

CMRCET MUN 2023

Background Guide

Agenda: Discussion on combating the threats to international peace and maritime security with special emphasis on the Indian Ocean and South China Sea region.

Letter from the Executive Board

Dear Delegates!

We are very pleased to welcome you to the simulation of the UNGA: DISEC at CMRCET MUN 2023. It will be an honour to serve as your Executive Board for the duration of the conference. This Background Guide is designed to give you an insight into the case at hand. Please refer to it carefully. Remember, a thorough understanding of the problem is the first step to solving it.

However, bear in mind that this Background Guide is in no way exhaustive and is only meant to provide you with enough background information to establish a platform for beginning the research. Delegates are highly recommended to do a good amount of research beyond what is covered in the Guide. The guide cannot be used as proof during the committee proceedings under any circumstances.

Finally, we would like to wish you luck in your preparation. In case you have any questions, procedural or otherwise, please feel free to direct them to any member of the Executive Board and we will get back to you as soon as possible. Please do not hesitate to contact us with any queries or concerns. We expect all delegates to be well-versed with the various nuances of the agenda, and geared up for an intense debate, deliberations, and great fun.

Looking forward to meeting you at the conference!

Regards,

Eswar Chava

Akash Koti

Kanhaiya Goel

Chairperson

Vice-Chairperson

Vice-Chairperson

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Points to Remember

A few aspects that delegates should keep in mind while preparing:

1. **Procedure:** The purpose of putting in procedural rules in any committee is to ensure a more organized and efficient debate. The committee will follow the UNA-USA Rules of Procedure. Although the Executive Board shall be fairly strict with the Rules of Procedure, the discussion of the agenda will be the main priority. So, delegates are advised not to restrict their statements due to hesitation regarding procedure.
2. **Foreign Policy:** Following the foreign policy of one's country is the most important aspect of a Model UN Conference. This is what essentially differentiates a Model UN from other debating formats. To violate one's foreign policy without adequate reason is one of the worst mistakes a delegate can make.
3. **Role of the Executive Board:** The Executive Board is appointed to facilitate debate. The committee shall decide the direction and flow of debate. The delegates are the ones who constitute the committee and hence must be uninhibited while presenting their opinions/stance on any issue. However, the Executive Board may put forward questions and/or ask for clarifications at all points of time to further debate and test participants.
4. **Nature of Source/Evidence:** This Background Guide is meant solely for research purposes and must not be cited as evidence to substantiate statements made during the conference. Evidence or proof for substantiating statements made during formal debate is acceptable from the following sources:
 - a. **United Nations:** Documents and findings by the United Nations or any related UN body is held as a credible proof to support a claim or argument. Multilateral Organizations: Documents from international organizations like OIC, NAFTA, SAARC, BRICS, EU, ASEAN, the International Criminal Court, etc. may also be presented as credible sources of information.
 - b. **Government Reports:** These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country.
 - c. **News Sources:**
 1. **Reuters:** Any Reuters article that clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in council.
 2. **State operated News Agencies:** These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, may be denied by any other country in the council. Some examples are – RIA Novosti (Russian Federation), Xinhua News Agency (People's Republic of China), etc.

******Please Note: Reports from NGOs working with UNESCO, UNICEF and other UN bodies will be accepted. Under no circumstances will sources like Wikipedia, or newspapers like the Guardian, Times of India, etc. be accepted. However, notwithstanding the criteria for acceptance of sources and evidence, delegates are still free to quote/cite from any source as they deem fit as a part of their statements.***

Introduction to the Committee

The United Nations General Assembly is one of the six important organs of the United Nations (UN), and the primary deliberative, strategy making and representative organ of the UN. The first committee of the General Assembly is the Disarmament and International Security Committee. It deals with disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime.

Mandate

The committee considers all disarmament and international security matters within the scope of the Charter or relating to the powers and functions of any other organ of the United Nations; the general principles of cooperation in the maintenance of international peace and security, as well as principles governing disarmament and the regulation of armaments; promotion of cooperative arrangements and measures aimed at strengthening stability through lower levels of armaments. The Committee works in close cooperation with the United Nations Disarmament Commission and the Geneva-based Conference on Disarmament. It is the only Main Committee of the General Assembly entitled to verbatim records coverage.

Introduction

The agenda has come into limelight due to all the recent heightened tensions in the Indian ocean region and as well as the continuing conflicted zones and issues in the South China Sea. The Indian Ocean, which lies at the crossroads of Africa, Asia, and Australia, houses a number of littorals that play critical roles in the region. The IOR is a vital sea lane with choke points such as the Strait of Hormuz, Strait of Malacca, Bab-el Mandeb, and so forth. These choke points are of immense strategic importance, as huge volumes of trade pass through them. These choke points are exposed to piracy, international disputes, political dissents, and accidents. To ward off such threats and to gain/maintain a strong foothold in this resource rich region, regional and external powers flex their muscles.

In the post-Cold War era, the concept of security has assumed a far wider connotation compared to the older straitjacketed view of a military concept. Challenges relating to international terrorism, drug trafficking, illegal immigration, human trafficking, and trafficking in small arms and light weapons bind national and global security together today. The Indian Ocean, which has no superpower along its rim, is fast becoming the centre of power dynamics, power conflict, and as a trade and military hub. As such in international affairs, the Indian Ocean Region is of key strategic importance in the 21st century.

