

**BALANCING NATIONAL SECURITY AND FREE TRADE ACCESS IN
PORTS: A COMPARATIVE STUDY ON LEGAL FRAMEWORKS OF
INDIA, UAE, SINGAPORE AND OMAN**

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Abstract

This paper's primary purpose is to analyse the legal frameworks of India, the UAE, Singapore, and Oman. All four of these countries are pivotal nodes in connecting East-West maritime trade, leveraging their port infrastructure and strategic locations to facilitate transshipment and global commerce. They participate in regional and inter-regional economic collaboration, often acting as entry points to broader economic zones, which often compromises the security. India to South Asia, Oman/UAE to the Middle East and Singapore to Southeast Asia.

INTRODUCTION

Ports are substantial to global trade as they serve major cross points for the movement of goods and services across international borders since their geopolitical relevance extends over commercial value which influences national security, operational resilience and diplomatic balance. The convergence of national security and free trade access in port operations present a complex landscape, requiring a balance between safeguarding national security from evolving threats without compromising liberal commitments to trade. Free Trade Agreements seek to liberalize trade by lowering barriers however these agreements acknowledge national security as a fundamental consideration by allowing security exceptions for governments to enact protective measures when called for.

As we move towards modern age, ports are forced to address complex security challenges, including cyber terrorism, piracy, digital data violation, geopolitical competition. For maritime nations such as India, UAE, Oman and Singapore, access to strategically relevant ports not just accelerates trade flows but also their ability to secure national interests amid rising geopolitical competitions across world. This comparative study examines how these four nations balance their approaches to nation sovereignty and openness to free trade access

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in major ports particularly considering recent legal, infrastructural and regional partnership developments.

The dynamic expansion of FTAs between states, public- private partnerships, foreign investments in maritime sector has led to increased port activity and augmented market access for India, UAE, Oman and Singapore. As the trade grows, they also propose critical issues adjacent to autonomy, security and potential exploitation by adversarial entities. The central problem is: How do these nations reconcile the need for FTA to their ports while safeguarding national interests given recent legal, social, infrastructural and political changes in the context of escalating regional and international competition?

RD-India vast coastline which stretches up to 11099 km serves a strategic and advantageous location often faces unusual challenges in security in its major ports while propagating trade connectivity. Singapore, known for being the busiest and most efficient port hubs, exemplifies the advanced port management operations and their trade policies to sustain both economic dynamism and resilience against evolving threats. UAE and Oman

By exploring the legal, operational and diplomatic reach of maritime administration in these four countries, this research aims to highlight the regulatory compliances and persistent challenges in harmonizing national autonomy with the need for open, rationalised trade. A comparative analysis of these states reveals multiform models of governance, risk management and cross-national collaboration, offering insights that are germane to business leaders and policy makers navigating the maritime landscape.

BACKGROUND AND EVOLUTION OF NATIONAL SECURITY

The evolution of national security policies intertwined with Free Trade Agreements (FTAs) in port governance across India, the United Arab Emirates (UAE), Oman, and Singapore reflects the dynamic interplay of geopolitical imperatives and economic liberalization over centuries. Historical trade routes, colonial legacies, and modern strategic considerations have all shaped the frameworks these nations employ to balance sovereign security interests with openness to global commerce.

India: From Ancient Bonds to Modern Strategic Autonomy

India's maritime trade legacy dates back millennia, with archaeological evidence of robust trade between the Indus Valley Civilization and ancient Oman (then known as the Magan civilization). India's port infrastructure was drastically altered during the British Raj's colonial era, when important ports like Chennai, Kolkata, and Mumbai were built mainly for strategic military projection and the commercial exploitation of the subcontinent. This legacy left India

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with a significant, albeit outdated, port infrastructure at the time of its independence.

With a policy of import substitution and an emphasis on self-reliance, India's post-independence trade strategy was initially cautious. A period of trade liberalization and a more active involvement with the global economy was ushered in by the historic economic reforms of 1991, which marked a significant turning point. India started aggressively pursuing free trade agreements (FTAs) during this time, initially with regional partners under its "Look East" policy (which later changed to the "Act East" policy) and then extending to a wider group of nations. The need to diversify supply chains after COVID-19 and new geopolitical alignments prompted India to re-engage with vigor in FTA negotiations, marking a significant shift after a ten-year break. This led to the signing of landmark agreements, including the Comprehensive Economic Partnership Agreement (CEPA) with the UAE in 2022 and the Economic Cooperation and Trade Agreement (ECTA) with Australia.

Alongside the negotiation of this new generation of free trade agreements, domestic security frameworks are being strengthened. An excellent illustration of such development is the Indian Ports Act, 2025, which superseded the 1908 law. With an understanding that modern port efficiency and security are two sides of the same coin, it seeks to modernize port governance, improve security protocols in accordance with international standards like the ISPS Code, and encourage integrated development. Furthermore, India's strategic investments in foreign ports,

like the Chabahar Port in Iran and the Duqm Port in Oman, highlight a foreign policy that sees maritime infrastructure as a vital instrument for securing trade routes, projecting power, and maintaining regional stability.

UAE: A DELIBERATE AND RAPID ASCENT TO A GLOBAL HUB

The UAE's transformation from a conglomerate of small, unrelated sheikhdoms in the early 1970s to a major player in international trade is a tale of purposeful and swift change. The foundational actions that indicated the country's desire to become a major maritime and logistics hub were the construction of Port Rashid in Dubai in 1972 and, more importantly, the Jebel Ali Port and its related Free Trade Zone in 1979. A forward-thinking, free-market trade policy intended to draw in foreign investment and business was combined with this infrastructure development.

The UAE's 1994 membership in the General Agreement on Tariffs and Trade (GATT) and its 1996 admission to the World Trade Organization (WTO) both formalized and expedited the country's integration into the world trading system. These significant events strengthened the

UAE's reputation and appeal to international partners by grounding its trade liberalization initiatives within a rules-based international framework. In order to diversify its economy away from hydrocarbons and establish itself as a major hub for international trade, the UAE has pursued an aggressive free trade policy in the twenty-first century, which has resulted in a number of Comprehensive Economic Partnership Agreements (CEPAs) with important partners, including India.

