

# A New Maritime Security Architecture for the 21st Century Maritime Silk Road: The South China Sea and the Persian Gulf

## Uma nova arquitetura de segurança marítima para a Rota da Seda Marítima do Século XXI: o Mar do Sul da China e o Golfo Pérsico

**Mohammad Ali Zohourian<sup>1</sup>**

Xiamen University (China)  
mazohourian@gmail.com

### Resumo

China e Irã possuem o antigo portão da Rota Marítima da Seda, além de duas novas vias nessa mesma rota, a saber, o Estreito de Ormuz e o Estreito de Malaca. Ao contrário do Estreito de Ormuz, a segurança marítima no Estreito de Malaca precisa ser redesenhada e restabelecida pelos Estados do litoral para o corredor de segurança. O objetivo deste estudo é descobrir o novo conceito e classificação de segurança marítima, notadamente os elementos de insegurança direta e indireta. Este estudo ilustra que os elementos diretos e indiretos mais notáveis são, respectivamente, pirataria, assalto à mão armada e presença de um Estado externo. Reconhece-se que a presença contínua e perigosa de um Estado externo é um elemento indireto de insegurança. À luz das atividades de violação e desestabilização por parte dos EUA no Golfo Pérsico e no Mar da China Meridional, sua presença e passagem são consideradas atividades não-inocentes, pois são prejudiciais à boa ordem, paz e segurança dos Estados localizados ao longo da costa. Portanto, uma nova proposta chamada Doutrina do “No Sheriff” é oferecida neste artigo para possivelmente impedir a formação de hegemonias em todas as regiões no futuro.

**Palavras-chave:** direito ao esquecimento, apagamento, desreferenciamento, privacidade.

---

<sup>1</sup> Ph.D. Student of the Law of the Sea. South China Sea Institute. Xiamen University. Siming South Road, n. 422, Nan-an Lou Building, CEP 3610005, Xiamen, Fujian, China.

## Abstract

China and Iran have the ancient gate of Maritime Silk Road, as well as two new superhighways within this road, namely Strait of Hormuz and Malacca Strait. Unlike the Strait of Hormuz, maritime security in the Malacca Strait needs to be redesigned and re-established by littoral states for the safe corridor. The aim of this study is to find out the new concept and classification of maritime security, namely direct and indirect insecurity elements. This study illustrates that the most remarkable direct and indirect elements are respectively piracy, armed robbery, and external state presence. It is acknowledged that the continuous and dangerous presence of an external state is the indirect insecurity element. In the light of the USA's violation and destabilizing activities in the Persian Gulf and the South China Sea, its presence and passage are considered as noninnocent activities, as these are prejudicial to the good order, peace and security of states located along the coast. Therefore, a new doctrine called the "Doctrine of No Sheriff" is offered in this article to possibly prevent the uprising of hegemonies in every region in the future.

**Keywords:** Maritime Security, the Persian Gulf, Doctrine of No Sheriff, Continued Presence

## Introduction

Since ancient times, the seas have been a principal platform for trade and communications. In today's hectic world, maritime security is one of the most important pillars of international order and one of the indispensable elements of economic development. Piracy occurs in different areas around the world, 966 Piracy and Armed Robbery incidents occurred in the South China Sea (SCS), 331 Piracy and Armed Robbery acts happened in the Malacca Strait between 2007 and 2017 (IMO, 2019). While only 14 Piracy and Armed Robbery acts were noticed for the duration of the last ten years in the Persian Gulf and the Strait of Hormuz (IMO, 2019), so they were entirely safe as Iranian naval forces controlled and protected the Persian Gulf and the vital Strait of Hormuz. Hence, all ships, vessels were able to traffic under full security. Such security in the region of the Persian Gulf is able to guarantee that China's energy independence and economic security would be sustained, thus enhancing the economic development and its national political stability (Chung, 2017). The biggest issue facing the world today is navigation security as it is raising increasing concern in Asia. The South China Sea and the Malacca Strait and the Persian Gulf<sup>2</sup> and the Strait of Hormuz, which

---

<sup>2</sup> The historic term of "Persian Gulf" dates to the period of Ptolemy. C. Edmund Bosworth, *The Nomenclature of the Persian Gulf in The Persian Gulf States: A General Survey xvii-xxxvi* (Alvin J. Cottrell ed., 1980), reprinted in C. Edmund Bosworth, *The Nomenclature of the Persian Gulf 30 Iranian Studies* 77, 88-89 (1997). The fake phrase of "Arabian Gulf" is only stated by the United Arab Emirates. At the 34th Plenary Meeting of the Second Session of the UNCLoS III in 1974, the Iranian representative in response to the representative of the United Arab Emirates, that referred to the "body of water" as the "Arabian Gulf" named the

serve as the major international navigation routes, are known as Maritime Silk Road. In this regard, firstly the Chinese leadership described the strategic ideas. President Xi Jinping introduced "The One Belt One Road Initiative" when he visited Kazakhstan in September, 2013. He recommended that China and Central Asia collaborate to make a Silk Road Economic Belt. The Maritime Silk Road of the 21st Century (Hereinafter MSR) is as well the part of the Belt and Road Initiative. (Xinhua, 2015) MSR is not just a "Road" but it is a strategic model to control strategic sea lines, developing all-round economy, and establishment of Chinese hegemony version. The oldest maritime road begins from the South China Sea and the Strait of Malacca and Singapore, the Indian ocean then passes through the Strait of Hormuz and ends up to the Persian Gulf. Albuquerque believed that "a state will dominate the world trade which is the same state able to control three bypasses namely the Hormuz Strait, the Malacca Strait and the Bab al Mandab".<sup>3</sup> According to Teo (2007), "Whoever controls the Straits of Malacca and the Indian Ocean could threaten China's oil supply route". According to Storey (2008), 70-80 % of China and 90% of energy import of Japan pass through the Straits every year. Piracy and armed robbery are the biggest risks for peace and security in sea lanes (Kevin X. Li; Jin Cheng, 2006). As from the perspective of the international law, piracy and its participants are considered as *hostis humani generis* or "enemies of all humankind" (Percy, 2016). Only sixty world straits can be considered main world trade sea lines of communication (Kraska, 2014). In the 20th and the 21st centuries, several conventions have been held and resolutions have been admitted to increase security and the suppression of piracy and armed robbery. Despite proper law, regulations, strict measures against dire events have not been taken, some states are abused for power balance in case of insecurity in a given region and they are satisfied with that. The international law has all states universally called to combat and suppression of piracy. The terms "piracy" and "armed robbery" have been clarified by the 1982 Convention on Law of the Sea 1982 United Nations Convention on the Law of the Sea, United Nations. (hereinafter UNCLOS) and the International Maritime Organization (hereinafter IMO) respectively. Despite the wide using the term "maritime security" by the international community, there is no legal definition for this term under the international law. IMO has not defined "maritime security" yet (Klein, 2011). Maximo Q. Mejia Jr believes that the terms "security" and "safety" are synonymous in most situations, but in the shipping issue we should distinguish between both terms. (Mejia, 2003) Basically, security is of key importance in state decision-making and theory-building. Andrew Mack (1993) has stated: "The security dilemma arises when nation states seek to maximize their security via policies of "peace through strength"— that is, by creating a military capability that will enable them to defeat . . . any opponent bent on opposition."

Insomuch as international economy and relations will be certainly influenced by the future of MSR on one hand and the new international order and navigational security on the other hand, the new "Doctrine of No Sheriff" should be theorized under common interests. Accordingly, it will significantly increase the MSR security through a new mechanism. In future years the major part of the world will observe important changes in the rise of the navigation security of States bordering the straits of Hormuz and Malacca and Singapore, as well as other countries from these straits, following this doctrine. It is essential to improve the security of MSR due to the strategic and geopolitical situation of all three straits. For this purpose, the "Doctrine of No Sheriff" should be recognized in line with improving regional

---

term "Arabian Gulf," "improper" and a "fabricated label," of "recent vintage," and a "distortion of fact." UNCLOS III, 1973 1982, 34th Mtg., at 140-42, U.N. Doc.A/CONF.62/SR.34 (July 9, 1974).

<sup>3</sup> Alphonso Albuquerque D' was born in 1453 'at Alexandria, near Lisbon, (1453-1515), surnamed THE GREAT, and THE PORTUGUESE MARS.

security and the establishment of sustainable security. Hence this article aims to coin the term the "Doctrine of No Sheriff" to respond to Unipolarity, impact, and influence of the continued presence of maritime powers for decreasing insecurity in the MSR. Forasmuch as the Malacca Strait and the Strait of Hormuz have strategic importance, the USA have always intended to dominate these straits. Since they want to show their reasonable presence, they welcome any conflict or insecurity in SCS and the Malacca Strait. Moreover, the USA, by performing Freedom of Navigation Operations (FONOPs), and Japan, by sending Maritime Self-Defense Force (MSDF) vessels in Support of FONOPs, have made choices that exacerbated regional tensions in SCS (Grønning, 2017). The USA are also seeking to create tensions in the Persian Gulf to control the Strait of Hormuz even though tacitly. The main purpose of the article is to give the comprehensive analysis of the concept of maritime security and to propound a new classification on maritime security and to seek the ways to improve maritime security. As it will be seen, the U.S. Navy and the Britain's Naval violations in recent decades in the Persian Gulf, on one hand, and the violation of international law in disputed islands (Zohourian, 2018) by the U.S. in SCS (Aljazeera, 2017), on the other hand, provokes littoral states to increase conflicts among them. Moreover, no state endures the actions of any of the states committed under the pretext of freedom of navigation and flights that may damage sovereignty and the interests of its national security. It would be easy to construe that the element of the hazardous and continued presence in the given area should be recognized as the indirect element related to maritime insecurity. Since these elements jeopardize the status of maritime security, they should be considered top-priority issues and they should be paid more attention to. Therefore, this study consists of four major parts, part I gives the brief history of MSR, part II with the emphasis on piracy describes the concept of maritime security and the new classification, concerning effective elements on maritime insecurity, part III pays attention to the possible options to combat piracy at the sea. Finally, the article pays special attention to the impact of indirect elements of the Maritime Security and the "Doctrine of No Sheriff".

