Foreword

The seas around us are gaining newfound importance as each day goes by, and I have no doubt that the current century is the ‘Century of the Seas’. It is, therefore, the endeavour of the National Maritime Foundation (NMF) to generate greater awareness on ‘matters maritime’ among the wider section of maritime thinkers, both in India and abroad.

The expanding readership of NMF’s scholarship on current strategic, maritime and related geopolitical issues has been encouraging. This is disseminated in the form of View Points and Issue Briefs through the Foundation website, as also through its annual publication ‘Maritime Perspectives’, which puts together analyses of events and developments in the Indian Ocean, the Asia Pacific and beyond.

It is amply clear that the year 2016 has been as dynamic as the preceding ones in terms of geo-strategic trends and developments. I am confident that Maritime Perspective 2016 would immensely help the strategic and academic communities in India and overseas to better understand these developments and the ramifications.

Admiral RK Dhowan
PVSM, AVSM, YSM (Retd.)
Chairman
National Maritime Foundation
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Maritime Doctrine
and Strategy
Indian Navy’s Maritime Security Strategy: An Assessment

Greg Kennedy & Harsh V Pant

In February 2016, India’s Eastern Naval Command hosted the International Fleet Review (IFR), underlining Indian Navy’s growing prowess and ambitions. Though it was largely a ceremonial inspection of naval warships by the Indian president, it provided an opportunity to the Indian Navy to showcase its might and rapidly expanding capabilities. It was in 2001 that an event of such a scale was last held in India and since then the Indian Navy’s participating contingent has only grown bigger, with 75 frontline ships and submarines in attendance, in addition to 24 ships and delegations from over 50 nations including Australia, Bangladesh, Brazil, China, France, Indonesia, Iran, Maldives, the United Kingdom and the United States.

Flagging the threat of sea-borne terror and piracy as two key challenges to maritime security and underlining the need to respect freedom of navigation against the backdrop of South China Sea dispute, Indian Prime Minister Narendra Modi declared during the IFR that the Indian Ocean region remains his government’s priority given India’s 1,200 island territories, and its huge exclusive economic zone of 2.4 million sq km. He further underlined the Indian Ocean region’s role “as a strategic bridge with the nations in our immediate and extended maritime neighbourhood.”

Underlining the need for a “modern and multi-dimensional Navy,” Prime Minister Modi stressed that India would continue to actively pursue and promote its geopolitical, strategic, and economic interests on the seas, in particular the Indian Ocean.

The Indian Navy has emerged as an indispensable tool of Indian diplomacy in recent years, making it imperative for Indian policy-makers and naval thinkers to think anew about the role of the nation’s naval forces in Indian strategy. Despite a general understanding among
Indian political elites that it was the littoral dominance by the European powers that led to their colonial ascendancy in the Indian heartland, the focus on land frontiers led to the dominance of the Indian Army in the national security discourse.

Until the end of the Cold War, the maritime dimension of India’s security did not figure adequately in the national consciousness. Indian policy-makers did not perceive the advantage of building up the nation’s maritime sinews as the country remained concerned with the north and north-western frontiers after partition rather than with her sea frontiers. Yet despite the Indian Navy’s marginalization and the preoccupation of policymakers with safeguarding the integrity of nation’s land frontiers, the Indian Navy was largely successful in maintaining a credible naval force in the region.

Today, the Indian Navy’s original local sea control and shore defence orientation, which largely focused on preserving the integrity of Indian coastal waters from regional threats, has given way to a more ambitious naval posture. India’s naval policy is geared toward ensuring the freedom of navigation for shipping and safety of sea lines of communication as well as to safeguard its interests in contiguous waters, exclusive economic zone, and island territories. The Indian Navy would eventually like to emerge as a world-class blue-water force, equipped to meet regional challenges, and threats and to safeguard India’s maritime interests. India needs a blue water navy not only to meet naval threats from China and Pakistan, but also to exploit its strategic location at the centre of the Indian Ocean as well as to protect its extensive exclusive economic zone.

At the heart of the Indian Ocean Region (IOR), with control over vast areas of sea, India is in a pivotal position to provide security over its sea lines of communication (SLOCs), resources and territories. This presents the Indian Navy with significant challenges. The security of the IOR and its SLOCs has a regional and world focus; moreover, the diverse number of states with interests in, or moving across, the IOR also provide India with a complex security dilemma. In a wider context, the Indian Navy must protect the nearly 100 ships that pass through its maritime area of interest daily. The SLOCs entering and exiting the IOR pass through several narrow passages including the Straits of Hormuz, the Gulf of Aden, the Suez Canal and the Straits of Malacca, creating ‘chokepoints’. These present opportunities for rogue-
states and non-state actors, who do not possess a maritime capability, to interdict or disrupt shipping across important east-west trade routes. The resultant disruption or dislocation in the trade chain would have very serious implications for the economic growth of most major economies. As land-based natural resources in the region and around the world are depleted, the exploitation of marine resources, such as seabed minerals, oil and other hydrocarbons, will have added significance and raise the potential for future conflict. Consequently, to protect its own national interests as well as those of global trade, India must structure the Indian Navy to meet those challenges.

It is in the broader context, the Maritime Security Strategy document of the Indian Navy released in October 2015 presents interesting insights into the future trajectory of the Indian Navy as well the challenges it is likely to face in the near future.5

The Strategy Document
All maritime security policies or statements have an element of political intent in them. It is the nature of the relationship between the use of the sea, sovereignty, international interactions at sea, and domestic politics and security that form the basis of such statements. Therefore, given the combination of these elements within the 2015 Indian Maritime Security Statement document, it is a useful window through which one can analyse Indian maritime strategic intention as well.

The first issue of interest from the statement is just where it is that India thinks it has maritime interests. Obviously coastal waters as designated by international law are the logical starting point for such thinking. Sovereignty issues and the protection of Indian national security, as well as prevention of criminal activity such as fishing violations, drug and people smuggling, and other illegal activities are common themes that all nations with coast-lines have to contend with. The influence of the ever-changing nature of the use of the Indian Oceans and the surrounding seas is, therefore, a main feature of the analysis provided by the statement. More importantly than these low-level or domestic maritime issues, however, are the statements regarding the condition, intention and operation of the Indian Navy in larger maritime activities. The statement clearly intends that the Indian Navy become a larger part of the overall Indian national security agenda in that the protection of India’s maritime interests must be recognized as having a greater importance than ever before.
The changing character and nature of the threats to India's ability to safely and fully utilize the maritime domain are seen as being essential to India's overall national security. A persuasive and comprehensive argument for the connectivity of India to the rest of the world, and thus the economic and social stability connected to that globalized system, are all depended on India's ability to have a greater role in influencing the regional maritime domain. In short, the statement is a declaration of the Indian Navy's intent to increase its overall domestic and international importance as a tool of security, deterrence, coercion, alliance formulation and stabilization and be recognized as a key source of national power.

As far as the condition of the Indian Navy is concerned, it is clear that there is a desire on the part of the Indian Navy to modernize and increase its warfighting capabilities across all aspects of naval capability. Naval aviation, on shore and at sea, sub-surface units, surface units, modern computer systems for both weapon systems and communications, joint capabilities, amphibious operations and a mix of low-intensity and high-intensity combat systems are all seen as being necessary for providing the required naval forces able to deter and compel various actors, as well as give a credible warfighting posture. Power projection is a key theme for the acquisition of many of these new or improved systems. The statement outlines an ambitious plan for increased naval capabilities across the entire maritime domain spectrum, especially in the area of increased Maritime Domain Awareness (MDA). Such desires will, however, of course rely on the willingness of the Indian Government to provide the necessary funding for such a vision. The statement is a very good primer for such Government officials that require the linkages between India's national security and a greater role and reliance on its maritime forces to be illustrated to them. As such, it is one of the better documents of its type to make a powerful and thoughtful case for why India must pay greater attention to the modernization and expansion of its naval forces and their ability to meet a wide range of threats. A large part of this maritime modernization policy has another domestic political aspect to it: the concept of the 'Indianization of the Navy'.

The theme of Indianization runs throughout the statement. This idea envisions a greater domestic ability to create the required technical and industrial expertise to allow India to be more independent in its naval systems.
acquisition planning. Instead of the traditional methodology of acquiring technical expertise, either through the purchase of hulls and systems from other sources such as Russia, or, the licensing for manufacture of systems from other providers, Indianization asks for India itself to undertake a greater focus on investing in shipbuilding, weapon system design, and computer networking capabilities. Through such investment, a greater sense of autonomy and freedom of action, as well as reliability and availability of necessary technical expertise and capacity will be achieved. This greater maritime independence in the procurement and development areas marks a change in the nature of India as a maritime power. However, the idea of Indianization is somewhat at odds with another theme that runs throughout the statement: greater interaction and attachment to other maritime nations to create a greater maritime collective security system.

The United States figures in those engagement statements. A greater number of exercises and strategic discussions are seen as being the basis for creating an enhanced maritime relationship with America. Again, such open statements regarding India’s future workings with the United States in such a way, aimed at the containment and deterrence of Chinese naval expansion in the seas neighbouring and influencing the Indian Ocean and the vital trade that flows through them all, is a change away from the traditional ‘non-alignment’ posture taken by India. There is little doubt when reading the statement that the Indian Navy sees itself as a close and useful partner of the United States Navy (USN) in its quest to be able to meet the challenges being created by the rise of Chinese maritime forces. That political condition may have an impact on the Indian Navy’s Indianization policy that has not been considered in detail. Certainly it does not appear to have been in the statement. Working with the most sophisticated and technological advanced navy in the world comes with advantages and disadvantages. If there is a desire to use home-grown naval technology, and at the same time, have a higher degree of ability to work usefully with the USN, a tension could occur. Navies that are able to work in such a fashion with the USN have been able to do so through the commonalities produced through membership of NATO. Still, the American Pacific Fleet is not really able to communicate or coordinate with the European USN forces due to different technologies, differences which are being increased further by the American ‘Re-Balance’ Strategy towards the Pacific and ‘Air-
Sea Battle’ Concept and ‘Third Off-set’ Strategy requirements. As the USN increasingly modernises and changes its technological profile for its Pacific Fleet, can India keep in step and provide a useful naval partnership with Indianized technology? This is not a question for the Indian Navy alone. It is one that many navies allied or closely linked to working with the USN are having to ask themselves today: can we afford to keep pace with USN technological development and contribute to the Air-Sea Battle/Third Off-set Strategy vision?\textsuperscript{8}

The 2015 Maritime Security Statement’s strategic and operational desired end-state of such bilateral cooperation must bear in mind these technical and industrial realities if domestic buy-in to an increased role for the Indian Navy is to be won through greater investment in indigenous Indian maritime technical and industrial acumen.

Overall the document is a powerful statement about India’s need, and possible ability, to become an important part of the global maritime power community. Given the centrality of her maritime areas of interest in the overall globalization system, being a regionally powerful maritime actor makes India an important global maritime actor. This is a point not lost on the document’s authors. The proof will be in the spending. If a long-term governmental commitment to the expansion and sustainment of such a large and powerful modern naval force becomes a reality, then many of the strategic aspirations outlined in the statement will come to fruition. At the very least, the fact that the Indian Navy is willing to openly say many of the things it does in this document shows that there is a sea-change underway in India’s thinking about its relationship with the sea. Only time will tell if that change is more than thinking.

Conclusion

There’s a long tradition in India of viewing the maritime dimension of security as central to nation’s strategic priorities. With a coastline of 7516 kilometres and over 1200 island territories from the Arabian Sea to the Bay of Bengal, India is the only country in the world that has maritime boundaries with as many as seven other countries. With India’s economic rise, New Delhi is trying to bring back that maritime focus into its strategic worldview, making its navy integral to national grand strategy.

When Prime Minister Narendra Modi declared at the Maritime India Summit in April 2016 that “India has had a glorious maritime future,” and is “on the path of shaping an even better maritime future,” he was underscoring
New Delhi’s political resolve to restore India’s position of eminence in the global maritime sector. Indian Navy will be playing a crucial role in that endeavour and its strategic vision is in sync with the government’s priorities. While changes in the regional and global balance of power remain a significant worry, the bigger problem remains one of introducing organizational changes and doctrinal evolution. How India manages these issues will be significant not only for the Indian Navy’s future but also for the rise of India as a credible global military power.

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This NMF web-publication presents the personal views of the authors, which may not necessarily reflect the views or the position of NMF.

28 July 2016

NOTES

1 Prime Minister’s address at International Fleet Review 2016 is available at http://www.mea.gov.in/Speeches-Statements.htm?dtl/26333/Prime+Ministers+address+at+International+Fleet+Review+2016

2 Ibid.


America’s Expectation Versus India’s Expediency: India as a Regional ‘Net Security Provider’

Gurpreet S Khurana

During the ‘Raisina Dialogue’ held in March 2016 at New Delhi, Admiral Harry Harris, the Commander of United States (US) Pacific Command (CINCPAC) referred to the first ever tri-lateral (Australia, Japan and India) ministerial discussions held in September 2015, which had addressed “maritime security – including freedom of navigation patrols”, and proposed “expanding this tri-lateral to a quadrilateral venue”, also involving the US. Later, while addressing questions, the crux of his message was that the high level of ‘inter-operability’ achieved during complex India-US Malabar exercises should not be an end into itself, but translated into “coordinated operations”. The US Admiral thus prodded India – albeit implicitly – to undertake ‘coordinated freedom of navigation patrols’ in the South China Sea (SCS). Evidently, such patrols could be used to restrain China’s growing military assertiveness in the SCS, and the process of legal norm-building in its favour in the maritime-territorial disputes with the other littoral countries of the SCS.

India has consistently upheld the US position in terms of being non-party to the SCS disputes, dispute-resolution through the well-established norms of international law, and freedom of navigation in international waters, including in the SCS. Nonetheless, the Indian Defence Minister Mr Manohar Parrikar lost little time to clarify India’s position, saying that “As of now, India has never taken part in any joint patrol; we only do joint exercises. The question of joint patrol does not arise.”

The case indicates an ‘apparent’ mismatch between the US expectation from India, and what New Delhi is willing to deliver to its ‘strategic partner’. This could be contextualized and explained through analytical insight into the salient policy pronouncements
from either side. The most instructive among these are those articulating India’s role as a ‘net security provider’ in Asia. This essay aims to analyse such role to understand the ‘aberration’ in the otherwise healthy trajectory of India-US strategic relationship contemporary times, thereby enabling a better comprehension of the Indian perspective, and its compelling strategic and foreign policy considerations.

America’s Articulation

The ‘net security provider’ concept emerged during the 2009 ‘Shangri La Dialogue’, when the then US Secretary of Defence Mr Robert Gates stated,

“When it comes to India, we have seen a watershed in our relations – cooperation that would have been unthinkable in the recent past... In coming years, we look to India to be a partner and net provider of security in the Indian Ocean and beyond.”

This sentiment of the USA was thereafter reiterated on various occasions – both formally and otherwise – including in the 2010 US ‘Quadrennial Defense Review’ (QDR). The statement in QDR-10 predicted,

“India’s military capabilities are rapidly improving through increased defense acquisitions, and they now include long-range maritime surveillance, maritime interdiction and patrolling, air interdiction, and strategic airlift. India has already established its worldwide military influence through counterpiracy, peacekeeping, humanitarian assistance, and disaster relief efforts. As its military capabilities grow, India will contribute to Asia as a net provider of security in the Indian Ocean and beyond.”

India’s Articulation

The Indian political leadership and policymakers clearly supported the proposed role for India in principle. Addressing the top brass of the Indian Navy and the Defence Ministry in 2011, the then Indian Defence Minster Mr AK Antony emphatically assured India’s maritime neighbours of an “unstinted support for their security and economic prosperity”, and stated the Indian Navy has been:

“mandated to be a net security provider to island nations in the Indian Ocean Region... most of the major international shipping lanes are located along our island territories. This bestows on us the ability to be a potent and stabilising force in the region”.

More recently, in 2013, the then Prime Minister of India, Dr Manmohan Singh said,

“We have...sought to assume our responsibility for stability in
the Indian Ocean Region. We are well positioned... to become a net provider of security in our immediate region and beyond.”

These seminal articulations represent a valuable take-off point for the analysis on India’s projected role as a ‘Net Security Provider’, which – for the sake of objectivity – is divided into three parts, with each one analysing a specific fact of India’s broader national-strategic imperative for it to fulfil such role. These aspects are Geographical Area; Capacity and Capability; and Cultural Ethos.

**Geographical Area**

**Primary Area of Interest**

Notably, by virtue of its geographic location and peninsular disposition, India’s most critical national interests are closely connected with events in the Indian Ocean, broadly in its northern part; and more specifically in the areas categorized in the Indian Maritime-Security Strategy, 2015 (IMSS-15) as the ‘primary areas of maritime interest’.9

In nearly all articulations on India’s role as a ‘net security provider’ – both Indian and American – whereas the ‘Indian Ocean” is the ‘common thread’, the phrase “...and beyond” has never been specifically defined. Arguably, the phrase would refer more accurately to the Persian Gulf or Red Sea that are India’s ‘primary areas of maritime interest’, rather than the SCS that – notwithstanding India’s increasing economic and strategic stakes here – is the ‘secondary area of maritime interest’. (Such classification does not, however, undermine the criticality of the SCS for India’s vital interests). In this context, India’s Professor Mahapatra aptly enquires:

“If India and the U.S. have not contemplated similar kind of patrol in Indian Ocean, what could justify India and U.S. patrolling waters of South China Sea?”10

**Geo-Strategic Frontiers**

As a related though distinct concept of ‘Geo-Strategic Frontiers’ is also relevant here. As part of a country’s military-strategic calculus, it refers to the geographical boundaries necessary for it to achieve ‘strategic depth’ against a potential State adversary. The recent analyses by American analysts such as the one by Professor James Holmes on ‘Get Ready, India: China’s Navy is Pushing West’11 (towards the Indian Ocean) is indeed instructive for India, and adds to the trends that were noted and analysed in India beginning nearly a decade ago.12 However, it is unlikely that India would need to extend its strategic
depth vis-à-vis China eastwards beyond the Southeast Asian straits. Notably, these maritime choke-points constitute a major strategic challenge for the PLA Navy itself.

The ‘Geo-Strategic Frontiers’ of a country are also contingent upon the ‘capacity’ and ‘capability’ its own and friendly military forces to be able to influence events in the area within the said frontiers. This aspect is addressed below.

**Capacity and Capability**

In 2012, the IDSA undertook a study on Out of Area Contingency (OOAC) missions by Indian armed forces. The study deduced that:

“the reach of current air and sealift capabilities means that, realistically speaking, India can conduct OOAC operations only within the Indian Ocean region (IOR).”

Even while India’s strategic sealift and airlift capacities are being augmented, the aforesaid finding of the study is likely to remain valid in the foreseeable future. The same is true for India’s ability for other forms of maritime power projection.

The new Indian Maritime Security Strategy (IMSS-15) aptly emphasises on the term ‘net security’, rather than ‘net provider (of security)’. Further, it pegs India’s role as a ‘net security provider’ to the question of ‘capability’. Accordingly, it defines the term ‘net security’ as:

“a state of actual security available in an area, upon balancing prevailing threats, inherent risks and rising challenges in a maritime environment, against the ability to monitor, contain and counter all of these.”

The analysis of IMMS-15 clearly indicates that the Indian Navy seeks to contribute to maritime security and stability in its primary and secondary areas of interest, broadly constituting the entire swath of the Indo-Pacific region. For doing so, it is not only developing its own capabilities for distant operations, but is also providing ‘capacity building’ and ‘capability enhancement’ assistance to friendly countries of the region. However, since the November 2008 seaborne terrorist attacks against Mumbai, the sub-conventional threats to India’s coastal and offshore security will continue to pose major challenges for the Navy to deftly balance its force accretion and modernisation between the two competing imperatives of ‘blue water’ and ‘brown water’ operations.

**Cultural Ethos**

As stated above, IMSS-15 dwells upon India’s regional role as a “provider of net security” rather than a ‘net provider
of security’. Ostensibly, an additional aim is to dispel any notion that India seeks to act as a hegemonic power or a ‘policeman’ in the region. Such intent flows from India’s cultural ethos and is closely linked to its evolution as a modern nation-State.

Another facet of cultural ethos is the pride that Indians identify themselves with based on their civilizational genesis, something more profound and deep-seated than the concept of ‘nationalism’. Together with the afore-mentioned non-hegemonic stance, this facet manifests in India’s long-standing policy of not involving itself in coalition military operations, except those mandated by the United Nations. This policy also manifests in the operational domain. Unless operating under the UN flag, Indian military forces are averse to undertaking ‘joint’ operations (like joint patrols), since such operations would involve placing Indian forces under foreign Command and Control (C2). The Indian Defence Minister’s negation of the possibility of ‘joint (naval) patrols’ may be seen in this context.

Notwithstanding, the statement by the US CINCPAC at the Raisina Dialogue deserves more attention than it has received. He proposed turning India-US “joint (naval) exercises” into “coordinated (naval) operations”. His preference for the term ‘coordinated’ rather than ‘joint’ is noteworthy. While in common English parlance, the two terms may be considered synonymous, the difference is significant in ‘operational’ terms. Whereas a ‘joint’ operation involves a unified C2 of military forces, in a ‘coordinated’ operation, the forces maintain their respective national C2 structures. In the past, the Indian Navy has indeed undertaken ‘coordinated’ operations with the US Navy on various occasions. The examples are the 2002 Escort Mission of US High-Value ships in the Malacca Straits and the 2004-05 Humanitarian Assistance and Disaster Relief (HADR) mission in the aftermath the Indian Ocean Tsunami. Even during the more recent anti-piracy mission in the Gulf of Aden involving escort of merchant vessels, the Indian Navy coordinated its operations with the US-led coalition naval forces, as well as with the other navies deployed for the mission. The notable commonality among these operations, however, was that these were all conducted in the Indian Ocean (or its contiguous straits).

Concluding Remarks
The subtext of the US-India Joint Statement of January 2015 on “our diversified bilateral strategic partnership” clearly indicates the broader strategic convergence and
the fact that India needs the strategic partnership of America as much as the other way around. However, occasional dissonance in the bilateral relationship cannot be ignored. Notwithstanding the diplomatic ‘refrain’ as a natural occurrence between two major democracies, the dissonance cannot be slighted, particularly in the light of the emerging regional security environment. Also, the discord may does not lie in Indian’s longstanding foreign policy tenet of ‘Strategic Autonomy’ (or ‘Non-Alignment 2.0’), as it is usually touted to be. As in case of a few other facets of the bilateral relationship, the occasional discord mostly manifests at the functional level. In context of India-US military strategic cooperation in the Indo-Pacific region, the aberrations at this level could be addressed by bridging national policymaking with strategy formulation of the military forces.

Given the ‘overstretch’ of America’s maritime-military resources, and its increasing contribution to the Indian Navy’s ‘capacity building’ and ‘capability enhancement’ over the years, its expectation for India to provide for regional security and stability in the maritime-configured Indo-Pacific region is not misplaced. At the operational level too, the US expectation for India to convert ‘joint’ naval exercises into ‘coordinated’ operations may be justifiable. However, it seems that India’s broader strategic imperatives in terms of the three key facets of Geographical Area, Capacity and Capability, and Cultural Ethos are not in consonance with such expectations, at least not yet.

04 April 2016

Notes

1 ‘US, India, Japan Hold First Trilateral Ministerial Dialogue, Call for Freedom of Navigation’, 
trilateral-ministerial-dialogue-call-for-freedom-of-navigation-1224830

2 “Let’s Be Ambitious Together”, Remarks by Admiral Harry B. Harris, Jr., Commander, 
www.pacom.mil/Media/SpeechesTestimony/tabid/6706/Article/683842/raisina-dialogue-
remarks-lets-be-ambitious-together.aspx

3 Dinkar Pheri, ‘U.S. push for joint patrols in Indo-Pacific region’, The Hindu, 3 March 
indopacific-region/article8306481.ece


The ‘capacity’ of a military force refers to its wherewithal in the limited context of its hardware. ‘Capability’ refers to the ability of the force in a more comprehensive sense encompassing not only its physical capacity, but also the conceptual and human components. For details,


Premesha Saha

The latest version of Indonesia’s Defence White Paper (DWP) was released in end April 2016. By that time, the Indonesian President Jokowi had completed over a year in office. The DWP says that given Indonesia’s geo-strategic location, it must have a proper defence strategy. The need for Indonesia to bolster its maritime security to support the ‘Global Maritime Fulcrum’ (GMF) vision by ‘managing its natural resources, border region and defence capabilities’ also finds mention in the DWP.

The White Paper recognises the GMF and the attainment of the Minimum Essential Forces (MEF) target as official government policies. In this context, the essay aims to analyse the DWP and its relevance for the GMF vision.

National Defence Policy

The evolving strategic dynamics of the ‘Asia Pacific’ region and the presence of traditional as well as non-traditional security threats in this region are the driving factors behind Indonesia’s defence strategy drawn up in the DWP. Besides, Indonesia still has some unresolved border disputes. Seeing the complex web of threats that can impact Indonesia’s state sovereignty, territorial integrity and safety, the threats has been classified into hybrid threats, military threats and non-military threats.

Indonesia’s national defence policy indicates a continuation of past trends. National defence is based on a ‘Total Defence System’. This means that the citizens will be equally responsible for national security along with the defence forces. Further, it lays out the country’s defence policy combining military and non-military elements. For dealing with military threats, the Tentara Nasional Indonesia (TNI) will be the main component, supported by a Reserve Component and Component Support. The non-military threats will
be handled by Ministries outside the defence establishment based on the type and nature of the threat, supported by other elements of national power like the TNI and local governments. Finally, the TNI will continue to deal with the hybrid threat, assisted by a Reserve Component and a Support Component along with other non-defence ministries and institutions.

The key to national defence lies in building a strong defence force with deterrent capability. As an archipelagic and maritime country, Indonesia should have a bargaining position in maintaining its sovereignty, territorial integrity and safety. Given the sensitive situation around the Natuna islands, the development of defence forces in these areas is necessary.

Indonesia’s national defence policy is also aimed at maintaining its territorial sovereignty, securing its marine resources, upholding its identity as an archipelagic country, and showcasing Indonesia as a maritime power. ‘The attainment of the MEF targets through the induction of drones and satellite technology’ has been outlined as a means to shape the GMF. Additionally ‘defence industrial development’ has also been pointed out as a tool for the attainment of the GMF vision. The national defence policy will be implemented based on the Long Term Development Plan 2005-2025 (RPJP Nasional).

Context of the GMF

The GMF is an all-encompassing national vision which includes country’s defence upgradation, maritime security, economic development, food security and revival of the maritime identity. Surprisingly, the DWP does not lay down a clear strategy for the realisation of the maritime security component of the GMF. The induction of drones and satellite technology stated in the DWP will not be adequate to give shape to the GMF. The second phase of the MEF has already commenced, but the DWP does not indicate the plan to progress it further.

According to Indonesian scholars, the English version of 2015 DWP fails to capture the true essence of Jokowi’s GMF vision. As pointed out by Ristian Supriyanto, the Indonesian version merely mentions the terms ‘Poros Maritim Dunia’(GMF) and ‘maritime’ more than 17 and 24 times respectively, but draws no connection with Indonesia’s strategy for achieving maritime security. The DWP states that Indonesia’s defence expenditure will not exceed one per cent of its GDP in the next ten years. It stresses that Indonesia's defence modernisation is unlikely to
lead to an arms race, and aims to achieve the goal of establishing Indonesia as a maritime power as outlined in the GMF. However, there is a distinction between being a merely ‘maritime nation’ and ‘maritime power’. The DWP offers little in the way of strategizing as to how this transition is to be made.

The DWP acknowledges that the strategic policies of China, the US and the instability in the South China Sea will increasingly dominate Indonesia’s strategic environment. However, it provides only a sketchy description as to how Indonesia’s defence policy is crafted in response to that environment. Despite the GMF’s central notion of Indonesia as an ‘Indo-Pacific’ power, the DWP still retains the old ‘Asia-Pacific’ geographical construct.

The DWP covers very comprehensively the wide spectrum of threats confronting the archipelagic nation. However, the continued reliance on ‘Total Defence System’ may be appropriate for internal security, but has limited applicability in achieving security in the global commons.

Another very important aspect which has been omitted in the DWP is the role of various maritime agencies in realizing the GMF vision. There has been abundant mention of the role of ministries and institutions in dealing with non-military and hybrid threats. But the DWP does not indicate how the newly modified Maritime Security Agency (Bakamla) fits into the organisational hierarchy. There is an implied overlap between the functions of TNI-AL, BAKAMLA, and the Ministry of Maritime Affairs, with no clear mechanism for coordination outlined among the three.

Even though some aspects of the GMF like diplomacy and naval development have been addressed, the DWP gives no indication as to how Indonesia will secure its sea borne economic activity. The DWP has very little to offer in the context of the GMF. It is a clear example of the disjunct that exists between the aspirations of the national policy makers and in the strategy laid out by the defence strategists.

15 July 2016
Indian Navy Updates Indian Maritime Doctrine 2009
Gurpreet S Khurana

On 12th February 2016, the Indian Navy released the Indian Maritime Doctrine 2015. It is an online version of the Indian Maritime Doctrine 2009, updated as on 2015. It may be recalled that the first ever edition of Indian Maritime Doctrine was published in April 2004, and the same was revised in August 2009.


This write-up aims to disseminate to the strategic and academic communities in India and abroad the specific need for updating the Indian Maritime Doctrine, 2009 and the salient amendments.

At the outset, it is necessary to comprehend the distinction between ‘doctrine’ and ‘strategy’. A ‘Military Doctrine’ flows from concepts, and shapes the development and employment of military power. It is a collation of principles that guide the actions of a force in the way it organises, trains, frights and sustains itself in pursuit of national objectives; and places all its members and stakeholders on a common conceptual platform. On the other hand, a ‘Military Strategy’ is an overarching plan that articulates the ‘ways’ and ‘means’ of how a military force will be employed to meet the desired ‘ends’. The doctrine, therefore, provides the conceptual framework to devise the strategy. Hence, the Indian Maritime Doctrine and Strategy documents together provide a holistic perspective of the Indian Navy towards development of maritime-military power and its employment to meet the national objectives.

It is clear from the above that the Doctrine is a ‘superior’ document,
and the Strategy must necessarily draw from it. The ‘shelf life’ of a doctrine is relatively long. In the interim, however, a fundamental change may occur in a national stake, concept or objective. Such a change involves a doctrinal shift, and must be addressed at the first available opportunity. Such a need and opportunity arose during the compilation of the new strategy ‘Ensuring Secure Seas: Indian Maritime Security Strategy’ (2015), when it became necessary to update the base-document, viz. Indian Maritime Doctrine, 2009. The 2009 document is thus updated at various places for new developments relevant to India. The new document also bears some changes with regard to nomenclature, and naval missions and tasks. However, three salient amendments to Indian Maritime Doctrine 2009 may be considered as the most pronounced reflections of the doctrinal changes in India’s maritime-military thinking.

The foremost of these is the enlargement of India’s areas of maritime interest south-eastwards and westwards. The South-East Indian Ocean, including sea routes to the Pacific Ocean and littoral regions; the Mediterranean Sea and its littoral region; and the West Coast of Africa and its littoral region are added as new ‘secondary’ areas of interest. (The original 2009 document had referred only to the littoral regions of Australia and Africa as ‘secondary’ areas).

The second amendment pertains to the reconfiguration of ‘primary’ and ‘secondary’ areas of interest and inter-se prioritization between the two. The South-West Indian Ocean and Red Sea, which was earlier considered as ‘secondary’ areas, are now encompassed within the ‘primary area’. Also, in the sequence of various ‘primary’ areas, the ‘Persian Gulf and its littoral’ now precedes the ‘choke-points of the Indian Ocean’, indicating that it is considered more crucial for India’s interests. The rationale is clear – the Gulf is a major source of India’s hydrocarbon imports and home to about seven million expatriate Indians. Additionally, while the Gulf of Oman, the Gulf of Aden and the Andaman Sea are contiguous to the seas (Arabian Sea and Bay of Bengal) that have continued to be ‘primary’ areas of interest, these water bodies have been specifically named as ‘primary’ areas. Further, the original document had stated that other areas of national interest may be classified as ‘secondary’ areas based on considerations of ‘Indian diaspora’ and ‘overseas investments’. The updated version adds “political relations” as another consideration.

The third major amendment relates to altered emphasis on maritime choke-
points of the Indian Ocean. In lieu of the two mid-ocean choke-points – the Six-degree Channel and the Eight/Nine-degree Channel – the updated document attaches greater salience to the international straits that circumscribe the Indian Ocean at its extremities, such as Hormuz Strait, Bab-el-Mandeb, Sunda Strait and Lombok Strait. This serves to highlight the Ocean’s geo-strategic ‘exclusivity’ for India. Significantly, Ombai-Wetar Straits located in the far south-eastern Indian Ocean is a new addition to the choke-points constituting India’s ‘primary’ area of interest.

It is also notable that the Doctrine’s updated online version 2015 conforms to the Indian Navy’s new doctrinal hierarchy. The designation of Indian Maritime Doctrine 2009 was ‘Indian Navy Book of Reference’ (INBR)-8, which has been now been amended to ‘Naval Strategic Publication (NSP) 1.1’. The word “strategic” indicates that the document refers to the ‘military-strategic’ level (other levels are ‘operational’ and ‘tactical’). Its first numeral indicates that it pertains to the function of ‘naval operations’ (other functions are ‘technical’, ‘personnel’, logistics’, etc.). Its second numeral denotes the hierarchy within the function. Hence, NSP 1.1 refers to the apex document of naval operations at the military-strategic level. In a similar manner, ‘Ensuring Secure Seas: Indian Maritime Security Strategy’ has been designated INSP 1.2, which refers to the second-highest document of naval operations the military-strategic level.

