The Rise of the Indian Navy: Internal Vulnerabilities, External Challenges (Ashgate, Nov 2012)

Sailing deeper into an era of violent peace: Non-state threats to India's maritime security

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What are non-state threats to maritime security?

The broadest definition of non-state threats to maritime security would include all threats to India's national interests emanating from non-state entities from the maritime domain. These would include both anthropogenic (arising from human activity) and non-anthropogenic threats to India's survival, security and development.

Such a definition encompasses threats at sea, threats to land and air, threats to domestic and international order and threats to the environment. The inclusion of threats to international order and the environment in this definition suggests that at the broadest level, such threats transcend national boundaries. This calls for an co-operative international response. It also indicates, however, the opposite: that if international co-operation is non-existent or hard to obtain, to the extent that a threat to the global commons affects an individual state's security, it is in its interests to act unilaterally if necessary.

The broad definition is most useful in the context of discussions on national maritime strategy. In the context of implications for the Indian Navy, this chapter confines

itself to a narrower definition focussing on non-state threats that involve human agency at some point in their causal chain. It emphasizes threats that involve the use, or potential of violence. Broader non-anthropogenic and non-violent aspects, where they are relevant, are incorporated into the analysis.

In general, non-state threats need not necessarily be expressed through (human) non-state actors. Yet perhaps barring natural disasters that strike Indian interests directly, most non-state threats involve a degree of human agency. For this reason, the following analysis concentrates on scrutinizing non-state actors: the roots of their origin, the nature of the threats they pose and how India might address them.

Structure

This chapter begins with an investigation of the origins of non-state actors. The second section analyzes how these threats manifest themselves, and offers a brief, overall assessment of what these threats imply for India's maritime security. The concluding section explores how India could address such threats and identifies high-level changes necessary for the Indian Navy to be able to competently address non-state threats.

What causes non-state threats to maritime security?

It is possible to identify five sets of underlying causes that work in combination: state-related factors; those arising from the international system; from the political economy; from ideology and finally, from nature. While the origins of non-state actors are complex and attributable to multiple reasons, for a given group or type, some factors are more instrumental than others. Correctly identifying the causal factors and causal chain is important, for it allows us to address the problem as close to the source as possible.

State-related causes

Non-state threats could originate from state policy, state incompetence, state fragility and state failure.

State policy. The first of these is particularly relevant to India's security context, given Pakistan's use of terrorism and militancy as a strategic instrument of its policy.

Ordinarily, the use of non-state actors is inexpensive and offers plausible deniability to the sponsoring state. Where the sponsoring state is able to deter punitive retaliation against it, however, the use of non-state actors to pursue foreign policy ambitions becomes even more attractive[1].

Even if the Pakistan's military leadership did not actually instigate the November 26th, 2008 attacks (26/11) on Mumbai, they would not be wrong in concluding that their nuclear arsenal would deter punitive Indian military strikes in response to such a provocative amphibious terrorist raid. Chinese fishing trawlers which enter into confrontation with naval and merchant ships of other East Asian states might escape unpunished, given the latter's reluctance to lock horns with a much stronger power. The two examples highlight two different uses of state-supported non-state actors. Pakistan uses its non-state actors to conduct offensive proxy war. China's fishing boats act as tripwires to stake, remind or enforce its territorial claims vis-a-vis other claimants.

State incompetence. Non-state actors can also arise out of a state's lack of competence in governing its territory. The Indonesian government's inability to police its vast shores in the late 1990s, for instance, contributed to the rise in piracy in the Straits of Malacca region. The threat abated after Indonesia scaled up patrols and coastal management in concert with its neighbors, Malaysia and Singapore[2]. Similarly, the Philippines' government continues to struggle with establishing its order over its southern islands, where a number of criminal and insurgent groups operate. While complicity of some government officials cannot be ruled out in such cases, it can be said with some confidence that it is the state's inability that allows non-state actors to operate, rather than deliberate policy. It is not unusual though to see states that do use non-state actors deliberately take positions suggesting that they are unable to prevent or punish them.

