Maritime security: the uncharted politics of the global sea

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In our 2017 *International Affairs* article 'Beyond seablindness: a new agenda for maritime security studies', we argued that it was time for International Relations (IR) and security studies to pay more attention to the oceans.[1] We suggested not only that more work should be done on the maritime space as an important site of international relations and security in and of itself, but also that there was a need to think from the sea as well as the land in understanding the place of the maritime in IR.

We suggested that many of the contemporary challenges of maritime security move beyond both realism's traditional focus on sea power and geostrategy and liberalism's focus on the norms and institutions of the law of the sea.[2] Certainly, these established approaches continue to offer important insights. Issues of geopolitical contestation at sea are of continuing and pressing relevance, as the 2019 Anglo-Iranian confrontation around the Strait of Hormuz helps to illustrate, as are debates surrounding the implementation and future of the UN Convention on the Law of the Sea (UNCLOS) and related international maritime laws and regulations. Even so, we argued, maritime security today incorporates a broader range of themes and challenges than traditional strategic studies or legal perspectives on their own are able fully to capture. We therefore called for a wider scholarly engagement with maritime security, in ways that take the sea as their starting-point; ways that can capture the relationships and interconnections between issues, their spatial and epistemic characteristics, and the nature and evolution of maritime governance arrangements.

Understanding maritime security

The five articles in this special section are framed in the context of this new maritime security agenda. The 'agenda' in this sense refers to a cluster of security

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[1] Christian Bueger and Timothy Edmunds, 'Beyond seablindness: a new agenda for maritime security studies', *International Affairs* 93: 6, Nov. 2017, pp. 1293–311.

[2] Doug Stokes and Kit Waterman, 'Security leverage, structural power and US strategy in east Asia', *International Affairs* 93: 5, Sept. 2017, pp. 1039–60; Constance Duncombe and Tim Dunne, 'After liberal world order', *International Affairs* 94: 1, Jan. 2018, pp. 25–42; Christopher Layne, 'The US–China power shift and the end of the Pax Americana', *International Affairs* 94: 1, Jan. 2018, pp. 89–111; Nana de Graaff and Bastiaan van Apeldoorn, 'US–China relations and the liberal world order: contending elites, colliding visions?', *International Affairs* 94: 1, Jan. 2018, pp. 113–32; Wu Xinbo, 'China in search of a liberal partnership international order', *International Affairs* 94: 5, Sept. 2018, pp. 995–1018.

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issues centred on the maritime domain. They incorporate the rise of a series of new—or at least re-emergent—disorders at sea. Of these, the growth and subsequent decline of piracy off the coast of Somalia from the mid-2000s onwards has attracted perhaps the most political, popular and academic attention.[3] However, other maritime themes have also gained new political and security salience in recent years. These include the continuing problem of piracy, particularly in the Gulf of Guinea and the Sulu and Celebes Seas;[4] the threat of maritime terrorism; hybrid warfare at sea; human trafficking and illegal migration in the Mediterranean and other places; drugs and arms trafficking by sea; various other forms of trafficking and smuggling by sea; fisheries crimes; and intensified naval, geopolitical and legal competition at sea, in the South China Sea and elsewhere.[5] In addition, new interest in the economic potential of the maritime environment has been stimulated by the increasing importance of so-called 'blue growth' strategies, in the global South in particular. Blue growth refers to the use of the seas and marine resources for sustainable economic development, and so has relevance for economic security themes, but also implies the need to protect such spaces from the kinds of maritime disorders and threats identified above.

Few of these issues are wholly 'new', in the sense that they have no antecedent or analogue in (often quite recent) history, as several of the articles in the special section help to illustrate. Even so, the contemporary maritime security agenda presents novelty in several important areas.

First, the maritime security agenda is closely linked to the rise of global connectivities and contemporary capitalist circulation. As the UN Conference on Trade and Development (UNCTAD) notes, 'maritime transport is the backbone of international trade and the global economy', with around 80 per cent of global trade by volume and 70 per cent by value conveyed by sea.[6] The intensity and importance of globalized maritime trade thus not only creates new opportunities for predation, for instance through piracy, but also raises the global stakes when such disruption occurs. Global connectivities facilitate many maritime security threats by creating new opportunities for criminal or terrorist financing, as well as global markets for illicit goods, as the example of the global drugs trade illustrates.

[3] Christian Bueger, 'Piracy studies: academic responses to the return of an ancient menace', *Cooperation and Conflict* 48: 3, 2014, pp. 404–16.

