

Maritime Terrorism and Dealing with the Framework of the International Maritime Organization

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Abstract

Background and Theoretical Foundations: Maritime terrorism has emerged as a complex and evolving threat to international peace, maritime security, and global trade. Although concerns regarding unlawful acts at sea date back to the era of the League of Nations, the phenomenon of modern maritime terrorism has intensified alongside technological advancements, transnational organized crime, and asymmetric security threats. Theoretically, maritime terrorism lies at the intersection of international criminal law, the law of the sea, and collective security frameworks. It challenges traditional concepts such as freedom of navigation, flag state jurisdiction, and the principle of exclusive jurisdiction on the high seas. Within this context, the International Maritime Organization (IMO) has played a pivotal role in shaping normative and operational responses, particularly through conventions, codes, and soft-law instruments aimed at safeguarding maritime transport and port facilities.

Methodology: This study adopts a descriptive–analytical methodology grounded in doctrinal legal analysis. Primary sources include international conventions, IMO instruments (such as conventions, protocols, and codes), and relevant resolutions, complemented by secondary sources including scholarly literature and reports of international organizations. The research critically examines the adequacy of existing legal frameworks—especially the United Nations Convention on the Law of the Sea (UNCLOS)—in addressing

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contemporary manifestations of maritime terrorism, while also assessing the normative and institutional role of the IMO in coordinating international responses.

Findings: The findings indicate that maritime terrorism poses a multidimensional threat due to its organized nature and its operational links with other maritime crimes such as piracy, arms trafficking, and smuggling. This criminal convergence amplifies risks to maritime security and undermines international peace. While UNCLOS provides a foundational legal regime for maritime governance, it lacks specific and effective mechanisms tailored to counter terrorist acts conducted with modern technologies. In response to these shortcomings, the IMO has emerged as a central actor by promoting specialized instruments and cooperative measures that extend beyond the traditional law-of-the-sea framework. Nevertheless, challenges remain regarding implementation, enforcement, and coordination among states, particularly in regions with weak maritime governance.

Conclusion: The study concludes that combating maritime terrorism effectively requires legal and institutional tools that go beyond classical law-of-the-sea provisions. Strengthening the role of the IMO, enhancing international cooperation, and updating legal mechanisms to reflect technological and operational realities are essential steps toward a comprehensive response. Maritime terrorism, as a transnational and organized crime, can only be addressed through collective action and an integrated international legal framework that balances maritime security with fundamental principles of international law.

Keywords: Terrorism, Maritime and Shipping Security, International Maritime Organization, International Peace

1. Introduction

In recent decades, terrorism has emerged as a global security concern, significantly impacting both land-based and maritime environments. As the



world becomes increasingly interconnected, terrorism has evolved into a transnational issue that transcends geographical boundaries. The nature of maritime security threats, including terrorism at sea, has become an increasingly urgent focus of international legal frameworks, as incidents of maritime terrorism have highlighted significant vulnerabilities in global security systems. The oceans, vital to the flow of international trade, energy, and communication, are now being increasingly exploited by terrorist groups, making maritime security a critical concern for the international community.

Maritime spaces are vast and complex, and they involve a wide range of jurisdictional zones, including territorial seas, exclusive economic zones (EEZ), the contiguous zone, and the high seas. While the degree of control exercised by coastal states varies across these zones, international law ensures that states have the right to take action within their jurisdictional boundaries. This provides a framework for dealing with maritime security threats, including piracy and terrorism, but it has also led to debates about the adequacy of the existing legal tools to address these evolving threats (Rajput, 2022: 1).

Maritime security encompasses a wide range of issues, from piracy and armed robbery to the more complex threats posed by terrorism. It is intertwined with a country's national security, economic stability, and the protection of its territorial and maritime rights. The interdependence between maritime security and global economic systems is undeniable, as approximately 90 percent of the world's trade is transported by sea. This makes the safeguarding of maritime routes, ports, and shipping channels imperative to the health of the global economy. Maritime terrorism, therefore, represents one of the most significant risks to international trade and security, with the potential to cause widespread economic disruption and loss of life.

The issue of maritime terrorism is compounded by several factors that make maritime environments particularly vulnerable to exploitation by terrorists.

