

OFFSHORE OIL AND GAS INSTALLATIONS SECURITY

AN INTERNATIONAL PERSPECTIVE

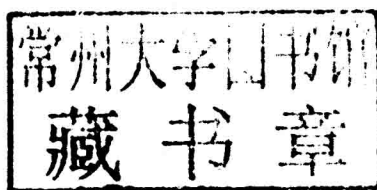
MIKHAIL KASHUBSKY

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by Nicholas Gaskell, Regina Asariotis and
Yvonne Baatz
(2001)

Shipbrokers and the Law
by Andrew Jamieson
(1997)

FOREWORD

I am very pleased to write this Foreword for Dr Mikhail Kashubsky's book on offshore oil and gas security as the topic is one of great importance and his book is informative and well researched.

This book is comprised of his revised and expanded PhD thesis which he has taken some years to write and the care into which he has gone with the many aspects of offshore oil and gas installation security is reflected throughout the work.

I say the topic is important as the security of offshore platforms against criminal terrorists is of great concern, and rightly so. As the author points out, the risk of a ship or aircraft ramming into an oil rig is very real and if the resulting loss of life and destruction gives rise to a huge quantity of oil then the pollution of the nearby oceans is quite certain. Over the years from 1975 to 2014 there have been 76 violent and 37 non-violent attacks and armed takeovers in various parts of the world of such platforms (Chapter 1). It was pointed out by Mr Mick Palmer AO APM in his 'Offshore Oil and Gas Resources Sector Security Inquiry' Report in 2012 that there is considerable risk of this in Australian offshore waters and also in our ports.

This book by Dr Kashubsky approaches the offshore security topic from a number of different points of view. The questions of international law, domestic laws and the rights of self-defence by owners and armed defence by governments are major issues and I tried to set out the complexity of the issues arising from the Australian laws and their practical effects in one of my books.¹ The power in government hands to give orders to shoot down a passenger plane or destroy a cruise ship full of passengers and crew that appears to be about to attack a platform are quite alarming. Also alarming is, of course, the violence offered by criminals against innocent people and facilities. Australian society is still working out how to deal with such people without overly curtailing deeply ingrained personal and private rights.

In Dr Kashubsky's book the complex legal questions are explored from the point of view of the international conventions and the cases that have come before the international courts. However, this is only one aspect as the book also covers the topics from the points of view of which are most likely targets, the offshore regulatory framework and the international regulatory and industry responses to the risk from

¹ Michael White, *Australian Offshore Laws* (Federation Press 2009), Chapter 5 'Offshore Defence Laws', 2009.

FOREWORD

violent criminals. As a result, it is a valuable source of information for oil and gas owners, operators and the vessels that service the industry. Also, Government regulators, private security firms, and many managers in the marine and petroleum industry benefit from its publication.

The laws that apply to any offshore facility depend on the distance offshore from coastal states and Dr Kashubsky sets out in a clear and concise fashion the international zones under the conventions, which mainly come under the *United Nations Convention for the Law of the Sea 1982* (UNCLOS). A result is that the author has set out a very useful summary of the law of the sea in relation to offshore zones and one from which any reader, legally trained or not, can gain much benefit. I congratulate and commend him on this work.

Michael White
Dr Michael White QC,
Marine and Shipping Law Unit,
TC Beirne School of Law,
University of Queensland.

PREFACE

The idea to write a book on the security of offshore oil and gas installations first came to me when I began my research on this topic in 2006, initially focusing on the Australian legal framework. At the time, there was a lot of hype about the protection of offshore installations, but I quickly realised that there was no comprehensive text that specifically addressed this topic and there were no readily available resources that answered even basic questions such as: how common are attacks on offshore installations; where do they take place; and what are the impacts of these attacks?

The main reason for writing this book was to fill a specific gap in the literature and provide a useful resource for anyone interested in security issues pertaining to offshore petroleum installations. In examining various aspects of security and protection of offshore oil and gas installations, I considered it important to support the discussion with examples of the actual past offshore attacks and security incidents. In that regard, a dataset of offshore installation attacks and security incidents in the appendix forms the backbone of the book.

I hope this work stimulates and generates more research and debate on this important, but somewhat neglected topic. But this book would not have been possible and it would not have been what it is without the contribution of others, whom I must acknowledge and thank.

My interest in the offshore oil and gas industry grew out of my personal interest in maritime affairs, but my research activity in this field was inspired by the work and lectures of my dear colleague Dr Michael White QC of the Marine and Shipping Law Unit, University of Queensland, so I first would like to thank Dr White for his attention to and appreciation of my work, for contributing the Foreword, for which I am truly honoured, and for the opportunity to occasionally talk about issues of maritime law and offshore installations.