The Indian Ocean has emerged as a critical conduit for trade, commerce, and energy. The waters of the Indian Ocean Region (IOR) have become a home for economic developments, disputes, conflicts, and competition for regional influence by regional and extraregional powers. All major powers, such as the United States, Australia, Japan, United Kingdom, India, and China have sought stakes in the security of the IOR. During the Cold War, the Soviet Union wanted direct access to the IOR; now, China is looking for the same. The India Ocean remains a pivot, being the world's busiest trade route. Around 80 percent of the world's maritime oil trade passes through the IOR. The rise of China across the maritime region has compelled nations (including India) to reshape their maritime strategies. This commentary aims at looking at the geostrategic importance of the IOR for India, China's presence in the region, and counterbalance strategies.

Maritime law: Meaning

Maritime laws are also called Admiralty laws. These laws are a distinct body of private and public laws governing maritime activities i.e. the shipping agreements, offences committed in the international waters, marine commerce, issues relating to sea transportation, disputes over nautical matters, etc. We define maritime law as the law that relates to commerce and navigation on the high seas and other navigable waters and that is administered by the admiralty courts.

Difference between Maritime law and Law of the Sea

The Law of the Sea is a set of laws governing the interaction between nations over marine matters. These rules have been codifying in the 1994 United Nations Convention on the Law of the sea, or the 'UNCLOS'. Thus, the Law of the Sea applies to public entities pertaining to maritime issues. The Maritime Law is a set of laws governing the private entities like the private ship owners of the ships which travel in the international waters, private shipping agreements relating to international waters, etc.

Geostrategic Importance of the IOR

The Indian Ocean, which lies at the crossroads of Africa, Asia, and Australia, houses a number of littorals that play critical roles in the region. The IOR is a vital sea lane with choke points such the Strait of Hormuz, Strait of Malacca, Bab-el Mandeb, and so forth. These choke points are of immense strategic importance, as huge volumes of trade pass through them. These choke points are exposed to piracy, international disputes, political dissents, and accidents. To ward off such threats and to gain/maintain a strong foothold in this resource rich region, regional and external powers flex their muscles.

The islands in the Indian Ocean also work significantly to shape security architecture of the IOR. These islands play a vital role along the sea lines of communication (SLOC) by giving easy access to navies continued presence and allowing them to patrol and secure SLOCs during the time of peace and war. The Indian Ocean acts as an intersection for the transport of oil from the Middle East. This is also the reason why external powers are trying to strengthen their footholds, making it a region for them to showcase their vigor and potentiality. When talking about the geostrategic importance, "security dynamics" in the IOR play an equally pivotal role. In the view of the same, the Persian Gulf in the Arabian Sea (northern Indian Ocean) also plays an equally important role for the security perspective of India. The main aim of India in this area is to protect the SLOCs, which are laden with piracy threats in the Horn of Africa and the Red.

Chinese Presence in the Indian Ocean

The Chinese presence in the Indian Ocean remains a major concern across the region. Beijing is eager to have strong footholds in the IOR, Africa, and other island nations, through the Belt and Road Initiative (BRI). The presence of China's People's Liberation Army Navy (PLAN) and other Chinese commercial vessels in the Indian Ocean, the Chinese interpretation of the United Nations Convention for the Law of the Sea, and so forth remain challenges to those who subscribe to the ideal of a free and open Indo-Pacific. The geopolitical theory of the "String of Pearls" explains China's potentials and intentions of establishing commercial and infrastructural projects in India's backyard. China has invested in several projects from the Horn of Africa to the ASEAN nations and the Pacific Island nations. The revival of the Chinese Maritime Silk Route can be seen through China's investment in the port of Hambantota in Sri Lanka, which Beijing gained control of through debt-trap lending, and the development of Pakistan's Gwadar Port as a part of China-Pakistan Economic Corridor (CPEC). In the

