

MARITIME PERSPECTIVES 2018

Edited by

VICE ADMIRAL PRADEEP CHAUHAN
CAPTAIN (DR.) GURPREET S KHURANA



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2018

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Foreword

A review of geo-political trends in recent years clearly indicates that the year 2018 has been an especially momentous one, particularly in respect of India's pursuit of her maritime interests within the 'Indo-Pacific'.

Notably, the first formal articulation, at India's apex-political level, of the country's concept of the 'Indo-Pacific', was unequivocally made by the Hon'ble Prime Minister Narendra Modi, at the 2018-edition of the Shangri La Dialogue, held in Singapore in June of this year, when he explained that it extended "*...from the shores of Africa to that of the Americas*", in the process, defining India's strategic geography in this part of the world.

The year that has only just gone by also witnessed substantive strides — by a variety of ministries, departments and agencies of the Government of India and a number of private, non-governmental structures as well — towards providing form and substance to both, the Government's 'Act East' Policy and the Prime Minister's vision of SAGAR (Security And Growth for All in the Region). As a consequence, substantial progress has been made in realising India's enormous potential as a major maritime power, as also in progressing India's transition to a Blue Economy.

Against this busy maritime backdrop, I am delighted to note that the National Maritime Foundation (NMF) continues to persevere with its excellent practice — initiated four years ago — of collating and compiling its annual web-publications into an edited-book that can be perused and savoured at each reader's personal convenience.

This year's compilation of 'Issue Briefs' and 'Commentaries' on topical strategic, and operational issues that bear upon the maritime domain provides an attractive albeit kaleidoscopic sprinkling of contemporary developments within the Indo-Pacific. The essays amply indicate that India's economic, security and geopolitical environment remains in a state of dynamic flux, posing multifarious challenges

for national policymaking, but simultaneously providing numerous opportunities for India to further advance its cooperative and collaborative maritime endeavours with its immediate, extended and strategic maritime-neighbourhood.

I am confident that this compilation would help lay-readers and serious scholars alike, in discerning the emerging trends of this region, thereby catalysing and promoting further thoughtful deliberations and policy-relevant analyses. All this would, of course, admirably serve to further the Foundation's overarching objective to promote maritime awareness among the broader strategic community and public at large.

I congratulate the authors of the essays contained in this issue of 'Maritime Perspectives' and wish all its readers a happy and healthy 2019 and beyond.

Jai Hind!

Admiral RK Dhowan
PVSM, AVSM, YSM, IN (Retd)
Chairman
National Maritime Foundation

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Maritime Concepts

Revisiting ‘SAGAR’ – India’s Template for Cooperation in the Indian Ocean Region

*G. Padmaja **

The month of March 2018 marks three years since the Indian Prime Minister Narendra Modi first enunciated India’s vision for the Indian Ocean Region (IOR) commonly known by its acronym - SAGAR (Security and Growth for All in the Region). In a well thought out strategic move, Modi first spoke about SAGAR, not in India but in Mauritius. Since then, every discourse on India’s foreign policy, including maritime policy, necessarily finds a mention of SAGAR.

This issue brief revisits SAGAR and examines its main policy statements. In doing so the essay seeks to understand the manner in which these proposals were breaking new ground.

SAGAR – India’s Vision for the Indian Ocean Region

On 12 March 2015, the Indian Prime Minister Modi addressed the National

Assembly of Mauritius to commemorate the island nation’s Independence Day. Interestingly, Modi spoke about SAGAR that very day, but not in the Mauritius National Assembly. He did so on the occasion of the commissioning of the Indian built Offshore Patrol Vessel (OPV) Barracuda in the service of the National Coast Guard of Mauritius. This OPV would be used by Mauritius to police its vast Exclusive Economic Zone (EEZ) against piracy, smuggling, illegal fishing, drug trafficking and to provide logistical support for search and rescue operations.

The OPV MCGS Barracuda was the first ever warship built in India for export, based on the specific design requirements of the buyer country, which in this case was Mauritius. It was built by India’s defence PSU (Public Sector Undertaking) Garden Reach Ship Builders and Engineers Limited

(GRSE) in Kolkata. It symbolised a new beginning for India's defence industry sales; and the ship's final destination being Mauritius, indicated the island nation's geo-strategic importance in the Indian Ocean.

The Indian Ocean has over forty littoral states bearing over 40 per cent of the world's population. It is through the IOR that two-thirds of the world's oil shipments; one-third of the world's bulk cargo; and half of the world's container traffic transit. Also 90 per cent of India's trade by volume and 90 per cent of its energy imports transit through these waters. Peace and security in the Indian Ocean is thus critical for both economic prosperity and social stability of most nations in the world, including India.

Modi christened India's vision for the Indian Ocean Region as SAGAR which in the Indian language of Hindi means the 'sea' and when expanded, stands for – Security And Growth for All in the Region. According to this vision, India would do everything to safeguard its mainland and islands and defend its interests. Further, India will also work to ensure a safe, secure and stable IOR. Though the Prime Minister did not elaborate, it is implied that these interests include the safety and security

of Indian shipping, fishing, seaborne trade, energy supply, assets and resources in the maritime domain and Indian citizens who are working overseas. Given the seamless connectivity in the maritime domain, instabilities anywhere would impact India's maritime security too. As per SAGAR, India seeks to deepen economic and security cooperation with its maritime neighbours and assist in building their maritime security capabilities. For this, India would cooperate on the exchange of information, coastal surveillance, building of infrastructure and strengthening its capabilities. Next, India believes that it is only through collective, collaborative and cooperative approaches that peace can be advanced in the region. In this context, an association like IONS (Indian Ocean Naval Symposium), an Indian initiative established in 2008 and which brings together 35 navies in the region; and the India-Sri Lanka-Maldives Trilateral established in 2013 is important. Such mechanisms strengthen efforts to counter non-State actors engaged in piracy, terrorism, other crimes and natural disasters. Further, India seeks an integrated approach and cooperative future, which will result in sustainable development for all, in the region. India

opines that the Indian Ocean Rim Association (IORA) has an important role to play in this context. Bringing out the importance and centrality of the 'Blue Economy' to India, the Indian Prime Minister said that the blue chakra or wheel in India's national flag represents the potential of the Blue Revolution or Ocean Economy. Lastly, Modi stated that those who are resident in the region, i.e., in the littoral countries have the primary responsibility for peace, stability and prosperity in the Indian Ocean. With other nations who have strong stakes in the region, India engages through dialogues, visits, naval exercises, capacity building, capability enhancement, and economic partnerships. Prime Minister Modi categorically stated that India stands for respect for international maritime rules and norms by all countries and the peaceful resolution of maritime issues.

SAGAR, therefore was an inclusive vision with politico-economic-security cooperation and respect for international maritime laws.

SAGAR - Breaking new ground

This section analyses the manner in which SAGAR was an important landmark in India's maritime diplomacy.

First, by choosing to speak from Mauritius and not India, Modi was addressing all the littoral countries of the IOR. The policy proposals spelt out in SAGAR were not entirely a break from the past. However, they were presented as a cohesive organic whole for the first time. SAGAR effectively demonstrated the linkage between maritime cooperation, maritime security and economic development. The result was an Indian vision and initiative for the Indian Ocean Region which was inclusive, collaborative and respected international law.

Second, while defense and security relations had been important pillars of bilateral cooperation with some of the IOR countries like Seychelles, Mauritius and Maldives; India now intended to expand strategic partnerships with other IOR littorals in Asia and Africa too and SAGAR provided the mechanism to do so.

Third, through SAGAR, India also wanted to stress upon the relevance of regional mechanisms. In this context SAGAR stressed the critical role of IONS, an Indian initiative which has 35 navies as its members; and IORA, established in 1997 to facilitate and promote economic cooperation. It is

important to note that at the IORA's Council of Ministers meeting held in November 2011 in India, the association decided to focus on six specific areas. These were maritime safety and security, trade and investment facilitation, fisheries management, disaster risk management, science & technology cooperation, and lastly tourism and cultural exchanges. These six areas indicated a holistic and integrated approach to development in the IOR.

Fourth, it was during Modi's three nation bilateral visits to Seychelles, Mauritius and Sri Lanka in March 2015, that the SAGAR vision was first shared with the world. These official visits were important because an Indian Prime Minister was making a bilateral visit to Seychelles after 34 years, to Mauritius after 10 years and to Sri Lanka after 28 years. By undertaking these visits, Modi emphasized India's commitment at the highest political level to peace, stability and development in the IOR. Modi's visits underlined that maritime co-operation is a by-product of strong bilateral relations. SAGAR indicated, the leadership role and responsibilities, India was ready to take in the region on a long-term basis in a transparent

manner through its capacity building and capability enhancement programs. Following SAGAR, many bilateral visits were undertaken by the apex Indian leadership including the President, Vice-President and Prime Minister to the Indian Ocean littoral countries wherein maritime cooperation was stressed. In fact, the Indian President Ram Nath Kovind was on a bilateral official visit to Mauritius and Madagascar from 11 to 15 March 2018. Significantly, his first bilateral official visit abroad, upon taking over as the 14th President of India was to the Indian Ocean littoral-Djibouti. This visit was undertaken in October 2017.

Fifth, to understand the manner in which SAGAR breaks new ground, it needs to be examined not in isolation, but as part of a larger set of events, all of which point to India's maritime resurgence. Some of the important events which preceded SAGAR, included India's Look East Policy being upgraded to Act East Policy in November 2014; India accepting the award of the International Tribunal on the Maritime Boundary Arbitration between India and Bangladesh in July 2014 and thereby demonstrating that it is a law-abiding country; Project Mausam

which focused on maritime heritage and maritime routes being announced in June 2014. Some of the events which followed SAGAR included Modi's June 2015 bilateral visit to Bangladesh with maritime cooperation as an area of focus wherein blue economy, coastal shipping and maritime security were discussed; India's initiative to invigorate new life into BIMSTEC; the first edition of the maritime exercise between the Indian and Australian navies called AUSINDEX being held off the coast of Visakhapatnam in the Bay of Bengal in September 2015; an International Fleet Review (IFR) conducted by the Indian Navy at Visakhapatnam in February 2016 wherein 50 countries participated; release of the SAGARMALA Perspective Plan in April 2016, which seeks to accelerate economic development in the country by harnessing the potential of India's coastline and river network; the USA-Japan-India trilateral Malabar naval exercises took place off the coast of India in July 2017; further at all forums India focused on the potential of Blue Economy; and also that India is a 'net maritime security provider' in the Indian Ocean Region.

Sixthly, post-SAGAR, India actively continued to pursue its program of capacity building initiatives in the IOR.

For example, on 16 August 2017 the Indian-built Water Jet Fast Patrol Vessel CGS *Valiant* was commissioned into Mauritius National Coast Guard; in March 2016, ten fast interceptor boats had been inducted; and in December 2016 CGS *Victory* was commissioned and two Chetak helicopters were inducted. In September 2017, India handed over Indian Coast Guard Ship *Varuna* to Sri Lanka. The ship was re-christened as Suraksha and commissioned into the Sri Lankan Coast Guard in October 2017. In Seychelles, the Coastal Surveillance Radar System was operationalised in March 2016. Here too the patrol vessels gifted by India help safeguard their vast EEZ. India also concluded agreements on defence cooperation with the Indian Ocean littorals in Africa.

Lastly and most significantly, SAGAR brought to focus the increasingly critical role that the Coast Guard agencies of the Indian Ocean littorals will play in ensuring security of their respective vast EEZs for facilitating economic activities based on blue economy. The Abu Dhabi declaration of January 2014 on Blue Economy highlighted the contribution of fisheries in providing food security and sustainable livelihoods; marine

based tourism as a source of decent employment and contribution to poverty alleviation; ocean as a source of hydrocarbon and mineral resources and; oceans as the primary medium of global trade through shipping and port facilities. SAGAR too has prioritised Blue Economy. A multiplication of activities related to Blue economy will call for a more vigilant and efficient role of the coast guard agencies of the IOR littorals. For, only when maritime security is assured, will the blue economy, which is both capital and skill intensive, be able to attract the required investments.

SAGAR was a response to the harsh reality that instability in the maritime environment anywhere would not enhance India's own maritime security and its national interests. SAGAR therefore sought to create and shape a positive and favourable maritime environment.

Conclusion

SAGAR propelled maritime issues to the centre of India's foreign policy. It filled a serious policy vacuum and highlighted the critical interdependent link between maritime security, maritime cooperation and blue economy.

SAGAR, however, could have been enunciated only by a country having a strong navy. Thus, while SAGAR resonates a benign vision, it is also in the same breath a policy of naval power projection. Ironically, it is also an admission of the fact that given the nature of the maritime medium, it is only through cooperation and collaboration with other littorals that any strong navy can effectively discharge its duties.

The critical relevance of SAGAR emerges when seen in conjunction with India's other policies impacting the maritime domain like Act East Policy, SAGARMALA, Project Mausam, India as a 'net security provider', focus on Blue Economy, etc. which symbolise India's maritime resurgence. SAGAR, contributes to the effective implementation of all these policies by acting as an enabler to create a positive environment in the IOR.

The paper proposes two initiatives which can make SAGAR more effective. First, with the focus on blue economy in all the Indian Ocean littorals, maritime security in the EEZ is a concern for all. In this context the role of the Coast Guard Agencies in all the Indian Ocean littorals becomes critical and will continue to expand. In this context, it is important

to note that since 1991, the coast guard agencies of India and Maldives have been conducting bi-annual exercises called DOSTI. In 2012, this was expanded to include Sri Lanka and is referred to as Trilateral Joint Coast Guard Exercises (Tri-DOSTI). Following SAGAR, this should now be expanded to include the coast guard agencies of the IOR littorals from Asia and Africa which number over 40. Coast Guard agencies do not come with the baggage of power projection like it happens with the navy. The interactions among the coast guard agencies of these countries will help in augmenting the operational level interaction and capacity building in areas of search and rescue, pollution response, maritime law enforcement, maritime safety and security at sea, sharing of best management practises, and training of personnel through exchange programs. It is important to note here that IORA has only 22 members and many geo-strategically located IOR countries are not its members. Expanding Tri-DOSTI will overcome this limitation too.

Secondly, at the 1st IORA Leaders' Summit in Jakarta held in March 2017, India had said that it would be happy

to share its hydrological capability with the member states to enable better navigation and understanding of marine topography. India has been assisting some of the IOR countries bilaterally in this field and preparing hydrological charts. The same should now be institutionalized, so that India's expertise in this field can reach all the IOR littorals in a structured manner irrespective of the nature of bilateral relations. Both the above initiatives will result in a win-win scenario.

However, SAGAR is most effective in a scenario of positive bilateralism. Presently India-Maldives relations are going through a difficult phase. A few hiccups have also arisen regarding India's infrastructural developmental activities in the strategically located island nation of Seychelles which need to be addressed. Sustaining positive bilateral relations on a long-term basis with the Indian Ocean littorals will be a major challenge in implementing SAGAR. It is in such a scenario that the role of the political leadership in India becomes crucial to keep up the momentum of cooperation.

25 April 2018

Remoulding Maritime Culture in the Indian Mind

*Asma Masood**

A series of recent high-level visits to India by foreign dignitaries have been making news headlines. Significantly, several bilateral maritime agreements have been signed with France and Vietnam. These developmental events are reinforcing India's maritime endeavours. However, there is a scope for wider dissemination of these developments in the public domain. An overview of the Central Board of Secondary Education (CBSE) and National Council of Educational Research and Training (NCERT) syllabi reveals that there lies much potential and the need to incorporate India's rich maritime culture in the country's school textbooks. This commentary seeks to examine the imperatives and avenues for sensitizing the Indian citizens to India's rich maritime culture, and the resurgence of its maritime power, with specific focus on the country's youth.

A study of the syllabi of geography textbooks currently being prescribed

by Indian schools indicates that these books have certain lacunae that need to be addressed. There is a need among educational institutions in the country to project an oceanic view in addition to a standard geographic knowledge. This can be done by studying the works of scholars who have dwelt on maritime issues. Similarly, there is scope for the country's history books to showcase India's past maritime adventures, notably those which occurred in South Asia and Southeast Asia. A case in point is highlighting the naval pursuits of the Cholas which took place during the 14th century.

Fortunately, there is no dearth of data resources when it comes to addition of information on India's maritime dynamics. *Essays on India's Maritime History*, a publication by National Maritime Foundation (NMF), enlightens readers on India's vast maritime trade networks which have

flourished during the past. According to the book, these maritime linkages thrived amidst citizens across the globe, be it with the Romans, Arabs or East Asians. The book also highlights other ancient Indian maritime contours, including Maratha military naval power, the spread of Buddhism and the exchange of cultures. Given this context, NCERT and other educational bodies in India can seek assistance from the country's think tanks, including NMF, which specialize in maritime research. This move will add to the maritime outlook of textbook syllabi.

One recalls the approach of China's educational curriculum. Across the eastern nation, school children study from textbooks which declare the entire South China Sea as China's territory. This is clearly a long-term strategy worked out by Beijing. It would enable a strong sense of nationalism among the Chinese at an impressionable age, while encouraging China's citizens to support their country's stand on the South China Sea dispute.

Chinese persons are hence accepting their country's claim over the entire South China Sea, and are thereby supporting China's disregard for international maritime obligations. In

contrast, India looks upon the Indian Ocean as a region where all stakeholders must coordinate towards common objectives. For instance, Delhi realizes that the success of SAGAR (Security and Growth for All in the Region) does not lie with India alone. All littoral countries in IOR have a role to play in carrying out this initiative. (India would also benefit if it describes its magnanimous maritime moves in the country's history and geography textbooks.) For example, the books can narrate the move by Delhi to accept the international verdict favouring Bangladesh in a maritime boundary dispute case. This would display a hallmark of India's diplomatic goodwill, sound foreign policy and principle of 'Neighbourhood First'.

Besides, traditional economic principles in Indian textbooks can be supplemented with maritime concepts. This is not merely an idealistic recommendation. China is following the concept of Blue Economy with full steam. However, Beijing's aim is to achieve the number one status on the international stage, via the Belt and Road Initiative.

On the other hand, India has a nobler path to follow, albeit a longer one. Namely, a genuine Blue Economy

which involves sustainable oceanic development. Environmental studies are already a compulsory subject in Indian school and college curricula. These textbooks may do well to add the importance of sustainable development across borders, including the maritime domain. In addition, a credit system can be offered to college students for engaging in maritime-friendly practices where ever feasible. Experiments can be conducted to build on policies and technologies related to sustainable maritime space practices. These include fishing, deep-sea mining, energy exploration, maritime infrastructure, trade, logistics, engineering, software, mapping, satellite systems and healthcare. Another option would be, the conducting of legal summits by, for and of the youth on issues related to maritime boundaries or arrest of fishermen in contested waters.

While these avenues seem promising, certain obstacles must be overcome. Firstly, a careful and moreover a factual approach through the proper channels is required. This will ensure positive receptivity from society while adding the topic of 'maritime culture' to India's educational syllabi. Hence, negative accusations of hyper nationalism would be eschewed.

Secondly, greater participatory approach is required. Maritime consciousness emanates from the grassroots, especially among the coastal areas. The fishing community's youth are equal stakeholders. Their grievances need to be addressed and discussed with youth from other educational or occupational streams. A top-down approach is likely to see impediments, as seen in the case of certain regional maritime initiatives such as Mausam, SAGAR and Indian Ocean Rim Association (IORA). These fora, can reach optimum levels of maritime regionalism if they are all-inclusive in their approach.

The onus of moulding maritime culture lies not with the senior generations alone, but also among the youth. This is a relatively hassle-free task today, given the advent of ICT and social media. Documentaries on maritime history, modern sea tales and the Indian Navy's achievements can be broadcast on television and online media/social media. NMF and other similar organizations may collaborate for producing such programmes. College students can sail on brief sea excursions to add variety to their experiences.

The members of Young Minds of C3S, a youth forum, can also take up

the subject of maritime culture in their research and seminar activities. Coastal regions' governments may launch schemes for exhibiting their states' maritime achievements. They may also involve youth in landlocked regions in order to share maritime benefits with India's inland states. New Delhi's measures such as the Africa-Asia Growth Corridor (AAGC) and the North-South Transport Corridor (NSTC) should be participatory. Awareness campaigns may be conducted across the nation, in various educational and other youth fora, for enabling feedback and dissemination of knowledge. This will ensure that China's Maritime Silk Road (MSR) is effectively countered. Besides, the

move will add value to India's maritime might and enhance the IOR's maritime regionalism.

The ocean is a source of wealth, be it living and non-living resources. The doors to harness these resources have been opened, thanks to the Indian government's Blue Economy initiative. There is a need to collectively harness the resources, while protecting the environmental harmony of the maritime world. Indians can achieve this by continuing to acknowledge, appreciate and build on their own maritime strengths, while the country sets out into the 'Maritime Century'.

02 May 2018

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The Focus is on the Indo-Pacific

*Captain (Dr) Gurpreet S Khurana**

In the taxonomy of 'Geopolitics' and 'Geo-strategy', the prefix 'geo' refers to a country's strategic geography, which is the core underpinning of its national-strategy. Geopolitics involves the satiation of the country's geo-economic and other objectives, which are sought to be met through coherent geo-strategies in various domains. The military domain merely represents an 'assurance' and 'insurance' for effectiveness of the other 'operative' strategies. Notwithstanding the talk about the 'Rise of Asia', the 'Rise of the Indo-Pacific' may be a more accurate conceptualization. Some centuries ago, for much of the time, India and China together contributed to more than half of the global Gross Domestic Product. The proportion fell sharply beginning the 18th Century due to the combined effects of the industrialization of the Europe and the colonization of Asia, but it is on the rise again. Given the

economic progress achieved by East and South-East Asia in the past half century, the 'maritime underbelly' of Asia - the 'Indo-Pacific' will surely surpass this '50 per cent' ratio.

The Genesis of 'Indo-Pacific'

The 'Indo-Pacific' idea is thus premised on the need for enhanced geo-economic connectivity between the Indian and Pacific oceans, shared prosperity, and the attendant need for good order and strategic stability. It also involves exerting restraining pressures upon disruptive tendencies, of either state or non-state players. This idea germinated about a decade ago, and involved a series of notable events. Amongst these was the January 2007 Annual Dialogue between the *Institute for Defence Studies and Analysis* (IDSA) and the Japan Institute for International Affairs (JIIA). During the discussions, it was noted that the 'geo-economic connect' between

the Indian Ocean Region (IOR) and the Western Pacific (Pacific-Asia) in terms of the increasing dependence of the East and South-East Asian on the natural resources of the IOR. Such dependence had begun some decades ago with the growing industrialisation of the economies in Pacific-Asia. However, the 'security connect' was a new development. For instance, since 2004, the Proliferation Security Initiative (PSI) was launched by the US to counter the proliferation of Weapons of Mass Destruction (WMD), which operated across the entire maritime swath stretching from West Asia (Iran and Syria) to North-East Asia (North Korea). During the Dialogue, China's increasing geopolitical assertiveness and growing influence in the IOR was also discussed. A couple of years earlier in 2005, a US think-tank had reported the 'String of Pearls' in the Indian Ocean.

The Japanese were becoming wary of the increasing risks to their geo-economics interests in the IOR. The Indians were worried over the possibility of a permanent Chinese naval presence in the IOR. Both were equally anxious over the fluidity of Balance of Power (BoP) in maritime Asia, and how the new balance would affect their respective strategic interests. The participants, therefore,

discussed China's strategic vulnerability - its energy lifelines transiting the Indian Ocean. The 'Indo-Pacific' idea was an opportunity to showcase the Indian Navy's ability choke China's jugular, and thereby, dissuade its growing assertiveness. This led to the publication of paper, titled 'Security of Sea Lines: Prospects for India-Japan Cooperation' in IDSA's Strategic Analyses journal. The paper introduced and explained the 'Indo-Pacific' concept, elaborating on the vulnerability of Japan's Sea Lines of Communication (SLOC). The aim was 'strategic communication'; to send a subtle message to China that its own SLOCs could be targeted if it continued its behaviour of politico-military assertiveness. A few months later in August 2007, the Japanese Prime Minister Shinzo Abe addressed the Indian Parliament, speaking of the 'Confluence of the Pacific and the Indian Oceans dynamic coupling as seas of freedom and of prosperity'. In August 2016, Shinzo Abe expanded this vision further to 'free and open Indo-Pacific'.

How countries perceive 'Indo-Pacific'

India

India reoriented its geostrategic orientation to the East nearly three

decades ago through its 'Look East' Policy of 1991. This is dictated *inter alia* by the need for economic connectivity with India's extended eastern neighbourhood, good order at sea, and a credible strategic deterrence against China. However, the effort was not effective enough. The Indo-Pacific concept of 2007 was, therefore, also a subconscious effort to support India's vision. The idea did not gain traction until 2014, when India's PM provided policy ballast to it through his reinvigorated 'Act East' policy.

Australia

Australia perceives itself as key to the Indo-Pacific concept, long before the concept gained traction. Its Defence White Paper of 2013 is the first-ever 'official' articulation of the concept in the contemporary times. Interestingly, like the Japanese, the Australians have envisioned a 'free and open Pacific', but their pictorial depictions do not encompass Japan, reflecting the scope of Australia's geostrategic frontiers.

United States

Since 2010, the US realised that the 'Asia-Pacific' construct was inadequate to meet its geopolitical objectives; owing to China's increasing military strategic

footprint in the IOR; and consequently, the need for India to play a more active Pan-Asian maritime security role, which led to its call for India to be a regional 'net security provider'. The US thus expanded the 'Asia-Pacific' nomenclature to 'Indo-Asia Pacific' (as an effort to maintain US relevance as a resident power in Asia). During his Asia tour in November 2017, the President articulated 'Indo-Pacific' repeatedly. Whether or not being a reincarnation of the 'rebalance to Asia', his tone and tenor indicated a desire for an anti-China partnership, thereby polarising the 'Indo-Pacific', which was not constructive. The recent move by the US Congressional Committee to rename the US PACOM to 'Indo-Pacific Command' is indeed a welcome development, assuming that it would interface the Indian Navy with the US Naval Forces, Central Command (NAVCENT). However, it reiterates the rather narrow American world-view on security and military power, which needs to be reconsidered by Washington DC.

ASEAN and EU

Consequent to the US President's articulation, the ASEAN and the European Union (EU) have become averse to the 'Indo-Pacific' idea. From

their shared perspective, President Trump's articulation will force smaller countries to take sides and involves a quasi-military alignment. However, driven by their national interests some key ASEAN and EU countries like Vietnam, Indonesia, France and the UK are 'on board' the Indo-Pacific construct.

China

China has been circumspect about 'Indo-Pacific' since November 2012, when the US Secretary of State Hillary Clinton lauded India as an important player in the Indo-Pacific region. China has not expressed any official reaction, but its academia (that reflects and supports official policy-making) has expressed an enhanced concern, especially after President Trump's articulation of the "Indo-Pacific...". Meanwhile, Beijing has capitalised upon the Indo-Pacific concept by reinforcing its geo-economic connects with the IOR countries.

Chinese academic literature refers to China's Maritime Silk Road (MSR) initiative as "Indo-Pacific with Chinese characteristics". The MSR has been augmented lately by the government approval for 'Hainan Free Trade Zone and Port' (to be completed by 2025- 35),

which is being expressed by the Chinese analysts as the 'Indo-Pacific gateway'. Indirectly, the Indo-Pacific concept has also enhanced the legitimacy of Chinese military presence in the Indian Ocean.

The Geographical Scope

During the IDSA-JIIA Dialogue of January 2007, the geographical scope of the 'Indo-Pacific' was conceived as the IOR and the Western Pacific. However, three notable variations have since emerged. The Japanese PM's speech of August 2007 covered the entire Pacific Ocean right up to the Americas. The US may prefer to have the Indo-Pacific coincide with the existing Area of Responsibility (AOR) of its Pacific Command (The changed "INDO-PACOM" nomenclature is unlikely to redefine the AOR). Australia may prefer to have 'Indo-Pacific' merely straddle Oceania, ranging from the IOR to Southeast Asia. Notwithstanding these differences, two aspects are salient:

- Even though the IOR is vastly dissimilar to Pacific-Asia in terms of geopolitics and security issues, the countries in one part are being impacted by events in the other part.

- The Indo-Pacific region is essentially a maritime-littoral region, wherein issues necessitate maritime solutions. That stated, none can ignore the differences in geographic scope of the ‘Indo-Pacific’. This represents differing and dynamic national interests, which is crucial.

Prognosis

Trends indicate the likelihood that the ‘Indo-Pacific’ concept will progressively gain acceptance, notwithstanding the differences in its geographical scope. Its future contours will depend upon political-level partnerships among the key players in the region vis-à-vis China.

The functional parameters at the Executive Level are yet to be fleshed out. China will react to it based upon how these parameters are decided. Shared values are important instruments of statecraft, but cannot alone form the basis of policy-formulation, which needs to incorporate ‘shared interests’ as well. So, the executive level could be best worked out by acknowledging that:

- The foremost aim of the Indo-Pacific concept has always

been to achieve freedom and prosperity.

- Towards this, moderating the behaviour of China is only a way-point, not the ultimate end-state.
- While the core objective is common, each Quad member is driven by differing interests.
- China’s reaction is likely to be carefully calibrated to exploit the ‘fault-lines’ among the quad members.

The Way Forward

Towards making the ‘Indo-Pacific’ concept and the Quad effective in achieving its objectives, the nomenclature of the Quad needs to be reviewed, and the word ‘security’ removed from ‘Quadrilateral Security Dialogue’. The Quad could then focus on geo-economics, including connectivity models as alternatives to the Chinese MSR. It could help the regional countries to build capacity for sustainable development of marine resources and ocean economy in general, under the concept of ‘Blue Economy’. To facilitate geo-economics, the Quad could also work towards strengthening

maritime safety mechanisms in the region. Concurrently, the Quad could work towards politico-diplomatic persuasion and dissuasion of China, such as by supporting regional countries to subject China to international legal arbitration, capacity-building and capability enhancement of the regional maritime forces for maintain a favourable balance of power and sharing strategic assessments. The security (military) dimension would need to be used as an 'assurance' and 'insurance' mechanism. Towards 'assurance', subtle pressures need to be exerted upon China through multi-lateral naval mechanisms

like the *Western Pacific Naval Symposium* (WPNS) and the *Indian Ocean Naval Symposium* (IONS), linking up the two. Towards 'insurance', the Quad would need preparedness to respond to both state and non-state security challenges in key areas, inter alia, situational awareness, operational compatibility (inter-operability) through combined naval exercises, and enhancing maritime-military sustenance through a web of logistic agreements among the Quad members.

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Shanghai Cooperation Organisation — The Maritime Potential of a Continental Construct

*Adarsh Vijay**

With its vast geographic spread accounting for 22 per cent of the world's landmass and 40 per cent of its population, the Shanghai Cooperation Organisation (SCO), established in 2001, is the world's largest regional organisation and is often construed as an Asian response to the West's domination of international fora. As the successor to the erstwhile "Shanghai Five", founded in 1996, the platform's geopolitical agenda has remained predominantly focused upon the land-locked Central Asian region. Has that made the SCO essentially a continental construct and negated its potential in the maritime domain? This article is an attempt to examine the avenues of maritime cooperation in the SCO and the hurdles in the way of capitalising upon these opportunities.

Since its inception, the general trend in and around the SCO has been

to fashion a continental alliance within the Eurasian landmass. However, the inclusion of India and Pakistan as full members into the mechanism in 2017, has added to its maritime character. With this new overture, half of the eight-member body, along with Russia and China, possess approximately 60,176 km of coastline. However, has it enhanced the scope of the SCO's activities or does it challenge the organisation's original vision? The answer hinges on the degree of consensus and mutual confidence that the member States have been able to build thus far.

The genesis of the SCO is primarily attributed to existing regional insecurities, with China and Russia coming into an uneasy coexistence based largely upon their shared concerns regarding border management and domestic ethno-national insurgencies such as the Uyghur uprising in China. A

meeting of the top security officials of the member States, in May 2018, identified the need for cooperation in the area of counter-insurgency operations, drug trafficking, and transnational crimes. All this notwithstanding, the presence of maritime-configured States within the grouping will, in all probability, lead to an eventual reorientation of their security concerns, forcing them to transcend their present ‘continental mindset’. For instance, the inclusion of India and Pakistan has brought security threats emanating from- or within- the Indian Ocean Region into the SCO’s area of interest. In this regard, the Regional Anti-Terrorist Structure (RATS), a subset of SCO, would need to redesign its framework in order to respond collectively to this expanded set of asymmetric threats.

The economic mandate of the SCO can also not forever exclude the maritime interests of its constituent member-States. According to a 2014 report of the United Nations Conference on Trade and Development (UNCTAD), *“the ocean economy can be defined as the economic activity which directly or indirectly uses the sea as an input whereas the coastal economy represents all economic activity which takes place in a specific coastal*

region”. The provision of an “indirect” use of sea, as provided in the definition, offers the possibility of instituting a ‘blue economy’ template under the SCO’s ambit, with its landlocked members remaining important stakeholders. Even though Central Asian member States do not have access to the open oceans, they nevertheless have a significant market potential relevant to their maritime counterparts, all of which underlines the scope of ‘blue’ growth.

‘Connectivity’ continues to be an integral requisite for realising the internal cohesion and economic interests of the member States. China’s ‘Belt and Road Initiative’ (BRI) is sought to be aligned with the SCO’s connectivity-template, and a consensus appears to have been reached in this regard. The deep-sea port at Gwadar, in the Baloch province of Pakistan, provides the maritime component of the China-Pakistan Economic Corridor (CPEC), which connects China’s Xinjiang province with the Indian Ocean. Moreover, since 2016, India is part of a trilateral agreement with Afghanistan and Iran that is working towards the development of Chabahar Port, which is located in south-eastern Iran, in the immediate proximity of Gwadar.

The Ashgabat Agreement (2011), to which India acceded in February 2018, would create a multi-modal transit and transport corridor between Central Asia and the Persian Gulf. Amongst the four signatories, India and Uzbekistan are full members of the SCO, while Iran is an 'observer'. On similar lines, the International North-South Transport Corridor (INSTC) agreement between India, Iran and Russia, provides for a 7,200 km multi-modal transport corridor, through ship, rail and road networks, which could, in due course, be brought within the purview of the SCO.

Despite this evidently adequate rationale for the institutionalisation of a maritime mandate, the achievement of consensus among the member States on forging a maritime identity seems remote at present due to some crippling factors. The long-standing unresolved political problems and mutual acrimony between India and Pakistan is one such factor, which severely constrains the likelihood of maritime convergence amongst the SCO's most prominent Indian Ocean constituents. The trust-deficit between

India and China, arising from their explicitly incongruent roadmaps for a reformed international order, further reduces the SCO's value as an institution capable of producing a grand cohesive regional order. Most recently, India also refused to give support to the CPEC during the 18th SCO Summit held at Qingdao in June 2018. Although India and China ventured into the second edition of their bilateral 'Maritime Security Dialogue' on 13 July 2018, the future of a stable cooperation between these two Asian powerhouses remains unclear. Therefore, under the present circumstances, the maritime domain remains a difficult one in which the 'Shanghai Eight' could navigate. The bilateral concerns of the member States assume primacy over the organisation's vision. The availability of a large coastal geography would not, in and of itself, guarantee the maturing of the SCO's maritime character or potential. The 'Shanghai Spirit' must tread a long and challenging path towards the oceans.

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Vizhinjam Port: A Maritime-Strategic Capital?

*Adarsh Vijay**

Introduction

Owing to its inadequate infrastructure and years of policy-deficit, India has been encountering a transshipment hub paucity vis-à-vis handling its commercial container cargo. As the proposed green-field deep-water port at Vizhinjam, Thiruvananthapuram district, in the south-western state of Kerala, is underway amidst a series of delays, New Delhi is bracing itself for receiving an extra maritime leg. With this to-be-completed port by the Government of Kerala (GoK), the country is attempting to build a nautical case to partly decimate its container terminal quandary. Apart from the economic payoffs that it can offer, the port is assumed to be a strategic boost for India's maritime position in the world. The port indeed bears overwhelming geopolitical implications at a time when the country is exploring a myriad of options in flexing its maritime muscles.

Touted as the “gateway to South Asia”, the Vizhinjam project portends the possibilities of a strategic breakthrough that provides a series of navigable maritime-economic options for tackling India's “ports-deficiency”. However, the reality unfolds an ambiguous posture of the port given the emerging maritime narrative in the Indian peninsula.

A Maritime Lever in the making

The Vizhinjam port has been a historically significant hub of trade since the Roman times. Much of the significant maritime forecasts predict that this ancient port with a 72 feet draft, which is deepest in the country, with a requirement of minimal dredging, is expected to be a game-changer as a maritime forecast. Its revitalization in the form of Vizhinjam International Seaport Limited (VISL), at an initial phase investment of Rs. 7,525 crores, is being developed in the landlord model with Public Private Partnership (PPP). The four-phase

construction of this transshipment deep-water multipurpose project which is based on a Design, Build, Finance, Operate and Transfer (DBFOT) arrangement has been awarded to the Adani Ports and Special Economic Zone Ltd (APSEZ). The construction of the first phase began on 5 December 2015 and is expected to be commissioned by 4 December 2019. The agreement allows the concessionaire M/s Adani Vizhinjam Port Private Ltd to operate the port for 40 years, which is extendable by another 20 years. The state government shall begin receiving one per cent of the gross revenue after 15 years from the date of the operationalisation of the project, which would continue to mature on an annual 1 per cent rate until it reaches the benchmark of 40 per cent.

A Panacea for the “Economic” Sea-Blindness

Indian Ocean’s crucial place in the maritime map with a quantum of more than 50 per cent of the world’s seaborne trade creates more space for India as a putative power in the regional totem pole. India’s maritime prowess from a military sense has been long known through its force projection and capabilities, and its dynamic role in contributing towards peace-building in the Indian Ocean

Region (IOR). On the flip side, the economic episode in its maritime variant shows an unremarkable trail, especially in the civilian maritime infrastructure. Thanks to the hitherto-subscribed “sea-blindness”, India’s domestic port sector has never been a thing of attention among the strategic pundits. There are only a few container transshipment ports in the country like Kochi, Mumbai, Mundra, Visakhapatnam, etc. which have the adequate capacity of handling large motherships. The numerical mapping of such port facilities reveals the domination of west coast ports over the ones on the east coast in the domestic container market. A report on the fiscal year 2017-18 indicates that, of the 9.14 million Twenty-foot Equivalent Units (TEUs) India-bound or originating cargo traffic, 35 per cent were being diverted to foreign container transshipment ports in Colombo, Jebel Ali, Klang, Salalah and Singapore for “bulk break” and further transported through small feeder vessels. Data show that the Colombo port stands atop in the transhipped containerised freight.

The Vizhinjam project is assumed to be a pack of strategic opportunities. According to official sources, the Vizhinjam port, as a transshipment

hub, shall be capable of handling the largest mainline vessels with a capacity of 18000 TEUs. Moreover, the port facilitates 2000 metres of berthing space for containers with a draught of 18.4 metres. The VISL would aid in saving costs and reduce the dependence on foreign ports for cargo transshipment. Besides, with its geographic proximity to the Bay of Bengal, Coast of East Africa, the Middle East, and Strait of Malacca, the port promises an unparalleled geo-strategic edge. Another striking feature that the port offers is a relaxation of the cabotage law. Cabotage restrictions are directed towards a mandatory use of Indian-flagged ships for transporting consignments between various ports in the country as a check to prevent foreign competition for the domestic shipping industry, and for matters concerning national security. The possibility of the coastal shipping by foreign-flagged vessels postulates a good sign that helps reduce the freight cost, pooling of cargo, and a quantum leap in the tonnage on coastal routes.

Experts are of the view that Vizhinjam is anticipated to be a strong contender to a number of ports both within India and abroad. For instance, the VISL is going to throw a healthy

competition to the ports at Chennai and Tuticorin in the state of Tamil Nadu and the Vallarpadam International Container Transshipment Terminal (ICTT) in Kochi, Kerala over time. The proposed Rs. 27,570 crore Enayam port project in Tamil Nadu, which is just at 36 km south of Vizhinjam, also spurts the intensity of this ongoing “ports-race”. And, it is pertinent that the Colombo port is naturally brought under the competition radar. Of the 4.8 million TEUs handled by the Colombo port in 2017, 45 per cent was containers to and from India. It is conspicuous that the Colombo port is undoubtedly depending on India for its container cargo business. With the operationalisation of Vizhinjam port, the Indian maritime port sector would venture into a favourable shift from these trends vis-à-vis an independent cargo handling mechanism. In turn, Colombo would experience a loss in its share of cargo from India, which would set in an economic setback for the island nation.

Is it a Game-Changer?

Despite the possibilities it theoretically offers, on realistic grounds, likelihoods are high that the speculations on its could-be-game-changer tag might remain a far-fetched “scenario-building”.

Firstly, the clouds of dubiety are gathered over the puzzle whether the port can substantially reduce the Indian container dependence on foreign terminals, particularly Colombo. Secondly, would the project be able to override the delays in its completion by adhering to the four-phase deadline? Finally, considering the newly proposed Enayam port, which is akin to Vizhinjam's structural, functional and geopolitical profile, and its geographical adjacency, could the latter be a geostrategic driver?

The industrial backwardness in the hinterland of the port arrests the likelihoods of having an edge of gateway traffic over transshipment traffic, which makes the survival of the project comparatively on the latter. At the same time, India's bewildered state of transshipment is further accentuated due to the higher port handling charges and port call costs for the cargo vessels. Low marine charges (vessel-related charges) and the need for least deviation from the East-West Sea Route in contrast to the Indian ports, make Colombo the first choice for the shipping liners.

At the same time, being the country's first mega transshipment port, Vizhinjam can provide an impetus to the *Sagarmala* initiative, launched in 2015, by the

Ministry of Shipping. It would help achieve the objectives as enshrined in the Sagarmala Institutional Framework which includes the development of mega port projects and improvising maritime connectivity. Interlinking Vizhinjam with Sagarmala would make it act as a force multiplier in securing India's economic ambitions in the region by adding an extra constituent to its container terminal network.

Nevertheless, India's credentials in policy-inertia are hardly new. Adding to it, the completion of the first phase of the port itself is way behind schedule, which was guaranteed to be completed within a "1000 days" deadline by the Adani Group. The Cyclone *Ockhi* that ravaged the Kerala coast in 2017 and the consequent demand for further dredging, lag in the procurement of granites owing to local resistance near quarries, and the passivity in the progress of breakwater facilities cause the delay of the project.

Kerala's political ecology carries its own weight in the success of the Vizhinjam port. A 2017 Comptroller and Auditor General Report citing lacunae in the port agreement led to the appointment of a Commission of Inquiry by the state government, which finally gave a clean chit in December

2018, to the then United Democratic Front government that inked the same. The infamous and highly demonstrative politically-affiliated labour unionism and its clout that continue to plague the state would determine the operational dynamics of the project in the long-run. Incessant labour strikes and the resulting economic-paralyses are routine features of the state and the port precincts would never be an exception. A better capitalization on the labour-management equations is a requisite for the healthy survival of the venture. The local opprobrium, largely among the nearby coastal-fishing hamlets, against the project raising environmental concerns, in spite of a favourable report following the Environmental Impact Assessment (EIA) by the Ministry of Environment, Forest and Climate Change (MoEF&CC), also throws more insights into the challenges arising from the socio-demographic quarter.

On the question of Enayam port and its proximity, it is yet to be proven the actual utility and significance of the Vizhinjam project in the Indian port realm. The economic viability in having two ports at such a short distance from each other had raised concerns. Albeit dubieties are in the fray, both projects

are deemed necessary in future provided India's expected ascendancy in the global maritime trade is achieved in the long-run. The rationale for the co-existence of the duo has been supported by the economic forecast that projects the Indian container freight to reach 2.5 billion tonnes by 2025, which requires a larger array of container terminals. Moreover, the presence of multiple ports in the southern Indian peninsula makes sufficient room for developing a "cluster" of transshipment hubs, fashioned on the Middle East and South East Asian models, which complements the country's maritime sway in the region.

