A Comparative Study on Maritime Security and Blue Economy

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Abstract: The oceans play a pivotal role in global economic development and security, with maritime activities serving as a critical foundation for international trade, resource extraction, and environmental sustainability. This study aims to provide a comprehensive and comparative analysis of the interplay between maritime security and the burgeoning concept of the blue economy. By exploring the intricate relationship between these two domains, the research seeks to shed light on their synergies and potential trade-offs, offering insights that can inform policymakers, scholars, and industry stakeholders.

The first facet of the study focuses on maritime security, delving into the multifaceted challenges faced by nations in safeguarding their maritime interests. Issues such as piracy, terrorism, smuggling, and territorial disputes often transcend national boundaries, necessitating collaborative efforts to establish robust security frameworks. The analysis incorporates case studies from diverse regions to discern commonalities and differences in maritime security approaches, considering both historical perspectives and contemporary dynamics.

Simultaneously, the study investigates the concept of the blue economy, which emphasizes sustainable use and conservation of ocean resources to promote economic growth. Blue economy sectors, including fisheries, aquaculture, renewable energy, and biotechnology, are examined to understand their potential contributions to socioeconomic development and environmental stewardship. This portion of the research assesses various national blue economy strategies, highlighting successful models and identifying challenges to effective implementation.

Furthermore, the comparative analysis explores the interconnectedness between maritime security and the blue economy. It investigates how a secure maritime environment can foster the growth of blue economy sectors and conversely, how a thriving blue economy can contribute to enhanced maritime security. The study also considers potential conflicts of interest and trade-offs between security measures and economic development, aiming to identify strategies for achieving a harmonious balance.

This comparative study aims to provide a nuanced understanding of the intricate relationship between maritime security and the blue economy. By examining both the challenges and opportunities inherent in these domains, the research aims to contribute valuable insights for policymakers, researchers, and practitioners working towards sustainable and secure maritime futures..

Keywords: Blue Economy, Maritime Security, international community, shipping industry.

1. INTRODUCTION

The international community increasingly recognizes the importance of ocean resources, but they continue to face stress from over-exploitation, pollution, declining biodiversity, and climate change. It is crucial that a more responsible and sustainable approach is taken to utilize the riches of the ocean. Despite advances in technology, the ocean remains a dark, mysterious, and dangerous space where people cannot commonly live. It is mostly cold, wet, and largely untouched, which can cause sickness in most people. Oceans have multiple contributions to our daily lives, and these can be broadly categorized into four groups: oceans as a resource, as a means of transportation, as a medium of transmitting information, and as a medium for dominance. However, these categories are interconnected to each other. For centuries, fishermen have followed migratory fish far from shore, which brought them into contact with fishermen from other areas. They

shared a rough experience of the same profession, which helped them develop a sense of brotherhood among themselves. This feeling of brotherhood allowed them to exchange goods and ideas. Exchanges of ideas and goods, during such interactions, can easily be traced from history across the world. The sea, therefore, remains a medium through which geographically separated communities interacted and learned about sub-regional transportation systems.

1.1. Maritime Piracy

The threat of piracy to the shipping industry, maritime trade, and seafarers remains a significant concern, despite the sharp decline in piracy attacks and vessel hijackings in recent years. The data published by the International Maritime

Organization and the ICC International Maritime Bureau shows that piracy incidents have decreased, but there is still a risk of piracy reemerging due to the withdrawal of naval forces and other ship protection measures.

