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Managing Editor's Comments

Dear *JTMS* Readers,

Greetings once again from the *Journal of Territorial and Maritime Studies*. As this Summer/Fall 2026 issue goes to press, the world's attention has been drawn to the Persian Gulf with an urgency that few anticipated. On February 28, 2026, a series of strikes by the United States and Israel against Iran set in motion a chain of events whose maritime consequences have reverberated across global energy markets and international shipping lanes. Iran's closure of the Strait of Hormuz has disrupted roughly three thousand transits per month to a fraction of that figure. The resulting dual blockade, combining Iran's denial of passage to foreign vessels with a United States counter-blockade of Iranian ports, has produced the most severe chokepoint crisis in the history of the modern law of the sea. Merchant ships have been boarded, damaged, and captured; seafarers have been killed or gone missing; and Brent crude prices have surpassed levels not seen since any previous conflict in recent memory. A conditional ceasefire and ongoing diplomatic talks have done little to restore normal shipping operations, and the legal status of Iran's closure, widely regarded as a violation of UNCLOS transit passage provisions, remains a matter of intense international debate.

The articles assembled in this issue were conceived and written before the full dimensions of the Hormuz crisis became apparent, yet they speak with remarkable relevance to its underlying dynamics. Questions of straits governance, the strategic instrumentalization of international law, escalation management, maritime insecurity in resource-rich regions, and the emergence of new geostrategic frameworks connecting the Indian Ocean to the Mediterranean are not merely academic preoccupations: they are the very issues that policymakers, naval planners, and legal practitioners are now confronting in real time. *JTMS* is proud to present scholarship that equips its readers to think carefully about a world in which the freedom of the seas can no longer be taken for granted.

Our first contribution, by Metin Tarancı, examines how the open-ended formulation of "equitable solution" in Article 74(1) of UNCLOS has become a strategic instrument of lawfare. Through a transregional comparative analysis of Indonesia and the Republic of Cyprus, Tarancı demonstrates that states operating within the same legal framework can adopt fundamentally divergent interpretations of identical provisions. Indonesia has maintained a strict separation between EEZ and continental shelf delimitations, while Cyprus has pursued an EEZ-centric approach that achieves de facto continental shelf delimitation without expressly invoking it. The article reveals how ambiguity in treaty language, far from being an oversight, can serve as a deliberate resource that sophisticated actors exploit to advance their territorial and jurisdictional interests. In the context of the current

Hormuz crisis, where the legal status of Iran's closure of an international strait is itself contested, Tarancı's analysis of how states instrumentalize legal indeterminacy is especially timely.

The second article, by M.G. Kamali and E. Prema, examines India's strategic and legal engagement with UNCLOS against the backdrop of China's maritime revisionism in the Indo-Pacific. Through a qualitative comparative analysis of state practice, policy documents, and significant maritime incidents, the authors find that while both India and China are parties to UNCLOS, they hold deeply divergent views on how the maritime order should evolve. China's approach is characterized by selective legal application and strategic lawfare, India's by a consistent effort to align with the rules-based international order. The article underscores the growing importance of legal interpretation as a site of maritime competition, and its implications extend beyond the Indo-Pacific: as great powers choose between norm-reinforcing and norm-eroding postures toward international maritime law, the consequences for chokepoints such as the Strait of Hormuz become both predictable and consequential.

Our third article, by Jun J. Nohara, addresses China's escalation management strategy in the South China Sea and offers a theoretical contribution that reaches well beyond that specific theater. Nohara argues that Beijing deliberately calibrates the organizational level of its maritime responses, moving between naval, coast guard, and maritime militia assets, to retain a coercive advantage over rival claimants while minimizing the risk of open conflict and reputational damage. By situating gray zone tactics within a broader theory of escalation management, Nohara shows that these strategies are not ad hoc improvisations but integrated components of a coherent coercive posture. The analytical framework he develops for understanding how a major power manages escalation through paramilitary proxies offers a useful lens for interpreting the layered Iranian response in the Strait of Hormuz, where the Islamic Revolutionary Guard Corps has similarly deployed a range of instruments, from radio warnings and sea mines to the boarding and seizure of merchant vessels, in a graduated campaign calibrated against the anticipated thresholds of American and allied response.

The fourth article, by Adam Mohammed, turns to the Gulf of Guinea and subjects maritime insecurity in that region to a systematic six-dimensional national security analysis, encompassing political, economic, military, environmental, techno-scientific, and sociocultural dimensions, as applied to Nigeria's experience. Drawing on two previously unpublished operational cases, the 2021 MV *Chayanee Naree* narcotics interdiction and the 2022 MT *Heroic Idun* crude oil loading interception, Mohammed argues that maritime insecurity in the Gulf of Guinea is not a discrete law enforcement deficit but a structural governance challenge whose seaward symptoms cannot be addressed independently of the onshore political economy that generates them. The article's insistence on a multi-domain, structurally grounded, analytical approach corrects single-issue studies of maritime crime and piracy, and its policy prescriptions carry implications for any region where weak governance, resource extraction, and maritime vulnerability intersect.

Our fifth article, a special feature by David Scott, offers what may be the first academic study of the "Indo-Mediterranean" as an emergent strategic concept. Scott traces how India, Italy, and Turkey have, in their different ways, begun to conceptualize and operationalize a strategic space linking the Indian Ocean to the Mediterranean—a corridor whose importance has rarely been more apparent than in the present moment, when closure of the Strait of Hormuz has redirected global attention to the connective tissue of maritime routes between Asia, the Gulf, and Europe. Applying geopolitical, geo-economic, and what he terms geo-technological analytical frameworks, Scott demonstrates that IR realism is driving the alignment patterns and infrastructure initiatives that give the Indo-Mediterranean its strategic coherence. His argument that the divide between geopolitics and geo-economics is analytically false resonates strongly in a crisis where energy prices, naval deployments, diplomatic alignments, and undersea cable vulnerabilities are all simultaneously at stake.

In our book review section, this issue features two full reviews. First, Ravi Kumar reviews *Divergent Worlds: What the Ancient Mediterranean and Indian Ocean Can Tell Us about the Future of International Order*, by Amitav Acharya and Manjeet S. Pardesi (Yale University Press, 2025). This volume proposes a "multiplex" theory of international order rooted in the contrasting historical experiences of the Mediterranean and Indian Ocean systems and offers a non-hegemonic model for understanding how regional orders evolve—a framework of growing relevance as the post–1945 maritime order faces new stresses. Second, Kyuhyun Jo reviews *Territorial Imaginaries: Beyond the Sovereign Map*, edited by Karen Wigen (University of Chicago Press, 2025). Jo finds in this work a valuable, genuinely global guide to the history of territoriality that moves beyond familiar Westphalian narratives to recover the complexity of sovereignty as a contested and plural phenomenon across diverse cultural and political traditions.

Taken together, the contributions to this issue illuminate, from multiple disciplinary vantages and across several of the world's most consequential maritime regions, the fragility and resilience of the international maritime order. Legal ambiguity, strategic coercion, structural governance failures, and the emergence of new regional frameworks are not peripheral concerns of maritime studies: they are its core. The events unfolding in the Persian Gulf as this issue appears remind us that the stakes of this scholarship have seldom been higher.

As always, I extend deep gratitude to our authors, reviewers, editorial board members, and readers for their continued commitment to rigorous and innovative scholarship. Your support sustains *JTMS* as an indispensable forum for critical dialogue on the territorial and maritime questions that shape our world.

Warm regards,
Lonnie Edge
Managing Editor

Lawfare and Interpreting “Equitable Solution” Under Article 74(1) of UNCLOS: A Transregional Comparison of EEZ Delimitation Strategies of Indonesia and the Republic of Cyprus

Metin Tarancı

Structured Abstract

Article Type: Research Article

Purpose—This study examines the strategic interpretation of UNCLOS Article 74(1) in the delimitation of EEZ boundaries. It aims to demonstrate how the open-ended formulation of “equitable solution” enables instrumental lawfare strategies, particularly in maritime areas narrower than 400 nm, such as the South China Sea and the Eastern Mediterranean.

Design/Methodology/Approach—The study employs a qualitative transregional comparative perspective, Most Different Case design, and legal analysis methods. Accordingly, the EEZ delimitation practices and interpretations of Indonesia and the Republic of Cyprus are examined based on agreements and UNCLOS provisions.

Findings—The study highlights that, despite utilizing the same legal principle, states adopt various strategic interpretations of the concept of an “equitable solution.” While Indonesia has practiced separate delimitation of its EEZ and continental shelf, the Republic of Cyprus has adopted a strategy based entirely on EEZ delimitation agreements, thereby *de facto* delimiting CS boundaries.

Practical Implications—The study offers significant insights into how the legal provisions themselves can serve as a strategic tool for states, with particular relevance to policymakers and legal practitioners engaged in EEZ delimitation.

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Originality/Value—This study fills an important gap in the literature by deepening the lawfare framework through a transregional comparison of practices under UNCLOS Article 74(1).

Keywords: EEZ delimitation, equitable solution, Indonesia, lawfare, the Republic of Cyprus, UNCLOS

I. Introduction

The codification of the exclusive economic zone (EEZ) regime in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) marked a significant milestone in the formation of contemporary maritime governance.[1] Under Article 56(1), coastal states are given sovereign rights over natural resources within 200 nautical miles (nm) of their coastlines,[2] regardless of continental shelf (CS) extent.[3] Article 74(1) stipulates that the delimitation of EEZs between opposing and adjacent states shall be carried out by an agreement "*to achieve an equitable solution*."[4] While the EEZ regime expanded maritime jurisdiction, the vague provision based on "an equitable solution" triggered disputes in semi-enclosed seas narrower than 400 nm, such as the South China Sea (SCS) and the Eastern Mediterranean.[5]

Indonesia in the SCS and the Republic of Cyprus[6] (RoC) in the Eastern Mediterranean provide two contrasting yet comparable cases of EEZ practice under Article 74(1). Indonesia has concluded twenty-one delimitation agreements (three EEZ-specific), and RoC has concluded three EEZ-only agreements. The selection of Indonesia and RoC is based on the "Most Different Case" design, a comparative method that involves substantial structural differences to identify similar results.[7] Both cases demonstrate active engagement in EEZ delimitation practice despite their structural differences. However, they differ significantly in their geographical conditions and delimitation strategies. As an archipelagic state, Indonesia operates in vast semi-enclosed sea areas[8] and adopts a strategic dual-line approach to distinguishing between EEZ and CS. In contrast, RoC, exercising effective control over the southern part of Cyprus in a semi-enclosed sea, relies on a single EEZ-based delimitation approach. This combination of comparability and structural differences enables an assessment of how the ambiguity of Article 74(1) is applied across different geopolitical contexts. In both cases, the open-ended provision in Article 74(1) allows states to leverage their geographic advantages in the EEZ delimitation process.[9] This article, therefore, argues that the interpretations and practices of Indonesia and RoC under Article 74(1) may be analyzed through the lens of "lawfare," defined as the strategic use of legal tools to achieve specific objectives.[10]

The UNCLOS approach to delimiting the EEZ and the CS is anchored in the shared principle of achieving "an equitable solution," although the respective regimes are governed separately under Articles 74 and 83. The CS is an inherent "*ipso facto* and *ab initio*" maritime entitlement that affirms sovereign rights to explore and exploit natural resources beneath the seabed and subsoil.[11] Conversely, the EEZ is a regulatory framework governing sovereign rights over the water column, and its establishment requires a state's formal declaration.[12] In practice, however, states have adopted various approaches to delimitation, either by a single line or by separate lines.

Indonesia's practice, as reflected in the 1971 and 1972 Continental Shelf Agreements and the 1997 Perth Treaty with Australia, the 2014 EEZ agreement with the Philippines, the 2003 Continental Shelf Agreement and the 2022 EEZ agreement with Vietnam, demonstrates a consistent application of dual delimitation by interpreting EEZ and CS regimes as distinct maritime entitlements.[13] By contrast, RoC is pursuing a single line-based approach, focusing exclusively on EEZ delimitation agreements.[14] To date, RoC has concluded EEZ agreements with Egypt (2003), Lebanon (signed in 2007 and approved by Lebanon in November 2025), and Israel (2010).[15] All apply the equidistance/median line method; none address the CS's limits. Some scholars suggest that this reflects a regional practice aimed at avoiding disputes arising from the geological complexities of CS delimitation.[16] However, Article 3(2) of RoC's Exclusive Economic Zones and Continental Shelf Laws of 2004 and 2014 provides that, absent an agreement with the opposite state, EEZ boundaries may not exceed the median line, while Article 5A(2) of the 2014 Law further stipulates that the CS limits shall be the same as EEZ boundaries unless otherwise agreed. It may therefore be inferred that, in practice, EEZ agreements *de facto* determine the limits of the CS unless RoC provides otherwise.[17]

This study argues that the flexibility of the concept of an "equitable solution" may create interpretative space that can be strategically utilized in EEZ delimitation disputes, which in certain contexts may be conceptualized as lawfare. It undertakes a comparative analysis of Indonesia and RoC on the interpretation and operationalization of Article 74(1) of UNCLOS. Lawfare scholarship has expanded across multiple legal domains, including international humanitarian law, trade law, and the law of the sea; however, existing UNCLOS-focused studies tend to concentrate on discrete provisions such as the "regime of islands" (Article 121),[18] "innocent passage" (Articles 17–19), and "freedom of navigation" (Article 87).[19] By contrast, Article 74(1) has not been systematically analyzed as an independent site of lawfare, despite the EEZ's pivotal role in emerging delimitation disputes and its status as one of the most innovative aspects of UNCLOS.[20] This article addresses this gap by developing Article 74(1) as an analytical framework for lawfare in EEZ delimitation disputes through transregional comparative analysis of the interpretative strategies of Indonesia and RoC.

II. Understanding Lawfare from the Lens of UNCLOS

2.1 Historical Background and Scholarly Debates on Lawfare

The initial concept of lawfare, defined as the strategic use of legal mechanisms in warfare and political confrontation, has been widely cited since the early 2000s.[21] Its application has been most prominent across international law, security studies, political science, and international relations.[22] Although introduced by Carlson and Yeomans in 1975, the concept gained prominence through then-Major General Charles Dunlap's 2001 formulation.[23] Fisher (2023) stipulates that a growing body of scholarship, including Dunlap's refinements, sought to systematize the concept to establish a coherent theoretical foundation.[24]

At the outset, Dunlap's definition highlights the instrumental use of legal tools for military purposes, reflecting the transformation of modern warfare.[25] Weaponizing international law has been characterized as value-neutral and free from the dichotomy between "good and evil."[26] Nevertheless, the concept's prominence has been particularly influenced by the asymmetric and expanding role of international humanitarian law in armed conflict.[27] A line of Israeli and US-based neoconservative scholars accordingly criticized the value-neutral approach, arguing that it dilutes the concept.[28] The paradigmatic understanding of "lawfare" should thus be framed as the misuse of international humanitarian law by terrorist organizations,[29] through the deployment of civilians as human shields against military operations.[30]

Thereafter, Dunlap (2008, 2010) further developed his initial formulation, both expanding and clarifying the value-neutral framework by articulating a comprehensive understanding of the "[mis]use of law for military objectives,"[31] portraying law as a double-edged sword capable of producing either positive or negative outcomes.[32] This flexibility also echoes Martti Koskenniemi's (2005, p. 62) view that indeterminacy is a structural element of international law, thereby inevitably allowing for multiple competing justifications.[33] While the conceptualization of "[mis]use" underscores the objective nature of lawfare, it has, over time, led studies to adopt a dualistic approach. For instance, Andres B. Munoz Mosquera and Sascha Dov Bachmann's (2016) "Zeusian-Hadesian,"[34] Iulian Chifu's (2017) "offensive-defensive"[35] and Daniel Connolly's (2018) "productive-exploitative"[36] formulations are also stuck in the aforementioned two-faceted interpretation. Nevertheless, definitions grounded on the distinction between "good and evil" tendencies fail to capture the essence of neutrality. According to Freya Irani, the central lawfare dichotomy reflects a Western-oriented paradigm that privileges Western legality.[37] Aytekin Kaan Kurtul (2025) further elaborates that these approaches often fail to transcend the confines of a lawfare framework, which is inherently entrenched in an implicit "us versus them" paradigm.[38]

Orde Kittrie (2016) argues that lawfare should be assessed via a two-step test rather than a binary: actors employ law to approximate the effects of kinetic operations with the intention of weakening an opponent.[39] Similarly, Jill Goldenziel (2021) defines lawfare as the intended use of law to achieve strategic objectives, legitimize one's own actions, or undermine an opponent's legitimacy.[40] Together, these formulations move beyond normative binaries while conceptualizing law as a strategic instrument in political and military contestation. As these debates demonstrate, lawfare lacks a settled theoretical framework, with restrictive negative conceptions on one hand and analytically overbroad value-neutral definitions on the other. This study, therefore, examines how the open-ended nature of Article 74(1) may facilitate lawfare strategies under UNCLOS.[41]

2.2 Examining UNCLOS as a Strategic Instrument for Lawfare Strategies

Lawfare through UNCLOS is not novel; however, the existing literature remains constrained by an overwhelming focus on a "Chinese threat/aggression" narrative.[42] The dominant thread in the literature on the South and East China Seas analyzes China's lawfare strategy in the context of the confrontation between China's own historical and legal justifications and the legal meaning of UNCLOS provisions.[43] Similar debates arise in the Arctic, where China's legal narratives are often framed as lawfare despite competing interpretations that emphasize economic motivations.[44] Nevertheless, prevailing scholarship addresses China's legal practices through opposing normative positions, thereby reducing the debate to an "us-them" dichotomy, despite recent US rhetoric concerning Greenland and China's Arctic presence,[45] and hindering a comprehensive understanding of UNCLOS as a legal instrument that any state may use.

A second trend in UNCLOS-related lawfare literature concerns weak actors' leveraging of legal mechanisms to challenge strong actors or defend maritime rights against attempts to change the *status quo*.[46] The arbitral proceeding initiated by the Philippines against China in 2013, which is particularly noteworthy in this regard, is widely acknowledged as the inaugural example of an orchestrated lawfare strategy by a weaker actor.[47] Despite studies examining the legal warfare strategies employed by Vietnam[48] and Indonesia, their scope remains limited, and they rarely move beyond China-centric analyses.

UNCLOS, as a "package deal,"[49] has established a comprehensive legal framework that serves as a constitutional function under the law of the sea.[50]Although many of its provisions are generally recognized as reflecting customary international law, the Convention is fundamentally interstate and operates within an anarchic international system.[51] According to Hsiao (2016), legal norms, in this context, may function not only as constraints on state behavior but also as strategic instruments that states may use to legitimize, institutionalize, and advance their interests against rival actors.[52]

This instrumentalization is particularly visible within the established EEZ regime under UNCLOS. The emergence of overlapping maritime claims narrower than 400 nm has increased the potential for disputes. Consequently, interpretation of Article 74(1) has become central, though it remains largely overlooked in lawfare scholarship. Given that approximately 180 out of 450 maritime jurisdiction disputes recorded as of 2020 remained unresolved, the interpretation of Article 74(1) remains key in maritime delimitation disputes.[53] In the Black Sea judgment (*Romania v. Ukraine*, 2009), the ICJ systematized the "Three-Stage Approach" to maritime delimitation as a structured methodology for achieving an equitable solution, beginning with a provisional equidistance line, adjusted for relevant circumstances, and verified through a disproportionality test.[54] However, given that many EEZ and CS delimitations were concluded bilaterally[55] and a significant number of disputes remain unresolved, this jurisprudential framework has not fully resolved the indeterminacy of Article 74(1). Although Part XV established compulsory dispute settlement mechanisms that have contributed to the resolution of several maritime delimitation disputes, including *Bangladesh v. Myanmar* (2012) and *Nicaragua v. Colombia (2012)*,[56] states may nevertheless exclude this mechanism from maritime delimitation disputes by invoking optional exceptions under Article 298(1)(a).[57] While the three-stage approach constrains the range of interpretations, it does not eliminate the structural potential for lawfare, which remains embedded in the indeterminate notion of an "equitable solution."

Persistent disputes suggest that this "constructive ambiguity" has become a strategic arena of competition.[58] This study does not claim that Article 74(1) itself generates state interests or causes lawfare strategies. Rather, states pursue maritime, economic, and geopolitical interests independently of the Convention and then advance them through legal arguments. The significance of Article 74(1) lies in its open-ended formulation, which provides a legal framework for legitimizing and contesting competing interests. This article, therefore, departs from existing scholarship by focusing not only on the application of Article 74(1) per se and its instrumentalization by states, but also on conceptualizing it as a strategically flexible provision whose interpretation is shaped by competing state interests. Still, this does not mean that every interpretation of Article 74(1) constitutes lawfare; rather, it means that the provision structurally enables lawfare through systematic, long-term legal strategies aimed at reinforcing or disputing legitimacy.

The strategic interpretation of Article 74(1) to enhance sovereign rights over maritime resources, thereby weakening the disputing state's stance and legitimacy, is intended to ensure the successful implementation of Kittrie's two-step test[59] and constitutes "instrumental lawfare" under Goldenziel's framework.[60] Accordingly, lawfare in the context of Article 74(1) is conceptualized as a specific form of instrumental lawfare, referring to the systematic, interest-driven interpretation of the "equitable solution" standard to strengthen EEZ claims by reinforcing a state's legitimacy or undermining competing interpretations.

2.3 Historical Background of EEZ and CS Regimes and Articles 74(1) and 83(1) as Lawfare Instruments

Early debates on expanding maritime jurisdiction beyond territorial waters were initially explored at the Hague Conference in 1930; however, significant progress was not made until the 1950s.[61] In response to increasing demands for living marine resources beyond territorial waters, the Exclusive Fisheries Zones (EFZs) were established in 1958.[62] Simultaneously, the Truman Proclamation, the asserted claim to jurisdiction over the natural resources beneath the CS, and the *1958 Continental Shelf Convention* strengthened Latin American states' legal claims to access fish resources in the water column above the CS.[63] In the 1960s, developing countries asserted authority beyond territorial waters, a trend reflected in the 1972 Santa Domingo Declaration, which introduced the concept of the "patrimonial sea" extending sovereign rights up to 200 nm.[64] The EEZ was ultimately codified with the adoption of UNCLOS III in 1982.

UNCLOS, designed to reconcile divergent state interests and shaped by both the Grotian *Mare Liberum* and the Seldenian *Mare Clausum* attitudes, defines the EEZ under Article 55 as a *sui generis* regime that balances the coastal state's rights and jurisdiction with the rights and freedoms of other states.[65] Accordingly, coastal states are granted sovereign rights to explore and exploit living and non-living resources of the seabed and its subsoil, and to manage and regulate the area for economic purposes, while being obliged to respect the rights and freedoms of other states.[66]

The EEZ regime substantially increased the economic and strategic value of maritime jurisdiction by extending coastal states' sovereign rights over vast marine resources.[67] Although the EEZ regime grants equal sovereign rights up to 200 nm around a shared sea, this entitlement often leads to disputes, particularly in seas narrower than 400 nm.[68] Nevertheless, the complexity of overlapping maritime boundaries and ongoing geopolitical tensions in regions such as the SCS and the Eastern Mediterranean limits its effectiveness, as competing EEZ claims further complicate resolution.[69]

The key factor intensifying disputes lies in the initial equality accorded to islands and mainland coast under the EEZ regime.[70] This enables island states to generate maritime entitlements in multiple directions, whereas coastal states remain geographically constrained.

Therefore, states exercising sovereignty over islands generally favor equidistance for delimitation, while mainland coastal states emphasize special circumstances.[71] The jurisprudence confirms that maritime delimitation is an equity-based and context-sensitive exercise rather than a rigid geometric rule; the effect of islands may be reduced depending on the relevant circumstances, as illustrated in *Libya/Malta (1985)*, *Tunisia/Libya (1982)*, and *Guinea/Guinea-Bissau (1985)* cases.[72] However, it further reinforces the interpretative flexibility inherent in Article 74(1), thereby rendering it susceptible to strategic legal deployment in maritime delimitation practice.

Consequently, Articles 74(1) and 83(1) of the UNCLOS require states to achieve an "equitable solution"; however, neither of these provisions specifies what such a solution entails or how it is to be achieved. In practice, this ambiguity allows competing methodological preferences: states with shorter coastlines generally favor the equidistance/median line approach, while states with longer coastlines emphasize additional factors, including relevant circumstances or natural prolongation. UNCLOS institutionalized a consensus model through an intentionally open-ended "anodyne formula" that serves as a neutral standard for reconciling the divergent interests of states during negotiations.[73]

III. UNCLOS Article 74(1) in Practice: Lawfare and EEZ Delimitation in the Cases of Indonesia and the Republic of Cyprus

Scholarly debates on the EEZ strategies of Indonesia and RoC differ in their respective priorities. While research on Indonesia largely focuses on fisheries disputes and alleged EEZ violations,[74] studies on RoC primarily examine hydrocarbon resources and the energy geopolitics of the Eastern Mediterranean.[75] Nevertheless, both cases essentially concern the interpretation and exercise of sovereign rights under UNCLOS. On the other hand, this study aims to move beyond the "us-versus-them" dichotomy that characterizes much of the region-specific discourse and the literature on lawfare studies by comparing an Asia-Pacific state and a European Union member in distinct geographical and geopolitical contexts. Therefore, it examines how Indonesia and RoC interpret and exercise Article 74(1) through their national legislation and bilateral EEZ agreements.

3.1 Indonesian Lawfare Strategy and Understanding of "Equitable Solution" Within the EEZ Negotiations

Indonesia, as the largest archipelagic state with over 17,000 islands,[76] has historically sought legal recognition of its unique geographical configuration.[77] From the early 1950s, it has pursued a policy of asserting sovereignty over the waters between the islands through initiatives such as the 1957 *Djuanda* Declaration, which characterized these waters as Indonesian national territory.[78] Article 25A of the Indonesian Constitution further recognizes Indonesia as an archipelagic state whose territorial boundaries and rights are determined by law.[79] Despite initial opposition from major powers such as the US, Japan, and France, Indonesia's efforts eventually gained international legal endorsement under UNCLOS,[80] which, through Articles 47 and 48, permits archipelagic states to draw straight baselines connecting outermost points of their islands and to measure maritime zones from these baselines.[81]

With the recognition of archipelagic baselines alongside the newly codified EEZ regime, Indonesia has gained nearly 2.8 million km² of archipelagic waters and up to 6.1 million km² of EEZ under UNCLOS, making Indonesia the sixth-largest EEZ owner in the world.[82] Consequently, Indonesia's maritime area increased from 1.9 million to 6 million km², representing a rare instance of territorial expansion through a legal mechanism without resorting to conflict.[83] This outcome was achieved through the implementation of a pragmatic and complex negotiation strategy. As Davenport (2016) noted, pre–UNCLOS Indonesia accepted maritime boundary arrangements favorable to neighboring states, such as Australia and Malaysia, to secure broader recognition of the archipelagic regime.[84] A similar pragmatic approach has guided Indonesia's position during UNCLOS negotiations, in which it refrained from apparently aligning with groups advocating either the "equidistance" or "equity" principles for maritime delimitation. However, following the recognition of the archipelagic regime and the emergence of the EEZ as a distinct legal jurisdiction, Indonesia has increasingly relied on the equidistance principle in EEZ agreements. As a result, while most of Indonesia's CS agreements were negotiated before UNCLOS, Indonesia's subsequent negotiation practice has increasingly focused on delimiting the EEZ under the Convention. In this sense, UNCLOS has provided Indonesia with an ideal legal framework to maximize its maritime jurisdictional claims by strategically applying international legal norms.[85]

It should also be noted that Indonesia's approach reflects not only pragmatic considerations of evolving legal frameworks but also geographical conditions. Indonesia shares maritime borders with ten nations and has, thus far, concluded twenty-one maritime delimitation agreements.[86] Only three of them have specifically aimed to delimit EEZ boundaries: Australia (1997, not yet in force), the Philippines (2014), and Vietnam (2022); more agreements have focused on delimiting the CS. The Indonesian approach is arguably grounded in the objective nature of the EEZ and archipelagic baseline, as it separately conducts CS and EEZ area calculations, thereby granting it a broader maritime entitlement than the CS.

The first significant step in formulating Indonesia's EEZ strategy was the enactment of Act No. 5 of 1983,[87] which, under Article 3(2), provides that, in the absence of an agreement or special circumstances, maritime delimitation shall be determined in accordance with the principle of equidistance.[88] The initial application of this approach appeared in the EEZ agreement between Indonesia and Australia (the Perth Treaty) in 1997. Although Indonesia had consistently advocated equidistance during the 1971 and 1972 CS negotiations, Australia's unwillingness and the influence of the ICJ's 1969 North Sea Continental Shelf judgment resulted in the CS boundary being established based on natural prolongation.[89] Following the codification of the EEZ regime under UNCLOS, Indonesia's strengthened legal position as an archipelagic state enabled separate EEZ negotiations.[90] Consequently, the EEZ boundary, largely determined by equidistance, excluding Java and Christmas Island, thereby confers a substantially expanded maritime domain upon Indonesia.[91] This has resulted in the emergence of an "overlapping jurisdictional area," where the legal boundaries of the seabed and the water column intersect. While the agreement may ostensibly ensure Australia's access to resources beneath the seabed, it in fact signifies a substantial legal gain for

Indonesia, given its effective control over the water column above the seabed.[92] The impact of the 1997 Treaty is visualized in *Figure 1.* While the 1972 Agreement applied the natural prolongation principle, the 1997 Perth Treaty adopted the equidistance principle. The application of these distinct methods resulted in overlapping maritime jurisdictions, ultimately granting Indonesia a significantly wider EEZ than its CS boundary.

