
JURISDICTIONAL CONFLICTS IN MARITIME SECURITY OPERATIONS: A DOCTRINAL ANALYSIS OF COASTAL STATE POWERS AND FLAG STATE RESPONSIBILITY UNDER CONTEMPORARY INTERNATIONAL MARITIME LAW

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ABSTRACT

The recent trend of maritime security activities in the last 20 years has drastically changed the legal and practical environment of the world oceans. The growing cases of piracies, maritime terrorism, transnational trafficking, and illegal, unreported and un-controlled (IUU) fishing has necessitated states to increase surveillance, interdiction and enforcement operations in different maritime areas. Although the need to take such measures has been usually explained by issues of world security and economic stability, it has also created intricate jurisdictional conflicts between flag states and coastal states. The basic structure that has been laid down by the United Nations Convention on the Law of the Sea (UNCLOS) assigns particular jurisdictional competences depending on maritime areas and the nationality of the vessels. Indeed, these delimits, far too often, are obscure today, due to present day security operation involving the Exclusive Economic Zone (EEZ) and on the high seas, where the obligation to take measures in response violations overlaps with an assertion that exclusive flag state protection. A doctrinal analysis of treaty provision, leading judicial decisions, and the development of state practice are explored in this paper to determine the field and boundaries of the enforcement powers of coastal states and the respective responsibilities of flag states. It claims that the difficulties in deciphering the duty of due diligence, the concept of hot pursuit, and the security exception cases are what make cases of jurisdictional tussle recurrent. The paper concludes that even though international law offers an organized division of power, its application in the context of security exposes the absence of norms and inconsistent interpretations of states. This paper, by critically analyzing these tensions, adds to the current scholarship of international law of the sea with a sophisticated framework to interpret the issue in a way that fulfills the goals

of sovereignty, navigational freedoms and collective maritime security.

Keywords: Maritime security, jurisdictional conflict, coastal state powers, flag state responsibility, UNCLOS, EEZ enforcement, piracy, IUU fishing, maritime terrorism, doctrinal analysis.

II. Introduction

Contextual Background

With maritime terrorism, piracy, transnational trafficking, and illegal, unreported and unregulated (IUU) fishing as some of its consistent threats, the maritime securitization has been intensified significantly over the last twenty-first century. In modern literature, it is noted that maritime governance is slowly moving beyond traditional legal-of-the-sea paradigms towards security-focused enforcement systems (Guilfoyle 2021; Klein 2022). The Indian Ocean and the South China Sea are examples of strategic maritime routes in which a significant share of global trade and energy transit flows and which are historically the focus of naval operation and conflict of jurisdiction (Bateman 2020; Kraska 2023). This militarization has aggravated interpretive conflicts in the areas of the competency of coastal and flag states in the United Nations Convention on the Law of the Sea (Tanaka 2023).

Problem Statement

Although the zonal system introduced by UNCLOS provides the jurisdictional authority of coastal States, the enforcement in the territorial waters, Exclusive Economic Zone (EEZ) and high seas often creates a tension between the regulatory power of coastal States and the doctrine of exclusive flag state jurisdiction (Ringbom 2021; Papastavridis 2020). The uncertainties about the requirements of due diligence, hot pursuit, and security-related exceptions have resulted in uneven interpretations of the operations of modern maritime security (Guilfoyle 2021; Klein 2022).¹

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1. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 2. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 3. Sam Bateman, *Freedom of Navigation in the Indo-Pacific Region* (Routledge 2020).
 4. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford University Press 2023).
 5. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 6. Henrik Ringbom, *Regulating Maritime Security: The EU and International Law* (Brill Nijhoff 2021).
 7. Eftymios Papastavridis, *The Interception of Vessels on the High Seas: Contemporary Challenges to the Legal Order of the Oceans* (Hart Publishing 2020).
 8. United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3.

Research Questions

1. How does contemporary international law allocate jurisdiction in maritime security operations?
2. What are the limits of coastal state enforcement powers?
3. How effective is flag state responsibility in preventing abuses?

Objectives

This paper aims to doctrinally analyze jurisdictional regimes, assess interpretative tensions under UNCLOS, and propose normative clarifications grounded in recent jurisprudence and state practice (Tanaka 2023).

