

Lloyd's List, 69-77 Paul Street, London, EC2A 4LQ

## Trading with Syria

HERE'S no doubt about it, the government of Syria is a brutal regime, responsible for hundreds of deaths of its citizens as they take to the streets, now for more than six weeks running, to protest for rights that are considered self-evident elsewhere, such as the right to free elections.

Moreover, as the protests continued, the regime of President Bashar al-Assad intensified its response to the protest movements that have sprung up across the country. Mr Assad has deployed troops in locations around Syria, apparently with orders to shoot to kill.

And the protests are vigorous and brave and, apparently, general throughout Syria. Most recently, they have spread to the third largest city of Homs, where some 300 people alone are said to have been killed since the first protest broke out in late May.

Was Platform, the energy company campaign group, right to condemn Shell for chartering ships to transport oil from the strife-torn country? Platform took the oil giant to task for chartering the aframax *Atlas Explorer* for a trip from Syria to northwest Europe.

The answer, reluctantly, is no. Shell or any major oil charterer should not be held to task for continuing to trade with even a brutal regime such as Mr Assad's.

At this writing, there have been no sanctions targeted against business for trading with Syrian companies, government-linked or otherwise, outside of US sanctions imposed on the export of certain goods and tech components. The US been mulling tightening these sanctions, but has not yet moved.

The European Union has slapped sanctions against figures in Mr Assad's government, including the president himself. It has also suspended much of its economic co-operation programme.

But the US and the EU have been unwilling, to

date, to take more radical action against Syria in the manner of the US and Nato's Libyan intervention. With politicians in free societies still lacking the will for concerted action, Shell should not be required to play the conscience of these reluctant democracies.

## Norway confusion

IT IS fitting that a nation that produced anguished playwright Henrik Ibsen should be in a state of emotional conflict over one of its champion industries. But Norway does seem to love shipping and to want to make it suffer at the same time.

Svein Steimler, the boss of NYK Group Europe, took to the podium at Nor-Shipping last week to drub the Norwegian government for not understanding the shipping industry and not doing enough to help it.

The primary example of this, of course, is the bitter experience of shipowners that adopted the Norwegian flag only to have the government change its tonnage tax and try to wring retrospective tax payments as a part of the new scheme. The move has led to

abandonment of the flag by some Norwegian flagged owners.

But Mr Steimler's comments also apply to a general sense that Norway's government is lax in following through on key initiatives. The government, for instance, is a strong supporter of green shipping, a policy that has actually fostered better design from Norwegian companies.

But Norway has not supported the maritime clusters needed to support its burgeoning design industry. Likewise, Norway contributes to anti-piracy measures in the Gulf of Aden, but has not joined the active naval force there.

Mr Steimler says he has formed this opinion after working for Japanese shipping giant NYK Group for 16 years. Certainly, his timing was impeccable. He delivered this jeremiad shortly after Ida Skard, director general for the maritime department of Norway's Ministry of Trade and Industry, had extolled shipping as the nation's second-largest industry, after oil and gas.

Ms Skard should read the message as a moment of clarity that could cure the government's bipolar reaction to a great national asset. ■

[www.lloydslist.com/comment](http://www.lloydslist.com/comment)

### Industry Viewpoint



JOHN AC CARTNER

# The document that dooms US port security

The Transportation Worker Identification Credential has now been damned in detail by Congress auditors

THE intertwined geo-economy makes world ports security vital. US ports are insecure. The insecurity lies in the dysfunctional Transportation Security Administration and

its pathological fixation on the Transportation Worker Identification Credential — the US maritime hobgoblin.

TWIC is the product of a naive, panic-prone Congress in 2001, faulty premises, illogical construction, incompetent management, contractor pseudo-morality and bureaucratic hubris.

The TWICsters — each a true believer of the Society for the Propagation of Orwellian Values — are Secretary of Homeland Security Janet Napolitano, bustling Port of Arizona; FBI hack Airport Johnny Pistole; and John Schwartz, TWIC Factotum-in-Charge.

They have no clue. They continue ranting publicly — when they appear — at clear evidences that TWIC fails fiscally, in security, politically and in policy and is unworthy of funding, respect or support from any quarter.

How can this be? TWIC arose from Cold War thinking and a system refined by Admiral John Poindexter of the National Security Agency. The NSA listens to foreign communications. After September 11, 2001, Adm Poindexter proposed that all communications should be collected. Geeks would secure the US in Total Information Awareness. Congress blinked and killed TIA, which reappeared in a horde of smaller programmes conjoined more subtly.

Poindexter, a flawed but brilliant intellect, never understood that TIA was a non-starter. The TSA TWICsters are flawed and not brilliant.

In the TWIC TIA charade the fallacies are unchanged. Adm Poindexter's blindness was compounded by TSA dullwittedness and blind zealotry. The blindness was to the foundational fallacy.

Wittgenstein and Saussure showed that language shapes us, not the other way around. Language has a strong role in a world comprising facts. It is not precise. This dooms to failure any natural language argument fixing a foundation. Imprecision means one cannot predict all the consequences evolving from the foundation.

