

NON-TRADITIONAL MARITIME THREATS TO SECURITY IN INDIAN OCEAN REGION

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ABSTRACT

Maritime security implies that the security in the marine areas including the national security of the seas and oceans. Today, there so many crimes around the maritime areas which need to be address. These are the recent issue which affecting the international relations between the countries. There is a need to have strong security threats around this region. This region has become one of the world's most trade and energy sources. The area around the Indian Ocean faces many safety and security problems, both old and new, such as piracy, robberies, terrorism, drug trafficking, illegal wildlife trade, illegal arms trade, fishing, climate change, etc. Hence, the security of the Indian ocean need to be protected from the increasing crimes and there should be stringent laws of implementation in this region.

The mode of conduct of research is doctrinal research. The objective is to find the problems with protecting “maritime security in the Indian Ocean” and also how it is having an impact on international relations. Lastly, the researcher provides a conclusion and suggestions.

Keywords: Maritime, Security, Indian Ocean, Piracy, International Relations

1.1 INTRODUCTION

The Indian Ocean surrounds where vast trade and energy sources are using between the countries. According to the various studies, there are the threats to the “Indian Ocean” today is the increasing which resulted into blocking of the ocean. These issues are emerging because there is lack of implementation of maritime laws and the lack of maritime domain awareness. Further there is growing competition which surrounds this region. There is a need to have freedom for navigation and ensures implementation of laws with strong maritime security. Today, the Indian Ocean faces problems like maritime terrorism, climate change, and the degradation of the environment, as well as the misuse of marine resources and the illegal trafficking of guns and drugs. According to the study, the “Indian Ocean and Sri Lanka” are where “non-traditional maritime security” problems are most

common today. Also, these crimes around this region needs to be prevented for such purpose the political, economic, social, environmental, military security needs to be stronger around this region.¹

1.2 MARITIME THREATS TO SECURITY IN THE INDIAN OCEAN

The Indian Ocean becoming more political area as well as growing more geographical battles. This has been due to as this region is the source of sea trade between the countries. Also, communication lines as well as vast region of natural resources. Moreover, this region has been facing lot of issues due to lack of jurisdiction, laws, security and so on which needs to be overlook and have strong and stable security so that there can be no threats around the region. There are traditional and non-traditional security risks are the most obvious ones. This includes piracy, terrorism, human trafficking, robberies, trespass, drug trafficking, illegal wildlife trade, misuse of marine resources, etc. Hence, the Indian ocean has become a region which needs a proper security and prevent the crimes and other issues so that this region can have protection.²

1.3 OVERVIEW OF MARITIME SECURITY

Maritime security is an important area to study as there are so many issues increasing day by day which needs to be resolved. Every country has to maintain their security and it shall not affect to the national security. The Indian Ocean has always been an essential place for the giants to plan their moves. Here, thinking about a strategic position at sea and security at sea is crucial. So, the main goal is to find out about maritime security in this region and to know about the problems there. Hence, if these issues are resolved then the maritime security in this region will be protected.

Marine security implies the security of the marine area, its resources including the national security or the borders of the oceans and seas between the countries. This is to ensure the economic, environment and human growth. This includes territorial areas, rivers, ports, and other waterways which all need to have proper governance in this region. The Indian Ocean has poses threats which need to be prevented. The maritime security has not been defined anywhere under International law. Hence, it needs to be addressed so that the protection to the marine region can be given with proper and stringent rules to govern this region.³

1.4 NEED FOR MARITIME SECURITY IN THE INDIAN OCEAN

Some real-world problems that fall under the term "maritime security" are crimes like "*piracy, robberies, trafficking and illegal trading, illegal fishing, and ocean pollution*". Rivalries between "states and violent extremism" at sea are often linked. This makes the sea a critical space for "maritime security", including as a

¹ P.K.B Isuru Premarathana, 'Maritime Security Challenges in the Indian Ocean: Special Reference to Sri Lanka' [2019] IJRISS, 158, 160

² Dr. H.O Aggarwal, *International Law and Human Rights* (17th edn., Central Law Publications, New Delhi, 2021) 998-1034

³ *Ibid* 1

political powers, and various maritime disputes and all these has to be resolved in order to prevent the crimes and other threats. Maritime security has always been a concern for nation-states. Still, it had changed in the early 2000s, when there are so many terrorist attacks on port facilities sparked interest in maritime security and led to the creation of the “International Ship and Port Facility Security Code”. Since then, many countries and foreign groups have put together plans for marine safety. Particularly, piracy in “*Southeast Asia, off the coast of Somalia, and in West Africa*” has made people realize how bad marine insecurity is for economic growth, human safety, and the environment as a whole. Therefore, there is a need to have proper marine security for the economic, human and environment development.⁴