22 March 2016
China Pakistan Economic Corridor (CPEC):
The Maritime-Strategic Dimension

Adarsh Vijay

The much-awaited China-Pakistan Economic Corridor (CPEC) has been officially flagged off with the first consignment from China setting sail from Gwadar to the African and West Asian markets on 13 November 2016. The Corridor’s newly built western route was chosen for the transit of the trucks all the way from Kashgar in China to Pakistan’s South-Western port city of Gwadar. The successful transit has largely thwarted the fears on Pakistan’s mainland security, to which the corridor is exposed. However, the maritime-strategic template, in and around the deep-sea port at Gwadar, is yet to receive a complete security cover from the significant threats in the area. Apart from the concerns such as piracy and terrorism, the proximity of the United States’ and Indian presence in the Indian Ocean Region (IOR) poses the most challenging security quagmire for the partner-states of CPEC.

The US$ 46 billion project invites a greater payoff for Beijing with a reduced dependence on the Straits of Malacca to reach out to its markets beyond the Indian Ocean. An easy access to the Gwadar port and Strait of Hormuz through inland road and rail networks enhances the Chinese presence in the region. The viability of the port was demonstrated in the mid October 2016 with the docking of the first cargo vessel – *Zhen Xing Sung*. The Pakistan Navy (PN) has repeatedly acknowledged that the safety of the CPEC, Gwadar port in particular, is its top priority. The Third Marine Battalion (TMB) of the PN is in charge of the all-round security of the port. The PN’s commitment to the CPEC was also palpable with the assignment of a naval and air convoy for guarding the cargo ships – *MV Al Hussein* and *MV Cosco Willington* – till they entered international waters. The days ahead are expected to see a quantum leap in the maritime traffic
through Hormuz, towards which the PN is tightening its grip.

Nevertheless, the Indian preference of geopolitics over geo-economics continues to be a concern for Sino-Pak strategic cooperation. The inclusion of Pakistan occupied Kashmir (PoK) as part of the corridor is the major factor which ignited a strategic dilemma in India. Moreover, the US has been cautious about the growing proximity between Islamabad and Beijing. Washington appears to be worried over the emergence of Beijing as an alternative strategic partner for Islamabad in place of the former. Despite this concern, the US has indicated support for the CPEC collaboration between the two “all-weather friends.” However, the recently concluded Logistics Exchange Memorandum of Agreement (LEMOA) with New Delhi – which seeks to ensure essential logistic supplies for US armed forces at Indian ports and airport facilities – is indicative of the US intent to contain the Chinese expansion into the Indian Ocean. A combined push for Indo-Pacific strategy assures reciprocal benefits for India, while also containing Chinese influence in the Pacific sphere.

The US presence in West Asia in terms of its wider naval basing network would pose a major threat to the CPEC. Washington’s West Asian naval diplomacy is an important component in countering the galloping Chinese advents into the sub-region. Jebel Ali in the United Arab Emirates (UAE) – the most-visited US naval facility – lies close to the Strait of Hormuz. Oman also finds a place under the maritime-strategic connotation owing to a large number of US Air Force bases. The US Fifth Fleet with its headquarters in Bahrain and a forward deployment base of the Central Command (CENTCOM) in Qatar also comes under perceived maritime threats for the CPEC ships that transit to the West Asian markets. Besides, the Chabahar port – a trilateral maritime venture among India, Iran, and Afghanistan – is conceived to be a major competitor and challenger to the Gwadar in geo-economic terms. It offers an easy access for New Delhi to reach Afghanistan and Central Asia by-passing the mainland Pakistan.

An early forecast of this strategic quandary was responded with a series of defence pacts between Beijing and Islamabad. Both countries have embraced stability and maritime security as the primary goals in this direction. The delivery of a Chinese patrol vessel Basol to the Pakistan Maritime Security Agency (PMSA), the inductions of Chinese Fast Attack Craft (FAC) into the PN and other such measures are
indicative of force restructuring for an effective response to the threats to the CPEC/Gwadar. Notably, in 2015, Pakistan’s Ministry of Defence Production (MoDP) inked a deal with China under a Public Sector Development Programme (PSDP) to build seven patrol ships. The two countries also conducted a combined naval exercise in November 2016, which involved Special Operations Forces (SOF), and was optimised for port and littoral defence. In cognizance of the volatile environments with regard to the CPEC/Gwadar, one could expect substantial collaboration between the PN and the PLA Navy, including in terms of doctrinal changes and maritime strategy reorientations.

Being a project conceived and implemented in a tenuous and dynamic security environment, China and Pakistan are likely to be seized of unforeseen and uncertain geostrategic outcomes with regard to the CPEC. The only certainty is that the project would usher significant changes in the regional naval balance.

23 November 2016
Maritime Security
Sea Piracy during the Mughal Period (1556-1707): Major Players, Disposition and Motives

Neelima Joshi

In today’s world, sea piracy stands as one of the major challenges to maritime security. Since trade is dependent on the international shipping lanes that connect global economic hubs, nations across the world have taken due cognizance of these threats and have instituted military, diplomatic and organizational measures to combat the same. Sea piracy is not a modern day phenomenon and can be observed as existing in various forms in the past. For instance, in the case of the Indian Ocean Region (IOR), one of the oldest documentation on ‘sea piracy’ can be traced back to the mid thirteenth century (1293), in the travelogue of Marco Polo, an Italian traveller. While describing the kingdom of Gujarat, Marco Polo writes about the “numerous pirates” and their “seizing and plundering” of merchant ships.¹

This essay aims to examine the existence of sea piracy as a threat in the IOR during pre-modern India, with reference to the Mughal period (1556-1707). It is divided into three sections. The first part defines the activities during the period in question, that fall within the ambit of piracy, whilst drawing out parallels with the present. The second segment lists the various entities that were engaged in sea piracy, and their specific area of operations that impacted the Mughal Empire. In the final segment, the essay examines the Portuguese pirates, their modus operandi and the dilemmas faced by the Mughal rulers.

Definition: ‘Piracy’ and ‘Pirate’ in ‘Mughal Parlance’

Prior to understanding the problem of sea piracy during the Mughal period, it is important to understand the meaning of piracy in ‘Mughal parlance’. In context of this essay, the aim is to define ‘a pirate’ in Mughal period. Today’s most widely ratified treaty on maritime law, the United Nations Convention on
the Law of the Sea (UNCLOS) defines piracy as “any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship.” This definition, argues Sebastian R. Prange, “is the product of a European legal tradition going back to Roman Law, which classes the pirate as *hostis humani generis* (enemy of mankind).” In its explanation piracy is defined as “acts of violence done upon the ocean ... by a body of men acting independently of any politically organised society.”2

This definition of ‘piracy’ and ‘pirate’ is incongruent with the era of the pre-modern State like that of the Mughals. On many occasions, the pirates in pre-modern State were connected to a political entity. For instance, the maritime plunders of Malabaris (pirates active in the Arabian Sea in the Mughal period, though outside Mughal Empire) attained socio-political legitimacy through association with the local political leadership, the Zamorins of Calicut who sanctioned their operations as a defence against the Portuguese maritime intrusions along the Malabar Coast.

Further, neither there was a clear cut distinction between merchants and pirates in a pre-modern State, nor any comprehensive maritime laws and institutions that could have enforced it. According to Pyrard de Laval, a visitor to south India in the seventeenth century, “When in the winter they (pirates) return from the sea they become good merchants, going hither and thither to sell their goods, both by land and by sea, using then merchant ships that also belong to them. They often go to Goa and Cochin to sell their merchandise, and trade with the Portuguese, obtaining Portuguese passports, though in the previous summer they may have been at war.”3 Hence Malabaris played a ‘double role’; they were essentially merchantmen who took to plundering whenever opportunity came.4

The above case is very much applicable to the Europeans. Beginning with the Portuguese, Prange argues that, on the one hand they desired to build a “pepper empire”, and were reliant on peaceable business relationships; while on the other hand, they rarely missed an opportunity to exploit their comparative advantage in maritime violence.5 Thus, attacking Indian ships under the garb of Portuguese *cartaz* system can be seen as a form of institutionalised plunder.

Drawing on the ideas of Frederic Lane, who juxtaposes “the robber, who renders no economic service, to the organized racketeer, who sells protection against the violence he himself threatens,
and who actually supplies a sort of black market protection in return, suppressing rival gangsters”, this paper sees the ‘issuing of passes’ in the Indian Ocean Region by the Portuguese and other Europeans as an act of organized piracy. In fact, to a very large extent, Portuguese and English were supported by their respective governments to undertake pirate attacks. The primary mission of such violence was to control the flow of goods and routes in the IOR. Towards this end, they carried out maritime violence with force. Moreover, there were ‘privateers’ who attacked Indian ships on the basis of the letters of marquee from their State. Hence these European ‘official’ plunderers and ‘privateers’ can be termed as pirates in pre-modern terminology.

Introduction: The Pirates and their Area of Operations

The Mughal Empire experienced sea piracy at the hands of diverse communities of pirates. While on one hand there were local pirates like the Malabaris, Sanganians and Warals, on the other hand, there existed European naval entities belonging to the Portuguese and English. The area of operations of the various pirate groups was not well demarcated and frequently resulted in clashes with each other. The pirates of Malabar were dreaded across the western sea board, whereas the Sanganians and the Warals belonged to the Saurashtra region, and operated in the area around the present day Gujarat sea coast. It is recorded in the *Mutakhab-ul-Lubab*, a Persian chronicle of Aurangzeb’s reign (1659-1707), that:

“the Warals and the Sanganians only plundered small crafts trading from Bandar Abbas and Mascat, but were afraid of the large pilgrim ships”

The Malabaris were more ferocious and captured ships, and sometimes even burned them. They even traded back the captured people against ransom. William Finch, a European traveller during the reign of Jahangir (1605-28), characterised the Malabaris as,

“good souldiers [who] carry in each frigat one hundred souldiers, and in their galiots two hundred.”

The European pirates operated with an intention of obtaining ‘trading privileges’ in the Mughal Empire and capturing the ‘trade routes’ in the Indian Ocean region. The Portuguese — known as the *ferangis* by the Mughals — were the first to establish themselves in the Indian subcontinent. Though they began with the agenda of missionary activities, but their motto was to establish themselves as the masters of the seas. C. R. Boxer portrays the Portuguese as “*a seaborne
empire cast in a military and ecclesiastical mould.” The Portuguese were known to be ruthless at sea, and did not differentiate between the imperial and merchant ships whilst carrying out attacks. The English operated in a manner similar to the Portuguese, with the aim of gaining ‘trading privileges’ from the Mughals. It can be learned from many instances that European pirates not only looted and burned the captured ships, but went on to the extent of dishonouring women onboard. For instance, in 1695, when the English pirates brutally attacked the imperial ship *Ganj-i-Sawai*—the largest of the Mughal ships during Aurangzeb’s period—several women ended their lives by jumping into the sea or by stabbing themselves. 9

**The Problem of Portuguese (Ferangi) Pirates**

I would drown the ferangis in the seas, I would remove the rust from the heart of the people of Islam; I would open out the closed door of Kaaba like Alexander, I would voyage safely on the seas.

- Faizi (poet laureate of the court of Akbar) 10

The above lines by Faizi aptly describe the general ‘feeling of aversion’ against the *ferangis* or the Portuguese pirates during Akbar’s regime. According to K. S. Mathew, when Mughal Emperor Akbar conquered Gujarat in 1572, “he not only achieved his first access to the sea, but also came to confront the problems the Portuguese presence posed to Indian trade and maritime activities”. 11 The conquest of Gujarat by Akbar served two purposes. The aim was to benefit from the maritime activities involving large number of ports in the region and hence reap the dividends of the Indo–Persian sea route. The secondary reason was to open up sea routes to *Hajj* via Surat (also known as *Bandar-i-Mubarak* or the Blessed Port). 12 *Hajj* travel was a significant part of life of any devout Muslim; and it was the Emperor’s duty to arrange for hassle free travel of his subjects for *Hajj*. The land route to *Hajj* was across Persia, inhabited by Shias, and was hostile towards the Sunni ruled Mughal Empire. 13 Hence, sea route was considered as a viable alternative that could cut down the travel time whilst also ensuring a secure travel.

By the time Akbar’s dominion over Gujarat was established, the Portuguese had already established themselves as the masters of the seas. Well versed with the local seas, the Portuguese were highly organized and practised piracy in a systematic manner. No ship was permitted to use the seas without their permission, and non-compliance resulted in an attack from the Portuguese
The only way to avoid the possibility of attacks was by paying the ‘protection cost’. The Portuguese sold ‘cartazes’ or passes to the ships for safe passage; and in the absence of same, claimed their right to seize and plunder the defaulting vessel.\textsuperscript{14} Ships were not only debarred from carrying certain items, but also, people belonging to specific areas. For instance, in 1613, a pass was issued by the Portuguese to a ship of the King of Bijapur for a voyage from Dabhol to Jiddah. The pass laid down in detail what weapons could be carried and forbade it to transport Turks, Abyssinians, cinnamon, pepper, ginger, iron, steel, copper, lead, tin, brass, timber, etc.\textsuperscript{15}

The audacious behaviour of the Portuguese and their near absolute sovereignty over the seas makes one wonder who gave these Portuguese the authority to do so? The official Portuguese chronicle justifies such a policy as follows:

“If it is true that there exist a common right to all to navigate the sea and in Europe we recognise the rights which others hold against us; but this right does not extend beyond Europe and therefore the Portuguese as Lords of the Sea are justified in confiscating the goods of those who navigate the seas without their permission.”\textsuperscript{16}

The inconvenience faced by the Mughals due to the Portuguese cartaz system can be understood from the example of Hajj visit of the royal ladies. Gulbadan Begam (paternal aunt to Akbar) and Salima Sultana Begam (Akbar’s first wife) had to wait for one year for Portuguese cartaz in Surat before she finally sailed for Hajj. The sailing began after Gulbadan Begum handed over Bulsar (present day Valsad) as a security to the Portuguese against attack during her journey to Mecca.\textsuperscript{17} Abul Fazl records in the Akbarnama:

“The pilgrims were so frightened of the Portuguese that they were unwilling to board the ship and that no amount of encouragement from the imperial officials could reassure them. The panic was caused by the want of a proper cartaz.”\textsuperscript{18}

Sailing with a pass issued by the Portuguese also did not give a fool-proof assurance of safety in the open seas. The commanders of the issuing company were not averse to molesting the licensed ships on account of various pretexts, such as carrying people, money, goods or jewels forbidden by the pass or on the basis of the ships alleged connection with any of their enemies in any form.\textsuperscript{19}

The merchants were forced to buy cartazes to avoid any attack on their vessel. The noted historian M. N. Pearson
shows in his work that there seemed to be no alternative, most of the time and on most routes, to taking a Portuguese cartaz and paying the duties.  

The situation was complicated further when Mughal ships suffered as a result of conflict of interest between the Portuguese and other European powers. In 1610, on the behest of the Portuguese, Jahangir denied full trading privileges to English East India Company. In retaliation, in 1612, the English, in retaliation, plundered many Indian ships in the Red Sea. Further, when Jahangir granted the English permissions they desired, the Portuguese resorted to capture of the passengers and looting the Surat based royal ship Ahsani in 1613.

While on the western seaboard, the Portuguese pirates were structured and systematic; on the eastern coast, another group of Portuguese - mainly expatriates and renegades - carried out random pirate attacks. No system of cartazes existed and the pirates operated at will. They operated from Chittagong and Sandwip, where they had settled under the support of the King of Arakkan (modern Myanmar). The King used these pirates to counter the Mughal attacks against his territory; and in return, gave them full authority to undertake private attacks in the eastern waters.

According to Bernier, the chief occupation of these ferangis (fugitive Portuguese and other wandering Christians) was to ravage the Mughal territory of Bengal by plundering vessels and capturing people for sale as slaves. He writes:

“They scoured the neighbouring seas in light galleys; called galleasses, entered the numerous arms and branched of the Ganges, ravaged the islands of Lower Bengale, and, often penetrating forty or fifty leagues up to the country, surprised and carried away the entire population of villages on market days, and at times when inhabitants were assembles for the celebration of a marriage, or some other festival. The marauders made slaves of their unhappy captives and burnt whatever could not be removed.”

The ferangis treated the slaves in a cruel manner. Thus, they not only acted as privateers against the Mughal Empire, but also routinely participated in hostile acts against the local populace.

In sum, with its sway over the eastern and western coasts of the Indian subcontinent, the Mughal Empire was subjected to the menace of pirates, both locals and Europeans. Among the Europeans, the Portuguese and the English practised piracy with and without the support of their respective governments. In the period 1556-1707,
from the reign of Akbar to Aurangzeb, Portuguese (ferangis) were the trend setters in undertaking organized piracy. The English followed the same practise of giving “passes” for safe travel via sea or attacking the Indian ships in order to press their demands. The enhanced audacity and control over the seas by the Europeans was a pre-cursor to their invasion further towards the mainland. Each isolated incident of piracy was a small step towards colonization of the Indian subcontinent.

29 March 2016

NOTES


UN Security Council Renews Mandate to Combat Piracy off Somalia: Call for Sustained International Action

Himadri Das

On 09 November 2016, the United Nations (UN) Security Council unanimously adopted Resolution 2316 (2016), renewing authorisation for international naval forces to combat piracy off the Somali coast. The United Nations Security Council Resolution (UNSCR) comes days after the announcement by the European Union Naval Force (EUNAVFOR), on 04 November 2016, of a confirmed attack by six armed men on a chemical tanker, CPO Korea, 330 nautical miles off the east coast of Somali on 22 October 2016. The attack, the first in more than two and half years, was at a considerable distance from the Somali coast. The attack underscores the possibility of a resurgence of piracy. In another development, on 22 October 2016, it was announced that 26 surviving crew of the Omani-flagged vessel FV Naham 3, have been released after over four and half years in captivity.

Since its peak in 2010-11, when piracy had spread rapidly beyond the shores of Somalia, the crime has been effectively suppressed. This has been widely attributed to deployment of naval vessels and aircraft, compliance with Best Management Practices (BMP) adopted by the shipping industry in the piracy High Risk Area (HRA) and employment of Armed Security Teams (AST). As the root causes of piracy are ashore (fragile economy, lack of alternative livelihood and weak governance), efforts by the international community at addressing these causes, and capacity building have also contributed to the reduction in piracy. The prosecution (and incarceration) of pirates (the ‘foot soldiers’), some in faraway lands, and the apprehension of piracy (and financial) kingpins have also, in their own ways, contributed towards reducing the attractiveness of piracy among coastal communities as a viable ‘business model’.
The October 2016 report of the Secretary-General of the UN on the piracy situation off Somalia had noted that ‘progress remains fragile and reversible’ and that ‘credible reports indicate that Somali pirates possess the intent and capability to resume attacks against large commercial ships, should the opportunity present itself’. Further, the report had also highlighted that the ‘drivers which triggered piracy remain unchanged since 2005’.

The UN Security Council, acting under Chapter VII of the UN Charter, inter alia renewed the call upon member States and regional organisations to take part in the fight against piracy by deploying naval vessels, arms and military aircraft. The UNSCR also renewed authorisations, set forth earlier in 2015, to States and regional organisations cooperating with Somali authorities.

Amongst the deployed naval task forces, which include EUNAVFOR (Operation Atalanta), the Combined Maritime Forces and the NATO (Operation Ocean Shield), the termination of Operation Ocean Shield in December 2016 has already been announced earlier, and the existing mandate of Operation Atalanta, unless renewed, expires in December 2016. UN member States which have independently deployed naval ships and aircraft in the region in support of the international anti-piracy efforts include: China, India, Iran, Japan, South Korea and Russia.

The UNSCR noted with appreciation the efforts of the International Maritime Organisation (IMO) and the shipping industry in the development of BMP, and also urged States, in collaboration with the shipping and insurance industries, and the IMO, to continue working towards developing best practices. The BMP, promulgated by the shipping industry, which also demarcated the piracy High Risk Area (HRA), recommends measures for self-protection of merchant vessels including reporting procedures to facilitate coordinated naval response. Self-protection essentially involves high speeds and evasive measures by merchant vessels and ‘hardening’ of ships using both active and passive defensive measures.

Steaming at speeds greater than economical speed, higher insurance premiums in the piracy HRA, additional expenditure for hardening (and security teams), all come with an economic cost to the shipping industry. This additional cost is however passed on to the end-consumers. A larger-than-necessary HRA, therefore, is not in the interest of
global trade, and particularly developing countries. Reports suggest that with the decline in piracy (and revision of piracy HRA), BMP compliance is also on the decline, ostensibly to save costs.

Notwithstanding its continuing relevance, the BMP has firstly, in some ways, undermined the role of piracy reporting centres of coastal States within the HRA; and secondly, perpetuated, without transparency, additional costs to the shipping industry (and end consumers). Therefore, based on the experience gained, the primacy of piracy reporting centres of coastal States needs to be reinstated, and a calibrated response based on cooperative consensus, as suggested by the UNSCR, needs to be evolved for establishing/ revising HRA.

Considering the economic and security ramifications, the piracy HRA which was revised in 2015 after much controversy, on the request of affected coastal States, needs to be reviewed at regular intervals (and progressively reduced). Perhaps, the IMO, a UN body, needs to more actively engage itself in the process of such delimitation.

The UNSCR also urges States to regulate activities of Privately Contracted Armed Security Personnel (PCASP) with applicable international law. Likewise, the Contact Group on Piracy off the Coast off Somalia (CGPCS), at its 19th plenary meeting in June 2016, noted the challenges posed by floating armouries and decided to refer the issue to the IMO for further discussion. Earlier in April 2016, in a noteworthy development, the Security Association of the Maritime Industry (SAMI), an industry body of the private maritime industry, went into liquidation due to a fall in membership. The industry, therefore, is currently without an umbrella body for self-regulation, and fragmented. This is not a good portent for the future of the industry (and maritime security). The weaponisation of the maritime domain by private players, although driven by necessity, unless regulated, remains a potential risk as well.

Post the revision of the piracy HRA in 2015, in effect, of the three pillars of the international anti-piracy efforts, two pillars, the BMP and Armed Security appear to be weakening in view of economic considerations, and understandably so. In the foreseeable future, in the absence of any credible ‘local’ security arrangement in the Horn of Africa/ Gulf of Aden and the geo-economic/geo-strategic relevance of the region, the onus of ensuring freedom of the seas in that region will continue to rest upon the international naval forces. Consequently, despite the scheduled exit of NATO, these forces are likely to
remain deployed, with possibly marginal reduction in overall force levels.

Reports of hijacking of Iranian dhows, illegal fishing in Somali waters, seizures of arms, ammunition and drugs, and charcoal smuggling are indicative of continuing maritime threats in the region. The reported missile attacks on a UAE-operated ship and on US naval warships in October 2016, by Yemini rebels, also highlight the enhanced threats to maritime security from non-state actors.

From the Indian perspective, Indian naval warships have continued to be deployed as part of the international anti-piracy effort since 2008. Consequent to robust anti-piracy efforts, the last hijack in the east Arabian Sea was reported in March 2012. Considering India’s increasing dependence on shipping, the continuing threats to maritime security in the region, the renewed UN mandate, and the expanding role of the Indian Navy in the Indian Ocean Region, it would serve India’s interests for the Indian Navy to remain deployed in the region unless the security environment changes substantively. Considering the wide ranging assistance required in Somalia, perhaps there is also a case for expanding India’s anti-piracy engagement. Notably, the Indian Maritime Security Strategy, published in December 2015, brings out the commitment of the Indian maritime forces to continue the counter-piracy efforts in ‘coordination with international efforts and anti-piracy cooperative mechanisms’.

The UNSCR has also highlighted the need to adopt domestic legislation to facilitate prosecution of suspected pirates off the coast of Somalia. In September 2016, more than four years into the trials, the 119 Somali pirates apprehended by the Indian Navy and the Indian Coast Guard, in four different incidents in 2011, pleaded guilty to offences against them. Hopefully, with this development, the trial which have been ongoing for several years will come to a close. The Anti-Maritime Piracy Bill under consideration also needs to be enacted sooner than later.

Piracy is perhaps one of the earliest forms of unlawful activity in the maritime domain. While piracy off Somalia has been effectively suppressed, it is yet to be eradicated. Meanwhile, piracy and armed robbery in Gulf of Guinea and South East Asia has also waxed and waned. In conclusion, despite the lull, there is work to be done, both nationally and internationally – the pirates have indeed gone home, but may possibly return.

18 November 2016
South China Sea: From Turbidity to Semblance of Tranquility

RS Vasan

The unfolding events in the South China Sea (SCS) in the last one decade plus has been tumultuous to say the least. The year Code of Conduct (CoC)\(^1\) was signed in Cambodia (2002) can be taken as the benchmark year when the members of the ASEAN and China agreed on prescribed methods for preventing escalation of conflict over territory and resources. It is clear that the CoC has not made much difference to the ambitious plans of China which wanted the peaceful periphery to continue on its military modernization and consolidation of economic gains solely on its terms. The developments since then in the SCS included as one of the core interests of China in particular have been spectacular with long term implications for regional and global security dynamics.

The USA did redefine its priorities in the Pacific by its slew to Indo-Pacific and has plans to reposition some 60 per cent of its maritime military assets in the Pacific as highlighted by the US Navy Secretary in front of a senate committee last year\(^2\). The intention was to reposition its maritime forces complete with the attendant support structure by utilizing the bases of its traditional allies in the Pacific. It was an obvious move to enhance the sphere of its influence and contain the expansionist designs of China which was cementing its claims in SCS with reclamation of rocks and reefs within the contested nine dash line. Logistic and support facilities were created by China at break neck speed in many of the reclaimed islands for supporting air and surface operations from the new Islands which in turn extended the range of operations. In comparison, the action of the littorals who were wary of Chinese overtures and aggressive behavior in the area was disjointed without a unified voice. The investments from China provided the requisite economic leverages to ensure
that there was no collective voice or a unified action from the affected nations. The ASEAN managed to stop itself every time from even making a strong statement about the aggressive designs of China which by expanding its territorial claims had the potential to destabilize the region militarily.

The run up to the verdict of the Permanent Court of Arbitration (PCA) witnessed plenty of theatrics in the region. US Naval forces commenced joint patrols with Philippines in the South China Sea close to the disputed rocks and reefs. PLA Navy carried out its own military manoeuvres close to the date of the verdict to send a strong message to observers. USA in many forums insisted on the Freedom of Navigation (FON) and right to overflight as enshrined in the United Nations Conventions on the Laws of the Sea, 1982 (UNCLOS). India lent its voice to this proclamation but was unwilling to join the US in the joint patrols in the SCS. However, at no stage was there any evidence that either the USA or China would go beyond saber-rattling as it was not in the interest of both the countries to go to war. This hesitation on part of the USA suited China very well which went on relentlessly with consolidation of its ground position within the nine dash line.

As for as the PCA verdict, there were no doubts whatsoever as to how China would receive the verdict that was expected to be awarded in favour of the Philippines, which was the only nation that had mustered enough courage to internationalise the issue much to the chagrin of the Chinese leadership. Finally, when it was awarded on 12 July 2016, the response of the Chinese was on expected lines and the award was rejected outright. There were no clarion calls particularly by the ASEAN nations for China to honour the verdict. China went to the extent of accusing the judges of having been bought by nations with vested interests (read the USA and the Philippines). Irrespective of the verdict, that there would be no changes in the SCS in terms of possession of real estate by China was proved beyond doubt.

Even while the discussions were taking place in Hague in the palace of peace where the PCA is located, there were tectonic shifts and changes in the way the new President of the Philippines Rodrigo Duterte looked at the verdict. He made a lot of noise and made his intentions known to move away from USA and get closer to China for reasons best known to him. While it is obvious that there would have been parleys in the secret corridors between China and Philippines at different levels, it is not yet
in the public domain. It was becoming increasingly clear that he would change tack and wean away from the American influence. Chinese obviously were very pleased with this development which has embarrassed the US Leadership and the military. China and Philippines are now actively engaged in prescribing a Code of Conduct as brought out during discussions in September this year at Laos. Much to the consternation of the USA, the leaning of President Duterte towards China and the new found bonhomie with the Chinese leadership will to large extent alter the geo political, economic and strategic landscape of the region. The writing on the wall was clear during the recent four day visit of President Duterte to China in October 2016, where the split with USA was formally announced with a simultaneous announcement about the new found relations with China and even Russia. It seems as if there is new alignments of great significance in the making in the South China Sea. Malaysia now seems to be falling in line with Philippines in aligning with China on the issue of the new normal in SCS. The Premier of Malaysia Najib Rzak after the recent visit to China has signed many military deals and seems to be aligning with China thus changing the political and military equations in the Pacific.

With an impending election for a new US President, the orchestration of responses for the changed stance of the Philippines will have to wait while the concerned officials would be working on the kind of advice that can be given to the new President. The USA will also have to look at alternatives for relocation/basing of the maritime might in the Pacific by engaging with other traditional allies including Japan, Australia, New Zealand and even some of the ASEAN countries. This would be the only way in which the maritime military presence can be ensured.

While the US Navy is planning a redeployment of its maritime assets by using basing facilities in the region, China is adding to its maritime power potential by embarking on the carrier programme. It is too well aware that it cannot have a blue-water navy without significant numbers of aircraft carriers. The logical step for PLA Navy after inducting the Liaoning (the lone carrier at this moment) and carrying out trials is to build bigger, better and more capable carriers with credible embarked air power. According to Jane's, the third carrier is being fitted with catapults. It will be only a matter of time before nuclear propulsion is adopted as the build standard for the new breed of carriers.
However, it is to be borne in mind that while more carriers would join the PLA Navy, it will be years before the Chinese Navy masters the art of integration and operation of the Carrier Battle Group (CBG). Militarily, it would take decades to challenge the maritime military might of US Navy in the Pacific Ocean. The US Navy is battle hardened with deployments in different oceans and enjoys technical and tactical edge in deployment of its assets. The developments in the SCS have affected different actors differently as highlighted below: -

- The fall out of the slew of the US forces to the Indo-Pacific has the potential of keeping China under check in the SCS. There is a temporary setback due to the changed stance of Philippines which will require USA to rework on its priorities, policies and partners for implementing its Indo-Pacific policy.

- There is no indication that China will slow down its long-term ambitions to claim extensive sea areas by massive dredging of even corals in the area impacting the marine environment in a big way. To say the least, it is an environmental catastrophe with immeasurable damage.

- China has kept observers guessing on whether it would declare an Air Defence Identification Zone (ADIZ) in an identified area in the SCS. This is well in the realm of possibility with the new developments in the region though there are substantial arguments against the ADIZ declaration.

- With the radical changed behavior of Philippines which is now looking at China as an investor and a long term ally, both China and the Philippines have buried the hatchet and created opportunities for mending fences. This change will impact the USA’s long term plans, and a clearer idea of what responses would be shaped by the new President would be known after the swearing-in in November 2016.

- Russia has joined the fray as a new player by undertaking joint patrols with China. This will continue to be a very interesting development of great significance to the regional and global dynamics.

- On its part, India has played its role by making the right
noises about obligations and responsibilities of nations to comply with the concepts postulated by the UNCLOS. There has been no specific reference or call by India for China to honour the verdict. Such an action is not even warranted as there are no gains in it. It also reinforces the view that India values its strategic autonomy and is unwilling to compromise on this stance though it is engaging with the USA at many levels to promote the strategic partnership.

- India has also enhanced the scope of its engagement with Vietnam by also extending a credit line of 500 million USD for military purchases. The continued engagement with Vietnam both for energy security and military cooperation augurs well for both the nations and would serve the long term strategic interests.

- India is also likely to supply a couple of corvettes to the Philippines. However, with the increasing influence of China, it would be correct to assume that China would actively engage with Philippines for supplying military hardware on soft loans with the obvious result of India being pushed back in terms of its military sales.

In conclusion, with the developments as above, the turbulent turbid waters of SCS have become calm again on the surface but the strong undercurrents of rivalry for geo-strategic supremacy run deep and strong. It is also clear that the equations in the SCS are working in favour of China both due to the aggressive designs and work on the ground aided by inaction of other littorals in the region who have allowed the cartographic aggression of China to go unchallenged. The major factor that has brought about key changes is the changed stance of the new President in Philippines who has pulled out all stops to align his policies with the Chinese leadership.

What is abundantly clear is that while there is a temporary setback to the grandiose plans of the USA in terms of its maritime slant which requires recalibration. From the point of view of an emerging China, it will find it increasingly difficult to break out of the self-imposed shackles within the nine dash line. On one hand, the artificial islands provide China the option to expand its sphere of operation and
control. On the other, it will have to increasingly engage in defending what it has acquired by illegal means resulting in greater focus in defending its assets in the first and second defence lines. Indirectly, this will come in the way of China’s Indian Ocean ambitions and will slow down its long term plan not withstanding Djibouti naval base where infrastructure construction has started according to China Daily\(^{10}\), the Gwadar port linked through the China Pakistan Economic Corridor (CPEC) and the Maritime Silk Road (MSR) initiatives.

