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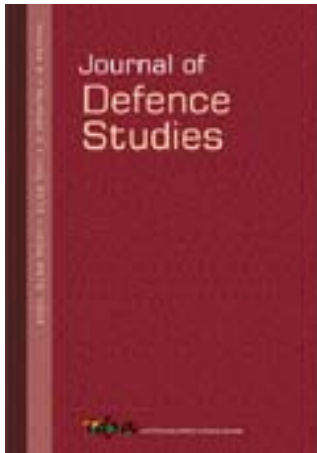
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From Protection of Shipping to Protection of Citizens and National Economies

Current Changes in Maritime Security

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This article analyses the alteration of the referent object for maritime security from protection of shipping and port facilities to protection of citizens and national economies. It presents a tentative answer on the extent and consequences of this alteration applied by states in a global perspective, and focuses on validating four explanatory factors on why the alteration has occurred. The time period of study is between 1991 and 2013. Its results illustrate a transition in states' security policies from traditional expressions of maritime security to broader security perspectives, and also indicates radically altered maritime strategic perspectives among states.

INTRODUCTION

The maritime domain's value for states can be described in terms of its natural resources, its importance for transport and trade, power projection and defence, and the marine environment's inherent value.[1] Consequently, social, economic, law enforcement and security interests converge and interact in this domain. Government and private interests are mixed with varying degrees of governmental, inter- and supra-national regulation and control, whose effectiveness are dependent on the coordination and interaction between the domain's stakeholders. Maritime policies have

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far-reaching ramifications and maritime security deficiencies tend to propagate into the land domain. In the Gulf of Guinea, for example, maritime insecurity has rendered significant regional loss of revenue, restrictions on investment, and caused crime rates to increase. Conversely, Somalia's civil war and political decay has entailed lucrative maritime crime developments, involving piracy and illegal fishing, degrading the maritime security of Somalia and its adjacent states.[2]

However, maritime insecurity can also be a driver for cooperation. As witnessed in South-east Asia, the challenges in providing security for the region's maritime traffic has spurred deepened regional bilateral and multilateral cooperation, despite severe distrust and suspicion in the countries' mutual relations and certain states' relation to the US.[3] Collaboration needs have been prompted by the criminality in the Malacca Straits, which funnels sea traffic of great economic importance for Asian states.

Western powers have replaced traditional sea-power perspectives by comprehensive, transnational and global perspectives, as illustrated in Figure 1. Moreover, the referent object for maritime security has altered from *shipping* and *port facilities* to *citizens* and *national economies*. These changes become apparent by studying the developments of US and Australian maritime doctrines and policy documents, and when comparing them with the 2004 European Council (EC) regulation 725 and the 2010 European Union (EU) Commission definitions of maritime security.[4]
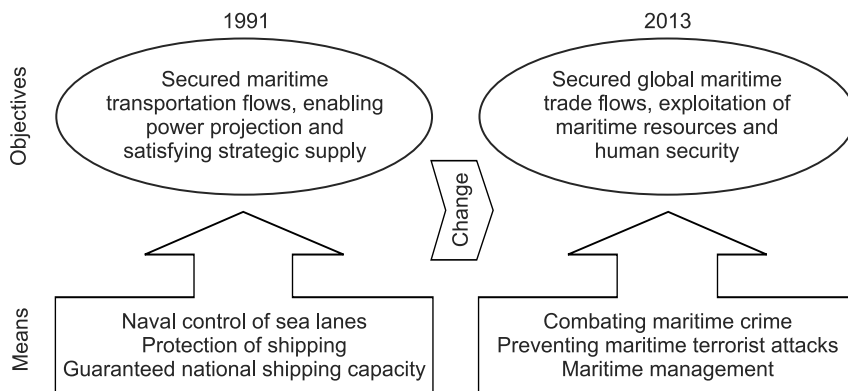

Figure 1 Altered maritime strategic objectives and means for achieving maritime security in the US and Australia

Source: Author.

Why then have these changes occurred and what are their consequences? This article presents a tentative answer to these questions by identifying and examining four factors candidate to explain this strategic change, and why the maritime security's referent object is altered. The period of study is between 1991 and 2013, and includes key events such as the break-up of the Soviet Union in 1991; the coming into force of UNCLOS III in 1994; the terrorist attacks of 11 September 2001; the subsequent signing of the ISPS Code regime for international shipping in 2002; the 2005 revision of the Suppression of Unlawful Acts of Violence Against the Safety of Maritime Navigation (SUA) Convention; and a surge in piracy in key ocean areas.[5] It points to radically altered maritime strategic perspectives where the security policies and interests of the states studied have broadened far beyond traditional notions of maritime security. Thereto, it indicates that terrorism and maritime criminality by non-state actors have altered states' threat scenarios with legal and financial consequences.

FACTOR 1: END OF COLD WAR HAS LED TO NEW THREAT SCENARIOS

The global security environment just over 10 years into the new millennium differs significantly when compared to 1991. Accordingly, new maritime strategic challenges have progressively mounted during the more than two decades that have passed since the end of the Cold War. Chris Rahman identifies a revitalising incorporation of non-traditional security threats into national and international strategic thinking.[6] Today's security policy concepts were not drafted in the maritime environment, he explains, making a case for the necessity of considering maritime security as part of global security policy analysis and debate. Rahman considers the increased attention to human security as being an important trend supplementing nation-state perspectives, responding to states' altered perceptions of transnational threats. I hold that the domination of the military threat during the Cold War was due to its imminent and existential nature, making states emphasize threats in the political and military security sectors. By inductive reasoning, we can expect states facing such threats today likewise suppressing threats in economical, societal and environmental security sectors.

South Korea is a state perceiving a persistent and existential military threat with nuclear connotations from its northern neighbour, North Korea. Consequently, its security situation has gained much contemporary

attention. We will now challenge Rahman's theses by briefly examining South Korea's security policy developments.