Contextualising India's *Neighbourhood First* Policy in a nautical directive, the Colombo port could be a diplomatic capital that allows India to make further maritime inroads into Sri Lanka. The Lankan government's negotiations with its Indian counterparts are already in place seeking the latter's support in the development of the East Container Terminal at Colombo port. This new shift reveals Colombo's desired extrication from China's "debt-trap diplomacy" and the search for strategic alternatives beyond Beijing in the maritime-capacity building. It is

plausible that India's engagement in the expansion of the Colombo port would mean a more advantageous position for the same in the maritime space, thereby pushing the Indian ports to avenues of higher competition.

Conceptually, repositioning Vizhinjam with the so-called geopolitical buzzword "Indo-Pacific" could reap a range of benefits in the maritime arena. The Indo-Pacific strategy, which is a revamp of the preceding "Asia-Pacific Rebalancing Strategy", is a concerted attempt led by the United States to ward-off challenges posed by the Chinese foreign and security policy behaviour in the region. Though India is affirmative on its disdain of military tag for the concept, the economic interpretations related to the oceanic template have gained recognition. It is worthy to take note of the fact that China wanted to partner with an Indian firm to develop the Vizhinjam port. But the proposal was declined by the Indian Government citing national security reasons. For India, any intent to overpower Beijing's munificence and sabre-rattling antics in the Indo-Pacific, given its emanating maritime character, requisites an independent maritime-economic configuration. The

port at Vizhinjam also facilitates tactical manoeuvring which helps strike a better score in its voyage to attain domestic maritime-infrastructure autonomy.

The Military Undercurrents

Lastbutnotleast,themilitaryimplications of the port also require a closer look. Usually, as a convention, a security-rhetoric by the national navy follows the announcement of any strategic seaport across the globe. So was the case with the Gwadar port in Pakistan and the Hambantota port in Sri Lanka, when their respective naval branches released statements on the military potential of the projects. Apparently, Vizhinjam port also followed suit when the former Vice Chief of the Naval Staff Vice Admiral R P Suthan was vocal about the military significance of the same for the Indian Navy (IN) as it provides an earshot to guard against the increasing Chinese footprint in the IOR. The military signs at the port vicinity began in 2014 with the docking of the Navy's fast attack craft INS Kalpeni for a two-day public display. The Southern Naval Command (SNC) had even approved a proposal for acquiring a 500m long berth for the permanent presence of naval vessels at the deep-sea port. The state government had gone to the extent of assuring, in the legislative assembly, 500m and

200m long berths for the IN and Indian Coast Guard (ICG) respectively. Apart from that, the allied facilities were also ensured on a cost-sharing basis. Reports were affirmative of the prospects of joint operations between IN and ICG, involving the already stationed lone amphibious brigade of the Indian Army (IA). However, the plans haven't fallen in place and provision for defence berthing facility only during emergency situations was found consensus.

Clause 17.17.1 of the Vizhinjam concession agreement underscores the 'use of port by Defence Forces' as: *"The concessionaire acknowledges and agrees that the Defence Forces shall at all times have the right to use the Port and all facilities thereof, without any restriction or constraint of any nature whatsoever, on payment of compensation in accordance with Applicable Laws."* In addition, clause 17.17.2 states that, *"Without prejudice to the provisions of Clause 17.7.1, the Concessionaire's obligations to the Defence Forces in respect of usage of the Port during an Emergency shall be determined by GOI from time to time and to the extent thereof, the Concessionaire shall be relieved of its obligations to provide services to civilian users of the Port."*

The Ockhi-driven Humanitarian Assistance and Disaster Relief (HADR)

operations in the state has become an eye-opener again when the naval vessels had to be dispatched from the naval base in Kochi. A quick response in future, in any such scenario, calls for a permanent naval station in the southern tip of the state, for which Vizhinjam remains the obvious choice bereft of a second thought.

Conclusion

The export-import (EXIM) container cargo traffic entails the independence of container freight management, in terms of self-sufficiency in port infrastructure, as critical for a maritime power such as India on economic and security premises. New Delhi is chalking out a plan to bring its less-competitive east coast ports as well under the container transshipment architecture. Apart from addressing concerns of the domestic maritime sector, the endeavours associated with the Vizhinjam port might enable India to draw a maritime trajectory by scripting a strong economic discourse in the IOR. As a strategy which is driven towards torpedoing the geopolitical quagmires reflected in its commercial expressions, the port-led template can provide inputs in constructing an independent maritime identity that embraces an assertive stand on matters of seaborne trade.

The Indian dilemma of the theory of “sea-blindness”, which has existed for long, cannot be read just from a military perspective since an economic dimension also finds a place behind its veil. Developing a progressive maritime-economic narrative through port-led industrial growth has been progressively deteriorated by the reluctance of the Indian policy elites. Vizhinjam project, after its completion, would shed light on the new vigour and the fundamental

metamorphosis in the country’s maritime policy from an economic-strategic convergence prism. Nonetheless, the underlying challenges and the myopic vision of the government blur the grand prospects of the project. It is inconclusive whether the port could really stand as a token of a prospective maritime capital which offers adequate geostrategic dividends.

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Maritime Security

Community-Engaged Maritime Security: Beyond ‘Eyes and Ears’

*Commander Himadri Das**

In March 2018, as per media reports, Neil Basu, the Scotland Yard’s newly appointed Indian-origin Assistant Commissioner of Police responsible for counter-terrorism, launched a new campaign to urge the public to fight terrorism. According to the report, of the nearly 31,000 reports made by the public in 2017, more than 6,600 (21.3 percent) resulted in ‘useful’ intelligence. Basu also highlighted that the statistics substantiated the assertion that ‘communities defeat terrorism’, and that the Yard’s success in foiling 14 terror plots would not have been possible without community-support. The media report also brought out that research indicated that 80 per cent of people are motivated to report suspicious activity, but they were unclear what exactly they should be looking for.

The concept of community-policing, or its variants — community-

based policing or community-oriented policing — have several definitions. India’s Bureau of Police Research and Design (BPR&D), Ministry of Home Affairs (MHA), has defined community-policing as the “*forging of a cost-effective problem-solving partnership between the police and the community.*” In ancient India, policing had a community orientation, with the village chief doubling as the police officer. However, the need to enforce colonial rule by a formally constituted police force, led to the abandonment of this age-old practice. Following Independence, and with ‘law and order’ being listed as a state subject, several state-level initiatives were launched to once again create and leverage the concept of community policing.

Subsequent to the Mumbai blasts in March 1993, a joint coastal surveillance operation, Operation SWAN, was

launched in April 1993. In July 1999, the Maharashtra police, with the support of the Indian Navy, implemented a coastal-community (policing) initiative—the *Sagar Rakshak Dal* (Sea Protection Group)—in 263 villages, with the aim of enhancing coastal security surveillance along the Maharashtra coast.

Subsequently, after ‘26/11’, similar community groups, involving fishing- and coastal communities, have been established in India’s coastal states and Union Territories (UTs), and integrated into the national coastal security construct. These groups include the *Sagar Suraksha Dal / Gram Rakshak Dal* (Village Protection Group) in Gujarat and Karnataka; *Kadalora Jagratha Samithi* (Coastal Awareness Committee) in Kerala; Village Vigilance Committees (VVC) in Tamil Nadu and Andhra Pradesh; and, the Fishermen Watch Group in the Andaman and Nicobar Islands. These groups facilitate institutionalized mechanisms for periodic community interaction with the coastal police.

In addition to establishment of community groups, other initiatives to engage the coastal communities for strengthening coastal security include:

- The conduct of Community Interaction Programmes (CIP) by the Indian Coast Guard to promote participation of fishers/ coastal community in policing, by functioning as the ‘eyes and ears’ of the concerned security agencies. The CIPs also contribute towards improving maritime safety-awareness amongst fishers. Likewise, the Indian Navy, too, conducts Coastal Security Awareness Programmes (CSAP).
- The setting-up of a Toll-Free Number (1093), which facilitates 24x7 free telephone access to the concerned State Marine Police. The Indian Coast Guard’s Search-and-Rescue (SAR) Assistance Toll-Free Number (1554) is also available as an alternative number.
- Inducting fishers and coastal citizens as Special Police Officers (SPOs) and as members of the Marine Home Guard (MHG).

The Police-Community Partnership (PCP), a pan-India ‘over-arching community-policing model’, has been envisaged under the ‘community-

policing’ micro-mission of the National Police Mission (NPM). The model, with ‘beat policing’ at its foundation level, encompasses an interface at the beat-level and police station-level with citizens; the enrolment of citizen volunteers as *Police Mitra-s* (Friends of the Police); the establishment of Community Liaison Groups (CLGs); and, the setting-up of a ‘Community-Policing Training and Documentation Centre’ in each state.

Consequent upon the report of the Group of Ministers (GoM) on Reforming National Security (2001), a State Marine Police has been established in all coastal States/ UTs, and, dedicated Coastal Police Stations (CPS) have been set-up by coastal states and UTs, with financial assistance from the Centre, under the MHA’s Coastal Security Scheme (CSS). Further, State Marine Police Training Centres (SMPTCs) are also envisaged in coastal states for coastal security. Extrapolating the land-based PCP model for coastal security will entail an interface between coastal/ fishing communities and the respective CPS.

The Indian Navy’s Strategy Document, *Ensuring Secure Sea: Indian Maritime Security Strategy (2015)*, underscored the potential of the fishing

and coastal communities to complement the efforts of security agencies, as also their significant contribution towards enhancing security. It further emphasised, as a focus area, the need to ‘involve, sensitise and incentivise’ the contribution of the coastal-community to coastal security.

While efforts at engaging the coastal community in coastal security are being pursued with increased vigour and scope, a few issues that merit attention, include the following:

- Community-policing, driven by the state, often has a state-centric security predisposition (national/maritime/coastal security), rather than a citizen-centric safety focus (human security). Although the process of engagement between the community and security personnel does facilitate better mutual understanding, such engagement, to be effective, must also place equal focus upon issues related to human security, such as safety, and, a rapid, comprehensive, and humane response to accidents, disasters and coastal erosion.

- According to some estimates, CIPs have been able to reach out to only a small fraction of the community, and are unevenly distributed across coastal villages, in terms of both time and space. A more formalised mechanism has, therefore, been recommended, in the form of a central scheme supported by appropriate budgetary allocations.
- Coastal communities themselves have suggested the need for better training. It is noteworthy that the *Apada Mitra* (Friends in Disaster) scheme for disaster management has been institutionalized with an earmarked financial allocation. This scheme entails the training of over 6,000 volunteers across disaster-prone districts as first responders in the case of a disaster. Establishment of SMPTCs and Community Policing Training Centres will also facilitate training.
- Language is a barrier in communication. The vernacular is a prerequisite for effective communication, and therefore, rather than central agencies, it is the State Marine Police, in accordance with the overarching model of PCP, which is best-positioned to steer such engagements.
- The present communication through toll-free numbers has, of course, been very useful. However, considering the penetration of mobile telephony (including data), the user-friendliness of mobile applications (apps), and the power of social media, the development of suitable ‘app-based’ services for security (and policing) could facilitate even greater community engagement, albeit within limited ranges. The Royal Malaysian Navy (RMN), for example, has launched a mobile app ‘K3M’ to engage with the maritime community. Likewise, Scotland Yard encourages online communication (in addition to telephonic reporting). Encouragingly, the Government of India, too, has a tie-up with Facebook for disaster-response (this, of course, might well end-up being one of the

inadvertent victims of the data-scandal involving Facebook and Cambridge Analytica).

- Many women in coastal areas/fishing hamlets are reportedly not aware of issues related to security (and do not know about the toll-free numbers that they can use to establish contact with the concerned agencies in case of an emergency). Consequently, as in other social-welfare projects, women-focussed engagement, could generate greater community-support in cases involving safety and security.

In sum, the Scotland Yard statistics have not only validated their own case, but have also substantially proved a concept. This strengthens the case for community policing elsewhere, including for coastal policing and maritime security. The community-engagement initiatives launched by the

Indian Navy, the Indian Coast Guard, and the Maharashtra Police have, over the past two decades, been expanded to cover all coastal states and UTs and become far more institutionalised. Meanwhile, community policing, as a policing-concept, has also gained traction in India. As Scotland Yard contends, inputs from the community can provide ‘useful’ information — if not ‘actionable intelligence. While hard intelligence and niche technologies — such as space-based surveillance, cyber surveillance, technical and electronic surveillance — can and do fail, human beings (and communities) remain a reliable source of information. With increasing low-cost sensors and technologies available to the communities themselves, the ‘eyes and ears’ concept perhaps goes beyond merely ‘eyes and ears’ in the literal sense. Continued community-engagement for maritime security, therefore, remains an exigent imperative.

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Lakshadweep Islands: From Fragility to Stability

*Adarsh Vijay**

With a total land area of just 32 km², the Lakshadweep Islands, which lie off the west coast of India, are the smallest of the Union Territories (UT) under the Government of the India (GoI). And yet, they contribute something like 20,000 sq. km to the area of India's Territorial Sea, and 400,000 km² to the country's Exclusive Economic Zone (EEZ). New Delhi, which seeks to be a flag bearer and the "net-security provider" within the Indian Ocean Region (IOR), perceives Lakshadweep Islands as a crucial maritime bastion from which to progress its naval imperatives, as also to counter the escalating asymmetric threats emanating from its western seaboard. This notwithstanding, most Indian scholars have tended to focus closer attention to the geopolitical significance of the Andaman and Nicobar (A&N) Islands, on India's eastern seaboard. The Lakshadweep group (which includes Minicoy Island) has been afforded far less attention. There is, as a consequence, a

relative paucity of academic literature on this island chain. Against the background of this relative-paucity of adequate information, a number of basic questions persist in the minds of the lay public: What is the strategic importance of the Lakshadweep Islands? How do they help in shaping India's maritime strategy, given contemporary conflictual patterns within the IOR? In what ways can the islands be leveraged for military advantage..? And so on.

The Union Territory of Lakshadweep (UTL) is an archipelago of 36 islands that are located some 400 km to the west of the Indian state of Kerala and offers 400,000 sq.km of Exclusive Economic Zone (EEZ) to the country. Despite its ecologically fragile character and the degrading biodiversity, the primary factor that provides the Lakshadweep military significance is its potential in terms of safeguarding India's western seaboard. Its geographic proximity to IOR littoral

states such as the Maldives and Sri Lanka further enhances its criticality. The UTL has attained even greater significance in the wake of the November 2008 terror attacks in Mumbai, which revealed the easy accessibility and consequent vulnerability of India's west coast to terrorist organisations possessing even a modicum of maritime capacity and capability. There have been unconfirmed reports that malevolent non-State State-sponsored actors such as the Lashkar-e-Toiba (LeT) planned to utilise one or more islands of the Lakshadweep group as a base from which attacks on mainland India could be launched. This could well have been based upon an appreciation by the LeT that Lakshadweep, with its predominant Muslim demographic composition (belonging to the Shafi school of thought) offered easy pickings. The increase of radical Islamic activities in the Indian state of Kerala, which shares linguistic, cultural and religious affiliations with Indian citizens residing in the Lakshadweep group, has raised security-concerns over the possibility of this religious radicalisation proliferating to the islands. The apparent vulnerability of Maldives, as seen from the rise of radical Islam in that country, coupled with the inclusion of Kerala in the revised "Red Corridor" that maps the

wide swathe of Naxal influence, is a further cause of concern. Until recently, inadequacies in terms of connectivity of the islands with the Indian mainland also contributed to the islanders' feeling of isolation from the Indian polity, and their susceptibility to focussed influence from other quarters. Fortunately, the provision of telecommunication facilities has reduced, if not eliminated, this 'insulation' of the islands. The downside of this is that the likelihood of 'online radicalization' has increased.

Somali piracy is another threat that has, in the past, manifested itself in the vicinity of the islands. This has necessitated an intensification of the security of the Sea Lanes of Communication (SLOCs), which, amongst other measures, includes the setting-up of a sophisticated system of coastal security and surveillance focussed upon the Eight Degree Channel. This Channel, which separates Minicoy Island from the Maldives, witnesses the daily passage of considerable seaborne traffic. In 2012, the IN operationalised a naval base — INS Dweeprakshak — on Kavaratti Island. In addition, three naval detachments (NAVDETs) are also being functioning, one each in the islands of Minicoy, Kavaratti and Androth. In

addition, the Indian Coast Guard (ICG) maintains a District Headquarters (CGHQ-12) in Kavaratti, the capital of the UTL. The Navy also recognizes the need to elevate the region to a strategic outpost and a forward operating base, and infrastructure-development is guided by the dynamics of the maritime template in and around the UTL. A fourth NAVDET is likely to come up in Bitra Island. Of the 36 islands of the UTL, only 11 are inhabited. However, the securitization of the uninhabited islands, too, is becoming a priority due to the emanating asymmetric threats from within the maritime space.

The Indian Navy currently has strong regional interfaces with counter-piracy structures and measures being undertaken by other organisational structures, such as the European Union's Op ATLANTA and the Combined Maritime Forces organised by the USA. The EU's coordination structure for the dissemination of information related to national and multinational anti-piracy efforts is the Shared Awareness and Deconfliction (SHADE). The Indian Navy, is a member of SHADE, as are other individual navies (such as those of China), and, navies that constitute the Combined Maritime Forces (CMF). Thus, SHADE offers

options for the Indian Navy (IN) to enhance its cooperation with the US Navy, the People's Liberation Army Navy (PLAN), European Union Naval Forces (EUNAVFOR), and the Japan Maritime Self Defense Force (JMSDF), all of whom share similar concerns in terms of protecting the International Shipping Lanes off Somalia and the north-east coast of Africa.

On another level, the rising presence of extra-regional powers, particularly China, creates a need for greater vigilance and maritime surveillance off the country's western coast. Beijing's galloping interests in the IOR, which are evident from its increasing naval presence, as also from the recent establishment of China's first overseas military base in Djibouti, lends additional urgency to the need for a reconfiguration in India's military approach to Kavaratti. The geographic position of this island offers the navy with a better outreach in terms of naval patrolling and surveillance across the Western Indian Ocean. As such, it can be used to great advantage to enhance the IN's power-projection capabilities.

The island territory, as a whole, periodically witnesses a variety of security drills. Exemplifying this is the coastal security exercise, 'SAGAR KAVACH',

whose latest edition was conducted over three-days off the coasts of Lakshadweep, Kerala and Mahé, from 24 to 26 April 2018. It was focussed upon reviewing and enhancing the operational readiness of the various stakeholders involved, so as to better tackle seaborne threats. The UTL also hosts other coastal security exercises, such as like Exercise GEMINI and the half-yearly NEPTUNE series, which focus on the recalibration of the entire coastal security mechanism. Furthermore, the Coastal Security Scheme (CSS) launched in 2005 by the GoI incorporates the Lakshadweep Islands within its scope. The CSS seeks to enhance the prowess of the Marine Police force, through infrastructure-development and capacity-building and capability-enhancement. The nature of the region also throws up the possibility of community-involvement as being the best line of defence against maritime-security challenges. One such option that seems feasible is to replicate the model obtaining in the state of Kerala, by establishing “Kadalora Jagratha Samithis” (Coastal Awareness Committees) in the Lakshadweep

Islands, as a defensive mechanism based upon community-participation in matters such as the reporting of unidentified boats, maritime crimes, or any other threat to coastal security.

Finally, there is a good chance that the Lakshadweep Islands will be adversely impacted by the devastating effects of climate change and its geographic repercussions. Considering the rising seawater level, the island might even become history, in the long run. Hence, when viewed over a larger timespan, it might even be argued that the ongoing militarisation of the region is a vain endeavour. This notwithstanding, as long as the IOR as a whole remains unaffected, the geopolitical changes in this maritime space calls for more investment in terms of ‘military capital’ in the islands, so as to ensure that India prospers within a stable security calculus. There is no doubting the fact that in a geopolitically unpredictable IOR, the Lakshadweep group of islands are a geostrategic asset for India.

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BIMSTEC and Maritime Security: Issues, Imperatives and the Way Ahead

*Captain (Dr) Gurpreet S Khurana**

Oddly, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a sub-regional grouping named after a sea body, but the graphics in its logo (Fig. 1) are devoid of blue colour. Of course, the etymology of BIMSTEC originated from the names of its members in 1997, but the fact remains that all of its members have inherently had land-centric perspectives, more aptly called

‘sea-blindness’. It is high time now that this disposition should change, and there is need for the ‘blue’ in BIMSTEC, at least figuratively.

This essay provides a broad overview of the maritime and geopolitical imperatives of BIMSTEC member States, as the littorals of the Bay of Bengal and the Andaman Sea, with the aim of proposing a preliminary Maritime Safety and Security (MSS) agenda for the BIMSTEC.

Maritime-economics in the Bay of Bengal and Andaman Sea

The recent resolution of maritime boundary disputes amongst Bangladesh, India and Myanmar has enhanced mutual trust, leading to enhanced emphasis on harnessing the living and non-living marine resources and geo-economic connectivity among the sub-regional littoral States. The outstanding



Figure 1 - BIMSTEC Logo

disputes never inhibited transactions via the sea, but the delineation of maritime boundaries has certainly provided a symbolic heft to economic connectivity. Notably, even the two land-locked countries – Nepal and Bhutan – have stakes in the oceans, and have the legal right to maritime access, as per the *United Nations Convention on the Law of the Sea* (UNCLOS, 1982).

From the Indian perspective, the increasing geo-economic connectedness among the Bay of Bengal littorals is a result of New Delhi's broader external policy reorientation in terms of the concept of SAGAR (*Security and Growth for All in the Region*), articulated by India's Prime Minister Mr. Narendra Modi in 2015, and the emerging national focus on maritime issues. SAGAR — essentially meaning that “All boats (regional countries) rise with the rising tide (together)” — was stated in the broader context of the Indian Ocean Region (IOR), but is very relevant to the Bay of Bengal countries in context of Mr. Modi's “Neighbourhood First Policy”. With regard to the Bay of Bengal, India's specific imperatives are to:

- Capitalise upon the cost-effectiveness of maritime routes,

in both national and sub-regional contexts.

- Amalgamate India's North-Eastern States into the nation's socio-economic development.

This led to national emphasis on Project SAGARMALA (ported development) and trans-national maritime connectivity, not only for EXIM trade, but also for movement of people and tourism. A specific manifestation of these is the India-Bangladesh *Protocol on Inland Water Transport and Trade* (PIWTT). In October 2018, the two countries signed a host of agreements, such as the extension of ‘protocol routes’ and Standard Operating Procedures (SoP) for movement of cruise vessels on inland waterway routes and coastal shipping. All this will be accompanied by the need for enhanced maritime safety and security. India's Cabotage relaxation policy, leading to the increased presence of foreign-flagged vessels in Indian ports, also has security implications specifically for India.

Piracy and Trafficking of Drugs and Weapons

The *International Hydrographic Organisation* (IHO) publication giving

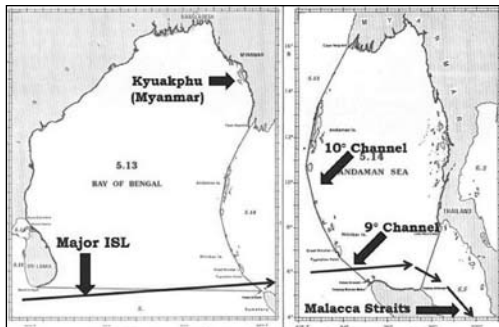


Figure 2 - Geographical Limits of Bay of Bengal and Andaman Sea

the limits of the Bay of Bengal and Andaman Sea. As shown on the maps (Fig. 2), there is no major International Shipping Lanes (ISL) in these areas, except the one right in the south which crosses these sea areas over a rather short stretch. As a result, there is hardly any piracy here at present, only armed robberies at sea within national jurisdiction. However, the increasing trade flows — including Chinese tankers coming to Kyaukphu— could lead to pirate attacks, and this needs to be factored.

The trans-national maritime crimes like trafficking of drugs and weapons are quite rampant in the area. These have also been feeding into the militant movements in India's North East. A large arms-haul destined for the United Liberation Front of Asom (ULFA) was unearthed off Chittagong in 2004 by

the Bangladesh authorities. The answer lies in enhanced information-sharing. There have been suggestions to enhance real-time information-sharing among BIMSTEC States via submarine cables. However, these cables are extremely vulnerable to terrorism; and there is no national or multilateral plan yet to respond to such contingencies.

Sustainable Fishing

A major issue in the Bay of Bengal is how to sustain the fast depleting fish-stocks and the huge Dead Zone that it has, and in accordance with the principles of Blue Economy. Could the Bay of Bengal littorals coordinate their domestic laws with regard to regulation of fishing activity?

The prevention of illegal fishing and poaching off the Andaman and Nicobar Islands was the main task of the new Fast Attack Craft (FAC) commissioned at Port Blair, soon after the integrated Andaman and Nicobar Command (ANC) was formed in 2001. The same year, the Indian Navy (IN) began Coordinated Patrols (CORPAT) with the Indonesian Navy (TNI-AL), and after three years in 2005, with the Royal Thai Navy (RTN). The aim was to have the IN in constant touch with TNI-AL and RTN, to hand over their fishermen apprehended in the

Indian EEZ in real-time, without going through the elaborate legal processes including confiscation of their fishing boats. Later in 2013 and 2018, the IN forged similar agreement with Myanmar and Bangladesh respectively. These CORPATs, in the multilateral format, have immense potential to contribute to the overall maritime security and safety, especially by expanding information-sharing under the bilateral CORPATs to the BIMSTEC level, involving info-sharing on as-required basis.

Search and Rescue: Response to Maritime Accidents and Irregular Migration

Under customary international law, all States bear an international commitment to provide assistance to persons in distress at sea, be they victims of accidents at sea or irregular migrants. (It is important to note that the common usage of the term “illegal migrants” is inappropriate. These are not “illegal” migrants, since customary international law permits these migrants to ‘seek’ asylum, though of course, it does devolve upon the ‘destination State’ to grant ‘refugee status’ to these migrants).

Notably, among the BIMSTEC littoral countries, only India and

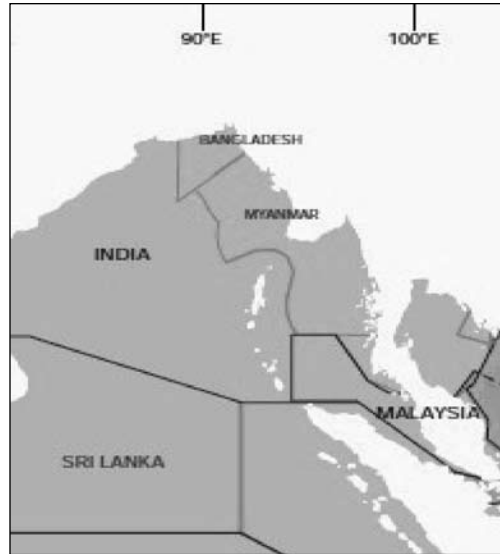


Figure 3 – Search and Rescue: Areas of Responsibility

Bangladesh are parties to the International Convention on Maritime Search and Rescue, 1979. The reason why the others are not, is well known, and such sensitivities are legitimate. This is the reason why we still have provisional SAR areas of responsibility on the SAR chart (India-Bangladesh, India-Myanmar and Sri Lanka-Indonesia boundaries demarcated in lighter colour in Fig. 3).

This problem was effectively addressed by the *Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on Harmonisation of Aeronautical and Maritime SAR*

(HAMSAR), which was instituted after the Malaysian MH-370 airline disaster, and wherein the author represented CSCAP-India as the co-chair (with CSCAP-Malaysia). The Study Group recommended that this void could be overcome by a web of bilateral Memoranda of Understanding (MoU) among the *ASEAN Regional Forum* (ARF) members. The same applies to BIMSTEC. The Indian Coast Guard has already signed such SAR MoUs with Bangladesh and Sri Lanka. One with Myanmar is being discussed. However, discussions on a similar MoU with Thailand have not yet commenced due to the ongoing reorganisation of the Thailand's coast guard agency.

Humanitarian Assistance and Disaster Relief

The entire north-eastern Indian Ocean is well known to be prone to natural disasters. The 2004 *Tsunami* clearly indicated that this area is prone not only to tropical cyclones. The reason is the seismic fault-line stretching along the subterranean ridge along the Andaman and Nicobar groups. The Indian Navy has instituted an internal mechanism. For instance, all Indian warships now carry palletised stores for *Humanitarian Assistance and Disaster Relief* (HADR).

However, a coordinated approach among the coastal countries BIMSTEC is necessary.

Capability Enhancement (Hardware and Software)

Four of the five largest Sri Lankan warships are built in India. Of course, India's is making concerted endeavours to bolster hardware transfers to the IOR countries, and India's capacity-building assistance to its regional neighbours is likely to grow after Mauritius commissioned the *Barracuda*, the first warship that India built specifically designed for a foreign buyer.

However, India's core strength lies in beyond (hardware) capacity-building. It lies in areas such as technical and operational training and doctrines, hydrographic assistance, Maritime Domain Awareness (MDA), and so on. The Indian Navy coordinates the fairly well-developed *National Command, Control, Communications and Intelligence* (NC3I) network instituted in 2014 after the Mumbai terrorist attacks (November 2008), with its nerve centre called the *Integrated Management and Analysis Centre* (IMAC) at Gurugram (near Delhi). In a couple of years, the IMAC will house the IOR Information Fusion Centre (IOR-IFC, with foreign ILOs)

similar to the IFC Singapore. Another positive development is the forging of information-sharing of ‘White Shipping’ agreements. The Indian government has approved the Indian Navy’s proposal for such agreements with 36 countries. The Navy has signed such agreements with 18 countries so far (including Myanmar and Sri Lanka), of which 11 having been operationalised (including Myanmar). Those with Bangladesh and Thailand have been approved, but are yet to be signed.

Maritime-Military Issues

The submarine-operating countries in are increasing. Bangladesh has recently acquired (Chinese) submarines and Thailand will do so soon (also Chinese). India and Indonesia are adding new submarines. This leads to some critical imperatives; notably, the de-confliction of unintended naval encounters, water-space management and submarine safety. With regard to submarine rescue, the IN has recently acquired an effective capability of submarine-rescue, and is willing to share it with other submarine-operating navies that do not have such a capability.

Although sub-regional countries like Bangladesh and Myanmar have

successfully resisted China’s attempts to acquire naval bases in the Bay of Bengal, their purchase of Chinese submarines will lead to them providing the PLA Navy ‘virtual’ bases. It is important to note that their submarines operating in the Bay of Bengal will be compatible with the PLA Navy submarines in terms of equipment, machinery and even weapon stores.

Support to IORA and IONS

BIMSTEC needs to be contextualised with the pan-IOR Maritime Security and Safety (MSS) Structures. There is an exigent need to develop BIMSTEC’s MSS agenda to contribute to the Indian Ocean Rim Association (IORA), whose own MSS structure is at a nascent stage and needs to be supplemented. It was only in 2014 that MSS was incorporated in IORA’s agenda, and it was only in September 2018 that the initial workshop was held in Colombo (Sri Lanka) to formulate the Terms of Reference (ToR) of the IORA MSS Working Group. It was also decided that the Indian Ocean Naval Symposium (IONS) be represented at the IORA MSS Working Group.

It is common fallacy that IORA’s “inclusive approach” only relates to

involvement of extra-regional stakeholders, and not the role of sub-regional arrangements within the IOR. Although Maldives joined IORA in November 2018, Myanmar could not do so due to objection from South Africa. However, there is a strong case for Myanmar's IORA membership. The objection to this is premised on the perception that the Myanmar government is not doing enough to resolve the Rohingya migrant issue. However, on the other hand, inclusion of Myanmar in IORA could lead to persuading Myanmar to deliver in this regard. It is important to recall that Myanmar was incorporated into the *Association of South East Asian Nations* (ASEAN) in 1997 mainly to avoid Myanmar's isolation from international community, which worked well. The same has been India's approach with regard to its Myanmar policy, and the contribution of the Indian Navy towards this aim has been notable. Following the Navy's persistent efforts to develop an interface with the Myanmar Navy, a Myanmar corvette participated in the *Milan-2006* at Port Blair. It was the first time in 4 decades that a Myanmar warship ever visited a foreign port.

It is also important to recall that the *Milan* congregation at Port Blair

(Andaman and Nicobar Islands) launched in 1995 with originally conceived as a '*milan*' (Hindi word for 'meeting') of the Bay of Bengal navies. This means that *Milan* at Port Blair could effectively implement the BIMSTEC's MSS agenda at the functional level. Similarly, the MSS cooperation in BIMSTEC also needs to be synergised with the IONS. All BIMSTEC countries are members of IONS. Furthermore, Indonesia is a key member of not only the IORA, but also that of the ASEAN. Its inclusion in BIMSTEC as a member could enhance the BIMSTEC's MSS agenda substantively.

Geopolitics of the Indo-Pacific Region

The geopolitical environment in the Bay of Bengal and the Andaman Sea is closely linked to the geopolitics of the entire Indo-Pacific region. As articulated by Mr Kanwal Sibal at the BIMSTEC Think Tank Dialogue in New Delhi, the sub-regional countries would need to balance their need for geopolitical engagement with extra-regional stakeholders like China, and its implications for the sub-regional neighbours. Such engagement — ranging from subscribing to China's Maritime Silk Road (MSR) Project to

the purchase of Chinese submarines — would also bring with it a ‘strategic dependence’ upon China, and therefore, the sub-regional countries would, therefore, need to take more deliberate, deft and prudent decisions.

Furthermore, the South China Sea (SCS) is becoming increasingly volatile, and the Bay of Bengal-Andaman Sea combine could well become the next area of major-power contestation. Importantly, the SCS disputes are no longer an issue between China and the ASEAN countries. Given its historic claims and its refusal to accept the verdict of an International Tribunal,

China has challenged the maritime norms and established legal order based on the UNCLOS, 1982. Therefore, the issue now involves the entire Indo-Pacific region, and its stakeholders. Even though China does not have any maritime claims in the Bay of Bengal, given its increasing geopolitical presence in the IOR, any insecurity or discord in Bay of Bengal will involve China directly, leading to a geopolitical contestation. In this direction, the resolution of maritime disputes in Bay of Bengal is a positive step, but more needs to be done.

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Ten Years after ‘26/11’: A Paradigm Shift in Maritime Security Governance in India?

*Commander Himadri Das**

On 26 November 2008 (‘26/11’), a group of terrorists from Pakistan undertook attacks at several locations in Mumbai. The siege ended three days later. By then, the terrorists had killed or injured more than 400 people. The terrorists had sailed from Pakistan and landed at Mumbai using the sea route. *En route* they had also hijacked an Indian fishing vessel *Kuber*. Earlier, the sea route had also been used to traffic arms and ammunition for the Mumbai blasts (1993).

State-specific initiatives for joint patrolling of coastal areas by the navy, coast guard, and police were launched in Tamil Nadu in 1990 (Op *Tasha*), and in Gujarat and Maharashtra in 1993 (Op *Swan*). These measures were in response to the withdrawal of the Indian Peace Keeping Force (IPKF) from Sri Lanka and the Mumbai blasts respectively. The Group of Ministers (GoM) Report

of 2001 recognised that India’s long coastline had remained “largely unprotected and unguarded.” The report recommended comprehensive measures for border management, including for maritime borders and island territories, in addition to setting-up the Border Management Department in the Ministry of Home Affairs (MHA), strengthening of the Indian Coast Guard and the raising of the State Marine Police (SMP) were some of the other major recommendations for management of coastal borders.’

The unprecedented ‘26/11’ attacks highlighted the pressing need to holistically review the construct for coastal security in India. By February 2009, a series of initiatives were set into motion to strengthen coastal security. This brief encapsulates some of the major initiatives and undertakes a succinct analysis of the ten years since ‘26/11’.

Key Initiatives for Strengthening Coastal Security

Policy Coordination

The establishment of coordinating committees at multiple levels of governance — National Committee for Coastal and Maritime Security (NCSMCS) in 2009, Steering Committee for Review of Coastal Security (SCRCS) in 2013, and the State and District level Coastal Security Committees in 2016 — have institutionalised mechanisms for policy coordination and implementation.” These committees, with multi-stakeholder representation, reflect a shift towards a comprehensive whole-of-government approach to maritime security. The present approach is not only broader in terms of agencies involved (going beyond traditional security agencies), but also deeper in terms of the levels at which activities are being monitored. Notwithstanding, a long-standing recommendation for a single-point apex level body, such as the proposed National Maritime Authority (NMA) is yet to be realised.

Specific roles and responsibilities for security agencies for coastal security have been formulated, with the Indian Navy being responsible for overall

maritime security (including coastal security) and the Indian Coast Guard for coastal security in territorial waters (with the SMP). Furthermore, towards exercising criminal jurisdiction, at least one Coastal Police Station (CPS) in every state now exercises jurisdiction in international waters, compared to only two police stations earlier (one on each coast).

While there have been considerable efforts at strengthening the legislative framework for overall maritime security such as through the Anti-Maritime Piracy Bill, the Marine Fisheries (Regulation and Management) Bill, and the Merchant Shipping Bill, these bills are pending enactment.

Capacity Building, Capability Enhancement, and Operational Coordination

Capacities and capabilities of maritime security agencies, particularly the Indian Coast Guard have been significantly augmented and enhanced. The Indian Navy has augmented its capacity for Low Intensity Maritime Operations (LIMO) by the raising of a battalion-strength *Sagar Prahari Bal* (SPB) and the induction of over 100 Fast Interceptor Craft (FICs) and Immediate Support

Vessels (ISVs). The Indian Coast Guard has significantly grown since '26/11' and is amongst the largest in the world. The growth story encompasses raising of additional Regional Headquarters; induction of ships, surface craft and aircraft; recruitment of additional manpower, and, infrastructure development. According to media reports, the Indian Coast Guard has plans to become a 190-ship and 100-aircraft force in another five years. Coastal States, through the Coastal Security Scheme (CSS) Phase II, have been able to establish additional Coastal Police Stations (CPS) and develop infrastructure such as jetties. However, as parliamentary reports indicate, the implementation of CSS has its fair share of issues. For a relatively new force, some of these are perhaps teething issues.

There have been proposals for setting-up a central force for coastal policing and for shifting the Indian Coast Guard under the MHA. Reportedly, the Ministry of Defence (MoD) is not in favour of the latter. The raising of additional central force for coastal security also seems to be an antithesis to the 'one border-one force' recommendation of the GoM Report of 2001. As such, the coastal security

construct in India is crowded with numerous stakeholders.

Operational Coordination has received a significant fillip by the establishment of Joint Operations Centres (JOCs) by the Indian Navy, duly supported by the Coastal Security Operations Centres of the Indian Coast Guard. Real-time linkages and a common operational plot amongst all the Operations Centres facilitates quick coordinated actions to emerging situations and threats. The 'hub and spoke' model between the Indian Coast Guard and CPS provides further linkages at with CPS at the local level. Formulation of Standard Operational Procedures (SOPs) has further streamlined inter-agency coordination.

The conduct of biannual coastal security exercises in all coastal States and Union Territories involving all stakeholders—perhaps a one-of-a-kind exercise in India, if not in the world—facilitates review of operational readiness, including identification of voids and mechanisms to address them. Progressively, the scale and complexity of such exercises has been enhanced, and the largest of such exercise encompassing all coastal States is planned in early 2019.

A significant milestone has been the recent operationalisation of the National Academy for Coastal Policing (NACP) at Okha, Gujarat. This is likely to address the training requirements of the coastal police. Hitherto, the Indian Navy and the Indian Coast Guard were undertaking maritime orientation training for Central Armed Police Forces (CAPFs) and SMP respectively. The setting-up of dedicated training facilities in all coastal states, akin to the NACP, will also contribute in developing the human component of combat power.

Maritime Domain Awareness

Enhanced awareness of the maritime domain has been facilitated by the setting-up of a Coastal Surveillance Network (CSN), a chain of coastal radars, by the Indian Coast Guard) and the National Automatic Identification System (NAIS) by the Directorate General of Lighthouses and Lightships. The Indian Navy has set-up a National Command Control Communication and Intelligence (NC3I) Network, which facilitates interlinking naval and coast guard stations and the development of a common operational plot. The Information Management and Analysis Centre (IMAC), is the nerve-centre of the NC3I network and is perhaps an

unparalleled facility in the Indian Ocean Region (IOR).

While Phase II of the CSN has been sanctioned, the Indian Navy is steering the National Maritime Domain Awareness Project (NMDAP) to integrate all stakeholders and maritime information systems into one common grid. Considering oceanic seamlessness, the proposed Information Fusion Centre for the Indian Ocean Region (IFC-IOR) will also provide vital information for developing domain awareness. Despite the veritable revolution in domain awareness for coastal security, ensuring gap-free electronic surveillance remains a daunting challenge.

Sectoral Initiatives

Since '26/11', the fisheries sector has indeed been an area of increasing focus. The colour-coding of boats, online registration of fishing vessels and fishing licensing, and, issuance of biometric cards have been some of the notable initiatives. The development of a suitable tracking system for fishing vessels has been progressed, but a final solution is yet to emerge. Considering the increasing vagaries of nature, this is critical not only from a security perspective, but also from a safety and

human security perspective. The setting-up of the proposed Monitoring Control and Surveillance (MCS) Centres for marine fisheries, coupled with the envisaged tracking system would further strengthen fisheries management.

In the port sector, while the International Ship and Port Facility (ISPS) code is applicable for all ports dealing with international trade, based on audit of non-major ports, guidelines for security of non-major ports have been prepared. The induction of Immediate Support Vessels (ISVs) and enhanced electronic surveillance through the Vessel and Air Traffic Management System (VATMS) has also strengthened the security of the offshore sector.

Community Engagement

The community is a key element of the coastal security construct. The concept of community policing, essentially a policing concept, has been extended to the maritime domain. Community Interaction Programmes (CIPs) and Toll-Free Numbers in coastal States facilitate interaction between coastal communities and security agencies, and serve the dual purposes of security and safety. A mobile application, *Sagara*, to facilitate communication between fishers and

government agencies has been launched in Kerala as a pilot project. The inclusion of coastal security as a topic in the coastal adult literacy programme of Kerala—*Askhara Sagaram*—is also a stronger indicator of the wider understanding of security matters in the government, and the need for wider sensitisation. These efforts need to be emulated elsewhere as well.

Summary

Having covered some of the major initiatives, a succinct analysis of the developments in the decade after ‘26/11’ is as follows:

Firstly, the developments in the past decade are in consonance with established models and best practices for maritime security governance. The whole-of-government approach for policy coordination, and focus on inter-agency coordination, are the key elements in this regard.

Secondly, these initiatives have been taken on a national-level basis involving all coastal States and Union Territories, and unlike in earlier years, have not been localised to specific coastal States. Consequently, the scope and scale of these efforts are unprecedented.

Thirdly, significant capacity augmentation and capability development of maritime security agencies has been undertaken, especially for the Indian Coast Guard and the SMP.

Fourthly, there has been an enhanced focus on technological solutions to domain awareness and inter-agency coordination. These efforts have been effectively leveraged to upscale to the national and international levels.

Fifthly, considering the federal nature of governance, and policing being a State subject, there are challenges to bringing in uniformity across all States.

Sixthly, several sectoral initiatives have been taken to strengthen security. Considering multiple sectors involved, some sectors such as fisheries, need greater focus than others. Similarly, within sectors, certain aspects merit greater attention, such as non-major ports within the port sector.

Seventhly, an inclusive approach to security has been adopted by including the community as a key stakeholder (community as 'eyes and ears' of the security agencies).

Eighthly, the inter-agency linkages through the coastal security construct can be effectively leveraged to deal with

other contingencies and scenarios such as Search and Rescue (SAR), Humanitarian Assistance and Disaster Relief (HADR), urban coastal flooding, etc.