9 November 2016

**Notes**

1. The Code of Conduct was deliberated for many years and finally took shape in 2002 with not much change in the way China behaved with its neighbours. The contours of Code of conduct have been explained in Kyoto review on line https://kyotoreview.org/issue-15/managing-security-in-the-south-china-sea-from-doc-to-coc/ Accessed on 24th October 2016/


Is the Chinese ADIZ Really Over the South China Sea Horizon?

Dinesh Yadav

Declaration of an Air Defense Identification Zone (ADIZ) by China over the East China Sea (ECS) in November 2013 had raised widespread speculations that Beijing might follow it up with a similar ADIZ in South China Sea (SCS) too. In less than three years hence, speculations are rife again that China may be preparing to declare an ADIZ in the South China Sea. The US, in response, has categorically asserted that it would not recognize such an ADIZ in the contested waters of South China Sea, if at all Beijing takes such a step.

ADIZ is the airspace over land or water in which the identification, location, and control of civil aircraft is performed by a country in the interest of its national security; they may extend beyond a country’s territory to give the country more time to respond to possibly hostile aircraft. The concept of ADIZ, though, is not formally defined in any international treaty, nor is it regulated by any international body. It would be of interest to note that the first ADIZ was established by the US way back in 1950, when it created a joint North American ADIZ together with Canada. The US, however, does not apply its ADIZ procedures to foreign aircraft not intending to enter its airspace and does not recognize the right of a coastal nation to apply its ADIZ procedures to foreign aircraft not intending to enter their national airspace.

Post 9/11 attacks in 2001, wherein, civilian aircraft were used as weapons of destruction, the number of ADIZs increased manifold; the prominent ADIZs currently in vogue being those of Canada, China, Iceland, India, Japan, Pakistan, North Korea, Norway, South Korea, Russia, Sweden, Taiwan, United Kingdom and the United States.

Usually ADIZs are established over undisputed territory and do not
overlap with ADIZs of other countries and normally, the restrictions of ADIZs do not apply to foreign aircraft not intending to enter territorial airspace of the concerned country. In case of the East China Sea, the Chinese ADIZ overlaps those of Japan, South Korea and Taiwan. Also, the zone includes the airspace over the Senkaku Islands, administered by Japan and contested by China (as Diaoyu Islands) and Taiwan (as Diaoyutai Islands). In addition, the ADIZ also covers the airspace over the Ieodo rock, over which South Korea asserts administration and contested by China (as Suyan Rock). Beijing also asserts that aircraft entering the ECS ADIZ must render flight plan identification, radio identification, transponder identification, and logo identification.

The possibility of the ECS ADIZ being replicated in the South China Sea could be assessed primarily on two counts; firstly, has Beijing been successful in implementing the ECS ADIZ so as to replicate the same in the South China Sea and; secondly, the stakes involved in the South China Sea, as compared to those which existed in the East China Sea.

Beijing has faced difficulty in enforcing the ECS ADIZ right since its initiation in 2013. The ADIZ was challenged within days of its origin and military aircraft from the Japan, South Korea, Taiwan and US flew through it, disregarding the ADIZ regulations. It has also been reported that Beijing might have already quietly stopped seeking to actively enforce the ECS ADIZ. The ADIZ thus remains only technically operational with PLA Air Force routinely patrolling the zone, but not undertaking any measures to enforce the promulgated regulations. It is also widely speculated that Beijing, in first place, might not have intended to enforce the ADIZ at all, but rather would have declared it to bolster its own position vis-à-vis Japan and Korea in respect of disputed islands. Even on that front, the ECS ADIZ does not appear to have accrued any tangible gains to China.

The ECS ADIZ is relatively much smaller and closer to the Chinese mainland and Chinese aircraft could be tasked from the mainland for its enforcement. In comparison, the zone that Beijing is supposedly considering implementing in the South China Sea, as is being speculated, would be much larger, presumably stretching along the coast of Vietnam, Philippines and down to Malaysia, Singapore and Indonesia, and implementation of such an expansive ADIZ, far away from its mainland would be a huge tasking for
China in terms of aircraft, airfields and related logistics.

In addition, the equations that Beijing shares with Tokyo, Seoul and Taipei vis-à-vis its claims in the East China Sea is quite different from those shared with other claimants of the contested areas in the South China Sea. Beijing’s hard positioning in South China Sea by implementing an ADIZ over the contested waters would cause even otherwise ambivalent claimants and stakeholders in the region such as Malaysia, Brunei, Singapore and Indonesia inch closer to Washington. Can China afford to get further isolated on the South China Sea issue?

Beijing’s ‘Nine – Dash Line’ claims in the South China Sea have largely been vague as officially it has never clearly defined the geographical coordinates of these claims. ADIZ, on the other hand, would have absolute geographical coordinates, and might logically nearly cover these claims. By declaring such as ADIZ, Beijing would end up giving out the geographical limits of its claims in the South China Sea, thereby abandoning its long held policy of keeping the claims ambiguous.

Chinese ADIZ over the South China Sea, therefore, appears to be more of rhetoric at this juncture. There has not been any announcement from Beijing indicating that it is actually planning to implement an ADIZ in the South China Sea. Mere responses occasionally from the Chinese officials that Beijing, as a sovereign state, is entitled to ‘decide as to where and when to set up the ADIZs’ have been construed to indicate that there is another ADIZ really on the South China Sea horizon. On the contrary, it might be the case that the US and its allies are propagating the likelihood of an ADIZ in South China Sea to unnerve the usually ambivalent players in the region.

11 August 2016
Strengthening Coastal Security through Cooperative Federalism

Himadri Das

Tomorrow, 26 November 2016, the nation will observe the eight anniversary of the ‘26/11’ Mumbai terrorist attacks. Precisely two months back on 26 September 2016, the Comptroller and Auditor General of India (CAG) tabled its 2015 report on the General and Social Sector (Government of Odisha) in the State Assembly. The report highlighted that the objective of securing the coastline of the State through establishment of the Marine Police Stations and that sea patrolling was not achieved, despite the financial assistance from the Government of India under the Coastal Security Scheme (CSS).

The 2001 report of the Group of Ministers (GoM), constituted after the 1999 Kargil Conflict, had recommended setting-up of a specialised marine police in all coastal States and island territories, operating from Coastal Police Stations (CPS). The police force was to be appropriately trained and equipped for the maritime role. The GoM had also recommended the creation of Department of Border Management in the Ministry of Home Affairs (MHA).

Subsequently, in January 2004, the Department of Border Management was created at MHA. The first phase of the CSS was launched in 2005 to strengthen coastal policing. Following the ‘26/11’ incident, Phase II was implemented in April 2011. With a total financial outlay of Rs 2225.91 crore for all the 13 coastal States/ Union Territories (UTs), the two phases include setting-up of 204 Coastal Police Stations (CPS), 97 checkpoints, 58 outposts, 30 barracks, 60 jetties, 10 Operations Centres and procurement of 431 boats. For monitoring its implementation, a Steering Committee for Review of Coastal Security (SCRCs) has been set-up at MHA under the chairpersonship of Secretary (Border Management).
Post the ‘26/11’ incident, the Indian Navy was designated as the agency responsible for ‘overall maritime security’ including coastal and offshore security, and the Indian Coast Guard (ICG) was given responsibility for ‘coastal security in territorial waters including areas to be patrolled by the Coastal Police’. The Coastal Police is presently responsible for close-coast patrolling.

The Indian Maritime Security Strategy (2015), has envisaged an increasing role and operational responsibilities to be taken up by the ICG and other agencies (like the Coastal Police), in tandem with growth in their capabilities.

In February 2014, the 177th Report of the Department-Related Parliamentary Standing Committee on Home Affairs on CSS had highlighted several issues relating to its implementation across all coastal States/ UTs. The CAG, in its report, based on test check of records of concerned offices and physical inspection of assets created, has highlighted inter alia the following:-

- There was an acute shortage of manpower; ‘persons in position’, in sample Police Stations, was 25.33 per cent of the sanction. Also, police personnel were not adequately trained for marine policing.
- There were delays in land acquisition, and support infrastructure, such as barracks and staff quarters, were yet to be constructed at several locations.
- Jetties under CSS were yet to be constructed and the Coastal Police were using fisheries jetties, some located more than 70 kilometres from the CPS.
- Only 31.07 per cent of total funds received under CSS Phase II, for establishing basic infrastructure, have been utilised.
- Lack of inspections of CPS and state-level monitoring mechanisms.

The Coastal Police, envisaged in 2000-01, is one of the integral and key constituents of the coastal security construct in India. However, as both reports indicate, despite the continuing efforts of central and state governments, there still remain significant challenges to the implementation of CSS, and

- Cumulatively, there was a significant shortfall in patrolling effort (almost 97 per cent), especially at night.
- Checks on fishing vessels were not being undertaken by the Coastal Police.
thus the effectiveness of the Coastal Police itself. Considering the tenuous security environment in the immediate neighbourhood and global trends indicative of increasing capabilities (and threats) from terrorists, the lacunae highlighted in the report would need to be addressed.

On 16 June 2016, a coastal security meeting was held at Mumbai chaired by the Union Home Minister Shri Rajnath Singh, and attended by the home ministers, chief secretaries and DGP’s of all coastal States and UTs. During the meeting, the Chief Minister of Maharashtra, Shri Devendra Fadnavis, suggested that since marine policing was a ‘specialised job’, a Central Armed Police Force (CAPF) may be raised for patrolling coastal waters and other related duties. The proposal was supported by some other coastal States/ Union Territories, and the Union Home Minister agreed to examine it. The February 2014 report on the CSS had also recommended the raising of a Marine India Reserve Battalion (MIRB).

In July 2016, the 11th meeting of the Inter-State Council (ISC) was held in New Delhi after a gap of over ten years. The meeting, perhaps for the first time, discussed issues related to internal security, intelligence-sharing among the States and central agencies, police modernisation and terrorism. During the meeting, the Union Home Minister emphasised the importance of ‘cooperative federalism’ and the commitment of the Government to ‘ideal Centre-State cooperation’.

Meetings of the Eastern Zonal Council (27 June 2016), Western Zonal Council (21 October 2016) and the Standing Committee of the Southern Zonal Council (14 October 2016) also discussed issues related to fisheries, coastal security, terrorism and police modernisation. Furthermore, the SCRCS has been strengthened, and institutional mechanisms for coastal security coordination have also been implemented at the State and district levels.

Issues related to coastal security - such as shipping, fishing, ports, police, international maritime borders - transcend the Union, State and Concurrent lists necessitating close coordination between the Union and State Governments, as well as a large number of stakeholders. Hopefully, the recent initiatives to leverage the existing institutional mechanisms for ‘cooperative federalism’ to strengthen security mechanisms will provide complementary avenues for discussions, deliberations and action.

25 November 2016
Maritime Forces and Capabilities
South Sea Fleet: The Emerging ‘Lynchpin’ of China’s Naval Power Projection in the Indo-Pacific

Gurpreet S Khurana

In December 2015, China commissioned *Hefei* (174) – the third Type 052D guided-missile destroyer into its navy. The warship represents the most advanced surface combatant ever operated by the PLA Navy, and comparable to the best in the world. It is armed with potent long-range missiles like the HHQ-9 (anti-air), the YJ-18 (anti-ship), and the CJ-10 (land-attack). This seems incredible considering that until barely a decade ago, China’s navy did not even possess a credible fleet air defence missile system, let alone a land-attack capability.

*Map – PLA Navy Fleets: Areas of Responsibility*
Notably, all three Type 052D destroyers are based in PLA Navy’s South Sea Fleet (SSF). This is among the latest indicators of the growing salience and strength of this fleet. The SSF is fast becoming the ‘sword arm’ of the PLA Navy that is rapidly amassing distant power-projection capabilities, with major geopolitical and security ramifications, not only for the China’s immediate maritime neighbours in the South China Sea (SCS), but also for the littorals of the Indian Ocean region (IOR). This essay attempts to discern the trends since the rise of China’s naval power in recent decades, and the implications for the Indo-Pacific region.

Circa 1995-2005: Focus on ESF

Until the 1980s, the PLA Navy was merely a ‘brown-water’ coastal force. Beginning in the mid-1990s, China’s naval power witnessed a quantum jump with the acquisition of the Russian Kilo-class submarines and the Sovremenny-class destroyers. The Kilos were considered to be the quietest submarines in the world, whereas the Sovremennys were armed with the lethal S-22 Moskit anti-ship missile – dubbed ‘aircraft-carrier killer’ – whose supersonic speed gives little reaction time to the victim warship to defend itself. All four Sovremennys and eight Kilos were added to the East Sea Fleet (ESF). At this time, China’s strategic focus was directed towards its eastern seaboard, primarily to prepare for any adverse contingency involving Taiwan, soon after the 1995-1996 Taiwan Strait crisis. In 1999, China began the indigenous development of its Song-class conventional submarines. The first of these new-generation boats commissioned between 2001 and 2004 were also inducted into the ESF.

Circa 2005-2010: Focus on SSF

About a decade after the Taiwan Strait crisis, however, China’s strategic focus began to shift from Taiwan to its maritime-territorial claims in the South China Sea (SCS). The reason for the shift is unclear; it could be attributed to Beijing’s successful ‘Taiwan policy’ that led to a reduced probability of a military conflict across the Taiwan Strait. It is also possible that Beijing had always considered the SCS as its priority, but was ‘biding its time’ due to various geopolitical and capability constraints. All the same, China’s intent began to unravel through the increasing ‘capabilities’ being allocated to the SSF, such as those enumerated below.

• 2004-05: SSF inducts two each of Type 052B and 052C destroyers,
the first-ever world-class indigenous warship designs.\(^8\)

- 2005: China begins refurbishing the erstwhile Soviet aircraft carrier *Varyag* for power-projection in the SCS (that later joined SSF as *Liaoning*).

- 2006-07: SSF inducts four additional *Kilo*-class submarines procured from Russia.

- End-2007: SSF inducts the first Type 071 *Yuzhao*-class Landing Platform Dock (LPD), which provided China a distant sealift capability.\(^9\)

- Mid-2008: Satellite-based reports carried pictures of China’s new Yalong Bay base in southern Hainan, indicating entrances to the underground submarine pens and a *Jin*-class (Type 094) new-generation nuclear ballistic missile submarine (SSBN).\(^10\)

- 2007-08: Extension of Woody Island airstrip (Paracels) to 8,100 feet. The airstrip was now capable of operating heavier aircraft like bombers, transports and aerial-refuellers.\(^11\)

Most of these developments were analysed in 2008-09 by the author\(^{12}\) and a few other analysts like James Bussert.\(^3\) However, these writings received little attention. Interestingly, China’s ‘intentions’ became clearer within a couple of years when Beijing declared in 2010 that the SCS was its “core interest” of sovereignty.\(^{14}\) Two years later, in 2012, China upgraded Sansha City on Woody Island from county-level to a prefecture- city level\(^{15}\) to facilitate the administration of all the island groups in SCS claimed by China.\(^{16}\) It also established a military command in Sansha City, under Hainan provincial sub-command within the Guangzhou Military Command. While these were largely ‘administrative’ and ‘defensive’ policy measures, these reinforced China intent’s with regard to its “core interest” of sovereignty.

**Recent Developments: Reinforced Focus on SSF**

Recent developments clearly indicate that China has persevered with its southward- oriented military-strategic intent. The latest of these is China’s January 2016 redeployment of its *Haiyang Shiyou 981* (HD-981) oil rig in disputed waters with Vietnam, which created a major diplomatic rift between the two countries in mid-2014.\(^{17}\)

A CSIS report of January 2016 notes an “accelerated...frequency of its (China’s) coercive activities and pace of
its island-building in the... South China Sea...”¹⁸ The report adds that “the PLA in the near future will be operating well beyond the First Island Chain and into the Indian Ocean ...”. If such predictions are substantive, what precisely may be among the enabling capabilities?

**Aircraft Carrier Task Force**

In 2012, *Varyag* was commissioned as *Liaoning*; and soon after sea-trials, it was based in the SSF. China is building an indigenous carrier,¹⁹ which is also likely to be based in the SSF for patrols in the disputed South China Sea.²⁰ These carriers with have potent escort combatants. In addition to the Type 052D destroyers, most of PLA Navy latest *Jiangkai II* class frigates are also based in the SSF. The carrier(s) – along with these escorts – would provide versatility to the SSF to conduct missions in the IOR and SCS across the spectrum of conflict, ranging from humanitarian missions and counter-piracy to flag-showing, and from supporting maritime expeditionary operations to military coercion.

Notably, both *Jiangkai II* frigates – *Liuzhou* (573) and *Sanya* (574) – that participated in India’s *International Fleet Review-2016* (IFR-16) at Visakhapatnam in early-February 2016 were based at SSF. The two ships – part of PLA Navy’s 21st anti-piracy task force – made a ‘goodwill’ port call at Chittagong and conducted combined naval exercises with the Bangladesh Navy, before participating in IFR-16.²¹ In the coming years, the availability of the carrier in its task force will provide the PLA Navy more operational options, enabling it to undertake other types of missions in the IOR as well.

**‘Unsinkable’ Aircraft Carriers in the SCS**

China is likely to continue upgrading its airfields in the Paracels and Spratlys. In Woody Island, satellite imagery reveals that since 2007-08, China has added a wide array of aviation infrastructure to the main airstrip, which includes aircraft hangers, air traffic control buildings and radars, fuel depots, crew accommodation and berthing facilities for larger warships.²² This would provide a force-multiplier effect to the PLA Navy’s carrier operations, enabling China to effectively exercise sea control and power-projection in the SCS. It would also enable China to enforce an ADIZ over the SCS, if its Beijing were to promulgate it.

**New-Generation Submarines**

In mid-2015, the PLA Navy commissioned three modified *Shang*-class SSNs (Type 093A/ 093G). Like
Type 052D destroyers, these are likely to be armed with the vertical-launch YJ-18 anti-ship and CJ-10 land-attack missiles.\textsuperscript{23} In a few years, China is likely to develop the advanced Jin-class (Type 096) SSBN, which could provide China a more credible nuclear deterrence and first strike capability. Although Yalong Bay (Hainan) may be home base for these nuclear-propelled platforms, their virtually unlimited endurance will enable the PLA Navy to project submarine-based maritime power eastwards far beyond the second island chain, and westwards into the IOR.

China’s latest conventional submarines the Song-class and the Yuan-class with Air Independent Propulsion (AIP) – are also based at Yalong Bay.\textsuperscript{24} Notably, all submarines that the PLA Navy has deployed so far in the IOR are based in the SSF. These include the Song-329 that docked in Colombo in September-October 2014\textsuperscript{25} and the Yuan 335 that spent a week in Karachi harbour in May 2015.\textsuperscript{26}

**Expeditionary Forces**

In 2011-12, two more Type 071 LPDs (Jinggang Shan and Changbai Shan) joined the first LPD (Kunlun Shan) in the SSF.\textsuperscript{27} In mid-2015, the SSF inducted PLA Navy’s first Landing Platform (MLP). Based on the novel submersible roll-on/ roll-off (RO-RO) design developed by the United States, MLPs would be able to transport PLA Navy’s heavy Zubr-class air-cushion landing craft to distant littorals.\textsuperscript{28}

This enhanced distant sealift capacity would not only enable the SSF to undertake humanitarian missions in the SCS and the IOR, but also provide the fleet a nascent expeditionary capability. Interestingly, the 15000-men Chinese Marines – who have traditionally trained for amphibious assaults – have lately begun to exercise in continental locales of Mongolia and Xinjiang, which is a pointer to China’s intention to be involved in out-of-area expeditionary missions.\textsuperscript{29}

**Logistic Ships**

The PLA Navy is also developing ‘longer legs’ through induction of high-endurance logistic vessels meant to provide underway replenishment (UNREP) to its principal warships far away from Chinese home bases. Since 2005, it has commissioned six advanced Type 903A (Fuchi-class) UNREP vessel with a full-load displacement of 23,000 tons. Although these are equally divided among the three PLA Navy fleets, the sequence of allocation and other developments indicate a focus on the SSF. In 2015, China launched a new
rather massive 45,000 tons logistic vessel of the Qinghaihu-class, which is likely to be allocated to the SSF.

Conclusion

In tandem with China’s overall power, the capabilities of the PLA Navy’s SSF is expected to continue to grow in the coming decades, notwithstanding transient ‘hiccups’ in its economic growth. However, China’s geographically expanding economic interests into the IOR and beyond will soon overstretch its resources. Ostensibly, Beijing is well aware of this prognosis, and adopting necessary measures as part of a comprehensive long-term strategy.

Among the two overwhelming imperatives for China is to shape a benign environment in its north-eastern maritime periphery. Towards this end, in March 2013, Beijing amalgamated its various maritime agencies to form the unified Coast Guard under the State Oceanic Administration.30 Reportedly, China has also been trying hard to resolve its maritime boundary dispute with South Korea.31

The second imperative is to sustain its naval forces in distant waters of the IOR. Towards this end, China is developing military facilities in the IOR, and dovetailed with its increasing hardware sales to the regional countries. Through its ‘Maritime Silk Road’ (MSR) initiative (2013), China seems to have effectively blunted the theory of ‘String of Pearls’ (2005). Djibouti may be only the beginning. Similar facilities – supplemented by PLA Navy’s long-legged and ‘sea-based’ assets based in the SSF – would enhance China’s military-strategic and operational options manifold. Such emerging developments – and their extrapolations – need to be factored by the national security establishments of the Indo-Pacific countries.

10 February 2016

Notes

1 New missile destroyer joins South China Sea Fleet’, at http://eng.mod.gov.cn/DefenseNews/2015-12/14/content_4632673.htm

2 The CJ-10 (also called DH-10 or HN-2) is known to feature terrain contour matching (TERCOM) and data from the Chinese Beidou Navigation Satellite System for its guidance.
PLA Navy is divided into 3 fleets (equivalent of naval commands in India). The North Sea Fleet (NSF) adjoins the Yellow Sea/ Korean Peninsula, the East Sea Fleet (ESF) faces the East China Sea/ Taiwan, and the South Sea Fleet (SSF) overlooks the South China Sea.


All four Sovremenny-class destroyers were acquired between 1999 and 2006.

These refer to the eight Kilo-class submarines acquired between 1995 and 2005.

It refers to pennant numbers 321, 322, 323, 324, 325 and 314. The sole exception was the first Song (320) commissioned in 1999, which was inducted into the SSF, possibly since the waters off Hainan were deep enough for its dived test.

While more warships of the Type 052 not built, the Type 052C (dubbed ‘Chinese Aegis’) provided the PLA Navy for the first time, a long-range fleet air-defence capability. It is equipped with vertical-launch 90 km range HQ-9 surface to air missiles (SAM) cued by the AESA phased-array radar with all-round coverage. The Type 052C warships commissioned later were based at the ESF.

Since long, the SSF has been home to a significant proportion of amphibious vessels and two Marine brigades, but the PLA Navy never possessed distant sealift capability. It may be recalled that China could not even contribute to the multi-nation humanitarian assistance and disaster relief (HADR) mission following the Indian Ocean Tsunami of December 2004. Ostensibly, this provided the trigger for China to build the Type 071 LPD for the SSF.

Although China’s plans to build Yalong bay base was known for some years, the report was the first to provide its details. Richard D Fisher Jr, “Secret Sanya - China’s new nuclear naval base revealed”, *Jane's Intelligence Review*, 15 April 2008, at http://www4.janes.com/subscribe/jir/doc_view.jsp?K2DocKey=/content1/janesdata/mags/jir/ history/jir2008/jir10375.htm@current&Prod_Name=JIR&QueryText=

Called Yongxing Dao by the Chinese, Woody Island is located 150 nautical miles south-east of Hainan, and is the largest island of the Paracel group. In the 1980s, it accommodated a mere helicopter pad. In 1990, China undertook land reclamation to construct a 1,200-feet airstrip to operate jet fighters.


15 These refer to the hierarchical levels of China’s administrative divisions: Province (first level), Prefecture City (second level) and County (third level).


24 AIP enhances the operational effectiveness of a conventional submarine substantially by enabling it to remain submerged up to as long as three weeks.


The fourth Type 071 LPD *Yimengshan* (988) commissioned in February 2016 was inducted in the East Sea Fleet. Andrew Tate, ‘The PLAN commissions fourth Type 071 LPD’, *IHS Jane’s Navy International*, 3 February 2016, at http://www.janes.com/article/57683/the-plan-commissions-fourth-type-071-lpd


In 2014, the Marines conducted the first such training in the grasslands of Inner Mongolia, followed by the second one in December 2015 in the deserts of Xinjiang. The latter came in wake of Beijing passing a new unprecedented legislation that permits the PLA to undertake counter-terrorism missions overseas. Michael Martina and Greg Torode, ‘Chinese marines’ desert operations point to long-range ambitions’, *Reuters*, 14 January 2016, at http://www.reuters.com/article/us-china-military-marines-idUSKCN0US2QM20160114


In 2014, China and South Korea agreed to initiate a dialogue to delineate their maritime boundary outstanding for two decades. The preliminary talks were held in December 2015. ‘South Korea, China Discuss Fisheries and Boundary Conflict’, *Maritime Executive*, 22 December 2015, at http://news.xinhuanet.com/english/2015-12/14/c_134916062.htm
China and Russia conduct regular combined exercises under the military cooperation mechanism signed in 2005. A bilateral naval exercise in the South China Sea (SCS) was held in mid-September 2016. Since 2012, the two neighbours have held annual exercises, with this being the fifth in the series. The earlier exercises were held in the Yellow Sea (2012), the Sea of Japan (2013), the East China Sea (2014) and in two phases in the Mediterranean and the Black Sea (2015).

The September 2016 naval drills, code-named ‘Joint Sea-2016’, comprised defensive operations, search and rescue missions, anti-submarine operations, amphibious missions as well as ‘island-seizing’ activities, featuring Chinese and Russian marines storming ‘enemy’ beaches with landing crafts and amphibious tanks, while helicopters carried air mobile Marines to encircle the ‘enemy’s’ rear.

The eight-day exercise was significant for several reasons. First, this is the first time that the Chinese and Russian naval contingents held exercises in the SCS. The PLA Navy’s South Sea Fleet (SSF) formed the bulk of the forces along with some elements participating from the North Sea and East Sea Fleets. The drills were held in the waters off Zhanjiang, the southernmost city of Guangdong province, where the SSF is headquartered. The SSF is responsible for safeguarding of Chinese interests in the SCS.

Second, the announcement in late July of the planned bilateral exercise generated unease among the many stakeholders in the South China Sea dispute as it followed closely on the heels of the judgement by the Permanent Court of Arbitration (PCA) in The Hague. The International Tribunal, in its 12th July judgement, rejected Beijing’s expansive claim in the SCS and provided further grounds for the US to conduct its so-called ‘freedom of navigation’ operations in the disputed waters. This has increased the possibility...
of the SCS becoming a flashpoint in Sino-American relations. Beijing claims nearly the whole of SCS, but Brunei, Malaysia, the Philippines, Taiwan and Vietnam have rival claims.

Third, Russia is the only major country to support Beijing over the South China Sea disputes, and China has been successful in engaging Russia given that it is deprived of any steadfast allies. A favourable Russian position on the PCA’s verdict – opposing any third-party interference in the matter – has helped China score a geopolitical win with regard to the SCS issue. The ‘Joint Sea-2016’ seems to be a co-incidental Sino-Russian response to the geopolitical fallout of The Hague verdict. The alarm over the location of the exercises appears misplaced as these were conducted in the waters off the Guangdong province – far from any disputed islands. Similarly, the exercises of this magnitude are planned well in advance, and the announcement in July 2016 is merely a coincidence. The timing also follows a regular pattern of previous exercises being held in the spring and summer months.

However, a noteworthy feature of the exercise is the growing military cooperation between China and the Russia on various fronts. The naval facet of this collaboration is showcasing increasing signs of maturity with the growing complexity of naval drills in terms of size, equipment, complexity of exercises and the ‘island-seizing’ components. The ‘Joint Sea-2016’ exercise was held over eight days – an unusually long duration for bilateral naval exercises clearly signifying the serious of growing naval cooperation. It is likely the duration of these exercises may have been extended due to the PCA verdict.

The maturing collaboration between the two navies is causing concern among the region’s major stakeholders. These drills are also the first that China conducted with a foreign navy after initiating new military reforms in December 2015 and January 2016. Xi Jinping ordered reorganisation of the previous People’s Liberation Army (PLA) structure built around seven military regions into five integrated ‘theatre commands’ with an aim to make PLA a more efficient and capable war-fighting machine. It is likely that the naval drills were attempted to assess the newly integrated organisation and the preparedness of the PLA Navy for operating under the reformed structure. This is also a first for the PLA Navy
in terms of exercises conducted in the South China Sea with a major power; by inviting Russia to conduct bilateral naval exercises in the SCS, even if far from the disputed islands, China has set a precedent – allowing other major naval powers to conduct similar bilateral or multilateral naval exercises with the littorals of the South China Sea.

27 September 2016
Navies and Maritime Militia: An Unequal Contest

Prakash Gopal

On 4th September, the USS Firebolt, a coastal patrol boat, operating in the Persian Gulf was the subject of ‘harassment’ by seven Iranian boats operated by the Iranian Revolutionary Guard Corps Navy (IRGCN). This was preceded by a series of similar incidents in the week commencing 22nd August, which eventually led to the firing of warning shots by the USS Squall with its .50 calibre gun. With four such incidents reported in less than a month and 31 incidents so far this year in the Persian Gulf, the Pentagon is understandably disturbed with the series of ‘unsafe and unprofessional’ interactions with the IRGCN.

Considering the turbulent political history between Iran and the US, the friction between US naval forces deployed in the Middle East and the IRGCN is not surprising. The US may have hoped for a détente in the wake of the Iran nuclear agreement and the subsequent lifting of sanction associated with Iran’s nuclear programme, but clearly the same has not materialized in the Persian Gulf. In fact in May 2016, a senior IRGCN commander had threatened to shut down the Strait of Hormuz in response to a proposed legislation in the US seeking a stronger response to Iran’s ‘provocative actions’ against the US Navy. Looking beyond the historical animosity between these two countries, such incidents tend to challenge the legal framework governing the oceans and pose a notable threat to freedom of navigation in the maritime zones of a coastal state.

With one-third of global oil exports transiting the Persian Gulf, freedom of navigation in these waters is critical to the world economy. From a legal standpoint, the Strait of Hormuz presents the classic problem of ‘territorialization’ of those parts of the seas, which are used commonly for navigation. The Strait is 21 nautical miles (NM) at its narrowest point, and most of its waters are claimed
as territorial seas by Iran and Oman. While the Law of the Sea Convention (LOSC) was being negotiated, the threat to freedom of navigation due to the increase in width of territorial waters from the erstwhile three NM to 12 NM was flagged and recognized. This was offset by the regime of transit passage through straits used for international navigation, which allowed ships and aircraft to transit unimpeded through such straits, with certain provisos that are generally more liberal than the regime of innocent passage through territorial waters.

While it may be believed that such clear stipulations in the LOSC may settle the question of legitimacy of Iran’s threats to close the Strait, the problem lies in the fact that both Iran and the US are not parties to the UNCLOS. Moreover, the US believes that the regime of transit passage through straits is established practice and hence customary international law while Iran maintains that the regime of transit passage is a treaty-bound obligation, one that it is not committed to fulfill, as it is not party to the convention. Similarly, Oman which is the second coastal state abutting the Strait of Hormuz, made declarations while ratifying the UNCLOS to the effect that it did not recognize the regime of transit passage as customary international law and that it permitted only innocent passage through its territorial waters. With both Oman and Iran claiming territorial waters of 12 NM as is permissible under UNCLOS, this is yet another example of how countries have been eager to claim the benefits of UNCLOS while being reticent in fulfilling their associated obligations. Oman has thus far not operationally challenged transit passage through the Strait of Hormuz. Iran’s verbal and operational assertions however would require to be factored and the possibility of navigational freedom being curtailed in the Persian Gulf would most certainly figure as one of the many complex operational scenarios in that part of the world.

Another issue that such incidents highlight is the strategic value of using maritime militia or non-naval forces to raise the ante in confrontation with asymmetric naval forces. This has been an enduring facet even in the South China Sea where Chinese militia embarked on fishing boats have confronted larger naval ships, especially of the US Navy. While naval forces generally tend to de-escalate up to a certain threshold, their supposed inaction at being provoked aggressively is used to stir up domestic nationalist sentiments. Any retaliatory action by such naval vessels is bound
to cause destruction and casualties, which could then be highlighted as examples of hegemonic aggression in dealing with smaller, ‘harmless’ boats. In the current environment, it is quite likely that navies of the region will be increasingly confronted by such non-naval seaborne elements that would push the boundaries of international law and operational safety. Evolving an effective strategy to counter them would remain a challenge.

Whatever be the ends or the means of such assertions, there is little doubt that strategic jostling in the Asia-Pacific will bring to bear greater pressures on freedom of navigation in these waters. International law, even in the most prescriptive form is constrained in enforcement and therefore it will be increasingly important for the US and regional maritime powers to assert and reinforce the liberal regime of international laws governing the oceans.

03 October 2016
China’s Anti-Ship Missiles – The Growing Asian Missile Gap

Ashutosh Singh

Strategic Balance of Power is rapidly changing in Asia - often faster than most realise. The increasing defence budget of the Peoples’ Liberation Army (PLA) in keeping with the rapid growth of the Chinese economy and the country’s technical and industrial base has enabled China to rapidly introduce incremental qualitative improvements to its force structure. The developments since 1990 in fact have been so far reaching that today the PLA is well placed to have power projection capabilities equivalent to the United States in the Asia Pacific region in the next 20-25 years.