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These include the vastness and remoteness of the seas, the complex and fragmented nature of international maritime law, and the challenges in identifying and prosecuting offenders. Unlike land-based terrorism, which typically involves clear territorial boundaries and jurisdictional control, maritime terrorism operates across open, ungoverned spaces where enforcement and accountability are much harder to achieve. Ships, often vulnerable due to insufficient security measures, are used not only as targets for attacks but also as instruments for terrorist activities, including smuggling, hostage-taking, and even as floating bombs (Stavridis, 2017: 1).

Moreover, the maritime transport system is highly fragmented, involving numerous stakeholders from different countries. These include shipping companies, port authorities, governments, insurance firms, logistics providers, and the vast maritime workforce, which is international and often difficult to regulate. The system's complexity, coupled with the frequent use of flags of convenience (where vessels are registered under countries with less stringent regulations), makes it difficult to enforce consistent security measures across the global fleet. The anonymity and lack of transparency in the maritime industry provide ample opportunities for terrorist groups to exploit weaknesses in security (Hong, 2010: 53).

The international legal framework governing maritime security is primarily shaped by the United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982, which remains the cornerstone of contemporary maritime law. UNCLOS established a comprehensive legal regime that governs all maritime activities, including navigation rights, resource management, and environmental protection. However, the increasing threat of maritime terrorism has exposed the limitations of UNCLOS in addressing new forms of security risks, particularly in the context of transnational threats such as terrorism. While UNCLOS provides a general framework for regulating the seas, it does not contain sufficient provisions for dealing specifically with terrorism at sea, which was not a primary concern at the time of its drafting. The lack of



specialized legal instruments within UNCLOS to combat modern maritime terrorism highlights the urgent need for additional, more focused international legal frameworks.

The terrorist attacks of September 11, 2001, represented a turning point in global security thinking. They demonstrated the capabilities of terrorist organizations to operate transnationally, exploiting not only land-based infrastructures but also maritime routes. The realization that ships could be used as both targets and instruments of terrorist acts prompted a global reassessment of maritime security frameworks. The event underscored the vulnerabilities inherent in the international legal regime governing the high seas, where jurisdictional limitations leave significant gaps in enforcement, especially when ships are hijacked or used for terrorist purposes.

In response to the changing nature of maritime security threats, the international community has developed additional legal instruments to address maritime terrorism more effectively. One of the most significant developments in this regard was the adoption of the 1988 International Maritime Organization (IMO) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention). This Convention, along with its 2005 Protocol, criminalizes a wide range of acts aimed at undermining the safety of maritime navigation, including hijacking, hostage-taking, and the use of ships for terrorist attacks. The SUA Convention represents a critical step forward in the fight against maritime terrorism by providing a more specialized legal regime for responding to terrorism at sea.

Despite these advancements, challenges remain in effectively addressing the full spectrum of maritime terrorism threats. The lack of a universally accepted definition of "maritime terrorism" complicates efforts to develop a coherent international strategy to combat the issue. As Ban Ki-moon, former UN Secretary-General, has noted, "There is no universally accepted definition of

the term 'maritime security,'" and its meaning varies depending on the context and perspective (UN, 2011). This lack of clarity has hindered the development of unified legal standards and operational protocols for responding to maritime terrorism. Additionally, the decentralized nature of maritime governance, where multiple states exercise jurisdiction over different aspects of maritime activities, further complicates coordinated international responses.

In light of these challenges, the role of the International Maritime Organization (IMO) has become more critical than ever. The IMO plays a central role in coordinating international efforts to improve maritime security, developing legal frameworks, and ensuring the implementation of measures to protect shipping and the maritime environment. However, the IMO's existing mandate, while extensive, must be adapted to account for the evolving nature of maritime terrorism. The organization's specialized knowledge and expertise make it a key player in facilitating cooperation among states, the private sector, and international organizations to enhance maritime security and combat terrorism at sea.