State fragility and failure. Fragile states, those in the throes of civil war or undergoing political upheavals also throw up non-state actors who might threaten other countries. The Sea Tigers, the naval wing of the Liberation Tigers of the Tamil Eelam (LTTE), were raised to both fight the Sri Lankan navy as well as to secure commercial and arms shipments to the quasi-state that the group had established in the northern and eastern parts of the island. Equipped with light fiberglass boats with small arms, with crews including suicide-bombers and naval divers, and operating merchant vessels under various fronts, the Sea Tigers had acquired the capabilities to threaten

India's maritime security before they were neutralized by the Sri Lankan armed forces[3].

Similarly, mercenary elements of another Sri Lankan Tamil militant group were recruited by a Maldivian smuggler-turned-rebel in 1988 for a coup d'etat in the Maldives against President Maumoon Abdul Gayoom's government. Prime Minister Rajiv Gandhi ordered an Indian military intervention, upon President Gayoom's entreaties, that frustrated the coup attempt and arrested the mercenaries who had attempted to flee the scene in a hijacked merchant vessel, carrying hostages[4].

On the other end of the spectrum, fragile states are often the source of refugees and asylum seekers, who might use the sea to escape the violence back home. Now the issue of victims fleeing civil strife is principally a humanitarian one. However, there is also a security dimension it. Terrorists, combatants and war criminals might escape in the guise of refugees. There is a risk that human trafficking syndicates are involved. Finally, the receiving state might fear social unrest due to a sudden influx of a large number of refugees.

As a state moves from fragility to failure, the increasing anarchy implies that the difference between a state and non-state actors becomes largely one of international recognition. In conditions of state failure, a number of competing non-state actors acquire political and military power, some of who might project it externally. The pirates currently infesting the Gulf of Aden are children of the Somalian civil war that has been raging since the early 1990s. The growth in their numbers, however, is an effect of the failure of the Somalian state — there being no authority, institution or capability on shore to address the problem.

The threat from non-state actors is essentially a negative externality of state failure, and the likelihood of its spillover is greater in accessible, but ungoverned spaces. The global commons — the maritime domain and cyberspace — are both accessible and ungoverned and have witnessed such spillovers in contemporary times.

International system-related causes

Non-state actors also arise from the dynamics of interaction between states, international regimes and norms. The policies of one country, a group of countries or the entire international community can create incentives for non-state actors to emerge in other countries. The international system sets up causal pathways for the

emergence, popular support and influence of non-state actors in four ways: by creating rights, grievances and responsibilities.

Rights. One major development of international maritime law in the last 100 years is the expansion of the limits of the territorial sea, and more recently, the concept of an Exclusive Economic Zone (EEZ). While there are sound reasons why the international regime governing the seas has evolved in this way, it has also created new rights and entitlements that did not previously exist. Coastal states seek to enforce their rights on their territorial waters and the EEZ, prevent encroachment by other states and, in some cases, attempt to extend their maritime territories.

Coastal states sometimes use non-state actors to pursue these goals. The example of Chinese fishing vessels has already been cited. Whether or not the fishermen have official sanction from the Chinese authorities, their activities — which include entangling with Japanese and Vietnamese naval vessels[5], occupying island features in disputed territories or merely being present in waters China considers its own — allow Beijing a low-cost, low-risk option to bolster its official positions.

It is possible for non-state actors to press claims even in the absence of explicit or tacit support from the coastal state. Poaching by Asian and European fishing fleets in Somalia's EEZ, amounting to $300 million in revenues annually[6], instigated the formation of armed vigilante groups on the coast. Groups such as the Somali National Volunteer Coast Guard and the Puntland Coast Guard started off with the ostensible goal of preventing illegal fishing and dumping of toxic waste[7]. Such a mission would no doubt have a degree of popularity and legitimacy among the coastal communities, allowing these groups to build support structures. The jump to piracy, hijacking and kidnapping for ransom came next. While we cannot conclude that the vigilanteism is the only reason for Somalian piracy, it stands to reason that it is a contributing factor.

Grievances. International politics often creates international grievances which then get socialized among 'imagined communities'[8] across political borders. This is not a new phenomenon. Merely in the last century, anarchist, fascist, communist, ethnic and religious fundamentalist groups have risen in response to real and perceived hurt caused to their real and perceived fellows elsewhere in the world. In combination with some ideologies — Communism and radical Islam — grievance-driven groups have had a propensity to refute, and therefore transcend, international political boundaries. Given the march of globalization and the communications revolution