In order to combat modern threats, the UAE has been updating its maritime security legislation on a regular basis. The most recent iteration of this effort is the extensive Federal Decree-Law No. 43 of 2023, which updates the country's maritime regulations to address everything from environmental protection to cybersecurity. Adoption of state-of-the-art trade facilitation technologies, like the Maritime Pre-load Cargo Information (MPCI) system, which improves security through sophisticated risk assessment without obstructing trade, complements this. The UAE's philosophy of creating a safe and effective ecosystem for international trade is embodied in this integrated approach.

Oman and Singapore: Leveraging History and Strategic Location

Oman, like India, has a long history of maritime travel and was a vital link in the Indian Ocean's historic trade routes. Its current strategic alliances are firmly rooted in its lengthy history of maritime trade, especially with the Indian subcontinent. Under Sultan Qaboos, Oman started its modernization journey after 1970, striking a careful balance between maintaining its national identity and security and growing its ports and international trade. Its modern strategy, which blends involvement in free trade agreements with nationalist economic initiatives like "Omanization," which guarantees a substantial role for its citizens in the economy and restricts foreign influence in key industries, reflects this. Oman's strategic partnership with India, formalized in 2008, and its granting of access to the Port of Duqm to the Indian Navy in 2018, are modern manifestations of a centuries-old relationship, adapted to the geopolitical realities of the 21st century.

Singapore's strategic location at the chokepoint of the Malacca Strait, one of the most vital shipping lanes in the world, has shaped its historical trajectory. Because of its location, colonial powers aiming to regulate regional trade valued it highly. Singapore has skillfully capitalized on this location since gaining independence in 1965, turning it from a colonial entrepôt into a major hub for international trade. Political stability, a rules-based legal system, and an aggressive pursuit of economic openness have all served as the cornerstones of its approach. Singapore was a pioneering and fervent supporter of free trade agreements (FTAs),

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seeing them as an essential instrument for securing the economic future of a small country devoid of natural resources. Signed in 2005, the Comprehensive Economic Cooperation Agreement (CECA) between Singapore and India was a historic deal for both countries and served as a template for other regional free trade agreements. This dedication to free trade is complemented by an unyielding security posture. Singapore's reputation as a reliable and secure international maritime gateway is largely due to its strict enforcement of the ISPS Code and its strict management of its Free Trade Zones (FTZs), demonstrating that security is a key competitive advantage for port cities rather than a hindrance to trade.

INTERNATIONAL LEGAL FRAMEWORK

Governments possess the sovereign authority to regulate international trade to safeguard public health, environmental safety, and national security. This exercise of regulatory power, often rooted in the domestic police powers doctrine, is a fundamental attribute of statehood. However, when these regulatory measures become excessively restrictive, discriminatory, or are applied with protectionist intent, they transform into non-tariff barriers (NTBs). NTBs, which can range from complex technical standards and import licensing to stringent sanitary and phytosanitary (SPS) measures, can considerably limit market access for exporters, impose substantial compliance burdens on importers, and ultimately escalate trade-related costs, thereby distorting the principles of free and fair trade.

Nowhere is this tension more palpable than in the governance of maritime ports. Balancing national security and free trade access in this domain is a critical and perennial challenge within international law. Ports are not merely commercial gateways; they are strategic assets that lie at the nexus of economic liberalization and national security imperatives. Nations like India, Oman, the UAE, and Singapore are at the forefront of navigating this complex balance. Their approaches are shaped by an evolving international legal framework comprising multilateral agreements under the World Trade Organization (WTO), bilateral Free Trade Agreements (FTAs), and domestic regulations informed by global maritime security standards like the International Ship and Port Facility Security (ISPS) Code. As foreign investment and operational control over vital port infrastructure increasingly intersect, these countries constantly strive to balance the protection of sovereign security interests with the facilitation of trade flows.

The International Legal Superstructure

The international legal framework governing this balance is multifaceted. At its apex is the "Security Exceptions" clause found in Article XXI of the General Agreement on Tariffs and

Trade (GATT). A state may take any action it "considers necessary for the protection of its essential security interests," especially during times of war or other global emergencies, according to this clause. This provision was regarded for many years as "self-judging," giving countries virtually limitless discretion and making it an effective instrument of statecraft. But recent WTO rulings, particularly in the Russia – Traffic in Transit case, have indicated a change. While affirming a state's right to define its security interests, the panel introduced a plausibility and good faith standard, suggesting that a state's invocation of Article XXI is not entirely beyond the pale of international legal review.

The United Nations Convention on the Law of the Sea (UNCLOS), which establishes maritime borders and codifies the legal notion of port state jurisdiction, is an adjunct to this multilateral trade law. A coastal state's sovereign right to voluntarily enforce its domestic laws, such as those pertaining to immigration, customs, and security, on foreign-flagged vessels within its ports is upheld by UNCLOS. This gives a country the fundamental jurisdictional power to carry out its port security policy.

Adopted under the Safety of Life at Sea (SOLAS) Convention, the International Ship and Port Facility Security (ISPS) Code is the most important operational legal document. A risk-based framework for identifying and discouraging security threats to ships and port infrastructure is required by the ISPS Code. While its recommendatory guidelines (Part B) offer the implementation methodology, its mandatory provisions (Part A) mandate that signatory governments carry out security assessments, create thorough security plans, and appoint security officers. By establishing a baseline for security, this code has evolved into the world standard, promoting trust and interoperability among trading nations.

INDIA'S FRAMEWORK: NATIONAL SECURITY AND TRADE UNDER FREE TRADE AGREEMENTS

India's engagement with the global economy is increasingly defined by an expanding network of Free Trade Agreements (FTAs). The international legal framework governing India's approach is not a matter of choosing trade over security, but rather a careful strategy that uses established principles of international law to embed security safeguards directly into the architecture of its trade relationships. This multi-layered framework, rooted in World Trade Organization (WTO) jurisprudence and reinforced by robust domestic legislation, allows India to pursue an ambitious trade agenda while retaining the necessary policy space to protect its strategic interests in an era of complex geopolitical and economic challenges.

