



## Maritime Disputes

**For Prelims:** [Oceans](#), [Seas](#), [Coastal Regions](#). [Exclusive Economic zones](#), [Fishing Rights](#), [oil and gas Exploration](#), [natural resources](#), [Atlantic Ocean](#), [Pacific Ocean](#), [Indian Ocean](#), [Arctic Ocean](#), [Southern Ocean](#), [Antarctica](#), [United Nations Convention on the Law of the Sea \(UNCLOS\)](#), [Continental Shelf](#), [Permanent Court of Arbitration \(PCA\)](#), [Bay of Bengal](#), [Territorial Sea](#), [High Seas](#), [Spratly](#), [Status of Kachchativu](#), [Palk Bay area](#), [Adam's Bridge](#), [Palk Bay](#), [Palk Strait SAARC](#). [Counter Piracy Operations](#), [South China Sea](#), [Freedom of Navigation](#), [Act East Policy](#)

**For Mains:** Maritime disputes and its resolution mechanism.

### What are Maritime Disputes?

- Maritime disputes are conflicts or disagreements between countries or entities over **territory, resources, or rights in maritime areas** such as [oceans](#), [seas](#), or [coastal regions](#).
- These disputes can arise due to **competing claims** over **maritime boundaries**, [Exclusive Economic Zones \(EEZs\)](#), [fishing rights](#), [oil and gas exploration](#), [navigation routes](#), or the **use of natural resources**.
- Maritime disputes often involve complex **legal, historical, political, and economic factors** and may lead to **tensions, diplomatic negotiations, legal proceedings**, or even **military confrontations** if not resolved peacefully.

### How Many Oceans are there in the World?

- The Earth's vast ocean, covering **71%** of its surface, is divided into distinct regions for various reasons like history, culture, geography, and science.
- Originally, there were four oceans: [Atlantic Ocean](#), [Pacific Ocean](#), [Indian Ocean](#), and [Arctic Ocean](#), but now many countries recognize the **Southern (Antarctic) Ocean** as the fifth.
- The **Pacific, Atlantic, and Indian Oceans** are the most well-known.
- The [Southern Ocean](#) extends from [Antarctica](#) to the **60-degree South latitude**.

### What are the Maritime Disputes of India with Different Nations?

- **India and Bangladesh:**
  - Bangladesh pursued arbitration under the [United Nations Convention on the Law of the Sea \(UNCLOS\)](#) regarding its maritime boundary with India, starting on 8 October, 2009.
  - The hearings concluded on 18 December, 2013, in The Hague, focusing on various issues like the **location of land boundary terminus, delimitation of territorial sea, EEZs, and continental shelf** beyond **200 nautical miles**.
  - The verdict, delivered by the [Permanent Court of Arbitration \(PCA\)](#) in The Hague marked a significant milestone.

- The **UN Tribunal** awarded **Bangladesh 19,467 sq km** of the disputed **25,602 sq km** area in the **Bay of Bengal**.
- This delineated the maritime boundary line between **India** and **Bangladesh** across **territorial sea**, **EEZ**, and **continental shelf** within and beyond **200 nm**.
- Following the ruling, **Bangladesh's maritime boundary** has been extended by **118,813 sq km**, including a **12 nm territorial sea** and an **EEZ extending up to 200 nm** into the **high seas**.
- Additionally, the ruling recognised **Bangladesh's sovereign rights** over undersea resources in the **continental shelf**, extending as far as **345 nm** from the **Chittagong coast**.