My PhD thesis, on which this book is based, was completed at the Australian National Centre for Ocean Resources and Security, University of Wollongong, so I am grateful to my PhD supervisors Professor Martin Tsamenyi and Professor Greg Rose for their counsel, encouragement and support during those years. I also would like to thank Dr Hossein Esmaeili of Flinders University and Dr Anthony Bergin of the Australian Strategic Policy Institute for examining my thesis and providing valuable comments.

PREFACE

I thank my colleagues at the Centre for Customs and Excise Studies, Charles Sturt University, especially Head of School, Professor David Widdowson, who is also the President of the International Network of Customs Universities (INCUI), for his understanding of the challenges involved in writing a book, and also for giving me the opportunity to work closely with and learn a lot from him over the years. I also would like to acknowledge the financial support provided by the Research Office and Faculty of Arts Research Committee of Charles Sturt University in the form of a small, but helpful grant to assist me with completion of the manuscript.

I am extremely honoured to have the Afterword in this book contributed by my dear colleague Dr Alan D. Bersin, and I thank him for this and for providing inspiration to me and for his appreciation and recognition of my work and his kind remarks. I think in some ways this book reflects Dr Bersin's call to 'work toward principles and standards, and intellectual frameworks that can handle the circumstances in which we live'.¹ Importantly, I also would like to thank my dear uncle, Mr Alexander Kuvshinov who also played a part in inspiring my interest in maritime affairs and offshore oil and gas installations.

I would like to express my gratitude to Professor Aydin Aliyev, Chairman of the State Customs Committee of the Republic of Azerbaijan, for his interest in my work, his assistance with the book launch, and his kind-hearted offer to arrange for this book to be translated into the Russian and Azerbaijani languages.

My special appreciation goes to the editorial staff at Taylor & Francis Group for their guidance, support, patience and professionalism, and the team involved in the production of the book, particularly the copyeditor, Ms Jane Fieldsend, for patiently implementing all those numerous last-minute amendments and corrections that I requested. I also would like to take this opportunity to thank four anonymous referees who reviewed my book proposal and sample chapters and provided very valuable suggestions, most of which I have addressed, as well as all my colleagues who took their time to read and comment on extracts from the draft manuscript.

I thank the editors of the *Journal of Energy Security, Perspectives on Terrorism*, the *Australian Journal of Maritime and Ocean Affairs* and the *Australian and New Zealand Maritime Law Journal* as well as Dr Anthony Morrison for giving permissions to reproduce parts of my individual and co-authored articles published in those journals. I also thank the International Association of Oil & Gas Producers (www.iogp.org), Maersk Drilling, MODEC Inc., Elsevier, SAI Global Ltd, and the United States Naval War College for allowing me to use their illustrations, and Jennifer Giroux for providing access to the Energy Infrastructure Attack Database (EIAD).

I am greatly indebted to my family and my true friends for their encouragement and support throughout these years, for their understanding trust, loyalty and patience, but more importantly, for believing in me. I dedicate this book to them.

Mikhail Kashubsky
Canberra, Australia
December 2015

¹ Alan Bersin, Keynote Address at the Inaugural INCUI Global Conference 'Trade Facilitation Post-Bali: Putting Policy into Practice', 23 May 2014; Baku, Republic of Azerbaijan.

ACRONYMS AND ABBREVIATIONS

9/11	11 September 2001
ABOT	Al Basrah Oil Terminal
ABS	American Bureau of Shipping
AFP	Agence France Presse
AGD	Attorney-General's Department (Australia)
AIS	Automatic Identification System
ALARP	as low as reasonably possible
ALF	Animal Liberation Front
AOT	Antan Oil Terminal
API	American Petroleum Institute
Aramco	Arabian-American Oil Company
ARM	Animal Rights Militia
AQI	Al-Qaeda in Iraq
AQIM	Al-Qaeda in the Islamic Maghreb
ASG	Abu Sayyaf Group
ASPI	Australian Strategic Policy Institute
BCN	biological, chemical and nuclear
boe	barrels of oil equivalent
bpd	barrels per day
BPUFF	Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
CCISS	Canadian Centre of Intelligence and Security Studies
CCTV	closed circuit television
CEN	European Committee for Standardization
CEO	chief executive officer
CIA	Central Intelligence Agency (US)
CIP	critical infrastructure protection
CLCS	Commission for the Limits of the Continental Shelf
CMI	Comité Maritime International
CNPC	China National Petroleum Corporation
CNOOC	China National Offshore Oil Corporation
COSO	Committee of Sponsoring Organizations of the Treadway Commission
CRS	Congressional Research Service (US)