

Classification of Non-Traditional Maritime Security Threats and Challenges with the Indian and International Legal Framework

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Abstract- Maritime security means the safety of the seas and lakes, as well as the safety of the country as a whole. Today, there are a lot of crimes around the sea that need to be fixed. These are the most recent problems that affect how countries get along with each other. Around this area, there needs to be strong security risks. This area has become one of the most important places for trade and energy in the world. The area around the Indian Ocean has many old and new safety and security problems, such as pirates, robberies, terrorism, drug trafficking, illegal wildlife trade, illegal arms trade, fishing, climate change, etc. Because of this, the security of the Indian Ocean needs to be protected from the rising number of crimes, and strict laws should be put into place in this area. Further these issues have been seen in India which needs to make their maritime laws to govern such issues effectively. The researcher conducts doctrinal research. The objective is to analyze the maritime security both at national and international frameworks. Lastly the researcher provides conclusion.

Keywords- Maritime, Security, International Framework, Piracy, Laws.

I. INTRODUCTION

The ocean ensures that freedom of passage is kept and the international legal system at sea is strengthened. Every country has the right to use the sea for trade, economic growth, and protection. India works hard to maintain good relationships with its neighbor countries and other countries. Technically, maritime security is an easy way for the world to keep living together peacefully. This is done by ensuring that the navies of different countries work well together and have strong agreements and treaties to deal with shared threats.

The military can't solve problems with maritime security alone; there must be a coordinated effort from many different areas. The international maritime community should focus more on key areas where maritime security is weak or non-existent and work closely with regional groups to help them build up their own security capabilities.

II. THE NEED FOR MARITIME SECURITY

Maritime security is one of the biggest worries and problems for countries on the coast. The sea is integral to a country's trade relationships and other things. With their equipment and force, the naval forces have strong plans and activities to keep the seas safe. For maritime security to work, you need both knowledge and vigilance. This is important for improving security agreements without returning international relations to their ideal path.

It sorts maritime problems, including national security, the marine environment, economic growth, and human security. With the help of states, the United Nations also plays an integral part in keeping international peace and the seas safe.

Thus, the need of laws for maritime at both national and international level has to be governed strictly because this will provide a country to use the free

navigation, passage, jurisdiction and sovereignty over the oceans in the country.

III. INTERNATIONAL FRAMEWORK

1. UNCLOS:

In 1956, the first U.N. meeting on the law of the sea took place in Geneva, Switzerland. As a result of the meeting in 1958, a treaty was signed in 1964 that included troops in the national sea and those near it. In 1966, an agreement was made to protect fisheries and seas. Even though these were in the UNCLOS, they were hard to follow.

The U.N. held its second meeting on the law of the sea in 1960, but no countries from the third world were there to share their thoughts. Only countries with good economies took part.

The third "law of the sea" meeting of the United Nations was held in New York. Arvid Pardo of Malta talked about how different things were along the coast in 1967. The convention lists essential approaches and issues, such as delimitation, navigation, archipelagos, the "exclusion of economic zones," the marine environment, food, and so on, where countries' seas and oceans come into conflict. The U.N. has developed a qualitative and quantitative idea of maritime law and security in the modern world. This was a good idea that people worldwide liked and used. It was set up in 1958 at a meeting about the sea.

The most recent one was passed in 1994, and it covered interior and territorial seas as well as a number of territorial and legal powers. From the 1990s to the 2000s, thoughts and theories about maritime security changed. 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 its rules and laws, and control of the marine industry were implemented in 2002. Terrorist threats, maritime security, and a war between two or more states are also part of modern maritime security. The lack of security in the area, maritime security is needed to protect the area.

In the past few years, people studying international relations have looked into marine security and piracy ideas. International law talks about the law of the sea. In the 1800s, people considered maritime law a set of

ceremonies. But by the 19th century, it was not just a set of customs but also laws. "The Paris Declaration, the Hague Convention, the Geneva Convention Protocol, and the Geneva Convention II" are the primary sources for accepted conventions and statements about maritime security and law.

