

Editorial
From the Editor-in-Chief
Professor Chris Bellamy



Welcome to the fifth issue of the *International Journal of Maritime Crime and Security*, Vol.3, No. 1. In this Editorial I shall first examine two major global issues affecting merchant shipping – the ‘dark fleet’ and the US Navy – the ‘hollow fleet’. These contrasting phenomena reflect the old conjuring device of smoke and mirrors. The smoke obscures what is on the stage and behind it the mirrors come across, obscuring the referent object(s). When the smoke dissipates the mirrors reflect the background behind the audience which appears identical to the background to the stage. Although the ‘dark fleet’ concealed by the smoke has come to prominence in the context of Russia’s war in Ukraine, it goes wider than that. The ‘hollow’ US Fleet, appearing more powerful than it is, is the ‘mirrors’. I then follow with a separate comment piece on the maritime aspects of the widening war in Ukraine itself, continuing the story I began in the previous issue, taking it from October 2022 to June 2023.

The ‘dark fleet’ – the smoke

The term ‘dark fleet’ probably originated with Len Kasten’s science fiction work of that title published in 2020.¹ On 31 March 2023 *Lloyd’s List* published an article highlighting the real ‘dark fleet’, some 440 old tankers using various means to flaunt western sanctions against Russia and other dubious trades. *Lloyd’s List* highlighted the Cameroon-flagged *Turba*, IMO number 9144782, which had loaded oil in Russia on 24 March and was heading for the English Channel. It was a routine journey for this vintage tanker which had regularly sailed through European waters over the previous year, even loitering in the Ship to Ship (STS) transfer hotspot of Greek coastal waters for an extended period in February. *Turba* had not been surveyed since 2017 and was last inspected by port state control in 2010. *Lloyd’s List* reported that hundreds of substandard, unclassed, uninsured vessels were routinely hauling Russian oil internationally while avoiding any serious oversight. It asked why governments were looking the other way and pretending the dark fleet was invisible? The dark fleet’s blatant sanctions evasion was ultimately a political matter, but *Lloyd’s List* said, ‘the clear and present danger these ships present in terms of safety is a global risk that needs to be urgently addressed.’²

¹ Len Kasten, *Dark Fleet. The secret Nazi Space Program and the battle for the solar system* (Simon and Schuster, 2024)

² See [Dark fleet: Out of mind, but not out of sight :: Lloyd's List \(informa.com\)](https://www.informamagazine.com/news/dark-fleet-out-of-mind-but-not-out-of-sight) Dark fleet: Out of mind, but not out of sight 31 March 2023.

On 10 April 2023, the BBC published a piece, broadcast on the BBC World Service, called 'Deep waters: Sanctions and the new "dark" fleet'.³ That alerted me to a major issue in the context of the war in Ukraine, but which has wider ramifications. The proximate cause of the story were sanctions on exports of oil, but grain is also involved.⁴ Elsewhere in the world, fish is also transhipped. By July 2022, Laconia Gulf had become the 'epicentre' for Russian-related sanctions-busting oil transfers.⁵

The BBC's initial report on the 'dark fleet' focussed on oil and its transshipment in the large, deep Laconian Gulf off the Peloponnese in southern Greece (see Figure 1). Tim Ewell's report paints a picture of a typical Mediterranean fishing village with wrought iron balconies and well-fed cats strolling along the stone quays. But at night bright lights can be seen far offshore. These are not fishing boats but oil tankers between 120 metres and 340 metres long. By day, the boat hired by the BBC headed out some ten miles into the Gulf, a fishing rod used to disguise it as a tourist fishing expedition. A smaller tanker, the *Artemis*, was transferring oil to a larger ship, the *Ottoman Tenacity*. *Artemis* had sailed from a Russian oil terminal in the Baltic and was transferring oil to the *Ottoman Tenacity* for onward transmission to India or China. To highlight the dilemmas surrounding deceptive ship practices, *Artemis* had originally been registered (flagged) in Panama but was now registered in St Kitts Nevis.

Figure 1. The Laconian Gulf and extent of currently enforced Greek Territorial Waters.



Source: Google Earth, amended and annotated by the author.

³ [BBC World Service - The Documentary Podcast, Deep Waters: Sanctions and the new 'dark' fleet](#) 10 April 2023 accessed 11 April 2023.

