



TERRORISM AND WEAPONS OF MASS DESTRUCTION AT SEA

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AGENDA OF THE SESSION

- Overview of terrorism and maritime terrorism
- Types of maritime terrorism
- The threat of weapons of mass destruction (WMD) at sea
- The legal framework for combating maritime terrorism and WMD at sea
- Measures to prevent maritime terrorism
- Response to maritime terrorist attacks
- Case studies
- Emerging threats and Future challenges

WHAT IS TERRORISM?

Terrorism is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. In legal terms, although the international community has yet to adopt a comprehensive definition of terrorism, existing declarations, resolutions and universal “sectoral” treaties relating to specific aspects of it define certain acts and core elements.

In 1994, the **General Assembly’s Declaration on Measures to Eliminate International Terrorism**, set out in its resolution 49/60, stated that terrorism includes “criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes” and that such acts “are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them.”

Ten years later, the Security Council, in its **resolution 1566 (2004)**, referred to “criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a Government or an international organization to do or to abstain from doing any act”.

In 2004, the Secretary-General’s High-level Panel on Threats, Challenges and Change described terrorism as any action that is “intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act”

The Convention on the Suppression of Financing Terrorism -
2002, Art. 2(1), defines Terrorism as -

(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex;

(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

Draft Counter-terrorism convention, by GA, article 2 contains a definition of terrorism which includes “unlawfully and intentionally” causing, attempting or threatening to cause: “(a) death or serious bodily injury to any person; or (b) serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or (c) damage to property, places, facilities, or systems..., resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act.”

The draft article further defines as an offence participating as an accomplice, organizing or directing others, or contributing to the commission of such offences by a group of persons acting with a common purpose.

MARITIME TERRORISM

No accepted legal definition. However there are attempts to define it in various literatures. Some of them include -

The systematic use or threat to use acts of violence against international shipping and maritime services by an individual or group to induce fear and intimidation on a civilian population in order to achieve political ambitions or objectives.

Maritime terrorism is a serious threat to global security, with potential consequences that include loss of life, environmental damage, and disruption of trade. It is defined as any act of violence, intimidation, or destruction carried out for political or ideological reasons against ships, ports, or offshore installations.

The undertaking of terrorist acts and activities within the maritime environment, using or against vessels or fixed platforms at sea or in port; or against any of their passengers or personnel; or against any of their facilities or settlements, including tourist resorts, port areas, and port towns or cities.

FORMS OF MARITIME TERRORISM

Various forms of maritime terrorism include –

Maritime space as the medium for attacks against land-based targets
(Transnational nature)

The use of ships to support capacity-building for terrorist groups (Motivations)

The hijacking of naval vessels and hostage taking by terrorists (Use of Violence)

Terrorist attacks against naval targets of high value (Target Selection)

TYPES OF MARITIME TERRORISM

- Piracy and armed robbery at sea
- Hijackings and kidnappings of ships and crews
- Bombings of ships, ports, and offshore installations
- Attacks on critical infrastructure, such as oil and gas facilities
- Use of unconventional weapons, such as chemical, biological, or radiological agents

WEAPONS OF MASS DESTRUCTION AT SEA

What are Weapons of mass destruction (WMD)?

WMD are weapon with the capacity to inflict death and destruction on such a massive scale and so indiscriminately that its very presence in the hands of a hostile power can be considered a grievous threat.

In 1977, in GA Res/32/84-B defined WMD as “[...] atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which might have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above”.

Weapons of mass destruction (WMDs) constitute a class of weaponry with the potential to:

Produce in a single moment an enormous destructive effect capable to kill millions of civilians, jeopardize the natural environment, and fundamentally alter the lives of future generations through their catastrophic effects;

Cause death or serious injury of people through toxic or poisonous chemicals;

Disseminate disease-causing organisms or toxins to harm or kill humans, animals or plants;

Deliver nuclear explosive devices, chemical, biological or toxin agents to use them for hostile purposes or in armed conflict.

METHODS TO RESTRICT THE USE OF WMD

Non-proliferation

Arms Control

Disarmament

TYPES OF WMD

Nuclear Weapons

Chemical Weapons

Biological Weapons

Radiological Weapons

INTERNATIONAL LEGAL FRAMEWORK TO COMBAT MARITIME TERRORISM AND WMD AT SEA

There are various International, regional and national legal instruments to combat terrorism and maritime terrorism.