Ninthly, the legislative framework for security remains largely unchanged.

Finally, as multiple reports of the government suggest, there remains a lot needs to be done in multiple areas. While projects such as CSN have transited into the next phase, some others, such as the implementation of the CSS are well behind their initial timelines. Further, some recommendations, such as that of a single-point apex level body, the NMDAP, and strengthening of the legislative framework are yet to be implemented.

Moving forward, addressing outstanding recommendations of the numerous audits and examinations by Parliamentary Committees and the Comptroller and Auditor General (C&AG), and completion of ongoing projects should be a priority. Due consideration to unresolved issues, un-actioned recommendations, and emerging questions, could also provide vital inputs for the future. For the future, some of the more significant points of reflection pertain to the following:

First, will the highly recommended single-point apex body for maritime affairs give further impetus to the reform process?

Second, is the legislative framework for maritime security appropriate for the envisaged threats, and are all agencies appropriately empowered?

Third, is there a scope to institutionalise periodic independent audits of the maritime security sector through objective criterion, such as those envisaged in documents such as the *US Maritime Security Sector Reform Guide*? Such systems could provide much needed periodic course corrections and inputs for continuing reform.

Fourth, with the long-term plan of the Indian Coast Guard to be a close to 200-ship and 100-aircraft Coast Guard by 2023, is there a case to recalibrate engagement of other agencies for coastal security?

Fifth, considering enduring issues with the implementation of the CSS, whether raising another CAPF under MHA would be useful?

Sixth, would placing the Indian Coast Guard under the MHA serve the larger objectives?

Seventh, how could gap-free electronic surveillance of the Indian coastline and adjoining sea areas be ensured?

Eighth, what measures can be taken to ensure that security considerations are an intrinsic element in every maritime endeavour, irrespective of the sector? Furthermore, what are the specific areas of concern within each sector, which need to be addressed on priority?

Ninth, what could be done to ensure that the construct remains responsive to emerging threats such as cyber threats, unmanned vessels/aircraft, and improvisations, such as Water-Borne Improvised Explosive Devices (WBIED).

And finally, what measures could be taken to institutionalise community engagement for security?

Concluding Remarks

Overall, in the past decade, there have indeed been some significant developments in the management of maritime security in India – more has been witnessed in the past decade, than in the previous six decades. Certainly, there has been an exponential progress since ‘26/11’, and it would only be

reasonable to assume that the concept of 'coastal security', which has witnessed increasing global attention, has a strong Indian connect. Regrettably, these developments gained traction only after '26/11', despite the earlier recommendation of the GoM.

Like anywhere else in the world, it would be wishful to assume that the work has been done, or to assume impenetrability of the Indian coastline. However, there is reasonable assurance that necessary systems are in place to deter and to respond to non-traditional threats in the maritime domain. Considering the scope, scale and nature of the reforms undertaken, it would only be fair to suggest that the past decade has witnessed a paradigm shift in the governance of maritime security in India,

especially coastal security. However, the gains need to be further consolidated and strengthened. In short, the reforms of the maritime security sector need to continue. India's wider aspirations as a regional player can only be realised if its own maritime backyard remains safe and secure. Safety and security are also inextricably linked to overall economic development, national prosperity, and the well-being of the citizens.

Despite the inherent advantage with the aggressor in asymmetric scenarios, there is every reason to believe that overall, the security of the Indian coastline has indeed been strengthened. However, should it be tested, every link in the chain should be able bear the strain.

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Cyber-Warriors for Cyber-Space: What we can learn from the US Navy

*Rear Admiral Sudarshan Shrikhande (Retd)**

On 04 Jun this year, the US Navy (USN) took a rather unusual step in reintroducing the Warrant Officer-I (W-I) rank and inviting applicants in this rank for cyber warfare. The USN has had a complex history of warrant ranks as opposed to commissioned and non-commissioned ranks. The details of this history are not of direct interest to us. As such, the Royal Indian Navy (RIN) followed the Royal Navy (RN) in doing away with “Warrant Officer” ranks in 1949. (In comparison to the RN, the RIN had very few Indian WOs and not many Indian officers either.) For various reasons such as the dissatisfaction that RN WOs had with the social discrimination they faced from wardrooms and reduced promotional avenues, the ranks were abolished and Branch Lists were introduced. In 1965, Branch List was renamed Special Duties List. In the IN this has been a useful cadre of officers who have brought core

professional knowledge and experience in pace with growing complexities of equipment and hardware as well as in training and maintenance.

The USN’s step is certainly worth considering. In relatively newer combat disciplines like cyber warfare there are problems with earlier methods that were more conservative and to use the catch-all phrase of not rocking the boat “time-tested” ways of recruiting and advancing sailors. As pointed out in the US media, the newer skills required for in the cyber domain exist in just a few among the available pool of younger sailors in the USN. As reported by the “Navy Times” (by Mark D. Faram, 13 Dec 2018), this was because “cyber skills are in such demand in the civilian marketplace that many sailors weren’t sticking around long enough to make chief petty officer, the traditional springboard for warrant ranks.” As warrant officers they will get

higher pay and benefits, greater status and more opportunities for promotions including to commissioned ranks.

Is there a need for the Indian Navy and indeed for the other two Services to adopt a similar approach? Can cyber-warfare or other niche skills required in space, intelligence and information operations be developed, retained and deployed with the existing arrangements for recruiting, training, paying and promoting? We regularly talk about the increasing importance of understanding and deploying higher technologies in most warfare areas and the criticality of skilling operators, grooming analysts and producing leaders in the very same areas. It is not surprising that the Army Chief, General Bipin Rawat has highlighted the challenges that technology presents during the 2018 MCETE Convocation in Secunderabad on 15 Dec. Senior leadership in other services have also expressed similar concerns.

Therefore, the Navy could think of leading the way by swiftly encouraging and selecting the “right stuff” that could form the inaugural cadre of the joint cyber command as well as at the single Service interfaces. Sailors so identified, and rigorously security-vetted, could then be skilled up and promoted to Petty Officer rank for a probation

period and then incentivised for advancement to Chief Petty Officer, etc. Truly outstanding sailors could also be selected for early commissioning within the Special Duties List for cyber/ space and other niche warfare areas.

Does this sound undoable? Not at all! In fact, there are precedents and the closest model is, strangely, in a totally non-warfare and non-core area. Most naval readers would know of the rapid promotions that can be earned by “sports quota” sailor-entries depending on their performance in national and international events. This analyst does wish, as much as any other Indian, that our country of 1.3 billion people wins many more medals in all sports and necessary incentives be offered to sports persons. However, not many nations, if any at all, have taken recourse to asking their armed forces to devote a fair bit of effort in recruiting such individuals and then spending relatively large amounts on infrastructure, sports nodes, coaches and exposure as have Indian armed forces. All this is in a completely non-warfare area by any stretch of imagination! Therefore, the analyst feels that the responsibility for winning sports medals should be of the departments and the ministries whose task is to do so, not of the armed forces. We all remember earlier decades

when a few officers and men got naturally selected for state and national level sports with some participating in international events, something that rarely happens now. Importantly, they continued to do their primary duties. Here is an illustrative digression: It may be of interest to note that General George S Patton — no “sports quota entry” — of the US Army was part of the American pentathlon team in the 1912 Olympics. Had he been taken in as a “sports quota entry”, he may have won more sporting medals but not battles and campaigns! However, if such modalities for recruitment, skilling and fast-track promotions could be adopted by all Services (and there is currently very little jointness in this as well) then there is no reason for not doing so in core warfare areas where we already face problems. As far as this writer knows, the Navy can recruit potential sportsmen as senior sailors and the Army perhaps went a step further with an entry rank of a Naib Subedar (JCO). If such precedents exist in non-core areas, it should be certainly worth considering to be more future-ready in warfare disciplines.

Secondly, the IN, in continuing the inheritance from the RN, had a different set of intake standards, training pattern and service conditions for artificer entries. These entries have served the Navy very well. While there may have been the occasional hiccup, these were far outweighed by the advantages their skills brought to core-area efficiencies.

Services often talk about transformation. Technology of course is an important part, but transforming the way in which we can recruit, train, motivate, skill, deploy and lead our warriors is by far more important. No one could have said it better than Colonel John Boyd of the OODA loop fame: “People, Ideas, Things are what matter most and in that order.” Cyber-warfare requires jointness and integration not only within Services but with quite a few civilian agencies who are all partners in this new warfare area. The Navy could perhaps take the lead in creating new cyber warriors that will be the cutting edge in monitoring and winning combat in cyber-space.

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Naval Power

Indian Navy's 'Camping' Expeditions in the Indian Ocean Region

*Commodore RS Vasan, IN (Retd.)**

The year that has gone by is significant in many aspects for the Indian Navy's operational deployment which has been demonstrated far and wide in the Indian Ocean Region (IOR). The time-tested formula of the navies of the world, namely, "Forward presence and posturing" can only be effective when it is applied continuously in a sustained manner to maintain a credible 'Command, Control and Communication' architecture, which is driven by an effective information management system. The Indian Navy commissioned the Information Management and Analysis Communication (IMAC) system in November 2014, in Gurgaon, close to the capital. This has enabled information collation, analysis and dissemination in real time.

New Horizons, New Deployment Pattern.

Commencing early last year, the Indian Navy has adopted a new form of extended

deployment pattern by surface units which remain on patrol for up to three months before being relieved. There is a maritime surveillance architecture (MSA) led by the P8I Long-Range Maritime Reconnaissance and Anti Submarine Warfare aircraft operating from INS *Rajali* in Arakkonam and the IL-38s operating from INS Hansa in Dabolim. These efforts are augmented by satellites, medium range surveillance platforms such as Dornier aircraft as also by UAV squadrons operated by the Navy. The requirement for such continuous deployment has been acutely felt with the increased presence of the PLA Navy (PLA-N) and also other maritime developments in India's neighbourhood. It is a matter of concern that there is a near continuous presence of PLA-N surface and sub-surface units who are on variety of missions in the Indian Ocean, including, anti-piracy off the Somali Coast since 2008.

The Navy and the Coast Guard together ensure that the entire Indian Exclusive Economic Zone (EEZ) and the extended areas in the IOR are monitored to spot any unusual activity. The presence of the naval or coast guard units is akin to 'boots- on- the ground' in army parlance, as it is the physical presence of surface units and their ability to contain unlawful activity that is required at sea.

Interestingly, the new deployment pattern interestingly can be explained by the acronym **CAMPING**. The following are the areas which are being kept under surveillance by regular deployment of ships in the IOR:

CENDEP This area covers the central IOR, where patrolling in waters south of India, off Maldives and Sri Lanka, is undertaken. The developments in Maldives have been a cause of concern and hence there is a need for patrolling these areas. It may be noted that India has a trilateral agreement that includes both Maldives and Sri Lanka and conducts **DOSTI** a Coast Guard exercise annually. However, the recent developments in Maldives will prevent any active engagement by the Maldivian forces till the internal situation is stabilised. Maldives also did

not participate in this year's edition of the biennial meet "Milan" which brings together navies from different regions to discuss the challenges in the region. Maldives quoted the internal situation as a major factor that precluded its participation.

ANDEP This patrol area is in the Andaman and Nicobar group of Islands (A&N) area, where patrolling between the North Andamans and South Nicobar is undertaken. This area also has witnessed poaching and illegal traffic from the neighbouring countries thus requiring a greater degree of vigil.

MALDEP The Straits of Malacca and Singapore (SOMS) are crucial arteries of the global shipping traffic and serve the two-way traffic between the Pacific and the Indian Oceans. A naval ship on patrol, in this region, which is prone to piracy and other illegal activities, provides the Indian Navy with an opportunity and the ability to coordinate and integrate its plans with the Tri-Service Andaman and Nicobar Command in timely and effective manner.

POGDEP Anti-Piracy patrols commenced in 2008 and has continued unabated, to ensure that piracy off the east African coast, is contained. Indian

Naval units have been on patrol the last decade and in carrying out operations along with other navies of the world and have been successful in contributing to enhanced safety and confidence of seafarers. This has to be seen in the backdrop of PLA-N's own deployment to contain piracy. Surprisingly, the PLA-N thought it fit to use piracy as an excuse to deploy its submarines, which clearly are unsuitable for such missions. In the bargain, however, the PLA-Navy obtained invaluable "hands-on" experience in operating its submarines, far away from its shores, and also gained local knowledge of the operating conditions. The experience led to China building and commissioning a naval base in Djibouti which will provide the requisite logistic support for its ambitions in the IOR.

IODEP This deployment seeks to keep the South Indian Ocean, off Mauritius, Seychelles and Madagascar areas under surveillance. Maritime Domain Awareness (MDA) programmes in this region enjoy the support of the Governments of Mauritius and Seychelles. Following the visit of Prime Minister Modi, there has been a great momentum to revitalise the historical links and synergise with these island

countries, most of which willing to contribute to the efforts of India to provide security and stability in the IOR by augmenting capacity and capability.

NORDEP The Bay of Bengal has immense relevance to India's Act East Policy and requires effective engagement with the neighbouring States in the Bay of Bengal. The NORDEP is aimed at keeping the northern Bay of Bengal and the eco sensitive waters of the Andaman Seas under effective surveillance by coordinating with the maritime security agencies of Bangladesh and Myanmar. The mass migration of the Rohingyas both by sea and over land requires close monitoring. Likewise, close co-ordination with the neighbouring countries is needed to monitor illegal movements, human trafficking and smuggling in these areas. Coordinated patrols with Myanmar, Thailand and Indonesia would augment this deployment objective by keeping the sensitive areas under surveillance.

GULFDEP Just as a close eye is being kept over the SOMS, is being kept under watch, there is a need to pay a close attention to the goings on in the approaches to the Strait of Hormuz and the Persian Gulf which are critical to the energy security of India, China

and other eastern economies. and there is an inescapable need to keep this area under constant surveillance. There is also a power play of sorts going on in this area, with the Chinese investments in Gwadar, a possible Chinese funding of a naval base at Jiwani, investments in Chabahar as also the new Asia Africa Growth Corridor (AAGC) a joint initiative of India and Japan, which is seen as a counter to the Maritime Silk Road (part of the China's Belt and Road Initiative (BRI). India, in the recent years, has practically engaged the navies in this region and has also been provided recently with support facilities including dry docking, in Duqm in Oman.

In conclusion, it is clear that the 'CAMPING' deployment pattern in the IOR by the Indian Navy serves the objective of being present and relevant in

the areas of interest. The experience thus far also would have provided immense opportunities to obtain new data of the environment, shipping patterns, weather, bathymetry and oceanographic data. This also has provided an opportunity for the IN to review human and machinery limitations on such deployments and tweak operational and manning patterns. The Logistic Exchange Memorandum of Agreement (LEMOA) with USA, France and other bilateral agreements would facilitate cross-utilisation of facilities in the IOR thereby, promoting the objective of being prepared for both armed conflicts and also for Maritime Operations Other Than War (MOOTW) including HADR.

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COMCASA – Wind-Vane of Indian Foreign Policy?!

*Rajesh Soami**

The United States has been prodding India to sign the Communications, Compatibility and Security Agreement, better known as COMCASA, for more than a decade. COMCASA is a version of CISMOA (Communication and Information Security Memorandum of Agreement) tailored specifically for India. CISMOA is considered to be one of the three foundational agreements that the United States of America signs with its military allies. The other two agreements are LSA (Logistics Support Agreement) and BECA (Basic Exchange and Cooperation agreement). India signed LEMOA (Logistics Exchange Memorandum of Agreement) in 2016 when Manohar Parrikar was the Defence Minister. LEMOA is a version of LSA specific to India. According to various sources in the media, India and the US have also made progress in discussions on COMCASA and Indian government may take a decision regarding the agreement in the near future.

COMCASA, like LEMOA, has divided the strategic community in India once again. The sceptics point to its intrusive nature. The Agreement envisages the usage of American military communication equipment onboard various systems bought by India from US. Since these equipment will almost certainly use American encryption standards for inter-operability with other US systems, India would need to allow American experts to access such equipment periodically. One may wonder, how comfortable Indian strategic mandarins would be in allowing US technicians to inspect Indian arms in Indian military bases. Moreover, bulk of defence armaments in India is of non-US origin. Since they would be non-compliant with American communication systems, signing of COMCASA to acquire American systems would make it difficult for India to make its own different systems interoperable.

On the other hand, there is a general admission in military circles that United States is a leader in some defence technologies, if not all. Unmanned aerial vehicles, anti-submarine warfare and aircraft carrier technologies are some fields where US has set the pace for rest of the world to follow. India, whose own armament development programmes have seen mixed success in the last 70 years, has three choices if it wants advanced warfare capabilities. It can wait for its own R&D programmes to mature, acquire the American systems, or try to get similar systems from elsewhere.

Although Indian research and development has had success in some advanced fields like rocket engines and missiles, it is finding the going tough in many other areas. Indian armed forces cannot wait indefinitely for development of defence hardware, even as threats to the country evolve continuously. The economics of reinventing the wheel also do not seem attractive for a relatively poor country.

When Russia bought reconnaissance drones from Israel in 2011, having been impressed by their performance during the 2008 Russia-Georgia war, it revealed the widening gap in advanced

capabilities of the US and its allies, and the other countries. It also underlined the fact that some advanced weapons may only be acquired from US or its allies. Although, India has previously bought drones of various types and uses from Israel, getting the more advanced versions directly from the US would give Indian forces an extra punch in combat ability. This is but only one example where India can gain by signing COMCASA, as US has insisted on the agreement to part with advanced weapon systems. But COMCASA is more than just a military agreement. Signing on the dotted lines would also be a foreign policy statement by India.

In the last two decades, New Delhi has visibly gotten closer to the US. It has also reaped benefits from this policy. Washington has helped Delhi become a de-facto nuclear power with the 1-2-3 nuclear agreement. It has also helped India join multilateral arms agreements like the Missile Technology Control Regime (MTCR), Wassenaar arrangement and the Australia group. In return, India has shown willingness to engage with the US on different geopolitical issues. These include strategic alignment in the Indo-pacific and issues related to Iran and Afghanistan. India has also increasingly

bought weapons directly from the US. This was unthinkable barely 20 years ago.

Unfortunately for the two countries, election of Donald Trump to the White House has been a major disruption. The new President's "*America First*" policy has countered much of the goodwill generated in India by previous administrations. In pursuing the mercantilist policy, Washington has refused to differentiate between allies and/or competitors. His pressure on India on trade issues has deeply disappointed the Americophiles in New Delhi. Recently, India has threatened to impose tariffs on the US imports as retaliation for Washington slapping steel and aluminum tariffs on the country. At the same time, India and China have come closer under the shadow of Trump's trade war.

The CAATSA (Countering America's Adversaries Through Sanctions Act) law enacted by US Congress has also led to increasing doubts in India about the reliability of US as an ally. The law directs the US administration to punish foreign countries doing business with Russian defence and intelligence apparatus by applying sanctions against them. India is one of the countries likely to be affected

by CAATSA. The US administration is working with the Indian government as well as the legislature in Washington to find a solution to the issue. But debate in India regarding the unpredictability of US actions has gained momentum.

India has tried to maintain independent strategic autonomy and foreign policy for much of the last 70 years. This has been the bedrock of the Indian strategic thought for much of its post-independence history. It was this nature of Indian policy which was reflected in the Indian initiative in founding of the Non-Aligned Movement (NAM) during the cold war.

Modi became the first Indian PM to miss the NAM summit in 2016, the same year India signed LEMOA with the US. But the changing of US positions on issues vital to Indian interests seems to be prompting a rethink. Between April and May 2018, PM Modi visited both China and Russia in quick succession. The visits were unplanned, informal and likely the result of Indian initiative. They have been followed by conciliatory and friendly statements by relevant parties. Since the informal summits, the Defence Minister, Prime Minister and President of India have repeatedly reiterated their commitment to multi-

polarity and strategic autonomy. India has also stated publicly that its relations with Russia are not negotiable.

Pragmatic geopolitics dictates that India must not reject the extended arm of friendship of the lone superpower on the globe. But last year and half of developments in Washington could be pushing India to relapse into the non-alignment mode. This time India may be seeking middle ground between US on one side and China and Russia on the other.

Whether or not New Delhi signs the COMCASA could be indicative of where Indian foreign policy goes from here. If the negotiations on the agreement

fall through, one may conclude that American ties with India have hit a trough. The geopolitical implications of such a development cannot be overstated. The two democracies could again rue missed chances and lost opportunities in the future.

On the other hand, if New Delhi signs the COMCASA, we can deduce that the two countries have managed to tide over their differences, or at least agreed to disagree, in favour of better geostrategic relations. This will need a lot of foresight and statesmanship from the leaders in Delhi and Washington though.

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Japanese Naval Diplomacy in the Indian Ocean: Prospects and Possibilities

*Seetha Lakshmi Dinesh Iyer**

Japan's strategic advancement into the South Asian geopolitics comes at a time when the Abe administration is restructuring and expanding the scope of their military architecture. South Asia holds enormous strategic significance in the Indo-Pacific security order. In addition, Japan's extensive relations with India, especially in the maritime domain, are making the region a potential destination for the island nation to manifest its aspirations as a regional power. How have Tokyo's maritime security ties in the South Asian littorals been so far? What could be the prospective role and avenues of the Japanese Maritime Self Defence Force (JMSDF) in the Indian Ocean? To what extent would the India-Japan proximity be instrumental in making JMSDF a regional stakeholder? This article aims to explore these very questions in detail.

As a part of a push to promote the "Free and open Indo-Pacific strategy", Japan is presently looking at extending its reach to South Asia, primarily, through their JMSDF assistance. Sri Lanka is expected to be the first in line to receive special support from the JMSDF in the region. Tokyo's maritime engagement with Colombo includes a major port facility in Galle. The upcoming port is only over a 100 kilometres away from the Chinese sponsored Hambantota and could later serve as a vital check over Beijing. The Abe government had granted 1.8 billion Japanese Yen in 2016 towards improving maritime safety capabilities of the Sri Lankan Coast Guard (SLCG). The deal seeks to provide regular training to SLCG personnel in addition to equipping them with the means to carry out anti-piracy operations, countermeasures for transnational crimes and to prevent the

over exploitation of marine resources. Since 2009, a number of port calls have also been made from the JMSDF and the Japanese Coast Guard (JCG) to the island.

Japan seeks to play a proactive role in contributing to peace and stability through cooperation in Humanitarian Assistance and Disaster Relief (HADR), funding development projects and maritime capacity building. This comes at a point, when China is flexing its military muscle in the Indo-Pacific. Due to a pacifism-driven security doctrine, the island nation has thus far been largely dependent on its “coast guard diplomacy” to keep its leverage over the maritime space going. Tokyo has also been using it as an effective tool to propagate a peaceful maritime order and secure sea trade. Japan already has a standing partnership with the Indian Coast Guard (ICS) in building maritime domain awareness in the region. Extending support in strengthening the coast guard along the rest of the South Asian littorals would facilitate a safer movement of goods. Such an engagement is already in place with Sri Lanka.

Similarly, piracy has been an impinging issue all along the critical

International Shipping Lanes (ISL) of the Indian Ocean Region (IOR). Tokyo is part of various regional and international mechanisms to combat piracy and organized crime alongside other regional powers, like Beijing and New Delhi, which share similar security-related apprehensions. These include the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the Contact Group on Piracy off the Coast of Somalia (CGPCS), and the Shared Awareness and Deconfliction (SHADE) mechanism.

The Japanese government plans to facilitate the development of port infrastructure in the Indian Ocean nations for capacity building in order to connect Asia and Africa through the Middle East. Under this, the island nation has proposed to jointly develop a deep-sea port at Matarbari in Bangladesh. If the former acquires rights over using the port as a military facility, it might help Tokyo gain access to major choke points along the Bay of Bengal (BoB) and the eastern Indian Ocean. It could also operate as a strategic response to Beijing’s ongoing plans to establish a naval base in the Sonadia islands of Bangladesh. The development of geo-

economic arrangements such as the Asia-Africa Growth Corridor (AAGC) would later add value and strength to the proposed creation of a Quad-led investment mechanism.

Interestingly, there was a courtesy visit by the Bangladeshi Naval Chief to Hiroshima Yamamur, the Assistant Vice Chief Admiral of JMSDF during the sixth Indian Ocean Naval Symposium (IONS) held in 2018 at Tehran, signaling an affirmative interest in associating with Japan's naval diplomacy. Multilateral naval mechanisms like the Rim of the Pacific Exercise (RIMPAC) and IONS works as a subtle signal to Chinese assertive foreign policy. On the flip side, the inking of the Grant Agreement of 2017 with the Republic of Maldives allows the introduction of terrestrial digital broadcasting facilities which would play a key role in making meteorological assessments and reducing disaster risks there. Japan's association with Pakistan on the maritime security front has been limited. However, the recent three nation visit (Sri Lanka, Maldives and Pakistan) from the island nation called for emphasis on increased cooperation in maritime security and stability, indicating the latter's evolving security architecture in the region.

The 1971, the United Nations Declaration categorized the Indian Ocean as a Zone of Peace (ZOP). This called for the elimination of foreign military presence in the region. JMSDF's possible advance into the South Asian maritime theatre would violate the ZOP and thus, more engagement might even mean more power rivalry. Furthermore, Japan faces the problem of tyranny of distance to the Indian Ocean waters. If the island nation intends to establish its permanent naval presence in the region, it might have to work on force restructuring and move towards "forward deployment," which could require more military and diplomatic capital. The revival of the Quadrilateral as a collective security arrangement could provide a significant opportunity for Tokyo to diversify the scope of its self-defence forces and look beyond assistance. In this regard, Japan's combined exercises with India and the US like the MALABAR helps in building interoperability between maritime forces and shared Maritime Domain Awareness (MDA). The former could also look at strengthening its maritime-military through enhanced logistic agreements with Quad partners.

Japan endorses India's quest to act as a "Net Security Provider" (NSP) in

the IOR. The latter's bid for NSP could offer a more favourable environment in catering to JMSDF's interests in the region. Besides, the island nation has already been able to use New Delhi's political clout in maintaining closer engagement with its regional maritime neighbourhood. For instance, both nations have jointly proposed the redevelopment of the existing port in Trincomalee, and converting it into a trading hub in a possible joint venture with Sri Lanka which was otherwise

part of a Chinese project. On the other hand, the renaming of the US Navy's Central Command into the Indo-Pacific Command could be seen as a positive signal in support of the Abe administration's "Free and Open Indo-Pacific strategy" from a prime ally. This would further enhance previously well-established India-Japan relations and increase the latter's role in the IOR.

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Relevance of Aircraft Carriers for India: An Assessment

*Captain (Dr) Gurpreet S Khurana**

Introduction

The epic sea battles between aircraft carriers never recurred after the Second World War. In the post-war period, most carriers began to retire without even having participated in battle. Many countries that possessed carriers or were aspiring to do so thus began to re-assess the military-strategic utility of such platforms in the radically altered global geo-strategic environment. The operational concept incorporating carriers also came under the scanner due to the risk to these high-value assets by the proliferation of sea-denial platforms and weapons. For example, the acquisition of submarines by Indonesia and Pakistan in mid-1960s led to India's employment of INS *Vikrant* with much hesitation. Whether the enormous financial investment to acquire and operate a carrier can be justified against its need has been another contentious issue.

Lively debates on the rationale for aircraft carriers have often surfaced in the past, in India and among other naval powers; and each time, the naysayers have opted for a graceful withdrawal of their arguments. As a result, notwithstanding the protracted discussions over the years, the *aircraft-carrier* has still not followed the *battleship* into oblivion. The issue seems to be surfacing one again, in the Indian context, and ostensibly, as a result of effective Strategic Communication campaigns by foreign analysts. Needless to suggest, it may be more prudent for Indian policymakers to consider the views of Indian analysts. In this context, this issue-brief aims to examine need for aircraft carriers for India, and assess the related operational-level and tactical aspects of carrier operations in the Indian context.

Merely on the basis of reduced employment of aircraft-carriers in the recent past, or by a casual reckoning

of the shifting offence-defence balance against these platforms, it may be perilous to infer that aircraft-carriers are redundant in the contemporary times. The current regional geo-political and security environment is marked by ambiguities and uncertainties. It is still unclear as to what kind of world order will emerge after the bipolar one ended with the Cold War. The only certitude is that the process will involve substantial geopolitical competition, wherein the possibility of military conflicts cannot be discounted. Furthermore, given the shifting global focus to the Indo-Pacific region (from the Pacific-Atlantic combine); the competition is more likely to manifest in this region. Coupled with India's expanding vital interests, such a regional environment will necessarily necessitate a multi-carrier capability for its Navy.

Strategic Imperatives

The Indo-Pacific is largely a maritime-configured region. Therefore, there is much rationale for a regional power like India to possess a carrier capability. Even if India could obtain access to extra-territorial bases, these may not be available in the most critical occasion due to geopolitical factors, or premised on the imperatives of host country to

maintain neutrality during an armed conflict involving India and a third country. Besides, by sheer virtue of the prefixed adjective, these 'fixed' bases will not provide the Indian Navy the flexibility of 'operational manoeuvre', which is so critical for a maritime operation. Furthermore, these 'fixed' bases will be highly vulnerable to the adversary.

Although there are numerous possible scenarios wherein a carrier capability would be indispensable, some of the more conceivable ones are as follows: -

- **In Support of Land Battle**

The concept of using a carrier to support a continental war is not alien to India. During the 1971 operations for liberation of Bangladesh, the aircraft onboard INS *Vikrant* was employed very successfully to strike strategic targets deep inside the erstwhile East Pakistan. It is important to note that as long as much of India's land boundary (stretching from north-west to north-east) remains disputed, the potential of a border conflict; and thereby the likelihood of such a need;

will persist. In such conceivable conflict scenarios, carrier-based aviation will remain an indispensable tool for affecting the outcome of the war, even if it is essentially continental in nature. The guns and missiles on board destroyers and frigates cannot possibly deliver sufficient volume of firepower in the enemy littoral.

- **Security of Sea-Lines of Communication (SLOC)**

In the event of a military conflict, a carrier is the only naval asset that can provide a comprehensive protection to the merchant shipping carrying strategic commodities to India. A decade ago in 2008, the Indian naval chief expressed apprehensions on the future vulnerability of energy imports through the Strait of Hormuz due to China's strategic 'foothold' in Pakistan's Gwadar port, as part of its overall "String of Pearls" strategy, which was analysed by the author earlier that year. These apprehensions seem to be coming alive today. Like Gwadar – and more lately, Djibouti – many other locations

("pearls") in the Indian Ocean littoral dispersed along the arterial shipping routes bear a similar potential. Owing to the ongoing diversification of energy sources away from the Persian Gulf area, these distant SLOCs are also assuming strategic significance for India.

- **Maintaining Influence in the IOR**

India's security is directly linked and closely enmeshed with that of the Indian Ocean and the adjoining littoral region (IOR) - the area of its primary strategic interest. The Chinese "pearls" in Indian Ocean, besides catering for Beijing's strategic vulnerability in terms of its energy imports, is likely to be aimed at 'displacing' India's influence in the IOR. A possible Chinese politico-military intervention in the region will seriously impinge on India's security. As hitherto, a carrier can best bestow India a capability to maintain its influence in these waters and achieve a strategic 'dissuasion' and 'deterrence' against any inimical extra-regional power.

- **Safeguarding Vital Interests Overseas**

Carrier aviation will enable India to safeguard its strategic interests overseas, not only in the IOR but also beyond. India's economic/ strategic stakes are conspicuously increasing in Afro-Asian states, many of which are plagued by political, socio-economic and ethnic instabilities. Besides, many Indian citizens are working in these countries, and past events have amply demonstrated how their lives and property can be jeopardised. New Delhi will need to safeguard these interests in conjunction with the host nations. When the operational situation so warrants, it may be preferable to carry out precision air-strikes to 'soften' the target before inserting ground forces, since to do otherwise may lead to avoidable casualties. The Gulf wars conducted by the United States are instructive in this regard. Even if its own interests are not directly endangered, India may need to meet its international obligation

by participating in a peace-enforcement operation under the aegis of the United Nations.

- **Security of Island Territories**

Integral naval aviation is essential for defence of India's far-flung island territories, particularly of the Andaman and Nicobar Islands (A&N) that lie more than 1,000 km from the Indian mainland. These islands are also extremely vulnerable due to their geographical spread, and the fact that most of these are uninhabited. The possibility of foreign military occupation or claim may be unlikely in the foreseeable future, but cannot be ruled out altogether. The take-over of the Falklands Islands by Argentina was also considered a remote possibility until it actually occurred in 1982. By all indicators, high-value naval/ air assets are unlikely to be based in the A&N Islands. This makes the aircraft carrier indispensable, including as a deterrent.

- **Non-military Missions**

Although the concept of a carrier is essentially centred on

its military role, such a platform would substantially increase India's operational options to respond to a natural disaster in the regional seas or littoral. While it has begun inducting large sealift platforms with integral helicopters like the INS *Jalashwa* Landing Platform Dock (LPD), a disaster of a large magnitude may necessitate the employment of a carrier. Akin to a floating city, a carrier can provide virtually unlimited sealift, substantial airlift and all conceivable essential services ranging from freshwater to an electric supply, and medical to engineering expertise. There is an effort to further enhance the usefulness of a carrier for such roles, such as by incorporating a modular concept. It incorporates modular spaces/ containers carrying specialised personnel, engineering equipment, medical facilities, etc., which can be rapidly deployed for specific missions.

As India emerges as a major maritime power, it will need the capability inherent in an aircraft carrier

(along with large sealift platforms and hospital ships) to meet its normative international obligations by projecting its 'benign' humanitarian role in the Indo-Pacific region, and the same needs to be reflected in its national and military doctrines.

A carrier is essential to fulfil the other politico-diplomatic roles of the navy. The large platform is an awesome symbol of national power. Its overseas presence missions and port-calls, when used with prudence and in a non-threatening poise can yield intangible, but substantial dividends to the country.

Air Power: Sea-based versus Land-based

The recent past is witness to a quantum advancement in aviation technologies, leading to the induction of 'fourth-generation-plus' aircraft by many countries including India (SU-30 MKI). Their intrinsically enhanced flight endurance is further augmented by in-flight refuelling capability. It may therefore seem that land-based air-power can meet any of the aforesaid strategic objectives, which hitherto necessitated carrier-borne air operations. However, the following considerations indicate otherwise: -

- Aerial refuelling has its own operational constraints, such as in terms of safety of the tanker-aircraft.
- The 'time on task' of a land-based aircraft in the conflict zone would be significantly lesser than that of its sea-borne counterpart.
- Carrier-borne aircraft are better able to maintain combat efficiency. In contrast, the lengthy transit of land-based aircraft would have degraded crew efficiency, by the time the aircraft reach the conflict zone/'task' area.
- Positioning the carrier in close geographical proximity of conflict zone enables the commander to better monitor the changing operational scenario and execute timely measures.
- In case of some scenarios like a military conflict across the land border, the targets may lie well within the striking range of land-based strike aircraft. However, employment of carrier-based aircraft will be necessary to present an element of surprise and uncertainty to the adversary.
- For India to defend its widely dispersed island territories, carrier-based aviation may be a more cost-effective option as compared to land-based aircraft, which would need elaborate supporting infrastructure. Besides the airfield, it will need an air-surveillance radar chain, a fixed anti-submarine sensor network, fuel stores, ammunition depots, and so on.
- In many cases, as compared to an airfield, a carrier is less vulnerable to the enemy's pre-emptive strike due to its mobility.

The Case against Carriers

The arguments against a carrier essentially revolve around the increasing operational vulnerability of such a high-value platform, which is bound to be a focal target for an adversary's military strategy during war. It is true that a carrier is more prone to detection today due to advent of spaced-based surveillance, unlike in the past when it could 'hide' in the vast expanse of the ocean. It is also stated that once detected, it is also more assailable to sea-denial forces than *hitherto*. This assertion may however be

too simplistic, and does not reckon the inherent defences of a carrier task force. The *raison d'être* of a carrier is to establish *sea-control* (including air-dominance) in a sizable area around it, with its precise size being contingent upon the mission, threat perception and the forces at the carrier's disposal. This implies that before a carrier is put to sea, it must be capable of sanitising all possible threats (in all dimensions) in the sea-control area. The case against the carrier also pertains to some specific threats, which are examined and accounted for later.

The hype on insecurity of a carrier largely stems from a larger fear – if the carrier is lost to the enemy, it would not only severely and irreversibly degrade the nation's military capability, but will also lead to a major symbolic dent to its morale and pride – after all, nowhere in the annals of military history, the loss of a single asset to the enemy, including that of the 'battleship', has never been so damaging to national interest. The following accounts for the oft-stated arguments against the carrier.

1. **“Its vulnerability to anti-ship missiles has increased”**

The new generation anti-missiles like *Exocet*, *Harpoon* and *Moskit* are characterised by increasing

lethality in terms of their speed, sea-skimming flight profile to evade the targets radar, sophistication of is Electronic Counter-Counter Measures (ECCM) to evade ship's 'soft-kill' defences, and so on. However, the technological effectiveness of 'defence' has also increased substantially, almost in tandem with the 'offence'.

Besides, considering that the adversary is likely to resort to concentration of force to 'saturate' its defences, tactical doctrines have been re-oriented accordingly to bolster the defence. For example, it has now become necessary to destroy the launch-platform before it launches the missile. The platform could be a warship or a maritime patrol aircraft, like the P-3C *Orion* operated by Pakistan. It could also be a submarine, which is examined later in greater detail. The value of 'organic' aviation of a carrier here lies in the availability, at virtually immediate notice, of a means to search and positively identify distant hostile platforms, and thereafter 'kill' these, before missile launch.

To cater for the possibility that the destruction of launch platform is not achieved, the many subsequent layers

of defence directed at destruction of the incoming missiles are facilitated by the various sensors on the carrier task force units, including those of the carrier-borne Ka-31 helicopters that provide a continuous Air Early Warning (AEW) 'cover. Theoretically, the task of Fleet Air Defence could be achieved by OTH surveillance coupled with LR missiles, but as of now, and for many years in future, use of organic air will be easier and cost-effective.

Therefore, carrier-borne air and anti-missile defences against the adversary's air, ship and submarine-launched missiles is critically essential, not only to protect the carrier and its escorts, but also other units operating in the area.

Furthermore, a carrier's inherent battle-damage resistance is often under-estimated. History has shown that large ships are significantly less vulnerable than small ships and can withstand high degrees of damage without loss of the platform. Even if a carrier is hit by one or two missiles, this is unlikely to affect even its fighting-efficiency, let alone its ability to stay afloat return to harbour.

2. "Its vulnerability to submarines has increased"

In the increasing 'transparency' of maritime battlefield brought about by space and information technologies, the intrinsic attributes of underwater medium have undoubtedly provided an edge to the submarine. It is however important to note that an aircraft carrier can bring to bear substantial anti-submarine capabilities to prosecute the enemy submarine; much greater than what any task force devoid of a carrier can so do. According to one account of the 1971 Indo-Pak war, had INS *Vikrant* (with its *Alize* anti-submarine aircraft) been deployed in the western maritime theatre rather than in the Bay of Bengal, the Pakistani submarines would not have been so successful in the Arabian Sea. (One of these sank INS *Khukri*).

The induction of underwater-launched long-range missiles by the submarines of India's potential adversaries has presented a more serious threat. The *Exocet* (on Pakistan's *Agousta*-class), *Klub-S* (on Chinese *Kilo*-class) and YJ-8-2 (on Chinese *Song*-class) are capable

of striking a carrier at extended stand-off ranges. However, the employment of such capability must necessarily be preceded by precise location of the carrier through the submarine's radar or electronic support measures (ESM). A submarine is severely constrained here, since this would necessitate it to come to surface/ periscope-depth, making it vulnerable to detection and prosecution. Even if it does so, due to the limited height of its radar/ ESM mast, its 'horizon' for electronic search/ tracking is extremely limited in relation to the maximum range of its missile.

3. "It ties down substantial forces in escort role"

It is true that a carrier never sails in a 'hostile' environment without numerous consorts in escort role to cater for a multi-dimensional threat. However, the argument that this "ties down" these forces is based on ignorance of the mutual support that carriers and the other ships offer as part of an integrated force. On the contrary, as explained earlier, the carrier supports the consorts as much as the consorts escort the carrier, if not more.

Besides, a full-fledged protective 'screen' around a carrier is not always necessary. In accordance with the prevailing threat scenario, the force commander can exercise his discretion to detach forces for other independent missions in the form of Surface Action Groups (SAG) based on the appreciation of the shore command.

It is pertinent to mention here that 'Carrier-less' SAGs do exist (such as the US Navy's SAGs centered upon the *Aegis*-class destroyers armed with *Tomahawk* long-range anti-ship missiles) with their own means of obtaining targeting information. However, their 'non-reusable' weapons are too expensive to be fired without confirmation of target, particularly when the adversary is observing a higher degree of electronic silence in congested International Shipping Lanes (ISL), where neutrals are also present. Besides, there may be serious international repercussions of making a mistake. In contrast, a carrier's strike aircraft can always return without using its weapons if the target is not found or is considered 'unworthy'.

Besides, the ‘overwhelming’ naval forces being employed for the protection of the carrier could be reduced significantly if the platform possesses adequate weapon-systems. This route was not adopted by India in case of INS *Vikramaditya* (former *Admiral Gorshkov*) in order to keep the cost low and have space for a larger number of aircraft. Another option is to increase the carrier tonnage (size). This will enable the platform to carry more aircraft (in anti-ship and anti-submarine roles) for its own defence, without commensurately increasing its vulnerability in terms of radar signature or manoeuvrability. Both will remain alternative options for India’s future carriers.

It is pertinent to note the global technological achievements in favour of the carrier. For example, the fixed-wing unmanned aerial vehicles (UAV) have already been operationalised in many countries. The induction of unmanned rotary-wing craft and underwater vehicles is on the anvil. In the coming years, such force-multipliers will further augment the defence of the carrier, which may reduce the necessity for a large number of escort vessels.

4. “Its acquisition and operating costs are prohibitive”

While a current-generation destroyer (5,000 tons displacement) costs about Rs. 3,000 crore, an aircraft carrier of about 35,000 tons displacement costs twice that figure. This amounts to the procurement cost of a carrier on ‘per-ton’ basis being substantially lesser than that of a destroyer. Furthermore, when seen in the context of a carrier’s ability to perform varied roles, including that of a floating airfield, which no other type of naval asset can perform, the high induction and operating cost may be well justified.

During the aircraft carrier debate in Australia in the 1970s, one of the proponents stated that “Virtually all weapon acquisitions are expensive; but for a carrier to meet the requirements, its price-tag is no more than the cost of two destroyers... no other equipment acquisition can match the essential capability of the aircraft carrier at equivalent cost.”

Conclusion

As the eminent naval strategist, Bernard Brodie, noted in his book ‘*Guide to Naval Strategy*’ in 1965,

“There has always been a lay prejudice against bigness in naval vessels. That is why in the past, battleships were subject to such violent verbal attacks while the much more vulnerable cruisers escaped any kind of criticism. This attitude was indeed a prejudice, because it characteristically ignored the fact that bigness makes for better protection...”

It is important to remember that many of the arguments against the carrier mentioned in this paper were used even before the World War Two. The statistics of the war pertaining to allied forces later disputed these - in comparison to 11 per cent carriers, the allies lost 18 per cent battleships, 33 per cent cruisers, 36 per cent frigates, 21 per cent sloops and 37 per cent submarines. The post-Cold War global trends of carrier acquisitions are instructive. Despite the fact that only Indian and British carriers went into action in the Cold War-era, France, Italy, Spain and Thailand did not hesitate to acquire carriers. In the US, the debate was not about the need of carriers, but their optimum numbers to support its global interests.

Towards deciding the need for carrier aviation for India, an objective cost-benefit analysis will have to be carried out. However, given the aforesaid considerations, *prima facie*,

the imperative of including carriers in its naval doctrine far outweighs its cost, both financial and operational.