As maritime terrorism continues to evolve, international legal frameworks must adapt to ensure that they remain effective in addressing emerging threats. While UNCLOS remains a fundamental document in governing maritime law, it is clear that additional legal mechanisms—such as the SUA Convention and its Protocol—are necessary to provide more comprehensive solutions to the growing challenges of maritime terrorism. Furthermore, the international community must prioritize collective action, strengthening cooperation among states, regional organizations, and international bodies to better address the threats posed by terrorism at sea.

As the global community grapples with the complex and interconnected challenges of maritime terrorism, the need for a coordinated and dynamic approach to security becomes increasingly clear. Maritime security is not solely a national concern; it is a global imperative that requires collective action to safeguard the integrity of international trade, the protection of human life, and



the preservation of peace and stability in the maritime domain. From this perspective, the researchers in this article will answer the Key Questions mentioned below:

- How can the international legal community develop a unified and comprehensive definition of maritime terrorism to address jurisdictional and enforcement gaps?
- What legal and institutional reforms are necessary to update existing international maritime law, particularly UNCLOS, to address modern maritime security threats?
- How can the IMO and other international organizations strengthen coordination and cooperation among states to combat maritime terrorism effectively?

2. Conceptual knowledge

The international community, which was faced with the phenomenon of terrorism in the second half of the 20th century, responded by accepting a set of international and even regional conventions for specific types of terrorist crimes and the commitment of governments. This is despite the fact that since the terrorist events of September 11, 2001¹, especially after two decades have passed, these events, as a defining event for global extremists and terrorists, turned terrorism as an organized crime into a global phenomenon; in such a way

¹ On September 11, 2021, the Secretary-General of the United Nations, in a statement on the occasion of the 20th anniversary of the terrorist attacks of September 11, 2001, acknowledged, "Today we stand in solidarity with all the victims of terrorism around the world." He recalled the solidarity, unity and determination expressed twenty years ago by the international community with the goal of a future without terrorism; (United Nations, 2021). In addition, in the press statement of the United Nations Security Council in the same context on September 9, 2021, it was decided, "The members of the Security Council today, as twenty years ago, in their commitment to prevent and combat terrorism, in all its forms and wherever it occurs According to international laws, they are united(United Nations Security Council, 2021)."

that a revolution was created in the security architecture of America and around the world.

However, the international community has not yet been able to agree on a single legal definition; however, in the form of case and subject conventions, as well as in the form of internal laws, he has presented an understanding of terrorism. Terrorism is an action that is not limited to rights, but has social, cultural, ideological, economic and most importantly political dimensions. According to this, the study and investigation of terrorism itself and any action related to it or against it requires the investigation of all dimensions and related issues. Therefore, the necessity of an agreement to provide a comprehensive definition of terrorism in the international community is a mandatory and undeniable matter; although the formulation of the definition of terrorism as an organized crime does not generally achieve the possibility and guarantee that it will not be challenged by political abuses. The most important deficiency and inherent gap in the international criminal law system is the lack of a comprehensive terrorism convention that considers terrorist crimes as criminal in general and not in special situations that are covered by existing international and even regional anti-terrorism conventions. Of course, terrorism, due to the variety of examples according to international anti-terrorism conventions (such as maritime terrorism), terrorist tools (such as radiological terrorism, biological terrorism, chemical terrorism) and emerging terrorist crimes (such as export terrorism and energy terrorism), is still a situation in consensus building. It has erased between governments and international organizations.

Just as there is no valid definition of terrorism, defining "maritime terrorism" is difficult. However, terrorism is best understood as one of several forms of armed insurgency for higher purposes. Furthermore, terrorism is a strategy or tactic that an actor may choose to engage in either fully and permanently or, more often, partially and periodically, or alternately or combining nonviolent political struggle with guerrilla warfare and/or terrorism. The distinction between terrorism and guerrilla warfare is not entirely clear. The main



difference lies in the scale of the operation and the typical targets of the attack. Guerrilla warfare is usually conducted on a relatively large scale and is directed against military or at least governmental targets, while terrorism occurs on a much smaller scale and is usually directed against civilian and non-governmental targets. The prefix "sea" also raises definitional questions, as there are not exclusively sea riots, for the simple reason that the oceans are uninhabited. What remains for possible inclusion in the categories of maritime guerrilla warfare or terrorism are maritime aspects or parts of insurgencies that are primarily land based (Møller, 2009: 22).

