

Choppy waters

India must push for ratification of UNCLOS by all major maritime powers, including the U.S.

When Prime Minister Narendra Modi took the stage to address the UNSC on a debate on maritime security – the first Indian premier to do so – he might have hoped to keep the focus of the discussion on building maritime ties and developing maritime infrastructure through regional cooperation initiatives. Yet, once more the discussion veered toward major nations trading barbs on continuing strategic dissonance in this sphere. At the heart of the strident claims and counterclaims regarding allegations of abuse of maritime resources and disrespect of territorial sovereignty rights of nations were the U.S., on the one hand, and China and Russia on the other. Mr. Modi deserves credit for bringing to the table a five-prong plan to enhance maritime security worldwide through cooperation, including removing barriers to legitimate maritime trade, settling maritime disputes peacefully and based on international law, jointly facing natural disasters and maritime threats created by non-state actors, preserving maritime environment and resources, and encouraging responsible maritime connectivity. Indeed, the acceptance at the UNSC of the legislative framework for UNCLOS, the “legal framework applicable to activities in the oceans, including countering illicit activities at sea”, is seen as an important achievement during India’s month at the helm of the Council. The sustained interest of India in promoting maritime security also draws from Mr. Modi’s SAGAR vision plan aimed at strengthening economic and security connections with regional maritime nations.

If there are strategic barriers to creating momentum in achieving these goals, they are associated with specific regions of maritime tension including the South China Sea and the Black Sea. Regarding the former, U.S. Secretary of State Antony Blinken decried the “dangerous encounters between vessels at sea and provocative actions to advance unlawful maritime claims”, rejecting “actions that intimidate and bully other states from lawfully accessing their maritime resources”. Similarly, regarding the Black Sea, the Kerch Strait, the Sea of Azov, Mr. Blinken at the UNSC debate hit out at what Washington considered “continued aggressive actions against Ukraine... which are disrupting commerce and energy access”. Although India’s presidency of the Council is brief, its sustained commitment to promoting maritime security and boosting trade through sea routes will require it to be adroit in negotiating with these squabbling powers and creative in seeking resolution of the very real conflicts at the heart of their disputes. While some may deride UNCLOS as lacking teeth for enforcement, ultimately it is the only comprehensive framework of laws available to maritime powers to assert their rights consistent with the rules-based international order. Through its UNSC presidency and beyond, New Delhi must faithfully advocate for ratification of UNCLOS by all major maritime powers, including the U.S.