

**MARITIME SECURITY IN THE SOUTH CHINA SEA: A STUDY ON
THE ROLE OF INDIA AND ITS IMPLICATIONS**

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By

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DECLARATION

I, C.Lalremsiami, hereby declare that the subject matter of this dissertation is the record work done by me, that the contents of this dissertation did not form basis of the award of any previous degree to me or to do the best of my knowledge to anybody else, and that the dissertation has not been submitted by me for any research degree in other University/Institute.

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CERTIFICATE

This is to certify that Ms. C.Lalremsiami has prepared the dissertation titled *Maritime Security in the South China Sea: A Study on the Role of India and Its Implications* under my guidance and supervision for the M.Phil degree in Political Science of Mizoram University. In preparing the dissertation, Ms.C.Lalremsiami has complied with all the requirements as laid down in the M.Phil Regulations of the University. This dissertation is the original work of the scholar and has not been submitted for any degree to any other university.

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Date:_____

(C.LALREMSIAMI)

ABBREVIATIONS

ACCC-	ASEAN Connectivity Coordinating Committee
ADMM-	ASEAN Defence Ministerial Meeting
AIFTA -	ASEAN-India Free Trade Area
ARF-	ASEAN Regional Forum
ASEAN-	Association of South East Asian Nations
BRIDEX-	Brunei Darussalam International Defence Exhibition and Conference
COC-	Code of Conduct of Parties in the South China Sea
DOC-	Declaration of the Parties in the South China Sea
CLCS-	Conventional on the Limits of the Continental Shelf
DRDO-	Defence Research and Development Organisation
EAMF-	Expanded ASEAN Maritime Forum
EAS-	East Asia Summit
EEZ-	Exclusive Economic Zone
EU-	European Union
GDP-	Gross Domestic Product

IEA-	International Energy Agency
INS-	Indian Naval Ship
ISRO -	Indian Space Research Organisation
INTELLEX-	Intelligence Exchange Intelligence Exchange
IONS-	Indian Ocean Naval Symposium
MIDCOM-	Malaysia-India Defence Committee
MoU-	Memorandum of Understanding
ONGC-	Oil and Natural Gas Corporation
OVL-	ONGC Videsh Limited
PCA-	Permanent Court of Arbitration
PLAN-	People's Liberation Army Navy
PTI-	Press Trust of India
ROC-	Republic of China
SLOC-	Sea Lines of Communication
TAC-	Treaty of Amity and Cooperation
UNCLOS-	United Nations Conventions on the Laws of Sea

CHAPTER-I
INTRODUCTION

CHAPTER-I

Introduction

The contemporary world has been confronted with all sorts of security challenges, much of which remain obscure in the distant past. The oft-repeated phrase “globalization” touches not only governments of the world but of the economic, political, societal and personal life of mankind. In the meantime, the interconnectedness of the world brings in many sets of security requisites, which could not be handled effectively by nation-states alone. The tasks to avoid and prevent cataclysm, war or even a condition less than a war thus sets numerous challenges to both governmental and non-governmental actors. This international milieu necessarily offers the discipline of International Relations to extend its scope of study to a broad new level as such to focus on the numerous challenges facing mankind.

Peace and stability remains the core desire of mankind. However the continuous occurrence of threats and conflicts which often disturb the conditions of tranquility is an acknowledged fact. Thus, the means to defend from different dangers and threats remains one of the most important challenges faced from the early civilization of mankind which continue to the establishment of modern nation states till the present day order.

However, the Second World War and the cold war had somehow left a deep impact on the security concern. For the first time in history there is a common, global awareness of the necessity of fighting for the sustainability of the globe. One important precondition is the fact that the world more than ever in history has become one. The old slogan from the beginning of the cold war, “one world or none”, is now relevant in a new, broad understanding taking in new dimensions: globalization,

internationalization, transnationalisation, interdependence and integration¹. Globalisation is based on the free flow of resources, goods, capital, information and people. These flows are organized within and along different domains such as the sea, air, space and cyberspace. Together, these so called global commons form the bedrock of the current politico-economic system. Freedom and stability of the global commons is one of the most important public goods. But different trends indicate that this very freedom is at risk.² It changed the political notion of security from narrow oriented concept pointing to defense and the military matters to dealing with economic, political, geopolitical and societal matters, domestic as well as international. Today, many competing visions of the 'new geopolitics' are in the process of being articulated and the conventional representations and understandings of 'security' are subjected to an interdisciplinary scrutiny by peace researchers, international relations scholars, and the occasional defence-strategic studies expert.³ The concept of security thus occupies a burning topic for academicians, politicians, corporations, government and non-government actors. The problems and prospects of security occupy a leading place in the study of political science and international relations.

The international security field saw several important developments in the late 1960s and early 1970s. In addition to a noticeable increase in professional activity and published work on security-related topics, security studies became more rigorous, methodologically sophisticated, and theoretically inclined. Scholars continued to differ on specific policy issues, but competing views were increasingly based on systematic social scientific research rather than on unverified assertions or arguments by authority. These developments help explain the recent prominence of the subfield and its growing acceptance within the academic world, and they establish a firm foundation for future work. The main focus of security studies is easy to identify, however: it is the phenomenon of war. Security studies assume that conflict

¹ Bertel Heurlin and Kristensen. International Security. International Relations-Vol.II. Retrieved from <http://www.eolss.net/sample-chapters/c14/E1-35-04-02.pdf>

² Heiko Borchart. (2014). Maritime Security at Risk Trends, Future Threat Vectors and capability Requirements. Lucerne: Sandfire. p.6.

³ Sanjay Chaturvedi. (1998). Common Security? Geopolitics, Development, South Asia and the Indian Ocean. Third World Quarterly, Vol. 19, No. 4, Rethinking Geographies: North: South Development . p.702. Retrieved on 14 August, 2016 from <http://www.jstor.org/stable/3993251>

between states is always a possibility and that the use of military force has far-reaching effects on states and societies. Accordingly, security studies may be defined as the study of the threat, use, and control of military force. ⁴The term ‘security’ today is a contested concept and employed by many in a vast and variegated ways. The Oxford Dictionary define ‘security’ in five ways- the state of being free from danger or threat, the safety of a state or organization against criminal activity such as terrorism, theft, or espionage, procedures followed or measures taken to ensure the security of a state or organization, the state of feeling safe, stable, and free from fear or anxiety, a thing deposited or pledged as a guarantee of the fulfillment of an undertaking or the repayment of a loan, to be forfeited in case of default.⁵

By examining the architecture of security, be it academic realm or policy oriented, the term clearly could be considered as a broad term with several sub-security concerns within it. Being more than 70 percent water coverage of the earth, sea-related insecurities and transnational maritime crimes have become state, regional and global problem. It thereby attracts the attention of many, including scholars, intellectuals, government and non-governmental organizations etc. Hence, the term “Maritime Security” develops as an emerging topic in the study of international relations.

Statement of the problem

The South China Sea is semi-enclosed and bounded by China on the north, the Philippines in the east, Vietnam in the west, East Malaysia and Brunei in the southeast, and Indonesia and Malaysia in the southwest⁶. It has been called by different names, but the name ‘South China Sea’ is a dominant term used in English for the sea. The South China Sea area comprising of islands, rocks and reefs are considered strategic, economic and political assets for the littoral states in the South China Sea because, they can serve as legal base points for states to project their claims

⁴ Joseph S. Nye, Jr. and Sean M. Lynn-Jones (1988). International Security Studies: A Report of a Conference on the State of the Field. International Security, Vol. 12, No. 4 (Spring, 1988) p.10. Retrieved 14 September, 2016 from <http://www.jstor.org/stable/2538992>

⁵ Retrieved 6 November 2016 from Oxford dictionary. <https://en.oxforddictionaries.com/definition/security>

⁶ Sheldon W. Simon. (2012). Conflict and Diplomacy in the South China Sea. Asian Survey, Vol. 52, No. 6 (November/December 2012), pp. 996. Retrieved from <http://www.jstor.org/stable/10.1525/as.2012.52.6.995>

of exclusive jurisdiction over waters and resources in the South China Sea. The sea is believed to be harboring large reserves of oil and natural gas and is in demand for its rich fishing. The South China Sea serves as a critical navigational waterway in this region which is used from the west of the Indian Ocean to East Asia. The island group and the security of the sea lanes has been perceived as important since it is an important shipping lane and ASEAN, India, Taiwan, China, Japan and South Korea are all heavily dependent upon international and extra regional trade-most of which is shipped through the area.⁷

The South China Sea is contested in whole or in part by six littoral parties: China, Taiwan, Vietnam, Philippines, Malaysia and Brunei with each one seeking to give real effect to its sovereign and jurisdictional claims over water and hundreds of tiny land features. The claims made by the parties can be separated into historical, claims of discovery and occupation and claims that rest on the extension of sovereign jurisdiction under interpretation of the provisions of the United Nations Convention on the Law of the Sea (UNCLOS).⁸ With the rise in demand for energy resources, the disputes in the area have been further exacerbated. Thus, territorial sovereignty, contentions over energy, significance of the geographic location, threat to maritime security and overlapping maritime claims are all sources of the South China Sea disputes.⁹ The conflicts in South China Sea therefore emerged as one of the major focus of tensions of the world in the 21st century today and attract considerable attention in contemporary international relations and strategic studies.

Dispute in the South China Sea has flared hot and cold for decades, most often between China on the one hand and one or more of the claimants on the other.¹⁰ Most probably because China is often pictured as sabotage to the conflict due to its claim of

⁷ Munmun Majumdar. (2013). India's stakes in the South China Sea. *International Journal of Social Science and Humanities*, Vol.3, No 13. p.242

⁸Ibid. p.246

⁹ Rajeev Ranjan Chaturvedy. (2014). *Is India Making Waves in South China Sea?* Institute of South Asian Studies National University of Singapore. ISAS working paper, No. 185-26. P.2

¹⁰ Gregory B. Poling (2013). *The South China Sea in Focus: Clarifying the Limits of Maritime Disputes*. A Report of the Center for Strategic and International Studies (CSIS) Sumitro Chair for Southeast Asia Studies, Washington DC.p.2

more than 80% of the sea has further complicated the matter. China has been widely held as a source of insecurity in the South China Sea by the South East Asian littoral states and countries like Vietnam and the Philippines are increasingly looking toward other regional powers to increase and maintain their interest in the region. Therefore, conflicts in the South China Sea attract the attention of several non-claimant states due to the fact that the straits that separate these islands are important not only because restrictions upon passage would seriously disrupt international commerce but also because control over the islands would permit dominance over those routes.¹¹ Thus, while some claimant states welcomed the influence made by non-claimant states other states most notably China stood in complete opposition the influence made by extra regional power.

At this junction, India being a maritime nation and an energy deficit country though not a claimant state has seriously been aware of the development of the conflict. Owing to the fact that since the 1990's India's foreign policy has turned its eyes towards the East, which is increasingly continuing till today and get manifested in the recent Indian government affirmation to the "Act East Policy", India's economic relations with the South East and East Asian countries has grown significantly in the recent years. In boosting defense ties, India is also focusing on strengthening its maritime partnerships with the navies of the region such as Australia, Japan, Singapore and Vietnam.¹² Consequently India has in the recent years increased its concern and activities in the South China Sea, which is much disliked by China. The South China Sea connects with the Indian Ocean through the Malacca Straits to the Southwest, and command access to the East China Sea to the northeast.¹³ Thus, any major conflict in the South China Sea is bound to impact India's economic interests. Besides, India is worried that if China controls this sea space it will dictate maritime traffic, both civilian and military.¹⁴ Therefore, many political analysts are of

¹¹ Munmun Majumdar. Op.cit. p.244

¹² Darshana M. Baruah (2014). South China Sea: Time for India to Mark Its Presence. S. Rajaratnam school of International Studies (RSIS) Commentary. Singapore: Nanyang Technological University. No. 225.

¹³ Rajeev Ranjan Chaturvedy. Op.cit.p.5

¹⁴ Majumdar, Op.cit. p.244

the opinion that the South China Sea is a zone of contention between China and India, which Beijing views as an encroachment on its sovereignty, though in a disputed nautical territory. India's priority therefore is to maintain freedom of navigation in the sea. India, holding the opinion that maritime security in the South China Sea region is a key to the implementation of its foreign policy today thus face several problems and challenges.

Review of Literature

For the present study, relevant information and data from the available literature such as books and articles have been collected. Some of these materials have been presented in the following section.

Tej Prakash (2011) in his book, *India's Foreign Policy in a changing world politics*, gave a view on how the 1962 marked a gradual shift from the early idealistic model to a "self-help" approach period till 1991 and how the post 1991 period saw the elements of Realistic approach in India's Foreign Policy.

Ashok Kapur (2006) in his book, *India-From Regional Power to World Power*, provide an elaboration on the rise of India and various steps necessary for India to achieve the status of world power at the beginning of the 21st century. The author focuses on three fundamental shifts in Indian diplomacy and military history. The author added that the strategy of Indian political leaders in handling India's foreign policy in the post 1998 clearly exposed Nehru's conceptual error and compared to Aristotle's wisdom which Nehru did not understand.

VP Dutt (2007) in his book, *India's Foreign Policy: Since Independence*, mainly deals with how the foreign policy of India gets shaped and tooled by prominent leaders of the country. Dutt, gave an extensive elaboration of India's foreign policy under several leaders and explains that the influence of political leaders have a significant impact upon India's foreign political decision.

David M.Malone (2011) in his book, *Does the Elephant Dance?* has made a work from an "an outside eye" with special reference to domestic setting of India's

international relations and find out that several domestic political, economic and social problems of India have immensely impact India's foreign policy.

The work of Natalie Klien (2011), *Maritime Security and the Law of the Sea* provides a study of the concept of maritime security and gave an elaborative sketch of the recent developments in the maritime legal structure.

Christian Bueger (2011), *What is maritime security?* provide a conceptual analysis of maritime security, securitization framework and its various practices.

Kun-Chin Lin and Andrés Villar Gertner (2015) in their work 'Maritime Security in the Asia-Pacific: China and the Emerging Order in the East and South China Sea', evaluates the fundamental dimensions of tensions in the East China Sea and South China Sea from four perspective- geostrategic balance, national identity politics, regional and domestic institutions, and international maritime law with the main focus on China's role.

In the work of Gregory B. Poling (2013), 'The South China Sea in Focus: Clarifying the Limits of Maritime Disputes', the South China Sea was viewed through the legal claims of each claimant, without taking into consideration the unresolvable land features in the sea and the consequences of the dispute.

Sheldon W. Simon (2012) in 'Conflict and Diplomacy in the South China Sea', discusses the South China Sea conflict from the existing diplomacy among the claimant states either bilaterally or multilaterally and finds that if diplomacy fails, the claimants are building their militaries to assert their rights through force.

In an article, 'Conflict Irresolution in the South China Sea', written by David Scott (2012), conflict in the South China Sea was looked through various problems- international, regional and bilateral in the process of resolving conflicts.

In her article titled 'India's stakes in the South China Sea', Munmun Majumdar (2013) while not dealing much with the nature of dispute in the South China Sea, dealt extensively with India-Vietnam oil and gas exploration in the South China Sea, which

has been a cause of concern for Vietnam, China-Vietnam hostile relations and few possible challenges that might arise out of India's strategic move.

Aditi Malhotra (2012) in an article, 'Indo-Vietnam relations: An answer to Sino- Pak Partnership?' explains China's assertive rise in the Asian region through its military forces and her continued interest in the Indian Ocean. The article largely elaborates the all time friendly relations between China and Pakistan particularly the defense cooperation and mentions India's concern to this which is perceived by India as a threat to her security interest. The author then compares this to India's security relations with Vietnam which has been a major obstacle from the Chinese sight.

In an article, 'Disputes Between Vietnam and China in the South China Sea: A Legal Analysis', written by Vu Hai Dang(2014), Vu provides different reasons why India-Vietnam ties has been so much a cause of concern for China and provides a legal analysis of the most challenging dispute between China and Vietnam in the South China Sea.

The work of Amitav Acharya, 'China and South-East Asia: Security Aspects', examines South-East Asia's dilemmas in dealing with rising Chinese power. Acharya states that China's relations with South-East Asia have been and will continue to be marked by a mix of competition and collaboration due to largely two key developments in China-South-East Asian relations- the South China Sea dispute and the issue of investment and trade diversion.

In a book written by Martin Jacques (2009), *When China Rules the World: The rise of the Middle Kingdom and the End of the Western World*, Jacques explicitly gave a distinctive approach to the world order in the 21st century and recognizes that the rapid growth of non-Western world and specifically China as a dominant role in the 21st century.

The work of Vallabhu Srilatha (2005) 'India-ASEAN: Prospects for Maritime Cooperation', deals with several naval activities of India and countries of ASEAN and laid down some possible threats that might deter maritime cooperation of India and ASEAN and suggested some recommendations for future maritime cooperation.

The work of K.S. Balakrishnan (2014), 'The Deepening of India-ASEAN Security Cooperation', explains the role of maritime security as an important component of defense and security relations of India and ASEAN.

Objectives of the study

1. To study the theoretical perspectives of maritime security.
2. To analyze the nature and scope of the conflict in the South China Sea.
3. To examine India's maritime interests and policies in the South China Sea.
4. To highlight the implications of India's maritime policy on the littoral states of the South China Sea.

Research Questions

1. What are the theoretical perspectives of maritime security?
2. What is the nature and scope of the conflict in the South China Sea?
3. What are the maritime interests and policies adopted by India in the South China Sea?
4. What are the implications of India's maritime policies on the littoral states of the South China Sea?

Methodology

The research has been conducted through qualitative method using descriptive and analytical study. The study uses both primary and secondary sources for relevant data collection. Primary data has been collected from Annual Reports of Ministry of Defense, Ministry of External Affairs, Government of India and Government Archives. Relevant websites of government of India (www.mea.gov.in), Indian Navy (www.indiannavy.nic.in), Government of China (www.fmprs.gov.cn), Ministry of Foreign Affairs, Vietnam (www.mofa.gov.vn/en/), Ministry of Foreign Affairs, Republic of China (Taiwan) (www.mofa.gov.tw/en/), ASEAN official website (www.asean.org/) etc. were accessed. Secondary data has been collected from books, journals, magazines, newspapers and internet sources.

Chapterisation

CHAPTER I: Introduction

The first chapter of the research gives a general outline of security as a contemporary security challenges. It also covers statement of the research problem, review of literature, objectives of the study, research questions, methodology, chapterisation scheme itself and limitations of the study.

CHAPTER II: Theoretical perspectives of maritime security

The second chapter deals with the understanding of the theoretical perspectives to the concept and definitions of maritime security.

CHAPTER III: South China Sea: The zone of conflict

This chapter analyzes the geostrategic importance of the South China Sea and the nature of conflicts in the South China Sea. It gives a short analysis of country wise maritime claims made by China, Taiwan, Philippines, Malaysia, Brunei and Vietnam and deals with the recent trends in the developments of the conflicts.

CHAPTER IV: India's maritime security policies and strategies in the South China Sea

The fourth chapter examines the major factors underlying maritime interests of India in the South China Sea and India's activities in pursuit of maritime security in the South China Sea.

CHAPTER V: The implications of India's maritime policies on the littoral states of the South China Sea

This chapter analyzes the implications of India's maritime policies in the South China Sea on the littoral states of China, Taiwan, Philippines, Malaysia, Brunei and Vietnam.

CHAPTER VI: Summary and Conclusion

The last chapter is a summary and conclusion drawn from the study based on the above chapters.

Limitations of the study

The present study has been confronted with certain limitations.

First, maritime security as a concept has not yet fully developed. It is an emergent topic. Under such circumstances, it is complicated to illustrate concrete definition, as there is a possibility that unpredicted variables might appear in the future.

Secondly, there is a limitation of literatures and research work relating to the focused concept.

Lastly, factors such as time and monetary constraints also affect the research.

CHAPTER II

THEORETICAL PERSPECTIVES OF MARITIME SECURITY

CHAPTER II

DEFINITION AND SCOPE OF MARITIME SECURITY:

From the early years of human civilization to the present age, seas and oceans occupy an enormous significance. Its scientific utility to nature ought not to be overlooked. Oceans provide access to all parts of the globe. Eighty five percent of nation states have a coast line. Seventy five percent of the world's population lives in the littoral, i.e. less than 200 nautical miles (nm) from the sea. Eighty percent of capital cities of the world and nearly all major centers of international trade and economic power are located on the coast. Thirty six percent of the world's oceans are encompassed within United Nations Conventions on the Laws of Sea (UNCLOS) definitions of Exclusive Economic Zone (EEZ). Ninety seven percent of the world's trade (by volume) is transported by sea.¹⁵ Since earlier period oceans provide the cheapest and most common form of transportation- voyages and commercial purposes. The importance of sea route is no less in the interconnectedness of the 21st century world but rather increased and improved immensely. The very strategic importance of oceans and seas has had a profound influence on the economic and political dimensions globally.

The term "maritime" is an all-encompassing word, including everything that is connected to the seas.¹⁶ Maritime security is a multi-faceted concept that awaits universal definition. The complexity of maritime security is a direct consequence of the broad scope of tasks that has come to form the core of the so called maritime security operations. The International Maritime Organization (IMO) has addressed questions of maritime security under the auspices of its Maritime Safety Committee since the 1980s.¹⁷ From a theoretical point of view, the term maritime security is thus similar to the concept of comprehensive security. Both are defining a very broad

¹⁵ Indian Maritime Doctrine (2009). Ministry of Defence (Navy). Government of India.p.48. Retrieved 13 July 2016 from <https://www.indiannavy.nic.in/sites/default/files/Indian-Maritime-Doctrine-2009-Updated-12Feb16.pdf>

¹⁶ Ibid.p.49

¹⁷ Natalie Klein. (2011). Maritime Security and the Law of the Sea. p.8. United States: Oxford University Press. Retrieved 25 September 2016 from <http://libgen.io/ads.php?md5=609E2286B2DC9234C87F6752F79FEED4>

subject thus running the risk of being hollowed out. From a practitioner's perspective, the vagueness of the concept can be very useful as it provides multiple opportunities to establish cooperation among different actors.¹⁸ Till today, no universal consensus has been arrived to the definition of the term "maritime security". However, researchers from different backgrounds have engaged into adjoined projects with an aim to merge methodologies available in the traditional security studies, contemporary critical security studies, law of the sea studies, maritime law studies and other related fields. This ambitious endeavour has just begun, and aims to form an international, multi-disciplinary forum (political sciences, law, economy, sociology and others) where researchers and practitioners will be given an opportunity to accumulate knowledge and experience, and gather with an aim to define the outreach of this new emerging sub-field – the international maritime security studies.¹⁹ The increasing diverse uses of seas have enormously reveals that good order at the sea has become more important in recent years due to the ever increasing rate of dependent on the seas. Moreover, problems in the maritime domain have grown so much. Scholars and intellectuals have developed several approaches and conceptions to deal with it. Thus, quite a lot of approaches to define maritime security emerge which are elaborated as below.

TRADITIONAL CONCEPT OF MARITIME SECURITY:

Security interests in the oceans have traditionally related to the military interests of different states and this dimension remains significant in inter-state relations, and in internal state decision-making on military priorities.²⁰ For long time maritime security has been interpreted narrowly as the maritime security of a state: protection of territory from seaward aggression, or protection of national maritime interests.²¹

¹⁸ Heiko Borchart. Op.cit.p.8

¹⁹ Miso Mudric (2016). Maritime Security: Editorial Note. In Senada Šelo Šabić. **Croatian International Relations Review**, XXII (75) - 2016 p.5-6

²⁰ Natalie Klein. Op.cit. p.8

²¹ Maritime Security and Vietnamese Perspective (2005). Paper Presentation in the SCA joint-project workshop on Ocean Security in Asia. p.1 Vietnam. Retrieved 5th July 2016 from <http://www.scj.go.jp/en/sca/pdf/5thsecuritythao.pdf>

POST-COLD WAR ERA

Essentially, the end of the Cold War throws many non-traditional securities and set the tasks for the recalculation of “security”. The world has become more integrated than ever. Moreover, several means of interconnectivity have become sensitive. Owing to the fact that several non-traditional threats and organized crimes which could not be tackled solely by nation-states alone emerged in several spheres, actors involved in the realm of security increased immensely. The concept of maritime security thus become more complex driving the old narrow concept to a more diverse and vital foundation in academic studies. Specifically, many efforts thus have been paid by scholars and intellectuals to bring into being a more solid theoretical foundation to the concept of the term “maritime security”. Maritime Security has been defined by different scholars and institutions. Most popular ones include:

According to EU Maritime security Maritime security is understood as a state of affairs of the global maritime domain, in which international law and national law are enforced, freedom of navigation is guaranteed and citizens, infrastructure, transport, the environment and marine resources are protected.²²

According to UK National Strategy for Maritime security, “Maritime security is the advancement and protection of the UK’S national interests, at home and abroad, through the active management of risks and opportunities in and from the maritime domain, in order to strengthen and extend the UK’s prosperity, security and resilience and to help shape a stable world.”²³

The US Naval Operations Concept referred to the goals of ‘maritime security operations’ as including ensuring the freedom of navigation, the flow of commerce and the protection of ocean resources, as well as securing ‘the maritime domain from nation-state threats, terrorism, drug trafficking and other forms of transnational crime, piracy, environmental destruction and illegal seaborne immigration’. Maritime security means the protection of a state’s land and maritime territory, infrastructure, economy, environment and society from certain harmful acts occurring at sea.²⁴

²² Heiko Borchart. Op.Cit.p.15

²³ The UK National Strategy for Maritime Security (May 2014). UK: Williams Lea Group. Retrieved on 3rd November 2016 from www.gov.uk/government/publications

²⁴ Natalie Klein.Op.cit.p.8

Maritime Security, like other international buzzwords, is a term that draws attention to new challenges and rallies support for tackling these. Discussions of maritime security frequently do so by pointing to ‘threats’ that prevail in the maritime domain. They refer to threats such as maritime inter-state disputes, maritime terrorism, piracy, trafficking of narcotics, people and illicit goods, arms proliferation, illegal fishing, environmental crimes, or maritime accidents and disasters. The argument is then that maritime security should be defined as the absence of these threats.²⁵

CONCEPTUAL RELATIONS OF MARITIME SECURITY

In semiotic thinking the meaning of a term can be grasped by exploring the relations of the term to others. Concepts acquire their meaning relationally, through their similarities and differences from other words. Maritime security can be analyzed by recognizing the relations to other terms. Maritime security organizes a web of relations, replaces or subsumes older, established concepts, as well as relates to more recently developed ones.²⁶

A discourse on security at sea preceding the current debate on ‘maritime security’ is that of naval warfare, the importance of maritime power projection, and the concept of sea power. Firmly based in a traditionalist understanding of national security as the protection of the survival of states, the concept of ‘sea power’ aims at laying out the role of naval forces and at elaborating strategies for their use. In peace time the role of warships is mainly seen in protecting the core sea lines of communication in order to facilitate trade and economic prosperity by means of deterrence as well as surveillance and interdiction. The concept of sea power is related to maritime security in several ways. It first concerns the fact that naval forces are one of the major actors in maritime security. Moreover, discussions of sea power address in how far state forces should act outside their territorial waters, engage in other regions than their own and have a presence in international waters.²⁷

Maritime security is however also linked to economic development. Throughout history the oceans were always of vital economic importance. The

²⁵ Christian Bueger. Op.cit. p 53

²⁶ Ibid.p.58

²⁷ Ibid.p.57

majority of trade is conducted via the sea and fisheries are a significant industry. The concept of blue economy is linked to maritime security since sustainable management strategies not only require the enforcement and monitoring of laws and regulations, but a secure maritime environment provides the precondition for managing marine resources.²⁸

Maritime insecurity may happen differently to different actors, human beings and organizations. This semiotic perspective implies that maritime security provides practitioners and actors the basis and foundation for taking into account their core conception and directions of the broad definition of the term. Moreover, the interdisciplinary nature of maritime security provides that the term ‘maritime security’ can be elaborated as under:

1. Physical approach:

The physical nature of the maritime domain provides the ultimate foundation of the framework. It is important to note that human beings understanding of the world ocean is still rather limited. Rapid industrialization and increase in population, climate change and all other related issues harm the marine environment in a more critical manner. The need to securitise the marine resources and its habitat calls the attention of scholars and intellectuals. This approach thus assesses maritime security from physical nature and marine resources.

2. Operational approach:

The maritime domain serves as a transport corridor, provides marine resources, is seen as a living environment (habitat) and is used to project power and stability. This becomes most obvious when looking at the littorals. The littorals play a key role in the 21st century, because almost all trends shaping human living in the future come together in a narrow strip along the world’s coastal lines. The littorals are key to connecting global supply chains, they are magnets for people that strive to improve their standard of living and thus nurture rapid urbanization and they harbor promising offshore resources. Stability in the littorals will thus become of paramount importance for pan-regional stability and global security.²⁹

²⁸ Ibid.p.57

²⁹ Heiko Borchart. Op.cit.p.12

3. Normative level:

The normative level comprises all rules, norms and principles relevant for activities in the maritime domain. When it comes to maritime security, the key challenge stems from the fact that existing normative foundations are dispersed across many different regimes. In addition, most of the rules, norms and principles that could be applied to maritime security are subject to interpretation. This is where the current power play between developed and emerging powers comes in and creates additional uncertainty.³⁰

Maritime insecurity is a condition, its antonym, maritime security, is not just the opposite condition. Because the maritime domain is inherently fragile, maritime security implies a degree of proactive activity. That is why this broad definition of Maritime security comes with several implications that are of relevance for the future conceptualization of the subject. A distinction is drawn between maritime safety and maritime security. Maritime safety refers to preventing or minimizing the occurrence of accidents at sea that may be caused by substandard ships, unqualified crew or operator error, whereas maritime security is related to protection against unlawful, and deliberate, acts. From this perspective, it is not only a range of military activities that may pose a threat to the security of the coastal state (such as weapons exercises, threats or use of force, or the launching, landing, or taking on board of any aircraft of military devices), but also includes fishing activities, willful and serious pollution, and research or survey activities.³¹

With the concept of sea as a territory, a lot of insecurity issues needed to be tackled; hence the emergence of maritime security was not to be seen as a militarized response only but as a multi stakeholder and regional imperative response to the matter. The importance of the trade route at sea needed to be secured for the wellbeing of communities as well as communities along the sea.³² In today's global environment, transnational security challenges so-called grey-area phenomena—pose serious and dynamic challenges to national and international stability. These dangers,

³⁰ Ibid.p.14

³¹ Natalie Klein. Op.cit.p.9

³² Asha Sekomo (2013) "African Approaches to Maritime Security" Workshop Report. p.4 Johannesburg: University of the Witwatersrand.

which cannot be readily defeated by the traditional defenses that states have erected to protect both their territories and populaces, reflect the remarkable fluidity that currently characterizes world politics—a setting in which it is no longer apparent exactly who can do what to whom with what means. The maritime realm is especially conducive to these types of threat contingencies given its vast, largely unregulated, and opaque nature.³³ What needs to be noted is that maritime security is not understood in the conventional military sense alone but as a multidimensional strategy aimed at ensuring the country's peacetime economic, energy, trade and safety of sea lines of communications (SLOCs). Contemporary maritime security is hinged on friendly cooperation and multilateral strategies to meet the new challenges from the violent and unlawful agents³⁴

Maritime Security thus has been interpreted by different writers, Governments and organizations at regional and international level. The term is linked with additional broader concepts. The particular issue and concept being taken into account by the users often illustrates the approach taken to the definition to the term 'maritime security'. The most remarkable shift from the traditional to non-traditional security has been the focus prioritized more on the redresses of various maritime symptoms. It is thus safe to say that the term maritime security has been used at a convenience in a broader sense to tackle and precautionary effort of any security threats that is related to the sea.

