



International Measures in the Fight against Maritime Terrorism

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Abstract: Fighting against terrorism has been at the center of attention of international community for many years, being considered as one of the most important issues in international law, especially international law of the sea, so that the first steps in this direction dates back to the era of the League of Nations. Considering to the increasing number of terrorist acts since 1963 onward, different conventions were enacted in fighting against terrorism. Freedom of navigation on the high seas depends on sustainable security and peace prevailing in the area. However, the terrorist acts in this region are able to convert a tanker into a deadly weapon or terrorists might hijack or take the ship as hostage in direction of their political and ideological aims as what happened about Achille Lauro ship. Therefore, the international community after the September 11 events has focused on maritime security. Numerous international measures were taken to fight against terrorist acts, which look for creating a coherent structure to fight and confront with such acts in the seas.

Key words: Maritime Terrorism, Fighting, Security of Sea, International Measures

Introduction

1.1 Statement of the problem and generals

Maritime terrorism is one of the international crimes which endangered the security of the seas. The main problem in fighting with maritime terrorism is wide field of perpetrating of crime and lack of adequate monitoring. To the nature of high seas which aren't under the sovereignty of any state, are considered a suitable place for perpetrating terrorist actions.

One of the basic problems and challenges of international community, is the terrorism issue which is the most dangerous threats against the rights of nations and international stability. Terrorist groups started terrorist operations with different motives and concerns of these measure are increased when the terrorists uses nuclear, chemical and biological weapons¹.

However, United Nations and states ratified different conventions for fighting against terrorism. By development of terrorists and turning into international actors in the form of organizations and coordinated sets, international community should develop the effective anti-terrorist measure.

The importance of present research is that about 90 percent of transportation is carried out through seas, so it had an important strategic and communicational position from long time ago. Although international community couldn't attain to universal convention to ratify and definition and criminalization, and just

¹ . Robert and Heyer D . (2001). Introduction to NBC terrorism, hazardous materials specialist red bank , New Gersey , www.disasters.org, octobr15 , p3

achieved to definition and criminalization of its important examples, however, regional organizations can achieve this aim through more convergence and mutual understanding of the necessities of their region and presented a clear definition in 7 regional conventions which paying attention to them gives valuable guidelines to international community for fighting against international terrorism with all of its dimensions².

On the basis of presented definition by U.S ministry of defense in 1990, terrorism includes: illegal usage or the threat of using force or violence against people or properties to create panic or forcing governments or communities with the aim of achieving to political, religious or ideological goals³.

Terrorism is considered a threat against international peace and security and this point of view is the justifier of criminalization of such actions. Issued resolutions by general assembly and human rights committee which declares that international terrorism can threaten the international peace and security and even the relationships between states, is the reason for this process. Thus, after the terrorist attacks of September 11, 2001, the states and international institutions forced to review on threat of maritime terrorism. They reached to this conclusion that if they are able to use commercial aircraft to their aims, so they can also use the fleet of ships. Although there is no definition of maritime terrorism in international community, but maritime terrorism can have the following possible attacks:

1. Hijacking ships
2. Using the ship as a weapon against other ships or the facilities of ports;
3. Entering the terrorists into the ship of state under the guise of Sailor⁴
4. Using the ships for carrying the weapons of mass destruction, under the guise of Commercial ships for terrorist groups.⁵

So, according to whatever mentioned, this article tries to answer to the following questions:

1. What efforts made in order to fight against maritime terrorism?
2. How can fight with maritime terrorism effectively?
3. To what extent are effective the measures in fighting against maritime terrorism?

Legal regime which is governing the state jurisdiction on the issue of sea activities, is in the form of UN convention on the law of the sea 1982 and also customary international law. Generally, these principles and regulations can summarized to two points:

1. Only coastal states on the condition of having the sovereign in the region, have the competence of implementing the judicial regulations.
2. The judicial jurisdiction of the ships in high seas apart from some exceptions, is related to the flag state.