2. Principles to Govern Law of the Sea:

2.1. Principle of Freedom:

The Country has the limited jurisdiction around the ocean. The principle of freedom ensures that there is free use of such ocean with various activities like navigation, submarine, and so on. Hence, the laws which governing the law of the sea provides freedom to the sea in the country.

2.2. Principle of Sovereignty:

This principle ensures that maritime zones have their exclusive rights. The jurisdiction where the ocean falls under any territory will exercise sovereignty.

IV. THE MODEL FOR MARINE SECURITY

Marine environment (which includes maritime security)

Economic growth

Safety of people (including people trafficking)

V. INTERNATIONAL RELATIONS WITH THE INDIAN OCEAN

A lot of the world depends on trade on the high seas, and all countries can participate in the global market there. Undoubtedly, the sea has significantly affected South Asia's business and government. The Indian Ocean is the third largest body of water in the world. It takes up 20% of the globe. The Region has 38 coastal states, 24 ocean areas, and 17 landlocked countries. It has many natural resources, such as minerals, fish, marine goods, oil, and natural gas. When it comes to their security, coastal states have a lot to worry about, especially when it comes to their energy sources. This is because the sea is where most of their energy sources are.

Since energy is so important to the geopolitical plans of a country, any change in the supply can have a big effect on security. The international security situation is changing and uncertain because there are many wars and other crises going on. The area needs to be safe and secure.

In the current situation, every country should pay attention to the safety of sea routes or these maritime rules. It will touch all countries if something goes wrong and could be very important to some. Because of this, maritime areas need necessary sea paths, checkpoints, ways to stop attacks, etc. Today's enemies are not like the enemies of the past. They are unexpected, connected, and need to follow the rules. Because of this, this area needs strong security to keep people safe. The safety of this ocean can be threatened by terrorists, other countries or states, foreign criminals, theft, and other things.

Since energy is so vital to the international plans of a nation, any adjustment of the stockpile can immensely affect security. The global security circumstance is changing and questionable on the grounds that there are many conflicts and different emergencies going on. The region should be no problem at all. In the ebb and flow circumstance, each nation ought to focus on the security of ocean courses or these sea rules. It will contact all nations assuming something turns out badly and could be vital to some.

Along these lines, oceanic regions need fundamental ocean ways, designated spots, ways of halting assaults, and so forth. The present adversaries dislike the foes of the past. They are unforeseen, associated, and have to observe the guidelines. Along these lines, this region needs solid security to protect individuals. The wellbeing of this sea can be compromised by psychological oppressors, different nations or states, unfamiliar lawbreakers, burglary, and different things. Illegal and unchecked fishing in these seas is now a significant threat to Sri Lanka's and other countries' safety.

VI. PROBLEMS WITH SECURITY IN THE INDIAN OCEAN

The area around the Indian Ocean is now a major trade and energy route around the world. Terrorism and piracy are big problems for "maritime security in the Indian Ocean" because they happen there. All of these things show that this Region, which is strategically and centrally located, is the most susceptible coastal and ocean-centered area and a hub for international trade.

People pay a lot of attention to the Indian Ocean because it significantly affects economic growth,

foreign trade, and long-standing security problems. Sri Lanka's work to update its Navy is causing new trends worldwide. This could be seen as a new maritime border security trend focusing on piracy, terrorism, territorial problems, and natural disasters.

Sri Lanka is also working with global and regional forces like "China, the U.S., and India" to protect its land by making it more modern. Sri Lanka also has more people and drugs moving around and more illegal fishing. Also, the theft of kidneys and illegal immigration is on the rise, which can lead to human trafficking. India is worried about its maritime security, the value of its resources, how to handle emergencies and problems, and how to give investment processes less and less weight. People, guns, and other criminal goods are often taken from the sea. So, these problems must be solved, and marine protection needs to be set up around the Indian Ocean.