CONTROL MEASURES

An overwhelmingly increase in maritime activities creates maritime insecurities in several forms which pose greater challenges to state, regions and international community as a whole. Transnational maritime crimes such as piracy, illicit trafficking (weapons, drugs, money, humans or other contraband), terrorism, threats to the environment and aggressive exploitation of resources, affect all nations. However, no single nation can address this issue alone. It demands collective efforts of many nations and organizations to counter these threats to the maritime commons.

³³ Heiko Borchart. Op.cit. p.14

³⁴ K.S Pavithran. (Ed.). (2013). Foreign Policy and Maritime Security of India. p.2-4. New Delhi: New Century Publications.

As such, many bi-lateral, multi-lateral and international control measures have been sought.

Law enforcement powers are essential to enable states to respond to maritime security threats. Although this point is simple enough in itself, the laws according to states jurisdiction are complex because of the different rights and obligations recognized in the various maritime zones. The regulation of activities at sea is dependent on what authority states have in any given maritime area or over any particular vessel or installation or structure located at sea. The ability of a state to undertake law enforcement not only varies because of the different rights and duties existing in the different maritime zones, but also according to what particular threat to maritime security is being addressed. While there is a general interest in upholding order at sea, the accepted responses to achieve order have been countered by other interests, especially the importance of territorial integrity and the corollary of maintaining exclusive rights over vessels that are flagged to the state. This balancing act is constantly at stake in seeking to prevent and respond to maritime security threats.³⁵ Today, despite many states have made, signed or ratified one or another kind of rules, regulations and conventions containing well-drafted principles. Yet, problems of implementation and law enforcement of various maritime laws serves another problem facing states and organizations.

³⁵ Natalia Klein. Op.cit.p.62

CHAPTER III

SOUTH CHINA SEA: THE ZONE OF CONFLICT

CHAPTER III

Global wealth and power continue to shift to a maritime region stretching from the Indian Ocean to the Pacific; Indo-Pacific Asia or the Indo-Pacific for short.³⁶ One of the hot spots of 21st century Asia's attentions to the rest of the world resides with the western Pacific spot, called the South China Sea. The South China Sea extends mainly from the Strait of Malacca in the southwest to the Strait of Taiwan in northeast. The South China Sea and its enclosed features have been called by different names, but the name 'South China Sea' is a prevailing term used in English for the sea.

Physiography:

South China Sea, **the** arm of the western Pacific Ocean is a rhombus- shaped feature that borders the Southeast Asian mainland. It is bounded on the northeast by the Taiwan Strait (by which it is connected to the East China Sea); on the east by Taiwan and the Philippines; on the southeast and south by Borneo, the southern limit of the Gulf of Thailand, and the east coast of the Malay Peninsula; and on the west and north by the Asian mainland. The southern boundary of the South China Sea is a rise in the seabed between Sumatra and Borneo, and the northern boundary stretches from the northernmost point of Taiwan to the coast of Fujian province, China, in the Taiwan Strait.³⁷ Hundreds of features in the South China Sea are habitually grouped in four main islands- the Pratas Islands in the northeastern part, the Paracel Islands in the north, the Spratly Islands in the south, and the Scarborough Shoal in the central east of the South China Sea.

³⁶ Linda Jakobson and Rory Medcalf (2015). The perception gap: Reading China's maritime strategic objectives in Indo-Pacific Asia. Lowly Institute. p.4.

³⁷ South China Sea Sea, Pacific Ocean. Retrieved on 18th November 2016 from <https://www.britannica.com/place/South-China-Sea>



Map1

Map of South China Sea (2016)

Source: Central Intelligence Agency: Regional and world maps

(Retrieved 20th November 2016 from https://www.cia.gov/library/publications/the-world-factbook//graphics/ref_maps/physical/jpg/southeast_asia.jpg)

Geostrategic importance of the South China Sea:

The South China Sea is the geo-strategic hub of Southeast Asia. The sea holds immense geopolitical, economic and strategic significance for the littoral states and for many other external maritime countries. Its unique and distinctive features make the South China Sea a valuable spot. Firstly, the South China Sea serves as a crucial sea link from the Pacific to the Indian Ocean. This sea provides the most fuel transportation by sea from Middle East and Africa for East and South East Asian nations. Second, the South China Sea embracing an area of 1,148,000sq.miles, ranks ninth of the ‘top ten largest oceans and seas’.³⁸ Third, the South China Sea is home to over 30,000 small islands and reefs, distributed across three archipelagos.³⁹ The South China Sea is a highly biodiverse marine. According to one scientific paper, it is a home to 571 species of reef coral.⁴⁰ Fourth, the South China Sea is a vital trading passage for China, Japan and Korea, as well as other nations on the western rim of the Pacific, serving as their only bulk trading route with key markets in the Americas and Europe, amongst others. Over \$5 trillion of annual shipping trade passes through the region according to the *Wall Street Journal*.⁴¹ Fifth, in regard to centrality of the location, the South China Sea is punctuated by the busiest chokepoints of the world- Strait of Malacca, the Karimata Strait, the Balabac Strait, the Mindoro Strait, the Verde Island Passage, the San Barnadini Strait, Bashi chanel and Balintang Chanel, the Taiwan strait. More than half of the world's annual merchant fleet tonnage passes through these choke points, and a third of all maritime traffic worldwide.⁴² Sixth,

³⁸ Retrieved 10 November 2016 from www.mapsofworld.com/world-top-ten-largest-oceans-and-sea-map.html

³⁹ Jon Lunn and Arabella Lang (12th July 2016). The South China Sea Dispute: July 2016 Update.p.4 Briefing Paper. House of Commons Library. Retrieved on 18th November 2016 from researchbriefings.files.parliament.uk/documents/CBP-7481/CBP-7481.pdf

⁴⁰Matthew Southerland. China’s Island Building in the South China Sea: Damage to the Marine Environment, Implications, and International Law. 12 April 2016. Staff Research report on US-China Economic and Security Review Commission. Retrieved on 20th November 2016 from https://seasresearch.files.wordpress.com/2016/04/chinas-island-building-in-the-south-china-sea_0.pdf

⁴¹ Justina Crabtree. (18 July 2016) . Why disruption in the South China Sea could have ‘gigantic’ consequences for global trade. CNBC. Retrieved on 18th November 2016 from <http://www.cnbc.com/2016/07/18/why-disruption-in-the-south-china-sea-could-have-gigantic-consequences-for-global-trade.html>

⁴² Robert D.Kaplan. 20th February 2015. Why the South China Sea is so crucial? Business Insider India. Retrieved on 18th November 2016 from <http://www.businessinsider.in/Why-the-South-China-Sea-is-so-crucial/articleshow/46313578.cms>

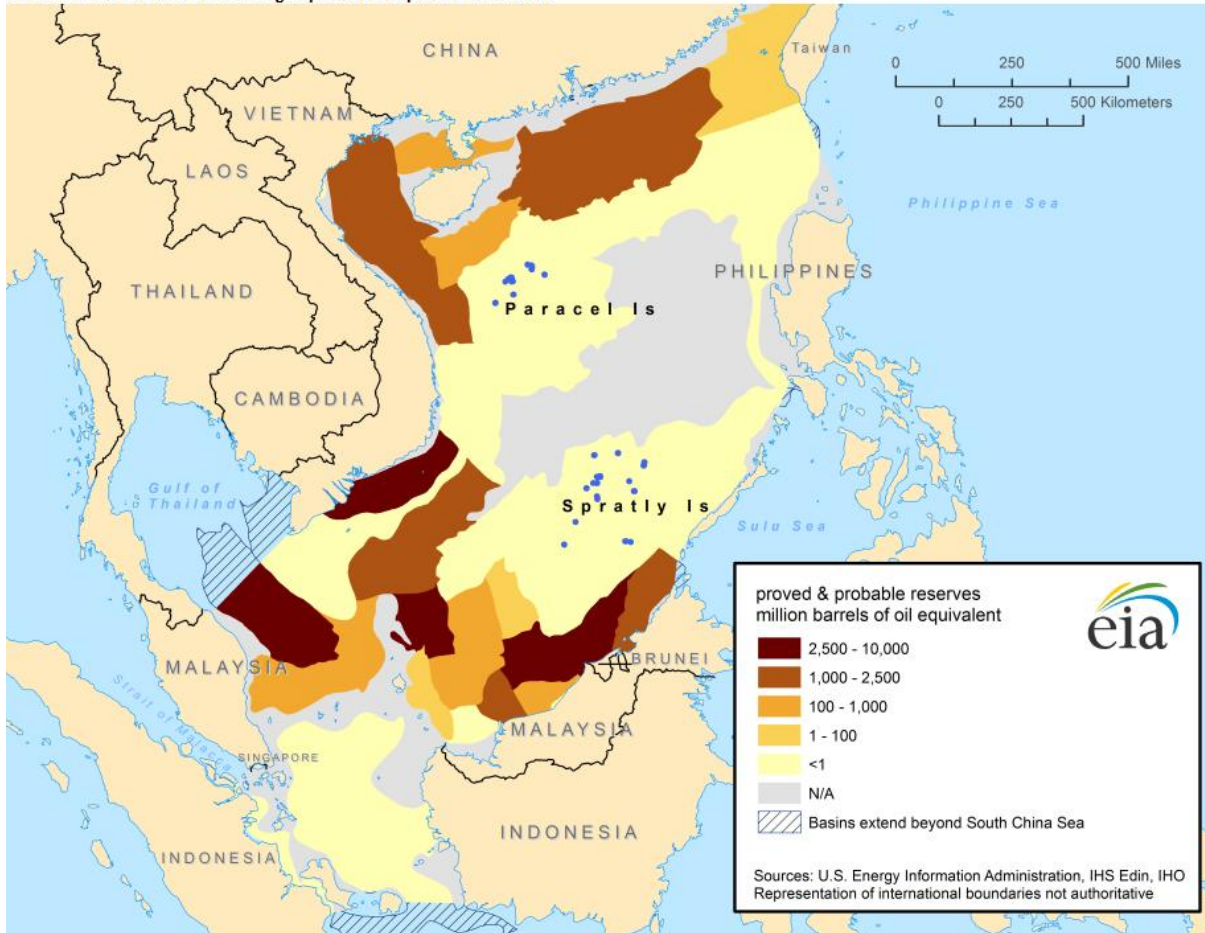
stretching from Singapore and the Strait of Malacca chokepoint in the southwest to the Strait of Taiwan in the northeast, the South China Sea is one of the most important energy trade routes in the world. Almost a third of global crude oil and over half of global liquefied natural gas (LNG) passes through the South China Sea each year.⁴³

The U.S Geological Survey (USGS) estimated in 2012 that about 12 billion barrels of oil and 160 trillion cubic feet of natural gas might exist as undiscovered resources in the South China Sea, excluding Gulf of Thailand and other adjacent areas. About one fifth of these resources maybe found in contested areas, particularly in the Reed Bank at the northeast end of the Spratly islands, which is claimed by China, Taiwan and Vietnam. The Parcel Island area may also contain significant natural gas hydrate resources. While test drills are promising, commercial development of natural gas hydrates in the South China Sea is many years away given technological challenges and current natural gas prices. Energy Information Agency (EIA) projects Southeast Asian domestic oil production to stay flat or decline as energy consumption rises in the region and natural gas from the South China Sea may meet a significant part of future energy demand.⁴⁴

⁴³ Retrieved 28th September 2016 from www.eia.gov/todayinenergy/detail.cfm?id=10671

⁴⁴ Contested areas of South China Sea likely have few conventional oil and gas resources. Retrieved 28th September 2016 from www.eia.gov/todayinenergy/detail.cfm?id=10651

South China Sea oil and natural gas proved and probable reserves



Map2

South China Sea proved and probable reserves (2013)

Source: U.S Energy Information Administration

(Retrieved 10th November 2016 from
<http://www.eia.gov/todayinenergy/detail.php?id=10651>)

Nature of the conflicts:

The South China Sea is contested in whole or in part by six littoral parties: China, Taiwan, Vietnam, Philippines, Malaysia and Brunei with each one seeking to give real effect to its sovereign and jurisdictional claims over water and hundreds of tiny land features. The South China Sea area comprising of islands, rocks and reefs are considered strategic, economic and political assets for the littoral states in the South China Sea because, they can serve as legal base points for states to

project their claims of exclusive jurisdiction over waters and resources in the South China Sea. ⁴⁵With the rise in demand for energy resources, the disputes in the area have been further exacerbated. Territorial sovereignty, contentions over energy, significance of the geographic location, threat to maritime security and overlapping maritime claims are all sources of the South China Sea disputes.⁴⁶ The conflicts in South China Sea, therefore, emerged as one of the major focus of tensions of the world in the 21st century today and attract considerable attention in contemporary international relations and strategic studies. It is relevant here to discuss the various country's claims in the South China Sea:

1. VIETNAM:

The Socialist Republic of Vietnam, a long stretched S shaped country shares maritime boundaries with China, Philippines, Indonesia, Malaysia, Cambodia and Thailand. Owing to the fact that Vietnam locates immediately to the west of the South China Sea, the Vietnamese habitually call the South China Sea 'the East Sea' which according to their own native speech denotes 'Bien Dong'. Vietnam's coastline extends for some 3,260 kilometers bordering the Bien Dong Sea.

Vietnam claimed the Paracels (Hoang Sa) and Spratly (TYuong Sa) in the South China Sea. Vietnam's claim of the Paracels is based on historical grounds and asserts that it was the first country that discovered, occupied and administered these islands in a continuous and a peaceful manner. Based on evidence proved by itself, Vietnam seems to have discovered the Paracels in at least the 15th century and started to exploit and administrate them as a sovereign state in the 17th century.⁴⁷

Vietnam's territorial claim in the South China Sea overlaps with other claimants like Malaysia, Brunei, the Philippines, China, and Taiwan. The first major step taken by Vietnam in consolidating its claim is the publication of White paper on

⁴⁵ Munmun Majumdar. Op.cit.p.247

⁴⁶ Rajeev Ranjan Chaturvedy. Op.cit. p.5

⁴⁷ Vu Hai Dang (2014). Disputes Between Vietnam And China In The South China Sea; A Study On Legal Analysis. pp 35-36. In Murray Hiebert, Phuyong Nguyen and Gregory B. Poling (Eds.), Perspective on the South China Sea Diplomatic, Legal and Security Dimensions of the Dispute. Center for Strategic and International Studies. Rowman and Littlefield

defence to the ASEAN Regional Forum (ARF) titled, “Vietnam? Consolidating National Defence, Safeguarding the Homeland” in July 1998. Then in 2003, Vietnam and Indonesia agreed for the delimitation of their boundaries between southern Vietnam and the Tadjuh archipelago in north-western Indonesia. Another remarkable move made by Vietnam at the international level is the joint submission with Malaysia to the Commission on the Limits of the Continental Shelf (CLCS) in 2009. Thus, based on Article 76, paragraph 8, of the United Nations Convention on the Law of the Sea, both Malaysia and Vietnam seek an information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured in respect of the southern part of the South China Sea.

2. MALAYSIA:

Malaysia employs straight baselines along its coast facing the South China Sea. Malaysia claims a number of features above water at low tide in the southern Spratly Islands within its claimed EEZ from Sabah, North Borneo, all of which lie within China’s nine-dash line. Several features have been controlled by Malaysia but claimed by others. Such as Swallow Reef (claimed by the People’s Republic of China, Taiwan, and Vietnam), Erica Reef, Investigator Shoal, Ardasier Reef and Mariveles Reef (claimed by the People’s Republic of China, Taiwan, the Philippines, and Vietnam, Dallas Reef (claimed by Taiwan, china and Vietnam). Commodore Reef/Rizal Reef is claimed by Malaysia but occupied by Philippines. Amboyna Cay and Barque Canada Reef are the islands claimed by Malaysia appear to be seaward of Malaysia’s claimed EEZ. They are occupied by Vietnam. Malaysia also claims submerged features like James Shoal, North Luconia Shoals and South Luconia Shoals (claimed by China and Taiwan).⁴⁸

The status of the boundaries between Malaysia’s and Brunei’s continental shelf claims remains ambiguous. Both countries have agreed that Brunei is entitled to a 200 nautical miles EEZ, but Malaysia has never conceded that Brunei is also entitled to an

⁴⁸ J. Ashley Roach. (August 2014). Malaysia and Brunei: An Analysis of their Claims in the South China Sea. CAN Occasional Paper. P.9-12. Retrieved on 10th November 2016 from https://www.cna.org/CNA_files/PDF/IOP-2014-U-008434.pdf

extension of its continental shelf beyond 200 nautical miles. Malaysia's joint submission in 2009 of its continental shelf claim with Vietnam shows an unbroken line, implicitly denying Brunei's right to extend its shelf to the same distance, much less beyond it. Common sense says that is impossible under UNCLOS: the geography of the island of Brunei cannot generate an extended continental shelf for Malaysia but fail to do so for Brunei. Malaysia's continental shelf claim must therefore have a gap to accommodate Brunei's shelf.⁴⁹In general, the claims made by Malaysia are located roughly between Vietnam's baselines and the Malaysian coast which is mainly based on the 1979 map of itself. Malaysia's claim to the South China Sea is determinedly based on its own continental shelf act 1966 and 1969, a 1979 map and its joint submission to CLCS with Vietnam in 2009.

3. BRUNEI:

Brunei Darussalam is a nation located on the northern shore of the island of Borneo. The nation has an area of 5,765 sq. km and a 161 Km long coastline next to South China Sea.⁵⁰ Brunei's claim to the South China Sea originated in 1984, after it gained independence from Britain. The same year, Brunei signed the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and declared an Exclusive Economic Zone (EEZ) of 200 nautical miles. Brunei's claim to the South China Sea includes the maritime features of Bombay Castle, Louisa Reef, Owen Shoal, and Rifleman Bank of the Spratly Island chain. Vietnam currently occupies Bombay Castle and Malaysia once operated a small navigational light beacon at Louisa Reef.⁵¹

There is very little information available as to the implementation of Brunei's maritime claims. The United Nations (UN) Division of Ocean Affairs and Law of the Sea (DOALOS) Table of Claims to Maritime Jurisdiction (as of 15 July 2011) lists Brunei as claiming a 12-mile territorial sea; a 200-mile EEZ; and a continental shelf to

⁴⁹ Gregory B. Poling, Op.cit.p.9

⁵⁰ Retrieved on 3rd November 2016 from <https://www.indiannavy.nic.in/content/visit-royal-brunei-armed-forces-course-0>

⁵¹ Gary Sands. (28th April. 2016). Brunei, Silent Claimant in the South China Sea. Foreign Policy Blocs. Retrieved on 29th October 2016 from <http://foreignpolicyblogs.com/2016/04/28/brunei-silent-claimant-south-china-sea/>

the outer edge of the continental margin, or to 200 nautical miles where the outer edge does not extend up to that distance.⁵²

4. PHILIPPINES:

The Philippines call the South China Sea as West Philippines Sea. For many years, Philippines claim to the South China Sea particularly the Spratly or the Kalayaan island was based on the Treaty of Paris (1933). Manila recognized that the illegality of its own claims was undermining its position in the South China Sea by opening it to the same charges it was leveling against Beijing. To remedy this, it passed its landmark baseline law in 2009.⁵³ The Philippine islands are at the center of current maritime disputes in the South China Sea. The Philippines has had maritime disputes with a number of countries. Now, legal and policy attention is focused on sovereignty disputes between the Philippines and principally China in four areas: Scarborough Shoal; Second Thomas Shoal, Reed Bank (or Reed Tablemount); and a variety of features in the Spratly island chain, in which the contestants also include Vietnam and the Republic of China (Taiwan).

5. CHINA:

China, being the most potent and largest portion claimant of the South China Sea, its activities fuses an utmost alert to its rival claimants and major powers of the world. Therefore the towering driven interests of China in the South China Sea needs a slight elaborative sketch of its journey.

The South China Sea named by the Chinese, Nan Hai meaning South Sea. Chinese historical records show that the Chinese were in the South China Sea more than two thousand years ago. Thus, from Beijing's perspective, the South China Sea has always been part of its internal lake and many Chinese analysts still hold this perception. In fact, Chinese high school students are taught by their history teachers that the southern-most point of Chinese territory is Zengmu Ansha, or James Shoal, which is located about one hundred and sixty kilometres north of Sarawak, Malaysia. Moreover, the Scarborough Reef which is currently claimed by both China and the

⁵² Ibid.

⁵³ Gregory B. Poling. Op.cit. p.10.

Philippines is located within the Exclusive Economic Zone of the Philippines' Kalayaan island chain.⁵⁴

However, for many centuries, China's policies towards the South China Sea were to a large extent one of neglect until it began to reassert itself through the occupation of seven reefs in the wake of the Sino-Vietnamese clashes over Johnson Reef in March 1988. Eight years later, in February 1995, China further asserted itself by occupying the strategic Mischief Reef. This move could be interpreted as the beginning of a new chapter in China's return to its strategic presence in the Spratly Islands and the South China Sea, in particular, and Southeast Asia, in general. China is willing to work with Taiwan on territorial disputes with other claimant states within a united front framework under the principle of "one China"⁵⁵

The most far reaching implications of China's activities, occupying the central role in the South China Sea is the dotted line drawn by China. The first officially endorsed dotted-line originated from the aftermath of the Second World War. The cartographic piece in question was produced by the Republic of China's Department of the Territories and Boundaries of the Ministry of the Interior on December 1946. On this map, the U-line consisted of eleven intermittent dashes enclosing the greater part of the South China Sea and its mid-ocean features starting at the Sino-Vietnamese boundary, the first two segments passed through the Gulf of Tonkin. The third and fourth parts of the line separated the Vietnamese coastline from the Paracel Islands and Spratly Islands, respectively. The fifth and sixth segments on the interrupted line went past the James Shoal, the southernmost maritime feature claimed by the PRC and the ROC. Moving in the northeast direction, the subsequent two dashes were located between the Spratly Islands, on the one hand, and Borneo (Indonesia, Malaysia, and Brunei) and the Philippines (Palawan Province), on the other hand. The ninth, tenth, and eleventh segments separated the Philippines from the Republic of China. One particular change needs to be noted: since 1953, PRC maps of the South China Sea depict nine instead of eleven segments (the dashes in the Gulf of Tonkin were erased). On the international level, the controversy surrounding the 9-dotted-line came to the

⁵⁴ Shee Poon Kim. (March 1998). The South China Sea in China's Strategic Thinking. *Contemporary Southeast Asia*, Vol. 19, No. 4. P. 369. Retrieved on 20th January 2016 from <http://www.jstor.org/stable/25798398>

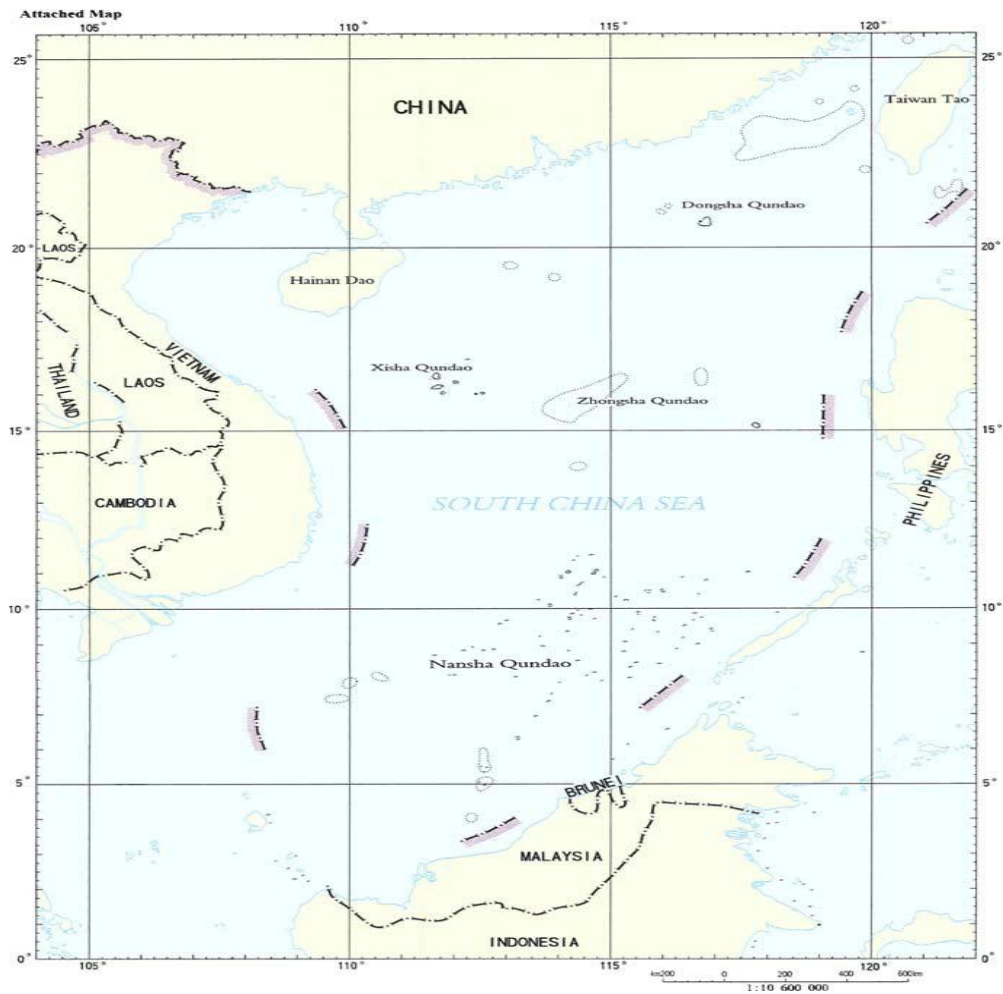
⁵⁵ Ibid.p.369

fore before the United Nations (UN) in 2009 in connection with the Malaysian-Vietnamese joint submission and Vietnamese individual submission to the CLCS. In response to these initiatives, the PRC officially submitted to the Secretary-General of the United Nations in two separate letters of the same date the following identical reaction, hereby for the first time endorsing the U-line.⁵⁶ Beijing passed the Law on the Territorial Sea and the Contiguous Zone in February 1992. Article 2 of this law states: The land territory of the PRC includes the mainland of the PRC and its coastal islands, Taiwan and all islands appertaining thereto including the Diaoyutai Islands, the Penghu Islands, the Dongsha Islands, Xisha Islands, Zhongsha Islands and the Nansha (Spratly) Islands as well as other islands belonging to the PRC.⁵⁷

The assertive rise of China revolves mainly around restoration and peaceful rise to become a domineering position in economic, military and geo-political sphere. Thus, China while avoiding direct confrontation, takes clever tactics in the South China Sea. Since then China's activities of creating artificial islands, building airstrip and banning fishing in its maritime claimed zones were highly held as skeptical and escalation of tensions in the South China Sea. Other claimants of the South China Sea, who are economically and militarily weaker states fear of militarizing South China Sea and become dominated by China.

⁵⁶ Erik Franckx and Marco Benatar (January 2012). Dots and Lines in the South China Sea: Insights from the Law of Map Evidence. *Asian Journal of International Law* Volume 2 / Issue 01 / p.91. Retrieved on 5th February 2016 from <http://journals.cambridge.org/AJL>, IP address: 14.139.209.210 on 05 Feb 2016

⁵⁷ Shee Poon Kim. *Op.cit.* p370



Map3

China's nine-dash line map submitted to the UN (2009)

Source: United Nations (Retrieved 25th September 2016 from http://www.un.org/depts/los/clcs_new/submissions_files/vnm37_09/chn_2009re_vnm.pdf)

6. TAIWAN

With regard to the South China Sea, the Ministry of Foreign Affairs of the Republic of China (Taiwan) reiterates that whether from the perspectives of history, geography, or international law, the Nansha (Spratly) Islands, Shisha (Paracel) Islands, Chungsha Islands (Macclesfield Bank), and Tungsha (Pratas) Islands, as well as their surrounding waters, are an inherent part of Republic of China (ROC) territory and waters. It further states that the South China Sea islands were first discovered, named, and used, as well as incorporated into national territory by the

Chinese. In 1938 and 1939, Japan illegally occupied the Tungsha (Pratas) , Shisha (Paracel) , and Nansha (Spratly) Islands. On March 30, 1939, Japan integrated what it called “Shinnan Gunto” (comprising some of the Nansha (Spratly) Islands) into Takao Prefecture (today known as Kaohsiung City. In 1946, following World War II, the ROC government reclaimed the Tungsha (Pratas) , Shisha (Paracel) , and Nansha (Spratly) Islands, erecting stone markers on major islands and garrisoning some. In December 1947 it issued the revised names of the South China Sea islands and the Location Map of the South China Sea Islands, which delineate the scope of ROC territory and waters in the region. Furthermore, the San Francisco Peace Treaty, which entered into effect on April 28, 1952, as well as the Treaty of Peace between the ROC and Japan which was signed that same day, together with other international legal instruments, reconfirmed that the islands and reefs in the South China Sea occupied by Japan should be returned to the ROC. Taiping Island (Itu Aba), the largest of the naturally formed Nansha (Spratly) Islands, has been garrisoned by ROC troops since 1956. In the same year, the ROC government established the Defense Zone of the Spratly Islands on Itu Aba. In February 1990, by executive decree, the Executive Yuan (Cabinet) of the ROC put Itu Aba under the administrative jurisdiction of Qijin District of Kaohsiung City. For the past six decades, ROC military and civilian personnel have dwelled on Itu Aba, conducting their respective missions while making use of and developing its natural resources. Itu Aba has groundwater wells, natural vegetation, and phosphate ore and fishery resources. Moreover, personnel stationed on the island cultivate vegetables and fruit and rear livestock. In 1959, personnel built the Guan Yin Temple, dedicated to the Bodhisattva of Compassion.⁵⁸

The most problematic matter of Taiwan claims in the South China Sea remains the continuing questions on whether Itu Aba shall be considered as rocks or island. Taiwan firmly defend and vociferous of being that, from legal, economic, and geographical measure, Itu Aba unquestionably qualifies as an “island” not a rock

⁵⁸ Statement on the South China Sea (7th July 2015). Ministry of foreign Affairs, Republic of China (Taiwan) Retrieved on 18th November 2016 from http://www.mofa.gov.tw/en/News_Content.aspx?n=1EADDCFD4C6EC567&s=EDEBCA08C7F51C98

according to the specifications of Article 121 of the United Nations Convention on the Law of the Sea (UNCLOS) a “rock”.