⁴ [Russia Smuggling Ukrainian Grain to Help Pay for Putin's War | FRONTLINE \(pbs.org\)](#) See also Risk Intelligence Denmark Russia: Deceptive ship practices and the evasion of sanctions on Russian grain and oil Whitepaper | February 2023 [230314 Whitepaper Russia sanction evasion 2023.pdf](#); [Fake Signals and American Insurance: How a Dark Fleet Moves Russian Oil](#), by Christiaan Triebert, Blacki Migliozi, Alexander Cardia, Muye Xiao, and David Botti, *The New York Times*, May 30, 2023; [Sea Control 380 – Underwriters of the United States with Dr. Hannah Farber](#), by Jared Samuelson, CIMSEC, September 15, 2022. Jared Samuelson is Co-Host and Executive Producer of the Sea Control podcast. Contact him at Seacontrol@cimsec.org.

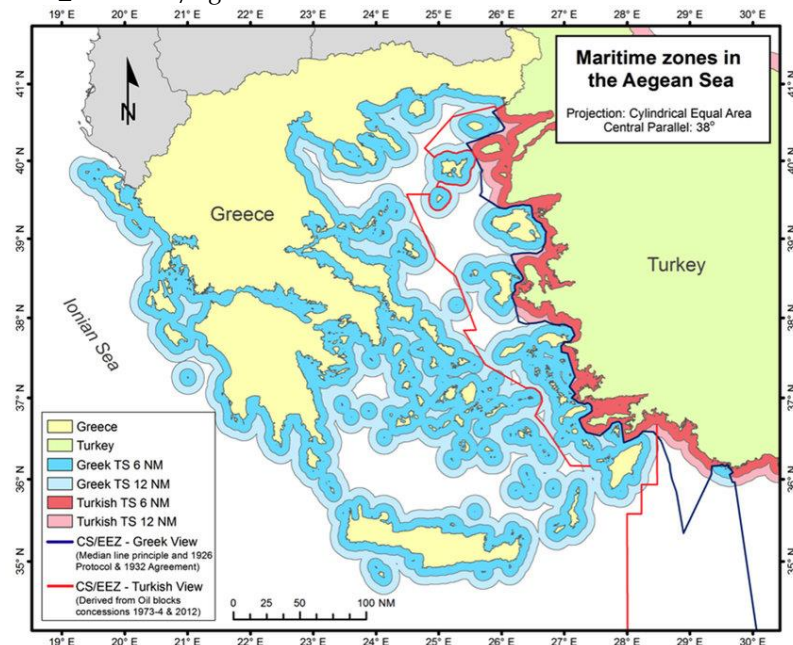
⁵ Nigel Lowry [Safety alarm sounded as Russia-linked STS operations rise off Greece :: Lloyd's List \(informa.com\)](#) <https://lloydslist.maritimeintelligence.informa.com/LL1141428/Safety-alarm-sounded-as-Russia-linked-STs-operations-rise-off-Greece> 1 July 2022

In the BBC report the local guide explains how the middle of the Laconian Gulf is too deep to anchor so the massive tankers have to manoeuvre alongside each other and stay close using mooring lines. These are thick, stiff and heavy and can snap like springs. This can be very dangerous for the crew.

While transshipment of key goods has obvious advantages for concealment, there is also a simple commercial advantage. It is easier and more economical to take a cargo from Russia, or wherever, tranship to a larger vessel on the high seas, and for the latter to take multiple cargoes on the much greater distance to South Asia or the Asia-Pacific.

Until 2020, Greece only claimed a Territorial Sea six miles from the baseline, as opposed to the maximum of twelve allowed by UNCLOS. This was because of the danger of confrontation with NATO ally Turkey in the Aegean Sea, to the east (see Figure 2). In 2020 Greece announced that it would extend its Territorial Sea in the west to twelve miles as part of an ongoing dispute with Albania.⁶ The twelve-mile limit only applies as far as Cape Tainaro on the western extreme of the Laconian Gulf. But in the Laconian Gulf itself Greece remains committed, for the moment, to the six-mile limit. In both figures 1 and 2, the difference this makes can be seen clearly.

Figure 2. Maritime zones in the Aegean Sea showing six (darker blue) and twelve (paler blue) mile limits. Source: https://www.researchgate.net/publication/317902851_Toward_the_Development_of_a_Marine_Administration_System_Based_on_International_Standards/figures?lo=1



At the time of writing, the centre of the Laconian Gulf itself therefore lies outside Greek Territorial waters and therefore Ship To Ship (STS) Transfers may take place without breaching EU sanctions. This