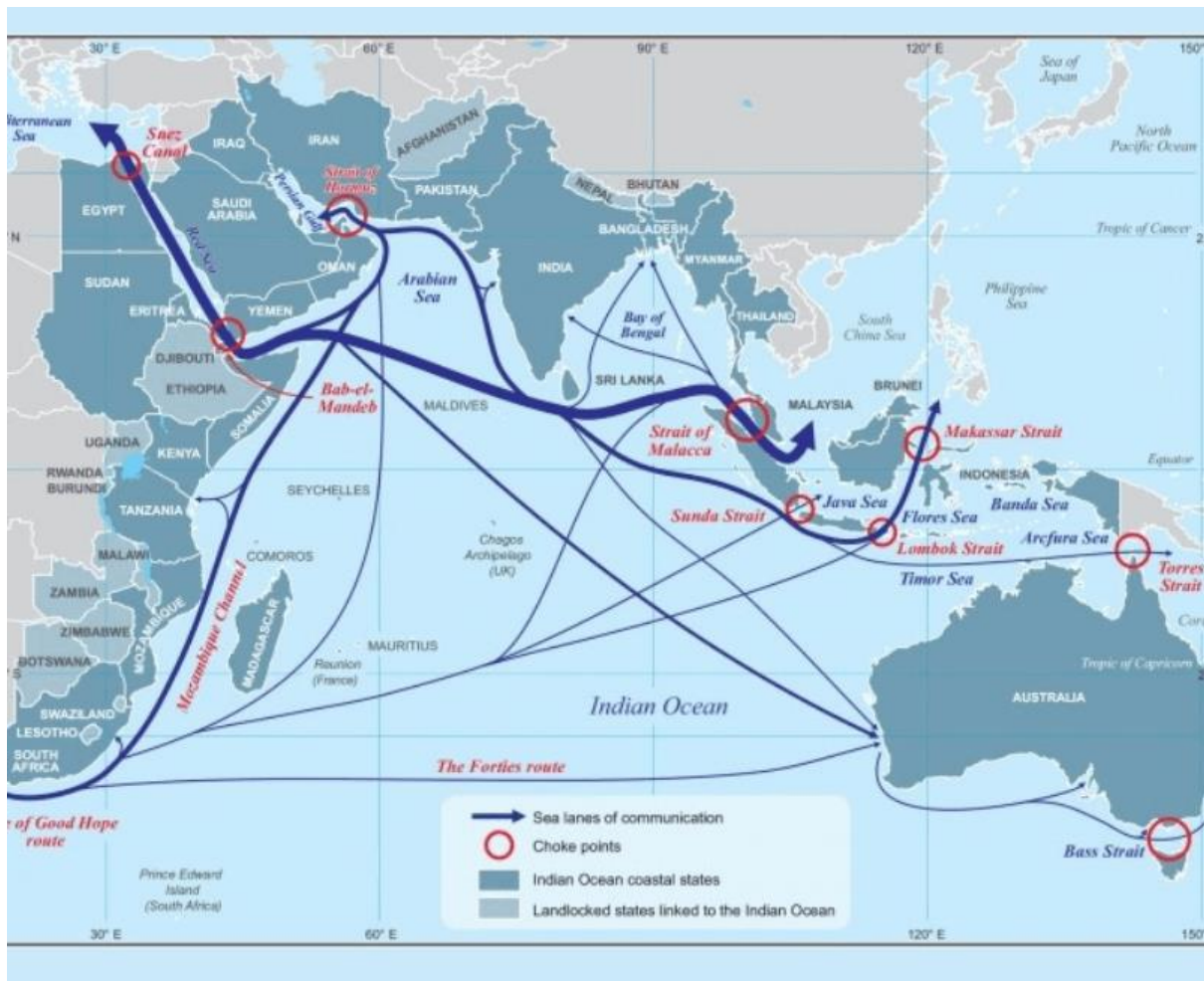
Maldives, China had financed the China–Maldives Friendship Bridge, linking Malé to the island of Hulhumale and Hulhule.

Increasing Maritime Competition: IORA, IONS, Milan and the Indian Ocean Networks

The Indian Ocean rim countries have establishment a number of multilateral maritime mechanisms to address non-traditional security threats and challenges confronting the region. The Indian Ocean Rim-Association of Regional Cooperation (IOR-ARC), rechristened as Indian Ocean Rim Association (IORA), is the only pan Indian Ocean economic grouping and brings together countries straddling three continents i.e. Africa, Asia and Australia. In recent times it has begun to address maritime security issues. The Indian Ocean Naval Symposium (IONS) is a 35-member Indian Ocean security apparatus which facilitates exchange of views among the naval professionals to evolve common understanding of maritime security issues in the region.

Likewise, Milan (confluence) is a gathering of navies from India's extended neighbourhood of Southeast Asia, Australia and New Zealand that aims to develop cooperative mechanisms. The 2014 Milan at Port Blair in the Andaman & Nicobar Islands in the Bay of Bengal was significant from the perspective that 17 navies participated including two from Africa (Kenya and Tanzania), three Indian Ocean Island nations (Mauritius, Maldives and Seychelles) and the navies of Philippines and Cambodia made their debut. While IORA, IONS and Milan are successful models of maritime cooperation in their own right, they have shied from addressing hard security issues which appear in two forms; first, there is a gradual accretion of naval power by the Indian Ocean littorals; and second the continued presence of extra regional naval powers that are forward deployed in the Indian Ocean to support national strategic and economic interests.

In essence, the Indian Ocean region emerges as an arena of cooperation and competition. Among the Indian Ocean littorals, with over 140 vessels, the Indian Navy is the most powerful and its order of battle includes aircraft carriers, submarines, expeditionary platforms, long range maritime surveillance aircraft and these are supported by a sophisticated network centric capability including a dedicated military satellite. Like India, Australia is an important Indian Ocean power and is building its combat capabilities to include new submarines, air defence destroyers, fighter jets, and long-range maritime patrol aircraft, etc. France has rejected the notion that it is an extra regional power in the Indian Ocean and its navy is forward deployed at Mayotte, Le Reunion, Djibouti and Abu Dhabi. Iran is an acknowledged regional military power in the Arabian Gulf and in recent times it has made forays deep into the Indian Ocean. Similarly, the Pakistan navy has an impressive array of air, surface and sub-surface capabilities, and has emerged into a powerful force.



