

Into the Blue: Rethinking Maritime Security

Book of Abstracts

Securing the Seas and Oceans: Legal, Environmental and Material Perspectives

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Oceans and seas constitute two-thirds of our planet. Although traditionally regarded as separate from the land, water worlds are increasingly acknowledged as fundamental to terrestrial security. Indeed, as the seas and oceans are increasingly recognised as vital spaces for the supply of resources, for capital accumulation and trade, for environmental protection (and harm), for terrorism, as well as key spaces in which resistant actions outside of (but impacting upon) the nation state occur, the water world has become a new frontier to be governed and secured. In this paper, we approach the seas from a geographical perspective and explore how the legal, environmental and material qualities of the oceans and seas impact their security and governance.

We contend that focusing on these qualities provides a crucial missing link for understanding both the theoretical and practical regulation of sea spaces. We show how securing processes cannot be moved easily from land, to air, and the sea, and that new technologies, regimes, and practices of security are necessary given the legal, material and environmental character of the water world. Accordingly, through focusing on two case studies of action at sea (by environmental organisation Sea Shepherd Society and the offshore broadcasting pirates Radio Caroline) we seek to question who has the authority and agency to secure our seas. The paper explores the possibilities and challenges facing the practitioners of security and how the (physical and legal) composition of extra-territorial sea space provides the basis for alternative strategies of protection. In exploring these questions we not only open up the seas and oceans to global security studies but we also learn about the 'place' of sea as a consequence. The paper concludes by commenting on the relations between ships, sea and shore and how the governance of risk, mobility and threat is never outside of the particular extra-territorial, fluid, resourceful shape of these water worlds.

Legal Aspects of Maritime Security and fixed Platforms on the Continental Shelf

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The response to Somali piracy has gradually shifted from military patrolling, to horizontal law enforcement cooperation, to national capacity building. Indeed, in maritime security there is perhaps an increasing view that effective security in the maritime domain requires:

- maritime domain awareness (and effective national infrastructure to underpin it)
- securing the national maritime 'estate' (e.g. against illegal fishing) and
- compliance with international standards (thus maximising the changes of security claims being respected/recognised by other international actors).

Offshore oil platforms make an interesting and topical case study through which some of these concerns can be viewed. Oil platforms represent both valuable and vulnerable infrastructure. Nigerian pirates

have taken hostages from them, environmental activists have scaled them (most recently in the *MV Arctic Sunrise* dispute), they have been at the centre of disputes over military action (the Iran-US *Oil Platforms* case) and there are perennial fears that they could be a target for terrorism. The focus on terrorists, pirate hijackers and - to a lesser extent - environmental protesters tends to evoke hard security responses. Viewed through such a lens, the jurisdictional regimes surrounding oil platforms looks manifestly inadequate. In particular, the limited authority to proclaim 500 m safety zones around them under the UN Convention on the Law of the Sea (UNCLOS) is often not seen as giving states sufficient ability to protect them. In addition, the actual extent of coastal State enforcement jurisdiction within safety zones is legally ambiguous. Unsurprisingly, this has led to calls for reform of the international legal regime governing oil platforms to better accommodate security concerns.

Most proposals for reform security-oriented reform of the oil platforms regime, however, simply have no realistic prospect of international acceptance. Proclaiming, for example, five nautical mile warning or exclusion zones around oil platforms will likely be seen by the majority of states as unjustifiable. For example, if we consider the case of a scattered chain of oil platforms close to busy shipping lanes then wide exclusion zones around each could result in the closure of large sections of the seas to traditional freedoms of navigation. I am interested in what may happen if we start not with the threats posed by particular actors but the referent object of the security threat: damage to the environment. The International Maritime Organization (IMO) holds a delegated law-making authority in respect to many environmental and maritime safety issues under UNCLOS. A range of IMO instruments, standards and practices relating to safety and the environment may provide mechanisms to achieve many of the security goals of States in relation to oil platforms. Not only is the use of such mechanisms likely to increase 'buy-in' but they will also be better tailored to achieving environmental protections in addition to hard security objectives. The question then arises whether such a re-framing of security concerns as safety and environmental concerns may have implications in other cases.

