

Maritime Security and Freedom of Navigation

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There is little dispute over the assertion that the world today is characterised by multi-layered and multi-faceted diversity from political, demographic, economic, environmental and strategic viewpoints. Everything around us seems to suggest that the world is in another period of historical transition. In addition to these, the world is living in a period of ‘strategic uncertainty’ manifesting itself as a complex interplay between nations across multiple domains.

Global Drivers

There are three global drivers which are of particular concern to us as they would shape the world, and our collective futures in profound ways. The first of these pertains to the ongoing shift in the technological centre of gravity from West to East. As a result, the technological superiority enjoyed by the West is under challenge from the East. In fact, the technological gap is narrowing between the West and East, particularly in the field of advanced technologies, many of which also have military applications¹. Coupled with the technological driver is the economic matrix and by that I mean the on-going rebalancing of the global economies which is leading to a major shift in global economic clout. In fact, in a recent analysis published by the World Economic Forum, by 2050, six of the seven largest economies are projected to be emerging economies². These will be led by China and followed by India at the second place. The next driver pertains to the increasing world population and rising living standards. In addition to the social aspects, the growing military aspirations of major powers and its corresponding impact on quest for resources cannot be overemphasised. These factors are leading to a steep increase in the demand on all resources, including food, water, energy and rare earth materials. On the military front, as can be seen around us, this quest for *gaining access and control over resources* is manifesting itself, *particularly in the global commons*³, be it the Oceans, Polar Regions, Space or even the Cyber world. Maintaining freedom of action in the global commons will thus be a vital objective. The third and last driver would be the impact of climate change, particularly from the prism of environmental, security and economic aspects. The implications of these drivers are broad and varied, and they will present us with tremendous opportunities, as well as extremely dangerous risks which will need to be mitigated.

¹ Source – Reuters, Article titled ‘*Trade war or not, China is closing the gap on U.S. in technology IP race*’, available at <https://www.reuters.com/article/us-usa-trade-china-intellectualproperty/trade-war-or-not-china-is-closing-the-gap-on-u-s-in-technology-ip-race-idUSKBN1HK187>, accessed on 18 Feb 2019.

² Source – Official Website of World Economic Forum, available at <https://www.weforum.org/agenda/2018/04/the-worlds-biggest-economies-in-2018>, accessed on 04 Feb 19.

³ Global Strategic Trends – The Future Starts Today (Sixth Edition 2018), p 14,18 UK MOD, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771309/Global_Strategic_Trends_-_The_Future_Starts_Today.pdf, accessed on 04 Feb 2019.

Strategic Trends

The three important strategic trends, which emerge out of these drivers, either as a direct outcome or an enmeshed output of more than one of them.

The first of these pertains to the ongoing Power Transition and Diffusion. As the economic and technological power of China rises, it may rival that of the USA. A crucial question is whether the current institutions, mechanisms and norms of the international system can adapt to accommodate this shifting balance of power. If it cannot, disputes will be more difficult to resolve, and these could escalate into conflict. As global power becomes more contested, it will become harder to forge internationally-binding treaties, and non-compliance and subversion of international laws are likely to increase⁴.

The next trend pertains to the Potential for Increased Competition. Given the increasing quest for resources, particularly in the global commons, the extant powers may seek to enhance their position in the global order which may trigger conflict⁵. Essentially, the question is, *would the increasing resource aspirations lead to more inter-state and intra-state conflicts?* If yes, then we need to prepare for these scenarios and mitigate their potential implications on global as well as regional peace and security. As a result of increasing competition, there is wide scope for Regional Instability. As is being seen around the world, the ability of individuals and groups to have a larger impact than ever before, *politically, militarily, economically, and ideologically*, is undermining traditional institutions.

Indian Ocean Region is defined by multi-layered and multi-faceted diversity from political, demographic, economic, environmental and strategic viewpoints.

In security terms, issues relating to the IOR are best addressed in terms of two overlapping regional systems. The first one embraces Indian Ocean centric issues, that is issues that, are specific to the Indian Ocean and its littoral. The second system sees the Indian Ocean as part of a wider Indo Pacific 'strategic system', that embraces the trade routes and sea lanes that cross the Indian Ocean. All issues challenging the security quotient of IOR could be seen through the prism of these two systems.

Maritime trade in the Indian Ocean has always been integral to economic, cultural and civilisational linkages. Today, the Indian Ocean is the world's pre-eminent energy and trade seaway and a large percentage of the oil and trade that emanates in the IOR is headed for countries outside this region. Obviously, safety, security and stability in the Indian Ocean Region is not a local or regional issue but a matter of global geo-strategic agenda.

Resource competition, energy security and expanding strategic interests are witnessing an increased attention from regional states and external powers. The region no longer remains on the fringes of global agenda but firmly occupies the centre-stage, particularly from the perspective of 'competing' interests.

⁴ Global Strategic Trends – The Future Starts Today (Sixth Edition 2018), p 12 UK MOD, available.

⁵ Global Strategic Trends – The Future Starts Today (Sixth Edition 2018), p 122 UK MOD.