The Foundation: WTO Security Exceptions and Their Evolution

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The bedrock of the international legal framework that allows nations to balance trade commitments with security needs is found within the foundational texts of the multilateral trading system. Article XXI of the General Agreement on Tariffs and Trade (GATT), titled "Security Exceptions," is the cornerstone of this system. This provision grants signatory nations, including India, the right to take actions that might otherwise violate their trade obligations if those actions are deemed necessary for the protection of their "essential security interests". Historically, this article was considered a self-judging and rarely invoked sovereign "trump card," allowing a country to define for itself what constitutes an essential security interest and what measures are necessary to protect it.

Article XXI specifically outlines three circumstances under which these exceptions can be applied: (a) preventing the disclosure of sensitive information, (b) regulating traffic in arms, ammunition, and implements of war, and (c) taking action "in time of war or other emergency in international relations". For decades, the ambiguity of these terms meant that countries were hesitant to challenge each other's invocation of the clause. However, a recent global increase in protectionist measures disguised as national security concerns has led to the first-ever WTO panel rulings on the matter, notably in the Russia – Traffic in Transit case. These landmark rulings have begun to shape the jurisprudence, suggesting that while a nation retains significant discretion, its invocation of the security exception is not entirely beyond review and must be exercised in good faith. This evolving international legal context is critical, as it informs how India and its trading partners negotiate and interpret these clauses in their bilateral FTAs.

India's Implementation in its Free Trade Agreements

Building on the foundation of GATT Article XXI, India consistently integrates national security exception clauses into its modern FTAs. As of 2025, India has 13 active FTAs and is in advanced negotiations for several more with key partners like the European Union and the United Kingdom, all of which contain such provisions. These clauses serve as a critical legal mechanism that allows India to pursue deep trade liberalization—covering goods, services, and investments—without compromising its ability to regulate in sensitive areas. For example, while the recently concluded India-UK Comprehensive Economic and Trade Agreement (CETA) provides for the elimination of tariffs on nearly 99% of goods, the embedded security exception allows India to maintain or impose restrictions on the trade of dual-use technologies or to screen and potentially block foreign investment in critical infrastructure sectors like ports, telecommunications, or defense if a national security risk is

identified. The precise wording of these clauses can vary, reflecting the priorities of the negotiating partners. Some of India's agreements, such as the one with Japan, hew closely to the language of GATT Article XXI, tying the exception to specific circumstances like war or the maintenance of international peace. This stands in contrast to the approach sometimes favored by the United States, which seeks more explicit, self-judging language that maximizes sovereign discretion. India's practice demonstrates a strategic use of the international legal toolkit, adapting the language of its security exceptions to suit the specific context of each FTA while ensuring the core right to protect national security is always preserved. This ensures that even as markets are opened, the Indian state retains the legal authority to act decisively when its core security interests are at stake.

Domestic Legislation as a Reinforcing Pillar

The international legal framework established through FTAs is only one half of the equation. Its effectiveness is contingent on a robust domestic legal and regulatory regime that operationalizes the safeguards negotiated at the international level. India's framework is designed precisely in this manner, where domestic law serves as the indispensable pillar for implementing and enforcing the security measures permitted under its trade agreements. This domestic legal architecture ensures that the policy space carved out in FTAs can be effectively utilized.

A prime example of this synergy is the Indian Ports Act, 2025. While an FTA might grant a foreign company market access to provide port management or logistics services, the Indian Ports Act ensures that all port operations, regardless of ownership, must strictly adhere to national security protocols, safety standards, and environmental regulations as defined by the Indian government. Similarly, India's consolidated foreign direct investment (FDI) policy acts as a critical screening mechanism, allowing the government to review investments in sensitive sectors and impose conditions or block transactions on national security grounds—a domestic action that is legally justified on the international stage by the security exception clauses in its FTAs and WTO commitments. This integrated approach, combining international agreements with domestic enforcement, creates a resilient and comprehensive security framework. It allows India to confidently engage in global trade, secure in the knowledge that it possesses the legal and institutional capacity to act on the security exceptions it has judiciously negotiated.

OMAN'S SECURITY-TRADING LEGAL NEXUS IN FTAS

Oman's legal framework governing port access within Free Trade Agreements (FTAs)

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demonstrates a sophisticated nexus where trade liberalization is carefully intertwined with robust national and economic security measures. This approach allows Oman to attract foreign investment and boost trade volumes while retaining sovereign control over its critical infrastructure and strategic interests. The legal architecture is built on several key pillars that collectively manage the balance between openness and protection.

National Security Exceptions in FTAs

A foundational element of Oman's strategy is the integration of national security exceptions directly into its FTAs. Following established international trade law principles, these clauses grant Oman the sovereign prerogative to take any action it deems necessary to protect its essential security interests. The U.S.-Oman Free Trade Agreement serves as a key example, containing provisions that allow Oman to block or limit foreign investment and operations in sensitive sectors, including maritime transport and critical port infrastructure. This legal safeguard ensures that even as the agreement opens markets, the Omani government retains the ultimate authority to prevent foreign control over assets vital to its national security.

"Omanisation" as an Economic Security Doctrine

Beyond standard security clauses, Oman's unique "Omanisation" policy functions as a critical layer of economic security that directly impacts port access and operations under FTAs. This national policy, which prioritizes the employment of Omani citizens and places controls on foreign labor, is a central consideration in all trade negotiations. In the context of the ongoing FTA talks with India, "Omanisation" has been a key issue, reflecting Oman's intent to ensure that the benefits of increased trade translate into local employment and capacity building. By embedding these labor and ownership requirements, Oman reduces its dependency on foreign workforces in strategic sectors like logistics and port management, thereby mitigating risks associated with foreign influence and ensuring that operational control remains aligned with national interests.

Regulatory Sovereignty and Customs Control

While FTAs are designed to streamline customs procedures and enhance trade facilitation, Oman's legal framework ensures that this efficiency does not compromise security. The country retains full regulatory sovereignty to enforce its customs laws, conduct inspections, and implement anti-smuggling and counter-trafficking measures at its ports. FTAs may establish rules for transparency and fair administration, but they do not override Oman's fundamental right to control the entry and exit of goods. This allows Omani authorities to deploy risk management systems to screen cargo and vessels, ensuring that trade

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liberalization does not create vulnerabilities that could be exploited by illicit actors.

