Maritime Security

Safety on the Seas: Human Security as an Element of Ocean Governance

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When the Ocean Yearbook editors kindly invited me to contribute a short piece for volume 18, a volume described as "a commemorative issue honoring Elisabeth Mann Borgese," I accepted with great honor and enthusiasm. However, it quickly became evident that the scope of what I would like to write about Elisabeth could fill several volumes of the Ocean Yearbook, not the dozen or so allocated pages.

I first met Elisabeth when I was a student in the International Ocean Institute 1996 Summer Training Program. Her patience and enjoyment of youth and its naivety, optimism, and energy were evident then and became marked features of what came to be our 6-year working relationship and friendship. She was a teacher and mentor who shared her experiences, ideas, and wisdom generously and without prejudice. She is greatly missed by those who worked with her over the last 3 decades to build the International Ocean Institute, the manifestation of her determination to contribute in a practical manner to the implementation of better ocean governance and finally to achieve Pacem in Maribus.

This article explores the very difficult problem posed by ocean-based illicit activities such as piracy and armed robbery at sea, trafficking by sea, and other maritime-based illicit activities, by non-State actors, which threaten the physical security of humans, ships, and marine activities. These illicit acts are increasing and are linked to other organized international crimes such as trafficking in illegal narcotics by terrorist organizations, an activity that has important implications for a State's security which is defined to include all components of human security.¹ This issue, and generally, the


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543
need to prevent illicit use of ocean space, preoccupied Elisabeth in the last few years of her life. She saw it as essential that peace on the ocean be understood to include human security: the ability to carry out ocean activities without fear of crime and violence or other problems that might arise from the lack of a comprehensive security regime in the broader context of ocean governance. In other words, achieving Pacem in Maribus required ensuring that human security on the ocean was maintained.

The following pages represent only a broad overview of what was Elisabeth Mann Borgese’s last intellectual journey in this regard. It is presented here within two sections. The first outlines the foundations of her vision for an overarching ocean governance regime, which she felt was so necessary to reach peace in the ocean. The second section enumerates the considerations she envisioned with regard to the incorporation of security considerations within the ocean governance regime on the local, national, regional, and international levels. It is the ideas presented within this second section that preoccupied Elisabeth Mann Borgese’s imagination and intellect during the last months of her life.

THE FOUNDATIONS OF OCEAN GOVERNANCE

It is becoming increasingly clear that the effective implementation of the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Conference on Environment and Development (UNCED) and the UNCED Process which ensued, as well as the emerging international and regional “ocean convention regimes,” all place enormous responsibilities on States if they are to be effectively implemented. It is also evident that a large majority of these States are, in fact, unable to implement even the most basic provisions contained within this plethora of ocean convention regimes.

However, in an attempt to meet these obligations (responsibilities) and effectively take full advantage of the associated advantages (rights), nations worldwide are beginning to (re)formulate their national ocean policies and

2. Certain ideas presented in the brief overview of the interaction between peace, security, and ocean governance, as Elisabeth Mann Borgese perceived it, were presented to the Australia-Canada Ocean Research Network 2 meetings in Canberra, Australia (29 May–2 June 2002).