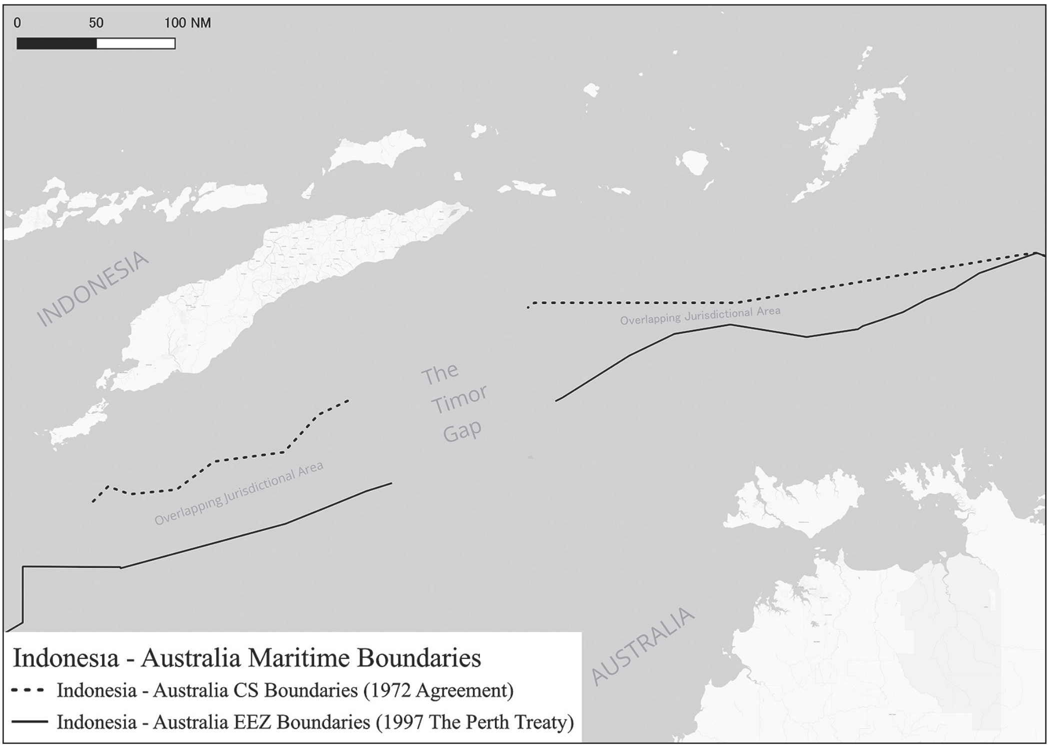

Figure 1: Indonesia–Australia Maritime Boundaries (*source: author's own compilation based on the 1972 and 1997 treaties*).

In 1994, Indonesia also initiated negotiations to delimit its EEZ with the Philippines, claiming that the Philippines' maritime boundaries established by the 1898 Treaty of Paris were inconsistent with the contemporary legal regime of the sea.[93] Following two decades of extensive negotiations, the agreement was finalized in 2014. The protracted negotiations were partly due to conflicting legal bases; while the Philippines continued to rely on maritime rights derived from the 1898 Treaty, Indonesia argued that maritime rights should be determined in accordance with UNCLOS and the principles applicable to archipelagic states.[94] The resulting EEZ boundary was demarcated through a modified equidistance line composed of eight geodetic segments in the Mindanao and Celebes seas. Notably, although the EEZ boundaries were successfully established, no CS agreement has been concluded between the parties.[95] Article 3(1) further provides that the agreement shall not prejudice any right and position of the parties in CS delimitation.[96]

Subsequently, Indonesia accelerated negotiations to establish the CS boundary with Vietnam, which began in 1973 and was finalized in 2003 based on equitable principles and the relevant circumstances method. Despite Vietnam's insistence that EEZ boundaries should be identical to the CS, Indonesia continued its separate boundaries strategy, insisting on the EEZ's independent character.[97] Vietnam asserted that the baselines for delimiting the equidistance line between North Natuna and Con Dao islands would not be equitable, as North Natuna Island is 330 kilometers from Indonesian Borneo and has a considerably smaller area than Vietnam's Con Dao.[98] Nevertheless, Indonesia maintained that the equidistance line should be drawn between the two points, as Indonesia relies on the archipelagic baseline.

Additionally, Indonesia passed Law No. 45 in 2009 to combat illegal, unreported, and unregulated (IUU) fishing, and the law was actively enforced in the asserted Indonesian EEZ.[99] More than half of the EEZ violations that occurred in the North Natuna area between 2014 and 2019 were committed by Vietnamese fishermen in the disputed area between Vietnam and Indonesia.[100] During the same period, 321 Vietnamese fishing boats were seized and sunk by the Indonesian government on the grounds of IUU fishing.[101] While maintaining ongoing diplomatic negotiations with Vietnam, Indonesia has concurrently pursued a maritime law-enforcement strategy to exert its effective control in the contested EEZ. Consequently, the parties initiated EEZ negotiations in 2010 and agreed on the delimitation of EEZ boundaries in 2022, with an adjusted equidistance line from baselines.[102]

Indonesia's strategic interpretation of Articles 74(1) and 83(1) as leverage to strengthen its legal position and expand its sovereign EEZ area can be considered an illustrative, nuanced and flexible example of instrumental lawfare. In doing so, it does not hesitate to prolong negotiations, as in the cases of the Philippines and Vietnam, due to the archipelagic advantages afforded by UNCLOS.[103] This persistent and patient approach, combined with Chinese pressure in the region, has accelerated Indonesia's pursuit of a calibrated lawfare strategy, advancing methodically toward its objectives.[104] A recent example of this strategy is the negotiations with Malaysia on the Malacca Strait for an EEZ agreement based on equidistance.[105] Until recently, Indonesia had not been involved in SCS disputes; however, China's "nine-dash line" claim overlaps with the EEZ boundaries of the North Natuna. Indonesia officially declared that self-serving Chinese historical claims are unacceptable.[106] From this perspective, the EEZ boundaries established in the region strengthen Indonesia's legal position and may be used to tacitly constrain Chinese competing historical claims, without requiring direct political confrontation.

3.2 RoC's Instrumental Lawfare Strategy Based on Article 74(1)

Cyprus, a single island in the northeastern part of the Eastern Mediterranean, covers approximately 9,251 km², 3,242 km² in Northern Cyprus.[107] The approximate distance between the island's outermost coastlines and opposite countries is 380 km from Egypt, 100 km from Lebanon, and 65 km from Türkiye.[108] Although the island is bordered by Türkiye, Syria, Lebanon, Palestine, Israel, and Egypt, limited maritime jurisdiction with territorial waters and undelimited CS prevented critical overlapping maritime claims before the ratification of UNCLOS. However, with the establishment of the EEZ regime, the island itself immediately emerged as a significant actor in the Eastern Mediterranean, and RoC strategically leveraged its geographical advantage by selectively interpreting Article 74(1), thereby asserting EEZ rights over an area exceeding approximately 98,000 km².[109]

Following the island's independence in 1960 under the guarantee of Great Britain, Greece, and Türkiye, intercommunal violence between Greek and Turkish Cypriots escalated in 1963, culminating in the island's de facto separation in 1974, followed by the Turkish Cypriots' declaration of independence in 1983.[110] Although the United Nations proposed several reunification initiatives—most notably the Annan Plan—the dual structure was maintained after the 2004 referendum, in which approximately 76% of Greek Cypriots rejected reunification, while about 65% of Turkish Cypriots voted in favor.[111] As a result, the island remains divided into Greek (south) and Turkish (north) Cypriot administrations, each with its own parliament, territory, and population. Today, the Greek Cypriot Administration is internationally recognized as the Republic of Cyprus, the same as the unified state before 1974, except by Türkiye, whereas the Turkish Republic of Northern Cyprus (TRNC) is recognized solely by Türkiye, enabling RoC to position itself to assert sole authority over the island's entire maritime delimitation.

During the UNCLOS III negotiations, as an active member of the "equidistance line" group, RoC supported an EEZ regime that advocated a median line in overlapping maritime areas and equal rights for the islands against coastal states.[112] After the adoption of UNCLOS, the new regime was incorporated into its domestic legal order through Law No. 203/1988.[113] Given the geographical advantages of the UNCLOS non-geological EEZ regime and the potential hydrocarbon deposits in the Eastern Mediterranean, RoC initiated diplomatic efforts to delimit its EEZ. However, negotiations with Syria in 2001 proved inconclusive, and no EEZ delimitation agreement has been reached between the parties to date. This was soon followed by the first EEZ agreement in the region, signed by RoC and Egypt in 2003.[114] Under Article 1(a), the agreed boundary established an EEZ delimitation line measuring 144 nm, based on the equidistance.[115] Egypt's strategic interest in developing its hydrocarbon reserves in the Zohr region contributed to the agreement's conclusion.

Following the 2003 agreement, RoC enacted the EEZ Law in 2004. Article 3(2) requires an agreement in cases of overlapping EEZs with opposite states and, in the absence of such an agreement, limits EEZ claims to the median line.[116] Notably, an identical formulation is also found in Article 2 of RoC's 1974 Continental Shelf Law.[117] Both laws were later updated and consolidated into comprehensive legislation in 2014, while retaining an identical median-line formulation.[118] A textual examination of this body of legislation therefore indicates that RoC interpreted the equidistance/median line method, pending agreement, as the sole means of achieving "an equitable solution."[119] This interpretation may be understood to confer two distinct advantages on RoC: First, it facilitates the strategic use of Article 74(1) as a legal instrument to maximize maritime entitlements through EEZ agreements. Second, RoC has institutionalized legal provisions and practices that reinforce its assertion that the single-line equidistance method constitutes the only legitimate approach for prospective agreements, thereby strengthening its legal position.

RoC further intensified its efforts by concluding EEZ agreements with Lebanon in 2007 and Israel in 2010.[120] As in the case of Egypt, the primary objective for both Lebanon and Israel was to secure access to hydrocarbon resources by establishing legally delimited maritime boundaries based on strict equidistance/median line.[121] Nevertheless, the ratification of RoC–Lebanon EEZ agreement remained pending until November 2025, as objections were raised that RoC–Israel EEZ agreement potentially infringed upon Lebanon's maritime rights.[122]

While the agreements delimit the EEZs, there is no specific provision regarding CS boundaries. The formation of the CS regime is based on coastal states' entitlement to sovereign rights over natural resources beneath the seabed and its subsoil.[123] Furthermore, Article 56(3) expressly provides that the rights relating to the seabed and subsoil shall be exercised in accordance with Part VI, in particular Article 77.[124] Against this background, RoC's approach to CS boundaries aligns with its concluded EEZ agreements and the 2004 and 2014 laws, which provide that another state's EEZ boundaries shall not extend beyond the median line, and that the limits of CS shall be the same as the EEZ boundaries unless otherwise agreed.[125] On this basis, RoC maintains that EEZ delimitation agreements may, in practice, *de facto* delimit CS boundaries, and that, based on Article 77, it consequently enjoys sovereign rights over the CS covering the same maritime area.[126]

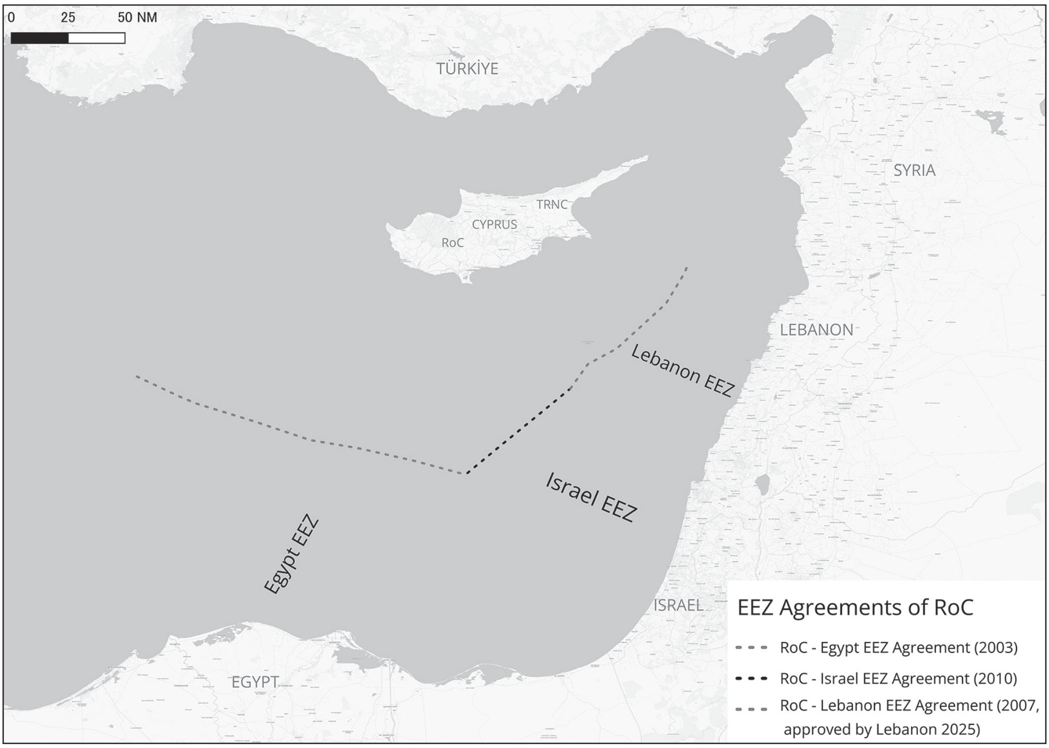

Figure 2: RoC EEZ Agreements (*source: author's own compilation based on the 2003, 2007, and 2010 Agreements*).

As of 2025, RoC holds the most EEZ agreements in the Eastern Mediterranean. While this outcome may be viewed as an achievement of UNCLOS, it also reflects RoC's strategic use of its provisions to advance its legal position through lawfare. An enduring dispute with Türkiye typifies this situation. Although ongoing political conflict persists between Türkiye and RoC, the latter has adopted a unified approach in its agreements with Egypt, Lebanon, and Israel based on the single-line equidistance method.[127] Referring to these agreements, RoC may argue that, should an agreement be reached with Türkiye, the same methodology would yield an equitable solution. According to RoC, despite Türkiye's considerably longer coastline, the consistent application of the single-line equidistance method in its bilateral agreements with Egypt, Lebanon, and Israel is presented as evidence of a regional practice supporting the equidistance line approach. On this basis, RoC contends that Türkiye should align with regional practices.[128] Türkiye, by contrast, maintains that unilateral delimitation agreements in the Eastern Mediterranean do not have binding legal effect for Türkiye and Turkish Cypriots, emphasizing the need for an equitable solution.[129]

Additionally, RoC emphasizes that Türkiye is among the few states that have not ratified UNCLOS and portrays this as undermining Türkiye's legal standing while it also calls on Türkiye to ratify UNCLOS and align with RoC's interpretation of maritime delimitation, notwithstanding the principle of consent underlying the binding nature of international agreements.[130] In this regard, RoC puts forward two main claims. First, it maintains that several UNCLOS provisions, including "regime of islands" under Article 121, have crystallized into customary international law and consequently are binding irrespective of ratification.[131] Second, it asserts that Türkiye adopts a selective approach to EEZ by invoking equidistance-based agreements in the Black Sea and the 2019 Türkiye-Libya memorandum of understanding,[132] while contesting comparable interpretations in the Eastern Mediterranean.[133] Meanwhile, Türkiye states that while accepting UNCLOS as a general framework, Articles 3, 33, and 121 of UNCLOS produce disproportionate outcomes because of special circumstances, such as small islands' cutoff effect in the Aegean and the Eastern Mediterranean,[134] and maintains that it is not bound by this interpretation under the "persistent objector" doctrine, as it has consistently and expressly objected to the emergence of the rule from the initial formation.[135] Accordingly, despite Türkiye having the longest coastline in the region, applying this approach would have the risk of limiting Türkiye to an EEZ of approximately 41,000 km², representing roughly 42% of RoC's claimed EEZ.[136] This framing may be interpreted as an attempt by RoC to position itself as a proponent of international law while portraying Türkiye as a challenger, thereby reflecting a broader lawfare strategy grounded in the instrumental use of UNCLOS.

A comprehensive analysis of RoC practices reveals that Article 74(1) of UNCLOS may be utilized as a lawfare instrument through a strategic combination of selective legal interpretation, domestic legislation, and concluded bilateral agreements. RoC's approach demonstrates that legal uncertainty, particularly in the context of the "equitable solution," can be gradually transformed into a claim of regional norms.[137] RoC case exemplifies that lawfare functions not solely as a form of argumentation but also as a direct long-term strategy aimed at reinforcing legal positions and exerting legal pressure on non-consenting counterparts.

IV. Conclusion

This comparative study on Indonesia and RoC's interpretations of "equitable solution" within the realm of lawfare demonstrates how international legal frameworks, in particular Article 74(1) of UNCLOS, have been strategically used as instruments of lawfare rather than as an objective compass for achieving equitable solutions. By adopting a transregional comparison between an Asia-Pacific state and a European Union member, this study transcends the dominant "us-them" binary in the lawfare literature. In both cases, albeit in different geopolitical contexts, selective interpretations of the "equitable solution" are employed to advance national interests. Indonesia leverages its archipelagic status as a tacit lawfare tool against the Chinese "nine-dash line" claim and in negotiations with neighboring countries. It has consistently sought to maximize its maritime claims by pressing for separate EEZ and CS delimitations, prolonging negotiations when advantageous, utilizing maritime law enforcement, applying the principle of equidistance, and adapting to relevant circumstances when necessary. Meanwhile, RoC has consistently employed a direct lawfare strategy against Türkiye, adhering to a rigid understanding of the equidistance/median line method, which *de facto* includes CS delimitation into EEZ delimitation to maximize its maritime domain. It presents this approach as the only legitimate interpretation of "equitable solution" in its bilateral EEZ agreements with Egypt, Lebanon, and Israel.

In this respect, the study contributes to the lawfare literature by conceptualizing Article 74(1) as a flexible legal variable, shaped by states' interests, thereby enabling divergent forms of instrumental lawfare in maritime delimitation disputes. These practices demonstrate that the application of Article 74(1) is not merely a legal matter, but also a strategic instrument shaped by political, geographic, and economic interests. Both Indonesia and RoC cases show how states can strategically utilize UNCLOS provisions to strengthen their claims and legal positions while weakening those of their counterparts. Despite their practices clearly illustrating a specific type of instrumental lawfare, they also unveil a dichotomy: although UNCLOS sets universal standards, it remains vulnerable to instrumentalization. That is, these provisions are apt to produce unbalanced outcomes in some cases where the "equitable solution" is not objective but a subjective concept driven by national interest.

It is important to note that the conclusions of this study do not equate every strategic interpretation of Article 74(1) with the concept of instrumental lawfare. Rather, it defines instrumental lawfare as a strategy that emerges in situations where the systematic, long-term use of legal interpretation strengthens legal positions, employs open-ended provisions to persuade, and undermines opponents' legitimacy. Nevertheless, it would be reasonable to hypothesize that such instrumental uses of Article 74(1) are not limited to these two examples, given the legal ambiguity surrounding the delimitation of EEZ boundaries. Accordingly, further research could extend this analytical framework to other maritime regions characterized by protracted delimitation disputes and legal uncertainty, including the Caribbean, the Arctic, and the Gulf of Guinea, where overlapping claims and institutional arrangements similarly reflect the flexible interpretation of an "equitable solution."

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Declaration of Generative AI and AI-Assisted Technologies in the Writing Process

During the preparation of this work, the author used ChatGPT (OpenAI)'s free version exclusively to improve the manuscript's readability and language. After using this tool, the author reviewed and edited the content as needed and takes full responsibility for the published article.

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Securing the Seas: India's Strategic and Legal Engagement with UNCLOS Amid China's Maritime Revisionism

M.G. Kamali and *E. Prema*

Structured Abstract

Article Type: Research Paper

Purpose—This article explores the contrasting positions of India and China regarding the United Nations Convention on the Law of the Sea (UNCLOS), arguing that their respective legal interpretations both reflect and shape strategic maritime governance and regional order in the Indo-Pacific.

Design/Methodology/Approach—The study employs a qualitative comparative legal and geopolitical analysis of state practices, policy positions, and significant maritime developments.

Findings—The article finds that, despite being parties to UNCLOS, both China and India hold differing views on how the maritime order should evolve, as reflected in their policies and actions. Both countries selectively interpret certain provisions of UNCLOS in accordance with their strategic and security interests. China's approach is characterized by the selective application of international law and the strategic use of "lawfare." In contrast, India's approach is centered on aligning with the international rule-based order.

Practical Implications—The article highlights the growing importance of legal interpretation in shaping maritime competition, navigational freedoms, and regional stability in the Indo-Pacific region.

Originality/Value—The article contributes to existing scholarship by comparatively examining how India and China interpret and apply UNCLOS in ways that reflect both their legal commitments and strategic interests within the evolving Indo-Pacific order.

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I. Introduction

The UN Convention on the Law of the Sea (UNCLOS) constitutes the central legal framework and foundational basis of the contemporary international law of the sea. The complex rules and regulations governing marine commerce and navigation have been essential for preserving the global commons from expropriation, enclosure, and coercive policies.[1] In the Indo-Pacific region, however, several provisions of the Convention remain contested, particularly regarding military activities within the Exclusive Economic Zone (EEZ), straight baseline claims, coastal-state enforcement powers, and freedom of navigation. These disputes increasingly intersect with geopolitical competition and strategic maritime governance.

China has adopted increasingly assertive and expansive maritime claims in the East and South China Seas, utilizing a complex form of "lawfare" to reshape global norms of overflight and navigation.[2] India also agrees with some of China's controversial stances on the UN Convention on the Law of the Sea (UNCLOS). Both China and India have ambitions for more overflight and control over foreign military activities in their Exclusive Economic Zone (EEZ).[3] While UNCLOS Articles 58 and 87 preserve freedoms of navigation and overflight in the EEZ, including internationally lawful uses of the sea related to navigation, both states have argued that certain foreign military activities conducted without coastal-state consent infringe upon coastal-state security interests and exceed the permissible scope of these provisions. In the past several years, however, there has been a significant shift in India's stance, accompanied by a clear normative distinction between India and China regarding maritime security and governance in Indo-Pacific. The political leadership of India has placed an increased focus on freedom of navigation, frequently mentioning the issue in diplomatic statements and public declarations, while also indirectly criticizing China for its "eighteenth-century expansionist" behavior and "territorialization" of the Asian maritime commons.[4] In the meantime, China's stance on maritime conflicts, international arbitration, and freedom of navigation and overflight in the closed seas has become more assertive, reflecting a broader shift toward a more uncompromising strategic approach.

India's longstanding land-border disputes with China and Pakistan have historically anchored its strategic focus on strengthening the army and air force while leaving naval development comparatively neglected. But for almost ten years, India has been refocusing its defense goals, mostly in reaction to China's growing influence and presence in its seas. This includes the system of commercial facilities and naval stations that China constructed to link Port Sudan with its mainland. According to India and others, this network has encircled India in the marine sphere. In a 2005 U.S. Department of Defense report, it was named the "string of pearls."[5] India's first naval doctrine, issued in 2004, emphasizes freedom of navigation and the protection of important maritime commercial and communication channels. The plan was last updated in 2015 and proposed taking a more proactive approach to improving the security for India's maritime interests.[6] India aims to preserve the rules-based order in the Indian Ocean Region through adherence to the law of the sea, both to safeguard the broader maritime environment and to enhance its own national stability. The article argues that contemporary maritime competition in the Indo-Pacific is shaped not simply by a binary divide between legal compliance and revisionism, but also by competing interpretations of UNCLOS through which states seek to reconcile international legal norms with strategic imperatives. By comparatively examining domestic legislation, EEZ practice, navigational claims, and dispute settlement behavior, the article demonstrates how both India and China employ selective legal interpretation to shape regional maritime governance while pursuing broader strategic objectives.

II. UNCLOS and Maritime Governance in the Indo-Pacific Region

2.1 The UNCLOS Legal Framework

The United Nations Convention on the Law of the Sea (UNCLOS) was adopted in 1982 to establish a comprehensive legal framework governing maritime jurisdiction, navigational freedoms, maritime boundaries, and dispute settlement.[7] The Convention has been ratified by 171 state parties as of September 2025.[8] Despite the absence of universal ratification, the provisions of UNCLOS are widely accepted as reflecting customary international law, and therefore, they also bind non-party states. The convention itself is a result of a series of negotiations where delegates made compromises with one another to reach a broad agreement and to cover all major issues related to governing the world's oceans. It entrusts "competent international organizations" with the responsibility for developing the standards and instruments necessary for the effective implementation of its provisions. UNCLOS established institutional mechanisms, including the International Tribunal for the Law of the Sea (ITLOS) and the Commission on the Limits of the Continental Shelf (CLCS), to facilitate dispute settlement and maritime delimitation.[9]

UNCLOS comprises more than 300 Articles organized into 17 Parts, accompanied by nine Annexes.[10] Among its most significant components are the detailed rules governing maritime zones and boundaries, as well as the dispute settlement mechanisms. UNCLOS ended the long-lasting confusion over maritime claims by setting clear rules on the width of the territorial sea, defining additional maritime zones. These maritime zones originate based on the coastal state's territory, including islands, rocks, and certain low-tide elevations within the territorial waters. Their breadth is measured from baselines drawn along the coast, for which UNCLOS also provides detailed rules. When the maritime zones of neighboring states overlap with each other, UNCLOS requires that these limits be agreed upon through a process of delimitation. The affected states must try to come to an agreement first between themselves, then, if it is not resolved, boundary disputes can be resolved through measures as laid out in UNCLOS.

UNCLOS delineates different maritime zones, each conferring distinct rights and responsibilities on coastal and other states. Internal waters, lying landward of the baseline, fall entirely under the coastal state's sovereignty. The territorial sea extends 12 nautical miles from the baseline and allows foreign vessels innocent passage. Beyond this, the contiguous zone extends a further 12 nautical miles, permitting enforcement of laws related to customs, taxation, immigration, and pollution. The Exclusive Economic Zone (EEZ), reaching 200 nautical miles from the baseline, grants the coastal state exclusive rights to exploit natural resources. The continental shelf provides similar rights over seabed and subsoil resources, potentially extending beyond 200 nautical miles where the continental margin allows. Waters beyond these zones constitute the high seas, open to all states and governed by freedoms such as navigation, overflight, and submarine cable-laying, with no state permitted to claim sovereignty. The seabed beyond national continental shelves, referred to as "the Area," is governed by the principle of the common heritage of humankind, with the International Seabed Authority overseeing activities and ensuring equitable benefit-sharing.

Part XV of UNCLOS establishes four primary forums for dispute settlement: the International Tribunal for the Law of the Sea, the International Court of Justice, arbitral tribunals constituted and special arbitral tribunals. States may also pursue non-judicial methods, such as negotiation or regional mechanisms, providing flexibility that encourages peaceful resolution of conflicts. For parties to the Convention, dispute settlement is compulsory, a feature intended to prevent divergent interpretations of UNCLOS and to offer a means through which less powerful states can safeguard their legal interests. This compulsory framework also strengthens overall compliance, as the prospect of binding dispute resolution is understood to moderate state decision-making and behavior.[11]

2.2 UNCLOS and Regional Maritime Governance

Contemporary disputes over the interpretation and application of UNCLOS have become increasingly central to maritime governance in the Indo-Pacific region. Disagreements concerning the scope of coastal-state jurisdiction within the Exclusive Economic Zone (EEZ), navigational freedoms, straight baseline claims, and the operation of compulsory dispute settlement mechanisms have generated significant legal and strategic tensions among regional states. As the Indo-Pacific has emerged as a critical geopolitical and maritime space linking major sea lines of communication, trade routes, and security interests, differing interpretations of UNCLOS increasingly shape the regional maritime order and influence the balance between legal norms and strategic competition.[12] These developments are particularly evident in the evolving maritime interactions between India and China, as they have contrasting yet partially overlapping legal positions on maritime jurisdiction, navigational freedoms, and dispute settlement, which reflect broader regional debates concerning the interpretation and application of the international law of the sea. UNCLOS, therefore, operates not only as a legal framework regulating maritime conduct but also as a mechanism through which states employ legal arguments, domestic legislation, and state practice to advance broader security, economic, and geopolitical objectives.[13]

III. China's Stance on the UNCLOS Convention

3.1 China and UNCLOS Negotiations

The history of the law of the sea, from its inception to the adoption of the UN Convention on the Law of the Sea, is mostly focused on the Western world. With the rise of colonial powers, the sea became a source of threats for many Asian and African countries rather than a source of trade and exchange. European empires used their naval dominance to control key maritime trade routes. This dominance allowed them to enter into unequal treaties, conduct military conquests, and exploit the nations economically by managing the flow of goods and resources.[14] When UNCLOS talks began in 1973, China's participation reflected its re-entry into international affairs, alongside the growing presence of newly independent developing countries. When negotiations of UNCLOS started in 1973, China was still deeply affected by the Cultural Revolution. As a result, the Chinese delegation participating in the negotiations was directed to operate under three principles. First, to oppose hegemonism, defined primarily as a resistance to both the United States and the Soviet Union. Second, to align with and support the interests of the third-world countries. This is mainly because of the support China got from third-world countries when China replaced the Kuomintang government on Taiwan in China's UN seat. And finally, to safeguard China's national interests.

Some major developing countries in Latin America and Africa pushed for 50nm to 200nm limits for territorial waters and under full sovereignty to protect their waters from outside exploitation. But the US and USSR tried to limit these claims by narrowing territorial waters and the Exclusive Economic Zone. Ultimately, China sided with developing countries in the negotiations, but later realized 200nm would go against China's national interests. Chinese diplomats were also skeptical about the EEZ regulations during UNCLOS III. Actually, emerging nations with poor geographic conditions, like Venezuela and Algeria, opposed the concept of EEZs. China would be in a difficult position with regard to the creation of 200nm EEZs because it borders three semi-closed seas: the South China Sea, the Yellow Sea, and the East China Sea. Since China's baselines are less than 400 nautical miles from those of its neighbors, including Japan, it will be difficult for China to invoke the natural prolongation principle for maritime delimitation.[15]

China strongly supported the notion of the common heritage of mankind (CHM) for the deep seabed. China disassociated itself from the majority of developing countries on a particular subject, even under UNCLOS III on dispute settlement. While some developing countries, such as Bangladesh, prioritized establishing a mandatory dispute settlement system under UNCLOS, China took a different approach. According to the Chinese government, states must utilize negotiations and consultations to resolve conflicts amicably while upholding their territorial integrity and sovereignty. While States may pursue other peaceful measures, asking a sovereign State to unconditionally agree to the obligatory jurisdiction of an international legal institution undermines the principle of State sovereignty by elevating the body above the State. When a State has exclusive jurisdiction over a matter, its own regulations and laws should be followed.[16] China's negotiating strategy changed from using political discourse and broad policy outlines to being more aggressive and detailed, particularly during the UNCLOS III Eighth Session (1979). While its core attitude remained unchanged, China began to voice particular viewpoints, such as delimitation based on the natural extension of the continental shelf to protect its national interests at sea and became increasingly active in committee meetings rather than merely speaking in public. Due to their geographical proximity, China and Japan's claims to EEZs are likely expected to overlap. China and Japan may have two maritime limits (EEZ and continental shelf) in the East China Sea, making it difficult to enforce jurisdiction at sea. China was also not comfortable with Section 2, Part XV of the UNCLOS regarding compulsory dispute settlement and its interpretation of the Convention.[17] In general, UNCLOS served China's national interests well only in the high seas. China ratified UNCLOS in 1996 and tried to align itself with the Convention to preserve the international maritime order. But China has significantly built its domestic legal system to implement the UNCLOS, while increasingly feeling constrained by the international law of the sea, including, for example, in respect of fisheries in the EEZs of other countries. Over the four decades during China's role in negotiating the Convention in the 1970s, China changed politically, economically, and significantly in its global role.