INTER-STATE DISPUTES:

The South China Sea is marked by an array of territorial and maritime disputes, and the interests of the external powers are deeply entwined in this complex web. Approximately one hundred territorial features are presently disputed in the South China Sea, and because issues of sovereignty affect which countries are entitled to exploit the potentially lucrative resources around a feature, much is at stake. China and other claimants frequently issue maps demarcating their claims, which they then use as evidence to reinforce their respective assertions of sovereignty over features.⁵⁹ Conflicts in the South China Sea has often arises between China and other claimants on the other. Majority of the territorial and maritime disputes centers around four main islands- Spratly Island, Paracel Island, Pratas Island and the Macclesfield Bank/Scarborough Reef area.

THE SPRATLY ISLAND

Spratly Islands consists of approximately 700 islands, atolls and reefs, is claimed in whole by China, Taiwan and Vietnam, and in part by Brunei, Malaysia and the Philippines. China claims the entirety of the islands as the Nansha Qundao and Hanoi refers to them as the Trường Sa, administered as part of the country’s Kha’nh Ho`a province. The Philippines views the islets as the territory of Kapuluangng Kalayaan or Kalayaan Island Group and part of the country’s south-western Palawan province. Other claimants have cited the proximity of some of the islands to their shorelines as the basis of their claims and EEZs. No one country has been able to develop a physical presence on all the main islands of the Spratlys, but installations have been placed on some islands by China, Malaysia, the Philippines and Taiwan

⁵⁹ Laura Schwartz (February 2014). Competing Claims in the South China Sea Potential Paths Forward and Implications for the United States. A Roundtable report. The National Bureau of Asian research.

since the 1970s, with some cases of claimants seeking to usurp others' territorial gains.⁶⁰

In March 1988, China and Vietnam fought a abbreviated naval battle over the Johnson South Reef in the Spratlys, known in China as the Chigua Jiao and in Vietnam as the Da Ga'c Ma. The incident was a result of events from the previous year when Beijing sought to place a permanent installation, with backing from the PLAN, on nearby Fiery Cross Reef (Yongshu Jiao) in the north central part of the Spratly region. Hanoi viewed that act as a direct incursion into their territorial waters and responded by sending naval vessels into the region, occupying other nearby islets, while calling upon China to withdraw. Chinese naval forces ultimately clashed with vessels from the Vietnam People's Navy holding the Johnson islets. A short skirmish resulted in approximately seventy Vietnamese casualties (dead and missing) with China re-asserting maintained sovereignty over the region.⁶¹

THE PARACEL ISLAND:

The Paracel Islands represent the second major island group under dispute. They consist of merely about 45 features while their combined area is bigger than that of the Spratly Islands. The Paracels are claimed by China, Taiwan, as well as Vietnam on historical grounds, China has controlled them since the forceful expulsion of South Vietnamese troops from the islands in 1974.⁶²

THE PRATAS ISLAND

There are also the Pratas Islands, composed of three islets forming an uninhabited ring-shaped atoll in the northern part of the South China Sea, are governed by Taiwan out of the city of Kaohsiung, but Beijing retains a claim on the region. In Chinese, the Pratas are referred to as the Dongsha Qundao and also have no permanent inhabitants. Both sides have largely restrained themselves from direct

⁶⁰ Marc Lanteigne (2016). The South China Sea in China's Developing Maritime Strategy.pp.97-101. In Enrico Fels Truong-Minh Vu (Eds.), Power Politics in Asia's Contested Waters:Territorial Disputes in the South China Sea. Switzerland : Springer International Publishing

⁶¹ Ibid.p.99

⁶² Hendrik W. Ohnesorge (2016). A Sea of Troubles: International Law and the Spitsbergen Plus Approach to Conflict Management in the South China Sea p.28.In Enrico Fels Truong-Minh Vu (Eds.), Power Politics inAsia's Contested Waters:Territorial Disputes in the South China Sea. Switzerland : Springer International Publishing

military operations there, especially in light of the post- 2008 warming of cross-Strait relations and economic diplomacy between Beijing and Taipei.⁶³

THE MACCLESFIELD BANK

Macclesfield Bank is an elongated drawn atoll of underwater reefs and shoals in the South China Sea. It lies east of the Paracel Islands, southwest of the Pratas Islands and north of the Spratly Islands and is claimed in whole or in part by China and Taiwan.⁶⁴

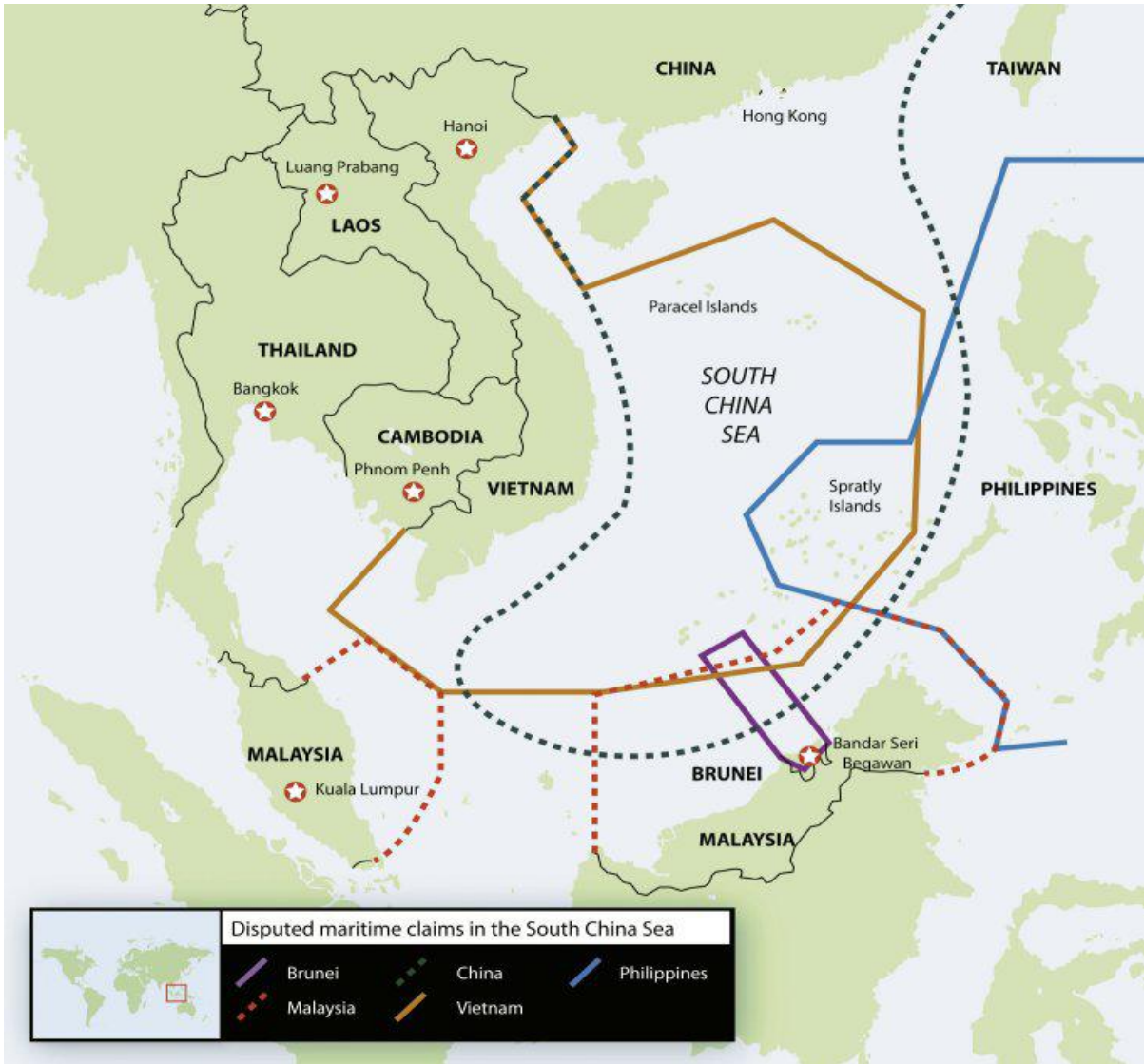
THE SCARBOROUGH SHOAL

Scarborough Shoal, also known as Huangyan Dao (in Chinese:), (Filipino: Kulumpol ng Panatag), is a shoal located between the Macclesfield Bank and Luzon island in South China Sea. It is also a disputed territory claimed by the People's Republic of China, Republic of China (Taiwan), and the Philippines. Since the 2012 Scarborough Shoal standoff, the Philippine Navy apprehension of eight mainland Chinese fishing vessels in the disputed Scarborough Shoal access to the shoal has been restricted by the People's Republic of China.

By far, the claims made by the parties like China, Taiwan and Vietnam each make historically-driven and discovery claims of sovereignty. The claims of the others are mostly based on geographical proximity and occupation and claims with legality under the United Nations Convention on the Law of the Sea (UNCLOS). Accordingly, all claimants increasingly alert of their territorial assets in the disputed South China Sea, thus, seek out legal validity for backing their respective claims with a range of activities.

⁶³ Marc Lanteigne. Op.cit.p.102

⁶⁴ Retrieved on 18th November 2016 from https://en.wikipedia.org/wiki/Macclesfield_Bank#Geography



Map4

Disputed Maritime Claims in the South China Sea (2016)

Source: House of Commons Library

Retrieved 8th September 2016 from researchbriefings.files.parliament.uk/documents/CBP-7481/CBP-7481.pdf

RECENT DEVELOPMENT OF THE CONFLICT:

The dawn of the new millennium in 2000 happens to be a huge challenge for countries having opponent in maritime and territorial affairs in the South China Sea. The dispute in the South China Sea has in this recent period transformed its nature and dynamics of conflicts alongside several remedial measures of the conflict has been adopted at the regional and even at the international platform. The post 2009 period thus has witnessed several changes and developments of conflicts.

2009-2011:

In response to Malaysia and Vietnam on 6th May 2009 jointly submitted to the Commission on the Laws of Continental Shelf regarding the Southern part Of the South China Sea in accordance with Article 76 of the UNCLOS, China presents the nine dash line map containing the clarification of sovereignty over its claimed water in the South China Sea to the United Nations Secretary General.

In mid-2010, then US Secretary of State Hillary Clinton stated that the US had a “national interest” in maintaining respect for international law in the South China Sea. Soon after Clinton’s statement, it was reported that China had expanded its “core national interests” to include, for the first time, the South China Sea, although one analyst suggested at the time that this may have been a misunderstanding of what Chinese officials had said. In August 2010 a Chinese expedition planted a flag on the ocean floor near the Spratly and Paracel Islands. There was a rise in tensions between China and ASEAN member states in the region during the first half of 2011. In July 2011 the two parties agreed ‘cooperation guidelines’ for implementing the Declaration. These and other diplomatic efforts led to a lowering of tensions. In November 2011, China proposed that a legally binding Code of Conduct in the South China Sea should be negotiated. ASEAN member states responded positively to the proposal.⁶⁵

⁶⁵ Jon Lunn and Arabella Lang. Op.cit.p.8

2012-13

The year 2012 saw escalating tensions between China and Vietnam over their rival claims. In June of that year, Vietnam passed a law designating the Paracel and Spratly Islands as part of the country and requiring all foreign ships passing through the South China Sea to notify their authorities. In July 2012, China created a new administrative unit, ‘Sansha city’, with its headquarters in the Paracel Islands. Vietnam and Taiwan condemned the move. Later in the year, Vietnam accused China of sabotaging two exploration operations in the area, provoking large anti-China protests in the country. In April 2012 the Philippines' naval forces intercepted twelve Chinese fishing vessels in the Scarborough Shoal, finding what they viewed as illegally fished marine life on board. For several months, there was a standoff in the area between the two countries, but by the time it was over China had successfully established full de facto control of the Shoal.⁶⁶ In January 2013, the Philippines brought a case against China to an Arbitral Tribunal under UNCLOS regarding its rights inside its Exclusive Economic Zone and continental shelf without Chinese harassment and stated that China’s claimed islands were not island but rather mere rocks, submerged banks and low tide elevations.

Further in March 2013, Chinese government fishing vessels reportedly fired at a Vietnamese fishing boat in the disputed waters. In October 2013 China and Vietnam agreed to establish a working party to “jointly explore” the Gulf of Tonkin. No progress was made towards agreeing a legally binding Code of Conduct in the South China Sea during this period.⁶⁷

2014-15:

The most serious development to conflict since the Johnson Reef incident in 1988 between Vietnam and China happened in the year 2014. On 2nd May 2014 China’s state owned oil company initiate its drilling rig in the Haiyang Shiyou 981 near the disputed water in the Paracel. China’s move shortly infuriated Vietnam, thereby Vietnam sent 29 ships to the Haiyang Shiyou 981, resulted to a clash with

⁶⁶ Ibid.p.8

⁶⁷ Ibid.p.9

China's ships leading to some injury of the Vietnamese side. An anti-Chinese protest was held in Vietnam on 13th and 14th May 2014 which escalated into riots with many Chinese in Vietnam. In the same year, Vietnam takes this opportunity to win the support from others and raise this issue on the ASEAN Summit. ASEAN considered the condition and without naming any particular country urged all parties of the South China Sea disputes to avoid actions which could undermine peace and stability.

In April 2015 satellite images revealed that China had begun building a large airstrip on reclaimed land on Fiery Cross Reef in the Spratly Islands. China insisted that the airstrip was for civilian purposes, but many were highly sceptical, with fears being expressed that China might impose an 'air defence zone' over the area, as it did over the East China Sea, where it has overlapping claims with Japan, in 2013. In mid-2015 Taiwan launched a 'South China Sea Peace Initiative', in which it proposed that all parties to the dispute should shelve their sovereignty claims and focus instead on negotiating resource-sharing agreements. In October 2015, the Arbitral Tribunal under UNCLOS ruled that it had jurisdiction to consider the case filed by the Philippines against China in 2013. It also ruled that the case was admissible. China condemned the decision, rejecting the Tribunal's jurisdiction and repeating its opposition to any third-party settlement of territorial disputes. In December, the BBC reported that Chinese fishermen were deliberately destroying coral reef in disputed areas close to the coastline of The Philippines.⁶⁸

The South China Sea issue increasingly hold vital discussion topic at regional and international agenda. At the 2015 ASEAN summit held in Kuala Lumpur, Malaysia, ASEAN member states and China decided several steps including the full implementation of a Code of Conduct in the South China Sea, to maintain regional peace and stability and to promote mutual trust, dialogue and cooperation in the South China Sea, including through the regular convening of the ASEAN-China Senior Officials' Meeting (SOM) on the Implementation of the DOC and the ASEAN-China Joint Working Group on the Implementation of the DOC (JWG).

In the East Asia summit, held in Kuala Lumpur in 2015, the leaders reaffirmed the importance of maintaining peace, stability, security and upholding freedom of

⁶⁸ Ibid.p.11

navigation in and over-flight above the South China Sea. In contrast, the leaders remain silent on the South China Sea in the Asia-Pacific Economic Cooperation (APEC) summit in Manila.

2016:

During 2016, the pattern of actions and counter-actions to assert claims has continued. Several experts have called this the “new normal” in the South China Sea. In January, China conducted two civilian flights to one of its artificial islands, Fiery Cross Reef, landing them both on the new airstrip that it has built. A host of countries, including the US and Vietnam, expressed concern at this move, arguing that it increased the danger that the South China Sea was becoming ‘militarised’. Vietnam claimed that it had counted 46 incidents of Chinese planes violating Vietnamese airspace during the first seven days of 2016. Vietnam also announced that it had begun submarine patrols in the South China Sea. China has said that it will deploy a large coastguard patrol ship in the area in the near future. Vietnam also accused China of moving the same oil rig into its waters in mid-January as the one which triggered the 2014 stand-off between the two countries. China denied that it had done so. Meanwhile, the Philippines offered US forces eight bases under an Enhanced Defence Cooperation Agreement signed last year after the agreement was declared constitutional by its Supreme Court. The Philippines is also calling for joint patrols with the US in the South China Sea. A new Taiwanese president, Tsai Ing-wen, was elected in January. She is much less positive about building ties with China than her predecessor. It remains to be seen what impact this will have on the country’s policy on the South China Sea when she takes office in May, but Beijing will be viewing her with considerable wariness. At the end of January, it was being reported that China had deployed missile batteries on Woody Island, one of the Paracel Islands. It had also landed fighter jets there. In February it was claimed that China was building radar installations on Cuarteron Reef and several other Chinese-controlled features in the Spratly Islands, with a view to enhancing its surveillance capacities of surface and air traffic in the southern part of the South China Sea.⁶⁹

⁶⁹ Ibid.p.12

In March, the Director of US National Intelligence, James Clapper, said that China will be able to project “substantial offensive military power” from the artificial islands it has been building in the Spratly Islands by the end of 2016. In April, satellite images appeared to show that China had landed another two J-11 fighter jets on Woody Island. It was also reported that China had agreed plans to develop maritime nuclear platforms that could be used to provide power for the artificial islands it has been building in the South China Sea. The election in May of new Philippines president Rodrigo Duterte, who suggested during the campaign that he might be willing to take a softer line on the South China Sea dispute in return for Chinese investment and joint exploration of natural resources in the area, further complicated the picture. In May it was also claimed that China is increasingly using irregular maritime militias of fishermen and private boat owners based on Hainan Island, off mainland China, to challenge US and other regional ships – this as a tactic that allows the Chinese Government to avoid direct confrontation and deny involvement. 50 Satellite images suggested that China had now also deployed reconnaissance drones on Woody Island. Meanwhile, also in May the US accused two Chinese fighter jets of unsafely intercepting one of its maritime patrol reconnaissance aircraft in international airspace over the South China Sea by flying within 50 feet of it. This was the first such incident since 2014. China claimed that the US spy plane had been over Chinese coastal waters close to Hainan Island and a minister warned the US that China was willing to replay the Korean or Vietnam Wars if provoked. In mid-June, divisions within ASEAN over the South China Sea dispute again erupted into the open when a statement expressing concerns about recent developments and stressing the importance of free navigation and overflight was retracted following a meeting of ASEAN foreign ministers with their Chinese counterpart. No amended statement was subsequently issued.⁷⁰

On 12 July, the Permanent Court of Arbitration published its ruling on Philippine 15 cases filed against China roughly in South China Sea. The international Tribunal rulings centered on four issues-

⁷⁰ Ibid.p.12

First, the Tribunal concluded that no evidence is valid on China's vociferous claimed historic rights of water within the nine-dash line in the South China Sea and was further irreconcilable with the exclusive economic zones provided in the UNCLOS.

Second, the Tribunal considered entitlements to maritime areas and the status of features. The Tribunal first undertook an evaluation of whether certain reefs claimed by China are above water at high tide which endows entitlement to at least a 12 nautical mile territorial sea. The Tribunal noted that the reefs have been heavily modified by land reclamation and construction, recalled that the Convention classifies features on their natural condition, and relied on historical materials in evaluating the features. The Tribunal then considered whether any of the features claimed by China could generate maritime zones beyond 12 nautical miles. The Tribunal noted that the current presence of official personnel on many of the features is dependent on outside support and not reflective of the capacity of the features. The Tribunal found historical evidence to be more relevant and noted that the Spratly Islands were historically used by small groups of fishermen and that several Japanese fishing and guano mining enterprises were attempted. The Tribunal concluded that such transient use does not constitute inhabitation by a stable community and that all of the historical economic activity had been extractive. Accordingly, the Tribunal concluded that none of the Spratly Islands is capable of generating extended maritime zones. The Tribunal also held that the Spratly Islands cannot generate maritime zones collectively as a unit. Having found that none of the features claimed by China was capable of generating an exclusive economic zone, the Tribunal found that it could—without delimiting a boundary—declare that certain sea areas are within the exclusive economic zone of the Philippines, because those areas are not overlapped by any possible entitlement of China.⁷¹

Third, the Tribunal considered the legality of Chinese activities in the South China Sea and concluded that China through its various actions of building artificial islands, interfering with Philippines fishing and petroleum exploration, creating

⁷¹ The South China Sea Arbitration: The Republic of the Philippines and The People's Republic of China (12 July 2016). Press Release. Permanent Court of Arbitration. Retrieved 10 November 2016 from <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf>

restrictive fishing and shipping laws etc have violated the sovereign rights of the exclusive economic zones of Philippines. The Tribunal further stated that China's recent extensive construction of artificial islands in the Spratly Islands had caused severe harm to the marine environment. Thus, China violated its commitment to preserve and protect marine environment.

Finally, the Tribunal ruled that during the Philippines sought a ruling against certain actions taken by China, in particular its large scale land reclamation and construction of artificial islands in the Spratly Islands, China's actions causes harm to marine environment have worsen and extended the parties dispute.

Soon after the Tribunal decision on Philippines case against China was declared, China reiterated its opposition to the PCA ruling. On 19th July 2016, H.E. Ambassador Liu Xiaoming held a press conference at the Chinese Embassy in UK on the so-called ruling of the arbitral tribunal in the South China Sea arbitration. Liu stated that China's territorial sovereignty and maritime rights and interests will in no circumstances be affected by the ruling of the Philippines' initiated arbitration. China will not accept any proposition or action based on the ruling. China remains committed to settling the disputes with countries directly involved through peaceful negotiations based on the recognition of historical facts and in accordance with international law.⁷² President Xi Jinping said "China's territorial sovereignty and marine rights in the South China Sea will not be affected by the so-called Philippines South China Sea ruling in any way," China's state news agency Xinhua said that "as the panel has no jurisdiction, its decision is naturally null and void".⁷³ The resistance on the Tribunal rulings made by China thus exposed that China will in no way give up its maritime and territorial claims in the South China Sea due to any judgment made by any regional or international body. Additionally, as Taiwan shares its claim in the

⁷² Opening Remarks of Ambassador Liu Xiaoming at the South China Sea Arbitration Press Conference (From Chinese Embassy in UK) (20 July 2016). Retrieved 10 September 2016 from http://www.fmprc.gov.cn/mfa_eng/wjb_663304/zwjg_665342/zwbd_665378/t1383951.shtml

⁷³ South China Sea: Tribunal backs case against China brought by Philippines (12 July 2016). Retrieved 11 September 2016 from <http://www.bbc.com/news/world-asia-china-36771749>

South China Sea with Chinese nine-dash line, it officially reiterates that it is unacceptable for Taiwan to comply with the statement of the Permanent Court of Arbitration on 12 July 2016.

Vietnam, and many external powers like USA and India welcomes the Hague based Tribunal rulings on Philippines vis-à-vis China and calls upon China to accept and abide by the Arbitration judgment. While Malaysia did not proclaim strong statements like Vietnam and others but it stated that Malaysia believes in peaceful resolution of conflicts and respect for diplomatic and legal processes; and relevant international law and 1982 UNCLOS.

Recent years development illustrates the fact that due to the increasing awareness of legal entitlement, military and technological innovations, the nature and forms of conflicts in the South China Sea turns highly exacerbating and intensifying more than ever. To further complicate the matter, the disputes today does not confine mainly to the claimant states. Today, many external powers are more interested and remain loud on the issues of the disputes. Specifically, the increasing concern and activities of the United States in the name of exercising freedom of navigation in the South China Sea outrage China. The South China Sea disputes thus add a fuel to Sino-American relations. Due to all these circumstances, regional and international organizations instigate steps towards securitizing the South China Sea. The South China Sea holds key agenda in important multilateral forums like ASEAN, East Asia Summit, ASEAN Defence Ministers' Meet and United Nations.

The Declaration of Conduct for Parties and UNCLOS became the main guiding legal principle in the South China Sea issue agreed by all the parties. However, prior to the Declaration of Conduct, the Treaty of Amity and Cooperation in Southeast Asia (TAC) and the Treaty on the Southeast Asia Nuclear Weapon-Free Zone concluded in 1976 and 1995 respectively were the main legal mechanisms governing the behaviours of the claimant states in the South China Sea. ASEAN, the main regional organization has somehow played a significant role in maintaining stability in the South China Sea disputes. On 22 July 1992 the first significant initiative by ASEAN members- the Declaration on the South China Sea in Manila was

signed in Manila which enhanced peaceful settlement of disputes and cooperation of parties in the South China Sea. Another milestone agreement has reached between ASEAN and China in 2002, the Declaration on the Conduct of Parties in the South China Sea (DOC), which comprises commitment to a peaceful and durable solution of differences and disputes among countries concerned and cooperative activities in the South China Sea. Again in 2012, ASEAN members and China officially committed to the Declaration of Conduct in the South China Sea. Recently at the ASEAN Summit held in Vientiane, Laos from 6th to 8th September 2016, a number of joint statements were issued between China and ASEAN. The statement while did not bring up the 12th July PCA arbitration on the South China Sea, stressed the significance and urgency of accelerating the negotiation process of the South China Sea Code of Conduct.

Again on 8th September 2016, the 11th East Asia Summit(EAS) was held in Vientiane, Laos, members of EAS such as members of ASEAN, China, Australia, India, *Japan*, New Zealand, Republic of Korea, Russia and USA reaffirmed the importance of maintaining peace, stability, security and freedom of navigation in and over-flight in the South China Sea. Leaders of EAS member states stressed the importance of peaceful resolution of conflict, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea (UNCLOS), full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC). The leaders also emphasized non-militarization of the South China Sea.

ASEAN as the chief regional institution in South East Asia and East Asia Summit as a significant forum have by no means set to tackle the disputes in the South China Sea. Till now, both EAS and ASEAN often have significant concerns towards peace and stability in the South China Sea in their subsequent summits over the past few years. However, by evaluating the factual role played by both ASEAN and EAS in managing the conflicts in South China Seas, it reveals that both ASEAN and EAS played a limited and unrealistic role towards the resolution of the conflicts in the South China Sea. Furthermore, based on the fact that the ASEAN 2016 Summit remained silent about the 12th July PCA ruling, many political analysts predicted such a result and viewed it as a victory for China's diplomacy.

CHAPTER-IV

INDIA'S MARITIME SECURITY POLICIES

AND

STRATEGIES IN THE SOUTH CHINA SEA

CHAPTER-IV

The continental transformation ushered in right after the end of cold war prominently had many discernible arrangements in the global strategies of different countries. With this, numerous new-fangled security problems facing countries, non-governmental and international organizations cropped up immensely. Above and beyond this, the post cold war era heralded a dawn for India in such a way that India reaches a whole new different perspective from an idealistic driven foreign policy to a further pragmatic form. As an offshoot, India reallocates her foreign policy choices to enhance her international status by broadening her bilateral and multilateral relations. Since then, India developed a taste of enlarging her sphere of international relations by focusing more on the eastern side of her neighbours. More potent one is the recognizable instrument of India's foreign policy called the "Look East Policy" adopted by P.V Narasimha Rao government in 1991, further upgraded with the 2014 National Democratic Alliance (NDA) government's Act East Policy. The reformed India in the post 1990 saw India as the tenth largest economy in the world and third largest in Asia. As a matter of fact, any major development or crisis takes place in any form in any part of the Asian region cannot be overlooked and neglect for a country having an aspiration to be a major player in the Asian continent like India. The conflicts in the South China Sea, which is regarded by many as one of the most difficult regional conflicts in the Asia-Pacific is of no exception to India's attention. India thus has significant interests in the South China Sea disputes.

Development of India's maritime concern:

India has a rich maritime heritage. There is also plenty of evidence derived from Indian literature and art, including sculpture and painting, besides the evidence of archaeology to suggest the antiquity of the Indian maritime tradition. Archaeological evidence in the form of a seal with the representation of a boat and the dockyard at Lothal, dates back our maritime tradition to *circa* 2500-1700 B.C. The early growth of Indian shipping and shipbuilding along with the commercial acumen

of our merchant class, the courage and fortitude of our sailors, helped India to sail the oceans for many centuries. The origins of the Indian Navy lay in a group of ships belonging to the East India Company arriving in Surat on Sept. 5, 1612. However, they only acquired combatant status on May 1, 1830 when by warrant from the Lord High Admiral, they came under the British Crown and the Service was named the Indian Navy. The name Indian Navy changed to Bombay Marine (1863), Her majesty's Indian Marine (1877), the Royal Indian Marine(1892) and The Royal Indian Marine (Combatant)(1928), The Royal Indian Navy (2, October,1934)and became the Indian Navy once again on January 26, 1950. During the colonial period however, Indian kingdoms focused a greater part of their energies on land fighting, particularly cavalry. They would take an enemy seriously only when confronted with a large contingent of cavalry. Given no precedent of an aggression from seawards, they paid scant attention to the maritime realm as a source of threat. India's preoccupation with a continental strategy also led to its failure to develop new shipbuilding and other nautical technologies for 'long-legged' ocean transit by naval ships and war fighting. The lessons of ignoring the ability to control the seas around India are thus embedded in the colonisation of India and three centuries of European, mostly British, rule.⁷⁴ Post independence, India has attempted to regain her maritime moorings. With its rapidly increasing dependence on the seas for her economic and social well-being, it is also laying adequate emphasis on developing commensurate maritime-military power

India's defence policies and strategic outlook have evolved over the years, but nowhere has this been more visibly perceptible than in its maritime policy. The maritime geography of the world is dominated by extended sea-lanes that require air and naval assets to play a major role in the projection of force. Acutely aware that it needs to contend with operational dynamics beyond those pertaining to coastal and near-regional defence, the Indian Navy is beginning to rethink its operational philosophy. Increasingly, there are signs that a new dimension is emerging in the navy's strategic outlook: a desire to project power far beyond India's shores. Developments in the Indian Ocean in the past few years have convinced the navy that

⁷⁴ Satyindra Singh. Under Two Ensigns: The Indian Navy 1945-1950. Retrieved 7 September 2016 from <https://www.indiannavy.nic.in/sites/default/files/Under-Two-Ensigns-06Apr16.pdf>

it cannot be confined to its near regions, and that it must have presence and relevance in distant seas and far littorals. In keeping with India's growing power and regional responsibilities, the Indian Navy had been steadily enhancing its expeditionary and military intervention capabilities.⁷⁵ The Indian Navy is the prime enabler and guarantor of the country's maritime sovereignty and myriad use-of-sea activities. This is discharged by the Indian Navy through its four roles – military, diplomatic, constabulary and benign.⁷⁶

The significance of developing sharp maritime policy has been recognized by the Indian national leaders. On March 28, 1958, standing on the quarterdeck of INS Mysore, the second cruiser to be acquired by independent India's Navy, Prime Minister Jawaharlal Nehru said, From this ship I look at India and think of our country and its geographic situation - on three sides there is the sea and on the fourth high mountains - in a sense our country maybe said to be in the very lap of an ocean. In these circumstances I ponder over our close links with the sea and how the sea has brought us together. From time immemorial the people of India have had very intimate connections with the sea. They had trade with other countries and they had also built ships. Later on the country became weak. Now that we are free, we have once again reiterated the importance of the sea. We cannot afford to be weak at sea.⁷⁷

As former Indian Foreign Minister, Pranab Mukherjee, commented, after nearly a millennia of inward and landward focus, we are once again turning our gaze outwards and seawards, which is the natural direction of view for a nation seeking to re-establish itself, not simply as a continental power, but even more so as a maritime power, and consequently as one that is of significance on the world stage.⁷⁸ One could also argue that any significant geographic expansion of Indian influence can only take place in the maritime domain.

