

Robin Bowley: *Preventing Terrorist Attacks at Sea: Maritime Terrorism Risk and International Law*. Routledge (2023). 316 pages.

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In the aftermath of 9/11, when it was still unclear whether the cataclysmic events would be a one-off or the harbinger of worse to come, a number of suggestions were made on how Al Qaeda and its affiliates might attack in the future. The spectre of maritime terrorism loomed large, based on the belief that after Al Qaeda had attacked us on land and in the air, they would take to the sea now as well. As a result, a number of domestic and international laws were passed while existing ones were extended. On the international level, the International Ship and Port Facility Security (ISPS) Code stood out, followed by some amendments to the SOLAS and the SUA Conventions. All this was done in a hurry and with a sense of urgency and dread. Fortunately for the maritime transport sector, the much-feared wave of devastating maritime terrorism failed to manifest itself, some notable exceptions notwithstanding. As a consequence, interest in maritime terrorism dwindled away again, and the caravan of scholars and practitioners moved on to the next fad of the day. According to the well-known adage ‘never say never’ however, complacency is not a good thing. Hence, Bowley’s monograph on *Preventing Terrorist Attacks at Sea: Maritime Terrorism Risk and International Law* is a timely one since it helps preventing the risk of maritime terrorism dropping off our radar screen completely.

The book is organised into seven parts. The first two offer essential background information, in particular on the terrorist threat to the maritime domain and how it differs from piracy, while the final concluding part makes some thoughtful suggestions and recommendations concerning future research. Three of the four core chapters offer detailed and very knowledgeable discussions of ships as targets on the one hand, or as vehicles for terrorist attacks on the other. Apart from developing best-case and worst-case scenarios with some well-chosen ‘real life’ case studies added for good measure, the main aim of the author in these chapters is to assess in how far the international laws in question have been translated into reality on the ground. In particular, he analyses how rigorously (or not) the various rules and regulations have been implemented. This is quite important, as there usually is bound to be a gap between the letters of the law and their real-life execution. For example, in the context of the ISPS Code, Bowley lists several incidents that could have been avoided by rigorously applied Ship Security Plans. Bowley also mentions some anecdotal evidence regarding the rather reluctant implementation of its provisions from the side of ports and shipping companies. In his view, the main problems preventing a better implementation of available measures arise from uncertainties regarding the powers of the contracting states on the one hand, and unclear duties and responsibilities of private sector personnel tasked, say, with the roles of ship security officer (SSO) or Port Security Officer (PSO). I agree with Bowley’s findings but personally believe that this is only the tip of the iceberg – I will come back to that in a moment.

After having flagged up the shortcomings of the provisions of the Law of the Sea Convention and the ISPS Code, Bowley then turns to examining ways out. In particular, he discusses how attacks on ships and the use of ships as vehicles for terrorist attacks could be prevented. Again, he offers some best-case and worst-cases scenarios, including mine-laying attacks and sabotage attacks on offshore platforms or on submarine cables, while also, at least in passing, mentioning the increasing risk posed by drones, be they aerial, surface or subsurface drones. Here, he widens the debate from the ISPS Code to the Law of the Sea Convention and the SOLAS Convention of 1988 plus the SOLAS Protocol of 2005.

Although quite interesting as well, the chapter on national arrangements is somewhat puzzling regarding the selection of cases: Bowley discusses the relevant legal frameworks of the United Kingdom and Australia, to then

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bounce back to international law. It strikes me as a bit strange that he did not include the USA. After all, in the wake of 9/11, the USA passed several major pieces of legislation, namely the Container Security Initiative (CSI), its companion piece, the Customs-Trade Partnership Against Terrorism (C-TPAT), and the Proliferation Security Initiative (PSI). Although these arguably were domestic laws, one could see them as quasi-international laws since shipping companies trading with US destinations were required to sign up on them whether they liked it or not – otherwise, they would have found themselves out of business with US ports. CSI and C-TPAT could thus be seen as examples for a gradual internationalisation of US American norms. Hence, adding a discussion of them and their impact on the maritime trade sector would have been highly relevant – Bowley probably did so in his previous work, but he could have flagged them up at least briefly.

This finally brings me to the basic problem I have with the book – a problem that I have with basically all books focussing on international law, which admittedly reveals my own bias here, and should not necessarily be seen as a shortcoming of the authors of such works: since the human factor is omitted, the crucial question as to why existing regulations are not rigorously applied largely remains unanswered. As I said, I agree that unclear powers and equally unclear duties and responsibilities are one formidable obstacle. But there is more to it.

