

5 CHAPTER

India's Maritime Foreign Policy Strategy

After reading the chapter, the reader will be able to develop an analytical understanding on the following:

- Indian Ocean as a new theatre of conflict
- Chinese Malacca dilemma
- UNCLOS-1 and Geneva convention
- India and Geneva convention
- India and territorial waters
- Seabed commission
- India's Maritime Zone Act
- Formation of zones
- Establishment of coastal guard
- UNCLOS- 3 meeting 1973
- Five zone concept of UNCLOS
- Artificial Islets and UNCLOS
- India and UNCLOS drift
- Indo – Pacific the new normal
- ASEAN security community
- ASEAN regional forum
- MILAN and IONS
- Indian navy power projection

India perceives China as an external threat and the new theatre of this external threat by China is playing out at the maritime level. As China and Pakistan continue to deepen their engagement, India needs strategies to checkmate China, and it is at this level that maritime foreign policy strategy is necessary. India can leverage its position in the Indian Ocean and its good relations with the South East Asian States and Africa to undertake maritime assertion. The significance of Indian Ocean rises for China as it trades with Afghanistan, Middle East, and Africa and Central Asia. The more resources China gets from these regions, the more trade happens via the Indian Ocean route, which may emerge in future as a new theatre of conflict. As Chinese ships doing maritime commerce pass through straits of Malacca, this is also the coordinate for India to have an assertive presence.

The Strait of Malacca connects Indian Ocean (IO) to South China Sea and is 900 km in length and is also a prominent trade route between East Asia and West Asia-Europe. A

considerable quantity of oil passes through this region. The problem of piracy in the Malaccan Strait is rampant but aggressive patrolling along the region has ensured reduction in incidents. India, since 2006, is instrumental in fighting piracy here. Since Andaman and Nicobar islands are close by, the Indian navy has built an unnamed aerial vehicle patrolling base. The Chinese look at the Strait of Malacca as the 'Malacca dilemma' as majority of oil for China comes via this region. The Strait of Malacca is the king of the Indian maritime chessboard.

When India became independent, it extended sovereign rights over the continental shelf without mentioning the depth or distance of the territories. Gradually by 1956, it claimed a 'fisheries zone' upto 100 miles away of territorial waters. At the international level, the US and the USSR were negotiating the width of territorial waters but were not able to reach consensus. In 1958, the first UNCLOS meeting adopted a codified law called the Geneva Convention, which accepted freedom of navigation of the seas and sovereignty of a state in territorial sea. It worked to adopt immigration rights for contiguous zones but the first UNCLOS could not evolve consensus on the issues regarding the width of territorial waters and economic fisheries zones. In 1960, the second meet of UNCLOS was held, in which there evolved the idea of having territorial waters up to six miles. It was also proposed that an additional six miles beyond territorial waters be considered as economic fisheries zone, but a two-third majority could not emerge and eventually this idea failed once again.

In the first UNCLOS meeting, India proposed that any warship should get authorisation from the state. There was no consensus on this issue in the UNCLOS meeting and the proposal, therefore, could not be added. Consequently, India refused to ratify the Geneva Convention, which emerged after first UNCLOS meet. In 1967, as Pakistan extended its territorial waters from three to twelve nautical miles, India also did the same on 12th September, in the same year. During the 1960s, as the technologies progressed, the nations began to use modern technology to explore oil and gas in the sea bed. This advancement in seabed technology led the countries to take steps to safeguard their interests. Some advanced nations deployed submissions with ballistic missiles. This compelled the UN to find a solution. In 1968, the General Assembly established a Seabed Commission of 42 UN members to discuss how nations can peacefully use the seabed. In 1970, a Declaration of Principles was accepted whereby the areas of seabed and resources in the seabed were to be considered the common heritage of humanity and the seabed and resources were declared to be subject to a global regime through a treaty. This was the time when the Indian government had authorised the mining of polymetallic nodules from the seabed and had also discovered oil and gas in Bombay and Andaman Islands. On 25th August 1976, India passed the Maritime Zones Act. The act stated that upto 12 nautical miles would be territorial waters, 24 NM would be contiguous zone and upto 200 NM would be EEZ and to enforce its compliance, the government established coast guard as an armed force of the Union of India in 1978. The Indian coast guard was to enforce the act and assist the fishermen in distress, in addition to providing back upto customs in anti-smuggling activities and prevention of marine pollution.