Maritime terrorism is terrorism that takes place at sea (Murphy, 2010: 185). Traditionally, terrorism is associated with urban centres and areas of conflict, though, the hazards exposed to ports and vessels cannot be disregarded. Currently, terrorist attacks occurring at sea present only 0,2-2% of all violent acts committed by terrorists (within the last 30 years). According to the Global Terrorism Database, 314 incidents of maritime terrorism (in accordance with the working definition applied in this study) occurred between 1970 and 2014 (Global Terrorism Database, n.d.). But when analyzing these data, one needs to bear in mind that incidents of terrorism are often not reported because they are either not newsworthy or successful, but would still cause higher costs for the operator due to delays or raising insurance rates.

One reason that terrorists predominantly attack terrestrial targets is that most terrorist organizations are not based in coastal areas viz. maritime targets are generally out of reach. Furthermore, many groups do not possess the required mariner skills and knowledge to approach mobile targets, with boats

(U.S. Coast Guard Intelligence Coordination Center, 1999, Ch. II, 3(b)(2)(b)), fuel, and navigational equipment being costly. In addition, the media attention, which is essential for the success of strike, is marginal for violence at seas compared with strikes on shore where news cameras are omnipresent36-

however, this aspect may not be relevant for ports, cruise ships and areas close to shore.

Lastly, terrorists appear to be conservative in the use of methods, meaning that they use tactics that have been employed in the past and so it becomes clear that there are no convincing reasons to go to sea (Chalk, 2010: 57).

Maritime terrorism may therefore include: attacks on critical infrastructure - such as ports, maritime navigation systems, oil and gas facilities, submerged pipelines and communication cables, and attacks against ships (both public and private).

Nonetheless they do operate at sea and the list of past maritime attacks is surprisingly long (Global Terrorism Database, n.d.). The question then being why terrorists accept the named disadvantages. The fact that terrorist organizations in modern society dispose of greater funds makes seafarer training and also appropriate equipment available to them. Also they take increasing advantages of commercial facilities such as diving schools. Eventually, some terrorist organizations pursue a maritime strategy while some others undergo a shift of priorities from a high body count to fiscal effects and trade disruption which generates new motivation for terrorists to change their operational fields.

From a legal perspective, the two main decisive criteria area found in articles 101 UNCLOS: acts of piracy need to (1) involve more than one vessel and (2) be committed for private ends. The exact meaning of private ends cannot be derived from the provisions itself. When considering the drafting history and the intentions of the Harvard Draft Convention on Piracy (1932), the origin of article 101 UNCLOS and article 15 HSC, it becomes clear that the term private ends was intended to exclude civil war insurgents from the meaning. However, following this, a narrow interpretation does not appear compulsory. Some scholars advocate an extensive interpretation of private that includes “all acts of violence that lack state sanction” reasoning that this position is demanded to



safeguard safety of navigation (Crawford, 2008: 305). The opposite view propagates a narrow interpretation concluding private ends are a complement to political ends (Shaw, 2013: 549). According to the latter, private ends include personal motives such as hatred and vengeance, theft and the desire for financial gain but it excludes situations in which the actor is driven by political and ideological motives.

This distinction between private and political motives is further mirrored in the methods applied. Pirates usually target the most vulnerable and promising vessel and board it in order to steal objects of value but try to avoid attraction of public attention because this curtails the business and creates the risk of being convicted. This is opposed to terrorists who choose their targets strategically with the intention of destructing a specific target or disrupting the global maritime network for gaining as much international attention as possible in order to spread their political agenda. From a legal perspective, neither the assimilation of piracy to terrorism nor an expansive interpretation of Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) so as to encompass acts of terrorism is permissible. This assessment remains persuasive notwithstanding scholarly claims concerning a potential convergence between piracy and terrorism, a scenario that, while theoretically conceivable, remains improbable and has yet to be substantiated in practice. Nonetheless, at the operational level, the distinction between these two manifestations of maritime violence may at times appear blurred.

3. Maritime Security: Emerging Threats and Contemporary Challenges

At present there are numerous threats to maritime security: organized crime, piracy, maritime terrorism, drug and human trafficking, human smuggling, and the proliferation of weapons of mass destruction (WMD) are a small selection of menaces that demand international attention and resources.

