Hydropolitical Currents: Charting the IMO’s engagement in the Red Sea Crisis

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May 2025

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Word count (excl. p. 1-3):	14976
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Acknowledgements

I would like to express my gratitude to my supervisor, Dr. Alanna O'Malley, and to my colleagues at the Dutch Scientific Council for Government Policy (WRR). The thoughtful conversations, both in and outside our office in The Hague, were incredibly helpful.

I am also appreciative of the insightful discussions I shared with Jan Rietberg and Barbara Versfelt, who generously shared their professional experience and exchanged valuable perspectives on the topic with me.

Lastly, I wish to express my heartfelt appreciation to my mother, friends and partner, who functioned as a sounding board and made sure I kept both feet on the ground.

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List of Abbreviations

AIS	Automatic Identification System
BMP	Best Management Practice
BMS	Bab el-Mandeb Strait
DCoC(-JA)	Djibouti Code of Conduct (-Jeddah Amendment)
EEZ	Economic Exclusive Zone
EUNAVFOR	European Naval Forces
ICJ	International Court of Justice
IMCO	International Maritime Consultative Organization
IMO	International Maritime Organization
ITCP	Integrated Technical Cooperation Programme
ITLOS	International Tribunal for the Law of the Sea
MSC	Maritime Safety Committee
RSC	Red Sea Crisis
SUA Convention	Convention for the Suppression of Unlawful Acts
UAV	Unmanned Aerial Vehicle
UNCLOS	United Nations Convention on the Law of the Sea
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
(UN)SG	(United Nations) Secretary-General

Introduction

In the north of the Netherlands lies the Wadden Sea (Waddenzee), a unique tidal area where the sea cyclically withdraws and returns, exposing the seabed before reclaiming it again. Dutch sailors have learned to navigate this shifting boundary between land and sea - a space that cannot be defined by borders.

This thesis takes the metaphor of the Waddenzee and expands it to a global scale. Like the Waddenzee, maritime spaces in international relations are fluid, shifting, and resistant to territorial control. Today, like a rising tide, the maritime domain is undergoing a profound geopolitical and institutional transformation. In an era defined by the fragmentation of power, competing worldviews and growing instability, the sea has re-emerged as a central theatre for contestation. Naval ambition is once again reshaping global power dynamics. Emerging powers such as India are engaging in a rapidly intensifying naval competition. The Chinese navy is expanding both in scale and assertiveness, signalling its intent to challenge the existing balance of power at sea. In Europe, the EU is taking steps to safeguard its maritime strategic autonomy with EUNAVFOR (European Naval Forces).[1] Geography has always been a core component of international relations. After all, geopolitics literally means the politics of *geo*, earth. While land-based considerations have long dominated strategic thinking, the maritime domain is once again assuming critical importance. As the Dutch Scientific Council for Government Policy (WRR) notes in its report *The Netherlands in a Fragmenting World Order*: "The seas form a classical stage of geopolitics, which is gaining new weight in the current era."[2]

This naturally draws attention to the International Maritime Organization (IMO), the UN specialised agency responsible for maritime safety and security, which is increasingly being drawn into political waters as pressures in the maritime domain intensify. To explore the evolving maritime order, this thesis focuses on the Red Sea Crisis (RSC), which escalated in late 2023 following an increase in Houthi-led attacks on international commercial shipping. Rooted in broader regional tensions, including the war in Gaza, the RSC has evolved into a global crisis, disrupting one of the world's busiest maritime transits: the Red Sea - including

[1] Bueger, C. & Edmunds, T., 'Beyond seablindness: a new agenda for maritime security studies', *International Affairs* 93:6 (2017) 1293-1311; Council of the European Union, General Secretariat, *The EU: from maritime actor to sea power* (2023); Kardon, I., *China's Law of the Sea: The New Rules of Maritime Order* (Yale 2023).

[2] Wetenschappelijke Raad voor het Regeringsbeleid (WRR), *Nederland in een fragmenterende wereldorde* (2024), p47, translation by author.

the Gulf of Aden, Suez Canal, and Bab el-Mandeb Strait (BMS). The disruption of these maritime chokepoints reveals much about the functioning and limitations of international maritime governance. Although the United Nations presented its *Pact for the Future* in September 2024, a reform agenda prompted by growing criticism over inaction in Ukraine, Palestine and Sudan, the document devoted only limited attention to maritime security.[3] A glaring oversight given the crises unfolding at sea. This reflects a broader blind spot in institutional imagination: the sea remains marginal in mainstream global governance debates.

The argument this research presents is threefold. First, it contends that the maritime sphere is undergoing a structural shift, reflecting the cyclical nature of the maritime order and calling for renewed scholarly and institutional attention. Second, it argues that the IMO, while central to the legal architecture of maritime governance, both lacks the capacity and fails to effectively deploy the tools it does possess to address contemporary security threats. Third, it proposes a new conceptual lens - the hydropolitical approach - as a way forward. The research question guiding this thesis is: "*What are the strengths and limitations of the International Maritime Organization in responding to the Red Sea Crisis, and how might a hydropolitical approach offer the foundations for a renewed framework of maritime governance in a multipolar world?*"

The hydropolitical perspective (Greek: ὕδωρ (hudōr) 'water'), as conceptualised by contemporary Dutch philosopher Haroon Sheikh, challenges territorial assumptions embedded in IR theory. Where geopolitics (γῆ (gê) 'land') conceptualises power through land, hydropolitics takes water as its point of departure for understanding power and space. It foregrounds the sea as a fluid political space, governed by diffuse authority and dynamic legal ambiguity.[4] While legal and historical scholarship has explored parts of this terrain, international relations theory has yet to fully grapple with the governance vacuum created by legal pluralism and fragmented security architectures at sea.[5] This thesis seeks to address that gap by bringing IR into direct engagement with the sea as a politically charged and institutionally under-theorised space.

The novel hydropolitical approach is necessary, because the limitations of the IMO are not merely institutional, but also conceptual. Its state-centric design reflects a vision of governance that assumes cooperation among states and downplays the role of non-state actors

[3] UN, *Summit of the Future Outcome Documents* (September 2024), Chapter II, Action 22, p18.

[4] Sheikh, H., *Hydropolitiek* (Boom 2019).

[5] Bueger, C. & Edmunds, T., 'Beyond seablindness: a new agenda for maritime security studies' (2017).

and enforcement asymmetries. As such, the RSC reveals a core paradox: although the IMO is legally mandated to maintain order at sea, it does not have the political authority to respond decisively in times of crisis. Enforcement thus reverts to coalitions of the willing, bypassing formal institutional channels and weakening the IMO's legitimacy. Moreover, the IMO has traditionally been analysed through the lens of sustainability and safety, rather than political conflict. This thesis offers a contribution by placing the IMO in the heart of political friction, showing how it is being politicised and drawn into new terrains of maritime governance.

The thesis is structured as follows. Chapter one addresses the theoretical blind spots within IR concerning the sea, focusing on the "territorial trap" and conceptual ambiguities surrounding maritime space. Chapter two situates the RSC within its historical, economic and political context, outlining both its contested past and present-day pressures. Chapter three examines the legal framework of the IMO and its mandate, with a clear focus on the United Nations Convention on the Law of the Sea (UNCLOS). Chapter four analyses UNSC Resolution 2722 as a window into the evolving dynamics of maritime governance, using it to assess the structural limitations and understated influence of the IMO. Chapter five brings these insights together and makes a case for the hydropolitical approach, highlighting the need for institutional reform.

Methodologically, the thesis relies on qualitative analysis of available legal texts, institutional documents and policy discourse. Access to source material in the (online) IMO archive was limited, and inquiries sent by the author went unanswered. Given these constraints, as well as the ongoing nature of the RSC, this study does not aim for exhaustiveness, but rather for conceptual abstraction. It interprets institutional responses and silences as indicative of broader developments within the international system.

In sum, this study makes the case that if the IMO is to remain relevant, it must reimagine its function beyond narrow technical roles and embrace the inherent political nature of maritime space. As Sir Walter Raleigh famously declared: "Whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world, and consequently the world itself."[6] The stakes of maritime governance are high. This thesis contributes to the rethinking of authority at sea and the future of institutional capacity, in a world where the tides of global order are rapidly changing.

[6] Raleigh, W., 'A Discourse of the Invention of Ships, Anchors, Compass, etc.', in: Oldys and Birch, *The Works of Sir Walter Raleigh* vol. 8 (1965), p325.

CH1: Concepts and theories in maritime governance

Since its founding, the IMO has significantly contributed to the legal framework governing the maritime domain. In doing so, it has engaged both directly and indirectly with fundamental conceptual issues of maritime governance. This chapter offers a theoretical overview of key debates and concepts in the field of maritime governance, focusing on the (de-)territorialisation of the sea, spatial authority, maritime security and the rules-based maritime order. These concepts are not isolated; they form a web of interconnected dynamics that shape the challenges and limitations of maritime governance today. However, despite a growing body of literature engaging with the politics of maritime space, a significant research gap remains. While scholars have examined maritime governance through legal, historical and economic lenses, the contemporary role of multilateral, rules-based maritime governance - as performed by the IMO - has received little attention. Much of the existing scholarship has focused on environmental regulation or broad theoretical frameworks, leaving underexplored how this maritime institution functions in crises. By investigating the IMO's role in the RSC, this thesis seeks to fill that gap and contribute to a deeper understanding of maritime international relations.