Maritime terrorism is considered a challenge for the judicial system governing the activities on the high seas.

Before September 11 2001, legal means which eludes to maritime terrorism, like convention 1988 are focused merely for preventing the unlawful acts against safety of maritime navigation and prosecution and punishment of doers of them, after happening of terrorist attacks. These means were conformed with the principles governing the jurisdiction of maritime activities.

2 . Abdollahi, Mohsen. (2002). *The consequences of September 11 on the fight against terrorism*. legal periodical. No .1, p21

3 . Firahi , Davood & Zahiri, Samad, (2008) , *Terrorism, by definition, history and approach in the analysis of the phenomenon of terrorism* , policy journal , No. 38 , p148

4 . Beckman, Robert C. (2005), *International responses to combat maritime terrorism*. [*Global Anti-Terrorism Law and Policy*](#). by Victor V. Ramraj. Cambridge: Cambridge University Press, p248

5 . Parfomak, Paul W. and John Frittelli.(2007)«*Maritime Security: Potential Terrorist Attacks and Protection Priorities*», Congressional Research Service Report for Congress .p4

After the event of September 11 arose this concern that the rules of customary principles governing the jurisdiction of maritime activities potentially impedes the preventive measures from maritime terrorism. In maritime zones which are out of sovereign of the states, government ships can intervene in a ship getting ready to perpetrate terrorist act or seize it.

With regard to the strategically importance of seas in the field of transporting and economical booming of countries, legislation and regulations are necessary for suitable and safe using of it. These customary rules which play on important role in shaping the regulated use of seas, were exposed to violation and makes difficult the security of sea and maritime navigation. Hence, one of the cases which is considered by international documents, is paying attention to the security of the sea and maritime navigation and fighting against unlawful and terrorist acts in this vast arena.⁶

1.2 History of Fighting with Maritime Terrorism

Occurrence of many terrorist incidents throughout the world caused the international community held different conferences by office of criminal justice editor (BUCL) during 1990's which according to results of these conferences, terrorism is considered as a threat against collective security⁷. Followed by, also the Council of the League of Nations declared that the duty of each country is that neither provoke nor let happen any kind of terrorist actions in its territory.

The most important measure are taken after establishment of United Nations. The General Assembly of U.N tried to present a comprehensive definition of terrorism and also made alot of efforts in this field and results of these efforts is ratification of more than 13 international conventions, and 38 resolutions that mostly lack the necessary result according to political expediencies⁸.

U.N always solicit the nations to take actions to eliminate the roots of terrorism. In the field of maritime terrorism as one of the kinds of terrorist actions which is perpetrated in high sea, can be also said that after the events of September 11, states pays attention to fight with terrorism in sea areas that the present article seeks to investigate the taken actions in which we discussed later.

1.3 Determining Goals

Maritime terrorism with aim of putting international peace and security on one hand and disturbing the marine transportation system and disturbing the global economy, can draws adequate attention of states and international community to itself and creates some concerns in international opinions.

Development of such actions forces the international community to adopt a solution for this global problem. Nations could ratifies many conventions and resolutions with the cooperation of international organizations in which the aim of this article is explaining these measure in fighting against maritime terrorism. How to fight with maritime terrorism in global and regional level, cooperation between states, specific regional measure, measures of regional and international organizations, all are the goals of the present article.

2. Method and Instruments

By analytical and descriptive procedure is tried to explain some taken measures to fight with maritime terrorism in which evaluated in two sections of international conventions and other international, regional and global measures.

2.1 International Measures in the Fight against Maritime Terrorism

The vast arena of seas have been the arena and the scene of committing the crime and happening different events. Always, different acts of violence endangered the security of the seas and maritime navigation."

