

Terrorism at Sea : Role for India and Japan

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Preamble

Today, even as conflicts between nation states are becoming less probable, safety of the ocean highways is threatened in a way that could not have been visualised by dangers posed to global economy by non-traditional actors, the terrorists. Difficult to identify, operating under cover and equipped with both religious fanaticism and an inexhaustible supply of weaponry, they are neither affected by deterrent power of the state nor with concern for the safety of their own lives. It is, therefore, appropriate and timely to examine the adverse effects of the emerging maritime environment in the sea areas of our concern and to take measures that will help overcome them.

Security Concerns in the Indian Ocean

Unlike the other great ocean highways, shipping in the sea routes of the Indian Ocean must pass through waters dominated by narrow channels. These narrows or 'choke points', include the Suez Canal, the Bab el Mandeb south of Yemen controlling the Gulf of Aden and the Red Sea, the Strait of Hormuz dominating the Persian Gulf, the waters south of Sri Lanka and the Great Nicobar Island, the Malacca, Sunda and Lombok Straits which open out into the South China Sea, and further to the south, the sea routes close to Mauritius, Seychelles and Mozambique. It is possible for state or non-state actors of even modest means to interfere quite easily with shipping passing through these constricted channels or to disrupt its movement. While miscreant states can be identified and their capabilities neutralised, it is the 'invisible' but very potent and determined terrorist groups that pose the greater threat. This task is even more complex at sea where merchant ships are owned by one country, registered in another

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More than 60 per cent of the world's oil reserves are located in the Gulf region. The USA imports more than 20 per cent of its energy needs from here. Japan depends on Gulf oil for 60 per cent of its requirements and China will soon be importing 200 million tons annually, overtaking Japan as the second largest importer. Countries of the European Union also get oil and gas from this part of the world, as does South Korea. Of the \$ 200 billion worth of oil that is sent out through the Strait of Hormuz annually, nearly half is destined for destinations eastwards moving through the sea routes mentioned earlier. This makes the Gulf region an area of considerable strategic significance and international involvement in affairs here is, therefore, inevitable.

Piracy at sea is not a new phenomenon but its emerging form, maritime terrorism, has not been treated with as much seriousness as it should be. Piracy has been rampant in the North Indian Ocean region and, in particular, in the waters off South East Asia and the South China Sea. In the first half of 2004, pirate attacks in the Malacca and Singapore Straits have doubled from 15 to 27. More than 50 per cent of all piracy incidents in 2003 occurred in South East Asia, mainly in Indonesian waters. Ships are now being physically hijacked, their crews set adrift or killed, the cargoes sold, and the vessel repainted and registered under a different name, owners and flag, to be used for criminal activities on a higher threshold such as smuggling of narcotics, arms and munitions. Ultimately, the final product is terrorism. In recent years, not only have these incidents increased but so also has their dimension. Super ferries have been sunk in the waters of the Philippines by terrorists of the Abu Sayyaf group with considerable loss of innocent lives. In 2001, the American destroyer USS *Cole* was seriously damaged in Aden when a suicide craft exploded alongside. A similar attack on the US warships, by the Jemaah Islamia, was narrowly averted in Singapore through timely intelligence. Later, a French oil tanker, the MV *Lindberg*, was attacked by suicide craft off the coast of Yemen. In April 2004,

Al Qaeda craft attacked one of the oil terminals in Basra and two tankers. These acts of terror are much more sinister than acts of piracy and may see escalated dimensions in the years ahead.

Maritime terrorism is gaining ground and can have very serious repercussions on the economic well being of many countries. The sea lanes of communications (SLOCs) of the Indian Ocean are also central to the movement of weapons of mass destruction (WMD) by sea. Already, there has been evidence of sea transportation of missile and nuclear materials and technology between Pakistan, China and North Korea. In 1999, a North Korean vessel, *Ku Wol San*, was apprehended in an Indian port carrying missile components and related blue prints to Pakistan and West Asia. In 2002, the freighter, *So San*, was intercepted carrying Scud missiles from North Korea to Yemen and in the same year, the *BBC China* was found carrying centrifuge parts to Libya. Clearly, existing arrangements to cope with such crimes are not adequate. There is need for countries critically affected to sit up and take notice.