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Piracy has existed for centuries as a persistent threat to maritime navigation and commerce. For a considerable period, particularly in the mid-twentieth century, it was widely assumed that piracy had largely declined to the point of insignificance. This perception, however, proved to be mistaken with the emergence of a new and sustained wave of pirate attacks during the 1980s and 1990s, the effects of which continue to be felt today (Guilfoyle, 2009: 45).

In the context of globalization and technological advancement, piracy has evolved from sporadic criminal acts into organized and increasingly violent operations. Modern pirate groups often employ sophisticated tactics and advanced weaponry, transforming piracy into a highly profitable and systematic business model. The abundance of vulnerable and valuable maritime targets—particularly commercial vessels engaged in international trade—has further facilitated this transformation. As a result, contemporary piracy has generated tangible and adverse consequences for global trade flows, maritime insurance markets, and the national economies of affected states (Hong, 2010: 53).

From a legal perspective, the authority to suppress piracy depends on the maritime zone in which the acts occur. Within areas under national jurisdiction, it is primarily the coastal state that is empowered to take enforcement measures against pirates in accordance with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS, 1982, arts. 2(3), 17, 19, 25(1)). These provisions allow coastal states to adopt necessary measures to safeguard security and public order in their territorial waters and related maritime zones.

By contrast, piracy committed on the high seas falls under the regime of universal jurisdiction. Under Articles 105 and 110 of UNCLOS, all states are entitled to take police and enforcement measures against pirate vessels, including boarding, inspection, detention of the ship, and the arrest of the crew. This exceptional jurisdictional regime is justified by the long-standing characterization of pirates as *hostis humani generis*—enemies of all



humankind—whose actions threaten the collective interests of the international community (Tuerk, 2011: 342).

Nevertheless, the broad scope of universal jurisdiction carries an inherent risk of abuse or inconsistent application by states. To mitigate such risks and to ensure legal certainty and uniform enforcement, it is essential that piracy be defined in a clear and harmonized manner at the international level. A unified definition not only limits discretionary interpretations but also strengthens international cooperation and the legitimacy of counter-piracy operations (Guilfoyle, 2010: 144).

The notion of piracy was often used broadly but nowadays the definitions found in article 101 (a) UNCLOS and in the monotonous article 15 of the High Seas Convention (United Nations Convention on the High Seas, 1958) are accepted as the authoritative definition which are also reflected in customary international law (Shearer 2015: 2-3). In comparison to earlier proposed definitions, article 101 (a) UNCLOS is notably narrow. First, the term is geographically limited to the high seas which, according of article 58 (2) UNCLOS, also includes the exclusive economic zone (EEZ). Secondly, the violent acts must be committed by the crew or the passengers of another ship (the two-ship requirement); attacks committed by crew members or passengers on board the attacked vessel are not covered. Thirdly, an attack has to be committed for private ends; however, as the UNCLOS does not provide any clarification on the meaning of private ends, the content is controversial (Nelson, 2012: 16). Piracy can also be distinguished from armed robbery at sea, with the decisive factor being the geographical location. A violent attack involving more than one ship and committed for private ends but conducted within the territorial sea or internal waters of a coastal State is described as armed robbery at sea (Monno, 2012: 59). Those perpetrators are not considered pirates under international law (International Maritime Organization, 2002, art. 2).

4. International Maritime Organization

The establishment plan of this organization was approved on March 6, 1948 in a conference held in Geneva. Its most important goal is "safety, security, efficient shipping in pollution-free oceans"(International Maritime Organization [IMO], 2016). Today, terrorist crimes have taken different forms, and one of its types that endangers peace and security in the seas is "maritime terrorism"; Although the adoption of the "1982 United Nations Convention on the Law of the Sea" has strengthened the maintenance of international peace and security in the seas, this convention does not include any specific law on the prevention and suppression of maritime terrorism; The occurrence of the "Achilles Larva" incident in 1985 showed the existing legal gaps in dealing with security threats caused by terrorist crimes in the seas (Bohn, 2011: 14).