As Rajiv Sikri, a former Secretary in the India's Foreign Ministry, commented: "If India aspires to be a great power, then the only direction in which India's strategic

⁷⁵ Ibid.

⁷⁶ Annual Report (2014-2015). Ministry of Defence. Government of India.p.32

⁷⁷ Satyindra Singh. The Indian Navy 1951 – 65. Retrieved 7 September 2016 from <https://www.indiannavy.nic.in/sites/default/files/Blueprint-to-BlueWater-06Apr16.pdf>

⁷⁸ David Brewster (2010) An Indian Sphere of Influence in the Indian Ocean? Security Challenges, Vol. 6, No. 3, Spring 2010. pp. 1-20. Retrieved 11 July 2016 from www.regionalsecurity.org.au/Resources/Documents/vol6no3Brewster.pdf.p.1

influence can spread is across the seas. In every other direction there are formidable constraints. “Increased enthusiasm for maritime power has been accompanied by an expansion in India’s naval capabilities. During the Cold War, India’s ability to pursue its maritime ambitions was severely constrained and for decades following independence the Indian Navy was known as the “Cinderella” of the Indian armed forces. ⁷⁹Since 1990’s India has developed major programs in strengthening and upgrading India’s naval budget. The Indian Navy’s share of defence budget has increased from 11% in 1992-93 to 18% in 2008-09 and from 22% in 2014-15 to 25% in 2015-16. The increasing navy’s budget certainly helped encouraged for significant improvement in naval capability. As of 2016, the Indian Navy hold a total strength of 79,023 personnel and a large operational fleet consisting of two aircraft carriers, one amphibious transport dock, 8 landing ship tanks, 11 destroyers, 14 frigates, one nuclear-powered attack submarine, one ballistic missile submarine, 13 conventionally-powered attack submarines, 24 corvettes, 6 mine countermeasure vessels, 27 patrol vessels, 4 fleet tankers and various other auxiliary vessels. Today, Indian Navy ranks 7th among top naval forces in the world and according to Defence update of India, it is estimated that India will have the 3rd most Powerful Navy in the world by 2030.

To the abovementioned, the assertive rise of India is endowed with the ever increasing expanding her area of focus. India’s rapid recalculation of maritime strategy can be witnessed during the United Progressive Alliance (UPA) administration, that in 2004 it produced Indian Maritime Doctrine for the first time which was revised in 2009 and Freedom to Use the Seas: India’s Maritime Military Strategy, published in 2007. The latest one being Ensuring Secure Seas: Indian Maritime Security Strategy, published by Ministry of Defence in 2015. These official publications contain a broad and compact definition of India’s maritime policies in the 21st century.

⁷⁹ Ibid.p.2

India's interests in the South China Sea:

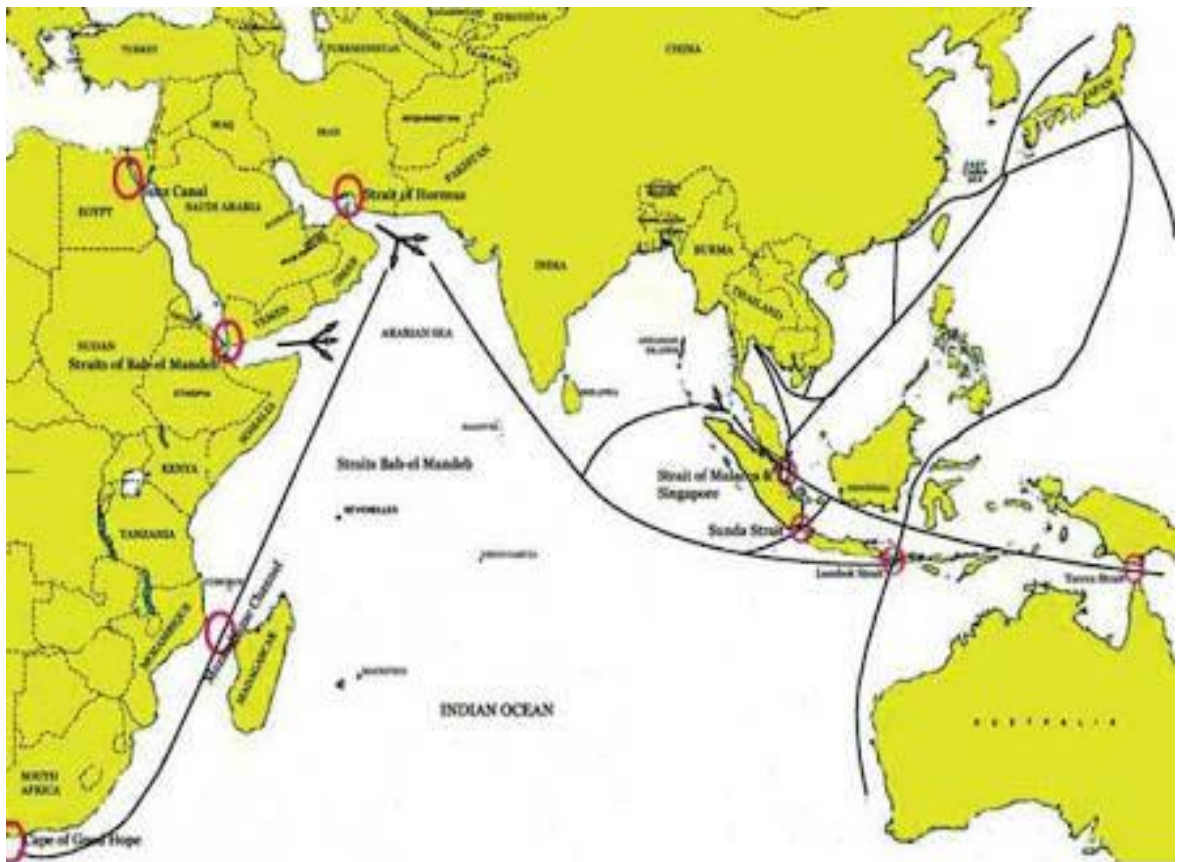
Defence Minister, Mahohar Parrikar said, "The seas and oceans in our region are critical enablers of our prosperity. The situations in South China Sea and recent developments have attracted interest and concern."⁸⁰ India is not a South China Sea littoral state, neither does not at all have territorial or maritime ambitions within it. But India has meticulously been aware of the developments in the contested South China Sea. Furthermore, recent years developments witness India's increasing sphere of activities in the South China Sea. The reasons are many which can be broadly categorized as under.

1. India's geostrategic location

Pt Jawaharlal Nehru in 1949 said, "Look at the map. If you have to consider any question affecting the Middle East, India inevitably comes into the picture. If you have to consider any question affecting the South East Asia, you cannot do so without India. So is also with the far east." Delivering at the first Indian Ocean Conference held in Singapore on 1st to 2nd September 2016, Minister of state for external affairs, MJ Akbar, described India as a "pivotal power". "India, geopolitically in the centre, has become the Pivotal Power of Asia. India is the western frontier of peace, and the eastern frontier of war."⁸¹ The geo-physical environment of India places her to be physically a maritime nation, with a stretched coastline of over 7,500 kilometers. Scores of India's trade and commerce are dependent on the medium of transport through oceans and seas. The Indian Ocean, the world's third largest ocean is a link to various chokepoints such as Straits of Malacca, Lombok and the Sunda Straits connects the Indian Ocean with the South China Sea. The Strait of Hormuz in the west connects the Persian Gulf to the Indian Ocean. Moreover, the Indian Ocean is a home to many chokepoints like- The Suez Canal, Bab-el-Mandeb, Mozambique Channel, The Cape of Good Hope, Ombai and Wetar Straits. India's strategic location gives her a wide range of prospects to influence regional and global image at large.

⁸⁰ The Times of India (5th November 2015)

⁸¹ The Times of India (3 September 2016)



Indian Ocean Sea Lines of Communications (SLOCs)

Map5

Indian Ocean Sea Lines of Communications (SLOCs) (2012)

Source: Indian Defence Review (Retrieved 10th October 2016 from

<http://www.indiandefencereview.com/spotlights/external-naval-presence-in-indian-ocean/>)

India's security environment is defined by a complex interplay of regional and global imperatives and challenges. The size and the strategic location of the country places us at the centre of a security dynamic impacted concurrently by the positive forces of regional and global connectivity on the one side and also by adverse consequences arising from unpredictability, instability and volatility in parts of the immediate and extended neighbourhood. India's geo-strategic location makes it sensitive to developments beyond its immediate neighbourhood, in West Asia, Central

Asia, in the Indian Ocean Region and the Asia Pacific region. Major geopolitical and geo-economic developments are currently transforming the global security scenario into one of uncertainty and volatility. As a resident power in the Indian Ocean region which is still growing, India has new responsibilities in the 21st century. These relate not only to defending her own national interests but also to ensure security and order in her maritime neighbourhood. The Indian Maritime Military Strategy identifies the South China Sea and the Pacific Ocean as ‘secondary areas’ of operational interest for the India Navy. It elaborates, “Areas of secondary interest will come in where there is a direct connection with areas of primary interest, or where they impinge on the deployment of future maritime forces.”⁸² As India open up her economy in the post Cold War era, major trade and economic links have been tied with many East and South East Asian countries. The South China Sea sits at the center of this hub, linking the Indian Ocean and the Pacific Ocean. To this end, maritime security in the Asian region and principally in the South China Sea is not a state of affairs that India silently wishes to observe.

2. Freedom of navigation

Subject to the United Nations Conventions on the Laws of Sea (UNCLOS), section 3 Article 17, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea. According to Article 58 of UNCLOS, in the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and over-flight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.⁸³ Article 87 stipulates that the high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this

⁸² Annual Report. Ministry of Defence. Op.cit.32

⁸³ UNCLOS,p.26. Retrieved 20 October 2016 from http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States- freedom of navigation, freedom of overflight, freedom to lay submarine cables and pipelines, subject to freedom to construct artificial islands and other installations permitted under international law, subject to Part VI, freedom of fishing, subject to the conditions laid down in section 2, freedom of scientific research, subject to Parts VI and XIII.⁸⁴

Given the fact that the South China Sea is the traffic artery connecting the Pacific Ocean and the Indian Ocean, nearly all airlines or shipping routes through the South China Sea must go through the Nansha Islands (the Spratly Islands), with numerous islands and reefs spreading throughout international sea lanes. For these reasons, in accordance with the spirit of “innocent passage” (Article 45), “straits used for international navigation” (Article 34) and “right of archipelagic sea lanes passage” (Article 53), states must be given the right of transit passage in order to ensure freedom of navigation and the openness of sea lanes.⁸⁵

However, the UNCLOS also provides some red lights when one talks about the “freedom of navigation”.

Article 21 states that the coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following:

- (a) the safety of navigation and the regulation of maritime traffic;
- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of the fisheries laws and regulations of the coastal State;
- (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;

⁸⁴ Ibid.p.57

⁸⁵ Zewei Yang. May 11th, 2012 The Freedom of Navigation in the South China Sea: An Ideal or a Reality? Beijing Law Review, 2012, 3, 137-144. Retrieved 5 September 2016 from (<http://www.SciRP.org/journal/blr>)

(h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.

2. Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards.

3. The coastal State shall give due publicity to all such laws and regulations.

4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea.⁸⁶ Article 58 also specify the rights and duties of other States in the exclusive economic zone

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and over-flight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.

2. Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.

3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.⁸⁷

India being the 76th signatory to the United Conventions on the Laws of Sea (UNCLOS) 1982(ratified on 29th June, 1995) has vehemently been aware of security of Sea Lanes of Communication in the vital shipping lanes in the South China Sea. Apart from India, all the parties of the conflict in the South China Sea, Philippines (8 May,1984), Vietnam (25 July, 1994), China (7, June 1996), Malaysia (14 October, 1996), Brunei Darussalam (5 November, 1996) are also signatories to the UNCLOS.

⁸⁶ Op.citp.31-32

⁸⁷ Op.cit p.44

With the initiation of Look East policy, India searches an overarching increase in trade and economic engagements in her immediate neighbours and beyond. Members of ASEAN and countries of East Asia form an eye-catching part for a fastest growing economic India, because India has enormous interests in building a strong and stable economy. Like other non-littoral states of the South China Sea, India is one country who closely examine that “freedom of navigation and over-flight” is maintained in the South China Sea.

Indeed, since the explicit articulation of the strategic dimension of the Look East Policy in 2003 by External Affairs Minister Yashwant Sinha, India has firmed up ‘strategic partnership’ with a number of countries in the Asia-Pacific region. In his speech at the Harvard University, Mr Sinha said: ‘The first phase of India’s Look East Policy was ASEAN- centred and focused primarily on trade and investment linkages. The new phase of this policy is characterised by an expanded definition of “east”, extending from Australia to East Asia, with ASEAN at its core. The new phase also marks a shift from trade to wider economic and security issues including joint efforts to protect sea lanes and coordinated counter-terrorism activities.’⁸⁸

India remains predominantly a maritime trading nation. India’s economy is critically dependent on the seas for conduct of trade. More than 90% of India’s trade by volume and 70% by value are transported over the seas.⁸⁹ There are estimates that nearly 25 per cent (and growing) of this sea bound trade passes through South China Sea.⁹⁰ For a growing economy seeking new markets worldwide, these trade figures will only spiral upwards in the years to come. The total bilateral merchandise trade of India and ASEAN in 2015 amounted to US\$ 58.7 billion, or about 2.6 per cent of ASEAN’s total trade. Investment flows were robust with FDI from India into ASEAN increasing by 98% to US\$ 1.2 billion in 2015. At the 14th ASEAN-India summit held on 8th September 2016, the Chairman highlights that India and ASEAN encouraged

⁸⁸ Speech by External Affairs Minister Yashwant Sinha at Harvard University, 29 September 2003. Retrieved on 3 November 2016 from <http://www.mea.gov.in/SpeechesStatements.htm?dtl/4744/Speech+by+External+Affairs+Minister+Shri+Yashwant+Sinha+at+Harvard+University>

⁸⁹ Indian Maritime Doctrine. Op.cit.p.63

⁹⁰ Munmun Majumdar. Op.cit.p.243

greater maritime cooperation and enhancement of maritime connectivity and motivate increased trade in goods and services between the two parties.

To 'protect sea lanes' has emerged as a fundamental feature of India's Look East Policy. Mr Panikkar writes, 'A navy is not meant for the defence of the coast. The coast has to be defended from the land. The object of a navy is to secure control of an area of the sea, thus preventing enemy ships from approaching the coast or interfering with trade and commerce'. He adds further that the Indian navy's core responsibility is to protect the seas, which are vital to India's defence. India's security and prosperity is dependent on these sea lanes and its ability to engage freely in maritime trade and commerce. A secure, stable, peaceful and prosperous neighbourhood is central to India's security calculus. Amidst the ongoing efforts to impart fresh vigour and dynamism to strengthening relations with neighbours in a comprehensive manner, the need for a cooperative security construct is of immediate relevance in this period of strategic uncertainty. India is committed to build open and dialogue-based security cooperation with all partners in the neighbourhood on the basis of equality, mutual benefit and mutual respect.⁹¹The South China Sea is a strategic waterway providing the key maritime link between the Indian Ocean and East Asia. Sea Lines of Communication (SLOC) of the South China Sea are a matter of life and death for the Asia Pacific countries, and SLOC security has been a fundamental factor contributing to regional economic development. As the eastern gateway to the Indian Ocean, South China Sea is India's strategic left flank. And, more than half of India's interests pass through or are located in the South China Sea. The geostrategic significance of the South China Sea lies in the fact that it is the eastern access to the Indian Ocean.

Addressing the ASEAN Defence Ministers Meeting-Plus (ADMM-Plus), India's Minister of State for Defence Jitendra Singh said:

'The safety and security of the sea lanes of communication is of paramount importance...there is need to reaffirm the importance of unimpeded right of passage and other maritime rights in accordance with the accepted principles of international

⁹¹ Annual Report. Ministry of Defence. Op.cit.p.33

law...maintenance of peace and security in the region is of vital interest and sovereignty issues must be resolved peacefully by all countries concerned, in accordance with international law. We oppose the use or the threat of use of force. We hope that all parties to disputes in the South China Sea region will abide by the 2002 Declaration on Conduct in the South China Sea and work together to ensure peaceful resolution of disputes, in accordance with international law, including the UNCLOS. We urge all parties concerned to take forward these discussions towards adoption of a Code of Conduct in the South China Sea on the basis of consensus⁹²

Indian Prime Minister Manmohan Singh enunciated India's approach towards the South China Sea during his speech at the 8th East Asia Summit in Brunei Darussalam on 10 October 2013. Dr Singh said: 'A stable maritime environment is essential to realise our collective regional aspirations. We should reaffirm the principles of maritime security, including the right of passage and unimpeded commerce, in accordance with international law, and peaceful settlement of maritime disputes. We welcome the collective commitment by the concerned countries to abide by and implement the 2002 Declaration on the Conduct of Parties in the South China Sea and to work towards the adoption of a Code of Conduct in the South China Sea on the basis of consensus. We also welcome the establishment of the Expanded ASEAN Maritime Forum for developing maritime norms that would reinforce existing international law relating to maritime security.'⁹³

In April 2000, India Defense Minister George Fernandes said India's sphere of interest is extending "from the North of the Arabian Sea to the South China Sea" After the "9·11" accident, India has sped up its pace of the "Look East" policy. For example, India joined Treaty of Amity and Cooperation in Southeast Asia in 2003; India signed ASEAN-India Partnership for Peace, Progress and Shared Prosperity in 2004; the ASEAN-India Free Trade Area (AIFTA) has been built up to promote their all-around political and economic relations in 2005. In recent years Indian military

⁹² Disputes in South China Sea: India opposed to use of force (29 August, 2013). The Economic Times. Retrieved 9 November 2016 from http://articles.economictimes.indiatimes.com/2013-08-29/news/41582462_1_south-china-sea-2002-declaration-disputes

⁹³ Indian Prime Minister's Statement at the 8th East Asia Summit in Brunei Darussalam on 10 October 2013, Retrieved 9 November 2016 from <http://pib.nic.in/newsite/erelease.aspx?relid=99951>.

forces entered the South China Sea in the name of joint military drills with some states in the region. India's breakthrough with its military cooperation with relevant states makes India able to exert its continuous influence on ASEAN states, not only frequently holding bilateral or multilateral military drills, but also reaching agreements, covering military cooperation, piracy, weapons purchasing, information exchange, military training, regular high level military contacts and so on. These linkages are likely to grow with growing trade with these two blocs, which is expected to cross US\$ 100 billion by 2015–16. This has led to strategically linking the ocean spaces of the Indian Ocean and Pacific Ocean; a term has been coined - the Indo-Pacific Ocean to highlight seamless connectivity. In his address at the 11th East Asia Summit (EAS) held in Vientiane, Laos on 6th to 8th September 2016, Prime Minister, Narendra Modi said that the sea lanes of communication passing through the South China Sea are the "main arteries" of global merchandise trade. Modi also said India can share experience and build partnerships for protection of marine resources, prevent environment degradation and tap blue economy.⁹⁴

India remains conscious of any probable negative circumstances might happen in the South China Sea. Any major confrontation or direct military clash between parties in the South China Sea will have a serious disruption on the security of the Sea Lines of Communication (SLOC). This in turn would certainly hamper India's economic interests. Besides, as China happens to be India's main competitor, India's concern is that if China controls the entire sea, it will formulate its maritime laws, which could disrupt freedom of passage in the South China Sea. Therefore, taking into consideration all these instances, maintaining freedom of navigation in the South China Sea turns out India's top priority in the South China Sea.

3. Energy Security:

Concerns over energy security proved a great challenge for any country in a world where demand is rising rapidly and assumption about lessening of oil and gas

⁹⁴ Deccan Herald, Sep 8, 2016 , www.deccanherald.com/content/569217/india-backs-freedom-navigation-scsseeks.html

reserves is ever-increasing Energy security constitutes one of the major factors that enhance national interests in today's world. Countries of the world have been enormously in search of hydro-carbons in a vast and variegated possible form. Here again, the South China Sea has been a focal spot which is estimated to hold in itself a substantial amount of oil and natural gas. The South China Sea additionally serves as a vital route through which many ships carrying hydrocarbons of important countries like China, Japan, India and the countries of ASEAN passes.

India depends on oil for over 33% of her energy needs, and imports almost 70% of that. India's key energy challenges include but not limited to: (1) increasing domestic production of primary fuels; (2) securing necessary imports of primary fuels at relatively stable prices; (3) attracting investment across all segments of the energy sector; (4) investing in new energy technologies; (5) reducing the carbon intensity of energy use and lowering local pollution; (6) increasing access to modern energy to the marginalised sections of the society; and (7) diversifying the primary fuel basket to increase energy security. Growth in energy demand in India is likely to be among the highest in the world among large countries. As per projections by the International Energy Agency (IEA), China is expected to account for 40 percent of energy demand growth from 2011- 2025, and India is expected to drive the same after 2025. Oil production is more or less stagnant and India is expected to meet over 78 percent of demand for crude oil through imports by 2017 according to the Planning Commission. In the longer term, domestic oil production is expected to decline at a rate of 1.7 percent from 900,000 bpd in 2012 to 600,000 bpd by 2035. The share of imported crude will in turn increase to 90 percent by 2035. Initiatives to increase domestic production have thus far failed. In the 11th plan period, India had set itself a target of 800,000 bpd but only 711,000 bpd was produced – a slip of 14percent.

The total energy consumption in India registered a CAGR of nearly 5% over the period from 2001 to 2011. As per existing estimates, in order to sustain an economic growth rate of 8%, the primary energy supply is expected to grow at 5% over the next 20 years. The 12th Five-Year Plan defines energy security as “Energy

security involves ensuring uninterrupted supply of energy to support the economic and commercial activities necessary for sustained economic growth.”⁹⁵

With an economy that is projected to grow at a rate of 7 to 8 percent over the next two decades, meeting its rapidly increasing demand for energy is one of the biggest challenges facing India. Burgeoning population, coupled with rapid economic growth and industrialization, has propelled India into becoming the sixth-largest energy consumer in the world, with the prospect of emerging as the fourth-largest consumer in the next four to five years. Rising incomes in India, along with generating prosperity, are pushing demand for energy resources even further. India is not only rated as one of the highest energy-intensive economies in the world, energy intensity being a measure of energy required by an economy to produce one unit of GDP growth, but Indians also pay one of the highest prices for energy in purchasing power parity terms. India faces a growing imbalance between the demand for energy and its supply from indigenous sources resulting in increased import dependence. Though it has the third-largest reserves of coal after China and the United States, dependence on imported oil is India’s greatest vulnerability, because it imports about 70 percent of its oil, and this dependence is likely to increase to around 92 percent by the year 2020. Hydrocarbons have been viewed as better alternatives to the less efficient and more polluting coal energy. While natural gas is India’s most important potential alternative to coal, the effective exploration and distribution infrastructure is yet to develop. And despite some recent attempts to think seriously about nuclear power, oil retains its primacy in India’s energy matrix. The recent fluctuations in global oil prices have been a worrying trend for India. It has been estimated that a sustained 5 percent rise in the oil prices over a year could dampen India’s GDP growth rate by 0.25 percent and raise the inflation rate by 0.6 percent. India can only sustain its high rates of economic growth in the long term if it is successfully able to bridge the increasing demand-supply gap. According to the Integrated Energy Policy Report of the Indian Planning Commission, India will have to quadruple its energy supply to sustain an 8 percent rate of growth for the next twenty-five years, which calls for an energy regime that

⁹⁵ Energy Security Outlook.(2015). New Delhi: The Energy and Resources Institute p.11-12. Retrieved 8 October 2016 from <https://bookstore.teri.res.in/docs/books/ENERGY%20SECURITY%20OUTLOOK.pdf>

ensures supply, manages demand, and balances pricing to enable growth. The report goes on to recommend that India pursue all available fuel options and forms of energy

India's relations with Russia are also becoming energy focused, with Russia being the world's second-largest oil producer and its leading gas producer. India is the sixth highest energy consumer in the world, and needs assured supply of adequate energy to sustain its growth. Energy security is ensuring the required energy supply over the long term and at affordable cost. This covers the various types of energy, including oil, gas, coal, hydel, nuclear, etc., with long term arrangements for their assured supply, including procurement, production, and stocking. Purchase of overseas hydrocarbon fields is part of energy security, and aims to insure energy supply against rising prices or dwindling affordable supply. Whilst the country has sought to diversify its sources of energy to include nuclear, hydroelectric, shale oil, biogas, solar and wind energy, the dependence on hydrocarbon based sources of energy is unlikely to reduce in the foreseeable future. Oil and natural gas will therefore remain critical to our energy security for several decades to come.⁹⁶

Security of energy implies safety of the various energy assets, including supply sources, production infrastructure and means of transportation that belong to the country. This encompasses the military and quasi-military ways adopted to address the safety of these energy assets. The Persian Gulf and Africa are the major sources of India's oil and gas imports, which are carried by sea. Our off-shore oil and gas fields on both coasts contribute to a majority of our domestic production. These traditional sources are unlikely to change in the near to medium term. India is also investing in hydrocarbon assets worldwide, which would have to be maintained by sea and use the sea lanes for repatriation to India. Security of energy, thus, has a strong maritime component, which will remain of prime national concern.⁹⁷

4. As a checkmate to China:

India and China, the two Asian giants hold a crucial position in shaping the dynamics of geo-political, security and economic scenario of the Indo-Pacific region.

⁹⁶ Indian Navy Maritime Doctrine. Op.cit.p.64

⁹⁷ Ibid.p.67

Remarkably, the two countries are in a constant competition, where the policies and actions of one obviously pose a reason of uneasiness and at times a regarded reaction by the other can be witness. This circumstance is not a recent phenomenon. By far, history witnesses several bleak incidences ranging from small incidences to even war between India and China. Being an economic rising countries, long unsettled border conflicts, conflicting foreign and defence policies etc all shaped Indo-China relations today endowed with competition, mutual distrust and antipathy. Today, conflicting maritime policies added another point of divergence in Indo-China relations. All these factors prompted India to have a strategic interest in the South China Sea disputes, where China, the most powerful claimant of the sea claims majority to the South China Sea.

For years, India's maritime interests and objectives remain Indian Ocean centered. However, as competition between India and China grew in all spheres, naval competition proved to be an important point of competition between the two. In the mid-1980s, China began implementing plans to build its maritime strength. China's rapid assertive rise enshrined with strong maritime policies has developed long term implications for India. This strategy of creating sea ports has been named by many political analysts and commentators as "string of pearls". Accordingly, the string of pearls enhances a means of Chinese naval bases and diplomatic ties stretching from the Middle East to southern China that includes Gwadar port in Pakistan, Chittagong in Bangladesh, and Hambantota in Sri Lanka.

Being an energy deficit country, the Indian Ocean proves vital energy route for China. It is estimated that China imports 82 per cent of its energy requirements, in the form of oil and gas, through the Indian Ocean. Thirty per cent of its sea trade, worth some US\$300 billion each year, is shipped through the Indian Ocean. China is also a manufacturing hub and is dependent on open trade routes with African and Indian Ocean littoral states for the supply of raw materials and minerals, and for the marketing of its products to those regions.

China has openly declared its intention to become a maritime power. As noted in the 2014 Blue Book, a prestigious compilation published annually by the Chinese

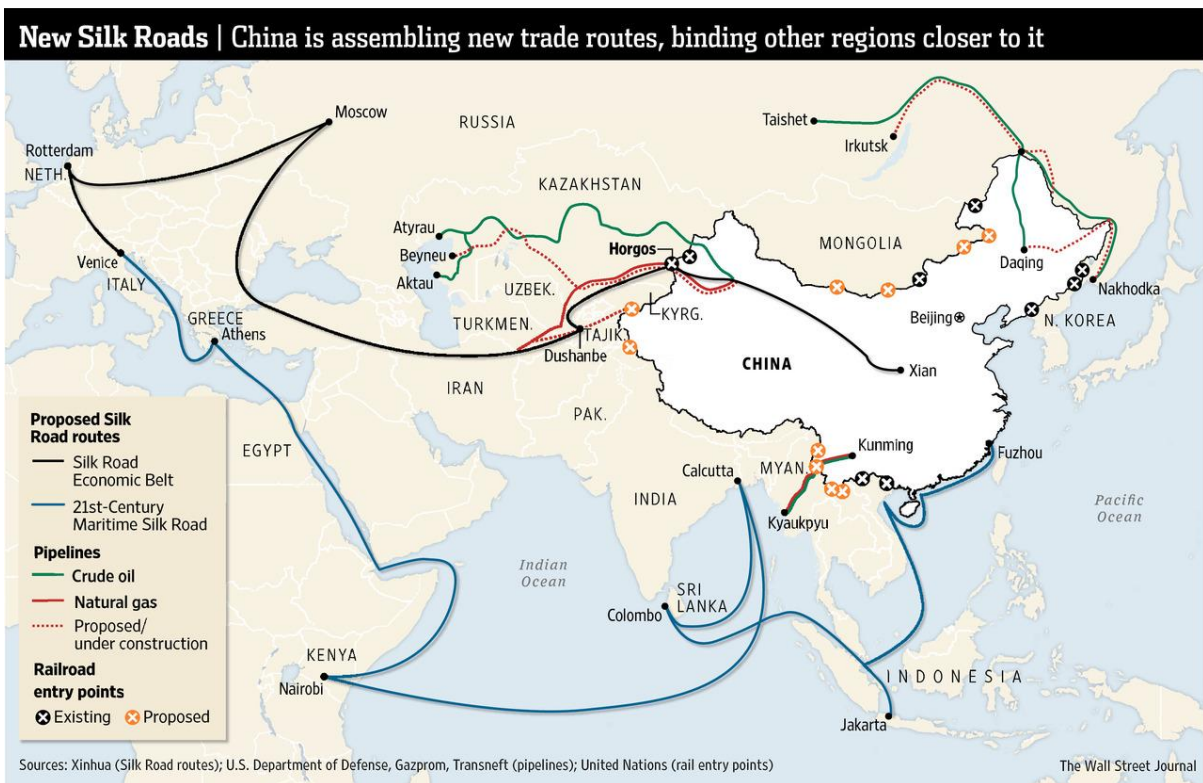
Academy of Social Sciences, China needs to build the image of a powerful nation. The Blue Book says that as China seeks to ensure the security of maritime pathways within the international order, it should also proactively seek complementary backup sea-lanes to “hedge against the risks of others states threatening China with sea-lane security. China is increasing its presence in the Indian Ocean by launching a number of mammoth infrastructure and commercial initiatives, the 21st Century Maritime Silk Road and the related One Belt One Road initiatives being the most noteworthy. The former is designed to go from China's coast to Europe through the South China Sea and the Indian Ocean along one route, and from China's coast through the South China Sea to the South Pacific along another route. The One Road One Belt project focuses on bringing together China, Central Asia, Russia, and Europe (the Baltic); linking China with the Persian Gulf and the Mediterranean Sea through Central Asia and West Asia; and connecting China with Southeast Asia, South Asia, and the Indian Ocean.⁹⁸

The String of Pearls theory is widely followed in New Delhi, in some quarters almost to the point of obsession. China’s relationships in the Indian Ocean region are often not perceived in the Indian security community as being a legitimate reflection of Chinese commercial interests in the region or its strategic interests in protecting its Sea Lines of Communication (SLOCs) across the Indian Ocean. Instead, many perceive China’s regional relationships as being directed against India—either as a plan of maritime “encirclement” of India or otherwise intended to keep India strategically preoccupied in South Asia. Others who acknowledge China’s interests in SLOC security argue that China is “overstepping” the mark in developing influence in the Indian Ocean region, creating a security dilemma for India.⁹⁹ Thus, though China claimed its broadening of its naval activities is a means to safeguard its economic and energy interests, popular perceptions from the Indian side hold that China’s main motive is project its military and preeminence in the region while encircling its main contestant- India from geostrategic perspective.