⁶ [What If Greece Extends Its Territorial Waters to 12 Miles in the Aegean?](https://www.greekreporter.com/2022/10/23/what-if-greece-extends-its-territorial-waters-to-12-miles-in-the-aegean/) ([greekreporter.com](https://www.greekreporter.com/)) What If Greece Extends Its Territorial Waters to 12 Miles in the Aegean? By [Tasos Kokkinidis](https://www.greekreporter.com/author/tasos-kokkinidis/) October 23, 2022 and [Greece to Extend Territorial Waters in West and South of Crete, Says Report](https://www.greekreporter.com/2022/12/26/greece-to-extend-territorial-waters-in-west-and-south-of-crete-says-report/) ([greekreporter.com](https://www.greekreporter.com/)) by [Tasos Kokkinidis](https://www.greekreporter.com/author/tasos-kokkinidis/) December 26 2022.

legal loophole should be relatively easy to fix. Should Greece decide to extend its Territorial Sea to twelve miles in and just outside the Laconian Gulf, that should not upset the Turks and would enable illicit STS transfers to be curtailed within a revised Greek Territorial Sea.

As noted, media attention has focussed on the collateral effects of the Ukraine war since 24 February 2022. However, the 'dark fleet' issue goes far wider than that. Concealing the origin and transfer of illicit goods requires practices such as disabling the vessel's automatic identification system (AIS), likely participation in ship-to-ship transfers (STS) and tampering with the ship's documents. Deceptive ship practices in the Russian context relating to these goods mainly occur in the Black Sea, the Mediterranean, and the Atlantic, from where the goods are transported to ports around the world. Risk Intelligence featured a map showing the STS transfer hotspots relating to Russian-linked vessels in the Black Sea for oil and grain, off the Laconian Gulf (southern Greece), south of Sicily, and in the Atlantic west of the Strait of Gibraltar.⁷ However, the February 2023 *Risk Intelligence Whitepaper* said that

'sanctions and price cap on Russian crude oil will likely increase activities at current STS hotspots and may lead to new areas establishing hubs with heightened activity in other parts of the world. While this can also happen legally, the intensified use of these hotspots provides opportunities for illicit actions and deceptive shipping practices. Vessels engaging knowingly and unknowingly in suspicious activities are exposed to the risk of facing investigations, delays, and fines.'

Since the Russian invasion of Ukraine, the United States, the EU, the G7 countries and others have implemented sanctions and a price cap on Russian crude oil, gas, and other export goods. Russian oil is banned entirely from being exported to the United States, United Kingdom (UK), Canada, and other states. The EU has banned all seaborne imports of Russian crude oil and refined products. The G7 planned price cap on Russian oil requires every marine service provider, from shipowners to insurers to port operators in the United States, EU and UK, to be aware of potential sanctions-busting activities and proactively detect deceptive practices.⁸

Vessels engaging in sanction evasions or theft are engaging in illegal activities under international law. In recent years, ship owners and operators directly linked to these activities have been sanctioned by the US agency Office of Foreign Assets Control (OFAC). Most Russian-affiliated vessels engaging in suspicious activities were reported to have loaded either grain or crude oil. Besides sanctions, looted goods taken from occupied Ukrainian territories raise concerns about involvement in illegal seaborne trade or violating internal policies related to Russian business.

Deceptive ship practices often involve the Automatic Identification System (AIS), through which ships transmit their location. The system was conceived around 1996 and came into operation in 2002. For any vessel over 300 gross tons or a passenger ship of any size, the IMO Convention for the Safety Of Life At Sea (SOLAS) Regulation V/19.2.4 requires that the ship operate AIS Class A onboard at all times – unless there are valid security reasons to turn it off, temporarily. Concealing AIS locations and STS transfers are key elements of deceptive ship practices. Since it allows the tracking of vessel movements worldwide, AIS has become a tool for insurers, shipping companies and investigators, and so on to identify potentially illegal activities. Failures to transmit ship movement details may typically be caused by poor satellite coverage, signal collision in congested areas, and weather conditions. These typically lead to around 15,000 ships having signal gaps every month.⁹ However, some of the 'dark' periods originate from deliberate

⁷ Ibid., 'Concealing AIS locations and STS transfers are key elements of deceptive ship practices. The map shows areas of suspicious activities from Russian-linked vessels. Map: Risk Intelligence'.

⁸ <https://email.bt.com/mail/index-rui.jsp?v=2.22.1-2#Russia>: *Deceptive ship practices and the evasion of sanctions on Russian grain and oil Risk Intelligence whitepaper* | February 2023.