Safety at sea is often a global issue beyond the marine world. It is called "cross-jurisdictional" or "highly jurisdictional" for its complexity. Internationally and domestically, maritime security is an important idea. The issues to resolve the security issues at both national and international level, will result into “*economic development, human security*” in the maritime region. The crimes like piracy, illegal trafficking of people, illegal fishing, smuggling of goods, and sea pollution are some of the most critical problems filed under maritime security. Therefore, the maritime security to the Indian ocean in the present scenario is necessary to govern this region and give protection to it. It is also an essential part of foreign and global terrorism. The violations like robbery, unlawful dealing of individuals, unlawful fishing, pirating of merchandise, and ocean contamination are the absolute most basic issues recorded under sea security. Thusly, the sea security to the Indian sea in the current situation is important to administer this area and give assurance to it. It is additionally a fundamental piece of unfamiliar and worldwide psychological warfare. Throughout history, maritime security has been discussed in terms like the sea, maritime law, power, and wars. Since the 17th century, people have been using the seas for many different things. The idea of a "free sea" has been put into the “United Nations Convention on the Law of the Sea” (“UNCLOS”). The Convention main objective was to provide the marine guidelines about the area and distance so that there can be proper rules and regulations to be govern in order to avoid maritime disputes in the region. Hence, in this way there will be clear sea routes between the countries, marine resources and will be territorial area will be prescribed.

At the beginning of the 20th century, some countries said they wanted more freedom for their people. It discussed keeping fish stocks safe, stopping pollution, and using sea resources. In 1945, “President Truman of the U.S.” used the rules of international law to protect natural resources. He gave the U.S. control of all natural resources on the continental sea. Several other states did the same thing. Between 1946 and 1950, “Chile, Peru, and Ecuador” has made 200 nautical miles for the purpose of their fishing limits. And on the other hand, the other states has made limit to 12 nautical miles.⁵

⁴ G. Suri, ‘India’s Maritime Security Concerns and the Indian Ocean Region’ [2016] AID, 56, 89

⁵ Dr. Rakesh Kumar Singh, *Textbook on Public International Law* (7th edn., Eastern Book Company, New Delhi, 2016) 1234-1267

1.5 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

In Geneva, Switzerland, in 1956, the first U.N. meeting on the law of the sea was held. As a result of the meeting in 1958, a convention on including troops in the territorial sea and those near it was signed in the year 1964. The agreement to protect fisheries and oceans was signed in the year 1966. Even though these were written in the UNCLOS the width of the beaches made them hard to follow.⁶

In 1960, the U.N. held its second meeting on the law of the sea, but no countries from the third world were there to share their ideas. Only advanced countries took part.

The third U.N. meeting on the “law of the sea” was held in New York. In 1967, Arvid Pardo of Malta brought up the topic of diversity along the coast, which is talked about. The convention lists critical approaches and problems, such as delimitation, navigation, archipelago, the “exclusion of economic zones”, the marine environment, food, and so on where these conflicts arising between the seas and oceans of the countries. The UN has developed an idea of maritime law and security in modern spaces that is qualitative and quantitative. This was an idea that was accepted and used all over the world. It was established at the convention on the sea in 1958. The most recent one was enacted in 1994 and covered inland and territorial seas and several territorial and legal powers. The UN has fostered a thought of sea regulation and security in present day spaces that is subjective and quantitative. This was a thought that was acknowledged and utilized from one side of the planet to the other. It was laid out at the show on the ocean in 1958. The latest one was authorized in 1994 and covered inland and regional oceans and a few regional and lawful powers. From the 1990s to the 2000s, marine security has changed in both ideas and theories. In 2000, the “*bombing of the U.S.S. Cole and the September 11 attacks*” showed how to make the seas safer. Because of these attacks, I.S.P.S. codes, the quality use of maritime security and their rules and regulations, and control of the marine industry were put in place in 2002. Modern maritime security also includes terrorist threats, maritime security, and a military battle between two or more states.⁷ Therefore, the insecurity around the region need to have maritime security for its protection in the region.