Western Involvement in the Indian Ocean

Among the extra regional powers, the United States is the predominant military power in the Indian Ocean region and has several port access and basing agreements with Australia, Bahrain, India, Iraq, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Thailand, United Arab Emirates (UAE), Yemen etc. The US Navy has been the primary component of projecting US military power in the Indian Ocean. The British Royal Navy is forward deployed in the Indian Ocean in support of the US led operations and on account of the 1971 Five Powers Defence Arrangement (FPDA). The European Union is a new entrant in the Indian Ocean security dynamics and Operation Atlanta in the Gulf of Aden off Somalia to counter piracy which is its first ever naval operation. Among the Asian powers, China's engagements in the Indian Ocean is through its naval task force (CTF 525) and since 2008, it has deployed 25 warships in 10 groups. Japan is another major Asian power which has forward deployed its maritime and air forces in the Indian Ocean that operate out of its military facilities in Djibouti.

Russia too is interested in the security dynamics of the Indian Ocean and the Russian navy's show of 'flag' and 'presence' in the Indian Ocean reflects its ambition to engage in distant water operations. Likewise, the NATO has keenly observed the security dynamics in the Indian Ocean. Although the Indian Ocean strategic milieu offers immense opportunities for maritime cooperation, the naval build-up by regional countries and the forward presence by extra

regional powers showcase competitive dynamics. The US is the strategic anchor of the region and its presence is perceived both as coercive and also as a security provider. Interestingly, some regional countries have created legitimate space for the US naval presence in the Indian Ocean to correct security imbalances, challenge the hegemony of the dominant power and ensure regional stability. The US Navy conducts joint naval exercises and shares intelligence which assures the alliance partners of its political and diplomatic commitments. However, for some, the US is perceived as hegemonic reminiscent of the colonial period and adds to insecurity. Under the circumstances, it is important for IORA, IONS and Milan to also explore confidence building measures to preclude unwarranted naval standoffs.

Competing interests of India, Japan and China in the Region

Both India and China are competing for a similar strategic space in the Indian Ocean Region (IOR) and the South China Sea. Given Beijing's increased access to ports, airfields and gas pipelines; its modernised and ever-expanding navy; and its investments in infrastructure development in the countries of this Region, India is concerned about the increasing Chinese foothold in the IOR. Japan too is concerned about the development of an interrelated system of Chinese naval development and commercial ports along the littorals of IOR. 90% of the oil imported by Japan reaches its shores after passing through the SCS, and Tokyo views any undue Chinese influence in the region as a potential threat to its economic security.

Moreover, Japan and China are already involved in a territorial dispute in the East China Sea over the Senkaku/Diaoyu Islands. China's recent declaration of an Air Defence Identification Zone has further vexed the Beijing-Tokyo – infuriating Japan, who had long considered the region to be under its control. In terms of Chinese naval expansion, early this year, China's first aircraft carrier Liaoning tested its combat system and conducted a formation practice during its sea trials in the SCS. Soon after the announcement of the inclusion of Japan in the Malabar Exercises, China started a naval exercise in the West Pacific Ocean.

The three-ship flotilla consisted of the amphibious landing craft Changbaishan, and destroyers Wuhan and Haikou. The flotilla passed along several the strategic locations such as the Lombok Strait, the Makassar Strait and the Sulawesi Sea to enter the West Pacific Ocean. This, however, was not the first drill conducted by China in the region. So far China's People's Liberation Army Navy has conducted 16 drills, mostly in the western Indian Ocean near the Gulf of Aden. Perhaps, those exercises were meant to demonstrate the growing reach of the country's maritime reach and power.

Issues and Challenges in the International Maritime Law

The laws may be framed with foresight but the lacunae in their implementation will always be present because of various pragmatic challenges and complexities. The same is the case with the implementation of International Maritime Law. Weak law enforcement, poor security, socio-political instability, etc. lead to the commission of various offences in the international waters like piracy, armed robbery at sea, violence at sea, corruption, illegal fishing, smuggling, etc.

In order to address these issues and provide relief to the aggrieved parties, inter-State cooperation and just legal enforcement are required. But sadly, States fail to cooperate most of the time and justice in terms of maritime law only turns out to be a mirage. Defects in information sharing, search, investigation, sea-based enforcement actions worsen the matters. Navigation of pirate ships in deep creeks is another challenge faced by the legal enforcement agencies.

Gathering of evidences in the international waters poses a huge challenge when it comes to the judicial process. Corruption by the security personnel and government officials dilutes justice rendered to the aggrieved. The maritime industry did not fail to adapt itself to the advancing technology but the challenge is that digitalization of maritime trade increases cyber-crime. The existing legal precedents fail to serve such technological challenges faced in the maritime industry. All these issues pose serious challenges in the operation of maritime law which reduces the efficiency of its enforcement.

Asserting that drug trafficking, maritime piracy and religious extremism have emerged as growing threats to stability in West Africa, with the last decade seeing the region catapulted to global notoriety for its role as a key transit point in the trafficking of narcotics between Latin America and Europe, as the competitive advantage generated by West Africa's weak state capacity, the existence of well-developed smuggling networks, and its geographic location all heighten its appeal to drug trafficking cartels and criminal gangs.