## A Brief History of the Silk Road

Iran and China can be considered the gateway to the ancient naval civilization of MSR. The name "Silk Road" was created by the German geographer, Ferdinand von Richthofen in the nineteenth century (Steinmann, 2012). The history of trade in Chinese silk textiles mostly dates to the Han dynasty, circa 206 B.C. to A.D. 220, but some scholars believe there is the evidence it could began even earlier. Merchants from Iran were active in the buying and selling Chinese silk in the Parthian era. Earlier sending a Chinese mission to the great empire of Persia led to opening a new chapter of relations for the aim of developing trade connections. The Silk Road through land started in Tien-Tsin, the Chinese 'silk city' (now Tun-Huang), going through Samarkand, reached Merv, Nishapur, Qazvin, and Tauris (Tabriz) in Iran, and thus leading south to Babylon (Baghdad) or northwest to Trebizond (Trabzon) on the Black Sea (Steinmann, 2012).

Since the Sasanian period, Persian merchants and official delegations visited China. The main ports in the Persian Gulf were Siraf and Old Hormuz. In the Sasanian period, Siraf appears to have been a military outpost, Daryaee (2003) states "it functioned as a place where the sea traffic was controlled and was used as a spot for securing the Persian Gulf". The Maritime Silk Road began from the southwest coastal areas of China, particularly from the ports of Jiaozhou (present day areas of Vietnam) and Guangzhou, which then extended around

the coast of Indochina, through the Strait of Malacca, entering the seacoast of the Indian Ocean and the Persian Gulf area (Li, 2006). During the Song Dynasty, the administration of maritime trade was established, which handle all routes of trade perfectly. One of this administration is situated in Quanzhou, 90 km away from Xiamen.<sup>4</sup> According to Mr. Toyohachi Fujita of Japan, the safekeeping and armed escort of goods was one of the duties of the department of maritime trade (Li, 2006). Maritime Silk Road Initiative (MSRI) and the Silk Road Economic Belt (SREB) were suggested by China individually in 2013 (Blanchard & Flint, 2017). A new episode of policy framework of the "silk road" has been commenced by referring to President Xi Jinping's suggestion to create the 'Silk Road economic belt' in Kazakhstan in September, 2013 during the summit of the Shanghai Cooperation Organization. Subsequently, in October of the same year, at the Asia Pacific Economic Cooperation (APEC), Li Keqiang, Chinese Premier, stressed on the necessity to create the Maritime Silk Road. Moreover, at the high-level Party-state work forum President Xi expressed that "China should cooperate with own neighbors to speed connectivity and set up a 'Silk Road Economic Belt' and 'Maritime Silk Road' for the 21<sup>st</sup> century". It seems such meeting with emphasizing on 'neighborhood' or 'periphery' diplomacy became the first high-level meeting during the history of China (Summers, 2016). Hence, considering geopolitics and geographic important of the Malacca and Hormuz Straits, these Straits have an eminent strategic and economic importance. Another important point to know is that Iran is the only country in which maritime and land silk roads connect through the Persian Gulf. Without raising the security in those straits the sea lanes would lose its efficiency. Any foreign states interference and insecurity for passing ships would have catastrophic incidents and detrimental consequences for international trade and security.

## The Concept of the Maritime Security and New Classification

### (a) Treats and Risks

In the international domain, the threat to security is posed by both nations and non-state actors. (Chatterjee, 2014) In brief, threats are comprised of a series of human crimes and environmental challenges and arise from state and non-state sources. In general, any human criminal action or natural factors which endanger human life or environment inland or at the sea would be a threat. It should be noted the type of threats and risks may be different depending on the region. If any potential threat turns into a real one, it can be called a risk. Once a threat turns into the risk that heavily increases in number, and is also repeated at different times or endanger territorial integrity for example, by dispatching unmanned Aerial Vehicles (violation of Iranian airspace by US RQ-170 and Scan Eagle drones in 2011 and 2012) or cyber-attacks (the case of cyber-attack to the Natanz nuclear facility of Iran by the U.S. and Israel)<sup>5</sup>. Piracy in the Malacca Strait or armed robbery in Somali waters has been turned from threat phase into risk phase.

Also, biological weapons could be considered another type of indirect insecurity element. The USA has black history about using biological weapons in the world.<sup>6</sup> According to the

<sup>4</sup> Also there were administration of maritime trade in Guangzhou, Hangzhou, Wenzhou, Xiuzhou, Mizhou and other port cities. The most important provinces were Guangzhou, Fujian and Zhejiang.

<sup>5</sup> It was the world's first cyber weapon, code-named "Olympic Games" and later named "Stuxnet". This aggression for the first time was empowered by President Bush and after that re-authorized by Obama.

<sup>6</sup> It is noteworthy that the USA began in 1942, carrying out many biological experiments to manufacture deadly chemical weapons.

accurate data obtained from the US Department of Defense, the American army is working to produce viruses, bacteria and deadly toxin, therefore this matter is a flagrant violation of the United Nation Conventions and agreement on the non-proliferation of biological weapons. (Alwaght, 2018) However, one thing is clear and certain and that is that such actions by any country will become more important with the elapse of time as a result of the appearance of security, healthiness, and human rights consequences, which are not new, but increasingly growing stronger. The US Department of Defense "the Pentagon" has conducted many experiments on the insects which are used to transmit killer diseases and epidemic in Georgia and regions of Russia.<sup>7</sup> The newest biological case is the genetic engineering of coronavirus known as COVID-19. This virus has initially spread out in China afterward it is spreading in some countries in 2020. There is no evidence about the conspiracy theory or the creator's origin of this virus yet. (Stevenson, 2020) However, Daily Mail (Rahhal, 2020) and the Washington Times (Gertz, 2020) suggested coronavirus is a part of China's bio warfare program. Al-Mayadeen (2018) and Alwaght (2018) pointed out the virus has produced and transmitted to the Middle East by the USA. However, Senator Tom Cotton raised the possibility that the virus had originated in a biochemical lab in Wuhan of China where is the center of the outbreak. On the other side, Russian Politician, Vladimir Zhirinovskiy, leader of the Liberal Democratic Party of Russia claimed the coronavirus is an American Provocation. Likewise, on March 14, 2020 Zhao Lijian, a spokesman for China's Ministry of Foreign Affairs wrote on his Twitter account that the U.S. army might have brought COVID-19 to Wuhan. (Westcott & Jiang, 2020) In addition to this, it should be noticed that the Defense Threat Reduction Agency (DTRA) award funding to US vital laboratories worth \$ 2.1 Billion titled collaborative Biological Participation Program under a military program in some countries such as Georgia and Ukraine, as well as the Middle East, Southeast Asia and Africa. (Al-Mayadeen, 2018)

Overall, the type and extent of a threat or risk is directly related to a certain referent object, for instance, both threats and risks can target international trade, human life or the economy of a country, or even paralyze it. Bueger (2015) states that maritime security threats are transnational and maritime insecurity has transnational consequences. In brief, we can argue maritime security issue is seeking to protect three major components, firstly, coastal states security, secondly, sea lanes security (trade and human), and thirdly, marine environment. As it will be explained in the following sections insecurity at the seas is grounded on series of threats and risks. In this context, as mentioned above, those acts, omissions or occurrences whether legally or illegally committed by state actors or non-state actors would be considered threat or risk if lead to endanger at least one of these subjects such as: the security and sovereignty of coastal State, political independence, territorial integrity, economic system of a nation and even marine environment and human life. Threats and risks can also include natural phenomena affecting the status of navigation.

## **(b) The Maritime Security Framework**

The term "maritime security" is extensively used by the scholars and the international community. Nevertheless, there is not any legal definitions of "maritime security" under international law (Attard, 2014). Hawkes (1989) provides a broad definition of maritime security, he explains maritime security as: "those measures employed by owners, operators,

---

<sup>7</sup> In 2014, since beginning of the American "Pentagon" project in 2014, a type of flies has also been seen in the Russian Republic of "Dagestan" and the Republic of Georgia.

and administrators of vessels, port facilities, offshore installations, and other marine organizations or establishments to protect against threats, seizure, sabotage, piracy, pilferage, annoyance or surprise". Klein believes that distinction between two terms "maritime safety" and "maritime security has not often been obvious (Klein, 2011). As she has correctly suggested: "The term 'maritime security' has various meanings which depend on who uses the term or in what context it is mentioned" (Klein, 2011).