The media coverage of piracy increased after several high-profile incidents, including the hijacking of the MV Sirius Star, the MV Faina, and the Maersk Alabama. Somali pirates have established a profitable business model of hijacking ships and abducting crew for ransom money. Scholars and policymakers have raised concerns about paying ransoms since it may encourage more people to join this lucrative business

1.2. Maritime Terrorism

In the Caribbean Sea near the shores of Venezuela on January 22, 1961, a Portuguese insurgent organization seized control of the Santa Maria, a Portuguese cruise vessel, in a significant act of maritime terrorism aimed at opposing the oppressive regime of Antonio Salazar. This incident, along with the Achille Lauro incident, served as a catalyst for the United Nations International Maritime Organisation (IMO) to recognize the potential danger of maritime terrorism. In response, the IMO Assembly passed a resolution urging its Maritime Safety Committee (MSC) to formulate comprehensive technical measures that can be utilized by governments, port authorities, and individuals on land to prevent terrorist attacks targeting ships, ports, and urban areas. The global community is actively searching for terrorist vessels, commonly referred to as the "phantom fleet," at sea to prevent their engagement in acts of terrorism within the marine domain. However, there is significant concern that terrorists may employ maritime channels to disrupt global tranquility, as demonstrated by the Mumbai attacks in 2008.

1.3. Maritime security

Ensuring security at sea requires effective measures to address maritime hazards while avoiding negative impacts on lawful activities and without causing harm or undue limitations. Like maintaining law and order on land, enforcement measures must be in place to uphold UNCLOS and promote international cooperation in combating criminal activity at sea.

"Maritime security and the Blue Economy, as they exist today, have their origins in two significant historical events that have reshaped maritime governance. After years of debate and discussion, the United Nations Convention on the Law of the Sea (UNCLOS) was drafted in 1982 to coordinate the vast expansion of maritime assertions towards the sea. The second agenda, which has its roots in the Brundtland report of 1987 and the Rio Earth Summit of 1992, emphasizes sustainable development in a broader context. This topic is addressed in scholarly works such as Bueger and Edmunds' (2017) and Eikeset et al.'s (2018)".

Contemporary security challenges encompass a range of actors, including organized criminal syndicates, non-state combatants, and terrorist organizations, in addition to conventional threats such as warfare and blockades. The multifaceted nature of maritime threats necessitates collaborative efforts from various maritime entities such as naval, coast guard, marine police, intelligence services, custom, fisheries department, port authorities, and international partners.

Maritime nations wanted easy access to the oceans to support their trade, assert their power, and communicate with faraway lands. This led to the adoption of the principle of freedom of the high seas, which means that all nations have the right to navigate, fish, lay cables and pipelines, and fly over the open waters. The United Nations Convention on the Law of the Sea (UNCLOS) added two more freedoms to this principle, which allow the construction of artificial islands and scientific research.

1.4. The role of maritime security in the Indian Ocean Blue Economy:

The Indian Ocean is a vast body of water that extends from the southern tip of South Africa to the western coast of Australia (Upadhyaya, 2014). The Indian Ocean is accessible to 36 countries with vastly different cultural, social, and economic conditions. As the world's third largest ocean and home to approximately one-third of the world's population, the Indian Ocean has enormous potential to contribute to global efforts to reduce poverty, increase food security, and create new economic opportunities. "The Blue Economy is an idea that seeks to encourage the environmentally responsible and inventive cultivation of such opportunities. This article will examine the current and prospective contributions of maritime security to various initiatives in the region, based on four broad categories of the ocean economy".

2. PORT STATE CONTROLS

Ports are transportation hubs that facilitate the transfer of goods and materials through various modes of transportation such as trucks, railways, barges, ships, and others. Usually, ports are located near harbours, which are infrastructures built to facilitate the movement of products between water and land. The port's terminal plays a crucial role in the cargo docking, handling, storage, and transfer processes. When ports are built within internal waters, the State that constructs them enjoys complete sovereignty over all related activities . The coastal state has the power to regulate the entry of foreign vessels into its ports and establish terms and conditions for their use of port infrastructure. The regulation of port access is usually determined by treaties between relevant states, and there may be agreements that allow for unrestricted passage for commercial activities

2.1. Marine pollution

Prior to the implementation of the Exclusive Economic Zone (EEZ), states had limited options for responding to environmental emergencies beyond their territorial waters. Efforts aimed at regulating shipping activities to promote environmental conservation have been met with concerns regarding potential limitations on navigational autonomy, much like previous attempts to assert control over maritime territories