First of all, when it comes to risk managing, there seems to be a problem that goes beyond the maritime transport sector to cover basically everything to do with Critical Infrastructure Protection (CIP): the belief among risk managers that ‘either it will not happen at all, or it at least won’t happen on my watch. And if it happens on my watch, it will be a one-off.’ After all, rigorously implementing usually expensive security measures to prepare one’s assets against something that probably won’t happen in the first place is not overly popular neither within the private sector nor the public sector. This explains why even in a time of hybrid war if not of maritime terrorism, our critical infrastructures including transport sectors (maybe with the exception of commercial aviation) still are vulnerable and wide-open to attacks. Bowley hints at this issue, but only in a somewhat oblique fashion.

Furthermore, I would argue that when it comes to the maritime transport sector itself, there is also the measurable fact that acts of maritime terrorism do not happen that often, in particular when compared to terrorist attacks on land or against aviation. As I argued in some of my own publications, maritime terrorism seems to fall between two stools: on the one hand, it’s more complicated than terrorism on land, on the other, maritime targets, with a very few exceptions, are not as ‘iconic’ and thus newsworthy as commercial airliners, where even a failed attack generates major headlines. This however is not the case on the ‘maritime terrorism’ front. Think of the so far most lethal act of maritime terrorism, the bombing attack on the *Superferry 14* in Manila Bay off Corregidor Island that cost the lives of 116 crew and passengers: initially, Abu Sayyaf Group’s claims that they were behind it were summarily dismissed as grand-standing. Only a couple of months later, after the hull of the vessel had been inspected and traces of explosives had been found, it became clear that yes, it was a terrorist attack, after all. But since the media circus had already moved on by then, the revelation failed to generate headlines for ASG. Or consider the botched suicide boat attack against the tanker MV *M-Star* while transiting the Strait of Hormuz on 27 July 2010. Fortunately, the blast of the detonating suicide vessel only dented the hull, and nobody was killed. Hence, the initial reports in the immediate aftermath suggested that the damage probably had been caused by a freak wave. Again, only much later, evidence emerged that it indeed had been a maritime terrorist attack, and a very sophisticated one at that: for the first time, a tanker had been attacked while underway and at night. Just that the terrorist group behind it did not get any mileage from it. Both cases demonstrate why terrorist groups so far have not been overly keen to add a maritime dimension to their portfolio of tactics.

Interestingly, Bowley himself seems to acknowledge this on page 101 after having discussed the ISPS Code regulations, saying that the section ‘did not reveal any indications of terrorist involvement aboard the targeted ships.’ The absence of ‘terrorist noise’ explains why shipping companies tend to focus on piracy while largely ignoring maritime terrorism – maybe with the exception of companies operating cruise ships since they arguably are a tempting target for a rerun of the *Achille Lauro* affair of 1985, or the much lesser-known *Santa Maria* hijack of 1961 (both mentioned by Bowley).

That is of course not to say that acts of maritime terrorism will not happen in the foreseeable future – after all, there are the Houthis of Yemen who are not necessarily a terrorist group but certainly one that includes terrorist attacks by way of remote-controlled explosive-laden boats. The risk I see here is that the tactic of using aerial

drones, drone boats and maybe even remote-controlled submersibles will lead to copycat attacks, as these vehicles greatly reduce the entry costs for maritime terrorism: the drones are comparatively cheap, and they do not require operators who are dedicated enough to lay down their own lives for the cause. Somewhat ironically, this may render Bowley's book even more timely: if there ever has been a time to get one's (maritime shipping) house in order, the time is now, and Bowley's recommendations are a good basis to start this process.

To sum up, my recommendations are two-fold: some for the potential readers, some for the author. As regards the former, I do recommend the book: it contains a wealth of important information and recommendations which should be taken on board. Also, note that it is always much easier to criticise than to come up with something better. On that note, there is my humble suggestion to the author: after having inspected the WMD angle and the facilitation of maritime terrorism in the first monograph, and after having assessed the rules and regulations meant to prevent ships becoming targets of, or vehicles for, maritime terrorist attacks, why not completing the cycle with a third one that critically analyses why rules and regulations are not as rigorously applied as they should be, and what could realistically be done to close the gap between 'paper' laws and 'implemented' laws? In my opinion, this would be an important and very topical research project – I could be tempted myself...