The concept of navigational security is correlated to maritime security in a few ways. IMO and its Maritime Safety Committee (MSC) act as the most important competent international body for elaboration of rules and policy. Especially, the insecurity of sea lane is the most prominent fear of the states, as it can engage national and environmental interests. Maritime security is associated with social crisis, given that shipping companies, the maritime industry, and their workers are contingent targets as well as maritime crimes (e.g. of pirates, terrorists, weapons, illicit goods, trafficking of persons or collaboration with actors of violence) (Bueger, 2015).

The European Union Maritime Security Strategy document has declared the list of set of threats and risks such as maritime armed robbery and piracy, trafficking of persons, arms, narcotics and, smuggling of migrants and cargos, in addition to illegal and unregulated archaeological research, environmental risks, with unsustainable and illegal using of natural and marine resources, threats to biodiversity, IUU<sup>8</sup> fishing and so on (UNION, 2014). Moreover, the national strategy of the UK 2014 according to its maritime security only identified "maritime security risks", and the UK bases the risks identified in the National Security Risk Assessment (NSRA) on those which mostly cause considerable harm and destruction to the UK, in particular, disruption to vital maritime trade routes as a outcome of warfare, delinquency, piracy or changes in international rules; cyber-attacks; people smuggling and human trafficking (UK Government, 2014). For the first time in this study, maritime insecurity elements are classified into two major groups based on human risks and threats to maritime security in the maritime zones, one is direct insecurity elements and another is indirect insecurity elements.

Basically, risks or threats which endanger maritime security extremely such as piracy or armed robberies, belong to the first group. The second group has potential threats or risks which do not hamper directly, but they lead to provoking national security of coastal states increasing regional tension or to endanger navigational systems at sea or inland, such as continued presence of warships, Sanction or cyber-attacks. On the other hand, such threats or risks could inflict serious damage on passing ships or the security of coastal states. It is necessary to note that there are other direct elements concerning maritime security such as terrorist attacks, delimitation disputes, conflict between States and so on, however, this research is devoted to the most important elements namely piracy and armed robbery as the most remarkable direct elements and biggest concern to all states in marine transportation as well as the hazardous and continued presence of external State, therefore, these elements should be treated as urgent and top-priority matters.

Generally speaking, maritime insecurity may result from "Threatening Actions", "Acts of Aggression" or "Breach of Coastal State's Laws and Regulations" whether or not direct or indirect. For this purpose, we will encounter to maritime insecurity if these infringements become prejudicial to the political independence, territorial integrity or sovereignty of the coastal State at the National Security Level on one hand and prejudicial to the International Peace, International Trade or Good Order at the International Security Level on other hand. It

---

<sup>8</sup> Illegal, Unregulated and Unreported. (IUU)

may be concluded that maritime security would be monitored and controlled for any act whether direct or indirect, which would endanger or threaten the security of a coastal state, the sea lanes, the marine environment, vessels, property or persons. It is necessary to mention that the security status of each area depending on the potential of threats and risks is different.

## **The UN Secretary General Report on the Oceans and the Law of the Sea**

There is increasing concern about threats to maritime security in the world. Despite the freedom of navigation, the presence of the warships of some States is considered a threat especially in territorial waters. Consequently, it results in actions which disturb coastal state security or regional security therein. Hence, it seems a precise definition would have to take into account the location and circumstances of every region (Attard, 2014). In this regard, it is interesting to glimpse to the 2008 Report of the UN Secretary General on the Oceans and the Law of the Sea. Mr. Ban Ki-Moon affirmed in his report: "There is no universally accepted definition of the term "maritime security." Much like the concept of "national security," it may differ in meaning, depending on the context and the users" (United Nations, 2008). Besides, in this Report, he mentions the following seven remarkable threats for maritime security:

1. Piracy and armed robbery against ships (United Nations, 2008);
2. Terrorist acts concerning shipping, offshore installations, and other maritime interests (United Nations, 2008);
3. Illegal trafficking in arms and weapons of mass destruction (United Nations, 2008);
4. Unlawful traffic of narcotic drugs and psychotropic substances (United Nations, 2008);
5. Smuggling and human traffic by sea (United Nations, 2008);
6. Illegal and unreported and unregulated fishing (United Nations, 2008);
7. International and unlawful damage to the marine environment (United Nations, 2008).

## **The Viewpoint of UNCLOS and IMO on the Maritime Security**

Customary international law and UNCLOS have recognized three vital navigational regimes. In this connection, for the maintenance of maritime security has recognized three sensitive navigational regimes by UNCLOS as 1) innocent passage 2) archipelagic sea lanes passage 3) transit passage (Attard, 2014). Innocent passage regime which exists in archipelagic and the territorial sea is able to provide a kind of national security, however in the case of transit passage is not. Looking back into UNCLOS articles 17 to 22 and 100 to 111, in fact, UNCLOS deal with some of the insecurity elements of the sea. In particular, provisions contained in article 19 (2). It also should be noted that IMO's instruments have implicitly distinguished between the terms "maritime security" and "maritime safety." As IMO considers ships and cargo protection, passengers, crew and the marine environment under term "maritime security" while maritime safety concerns accidents at sea. For instance, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (The SUA Convention) pertain to "security" at sea while the International Convention for the Safety of Life at Sea (SOLAS), pertain to "safety" at sea. It is easy to recognize and discern exactly what each of the conventions refer because one is seeking to protect humans against attacks by humans with criminal intents while the other is designed to protect humans from

accidents caused by unsafe ships. (Mejia, 2003) In fact, "maritime security" and "maritime safety" depend on human unlawful acts and environmental conditions or human errors respectively. However, as IMO has truly distinguished between the terms "maritime safety" and "maritime security", this research does not address threats and risks concerning maritime safety. Generally speaking, maritime insecurity would be any action against the maritime public order or peace, whether or not direct or indirect. Generally, insecurity in the sea or straits may be classified into different types. In view of the above, it may be concluded that maritime security would be any act whether direct or indirect, which would endanger or threaten the security of coastal States, the sea lanes, the marine environment, vessels, property or persons (Attard, 2014).

## **Armed Robbery and Piracy: Definition and Jurisdiction**

As it is mentioned above, piracy and armed robbery are the main direct elements in maritime security classifications. These direct threats and risks are serious and potentially for some of the international straits or sea lanes in particular in MSR courses. Despite other threats and risks, these two elements include the biggest risk and share for the safe trade and the human life. Universal jurisdiction has recognized them from an international law perspective to combat piracy. However, the jurisdiction realm is limited to Exclusive Economic Zone (EEZ) and the High Sea. While armed robbery takes place in territorial and internal waters, consequently, it will be under coastal State jurisdiction. Therefore, international law, although proposes the principle of cooperation, the major burden for combating piracy has been imposed on the coastal states. Since the elements such as piracy and armed robbery play the important role in the maritime insecurity, both of them will be analyzed below according to the aspects of international law documents including UNCLOS and IMO. UNCLOS in article 101 states that piracy consists of any of the following acts:

- a) any illegal acts of violence or detention, or any act of depredation committed for private ends by the crew or the passengers of a private ship or a private aircraft and directed;
- b) on the high seas, against another ship or aircraft, or against persons or property on board of a ship or aircraft;
- c) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;
- d) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts to make it a pirate ship or aircraft;
- e) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

From a brief overview of the article 101, it could be deduced that a piratical act could occur three main conditions are necessary. The first condition means that the committed act is done for "private ends." The second condition is that the crew or passengers of a private ship commit and direct the action. The third condition refers to the event location; on the high sea or outside including EEZ.<sup>9</sup> Hence, acts which happen in internal waters or the territorial sea or off coastal State cannot be covered by the international rules on piracy (Jesus, 2003).

According to Shaw (2008), piracy and war crime explicitly lie in the realm of universal jurisdiction and the state has a jurisdiction to prosecute and punish the offenders, despite the place of commission of the crime and the victim or the accused nationality. Universal

---

<sup>9</sup> Although article 101 has not referred to the EEZ, by virtue of article 58, paragraph 2, illegal acts of violence committed in this zone may also be considered as acts of piracy.

jurisdiction has been recognized with regard to crimes of piracy by UNCLOS, where article 105 states that: "On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith." The seizure of the pirate vessel must be carried out "... Only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect. (UNCLOS, Article 107) One of the significant limitations on UNCLOS is that seizing and arresting will be unenforceable if pirates move to the jurisdiction of another state. Nevertheless, coastal states should consider the most extreme punishments to prevent piracy under their criminal law. For instance, 13 pirates got death penalty for the killing 23 members of the crew in January, 2000 by the Chinese courts (MO, 2002).