⁹ Ibid.

deactivation. Under special circumstances, commercial vessels might turn off their AIS for security reasons, for example to remain undetected in regions with high piracy threats. Transmission gaps, however, can also indicate illegal trading activities at sea, including stolen goods, sanctioned oil, arms trafficking and drugs or human smuggling. AIS gaps, also described as vessels 'going dark', are common for fishery boats engaging in illegal fishing activities.¹⁰ Deliberately turned-off AIS signals can be observed in all parts of the world. Fishing fleets that go dark mainly operate in the South China Sea, off the east coast of South Russia: Deceptive ship practices also occur off South America and off West Africa. In the context of sanction circumvention, tankers linked to oil from Venezuela or Iran and other goods from Syria and North Korea show AIS gaps in open waters around the world. Thus, a long dark period during a voyage from a vessel affiliated with a sanctioned country and/or cargo does not provide evidence of breaching the regulations. As noted, ships' affiliations with sanctioned countries are hard to determine or prove. Still, in certain contexts, they may raise suspicion of engaging in bypassing sanctions. To further conceal the origin of the cargo, the ship's AIS signal can be manipulated, so the vessel appears at a different location than its transmitting coordinates. AIS signals combine radio signals and manually entered data; the technology is prone to human errors and vulnerable to more advanced techniques: using machine-generated paths or duplicating the transmitted signal of another decoy vessel. Previously an exclusive military technique, it has spread into the commercial maritime industry.¹¹

The US 'hollow fleet' - the mirrors

While ships engaged in 'dark' fleet operations are the smoke, the mighty US Navy is using mirrors to make itself look bigger than it is. The term 'hollow fleet' has been around since around 2010 when a 2010 Navy study headed by retired Vice Adm. Philip Balisle warned that readiness has suffered in recent years, particularly after the service's "optimal manning" experiment cut crews and maintenance.¹² In 2013 The head of naval surface forces, Vice Adm. Tom Copeman, said he feared that the US Navy was close to a point where ships would not be available to do what they need to do. He told the Surface Navy Association Symposium on 15 January 2013 that sailors were being pushed to keep their ships operational without being given enough time, spare parts or training to do proper maintenance. The Navy, he said, has been pushing personnel harder and harder to do more with less, for years. Copeman pointed to rampant cross-decking, where sailors were snatched from docked ships and put on board deploying ones, often hindering maintenance on the docked vessel. He also said sailors were likely not to be unable to find the spare parts they need on board their ship when something malfunctions or breaks. Eventually, he said, a day will come when a ship that needs to deploy won't be able to. "It's getting harder and harder, I think, for us to look troops in the eye and say, 'Hey, just do it and meet the standard,'" VAdm Copeman said. "Some ships can do it. Some ships can't." VAdm Copeman said that the surface navy's depot maintenance budget was practically at rock bottom, given the size of the Fleet. If the budget gets any lower, he warned that the Navy risks creating a "hollow" Fleet.¹³

A US Navy - or US fleet - that looks impressive on the outside but is too big to run effectively. In terms of crews, crew turnarounds, logistics, fuel, resupply and food, reflects the conjurer's mirrors. In a frank

¹⁰ Ibid.

¹¹ Ibid.

¹² Cid Standifer, [Commander Surface Force: Navy is Risking a Hollow Surface Fleet - USNI News](#) January 16, 2013, 1:26 PM • Updated: February 5, 2013, 3:16 PM

¹³ Ibid.

admission VAdm Copeman said “You’ve got to make choices,” he said, “And if it was my choice – and it’s not only my choice – I’d give up force structure to get wholeness.”¹⁴

Numerous commentators over the past ten years since have focussed on the US Navy’s ‘hollow’ posture and VAdm Copeman’s perceptive observation. These observations have been going on for a long time. On 22 June 2015 in *The Diplomat*, a highly respected Journal focussing on the Asia-Pacific, a commentator, Franz Stefan Gady, observed that ‘The U.S. Navy’s 30-year shipbuilding plan does not meet requirements for amphibious warfare in the Pacific’.¹⁵ Limiting the size of the US fleet so as not to overstretch the ability to crew and maintain it has been a recurring theme over the past decade. Although the policy has elements of the tail wagging the dog, it does represent common sense. In 2021 the need for the tail to wag the dog was explicitly stated.¹⁶

By 2020 the *US Naval Institute (USNI) News* was reporting that ‘deficit of ship repair capacity and an expected change in the Navy’s needs for large combatants versus smaller ones may force the entire industry to rethink their roles in construction and maintenance work going forward, according to a panel of officials.’¹⁷

The two halves of the Navy’s Team Ships acknowledged that more companies would need to get involved in ship repair, and also that more companies getting involved on the construction side could cause hardship from some of the traditional shipbuilders that had spent years optimizing their yards to build large warships.