India and Japan

Japan has a share of about 17 per cent of all seaborne commerce in the world. Its share of total mercantile shipping is also considerable. Almost its entire overseas trade moves across the oceans and its dependence on imported energy resources makes the safe movement of cargoes at sea critical to its national security interests. Japan's Maritime Self Defence Force (MSDF) is among the four largest maritime forces in the world and along with its Coast Guard and mercantile marine, makes the country a very formidable maritime power. Among the several SLOCs vitally important for Japan, those connecting it with the Arabian Gulf are the most critical. Transiting through the East and South China Seas and through the North Indian Ocean, and passing close to several archipelagic states and through narrow channels, they constitute the 'lifelines' of the nation, carrying as they do, vital energy supplies. In the East China Sea, Japan has contentious differences with China in the context of maritime jurisdiction, with some of the territories traditionally belonging to Japan being claimed

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by the Chinese. In the South China Sea, the SLOCs pass quite close to the Spratly and Paracel Islands, which are claimed by several states, including China, as belonging to them. It is not inconceivable that the dispute could get aggravated. Then, there are the dangerous waters of South East Asia, topped by the Malacca Strait. The sea routes then cross the Bay of Bengal and Arabian Sea before transiting through the Strait of Hormuz to enter the Gulf. It is well known that some of the most determined terrorist groups operate in this part of the world and the incidents highlighted earlier show that the threat from them is potent and real.

Considering these interests, the existing dispensation in which Japan is committed to safeguard its surrounding sea areas only to a depth of 1000 miles, with reliance on the USA for security beyond that distance, does not make sense. Such an arrangement could be said to have some logic in the days of the Cold War when adversaries were clearly identified and responsibilities of allies well defined. But with the new threats that are now in place or emerging, such clear lines can no longer be drawn and countries have to be more pro-active and less dependent on others for safeguarding their interests. In recent years, the Japanese MSDF has deployed its warships in the Arabian Sea in support of the war against terrorism and this is a positive development. The new environment, no doubt, calls for a great deal of cooperation and coordination, but it would be unwise to expect another country, however friendly, to shoulder the burden of responsibility where its own interests may not be directly threatened. Japan must, therefore, play a more assertive role in ensuring the safety of SLOCs in its areas of concern and discharge its legitimate responsibilities in cooperation with other like-minded countries.

India is not in a very different category. Its overseas trade stands at \$ 100 billion. India will soon import 85 million tons of oil constituting 68 per cent of its needs and this dependence would increase to 80 per cent by 2020 taking the absolute figure to over 300 million tons. By this time frame, India would become one of four largest importers of energy in the world, along with the USA, China and Japan. The SLOCs of the Northern Indian Ocean, thus, become vital as they bring energy from the Gulf and other sources

in the west on the one hand, and from Association of South East Asian Nations (ASEAN) in the east. The port of Gwadar in Pakistan, presently being developed with Chinese assistance, is located at the mouth of the Strait of Hormuz and, if made available to hostile elements, can become a serious threat to safety of oil movements. There have been disturbing suggestions, both from Pakistan and China, which indicate that the former would not be averse to having Chinese forces operating from this base and, from the latter, of China's growing interest in this region. Given the continuing cross-border terrorism sponsored from Pakistan and the active involvement of prominent Islamic terrorist groups, the danger to India's maritime interests is grave. To this template can be added smuggling of narcotics, illegal movement of arms and personnel by sea, poaching, and environmental degradation through dumping of nuclear and other wastes in waters around our coast. There have also been instances of unauthorised activity by oceanographic research vessels in the exclusive economic zone (EEZ).