2.2. Global Scenario:

Over the past five decades, there have been relatively few terrorist attacks in the maritime sector. However, a closer examination of the data reveals a consistent occurrence of such incidents . The Global Terrorism Database (GTD) reports over 300 incidents of terrorism in maritime settings since June 1970, with the majority being of a low level with minimal reported casualties. Despite this, there are several notable occurrences that have received extensive media coverage and exerted a significant impact on legal scholarship . The following maritime terror incidents are of particular importance in this context:

2.2.1. Santa Maria:

The seizure of the Santa Maria on January 22, 1961 is considered the first incident of maritime terrorism. The Portuguese luxury cruise liner was overtaken by a group of 24 leftist Portuguese terrorists led by military officer Henrique Galvão. The hijacking aimed to draw attention to the oppressive governance of Portuguese dictator Antonio Salazar and was carried out in the guise of passengers, concealing armaments in their baggage.

The objective was to garner global attention and expedite the elimination of the tyrannical colonial administration. However, a law enforcement official opposed the takeover and was fatally shot, leading the vessel to alter its course towards Angola. US Navy vessels eventually located the hijacked vessel, and the insurgents surrendered to the Brazilian government, receiving political refuge. Portugal claimed that the group of 24 was engaging in piracy, and the US and UK supported Portugal in quelling the rebellion. However, the hijacking incident falls outside the definition of piracy as defined by UNCLOS. Despite being a notable occurrence, the majority of terrorism incidents in the maritime sector have been of low-level severity, with minimal reported casualties, according to the Global Terrorism Database (GTD) spanning the past five decades.

2.2.2. Sounion:

In the Sounion incident, a Greek passenger vessel was targeted by Palestinian terrorists who planted an explosive device on its hull with the aim of sinking the ship. The attack was planned in March 1973 while the vessel was docked at the port of Beirut. However, a Swedish Secret Service agent who had knowledge of the plot managed to prevent the ship from departing. Despite this intervention, a blast still occurred, but fortunately, the delay in departure allowed passengers to reach port safely and be rescued .

2.2.3. Shadow V. Mountbatten:

Lord Mountbatten, who served as the final Viceroy of India, tragically lost his life in a bomb explosion while spending time with his family in Donegal Bay off the northwest coast of Ireland. The Irish Republican Army was responsible for planting the bomb on a fishing vessel, which caused the death of three other individuals, including the perpetrator's own grandson. This event is considered an act of terrorism .

Two French undercover agents were found guilty by the Auckland Court in New Zealand for their role in the sinking of a Greenpeace vessel that was protesting French nuclear testing in the Pacific. The court sentenced them to ten years in prison. The

explosion led to the death of a photographer who was associated with Greenpeace. The matter was brought before an international arbitration tribunal, which found France responsible for paying damages exceeding $8.1 million to Greenpeace .

2.2.4. Achille Lauro:

In October 1985, Palestinian militants affiliated with the Palestine Liberation Front hijacked the Italian cruise ship, the MS Achille Lauro, near the Egyptian coast. The ship was carrying 748 passengers and numerous crew members. During the hijacking, a U.S. citizen was killed by the perpetrators. After two days of negotiations, the hijackers agreed to surrender in exchange for political asylum in Tunisia. However, U.S. fighter aircraft forced the hijackers' Egyptian airliner to land in Italy. This incident led to a significant legal development, as the existing definition of piracy was considered inadequate. It served as a catalyst for the adoption of a new structure for dealing with hijackings, resulting in the ratification of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA). During the Sixth Committee of the United Nations General Assembly discussions on global terrorism, the Achille Lauro incident occurred. This led to the International Maritime Organization (IMO) being tasked with addressing the issue, as per paragraph 13 of Resolution 40/61 passed on December 9, 1985, following recommendations from Italy, Austria, and Egypt. Italy led the development of the initial version of the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), which was thoroughly deliberated and unanimously adopted during the IMO Conference in Rome in March 1988. The SUA Convention, also known as the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, was open for signature on March 10, 1988. The IMO Conference also authorized a protocol on security matters concerning stationary platforms on the continental shelf. The Convention came into force on March 1, 1992, with slow initial ratification, limited to 52 signatories by December 31, 2000. However, the events of September 11, 2001, accelerated the ratification process, resulting in about 142 states ratifying it by December 2006. India has ratified the SUA Convention of 1988, and the associated protocol, and has demonstrated significant attention to it, despite not implementing legislation on piracy under UNCLOS-III. The Indian Parliament passed the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platform on Continental Shelf bill, which was approved by the Rajya Sabha on November 21, 2002, and subsequently by the Lok Sabha on December 10, 2002.