⁶. Kargari, Norouz,. (2012). *the themes of terrorism*. Tehran: Mizan Publisher. p 252

⁷. Bashiri, Gasem , (2003) , *International terrorism and its impact on national security after the September 11 attacks*, trial journal , No.40 , p4

⁸. Abdollahi, Mohsen , (2009) , *Terrorism, human rights and humanitarian law* , Tehran , Publication of Legal Studies and Research Institute, pp56-57

Releasing the numerous news in 1980's based on commission of Unlawful Acts against the Safety of Maritime Navigation and ships, created the concerns in international opinion".⁹

These concerns reached to its peak in October 7 1985. In October 1985, the Italian ship Achille Lauro leave the Genoa ports to Egypt and Israel. The mentioned ship hijacked by four armed individual from Palestine liberation organization.¹⁰

The mentioned event creates a new development in the field of international security of the seas and maritime navigation. The vulnerability of high seas against the measure and unlawful acts, again draws the attention of international community to itself.

"The event of Achille Lauro causes awareness on the necessity of international cooperation in confront with maritime terrorist acts and identifying and acknowledging the lack of suitable system in united nations convention on the law of the sea and other existing agreements." ¹¹ Therefore; the first step in the international response to this event, was the effort in criminalization of terrorist acts on the high seas." Beginning the activities of United Nations General Assembly in direction of defining and criminalization of terrorism, dates back to late 1960's which the world noticed the vulnerability of international aviation safety and then safety of maritime navigation after the event of taking hostage in Achille Lauro ship." ¹²

2.1.1 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 and its protocol

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988, defined a crime as an act which endangers the security of maritime transportation, like:

1. Creating a convulsion or any other act in which by terrorization, lost the control of the ship,
2. Violence against any person on deck,
3. Damaging the ship or its cargo,
4. Putting a tool in ship which can lead to its damage or its cargo,
5. Disturbing or damaging the maritime transport fleet.

Also, Platforms protocol of 1988 define a crime based on fixed bases¹³. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, towards committed crimes against the present ships in the territory under the sovereignty of states is applied in the cases of ships which are passing of them or they have a plan of passing or against the ships which are navigating from high seas areas or economic zones.¹⁴

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation or protocol 1988 does not include an article which give the power of intervention or seizure of the ship to states. Implementing the law depends on to arresting the criminal by member states in waters which are under their sovereignty.

⁹. Namamian, Peyman. (2012). *International Criminal Law*. Tehran: Majd publisher. p 84

¹⁰. Mc Ginley, Gerald, «*The AchilleLauro Case: A Case Study in Crisis Law, Policy and Management*», In Bassiouni, Cherif. M (ed), *Legal Responses to International Terrorism : U.S Procedural Aspects*, London: Maritime Nijhoff Publisher , 1998, pp323-326.

¹¹. [Louis B. Gustafson](#), [Kristen Sohn](#), [Kristen Gustafson](#).. (2011). *International The Law of the Sea*, Translated by Mohammad Habibi, Tehran. Jungle publications. p 332

¹². Abdollahi, Mohsen. (2002). *The consequences of September 11 on the fight against terrorism*. legal periodical. No .1 , p18

¹³. Article 2, 1988, Platforms Protocol

¹⁴. Article 4, 1988, SUA Convention

According to the article 8 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the skipper of the ship of member states(the flag state) maybe surrender every person according to article 3, which is suspect of perpetrating a crime, to one of the other member states(the transferee), on condition that, the skipper of the ship informs the state before entering to territory which is under the sovereignty of that state¹⁵ and shows its flag with all evidences for identifying it. The recipient government is undertaking that accepts the suspect, unless there is sufficient evidence that convention does not obliged to accept the suspect, in this case, although it has the right of refusing to accept the suspect, but it should promulgate the cases in a statement.¹⁶ As soon as the suspect is delivered in territory of the transferee, the transferee should exert its jurisdiction for prosecuting or extraditing the suspect.¹⁷

2.1.2 Rules of entry and inspection of ships from the perspective of Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

The most important change in convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 2005 was creating complete process to precipitate the intervention and prohibition towards suspect vessels. Article 8 of this convention permit the member states that intervene in towards the ships of other states out of the areas in which aren't in their sovereignty, on condition that, law enforcements or other authorities of member states, have sufficient evidence for being dubious about a vessel or one of the members of it according to SUA convention and crimes which are included in it. Confirmation of vessels nationality should be requested from the flag state and then took the necessary measures for allowing entry to ship and specifying this issue whether this vessel is criminal or not.