Methodology

The study adopts a doctrinal methodology, examining treaty provisions, jurisprudence of international courts and tribunals, and comparative state practice between 2020 and 2025 (Kraska 2023; Ringbom 2021).

Structure of the Paper

The paper first outlines the legal framework governing maritime jurisdiction, then evaluates coastal state powers and flag state responsibility, analyzes jurisdictional conflicts in practice, and concludes with normative reform proposals.

III. The Legal Framework Governing Maritime Jurisdiction

A. Foundational Principles of Maritime Jurisdiction

The maritime jurisdiction architecture is based on three principles: territorial sovereignty, freedom of navigation, and the exclusive flag state jurisdiction over the high seas. Sovereignty over coastal states also goes through internal waters and the territorial sea, with a few exceptions including that of an innocent passage (Tanaka 2023). On the other hand, the concept of freedom of navigation maintains oceans as the global commons of free passage of international shipping and naval movement (Kraska 2023). Cruisers are a rule with the exclusive jurisdiction of their flag state, which is aimed at avoiding claims of competing enforcement and jurisdiction fracturedness on the high seas (Papastavridis 2020). In modern debate, the conflict that has arisen between these principles is observed when interdictions motivated by security concerns challenge the equilibrium of these principles (Guilfoyle 2021).

B. Zonal Maritime Structure as provided in the United Nations Convention on the Law of the Sea.

UNCLOS formalizes a system of zoning where the competences are differentiated. The coastal states have complete sovereignty over internal waters. The territorial sea (Arts. 2-12) extends to 12 nautical miles, in which case the sovereignty is observed together with the right of innocent passage (Tanaka 2023). The contiguous zone (Art. 33) authorizes the enforcement to avert customs, fiscal, immigration, or sanitary violations. In the Exclusive Economic Zone (Arts. 55-75), the sea states are granted sovereign rights over the natural resources but not full sovereignty, which prompts a conflict regarding the implementation of the security measures (Klein 2022). To the extent of national jurisdiction are the high seas (Arts. 86-115), which are mostly controlled by flag states and few exceptions of universal jurisdiction (Ringbom 2021).²

C. Suppl Medical Marine Security Equipment.

The Convention to Suppress the Unlawful acts against the Safety of navigation extends the jurisdiction of maritime terrorism by consent base boarding (Guilfoyle 2021). Articles 100-107 of UNCLOS impose an obligation to collaborate in the suppression of the piracy where universal jurisdiction is taken into consideration. Also, the resolutions of the United Nations Security Council that deal with Somali piracy have provisional sanction of enforcing maritime security law in the territorial waters of Somalia, which are also an example of adaptive interpretations of the law in maritime security (Kraska 2023).

IV. Coastal State Powers in Maritime Security Operations

A. Enforcement in the Territorial Sea

In the territorial sea, the coastal states enjoy the sovereignty subject to the right of innocent passage on the United Nations Convention on the Law of the Sea. Passage takes the form of

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1. ² Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 2. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford University Press 2023).
 3. Efthymios Papastavridis, *The Interception of Vessels on the High Seas: Contemporary Challenges to the Legal Order of the Oceans* (Hart Publishing 2020).
 4. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 5. United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3, arts 2–12.
 6. United Nations Convention on the Law of the Sea (n 5) art 33.
 7. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 8. United Nations Convention on the Law of the Sea (n 5) arts 55–75.
 9. United Nations Convention on the Law of the Sea (n 5) arts 86–115.
 10. Henrik Ringbom, *Regulating Maritime Security: The EU and International Law* (Brill Nijhoff 2021).

innocence provided that it is harmless as far as its prejudice to the peace, good order or security of the coastal state is concerned (Tanaka 2023). Coastal states have the right to suspend innocent passage to a temporary period due to security issues and conduct interdiction in the case of actions that pose a threat to national security, such as weapons trafficking or intelligence collection (Kraska 2023). Nevertheless, modern experts highlight the fact that enforcement should be based on the principles of necessity and proportionality to prevent the illegal disruption of the freedom of navigation (Papastavridis 2020; Guilfoyle 2021).

