

Today the United States position as a sole superpower is under biggest challenge from both China and Russia as its internal problems are not allowing it to exercise global power like that done by President George W. Bush. With China it is economics that is right now the Chinese Economy is [approximately](#) at 15 trillion dollars. The Chinese have intentionally kept their currency weak, about which the Americans keep complaining. This is because China gains more profit due to trade with the whole world than the United States does. As a result the gap is narrowing with America sitting still as the sole superpower at just a bit [more than](#) 21 trillion dollars. Militarily ultimately Putin will dominate on Ukraine, once that is attained by him it will signal clearly to the world that Americans are willing to do everything but not fight. In future American strategic attention, resources will be divided between China and Russia. China has already got the signal indirectly from Moscow that go ahead and physically capture Taiwan. If Taiwan [falls](#) then the whole of global trade passing through Indo-Pacific Oceans will come under unprecedented levels of military threat from the world largest navy that is China. The aim of the Chinese is to dominate the entire Indo-Pacific region because it will help them to observe their optimum economic [wealth](#). India's trade through Indian Ocean has made possible for it to have an economy of 3.1 trillion dollars. All this will be at stake because Chinese are working on Sri Lanka, Bangladesh, and Maldives along with pumping in more money to make their Navy even further mightier. All war studies clearly point out that if America tries to confront China militarily while trying to save Taiwan then in that conflict inside the western Pacific Ocean the Americans would definitely loose!

Americans keep lecturing the Chinese with respect to International Law (rules based order). The Taiwanese Defence Minister has said in the year 2021 that in 4 years the Chinese would be [completely ready to launch](#) a war and then physically take over Taiwan. It might happen that, like in the case of the Ukraine crisis, diplomacy was followed by war. So diplomacy which is done to avoid war, will involve the Americans lecturing the Chinese on how critical a geopolitical unit like Taiwan is for not only the entire world's semiconductor requirements etc but also necessary for avoiding World War III. But what if they themselves are in violation of United Nations Convention on Law of the Seas (UNCLOS)?



Image source: Getty

On 9 April 2021 [USS John Paul Jones](#) which is a 9000 ton American guided missile destroyer, this ship floated into the vicinity of Lakshadweep Islands. Vicinity means not in India's territorial water (that is 12 nautical miles). So in this area nobody can come in without taking consent of the Government of India (GOI). But any country's exclusive economic zone (EEZ) is 200 nautical miles.

This ship got 131 nautical miles away from the Indian coast. So it was inside the Indian EEZ. Now this caused consternation because this ship came into India without informing the GOI. And if there were any doubts left the US Navy 7th Fleet issued a statement saying that they had come into Indian EEZ to [assert](#) its rights for a freedom of navigation operation. Consternation was in the Indian strategic community that Americans are friends of India and why are they behaving like this?

To completely understand this one must go in-depth and understand UNCLOS. Now this International Law goes back to 1982. India [ratified](#) this treaty in 1995; America has not ratified the treaty as yet. While they were ratifying the treaty, India said that any military vessels coming into its EEZ will require informing the GOI. So they will need to inform India as long as they are innocent military movements.

That is nothing should be done by those vessels which are of military implications. Technically the Americans violated that rule which India had put over the UNCLOS, to make the point (American perspective) that no country has any right to make rules on top of an

International Law, which the Americans have not ratified. GOI [said](#) that it had protested the US decision to conduct a patrol in the Indian EEZ in the western Indian Ocean rejecting the American claim that its domestic maritime law was in violation of International Law. The essential elements that is for the passage of a foreign ship that shall be considered to be prejudicial to the peace, good order or security of the coastal state if in the territorial sea it engages in any of the following activities:-

- 1) Any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal state.
- 2) Any exercise or practice with weapons.
- 3) Any act aimed at collecting information to the prejudice of the defence of any coastline belonging to a country.
- 4) Any other act not dealing with the passage.

This American ship is named after John Paul Jones, a naval commander in the American Revolutionary War. This ship true to its motto has come into India. Admiral Arun Prakash, former Indian Navy Chief said that this is [bad enough](#) that the Americans come into our EEZ. To shift focus to something else: Not very far from where this American ship came, in the map first there is the Lakshadweep islands, then the Maldives archipelago and as one goes further south there is a archipelago called [Chagos islands](#).

For 150 years the Chagos islands belonged to Mauritius, in 1965 the American President persuaded the British that while the world is decolonizing, do not let [Mauritius](#) take Chagos islands back. This was done by the President because these islands were sitting in the middle of Indian Ocean, connecting various parts of the world. And as things would turn out, soon enough the Americans started building a base in one of these islands, this island is called [Diego Garcia](#) which was leased by the British to the Americans. This lease expires in 2036.



Image source: Getty

Americans have built a huge base there, from where they have been operating in all kinds of situations including the Gulf Wars. And at that point India had protested about that base and that is when India used to talk about Indian Ocean being a zone of peace. The fact is that Mauritius Government should get back control over these islands, because the International Court of Justice gave an advisory [opinion](#) that favored the claims of the Mauritius Government over the Chagos Archipelago.

Despite that UK and USA have tossed these legal verdicts and not giving them back to Mauritius. To give America comfort, Mauritius has even said that we are willing to lease Diego Garcia for 99 years, the British lease is expiring in 2036 but Americans have still not accepted it. So an ironical point is made out for Americans, British that both these countries make statements, saying we adhere to UNCLOS, both these nations want China to adhere to it, but they are in [violation](#) of it vis-à-vis a small island!

To take the moral high ground they must follow it such that tomorrow when China thinks of physically taking over Taiwan then before the war is imposed by the Chinese, Americans have a bit of clean record to show unlike Iraq etc! The Americans are weak, as they are no longer the old sole superpower of 1989-2009. The meteoric rise of China has been observed since 2009 after the 2008 financial crisis that is why it is essential for weak states like the United States to follow International Law. After the end of World War II, the United Nations

was established [with the same](#) US President Wilson type of idealism that led to creating the League of Nations.

But the fact is that despite the United Nations the world continues to go ahead on the path of realism, that is power (might is right). It is because each superpower (America, China and Russia) will keep pursuing its national interest, so it is for sure that maritime wars in the future cannot be ruled out particularly with expansionist powers like China having no respect for the UN Charter (International Law)!

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