The term ‘missile gap’ was used for the first time in the mid 1950s to denote a supposed Soviet qualitative and quantitative superiority in Inter Continental Ballistic Missiles (ICBMs).¹ It is today known that the inflated figures² used by the US intelligence community then were mostly fictitious and the claimed Soviet threat did not exist at the time. However, the current situation in the Asia-Pacific region is an example of a real gap in anti-ship missile capabilities.

While advancements in Chinese power projection capabilities are numerous, the developments in their Anti-Ship Cruise Missile (ASCM) capabilities are important as they provide sea-denial; when coupled with modern air and sea platforms, they enable sea-control and naval supremacy on the high seas. Sea-control is the lynchpin for the Chinese policy of exerting influence up to and beyond the ‘First Island Chain’.

While much has been made of the Chinese attempts to develop the Dong Feng DF-21D anti-ship ballistic missile, the extremely long kill chain involved from target acquisition to launching the missile and guiding the ballistic weapon in its terminal phase against a fast moving target is a technically challenging task. While, it has its advantages of being able
to launch an attack from missiles based on the Chinese mainland at a Carrier Battle Group (CBG) and not sending any ships or aircraft into harm’s way, the disadvantages are far too many for it to be a reliable means of attack.³

This is more so because US Navy ships are increasingly being armed with RIM-161 Standard Missile 3 which has the ability to shoot down ballistic missiles in their boost and re-entry phase. Ballistic missiles are easy to detect and do not have the advantage of protection from radar by terrain masking and curvature of the earth. Therefore, a prohibitive number of weapons may be required to be effective. Lastly, it is relatively easy to disrupt the long kill chain involved in affecting an Anti-Ship Ballistic Missile (ASBM) attack.

Modern ASCMs, are available in large numbers with the People’s Liberation Army Navy (PLAN) and outstrip the capabilities of their possible regional adversaries. More importantly, the difference in capabilities of PLAN ASCMs and its adversaries is rapidly widening.

Early PLAN ASCMs

The first Chinese ASCM was the ubiquitous HY-1/CSS-1 Silkworm⁴ - essentially a reverse engineered SS-N-2 Styx; the missile subsequently underwent evolution in the form of the HY-2/CSS-2 Seersucker. The Styx is considered obsolete because of its large size and vulnerable flight profile.⁵ Modern Chinese ASCMs comprise a large family of subsonic and supersonic weapons of different designs and capabilities.

Subsonic

The first modern design the YJ-8 or Yingji-8/C-801/CSS-N-4 Sardine introduced in the early 1980s, was the Chinese equivalent of western designs such as AGM-84 Harpoon and MM-38 Exocet. The Western designs were, however, superior in performance parameters such as speed with both the Harpoon and the Exocet maintaining a ‘high-subsonic’ speed near that of sound. The relatively slower and shorter ranged but compact C-801, speed Mach 0.75, range 40 km against 120 km for Harpoon and 70 km for Exocet is more versatile allowing its launch from helicopters, surface ships, submarines and aircraft. A follow-up design, the YJ-82/C-802 is a direct analogue to the Harpoon Block I and KH-35 Uran in performance. The C-802 is, however, different from the KH-35 in that the latter uses a turbofan engine while the former uses a turbojet like the BGM-84 Harpoon arrange of 120 km and entered service in 1989.⁶
Improved air launched variants the YJ-83/C-802A with a greater range of 180-250 km are in service. Variants with radar, infrared, laser, optical and satellite guidance are available. The submarine launched variant was designated as the YJ-1 and the Air launched variant the YJ-81.\(^7\)

An associated development is the YJ-62 subsonic ASCM that has been in service since 2005. An improved variant the YJ-62A has a range of over 400 km. The export variant is designated the C-602, and has a reduced range of 280 km, but a larger warhead of 300 kg.\(^8\) The missile can be employed from a wide variety of platforms including shore-based missile batteries and various modern PLAN warships and submarines such as Type 051B Luhai Class Guided Missile Destroyer (DDG), Type 053 Jiangwei-II Class Guided Missile Frigate (FFG), Type 039 Song Class Diesel-Electric Attack Submarine (SSK), Type 039A Yuan Class SSK, Type 093 Shang Class Nuclear Powered Attack Submarine (SSN). Chinese aircraft like the JH-7 and the H-6 are also capable of employing the C-802.

**Supersonic**

The real revolution is happening not in the development of subsonic ASCM, but rather in the imminent large scale deployment of supersonic ASCMs. The first claimed Chinese supersonic ASCM was the ‘C-803’, a derivative of the YJ-83. A terminal speed of Mach 1.5 and has a range of 180 km to 250 km (air launched)\(^9\) was claimed by many western sources, however, no source confirms the existence of such a weapon.

The first operational PLAN ASCM was the erstwhile Soviet / Russian Raduga P-270 / 3M-80E Moskit / SS-N-22 Sunburn on two Sovremenny Class DDGs. The Chinese variant, 3M-80MBE differs from the original 3M-80E with a range of 240 km over 220 km respectively.\(^10\) The Chinese financed the development of the Moskit for the PLAN which boasts a speed of Mach 3 and a 320 kg warhead.\(^11\) It is

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*Fig.1 YJ-12

ASCMS arming Xian H-6G Bombers.*\(^{15}\)
certain that the Chinese employed the technology for their subsequent missile development programs.\textsuperscript{12}

The first indigenous Chinese ASCM which maintains a supersonic flight throughout its flight envelope is the YJ-12. The missile is based on the Russian Kh-31 which the Chinese bought and reverse engineered as the YJ-91. The YJ-12 has an estimated range of 300 km at Mach 3 by following a Hi-Lo flight profile to the target. An alternate flight profile may help increase the range to 400 km at Mach 4 by using a high altitude cruise followed by a sharp dive onto the target.\textsuperscript{13} The YJ-100, a subsonic turbofan variant of the YJ-12 is capable of achieving ranges of over 600-800 km as authenticated by various sources.\textsuperscript{14}

The YJ-100 is the longest ranged anti-ship missile similar in concept to the now defunct BGM/RGM-109B Tomahawk ASM but with longer range. It also out ranges the monstrous Soviet/Russian P-700 Granit/SS-N-19 Shipwreck range 625 km and the P-1000 which is a P-500 Bazalt/SS-N-12 Sandbox derivative, range 680 km.\textsuperscript{16}

While the Granit maintains a supersonic sea skimming flight profile, it is vulnerable to modern SAMs like

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{image.png}
\caption{P-700 Granit with inlet cover installed, but wings and control surfaces deployed. The annular inlet is similar in style to the MiG-21 Fishbed.\textsuperscript{17}}
\end{figure}
the SM-6 employing cooperative engagement capability. Moreover, its very large large size,\textsuperscript{18} comparable to a MiG-17\textsuperscript{19} restricts deployment only by Kirov Class Nuclear Powered Guided Missile Battle Cruiser and Oscar Class Nuclear Powered Cruise Missile Submarine. The P-1000 attained its maximum range only in Hi-Lo profile while in sea skimming mode, its range is less than 500 km.

The closest equivalent of the YJ-100 in currently deployed weapons is the Russian 3M-54 Klub which arguably is the most lethal anti-ship missile ever designed. The basic variant of the Klub is a submarine launched anti-ship weapon and has a range of 440-660 km with the missile flying at subsonic speeds for most of the distance and engaging a ramjet engine at the terminal stage as it enters in range of the target's missile defence systems. The missile then flies at a speed of Mach 2.9 at a height of just 15 feet above sea level. It is also capable of performing evasive maneuvers to defeat point defence systems.\textsuperscript{20} The combination of the missile's flight profile, range, speed and ability to perform evasive maneuvers make it a lethal ship-killer. The 3M-54T is the vertically launched ship based variant. An air launched version is also being developed designated the 3M-54AE Klub-A with a 300 km range and a 200 kg warhead and a supersonic terminal stage. A subsonic air-launched variant called the 3M-54AE1 also exists and probably uses the SU-34 Fullback and Su-35 Flanker E aircraft as launch platforms.\textsuperscript{21}

The Klub has been exported to China where it has been reverse-engineered as YJ-18,\textsuperscript{22} to arm PLAN warships and submarines.\textsuperscript{23} The missile has a range of 540 km and is armed with a 140-300 kg warhead\textsuperscript{24} which coupled with its high supersonic speed delivers tremendous kinetic energy onto the target; a single hit being sufficient to sink or cripple an 8,000 to 10,000 ton warship like a Ticonderoga Class CG. It is appreciated that technology gleaned from the Klub would have been integrated into upcoming air-launched Chinese ASCMs like the YJ-100.

The versatile YJ-100 is capable of launch from aircraft in addition to being launched from surface ships and submarines. The new PLAN Type 055 DDG expected to be deployed by 2019 will be armed with the YJ-100 as its primary ASCM.\textsuperscript{26} The Type 055 is expected to be armed with 128 VLS cells\textsuperscript{27} and equipped with an advanced variant of Type 346/348 series AESA radar.
In November 2014, the Chinese unveiled a new supersonic ASCM designated the Chaoxun CX-1 bearing an uncanny resemblance to the Indo-Russian PJ-10 BrahMos. Indian scientists associated with the BrahMos program have denied any correlation between the two weapons, and even Russian military experts point out that although the design may superficially resemble the BrahMos, several finer aerodynamic and engine differences set it apart as an unrelated development.

The cited performance parameters for the Chinese missile are however, very similar to the BrahMos. The CX-1 has a speed of Mach 3 and a range of 280 km and drops to an altitude of 10 m at a range of 10 km from its target. As per Richard Fischer, the new missile looks very similar to the Brahmos ASCM; the two missiles “share the distinctive cone shaped air-inlet based on Russia’s highly regarded P-800 Oniks supersonic ASCM.” Nevertheless, it only proves that the Chinese have a weapon system identical in performance and technology to the much vaunted BrahMos and if the Indian and Russian defence experts are right, the capability to develop it independent of foreign assistance.
Employment

The Chinese naval strategy draws heavily from the Soviet Cold War doctrine of asymmetrically countering NATO’s conventional naval superiority. It does not intend to match the US ship for ship, but rather to have a local regional superiority and employ superior long range firepower from multiple directions against a US CBG attempting to intervene in a relatively confined area like the Taiwan Strait or the Senkaku/Diaoyu Islands. Specifically the entire ‘First Island Chain’ is suitable for such surprise attacks using asymmetrical means. A typical scenario includes the BeiDou Satellite Navigation System.

Fig. 5 Range Comparison of Modern PLAN ASCMs

Fig. 6 Chaoyun CX-1 missile

Fig. 7 PJ-10 BrahMos
(BDS) providing targeting information to ships, submarines and aircraft carrying ASCMs making a coordinated missile attack from well beyond the task forces’ own anti-ship weapons. Small vessels employing stealth features are especially suitable for such attacks as they remain undetected long enough to close in to missile firing range of a CBG. Modern PLAN FFGs, DDGs and SSNs/SSKs combine together to form a large number of ASCM platforms.

In the next decade, it is certain that the remaining older warships of the PLAN would be replaced by state of the art warships like the DDGs Type 052D, Type 055 and FFGs Type 054A, Type 054B. Their advanced stealth features, AESA radars, long range HHQ-9 SAMs and long range ASCMs like the YJ-18 and YJ-100 would provide standoff superiority.

**Conclusion**

The lack of an equivalent weapon which can engage powerful PLAN Surface Action Groups (SAGs) or possible CBGs at comparable ranges is a destabilizing factor in Asia. The BrahMos ASCM, has a maximum range of 290 km. The missile entered induction in 2007 and arms a few Indian Navy warships; it does not yet have an air launched variant although one has been under development for some time; while the Chinese have already developed a direct equivalent of the BrahMos in the CX-1 ASCM. The Chinese presently deploy missiles capable of longer ranges and most of which have enjoyed longer serial production runs than weapons developed by their regional peers. Additionally, both the YJ-12 and YJ-100 have air launched variants which are already deployed on PLAN aircraft. Chinese BeiDou global satellite navigation system is being increasingly used by them for missile guidance.

This emerging anti-ship cruise missile gap is recognized by the US Navy as an area of concern too as it finds its surface warships lacking the punch to perform Anti Surface Warfare missions because its primary weapon, the BGM-84 Harpoon is outclassed. US Navy began the Long Range Anti-Ship Missile (LRASM) program in 2009 to have a weapon capable of remedying it. The LRASM-A is a stealthy turbofan powered derivative of the AGM-158 Joint Air-to-Surface Standoff Missile – Extended Range (JASSM-ER) with an effective range of over 500 miles. Work on the LRASM-B, a ramjet powered and more technically challenging derivative of the same weapon has currently been deferred.
It is clear that there are hardly any Anti-Ship Cruise missiles to counter the Chinese threat at sea who are rapidly in the process of deploying superior weapons in superior numbers vis-à-vis their adversaries. Only the US Navy can today effectively challenge the PLAN at sea because of its naval air power, however if current trends continue, and the development of effective anti-ship weapons is neglected, the US navy will lose its sharp edge in the Asia-Pacific. In the face of budget cuts and money spent on vessels like the Littoral Combat Ship which are barely armed to defend themselves and have absorbed tremendous resources, the LRASM project which is still under development runs the risk of being put on the back burner. It would do well to remember that a navy must first win the war at sea before turning to the littorals.

10 August 2016

Notes


5 Ibid.


15 Ibid.


17 Ibid.


China’s Growing Assertiveness in the South China Sea and the Verdict of the Hague-Based Permanent Court of Arbitration Tribunal Have Made International Headlines. In the Wake of These Developments, China Has Recently Tested its New Undersea Glider Haiyi-7000 ("Sea Wing"), Which is an Unmanned Autonomous Underwater Vehicle (AUV). In July-August 2016, Haiyi-7000 was deployed in the Mariana Trench (Western Pacific Ocean), Which Is the Deepest Ocean Trench of Over 11,034 Metres. Haiyi-7000 Was Launched from China's Submersible Mother Ship, Tansuo-1. According to South China Morning Post, It Was Deployed to a Depth of 5,751 Metres. It Was Developed by the Shenyang Institute of Automation, Chinese Academy of Sciences.


Haiyi-7000, Like Other Undersea Gliders, Uses Small Changes in Buoyancy
in conjunction with wings to convert vertical motion to horizontal, thereby propelling itself forward at a very low power consumption. The underwater glider is shaped like a yellow torpedo with a pair of wings. The vessel deflation and inflation is controlled by a balloon like device filled with pressurized oil. It also works without an engine or motor by drawing free power from the natural buoyancy of water to move around. The vessel can cruise noiselessly (without human intervention) for months while collecting data for various scientific research and ocean exploration activities.

Perhaps what differentiates Haiyi-7000 from other AUVs is its slow speed and consequent low drag, permitting long duration operations. It is capable of measuring temperature, salinity, current optical backscatter, bottom depth and occasionally acoustic backscatter. It navigates with the help of periodic surface GPS, a pressure sensor, tilt sensor and magnetic compass. Commands and data are relayed between glider and shore station by satellite. It is also known for low manufacturing and low maintenance costs.

Given these features, the PLA Navy has evinced an interest in Haiyi-7000. It has the potential for military use in various capacities. For instance, the glider ability to measure the temperature and salinity of sea water at various depths can provide valuable intelligence for maritime security. The PLA Navy can use the temperature and salinity data from ocean to develop a data bank, which would be useful for submarine navigation, operation and collision avoidance. It also enhances naval operation from better pick up and targeting data. Haiyi-7000 can be armed with an explosive warhead to attack underwater target such as enemy submarines. Armed glider can be unleashed in packs of 100 units, to deny enemy submarines access to specific areas. Hence, when necessary, the glider can be used for anti-submarine operations.

The older version of Haiyi (built in 2014) capable of being deployed in a depth of 1500 metres was earlier deployed at the western areas of South China Sea. It is not clear whether it is still deployed by the PLA Navy, but other undersea gliders including Haiyan are being tested by the PLA Navy.

Besides its military implications, the development of Haiyi-7000 has geo-political implications. Yu Jiancheng, the lead scientist of the Haiyi-7000 project, in an exclusive interview with the South
China Morning Post mentioned that the idea of developing an undersea glider is the direct result of the U.S. and its allies banning export of underwater glider to China, fearing that the technology would be used for military purposes. Subsequently, Professor Yu recalls how China had built its own supercomputer ‘TaihuLight’ after the US banned American company Intel from selling high-performance chip to the country; and also how Beijing is now building its own space station after the US banned China from the international space station. Although, Haiyi 7000 has not broken the record of ‘Seaglider’ (US), it has enabled China to reduce its technological dependence on other countries, including the US.

Given the lack of information on technical specifications of Haiyi-7000, it would be misleading to compare it with ‘Seaglider’ and other AUVs developed by the US. Nevertheless, it can serve the purposes of scientific research, resource development and naval applications as well. The military applications of Haiyi-7000 has become cause of concern to China’s neighbours who are involved in the South China Sea maritime disputes.

30 September 2016
China delivers Submarines to Bangladesh: Imperatives, Intentions and Implications

Gurpreet S Khurana

On 14 November 2016, Bangladesh Navy (BN) took delivery of two old refurbished Chinese Type 035G *Ming*-class diesel-electric submarines. As part of the US$ 203 million contract signed in 2013, the submarines were handed over to the BN crew during a ceremony at the Liao Nan Shipyard in China’s Dalian city. The submarines are slated to be commissioned as Bangladesh Naval Ships (*BNS*) *Nabajatra* and *Joyjatra* and expected to arrive in early 2017 at the new Bangladeshi submarine base being constructed near Kutubdia Island.

This may be a rather seminal development with strong ramifications not only for the littoral countries of the Bay of Bengal, but also for the wider Indo-Pacific region. This essay seeks to undertake an assessment of the development in the context of the likely imperatives of Bangladesh, the intentions of China and its implications, with specific reference to the Indian context.

**Imperatives for Bangladesh**

For any navy, the surface warships and their integral aircraft a capable of being used across the entire spectrum of conflict including for ‘constabulary’ and ‘benign’ missions ranging from counter-piracy to maritime search and rescue (M-SAR). In contrast, submarine forces – due to their inherent stealth characteristics – are optimised for sea-denial during war. Even in peace-time, these underwater platforms are used to undertake highly specialized missions against a military adversary like clandestine surveillance, intelligence-gathering and Special Forces operations. Hence, it is difficult to fathom why Bangladesh – which does not encounter any conventional maritime-military threat – has inducted submarines in its navy. The maritime disputes between Bangladesh and two of its only maritime neighbours – Myanmar and India – were resolved through international arbitration in
2012 and 2014 respectively. Neither Naypyidaw nor New Delhi has indicated any reservations to the verdict of the international tribunals, or have either any other major outstanding contention with Dhaka.

It is nonetheless well known that the BN has since long aspired for a three-dimensional navy through inclusion of underwater warfare platforms. After Dhaka succeeded in settling its maritime boundary through the highly favourable decisions of the international tribunals, the apex political leadership showered much attention upon the BN as the guardian of the country’s new-found maritime interests. Notably, Bangladesh is seeking an increasing dependence upon sea-based resources for economic prosperity of its rather high density of population. The political nod to acquire submarines may therefore be seen as an incentive for the BN. Besides, it is a low-cost deal to reinforce strategic ties with China, including by taking forward Prime Minister Sheikh Hasina’s support to President Xi Jinping for its ‘One Belt One Road’ (OBOR) initiative. Hence, the development seems to have been driven by symbolism for Bangladesh, rather than being a result of the navy’s appreciation-based force-planning based on an objective assessment of the projected security environment.

China’s Intentions

As in case of other defence hardware exports, Beijing’s overarching intent behind the sale of submarines would be to go beyond strengthening political ties with Dhaka, to bring about its ‘strategic dependence’ upon China. The long-term submarine training and maintenance needs of the BN would also enable China’s military presence in the Bay of Bengal, and enable it to collate sensitive data for PLA Navy’s submarine operations in the future. This area is becoming increasingly important as the transit route for China’s strategic crude-oil and gas imports, and bears the origin of China’s oil pipeline across Myanmar. Strategic presence in the area is also critically necessary for Beijing to supplement the strategic and geopolitical dimension of its Maritime Silk Road (MSR) plans.

Further, by selling the two old (though upgraded) Ming-class submarines – which were commissioned in early 1990s and presently at the end of their service life with the PLA Navy – Beijing has assiduously generated useful revenue out of hardware, which would have only ‘scrap value’ in a few years. As per an established practice in China, a significant proportion of the revenue would go to PLA Navy since
the submarines were sourced from its inventory.

**Implications**

The sale of Chinese submarines to Bangladesh bears significant ramifications for the Indo-Pacific region. Lately, apprehensions are being increasingly expressed over the rapidly increasing number of submarines being operated by the regional countries. An addition of a submarine-operating country would not only multiply the complexity of water-space management—particularly due to the confidentiality associated with the deployments of such stealth platforms—but could also lead other countries to follow suit. The development also strengthens the imperative for the Indian Ocean navies to institute a mechanism for de-conflicting unintended naval encounters at sea through the Indian Ocean Naval Symposium (IONS), which ironically, is presently being chaired by Bangladesh.

The submarine sale to Bangladesh has come at a rather inopportune time for the countries of the Bay of Bengal. With the two major maritime disputes having been resolved, the sub-region was looking forward to enhanced maritime cooperation in various sectors like trade connectivity, blue economy and maritime safety and security, including through the revitalisation of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC). The BN’s acquisition of submarines could lead to the littoral countries to reassess their maritime security strategies and adopting a cautious approach to maritime cooperation.

In the Indian context, New Delhi has little reason to be threatened by Dhaka’s newly-acquired sea-denial capability. Nonetheless, Beijing’s likely intent needs to be factored in its national security calculus, particularly considering the imminence of China’s military-strategic presence in close proximity to India’s naval bases, including its nuclear submarine bastion. Evidently, India’s foreign policy vis-à-vis Bangladesh needs to be recalibrated. At the national-strategic level, India possesses insufficient financial and defence-industrial wherewithal to offset China’s overwhelming influence upon Bangladesh, but there is no dearth of other leverages. In such circumstances, New Delhi may need to graduate from its long-standing policy of ‘appeasing’ Dhaka to a ‘carrot and stick’ policy.

01 December 2016
Maritime Cooperation
First China-India Maritime Dialogue: Beyond ‘Icebreaking’

Gurpreet S Khurana

On 4th February 2016, India and China held their first-ever ‘Maritime Affairs Dialogue’ at New Delhi. While the Indian side was led by the Joint Secretary (Disarmament and International Security Affairs) in the Ministry of External Affairs (MEA), the Chinese delegation was led by the Assistant Minister of the Chinese Ministry of Foreign Affairs (MFA). Given that the two sides agreed to institutionalize a dialogue, the inaugural event was indeed a “seminal”. Although the details of the discussions are not yet available in the public domain, this essay attempts to extrapolate the open-source reports, and ‘look beyond’ it in context of emerging imperatives.

Since the turn of the new millennium, or even earlier, it began to be realized and acknowledged worldwide that the texture of future security and geopolitical environment in the resurgent Asia will depend much upon how the two resident regional powers – India and China – will shape their relations at the bilateral level. The two countries have traditionally been continental neighbours. However, since at least a decade ago, the waters of the Indo-Pacific have become an arena for a maritime interface between the two in diverse arenas encompassing geopolitics, economics and security issues. The need, therefore, for the two countries to institutionalize a maritime dialogue has been long overdue. It may be recalled that the foreign ministers of two sides had first decided to initiate the maritime dialogue nearly four years ago in March 2012. Such an arrangement is essential to foster cooperation, while also preventing unproductive competition and confrontation.

Soon after the first Dialogue, the Indian MEA issued a press-release indicating its essentials. It states,

“...The dialogue covered issues of mutual interest, including exchange of perspectives on maritime security,
developments in international regimes such as UNCLOS (United Nations Convention on the Law of the Sea, 1982) and (the other) IMO (-related treaties) and prospects for maritime cooperation”.

The Chinese MFA press-release on the Dialogue states,

“Both sides introduced their respective maritime development strategies and their respective stance and views on current maritime security situation, and agreed to enhance policy dialogue and expand practical cooperation in such areas as marine scientific research, navy exchanges, fishery and navigation in a joint effort to ensure maritime security and harmony.”

The “exchange of views and perspectives on maritime security” may have begun with the two sides drawing satisfaction from the successful multinational anti-piracy mission in the Gulf of Aden, wherein India and China have been coordinating their policies and naval operations since 2008, including at the “Contact Group on Piracy off the Coast of Somalia” (CGPCS). The discussions may have also included other issues relating to good order at sea in the Indo-Pacific region.

The “international regimes” are likely to have been discussed in the context of the developments in the South China Sea (SCS) relating to the maritime-territorial disputes, freedom of navigation and resource exploration. These discussions would have been valuable for both sides. For India, it is necessary to tell China its position on its hydrocarbon exploration in the SCS and its growing naval engagements with the other SCS littoral countries. To China, it was an opportunity to present its perspectives, achieve transparency of policies and allay concerns of the regional countries over its increased politico-military assertiveness in the region.

It seems, however, that the first India-China Maritime Dialogue was essentially an “ice-breaker”; and in their own ways, both sides had envisaged their objectives to be rather limited, and rather symbolic. Since the Indian side was led by a Joint Secretary, the representation from the functional agencies/navy would have been pitched at the “Director/one-star” level or even below. From China’s perspective, the dialogue seems to have been accorded even lesser significance. The photograph released by the Chinese MFA indicates that the Chinese side did not have any naval representation at all, at least not in uniform.

Notably, two days earlier, a Chinese delegation under the same leadership was in Islamabad for the second China-
Pakistan Maritime Dialogue; the first dialogue having been held in Beijing in July 2014. Since Pakistan's delegation was headed by an Additional Secretary of the Foreign Ministry, functionaries much above the 'Director/one-star' level would have been represented. The Islamabad event itself, the higher level of representation and the indicative scope of the discussions encompassing “maritime connectivity”, “security of international shipping lanes” (ISL), “marine scientific research”, “search and rescue”and “naval and coast-guard cooperation” reveal the difference.

On the Dialogue in New Delhi, neither the Indian nor the Chinese official report mentions any discussion on China's ‘Maritime Silk Road’ (MSR) initiative, which is surprising. Further, the discussions on “practical cooperation” on each of the issues mentioned in the Chinese MFA report is unlikely to have gone beyond China gauging whether and to what extent India is amenable to the prospect of cooperation on a particular issue. The mention of “marine scientific research” is particularly instructive. It is a pointer to China’s emergence as a major maritime power and its intent to undertake such research in the Indian Ocean, with major strategic implications for India.

The next round of the India-China Maritime Dialogue is planned to “be held in Beijing on a mutually convenient date”. The agenda for this — and the ensuing dialogues — may need to be more “encompassing”, and include key issues that hold the key to a “harmonious” maritime interface between the two countries. Most of these substantive issues broadly relate to China's strategic intent in the Indian Ocean. These include ironing out the prevailing ambiguities on China’s MSR initiative; the rationale behind its emphasis on cooperating for “marine scientific research”; and an agreement on a naval code of conduct; both for force deployments and unintended tactical encounters, which could be reciprocated by India with regard to its own naval units in the western Pacific.

To address these issues, Dr. Ouyang Gouxing of China’s Hainan Academy for World Watch (HNIWW) aptly recommends a 2+2 Dialogue, wherein both sides are represented at the apex level by their respective foreign and defence ministries. He adds that the Chinese delegation would need to include a PLA Navy contingent from its South Sea Fleet (SSF), which is being integrated to the South War Zone responsible for China's Indian Ocean strategy.
India may also need to upgrade its naval participation accordingly. Hopefully, in due course, the two sides would be able to transcend bilateral issues and develop sufficient mutual trust to contribute to maritime security and stability in the Indo-Pacific region.

23 February 2016
India and Maldives: A Triumph for Maritime Diplomacy

Prakash Gopal

The Indian Navy deployed an Advanced Light Helicopter (ALH) Mk –III aircraft together with aircrew and a support team to Maldives on 27th April, to assist the Maldives National Defence Force (MNDF) in “coastal surveillance and reconnaissance”. This came close on the heels of the visit of the Maldivian President Abdullah Yameen to India earlier in the month. At the end of that visit, President Yameen had declared India to be the “most important friend of Maldives” and had committed to pursuing an “India-first” foreign policy. These events assume significance especially in the context of recent turbulence in bilateral engagement between Indian and Maldives.

Maldives’ tryst with democracy, which began in 2008, has been marked by agonistic politics that has caused unrest within, and apprehensions outside the island country. President Nasheed’s resignation in 2012, followed by the elections of 2013, have somewhat dented the fledgling democratic processes. The subsequent arrest of former President Nasheed under charges of terrorism and his trial which resulted in a 13-year jail sentence, underscored the fragility of government institutions within the country. The cancellation of the USD 500 million Male Airport project in 2012, awarded to the Indian infrastructure company GMR, prompted the Indian Government to suspend its aid to Maldives.

In such an environment, for India, a historical friend of Maldives, political and diplomatic engagement became difficult with the island country. This was evident in the last-minute cancellation of Prime Minister Modi’s planned visit to Male in March 2015. Significantly, Maldives is the only SAARC country that PM Modi has not visited yet. President Yameen on the other hand has visited India thrice since
assuming office; the first time in January 2014, followed by the swearing in ceremony of Prime Minister Narendra Modi in May 2014 and now in April 2016. Notwithstanding this, it may be some time before diplomatic relations with Maldives pick up momentum, considering the current situation in the island country.

What has been a triumph of sorts, is the sustained naval engagement between the Indian Navy and the MNDF even during these trouble times. The first ALH that was transferred to the MNDF in 2010 which is based at Gan and operated by a crew from the Indian Coast Guard, continues to carry out Search and Rescue (SAR), medical evacuation and surveillance missions. The Indian Government’s commitment to provide relief to Maldives during the water crisis of December 2014 was spearheaded by the Indian Navy, which deployed two ships to Male with potable water carried from India. These ships remained in Male, generating water through their onboard reverse osmosis plants until the water treatment plant at Male became operational. The Indian Naval Fleet’s pride, the aircraft carrier INS Vikramaditya, together with the destroyer INS Mysore and tanker INS Deepak visited Male earlier in February this year. Though the high profile ship visits had raised hopes of a coinciding visit by PM Modi, which was not to be. Indian Naval and Coast Guard ships and aircraft continue to provide surveillance support to the MNDF in their Exclusive Economic Zone (EEZ) and personnel from the MNDF continue to train at Indian Naval training establishments. The transfer now, of the latest variant of the ALH helicopter is yet another significant event in the continuing naval engagement between India and Maldives.

While it would be tempting to look at India’s engagement with Maldives and other regional states purely through the prism of preventing a pro-China proclivity in these countries, India’s relations with them predate the arrival of the Chinese and their navy in these waters. Geography cannot simply be wished away, as can’t India’s obligations as a regional power and a net security provider in the region. India’s historical, cultural and demographic ties with these countries place a greater burden of responsibility than the demands of realpolitik and aspirational power play. The fact of course, that vacuums in this space will be promptly filled by an eager Chinese machinery with an abundance of cash must be factored in, especially when ratcheting down diplomatic or military ties with regional states.
In a period where diplomatic ties between India and Maldives continue to be stressed due to the political environment in Maldives, it would be vital for India to sustain its robust naval engagement, driven primarily by the shared security needs of the two countries and the region as a whole. The NSA-level India-Sri Lanka-Maldives trilateral group on maritime cooperation could play a key role in achieving the desired levels of trust and mutual support in the maritime domain. The agreement on defence cooperation that was signed during President Yameen’s recent visit promises to further institutionalize maritime cooperation between the two countries. While it may not necessarily bring about an immediate thaw in the frostiness that has set in since 2012 between India and Maldives, it will at least ensure that the maritime forces of these countries continue to execute their diplomatic charter for the greater good of the region.

08 July 2016
Speaking at the Raisina Dialogue in New Delhi on 02 March 2016, Admiral Harry B Harris, Commander, United States Pacific Command, exhorted that the ‘Quadrilateral Security Dialogue (QSD)’ between India, Japan, Australia and the United States be re-initiated. He further urged India and US to be “ambitious together” and along with Japan, Australia and other like-minded nations ‘aspire to patrol together anywhere international law allows.’ The Admiral, however, did not specify as to where such patrols could be envisaged to be conducted.

The statement on ‘Joint Patrol’ by Admiral Harris has been made in the backdrop of numerous media reports starting early February 2016, wherein, it was reported that the issue of joint naval patrols had been discussed between the US and India and specifically added that these could include the disputed South China Sea. Pentagon then clarified that the two countries had not taken any decision on conducting joint naval patrols, but stressed that the two countries were exploring ways to expand their defence ties.

Beijing reactions were on expected lines; the press release on the issue stated that “Conducting joint naval patrols with Washington in the South China Sea will do nothing but showing its hostility against Beijing and devastate their strategic mutual trust…” India, on the other hand, clarified that it was not launching joint patrols with the US in the South China Sea.

India and US have ramped up their military ties in recent years. The maritime exercise between the two navies, MALABAR, has been conducted annually since 1992, in which Japan became a permanent partner in October 2015. In the run-up to MALABAR 2015, in July 2015, Washington had advocated for permanently expanding
the scope of MALABAR exercise. In addition, in September 2015, Australia also pushed for its inclusion in the exercise, as was done in 2007.