As it has already been discussed, all States are entitled to universal jurisdiction over combating piracy on the high seas, or at another place outside the jurisdiction of States. However, most piracy incidents take place in the archipelagic waters, territorial sea or in internal waters.<sup>10</sup> IMO first provided the understanding of the term "armed robbery against ships" in the Resolution in 2001 (IMO, 2001). In reply to the request to the MSC to revise and update Resolution A.922 (22), the IMO Assembly adopted Resolution A. 1025 (26) in 2009. (J. Ashley Roach, 2011) Accordingly, the definition of "armed robbery" was revised to include: 1. "Any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board of a ship, within a State's internal waters, archipelagic waters and territorial sea; 2. Any act of inciting or of intentionally facilitating an act described above." (IMO, 2009) In the revised resolution the element of "private ends" has been recognized as a requirement to constitute an act of armed robbery. Moreover, Resolution A. 1025 (26) states that States should take measures because it can be needed to increase their jurisdiction over the offenses of piracy and armed robbery against ships, it also asks states to modify their domestic legislation and they should pay attention to suitable penalties when drafting legislation on piracy. This resolution also continues to encourage all countries to put into practice the provisions of UNCLOS, the SUA Convention, and its Protocols (IMO, 2009). In the years since the adoption of UNCLOS, in 1988, IMO succeed in the context of its goals to reach another prominent achievement such as the SUA Convention and its relevant Protocols. Despite the adoption of this convention, since the Achille Lauro incident, it seems the offenses contained in the SUA Convention are not restricted solely to terrorist actions. It is interesting to note that not only the SUA Convention has designated for "the Suppression of Unlawful Acts Against the Safety of Maritime Navigation" but the member of the 1988 SUA Convention are necessary for recognizing offences contained in this Convention as a crime under their domestic laws and provide appropriate penalties according to the serious nature of those offences. Moreover, by virtue of article 10 (1) State parties are obliged to "extradite or prosecute" the offender. (Attard, 2014)

It is obvious that any insecurity must be eliminated by cooperation among States. What is important, the UNCLOS, the SUA Convention and its protocol, Resolution A. 1025 (26) and other international instruments concerning maritime security are considered as complementary law and regulation. Besides, all of them are seeking a common goal that is

---

<sup>10</sup> ICC International Maritime Bureau, Piracy and Armed Robbery against Ships, Annual Report, 1 January- 31 December 2009, 3.

keeping peace and combating insecurity, whether under the coastal State jurisdiction or beyond. Despite weaknesses and deficiencies contained in the legal documents, they have codified sufficient law and regulations. It seems there is no fundamental deficiency of legal provisions. Hence, the Singapore and Malacca Straits act as a vital choke point for the international economic need for the substantial strategy to ensure security. The following material is the summary of the various solutions suggested by scientists to solve the piracy problem in the Straits.

## **Possible Options to Combat Maritime Piracy**

Basically, suppressing piracy is totally exaggerated. In this regard, there are various options offered by some scholars, but none alone can completely eliminate piracy. However, it can be greatly controlled and declined by practical measures and all-around cooperation.

### **(a) Adoption of International Treaty**

Some scholars believe in the option of the conclusion of an international convention to contend piracy in the context of the UNCLOS by IMO. The treaty should establish an international or regional mechanism under universal principles for piracy control (MO, 2002). However, it seems this method is not effective. First, the process of codifying an international treaty needs spending long time. Second, there is no guarantee for ratifying such a piracy treaty by some Southeast Asian countries or other target countries.

### **(b) The International Bounty Hunters (IBH)**

Bounty hunters are described from a controversial legal doctrine, namely the male captus rule, moreover, no cases have been brought before international judicial or arbitral tribunals regarding the question of jurisdiction over kidnapped persons (Wilske & Schiller, 1988) as well as, there is no basis in the international law and international customs concerning the male captus rule. (Fellmeth & Horwitz, 2009) It is obvious that abduction leads to infringing the State's territorial sovereignty, undoubtedly, it is a straight violation of international law. It is necessary to mention that the assertion of jurisdiction on abduction has been an aspect for determination by the national court, as well as various practices have been seen by domestic courts. For instance, The South African courts, the United States, the New Zealand courts and the French courts have had different practices. As for prior practices, it would not be so difficult to construe where there is no established rule of customary international law (Sein, 2004). It is impossible to imagine a State, including Indonesia and Malaysia, surrender sovereign rights to private bounty hunters to arrest own citizens if they are suspected on dealing with piracy. Another issue, mentioned by Ms. Bornick, is that use of international bounty hunters could lead to the bounty hunters only protect ships belonging to rich companies or wealthy states and disregard attacks on poor vessels. (Woolley, 2010). Any amendment to UNCLOS is subject to ratification by states. Another suggestion according to the piracy problem in the Straits is to amend the UNCLOS definition of piracy. (See UNCLOS, Articles 315 and 316) Also, this presence within territorial sea of coastal country would violate its sovereignty.

In light of above, there is no doubt that piracy and armed robbery are the most sensitive concern about maritime security, therefore, they lay in the class of direct elements on

navigation security. The respective instruments attempted to regulate some definitions and jurisdiction of states with respect to fighting on piracy and armed robbery. Therefore, generally, most of the insecurity at the sea consider as unlawful acts because such acts lead to insecurity and disorder during traffic. As it has been discussed above, the SUA Convention regarding maritime security represented a serious step in the development of maritime security law, the aim of the law is not limited to any of the crimes listed in Article 3 to any particular location and without regard to the location of the attack on water. Moreover, the SUA Convention has taken a major step forward, including the apprehension, conviction, and punishment of offenders. States should view optimistically to the present legal instruments despite all the weaknesses or deficiency in regard to a legal instrument. It is time to take a step forward to the establishment of sustainable security measures within the sea lanes in particular toward rising security of MSR.

### **(c) Joint Patrolling by the Non-Littoral States in the Malacca and Singapore Striates**

The United States presence in the South China Sea appeared under the pretense of maintaining freedom of navigation and, its global war on terroristic acts. As it will be seen in the following sections the USA's sovereignty is based on the full-scale presence policy in the sensitive area and terrorist-building. Concerning this purpose, the Bush administration lunched three following main Initiative: a) the Container Security Initiative (CSI) on January 2002, b) the Proliferation Security Initiative (PSI) on May 31, 2003, c) the Regional Maritime Security Initiative (RMSI) on 31 March 2004. The first and the second Initiatives are worldwide in scope and the last one is directed particularly for the Straits of Malacca and Singapore. (Rosenberg & Chung, 2008) Under the RMSI the United States offered sending Marines to patrol the Straits.

It seems the Westphalian notion of sovereignty is dying down because of the U.S. initiatives. Moreover, the principle of non-interference in the inherent security of a state as an ASEAN's key norm is threatened through these U.S. initiatives. (Mak, 2006) Among three littoral states Singapore is the only participant of this idea. Both states Indonesia and Malaysia are against the being there of external armed forces on the territory of the Straits. (Prakash Karat, 2007) On 14 June, 2004, the minister in the P.M's department, Datuk Seri Mohamed Nazri Abdul Aziz, proclaimed in the parliament that Malaysia is going to have its variant of the U.S. coast guard to patrol and safeguard security in the Straits of Malacca. (Kuppuswamy, 2004) Similarly, Admiral Bernard Kent Sondakh, Chief of Indonesian Navy, stated "Indonesia deems it is not necessary to include troops from outside countries including the United States – to be involved in safeguarding the strategic waterway". (Prakash Karat, 2007)

Three littoral states, although they have different perspectives on what threatened their sovereignty, they have a common objective to protect their sovereignty from external states. (Woolley, 2010) Singapore regards any threat that lead to endanger the trading flow on this territory as a direct threat to its state interest. (Storey, 2008). However, piracy is not considered as a serious threat to the security in Malaysia. Instead, the illegal immigration, the trafficking in people, narcotics, small arms are more important threats to its security. (Storey, 2008) Indonesia, similarly, is of the opinion that piracy is not such an extreme challenge to its maritime security. From Indonesia's point of view illegal fishing and smuggling are the key maritime security challenges. (Storey, 2008) It should be mentioned, Malaysian foreign minister, Syed Hamid Albar Malaysia, stated that "security concerns should not be used as an excuse to compromise its sovereignty". (Mak, 2011) Overall, Indonesia and Malaysia believe

the U.S. military presence in the Straits is an intervention and an infringement of their national sovereignty. (Storey, 2008) They explicitly rejected the presence of foreign forces in the Straits. (Ganesan, 2008)

In the aftermath of Indonesia's proposal with regard to trilateral coordinated patrol in June, 2004, (Storey, 2008) the Malaysia- Singapore-Indonesia (MALSINDO) coordinated patrols were launched by the three coastal states on July 20, 2004. (Wu, 2010) In April, 2006, Standard Operation Procedure (SOP) was signed by three countries for purpose of strengthening their military cooperation (Storey, 2008). Then the Malacca Straits Patrols (MSP) were formalized to guarantee the security of the Malacca Strait. MSP comprise the Malacca Straits Sea Patrol (MSSP), the "Eyes-in-the-Sky" (EiS) Combined Maritime Air Patrols, as well as the Intelligence Exchange Group (IEG). (MINDEF, 2016) It is interesting to note that, according to the April 2006 agreement MALSINDO, ships may implement the right of "hot pursuit" into the maritime belt of participating states up to five nautical miles in the sovereign waters of another state-participant. (Woolley, 2010) As it has already been mentioned, "hot pursuit" can just be continued outside the contiguous zone or the territorial sea. (UNLOS, Article 111, 1) Also this right ends, when the offending ship enters its own or a third state's territorial waters. (UNLOS, Article 111, 3) It should be noted, the agreement of 2006 granted this prominence only to MALSINDO.

In sum, although the primary goal of MALSINDO was not really to harness piracy, three coastal states forestalled likely external state intervention in the Malacca Straits. (Mak, 2006) Moreover, they counteracted at the same time with the USA's objective for regime-building in the both Straits and the South China Sea. Moreover, Indonesia and Malaysia have proved their willpower to protect their sovereignty.