(De-)territorialising the sea

To understand the complexities of maritime governance, one must begin with acknowledging the unique spatial characteristics of the sea. Unlike land, the sea resists fixed borders and permanent control. Its fluidity undermines the traditional Westphalian notion of absolute state sovereignty and territorial control. As such, the sea presents a conceptual challenge to the discipline of IR, which has traditionally focused primarily on land-based frameworks and territory-bound politics.[7]

This theoretical challenge has deep historical roots. Hugo Grotius' *Mare Liberum* (1609) argued that the sea could not be owned or occupied, framing it as a *res communis*: a common property to all. Grotius laid the foundation for the principle of the freedom of the seas, which continues to underpin modern maritime governance. As Danielle Kroon notes: "it (mare liberum) is the continuing limiting principle that all future action and potential

[7] Agnew, J., 'The territorial trap: The geographical assumptions of international relations theory', *Review of International Political Economy* 1:1 (1994) 53-80; Blachford, K., 'Ocean flows and chains: sea power and maritime empires within IR theory', *Cambridge Review of International Affairs* (2022) 44-59; Łukaszuk, T., 'The Concept of Maritime Governance in International Relations', *International Relations* 54:4 (2018) 123-145.

encroachments must be measured against." Nevertheless, Grotius was also met with criticism. John Selden countered Grotius with the *Mare Clausum* thesis in 1631, asserting that seas adjacent to coastal states should be subject to exclusive national control.[8]

These competing views on maritime spaces have echoed through history, not only in legal thought but also in classical geopolitical thinking. Halford Mackinder for instance, with his Heartland theory, emphasised the critical importance of land-based dominance, which aligns with the concept of "closed seas", in which territorial control is paramount. In contrast, Alfred Thayer Mahan, who focused on the strategic power of navies, argued that control of the seas and sea lanes was central to global influence. Their theories underline a broader geopolitical debate: Mackinder's focus on land dominance aligns with a territorial approach, akin to Selden's views, while Mahan's emphasis on maritime power advocates for freedom of movement across the seas, beyond territorial boundaries.[9] These opposing views - open versus closed seas - continue to shape legal and political debates today. In the RSC, this debate is embodied by shipping companies and multilateral institutions that advocate for free transit, while regional powers assert control based on geographical proximity and naval presence.

Although the current scale of maritime contestation is alarming, it is not unprecedented. Just as tidal areas like the Waddenzee are shaped by recurring cycles of ebb and flow, so too is the history of maritime foreign policy marked by alternating periods of openness and closure.[10] Philip Steinberg argues that the construction of ocean space has evolved in tandem with shifting world orders, from mercantilist and colonial to post-industrial.[11] Kevin Blachford emphasises that technological and geographical developments have historically redefined a state's authority at sea.[12] Efthymios Papastavridis further points out that Grotius' ideal of *Mare Liberum* was never absolute, but that "it has always been

[8] Kroon, D., 'The End of Freedom of the Seas?', *The International Lawyer* 52:2 (2019) 299-326; Somos, M., *Empire and Legal Thought, chapter 12: Open and Closed Seas: The Grotius-Selden Dialogue at the Heart of Liberal Imperialism* (Leiden 2020).

[9] Mackinder, H.J., 'The geopolitical pivot of history', *The Geographical Journal* 23:4 (1904) 421-437; Mahan, A.T. *The influence of sea power upon history: 1660-1783* (1890).

[10] Cafruny, A., 'Class, State, and World Systems: The Transformation of International Maritime Relations', *Review of International Political Economy* 2:2 (1995) 285-314.

[11] Steinberg, P.E., *The Social Construction of the Ocean* (Cambridge 2001).

[12] Blachford, 'Ocean flows and chains' (2022).

qualified by *Mare Clausum* claims for jurisdiction".[13] In this light, the current crisis unfolding at sea may signify a long-term turn away from liberal sea governance toward a more territorialised and securitised order, making it a compelling subject of investigation for this thesis.

The transition from an open, liberal maritime order to contested and securitised seas requires a theoretical lens that captures the sea as a dynamic and political space. Haroon Sheikh's concept of hydropolitics highlights water's role in shaping political and economic power. His book *Hydropolitiek* argues that access to water underpins national power, as it offers both economic opportunities and strategic advantages. Sheikh's work offers a philosophical lens through which the sea is understood as an active force in shaping international relations, thus offering a valuable complement to traditional geopolitics.[14]

This thesis builds on Sheikh's contribution by grounding his notion of hydropolitics in more robust academic literature. Scholars like Laleh Khalili and Vanessa Ogle offer deeper insights into how maritime space interacts with sovereignty and institutional authority. Khalili, for instance, explores the securitisation of EEZs, particularly in the Gulf region, where military deployments intersect with commercial shipping routes. She highlights how liberal legal frameworks often clash with the realities of strategic power projection. Ogle, on the other hand, demonstrates how maritime legal regimes have historically enabled capitalist expansion, reinforcing inequality while operating under the guise of neutrality.[15] The sea has thus become what Rebecca Strating calls a "legal grey zone"; a space where "sovereignty is contested, undermined, evaded, and called into question", in the words of Allison Mountz. Investigative journalist Ian Urbina captures the consequences of this legal and institutional ambiguity by describing the ocean as the *Outlaw Ocean*: a place where crimes such as human trafficking, illegal fishing and abuse of seafarers occur due to the absence of effective

[13] Papastavridis, E., 'The Right of Visit on the High Seas in a Theoretical Perspective: *Mare Liberum* versus *Mare Clausum* Revisited', *Leiden Journal of International Law* 24 (2011) 45-69, 68

[14] Sheikh, *Hydropolitiek* (2019).

[15] Ogle, V., 'Archipelago Capitalism: Tax Havens, Offshore Money, and the State, 1950s-1970s', *American Historical Review* 122:5 (2017) 1431-1458; Khalili, L., *Sinews of War and Trade* (London 2020).

governance.[16] Conversely, Richard Collins argues that it is unreasonable to speak of total lawlessness at sea, pointing to the legal frameworks of UNCLOS and the IMO.[17]

These perspectives highlight how maritime space complicates political authority, offering key insights for rethinking IR beyond its land-based foundations. This emerging body of scholarship is brought to together in *The Sea and International Relations* (2022), edited by Benjamin de Carvalho and Halvard Leira. The volume introduces the concept of "international terraqueous relations", which challenges the land-bias in IR by treating the sea as an agentic space with its own logic of power of temporality. Their scholarship is supported by Odakkal Johnson and Priyanka Choudhury, who emphasise the idea of the high seas as part of the global commons - fundamentally at odds with state-led territorialisation efforts. Liam Campling and Alejandro Colás extend this critique with their concept of "terraqueous territoriality", highlighting the transformative materiality of the sea and its disruptive impact on spatial order. Together, these scholars call for a paradigm shift in how IR understands the maritime domain.[18]

Threats to maritime security

The armed assaults by the Houthis on commercial shipping routes in the Red Sea make clear that the freedom of the seas, long a cornerstone of the global maritime order, is not guaranteed. *Maritime security* is thus increasingly under threat, yet it remains poorly defined. It is often associated with piracy, terrorism, smuggling and armed conflict at sea, but it lacks a universally accepted definition. Natalie Klein offers a useful conceptual distinction between maritime *safety* - aimed at preventing accidents at sea - and maritime *security*, which concerns the protection against unlawful, often violent, acts. She defines maritime security as: "Those measures employed by owners, operators, and administrators of vessels, port facilities,

[16] Strating, R., 'Assessing the maritime 'rules-based order' in Antarctica', *Journal of International Affairs* 76:3 (2022) 286-304, 299; Mountz, A. 'Political geography I: Reconfiguring geographies of sovereignty', *Progress in Human Geography* 37:6 (2013) p832; Kroon, 'The End of Freedom of the Seas?' (2019) 319; Urbina, I., *The Outlaw Ocean: Journeys across the last untamed Frontier* (New York, 2020).

[17] Collins, R., 'An "Outlaw Ocean" or "Lawless" Space? Revisiting the High Seas Regime under (and after) UNCLOS 1982', in: Siig, K. et al. (eds.), *UNCLOS as a system of regulation – an exploratory and methodological study* (Routledge 2021).

[18] De Carvalho, B. & Leira, H. (eds.), *The Sea and International Relations* (Manchester 2022); Johnson, O. & Choudhury, P., 'Maritime Theory Approach for Functional Effectiveness in the Indo-Pacific', *India Quarterly: A Journal of International Affairs* 76:3 (2020) 444-460; Campling & Colás, 'Capitalism and the sea' (2018).

offshore installations, and other marine organizations or establishments to protect against threats, seizure, sabotage, piracy, pilferage, annoyance or surprise."[19] This expansive definition underscores the complexity of the issue. Different actors face different risks: for private operators it is the safe passage of cargo; for governments, it is national sovereignty and regional influence. Renee de Nevers highlights a structural divide in global maritime governance: she observes a disconnect in the relationship between naval power, economic strength and the ship's flag.[20] Due to the open registries of ships, commercial maritime power rests with a range of states, most of which possess almost no military capability to safeguard their fleet, such as Panama, Malta and the Marshall Islands.[21] Therefore, De Nevers concludes that states perceive threats to national security and threats to commerce as distinct, thus complicating maritime security.[22] As a result, threats to commerce and threats to state security are treated separately, weakening collective response mechanisms. The result is not a power vacuum per se, but a fragmented governance system where jurisdiction, enforcement, and responsibility are diffused across multiple actors.

These threats also reflect broader trends in global politics. The growing global disharmony is often attributed to the erosion of American hegemony. Under the relative stability of the 'Pax Americana', the use of military force in maritime spaces had become less visible, and the maintenance of order at sea was largely delegated to informal alliances and norms.[23] The United States, possessing the world's largest naval fleet, traditionally pursued a naval policy asserting that it "will exercise and assert its rights, freedoms, and uses of the sea on a worldwide basis in a manner that is consistent with the balance of interests" reflected in UNCLOS.[24] Notably, however, the United States has never ratified UNCLOS. As geopolitical rivalries intensify, and United States authority becomes more selective or conditional, maritime law and governance structures are being tested.

[19] Klein, N., *Maritime Security and the Law of the Sea* (Oxford 2011), 8.

[20] De Nevers, R., 'Sovereignty at Sea: States and Security in the Maritime Domain', *Security Studies* 24:4 (2015) 597-630, 602.

[21] Ibid., 598.

[22] Ibid., 605.

[23] Regilme & Parisot, *American Hegemony and the Rise of Emerging Powers* (2017).

[24] Reagan, R., 'Statement on US Ocean Policy' (3 October 1983).