Convention 2005 cites three mechanisms that member state scan declare their consent based on permission of entering the other members to ships with their flags which are as follows:

1. The member states can request the intervention in vessel from the vessel's flag state.
2. Implied consent by informing secretary general of the international maritime organization that command the intervention in advance. If no answer received after four hours from the state that vessel carries its flag, in this state the mentioned consent is supposed to be received.
3. The implied consent by informing secretary general of the international maritime organization that commanded previous permission (without time limit)¹⁸ such implicit notifications commanded by secretary general of the international maritime organization, can be withdrawn in anytime.

In the case of special request for boarding and entering the ship, the flag state can:

1. Issue the intervention permission stipulated;
2. Did the intervention base on its regulations;
3. Carried out the intervention with regard to the request of applicant state;
4. Doesn't allowed the state to boarding and intervention.

Some states and institutions believed that new provisions about intervention (boarding ship) shouldn't interfere with economic interest of the flag state and also the owner of the ship and the maritime law. Consequently, new provisions of intervening in the ship includes complete safeguards which is included in the convention so far. Such as these safeguards:

¹⁵. Article 8 (2), 1988 SUA Convention

¹⁶. Article 8 (4), 1988 SUA Convention

¹⁷. Article 8 (3), 1988 SUA Convention

¹⁸. Klein, Natalie, (2005), *Dispute Settlement in the UN Convention on the Law of the Sea*, New York: Cambridge Publishing.p288

1. Using of force in the process of investigation and inspection is forbidden, unless it is necessary for keeping the safety of individuals that are on deck (paragraph 9 of article 8 bis) or individuals or crew impedes the action of inspection.
2. The intervening state should consider all risks and aftermaths towards intervening in the ship.
3. The intervening state considers that endangering the life of the members of the ship and the cargo of it is not necessary and a more reasonable actions should be taken to impede the unduly detained ship and its tardiness.
4. The intervening state shouldn't have biased perspective towards the commercial and legal interests of the state that ship carries its flag.
5. Whenever the reasons for intervention are not confirmed or are unlawful or the rational reasons aren't sufficient, the intervening state is responsible for loss and damages of intervention.

2.1.3 Conformity of protocol of 2005 to the convention for the suppression of unlawful acts against the safety of maritime navigation to international rules and regulations

As mentioned, according to the UN convention on the law of the sea, national states have jurisdiction in high sea and other states has the limited conditions that mentioned in article 110, the right to the boarding on foreign ships, which are as follows: piracy, the slave trade, unauthorized broadcasting and suspect cases which endangered the nationality of the ship. Also, other states have the right of the deck of that state in the case of consent of member states. Article 110 recognized the additional reasons stated in the treaty for right on board of the foreign ships. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, creates a new authority for implementation of the right to intervene in foreign ships. Conclusion of the intervention treaty towards ships, highly depends on intensive negotiations.¹⁹

As mentioned above, some states insist on this issue that any new article which is relevant to intervention towards ships, should be compatible with UN convention on the law of the sea. And never interfere with rights and jurisdiction of coastal states in maritime territory under their sovereignty, freedom of transportation or principle and rules of ships in high seas which are depend on jurisdiction of national states.

On the other hand, United States of America called for the inclusion of some cases to speed up the process of getting on board of the suspect vessel to charged crimes in SUA. At last, provisions about intervention towards ships (getting on board) was agreed and conformed to UN convention on the law of the sea, is added.

