

### (六) 新要求

美国国会等机构发布了其他的安全规定。根据 2007 年的《9/11 委员会法》所通过的一项雄心勃勃的措施,要求集装箱抵达美国港口之前需进行 100% 扫描,现在看来,这一做法在政治上和经济上都是不切实际的,而且该项措施的实施已经至少被推迟至 2014 年 7 月,等待对问题作进一步研究。<sup>147</sup>

2001 年之前,进入美国的集装箱有 2% ~ 4% 接受美国海关的物理检查。<sup>148</sup> 目前,有 86% 的集装箱从 CSI 港口进入美国。<sup>149</sup> 2007 年 1 月 9 日,美国众议院决议 1 (PL110-53) 以压倒性多数获得通过。<sup>150</sup> H. R. 1 对《SAFE 港口法》进行修订,规定 2012 年前实施 100% 集装箱扫描。<sup>151</sup> 该法案第 501 条规定“禁止未进行密封并利用成像和辐射检测设备进行扫描的货运集装箱进入美国”。具体而言,美国国土安全部“将为扫描设备和经扫描可以检测出集装箱封口破损的集装箱封口工作公布相关标准。新规定将三年内生效(对于能发运 75 000 个以上‘20 英尺当量’的集装箱的国家港口装载的集装箱)和五年内生效(对于集装箱航运量较小的国家来说)。”<sup>152</sup>

这项立法依据 2006 年 10 月的港口安全与责任(SAFE)的《港口法》(公法 109-347)第 232 项,它“也要求美国国土安全部确保所有集装箱在抵达美国之前……尽快接受扫描——并为扫描系统设立若干条件,包括要求这不会显著影响国外或美国港口的贸易量和货物流量”。从 2007 年 11 月至 2009 年 5 月,国土安全部在三个港口(英国的南安普敦,洪都拉斯的科尔特斯港和巴基斯坦的卡西姆港)实施试点方案,并在韩国、新加坡和阿曼开展更有限的可行性研究。这些计划在安全货运倡议的框架下运行,2009 年 12 月花费美国纳税人 1 亿美元。<sup>153</sup> 这些计划覆盖面不到 2005 年向美国的集装箱出口的 1%,然而没有港口实现 86% 以上的扫描率。南安普敦的雨和卡西姆港的热会时常使扫描仪无法正常工作。<sup>154</sup> 仅 2007 财年,美国国土安全部和能源部预计将会花费 6 000 万美元用于辐射探测和成像设备、额外的人员费以及这些计划所必需的计算机系统和基础设施费用。

据美国国会预算办公室(CBO)透露,从 2008 年 12 月起,美国国土安全部将不得不花费 1.6 亿美元用于满足 H. R. 1 对集装箱安全的相关要求,其他方面的开支也将逐渐增加。国会预算办公室估计:

这些款项将用于聘请、配备、培训和支持在美国和国外港口的其他 300 至 400 名国土安全部员工审查集装箱的扫描工作并执行法律关于集装箱密封和扫描的规定……大多数的估算资金被用于制定指导方针和法规……并与私营行业和国外港口协商封口技术的发展。另外,资金将用于帮助国外港口发展扫描系统和程序并开发国土安全部使用的软件,监控扫描和封口的完整性。

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每个服务于美国市场的国外最大的集装箱港口大约花费 200 万美元用于“检查船舶舱单，筛查选定的集装箱，检查高风险货物，并协助外国港口采取安保措施。”预计情况如下：

遵守法案规定所必需的获取、安装和维护系统的费用应由外国港口承担，以便维持与美国的贸易。业内专家估计，三年间为能够承运绝大多数进入美国的集装箱的（大型）国外港口获取和配备必要的扫描和检测设备而需花费的前期成本约为 15 亿美元……（虽然）一些较大型的港口可能会获得联邦资助，如根据公法 109-347 制定的试点方案所提供的资助，估计每个港口的费用为 1 000 万美元。