Among the three countries envisioned to be involved with the US in the MALABAR exercise at the operational level and the QSD on the strategic level, only India would have reservations as it would continue to zealously protect its ability to forge an independent foreign policy. Also, the risks and benefits involved in such a Dialogue, which Beijing might consider as inimical to its interest, would be totally different for India than for the other countries involved. It would, therefore, be fair to argue that, solely based on India’s response on the issue, future editions of MALABAR could also involve Australia; and also, the QSD, involving the US, India, Japan and Australia, may re-assert in the near future. Admiral Harris’ advocacy about the QSD could, therefore, hold well in the near future.

In respect of the Joint Patrol by the US Navy and the Indian Navy in the South China Sea, as was reported in the media, and in general, as advocated by Admiral Harris, it would be of essence to note that the Indian Navy has never carried out joint patrols with any other country. New Delhi currently follows the policy of only joining an international military effort under the United Nations flag. Accordingly, Indian Navy conducts its anti-piracy operations also independently and has not joined any multi-nation effort in this regard.

Joint Naval Patrol mandates unified Command and Control mechanism. This would, thereby, imply that the naval assets of the concerned countries partaking the joint patrol would be placed under the command of the unified Commander, a proposition that New Delhi would not be comfortable with, as has been exemplified by India’s position on Joint Anti Piracy Operations. Traditionally, New Delhi has always zealously guarded its strategic autonomy and, therefore, has been averse to military alliances or even joint operations. Joint patrols involving the Indian Navy, therefore, cannot be envisaged in the near future, unless New Delhi revises its long standing policy on the issue.

Coordinated Patrols, on the other hand, are undertaken by the Indian Navy with several regional navies for enhancing maritime security. Such Patrols, as per the Indian Maritime Security Strategy (IMSS 2015), are conducted in respective waters, on either side of the International Maritime Boundary Line (IMBL), by naval ships.
and aircraft in a coordinated manner, for instance, the Indo-Thai Coordinated Patrol in the Andaman Sea.

As has been highlighted above, the scope of Coordinated Patrols, as defined in the IMSS 2015, is limited to India’s maritime neighbours and conducted in respective waters of the concerned countries. Indo-US Coordinated Naval Patrols, accordingly, do not qualify for the Coordinated Patrol, as defined in the IMSS 2015. The two navies, however, as advocated by the US Pacific Commander, could undertake Coordinated Patrols, in their common area of interest, for instance, in the pirate infested region near the Horn of Africa, earmarking their respective areas of responsibilities. It would be interesting to note that the Indian Navy coordinates its ‘Escort Missions’ in the Gulf of Aden with the other navies operating in the area, including the Combined Task Force (CTF) 151. The scope of Coordinated Patrols, as exemplified in the IMSS 2015, would then need to be accordingly amended to allow Coordinated Patrol between these two navies.

Coming to the South China Sea, India has legitimate stakes for protecting its trade to and from Russia, Japan, China, South Korea, and Southeast Asian nations and energy flow from Sakhalin (Russia) and Vietnam, quite similar to the Chinese economic and strategic interests in the Indian Ocean Region. The presence of the Indian Navy in the South China Sea is as much a foregone conclusion as is the presence of the Chinese navy in the Indian Ocean. Each navy, in coming times, must therefore, get accustomed to the other’s presence in their ‘supposed backyard’.

Although, India is not party to the contested claims in the South China Sea, it has always advocated freedom of navigation and overflight in the waterway. Further, India has never taken sides in the South China Sea dispute and has been urging the stakeholder countries to resolve the dispute in a peaceful manner in accordance with international law.

Since there are no immediate threats to its interests in the South China Sea, Coordinated Patrols, involving the Indian Navy in the South China Sea, as speculated in some sections of the media, appears to be farfetched at this juncture. However, should a common threat develops; the Indian Navy could keep its option open to undertake Coordinated Patrols in international waters in order to safeguard its interests.

11 April 2016
Maldives President Visits India: Bilateral Partnership for Regional Security

G. Padmaja

On 11 April 2016, the President of Maldives, Abdulla Yameen Abdul Gayoom said in New Delhi, “The reason I visited India today is to express my appreciation for the very steadfast leadership India has shown in protecting Maldives in the CMAG (Commonwealth Ministerial Action Group) deliberations. We look at India for continued support in preventing any unfair, any punitive action by the CMAG on the Maldives......”1 Aside this stated reason, the President’s visit provided an opportunity to delve on the entire range of issues at the highest level and place bilateral relations back on track; even though complex challenges persist. Six agreements were concluded during the visit, including the Action Plan for Defence Cooperation.2

The President of Maldives added, “Maldives and India share common perspectives on peace and stability in the South Asia and Indian Ocean Region. That is why the Maldives pursues an ‘India first’ foreign policy.”3 The Indian Prime Minister Modi said that it was in India’s strategic interest to have a stable and secure Maldives; and that the contours of India-Maldives relations are defined by their shared strategic, security, economic and developmental goals. He added, “We are conscious of the security needs of Maldives and President Yameen agrees that Maldives will be sensitive to our strategic and security interests. India understands its role as a ‘net security provider’ in the Indian Ocean and is ready to protect its strategic interests in this region.”4 Both leaders brought out the centrality of the Indian Ocean in shaping their relations.5

India is geo-strategically located in the Indian Ocean Region (IOR) through which, much of the world’s shipping transits. To the south of India’s Lakshadweep Island group, less than 400 km from India’s coast, lies Maldives
having 1,200 islands. Any political or economic instability within Maldives can impact on the security of the trading routes of the Indian Ocean and the Indian mainland too.8

In the above context, this issue brief examines the visit of the President of Maldives with reference to his stated ‘India First’ policy; Modi’s statement that India is the ‘net security provider’ in the Indian Ocean Region; and lastly, the strategic engagement between these maritime neighbours.

India First Policy of Maldives

Many leaders from Maldives have time and again stated that their country pursues India First policy9. But, it has rarely been elaborated. Further, given the expanding political and economic relations between Maldives and China, the phrase-‘India First’ is confusing.

Maldives foreign minister said, “The Maldives’ relations with India has sufficient depth and will not be shaken by the presence of Chinese investors in the Maldives”10. On another occasion, reacting to the comment that Maldives was adopting a pro-China tilt, the President’s office stated that while Maldives was forging ahead with a highly ambitious economic agenda, that includes developmental and infrastructure undertakings where China is a partner; Maldives would work closely with India in safeguarding the regional safety and security.11

Maldives relations with China strengthened in September 2014, when President Xi became the first President of China to visit Maldives. The two countries established “Future Oriented All Round Friendly and Cooperative Partnership”12; and the Joint Committee on Trade and Economic Cooperation (JCTEC).13 In December 2014, Maldives officially became part of China’s 21st Century Maritime Silk Road (MSR) Initiative.14 Maldives has planned for transformational infrastructural development projects, and China is funding some of these. These include upgrading the Maldives international airport15; constructing the bridge between the airport island of Huhumalé and the capital Male. Called the ‘Maldives China Friendship Bridge’, the project commenced in December 2015.16 China is also undertaking large social housing and road projects, including the longest road in the country. The two countries also want to set up a China-Maldives bilateral free trade area. Important landmarks in Male including the National Museum and the
Headquarters of the Ministry of Foreign Affairs were constructed with donor assistance of Chinese Government. Maldives also became a founding partner in the Chinese led Asian Infrastructure Investment Bank (AIIB). From August 2010 to April 2016, the total number of Chinese tourists to have arrived in Maldives is 104,106 tourists which accounts for 33 per cent of all incoming tourists.

China argues that its 21st Century Maritime Silk Road initiative is an open and inclusive initiative of economic cooperation; wherein focus will be on prioritising connectivity development efforts in Asia. Many analysts argue that China’s proposal of MSR to the Indian Ocean littorals is part of its grand strategy to counter the United States rebalance strategy as well as further its own influence in the region; that the larger aim of China investing in mega infrastructure projects in Maldives is that Beijing can claim a greater security role by putting forward the reason that it needs to protect the economic investments it has made.

In a recent interview, however, former President Nasheed defined it as, “......not to have defence exercises with other countries, not to conduct our domestic policy in a way that creates fear in India, not to give base to the Chinese, or indeed anyone to create strategic infrastructure like deep-water ports and airports.”

An analysis of statements emanating from Maldives, leads to the conclusion that by India First policy, Maldives is referring to cooperation specifically in defence and security matters where it has concluded agreements primarily with India. However, countries which make huge economic investments in critical infrastructure in Maldives have the potential to influence, decisions on security matters too. In this context, concerns arise with regard to China.

**India as a Net Security Provider in the Indian Ocean**

Most of the world’s shipping transits through the Indian Ocean and this includes crude oil requirements of the world’s major economies including China, Japan, India and other Southeast Asian countries. Thus, dependence on seas and International Shipping Lanes (ISL) is increasing, and their safety has become central to global economy. Given the nature of maritime domain, concerns arise from an increase in non-traditional security threats including piracy and armed robbery at sea; arms/drug/human trafficking and smuggling at sea; and maritime terrorism. In such
a scenario, ensuring security of ISls has become important for all countries including India. Natural disasters and regional instabilities in littoral countries also impact maritime trade and result in countries carrying out HADR (Humanitarian Assistance and Disaster Relief) operations and NEO (Non-combatant Evacuation Operations).

Thus, when security is available, a favourable and positive maritime environment will emerge where threats are low; and even if they arise they can be prevented and contained. By helping shape a favourable and positive maritime environment, India becomes a ‘net maritime security provider’. The question which next arises is how can India maintain security and help shape such an environment? This among other measures is possible through cooperating with the littoral countries through maritime engagements, capacity building, capability enhancement and conducting maritime security operations. Apart from India's own maritime capabilities, implicit in all this is a coordinated approach either bilaterally, trilaterally or through other regional forums. The comprehensive maritime policy of Modi for Indian Ocean known by the acronym SAGAR (Security and Growth for All in the Region), incorporates all these elements.

Some of the regional cooperative approaches in the Indian Ocean Region include, operational interactions termed as ‘MILAN’, the Indian Ocean Naval Symposium (IONS) where the navies meet; and Indian Ocean Rim Association (IORA) where maritime security cooperation is a priority area.

This essay argues that cordial bilateral relations with maritime neighbours are critical to India fulfilling its role as an effective ‘net maritime security provider’. It is in this context that India's relation with Maldives is significant.

India-Maldives Strategic Relations

Three developments have deepened strategic content in India-Maldives relations. These are: first, the 1988 coup attempt in Maldives, which was foiled with Indian assistance under ‘Operation Cactus’ after a request came from Maldives; second, globalisation and its resultant dependence on maritime trade since the decade of the nineties and therefore the need for ensuring safe seas; and third, the November 2008, ‘26/11’ terror attack on Mumbai, India wherein the terrorists came through the sea.

It is also noticed that there is no consensus in Maldives regarding strategic cooperation with India. The depth of security and strategic cooperation has
varied with the change in leadership at the helm in Maldives. With democracy introduced in 2008, yet to find firm footing in the island country, India gets entangled in the polarised political debate. This strains India relations with certain sections of the Maldivian political class and impacts on the nature of strategic cooperation between the maritime neighbours.  

Since 1991, the Indian Coast Guard and the MNDF (Maldives National Defence Forces) have been conducting joint exercises named DOSTI. Sri Lanka joined the 11th edition of the exercise in 2012, making it a trilateral exercise. Since 2009, the Indian Army and the MNDF have been conducting bilateral exercises named Ekuverin. Also, a large number of defence and service personnel from Maldives are trained in various defence establishments in India every year.

During the tenure of President Nasheed, the first democratically elected President of Maldives, strategic cooperation intensified. His first visit to India after assuming office in December 2008 was merely a month after the ‘26/11’ terrorist attack on Mumbai. The Joint Statement of December 2008, spelt out, “The two sides expressed their commitment to enhance their defence and security relations based on shared maritime threats and other security concerns”.

In August 2009, Indian Defence Minister A K Antony visited Maldives. Both countries agreed to enhance cooperation in the area of coastal security and maritime surveillance. India agreed to set up 26 radars across the Maldives 26 Atolls which would be linked to the Indian coastal command to effectively monitor the vast uninhabited Maldivian islands against possible terrorist intrusion and activities of piracy in its EEZ. In 2010, India donated two utility helicopters to Maldives.

In October 2011, India, Sri Lanka and Maldives launched the Trilateral Cooperation in Maritime Security at the first NSA-level Trilateral Meeting on Maritime Security Cooperation in Maldives. Subsequent meeting were held in Sri Lanka and India. In November 2011, the then Indian Prime Minister Manmohan Singh made a bilateral visit to Maldives and concluded the Framework Agreement on Cooperation for Development. Article 5 of this agreements states:

“(India and Maldives) To cooperate on issues of concern to each other arising from their unique geographical location which include piracy, maritime security, terrorism,
organised crimes, drugs and human trafficking, the Parties shall strengthen their cooperation to enhance security in the Indian Ocean Region through coordinated patrolling and aerial surveillance, exchange of information, development of effective legal framework and other measures mutually agreed upon. They will intensify their cooperation in the area of training and capacity building of police and security forces.” 34

The coming to power of Prime Minister Modi in May 2014 was preceded by a phase of instability in Maldives domestic politics, which had an impact on the bilateral relations too. In 2012, Maldives cancelled the agreement entered with the Indian infrastructure company GMR for modernisation of the international airport. The much anticipated Modi visit to Maldives in March 2015 also did not take place. However, India soon realised that, given the shared strategic and security concerns of the two countries in the Indian Ocean Region, there can be no alternative to partnership. Dialogue has to be a permanent feature in the bilateral relations.

Thus, in October 2015, India’s External Affairs Minister Sushma Swaraj, visited Maldives and co-chaired the 5th Joint Commission Meeting where defence and security relationship were part of the discussion in the Joint Commission for the first time. The Joint statement spelt out that bilateral partnership was important for maintaining security in the Indian Ocean Region. Further it was decided that defence cooperation would include construction of Composite Training Centre for the Maldivian National Defence Forces, coordinated patrolling, training programs for MNDF officers in India, medical camps etc. 35

Earlier in August 2015, India finished setting up of the first phase of coastal radar system for Maldives which included setting up of three radars. This would enable, the MNDF to track ships and fishing boats and provide added security in the Maldives Exclusive Economic Zone. It would provide all-weather 24-hour sea coverage.36

In December 2015, India granted US$ 240,000 to Maldives to establish facilities to operate two helicopters donated by India in 2010. An Indian Navy ship arrived in Maldives in December 2015 and conducted EEZ surveillance for two days along with the Maldivian Coast Guard.

One of the agreements concluded during the April 2016 visit of Maldives President is the Action Plan for
defence cooperation. It envisages an institutional mechanism at the level of defence secretaries to further bilateral defence cooperation. Thus, the Modi government sought to stop the drift in the relations.

CMAG

In March 2015, the former Maldives President Nasheed was arrested and sentenced to jail for thirteen years on charges of terrorism.³⁷ Later allowed to travel to Britain on medical grounds, he has presently been granted refugee status.³⁸ At the Commonwealth Summit in Malta in November 2015, some countries observed that political opposition and free media were being suppressed in Maldives and there was no independent judiciary.³⁹ The CMAG, of which India too is a member, was subsequently formed. In the CMAG meetings held so far, Maldives has been discussed but the group decided “not to place Maldives on its agenda”.⁴⁰ The next CMAG meeting is scheduled for September 2016. A positive development has been that at the request of Maldives government, Willy Mutunga – the Chief Justice of Kenya – has been appointed as Commonwealth Secretary General’s Envoy to Maldives.⁴¹ He has to support a sustainable political dialogue process, leading to stronger climate of pluralism and inclusive elections in 2018 and strengthening of democratic institutions and culture in Maldives.

Conclusion

This essay argues that an effective strategy to address India’s concerns on maritime security in the Indian Ocean Region cannot be isolated from the overall cordial bilateral relations that India has with Maldives. This, despite every government in Maldives deepening its relations with China; a lack of clarity on what Maldives means by India First policy; and the uncertain democracy trajectory in Maldives.

India’s dilemma is whether to prioritise governance issues in Maldives over the Indian Ocean security issues with China deepening its footprints; and rise of radicalism in Maldives.⁴² Former President Nasheed plans to form a government in exile and expects India to support it, which he is unlikely to get. Maldives will again come up for discussion in CMAG in September 2016 and the island country needs India’s support. Nasheed, however, wants the CMAG to censure Maldives. For India, strategic cooperation with Maldives is important. However, for long term stability and security of Maldives, and to meet India’s own security concerns, democracy has to thrive.⁴³ India should engage in strengthening democracy.
through the CMAG; have official and unofficial channels of communication with all the stakeholders in Maldives including Nasheed; and put forward its maritime security concerns to them. Most important Prime Minister Modi should visit the island country soon.

4 August 2016

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Maritime Economics
37th SAARC Council of Ministers Meeting: Bangladesh Takes the Lead on Blue Economy

G Padmaja

The 37th Session of the SAARC Council of Ministers (COM) Meeting was held at Pokhra in Nepal on 17 March 2016. It carries great significance as this is the highest SAARC level meeting to take place before the 19th SAARC Summit is held in Pakistan on 9-10 November 2016. The members spoke on – regional trade and economic integration; traditional and non-traditional security challenges; terrorism; education and SAARC knowledge network; culture; climate change, natural disasters and disaster management; SAARC satellite; energy; connectivity; motor vehicles agreement; agriculture; poverty alleviation; tourism; science and technology and many other issues of concern to the region. But with regard to Blue Economy, Bangladesh took the lead. It circulated a concept note on Blue Economy and said that once it receives the views of member states, it will host an expert-level meeting in order to shape the Blue Economy discourse within the SAARC region.

The concept of Blue Economy was first spelt out in 2010. Later since 2012, it has been discussed in the United Nations and other forums. Most of the SAARC countries have discussed Blue Economy as part of their national economic agendas and in the international forums. But, at the regional level in the SAARC platform it is yet to gain the urgency and importance which it deserves though the 18th SAARC Summit Declaration makes a mention about it.

The paper tries to understand this duality. It observes that the limited success of SAARC; the pre-occupation with other SAARC issues; inherent trust deficit in the region; not all member countries having access to sea; the persistence of maritime disputes among some of the members – has prevented SAARC from actively discussing it to develop a regional approach. The paper argues that these obstacles are
surmountable. Since Blue Economy is already part of the national discourse of some of the members, these can be transposed onto the regional SAARC platform and all can benefit from the combined knowledge pool; secondly, since it is Bangladesh and not India which is taking the lead, the veil of suspicion generally associated with India will not be there; third, the landlocked SAARC countries should be convinced that the benefits of Blue Economy will percolate to them too; and lastly, it is seen that at the core of the concept of Blue Economy is ‘sustainable development’ which is inclusive, people centric and has been on the SAARC agenda since a long time. This now needs to be implanted on the template of Blue Economy.

In the above context the paper briefly looks at the concept of Blue Economy; the 37th Session of SAARC Council of Ministers; and mechanisms to make Blue Economy part of the SAARC Agenda.

Blue Economy: The Concept

The Prime Minister of Nepal K P Oli, inaugurating the 37th Session of SAARC Council of Ministers said that, the two ‘enemies’ of South Asia are poverty and backwardness.\(^6\) Blue economy addresses this very challenge of poverty alleviation through sustainable use of resources of the ocean, including humankind’s common heritage of the high seas. It rests on the belief that oceans and its resources can lead to growth; and in this context coastal regions of countries and island nations should get maximum benefit of their marine resources.

At the core of Blue Economy is that sustainable development and utilisation of the vast ocean resources should be such that there is realisation of greater revenue in a manner which contributes to eradicating poverty, leads to sustained economic growth, enhances social inclusion, improves human welfare, creates opportunities for employment and decent work for all while maintaining healthy functioning of the Oceans eco system.\(^7\)

The Abu Dhabi Declaration of January 2014 on Blue Economy - highlighted the contribution of Fisheries in providing food security and sustainable livelihoods; tourism as a source of decent employment and contribution to poverty alleviation; Ocean as a source of renewable energy from wind, wave, tidal, thermal and biomass sources; Ocean as a source of hydrocarbon and mineral resources and; Ocean as the primary medium of global trade through shipping and port facilities.\(^8\) Thus Blue Economy brings with it opportunities in the Shipping and Port Facilities; Fisheries; Tourism;
Aquaculture; Energy; Biotechnology; and submarine mining.

This paper argues that once the above benefits are tapped by coastal and island member countries of SAARC, the landlocked countries too would benefit from Blue Economy. They too would get access to better port and shipping facilities; the fish resources accessed would avail to them too contributing to their food security; and new sources of hydrocarbons would contribute to their energy security too. Thus, it would be a win-win situation for all the member countries.

**Blue Economy & 37th SAARC COM Meeting**

The 37th Session of SAARC COM Meeting was preceded by the 52nd session of the Programming Committee of SAARC at the level of Director General that took place from 14-15 March 2016; and the 42nd Standing Committee of SAARC held at the level of Foreign Secretaries that took place on 16 March 2016. All these meetings held at Pokhra in Nepal took stock of the working of SAARC with regard to decisions arrived at the 18th SAARC Summit and during other SAARC meetings. Therefore, it was termed as SAARC Inter-Summit Session, as the next important SAARC meeting would be in November 2016 when the 19th SAARC Summit would be held in Pakistan.

The 18th SAARC Summit Declaration, spelling out the regions view on Blue Economy stated, “They (the member countries) recognized the manifold contributions of ocean-based Blue Economy in the SAARC Region and the need for collaboration and partnership in this area.” However, since then no major follow up at the regional level has been reported, though individually member countries have discussed and debated it. In the meetings held in Pokhra in March 2016, presentations made by various officials spoke of climate change and oceans but did not mention Blue Economy in a prominent manner, with the exception of Bangladesh.

The Bangladesh Foreign Minister, Abul Hassan Mahmood Ali said,

“...The maritime resources hold huge potential for our development. There is much to benefit through collaborative exploration of the living and non-living marine resources in the Indian Ocean. The ocean resources based Blue Economy can play a critical role for poverty alleviation and sustainable development of the SAARC region. We should collaborate on development of capacities, partnerships and research in utilizing our marine resources.
Our common undertakings must secure protection, development and exploration of seas and oceans in a sustainable manner. I am glad that Bangladesh has circulated a concept note on ‘Blue Economy’. Once we receive the views of the Member States, we would like to host an expert-level meeting in order to shape the Blue Economy discourse within the SAARC region.”

Even at the 18th SAARC Summit, Prime Minister Sheikh Hasina had echoed similar thoughts and urged that the new Global Development Agenda requires the member countries to focus on the fourth frontier – The Indian Ocean.

India’s External Affairs Minister, Sushma Swaraj and India’s Foreign Secretary Jaishankar, in their respective presentations, brought out India’s contribution regarding connectivity with reference to rail and road building, power generation and transmission, waterway usage and shipping through regional, sub-regional, trilateral and bilateral arrangements; integration especially financial integration, the SAARC Annual Disaster Management Exercise (SADMEX), the SAARC Regional Supra-Reference Laboratory for TB and HIV, the Satellite for SAARC; the SAARC Knowledge Network; the SAARC Business travellers Card; need for collaboration on security and other issues. However, there was no specific mention of Blue Economy.

**National Debates on Blue Economy**

Interestingly, in the last two years discussion on Blue Economy has acquired a prominent place in debates in most SAARC member countries. Bangladesh has actively initiated debates following the resolution of its maritime boundary dispute with India in 2014 and Myanmar in 2012. It now has sovereign authority over 118,000 sq km area in the Bay of Bengal, and refers to it as its third neighbour. Bangladesh hosted a major conference in Dhaka in September 2014 and proposed a ‘Bay of Bengal Partnership for Blue Economy’ for the sustainable development of the sea-based resources.

India in the past year has spoken of Blue Economy more as part of its vision for the Indian Ocean commonly known by its acronym – SAGAR (Security and Growth for All in the Region). On 12 March 2015, Prime Minister Narendra Modi while speaking in Mauritius for the first time about SAGAR said that the littoral countries of the Indian Ocean need to promote greater collaboration in trade, tourism and investment; infrastructure development; marine
science and technology; sustainable fisheries; protection of marine environment; and overall development of ocean or blue economy. He stressed the importance of Indian Ocean Rim Association (IORA) in pursuing the goal of blue economy.  

Most recently, in his public address on 7 February 2016 on the occasion of the International Fleet Review at Visakhapatnam, Prime Minister Modi stated that Blue Economy would be one of the instruments for transforming India and stated that a special programme of skilling India’s youth in the coastal areas of the country will be implemented. 

Maldives and Sri Lanka, the two island member countries of SAARC have persistently highlighted the challenges of climate change, the importance of sustainable development and the role of Blue Economy in their development agendas in both national and international forums.

Conclusion

The paper has highlighted the manner in which Blue Economy addresses the SAARC regions twin challenge of poverty and backwardness. Since most of the member countries have made Blue Economy part of their national discourse, they need to now transpose it in a regional approach in SAARC. At one level Blue Economy is knowledge, skill and capital intensive. The regional approach would facilitate cutting costs since all the member countries need not duplicate efforts. The paper has also highlighted the manner in which Blue Economy can contribute to the economies of landlocked member nations. All the member countries therefore should constructively respond to Bangladesh’s concept paper on Blue Economy. These efforts should then be part of the discussions which will take place in the 19th SAARC Summit in November 2016 in Pakistan.

7 April 2016

NOTES

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Blue Economy and Secured Governance

P. Sekhar

Blue Economy Assets in India

India's Blue Economy consists of a number of water bodies such as lakes, rivers, canals, dams, brackish water bodies and an extensive ocean as a resource base. The Exclusive Economic Zone (EEZ) of the nine coastal states is extensive, giving India exclusive legal right to utilise all living and non-living resources.

The inland water ways and their resources have remained largely

![Blue Economy Assets of India](image)

India has an Exclusive Economic Zone (EEZ) of about 23.7 lakh Sq. kms.

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| http://iomenvis.nic.in/index2.aspx?slid=758&sublinkid=119&langid=1
| http://moes.gov.in/programmes/geoscientific-studies-indian-exclusive-economic-zone

Fig 1: Blue Economy Assets of India
underexploited, but are now being recognised as avenues for investments and employment creation, and are being developed for sustainable economic growth.

The sea-based economy sectors include tourism, transport, port related industries, fisheries, coastal/seabed mining, and renewable energy. Additionally, the Blue Economy approach emphasizes inter-connectedness with other sectors and supports important social considerations.

**Inland Water Resources in India**

India has a network of inland waterways in the form of rivers, canals, backwaters and creeks. The eight major rivers (Indus, Ganga, Brahmaputra, Narmada, Tapi, Godavari, Krishna, and Mahanadi) play a vital role in India’s economic growth. The total navigable length is 14,500 km, of which about 5,200 km is rivers and 4,000 km canals that are used by mechanised crafts.

**Secured Governance – Blue Economy Concept**

The Secured Governance (SG) approach to the Blue Economy is premised on the sustainable use, management and conservation of aquatic and marine ecosystems, and associated resources. It

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*Fig 2: Inland Water Resources of India*
builds on the principles of equity, low carbon footprint, resource efficiency, broad-based development and job creation. It is anchored on strong regional cooperation and integration and is an imperative for India's development. Through linkages with other sectors of the economy it forms an integrated ecosystem based on harvesting living and non-living resources, which benefits coastal states, islands and union territories (UTs).

Secured Governance also offers a strategy to develop infrastructure with negligible investment. The inland water bodies support activities such as shipping, fishing, tourism and exploration of marine biotechnology, renewable energy, oil and gas and deep-sea mining.

India has an economic development programme aimed at consolidating the international business and financial hubs by creating ideal conditions for working and spurring investment through the development of smart cities. It provides technology driven facilities to the business community and creates a vibrant city lifestyle.

The Government of India needs to introduce value and valuation scheme to provide an enabling framework and an extra Floor Space Index (FSI) package consisting of attractive fiscal and non-fiscal incentives to private investors for the development of smart cities across the islands.

Many sectors involve the science of sustainability and the mechanisms, required to successfully manage utilisation of the world’s seas and inland water-based areas. Blue resources whose universe is not yet defined properly, typically, cover oceans, rivers, lakes and other forms of water bodies and water-related activities. In precise terms, both freshwater and marine water coverage of a country and the natural resources and activities such as fishing, minerals, aquatic plants, oil, water tourism, marine biotechnology, deep sea mining of hydrocarbons and thorium, and the related activities on land are considered part of blue economy.

The concept of blue economy is relatively new and marks a new era in policy development. The constant evolution of the concept will lead to better understanding of the ocean-based resources and its proper utilisation within the paradigm of sustainable economic development.

Blue Economy offers an opportunity to boost the local economy and create jobs in knowledge intensive economic sectors. The creation of new services
can help address the challenges faced by coastal regions and unleash business opportunities and boost the local economy. Therefore, it is important to promote and enhance collaboration between the various sectors of the value-chain to develop strong and vibrant local economies.

19 August 2016
Sagarmala 2.0: Targeting Maritime Sector to Drive Economic Growth

G. Padmaja

On April 14, 2016, Prime Minister Narendra Modi released the National Perspective Plan of the Ministry of Shipping at the first Maritime India Summit held in Mumbai in which 42 countries participated. This Plan was titled, ‘Sagarmala’—a term which has now become synonymous with the maritime sector. It was first coined in 2003 by the then Prime Minister Atal Bihari Vajpayee, who through his program of Sagarmala brought maritime sector centre stage in the national discourse. But, not much was heard of Sagarmala after that.

In the above context, this essay revisits the Sagarmala program of 2003 to understand why it did not materialize as envisaged. It then briefly looks at Sagarmala program of 2016 as spelt out by the Modi government.

Revisiting Sagarmala 2003

The Vajpayee government understood the importance infrastructure and logistics play in a nation’s development. It laid the foundation stone in 1999 of the Golden Quadrilateral which is a road highway network connecting many of the industrial and agricultural centres of India and in 2003, the governments focus was on maritime infrastructure.

With globalisation and economies opening up, international trade has become the cornerstone of global economy. This trade takes place through the cheapest mode of transport which is the maritime medium. Thus, ports and shipping infrastructure have vital roles as parts of logistics chain and become a key link for growth and prosperity of a nation.

During the Independence Day address to the nation on 15 August 2003, Vajpayee announced ‘Sagarmala’. By this time India had already hosted the first International Fleet Review (IFR) off Mumbai in 2001. Sagarmala was
not just about capacity expansion and modernisation of ports in a globalised world, it was a holistic approach to tap into India’s strategic location in key international trade routes; and benefit from peninsular India’s maritime assets of a long coastline of 7,500 kms. It sought to develop coastal shipping; and connect ports and India’s rivers of 14,500 kms of navigable and potentially navigable rivers for inland water transport. This would boost the ship building and ship repair sector too. The proposed investments was estimated at Rs 1000 billion for 8-10 years under public private partnership. Of this 85 per cent was to be from the private sector.

The debates that ensued following the Sagarmala announcement in 2003 consisted of those who opined that finally the maritime sector was being given its due importance; that private investments would not come unless growth in traffic volumes of ships to ports was promised; that ports should be connected to the golden quadrangle of roads thereby improving hinterland connectivity. There were also many who opined that Sagarmala was nothing new except the new name and that it does nothing more than bring different development projects in the maritime sector under one umbrella.

With a new Congress led government coming to power after the 2004 general elections, the Sagarmala project did not continue. However, maritime infrastructure continued to be under focus of policy makers. The Congress-led UPA government formulated the National Maritime Development Programme (NMMDP) for the period 2005-12. By 2011, another programme - Maritime Agenda 2020 was announced.

**Sagarmala 2016: Focus on Port-led Development**

For India, 90 per cent of EXIM trade by volume and 72 per cent by value is through sea. In the financial year 2015-16, more than one billion tonnes of cargo was handled across over 200 ports. Despite the focus on the maritime sector by various governments India lags behind.

Container exports take 7 to 17 days from hinterland to vessel, compared to 6 days in China; EXIM containers in India travel 700 to 1000 km between production centres and ports compared to 150 to 300 kms in China; water transport accounts for only 6 percent of total freight movement in India in tonne km terms despite it being cost efficient and energy efficient; none of the Indian ports rank among the top 20; industrial
clusters and zones have not adequately taken into account proximity to ports and the port land has not been adequately utilised for setting up industries and manufacturing. Sagarmala of 2016 sought to address these deficiencies. It’s important to note that in February 2016, the second IFR was held off the coast of Visakhapatnam.

The vision of Sagarmala is to reduce logistics cost for EXIM and domestic trade with minimal infrastructure investment. This is sought to be done among others by lowering logistics cost of bulk commodities by locating future industrial capacities near coast; improving export competitiveness by developing port proximate manufacturing clusters; and reducing the cost of transporting domestic cargo through optimising modal mix.

It clearly comes from the above that the concept of ‘port-led development’ is central to the Sagarmala vision. This focuses on logistics intensive industries where transportation either represents a high proportion of costs or timely logistics is a critical success factor. These industries would thus be able to deliver only when ports function with modern infrastructure; and the ports have seamless multi-modal connectivity. The skilled manpower for these industries is sought to be provided by the population in adjoining areas leading to job creation for coastal communities. 150 projects in different coastal states have been identified under Sagarmala.