As expected, South Korean policy papers prior to 2008 focused on the Korean Peninsula.[7] The 2006 Defence White Paper exclusively discusses threats pertaining to the political and military sectors, focusing on states' promotion of national interests through strategic coalitions, local conflicts contribution to regional instability, transnational terrorism and WMD proliferation.[8] 'Non-military' threats are discussed as secondary matters in a chapter on establishing an 'Integrated Defence Headquarters'.

The 2008 Defence White Paper conveys strikingly altered security notions. A rapidly altering security environment, with a rise of complicated and multifarious transnational and non-military threats, provides 'new challenges and opportunities for the Korean military'.[9] It sets the vision for a 'Global Korea', requiring global cooperation on economic, cultural and environmental issues. It outlines three objectives: maintaining peace and stability on the Korean Peninsula; building firmly the foundation for its security and national prosperity; and enhancing its international competence and status. This remarkable policy change is persuasively explained by Scott A. Snyder, senior fellow at the Council of Foreign Relations, through South Korea's new role as a leading world economy, acquired G-20 membership and related needs of financial stability.[10] Snyder notes a new 'desire to participate in maritime security, peacekeeping, and post-conflict stabilisation missions', far from the Korean Peninsula. South Korea's growing dependence on global world trade explains its increased ambitions and related naval investments, he concludes. Its 2009 decision to join the US-led Combined Task Force (CTF) 151 counter-piracy operation was preceded by several piracy incidents involving South Korean ships and citizens off the Somali coast.[11] Key to South Korea's continuous and substantial involvement has been the new capabilities provided by its destroyer procurement programme.

The 2010 incidents—in which the South Korean corvette ROKS Cheonan was sunk and the island of Yeonpyeong was shelled by North Korean artillery—are echoed in the 2010 Defence White Paper.[12] North Korea's regime is portrayed as unstable and provocative, marked by a strategic goal to unite the Korean states under its regime. Notwithstanding this serious military threat, transnational and non-military security threats and the risk of inter-state conflicts in the region are emphasized.[13] Piracy, terrorism and weapons of mass destruction (WMD) proliferation supplements military threats in a new global security environment.[14]

Maritime security is denoted a transnational and common security interest, designated status as a cooperation area at the 2010 Association of Southeast Asian Nations (ASEAN) Defense Ministers' Meeting Plus. The US–South Korea alliance is pronounced in its defensive position on the Korean Peninsula, but also in its commitment to promote global and regional peace and security through maritime security operations.

The volatile East and South China Seas are strategically important to South Korea. More than half of global shipping tonnage transfers through the Straits of Malacca, Sunda, and Lombok en route to and from the South China Sea.[15] Oil shipping is likely to increase in response to Asia's growing energy demand, and Asian states are investing in regional offshore gas exploration. Certain exploitation areas are contested, for example, the Spratley Islands being claimed by China, Taiwan, and Vietnam. The East and South China Seas form a maritime regional security complex, the seasoned strategist Rommel C. Banlaoi adduces, in which the states' security interests must be addressed comprehensively.[16] He sets forth that disputes about energy, fish and overlapping claims on islands, territorial waters and EEZs feed interstate rivalries and form a regional maritime security dilemma involving the coastal states and other major powers. The main source of this dilemma is the economic and military rise of China, Banlaoi concludes, aggravated by the rising piracy threat with potential links to transnational terrorism.

We can thus conclude that: (1) South Korea's expanded maritime security requirements and naval investments are due to a widened security focus and valorization of non-traditional security threats; (2) regional and global maritime security are now part of South Korea's national interests; and (3) South Korea's widened security focus is due to its increased dependence on financial stability and global trade flows, amplified by exacerbated regional piracy. However, 17 years elapsed from the dissolution of the Soviet Union until the South Korean Defence White Papers expressed broadened security notions. Apparently, existential and imminent military threats inhibit valorization of non-traditional threats in non-military security sectors. In contrast, they appear to be leveraged by financial and human security imperatives.

Factor 2: Transnational Maritime Terrorism Treatens Citizens and National Economies

It goes without saying that terrorism is a prominent feature of today's global security environment. Thus, a second factor candidate to explain

the change in maritime security is that transnational and ideologically motivated terrorism in the maritime domain poses a threat to national and global economies, accentuated by states' increased dependence on maritime trade. These mechanisms are frequently discussed among contemporary scholars. Chris Rahman identifies transnational terrorism as a threat accentuated in US maritime strategy, managed as a dimension of territorial sea control, and by the maritime transport sector's implementation of the International Maritime Organization's (IMO) security regulations.[17] It is a concept associated with the risk of WMD proliferation, he argues, countered by maritime security operations. Captain (N) Charles Reid stresses the risk of a nexus between piracy and terrorism. In Somalia, increasingly advanced piracy is perpetrated by criminals affiliated with ideologically motivated terrorist groups which, according to Reid, preclude them from being managed as separate problems.[18] Reid suggests that pirate leaders, with already usurped economic fortunes and attracted by status and political power, could be motivated to commit maritime terrorist attacks in the Strait of Bab el-Mandeb. In turn, Islamist-influenced young pirates could be persuaded to participate. Understanding the costly consequences for maritime trade by closing this strait gives Reid's concern a perspective.

This explanatory factor involves three assertions: (1) shipping's importance to world trade; (2) the presence of maritime terrorist threats; and (3) these threats impact on human security and potency to induce adverse effects on national economies. Let us examine their validity.