The Indian legislation known as the SUA Act of 2002 carries significant weight in the context of state practice regarding incidents of maritime terrorism. The SUA Convention of 1988 refrained from using the term 'terrorism' in its title due to political considerations, despite the fact that the preamble clearly emphasized its focus on this issue. The text of the Convention references the condemnation of terrorism by the United Nations General Assembly in December 1985, as outlined in Resolution 40/61. This resolution unequivocally denounced all forms of terrorism, regardless of the perpetrators or location, including those that posed a threat to international relations and security. While Article 3 of the SUA Convention of 1988 is aimed at addressing acts of terrorism, the term 'terrorism' is not explicitly employed.

6.　　The Iran-Iraq war in the 1980s witnessed a conflict known as the Tanker War, which garnered worldwide attention due to its involvement of multiple nations in shipping. The situation was considered to have the potential to affect global oil exports and prices, as well as to entangle other countries in the conflict. The Tanker War is seen as an example of state-sponsored terrorism, as both sides attacked commercial shipping, with a particular emphasis on tankers. The conflict resulted in the loss of over 400 seafarers and the attack of 340 vessels.

2.2.5. Tamil Eelam (LTTE):

The Tamil insurgency in Sri Lanka, known as the Eelam War, began in 1983 and was led by the Tamil Tigers who sought separatism. The Liberation Tigers of Tamil Eelam (LTTE) was formed in 1975 and became the dominant militant group after the retreat of the Indian Peace Keeping Force (IPKF) in 1990. The LTTE's initial activities were centered around the smuggling of goods and people between Sri Lanka and Tamil Nadu. In 1984, the Sea Tigers brigade was established to develop and enhance the group's maritime capabilities. The brigade was accused of hijacking several vessels in Sri Lanka's coastal waters, including the Irish Mona (August 1995), Princess Wave (August 1996), Athena (May 1997), Misen (July 1997), Morong Bong (July 1997), MV Cordiality (September 1997), and Princess Kash (August 1998). The Silk Pride tanker was the target of a suicide attack, which is a notable example of maritime terrorism due to its severity and impact .

2.2.6.   USS Cole:

Al-Qaida suicide bombers carried out an attack on the USS Cole, a US Navy destroyer, using a small vessel loaded with explosives off the coast of Yemen in October 2000. The attack caused the death of 17 naval personnel and injured 42 others . The group responsible for the attack was the Islamic extremist organisation Al-Qaida .

2.2.7. MT Limburg:

The Limburg terrorist attack, which took place in October 2002, was a deliberate and successful act of aggression carried out by the Al Qaeda organization. A suicide bombing took place off the coast of Yemen, where an explosive-laden boat targeted a French supertanker, resulting in a subsequent explosion and fire. The vessel, which had been contracted by the Malaysian oil company Petronas, was en route to the Yemeni port of Mina al-Dabah .

2.2.8. Superferry 14:

The attack on Superferry 14 is considered a suicide terrorist operation planned and executed with precision by the Abu Sayyaf group, which has affiliations with Al Qaeda. The group placed a TNT bomb inside a television set and strategically positioned it in a densely populated area of the vessel to cause maximum destruction. This heinous act of maritime terrorism resulted in the sinking of the ship and the loss of 116 lives.