3.2. China's Distortion of UNCLOS in Domestic Legislation

As a state party to the Convention, China is expected to interpret and implement UNCLOS through its domestic legislation in a manner consistent with its treaty obligations. However, China's domestic maritime legislation demonstrates a pattern of selectively incorporating UNCLOS principles while modifying or limiting provisions that affect its strategic maritime interests. A closer comparison between specific Chinese domestic statutes and corresponding UNCLOS provisions reveals inconsistencies regarding innocent passage, warship immunity, and the permissible scope of coastal-state enforcement powers.

China's Law on the Territorial Sea and the Contiguous Zone (1992) contains 17 articles and largely aligns with UNCLOS Part II governing the territorial sea, but conflicts arise in relation to innocent passage and foreign warships. Article 6(2) of the law requires foreign military vessels to obtain prior approval before entering China's territorial waters.[18] This position departs from UNCLOS Articles 17 and 18, which recognize the right of innocent passage for "ships of all states" through the territorial sea without expressly requiring prior authorization for foreign warships. Although UNCLOS Article 19 permits coastal states to regulate passage that is prejudicial to their peace, good order, or security, the Convention does not expressly authorize a blanket requirement of prior consent for all foreign military vessels. The International Tribunal for the Law of the Sea (ITLOS) reaffirmed in the *2019 Case Concerning the Detention of Three Ukrainian Naval Vessels* that UNCLOS navigational regimes apply to warships and other government vessels. China's requirement for prior authorization therefore reflects a sovereignty-oriented interpretation of coastal-state authority that exceeds the broader navigational freedoms contemplated under UNCLOS.[19]

A similar tension emerges in relation to sovereign immunity and coastal-state enforcement powers. Article 21 of China's Coast Guard Law authorizes the China Coast Guard to take coercive measures against foreign organizations and vessels deemed to violate Chinese jurisdictional waters or domestic law. However, UNCLOS Article 32 expressly preserves the sovereign immunity of warships and other government vessels operated for non-commercial purposes. This immunity is further reinforced by UNCLOS Articles 95 and 96, which recognize the complete immunity of warships and government vessels operated for non-commercial purposes on the high seas. Under UNCLOS Article 30, where a warship fails to comply with coastal-state laws concerning passage through the territorial sea, the coastal state may only require the vessel to leave immediately. The Convention generally limits the coastal state's remedy to requiring the vessel to leave the territorial sea and does not expressly authorize coercive enforcement measures against immune foreign warships in ordinary passage situations. Consequently, the broader enforcement powers granted under China's Coast Guard Law potentially exceed the jurisdictional limitations established under UNCLOS and risk undermining the Convention's navigational framework.

China's amended Maritime Traffic Safety Law (2021) extends Chinese regulatory authority over foreign vessels, including military and official vessels, operating within waters claimed by China. The law authorizes Chinese authorities to impose administrative and legal measures against foreign vessels deemed to violate Chinese maritime regulations. Such provisions are difficult to reconcile with UNCLOS Articles 32, 58, and 87, which preserve sovereign immunity and navigational freedoms for foreign vessels operating beyond the territorial sea. The legal implications become particularly sensitive in disputed maritime areas such as the East China Sea near the Senkaku/Diaoyu Islands, where competing jurisdictional claims overlap with navigational freedoms protected under UNCLOS.[20] The expansion of enforcement authority under these domestic laws illustrates how China increasingly relies upon national legislation to strengthen maritime jurisdictional claims that remain contested under international law.

Moreover, the institutional integration of the China Coast Guard into China's national defense system further complicates the distinction between civilian maritime law enforcement and military activity. The authority of the China Coast Guard (CCG) was significantly broadened by China's Coast Guard Law, which permits the use of "all necessary measures," including weapons, where China's sovereignty or jurisdiction is considered threatened. These provisions raise concerns that CCG vessels operating around the Senkaku Islands, claimed by China, might use weapons against Japanese fishing vessels or interpret Japan Coast Guard (JCG) intervention as an "obstacle." This enables tension by justifying it under Chinese domestic law. Additionally, the CCG is integrated into China's national defense system, given both military functions and law-enforcement roles. This dual institutional character increases the risk that coercive maritime actions may be justified through domestic legal authority even where their compatibility with UNCLOS remains disputed. China's domestic maritime legislation, therefore, reflects a broader pattern of strategic legalism in which national law is employed not merely to implement UNCLOS but also to reinterpret and expand coastal-state authority in ways that strengthen China's maritime claims and enforcement capabilities.[21]

3.3 China's Maritime Claims and the 2016 South China Sea Arbitration Award

China has repeatedly adopted interpretations of UNCLOS that seek to preserve broader maritime claims and jurisdictional authority than those recognized under the Convention. This was most visible in China's rejection of the 2016 South China Sea Arbitration Award initiated by the Philippines under Annex VII of UNCLOS. The Tribunal held that China's claim to historic rights within the nine-dash line was incompatible with the Convention to the extent that such claims exceeded the maritime entitlements expressly provided under UNCLOS. Pursuant to UNCLOS Article 296, decisions rendered by tribunals established under the Convention are final and legally binding upon the parties to the dispute.[22] Nevertheless, China rejected the award through an official statement issued by the Ministry of Foreign Affairs on July 12, 2016, which described the ruling as "null and void" and stated that China neither accepted nor recognized the decision.[23] In July 2024, the Chinese Ministry of Foreign Affairs again reaffirmed China's claims concerning historic rights in the South China Sea and criticized the Tribunal for allegedly exceeding its jurisdictional authority (ultra vires).[24] Rather than simply rejecting UNCLOS entirely, China has sought to reinterpret specific provisions of the Convention in ways that preserve broader coastal-state authority and strategic flexibility within disputed maritime regions.

Separate from the South China Sea arbitration, China has also advanced controversial straight baseline claims in both the South China Sea and the East China Sea. UNCLOS Article 7 permits the use of straight baselines only under limited geographical conditions, such as deeply indented coastlines or coastlines fringed with islands, while Part IV of UNCLOS reserves archipelagic baselines specifically for archipelagic states. China, however, declared straight baselines around the Paracel Islands in 1996 despite being a continental state, and in 2012 announced territorial sea baselines around the Senkaku/Diaoyu Islands in the East China Sea following Japan's nationalization of the islands.[25] These measures have generated legal controversy because they appear to extend coastal-state jurisdiction beyond the circumstances contemplated under UNCLOS. Concerns have also been raised that China could attempt to apply similar baseline practices to additional island groups and maritime features in the South China Sea.[26]

The 2016 South China Sea Arbitral Tribunal separately addressed the broader issue of excessive maritime claims and the improper use of straight baselines within the South China Sea context. The Tribunal observed that attempts by continental states to employ straight baselines around dispersed offshore island groups in a manner analogous to archipelagic baselines are inconsistent with UNCLOS and unsupported by customary international law. Although the Tribunal did not examine the East China Sea disputes or the Senkaku/Diaoyu Islands specifically, its reasoning reinforced broader limitations under UNCLOS concerning the unilateral expansion of maritime jurisdiction through baseline claims.

Accordingly, China's maritime legal strategy is better understood not as a complete rejection of the international Law of the Sea, but as a form of strategic legalism in which domestic legislation, selective treaty interpretation, historical claims, and legal narratives are used together to strengthen China's maritime position within the Indo-Pacific. China frequently engages with UNCLOS and international legal institutions in sophisticated ways while simultaneously advancing interpretations that expand coastal-state authority and preserve strategic discretion in contested maritime areas. China's approach illustrates how contemporary maritime competition increasingly involves not only naval power and territorial control, but also competing interpretations of the international legal order itself.[27]

IV. UNCLOS Defines India's Maritime Governance

4.1 Understanding India's Stance on Sovereignty

India focused more on its sovereignty and the nation's internal security after its independence compared with several Western maritime powers that historically prioritized expansive freedom of navigation and global naval mobility. Accordingly, limiting the navigational freedoms of foreign warships was regarded as an important measure to shield India from external powers and ensure security. The dominance of Western maritime power led to the establishment of European empires in Asia. It was the principal reason why the Asian states lost their sovereignty. The Western domination and colonization of Asia were achieved largely through control of the sea, which ultimately deprived Asian states of their political autonomy.[28] In 2007, External Affairs Minister Pranab Mukherjee emphasized that India's historical neglect of maritime security allowed foreign powers to dominate the ocean and enabled colonization. This caused India to lose independence for centuries. India must not repeat the same mistake of strategic failure and put its sovereignty at risk.[29] After decolonization, many postcolonial states like India viewed the world as divided between powerful industrial nations with strong navies fighting for freedom of navigation to project power, and developing countries aiming to limit access to nearby waters to protect their security and economic resources.[30] There was significant disagreement among states about freedom of navigation and innocent passage. Different countries had conflicting views on whether foreign warships should be allowed to travel through territorial seas and other maritime zones. Major naval powers generally supported broad navigational rights to maintain global mobility, while many developing states wanted stricter controls to protect their security and sovereignty. Developing coastal states, including Bangladesh, Pakistan, China, and India, supported curtailing the right of innocent passage in their territorial waters and EEZs.[31] India believed that the Indian Ocean Region should remain free of the permanent military presence of extra-regional powers, as reflected in the Monroe Doctrine.[32] After India's victory over Pakistan in the 1971 war, the U.S. sent the aircraft carrier USS *Enterprise* to the Bay of Bengal as a display of power. India viewed this as a return to power-backed diplomacy. This was followed by an increase in U.S. military presence at Diego Garcia and the Soviet invasion of Afghanistan in 1979. Most significantly, the U.S. Carter Doctrine convinced Indian leaders that South Asia and the Indian Ocean were becoming a new arena of Cold War rivalry.[33]

4.2 India and the Adoption of UNCLOS

India has played a major constructive role in the evolution of the United Nations Convention on the Law of the Sea. India actively participated in the Third United Nations Conference on the Law of the Sea (UNCLOS III) held between 1973 and 1982.[34] India was a key player in establishing the Exclusive Economic Zone concept as an element of national resource management. India advocated for the sovereign rights of the coastal states to explore and exploit living and non-living natural resources within an area extending 200 nautical miles from the baseline. UNCLOS provides the fundamental legal framework for establishing India's maritime jurisdiction. It offers an organized, rule-based perception of the rights, duties, and privileges of coastal nations. India, a party to UNCLOS since 1982, has strengthened its legal claims over large ocean areas and enabled the establishment of various zones by integrating its provisions into national maritime governance. India's maritime jurisdiction begins with its territorial sea, which is up to 12 nautical miles from the baseline. Like its land territory, it has complete authority over the sea, airspace, seabed, and subsurface.[35] This includes the authority to control fishing, resource exploitation, entry, security, and the application of domestic laws. The contiguous zone, which extends up to 24 nautical miles beyond the territorial waters, is where India retains the power to impose laws that are required to stop or penalize infractions of immigration, customs, fiscal issues, and sanitary regulations within its territorial sea or territory. The EEZ, which stretches up to 200 nautical miles from the baseline, is a region of great strategic and economic significance. India has sovereign rights in this region to explore, develop, conserve, and manage natural resources, both non-renewable and renewable, in the subsurface, seafloor, and surface waters. It establishes jurisdiction over fisheries, offshore energy exploitation, and marine scientific research, provided it does not infringe upon UNCLOS-protected rights of navigation and overflight of other States.

India filed a comprehensive claim with the CLCS in 2009, and since then, it has been working to legally and globally acknowledge its jurisdictional scope.[36] Crucially, India's maritime jurisdiction under UNCLOS encompasses both the exercise of sovereign rights and the fulfillment of international obligations. These include preventing maritime pollution, encouraging marine scientific research, ensuring other countries' freedom of navigation and overflight, and cooperating for the conservation and sustainable use of marine resources.

India has long maintained a clear legal position in addressing regional maritime issues by complying with international law, particularly UNCLOS. India's legal and diplomatic strategy aims to seek cooperation and collaboration in disputed marine areas rather than militarization. The Bay of Bengal maritime boundary arbitration between India and Bangladesh in 2014 is a remarkable example of this. The arbitral tribunal, which was established under UNCLOS Annex VII, rejected India's argument for a single maritime boundary line based only on the equidistance method and instead applied equitable delimitation principles.[37] The tribunal's ruling struck a compromise between legal and geographic factors, upholding the legitimacy of international legal processes and establishing a significant precedent for maritime border disputes in the area. Beyond this particular instance, India acknowledges the comprehensive dispute resolution framework established by UNCLOS, which comprises mandatory processes as specified in Part XV of the Convention, such as submission to the International Court of Justice, ITLOS, or arbitration. However, it is important to note that India did not initially accept compulsory jurisdiction and only participated after the tribunal was constituted under UNCLOS procedures. This reflects a more complex interaction with dispute settlement mechanisms than voluntary compliance alone. This complex interaction highlights a defining feature of New Delhi's maritime diplomacy; unlike an unconstrained global superpower like China, which possesses the material capacity to adopt a "might versus right" posture, India operates as a major regional power whose strategic ambitions rely heavily on institutional legitimacy.[38] By willingly participating in and ultimately abiding by an adverse legal ruling, India signals to smaller littoral states in the Indian Ocean Region that it is a predictable, benign neighbor rather than a coercive hegemon. India prefers a rules-based maritime order that reduces conflict and promotes multilateralism, as seen by its adherence to these legal procedures.[39] Furthermore, India actively engages in regional forums to advance conflict avoidance procedures and confidence-building measures, enhancing marine security and promoting harmonious coexistence in the Indian Ocean region.

4.3 India's Position

India took a similar position to China on innocent passage and EEZ. India ensured that foreign warships give prior notice and get permission before entering the territorial waters of the state. The first United Nations Convention on the Law of the Sea did not recognize this. India chose not to ratify the four Geneva Conventions on the Law of the Sea (UNCLOS I) in the 1960s.[40] Similarly, India attempted to restrict the presence of extra-regional powers in the Indian Ocean Region.[41] Before UNCLOS III, India enacted the Maritime Zones Act, 1976, to reinforce authority over its territorial waters. The act required all foreign warships to give prior notice before entering or transiting through India's territorial waters, even when exercising the right of innocent passage.[42] India emphasized that unrestricted military passage could threaten national security. Accordingly, the Act also stipulated that submarines and other underwater vehicles must navigate on the surface and display their flag while passing through Indian waters.[43] Through this legislation, India highlighted coastal-state sovereignty and security concerns over the broader interpretation of navigational freedoms promoted by major naval powers under international law. The Maritime Zones Act also suggested that India intended to restrict foreign access to parts of its Exclusive Economic Zone (EEZ). This contradicts UNCLOS provisions guaranteeing freedom of navigation in the EEZ. This was mainly due to India's concern that unrestricted foreign military activity in its maritime zones could undermine its security.

Although India signed UNCLOS in 1982, it ratified the Convention only in 1995. India reserved the right to choose specific dispute settlement mechanisms under Articles 287 and 298, thereby limiting compulsory jurisdiction.[44] More significantly, India declared that UNCLOS does not permit foreign states to conduct military exercises or maneuvers in its EEZ or on its continental shelf without the consent of the coastal state.[45] This underlines India's effort to prioritize the security of the coastal state and sovereign control over a broad interpretation of navigational freedoms under international maritime law. For instance, in the Italian Marines case, India asserted criminal jurisdiction over an incident that occurred in the contiguous zone, relying on domestic laws such as the Maritime Zones Act, 1976 and the SUA Act, 2002, despite UNCLOS limiting coastal-state powers in this zone to customs, fiscal, immigration, and sanitary matters.[46] India's position was therefore not immediate acceptance of UNCLOS jurisdiction but a contested legal process that resulted in eventual compliance with the arbitral outcome. Thus, India's approach reflects a selective interpretation of UNCLOS obligations, balancing sovereign authority with participation in the international legal order.

V. India's Need to Uphold UNCLOS as a Strategy

5.1 Freedom of Navigation and Dispute Settlement

As we have discussed in our earlier sections, both India and China were aware of their respective interests when ratifying the convention. Both shared a similar view on the right to innocent passage and limits on the exclusive economic zone. Despite their individual views, both countries ratified the Convention in the hope of achieving the desired international order. Yet, over the years, the stance of both countries and their actions have proven their intentions toward the convention.

For the past two decades, India has been in the global spotlight as a rising maritime power and a strategic partner for the US. From an economic viewpoint, after COVID, the ocean seems to be the most important factor to boost Indian growth. India is attempting in every possible way to build its maritime infrastructure through port development and other projects for national interests and security. When India opened its economy, it became more reliant on global trade and foreign investment. This highlighted the importance of secure safe sea routes (SLOCs).[47] Also, the reason we are discussing China and India's position on the law of the sea is that China, along with Pakistan, has long been a major security concern for India. This goes back to the 1962 border war. India and China have an unresolved border dispute, and China generally has the advantage there because of its stronger military and favorable terrain.[48] China also has a close partnership with Pakistan and has provided it with significant military support, which increases India's security challenges. India is concerned with China expanding its naval and economic links with neighboring countries like Bangladesh, Sri Lanka, Pakistan, and Myanmar. Due to this, India has a strong incentive to support and uphold norms of freedom of navigation, especially the Western interpretation that allows warships to pass through EEZs without coastal-state consent. India seeks to counter China's restrictive maritime claims while protecting its own strategic and commercial interests.[49] While India has historically favored limits on foreign warships in its own EEZ, it now finds strategic value in upholding freedom of navigation as interpreted by UNCLOS. However, the claim that India has formally shifted toward a Western interpretation of Freedom of Navigation must be treated cautiously. India has not amended its domestic maritime laws, particularly the Maritime Zones Act, which continues to reflect coastal-state control over military activities in its EEZ. This reflects a strategic balancing act: though it maintains a cautious, sovereignty-focused approach to its own maritime zones, it supports liberal navigation norms to preserve an open maritime order. This is mainly to counter China's influence and protect vital sea lines of communication. This selective interpretation of UNCLOS highlights how geopolitical competition increasingly shapes India's legal and strategic positions at sea.

It is also important to note India's stance on the dispute settlement mechanism of UNCLOS. India and Bangladesh were involved in a prolonged maritime boundary dispute in the Bay of Bengal. Later, Bangladesh moved the dispute to compulsory dispute settlement under UNCLOS, relying upon the same rules-based legal framework that India had consistently supported in regional maritime governance. Although India initially preferred a negotiated settlement and contested aspects of the delimitation approach, it ultimately participated in the arbitral proceedings once jurisdiction was established under Annex VII of UNCLOS, signaling its commitment to the UNCLOS legal framework.[50] In 2014, the arbitral tribunal ruled in favor of Bangladesh by rejecting India's preference for a strict equidistance-based boundary and instead applying equitable delimitation principles. Instead of challenging the award, India promptly accepted it and publicly portrayed it as a model for peaceful dispute resolution.[51] This outcome demonstrates not unconditional acceptance at the outset, but engagement within a compulsory legal framework once jurisdiction was established. At the same time, the case also shows how smaller regional states such as Bangladesh could strategically invoke UNCLOS mechanisms and India's own commitment to a rules-based order to constrain stronger regional powers through compulsory legal processes.[52]

Similarly, in the Enrica Lexie (Italian Marines) case, India strongly resisted international arbitration and sought to establish jurisdiction primarily through domestic legislation, including the Maritime Zones Act and the SUA Act. India contested the jurisdiction of the Annex VII arbitral tribunal and argued that the dispute fell within its sovereign criminal jurisdiction.[53] However, after the arbitration process proceeded under UNCLOS, India ultimately complied with the binding award and accepted the Tribunal's allocation of jurisdictional authority. India's conduct in the Enrica Lexie case, therefore, reflects not voluntary submission to arbitration at the outset, but selective and reluctant participation within a compulsory dispute settlement framework when national sovereignty and enforcement jurisdiction were implicated. By complying with the adverse ruling despite jurisdictional objections, India reinforced its image as a responsible maritime power that upholds international law. India's acceptance of the verdict highlighted its support for rules-based dispute settlement under UNCLOS, contrasting with China's opposition to compulsory arbitration and strengthening India's normative position in regional maritime governance.

5.2 Maritime Governance and Security

India's growing reliance on port development and maritime infrastructure projects must be understood within the broader framework of Indo-Pacific maritime governance, shaped by UNCLOS. While such projects are primarily focused on strategic and economic importance, they also carry governance significance in maintaining stable maritime connectivity and preserving a rules-based maritime order.[54] India's emphasis on port-led development further aligns with broader maritime policies such as SAGAR (Security and Growth for All in the Region), the Sagarmala Program, and Maritime India Vision 2030, which promote port modernization, coastal economic development, maritime logistics integration, and regional maritime connectivity.[55] The effectiveness of UNCLOS largely depends on state practice, secure sea lanes, regional stability, and the continued acceptance of navigational freedoms by maritime powers. Formally, UNCLOS promotes a balance between freedom of navigation and coastal-state rights, particularly in the EEZ. However, differing interpretations of the provisions have increasingly politicized this balance.

China has adopted an expansive interpretation of UNCLOS, asserting coastal-state control over foreign military activities in the EEZ and rejecting compulsory dispute settlement when it constrains its claims, as demonstrated by its refusal to comply with the 2016 South China Sea arbitral award. At the same time, through the Belt and Road Initiative, China has developed a network of ports across the Indian Ocean Region that, while framed as commercial, carry latent strategic and military utility.[56] This combination of legal assertiveness and infrastructural expansion has raised concerns about maritime influence and the potential erosion of an open maritime order.

In this regard, rather than serving as a direct means of enforcing UNCLOS, India's maritime infrastructure projects represent a strategic reaction to shifting regional security and connectivity dynamics.[57] India's investments in ports and connectivity initiatives aim to prevent the concentration of strategic control over vital sea routes, diversify logistic networks, and preserve maritime access. These measures indirectly ensure the operational environment that allows the principles of freedom of navigation and lawful maritime commerce to operate successfully by promoting maritime stability and continued access to international shipping routes. At the same time, India's port-led strategy also reflects broader domestic priorities concerning coastal development, trade facilitation, and maritime economic growth within the Indo-Pacific region.

This strategic competition is particularly visible in several port pairings across the Indo-Pacific. In Myanmar, India's development of the Sittwe Port under the Kaladan Multi-Modal Transit Transport Project exists alongside China's Kyaukphyu Port project connected to the BRI, reflecting competing approaches to maritime connectivity in the Bay of Bengal.[58] In Sri Lanka, India's strategic engagement with Colombo has evolved in parallel with China's development and long-term lease of Hambantota Port, which has generated concerns regarding long-term strategic dependence and Chinese maritime presence in the Indian Ocean.[59] Likewise, China's investment in Gwadar Port in Pakistan under the China-Pakistan Economic Corridor has been strategically counterbalanced by India's involvement in Chabahar Port in Iran and its expanding logistic access to Duqm Port in Oman.[60] These competing infrastructure networks demonstrate how maritime connectivity and logistic positioning have become central instruments of Indo-Pacific maritime governance. These projects enhance trade and development but also secure logistic access, regional influence, and operational flexibility, allowing India to act as a net security provider without overt militarization.[61]

In this respect, India's strategy reflects an evolving alignment with broader Indo-Pacific support for freedom of navigation and an open maritime order. Although India has historically favored stronger coastal-state control, as reflected in its Maritime Zones Act and restrictions concerning military activities within the EEZ, it has increasingly adopted a pragmatic position that supports navigational freedoms and regional maritime stability in response to China's restrictive maritime practices. India's strategy seeks to preserve the core principles of the convention while adapting to the realities of maritime competition in the Indo-Pacific.

VI. Conclusion

India's stance with the United Nations Convention on the Law of the Sea reflects neither outright legal revisionism nor unconditional compliance. It rather reflects a strategic and context-dependent interpretation shaped by security concerns and regional power shifts. While India has historically favored an expansive understanding of coastal-state authority, evident in its Maritime Zones Act, and it has simultaneously demonstrated upheld UNCLOS dispute settlement mechanisms when they reinforce a rules-based maritime order. China's restrictive interpretation of navigational freedoms, rejection of compulsory arbitration in the South China Sea, and expansive port diplomacy under the Belt and Road Initiative have intensified concerns about the erasure of UNCLOS norms and the militarization of maritime spaces. In response, India has recalibrated its strategy by aligning more closely with freedom of navigation principles beyond its waters, while simultaneously strengthening its maritime security through port development and infrastructure partnerships across the Indian Ocean Region. The evolution of UNCLOS institutions, particularly the expanding advisory role of ITLOS through subsequent state practice, further emphasizes that the law of the sea is increasingly shaped not only by institutional interpretation but also geopolitical acceptance. India's maritime policy thus reflects a selective but legally embedded engagement with UNCLOS, balancing normative commitment with strategic necessity to deal with security challenges and growing competition in the Indo-Pacific.

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Less Is More? China's Escalation Management in the South China Sea

Jun J. Nohara

Structured Abstract

Article Type: Research Paper

Purpose—I discuss Beijing's restrained use of its navy in the South China Sea and the growing use of other paramilitary maritime organizations. I address how China employs gray zone tactics, which are carried out below the threshold of war. These differ from hybrid warfare tactics, which can be used in interstate conflicts. I argue that, depending on its objectives, China manages escalation by adjusting the organizational level of its response upward or downward.

Design/Method/Approach—A first section reviews the mechanisms of escalation. It also looks at the various organizational levels at China's disposal. Based on this, I assess whether China's behavior in the South China Sea corresponds to patterns of escalation in a second section. A third section explains the theoretical underpinnings of China's escalation management strategy.

Findings—I find that China's escalation management strategy consists in moving up and down levels on the organizational ladder. By doing so, China reduces the risks of conflict and avoids reputational damages but retains a power advantage over other claimants.

Originality/Value—Unlike previous research which tends to focus on escalation mechanisms from the perspective of military conflicts and risks of nuclear war, I explore the lower end of the broad spectrum of coercive diplomacy and deterrence—the civilian and paramilitary levels. Unlike much of the existing literature on gray zone tactics, I show that these can be comprehensively integrated into escalation theories, which offer a better understanding of the causes and consequences of this type of conflict.

Implications—Under certain conditions, China will keep refraining from using its navy in the South China Sea disputes while continuing this escalation management strategy to gain the upper hand, frustrate the US, and reduce the risks of conflict. Whether this strategy will prove successful is still uncertain.

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South China Sea, territorial disputes

I. Introduction

The year 2024 marked the 50-year anniversary of the Battle for the Paracel Islands. This one-day conflict saw the People's Liberation Army Navy (PLAN) and the Republic of Vietnam Navy (RVNN) battle it out for the control of this archipelago located in the South China Sea, the ownership of which had increasingly become a sharp point of contention between the People's Republic of China (PRC, or China) and the Republic of Vietnam.[1] Seventy-five Vietnamese sailors lost their lives, leaving the Paracel Islands firmly in the hands of Beijing. This engagement marked the transition from the exchange of mostly verbal expressions of discontent and menace to violent actions—an important threshold in conflict escalation.

Since then, Beijing has also massively invested in the modernization of its navy. In the minds of Chinese leaders, the South China Sea issue directly pertained to the navy's missions. Following the Battle of the Paracels, during a CMC meeting held on June 12, 1974, Deng Xiaoping stated that "the fortification of Xisha [the Paracels], the regaining of Nansha [the Spratlys], and the liberation of Taiwan were important issues, and were all related to naval construction."[2] And on the eve of another deadly clash with Vietnam in 1988 clash, then navy commander Liu Huaqing reasserted that the defense of the Spratlys was "mainly the mission of the navy."[3] The last four decades of naval modernization were fueled by Beijing's desire to challenge the assertions of other claimants over the South China Sea. By 1988, the PLAN already felt like its naval forces comfortably surpassed those of the other claimants, both in quality and quantity. The unresolved issue remained distance, which created important problems in logistics and air defense. Because China's own air forces were "short legged," enemy aircrafts—and quite explicitly, those of Vietnam—represented a great threat to any Chinese operations in the area.[4] Thirty years later, China has now remedied the situation, and its Southern Theater Command Navy—formerly known as the South Sea Fleet—includes the aircraft carrier *Shandong*.

In sum, China's naval modernization considerably widened the power gap with the other claimants in the South China Sea dispute. Yet, Chinese leaders have refrained from using the decisive power advantage of the PLAN to resolve the dispute in their favor. Concomitantly, no other subsequent clash has claimed so many lives as the battles of 1974 and 1988. China has continued to apply strong coercive measures against other claimants but has also avoided using military force in the same order of magnitude.[5] This may seem paradoxical. The two battles mentioned above represent the two greatest successes of Beijing in the South China Sea—the complete control of the Paracels and establishing a solid foothold in the Spratlys. Since then, Beijing has been unable to make advances to the same extent.

Then, why has China shifted its strategy toward the South China Sea territorial dispute? What factors motivated China's decision, and how did Beijing implement such change? Previous research suggests that the reasons for this are multifactorial. Deterrence may have become more efficient than in the past as the involved parties reconsider the risks of acting rashly in a context of "naval arms race" in Southeast Asia, land reclamation projects, and the militarization of occupied maritime features.[6] It is also possible that each party perceives that its relative bargaining power has increased—or at the very least, remained stable—lessening motivations to solve disputes through the use of force before it is too late.[7] It could also be that China's need to establish a reputation for resolve is low, or that the mediatization of the territorial disputes in the South China Sea has increased the costs of establishing such a reputation.[8] On a similar note, observers have noted that there has been periods when claimants, including China, signaled their willingness to rein in on assertive actions and sit down at the negotiation table. The reasons given for China's restrain range from alleviating the concerns of neighbors regarding China's power and its intention in the region, to the implementation of mutually beneficial economic cooperation—whether in the South China Sea or elsewhere.[9]

This article argues that another important reason explaining this change is that China has refined the way it approaches escalation, to minimize the risks and maximize the chances of gains. US observers are well aware of this strategy and have called it "maritime gray zone operations."[10] Although no consensus on the definition of gray zone operations currently exists, these are generally understood to be operations of coercion that remain below a certain threshold of violence and aggression.[11] They are usually—but not exclusively—undertaken by unconventional forces, including civilian agencies, non-state actors, etc. In the case of the maritime domain, gray zone operations see the use of civilian maritime organizations such as coast guards. Even private individual actors such as fishermen can be overtly or covertly mobilized by the state to achieve its intended goals. As a result, what distinguishes gray zone operations from hybrid warfare has less to do with the tools and the tactics involved and more with the fact that the former remains under the threshold of war.[12]

While most studies have accurately determined that China's maritime gray zone operations in the South China Sea have created difficult challenges to the US in terms of coercion and deterrence, they often fail to see that China's strategy is best interpreted through the more comprehensive lens of escalation theories. In addition, controlling escalation is often (mis)understood as the ability to control an upward trend toward more violence, usually with the intent of avoiding a similar response from the opponent. In fact, controlling escalation can also revolve around a state's ability to diminish the level of violence while continuing to inflict costs (or threatening to do so) on the adversary in a more efficient way. This relies on certain mechanisms found in escalation theories that are usually omitted from studies on China's maritime gray zone operations.