Cooperative Maritime Security Agreements

Oman's strategy is not purely defensive; it also involves proactive, cooperative legal instruments that enhance maritime security. A prime example is the White Shipping Agreement with India. This agreement facilitates the exchange of information on the movement of commercial maritime traffic, significantly improving Maritime Domain Awareness for both nations. By sharing data on non-military vessels, Oman can better monitor its sea lanes, identify potential threats, and secure the maritime environment in which its trade partners operate. Such agreements are synergistic with FTAs, as they build confidence and create a more secure trading ecosystem, reassuring partners that port access is supported by a robust and collaborative security apparatus.

In conclusion, Oman's security-trading legal nexus is a multi-pronged strategy. It leverages internationally recognized security exceptions in its FTAs, reinforces economic sovereignty through its "Omanisation" policy, maintains strict regulatory control at its borders, and engages in cooperative security pacts to enhance regional maritime stability. This ensures that its ports can function as hubs for international trade without jeopardizing the nation's core security and economic interests.

UAE'S INTEGRATED MARITIME SECURITY AND TRADE ACCESS REGIME

The United Arab Emirates (UAE) has engineered a sophisticated and highly integrated regime that masterfully balances the imperatives of maritime security with a commitment to liberalized trade access. This strategic framework has been instrumental in cementing the nation's status as a premier global commerce and logistics hub, with world-class ports like Jebel Ali serving as critical nodes in the international supply chain. The UAE's model is built upon a tripartite foundation: a modernized and comprehensive domestic legal framework, an aggressive network of bilateral and multilateral free trade agreements, and a proactive posture of international security cooperation. The synergy between these three pillars allows the UAE to foster an environment of economic openness while ensuring its maritime domain remains secure, resilient, and compliant with the highest international standards.

Modernized Domestic Legal Framework: A Foundation for Secure Commerce

At the legislative heart of the UAE's maritime governance is the Federal Decree-Law No. 43 of 2023 Concerning the Maritime Law, a landmark piece of legislation that wholly replaced the foundational 1981 maritime law. This new law, which came into effect in March 2024, represents a significant overhaul of the nation's maritime regulations, designed to align them

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with contemporary global best practices and address the evolving challenges of the 21st-century maritime industry. It provides a robust legal foundation that enhances both security and commercial predictability.

Key innovations and modernizations within the new law include a deliberate alignment with international maritime conventions, ensuring that the UAE's legal standards are in harmony with the global regulatory landscape. The law introduces specific provisions for emerging technologies, such as regulations governing autonomous vessels and the use of electronic bills of lading, positioning the UAE at the forefront of maritime innovation. Critically, it strengthens environmental protections by introducing mandatory insurance requirements for vessels to cover damages from pollution incidents. It also enhances the legal framework for vessel registration and precautionary arrest, providing greater clarity and efficiency for shipowners and creditors alike. Furthermore, the law reinforces the state's commitment to a secure maritime domain by stipulating clear penalties, including imprisonment and substantial fines, for violations of maritime security regulations. By modernizing its domestic legal architecture, the UAE has created a stable, transparent, and secure environment that is highly attractive to international shipping lines, investors, and trading partners.

Trade Liberalization and Advanced Security Screening

The second pillar of the UAE's integrated regime is its proactive and ambitious strategy of forging Comprehensive Economic Partnership Agreements (CEPAs) and Free Trade Agreements (FTAs) with key economic partners around the world. These agreements are a cornerstone of the UAE's economic diversification strategy, designed to expand its global market access far beyond its traditional reliance on hydrocarbons. The 2022 CEPA with India serves as a prime example, an agreement that eliminated tariffs on over 97% of tariff lines and is projected to significantly boost bilateral non-oil trade. By systematically dismantling trade barriers, the UAE creates powerful incentives for international trade to flow through its ports, leveraging its superior logistics and infrastructure.

However, this commitment to trade openness is critically counterbalanced by a sophisticated, technology-driven security apparatus. The UAE is implementing the Maritime Pre-load Cargo Information (MPCI) system, a state-of-the-art program that enhances border security without impeding the velocity of trade. Effective from July 2025, the MPCI system mandates the electronic submission of detailed cargo information to UAE authorities at least 24 hours before a vessel's departure from its last foreign port of call. This pre-arrival data allows for advanced risk assessment and analytics, enabling customs and security agencies to identify

and target high-risk shipments for inspection while allowing legitimate, low-risk cargo to flow seamlessly. This risk-based screening model is the key to reconciling the goals of facilitation and security; it ensures that the vast majority of commerce proceeds without delay, while scarce security resources are focused where they are most needed.

Proactive International and Bilateral Security Cooperation

The UAE's strategy extends far beyond its own borders, anchored in the understanding that maritime security is a collective, transnational endeavor. The third pillar of its integrated regime is a deep commitment to international and bilateral security cooperation. The UAE is an active participant in multilateral security constructs, such as the International Maritime Security Construct (IMSC), which is dedicated to ensuring freedom of navigation and the protection of commercial shipping in the strategically vital waterways of the Gulf region, including the Strait of Hormuz. This participation underscores the UAE's role as a responsible stakeholder in regional security.

In addition to its multilateral commitments, the UAE places a strong emphasis on forging robust bilateral security pacts with key partners. A clear example of this is the Memorandum of Understanding (MoU) on Maritime Security and Safety Cooperation signed between the Indian Coast Guard and the UAE National Guard Command in July 2025. This agreement institutionalizes deep cooperation across a range of critical areas, including joint maritime law enforcement (MLE) to combat transnational crime, coordinated search and rescue (SAR) operations, collaborative responses to marine pollution incidents, and extensive capacity-building through joint training exercises and professional exchanges. This form of "straits diplomacy" is a central element of the UAE's foreign policy, allowing it to build trust, enhance interoperability with its partners, and create a secure regional maritime environment that is conducive to trade. By directly integrating its economic partnerships with tangible security commitments, the UAE builds a resilient and trustworthy trading ecosystem that benefits both its own economy and the stability of global commerce. The UAE, as a key global trade hub, has developed a robust maritime security legal framework integrated with multiple FTAs, including its landmark 2022 trade agreement with India. The United Arab Emirates (UAE) has pioneered an integrated regime that masterfully balances robust maritime security with an open, liberalized trade environment, solidifying its role as a premier global commerce and logistics hub. This strategic model is founded on a tripod of modernized domestic laws, an aggressive pursuit of bilateral and multilateral trade agreements, and proactive international security cooperation. This synergy ensures that the UAE's world-class

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ports, such as Jebel Ali, are not only efficient gateways for trade but also highly secure assets protected against a spectrum of contemporary threats.