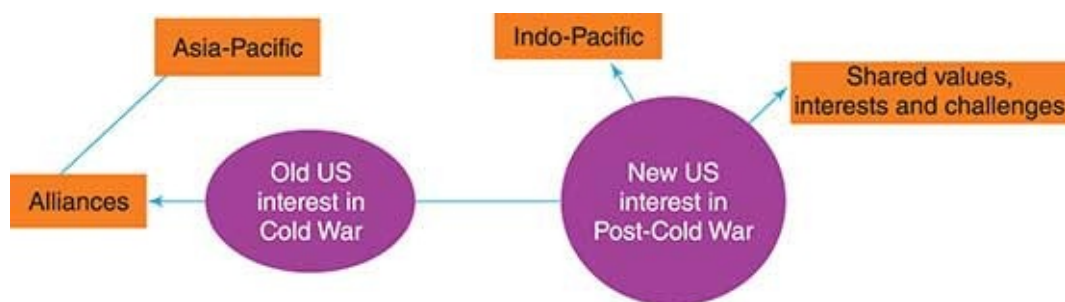
In 1973, at the global level, began the third meeting of UNCLOS or UNCLOS-3. India participated in UNCLOS-3 and proposed 'Freedom of Navigation' and free mobility of naval ships. It also advocated the idea that Andaman and Nicobar Islands be declared as

archipelago islets. India further advocated division of waters as per its own maritime zone act. The UNCLOS–3, after negotiating for nine years, adopted the draft of UNCLOS in 1982. It adopted five zones, as given in the table below:

S. No	Zones	Area	Rights	Indian Agencies
1.	Internal waters	Within	Full sovereignty	Law and order agencies
2.	Territorial waters	0 to 12 NM	Full sovereignty	Marine police and coast guard
3.	Contiguous zone	12–24 NM	Full sovereignty	Coast guard, customs and CISF-Marines
4.	Exclusive economic zone	24–200 NM	Mining, fishing and oil exploration only	Indian Navy
5.	High seas	200 NM and above	Open zone	x

India was included as a pioneer investor for seabed mining. Most of what India advocated was agreed in the UNCLOS–3 declaration. But there was an opposition to the idea of notifications being needed by foreign warships in the territorial waters of a foreign state. Moreover, Andaman was not accorded the status of an archipelago as UNCLOS–3 granted the status only to those islets which had a distinct political entity. This was done to ensure that off-lying islets are not used by states to restrict freedom of navigation. The UNCLOS–3 also held that 500 metres around any artificial island should be a safety zone. India’s proposal for a bigger buffer area was not accepted. India has, since then, peacefully concluded agreements with Pakistan, Bangladesh, Sri Lanka, Myanmar, Thailand and Maldives and Indonesia over a period of time.

The region of Asia Pacific played an important part in the Cold War due to strategic formation of alliances. The post-Cold War period saw a rise of the Indo-Pacific, which was known in the west as Asia-Pacific. After the Cold War ended, as Asian economies began to rise, the new geopolitical term used for the region changed to Indo-Pacific. Over a period of time, the dependence of the US on oil from west Asia declined and with discovery of shale it is bound to decline further. The US has realised the need to focus on domestic shale rather than imported oil, but continues its presence in Indian Ocean with a new priority.



The US considers the Indo-Pacific as a strategic region and India a lynchpin in the scheme. Meanwhile, the ASEAN security community aims to establish peace and a just order and ensure that all members are at harmony with each other and the world. With

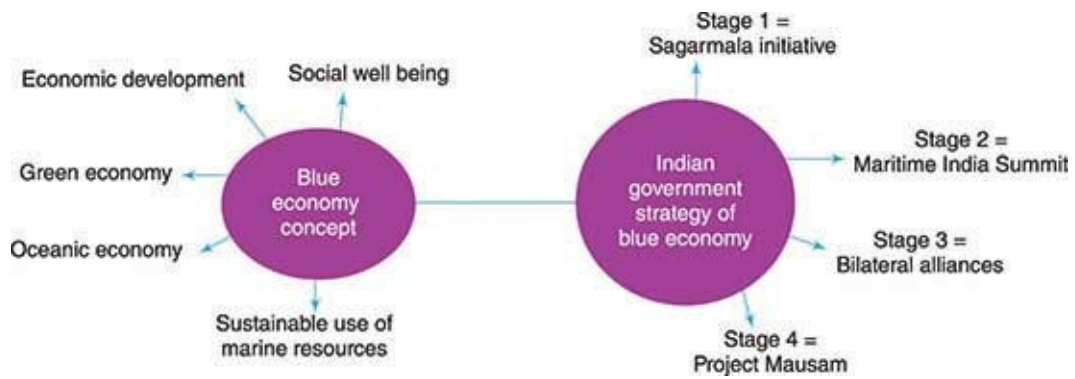
rising Chinese assertion in South China Sea and defiance of China of the international tribunal's award over South China Sea dispute between China and Philippines in July 2016, the significance of ASEAN security community will rise. In 1991, the ASEAN Regional Forum was established, with India as its member. The forum assists the ASEAN security community. India is increasing its role in the ASEAN and has deepened engagement with its neighbours under the Act East Policy, while attempting to make its presence being felt deeply in the region.

In 1995, India undertook the MILAN exercises in the region. China is not a part of MILAN but it has other 17 nations from the Asia-Pacific. The aim of MILAN, undertaken by the navies collectively at Port Blair, is to gather and learn from each other about strategies for combating piracy and drug trafficking. This platform enables India to explore its power projection capabilities in collaboration with others. India, in 2008, organised the Indian Ocean Naval Symposium (IONS). It is a forum where littoral states of the Indian Ocean come together to discuss regional maritime issues. As of now, 28 states are a part of IONS. Since 1992, Malabar exercise has been undertaken between India and the US at different locations in the world. India's cooperation with Singapore takes the form of a bilateral joint exercise called SIBMEX (Singapore–India Bilateral Maritime Exercise). Due to India's warm and cordial relations with Japan, the JIMEX (Japan–India Maritime Exercise) has also been held since 2012.