The Law of the Sea, Common Heritage Regimes and Global Distributive Justice

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The law of the sea has been rather neglected by scholars interested in questions of global distributive justice. Yet part XI of the United Nations Convention on the Law of the Sea 1982 (UNCLOS III) is a key example of an important attempt at institutionalising distributive justice and managing the exploitation of natural resources in the international context. The characterisation of the deep sea bed as being the 'common heritage of mankind' raises an important series of normative and practical questions that demand the attention of political theorists and sociologists who take economic justice seriously and challenges the claim that the global order is too institutionally underdeveloped to sustain a distributive conception of economic justice. Yet one of the most famous features of this regime is that it was negotiated out of the UNCLOS treaty (at the behest of the industrialized nations) prior to treaty coming in to force in 1994. Shackleford (2009) argues that this is explained as a response to the availability of improved technology changing political realities. However, while the improved ability to efficiently exploit these resources adds an undeniable urgency to the question of how to govern the commons, to paraphrase Alexander Wendt's famous claim, technological advances are what states make of them. We argue that that the legal-institutional logic in which common heritage regime was developed remains intact and that the normative questions continue to have relevance.

Normative theorists concerned with justifying principles for global justice are often criticised for being 'utopian' or 'unrealistic', drawing up ideal schemes for redistributing resources from the very wealthy to the very poor. However UNCLOS III makes it apparent that, when faced with a situation in which

questions of justifiable exploitation and distribution arose, states ‘made of it’ a Common Heritage Regime with explicit redistributive measures at its heart. Indeed, looking closely at one of the ‘utopian’ redistributive proposals, Pogge’s GRD (Global Resource Dividend), it maps very clearly onto the UNCLOS regime. Far from being unrealistic, both the regime and Pogge’s proposal identify exploitation of a resource as the trigger for redistributive action and both then target this action in an egalitarian fashion, requiring that exploitation also benefit the developing poor as well as the exploiting wealthy. Both logic and intent are shared, although proposed redistributive mechanisms are not identical. Our paper pushes two distinctive research agendas together in a way that has implications for future management of the global commons at sea and in other existing and potential common heritage regimes.

Temporalizing Radical Difference to Govern Somali Piracy

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Drawing inspiration from on Hindess’ analysis of the governmental implications of temporalizing difference, I argue that what I term a dual temporalizing of difference is core to the governance of Somali Piracy and that it has far-reaching consequences for who can engage on what terms in the politics of surrounding that regulation. I begin by arguing that the “peculiar Western tradition” to think that other people live in the own past analysed by Hindess has been radicalized in the Somali context. “The past is another place” and so is the future and the present in the case of Somalia. Somali piracy belongs to a non-Western, irredeemably different, temporality from which no escape, “progress” or political agency is imaginable. I proceed to show how this temporalizing of radical difference is folded into and reproduced through the governmental technologies at work to govern piracy in the Gulf of Aden. I argue that the intimate connection between piracy and security gives temporality an especially uncontested role in these technologies which resistance against the controversies surrounding these technologies of temporalizing differences. Reversing the radical temporalizing of difference has been pivotal both in accounts of piracy by the communities involved and in (some) academic analyses. The political significance of such controversies over temporalities cannot be overestimated. Hindess’ reflections on temporalities therefore merit attention in IPS and beyond.

Unmanned systems in Maritime Security. Creating security and/or insecurity? Analyzing the implications on an increased use of unmanned systems in maritime security

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As in the recent years unmanned systems have taken an increasing role of importance in military and security affairs it has done so in maritime security affairs as well. Over the course of this period a number of actors – primarily state actors – have been begun deploying and utilizing on a small scale unmanned systems for intelligence, surveillance and reconnaissance purposes in the skies above oceans and seas. These systems have the capability to significantly enhance maritime security as they are ideally suited for the “dull” tasks of patrolling the oceans, identifying maritime vessels, and due their long endurance are capable of conducting tasks for extended periods, thereby enhancing maritime security significantly. The first part of the proposed paper will seek to analyze how in the framework of maritime security the utility of unmanned systems could be best used. It will focus first on current day operations, but will have a look into the future as well and see what the implications would be if maritime unmanned systems would be armed – a development that most likely seems to happen as the next generation of unmanned systems is designed with for offensive armed purposes, such as for

example the X-47B. Yet at the same time the possibility arises that unmanned systems could be used by nations seeking a more “assertive” approach in possible maritime conflicts. The example of the Senkaku/Diaoyu islands exemplifies this. Both China and Japan have used unmanned systems on several occasions to contest the airspaces of their respective adversaries. The fact that no personnel is on board makes it increasingly easier for nations to contest sea and air zones, as there is no risk of personnel lost and thus a lesser risk of escalation. Thus countries seem to gradually develop an understanding that intrusions in the other nation's respective air and sea spaces would be easier with the help of unmanned systems, and allow them to illustrate their sovereignty claims and pursue their security.