A. Contact by Type of Property

B. Contact by Contiguous Parcel of Property.

Coastal state powers in the contiguous zone are preventive as opposed to plenary. Article 33 allows the enforcement of the violations of the customs, fiscal, immigration, or sanitary laws in the territorial sea. The recent doctrinal research points out that the interdictions involving security matters should be strictly connected with these specified grounds that should restrict broad interpretations (Klein 2022; Ringbom 2021). Oversight of enforcement will create a threat of violation of freedom of navigation norms.

C. With regards to the Exclusive Economic Zone (EEZ), Enforcement.

The EEZ regimen is an indication of a balance between the jurisdiction of the resources and the freedom of navigation. Although the coastal states have the sovereign rights to the natural resources, they do not have the general security jurisdiction, which creates a conflict regarding the maritime interdictions (Tanaka 2023). Article 111 of the hot pursuit doctrine permits the pursuit outside of the territorial waters within the framework of the doctrine, but its procedural rigidity highlights the importance of due process (Guilfoyle 2021).³

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1. ³ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 ('UNCLOS') arts 2, 17–19.
 2. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 3. UNCLOS (n 1) art 25(3).
 4. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford University Press 2023).
 5. Efthymios Papastavridis, *The Interception of Vessels on the High Seas: Contemporary Challenges to the Legal Order of the Oceans* (Hart Publishing 2020).
 6. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 7. UNCLOS (n 1) art 33.
 8. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 9. Henrik Ringbom, *Regulating Maritime Security: The EU and International Law* (Brill Nijhoff 2021).
 10. UNCLOS (n 1) arts 55–58.
 11. UNCLOS (n 1) art 111.
 12. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).

D. Case Law Analysis

Jurisprudence strengthens boundaries of discretion to enforce. The Tribunal, in *M/V Saiga* (No. 2) had given importance to prompt release and proportionality. The *Virginia G* Case shed more light on the standard of enforcement in EEZ and the *Arctic Sunrise* Case raised awareness on the issue of due process and abuse of right. All these decisions confirm that the security facilities of coastal states should be conducted in accordance with the idea of necessity, proportionality, and procedural fairness (Tanaka 2023; Klein 2022).

V. Flag State Responsibility under International Maritime Law

A. Principle of Exclusive Jurisdiction on the High Seas

The foundation of high seas jurisdiction is the doctrine of exclusive flag state jurisdiction, which is contained in Article 92 of the United Nations Convention on the Law of the Sea. The ships navigating under a state flag are under its special jurisdiction, thus avoiding the problem of conflicting authority of enforcement and providing certainty to business on the sea (Tanaka 2023). The exemptions to this rule are strictly restricted and cover such cases as piracy, slave trade, and other cases that are not authorized to be broadcast, where universal or limited enforcement jurisdiction can be covered (Papastavridis 2020). According to the modern scholarship, security motivated interdictions push the boundaries of such exceptions (especially in counter-piracy and counter proliferation warfare), ever deeper.

B. Genuine Link Doctrine

The "genuine link" test, which was originally conceived to give a substantive basis of connection between a vessel and its flag state, has been turned into a rather formal test of registration. In spite of its conceptualization to facilitate successful control, contemporary practice reveals that there is a low level of enforcement of this duty particularly within free-market registries (Klein 2022). The doctrine has lost the usefulness of regulation due to the lack of strict verification mechanisms (Ringbom 2021).⁴

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1. ⁴ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 ('UNCLOS') art 92.
 2. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 3. UNCLOS (n 1) arts 99–109.
 4. Efthymios Papastavridis, *The Interception of Vessels on the High Seas: Contemporary Challenges to the Legal Order of the Oceans* (Hart Publishing 2020).
 5. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 6. UNCLOS (n 1) art 91.
 7. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 8. Henrik Ringbom, *Regulating Maritime Security: The EU and International Law* (Brill Nijhoff 2021).

C. Due Diligence Obligations

The federal states of the flag assume the due diligence responsibilities to ensure that vessels under their flag are being effectively controlled. The ITLOS Advisory Opinion on Responsibilities and Obligations of States Sponsoring Persons and Entities in respect of activities in the Area advisory jurisprudence helped to clarify that due diligence is a duty of action that needs reasonable actions and controls. More modern doctrinal accounts understand this norm as actuarial and situational with e-business strategies, which are influenced by emerging risks in the sea (Tanaka 2023; Guilfoyle 2021).