Alike India, China is an emerging naval power in the Indo-Pacific region. China operationalised a training carrier *Shilang* (formerly the Soviet *Varyag*) in 2012, and its second indigenous one will be commissioned soon. More than a decade ago, the author was naïve to state that “Aircraft carriers are not the current priority (in China’s maritime strategy) since these would cause apprehensions among Southeast Asian states and besides, would be very vulnerable in the South China Sea due to the many ‘unfriendly’ air bases dotting its periphery.” The penchant of Chinese analysts for the theories of the American Admiral AT Mahan was ignored as merely an allure of China’s symbolical completion with the United States. However, recent developments amply indicate that the assessment was incorrect, and carrier-based ‘Sea Control’ remains the core element of China’s maritime-military strategy. The earlier assessment failed because China’s geo-strategic scope was incorrectly appreciated by the author. The scope is not confined to the South China Sea, but extends to the Indian Ocean, and

possibly beyond, in the coming years. It is of little surprise, therefore, that the Chinese will be operating four carriers in 2025, and as many as ten by 2050.

Likewise, India must deliberate on the number and size of its carriers, rather than on the platform *per se*.

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“Aircraft Carriers: Glug Glug Glug.....”: Really? Significance of Carrier Borne Airpower for India

*Commander Dinesh Yadav**

In his recent article published by the Lowy Institute, titled “Glug, Glug, Glug: India’s interest in unsinkable Aircraft Carriers”, David Brewster, probes India’s medium-term plan to develop into a three-carrier fleet. Brewster cites huge costs (acquisition, maintenance and operational) and vulnerability issues attached with the Carrier Task Force (CTFs) in support of his assertion and, as an alternative, advocates the use of ‘unsinkable’ island bases as cheaper and more effective options. Dismissing flat-tops as vulnerable status symbols for India, the author recommends the deferment of INS Vishal and instead, use the freed-up capital in shoring up India’s military capabilities in the Andaman and Nicobar (A&N) and Lakshadweep island chains.

India currently operates only one carrier, INS *Vikramaditya* (erstwhile *Admiral Gorshkov* of the Soviet/ Russian

Navy). Whilst India’s first indigenous aircraft carrier, INS *Vikrant* (IAC-I) is being built by Cochin Shipyard (CSL) and is likely to be commissioned in end 2020, India has already embarked on its follow-on induction, likely to be named as INS *Vishal* (IAC-II), and expected to be much larger and more potent. A three-carrier force would allow the Indian Navy to operate one CTF on each of its seaboard at all times, with the third carrier involved in refit or maintenance.

Bang for Buck – Misplaced Example of Great Britain

The Royal Navy currently operates only one Aircraft Carrier, HMS *Queen Elizabeth* (commissioned in December 2017). Its second flat-top, of the same class, HMS *Prince of Wales*, is likely to be inducted in 2020. The author argues that the Great Britain scaled down on its Carrier program as Carriers delivered

only a modest punch for their heavy price tag, and that greater bang for the buck could be provided by island air bases instead.

The Royal Navy, till date, has operated 39 Aircraft Carriers of 13 different classes, commencing 1917. Of these, 11 aircraft carriers took active part in the Second World War, and another 10 were added towards the fag end of the War. Britain lost five aircraft carriers in the War to offensive action by the Axis powers. Carriers again prove their worth for the Royal Navy during the Falkland conflict with the Argentines in 1982.

Even as the British power waned considerably, it continued to operate four carriers in 1980s, three post 1990s, and currently plans to operate two carriers of the Elizabeth class. Sure, the number of aircraft carriers operated by the Royal Navy has witnessed a steady decline, but attributing this decline to operational efficacy of aircraft carriers is clearly misplaced. A careful examination would reveal a near perfect correlation of the British economy and the number of aircraft carriers that it operated. Therefore, rather than the 'Bang for Buck', the guiding principle for the Royal Navy would be the 'availability

of buck' in first place, and hence, may not be an appropriate example to quote.

Aircraft Carrier Program of the US Navy

John Lehman, who was one of the fiercest critique of aircraft carriers from outside the US administration, changed tack when appointed as the Navy Secretary under President Ronald Reagan. He eventually authored the '13 Carrier Navy' policy of the US, which remains the guiding policy document for the force structure of the US Navy (USN). It was marginally revised when President Obama advocated 11 Carriers in his Asia-Pacific Pivot policy.

There is one statement of President Bill Clinton that sums up the rationale behind maintaining a CTF based Navy for all countries whose economy would allow that: -

“When word of crisis breaks out in Washington, it's no accident that the first question that comes to everyone's lips is: 'Where's the nearest carrier'”

– President Bill Clinton,
12 March 1993 on board USS
Theodore Roosevelt

Aircraft Carrier Program of the PLA Navy (PLAN)

China, in a White Paper of 2015, has declared its intention for focusing on 'far sea maritime capability', thereby ramping up requisite capability to allow pre-positioning its warships, in a manner similar to the USN. CBGs would naturally form an integral part of such a strategy, and in consonance, it commissioned its first aircraft carrier, Liaoning, in 2012.

The construction of the second Chinese aircraft carrier appears to be well on track and it would be a matter of time when China churns out a number of follow-ons. Possibility of the PLAN CBGs, operating out of Gwadar and Djibouti, in the Indian Ocean, therefore, is almost certain in the coming decades. Some sources reveal that the PLA (Navy) plans to operate four carriers by 2025 and 10 carriers by 2050.

Aircraft Carriers as Status Symbols

It would be naïve that a country, however prosperous, would be spending in excess of 4 Billion USD (approximate cost of construction of INS Vikrant) for a mere 'status symbol'. Nor does it reflect prudence to operate and maintain such cost intensive 'status symbol' platforms!

As has been aptly brought out in "In Defence of the Aircraft Carrier", for the Indian Navy, the aircraft carrier is an 'article of faith', a 'potent symbol' of India's pride and power, and a 'projection of national will'.

Vulnerability Issues

The statistics pertaining to the World War II are quite revealing in respect of survivability of aircraft carriers vis-à-vis other naval combatants. In comparison to 11 percent carriers, the Allies in the Second World War had lost 18 percent battleships, 33 percent cruisers, 36 percent frigates, 21 percent sloops and 37 percent submarines.

There's no gainsaying that attack capabilities against the CBG has since increased manifold, through better surveillance, detection, classification, identification and even more lethal targeting. However, what naysayers miss out completely is the fact that the CBGs too have kept pace with time, and they are an equally more lethal pack, operating as a synergized and mutually-supporting conglomerate, such that the combat-capability of the group as a whole is greater than the sum of its parts.

Unlike the aircraft carriers that operated in the Second World War,

today's variants are self-sufficient in defence as stand-alone. For instance, *Vikramaditya* is equipped with Barak anti-missile defence (AMD) system and the future Indian carriers are likely to be equipped with extended-range Barak versions or even better AMD systems. In addition, the escort warships and integral aircraft of the CBG and its escorts are even more effectual in various combat roles such as Air Early Warning (AEW), Anti-Submarine Warfare (ASW), Combat Air Patrols (CAP), and AMD. CTFs of today have, therefore, better survivability than their counterparts that operated during the Second World War.

Sea-based vs Land-based Air Power

History bears testimony that static defence has seldom worked against mobile maritime forces. On the other hand, each aircraft carrier provides for an extensively 'mobile' airbase, thereby 'virtualising' a number of static ones. For India, carrier-based aviation would rather be a much more cost-effective option as compared to the shore-based airpower, in defence of its widely dispersed island territories and also in dealing with mobile maritime threats.

CTFs are much lesser vulnerable to enemy's pre-emptive strikes owing

to its mobility. In addition, shore-based aircraft have their own share of issues pertaining to the safety of aerial refuellers, time on task, and combat efficiency at extended ranges.

Extra Territorial Air-Bases

In addition to the limitations that constrain shore-based airpower in maritime role, India does not seek to invest overtly in overseas basing. Such foreign bases are expensive and may not be even available in critical times owing to adversarial geo-political factors.

Consequently, Carrier-based force remains the only suitable alternative for India to conduct out of area contingencies. Also, the CTF remains the fastest means of deployment of credible force as a force projection measure, in support of own land operations, or for providing security assistance to friendly countries.

Shoring up Combat capabilities at A&N and Lakshadweep Islands

India's emergence as a major power and the consequent expansion of its area of interests would place concurrent demands for substantive investments in various dimensions of national security. And shoring-up of combat capabilities

at A&N and Lakshadweep islands is definitely one of these significant dimensions.

However, it would be imprudent to offset one significant capability with the other and it would remain the sole prerogative of the Government to balance competing budgetary requirements for myriad requirements in the capacity/capability matrix.

Conclusion

India today is world's sixth-largest economy by nominal GDP and the third-largest by Purchasing Power Parity (PPP). Post the 1991 economic liberalisation, India has achieved a remarkable 6-7 per cent average GDP growth annually. In 2018, India's economy became the world's fastest growing major economy, surpassing that of China. As per PwC estimates in 'The World in 2050', India is expected to be

the world's second largest economy in PPP terms in 2050, only behind China, accounting for 15 percent of the world's total GDP.

On the other hand, the Indo-Pacific is likely to remain the strategic center of gravity (COG) for all major powers of the world. Accordingly, India would need to invest substantially to possess the 'blue-water' naval capability, centered upon the Carrier Task Force, thereby keeping pace with its economic trajectory and expanding areas of interests.

The debate in India, therefore, should not be on the need of the aircraft carriers, but on the optimum numbers, size and capability of these potent platforms needed to safeguard and protect our expanding maritime interests.

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Indian Navy: A Force for Good and a Partner in Peace

*Rana Divyank Chaudhary**

The Indian Navy (IN) dons many hats in the service of India's national interests. Over the decades since independence, the Navy's actions, both in times of peace and conflict, have firmly established its reputation as a self-assured and professional arm of the country's defence forces. Even though India has fought its wars primarily on land and in the air, it is the IN which has consistently garnered wider recognition for the extremely varied range of responsibilities it shoulders and the challenges it faces in securing India's future. As the 2018 Navy Day celebrates the 47th year of the IN's display of its combat potential and effectiveness in the western theater of the 1971 conflict, it is the shape and outlook of this service's future which should occupy our thoughts.

As India's dependence on the oceans have grown, so has its acknowledgment of the centrality of its relations with

the states that form the littoral of the Indo-Pacific region. Pursuant of this goal, the IN has seamlessly transformed into a benign diplomatic asset for the country and a provider of global public goods in the region. Its sailors, ships, and aircraft are now in regular and deliberately reassuring presence in the ports and sea lanes of this oceanic space where they build and enhance the littorals' capabilities; voluntarily sail in for humanitarian assistance and disaster relief (HADR) missions; and pitch in to share the burdens of willing international coalitions for tasks ranging from search and rescue (SAR) to anti-piracy. The salience of the scale of these efforts grows even further when viewed in proportion to the limited capacity available to the IN, which is also the smallest, in terms of manpower, in comparison to its sister branches, the Indian Army and the Indian Air Force.

This consciously cultivated self-image notwithstanding, the Navy is also perceived in many quarters both at home and abroad, as an armed force that will ultimately secure for India the elusive status of a feared great power. The internet, of all platforms, remains awash with speculations of the 'versus' kind where the IN must either win or lose a match of battlefield potential against its likely adversaries. While these click baits last for less than a few minutes, today's keyboard warrior's obsession with a 'clash of civilizations' taking place at sea during his lifetime is chronic. It is not necessarily unrealistic. However, it is an incessant noise which drowns out some particularly germane conversations currently taking place in India, especially within the seafaring strategic fraternity that also comprises the Navy's present and future leadership.

These conversations bear out that the Navy has been painstakingly studying the rise of great powers throughout history and the historic hinge factors which have either led a state to global hegemony or down the road of violence and decline into oblivion. It has learnt humbling lessons that have been the staple of strategy for eons but that, ironically, have also been deemed least glorious

and therefore least appealing to those at the helm of deciding a nation's strategy. It has learnt that India as a nation with a vast peninsular orientation, straddling millennia-old busy international shipping lanes, is at once both blessed and at permanent risk. It recognizes that India's northern geographic configuration and the historic arc of its relations with the northern neighbours combined with its sea-based economic lifelines make it an 'island' in classical geopolitical imagination. With India's maritime territorial and economic zones likely to span an area as large as the country's landmass itself, the Navy has the onerous task of ensuring that India's lifelines remain alive. India's power status in the world order is all but of secondary interest to this critical consideration.

It is from here on that the Navy's chosen bearings take it toward unconventional thinking whereby it views itself not as the sole master of India's maritime strategy, but as one of the custodians of a maritime nation's freedom to chart its own course, a symbol of its sovereign interests in the 'global commons', and an insurance against threats emanating from sea. To reiterate this identity, the point of maximum thrust for the Navy when it comes to

national policy is to be employed first, and whenever preferable, as an instrument of diplomacy. The character of the world's oceans, the international legal regimes governing them, and the customs of the global seafaring community render the Navy capable of unambiguously symbolizing India and communicating India's posture to both friend or foe, grey-hulled or merchantman, a state or a whole region, in open seas or even in deeply contested maritime zones. A rational understanding of this privilege of sailing 'innocently', responding proactively, and reacting flexibly is at the heart of the IN's Indian Maritime Doctrine 2009 (updated in 2015).

In the light of these observations, the complete picture of IN's role vis-a-vis the Chinese Navy in the Indo-Pacific region becomes more complex but also broader and open to greater possibilities. As far as the outstanding disputes between India and China are concerned, the IN's accretion of capacity may ostensibly appear to be a measure to *forearm* in anticipation of a fortuitous collapse of bilateral dialogue that could trigger a violent showdown. In fact, as explained above in depth, the IN's nature is anything but that of a hair-

trigger military force. Its growth in size and stature mollifies the insecurities in national perception, tempers domestic popular pressures, and helps India negotiate with China from a position of confidence. If another 'Doklam' were indeed to happen, it is even more desirable for both states that many more options of communicating intent, between the two extremes of friendly overtures and a border skirmish, and managing a conflict in its early days become possible.

Further, there is a more fundamental aspect which warrants careful consideration when the IN and Chinese Navy are discussed in relation to each other. The Indian Ocean has historically been a space of unrestricted seafaring and has largely been free from hegemony of a single great power navy. With the decline of Great Britain, this geography has produced an environment where the ocean has accommodated both geopolitical rivalry between the superpowers as well as allowed for a growth in comity among the littoral states. India's outreach to these littoral states has also been to consciously preserve the relative absence of zero-sum competition in this ocean and to shape an ecosystem based on universally

accepted values of dialogue, cooperation, and consensus-building. China has not enjoyed a similar favourable maritime geography and the mere mention of the 'island chains' would serve as a reminder of this reality. To make matters worse, China's rude awakening to the oceans was brought upon by some of the heaviest costs imposed by the last World War and the ensuing military preponderance of the United States in extremely proximate waters. The primary objective of Chinese maritime strategy has thus been to dispel the dominant naval power from its 'near seas' and expand its defensive perimeter far out by breaking through the natural barriers.

The two nations' naval forces were also born under different historical conditions and were subsequently shaped by dissimilar national and global outlooks. The IN finds its origins in the British colonial past but with the country gaining independence, the force dedicated itself to national service and weathered the challenges of dissonance that might have arisen out of its changing identities. It may be singled out for trying to punch above its weight in the early decades but the national vision, of non-alignment among other key tenets, ensured that the IN's journey

was apolitical and unmarred by global ideological schisms. In contrast, the Chinese Navy is foremost the Chinese Communist Party's sword arm and its origins lie in a violent national revolution, a civil war, and a grand political ideology which has been directed against the values that have come to be epitomized by the West.

Suffice it to conclude from these two broad considerations, that the core issue is not whether the IN or the Chinese Navy represents the more righteous and enlightened national interest. Instead, to paraphrase Stephen Kotkin's portrayal of US-Russia relations, there is an evident clash of values and interests between India and China. As flag follows trade, the Chinese Navy might well be within its logically justifiable rights to be present in the Indian Ocean. However, its founding strategic imperatives being based on the belief that China's recent history was a "hundred years of humiliation" promises a hardline nationalistic drive to right the wrongs of the past. It risks awakening the destructive forces which are the very antithesis of the constructive and integrative trends in regional cooperation. If the recruitment advertising of the People's Liberation Army is taken as an indication, then

‘peace is behind and war is in front’. This mode of thought is an anachronism in the century of the Indo-Pacific and does not sit well with China’s own vision of a ‘harmonious world’.

A better understanding of China’s values and interests allow for a window of opportunity where it can be persuaded to align its actions with its expressed intentions. The way forward is for both the IN and the Chinese Navy to recognize the dangers of a clash and its likely fallout for the Indo-Pacific, which is in its early days of gaining traction as a confluence of the Indian and Pacific Oceans. Both countries will

need to employ their navies to jointly develop a mutual understanding of the desirable norms and common goods, towards keeping their competition free of hostility, and self-consciously prevent an exploitative impact on the littorals of Asia and Africa. The IN has demonstrated foresight in preparing itself to become capable of managing this relationship. In its benign role, the Navy’s stature in the Indian Ocean makes it an incredibly valuable partner in forging peace and cooperation with whoever shows commonality of interest and transparency of intent.

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China/ East Asia

“Comfort” Women and the “Uncomfortable” East Asian Geopolitics

*Shahana Thankachan**

On 27 December 2017, South Korean President Moon Jae-in, publicly criticized the 2015 Comfort Women Agreement reached between South Korea and Japan, and appointed a task force to review the Agreement — which in turn concluded that the Agreement was flawed. This created a diplomatic furore in Japan, and the Japanese Foreign Minister warned of serious repercussions for Japan-South Korea relations. Although this tension was resolved on 11 January 2018 when the South Korean Foreign Minister agreed that South Korea will not seek renegotiation of the agreement, history tells us that this is no guarantee of South Korea’s commitment. Japan and South Korea have had a very edgy relationship and this is complicated by the fact that Japan and South Korea are very strong US allies, and their mutual rivalry has and can have major ramifications for regional geopolitics. This paper attempts to analyse Japan-

South Korea relationship and its impact for the region and the world, in the light of current events.

Part of Benedict Anderson definition of a nation is an “imagined community” with a deep horizontal comradeship. One way of building this deep horizontal comradeship is by fabricating an “other”. A nation needs an “other” to give itself the sense of being one nation. Sometimes this “other” is found within the nation itself, however, in largely homogenous societies such as Japan, Korea and China, the “other” is found mostly outside the nation. A common way of keeping the “other” alive is through using history. Each state in the region plays its history cards to further its domestic and foreign policy and keeps the “other” alive. China plays the ‘victim card’, wronged by Japan and the West. Rana Mitter argues that China used nationalism to articulate resistance

to the domination of the country by other powers. She further argues that resistance to Japanese imperialism also shaped Korean Nationalism. North Korea sees both Japan and South Korea as an enemy. Japan, on the other hand, tries to absolve itself of its militarist history by portraying itself as a victim of the atomic bombings. However, the common factor in the region is hatred for Japan. Japan is the only Asian nation to have had imperialist ambitions in that it tried to create a Greater East Asia Co-Prosperty Sphere.

South Korea makes no effort hiding its hatred for Japan. When travelling through South Korea a ubiquitous feature across all public places is the government's propaganda videos against Japan. These videos deal principally with the issue of the disputed islands between Korea and Japan, and, with the 'comfort women' issue. What is surprising is that the videos target only Japan, and not China or North Korea. This is not the only example of South Korea's vehement anti-Japanese views. Most commoners, when asked to rate China, Japan and North Korea in a descending order of hatred, place Japan right at the top of their 'hatred rating'. There is nothing new or surprising

about the South Korean attitude towards Japan. However, it stands out like a sore thumb in the current geopolitical circumstances. North Korea is an all-time looming threat to both Japan and South Korea, and both are threatened by the rise of China in varying degrees. While the hatred for Japan by North Korea and China is not something easily reconcilable, the hatred for Japan by South Korea is something within the purview of reconciliation.

Background

The history of Japan-South Korea relations is a fascinating tale of two very proud civilizations trying to mark their place in the world. Korea was Japan's bridge to mainland Asia. Unsurprisingly, Japan also had a very strong direct trade with Korea. Both Korea and Japan were considered as tributary states by China. Korea, however, did not consider itself as being subordinate to Japan. This was despite the fact that Korea faced a long invasion by Japan in the late Sixteenth Century. A constant reminder of this invasion is the mound of 10,000 Korean and Chinese ears and noses sent to the Japanese city of Kyoto as a war trophy. This monument still exists in Japan. Horrendous as it was, in the grand sweep of history this was a relatively minor glitch

in the largely peaceful relations between the two nations. Things, however, changed after the second invasion of Korea by Japan, in 1910. The situation was exacerbated by the atrocities of the Japanese military in Korea. One of the most striking of these atrocities was the forceful use of Korean women as sexual slaves in the Japanese military. These women were recruited under the false pretext of serving in “comfort stations” and are therefore euphemistically called comfort women. This gross abuse of these Korean women persisted right through the Second World War.

Japan-South Korea diplomatic relations were re-established only in 1965, twenty years after Korea was liberated from Japanese rule. Relations remained stable through most of the Cold War period, however, towards the end of the Cold War period, South Korea began accusing Japan of teaching a watered-down history of South Korea in its history textbooks, rather than historically accurate descriptions of Japan’s atrocities.

In 1993, Japan issued its first apology in the form of a statement issued by the then Cabinet Secretary, Yohei Kono, in which Japan acknowledged responsibility for the conscription of

comfort women. Following this, a private fund, called the “Asia Women’s Fund”, dedicated to resolve the issue of “comfort women” was created in Japan. Japan’s second apology came in 1995, when Prime Minister Tomiichi Murayama issued a statement. South Korea rejected the fund, claiming that it had not been launched by the Japanese government. Further, it rejected both the statements, too, claiming that they came in the personal capacity of the leaders, and were not official apologies.

The issue seemed to be finally resolved on 28 December 2015, when Japan and South Korea reached an agreement on resolving the ‘Comfort Women’ issue. This Agreement, too, came after three and a half years of deteriorating relationships between the two countries. The Agreement included three main components: an official apology by the Prime Minister of Japan; Japan paying one billion Yen to a foundation established by the South Korean government to work for the welfare of these ‘Comfort Women’; and, finally, South Korea giving the assurance that it would work on the removal of the emblematic statue of the ‘Comfort Woman’, from its provocative location just outside the Japanese embassy in

Seoul. This Agreement was a win-win for both South Korea and Japan. For Japan, it meant that it was consistent with the Japanese position that all issues pertaining to these 'Comfort Women' had been resolved by the Japan-South Korea Basic Treaty of 1965 and Japan, therefore, did not have to deal with the 'Comfort Women' directly. For South Korea, it meant that Japan had rendered an official apology and also paid reparations towards this end. The Agreement included an assurance from South Korea that it would be "final and irreversible".

The success of the Agreement also led to the conclusion of the General Security of Military Information Agreement (GSOMIA) between the two nations in November 2016. This Agreement lets the United States share intelligence received from either of its two allies with the other. This is deemed to be crucial in dealing with any security situation in the region. However, as mentioned earlier, South Korea reneged on the 2015 Agreement when Moon Jae-In publicly criticized it on 27 December 2017. This confirmed the Japanese apprehension that South Korea would keep shifting the goal post when it came to the 'Comfort Women'

issue and that Seoul was not actually interested in resolving the issue at all. This time, South Korea claimed that the Agreement was flawed as it did not deal with the 'Comfort Women' directly. While this is true, the South Korean government is to be equally blamed for keeping the women out of the talks.

Factors Affecting Japan-South Korea Relations

Nationalism — in Japan, South Korea and China, used and fuelled by domestic politics in each of these nations — is the prime cause of the bitterness affecting relationships between these nations. Of course, this nationalism is derived and fed by history as has been explained above. Hatred for Japan, or a manifestly anti-Japanese foreign policy, is invariably used as a major item within any election agenda and almost always ensures electoral success. A recent example of this was the intense pressure upon President Park Geun-hye to maintain a virulently anti-Japan image, so as to allay public suspicion that she was sympathetic towards the Japanese because her father had been a member of the Imperial Japanese Army. In Japan, on the other hand, since nationalism is generated by a pervasive notion of the greatness of Japanese civilization, nationalist fervour

is generated through acts such as visits by Prime Ministers of the country to the Yasukuni Shrine, which memorialized fourteen A-Class war criminals of the Second World War. This, of course, invariably infuriates South Korea and China.

Another reason for discord between the two countries, apart from history and historical issues, are contemporary territorial disputes. Japan and South Korea have mutually contestable claims over several islands, islets and rocks. These include the Liancourt Rocks, also known as Takeshima/Dokdo islands, which are claimed by both South Korea and Japan. The Tsushima islands are also disputed between the two nations, even though it is only a small minority of Koreans who articulate a Korean claim to these islands, and not the government as such. The nomenclature of the Sea of Japan is also a source of ill-feelings between the two countries. South Korea argues that the name used for the water body in historical maps was the East Sea/ Eastern Sea, while Japan argues that it was historically referred to as the Sea of Japan.

Yet another factor that causes a deterioration of the Japan-South Korea relationship is the fact that the strategic

concerns of Japan, South Korea and the United States are actually very different. The primary strategic concern for South Korea is North Korea, for Japan it is China, while the US gives equal importance to both China and North Korea amongst its own strategic concerns. This creates discord in strategic approaches that these countries take towards the region and fuels disaffection between Japan and South Korea.

Geopolitical Impact of the Rivalry

The biggest geopolitical impact of the Japan-South Korea troubled relationship is that it is detrimental to US interests in the region. The discord between these two closest US allies manifests itself in several areas. For instance, the GSOMIA was signed as late as 2016. In 2012, when it was first negotiated — that too after much deliberation — South Korea abruptly pulled out of this agreement, hours before it was to be finalized. Even in 2016, in the immediate aftermath of the GSOMIA being signed, South Korea refused to share information with Japan on any matter other than North Korean missile activities in the peninsula. Likewise, it refused to divulge any information on Chinese military activities in the South China Sea.

Another Agreement that could have been potentially strategic is the 'Acquisition and Cross-Servicing Agreement' (ACSA). This would have allowed for logistical cooperation in the event of peacekeeping operations, and humanitarian and disaster relief. However, all efforts to date to have this be negotiated between Japan and South Korea have been in vain. In November 2017, an attempt by the Trump administration to present a joint front against North Korea in the Sea of Japan by conducting a trilateral military exercise involving Japan, South Korea and the US met with resistance by South Korea. This was because South Korea was hesitant of Japan Maritime Self Defence Forces (JMSDF) presence so close to the Korean peninsula.

The usage of US bases in Japan, too, is contingent on Japan-South Korea relationship. The US military presence in the region is centred upon its bases in Japan and it is contingent for the US to use these bases in the eventuality of North Korean aggression against either South Korea or Japan. However, in order to allay domestic fears of Japan getting engulfed in another's war, Japan declared that it would not allow the USA to use Japanese bases against North Korea, in case the latter were to attack South

Korea. While it is widely believed that Japan will not withhold the use of these bases should such a scenario actually unfold, Japanese claims to the contrary create immense insecurity in South Korea and unnecessary problems for the United States in terms of reassuring South Korea. Japan, on the other hand, can allay the fears of its people only if its domestic populace is convinced that South Korea is indeed friendly towards Japan.

Japan's military normalization is a fact necessitated by the current geopolitical environment and the United States is very keen on Japan expediting this process. However, South Korea is against any move by Japan in this direction. This, of course, is a sentiment that stems from the historical distrust of Japan and its propensity for militarism. South Korea has repeatedly iterated that Japan is using the North Korean threat as an excuse to further its militarization agenda. South Korea cites this as a reason to not participate in US regional missile defence systems. The ROK clarified in November 2017 that it would not consider any further deployment of the THAAD missile system, and further, that it sees trilateral cooperation only through a peninsular lens and not as a trilateral military alliance extending

beyond the North Korean threat and the Korean Peninsula.

The country that gains the most from the rivalry between Japan and South Korea is China. For China, a divided region is probably the most suited for the advancement of its own interests. This is a further cause for regional concern, considering the increasing affinity that South Korea has been showing towards China. Moon Jae-In has been following a tough balancing act in terms of his diplomatic approach between the United States and China.

Conclusion

There is no doubting that the historical wounds inflicted by Japan on Korea and other countries are not easily forgettable or even forgivable. However, Japan must be given due credit for the constancy of its pacifist attitude since the end of the Second World War. Despite the gradually increasing assertiveness in its security policy, there is no denying the fact that Japan is a benign power which has seen a peaceful rise.

It is high time for the United States and India to shed their reluctance of getting more deeply involved in the

Japan-South Korea relationship, as the penalty of such reticence might well mean losing South Korea to China. This is something that Japan, too, should consider and Tokyo needs to walk the extra mile towards Seoul.

The bitterness in Japan-South Korea relations comes at a great cost to the region and to the two nations as well. South Korea needs to reassure Japan that it is serious about irreversibly resolving past historical disputes. Japan, on the other hand, needs to stop its dual approach of showing the will to resolve the 'Comfort Women' issue, even while continuing with provocative visits by its political leaders to the Yasukuni war memorial. The mere resolution of the 'Comfort Women' issue will not automatically make Japan and South Korea the best of friends, but this issue is far more emotive and probably more easily resolvable than the territorial disputes between the two countries. As such, it will surely go a long way in bettering the relationship between the two neighbours.

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China's Growing Influence in Africa: Lessons for India

*Jyotishman Bhagawati**

On December 04, 2015, while delivering a speech at the opening ceremony of the Johannesburg Summit of the Sixth Forum on China-Africa Cooperation, the Chinese President Xi Jinping asserted, *"In conducting China's relations with Africa, we adhere to the principles of sincerity, practical results, affinity and good faith and uphold the values of friendship, justice and shared interests, and we will work with our African friends to embrace a new era of win-win cooperation and common development."* He went on to recommend that *"the new type of China-Africa strategic partnership be upgraded to a comprehensive strategic and cooperative partnership."* Xi's statement reflected China's quest to develop an enduring relationship with Africa, especially at a time when obtaining long-term energy supplies has become vital for the Asian giant to sustain its industrialisation by securing access to oil supplies and other raw materials. Similarly, for Africa,

Chinese aid and investments are of significant value since the continent happens to be one of the poorest and least developed in the world. Despite these complementarities, relations between the two giant geographical entities are not without their complications, and China's activities in Africa have been the subject of strong criticism, albeit mostly from the West, for failing on good governance standards and human rights. These complications notwithstanding the nature and pace of Chinese activities in Africa, clearly demonstrate the coherence between Chinese geo-economic goals and the geostrategy that Beijing has adopted in order to attain those goals. This geostrategy of China quite clearly involves the dextrous use of all three major instruments available to Beijing in the execution of its foreign policy, namely, vigorous diplomatic and economic exchanges, strongly supported, insured, and assured, by the

Chinese military machine operating at the strategic level. On the other hand, India, which is often perceived as a regional alternative to China, has been unable to make much headway in Africa, either, despite sharing historical commonalities with several countries of that continent, partly due to its own capacity constraints, but largely thanks to its lackadaisical bureaucracy. It is true that with the year-on-year increase in India's economic and political heft, its engagement in Africa is gradually increasing. However, the pace of Chinese inroads in the region far outweighs that of India's. This situation needs remedying based upon careful analysis, as Africa is not only strategically located in the middle of important maritime trade corridors but also constitutes a significant part of India's extended maritime neighbourhood.

This paper attempts to analyse China's increasing presence in Africa, with the aim of identifying the challenges, opportunities and imperatives for India.

Overview of China-Africa Relations

In dealing with Africa's historical links with China, scholars frequently point to Admiral Zheng He's expedition

to the east coast of Africa during the Ming Dynasty (1368-1644) of imperial China, as the starting point for China-Africa relations. However, available evidence points to a much earlier commencement. The admiral undertook his maritime voyages in the Fifteenth Century, while economic and cultural exchanges between China and Africa are believed to have been ongoing since China's Han Dynasty (206 BCE-220 CE), when trade through the "Silk Road" connected China with much of the rest of the world.

Following Zheng's voyages, however, two significant developments brought about a significant decline in the exchanges between China and Africa. The first was the discontinuation of maritime expeditions by both the Ming and the Qing Dynasties, probably for fear of strategic overreach. The second was the launch, in the same century, of the European 'Age of Discovery', spearheaded by Portugal and typified by the arrival of the Portuguese adventurer, Vasco da Gama, on the coast of East Africa in 1498, which opened up the region to trade with the West, and eventually, to over 450 years of colonial rule by European maritime powers.

In the contemporary era, China got off to a slow start in Africa, with Egypt being the first African country to establish diplomatic ties with China, in May 1956. Beijing's approach to Africa was initially guided by two key drivers. The first was to enhance its own legitimacy and establish global recognition as the only true representative of China, along with the concomitant discrediting of Taiwan's claim to represent China in the United Nations. The second was to counter the influence of the West and the Soviet Union in the African continent. From the mid-1950s to the mid-1970s Beijing pumped in about US\$ 2.5 billion in aid to 36 African countries and provided the assistance of thousands of its engineers, doctors and technicians for a variety of development and infrastructure projects in these countries. The 1860-kilometre Tazara Railway Project (1970-75) between Tanzania and Zambia, which had been jointly requested by the then President of Zambia, Kenneth Kaunda, and his Tanzanian counterpart, Julius Nyerere, remains one of China's most celebrated assistance projects in Africa.

China's Forays in Africa

With the collapse of the Soviet Union in the early 1990-s, Beijing began to accelerate its engagement of Africa.

China's remarkable ability to capitalise upon opportunities that presented themselves was in stark evidence when, in 1995, following the imposition of sanctions by the USA on Sudan, the China National Petroleum Corporation (CNPC) took an immediate decision to invest in that country's oil sector. China is now the largest investor in Sudan, controlling 75 per cent of Sudan's oil industry, and this near-monopoly has been aided greatly by the absence of any competition from the USA. This was followed by the establishment of the 'Forum on China-Africa Cooperation' (FOCAC) in Beijing, in October 2000, with its stated objective being to strengthen multidimensional cooperation between China and Africa.

There has been little let up since then. The year 2006 was a particularly defining one for Sino-African relations. Beginning with the release of the first White Paper on China's Africa Policy on January 12, on the occasion of the 50th anniversary of China's formal diplomatic ties with Africa, the year also witnessed visits to Africa by China's top three leaders, namely, President Hu Jintao, Premier Wen Jiabao and Foreign Minister Li Zhaoxing. The first Heads of State Summit of FOCAC was also

hosted by Beijing in November 2006, the closing statement of which declared a “new strategic partnership” between China and Africa.

Moreover, as part of the ‘Belt and Road Initiative’ (BRI), China seeks to link several African countries such as Kenya, Djibouti, Ethiopia, Uganda, Rwanda, South Sudan, Burundi, Congo, Angola, Tanzania, etc., through railway lines, to ports such as Alexandria (Egypt) and Mombasa (Kenya), which are nodes of the Maritime Silk Road. Beijing is also creating an industrial economic belt alongside these connectivity corridors, underscoring the significance of Africa in what is usually referred to as a Eurasian infrastructure network initiative.

China’s rising profile in Africa reflects the growing importance of the region to China’s growth and development. The continent has become the second largest source of China’s crude imports after the Persian Gulf. In addition, China is Africa’s largest trade partner and the destination as well as the source of most of Africa’s exports and imports. While Chinese state-owned enterprises are involved in the extraction of natural resources in Africa, private Chinese investments are mostly in the services and manufacturing sectors, and are

welcomed by African states. Beijing is also eager to utilise the enormous numerically-driven diplomatic heft that Africa has, to bring about its desired changes in the thus-far Western-dominated world order. China had already had a foretaste of success in this regard, when it secured a permanent seat on the UN Security Council, replacing Taiwan, with the support of 26 Africa states (34% of the General Assembly votes). In short, China is heavily reliant on Africa for trade, natural resources, great power ambitions as well as for legitimacy purposes, especially over Taiwan and for support at multinational institutions. And yet, as has already been mentioned, despite the rising cooperation, Chinese activities in Africa have been subject to criticism by the West and by some segments of African civil society, too, for issues relating to poor quality of products, the disregard or abuse of human rights, ‘white elephant’ projects, environment degradation, etc. Reports suggest that there are roughly a million Chinese workers in Africa, which is disproportionately high compared to the amount of financing provided by China and also in comparison with migrants from other continents. There are also allegations that infrastructure programs funded by China overwhelmingly

benefit Chinese corporations. Several uncomfortable questions have also been raised on the quality of the infrastructure built by China. A case in point is the Luanda General Hospital in Angola, which had to be shut down, a mere four years after its opening in 2006, due to serious structural problems. Likewise, several infrastructure projects are poorly maintained and underutilised, and have turned out to be 'white elephants'. The Kilamba City project, once again in Angola, which had been undertaken by the 'China International Trust and Investment Corporation' at a cost of US\$ 3.5 billion, is one such example. Chinese firms also stand accused of unfair labour practices (which, for example, led to violent protests in Zambia), a lack of resource transparency, and very superficial efforts to ensure animal and environment protection. However, despite the high level of Western scrutiny, China's engagement of Africa has also had positive effects, especially by way of job creation, economic growth, the availability of critically required infrastructure and developing assistance, investments in services and manufacturing, as well as in saving mines from catastrophic deterioration. Moreover, some scholars opine that much of the criticism of

China is unwarranted since "*many African countries are worse off than China as they attach low priority to environment protection, have understaffed environment bureaucracies and even worse records for countering corruption*". Recent reports also suggest that China is becoming more sensitive to such criticism and is working on addressing these concerns. Wang Yi, China's Foreign Minister, while on a 2015 tour of Kenya, asserted that "[China] *absolutely will not take the old path of Western colonists, and we absolutely will not sacrifice Africa's ecological environment and long term interests.*" State-owned Chinese corporations are also required to publish annual Corporate Social Responsibility (CSR) reports. For instance, after having been flayed for poor environmental standards, CNPC is now working with the Gabonese government to ensure environmentally sensitive practices in future. All in all, it may be reasonably concluded that

China is executing a fairly successful and multi-pronged geostrategy to attain its geo-economic goals and objectives.

Implications for India

What does all this mean for India? India's engagement with Africa is small

when compared to that of China, but it nevertheless holds a position of significance for almost all African States. This is partly attributable to the shared colonial history of India and Africa, as well as to millennia-old historical ties that India and Africa share with one other.

While the recent financial crisis in the West and growing interest in South-South cooperation has led to declining trade and investments between Africa and its traditional partners, namely, Europe and the USA, several African countries are keen to build trade and economic partnerships with emerging powers like China and India. Although China is involved in manufacturing, construction and infrastructure projects in more than 50 African countries, of particular concern to India is the military-strategic moves that increasingly underpin China's involvement in Africa. In 2016, Beijing established its first overseas naval base at Djibouti, which is situated at the mouth of the strategic Strait of Bab-el-Mandeb, in the Horn of Africa. There are unconfirmed reports that China plans to construct as many as 18-19 overseas strategic supply-bases in (amongst others) Seychelles, Maldives, Madagascar, Kenya, Tunisia,

Mozambique etc. India often perceives these naval activities as being part of a larger strategy of China that is — whether consciously or inadvertently — is encircling India. This is what is known as China's "string of pearls" strategy in the IOR.

However, India, too, is playing the game, competing vigorously with China, and, gradually making inroads in the region. This is particularly by way of its strong pharmaceutical companies, software firms and back-office outsourcing businesses. India's contemporary engagement of Africa took a new turn when, like China, the South Asian giant also established cooperation-forum mechanisms with Africa, in 2008, under the framework of 'India-Africa Forum Summits'. Since that year, there is much evidence of increased cooperation, in multi-dimensional fields and disciplines, between India and Africa. In fact, India and China are also encouraging their respective enterprises to collaborate in Africa. A prominent early example of such collaboration is the joint venture that was established as early as 2004, between China National Petroleum Corporation and Oil and Natural Gas Corporation, to explore oil reserves in Sudan.

Comparative Analysis

Fortunately, for the most part, China and India engage with Africa in complementary sectors. As a result, there is relatively little competition and no real economic conflict between the two Asian giants, at least at present. However, as both the rising powers get further involved with Africa, competition and occasional disputes are bound to occur. The challenge will lie in managing such occurrences.

Africa has emerged as a vital geostrategic arena in the evolving new great game for power, competition and influence in the Indo-Pacific region. The resource-rich continent's strategic location gives it numerous tactical advantages in terms of maritime trade and connectivity within the IOR. As a consequence, Africa is witnessing renewed interest from a host of maritime powers such as Japan, India, China, France, and the USA, all jostling for influence in the region.

In analysing China's engagement of the region, a clear shift is noticeable today from Beijing's traditional (and much touted) policy of non-interference in the various countries in the region. This follows from Beijing's old-style

approaches to developmental deals and investments, which has always been guided by instrumental motivations, unlike the West which make their ties conditional upon certain parameters like human rights, democracy etc. This "no strings-attached" policy makes it convenient for Beijing to invest in countries with significant political and security risks. China's recent foray in Africa is also guided by its "Great Power" ambitions — to be globally recognised as a 'great power' is something that Beijing has always longed for. Towards this end, China has been quite successful in wooing back almost all-important African countries from Taiwan's fold, thus giving it greater recognition and legitimacy in the international arena.

In view of this emerging 'Great Game' in Africa, India needs to step up its efforts and promote greater private sector participation and investments in the region. New Delhi needs to be far more proactive in its efforts to cultivate and maintain better relations with African countries, so that New Delhi's interests are not adversely affected by China's own geopolitical game moves in the continent. While India and China have both shown political maturity by cooperating and jointly bidding for oil

blocks in the continent, New Delhi must take a more realistic approach towards such joint projects, since China has not been willing to demonstrate the same level of cooperation in areas where it finds itself in an advantageous position, such as in Central Asia. Nevertheless, as a country with limited resources, it is imperative for India to work with like-minded states such as the USA, Taiwan, etc., to safeguard its interests in Africa. Towards that goal, India is already working with Japan to give form and substance to the 'Asia-Africa

Growth Corridor' (AAGC) to provide a viable regional alternative to Beijing's 'Belt and Road Initiative'. However, reports indicate mounting Japanese frustration with the inability of the Indian bureaucracy to respond to Prime Ministerial initiatives such as the AAGC, reducing the visionary statements of both Prime Ministers (Modi and Abe) to rhetoric that can easily be derided. Indeed, in dealing with Africa, India and Japan might do well to take a cue from China!

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Five Years of China's Belt and Road Initiative (BRI) : Revisiting BRI in tandem with the Malacca Dilemma

Noor Bhatnagar*

Five years ago, in September and October of the year 2013, the 'Chinese Marshall Plan' or the Belt and Road Initiative (BRI) was unveiled in Kazakhstan and Indonesia by Premier Xi Jinping. Done to 'enhance regional connectivity', the delayering of the 'belts' and 'roads' mechanism mapped expansively through Asia, Europe, and Africa will tell one that it is primarily a shot to global dominance ensuring its sustained security and stability. It is a vision based on humungous investments and on stimulation of the Chinese economy.

Although the recent US-China trade war may have adversely affected the initiative, its fifth-year anniversary makes it imperative for it to be a subject of discussion and scrutiny of whether it has been efficient in accomplishing its objectives.

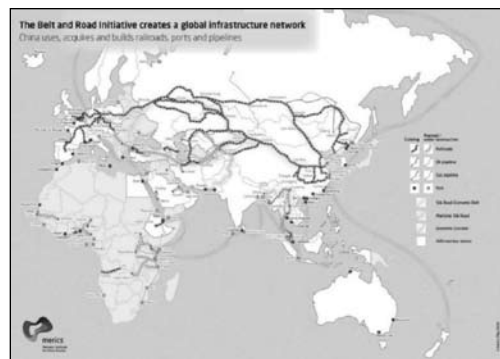


Figure 1: The Six economic corridors under BRI
Source: GIS Reports



Figure 2: Overview of the BRI
Source: Mercator Institute of Chinese Studies
(MERICS)

The Initiative and its Objectives

With an estimated investment of more than \$1 trillion, this ambitious initiative has been routinely compared to the Marshall Plan of the United States of America. The amount facilitates the creation of six economic corridors.