However, this approach could easily lead to further – and not obviously not desired – escalation: it is not unlikely to think of a future scenario in which a nation seeks to counter numerous intrusions into its airspace by using a manned or unmanned fighter jet to engage an intruding drone. Such a move would surely increase tensions between nations, and could easily spill out of control, and actually decrease maritime security. Thus it becomes clear that the rise of unmanned systems in maritime affairs has the potential to be a double-edged sword: On the one side it could significantly increase maritime security as described earlier, yet it could also increase (maritime) tensions, leading to an overall decreased security situation. The proposed paper will first analyze the positive and negatives of using unmanned systems in maritime affairs. Secondly, it will seek to find out if a possible framework could be developed that would limit the misuse of unmanned systems.

Maritime Security at Risk: Trends, Future Threat Vectors, and Capability Requirements

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Globalization is based on the free flow of resources, goods, capital, information and people. These flows are organized within and along different domains such as the sea, air, space, and cyberspace. Together, these so-called global commons form the bedrock of the current politico-economic system. The freedom and stability of the global commons is one of the most important public goods. But different trends indicate that this very freedom is at risk. As a consequence, access to, maneuverability within, and use of the global maritime domain are increasingly contested. The risks entailed with this development follow from different trends that are closely intertwined. In order to understand the complex interplay of these different trends, the paper will (1) provide an analytical approach to conceptualize the maritime domain as a transport route, a resource, habitat and an area for power projection, (2) propose a definition of maritime security, (3) address different trends in each of the aforementioned four categories that influence maritime security, and (4) provide food for thought on future capabilities required to provide maritime security.

In doing so, the paper will expand on three basic premises: First, in a globalized world connectedness is key to provide stability and prosperity. But maritime security risks endanger connectedness and are thus very likely to cause ripple effects that affect many different policy fields – in particular economic policy and development aid. It is thus very important to provide for interagency mechanisms to make sure that policy agendas driven by different stakeholders can be coordinated and harmonized. Second, activities in the maritime domain very much depend on stability and good order in other global commons, in particular the cyber domain and the space domain. However, inter-domain interdependencies are hardly understood so far. This will be analyzed with reference to the growing concern of maritime cyber insecurity. Finally, addressing today's and tomorrow's maritime security challenges will require close public-private interaction. This reinforces the importance of the Comprehensive Approach for the maritime community and underlines the need for principles, processes, and instruments to help advance public-private security cooperation in the maritime domain.

An “Enemy of All Mankind”? Piracy, International Order and the Sea

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The study of piracy has become increasingly prominent in International Relations, especially due to the increased piratical attacks in the Gulf of Aden in the 2000s. Scholars of international security have especially begun to appreciate the importance of analysing piracy as part of the problem of insecurity on the sea. However, much of the work to date has been limited in setting a broader context for understanding piracy. Much of the recent literature has either taken the threat of piracy for granted, or seen piracy mainly in terms of its local causes. The paper takes up this gap by looking at the broader legal-normative context of piracy, in order to see the ways in which piracy is situated in international order. Drawing on the work of both normative IR theorists and critical geographers, the paper argues that piracy has historically and presently played a broader role in constructing the international normative order through the construction of the sea as a social space. Analysing both the United Nations Convention on the Law of the Sea and the important series of United Nations Security Council Resolutions on piracy and Somalia, the paper examines more closely the way in which Somali piracy in particular has been used to reproduce existing claims of international order, in ways that ignore or minimise the critical analysis of piracy itself. The legal-normative claims about piracy effectively de-politicise it, as a way of reproducing the sea as a space for the smooth flow of international capital.