⁹⁸ Jacobson and Medcalf

⁹⁹ Brewster. Op.cit. p.1-20

Today, Indian navy has been modernized and well equipped in both quantitative and qualitative terms; Chinese maritime ambitions thus catch the attention of reactions from India, which is well corresponding to the strategically relevant policy of India's Look East or Act East policy. Consequently, the implications to this have been a clash of maritime interests and actions in the Indo-Pacific region. As a tit for tat in Indo-China competition, the South China Sea proves to be an important spot from the strategic reprisal for India. Thus, India's security establishment today is increasingly complex and contradiction with China's assertive rise as a major power in the region.



Map6

China's Maritime silk routes (2014)

Source: The Wall Street Journal. Retrieved on 12th November 2016 from <http://www.wsj.com/articles/chinas-new-trade-routes-center-it-on-geopolitical-map-1415559290>

India's policies and activities in the South China Sea:

As a nation with a highly dependent on overseas trade, India has to ensure that all its connectivity such as air, sea and land routes are safe and secure. To secure its maritime links in the South China Sea, India has developed manifold activities. Thus it is imperative for India to advance its policies and tasks beyond the Indian Ocean through diverse engagements and co-operation with countries in the Indo-Pacific region. As an offshoot, the policies and activities adopted by India have been exerted in the following ways:

1. Indian Naval strategy:

Indian Navy has long been marginal to the security politics of postcolonial Asia. With the rise of India as a premier maritime power, the Indian Navy is truly a useful instrument and a practical workforce in the interplay of India's foreign policy today. They are definitely the achiever of India's foreign policy. As the interconnectivity in the contemporary world become more complex and intertwined, the Indian Navy has been confronted with many tough challenges. Thus being a tool of India's foreign policy the Indian Navy has perceptibly been equipped with sophisticated resources and capabilities in order to broaden and revitalizes its capacity and area of actions and activities in the near and far seas. True has been the case to India's maritime policy towards the Indo-Pacific and South China Sea in particular by engaging in several bilateral and multilateral projects.

Indian Navy ships in the Indo-Pacific region have significantly expanded its presence and operational reach since 2009 through artificial islands and military presence. The Indian Naval Ship (INS) Airavat paid a friendly visit to Vietnam between 19th to 28th July, 2011.¹⁰⁰ From 15 September 2012, INS Sudarshini had an epic voyage for over six months to South East Asia- Indonesia, Brunei, Philippines, Vietnam, Cambodia, Thailand, Singapore and Malaysia, Myanmar. INS Sahyadri, an operational deployment to South China Sea and North West Pacific region in pursuance of India's Act East Policy entered on 1 November, 2015, at Manila for extensive interactions with the Philippine Navy. In pursuance of India's Act East

¹⁰⁰ Retrieved on 10 November 2016 from www.mea.gov.in/mediabriefings.htm?dtl/3040/Incident+involving+INS+Airavat+in+South+China+Sea

policy, Indian Naval Ship (INS) Sahyadri, as a part of ‘Operational Deployment’ to the South China Sea and North West Pacific region, has entered Da Nang, Vietnam on a four day visit commencing 2 October, 2015. Indian warships had last visited Hai Phong, Vietnam in August, 2014. In a demonstration of its operational reach and commitment to India’s ‘Act East’ policy, the Indian Navy’s Eastern Fleet, under the command of Rear Admiral Ajendra Bahadur Singh, VSM, Flag Officer Commanding Eastern Fleet, on a four day visit at Kuantan (Malaysia). India- Malaysia naval cooperation has largely been in the form of training interactions and exchange of goodwill visits by IN and RMN ships. India signed a Memorandum of Understanding on Defence Cooperation with Malaysia in February 1993. Consequently, the Malaysia- India Defence Cooperation Committee (MIDCO) was set up to examine various aspects of defence cooperation. Issues such as training, combined exercises, exchange of personnel etc are discussed during the MIDCOM meetings. In a demonstration of its operational reach and commitment to India’s ‘Act East’ policy, the Indian Naval Ships Satpura and Kirch visited Cam Ranh Bay, Vietnam from 30 May-3 June 2016. In a demonstration of its operational reach and commitment to India’s ‘Act East’ policy, the Indian Naval Ships Sahyadri, Shakti and Kirch arrived the Kelang, Malaysia port on 15 July 2016 for a four day visit as part of the eastern Fleet to the South China Sea and Western Pacific. In a demonstration of its operational reach and commitment to India’s ‘Act East’ policy, the Indian Naval Ships Sahyadri, Shakti have visited Subic Bay on a three day visit from 30 May to 2 June 2016 as part of the eastern Fleet to the South China Sea and Western Pacific. In a demonstration of its operational reach and commitment to India’s ‘Act East’ policy, the Indian Navy’s Eastern Fleet, under the command of Rear Admiral SV Bhokare, Flag Officer Commanding Eastern Fleet, sailed out on 18 May 2016 on a two and half month long operational deployment to the South China Sea and North West Pacific. During this overseas deployment, the ships of Eastern Fleet will make port calls at Cam Rahn Bay (Vietnam), Subic Bay (Philippines), Sasebo (Japan), Busan (South Korea), Vladivostok (Russia) and Port Klang (Malaysia). The visits of each port will last four days and are aimed at strengthening bilateral ties and enhancing interoperability between the navies. In a demonstration of India’s Act East policy and

Indian navy's constant endeavour to enhance maritime security in Indo_pacific, Indian Naval Ship (INS) Airavat arrived at Brunei on 1 May 2016. The ship participated in the ADMM Plus Exercise on Maritime Security and Counter Terrorism in the South China Sea from 1 to 9 May 2016.¹⁰¹

India joint coastguard/ Navy patrols are undertaken to protect her sea lines of communication. Unilateral exercises by the Indian navy involving several warships, a submarine and a maritime reconnaissance aircraft, hope to assert India's naval prowess and to establish freedom of navigation in the South China Sea. India has also been getting its ties reinforced both through naval exercises, good will visits and port visits. At bilateral level, Indian navy has been conducting bilateral exercises in April 2000 with both Vietnam and South Korea. The Indian Navy sent warships, tankers and submarines to Japan, South Korea, Indonesia and Vietnam for bilateral exercises and as gestures of good will and held a unilateral exercise in the South China Sea. The holding of unilateral exercises in the South China Sea added a different dimension to India's status. Bharat Karnad has expressed the view that, "the defence pact signed with Vietnam which will soon be symbolized by an Indian navy flotilla exercising with Vietnamese naval vessels in the South China Sea, is a potent warning to China that Beijing cannot do exactly as it pleases in India's backyard." There could also be immense advantages in commencing the sale of modern military hardware to Vietnam, including some quantities of Prithvi missiles with launchers under government-to-government soft loans. The Defence Research and Development Organisation (DRDO) could, in future, provide the technical know-how to Vietnam's nascent armament industry. The India Navy has been hosting the "Milan" biannual meetings since the early 1995's as part of its effort to foster closer cooperation with the navies of countries of Southeast Asia at Port Blair.

From goodwill port visits to joint exercises, Indian Navy has been engaging with the littoral states of South and East China Sea and advancing India's maritime interests in the region. This has helped develop a congenial atmosphere for India in

¹⁰¹ Retrieved 11 November 2016 from <https://www.indiannavy.nic.in>

the maritime area and established cordial relationships with all of them. From Japan and South Korea to Vietnam and Singapore, Indian Navy has been developing cooperative partnerships with the maritime neighbors of China to the chagrin of the Chinese strategic community. Coincidentally, all these littoral states are also involved in some kind of disputes with China, hence, India's maritime engagement with them attracts the attention of the Chinese strategic observers.

2. Energy Security:

When anyone talks about India's focus and activities in the South China Sea, India's joint exploration of oil and gas with Vietnam in the South China Sea is definitely one of the important activities to deal with.

With the discovery of attractive potential of hydrocarbon deposits in Vietnam's territorial waters and EEZ, Vietnam had opened its oil and gas sectors widely to the foreign companies in 1990. India's exploration in Vietnam started as early as 1988 in association with the then Soviet union. In 1992 India's ONGC joined a joint venture with Petro-Vietnam, the Burma Petroleum of the UK and DNSO (Stat Oil) of Norway. In 2001 India's oil fields in Vietnam were its largest overseas possessions in the energy sector. The ONGC held 45% shares in its joint venture with Petro-Vietnam and the United Kingdom's BP (British Petroleum) group. In November 2002, gas started flowing from the ONGC's joint venture at the Nam Con Son basin in Vietnam. Due to lack of facility in India to refine the crude oil received from Vietnam, India sold this oil in the international market. Its first joint-venture for offshore oil and natural gas exploration in Vietnam's Lan Tay field along with Petro Vietnam and BP became functional in 2003. The ONGC Videsh Limited (OVL) of India had signed a production sharing contract with Petro-Vietnam on 24 May 2006, awarded two more blocks of 127 and 128 to India in the Phu Khanh basin in Vietnam for exploration. The agreement signed during the India-visit of Vietnamese President Truong Tan Sang, in October 2011, included an accord to promote investments, exploration, refining, transportation and supply of oil and gas in Vietnamese waters of the South China Sea.¹⁰²

¹⁰² Munmun Majumdar. Op.cit.p.247

OVL, the overseas arm of ONGC has received one year extension to explore a Vietnamese oil block in the contested waters of the SCS from Vietnam national company. This is the fourth extension for OVL to explore Block-128, in offshore Phu Khanh Basin, the licence for which is now valid till June 15, 2017. ONGC Videsh Ltd. (OVL) had in May 2016 applied to the Vietnamese authorities for a fourth extension of the exploration licence for the deepsea block to maintain India's strategic interest in the South China Sea. The company has not found any hydrocarbon in the block but is continuing to stay invested. OVL first took a two year extension of the exploration period till June 2014 and then another one year. A third extension was granted on 28 May 2015. The company has so far invested USD 50.88 million in the block. OVL forayed into Vietnam as early as 1988, when it bagged the exploration licence for Block 6.1. The company got two exploration blocks- Block 127 and Block 128 in 2006. However Block 127 was relinquished due to poor prospective, the other Block was retained. OVL continues to own 45 per cent stake in Vietnam's offshore Block 6.1 and its share of production was 2.023 billion cubic metres of gas and 0.036 million tonnes of condensate. The company in October 2014 signed an agreement to pick up to 50 per cent stake in the two exploration blocks in the South China Sea. OVL took 40 per cent stake in Block 102/10 and 50 per cent in 106/10 that lie outside the sea territory claimed by China. In return Petro Vietnam took half of OVL's 100 per cent stake in Block 128.¹⁰³ The Vietnam-India joint exploration has been at the centre of much controversy due to the location of the blocks in the disputed China-Vietnam claims in the South China Sea.

3. Defence relations with ASEAN members, littoral states of South China Sea:

The rising economy of India has been followed by the growing defence and militarization build up. India ranks 4th by military strength in the world and 7th in

¹⁰³ Economic Times, 23 August, 2016

terms of highest defence budget in the world by 2015.¹⁰⁴ With the opening up of India's economy, India's increasingly focused its attention on East and South East Asia. The useful India's Foreign Policy tool of Look East/Act East reinforces India to take cooperative measures with East and South East Asian states. Moreover, the changing security political environment in East and Southeast Asia provides immense opportunities for India to present itself as a security contributor to many small nations in the region. It is thus important to build up bilateral defence ties with the South China Sea littoral states who are also member of ASEAN.

Malaysia:

Since Malaysia purchased the Russian-built MiG-29 aircraft in the late 1980s, Malaysian-Indian defence interaction has intensified. The first MoU on defence cooperation between the two countries was signed in February 1992, paving the way for widening the scope of bilateral cooperation to include joint ventures, joint development projects, procurement, logistic and maintenance support. The signing of the MoU led to the creation of the Malaysia-India Defence Committee (MIDCOM), jointly chaired by the two defence secretaries, focussing on the training of Malaysian military personnel in India. The primary area of defence cooperation has been the training of Malaysian defence personnel at various levels, including at the National Defence College and Staff College. Malaysia also sought type-specific training for submarine warfare and air combat tactics was sought. India-Malaysian defence cooperation got improved with the establishment of Joint Working Group on defence cooperation in 1993. Malaysia also looked to work with India on type-specific training of its Scorpene submarine crew and through-life maintenance of the Scorpene submarines, which were delivered in late 2008. Malaysia wanted to explore the possibility of joint training on (submarine warfare) tactics, since India is also going to acquire six such submarines. The operational interaction between the two navies has been in terms of training interactions, visits by high level delegations and regular visits by warships to each other's ports. India receives Malaysian naval officers for training on a regular basis. Also, the Indian Navy ships have regularly participated in

¹⁰⁴ Countries Ranked by Military Strength (2016), Retrieved <http://www.globalfirepower.com/countries-listing.asp>

the Lima series of exhibitions/ conference hosted biennially at Langkawi by the Malaysian defence ministry.¹⁰⁵ Admiral Ahmad Kamarulzaman bin Haji Ahmad Badaruddin, Chief of Royal Malaysian Navy is on a visit to India from July 25-28 2016. His visit is regarded as a move to consolidate the bilateral naval relations between India and Malaysia and also to explore new avenues for naval cooperation. Ahmad Kamarulzaman bin Haji Ahmad Badaruddin held bilateral discussions with Admiral Sunil Lanba, Chief of Naval Staff. The Indian and the Royal Malaysian Navies cooperate with each other in terms of training, Passage Exercises, as well as interact at various multilateral forums like Indian Ocean naval Symposium (IONS), MILAN and ADMM Plus. Warships from both navies visit each others ports to build bridges of friendship. The ships of the Eastern Fleet recently visited Port Kelang as part of its Overseas Deployment to North West Pacific and held a first ever Table Top Exercise on Humanitarian Assistance and Disaster Relief with the Royal Malaysian Navy, read a government statement. Major issues that were discussed during the visit included training exchanges, improving Maritime Domain Awareness by sharing of white shipping information and exploring opportunities for bilateral exercises.¹⁰⁶

Vietnam:

With the signing of the MoU on defence cooperation with Vietnam in November 2009, India has listed Vietnam as one of the important priority countries for its strategic calculations. In April 1994, during a visit to Vietnam by Minister for Power N.K.P Salve, India was reported to have offered defence technology to Hanoi. Vietnam accepted the offer and thereafter during the then Prime Minister P.V Narsimha Rao's visit to Vietnam in 1994, a protocol on defence cooperation was signed. Subsequently, Vietnam reached an agreement with Hindustan Aeronautics Ltd. to overhaul the engines on MiG-21 aircrafts belonging to Vietnamese air force. In the year 2000, Indian Defence Minister signed a Protocol on Defence Cooperation for

¹⁰⁵ **Indian naval diplomacy in South-East Asia.** Retrieved 10 October 2016 from http://www.strategic-affairs.com/details.php?task=other_story&&id=410

¹⁰⁶ Chief of Royal Malaysian Navy visits India
25-07-2016<http://www.newkerala.com/news/2016/fullnews-95440.html>

sharing of strategic perceptions and naval cooperation between the two countries, coordinated patrols by the Vietnamese sea-police and the Indian coast guard, repair programmes for Vietnam Air force fighter planes and training of Vietnamese air force pilots. In May 2003, India signed a “Joint Declaration on Framework of Comprehensive Cooperation” between the two countries. Even though the agreements were there but the substance came when in June 2005, Indian Navy gave 150 tones of warship components and other accessories worth \$ 10 million to Vietnamese Navy. India and Vietnamese Navy are also cooperating on establishing a satellite imagery station in Vietnam worth \$0.5 million. More than 100 Vietnamese officers have received training in Indian defence colleges and establishments till date.¹⁰⁷ In July 2007, a new level of security cooperation was reached when the visiting Vietnamese Prime Minister Nguyen Tan Dung signed a joint declaration that “welcomed the steady development of bilateral defence and security ties” and “pledged themselves to strengthen cooperation in defence supplies, joint projects, training cooperation and intelligence exchanges”. Prime Minister Nguyen described this as the launch of a ‘strategic partnership’ between the two countries. In November 2007, at the third Security Dialogue between India and Vietnam, the two states pledged to extend their security cooperation on matters of common interest and later to set up a Joint Working Group to facilitate a Memorandum of Understanding between the two states which was signed in 2008. The National Assembly Chairman Nguyen Phu Trong visited India in February 2010 and both states vowed to boost all round cooperation, signalling a further strengthening of ties.¹⁰⁸

The ASEAN Defence Ministers’ Meeting (ADMM+8) a gathering of ASEAN Defence Ministers and their counterparts from Australia, China, India, Japan, South Korea, Russia, New Zealand and USA provided an inclusive and focused role to New Delhi within the strategic calculus of the Asia-Pacific region. Subsequently, the contours of Indo-Vietnamese strategic partnership were boosted, when in June 2011, in course of a meeting between Vietnamese and Indian senior naval officers, Vietnam offered India permanent berthing facilities at the port of Nga Trang. This gesture also

¹⁰⁷ Ibid.p.56

¹⁰⁸ Bilveer Singh. (2011). Southeast Asia-India Defence Relations in the Changing Regional Security Landscape. New Delhi: Institute for Defence Studies and Analyses. P.21

assumed significance in the face of the fact that the Indian Navy became the only foreign navy to have been granted such a privilege at a port other than Halong Bay near Hanoi, thereby not only facilitating the presence of the India Navy in the South China Sea but also enabling a great strategic role for India in Southeast Asia. India's External Affairs Minister Salman Khurshid said during talks at the 15th Meeting of the India-Vietnam Joint Commission that India has also agreed to provide "patrol vehicles to Vietnam for its border areas" and both countries have agreed to deepen their economic and defence cooperation.¹⁰⁹

With a boom in India and Vietnam bilateral defence relations with special stress on visits of naval warships to each other ports and the tensions in the South China Sea grew, China has been watchful and vigilant of India-Vietnam defence engagement. On the other hand, as Pakistan happens to be China's strong defence partner, many political analysts and observant viewed growing India-Vietnam relations as a reaction to China-Pakistan relations. In this context, Vietnam proved to be a great security partner for India as both India and Vietnam have same territorial rival i.e. China.

Brunei:

Though India has not entered into any specific defence cooperation agreement with Brunei, India has shown interest in developing such relations and invited the Sultan of Brunei in 2008. In July 2011, India responded to the invitation of the Brunei government to send Indian warships to the first ever international fleet review named *Brunei Darussalam International Defence Exhibition and Conference (BRIDEX)*. Prior to the fleet review India had sent two of its leading warships INS Jyoti and INS Ranvir (a guided missile destroyer) in May 2011 to Muara port for a goodwill visit and to celebrate the Royal Brunei Armed Forces Golden jubilee.¹¹⁰ The defence ties between the two nations include exchange of officers for training and visits by warships. Brunei on 2nd February held discussion with an Indian delegation led by Vice-

¹⁰⁹ Deccan Herald. July 11, 2013 www.deccanherald.com/content/427483/india-examining-vietnams-south-china.html

¹¹⁰ **Indian naval diplomacy in South-East Asia. Retrieved 6 November 2016 from** http://www.strategic-affairs.com/details.php?task=other_story&&id=410

President Hamid Ansari on Chinese territorial claims in the South China Sea which has the potential to affect free maritime traffic in Southeast Asia. Anil Wadhwa, Secretary (East), following the conclusion of a bilateral defence agreement between India and Brunei said that Brunei briefed India on the negotiation under way for the Code of Conduct for the South China Sea. India supports a negotiated settlement of Brunei's maritime dispute with China. The pact aimed at ensuring uninterrupted energy lanes between India and Southeast Asia. An Indian military source in Brunei said the defence cooperation will provide both sides the institutional foundation for more collaborative work on maritime security and secure India's energy lanes to Brunei. Brunei's main port, Muara — one of the main ports in Southeast Asia through which the bulk of the country's oil and gas exports to India take place — is in the South China Sea region and will become a major component of India's growing maritime partnership with Brunei. According to The Hindu newspaper, India has taken note of the growing Chinese influence on Muara. Mr Wadhwa said that the part of South China Sea that Brunei claims is largely “unexplored” and might contain hydrocarbon reserves vital for the country's economy.¹¹¹

In the recent years, relations with small nations cannot be neglected. Likewise, improving defence relation with Brunei also bears a hand in India's Foreign Policy goals. An MOU was signed between India and Brunei during the during the visit of Vice President, Hamid Ansari to Brunei on February 02, 2016. One of this MOU contain enhancing Defence Cooperation between India and Brunei in various fields. Brunei-India defence cooperation has already exist in the form of naval ship visits, training of senior military officers in Staff colleges and exchange of experience. However, February 2016 high level meeting aims to promote the existing defence cooperation in a more systematic way including exchange of visits at different levels, experience, information, training, trainers, etc., conduct of joint military exercises, seminars, discussion and cooperation between the defence industries.

¹¹¹February 3, 2016, <http://www.thehindu.com/news/international/india-brunei-discuss-south-china-sea-dispute/article8185345.ece>

Philippines:

India and the Philippines formally established diplomatic relations on 26 November 1949, shortly after both countries gained independence (Philippines in 1946 and India in 1947). Sixty years of diplomatic relations was celebrated in 2009. Indian navy and coast guard ships regularly visit the Philippines and hold consultations with their counterparts. INS Sahyadri visited Manila from 1-4 November 2015; and from 20-23 August 2014; ICGS Samudra Paheredar visited Manila from 19-22 September 2014; a flotilla of four Indian ships from the Eastern Fleet, namely INS Shakti, INS Satupura, INS Ranjit and INS Kirch visited Manila on a goodwill visit from 12-16 June, 2013. The participation of officers of the armed forces of both countries in various specialized training courses in each other's countries has intensified, as have visits by National Defence College (NDC) delegations, including the first ever NDC visit from the Philippines to India. A delegation from the College of Defence Management of India visited Philippines from 23-31 October 2015; a delegation from Army High Command Course of India visited the Philippines from 10-14 November 2014. Intelligence Exchange Intelligence Exchange (INTELLEX) meetings have contributed towards sharing and exchanging information on a range of sensitive issues; the last INTELLEX meeting took place in Manila in January 2015 with the previous one being held in New Delhi in February 2013. In recognition of the need to further strengthen defence cooperation, the Joint Defence Cooperation Committee was constituted and had its first meeting in Manila in January 2012.¹¹²

Strangely enough the Philippines figured quite late in India's strategic thinking. This could be attributed to three major factors. Firstly, India's relations with Vietnam perceived as aggressor by the Philippines during the Cold War years. Secondly, India's lack of enterprise and policy on the contentious South China Sea, kept Philippines out of strategic planning. Thirdly, the Indo-US nuclear deal has reformatted the relations between the two countries. The signing of the defence cooperation agreement with the Philippines in 2006 during the visit of the then

¹¹²India - Philippines Relations, 2016,
https://www.mea.gov.in/Portal/ForeignRelation/Philippines_09_02_2016.pdf

President Abdul Kalam showed that Philippines cannot be ignored. The changing contours of relations with Korea and Japan necessitated the change of stance with regard to the Philippines. With joint exercises with Singapore in South China Sea, India is willing to formalize its South China Sea policy and in that context intensifying bilateral defence ties with Philippines, Japan and Korea becomes necessary.¹¹³ Amid South China Sea tension, on May 15, 2016, India planned to supply two light frigates to the Philippines.¹¹⁴ With Look East policy gaining ground, India could not have ignored Philippines with which first defence cooperation agreement was signed in 2006 during the visit of then Indian President A P J Kalam. This has resulted in the goodwill visit of the Indian naval warships to Philippines in 2010, 2011 and 2012. At the height of China-Philippines confrontation over the Scarborough Shoal, Indian warships visited the Philippines naval port in 2012, which off course also paid a visit to Shanghai. Referring to the dispute and standoff over the Shoal, India advised both the countries to observe restraint. An Indian defence delegation had also visited Manila in May 2011 to discuss defence and naval cooperation and the first ever Joint Defence Cooperation Committee meeting was held in Manila in January 2012.¹¹⁵

The 3rd Meeting of the India-Philippines Joint Commission on Bilateral Cooperation was held on 14 October 2015 in New Delhi. Minister Swaraj and Secretary Del Rosario expressed satisfaction. Strangely enough the Philippines figured quite late in India's strategic thinking. This could be attributed to three major factors. Firstly, India's relations with Vietnam perceived as aggressor by the Philippines during the Cold War years. Secondly, India's lack of enterprise and policy on the contentious South China Sea, kept Philippines out of strategic planning. Thirdly, the Indo-US nuclear deal has reformatted the relations between the two countries. The signing of the defence cooperation agreement with the Philippines in 2006 during the visit of the then President Abdul Kalam showed that Philippines cannot be ignored.

¹¹³ Jha. Op.cit.p.58-59

¹¹⁴ Amid South China Sea tension, India to supply two light frigates to the Philippines Navy. (15 May 2016) Retrieved 8 November 2015 from <http://idrw.org/amid-south-china-sea-tension-india-to-supply-two-light-frigates-to-the-philippines-navy/>

¹¹⁵ **Indian naval diplomacy in South-East Asia.** http://www.strategic-affairs.com/details.php?task=other_story&&id=410

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On 14 October 2015, the 3rd Meeting of the India-Philippines Joint Commission on Bilateral Cooperation was held in New Delhi. In this meeting External Affairs Minister Sushma Swaraj and Secretary Del Rosario emphasized the importance of strengthening the growing bilateral partnership in various fields between the Philippines and India. Many newspapers point out that the Joint statement of Philippines and India purposefully call the South China Sea as ‘West Philippines Sea’.

¹¹⁶ Jha. Op.cit.p.58-59

¹¹⁷ Amid South China Sea tension, India to supply two light frigates to the Philippines Navy. (15 May 2016) Retrieved 8 November 2015 from <http://idrw.org/amid-south-china-sea-tension-india-to-supply-two-light-frigates-to-the-philippines-navy/>

¹¹⁸ **Indian naval diplomacy in South-East Asia.** http://www.strategic-affairs.com/details.php?task=other_story&&id=410

Interestingly, India slowly and steadily geared up defence cooperation with countries of Philippines, Malaysia, Vietnam and Brunei in tune with the ‘Act East Policy’.

4. India-ASEAN relations

In the area of maritime interaction, India and ASEAN interact with each other through various meetings, conferences, workshops, official exchanges and port calls. India has welcomed the Master Plan on ASEAN connectivity. A stronger maritime connectivity between India and ASEAN is significant for enhancing connectivity among various economic corridors between the two regions. India and Southeast Asia enjoy maritime relations that date back to ancient times. In the contemporary period, Southeast Asia is at the heart of India’s Look East Policy. In 2012, ASEAN and India celebrated the 20th Anniversary of their Dialogue Partnership and the 10th Anniversary of Summit-level Partnership with, among others, a special “Commemorative Summit” on 20 December 2012 under the theme “ASEAN-India Partnership for Peace and Shared Prosperity”. Leaders from all ASEAN countries, who attended the Commemorative Summit in 2012, endorsed elevating ASEAN-India Dialogue Partnership to Strategic Partnership.¹¹⁹ At the “Commemorative Summit”, India and ASEAN decided to promote maritime cooperation, including through engagement in the Expanded ASEAN Maritime Forum (EAMF) and its expanded format, to address common challenges on maritime issues, including sea piracy, search and rescue at sea, maritime environment, maritime security, maritime connectivity, freedom of navigation, fisheries and other areas of cooperation. ASEAN Connectivity Coordinating Committee (ACCC) has opened a comprehensive dialogue with India in 2013 to enhance air, sea and land connectivity between ASEAN and India. India is the third country, after Japan and China, to have this annual dialogue with the ACCC. Korea is the other country, which has opened dialogue with the ACCC. The Inter-Ministerial Group on Transport Connectivity with ASEAN, set up

¹¹⁹ ASEAN-India Maritime Connectivity Report (2014). New Delhi: ASEAN-India Centre at Research and Information System (RIS). p.1.

by India in 2012, has been participating in the ASEAN Land Transport Working Group and Maritime Transport Working Group meetings.¹²⁰

Deccan Herald in its November 22, 2015 edition had reported that India had set up a state-of-the-art Data Reception and Tracking and Telemetry Station at Ho Chi Minh City. The satellite monitoring station in Ho Chi Minh City, once activated and linked up with another existing facility at Biak in Indonesia, is likely to give India a strategic edge in and around South China Sea region. The facility will primarily help the Indian Space Research Organisation (ISRO) to track satellites launched from India and receive data from them. It will, however, also be an important strategic asset for India in and around South China Sea, which has been at the centre of an escalating conflict between China and its maritime neighbours – Brunei, Malaysia, Vietnam, Philippines and Taiwan.

In a direct point to the conflict in the South China Sea, India not only shows its concern for freedom of navigation and over flight in the South China Sea but time and again India's top government officials often proclaims that India hopes all parties in the disputed South China Sea be abide by the 2002 Declaration of Conduct of Parties and the universal principle of UNCLOS and that the disputes be resolved peacefully by consensus at the earliest. A subtle shift can also be seen in India's position in the South China Sea by mentioning the necessity of freedom of navigation and over flight in a joint statement with the United States in November 2015.