In this paper, I discuss the paradox of Beijing's shifting restraint in its use of the PLAN in the South China Sea from the viewpoint of escalation management strategy. In order to calibrate the use of escalation theories on China's strategy in the South China Sea territorial disputes, I argue that, depending on its objectives, China manages escalation *on the ground* both horizontally and vertically. By horizontal escalation, I refer to China's ability to increase or decrease the geographical scope of its gray zone operations in the South China Sea. Vertical escalation does not perfectly correspond with the degree of violence used but rather with how China adjusts the organizational level of its response, which may go upward or downward.[13] China currently has access to three organizational levels, each coming with their own specific characteristics. At the top is the military level, represented by the PLAN. The second level consists of the China Coast Guard (CCG). The maritime militia represents the third level. This escalation management strategy has enabled China to keep a power advantage compared to its adversaries without risking serious reputation costs. Equally importantly, it has enabled China to frustrate the US by lessening the risks of triggering mechanisms that would drag the US Navy into a possible conflict. This frustration, which is often expressed quite literally in US studies on the subject, not only stems from the fact that China has shifted from conventional military confrontation to gray zone operations as its preferred strategy to resolve territorial conflicts in the South China Sea, but that the power gap at the gray zone level between China and other claimants continues to widen.[14] A first section will briefly review the basic mechanisms of escalation. Based on this, I will then try to assess whether China's behavior in the South China Sea corresponds to patterns of escalation in a second section. A third and final section will explain the theoretical underpinnings of China's escalation management strategy and review the logic behind the adequation between the means and the ends.

II. Escalation

International relations are a phenomenon of constant negotiations in which states can only attempt to communicate imperfectly their intentions. As such, it not infrequent for states to find themselves at odds with one another, having failed to find mutually acceptable compromises on issues that require consensus or seeing their respective interests or values as exceedingly divergent.[15] Not every conflicting situation escalates, however. Under certain conditions, conflicts can be mitigated or resolved.[16] However, when the stakes are thought to be too high to retract and leaders fear incurring domestic audience costs, then the protagonists may seek to force the resolution of the dispute in their favor by means of escalation.

Escalation is commonly understood as a dynamic reconfiguration of conflicting relations in which a party will increase—deliberately or otherwise—or threaten to increase the scale or the intensity of a dispute. By raising the cost of remaining involved in the dispute, the underlying hope of the escalating state is that their interlocutor will yield and not respond in kind—by counter-escalating.[17] In doing so, actors take tactical steps that will engage them in a game of competitive risk taking, that has long implied the involvement of increasingly punitive means.[18] Those escalatory steps can go in several directions. Horizontal escalation relates to the geographical scope of a dispute. Conflicts can spread to areas that, intentionally or not, were previously left out from the theater of operations.[19] As to vertical escalation, it refers to the introduction of weapons that are more and more destructive.[20]

In the context of the Cold War and the balance of terror, both dimensions of escalation became particularly salient. Leaders often dreaded the perspective of proxy wars spilling over borders, drawing in new belligerents at the risk of involving major powers.[21] Nuclear weapons offered a new threshold to escalation, affecting the strategies of states.[22] This spiraling dynamic of escalation explains why past studies have had the tendency to look at the conditions under which escalation would lead to war—or from conventional wars to nuclear ones. But as Carlson suggests, how these conditions "interact at levels short of war to affect a state's choice over escalation strategies remains unclear."[23] The logic of escalation aptly describes the coercive negotiation strategies that states can employ to resolve their disputes without resorting to war.

III. China and Patterns of Escalation in the South China Sea

The contemporary territorial issue in the South China Sea has spanned over a period of sixty years or so, and it can be broken down into several bilateral or multilateral disputes over the ownership of groups of maritime features (e.g., part or total ownership of the Spratly Islands, part or total ownership of the Paracel Islands), and the sovereignty of maritime space (i.e., "the nine-dash line"). Including the PRC, a total of seven claimants directly partake in these territorial disputes, although alliance mechanisms and national interests have drawn other stakeholders, such as the United States.

Over these past sixty years, incidents have occurred intermittently between the various parties, in various corners of the South China Sea. Considering this, there are great merits in approaching each incident as separate episodes of escalation and de-escalation. In contrast, viewing the South China Sea dispute as one single continuum leaves many blind spots, but it also has the benefit of revealing general trends in China's behavior. This is especially important when attempting to assess whether the South China Sea disputes have escalated, how they have escalated, and what is the role of China in this escalation or de-escalation.

3.1 Horizontal Escalation

The pace of changes in the geographical scope of the territorial dispute in the South China Sea varies depending on what is considered to have escalated. Territorial claims expanded far more rapidly than the scope of operations on the ground. Right after World War II and the successive withdrawal of two former colonial powers (i.e., Japan and France) from the area, the Republic of China (ROC) presented its eleven-dash line and actively asserted its sovereignty over the Paracel and the Spratly Islands. The PRC endorsed the ROC's claims in the 1950s but removed two dashes in the vicinity of the Gulf of Tonkin.[24] These claims were opposed from the start by the Republic of Vietnam. The scope of the territorial dispute expanded further in the latter half of the 1970s, as the Philippines and Malaysia began to claim sovereignty over parts of the Spratly Islands.

On the ground, however, material and technical constraints limited the escalation. Driven back from Hainan Island in 1950, the ROC abandoned its positions in the Paracels, only retaining Itu Aba (Taiping Island) and nominal control over nearby Zhongzhou Reef in the Spratlys. The conflict between the PRC and the RVN was initially circumscribed to the more accessible Paracel Islands, located at around 300 kilometers from Hainan Island and 370 kilometers away from Da Nang. In the 1950s, China occupied the Amphitrite Group, including Woody Island, whereas Vietnam consolidated its position on the Crescent Group. Following the Battle of the Paracels in 1974, the geographical scope of China's operations escalated incrementally. China's horizontal escalation can be described in five successive stages.[25] The first stage consisted of the occupation of the Amphitrite Group. In the second stage, Beijing evicted Vietnam and asserted control over the entire Paracel Islands. In the second half of the 1980s, China's scope of operations expanded southward and entered the third stage. In 1988, the PLAN once more confronted Vietnam, but this time in the Spratly Islands, located more than 1,000 kilometers away from Hainan Island. As a result, China managed to occupy six features but failed to dislodge Vietnam completely. In stage four, China's behavior departs from its previous pattern. Beijing begins to show restraint toward Vietnam but turns to the Philippines, confronting Manila in 1995 and 1996 over Mischief Reef, located further east in the South China Sea. After a period of stagnation, China's horizontal escalation entered its fifth stage. In 2012, Beijing doubled down in the eastern part of the South China Sea, with the effective occupation of Scarborough Shoal, again to the detriment of the Philippines. Two years later, China began pressuring Manila on the Second Thomas Shoal. China's operations now encompass the entire South China Sea, as Chinese fishing boats accompanied by China Coast Guard vessels pushed further southward and were found operating off the Natuna Islands, part of Indonesia.

Table 1. China's Horizontal Escalation in the South China Sea

Year	*Stages*	*Escalation*
1950s	Stage 1	Occupation of Amphitrite Group (Paracel Islands)
1974	Stage 2	Occupation of Paracel Islands
1988	Stage 3	Partial occupation of Spratlys
1995	Stage 4	Mischief Reef
2012–	Stage 5	Second Thomas Shoal; Scarborough Shoal; Sabina Shoal

Although it occurred in stages, over a long period of time, and with episodes of de-escalation, from the standpoint of China's operations, the pattern of horizontal escalation in the South China Sea dispute is unmistakable. The scope of Chinese operations has incrementally expanded to match its territorial claims, although the actual geographical focus of China within the South China Sea varies. Mainly focused against Vietnam in the Paracels and the Spratly in the 1970s and 1980s, China has also turned to the Philippines from the 1990s, further to the east of the South China Sea. Additionally, this horizontal escalation resulted in an increase in the number of participants to the disputes. Despite claims to the contrary, it was Beijing that upped the ante more often than not. But the trends of this horizontal escalation do not illustrate China's restraint, nor do they explain why clashes have become less deadly. If anything, the expanding scope of theaters of operations and the increasing number of claimants augment the risks of accidents. As a result, it does not particularly show how China has adapted its escalation strategy to better manage this dispute and rather signals China's unyielding attitude toward its maximalist objectives.

3.2 Vertical Escalation

Whereas horizontal escalation of territorial disputes in the South China Sea is clearly established, patterns of vertical escalations are more complex and less discernible. China ostensibly employed the use of deadly force (i.e., with the intent to kill) on two occasions—the Battle of the Paracels in 1974, and the Johnson South Reef Skirmish in 1988. Both times, PLAN warships clashed with Vietnamese vessels.[26]

The escalation process that led to these two incidents differs significantly. While the clash in 1974 appears to have resulted from a relatively uncontrolled escalation from the perspective of China, this was not the case in 1988. In the case of the battle of 1974, tensions had been mounting between the two countries prior to the events. In October 1973, Chinese fishing trawlers approached the Crescent Group, which was controlled by Vietnam, planting flags and establishing a logistics team on Duncan Island. In retaliation, RVNN vessels began to harass Chinese fishermen the following month. Undeterred, Chinese fishing boats continued to operate in the area and on January 10, 1974, the crews of two trawlers set foot on Robert Island and built a seafood processing plant. Within a week, the RVNN responded by dispatching a destroyer, two frigates, and a minesweeper. One of the Chinese fishing trawlers was rammed and damaged by a RVNN vessel. Available Chinese sources suggest that China reacted in the spur of the moment, with little to no preparation. Of note, the Chinese commanders were specifically asked "not to stir trouble" and "not to fire the first shot." Unable to dislodge the maritime militia that had been disembarked by reinforcing Chinese vessels, the RVNN shot the first salvo against PLAN ships, initiating combat.[27]

The pattern of escalation shows destabilizing provocations from both sides—not least Saigon's physical occupation of six maritime features in the Spratlys the year before, and the subsequent presence of Chinese fishermen near the Crescent Group. Four key decisions propelled the two actors into a spiraling escalation of violence and irreversibly upset the already weakened status quo established since the 1950s: Saigon's decision to escalate the dispute with the dispatch of RVNN warships who were authorized to use some degree of violence (i.e., the destruction of Chinese facilities, the ramming of civilian ships); China's decision to counter-escalate with the intervention of PLAN vessels; the unsuccessful attempt by Vietnamese commandos to dislodge Chinese maritime militia stationed on the islands, which resulted in the death of one Vietnamese soldier; and finally, the RVNN's decision to fire at the PLAN. Through the course of the events, both protagonists poured in increasingly deadlier means. Vietnam's decision to escalate with the dispatch of its navy and firing the first shot was perhaps fueled by Vietnam's confidence in its naval superiority. The *HQ-4* deployed by Vietnam was a 1,500-ton destroyer and was supported by two frigates. Against this, the Chinese navy could only dispatch much lighter submarine chasers and corvettes.[28] Having no coast guards at that time, Vietnam and China also lacked other alternatives.

The South Johnson Reef Skirmish of 1988 presents a different pattern of escalation, which suggests that Beijing was more confident in its ability to control the pace of escalation, take risks, and endure the costs. China had conducted a series of extensive aerial and maritime surveys, notably in 1983 and 1984. In May 1983, the PLAN also organized a small naval expedition under the command of the navy's deputy chief of staff Zhang Xusan. Composed of a supply ship and a transport ship, the task force sailed to James Shoal. Unlike 1974, increased naval activity around the Spratlys suggests that the PLAN had come prepared. This time however, Saigon offered no *casus belli*, and Beijing had to wait for more propitious conditions.

The opportunity was offered to China on a silver platter at the 14th annual conference of the UNESCO's intergovernmental oceanographic commission in March 1987.

The commission mandated China to build five stations for oceanic survey, one of them to be located in the Spratly Islands.[29] After further inspection, the navy and the State Oceanic Administration (SOA) chose Fiery Cross Reef to host the station. The State Council and CMC approved the plan in November 1987. The navy and the SOA were responsible for the construction work, with the assistance of the Ministry of Communications.[30] Tensions between China and Vietnam immediately flared up. Vietnam protested, and dispatched RVNN transport ships and troops to monitor Chinese activity. On the ground, the promiscuous presence of the RVVN and the PLAN led to episodes of tensions and mutual harassment, while diplomats and politicians lodged protests after protests.

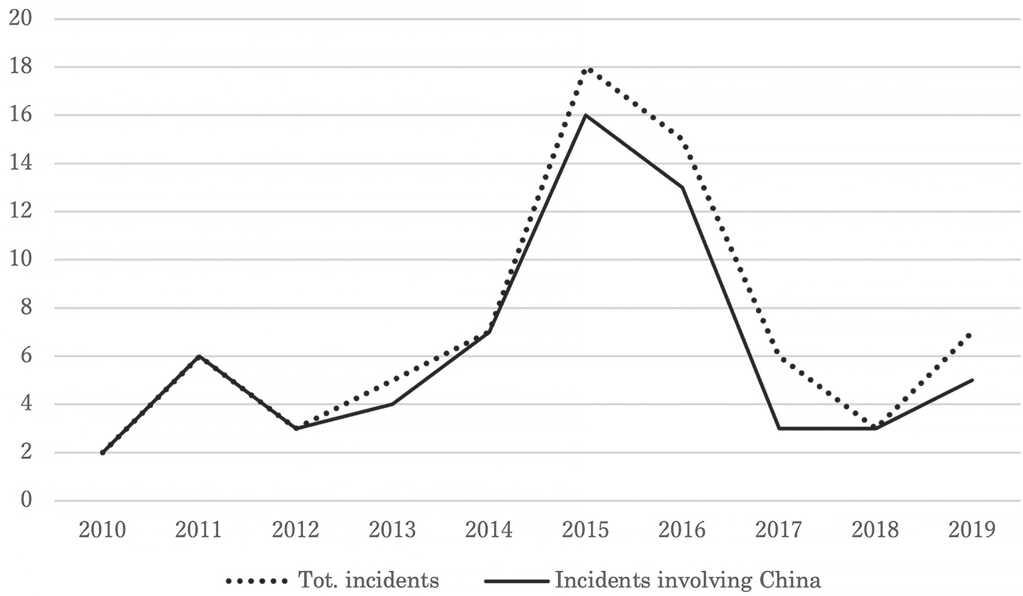
On March 14, 1988, fourteen years after their last showdown in the Paracels, Chinese and Vietnamese troops clashed once more in the South China Sea. Vietnamese and Chinese accounts differ on who fired the first shot, and each party reject the responsibility onto the other, but the result was unequivocal. The PLAN drove Vietnamese forces off the Johnson South Reef, inflicting dozens of casualties and taking very few in return.[31] In the aftermath of the battle, China moved in and occupied six other features in the vicinity.[32] Tensions remained high throughout the following years. Defeat acted as a wakeup call in Hanoi. Vietnam rushed to occupy some of the remaining features in the Spratlys and allegedly made plans to retake the lost territory by the end of 1988. China and its navy also remained on a war footing, deploying more warships, consolidating military facilities in the Paracels, creating a new Spratly Front Line Headquarters in 1989, and conducting multiple exercises and patrols in the area. China reportedly prepared to act against Vietnam in the Spratlys late 1989.[33] Yet war never came.

When observing the escalation process, the battle of 1988 differs from 1974 in one significant aspect—unlike 1974, civilian involvement on both sides was reduced to the minimum (i.e., the SOA and the establishment of a weather station). No fishing trawlers or maritime militias contributed to the escalation, and both sides fielded navy vessels and military troops from the get-go. Compared to 1974, the first rung of the escalation ladder was already high. In fact, while the degree of violence escalated quickly, there were no vertical escalation to speak of prior to the bloodshed, at least on the Chinese side. Reinforcements were brought in, but only after the clash. Since doubts remain as to who shot first, it is difficult to ascertain whether the PLAN commander on the ground operated under looser rules of engagement than those of 1974. Nonetheless, the entire process suggests that China was better prepared, more determined, and more confident in its ability to control the escalation process.

In both instances, the outcome of vertical escalation and the deadly use of force proved to be undeniably successful for China. Yet, the skirmish of 1988 was the last time that China—and its opponents—let an incident escalate up to this threshold.[34] When China erected some settlements on Mischief Reef and stationed some naval vessels in December 1995, encroaching on the Philippines' claimed sovereignty, Manila chose not to escalate and decided to yield. The frequency of incidents markedly increased in the 2010s, with some leading to serious confrontations. For instance, in 2014, Vietnam and China violently clashed again, when China moved an oil platform near the Paracel Islands. Over 150 ships were engaged in a standoff that involved the use of water cannons, ramming, and other provocative actions. Despite this show of force, both sides exerted some restraint. Although six

Vietnamese were reportedly injured and one Vietnamese fishing boat sunk, there were no further casualties.

Thus, since the 1970s, the geographical scope of China's operations have widened considerably, now encompassing the entire South China Sea. In parallel, the frequency of incidents has surged, especially since the 2010s. In this sense, there has been a clear escalation pattern. On the other hand, claimants, including China, have learned to keep these incidents under the threshold of deadly violence. Concomitantly, the various parties now refrain from directly involving military organizations and heavily armed vessels.



Graph 1. Number of Maritime Law Enforcement Incidents in the South China Sea, 2010–2019 (*https://chinapower.csis.org/maritime-forces-destabilizing-asia/*). *Note: prolonged standoffs are counted as one single incident.*

The dynamics of Sino-Vietnamese relations illustrates this trend. Following the normalization of their diplomatic relations in 1991, China and Vietnam made a bilateral pledge not to use force. As Chinese navy commander Liu Huaqing remarked, "the attitude of the Vietnamese authorities has clearly softened" in the 1990s.[35] China also toned down its warmongering, perhaps because fiscal austerity had curtailed the funds necessary for further action in the Spratlys, or because the recent crackdown at Tiananmen Square in June 1989 had provoked an international outcry and threatened to isolate China.[36] Often decried as ineffective, the agreement reached between ASEAN and China over a Code of Conduct in 2002 repeated this pledge of no use of force.[37]

In addition, both China and Vietnam scaled down the organizational level of their response. Since the involvement of armed naval warships were thought to have contributed to the escalation of violence, but regular police forces seemed incapable of responding to the needs on the ground, the two countries reinforced their maritime law enforcement apparatus. China established new agencies or reformed existing ones, such as the China Maritime Safety Administration (1998), the China Marine Surveillance (1998), or the Fisheries Law Enforcement Command (2000).[38] In Vietnam, the Vietnam Coast Guard was also created in 1998, taking over some of the duties that had been performed by the navy until now.

Observers of the South China Sea disputes have long noted the involvement of various organization levels. For instance, the presence of fishermen and maritime militias in disputed areas often served to physically assert the sovereignty of their respective country and sometimes acted as trip wires. But as shown in the battle of 1974, once incidents escalated, there were no intermediary organizational level on which to rely, and responses often jumped straight to the dispatch of naval warships. Since the first decade of the 2000s, there has been a systematic change in this escalation pattern. Except in specific cases mentioned below, naval vessels are kept from being present, or at least, directly involved during incidents. In exchange, maritime law enforcement agencies have become ubiquitous. For instance, in 2009, two Chinese vessels from the Fisheries Bureau and the SOA were involved in an incident with the USNS *Impeccable*. During a confrontation between the Philippine navy and Chinese fishermen in the Scarborough Shoal in 2012, two cutters from the China Marine Surveillance intervened to protect the fishermen.[39] As China lessened the involvement of its navy, it also sought to enhance coordination between its various civilian agencies. In 2013, Beijing operated a radical change and regrouped most of them within the newly minted China Coast Guard, an organization initiated placed under the umbrella of the civilian State Oceanic Administration.[40]

Would these changes qualify as a form of de-escalation? On paper, it would appear so, at least when strictly considering vertical escalation. Whereas destroyers, frigates, or submarine chasers were involved in the incidents of 1974 and 1988, the maritime law enforcement and maritime militia vessels that take part in more recent confrontations are usually unarmed.[41] In the case of China, this assertion needs to be nuanced, however. While China agreed to move down a level or two on the organizational scale, three observations suggest that at each considered organizational level, there has been a creeping escalation of means. In the early 2000s, vessels belonging to Chinese maritime agencies—usually from the Fisheries Bureau and the CMS—that were dispatched during incident were unarmed or only lightly armed. Other more threatening organizations such as the China Maritime Police (CMP) were purportedly kept at bay.[42] When China's maritime agencies were regrouped into the CCG in 2013, the controversial CMP was also incorporated, militarizing a little further the status of the new organization. This militarization also applied to ships. CMP cutters—characterized as military vessels, unlike CMS or Fisheries civilian vessels—became an integral part of the equipment used by the CCG.[43]

Additionally, while China kept using the CCG for maritime law enforcement missions, newly commissioned cutters became heavier and more dangerous. In the first decade of the 2000s, the PLAN took the habit of decommissioning aging warships and transferring them to maritime law enforcement agencies. As of 2024, three 2,250-ton Jiangwei class frigates still served in the CCG. In 2015 and 2017, the CCG also commissioned two Zhaotou class megacutters, each displacing over 10,000 tons, which breaks the record for the largest class of coast guard vessel. Analysts have also noted that more recent patrol boats, such as the CMSA *Hai Xun 09*, commissioned in 2020, were specifically designed to ram other ships.[44]

Last, the CCG has also been accused of using increasingly dangerous methods during confrontations. An Asia Maritime Transparency Initiative brief reviewing the recent developments around the Second Thomas Shoal characterized these as "shifts in tactics by Chinese coast guard and militia in 2024 [that] have led to more damage being sustained by Philippine vessels, more injuries to Philippine personnel, and a higher risk of escalation." During an incident that occurred on June 17, the CCG, supported by the PLAN and maritime militia "surrounded, rammed, and boarded a Philippine Navy inflatable boat, using knives and axes to damage the vessel and destroy equipment," which came dangerously close to "qualifying as an armed attack on a Philippine public vessel that would trigger U.S. commitments under the treaty's Article IV."[45] Earlier this year, CCG vessels repeatedly made dangerous use of their water cannons, damaging Philippine ships.

China scaled down the organizational scope of its response and refrained from using PLAN warships in maritime law enforcement incidents. In addition, the CCG continues to withhold on the use of firearms. On the other hand, the CCG's *modus operandi* consistently flirts with the threshold for the use of force. Larger CCG patrol boats give China a brute force advantage—without resorting to weapons—that China tries to leverage against its smaller opponents. In sum, China de-escalated its organizational response but continues to escalate within this adjusted level.

IV. Theoretical Underpinnings of China's Escalation Management Strategy

Thus, China has horizontally escalated the South China Sea dispute and appears to have deescalated its organizational response. Nonetheless, the PLAN remains an option at all times, and in fact, is still used for very specific purposes that will be discussed below. Additionally, while China has lowered its level of organizational response, it seems to escalate the methods and the means it uses at this organizational level. While this has enabled China to reduce the risks of conflict, it appears that the pace of its successes on the ground has considerably slowed down. This section will attempt to examine the reasons why China may have decided to adopt this escalation management strategy.

4.1 Paramilitary Coercion and Negotiation Tactics

The advantages of this shift in China's escalation strategy in the South China Sea dispute is as follows. First and foremost, China's escalation management strategy seeks to limit the choices of the opposing parties and to transfer the responsibility of organizational escalation onto them. In terms of raw power, China now has an absolute advantage at every organizational level. As a result, by agreeing to de-escalate on the organizational level, the trade-off for China is minimal, while at the same time China appears as restraining itself.

Concretely, this means that the state carrying out an organizational de-escalation substitutes its conventional military power with paramilitary power. In the case of China and the South China Sea, China long employed its navy in the South China Sea before replacing it with various government maritime agencies, now regrouped in the CCG. It is now becoming increasingly clear that these government agencies have been supplemented by maritime militias.[46]

This paramilitary power needs to be capable of achieving its objectives. The CCG and the maritime militias have at least been successful in asserting China's presence in contested areas more or less continuously.[47] The opposing state is then faced with a dilemma. If it does have equivalent means, such as Vietnam's own coast guard agency and maritime militia, it can try to oppose this challenge at the same organizational level.[48] If it does not have equivalent paramilitary means at its disposal, it must confront these gray zone forces with its own naval forces. This situation is especially frustrating for the United States, because it finds itself in the position of having to challenge China's assertions in a way that could be described as disproportionate. Sending naval ships to challenge China's claims in the South China Sea and the presence of its coast guard vessels and maritime militia presents clear risks. It forces the US to endorse at least a part of the responsibility in case of accidents and uncontrolled escalation.

This issue has been well understood by some American commentators. First, the US strategy in the South China Sea has not really paid off. With Freedom of Navigation Operations (FONOP) having failed to have the desired effect to deter China from consolidating its positions in the South China Sea, the US seems to have run out of ideas.[49] Second, it is interesting to note that some American observers advocated sending coastguards to the South China Sea, far from its commonly accepted jurisdiction. Although not directly involved in the disputes, the US Coast Guards are now conducting joint drills with friendly countries in the area.[50] Similarly, others were quick to point out that such a measure would not guarantee a reduction in the risk of that a conflict would take place.[51] In this way, when managing US challenges, China has relinquished to some extent the responsibility for escalating tensions, while retaining control of the initiative at the tactical level.

As previously explained, China's coast guards and maritime militias have been able to score some success, progressing in small steps and presenting the other states with *fait accompli*, a tactic often referred to as "salami slicing."[52] The "little men in blue" continue to advance with three objectives: occupation, exploitation, and access obstruction.[53] The US finds itself reflecting on a new balance of costs and benefits. The benefits of using conventional force may temporarily stop China's progression, but they appear extremely small when compared to the risks of a war with China. This would explain why the US has so far preferred the status quo and tries to explore different options to address this challenge.

4.2 Reputation Costs and Proportionality, Audience Costs and Tied Hands

There is perhaps a second dimension that could explain China's choice of its escalation management strategy. Gradually, information warfare and the use of media has become central in the South China Sea dispute, especially when considered from the viewpoint of China and the US. Both have to carefully consider the reputation costs—escalating to show resolve at the risk of appearing inappropriately belligerent or de-escalating to appear reasonable at the cost of signaling a lack of resolve—as well as the audience costs. Audience costs are defined as "the penalty a leader incurs from his or her constituency if they escalate a foreign policy crisis and are then seen as backing down."[54]

For China, deescalating on the organization ladder could mitigate the risk of appearing too belligerent while not sacrificing its reputation for resolve. This naturally has important repercussions. The use of brute force could secure China's control over the claimed maritime territories but also provoke international outcry, economic sanctions, and push other claimants further toward the US. This is especially the case for Vietnam. Hanoi has initiated a rapprochement with Washington, and it is likely that China does not want to push Vietnam further into the arms of the US. Here too, the US is faced with a dilemma. It cannot bow out without incurring reputation costs for showing a lack of resolve. At the same time, it cannot move down the organizational ladder.

Beyond its reputation for resolve, China's strategy could also mitigate possible damage to its reputation as a responsible stakeholder and a law-abiding actor of the international community. Moving down the escalation ladder enables China to maximize the effects of lawfare by toying with the limits set by international treaties. The use of maritime agencies in law enforcement missions helps promote two messages: that China's operations in the South China Sea are legitimate and justified because they occur within a territory over which China claims sovereignty—which flies in the face of the 2016 ruling of the South China Sea Arbitration—and that they are also proportionate, reasonable, and do not constitute a breach to regulations on the use of force. China's adversaries challenge both points. But while they regularly refer to the 2016 ruling, which gives them strong legal ground against China's sovereignty claims, other claimants are less inclined to take their accusations of excessive use of force to their logical conclusion, for fear of seeing escalation spinning out of their control. For instance, there have been some debates on whether Chinese actions against the Philippines in the South China Sea give Manila the right to invoke Article 2(4) of the UN Charter. Doing so could "impose reputational costs and preserve the status quo in disputed waters by deterring Beijing and compelling it to accept setbacks."[55] Once invoked however, it risks triggering the US-Philippines alliance—as currently interpretated—and there would also be less incentive for Beijing to continue operating below a certain level of violence. In both cases, escalation could become uncontrollable. Considering Beijing's power advantage in all three organizational levels of escalation, this could lead to unforeseen and undesirable outcomes for its opponents that could only be mitigated by the assurance of US intervention.

Second, it could also be that China is using paramilitary means such as the maritime militia in order to increase its own audience cost and tie its hands.[56] By linking the private interests of the maritime militia, which are mostly composed of fishermen, with the public interest of its sovereignty policy, China has positioned itself in such a way as to increase its own audience costs. Placing the social group with the most vested interest in protecting China's national sovereignty over the South China Sea on the front line has tied China's hands. In other words, it cannot back down or would risk backlash from those whose livelihood may depend on China's continued commitment to enforcing its sovereignty claims. Naturally, it could be argued that as an authoritarian regime, China is less vulnerable to audience costs. However, recent studies have showed that this is not the case.[57] If Washington recognizes that China is "tying its hands," it has to assume that China's commitment and resolve is not entirely dependent on the power of the central government, but also on the fishermen's militias.

Last, reputation cost and audience cost can be amplified by the media. In the case of the maritime militia in the South China Sea, fishing boats remain very vulnerable to collisions with larger coast guard cutters, not to mention naval vessels. Over the last decade, the dispute in the South China Sea has become largely mediatized. In order to prevent public outcry at home and abroad, the US, Japan, and also the Philippines and Vietnam now almost systematically film encounters with Chinese fishermen, coast guards or naval vessels, which becomes especially important during tense standoffs and occasional clashes.

4.3 Mastering Different Levels of Coercion

Until now, I have presented a few reasons why China would decide to manage escalation by going down the organizational ladder. But why has China not opted for escalation? After all, successful as CCG and Chinese maritime militias have been in asserting China's presences in contested waters and putting pressure on other claimants, the fact remains that it has only made slow progress in reclaiming contested maritime features.