#### **(d) Establishment of Uniform Systems for Ships Registry and Selling Goods**

The author is of the opinion that to prevent and eliminate the factors involved in insecurity might be the best way to combat any social or international phenomenon. For this purpose, the author gives suggestions in this section. In addition to revising domestic laws concerning punishments, establishing integrated registration systems for controlling and preventing piracy can be very effective. The 1982 convention requires for the "genuine link between the State and the ship". (UNLOS, Article 9, 1) Also the flag state shall "effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag". (UNLOS, Article 94, 1) States have discretion to fix the conditions of registration. The registered vessel is subject of the State jurisdiction and therefore the State takes over international and national responsibilities regarding the vessel. (Rogers, 2010)

Those vessels, which have not been registered until the given time, must be registered. Vessels in all sizes, applications and makes including, VLCC/ deep draft, Tanker vessels, LNG Carriers, Fishing Vessels Cargo Vessels, Livestock Carriers, Bulk carriers, Tug/Tow, Container Vessels and boats, drilling vessels, research ships, even passenger ships, should hold individual authentic identification documents. It is important that all vessels in any size and applications must be equipped with the GPS system. Therefore, integrated system of any state to be able to trace the last location of those vessels which are under its jurisdiction. For example, if an act of piracy occurs in waters under the state's jurisdiction. This state can track the latest position of all vessels registered under its jurisdiction. Buying and selling any small boats must also be recorded in a notary public's office as well as under the control of government. Moreover, all shipbuilding factories and associated factories including mechanical and electronic equipment must be strictly monitored by the government. An

integrated system should also be designed and implemented to monitor commodities and goods. All goods must have a single serial number so that the buyer could track the accuracy of the goods through the governmental competent authorities. Hence, if the integrated system could be adopted for banning the sale of pirated goods and for the vessel registration, it can be a problem for pirates to get a potential buyer to sell pirated commodities and goods and a hijacked vessel. It should be noted such an integrated system will not only result in high security level in the straits and SCS, but it will be helpful to decrease Indonesian and Malaysian major concerns such as illegal fishing, smuggling, trafficking or other relevant crimes in this region.

## **Impact of the Indirect Element on the Maritime Security and "Doctrine of No Sheriff"**

### **(a) Indirect Element of Security on the Maritime Security**

As it was already mentioned, effective elements in maritime security can be classified into two groups, one is direct elements and another is indirect elements. There are different types of indirect element involving in navigation security but the most important and challenging indirect element that has been neglected by scholars about this matter is the role of the external state destabilizing presence. According to UNCLOS, the coastal states can change the law and regulations according to innocent passage through the territorial sea. UNCLOS has recognized at least 12 items which indicate some activities are prejudicial to the security, good order or peace of the coastal state in the Article 19 (2). UNCLOS (Article 21, 4) also stresses that foreign ships must comply with the necessary laws and regulations. In this connection, any breach of coastal state's laws and regulations may be considered as an insecurity factor. For example, entrance within internal water without prior authorization from a coastal State, to dispatch spy unmanned aircraft to land territory of the coastal state, which interfere with the systems of satellite or radar of the coastal State, to affect the protection or security of the coastal State. Therefore, the most remarkable indirect element in maritime security would be the continued and purposeless presence of the external state in a given area. It is necessary to mention, indirect elements include other elements, such as spying through passing foreign ships and submarines, currency war and arousing the coastal state through provocative actions. Also, the insecurity caused by the presence of an external state depends on the geographical and geopolitical location of each region and is different. In the following, the fundamental importance of the indirect element in maritime security is explained.

Actually, the sequential presence of the USA is both implausible and inconsistent with maritime security and national security of the relevant coastal state as events occurring in the Persian Gulf have expressly demonstrated it. For instance, the case between Iran and the United States on July 3, 1988, civilian aircraft of Iran including 290 innocent passengers and crew was destroyed by the U.S. naval units while they unlawfully intruded into the Iran's internal and territorial waters.<sup>11</sup> In addition to the violation of the Islamic Republic of Iran's sovereignty, the United States violated other international law and rules such as: provisions of the Chicago Convention (ICAO, 1948) and the Montreal Convention, (ICAO, 1971) Article 2(4)

---

<sup>11</sup> Flight 655, as a commercial flight that was on a Tehran-Bandar Abbas-Dubai route. The Iranian Airbus A300 during flying in Iranian airspace over the territorial sea of Iran in the Persian Gulf on its usual flight path, Was Shot Down by the American Navy Guided Missile Cruiser

of the United Nations Charter, as well as UNCLOS and so on. Moreover, the ICAO in its report concluded that " its presence and activities of naval forces in the Persian Gulf area have caused numerous problems to international civil aviation". (ICAO, 1988) Several violations and illegal actions have been committed by the United States in different areas of the world in particular in the Persian Gulf, some of these aggressions include:

On 21-22 September, 1987, U.S. forces attacked an Iranian landing craft, namely the Iran Ajr.<sup>12</sup>

On 8 October, 1987, U.S. helicopters attacked and sank three Iranian patrol boats near Farsi Island.

On 19 October, 1987, attacked Rashadat Platform, a having weapons platform with radar equipment and devices for communication.

On 19 October, 1987, it launched an attack on the Reshadat platforms (Reshadat was first attacked in October 1986).

The latter half of 1987 a number of incidents in which U.S. forces carried out attacks against Iranian vessels.

On 18 April, 1988 attacks on the Salman and Nasr oil platforms, which resulted in the destruction of those platforms.

On 18 April, 1988 attack, the U.S. ships approached an Iranian Kaman patrol boat, the Joshan. They fired 6 missiles at the Joshan, scoring direct hits with 5 of them, and then sank the ship with gunfire.<sup>13</sup>

On 21 June, 2004,<sup>14</sup> 3 British vessels including the six marines and two sailors entered illegally into Iran's territorial waters. (NBCNEWS, 2004)

On 23 March, 2007, Iranian naval vessels seized 15 British<sup>15</sup> sailors. (Reuters, 2007)

On 5 December, 2012, US pilotless Scan Eagle<sup>16</sup> violated Iran airspace over the Persian Gulf waters after taking off from warship. (Aljazeera, 2012)

On 13 January, 2016, violating Iran's waters by American boat in the Persian Gulf, 10 armed American marines<sup>17</sup> were detained close to Farsi island. (Guardian, 2016)

While Iranian military units are attempting to protect their maritime security in the Hormuz Strait and the Persian Gulf, the U.S. Naval Vessels are seeking to interdict maritime security. It is very clear that the coastal state is responsible for securing the territorial sea and Strait, not foreign ships as for mentioned cases, not only USA's fleet passage is not innocent in the Persian Gulf, but their presence is hazardous. Such a grievous events and egregious crimes are considered as the full-scale violation of the most fundamental principles of international law and at the same time the law and regulations of UNCLOS. As a result, the USA or any external state cannot justify their presence for the purpose of providing their interests or freedom of navigation. Since collective interests of states in the oceans associated with to safe sea lanes, maritime security should be provided for the wide surface of sea lanes, in particular for MSR.

---

<sup>12</sup> The Iran Ajr was a commercial vessel on charter to the Iranian navy.

<sup>13</sup> 11 people were killed and 33 injured.

<sup>14</sup> 8 British sailors and marines were arrested after they entered 1,000 meters into Iranian water. They were released on 25 June, 2004.

<sup>15</sup> 15 Royal Navy sailors and 7 Royal Marines were 0.5 km inside Iranian waters. They were released after 12 days, on 5 April, 2007.

<sup>16</sup> The Scan Eagle Unmanned Aerial Vehicle entered Iranian air space and was conducting a reconnaissance flight over the Persian Gulf when it was captured.

<sup>17</sup> Two American boats were 2km inside Iranian waters when they were detained, Iran returned the crew to a US Navy vessel in international waters on 13 January 2016.

## **(b) The Doctrine of No Sheriff**

The rise of colonialism in the Southeast Asia (Stefan Eklof, 2006) and raid of many of the workless Anglo-American privateers the Indian Ocean in the 17th century (Kraska, 2011) caused the increase of piracy in the area. Besides, the Hormuz area had been dominated for more than a century by the Portuguese. They were expelled by Persians in 1622. (Talbot, 1928) In recent decades, the United States have also tried to control this strategic Strait of Hormuz. As Admiral Alfred Thayer Mahan pointed out in his famous work "The Influence of Sea Power Upon History: 1660-1783", the controlling these maritime choke points is a matter of extreme strategic sensitivity to states. (Delahunty, 2015; Mahan, 1987) Sovereignty as the core of the international state system has been recognized as the right to territorial. (De Nevers, 2015) Inviolability and to non-interference in their interior affairs by another states or actors for centuries. The U.S. being in the Persian Gulf and The South China Sea illustrates they intend to penetrate both of vital region. In spite of the risks and threats in the Strait of Malacca, it should not be used as an excuse to jeopardize the sovereignty of the regional state, while the states of the region are able to provide sustainable security in the Malacca Strait. Hence, the first objective of "Doctrine of No Sheriff" is to decline impact of maritime insecurity regarding MSR. It should be accomplished step by step thorough the cooperation of regional states.