From the above mentioned, India's activities in the South China Sea thus asserts that India has increasingly widened and developed its international relations in the 21st century. In this context, India's defence and security cooperation with countries like Vietnam, Malaysia, Brunei and Philippines make known that India has greatly improved its cooperation with these country since the post 1990's. This has been a useful step towards India's implementing the Act East Policy. Moreover, as India has a great interests in the disputed South China Sea, it is undoubtedly clear that improving defence, maritime, energy and economic cooperation with these countries, who are all parties of the South China Sea conflict and ASEAN is a sine qua non for India.

¹²⁰ Ibid. p.5

CHAPTER V

THE IMPLICATIONS OF INDIA'S MARITIME POLICIES ON THE LITTORAL STATES OF THE SOUTH CHINA SEA

CHAPTER V

The South China Sea, which is regarded as the most contested area in the Indo-Pacific region in the 21st century draws the attention and apprehension of major powers of the world. As problems in the South China Sea aggravate, many external big powers focus international maritime laws in general and reconsider maritime security vis-a-vis South China Sea in particular. India is no exception to this occurrence. In support of ensuring maritime security, India has increasingly broadened its reach and influence in the maritime realm. The strategic perspectives and response of India in the disputed South China Sea naturally have strategic consequences. Quite notably, India's maritime policies and strategies in the South China Sea unsurprisingly aroused mixed reaction from amongst the claimants of the South China Sea.

IMPACT ON CHINA:

The extension of India's strategic interests exerted preponderantly in its maritime security policy through various means in the Indo-Pacific rim is no small object for a big power in the region i.e. China. When recognized by Beijing that India in the era of globalization has targeted building ties with East and South East Asia and that India is strategically interested and make a presence in its conflicted South China Sea, a quick stiff reaction loom from its Chinese competitor.

The most glaring implication of India's maritime policies in the South China Sea appeared in India's oil exploration in the South China Sea with Vietnam. India's involvement in the exploration of oil and gas in the region through joint ventures with a claimant state Vietnam has been a subject of great discussion owing to Vietnam China spat in the area. China raised objection to India's oil exploration in the Vietnamese claimed area of the South China Sea at two levels. Without naming India the Chinese Foreign Ministry Spokesperson said that China hoped that foreign countries will not get involved in the dispute and that they will respect and support countries in the region to solve the dispute through bilateral channels. The Global Times commented strongly describing India's deal with Vietnam as a serious political

provocation and calling upon China to use every possible means to stop this. The People's Daily cautioned saying "it was not worthwhile for Vietnam and India to damage the greater interests of peace, stability and economic development between China and Vietnam, China and India, and in the whole region, for the sake of small interests in the South China Sea¹²¹. An influential Chinese Communist Party-run newspaper warned that "every means possible" should be used to stop India's Oil and Natural Gas Corporation (ONGC-Videsh) engaging in exploration projects in the South China Sea. It further warned India that its actions would push China to the limits, implying that India would bear the consequences of its action.¹²² In 2011, Beijing had warned OVL that its exploration activities off the Vietnam coast were illegal and violated China's sovereignty.¹²³

Regarding India's continued oil exploratory activities in the South China Sea, political analysts, Chinese newspapers and most importantly the Chinese officials reminds the Indian government of a range of possible choices that are available to the Chinese government. However New Delhi while recognizing the objections being raised from the Chinese part, still go ahead with its policy of oil drilling with Vietnam. This is due to the fact that India officially regard the place where Vietnam and India's oil drilling is within the territorial water and EEZ of Vietnam.

As a reaction to China's objection of joint exploration by ONGC-Videsh and Vietnamese Oil Company, Oil and Natural Gas Corporation (ONGC) Chairman and Managing Director Sudhir Vasudeva told reporters "ONGC-Videsh was selected through an international bid to explore oil in South China Sea. There is nothing wrong with it, "If there is any dispute in the South China Sea, it is between China and Vietnam. If there are territorial rows, it's for those parties involved to sort them out. India is not involved in these affairs," he said. He said as for ONGC- Videsh's exploring oil in the South China Sea, it was simply commercial activity without any political connotations.¹²⁴

¹²¹ Munmun Majumdar. Op.cit.p.244

¹²² Raman Puri and Arun Sahgal. (2011). The South China Sea Dispute: Implications for India. Indian Foreign Affairs Journal Vol. 6, No. 4, October-December 2011.p.446

¹²³ The Economic Times 23 August, 2016.

¹²⁴The Deccan Herald (24 April, 2012) Retrieved 6 October 2016 from w
ww.deccanherald.com/content/244431/ongc-videsh-going-ahead-south.html.

Despite stiff objections to Vietnam-India joint exploration have been pronounced by China, witnesses to the continuance of oil exploration till today predicts that India and Vietnam will in no way give up its exploration activities due to mere Chinese objections.

Another impact factor on China of India's stakes in the south China is that of Indian navy's role. For enhancing maritime cooperation, the Indian Navy has paid friendly visits, joint naval exercises etc with many of the littoral states in the South China Sea for years now. However, this has been another sort of thing which China rest its eyes upon with displeasure.

Recently, four warships of Indian Navy's Eastern Fleet – indigenously built guided missile stealth frigates INS Satpura and INS Sahyadri, indigenous guided missile corvette INS Kirch and sophisticated fleet support ship INS Shakti – sailed out on 18th may 2016 for a two-and-a-half-month long operational deployment to the South China Sea and North West Pacific Ocean. Beijing on 19th May, 2016 conveyed its concerns over Indian Navy warships' visit to South China Sea, prompting New Delhi to retort that such deployment was not unusual. "When Indian ships participate in maritime exercises in the South China Sea, of course China will show concern," a Chinese official was quoted telling journalists in New Delhi. He drew a parallel between India's concerns over "trouble" in Indian Ocean with China's concerns over Indian Navy ships' visit to South China Sea. "Indian ships' visit (to South China Sea) is a normal thing which has been happening. It's not something which happened only this time," Pradeep Kumar Rawat, Joint Secretary (East Asia) in the Ministry of External Affairs, told journalists, when his comment was sought.¹²⁵

The INS Airavat paid a friendly visit to Vietnam between July 19 and July 28 2011. On July 22, INS Airavat sailed from Nha Trang port in south central Vietnam towards Haiphong, where it was to make a friendly visit. About 45 nautical miles off the Vietnamese coast on the South China Sea, the Airavat was "buzzed" on an open radio channel. The caller identified himself as belonging to the Chinese navy and after

¹²⁵ Deccan Herald, Indian Navy deployment in South China Sea irks Beijing, May 20, 2016, New Delhi. Retrieved 6 October 2016 from <http://www.deccanherald.com/content/547564/indian-navy-deployment-south-china.html>

asking the Indian ship to identify itself, warned, "You are entering Chinese waters. Move out of here". However, officers on the ship confirmed that no Chinese ship or vessel was seen on the horizon or picked up on the radar. The INS Airavat did not respond to the message or identify itself as demanded and continued on its way. The Indian government has not taken up the matter with the Chinese, though it has described the incident as "very unusual". In a statement, the Ministry of External Affairs was strongly critical of China, saying, "India supports freedom of navigation in international waters, including in the South China Sea, and the right of passage in accordance with accepted principles of international law." In 2010, Minister of State for External Affairs, Preneet Kaur, had stressed freedom of navigation as a fundamental right in the ASEAN Regional Forum (ARF) retreat. On August 18, 2011 the official Chinese news agency Xinhua analyzed the India-Vietnam relationship, saying it would create "challenges" for China.¹²⁶

However, the 12 July 2016 Permanent Court of Arbitration (PCA) ruling serve legal significance for Indian naval ships to move freely in the South China Sea under UNCLOS (including Chinese claimed water). But, as the Chinese side expressed displeasure over the PCA ruling, the Chinese navy still invigilates naval activities within its nine-dash claimed water and conveys protestation to Indian naval warships passing through those waters. At this crossroads, India is beset with several negative side effects if it persists its activities in the South China Sea, which is very much disliked by China. India's increasing interests and attention generated to be one of the key factors that might risk bilateral ties between the two.

IMPACT ON OTHER LITTORAL STATES

As problems and complexities in the South China Sea get heightened, most of the South East Asian countries have eagerly been looking toward other regional powers to increase their sphere of attention and influence in the region. Bilateral and multilateral relations of this region with external powers have grown tremendously more than ever before. Meanwhile, countries of South East Asia are the focal point of

¹²⁶ The Times of India(Sep 2 2011). Retrieved 9 October 2016 from http://timesofindia.indiatimes.com/india/China-harasses-Indian-naval-ship-on-South-China-Sea/articleshow/9829900.cms&gws_rd=cr&ei=FosgWNRjI8XeU5K2gfAP

India's Look East policy. Thus, India's numerous cooperative measures towards this region have largely been welcomed by the South East Asian countries.

1. VIETNAM

Initiated by Prime Minister Nehru and President Ho Chi Minh, India and Vietnam have a long historical friendship and cooperation. Bilateral relations between the two have flourished bearing an influential role in the Indo-pacific region. From the Vietnamese perspective, India's activities in the South China Sea through its oil exploration and naval engagements with Vietnam have been a great step in improving the relations between the two.

Vietnam and India on 20th November 2013 issued a Joint Statement on the occasion of General Secretary of the Communist Party of Vietnam Nguyen Phu Trong's State visit to India. The leaders agreed that defence cooperation was a significant pillar of the strategic partnership between the two countries. The leaders welcomed the regular defence dialogue, training, exercises, Navy and Coast Guard ship visits, capacity building, exchange of think tanks and other exchanges between relevant agencies of the two countries in recent years. The utilization of the Line of Credit in the field of defence would further strengthen defence cooperation. Both sides welcomed the signing and implementation of the Arrangement on Protection of Classified Information between the two countries and the understanding on training of naval and air force personnel of Viet Nam, currently under implementation.¹²⁷ At the invitation of Mr. Nguyen Xuan Phuc, Prime Minister of the Socialist Republic of Vietnam, the Prime Minister of the Republic of India Mr. Narendra Modi paid an Official Visit to the Socialist Republic of Vietnam from 2nd and 3rd September 2016. Leaders of Vietnam and India reviewed and expressed their satisfaction over the strong and comprehensive development of the relations of long-standing traditional friendship and Strategic Partnership between the two countries so far. Both sides welcomed the fact that the two countries will be celebrating the 45th anniversary of establishment of diplomatic relations (07/1/1972 - 07/1/2017) and the 10th

¹²⁷Vietnam, India issue joint statement. (21 November 2013) Retrieved 14 October 2016 from <http://www.mofa.gov.vn/en/nr040807104143/nr040807105001/ns131121172241/view>

anniversary of establishment of Strategic Partnership (06/7/2007 - 06/7/2017) in 2017, and emphasized that this marks a milestone and opens a new stage for the bilateral relations. They shared the view that Vietnam - India relations have been built on a firm foundation, with close links in culture, history and civilization, mutual trust and understanding as well as the strong mutual support in international and regional fora. The Vietnamese side reaffirmed Vietnam's support for India's Act East Policy and welcomed a greater role for India in the regional and international arena. The two Prime Ministers expressed satisfaction at the significant progress made in defence cooperation, including exchange of high level visits, annual high-level dialogue, service-to-service cooperation, naval ship visits, extensive training and capacity building, defence equipment procurement and related transfer of technology, and cooperation at regional fora such as ASEAN Defence Ministerial Meeting-Plus (ADMM-Plus). Both sides agreed to effectively implement the Joint Vision Statement on India-Vietnam Defence Relations of May 2015. Prime Minister Narendra Modi reaffirmed India's significant interest in promoting defence industry cooperation between the two sides and committed to provide a new Line of Credit for Vietnam in this area. Both sides welcomed the signing of the contract for Offshore High-speed Patrol Boats between M/s Larsen & Toubro and Vietnam Border Guards utilizing the US\$100 million Line of Credit for defence procurement extended by India to Vietnam. The Prime Ministers agreed to further enhance cooperation in the oil and gas sector and urged both sides to actively implement the Agreement signed in 2014 between PVN and OVL on cooperation in new blocks in Vietnam. The Vietnamese side also welcomed Indian oil and gas companies to avail of opportunities in participating in mid-stream and down-stream sectors in Vietnam.¹²⁸

Vietnam's government has also played a supportive role on India's improving relations with the strongest regional organization in South East Asia i.e. ASEAN.

Prime Minister Nguyen Tan Dung speaking at the the plenary session of the Commemorative Summit marking the 20th anniversary of ASEAN-India dialogue

¹²⁸ Joint Statement between India and Vietnam during the visit of Prime Minister to Vietnam (3 September 2016). Retrieved 17 October 2016 from http://mea.gov.in/bilateraldocuments.htm?dtl/27362/Joint_Statement_between_India_and_Vietnam_during_the_visit_of_Prime_Minister_to_Vietnam

relations, held in New Delhi on December 20, 2012, said that Vietnam will actively contribute to boosting the ASEAN – India partnership in the coming years as it is strategically important to peace, stability and development in the region. He said that amid traditional and non-traditional security challenges facing the region, ASEAN and India need to prioritise political and security cooperation through regional frameworks and mechanisms, he said, adding that he hopes India will continue working closely with ASEAN and backing the bloc’s central role, while actively participating in current regional cooperation mechanisms.¹²⁹ At a reception for Indian Foreign Minister S. M. Krishna in Ha Noi on September 17 2011 President Truong Tan Sang said Viet Nam has and will continue to create favourable conditions for Indian businesses to invest in the country. Viet Nam also supports India’s efforts to improve its position in the region and the world. President Sang welcomed the “Look East” policy and the active participation of India in the region and supports the strengthening of the ASEAN-India dialogue.¹³⁰ The Communist Party of Vietnam General Secretary Nguyen Phu Trong has told Indian news agency PTI (Press Trust of India) that as an active ASEAN member and a close friend of India, Vietnam will do its utmost to contribute to fostering and strengthening the ASEAN-India strategic partnership.¹³¹

Another striking feature of Vietnam’s responses of India’s maritime policies lies in the maritime security policy of India towards the South China Sea. Government officials from the Vietnam’s side highly appreciate India’s voice for freedom of navigation in the South China Sea. In his speech, Foreign Minister Pham Binh Minh highlighted the strengthening of Vietnam-India bonds for peace and prosperity in the Indo-Pacific in his speech delivered to the Indian Council of World Affairs in New Delhi on 12 July, 2013 highlighted that the internal economic, political and social difficulties, partly fueled by the economic down turn. Non-traditional

¹²⁹Viet Nam willing to boost ASEAN-India partnership (20.12.2012) Retrieved 12 October 2016 from <http://www.mofa.gov.vn/en/nr040807104143/nr040807105001/ns121221091854/view>

¹³⁰ State President Truong Tan Sang receives Indian Foreign Minister (17 September 2011). Retrieved 3 October 2016 from

<http://www.mofa.gov.vn/en/nr040807104143/nr040807105001/ns110919154305/view>

¹³¹ Viet Nam, India to heighten strategic cooperation(18 November 2013) Retrieved 4 October 2016 from <http://www.mofa.gov.vn/en/nr040807104143/nr040807105001/ns131119154140/view>

threats now affect the lives in the forms of climate change, sea rise, calamities, food, energy and water security, cybercrime etc. Of particular concern are territorial disputes between countries, especially on the East China Sea and East Sea (South China Sea). These disputes are further aggravated by competition among major powers, by the changes in strategic goals, by rising nationalistic sentiments, and by the arms race in certain parts of the region. Among these complexities, India and Vietnam share the common interest in peace, stability, security and freedom of navigation along the major maritime route that link West and East, from the Mediterranean, the Gulf through Indian Ocean, to the Eastern Sea and further to the Pacific. Incidents that took place in the last few years have complicated the situation on the East Sea, one of the most important links on that maritime route. He emphasised that the East Sea is of utmost importance to the global commons – that is, overall peace, stability, security and freedom of navigation, freedom of trade and the common prosperity for the whole world.¹³²

At the 12th Shangri-La Dialogue on June 2013, in Singapore, Viet Nam's Prime Minister Nguyen Tan Dung called on all nations to jointly build and enhance a strategic trust for peace, cooperation and prosperity, based on good will and sincerity, the will to observe international law, and the responsibility of all nations, first and foremost of major powers. And the efficiency of multilateral security mechanisms must be enhanced, in which ASEAN's centrality must be respected. In this regard, the consistent position of the Republic of India, in words and in deeds, on the issue of maintaining peace and securing maritime lanes on the high seas as well as the East Sea has been appreciated.

The Communist Party of Vietnam General Secretary Nguyen Phu Trong has told Indian news agency PTI (Press Trust of India) that Viet Nam's policy of resolving East Sea issues through peaceful negotiations in order to reach basic and long-term solutions to the disputes and disagreements between concerned parties on the basis of abiding by international law, especially the 1982 UN Convention on the Law of the

¹³² Foreign Minister spotlights Viet Nam-India bonds for peace. (12 September 2013). Retrieved 4 October 2016 from http://www.mofa.gov.vn/en/nr040807104143/nr111027144142/ns130715154011/view_

Sea. The parties need to strictly follow the Declaration of the Parties in the East Sea (DOC) and accelerate the building of a Code of Conduct of Parties in the East Sea (COC), and that peace, stability, maritime security and mutual cooperation in the East Sea are the essential interests of many countries both in and outside the region. Trong said, “We highly appreciate India’s constructive viewpoint on the issue.”¹³³ Discussing security cooperation between the two countries, Vietnamese Ambassador to India Nguyen Thanh Tan affirmed that Vietnam has always emphasised India’s role in the region. “We need Indian balance in the region... We also see Indian role in ARF,” the ambassador said, adding that India and Vietnam have the same position on issues in the region. He noted that Indian minister of external affairs reconfirmed India’s position to the region, that India supports a peaceful solution to all the disputes in the area. India also supports the safety of the sea lanes of communication, and the resolution of issues in accordance to international law, especially the 1982 Law of the Sea. India has rejected the use of force to solve problems in the region. “I think that position is very important, it is the same position as that of Vietnam. India and Vietnam want peace, prosperity, stability and development to the region,” the ambassador said. He affirmed that Vietnam will continue to support India’s Look East policy and is a loyal and all-weather friend of India.¹³⁴ Vietnamese Deputy Prime Minister and Foreign Minister Pham Binh Minh, addressing the Third Round Table on ASEAN-India Network of Think tanks in 2014, noted that India-ASEAN's "future development and integration lie in the South China Sea and Indian Ocean" and that both sides should focus "more on maintaining maritime safety and security, freedom of navigation and settling territorial disputes through peaceful means on the basis of international law, including the United Nations Convention on the Law of the Sea 1982". In 2014, Sushma Swaraj, who called on Vietnamese President Truong Tan Sang and Vice President Nguyen Tha Doan and held bilateral talks with her

¹³³ Viet Nam, India to heighten strategic cooperation. Op.cit.

¹³⁴ Viet Nam-India ties expected to grow in all fields: Ambassador (17th September, 2014) Retrieved 5 October 2016 from <http://www.mofa.gov.vn/en/nr040807104143/nr040807105001/ns140822120033/view>

counterpart said that geographical connectivity with the ASEAN should be boosted through land, sea and air.¹³⁵

More recently, on the Official visit of the Prime Minister of the Republic of India Mr. Narendra Modi to the Socialist Republic of Vietnam from 02 - 03 September 2016 the Vietnamese side states that it welcomed the long-standing investment and presence of ONGC Videsh Limited (OVL) and its partnership with PetroVietnam (PVN) for exploration of oil and gas in Vietnam. The Prime Ministers agreed to further enhance cooperation in the oil and gas sector and urged both sides to actively implement the Agreement signed in 2014 between PVN and OVL on cooperation in new blocks in Vietnam. The Vietnamese side also welcomed Indian oil and gas companies to avail of opportunities in participating in mid-stream and down-stream sectors in Vietnam. Both sides reiterated their desire and determination to work together to maintain peace, stability, growth and prosperity in Asia and beyond. Noting the Award issued on 12 July 2016 of the Arbitral Tribunal constituted under the Annex VII to the 1982 United Nations Convention on the Law of Sea (UNCLOS), both sides reiterated their support for peace, stability, security, safety and freedom of navigation and over flight, and unimpeded commerce, based on the principles of international law, as reflected notably in the UNCLOS. Both sides also called on all states to 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, respect the diplomatic and legal processes, fully observe the Declaration on the conduct of parties in the South China Sea (DOC) and soon finalize the Code of Conduct (COC). They also recognised that the sea lanes of communication passing through the South China Sea are critical for peace, stability, prosperity and development. Vietnam and India, as State Parties to the UNCLOS,

¹³⁵ India examining Vietnam's South China Sea oil blocks offer. (25 August 2014). Retrieved 7 October 2016 from <http://www.deccanherald.com/content/427483/india-examining-vietnams-south-china.html>

urged all parties to show utmost respect for the UNCLOS, which establishes the international legal order of the seas and oceans.¹³⁶

PHILIPPINES

The Philippines and India have established cordial relations since their independence. Several bilateral and multilateral agreements have been signed between the two. This relation has further been tied with India-Philippines Joint Commission on Bilateral Cooperation held in alternate years since March 2011. Philippines has expressed its support for India's 'Act East Policy'. The Secretary Del Rosario also briefed Minister Khurshid on the developments in the West Philippine Sea. Minister Khurshid expressed support for a peaceful resolution of the West Philippine Sea/South China Sea dispute consistent with freedom of navigation and the rule of law.¹³⁷ The third Meeting of the India-Philippines Joint Commission on Bilateral Cooperation was held on 14 October 2015 in New Delhi. Here, the Ministers expressed satisfaction at the deepening defence cooperation especially in exchanges in military training and education, capacity building, and regular goodwill visits by Indian Naval Ships to the Philippines. Both sides agreed to further strengthen defence and security cooperation in the areas of maritime domain awareness, intelligence sharing, capability building and defence production. Secretary Del Rosario briefed Minister Swaraj on the developments in the West Philippine Sea, and the status of the Philippine arbitration case at the Permanent Court of Arbitration, in The Hague, the Netherlands. Minister Swaraj expressed support for the peaceful resolution of the West Philippine Sea/South China Sea dispute. Both sides reiterated the importance of the settlement of all disputes by peaceful means and of refraining from the threat or use of force, in accordance with universally recognised principles of international law, including the 1982 UNCLOS. The two Ministers asserted the importance of safeguarding the freedom of navigation and over flight in the South China Sea. In this regard, they

¹³⁶ Joint Statement between India and Vietnam during the visit of Prime Minister to Vietnam September 03, 2016. Op.cit.

¹³⁷ Joint Statement on 2nd India-Philippines Joint Commission on Bilateral Cooperation, Manila (21 October 2013). Retrieved 7 October 2016 from http://mea.gov.in/bilateraldocuments.htm?dtl/22362/Joint_Statement_on_2nd_IndiaPhilippines_Joint_Commission_on_Bilateral_Cooperation_October_21_2013

reiterated the importance of an expeditious conclusion on a Code of Conduct and full and effective implementation of the 2002 Declaration of the Code of Conduct of Parties in the South China Sea. The Philippines recognized the steps taken by India to solve its maritime boundary with Bangladesh, through arbitration at the Permanent Court of Arbitration, and its acceptance of the ruling as an example of peaceful resolution of disputes in accordance with universally recognized principles of international law, including the 1982 UNCLOS by the International Court.¹³⁸

Philippines Secretary of Foreign Affairs Perfecto Yasay said his government was "grateful" for India's support in South China Sea dispute. The Philippines government has hailed India's support for its case against China on the South China Sea and has called for deepening ties as Prime Minister [Narendra Modi](#) embarks on 2nd September 2016 on key visits to the region. Philippines Secretary of Foreign Affairs Perfecto Yasay Junior told India Today in Manila that the government was "grateful" for India's support to the Philippines in the wake of July arbitration on the South China Sea dispute. There was new momentum for both countries to deepen ties, Yasay said, revealing that Modi has sought a bilateral meeting with new President Rodrigo Duterte on the sidelines of the upcoming East Asia Summit (EAS) on September 6 in Laos. Yasay, expressed his government's appreciation for India supporting the Philippines' arbitration case on its dispute with China. A Permanent Court of Arbitration (PCA) at The Hague ruled in July in favour of many of Manila's claims and declared China's 'nine-dash line' inconsistent with the United Nations Convention on the Law of the Sea (UNCLOS). "We have been very happy for India's support of the actions taken by the Philippines in proceeding with the arbitration tribunal with the PCA and of the resolution of the conflicting claims we have with China. For that we are so grateful," Yasay told India in Manila on the sidelines of a Japan-ASEAN media forum held by the Japan Foundation Asia Center on 1st September 2016. Following the ruling, India issued a statement saying states should "exercise self-restraint in the conduct of activities that could complicate or escalate

¹³⁸Joint Statement: Third India-Philippines Joint Commission on Bilateral Cooperation. (14 October 2015). Retrieved 8 October 2016 from http://mea.gov.in/bilateraldocuments.htm?dtl/25930/Joint_Statement_Third_IndiaPhilippines_Joint_Commission_on_Bilateral_Cooperation

disputes affecting peace and stability." India also said that "as a State Party to the UNCLOS, India urges all parties to show utmost respect for the UNCLOS, which establishes the international legal order of the seas and oceans." As much as Delhi has sought to play down its stand to not upset China, its engagement with Manila on the issue as well as its statement has been seen in the Philippines as a strong show of support, which the country believes has put it on a stronger position as it explores bilateral talks with China.¹³⁹

MALAYSIA

Strategic co operations between India and Malaysia have been encompassed in diverse fields, which were further affirmed with high level meetings between the two government's officials. However, specifically speaking Malaysia says little about its claims and the role of external powers in the South China Sea compared to ever-vociferous neighbors such as China, Taiwan, Vietnam and the Philippines. Malaysia tries to avoid rocking boats because the claimant most likely to splash disputed water on it is China. China happens to be Malaysia's chief economic partner and one with a record of withdrawing economic support elsewhere when friends turn hostile. "China is getting involved in investment in Malaysia and is now Malaysia's top foreign direct investment source," says Ibrahim Suffian, program director with Kuala Lumpur polling group Merdeka Center. "That's going to shape Malaysian policy on the South China Sea." Beijing has "tolerated" Malaysia's natural gas fields in a tract of ocean China wants, the conflict-resolution NGO International Crisis Group says. Malaysia exports what it extracts from the seabed, part of a domestic energy sector worth 20% of its GDP. So the government is happy to let Vietnam, the Philippines and their mutual ally the United States do the shouting.¹⁴⁰

¹³⁹ Philippines hails India's South China Sea support as Modi heads to China (1st September, 2016) Retrieved 4 November 2016 from <http://indiatoday.intoday.in/story/philippines-china-south-china-sea-india-narendra-modi/1/753907.html>

¹⁴⁰ Ralph Jennings, (2 June 2016). Why Malaysia Stays Quiet About Its Claims In The South China Sea. Retrieved 24 September 2016 from <http://www.forbes.com/sites/ralphjennings/2016/06/02/why-malaysia-stays-quiet-about-its-claims-in-the-disputed-south-china-sea/#7c7c5f431beb>

But nevertheless Malaysia raise its voice in support of its relationship with India and India's strategic role in the South East Asian region. At the invitation of The Honourable Dato' Sri Mohd Najib Tun Abdul Razak, Prime Minister of Malaysia, Prime Minister of India Shri Narendra Modi undertook an Official Visit to Malaysia on 23 November 2015 the two countries reaffirmed the importance of strategic engagement of India in regional initiatives to shape an open, transparent and inclusive regional order and ASEAN's centrality in the evolving regional architecture, welcomed the enhanced relations between ASEAN and India, especially since the elevation of the partnership to a strategic status at the ASEAN-India Commemorative Summit in 2012 in New Delhi.¹⁴¹

BRUNEI:

The first exclusive high level bilateral visit after 1984 was made on 1st to 3rd February 2016 by the Vice President of India Hamid Ansari to Brunei Darussalam. Numbers of MoU's were signed between Brunei and India on the occasion of India's Vice President visit to Brunei on 2nd February, 2016. In the defence sector, both leaders agreed exchange of visits at different levels, exchange of information, training, trainers etc. conduct of joint military exercises, seminars etc.¹⁴² Brunei, as other member of ASEAN, hold an integral part in India's Act East Policy. For years, Brunei has been positive towards India- ASEAN initiatives and since 1990s Brunei has been encouraging India's active involvement in the region.

TAIWAN:

Prior to India initiated its 'Look East Policy', Taiwan has not been so far a key element of India's foreign policy. This situation has not yet changed after three

¹⁴¹ Joint Statement on enhanced Malaysia-India Strategic Partnership. (23 November 2015) Retrieved 15 October 2016 from

http://mea.gov.in/bilateraldocuments.htm?dtl/26057/Joint_Statement_on_enhanced_MalaysiaIndia_Strategic_Partnership_November_23_2015

¹⁴² Retrieved 11 November 2016 from

http://mea.gov.in/bilateraldocuments.htm?dtl/26311/List_of_MoUsAgreements_signed_during_the_visit_ofVice_President_to_Brunei_February_02_2016

decades of ongoing Look East policy. Nor Taiwan and India did not take sincerely to increase strategic ties. However, as India vigorously takes the steps of implementing Look East (now Act East) policy, India took the note of recognizing the importance of every actor in the East and South East Asian region. This has gone well with the 1990's Taiwan's 'Go South policy', a margin breaking policy to expand its scope of economic and political contacts. However minimal cooperation is still present between the two countries largely due to the famous 'One China policy'.

To this far, it can be assumed that China remain wary of internationalization of the disputes in the South China Sea and did not welcome any form of outside power presence and interference in the South China Sea. However, economically and militarily weaker parties of the disputes being supportive of cooperation with external powers in the Sea are a clear indication that Malaysia, Philippines, Brunei and Vietnam are attempting to publicize the disputes in the international picture. And India's role in the South China Sea being welcomed by majority of the claimants can be regarded as an attempt to include a third country in the South Sea dispute.

CHAPTER VI
SUMMARY AND CONCLUSION

CHAPTER VI

In the aftermath of the Cold War, the nature and forms of conflicts, confrontations, hostilities and war have largely been reshaped and reconstructed. An exceedingly speedy development in a globalised world of today has been equipped with several issues and ramifications. The global environment is profoundly complex at this international setting. The early canon of ‘security’ could not be wholly fit in to describe and deal with issues arising today. Thus, breaking the bar of the age long statecrafts and strategies of defence propounded by western intellectuals and practitioners, the concept of security has now reached a broad new perspective.

