

Maritime Security and Safety

UNITAR/DOALOS Briefing
17 October 2007

Michele Ameri and Michael Shewchuk

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"

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

- International Convention for the Safety of Life at Sea (SOLAS Convention), 1974 and the International Ship and Port Facility Security Code (ISPS Code)
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 (SUA Convention) and its Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, as recently amended

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