Conclusion

In 2004, following general elections in the country, there was a change in the government at the centre from BJP led NDA government to a Congress led UPA government, which somewhat stalled the Sagarmala program of 2003. However, successive Congress led governments too, focused on the maritime sector but titled it differently. Therefore, the paper argues that Sagarmala 2003 was never really aborted and its core concerns continued to be addressed. The paper suggests that national consensus while devising key policies is important, so that the investor is not given wrong signals that important polices have been abandoned mid way with a change in government. Unlike its predecessor, Sagarmala of 2016 is more comprehensive with focus on port-led development. While more investments are sought, the centre and the states have to now ensure that investments of Rs 859 billion committed at the Maritime India Summit are actually implemented and the promised jobs created. Significantly, the only two times IFR has been held till now has been under Vajpayee and Modi.

31 May 2016
India’s Emerging Quest to Develop Inland Waterways

Vasudha Chawla

India is the seventh-largest economy in the world as measured by nominal GDP and third-largest economy as measured by purchasing power parity (PPP). The industrial sector registered a growth of 5.9 per cent in 2014-15, and India aims to grow further in this sector. Revitalizing Project ‘Sagarmala’ in 2014 is a major step towards India’s infrastructural growth. It constitutes a series of sub-projects aimed to boost India’s port infrastructure development along the coastline.

The vision of Sagarmala is port-led development and reduced logistics cost for both domestic and international cargo with improved infrastructure.\(^1\) The mammoth project has 150 initiatives with a total outlay of US$5.9 billion, spread across four broad areas/pillars\(^2\) – port modernization, port connectivity, port-led industrialization, and coastal community development. The project will help India save US$600 million annually by 2025.\(^3\)

Developing inland waterways is one of the 150 initiatives under this project. The development of these waterways is crucial for the Indian economy. It brings enormous benefits to the country’s economy and can prove advantageous for the people. This issue brief aims to highlight the significance of inland waterways in the overall infrastructure development plans.

**Inland Waterways**

Inland Waterways Transport (IWT) is an economical, fuel-efficient and environment-friendly mode of transport. In the past, the IWT was extensively used by the Mughals and later by the East India Company, but post-independence the development of waterways was neglected. In 1986, Inland Waterways Authority of India (IWAI) was set up for the development and regulation of inland waterways, and was mandated to develop shipping and navigation. However, insignificant focus was given to IWT.
India has 14,500 km navigable rivers, of which 5,200 km (36 per cent) major rivers and 485 km (3 per cent) canals can be used by mechanised vessels. The logistics costs incurred by the waterways is minimal. For instance, the transportation cost is about 25 paise per km in comparison to Rs 1.50 per km and Rs. 2.50 per km by rail and road respectively. Despite this, they carry only 0.4 per cent of the total cargo. Waterways transportation, other than saving logistics costs, also benefits the nearby communities through development of the area.

During the last two years, there has been a spurt in the development of waterways through various changes in the government policies – Jal Marg Vikas project for development of National Waterway 1; US$12 million has been allocated for waterways in the Budget 2016; enactment of National Waterways Act 2016; no service tax; and the rewriting of the Indian Vessel Act 1970 to facilitate trade. The National Waterways Act, 2016, merges five existing National Waterways (NW) and 106 additional National Waterways.

Ganga waterway (NW1), Brahmaputra waterway (NW2), West Coast Canal in Kerala (NW3), Mandovi river in Goa (NW68), Zurari river in Goa (NW111) and Sundarbans waterway in West Bengal (NW97) are presently operational. Six more waterways are likely to be commissioned during financial year 2016-17.

**National Waterway 1**

NW1 began operations in 1986 after the formation of IWAI. It is the longest waterway (1,620 km), stretching from Allahabad in Uttar Pradesh to Haldia in West Bengal (see Fig.1). The river has two barrages at Farakka and Jangipur to
control water discharge, which enables maintenance of a navigable depth of two metres throughout the year. The Feeder Canal and navigation lock at Farakka connect rivers Hooghly and Ganga.

Further development of the NW1 has been covered under the Jal Marg Vikas project, which includes development of a fairway; construction of new multi-modal terminals at Varanasi, Haldia, and Sahibganj; modern river information system (RIS); digital global positioning system (DGPS); night navigation facilities and construction of a state-of-the-art navigational lock at Farakka.7

The Ministry of Shipping plans to start Roll-on Roll-off (Ro-Ro) service on this waterway for which a Memorandum of Understanding (MoU) has been signed between the IWAI and M/s Maruti Suzuki India Ltd., for transportation of cars between Kolkata and Varanasi.8 The first trial run was carried out in August 2016, wherein 200 newly assembled Maruti cars and 1,000 tonnes building material were transported from Varanasi to Kolkata.9 This exercise was undertaken during the monsoon season when the water level in the river is usually between 7 metres and 15 metres. However, once the monsoon recedes, water levels drop below two metres in certain areas, making navigation difficult for the vessels.

**National Waterway 2**

NW2 was declared open in 1988 and is an 891 km long stretch on the Brahmaputra river, connecting Dhubri on the Bangladesh border to Sadiya in Assam. This historical route connects the ports of Kolkata and Haldia through Bangladesh. Facilitated by an agreement

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Fig. 2 National Waterway 2 (Brahmaputra)12
with Bangladesh, Indian vessels ply on this route to transport goods to Kolkata using IWT transit facilities. The stretch from Guwahati terminal to Dhubri is the busiest segment of the waterway. In February 2016, IWAI initiated development of a ship repair facility (Slipway project) at Guwahati and a Roll on-Roll off Ferry service on NW2. The stretch also has night navigation facilities from Dhubri up to Dibrugarh.

At present, the waterway is being used by Government of Assam, Central Inland Water Corporation Limited (CIWTC), Indian Army, Border Security Force, tourism vessels, and other private operators. Tourist cruise vessels also operate between Sivsagar near Dibrugarh and Manas wild life sanctuary near Jogighopa. Since this waterway has been in operation for tourism purpose, it can be further developed for trade and community development.

*National Waterway 3*

The West Coast Canal from Kottapuram to Kollam in Kerala, was declared as National Waterway No.3 in 1993. Part of the famous Kerala Backwaters, it is a chain of salt water lagoons, lakes, rivers and man-made canal sections lying parallel to the Arabian Sea coast. The stretch, along with the Champakara and Udyogmandal canals have a navigable length of 205 km, linking industrial centers of Ambalamugal and Udyogmandal with the Kochi port (Fig.3).
NW3 was opened for cargo movement in 1994. Since then, it has been the most developed waterway in the country. Capital dredging is being practiced since 1998 and it is the first waterway to have a 24-hour navigation facility along the entire stretch. IWAI and Cochi Port Trust have created two new Roll on-Roll off (Ro-Ro) cum Lift on-Lift off (Lo-Lo) IWT terminals at Willingdon island and Bolgatty in Cochin port area to facilitate inland waterway connectivity. This entire stretch has been in use for both cargo and passengers, and is one of the most navigable waterways in India, which has immense potential for tourism as well.

**National Waterway 4**

NW4, declared in 2008, is a 1,095-km long stretch, comprising a network of irrigation cum navigation canals. It links Chennai, Puducherry and Ennore Ports in Tamil Nadu with the Kakinada and Machlipatnam Ports in Andhra Pradesh through the Buckingham Canal. This stretch is intersected by the Godavari River at Rajmundry and Krishna River at Vijayawada (Fig 4).

The developmental plan for NW4 includes widening of canals, dredging, excavation, bank protection, construction and repair of locks, navigational aids, and setting up of IWT terminals. The...
maximum potential of this waterway on the Krishna River, between Amaravati, the new capital of Andhra Pradesh, and the ports on the East coast. Container transportation is also possible using a multimodal hub along the riverfront near Amaravati.

The government has established a Vizag-Chennai Industrial Corridor (VCIC) along this stretch and three upcoming Coastal Economic Zones (CEZ) in the region would complement each other. These CEZs would have industries like petrochemicals, electronics, shipbuilding, iron and steel and textiles. In the past, major commodities transported through this waterway were coal, rice, food grains, cement, salt, sand, forest products, paddy, pulse, building materials and other bulk cargo. With the new industries, this waterway would be of great potential by reducing the logistics costs.

**National Waterway 5**

The NW5, declared in 2008, stretches along the Brahmani and Mahanadi delta system connecting the ports of Goenkhal in West Bengal with Paradip in Odisha, through the Hijli Tidal Canal and Odisha Tidal canal (Fig.5). To maintain a navigable depth of two metre, five barrages with navigation locks have been proposed to allow passage of two 500 tonne vessels simultaneously.

The adjoining areas are rich in resources like coal and iron ore and will also host upcoming leather and marine processing industries proposed in CEZs. Therefore, this waterway will be vital

![Fig.5 National Waterway 5 and CEZs](image-url)
for transporting coal, finished goods, manufactured products and agricultural products.

Harnessing Inland Waterways

Inland waterways have not been utilized to their full potential despite the fact that there are benefits over traditional road and rail transport network in terms of infrastructure overloading, congestion and noise and air pollution. To maintain higher profit margins, traders and freight-forwarders look for the ‘cheapest’, and not the ‘shortest’ routes for transportation. As transportation through waterways is the cheapest, it is attractive for bulk transportation.

Various initiatives are being pursued in different parts of the country, that seek to promote use of waterways for transporting passengers. For example, in December 2015, the Maharashtra Maritime Board (MMB), announced a project aimed at linking Ferry Wharf-Mandwa (10 nautical miles) and Ferry Wharf-Nerul (11 nautical miles) on Mumbai’s East coast. It invited private players for operating passenger ferries and Ro-Ro vessels.17 While development of waterways is important as a means of passenger transportation, it will also boost eco-tourism along rivers.

Inland waterways can be further developed through ‘dry ports’. These are inland intermodal terminals directly connected by road or rail to seaports and operate as a center for the transshipment of sea cargo to inland destinations. This network helps in reducing transportation costs of the cargo. There are around 170 functional dry ports and 180 more are either proposed or under-construction. Proposed dry ports would consist of Connected Inland Depots (ICDs) along with agri parks, cold storage chains, bulk handling facilities, collateral warehousing and liquid logistic facilities. These projects will also benefit local communities along rivers by generating employment, and developing infrastructure and connectivity.

Shortcomings and Recommendations

The development of Inland waterways has faced a series of challenges over the years. The Indian government accorded lower priority to inland waterways, as transportation through waterways is inherently time-consuming and inconvenient. This led to negligible investments in the sector. In order to develop river infrastructure, the Ministry of Shipping is seeking budgetary allocation to the tune of five per cent of the central road fund.18 Domestic and foreign companies can be involved through Foreign Direct Investments (FDIs) and by using the Public-Private
Partnership (PPP) models. There are various concerns being raised with regard to the National Waterways Act 2016 due to distribution of executive powers under the entries enumerated in Union, State and Concurrent List of the Indian Constitution. This is potentially a discord between Central and State governments, which can be resolved by setting up a Waterways Disputes Council similar to Inter-State Disputes Council. It would enhance synergy between the Central and the State governments.

Siltation caused by the Himalayan rivers is another challenge as it impedes free movement of ships, especially in deltaic areas and estuaries. Due to this, rivers require regular dredging, which adds to overall costs on free movement of shipping. There are various scientific methods for silt disposal, which reduce the need for repeated dredging. Disposal techniques such as using de-watering bags, permeable membranes, bunding and utilization of flat land are some techniques adopted by foreign countries. Such techniques help in reducing costs and mitigating the need for repeated dredging. The Indian Government has also issued new guidelines for dredging to further reduce costs. Ports can now opt for long-term contracts of up to five years, where frequent dredging is required. In locations where minor dredging effort is required, day-hire charges of dredgers may be adopted. Price adjustment is allowed without altering contracts to cater for frequent variation in petrol prices. MoUs between IWAI, Dredging Corporation, and ports have also been operationalized in some locations.

Another major challenge pertains to the water level of rivers. The rivers require a minimum depth of at least three metre, but most Indian rivers are about two-metre-deep; making carriage of heavy loads difficult due to risks of damage to vessels passing through shallow stretches despite having water locks. Rivers require effective lock mechanisms such as, single locks for simple navigation, broad locks for wider ships, double locks for two boats at a time, and staircase locks and flights for steep gradients.

Different rivers have different navigable depths; hence, they need specialized vessels capable of navigating in the peculiar environment. This requires design and construction of suitable ships that can operate in rivers based on their depth and width. A robust shipbuilding industry is necessary to provide such ships and vessels.

Inland waterways are used for passenger transportation and are quite common in small towns along the coast;
but these have not been developed along major rivers. Many parts of the waterways have been utilized for tourism, like NW1 in Kolkata, NW68 and NW111 in Goa, and NW3 in Kerala. Inland waterways can also be used for the daily requirement of passengers to travel across small towns. A majority of the Indian population prefer economical modes of transportation and inland waterways has the national potential to be one.

Development of inland waterways has gained prominence with infra-
structure development strategy. It is a practical, economical, efficient and eco-friendly mode of transportation. Various studies and projected economic benefits portray a positive picture of the infrastructural development. As the projects involved in the development process are of complementary nature, proper coordination, management and control at all levels is necessary to make it a success.

15 November 2016

NOTES


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5 Editorial Team, “Plan to start Ro-Ro services for transportation in the Ganga”, Maritime One, Oct-Dec 2016, p. 25.


7 Domain-b. “Commercial navigation on National Waterway-1 to commence on Friday.” Domain-b, August 11, 2016, Infrastructure and Transportation, Economy section.
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Andhra Pradesh Port Policy 2015: Centre’s Vision and State’s Need

G. Padmaja

At the Maritime India Summit held in Mumbai on 14 April 2016, the Indian Prime Minister Narendra Modi released the Sagarmala National Perspective Plan; spelt out his government’s vision and rationale for ‘port-led development model’ which is central to the Sagarmala vision; and stated, “...This will be done in collaboration with the coastal states.” Sagarmala is the national program aimed at accelerating economic development in the country by harnessing the potential of India’s coastline and river networks. The press release of the Ministry of Shipping of 14 April 2016 states, “....The Sagarmala program has taken shape using the government’s core philosophy of cooperative federalism”.2

Thus, the port policies of the coastal states of India will play an important role in the success of the Sagarmala Project. Interestingly, the AP (Andhra Pradesh) Port Policy 2015 of the state Government states, “The coastline is the strength of Andhra Pradesh and 9 out of 13 districts of the state are coastal districts. The state has adopted a port led development strategy aligned with the development principles of the Sagarmala Project”.3

In the above context, this issue brief spells out the salient features of the AP Port Policy and the manner in which it incorporates the vision of Sagarmala. It then briefly discusses the agreements concluded by Andhra Pradesh at the Maritime India Summit 2016.

The AP Port Policy is guided by the state’s needs and the centre’s vision of Sagarmala. Thus, it incorporates both the manufactured led development and the port-led development path for economic growth, which are not exclusive to each other, and benefit both in terms of modernisation of ports and port connectivity. The port policy brings out that the state’s and the centre’s development narrative converge with
regard to leveraging maritime assets for economic growth, which till now, have been underutilised in the country.

**AP Port Policy 2015**

Among the coastal states of India, Andhra Pradesh has the second longest coastline of 974 km. It is strategically located on the east coast of India facing the Bay of Bengal; and beyond it, the maritime rimland of the Asia Pacific, to which the world’s economic and political power is shifting to.

The state has one major port - Visakhapatnam, and has so far declared 14 other locations as non major ports. The Government of India plans to establish a major port at Dugarajapatnam. The port policy however, shall only apply to all the existing and future ports in the state defined as non major ports. The development of these ports is sought to be done through primarily private investment. As per the port policy, all the existing and future ports in the state have been divided in four categories. They are:

- **Ports earmarked for future development.** The development of these ports will be done keeping in view the traffic potential and sustainability of the existing ports;
- **Ports under PPP concessions awarded to private investors.** These are Gangavaram Port, Kakinada Deep Water Port, Krishnapatnam Port and Machilipatnam Port;
- **Ports under concessions awarded to private investors for development as captive ports, eg ports of Kakinada SEZ, Rawa, Meghavaram, and Nakkapalli;**
- **Ports under state, as the owner-operator.** Currently this comprises the Kakinada Anchorage Port.

Development of ports is capital intensive, sometimes with long gestation period. Private investors will not invest unless growth in traffic volumes of ships to ports is ensured. The AP Port Policy asserts that the states ports have the potential to attract large volumes of traffic.

**Opportunities**

First, the state of AP has taken many initiatives to boost manufacturing sector, in which it lags behind. The development of these industries is expected to create large demand for shipping and logistics relating to raw materials and manufactured goods. AP has also proposed creation of special economic zones for specific commodities, such as the Petroleum and Petro Chemical Investment Region, which will need specific port infrastructure to meet its needs.
Second, providing impetus to the state is the Vizag-Chennai Industrial Corridor (VCIC). This proposed corridor is part of the East Coast Economic Corridor, the nation’s first coastal corridor, aligned to the Golden Quadrilateral, the national roads network. Almost eleven districts of AP covering 80 per cent of state’s area fall in the influence zone of VCIC. They are expected to become home to industrial nodes giving thrust to domestic and export manufacturing. This is expected to create demand for both in-bound and out-bound logistics though port networks.

Third, the ports of AP also seek to attract customers from the states of northern and central India. These states are also likely to see a boost of industrial activity following development of industrial corridors. The prospects for APs ports arise because many ports normally accessed on the west coast are facing congestion.

Fourth, the state also has the advantage of connectivity backbone along the coastline in the form of the south-eastern leg of the golden quadrilateral road network (NH 5) and the Calcutta Chennai railway route, which is already operated as an electrified double link trunk route.

Fifth, the AP port policy spells out, “the states coastline is naturally suited for tighter integration with East Asia and South East Asian economies in terms of participating in global manufacturing chains.” It adds, “the state government seeks to leverage its locational advantage and pursue a port-led economic development strategy that could also result in the state emerging as the node integrating India into the global manufacturing chain.”

Sixth, port led development is central to the Sagarmala vision. Its focus is logistics-intensive industries, where transportation either represents a high proportion of costs or timely logistics is a critical success factor. Its four components are: port modernisation (ports having efficient and modern infrastructure); port connectivity, which taps into coastal and inland waterways projects also; port led industrialisation; and coastal community development, in which population in the coastal regions will be employed in the industries, which come up after requisite skills are imparted to them. As regards port-led industrialisation, it is sought to be delivered through the coastal economic zones (CEZs), which will be the focal point for development along India’s coastline. Fourteen CEZs have been identified, and of these two are in
Andhra Pradesh. They are:

- The VCIC Central Andhra Pradesh Coastal Economic Zone. It covers the district of Chittoor and Nellore. The port which will cater to these areas is Krishnapatnam Port. The possible industries suggested are ‘Electronics’- related. The likely benefits in terms of sample projects are up-gradation of road connecting Krishnapatnam port to Nellore city, and road to Krishnapatnam Port from Naidupeta.

- The VCIC North Andhra Pradesh Coastal Economic Zone. The potential districts likely to benefit are Guntur, Krishna, West Godavari, East Godavari, Visakhapatnam, Vizianagaram and Srikakulam. The Ports being targeted are Vizag and Kakinda. The possible industries are petrochemicals, cement apparel, food processing. The sample projects are Machilipatnam/Vodarevu Port, Oil jetty at Vizag, road from Machilipatnam to NH-SH-46. As observed, these CEZs are planned to align with industrial corridors.6

The above manufacturing activity and port-led industrialisation proposals will ensure that traffic volumes of ships to AP ports grow. The industrial activity will also give a boost to coastal shipping and waterway transport, and the port policy proposes to focus on these too. It proposes to incorporate supply chain perspective in planning; promote integrated development of ports along with industries and inland infrastructure connectivity; and create a multimodal line and evacuation strategy that precedes port development. To look into all dimensions of functioning of the non major ports and to ensure transparency, a maritime board will be formed.

**Challenges**

To implement its vision, the state needs to plan for optimal use of its port land; upgrade its ports to attract traffic from hinterland too; make necessary logistics and linkages to make it the choice for evacuation of cargo; and ensure deep draft ports to cater to larger ships which are in demand as they cut transportation costs by 30 per cent to 40 per cent.

A dynamic political leadership and official machinery which understands the potential of the maritime assets to transform the economic landscape of the state is of utmost importance. They should constantly interact with the other states, the centre, maritime stakeholders; and investors to tap opportunities, address grievances and receive suggestions.
The state's new discourse of economic development based on its ports and rivers needs to be internalised by the academia too. The educational institutions need to make suitable changes in their syllabus, imparting new skills to ensure that the employment opportunities which will be generated will remain within the state.

Most important, the coastal communities have to be taken into confidence before projects are implemented.

**Maritime India Summit**

Two important agreements were concluded by the Andhra Pradesh government at the Maritime India Summit held in Mumbai in April 2016. Over 42 countries, 5000 delegates and numerous maritime stakeholders had participated in this summit.

One is a MOU (memorandum of understanding) between the Dredging Corporation of India (DCI) and the Government of AP for setting up a Dredging and Dredge Repair complex at Antarvedi in East Godavari district. Once constructed, the dredging harbour will be the first of its kind in the country and the third in the world. The Rs 180 billion dredging harbour-cum-training centre is also expected to take care of the maintenance of the dredgers that are into the job of de-silting the ports for maintenance of depths for ships. This harbour can also become a centre to facilitate dredgers from entire South Asia. The setting of this harbour is expected to improve connectivity between East and West Godavari in the form of rail cum road bridge. The state government would provide 200 acres for the proposed harbour.

The second agreement relates to the development of inland waterway transport. The state government signed an MOU with the Inland Waterways Authority of India for the development of National Waterway 4 with an outlay of Rs 300 billion. It will play a big role in reviving the economic activity along the waterway by facilitating transportation of cargo and developing tourism sector. With about 888 km of the 1,095-km waterway in Andhra Pradesh, its development is seen to play a major role in the transport of cargo from East and West Godavari, Krishna, Guntur, Prakasam and Nellore districts. The waterway is seen as having the potential to transport 11 million tonnes of cargo every year, and be especially useful to the agriculture sector in moving produce. The state expects inland waterway transport to become growth engine of AP.
Conclusion

The AP Port policy brings out the numerous inputs the state has considered in formulating the policy. These are not just the state’s needs but the capacity to anticipate the development trends in the hinterland and the opportunities it offers; the ability to see merit in centre’s Sagarmala vision; and opportunities in foreign policy initiatives like Act East Policy. The state has to now focus on implementing them. It’s important to note that, earlier on 23 March 2016, the container vessel MV Harbour 1 left Chittagong Port in Bangladesh and reached Krishnapatnam Port in Andhra Pradesh on India’s east coast on 28 March 2016 and thereby commenced coastal shipping between the two countries.

Andhra Pradesh is standing on the threshold of historic change. An analysis of the AP port policy brings out that the coastal state is keen to leverage its unutilised maritime assets of ports and rivers and develop coastal shipping and inland waterways transport. These will play a major role in the success of its manufactured led and port-led path for economic development. Once these projects are implemented, the state’s economic and social landscape is bound to change.

27 June 2016

Notes

1 For details of the entire speech of Prime Minister Modi, refer, PMINDIA, PM’s Inaugural Address at the Maritime India Summit, 2016, 14 April 2016 http://www.pmindia.gov.in/en/news_updates/pms-inaugural-address-at-the-maritime-india-summit-2016/ (last accessed 14 June 2016)


3 For the complete port policy of the government of Andhra Pradesh, refer, AP Port Policy 2015, Government of Andhra Pradesh, http://ports.ap.gov.in/port_info_content/Port-Policy.pdf (last accessed 14 June 2016) p.23


Natural Gas Discoveries in the Levant Basin: India’s Prospects

Hriday Sarma

Recent Large Discoveries

In January 2016, an Israeli gas exploration group, led by the Isramco Negev and Modiin Energy companies, discovered two large gas reservoirs off Israel’s Mediterranean shore, Daniel East and Daniel West fields. A preliminary evaluation report prepared by Texas-based consultants – Netherland Sewell & Associates – estimates they hold 8.9 trillion cubic feet of natural gas. The recent discoveries are big as the Tamar field, which was discovered in 2010 and is now functioning at a full production capacity. However, they are still one third the size of the grand Leviathan field, which is estimated to hold nearly 22.9 trillion cubic feet but is still waiting development.

Map 1 - Location of Daniel Offshore Gas Fields (Israel) (Source: Interfax Energy)
In addition, in the recent years, many natural gas discoveries have been made in the Levant basin, which is located in the eastern Mediterranean Sea. For example, Zohr Prospect off Egypt that is the largest discovery there so far, Aphrodite gas field off Cyprus, Gaza Marine off Gaza Strip, and so on.

These new offshore discoveries have intensified competition and cooperation among states in the region and oil companies from around the world. This has already begun to reorient strategic alliances in the adjoining land regions, like strengthening of Israel-Cyprus partnership. So far, Italy’s ENI, US’s Noble Energy, France’s Total S.A., South Korea’s Kogas and UK’s British Gas have taken the lead in gas exploration and production (E&P) in the region. However, new technical and political challenges are making the way for entry of new international oil players.

Prospects for India

The succeeding paragraphs explore the important facets of opportunities, challenges, and imperatives for India to participate in the newfound offshore discoveries in the Levant basin.
First, limited availability of domestic fossil fuels: Since independence, India has been regularly facing energy shortages. At present, this problem is further deteriorating. Therefore, it is trying to address the problem by importing energy resources from different overseas destinations and securing ownership stakes of foreign energy assets. The early stage of E&P of Levant gas offers opportunities for India to participate in various offshore development activities.

Second, growing national demand for natural gas: In recent years, India's demand for natural gas has increased significantly. It has been addressing this situation by increasing imports of liquefied petroleum gas (LPG). Presently, it is attempting to diversify its excessive dependence of LPG imports from the Persian Gulf states by striking contracts with leading gas producing states, like the US, Australia, and others. The Levant basin gas will provide alternate import options for India, which it needs to take into consideration.

Third, Indian government policies necessitating high energy consumption: The policies of the present Indian government practically require high energy consumption. A good example is the ‘Make in India’ campaign of the government, which invites foreign companies to set their manufacturing base in India. These policies will yield expected results only if the national energy demand and security is met in assured terms. This further increases the scope of use of natural gas in the country.

Fourth, international pressure on climate change issues: Following the UNFCC COP 21 Paris summit (December 2015), which produced the Paris Agreement, India faces international pressure for taking climate change mitigation measures. So, it needs to decrease the use of oil and coal as both these fuels release excessive carbon dioxide (CO2) on burning, while simultaneously promote the greater use of natural gas due to its clean properties. Therefore, India needs to use natural gas as a “bridge fuel” for transitioning to a low-carbon economy.

Fifth, balancing relationships with states in the region: The adjoining land regions of the Levant basin have been witnessing violent conflicts, ranging from inter-state to intra-state conflicts, which are either unceasing or intermittent. Say for instance, Syria and Israel have been in a continuous state of war, Muslim Brotherhood refusing to accept General Al-Sisiled government in Egypt, and so on. The newfound gas discoveries will intensify the existing conflicts, which may lead to their spill-over into the sea. Under such circumstances, India will face challenges of balancing its
relationships with different actors in the region while participating in any Levant gas business.

**Last but not least, commercial prospects in the international energy market:** Presently, as Indian oil companies are expanding globally, they need to attempt to participate in the new offshore gas projects in the Levant basin wherever they sense a ‘business case’ with assured returns on investments. If any Indian company is able to become a member of an offshore development consortium, then it may simply sell its quota of gas in the international market through equity holdings. It need not bring back the gas to India, if its profits are affected.

**Conclusion**

The recent offshore gas discoveries in the Levant basin have led to an influx of oil companies from around the world. Currently, more oil companies are coming in with the expectation of making profits on their investments when international oil and gas prices rebound in the near-future. Despite the various conflicts occurring in the adjoining areas, the development of these undersea reserves has not been affected as yet.

The challenges for India to secure stakeholder participation in Levant basin come along with opportunities for addressing national energy security, securing environmental sustainability and reaping commercial benefits. Therefore, India needs to prudently enter this ‘gas-rich’ region.

30 March, 2016
Geopolitics and Maritime Law
**Modi’s visit to East Africa: Transforming Historical Relationships into Modern Partnerships**

**G. Padmaja**

The Indian Prime Minister Modi visited Mozambique, South Africa, Tanzania and Kenya - all situated on the east coast of Africa- in July this year. These maritime neighbours are connected by the Indian Ocean which has facilitated movement of people, trade, culture and ideas for centuries between India’s west coast and Africa’s east coast. India, now, seeks to transform these historical relationships into modern partnerships.¹

During the visit, among many issues, Prime Minister Modi spelt out a maritime agenda for cooperation and focussed on security concerns as well as the economic potential of the oceans. In Kenya, he said, “Over a millennia, the East Coast of Africa has had strong maritime links with India. Today the same east coast is facing a complex set of strategic and security challenges. The entire domain of maritime and coastal security is therefore mature for deeper engagement between our two countries.”² In Tanzania, Modi said, “Being neighbours across Indian Ocean, President and I agreed to deepen our overall defence and security partnership, especially in the maritime domain.”³ In South Africa, he said, “The waters of the Indian Ocean are our common sea frontiers. And, the Indian Ocean Rim Association (IORA) has emerged as a key platform of engagement for the maritime neighbours connected by the Indian Ocean. I welcome South Africa’s chairmanship of the organization for 2017-19”.⁴ In Mozambique, the Indian Prime Minister said, “It (the Indian Ocean) is an ocean of many economic opportunities. But, we are also aware of the emerging strategic and security challenges in the maritime domain. To advance our shared security interests, President and I have today agreed to strengthen our defence and security relationship.”⁵
Modi's visit was a continuum of India's broader engagement with Africa, which saw a decisive forward movement with the third India Africa Forum Summit (IAFS) held in India from 26-29 October 2015. Representatives of all 54 African countries participated in the Summit. Among them were 41 Heads of State or Government. India's commitment to engage with Africa can be gauged from the fact that India's Vice President visited Morocco and Tunisia from 30 May to 5 June 2016; and India's President was in Ghana, Ivory Coast and Namibia from 12-18 June 2016. Interestingly, all these African countries visited by India's apex leadership are coastal states. They are washed by the waters of the Indian Ocean like in the countries visited by Modi; or the Atlantic Ocean like in the countries visited by the Indian President; or the Mediterranean Sea like in the countries visited by the Vice President.

This thrust to engage African states, comes at a time when the dominant narrative is also changing from that of a ‘dark continent’ to a ‘rising’ Africa. Africa is looking for partners and not donors and discussions about Africa now focus on economic policies, business models and investment opportunities and the stress is on how business opportunities will make a positive impact on societies in Africa. Significantly, on many occasions, it is the African youth who have been the torchbearers of this change.

In the above context, this issue brief spells out the importance of Modi's four nation tour to the east coast of Africa; the historical ties India shares with them; and the key constituents of the modern partnership being sought to be built between India and Africa.

**Importance of the Visit**

First, this Prime Ministerial visit was taking place in a long time; Mozambique after 34 years; Kenya after 35 years; and South Africa after 10 years. Tanzania was the only exception and former Prime Minister Manmohan Singh had visited in 2011.

Second, these countries are India's extended maritime neighbours. Their ports provide access to many of the landlocked countries of Africa which have trade relations with India. So, cordial relations with these countries will help Indian businesses to get easy access to these countries as well as other landlocked neighbours.

Third, these countries have a sizeable Indian Diaspora. Kenya has 80,000; Tanzania 50,000; Mozambique 20,000; and South Africa more than a
millions. They are contributing to the development of these countries, and many of them hold key government positions; are successful entrepreneurs; and influential leaders. They are capable of positively influencing the policy formulated by the host government towards India. Fourth, the visit enabled to consolidate gains of the third India Africa Forum Summit (IAFS) held in October 2016 in New Delhi.

Fifth, these visits facilitated discussion on defence cooperation including maritime cooperation.

Sixth, these countries are members of IORA (Indian Ocean Rim Association) of which, India is also a member. The IORA provides a platform for discussions on issues relating to the maritime domain.

Lastly, it is essential that a peaceful environment prevails in the Indian Ocean as some of the world’s most important and busiest International Shipping Lanes (ISL) carrying merchandise and critical energy resources pass through this ocean. While the Indian Ocean has no major territorial disputes, there exist non-traditional security threats. These, need to be addressed collectively by all littoral states. Thus, energy security, food security, merchandise security and overall trade security is closely connected to maritime security. In the absence of formal security architecture in the Indian Ocean Region (IOR), visits such as these and the partnerships which emerge from these visits promote consensus building through a dialogue centric approach. All these positive bilateral and multilateral relations enable India to be an effective ‘net security provider’ in the IOR.

The visit confirmed India’s commitment to a dialogue-based inclusive approach in the maritime domain wherein all parties refrain from threat or use of force; and all countries adhere to promotion of seamless connectivity, guaranteeing right of maritime passage and unimpeded commerce in accordance with international law. Further, that India believes in a consultative process to help defuse rivalries, rather than unilateral announcements, which could add to regional tensions.

**Historical Ties**

Historical connections bring out the cultural and civilization bonding between different countries and their peoples. These provide that critical template on which the narrative of cooperation can continue and help respond to new challenges. During the visit, Prime Minister Modi repeatedly referred to the historical connections between India
and Africa that were facilitated by the maritime medium – the Indian Ocean.