Boarding ship is carried out just by the consent of the flag state. Implied consent process under the protocol, is optional and member states can choose taking part in or vice versa in implied consent system. Furthermore, as regards to comprehensive safeguards, there is a little probability of abusing the provisions on intervention in the ship.

2.1.4 Adding new chapter XI-2 to International Convention on the Safety of Life at Sea (SOLAS)²⁰

One of the most important actions of summit 2000, was adding a chapter to SOLAS convention. The new chapter entitle "special measures to enhance maritime security" is applicable for traveling ships, shipping companies during international trips and facilitating the work of international seaports. Specific measure includes the following cases:

1. Member states are committed to maintaining the security level for their ships and state ports are bound to maintaining the security of equipment's of their ports.
2. Authorities should have access to the ship's information and individual and organizations that employs the crew.

¹⁹. Ibid , p319

²⁰. International Convention on the Safety of Life at Sea, adopted 1 November 1974, 1184 UNTS 2 (entered into force 25 May (1980)

3. Ships which are made after July 1, 2003 should be equipped with security alert system.
4. The skipper, is responsible for the adopted decisions with regard to the safety of the ship.

2.1.5 Security Council Resolution 2001 on Terrorism

UN Security Council reacted almost immediately after the attacks of September 11, 2001. September 28, 2001 declared in Security Council resolution 1373²¹ attack to America like any terrorist act, is a threat to international peace and security.

This resolution, enabled the Security Council to use its special power Under Part VII of the UN Charter for collective measures. Resolution 1373 presents a set of measures that all members of the United Nations should adopt to prevent and repression of financing of the terrorist acts.

This resolution declares that states are legally obligated to refrain from any active or passive support from individuals or entities involved in terrorist actions. Furthermore, request of all states to strengthen the fight with terrorist challenge, applies cooperation's at the national level, sub-regional, regional and international levels. Although the Security Council's resolution didn't point to specifically to terrorism or maritime threat, but the event of September 11, 2001 draws the attention of international community on terrorist acts against the security of the seas. Because the hostage taking in Achille Lauro ship in 1985 and several other maritime terrorist act, has happened before the September 11, 2011 event which include:

1. Attack to America's navy in Gulf of Aden,
2. Blasting of suicide ships in 2000 by Al-Qaeda in Aden,²²
3. Similar intervention towards the French tankers in 2002 by Al-Qaeda in Aden
4. Abu Sayyaf terrorist group intervention against the Philippine's state ship in 2004.²³

However, implementation maritime terrorist attacks is slightly more difficult than other kinds of terrorist actions, but states should pay attention to them as a possible special probabilities.

2.1.6 The International Ship and Port Facility Security (ISPS) Code

Additional field of new chapter XI-2 was the ships security and international guideline for ports which was ratified in July1, 2004. As the title suggests, it includes a series of measures which leads to the improvement of ship's security and ports equipment. ISPS code has two parts:

1. Part A: it is necessary in order to adapt to chapter 11.
2. Part B: it is used as a guide.

The International Ship and Port Facility Security, is measure which provides the safety of the ship which include:

1. At first, ship is required to implement the security plan, which is adopted by state according to the ship's security assessments.
2. Shipping companies should determine a security officer on behalf of the CSO²⁴ company for each ship, and each ship should determine a security officer on behalf of the ship SSO²⁵.

²¹. UN Security Council Resolution 1373, 28 September 2001, S/RES/1373 (2001) available at daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement.

²². Michael, Isikoff, (2010), *10 years later, still no trial for accused USS Cole attack mastermind*, MSNBC available online at www.msnbc.com/news/39634317/ns/us_news-security/.

²³. Super Ferry

²⁴. Company Security Officer (CSO)

3. Maneuvers and exercises, with regard to the security plan of the ship should be carried out in appropriate intervals by all involved parties.
4. Ship is confirmed based on issued international ship security certificate. (ISSC certificate)²⁶.
5. Ship is required to act based on determined security level by state port or state through carrying out prescribed activities in ISPS code which are defined in order to identifying and predicting against the security incidents. In chapter 11, the security incidents are defined as “any suspect action or threatening conditions”.