2.2.9. Don Ramon:

Abu Sayyaf carried out a terrorist attack on the Don Ramon, a passenger ship sailing in Philippine waters, in August 2005. The attackers placed an explosive device near the gas cylinders in the ship's galley, timed to detonate for maximum effect. The explosion caused significant damage and resulted in injuries to 30 passengers.

2.2.10. M Star:

During July 2010, the M Star, which is a Japanese-owned ship categorised as a very large crude oil carrier, experienced an explosion while travelling through the Strait of Hormuz. Despite not observing any ship in the vicinity, a significant collision was detected on the vessel's hull, resulting in minor damage to some living quarters and injuring one crew member. Within 48 hours, the terrorist group Brigades of Abdullah Azzam claimed responsibility for the attack .

2.2.11. Cosco Asia:

The terrorist attack that occurred in September 2013 targeted the Chinese container ship, Cosco Asia, while it was passing through the Suez Canal. The attackers used a rocket-propelled grenade, but fortunately, their attempt was unsuccessful, and there were no fatalities or significant damage to the vessel. The Islamist organization, Al-Furqan, claimed responsibility for the attack. Although the incident was relatively minor, it caused concern for the Egyptian government due to the crucial economic importance of the Canal.

2.2.12. PNS Zulfiquar:

In 2014, the PNS Zulfiquar, a Pakistani frigate, was targeted by the Indian Subcontinent faction of Al Qaeda with the objective of seizing the vessel to launch an attack on US warships. The attack took place while the frigate was docked at Karanch harbour and involved Al Qaeda militants, some of whom were identified as Pakistani Naval officers acting outside their official duties. However, the attempt was unsuccessful, resulting in the elimination of ten terrorists, including former naval officers of Pakistan. Subsequently, a number of Pakistan Navy officers were reportedly given capital punishment by a covert military court martial for their involvement in the attack. This incident exposed vulnerabilities in Pakistan's strategic infrastructure and eroded trust in its defence forces.

3.   CONCLUSION

In the Indian Ocean Region (IOR), the Blue Economy and maritime security are interdependent and mutually beneficial. The UN Convention on the Law of the Sea (UNCLOS) has shifted focus to the economic potential of the oceans as coastal nations strive to maximize their expanded maritime entitlements. As a direct result of the aforementioned occurrence, maritime security efforts have been intensified and diversified throughout the world's oceans. The term "Blue Economy" was employed to characterize the potential economic benefits of domestic resources. The declaration acknowledges the significance of sustainable exploitation and environmental protection as indispensable measures to ensure the continued availability of ocean benefits. For these opportunities to be successfully realized, robust marine security measures that protect against a   variety   of   threats   and   establish   a   secure

environment conducive to their development are required. Shipbuilding, MDA technology suppliers, and port development are a few of the ancillary industries that stand to gain from increased maritime security. This would significantly benefit the Indian Ocean region's economy and job market.

The above discussion suggests that the navigational freedoms and rights outlined in UNCLOS are unclear compared to the original intentions of its creators. Coastal states are introducing new rules that restrict navigational freedoms and entitlements in their adjacent waters. Ambiguity remains around military surveys and other military activities in newly designated maritime zones. There are multiple cases where the absence of clear law enforcement authority for actions related to the continental shelf is apparent.

REFERENCES

1. According to UNCLOS, ports are defined as the furthest permanent harbor structures that are considered a fundamental part of the harbor system and are treated as part of the coastline for determining the territorial sea. Internal waters, on the other hand, refer to the waters that are situated on the landward side of the baseline from which the territorial sea and other maritime zones are measured, as per UNCLOS Article 8.
2. According to Vasilos Tasikas' article "The Regime of Maritime Port Access: A Relook at Contemporary International and United States Law" published in the Loyola Maritime Law Journal in 2007, the prevailing belief is that the right of access to ports is typically established through treaty rather than customary law, indicating that there is no distinct customary right to port access.
3. Prescott and Schofield, 2005, p. 461)".
4. Upadhyaya, 2014)
5. Gerard Malynes, The Ancient Law Merchant (1685); Lynden Macassey, 'International Commercial