The continent that had avoided terrorism and religious extremism over the last decades has now developed into a hotbed of radicalization. Although Al-Qaeda in the Islamic Maghreb (AQIM) remains an influence of North Africa, Boko Haram and other militant groups provide expanding home-grown movements, terrorizing populations in Northern Nigeria and neighbouring countries. Meanwhile, the rise of maritime piracy threatens to compromise the stability and economic development of the region's coastal states.

The Strategy behind the Maritime Silk Road

The absence of the US at the Asia Pacific Economic Cooperation (APEC) summit in Bali has given China an opportunity to downplay its 'charm offensive' in the Southeast Asian region. During the meeting, China proposed the revival of the '**maritime silk road**' (MSR). China and ASEAN share unique geographical ties; linked by land and water. This route is a symbol of cultural and historical linkages between the two. China's relations with Southeast Asia were traditionally called Nanyang (or South Sea); this was based on the Tributary System. Perhaps, MSR can be seen as the shared aspirations of both peoples, linking their common memories. Essentially, MSR was a maritime trade route for trading of silk between China and South Asia, West Asia, Europe and North Africa. Maritime history illustrates that states have relied on maritime power for a full realisation of their power potential. Thus, it is no surprise that China is pushing the MSR as a soft power projection in the region to enhance its trade ties. Looking at the timely proposition of the MSR, two questions arise: what is the larger Chinese game plan in the region? Is a route of this nature plausible in contemporary times?

TERRORISTS, PIRATES, AND MATERIALS OF CONCERN

Data from the International Atomic Energy Agency (IAEA) suggests that from 1993 through 2012 there have been 2,331 confirmed incidents of unregulated transport or illicit trafficking of nuclear and other radioactive material. These incidents do not all involve the use of small vessels. However, a former US Coast Guard commandant testified that small vessels could be more lethal than cargo containers for smuggling nuclear materials because of limited capabilities to check small vessels for WMD and, thus, small vessels create the possibility of being used by heinous terrorists to transport such dangerous material.

At the eastern end of the IOR, the Straits of Malacca, through which one-third of global shipping trade and one-half of the world's oil cargoes pass, makes a tempting target for terrorists and pirates. An endless procession of tankers, container ships, tugs, fishing boats, ferries, and cruiseliners sails between tiny islets through this shipping lane that narrows to as little as one-and-a-half nautical miles at one point. Roughly 50,000 vessels, bearing around 25% of the maritime trade of the world, traverse the Straits every year. Not just that, but it also bears about 50% of all seaborne oil shipments—a veritable necessity for the economies of Japan, South Korea, and China. As it turns out, this is an ideal location for terrorists to try to severely impact the world economy with a single strike. So reasoned many participants at the 2004 Shangri-La Dialogue, a regional security conference organized by the London-based International Institute for Strategic Studies in Singapore.

As evidence of this concern, Abu Sayyaf, a terrorist group in the southern Philippines, declared itself responsible for bombing a vessel in Manila Bay. In 2001, US forces in Afghanistan discovered a video keeping watch on Malaysian naval vessels and their movements. Additionally, Singaporean authorities described having arrested terror suspects who had apparently planned an attack on US ships in the area. To the northwest, the shallow waters of the Sunderbans straddling India and Bangladesh have witnessed attacks on fishermen by pirates. Reports of these attacks and incidences come from all over the Sunderbans, Kendudweep, and the whole delta area, which are particularly vulnerable. The Sunderban pirates tend to be Bangladeshi based out of the districts of Jessore, Satkhira, and Khulna. Also, several Bangladeshi infiltrators with arms, ammunition, and explosives have been apprehended in this area by the Indian security forces.

The relative difficulties of keeping constant vigil in the terrain allow them to enter the Indian side of the Sunderbans, which ideally would have better returns for them. Also, Indian criminal gangs operating in the region provide support to the pirate groups. While Indian smugglers and their agents often aid Bangladeshi pirates by marking escape routes that could be taken, the pirates, in turn, provide the Indian gangs refuge in Bangladesh when Indian security forces go after them. Thus, any radiological material or nuclear weapons or components smuggled through this area, including by means of small vessels, would be challenging to detect. However, as a result of limited information on small vessels, the national governments have constrained knowledge regarding the owners and locations of these vessels.

Even if AIS requirements for small vessels are mandated, just a small percentage of the international small vessel traffic returning to the country would be likely to report this information due, in part, to a lack of public awareness of the reporting requirements or inspections. Thus, it remains a daunting task to determine whether a small vessel may be used to smuggle weapons or terrorists, including WMDs into the E-IOR or as a direct delivery of an improvised explosive device on a coastal establishment by water. To further complicate the matter, these threats are not static and are constantly evolving.

To effectively address them, it is requisite that policymakers remain abreast of the changing nature of the problem, counter measures, and regularly improve the response mechanisms. Ship-boarding agreements between individual states, mainly under the Proliferation Security Initiative (PSI) spearheaded by the United States, could be another possible tool to counter nuclear or radiological trafficking if there is reliable prior intelligence targeting a specific vessel. However, this clashes with the United Nations Convention on the Law of the Sea (UNCLOS) – as the latter does not permit boarding of a ship flying a flag of any nation without the concerned nation’s explicit permission – and hence, still remains largely unacceptable to many nations.

