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MANAGING THREATS TO MARITIME STABILITY



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Post World War II, the world at large has largely lived in relative peace with few existential wars that would match the fury and destruction perpetuated during this six-year conflict. Insofar as the seafaring world is concerned, we witnessed a smooth change of baton between Great Britain and the United States of America, as the predominant global maritime power. The current dispensation of power has willy-nilly remained in-force since 1945, though several nations have equipped themselves with very capable navies.

Crime at sea mirrors what happens on land in most of its manifestations. It, however, differs in one fundamental way – that being, it takes place in the global commons thereby making the issue of jurisdiction complex. To make matters worse, ships today are a microcosm of a truly interconnected world with ownership resting

with one nation, flagged in second, insured in a third, underwritten in a fourth, setting sail from one nation, bound for another and with crew and cargo from multiple countries. Criminals have historically exploited these lacunae, carefully calibrating their activities to a level that has been below the threshold of compelling nations to evolve a comprehensive response. However, with the rapidly expanding overlay of terrorism and the ability of activities such as gun running, human trafficking, drug smuggling and robbery at sea to fund it, there is a growing consensus to curb crime at sea.

Having recognised this necessity, it delves upon the larger maritime community to find the best solution. The fundamental issue that we face in devising an effective response mechanism is the challenge of decoupling security at sea



from geopolitics. A telling example of this is the manner in which the world responded to the piracy situation off the Horn of Africa. At its infancy, it was viewed as a merchant mariner's problem with no requirement for naval intervention. However, given that the business was highly lucrative, it soon began to escalate forcing a response from flag ship operators. Grey hulls therefore arrived on the scene, escorting ships that flew their nation's flag. Countries that did not have the resources to send their own ships used the assets of coalitions to provide protection. Soon, three groupings of ships emerged, these being the CMF run 'Task Force 151', the European Union Naval Forces (EUNAVFOR) administered 'Op Atlanta' and the grouping under NATO Standing Forces. In addition, several nations continued to function as independent operators, India and China inclusive. Realizing that a coordinating mechanism was essential to optimize the deployment of the large number of assets in the area, the Bahrain based SHared Awareness and DEconfliction (SHADE) mechanism came into being. While this dealt primarily with operational issues, on the policy side, a United Nations sponsored organisation called the Contact Group on Piracy off the Coast of Somalia (CGPCS) was created.

It can be seen, that though a robust response emerged, it was slow in taking shape. This slackness gave an opportunity for private operators to fill the gap by providing a bouquet of services pertaining to vessel protection. While solving some problems the presence of armed guards and the consequential 'floating armouries' created fresh ones. Insurance companies indemnified the increased risk by drawing out a hugely expansive High Risk Area (HRA) where exorbitant premiums were charged, the cost of which was largely borne by the littoral nations in the region. The profitability of doing so was made apparent by the fact that even though the security situation dramatically improved a few years later, the HRA was only scaled back on 01 Dec 2015

after a concerted effort by impacted nations, and that too after considerable foot-dragging.

Another factor that clearly comes out is that this response has been inefficient. There has been a large amount of duplication in the effort put in by nations and considerable time, effort and expense has had to be put in to create the de-confliction and coordinating mechanisms described above. Further, given the fact that geopolitical considerations reign high amongst the contributors, there is no mechanism to calibrate the *response* to the *threat*. We therefore witnessed a tardy build up of forces, and now that piracy has largely been quelled, the draw-down remains equally tardy.

A primary reason for the inefficiency of coordinated responses to maritime security issues at sea is the fact that while we operate in the global commons, we do not have a global police force. The force that responds invariably emerges in the form of grey hulls, flying national flags, under national command, with national rules of engagement, and always answerable to national tasking. Further, since geopolitical considerations ride high, this response has a tendency to become competitive. Thus, while on one hand, such forces do contribute towards *maritime security stability*, often on the other, they create *geopolitical instability*.

Where then lies the solution? To my mind, we need to depoliticize maritime security tasking and to decouple it from geopolitics. This could be done adopting one of the two under-mentioned approaches.