The World Trade Organization (WTO) and the United Nations Conference on Trade and Development (UNCTAD) are useful sources for statistics on shipping and trade. The WTO estimates that shipping's share of the global transport sector's financial value increased from 36 per cent in 1995 to 43 per cent in 2006.[19] In an internal report, the WTO Secretariat estimated that shipping's share of the 2008 corresponding totals had increased significantly.[20] A frequently used statistical claim, typically rendered without reference, is the maritime transport sector's share of world trade, amounting to 90 per cent. I find these statistics relating to a 2008 UNCTAD newsletter, referring to volumes of transported goods from 2000 to 2006.[21] In the wake of the 2008-09 financial crisis, 2009 commercial shipping downturn was limited to 4 per cent compared to a 12 per cent decline of the global export volumes.[22] In contrast, the 2010 global export volumes had a record increase of 14 per cent followed by 5 per cent in 2011.[23] The volumes of world seaborne trade correspondingly

grew by 7 per cent in 2010 and 4 per cent in 2011.[24] Commercial shipping's substantial growth between 1991 and 2011, in tandem with World Merchandise Trade and World Gross Development Product, is confirmed by the UNCTAD report, *Review of Maritime Transport 2012.*[25] WTO and UNCTAD statistics thus verify shipping's increased importance to world trade since 1991.

Examining the alleged presence of a maritime terrorist threat reveals interesting facts. Peter Chalk, senior researcher on terrorism with the RAND Corporation, indicates that terrorist attacks on maritime targets only represent 2 per cent of the total number of international incidents reported from 1976 to 2006.[26] Terrorist organizations have been located far from coastal areas, he explains, lacking the required resources and expertise to operate at and from the sea. The challenges and uncertainty of success has countered maritime terrorism. According to Chalk, the maritime terrorist threat has evolved in the new millennium through a series of attempted and successful terrorist attacks associated with al Qaeda.[27] These incidents have instilled fear among Western powers for a determined expansion of Islamist operations to the maritime domain. This fear has been accentuated in the US, Chalk asserts, who has taken the leading role in strengthening global maritime security control systems since 11 September 2001.

Helmut Tuerk, a judge of the International Tribunal for the Law of the Sea, points to the UN Security Council's recognition of a rising terrorist threat through multiple resolutions preceding and succeeding the events of 11 September 2001.[28] The latter exposed the vulnerability of the global transportation infrastructure to terrorist attacks and its potential to transfer WMD, he explains, whilst the container system development has furthered shipping's dual role as target and vector for terrorism. The ISPS Code and the revised SUA Convention must be seen in the light of these events, he declares, since the 1988 SUA Convention and Protocol were deemed inadequate to deter suicidal terrorist attacks by the IMO Council. The review process was, therefore, directed towards improving maritime transport security—suppressing and preventing terrorist acts against ships at sea or in port.

Peter Lehr, lecturer in terrorism studies at the University of St. Andrews, claims that the maritime terrorist threat is exaggerated, since it has been sparsely realized and with limited impact.[29] He points to the difference between the now-deceased Osama bin Laden's bombastic rhetoric and Jihadist (Al Qaeda) organizations' inability to perpetrate

mega-size terrorist attacks in the intractable maritime domain. The development of terrorist groups describes a progression, Lehr asserts, in which different groups copy proven experience. A sudden use of ships as WMD vectors would represent a disproportionate increase in the attacks' complexity, he concludes.

These analyses indicate a common belief that a maritime terrorist threat exists. It is addressed by states and in the international community's legal programmes to protect citizens and the global trade system—a system in which shipping holds an increasingly important role. Let us continue by examining its impact on human security and national economies.

Chalk highlights three aspects of Islamist maritime terrorism. First, large passenger vessels represent venues of attacks, able to cause mass casualties and inflict fear among large population groups through media.[30] Second, attacks on shipping offer a means of causing mass economic destabilization in the West. He recognises shipping's key role in the advanced global logistics supply systems.[31] Disrupting these delicate systems, for example, by forcing the closure of a major port or blocking a maritime bottleneck, would have a global domino effect on world trade. Chalk recognises the challenges in perpetrating such large-scale attacks, but emphasises the financial effects of limited maritime terrorist attacks.[32] Third, the voluminous and complex nature of the containerised sea freight system offers a viable environment for terrorist groups' logistic movement of weapons and personnel.[33] According to Chalk, Islamic militants remain intent to engage in maritime terrorism, visualised through the 2010 attack on the *M Star* and the high-profile maritime plots prevented between 2008 and 2010.[34]

In line with Chalk, Tuerk asserts that terrorist attacks against shipping in key strategic areas for maritime transport possess the strength to seriously disrupt global trade.[35]

Lehr, for his part, analyses a range of attacks in which 'improvised explosive devices' have been used in different 'modus operandi' with varying degrees of success, placed on-board target vessels or carried on small craft in suicide attacks.[36] Based on these analyses and case studies of hijacking and hostage-taking on ships, he suggests a focus shift from scenarios with low probability and high impact to scenarios with high probability and low impact.

Countering asymmetric maritime terrorism threats implies challenges for navies worldwide. The British intelligence officer Robert Snoddon highlights that existing organizational cultures and capabilities among

navies are shaped by the traditional task of defeating conventional adversaries.[37] The North Atlantic Treaty Organization's (NATO) Operation Active Endeavour, commenced in 2001, thus forced contributing navies to alter tactics and adapt to law-enforcement tasks. Notably, he depicts its unforeseen development towards a surveillance operation in international and cross-departmental partnership, promoting national and international interests through a comprehensive approach.

This examination indicates that limited maritime terrorist attacks have proven their potency of causing mass casualties, impacting on maritime trade flows and thereby threatening the global trade system. Consequently, maritime terrorism is firmly linked to the altered referent object of maritime security: the need to protect citizens and national economies.

Factor 3: Piracy and Organized Maritime Crime have Grown into Regional Threats to Human and Economic Security

The most common theme in today's maritime security literature is undoubtedly piracy and maritime crime. In the light of its increasing prevalence and the extent of international responses, a third explanatory factor can be phrased: The level of organized maritime crime and regional piracy, linked to criminal and ideologically motivated organizations, has grown into levels posing regional threats to human security, shipping, national economies and regional economic systems. This line of thinking is given prominence by Charles Reid, who questions the validity of previous estimates of piracy costs in the waters off Somalia.[38] Piracy poses a significant threat to regional economic security, the effects of which are unequally distributed among states in the region, he argues. Furthermore, Reid claims piracy to be mutually dependent on the global economic development, responding policies and strategies by the international community, and actions by regional and local actors.