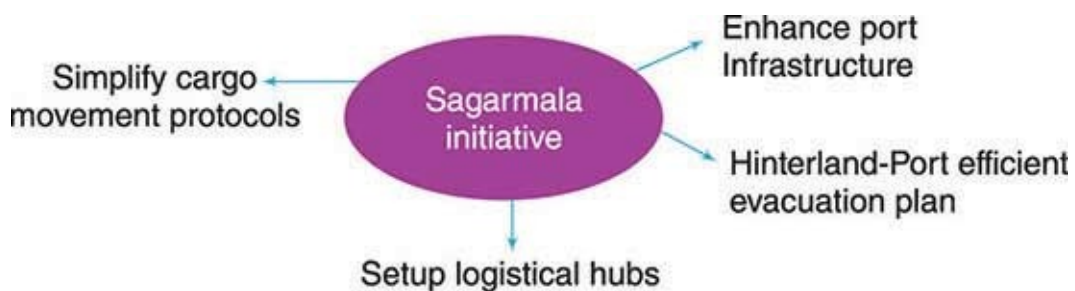


India's Blue Economy, Blue Diplomacy, Blue Water Navy, Sagarmala and Mausam

The government of India has taken gradual steps towards a blue economy. The idea of establishing a blue economy is to sustainably use marine resources for growth. The main aim is to always use the oceanic resources for human welfare. The major oceanic resources are minerals, oil and gas. The blue economy strategy envisages use of innovation by state and private sector for the utilisation of the resources of the oceans for social welfare. The core principle is that of sustainability and offering green shoots.



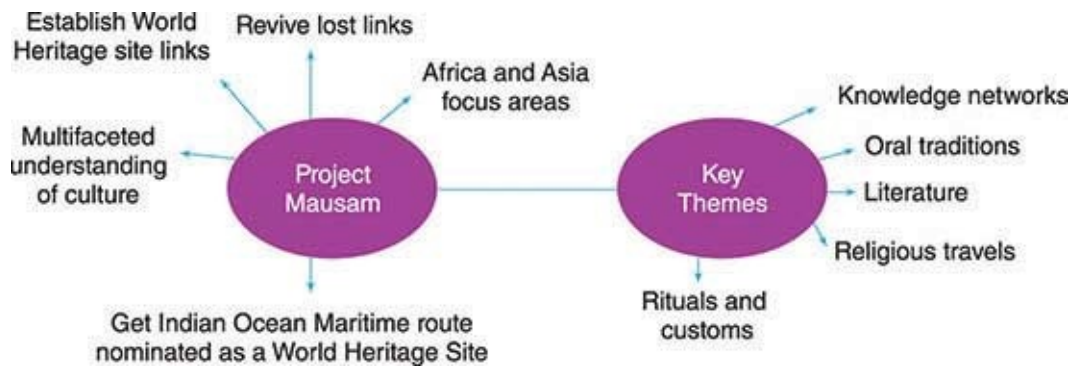
In 2015, the Indian government launched Sagarmala to develop port infrastructure. The government intends to develop ports so that backward and forward linkages can be established for growth. The idea is to initiate a port-led development.



In April, 2016, the government released a National Perspective Plan identifying coastal Economic zones envisaging a synergy between a dedicated freight corridor, National Highway Development Plan and SEZ. The Sagarmala will also support the Make in India Programme.

In 2015, the 1st IORA Ministerial Blue Economy conference was organised by the government of Mauritius where it identified core areas of cooperation with IORA for fisheries, ocean energy and shipping and military exercises. The first ever Maritime India Summit (MIS) happened in 2016. Around 42 nations that participated in the MIS engaged to support Sagarmala. Investment to the tune of INR 80,000 crores was generated in the form of business in Portland Development Sector (as reported by PIB, Government of India). The shipping ministry showcased around 250 projects for maritime and infrastructure development in Indian ports. This gave a thrust to the achievement of the vision of Dr B R Ambedkar on developing waterways for the prosperity of poor. Not only was India able to forge new maritime alliances for port development, but the MIS also showcased India's Maritime heritage through a museum which displayed 5000 years of India's rich maritime heritage from the Indus Valley Civilisation up until now.

India's project Mausam is a combination of strategic and cultural dimension. It aims at establishing cultural links with countries where ancient sailors sailed for trade. It is implemented by the Ministry of Culture and the Archaeological Survey of India. The aim is to connect to the 10 maritime states and re-establish communication to enhance cultural value sharing and focus on understanding national cultures of other states through maritime interaction.



The Indian navy aspires to be a blue water navy. A blue water navy is capable of projecting power and operating in oceans far away from its domestic territory. It requires naval capabilities of aircraft carriers. The blue water navy can travel globally and display incredible power and force. India has been acquiring capabilities to emerge as a blue water navy in future. As of now, Australia is the only Blue water navy in the region with India, South Africa and Saudi Arabia as aspirants.