#### ▪ **India and Sri Lanka:**

- The Indian Ocean's dynamics carry significant economic and political implications, particularly for **South Asia**, where it has historically been a battleground for power struggles.
- Given its strategic location, any instability in the Indian Ocean poses a threat to India's security.
- India and Sri Lanka share maritime boundaries, and despite having signed **maritime agreements** in **1974** and **1976**, maritime issues persist.
- One major issue revolves around the **status of Kachchativu**, a small uninhabited island in the **Palk Bay area**.
- While India acknowledges **Sri Lankan sovereignty** over the island, certain arrangements were made to allow Indian fishermen restricted access for fishing purposes.
- The 1974 and 1976 agreements do **not explicitly prohibit Indian fishermen** from fishing beyond the **Indian maritime zone**, though **Sri Lanka's sovereign rights** over its part of the zone concerning fishing are undisputed.
- This issue has become highly sensitive as it directly impacts the livelihoods of a large number of fishermen.
- **Sethusamudram Ship Channel Project:** Another maritime challenge hindering progress is the delay in implementing the **Sethusamudram Ship Channel Project**. This project aims to construct a **navigable ship channel** by dredging and excavating through **Adam's Bridge**, sections of **Palk Bay**, and **Palk Strait** to accommodate vessels of various draughts.
  - This project was initiated by the Government of India in **2004** which was revived in **2014**.
- In **2010**, issues relating to maritime security and piracy were proposed to be included in the negotiations of **SAARC**. For both India and Sri Lanka, the surrounding maritime environment continues to contribute to national interest.
- Given the slow progress of maritime cooperation among the **SAARC**, the maritime issues between **India and Sri Lanka** must be resolved by the nations on a bilateral basis.
- Both countries must come up with a mechanism for resolving such issues focusing on areas of **maritime security, piracy, naval cooperation**.

#### ▪ **India and China:**

- China has expanded its presence in the **Indian Ocean region** which has heightened India's concerns.
- Chinese argue that their activity in the region is commercially motivated with the intention to protect its interest and people abroad.
- China has deployed a huge number of naval forces to support **counter-piracy operations** in the **western Indian Ocean region** and invests and sells arms to **India's neighbors**.
- The main aim of China is to **take hold of economic and investment projects** with **Indian Ocean nations** to **secure ports** where its military forces could set up naval facilities.
- India had increased **diplomatic, security, and economic ties** with **Indian Ocean Region maritime states** as a means to strengthen India's economy and for regional growth, and simultaneously diminish the growing appeal of China.
- India has spent billions to build up its **navy, military bases**, modernized fleets and equipment, and the expansion of security ties.
- It has sent vessels to visit the **South China Sea** and called for **freedom of navigation** and **peaceful resolution of territorial disputes** as part of its **Act East Policy**.

## What are the Other Major Maritime Disputes of the World?

### ▪ Major Disputes in the South China Sea:

- Territorial disputes in the **South China Sea** involve both **island** and **maritime claims** among **several sovereign states** within the region, namely **Brunei, the People's Republic of China, the Republic of China (Taiwan), Malaysia, the Philippines, and Vietnam.**
- There are disputes concerning both the **Spratly** and the **Paracel islands**, as well as maritime boundaries in the **Gulf of Tonkin.**
- There is a further dispute in the waters near the **Indonesian Natuna Islands.**
- The interests of different nations include acquiring fishing areas around the **two archipelagos.** The potential exploitation of **suspected crude oil** and **natural gas** under the waters of various parts of the **South China Sea.**
- The strategic control of important shipping lanes.
- **Shangri-La Dialogue** serves as the "Track One" exchange forum on the security issues surrounding the **Asia-Pacific region** including Territorial disputes in the **South China Sea.**
- **Council for Security Cooperation** in the **Asia Pacific** is the "Track Two" dialogue on security issues of **Asia-Pacific.**

### ▪ Israel and Lebanon:

- **Lebanon** and **Israel** have been officially at war since **Israel's creation in 1948** and both countries claim some **860 square kilometers** (330 square miles) of the **Mediterranean Sea.**
- There have been decades-old tensions between Israel and Lebanon's competing claims over **offshore gas fields** in the region, which contains part of the **Karish gas field** and **Qana**, a prospective gas field.
  - The **Karish gas field**, being developed by **Israel**, came under threat from **Hezbollah**, Lebanon's powerful political and militant group backed by **Iran.**
- The two countries declared overlapping boundaries in **2011** in the **Mediterranean Sea.**
- Since both countries have been technically at war, the **United Nations** was asked to mediate.
  - The issue gained significance after Israel discovered two gas fields off its coast a decade ago, which can help turn it into an **energy exporter.**