The International Ship and Port Facility Security, includes measures, which optimizes the security of ports. The purpose of ISPS code is presenting a standard framework for existing risk assessment that enables the states to improve and establishment of appropriate port facilities and reducing the vulnerability of ships through determining the appropriate levels of security and appropriate security measures reduce the risks caused by terrorist acts at sea.²⁷ To begin the relevant process of ISPS code, contracting states should carefully carry out the necessary measures in the field of port security and ships.²⁸

As the chapter 11 was dealt with it, ports facilities should follow facilities security plan based on facilities security assessment. These facilities entitle the presence of port security officer, which is necessary along with port staff, trained according to the mentioned instructions in part B.

Also by complying with the port security plan, carried out maneuvers and exercises. Ships under chapter XI are under the control of state ports. State ports inspection jurisdiction is limited to confirmation of issued ISSC certificate under the provisions of part A international ship and port facility security code.

If the issued certificate is not valid or there are evidences indicating that the ship doesn't follow the regulations of section 11, certain actions may apply against the ship. Such measures can include inspection, seizure, impose some limitations and lay off the ship.

Moreover, ports can request before the entry of the ship to port providing the information like the relevant information to ISS, ship's security level, security measures that have done in previous port and ship's security level in previous port in order to ensure that ship follows the cases in section 11.

2.1.7 The Ship Security Alert System (SSAS)

The ship security alert system is in fact a part of international code (ISPS) and a kind of its regulations supplement. This system is a joint project between international maritime organization (IMO) and international plan COSPAS-SARSAT in confront with terrorist attacks and piracy and enhancing maritime security. Since 1 July 2004 most of the ships should equip with a warning system when a ship is threatened, send alert and ship's location message to the flag state. The message should be sent surreptitiously. The main problem in the process of such system is presence of false messages. Because sending messages from ships, the flag state is obliged to handle.²⁹ This trend will cause the reluctance of states to install such facilities in their ships.

Besides the actions, which have taken in confront with maritime terrorism, the role of Anti-terrorist guards in different countries of the world is important like Marcus group that is marine Special Forces unit in India. This unit is chosen among elite marine forces. The main aims of these forces are rescue the hostages,

25. Ship Security Officer (SSO)

26. International Ship Security Certificate (ISSC)

27. Christophersen, (2007), Jan Georg, *Satellite-based tracking of ships as global crime control ISPS Code, AIS, SSAS and LRIT*, in *Maritime Security in Southeast Asia*, Edited by Kwa Chong Guan and John K. Skogan, p147

28. Carafano J., Varkonyi I. and Weitz R., (2005), *The future of maritime security: competitive issues*, in J. J. Carafano and A. Kochems (eds) *Making the Sea Safer: A National Agenda for Maritime Security and Counterterrorism*, Heritage Special Report, SR 03, 17 February, p14

29. Guan, Chong & Skogan, John K, (2007), *Maritime Security in Southeast Asia*, New York: Routledge, p149

irregular war, personnel recovery, fighting against terrorism and direct conflict. This unit is used mainly for maritime affairs.

2.2 Participation in Implementation of Measure against Maritime Terrorism

Success of listed examples depends on the participation of states if needed and implementation of these measures within their rules. With regard to provisions relating to improvement of maritime security which is ratified in international maritime organization in 2002, many states supports implementation of these rules. Measures ratified pursuant to the SOLAS convention that almost all states have joined to this convention.³⁰ Moreover, some measures of international maritime organization for maritime security, is implemented by coastal states.³¹ When important ports imposed conditions for entering the port with regard to provisions of conventions, owner and operators of ships did the necessary measures to ensure that their ship have the necessary conditions to receive the certificate of arrival at the port. Ships consider essential the necessary measures for their safety and recognized even the economic interests of it. If they didn't follow these cases, ships carrying the goods faced with problem to enter these ports.

