Maritime Security and Safety

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Presentation Overview

- United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP)
- Scope of “Maritime security and safety”
- Threats to maritime security
- Legal framework for addressing threats
- Future challenges
United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

- 9th Session of the ICP, in June 2008, will focus on the topic “Maritime security and safety”
- Role of the ICP
- Draft chapter on maritime security and safety of the report of the Secretary-General in early 2008
- Preparatory meeting in early 2008
- Co-chairs requested delegations to submit proposals to them through the Secretariat
- Delegations are encouraged to start considering possible panellists

What is “Maritime Security”?  

- Broad topic covering many policy sectors  
- No universal legal definition of term  
- Elements of the maritime security regime:  
  - International peace and security  
  - Sovereignty/Territorial integrity/Political independence  
  - Security from crimes at sea  
  - Resource security  
  - Environmental security  
  - Security of seafarers and fishers
Relationship between maritime security and safety

- Complementary regimes with common objectives
- ICP topic in 2003 “Safety of navigation”
- Elements of the maritime safety regime:
  - Ship construction and equipment
  - Training of crew and labour conditions
  - Transport of goods and passengers
  - Routeing and nautical charts
  - Assistance in distress situations
- Implementation and enforcement
  - Flag State responsibility
  - Coastal State/Port State control
- Need for international cooperation

Major threats to maritime security

- Threat or use of force against the sovereignty, territorial integrity or political independence of a State
- Terrorist acts against shipping, offshore installations and other maritime interests, illegal transport of WMDs, unlawful acts
- Piracy and armed robbery at sea
- Transnational organized crimes, e.g., smuggling of migrants, narcotic drugs, arms
- Threats to resource security, e.g., illegal, unregulated and unreported (IUU) fishing
- Environmental threats, e.g., major pollution incident, illegal dumping
Legal Framework for preventing and suppressing threats to maritime security

- Charter of the United Nations
- UNCLOS
- Other global conventions
- Regional conventions and arrangements
- Bilateral agreements and arrangements
- National measures

Relevant provisions of UNCLOS

- Flag State jurisdiction
- Territorial sea
- Archipelagic waters
- Straits used for international navigation
- Contiguous zone
- Exclusive economic zone (EEZ)
- High seas
**Piracy**

- An act constitutes piracy as defined in article 101 of UNCLOS, if it is:
  - An illegal act of violence or detention
  - Committed for private ends
  - Against another ship, aircraft, persons or property on board
  - Committed on the high seas or in the EEZ (article 58(2))
- Under UNCLOS States have universal jurisdiction to repress piracy
- Should be distinguished from “armed robbery at sea”

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**Relevant measures under other international conventions**

**Transnational organized crimes**
- UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- Protocol against the Smuggling of Migrants by Land, Sea and Air (supplementing the UN Convention on Transnational organized crime)

**Terrorist acts, transport of WMDs, other unlawful acts**

**Resource security and prevention of pollution from vessels**
- UN Fish Stocks Agreement, FAO Compliance Agreement
- MARPOL 73/78, Intervention Convention
Current Regional Cooperation

- Recent examples of cooperation
  - Singapore Statement on Enhancement of Safety, Security, and Environmental Protection in the Straits of Malacca and Singapore
  - Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre
  - Agreement Concerning Co-operation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area (CRA)
  - COE Agreement on illicit traffic by sea, implementing Article 17 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances
  - Maritime Organisation for West and Central Africa (MOWCA)

Future challenges to preventing and combating threats to maritime security I

- Ratification of /accession to relevant international conventions
- Effective implementation of the conventions
- Internal coordination
- Effective law enforcement
- Bilateral/regional/multilateral cooperation
Future challenges to preventing and combating threats to maritime security II

- Controlling the costs of maritime security measures
- Minimizing negative impacts of maritime security regime on:
  - Shipping industry
  - Seafarers and fishers
  - Private individuals
  - The environment

UNCLOS at 25: Providing the framework for securing our oceans