Modi stressed how in the nineteenth and twentieth centuries, Indians were brought to build railways in Kenya. In this context, he spoke of the iconic Mombasa Uganda Railway built during the colonial rule. Many of these Indians stayed back and, participated in economic development of Kenya, joined their freedom struggle and became citizens of that country. It is interesting to note that the rich Swahili language includes many Hindi words.10

In Tanzania, the PM said, “We are old maritime neighbours. Together, our leaders and our people have fought colonialism and racial oppression. Our merchants have traded since early nineteenth century. And, the vast stretch of Indian Ocean has kept our societies and people connected”11. He further explained how the world was closely connected in the eighteenth century itself; for the Mandvi Port in Gujarat and the port in Zanzibar were inter-dependent. He also referred to the literary works wherein merchants of Mandvi Port are shown eagerly awaiting the arrival of Swahili boats.12

In South Africa, Prime Minister Modi recalled that it was in 1860 that the first Indians landed in the country. On 16 November 1860, the ship TRURO touched the shores of port Natal with 342 Indians. He noted that Durban is home to the largest number of people of Indian origin in South Africa; and referring to Mahatma Gandhi he said that it was in South Africa that Mohandas became Mahatma. 13

As regards Mozambique, Modi referred to the Siddi community that resides in parts of India, and is known to trace its ancestry to that country. He said that these communities are a living testimony to age old links that have connected the people, their ideas, traditions, culture and commerce.14

It were on these historical relationships that Modi sought to build modern partnerships of security and development.

The Modern Partnership

The process of building modern partnerships in Africa took a decisive leap forward with the IAFS -3 held in India and the summit adopted the Strategic Partnership Agreement. Among other issues, the IAFS called for technology partnership; high priority to increase trade and investment flows; intensify cooperation against terrorism and rally the word to build a common cause against it; and develop closer defence and security cooperation especially in

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capability development, which would be the key pillar of India-Africa partnership. The deliberations of the summit also brought out the gaps that existed between intention and implementation of various projects involving India. To address this, the members decided to set up a monitoring mechanism.\textsuperscript{15}

One of the important issues highlighted during the IAFS 3 was cooperation in Blue or the Ocean Economy. The Framework for Strategic Cooperation spelt out that India and Africa would place special emphasis on exploring closer collaboration through training, capacity building and joint projects in developing sustainable fisheries, maritime connectivity, managing marine resources, exploring non-marine resources, promoting eco-tourism, developing renewable energy, and disaster risk reduction through modern early warning tools, pollution control and other coastal and ocean studies; and pursue cooperation in port operations and marine transport, address illegal and unregulated fishing and hydrography. All this was important as livelihoods of large sections of people in India and Africa are dependent on the oceans. This includes the salience of global and regional trade, and harnessing of marine resources, which contribute towards economic prosperity of the peoples of the region. \textsuperscript{16} Further to develop Blue Economy there is need to develop infrastructure in coastal areas and island territories; build new networks of economic activity in the coastal areas and in the linked hinterlands; and develop eco-friendly marine industries and technologies.

Apart from bilateral efforts, India sees multilateral fora IORA to have the potential to address issues of security and economy in the maritime domain. This was brought out in its discussions with South Africa, which takes over as the chair of IORA in 2017 for two years. South Africa would commemorate the 20\textsuperscript{th} anniversary of the formation of this grouping, wherein the deliberations would focus on the need to fully harness the economic opportunities offered by the maritime domain, including Blue Economy as well as the maritime security aspects.

During the visit, discussions on defence cooperation were held, and agreements concluded with some countries. The MoU on Defence Cooperation signed with Kenya proposes to strengthen the institutional cooperation between their defence establishments. This would include greater staff exchanges; sharing of expertise and experiences; training and institution building, cooperation in
hydrography, and supply of equipment. India shared its views on terrorism and the rapid spread of radical ideologies which pose common challenges to all regions of the world. India and Africa agreed to deepen the security partnership including in the fields of cyber security, combating smuggling of drugs and narcotics, and human trafficking. 17

Conclusion

Prime Minister Modi’s visit to the four countries of east Africa has conveyed India’s commitment to engage with Africa economically, politically and strategically. Modi sought to strengthen the relations by transforming the historical connections into modern partnerships by focusing on Blue Economy and the opportunities that it offers; and addressing collectively the challenges of maritime security. A closer look brings out that they are two sides of the same coin. For, it is the assurance of maritime security, which will enable economic activity in the maritime domain to flourish.

The key elements of the modern partnership with these four countries are same as those in SAGAR (Security and Growth for All in the Region), which is India’s maritime policy towards the Indian Ocean littorals. The goodwill created by such high level visits to Indian Ocean littoral countries, also helps India to be an effective ‘net security provider’ in the Indian Ocean Region. Further, Blue Economy calls for development of coastal areas and island territories by building networks of economic activity, which link them to the hinterland; upgrading existing ports and building new ones to facilitate trade; focus on ship-building and associated activities. These are part of India’s ‘Sagarmala’ Project, which seeks to tap the economic potential of India’s long coastline and inland waterways. However, the fruits of these policies will depend on not only the investments made, but also the implementation of these projects.

While, more reciprocal visits between India and Africa are likely to follow and strengthen the process of engagement, India needs to implement the agreements at three levels- political, strategic and economic. Only then, will real and meaningful transformation of the relations take place, more so at a time when Africa itself is moving ahead and is attracting major players like the USA, China and Europe.

02 September 2016
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Revival of China’s Colombo Port City Project: Implications for India – 1

Prakash Gopal

Two high profile visits originated out of Sri Lanka in the first week of April: that of the Sri Lankan Chief of Defence Staff (CDS), Air Chief Marshal Kolitha Gunatilleke to India between 03 – 08 April and the Sri Lankan Prime Minister Ranil Wickremesinghe to China between 06-09 April. Arguably, the latter had a greater impact on the diplomatic and maritime ties between India and Sri Lanka. While the agenda of the CDS’ visit to India included discussions with the Defence Minister, Service Chiefs and the Flag Officer Commanding-in-Chief, Western Naval Command, the Sri Lankan PM’s visit to China was singularly focused on reviving the Colombo Port City Project (CPC), which had been put on hold by the newly elected Wickremesinghe government in March 2015. The revival of this project has also resuscitated India’s apprehensions on China’s strategic intent in the Indian Ocean Region (IOR) and the increasing inclination of regional countries to gravitate towards Beijing despite nagging questions of intent and outcome.

Approved by the administration of the former President Mahinda Rajapaksa, the CPC is a USD 1.4 billion project, spread over 575 acres, to be executed as a joint venture between the Sri Lankan government and a Chinese state-owned company. The project involved reclaiming land the size of Monaco and its development into a port city astride one of the busiest International Shipping Lanes (ISL) in the region. Since its inception, the project has raised a number of concerns on the issues of strategic interest, sovereignty, environment and alleged corruption. With the original deal stipulating that China would acquire 20 acres of land outright on a freehold basis, serious questions were raised on the perceived violation of sovereignty, especially when the Civil Aviation authority in
Sri Lanka warned that China would have exclusive control of the airspace over those 20 acres of land. Opposition to the project in its entirety formed the basis of Mathripala Sirisena’s 2015 election campaign, which eventually led to trouncing of Rajapaksa and the appointment of Sirisena as President. Realising probably the legal intricacies involved in outright scrapping of the project, as promised in the election manifesto, the new government instead chose to put the project on hold, much to the chagrin of China. Slightly over an year later, the commitments made in the run up to the elections have been set aside and the project has received the green signal, with minor alterations to the original contract.

In his statement to the press, PM Wickremesinghe chose to dispel India’s apprehensions and said “There is no question of security problem. The Indian security issues have been addressed by us. There will be further discussions with India on this.” He further discounted the possibility of maritime jostling in the Indian Ocean between India and China, stating that China’s naval presence in the region was mandated by ongoing anti-piracy operations.

Notwithstanding the assurances of the Sri Lankan PM, the recommencement of the CPC would indeed be a setback for Indian diplomatic efforts to counter China’s overtures in the region. While the development of Colombo as a Port-driven megapolis is strategically prudent for the Sri Lankan economy, the large Chinese stake in the project coupled with the prospect of it being operated by a Chinese entity, ostensibly under a Sri Lankan regulator, promises to be a major irritant in India-Sri Lanka relations, besides significantly altering the strategic maritime contours in India’s immediate neighbourhood.

The Indian government understands well the importance of maritime growth and security to the overall economic well-being of the country. With the launch of Project Sagarmala and the conduct of the maiden Maritime India Summit at Mumbai from 14-16 April 2016, India’s maritime vision is slowly translating into tangible actions. Together with developing India’s organic maritime capacity, it may also be the right time to evolve a concept of how India could assist in realizing the maritime growth potential of regional countries, in a manner that is mutually beneficial, both from the financial as well as the strategic perspective. Pushing for an India-led development of the Kankesanthurai port in Jaffna – something that India has been involved in earlier – may be the ideal start point. With multiple suitors lined up to gain a strategic foothold in the region,
the Indian government would need to closely monitor the manner in which Indian companies complete projects in other countries. Timely delivery with top-class quality would have to be the basic minimum, to ensure that countries do not look for extra-regional alternatives. Moreover, India's sustained naval engagement with Sri Lanka and other littorals, needs to be progressively and continuously upgraded to provide increasing value to other navies as well as to prevent extra-regional navies from occupying the space that India cannot or will not fill.

While India may not be able to match the scale of funding that China can today afford, certain advantages such as geographical proximity, shared history and ideals as well as a benign, non-aggressive posture could offset the advantage that hard cash in copious amounts may accrue. While the recommencement of the CPC project is undeniably a political setback, it is also an opportunity for India to recalibrate its response to the economic needs of regional countries and to take stock of its ability to prevent the power of hard cash from prevailing over regional security concerns.

10 May 2016
Revival of Colombo Port City Project: Implications for India – 2

Anjelina Patrick

The Colombo Port City Project is a significant and arguably among Sri Lanka’s most controversial infrastructure projects. Initiated by the former President Mahinda Rajapaksa with a vision to rejuvenate Sri Lanka’s stagnant economy, the project is worth about $1.4 billion. The Chinese President Xi Jinping and former Sri Lankan President Rajapaksa officially launched the port project in September 2014. Soon after Maithripala Sirisena became President in January 2015, however, he suspended the contract in March 2015, citing various shortcomings, irregularities and ecological issues. But this suspension was temporary in nature, and the project was revived in March 2016. The project has, nonetheless, raised questions on the Sirisena government’s probity, which came to power questioning the huge investment by the Chinese in Sri Lanka, which he argued would lead to an avoidable dependence on China.

This issue brief aims to review the contested developments relating to the Colombo port project. It also attempts to analyse the growing strategic relations between Sri Lanka and China, and its implications for India.

The Project

The Colombo deal was first signed in November 2013 between the Rajapaksa Administration and the Chinese state-owned firm, China Communications Construction Company Pvt. Ltd. (CCCC). It is one of the largest foreign investments in Sri Lanka till to-date. The project is due for completion by September 2017.

The project envisaged a mega city in Colombo, to be built on reclaimed land adjacent to the Galle Face Green, where 182 hectares of existing of land has been
allotted.\textsuperscript{1} The Colombo Port City is portrayed as an iconic business district with shopping and water-sports areas, a mini golf-course, hotels, apartments, recreation areas and a luxury yacht marina.\textsuperscript{2} It was initially planned to be built over 233 hectares, which has now been expanded to 269 hectares after reclamation.\textsuperscript{3}

On 6 March 2015, the project was suspended by the Sirisena government, citing allegations of corruption against the Rajapaksa Administration, and the absence of a feasibility study before the contract was awarded. During this period, the Chinese company incurred a daily direct loss of $380,000. The suspension also led to direct and indirect adverse effects on the on-site workers, both Chinese and Sri Lankans. Despite ecological concerns and allegations of corruption, in March 2016, the government resumed the port project, signifying its importance for Sri Lankan economy.

The port project has now been renamed the ‘Colombo International Financial City’. The Sri Lanka government has stated that it would be transformed into an international financial hub in the Indian Ocean Region (IOR). On 12 August 2016, a Tripartite Agreement was signed by the Sri Lankan government, its Urban Development Authority (UDA) and the Chinese firm CHEC Port City Colombo Pvt. Ltd.

**Sri Lanka’s Stakes**

The project is significant for Sri Lanka as it seeks huge Chinese investment. The Rajapaksa Administration had a more pronounced pro-China tilt, whereas the new Sirisena government rose to power promising a re-evaluation of Chinese investment in the country. Since January 2015, the new government has sought a more nuanced foreign policy to resurrect the imbalance caused by the preceding government in the fragile India–Sri Lanka ties. This began with suspension of the port project and cancellation of various Chinese tenders on highways, ports and airports. The current administration realizes its predicament of inviting huge Chinese investments, but is helpless in this regard since such large investments are not easily forthcoming from elsewhere. Notwithstanding the revival of the project, there are at least four concerns associated with it.

(a) **Land Ownership Issues.** The Rajapaksa Administration promised the Chinese company free-hold rights on 20 hectares of land. Due to the controversial nature of this stipulation, the Sri Lankan government has instead agreed to provide the land on a 99-year lease. In the new agreement, reclaimed
land will be notified by a Presidential gazette under the Lands Ordinance and thereafter, allocated to the UDA.⁴

(b) Environmental Impact
The Rajapaksa administration did not undertake any comprehensive Environmental Impact Assessment (EIA) of the project prior to its approval. Activists have been highlighting the serious environmental implications of the project, especially with regard to massive granite extraction and land reclamation.

The demand for granite on the construction site has resulted in large-scale exploitation by mine owners. This has led to falling ground-water levels in the area, posing serious water shortages for the island nation. On a larger scale, reclamation and extraction are destabilizing the ecology of the region, leading to increasing natural disasters in sensitive areas.⁵ However, the Sirisena administration has not yet addressed these environmental issues and has chosen to continue with the project.

(c) Impact on Fishermen. In 2007, the Rajapaksa administration promised 1,000,000 Sri Lankan rupees each to the fishermen affected by the project, but later failed to fulfill its commitment. The project has led to large-scale displacement of the fishermen community. The large amount of sand dredged in the reclamation process is becoming a major concern for fishermen using primitive methods of fishing, which is usually undertaken in shallower waters. After the revival, the project company has promised to allocate 500 million Sri Lankan rupees towards the fishermen’s income support programme through the government of Sri Lanka.

(d) Controversy over Compensation. The claim of $125 million as compensation by the Chinese company, for losses incurred during the suspension period of more than a year, was later withdrawn. This was done keeping in mind the significance of the project. The Sri Lankan Cabinet in turn has approved allocation of additional two hectares of land to the Chinese company to reciprocate the complete waiver of all compensation claims by the Chinese.⁶

The Sirisena administration suspended the port project in an effort to move away from the previous government’s tilt towards China. The suspension, however, could last only a year. The revival of the project signifies Sri Lanka’s desperate need for investments, and its inherent dependence on China. Clearly, therefore, Colombo cannot afford to alienate Beijing.

It is pertinent to mention that the Chinese Ambassador to Sri Lanka,
Yi Xianliang sought to address the apprehensions of the local Sri Lankan people over Colombo and Hambantota port projects by stating that “when these projects reach fruition, Sri Lankans will know who their real friends are.”

**China’s Stakes in Sri Lanka**

The Indian Ocean is an important arena for trade and energy flows, accounting for half of the world’s container traffic and 70 per cent of its energy shipments. The energy requirements of the world will rise by 50 per cent by 2030, and almost half of that will come from India and China, making it a strategically important water body. Due to its heavy dependence on Indian Ocean sea routes for trade and energy supplies, China has made substantial financial investment in India’s maritime neighbours like Bangladesh, Maldives, Pakistan, Myanmar and Sri Lanka.

The ‘One Belt and One Road’ (OBOR) is one such initiative by China that has significant geostrategic and geo-economic connotations. The maritime dimension of the project consists of a network of ports and other coastal infrastructure from China’s eastern sea board through Southeast Asia, South Asia, the Persian Gulf, East Africa and the Mediterranean Sea. Through OBOR, China seeks to strengthen its economic and strategic relations with Sri Lanka and IOR littorals, which are geo-strategically located along the International Shipping Lanes (ISL) linking East Asia with Europe.

China has been developing maritime infrastructure in several Indian Ocean countries such as Bangladesh, Maldives, Myanmar, Pakistan and Sri Lanka. The infrastructure projects in these littoral countries are rightfully stated by China to be for ‘economic’ ends, but their dual-use nature could, at least potentially, enhance its military-strategic presence in the IOR. China may even try to set up more such facilities such as the one in Djibouti for providing maintenance and resupply facilities to its naval ships on escort missions. The docking of Chinese submarines in September and November 2014 at Colombo port amply showcases China’s intent for an enhanced naval presence in the IOR.

**Implications for India**

The Colombo port project, while being of significant economic importance to Sri Lanka, has severe political ramifications for India-Sri Lanka bilateral relations. The Rajapaksa government had an overt pro-China tilt, which the Sirisena government has tried to rectify to balance its relations between India and China. While the termination of
the project in March 2015 indicated Sirisena government’s commitment to the cause, its subsequent revival has shown that economic advantages of the project far outweigh the political consequences for the Sri Lankan government. Notwithstanding this, the Sirisena government has attempted to mollify India’s apprehensions by assuring Prime Minister Modi that India’s concerns would be addressed. The Sri Lankan government has also altered the earlier provision of ‘free-hold’ land to China, into a 99-year lease. While these measures may have quelled some of India’s concerns, there is little doubt that the revival of this project has somewhat dented the bonhomie between India and Sri Lanka.

The increasing Chinese strategic presence in the Indian Ocean has raised security concerns for India, especially in its immediate neighbourhood of Sri Lanka. There is a growing concern that the ports developed for commercial use by China could later serve military and strategic purposes, with significant security implications for India.

The revival of the Colombo port city project has notable economic implications for India as well. If India has to mitigate the geo-political effects of Chinese investment in the region, it has to significantly increase its foreign aid and investment in neighboring countries. Moreover, Colombo already acts as a transshipment port for Indian goods. This raises questions on the economic viability of the proposed deep-water port at Vizhinjam in Kerala, as it would have to directly compete with Colombo and would be somewhat disadvantaged by geography in doing so. These factors make it important for India to recalibrate its policies in the region so as to combine economic growth with diplomatic success.

The questions on impact of the Colombo port project on surrounding ecology and environment still remain largely unanswered. The effects are bound to be felt by India too. Extensive mining for granite, reclamation of land and dredging have altered ocean current patterns in the region, putting the entire local marine ecosystem to risk. The long-term environmental impacts of the project will require to be studied with a view to mitigating its negative effects on the coastal population of southern India.

**Conclusion**

The renewal of the Colombo port project highlights its economic importance to Sri Lanka and has led to a new phase in Sri Lanka – China relations. This has come about despite continuous petitions from
the Sri Lankan fishermen community and concerns raised by environmental activists.

China’s investment outreach to the regional countries through initiatives such as the ‘Maritime Silk Road’ are raising concerns in India. Apart from creating a security dilemma, they also pose economic and environmental concerns for India. To offset these concerns, it is essential for India to recalibrate its strategy towards its immediate neighbours to achieve a favourable end-state.

27 October 2016

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Sri Lanka’s Proposal for an ‘Indian Ocean Order’: An Assessment

G. Padmaja

Sri Lanka’s Prime Minister Ranil Wickremesinghe, while delivering the inaugural address at the Indian Ocean Conference on 1st September 2016, called on the Indian Ocean countries to take the lead in determining ‘their own future’. He stressed on the need to craft an ‘Indian Ocean Order’ with accepted rules and arrangements that would guide interactions among states with the primary responsibility of upholding freedom of navigation in the Indian Ocean. Referring to IoRA (Indian Ocean Rim Association), he opined that the regional organisation had fallen short of expectations. In the above context, this issue brief discusses the Sri Lankan proposal for an Indian Ocean Order. It also examines the extent to which this would be different from IORA.

Indian Ocean Order

The Indian Ocean is becoming one of the world’s busiest and most critical trade corridors, with the regional developments impacting on security and stability of not only the littoral countries but also other like China, Japan, South Korea, the U and the world at large. Countries within the region and beyond will therefore attempt to influence the power equations in the region to serve respective interests. As a result, the Indian Ocean will be a major theatre of competition. This should be seen in context of the bigger picture of a historical shift of power from the West towards Asia.

However, those who are geographically located in the region, have a primary interest in the security of the region, for their future is directly linked to the manner in which competition is managed and cooperation is strengthened. Thus, Sri Lanka’s Prime Minister says, “We must commit ourselves to an order based on the right of all States to freedom of navigation –the unimpeded lawful
maritime commerce and over-flight. Our own futures and the futures of extra regional partners are, therefore, heavily invested in how strategic security is managed in the region. Many countries remain dependent on energy supplies and traded goods that are carried across the region."

It is in this context that Sri Lanka had proposed that the Indian Ocean countries should take the lead in determining their own future and craft an Indian Ocean Order. In this Order, no single state should dominate the system and it should be built on consensual agreement. This Ocean Order will have the primary responsibility of upholding freedom of navigation in the Indian Ocean. It will ensure that shipping and air routes to East Asia and beyond are kept open, and thereby help in closer economic cooperation among countries in the region.

The proposal also calls for an Indian Ocean Development Fund for development of the region, and also for establishing a strong Humanitarian Assistance and Disaster Management mechanism to deal with natural and manmade disasters. The process for establishing an Indian Ocean Order could begin with a dialogue between SAARC and ASEAN and all the interested major and middle powers. Thus, the Order would be a result of a consensual agreement for a maritime security cooperation for mutual benefit.

Very significantly, the proposal also suggests the establishment of an Indian Ocean Assembly which will not only bring together Heads of State and Governments but also eminent individuals in all fields to recommend measures for consideration. Further, a programme for cooperation in Education and Human Capital Development is also suggested.

The countries of the Indian Ocean region are diverse in terms of size, resources, and interests. They also differ in their views towards extra regional states. Further, historical disputes and growing militarisation result in strategic mistrust. Despite this, Prime Minister Wickremesinghe calls for the need to build a political eco-system that contains the local disputes and prevents them from disrupting or spilling over to a common Indian Ocean agenda.

An analysis of the proposal indicates that Sri Lanka takes a realistic assessment of the strategic importance of the Indian Ocean and calls on the littoral countries to take the initiative in devising a cooperative architecture. Implied in its proposal, though unsaid, is also the warning that an inability to do so would leave them pliable to initiatives of extra-regional countries, with their security
concerns overlooked. Its proposal for an Indian Ocean Order is forward-looking and inclusive, wherein no one country would dominate. The task upholding freedom of navigation in the Indian Ocean is possible only when members of Indian Ocean trust each other. Building this strategic trust is possible only when the apex political leaders meet and provide the necessary directions. Here arises the relevance of its proposal for an Indian Ocean Assembly. It does not overlook the challenges inherent in implementing the proposal, but strongly calls for the littoral countries to understand the need to cooperate so that they can determine the manner in which they would like the maritime space to be effectively managed. The proposal is all comprehensive in that the Indian Ocean Order would also incorporate an Indian Ocean Development fund; a strong Humanitarian Assistance and Disaster Management mechanism; an Indian Ocean Assembly facilitating political engagement at the highest level; and also a programme for cooperation in Education and Human Capital Development.

**IORA – Indian Ocean Rim Association**

Sri Lanka’s ‘discomfort’ with the IORA is that it is dormant with regard to strategic issues concerning the Indian Ocean; and its present scope of meeting at official and ministerial level is insufficient for the purpose of establishing an Indian Ocean Order. While the wording of IORA Charter aptly reflects this assessment, if one observes the manner in which IORA’s agenda has evolved, especially since 2011, this view may need to be reviewed.

The Charter of IORA clearly spells out that the Association will facilitate and promote economic cooperation, bringing together *inter alia* representatives of member states’ governments, businesses and academia. Its objective is to focus on those areas of economic co-operation which provide maximum opportunities to develop shared interests and reap mutual benefits. Towards this end, IORA seeks to formulate and implement projects for economic co-operation relating to trade facilitation and liberalization, promotion of foreign investment, scientific and technological exchanges, tourism, movement of natural persons and service providers on a non-discriminatory basis; and the development of infrastructure and human resources *inter alia* poverty alleviation, promotion of maritime transport and related matters, cooperation in the fields of fisheries trade, research and management,
aquaculture, education and training, energy, Information Technology, health, protection of the environment, agriculture, disaster management.

However, the Council of Ministers meeting held in November 2011 in Bengaluru, India, chose to focus on six specific areas, and thereby broadened IORA’s agenda. The IORA Charter spells out that this meeting gave a focused direction towards formulation of a dynamic road map of cooperation, in consonance with the growing global emphasis on the geostrategic primacy of the Indian Ocean rim. The priority areas are: (i) Maritime Safety and Security; (ii) Trade and Investment Facilitation; (iii) Fisheries Management; (iv) Disaster Risk Management; (v) Academic, Science & Technology Cooperation; and (vi) Tourism and Cultural Exchanges. Thus, it can be concluded that IORA has evolved from economic cooperation to other areas which directly or indirectly relate to strategic issues.

As regards the IORA meetings, these are conducted at the level of Ministers and Officials. It has a secretariat functioning in Mauritius and has many working groups dealing with various issues. ²

Though the IORA was conceived essentially to focus on economic cooperation, a closer look at the regional organisations priority areas as spelt out in 2011 brings out that it has covered all areas raised in the Sri Lankan proposal – be it economic development; disaster management, or maritime safety and security. However, it needs to be acknowledged that when these issues are discussed and debated at the level of Ministers and officials – rather than at the summit level – its implementation is not very effective.

Interestingly, like Sri Lanka, India recognises the growing importance of maritime trade in an increasingly globalised world and supports freedom of navigation and over-flight and unimpeded commerce, based on the principles of international law as reflected notably in the UNCLOS. India has urged all countries to show utmost respect for UNCLOS, which establishes the international legal order of the seas and oceans. India further believes that States should resolve disputes through peaceful means without threat or use of force.

Unlike Sri Lanka, however, India is of the view that if the Indian Ocean is to occupy a more prominent place in global political discourse, its best hope is the further development of the IORA which is soon going to complete 20 years. With 21 members, 7 dialogue partners
and two observers, India strongly feels that IORA is the most obvious platform for trade, socio-economic and cultural cooperation. That IORA encourages interaction of business, academic institutions, think tanks, scholars and peoples of the member states to discuss issues of renewable energy, and blue economy to maritime safety and security, water science etc. However, like Sri Lanka, India too believes that the regional countries of IOR should shoulder primary responsibility.

It needs to be noted that while supporting IORA, India is simultaneously developing ties with the countries of the Indian Ocean Region. Its vision for the Indian Ocean was clearly spelt out by Prime Minister Modi in Mauritius in March 2015. It says that India, while safeguarding its mainland and islands and defending its interests, will ensure a safe, secure and stable Indian Ocean and make available its capacities to others; it will deepen economic and security cooperation with its maritime neighbours and strengthen their capacities. It also envisages collective action and cooperation to advance peace and security and respond to emergencies. Furthermore, India seeks a more integrated and cooperative future for the region that enhances sustainable development. This Indian Ocean vision has two sub-texts; one of cooperation and second of India playing an eminent role in such cooperative efforts.

Thus, like Sri Lanka, India too believes in consensus, cooperation and the littoral countries taking greater initiatives. While India believes that IORA is the best platform for trade, socio-economic and cultural cooperation; a closer look brings out that issues of maritime safety and security, which is one of the six priority areas go much beyond trade and culture. Thus, there are two agendas in IORA, one explicit which the charter spells out and one implicit which deals with matters security and strategy. Interestingly, in the Indian Ocean Dialogue (IOD) process which is supported by the IORA Secretariat and where in IORA officials and representatives of think-tanks and civil society participate, matters of security, strategy and defence cooperation are discussed. The first IOD was held in Kochi, India in September 2014 and the second one in September 2015 in Perth, Australia. The Perth Consensus throws ample light that issues of security were discussed in this semi-official format. The six key themes discussed were cooperation in combating maritime transnational crime; maritime security and regional defence cooperation; regional cooperation in search and rescue;
blue economy as a driver of economic growth; countering illegal fishing; and cooperation in humanitarian assistance and disaster relief. 4

Thus, in IORA, strategic issues are being discussed indirectly. That these discussions in the regional association are not sufficient is reflected in India’s step to come up with its own vision for the Indian Ocean. Summit level meetings, had they taken place, could have addressed these gaps to a large extent.

Conclusion

Sri Lanka is an important strategically located Indian Ocean littoral country. This essay argues that its proposal for an Indian Ocean Order; and an Indian Ocean Assembly wherein the region’s political leadership at the highest level would meet is an important contribution to the debate and discussion regarding the security architecture for the Indian Ocean Region. While India seeks to focus on IORA, the goals of Sri Lanka are no different from that of India. Sceptics might argue that Sri Lanka’s assertion that no one country should unilaterally shape the strategic order of the region is directed at India which wants to play a major role commensurate with its global political standing, its political-economic-strategic interests in the Indian Ocean region and its defence capability, specifically naval capability. However, this essay argues that there are more convergences than divergences in the viewpoints of the two countries. Ensuring maritime security, stability and economic development of the region necessitates an inclusive process of cooperation and consensus; and the need for the Indian Ocean littorals to decide their own destiny.

This essay proposes that IORA should institutionalise summit-level meetings to impart a sense of purpose, direction and ownership. Then, IORA would come closer to Sri Lanka’s proposal for an Indian Ocean Assembly. Second, strategic issues should be discussed in IORA during the summit meetings, leading to an understanding as spelt out in the Indian Ocean Order. To begin with, such issues can be discussed at an informal level until adequate confidence is developed in the process, as well as among the IORA members. In this manner, the benefits of an existing organisation would be preserved; and new ideas like that of an Indian Ocean Order and an Indian Ocean Assembly would also be incorporated in IORA. The emerging cooperative architecture would then become more relevant and responsive to meet the challenges of the Indian Ocean Region.

28 September 2016
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Gurpreet S Khurana

On 12 July 2016, the Tribunal constituted at the Permanent Court of Arbitration (PCA) at The Hague under Annex VII of the United Nations Convention on Law of the Sea, 1982 (UNCLOS) issued its decision in the arbitration instituted by the Philippines against China. It relates to the various legal issues in the South China Sea (SCS) inter alia pertaining to China’s historic rights and ‘nine-dash line’, the status of features and lawfulness of Chinese actions.¹

Within hours of the release of PCA Tribunal’s decision, India released a government press release, stating that “India supports freedom of navigation and over-flight, and unimpeded commerce, based on the principles of international law, as reflected notably in the UNCLOS. India believes that States should resolve disputes through peaceful means without threat or use of force and exercise self-restraint in the conduct of activities that could complicate or escalate disputes affecting peace and stability...”²

However, Beijing has stated that China would not accept the Tribunal’s verdict.³ Furthermore, tensions have rekindled in the SCS with reports indicating that China intends “closing off a part of SCS for military exercises.”⁴ The issue of Freedom of Navigation (FON) is of immense relevance not merely for the SCS littorals, but for all countries that have stakes in peace and tranquillity in the SCS; and yet bears a significant potential to flare-up into a maritime conflict.

This issue brief aims to examine China’s approach to FON in context of international law, including the verdict of the PCA Tribunal. In this writing, the term ‘FON’ refers to the broader concept of ‘navigational freedoms’, including the freedom of over-flight. Furthermore, this brief attempts to identify the de jure ramifications – even if not de facto, considering China’s rejection of the
verdict – of the PCA Tribunal’s decision on China with regard to FON in the area.

FON is a fundamental tenet of customary international law that was propounded in 1609 by the Dutch lawyer Hugo Grotius, who called it *Mare Liberum* (Freedom of the Seas). The legal tenet is codified in the UNCLOS, a process that involved over two decades of intense labour of the international maritime lawmakers at three brainstorming Conferences. The Third Conference itself (UNCLOS III) spanned nine years, which led to the signing of Convention in 1982, and its subsequent entry into force in 1994. The Peoples’ Republic of China was among the first signatories to the Convention on 10 December 1982 (along with India), and ratified it on 07 June 1996. The key question is whether China – despite the foregoing – is impeding freedom of navigation in the SCS? For a comprehensive answer, the issue would need to be examined separately for the three legal regimes/areas wherein international law applies differently: China’s Territorial Sea, its Exclusive Economic Zone (EEZ) and the other areas within the ‘nine-dash line’.

**Territorial Seas**

In a State’s 12-nautical mile (NM) Territorial Sea, the right of ‘Innocent Passage’ provided for in UNCLOS Article 17 applies to both commercial and military vessels. As regards commercial shipping, there is no evidence whatsoever of China denying this right to such ships flying the flag of any nationality. Notably, China is a manufacturing-based and export-led economy, which imports nearly 80 per cent of its oil and natural gas via the sea. Therefore, China has tremendous stakes in unimpeded maritime commerce, and does not stand to gain by deliberately impeding the FON of merchant ships.

For foreign warships, however, the ‘yardstick’ of ‘Innocent Passage’ differs. During the UNCLOS negotiations, most developing countries wanted restrictions on of foreign warships crossing their Territorial Seas. Many of these States proposed that foreign warships must obtain ‘authorization’ for this from the coastal State. Eventually, however, the proposed amendment was not incorporated in UNCLOS; nonetheless, the States were permitted to take measures to safeguard their security interests. Consequently, and in accordance with UNCLOS Article 3105, like many other States, China made a declaration in June 1996 while ratifying UNCLOS, seeking ‘prior permission’ for all foreign warships intending to exercise the right of Innocent Passage.
across its Territorial Seas. (The declaration was based upon Article 6 of China’s national law of 1992). It is pertinent to state that about 40 other States – including many developed countries in Europe – made similar declarations seeking ‘prior permission’ for Innocent Passage. (Notably, India seeks only ‘prior notification’. However, the United States does not recognise the right of either ‘prior permission’ or ‘prior notification’).