As mentioned above, the reasons why China may not want to escalate the organizational ladder, involve the PLAN, and possibly resort to deadly use of force has to do with negative repercussions, whether diplomatic, economic, or something else.[58] It also has to do with the power balance and China's ability to escalate effectively to the highest organizational level—the PLAN.

In the 1970s, 1980s, and 1990s, China has astutely managed to progress in the South China Sea during windows of opportunities. The Battle of the Paracels in 1974 occurred at the time of the US withdrawal from Vietnam, the clash of 1988 was legitimized by the fact that the Intergovernmental Oceanographic Commission (a UNESCO agency) had agreed that China would build an observation post on one of the disputed islands, and in 1995, China seized the occasion presented by US withdrawal from its bases in the Philippines three years earlier to occupy Mischief Reef. The role of the navy was central in all three incidents.

Yet, the focus on China and the South China Sea is now very different from what it was thirty years ago, especially from the perspective of the US. Over the last fifteen years or so, China has had to take into consideration US involvement. The naval power balance between the two powers and their respective tolerance thresholds may also provide an answer as to why China refrains from using its navy. As a direct party to the dispute, and for reasons discussed above, China's threshold of tolerance to the costs of naval escalation in the South China Sea can be reasonably estimated to be higher than that of the United States. Nonetheless, it is doubtful that China intends to risk a direct conflict with the US over uninhabited maritime features. In addition, China is most likely unsure that its navy has reached some sort of power parity with the US and its regional allies. As a result, many have seen the rise of the PLAN as a way for China to assert its claims in the region by opposing to the US Navy a credible conventional deterrence. While we would be remiss not to speculate on a possible causal link between the increasing power of the Chinese navy and China's increasingly pressing claims in these territorial disputes, it goes without saying that the expansion of the Chinese navy enables China to push its power advantage on all three organizational levels mentioned earlier. Because China now faces claimants that are increasingly cooperating with each other and also engaging with the US, China needs to strengthen its navy to keep a greater flexibility in its escalation management strategy.

Indeed, while China's decision to move down the organizational ladder offers certain undeniable advantages, it remains imperative for China to be able to respond to military escalation if the need arises. To keep its strategy effective, China must be able to move up and down the organizational ladder and not allow itself to be stuck into the lower rungs of said ladder. This is where the difference lies between China's escalation management strategy, which is initiated by a state with strong conventional power but chooses not to use it, and the strategy of a country that is involved in a dispute and that is forced to use asymmetrical forces by default. The advantages of asymmetrical means are well known but have often been the prerogative of militarily weak states facing superior military powers. Even the use of fishermen in international disputes is not new, if we recall their role in the Cod Wars between Iceland and the UK.[59] This was a choice by default, since the weaker state could not expect to escalate the conflict.

In fact, this was also the case in China in the 1950s and 1960s, when maritime militias played a real auxiliary role to the still nascent Chinese navy.[60] Today, the role of the maritime militias presents striking similarities but also substantial differences with that of the maritime militias in the fifties and sixties. The maritime militias in China still retain a connection to the PLAN. However, the relationship is no longer horizontal complementarity, where the militias supported a light navy stretched thin in the defense of Chinese coasts against harassment by the Republic of China Navy. Rather, their relationship is now about vertical complementarity, where the militias act within a wider escalation management strategy. Moreover, the presence of fishermen in disputed areas also legitimizes the involvement of the intermediary organization echelon, the CCG. By placing fishermen at the frontline of its maritime gray zone operations, the legitimacy of CCG operations in disputed areas is strengthened, because it gives the CCG not only an area to control, but also a population to defend. The result is an articulated strategy, within which China is equipping itself with the means to respond to all levels of escalation while attempting to maintain control over the intensity of the conflict.

V. Conclusion

This paper examined how China's escalation management strategy consists of its ability to move up and down levels on the organizational ladder. By doing so, China reduces the risks of conflict and avoids reputational damages but retains a power advantage over other claimants. It explored the lower end of the broad spectrum of coercive diplomacy: that of civilian and paramilitary deterrence and persuasion. China's escalation management strategy highlights a number of theoretical mechanisms which, under certain conditions, can be brought into play. One such example is China's use of the maritime militia as a way to tie its own hands and send a costly signal of commitment to its adversaries.

Although China has not been able to make progress to the same extent as in 1974 and 1988, circumstances have now changed as the international community pays more attention to the events that occur in the South China Sea. Under these conditions, one can expect that China will keep on refraining from using the PLA in the resolution of these conflict and continue this escalation management strategy in order to gain the upper hand in these territorial disputes, frustrate the US, and reduce the risks of conflict. But whether this strategy will prove successful is still uncertain.

Notes

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2. Liu Huaqing, *Liu Huaqing Huiyilu* [Memoirs of Liu Huaqing] (Beijing: Jiefangjun chubanshe, 2004), p. 342. Liu only learned about Deng Xiaoping and the CMC's involvement in the 1990s, when he began to work there. Also, the navy leadership preferred to devolve the fortification of the Paracels to the Guangzhou Military Province.

3. Liu, 2004, p. 535.

4. *Ibid.*, p. 542. In fact, only the PLANAF's Nanchang Q-5, the Shenyang J-8, and the Xian JH-7 (developed a few years later) could theoretically reach this combat radius—but just barely.

5. The Battle of the Spratly Islands of 1988 between Vietnam and China stands as the other notable exception. Use of force defined as and excludes the dangerous close encounters and water cannons shattering glasses, which toy with the limits of what could be considered "use of force." Lyle J. Goldstein, "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smoke, but Little Fire," *Contemporary Southeast Asia* 33(3) (2011), pp. 320–347.

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7. M. Taylor Fravel, "Power Shifts and Escalation: Explaining China's Use of Force in Territorial Disputes," *International Security* 32(3) (2008), pp. 44–83.

8. Ketian Zhang, "Cautious Bully: Reputation, Resolve, and Beijing's Use of Coercion in the South China Sea," *International Security* 44(1) (2019), p. 130.

9. See for example Leszek Buszynski and Iskandar Sazlan, "Maritime Claims and Energy Cooperation in the South China Sea," *Contemporary Southeast Asia* 29(1) (2007), pp. 143–71. Nathan and Scobell observed how China "recognized that it had an image problem" and tried to address it by showing a more cooperative attitude with its regional partners. Andrew J. Nathan and Andrew Scobell, *China's Search for Security* (New York: Columbia University Press, 2012), pp. 144–145.

10. Andrew S. Erickson, *Maritime Gray Zone Operations: Challenges and Countermeasures in the Indo-Pacific* (London: Routledge, 2024); Andrew S. Erickson and Ryan D. Martinson, eds., *China's Maritime Gray Zone Operations* (Annapolis, MD: Naval Institute Press, 2019).

11. Antulio J. Echevarria II, *Operating in the Gray Zone: An Alternative Paradigm for U.S. Military Strategy* (U.S. Army War College Press, 2016), p.xii–xv.

12. Donald Stoker and Craig Whiteside, "Blurred Lines: Gray-Zone Conflict and Hybrid War—Two Failures of American Strategic Thinking," *Naval War College Review* 73(1) (2020), pp. 1–37.

13. For the sake of clarity, I leave out other means of coercion and escalation such as diplomatic or economic sanctions.

14. In a different maritime area (i.e., the East China Sea), the same trend also explains why the Japanese government has decided to increase the budget of the Japan Coast Guard by 40% in 2022. "Japan to Up Coast Guard Budget 1.4-Fold as Senkaku Tensions Rise," Kyodo News, December 16, 2022, https://english.kyodonews.net/news/2022/12/8b9426d368a9-japan-to-up-coast-guard-budget-14-fold-as-senkaku-tensions-rise.html, accessed September 21, 2024.

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16. As with escalation, literature on conflict resolution abounds. James A. Wall, John B. Stark, and Rhetta L. Standifer, "Mediation: A Current Review and Theory Development," *The Journal of Conflict Resolution* 45(3) (2001), pp. 370–391; Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (New York: Cambridge University Press, 2014).

17. Schelling, 1981, pp. 35–36.

18. Lisa J. Carlson, "A Theory of Escalation and International Conflict," *Journal of Conflict Resolution* 39(3) (1995), p. 513.

19. Joshua M. Epstein, “Horizontal Escalation: Sour Notes of a Recurrent Theme,” *International Security* 8(3) (1983), pp. 19–31.

20. John M. Shaw, *The Cambodian Campaign: The 1970 Offensive and America's Vietnam War* (Lawrence: University Press of Kansas, 2005).

21. Kathryn Weathersby, *“Should We Fear This?” Stalin and the Danger of War with America* (Washington, DC: Woodrow Wilson Center, Cold War International History Project, Working Paper no. 39, 2002); Sergei Nikolaevich Goncharov, John Lewis, and Litai Xue, *Uncertain Partners Stalin, Mao, and the Korean War* (Standford, CA: Stanford University Press, 1993).

22. Roger Dingman, “Atomic Diplomacy during the Korean War,” *International Security* 13, no. 3 (1988), p.50–91.

23. Carlson, 1995, p. 514.

24. Bruce Elleman, *China's Naval Operations in the South China Sea: Evaluating Legal, Strategic and Military Factors* (Amsterdam University Press, 2017), pp. 227–228. The PRC removed the two dashes in order to accommodate North Vietnam.

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26. Of note, 1974 was against the republic of Vietnam, and 1988 against the Socialist Republic of Vietnam, and before the normalization of Sino-Vietnamese relations in 1991.

27. Yoshihara, 2016, pp. 46–50.

28. *Ibid.*, p. 48.

29. Haijun Shi Bianwei, ed., *Haijunshi* [Naval History] (Beijing: Jiefangjun chubanshe, 1989), p. 323; John W. Garver, “China's Push through the South China Sea: The Interaction of Bureaucratic and National Interests,” *The China Quarterly*, (132) (1992), p. 1010.

30. Liu, 2004, p. 540; Haijun Shi Bianwei, *Haijunshi*, p. 329; Garver, 1992, p. 1010.

31. Chinese accounts can be found in Haijun Shi Bianwei, 1989, pp. 323–326, and Liu, 2004, pp. 526–545. The Chinese insist that they retaliated to Vietnamese fire.

32. On February 18, Huayang Reef (Cuarteron reef), on February 25, Nanxun Reefs (Gaven Reefs), on March 13, Chigua Reef (Johnson South Reef), on March 15, Dongmen Reef (Hughes Reef), on March 25, Zhubi Reef (Subi Reef), and Yongshu Reef (Fiery Cross Reef). Liu, *Memoirs*, pp. 540–541.

33. Garver, 1992, p. 1015.

34. A notable exception is an incident that occurred in January 2005, when the Chinese maritime police shot dead nine Vietnamese citizens. Saigon claimed that they were fishermen operating legally, whereas China argued that the maritime police were called in after Chinese fishermen reported armed robberies by pirates. “China defends shooting of Vietnamese,” Taipei Times, January 16, 2005, https://www.taipeitimes.com/News/world/archives/2005/01/16/2003219623, accessed on September 22, 2024.

35. Liu, 2004, p. 540.

36. Garver, 1992, p. 1015.

37. Leszek Buszynski, “ASEAN, the Declaration on Conduct, and the South China Sea,” *Contemporary Southeast Asia* 25(3) (2003), pp. 343–362.

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41. Or only lightly armed.

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43. *Ibid.*, pp. 4–6.

44. David Axe, “Huge New Chinese Ships Are Made for Ramming,” Forbes, January 15, 2021,

https://www.forbes.com/sites/davidaxe/2021/01/15/huge-new-chinese-ships-are-made-for-ramming/, accessed on September 22, 2024.

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46. Conor M. Kennedy and Andrew S. Erickson, "China's Third Sea Force, The People's Armed Forces Maritime Militia: Tethered to the PLA," CMSI China Maritime Report, (1) (2017), pp. 1–22.

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48. On Vietnam's maritime militias, see Haoran Cui and Yubing Shi, "A Comparative Analysis of the Legislation on Maritime Militia Between China and Vietnam," *Ocean Development & International Law* 53(2-3) (2022), pp. 147–165; Nguyen Khac Giang, "The Vietnamese Maritime Militia: Myths and Realities," *IDSS Papers* (4), July 21, 2022, https://www.rsis.edu.sg/wp-content/uploads/2022/07/IP22040-Nguyen-masthead-final.pdf, accessed on September 22, 2024.

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51. Brian C. Chao, "Coast Guards Could Accidentally Spark War in the South China Sea," The National Interest, June 28, 2016, https://nationalinterest.org/feature/coast-guards-could-accidentally-spark-war-the-south-china-16766, accessed on September 22, 2024.

52. Brahma Chellaney, "China's Salami-Slice Strategy," The Japan Times, July 25, 2015, https://www.japantimes.co.jp/opinion/2013/07/25/commentary/world-commentary/chinas-salami-slice-strategy/#.Xu84jpozbIU, accessed on September 22, 2024.

53. The expression "little men in blue" was popularized by Andrew S. Erickson, based on the term "little men in green" that described unofficial Russian troops in Eastern Ukraine. Andrew S. Erickson and Conor Kennedy, "'Directing China's "Little Blue Men': Uncovering the Maritime Militia Command Structure," Asia Maritime Transparency Initiative, September 11, 2015, https://amti.csis.org/directing-chinas-little-blue-men-uncovering-the-maritime-militia-command-structure/, accessed on September 22, 2024.

54. James D. Fearon, "Domestic Political Audiences and the Escalation of International Dispute," *American Political Science Review* 88(3) (1994), pp. 577–592; Michael Tomz, "Domestic Audience Costs in International Relations: An Experimental Approach," *International Organization* 61(4) (2007), pp. 821–840. Audience costs are intimately related to reputation costs. Tang Shiping, "Reputation, Cult of Reputation, and International Conflicts," *Security Studies* 14(1) (2005), pp. 34–62. Alex Weisiger and Keren Yarhi-Milo, "Revisiting Reputation: How Past Actions Matter in International Politics," *International Organization* 69(2) (2015), pp. 473–495.

55. Aurel Sari, "Maritime Incidents in the South China Sea: Measures of Law Enforcement or Use of Force?" *International Law Studies* 103 (2024), pp. 463–511.

56. James D. Fearon, "Signaling Foreign Policy Interests: Tying Hands versus Sinking Costs," *The Journal of Conflict Resolution* 41(1) (1997), pp. 68–90; Schelling, 1981.

57. Xiaojun Li and Dingding Chen, "Public opinion, international reputation, and audience costs in an authoritarian regime," *Conflict Management and Peace Science* 38(5) (2021), pp. 543–560; Jessica L. Weeks, "Autocratic Audience Costs: Regime Type and Signaling Resolve," *International Organization* 62(1) (2008), pp. 35–64; Philip B. K. Potter and Mathew A. Baum, "Looking for Audience Costs in all the Wrong Places : Electoral Institutions, Media Access, and Democratic Constraint," *The Journal of Politics* 76(1) (2014), pp. 167–181. The concept of 'tied hands' is directly connected to audience costs. See Peter B. Evans, Harold Karan Jacobson, and Robert D. Putnam, eds., *Double-edged Diplomacy: International Bargaining and Domestic Politics* (Berkeley, CA: University of California Press, 1993), p. 402.

58. Of course, there are certainly others but this is not the purpose of this article.

59. Sverrir Steinsson, "Neoclassical Realism in the North Atlantic: Explaining Behaviors and Outcomes in the Cod Wars," *Foreign Policy Analysis* 13(3) (2017), p. 599–617.

60. Bruce Swanson, *Eighth Voyage of the Dragon: A History of China's Quest for Seapower* (Annapolis, MD: Naval Institute Press, 1982).

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Maritime Insecurity and Blue Economy Governance Issues in the Gulf of Guinea Through the Lens of Nigeria's National Security

Adam Mohammed

Structured Abstract

Article Type: General Review

Purpose—This paper systematically interrogates the multidimensional nature of maritime insecurity in the Gulf of Guinea (GoG) and examines its cascading implications for Nigeria's national security across political, economic, military, environmental, techno-scientific and sociocultural dimensions.

Design/Methodology/Approach—This article applies a six-dimensional maximalist national security framework (political, economic, military, environmental, techno-scientific and sociocultural) as a disaggregated analytical structure to the GoG's maritime threat landscape, enabling a cross-domain assessment that single-dimension studies cannot produce, directly addressing the lacuna identified by Bueger and Edmunds (2017), who called for systematic multi-domain frameworks in GoG maritime security scholarship.

Findings—The study establishes that maritime insecurity in Nigeria has evolved into a structural challenge with far-reaching consequences for national and regional stability. Specifically, it constitutes a structural governance issue rather than a discrete law-enforcement deficit; its compounding cross-domain consequences resist any response that treats the seaward symptoms independently of the onshore political economy that generates them. Nigeria's extensive coastline along the GoG underpins a maritime sector that is central to its trade, energy security and economic development. This critical maritime space has become acutely vulnerable to an expanding array of security threats that this

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analysis demonstrates are not irregular but structural, heightened by persistent deficits in maritime governance, inadequate law enforcement capacity, and entrenched socioeconomic disparities in coastal and littoral communities.

Practical Implications—The implications of maritime insecurity for Nigeria's national security are multidomain and mutually reinforcing. The study identifies and categorizes a broad spectrum of maritime threats including piracy, sea robbery, marine pollution, oil loss and theft, IUU fishing, and other forms of transnational organized crime at sea. It situates these within wider blue economy governance failures that continue to impede the sustainable exploitation of the Gulf of Guinea's considerable maritime resources and strategic potential.

Originality/Value—This study presents two unclassified operational cases for the first time in the academic literature: the 2021 MV Chayanee Naree narcotics interdiction, involving surveillance from Santos, Brazil, to a point sixty nautical miles southwest of Lagos, and the 2022 MT *Heroic Idun* crude oil loading interception, which activated a multilateral response mechanism involving Nigeria, Equatorial Guinea and the Yaoundé Architecture's inter-regional coordination framework. Both cases are drawn from the author's direct command involvement and have not been published in any prior academic source.

Keywords: blue economy governance, Gulf of Guinea, maritime security, national security, Niger Delta, Nigeria, transnational organized crime at sea

I. Introduction

The Gulf of Guinea (GoG) occupies a singular position in the global maritime security landscape: it is simultaneously one of the most resource-rich maritime zones globally and one of the most persistently insecure. It lies strategically along major global shipping routes, making it a transit hub for global shipping, trade and commerce. This region holds an estimated 2.7 and 4.5 per cent of the world's gas and oil reserves, respectively. The GoG maritime area, extending from Dakar, Senegal, to Luanda, Angola, covers an estimated 574,800 square nautical miles, with a total coastline spanning approximately 3,000 nautical miles (equivalent to 5,556 km). It is bordered by several countries, including Nigeria, Ghana, Cameroon and Benin, among others. This region accommodates a substantial daily influx of approximately 1,500 vessels passing through or going to ports within the GoG. Moreover, the GoG has emerged as a crucial hub for the global energy supply chain, facilitating the transit of substantial volumes of hydrocarbon products destined for North America, Asia and Europe. The domain's economic value has also made it an attractive target for criminal actors; thus, the effective safeguarding of this domain is essential to harnessing the region's economic development potential.

Despite the efforts of several nations and regional actors to combat the rising incidence of piracy, the GoG has become a well-documented hub for armed robbery, maritime piracy, kidnapping of seafarers, oil theft, smuggling and trafficking of arms, humans and narcotics, as well as one of the most prominent theaters of maritime organized crime globally.

Nigeria, being a major actor in the GoG, assumes sovereignty over a coastline of approximately 420 nautical miles (approximately 778 kilometers), which translates into approximately 5,040 square nautical miles of sovereign territory and 84,000 square nautical miles of the Exclusive Economic Zone.[1] This maritime area is equivalent to approximately one-third of Nigeria's landmass, over which the state can exercise sovereign rights and assert exclusive claims to minerals and marine resources in the sea and under the seabed. The Nigerian maritime environment is endowed with strategic resources that are fundamental to its economic prosperity. Moreover, the nation shares a wider area covering part of the GoG as a strategic gateway and a common environment for mutual security with neighboring states.

Yet Nigeria's maritime potential is threatened by maritime insecurity, including piracy and armed robbery at sea, Illegal, Unreported and Unregulated (IUU) fishing, poaching, and cases of oil losses and theft.[2] Over the preceding two decades, incidents involving well-armed and violent pirates have targeted ships, resulting in hijackings, robberies and crew kidnappings both near and distant from coastal areas, rivers, anchorages, ports and adjacent waters. Such activities have been documented approximately 261 nautical miles from the shore of coastal states in the region. While aligning with the consensus among scholars regarding the predominant source of maritime security threats in the GoG, this study asserts that Nigeria bears the brunt of maritime insecurity in the region.[3] Nigeria experiences significant losses, including an estimated daily loss of approximately 100,000 crude oil barrels due to theft and pipeline leakages.[4]

This estimate is supported by the official report from the Nigerian National Petroleum Company Limited (NNPCL), which indicated that the country was losing approximately 21 million barrels of crude oil, amounting to USD 1.9 billion monthly in the first to third quarters of 2022.[5] These losses have necessitated the suspension of production in some cases by oil and gas companies, primarily due to pipeline leakages and subsequent repair activities. Through collaborative efforts, substantial strides have been made toward restoring the country's output to approximately 1.67 million barrels per day. According to a report by the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), Nigeria's production reached about 1.745 million barrels per day.[6] Compounding these losses, the Nigerian Trawler Operators Association (NITOA) has also revealed that the country loses more than USD 70 million annually to IUU fishing.[7] Nigeria ranks 39th of 152 countries in the world and 16th of 38 countries in Africa for IUU fishing, according to the 2021 IUU Fishing Index.[8] Nonetheless, the inadequate maritime security presence in some coastal states in the region makes it challenging to precisely estimate sustained economic losses. It is also pertinent to note that the strategic development plans for many states in the GoG "rely on 60 per cent of their revenues coming from hydrocarbon resources either sourced from or transiting through the region."[9] Based on these realities, governments in the region have increasingly recognized that their absence in the maritime domain not only incurs economic costs but also undermines national security on land, as criminal activities at sea remain a manifestation of events on land.[10] As such, the GoG's maritime security threats constitute a shared challenge for all regional and global stakeholders.

This paper advances two interconnected arguments. First, that maritime insecurity in the Gulf of Guinea constitutes not a discrete threat category but a systemic governance failure whose consequences operate simultaneously across political, economic, military, environmental, techno-scientific and sociocultural dimensions, producing cascading effects that no single enforcement mechanism can resolve. Second, that any analytical or policy framework that treats the seaward manifestation of this insecurity independently of the onshore political economy of resource extraction, structural dispossession and institutional weakness will systematically underperform. These two arguments are not independent: the seaward symptoms and the onshore political economy that generates them must be addressed as a unified governance problem. The paper proceeds as follows. Section II reviews the theoretical literature on national security, maritime security and blue economy governance. Section III sets out the methodology. Sections IV and V constitute the empirical core, assessing the threat landscape and its multi-domain national security implications, respectively. Section VI identifies structural challenges in the governance response. Section VII advances a sequenced reform agenda. Section VIII concludes.

II. Review of Extant Literature

2.1 National Security

National security is at the heart of the most significant discussions in global and domestic politics. The centrality of this concept in the discourse on global governance, peace and development is aptly illustrated by the vast volume of scholarly research publications and policy debates that have yielded both narrow and broad explanations of the construct. The proliferation of meanings reflects the evolution of the global security environment itself. The concept consequently lends itself to multiple interpretations and diverse theoretical approaches.[11]

In one sense, national security encompasses the values of political independence and territorial integrity, designating it as a concept closely tied to the properties of sovereignty and territory. This perspective, which is indicative of a realist orientation, effectively depicts national security as situated within the province of statecraft. Similarly, it considers national security to be the mechanism by which the state preserves its essential characteristics and, by extension, its identity. This encompasses the physical protection of the state through the buildup of material resources, with the end goal of attaining maximum protection and preventing domination by other states.[12]

In contrast to the minimalist orientation of state preservation, national security involves the pursuit of national interests, which is broadly defined. This maximalist perspective encompasses a comprehensive definition that includes elements beyond the state-centric view identified by Buzan, including political, economic, societal and environmental dimensions.[13] In an applied sense, national security is essentially constructed from interrelated components that are as universal as the threats addressed, including agricultural and environmental disasters, ethnic disputes and terrorism. National security must accordingly be constructed in a manner that encompasses both state preservation and development, together with the well-being and prosperity of the citizenry.

The maximalist conception adopted in this paper draws on Buzan's foundational framework but benefits from the subsequent elaboration developed by Buzan, Wæver and de Wilde in *Security: A New Framework for Analysis*. Their sectors-of-security model identifies five distinct referent objects—military, political, economic, societal and environmental—each subject to its own securitization dynamics and its own logic of threat construction.[14] This paper extends and adapts that framework to the maritime domain by adding a techno-scientific and a sociocultural dimension, both empirically warranted by the GoG evidence: the former by the sophisticated technologies employed by criminal networks in tracking, attacking and evading interception and the latter by the documented role of community complicity, cultural marginalization and the moral economy of resistance in sustaining maritime criminality. It is acknowledged that the Copenhagen School framework was developed principally in the context of European security dynamics and its application to a West African postcolonial political economy requires caution: not all of its assumptions about state capacity, institutional legitimacy and civil society translate unmodified. The adaptations made here are intended precisely to address those contextual specificities. The result is a six-dimensional analytical structure grounded in established sector-based security theory rather than asserted as a novel departure from it.

Understanding the central argument of this paper also requires engagement with the political economy of resource extraction in the Niger Delta. Watts has documented how oil wealth in Nigeria has historically been managed through a petro-state political economy in which oil revenues are captured by a national and international elite while the environmental and social costs of extraction are borne by the communities whose land and waters are exploited.[15] Frynas similarly demonstrates that the legal and regulatory framework governing oil operations in Nigeria has systematically privileged the interests of multinational corporations and the federal government over those of communities in the oil-producing states, generating the conditions of structural dispossession that drive both political insurgency and criminal enterprise.[16]

The Nigerian National Security Strategy corroborates the view that threats exhibit multiple facets and are characterized by unpredictability, blurring the boundaries between external and internal risk factors.[17] These factors include internal threats such as political and communal conflicts, smuggling, kidnapping, piracy, sea robbery, poaching, illegal bunkering, pipeline vandalism, crude oil theft, sabotage, maritime terrorism and IUU fishing. External maritime security threats include the sabotage of sensitive military, economic or strategic installations, the threat of force by unfriendly states and maritime boundary disputes with neighboring countries.

2.2 Maritime Security

The concept of maritime security has been associated with diverse, context-specific interpretations that depend on the actors involved.[18] Maritime security, akin to national security, is characterized by its dynamic nature despite its frequent invocation.[19] Bueger argues that maritime security has become a subject of ongoing global debate and disagreement.[20] From a maritime defense point of view, this concept includes actions aimed at protecting a nation's maritime territory from a wide range of security threats that may compromise its integrity. These threats can emanate from both state and non-state actors and may include "terrorism, drug trafficking, transnational crime, piracy, environmental destruction and illegal maritime immigration."[21]

In a broader context, maritime security encompasses actions taken by vessel owners, administrators, operators, offshore installations, port facilities and other marine organizations or establishments. This is well reflected in the Nigerian National Security Strategy

2019, which underscores the imperative for robust measures in maritime security, advocating for a well-equipped naval fleet, integrated shore-based forces and maritime air power, including advanced technological surveillance infrastructure to ensure effective Maritime Domain Awareness.[22] These measures are implemented to safeguard against seizures, sabotage, piracy, pilferage, disturbances and surprises.

Scholars have attempted to rationalize the inextricable links between maritime and national security. Bueger and Edmunds argue that the "national security component of maritime security involves the development and application of naval power, incorporating military power projection and homeland defense at sea, as well as the use of warships to protect maritime trade routes and commerce through functions including deterrence, surveillance and interdiction."[23] This is evident in the GoG, particularly in the Nigerian Maritime Environment (NME), as the region has been regarded as a hotspot for maritime insecurity.

Despite the growth of maritime security scholarship, significant analytical gaps remain. Bueger's "four tensions" framework, between freedom of the seas and security; between national jurisdiction and global commons governance; between military and civilian authority; and between short-term enforcement and long-term development, has rarely been applied to the Gulf of Guinea context in its totality.[24] Studies by Vrey and Gilpin offer important early treatments of the regional dimension but pre-date the significant post–2014 intensification of piracy and the institutionalization of the Yaoundé Architecture. More recent scholarship by Okafor-Yarwood, Nwalozie and Anele has advanced empirical knowledge of specific threat categories, yet none of these works applies a systematized multidimensional national security framework that treats political, economic, military, environmental, techno-scientific and sociocultural consequences as connected and mutually reinforcing rather than parallel. This paper provides that framework.

2.3 Human Security and the Sociocultural Dimension

The human security framework, originating in the UNDP's 1994 Human Development Report, reconceptualizes security around the individual rather than the state, encompassing food, health, economic, personal, community, political and environmental security. Its application to the GoG context is appropriate because the communities most directly exposed to maritime insecurity, namely the Niger Delta artisanal fishing communities, coastal littoral populations and oil-producing host communities, are precisely those whose human security deficits create the conditions under which maritime criminality is normalized, facilitated and in some cases morally legitimated.[25] Ukeje and Ela's work on the moral economy of oil-producing communities demonstrates that the attribution of legitimacy to criminal maritime actors by coastal populations is not a cultural pathology but a rational response to the systematic failure of the state to protect their resource rights and provide viable economic alternatives. This sociocultural dimension is therefore not peripheral to the paper's central argument; it is its human face.[26]

2.4 The Context of Maritime Insecurity in the GoG

The GoG holds immense geopolitical importance in global energy supply chains and commerce, given the abundance of hydrocarbon resources in countries such as Cameroon, Angola, Equatorial Guinea, Ghana, Senegal, Togo and Nigeria.[27] The region's strategic position also grants access to Europe and America, making it a vital route for shipping heavy cargoes such as agricultural produce, gas and minerals. The substantial hydrocarbon resources and marine assets, including fisheries, make the area vulnerable to increased attacks, highlighting the urgent need for focused action.

The GoG's maritime space plays a crucial role as the economic lifeline for landlocked and coastal Central and West African states, facilitating the export and import of oil, gas and fisheries products. Insecurity in the region can be attributed to weak law enforcement capacity, weak legal regimes and the inadequate prioritization of maritime security investments by policymakers.[28] This makes piracy in Nigeria a subject of debate, with connections drawn to the economic, social and environmental instabilities resulting from oil exploration in the Niger Delta. These instabilities have led to violent insurrections as specific coastal populations demand a fairer share of Nigeria's vast oil resources. A further issue of concern is the unemployment among youth in the region, which has fueled their participation in criminal activities, such as piracy, armed robbery at sea and illegal oil bunkering, as an alternative means of survival.