These economic corridors essentially enable bilateral trade and energy infrastructure development in the partner countries. For example, the China-Pakistan Economic Corridor (CPEC) aims to connect Gwadar Port in the Balochistan region with Kashgar in China fostering “energy projects, transportation, infrastructures and economic zones.”

With infrastructure partnerships with numerous countries, BRI fundamentally aims to diversify China’s energy imports, and make already existing sources easily and securely accessible. Thus, at the heart of BRI lies the sheer motive of energy cooperation to ensure China’s energy security.

The Economics of the Strait of Malacca

One of the major reasons safeguarding energy security is of grave importance to China, is due to the exponential increase

in its energy needs, specifically crude oil, and its consequent dependence on Strait of Malacca which is responsible for bulk of its energy imports. The vulnerability also arises from the geography of Strait of Malacca which is an 890 km wide narrow lane with an average depth of 25 metres, located between Malaysia and the Indonesian island of Sumatra, which makes it a significant chokepoint.

With respect to crude oil, China grabbed the position of the World’s largest oil importer from the United States of America (USA) in 2017 with around 18.6% share in total import of crude oil. The Strait of Malacca is solely responsible for majority of oil (roughly a quarter of all oil transported by sea) and other raw material supply, from West Asia and Africa to China (over



Figure 3: Maritime Chokepoints: Malacca, Lombok and Sunda
Source: US Energy Information Administration (EIA)

80% of China's oil imports by sea go through strait of Malacca), so much so that in case of any conflict where the Strait of Malacca is blocked and the ships are interdicted, it might lead to an acute energy insecurity in the country, derailing the economy altogether.

The problem or the 'dilemma' with the Strait of Malacca is that there are no alternatives to the trade route. China is at the risk of great adversity if this strait succumbs to blockages owing to international political play, a fear nurtured by China due to an increasing presence of USA in the region. The Lombok strait (Between the Indonesian Islands of Bali and Lombok) and the Sunda Strait (Between the Indonesian Islands of Java and Sumatra) are the nearest routes that connect the two oceans.

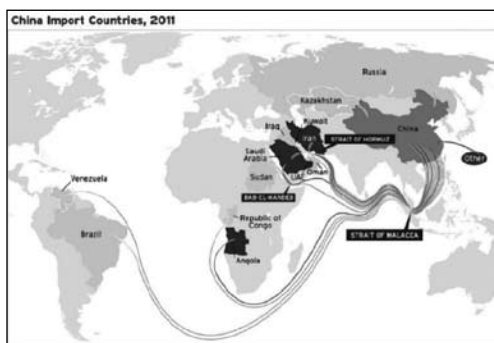


Figure 4: China's trade routes
Source: Brookings (2011)

The maximum size of a vessel that can pass through the strait is called Malaccamax, having a draft (or draught) of 20 metres, which carries oil from the Persian Gulf to China. The Sunda Strait is much shallower and narrower for VLCCs like Malaccamax, presenting many navigational hazards. It would imply a minimum of 1.5 days delay if the Sunda strait is used. Alternatively, the Lombok Strait, is deeper and wider than the Malacca Strait making it navigationally safer than the Malacca Strait, but the problem emerges with it being inconvenient leading it in delaying the shipment by approximately 3.5 days. The additional shipping costing would then further affect the energy prices in totality. This is the primary reason the Strait of Malacca, being the shortest route to China, is of crucial importance. With no viable pre-existing alternatives to the Strait, it becomes imperative that the alternatives are created or the dependence on the Strait is reduced.

Ever since in 2003, when Hu Jintao coined this problem as the 'Malacca Dilemma' declaring a fight to claim the control of the strait by 'certain major powers', every strategic action taken by China can be assumed to address this Malacca dilemma. Therefore, while

reviewing BRI one needs to explore the effectiveness of its mechanisms in mitigating the energy insecurity stemming from Malacca Dilemma.

Mechanism to mitigate energy insecurity

The Belt and Road initiative is a key landmark towards this endeavour which can help in reducing China's dependency on the Strait by two means: providing alternative routes for the transportation of resources and providing alternative sources of energy.

China's energy mix, though progressively changing, still depends on oil and natural gas. With a predicted 28% increase in Oil from 2016 to 2040, Natural gas is expected to increase by 194% in the same time period. This is precisely why it becomes important to examine BRI's mechanism in tandem with these two energy resources.

BRI involves various projects that allow supply of the eastern oil to the Chinese mainland without it being routed via the Strait of Malacca. One of the projects that was considered to be the solution to the dilemma was the Thai Kra Canal, linking the South-China Sea to the Andaman Sea,

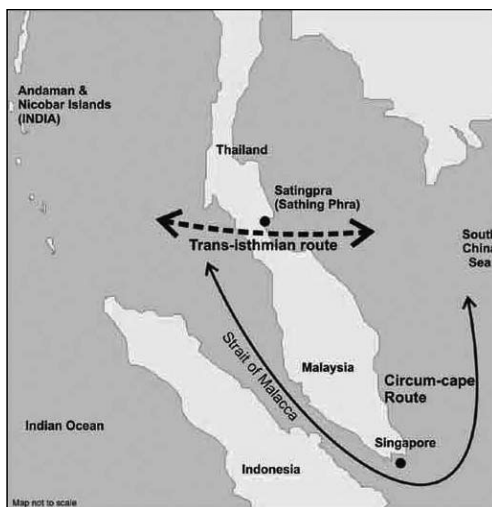


Figure 5: Proposed Thai Canal
Source: *The Medium*

connecting the Pacific Ocean to the Indian Ocean, simultaneously reducing the transit time by two to three days and thus decreasing the cost of shipping. The project though much sought after, might not be actualized due to domestic political play.

The Kyaukpyu project linking Bay of Bengal to Chinese province of Yunnan via Myanmar is another example in this context. With Myanmar's inclination towards China, the China-Myanmar Oil pipeline completed in 2014 has given a gateway access to crude oil from West Asia which allows China to

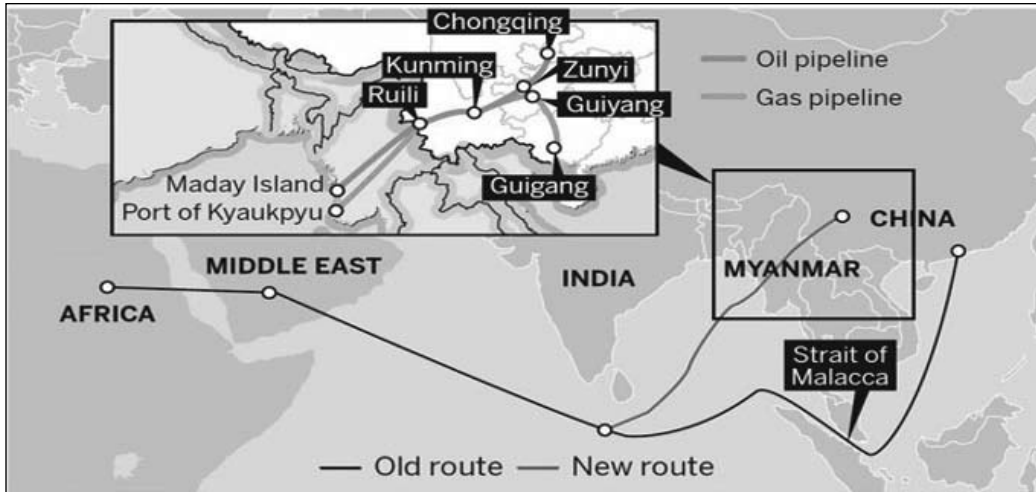


Figure 6: The Sino-Myanmar Pipeline
Source: China.org.cn

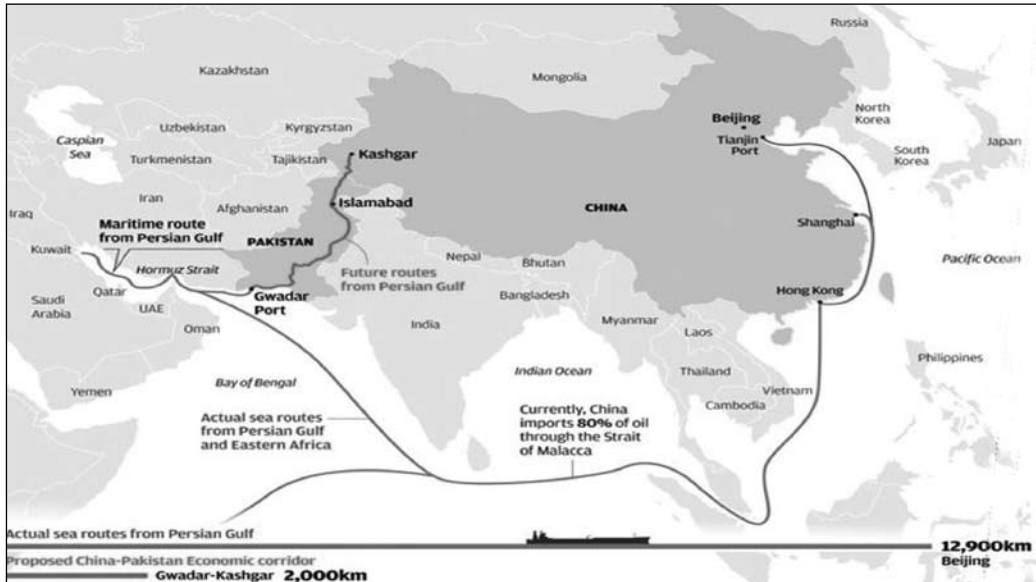
skip the Strait of Malacca. In Yunnan itself, Petro China has already built an oil refinery with the capacity to process 13 million tonnes a year of crude.

The China-Pakistan Economic Corridor (CPEC) also facilitates connection between the Gwadar Port in the Balochistan region with Kashgar in China through the disputed Karakoram area in Pakistan-occupied-Kashmir (PoK). For strategic purposes, it will not only potentially give the Chinese access to the Arabian Sea but will also allow them to bypass the Malacca Strait.

China's efforts to reduce its dependency on the Strait of Malacca,

also translate in its efforts to diversify its import countries, with a special focus on countries in Central Asia.

The Russian Federation is a crucial illustration of this fact. In 2013, with respect to crude oil it was the fourth largest supplier with a 9% share in China's crude oil imports. Within a time period of four years, in 2017, according to Trade Statistics by the International Trade Centre, it claimed the first position with 14.6% share in China's crude oil import being the largest supplier and leaving behind West Asian countries including Saudi Arabia, Oman, and the African Nation of Angola.



Besides Oil, Russia is also a major partner of China in the Ice Silk Road initiative of the BRI. The Yamal LNG Project, even though situated in Russia, involves 20% and 9.9% stake by China National Petroleum Corp. and Chinese Silk Road Fund respectively, is considered to be crucial in diversifying China's maritime routes, benefiting from the short geographical distance between the two countries.

Even for natural gas where the Central Asian country, Turkmenistan has been the top supplier since 2013 with a share of 19.8% in total Natural

gas imports, Australia has jumped up to the position of top second supplier with a share of a close 19.3% of the total share and a growth of 53% in imported quantity since 2013 as it heavily relies on the Lombok Strait. In comparison to this, the West Asian countries of Qatar and UAE stand at the third and fourth position respectively which clearly indicate China's efforts towards diversification of its energy imports.

China in all its might is not only trying to reduce its dependence on the Strait of Malacca but is also increasingly focussing on strengthening its security by engaging in multilateral efforts with

Table 1: List of Top 10 supplying markets (quantity-wise) for Chinese product imports (2017)
(Product: 2709 Petroleum oils and oils obtained from bituminous minerals, crude)

	Exporting Country	Value imported in 2017 (USD thousand)	Share in China's imports (%)	Quantity imported in 2017	Quantity unit	Growth in imported quantity between 2013-2017 (% , p.a.)
	Total	163,820,667	100	419,462,076	Tons	11
1	Russian Federation	23,884,155	14.6	59,538,196	Tons	25
2	Saudi Arabia	20,514,965	12.5	52,179,521	Tons	0
3	Angola	20,122,698	12.3	50,416,004	Tons	6
4	Iraq	13,812,852	8.4	36,815,228	Tons	12
5	Islamic Republic of Iran	11,928,933	7.3	31,151,914	Tons	9
6	Oman	12,374,604	7.6	31,006,894	Tons	6
7	Brazil	9,176,625	5.6	23,090,321	Tons	49
8	Venezuela, Bolivarian Republic of	6,565,538	4	21,761,404	Tons	11
9	Kuwait	7,083,003	4.3	18,243,452	Tons	19
10	United Arab Emirates	4,156,682	2.5	10,157,654	Tons	0

Source: ITC Trade Statistics

the littoral states and other members of the Association of the South-East Asian Nations (ASEAN).

Analysis of the Initiative

While the BRI continues to expand and engulf more countries in its comprehensive mechanisms, the question still persists that whether the Belt and Road Initiative (BRI) is helping in resolving the 'Malacca Dilemma'.

It would be rational to think that BRI might not be able to save the day in this context. Where the efforts to diversify its imports of energy resources are unambiguously evident, be it oil or natural gas, the West Asian countries together are still the largest supplier to China. Specifically, Saudi Arabia, Iraq, Oman, Iran, Kuwait, United Arab Emirates, Qatar, Egypt, and Yemen hold a share of 43.8% in China's oil imports,

Table 2: List of Top 10 supplying markets (quantity-wise) for Chinese product imports (2017)
(Product: 2711 Petroleum gas and other gaseous hydrocarbons)

	Exporting Country	Value imported in 2017 (USD thousand)	Share in China's imports (%)	Quantity imported in 2017	Quantity unit	Growth in imported quantity between 2013-2017 (% p.a.)
	Total	33,007,536	100	87,960,631	Tons	20
1	Turkmenistan	6,526,056	19.8	24,511,500	Tons	8
2	Australia	6,379,463	19.3	17,612,860	Tons	53
3	Qatar	4,777,543	14.5	10,355,030	Tons	5
4	United Arab Emirates	3,238,518	9.8	6,575,121	Tons	51
5	United States of America	2,498,672	7.6	5,288,992	Tons	152
6	Malaysia	1,523,052	4.6	4,341,691	Tons	9
7	Indonesia	1,231,519	3.7	3,118,845	Tons	6
8	Uzbekistan	649,636	2	2,593,250	Tons	10
9	Myanmar	1,172,113	3.6	2,516,850	Tons	79
10	Papua New Guinea	902,798	2.7	2,098,880	Tons	87

Source: ITC Trade Statistics

which is thrice of that of China's top supplier Russia's 14.6% share. Countries like Saudi Arabia, Angola, Iraq, Oman, Iran, Brazil, Kuwait, Venezuela, and UAE, together account for approximately 77.4% of China's oil imports, all of which use the Strait of Malacca.

Additionally, it is not clear whether China and Russia's strategic partnership

is reliable and sustainable. Where China has found a ready source of raw materials in its neighbour there still exists a lack of mutual trust in both the countries for each other, and an imbalance in power in favour of China with respect to oil, which might hinder the formation of a long-term cooperative alliance as both countries aspire to be the dominant power.

There are numerous projects that are being heavily scrutinized due to countries spiralling into what is called 'debt-trap' induced by China's exploitative practices. Myanmar's port project is one among many to be scaled down due to the fears of excessive debt.

Moreover, projects like CPEC which were conceived with an aim to bypass the Malacca strait, are considered to be costlier where according to many, "Based on experience [of similar projects around the world], once a pipeline extends

beyond 4,000km [2,500 miles] the cost of using it to transport energy is higher than doing so by sea, so the [economic] benefit of Gwadar Port doesn't exist."

Where it is unstated that BRI is highly effective in extending China's soft power footprint in numerous countries, we can be sure that this mechanism, at least for now won't be able to resolve China's Malacca Dilemma.

31 December 2018

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Another Chinese Takeover in the Indian Ocean Region?

*Rajesh Soami**

The spectre of the takeover of another strategically located port by China in the Indian Ocean Region (IOR) is looming large these days. In Kenya, a leaked report from the Auditor-General's office states that the terms of a loan taken by Nairobi from China's EXIM Bank make the port a collateral in case of a Kenyan default. First published in the Florida-based website, "The Maritime-Executive", the report states that the waiver of Kenya's sovereign immunity, together with other clauses in the contract, make the assets of the Mombasa port vulnerable to a Chinese takeover.

Kenya lies on the east coast of Africa. Mombasa, which is the country's primary port, is strategically located between the Mozambique Channel and the Strait of Bab el Mandeb. Kenya is also a neighbour of Somalia and lies uncomfortably close to the piracy-prone waters of the latter. The Chinese already have a military base in Djibouti, which

is located at the western end of the Gulf of Aden, just south of the strategically vital Strait of Bab-el-Mandeb. However, there are another five countries which have military assets in Djibouti and all of them tend to keep a weather eye on Chinese goings-on. A takeover of Mombasa port by the Chinese will, on the other hand, give them access to the western Indian Ocean without their activities being monitored by other powers.

For its part, India has close historic and economic ties with Kenya. *Apa Saheb Pant*, who was India's first Commissioner for East Africa (Kenya, Uganda, Tanganyika and Zanzibar), had called the two countries "next-shore neighbours". A sizeable portion of the Indian diaspora in Africa lives in Kenya. New Delhi has been trying to expand its political footprint in the East African region and a visit to Kenya is practically *de-rigueur* for Indian officialdom. Prime

Minister Modi, too, visited the country in 2016, while President Kenyatta had come to India in 2015 and again in 2017. A steady stream of visits by Indian ministers has taken place in the last couple of years.

Of course, the Chinese, too, have been upping their game in Africa. Under the ambit of the Belt and Road Initiative (BRI), Beijing has been investing heavily in the continent in general and in Kenya in particular. A \$3.2 billion investment by China has financed the construction of a rail-link from the capital of the country, Nairobi, to Mombasa. This rail-link is eventually to be expanded to connect Uganda, Rwanda, Burundi, the Democratic Republic of Congo, South Sudan, and Ethiopia, to Mombasa. The idea is to connect these countries to Mombasa, so that all of them can trade through the Indian Ocean. This is the largest investment to have occurred in Kenya in the 50 years that have elapsed since the country's Independence. Ironically, it is this very investment by China that is now threatening to become an albatross around the Kenyan government's neck.

The contract with China stipulates that if the Kenya Railways Corporation

(KRC) is unable to generate sufficient traffic on the rail route, the assets of the port of Mombasa would be treated as collateral. The government of Kenya is, of course, putting up a brave face. The Auditor-General's office has stated that the leaked reports were not the final word on the issue. Other officials also sounded confident of returning the loan. However, they also said that the government might need to take another loan to pay this amount. This is the classic manifestation of a debt-trap, something that India and western countries have been warning the recipient countries of BRI against.

In 2013, the erstwhile Prime Minister of India, Dr Manmohan Singh, had stated that India was well positioned to become a provider of net security in the Indian Ocean region (IOR). This was after the US Defence Secretary, Robert Gates, had said the same in 2009. Since then, China has posed numerous challenges to the Indian pre-eminence in the region. In 2014, the Chinese sent a nuclear submarine into the Indian Ocean on the slightly ludicrous pretext of undertaking anti-piracy mission. The submarine had berthed at Colombo and this sent alarm bells a-ringing in New Delhi.

The Chinese have already taken over the port of Hambantota in Sri Lanka on a 99-year lease after the country fell into a debt-trap not very different from that facing Kenya. Likewise, Beijing is developing Kyaukpyu port in Myanmar, and already controls the port of Gwadar in Pakistan. There is a gradual but significant increase of Chinese naval as well as financial activity in the IOR. Consequently, India is seeing itself being hemmed-in by Chinese outposts in the IOR, which effectively constricts her in her efforts to attain her own goals. Recently, India gave a \$1.4 billion lifeline to Maldives to financially rescue the latter after the country had borrowed heavily from China.

However, there is little clarity on whether and how India should, or would, deal with similar situations in the future, including the one in Kenya. The confusion and initial shock that emanated from the Hambantota fiasco ought to have sufficiently influenced decision-makers in Delhi. However, that hardly seems to have been the case. New Delhi appears to be handling the Chinese debt-trap issue on a case-by-case basis, rather than developing a robust and well-considered policy for it. This keeps the stakeholders, both within the country and outside of it, guessing.

Policy Options for India

Broadly speaking, India has three options:

It could choose to challenge Chinese debt-trap investments penny-for-penny. This would be difficult considering that Beijing possesses far deeper pockets than New Delhi. However, India has shown the will and ability to do precisely this in Maldives. It could also call upon friendly States such as Japan, which are equally wary of China, to help out.

Secondly, India could opt to let the countries, which have made the wrong choice of borrowing heavily from China, fend for themselves. Adoption of this option is likely to accelerate the acquisition by China of strategic assets in the IOR and could be deleterious to India's own security therein. However, India could conceivably adopt this option if New Delhi feels confident enough about the preponderance of its comprehensive national power in the IOR, the Chinese incursions notwithstanding.

Thirdly, it could subtly encourage debtor-States to default on the loans they have taken from China, or to simply nationalise these assets once they lapse to Chinese control. While

western countries have a system in place to punish such behaviour, the Chinese apparently do not. Nevertheless, this could have unpredictable consequences and set problematic precedents. The international financial system is not used to States failing to meet their financial obligations.

Need for a Coherent Policy

The Kenyan financial predicament vis-à-vis the Chinese, may or may not snowball into a larger problem, but the

Indian government would do well to create a policy for such contingencies. The issue of neighbours, maritime or otherwise, facing a financial crunch owing to the large amounts they have borrowed from China, will continue to haunt India. Delhi should clear the air as to how it wishes to deal with it. Knee-jerk reactions to every new case are unlikely to help the country's cause.

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Political Crisis in Sri Lanka: China and the Maritime Dimension

*Dr. Jabin T. Jacob**

In late October 2018, Sri Lankan President Maithripala Sirisena set off a constitutional crisis by sacking Prime Minister Ranil Wickremesinghe and replacing him by Sirisena's predecessor Mahinda Rajapaksa. With Sirisena later dissolving Parliament, even members of the Sri Lankan Election Commission declared the President's action illegal¹ before the country's Supreme Court finally overturned the President's decision. Subsequent attempts to have a vote of confidence settle matters in Parliament failed amidst acrimony and violence, before the political crisis was finally resolved with Wickremesinghe being reinstated as Prime Minister in mid-December.

Sirisena's actions were particularly galling for ordinary Sri Lankans who voted for him in the 2015 presidential elections based on his promise of reducing presidential powers that Rajapaksa had accumulated and

of restoring democratic order and functioning to the country. Sirisena had, of course, broken ranks with Rajapaksa within their own political party, the Sri Lanka Freedom Party (SLFP) and joined hands with Wickremesinghe's United National Party to oust the strongman in 2015. Following the dissolution of parliament Rajapaksa carried with him dozens of members of the SLFP to formally join the Sri Lanka Podujana Peramuna (SLPP, Sri Lanka People's Front) created by his supporters— his brother Basil had joined the party as early as November 2016. The SLPP had done best among all parties in the local elections in February with nearly 45 per cent of the vote, which suggests that Rajapaksa must fancy his chances whenever general elections are held.

China, the 'friendly neighbor'?

The internal dynamics in Sri Lanka is considerably more familiar to New

Delhi, which has a long history of involvement in the internal affairs of that country. During Rajapaksa's time at the helm, however, the Chinese also began to gradually involve themselves in Sri Lankan politics, if mostly on the side of the ruling dispensation as is their wont. Besides supplying arms to the Sri Lankan armed forces in the civil war against the LTTE, the Chinese were involved in financial transactions directly to Rajapaksa's family and cronies in exchange for swinging major infrastructure deals China's way. Therefore, when Rajapaksa lost power, it was widely perceived as China also having lost their man in power.

Nevertheless, the degree of Chinese involvement in Sri Lanka was such that despite concerns raised during the elections about the Colombo Port City project helmed by the Chinese – the largest foreign investment in the country – it continued on track even under Sirisena. Therefore, the current shake-up in the Sri Lankan system is unlikely to ruffle the Chinese too much. If anything, it possibly helps take attention away from such pressure points for China in Sri Lanka as its controversial 99-year lease on Hambantota port.

In the short term, there can be no doubt that the Chinese will be able to

recover some lost ground as Sri Lanka's politicians slug it out. Across the board, no matter what their personal views on China, Sri Lanka's politicians have learnt to do business with Beijing. Sirisena has called China's support 'indispensable' for his country's development, while Wickremesinghe himself has been quick to deny Hambantota would be used as a Chinese military base and supported the various Chinese Belt and Road Initiative (BRI) projects in Sri Lanka. It is, therefore, no surprise that the Chinese ambassador was quick to meet with both Wickremesinghe and Rajapaksa following the onset of the crisis.

However, it is also a sign of the times and of China's increasing presence that allegations quickly surfaced of China funding certain parliamentarians amidst the political crisis. *Xinhua*, China's state news agency, reported the Chinese embassy in Colombo as saying that the allegations were 'groundless and irresponsible'. The embassy reiterated that China was 'a friendly neighbor' of Sri Lanka's and also its principle of non-interference declaring, 'We believe that the Sri Lankan government, parties and people have the wits [sic] and ways needed to deal with the current situation'.

The interesting part is not the patronising note about the Sri Lankans being able to manage their own affairs but the declaration that China was ‘a friendly neighbor’. One, of course, China is geographically nowhere near Sri Lanka to be calling itself a ‘neighbor’ but it gives a sense of the thinking in Beijing that sees South Asia as part of China’s near neighbourhood and an area of interest and important activity. Two, to say that it was a ‘friendly’ neighbour is to imply that Sri Lanka has unfriendly neighbours, which, of course, can only be a reference to India. In this, Beijing might be reflecting an important point of view on the island nation but also adds fuel to the fire.

However, in other ways, the Chinese Embassy’s statement also reflects the reality of an increasingly close economic and military relationship between Sri Lanka and China. Trade between the two countries according to China’s Department of Commerce, increased by three percent from US\$ 4.47 billion in 2016 to US\$ 4.6 billion in 2017. Given that Sri Lanka is still a developing country with a large agricultural sector, the visit and declaration in early October by the China National Agriculture Wholesale Market Association

delegation to Sri Lanka that there is ‘a huge export opportunity for the Sri Lankan agriculture and fresh produce sector’ is significant.

To take another example, India remains the top source of tourists to Sri Lanka but the growth of Chinese arrivals has been faster and could eventually change the situation. Notably, Sri Lanka’s first private airline, with funding from American and Chinese investors, is expected to start operations in February 2019 with five daily direct flights to destinations in China. This can be expected to increase the flow of Chinese tourists to Sri Lanka.

A Maritime Research Centre of Note

While Sino-Sri Lankan economic engagement in these cases do not come at the expense of India, its growth will eventually change the incentive structure for Colombo in its dealings with New Delhi. However, there are other issues that should concern India in China’s outreach to Sri Lanka.

Among the growing number of Chinese projects in Sri Lanka, one research initiative with a somewhat greater strategic import than most is the

rather innocuously named China-Sri Lanka Joint Centre for Education and Research (CSL-CER) at the University of Ruhuna in southern Sri Lanka in collaboration with the South China Sea Institute of Oceanology of the Chinese Academy of Sciences (CAS). Late September 2018 saw the inauguration of a new building for the Centre. This is the first overseas research center on marine sciences of the CAS and the result of a 2014 MoU signed during Chinese President Xi Jinping's visit to Sri Lanka in September that year.

The full gamut of activities under additional MoUs between the Sri Lankan university and the Chinese entity includes academic staff and student exchange, the establishment of a fully-automated weather station, and a joint observatory for wave and tidal measurements. Prof. Wang Dongxiao (王东晓) of the South China Sea Institute of Oceanology (SCSIO, 中国科学院南海海洋研究所) under CAS was appointed as an Adjunct Professor of the Department of Oceanography and Marine Geology of the Faculty of Fisheries and Marine Sciences and Technology. The SCIO is one of China's top institutions in the field drawing on funds and projects under China's

famed National Basic Research Program of China also known as the '973' Programme and the National High-Tech Development Program of China or the '863' Programme.

While all of this looks ostensibly above board, there are several interesting aspects about the SCSIO, which are highlighted only in the Chinese version of the introduction to the Institute and not in the English version. For instance, the Chinese version also highlights its focus on 'national defense safety construction projects'. The introduction also notes that the environmental protection of island and reef engineering projects are among the SCSIO's strategic focus areas, (*zhanlüezhuti* 战略主题) a reference obviously to the massive Chinese reclamation projects on disputed features in the South China Sea. Indeed, the Institute maintains what it calls Deep Sea Marine Environment Observation and Research Stations (*shenhaihaiyanghua njingguanceyanjiuzhan* 深海海洋环境观测研究站) in both the Paracels (Xisha in Chinese 西沙) and Spratlys (Nansha 南沙).

The presence of the extension of such a Chinese research institute and its personnel in India's near neighbourhood

must raise questions about their overall objectives. While there are a number of subjects that the Institute covers that should interest India's naval planners, it might also be worth noting that the Maldives had in July 2015, under the tenure of then President Abdulla Yameen, Maldives had passed a constitutional amendment making it legal for foreigners to buy land. Among the stipulations under the new amendment was that those who wished to purchase land had to invest over US\$ 1 billion and that 70 per cent of the land should be reclaimed from the sea.

While the Maldives was well within its rights to pass such a law in the interests of its national development, what was interesting was how this development fit very well with capabilities that China was at the time showcasing, in its illegal reclamation activities in the South China Sea and over which much of the world was crying foul. Indeed, Fu Xiaoqiang (傅小强), an expert on South Asia and terrorism at the China Institutes of Contemporary International Relations in Beijing was quoted specifically as noting that Chinese investors and construction companies could benefit from the Maldivian law, 'given China's advanced technology in land reclamation'. Even

as Fu referred to the issue as one 'about business', he also pointed out India would 'have to get used to [Chinese presence in the Indian Ocean], as it will become normal with more and more Chinese enterprises going abroad'.

In this context, another reason why the University of Ruhuna's Chinese collaboration should be of interest is because the SCSIO's introduction in Chinese also talks about 'national defense safety construction projects' (*guofanganquanjian shegongcheng* 国防安全建设工程) as being among its aims as also the fact that its international scientific collaborations are aimed at developing China's marine economy and 'safeguarding its maritime rights and interests' (*weihuhaiyangquanyi* 维护海洋权益). It should be no surprise then that the SCSIO has won the commendation of not just the PRC State Council and the Central Committee of the Communist Party of China but also the Central Military Commission in 2018.

All of this suggests how closely linked China's research institutions are to national security and military objectives and institutions. Indeed, a late 2018 *Financial Times* (London)

report that Chinese PLA researchers are accessing Western universities and research facilities in civilian garb to work on potential dual-use projects, should put this particular development in Sri Lanka in context.

Taken together with the Chinese construction and/or takeover of ports and terminals, visits by its submarines, increased military exchanges including the gifting of a naval frigate, not just in the case of Sri Lanka but other countries in the region, China's desire to play 'a bigger role in the international cooperation on marine sciences and education in the Indian Ocean region' through the Centre in the University of Ruhuna as the *Xinhua* reported has wider implications for India.

BRI and China's Increasing Political Attention

The fact that the current Chinese ambassador in Sri Lanka, Cheng Xueyuan (程学源), appointed in January 2018 is not a career diplomat from the Ministry of Foreign Affairs but a Party apparatchik whose previous stint was as head of a United Front Work Department (UFWD 中共中央统一战线工作部) outfit, the Province Federation of Returned Overseas

Chinese (广东省侨联)² is noteworthy. The UFWD is practically a foreign ministry of sorts within the Party responsible among other things for the CPC's interactions with influential elites and interest groups outside China and Cheng's appointment suggests a degree of serious attention and importance now being accorded to Sri Lanka by the Chinese.

Much of this interest will be in solidifying Sri Lanka's position as part of China's 21st Century Maritime Silk Road under the BRI. In his opening speech as Ambassador to Sri Lanka, Cheng talked about 'jointly constructing through mutual consultations, the 'one belt, one road' in order to achieve tangible benefits for the two countries and the two peoples' (*tongguogongshang, gongjian "yidaiyilu" geiliangguo he liangguorenmindailaiqieshiliyi* 通过共商、共建“一带一路”给两国和两国人民带来切实利益) while the SCSIO's Chinese introduction also talks about strengthening exchanges with countries along the BRI and specifically mentions the CSL-CER at the University of Ruhuna in this context.

Another development of note in the context of the emphasis on the BRI in China-Sri Lanka ties is the archaeological

excavations being carried out in Allaippidy and Kayts Fort in the Jaffna peninsula by the Shanghai Museum. The Chinese media reports the archaeologists as having carried out a 'comprehensive survey of the harbor city of Jaffna and its surroundings' and of having discovered ancient ceramic pieces at the Allaippidy site, the majority of which appear to be of Chinese origin and to have traveled along the 'ancient maritime Silk Road'. In other words, history and archaeology are being used to strengthen China's presence and access to India's maritime neighbourhood.

Conclusion

While it would be incorrect to paint a picture of the Chinese government or the CPC as always working according to a grand plan or to assume that their agencies work in coordination or well together, it is nevertheless, a good rule of thumb to expect that there is no Chinese foreign policy, economic or cultural initiative or project whether in South Asia or elsewhere that will not have more than the publicly declared objectives. The Chinese record since the ascension of Xi Jinping to power is particularly stark in this regard. This includes the opening of the so-called

'logistics support base' in Djibouti in 2016, despite Chinese interlocutors previously having consistently declared that China would not set up military bases abroad and the militarization of Chinese-occupied features in the South China Sea, after Xi had specifically promised then US President Barack Obama that China would not militarize them. It stands to reason, therefore, that Chinese activities in Sri Lanka are designed with multiple intentions and that New Delhi must watch more closely developments in Sri Lanka and the wider neighbourhood beyond just the high-profile military sales or PLA Navy port calls.

At the same time, India would do well to not dismiss the ability of its neighbours to upset Beijing's calculations and drum out pro-China rulers in defence of their own national interests as evident in general election results this year in Pakistan and the Maldives. Even as it raises concerns over its security and commercial interests, New Delhi must learn to deal with its neighbours with a gentler hand and combine talk of providing alternatives to China with actual action and results on the ground, consistently and in a sustained manner. While it might not be possible

to keep China out of South Asia or India's maritime neighbourhood, it will be the nature of India's relations with its neighbours that will determine the

extent and success of Chinese activities in the region.

01 February 2019

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Maritime Law

China's approach to the Freedom of Navigation: No-Sail Zones

*Jayesh Mathur**

Introduction

Torturous negotiations, involving much bargaining and several compromises, characterised the multiple sessions of the Third United Nations Conference on the Law of the Sea. Although the Conference eventually succeeded in formulating what is now known as the United Nations Convention on the Law of the Seas (UNCLOS), the consequences of these compromises continue to be felt. In contemporary times, a great deal of controversy has been concentrated upon the exact meaning of the term 'Freedom of Navigation'. The UNCLOS has, indeed, laid down the extent of the freedoms available to a given State that is operating within the maritime zones of a different Coastal State. However, this notwithstanding, there remain significant differences in the manner in which States have interpreted permissible 'activities' under

the ambit of 'Freedom of Navigation'. This is especially so in the context of 'Military Freedoms'. China has been at loggerheads with the United States of America, and other countries, too, over this very issue, with Beijing alleging that some activities of the USA are inconsistent with the spirit of UNCLOS (which was ratified by China in 1996). Ostensibly to curb US activities that it considers as being greatly in excess of those permissible under the 'Freedom of Navigation' clause (as defined under UNCLOS), China has, in the recent past and particularly during its conduct of military exercises, promulgated and established 'No-Sail Zones' beyond its territorial waters, barring ships other than its own from sailing in such zones. This action by China has attracted considerable opprobrium, especially from the USA (but from other countries as well), who hold that such curbs upon

the right of Freedom of Navigation of other States is grossly violative of international law.

This Article will analyse the degree to which such ‘No-Sail Zones’ conform to international law, as also the degree to which China’s position is legally justified, using one such zone, which was created by China in the South China Sea, in 2016, as a case-in-point.

In July of 2016, China cordoned off an area off Hainan, covering the Paracel Islands (which are also claimed by Vietnam), within which it conducted military (predominantly ‘naval’) drills over a period of a week. Beijing issued an official statement declaring that no other ships would be allowed in the area. This statement evoked a sharp response from a variety of quarters, including from Vietnam, which strenuously protested against the drills in waters which, in the opinion of Ha Noi, belonged to Vietnam. Other critics of the Chinese action argued that barring ships from entering the area was against the principles of international law.

Legality of ‘No-Sail Zones’

The United Nations Convention on the Law of the Sea (UNCLOS) states that all ships are entitled to the

‘Right of Innocent Passage’ within the territorial sea of a coastal State. As long as the passage is innocent (i.e., it is not prejudicial to the peace, good order and security of the coastal State), the coastal state is not supposed to interfere with a ship undertaking such ‘innocent-passage’. In addition, Article 25 (3) of the UNCLOS authorises a coastal State to temporarily suspend the right of innocent passage in specified areas of its ‘territorial sea’ for purposes relating to its own security and the safety of shipping, such as during the conduct of weapon-firing exercises. In such cases, movement of foreign ships is restricted, even if their passage is otherwise not prejudicial to the peace, good order or security of the coastal State. However, the convention does not confer upon the coastal State any right to suspend movement of ships of other states within the Exclusive Economic Zone. Article 58 of the Convention states that all states enjoy the right of ‘Freedom of Navigation’ in the Exclusive Economic Zone (EEZ) of the coastal State. The coastal State is under an obligation to demonstrate due regard for the rights of other States within its own EEZ. Thus, the imposition of restrictions by a coastal State on the entry-into or passage-through its EEZ of foreign ships

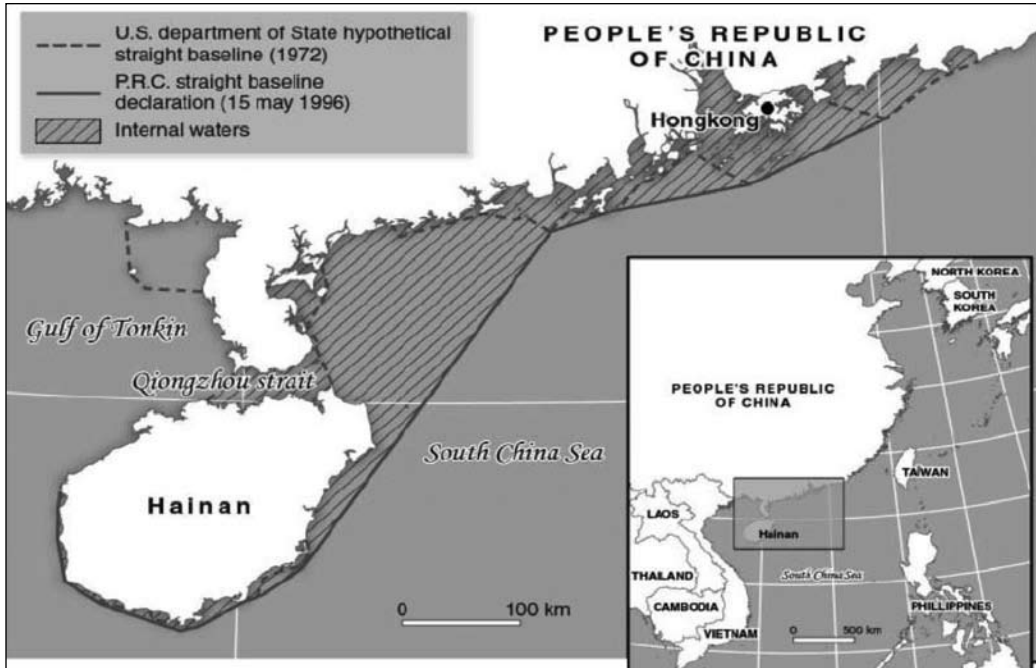


Figure 1

unlawfully impedes the movement of ships of other States.

China's Actions

China's Maritime Safety Administration, on the 3rd of July, 2016, issued a Notice to Mariners, directing all vessels not to operate in an area roughly spanning 39,000 square miles, enclosed by geographical coordinates published on its website. The Notice stated that military exercises would be conducted in the area from the 5th to the 11th of July, 2016, during which period the 'entry' of vessels into the area was 'prohibited'. In

other words, China created a temporary 'No-Sail Zone' in the waters off the coast of its island province of Hainan, which also covered portions of the Paracel Islands.

Declaration of Straight Baselines

Although China did not make reference to its regime of baselines while dismissing international criticism of its 'No-Sail Zone', it is pertinent to take note of the basis upon which China has drawn its baselines, since these baselines form the reference for the delineation of its maritime zones.

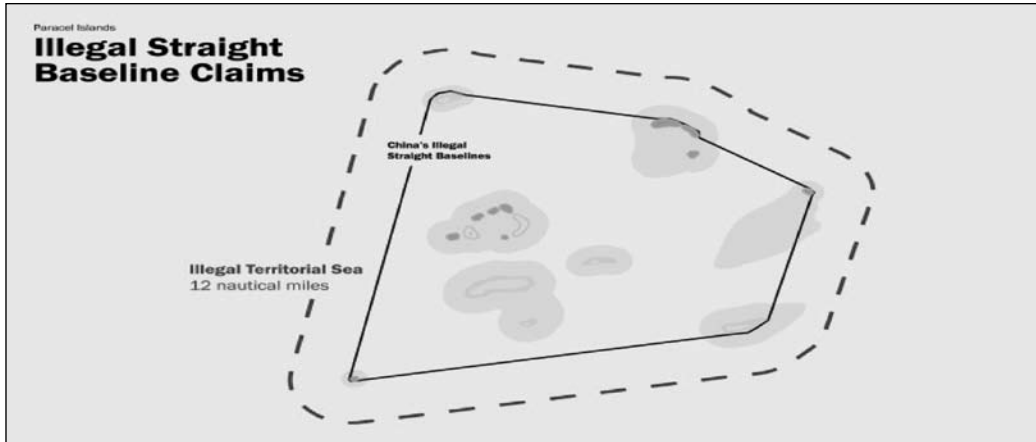


Figure 2

In 1996, China declared two sets of ‘straight baselines’. The first baseline was drawn along the coast of its mainland, traversing southwards from the eastern tip of the Shandong peninsula to encompass the island of Hainan. This effectively converted waters lying to the west of Hainan into ‘internal waters’ (See Figure 1).

The second baseline was created off the Paracel Islands, wherein the outermost points of the islands were connected (See Fig 2), and the waters that were now enclosed within such zone were, once again, claimed to be ‘Internal Waters’.

Article 7 of the UNCLOS states that Straight Baselines may be drawn by States

whose coastlines are deeply indented, which is not true of China. There is no “fringe of islands” in the immediate vicinity of the Chinese mainland either, which might have necessitated the use of straight baselines.

Legitimacy of the Zone based on ‘Chinese’ Baselines

Even if one were to accept China’s position on the issue (which is based on a highly flawed interpretation of the conditions laid down in UNCLOS, which must be met for straight baselines to be drawn), parts of the ‘No-Sail Zone’ declared in July 2016, lie beyond the 12 nautical mile breadth of the Territorial Sea that the straight baselines in the Paracel Islands would generate. Similarly,

large swathes of the zone appear to lie well beyond territorial waters to the south-east of Hainan (generated by the first baseline). Large parts of the cordoned-off area are actually within China's claimed Exclusive Economic Zone (EEZ). As stated earlier, all States, whether landlocked or coastal, enjoy the right of freedom of navigation in the Exclusive Economic Zone of every coastal State.