This explanatory factor involves four assertions: (1) an increase in regional piracy and maritime crime; (2) its threat to human security and shipping; (3) a link between piracy and criminal and ideologically motivated organizations; and (4) a threat to national economies and regional economic systems by increased maritime criminality. I will now briefly examine these claims and identify their co-variation.

Arguably, the maritime areas suffering heightened criminality levels are maritime choke points in which the coastal states, for various reasons, have failed in providing adequate maritime surveillance and law enforcement. Sea traffic concentration areas represent two categories:

(a) Transit ways, to which alternate maritime routes exist. If one route is blocked, alternate routes can and will be used; here, a disruption will merely delay the traffic. The Malacca Straits and the Gulf of Aden constitute such transit ways.

(b) Gateways, which must be traversed en route to or from enclosed seas. Closing a gateway prevents traffic along that route. The Strait of Hormuz may be described as such a gateway.

The International Maritime Bureau (IMB) is a useful source for statistics on piracy and maritime crime. IMB statistics are based on incidents defined in UNCLOS as piracy and by the IMO as armed robbery.[39] In 2012, global piracy reached a five-year low by 297 reported incidents. This is a discernible drop from the 439 incidents reported in 2011, but an upsurge compared to the 107 incidents reported in 1991.[40] In 2012, most reports emanated from Indonesia, describing 81 incidents of petty theft; and the waters off Somalia, the Gulf of Aden and the Red Sea saw a marked decrease, reporting 75 incidents compared to 217 in 2011. IMB attributes these reductions to: (1) preventive and disruptive counter-piracy actions undertaken at sea and versus land-based camps; and (2) merchant vessels' implementation of IMO's 'Best Management Practice' instructions and employment of Privately Contracted Armed Security Personnel (PCASP). Although Somali piracy declined in 2012, the perpetrated incidents were violent; killing two, injuring one and taking 250 crewmembers hostage. Fifty-eight incidents were reported from the Gulf of Guinea in 2012, compared to 45 in 2011. As with the Somali piracy, vessels were hi-jacked, guns were usually used and 207 crew members were taken hostage. In 1991, IMB reported no piracy incidents in East or West Africa, Latin America or the Indian Ocean, but 14 in the South China Sea and 88 in the Malacca Straits.

Apparently, the levels of reported piracy and maritime crime have nearly tripled in from 1991 to 2012. This rise could logically be attributed to the setting up in 1992 of an IMB Piracy Reporting Centre in Malaysia. On the contrary, IMB claims that it was created in response to an alarming growth in piracy.[41]

Let us also examine the impact and developments of piracy. IMB reports extensive piracy in the Malacca Straits in 1990–92 and 1999–2006, with a peak at the millennium.[42] However, only singular incidents have been reported since 2008.[43] This improvement contrasts with the post-1994 rise in piracy in the South China Sea, likewise plaguing Indonesia

and Malaysia.[44] Since IMB statistics indicate an end to a sustained period of considerable piracy, the Malacca Straits is a useful case to validate possible links between piracy and organized crime, as well as its impact on coastal states' economies.[45]

Jayant Abhyankar, Deputy Director of the IMB, describes the 1990s piracy in the Malacca Straits as 'Asian', characterised by armed robbery of ships' crews at night.[46] Thereto, he describes the nascence of a violent form of piracy: hijacking and trading of entire vessels with cargo. The researcher Catherine Raymond confirms Abhyankar's views on the Southeast Asian piracy developments[47], portraying a highly violent piracy, often leaving the ships' crews murdered or drifting in boats. Vessels carrying fuel oil were the 1990s most common victims and their cargoes were easily sold on a thriving black market, she explains. According to Raymond, this activity temporarily ceased in 2003 due to a break-up of certain international crime syndicates and a Chinese crackdown on the black market.

Peter Chalk describes the procedure applied as: hijacking ships at sea, transferring the cargo to other ships, and using the hijacked ships under false names and documentation.[48] According to Raymond and Chalk, forged shipping documents are not unusual in international shipping, since ships easily can be re-registered under flags of convenience.[49] Raymond also highlights the 2001 emergence of a third category of piracy in Southeast Asia, including in the Malacca Straits, using an intermediate level of violence: kidnapping for ransom.

Raymond identifies three types of alleged criminal perpetrators in the Malacca Straits. The dominant category was petty criminals, perpetrating opportunistic armed robberies of ships' crews in port or at anchorage.[50] Another category was five Malaysia and Indonesia-based criminal syndicates, committing large-scale piracy and kidnappings. The last category was the Indonesian separatist movement Gerakan Aceh Merdeka, financing its struggle for freedom by smuggling and ship hijackings with hostage-taking. The 1997 Asian financial crisis seriously affected Indonesia, Raymond explains. She concludes that its consequences, conjoined with an increased flow of understaffed merchant ships in the Malacca Straits, reinforced the surge in piracy.

Several factors interacted in solving the Malacca Straits piracy problems. Raymond points to the effectiveness of the ISPS Code implementation and Indonesia's, Singapore's and Malaysia's agreement on the 'Trilateral Coordinated Patrols'.[51] In 2005, joint aerial surveillance was initiated and in 2006 the three countries agreed on pursuing pirates in

each other's territorial waters. Their concern and outrage about the 2004 US proposal of stationing counter-terrorism forces on craft in the straits were essential to their sudden will to cooperate on maritime surveillance of the Malacca Straits, Raymond asserts.[52] Raymond highlights the 'Regional Cooperation Agreement on Anti-Piracy' entry into force in 2006, involving the ASEAN states, Bangladesh, China, India, Japan, South Korea and Sri Lanka. Notably, Raymond suggests that Indonesia's earlier reluctance to cooperate was due to its inability of funding adequate marine resources, why piracy partially funded its Navy.