From Geoffrey Blainey (1973) and Robert Gilpin's point of view, (Gilpin, 1981) a peaceful and stable international system relies on being a predominant state in the international system while the majority of the world countries has shown their willpower aimed at combating superiority thoughts. Instead, establishing peaceful relations and life with mutual respectful in accordance with international law. Entering exotic species within the aquatic ecosystem gives rise to disturbance. Similarly, the non-innocent presence of the external state in the given area results in threats and even risks. Unipolarity theory has not any basis in international law and custom. Nevertheless, this theory has been included in the U.S. Neo-Intervention and neocolonialism Policies. Such arguments will constitute new politics of the U.S. unipolarity (Brooks, Ikenberry, & Wohlforth, 2013) while the unipolarity encourages and justifies the reason for an external state presence in each region. The only achievement of the unipolarity doctrine is the development of insecurity.

It is essential to improve the security of MSR due to the strategic and geopolitics situation of every three straits. For this purpose, the security concerns of any region should be settled by states of the same region, not by external states. It is clear not only U.S. Naval is not able to establish the secure corridor for navigation all around the world, but none of the maritime power is not able to do that. Hence, the world needs a new order to rely on a regional security network. In this regard, we can introduce a new doctrine namely "Doctrine of No Sheriff". This is the new framework and understanding with respect to having the secure sea lanes. The "Doctrine of No Sheriff" will not only be able to support maritime security issues, but it will be able to affect economic issues of states that follow this doctrine. In this regard, I believe that the new doctrine is essential to the interests of all nations, coastal and landlocked, rich and poor. No state can save other states from any conflict and rivalry, protect them from pollution, and perform other actions for the benefit of all. This would be an essential achievement in the 21st Century in line of Maritime Silk Road. It is equally important to decline and eliminate the existence of elements of the threats and risks in the seas as a way of trade and transporting, and as a source of products. That is why, all states, especially Asian states, should cooperate with each other in an effort to obtain a new order in Asia.

Politics of unipolarity cannot provide public goods in any region as circumstantial evidence have contrary demonstrated it, for example, in Iraq and Afghanistan continuing presence of the U.S. military forces have caused they stick in a vortex. Therefore, it is entirely impossible that an external state can provide the security of and public goods in other regions. It is essential to note that political leaders have declared own benefits in each region, pledge to pursue their interests finding and implementing specific leverages. The leverages of an external state should not obviously be military in practice, even if those states declare that interests are dealing with security. For instance, the United States have economically subsidized in the Middle East with the help to Arab countries making peace with Israel. (Rovner & Talmadge, 2014) Not only the U.S. subsidization has not caused peace, but crimes against the human and creation of ISIS in the middle east, in addition, leverage such as currency war operations and proxy war have increased the insecurity in the East and West of Asia.

Joshua Rovner and Caitlin Talmadge (2014) argue that depending on a political commitment where it was declared by Hegemon to a given region, local force postures can take three basic presences, including "light presence", "heavy presence" and "hegemonic presence" they also maintain these local forces support intelligence gathering efforts. As they base their argument for political commitment where the hegemon has declared. However, the first question would be if this presence is legal under the international law. The second question can be asked regarding who has granted them the legal permission to their continued presence, not for operational and symbolic purposes. The third question can be whether or not their presence has guaranteed any security in the Persian Gulf or other areas. UNCLOS has recognized freedom of navigation in the EEZ and the high sea for all foreign ships (UNCLOS, Articles 58 and 87), they can pass through the territorial sea provided that the "passage shall be continuous and expeditious". (UNCLOS, Article 18) Moreover, this convention requires all states to obey the laws and regulations of coastal states. (UNCLOS, Article 21) However, the states cannot make their military presence as an excuse in vital areas such as the Persian Gulf and SCS. Therefore, all the threats or using force against the sovereignty political independence or territorial integrity of the coastal State is considered as insecurity element.

The second goal, pursued by the "Doctrine of No Sheriff", is to improve regional security and the establishment sustainable security in line with the interests of the states. This issue is extremely vital for geographical and political reasons to SCS and the Persian Gulf. What matters is the fact that the presence in all forms by external states gives the rise to increase regional tensions. In May 2015, the Chinese Ministry of National Defense informed that "In the foreseeable future, a world war is unlikely. There are, however, new threats from hegemonism, power politics and neo-interventionism. International competition for the redistribution of power, rights, and interests is tending to intensify". (China, 2017) To sum it up, the presence of external states like U.S. and the UK forces have been known as an indirect element of navigation security and regional security. It is noticeable to mention that, when the U.S. declared the war in 1986, they aimed to control 16 main maritime lanes including the Malacca and Hormuz Straits. (Wang, 2015)

For the above reasons, a great concentration of the U.S. military fleet in such a special territory as SCS and the Persian Gulf is unacceptable from the perspective of sustainable security. Hence this in effect means that the USA is seeking to unbalance stability and increase tensions in SCS and the Malacca Strait and the Strait of Hormuz to fixate their presence in these areas. The Strait of Malacca, for geographical and multi-State reasons, possesses different situation to the Strait of Hormuz, but both of straits have common features as both

are the most sensitive superhighways for transferring energy and goods in the world. The only entry to the Persian Gulf is through the Strait of Hormuz, accordingly almost all maritime traffic must traverse through Iran territorial waters, and exit through Oman waters. Iranian Revolutionary Guard Corps Navy (IRGCN) monitors and controls the Strait of Hormuz along with the Sultanate of Oman via the Omani enclave of Musandam. Hence, they have security responsibility in the Strait of Hormuz. The Persian Gulf as the heart of the Middle East and arena for geopolitical rivalries has testified different phases of the presence of Great Britain and the USA since 1945. (Rovner & Talmadge, 2014) At present Iran is a security provider in the Persian Gulf and Strait of Hormuz as well as a part of the Indian Ocean, it is known as the first power in the Middle East. Besides, in the future, it will be known as an economic hub.

In this connection, it is important to mention that, although the UNCLOS has recognized the "freedom of navigation" for passage through international straits, no state has the right to endanger national security or maritime security of the coastal state. In reality, the continued presence of external state has not been evaluated just as innocent presence, but it is an effective indirect element of maritime security, besides, it is in the interests of neither the national coastal state nor maritime security of any region. It should also be noted that a few decades ago using anachronistic ways like "showing the flag" and "gunboat diplomacy" were the illustrations of the political power and marine power using force to conserve or extend vital interests (Reisman, 1980) although it would be imprudent. Overall, given today's world diplomatic relations, these practices would be imprudent. It is time to refer to a new doctrine for the establishment of maritime security in the sea lanes, in particular in MSR. A "Doctrine of No Sheriff" with a view to the non-intervention principle, emphasizing UN Charter with respect to the establishment of the peace and international security will be able to open a new window to rise sustainable security with peace in MSR. Security will not be realized unless the new concept of security is formed through the redefinition of the idea of maritime security so that their own Asian states perform as maritime security provider for MSR.

In light of the above discussion, the continued and perilous presence of an external state in a given area, on the one hand, and the militarization by external state or military alliances, on the other hand, can be considered indirect elements against maritime security. To put it mildly, it is interesting to mention that there are two similar traditional doctrines in Iranian and Chinese cultures. Confucius says: "In heaven, there are no two Suns; there can be no two kings on earth". (Kong Zi, 2013) The author does not believe the idea of a "Unified world" under the political authority of a single supreme sovereign. "Unified world" would be acceptable in the framework of mutual respect, the peace language, free of force and threat, the maintenance of the territorial integrity of all of the small and big states. For this purpose, a "Doctrine of No Sheriff" is based on the non-single supreme sovereign. Hence, no country can tolerate the hazardous presence of the external state. In other words, such trends would have evaluated as neocolonialism and aggressive approaches. Besides, the international community will not accept such approaches. There is no doubt that cooperation with regards to the sharing of the security burden for the rising of maritime security should be limited to coastal states in particular on the MSR ways. Despite disputes over ownership of some islands or other marine features in the SCS, littoral states in the SCS and the Malacca Strait as the first area, coastal states in the Indian Ocean as the second area and the Strait of Hormuz and the Persian Gulf as the third area, the security burden should undertake in three areas through establishment of the secure corridor. In other words, these countries should share security burden with the same region countries in each area. In conclusion, the world does not need a "Sheriff".

## Conclusion

The two super strategic Straits of Malacca and Hormuz are the important gates of the Maritime Silk Road, where the Achilles heel of trade and energy distribution is spinning over the sustainable peace and security of the two straits. The Maritime Silk Road, actually, starts from China, however, politically speaking, it starts from the Northern Korea since MSR is not only a trade and culture road but it will be the future roadmap of Asia and the world. This article discusses a different approach to maritime security and proposes a new classification with respect to maritime security, in particular, this categorization applies to three areas in the Maritime Silk Road. The concept of maritime security is related to several factors and depends on who uses the term or in what context it is used. Further, "maritime security" and "maritime safety" depend on human unlawful acts and environmental conditions or human errors respectively. Generally speaking, it may be concluded that maritime security would be any act whether direct or indirect, which would endanger or threaten the security of a coastal state, the sea lanes, the marine environment, vessels, property or persons.

This article is focused on the recognition of real elements of insecurity in MSR, in particular, in the Persian Gulf and SCS and the two most important lifelines, namely, the Strait of Hormuz and the Malacca Strait. For this purpose, this study attempts to express a new classification of maritime security. This new classification is used to distinguish between direct and indirect elements involved in maritime security. Despite the fact that several violations of international law and painful events occurred due to the presence of an external state, the continued and perilous presence of an external state as an insecurity element has not been taken into consideration by the scholars. Indirect insecurities, such as repeated international law violations by the U.S. Navy in the SCS and the Persian Gulf lead to tensions and incitement among littoral states. As the existence of an exotic species in an ecosystem can have a serious risk and destruction, the dangerous and continued presence of an external state in a given region will give rise to negative and dangerous consequences. Non-regional states intervention to eliminate armed robbery and piracy in the Strait of Malacca or other risky places will become the pretext to attack the sovereignty of smaller, comparatively weaker, states. It can obviously increase international tension at the particular area.