A number of States conduct military exercises on a routine basis, both in their territorial waters as well as international waters. The US "Commander's Handbook on the Law of Naval Operations" states, "*Notices may be issued to airmen and other mariners, alerting ships and aircraft of the heightened hazards and recommending but not requiring that foreign ships and aircraft steer clear.*" Ships and aircraft of 'other nations' are not required to remain outside, but are 'obliged' to refrain from interfering with activities therein. The instructions enumerated in the handbook intend to convey, to foreign ships which plan to enter the area, the dangers that are attendant upon the conduct of such exercises. Unlike the USA, which does not require ships and aircraft of other nations to remain outside the specified

zone during military exercises, China's Notice constituted an encroachment upon the 'freedom of navigation' all States enjoy in the Exclusive Economic Zone of the coastal state. The official position of States such as the USA (which has not yet ratified the UNCLOS) vis-à-vis military exercises in international waters is indicative of its awareness of the rights of other States. Thus, the zone created in 2016 is devoid of legitimacy, even by China's own baseline-measuring standards.

China's unilateral imposition of restrictions on the freedom of navigation has no place under UNCLOS or other rules of international law. This conclusion is independent of the gross violation of the regime of Straight baselines, which China has illegally drawn around Hainan Island and the Paracel Islands (the latter are themselves subject to overlapping claims by Vietnam and Taiwan).

Conclusion

China's actions in the given case, i.e. prohibiting entry of vessels in international waters represent a breach of its commitments under the United Nations Convention on the Law of the Sea. The fact that such 'No Sail

Zones' are temporary creations notwithstanding, if these are not challenged, it could encourage erring states such as

China to trample upon the navigational freedom of other States.

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India and the Protection of its Overseas Nationals

*Himanil Raina**

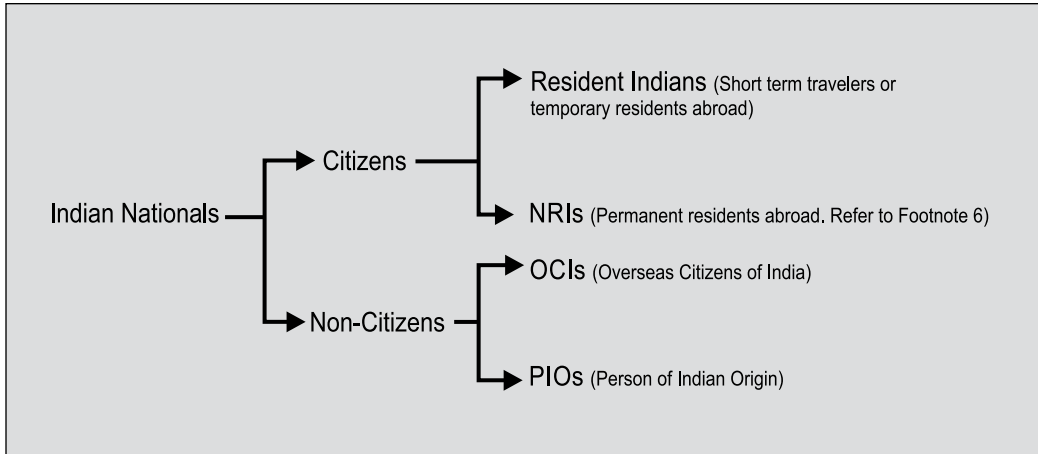
India's overseas population contributes more to the nation financially every year by way of remittances, than foreign direct investment (FDI) and foreign aid put together. In 2017, the FDI and foreign aid received by India amounted to roughly \$43 billion. In the same year, remittances amounted to \$69 billion. India has come a long way from the Nehruvian era policy of 'active disassociation' between the Indian State and overseas Indians. Prime Minister Narendra Modi has stated that the Indian government does not look at the "colour of the passport but only the blood relationship." The need to protect Indians residing abroad may arise due to any number of scenarios ranging from natural disasters to civil disorder to terrorist action to full scale combat. This article examines whether or not overseas Indians can demand State aid or protection as a matter of right. This article also examines the issue of dual

nationals and whether or not citizens would stand on a different footing vis-à-vis nationals when it comes to demanding or receiving State protection.

Disaggregating India's Overseas Population

At 31.2 million, India possesses the world's largest overseas population. This figure does not include short-term travelers or temporary expatriates. This figure does include 13.3 million NRIs and 17.9 million OCIs and PIOs. The term NRI is indicative merely of taxation and not political status. The term OCI is indicative of political status. The term PIO is a term of colloquial usage and indicates neither taxation or political status. Of these three categories of individuals, NRIs alone are citizens of India. OCIs and PIOs are not citizens of India.

For purposes of international law, it is quite irrelevant that a State's internal



laws distinguish between different kinds of nationals- those who enjoy full political rights (citizens), and those who do not enjoy full political rights (some category other than citizens, like OCIs or PIOs). Nationality is the only term of any consequence. Legally, an individual may be the national of a State without having its citizenship.

The Supreme Court of India has addressed this distinction saying that,

“...the words ‘national’ and ‘citizen’ are not interchangeable as has been sometimes supposed.” “Citizen and ‘national’...are not synonymous... Every citizen is a national, but every national is not always a citizen.” “...citizens are those persons who have full political rights as distinguished from nationals, who may not enjoy full political rights.”

Consequently, NRIs and OCIs are nationals of India, while PIOs may or may not be Indian nationals depending on the particular facts and circumstances. Amongst the major reasons for the failure to distinguish between the concept of a citizen and a national is the Parliament’s failure to enact a law governing the recognition, acquisition and termination of nationality. The framers of the Constitution never intended to enact a code of nationality law into the Constitution itself. Rather, this was a task left to the Parliament. Indeed, Part II (Citizenship) of the Constitution does not even provide for a comprehensive law governing citizenship. It simply identifies the people who became citizens of India at the commencement of the Constitution.

Article 11 empowered the parliament to enact a law to provide for the acquisition and termination of citizenship.

The Citizenship Act, 1955 in its original form recognized only one category of Indians – citizens. The category of individuals recognized as PIOs and OCIs was only introduced many decades later. Following a government decision in 2015, there is no longer a distinction between PIOs (Persons of Indian Origin) and OCIs (Overseas Citizens of India). All Persons of Indian origin cardholders became Overseas Citizens of India from January 9, 2015 onwards. The term ‘Overseas Citizen’ however, is misleading in the extreme as India does not have a dual citizenship regime. Article 9 of the Constitution expressly prohibits an Indian citizen from acquiring the citizenship of another State. Further, Section 7B of the Citizenship Act, 1955 specifically denies OCIs a number of fundamental, constitutional and statutory rights that are available only to citizens and not OCIs.

OCIs therefore, are clearly not Indian citizens. They are, however, Indian nationals. A perusal of Section 7A of the Citizenship Act, 1955 shows that the provisions governing the grant of OCI status are in consonance with

the relevant international laws governing the grant of nationality. There are 3 ways by which nationality is acquired/conferred by States: “*descent/parentage (jus sanguinis – law of the blood), birth on the territory (jus soli – law of the soil) or by way of naturalization (including jus domicili or long residence).*” The grant of an OCI status largely veers towards citizenship by jus sanguinis (descent/parentage). A State’s “*own determination that an individual possesses its nationality is not lightly to be questioned. It creates a very strong presumption both that the individual possesses the state’s nationality as a matter of its internal law and that that nationality is to be acknowledged for international purposes.*” Given how even the foundational laws governing Indian citizenship itself have been shifting from a jus soli conception to a jus sanguinis conception, the Indian determination of OCIs as Indian nationals is indeed not to be lightly questioned.

The Spectrum of State Support

A government has three available choices to extend support to a distressed national abroad: Consular Assistance, Diplomatic Protection and the Use of Force.

Consular Assistance is exercised by the State in a preventive manner

(to prevent a national from being subjected to internationally wrongful acts). Consular action is concerned with visiting persons, finding lawyers and contacting the local authorities.

Consular action does not encompass intervention in the host state's internal affairs or judicial processes, nor does it entail the grant of legal advice or the investigation of a crime.

Diplomatic Protection is essentially remedial (to remedy an internationally wrongful act that has already been committed). It has nothing to do with the protection of diplomats. Rather, it is mainly concerned with protecting nationals who are not engaged in official international business on behalf of the State. Diplomatic Protection comprises diplomatic action and other means of peaceful settlement. Diplomatic Action includes protest, request for an inquiry or negotiations. Other means of peaceful settlement includes negotiation, mediation and conciliation and arbitral and judicial settlement.

The use of force for the protection of nationals requires the existence of three cumulative conditions. One, there must exist an imminent threat of injury to the nationals. Two, the failure/inability of

the territorial sovereign to protect them. Three, the intervening State's actions must be strictly confined to protecting its nationals against injury. Prior to the entry into force of the U.N Charter in 1945, the use of force to protect its nationals was an accepted part of a State's right to exercise diplomatic protection under customary international law. Subsequently, it has been settled that the use of force prohibited by Article 2(4) of the UN Charter in exercise of the right of diplomatic protection is no longer permissible. However, whether or not a State's right to use force to protect its nationals still exists outside the field of diplomatic protection is not clear. This is so as International Law neither authorizes nor definitively rules out protection of nationals.

If a State consents to another State extricating individuals from within its territory, then this constitutes an intervention by invitation. This is a completely uncontroversial action that requires no further comment. However, a situation where the host nation does not provide its consent or where the presence of consent is unclear, there exists a legal grey area. As noted by a scholar, "*the question of the legality of forcible rescue operations remain disputed today, while the possibility of evacuation*

of nationals without active combat engagement remains unchallenged.” On this issue, a State may subscribe either to the restrictionist or to the counter-restrictionist position. Restrictionists do not believe that the use of force to protect its nationals is a right that accrues to nations in the post-Charter era. Counter-restrictionists believe that it does. On the issue of using force to rescue hostages abroad, India has expressed its disapproval (at least in so far as such a right is traced from Article 51 of the U.N Charter). However, on the issue of using force to rescue its nationals due to internal unrest/armed conflict, India can be located in the grouping of nations who have refrained from taking a side/expressing their opinion on the issue.

A Right or a Request

In Consular Assistance, consular officers act as per the Vienna Convention on Consular Relations as per which it is the individual and not the State who is the titulaire of the right. The right to seek consular assistance is not synonymous with the right to obtain that assistance. This means that the national cannot be denied access to his government officials by the host country, even as the host country is not obligated to

accede to every request of the national. The Ministry of External Affairs does acknowledge that consular assistance can be provided to Indian nationals and to Overseas Citizens of India (OCI). However, it qualifies this by stating that this assistance will not be provided regardless of the circumstances.

As opposed to consular assistance, which can be claimed as a matter of individual right, diplomatic protection is a State prerogative and not an individual right. The exercise of diplomatic protection by a State is a purely discretionary power. Should an individual feel that his rights are not adequately protected (by the host State exercising diplomatic protection), he will have no remedy in international law. There exists no obligation for a State to extend diplomatic protection to its nationals abroad. As stated by the International Court of Justice, “*The State must be viewed as the sole judge to decide whether its protection will be granted, to what extent it is granted, and when it will cease. It retains in this respect a discretionary power the exercise of which may be determined by considerations of a political or other nature, unrelated to the particular case.*” The most that a national could possibly demand of his protecting

State is that the government consider his request rationally. Municipal law may oblige a State to protect its nationals abroad. The Ministry of External Affairs however, clearly stipulates that it cannot guarantee the safety and security of Overseas Indians outside the scope of local laws. As stated by India in the U.N.G.A Sixth Committee (Legal): *“Concern for the rights of the individual should not, however, be stretched to the point where it was obligatory for the State of nationality to espouse the claim in question despite political or other sensitivities.”*

In the current legal disposition, an individual can only request for and not claim as a matter of right diplomatic protection. Given this fact, an enquiry into whether an individual can as a matter of right, call upon the State of his nationality to use force to protect him is a redundant line of enquiry. In the absence of any municipal law obligations, the answer shall be a negative.

Dual Nationals

Dual nationality is not prohibited by international law. It may arise *“as a result of the parallel operation of the principles of jus soli and jus sanguinis or of the conferment of nationality by naturalization or any other manner...”*

which does not result in the renunciation of a prior nationality.”

Can a State protect its nationals, if these nationals simultaneously also hold the nationality of the State against whom the right to protect nationals is being exercised? The International Law Commission has held that, *“A State of nationality may not exercise diplomatic protection in respect of a person against a State of which that person is also a national unless the nationality of the former State is predominant...”* This principle of ‘predominant nationality’ defines the circumstances in which a State may extend diplomatic protection to its nationals when they also possess the nationality of the state against whom the right of diplomatic protection is being invoked. Clarity is certainly required as to what exactly constitutes these circumstances. Clarity is also needed on whether or not the rule of predominant nationality will also apply to the law governing the use of force. This is so the use of force entails executive action as opposed to the law of diplomatic protection which only entails a claim.

Rights of Citizens versus Rights of Nationals

Should a State conduct Non-combatant Evacuation Operations as part of the

protection of nationals, would a citizen stand on a different footing from a national? This is an important question, as given the limited space onboard ships and aircrafts, there may be a need to prioritize in between the two in the course of evacuation operations.

The Delhi High Court has held that: *“the gaining of the status of an OCI... does not guarantee parity of treatment with Indian passport holders.”* The provisions governing OCIs have received a statutory status and this provision itself can be traced to Article 11 of the Constitution. However, the rights that are conferred on OCIs depend entirely upon the policy of the Government of India. Section 7B of the Citizenship Act, 1955 states clearly that an overseas citizen is entitled to only such rights as the central government may specify {other than the rights specifically not made available to them by Section 7B(2)}. A perusal of the relevant central laws by the Ministry of Home Affairs and the (then) Ministry of Overseas Indian Affairs (now subsumed under the Ministry of External Affairs) makes clear that OCIs have parity with NRIs in respect of all facilities available to them in the economic, financial and educational fields except in matters relating to the acquisition of agricultural

or plantation properties. OCIs also have rights at par with Indian citizens with respect to pursuing certain professions, adoptions, domestic air fares, entry to national monuments, historical sites, museums, national parks, wildlife sanctuaries etc. Government policy, as it stands today, treats OCIs differently from Indian citizens based upon an intelligible differentia. Indian courts have clearly ruled that *“it is not enough to show that the person is an Indian ‘national’. Absent an explicit recognition of such status in law, a ‘national’ may not per se be entitled to the same treatment as a ‘citizen’.”*

In a case before the Delhi High Court this year itself (2018), Justice Vibhu Bakhru held: *“In terms of Section 7B (1) of the Citizenship Act, 1955, all rights other than those specified in sub-section (2) of the said Section are available to an OCI card holder. Although Article 16 of the Constitution of India is specified in Section 7B(2) of the Act, Articles 14 and 19 are not included. Thus, prima facie, the rights under Articles 14 and 19 of the Constitution of India which is guaranteed to the Citizen of India also appear to be extended to an OCI card holder.”*

What must not be forgotten however, is that given the absence of any

obligations placed on the Indian State by domestic law to use force to protect/evacuate even its citizens, the question of prioritizing between its citizens and nationals is presently a moot question. Nonetheless, this question does require clarity, as an answer to the same is still germane for purposes of public policy, perception management, morality and possibly in the future, the law itself.

Conclusions

The contemporary international environment has been increasingly characterized by a tendency to accept or at least tolerate the forcible protection of nationals. Given the sheer number and dispersion of the overseas Indian

population, there is little doubt that the need to protect Indian nationals will arise in the future.

There is a pressing need for legal clarity in relation to the acquisition, determination and termination of Indian nationality, particularly in cases of dual nationality. The use of a variety of terms (citizens, nationals, OCI, PIO, NRI, passport holders) has generated immense confusion about who exactly is entitled to the protection of the Indian State. There is a lack of uniformity across different ministries of the Government of India with respect to the usage of these terms. This requires correction.

03 December 2018

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Legal Aspects of the 25th November, 2018 Kerch Strait Incident

*Himanil Raina**

What Happened on 25th November

On November 23, 2018, three Ukrainian Navy ships set sail from the port of Odessa to the port of Mariupol. This voyage required them to pass from the Black Sea via the Kerch Strait into the Sea of Azov. On November 24, the commander of the Ukrainian naval group was notified by the Russian authorities about the closure of navigation in the Kerch Strait area. On November 25, the Ukrainian naval contingent requested the Russian maritime control services for passage through the Kerch Strait. On the same morning, a Russian coastguard vessel rammed the Ukrainian tugboat *YanuKapu*, damaging it. As the Ukrainian ships continued their voyage, Russia blocked the entrance to the Sea of Azov by positioning a freighter length wise in front of the entrance under the 12 mile bridge across the Kerch Strait and Russian Ka-52 attack helicopters and

Su-25SM's started patrolling the strait. In the evening, Russian ships opened fire on the Ukrainian Gyrza M class artillery gunboats (the *Berdyansk* and the *Nikopol*). Six Ukrainian servicemen were wounded, all 3 Ukrainian navy vessels were seized and the crew of 23, including 2 intelligence officers of Ukraine's SBU security service were taken captive.³ Russia temporarily closed navigation to non-Russian traffic, before reopening it on November 26th (Monday). On 27th November, the Verkhovna Rada (Ukrainian Parliament) backed a presidential plan to declare martial law for 30 days in the 10 regions bordering Russia, Crimea and the Sea of Azov.

Russia stated that the Ukrainian ships were in violation of the rules of peaceful passage in the territorial waters of Russia. According to Russia, the Ukrainian ships attempted to carry out illegal manoeuvres in Russia's territorial

waters. Owing to the failure of the Ukrainian ships to stop immediately and end their manoeuvres, Russian vessels used force to stop and detain the ships in Russia's territorial waters. Ukraine states that Russian ships have unlawfully used force in violation of the United Nations Charter and the United Nations Convention on the Law of the Sea (UNCLOS). Ukraine says that in doing so, Russia has committed an act of aggression as defined in Article 3, paragraph 3 (blockade) and 4 (attack on the sea forces of a state) of the United Nations General Assembly resolution 29/3314.

The Legal Implications

The incident has given rise to a number of legal questions. The commission of an armed attack, Ukraine's right to respond as per Article 51 of the U.N Charter, Russia having purportedly engaged in an act of aggression and the status of the detained Ukrainian sailors are some of them. However, only two specific issues are addressed herein. First, relates to passage rights as enshrined in a 2003 Russian-Ukrainian treaty. Ukraine provided the Russian authorities an advance notice of their intention to traverse the strait, but this notice was not provided sufficiently

in advance as required by the Russian authorities. The Russian perspective is that the Ukrainians did not go through the proper channels to receive a place in line to cross the strait despite being aware of the procedure for innocent passage. The Ukrainian position is that their notification of intent to transit the Strait of Kerch was sufficient and that in any case there was no international notice regarding the closure of the strait to maritime traffic. Second, were Russia's actions in attacking, boarding and seizing the Ukrainian naval ships justified?

The legal consequences will differ depending on the applicable legal regime. If Russia and Ukraine are not in a state of war/armed conflict, then the UNCLOS will be applicable. If, however, Russia and Ukraine are in a state of war/International Armed Conflict, then the law of naval warfare will largely displace the UNCLOS and act as the governing law.

The Law of War

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has held that there exists an international armed conflict in between Russia and Ukraine. Apropos the first

issue, the relevant question is whether a Russia-Ukraine bilateral treaty of 2003 which recognizes Ukraine's treaty-based passage rights, can be suspended owing to the existence of an armed conflict. There exists no presumption in international law that hostilities will necessarily have the effect of terminating or suspending the operation of treaties between the parties to the conflict. Article 7 of the Draft articles on the effects of armed conflicts on treaties refers to an indicative list of treaties, the subject matter of which involves an implication that they continue in operation during an armed conflict. The Russia-Ukrainian bilateral treaty of 2003 could certainly be read into clause b (Treaties declaring, creating or regulating a permanent regime or status or related permanent rights, including treaties establishing or modifying land and maritime boundaries) or clause h (Treaties relating to international watercourses and related installations and facilities of the indicative list) of the indicative list referred to in Article 7. The application of treaties concerning the status of certain waterways may indeed be subject to the exercise of the inherent right of self defence. The Russian intervention in Ukraine has been justified under various legal doctrines.

Self defence as recognized by Article 51 of the United Nations Charter however, is not one of them.

Apropos issue 2, if it is presumed that there exists a state of armed conflict between Russia and Ukraine, then the law of naval warfare (a restatement of which is found in the San Remo Manual on International Law Applicable to Armed Conflicts at Sea) will be applicable (while not binding on states, the Manual is a codification of customary international law). Rule 10(a) recognizes that hostile action by naval forces may be conducted in the territorial seas, internal waters and the exclusive economic zones of the belligerent states. The Ukrainian artillery gunboats qualify as military objectives as defined in Rules 40 and 41 and, therefore, constitute belligerent forces. The Ukrainian tugboat is an auxiliary vessel as defined in Rule 13(h) and therefore cannot claim to belong to the class of vessels exempt from attack as defined in Rule 47. Russia, would then be well within its rights to attack the Ukrainian naval contingent and its decision to use force would not, be illegal. However, Russia's actions would still have to comply with the requirements of International Humanitarian Law as they relate to proportionality, distinction,

necessity and preventing unnecessary suffering. It is to be noted however, that the OHCHR document characterizing the Russian-Ukrainian conflict as an international armed conflict was supported by only 70 States. 77 States abstained and 26 chose to vote against it (including India and China).

The Law of Peace

Apropos the first issue, by virtue of a 2003 bilateral treaty, Ukraine does indeed have treaty-based passage rights through the Kerch Strait. As per Article 3 of the same treaty, Russia and Ukraine, both undertook to cooperate and jointly regulate shipping and navigation. Further, in 2012, both nations entered into an Agreement on measures to ensure the safety of navigation in the Sea of Azov and the Kerch Strait. By virtue of Article 8 of the 2012 agreement, amendments may be made to the agreement with the consent of both parties. Whether, Russia, in drawing up and implementing such laws and regulations has been in violation of its international law obligations is not explored herein, as that is concerned with the violation of bilateral legal obligations as opposed to maritime law. It is sufficient to note that the unilateral adoption of rules on the advance notification of passage through

the Kerch Strait by Russia in 2015 is probably not in consonance with its bilateral treaties of 2003 and 2012 with Ukraine.

Prior to commenting on the second issue, a preliminary inquiry needs to be made. This enquiry relates to whether or not the incident in question happened in Russian territorial waters. This is a question of both fact and law. As for the factual question, coordinates offered by both sides suggest that the vessel was in Crimean waters. The legal question pertains to the territorial status of Crimea. This is important as the fundamental principle governing the law of the sea is that ‘the land dominates the sea’. The implication of this proposition is that the territorial situation on land constitutes the starting point for the determination of the maritime rights of a coastal State. Figure 3 represents Russian and Ukrainian maritime zones in the Black Sea prior to the annexation of Crimea by Russia in 2014.

The prevailing international consensus as embodied in the United Nations General Assembly resolution 68/262 is that the referendum held in the Autonomous Republic of Crimea in March 2014 has no validity. This would have adverse consequences for

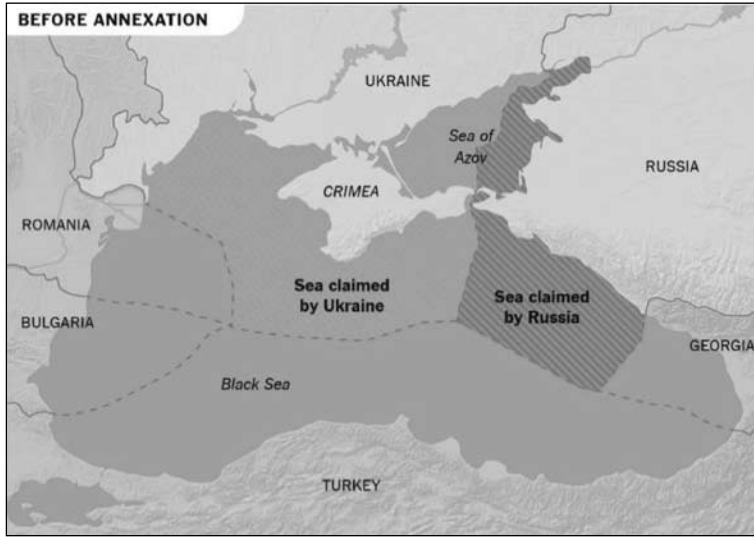


Figure 2: Russian and Ukrainian claims in Black Sea and Sea of Azov before March 2014
 Source: Lamont-Doherty Earth Observatory of Columbia University

Russia's extended claims, as the exercise of coastal state rights by Russia would be an usurpation of Ukraine's rights. Regardless, Russia has asserted that the

seizure of the Ukrainian vessels occurred in territorial waters that belonged to Russia even prior to the assimilation of Crimea with Russia. It has been

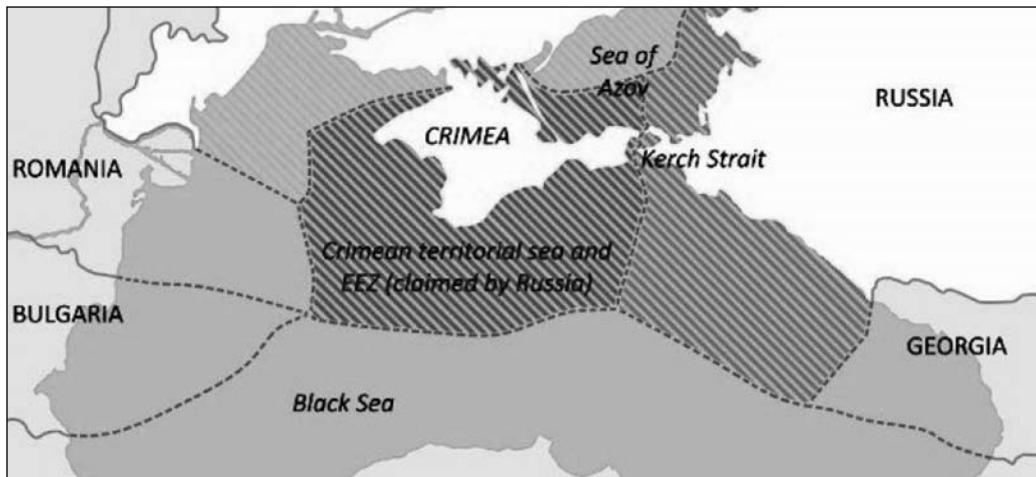


Figure 3: Russian maritime claims after annexation of Crimea
 Source: intellinews.com

independently verified that Ukrainian ships did indeed enter Russian waters (of both Crimea and mainland Russia).

At this early stage, it would be fruitless to seek to determine whether or not Russia's actions were actually in consonance with the law, given that the facts are still unclear or contested. However, were it to be assumed that the waters in question were indeed a part of its territorial seas, it is worth examining whether international law even permits Russia to engage in the actions that it resorted to. This is important so as to be able to counter narratives which suggest that one party's (Russia's) actions are illegal irrespective of which version of events is true.

Article 95 of the UNCLOS states that a warship operating on the high seas enjoys immunity from the jurisdiction of any State other than the flag State. This immunity is absolute. Article 32 of the UNCLOS provides that a warship operating in the territorial sea also enjoys immunity, but this immunity is not absolute. It is subject to two exceptions. The first exception is found in Article 30 of the UNCLOS, which states that a warship which does not comply with the coastal State's regulations concerning passage through the territorial sea may

be required to leave the territorial sea immediately by the coastal State. The second set of exceptions are found in Articles 17-26 of the UNCLOS. Article 17 recognizes that all ships have the right of innocent passage through territorial seas. Article 19 defines innocent passage as passage that is not prejudicial to the peace, good order or security of the coastal State and provides a detailed list of activities that would be considered prejudicial to the peace, good order or security of the coastal State. Article 21 requires that all foreign ships exercising innocent passage through the territorial sea are required to conform with the coastal State's laws in respect of the safety of navigation and the regulation of maritime traffic. Article 22 further allows the coastal State to require foreign ships exercising the right of innocent passage through its territorial sea, to use such sea lanes and traffic separation schemes as it may designate or prescribe. Article 25(1) gives the coastal State the right to take the necessary steps to prevent passage which is not innocent. Specifically, Article 25(3) states that in the case of ships proceeding to internal waters (which is the legal status of the Sea of Azov), the coastal state has the right to take the necessary steps to prevent any breach of the conditions to which

admission of those ships to internal waters or such a call is subject.

What though will be the legal position should a warship fail to comply with the coastal State's demand that that the warship leave its territorial sea? The UNCLOS does not elaborate as to what are the 'necessary steps' that may be taken to prevent passage which is not innocent. The right to employ force is, however, a logical and reasonable derivation of state sovereignty over the territorial sea. Such a use of force would however, have to be tempered by the customary international law requirements of necessity and proportionality. Russia has relied upon these provisions to defend its actions.

Some of the arguments advanced by Ukraine are, however, quite inconsistent or not founded in fact at all. For instance, Ukraine's assertions that Russia's actions constituted a violation of Articles 38 and 44 of the UNCLOS are not founded in fact at all. These articles talk about the right of transit passage and the duty of States that border a strait to ensure that they do not hamper transit passage. Article 37 of the UNCLOS however, specifies that these articles are applicable only to a strait that is used for international navigation between one part of the high seas or an exclusive

economic zone (EEZ) and another part of the high seas or an EEZ. The Sea of Azov however, contains no high seas nor any exclusive economic zones. It is an enclosed or semi-enclosed seas defined in in Part IX of the UNCLOS. As per Article 123 of the UNCLOS, States bordering enclosed or semi-enclosed seas are to cooperate in the exercise of their rights and the performance of their duties. Prior to the USSR's dissolution in 1991, the Sea of Azov and the Kerch Strait were the USSR's internal waters. While, Ukraine and Russia have not finished delimiting the area, they have recognized the Sea of Azov and the Strait of Kerch as the inland waters of Russia and Ukraine through two 2 bilateral treaties in 2003 (January and December). Hence, no question arises of there existing any high seas or an EEZ within the Sea of Azov, which is why the Strait of Kerch cannot constitute a strait used for international navigation as envisaged in Part III of the UNCLOS. In July 2015, certain members of the Ukrainian parliament had submitted a Draft Law on the Denunciation of the Treaty between Ukraine and the Russian Federation on Cooperation in the Use of the Azov Sea and the Kerch Strait. This draft law was not adopted. For Ukraine to argue that the Kerch Strait is

an international strait is quite puzzling as Ukraine relies upon its 2003 bilateral treaty with Russia for both its opposition to the construction of the Kerch Strait bridge by Russia and its passage rights.

Similarly, Ukraine's assertion that Article 95 of the UNCLOS (which grants immunity to warships on the high seas) is relevant in the matter at hand is quite puzzling. This is so, as while it is contested whether or not the Ukrainian navy ships were in the territorial seas when attacked by Russia, it is not contested that they were in Crimean territorial waters. Consequently, Article 95 is completely inapplicable to the case at hand.

The Wider Geopolitical Context

Negotiations between Russia and Ukraine on the status of the Sea of Azov and the Kerch Strait have been ongoing since 1995. Following the Tuzla island crisis of September 2003, a bilateral agreement was signed in December 2003. Many benefits accrued to Russia from this treaty. For instance, Russian vessels no longer had to pay Ukraine for passage as they could now use the Kerch-Enikale canal freely. Further, foreign warships could no longer enter the sea without its permission. Most

importantly, Ukraine also recognized the Sea of Azov as internal waters. Following the Orange Revolution of 2004 in Ukraine however, Kiev has been insisting on a revision of the agreement. As per the 2003 agreement Ukraine legally controlled 62 percent of the Sea of Azov's area and Russia controlled 38 percent. Following the Crimean annexation of 2014 however, Russia controls 75 percent of the Sea of Azov.

The present incident is indeed a 'dramatic' escalation as it marks the first time that the Russian armed forces have openly attacked the Ukrainian armed forces and claimed responsibility for the same. Despite the ongoing violence on land since Russia's military intervention in Ukraine in 2014, the Sea of Azov had thus far been free of clashes. Tensions escalated in March 2018 when Ukraine seized a Russian-flagged fishing vessel in the Sea of Azov. While the crew was released, the vessel still remains in Ukrainian custody. Following this incident, Russia began stepping up the inspection of Ukrainian vessels. In May 2018, Russia also completed the construction of the Kerch Strait bridge (construction on which began in 2015 without taking the Ukrainians on board first). This 19km bridge linking the Krasnodar region of Russia

with Crimea, is the sole land route to mainland Russia. Citing the need for enhanced security, Russia scaled up the deployment of armed ships in the region. Cargo ships headed to Ukrainian ports now found themselves subject to increasingly frequent inspections and lengthy delays (at times as long as a week). Additionally, the Kerch Strait bridge has imposed physical restraints on navigation. Ukrainian port administration authorities stated that the average measurements of vessels visiting the Ukrainian ports were 175 m (length) and 27 m (width), with a maximum draft of 9.6 m. Panamax type vessels that visited the Mariupol port had dimensions of 225 m (length), 32.5 m (width) and 37.5 m (height), with a

maximum draft of 14 m. With the Kerch bridge now in place, the dimensions of ships that may pass through are restricted to 160m (length), 31m (width), 33m (height) and maximum draft of 8m. Trade to Ukrainian ports has fallen by 30 percent since Russia has started interfering with its shipping. Ukraine has already initiated legal proceedings against Russia under Annex VII of the UNCLOS for the infringements of its rights as a coastal State by these developments. That the recent incident followed Ukraine's first ever attempt to bring naval ships through the Kerch Strait following the completion of the bridge may well be no coincidence.

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Employment of Unmanned Maritime Systems in the Indo-Pacific: Legal Implications and the Way Ahead

*Suriya Narayanan**

On December 16 2016, the People's Liberation Army Navy (PLAN) seized an Unmanned Underwater Vehicle (UUV) in the EEZ of the Philippines, approximately 50 nautical miles North-West of the Subic Bay. The UUV belonged to the United States (US) Navy. The US government condemned the Chinese action. It claimed that the People's Republic of China had violated international maritime law, specifically articles 32, 58 and 96 of United Nations Convention on Law of the Sea, 1982 (UNCLOS). While Articles 32 and 96 of the UNCLOS provide for the immunity of warships and the immunity of ships on government non-commercial service, respectively, Article 58 addresses the obligations of a State in Exclusive Economic Zone (EEZ) towards security of the Coastal State. However, the UNCLOS does not address these issues with respect to unmanned systems. Unmanned Maritime Systems

(UMS) consist of vehicles that are either autonomous or remotely operated in air, surface or subsurface (underwater).

Autonomous and remotely operated weapon systems are being increasingly used in modern day warfare. A classic example of the modern-day usage of an autonomous weapon system would be an armed aerial drone. The US uses it regularly for kinetic strikes against targets in Somalia, Yemen and in the AfPak region. Having realised the dangers of unregulated drone usage in the country, the government of India has instituted regulations to control their usage. Unfortunately, UMS have not received the same attention although their unregulated use in the waters of Coastal States in Indian Ocean Region (IOR) poses a complex challenge.

Unmanned systems can be used for activities ranging from surveillance

missions to full-fledged kinetic strikes. Currently, UMS are used by navies for non-lethal assignments, inter alia the following,

- Intelligence, Surveillance and Reconnaissance (ISR)
- Intelligence Preparation of the Operational Environment (IPOE)
- Mine Counter measures (MCM)
- Inspection / Identification
- Oceanography
- Communications
- Payload Delivery / Time Critical Strike (TCS)

Regulatory mechanisms are not developing as rapidly as technology is. Existing international laws, including the UNCLOS, do not provide sufficient clarity to address the issues regarding the legal status of UMS and the regulation of their employment.

International law treats naval vessels as extensions of the respective State whose flag they fly. This is an established principle of international law which grants sovereign immunity to these vessels

from “interference by the authorities of nations other than the flag nation”. The status of UMS though, cannot be clearly determined by the international legal framework as it stands today. UMS certainly do not fall under the definition of a warship. The UNCLOS definition states that a warship should be “manned by a crew which is under regular armed forces discipline.” As the names indicate, UUVs and most AUVs are unmanned. Whether UMS should be considered as warships or auxiliaries; or, do we require a new category to classify UMS is a question of law that requires deliberation.

To complicate the matter further, the UNCLOS does not define a ship or a vessel. Reference for the purpose of guidance though, can be made to the “San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 1994”, for categorization of UMS. The text of 13(h) Section V of the Manual allows the classification of UMS as Auxiliary Vessels. However, this poses another hurdle in regulation of UMS as the UNCLOS does not define the term ‘Auxiliary Vessels’ either. The status and nomenclature of UMS in the high seas and territorial waters of coastal states is something that legal heads need to ponder over.

Recently, the Indo-Pacific has emerged as a region of geopolitical competition. With the presence of all major powers in the IOR, which are also sufficiently technologically advanced to deploy UMS, it is imperative for India to assess the challenge from both operational as well as legal perspectives.

Among other powers, China has become increasingly active in the IOR. It has regularly deployed warships and even nuclear submarines. With its growing naval and technological might, there is a large likelihood that China will deploy UMS in the oceans around India. China has built or is in the process of building ports in Myanmar, Pakistan and Sri Lanka. It already has an active military base in Djibouti. With its 'String of Pearls' in the Indian Ocean Region, Beijing will be able to deploy, control and service its UMS in the IOR.

China has also been aspiring to augment its nuclear submarines with a system that is powered by AI. As AI is coupled with UUVs, more complex issues are bound to arise that will require active consideration by the regional nations. The 2016 incident in the South China Sea amply highlights the complexities of the employment of UMS in the IOR

The nations in the Indo-Pacific region have been actively procuring or developing UMS that are envisaged for military, non-military and dual-use purposes. However, the legal regime governing UMS ranges from being non-existent to highly inadequate. This legal ambiguity is dangerous. This is so as another nation could deliberately exploit this gray area of the law or even accidentally cross another nation's threshold and trigger a kinetic response. Nations would like to avoid situations involving UMS of other major powers which could lead to ratcheting up of tensions. The benefit of promulgating legal mechanisms is that, they are prospective. In furtherance of leaving no lacunae, nations should not wait for a trigger event to promulgate laws. Before such issues become a matter of grave concern, member nations of the Indo-Pacific must initiate promulgation of their respective municipal laws as well as contribute, not only to the development of appropriate international legal mechanisms but also to secure one's own territory by addressing the lacunae in governing and regulating UMS. They should rather be equipped to address issues that are visible as a product of reasonable foreseeability. Consequently, there is a pressing need to clarify or

create (if required) the legal architecture governing UMS. India, particularly, should take the lead in this as it is likely to be most affected due to its long coastline

and expanding maritime interests in the IOR.

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China and the South China Sea Arbitration: Analyses in the Indo-Pacific Context

*Hamsa Devineni and Captain (Dr) Gurpreet S Khurana**

In January 2013, the Philippines initiated an international arbitration case against China under Part XV, Section 2 on “Compulsory Procedures Entailing Binding Decisions” and Annex VII (“Arbitration”) to the *United Nations Convention on the Law of the Sea*, 1982 (UNCLOS). The case concerned the prevailing maritime disputes in the South China Sea (SCS), and broadly concerned the role of historic rights, maritime entitlements, the status of maritime features and the lawfulness of certain actions by China, upon which, the Philippines alleged that China had violated the Convention. China adopted a position of non-acceptance and non-participation in the proceedings, and eventually, rejected its verdict declared in July 2016.

The case is very relevant to the ‘rise’ of the Indo-Pacific region; and more specifically, to the imponderable whether amidst the emerging challenges

to the established legal maritime order, regional countries would eventually cherish their hard-fought and well-deserved objectives of the ‘Indo-Pacific’ idea that seeks regional prosperity and development.

Such academic enquiry — as also its functional solution — lie in ascertaining the answers to two key questions: First, in rejecting the jurisdiction of PCA — and later, its decision — under the compulsory dispute resolution mechanism of UNCLOS, is China’s position legally valid? If so, is the relevant international law (UNCLOS) inadequate to address the emergent geopolitical issues in the Indo-Pacific region?

This issue-brief aims to address these questions, ascertain the implications of the same on stable and lawful maritime order in ‘Indo-Pacific’ region, and offer recommendations in this regard.

The Legal Dimension

The UNCLOS, in the first instance, mandates all its State parties to settle their disputes amicably, mutually and by peaceful means (Article 279). However, when the parties are unable to settle a dispute, it also provides a procedure to resolve the contention under Part XV of UNCLOS on 'Settlement of Disputes'. It permits any State to institute a case against another State in one of the forums chosen by the latter in its declaration under Article 287(1) (Section 2 of Part XV on 'Compulsory Procedures Entailing Binding Decisions'). As per this provision, every State is free to choose one or more of the four enumerated forums namely, the *International Tribunal for the Law of the Sea (ITLOS)* or the *International Court of Justice (ICJ)* or an arbitral Tribunal constituted under Annexure VII or a special arbitral tribunal constituted under Annexure VIII. Given that China has not made a declaration choosing the forum, it is deemed to have accepted arbitration under Annexure VII [Art 287(3)]. Accordingly, given that the Philippines failed in its attempts to resolve its long-pending maritime dispute with China in the SCS through bilateral negotiation, it took recourse to instituting arbitration

proceedings before the Permanent Court of Arbitration (PCA), in accordance with Annexure VII of the Convention.

The Philippines requested the PCA to decide on 15 issues. Manila's contentions may be distilled into three key issues, as follows: -

- China's claim to sovereign jurisdiction within the nine-dash line on the basis of 'historic rights' are unlawful.
- The features that China claims in SCS do not generate maritime zone entitlements as per UNCLOS.
- China has violated its obligations under UNCLOS, including in terms of interfering with the Philippines' exercise of the sovereign rights.

China refused to participate in the arbitration proceedings formally as a party. It, nonetheless, expressed its view to the Tribunal through a 'position paper'. Broadly, the paper said that the PCA had no jurisdiction on the issue between the two countries, and that China has filed a declaration under Article 298(1), which exempt it from compulsory arbitration [Article 287(3)].

The declaration made by China on 26 August 2006 had stated that:

“The Government of the People’s Republic of China does not accept any of the procedures provided for in Section 2 of Part XV of the convention with respect to all the categories of disputes referred to in paragraphs 1(a), (b) and (c) of Article 298 of the Convention.”

Essentially, the three paragraphs of UNCLOS Article 298 refer to the disputes...

- 1(a) “...relating to historic bays or titles...and...sovereignty or other rights over continental or insular land territory”.
- 1(b) “...concerning military activities and disputes concerning law enforcement activities”.
- 1(c) “...in respect of which the Security Council of the United Nations (UN) is exercising the functions assigned to it by the (UN) Charter....”

On the jurisdiction issue, the PCA Tribunal conducted a separate hearing under UNCLOS Article 288(4), which empowers it to decide on its own jurisdiction. Accordingly, on 29 October 2015, the Tribunal passed a preliminary order affirming its lawful jurisdiction

to decide the dispute between the Philippines and China.

The Tribunal proceedings, thereafter, continued as per Article 9 of Annexure VII, which *inter alia*, states that the absence of a party or the failure of a party to defend its case shall not constitute a bar to the proceedings. China was provided with daily transcripts and documents of the Tribunal proceedings, along with the opportunity to comment thereon. However, China continued to exempt itself from participating based on declaration it had made by it in 2006 under UNCLOS, Article 298(1) [sub-paras (a), (b) and (c), as mentioned above) that exempts it from compulsory dispute settlement.

Clearly, the claims raised by the Philippines did not fall under (a) ‘sovereignty or other rights over continental or insular land territory’, or (b) or (c) above, for which China sought exemption. As regards the exception on (a) ‘historic bays or titles’, the Tribunal declared that,

“as between the Philippines and China, China’s claim to historic rights, or other sovereign rights or jurisdiction, with respect to the maritime areas of the South China Sea encompassed by the relevant part of the ‘Nine-dash line’ are contrary to the convention and without

lawful effect, to the extent that they exceed the geographic and substantive limits of China's maritime entitlements under the Convention".