At the legislative core of this regime is the Federal Decree-Law No. 43 of 2023, a landmark reform that replaced the UAE's decades-old maritime law. Enacted in March 2024, this new law aligns the nation's maritime regulations with global best practices, addressing modern challenges like cybersecurity, autonomous vessels, and environmental protection with mandatory insurance provisions. The law strengthens the legal framework for everything from vessel registration to dispute resolution, enhancing legal certainty for international shipping lines and investors. Significantly, it also introduces clear penalties for security violations, demonstrating a firm state commitment to maintaining a secure maritime domain. This comprehensive legal modernization provides a stable and predictable environment for the vast commercial activity passing through UAE waters.

Parallel to strengthening its domestic laws, the UAE has aggressively expanded its network of Comprehensive Economic Partnership Agreements (CEPAs) and Free Trade Agreements (FTAs). These agreements, most notably the 2022 CEPA with India, are designed to dismantle trade barriers by eliminating tariffs and streamlining customs procedures, thereby driving trade volume and reinforcing the UAE's status as a central node in global supply chains. Furthermore, the UAE is implementing the Maritime Pre-load Cargo Information System (MPCI), which requires shipment data to be filed 24 hours before loading. This system enhances border security by allowing for early risk assessment of cargo, ensuring that the facilitation of trade does not come at the expense of security.

The third pillar of the UAE's strategy is its proactive engagement in bilateral and international security cooperation. Recognizing that maritime security is a collective responsibility, the UAE actively participates in constructs like the International Maritime Security Construct (IMSC) to protect commercial shipping in the Gulf. It also forges direct partnerships, such as the Memorandum of Understanding (MoU) with the Indian Coast Guard, to institutionalize cooperation on maritime law enforcement, search and rescue, and anti-smuggling operations. This "straits diplomacy" focuses on securing critical maritime chokepoints and is central to the UAE's foreign policy, allowing it to protect both its national interests and the global goal of freedom of navigation. By integrating its economic partnerships with tangible security commitments, the UAE builds a resilient and trustworthy trading ecosystem.

Singapore's Legal and Strategic Model for Port Access under FTAs

Singapore's status as a global maritime hub stems from its highly developed legal framework

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that blends free trade facilitation with stringent maritime security governance. Governed by comprehensive domestic laws aligned with international maritime security conventions and agreements, Singapore's approach within FTAs such as the India-Singapore CECA and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) exemplifies this balance.

Singapore's legal and strategic model for managing port access under Free Trade Agreements (FTAs) is globally recognized as a benchmark for successfully balancing economic openness with robust national security. This model is built on an integrated framework of extensive international trade agreements, stringent domestic security regulations, and the strategic use of technology and infrastructure.

An Extensive Network of Free Trade Agreements

At the core of Singapore's strategy is its vast network of 27 implemented FTAs, which provide Singapore-based businesses with preferential access to major global markets. These legally binding agreements are designed to liberalize trade.

The whole point of these legally binding deals is to open up trade more by getting rid of tariffs, making customs procedures way simpler, and making sure markets are accessible. For example, the agreement with the U.S., which has been active since 2004, not only removed taxes but also made firm commitments that digital products would be treated without discrimination and put strong competition safeguards in place. This just show how Singapore uses these agreements to create a very positive environment for trade and investment.

While these trade deals encourage openness, Singapore's own laws ensures that its ports stay secure. This legal setup is led by the Maritime and Port Authority of Singapore (MPA), which is in charge of port safety and security. A key part of their security plan is following international rules very strictly, like the International Ship and Port Facility Security (ISPS) Code. This is a set of mandatory rules to make ships and port facilities more secure against threats. The MPA sets the security level for the port and work with everybody to ensure they all comply.

Even the Free Trade Zones (FTZs), which are meant to help trade by not taxing goods, are not lawless areas. A new FTZ system that started in March 2024 made security much stronger by requiring FTZ operators to have licenses and giving clear responsibilities to cargo handlers. This new system gives Singapore Customs and other law enforcement agencies a much better view of the cargo, which let them do better risk analysis and target high-risk shipments more easy. Singapore Customs also does regular and surprise inspections inside the FTZs to stop

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illegal trade, smuggling, and other customs violations, making sure all activities follow Singapore's laws.

FTAs streamline the flow of legitimate commerce, while security agencies focus their resources on high-risk areas. The data-sharing requirements under the new FTZ regime, for example, allow authorities to use advanced analytics to identify suspicious cargo without slowing down the vast majority of legitimate trade. This risk-based approach ensures that security measures are targeted and effective, rather than broad and disruptive.

COMPARATIVE ANALYSIS

The governance of maritime ports in the 21st century presents a complex and critical challenge for nation-states: how to foster an environment of open, efficient, and liberalized trade while simultaneously safeguarding national security against a diverse and evolving spectrum of threats. This comparative study examines the distinct yet often convergent approaches of four key Indian Ocean littoral states—India, the United Arab Emirates (UAE), Singapore, and Oman. Each of these nations has developed a unique model for managing the inherent dichotomy between trade facilitation and security, shaped by its unique geopolitical context, economic strategy, and legal-historical evolution.

1. India: A Model of Calibrated Liberalization and Strategic Autonomy

Legal and Regulatory Framework

The legal foundation of India's port governance has undergone a significant transformation with the enactment of the Indian Ports Act, 2025, which replaced the antiquated, colonial-era 1908 law. This new Act is a cornerstone of India's effort to modernize its maritime sector, aiming to unify the governance of its 12 major ports and numerous non-major ports under a single, coherent framework. A key objective of the Act is to enhance security protocols to align with international standards, particularly the ISPS Code, while also promoting "ease of doing business" to attract investment and improve efficiency.