[4] Ali Kamal-Deen, 'The anatomy of Gulf of Guinea piracy', *Naval War College Review* 68: 1, 2015, pp. 93–118; Alexandra Alming, Curtis Bell, Asyura Salleh, Jay Benson and Sean Duncan, with Sarah M. Glaser, Lydelle Joubert and Richard N. Muallil, *Stable seas: Sulu and Celebes Seas* (Broomfield, CO: One Earth Future, 2019), https://stableseas.org/file/281/download?token=Td_kwmhf. (Unless otherwise stated at point of citation, all URLs cited in this article were accessible on 17 July 2019.)

[5] Eugenio Cusumano, 'The sea as humanitarian space: non-governmental search and rescue dilemmas on the central Mediterranean migratory route', *Mediterranean Politics* 23: 3, 2018, pp. 387–94; Nina Hall, 'Norm contestation in the digital era: campaigning for refugee rights', *International Affairs* 95: 3, May 2019, pp. 575–96; Katja Lindskov Jacobsen and Julie Høy-Carrasco, *Navigating changing currents: a forward-looking evaluation of efforts to tackle maritime crime off the Horn of Africa* (Copenhagen: Centre for Military Studies, University of Copenhagen, 2018), https://cms.polsci.ku.dk/publikationer/navigating-changing-currents/download-rapport/CMS_Rapport_2018__4_-_Navigating_changing_currents__final__digital_19092018_.pdf; UN Office on Drugs and Crime, *Stretching the fishnet: identifying opportunities to address fisheries crime* (Vienna, 2017); Felix K. Chang, 'China's naval rise and the South China Sea: an operational assessment', *Orbis* 56: 1, 2012, pp. 19–38.

[6] UNCTAD, *Review of Maritime Transport 2018* (Geneva, 2018), https://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=2245.

Second, as Sarah Percy has argued, many of the challenges the maritime security agenda incorporates are not 'traditional security issues, in the sense that they are often lower-order, unconventional threats … that straddle the border between crime and international security'.[7] Indeed, as Barry Ryan suggests in his contribution to this special section, responses to these issues imply 'a mode of security that is focused on criminals more than enemies'.[8] In this sense the rise of the maritime security agenda shares much with the earlier turn to non-traditional security themes on land, in that it expands the scope and nature of security at sea in both concept and practice, including issues of development, security and law enforcement, and the relationships between these themes.

Finally, until recently the new maritime security agenda has attracted considerably less scholarly and practitioner interest than similar phenomena on land. It has, in short, been an area of collective seablindness, in both IR and security studies, and also among policy-makers and practitioners. Arguably, the era of seablindness is now over. The sea and maritime security issues are receiving increasing international attention. Recent maritime security debates in core (security) institutions such as the UN Security Council, the G7, NATO, the EU and the African Union are telling indicators, as are the proliferation of maritime security strategies among different states and international organizations, increased operational activity and growing capacity-building efforts. Also, scholarship across the social science spectrum is paying increasing attention to the sea, to the point where we might even speak of a 'blue turn': that is, a shift in perspective where thinking starts from the sea and not the land.

'Maritime security' is an umbrella term that refers to a wide range of different security challenges at sea. In this sense, it functions as a buzzword that not only 'define[s] what is in vogue', but also links together a series of interconnected themes and issue areas in ways that recognize their diversity and unique features, but also provide a broad framework for analysis and action.[9] How though can we articulate this framework in a way that both captures this diversity and also provides an organizing coherence to the issue at hand, for both scholars and practitioners?

In our original 'Beyond seablindness' article and elsewhere, we argued that maritime security can be understood as a matrix comprising four main domains.[10] The first of these is the *national security* domain. National security issues at sea largely correspond to the traditional concerns of sea power, including disputes between states and naval competition. They may also include a range of other threats such as maritime terrorism or arms proliferation. A second domain addresses the *marine environment*. It incorporates issues associated with environ-

[7] Sarah Percy, 'Counter-piracy in the Indian Ocean: a new form of military cooperation', *Journal of Global Security Studies* 1: 4, 2016, pp. 270–84.

[8] Barry J. Ryan, 'The disciplined sea: a history of maritime security and zonation', *International Affairs* 95: 5, Sept. 2019, p. 1068.

[9] Andrea Cornwall, 'Buzzwords and fuzzwords: deconstructing development discourse', *Development in Practice* 17: 4–5, 2007, pp. 472, 474–5.