Even though India's current overseas trade measures at about 17 per cent of the gross domestic product (GDP), it is doubling every six years, and in the next 20 years the quantum is likely to exceed \$ 1 trillion, against a projected GDP of about \$ 2.5 trillion. Its importance to the country's economic growth cannot be underestimated. Nearly 90 per cent of this trade, by volume, must move across the seas, over 35 per cent through the SLOCs in the east, given the growing magnitude of bilateral trade with Japan, China, South Korea and the ASEAN economies. India has an EEZ of more than two million square kilometers, which is likely to increase by at least 50 per cent. It has maritime boundaries with four ASEAN neighbours and its interest in the safe movement of shipping in those waters is not less than that of Japan.

Finally, India may not have maritime forces of the magnitude of Japan but its Navy is, clearly, the most capable and credible of all regional forces in the North Indian Ocean. Along with the Coast Guard, it has the ability to deploy at reasonably long ranges and, even more important, to sustain operations at that distance. It is the only regional power with integral air capability at sea. India is also very well situated in the SLOCs of these waters. The ability

of Indian maritime forces to search and monitor activities, and to apprehend miscreants in these waters, has already been demonstrated in the capture and arrest of the Japanese merchant ship, MV Alondra Rainbow which was hijacked in Indonesian waters but arrested in the Arabian Sea, heading for the Gulf. There have been other instances in which this capability has been exploited in humanitarian missions at sea, including in aid of Japanese mariners.

It is, therefore, obvious that India and Japan have much synergy in their critical interests at sea and are also reasonably compatible in their maritime power to work towards a common objective of safeguarding them. Apart from coping with their own respective concerns, both countries can play very useful roles in support of each other in waters of the North Indian Ocean and the South and East China Seas. Their economic interests in the ASEAN region are similar as also their perspectives on relations with China, which focus on 'positive but watchful engagement'. Both are functioning democracies; Japan is an ally of the USA while India's relations with the super power are positive and friendly. These conditions should act as catalysts for cooperation and coordination in the security strategies of Japan and India to deal with major areas of concern. Safety of the SLOCs in the Japan-Indian Ocean-Arabian Gulf (JIA) falls in this category. Some cooperation has already taken place between the Coast Guards of the two countries. It is now necessary to expand upon it and stretch it across the entire maritime spectrum. Japan has differences with India in regard to its nuclear postures but these should not be allowed to cloud the totality of the relationship.

Other Considerations

Some other issues which impact on the safety of SLOCs, albeit indirectly, also need consideration. One relates to territorial disputes at sea. Many of them emerge from the expectation that these areas are potentially rich in offshore resources, including of the seabed. These disputes have the potential to blow up into conflicts, which will, inevitably, affect freedom of the seas. The areas where these disputes are relevant are well known and need no elaboration but both Japan and India have their share of them. Another impediment to the right of innocent passage is the control

that certain countries want to exercise in waters adjacent to them but not falling within the definition of territorial waters. China is one of them, seeking control of passage in waters off its coast. A third issue is one of countries seeking extended maritime jurisdiction, well beyond what the United Nations Convention on the Law of the Sea (UNCLOS) stipulates. Domestic instability in countries can also have an adverse affect on safety of seaborne commerce.

At present, the entire JIA sea route lacks effective arrangements to ensure the security of shipping and seaborne trade. The weaknesses include: lack of maritime awareness, ineffective arrangements for maritime jurisdiction and enforcement, differing interpretations of the UNCLOS, weak regional participation in relevant international legal instruments and lack of capacity, in many countries, to implement appropriate measures to ensure the security of seaborne trade. These weaknesses are both at the national level and at a regional plane. At a national level, many countries do not have the means to ensure security in waters under their national jurisdiction. The example of Indonesia is relevant. On the regional plane, there is lack of established procedure and framework for exchange of information and for operational coordination between countries and between the coastal states and the 'user states' whose ships and trade pass through the waters under the jurisdiction of the coastal states. There are sensitivities of compromise of national sovereignty, which inhibit cooperation. Difficulties in the Malacca Strait are an example of this weakness and it is not certain if the recently begun coordinated patrols by the maritime forces of Indonesia, Singapore and Malaysia will be enough to deter the increasingly assertive posture of the terrorists.