During the 2000s, there was also more piracy at sea off the “*coasts of Southeast Asia, Somalia, and West Africa*”. It also gets lawmakers to think about international trade, economic costs, the physical dangers to the shipping industry or sailors, maritime security, and so on. International relations scholars have studied and explored the ideas of maritime security and piracy in recent years. There was a “regional cooperation agreement” on piracy against the Asian ships in the year 2004 and the “International Maritime Organization Djibouti” was created in 2009. Was there a deal between East African and Southeast Asian countries to work together against piracy? The D.C.O.C.'s supplementary “*Jeddah amendment in 2017*” and the addition of illegal, unregistered, and uncontrolled fishing offshore.

⁶ Aditi Chaterjee, ‘Non-traditional Maritime Security Threats in the Indian Ocean Region’ [2019] MAJNMFI, 77, 95

⁷ *Ibid* 6

The law of the sea is one of the things that international law talks about. In the 19th century, maritime law was seen as a set of rituals. However, because of the 19th century, it was no longer just a set of traditions but had a legal framework. “*The Paris Declaration*,⁸ *the Hague Convention*,⁹ *the Geneva Convention Protocol*,¹⁰ and *the Geneva Convention II*”¹¹ (army agreement on sickness and disasters) are the primary sources for accepted conventions and declarations about maritime security and law.

1.6 THE MODEL FOR MARINE SECURITY

- Marine environment (including Maritime security)
- Economic growth (which includes the "Blue Economy") National defence (which includes "Seapower")
- Human security (including trafficking in people)

The world rests a lot on trade that happens by sea, and all countries can participate in the global market on the high seas. Without question, the sea has had a significant impact on South Asia's economy and politics. The Indian Ocean is the world's third most significant body of water. It covers 20% of the earth. The Region has 38 coastal states, 24 ocean regions, and 17 countries surrounded by land. The Arabian Sea and the Red Sea, next to each other, link to this ocean through the “Strait of Babel Mandeb and the Strait of Hormuz”. Together, they cover an area of 169,000 square miles.

Minerals, fish, marine goods, oil resources, and natural gas are some of the many natural resources in the Indian Ocean. It is also home to many choke spots, such as the “Straits of Hormuz, the Straits of Malacca, and the Sunda Straits”. If traffic doesn't move smoothly through these spots, terrible things can happen. Coastal states have a lot to worry about when it comes to their security, especially when it comes to energy sources. This is because most of their energy lifelines are on the sea.¹²

Since energy is so vital to a country's geopolitical strategies, any supply change can significantly affect security. The international security environment is changing and uncertain as there are various wars or crises which are taking place needs to have security and protection in the region. In the current situation, the safety of sea routes and these guidelines related to maritime shall not be ignored by any country. It will affect all countries if something goes wrong and could be very important to some. Due to this maritime regions need to be prepare with essential sea routes, checkpoints, prevention from attacks and so on. Unlike in the past, today's enemies are unpredictable, networked, and don't follow the rules. That is why there is a need of strong security for the protection in this region. Threats from terrorists, other countries or states, international criminals, theft, etc., can all put this ocean's safety at risk. Illegal and uncontrolled fishing in these seas has become a significant threat to

⁸ The Paris Declaration 1856

⁹ The Hague Convention 1907

¹⁰ The Geneva Convention 1936

¹¹ The Geneva Convention II 1938

¹² *Ibid* 5

Sri Lanka's and other countries' safety. Since energy is so essential to a country's international procedures, any stockpile change can fundamentally influence security. The worldwide security climate is changing and unsure as there are different conflicts or emergencies which are occurring necessities to have security and assurance in the locale. In the ebb and flow circumstance, the security of ocean courses and these rules connected with sea will not be disregarded by any country. It will influence all nations assuming that something turns out badly and could be vital to some. Because of this oceanic districts should be get ready with fundamental ocean courses, designated spots, anticipation from assaults, etc. Not at all like before, the present foes are erratic, arranged, and don't keep the guidelines. To that end there is a need areas of strength for of for the security around here. Dangers from psychological oppressors, different nations or states, global hoodlums, robbery, and so forth, can all endanger this sea's wellbeing. Unlawful and uncontrolled fishing in these oceans has turned into a critical danger to Sri Lanka's and other nations' wellbeing.