[10] Bueger and Edmunds, 'Beyond seablindness', pp. 1299–300; Christian Bueger, 'What is maritime security?', *Marine Policy* vol. 53, March 2015, pp. 159–64.

mental security, including the protection of marine resources from activities such as illegal fishing or pollution, as well as challenges relating to climate change and biodiversity. Marine environment issues are closely linked to the third domain, that of *economic development*. This domain includes issues related to the blue economy and economic security, including the protection of global trade and the sustainable management and exploitation of marine resources. Finally, a *human security* domain encompasses those maritime insecurities experienced by individuals and local communities, whether as victims of human trafficking or kidnap piracy, or in consequence of the adverse effects of illegal fishing, marine pollution and so on.

Contemporary maritime security issues share four distinguishing characteristics.[11] The first of these is their *interconnected* and sometimes interdependent nature. Security issues in one domain may exacerbate challenges in another or have effects in multiple domains simultaneously. Thus, for example, and as Beth DeSombre illustrates vividly in her contribution to this special section, illegal fishing can have pathological impacts on fish stocks, biodiversity and the coastal communities that depend on both.[12] In the case of Somalia, such pressures were among the factors that stimulated the rise of piracy in the mid- to late 2000s.[13] Second, maritime security issues are *liminal* in the sense that they do not just take place at sea but implicate the land too. This may be because activities such as piracy or terrorism are organized, sustained and funded on land, or because land-based 'root causes' of development, exclusion and dislocation often underpin insecurities at sea. Third, maritime security is commonly *transnational* in nature, in that many of the challenges it incorporates take place across or between national borders, or in regions of shared sovereignty such as the high seas. Finally, and by extension, maritime security is *cross-jurisdictional*, both in the sense of taking place in multiple sovereign territories and also because addressing it draws in a wide variety of institutions and organizational actors, including navies, coastguards, port authorities, courts, prisons and many more.

Maritime security is thus increasingly understood as an interlinked security complex of growing global, regional and national significance. The consequence has been a series of innovations in maritime security governance at sea as states and other maritime actors adapt and respond to what Barry Ryan calls 'the turbulence of maritime politics'.[14]

Introducing the special section

In this special section, we present five articles that explore the bounds of the emergent maritime security agenda. The first two contributions explore maritime

[11] Bueger and Edmunds, 'Beyond seablindness', pp. 1300–1301.
[12] Elizabeth R. DeSombre, 'The security implications of fisheries', *International Affairs* 95: 5, Sept. 2019, pp. 1019–35.
[13] Abdi Ismail Samatar, Mark Lindberg and Basil Mahayni, 'The dialectics of piracy in Somalia: the rich versus the poor', *Third World Quarterly* 31: 8, 2010, pp. 1381–3; Sarah G. Phillips, 'When less was more: external assistance and the political settlement in Somaliland', *International Affairs* 92: 3, May 2016, pp. 629–46.
[14] Ryan, 'The disciplined sea', p. 1056.

security from the traditional perspectives of, respectively, geopolitics and the law of the sea.

Ehud Eiran and Aviad Rubin examine the emergent geopolitical contours of maritime security in the eastern Mediterranean.[15] One of the most striking features of their analysis is the end of seablindness in this region. The authors argue that states on the eastern Mediterranean littoral increasingly turned their backs on the sea following the decline of the Ottoman empire and in the face of pressing political and security preoccupations on land. In recent years, however, this situation has changed markedly, driven by three main developments. The first of these has been the discovery of significant oil and gas reserves in the eastern Mediterranean basin, a region characterized by complex and contested maritime boundaries.[16] The second has been an increase in political instability in the region in consequence of the so-called Arab Spring, and the migrant crisis that has in large part stemmed from or been facilitated by these events and their repercussions. Finally, the past decade has also seen the entry into the eastern Mediterranean arena of new or newly resurgent maritime powers in the form of Russia and China.[17]

Eiran and Rubin's article highlights the important point that traditional security issues at sea have not gone away. Geopolitical tensions and the race to secure maritime resources have led to significant programmes of naval acquisition among states in the region. At the same time, claims to maritime territory and disputes over existing boundaries have taken on a new urgency as regional states scramble to secure access to oil and gas reserves beneath the seabed. While the authors acknowledge some early signs of multiparty cooperation in the eastern Mediterranean basin, especially over the extraction and transport of offshore gas, they argue that, so far, owing to its limited nature, this cooperation has failed to lead to maritime security on a regional scale. One reason for this seeming failure is the lack of a shared identity and set of values among the entities that make up the region's political landscape. The other impediment to the development of regional maritime security is the existence of enduring feuds between some political units in the region, and the lack of sovereignty in others, both of which stand in the way of comprehensive cooperation at sea, despite an urgent need to do so.