The TSA further erred by confusing deduction and induction. A deductive



Pistole: a true believer of the Society for the Propagation of Orwellian Values.

Bloomberg

system must always be correct. Why? In logical terms a symbol is unambiguously definable. Algebra always works. If the rules are followed the right answer comes.

If one induces, however, inherently ambiguous language is used to hypothesise. Therefore, one can only reject that which one infers is wrong. One cannot accept as immutable fact that which one infers is correct. The TSA believes itself right — incorrectly. Lockheed Martin and the TSA developed TWIC with a natural language foundation. They then deduced. That is a fool's errand — chasing the last bit of certainty which can never be found.

Gödel's theorem proves that even in a fixed array one can never have complete certainty. Thus the TWICsters and their contractor aircraft engineers will always be wrong. They continued because two other things kept them going: fear of unemployment and Cartesian thinking.

Rene Descartes contemplated his navel and found his deepest self-evident truths proclaiming, "I think. Therefore, I exist." The techies perverted Cartesian thinking

**It is not self-evident that collecting self-reported information and comparing it with equally imprecise other information is truth**

and believed it self-evident that if one collected the set of self-reported facts from a population and compared it with another set of facts that computers would do the work and ports would be secure.

Self-evident truths rely on Cartesian logic which is foundationally deductive but always popular with the law-schooled Aristotelian Congress because it is intuitive and easy. Congress bought it. TSA took it. Lockheed sold it.

However, the port security foundation cannot be unambiguously defined. It is not self-evident that collecting self-reported information and comparing it with equally imprecise other information is truth.

Truth requires complete identity — no errors at all. Further, the budget is too small to find anything near certainty. The whole TSA-TWIC lash-up is thus indeterminable. No such system can work.

The TWIC — a far cry from symbolic precision — was doomed from the start and is irretrievable. The implication: no US port security because there is no other system receiving the emphasis of the TWIC to make ports secure. TWIC and the TSA are dead losers in maritime security.

The General Accountability Office, the investigative and evaluation arm of the US Congress, audits apolitically and neutrally. It finds, infers, reports and recommends — from facts. Green-shaded gimbal eyes were cast on TSA and TWIC, which scurried as cockroaches in the light.

The GAO said: "Internal control weaknesses governing the enrolment,

background checking, and use of TWIC potentially limit the program's ability to provide reasonable assurance that access to secure areas of Maritime Transportation Security Act (MTSA)-regulated facilities is restricted to qualified individuals."

English: the TSA cannot manage TWIC, weed out bad actors or operate the system that their no-bid defence contractor foisted on them. The GAO: TWIC fails ignominiously. Meets the statutory mandate? No. Keeps out bad actors? No. Adjudicates applicants fairly? No. Follows up TWIC holders for eligibility? No attempt. A solid failure for TSA and TWIC.

What does this all mean? There is and cannot be good US port security under a TWIC regime. TSA Administrator Pistole and his claque crash and burn: GAO auditors readily entered ports with false TWICs or statements. Can the TWIC secure ports? No. Not even if Mr Pistole's airport-style genital gropings come to the waterfront.

The GAO has damned the TWIC in detail. It was unnecessary for the GAO to list other sins: false cards issued with made-up names; federal formal guidelines not followed; counterfeitable cards; last on the TSA's list of acceptable documents; contract overruns; gross underestimation of the population; not permitting entry to Washington US Coast Guard offices; so-called Trusted Agents (read: contractor-hired punks) assaulting or battering applicants with impunity; ignored deadlines; Department of Homeland Security-influenced diversion of criminal complaints; worthy persons denied employment; TWIC neuterable by 10 seconds in the microwave; insecure codes; faulty databases; TSA-TWIC as gateway regulators of US maritime employment; no wholly reliable card reader possible; state-issued \$25 driver's licence more secure than a \$130-plus TWIC.

These are all symptoms of a fully failed system predicated on faulty logic, incorrect inferential methods, bureaucratic hubris — and fed by true believers. Determinists designed it on self-evident truths. Misguided bureaucrats bought it. It has failed, as it must. It should now die if ports are to be secure.

In a later column I will look at how the Congress sees TWIC in 2011. ■  
John AC Cartner is a UK solicitor, a maritime lawyer in Washington DC and an unrestricted master mariner

[www.lloydslist.com/america](http://www.lloydslist.com/america)

### Letter to the Editor

## The most ludicrous suggestion yet to combat piracy

From Paul Slater  
SIR — The idea of ships carrying "unarmed professionals" to ensure best practices are followed in a piracy attack is the most ludicrous suggestion that anyone has offered so far to

combat piracy ('A fair and non-violent solution to piracy', Lloyd's List, May 26).

Michael Dalacouras needs to understand that we are dealing with criminals engaged in armed

robbery, kidnapping, extortion and murder.

Which particular "best practices" does he think the pirates should follow?

Is he seriously suggesting that

we have some lawyer type permanently on board in case of a piracy attack, who then talks to the master about best practices — or perhaps even gets the pirates to understand their rights,

should they end up in a court of law?

Under which particular rock does this man live? ■

Paul Slater  
Chairman,  
First International