Maritime Security is one such concept which changed its characteristics and scope from the post cold war period. The interlinking of the world through various means makes ‘maritime security’ a worth learning topic. However, owing to the fact that the concept of ‘maritime security’ is an emergent concept, wide-ranging coverage, interdisciplinary nature and lack of universal and legal consensus, the approach of studying and apprehending the term becomes a complex phenomenon. Nevertheless, due to these intricate factors, scholars and practitioners have wide ranging opportunities to employ the phrase in a carefree way. From traditional perspective, ‘maritime security’ was confined mainly to protect and defend maritime territory from external aggression. Alteration to the narrow traditional conception of ‘maritime security’ takes place when the post cold war international relations changed the entire security architecture. In the post Cold War era, while traditionalists’ conception of ‘maritime security’ still proves valid, emphasis have been added on the enforcement of international law which guarantee freedom of navigation. Additionally, the maxim of traditional standpoint ‘protection’ which was inclusive merely to maritime territory have now to incorporate protection of maritime resources, protection from nation-state conflict, terrorism, piracy, illicit drug trafficking and other forms of transnational crime, environmental destruction and illegal seaborne immigration, illegal fishing and maritime accidents and disasters.

As a matter of fact, maritime security is not an independent matter. The term itself is interconnected with multifarious concepts and issues. In order to understand

and elucidate its theoretical framework, 'maritime security' needs to be looked from its conceptual relations and links with other terms. The linkage of maritime security can be analysed with concepts like sea power, marine safety, blue economy, human resilience and economic development etc. Moreover, to effectively conceptualise the term maritime security, it is indispensable to trace its interdisciplinary nature. Broadly separated into three approaches, maritime security can be understood from foundational level (deals with physical nature of the seas), operational level (deals with various uses of marine and its resources to mankind) and normative level (deals with rules and regulations in the maritime domain). As the term 'maritime' is an all-encompassing word, including everything that is connected to the sea, maritime security deals with security of everything related to sea. This study thus established that the terms 'maritime' and 'security' are comprehensive and all-inclusive terms and based on the various web of conceptual relations and interdisciplinary nature, scholars, actors and anyone who uses the term 'maritime security' thus freely interpret and organize their interpretations and approaches to the concept of maritime security.

As tensions rise in the South China Sea, any issues and actions of the claimants and of external powers grab the news headline today. The South China Sea which grasps ninth of the ten largest oceans and seas in the world has its own distinctive features of geo strategic, economic and political importance. It has been called by different names but the name 'South China Sea' is a prevailing term. The strategic location of the South China Sea which connects the two large oceans i.e. the Indian Ocean and the Pacific Ocean, its Sea Lines of Communication (SLOC) connecting busiest choke points of the world, the increasing dependence on its vital commercial trade routes by many countries and its estimated huge reserves of oil and natural gas significantly wind up the dimensions of the diverse importance of the sea. The multifarious significance of the sea thus has never been left unnoticed and disregarded by any of the littoral states as well as other external countries in one way or another the sea serves their national interests. The South China Sea thus is contested by six parties- China, Taiwan, Philippines, Malaysia, Brunei and China.

Apart from its Exclusive Economic Zone, Vietnam claimed the Paracels (Hoang Sa) and Spratly (TYuong Sa) in the South China Sea or Bien Dong. Malaysia

claims seven islands or rocks in the Spratly Island, two of which are occupied by Vietnam, and one by the Philippines. Malaysia occupies the remaining four, two low-tide elevations and three totally submerged reefs that are on its continental shelf. Malaysia's claim to the South China Sea is determinedly based on its own continental shelf act 1966 and 1969, a 1979 map and its joint submission to CLCS with Vietnam in 2009. So far, Brunei claims in the South China Sea is the only one claims made on legality. However, Vietnam currently occupies Bombay Castle and Malaysia once operated a small navigational light beacon at Louisa Reef in Brunei's claimed EEZ. The Philippines calls the South China Sea as West Philippines Sea. For many years, Philippines claim to the South China Sea is based on the landmark baseline law in 2009, which was immediately protested by China and Vietnam. Philippines claims centered in four areas- Scarborough Shoal; Second Thomas Shoal, Reed Bank (or Reed Tablemount) and a variety of features in the Spratly island chain, in which the contestants also include Vietnam and the Republic of China. Claims in the Nan Hai meaning South Sea or South China Sea has largely been made by the Peoples Republic of China (PRC) with more than 80% claims of the water. China considered the South China Sea as a 'lost territory'. The most far reaching implications of China's activities, occupying the central role in the South China Sea is the dotted line drawn by China. Officially Originated in December 1946, the China Department of the Territories and Boundaries of the Ministry of the Interior officially endorsed its eleven-dotted line enclosing the greater part of the South China Sea, revised in 1953, depicting nine instead of eleven lines. In 2009, China officially submitted its nine-dotted line to the United Nations Security Council. The Chinese nine-dash line is shared by Taiwan, however Taiwan's reaction on China's activities in the South China Sea revealed that Taiwan does not co-operate with China on the issue.

Majority of the territorial and maritime disputes centers around four main islands- Spratly Island, Paracel Island, Pratas Island and the Macclesfield Bank and Scarborough Reef area. Spratly Islands are claimed in whole by China, Taiwan and Vietnam, and in part by Brunei, Malaysia and the Philippines. The Paracel Islands are claimed by China, Taiwan, as well as Vietnam. The Scarborough Shoal is claimed by China, Taiwan and the Philippines. China claimed the Pratas Islands, which is

occupied by Taiwan. The Macclesfield Bank is claimed in whole or in part by China and Taiwan. The Gulf of Tonkin remains a disputed territory for China and Vietnam. By far, all the claimants except Brunei occupy the largest part of the islands in the South China Sea.

Recent developments indicate that post 2009 have been marked by rising tensions over rival claimants in the South China Sea. In 2009 Malaysia and Vietnam jointly filed papers to legalize their claims in the South China Sea to the United Nations Convention on the Law of the Sea (UNCLOS). This prompted China to officially endorse its nine-dash line claims to the UN Secretary General in the same year. Tensions were heightened in the South China Sea dispute till July 2011 when China and ASEAN, in a step towards lessening tensions reached an agreement on guidelines for cooperation in South China Sea. The year between 2012 and 2013 saw escalating tensions and several incidents in the South China Sea. However in 2012 the governments of ASEAN states and China in several occasions propounded their reaffirmation to the 2002 Declaration of Conduct in the South China Sea. In January 2013, the Philippines brought a case against China to a Permanent Court of Arbitration under UNCLOS. In 2014, Vietnam appealed to ASEAN to condemn China in the dispute. However, Vietnam was not content with the outcome that without naming China, ASEAN called for restraint by all parties. Due to the revelation by satellite images in April 2015 that China had begun building a large airstrip on reclaimed land on Fiery Cross Reef in the Spratly Islands, China's rival claimants in the South China Sea were drowned into another fright that China might repeat its 2013 actions of imposing 'an air defence zone' in the East China Sea. China strongly condemned the Arbitral Tribunal under UNCLOS ruling in October 2015 that it had admitted the case filed by the Philippines against China in 2013. In December 2015, the BBC reported that Chinese fishermen were deliberately destroying coral reef in disputed areas close to the coastline of the Philippines. The South China Sea was an increasingly prominent international and regional diplomatic agenda item during late-2015

Recent years development illustrates the fact that due to the increasing awareness of legal significance, military and technological innovations, the nature and

forms of conflicts in the South China Sea turns highly exacerbating and intensifying more than ever. This has attracted regional and international organizations to take steps towards securitizing the South China Sea. The year 2016 witness several changes in the dynamics of disputes in the South China Sea which makes the future of the picture unclear due to several reasons:

First, as China started conducting civilian flights in the beginning of the year 2016 and the reported Chinese plans of developing maritime nuclear platforms, China's increasing use of irregular maritime militias of fishermen and private boat owners creating artificial island, several littoral and external countries express concern over South China Sea becoming more militarized by China.

Second, the election of new Taiwanese President, Tsai Ing-wen (regarded as a much less positive about building ties with China than her predecessor) in January 2016 will have an impact on Taiwan's South China Sea policy vis-à-vis China.

Third, the election of new Philippines President Rodrigo Duterte, who wishes to take a softer line on the South China Sea dispute in return for Chinese investment and joint exploration of natural resources in the area, will also impact Philippines stands on South China Sea dispute.

Fourth, soon after, the Permanent Court of Arbitration published its ruling on the Philippine case against China in South China Sea on 12 July 2016 which concludes its decision in favour of the Philippines, Beijing and Taiwan express strong opposition and resistance of the tribunal's ruling in the South China Sea case. While Vietnam, and many external powers like USA and India welcomes the Hague based Tribunal ruling and calls upon China to accept and abide by the Arbitration judgment. While Malaysia did not proclaim strong statements like those of Vietnam and others.

Fifthly, in the name of 'freedom of navigation', United States has been increasingly exercised naval patrol in the South China Sea. This has been exasperation for China, which makes the situation further complex.

The present study analyzes that the claims made by the parties in the South China Sea can be classified into historical, geographical proximity, claims of

discovery and occupation and legal claims under the United Nations Convention on the Law of the Sea (UNCLOS). Increasingly thus, all parties seek to back up their claims with a range of possible ways to acquire legal status. Thus building of artificial islands and other naval activities in the South China Sea became popular. The current developments of conflicts in the South China Sea point towards strengthening of defence and naval military capabilities of the claimant states. Nevertheless, direct confrontation between rival claimants barely exist. To further complicate the matter, with the increasing interests and activities of external powers, tensions in the South China Sea today does not confine mainly to the claimant states. Today, many external powers are more interested and remain loud on the issues of the disputes. Specifically, the increasing concern and activities of the United States in the name of exercising freedom of navigation in the South China Sea outrages China. The South China Sea disputes thus add a fuel to Sino-American relations. Due to all these circumstances, regional and international organizations instigate steps towards securitizing the South China Sea.

Many a times, China has been involved in majority of the disputes between rival claimants in the South China Sea dispute. An overwhelmingly increase in transnational maritime activities creates maritime insecurities in several forms frequently pose greater challenges, thereby, calling bi-lateral, multi-lateral and global effort to securitize the maritime domain. Several states have signed or ratified a range of maritime laws and conventions among two or more countries, international conventions and the rules designed by and for a specific country etc. The Declaration of Conduct for Parties and UNCLOS became the main guiding legal principle in the South China Sea issue agreed by all the parties. Despite this, because of the different rights and obligations recognized in the various maritime zones, law enforcement in the maritime domain happens to be other important challenges today. Moreover, the claimant states while restating their inclinations to resolve the disputes peacefully are being divided on the questions of the means to solve the maritime conflicts in South China Sea. While economically and militarily weaker nations like Philippines, Vietnam, Malaysia and Brunei are being supportive of internationalizing the disputes,

China opinion goes the opposite to this. China believes in bilateral solution of all conflicts and did not acknowledge any third party involvement in the dispute.

The conflicts in the South China Sea holds key agenda in important multilateral forums like ASEAN, East Asia Summit, ASEAN Defence Ministers' Meet and United Nations. ASEAN as the chief regional institution in South East Asia and East Asia Summit as a significant forum have by no means set to tackle the disputes in the South China Sea. Till now, both EAS and ASEAN often have significant concerns towards peace and stability in the South China Sea in their subsequent summits over the past few years. However, by evaluating the factual role played by both ASEAN and EAS in managing the conflicts in South China Seas, the study thus maintained that that both ASEAN and EAS played a limited and unrealistic role towards the resolution of the conflicts in the South China Sea and law enforcement became another major factor in the continuance of the conflict in the South China Sea. Furthermore, based on the fact that the ASEAN 2016 Summit remained silent about the 12th July PCA ruling, many political analysts predicted such a result and viewed it as a victory for China's diplomacy. Moreover, China's hard resistance on the 12th July 2016 International Tribunal rulings thus exposed that China will in no way give up its maritime and territorial claims in the South China Sea due to any judgment made by any regional or international body.

At this juncture, India being a maritime nation and an energy deficit country has seriously been aware of the developments of the conflicts in the South China Sea. India's maritime interest and policy is not a recent phenomenon. Initially India's maritime concern was confined to its immediate Indian shores. However, the post liberalization in the 1990's breaks the bar of India's foreign policy outlook. To this initiative, India launched the famous 'Look East Policy', positively transformed to 'Act East Policy'. India's maritime policy thus has increasingly gained its prominence in the foreign policy choices of India.

The geostrategic location of India naturally places her to be a maritime nation. Based on the archaeological evidences, India has also developed an old maritime

tradition. However, the political history of India depicts that greater part of the battles and fights over several kingdoms were approximately land based. There were scarcely instances of seaward aggression. Thus, maritime policies of kings remained more or less negligible. The colonial period marked a significant step in the development of ship building in India. Moreover, the origin of the growth of Indian Navy can be traced to the group of ships belonging to the East India Company arriving in Surat on Sept. 5, 1612. The Indian Navy developed itself and changed its name from time to time until it became the Indian Navy once again on January 26, 1950. It can thus be assessed that the lessons and awareness to control the seas around India are embedded in the colonial period of India. Post Independent India has rapidly increase dependence on the seas for her economic and social well-being, it thus sets the task of emphasizing and developing commensurate maritime-military power.

India's defence policies and strategic outlook have evolved over the years, but maritime policy has hardly been visibly appreciable. The post liberalization of India increasingly gave the new signs that a new dimension is emerging in the navy's strategic outlook for projecting power far beyond the Indian Ocean. Moreover, Indian leaders are convinced with the growing importance of maritime policies. In keeping with India's growing power and regional responsibilities, the Indian Navy had been steadily enhancing its expeditionary and military intervention capabilities. The assertive rise of India is endowed with the ever increasing expanding her area of focus. India's rapid recalculation of maritime strategy can be witnessed during the United Progressive Alliance (UPA) administration, that in 2004 it produced Indian Maritime Doctrine for the first time which was revised in 2009 and Freedom to Use the Seas: India's Maritime Military Strategy, published in 2007. The latest one being Ensuring Secure Seas: Indian Maritime Security Strategy, published by Ministry of Defence in 2015. These official publications contain a broad and compact definition of India's maritime courses and policies in the 21st century. Indian Navy today holds seventh of the top ten largest navies in the world and expected to be the third most powerful Navy by 2030.

India is not a South China Sea littoral state, neither does not at all have territorial or maritime ambitions within it. But India has meticulously been aware of

the developments in the contested South China Sea. Furthermore, recent years developments witness India's increasing sphere of activities in the South China Sea. The main reasons underlying India's maritime interests are explained in the context of the intensified developments taking place in the South China Sea.

Firstly, India's geo-strategic location places her to be sensitive of any incidents and developments in the Asian continent. The Indian Maritime Military Strategy identifies the South China Sea and the Pacific Ocean as 'secondary areas' of operational interest for the India Navy. Which designates that Indian Navy's areas of interest will come in where there is a direct connection with areas of primary interest, or where they impinge on the deployment of future maritime forces. As India open up her economy in the post Cold War era, major trade and economic links have been tied with many East and South East Asian countries. The South China Sea sits at the center of this hub, linking the Indian Ocean and the Pacific Ocean. To this end, maritime security in the Asian region and principally in the South China Sea is not an issue that India silently wishes to observe.

Secondly, India's east bound trade has increasingly been relied on various commercial routes crossing the South China Sea. As a nation with a highly dependent on overseas trade, India has to ensure that all its connectivity such as air, sea and land routes are safe and secure. India is aware of the fact that freedom of navigation is maintained in the South China Sea.

Thirdly, being the sixth largest energy consumer in the world, which is expected to rise, India has vital interests in an energy rich South China Sea. As Russia being the second largest oil producer and a leading gas producer, India's relations with Russia also turn more energy oriented.

Fourthly, China's quick and aggressive policies enhancing her assertive rise happen to be a cause of concern for another growing power like India. Naval competition between the two has become an important factor in Indo-China relations. With regard to increasing Chinese naval presence in the Indian Ocean and China's 'String of Pearls' strategy of bases and diplomatic ties stretching from the Middle East to southern China is highly held as an approach to maritime encirclement of India. Furthermore, China increasingly wishes the South China Sea to be its sea. Due to all

these reasons India could not just see and let the situations grow. As a tit for tat in Indo-China competition, the South China Sea proves to be an important spot from the strategic reprisal for India. India's main concern is that if China maintains control over the South China Sea, the consequences would seriously disrupt India's rising economic and political interests.

Having manifold interests in the disputed South China Sea, which holds significant lifeline in India's geo-strategic and economic build up, India thereby approaches its maritime policies through various means and measures which can be summed up as under.

The most important maritime policies of India in the South China Sea have been exerted in the form of maintaining freedom of navigation in the South China Sea. To this, the role of Indian Navy stays prominent. Being an imperative tool of exercising India's maritime policy, the Indian Navy has perceptibly been equipped with sophisticated resources and capabilities in order to broaden and revitalizes its capacity and area of actions and activities in the near and far seas. Indian Navy ships in the Indo-Pacific region have significantly expanded its presence and operational reach in recent years. In order to ensure bilateral and multilateral ties and interoperability between the navies, India Navy has increasingly enlarge its footsteps through subsequent port visits, training exchanges, high level delegations and joint naval exercises with the South East Asian countries

India's maritime policy has largely been synchronized with its energy security policy. The reality to this perception can be identified in India- Vietnam energy cooperation in the South China Sea. Since 1992, India's owned Oil and Natural gas Corporation Videsh Limited in collaboration with Petro Vietnam holds three Blocs projects in the controversial water between Vietnam and China in the South China Sea. Many objections have been hailed by China, but India's move is likely held as a means to strengthen Vietnam's case in its dispute with China over the South China Sea.

The changing security of political environment in East and Southeast Asia provides immense opportunities for India to present itself as a security contributor to many small nations in the region. India has also increased its defence ties with

countries of Malaysia, Philippines, Vietnam and Brunei. This has been a useful tool of implementing India's maritime policies in the South China Sea. As an essential step towards maritime security in the South China Sea, India build strategic links with ASEAN and Maritime Security forces of India and ASEAN interact with each other through various meetings, conferences, workshops, official exchanges and port calls.

According to newspaper report India had set up a state-of-the-art Data Reception and Tracking and Telemetry Station at Ho Chi Minh City to give India a strategic edge in and around South China Sea region. In a direct point to the conflict in the South China Sea, India not only shows its concern for freedom of navigation and over flight in the South China Sea but time and again India's top government officials often proclaims that India hopes all parties in the disputed South China Sea be abide by the 2002 Declaration of Conduct of Parties and the universal principle of UNCLOS and that the disputes be resolved peacefully by consensus at the earliest. A subtle shift can also be seen in India's position in the South China Sea by mentioning the necessity of freedom of navigation and over flight in a joint statement with the United States in November 2015.

From the above mentioned India's activities in the South China Sea, the study thus established that India has increasingly widened and developed its international relations in the 21st century. In this context, India's defence and security cooperation with countries like Vietnam, Malaysia, Brunei and Philippines make known that India has greatly improved its cooperation with these country since the post 1990's. This has been a useful step towards India's implementing the Act East Policy. The strategic perspectives and responses of India in the disputed South China Sea naturally have strategic consequences. Quite notably, India's maritime policies and strategies in the South China Sea unsurprisingly aroused a mixed reaction from amongst the claimants of the South China Sea.

The extension of India's strategic interests exerted preponderantly in its maritime security policy through various means in the South China Sea provokes a stiff protestation by China. Chinese officials have more often raised objection to India's oil exploration in the Vietnamese claimed area of the South China Sea on the ground that China regard it as its territory and several warnings to India have been

stated by the Chinese newspapers. As China contends the South China Sea as its unquestionable territorial water, any move made by India in the form of oil exploration or India's naval presence in the sea as an infringement of China's sovereignty. Moreover, China often proclaim that it prefer to settle the disputes in the South China Sea through bilateral means and do not want any outside power interference in the disputes. Therefore, from China's perspective, any external role, be it United States or India is illegal and warned India of its possible consequences. However, despite Chinese objections, India still regard its oil Blocs location in the South China Sea as a Vietnam territory and India's naval presence through joint naval exercises as within the territorial waters of the host country.

As far as Taiwan is concerned, there is hardly any strategic tie between Taiwan and India. However, due to 'One China policy', Taiwan shares China's nine dash line, its statement regarding the South China Sea remains with the peaceful resolution of conflicts.

As problems and complexities in the South China Sea get heightened, countries like Vietnam and Philippines (having disputes with China) have eagerly been looking toward other regional powers to increase their sphere of attention and influence in the region. Thus, numbers of bilateral and multilateral pacts have been reached by India and these countries. Vietnam, Philippines, Malaysia and Brunei reiterate their support for India's Act East policy and stronger India-ASEAN relations.

The Vietnamese side reaffirmed Vietnam's support for India's Act East Policy and welcomed a greater role for India in the regional and international arena. Government officials from the Vietnam's side highly appreciate India's voice for freedom of navigation in the South China Sea.

Philippines expressed satisfaction at the deepening defence cooperation especially in exchanges in military training and education, capacity building, and regular goodwill visits by Indian Naval Ships to the Philippines and security cooperation in the areas of maritime domain. The Philippines government was "grateful" for India's support to the Philippines in the wake of July 2016 arbitration on the South China Sea dispute.

On the other hand, as China happens to be Malaysia's chief economic partner, Malaysia says little about its claims and the role of external powers in the South China Sea. India wins the support of Malaysia as far as India – Malaysia relations and India-ASEAN relations are concerned. In fine, it becomes clear that Malaysia while maintaining its claims in the South China Sea does not wish to harm its relations with both India and China. Thus, Malaysia stands in the midway by maintaining a balanced relationship between the two.

The overall study thus brings the picture that the South China Sea dispute has not yet at the end. Conflicting claims in the busy route and prosperous South China Sea has been mounting and it is immature to draw the prospects and future of the situation. Many political analysts are aware that the South China Sea got militarized in the recent years due to Chinese assertive defense strategy. Meanwhile, India has increasingly broadened its scope of influence in the Sea, which is terribly condemned by China. It will have far reaching implications if the situation in the South China Sea disputes gets worse or if China controls and dictates the order of the Sea. In this regard, India will be left with limited options. China has time and again vocalized objections to the activities and concerns of external powers (including India) and often warned any third party not to involve in any of the issue in the Sea. Today, India persists its maritime strategies and many observers are cautious that India may not have the military capabilities to tackle China, which is more militarily powerful in both qualitative and quantitative terms.

Therefore, regarding the ever-increasing significance and dependence on the South China Sea for India, it is apparent that India will increase its engagement with the littoral states in the region, which is why India has to be vociferous specifically to China that its interests in the region are more of economic rather than political. India should move its wide-ranging cooperative efforts with China and other littoral states. Over and above all, it is significant that the claimant states apart from protecting each country's own maritime and territorial sovereignty must value this water as a significant 'global commons'. Moreover, as India has great interests in the disputed South China Sea, it is undoubtedly clear that improving defence, maritime, energy and economic cooperation with the littoral states and ASEAN is a sine qua non for India.

Bibliography

Primary sources:

Annual Report (2014-15) Ministry of Defence, Government of India

Annual Report (2014-2015) Ministry of External Affairs, Government of India

Annual Report (2015-2016) Ministry of External Affairs, Government of India

Freedom to use the Seas: India's Maritime Military Strategy (2007) Ministry of Defence (Navy), Government of India

Indian maritime Doctrine (2009) Ministry of Defence (Navy), Government of India

Ensuring Secure Seas: Indian Maritime Security Strategy (2015), Ministry of Defence (Navy), Government of India

Websites

www.mea.gov.in

www.fmprc.gov.cn

www.asean.org

www.mofa.gov.tw/en/

www.indiannavy.nic.in

www.mofa.gov.vn/en

<http://www.un.org/depts/los/>

Secondary sources:

Books

Bhatia, Rajiv K., Sakhuja, Vijay and Shuja, Asif. (Eds.). (2014). *Delhi Dialogue V: India-ASEAN Vision for Partnership and Prosperity*, Delhi: Shipra Publications.

Das, Ajaya Kumar. (Ed.). (2013). *India-ASEAN Defence Relations*, Singapore: S. Rajaratnam School of International Studies.

Dutt, V.P. (2007). *India's Foreign Policy: Since Independence*, New Delhi: National Book Thrust.

Grare, Frederic and Mattoo, Amitabh (Eds.). (2001). *INDIA AND ASEAN: The Politics of India's Look East Policy*, New Delhi: ISEAS/ Ctr de Sciences Humanities/ Ctr Study of Nat'l.

Jacques, Martin. (2009). *When China Rules the World: The rise of the Middle Kingdom and the End of the Western World*, New York: Penguin Group.

Kapur, Ashok. (2006). *India-From Regional Power to World Power*, London: Routledge.

Malone, David M. (2011). *Does the elephant dance?*, New York: Oxford University Press.

Mohanty, Biswaranjan. (2012). *Foreign Policy of India in the 21st century* New Delhi: New Century Publications.

Pant, Harsh V. (2012). *The Rise of China: Implications for India*, New Delhi: Cambridge University Press India Pvt.Ltd.

Pavithran, K.S (Ed.). (2013). *Foreign Policy and Maritime Security of India*, New Delhi: New Century Publications.

Prakash, Tej. (2011). *India's Foreign Policy in a changing world politics*, New Delhi: Navyug Books International.

Reddy, K.Raja. (Ed.). (2005). *INDIA and ASEAN: Foreign Policy Dimensions for the 21st century*, New Delhi: New Century Publications.

Santhanam, K. and Kondapalli, Srikanth. (Eds.) (2005). *Asian Security and China 2000- 2010*, New Delhi: Shipra Publications.

Sinha, Radha. (2003). *Sino-American Relations: Mutual Paranoia*. New York: Palgrave Macmillan.

Journal Articles

Buszynski, Leszek. (2012). The South China Sea: Oil, Maritime Claims and U.S.-China Strategic Rivalry. *The Washington Quarterly*, 35:2, 139-156.

Chakraborty, Manotosh. (2015). South China Sea: Conflicting interface in the Sino-India-Vietnam Strategic Triangle. *World Focus*, 53-57.

Dahiya, Omprakash. (2015). Maritime Security of India: Challenges and Opportunities. *Employment News*, Vol. XL NO. 1, 32

Franckx, Erik and Benatar, Marco (January 2012). Dots and Lines in the South China Sea: Insights from the Law of Map Evidence. *Asian Journal of International Law* Volume 2 / Issue 01, 89-118

Lou, Chunhao. (2012). US–India–China Relations in the Indian Ocean: A Chinese Perspective, *Strategic Analysis*, 36:4, 624-639

Majumdar, Munmun. (2013). India's stakes in the South China Sea. *International Journal of Social Science and Humanities*, Vol.3, No 13,242-247

Malhotra, Aditi. (2012). Indo-Vietnam relations: An answer to Sino- Pak Partnership? *Maritime Affairs: Journal of the National Maritime Foundation of India*, Vol. 8 No.1, 72-92.

Mudric, Miso. (2016). Maritime Security. Editorial Note. In Senada Šelo Šabić.

Croatian International Relations Review, XXII (75) – 2016

Kim , Shee Poon. (March 1998). The South China Sea in China's Strategic Thinking. *Contemporary. Southeast Asia*, Vol. 19, No. 4. P. 369-387.

Puri, Raman and Sahgal, Arun. (2011). The South China Sea Dispute: Implications for India, *Indian Foreign Affairs Journal*, Vol. 6, No. 4, 437-448.

Scott, David. (2012). Conflict Irresolution in the South China Sea. *Asian Survey*, Vol. 52, No. 6, 1019-1042

Simon, Sheldon W. (2012). Conflict and Diplomacy in the South China Sea. *Asian Survey*, Vol. 52, No. 6, 995-1018.

Toshi Yoshihara (2012) Chinese Views of India in the Indian Ocean: A Geopolitical Perspective. *Strategic Analysis*, 36:3, 489-500

Working papers, Reports and Issue Brief

Baruah, Darshana M. (2014). *South China Sea: Time for India to Mark Its Presence*. S. Rajaratnam school of International Studies (RSIS) Commentary. Singapore: Nanyang Technological University. No. 225.

Baviera, Aileen S.P. (2014). *China-U.S.-ASEAN Relations and Maritime Security in the South China Sea*. Paper presentation at the third event of the series: “The Philippines, Vietnam, and Territorial Disputes in the South China Sea” on June 3, 2014.

Chaturvedy, Rajeev Ranjan. (2014). *Is India Making Waves in South China Sea?* Institute of South Asian Studies National University of Singapore. ISAS working paper, No. 185-26.

Chaudhuri, Rahul Roy. (30 September -1October 2010). *Maritime Ambitions and Maritime Security*. Discussion Paper on a conference jointly organized by Stiftung Wissenschaft and Politik (SWP), Berlin, federal Ministry of Defence, Berlin and Center for Strategic and International Studies (CSIS), Jakarta. International Institute for Strategic Studies (IISS), London

Feldt, Lutz, Roell, Peter, Thiele Ralph D. (2013). *Maritime Security – Perspectives for a Comprehensive Approach*, ISPSW Strategy Series: Focus on Defense and International Security, Issue No. 222.

Hiebert, Murray, Nguyen, Phuong and Poling, Gregory B. (Eds.). (2014). *Perspective on the South China Sea: Diplomatic, Legal and Security Dimensions of the Dispute*. A Report of the CSIS Sumitro Chair for Southeast Asia Studies, Washington DC.

Jakobson, Linda and Medcalf, Rory (2015). *The perception gap: Reading China's maritime strategic objectives in Indo-Pacific Asia*. A Report for Lowly Institute

Lin, Kun-Chin and Gertner, Andrés Villar. (2015). *Maritime Security in the Asia-Pacific: China and the Emerging Order in the East and South China Seas*. A research paper prepared for the Royal Institute of International Affairs, London.

Lunn, Jon and Lang, Arabella (12th July 2016). *The South China Sea Dispute: July 2016 Update*. Briefing Paper. House of Commons Library.

Muni, S D and Mun, See Chak. (2012). *ASEAN-India Relations: Future Directions*. National University of Singapore. A paper submitted as an informal Institute of South Asian Studies (ISAS) input to the ASEAN- India Eminent Persons Group meeting in Kuala Lumpur on 10 March 2012.

Nambiar, Shankaran. (2011). *India's Engagement with ASEAN: Beyond Trade in Goods*. National University of Singapore. ISAS Working Paper, No. 129 – 26.

Poling, Gregory B. (2013). *The South China Sea in Focus: Clarifying the Limits of Maritime Disputes*. A Report of the Center for Strategic and International Studies (CSIS) Sumitro Chair for Southeast Asia Studies, Washington DC.

Roach, J. Ashley (August 2014). *Malaysia and Brunei: An Analysis of their Claims in the South China Sea*. CAN Occasional Paper.

Schwartz Laura (February 2014). *Competing Claims in the South China Sea Potential Paths Forward and Implications for the United States*. A Roundtable report. The National Bureau of Asian research.

Sekomo, Asha. (2013). *African Approaches to Maritime Security*. Workshop Report. Johannesburg: University of the Witwatersrand.

Singh, Bilveer. (2011). *Southeast Asia-India Defence Relations in the Changing Regional Security Landscape*. New Delhi: Institute for Defence Studies and Analyses.