The institutionalised maritime order

Despite the fragmentation described above, the contemporary order is not without structure. UCNLOS (1982) and the IMO represent attempts to codify legal norms and procedures for the governance of the sea. When the IMO was officially recognised as a "competent international organization" under UNCLOS, it was entrusted with both standard-setting and legislative authority, underscoring the pursuit of a rules-based order.[25]

However, as Barry Ryan observes, "the spatial politics of the sea has continued apace", indicating that current tensions outpace legal codification.[26] In regions like the Red Sea, legal norms indeed clash with national strategies and military realpolitik. Rebecca Strating warns that the rules-based order faces a structural conflict between rule-breakers versus rule-abiders, highlighting the integral problem of the rules-based order. She argues that despite its strengths, "the maritime 'rules-based order' faces several issues, such as overlapping legal regimes, conflicting interpretations and unequal enforcement."[27]

Among the biggest challenges is conjugating the liberal principle of the freedom of the seas as a global common, with the drive of states to secure their sovereignty. Danielle Kroon highlights the intrinsic tension in the law of the sea: between sovereign rights and the freedom of navigation.[28] This tension demands extensive national, jurisdictional, and public-private coordination to effectively address the problems that arise.[29] Additionally, the IMO's authority is challenged by what Kristine Kern and Judith van Leeuwen call a 'decentralised institutional complex', where actors outside the IMO - such as the EU - pursue independent agendas. The EU's proactive measures, which go beyond IMO standards, exemplify how dissatisfaction with slow multilateral processes can lead to governance fragmentation.[30]

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[25] Balkin, R.P., 'The IMO and Global Ocean Governance: Past, Present, and Future', in: Attard, D.J. et al. (eds.), *The IMLI Treatise on Global Ocean Governance: Volume III: The IMO and Global Ocean Governance* (Oxford 2018).

[26] Ryan, B., 'The Disciplined Sea: A History of Maritime Security and Zonation', *International Affairs* 95:5 (2019) 1055-1073, 1055.

[27] Strating, 'Assessing the maritime 'rules-based order' in Antarctica' (2022) 291.

[28] Kroon, 'The End of Freedom of the Seas?' (2019) 307.

[29] Bueger, C. & Edmunds, T., 'Beyond seablindness: a new agenda for maritime security studies' (2017); Campling, L. & Colás, A., 'Capitalism and the sea: sovereignty, territory and appropriation in the global ocean', *Environment and Planning D: Society and Space* 36:4 (2018) 776-794.

[30] Kern, K. & Van Leeuwen, J., 'The External Dimension European Union Marine Governance: Institutional Interplay between the EU and the International Maritime Organization', *Global Environmental Politics* 13:1

Even within its formal structure, the IMO's role is not without controversy. Internal deficits and past jurisdictional volatility complicate the organisation's ability to fulfil its mandate.[31] Four issues stand out. First, the IMO is marked by the disproportionate influence of powerful member states, particularly those with large shipping registries such as Panama and Liberia; countries often accused of facilitating 'flags of convenience'. Second, the availability of open and private registries means that vessels can be registered in states with limited enforcement capabilities. Third, industry actors, including powerful lobbying organisations like the International Chamber of Shipping and BIMCO, exercise influence on IMO decision-making. Finally, delegate states often lack mechanisms of accountability; national IMO delegates are typically drawn from maritime industries themselves, raising questions about conflicts of interest and democratic oversight.[32]

The mentioned issues are problematic given the increasing politicisation of maritime spaces. While the IMO has been subject to widespread criticism for its sluggish environmental governance, its authority must especially be reassessed considering evolving political pressures. Notably, much of the literature critiques the IMO's environmental performance: fewer studies explore its capacity to respond to conflict-related crises.[33] This thesis aims to fill that gap by using the RSC as a lens to examine the limits and possibilities of maritime governance. The following chapter explores the RSC in detail, illustrating how the theoretical tensions discussed here play out in one of the world's most strategically contested waterways.

(2013) 69-87; Molenaar, E.J., 'Options for Regional Regulation of Merchant Shipping Outside IMO, with particular Reference to the Arctic Region', *Ocean Development & International Law* 45:3 (2014) 272-298.

[31] Bach, H. & Hansen, T. 'Flickering guiding light from the International Maritime Organization's policy mix', *Environmental Innovation and Societal Transitions* 47 (2023) 1-21.

[32] Chircop & Shan, 'Governance of International Shipping' (2020); Yeremenko, K. 'International Maritime Organization and Decarbonization of Maritime Industry: Mandate and Instruments', *Lex Portus* 8:3 (2022) 30-57; Transparency International, *Governance at the International Maritime Organization: the case for reform* (2018); Bach, H. & Hansen, T. 'Flickering guiding light from the International Maritime Organization's policy mix' (2023).

[33] Germond, B. & Ha, F.W., 'Climate change and maritime security narrative: the case of the international maritime organization', *Journal of Environmental Studies and Sciences* 9 (2018) 1-12.

CH2: Dissecting the RSC

This chapter examines the RSC as a stress test for the global maritime order. It reveals how multilateral frameworks struggle to respond effectively when confronted with non-state actors such as the Houthis. The RSC highlights the paralysis of international institutions in navigating legal ambiguity, fragmented authority, and the political weaponisation of maritime space. Focusing on the maritime zones around Yemen, the Bab el-Mandeb Strait (BMS), the Gulf of Aden, and adjacent waters, the chapter examines how overlapping claims by the Yemeni government, the Houthis, and external powers have created a contested, unstable environment. These waters operate as political grey zones, where strategic power projection fills the void. After tracing the origins and evolution of the crisis, the chapter analyses its implications for maritime security, economic stability, and international relations.

Origins of the RSC

Although the term 'Red Sea Crisis' gained prominence only in late 2023, its origins are embedded in a much longer trajectory of instability, securitisation and power projection. Piracy, primarily off the coast of Somalia, was once the leading security concern. Through extensive naval operations and international agreements in the early 2000s, piracy has largely been suppressed. However, the heavy naval presence established during that period remains, significantly influencing regional power dynamics.[34] Today, the civil war in Yemen has displaced piracy as the foremost source of instability. The war, ongoing since 2014, is a complex conflict that is rooted in political, sectarian, and regional rivalries. It began when the Houthi rebels, a Shia group from northern Yemen, seized the capital, Sanaa, and ousted president Hadi. This led to the intervention of a Saudi-led coalition, which supports the Yemeni government and fears the Houthis' ties to Iran. Despite multiple attempts at peace talks, the war persists, with no clear resolution in sight.[35]

The Houthis control much of northern and western Yemen, including the capital Sanaa and key Red Sea coastal areas like Al-Hudaydah, giving them strategic access to maritime routes. In Yemen, this has resulted in contested sovereignty, where the Houthis de facto

[34] Besenyő, J. & Sinkó, G., 'Combating piracy strategically: Analysing the successes and challenges of NATO and EU interventions off the Somali coast', *The South African Journal of International Affairs* 29:3 (2022) 295–309.

[35] Johnsen, G. & Juneau, T., 'Proxy War Dynamics in Yemen', in: Moghadam, A. et al. (eds.), *Routledge Handbook of Proxy Wars* (Routledge 2023).

control territory and exercise control, without formal recognition. This presents a challenge, as will be explored further in this thesis, because IMO frameworks assume a functioning state authority to enforce maritime norms. The war in Yemen causes current threats to maritime security, because in the absence of a staunch regime, it creates opportunities for piracy, smuggling and terrorism.[36] Additionally, it has caused a severe humanitarian crisis. According to UNICEF, the "national socioeconomic systems remain on the edge of total collapse".[37] In official communications with the IMO, the internationally recognised Yemeni government "made repeating calls regarding the danger" but also stated that "the world hardly responded to these threats until the matter reached what it has reached today."[38] Houthi maritime attacks began as early as 2015. In 2016 for instance, missile strikes took place targeted on the USS Mason and the UAE-operated HSV-2 Swift was destructed. In 2018, a Saudi oil tanker was targeted with a drone boat, leading to a temporary halt in shipments via the BMS.[39] Between 2020 and 2022, the Houthis deployed naval mines, remote-controlled explosives, and drones to attack commercial and military vessels, marking a steady evolution in their naval capabilities.

The significance of the Houthi movement lies not only in their actions but also in their status as non-state actors. Unlike the Yemeni government, they are not internationally recognised as a state. Conflicts at sea involving non-state actors differ significantly from their land-based counterparts in both legal treatment and operational complexity. On land, non-state actors are more readily addressed under established frameworks of international humanitarian law, particularly in cases of non-international armed conflict, where rules are more clearly codified. In contrast, the maritime domain lacks a similar framework for dealing with politically motivated, non-state violence. Moreover, enforcement at sea is more logistically challenging, as it involves (international) waters with limited jurisdictional clarity. While land-based conflicts can trigger mechanisms such as peacekeeping, sanctions or humanitarian intervention, maritime incidents involving non-state actors tend to fall through

[36] Maluki, P. & Njoki, F., 'Maritime Security Concerns in the Emerging Global Order: An African View on the Red Sea', *Journal of International and Area Studies* 31:1 (2024) 19-33.

[37] Unicef, What's happening in Yemen?, https://www.unicef.org/emergencies/yemen-crisis (last seen 30 September 2024).

[38] IMO, Circular Letter No.4836, Communication from the Government of the Republic of Yemen (31 January 2024).