关于美国政府根据 H. R. 1 中的集装箱扫描规定而预计花费的金额，见表 5。

表 5 在国外港口分区扫描集装箱，假设的 H. R. 1 预算效果

财年，以百万美元计						
年份	2007	2008	2009	2010	2011	2012
估算出的批准额度	10	15	30	40	45	45
估算的费用	2	10	25	35	45	45

资料来源：“H. R. 1：执行 2007 年 1 月 9 日众议院通过的 2007 年的《9/11 委员会建议法案》”，国会预算办公室，2007 年 2 月 2 日，<http://www.cbo.gov/ftpdocs/cfm?index=7780&type=0&sequence=0>。

美国国会预算办公室承认，“实施这类任务可能会影响国际运输体系的效率，因而具有广泛的经济影响力。”国土安全部部长珍妮特·纳波利塔诺（Janet Napolitano）认为。这项立法可能会向 700 多个港口的 2100 个向美国运输的运输航线中的每条航线征收 800 万美元的运费。<sup>155</sup>

此外，私营部门将推行标准化的封口技术，这类技术可被用于向美国运货前保护集装箱。虽然使用这种封口技术预计每个集装箱将耗资 30~45 美元，曾预测仅 2010 年有 1 000 万个海运集装箱进入美国港口，据此可计算出整体花费。

不管实践中的具体细节如何，违背以前的风险管理原则可能会导致费用增加，运输延迟并遭国外反对。面临的一个重要挑战是如果需要扫描每个集装箱，那么怎样保持较高的集装箱吞吐量——例如，对于一个日处理 3000 箱的香港港口来说，如果扫描每个箱子需要 15 分钟，那么根据目前的时间表，将损失 750 小时或 4.5 周的生产力。

美国审计署所指出的另一个问题是：至少其他一些国家希望美国对其运往他国港口的货物全部进行扫描。<sup>156</sup>一个美国港口安全专家告诉笔者，新加坡正想实施这种互惠活动，但他认为，没有证据表明美国国会官员对此采取任何措施或准备采取任何措施。<sup>157</sup>

截至本书印刷时，100% 扫描这项要求不可能获得持续的资助或被付诸实施。

由于政治家们愿意承诺（至少在纸面上）保护美国未来免受恐怖袭击，但在不久的将来，法律似乎不可能逆转。法律可能会进一步扩展。但最终，法律可能会被巧妙地改写，使其执行起来更趋实际。一消息来源向“Fairplay”透露，筛查或对货箱的载货单进行“非物理分析”将取代 100% 扫描集装箱或“采用技术设备进行（物理检查）”。<sup>158</sup>这种做法似乎更为现实，符合安全和商业实际，我们必须承认没有绝对安全的情况，只能努力降低严重灾害所带来的风险，我们要在更大的利益和优先事项背景下持续努力。

虽然面临的这些挑战是巨大的，都需要付诸巨大的努力，但重要的是要了解 CSI 不是能解决所有海上安全问题的付诸四海而皆准的方法。它的优势在于它的特殊性。虽然它很重要，但它仅仅是一个更广泛的互补性举措中的一个组成部分。

## 六、结论

亚太地区的海上贸易正逐渐繁荣，但也面临着日益增长的非传统性安全威胁。各种各样的双边和多边海上安全合作倡议既承认现存威胁的严重性，也承认那些负责任的相关国家的利益（例如，CSI 和全球海上合作伙伴），这些有助于制定一套集体安全框架。特别是 CSI 迄今已取得很大的成功。重要的是要考虑如何利用 CSI 的经验告诫和加强其他的海上安全倡议。下面列举迄今从 CSI 获得的一些经验：

- （1）那些能实现真正互惠的措施更容易被接受；
- （2）将强大的经济和安全利益联系在一起是许多国家的利益所在；
- （3）无论国际政治环境如何，进入美国市场都被给予高度重视；
- （4）新技术的融入能产生新的能力和新的激励机制；
- （5）尽管存在这些积极因素，但安保计划的有效实施仍然是复杂的、费用高昂的和费时的；
- （6）因此，必须以最大的效益和效率，明智地实施这些计划。