Complementing this domestic legislation is India's network of Free Trade Agreements (FTAs). A crucial feature of these agreements is the consistent inclusion of national security exception clauses, derived from Article XXI of the GATT. These clauses provide India with the legal flexibility to take measures it deems necessary for the protection of its essential security interests, even if such actions might otherwise conflict with its trade commitments. This legal safeguard is critical, allowing the government to screen foreign direct investment (FDI) in sensitive sectors like ports and telecommunications and to impose conditions to protect its strategic infrastructure and defense industrial base.

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Maritime Security Strategy

India's maritime security posture is comprehensive, driven by its vast coastline and its strategic location astride some of the world's busiest sea lanes. The Indian Navy and the Indian Coast Guard are the primary agencies responsible for maritime security, working in a multi-layered system that includes coastal police and other agencies.

Counter-Piracy Operations: India has been a proactive and leading force in counter-piracy operations in the Gulf of Aden and the broader Indian Ocean. Since 2008, the Indian Navy has maintained a continuous anti-piracy patrol in the region, escorting hundreds of vessels and thwarting numerous piracy attempts. This robust posture is not only a contribution to global maritime security but also a direct protection of India's own sea lines of communication (SLOCs), through which the vast majority of its trade passes.

Cyber-Terrorism Defense: Recognizing the growing threat of cyber-attacks on critical infrastructure, India has been strengthening its cyber defense capabilities. The National Critical Information Infrastructure Protection Centre (NCIIPC) is the nodal agency for protecting critical infrastructure, including ports. The government has issued guidelines for cybersecurity in the maritime sector and is promoting the adoption of best practices and technologies to secure port operating systems, vessel tracking systems, and other digital infrastructure from cyber threats.

Trade Facilitation Model and Governance Dichotomy

India's trade facilitation model is guided by the National Trade Facilitation Action Plan (NTFAP), which aims to align its customs and logistics procedures with the WTO's Trade Facilitation Agreement (TFA). Initiatives like the Port Community System (PCS1x) and the move towards a National Logistics Portal-Marine are designed to create a single-window, digital platform for all stakeholders, reducing paperwork, time, and costs.

However, a central dichotomy persists in India's port governance. While there is a strong push for privatization and efficiency through a landlord port model, the state retains significant control. Major ports are owned by the central government, and security remains a non-delegable sovereign function. This creates a dynamic tension where private terminal operators are responsible for operational efficiency, but the ultimate authority for security, pilotage, and vessel traffic management rests with the government-appointed port authority. This hybrid model aims to leverage private sector efficiency while ensuring that the state does not cede control over strategic assets, perfectly encapsulating India's calibrated approach to the trade-security balance.

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2. The United Arab Emirates (UAE): Integrated Security and Technological Governance Legal and Regulatory Framework

The legal architecture of the UAE's maritime sector is modern and comprehensive, centered around the Federal Decree-Law No. 43 of 2023. This landmark legislation replaced the 1981 maritime law, overhauling the regulatory landscape to align it with international best practices and address contemporary challenges. The new law introduces provisions for autonomous vessels, electronic bills of lading, and, critically, enhanced regulations for cybersecurity and environmental protection. It provides a clear, predictable, and modern legal framework that is highly attractive to international shipping lines and investors.

On the trade front, the UAE has pursued an ambitious strategy of forging Comprehensive Economic Partnership Agreements (CEPAs) with key economic partners, including India. These agreements are designed to eliminate tariffs and non-tariff barriers, creating a hyper-liberalized trading environment. However, this openness is counterbalanced by a sophisticated security apparatus. The implementation of the Maritime Pre-load Cargo Information (MPCI) system is a prime example. This system, requiring advance electronic submission of cargo data, allows UAE customs and security agencies to perform risk analysis before a vessel's arrival, enabling a targeted, intelligence-led approach to inspections. This facilitates the swift clearance of low-risk cargo, ensuring that security measures enhance, rather than hinder, the velocity of trade.

Maritime Security Strategy

The UAE's maritime security strategy is forward-leaning and collaborative, focused on protecting its own extensive coastline and the vital sea lanes of the Arabian Gulf.

Counter-Piracy and Regional Security: The UAE plays a significant role in regional maritime security constructs. It is an active participant in the International Maritime Security Construct (IMSC), which aims to ensure freedom of navigation and the security of commercial shipping in the Gulf. Its navy and coast guard regularly participate in joint patrols and exercises with international partners. This collaborative approach recognizes that maritime security is a shared responsibility and is essential for protecting the global energy and trade routes that are the lifeblood of its economy.

Cyber-Terrorism Defense: As one of the most digitally advanced nations, the UAE places a very high premium on cybersecurity. The UAE Cybersecurity Council spearheads the national effort to protect critical infrastructure, including the highly automated and digitized port facilities at Jebel Ali and Khalifa Port. The country invests heavily in advanced

cybersecurity technologies, threat intelligence platforms, and public-private partnerships to create a resilient defense against state and non-state cyber adversaries.

Trade Facilitation Model and Governance Dichotomy

The UAE's trade facilitation model is one of the most advanced in the world, epitomized by the "Dubai Model." This model integrates ports, free zones, and logistics into a single, seamless ecosystem under a unified administrative umbrella, such as DP World. This high degree of integration minimizes bureaucratic friction and maximizes efficiency.

The governance dichotomy in the UAE is managed through a system of state-owned enterprises (SOEs) and clear regulatory oversight. While entities like DP World operate with a high degree of commercial autonomy and global ambition, they remain fundamentally aligned with the strategic objectives of the state. Security is deeply embedded into the operational fabric of these entities, rather than being an external layer of regulation. The leadership of the UAE views world-class security not as a cost or a burden, but as a core component of its value proposition as a global trade hub. This fusion of commercial enterprise and state strategy allows the UAE to project a unified and powerful model of secure and efficient port governance.

3. Singapore: The High-Trust Model of Integrated Governance

Legal and Regulatory Framework

Singapore's legal framework is characterized by its clarity, consistency, and rigorous enforcement. The Maritime and Port Authority of Singapore (MPA) is the primary regulator, overseeing all aspects of the port, from safety and environmental protection to security.

Singapore is a steadfast implementer of international maritime law, including the ISPS Code, which it enforces with meticulous rigor.