### ▪ Greece and Turkey:

- Greece and Turkey have had a maritime dispute in the **Aegean Sea** since **1973.**
- The **Aegean Sea maritime dispute** comprises three main issues: **the breadth of the territorial sea, the presence of islands and the delimitation of the continental shelves** between the two States.
- Since **1936**, Greece has claimed a **6 nautical-mile (nm) territorial sea.** **Turkey** also claims a **6-nm territorial sea** in the **Aegean.** However, the **United Nations Convention on the Law of the Sea 1982 (UNCLOS)** allows States to extend their **territorial sea up to 12 nm** from the shore.
- Greece has adopted the Convention, but Turkey has not, holding different approaches in different regions.
- The dispute involves **territorial claims, airspace claims,** the use of the **continental shelf,** and **tourism.**
- The dispute has been exacerbated by a **lack of diplomacy.**
- **Treaty of Lausanne:**
  - Under the **Treaty of Lausanne**, signed in **1923**, **Eastern Anatolia** became part of **modern-day Turkey**, in exchange for **Turkey's** relinquishing **Ottoman-era claims** to the **oil-rich Arab lands.**

### ▪ Russia and Norway:

- The conflict first arose in the **1970s** over **fishing rights**, but it has since expanded to encompass **potential oil** and **gas resources.** Both the **Russian and Norwegian** sectors are believed to hold significant **petroleum reserves.**
- This dispute is over their maritime limits in the **Barent's Sea**, which is important for **shipping, oil,** and **fisheries.**

### ▪ European Union and Norway:

- This dispute is over fishing rights. **Norway** claims that the **EU** has independently issued

**fishing licenses** and set catch quotas for its member states in the waters surrounding **Svalbard**, exceeding the quota agreed upon between **Norway and the EU** without prior consultation. This action is seen as a **violation of Norway's rights** to manage resources within its **200-mile exclusive economic zone (EEZ)**, as outlined in the [United Nations Convention on the Law of the Sea \(UNCLOS\)](#).

▪ **UK and Spain:**

- The **Gibraltar** dispute is between the **UK** and **Spain**, and Spain's residents voted to reject any shared sovereignty arrangement.
- The UK claims a **three-mile limit** in the territorial waters around **Gibraltar**, while Spain claims maritime rights to all areas except inside the **ports on Gibraltar**. Spain also claims the airfield is occupied illegally by the UK.
- Spain contests the **UK's sovereignty** over the entire Gibraltar territory. Spain points to the region's historic ties with Spain, as **Gibraltar** was part of the **Kingdom of Castile**, and **later Spain**, from **1492** until the **Treaty of Utrecht** in **1713**.
- The **Treaty of Utrecht** was a **peace agreement** signed in **1713** between **Britain** and **France**.
- It was part of a series of treaties that ended the **War of the Spanish Succession**, which lasted from **1701-1714**.
  - The war involved several **European countries**, including **France**, **Great Britain**, **the Dutch Republic**, and **Austria**.
  - France agreed to compensate the **Hudson's Bay Company** for losses.
  - France recognized the **British claim to the Hudson Bay** and ceded mainland Acadia to Britain.
  - Britain acquired **Gibraltar** and **Minorca**, valuable trading concessions in **Spanish America**, and the **island of St. Kitt's** in the West Indies.

▪ **Canada and Denmark:**

- **Canada** and **Denmark** have had a maritime dispute over **Hans Island** since **1973**, when the two countries attempted to establish a border through the **Nares Strait**.
- The island is uninhabited and has no mineral resources.
- The dispute, also known as the "**Whiskey War**" or the "**Liquor Wars**", was a bloodless war that never amounted to direct conflict or violence.

▪ **UK and Argentina:**

- Argentina asserts that the **Falkland Islands** were unlawfully taken from it in **1833** and was invaded by **British forces** in **1982**, leading to the **Falklands War**.
- Despite the **cessation of hostilities in 1982**, the dispute remained unresolved, prompting calls for renewed bilateral dialogue.
- Argentina is pursuing diplomatic channels through India, advocating for negotiations with the **United Kingdom** to address the territorial dispute concerning the **Islas Malvinas**, also known as the **Falkland Islands**.
- This initiative coincides with the **40th anniversary** of the conflict between the **UK** and **Argentina**, which culminated in the restoration of British governance over the archipelago.