These scholars emphasize the risks of piracy at various levels of analysis.[53] Raymond discusses the shipping industry's financial risks in terms of lost cargo, lost ships, risk premiums paid to insurance companies and ransoms paid for crew release.[54] She also addresses the risk of pirates' tactics being used by terrorist groups. Chalk emphasises mariners' jeopardised security.[55] Thereto, he elaborates on piracy's risks to coastal states in terms of food security and costs for decontaminating sensitive environments. Nations in piracy prone areas face socio-economic risks from shipping boycott, he argues, addressing it as a current issue for terminals in Bangladesh, Nigeria, Indonesia and the Horn of Africa. Unlike Raymond, Chalk considers piracy's costs to the shipping industry as manageable weighed against its financial turnover. Instead, he emphasizes its undermining consequences for affected coastal states' legitimacy by the associated corruption of state government officials, as in Indonesia. Although Chalk considers the risk of partnerships between terrorist and pirate groups, he stresses their strongly divergent objectives.

Piracy is costly and its ramifications are, as we have noted, wide-ranging. Let us examine some aspects of the Somali case. The Somali piracy's costs to world economy have been estimated to US $7 billion in 2011, mainly relating to protecting ships traversing the Horn of Africa.[56] This protection is mainly provided by navies through the EU's Operation Atalanta, NATO's Operation Ocean Shield and US CTF 151, including Vessel Protection Detachments. Since 2007, however, Private Security Companies (PSCs) offer increasingly advanced and costly protection in the area.[57] Initially PSCs provided unarmed 'security riders', offering protection embarked on the commercial vessels by non-lethal methods. Gradually, PCASPs and escort platforms have been introduced, accompanied by a debate on their feasibility and legal mandate to use lethal force. These legal uncertainties, combined with concerns for the training and supervision of mariners and PCASPs, motivated the IMO's

series of recommendations during 2009 and 2012.[58] Throughout these circulars, the IMO has encouraged self-protection measures aboard ships, but discouraged use of armed security—except under tight control of their flag state and following risk adequate assessments.

Another outstanding issue is the prosecution of the suspected pirates. Capturing states have been reluctant to prosecute them in their domestic courts, and international law[59] has been interpreted as prohibiting transfer to a third state.[60] Therefore, some states have applied a 'catch-and-release' policy, while others have transferred the pirates to third states for prosecution by relying on UNCLOS jurisdiction. Kenyan courts began prosecuting captured Somali pirates in 2006, but alleged corruption and mistreatment of prisoners have plagued the US, UK, and EU transfer programmes since 2009. These problems have initiated cooperation with additional regional partners such as Mauritius, Tanzania and the Seychelles.[61] The UNODC's Counter Piracy Programme, established in 2009, has provided these states ample assistance by judicial, prosecutorial and police capacity building programmes as well as equipment.[62] Mauritius has adopted various relevant legislative instruments in its preparations, including a noticed anti-piracy law in 2011.[63] Pirates have successfully been convicted in the Seychelles' courts since 2010, and in January 2013, the first suspected pirates were transferred to Mauritius for prosecution.

This examination indicates that maritime crime and piracy, occasionally linked to ideologically-motivated organizations, have grown into regional threats to citizens, shipping, national economies, and regional economic systems. Obviously, countering piracy will remain a costly and legal challenge for the international community in the foreseeable future. In addition, it will require adequate operational coordination between navies and PSCs taking armed action in the maritime domain.

Factor 4: UNCLOS III Extension of States' EEZs has Increased the Maritime Domain's Importance

The extension of coastal states' rights to exploit maritime natural resources by UNCLOS III is predominantly discussed among legal scholars, but its effects have wider significance. This explanatory factor draws on the effects of coastal states' extended rights to exploit natural resources up to 200 nautical miles (nm) from their baselines, and up to 350 nm of the continental shelf, enhancing the maritime domain's influence on their food and economical security.

This explanatory factor is discussed by Chris Rahman, emphasising the needs to protect the increasingly important offshore oil exploration from crimes, terrorism, accidents and environmental disasters.[64] Martin Robson points to the South American economies dependency on maritime natural resources extraction and the need to meet its maritime security requirements.[65] The strategic link between national interests and maritime security is, he asserts, most evident in the case of Brazil's large-scale offshore oil exploration investments.

Logically reasoning, states lacking adequate naval resources are less likely to take advantage of UNCLOS's extended rights. Here, we will examine two African cases: the financially and military weak East African Mozambique, having Africa's third-longest coastline, contrasting with the overall stronger West African Nigeria, whose coast is a quarter of its land border.

The former Portuguese colony of Mozambique, a member of the Southern African Development Community (SADC), has a 2,470 km coastline bordering the Mozambique Channel.[66] Mozambique ratified UNCLOS III in 1997 and claims a territorial sea of 12 nm and an EEZ of 200 nm.[67] Despite agricultural and mining activities dominating its economy, fishing is important. Between 1991 and 2002, its fish capture production varied between 23,195–41,579 tonnes, increasing to 189,831 tonnes in 2011.[68] Although Mozambique's domestic fish production grew by 34 per cent in 2004-08, its domestic market's concurrent 63 per cent increase in demands turned the balance of fish export weight from positive to negative values.[69] However, despite this change and declining unit prices on shrimp in the international market, Mozambique's 2008 balance of fish export value remained positive and amounted to $23,393.[70] However, fishing is important for Mozambique from additional aspects. The UN agency Food and Agriculture Organisation (FAO) estimates 500,000 Mozambicans being directly dependent on fishing for their livelihoods, whereof 80 per cent are artisanal fishermen.[71] FAO emphasises fish importance as a source of animal protein for Mozambique's population, and fish imports are required since the demand continuously exceeds its national supply. Trade balance is met through exports of valuable fish and shellfish to SADC, EU, and Asian countries, and imports of, for example, low-price Namibian mackerel. According to FAO, fish exports are an important economic growth area contributing to international interest in developing Mozambique's fisheries management and production,

for example, fish farming. A recent example is the UK's 'Aid-for-Trade' project which assured continued fish exports to the EU.[72]