A key aspect of Singapore's legal strategy is its extensive network of Free Trade Agreements (FTAs). As a small nation with no natural resources, Singapore has long viewed FTAs as a critical tool of economic statecraft. Its FTAs, including the early and comprehensive India-Singapore Comprehensive Economic Cooperation Agreement (CECA), are designed to create a hyper-connected, low-friction environment for trade. This is balanced by a robust domestic security framework. Recent enhancements to the governance of its Free Trade Zones (FTZs), which now require strict licensing for operators and mandatory data sharing, demonstrate Singapore's philosophy: that even zones designed for trade facilitation must be subject to stringent security oversight.

Maritime Security Strategy

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Singapore's security strategy is dictated by its geography. Situated at the chokepoint of the Malacca Strait, one of the world's busiest and most strategic shipping lanes, its maritime security is synonymous with its national survival.

Counter-Piracy and Sea Lane Security: The Republic of Singapore Navy (RSN) and the Police Coast Guard maintain a constant and visible presence in the Singapore Strait.

Singapore is a key player in regional security cooperation, including the Malacca Straits Patrol and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the information-sharing center of which it hosts. Its approach is one of cooperative security, working closely with its neighbors, Malaysia and Indonesia, to keep the straits safe and open for all.

Cyber-Terrorism Defense: Singapore takes the threat of cyber-terrorism extremely seriously. The Cyber Security Agency of Singapore (CSA) is responsible for national cybersecurity, with a dedicated focus on protecting critical information infrastructure (CII), including the maritime sector. The MPA has established a Maritime Cybersecurity Roundtable to foster collaboration between the government and industry, and it regularly conducts exercises and issues advisories to strengthen the sector's resilience against cyber threats.

Trade Facilitation Model and Governance Dichotomy

Singapore's trade facilitation model is widely regarded as world-class. Its TradeNet system, a national single window for trade documentation, has been in operation for decades and is a model for other countries. The port itself is a marvel of efficiency, with some of the fastest vessel turnaround times in the world.

The governance dichotomy in Singapore is managed through a system of highly effective public administration and government-linked corporations (GLCs). While port operator PSA International is a commercial entity operating globally, it remains majority-owned by the state's sovereign wealth fund, ensuring its operations are aligned with the national interest. In Singapore, there is less of a dichotomy and more of a fusion between state and enterprise.

The government's long-term, strategic planning views security not as a constraint on trade, but as a fundamental prerequisite for it. By building a reputation as one of the most secure and reliable ports in the world, Singapore has turned security into a powerful competitive advantage, attracting global trade and investment and solidifying its status as a trusted global hub.

4. Oman: A Nexus of Economic Nationalism and Strategic Partnership

Legal and Regulatory Framework

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Oman's legal framework for trade and investment is more cautious than that of its neighbors like the UAE. While it is a member of the WTO and has an FTA with the United States, its trade policy is strongly influenced by its national development goals. A central pillar of this is the policy of "Omanisation," which prioritizes the employment of Omani citizens and seeks to limit foreign dominance in key sectors. This policy acts as a significant non-tariff measure, with clear security implications, as it ensures a degree of local control over strategic assets, including its ports at Salalah, Sohar, and the new deep-water port at Duqm.

In its FTAs, Oman includes the standard national security exception clauses, which provide the legal basis to defend its domestic policies, like Omanisation, from potential challenges under international trade law. This allows Oman to participate in the global economy on its own terms, balancing the benefits of foreign investment with the imperative of building its domestic capacity and maintaining sovereign control.

Maritime Security Strategy

Oman's strategic location gives it a crucial role in the security of the Arabian Sea and the approaches to the Strait of Hormuz. The Royal Navy of Oman and the Royal Oman Police Coast Guard are responsible for securing its long coastline.

Counter-Piracy and Regional Stability: Oman has been an important partner in international counter-piracy efforts off its coast. Its ports have provided essential logistical support for international naval forces operating in the region. Oman prides itself on its role as a neutral and stabilizing force in a volatile region, often acting as a quiet diplomatic intermediary. Its security posture reflects this, focusing on securing its own territory and contributing to regional stability without becoming entangled in broader conflicts.

Cyber-Terrorism Defense: Like other nations in the region, Oman has recognized the growing threat of cyber-attacks. It has established a National Computer Emergency Readiness Team (OCERT) to coordinate its response to cyber threats and is working to enhance the security of its critical infrastructure. However, its capabilities in this area are still developing compared to its more digitally advanced neighbors.

Trade Facilitation Model and Governance Dichotomy

Oman's trade facilitation model is developing, with a focus on leveraging its new port infrastructure, particularly at Duqm, to attract investment and become a logistics hub. The Special Economic Zone at Duqm (SEZAD) is the centerpiece of this strategy, offering a more liberalized regulatory environment to attract foreign companies.

The governance dichotomy in Oman is very clear: the state and the ruling monarchy retain

ultimate control over all strategic assets. While there is a role for foreign partners in operating and managing port terminals (for example, the Port of Antwerp has a role in Duqm), this is always within a framework that preserves Omani sovereignty. Oman's most distinctive strategic choice has been its partnership with India, granting the Indian Navy access to the Port of Duqm for logistics and support. This move is a modern manifestation of the two nations' ancient maritime ties and reflects a strategic calculation to balance the influence of other regional and global powers. This reliance on strategic partnerships, rather than full-scale trade liberalization, is the hallmark of Oman's unique approach to the security-trade nexus.

POLICY AND LEGAL RECOMMENDATIONS

Policy and Legal recommendations for India, the UAE, Singapore, and Oman to enhance their balance of national security and free trade access in their ports.

India

Policy Recommendations:

- **Harmonize Port Governance:** India should accelerate efforts to bridge the governance gap between its 12 major ports (under central control) and over 200 non-major ports (under state control). The Maritime State Development Council (MSDC), established under the Indian Ports Act, 2025, should be empowered with greater authority to enforce uniform security protocols, operational standards, and digital infrastructure across all ports. This will eliminate regulatory arbitrage and create a seamless national maritime network.
- **Invest in Transshipment Hubs:** To reduce dependency on foreign ports like Colombo and Singapore for transshipment, India must fast-track the development of its own deep-draft container transshipment hubs, such as the Vizhinjam International Seaport. This will capture more value within India, reduce logistics costs for its exporters, and enhance its strategic maritime footprint.