## What are the Global Maritime Dispute Resolution Mechanism?

- The [United Nations Convention on the Law of the Sea \(UNCLOS\), 1982](#) is an international agreement that establishes the legal framework for marine and maritime activities.
- It is also known as Law of the Sea. It divides marine areas into five main zones namely, **Internal Waters**, **Territorial Sea**, **Contiguous Zone**, **Exclusive Economic Zone (EEZ)** and the **High Seas**.
- It is the **only international convention** which stipulates a framework for state jurisdiction in maritime spaces. It provides a different legal status to different maritime zones.
- It provides the backbone for offshore governance by coastal states and those navigating the oceans.
- It not only zones coastal states' offshore areas but also provides specific guidance for states' rights and responsibilities in the five concentric zones.

## What is India's Initiative for Maritime Disputes?

- **Coastal Security of India is Governed by a Three-tiered Structure:**



- The Indian Navy patrols the International Maritime Boundary Line (IMBL),
- The [Indian Coast Guard \(ICG\)](#) is mandated to do patrolling and surveillance up to 200 nautical miles (i.e., Exclusive Economic Zone).
- The State Coastal/Marine Police (SCP/SMP) performs boat patrolling in shallow coastal areas.
  - The SCP have jurisdiction up to 12 nautical miles from the coast; and the ICG and the Indian Navy have jurisdiction over the entire maritime zone (up to 200 nautical miles), including the territorial waters (with the SMP).
- **Security and Growth for All (SAGAR) Policy:**
  - India's [SAGAR policy](#) is an integrated regional framework, unveiled by the Indian Prime Minister during a visit to Mauritius in March 2015. The pillars of SAGAR are:
    - India's role as a net security provider in the Indian Ocean region (IOR).
    - India would continue to enhance the maritime security capacities and economic resilience of friendly countries in IOR.
    - A more integrated and cooperative focus on the future of the IOR, which would enhance the prospects for the [sustainable development](#) of all countries in the region.
    - The primary responsibility for peace, stability and prosperity in the IOR would be on those "who live in this region".
- **Abiding by the International Law:**
  - India has time and again reiterated its commitment to respecting the rights of all nations as per the UNCLOS 1982.
- **Data Sharing:**
  - Sharing data on threats to commercial shipping is an important component of enhancing maritime security.
  - In this context, India established an **International Fusion Centre (IFC) for the Indian Ocean region in Gurugram in 2018.**
    - IFC is jointly administered by the Indian Navy and ICG.
    - IFC serves the objective of generating Maritime Domain Awareness on safety and security issues.
- **Anti-Piracy Operations:**
  - Faced with the increased threat from piracy originating off the coast of Somalia since 2007 to shipping in the western Indian Ocean, the Indian Navy participated robustly as part of a UNSC mandated 60-country Contact Group on Piracy off the coast of Somalia.
- **Other Related Government Policy:**
  - [Security and Growth for All in the Region \(SAGAR\)](#)
  - [Indian Ocean Naval Symposium \(IONS\)](#)
  - [Indian Ocean Rim Association \(IORA\)](#)

## Conclusion

Maritime disputes are complex and multifaceted conflicts that arise between nations over territory, resources, and rights in maritime areas. These disputes, which can have significant geopolitical, economic, and environmental implications, require careful navigation and resolution mechanisms to ensure stability and cooperation among nations. From the South China Sea to the waters surrounding India and Sri Lanka, these disputes demand attention and diplomatic efforts to promote peace, security, and sustainable development. With the United Nations Convention on the Law of the Sea (UNCLOS) providing a legal framework for maritime activities and dispute resolution, coupled with initiatives such as India's Security and Growth for All in the Region (SAGAR) policy and anti-piracy operations, there are avenues for addressing maritime disputes and promoting cooperation among nations.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### Prelims

**Q. With reference to the 'Trans-Pacific Partnership', consider the following statements: (2016)**

1. It is an agreement among all the Pacific Rim countries except China and Russia.
2. It is a strategic alliance for the purpose of maritime security only.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (d)**

**Q. With reference to 'Indian Ocean Rim Association for Regional Cooperation (IOR-ARC)', consider the following statements: (2015)**

1. It was established very recently in response to incidents of piracy and accidents of oil spills.
2. It is an alliance meant for maritime security only.

**Which of the statements given above is/ are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (d)**

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### **Mains**

**Q.** With respect to the South China sea, maritime territorial disputes and rising tension affirm the need for safeguarding maritime security to ensure freedom of navigation and overflight throughout the region. In this context, discuss the bilateral issues between India and China. **(2014)**

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