First, Rear Adm. Eric Ver Hage, the Commander of Navy Regional Maintenance Center (CNRMC) and Director of Surface Ship Maintenance and Modernization, said “we don’t have enough (ship repair) capacity for peacetime,” let alone to repair combat-damaged ships during wartime.’¹⁸

Ver Hage said the existing repair industrial base is working hard to get more efficient at the work it does, but ultimately that base is too small, especially as the Navy tries to grow its fleet.¹⁹ The other issue with which the admirals wrestled was that the shipbuilding industry in recent years had relied primarily on seven yards owned by just four companies to build large warships – but all indications point to a future fleet that relies less on destroyers and large amphibious ships and more on a large number of small amphibious vessels, small combatants and uncrewed surface vessels.²⁰

The various dilemmas coincide in an interesting way. The US Naval Staff suggested separately that, in a time of war, small repair yards could be called upon to help build ships; while they suggested that large yards could look to repair work to supplement any lost shipbuilding work.

As 2023 began, *Asia Times* reported on ‘a looming threat and a hollow force’ in the Pacific.²¹ Although the ‘hollow force’ highlighted since 2010 featured in the title, the article focussed more on bureaucratic and cultural divides within the US establishment. The service was ‘in crisis. Retention issues, an aging fleet, the revelation of several command failures, and a blunt inability to articulate its strategic mission in an increasingly hostile bureaucratic environment bode ill for the navy’s ability to meet American strategic

14 Ibid.

15 [Is the US Navy Too Weak to Fight in the Asia-Pacific? - The Diplomat](#) 22 October 2015.

16 [Panel: Budget Priorities Prompted Navy Cut to Forces to Prevent Hollow Fleet - USNI News](#) Mallory Shelbourne Panel: Budget Priorities Prompted Navy Cut to Forces to Prevent Hollow Fleet June 29, 2021, 7:28 PM.

17 [Lack of U.S. Warship Repair Capacity Worrying Navy - USNI News](#) Megan Eckstein, Lack of U.S. Warship Repair Capacity Worrying Navy, US Naval Institute (USNI) News, August 26, 2020, 2:17 PM

18 Ibid,

19 Ibid.

20 Ibid.

21 [US Navy: a looming threat and a hollow force - Asia Times](#) Seth Cropsey, US Navy: a looming threat and a hollow force. The US Navy is not ready to fight January 6, 2023

needs.' *Asia Times* noted that 'the US faces a potential Indo-Pacific war that could spiral into a Eurasian conflagration, revitalizing the navy's command culture and strategic thought is vital to American interests.' The 'hollow fleet' argument provided a peg for wider strategic and historical analysis. American political culture ironically militates against naval power. In the context of Eurasia, the US is a maritime nation.²²

To summarise the long-standing debate about the 'hollow fleet' as mirrors concealing weakness and reflecting apparent strength, the changing nature of naval forces could therefore hold the key to solving the 'hollow fleet' problem. Smaller vessels, with smaller crews or uncrewed, will require less maintenance. The big shipyards developed to build big warships could be used more for maintenance on the big ships still in service.

'The ship has reached the shore'? No. It still has a long way to go. UN Convention on Biodiversity Beyond National Jurisdiction (BBNJ). The UN Convention on protecting the Ocean ('High Seas Treaty'), 4 March 2023.

More than 100 countries reached a historic agreement to protect the high seas on Saturday (4 March 2023), after more than 15 years of stalled talks. The legally binding treaty announced by the United Nations to conserve and ensure the sustainable use of ocean biodiversity, is a long-awaited step that environmental groups say will help reverse marine biodiversity losses from climate change and overfishing.²³

A full day after the deadline for talks had officially passed, the conference president, Rena Lee of Singapore, took to the floor of room 2 of the UN headquarters in New York and announced that the treaty had been agreed. At a later date, the delegates would meet for half a day to formally adopt the text. She made it clear the text would not be reopened. The ship has reached the shore," Rena Lee, from Singapore, UN ambassador for oceans and law of the sea issues said, as she announced the news to strong applause.²⁴

²² Ibid.

²³ <https://www.msn.com/en-gb/news/world/the-ship-has-reached-the-shore-moment-un-announces-historic-agreement-to-protect-oceans/ar-AA18eILY?ocid=msedgntp&cvid=462d369f7f484869b9244e7ca8994407&ei=15#image=1> Oliver Browning *the Independent* 5 March 2023.

²⁴ [High seas treaty: historic deal to protect international waters finally reached at UN | Environment](https://www.theguardian.com/environment/2023/mar/05/high-seas-treaty-agreement-to-protect-international-waters-finally-reached-at-un?CMP=share_btn_link) *The Guardian* 5 March 2023 <https://www.theguardian.com/environment/2023/feb/28/one-of-the-most-important-talks-no-one-has-heard-of-why-the-high-seas-treaty-matters> See also Karen McVeigh <https://www.theguardian.com/environment/2023/feb/28/one-of-the-most-important-talks-no-one-has-heard-of-why-the-high-seas-treaty-matters> *The Guardian* 28 Feb 2023.