To resolve these gaps, the International Maritime Organization approved the "Convention for the Suppression of Unlawful Actions Against the Safety of Maritime Shipping, adopted in 1988 and 2005" and the "Protocol for the Suppression of Unlawful Actions Against the Safety of Fixed Platforms Located on the Continental Shelf, adopted in 1988 and 2005". The main purpose of the 1988 Convention was to criminalize attacks against ships (Article 3) and require States to establish jurisdiction over these acts (Article 6). In addition, the 2005 Protocol was negotiated with the aim of preventing the commission of terrorist crimes before they occur. At the time, this was contrary to the trend of developing counterterrorism tools in response to, rather than in anticipation of, specific events. Therefore, maritime security has a strong link with the global economy and global traffic.

One of the challenges of dealing with terrorism at sea and the inefficiency of the means to deal with it is found in the Convention on the Law of the Sea. Therefore, terrorist crimes in the seas and dealing with them are among the issues raised in international law, especially the international law of the seas, so that the first actions in this direction also go back to the era of the League of Nations.



Although maritime security is not expressly mentioned in the founding instruments of the International Maritime Organization (IMO), it has long constituted a central focus of the Organization's activities. The IMO has traditionally interpreted the concept of shipping safety in a broad and dynamic manner, encompassing not only technical and operational safety standards but also wider security-related concerns affecting international navigation (International Maritime Organization, 2009). This expansive understanding reflects the evolving nature of maritime risks and the Organization's adaptive approach to emerging threats.

In accordance with its Mission Statement, the IMO seeks "[t]o promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation," thereby explicitly recognizing security as an integral component of its mandate (International Maritime Organization, 2003). Maritime security has thus emerged as one of the Organization's complex and interrelated responsibilities, closely linked to safety, environmental protection, and the efficiency of maritime transport. Given that approximately 90 percent of global trade is carried by sea, and that this vital transportation system is increasingly threatened by piracy and maritime terrorism, it is difficult to deny that safety and security in the maritime domain require a holistic and integrated approach. These two concepts are deeply interconnected and cannot be effectively addressed in isolation.

Following the events of 2001, the international community became acutely aware of the inadequacy of the existing maritime security regime in responding to contemporary and evolving threats, particularly the heightened risk of terrorist attacks. In this context, a form of tacit consensus appears to have emerged among the IMO's approximately 160 member states, accepting a practical expansion beyond the Organization's original and formally defined mandate in order to address urgent security concerns (Mensah, 2015: 22). This informal extension of competence was driven by necessity rather than formal

amendment, reflecting the pressing demand for coordinated and specialized responses to maritime security challenges.

Moreover, the repeated endorsement of the IMO's security-related activities by the United Nations General Assembly strengthens the argument that such an extension of mandate may be regarded as increasingly accepted within the framework of customary international law. Taking into account the IMO's specialized expertise in maritime affairs, its technical and regulatory capacity to address security-related issues, and the close alignment of its objectives with those of the United Nations—particularly the maintenance of international peace and security—this functional expansion appears both logical and legally defensible.

The IMO also provides assistance and a platform for cooperation and also exchange of data as it publishes frequent statistic data on the pertinent matters (International Maritime Organization, n.d.). Even though the function of the IMO is essentially non-regulatory and directed upon standard setting through the adoption of recommendations, guidelines, practical measures and codes of practice, a considerable part of its work is dedicated to consultations, negotiations and drafting of binding legal instruments (International Maritime Organization Convention, 1948, art. 2). The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its 2005 Protocol are only two out of many legal instruments negotiated under IMO auspices. Within the UN system as a whole, there is no other intergovernmental organization as engaged in security issues and the law of the sea as the IMO. Respective maritime security, the IMO is the primary body to take essential steps in the fight against terrorism.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), adopted under the auspices of the International Maritime Organization, constitutes a specialized legal framework aimed at combating terrorism and other unlawful acts committed against ships and maritime navigation. Drawing inspiration from the international aviation



security regime, the Convention establishes a comprehensive system for the criminalization, prosecution, and suppression of acts that threaten the security of international maritime transport.