Southerland, Matthew. *China's Island Building in the South China Sea: Damage to the Marine Environment, Implications, and International Law*. (18 July 2016). Staff Research report on US-China Economic and Security Review Commission.

ASEAN-India Maritime Connectivity Report (2014). New Delhi: ASEAN-India Centre at Research and Information System (RIS).

Maritime Security and Vietnamese Perspective. Paper Presentation in SCA joint-project workshop on Ocean Security in Asia, Dawhoo – Hanoi, Vietnam, Mai 2005

Periodicals and Newspapers

World Focus (New Delhi)

The Hindu (Kolkata)

Times of India (Guwahati)

The Telegraph (Guwahati)

Electronic Books

Fels, Enrico and Vu Truong-Minh (Eds.) (2016), *Power Politics in Asia's Contested Waters: Territorial Disputes in the South China Sea*. Switzerland : Springer

International Publishing. Retrieved 27 September 2016 from

<http://gen.lib.rus.ec/book/index.php?md5=981E77C645790B53A79ABDF8D149CD>

Klein, Natalie. (2011). *Maritime Security and the Law of the Sea*. United States:

Oxford University Press. Retrieved 25 September 2016 from

<http://libgen.io/ads.php?md5=609E2286B2DC9234C87F6752F79FEED4>

Energy Security Outlook.(2015). New Delhi: The Energy and Resources Institute.

Retrieved 8 October 2016 from

<https://bookstore.teri.res.in/docs/books/ENERGY%20SECURITY%20OUTLOOK.pdf>

Internet sources

Bueger, Christian. (2014). 'What is maritime security?' Retrieved 5 February 2016 from www.elsevier.com/locate/marpol

Crabtree, Justina. (18 July 2016). Why disruption in the South China Sea could have 'gigantic' consequences for global trade. CNBC. Retrieved on 18th November 2016 from <http://www.cnbc.com/2016/07/18/why-disruption-in-the-south-china-sea-could-have-gigantic-consequences-for-global-trade.html>

Kaplan, Robert D. (20th February 2015). Why the South China Sea is so crucial? Business Insider India. Retrieved on 18th November 2016 from <http://www.businessinsider.in/Why-the-South-China-Sea-is-so-crucial/articleshow/46313578.cms>

Sands, Gary. (28th April. 2016). Brunei, Silent Claimant in the South China Sea. Foreign Policy Blocs. Retrieved on 29th October 2016 from <http://foreignpolicyblogs.com/2016/04/28/brunei-silent-claimant-south-china-sea/>

Chief of Royal Malaysian Navy visits India

25-07-2016 <http://www.newkerala.com/news/2016/fullnews-95440.html>

Indian naval diplomacy in South-East Asia. Retrieved 6 November 2016 from http://www.strategic-affairs.com/details.php?task=other_story&&id=410

Indian naval diplomacy in South-East Asia. Retrieved 10 October 2016 from http://www.strategic-affairs.com/details.php?task=other_story&&id=410

The South China Sea Arbitration: The Republic of the Philippines and The People's Republic of China (12 July 2016). Press Release. Permanent Court of Arbitration. Retrieved 10 November 2016 from

<https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf>

Indian Prime Minister's Statement at the 8th East Asia Summit in Brunei Darussalam on 10 October 2013, Retrieved 9 November 2016 from <http://pib.nic.in/newsite/erelease.aspx?relid=99951>.

“Indian Navy's Maritime Doctrine” Retrieved 23 March 2016 from [www.ir.inflibnet.ac.in > jspui > 14_chapter_4](http://www.ir.inflibnet.ac.in/jspui/view/14_chapter_4)

South China Sea: Tribunal backs case against China brought by Philippines (12 July 2016). Retrieved 11 September 2016 from <http://www.bbc.com/news/world-asia-china-36771749>

The UK National Strategy for Maritime Security (May 2014). UK: Williams Lea Group. Retrieved on 3rd November 2016 from www.gov.uk/government/publications

South China Sea Sea, Pacific Ocean. Retrieved on 18th November 2016 from <https://www.britannica.com/place/South-China-Sea>
<http://articles.economictimes.indiatimes.com/2013-08>

South China Sea Morning Post <http://www.scmp.com/news/>
www.deccanherald.com

www.eia.gov/todayinenergy/detail.cfm?id=10671

www.jstor.org

<http://journals.cambridge.org/JAS>

www.mapsofworld.com/world-top-ten-largest-oceans-and-sea-map.html

www.thehindu.com/news

<http://www.cimsec.org>

ABSTRACT

For

M.Phil. Dissertation

**MARITIME SECURITY IN THE SOUTH CHINA SEA: A STUDY ON
THE ROLE OF INDIA AND ITS IMPLICATIONS**

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INTRODUCTION

The wealthy maritime environment of the world provides huge amount of resources and conveniences for mankind. At the same time, the maritime realm has been subjected to assorted threats and crimes. It also offers opportunity and probability for nation states to project national power and preeminence of a country. Consequently, scores of maritime domains of the world are allured to maritime crimes and nation states confrontation. Therefore, countries and organizations of the world today are more and more aware of the security of the maritime realm. The concept of 'maritime security' turns out to be an exigency task from both scholastic thinking and policy making perspectives. As a maritime nation, India has progressively bolstered her maritime interests and policies to effectively maintain and advance its national interests in the Indian Ocean and beyond. Consequently, the conflict in the South China Sea provides immense interests and concerns of India's foreign policy thinking.

The present study covers the theoretical perspectives of maritime security. This study analyses the contemporary maritime dilemma in the South China Sea. However, the main focus of the study relies on how far maritime security in the South China Sea hold significant for India's national interest and how India reinforced her policy towards the littoral states of the South China Sea. In this scenario, the study then focuses on the implications of India's maritime strategies on the littoral states of the South China Sea.

STATEMENT OF THE PROBLEM

One of the hot spots of the 21st century Asia's attentions to the rest of the world resides with the disputes in the western Pacific spot, called the South China Sea. The South China Sea is a rhombus-shaped figure that borders the South East Asian mainland, connecting the Indian Ocean and the Pacific Ocean. The Sea and its enclosed features have been called by different names, but the name 'South China Sea' is a prevailing term used in English for the sea. The energy rich South China Sea which serves as a vital international commercial shipping route has been claimed entirely or in part by six littoral states- China, Taiwan, Philippines, Malaysia, Brunei and Vietnam. Thus, several intersecting lines designating the respective claims of

sovereignties have been drawn by the claimant states. As China (the most powerful claimant) claim more than 80% of the water, other rival claimants in the South China Sea hailed China as a jeopardy of peace and security in the South China Sea.

At this junction, India being a maritime nation and an energy deficit country though not a claimant state has seriously been aware of the development of the conflict in the South China Sea. Owing to the fact that India's increasing attention and actions since the post Liberalization period through its "Act East Policy", India's economic relations with the South East and East Asian countries has grown significantly in the recent years. Thus, any major conflict in the South China Sea is bound to impact India's economic and geo-political interests. As China pursues a more assertive foreign policy, India remained precautious that the South China Sea will become more "Chineseized". Therefore, many political analysts are of the opinion that the South China Sea adds another dissentious facet in Indo-China relations. India's priority therefore is the maintenance of freedom of navigation in the South China Sea. However, India which is of the opinion that maritime security in the South China Sea is indispensable to the implementation of its foreign policy today, thus face several problems and challenges.

OBJECTIVES OF THE STUDY

1. To study the theoretical perspectives of maritime security.
2. To analyze the nature and scope of the conflict in the South China Sea.
3. To examine India's maritime interests and policies in the South China Sea.
4. To highlight the implications of India's maritime policy on the littoral states of the South China Sea.

RESEARCH QUESTIONS

1. What are the theoretical perspectives of maritime security?
2. What is the nature and scope of the conflict in the South China Sea?

3. What are the maritime interests and policies adopted by India in the South China Sea?
4. What are the implications of India's maritime policies on the littoral states of the South China Sea?

METHODOLOGY

The research has been conducted through qualitative method using descriptive and analytical study. The study uses both primary and secondary sources for relevant data collection. Primary data has been collected from Annual Reports of Ministry of Defense, Ministry of External Affairs, Government of India and Government Archives. Relevant websites of government of India (www.mea.gov.in), Indian Navy (www.indiannavy.nic.in), Government of China (www.fmprs.gov.cn), Ministry of Foreign Affairs, Vietnam (www.mofa.gov.vn/en/), Ministry of foreign Affairs, Republic of China (Taiwan) (www.mofa.gov.tw/en/), ASEAN official website (www.asean.org/) etc. were accessed. Secondary data has been collected from books, journals, magazines, newspapers and internet sources.

CHAPTERISATION

CHAPTER I:	INTRODUCTION
CHAPTER II:	THEORETICAL PERSPECTIVES OF MARITIME SECURITY
CHAPTER III:	SOUTH CHINA SEA: THE ZONE OF CONFLICT
CHAPTER IV:	INDIA'S MARITIME POLICIES AND STRATEGIES IN THE SOUTH CHINA SEA
CHAPTER V:	THE IMPLICATIONS OF INDIA'S MARITIME POLICIES ON THE LITTORAL STATES OF THE SOUTH CHINA SEA
CHAPTER VI:	SUMMARY AND CONCLUSION

CONCLUSION

The first chapter begins with the *'Introduction'*. It throws the light on how the nature and forms of conflicts, confrontations, hostilities and war have largely been reshaped and reconstructed in the aftermath of the Cold War. An exceedingly speedy development in a globalised world of today has been equipped with several issues and ramifications. The global environment is profoundly complex at this international setting. The early canon of 'security' could not be wholly fit in to describe and deal with issues arising today. Thus, breaking the bar of the age long statecrafts and strategies of defence propounded by western intellectuals and practitioners, the concept of security has now reached a broad new perspective.

The second chapter, *'Theoretical Perspectives of Maritime Security'* deals with the understanding of the concept of Maritime Security. It elaborates how maritime security changed its characteristics and scope from the post cold war period. Owing to the fact that the concept of 'maritime security' is an emergent concept, wide-ranging coverage, interdisciplinary nature and lack of universal and legal consensus, the approach of studying and apprehending the term becomes a complex phenomenon. Nevertheless, due to these intricate factors, scholars and practitioners have wide ranging opportunities to employ the phrase in a carefree way. From traditional perspective, 'maritime security' was confined mainly to protect and defend maritime territory from external aggression. Alteration to the narrow traditional conception of 'maritime security' takes place when the post cold war international relations changed the entire security architecture. In the post Cold War era, while traditionalists' conception of 'maritime security' still proves valid, emphasis have been added on the enforcement of international law which guarantee freedom of navigation. Additionally, the maxim of traditional standpoint 'protection' which was inclusive merely to maritime territory have now incorporate to protection of maritime resources, protection from nation-state conflict, terrorism, piracy, illicit drug trafficking and other forms of transnational crime, environmental destruction and illegal seaborne immigration, illegal fishing and maritime accidents and disasters.

In order to understand and elucidate its theoretical framework, ‘maritime security’ needs to be looked from its conceptual relations and links with multifarious concepts. Broadly separated into three approaches, maritime security can be understood from- foundational level (deals with physical nature of the seas), operational level (deals with various uses of marine and its resources to mankind) and normative level (deals with rules and regulations in the maritime domain).

As the term ‘maritime’ is an all encompassing word, including everything that is connected to the sea, it is thus safe to say that the term maritime security has been used at a convenience in a broader sense to tackle and precautionary effort of any security threats that is related to the sea. This study thus established that the terms ‘maritime’ and ‘security’ are comprehensive and all-inclusive terms and based on the various web of conceptual relations and interdisciplinary nature, scholars, actors and anyone who uses the term ‘maritime security’ thus freely interpret and organize their interpretations and approaches to the concept of maritime security.

The third chapter, ‘*South China Sea: The Zone of Conflict*’, analyzes the geostrategic importance of the South China Sea and the nature of conflicts in the South China Sea. The South China Sea which grasp ninth of the ten largest oceans and seas in the world has its own distinctive features of geo strategic, economic and political importance. The multifarious significance of the Sea thus has never been left unnoticed and disregarded by any of the littoral states as well as other external countries which the sea serves their national interests. The South China Sea thus is contested by six parties- China, Taiwan, Philippines, Malaysia, Brunei and China.

This chapter gives a short view of country wise maritime claims and current trends in the South China Sea disputes. Majority of the territorial and maritime disputes in the South China Sea centers around four main islands- Spratly Island, Paracel Island, Pratas Island and the Macclesfield Bank and Scarborough Reef area. Apart from their Exclusive Economic Zones, Vietnam, Malaysia, Philippines, China and Taiwan draw several patterns of intersecting lines designating their respective claims in the South China Sea. So far, Brunei’s claim in the South China Sea is regarded as the only one claim made on legality. However, the most intensifying line being the famous nine-dotted line drawn by China. Taiwan shares with China’s nine

dash line, however Taiwan's reaction on China's activities in the South China Sea revealed that Taiwan does not co-operate with China on the issue. By far, all the claimants except Brunei occupy the largest part of the islands in the South China Sea. Recent developments in the South China Sea indicates that post 2009 has been marked by rising tensions, several incidences over rival claimants. To further complicate the matter, with the increasing interests and activities of external powers, tensions in the South China Sea today does not confine mainly to the claimant states. Today, many external powers are more interested and remain loud on the issues of the disputes. Specifically, the increasing concern and activities of the United States in the name of exercising freedom of navigation in the South China Sea outrages China. On the other hand the South China Sea increasingly became prominent in international and regional diplomatic agenda during this recent period. In particular, the year 2016 witness several changes in the dynamics of disputes in the South China Sea and the changing internal politics of the littoral states make the future of the disputes unclear.

The present study analyzes that the claims made by the parties in the South China Sea can be separated into historical, geographical proximity, claims of discovery and occupation and legal claims under the United Nations Convention on the Law of the Sea (UNCLOS). Increasingly thus, all parties seek to back up their claims with a range of possible ways to acquire legal status. Thus, building of artificial islands and other naval activities, report to regional and international bodies and weaker littoral nations promulgating the disputes to attract external powers in the South China Sea become popular. The current developments of conflicts in the South China Sea assume a pattern of strengthening of defence and naval military capabilities of the claimant states. As yet, direct confrontations between rival claimants barely exist. Many a times, China has been involved in majority of the disputes between rival claimants in the South China Sea dispute. An overwhelmingly increase in transnational maritime activities creates maritime insecurities in several forms frequently pose greater challenges, thereby, calling bi-lateral, multi-lateral and global effort to securitize the maritime domain. Several states have signed or ratified a range of maritime laws and conventions among two or more countries, international conventions and the rules designed by and for a specific country etc. The Declaration

of Conduct for Parties and UNCLOS became the main guiding legal principle in the South China Sea issue agreed by all the parties. Despite this, because of the different rights and obligations recognized in the various maritime zones, law enforcement in the maritime domain happens to be other important challenges today. Moreover, the claimant states while restating their inclinations to resolve the disputes peacefully are being divided on the questions of the means to solve the maritime conflicts in South China Sea. While economically and militarily weaker nations like Philippines, Vietnam, Malaysia and Brunei are being supportive of internationalizing the disputes, China opinion goes the opposite to this. China believes in bilateral solution of all conflicts and did not acknowledge any third party involvement in the dispute.

The conflicts in the South China Sea holds key agenda in important multilateral forums like ASEAN, East Asia Summit, ASEAN Defence Ministers' Meet and United Nations. However, law enforcement became another major factor in the continuance of the conflict in the South China Sea. Furthermore, based on the fact that the ASEAN 2016 Summit remained silent about the 12th July Permanent Court of Arbitration ruling on Philippines case against China, many political analysts predicted such a result and viewed it as a victory for China's diplomacy. Moreover, China's hard resistance on the 12th July 2016 International Tribunal rulings thus exposed that China will in no way give up its maritime and territorial claims in the South China Sea due to any judgment made by any regional or international body.

The fourth chapter, '*India's Maritime Policies and Strategies in the South China Sea*' examined the development of India's maritime concern, the major factors underlying maritime interests and policies of India in the South China Sea. The geostrategic location of India naturally places her to be a maritime nation. Based on the archaeological evidences, India has also developed an old maritime tradition. However, the political history of India depicts that greater part of the battles and fights over several kingdoms were approximately land based. The study reveals that the lessons and awareness to control the seas around India are embedded in the colonial period of India and the post Independent India has rapidly increase dependence on the

seas for her economic and social well-being, it thus sets the task of emphasizing and developing commensurate maritime-military power.

Over an extensive period of time, India's maritime concern was confined mainly to its immediate shores. The 1990's post liberalization breaks the bar of India's foreign policy outlook with the commencement of the persuasive 'Look East Policy' which now unequivocally elevated to the 'Act East Policy'. India's maritime policy thus has slowly but surely gained its prominence in the foreign policy choices of India. In keeping with India's growing strength and regional responsibility, the Indian Navy today has been playing an efficient role in Indian military capabilities.

India is not a South China Sea littoral state, neither does not at all have territorial or maritime ambitions within it. But India being a maritime nation and an energy deficit country has seriously been aware of the developments of the conflicts in the South China Sea. Furthermore, recent years developments witness India's increasing sphere of activities in the South China Sea. The main reasons underlying India's maritime interests are explained in the context of the intensified developments taking place in the South China Sea.

Firstly, India's geo-strategic location places her to be sensitive of any incident and development in the Asian continent. As India open up her economy in the post Cold War era, major trade and economic links have been tied with many East and South East Asian countries. The South China Sea sits at the center of this hub, linking the Indian Ocean and the Pacific Ocean. To this end, maritime security in the Asian region and principally in the South China Sea is not an issue that India silently wishes to observe.

Secondly, India's east bound trade has increasingly been relied on various commercial routes crossing the South China Sea. As a nation with a highly dependent on overseas trade, India has to ensure that all its connectivity such as air, sea and land routes are safe and secure. India is aware of the fact that freedom of navigation is maintained in the South China Sea.

Thirdly, being the sixth largest energy consumer in the world, which is expected to rise, India has vital interests in an energy rich South China Sea.

Fourthly, China's quick and aggressive policies enhancing her assertive rise happen to be a cause of concern for another growing power like India. Naval competition between the two has become an important factor in Indo-China relations. With regard to increasing Chinese naval presence in the Indian Ocean and China's 'String of Pearls' strategy of bases and diplomatic ties stretching from the Middle East to southern China is highly held as an approach to maritime encirclement of India. Furthermore, China increasingly wishes the South China Sea to be its sea. Due to all these reasons India could not passionately endure the situations grow. India's main concern is that if China maintains control over the South China Sea, the consequences would seriously disrupt India's rising economic and political interests.

Having manifold interests in the disputed South China Sea, which holds significant lifeline in India's geo-strategic and economic build up, India thereby approaches its maritime policies through various means and measures which can be summed up as under.

The most important maritime policies of India in the South China Sea has been exerted by the Indian Navy. Indian Navy ships have significantly expanded its presence and operational reach in the Indo-Pacific region in recent years. In order to ensure bilateral and multilateral ties and inter-operability between the navies, India Navy has increasingly enlarge its footsteps through subsequent port visits, training exchanges, high level delegations and joint naval exercises with the South East Asian countries

India's maritime policy has largely been synchronized with its energy security policy. The reality to this perception can be identified in India- Vietnam energy cooperation in the South China Sea. Since 1992, India's owned Oil and Natural gas Corporation Videsh Limited in collaboration with Petro Vietnam holds three Blocs projects in the controversial water between Vietnam and China in the South China Sea. Many objections have been hailed by China, but India's move is likely held as a means to strengthen Vietnam's case in its dispute with China over the South China Sea.

The changing security of political environment in East and Southeast Asia provides immense opportunities for India to present itself as a security contributor to

many small nations in the region. India has also increased its defence ties with countries of Malaysia, Philippines, Vietnam and Brunei. This has been a useful tool of implementing India's maritime policies in the South China Sea. As an essential step towards maritime security in the South China Sea, India build strategic links with ASEAN and Maritime Security forces of India and ASEAN interact with each other through various meetings, conferences, workshops, official exchanges and port calls.

In a direct point to the conflict in the South China Sea, India not only shows its concern for freedom of navigation and over flight in the South China Sea but time and again India's top government officials often proclaims that India hopes all parties in the disputed South China Sea be abide by the 2002 Declaration of Conduct of Parties and the universal principle of UNCLOS and that the disputes be resolved peacefully by consensus at the earliest.

From the above mentioned India's activities in the South China Sea, the study thus established India's defence and security cooperation with countries like Vietnam, Malaysia, Brunei and Philippines has greatly improved since the post 1990's. This has been a useful step towards India's implementing the Act East Policy.

The fifth chapter discusses *'The implications of India's maritime policies on the littoral states of the South China Sea.'* Quite notably, India's maritime policies and strategies in the South China Sea unsurprisingly aroused mixed reaction from amongst the claimants of the South China Sea.

The extension of India's strategic interests exerted preponderantly in its maritime security policy through various means in the South China Sea provokes stiff protestation by China. Considering the majority of the water claimed by China, Chinese officials have repeatedly raised objection to India-Vietnam joint oil exploration in the Chinese-Vietnams disputed area of the South China Sea. Chinese newspapers have also warned India of the possible consequences, if India proceeds with the joint exploration. As China contends the South China Sea as its self evident territorial water, any move made by India in the form of oil exploration or India's naval presence in the sea is regarded as an infringement of China's sovereignty. Moreover, China often proclaim that it prefer to settle the disputes in the South China

Sea through bilateral means and do not want any outside power interference in the disputes. Therefore, from China's perspective, any external power's voice in the dispute and presence in the Sea in any form is highly held with antipathy and repugnance. However, the present study shows that despite Chinese objections, India still regard its Oil blocks location in the South China Sea as a Vietnam territory and India's naval presence through joint naval exercises as within the territorial waters of the host country.

As far as Taiwan is concerned, the study concludes that there is hardly any strategic tie between Taiwan and India. However, due to 'One China policy', Taiwan shares China's nine dash line concept, Taiwan embrace the disputes be settled by parties and did not welcome outside power interferences.

The study analyses that as problems and complexities in the South China Sea get heightened, countries like Vietnam and Philippines (having disputes with China) have eagerly been looking toward other regional powers to increase their sphere of attention and influence in the region. Thus, numbers of bilateral and multilateral pacts have been reached by India and these countries. Vietnam, Philippines, Malaysia and Brunei reiterate their support for India's Act East policy and stronger India-ASEAN relations.

The Vietnamese side reaffirmed Vietnam's support for India's Act East Policy and welcomed a greater role for India in the regional and international arena. Government officials from the Vietnam's side highly appreciate India's voice for freedom of navigation in the South China Sea.

Based on the study, it can be assessed that Philippines expressed satisfaction at the deepening defence cooperation especially in exchanges in military training and education, capacity building, and regular goodwill visits by Indian Naval Ships to the Philippines and security cooperation in the areas of maritime domain. The Philippines government was "grateful" for India's support to the Philippines in the wake of July 2016 arbitration on the South China Sea dispute.

On the other hand, it can also be evaluated that as China remain Malaysia's chief economic partner, Malaysia says little about its claims and the role of external powers in the South China Sea. India wins the support of Malaysia as far as India –

Malaysia relations and India- ASEAN relations are concerned. Nonetheless, it becomes clear that Malaysia while maintaining its claims in the South China Sea does not wish to harm its relations with both India and China. Thus, Malaysia stands in the midway by maintaining a balanced relationship between the two.

The last chapter '*Summary and Conclusion*' of the study draws the conclusion and summary of the above chapters. It also presents an analytical description of the potential negative impact based on the studies on increasing India's interests and strategies in the South China Sea and give a brief suggestion to it.

The overall study thus brings the picture that the South China Sea dispute is not yet at the end. Conflicting claims in the busy route and prosperous South China Sea has been mounting and it is immature to draw the prospects and future of the situation. Many political analysts are aware that the South China Sea got militarized in the recent years due to Chinese assertive defense strategy. Meanwhile, India has increasingly broadened its scope of influence in the Sea, which is terribly condemned by China. It will have far reaching implications if the situation in the South China Sea disputes gets worse or if China controls and dictates the order of the Sea. In this regard, India will be left with limited options. China has time and again vocalized objections to the activities and concerns of external powers (including India) and often warned any third party not to involve in any of the issue in the Sea. Today, India persists its maritime strategies and many observers are cautious that India may not have the military capabilities to tackle China, which is more militarily powerful in both qualitative and quantitative terms.

Therefore, regarding the ever-increasing significance and dependence on the South China Sea for India, India has to be vociferous specifically to China that its interests in the region are more of economic rather than political. India should move its wide-ranging cooperative efforts with China and other littoral states. Over and above all, it is significant that the claimant states apart from protecting each country's own maritime and territorial sovereignty must valued this water as a significant 'global commons'. Moreover, as India has great interests in the disputed South China Sea, it is undoubtedly clear that improving defence, maritime, energy and economic cooperation with the littoral states and ASEAN is a sine qua non for India.

REFERENCES

Primary sources:

Annual Report (2014-2015) Ministry of Defence, Government of India

Annual Report (2015-2016) Ministry of External Affairs, Government of India

Freedom to use the Seas: India's Maritime Military Strategy (2007) Ministry of Defence (Navy), Government of India

Indian maritime Doctrine (2009) Ministry of Defence (Navy), Government of India

Ensuring Secure Seas: Indian Maritime Security Strategy (2015), Ministry of Defence (Navy), Government of India

Websites

www.mea.gov.in

www.fmprc.gov.cn

www.asean.org

www.mofa.gov.tw/en/

www.indiannavy.nic.in

www.mofa.gov.vn/en

Secondary sources:

Books

Bhatia, Rajiv K., Sakhuja, Vijay and Shuja, Asif. (Eds.). (2014). *Delhi Dialogue V: India-ASEAN Vision for Partnership and Prosperity*, Delhi: Shipra Publications.

Das, Ajaya Kumar. (Ed.). (2013). *India-ASEAN Defence Relations*, Singapore: S. Rajaratnam School of International Studies.

Jacques, Martin. (2009). *When China Rules the World: The rise of the Middle Kingdom and the End of the Western World*, New York: Penguin Group.

Mohanty, Biswaranjan. (2012). *Foreign Policy of India in the 21st century* New Delhi: New Century Publications.

Pant, Harsh V. (2012). *The Rise of China: Implications for India*, New Delhi: Cambridge University Press India Pvt.Ltd.

Pavithran, K.S (Ed.). (2013). *Foreign Policy and Maritime Security of India*, New Delhi: New Century Publications.

Santhanam, K. and Kondapalli, Srikanth. (Eds.) (2005). *Asian Security and China 2000- 2010*, New Delhi: Shipra Publications.

Journal Articles

Buszynski, Leszek. (2012). The South China Sea: Oil, Maritime Claims and U.S.-China Strategic Rivalry. *The Washington Quarterly*, 35:2, 139-156.

Chakraborty, Manotosh. (2015). South China Sea: Conflicting interface in the Sino-India-Vietnam Strategic Triangle. *World Focus*, 53-57.

Chaturvedi, Sanjay. (1998). Common Security? Geopolitics, Development, South Asia and the Indian Ocean. *Third World Quarterly*, Vol. 19, No. 4, Rethinking Geographies: North: South Development. 701-724.

Dahiya, Omprakash. (2015). Maritime Security of India: Challenges and Opportunities. *Employment News*, Vol. XL NO. 1-32.

Majumdar, Munmun. (2013). India's stakes in the South China Sea. *International Journal of Social Science and Humanities*, Vol.3, No 13,242-247

Malhotra, Aditi. (2012). Indo-Vietnam relations: An answer to Sino- Pak Partnership? *Maritime Affairs: Journal of the National Maritime Foundation of India*, Vol. 8 No.1, 72-92.

Nye, Joseph S. Jr. and Lynn-Jones, Sean M. (1988). International Security Studies: A Report of a Conference on the State of the Field. *International Security*, Vol. 12, No. 4 (Spring, 1988) 5-27.

Puri, Raman and Sahgal, Arun. (2011). The South China Sea Dispute: Implications for India, *Indian Foreign Affairs Journal*, Vol. 6, No. 4, 437-448.

Scott, David. (2012). Conflict Irresolution in the South China Sea. *Asian Survey*, Vol. 52, No. 6, 1019-1042

Simon, Sheldon W. (2012). Conflict and Diplomacy in the South China Sea. *Asian Survey*, Vol. 52, No. 6, 995-1018.

Working papers, Reports and Issue Brief

Baruah, Darshana M. (2014). *South China Sea: Time for India to Mark Its Presence*. S. Rajaratnam school of International Studies (RSIS) Commentary. Singapore: Nanyang Technological University. No. 225.

Chaturvedy, Rajeev Ranjan. (2014). *Is India Making Waves in South China Sea?* Institute of South Asian Studies National University of Singapore. ISAS working paper, No. 185-26.

Feldt, Lutz, Roell, Peter, Thiele Ralph D. (2013). *Maritime Security – Perspectives for a Comprehensive Approach*, ISPSW Strategy Series: Focus on Defense and International Security, Issue No. 222.

Hiebert, Murray, Nguyen, Phuong and Poling, Gregory B. (Eds.). (2014). *Perspective on the South China Sea: Diplomatic, Legal and Security Dimensions of the Dispute*. A Report of the CSIS Sumitro Chair for Southeast Asia Studies, Washington DC.

Lin, Kun-Chin and Gertner, Andrés Villar. (2015). *Maritime Security in the Asia-Pacific: China and the Emerging Order in the East and South China Seas*. A research paper prepared for the Royal Institute of International Affairs, London.

Muni, S D and Mun, See Chak. (2012). *ASEAN-India Relations: Future Directions*. National University of Singapore. A paper submitted as an informal Institute of South

Asian Studies (ISAS) input to the ASEAN- India Eminent Persons Group meeting in Kuala Lumpur on 10 March 2012.

Poling, Gregory B. (2013). *The South China Sea in Focus: Clarifying the Limits of Maritime Disputes*. A Report of the Center for Strategic and International Studies (CSIS) Sumitro Chair for Southeast Asia Studies, Washington DC.

Maritime Security and Vietnamese Perspective. Paper Presentation in SCA joint-project workshop on Ocean Security in Asia, Dawhoo – Hanoi, Vietnam, Mai 2005

Periodicals and Newspapers

World Focus (New Delhi)

The Hindu (Kolkata)

Times of India (Guwahati)

The Telegraph (Guwahati)

Internet sources

Bueger, Christian. (2014). ‘What is maritime security?’ Retrieved 5 February 2016 from www.elsevier.com/locate/marpol

Borchart, Heiko. (2014). *Maritime Security at Risk Trends, Future Threat Vectors and capability Requirements*. Lucerne: Sandfire. Retrieved 6 January 2016 from https://www.borchert.ch/content/ger/.../1407_Borchert_Maritime_Security_at_Risk.pdf

Oxford dictionary. <https://en.oxforddictionaries.com/definition/security>

www.jstor.org

<http://journals.cambridge.org/JAS>

<http://www.cimsec.org>