"Sea blindness" among states and policymakers in the GoG, as Bueger and Edmunds note, stems from a failure to recognize the interconnectedness of security and development on land and at sea.[29] The focus on regime security, rather than overall stability and economic prosperity, has prioritized land-centric security approaches, undermining the importance of maritime domains. Several GoG states have demonstrably failed to recognize the critical interconnections between maritime piracy along their coastlines, underlying political and governance deficiencies in their littoral zones and the broader implications for national security, strategic economic imperatives and long-term prosperity.

2.5 The Blue Economy as the Governance Stake

The blue economy concept clarifies what is at stake in the GoG's maritime insecurity and why the governance argument advanced in this paper carries developmental as well as security implications. Defined by the African Union's 2050 Africa's Integrated Maritime Strategy AIM Strategy, 2012, as the sustainable use of ocean resources for economic growth, improved livelihoods and marine ecosystem health, the blue economy encompasses fisheries, hydrocarbon extraction, maritime trade, coastal tourism and offshore renewable energy.[30] The OECD projects that the global ocean economy will double to USD 3 trillion by 2030 and the GoG's hydrocarbon, fisheries and trade assets position its coastal states to capture a disproportionate share of that growth, provided the governance conditions exist to convert those assets into shared and sustainable prosperity.[31]

Attri and Bohler-Muller's institutional account of blue economy governance, centered on rule-of-law mechanisms, regulatory transparency and equitable coastal benefit-sharing, provides a useful normative baseline, though it underestimates the degree to which governance in the GoG is contested rather than merely undeveloped.[32] The paper's core argument, that maritime insecurity is a systemic governance failure, is therefore not only a security proposition but a development one. Without effective blue economy governance, the GoG's maritime resources will continue to be expropriated by criminal actors and elite networks rather than converted into shared prosperity for the region's coastal populations.

III. Methodology

This paper employs a qualitative case study design, with Nigeria as the primary unit of analysis within the broader Gulf of Guinea regional context.[33] This design is appropriate for three reasons. First, the research question, namely how maritime insecurity manifests across multiple security dimensions and what its implications are for national security, is explanatory rather than predictive, making interpretive methods more suitable than quantitative modeling. Second, the Gulf of Guinea's distinctive institutional, geographical and historical characteristics make cross-regional statistical generalization problematic; the case study approach preserves contextual depth. Third, the author's practitioner access to operational data, command-level documentation and institutional processes that are not publicly available provides a form of primary evidence that enriches, rather than replaces, the documentary record.

Data were drawn from three source categories, each with a distinct evidential weight and scope. The primary source category is restricted to operational case evidence: the author's direct command involvement in two documented maritime interdiction operations between 2021 and 2022. The cases were the MV *Chayanee Naree* narcotics interdiction and the MT *Heroic Idun* crude oil loading interception. These two cases are documented in the academic literature for the first time in this paper. Where specific details derive from practitioner knowledge rather than published documentation, findings are presented as practitioner observations rather than independently verifiable documentary evidence. The second source category comprises unclassified documentary data: published reports and communications from the Nigerian National Petroleum Company Limited, the Nigerian Upstream Petroleum Regulatory Commission, Nigerian maritime law enforcement authorities, the International Maritime Bureau and the Yaoundé Architecture's international inter-regional coordination centers. The third comprises secondary academic and policy literature: peer-reviewed literature in maritime security, international relations and political economy, supplemented by gray literature from the IMB, UNODC, World Bank and OECD. Across all three source categories, data were analyzed through structured thematic analysis: source material was coded against the six-dimensional national security framework set out in Section II, with each threat category and governance response assessed for its consequences across political, economic, military, environmental, techno-scientific and sociocultural dimensions and for the feedback mechanisms operating between dimensions.

A limitation of this evidence base is that it does not incorporate the direct perspectives of coastal community members, whose constituency, both as enablers of maritime criminality and as potential stakeholders in blue economy governance, lies at the center of the governance thesis advanced here. Future research incorporating community-level ethnographic or survey evidence would substantially enrich the framework developed in this paper.

The author's dual positioning as a practitioner-scholar, holding operational command experience within the Nigerian maritime security architecture while concurrently conducting academic analysis of that architecture, confers both evidential advantages and interpretive risks. The evidential advantage is substantial and forms a distinctive contribution of this paper. The interpretive risk is that practitioner familiarity may generate institutional affiliation that constrains critical analysis. This risk has been managed through the application of an external analytical framework and through the deliberate inclusion of findings on organized crime and complicity in Nigeria's energy and oil industry. Readers should calibrate their assessment of practitioner-sourced observations accordingly.

IV. Assessing Major Maritime Security Threats in the GoG

The maritime domain of the GoG encompasses abundant economic and geostrategic assets that state and non-state actors highly covet. The threat categories examined in this section are organized in accordance with the maximalist national security framework outlined in Section II. Each category is understood not as a self-contained threat but as one node within an interlocking security complex in which disruption in one domain produces cascading effects across others. Treating these dimensions as separable obscures the feedback mechanisms that make maritime insecurity in the GoG so resistant to single-domain solutions.[34]

4.1 Piracy and Sea Robbery

Piracy is frequently characterized as an ancient crime, yet its contemporary manifestation in the GoG departs significantly from historical predecessors in both operational sophistication and political economy.[35] Where earlier forms targeted goods, the GoG model increasingly targets people: kidnapping for ransom has replaced cargo seizure as the dominant revenue model, as the data examined below demonstrate.

Historically, the GoG had not garnered as much international attention as piracy hotspots such as the Strait of Malacca, the Indian Ocean and the Gulf of Aden. However, the increasing incidence of piracy in the GoG, which has surpassed that in the Gulf of Aden, has brought about significant challenges. These incidents include the hijacking of oil tankers and fishing vessels, kidnapping of mariners for ransom, and a general rise in piracy along major shipping routes and Sea Lines of Communication (SLOCs). Consequently, the GoG and the Nigerian Maritime Environment (NME) have gained negative global assessments, being designated "High-Risk Areas."[36]

According to the IMB, 195 incidents of piracy and armed robbery were recorded globally in 2020, with 86 of these occurring in the GoG between January and September alone. These incidents encompassed illegal boardings, suspicious approaches, armed attacks, kidnappings and hijackings, with the region accounting for over 95 percent of global crew kidnappings across 22 separate incidents.[37]

Nonetheless, sustained national and regional initiatives have yielded tangible progress in recent years. According to the IMB, global piracy and armed robbery incidents fell to their lowest levels in three decades by 2021, a 32 percent reduction compared with 2020. This downward trend was mirrored in the GoG, where reported incidents dropped from 27 between January and September 2021 to only 13 over the same period in 2022.[38] Nigeria, once considered the epicenter of maritime piracy in the region, recorded no incidents for two consecutive years, prompting its removal from the ICC-IMB piracy list in 2022.[39] Although isolated attacks persisted in countries such as Equatorial Guinea and Liberia between 2023 and 2024, Nigerian territorial waters remained incident-free, reflecting the continued success of proactive maritime security operations.[40]

4.2 Crude Oil Loss, Theft and Petroleum Piracy

Crimes related to crude oil, referred to in this paper collectively as crude oil theft, including illegal bunkering, refining and vandalism of pipelines, continue to pose a significant threat to both the Nigerian economy and the GoG. Osinowo documents how organized syndicates of oil criminals plan and execute persistent crimes of oil losses and theft in the GoG, exploiting the weaknesses of maritime security regimes and the region's inadequate surveillance systems.[41]

Despite ongoing national security efforts, the Niger Delta region in Nigeria is plagued by the detrimental effects of illegal artisanal refining and oil losses due to technical issues or pipeline leakages, resulting in significant environmental and economic devastation throughout the coastal areas. These illicit activities have been estimated to cause substantial losses to the country, with reports suggesting losses of approximately USD 1.9 billion per month (equivalent to approximately 21 million barrels per quarter), consistent with the NNPCL Q1–Q3 2022 figures cited above.[42]

While Katsouris and Sayne distinguish between technical losses from infrastructure degradation and organized theft, other issues affecting outright theft include complicity between international oil syndicates, political elites, multinational oil companies, non-state actors, community collaborators and, in some isolated cases, compromised law enforcement officials.[43] The documentary record confirms that large-scale oil theft in Nigeria is not merely a criminal problem but a governance deficit, sustained by the absence of transparent regulatory frameworks and the weakness of monitoring and control mechanisms.

In response to the surge in crude oil losses, oil theft, illegal oil refining and pipeline vandalism, the authorities initiated Operation Dakatar Da Barawo on April 1, 2022, and Operation Delta Sanity on January 6, 2024, in collaboration with the NNPCL. Since inception, these multidimensional operations have achieved significant success between April 2022 and June 2024. Several valve disconnections designed to siphon products have been discovered in major crude oil pipelines and authorities have arrested over 150 suspects and 69 vessels and barges. Before the launch of the intervention operations, Nigeria's crude oil production was below 900,000 barrels per day. As of May 2024, according to the NNPCL, crude oil production has increased to 1.67 million barrels per day.[44]

4.3 Illegal, Unreported and Unregulated Fishing

While fishing serves as a critical economic pillar for many African states, illegal fishing by industrial trawlers represents a significant source of economic loss for West African and GoG nations. According to the World Bank, approximately 1.6 million tons of fish are illicitly caught each year in the GoG and broader West African waters, with an estimated value of USD 2.5 billion.[45] These activities deprive governments of valuable revenue from taxes and fishing licenses, while simultaneously degrading marine ecosystems through overfishing and habitat destruction. The insecurity caused by IUU fishing has escalated in recent years, negatively affecting the projected annual earnings of coastal nations and the livelihoods of more than two million artisanal fishers.

The persistence of IUU fishing is not, however, simply a law-enforcement failure. It reflects the same structural governance deficit that sustains piracy and illegal bunkering: the absence of transparent regulatory frameworks, the weakness of monitoring and control systems, and the capture of fisheries licensing processes by politically connected actors who benefit from the opacity that enables illegal operations. IUU fishing is, in this sense, a blue economy governance problem before it is a maritime policing problem.

4.4 Other Maritime Organized Crimes

The security landscape of the GoG has evolved into an epicenter of sophisticated, organized criminal networks that have been operating in the region for the past two decades. The threat posed by organized criminal networks through illicit activities, including trafficking of drugs, human beings, small arms and light weapons, rough diamonds, counterfeit medicine, endangered wildlife and illegal waste, as well as tax crime, corruption, cybercrime and money laundering, mostly occurs at the intersection between porous land and sea borders in the GoG.[46] According to several reports by the United Nations Office on Drugs and Crime (UNODC) on transnational organized crime in the fishing industry, structured criminal networks that commit marine resource-related crimes are also involved in drug smuggling, human trafficking, money laundering and corruption.[47]

The convergence of drug trafficking, arms smuggling and maritime crime within the same criminal networks is not incidental. Where state authority is absent or compromised, criminal organizations expand across sectors, exploiting the same institutional weaknesses that make maritime enforcement inadequate. Addressing organized crime at sea therefore requires not multi-agency enforcement coordination alone but structural reform of the onshore political economy that makes these networks viable.[48]

4.5 Maritime Environmental Pollution

The impact of environmental pollution in the GoG has caused immense ecological degradation, which has "caused eutrophication and oxygen depletion in the lagoon systems, particularly around urban centers, resulting in decreased fish production levels and waterborne diseases."[49] Research has shown that households generate 90 percent of solid waste in most coastal communities of the GoG, particularly in Nigeria's Niger Delta, but the petroleum industry is "responsible for substantial amounts of hazardous waste."[50]

Marine environmental degradation in the GoG is not only an ecological harm; it is a blue economy governance issue of the first order. Every oil spill that goes unremediated, every toxic waste disposal that goes unprosecuted and every fishery depleted by illegal industrial trawling represents a permanent subtraction from the resource base that the AU's 2050 AIM Strategy and the OECD ocean economy projections assume will be available for sustainable development.

V. Counting the Costs: Implications of Maritime Security Challenges on Nigeria's National Security

5.1 Political Dimension

The costs of maritime insecurity in Nigeria are human, economic, environmental and political. Various maritime challenges, such as piracy, armed robbery at sea, oil theft, organized crime and marine pollution, as well as the efforts geared toward combating them, have significant national security implications.[51] At the crux of this is the indispensability of political will, which is invaluable in critically and comprehensively addressing maritime security challenges. The necessary political will has been undermined by emotionally and politically charged sentiments about the marginalization of littoral states and communities.

The consistent insufficiency of political will in addressing maritime insecurity is not a random institutional failure; it reflects the incentive structure of a petro-state political economy in which the elite beneficiaries of opaque resource extraction, including those within the state apparatus itself, have a rational interest in preserving the enforcement permissiveness that opacity sustains. Political will is not absent because leaders are uninformed; it is withheld because transparency would threaten the extraction arrangements from which governing elites benefit.[52]

These activities, besides causing political instability in Nigeria, have constantly subverted Nigeria's territorial integrity with numerous attacks and criminal activities carried out within the fringes of the GoG, often outside the country's territorial waters but within the limits of its Exclusive Economic Zone (EEZ). Hassan and Hasan succinctly argue that much of the maritime insecurity and criminality, especially "piracy and armed robbery at sea, in the GoG, originates from the proliferation of insurgency and instability in Nigeria."[53]

The African Union Peace and Security Council's Communiqué 1012 of June 2021 endorsed the establishment of a multinational and regional Maritime Task Force among African littoral states. Accordingly, on April 18, 2023, the heads of the GoG Navies and Coast Guards adopted the concepts of operations, fundamental principles and core functional elements for the deployment of a Combined Maritime Task Force. Demonstrating stronger political will is therefore an essential element of any effective strategy to address governance deficits in coastal resource management and to advance the GoG Maritime Security Architecture.[54]

5.2 Economic Dimension

Blue economy concerns underpin much of the contemporary maritime security agenda worldwide. Almost 90 percent of global trade is transported through the sea, and marine resources, such as minerals, hydrocarbon reserves, offshore oil assets and other critical economic assets, are central to Nigeria's economic prospects.[55] The activities of organized maritime criminals, especially pirates, crude oil thieves, illegal fishing, and trafficking and smuggling syndicates, have continued to impact Nigeria's economy significantly and, by extension, the entire region.

Nigeria accounts for over "70 per cent of reported incidents over the past decade," leading to substantial economic losses estimated, as of 2015, at approximately USD 800 million yearly from IUU fishing, USD 2 billion from piracy and USD 15.5 billion every year because of illegal oil bunkering.[56] The 2019 data from the Nigerian National Petroleum Corporation (NNPC) indicate that Nigeria lost approximately USD 750 million to crude oil theft.[57] More recent assessments corroborate the order of magnitude: IUU fishing losses across the broader GoG region were estimated at approximately USD 2.3 billion annually as of 2024, while crude oil theft and offshore piracy in Nigeria's sectors were assessed at over USD 1.5 billion per year in lost revenue.[58] The high cost of goods is linked to high insurance premiums, known as war risk premiums, factored into shipping due to the prevalence of incidents of piracy and other maritime insecurities within the maritime domain. According to Lloyd's List Intelligence data, the average war risk premium for shipping to Nigeria between 2019 and 2021 was estimated at approximately USD 5,000.[59]

5.3 Military Dimension

According to Bueger and Edmunds, the military or national security dimension forms the core of contemporary maritime security complex domains.[60] A key aspect of the military dimension of maritime security is the protection of Nigeria's territorial integrity, in this case the maritime domain of its EEZ. Nevertheless, the complexity of a spate of maritime security challenges in Nigeria's maritime domain has continued to undermine its overall security architecture and capabilities. This is despite significant strides in fleet renewal and the acquisition of sophisticated naval vessels, including the provision of maritime domain awareness infrastructure in Nigeria and Angola.

To reverse these trends, the Nigerian Navy, in collaboration with other maritime security agencies, continues to position itself through heightened maritime operations as well as increased arrests and prosecutions. These operations include the "employment of maritime domain awareness capabilities" and other surveillance infrastructure.[61] These factors have reduced the incidence of piracy and other maritime-related crimes in Nigeria and the GoG. Furthermore, the introduction of the National Security and Waterways Protection Infrastructure (the Deep Blue Project) will assist the course of maritime security in the region. Despite these efforts, gaps in adequate maritime policing and surveillance resources still persist in most GoG states.

5.4 Environmental Dimension

The maritime environment integrates "a diverse range of issues such as marine pollution, vessel safety and regulation, maritime search and rescue, the state of ocean health, pollution and the impacts of climate change."[62] Maritime insecurity and criminality significantly affect the maritime environment. IUU fishing has grossly depleted fishery resources that are essential for the young and growing populations in Nigeria and other GoG states. The "dumping of toxic waste" threatens maritime life and ecosystems.[63]

The recent upsurge in the pollution index of the Niger Delta coastline portends significant threats to human security, caused by oil spills from criminal activities and multinational operations that may exacerbate maritime security instability.[64]

5.5 Techno-Scientific Dimension

Technology is gradually evolving as the most potent force multiplier, and its easy accessibility and utilization by criminal networks within the maritime domain to violently attack ships and seafarers, evade surveillance and interdict government forces has remained an issue of grave national security concern.[65] Pirates in the GoG, especially off the coast of Nigeria, use modern, sophisticated technologies to track vessels of interest and conduct attacks. Pirates are often "equipped with the most modern and automatic weapons like AK-47 rifles and Rocket-Propelled Grenades (RPGs)" when they attack ships.[66]

Nigeria's maritime surveillance infrastructure, the Falcon Eye system, was employed in the arrest of two merchant vessels, MV *Chayanee Naree* and MV *Karteria*, in 2021. These vessels were tracked and monitored by the Nigerian Navy with support from international partners from their ports of departure in Santos, Brazil, and were intercepted by NNS *Ekulu* and NNS *Osun* 60 nautical miles southwest of Lagos fairway buoys while en route to Nigeria for involvement in smuggling cocaine of approximately 32.9 kg and 13.65 kg, respectively, from Brazil. Both crew, ships and exhibits were duly handed over to the National Drug Law Enforcement Agency (NDLEA), leading to the successful prosecution of MV *Chayanee Naree* at the Federal High Court, Lagos, through a plea bargain on May 15, 2025.[67] This interdiction illuminates multiple dimensions of the national security framework applied in this paper.

Similarly, Motor Tanker *Heroic Idun*, a Very Large Crude Carrier of approximately 336 meters in length with a capacity of 3 million barrels, was intercepted on August 7, 2022, while attempting to load crude oil at Akpo Oil Field, 60 nautical miles offshore Bonny.[68] Having realized the implication of her actions, the vessel refused the lawful instructions from a Nigerian Navy ship assigned to prevent her suspicious conduct. The ship was eventually arrested on August 10, 2022, in Equatorial Guinea through the activation of collective arrangements of the GoG states under the Yaoundé Code of Conduct. The interception and arrest of such a super-tanker underscores the vulnerabilities of exporting crude at the export terminal, as well as the need for improved transparency in loading protocols to enhance energy security governance in the country.

5.6 Sociocultural Dimension

Coastal communities in the Niger Delta experience maritime insecurity not merely as external victimization but as a consequence of the same state-sanctioned extraction that environmental degradation and fishery depletion have made materially visible.[69] Communities that experience state-sanctioned environmental destruction are unlikely to cooperate with the same state's maritime security apparatus, producing the enforcement-community alienation that makes crime suppression at sea difficult to sustain even where naval capacity exists.

When marine pollution and fishery resource depletion become tolerable actions of deprivation by the government, local communities perceive it as direct economic and sociocultural sabotage. As such, they often tolerate or collude with maritime criminals, owing to a strong defensive or moral narrative that portrays such behavior as a legitimate response to national and international predation, thereby compounding national security threats from the maritime domain.[70] This invariably supports a deviant culture in which criminal elements that defy constituted authorities are accepted, tolerated and respected by society, rather than being persecuted or reported for acts inimical to national security.

Taken together, the six dimensions examined in this section are not merely parallel consequences of maritime insecurity: they are mutually constitutive. The military dimension's enforcement failures enable the economic dimension's losses; those losses erode the fiscal capacity needed to fund surveillance and fleet renewal, compounding the military gap. The environmental dimension's degradation destroys the artisanal livelihoods whose loss drives communities toward the sociocultural accommodation of criminality, which in turn frustrates enforcement by withdrawing community cooperation. The techno-scientific dimension's criminal innovations outpace governance responses, exploiting the political dimension's lack of will to commit the resources that would close the surveillance gap.

VI. Challenges in Combating Maritime Threats in Nigeria

6.1 Migratory Tendencies of Maritime Crimes

Piracy networks in the GoG exhibit an adaptive nature like those in the Gulf of Aden, where the success of multinational anti-piracy efforts off the coast of Somalia led to the emergence of "expanded threats in the Arabian Sea and Indian Ocean."[71] The pattern of piracy attacks in the GoG reveals a preference for targeting ships carrying crude oil and oil products, with such attacks occurring along the Congo, Côte d'Ivoire, Nigeria, Ghana, Benin and Togo routes. The prompt and decisive response of Nigeria's maritime security forces to distress calls regarding illegal activities at sea has been instrumental in markedly reducing the incidence of successful piracy in Nigeria's maritime domain.

6.2 Weak Legal Regimes

Many Central and West African states expressed widespread frustration at "the lack of effective prosecution of pirates and maritime criminals."[72] The lack of necessary domestic laws for prosecuting piracy, coupled with weak penalties and judicial processes in some cases, contributes to this issue. Of 497 vessels arrested since 2015, 250 were transferred to prosecuting agencies. Of these, only 82 were successfully prosecuted, representing a conviction rate of 32.8 percent against cases transferred to prosecuting agencies or 16.5 percent against total arrests. At that rate, over four in five arrests produce no legal outcome, creating a structural enforcement credibility deficit whose deterrent implications are severe.[73]

6.3 Structural Sea Blindness

Sea blindness in the GoG context is better understood as a structural outcome of political economy than as a perceptual or informational failure. Bueger and Edmunds define the concept as the historical tendency to neglect maritime domains in favor of land-centric security governance.[74] This paper argues that such neglect is not simply inattentive but often incentive-consistent. Maritime security generates dispersed, politically invisible benefits—reduced insurance premiums, suppressed criminal network revenues and protected fishery stocks—whose political returns to governing elites are systematically lower than those of land-based patronage spending and visible security provision.

To address this at the regional and global level, the United Nations has long supported the region, with the Security Council's focus on Gulf of Guinea piracy leading to the Yaoundé Code of Conduct (YCOC). This framework divides the area into five zones, each with a coordination center, enhancing regional collaboration. The YCOC tackles various maritime crimes, including piracy and has seen successes such as the 2016 MT *Maximus* case, in which six nations worked together to rescue a hijacked ship.[75] However, implementing the YCOC has encountered difficulties, including heavy reliance on external funding, inefficient information exchange and inconsistent legal mechanisms for prosecuting maritime crimes.

VII. Toward Sustainable Maritime Security Futures

The following recommendations are structured around the paper's governing argument that enforcement measures will systematically underperform without simultaneously addressing the onshore political economy that sustains maritime criminality. They are therefore organized not as a list of parallel options but as a sequenced reform agenda in which institutional and governance interventions provide the enabling conditions within which operational measures can achieve durable, rather than cyclical, results.

7.1 Strengthening Maritime Surveillance and Intelligence Infrastructure

The vulnerabilities of maritime security architecture in Nigeria and the GoG states are greatly linked to a seeming culture of sea blindness and the focus on land-centric approaches to security in the region.[76] This has ultimately led to the apparent lack of prioritization of the security of the maritime space. It is also essential to highlight the lack of sufficient surveillance equipment and its associated logistic sustainability, such as radars, specialized ships, communication gear and aircraft for aerial surveillance and responses, which creates an operational gap that allows pirates to operate with relative freedom.

The Nigerian Navy MDA infrastructure, namely "the Regional Maritime Awareness Capability (RMAC) and Falcon Eye (FE) MDA systems and other associated facilities, provide three main functional capabilities tailored to obtaining and providing reliable and actionable intelligence for facilitating targeted patrols, saving cost and economizing efforts."[77] The most immediately actionable priority is the integration, rather than multiplication, of existing maritime surveillance infrastructures within a unified national Maritime Operations Picture (MOP) that aggregates feeds from the NPA's CCCIS, NIMASA's Deep Blue C4i, the Nigerian Navy's Falcon Eye and RMAC systems, and NAF's ATR-42 patrol aircraft into a single, real-time operational display.

7.2 Improving Maritime Joint Border Patrol and Policing

Many countries in the region perceive maritime insecurity as a threat to national security and economic development, necessitating the deployment of their respective armed forces. However, others view it as a smaller scale transborder crime that poses no significant risk to their existence or economy. As Gambo notes, the region's navies and coast guards responsible for maritime security enforcement face significant social, political and economic challenges.[78] Until recently, only Nigeria, Ghana and Angola were capable of projecting naval and coast guard forces for enforcement and anti-piracy patrols within their territorial waters.

7.3 Denying Pirates and Sea Robbers Safe Havens and Sanctuaries

Effectively policing a coastline spanning over 5,556 km has continued to pose a formidable challenge for maritime security efforts at curtailing criminal activities in the region.[79] This expansive maritime space has provided pirates and other maritime criminal networks with the adaptability and resilience to sustain their illicit operations. Understanding the dynamics of illegal maritime activities is crucial, particularly in Nigeria and the GoG. These activities can be traced back to land-based issues such as governance and coastal economic management deficits, among others. The value chains involved in piracy networks, illegal trade and illegal oil theft are meticulously orchestrated and financed on land, even though the actual operations occur at sea.

7.4 Enhancing Criminal Justice Administration and Targeted Prosecutions

Jurisdictional controversy within the maritime ecosystem has hindered effective gathering, handling and prosecution of maritime crimes and offenders over the years.[80] Effective trials and prosecutions are critical to ending maritime crimes and insecurities. It is therefore essential to build the capacity of enforcement and prosecutorial officers to understand and implement the relevant legislation. The trial and conviction of ten pirates involved in the 2020 hijacking of the Chinese merchant vessel FV *Hailufeng II* resulted in each pirate being sentenced to 12 years in prison and a fine of N250,000.00 per count at the Federal High Court in Ikoyi, Lagos, representing a significant triumph for Nigeria's anti-piracy law, the Suppression of Piracy and Other Maritime Related Crime (SPOMO) Act 2019.[81]

7.5 Mitigating Enablers of Criminality with Viable Economic Opportunities

A significant number of maritime security threats that impede national security in Nigeria originate from land-based issues related to governance failure and human security challenges.[82] Effective mitigation of the sociocultural enablers of maritime criminality requires three concrete measures in Niger Delta coastal communities: dedicated fiscal transfers, a fixed percentage of maritime resource revenues to littoral local government areas; direct employment quotas for coastal youth in legal maritime industries, including port logistics, ship maintenance and licensed artisanal fishing; and environmental liability enforcement against oil multinationals whose remediation obligations remain unmet.

7.6 Dismantling Insider-Complicity Networks through Accountability Reform

The paper's most significant analytical finding, that maritime crime in Nigeria is sustained not only by operational deficits but also by insider complicity within state institutions, demands a dedicated reform response. Addressing this governance vulnerability requires three specific measures. First, mandatory public beneficial ownership registries should be established for all fishing licenses and crude oil loading approvals, removing the opacity on which elite criminal networks depend. Second, independent oversight of export terminal loading protocols should be institutionalized, with real-time data integrated into the Yaoundé Architecture's Regional Information System. Third, legislative amendments to the SPOMO Act should extend criminal liability to onshore facilitators of maritime crime, including terminal operators and loading approval authorities who enable unauthorized departures.[83]

7.7 Galvanizing Continued Support for Increased International Collaboration

Maritime security threats transcend jurisdictional borders and impose serious costs on states and communities; the maritime security agenda must therefore generate new mechanisms for enhanced regional collaboration and coordinated action in the face of shared challenges.[84] While Nigeria's efforts to acquire and utilize technologically advanced MDA infrastructures are commendable, more enhanced acquisition and upskilling of personnel are still required to manage these infrastructures effectively.

Three specific mechanisms would advance the international collaboration agenda in ways that go beyond exhortation. First, the Yaoundé Architecture's five inter-regional coordination centers should be upgraded from information-sharing nodes to joint operational planning hubs, empowered to coordinate cross-boundary pursuit operations without requiring prior diplomatic clearance in each instance; the MT *Heroic Idun* case, in which a three-day gap between initial interception and final arrest reflected precisely this clearance delay, illustrates the operational cost of the current framework's jurisdictional constraints. Second, the Combined Maritime Task Force adopted by GoG Navies and Coast Guards on April 18, 2023, requires a dedicated, ring-fenced multilateral funding mechanism which is modeled on the Contact Group on Piracy off the Coast of Somalia's trust fund architecture to reduce the heavy reliance on ad hoc external donor contributions that has historically undermined the YCOC's operational sustainability. Third, harmonization of domestic anti-piracy and maritime crime legislation across GoG member states should be accelerated, with the Nigerian SPOMO Act 2019 providing a regional legislative template; the current patchwork of domestic legal frameworks creates the jurisdictional arbitrage that criminal networks exploit to evade prosecution by operating across boundaries whose legal asymmetries they understand better than the enforcement agencies charged with policing them.

VIII. Conclusion

The central argument of this paper is that maritime insecurity in the Gulf of Guinea is not primarily a maritime problem. It is the seaward expression of land-based governance failures, of structural dispossession, of political economies that extract resource wealth without equitable redistribution and of state institutions whose formal authority over the maritime domain has never been matched by the will or capacity to exercise it. The analysis conducted across six security dimensions in the preceding sections demonstrates that these failures are not additive but mutually reinforcing: each governance deficit compounds the others, producing a security complex that is systematically resistant to single-domain responses. What the MV *Chayanee Naree* interdiction and the MT *Heroic Idun* arrest together demonstrate is that no enforcement action, however technically accomplished, dissolves the political and economic substrate from which the next incident will emerge. This is not a deficiency of execution; it is a deficiency of architecture. Nigeria has demonstrated that it can interdict. What it has not yet demonstrated is that it can govern the conditions that make interdiction necessary in the first place.

Nigeria and other coastal states of the GoG have emerged substantially from the constraints of sea blindness into an era characterized by consistent, coordinated national and regional efforts toward exploring, exploiting and developing the enormous deposit of maritime resources while simultaneously utilizing opportunities that spring from the blue economy of the GoG maritime domain. As Okafor-Yarwood argues, maritime security threats in the GoG "also render marine biodiversity even more fragile, a problem aggravated by the catastrophic impact of climate change."[85] Responses to these risks require a comprehensive approach based on regional and international collaboration.