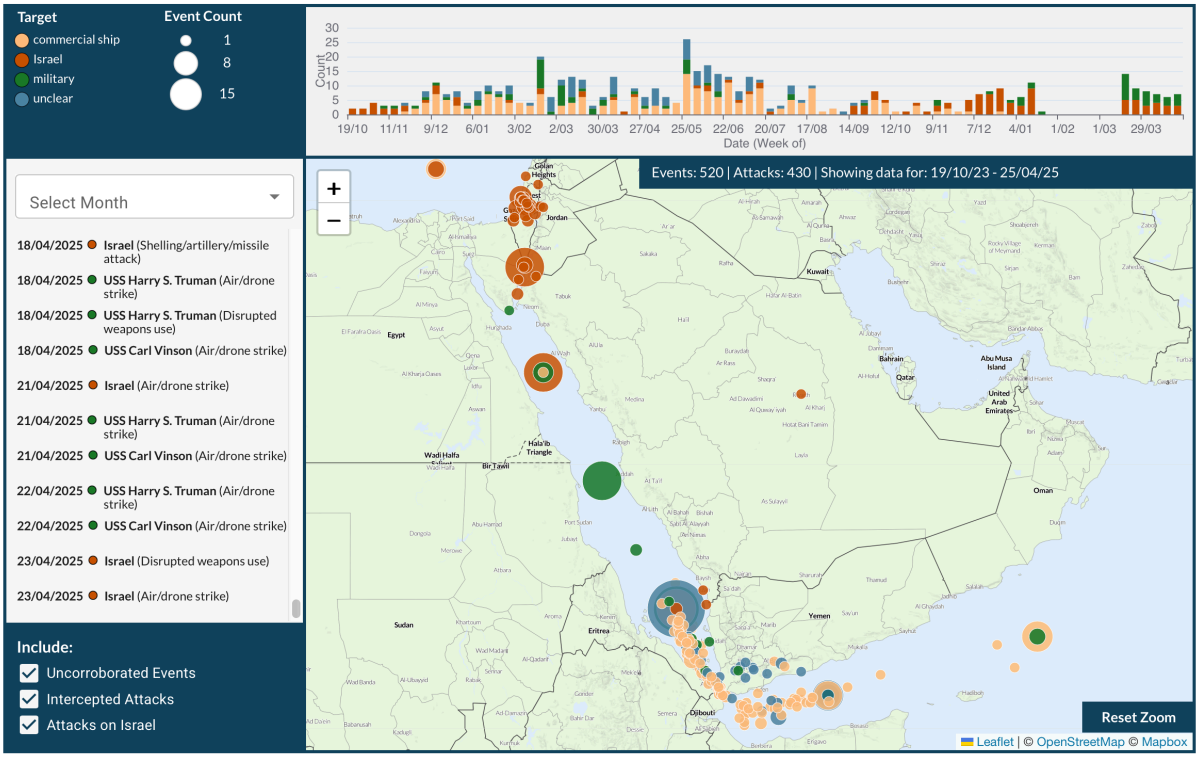
[39] Weiss, C., 'Analysis: Houthi naval attacks in the Red Sea', *FDD's Long War Journal* (17 August 2019).

the cracks of international law. The Houthis ability to exploit this legal grey zone is central to the crisis.

A marked escalation occurred on 19 October 2023, when the Houthis announced the opening of a new front against Israel. In the wake of this declaration, they began targeting commercial vessels, framing these attacks as a response to the war in Gaza and expressing open solidarity with the Palestinian cause. The attacks initially involved long-range drones and missiles - largely intercepted - but escalated spectacularly with the hijacking of the cargo ship Galaxy Leader on 19 November 2023. The vessel was rerouted to Yemen and its crew held hostage. From December onwards, the Houthis declared all ships bound for Israeli ports as targets. These actions represent a new phase in the conflict, defined by ideological alignment, increased operational capabilities, and a deliberate use of maritime violence as political leverage. The scale and explicit political framing of these attacks distinguish this phase from previous incidents. The Houthis have transformed maritime violence into a tool of political messaging, aligning their actions with the Palestinian cause and directly challenging Israeli and United States interests in the region. This use of the maritime domain for geopolitical signalling represents a significant shift. Because of the scale, fierceness and motives for the attacks, media use the term Red Sea *crisis* since October 2023. Figure 1 shows an overview of political violence and interception events associated with attacks carried out by the Houthis in the Red Sea in response to the Israel-Gaza conflict. This map displays all events recorded since 19 October 2023 by the Yemen Conflict Observatory (YCO); an initiative that collects and analyses data on the ongoing conflict in Yemen to inform the international community.[40]

[40] Acled, Red Sea Attacks: Interactive Map, https://acleddata.com/yemen-conflict- observatory/red-sea-attacks-dashboard/ (last seen 2 May 202).

Figure 1: Red Sea Attacks



Source: Acled, Red Sea Attacks: Interactive Map

Economic implications

In response to the growing threat, Lloyd's Joint War Committee (JWC) designated the Red Sea a high-risk zone on 18 December 2023. The JWC is an advisory body that provides guidance on high-risk areas for war, terrorism, and piracy, influencing insurance premiums and risk management in the global maritime industry. Indeed, their decision had immediate consequences: as shipping companies faced much higher insurance premiums, leading them to reroute their vessels around the Cape of Good Hope. They also increasingly relied on private security firms for ships that did traverse the BMS, further driving up shipping costs. While the IMO sets regulatory frameworks, it is actors like the JWC that influence commercial decisions.[41]

The global operational effects of the RSC have been profound. Since its opening in 1869, the Red Sea has served as a vital artery of global commerce. Approximately 22% of global seaborne trade transits the BMS, which connects the Indian Ocean with the Suez Canal, and the Mediterranean. However, between December 2023 and March 2024, container throughput in the Red Sea dropped by 78%. Simultaneously, by March 2024, the gross

[41] Joint War Committee Circular, 'JWC Listed Areas', *JWLA-032* (18 December 2023).

tonnage of vessels arriving at the Cape of Good Hope had risen by 85%. Between 1 December and 1 February, the cost of shipping doubled on the Shanghai-Rotterdam route, while those to Genoa rose by 350%. These increases are driven not only by longer transit times and higher fuel costs, but also by the need for enhanced security and elevated insurance rates.[42]

The economic impact of the RSC ripples across regions. Egypt, whose economy relies heavily on Suez Canal revenues, reported a 45% drop in income from the canal between late 2023 and early 2024. Impoverished South Sudan struggles to export oil - a critical component of its national budget - due to the disrupted transit routes.[43] European nations face energy insecurity as Gulf states consider redirecting their hydrocarbon export towards Asia. Meanwhile, data cables running along the seabed of the Red Sea, have also reportedly been damaged, adding a digital infrastructure dimension to the crisis.[44]

The broader international response has revealed divergent crisis management strategies. The United States launched Operation Prosperity Guardian to defend commercial shipping, asserting its traditional doctrine of global naval supremacy. The United States had hoped this operation would replicate the success of previous anti-piracy missions in Somalia, which were backed by a clear international mandate and supported by all five permanent members of the UNSC. However, since the situation with the Houthi threat to shipping presents notable differences to Somali piracy, no such unified coalition or mandate has emerged in response to the current crisis.[45] The EU, in turn, initiated Operation Aspides (‘shields’) to escort cargo vessels, emphasising multilateral coordination. In contrast, China and Russia opted for informal diplomatic engagement with the Houthis, securing safe passage without military escalation.[46] These divergent strategies underscore the absence of a unified institutional framework capable of managing systemic maritime threats.

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[42] UNCTAD, Navigating troubled waters: Impact to global trade of disruption of shipping routes in the Red Sea, Black Sea and Panama Canal (February 2024); The World Bank, Dire Strait: The Far-Reaching Impact of the Red Sea Shipping Crisis (April 2024).

[43] Lucente, A., ‘South Sudan’s oil at risk due to Sudan civil war’, *Al-Monitor* (1 March 2024); Labrut, M., ‘Suez Canal revenue drops by almost half due to Red Sea crisis’, *Seatrade Maritime News* (18 June 2024).

[44] Swinhoe, D., ‘The Houthis and the Red Sea: A new risk to subsea cables’, *Data Center Dynamics* (16 April 2024).

[45] Freebairn, T., ‘Operation Prosperity Guardian Faces Early Hurdles’, *Defense and Security Monitor* (2 January 2024).

[46] Bloomberg, ‘China, Russia Reach Agreement with Yemen’s Houthis on Red Sea Ships’, https://www.bloomberg.com/news/articles/2024-03-21/china-russia-reach-agreement-with-yemen-s-houthis-on-red-sea-ships?embedded-checkout=true (21 March 2024).

The RSC underscores a trend that scholars describe as the "weaponisation of interdependence". In the 1990s, many believed global connectivity would diminish the negative effects of geopolitics.[47] Today, this interdependence is being leveraged as a political tool. The Houthis' ability to weaponise critical trade routes demonstrates this transformation.

Hydropolitical implications

The hydropolitical lens foregrounds the Red Sea region not merely as a transit route, but as a space of contested sovereignty and institutional breakdown. Historically a sought-after corridor for trade and display of (military) power, its control is nowadays *again* fractured under contemporary international pressures. In the absence of a lasting and cohesive governance framework, it has become an arena for power competition. This quest for dominance can be witnessed in the broader Indo-Pacific region, turning the seas into a "playground for political competition".[48]

The RSC exemplifies this transformation. No single entity, state or institutional, holds definitive authority. Although most coastal states in the Red Sea region are signatories to UNCLOS, neither UNCLOS nor IMO conventions offer viable frameworks for enforcement when non-state actors disrupt international transit. Instead, we find a fragmented landscape of ad hoc enforcement, soft law, and voluntary coalitions, creating a legal vacuum easily exploited by actors like the Houthis.[49] Their strategy operates in this grey space, allowing them to assert political claims without triggering direct interstate conflict.

Since October 2023, the Houthis have used maritime violence to advance their ideological agenda and elevate their regional status. In war-torn Yemen, this bolstered their influence, particularly at a time of bilateral talks with Saudi Arabia. Moreover, the Houthis violently substantiated their claims to membership of the 'axis of resistance'; their anti-Israel aggression also functions as a fierce critique on United States interventionism - given its steadfast alliance with Israel.

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[47] Farrel, H. & Newman, A.L., 'Weaponized interdependence: how global economic networks shape state coercion,' *International Security* 44:1 (2019) 42-79.

[48] Gurjar, S., *The Superpowers' Playground: Djibouti and Geopolitics of the Indo-Pacific in the 21st Century* (Routledge 2023).

[49] Schofield, C., 'Securing the World's Most Dangerous Strait? The Bab-Al Mandeb and Gulf of Aden', in: Caron, D.D. & Oral, N., *Navigating Straits: Challenges for International Law* (Leiden 2014), 271.