Involvement of ASEAN

The larger Chinese interest in the region is that it needs ASEAN resources and its market. It wants a stable and peaceful regional environment in its neighbourhood and greater international space to realise the ‘Chinese Dream’. For this, they are prioritising good neighbourly ties with ASEAN for long-term peace and development. To this end, China is trying to cement peaceful relations with ASEAN countries by upholding good faith and taking the initiative to share its development dividend. They are mindful of the fact that a good neighbour is more important than a distant relative. President Xi Jinping and Premier Li have toured ASEAN extensively; it reflects their strategic outlook of developing relationships with neighbouring countries.

The new leadership is trying to diffuse tension in the SCS by using various techniques, of which MSR is one. However, a revival of the MSR looks bleak. Also, earlier the route was used for the import of precious stone, wood and spices but today it will be used for oil and gas, which is directly connected to the energy security of not one but many countries. There is an emerging security architecture in the region which has led to an increased arms build-up, and the assertiveness of new regional powers has further complicated the regional military balance, which makes the MSR an unlikely prospect.

Issues related to maritime security

In 2004, Cooperation Measures (CMs) between littoral and user nations were devised to address a spate of piracy and armed robberies in the Strait. The unified approach made piracy

a more hazardous venture, and incidents declined. The need for constant vigilance, however, was emphasised in February when a Japanese cargo ship was hijacked. A number of attacks in Indonesian waters during the early part of 2013 also demonstrate the pervading nature of this threat, and renews the perception of risk associated with the Strait. Pirate attacks, separatist groups, and underground economies each present a threat, but of greater concern is the potential for terror groups to exploit these respective methods, sentiments, and networks. The Al Qaeda, Jema'ah Islamiyah, and Free Aceh separatist movement are cited as groups with the infrastructure, connections, local knowledge, and agenda to most likely attempt a terror attack at sea. The logistics of conducting such an attack make this an unlikely scenario, but it is the 'high impact' aspect of the 'low probability' event that is important to consider.

Security Threats in the Indian Ocean Region

The maritime domain poses a security concern and is particularly vulnerable to terrorist attacks because it is largely ungoverned and its ports are inherently difficult to secure.⁶ Smaller ports and vessels have received little focus and they often escape attention of national authorities. Trafficking of nuclear or radiological materials in the E-IOR may seem unlikely considering the difficulties involved in acquiring fissile material, or taken to the extreme, an intact nuclear weapon. That could be true to a large extent, but we need only one incident to shake the world, as exemplified by the September 11 attacks.

When Al-Qaeda used commercial airliners to commit these atrocities it became apparent that terrorists are capable of using unconventional means to exploit any potential weakness in a state's security. Recent suggestions that a nexus may be forming between pirates and terrorists add further complexity to understanding the similarities and differences between these two groups. Maritime terrorism requires experience and training in the dynamic aquatic environment in areas such as navigation and ship handling. Fortunately, terrorists often are under-skilled when it comes to conducting maritime attacks. There are, however, various ways that this handicap can be overcome by terrorists.

They could receive training from adept seafaring pirates. Or pirates could assist them by navigating to the target site on their behalf. Pirates could benefit in terms of monetary rewards, drugs, or arms from terrorists in return for services rendered. In a reciprocal nature, terrorists could aid pirates with safe passage when on shore. Thus, there are some potential give-and-take benefits for these groups to partner with one another. Also to note, terrorists might be more comfortable in trafficking materials of concern via water with training or aid from pirates. Additionally, terrorists sometimes do conduct operations at sea for a financial reward. For example, the Abu Sayyaf Group (ASG) is a Philippine terrorist organization that has used its maritime abilities to attack ships mainly for financial purposes.

- Pirate-terrorist collaborations are likely to occur and can be malignant – Although there is no proven nexus operating between piracy and maritime terrorism, the link between the two is plausible and is a definite concern for Southeast Asian security strategists.
- The same routes used for trafficking of SALW, human beings, and drugs can be used for smuggling radiological material – If there can be harmful materials like drugs or even human beings slipping past the scanners of border authorities through certain routes, whether because of insider collusion or a lack of appropriate monitoring abilities, it is quite likely that materials of concern might also be smuggled using the same routes.

- Small vessels are largely going unchecked and/or unregistered – Most small vessels below 300 gross tons do not have AIS systems on board and do not have any IMO registration numbering. They are extremely hard to track and can serve as ideal conduits for terrorists to ferry materials of concern.
- A host of minor ports and coastal areas are far from secure – There are many long stretches of coastline all along South and Southeast Asia, including minor ports, which are still not thoroughly patrolled 24 hours per day, year-round.

India, Sri Lanka and Maldives: Tripartite Maritime Security Agreement and Growing Chinese Influence

The agreement incorporates Sri Lanka and the Maldives into Indian identification and tracking systems as well as provides regular messaging regarding the lines of communication. Shared cooperation on Exclusive Economic Zones (EEZ) expands the radius of monitoring 200 nautical miles past the coast of Sri Lanka and the Maldives for India. While the agreement may not specifically give access or preferential treatment of other country's EEZs to India, maintaining a stake in them will afford them critical information and monitoring advantages.