D. Flags of Convenience, Regulatory Gaps.

Flags of convenience reveal inadequacies of accountability in cases where regulation is loose. According to scholars, such gaps undermine the enforcement of maritime security and complicate interdiction operations, especially when it comes to the IUU fishing and trafficking (Kraska 2023; Klein 2022). The enhancement of compliance mechanisms of flag states is critical in solving the problem of variance in jurisdictions.

VI. Jurisdictional Conflicts in Practice

A. Interdiction of Suspected Terrorism and Trafficking

Anti-terrorism and anti-transnational trafficking maritime interdiction operations often raise a tension between coastal enforcement operations and flag state consent demands. The high seas under the Convention of the Suppression of Unlawful Acts against the Safety of Maritime Navigation, boarding on the high seas is usually subject to that of the flag state, which strengthens the dominance of exclusive jurisdiction (Guilfoyle 2021). But the delay or non-consent can make responses on security responsive, and a debate has been raised about the implications of consent or broad security exceptions (Kraska 2023). According to the current doctrinal commentary, such operations have to be in line with navigational freedoms and proportionality norms of the United Nations Convention on the Law of the Sea (Tanaka 2023).

Anti-Piracy Operations off Somalia.

Opposition against pirates off the Somalia coast is a special derogation of ordinary jurisdiction. The territorial waters of Somalia were opened temporarily by the United Nations Security Council resolutions, which gave states the power to get through its waters to suppress the act of piracy (Papastavridis 2020). Combined forces international naval operations such as EU and NATO operations were examples that showed cooperative enforcement mechanisms without

violating the objectives of UNCLOS (Klein 2022). Scholars point out that these measures were successful in curbing piracy cases but were well circumscribed to prevent the setting of precedence in grounds where security intrusions can go (Ringbom 2021).⁵

C. Fisheries Enforcement Conflicts.

The enforcement of fisheries in the Exclusive Economic Zone (EEZ) usually provokes the disagreement of arrest and detention, especially related to the alleged illegal, unreported and unregulated fishing. Timely release systems prior to the International Tribunal of the Law of the Sea have stiffened the procedural protection and commensurate punishment (Tanaka 2023). Resource jurisdiction and freedom of navigation are in conflict in these disputes (Guilfoyle 2021).

D. EEZs D. Military Activities.

Surveillance and intelligence gathering of the military in EEZs is very controversial. The disagreement on the issue of whether the rights of EEZs apply to the limitation of foreign military operations is reflected in various divergent interpretations the United States and China have taken to it (Kraska 2023). According to modern academic literature, not a single military activity in EEZs is strictly outlawed in UNCLOS, but the ambiguity still creates friction on the diplomatic and operative level (Tanaka 2023; Klein 2022).

VII. Doctrinal Tensions and Interpretative Challenges

Overlapping Jurisdiction in the EEZ

Exclusive Economic Zone (EEZ) is one of the most disputed maritime areas with its hybrid nature. As much as the United Nations Convention on the Law of the Sea gives the coastal states rights to sovereignty over the natural resources, it still safeguards other states enjoying freedoms of navigation and overflight. Modern-day literature has pointed out that in the EEZ,

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1. ⁵ Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (adopted 10 March 1988, entered into force 1 March 1992) 1678 UNTS 221 ('SUA Convention').
 2. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 3. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford University Press 2023).
 4. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 5. United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 ('UNCLOS') arts 87, 90, 92.
 6. UNSC Res 1816 (2 June 2008) UN Doc S/RES/1816; see also subsequent renewals including UNSC Res 2554 (4 December 2020) UN Doc S/RES/2554.
 7. Efthymios Papastavridis, *The Interception of Vessels on the High Seas: Contemporary Challenges to the Legal Order of the Oceans* (Hart Publishing 2020).
 8. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 9. Henrik Ringbom, *Regulating Maritime Security: The EU and International Law* (Brill Nijhoff 2021).

security-driven policing tends to expand the resource-based jurisdiction into a wider regulatory span, creating claims with overlapping jurisdictions (Tanaka 2023; Klein 2022).

Freedom of Navigation vs. Security.

Building up on securitization of maritime territories has heightened the tension between national security claims and the concept of navigational freedom. States are raising justifications of interdictions on counter-terrorism or anti-proliferation grounds and may be encroaching on high seas freedoms (Guilfoyle 2021). According to the analysts, the broad security understandings have the risk of destabilizing the navigational regime, which forms the basis of the global commerce (Kraska 2023).