The Performativity of the Pirate’s Business Model in Maritime Security Politics

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The dramatic increase of attacks against merchant shipping in the Gulf of Aden since 2008 has catapulted piracy onto the global security agenda. In the UN Security Council, Japan linked piracy to “the survival and prosperity of our country”, while Croatia referred to it as a threat to ‘international trade’. Policy discourses however have changed recently. Going beyond ‘threat’ constructions, in 2012 members of the Security Council suddenly referred to piracy as a ‘business model’ and as ‘organized crime’, and Resolution 2070 (2012) notes that piracy is a “transnational criminal enterprise”. I study this ‘criminal-economic’ shift in counter piracy discourses and analyse why, how and by whom it has been brought about, as well as shedding light on the political effects and reaction it produces. I do so by drawing on the concept of performativity. I argue that ANT’s performativity concept goes beyond investigating linguistic practices and meta discourses. ANT allows us to study discourses as part of material practices and hence enriches the empirical research agenda of performativity studies in IR.

The idea that piracy is a “business model” and a “criminal enterprise” has long circulated in studies of area specialists working on Somalia. It was then taken up and further developed by Anti-Money Laundering (AML) criminologists and World Bank economists, who also promoted it within policy circles and brought it onto the agenda of the UN Security Council. AML’s focus on illicit flows instigated a debate around ransom payments; economic calculations of the pirate’s business model, on the other hand, led to a debate about grievances and illegal fishing.

I argue that policy discourses and representations are closely related to practices. The ‘criminal-economic’ shift cannot be explained in purely linguistic or meta discursive terms. Rather, criminal-economic representations of piracy are embedded in material practices and policy discourses that take place in concrete situations. They overlap and influence each other, but they serve different purposes, are used in different ways and produce very different and often contradictory effects. Studying such process sheds light on struggles and debates over policy practices. It reveals contesting views about what needs to be done to address the problem of piracy off the coast of Somalia. Furthermore, such a

perspective also reveals that the powers of discursive practices are limited, and that they do not always succeed in shaping policy practices.

Chinese Anti-piracy Operation and its implications in the Indian Ocean

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The sea lines of communication of China are facing the threat of maritime piracy. The paper reviews the Chinese responses to maritime piracy in the Indian Ocean, and discusses its implications for the Chinese Indian Ocean Strategy.

Flight MH370 and the Appearance of the Indian Ocean

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The apparent disappearance of MH370 into the southern Indian Ocean on 8th March 2014 has brought the Ocean into view as a technologically mediated, anxiety infused, politically charged, media manifested cultural space. What intrigued me was how the airplane's ongoing invisibility was visualised and made other things visible - data visualisations, maps and graphs; the ocean itself, technology, data, politics, geopolitics, jurisdictions, share prices etc. In this presentation, I will examine the tenuous clues of MH370 after it disappeared from radar screens - seven satellite pings, hundreds of pieces of floating debris and six underwater sonic recordings, as things that, while they have not caused the aeroplane to appear, have made the Ocean and its entanglements in human affairs visible in new ways.

The Geopolitical Dimension of Maritime Security

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The maritime domain is primarily characterised by states' inability to occupy and control it in the same way as the land. However, they want to exercise the monopoly on the legitimate use of violence at sea, which practically implies exercising power beyond territorial waters. Thus, maritime security has a geopolitical dimension, which I plan to discuss in my paper.

The Limits of Coercion: Norms, Boundaries and the Law of the Sea

James Baker, Royal Military Academy Sandhurst

The desire for territory has been one of the leading causes of some of the most catastrophic conflicts throughout history. The recent politicisation of maritime regions, including the Eastern Mediterranean, Arctic Ocean and South China Sea, has caused wide concern and speculation that maritime disputes might be the cause of war in the contemporary international system. However, conflicts over territory have become less severe due to the development of a norm of territorial integrity, which has delegitimised conquest. Maritime space is very different to land, however: it is subject to a different legal regime, has a wholly different history and a different social significance to land. This makes the extrapolation of the norm of territorial integrity from land to sea difficult. Nevertheless, this analysis

argues that, notwithstanding the distinction between land and sea, norms related to the former have conditioned the practices of states at sea. In short, illegitimate and forceful expansionism is regarded as being deeply problematic in whichever realm it occurs. I illustrate this with an examination of the construction of the law of the sea property rights order last century and two contemporary case studies. Although today's maritime disputes might be the cause of conflict, the risk that they alone will cause a significant war is comparatively low.