As previously mentioned, any potential expansion to East African or Gulf nations could have similar benefits. Last week, China operationalized the China Coast Guard for the purpose of marine surveillance and law enforcement, including the arming of ships. While this move is more clearly aimed towards South China Sea disputes with Japan, the Philippines and Vietnam, it nonetheless underscores the unilateral and assertive nature of Chinese maritime security. Japan and Pakistan will continue to play a role in the continued Indo-Chinese competition. The agreement does remain subject to broader political pressures and may at times be difficult to implement if India-Sri Lanka tensions rise for example. The agreement is an attempt to cater to mutually accepted norms for cooperation in the IOR namely, piracy, but will likely need to be bolstered in writing to ensure proper implementation and expansion. The language remains broad enough however to accommodate other IOR countries.

South China Sea Dispute

The SCS has not always been a tense geopolitical area. At the end of World War II, none of the neighbouring states occupied a single island in the entire SCS. However, over the next fifty years, there would be periodic escalations and de-escalations in the SCS such that no country can claim consistent possession of the islands there. Between 1946 and 1947, China began the process of establishing itself in the Spratly Islands, Woody Island, and the Paracel Islands, while the French and Vietnamese established themselves on Pattle Island. During China's civil war, the islands then occupied by China were again vacated. After this period, neighbouring countries again began making claims on islands.

In 1974, China engaged South Vietnam in the Battle of the Paracel Islands to wrest control of the islands. Then in 1988, China moved into the Spratly Islands and defeated Vietnam's opposition to occupy the Johnson Reef. Tensions again escalated in 1995 when China built bunkers above Mischief Reef following the grant of a Philippine oil concession.

2002 was a year which offered great hope for a breakthrough in the SCS. China deviated from its long tradition of bilateral negotiations and instead worked with the Association of Southeast Asian Nations (ASEAN) to create the Declaration on the Conduct of Parties in the SCS. In this declaration, the parties promised “to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.

A period of reduced tensions followed in the SCS, although tensions in the East China Sea between Japan and China continued during this time. The latest round of tensions commenced in May 2009 when Malaysia and Vietnam sent a joint submission to the Commission on the Limits of the Continental Shelf to state their claims. China was among those countries that responded and submitted a controversial map to the UN Secretary General containing the “nine-dash” line.

In submitting the “nine-dash” line in 2009, China asserted that it has “indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof.”¹ This statement could either be construed as: 1) China claims all of the territory in the SCS with adjacent waters allowed under international law, or 2) China claims all land and water features enclosed by the line beyond what is accepted under international law. The line runs along the coast of Vietnam all the way down to the coast of Malaysia and Brunei and back up to the Philippines.

The Sovereignty Disputes

China asserts “indisputable sovereignty over the islands in the South China Sea and the adjacent waters” without defining the scope of its “adjacent waters” claim. On maps, China depicts its claims with a nine-dash line that, if connected, would enclose an area covering approximately 62% of the sea. (The estimate is based on a definition of the SCS’s geographic limits that includes the Taiwan Strait, the Gulf of Tonkin, and the Natuna Sea.) China has never explained definitively what the dashed line signifies. In the northern part of the sea, China, Taiwan, and Vietnam contest sovereignty of the Paracel Islands; China has occupied them since 1974.

In the southern part of the sea, China, Taiwan, and Vietnam claim all of the approximately 200 Spratly Islands, while Brunei, Malaysia, and the Philippines, claim some of them. Vietnam controls the greatest number. In the eastern part of the sea, China, Taiwan, and the Philippines all claim Scarborough Shoal; China has controlled it since 2012. China’s “nine-dash line” and Taiwan’s similar “eleven-dash line” overlap with the theoretical 200-nautical-mile (nm) EEZs that five Southeast Asian nations—Brunei, Indonesia, Malaysia, the Philippines, and Vietnam—could claim from their mainland coasts under the 1994 United Nations Convention

on the Law of the Sea (UNCLOS). Indonesia also disputes China's assertions of maritime rights near its coast.

China's Artificial Island Building

Between 2013 and 2015, China undertook extensive land reclamation in the SCS' Spratly Island chain. The reclamation created over 3,200 acres (five square miles) of artificial landmasses on the seven disputed sites that China controls. China built military infrastructure on the outposts, and beginning in early 2018, deployed advanced anti-ship and anti-aircraft missile systems and military jamming equipment.

China portrays its actions as part of an effort to play catch-up to other claimants, several of which control more Spratlys features and carried out earlier reclamation and construction work on them, although the scale of China's reclamation work and militarization has exceeded that of other claimants. DOD's 2020 report on PRC military and security developments stated that the Spratly Island outposts "allow China to maintain a more flexible and persistent military and paramilitary presence in the area," which "improves China's ability to detect and challenge activities by rival claimants or third parties and widens the range of response options available to China."

UNCLOS and the South China Sea

In 2013, the Philippines sought arbitration under UNCLOS over Chinese behavior in the SCS. In July 2016, an UNCLOS arbitral tribunal ruled that China's nine-dash line claim had "no legal basis." It also ruled that none of the land features in the Spratlys is entitled to any more than a 12-nm territorial sea; three of the Spratlys features that China occupies generate no entitlement to maritime zones; and China violated the Philippines' sovereign rights by interfering with Philippine vessels, damaging the maritime environment, and engaging in reclamation work on a feature in the Philippines' EEZ.