Legal Recommendations:

- **Create a Unified Maritime Security Bureau:** As envisioned in the "Maritime Amrit Kaal Vision 2047," India should establish a Bureau of Port Security. This central agency would be responsible for nationwide security audits, threat assessments, and the implementation of a standardized security code, ensuring consistent enforcement and overcoming the current fragmentation.
- **Modernize the Merchant Shipping Act:** Alongside the new Ports Act, India should comprehensively review and modernize its Merchant Shipping Act to align with the latest

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international conventions on crew welfare, safety, and environmental protection, which are increasingly seen as integral components of a secure and responsible maritime ecosystem.

UAE

Policy Recommendations:

- **Champion Global Standards for Digital Trade:** The UAE should leverage its leadership in port technology to spearhead the development and adoption of global standards for digital trade documentation, including electronic bills of lading. This would enhance interoperability with its trading partners and solidify its position as a global innovator in trade facilitation.
- **Expand Maritime Security Cooperation:** While the UAE has strong bilateral security pacts, it should seek to create a more formalized, GCC-wide maritime security framework. This would enhance regional stability, improve collective responses to threats in the Strait of Hormuz, and provide a stronger, unified security umbrella for one of the world's most critical energy and trade corridors.

Legal Recommendations:

- **Enact a Comprehensive National Cybersecurity Law for the Maritime Sector:** While the UAE has a strong general cybersecurity framework, a dedicated law for the maritime sector would provide greater clarity and more specific obligations for port operators, shipping lines, and logistics providers, addressing unique risks like threats to vessel navigation systems and automated port machinery.
- **Streamline Foreign Investment Screening:** To further enhance its attractiveness as an investment destination, the UAE could create a more transparent and streamlined legal process for the screening of foreign investments in sensitive port-related infrastructure, providing greater certainty for investors while still protecting national security.

Singapore

Policy Recommendations:

- **Pioneer AI in Maritime Security:** Singapore should continue to push the boundaries of technology by investing in the application of Artificial Intelligence (AI) and machine learning for maritime security. This could include predictive analytics for identifying high-risk vessels, AI-powered surveillance of its territorial waters, and autonomous patrol drones, further enhancing its security posture with less reliance on manpower.
- **Lead in Maritime Decarbonization Rulemaking:** As the world's top bunkering hub, Singapore is uniquely positioned to lead the global conversation on the regulation of future marine fuels. It should proactively work within the International Maritime Organization

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(IMO) and with its key partners to shape the legal and safety standards for new fuels, turning this global challenge into a strategic opportunity.

Legal Recommendations:

- Singapore should create a thorough legal and regulatory framework that regulates the use of completely autonomous ships in its ports and territorial waters in order to get ready for the future. This would make it one of the first jurisdictions in the world to be "future-ready" for maritime autonomy by addressing intricate liability, safety, and cybersecurity issues.
- As a global center, Singapore can further its leadership position by fortifying its legal framework for the defense of seafarers' rights, which are essential to the safety and stability of the world's shipping industry. These rights include equitable labor practices, access to healthcare, and effective crew changes.

Oman

Policy Recommendations:

- Oman should keep expanding its strategic alliances for port development and security cooperation, even though it has a solid relationship with India. Its ports at Duqm, Sohar, and Salalah might receive new investment, technology, and expertise if it engages with European and East Asian countries more thoroughly.
- Oman could concentrate on creating niche markets as an alternative to going up against the UAE's mega-hubs directly. This might entail focusing on bulk commodities, using the Duqm dry dock for ship repair and maintenance, or establishing itself as a more secure and resilient entry point for particular trade routes that avoid the Strait of Hormuz.

Legal Recommendations:

- Oman should pass a transparent and unambiguous foreign investment law that outlines the standards for vetting investments based on national security concerns in order to draw in more foreign direct investment into its port industry. Investors would have more certainty as a result of the perceived decrease in regulatory risk.
- The ratification and full domestic implementation of the remaining international maritime conventions pertaining to liability (such as the Bunker Convention) and environmental protection (such as the Ballast Water Management Convention) should be Oman's top priority. This would bring its legal system into line with international norms and demonstrate its dedication to being a responsible maritime nation.

CONCLUSION

In the port governance of India, the United Arab Emirates, Singapore, and Oman, the

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dynamic balance between free trade access and national security is influenced by various historical legacies, geopolitical imperatives, and strategic economic aspirations. Despite operating under the same international legal frameworks—the WTO, UNCLOS, and the ISPS Code—all four countries have different approaches to this basic problem, as evidenced by their national implementations.

Models of highly integrated governance, such as Singapore and the United Arab Emirates, treat trade facilitation and security as mutually reinforcing. Unquestionable technological prowess and regulatory integrity form the cornerstones of Singapore's success, establishing a highly trusted and incredibly effective global hub. The UAE has created a smooth ecosystem where strong security supports its standing as a leading logistics and re-export gateway thanks to its centralized authority and aggressive adoption of digital systems. By increasing dependability and predictability, both countries show that security investments can have a major positive economic impact.

On the other hand, strategic autonomy and economic nationalism have a greater influence on the strategies of India and Oman. The complex federal structure of India and its goal of developing domestic capacity while opening its markets selectively are reflected in its framework of calibrated liberalization. Realizing its full maritime potential depends on its continuous efforts to modernize and harmonize its port governance. Oman uses its strategic location and a purposeful, sovereign-centric strategy to establish a niche for itself by striking a balance between its need for foreign investment and measures intended to maintain its sovereignty and control over its vital resources.

Going forward, the once-unified GCC trade bloc is becoming more fragmented due to the trend towards bilateral and minilateral agreements, which is exemplified by the UAE's CEPA strategy. This presents both new opportunities and challenges. The development of their port governance models will be a crucial factor in determining their future economic resilience and strategic influence as these four countries—all essential to the security and trade of the Indian Ocean region—continue to negotiate a global environment characterized by geopolitical competition and supply chain reconfiguration. Maintaining the delicate balance between a secure homeland and an open gateway to the world will require the ability to innovate, modify legal frameworks, and create cooperative security arrangements.