Some of such instruments include –

- United Nations Convention on the Law of the Sea (UNCLOS)
- International Convention for the Suppression of Acts of Terrorism (ICSAT)
- International Ship and Port Facility Security (ISPS) Code
- International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), 2005
- Convention on the Physical Protection of Nuclear Material (CPPNM), 1980 and 2005 amendments

SOME OTHER INSTRUMENTS INCLUDE -

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988
- Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988
- Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf, 2005
- International Convention for the Suppression of Terrorist Bombings, 1997
- International Convention for the Suppression of the Financing of Terrorism, 1999
- UN Draft Comprehensive Terrorism Convention – under negotiation since 2000

MEASURES TO PREVENT MARITIME TERRORISM AND WMD AT SEA

Some measures to prevent maritime terrorism include -

- Strengthening of port and ship security
- Promoting international cooperation
- Enhancing intelligence capabilities
- Developing and implementing security protocols
- Promoting cybersecurity measures
- Regulating the transport of hazardous materials
- Promoting awareness and training

RESPONSE TO MARITIME TERRORIST ATTACKS

Some of the responses include –

- Law enforcement response
- Military response
- Evacuation and rescue operations
- Diplomatic response
- Improving security measures
- Providing support and assistance to victims
- Risk Assessments

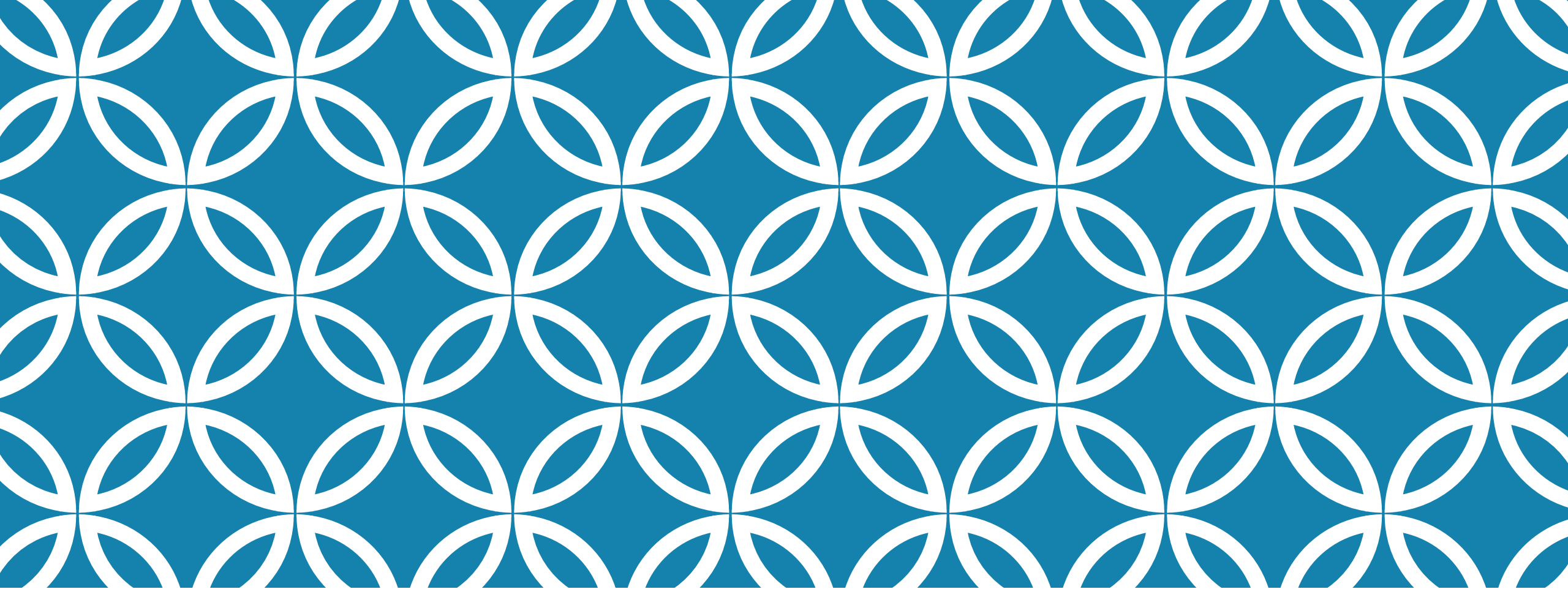
CASE STUDIES

- Achille Lauro hijacking (1985)
- USS Cole bombing (2000)
- Limburg tanker bombing (2002)
- Mumbai attacks (2008)
- Proliferation Security Initiative (PSI) interception of the MV Arctic Sea (2009)
- North Korean arms shipments (2003, 2013)
- MT Orkim Harmony hijacking (2015)
- Chemical tanker hijacking (2017)
- Iran WMD smuggling (2018)

EMERGING ISSUES AND CHALLENGES

There are several emerging issues and challenges related to maritime terrorism and the use of weapons of mass destruction (WMD) at sea, including:

1. Cybersecurity threats
2. Emerging technologies
3. Proliferation of small arms and light weapons
4. Illicit trafficking and smuggling
5. Lack of coordination and information-sharing



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