It may be recalled that during the Cold War, in 1983, the Soviet Union promulgated rules for warship navigation in its Territorial Seas, which permitted Innocent Passage only in limited areas of Soviet Territorial Seas in the Baltic Sea, the Sea of Okhotsk and Sea of Japan. This led to a vigorous protest from the United States. Later in 1986 and 1988, the United States Navy conducted Freedom of Navigation Operations (FONOPS) in the Soviet Territorial Sea in the Black Sea. In contrast, therefore, China’s stand on navigation of foreign warships through Territorial Seas of ‘undisputed’ Chinese territory is clearly legitimate.

However, the passage of foreign warships within 12-NM of the disputed SCS islands/features – which are occupied and claimed by China – has been highly contentious. Since the United States seeks to prevent any norm-building in favour of China’s territorial claims, it has been undertaking FON operations (FONOPS) in the 12-NM zone of these islands. Notably, since the launch of the US “Freedom of Navigation Programme” in 1979, the United States has conducted such operations at numerous occasions all around the globe; sometimes even against its closest allies.

From the perspective of China – that is in de facto control of the islands/features – its objection to the US warships cruising within 12-NM of these islands/features without ‘prior permission’ is as much valid as the US FONOPS to uphold its right of military mobility across the global commons. Hence, until such time that the issue of sovereignty over these islands is settled, the legitimacy of China’s stand on FON in these waters cannot be questioned.

**Exclusive Economic Zone**

Alike in its Territorial Sea, China has never impeded FON of commercial vessels in its EEZ. However, like many other States, China has been objecting to foreign military activities in its EEZ. It may be recalled that in April 2001, China scrambled its J-8 fighters against the US EP-3 surveillance aircraft operating about 60 NM off China’s Hainan Island, leading to a mid-air collision.
Unfortunately, the UNCLOS does not contain any specific provision, either permitting or prohibiting such activities. According to Articles 58(1) and 87 of UNCLOS, the EEZ is part of ‘International Waters’ wherein all foreign warships may exercise High Seas FON, with certain exceptions that relate to economic/resource-related uses of the EEZ, such as Marine Scientific Research, which may be conducted only if permitted by the coastal State. Therefore, if a foreign military conducts hydrographic surveys in China’s EEZ, it may be justified as being among the High Seas Freedoms since it may be necessary, for example, for safe navigation of warships. However, if a foreign military conducts intelligence collection in the EEZ – as China interprets the objective of US military activities in its EEZ – it may be objectionable, at least in terms of the spirit of UNCLOS, whose Article 88 says that “The high seas shall be reserved for peaceful purposes.” Of course, some may consider ‘intelligence collection’ as a normal peacetime activity of a State to bolster its military preparedness to maintain peace. But this only serves to reinforce the prevailing void in UNCLOS, rather than legally deny China the right of ensuring its own security.

Other Areas within ‘Nine-Dash Line’

China has never explicitly articulated its stand on the legal status of the sea areas within the ‘nine-dash line’, which lie beyond its 12-NM Territorial Sea and the 200-NM EEZ. However, by laying ‘historic’ claim to all SCS features (islands, rocks or reefs), and referring to all these as islands entitled to EEZ and Legal Continental Shelf (LCS), it has implicitly claimed sovereign jurisdiction over the entire sea area enclosed within the nine-dash line. Based on such assumed sovereign rights – though disputed by other claimant States – China has been curtailing FON in these areas, particularly for warships. For example, in the days leading to the International Tribunal’s verdict on the China-Philippines Arbitration, Beijing declared a ‘no sail zone’ in the SCS during a major naval exercise in the area from 4 to 11 July 2016 (see Fig. 1).

As the map indicates, the ‘prohibited zone’ was a sizable 38,000 sq mile area lying between Vietnam and the Philippines. It encompasses the Paracel Islands, but not the arterial International Shipping Lane (ISL) of the SCS.11 During such exercises in the past too, China has been imposing such
restrictions on navigation in the SCS. While some analysts have referred to such restrictions on FON as violation of maritime law,\textsuperscript{12} given the susceptibility of prevailing international law to divergent interpretations, China cannot be denied the right to interpret law in a manner that best suits its security interests.

However, the above scenario prevailed prior to 12 July 2016. The verdict of the PCA Tribunal has changed all that. The Tribunal has dismissed China’s claim to ‘historic rights’ within the ‘nine-dash line’, indicating that such claim was incompatible with UNCLOS, and has asserted that no feature claimed by it in the SCS is capable of generating an EEZ. At least from the standpoint of international law, therefore, Beijing’s claim to sovereign jurisdiction over these areas is decisively annulled. Henceforth, China will need to concede to unimpeded FON in the SCS, both for commercial shipping and warships. For example, if it needs to conduct a naval exercise in the area, declaring a ‘no sail/prohibited zone’ would no longer be legally tenable. Instead, China could, at best, merely promulgate a mere ‘advisory’ for the safety of ships and civil aircraft intending to transit through the exercise area.

China could possibly react to the adverse verdict of the International Tribunal by declaring an Air Defence Identification Zone (ADIZ) over the SCS. A resort to this would
not be constructive since it would further heighten anxieties in the area. Nonetheless, China’s declaration of ADIZ would be tenable from the legal standpoint. The promulgation of such Security zones is not prohibited by international law. However, for interpreting it as ‘not prohibited, and hence permitted’, promulgating such a zone must adhere to the spirit of law, essentially in terms of its need for maintain peace or for self-defence, and that it is not obverse to the overarching principle of freedom of navigation and over-flight.

Concluding Remarks

It is amply clear from the foregoing that the contentions over freedom of navigation and over-flight in the SCS are more of result of the geopolitical ‘mistrust’ between China and the other States, aggravated by the voids and ambiguities of international law, rather than any objective failing on part of China and the other States involved to observe the prevailing tenets of international law.

The geopolitical relationships constitute an aspect that China and the other countries involved need to resolve amongst themselves, and the rest of the international community can do little about it. Further, there is hardly a case for convening the fourth UN Conference on the Law of the Sea to renegotiate the UNCLOS, which is a result of painstaking efforts of the international community during a period that was geopolitically less complex than it is today.

Nonetheless, it is encouraging that the lingering maritime-disputes in the Asia-Pacific are being arbitrated upon by international tribunals. Over the years, the decisions of international tribunals on cases such as the India-Bangladesh and the more recent one between China and Philippines would be valuable to fill the legal voids, and would firm up over time to add to the prevailing tenets of international law.

China’s adherence to PCA Tribunal’s decision would not only contribute to peace and prosperity in the region, but would also best serve its own national interest, at least in the longer term. However, it remains to be seen how long Beijing will take to assimilate the ‘new normal’ into its policymaking.

19 July 2016
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5 Article 310 of UNCLOS allows States to make declarations or statements regarding its application at the time of signing, ratifying or acceding to the Convention.


8 Limits in the Seas, US Responses to Excessive Maritime Claims, US Department of State (Bureau of Oceans and International Environmental and Scientific Affairs), No 112, 09 March 1992, p.52


The South China Sea Adjudication and the Future of International Arbitration

Prakash Gopal

The India International Centre at Delhi – considered the hub of cultural and intellectual activity in the capital city, was witness to a unique event on the afternoon of 17 May 16. Organised by the Chinese Embassy in Delhi, the ‘public lecture’ saw six speakers articulate their views on the South China Sea (SCS) maritime disputes. Five of the six speakers were from think-tanks – either based in China or funded by Chinese entities, and one speaker was a scholar from the Chinese Navy. As could be imagined, espousal of the Chinese perspective dominated the proceedings. It is understood that a number of such ‘lectures’ are being conducted, with the aim of shaping views and opinions on this contentious dispute, before the impending adjudication by a tribunal hearing the Philippines’ submission against Chinese claims in the SCS. While China’s stance was unambiguously reiterated at the event, it left a significant question mark on the impending award, its immediate impact on the dispute and indeed the long term ramifications on an international system underpinned by norms of conduct between nation-states.

This paper aims to highlight salient aspects of the arbitration initiated by Philippines against China, and seeks to examine the possible outcomes of the proceedings of the tribunal. The paper will attempts to predict the Chinese reaction to the impending award, in the larger context of the international legal system and its primary reliance on voluntary compliance by states. The effect of the impending ruling on the overall dispute in the SCS, the claimant states and the US, as well as its impact on the international arbitration system, will also be briefly examined.

On 22nd January 2013, the Philippines initiated arbitration proceedings against China under provisions of the United Nations
Convention on the Law of the Sea (UNCLOS), in response to the latter’s claims in the SCS. Philippines sought the court’s adjudication on three distinct aspects, viz. the effect of UNCLOS on China’s claims represented by the nine-dash line, the proper nature of features claimed by China with the associated entitlements of territorial waters and Exclusive Economic Zones (EEZ) and thirdly, on the issue of Chinese activities violating sovereign rights and freedoms of Philippines in the SCS. The Chinese Government refused to accept jurisdiction of the arbitration proceedings and issued a public statement titled “Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of Philippines”, in which it argued that the primary dispute was that of sovereignty of maritime features in the SCS, over which the tribunal had no jurisdiction.

The tribunal constituted at the Permanent Court of Arbitration (PCA) at The Hague, held three hearings in July 2015 to determine jurisdiction and admissibility of Philippines’ submission. In its award on 20 October 2015, the tribunal ruled that it had jurisdiction with respect to seven out of fifteen submissions by the Philippines. It also concluded that seven other submissions would need to be considered in conjunction with the merits and sought clarification on the 15th submission from the Philippines. The tribunal concluded its merit phase hearings in November 2015 and is expected to issue its award in June/July 2016.

In admitting only seven out of the fifteen Philippine submissions, the tribunal has limited the outcome of this arbitration to determine the precise nature of certain disputed features in the SCS and the associated entitlements of territorial waters and EEZ, where and if applicable. For instance, in submission no. 4, which the tribunal has admitted, Philippines claims that Mischief Reef,Second Thomas Shoal and Subi Reef are Low Tide Elevations which do not generate territorial seas or an EEZ. However, the tribunal has reserved consideration of its jurisdiction on submission no. 5 in which Philippines has claimed that Mischief Reef and Second Thomas Shoal are part of its EEZ. The tribunal has therefore avoided considering issues pertaining to claims of sovereignty and restricted itself to examining those directly concerned with entitlements under the provisions of UNCLOS.

It is perceived that on most, if not all of the seven submissions, the
tribunal’s award will go in favour of the Philippines. This prospect has led to some speculation on the effect of such a ruling on China, especially as it is expected to dilute the basic premise of its territorial claims within the nine-dash line. Chinese claims hinge on entitlements of territorial seas and EEZ around maritime features in the SCS and the implicit sovereign rights to extract and exploit the natural resources of the seabed therein. If the tribunal rules that most of these features do not merit such entitlements, it promises to undermine the Chinese legal position and claims therein.

Arguably, there are a number of other factors that add to the complexities of the SCS situation. Primary among them is the involvement of the US and the Freedom of Navigation (FON) patrols conducted by the USN in the South China Sea. There is no doubt that the US has vital strategic interests that define its posture in the SCS. However, as a country that has not yet ratified the UNCLOS, a fact which the Chinese do not fail to highlight at every opportunity, the US position may be viewed by many as grandstanding sans the moral authority. While the US may argue that FON operations are conducted by the USN all over the world (including in the Indian EEZ to counter what the US perceives as ‘excessive maritime claims’), China has been vociferous in denouncing the presence of US military assets in the SCS and in highlighting that US actions in the region serve only to escalate tensions without contributing to the resolution of the dispute, which in China’s perspective, can only be achieved through bilateral engagement with each of the claimant states.

The FON operations in the SCS have also served to underscore the differences in interpretation of the extent to which coastal states may exercise sovereign control over maritime zones. While there is a general consensus on unbridled freedom to commercial shipping outside of territorial waters, there are stark differences in understanding the extent of freedom enjoyed by foreign naval vessels in the EEZ of a coastal state. Countries on the ‘liberal’ side of this argument, such as the US, argue that nothing in the UNCLOS permits coastal states to challenge transit of naval vessels through the EEZ. The ‘realist’ argument, adopted by many other countries including India, demands that foreign naval vessels intimate the coastal state of their intentions, whilst transiting through its EEZ. The UNCLOS is envisaged as a package deal – Article 309 states that no state may make reservations or exceptions to the
convention. However countries such as India and China have made use of Article 310, which allows states to make declarations while signing, ratifying or acceding to the convention, to announce such restrictions on military vessels in their EEZ. Much like the 17th century debate between Grotius’ *Mare Liberum* and Seldon’s *Mare Clausum*, countries have adopted varying interpretations of the UNCLOS to suit their national interests and in consonance with the abilities of their maritime forces to operate in distant waters. Even if issues of sovereignty in the SCS were to be resolved, it is unlikely that the differences in determining the extent to which sovereign control can be imposed on the global commons, will be removed or even reduced by any significant measure.

Another intriguing facet in the SCS, is the Taiwanese occupation of Taiping or Itu Aba Island – the largest island feature in the Spratly group. As an island, Taiping generates entitlements of territorial seas, EEZ and continental shelf. All shoals, reefs and other features that are being examined by the tribunal in the Philippines case, fall within the EEZ that Taiping Island may generate. In its Position Paper, China accuses Philippines of ‘dissecting the Nansha (Spratly) Islands’ by excluding features occupied by the Philippines, from the current arbitration. It is particularly scathing in its criticism of the Philippine reticence in recognizing Taiping island, which it states is ‘currently controlled by the Taiwan authorities of China’, as a maritime feature controlled by China. This, China argues, is a grave violation of the One-China policy.9 The ambiguous political status of Taiwan, together with the maritime entitlements commanded by Taiping Island, promise to further murky the dispute over sovereignty of these islands.

While China has refused to take cognizance of the tribunal, its proceedings and its subsequent ruling, the outright rejection of an unfavourable ruling by a permanent member of the United Nations Security Council (UNSC), promises to have serious ramifications for the future of a rules-based global order. Such a situation, however, is not without precedent. In the Nicaragua vs US case adjudicated by the International Court of Justice (ICJ) in 1986, the court found the US in violation of customary international law and ordered it to pay reparations to the government of Nicaragua.10 The US had earlier unsuccessfully contested the jurisdiction of the court to deal with the matter and subsequently did not participate in the merits phase. The US
refused to comply with the court’s order and resisted international pressure to pay reparations to Nicaragua. Five years later, in 1991, Nicaragua, under the administration of President Chamorro, voluntarily withdrew its claim from the ICJ. It was a glaring instance of subversion of international norms by a country that vociferously advocated compliance, but refused to do so itself when such norms were in conflict with its raison d’état.

Legal systems, both domestic and international, aim to protect rights of aggrieved individuals and entities including nation states. In the absence of statutory enforcement mechanisms, international order relies upon voluntary compliance – an aspect where it would be expected for global powers to lead by example. The US – which incidentally is the world’s most prolific litigant at the ICJ, and China, have a pivotal role in determining the future of such a global order, as was envisioned in the UN Charter. In the current geopolitical situation, however, it would be rather optimistic to expect major powers to uphold the primacy of international law over considerations of realpolitik, especially as these countries are often able to ‘coax’ smaller nations into compliance through financial, political, diplomatic and indeed military means.

Moreover, the current structure of the UNSC, allows permanent members to stall a collective response to con-compliance with the award of an international court of law. Smaller, less influential nations are therefore likely to find themselves increasingly on the receiving end of a system that was evolved primarily to protect their rights. The Chinese today are quick to quote the American con-compliance in the Nicaragua case, when confronted by the likelihood of their non-adherence to the international system. This finger-pointing that accompanies the selective disdain for a rules based international order, would need to stop if the system is to be salvaged from what appears to be the inevitable. For that to happen it is imperative that China and the US start playing by the rules.

Notwithstanding the likely Chinese indifference to the tribunal’s award and the expected dent to the international arbitration system, it is anticipated that an award in favour of the Philippine submission may encourage other claimant states in the SCS to seek arbitration as well. Favourable outcomes may not directly translate into tangible change in the situation on ground. They would, however, serve to delegitimize Chinese claims and possibly put China under pressure to tone down
the rhetoric associated with its claims. Whether China would do so, remains a matter of speculation.

While the situation in SCS is unlikely to change for the better in any dramatic fashion due to the outcome of this arbitration, there is keen interest in the nature, tone and tenor of the impending award. It is likely to set a precedent for resolution of maritime disputes in other parts of the world, by first determining entitlements generated by disputed features before the adjudication on sovereignty issues, possibly by the ICJ. What is also certain is that the award, notwithstanding its nature, will intensify the debate between *Mare Liberum* and *Mare Clausum*, and underscore the increasing conflict between international law and foreign policy imperatives of states.

20 June 2016

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Geo-politics of South Pacific Islands and India’s Strategic Interests

Balaji Chandramohan

As the geo-political region of the Asia-Pacific is witnessing competition among established players such as the USA and China, the South Pacific Islands have begun to receive more attention. This is especially so in the context of India’s maritime, economic, and diplomatic interests and aspirations.

Despite the tyranny of distance from Eurasia the South Pacific Islands received much attention during both the World Wars. Subsequently, this attention became somewhat limited during the Cold War since Europe, North Asia, South-East Asia and Latin America became the new sphere of competition between the Super Powers (the USA and the Soviet Union). However, the new maritime competition between the USA and China in the Asia Pacific has led to the South Pacific Islands beginning to regain attention. This has been especially so with the announcement of the US Rebalance to the Asia Pacific, the interest shown by China, and (interestingly) the expanding reach of the Russian Far Eastern Fleet all complicating the existing status quo in the region.

The geopolitical stock of the South Pacific Islands has increased for other reasons too. It is now understood that the region will face increased maritime traffic once the Trans Pacific Partnership (TPP) is finalized. The geo-strategic location of the Islands – connecting Australasia to the Latin American sub-continent – is another important factor. The South Pacific Islands begin in the South-West Pacific, and stretch till the South-East Pacific, and they are divided regionally into Micronesia, Melanesia, and Polynesia from West to East. Geo-political competition is very much evident among the Melanesian countries (Vanuatu Solomon Islands, Fiji, and Papua New Guinea); the
Micronesian islands (Kiribati, Marshall Islands, Nauru, and Palau—as well as the three US territories—Guam, Northern Mariana Islands, and Wake Island); and the Polynesian countries (Samoa, Tonga, the Cook Islands, Tuvalu, Tokelau, Niue, Wallis and Futuna and French Polynesia).¹

India's maritime interest in the region stems from the fact that it is an expanding regional power, with ambitions to spread its diplomatic, military and economic reach beyond its immediate neighbourhood. In an effort to strengthen its existing place in the multilateral regional and global institutions such as the United Nations, India is renewing its Act East Policy by including the South Pacific Islands in its policy, thus extending its range and scope.

India has stated explicitly that its intention is to have the South Pacific Islands only within its overall maritime reach (mainly because India is understood as not being a predominant Pacific power in terms of geography); nevertheless, it is true that India's strategic orientation is focused on the distant islands. This was emphasized in the state visit of the Indian Prime Minister Narendra Modi to Fiji in November 2014, soon after his visit to Australia. The impetus to take the New Delhi’s reach to the Pacific Islands countries was visible during this visit, since apart from the diplomatic and cultural overtones, the military dimensions of the visit could not be ignored. The visit attracted worldwide attention since it was considered as being a significant step in India’s expanding geo-political horizon to the South Pacific Islands. The high point of the visit was the first India-Pacific Islands leaders’ summit meeting held in Suva in November 2014 which was followed by the Second India-Pacific Islands Forum held in Jaipur in August 2015.

India’s current strategic interest in the South Pacific islands should compensate for the lack of it during much part of the 20th century. India’s attention to the South Pacific islands region was dismal for most part of the last century as ‘Independent India’ failed to identify its own geographic and cultural confluence and outreach with the South Pacific. The cultural and maritime ties between the South Pacific and India go back to trade links between the Cholas kings in Tamil Nadu and the Polynesians. This has been much discussed by the famous

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Indian Historian V. R. Ramachandra Dikshitar in the book titled *The Origin and Spread of the Tamils*.²

**South Pacific Islands in India’s Strategic Horizon**

India’s politico-military interest in the South Pacific islands is an extension of New Delhi’s trajectory towards becoming a maritime power in the wider Asia Pacific region, which can court the island atoll countries for its effective maritime outreach, supplemented diplomatically by its Look East and Act East Policy.

Earlier, India’s expanding maritime presence in the Indo-Pacific region included Vietnam, Philippines and Indonesia within the ambit of its Act East Policy relating to Southeast Asia. Its current expanded maritime thinking towards the Asia Pacific region will no doubt include the Pacific Islands as and when its Eastern Fleet extends the range and scope of its operations beyond the Straits of Malacca to the South-West Pacific.

India’s expanding naval presence is in keeping with the view that there is a need for the security of its Sea Lines of Communication (SLOC) for its economic prosperity for the wellbeing of its growing population. India also feels anxious due to China’s expanding presence in the Asia Pacific region. Other powers in the South Pacific Islands (such as the USA) have military commitments in other parts of the world. It is also doubtful whether Australia and other countries like Indonesia are in a position to challenge China’s expanding strategic profile in the South Pacific. India, therefore, may need to enhance its economic, military, and diplomatic outreach to these countries. Fiji seems an obvious choice to function as a spring board for such this purpose.³

Whereas China’s maritime strategy is based on the Three Island Chain concept (through which, Beijing hopes to challenge the United States maritime supremacy in the Asia-Pacific including in the South Pacific Islands), India’s maritime strategy is based on expanding its ‘blue water’ presence, first in the Indian Ocean and then extending it to the South-West Pacific. What India may like to do is to expand its naval capabilities, or to have some sort of an understanding with the South-West Pacific countries to have its naval presence in this region, maybe in one of the islands of Fiji, or in any of the
South Pacific countries which would be comfortable with such an idea.

If India wishes to expand its military presence in the Island Nations, this could be achieved as countries which have military presence in the South Pacific Islands such as the United States, Australia, New Zealand and France (which has a South Pacific Fleet in French Polynesia) will be happy to have Indian military presence as an effective counter-weight to Beijing’s ever expanding military profile in the South Pacific. The defence and security orientation of the Pacific Island countries is inward looking; they lack any robust maritime capabilities of their own. It is this fact that has helped China to silently expand its maritime capabilities, while the USA was distracted by its military commitments in Europe and Asia. Operationally, a greater Indian military presence in the South Pacific islands could include significant intelligence-sharing between India and those countries in the region that have a permanent maritime military presence, such as USA, Chile, New Zealand, Australia and France.

Also, since Fiji is reviewing its national security and defense policy framework, which is likely to be articulated in a Defence White Paper. The Indian military establishment will be keen to be a factor in such a policy framework, in various ways, including enhanced naval cooperation, besides institutionalizing Track 2 and Track 1.5 dialogues.

The fresh prospects of greater strategic co-operation between India and Fiji come at a time when, after the September 2014 elections, the Fijian military is moving towards becoming more professional under civilian control. The military force of Fiji is could effectively boost its combat capabilities in cooperation with Indian military forces, which would also bolster the former’s contribution to the United Nations peacekeeping missions.

Interestingly, during the second India-Pacific Islands meeting held at Jaipur in 2015, it was decided that India will have certain civilian monitoring stations in the Island nations. Though this was not explicitly stated, these stations could be used by Indian naval forces, if required.

## India’s Soft Power in the South Pacific Islands

India’s presence in the South Pacific Islands through its Look East Policy
should be a variation of its hard as well as its soft power. If the hard power impetus is provided by the geo-strategic importance of South Pacific Islands, the soft power initiative could complement India’s projection of its image as a Great Power.

India’s Look East policy has not fully extended through the Malaccan Straits as yet. In the next five years, it is envisioned that India’s Look East and Act East outreach will expand diplomatically in the South Pacific, particularly in Australia, Fiji, and New Zealand. Each of these countries has important political and cultural ties with India. Fiji’s domestic demographic contains a population in which nearly 40 per cent are identified as “persons of Indian origin.” For their part, Australia, and New Zealand have sizable and long-established Indian expatriate communities. These communities wield significant economic and political influence in each country, and provide an open conduit for information exchanges between the South-western Pacific neighbors and the Indian homeland.

India’s competitor and rival in the Asia-Pacific region is China which has been quite active diplomatically in the South Pacific. After Fiji was expelled from the Pacific Islands Forum, China encouraged it to be an active participant in the Melanesian Spearhead Group, and even provided funds for the establishment of its secretariat. Moreover, and Beijing has expanded its trade relations with the Polynesian countries such as Samoa and Tonga.

Diplomatically, India has shown interest in the affairs of the South Pacific by participating in the Pacific Islands Forum (PIF) annually beginning 2002. India also has begun to provide foreign aid to the islands in the South Pacific by offering soft loans for development projects. Along with aid programs from traditional donor states such as the USA, Australia, and New Zealand, the Pacific Islands have received help from western charities and non-governmental agencies. This is seen as a soft power counter to rising Chinese presence in the South Pacific.

At present, India has no military presence in the Pacific. However, this may change in the next five years as India starts increasing the Eastern Command’s operational capabilities. Given its expanding commercial engagement with Southeast Asia and the Western Pacific, it would seem like a natural evolution
for its navy to participate in maritime patrols along the sea lanes involved.\textsuperscript{7}

Secondly, India should push itself forward on the strategic and politico-military levels if it has to play a major role in international affairs. Narendra Modi has made several references to this issue at meetings with leaders in various countries, including with the countries in the South Pacific Islands.

Further, a Special Adaptation Fund of US$ one million to provide technical assistance and training for capacity building to the Cook Islands, Tonga, Tuvalu, Nauru, Kiribati, Vanuatu, Solomon Islands, Samoa, Niue, Palau, Micronesia, Marshall Islands, Fiji and Papua New Guinea was also announced. A hike in Grant-in-Aid from US$ 125,000 to US$ 200,000 annually to each island for community projects selected by them was announced, and a trade office of the Pacific Island nations in New Delhi was also launched.

Indian diplomatic presence in all of the South Pacific Islands is also warranted because of the Indian navy’s expanded reach in times of calamities such as the recent cyclones in Fiji.\textsuperscript{8}

Indian Diplomatic Missions are present only in two countries of the South Pacific Islands in Fiji and Papua New Guinea apart from New Zealand and Australia in the entire South Pacific.

To enhance India’s presence in the South Pacific, New Delhi could consider establishing diplomatic missions in Cook Islands and Samoa, which are as significant as Fiji in terms of geo-strategic orientation. Also, the existing diplomatic outposts could have defence representation.

Conclusion

As a growing power in the Asia Pacific, India’s interests in the South Pacific Island states are manifold. It can safely be said that the Pacific Islands Nations are India’s far flank, and this interest has been included in India’s Extended Look East Policy. This policy and the fact that India’s graduation as an important power in the Pacific Islands will be welcomed by powers such as Chile, Australia, New Zealand and the USA, augurs well for the future.

27 April 2016
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1. Balaji Chandramohan, “India should lift its game with Fiji?” Indian Newslink, 15 January 2011


Vietnam’s Dilemma in Context of South China Sea: United States versus China

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The U.S. President Barack Obama made his maiden trip to Vietnam towards the end of his term in office in May 2016. The visit was to strengthen U.S.-Vietnam relations, as follow-on to the process of rapprochement between the two states, which began after the end of Cold War. Among the significant outcomes of the visit was lifting of the U.S. ban on sale of lethal weapons to Vietnam. A number of collaborative agreements were signed by both countries and a joint statement reaffirmed their obligations to observe the UN Charter and a commitment to respect “international law, their respective political systems, independence, sovereignty, and territorial integrity”. Further, both sides announced their commitment to enhance security in the maritime domain under the Maritime Security Initiative (MSI).

China’s growing assertiveness in the South China Sea (SCS) is a major concern for the Asia-Pacific countries and President Obama’s visit has generated many debates in the strategic circles for its implications on Sino-Vietnam relations. Though the visit was ostensibly aimed at normalization of relations with Vietnam, the ‘China containment’ angle can hardly be ignored.

China appears to be worried about the growing U.S.-Vietnam partnership and it has thus stepped up efforts to cooperate with Vietnam and improve bilateral relations. While Hanoi was under media glare following the visit of President Obama, another significant meeting was underway between the Vice Foreign Ministers of China and Vietnam to discuss the possibilities of cooperation. The above development raises an important question: Is it an indicator of the success of Vietnam’s ‘China strategy’? If so, does it have a takeaway for India?

It is pertinent to note that the Vietnam-U.S. rapprochement has
culminated with several positive outcomes. Since 2015, China and Vietnam have been trying to strengthen Comprehensive Strategic Cooperative Partnership, and a joint communiqué was issued during President Xi Jinping’s visit to Vietnam, agreeing to enhance practical maritime cooperation and promote working groups for consultation on maritime joint development. The two countries agreed to manage the existing tensions in the SCS, and vowed to implement the Declaration on the conduct of parties in the SCS (DOC) for peaceful and durable solution of disputes as also undertake the signing of a full Code of Conduct (COC).

Towards Normalization

Asymmetry of power and history of conflict characterize Vietnam’s relations, with both China and the U.S. By the end of Cold-War, Vietnam had begun to normalize relations with both China and the U.S., and has made major strides since then. Given the ideological affinity, Sino-Vietnam relations have been traditionally marked by close camaraderie binding socialist countries, and they have been “credible friends and sincere partners” who established diplomatic engagement nearly six decades ago. Notwithstanding this, Sino-Vietnam relations have been unequal and non-reciprocal, whereas the U.S. rapprochement is a “step by step” approach; reciprocal, positive and mutually beneficial. In contrast, apart from the post-Cold War imperatives to normalize US-Vietnam relations, the bilateral ties are influenced by external factors, of which the strategic and economic partnership with the U.S. are major determinants.

Vietnam’s Hedging Strategy

Vietnam has historically adopted a hedging strategy against China which characterizes a relationship between a small and a big power. This indicates that while collaborating with China to attain domestic political and economic gains, Vietnam also attempted to build extensive foreign relations with extra regional powers.

In the light of growing U.S.-Vietnam ties, cooperative and competitive outcomes vis-à-vis the U.S. and China emerge. Cooperative outcomes are derived when Vietnam capitalizes on economic and strategic assistance provided by the U.S., whereas competitive outcomes emerge from Vietnam’s relations vis-à-vis China in the context of competitive interests in the SCS. Concerned about China’s expansion, Vietnam engages in external balancing with the U.S. with favorable outcomes such as maritime security
capability building and strengthening of maritime infrastructure through the MSI. This leads to shifts in the hedging strategy practiced by Vietnam against China, and further complicates the existing policy options available for it to uphold regional stability.

Standing at an inflection point where Vietnam must make a trade-off between the MSI of the U.S. and the MSR of China, within an overarching strategic context of the U.S. rebalance to Asia, Vietnam faces a dilemma in its policy formulations. The U.S. security assistance to Vietnam in the backdrop of SCS disputes is bound to create an unfavourable response in China, and stand in the way of harmonious Sino-Vietnam relations. The dilemma is to strike a balance between strategic objectives of maintaining favourable relations with China without destabilizing or derailing cooperative outcomes in the background of growing American strategic assistance. Vietnam is also reaching out for military assistance aimed at balancing China, which is perceived as an additional strand of its hedging strategy.

Vietnam can draw lessons from India’s experience of handling similar dilemma. India professes strategic autonomy, but also engages in strategic partnership with the U.S. This, along with the economic interdependence with China, creates a dilemma for India. However, there is a difference. Since both China and India are major regional powers, Sino-Indian relations are far more competitive than the Sino-Vietnam relations. Therefore, India’s approach to the U.S. and China is one of ‘balancing’ rather than ‘hedging’. India’s relations with Vietnam may be among the ‘tools’ of such ‘balancing’. Stronger ties with Vietnam result in greater advantage for Indian and the U.S., since it acts as leverage against the growing Chinese assertiveness. This also accrues a major dividend for Hanoi since it offsets Sino-Vietnam strategic asymmetry.

Given the ongoing disputes in the SCS which evade a clear resolution, and the U.S.’s greater visibility in the region, it remains to be seen whether Vietnam would adopt a balancing strategy against China or continue its hedging strategy. It is also difficult for Vietnam to assume an accommodating posture or bandwagon with China, as it has proved ineffective in the past. This results in dilemma in policy formulations.

The lack of an immediate threat from the American side, besides the US willingness and potential to counter China’s growing assertiveness in the SCS are factors that strengthen US-Vietnam ties. Will it lead to strengthening or
breakdown of cooperative mechanisms between China and Vietnam is another moot issue. Vietnam is also careful not to antagonize China as it may jeopardize the development of a legally-binding China-ASEAN Code of Conduct (COC) for the SCS.

It is fair to argue that the current strategy of Vietnam underlines maritime cooperation with both China and the U.S. to utilize the benefits of the MSI and MSR. A more pragmatic policy and strategic vision to accommodate both Chinese and U.S. interest in the SCS issue as well as maintaining a balance in the relations between the two powers would be favorable for Vietnam.

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