Figure 3. Rena Lee, UN ambassador for oceans and law of the sea announcing the BBNJ agreement to protect the oceans 4 March 2023



However, the ship may be within sight of the shore but is probably a long way from it.

“What happens on the high seas will no longer be ‘out of sight, out of mind,’” said Jessica Battle of WWF in a statement after leading the group’s team at the negotiations. “We can now look at the cumulative impacts on our ocean in a way that reflects the interconnected blue economy and the ecosystems that support it.”²⁵

According to *The Guardian*, almost two-thirds of the world’s ocean lies outside national boundaries. These, it said on 28 February 2023, are ‘the “high seas”, where ‘fragmented and loosely enforced rules have meant a vast portion of the planet, hundreds of miles from land, is often essentially lawless.’²⁶

²⁵ McVeigh Ibid,

²⁶ McVeigh, ibid.

The representative BBNJ logo is shown in Figure 4.

Figure 4.



The first ambiguity is in referring to the BBNJ Treaty, as the 'High Seas Treaty'. The 'high seas' actually begin outside Territorial Seas which extend up to twelve nautical miles (22.224 km) from the coastal baseline (see the section on the 'Dark Fleet' and Greece, above). The Exclusive Economic Zones, which provide a measure of 'National Jurisdiction' out to 200 nm, and maybe even further when agreed by International determination, are technically the 'High Seas.' The EEZs, however, provide a measure of 'National Jurisdiction'. Therefore, the 4 March 2023 Treaty refers to the High Seas *outside* EEZs which still cover two thirds of the Ocean (see Figure 5).

In passing, I should also add that UNCLOS 1982 provides for a further 'contiguous zone', which provides states with some further control of the further area out to 24 nm. This zone provides states with additional powers to deal with smuggling, immigration, sanitary and customs regulations. Again, when another state is not in the way. However, only one third of coastal states claim to be contiguous zones, partly because they lack the means to enforce their regulations within it. Of the 170 flag states within the IMO, only 86 have coastguards. In my view, when dealing with state security issues such as illegal migration, the 'contiguous zone' could be more usefully exploited.

After fifteen years of bureaucratic nit-picking, as its name implies, the BBNJ agreement focuses on Biodiversity issues. Because of the relatively weak control over High Seas *outside* EEZs, the wider high seas NOT subject to National Jurisdictions *in any way* are more susceptible than coastal seas to exploitation. Currently, all countries can navigate, fish (or overfish) and carry out scientific research on the high seas practically at will. Only 4.2 percent of the vast expanse portrayed in Figure 4 is protected, and the increasing reach of fishing and shipping vessels, the threat of deep-sea mining,²⁷ and new activities, such 'bioprospecting' of marine species, mean they are being threatened like never before.

²⁷ There is an excellent *Economist* Babbage podcast on deep sea mining dated 12 July 2023. Hal Hodson, [Could mining the seabed help in the transition to green energy? \(economist.com\)](https://www.economist.com/technology-and-science/2023/07/12/could-mining-the-seabed-help-in-the-transition-to-green-energy?from_foreign_correspondent)

Yet, not only does a healthy ocean provide half of the oxygen we breathe, but it also represents 95 percent of the planet's biosphere, soaks up carbon dioxide and the largest carbon absorbing sink²⁸

Figure 5, High Seas *outside* EEZs. Source: Marine Conservation Institute. The author disagrees with this definition of 'High Seas', which technically begin outside Territorial Seas, but it is a practical working one and perhaps should be adopted in a revised UNCLOS.



However, although the Treaty focusses, as its name implies, on biodiversity, a key issue is that still divides developed and developing nations was how to share marine genetic resources (MGR) and the eventual profits fairly. MGR, which consist of the genetic material of deep-sea marine sponges, krill, corals, seaweeds and bacteria, are attracting increasing scientific and commercial attention due to their potential use in medicines and cosmetics.

Others sticking points included the procedure for creating marine protected areas and the model for environmental impact studies of planned activities on the wider high seas.²⁹

To get an agreement between delegates from 193 UN member states was an amazing achievement on any level. As always, the devil is in the detail and, in particular, how this can possibly be enforced, even though it is technically 'legally binding'. Few individual nations and the international system as a whole have the will or ability to police their own EEZ, let alone the higher seas beyond.