According to UN Anti-terrorism conventions, like International Convention Against the Taking of Hostages 1979, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988, International Convention for the Suppression of the Financing of Terrorism 1999 and Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 2005, United Nations general assembly and regional organizations invited all states for ratification and implementation of these conventions.

States pass a slow process for ratification of these conventions particularly protocol 2005 SUA convention. So that in October 31, 2010, just 17 states joined the convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 2005 and among the list of members, there isn't any major marine states and maritime powers in list.³²

This event may be due to debates about intervention provisions towards ships which is posed in initial draft of protocol 2005 SUA convention and also misunderstandings of some states that this convention may still is inconsistent with UN convention on the law of the sea. It is regrettable, because if the terrorist actions happened at sea, international institutions have no legal framework to handle it and perpetrators of it released without punishment. What is happening these days to pirates in the horn of Africa.

There are some problems in the process of implementing this convention:

1. Member states deemed this convention as a part of their national regulations, always lack the administrative requirements for implementing this convention.³³ Although all these conventions required the state parties to determine punishment for crimes, however national courts if it's possible, committed to the convention (more of domestic law) but there is no punishment which is appropriate with domestic rules for the crimes of this kind.
2. Member states that hasn't the necessary law enforcement, sometimes do not link all criminal elements which is mentioned in relevant convention. These conditions, at the time of the arrival of charges faced with problem and makes impossible the implementation of rules against the criminal.

³⁰ .Status of IMO Conventions, IMO Website available at www.imo.org/About/Conventions/StatusOfConventions/Documents/Status%20of%20Conventions%202010.pdf.

³¹ Lobsinger, Eric J. (2007) , *Post-9/ Security in a Post-WWII World: The Question of Compatibility of Maritime Security Efforts with Trade Rules and International Law*, Tulane Maritime law journal , Vol 32. p 61

³² .Status of IMO Conventions, IMO Website available at www.imo.org/About/Conventions/StatusOfConventions/Documents/Status%20of%20Conventions%202010.pdf.

³³ .This is often true of civil law countries whose systems of law are based on „monism“ whereby international conventions are considered self-executing.

3. The member states always ignore the universal jurisdiction of their courts and seek a kind of legal relationship between crime and state judiciary. This issue leads to inability of state in pursuing foreign offenders in its territory, when the criminal committed a crime outside the territory of this state. This is contrary to the spirit of Anti-terrorism conventions, which their aims are to destroying all safe places for criminals.

Based on some reports, some states faced with problem for implementation of the rules of the Security Council in their domestic legal system, president the international court of justice posed this issue in his speech in Singapore, recently. One of the states that implemented certain actions for implementing its liabilities according to Security Council's Resolution, is Singapore. Singapore's Parliament ratified the 339 law of United Nations in 2001 to enables Singapore's government to effectively implement decisions of Security Council.

2.2.1 The Measures of the International Maritime Organization (IMO) in the Field of Maritime Security

As mentioned earlier, as a result of September 11 attacks, states and international institutions are forced to review about the threat of maritime terrorism. United States of America took over the leadership of the international maritime organization to enact measures which lead to enhance the security of ships in ports.

The international maritime organization ratified the general resolution A.924 (22) which actually was a call for reviewing in existing measures and processes, in order to prevent terrorist acts which endangered the safety of passengers, crew and safety of the ship. In general meeting November 22, 2001 it was agreed that in maritime security in 2002 new regulations is stipulated for security of the ships and ports. Conference in 2002 ratified a resolution which includes a series of measures to strengthen the maritime security and prevent and suppress maritime terrorism. Some actions were fulfilled through the amendment of the convention of the international maritime security governing the security of ships which is the international convention for the safety of life at sea (SOLAS), 1974. Amendments of 2002 on SOLAS came into force in 2004.