Fish stocks, such as the important Sofala Bank located in the centre of Mozambique's claimed EEZ, are one aspect of the unresolved territorial conflicts between France, Madagascar and the Comoros concerning the islands in the Mozambique Channel.[73] Overlapping EEZ claims contribute to Mozambique's problems to settle their EEZ. At a UN-led Law of the Sea Conference in 2011, Mozambique's Commissioner linked its unresolved territorial dispute to its challenges in providing maritime security in the Mozambique Channel.[74] Mozambique's Navy Chief shared this view, but considered the decisive factor being the imbalance between Mozambique's scarce marine resources and the size of its maritime jurisdiction area.[75]

Africa's most populous state, the former British colony of Nigeria, has a coastline of 853 km bordering the resource-rich Gulf of Guinea.[76] Nigeria is a member of the Economic Community of West African States (ECOWAS) and ratified UNCLOS III in 1986.[77] A disputed national legislation from 1978, in which Nigeria claimed a territorial sea of 30 nm, was replaced in 1998 by claims of 12 nm and an EEZ of 200 nm. Overlapping EEZ claims in the Gulf of Guinea have been set by bilateral agreements, including a notable apportionment and collaboration agreement for oil exploration with the island state of Sao Tome e Principe.[78]

In 2009, Nigeria's main export products were crude oil and liquefied natural gas, which accounted for 86.3 per cent and 7.5 per cent of the export value.[79] Its exports value grew from 1990 to 2009, but its proportion of the total export value declined from a peak value of 99.5 per cent in 2000. Nigeria's economy is thus totally dominated by its oil and natural gas revenues; a condition that has evolved since the 1958 initial export of high quality oil, which was consolidated in the 1990s.[80] In 2009, Nigeria was the world's eighth-largest oil producer. Up to the 1990s, oil was mainly extracted from land-based fields. The deteriorating security situation at the land-based oil fields in the 1990s, including repeated sabotage, large-scale oil spills and hostage-taking by rebel groups forced expansion to offshore fields in the Niger Delta. The major deep sea oil fields in Nigeria EEZ are Bonga (2005), Erha (2006), and Agbami (2008), each with a capacity to deliver 210,000–250,000 barrels of oil and 150–450 m^3 of natural gas per day. In his much noted review, the journalist John Ghazvinian suggests four reasons for the oil

industry's investments in Nigeria: (1) Nigerian oil quality enables cost effective refining, (2) Nigeria's membership in OPEC ensures the oil's market price, (3) the offshore oil-fields offers a geographical distance from land-based conflict areas, and (4) additional oil reserves are expected to be found.[81]

Francois Vreÿ opposes the argument raised by Ghazvinian concerning the value of the offshore oil fields' geographic distance from land-based conflict areas.[82] Considering the Gulf of Guinea's geostrategic importance, he questions how long this geographical distance can estrange maritime oil and gas extraction from the ongoing land conflicts. Vreÿ draws on 2008 statistics to illustrate the threat to Nigerian maritime security, emphasizing the Movement for the Emancipation of the Niger Delta (MEND) attack on the Bonga oil field and 35 reported attacks on merchant ships. Vreÿ argues that Nigeria, like all West African coastal states, is devoid of marine resources—resulting in the US Navy presence in the Gulf of Guinea, securing their national interests. He concludes that Africa's coastal states need PSCs to meet their maritime security requirements.

Defence analyst Helmoed Heitmann proclaims that African coastal states' must increase their maritime attention.[83] He points to shipping's 90 per cent share of South Africa's foreign trade in bulk goods and oil imports, and the offshore fields' contribution to the oil export's 80–95 per cent share of Nigeria's, Angola's, Equatorial Guinea's, Gabon's and Congo-Brazzaville's export incomes. According to Heitmann, fishing represents 7–10 per cent of Namibia's, Ghana's and Senegal's GDP and 50–75 per cent of the populations of Angola's, Ghana's and Senegal's animal protein intake. Africa's maritime domain is strategically and financially important, he argues, and controlling its resources is such an attractive objective that it eventually will form an operational area for insurgents, terrorists or foreign forces. Heitmann notes a shift of UN-led peace support operations in Africa from inland to coastal states since 1960 and the African states' lack of real naval capabilities. Africa's dependency on commercial shipping and few deep-water harbours make the coastal states vulnerable to external intervention, he argues. In an era where emerging great powers flex their muscles and secure raw materials supplies and market shares, Africa is, according to Heitmann, the sole remaining area in the world being both accessible and vulnerable to their involvement. He illustrates this by highlighting the US military training teams deployed to African states and China's 'armed police forces' protecting Chinese-owned oilfields in Sudan.

This examination reveals that UNCLOS provision of extended rights to coastal states regarding exploitation of maritime natural resources has increased the maritime domain's impact on their food and economic security—with related maritime security requirements. This is also the case in states possessing as weak marine resources as Mozambique.

CONCLUSIONS

To conclude, I will reiterate the cardinal consequences of maritime security's altered referent object. First, securing the maritime domain from a holistic perspective is a complex task. It involves a magnitude of tasks, stakeholders and often competing interests, requiring a comprehensive approach to be managed. Second, securing the maritime domain from a holistic and cooperative perspective has forced navies to take on a wider range of activities. A new naval operations type—maritime security operations—involving maritime law enforcement has been developed, typically spanning counter-piracy, maritime counter terrorism and maritime interdiction tasks. These operations are principal tasks for today's navies, often conducted in international and cross-departmental partnership in support of national and international interests. These low-intensity operations presents challenges for navies, whose organizational cultures and capabilities are shaped by the traditional task of defeating conventional adversaries. The emergence of private security companies offering armed protection of commercial vessels, on board or as their close escorts, pose operational and legal challenges. Securing the maritime domain by these means is a costly endeavour.