The historic treaty is crucial for enforcing the so-called 30x30 pledge made by countries at the UN biodiversity conference in December 2022 to protect a third of the sea (and land) by 2030. Without a treaty, this target would certainly fail, as until now no legal mechanism existed to set up MPAs on the high seas.

Covering almost two-thirds of the ocean that lies outside national boundaries and EEZs, the treaty will provide a legal framework for establishing vast Marine Protected Areas (MPAs) to protect against the loss of wildlife and share out the genetic resources of the wider higher seas. It will establish a conference of the

²⁸ McVeigh, Ibid.

²⁹ McVeigh 5 March 2023.

parties (Cop) that will meet periodically and enable member states to be held to account on issues such as governance and biodiversity.

Some commentators therefore described the 'High Seas [outside EEZs] Treaty as 'window dressing'. Steven Haines, Professor of Public International Law at the University of Greenwich, said in a LinkedIn post on 8 March 2023:

'Yes, indeed, a significant development. However, like many such international diplomatic efforts, there has been a major failing in the process. There is no clue as to how any detailed regulations that emerge from this process are going to be implemented or enforced. It is one thing reaching some sort of compromise that states are willing to sign up to but quite another thing to put in place procedures and capability to implement and enforce. Who is going to police this agreement -- and how? This has been my major issue with this process from the start. If anyone thinks this is the end of a process, they are very much mistaken. It is merely the start. But even that may be flawed if this proves to be unenforceable due to a lack of international agreement - and substantial investment - in monitoring and enforcement. Sorry to sound a negative message on this. The ship has a long way to go before it reaches the shore! The policing of the high seas is virtually non-existent at the moment and nothing in this convention suggests a responsible move towards adequate monitoring and enforcement.'

HH Sutton, the distinguished commentator on naval and maritime security affairs who features prominently in our Journal agreed that celebrations were premature, but that:

'I am not sure I would put it so strongly - there are many scientists and idealists who are keen on this, and I would not accuse them of window dressing. States' diplomatic missions are another matter, however. There is no doubt in my mind that the UK delegation, and all others, would have known full well that supporting a vote on this draft convention commits states to nothing whatsoever. One or two comments I have seen on other sites have welcomed the 40 million Euros the EU has promised to support implementation etc. That amount is barely sufficient to fund three or four OPVs that alone would not be capable of adequately policing the UK's own waters....and I will resist comment on the operational effectiveness of two OPVs covering the Pacific!!! There is much in this convention that makes scientific sense - it is just nonsense to see this as potentially an effective answer to ocean governance issues on the high seas etc. Celebrations are utterly premature.'

The Atlantic Declaration 21 June 2023

On 21 June 2023 the US and UK signed The Atlantic Declaration which supplemented the New Atlantic Charter of 2021. The original Atlantic Charter had been signed in 1941. The Atlantic Declaration represented a rapprochement in USA-UK relations after a period of choppy seas after the Trump years and the UK's Brexit which had threatened the UK's role as a bridge between the US and the now 27-state EU.

The Declaration Policy Paper which prints out over twelve pages, noted that over the previous year, following some friction, the US and UK had taken steps

'to deepen our unrivalled defence, security, and intelligence relationship across every theatre in the globe in which we cooperate, recognizing the indivisibility of security in the Euro-Atlantic and the Indo-Pacific and other regions. We have energised our traditional alliances and built new and innovative partnerships based on deeper cooperation on technology, trade, and security. We have stood shoulder to shoulder in our resolve to support Ukraine for as long as it takes in the face of Russia's illegal, unjustifiable, and unprovoked war of aggression and to preserve a free, independent, and sovereign Ukraine. We are committed to continuing to strengthen NATO's ability to deter further attempts to undermine Alliance security, in support of NATO's new Strategic Concept.'

The paper noted that the US and UK had taken significant steps to implement AUKUS [the trilateral Australia, UK and US security pact. announced on 15 September 2021 for the Indo-Pacific region] including announcing plans to support Australia acquiring conventionally armed, nuclear-powered submarines. It added that ‘through our deeper engagement in the Indo-Pacific we are working more closely than ever before with our partners to support a free and open region.’³⁰ Through the U.S.-UK Indo-Pacific Dialogue the two countries would continue to find new opportunities to coordinate our approaches, to support ASEAN [The Association of South-East Asia Nations] and ASEAN centrality, to partner with the Pacific Islands, to coordinate on economic and technological advancement, and to contribute to regional peace and stability, including through AUKUS and expanded joint exercises and planning, including trilaterally.³¹

The Atlantic Declaration was a first step in extending the US-UK partnership from what was arguably primarily a Defence, security and Intelligence relationship into the economic sphere. Although it falls far short of the full-blown trade deal sought by former UK Prime Minister Johnson, it committed the US and UK to partner to build resilient, diversified, and secure supply chains and reduce strategic dependencies. It said the two nations ‘remain committed to continuing to lead in the technologies of the future and advance the closest possible coordination on our economic security and technology protection toolkits to ensure that emerging technologies work for, not against, our democracies and security.’³² Key areas include supply chains, access to critical minerals, Artificial Intelligence (AI) and such specifics as semiconductors for which we are dependent on Taiwan, an issue which brings China into play.