- **Option 1.** Get the United Nations to shed its traditional 'sea blindness' and accept this responsibility. This would require a strong lobbying effort by a large number of maritime nations. The effort would have to be prolonged and well coordinated as it would be opposed by several powerful entities that have either geopolitical or commercial interests which

are wedded to the perpetuation of the status quo. What would be the contours of a UN led initiative for maritime security? In all fairness, the U.N. is not new to this role. We already have a model in the United Nations Interim Forces in Lebanon (UNIFIL) mission, the Maritime Task Force of which was set up in 2006 and has been functioning efficiently ever since. The task force is ably led by a UN appointed Task Force Commander with ships being provided by various nations, all of which fly the U.N. flag. Insofar as the larger shore based organisation is concerned, maritime security could be modelled on the maritime Search and Rescue (SAR) format wherein the oceans have been segregated into SAR areas each with its own coordinator. Either, the responsibility of the existing coordinators could be enhanced to include maritime security or a de-novo approach could be followed in drawing up fresh areas with associated coordinators. Assets would have to be requisitioned from member nations on an as-required basis as is currently being done for peace keeping missions. With time, the creation of a 'U.N. Standing Maritime Force' could also be considered to reduce the response time in the event of a crisis. However, in doing so, necessary reconciliation with Article 43 of the U.N. charter which prevents the creation of such a force would have to be factored in. In addition, due attention would have to be placed on its positioning to overcome the tyranny of distance.

- **Option 2.** Adopt a regional approach. Speaking for the Indian Ocean Region, the littoral nations could consider empowering an institution such as the IONS to take on this role. Some progress in this direction has already been made with the formation of *working groups* in identified fields as well as in the drawing out of Standard Operating Procedures. These nascent steps would have

to be strengthened by carrying out a larger number of table top and real world exercises to facilitate plug-and-play operations. For this, the IONS secretariat would have to play a far more robust role, in identifying areas that require intervention or support and generating requests for member nations to contribute forces. To ensure burden sharing as well as to encourage greater participation, the region could be divided into several sub-regions, which could take the lead in coordinating the response to emergent situations. In the event of an incident happening, the task of the coordinator would be to requisition forces from amongst pre-identified contributor nations. Further, instructions in accordance with existing SOPs could be issued to generate a coherent and synergised response. With time, the IONS could even consider maintaining a small standing force of a few ships that along with being a rapid response force, could also contribute towards capability enhancement of the smaller littoral nations.

While an ideal solution would be a global one of the type described in Option 1, the challenges of putting such an arrangement in place are likely to be large. We could therefore make a start with a regional solution as described in Option 2. Having made a success of it, we could use it as a launch pad for pitching for a universal global solution.

To summarize, what would be the advantages of adopting a collective security approach of the types mentioned above? These could be listed as follows: -

- Firstly, it would effectively decouple maritime security from geopolitics.
- Secondly, it would facilitate effective and equitable policing of the high seas (global commons).
- Thirdly, the policing of waters under national jurisdiction (territorial waters/



EEZ/contiguous zone) by external agencies would become far less contentious if it were to be conducted by mandated ships operating under the instructions of an organisation whose charter revolves around collective security.

- Fourthly, it would promote effective interoperability as there would be promulgated guidelines for communication procedures, underway replenishment, visit and board operations, cross deck landings by helicopters, etc.
- Fifthly, responses will be carefully calibrated with far more economy of effort as they will be devoid of geopolitical considerations that more often than not tend to become competitive.
- Sixthly, as the response would largely emerge from regional nations, cultural nuances and other underlying factors would be better understood.
- Lastly, it would promote optimal solutions to emergent challenges such as seawater rise, ocean acidification and over fishing as propensity to acquire and share data on these issues would be much greater if the agency involved in doing so were to be one devoid of nationalistic biases.

It can thus be seen that creating strong collective structures to manage maritime security either at the global or the regional level would reverse the trend of growing geo-political instability at sea. It would provide an opportunity for maritime forces to work together, thereby building upon interoperability under a broad framework of universal trust and collective good. India and the Indian Navy are already strong contributors in this field. Our commitment towards capacity building and capability enhancement in the region is robust. Our efforts cover a wide swath that include providing material assistance in terms of assets and support for their sustenance, meeting training requirements, providing consultancy where sought, hydrographic support, assistance in the generation of MDA, undertaking of coordinated patrols and assistance in the execution of policing functions at sea, amongst others. In addition, we have been strong supporters of collective security as demonstrated by our contribution in all IONS initiatives, the hosting of MILAN at Port Blair, the conduct of the Goa Maritime Conclave and the recent inauguration of the IFC-IOR at Gurgaon, New Delhi. We would be well placed to take the lead in advocating such a solution to the global community of seafaring nations.

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