2.2.2 Actions of combined task force 150

After the attacks of September 11, 2001, navy of United States of America established combined task force 150 in order to perform Anti-terrorist operations at sea. Participation in group is voluntary. This force is a multinational coalition from navy of countries Australia, Canada, Denmark, France, Germany, Italy, South Korea, Nederland, New Zeland, Pakistan, Portugal, Singapore, Spain, Turkey, England and America in fighting against terrorism in waters of Indian Ocean, Red sea, Gulf of Aden and parts of Oman Sea. Supervision, inspection, stopping suspected vessels to terrorist and unlawful actions are the main tasks of this group that perform their activities under the title of maritime security operations.³⁴

Maritime security operations cause the development of security in marine environment and stability and global and regional prosperity and preventing from abusing seas for carrying out terrorism acts and precipitating Anti-terrorism activities at sea. This operation is active in accordance with provisions of international Convention on the Law of the Sea and in order to help to provide security and safety in international waters.³⁵

2.2.3 NATO's 36 Measures in Fighting against Terrorism

Fighting against terrorism is one of the main topics and NATO's agenda. Two documents of strategic concept 1999³⁷ and Lisbon Summit Declaration 2010³⁸ (paragraph 39) also announces that terrorism is a serious threat for global security. NATO's new strategy and policy in fighting against terrorism, is improving and increasing awareness of members towards threats, increasing interoperability with countries and other non-

³⁴ Maritime Security Operations (MSO)

³⁵ See: <http://combinedmaritimeforces.com/ctf-150-maritime-security/>

³⁶ North Atlantic treaty organization (NATO)

³⁷ Strategic Concept 1999

³⁸ Lisbon Summit Declaration 2010

state actors in alliance against terrorism.³⁹ Operation active endeavor⁴⁰ is a maritime surveillance operations led by NATO naval forces for identifying, preventing and protecting against terrorism acts in Mediterranean Sea through surveillance, patrols and escort of ships. At first, this operation is limited to eastern Mediterranean, but developed to entire Mediterranean after May, 2004. Based on operation active endeavor NATO is looking for development of bilateral or multilateral relationships with other countries in confront with terrorism acts.

Collecting and exchanging information, the physical presence of naval forces in Mediterranean Sea, submarines surveillance to ship's activity in the case of spotting suspicious behavior, using marine patrol aircrafts for extensive coverage in vast areas and using sensors to navigating and classifying the ships and other vessels are included in basic measures of operation active endeavor.⁴¹

Although NATO's operation active endeavor is a specific regional action in fighting against maritime terrorism, but this operation in its principles, emphasize on development of relations between other countries.

3. Conclusion

Maritime terrorism is a global threat and breach of international peace and security that only international actions can prevent and fight with it effectively. Fighting against maritime terrorism needs cooperation and collaboration of states with each other in the form of existing conventions and resolutions. This fighting can include confrontation with financing of terrorism, lack of direct and indirect support of terrorism and organizations and people involved in terrorism actions, an aid to states which act in fighting against terrorism and at last, criminalization and prosecution of this crime. In this direction, the Security Council condemned all acts of terrorism in all sizes and shapes regardless of its motive and calls all states to cooperate with each other for prevention and repression of terrorist acts and supports all people within their jurisdiction against terrorist acts and prosecute perpetrators of such actions. Confronting with maritime terrorism risk needs a fundamental change in the context of international security of seas and also marine strategies of states. States as main actors in international arena are obliged to cooperate with other states and international organizations in preventing from any terrorist actions and so long as this cooperation doesn't take place, other actions will not surefire.

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³⁹ See: www.mc.nato.int/about/pages/nato_and_terrorism_at_sea.aspx

⁴⁰ Operation Active Endeavor(OAE)

⁴¹ Richardson, Tyler & Alexander, Yonah, (2009), *Terror on the High Seas* ,Santabarbara , California: ABC-CLIO Publishing. pp 476-477

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