The Tribunal further declared that, "the Convention superseded any historic rights, or other sovereign rights or jurisdiction, in excess of the limits imposed therein." Thus, the 'historic bay or titles' exception enumerated in Article 298(1)(a) is subject to the limits imposed by the UNCLOS and this exception cannot be taken to mean an exception to the geographic and substantive limits of the maritime entitlements enumerated under the Convention. Thus, China's claim to sovereign jurisdiction on the basis of historic rights was declared illegal by the PCA through its final order issued on 12 July 2016.

The order of the PCA being "final" means there is no further chance of appeal or revision and both the Philippines and China are legally bound by it, alike the orders passed by the ITLOS, the ICJ, or arbitral tribunals under Annexure VII or VIII. Additionally, Article 33 of Annexure VI and Article 11 of Annexure VII also reiterate that the order of ITLOS and the arbitral Tribunal constituted under Annexure VII are final and binding on the parties.

However, despite this, China refused to comply with the Tribunal's verdict. On the other hand, the Philippines has not been able to compel enforcement of the arbitral award due to lack of effective enforcement provisions under the UNCLOS.

Although Article 12(1) of Annexure VII says that a dispute regarding implementation of an arbitral award may be submitted to the same arbitral tribunal, the UNCLOS is silent on its power to execute the award. Only a decision adjudicated upon by the ICJ is enforceable by recourse to the UN Security Council, which can take measures to give effect to the judgment (Article 94 of the UN Charter). As things stand today, the execution of awards passed by ITLOS and the arbitral tribunals are left solely to the good faith obligations undertaken by the concerned State. The State that is adversely affected, therefore, may only secure compliance through persuasion and diplomatic goodwill. Given the increasing geopolitical rivalry in the Indo-Pacific region, this translates into a potential for a paralysis of the UNCLOS mechanisms.

Amending the UNCLOS to incorporate an enforcement mechanism

may be solution. The Convention permits such amendments through a procedure enumerated in Articles 312-316 of Part XVII (Final Provisions). Such an amendment could be adopted

either through convening a conference (Regular Procedure), or through formal written communication (Simplified Procedure), as indicated in flow-chart below (Fig. 1).

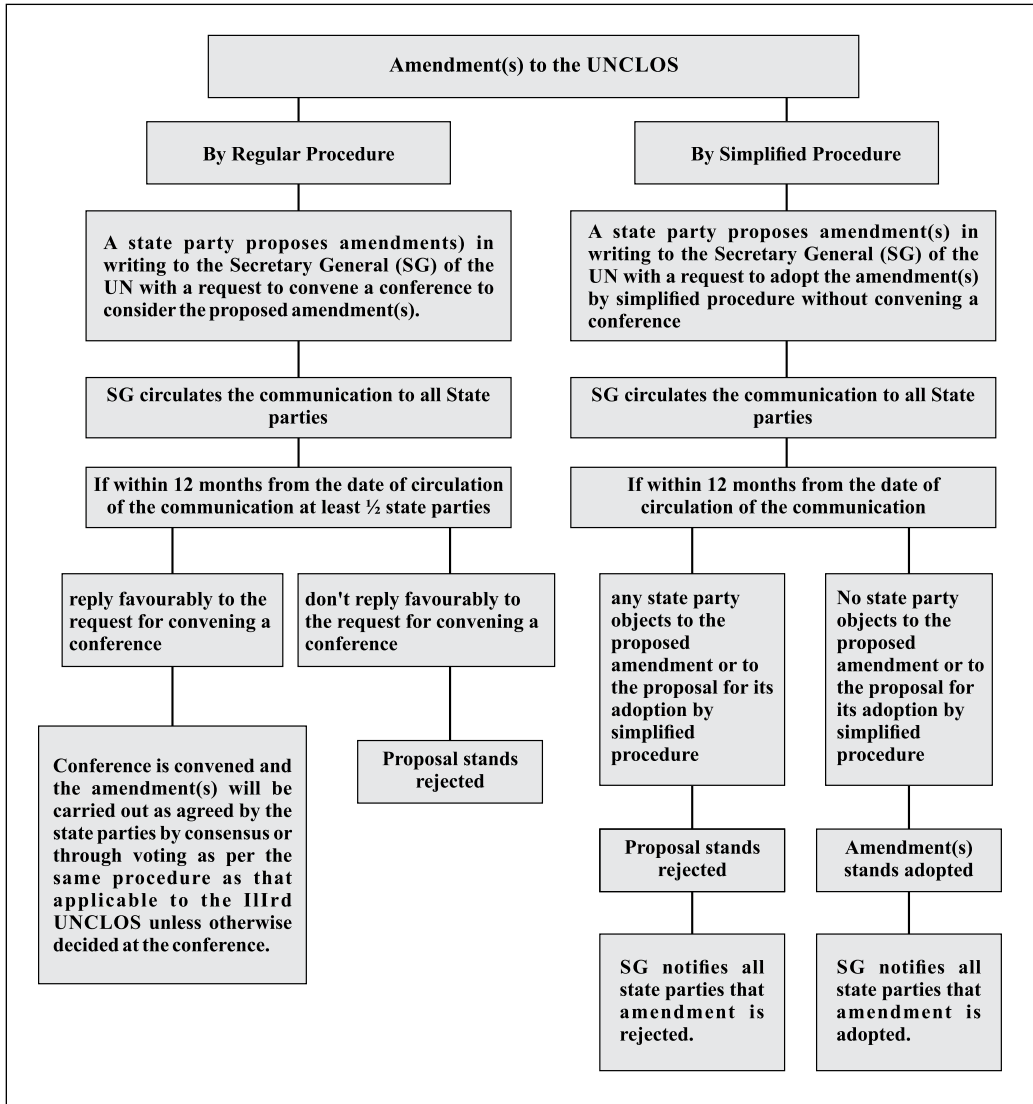


Figure 2 - Flow Chart: Procedure to adopt an amendment (UNCLOS Articles 312 and 313)

The Geopolitical Dimension

Despite being an active participant in the UNCLOS III (Third United Nations Conference on the Law of the Sea, 1973-82) negotiations and a State party to the UNCLOS, 1982, China declined to conform to its compulsory dispute resolution mechanism (UNCLOS, Part XV), citing the declaration that it made to the effect in August 2006. While allowing for such declarations, UNCLOS provides its State-parties the latitude to choose what is best suited to their respective conditions and interests. However, such leeway ought not be used by a State party to absolve itself of its treaty obligations in entirety. For instance, by asserting its ‘historic claim’ within the “nine-dash line” without an established State practice as provided for in UNCLOS, Beijing is clearly renegeing on its treaty obligations. China’s legal position is being supported by its geopolitical (including geo-economic) power, which is diluting the objectivity of international law.

Ostensibly, like its oft-articulated ‘dissatisfaction’ with the Western-based global order, China seeks to shun the UNCLOS that is based on ancient Roman and Nordic maritime laws.

It seems as if the Chinese are saying “don’t impose Western-based laws upon China... as ancient Asian civilizations, China (and also India) did have flourishing maritime economic and cultural linkages within the Indo-Pacific region, which would not have been possible without existence of a robust maritime law... the ancient mariners of Asia were neither killing each other at sea, nor were their merchant ships colliding”. A dispassionate view holds such an argument to be substantially robust.

Nonetheless, this argument — and China’s assertion of geopolitical power to further it — is indeed a risky proposition for the Indo-Pacific, and also for the wider international community. It is unhelpful to meet the objectives of the contemporary concept of ‘Free and Open Indo-Pacific’ — as an essential prerequisite for regional prosperity — that which was originally conceived in 2006 in India, and articulated by the Japanese Prime Minister in the Indian Parliament in August 2007.

During his address at the *Shangri La Dialogue* held at Singapore in June 2018, the Indian Prime Minister Sh. Narendra Modi said,

“India’s vision for the Indo-Pacific Region is...a positive one. And, it has many elements... We believe that our common prosperity and security require us to evolve, through dialogue, a common rules-based order for the region.... These rules and norms should be based on the consent of all, not on the power of the few. This must be based on faith in dialogue, and not dependence on force. It also means that when nations make international commitments, they must uphold them. This is the foundation of India’s faith in multilateralism and regionalism; and, of our principled commitment to rule of law.

This implies that the divergences in the interpretation of international law in the maritime domain, if any, would need to be reconciled through a consensual approach, and solutions found within the existing overarching legal framework, as represented by the UNCLOS.

This goes beyond a mere ‘sermon’ and is a case of ‘practicing what you preach’. No matter which political party forms the central government in New Delhi, as a satiated and *status quo* power, India has stood by the established international legal order almost as a fundamental tenet of its foreign policy. In October 2009, when Bangladesh invoked UNCLOS (Part XV, Section 2

on “Compulsory Procedures Entailing Binding Decisions”) to institute international arbitration against India at the PCA, India willingly involved itself in the arbitral proceedings. Later, in July 2014, notwithstanding a PCA judgement that was adverse to India, New Delhi gracefully accepted the Tribunal’s award. Such national policy approach is also in consonance with Prime Minister Modi’s vision of Security and Growth for All in the Region (abbreviated as SAGAR, meaning ‘Ocean’ in Hindi language), which was enunciated in Mauritius in March 2015. The vision stands for collective economic development and security of the regional countries. It is premised on the realization that India can achieve prosperity only if its regional neighbours also prosper, which is best represented by the aphorism “a rising tide lifts all boats”.

A couple of years before the resolution of the India-Bangladesh maritime dispute, in 2012, Myanmar also settled its maritime boundary with Bangladesh through referral to the ITLOS. The other countries of the Indo-Pacific are also increasingly resorting to international arbitration to resolve their outstanding maritime disputes amicably, and in accordance with the UNCLOS.

For instance, in August 2014, Kenya referred its maritime boundary dispute with Somalia to the ICJ. More recently in 2017, pursuant to a UN General Assembly resolution, the ICJ was approached to resolve the dispute between Mauritius and the UK over the status of the Chagos Archipelago. In none of these cases has any involved party rejected the jurisdiction of the concerned court. China's non-participation in the Philippines-China PCA case, therefore, stands out starkly as an aberration in the emerging geopolitics of the Indo-Pacific region.

The Way Ahead

Ever since the 'Indo-Pacific' concept was renewed in 2006-07 to respond to the contemporary reality of emerging the security linkage between the two oceans, China has been the centre-piece of the 'Indo-Pacific' idea. Accordingly, the most appropriate regional geopolitical response to China should have been one of asserting nuanced and graduated persuasive and dissuasive pressures upon China. However, the governments of the Indo-Pacific countries could not comprehend this, much less implement it. India's own apex leadership never fathomed the import of the 'Indo-Pacific' concept until June 2018, even

though the Japanese Prime Minister articulated it in August 2007 in the Indian Parliament.

On the other extreme, the "Indo-Pacific...Indo-Pacific... Indo-Pacific..." articulation of the US President Donald Trump during his Asia Tour in November 2017, and its temporal coincidence with the launching of the Quadrilateral Security Dialogue (QSD) has led to polarizing the Indo-Pacific region, with the region presently facing the adverse consequences in terms of being forced to choose sides.

This deleterious consequence needs to be neutralized though exerting persuasive and dissuasive pressures upon China in a graduated manner. In this regard, among other measures, international legal regimes like UNCLOS could be very helpful. Even though Beijing has been dismissive of the PCA arbitration instituted by the Philippines, the arbitral proceedings and its verdict have constructively served to exert substantial geopolitical pressures upon China. If the other ASEAN countries that have maritime disputes with China in the SCS were also to seek recourse to international arbitration against China, the weight of such pressures could be increased substantially.

The ‘power’ that China is using as its ‘primary weapon’ to challenge the established tenets of international law is also a source of its vulnerability. The more powerful a nation is, the more is its need to preserve its image and standing in the international community. For China specifically — which places much value upon ‘face’ owing to historic and cultural factors — going against the collective will of the international community is accompanied by substantially high costs in terms of its regional and global influence. China is thus likely to realise, sooner or later, that the current transaction is not ‘cost-effective’.

Meanwhile, efforts need to be made at the global level to amend the UNCLOS under its inherent proviso (UNCLOS Articles 312 and 313), such that the decisions awarded under the UNCLOS provision of “Compulsory

Procedures Entailing Binding Decisions” are made enforceable through the UN Security Council, alike those taken by the ICJ.

Concurrently, the countries of the Indo-Pacific region may need to undertake deliberations at multilateral fora, so as to evolve a common interpretation of UNCLOS with regard to freedom of navigation, such as in terms of the innocent passage of foreign warships in the Territorial Sea, and foreign military activities in the Exclusive Economic Zone (EEZ). This will prevent a scenario wherein China begins exploiting the ‘fault-lines’ among the Indo-Pacific countries in terms of the existing divergences in their interpretations of international law.

28 December 2018

South East Asia

India and Indonesia: Converging Maritime Interests in the Confluence of the Oceans

*Surbhi Moudgil**

As the 'rise' of Asia gathers momentum, the geopolitical interplay amongst the regional powers is likely to become more vigorous. India and Indonesia are amongst these powers whose interface is likely to be guided by strong convergent interests due to a variety of reasons. First, with the concept of the 'Indo-Pacific' gaining traction leading to a changing geopolitical landscape in Asia, both countries are now required to formulate appropriate geo-strategies so as to cut out a major role for themselves in the region.

Second, since coming to power in their respective countries in 2014, the apex political leaders of India and Indonesia have enunciated their visions. While Prime Minister Modi has enunciated his revitalized Act East Policy (AEP) to give thrust to India's geopolitical approach towards Southeast Asia and beyond, President Jokowi has articulated Indonesia's desire to achieve

maritime resurgence for his country through his 'Global Maritime Fulcrum' (GMF) vision, which finds resonance with India's AEP. Towards this end, the collaborative efforts of the two countries—being major powers and stakeholders in the region—can be mutually reinforcing.

Third, given that India and Indonesia are immediate maritime neighbours with contiguous maritime zones, they can collaborate to forge a strong partnership in the domain of maritime safety and security. This can translate into major opportunities for the two countries to meet their respective national objectives through a collaborative approach.

This issue brief examines the opportunities and challenges for India and Indonesia to optimize the potential of maritime cooperation between the two countries. Such cooperation is considered necessary for the fulfilment

of the geopolitical objectives of the two countries in the Indo-Pacific region, specifically in terms of their respective interests pertaining to geo-economics, maritime security, and a favourable regional order.

Geo-economics

India has trade relations with various East Asian and South East Asian economies, and also has established comprehensive economic cooperation agreements (CEPA) with Japan, South Korea, and ASEAN. In 2016, about 30.6

per cent of India's seaborne merchandise trade transited the Malacca Strait and the South China Sea (SCS) (Figure 1). This makes the key waterways like the Malacca Strait highly strategic trade routes, not only for India, but also for the countries of Southeast Asia and East Asia. Consequently, India's major geo-economic interests lie in the safety of shipping, and the security of the ISLs leading to SCS and beyond.

With its increasing sea trade dependence on the Malacca Strait,



Figure 1 : India and Indonesia: Converging Sea-born Trade Flows

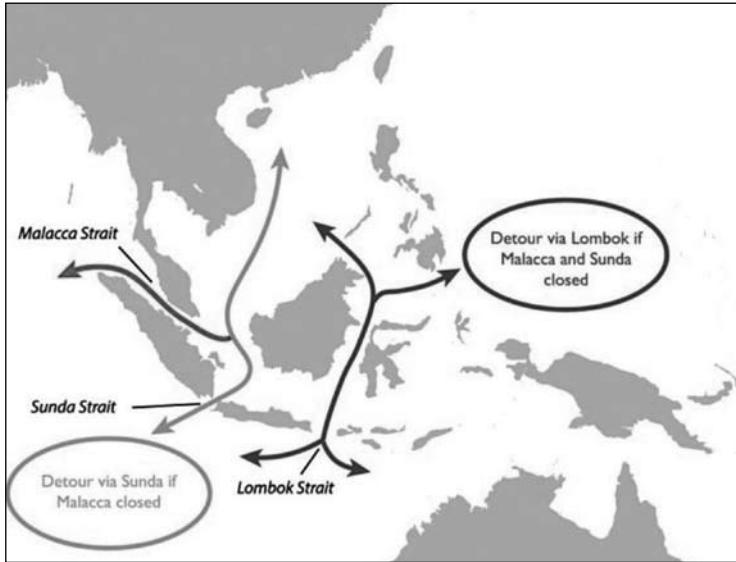


Figure 2. Entry of International Shipping Lanes (ISL) into the South China Sea
 Source: CSIS China Power Project

India's maritime security interests are expanding in the region. However, maritime threats like collisions, groundings, and piracy/armed robberies at sea can disrupt trade in the Malacca Strait, the Sunda, the Lombok, and the Ombai-Wetar straits, as shown in Figure 2. With the growing reliance on the Malacca Strait for the flow of goods, geo-economics is increasingly gaining prominence in India's geostrategic calculus in the Indo-Pacific region. This is the primary reason why India has been looking to contribute to security in the Malacca Strait, including in partnership with Indonesia which has a crucial role in the security of the Strait. Accordingly,

India seeks to accord high priority to its relations with Indonesia. However, there are other reasons as well. For instance, the SCS is considered Indonesia's backyard, wherein a benign maritime environment is becoming increasingly important for India's growing sea-trade with its extended eastern neighbourhood.

Conversely, Indonesia also has major economic interests in the Indian Ocean Region (IOR), which plays a vital role in Indonesia's comprehensive national development. Notably, about 40 per cent (approximately US\$ 11.67 billion) of Indonesia's total foreign investment is sourced from IOR countries. In 2016, the trade between Indonesia and the

other IOR countries was about US\$ 89.8 billion. Indonesia's increasing interest in the IOR is evident from the country's proactive role as the chair of the Indian Ocean Rim Association (IORA) and conducting the seminal IORA Concord during the Jakarta Summit on 7 March 2017.

Further, Indonesia's growing interest in the Indian Ocean can also be substantiated from the statement made by President Joko Widodo, which stated that the future of the world economy lies in the Indian Ocean, and Indonesia wants to integrate its "global maritime axis" program with shipping lines. This is best exemplified by the IORA Business Summit held in Jakarta on 6 March 2017, which sought to boost economic cooperation between IORA members. The increasing importance of Indian Ocean in Indonesia's foreign policy would increasingly prompt Jakarta to look towards New Delhi, since Indonesia's Indian Ocean outlook cannot be complete without its engagement with India. Hence, it is not surprising that Indonesian scholars have been writing about developing a 'Look West' policy in consonance with India's 'Act East' policy.

Maritime Security

The Indo-Pacific region is confronted with both traditional and non-traditional maritime security challenges. The traditional challenges include sovereignty issues, maritime disputes, and contradicting positions on international norms, to name a few. These challenges are significant, considering that they can threaten Indonesia's interests in the region, and any unnecessary escalation due to muscle flexing by countries involved in SCS disputes can cause major insecurities for the country. In this regard, India and Indonesia's apprehensions over China's disregard for international law and established norms of conduct lead to converging security concerns. These concerns are enhanced by the fact that both India and Indonesia have disputes with China with regard to territory and maritime sovereignty, respectively.

Both India and Indonesia may have reasons to be circumspect of China's increasing naval presence in the IOR. Under the pretext of anti-piracy operations, the Chinese deployment of submarines in the IOR has raised the possibility of China's increasing military assertiveness in the Indian Ocean in

the coming years, akin to that in the SCS. In the recent past, both countries have stood firm against Chinese pressure: for example, India refusing to back off in the Doklam standoff, and Indonesia renaming a part of its Exclusive Economic Zone (EEZ) lying within the Chinese-claimed ‘Nine Dash line’ to “North Natuna Sea”, as shown below in Figure 3. India and Indonesia have taken a rather bold stance which deserves credit, and sets an example for other regional countries who seek to moderate China’s assertiveness in order to maintain peace and stability in the Indo-Pacific region. Additionally, both

countries have also enhanced their defence and security cooperation in the region by implementing initiatives, like the India and Indonesia Coordinated Patrol (CORPAT). The latest was the 29th CORPAT conducted in May 2017. India and Indonesia will also need to synergise their approaches at regional fora like the ASEAN Defence Ministers’ Meeting (ADMM-Plus) that addresses shared security challenges.

Favourable Regional Order

India and Indonesia share a history of bilateral cooperation due to similitude in their ethnicities and cultures.



Figure 3: Location of the North Natuna Sea

Source: Straits Times Graphics

However, today, the challenge for both countries is to rediscover and reshape their partnership in the post-Cold War globalized world order. The most urgent diplomatic foreign policy task before the two countries is to identify their converging geopolitical concerns arising from the evolving balance of power in the Indo-Pacific region—specifically, the behaviour of China as a rising power in the region. One of the most prominent converging geopolitical interests are the freedom of navigation and over-flight based on established international laws and norms of conduct. This was clearly indicated in the December 2016 Joint Statement made during President Jokowi's visit to India, wherein he and Prime Minister Modi reiterated their commitment to respecting the freedom of navigation and over-flight, and unimpeded lawful commerce based on the principles of international law, as reflected notably in the UNCLOS.

The two countries have stated their interests in augmenting closer relations during past ministerial visits. However, they need to substantiate them by implementation. Thus, for a realization of converging visions, the two countries need to achieve more substantive cooperation that goes beyond symbolism.

While the two countries aim to maintain peace, progress, and prosperity in the region, they also strive to develop a multi-polar Asia to augment relations with regional countries. Consequently, both India and Indonesia needs to enhance their geostrategic interfaces with other key countries the Indo-Pacific region, including under the ambit of regional multilateral forums such as the ASEAN Regional Forum, the Indian Ocean Rim Association (IORA), and the Indian Ocean Naval Symposium (IONS), to name a few. These avenues increase the capabilities of the two countries to play a positive role towards shaping a regional balance of power which is favourable to them.

Further, to convert the converging geopolitical interests of India and Indonesia into substantive cooperation, it is necessary to engage with each other at all levels. The level of interaction between the two countries ought to increase by facilitating growing people-to-people interaction through tourism which is flourishing between the two countries. Nonetheless, even as more than 183,558 Indians have visited Indonesia in the period between January and May 2017, all flights make it necessary to transit through Singapore,

Bangkok, or Kuala Lumpur. In such a case, even if there is a facility of visa on arrival, it has hitherto not served the purpose completely. Therefore, the exchange of ideas and culture between the two countries is restricted due to constraints of time.

The two countries also have limited bilateral articulation. Under its AEP, India has laid more emphasis on relations with its land neighbours rather than maritime neighbours. Likewise, under its Global Maritime Fulcrum (GMF), Indonesia is yet to identify India as a major strategic partner in the region. It has been three years since President Jokowi announced Indonesia's grand maritime vision GMF. Indonesia is yet to undertake more proactive initiatives to strengthen its strategic relations with India, which could begin by its support to Indian initiatives of Security and Growth for All in the Region (SAGAR), the Asia-Africa Growth Corridor (AAGC), and Project *Mausam*.

Moreover, Indonesia's efforts to reach out to India to promote culture, trade, and investment ties has been limited to New Delhi, rather than also to other parts of India, especially to the Andaman and Nicobar Islands, which are only about 90 nautical miles away from Indonesia's

Sumatra Island. Furthermore, while the current Indonesian President has visited India, his Indian counterpart is yet to make a visit.

However, it is undeniable that India and Indonesia recognise the importance of each other in their respective neighbourhoods. The issue of concern is the slow pace of them developing their converging geopolitical complementarities. India and Indonesia are projected to be the leading economies of Asia in the future, and there are hardly any reservations regarding their collaborative ability to shape the geopolitical landscape of the Indo-Pacific. The two countries geographically lie at the heart of Indo-Pacific region, with strong historical linkages across the maritime medium. However, giving due diligence to advancing the momentum of the cooperation is required. When all is said and done, the two countries have interests in each other's backyard. While assisting each other in the region and by trusting their partnership, both countries can achieve a more substantial engagement.

Conclusion

Amidst the promise that the Indo-Pacific concept ushers in prosperity

and well-being, India, and Indonesia are attempting to meet their similar overarching national objectives by sharing close geo-economic dependence in each other's backyards. This needs to be given due cognisance by the policy establishments of the two immediate maritime neighbours which share contiguous maritime zones, and have common economic stakes in the region.

To fructify the immense economic opportunities that have come to the fore, both India and Indonesia need a stable and conducive maritime environment, which flows, *inter alia*, from a favourable balance of power in the Indo-Pacific region. Towards this end, notable strides have been taken by the two countries. However, defence and security cooperation needs to be strengthened further. Also, India and Indonesia would need to synergise their outreach to other regional countries, including through

multilateral institutions. The increasing politico-military assertiveness of China in the entire Indo-Pacific swath will possibly be the most defining common factor in the India-Indonesia equation in the coming years and decades.

While the re-invigoration of the relations between India and Indonesia is still tentative, its immense potential is clearly visible. It, therefore, becomes rather exigent for the two countries to synergize their respective maritime visions to achieve their shared visions of maritime resurgence in the Indo-Pacific region in the 21st century. It is not difficult to conceive the moment in the future when the two countries will regard each other as 'strategic partners'. Given the dynamics displayed by the new apex national leaderships, it would be unfortunate if the Indo-Pacific region is made to 'wait and watch'.

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India and Myanmar: Prospects of Maritime Reciprocity

*Adarsh Vijay**

Myanmar occupies a critical position as far as India's geopolitical intentions in the Bay of Bengal (BoB) are concerned. On 06 September 2017, the two countries inked agreements on maritime security and cooperation, including one on information-sharing with regard to white shipping. New Delhi expects to enhance its geopolitical leverage in the BoB, particularly in view of the manner in which the regional maritime template of the Indian Ocean Region (IOR) is being redefined through the ubiquitous presence of extra-regional maritime players. What does India seek to achieve through this emerging maritime narrative? Are New Delhi's ambitions purely security-centric? If not, is India triggering geopolitical rivalry in the region?

India's maritime cooperation with Myanmar has been a significant one in the IOR. The International Maritime Boundary Line (IMBL) between

India and Myanmar, which adjoins the strategically significant Andaman and Nicobar Islands in the Bay of Bengal, necessitates intensive maritime cooperation, including military to military relations, among the two nations. Nevertheless, the rising trends in this direction make more sense when they are viewed in consonance with New Delhi's flagship "Act East Policy", its "Neighbourhood First Policy", and, the Chinese presence in the region. China's interests in the IOR, especially in Myanmar, are being viewed as challenges to Indian ambitions.

The prevailing bilateral cooperation zeroes in on maritime issues ranging from regular port calls by the Indian Navy to ports in Myanmar to the supply of naval hardware. Since 2013, the Indian Navy and Myanmar Navy have been engaged in coordinated patrols along the IMBL. This series of bilateral naval patrols has the slightly

clunky appellation, “Indo-Myanmar Coordinated Patrol” (IMCOP). Bilateral maritime cooperation is in evidence even outside of the patrol-series. For instance, Naypyidaw sent a ship to participate in the Indian Navy’s International Fleet Review, 2016. A Standard Operating Procedure (SOP), too, has been signed (in February 2016) between the two navies. In the past, New Delhi has provided sonars and sonar domes, ‘BN-2 Defender’ (a.k.a. ‘Islander’) medium-range maritime surveillance aircraft, directing gear, deck-based air-defence systems, and, naval-gun boats, to Naypyidaw. In March 2017, Indian Navy had agreed to establish meteorological facilities and provide training for the Myanmar Navy. The two countries had also cleared a deal, worth US \$37.9 million, for the supply of lightweight torpedoes to Myanmar earlier this year. The two most recent Memoranda of Understanding (MoUs) — signed in September, 2017 — primarily focus on intensifying maritime security cooperation, and, the sharing of ‘white shipping’ information. Adding to this, a technical agreement on a coastal surveillance system was also signed. The cooperation is also, according to some sources, said to help complement the defence cooperation

with the Association of South East Asian Nations (ASEAN). Proximity to ASEAN states, particularly Myanmar, which is the only Southeast Asian state which shares both land and maritime boundaries with India, is crucial for sustaining the strategic edge enjoyed by New Delhi.

The nature of maritime cooperation, however, goes beyond a security-oriented dimension. India’s maritime engagement of Myanmar also reflects an economy-driven approach. In the past, India’s image as a regional hegemon has invited scepticism from its neighbourhood. New Delhi’s immediate neighbours were almost invariably wary of the former’s intentions. India’s role as a net security provider in the region, therefore, remains a challenged one. Extra-regional players such as the USA (with its stated “Rebalance to Asia” policy), and China, which ideates on an Asian security mechanism, seek to impose a security architecture that is likely to undermine New Delhi’s role in the Indian Ocean. Considering the apprehensions of her neighbourhood, India appears to be moving on the right track by capitalising upon economic and diplomatic options as the foremost priority.

The proposed 'Bangladesh, China, India and Myanmar Economic Corridor' (BCIM-EC) and the 'Bay of Bengal Initiative for Multi-sectoral Technical and Economic Cooperation' (BIMSTEC), which are the two major sub-regional organisations in the region, offer a platform for both, the Indian and the Myanmar establishments, to redefine and prioritise their areas of cooperation, and create a trans-regional market comprising South Asia and Southeast Asia. BCIM's expected capitalisation upon the 'three Ts' (Trade, Transport and Tourism) has an inescapable and important maritime facet. A shared vision, incorporating the creation of maritime infrastructure, and harnessing the benefits of a 'Blue' economy, underscores the potential value of these 'three Ts'. These initiatives would definitely help minimise the potential of politico-economic instability in the BCIM sub-region.

India is keen on the early completion of a US \$484 million Kaladan Multi-Modal Transit Transport System on the western coast of Myanmar, which acts as a trade and logistics-link between the state of Mizoram in India's Northeast and Myanmar. The project focuses on an integrated Inland Water Transport

(IWT) constituent, which extends up to 158 km along the Kaladan River from Sittwe to Paletwa. The proposed navigational channel is expected to enhance the connectivity and bilateral trade between the two countries. The transshipment terminal at Paletwa is connected to Zorinpui, on the Indo-Myanmar border, by a 110 km highway, which is further complemented by a 100-km long road-network that joins up with the National Highway-54 at Lawngtlai, in Mizoram. This project also includes the option of a 539 km shipping-lane between the ports of Kolkata and Sittwe. The initiative, which was conceptualised through a 'Framework Agreement' in 2008, and also covers a 'Special Economic Zone' (SEZ) is progressing well. Hence, the goals of regional connectivity and engagement, which are important facets of New Delhi's "Neighbourhood First" policy, are steadily being realised. The present pace of Indian endeavours promises to keep its neighbourhood intact. Nonetheless, the project also brings a number of dilemmas in its wake. Most importantly, the location of the project is largely in the conflict-torn Rakhine state, within the Arakan region of Myanmar. The insurgency resulting from the ongoing ethnic-cleansing and

the exodus of Rohingya Muslims means that the security outlay for the project will be much higher than might have otherwise been the case. The port-related nature of the programme provides room for the naval forces of the both countries in decision-making, in order to balance the security equations.

The containment of maritime crime is another area where India and Myanmar find convergence. The IOR continues to be a hub of drug trafficking, Illegal, Unregulated and Unreported (IUU) fishing, and arms smuggling. The North-East (NE) of India has descended into a volatile and vulnerable continuum of Low-Intensity Conflicts. Myanmar has invariably been a point of transit for these drug traffickers and arms smugglers, who then feed into the insurgency-intensive economy of the NE, from the 'Golden Triangle'. Political and economic destabilisation within India's NE is directly proportional to instability in Myanmar. Therefore, given the desired regional security architecture, a stable Myanmar, as also its borderlands, is imperative for both New Delhi and Naypyidaw. Both neighbours can jointly address these common threats and work towards greater coordination in terms of information-sharing and higher degrees

of security-cooperation, by unearthing the alternatives in counter-strategies, particularly, on the maritime front.

IUU fishing, too, is a major cause of degradation of the maritime environment and the deterioration of the economies of the BoB littorals. Drawing a requisite contour at the bilateral level in order to strengthen the maritime law enforcement is a need of the hour. A joint strategy would be an add-on to the greater schema in stopping unhealthy ocean practices and in reviving the ocean to a point of stability. The serious depletion of fish in the BoB contributes to a significant imbalance in livelihood and hence degrades the security of all of the Bay's constituent littoral States. The continuing menace of illegal fishing, especially by foreign trawlers from Taiwan, calls for better coordination among BoB littorals.

It would be unwise for India to underestimate the galloping interests of China in Myanmar even within structures such as the BCIM, which are designed to promote shared interests. Apparently, New Delhi is constantly exploring options to deter the Chinese in what New Delhi considers to be its own backwater. The Act East Policy helps in the generation of investment

in non-military and diplomatic capital with which New Delhi seeks to outweigh China in terms of strategic balance in SE Asia. On the other hand, Chinese investments, particularly in the deep-sea port at Kyaukpyu, in Myanmar, are of great geopolitical significance, in that it is an important component of the much-vaunted Maritime Silk Road (MSR). China's decision to invest in Kyaukpyu is viewed as a part of a larger picture in terms of Beijing's effort to resolve the 'Malacca Dilemma'.

Finally, Beijing's port-led development initiatives in Myanmar may also result in enhanced Chinese naval presence in that country, especially over the long run. Such an event would bring the People's Liberation Army Navy (PLAN) much closer to India's

own naval bases on its East coast as also in the Andaman and Nicobar Islands, where India's only tri-service command is headquartered. If India wishes to counter this, it needs to tilt Naypyidaw's disposition in favour of New Delhi. The China factor also drives Indian endeavours that seek to broadening cooperation with countries such as Japan, which shares New Delhi's interests in a stable Myanmar free from undue Chinese influence. Averting Chinese threats in the IOR requires the adoption and sustenance of a neighbour-friendly approach by the Indian establishment, on both, the military and economic fronts. The fact that the maritime domain offers the greatest potential in this regard bears little elaboration.

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25 Years of India - ASEAN Economic Cooperation

*Anjelina Patrick**

In 2017, ASEAN and India celebrated their silver jubilee. ASEAN and India have evolved enormously since early 1992 when India joined the regional organization and launched its “Look East Policy”. The policy was later named as “Act East Policy” showcasing the importance of the ASEAN countries to the new Modi government. The change came when the Indian policymaker witnessed the economic potential and strategic significance the region possessed. Therefore, the Act East Policy was the apt push of the Indian government to strengthen the existing relation.

Historical Evolution

Soon after India’s independence in 1947, India supported the Non-Aligned Movement, an organisation of the states that did not seek to formally align themselves with either the United States or the Soviet Union during the Cold

War. Yet, India in the 1970s was seen tilted towards the Soviet Union. The period also saw the slow drift of ASEAN countries.

Nonetheless, the 1990s saw the growing friendship between ASEAN and India with bilateral ties in the economic arena. Later in 1992, India became the sectoral dialogue partner of ASEAN. In 1995, India was invited to become its full dialogue partner in the fifth ASEAN summit in Bangkok. India also became the member of the ASEAN Regional Forum (ARF) in 1996 and since 2002 has been engaged in holding summit-level meetings on an annual basis. India also joined the East Asian Summit (EAS) in 2005.

ASEAN is currently India’s fourth largest trading partner, accounting for 10.2 percent of India’s total trade. India, on the other hand, is ASEAN’s seventh largest trading partner.

Building India-ASEAN Relation

Thailand at present is the second largest economy and the fourth largest trading partner to India in the ASEAN region. The commercial linkage between India and Thailand consolidating relationships are visible from their policy perspective, India's 'Act East' and Thailand's 'Act West'. Trade between both the nations in 2016 accounted up to USD 7.72 billion, with USD 5.15 billion in Thai exports to India and USD 2.57 billion in Indian exports to Thailand.

The fast-growing Indian economy remains an attractive option for the ASEAN countries and vice-versa, especially in the sectors of tourism, infrastructure, and retail industries. Since January 2010 (signed in August 2009) the Thai business has benefited tremendously from the tax reduction under the ASEAN-India FTA in goods. The recent visit of the Indian External Affairs Minister (EAM), Smt. Sushma Swaraj showcases the great importance Thailand holds with respect to further enhancing India's engagement with ASEAN countries. Thailand will assume the role of coordinator country for India-ASEAN relations in the middle of 2018. Indonesia at present is the largest trading partner of India in

the ASEAN region. The Bilateral trade has increased from USD 4.3 billion in 2005- 2016 to USD 15.9 billion in 2015- 16.

The visit of President Joko Widodo to India in December 2016, with a 25-member high-powered business delegation is suggestive of the enhancing economic relations, especially in the sectors of pharmaceuticals and information & technology. Similar gestures were seen when a group of twenty CEOs met President Jokowi in December 2016 to encourage Indian investments in Indonesia. India's investment in Indonesia amounts to USD 343.2 million between 2010 and 2016, while Indonesian investments in India was about USD 20.50 million between 2010 and 2016 (September). At present both the countries seek to increase direct trade, creating a win-win situation. The recent visit by Indian EAM has boosted the negotiations on exclusive economic zones and intensified cooperation to promote trade facilitation and to explore other trade potentials through greater market access.

Malaysia and India established its diplomatic relations in 1957, then known as the Federation of Malaya. On 1st July 2010, India and Malaysia signed

comprehensive Economic Cooperation Agreement (CECA), which came to force in from 1 July 2011. Later in September 2014 India also signed the Free Trade Agreement (FTA) in services and investments with the 10-member ASEAN. Malaysia is India's largest trading partner in ASEAN and India is the largest trading partner for Malaysia from among the countries of the South, excluding China. Bilateral trade between both in 2015 amounted USD 12.02 billion, subsequently USD 13.84 billion in 2014 and USD 13.38 billion in 2013. Apart from trade, infrastructural investment in an area of cooperation, as India seeks Smart cities which match with the Malaysian capacities.

The Philippines and India established its diplomatic relations in 1949, soon after both attained independence. The trade agreement between the two was signed in 1979. Until late 1990's the bilateral trade was slow, but saw a positive growth after India-ASEAN ties were strengthened. In August 2009 agreement on trade in goods between India-ASEAN helped in the increase of bilateral trade. At present, the bilateral trade amounts to USD 1.98 billion, where the exports are approximately USD 1.48 billion and imports USD

494 million from India. The potential of both the countries seems to be hidden, but with the growing economic and shared values, it seems to be an achievable task.

India was among the first countries to setup diplomatic ties after the independence of Singapore in 1965. Both countries have common political and economic interests, with a significant presence in each other economies since 1990's. In 2015 the CECA with Singapore was the first such agreement to be signed by India with any country. It integrates agreements on trade in goods and services, investment protection, and economic cooperation in fields like education, intellectual property, and science & technology. It also provides Mutual Recognition Agreements (MRAs) that eliminates duplicative testing and certification of products in sectors where there are mandatory technical requirements. Singapore is India's 10th largest trade partner globally and 2nd largest in ASEAN accounting for 25.9 percent of India's overall trade with ASEAN (2013-14). India was Singapore's 12th largest trade partner globally (2014). Bilateral trade expanded after the conclusion of CECA from USD 6.65 billion in 2004-

05 to USD 25.2 billion in 2011-12 but declined to USD 19.27 billion in 2013-14.

The Common Denominator

The equations in the global geopolitics have changed since the inception of regional organisations. The growing Chinese presence in the region has compelled India to have stronger ties with all 10 ASEAN countries. As far as the ASEAN countries are considered, it seeks India as a balancing agent against China. The relation between

both India and ASEAN will define the geopolitics of the Indo-Pacific region. In conclusion, the forthcoming ASEAN-India Commemorative Summit which marks 25 years since the establishment of Dialogue Partnership between Indian and ASEAN will enhance the economic ties between both. The 69th Republic Day of India will also witness 10 distinguished guests instead of the customary one, indicating the seriousness of Indian policymakers to enhance the ties.

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India-ASEAN Maritime Cooperation Prospects

*Surbhi Moudgil**

As India looks towards its extended neighbourhood - South East Asia and the geopolitical prospects of the Indo-Pacific concept, the Association for South East Asian Nations (ASEAN) is a natural partner for engagement. This is so, as the India and ASEAN countries share land border and contiguous maritime zones. India-ASEAN partnership has traversed a long distinct path by appreciating similitudes of ethnicity, culture, history, and economy. The celebrations of 25 years of partnership in 2017, only exemplify the magnitude of their achievements. India's Look East Policy (LEP) enunciated by the then Prime Minister Narasimha Rao in 1992 and now rechristened Act East Policy (AEP) propounded by Prime Minister Narendra Modi in 2014, only displays India's continuous endeavours to strengthen geopolitical relation with ASEAN countries.

Though the relations between India and ASEAN is considered to be at a

nascent stage, there is potential for them to converge in the realm of economic, maritime security, and geopolitics in the region. Further, this can become the cornerstone of a free and inclusive Indo-Pacific regional architecture. The partnership is seeking to develop a leadership role to preserve maritime security in the Indo-Pacific region, especially considering the uncertainties of United States' policy for the region. However, in the existing scenario, the challenge for India-ASEAN partnership is to identify their converging geostrategic concerns arising from the evolving balance of power in the Indo-Pacific region specifically under the cloud of Chinese assertiveness.

Geo-economics

Discourse on India-ASEAN geo-economic furtherance requires no special emphasis in light of the evolving narrative of the shift to the "Asian

Century”. India has trade relations with South East Asian economies, and also has Comprehensive Economic Cooperation Agreements (CEPA) with ASEAN countries, enunciated as the ASEAN –India Free Trade Area (AIFTA). Since 2005-06 to 2015-16 India’s sea-born merchandise trade with ASEAN has a positive trajectory. According to The Associated Chambers of Commerce and Industry of India (ASSOCHAM), the exports to ASEAN have increased since 2005-06 to 2015-16 from US \$ 10.41 billion to US \$ 25.20 billion and imports over the same period quadrupled from US \$ 10.81 billion to US \$ 39.84 billion. Additionally, the ASSOCHAM report states that India’s total imports from ASEAN went up from 7.3 percent in 2005-2006 to 10.5 percent in 2015-16.

In the India-ASEAN geo-economic paradigm, Malacca Strait is considered a key maritime chokepoint. In other words, the Straits of Malacca and Singapore are considered to be a strategic trade route for India and for the countries of Southeast Asia. As a result, India and ASEAN geo-economic interests lie in the safety and security of the International Shipping Lanes (ISLs) traversing the South China Sea (SCS)

and beyond. Thus, India-ASEAN needs to accord high priority and uphold each other’s geo-economic interests within the evolving geostrategic calculus of the Indo-Pacific region.

Maritime Connectivity

Connectivity is the new “Great Game” and the promotion of maritime connectivity between India and ASEAN is one of the priority areas envisaged by the multilateral partnership. Both India and ASEAN are littoral states with rich history of maritime trade. It is important to revive and reinvestigate those ancient links in a contemporary set-up. The revival and reinvigorated ancient links is argued to be the driving force of Asia’s maritime resurgence. Improving connectivity is therefore essential for the region’s prosperity, continued growth, and reliability. India-ASEAN connectivity has the potential to become the main driver for lower trade costs, increased industrial transport, enhanced trade and investments, developed production technology, and platform for vast opportunities deepening the regional integration process.

Some of the important features of India-ASEAN maritime connectivity architecture include –*first*, India has

committed to put into action the Master Plan on ASEAN Connectivity (MPAC) promulgated by the ASEAN Connectivity Coordinating Committee (ACCC) in October 2010. *Second*, India's vision of Security and Growth for All in the Region (SAGAR) aims at connecting Indian ports (SAGARMALA) to transnational docks for greater benefits to all in the region. For instance, the Asia-Africa Growth Corridor (AAGC) and Project Mausam can collectively facilitate cruise tourism between India and ASEAN.

Enhanced ASEAN–India connectivity will not only help realise the potentials of the multilateral cooperation but also will eliminate constrictions and bottlenecks to development. Though shipping is considered to be the mainstay of ASEAN-India trade, without a strong maritime connectivity devoid of constrictions and bottlenecks; optimum utilisation of regional free trade and cooperation agreements will be rendered useless.