China, however, declared the ruling null and void. Philippine President Rodrigo Duterte, who took office just before the tribunal's ruling, has not sought to enforce it. China and the 10-member Association of Southeast Asian Nations (ASEAN) are negotiating a Code of Conduct for parties in the SCS, although many observers believe that a mutually acceptable Code will be difficult to conclude.

Maritime Terrorism

In the Eastern-IOR, along with the Golden Triangle of Myanmar, Thailand, and Laos in the vicinity there is a strong nexus between narcotics, arms, and terrorist organizations. The resultant cocktail of narco-terrorism could likely be a catalyst for further maritime terrorism in the region, which includes the inland and coastal states.⁵⁰ In recent history, we have seen that the presence of the Liberation Tigers of Tamil Eelam (LTTE) militants posed a problem for India's internal security as they started indulging in the smuggling of goods, including drugs

and arms, to sustain their war in Sri Lanka. They also smuggled Sri Lankan refugees from India to other nations.

LTTE smugglers diversified into the trafficking of narcotics and drugs in the coastal areas of the E-IOR nations; and, in more recent years, they have turned to the trafficking of arms, explosives as well as people in Myanmar, Bangladesh, Thailand, and the entire E-IOR seaboard. The Prime Minister of Singapore, Lee Hsien Loong, has called Southeast Asia a “key recruitment area for ISIS.” Terrorism, however, is not new to Southeast Asia. For much of the Cold War, the stability of the region was under duress from the various religious and militant groups operating there.

Ever since the 1990s, sub-state militant extremism has had a major increase as a response to both the modernization of many Southeast Asian nations as well as radical Islamic influence.

- a. **Jemaah Islamiyah (JI)** has long dominated Indonesia's terror landscape, and is responsible for the 2002 Bali bombings, among other things. Its mission is to establish an Islamic Caliphate in Bali. After a decade-long police crackdown on the group, JI as a whole is currently dormant. Today the JI has fragmented into the Jemaah Anshorut Tauhid (JAT) in 2008, and a sub-group called the Jamaah Ansharusy Syariah (JAS) in 2014.
- b. **Abu Sayyaf Group (ASG)** was originally inspired by the Al Qaeda and sought to establish an Islamic Caliphate, as well, but changed its focus later to raise money for arms through kidnappings. ASG was responsible for what has been labeled the most lethal maritime terrorist incident since the USS Cole attack - viz., its attack on the MV Superferry 14 in Manila in 2004, resulted in the death of more than one hundred persons. ASG is suspected to have links with other IS-related groups in the region and suspected of supporting their activities, for example, ties with Mujahidin Indonesia Timur and the JI.
- c. **The Gerakan Aceh Merdeka (GAM) or Free Aceh Movement** attacked an Exxon Mobil vessel in 2002 in Aceh. Being resource hungry like the other groups, it has conducted some kidnap-for-ransom operations off the Indonesian coast.

Conclusion

As a move to strengthen itself at the IOR, India has increased its military capacity from operating only in the neighbourhood to operating in the entire region—from the Malacca Strait to the waters off the African coasts. In the wake of the COVID-19 pandemic, when the world order is expected to witness a geostrategic shift, everyone at the global stage will aim at further strengthening its presence in the IOR. In this dynamic, India will look forward to building up the gambit with Indian Ocean littorals such as Sri Lanka, Maldives, Mauritius, and Seychelles to scrutinize the rise of China.” The Indian Ocean will remain one of the world’s most strategic locations, with more than 75 percent of the world’s maritime trade and 50 percent of daily

global oil transfers passing through the region. The South China Sea remains a highly volatile and disputed territory, so we must be taking actions that provide a solution to this issue as well. As a result, the world's primary aim will be to maintain a stable and peaceful India Ocean, with a focus toward economic and military alterations obviating the any threats to international peace and security.

Relevant Legal Instruments

UNCLOS (United Nations Convention on the Law of the Sea)

IMO (International Maritime Organization)

Suppression of Unlawful Acts at Sea (SUA Convention)

Proliferation Security Initiative (PSI)

[Conventions of Commercial Maritime Law](#)

UNCAC (United Nations Convention Against Corruption)

Convention on the High Seas

Convention on the Territorial Sea and the Contiguous Zone

Questions a Resolution must Answer

1. What could be the potential definition for Maritime Terrorism that can be adopted by the UN?
2. How can we combat the drug trade and human trafficking happening in the region?
3. What is the applicability of customary international law to the member nations?
4. What methods should countries adopt to combat piracy, armed robbery and hijacking?
5. What is the direction of the framework that must be designed in order to cap and limit international disputes and political conflicts at choke points in IOR and SCS?
6. What strategies should be adopted to tackle illicit trafficking with respect to Indian Ocean Region and the South China Sea?
7. Should there be limits to the amount of military infrastructure constructed in IOR and SCS?
8. What policies must be implemented to ensure sovereignty of all nations in IOR and SCS?
9. How can we strengthen the existing frameworks and how can they be implemented better in the international context?
10. What can the South Asian and South East Asian countries actively do regarding the issues when other nations are involved?