The SUA Convention opens by reaffirming the commitment of its States Parties to the principles and purposes of the Charter of the United Nations, particularly those relating to the maintenance of international peace and security, as well as the promotion of friendly relations and cooperation among states. This normative foundation underscores the collective interest of the international community in safeguarding maritime navigation from acts of violence and intimidation, including terrorism.

Articles 1 and 2 of the Convention define its key concepts, most notably the notion of a “ship,” which is identified as the primary object of protection under the Convention. This emphasis reflects the recognition that acts of violence against seafarers and vessels directly endanger the safety of navigation and the integrity of maritime transport. The Convention enumerates a range of acts that are to be regarded as criminal offenses when they endanger the security of maritime navigation. These include the unlawful and intentional seizure or exercise of control over a ship through the use of force or threats, the placement or use of destructive devices or substances against a ship, and the destruction of, or serious damage to, a ship or its facilities in a manner that disrupts its safe operation. The intentional communication of false information, where such conduct endangers the safety of navigation, is likewise criminalized.

In addition to completed offenses, the Convention extends criminal liability to attempts, participation as an accomplice, and any form of assistance in the commission of the prescribed offenses. This broad approach reflects the Convention’s preventive orientation and its aim to address the organized and transnational nature of maritime terrorism. To ensure effective enforcement, the SUA Convention imposes obligations on States Parties to either extradite

alleged offenders or submit them to their competent authorities for prosecution, thereby embodying the principle of *aut dedere aut judicare*. Furthermore, States Parties are required to cooperate with one another in the prevention, investigation, and suppression of offenses covered by the Convention.

The scope of application of the SUA Convention, particularly with respect to maritime zones, is clarified in Article 4. The Convention applies to ships other than warships or government ships operated for non-commercial purposes when such vessels are navigating beyond the outer limits of a state's territorial sea, passing through the territorial sea of another state, or operating in waters adjacent to the territorial seas of neighboring states. Through this jurisdictional framework, the SUA Convention seeks to fill legal gaps left by general law-of-the-sea rules and to provide an effective international legal response to unlawful acts threatening the safety of maritime navigation.

The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, adopted as an annex to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), establishes a specialized international legal regime aimed at protecting fixed offshore platforms from unlawful and terrorist acts. These platforms, particularly those engaged in offshore oil and gas exploration and exploitation, constitute vital components of national economic infrastructure and global energy supply chains. Consequently, they represent strategic and symbolic targets for terrorist organizations seeking to maximize economic disruption and political impact.

The legal framework introduced by the Fixed Platforms Protocol closely resembles the structure of international aviation security law, especially with regard to the criminalization of specific acts, jurisdictional rules, and obligations of international cooperation. The Protocol identifies a range of unlawful acts that threaten the safety of fixed platforms, including acts of violence against individuals present on such platforms, the destruction of or serious damage to platforms, and any conduct likely to endanger their safe



operation. By codifying these offenses at the international level, the Protocol seeks to address jurisdictional gaps inherent in maritime spaces and to prevent offenders from evading prosecution by exploiting the limits of national jurisdiction (International Maritime Organization [IMO], 1988).

A core element of the Protocol is the obligation imposed on States Parties to ensure that perpetrators of unlawful acts against fixed platforms do not benefit from impunity. In this regard, States are required either to extradite alleged offenders to a requesting state or to submit them to their own competent judicial authorities for prosecution. This obligation reflects the principle of *aut dedere aut judicare*, which has become a fundamental norm in international counter-terrorism law. In addition, the Protocol emphasizes the duty of States Parties to cooperate through mutual legal assistance, information sharing, and coordination in the investigation and suppression of offenses covered by the instrument (IMO, 1988).

The importance of this legal regime became significantly more pronounced in the aftermath of the terrorist attacks of September 11, 2001. These attacks marked a turning point in global security thinking and demonstrated the ability of terrorist groups to exploit civilian transportation systems and critical infrastructure as instruments of mass violence. In the maritime context, the fear that ships or offshore installations could be used either as targets or as means to carry out terrorist attacks heightened concerns regarding the adequacy of the existing maritime security framework (Mensah, 2015).