Geopolitics

In the constantly shifting dynamics of Indo-Pacific, the reinvigoration of India-ASEAN relationship has a direct implication on the region. However,

re-calibrating their relationship in the complexity of contemporary international politics remains the main challenge in realising the full potential of the otherwise promising convergence. To address this challenge and pave the way for a greater transformative cooperation, India and ASEAN has to jointly work on strengthening diplomatic relations to become a significant actor in the evolving balance of power dynamics in the Indo-Pacific region.

India-ASEAN geopolitical convergence assumes great significance in the context of China's ability to develop strong geostrategic assertion in the Indo-Pacific region. While China is aggressively asserting itself in SCS, the United States, besides considering India and ASEAN countries as "allies and partners" believes that a strong India-ASEAN convergence can act as the linchpin in the evolving dynamics of Indo-Pacific. US's beliefs of India being an important actor in the politics of Indo-Pacific can be substantiated from the December 2017 US - National Security Strategy (NSS), which states the US's realisation of India's emergence as a global power and an important strategic and defence partner. The NSS has also significance in understanding

US's views on the importance of major players in the context of Indo-Pacific, considering it seeks to increase quadrilateral cooperation with Japan, Australia, and India. Seriousness of the US in striving for balance of power in Indo-Pacific can be highlighted from the first senior officials' level quadrilateral meeting in Manila on November 2017 in the sidelines of the ASEAN Summit.

However, to convert the converging geopolitical interests of India-ASEAN into substantive cooperation, it is necessary to engage with each other at all levels. Thus, for a realisation of converging visions, the partnership needs to achieve more substantive cooperation that goes beyond symbolism. While India and ASEAN aim to maintain peace, progress, and prosperity in the region, they also have to strive to develop a multipolar Asia to augment relations with regional countries. Consequently, both India and ASEAN countries need to enhance their geopolitical interface with other key countries in the Indo-Pacific region to achieve the desired objectives.

Conclusion

It goes without saying that India-ASEAN relationship has grown in

tandem with the idea of ushering progress and prosperity in the region. Accordingly, endorsing maritime cooperation prospects in their contiguous maritime zones needs to be given due cognizance by the policy makers.

As India-ASEAN relations are reinvigorating, its immense potential to advance their geopolitical power in the region is clearly visible. India's apex level leaderships interface with ASEAN member states has noticeably augmented in the last three years and it is to be seen if it fructifies at India's 69th Republic Day where all 10 ASEAN leaders are invited as the chief guests. India-ASEAN partnership has convergences that can become the basis for a more reliable cooperation. The Silver Jubilee celebration of India-ASEAN relations will closely align their quest for prosperity, stability and security in the Indo-Pacific region.

However, to utilise the prospects of strengthening partnership, ASEAN countries need to believe that India can be a reliable partner. For this to happen, India needs to project that it has the potential to strengthen economic prospects, advancing capabilities, and can be a net security provider to its

member states in the Indo-Pacific. It is therefore, rather exigent for the multilateral partnership to synergize their respective maritime visions to

achieve their shared visions of maritime resurgence in the Indo-Pacific region in the 21st century.

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Maritime Cooperation as a Thrust Area between India and Indonesia

*Premesha Saba**

The upcoming visit of Indian Prime Minister, Mr Narendra Modi, to Indonesia (later this month), is reflective of the strong desire of both the countries to work more closely together, in the face of the 'rapidly evolving strategic realities' in the Indo-Pacific region, after years of mutual neglect. During this visit, the Prime Minister is expected to focus on concluding agreements and boosting cooperation in the fields of defence, security, space, science-and-technology, connectivity, and the promotion of inter-faith dialogues. There is a good chance that the Defence Cooperation Agreement, which was signed in 2001, would be renewed. However, the primary focus and goal of this visit would be the strengthening of the maritime cooperation between these two important Indo-Pacific players. India and Indonesia are expected to expand their maritime connectivity, including direct shipping links, cruise-

ship tourism, and, coastal shipping between the Andaman & Nicobar Islands and Aceh. This was highlighted during the recent visit to New Delhi by the Indonesian Coordinating Minister for Maritime Affairs, Luhut Pandjaitan, when he proposed granting India access to the island of Sabang, located at the northern tip of Sumatra and close to the Strait of Malacca.

This Prime Ministerial visit presents an opportunity for India to showcase its full support for Indonesia's vision of being the Global Maritime Fulcrum (GMF). This vision of President Joko Widodo (Jokowi), seeks to go beyond economic development internal to Indonesia and the mere enhancing of connectivity between the islands of the Indonesian archipelago. At a wider plane, it seeks to "bring the Indian Ocean back into Indonesia's regional canvas and project Indonesia as a power

straddling thousands of islands between two continents (Asia and Australia) and two Oceans (the Indian and Pacific)”. The Indonesian Ocean policy released in 2017 to implement the vision of the GMF also mentions the need to take into account various other regional initiatives, such as China’s Belt and Road Initiative (BRI), India’s Act East policy, and the USA’s Rebalance Policy. Indonesia’s Ocean Policy articulates the Presidential vision of synergising the GMF and regional initiatives that are consistent with Indonesia’s national interests, so as to make a positive contribution to peace. The question of how India might best react to the GMF is a seminal one. The seven pillars of the GMF can resonate well with New Delhi’s own articulations of India’s maritime vision and, consequently, these pillars of the GMF could and should be used by India to cooperate and show its ‘active support’ for Indonesian maritime endeavour. Prime Minister Modi’s impressive and visionary formulations, such as SAGAR, SAGARMALA, Project MAUSAM, revival of the Spice Route and the Cotton Route, etc., can be readily linked to the Indonesian pillars concerning the revival of maritime culture, the development of maritime infrastructure, and the connectivity sought by the GMF. The

Indonesian government is also opening its doors to foreign investment in the field of shipbuilding. This, too, provides rich pickings for India, and can easily be utilised to further meaningful cooperation with its maritime neighbour. ‘Connectivity’ is yet another significant area of cooperation between India and the ASEAN that holds out very substantial promise. As part of its own ‘Act East’ policy, India is seeking opportunities to be a meaningful partner in the Masterplan for ASEAN Connectivity (MPAC). Investing and cooperating with the ‘Sea Toll Highway’ project of Indonesia will help India to share ‘best practices’ on the one hand, and, on the other, to attain greater connectivity with the ASEAN region as a whole. The linking of the SAGARMALA project, Project MAUSAM, the Spice Route, SAGAR (Security and Growth for all in the Region) with the GMF would make India’s own position in the Indian Ocean Region far stronger than it presently is, and, in addition, would provide a much-needed balance against China’s BRI. Apart from this, India could also cooperate in the GMF’s pillars of maritime diplomacy and the strengthening the Indonesian defence forces, especially the Navy. The forthcoming Prime Ministerial

visit should be leveraged to catalyse discussions on information-sharing in the maritime domain, so as to counter both non-traditional and traditional security-threats, and, to increase navy-to-navy cooperation.

Indonesia's earlier 'inward-looking' defence orientation and thinking are now undergoing a change, wherein it is keeping a close eye on developments in the Indian Ocean as well as in the Western Pacific, specifically the South China Sea. This may be seen in Indonesia's altered stand against China's assertions whereby Jakarta is actively voicing its concern over China's growing encroachment in and around Indonesia's Natuna islands. Importantly for India, Indonesia is one of the few countries in Southeast Asia that has wholeheartedly embraced the concept of the Indo-Pacific. To balance China's rise, Indonesia is likely to turn to India, especially given the strong historical and cultural ties that bind the two nations together. Of course, it is also true that Indonesia did participate in the Chinese flagship BRI Summit and proposed projects worth \$28 billion. Thus far, China has, through the BRI, made investments in the Jakarta-Bandung High Speed Railway project, and has signed contracts for investing

in two hydropower projects, one power plant and a steel smelter (these contracts were signed during the recent visit of Chinese Premier Le Keqiang to Jakarta). However, Indonesia seems reluctant to accept Chinese proposals for the development of strategic ports under the 'Sea Toll Highway' plan of President Jokowi. Offering India access and opportunity to invest in the development of the port of Sabang shows Indonesia's 'trust' in India. India can and should use this 'trust card' to its advantage and should actively plan to invest in the development of other Indonesian ports as well, such as Malahayati in Aceh, a major source of Indonesian exports to India, Teluk Bayur, Padang in Western Sumatra; Belawan, Dumai, Perawang and Kuala Tanjung in North Sumatra, and, ports in southern Java. These are islands that border the Indian Ocean and are located astride four of the chokepoints of the Indian Ocean.

Greater engagement with a country such as Indonesia, which is acknowledged as having played a 'leadership role' within the ASEAN for the past several years, and which actively seeks a greater presence of ASEAN in the Indo-Pacific, will greatly help India improve its own position and standing in ASEAN. This

will, in turn, help in the promotion and further strengthening of India's Act East policy. Beijing has long been using the tools of 'diplomacy and investment' in South Asia to great advantage. It is now time for India to diplomatically and economically engage much more intensively with countries like Indonesia,

through New Delhi's Act East policy. Indonesia and India both enjoy strategic locations that make them players that 'one cannot ignore' in the Indo-Pacific region.

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India and Indonesia: Strengthening Maritime Relations

*Sahima Gupta**

India and Indonesia are maritime neighbours with a symbiotic relationship which can be utilised towards developing maritime cooperation in the region. The distance between India's Andaman Islands and Indonesia's Aceh is not more than 80 nautical miles. Additionally, the fact that the Indian naval ships have been making visits to Indonesian ports and have coordinated sea patrols for many years, just shows that the existing relations are already stable.

As a maritime nation, India with a coastline of 7,516 km is in a pivotal position in the Indian Ocean Region (IOR) overlooking the Sea Lines of Communication (SLOCs) that connect Asia to Africa, Europe, and in some cases the east coast of the Americas. In comparison, Indonesia with a coastline of 108,000 km overlooks the Straits of Malacca, Lombok, and Sunda, which connect the Indian and Pacific Oceans. Given the geographic advantage accrued

jointly by both nations the strengthening of their relationship is considered important for regional peace, stability, economic growth, and prosperity.

This understanding and the realization of the requirement for strengthening the relations between the two countries led to the adoption¹ of the 'Shared Vision on Maritime Cooperation in the Indo-Pacific Region' on 30th May 2018, during the visit of Prime Minister Narendra Modi to Jakarta.¹

The main highlight of the visit was the agreement to develop the Port of Sabang in the Aceh Province, 104 nm from Indira Point (the southernmost point of India), and 376 nm from Port Blair. The prospects of future constructive engagement were further highlighted when President Joko Widodo stated that, "India is a strategic defense partner...and we will continue to advance our cooperation in developing

infrastructure, including at Sabang Island and the Andaman Islands.”²

For India, the strengthening of the relation with its maritime neighbour is beneficial in several ways. Firstly, it would result in port infrastructure development; Secondly, aid the concept of Freedom of Navigation (FoN); Thirdly, strengthen interoperability while ensuring regional security and; Fourthly, greatly aid economic development in the Bay of Bengal.

In order to have a healthy and productive engagement between both the nations it is necessary to find convergence area. In the case of India and Indonesia the convergence factor can be provided by two policies; SAGAR (Security and Growth for All in the Region) under India’s Act East Policy and Indonesia’s Global Maritime Fulcrum (GMF). While GMF serves to improve the inter-island connectivity and also ensure greater participation of Indonesia in the strategic environment of the Indo-Pacific, Prime Minister Modi’s flagship project SAGAR works towards enhancing India’s engagement with her maritime neighbours.

Another convergence aspect that merits attention is found in the shared

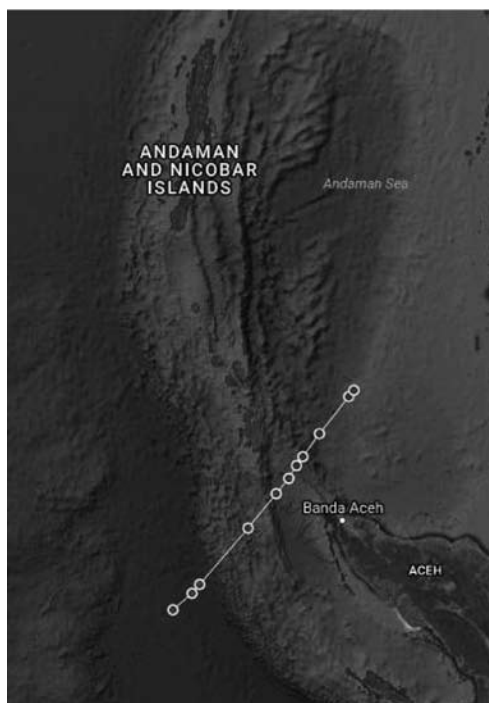
vision for the Indo-Pacific document, specifically both nations believe in “free, open, transparent, rules-based, peaceful, prosperous and inclusive Indo-Pacific region, where sovereignty and territorial integrity, international law, in particular, UNCLOS, freedom of navigation and overflight, sustainable development and an open, free, fair and mutually beneficial trade and investment system are respected.”² The document also talks about the importance of Blue Economy for both the countries as it can help in their sustainable development and growth.

There have also been talks about enhancing the existing naval cooperation, which presently comprises of Coordinated Patrols and the institutionalized bilateral naval exercises. However, there is one existent grey area relating to the delimitation of maritime boundaries in the EEZ, the resolution of which would further cement the relationship.

In 1947, there was an agreement between both the nations demarcating the continental shelf between Great Nicobar Island and Sumatra (see map 1).³ Thirty years later in 1977, the revised treaty decided to extend the continental shelf to the Andaman Sea and the Indian

Ocean. In terms of economic rights, on the continental shelf, a State has the right just over the non-living resources and activities such as installing structures and drilling.⁴

Until this juncture the agreements were clear without any issue. However, things changed after the introduction of the Exclusive Economic Zones (EEZ) by the 1982 UN Convention on the Law of the Sea (UNCLOS), which gave states special rights regarding the exploration and use of marine resources. As per UNCLOS Article 56 in the EEZ the coastal state has, “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds (United Nations Convention on the Law of the Sea, 1982). Even after the introduction of EEZ, the agreement between India and Indonesia remained unchanged, which provided rights *only over non-living resources and not living resources*. This issue needs to be resolved to firstly avoid any future differences



Map 1: Continental shelf boundary between India and Indonesia based on 1974 and 1977 agreements. Source: Google Maps

over the rights, and secondly to keep in the spirit of UNCLOS and thus maintain respect for a rules-based order in the region.

The two countries are yet to settle the EEZ boundary demarcation. Given that this issue is still not resolved, the fish resources in the extension (from the Continental Shelf line) belong to Indonesia, while oil and gas resources and the sedentary species such as sea cucumber (which constitute the

Continental Shelf resources) belong to India.

Recently Jakarta showed interest in signing an agreement which would delimit the EEZ. In an interview with The Wire on 30 May 2018 the Director General for Legal Affairs and International Treaties, Indonesia, Damos D. Agusman said that “We agreed to an agreement on the continental shelf in 1974. At that time, EEZ did not yet exist. After UNCLOS, EEZ was born, and we need to delimit it.”⁵ In order to resolve this issue, both the nations have commenced bilateral talks and have also held meetings.

The inclusion of living resources was not the only issue that was raised after the introduction of EEZ. UNCLOS limits the distance between the Continental shelf and EEZ to 200 nm. However, the continental shelf can be extended (to 350 nm) after submission to the Commission on the Limits of

the Continental Shelf (CLCS). Also, if the distance between two countries is less than 400 nm, then the boundary (for the continental shelf and EEZ) is decided by bilateral negotiations.

For India and Indonesia, the Indira Point in Andaman and Nicobar Island and Banda Aceh in Indonesia have a distance of just 80 nm.

The issue of delimitation needs to be well debated and discussed; and will therefore take time. A cogent and pragmatic approach in the spirit of UNCLOS will not only help set an example of respect for and adherence to international law, but also strengthen relations between these two maritime neighbours. This strengthening of relations could also aid stability and balance of power in the maritime expanse of the Indo-Pacific region.

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Geopolitics

Trump's Trade War: A New Threat to the 'Quad'

*Rajesh Soami**

The spillover of India's determination to counter US trade threats could endanger nascent security dialogues in the Indo-Pacific.

The idea of the Quadrilateral Security Dialogue or Quad, as it is often called, was mooted by Japanese premier Shinzo Abe in 2007. The officials of the four countries in Abe's proposal - India, US, Australia and Japan, met in Manila the same year. However the Australian government withdrew from the arrangement in 2008. Indians were particularly miffed by this decision and have not forgotten it even after a decade. Consequently, they have repeatedly blocked Australian requests to join naval exercises with the other three countries. Indian experts argue that internal debate in Australia regarding its relations with China do not inspire sufficient confidence in Canberra's commitment to the Quad.

After the victory of Donald Trump in the US elections last year, India has also become wary of new direction in US policy on Asia. Trump's overtures to China and his outwardly show of friendship with its president Xi Jinping on social media has not gone unnoticed in New Delhi. China has militarized the South China Sea under the watchful eyes of the US Navy. Xi Jinping himself has changed the constitution to become the lifetime leader of the communist state. Neither of these actions has significantly affected Trump's policy towards China.

In contrast, Trump publicly mocked Indian Prime Minister Narendra Modi twice in February. In his first speech to the Congress after taking office last year, President Trump had criticized the 100 percent import duty India levied on American motorcycles. To placate him, Indian government reduced the import duty on motorcycles twice. This did not

have any effect as Trump continued to criticise Indian trade “practices”.

The US administration has also put pressure on India on other issues. For instance, the curtailing of US visas to Indian professionals threatens the \$150 billion IT sector business in India. Washington has already imposed tariff on steel and aluminum imports. In the strategic field, US government’s CAATSA act seeks to punish India for its defense ties with Russia. To the bewilderment of Delhi, the US administration has been more accommodating of Chinese interests. President Trump is personally monitoring the issue of Chinese company ZTE which had been put out of business due to US sanctions. He has acted to help the company get back in business in US. China is also free to arm itself with its humongous defence spending.

To be fair to the US administration, India is not the only ally suffering under Trump’s America-first policy. South Korea, Europe and Japan are also under pressure. But unlike other economies, India is a relatively poor country. Among the four participants of the Quad, India has the lowest per capita income. Up to 22% of population continues to live under the poverty line in the country.

After liberalization in 1991, Indian economy has been growing at a fast pace. The elite in Delhi hope that continued rapid economic growth will deliver Indian population from centuries of misery. Trump’s trade war rhetoric and economic pressure on India is a hindrance to this policy. Initially, the Indian government believed that US measures were aimed at China. After-all, apart from being a geopolitical competitor, China also has a very large trade surplus with the US. To get some relief from Washington’s pressure, the Indian government asked the US, not to equate India with China but to no avail. Recently, India seems to have given up on Trump-led America. It has threatened to impose retaliatory tariffs on twenty American imports into the country. Even more importantly, Indian prime minister Modi has met both the Chinese and the Russian presidents in quick succession. The summits were unplanned and initiated by India. Although, Moscow and Delhi maintain that Putin invited the Indian PM to Sochi, the meeting itself was preceded by two visits by Indian NSA (National Security Advisor) and other ministers of the cabinet. It is more practical to think that the idea of informal summit was proposed by the Indian side. With

respect to China, it was clear from the start that Indian government had asked for the meeting.

Like the US, India also has a large trade deficit with China. India wants to reduce this deficit and had repeatedly requested the Chinese government to remove trade barriers hindering Indian imports into the country, without much success. Barely days after the summit in Wuhan, China removed its restrictions on import of Indian pharmaceutical products into the country. Almost in similar fashion, it has been announced days after the summit in Sochi that India and Russia will hold their first ever strategic economic dialogue in July in St Petersburg. While Russia and India have shared good relations since the cold war, it was the “*long-term and strategic dialogue*” with China, as put by the government of India, that surprised everyone.

The simultaneous downturn in Delhi’s relations with Washington and improvement in relations with other powers could prove ominous for the Quad. Although, the new developments have largely been confined to the economic sphere till now, it is anybody’s guess how and when it could

lead to larger Indian disenchantment with USA. If Trump wins another term, the differences could gain permanence. The India-proposed informal summits suggest that Delhi may already be hedging its bets in this regard.

India is a major constituent of the Quad. Australia and Japan were already tied into security arrangements with USA. It was the Indian entry into the US-led security structure which led to hopes of a larger democratic security arrangement in the region. Moreover, it is also the only country in the Quad to have a land border with China.

Relations between India and the US have improved tremendously in the last two decades. Both sides also regularly state their commitment to maintaining this upward trajectory. However, Trump’s policies are clearly affecting these ties. India still has many reasons to remain engaged with the US. However, Delhi’s outreach to Russia and China suggests that it may freeze its march into the US camp. This would negatively affect the Quad. When Australia withdrew in 2008, it took a decade to restart the process. Any new Indian reticence now could prove to be an even bigger challenge.

Nevertheless, it is highly unlikely that India, a poor country, would want to shoulder the Quad when under pressure from the US on trade issues and amid continued Australian wavering. When president Abe initially discussed the grouping of India, Japan, US and Australia, he mentioned “an

arc of stability and prosperity” along the outer rim of the Eurasian region. The prosperity aspect of the security arrangement is now under threat from Trump`s trade war. It makes the “Quad” less attractive in New Delhi.

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An Opening for India in the Maldives

*Rajesh Soami**

The results of the Maldivian elections, held on 23rd September, have surprised many, particularly in India. The authoritarian tendencies of President Yameen and news emanating from Male thus far had suggested that the Maldivian strongman may not be willing to step down, the results of the elections notwithstanding. It was the general perception that Yameen would attempt to manipulate the elections to ensure his victory. The manner in which he has since conceded defeat to the joint opposition candidate, Ibrahim Mohamed Solih, has, of course, come as a big relief to New Delhi. Nevertheless, it is important for India to ensure that its palpable feeling of satisfaction at the results of these elections do not lead to complacency.

For the larger part of President Abdulla Yameen's rule, Maldives maintained an uneasy relationship with India. Yameen's actions in courting China did not go down

well with New Delhi. Somewhat to India's bewilderment, Yameen went a step further and even invited senior Pakistani military officials to Male. India barely tolerated his regime when he jailed members of the parliament and judges of the Supreme Court, last year. In fact, hawks in the Indian security establishment demanded that the Indian government militarily intervene in the country to effect a regime-change. Former Prime Minister Mohamed Nasheed, too, had requested India to intervene.

Fortunately, cooler heads prevailed in New Delhi and India successfully waited out the Yameen regime rather than going in for a unilateral intervention, which would certainly have attracted internationally controversy. All this notwithstanding, work for the Indian foreign office has just begun. The new government in Malé does not owe anything to India and would probably gravitate toward whichever power gives

it the ‘best bang for its buck’. In fact, it is fair to state that it was not Yameen who initiated his country’s cosying up to China, but erstwhile President Mohamed Nasheed. Nasheed, who was the first democratically elected president of the country, actively encouraged the opening of the Chinese embassy in Malé in 2011 itself.

One could reasonably conclude that Maldives, as a nation, will now commence afresh, the process of choosing a partner. Although, Yameen may well have made it far too obvious that he preferred China to India, the game is once again on, now that there is a new dispensation in power. China may hold an economic advantage, but India is geographically closer to this Indian Ocean archipelagic State. New Delhi will need to play its cards dexterously, if it is to recover the influence it enjoyed for many decades in Malé, but which it lost during the years of the Yameen incumbency. This is easier said than done.

The Chinese have invested heavily in large projects in Maldives. They are currently expanding the Velana International Airport on the island of Hulhulé, and building a 25-story apartment complex and a hospital. Earlier this year, the government inaugurated the \$300 million Sinamalé

Bridge (popularly known as the China-Maldives Friendship Bridge) that links the islands of Malé and Hulhulé. Chinese tourists constitute the single largest number of foreign visitors to the country. Tourism is the largest industry in Maldives and provides the country with 60% of its foreign exchange earnings. With such heavy investment and close economic linkages, it is difficult to see any easy options for Malé should it seek to extricate itself from China’s grasp.

Yameen’s opponents have accused him of selling out the country to Beijing. This may not be entirely incorrect. The Chinese have loaned heavy sums to many countries with no or little clarity on how the money is to be returned. This has frequently been done under the ambit of the Belt and Road Initiative (BRI), which was unveiled in 2013. Often, the recipient States have been those ruled by authoritarian strongmen in desperate need of easy funds to showcase their development credentials.

In many respects, Maldives offers an example that is eerily similar to that of another neighbour of India in the Indian Ocean, which, too, had invited Chinese investment and sought to build closer ties with Beijing. In Colombo, President Mahinda Rajapaksa had turned Sri Lankan government’s policies

towards China. He gave large projects to Chinese companies, only to saddle his country with a debt burden that it could not bear. The present Sirisena government, although considered close to India, has found it increasingly difficult to extricate itself from the policies of the previous government. Consequentially, it has been forced to cede control over a portion of its territory (Hambantota port) to the Chinese.

The insidious encroachment of China into what New Delhi considers to be its backyard has been worrying India for quite some time now. Chinese influence has been visibly increasing in Nepal, Sri Lanka, Myanmar and Pakistan. More importantly, the acquisition of strategic ports, roads and territory around India has caused some degree of alarm in South Block. At the macro level, Indian Prime Minister Modi has engaged with President Xi Jinping to ensure that the two Asian giants do not compete to each other's detriment. The Wuhan summit has enabled India and China to come to what the MEA has termed a '*long-term and strategic understanding*'. This is also borne out by Chinese foreign policy

statements whereby Beijing has advised smaller countries of South Asia to work together with India. However, India cannot count merely on the goodwill of the Chinese establishment. It also needs to work on its neighbourhood at the bilateral level to ensure it is not left out in the cold at a later date.

The transition of power in Malé has presented India with an opportunity to re-energise ties with Maldives. Many analysts contend that the election itself was fought on pro-India and pro-China planks, with Solih representing the pro-India faction. That may not be entirely accurate and Indian delight may yet be premature. Solih has stated in the past that Maldives, under his rule, will continue to maintain friendly ties with China. More importantly, the tiny nation is in debt to Beijing to the tune of \$1.3 billion, which the new government will have to pay. In all probability, therefore, China will continue to maintain a strong influence over Malé. However, that should not dissuade India from proactively, meaningfully and substantively engaging the new government.

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Should India Bail Out Debt-Ridden Maldives?

*Rajesh Soami**

Maldives has borrowed heavily from China in the last five years putting it at serious risk of debt distress. Now Male has sought support from India to tide over its financial problems. The Foreign Minister of Maldives Abdulla Shahid along with the Finance Minister Ibrahim Ameer and the Minister for Economic Development Fayyaz Ismail visited New Delhi for a two-day trip on 26th November 2018 and met officials of the Indian government to seek assistance. This came in the backdrop of the recent transition of power in Maldives. The government of Abdulla Yameen, which had an undulating relationship with India, has given way to the new dispensation led by President Ibrahim Solih. Solih is related to the former President Mohamed Nasheed through family ties and is also a close friend of the latter. The Prime Minister of India, Narendra Modi, made it a point to

attend the inauguration ceremony of the incoming President.

The new government in Male is considered to be friendly to India. It has been making the right noises regarding the relationship between the two countries. In a symbolic gesture for instance, the new government stated that it will retain the two helicopters gifted by India in 2013 which the previous government had wanted to return. The Ibrahim Solih government has also criticised China for what it claims is the execution of infrastructure projects in Maldives at inflated prices. Notwithstanding the recent developments, the larger question for India is whether it should support the new government in Male financially and if yes, to what extent?

Ever since the democratic transition in 2008, India has been anxious over developments in Maldives and for a good

reason. For almost half a century, India had uncontested political influence in the small atolls that constitute Maldives. In the last decade though, the political leaders in the country have been looking to diversify their relationship to other powers. This was not a problem for India so long as New Delhi ranked first in priority in Male. However, the inroads that China has made into Maldives in the last couple of years started to ring alarm bells in the corridors of power in Delhi.

Maldives is strategically located as it straddles major international shipping lanes. Any loss of Indian influence in the country could cause long-term deterioration of its security situation in the Indian Ocean Region (IOR). A section in the Indian strategic community sees the country as having already been surrounded by the Pakistan-China quasi-alliance on its northern and western land borders. Giving up influence in the Indian Ocean Region (IOR) and allowing China to gain a foothold would complete the encirclement of India. This is a strict red line for Delhi and it is therefore pushing back now.

However, this is easier said than done. The size of the Chinese economy is almost six times that of India. It

gives Beijing a clout that India is finding difficult to match. The Chinese government is investing massively in infrastructure development projects under the ambit of the Belt and Road Initiative (BRI), which is the flagship project of Chinese President Xi Jinping. The cash-strapped countries of South Asia and IOR are happy to board the 'gravity train' offered by Beijing. There is no way that India can match the largesse being offered by China. Besides, the larger buying capacity of the Chinese citizenry is also beginning to wield its own influence. This is true particularly in the tourism sector which is the mainstay of the Maldivian economy.

China sends the largest number of tourists to Maldives. Depending on the season, tourists from China now constitute up to 16 to 30 percent of the international tourist arrivals in the country. This helps Malearn vital foreign currency, needed for importing other essential items. The massive jump in the number of Chinese tourists has taken place largely due to the commencement of flights between China and Male. If Beijing were to discourage these flights and/or their tourists from visiting the island state, it would cause immense damage to the country's economy. There

is a precedent to this. When Turkey shot down a Russian plane in 2015, Moscow retaliated by stopping chartered flights between the two countries. The impact on the Turkish tourism industry forced the government to reconcile with Russia.

Among other issues, the situation in Maldives remains volatile. Politically, the country is divided. Abdullah Yameen and his pro-China policies continue to receive support from a large section of the Maldivian population. Therefore, any assumption that the political wind in Male will continue to favour India in the future may be premature. The recent ominous developments in Sri Lanka, whose economic situation Maldives now mirrors, are a lesson. Besides, Maldives has moved in a conservative direction with religion playing a major role in politics. As a matter of fact, Maldives has contributed the largest number of fighters to ISIS (Islamic State of Iraq and Syria) on a per capita basis, with anywhere between 200 to 400 Maldivians joining the dreaded terrorist organization. The narrative of a small Islamic island country being pushed around by big India has been used on social media and in hushed tones in the political circles by those opposed to New Delhi.

These factors must be accounted for when India decides whether or not it wants to bail out the debt-ridden Maldives. If Delhi decides to lend a helping hand, it needs to analyse the extent to which it may be willing to get drawn into the Maldivian quagmire. If the aim is to pushback China and reduce its influence in Male, this might be a difficult goal to achieve. Beijing has more arrows in its quiver, based on its larger economic profile. We need to remember that China is now the largest trading partner of more than 120 countries in the world today. India cannot simply buy away Chinese influence everywhere. Moreover, a pay cheque to retain influence in one neighbouring country could open the floodgates with other countries expecting similar handouts. This simply cannot be a viable or sustainable policy for a developing country with its own needs.

Moreover, the political situation in Maldives has not stabilised as yet. While it may be true that India now has a relatively friendlier dispensation in Male, it would be premature to assume that this will continue to remain so. A change in government could see another U-turn in Male's foreign policy. The

historically close ties between the two nations must be thought of as a thing of past. All new democratic governments in the country are likely to weigh their options internally before choosing one.

India must make itself indispensable to Male if it wants to retain its influence in the country. This must be done by Investing in infrastructure development in the country the way China is doing. But that is not all. The investments must be screened by different stakeholders of the country to ensure that political changes do not have an impact on these projects. The lesson from the GMR fiasco of 2012 must be learnt.

As far as the immediate needs of the Maldivian economy are concerned, India must call upon all international stakeholders to help Male. India must seek the support of *Quad* states (Quadrilateral Security Dialogue) to

alleviate the problems being faced by Maldives. The security of the shipping lanes in IOR is as important for other members of the Quad as it is for India. Besides, the financial aid to Maldives must be provided in accordance with the principles of the International Monetary Fund (IMF). A review of the economic situation of the country by an expert panel must be carried out and recommendations given. A path must also be decided by which Maldives would pay back the support it receives. A blank cheque is the sure-shot way to ensure continued bad practices and return for more aid in future. India must think of a long-term solution to the issues at hand rather than act in an insecure manner just because the Chinese are knocking on the doors in IOR.

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The Karachi Attack: Looking Beneath the Surface

*Maitreyee Shilpa Kishor**

The attack on the Chinese consulate in Karachi on 23rd November 2018 that left seven dead and several injured. It was an incident that sent shockwaves through out the South Asian region. Perpetrated by the Balochistan Republican Army (BLA), a militant separatist group demanding a separate Baloch state, this was by far one of the most audacious attacks in recent times and was intended to increase the visibility of the Baloch cause on the global stage. However, it also exposes a contradiction in the narrative of the China-Pakistan Economic Corridor (CPEC) being a secure and sustainable joint endeavour of the two states. It demonstrates the failure of Pakistan's military approach towards the Balochistan problem. This attack has a significance that goes beyond such manifestation of the problem.

The target was chosen to be of high symbolic value, and the attack amply showcased the militant organisation's

strength and capabilities. It took place in one of the upscale localities of Karachi – the heart of financial and commercial activity in Pakistan. The BLA has always been vocal in its critique of the CPEC, since it sees the project as an excuse to marginalise the Baloch people on their own land, while plundering their resources. The earlier attacks by this group have also been aimed at derailing the progress of CPEC including the attack on Chinese workers in Balochistan in August 2018. Attacking the Chinese embassy further reinforces this stance, and can be seen as an attempt to weaken Pakistan's relations with its close ally, China.

Statements by Chinese officials calling the bilateral relationship “higher than (the) mountains and deeper than (the) sea,” and transcending mere talks, have been aimed at demonstrating that the China-Pakistan alliance remains strong. But these can be seen as attempts

to paper over deep cracks that both China and Pakistan are refusing to acknowledge. This approach has only led to a worsening of the problem as it festers under the veneer of normalcy.

CPEC, a large part of which passes through Balochistan, and the Gwadar port is of immense geo-strategic importance for China. CPEC will provide it direct access to the Indian Ocean, and connect its western provinces to Gwadar Port. However, this plan may not be as successful and sustainable as the two states claim it to be. The constant security threats posed by Baloch militant groups is slowing down the pace of the work significantly. In addition, Pakistan's external debt of over US\$ 91 billion and an estimated government debt to GDP ratio of 72.8 per cent adds to the crisis. Funds for various projects under CPEC have been slashed, while others have been delayed until funds become available. Furthermore, the Pakistani Railways police has stated that "completion of CPEC projects is contingent upon recruitment of 5,000 policemen", which underlines the extent of insecurities involving the CPEC. This approach of relying heavily upon the military, paramilitary and police forces to guard infrastructure projects is not only costly, but also impractical.

A large part of the problems facing CPEC stem from the grievances of the Baloch. Their feelings of alienation from the Punjabi-dominated federal government have led them to oppose the development projects in Balochistan for the fear of being marginalised. Some of these groups have chosen to adopt violent tactics, and the attack on the Chinese Consulate indicates that a strategy involving military repression is unlikely to succeed. Past attempts at military suppression of movements between 1973 and 1978, and the increased presence of military and paramilitary units since 2004 have failed to end the violence. Violent separatist groups have managed to successfully regroup each time by temporarily fleeing Pakistan using cross-border networks that spill into Iran's Sistan-Baluchestan province and southern Afghanistan. Some militant groups, with connections to Baloch groups in Iran, remain active today and continue to bog down the Pakistani forces in Balochistan. Meanwhile, the issues of economic disparity, under-representation in the federal structure, sharing of revenues from natural resources and dismal human development indicators persist.

This attack calls for a re-evaluation of Pakistan's Balochistan-Policy and

the Chinese role. Instead of trying to suppress the symptoms that manifest as armed attacks on civilians and on CPEC infrastructure, the Pakistani state should focus on addressing the legitimate grievances of the Baloch. Adopting an inclusive development strategy that does not rely on denying resources to Balochistan for the benefit of Punjab and Sind would go a long way in restoring the confidence of the Baloch people in the Pakistani state. China is ideally placed to help, though its approach is unclear. Being Pakistan's major economic partner and having a high stake in ensuring the timely completion of CPEC, it stands to gain substantially from a lasting peace in Balochistan. The temporary suspension of funding by China for road projects which are a part of CPEC shows its dissatisfaction with the state of affairs. Despite the attempts by China to ensure positive press for the projects, the frequent attacks on Chinese citizens have become a clear cause for concern.

Although India has generally chosen to stay away from the conflict in Balochistan, with very few official

statements on the matter, as a stakeholder in the region, India too benefits from a lasting peace there. It has committed to invest nearly \$8 billion in the port and industries at Chabahar located in Iran's Sistan and Baluchestan province. Since the interconnections between Baloch groups in Iran and Pakistan are increasing, a conflagration in Pakistan would spill-over into Iran and Afghanistan, threatening India's investments.

Given the complicated relations between China, India, Pakistan and Iran, the Balochistan issue – that has the potential to impact all these players – is of high import. As investment pours into this region, the stakes are rising, and ignoring the root causes of Baloch dissatisfaction will not be constructive. Betting on the military solution to the Baloch unrest and hoping for a reconciliation may be an invitation to the failures of the past to repeat themselves.

30 Nov 2018

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India again fails in the UN to Condemn Terrorism: A Relapse into an Old Disease

*Rajesh Soami**

In an imprudent move, India abstained from a United Nations resolution brought to the General Assembly by United States of America on 6 December 2017. The harmless resolution condemned Hamas for firing rockets into Israel which endangered the lives of civilians. It called for the cessation of provocative and violent activities by all militant groups including Islamic Jihad. It also demanded “full respect by all parties for international human rights law and international humanitarian law, including in regard to the protection of the civilian population”.

The entire text of the resolution did not have a single word which India could possibly have disagreed with. It was clearly directed at violent terrorist activities targeting civilians. New Delhi itself has been expending significant diplomatic energy on convincing other countries to the dangers of terrorism. It ensures that terrorism is criticized in

joint statements with other countries as far as possible. Moreover, Delhi’s relations with both Israel and the United States have improved markedly in recent years. This makes the Indian abstention even more bizarre.

Israel’s ambassador to the United Nations was forthright on why countries ought to support the resolution. He stated “You can’t sit on the fence. Tomorrow there will be a terrorist attack and you will come to the UN to seek a condemnation. No country is immune.” For some unknown reason, the powers that be in the South Block failed to comprehend this simple logic. An unprecedented number of countries including the entire EU supported the resolution but India was conspicuous by its absence.

Resolutions condemning Israel, in contrast, are regularly passed at the General Assembly. The Islamic bloc votes *en masse* to ensure this. New

Delhi has also often supported these resolutions in the past. India, which did not even recognize the state of Israel till 1992, has since moved to balance its hitherto pro-Arab policies. Currently, New Delhi enjoys a healthy relationship with the Jewish state. However, this is not reflected in its diplomatic moves. In its zeal to maintain some imagined neutrality in Israel-Palestine relations, India continues to either vote against Tel-Aviv or abstains from voting at all in the UN General Assembly.

In July 2017, Prime Minister Modi had visited Israel, becoming the first Indian PM to do so. He along with the Israeli Prime Minister Netanyahu had then condemned all forms of terrorism. The Indian foreign secretary had said “the Israeli position is really very similar to ours, which is that there are no justifications for act softer on any grounds whatsoever.” The failure of India to support unequivocal condemnation of terrorist activities against Israel is in stark contrast to this policy. On the floor of the General Assembly, the government of India seemed unaware of either of the countries’ positions on terror.

Not only this, the Trump administration in Washington DC has made extra efforts to support Israel. It

has moved its embassy to Jerusalem and terminated the nuclear deal with Iran. At the same time, it has also made efforts to cater to India’s sensitivities. When India bought the S-400 missile systems from Russia, the US made its displeasure known but refused to slap sanctions. It has also granted time-bound waiver to India after the recent re-imposition of sanctions on Iran. More importantly, the Trump administration has shown extra sensitivity to India’s energy requirements.

It is common knowledge that Indian economic growth is inversely proportional to the cost of oil on the international market. Recently, when the Iran sanctions started to bite and oil crossed \$80 a barrel, economic experts in New Delhi began to sweat. United States stated that it didn’t want “friend” India’s economy to be negatively affected by these sanctions and was therefore exploring alternative sources of supply to it. The United States has since leaned heavily on Saudi Arabia as well as increased its own production of oil to bring down the price to \$60.

In contrast, Indian government’s actions have been anything but friendly. Last December, it had voted against the US move to shift its embassy from Tel Aviv to Jerusalem. While one could

understand India opposing the change in status quo in West Asia, the current abstention is bewildering. The main argument against the resolution was that it would move the focus away from unilateral Israeli actions in West Asia. This is similar to the argument given by Pakistan when it opposes the Indian focus on cross-border terrorism instead of the so called “territorial dispute” of Kashmir. Moreover, why should the US support Delhi against the terrorist organizations in Pakistan, like *Lashkar-e-Toiba*, which specifically target India, if India cannot do the same in West Asia?

India has been sitting on the fence for way too long and on way too many issues. The timidity shown in this particular instance reminds one of the days when Delhi kept seeking security in the imaginary benefits of non-alignment, ever mindful of its weak economy, difficult security situation and poor populace. Modi’s pitch for a strong India sounds rather hollow if the government cannot even bring itself up to condemn terrorism against civilians in unequivocal terms.

Last year, India and Israel had agreed that “the fight against terrorism won’t work if it is very segmented and translated into narrow agendas”. Now the Modi government has done just that. It has shot itself in the foot by failing to condemn terrorism against Israel. By doing so, it may have partially legitimized terrorism against India itself. A more foolish act could not be imagined, if one tried.

Neither pragmatic geopolitics nor any ethical reason makes sense of the Indian decision to abstain. The Ministry of External Affairs and Prime Minister’s Office need to pay more attention to taking the right diplomatic step on the floor of the General Assembly. Although the UN resolutions are not binding, they have sufficient political value not to be taken lightly. India should know better as it has been trying to deflect attention from the UN resolutions on Kashmir since 1950s. Moreover, India may end up alienating well-wishers and friends if it continues to let historical inertia negate recent foreign policy activism and advantages the country has accrued from it.

10 December 2018

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Vice Admiral Pradeep Chauhan, AVSM & Bar, VSM, Indian Navy (Retd.) took over as the Director General of the National Maritime Foundation on 01 August 2017. The Admiral retired in December 2013 after a distinguished four-decade-long service career, wherein he commanded several of the Indian Navy's frontline surface combatants including the aircraft carrier INS Viraat. He has enjoyed untrammelled success as the Assistant Chief of the Naval Staff for Foreign Cooperation and Intelligence, the Chief of the Staff of the Western Naval Command, and, the Commandant of the new state-of-the-art Indian Naval Academy at Ezhimala, Kerala.

Since retirement, he has had over 70 professional articles and papers published in a variety of Indian and foreign journals and magazines. He is on the visiting faculty of the higher-command establishments of all three defence services of India, as also tri-Service establishments such as the College of Defence Management, Hyderabad and the National Defence College, New Delhi. He is an Adviser and Fellow of several important think-tanks including the Ananta-Aspen Centre, the Forum for Strategic and Security Studies, and the Centre for Advanced Strategic and Security Studies.



Captain (Dr.) Gurpreet S Khurana is a serving missile warfare specialist of the Indian Navy commissioned in July 1988 and PhD in Defence Studies. He has held a variety of key staff and operational appointments, and commanded two warships, including a commissioning command. He has authored more than 60 research papers on naval, strategic and geopolitical issues. He is accredited to be the first to use the term 'Indo-Pacific' in an academic writing (January 2007), which later led to its widespread usage in the contemporary geopolitical context. He is the author of three books. He has been among the lead drafters of seminal doctrine and strategy documents for the Indian Navy, notably the *Indian Maritime Doctrine* 2009. In 2013, he compiled the Navy's *Handbook on Law of Maritime Operations* (INBR-1652) in three volumes. Since June 2014, Captain Khurana has been serving as Executive Director of the National Maritime Foundation (NMF), New Delhi.

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