But drug and people trade kept going on even after the war was over. Sri Lanka's drug crime is also getting worse. Statistics show that 95% of drugs come into the country by ship. Also, local and foreign boats that fish without permission, are not listed, or follow the rules cause problems that can't be avoided.

This is because the policy of the people of Tamil Nadu, which is in South India, depends on this problem. Poaching without permission is a problem for both countries because it affects security and leads to arresting fishermen on the wrong side of the sea border. In the long run, illegal fishing is also bad for Sri Lanka's business and nature. So, both governments should take vital steps to stop their fishermen from going over the line and stealing fish from the marine areas of their neighbours.

People who sell heroin in the area often use the "Strait of Palk" to move their drugs. This is on the grounds that the strategy of individuals of Tamil Nadu, which is in South India, relies upon this issue. Poaching without consent is an issue for the two nations since it influences security and prompts capturing anglers on some unacceptable side of the ocean line. Over the long haul, unlawful fishing is likewise terrible for Sri Lanka's business and nature. In this way, the two state run administrations ought to find essential ways to prevent their anglers from crossing the line and taking fish from the marine region of their neighbors. Individuals who sell heroin in the space frequently utilize the "Waterway of Palk" to move their

medications. As crimes in the Indian Ocean area have been getting worse and worse, it has been bad for foreign relations. In the area, the threat of drugs is still tied to terrorism and another human trafficking. So, if the government doesn't fix the problem quickly, it will damage the country's security. People said that the government should work to solve these problems to make the seas in the area safer.

Their international and political relationships will improve if the two countries work together. Also, this Region needs to develop more organized and strong ways to deal with global and regional problems, like security threats from enemy citizens, pirates at sea, and other sources like armed pirates. Long-term plans are needed to modernize, update, and boost the Navy and fix problems with policies. So, defence is needed in this area, and the U.S. should work closely with big countries to make a long-term plan for maritime security. So, maritime security has to be set up to stop the dangers in this area.

Individuals said that the public authority ought to attempt to take care of these issues to make the oceans in the space more secure. Their global and political connections will improve assuming the two nations cooperate. Additionally, this Area needs to foster more coordinated areas of strength for and to manage worldwide and local issues, similar to security dangers from foe residents, privateers adrift, and different sources like furnished privateers. Long haul plans are expected to modernize, update, and lift the Naval force and fix issues with approaches. Thus, safeguard is required around here, and the U.S. ought to work intimately with huge nations to make a drawn-out plan for sea security. Thus, sea security must be gotten up positioned stop the risks around here.

VII. MARITIME SECURITY IN INDIA

India is surrounded on three sides by water, which makes the need for maritime security even more critical. India has a lot of economic resources and depends on them for survival. Pirates sometimes take over merchant ships, which show the need for naval security. Each country tries to improve its defence to deal with air, sea, and land security issues. In maritime security, naval troops and coastal security must be strong enough to stop threats from coming from nowhere. As part of the country's defence, it also tries to make the seas a better place for the country. Ocean

security is a part of the strategy to increase the number of maritime forces and keep the ability to meet India's needs for maritime security. Every nation attempts to work on its protection to manage air, ocean, and land security issues.

In oceanic security, maritime soldiers and waterfront security should be sufficiently able to prevent dangers from appearing suddenly. As a component of the nation's safeguard, it likewise attempts to make the oceans a superior spot for the country. Sea security is a piece of the procedure to build the quantity of sea powers and keep the capacity to address India's issues for sea security.

The Indian Ocean is an important area for trade, transportation, and the sea's wealth, which includes fishing and other activities. India's strong presence on three sides of the sea shows its interest in the maritime sector. It shows how India has become one of the most powerful sea forces in the world. The Indian Sea is a significant region for exchange, transportation, and the ocean's riches, which incorporates fishing and different exercises.

India's solid presence on three sides of the ocean shows its advantage in the sea area. It shows how India has become one of the most impressive ocean powers on the planet. India has taken several steps to improve naval security, such as:

- Giving money to the air force in Bangladesh.
- The building of a port in Myanmar so that weapons can be sent out of the country
- Facilities for checking and working together with the Maldives and Sri Lanka
- Permissions for Navy communication equipment in Madagascar and Mauritius
- India has always had strong ties. Permission to use ports in Oman, work with U.A.E. on India's oil sources, and training subagents in Iran.