In this context, there is need for countries, which have credible capabilities, and the means and determination to ensure security in their own water, to build a framework of security cooperation. In the sea areas of the JIA, India and Japan can be put in this category. It is, therefore, incumbent upon them to devise suitable mechanisms, which will facilitate safe movement of seaborne commerce in these waters and to play the lead role in evolving regional cooperative institutional arrangements without which such safety cannot be ensured.

Mechanism for Interaction

Cooperative mechanisms at the official, or what is termed as Track I, level can be considered in two categories: those between military organisations and others relating to non-military institutions. Further, they can be bilateral or multilateral. As far as military interface is concerned, India has bilateral relationships with many countries. These are not alliances but cooperative programmes. It should, therefore, not be difficult to formulate a bilateral plan of institutionalised cooperation between the navies of India and Japan. Such an arrangement is essential if a viable capacity is to be created to secure seaborne trade. The Indo-US joint naval patrols have been implemented on the basis of similar cooperation. A template for the interaction, to be developed gradually and in a phased manner, can be formulated. As stated earlier, this relationship has to be bilateral as this approach is better suited to generating trust and confidence and is not inhibited or constrained by the needs and interests of others.

At the non-military level, there can be formalised cooperation between the Coast Guards of the two countries and other agencies concerned with ocean management and development. Exercises have already been held by the two Coast Guards in search and rescue at sea. They should be expanded to include marine pollution, oil spills, anti-piracy and anti-smuggling measures with focus on exchange of information, communications, procedures and capacities. These activities can either be undertaken on a bilateral basis or multilaterally, or both. Some structures on which this interface can be built are already in place. Both India and Japan are members of the multilateral ASEAN Regional Forum (ARF) in which the Indian Coast Guard coordinates maritime issues relevant to India.

The two institutional arrangements can progress concurrently and there is no mismatch or overlap between them. Since a naval (military) relationship would be initiated for the first time it would be advisable to formulate a mutually agreed plan of action that can be reviewed periodically and revised as necessary. In some areas, we have already made a beginning. There have been more exchanges of ship visits in the last few years and the first set of

exercises at sea, between warships of the two navies, as distinct from ships of the Coast Guards, have taken place. There is, therefore, a good foundation on which a stronger relationship can be built. The interaction can be monitored institutionally by a suitably structured body say, a Maritime Cooperation Policy Group.

Japan has not, so far, had a military cooperation arrangement with countries other than the USA with which it is in alliance. It has, on the other hand, participated in naval operations in the Arabian Sea during Operation 'Enduring Freedom', having deputed several warships, and in other multilateral exercises at sea. In any event, the existing conditions, following the end of the Cold War, have altered greatly and the new threats require cooperative mechanisms without which the invisible adversary cannot be countered successfully. A change in approach is necessary and India has already taken this route in the last 10 years. The time has, therefore, come for India and Japan to enter into a defence cooperation arrangement.

Conclusion

The security environment at sea has changed dramatically since the end of the Cold War. The probability that nation states would engage each other in direct conflict has receded and new threats have emerged which are difficult to identify and are not susceptible to conventional forms of deterrence. Fierce determination, born out of fanatic religious fundamentalism, and inexhaustible resources of money and arms, terrorists pose serious danger to peace and tranquility. Until recently, their activities have been largely confined to land but there are clear signs that these will, increasingly, be encountered at sea in the form of maritime terrorism. The developing threats call for capabilities to be brought together in a common endeavour, bilaterally and multilaterally, at the Track I as well as Track II levels. India and Japan are two credible regional maritime powers in their respective areas. They share common concerns and interests, and are well equipped to counter threats to security of the JIA SLOCs, to their mutual advantage. It is important that old mindsets, no longer relevant, be shaken off and a cooperative arrangement put in place as early as possible.