Douglas Guilfoyle turns to the question of 'lawfare' in the South China Sea.[18] He considers the ways in which the law of the sea may interact with and condition key elements of the maritime security agenda. Focusing on the South China Sea, his article highlights the continuing salience of traditional security challenges in the maritime arena, and the use of law as both a tool of struggle and a means

[15] Aviad Rubin and Ehud Eiran, 'Regional maritime security in the eastern Mediterranean: expectations and reality', *International Affairs* 95: 5, Sept. 2019, pp. 979–97.

[16] Raffaella A. Del Sarto, 'Contentious borders in the Middle East and North Africa: context and concepts', *International Affairs* 93: 4, July 2017, pp. 767–88; Jean-Pierre Cassarino, 'Approaching borders and frontiers in North Africa', *International Affairs* 93: 4, July 2017, pp. 883–96.

[17] Roy Allison, 'Russia and the post-2014 international legal order: revisionism and *realpolitik*', *International Affairs* 93: 3, May 2017, pp. 519–44.

[18] Douglas Guilfoyle, 'The rule of law and maritime security: understanding lawfare in the South China Sea', *International Affairs* 95: 5, Sept. 2019, pp. 999–1017.

of consolidating gains.[19] These dynamics of interstate competition have taken on novel forms that move beyond naval confrontation. In particular, and in common with Eiran and Rubin, Guilfoyle highlights the key role of maritime resources, and by extension blue economy issues, in creating and sustaining geopolitical tensions in the region. Significantly, these include not only undersea oil and gas reserves, but also fisheries as a key fulcrum of competition.

Guilfoyle's analysis has other implications too. In particular, he shows how innovations in states' maritime security practices can be disruptive as well as collaborative in nature. China's strategy of island-building in the South China Sea represents one such form of disruptive innovation. It has been accompanied by a concerted effort on the part of the Chinese state to deploy legal resources to challenge and unsettle the existing legal order at sea. For Guilfoyle, this Chinese maritime 'lawfare' is itself a site of strategic struggle. First, it is a key means by which China seeks to legitimate its maritime territorial claims, allowing it to consolidate its material gains on the ground. Second, however, it lays down a marker, and so 'open[s] up spaces in which it can act as a norm entrepreneur [in the evolution of the law of the sea] and in so doing consolidate its "rightful" regional position' over the longer term.[20] Guilfoyle cautions, however, that while China's arguments are in some respects opportunistic and ahistorical, they are not necessarily insincere. As he shows, they have roots in Chinese attitudes to the law of the sea going back to at least the negotiation of UNCLOS in the 1970s.[21]

Beth DeSombre traces the security implications of fisheries, examining how different dimensions of security interact around this critical node of maritime activity.[22] Her article examines four main security themes associated with fisheries. The first, which parallels some of Guilfoyle's analysis of developments in the South China Sea, concerns conflicts over small islands and access to the fisheries resources associated with them. The second focuses on the role of fisheries (and their exploitation and depletion) in creating or exacerbating other maritime security challenges—in this case the rise of Somalia piracy. The third theme comprises so-called 'fish wars' in the sense of interstate conflicts and confrontations over fisheries resources, with a focus on the Anglo-Icelandic 'cod wars' and the 'turbot war' between Canada and Spain. Finally, she looks at the human security implications of fisheries, concentrating particularly on the use of forced labour and slavery or slavery-like conditions on some fishing boats at sea.

DeSombre's work highlights a number of important themes for maritime security. First, she shows the importance of thinking from the sea rather than from the land. Small islands (and small island states) may have a tiny terrestrial surface area, but their maritime territories and exclusive economic zones (EEZs)

[19] Marcin Kaczmarski, 'Non-western visions of regionalism: China's New Silk Road and Russia's Eurasian Economic Union', *International Affairs* 93: 6, Nov. 2017, pp. 1357–76.
[20] Guilfoyle, 'The rule of law', p. 1015.
[21] Maximilian Mayer, 'China's historical statecraft and the return of history', *International Affairs* 94: 6, Nov. 2018, pp. 1217–36.
[22] DeSombre, 'The security implications of fisheries'.

can be very large indeed. This has led some to use the term 'large ocean states' to describe such places.[23] Second, her analysis clearly illustrates the multidimensional, interconnected and liminal nature of many maritime security challenges. Fisheries raise issues in all four domains identified above—national security (including interstate conflict), marine environment, economic development and human security—as well as the way in which such issues may interact with each other and with circumstances on land. Finally, her article suggests that while conflicts over fisheries may sometimes be associated with traditional interstate disputes over contested maritime territories (as with the cod wars), the dynamics of more recent conflicts are often more complex and nuanced, and concern the collective governance of shared resources at sea.

