the United States Coast Guard, during his recent lecture to IMLI Class 2006-2007, explained the different operational procedures taken by the U. S. Coast Guard in addressing narcotics smuggling and illegal migration on the high seas and entering U. S. territory.



*Lt. Commander Matt Fay lectures on narcotics smuggling and the use of force to IMLI Class 2006-2007*

He explained that the degree of force used in stopping vessels largely depends on the means available to the Coast Guard for making vessels stop and the reaction of the vessel to the methods used. As a general rule, the U. S. Coast Guard will use the minimum force required to compel compliance by the other vessel.

In accordance with recognized international law procedures, the means used may range from signals lights, whistles, loud hailers, radio contact, and as a last resort, warning shots and disabling fire. Warning shots involve using ships weapons as a means of signaling a vessel that it should cease its voyage and await further instructions. Disabling fire is a means of stopping a

vessel that has refused to comply with lawful orders to stop. If the vessel stops, then a boarding team will embark and inspect the vessel.

If markings are found on the vessel that make it identifiable to a particular flag State, then measures are taken by the Coast Guard to ensure that proper coordination is made with the flag State prior to boarding.

If the vessel is unmarked and gives no indication of nationality, then the Coast Guard may consider conducting a right of visit boarding, pursuant to Article 110 of the United Nations Convention on the Law of the Sea. If the vessel fails to permit such a lawful boarding, then the use of force may be proper.

Patrols by the U. S. Coast Guard are conducted upon the waters of the United States and upon the high seas. The U. S. currently has more than 25 bilateral agreements with nations worldwide that permit joint boarding operations, allow the parties to enter the seas of the other State and to put personnel on board each other's patrol vessels.

Lt. Commander Matthew Fay is Executive Officer and Command Judge Advocate of the Coast Guard Maritime Law Enforcement Academy.

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