The Bush's administration launched three major Initiatives, it is obvious those Initiatives have been designated for pretext of patrolling indeed, it is for the purpose of all-round presence throughout the world. It should be mentioned; the doctrine of presence is not newly established by the Trump's administration. In fact, the United States have put it as the top priority to preserve its presence at the seas throughout their nation's history. They institutionalized the presence policy more than four decades ago in the American macro politics. Thus, this will continue if governments change. The doctrine of presence formally was established and developed under FON Program by presidents Jimmy Carter and Ronald Reagan.

The Maritime Security Framework suggests that insecurity in maritime zones are constructed by a series of threats or risks in two major groups. In this framework, an issue, such as armed robbery or piracy, and the continued presence of warships, is identified as an existing risk and threat to the specific referent object for instance international trade or the coastal state's national security. Basically, SCS and the Malacca Strait will not acquire security unless the idea of maritime security is redefined so that their own Asian states perform as maritime security providers for MSR. Forasmuch as, USA's violation and destabilizing activities in the Persian Gulf and the South China Sea, its presence and passage are considered

as non-innocent activities, as these are prejudicial to the security, peace, and good order of coastal states. Thus, in this research for the first time, a new classification of maritime security plus a new "Doctrine of No Sheriff" has been proposed for giving a new road map of maritime security. Finally, Asian states by the following of "Doctrine of No Sheriff" will be able to prevent hegemony in every region. This doctrine is applicable in the relations between coastal States and other states in MSR which have vital interests. Some important countries, such as China, Malaysia, Indonesia, India, Pakistan, Iran, and Oman, Japan and other user countries of the Malacca Strait and the Persian Gulf are among these states.

MSR is not only a simple road, it is a new approach for safe and secure seas, maritime interests with a successful maritime and cultural heritage all over the world. All states depend on the sea for their prosperity. The stable global market, access to energy, manufactured goods, and the raw materials are reliant on sustainable security throughout the sea lanes. The concepts of "Doctrine of No Sheriff" proposed connecting and improving the various aspects of the security progress of the oceans and establishing sustainable security strategies for MSR. The most important objective of "Doctrine of No Sheriff" seek to decline impact of indirect elements, improving security region by region and the establishment of sustainable security at the seas in line with the interests of the states. The existence of an efficient system of security in MSR depends mostly on the political views of Asian nations. The lack of trust among some of the countries in the Southeastern Asia is one of the determinant elements. In brief, piracy and armed robbery are recognized as the most remarkable of direct elements of insecurity in the ocean, however, the continued and precarious presence of external state has not been regarded from the perspective of international law or ocean management or regional studies. This factor brings about enormous risk and threats, undermining regional security and increasing the risks of a military confrontation in both short and long term. Hence, under the "Doctrine of No Sheriff" Asian states and other states will have an opportunity to enjoy sustainable security in MSR. Coastal states support the balance of rights and duties reflected in their international law and regulations together with their interests. Foreign vessels enjoy the right of transit and peaceful traffic, as long as their passage is safe and secure. Maritime Security Framework suggests that insecurity in maritime zones is constructed by a series of threats or risks in two major groups. The framework has some issues, such as armed robbery or piracy, and the continued presence of warships is identified to be respectively an existential risk and threat to some specific referent objects, for example, international trade or the national security of the coastal state.

## Acknowledgements

I must express my very profound gratitude to the Great and Merciful Creator for his boundless Generosity and Kindness. The author extends special thanks to his mother and family for providing him with unflinching support and continuous encouragement. The author wishes to thank his Supervisor Professor FU. Finally, I am grateful to all my teachers throughout my life as well as Miss Vasylieva for great edition of the article. I hope this study will provide an introduction to widespread developments in Asia and the world.

## References

AL-MAYADEEN. 2018. *In a document obtained by the fields: This is how America develops and spreads deadly viruses in the world*. Retrieved February 21, 2020, from

- <http://m.almayadeen.net/news/politics/855951/%2525D8%2525A7%2525D9%252584%2525D9%252585%2525D9%25258A%2525D8%2525A7%2525D8%2525AF%2525D9%25258A%2525D9%252586-%2525D8%2525AA%2525D9%252583%2525D8%2525B4%2525D9%252581-%2525D8%2525B9%2525D9%252586-%2525D9%252588%2525D8%2525AB%2525D9%25258A%2525D9%252582%2525D8%2525A9-%2525D8%2525AD%2525D9%252582>
- ALJAZEERA. 2012. Iran claims capture of US drone. *News. Al Jazeera*. Retrieved November 10, 2017, from <http://www.aljazeera.com/news/middleeast/2012/12/2012124758228897.html>
- ALJAZEERA. 2017. China protests US ship near South China Sea island. *China News. Al Jazeera*. Retrieved November 8, 2017, from <http://www.aljazeera.com/news/2017/08/china-protests-ship-south-china-sea-island-170811034407390.html>
- ALWAGHT. 2018. *Biological Experiments on "Flies and Mosquitoes": A New American Strategy to Kill Humans*. Retrieved February 21, 2020, from <http://alwaght.com/ar/News/124383/التجارب البيولوجية على الذباب والبعوض؛ اس>
- ATTARD, F. 2014. IMO's Contribution to International Law Regulating Maritime Security. *Journal of Maritime Law & Commerce*, **45**(4):479–565. <https://doi.org/10.3868/s050-004-015-0003-8>
- BLAINEY, G. 1973. *The Causes of War*. London, Macmillan. <https://doi.org/10.1111/j.1536-7150.1946.tb01826.x>
- BLANCHARD, J. M. F.; FLINT, C. 2017. The geopolitics of China's maritime silk road initiative. *Geopolitics*, **22**(2):223–245. <https://doi.org/10.1080/14650045.2017.1291503>
- BROOKS, S. G.; IKENBERRY, G. J.; WOHLFORTH, W. C. 2013. Don't Come Home, America: The Case against Retrenchment. *International Security*, **37**(3):7–51. [https://doi.org/10.1162/ISEC\\_a\\_00107](https://doi.org/10.1162/ISEC_a_00107)
- BUEGER, C. 2015. What is maritime security? *Marine Policy*, **53**:159–164. <https://doi.org/10.1016/j.marpol.2014.12.005>
- CHATTERJEE, A. 2014. Non-traditional Maritime Security Threats in the Indian Ocean Region. *Maritime Affairs: Journal of the National Maritime Foundation of India*, **10**(2):77–95. <https://doi.org/10.1080/09733159.2014.972669>
- CHINA, T. S. C. I. O. of the P. R. of. (2017). Document: China's Military Strategy. *USNI News*. Retrieved November 10, 2017, from <https://news.usni.org/2015/05/26/document-chinas-military-strategy>
- CHUNG, C. P. 2017. What are the strategic and economic implications for South Asia of China's Maritime Silk Road initiative? *Pacific Review*, (December), 1–18. <https://doi.org/10.1080/09512748.2017.1375000>
- DARYAEE, T. 2003. The Persian Gulf trade in late Antiquity. *Journal of World History*, **14**(1):1–16. <https://doi.org/10.2307/20079006>
- DE NEVERS, R. 2015. Sovereignty at sea: States and security in the maritime domain. *Security Studies*, **24**(4):597–630. <https://doi.org/10.1080/09636412.2015.1103132>
- DELAHUNTY, R. J. 2015. Towards a Concert of Asia? A Proposed International Security Regime. *University of Pennsylvania Asian Law Review*, **11**:1–79.
- EKLOF, S. 2006. *Pirates in paradise: A modern history of Southeast Asia's maritime marauders*. Nordic Institute of Asian Studies.
- FELLMETH, A. X.; Horwitz, M. 2009. *Guide to Latin in International Law*. Oxford, Oxford University Press.
- GANESAN, N. 2008. Regional Security: Singapore perspective. In: S. Takashi (Ed.), *Across the Causeway: A Multi-dimensional Study of Malaysia-Singapore Relations*. Singapore, Institute of

Southeast Asian Studies, pp. 175–186.

GERTZ, B. 2020. *Coronavirus link to China biowarfare program possible*. Retrieved February 23, 2020, from <https://m.washingtontimes.com/news/2020/jan/26/coronavirus-link-china-biowarfare-program-possible/>

GILPIN, R. 1981. *War and Change in World Politics*. Cambridge, Cambridge University Press. <https://doi.org/https://doi.org/10.1017/CBO9780511664267>

GRØNNING, B. E. M. 2017. Japan's security cooperation with the Philippines and Vietnam. *The Pacific Review*, 1–20. <https://doi.org/10.1080/09512748.2017.1397730>

GUARDIAN. 2016. Iran demands apology after detaining US navy boat crews for “violating” Gulf waters. *The Guardian*, January 12, 2016, from <https://www.theguardian.com/world/2016/jan/12/iran-detains-two-us-navy-ships-persian-gulf>

HAWKES, K. G. 1989. *Maritime Security*. Centreville, Cornell Maritime Press.