迄今为止，除 CSI 取得成功外，还有其他的积极迹象表明，中国的分析家们逐渐寻求合作解决海上安全问题的方法。制定 CSI 等具体保障措施有利于增强信任，促进友好关系和加强东亚海上安全。美国和中国作为世界上最大的发达国家和发展中国家以及主要的太平洋地区大国，在这一进程中发挥着至关重要的作用。在这方面进行有效的双边沟通将更有助于取得积极成果。中国现代国际关系研究院的安全与军控研究所所长杨明杰认为：

鉴于反恐在未来一段时间内将成为美国国家安全的重要关注领域以及美国反恐和防扩散是同一枚硬币的两面，反恐和防扩散将成为中美关系两大重要内容。在反恐问题上，美国希望……中国在一些具体领域配合其反恐行动，尤其是某些与经济问题相关的反恐措施，如港口的集装

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箱安全问题……由于国际形势、中国的地位和国际社会对我们的殷切战略期望值发生变化，我们在分析所面临的安全环境时自然会从新的角度进行考虑。<sup>159</sup>

中国社会科学院亚太研究所的一位分析家指出，在集装箱安全领域等“非传统安全领域的合作能促进双方的了解并为更高层次的合作奠定基础”。<sup>160</sup>

除双边合作的具体细节外，亚太海事利益各方未来需解决的重要问题包括：这些非国家性威胁如何形成对国际海上贸易和安全的新挑战？威胁的性质和程度如何？海事领域将会继续成为恐怖主义攻击的目标吗？如何保障区域各国的国家利益？国际上做出的响应和改革措施能实现他们制定的目标吗？最后一个问题是对东亚有什么具体的影响呢？每个国家都有自己的利益和重点领域，但在这些更广泛的问题上达成共识将是非常重要的。

各方已经能达成一致意见的事项是需要采取相应的安保合作措施来应对地区所面临的多重的、复杂的安全挑战。正如美国前海军作战部长（现为参谋长联席会议主席）海军上将迈克尔·马伦（Michael Mullen）所强调的那样：

当前的现实是，过去的安全措施和范例远远不能应付未来的情况。而当前面临的挑战十分多样，无法独立处理，需要比一国所能提供的更多的能力和资源。为应对我们共同的挑战和制约因素，我们必须加强合作和协商水平。我们在这个问题上没有选择，因为……当前没有一个国家……可以独立面对问题，尤其是在海洋领域。一国在海事安全领域的国家利益与更大的全球共有安全领域之间没有内在的冲突。它们是相辅相成的，有着无法隔断的联系——在当前的全球化背景下，它们就像是同一枚硬币的两个面。<sup>161</sup>

#### 注释：

文中表达的见解属作者个人意见。本研究仅基于公开的资料，并不代表官方立场或者美国海军或美国政府任何其他组织的分析意见。作者要特别感谢彼得·达顿（Peter Dutton）、莱尔·戈尔茨坦（Lyle Goldstein）、美国海岸警卫队队长伯纳德·莫兰（Bernard Moreland）、威廉·穆雷（William Murray）、埃里克·特尔茅斯（Erik Tiemroth）、安德鲁·文纳（Andrew Winner）和几位匿名的受访者所提供的宝贵见解。感谢美国海岸警卫队海军上尉布伦丹·凯特纳（Brendan KETTNER）提供了特别详细的资料和建议，并允许笔者引用其在美国海军战争学院读书时所写的一篇名为“港口安全状况和在中国港口的实施”的极具价值的论文。2008年5月30日。

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- while in a shipping container destined for Canada. He was equipped with a satellite phone, laptop, maps, and security badges for various airports, and had an airplane engine maintenance school certificate. Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe* (New York: Times Books, 2004), 110.
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