Enlargement of Maritime Security Concept.

Maritime security has been expanded to include piracy, terrorism, environmental protection, cyber threats and IUU fishing. This theoretical enlargement has flattened the lines between the police and military duties and made the jurisdiction difficult to define (Ringbom 2021). With the various regulatory requirements, interpretative tension on the doctrinal coherence under UNCLOS has been encountered (Tanaka 2023).⁶

Liquidation of International Law.

Normative fragmentation is achieved through interactions between UNCLOS and the regional fisheries agreements, the conventions of counter-terrorism, and the decisions made by the Security Council. According to the scholars, parallel regimes can create unequal standards of enforcement and overlaps in jurisdiction (Papastavridis 2020; Klein 2022).

Strategic Control through Abuse of the Maritime Law.

Handling of maritime law and leveraging maritime law, especially in a disputed area like the South China Sea, reflects the process through which a legal assertion can be used as a political incentive. The latter practices question the idea of good faith interpretation and jeopardize

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1. ⁶ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 ('UNCLOS') arts 55–58.
 2. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 3. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 4. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 5. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford University Press 2023).
 6. UNCLOS (n 1) arts 87, 90.
 7. Henrik Ringbom, *Regulating Maritime Security: The EU and International Law* (Brill Nijhoff 2021).
 8. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).

confidence in the sea law order prosecution (Kraska 2023; Tanaka 2023).

VIII. Comparative State Practice

United States Freedom of Navigation Operations

The United States holds Freedom of Navigation Operations (FONOPs) to dispute what it believes to be extravagant maritime claims that do not conform with the United Nations Convention on the Law of the Sea. Even though the U.S. is not a signatory to UNCLOS, it applies many of its provisions as being of customary international law. Recent literature observes that FONOPs, especially in the South China Sea, are the manifestation of a legal action strategy of safeguarding the freedom of navigation and avoiding constraining interpretations of the jurisdiction of EEZ (Kraska 2023; Klein 2022). Critics however hold that this type of operation can deepen geopolitical tensions as well as pushing the security assertion against the rule of law (Tanaka 2023).

The Maritime Law Enforcement Model in China.

The regulatory methodology that is being followed by China is a combination of coast guard powers, national law and broad interpretations of maritime entitlement. Its Law enforcement operations and the implementation of its Coast Guard focus on safeguarding the maritime sovereignty and security interests, including the control of the foreign military presence in its proclaimed EEZ (Kraska 2023). Observers note that this paradigm is more of a security-oriented interpretation of UNCLOS, a departure with liberal interpretations of navigationality (Guilfoyle 2021).⁷

The Coastal Security Framework as of India.

Following the security issue at the Indian Ocean region, India has enhanced its coastal surveillance, maritime domain awareness and inter-agency coordination. Its structure involves the amalgamation of naval operations and coast guard protection based on local laws,

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1. ⁷ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 ('UNCLOS').
 2. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford University Press 2023).
 3. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 4. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 5. US Department of Defense, *Annual Freedom of Navigation Report to Congress: Fiscal Year 2023* (2024).
 6. Law of the People's Republic of China on the Coast Guard (adopted 22 January 2021, entered into force 1 February 2021).
 7. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 8. James Kraska and Raul Pedrozo, *International Maritime Security Law* (2nd edn, Brill Nijhoff 2022).

consistent security practices with the UNCLOS framework in jurisdictional boundaries (Klein 2022). The focus in recent analysis on the issue of the sovereignty of coastal states and the freedom of navigation as commitments by India (Tanaka 2023).

European Union Naval Missions.

An example of the cooperation in enforcing against piracy in Somalia is the European Union naval operation, Operation Atalanta. The mission is required by the resolutions of the UN Security Council, and it shows that the multilateral coordination is shown in the frames of UNCLOS, and the flag state jurisdiction is respected (Ringbom 2021; Guilfoyle 2021).