ICAO. 1948. *Convention on International Civil Aviation*. Retrieved from [http://www.icao.int/publications/Documents/7300\\_9ed.pdf](http://www.icao.int/publications/Documents/7300_9ed.pdf)

ICAO. 1971. *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montreal Convention).

ICAO. 1988. *Report of the ICAO Fact-Finding Investigation*.

IMO. 2001. *Resolution A.922(22)*.

IMO. 2009. *Resolution A.1025(26)*.

IMO. 2019. *Global Integrated Shipping Information System*. Retrieved September 4, 2019, from <https://gis.imo.org/Public/Default.aspx>

MAK, J. N. 2006. Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits. In: G. G. Ong-Webb. (Ed.), *Piracy, maritime terrorism and securing the Malacca Straits*, Singapore, ISEAS/IIAS, pp. 134–162.

MAK, J. N. 2011. Maritime Security and the ARF: why the focus on the Dialogue rather than action. In: J. H. and N. M. Morada (Ed.), *Cooperative Security in the Asia-Pacific: The ASEAN Regional Forum*, London, Routledge, pp. 172–198.

JESUS, H. E. J. L. 2003. Protection of Foreign Ships against Piracy and Terrorism at Sea: Legal Aspects. *International Journal of Marine and Coastal Law*, **19**(1):363–400.

LI, K X.; CHENG, J. 2006. Maritime Law and Policy for Energy Security in Asia a Chinese Perspective. *Journal of Maritime Law and Commerce*, **1**:567–588. <https://doi.org/10.3366/ajicl.2011.0005@>

KLEIN, N. 2011. *Maritime Security and the Law of the Sea* (reprint). Oxford.

KONG ZI, (Confucius). 2013. *The Book of Rites*. (L. G. and D. Sheng, Ed.). Createspace Independent Pub.

KRASKA, J. 2011. *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea*. California, Praeger.

KRASKA, J. 2014. Legal Vortex in the Strait of Hormuz. *Virginia Journal of International Law*, **54**(2):323–366.

KUPPUSWAMY, C. S. 2004. Straits of Malacca: Security Implications. *South Asia Analysis Group*, 1033. Retrieved from <http://www.southasiaanalysis>

LI, Q. 2006. *Maritime silk road*. Beijing, China International Press.

MACK, A. 1993. Security Regimes for the Oceans The Tragedy of the Commons, the Security Dilemma, and Common Security. In: G. H. Jon M. Van Dyke, Durwood Zaelke (Ed.), *Freedom for the Seas in the 21st Century: Ocean Governance and Environmental Harmony*, Washington, Island Press, pp. 409-419.

MAHAN, A. T. 1987. *The Influence of Sea Power Upon History 1660-1783*. Mineola, Dover

Publications.

- MEJIA, M. J. 2003. Maritime Gerrymandering: Dilemmas in Defining Piracy, Terrorism and other Acts of Maritime Violence. *Journal of International Commercial Law*, **2**(2):153–175.
- MINDEF. 2016. *Fact Sheet: The Malacca Straits Patrol*. Retrieved June 2, 2018, from <https://www.mindef.gov.sg/web/portal/mindef/news-and-events/latest-releases/article-detail/2016/april/2016apr21-news-releases-00134/>
- MO, J. 2002. Options to Combat Maritime Piracy in Southeast Asia. *Ocean Development & International Law*, **33**(3–4):343–358. <https://doi.org/10.1080/00908320290054819>
- NBCNEWS. 2004. 8 British troops on way out of Iran. *NBC News*. Retrieved November 10, 2017, from [http://www.nbcnews.com/id/5261548/ns/world\\_news/t/british-troops-way-out-iran/](http://www.nbcnews.com/id/5261548/ns/world_news/t/british-troops-way-out-iran/)
- PERCY, S. 2016. Maritime crime and naval response. *Survival*, **58**(3):155–189. <https://doi.org/10.1080/00396338.2016.1186986>
- PRAKASH Karat. 2007. *Subordinate Ally: The Nuclear Deal and India-US Strategic Relations*. New Delhi, LeftWord Books.
- RAHHAL, N. 2020. *Wuhan, China's coronavirus epicentre, has SARS and Ebola lab*. Retrieved February 23, 2020, from <https://www.dailymail.co.uk/health/article-7922379/Chinas-lab-studying-SARS-Ebola-Wuhan-outbreaks-center.html>
- REISMAN, W. M. 1980. The Regime of Straits and National Security: An Appraisal of International Lawmaking. *The American Journal of International Law*, **74**(1):48–76.
- REUTERS. 2007. *TIMELINE - British sailors captured by Iran*. Retrieved November 8, 2017, from <http://uk.reuters.com/article/uk-britain-iran-kidnap-chronology/timeline-british-sailors-captured-by-iran-idUKL1964179720070619>
- ROACH, J. A. 2011. General Problematic Issues on Exercise of Jurisdiction over Modern instances of Piracy. In: *Selected Contemporary Issues in the Law of the Sea*. Leiden, Martinus Nijhoff, pp. 1–360.
- ROGERS, R. 2010. *Ship Registration: A Critical Analysis*. SL, World Maritime University.
- ROSENBERG, D.; CHUNG, C. 2008. Maritime security in the South China Sea: Coordinating coastal and user state priorities. *Ocean Development and International Law*, **39**(1):51–68. <https://doi.org/10.1080/00908320701641602>
- ROVNER, J.; TALMADGE, C. 2014. Hegemony, Force Posture, and the Provision of Public Goods: The Once and Future Role of Outside Powers in Securing Persian Gulf Oil. *Security Studies*, **23**(3):548–581. <https://doi.org/10.1080/15325024.2014.935224>
- SEIN, A. G. H.; K. M. 2004. Jurisdiction over a Person Abducted from a Foreign Country: Alvarez Machain case Revisited. *Journal of Malaysian and Comparative Law*, **31**(1):69–86.
- SHAW, M. 2008. *International Law. Vasa* (Sixth). Cambridge, Cambridge University Press. <https://doi.org/10.1017/CBO9781107415324.004>
- STEINMANN, L. K. 2012. Shah Abbas and the Royal Silk Trade. *Taylor & Francis*, **14**(1):68–74.
- WILSKE, S.; SCHILLER, T. 1988. Jurisdiction Over Persons Abducted in Violation of International Law in the Aftermath of United States v Alvarez. *The University of Chicago Law School Roundtable*, **5**(1):205–242.
- STEVENSON, A. 2020. Senator Tom Cotton Repeats Fringe Theory of Coronavirus Origins. *NY Times*, February 23, 2020, from <https://www.nytimes.com/2020/02/17/business/media/coronavirus-tom-cotton-china.html>
- STOREY, I. 2008. Securing Southeast Asia's Sea Lanes: A Work in Progress. *Asia Policy*, **6**(1):95–128. <https://doi.org/10.1353/asp.2008.0025>
- SUMMERS, T. 2016. China's 'New Silk Roads': sub-national regions and networks of global

- political economy. *Third World Quarterly*, **37**(9):1628–1643. <https://doi.org/10.1080/01436597.2016.1153415>
- TALBOT, W. A. 1928. *The Persian Gulf: An Historical Sketch From The Earliest Times to The Beginning Of The Twentieth Century*. Oxford, Milford Publisher.
- TEO, Y. Y. 2007. Target Malacca Straits: Maritime terrorism in Southeast Asia. *Studies in Conflict and Terrorism*, **30**(6):541–561. <https://doi.org/10.1080/10576100701329568>
- UK Government. 2014. *The UK National Strategy for Maritime Security*. London, UKG.
- UNION, C. of the E. 2014. *The European Union Maritime Security Strategy*. Brussels.
- UNITED NATIONS. 2008. *Oceans and the law of the Sea Report of the Secretary -General*. Vol. A/63/63).
- UNITED NATIONS. 1982. *United Nations Convention on the Law of the Sea*. United Nations.
- WANG, L. 2015. Sea Lanes and Chinese National Energy Security. *Journal of Coastal Research*, **73**(73):572–576. <https://doi.org/10.2112/SI73-099.1>
- WESTCOTT, B.; JIANG, S. 2020. Chinese diplomat promotes conspiracy theory. *CNN*, March 13, 2020. Retrieved March 16, 2020, from <https://edition.cnn.com/2020/03/13/asia/china-coronavirus-us-lijian-zhao-intl-hnk/index.html>
- WOOLLEY, C. R. 2010. Piracy and Sovereign Rights: Addressing Piracy in the Straits of Malacca Without Degrading the Sovereign Rights of Indonesia and Malaysia. *Santa Clara Journal of International Law*, 447–472.
- WU, S. 2010. *Maritime Security in the South China Sea: Regional Implications and International Cooperation*. (K. Zou, Ed.). London, Routledge.
- XINHUA. 2015. Chronology of China's Belt and Road Initiative. *Xinhuanet*. Retrieved June 13, 2018, from [http://www.xinhuanet.com/english/2015-03/28/c\\_134105435.htm](http://www.xinhuanet.com/english/2015-03/28/c_134105435.htm)
- ZOHOURIAN, M. A. 2018. The Real Nature of Artificial Islands, Installation and Structures from Perspective of Law of the Sea. *Asia-Pacific Journal of Law, Politics and Administration*, **2**(1):13–26.

*Submetido: 16/03/2020*

*Aceito: 29/06/2020*