Third, the legal framework for maritime security has been fundamentally revised in the wake of maritime terrorism's advent at the millennium. New tools have been provided by the international community to prevent maritime terrorism and extensive regulations for port and shipping security have been globally implemented. Compliance with these provisions is costly and burdensome to costal states and the shipping industry, raising questions on the quality of its global application. Fourth, polities' awareness of the maritime domain's value and maritime powers strategic interests in Africa's natural resources raise questions on resource management and states' independence. These consequences independently pose valid explanations for the rise of contemporary maritime security studies.

NOTES

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2. Gilpin, Raymond, 'Enhancing Maritime Security in the Gulf of Guinea', *Strategic Insights*, Vol. VI, No. 1*,* 2007, available at http://www.nps.edu/Academics/centers/ccc/publications/OnlineJournal/2007/Jan/gilpinJan07.html, accessed on 1 October 2011.

3. This section refers to Anders Sjaastad, 'Southeast Asian SLOCs and Security Options', in Kwa Chong Guan and John Skogan (eds), *Maritime Security in Southeast Asia*, Oxon: Routledge, 2007, pp. 3-12.

4. For a comparison of EU documents, see Stefan Lundqvist, 'Maritim Säkerhet: En Översikt av Begrepp, Lagstiftning och Forskning för Försvarsmaktens Behov' ['Maritime Security: An Overview of Concepts, Legislation and Research for the Swedish Armed Forces'], Stockholm: Swedish National Defence College, 2011, Ö960/2009:47, *Årsrapport FoT Krigsvetenskap 2010*, bilaga 8. For applicable 1991 US doctrine, see *U.S. Naval Strategy in the 1980s, Selected Documents*, Newport: Naval War College Press, 2008, pp. 209f, 247f. For current doctrine, see US Navy, US Marine Corps, US Coast Guard, *A Cooperative Strategy for 21st Century Seapower*, 2007, pp. 11, 14. For 2000 Australian doctrine, see Commonwealth of Australia, *Australian Maritime Doctrine (RAN Doctrine 1)*, First Edition, 2000, pp. 11f, 17, 21. For current Australian doctrine, see Commonwealth of Australia, *Australian Maritime Doctrine: RAN Doctrine 1 – 2010*, Second Edition, 2010, p. 53. See also Commonwealth of Australia, Defence White Paper, *Defending Australia in the Asia Pacific Century: Force 2030*, 2009, pp. 24, 54, 59, 62, 89, 96ff; and Commonwealth of Australia, Department of Infrastructure, Transport, Regional Development and Local Government, *Office of Transport Security Strategic Plan 2007–2010*, 2008, p. 3.

5. The International Ship and Port Facility Security (ISPS) Code was signed at the International Maritime Organization headquarters in December 2002 and entered into force in July 2004. The 2005 revision of the SUA Convention added an Article criminalizing intentional transport of any material, equipment, or software intended for use to produce a biological, chemical, or nuclear weapon. Thereto, it criminalized transportation of persons on board ships known to have committed an offence under UN Counter-Terrorism Conventions and modified its boarding protocol. See http://cns.miis.edu/inventory/pdfs/maritime.pdf, accessed on 15 May 2012.

6. This section refers to Chris Rahman, 'Concepts of Maritime Security', Discussion Paper No. 07/09, Wellington, NZ: Centre for Strategic Studies, Victoria University, 2007, pp. 3, 5f, 26f, 29.

7. See, for example, the Republic of Korea, MoD, *Participatory Government Defense Policy 2003*, 2003.

8. This section refers to the Republic of Korea, MoD, *Defense White Paper 2006*, 2006, pp. 1–6, 65–68.

9. This section refers to the Republic of Korea, Ministry of National Defence, *Defense White Paper 2008*, 2009, pp. 3, 10, 44f.

10. This section refers to Scott Snyder, 'South Korea's Emerging Global Security Role', in *World Politics Review,* 23 March 2010, available at http://www. worldpoliticsreview.com/articles/5316/south-koreas-emerging-global-security-role, accessed on 11 March 2012.

11. This section refers to Terence Roehrig, 'South Korea's Counterpiracy Operations in the Gulf of Aden', in *Global Korea: South Korea's Contributions to International Security'*, New York: Council on Foreign Relations, 2012, pp. 28–35.

12. This section refers to the Republic of Korea, Ministry of National Defence, *2010 Defense White Paper*, 2011, pp. 2f, 15, 24-29.

13. Fore example, arising from Japan's disputes with Russia and China.

14. The Republic of Korea, *2010 Defense White Paper*, n. 12, pp. 2ff, 8ff, 15, 90, 101, 399.

15. This section refers to US Energy Information Administration, *South China Sea*, available at http://www.eia.gov/countries/regions-topics.cfm?fips=SCS, accessed on 10 May 2013.

16. This section is based on Rommel Banlaoi, *Maritime Security Environment in the East and South China Seas*, Article presented at OPRF 'International Conference on Maritime Security Environment in East Asian Waters', Tokyo, Japan, 16–17 February 2011, pp. 1f, 6f, 12f, available at https://blog.canpan.info/oprf/img/858/prof.banlaoi_presentation.pdf, accessed on 13 March 2012.

17. This section refers to Rahman, 'Concepts of Maritime Security', n. 6, pp. 30, 35, 40f, 49ff.

18. This section refers to Charles Reid, 'Securitisation of Piracy off the Horn of Africa: Are there Implications for Maritime Terrorism?', in Corbett Paper No. 5, London: The Corbett Centre for Maritime Policy Studies, King's College London, 2011, pp. 6, 12–15.

19. Its total value amounted to $750 billion. See WTO's *International Trade Statistics 2008*, p. 117.

20. Its total value amounted to $890 billion. See WTO's *Maritime Transport Services*, S/C/W/315 7, June 2010, available at http://www.oecd.org/dataoecd/52/53/46334964.pdf, accessed on 15 March 2012.