The above projects and programs show how India is becoming more critical in the subcontinent. Because of these policies, the country's relationships with its nearby countries became more cooperative and friendly. It also shows that India's policies are good and that it gets along well with its neighbour countries.

VIII. THREATS TO MARITIME SECURITY IN INDIA

Conventional, asymmetrical, and terrorist actions all pose problems for the military. The trade routes, smuggling, and living and long-living resources are all economic drivers. Marking areas, using resources, and managing resources are all political factors. Changes in the climate, such as hurricanes, tsunamis, and oil and chemical spills, are also environmental factors. In many places, people know a lot about piracy, violent robbery, and what the attackers are trying to do and how they do it. Also, terrorism is a significant danger to maritime security. It includes attacks on ships, their crews, or passengers to achieve a political goal. Changes in the environment, like typhoons, torrents, and oil and substance spills, are additionally natural variables.

In many spots, individuals know a ton about theft, vicious burglary, and what the assailants are attempting to do and how they make it happen. Likewise, psychological oppression is a critical risk to sea security. It remembers assaults for ships, their groups, or travelers to accomplish a political objective. In the past, there have been several attacks on ships, which gave terrorist groups access to a wide range of methods. Example: Since the November 2008 attacks in Mumbai, the plan was to send trained jihadi divers to attack an Indian or coastal facility, but that plan failed. On November 26, 2008, terrorists used the sea route to reach Mumbai and attacked targets on land. Terrorist activity is a significant threat because terrorists can take over naval ships, take hostages, attack ports and coastal installations, and attack civilians on warships.

Indian maritime security also faces the following security risks in addition to the ones listed above.

1.Changes in the climate and pollution of water: Climate change is always a problem for maritime security because it can make it hard for tools to work right and cause unpredictability in security situations. Uncertain goals are also causing problems in naval systems. The pollution of the ocean's water, which hurts the creatures that live there, will significantly affect fishermen and other problems along the coast.

2.Safe Passage of Ship: Whether a ship or its crew is at risk during a foreign or civil war depends on the type of conflict.

3.Cyber-attacks: Relay digitization, integration, and automation are increasingly used on ships. This means that cyber risk management needs to be done on board with the help of information technology and operational technology.

IX. CONCLUSION

India is one of the most well-known growing countries in the world. It has a lot of different cultures and is a strong democracy. One of India's defence systems' most essential parts is keeping the seas safe. The Indian Navy, the coastal guard, and the coastal police work together to keep the seas around India safe. The Indian Navy's best defence is its fleet of warships and submarines. The Indian government spends money on its defence, and especially its Navy. It is building new facilities and using new technologies and well-trained naval systems to make the Indian Navy's defences strong and to show that India has a strong presence on all three of its seashores.

Strong weapons, good ships, and a safe atmosphere help Indian maritime security. India's maritime security is also affected by its national interests, policies, and foreign decisions. But a country should be aware of threats and problems from its neighbours and the rest of the world. One of them is China's policies and actions, which are worsening. Therefore, there should be stringent and transparent laws for maritime security both at national and international frameworks.

REFERENCES

- [1] Dr. H.O Aggarwal, International Law and Human Rights (17th edn., Central Law Publications, New Delhi, 2021) 998-1034
- [2] Dr. Rakesh Kumar Singh, Textbook on Public International Law (7th edn., Eastern Book Company, New Delhi, 2016) 1234-1267
- [3] P.K.B IsuruPremarathana, 'Maritime Security Challenges in the Indian Ocean: Special Reference to Sri Lanka' [2019] IJRISS, 158, 160
- [4] Dr. Srimal Fernando, 'Promoting Maritime Security in the Indian Ocean Rim: The Role of Indo-SriLankan Maritime Diplomacy' [2021] IDR 56-78