Regionally, the RSC has exposed diplomatic tensions. Iran, a key backer of the Houthis, provides them with arms, intelligence, and training, avoiding direct confrontation. Although the Houthis operate independently and are not a proxy in the strict sense, their successes serve Iran's broader goal of undermining United States and Saudi hegemony in the region. For Saudi Arabia, the crisis threatens key maritime routes: the BMS in the west and the Strait of Hormuz in the east, both under (in)direct influence of Iran. Any disruption along these chokepoints directly threatens their exports and maritime security. Diplomatically, Saudi Arabia attempts to broker peace deals in Yemen, and it has started a normalisation process with Iran in March 2023, under the auspices of China.[50] The UAE, despite its significant military power, has taken a cautious approach, to avoid undermining broader commercial interests and diplomatic alignments. Egypt, which maintains a substantial naval presence in the Red Sea, has also remained diplomatically cautious, wary of military escalation. Among the Gulf Cooperation Council members, only Bahrain joined the US-led naval operation 'Prosperity Guardian'.[51]

Among global powers, divergent strategies reveal a lack of coordinated multilateral response. The United States launched Operation Prosperity Guardian, presenting itself as a defender of the Freedom of Navigation principle. Meanwhile, the EU initiated Operation Aspides to provide safe corridors for shipping, although its material capacity remains limited. China and Russia have taken a different route. Rather than deploying military assets, both powers have reportedly secured safe passage for their commercial fleets through informal diplomatic channels with the Houthis. For China, whose Maritime Silk Road hinges on uninterrupted connectivity, the Red Sea represents a vital artery in its Belt and Road Initiative. For Russia, the region aligns with its pivot to Africa and the Middle East, offering both commercial opportunities and geostrategic leverage in a post-sanctions global order.[52] India, whose exports to Europe rely heavily on Red Sea transit, has also bolstered its naval presence. However, India's close ties with Iran and its strategic autonomy doctrine limit its capacity to

[50] Figueroa, W., 'Iran-Saudi Normalization: A Regional Process with Chinese Characteristics', *Foreign Policy Research Institute* (24 March 2023).

[51] U.S. Department of Defense, Statement from Secretary of Defense Lloyd J. Austin III on Ensuring Freedom of Navigation in the Red Sea (18 December 2023).

[52] Bloomberg, 'China, Russia Reach Agreement with Yemen's Houthis on Red Sea Ships' (21 March 2024).

take a clear stance against the Houthis. As such, India's response has focused on risk management rather than deterrence.[53]

Djibouti requires extra attention as a diplomatic pivot. As a regional state, it has sought neutrality, but it finds itself caught amid competing interests. Djibouti's coastline strategically borders the Red Sea, BMS, and Gulf of Aden. Djibouti hosts military bases from France, the United States, Japan, China, Italy, Germany and Spain, making it the country with the highest per capita concentration of foreign military bases in the world. In June 2024, Saudi Arabia gained a concession to establish a 'logistics zone', further embedding another state's presence in this contested space.[54] Despite these entanglements, Djibouti has maintained a policy of strict neutrality, denying the United States permission to launch offensive operations from its territory.[55] As research by Rebecca Herman highlights, small states often find themselves balancing sovereignty with the practical need to engage in strategic cooperation with global powers. Djibouti's careful navigation of its foreign relations underscores this dynamic. This approach has allowed Djibouti to benefit economically from increased container throughput (as cargo can be distributed on land), while maintaining its neutral stance. Djibouti illustrates Herman's analysis of small-state behaviour maximising political leverage but minimising the risk of becoming a proxy in larger power struggles.[56]

Taken together, these global dynamics underscore a key argument of this thesis: the RSC is not simply a regional security issue but a failure of global maritime governance. The varied responses of regional and global actors reflect a system in which maritime security is not coordinated through collective institutions, but negotiated through bilateral deals, military presence and strategic ambiguity. This fragmentation, combined with the IMO's limited mandate and operational constraints, reveals the urgent need for institutional reform. The following chapter will turn to the legal and institutional architecture of the IMO, examining the regulatory frameworks and governance structures that constrain or enable its response to crises such as the RSC.

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[53] ENS Economic Bureau, 'Crisis can impact India as 80% of exports to Europe takes place via Red Sea: Official', *The Indian Express* (16 January 2024).

[54] Masuda, K., 'Competition of Foreign Military Bases and the Survival Strategies of Djibouti', *Ogata Sadako Research Institute for Peace and Development Knowledge Report* 8 (2023) 1-29.

[55] Mark, S., 'How Tiny Djibouti Said 'No' to the United States Over Houthi Red Sea Attacks', *Bloomberg* (16 May 2024).

[56] Herman, R., *Cooperating with the Colossus: a social and political history of US military bases in WOII in Latin America* (New York 2022).

CH3: Legal and regulatory framework

Now that the complex realities of the RSC have been laid bare, it is prudent to turn our attention toward the legal architecture that seeks to address these challenges. Although the picture painted so far has been grim, the international community is not without tools or mechanisms to respond. At the heart of the maritime legal order lies the IMO, which functions as the global standard-setter for safety, **security** and environmental regulations in international shipping. Together with the United Nations Convention on the Law of the Sea (UNCLOS), the IMO plays a critical role in defining and regulating the maritime order. This chapter unpacks the legal and regulatory framework that underpins maritime governance.

Evolution of the IMO

To understand the present structure of the IMO, its origins must be briefly revisited. Established in the mid-twentieth century as the Inter-Governmental Maritime Consultative Organization (IMCO), the organisation was created to facilitate inter-state cooperation during a time of expanding multilateralism. Initially a discussion forum, IMCO evolved into a rule-making body under the auspices of the UN.[57] It was later renamed the IMO and granted the status of a specialised UN agency, providing it with legal autonomy.[58] Today, its primary function is to facilitate intergovernmental cooperation, develop legal instruments, and promote their uniform implementation.

The IMO's authority is fundamentally rooted in its institutional relationship with UNCLOS. Between 1973 and 1982, the IMO contributed to the drafting of UNCLOS to ensure that "the elaboration of IMO instruments conformed with the basic principles guiding the elaboration of UNCLOS".[59] Although the IMO is explicitly mentioned only once in the text of UNCLOS, multiple references to the "competent international organization" unmistakably point to it. These references effectively position the IMO as the operational arm of UNCLOS, granting it a central role in the implementation and interpretation of the convention's legal framework.[60]

[57] Attard, F., 'IMO's Contribution to International Law' (2014) 487.

[58] Klein, P. & Sands, P., *Bowett's Law of International Institutions* (Maxwell 2009), 75.

[59] IMO, 'Implications of the UN Convention for the Law of the Sea for the International Maritime Organization' (2014) 8.

[60] General Assembly, A/RES/78/69 (2023).

Importantly, UNCLOS functions as a framework convention: it outlines legal principles but relies on more specific operative regulations to become actionable. These instruments are developed by the IMO, whose technical expertise and global legitimacy enable it to translate aspirational goals into standards. UNCLOS's partnership with the IMO provides the necessary institutional machinery to transform legal vision into practical governance.[61]

However, the IMO is not immune to institutional limitations. As introduced earlier, it faces a range of internal constraints, including the disproportionate influence of powerful member states, lobbying by private sector actors, and limited accountability of delegates. Powerful actors such as the International Chamber of Shipping, INTERTANKO, and classification societies like Lloyd's Register participate at committee meetings as NGOs in consultative status. Currently, seventeen interest groups operate within the IMO. While states formally hold decision-making power, private sector influence raises critical questions about the transparency, inclusiveness and balance of decision-making.[62] While these deficits are significant, this thesis deliberately refrains from pursuing a full-fledged public administration analysis. Rather, it situates the IMO within a theoretical-institutional framework, focusing on its legal function and structural position within the broader maritime order.

The United Nations Convention on the Law of the Sea

UNCLOS remains among the most widely ratified international treaties, with 170 signatories, creating a highly valuable multilateral legal framework.[63] UNCLOS was a visionary document, encompassing a range of maritime issues, acknowledging that they are interconnected and must be addressed collectively. The treaty highlights several key features: 1) delimitation, 2) environmental control, 3) marine scientific research, 4) economic and commercial activities, 5) transfer of technology, 6) settlement of disputes. [64]

One of UNCLOS's most notable achievements, was the establishment of universally recognised maritime zones. Previously, this had often been a cause for interstate disputes.

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[61] Zou, K. & Ye, Q., 'The relationship between UNCLOS and Customary International Law: Some Reflections', *Marine Policy* 154 (2023) 105691.

[62] MSC/108/2 (2024); Psaraftis, H.N. & Kontovas, C.A., 'Influence and transparency at the IMO: the name of the game', *Maritime Economics & Logistics* 22 (2020) 151-172.

[63] IMO, Ratifications by State, https://wwwcdn.imo.org/localresources/en/About/Conventions/StatusOfConventions/x-Status.xlsx (30 September 2024).

[64] UN General Assembly, *Convention on the Law of the Sea* (1982).

Through UNCLOS, a zone of twelve nautical miles was codified, within which states enjoy full sovereignty. Additionally, the Exclusive Economic Zone (EEZ) was established. This provided states with exclusive exploiting rights, but it simultaneously mandates freedom of navigation for all vessels.

However, these zones are still under political fire, relatively juvenile, and not yet universally applied and maintained. Disputes over maritime boundaries continue to fuel regional tensions, with enforcement of rights in these zones often relying more on power projection than on legal norms. Prominent examples include the South China Sea, which has fallen victim to China's expansionism, and the disputed Arctic region, which is under the jurisdiction of eight Arctic coastal states.[65] The weakness of legal norms is further amplified by a critical reality: the United States has never ratified UNCLOS, despite being a major maritime power and a key architect of the global rules-based order. The United States is part of a small group of UN member states that have not joined the convention, including Andorra, **Eritrea**, the Holy See (Vatican City), Israel, Kazakhstan, Kyrgyzstan, Peru, San Marino, **South Sudan**, Syria, Tajikistan, Turkey, Turkmenistan, Uzbekistan and Venezuela. The absence of these states, particularly a major power like the United States and regional actors like Eritrea and South Sudan, undermines UNCLOS's claim to universality and weakens its normative authority.[66]

Another deficit of UNCLOS is that, in essence, it is a peacetime treaty. It was crafted under the assumption of relative global stability. Therefore, UNCLOS does not account for armed conflicts or security threats such as those posed by the Houthis in the Red Sea. While one could consider the concept of piracy under UNCLOS, article 101 defines piracy in a narrow, more traditional sense - acts of violence committed for *private ends* on the *high seas* - which excludes *politically motivated* attacks *launched from land* using unmanned aerial vehicles (UAVs).[67] This restricts its applicability to modern threats and reflects a broader issue: the legal framework under UNCLOS does not authorise enforcement measures in response to such activities. Moreover, UNCLOS notes the principle that the high seas are to be used exclusively for peaceful purposes. It prohibits unilateral militarisation and emphasises

[65] Kardon, I., *China's Law of the Sea: The New Rules of Maritime Order* (Yale 2023); Kraska, J., *Global Swing States and The Maritime Order* (2012).