One of the principal vulnerabilities highlighted after 2001 relates to the traditional reliance on the exclusive jurisdiction of the flag state over vessels operating on the high seas. While this principle remains a cornerstone of the law of the sea, it has proven insufficient in addressing transnational terrorist threats that transcend national boundaries and exploit jurisdictional limitations. The potential use of ships to transport weapons, deliver explosive devices, or

conduct attacks against offshore platforms and coastal infrastructure underscores the need for enhanced international cooperation and more robust legal mechanisms (Klein, 2011).

Maritime terrorism also differs in significant respects from terrorist acts committed on land or in the air. As Stavridis (2017: 1) observes, the characteristics of maritime terrorism vary depending on the nature of the target, whether commercial vessels, passenger ships, ports, or fixed offshore platforms. The vastness of the maritime domain, difficulties in surveillance and enforcement, and the high economic and strategic value of maritime targets create a unique security environment. These factors necessitate tailored legal and institutional responses, reinforcing the continuing relevance of the Fixed Platforms Protocol as an essential component of the broader international maritime security regime.

Conclusion and Recommendations

A) Conclusion

Terrorism, particularly in the maritime domain, has always been a deeply political phenomenon, which has made the process of international treaty-making highly challenging. Differences among states regarding the definition of terrorism, its scope, and the extent of international responsibilities have consistently limited efforts to develop a comprehensive and coherent legal regime in this field. Moreover, the dynamic, adaptable, and evolving nature of maritime terrorism has rendered traditional legal frameworks increasingly insufficient, failing to fully address emerging threats.

Strategies to combat maritime terrorism, whether at the national or international level, rely on the precise identification of threats and the design of appropriate policies and measures to address them both within and beyond national borders. These strategies are multidimensional, encompassing institutional, intelligence, law enforcement, legal, technological, political, economic, health-related, and even military considerations. International experience demonstrates that no



single factor alone can effectively contain the complex challenges of maritime terrorism; only an integrated and coordinated approach can achieve sustainable results.

Implementing new measures to combat maritime terrorism requires substantial investment in security, technical, and human infrastructure. In the short and medium term, such measures may increase the costs of international maritime trade and transportation. However, empirical evidence indicates that enhanced maritime security can, in the long term, facilitate trade, build trust among economic actors, improve productivity, and enhance predictability within global supply chains. Consequently, the benefits derived from reduced risks and losses due to insecurity ultimately offset the initial investments in security measures.

Ultimately, maritime terrorism, by disregarding the fundamental principle of freedom of the seas—a cornerstone of international maritime law—has become a serious threat to shipping security, global trade, and international peace. While responses to maritime threats must be aligned with the overarching principles of the law of the sea, the unique characteristics of the open-sea environment necessitate specialized conceptual and operational measures. These measures should be implemented unilaterally by individual states and multilaterally through international cooperation. In this context, the role of specialized international organizations, particularly the International Maritime Organization (IMO), in coordinating efforts and developing complementary legal regimes, is of paramount importance.

B) Recommendations

1. Develop a Shared Conceptual Framework for Maritime Terrorism

It is recommended that states and relevant international organizations, particularly within the frameworks of the IMO and the United Nations, work towards creating a coordinated and operational definition of maritime terrorism

to prevent fragmented interpretations and the misuse of broad jurisdictional powers.

2. Strengthen and Update Existing Legal Instruments

Existing legal instruments, including the SUA Convention and its annexed protocols, should be reviewed and updated in light of technological advancements and emerging forms of maritime terrorism to close legal gaps and enhance regulatory effectiveness.

3. Expand Information Sharing and Operational Cooperation among States

Establishing effective mechanisms for intelligence exchange, joint training programs, and coordinated maritime operations can play a critical role in preventing and countering terrorist threats at sea.

4. Balance Maritime Security with Freedom of Navigation

In designing and implementing security measures, it is essential to respect the principle of freedom of the seas and to facilitate international trade, ensuring that security initiatives do not unnecessarily restrict the legitimate rights of states or maritime operators.

5. Targeted Investment in Infrastructure and Advanced Maritime Security Technologies

Developing intelligent surveillance systems, enhancing port safety, and training specialized personnel can reduce security risks while simultaneously increasing operational efficiency and confidence in maritime transportation.

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