Contents of this issue

My comment on the maritime aspects of the Ukraine war – ‘Inhospitable Sea II’ analyses the most important developments on, under and over the Black Sea itself and the widening war with sabotage of the Nordstream pipelines in the western Baltic, the transport of arms and ammunition from Iran to Russia across the Caspian Sea and Russian reconnaissance of windfarms and subsea cables in the North Sea with a view to their possible disruption should the war escalate.

We have two double-blind refereed articles. The first is ‘The Role of International Law in the Maritime Migration Security Assemblage: EU Activity in the Lampedusa Triangle’ by Charlie Pearson of Queen’s University Belfast, UK. Irregular migration from northern Africa and the Middle East to the EU is probably the most prominent maritime crime and security issue at present and the recent tragic loss of the *Adriana* which capsized off Greece on 14 June 2023 leaving 650 dead.³³ The second is ‘Maritime Security: Lost in Translation? Developing a Common Lexicon to Enhance Data Integrity and Global Maritime Domain Awareness’ by Evan Curt, Deputy Commissioner of Maritime Affairs, Republic of the Marshall Islands (one of the leading open registers). Although in our first issue we said we would not try to formulate a single definition of maritime security, discussions of what it means in various contexts are very much our ‘part of ship’. To have a definition by such a senior practitioner is a privilege and a pleasure. The double-blind referees were naturally unaware of the author’s identity or position, in accordance with standard practice for all scholarly journals. All double-blind refereed articles are sent to the referees using our automated system which ensures anonymity. To our referees, who have spent much time unpaid, assessing and commenting on the refereed articles, I extend my profoundest thanks.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ [Greek authorities stood by as the migrant ship that capsized – leaving hundreds dead – drifted off course for nearly 7 hours: NYT \(yahoo.com\)](https://www.nytimes.com/2023/07/02/world/europe/greek-ship-capsized.html) Lloyd Lee 2 July 2023

We then have three extended book reviews. The first is by my distinguished friend and colleague, Peter Cook, MSc, our Managing Editor. It is a review of the UN Committee on Trade Development (UNCTAD) 2022 Review of Maritime Transport, the definitive report on the global maritime industry. Peter usually writes a survey of sources for maritime crime and security online. This work is available online and we decided that a review of it would fill that slot. The UNCTAD RMT, published annually since 1968, is so important it rates a very substantial review.

Our second book review is of *Maritime Crime and Policing*, edited by Yarin Eski of Vege University Amsterdam and Martin Wright of the International Centre for Policing at the University of South Wales, UK. It is published as part of the Taylor and Francis/Routledge Frontiers of Criminal Justice series, where it very rightly belongs. The Editors are two highly respected experts in the field, the same field covered by this Journal. They have gathered a distinguished group of contributors from around the world.

The third review, again by Peter, is of *Atlantic Piracy in the Early Nineteenth Century: The Shocking Story of the Pirates and the Survivors of the Morning Star* by Sarah Craze. It is published by Boydell Press of Boydell & Brewer, a most distinguished maritime publisher. Peter says, and I agree, that only a woman could have written this, which focuses on an 1828 incident, and, in particular, women's fate at the hands of pirates. The book is superb and Peter's review sensitive.

We look forward to contributions and, in particular, full length (8,000 words or thereabouts), articles for double-blind refereeing. As contributors to these five issues, so far, know, this process takes time, in part, because we need to find experts in the multi-disciplinary fields we cover, who can review them! Would contributors please use the automated submission system and please use our publishing guidelines. So far, I have been liberal about using EITHER Chicago/modified Oxford referencing, OR Harvard. The rule is: be consistent! Footnotes of the 'what I really meant to say was' nature are discouraged. However, not all our readers are maritime professionals or experts. Or narrowly focussed academics. We aim to reach out to the wider community to encapsulate the cardinal role of the maritime domain in shaping the future of our planet. Technical terms like GT, DWT, nautical miles/kilometres (statute miles are discouraged) can be spelled out and explained in footnotes.

On that note, please write, submit and send... Or comment...

Prof Chris Bellamy
Founding Editor-in-Chief
IJMCS
30 June 2023