[66] IMO, Ratifications by State (September 2024); Amanuel, A.G., *Maritime Administration in Eritrea: Challenges and Future Prospects* (World Maritime University 2000) 50.

[67] UN General Assembly, *Convention on the Law of the Sea* (1982), article 101.

the role of the flag state in exercising jurisdiction over vessels.[68] While these provisions aim to preserve international peace, they inadvertently limit state responses to emerging maritime threats, especially when flag state control is weak or compromised.

In instances of dispute, the International Tribunal for the Law of the Sea (ITLOS) provides a legal mechanism for resolving disputes under UNCLOS. However, its scope is restricted to consenting state parties and excludes political or security-driven conflicts, limiting its relevance in many real-world maritime crises. Similarly, the International Court of Justice (ICJ) deals with general questions of international law but only acts upon request. In the context of the RSC, neither court has been approached, not due to institutional reluctance, but because no formal cases have been brought before them. This illustrates another structural weakness: legal institutions often remain silent during crises because of procedural and political obstacles.

It must also be noted that key legal questions arising from the RSC such as the right of self-defence, naval blockades, and engagement with non-state actors, fall outside UNCLOS and are governed by the laws of naval warfare and international humanitarian law. These bodies of law operate, while complementary, independently from UNCLOS and the IMO, and will therefore not be addressed in this thesis. Moreover, as briefly mentioned in chapter two, it is questionable to what extent these bodies of law are applicable to the Houthis. Nevertheless, this compartmentalised legal framework contributes to a fragmented landscape of maritime authority.

Regulatory and operational mandate

The IMO operates through a structured network of governing bodies: the Assembly, the Council, and five main committees, supported by various subcommittees. Among these, the Maritime Safety Committee (MSC) is most relevant to this study. They gather once or twice a year at the IMO headquarters in London. Originally focused on navigational and operational *safety*, the MSC's mandate has expanded in response to evolving maritime *security* challenges. Today, it also addresses piracy, terrorism, and other security threats at sea. While the IMO's mandate is comprehensive in theory, its operational reach is limited. The organisation depends entirely on member states for implementation and enforcement. This defines the dual nature of the IMO: it is a powerful normative entity but lacks autonomous

[68] UN General Assembly, *Convention on the Law of the Sea* (1982), article 88 + 89.

enforcement capability. Regulatory success depends on national incorporation of its instruments, a process known as "subsequent practice".[69]

IMO instruments fall into two categories: treaty instruments and non-treaty instruments. Treaty instruments, such as conventions and protocols, are legally binding once ratified.[70] A notable example is the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), adopted in 1988.[71] SUA was amended post-9/11 to cover new forms of maritime terrorism, including drone attacks. This expanded scope is particularly relevant considering current Houthi tactics in the Red Sea, demonstrating the convention's adaptability to evolving security challenges.[72] However, despite its relevance, the effectiveness of SUA is undermined by the fact that ratification and enforcement rely on domestic legal systems, resulting in fragmented and uneven global implementation.

Non-treaty instruments, though non-binding, are influential in a different way. These include codes of conduct, best management practices and capacity-building initiatives. One of the most interesting tools is the IMO-sponsored Djibouti Code of Conduct (DCoC), and its subsequent Jeddah Amendment (DCoC-JA), aimed at improving regional maritime security in the Gulf of Aden, Western Indian Ocean, and the Red Sea. The DCoC focuses on regional coordination, information-sharing and technical training, supporting the development of national legislation. By facilitating trust and cooperation among regional states, the IMO has laid groundwork for improved maritime governance.[73] Soon after the crisis began, Secretary-General Dominguez convened the signatories of the DCoC(-JA) to reaffirm the initiative's relevance and offer institutional support. Notably, participants urged the IMO to assume a leading role in shaping the response and expressed a need for various forms of capacity-building. Such engagements should be sustained, as they offer a valuable platform for regional ownership and multilateral coordination.[74]

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[69] Kardon, I., *China's Law of the Sea: The New Rules of Maritime Order* (Yale 2023); Kraska, J., *Global Swing States and The Maritime Order* (2012).

[70] Attard, F., 'IMO's Contribution to International Law' (2014) 487.

[71] UNGA, *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* (1988).

[72] IMO, *Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* (2005).

[73] IMO, *Protection of Vital Shipping Lanes* (2009).

[74] DCoC, 'DCoC/JA NFPs Extraordinary Meeting on Red Sea Threats' (15 January 2024).

Another notable initiative is the IMO's role in the EU-funded Red Sea Project, which seeks to bolster port security and regional maritime domain awareness.[75] Through these initiatives, the IMO has aligned itself with international organisations such as INTERPOL and the UNODC, extending its reach beyond traditional maritime governance and into broader law enforcement and capacity building.

Capacity building remains a core element of the IMO's mandate. The IMO acknowledges that many of its member states, particularly those in vulnerable regions, lack the institutional infrastructure to implement complex regulatory regimes. The IMO addresses these gaps through its Integrated Technical Cooperation Programme (ITCP) which "has the purpose of assisting countries in building up their human and institutional capacities for the uniform and effective compliance with the Organization's regulatory framework."[76] These initiatives are instrumental in enhancing compliance with IMO standards and promoting sustainable maritime governance. Additionally, the IMO promotes the use of Best Management Practices (BMPs) for ship operators. These instruments offer practical guidance to reduce risk from piracy and maritime violence. The last update, BMP5 (2018), assists ships in planning routes and implementing defensive protocols. Empirical data suggest that BMPs significantly improve vessel and crew security.[77]

This chapter has examined the legal and regulatory framework that governs the maritime domain, with a particular focus on the IMO and UNCLOS. While the international legal order provides a robust normative foundation, its practical implementation reveals significant weaknesses. UNCLOS was designed for a world of state-centric maritime governance during peacetime. It is ill-equipped to manage the complexities of hybrid threats, politically motivated violence and non-state actors operating in maritime theatres.

The IMO, though normatively influential, is operationally constrained. Its reliance on state cooperation limits the speeds and effectiveness of its responses. However, it does not stand powerless. Through legal instruments like the SUA Convention, cooperative initiatives like the DCoC-JA and recommendations such as BMPs, the IMO continues to adapt to

[75] MSC/108/1 (2024).

[76] IMO, 'Implications of the UN Convention for the Law of the Sea for the IMO', *study by the Secretariat of the IMO* (30 January 2014), 88.

[77] Bimco et al., BMP5, Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea (Edinburgh 2005).

emerging threats. The challenge moving forward is to bridge the gap between what the law provides, and what global security demands. The next chapter will explore how the IMO has applied this legal and regulatory arsenal to the ongoing crisis in the Red Sea, assessing its efficiency, limitations, and potential for future engagement.

CH4: The IMO, between norm and power

The RSC presents a striking example of a region where maritime security is of paramount importance due to its multifaceted significance. It is a region where the integration of multiple legal frameworks and organisations is essential to maintain stability. Currently, multilateral maritime governance is being tested by emerging threats and institutional fragmentation. While the IMO formally sits at the centre of the maritime rules-based order, its ability to manage and mitigate politically charged crises remains constrained. This chapter analyses United Nations Security Council (UNSC) Resolution 2722, adopted on 10 January 2024, as a critical entry point to assess the strengths and limitations of the IMO's role in providing maritime security in the Red Sea region.[78] In doing so, it draws from the resolution's language and institutional dynamics, culminating in a conceptual visualisation of the maritime order. R2722, which content was reiterated by R2739 on 27 June 2024, provides a compelling case study for this research not only due to its timing and content, but also due to practical constraints.[79] Direct access to primary IMO documents has been limited, and communications with the IMO went unanswered. R2722 emerges as a valuable document, as its language, silences and emphasis offer insight into how legal norms, institutional roles and operational capacities are navigated and negotiated. As such, R2722 offers an opportunity to explore the institutional contours of maritime governance. This chapter does not seek to quantify the impact of the IMO but rather uses R2722 as a lens through which the underlying theoretical assumptions of this study can be explored and substantiated.

Resolution R2722

From the outset, R2722 condemns Houthi-led attacks on commercial vessels and reaffirms that "international law, as reflected in UNCLOS, sets out the legal framework applicable to activities in the oceans, including countering illicit activities at sea."[80] The invocation of UNCLOS confirms the continued - or perhaps aspirational - authority of formal legal instruments. However, despite the clear maritime focus, the IMO is explicitly mentioned only once: "Commends the efforts by Member States within the framework of the IMO, to enhance the safety and secure transit of merchant and commercial vessels of all States through the Red

[78] Security Council, S/RES/2722 (2024).

[79] S/RES/2739 (2024).

[80] Security Council, S/RES/2722 (2024).

Sea."[81] This formulation recognises the IMO's normative legitimacy but does not assign it operational leadership. The pattern is familiar: previous resolutions, such as R1816 (2008), R1838 (2008) and R1918 (2010), acknowledged the IMO as a key actor in maritime law and security, but limited its role to advisory or technical capacities.[82] The UNSC maintains this posture in R2722, inviting the IMO's involvement while prioritising the authority of sovereign states and regional naval coalitions.