The governance reform agenda implied by this analysis is demanding, but it is not without precedent. The operationalization of the SPOMO Act, the incremental progress of the Yaoundé Architecture and the measurable reduction in piracy incidents attributable to Operation Dakatar Da Barawo and Operation Delta Sanity all demonstrate that coordinated political will, when marshaled, has produced tangible security outcomes. What these instruments lack is not operational efficacy but strategic architecture: a coherent, multi-domain framework that connects maritime enforcement operations to coastal community development, transparent resource governance and the accountability reforms needed to dismantle the insider-complicity networks that give organized maritime crime its organized durability.

Addressing maritime insecurity will not only safeguard Nigeria's maritime interests but also contribute to the Gulf of Guinea's broader security and prosperity. Specifically, a blue economy governance framework for the GoG requires three institutional reforms that go beyond enforcement: first, the establishment of transparent maritime resource governance mechanisms, including public beneficial ownership registries for fishing licenses and crude oil loading approvals that remove the opacity on which elite-criminal networks depend; second, the development of equitable benefit-sharing arrangements for coastal communities, including dedicated fiscal transfers from maritime resource revenues to littoral zones, that alter the incentive structures currently driving community accommodation of criminality; and third, the institutionalization of environmental liability enforcement against oil multinationals whose operations degrade the marine ecosystems on which blue economy development depends. These reforms are not supplementary to maritime security; they are its precondition.

The test of Nigeria's maritime security policy over the coming decade will not simply be whether it can reduce piracy incidents in any given year, as it has already demonstrated that it can, but whether it can address the structural conditions that make the Gulf of Guinea a preferred operating environment for organized maritime crime. This is ultimately a political task as much as a security one, and it is a task that the academic and policy communities, alongside the Nigerian state, must be prepared to confront directly.

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Author Statement

The two operational cases presented in this paper (MV *Chayanee Naree* and MT *Heroic Idun*) were derived from the author's direct command involvement and experiences. It should be noted that no classified material was disclosed; all case details were drawn from unclassified sources and the author's practitioner observations, which are explicitly flagged as such throughout. The author is a serving military officer with decades of experience on national and maritime security architecture and has held operational command responsibilities within the institutions and governance architecture. The reform recommendations advanced in this paper reflect the author's independent academic analysis being an excerpt of his postgraduate thesis and do not represent or align with any official position of any agency or any other government institution.

Biographical Statement

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The “Indo-Mediterranean”: Strategic Space in the Making

David Scott

Structured Abstract

Article Type: Research Paper

Purpose—The purpose of this paper is to examine the arrival of the “Indo-Mediterranean” as an analytical concept shaping strategy formulations and directions by states.

Design, Methodology, Approach—Various *geo-* (derived from geography) theoretical tools are used for analyzing the arrival of the Indo-Mediterranean; namely the geostrategies pursued by India, Turkey and Italy, followed by the application of geopolitics, geo-economics and geotechnology to this region.

Findings—The “Indo-Mediterranean” has emerged in the last five years as a strategic designator, explicitly with India and Italy, and seen in practice with Turkey. Concerning applicable theories, the divide between geopolitics and geo-economics is shown to be false. Geotechnology is introduced as a further geotheory. IR *realism* is driving alignment patterns and infrastructure initiatives.

Originality/Value—This paper represents the first academic study of the “Indo-Mediterranean” as a strategic concept and as strategy for states.

Keywords: geo, India, Indo-Mediterranean, Italy, maritime, Turkey

I. Introduction

We are witnessing the emergence of what might be termed the Indo-Mediterranean.
—Narendra Modi and Giorgia Meloni, May 20, 2026

Once in a while, new geographic zones are coined, “envisaged” and applied. In what can be called “ideational technology,” a conceptual paradigm or mental map of a region

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shifts and shapes consequent policy and strategies.[1] Over a century ago, it was the arrival of the "Middle East," coined during 1900–1903 by military figures like General Gordon and geopolitical theorists like Admiral Mahan, and popularized by journalists like Valentine Chirol with regard to the security of routes from the Mediterranean to India.[2] About 40 years ago, it was the turn of the "Asia-Pacific" and its economics-driven Pacific Rim *Rim-speak*.[3] A decade ago, and the "time" had come for the emergence, or rather re-emergence, of the "Indo-Pacific" as "a new template for analysis."[4] This was a shift westward to bring both the Indian Ocean and India into play, a discourse process that that went from observers and think tanks to a raft of formal government strategies, often tacit China-balancing geopolitically as well as embracing geo-economic potential.

Still more recently, the term "Indo-Mediterranean" has been coined in strategic deliberations, as Italian and Indian leaders proclaimed on May 20, 2026, "we are witnessing the emergence of what might be termed the Indo-Mediterranean"; appropriately headlined by Italian geopolitical think tanks as "Indo-Mediterranean doctrine enters the strategic mainstream."[5] Maritime stretches are, of course, fluid in their delineation. The Indo-Mediterranean has a broad sense of the Indian Ocean and Mediterranean that would stretch from Singapore to Gibraltar. In practice though, the Indo-Mediterranean has been envisaged as stretching geographically (and, just as significantly, politically) from Italy to the west coast of India. This can be followed in two different senses. First, as the maritime underbelly of West Asia/Middle East—a maritime continuum running from the Eastern Mediterranean–Suez Canal–Red Sea–Arabian Sea. If the Middle East is primarily a land concept, "new geographical frameworks … particularly the shift toward maritime conceptions of space (Mediterranean, Indian Ocean)" is now generating the Indo-Mediterranean formulation.[6] Second, though, the Indo-Mediterranean can be seen as a mixed sea and land area running from the Eastern Mediterranean–Middle East–Gulf–Arabian Sea.

In this article, the concept and construction of the Indo-Mediterranean is followed through geography-derived applications, various *geos*. First there is geohistory, the history of the term.[7] Next are the geostrategies in and for the Indo-Mediterranean being pursued by India, Turkey and Italy. Finally, are respective applications of geopolitics, geo-economics and geotechnology for understanding the operation of the Indo-Mediterranean.

II. Geohistory

A starting point for the geohistory of envisaged regions and strategic concepts is Foucault's critical genealogy of terms; his "Archaeology of knowledge" (*l'Archéologie du savoir*) is on show with his discursive formations, the formation of concepts and the formation of strategies. Foucault's *Questions of Geography* can be fruitfully applied "to decipher discourse through the use of spatial, strategic metaphors enables one to grasp precisely the points at which discourses are transformed in, through and on the basis of relations of power."[8] The "Indo-Mediterranean" is such a spatial strategic discourse, reflecting power considerations. The power deriving from the ability to shape emergent regional discourse, descriptors and initiatives has been termed *geopower*, generally in critical discourse (Tuathail) and with regard to the Middle East (Kochs).[9] Regions become delineated for states to deploy power in and respond to other states' deployment of power. Regions are a matter of self-identification and official public proclamation.[10] Indeed, this is why Karen Wigen and Martin Lewis see them as "*metageography*.… the set of spatial structures through which people order their knowledge of the world"; constructs where "some of the most basic and taken-for-granted 'regions' of the world were first framed by military thinkers."[11] The role of military figures in the formulation of the Indo-Mediterranean term is a recurring theme in this present study.

The term Indo-Mediterranean was first coined in 1879. One was an innocuous mention in Philadelphia by the natural scientist George Washington Tryon, in his *Manual of Conchology* of "that of the Indo-Mediterranean of *Olc. Astierianus*"![12] A more pointed appearance was Captain (Royal Navy) Verney Cameron's profile of the merits of a possible "Indo-Mediterranean Railway," in *Macmillan's Magazine* in September 1879.[13] This was with regard to the long-running discussions, since the 1830s in Britain, on a railway running from the Mediterranean (Lattakia) down the Euphrates to the Gulf. The strategic context was simple and explicit, a route to India that would serve Britain for trade, communications, and movement of military forces.[14]

After this appearance in 1879–1882, the term "Indo-Mediterranean" dropped out of much use, with strategic coinage virtually out of circulation. The reason why talk of an Indo-Mediterranean Railway project down the Euphrates dropped out of discussion after 1882 was simple: British occupation of Egypt in 1882 and control of the Suez Canal. However, that very British occupation of Egypt and the Suez Canal in 1882 created an ongoing *de facto* maritime-based British-shaped Indo-Mediterranean running from the Mediterranean–Suez Canal–Red Sea–Arabian Sea–India; locationally controlled (places and bases) from Gibraltar–Malta–Cyprus–Egypt–Sudan–Aden–Socotra–Seychelles–Maldives–India.

Gradually, though, the term "Indo-Mediterranean" re-emerged in the second half of the twentieth century, from a now-independent India, with regard to trade patterns. In 1970, Dandekar's "Indo-Mediterranean" discussed Indo-Mediterranean "contacts" between the Mediterranean and India in ancient times, in Indo-Mesopotamian, India-Anatolian, Indo-Hellenistic and Indo-Roman times.[15] Nagaraju used the term "Indo-Mediterranean commerce" in 1981 about West India trade with the classical world.[16]

This economic hook was picked up 30 years later with the conference *A Tale of Two Worlds: Comparative Perspectives on Indo-Mediterranean Commerce*, organized by Columbia University's Center for the Ancient Mediterranean in 2011. Speeches delivered were later published in *Across the Ocean: Nine Essays on Indo-Mediterranean Trade*.[17] This usage for a Classical-period economic system has become well established, with continuing research on the mutual agency of actors involved.[18]

Such usage of the term Indo-Mediterranean to denote trading systems from the past has also been picked up by politicians of the present to describe current plans for economic cooperation, particularly with the Indo-Middle East-Europe Economic Corridor (IMEC) initiative floated in 2023. Simultaneously, the Indo-Mediterranean was further invoked by think tanks, diplomats and politicians in the converging geostrategic outreach by Italy and India in the 2020s.

III. Geostrategies

States (and their proxies) continue to be the main actors in and on the Indo-Mediterranean on the oceans, their geostrategies to the fore.[19] Three states within the Indo-Mediterranean have pursued strategies of an Indo-Mediterranean nature, namely India, Turkey and Italy.

3.1 India

With regard to India, a significant legacy is British India, where the jurisdiction of New Delhi ran from Bombay over to Aden and the Gulf, a "neo-Curzonian" revival coined by Indian observers to describe India's current outreach.[20] Before Indian independence, Kavalaam Panikkar, focused on Indian Ocean strategic outreach and seapower tenets in his *India and the Indian Ocean: An Essay on the Influence of Sea Power on Indian History* (1940), which deliberately invokes Alfred Mahan's opus *The Influence of Sea Power on Indian History* (1890). Across the Arabian Sea, Panikkar argued:

> With the islands of … Socotra, properly equipped and protected … security can return to that part of the Indian Ocean which is of supreme importance to India…. Unless, therefore, distant bases like … Aden and Socotra are firmly held and the naval air arm developed in order to afford sufficient protection to these posts, there will be no security or safety for India.[21]

For the newly independent India, Keshav Vaidya certainly had sweeping maritime hopes in *The Naval Defence of India* (1949), critical geopolitics aspirations to the fore:

> We must at least rule the waves of the Indian Ocean. … Indian Ocean must become an Indian Lake. That is to say, India must be the supreme and undisputed power over the waters of the Indian Ocean … controlling the waves of that vast mass of water making the Indian Ocean and its two main offshoots, the Arabian Sea and the Bay of Bengal.[22]

India's strategic discourse backdrop is an unofficial sense of the Indian Ocean as "India's Ocean."[23] Politically, India's rise has seen an extension of interests, in which a sense of *immediate neighborhood* in South Asia was supplemented by a sense of *extended neighborhood*.[24] Within that extended neighborhood policy, a Look West stance was enunciated, first with regard to the Gulf, but then more widely to the Middle East.

In terms of bases and places, India's buildup of military facilities on the Lakshadweep Islands projects power further into the Arabian Sea. Further west, privileged port holdings at Chahbahar are counterpoised to China's position at Gwadar, while India's port access at Duqum counterpoises China's base at Djibouti and gives India effective control over both eastern and western flanks of the Arabian Sea.[25] The Indian navy deploys into the Gulf and the Red Sea, now pinpointed as areas of strategic concern under Indian naval doctrine.

This Indian outreach, in turn, has been extended further westward to the Mediterranean, to Israel, Cyprus, Greece and Italy. In 2017, Narendra Modi became the first ever Indian PM to visit Israel, repeating the trip in March 2026. In addressing the Israeli Parliament, he situated cooperation with Israel bilaterally, minilaterally within the I2U2 group (India, Israel, UAE, US) set up in 2020, and multilaterally/regionally within IMEC set up in 2023. Simultaneously in 2023, India's Adani Group acquired a 70 percent controlling stake in the strategic Mediterranean maritime hub of Haifa, envisaged as IMEC's window onto the Mediterranean. Strengthening security cooperation with Israel, and now with Greece and Cyprus, has developed a "Mediterranean Arc" that for India serves as a counter to the so-called Turkey-Pakistan "nexus."[26] The Indian navy now regularly deploys and exercises in the Mediterranean. Modi has established particularly close links with Italy's Giorgia Meloni (a so-called "Melodi"), invoking earlier history of trade relations with the Roman

Empire but also burgeoning naval cooperation.[27] Modi's trip to Italy in May 2026 had their India-Italy "Indo-Mediterranean axis" very much on show.[28]

India is a strong supporter of the India–Middle East–Europe Corridor (IMEC), announced in Delhi in 2023. India already proposed a "Cotton Route" in 2015, invoking old trading links with the Roman Mediterranean, to counterbalance (like IMEC) China's Maritime Silk Road initiative announced in 2013.[29]

3.2 Turkey

Turkey has established an Indo-Mediterranean presence. Its strategic derivation is two-fold. First is its *Blue Motherland* doctrine, coined in 2006 by the then-division head for the Plans and Policy Division at Turkish Naval Forces headquarters, Admiral Cem Gurdeniz, Turkey's Mahan. Gurdeniz was clear on the nature of the Blue Motherland concept as a catalyst for national change of strategic focus. Citing Spykman's *Rimland* framework, he explained:

> The Blue Homeland … signifies the maritimization of Turkey with its state and nation. It symbolizes a radical change in the dominant understanding of a land state toward the maritime state, thus ensuring the maritimization of the state and people. As a doctrine, it gives the answer to how Turkey should become a maritime state with its people in all areas that give life to maritime power. It is a geopolitical roadmap … the state should turn its face to the seas … and focus on blue waters beyond the Mediterranean Sea.[30]

The blue waters pinpointed as "the Mediterranean Sea" will be the door opening to "the Century of Asia and the Sea" for Turkey, opening through the Red Sea to the Indian Ocean.[31] A blue-water fleet is consequently under construction amid general naval activism.[32] Second is the Neo-Ottomanism Pan-Islamist nature of Recep Erdoğan's ruling administration, in power since 2003. The Ottoman Empire, in its heyday under Suleiman the Magnificent five hundred years ago, was very much an Indo-Mediterranean power, controlling the Eastern Mediterranean, North Africa, the Red Sea, the Gulf of Aden and much of the Gulf, as well as helping Islamic rulers in northwest India.

It is no surprise to note that Erdoğan, at the commissioning ceremony of Turkey's MILGEM (national warship) program in 2011, defined Turkey's blue water interests as "residing in the Suez Canal, the adjacent seas, and from there extending to the Indian Ocean."[33] Under Erdoğan, Turkish military intervention and basing rights have been established in Syria and Libya in the Mediterranean, Sudan in the Red Sea, Qatar in the Gulf, and Somalia on the Indian Ocean littoral—a "string of pearls."[34] Across the Arabian Sea, strong military links have been established with Pakistan, including Turkish naval deployments, which hinder India's attempts to establish regional pre-eminence in these waters.[35] Competitive infrastructure projects are on show. Turkey has rejected the IMEC scheme and instead pursued its own Development Road Project in Iraq down to Basra and frontage on the Gulf, and its Levant Initiative down Jordan to the Gulf of Aqaba and further frontage onto the Red Sea.

3.3 Italy

Once unified, encouraged by the *Rivista Marittima* journal of the Italian Navy, modern Italy sought possessions across the Indo-Mediterranean. Libya on the southern shore of the Mediterranean and the Dodecanese in the eastern Mediterranean[36] were supplemented by colonies down the Red Sea (Eritrea) and Indian Ocean littoral (Somalia). Mussolini, Fascist Italy's "geographer in chief," had argued for Italy breaking free of its Mediterranean chokepoint restrictions, famously comparing British-held Suez as prison bars.[37] Admiral Giuseppe Fioravanzo's *Panorama strategico dell'Oceano Indiano e dell'Oceano Pacifico* (1941) reiterated Roman antecedents but also considered the Mediterranean as extending strategically over to the Arabian Sea.

> We intend to solve the problem of our maritime borders once and for all [….] the Mediterranean will return to being the "Mare Nostrum" in the Roman sense of the word [….] The Mediterranean does not end at Suez or even at Bab-el-Mandeb, but rather strategically it ends to the east of the Persian Gulf [i.e. the Arabian Sea] encompassing it all in its vital space [*spazio vitale*].[38]

Italy's push for Egypt and the Suez Canal may have failed in World War II, leading to Italian colonial collapse, but the setting up of the *Limes* geopolitical journal in 1993 coincided with renewed strategic outreach by Italy beyond the Mediterranean, an "Enlarged/ Larger Mediterranean" (*Mediterraneo allargato*), for Italy to operate in. There is "the politics of geopolitics" in Italy's "geopolitical imaginary of the Wider Mediterranean."[39] This formulation arose in naval circles in the 1990s and was then written into official documents as a strategic frame of reference and rationale for Italian deployments in the Gulf and in the Red Sea.[40] Indeed, the "Extended Mediterranean" has also been further extended eastward across the Arabian Sea to India, as Italy's Prime Minister Giorgia Meloni explained in 2016 that "ours is a strategic choice because, [….] when we talk about the 'wider Mediterranean' we must consider that it extends all the way to here [India]."[41]

Meloni, in power since 2022, has pursued re-engagement in and with Libya in the Mediterranean, enjoying warm relations in Egypt and Saudi Arabia in the Red Sea, and established close relations in the Gulf with the UAE and with the Gulf Cooperation Council (GCC), where Meloni accepted a privileged invitation to attend the leaders' summit in 2026. India has been of particular significance in Italy's Indo-Mediterranean strategy, very much on show with Meloni's visit to India in 2023, and the close relationship established with Narendra Modi, dubbed their "Melodi." Successive Italian ambassadors to India have extolled the Italy-India partnership. Vincenzo de Luca penned *Converging Waters: Strategic Partnership in the Enlarged Mediterranean-Indo-Pacific* in 2023.[42] His successor, Antonio Bartoli, drew attention to Italy-India "joint efforts to ensure a free, open, and prosperous Indo-Mediterranean," a formulation echoing the US-Japan advocacy elsewhere of a "Free and Open Indo-Pacific" (FOIP).[43] Edoardo Rixi, deputy minister of infrastructure, argued that "India and Italy share a common vision of the sea…. we are natural partners in the broader Indo-Mediterranean region…. we shape a new geopolitics of the seas."[44] In that vein, Italian naval deployments, already seen in the Gulf since the 1990s and Gulf of Aden since the 2010s, were further on show with Italian leadership of the EU operation in the Red Sea in 2024. Italian naval deployments across the Arabian Sea to India (and beyond) has also been a new feature since 2023, including the Italian aircraft carrier ITS *Cavour* in 2024.

Italy has strongly supported the India–Middle East–Europe Corridor (IMEC) concept, seeing itself as its western pillar, and pushing Trieste as a logistics hub for further trade routing into the Balkans and central Europe. The fact that Italy's leadership uses the term "Cotton Route" as a strategic moniker for IMEC indicates its differentiation from China's Maritime Silk Road (MSR), and and instead brings in India both in terms of cotton trade with the Roman Mediterranean and India's own coining of the phrase "Cotton Route" in the previous decade. A degree of rivalry is present with Greece, which has its own hopes for Piraeus' role within China's MSR and the IMEC as the main trade hub for the Balkans. Elsewhere, Minister of Foreign Affairs Tajani's trip to Libya in January 2026 to launch the container terminal at Misurata represented further consolidation of Italy's presence in the Mediterranean.

IV. Geopolitics

4.1 Classical Theorists

Classical geopolitics is a tool for analysis, coined in 1899 by the Swedish observer Rudolph Kjellen as *geopolitik*. It focuses on how a state's placement-location (including shape and access) in a particular region will give it power advantages/disadvantages, and it may be reflected in state policies and strategies designed to maximalize such locational advantages and minimize such locational disadvantages.

Halford Mackinder's view of geopolitical imperatives in 1904 was to emphasize *land-power* able to be generated and deployed from the Eurasian heartland.[45] Admiral Alfred Mahan, in contrast, had already emphasized *seapower* in 1890, able to be generated and deployed from the Mediterranean, Indian and Pacific Oceans.[46] China's Belt and Road Initiative (BRI), with its Eurasian Land Belt and its Maritime Silk Road across the Indian Ocean to the Mediterranean, have been seen, respectively, as examples of Mackinder and Mahanian logic.[47] Current Indian naval aspirations, especially in the Indian Ocean, can be analyzed through a Mahanist seapower lens.[48] Mahanian-style competition between China and India is evident in the Indian Ocean.[49] China's seapower appearances across the Indian Ocean and into the Mediterranean have generated counter-cooperation and tacit balancing by China-concerned states in the Indo-Mediterranean, notably India and Italy. Edoardo Rixi, Italy's deputy minister of infrastructure, emphasized how "India and Italy … are natural partners in the broader Indo-Mediterranean. … That is how we shape a new geopolitics of the seas."[50] Turkey's blue-water operations can be seen as Mahanian.[51] However, Turkey's blue water appearances in the Eastern Mediterranean, Red Sea, Gulf and Arabian Sea have generated similar balancing dynamics, leading to closer cooperation between India and Greece.

Nicholas Spykman's application of geography to international relations took a position between Mackinder and Mahan, with Eurasian Rimland approach in his *Geography of the Peace*, written in 1944. The Indo-Mediterranean was a section of that Rimland, where he noted "since the completion of the Suez Canal that area has been transformed by seapower penetration"; and that the latter "surrounding string of marginal and Mediterranean seas which separates the continent from the oceans constitutes a circumferential maritime highway which links the whole area together in terms of sea power."[52] Spykman's 1950s *Rimland* alliances like NATO, CENTO and SEATO overlapped, with

Turkey being a link between NATO and CENTO and Pakistan being a link between CENTO and SEATO, the latter being renewed in the particular current Rimland nexus between Turkey and Pakistan.

4.2 Location and Space

Location continues to shape state thinking, their *geostrategy*.[53] Politicians, planners and strategists continue to think in geographical space for security purposes: "strategic space" literally and perceptually.[54] Considerations of strategic-space perspectives and policies can be pursued in the Indo-Mediterranean with regard to Turkey, India and Italy.

For Turkey, "geopolitics still matters," its location being on the maritime Mediterranean/Black Sea and land Balkan/Middle East interfaces.[55] This location, between three continents, Europe, Africa and Asia, has consequences, following the collapse of the Soviet Union, of "Grand Geopolitics for a new Turkey…. a brand-new geopolitical reality that leaves Turkey as the emerging great power in the region."[56] Turkey's immediate maritime "geopolitical space" of the Eastern Mediterranean has been extended south down the Red Sea and east across the Gulf—both leading to still further strategic extension across the Arabian Sea.[57]

India and Italy have both emphasized advantages derived from their respective locations in the Mediterranean and Indian Oceans. In this position-as-location sense, India goes deep into the central Indian Ocean, looking not only east and south, but also west across the Arabian Sea. Consequently, the Indian naval leadership talks of how:

> India's regional or immediate geo-strategic environment … leverage[s] our strategic geography to assert and defend our sovereign interests in the maritime domain … by virtue of India's geostrategic location in the Indian Ocean and her maritime capabilities.[58]

In similar fashion, the Italian peninsula runs down the central Mediterranean, leaving Italy looking to the southern and eastern shores of the Mediterranean. As Prime Minister Meloni said:

> All of Italy's long coastlines are bathed in the Mediterranean. … Geography has shaped our culture, our outward projection … the "peninsular factor" has given us a crucial resource … a key advantage, making us natural platforms for trade, logistics. … For centuries, our maritime flows have looked towards the South and to the rest of the Mediterranean, which remains our natural neighborhood.[59]

India and Italy have recognized their mutual central positions within their respective halves of the Indo-Mediterranean as a further incentive to develop their bilateral cooperation. Common positions have been stressed by Italian diplomats, like Italy's ambassador to India, Anatolie Bartoli:

As peninsular countries projecting into a shared basin—the Indo-Mediterranean—an increasingly integrated and interdependent space, Italy and India share converging visions and interests.[60]

The Foreign Minister/Deputy Prime Minister Antonio Tajani invoked geography and history, geo-economics and geotechnology, pulling Italy and India together as "natural terminals" for a "common Indo-Mediterranean area":

> Italy and India are linked by history and geography. We have been for centuries natural terminals of a common Indo-Mediterranean area, dating back to the Roman Empire. At the time it was about spices and gold. Today, we are working on connectivity, with projects in ports, logistics, and undersea digital links.[61]

India's Minister for External Affairs Jaishankar reciprocated:

> Extending its [India's] reach westward, given both the location and centrality, and the levels of activity, it makes eminent sense to connect the two, what Italy is doing in the Mediterranean and what India is doing in the Arabian Sea, for mutual benefit.[62]

Both Italy and India's sense of mutually extendable neighborhoods converge with the Indo-Mediterranean. Italy's strategic enunciation of an "Enlarged Mediterranean" and India's "Look West" both extend to the Red Sea and then for both states still further beyond—for Italy, further eastward into the Arabian Sea and for India further westward into the Mediterranean. A similar dynamic is unfolding in the Gulf. In effect, Italy and India are coming out toward each other politically and strategically but also physically (locationally) along the Indo-Mediterranean. Meloni and Modi's personal leadership chemistry facilitates this India-Italy "Indo-Mediterranean axis."[63]

4.3. Critical Geopolitics

Critical geopolitics is concerned with *position*—not so much classical geopolitics' sense of position as location, but rather position in terms of how a state perceives itself in a region, what does it see its place as deserving, merited and achievable. Achievement is through national policies, played out at times in bilateral, multilateral and regional settings. Such criticality involves state perceptions and images ("geopolitical image-ination"), its hopes and aspirations, its fears and concerns about others in such a region.[64] This aspiration sense of position is on show in the Indo-Mediterranean, with regard to India, Italy and Turkey. Feeding into these critical geopolitics, Agnew and Tuathail point out that "it is through discourse that leaders act, through the mobilization of certain simple geographical understandings that foreign-policy actions are explained … through ready-made geographically-infused reasoning."[65] "Discursive transformation" is on show, produced to serve different geopolitical visions that serve to enable, restrict and rationalize different role choices for Turkey in the international system, highlighted with Recep Erdoğan's ascent to power since 2014.[66] Such discursive transformations have also operated with Italy and India with the advent of Meloni and Modi.

Geopolitics is literally political, both in terms of how it is formulated and how it is used as informing state policies for regional and international systems.[67] Geopolitical codes emerge in and from the process of government, representing "governmentality" in a "geo-coded world" (Rose-Redwood), and "intellectual tools for practicing statecraft" (Dijink).[68] Ahmet Davutoglu, as foreign minister and then prime minister of Turkey, coined the phrase "strategic depth" for Turkey and "geopolitical code" underpinning policy toward the Middle East.[69] Turkey's strategic depth was initially deployed across Central Asia (Mackinder-style), but is now also deployed down the maritime stretches of the Indo-Mediterranean (Mahan-style).[70] Italy's "extended Mediterranean" and India's "extended neighborhood" concepts are similar geopolitical codes generating policies and power presence.

V. Geo-economics

If classical geopolitics concerns itself with states' location, and advantages and political-military power outcomes thereon, geo-economics concerns itself with state access (again a locational, *geo*, matter) to economic resources and economic power outcomes thereon. Economic power in turn underpins states' political and military power. Geo-economics has become a tool of modern geostrategies, as states seek control and access of resources.[71] This is fully on show in the Indo-Mediterranean with China's Maritime Silk Road (MSR), and the India-Middle East-Europe Corridor (IMEC) initiatives, "key instruments of geopolitical competition."[72]

5.1. Trade and Energy Flows

Trade corridors are inherently strategic; the Suez Canal in the Indo-Mediterranean can be compared not only with alternative flows across the Indo-Mediterranean with IMEC (via the Arabian peninsula) but also around the Indo-Mediterranean with Northern Sea Route (China's Polar Silk Road), the Trans-Siberian Route (China's Eurasia "Belt," the China-Europe Railways Express) and the International North-South Transport Corridor (INSTC) going up from Chabahar.[73] Energy security is certainly in play in the Indo-Mediterranean, where location is crucial for states in obtaining, maintaining and defending supply routes. This was particularly on show with Houthi disruption of the Red Sea throughout 2025 and the closure of the Straits of Hormuz by Iran in 2026, and the search for alternative rerouting.

5.2. Infrastructure Routes

Infrastructure routes have become a highly politicized "corridor war" in the Middle East.[74] Infrastructure connectivity is, by its nature, strategic, locationally shaped dots and corridors between places. Sami Moisio's geopolitical analysis of geo-economic practices shows as it "focuses on the political imaginaries that frame the world in terms of economic expansion, new kinds of inter-spatial competition, connectivity."[75] This straddles the world of critical geopolitics (*political imaginaries*) and tangible competition on infrastructure connectivity themes, evident with the IMEC. There is, indeed, a "geopolitics of infrastructure" in which "the new geopolitical contest is between competing infrastructure blocs."[76]

China's Belt and Road (BRI) initiative across Asia is an important infrastructure initiative, underpinning power aggrandizement.[77] Within the BRI, its Eurasian Belt represents Mackinder geopolitics; its Maritime Silk Road component, going across the Indian Ocean and into the Mediterranean represents Mahanian sea focus. For India, there is a "geopolitical weapon of connectivity," as India seeks to insulate itself from "the pressures created by China's expansionist connectivity model."[78] It is no surprise that India under Modi has boycotted the MSR (seeing it as geo-economic encirclement of India for geopolitical purposes by China), and Italy under Meloni pulled out of the MSR in 2022. There is undoubted "geopolitical corridor rivalry" between the MSR and the IMEC initiative.[79]

Ideational and material concerns underpin the IMEC, a "new geography of strategic connectivity in the Indo-Mediterranean."[80] IMEC was announced by India, the UAE, and Saudi Arabia in 2023, reflecting a "geopolitical moment" and "a long strategic process."[81] Three stages (maritime-land-maritime) are covered in this Indo-Mediterranean geo-economic initiative. A maritime link is envisaged from India across to the UAE. Overland it then goes across from UAE (Dubai), Saudi Arabia (Al Ghewelfat–Harad–Riyadh–Al Haditha), and Jordan through Israel to Haifa on the Mediterranean coast. Further Mediterranean maritime links were then envisaged. There is debate whether IMEC's land section across the Arabian Peninsula will complement or compete with the established maritime route through the Suez Canal.