The strategic importance of the Indian Ocean which is land-locked on the three sides cannot be overemphasised. Access to the IOR is through the ISLs that pass through certain choke points located at the eastern and western approaches to the Indian Ocean. Unhindered flow of maritime trade through these choke points assumes tremendous significance for the entire world. Given the importance of the Indian Ocean Region, it is hardly a surprise that more than 125 warships from close to 22 extra regional navies maintain a near continuous presence in the Indian Ocean.

Compounding the security matrix of the region, is the advent of numerous challenges that have come along with increasing globalisation. It could be said with a reasonable degree of conviction that two factors have significantly contributed towards setting a 'new security agenda' as a result of increasing globalisation.

Maritime resources, will be key to sustained growth and development of nations across the Indian Ocean Region in the ongoing century. We have already seen the negative impact of conflicting claims, in some maritime areas of the world. We must, therefore, ensure that the maritime expanse of the Indian Ocean is optimally harnessed for the benefit of all nations in the region.

Maritime Security Challenges

To do so, there is a need to overcome a wide range of security challenges that exist in the maritime domain. These range from traditional challenges, which arise from state-on-state issues, as well as a slew of non-traditional challenges. Over the last few decades, these challenges have significantly expanded in diversity and scale.

Whilst, the conventional and traditional end of spectrum continues to be relevant, the sub-conventional and non-traditional end of the spectrum has also posed serious challenges. Maritime piracy, human and drug trafficking, as well as Illegal, Unreported and Unregulated (IUU) fishing, have kept several maritime forces constantly engaged. In addition to these challenges, global terrorism continues to acquire new colours by the day. The reach, access to technology, organisational flexibility and financing avenues that terrorist organisations enjoy today is unprecedented.

In addition to the challenges highlighted, we also face the prospect of large-scale human migration from conflict zones, environmental degradation and climate change that will be highly disruptive, particularly in many of the highly populated and sea-dependent littoral zones of the region.

Also the right to Freedom of Navigation under UNCLOS is under challenge by claims made in violation to international laws. The United Nations Convention on the Law of the Sea (UNCLOS) of 1982 distinguishes between the territorial sea, an exclusive economic zone and the high seas. In the high seas, vessels of all flags enjoy unrestricted freedom of navigation as one of the freedoms of the high seas. This also applies to an area declared as an exclusive economic zone by a coastal state up to 200 nautical miles from the coast. Within this zone, however, due regard must be given to the justified use of economic resources by the coastal state. Coming to the South China Sea which is home to some of the world's most important shipping lanes. Ships carrying goods between markets in Asia and Europe, Africa, and the

Americas must transit through the South China Sea. Circumnavigating the region would involve both considerable expense and time delay in the delivery. As a result, most nations have a direct stake in ensuring that freedom of navigation and over flight is respected in the South China Sea. Unfortunately, however, the South China Sea is home to a number of longstanding territorial disputes. China, Indonesia, Brunei, Malaysia, Philippines, Taiwan, and Vietnam have overlapping sovereignty claims to various maritime features and areas of water in the South China Sea. Most of these are centred on features located in the Paracel and Spratly island groups. In order to reinforce territorial claims, several states occupy features in the South China Sea, and some have reclaimed land, built infrastructure and stationed troops and military hardware on these features. Their actions have raised the possibility of conflict and the increased capabilities of states to limit navigation in the region. Although several states have engaged in such activities, the amount of reclamation and construction undertaken by China, as well as the degree of militarization of features it occupies, far out way the others.

The Indo-Pacific region is becoming widely recognised as the global centre of gravity, whether in terms of economic interaction, demographics, transnational security challenges or the strategic balance. Unhindered flow of maritime trade through Indo Pacific region is one of the primary security concerns of global energy consumers.

From a maritime security perspective, the unprecedented development of Indo Pacific could not have been possible in an insulated environment. The region's critical role as the prime mover of global economic progress makes it a strategically important agenda for regional as well as extra-regional powers.

India has always supported the very essence of 'freedom of the seas' and upheld its attribute as a global common. Implicit in India's policies and maritime strategy has been the desire for free movement of people, goods, services and investments across the region. Security of Sea Lines of Communication (SLOCs), freedom of navigation, availability of port infrastructure and non-discriminatory access to markets are some of the issues that ensue from this definition of interests⁶.

The geo-political eminence of the Indo Pacific region is here to stay. In the foreseeable future, the maritime construct of the region would continue to shape the economic and security paradigms. This leads on to the strategic need to preserve peace, promote stability and maintain security across the waters of Indo Pacific.

The inclusive approach and strategic vision for the Indio-Pacific was best summed-up by the Hon'ble Minister for External Affairs of India, while speaking at Indian Ocean Conference at Male in Sep 19, in which he remarked that "the Indo-Pacific naturally means different things to different powers but it is undeniably a priority for all of them. For India it is the logical next step after the Act East and break out from confines of South Asia".⁷

⁶ Nitin Pai, 'India and the Indo-Pacific Balance', pp 85, Australian National University Journal, July 2016.

⁷ EAM'S Address at the Indian Ocean Conference, Maldives, 03 Sep 2019, available at https://www.mea.gov.in/Speeches-Statements.htm?dtl/31915/Keynote_Speech_by_External_Affairs_Minister_at_Indian_Ocean_Conference_in_Maldives_September_03_2019, accessed on 03 December 2019