The marginalisation of the IMO is not solely the result of being passive or political sidelining. It also the result of the legal ambiguities that surround this crisis. While R2722 underscores the "importance of the exercise of navigational rights and freedoms of vessels of all States", and stresses that "the transit passage of merchant and commercial vessels through the Red Sea must continue unimpeded", such affirmations are insufficient when the framework it addresses - UNCLOS - does not align with operational needs.[83] UNCLOS, while foundational, was crafted in and for a context of peacetime stability, and its doctrinal architecture reflects that purpose. In February 2024, IMO Secretary-General Arsenio Dominguez openly acknowledged in a statement concerning the RSC that general international law, rather than UNCLOS, must govern cases of naval warfare - a rare admission of the limitations of the prevailing legal framework.[84] UNCLOS codifies the principles of innocent passage and transit passage, ant it defines piracy in article 101 as illegal acts of violence committed "on the high seas" by private actors "for private ends". This definition is problematic when applied to modern threats, such as the politically motivated attacks, originating from land, carried out by non-state actors with governmental capabilities, as is the case with the Houthis. The same applies to attacks conducted with aerial drones, missiles, or other technologies not foreseen by the drafters of UNCLOS. These doctrinal gaps, combined with the legal limits on militarisation and the absence of explicit enforcement provisions within UNCLOS, paralyse it in the face of such threats.

Moreover, R2722 avoids directly invoking Chapter VII of the UN Charter - *Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression* - which would explicitly authorise enforcement action. Instead, it offers a more ambiguous statement:

[81] Ibid.

[82] S/RES/1816 (2008); S/RES/1838 (2008); S/RES/1918 (2010).

[83] S/RES/2722 (2024).

[84] Dominguez, A., 'Applying the Law of the Sea to Protect International Shipping', *UN Chronicle* (28 February 2024).

"Affirms the exercise of navigational rights and freedoms by […] vessels, in accordance with international law, must be respected, and takes note of the right of Member States, in accordance with international law, to defend their vessels from attacks."[85] This wording has led to divergent interpretations among member states. Since 11 January 2024, the United States and the United Kingdom (supported by Australia, Bahrein, Canada and the Netherlands) have repeatedly bombed Houthi targets in Yemen, claiming that their military intervention was consistent with R2722 and their countries' right to self-defence. However, their air strikes were met with considerable criticism. Importantly, R2722 does not, by itself, provide a legal foundation for such military actions. The ICJ has previously made a significant ruling that an attack on a vessel flying a state's flag does not automatically constitute an armed attack on the state itself under Article 51 of the UN Charter. This ruling highlights that actions taken in the name of self-defence must meet different legal standards than simply the flag of the attacked vessel.[86] The ambiguity introduced in R2722 creates a legal grey zone where states assert authority based on perceived rights, while multilateral institutions like the IMO are left without clear mandates to address such complex situations.

At sea, this divergence manifested in the form of parallel naval responses. The US-led Operation Prosperity Guardian aimed to replicate earlier anti-piracy missions off Somalia, but in the absence of a unified UNSC mandate, it lacked comparable legitimacy and cohesion. Meanwhile, the EU launched Operation Aspides with a strictly defensive mandate - protecting vessels, escorting convoys, and enhancing maritime situational awareness - explicitly aligned with R2722. The IMO acknowledged Aspides' compliance with international law and simultaneously offered institutional support to both missions. It played a pivotal role behind the scenes by facilitating communication between naval actors.[87]

Although the IMO does not possess enforcement powers and remains formally absent from military mandates, its role resurfaces more prominently in the resolution's emphasis on capacity building. This reveals a different mode of influence: one where the IMO leverages its expertise, convening power and technical assistance to strengthen maritime governance in the region. R2722 "encourages Member States to support capacity building efforts of the Yemeni

[85] S/RES/2722 (2024).

[86] Svicevic, M., 'Strikes Against the Houthis: the Relationship Between Resolution 2722 (2024) and the Right of Self-Defense', *Articles of War* (6 February 2024); I.C.J., 'Oil Platforms (Islamic Republic of Iran v. US of America)', *Judgement, I.C.J. Reports* (2003) 161.

[87] MSC/108/1 (2024) 3.

Coast Guard" and calls for continued support to "coastal and port States in the Red Sea and Bab al-Mandeb" through "relevant UN entities," reiterating that "States in the region have a leadership role to play, in close cooperation with regional and sub–regional organizations, in contributing to peace and security."[88] This language points directly to the IMO's existing strengths. Through its ITCP, the IMO has long provided training, legal advice, and institutional support to states with limited maritime capabilities. Its leadership in the DCoC-JA has helped frame a regional consensus on combating maritime insecurity, and its collaboration with INTERPOL, UNODC, and EU-funded regional initiatives further underscores its capacity to act as a norm-diffuser and technical enabler. A particularly illustrative example is Yemen: the maritime nature of the RSC prompted the Yemeni government to contact the IMO directly, showing the IMO's relevance in such maritime crises. In its communication, Yemen stressed that "the best approach (…) is to support the Yemeni government politically, economically, and militarily, and provide it with the needs required to build and strengthen the capabilities of the national army and the coast guard."[89] While the IMO cannot fulfil all these requests, its engagement as a neutral, technical partner reflects its broader role in sustaining maritime governance amid political instability. These quieter forms of influence may not generate headlines, but they contribute to the incremental construction of a more resilient governance infrastructure. In this light, the IMO's seeming passivity during the RSC may be better understood as consistency within its core mandate.

Connecting the layers

Nevertheless, states have increasingly taken matter into their own hands, often acting outside multilateral frameworks. Until very recently, for instance, the United States conducted airstrikes in Yemen. This underscored the willingness of powerful states to prioritise immediate security and political concerns over adherence to collective norms. This fragmentation of authority mirrors the multipolar nature of the international system, as discussed in previous chapters, and presents a growing challenge to the maritime rules-based order. States increasingly engage with maritime security through bilateral agreements, regional coalitions, or direct interventions, bypassing multilateral frameworks. In this environment, the IMO's traditional model of global standardisation and universal participation faces profound challenges. Yet, paradoxically, it is precisely in such fragmented

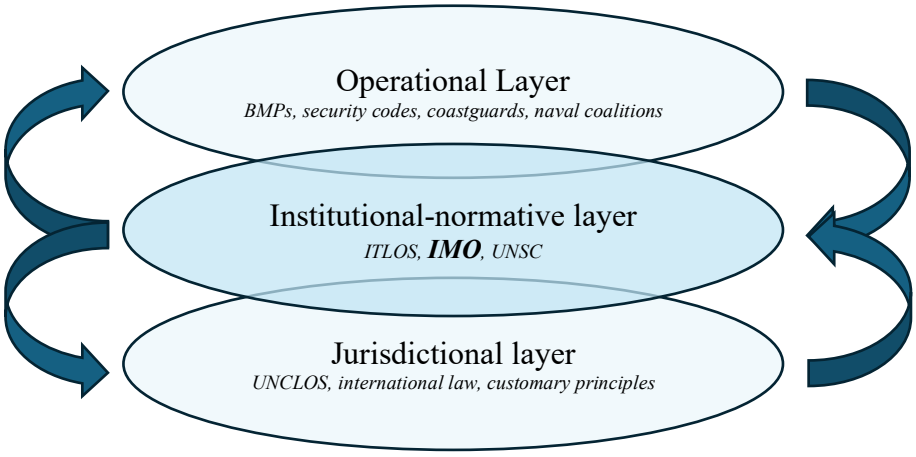
[88] S/RES/2722 (2024).

[89] IMO, Circular Letter No.4836.

contexts that the IMO's neutrality and convening authority becomes most valuable. While states increasingly pursue unilateral strategies, the IMO could continue to operate as a stabilising force, connecting actors across institutional, legal and operational divides.

To better understand these institutional dynamics, it useful to visualise the maritime rules-based order as a layered structure. It is important to recognise that, like any figure, this representation simplifies and abstracts reality, omitting the nuances, shifting interactions, and evolving complexities that define the real-world system. At the foundation lies the **jurisdictional layer**: the legal architecture composed of UNCLOS, general international law, and customary principles. This layer establishes the fundamental rules governing the maritime domain. Above this sits the **institutional-normative layer**, home to organisations such as the IMO, the ITLOS, and the UN Security Council. These bodies create, interpret, and reinforce maritime norms, translating legal principles into actionable standards and dispute resolution mechanisms. At the top is the **operational layer**, where enforcement and real-time coordination occur. Here we find practices such as the adoption of BMPs, regional security codes, coast guard activities and multinational naval coalitions. These instruments reflect the evolving security concerns and strategic interests of states and regional actors.

Figure 2: Visual representation maritime rules-based order (created by author):



Although these three layers of the maritime rules-based order function at distinct (abstraction) levels, their overlapping and interdependence is crucial to maintaining a sustainable order at sea. The IMO, positioned at the core of the institutional-normative layer, operates as a crucial link between foundational legal regimes and the implementation of practical security mechanisms. Through its standard-setting role, regulatory frameworks, and capacity-building programs, the IMO ensures that legal norms are not merely theoretical but actively shape

operational conduct. In an increasingly fragmented political environment, where power politics often undermine formal cooperation, the IMO's apolitical and technocratic character allows it to sustain cooperation where other cannot. Its quiet, rule-based influence may not generate headlines, but it is precisely this rules-based stability that enables the maritime order to absorb shocks without descending into disorder. The figure above illustrates this structural logic: without a functioning institutional-normative core, the legal foundations remain powerless, and operational responses risk becoming ad hoc and inconsistent.

In this chapter, R2722 has been used to investigate the capacity of the current maritime governance regime. It reveals both the embedded strengths and the inherent limitations of the IMO's institutional design. The resolution affirms the continued importance of legal norms and cooperative frameworks but also demonstrates how easily these can be sidelined in practice. For the IMO, this is a moment of institutional reflection. It must consider how to adapt its tools and strategies to better respond to crises characterised by legal ambiguity and political divergence. With the visualisation of the maritime rules-based order in figure two, the possibilities of the institutional-normative domain have been elucidated. In the final chapter, the findings will be reassessed and made concrete, to show what maritime governance has to win by applying a hydropolitical lens to its mandate.