The politics of the project were apparent: "a strategic asset" for its advocates.[82] States not involved in IMEC are an important indicator of IMEC intent and tacit alignments. China, of course, has not been invited, nor has attempted to participate. Turkey has not been invited to IMEC, and has instead pursued its own infrastructure initiatives, shaping overland routes to maritime access. The Development Road Project (DRP) runs from Turkey down Iraq to Basra and the Gulf. One Turkish reviewer sees it as "connectivity projects are not only about logistic convenience … they envision a new geopolitical design and architecture … a new geopolitical reality."[83] Turkey's Levant initiative goes down from Turkey-Syria-Jordan down to Aqaba on the Red Sea. Both projects, geographically, but also politically, cut across the IMEC proposal.

The politics of IMEC were also on show after the eruption of Israel-Hamas fighting in Gaza during 2024–2025, which for Muslim countries threw the envisaged Mediterranean access at Haifa into question. The announcement in May 2025 of the *Moses Bridge* causeway and railway project across the Strait of Tiran, which links Saudi Arabia to Egypt as a potential replacement for IMEC transit through Israel, is indeed "more than a physical connection, it is a strategic message."[84]

Amid a fragile and partial ceasefire, Italy, Saudi Arabia and India relaunched the IMEC initiative with increased effort during 2026, but again the US (and Israeli) conflict with Iran in September 2025 and Spring 2026 severely disrupted Gulf traffic through the Strait of Hormuz. The results of the conflict in and around Iran on future Indo-Mediterranean developments, for example on IMEC routage and Gulf/Red Sea energy and trade security, remains to be seen.[85] As one straw in the wind, with the UAE eastern coast in the Gulf under Iranian attack and blockade, the UAE sought to switch routage to its western coast on the Indian Ocean littoral, at Fujairah, where shipping can freely access, and from where pipelines are being laid down overland to help their own and Saudi and Kuwaiti oil output to sidestep the Strait of Hormuz.[86]

VI. Geotechnology

Some have argued we are in "the new era of geo-technology," one in which questions of location (where technology is applied, and its impact there), and power (who controls the technology, who benefits from the technology) is in play.[87]

6.1 Geotechnology Theory

Friedrich Ratzels, the German "Father of Geopolitics," picked up on the role of geotechnology in his *Politische geographie* (1903), chapter 16, *Der Verkehr als Raumbewaltiger*

"Transport/Communications [*Verkehr*] as a 'space master' [*Raumbewaltiger*]." In this connection, control of Indo-Mediterranean routes has long been a state imperative.

> 215. The Relocation of Transportation Routes [*Verkehrswege*].
> The relocation of a transportation route thus becomes a major political and geographical fact. … Two millennia ago … provides the first historical example of a forced rerouting of a global trade route: the diversion of Indian-Mediterranean trade from the Persian Gulf and the Euphrates to the Red Sea and the Nile. Egyptians, Greeks, and Romans enforced this rerouting. … For the Ottoman Empire, the same process threatened to repeat itself with the relocation of the remnants of the old trade routes to India through the Suez Canal. … The opening of the Suez Canal marked the beginning of an unstoppable decline for Syria and Mesopotamia, a decline that only railway connections to the Persian Gulf can reverse. …
> 215 Transport and Strategy. The development of transport routes is driven by military needs.[88]

6.2 Transport Technologies (Railways, Canals)

Railway technology immediately impacted communications flows; the Alexandria to Suez railway line that opened in 1858 made overland transit of the Isthmus of Suez easier. Railway technology, of course, underlays the push for an Indo-Mediterranean Railway down the Euphrates valley, with the Berlin to Baghdad and Basra scheme being feared from Germany at the start of the twentieth century.

The single biggest technological change was the construction of the Suez Canal, which opened in 1869 and revolutionized trade and communication with Europe to India almost overnight, making the old route round Africa and the Cape of Good Hope somewhat redundant. The opening of the Suez Canal was significant in removing overland obstructions (the Isthmus of Suez), recognized at the time that "this Canal has, in fact, turned the Red Sea into an arm of the Mediterranean."[89] The Suez Canal was of political as well as technological consequence. Politics of technology was on show in 1882 when British occupation of Egypt established British control of the canal, long sought for explicitly imperial purposes of protecting the route to India.[90] The Suez Crisis of 1956 witnessed the reversal of political fortunes, as Britain failed in its attempt to reverse Nasser's nationalization of the Canal through the dispatch of military forces.

Infrastructure competition between types of technology was on show for Alfred Mahan, the advocate of marine geopolitics and seapower. Applying his own particular geopolitical bent, he argued in 1902 that the maritime route via Suez remained superior to the overland railway route down the Euphrates, which had been mooted at various points in the nineteenth century:

> There exists now the sea route by Suez, which is, and probably must remain, supreme to all others. Alternative to it, in part of the way, the future will doubtless bring railways. … Between them and the Suez route there will be the perennial conflict between land and water transport, between natural and artificial conditions, in which the victory is likely to rest, as heretofore, with Nature's own highway, the sea.[91]

The installation of a second lane for the Suez Canal in 2015, with further deepening and widening in the Southern sector in 2021 to create an 82 km. parallel channel, represented significant infrastructure upgrade, dramatically reducing transit times from 16–18 hours down to 11 hours.

6.3 Communication Cables

Cables first came to the Indo-Mediterranean for strategic reasons as Britain sought to establish telegraphic communication between London and British India. Overland cables were established in 1865 running from Constantinople, through Baghdad, Basra, Fao and Karachi. These were superseded in 1870 with new maritime cables, coming from Malta-Alexandria, then overland to Suez to run down the Red Sea, where John Pender's British India Submarine Telegraph Company which was able to lay the submarine cable from Aden to Bombay.

Fast forward to the twenty-first century and the Information Revolution had arrived. Cem Gurdeniz noted how "data lines under the sea were becoming the new geopolitical veins of states."[92] Two digital schemes have been rolled out. First the IMEWE (India–Middle East–Western Europe) 13,000-kilometer high-capacity optic submarine cable, launched in in 2010, linkis Marseilles to Bombay via the Red Sea to secure broadband connectivity. A decade later and it was the turn of the EU–Africa–India Digital Corridor, announced in 2020, to provide ultra-high-speed data connectivity. The Blue–Raman cable system is composed of two cable legs. The *Blue* (developed by Italian Sparkle company) cable in the Mediterranean goes though France, Italy (Brindisi), Greece and Israel with overland routing to the Jordan's Red Sea port of Aqaba Digital Hub, while the *Raman* (named after the Indian Nobel Laureate Venkata Raman) leg carries on the connection from Aqaba down the Red Sea/Saudi Arabia to Djibouti, Oman and across to Mumbai.

However, seabed security issues were on show in the 2024 Red Sea cable cuts that temporarily affected 25 percent of India's internet connectivity. Houthi attacks on shipping in the Red Sea saw the *Raman* Project disrupted during 2025, though May 2026 witnessed the Aqba Digital Hub receiving loans (US $14.1 million) for its expansion. National rivalries are also in play. China's PEACE (Pakistan and East Africa Connecting Europe) initiative, a rival digital corridor within China's Digital Silk Road portfolios, aims to run from Gwadar in Pakistan across the Indian Ocean to Djibouti, up the Red Sea to Egypt and then the Mediterranean, bypassing India and providing China with extra surveillance capabilities and port presence.[93]

VII. Conclusions

If we stand back, certain patterns concerning Indo-Mediterranean processes are apparent. Locational factors are common across national geostrategies of India, Italy and Turkey and within the application of geopolitics, geo-economics and geotechnology to the Indo-Mediterranean.

Indeed the importance of locational imperatives is why the argument by Luttwak that geopolitics is being replaced by geo-economics, his picture of states "impelled by the bureaucratic urges of role-preservation and role-enhancement to acquire a 'geo-economic' substitute for their decaying geopolitical role," has not come to pass.[94] Instead, states across the Indo-Mediterranean are using geo-economic locational advantages and strategies to give themselves power and leverage. Deborah Cowen and Neil Smith argued that there is "the erosion of geopolitical calculation and the rise of the geo-economic," but in fact geo-economic calculation, through its locational embedding, is part of geopolitical perspectives.[95] Wigell quite correctly considered that geoeconomics was "the geostrategic use of economic power."[96]

Globalization indeed facilitates transnational modes of production but also the importance of trade routes. From that, freedom of navigation and chokepoint security issues are evident in the Indo-Mediterranean, most notably the Bab el-Mandeb (Red Sea) and the Strait of Hormuz (Gulf).[97] Iran's "chokepoint warfare" was certainly on show in Spring 2026 when it closed the Strait of Hormuz, "weaponizing connectivity."[98]

Geo-technology is a useful addition to the *geo* family of theories, not just a subset of geo-economics but rather showing distinctive features of locational politics, "politicking" in the diplomatic and defense domains. Infrastructure competition was particularly noticeable, not only in the past with the maritime Suez Canal versus the overland Euphrates railway, but also in the present. This current infrastructure competition brings in geo-economic balance through reducing economic dependencies (on China's MSR) via alternative arrangements and initiatives like IMEC.[99]

Talk of power and balancing is very much the domain of IR realism. Interstate competition and counter-balancing patterns counterpoise the emerging India–UAE–Israel–Greece–Cyprus grouping with the Pakistan–Qatar–Turkey grouping, in parallel with the particularly strong bilateral pillars established between India and Italy. IR realism is also noticeably reflected in infrastructure rivalries, involving India and Italy's hopes of IMEC acting as a counterbalance to China's Maritime Silk Route, and in which Turkey's infrastructure schemes locationally (and politically) cuts across the IMEC initiative.

Conversely, classic regionalism theory of institutional region-building and economic integration is not particularly applicable, at present, to the Indo-Mediterranean. Institutional "Indo-Mediterranean" region-building is instead, again, presently shaped on antagonistic minilaterals, and economic integration is hampered by these rival corridor wars and rival infrastructure initiatives. The Indo-Mediterranean is perhaps then not so much a region but rather a "strategic space," within which IR realism and various geo-related theories are currently in vigorous play.

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Divergent Worlds: What the Ancient Mediterranean and Indian Ocean Can Tell Us about the Future of International Order

Amitav Acharya and Manjeet S. Pardesi (Yale University Press, 2025), 248 pp., $30.00, ebook ISBN 9780300281170.

The international order is reshaping itself slowly but assuredly. The vast literature on change in international order focuses on the rise and fall of hegemons. The book aims to study the international order without overriding it with hegemony and provides an alternative conception of international order that is "a multiplex order" (p. 3). The author describes a multiplex order in the East Indian Ocean that was stable and open to commerce and cultural diffusion. The current idea of an international order based on liberal hegemony is the evolution of the city-states that flourished around the Mediterranean. Thus, the Mediterranean directly and indirectly influences domestic and international politics (p. 7). The book not only compares the ancient Mediterranean and Indian Ocean but also offers a broader conception of ideas like the "International System." According to the authors, both "anarchic" and "hierarchic" systems should be treated as international systems (p. 11). International systems should not be seen exclusively through military-political terms; their creation and operation should also focus on ideational ones. This makes the book unique as ideational elements are becoming prominent in IR studies.

The book dedicates complete chapters to the Mediterranean international system and the ancient Indian Ocean system. In the Mediterranean system, the Greek role was "essentially mental and spiritual," and the Roman role was "structural and practical" for constructing the system. In the Eastern Indian Ocean region, India and China both played key roles in shaping the culture of Southeast Asia. Indian influence was economic, cultural, and ideational, and China's influence was geopolitical (p. 12). The book shows that the Mediterranean and Indian Ocean systems were completely different. The Indian Ocean system was more ideational and interactionist, whereas the Mediterranean was focused on material power and the coercive nature of hegemony. The book also advances the study of the system of regions from a historical point of view to find out how the world order can evolve. The existing literature focuses on great power politics, hierarchy, and power transition between declining and rising hegemons. The book departs from this and clearly shows that in the Ancient Indian Ocean System, there was no hegemon, and it was an open, decentered region where the trade flourished. The region's players take care of all the public goods (p. 105). No major power was at the system's center, neither China nor India. Southeast Asia played a pivotal role in connecting maritime Asia.

The book is published at a crucial time: the world is shifting from the Euro-Atlantic to the Indo-Pacific, American hegemony is waning, and the rising powers seek enhanced status in the world order. From the historical evaluation of the current Mediterranean system, Rising China and Established America are sleepwalking into disaster, but the era of power transition through war is over. America became the hegemon after World War 2, but neither China nor America could afford a global war. The book explains how the peaceful transition of global order from closed, centered, hegemonic to open, decentered non-hegemonic can occur; the ancient Indian Ocean system can act as a guiding principle. The Indo-Pacific region may evolve into an open, decentered, non-hegemonic global system as no power in the world is powerful enough to dominate the region (p. 126). With the rise of the idea of the Indo-Pacific, all the major powers are expanding their economic, political and military ties with the Southeast Asian states, thus making them central to the Indo-Pacific region. China, for all its reasons, is expecting America's Indo-Pacific strategy to be anti–Beijing; thus, China itself is seeking "multiple ways to project its sea power." It is rapidly modernizing its naval forces, engaging with states like Pakistan and Myanmar to ameliorate the Malacca dilemma (p. 131). China is also pursuing its multilateral engagements with ASEAN nations. The Lancang-Mekong (LMC) mechanism and the Belt and Road Initiative are a few examples.

The book is a must-read for all the researchers and policymakers of International Relations as it is based on a relatively new theory of world politics—"multiplex world order"—and also the authors explain how historical analysis of the regions can act as a guiding principle for the evolution of world order. Although the book focuses much on ideational factors of the historical Indian Ocean region, this creates problems as it does not explain how and why states agree with "power and influence of the major actors either dissipates, is voluntarily abandoned, or is neutralized or socialized with the help of norms and institutions, often through the involvement and leadership of the so-called lesser actors" (p. 39). The great powers that did everything to have power and influence must abandon them. How and why this will happen is not mentioned. Also, if states ultimately have to decide to abandon their acquired strengths, then how are regions the primary drivers of trade and public goods? The evolution of regions is still violent and hegemonic in nature. This shows their Western orientation, and the book is a perfect add-on to the non–Western literature that explains how a peaceful transition in world politics can happen. The book is not limited to historical analysis but generates a new theory of international order in "multiplex world order."

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Territorial Imaginaries: Beyond the Sovereign Map

Karen Wigen (ed) (University of Chicago Press, 2025). 280 pp. cloth, $45.00, ISBN: 9780226839004; epub, $44.99, ISBN: 9780226839011.

Can sovereignty be represented as a matter of territorial integrity? This question has preoccupied social scientists and historians for a very long time; the German sociologist Max Weber defined the state as a territorial entity that can "monopolize legitimate physical violence," and historians such as Wendy Brown and James Sheehan argued that sovereignty "is something of an abstraction with a tenuous bearing on political reality," or that sovereignty may be "regarded as unified and inseparable as a doctrine" but as an activity, it is "plural and divisible." However, the central question which brings about such responses may have been phrased incorrectly. Perhaps the real question confronting territoriality and sovereignty is: Is a genuine monopoly of space ever possible? Insofar as one government must dominate a certain territory by excluding others from doing so, there is no guarantee that there will be an eternally fixed sovereign over a specific territory. Borders and peoples inhabiting a certain territory are bound to change as people immigrate or emigrate in search for better living conditions or to escape from the ravages of a war. Whatever the reason may be for relocating from one place to another, sovereign control over a specific territory was never, historically, a monolithic and unified concept; territories frequently changed hands and became plural in ownership and consequently divisible among many different empires and states. It is from such a theoretical premise of geographical diversity and divisibility that Karen Wigen conceived of an essay collection exploring different historical examples that not only display diversity in conceptualizing the notion of sovereignty but also display a frequent change in borders and representations of populations residing in a specific territory. Emerging from a debate among historians working in various fields at a conference held at Stanford University, *Territorial Imaginaries* explores how different empires and nations understood the relationship between a people and their territory.

The book is divided into ten chapters, and each chapter discusses a unique historical example of how an empire or a certain people understood the relationship between territory and sovereignty. The first four chapters discuss mapping practices prior to the rise of the nation-state, examining the Russian Empire under Peter the Great, the Mongolian conception of sovereignty and territory, failed states, and the Ottoman interpretation of sovereignty during the Congress of Karlowitz in 1699. Each of these chapters show how empires treated the representation of minorities and tried to connect unexplored territories within a national domain such as Siberia with those already under Russian control, the Mongolian belief in a strong attachment to a fixed territorial domain to the concept of sovereignty despite the Qing Empire's attempts to reorganize minorities according to a Chinese world-view of treating the Mongolians as "barbarians," how a map of a small township in China represented a contested theme in Chinese history—must a nation be ruled through a central bureaucracy or a feudal system?—which would continue on into the twentieth century, as China embarked on a civil war to determine national unification and territorial integrity. The fourth chapter discusses the Ottoman Empire's arguments in the Congress of Karlowitz; the Ottomans argued for the preservation of rivers as natural boundaries for a state to promote harmony, stability and well-being in service of the people it was meant to serve against the Austrian argument that whatever territory the Ottomans lost as a result of their loss was meant to be ceded in whole, including entire river systems. The Ottomans uniquely developed a philosophy of a moral ecology, tying the well-being of a people to their environment and obliging the state to develop the environment as a whole to promote advancement to the public.

The fifth chapter explores why some territorial conflicts have clearer solutions than others and points to territorial imaginaries rooted in deep ethno-cultural nationalism as a major barrier to producing lucid solutions, whereas for nations featuring multi-ethnic societies, solutions were easier to conceive. Chapter 6 argues for a verbal modeling of sovereignty that embraces a complex mixture of ideas, infrastructures, organization, and authority. Such a vision allows us to see how mapping made the state and that the state persists not only due to political hegemony but also because maps help concretize such representation. Chapter 7, however, warns readers that maps harbor emotions, for they project a certain worldview of a state onto others. Perhaps symbols and words can provide more accuracy without inviting too much subjectivity. Chapter 8 argues that maps as products of colonial control may exclude aboriginal groups, as it was the case with the Spanish conquest of Mexico. To do justice to such an exclusion, paying more attention and giving more respect to local figurations back into cartographic space, would promote a better representation of multi-ethnic postcolonial societies. Chapter 9 provides another dimension to chapter 8 by analyzing Weimar German maps, showing that they sought to erase ethnic differences in a quest to promote German imperialism as a part of a quest to recover lost territories after World War I. Maps have the risk of justifying political hegemony while sacrificing geographical accuracy. Finally, the last chapter warns that because the ethnic compositions of historical empires such as the Holy Roman Empire were very complex, three methods must be used to represent non-exclusive dominion: reframe density as dilution, by emphasizing infrastructural connections such as roads, and acknowledging diachronic modes of power-sharing.

Overall, the book succeeds in showing that there were diverse interpretations of territoriality before and after the emergence of the nation-state as a universal concept. Geographically, the book succeeds in representing a nearly global scope of the debate surrounding territoriality by covering perspectives from Asia, Europe, Latin America, and also offers useful theoretical insights about how territoriality informs nationalism and vice versa. Nevertheless, the near-global coverage of territoriality and its relationship with nationalism is also a central disadvantage of the book. While each chapter reasonably succeeds in delivering their intended objectives, the chapters do not meld well together because they discuss different countries and regions and therefore it is hard to see what the precise thematic or international connections are between one chapter and another. The transition from the Mongolian conceptualization of territoriality and nationalism and the discussion about Ottoman arguments at the Congress of Karlowitz, for example, have almost nothing in common. While it can be argued that both the Mongolians and Ottomans strived to preserve their unique notions of territoriality against Western or European norms, other than this generic connection, there is very little contextual or ideational support to connect the two chapters together in a truly meaningful fashion. In addition, some arguments in the book are not particularly clear. For example, in chapter 6, while the inclusion of ideas and infrastructures in interpreting maps is sound, exactly what the inclusion would produce as an alternative is left unclear. Due to this lack of clarity, it is also not clear what the consideration of other factors is precisely aiming toward.

Finally, there is no converging and singular thesis. The fundamental problem lies in the structure of the book itself. Since the essay collection was conceived as a result of historians convening together and reflecting their diverse interests but were not initially aware of each other's works, the resulting essay collection's general thematic link is very weak. While diversity is a virtue in representing a topic which has the potential to be a major idea in global history, pursuing diversity for diversity's sake without much thematic connection harbors the danger of making the end-product read rather haphazardly. Moreover, dividing the sections based on the advent of the nation-state as a universal idea harbors a Eurocentric bias that unintentionally downplays the importance of maintaining a truly global outlook for a history of territoriality. Since the introduction does not precisely explain why the advent of nation-state must be the dividing line between the first four chapters and the remaining six chapters, it is difficult to know how and why such a judgment was fundamentally made.

Yet, overall, this book offers a good introductory guide to highlighting the importance of territoriality and nations. It also provides a nearly literal global coverage of the topic and lets readers understand diverse dimensions to nationalism and territoriality beyond the familiar story of the Westphalian system and the birth of the nation-state. For those wishing to understand the global history of territoriality, this book would definitely serve as a good introductory guide to the world of territoriality, empire, and nation-states in terms of diversity and breadth. It is a book that truly attempts to discuss territoriality beyond the idea of a sovereign map and presents the complexity of sovereignty as a constantly contested concept across the world.

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Call for Papers and Style Guide

JTMS Winter/Spring 2027 Issue Call for Papers

The *Journal of Territorial and Maritime Studies* (*JTMS*) is soliciting submissions for its Winter/Spring 2027 issue. *JTMS* is an interdisciplinary journal of research on territorial and maritime issues sponsored by the Northeast Asia History Foundation with editorial offices hosted by Yonsei University in South Korea. The Journal provides an academic medium for the announcement and dissemination of research results in the fields of history, international law, international relations, geography, peace studies, and any other relevant discipline as they pertain to terrestrial and maritime territorial issues. The journal covers all continental areas across the world, and it discusses any territorial and maritime subjects through the various research methods from different perspectives; moreover, practical studies as well as theoretical works, which contribute to a better understanding of terrestrial and maritime territorial issues, are encouraged.

For consideration in the Winter/Spring 2027 issue, Manuscripts should be submitted electronically to *jtms@yonsei.ac.kr* by September 1, 2026. Submitted papers should include four major sections: the title page, structured abstract, main body, and references. The title page should contain the title of the paper, the author's name, the institutional affiliation, and keywords. To be considered, manuscripts must follow the *JTMS* style guide available on our website. A length of maximum 9,000 words is preferred for an article, including endnotes, and approximately 2,000 words for a review. Inquiries may be sent via the email address provided above.

Our style guide and other journal information may be found on our website at: http://www.journalofterritorialandmaritimestudies.net.//

JTMS Call for Blog Entries

The blog of *Journal of Territorial and Maritime Studies* welcomes submissions for blog entries. This forum is intended to discuss topics related to recent territorial and maritime news, research, and policy. It is hoped that this blog will help bring a fresh perspective on how to deal with territorial and maritime issues and the complexities these issues present.

Those wishing to submit a blog post can send their post to *jtms*@yonsei.ac.kr along with the author's contact info, bio, and a recent photo.

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JTMS Style Guide

JTMS is a scholarly journal. Paragraphs must be fully developed without contractions, first and second person pronouns, repetition, jargon, sexist language, or awkward syntactical constructions. Use a limited number of succinct headings and subheadings that are underlined or italicized as appropriate. Carefully honed style that is in a mellifluous prose is as important as substantive content. *JTMS* recommends authors ask colleagues whose writing style they respect for help with review and revision. Please note that all accepted material is subject to editorial emendation.

Length: Research articles should be no more than 9,000 words, commentary essays no more than 4,000 words and Book Reviews no more than 2,000 words.

Format: Research should be saved as Microsoft Word document formatted Times New Roman, 12 point font, double-spaced. There should be generous margins, no right-hand justification, and pages numbered consecutively.

Title Page: Title page must include (1.) the title of the paper, (2.) author's contact information including name, affiliation, address, phone number, fax number, email address (3.) A structured abstract (see samples below) and few key words of the paper.

Biography: Author's biographical statement (75 words or less)must be underneath his/her contact information. This will be edited and published in the Journal of Territorial and Maritime Studies.

Declaration of Generative AI and AI-Assisted Technologies in the Writing Process: Authors should clearly state whether generative AI was used while writing their articles, including which model, how it was used, the checks the author performed, and the author's assumption of responsibility for the results.

Example: During the preparation of this work, the author used ChatGPT (OpenAI)'s free version exclusively to improve the manuscript's readability and language. After using this tool, the author reviewed and edited the content as needed and takes full responsibility for the published article.

Headings: *JTMS* uses three levels of headings. Major headings (heading level 1) are center justified in bold with no indentation of the first sentence following the heading. Secondary heading (heading level 2) is left justified in italic with the first sentence after the heading indented. Tertiary heading (heading level 3) is left justified in italic with the first sentence after the heading beginning on the same line.

Tables & Figures: Insert each table or figure on a separate page at the end of the text. Indicate the position of the table or figure in the text (e.g., Insert Table 2 here). The page containing the table or figure should be placed after the page that first references the table/figure in the text. Authors have the responsibility of providing high quality figures and images in tiff format and a resolution of 800dpi or higher. Supporting materials may be submitted as hard copies for scanning or through email submission. Please forward all materials to the editor.

One File: Submit the paper as one file in the following order: Title, Structured Abstract, Text, Endnotes, Tables and Figures, and Biographical Statement.

Endnotes: Use full citation endnotes with no bibliography or reference list. Endnotes should be brief, used sparingly, and consecutively numbered with subscript Arabic numbers. Please convert all footnotes to endnotes.

Book

1. Robert Jervis, The Meaning of the Nuclear Revolution: Statecraft and the Prospect of Nuclear Armageddon (Ithaca, NY: Cornell University Press, 1989), p. 167.

2nd non-consecutive endnote

2. Jervis 1989, p.160

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3. Ibid. p.50

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2. David Karl, "Proliferation Pessimism and Emerging Nuclear Powers," International Security 21(3) (1996–97), p. 89.

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3. Sangwon Yoon and David Lerman, "Hagel Calls on North Korea to Tone Down Rhetoric," Bloomberg News, April 11, 2013, *http://www.bloomberg.com/news/2013-04-10/south-korea-braces-for-possible-missile-test-from-north-today.html*, accessed January 21, 2014.

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Non-consecutive citations:

ICJ Reports 1978, supra note 18, p. 50, para. 102

Newspaper Article

4. Andrei Lankov, "Stay Cool. Call North Korea's Bluff," New York Times, April 9, 2013.

Footnote

5. The classic optimist-pessimist debate can be found in Scott Sagan and Kenneth Waltz, The Spread of Nuclear Weapons: An Enduring Debate, 3d. ed. (New York: W.W. Norton & Company, 2013). For detailed surveys of the literature more generally, see Peter Lavoy, "The Strategic Consequences of Nuclear Proliferation: A Review Essay," Security Studies 4(4) (1995), pp. 695–753; and Francis Gavin, "Politics, History and the Ivory Tower-Policy Gap in the Nuclear Proliferation Debate," The Journal of Strategic Studies 35(4) (2012), pp. 573–600.

Structured Abstract

Article Classification: *JTMS* categorizes articles into 6 of the following classifications: Research Paper, Viewpoint, Technical Paper, Conceptual Paper, Case Study, and General Review. Please write one of the categories in which your paper belongs on the article title page.

The article title page must include a structured abstract with 4–5 of the following subheadings: (1.) Purpose, (2.) Design/Methodology/Approach, (3.) Findings, (4.) Practical Implications, (5.) Originality/Value. The structured abstract, including keywords and article classification, must be 200 words or less.

Structured Abstract Samples

Sample 1:

Article Type: Research Paper

Purpose: Some scholars imprint an academic discipline by their contribution to the manner in which people think and research, namely, by putting forward novel concepts and insights. The purpose of this paper is to examine the impact of Sumantra Ghoshal's work on the study of subsidiaries and multinational enterprises and organizational formats for foreign operations.

Design, Methodology, Approach: A bibliometric study on Bartlett and Ghoshal's well-known book Managing Across Borders: The Translational Solution is performed to assess its impact in international business (IB) research. The entire record of publications in the top leading IB journal, Journal of International Business Studies (JIBS), is examined.

Findings: Theoretically supported, Ghoshal's work was keenly influenced by his corporate experiences and his constant questioning of the dominant theories and assumptions. The analyzes in this paper show the impact of the work on the "transnational solution," namely, on the understanding of multinationals and subsidiaries, thus being one of the most notable contributions for IB research over the past 20 years.

Practical Implications: Useful for graduate students and in writing a literature review, this paper presents an interesting manner to examine a scholar's and a theory's impact on a discipline.

Originality, Value: This paper presents an extensive bibliometric analysis of research published over a timespan of 22 years in international business studies.

Sample 2:

Article Type: Research Paper

Purpose: While many studies on institutional environment have primarily focused on the influence of the host country environment, limited insights have been offered on how the different dimensions of home institutions affect firm internationalization. This paper aims to fill this gap by investigating the effects of regulatory institutions at home.

Design, Methodology, Approach: Using country governance quality to proxy quality of regulatory institutions, this study attempts to reveal how regulatory institutions at home facilitate a multinational enterprise's (MNE's) international expansion and why the

influence differs in different country clusters. Using hierarchical linear modeling and cluster analysis, proposed hypotheses were tested with a three-year panel 511 firms from 38 countries.

Findings: The results provide substantial support for authors' hypotheses that MNEs with high governance quality at home are more engaged in internationalization than those with low governance quality at home. Moreover, differences in institutional effect do exist between country clusters.

Practical Implications: This study provides evidence that while country difference exists, governance quality at home can facilitate MNE's expansion into foreign markets. This finding will help managers of any MNEs to consider country-level factors and evaluate the governance quality at home before committing resources into foreign operations.

Originality, Value: Building on the institutional environment literature, this theory and results make original contributions by underscoring how the consideration of regulatory institutions at home can significantly improve understanding of institutional influence on MNEs. The findings have important implications for both international business researchers and managers of MNEs.

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