21. In this period, the volumes of shipped commercial goods increased by 30 per cent. Concurrently, the value of shipments doubled, rendering shipping a 70 per cent share of 2006 world trade value. UNCTAD explains this growth by increased world market prices, particularly on oil. See UNCTAD, *Transport Newsletter No. 38,* Fourth quarter 2007/ First quarter 2008, pp. 14ff, available at http://www.unctad.org/en/docs/sdtetlbmisc20081_en.pdf, accessed on 22 February 2012.

22. See UNCTAD, *Review of Maritime Transport 2010*, p. 6, and WTO, *International Trade Statistics 2010*, p. 4.

23. This section refers to WTO, *Press Release*, PRESS/628, 7 April 2011, available at http://www.wto.org/english/news_e/pres11_e/pr628_e.pdf, accessed on 2 April 2012.

24. UNCTAD, *Review of Maritime Transport 2011*, p. 7.

25. UNCTAD, *Review of Maritime Transport 2012*, pp. 2, 5.

26. This section refers to Peter Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, Santa Barbara: RAND Corporation, 2008, pp. 19ff.

27. Chalk highlights the attempted attack on the USS Sullivan, the USS Cole attack, the plans to attack US naval vessels at sea outside Singapore, Malaysia and Indonesia, the pre-empted suicidal attacks on maritime interests in the Mediterranean Sea, oil tankers in the Strait of Gibraltar, and a Turkish cruise ships with Israeli tourists. Ibid., p. 20f.

28. This section refers to Helmut Tuerk, 'Combating Terrorism at Sea—The Suppression of Unlawful Acts Against the Safety of Maritime Navigation', *University of Miami International and Comparative Law Review,* Vol. 15, Special Issue, 2008, pp. 353–56.

29. Lehr, Peter, 'Maritime Terrorism: Locations, Actors and Capabilities', in *Lloyd's MIU Handbook of Maritime Security*, Boca Raton: Auerbach Publications, 2008, pp. xv, 55–69.

30. This section refers to Peter Chalk, 'Maritime Terrorism: Scope, Dimensions and Potential Threat Contingencies', in Claude G. Berube and Patrick Cullen (eds), *Maritime Private Security: Market Responses to Piracy, Terrorism and Waterborne Security Risks in the 21st Century*, London: Routledge, 2012, pp. 156–61.

31. This section refers to Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, n. 26, pp. 21ff.

32. The 2002 attack on the oil tanker M/V Limburg implied a short-term collapse of shipping in the Persian Gulf, a 48 per cent increase in crude oil prices, tripled insurance premiums in the Gulf of Aden, and disastrous consequences for its container traffic and the Yemeni economy. Ibid., pp. 23f.

33. This section refers to Chalk, 'Maritime Terrorism: Scope, Dimensions and Potential Threat Contingencies', n. 30, pp. 161ff.

34. The *M Star* attack was claimed by the Abdullah Azzam Brigades. Ibid., p. 155.

35. Tuerk, 'Combating Terrorism at Sea—The Suppression of Unlawful Acts Against the Safety of Maritime Navigation', n. 28, p. 354.

36. This section refers to Lehr, 'Maritime Terrorism: Locations, Actors and Capabilities', n. 29, pp. 57–69.

37. Snoddon, Robert, 'The North Atlantic Treaty Organization Evolving Role in Maritime Security Operations', in *Lloyd's MIU Handbook of Maritime Security*, Boca Raton: Auerbach Publications, 2008, pp. 277ff.

38. This section refers to Reid, 'Securitisation of Piracy off the Horn of Africa: Are there Implications for Maritime Terrorism?', n. 18, pp. 6, 9f.

39. ICC IMB, *Piracy and Armed Robbery Against Ships: Annual Report 2012*, 2013, p. 3.

40. This section refers to Ibid., pp. 5f, 20-25 and Jayant Abhyankar, *Piracy and Maritime Violence—A Continuing Threat to Maritime Industry*, published by ICC IMB and presented at ITOPF/Intertanko/OCIMF International Seminar on Tanker Safety, Pollution, Prevention, Spill Response and Compensation, 6 November 2002, p. 8, available at http://www.itopf.com/_assets/documents/Abhyankar.pdf, accessed on 13 March 2012.

41. ICC IMB, *Piracy and Armed Robbery Against Ships: Annual Report 2012*, n. 39, p. 1.

42. ICC IMB, *Piracy and Armed Robbery Against Ships: Annual Report 2010*, 2011, Annex 4.

43. ICC IMB, *Piracy and Armed Robbery Against Ships: Annual Report 2012*, n. 39, p. 5.

44. ICC IMB, *Piracy and Armed Robbery Against Ships: Annual Report 2010*, 2011, n. 42.

45. According to UNCLOS III's definition of piracy, the Malacca Straits incidents predominantly relate to maritime crime since they occurred on coastal states' territorial waters.

46. Abhyankar, *Piracy and Maritime Violence—A Continuing Threat to Maritime Industry*, n. 40, p. 2.

47. This section refers to Catherine Raymond, 'Piracy in the Waters of Southeast Asia', in *Maritime Security in Southeast Asia*, Oxon: Routledge, 2009, p. 66f.

48. Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, n. 26, p. 6.

49. Raymond, 'Piracy in the Waters of Southeast Asia', n. 47, pp. 66f and Chalk,

The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States, n. 26, p. 6.

50. This section refers to Raymond, 'Piracy in the Waters of Southeast Asia', in *Maritime Security in Southeast Asia*, n. 47, pp. 69–72. GAM activities ceased by a peace agreement in August 2005.

51. This section refers to Ibid., pp. 72ff.

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54. This section refers to Raymond, 'Piracy in the Waters of Southeast Asia', n. 47, pp. 65–68, 74f.

55. This section refers to Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, n. 26, pp. 14–17.

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