CH5: Navigating the RSC

This final chapter before the conclusion addresses the core research question of this thesis: "*What are the strengths and limitations of the International Maritime Organization in responding to the Red Sea Crisis, and how might a hydropolitical approach offer the foundations for a renewed framework of maritime governance in a multipolar world?*" In doing so, this chapter synthesises the findings from previous chapters and will make an argument for the reconceptualisation of maritime governance through the lens of hydropolitics. In this research, insights from law, history and IR have been addressed. It should be mentioned that while each disciplinary perspective has its merits, this thesis demonstrated that they are individually insufficient to address the complexities of the RSC. The complexity of the RSC demands an integrative approach, one that is conceptually innovative. Only by weaving together legal structures, historical context and geopolitical analysis can we begin to grasp how maritime governance operates under conditions of contested authority and evolving threats.

Strengths and limitations

The IMO has long played a stabilising role in the global maritime order. Its strength lies in its normative authority, and its capacity to facilitate cooperation among states. Key legal instruments such as UNCLOS and the SUA Convention provide a framework for freedom of navigation and cooperation on maritime security. Although rooted in territorial assumptions such as its state-centric nature, these multilateral instruments are similarly vital in affirming a non-territorial vision of the sea, as it is a space of internationally shared responsibility rather than sovereign domination.

However, the RSC has exposed the limits of this framework. The legal order that governs maritime space has shown to be vulnerable. The Houthi movement occupies a complex legal grey zone that poses significant challenges to existing maritime governance frameworks. Although their attacks on commercial shipping resemble piracy in form, they do not meet the legal definition outlined in article 101 of UNCLOS. The Houthis, by contrast, are an organised non-state actor with territorial control, a political agenda and military capabilities. Their operations are driven by strategic gain and ideological motives rather than personal gain, placing them outside the conventional scope of piracy enforcement under UNCLOS. At the same time, they are not a recognised state entity, which prevents their actions from being addressed through traditional naval warfare doctrines. As a result, the RSC

reveals the need to revisit and potentially expand the interpretation or application of these regimes to better address politically motivated threats to commercial shipping.

Moreover, many of the IMO's core instruments remain reactive and outdated. The SUA Convention and BMP5 for instance, were designed to counter piracy and post-9/11 terrorism. The continuously evolving use of advanced tactics by the Houthi movement ultimately makes these tools insufficiently effective. In response, many ships have adopted their own defensive strategies: some have deactivated their Automatic Identification System (AIS) or displayed messages such as "not with Isreal" to avoid being targeted. The IMO should, at the very least, incorporate these emerging practices into an updated version of the BMP.[90] However, slow internal procedures and the irregular and infrequent meetings of the Maritime Safety Committee hinder timely adaptation.

Such institutional deficits reflect a broader tendency within the IMO's regulatory culture. As scholars such as Aldo Chircop and Wanfei Shan have argued, the organisation's policy trajectory is largely reactive: regulatory gaps are addressed after they become evident, rather than through anticipatory governance.[91] In short, the existing regime is structured around stability, not transformation. This regime has proven insufficient in the face of contemporary maritime threats.

Despite these shortcomings, the IMO has built a robust infrastructure for technical assistance and regional dialogue. The DCOC-JA, the ITCP and partnerships with actors such as INTERPOL illustrate its potential as a facilitator of maritime resilience. In regions like the Red Sea, where state capacity is uneven and international mandates are contested, these 'soft' governance tools often represent the only available mechanism for coordination. However, this thesis cautions against interpreting capacity building through the narrow lens of charity or development assistance. Instead, it argues for a strategic reinterpretation of capacity building as empowerment: a sustainable investment in interoperability, shared situational awareness, and multilateral preparedness. The sea is not a passive backdrop for individual state action, it is a circulatory system than links economies, societies and security interests across borders. Building capacity within this space is therefore not optional, but essential to global stability. Such capacity building must be future-oriented. It must also recognise non-traditional actors:

[90] N.A., 'Report: Ships Make Novel Use of AIS to Ward Off Attacks by Houthis', *The Maritime Executive* (28 December 2024).

[91] Chircop, A. & Shan, D., 'Governance of International Shipping in the Era of Decarbonisation: New Challenges for the IMO?', in: Mukherjee, P.K. et al. (eds.), *Maritime Law in Motion* (Springer 2020) 97-113.

the IMO should not only concentrate on coast guards and navies, but also consider civil society, private stakeholders and sub-state authorities as legitimate participants in maritime governance. The IMO, with its convening power, is well positioned to lead this evolution if it chooses to do so more assertively. As the only multilateral institution with a dedicated mandate for maritime security, the IMO has a responsibility to actively fulfil that role.

The hydropolitical turn

At the heart of this thesis lies the argument that traditional approaches to maritime governance fall short because they misunderstand the sea. Legal scholars treat it as a jurisdictional puzzle, IR scholars as a strategic theatre, historians as a site of trade and conflict. What these perspectives often neglect is that the sea is not only a space, but also a subject. It shapes and is shaped by political power. The hydropolitical approach addresses this blind spot. Hydropolitics treats water as a political actor in its own right, much like geopolitics does with land. It reveals how control over water - be it river, straits, or seas - translates into power over people (the Yemeni population/sailors/politicians), goods (globally traded commodities) and narratives (anti-Israel/anti-Western). This perspective enables a deeper analysis of maritime crises by foregrounding the material and symbolic stakes of maritime space.

Traditionally, the IMO has been understood as a rule-making body: it sets technical standards, coordinates state practice, and disseminates guidelines. However, the RSC suggests that this narrow view is no longer adequate. In moments of institutional paralysis, the IMO has an opportunity to act not just as a regulator, but as a broker of political coordination and a platform for institutional experimentation. In this view, the IMO is not merely a steward of the rules, but a potential laboratory for maritime innovation.

A striking example of such reconceptualisation comes from New Zealand. In 2017, the Whanganui River (Te Awa Tupua) was granted legal personhood, becoming the first river in the world to be recognised as a living entity with rights and duties akin to a human being. This legal innovation challenges Western traditions of ownership and exploitation and introduces an alternative framework.[92] While maritime space differs significantly from inland waters, this powerful example illustrates what becomes possible when our relationship with water is fundamentally reimagined. A hydropolitical approach encourages such creativity, inviting the

[92] Kramm, M., 'When a River Becomes a Person', *Journal of Human Development and Capabilities* 21:4 (2020) 307-319.

IMO and other institutions to develop governance models that go beyond classic jurisdictional control.

Framing the IMO hydropolitically means acknowledging its potential not just to uphold existing norms, but to co-produce new forms of maritime governance. This reorientation invites the organisation to move beyond reactive legalism and embrace anticipatory governance. In the context of the Red Sea, a hydropolitical lens helps us understand why actors like the Houthis can operate in legal grey zones, and the broader consequences of their actions. Maritime chokepoints like the BMS are not merely strategic transit corridors, they are sites of power. Although the sea resists fixed sovereignty, it is simultaneously claimed, shared and weaponised. Hydropolitics thus reveals the need for dynamic and adaptive and governance mechanisms, rather than one-size-fits-all legal solutions. This presents an important opportunity for IR, a field inherently equipped to combine diverse perspectives and recognise that a thorough understanding of complex issues requires moving beyond traditional political, legal or institutional lenses.

This thesis thus argues that the future of maritime governance must be adaptive, pluralistic and grounded in spatial awareness. Legal compliance remains essential, but it must be embedded in a broader architecture of foresight, collaboration and mutual responsibility. Whether through updated BMP guidelines for missile and drone warfare, or through new legal experiments inspired by river personhood, the key is to treat maritime governance not as a closed regime, but as an evolving conversation.

Conclusion

Just as Dutch sailors have long learned to read the shifting tides of the Wadden Sea, navigating a space that defies fixed borders, this thesis has argued that we must learn to navigate maritime governance as similarly fluid, contested and political. The RSC, like a tidal surge, has exposed deficits in the current system: not just operational weaknesses within the IMO, but a deeper conceptual fault in how we govern the seas. In response, this research has proposed a hydropolitical approach, one that takes the fluidity of maritime space seriously and calls for a reimagining of authority at sea.

The central question driving this study was: "*What are the strengths and limitations of the International Maritime Organization in responding to the Red Sea Crisis, and how might*

a hydropolitical approach offer the foundations for a renewed framework of maritime governance in a multipolar world?" The analysis confirmed that the IMO has significant institutional legitimacy and convening power, grounded in its technical mandate under UNCLOS and its ability to foster cooperation through instruments like the Djibouti Code of Conduct. These are important assets, especially in regions with fragile sovereignty or fragmented state capacity. However, the study also showed that these strengths are increasingly insufficient. The IMO falls short in addressing today's maritime threats, which are highly political and hybrid. The RSC underscores this, as operational responses were led by ad hoc military coalitions, bypassing formal multilateral channels and marginalising the IMO.

This thesis's unique contribution lies in expanding the analytical lens. By introducing hydropolitics, drawing inspiration from the work of Haroon Sheikh, it reframes maritime space not as a neutral void, but as a site of power and bigger meaning. Where geopolitics is grounded in land, hydropolitics takes water as its starting point for understanding political order. This conceptual shift enables a sharper critique of state-centric governance models and opens space for more adaptive approaches. At the same time, the study acknowledges its limitations. The argument is primarily conceptual and interpretive, with limited empirical fieldwork due to little available source material and the ongoing nature of the crisis. Still, within those boundaries, it offers a timely intervention in both international relations theory and maritime governance discourse.

In conclusion, the IMO stands at a crossroads. It can continue drifting, consuming time, energy and resources without delivering meaningful results, becoming what political scientist Julia Gray terms a "zombie institution". Or it can rise and embrace a broader, more political role, and engage meaningfully.[93] The tides of the global order are shifting. This thesis urges to think beyond technical fixes and engage with the sea as a dynamic political space. Like the Wadden Sea, the future of maritime governance will not be charted by fixed lines, but by those who learn to move with the water.

[93] Gray, J., 'Life, Death or Zombie? The Vitality of International Organizations', *International Studies Quarterly* 62:1 (2018) 1-13.

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