

India's Maritime Security : Need of developing a Legal Framework

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Abstract

The concept of maritime security is related to maritime issues related to national security of the countries. Maritime security implies protection of a nation's sovereignty at sea. Owing to expanded scope, it now encompasses maritime terrorism, marine pollution, illegal fishing, natural disasters, maritime safety and smuggling of drugs, arms and ammunitions. In the present scenario, Maritime security is a buzzword in International Relations. Thus, this paper is attempted to focus on the challenges of maritime security arrangements and the strategies to address the challenges. The challenges such as environmental degradation, maritime terrorism, illegal trafficking and oceanic disasters were analysed in the paper.

Keywords: Coastal Security, Maritime Security, Maritime Terrorism, Littorals, Naval Power

Introduction:

The maritime security is the enforcement of national laws in the maritime zones to provide security. Maritime security denotes protection of vessels from enemies and anti-national forces. The maritime operation protects the country from piracy, robbery, terrorism and illegal trafficking of goods and people. The marine security includes marine resources and deployment of naval forces in the Indian Ocean³. India is now keen on maritime security to ensure sustainable economic development. Realising the importance, in 2014, the United Kingdom, the European Union launched maritime security strategy as one of the key

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³ Abhijit Singh, *Rules-Based Maritime Security in Asia: A View from New Delhi*, OBS. RES. FOUN., (Jan. 10, 2020), <https://www.orfonline.org/research/rules-based-maritime-security-in-asia-a-view-from-new-delhi>.

components of NATO.⁴ Maritime security can ensure commercial activities and open-market. Maritime security protects economy and drives global economy as well. Very often marine is used for cargo transportation and cargos can be used by criminal elements. Thus, proper inspection of the cargo is carried out and illegal and criminal activities are prevented. As India is surrounded by oceans on three sides, India must examine the maritime dimensions of country's security. India's maritime security provides full-fledged and complete security to the country. Moreover, a comprehensive maritime doctrine is essential for the country. Contextualising the situation, the objective of the study is to analyse the challenges of maritime security issues in India.

India's Maritime Security Challenges

Maritime security gained prominence after 1991 with the onset of globalization and its concomitant maritime dimension. Around seventy-eight per cent of global trade is handled by maritime transport.⁵ India is besieged with manifold security challenges such as piracy, terrorism, illegal transportation of goods and smuggling activities. Despite constraints, the island chains of Andaman and Nicobar and Lakshadweep provide the opportunity to dominate in the Indian Ocean. These lanes carry commercial ships, naval ships and drug traffickers' ships. India's own strategic interest lies beyond its immediate proximity. The Maritime Security Strategy 2015 classifies primary interest as maritime challenge. The failure of state security generates challenges such as piracy, terrorism, military conflict and all leading to external interventions. The faulty oceanic governance has caused pollution, diminution of fishing stocks and damage to marine biology.

All these are essential components of maritime security. Further, three major aspects of the civil maritime sectors are ports, shipping industry and shipbuilding.⁶ The geostrategic factors are linked with maritime conflicts between nation states,

⁴ Christian Bueger, *What is Maritime Security? Marine Policy*, 2015, DEPT. POL. and INT. REL. (Cardiff University, 2015) <http://bueger.info/wp-content/uploads/2014/12/Bueger-2014-What-is-Maritime-Security-final.pdf>

⁵Yogendra Kumar, *India's Maritime Challenges*, 2016, MIN. OF EXT. AFF., Govt of India, <https://www.mea.gov.in/distinguished-lectures-detail.htm?460>.

⁶ India Strategic. (2013). "Maritime Security of India Future Challenges, *India Strategic*, https://www.indiastrategic.in/topstories3126_Maritime_Security_India_Future_Challenges.htm.

environmental threats and maritime terrorism.⁷ Maritime pollution and frequent disasters are emerging as renewed threats. The high winds and heavy rains draw the debris of coastal areas toward the ocean polluting at sea. Oil related environmental disasters at sea affect the trade, bring losses to marine economy and posing threat to the marine ecology. Similarly, the human factors have caused the natural disasters and pandemics. All these growths have impacted the security at sea and littoral regions. Notwithstanding these challenges, Indian Ocean provides an opportunity for India to achieve the high sustainable growth by utilising the high potential of ocean economy. Against this backdrop, India's naval power has to maintain country's security while sustaining economic activities in the ocean.

New challenges are faced everyday while dealing with issues of Maritime Security.

The Council for Security Cooperation in the Asia Pacific (CSCAP) Working Group has defined maritime terrorism as: "...the undertaking of terrorist acts and activities within the maritime environment, using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, against coastal facilities or settlements, including tourist resorts, port areas and port towns or cities." ⁸

A thorough set of rules and regulations for the protection of ships and port facilities is the international ship and port facility security code (ISPS). The International Maritime Organization implemented stringent restrictions in the field of maritime security and safety after 9/11. The International Convention for the Safety of Life at Sea contains the code (SOLAS). 148 people have signed. This code's goal is to create a uniform framework for international ports and ships. This enables governments to efficiently assess risks, counteract security level threats, and implement the security measures outlined in the code.⁹ This code was implemented in India in 2004 and is currently in use at 10 small ports. A marine police force was established as part of the

⁷ Khan, Shahab Enam. (2021). New Maritime Security Challenges in the Indian Ocean: Shared Concerns and Opportunities from Bangladesh Perspective, Near East South Asia, Centre for Strategic Studies. <https://nesa-center.org/new-maritime-security-challenges-in-the-indian-ocean-shared-concerns-and-opportunities-from-bangladesh-perspective/>

⁸ VK Shashikumar, Gaps in Maritime Security, <http://www.indiandefencereview.com/interviews/gaps-in-maritime-security-i/> (Jan. 21, 2022).

⁹ Das, Binod K.; Pandya, Mayuri; Chaudhari, Shanti P.; Bhatt, Atul; and Trivedi, Dharmendra, "Global Research Trends and Network Visualization on Climate Action : A Bibliometric Study" (2021). Library Philosophy and Practice (e-journal). 5818. <https://digitalcommons.unl.edu/libphilprac/5818>

Coastal Security Scheme in 2005 with the intention of improving infrastructure for patrolling and monitoring coastal areas, notably the shallow areas near the coast.

Conclusion:

To clarify its strategic vision for maritime security, the government must adopt a National Commercial Maritime Security Policy Document. A national policy for commercial maritime security must also be announced for quick, well-thought-out action to safeguard the port and shipping infrastructure.