Katja Lindskov Jacobsen and Jessica Larsen pick up these themes to examine collective maritime security governance in counter-piracy operations.[24] They focus on how responses to piracy in the western Indian Ocean have worked to fashion and sustain novel constellations of actors and activities that have persisted even after the threat of piracy in the region has itself receded. The article argues that, in addition to themes of interconnectedness, liminality, transnationality and cross-jurisdictionality, maritime security is also characterized by *contingency*. As the authors note,

> the seas, while not an unregulated domain, are subject to different conditions: the oceans are communal, rather than divided among sovereign states, and no single actor has an exclusive mandate to act upon maritime threats. Rather, states enjoy flexibility in the exercise of their jurisdiction and are subject to limitations on their sovereign rights.[25]

These conditions of contingency mean that the seas offer 'a more pronounced potential for re-ordering new and old actors in the maritime domain'.[26]

In large part because of this contingency, counter-piracy operations in the western Indian Ocean have functioned as a crucible of innovation for maritime security governance. Jacobsen and Larsen show how such responses have led to novel constellations of actors coordinating and working together around a common counter-piracy goal, as well as creative solutions to problems such as how to effectively prosecute pirates who are captured at sea. However, they also argue that these responses are not just important because of the (quite successful) 'problem effects' they have had in addressing the Somali piracy issue itself. They have also had *constitutive* effects, in the sense that such responses have themselves led to the creation of new security governance mechanisms and forms of order at sea. These in turn have endured beyond the decline or containment of the immediate piracy problem and now function to structure and organize collective maritime security responses more generally in the region as a whole.

[23] Nicholas Chan, '"Large ocean states": sovereignty, small islands, and marine protected areas in global oceans governance', *Global Governance* 24: 4, 2018, pp. 537–55.
[24] Katja Lindskov Jacobsen and Jessica Larsen, 'Piracy studies coming of age: a window on the making of maritime security actors', *International Affairs* 95: 5, Sept. 2019, pp. 1037–54.
[25] Jacobsen and Larsen, 'Piracy studies', p. 1038.
[26] Jacobsen and Larsen, 'Piracy studies', p. 1038.

In our final article, Barry Ryan also looks at the constitutive effects of maritime security governance activities. He offers a perspective from history and critical geography to show how processes of zoning at sea have worked to fashion specific maritime security responses and shape an evolving redistribution of spatial order at sea. Ryan's article points out that the concepts of *dominium* and *imperium* traditionally framed our understanding of sea space. While *imperium* framed the sea as a risky and ungovernable space that required control by military strength, the discourse of *dominium* imagined that the littoral state could extend land-based sovereignty into maritime space. Ryan points to a critical shift in the eighteenth century when a more globalist, security-based conception of the sea began to transcend this traditional binary. This led to zones at sea constructed not around the discourse of sovereignty and power, but around practices amenable to the management of resources and the enforcement of order. For Ryan, the zonal regime created by UNCLOS in 1982 consolidated this security-oriented approach to maritime governance in what he calls the 'the Westphalian moment for the world maritime sphere'.[27]

Ryan further argues that for this reason the discourses and practices of states using the sea to exercise power must always cohere with a global maritime security agenda, referencing the environment, terrorism, illegal fishing, smuggling, pollution and so on. Ryan observes that since UNCLOS the politics of maritime security has emerged from both an intensification and an extensification of zonation at sea. The EEZ has become a site of intensified marine surveillance and policing, epitomized by the rise of the maritime security agenda itself. At the same time, zonation has extensified through a series of further maritime security initiatives—such as the establishment of high-risk areas for shipping in the face of Somali piracy and the increasing development of large-scale marine protected areas. For Ryan, therefore, the rise of the maritime security agenda has implications not just for the management and amelioration of the new maritime insecurities, nor simply for the constitution of new security governance mechanisms at sea, but in relation to a wider and deeper evolution of political and spatial order in the maritime environment as a whole.

[27] Ryan, 'The disciplined sea', p. 1067.