IX. Normative Evaluation and Reform Proposals

Clarifying EEZ Security Jurisdiction

The vagueness of the enforcement in the security matters of the Exclusive Economic Zone (EEZ) demands the clarification of the doctrines. Although the United Nations Convention on the Law of the Sea assigns sovereign rights over the natural resources to the coastal states, it does not provide them with the security jurisdiction in general. The recent literature suggests interpretative restraint, which means that EEZ implementation should be restricted to the manifestly listed rights and leave the freedom of navigation (Tanaka 2023; Klein 2022). Trying to solve recurrent conflicts with clarification of the scope of permissible interdictions by either consolidating state practice or by making interpretative statements might help lessen such disputes (Kraska 2023).

Enhancing Flag State Due Diligence Machinery.

The issue of flag state responsibility is still a key to the regime of high seas. Coherency in enforcement is however eroded by weak regulatory oversight, especially when there is an open system of registry. Researchers recommend greater compliance review approaches, disclosure measures, and joint supervisory to strengthen due diligence duties (Guilfoyle 2021; Ringbom 2021). Reporting standards among international maritime organizations can be reinforced in order to enhance accountability.

Improving ITLOS Jurisprudential Directives.

The increased use of the International Tribunal of the Law of the Sea would create coherent interpretation of the proportionality, necessity and immediate release requirements. Newer ideological commentary points to the fact that the Tribunal has a possibility of enunciating more tangible assessments as regards to EEZ implementation boundaries and the doctrine of

abuse of rights (Tanaka 2023; Klein 2022).⁸

A Proposal of a Model Interpretative Framework.

It would be prudent to have a well-structured framework of interpretations that will rest on the common sense principle of good faith, proportionality and functional necessity (Guilfoyle 2021).

Regional Maritime Security Agreements Role.

The UNCLOS norms could be feasibly implemented in the regions of the known piracy issues and strategic interests by collaborative patrol efforts, intelligence exchange, and capacity development (Kraska 2023). These treaties can lessen the raising of unilateral enforcement as well as strengthening joint control at sea.

X. Conclusion

The doctrinal examination that has been conducted in the present study proves that the current maritime security activities are conducted within a strictly-built but progressively tense jurisdictional framework. The power structure of the United Nations Convention on the Law of the Sea divides the powers in a zonal system in order to strike the balance between the sovereignty of the coast states and the protection of the freedom of navigation and exclusive flag state power over the high seas. Nevertheless, there has been a growing security challenge, such as piracy, terrorism, trafficking, and IUU fishing, which has led to wide-scale enforcement that is often pushing the boundaries of this allocation. The procedure of judicial interpretation, especially by international tribunals, strengthens the view that the powers of coastal states should be limited to considerations of necessity, proportionality and due process, whereas flag states are left to play the primary role in ensuring that vessels under their flag effectively

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1. ⁸ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 ('UNCLOS') arts 55–58.
 2. Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023).
 3. Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2022).
 4. James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford University Press 2023).
 5. Douglas Guilfoyle, *The Law of the Sea* (2nd edn, Oxford University Press 2021).
 6. Henrik Ringbom, *Regulating Maritime Security: The EU and International Law* (Brill Nijhoff 2021).
 7. UNCLOS (n 1) arts 91, 92, 94.
 8. International Tribunal for the Law of the Sea, *M/V "Saiga" (No 2) (Saint Vincent and the Grenadines v Guinea)* (Judgment) ITLOS Case No 2 (1 July 1999).
 9. International Tribunal for the Law of the Sea, *Virginia G (Panama/Guinea-Bissau)* (Judgment) ITLOS Case No 19 (14 April 2014).
 10. International Tribunal for the Law of the Sea, *Advisory Opinion on Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area* (Advisory Opinion) ITLOS Case No 17 (1 February 2011).

perform their duties in protecting their flag.

This research confirms the argument that the maritime law order can remain stable by balancing the sovereign rights and oceans as global commons. The problem with excessive coastal enforcement jurisdiction is that it threatens the freedom of navigation, and the lack of effective flag state regulation leads to regulatory holes. The main solution to avoiding a fragmentation of jurisdiction is therefore harmonised interpretation, which is based upon good faith application of the terms of the treaty, and uniform guidance of the jurisprudence.

Future governance of the sea should focus on making flag states more compliant, expanding the involvement of the dispute resolution, and collaborative regional security systems. With the increasing strategic competition of the maritime spaces, the integrity of international maritime law will have to be maintained by an adaptive but principled interpretation balancing the security demands with principles of the law of the sea.

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