1.7 MARITIME SECURITY CHALLENGES IN THE INDIAN OCEAN

One of the last words in foreign relations is "safety at sea." Major players have started including marine security in their jobs or have changed how they do things because of this. People think that a new trend in security design is to focus on threats that aren't typical. The area around the Indian Ocean has become an important trade and energy route globally. Terrorism and piracy are significant threats to "maritime security in the Indian Ocean" because of where they happen. These things show that this region, which is strategically and centrally situated, is the most vulnerable coastal and ocean-centred area and a hub for international trade.¹³

The Indian Ocean gets a lot of attention because it significantly impacts economic growth, international trade, and security issues that have been around for a long time. Sri Lanka's naval modernization is affecting new world trends. This could be seen as a new maritime border security trend focusing on piracy, terrorism, territorial issues, and natural disasters. Also, Sri Lanka is working with global and regional powers like "China, the US, and India" to modernize to protect its land. This is a growing trend in the Indian Ocean. Sri Lanka also sees more illegal fishing and more people and drugs moving around. Moreover there is also increase of theft of kidney and illegal migration which can be result into human trafficking. India is concerned about its maritime security, the value of its resources, how to deal with emergencies and problems, and how to give investment processes less and less importance. People, guns, and illegal goods are often taken from the sea. Hence, such issues need to be addressed and to establish maritime security around the Indian Ocean. The Indian Sea certainly stands out enough to be noticed in light of the fact that it fundamentally influences financial development, worldwide exchange, and security gives that have been around for quite a while. Sri Lanka's maritime modernization is influencing new world patterns. This should have been visible as another sea line security pattern zeroing in on theft, psychological warfare, regional issues, and catastrophic events. Additionally, Sri Lanka is working with

¹³ Dr. Srimal Fernando, 'Promoting Maritime Security in the Indian Ocean Rim: The Role of Ind0-SriLakan Maritime Diplomacy' [2021] IDR 56-78

worldwide and local powers like “China, the US, and India” to modernize to safeguard its territory. This is a developing pattern in the Indian Sea. Sri Lanka additionally sees more unlawful fishing and more individuals and medications moving around. Additionally there is likewise increment of burglary of kidney and unlawful movement which can be result into illegal exploitation. India is worried about its oceanic security, the worth of its assets, how to manage crises and issues, and how to give speculation processes less and less significance. Individuals, weapons, and unlawful products are frequently taken from the ocean. Thus, such issues should be addressed and to lay out sea security around the Indian Sea.

But even though the war was over, drug and people trade continued. Sri Lanka's drug crime is also getting worse. Statistics show that 95% of drugs come into the country by sea. Also, unauthorized, unregistered, and unregulated fishing by both local and foreign boats brings problems that can't be avoided.

Soft power is having more and more of an effect, a big problem in the marine world. The sea borders between the two countries were made clear as part of the deal that India and Sri Lanka. But the “seas of Palk Bay and the Gulf of Mannar” continue to cause problems between the two countries. Also, the issue of “Katchatheevu Island” still causes political problems between Sri Lanka and India from time to time.

This is because this issue is essential to the policy of the people of Tamil Nadu, which is in South India. Poaching without permission is a problem for both countries because it affects security and leads to the arrest of anglers who are on the wrong side of the sea border. Illegal fishing is also bad for Sri Lanka's economy and nature in the long run. So, both governments should take decisive steps to stop their fishermen from crossing the line and stealing fish from the marine waters of their neighbours. This is on the grounds that this issue is fundamental for the approach of individuals of Tamil Nadu, which is in South India. Poaching without consent is an issue for the two nations since it influences security and prompts the capture of fishermen who are on some unacceptable side of the ocean line. Unlawful fishing is likewise terrible for Sri Lanka's economy and nature over the long haul. In this way, the two state run administrations ought to find conclusive ways to prevent their anglers from going too far and taking fish from the marine waters of their neighbors. The “Strait of Palk” has become a popular place for people who sell heroin in the area to move their drugs.¹⁴

1.8 CONCLUSION & SUGGESTIONS

As the Indian Ocean region has been increasing day by day with crimes which have a bad effect on the international relations. In the area, the threat of drugs is still linked to terrorism and another human trafficking. So, the national security will be seriously hurt if the government doesn't move quickly to fix the problem. It was said that the government should work with to solve these problems in order to establish maritime security in the region. If the two countries can work together, diplomatic and political ties will significantly improve. Also, this

¹⁴ *Ibid* 13

region needs to take a more organized and strong strategies for dealing with global and regional issues, considering threats to security from enemy civilians, pirates at sea, and other sources, such as armed pirates working for N.G.O.s. It takes long-term plans to modernize, update, and strengthen the Navy and fix problems with policies. Therefore, the defence is needed in this region, so the U.S. should work closely with big countries such as “Japan and Australia” to make a long-term plan for maritime security. Hence, to prevent the threats in this region has to establish maritime security.

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