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India: A Growing Presence in the South China Sea

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Abstract

In a time where in addition to the balance of power, the future regional stability and security in the South China Sea (SCS) is also fragile, common concerns and similar threats unite the Association of Southeast Asian Nations (ASEAN) countries and India. In regard to the South China Sea dispute, India and ASEAN are two imperative actors in preserving the current multilateral rule and protecting trade flows. India's role and strategic cooperation with ASEAN is increasingly vital in the context of a more dominant China. The South China Sea dispute continues to persist and is considered an arduous regional conflict in the Asia Pacific region, revolving around territorial sovereignty and other maritime claims. Addressing these issues is crucial to ensure the safety of the SCS, as it is one of the most strategic maritime spaces in the world in terms of the volume of trade.

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Introduction

Maritime security concerns regarding the South China Sea (SCS) have been taking a primary position in the security agendas of many countries in the surrounding regions. The South China Sea dispute continues to persist and is considered an arduous regional conflict in the Asia-Pacific region, revolving around territorial sovereignty and other maritime claims. The unresolved nature of this maritime dispute is considered to remain an obstacle to peace and security in Southeast Asia (SEA). Apart from territorial claims, other traditional and non-traditional maritime threats also require attention. Addressing these issues is crucial to ensuring the safety of the SCS, which is also one of the most strategic maritime corridors in the world, in terms of the trade volume passing through its waters. Existing tensions are disrupting the economic dynamics in the region, not only among states such as the Philippines, Vietnam and other ASEAN countries directly involved as territorial claimants, but also among extra-regional countries including India – the subject of this paper - which display an increasing interest in the region (Chaturvedy, 2015).

Maritime Security in the South China Sea: Traditional/Non-traditional Security Issues

Many scholars have stated that the South China Sea dispute is to remain a threat to stability, peace and security for the ASEAN countries for at least the next 20 years (Chaturvedy, 2015). The dispute dates back to 1947, when a map was issued by China¹ (at the time still under the flag of the ROC), claiming sovereignty over islands and small features including the Spratly and Paracel islands in the South China Sea (Jawli, 2016). The passage is one of the most resource-rich seas in the world and a vital source of economic and political value to the surrounding countries, enjoying the abundance of natural reserves and strategic location of the SCS. In March 2019, the Socialist Republic of Vietnam claimed to have experienced a breach in its sovereignty. A Chinese vessel committed what Vietnam described as an act of violence in the Hoang Sa archipelago, asserting that the lives and properties of Vietnamese fishermen were threatened and damaged. A second event of intrusion in Vietnam's Exclusive Economic Zone (EEZ)² and territory was declared to have taken place took place in July 2019 (Chaudhury, 2019) and drawn upon as evidence of growing aggressive behaviour by China.

Following the China-Vietnam incident in the South China Sea in 2019, Vietnam insisted China to refrain from breaching its sovereignty and requested the international community to join efforts in maintaining security, order and peace in the SCS (Wu, 2019). Apart from Vietnam, Singapore and the Philippines have also shared similar sentiments toward the Chinese dominance and expressed their wish to resolve the situation diplomatically. Singapore pointed out that the SCS dispute is not only about territorial sovereignty, but

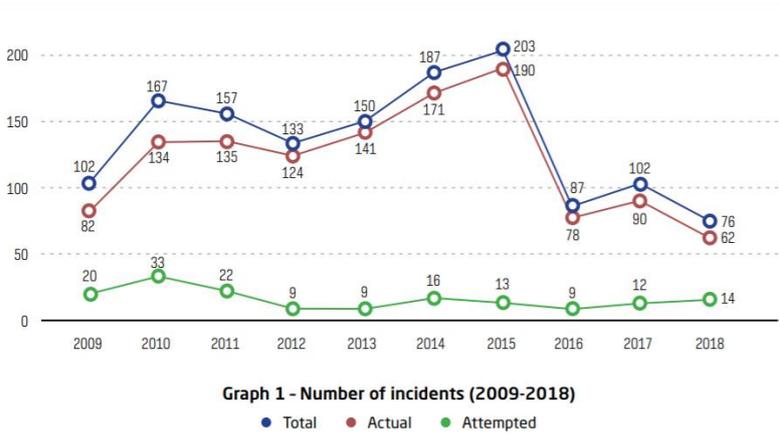
¹ China (encompassing mainland China and Taiwan) as the Republic of China (ROC) claimed ownership of the entire sea, citing 2,000 years of history, when it drew up the map in 1947.

² An Exclusive Economic Zone (EEZ) is a concept, whereby a coastal State assumes jurisdiction over the exploration and exploitation of marine resources in its adjacent section of the continental shelf, taken to be a band extending 200 miles from the shore (OECD).

also about traditional and non-traditional security challenges hindering Singapore’s access to the sea – vital for its survival and prosperity (Collin, 2013).

Overall, there is a clear need to address maritime safety in non-traditional issues, in addition to the persistent geopolitical and territorial dispute pertaining to the utilisation and exploitation of oil and gas resources in the SCS. Whilst this is crucial, the lack of scrutiny for transnational crimes is likely to be demonstrated by a recent decline in incidents of sea robbery in comparison to previous years. In this regard, it is a significant moment for the provision of additional assistance by India. Thereby, highlighting the pertinence for increased realisation by ASEAN nations to intensify their efforts – both among themselves and with India - on fighting unconventional maritime threats and consider it a primary concern, in order to ensure secure and peaceful relations and navigation among the entities having a stake in the South China Sea (Collin, 2019).

Moreover, apart from geopolitical security concerns of territorial claims, as a member of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), India has raised concerns on issues such as the freedom of navigation. Over the past couple of years, operations in SCS waters are known to have been obstructed due to piracy and other dangerous activities. Hence, India and other maritime powers operating in the region have expressed and will continue to display unease, especially considering the lack of attention paid to unconventional maritime security issues occurring in the South China Sea. For example, the attack by pirates on a South Korean dry bulk vessel near the Strait of Singapore - located on the southern edge of the South China Sea - depicts the necessity for more stringent and consistent maritime security measures along one of the most important sea routes in the world.



As indicated in the graph above, in 2018, a total of seventy-six events of piracy³ and armed robbery⁴ occurred, of which sixty-two of them accounted for actual incidents and fourteen attempted incidents. Over a period of 12 years (2007-2018), the SCS has seen a sixty seven percent decrease in non-traditional incidents. Namely, piracy-related and hijackings of oil and cargo ships 2018 displayed the lowest number, while by contrast 2015 illustrated the highest number of incidents ranging from piracy to hijacking of ships (76 versus 203 incidents). Of these seventy-six events in 2018, four incidents were related to piracy, all of which occurred in the South China Sea. Moreover, with regard to the Strait of Malacca and Singapore (SOMS), incidents over recent years have remained similar, with the highest accounted for again in 2015 (ReCAAP, 2018). As a result, the numbers displayed in the graph demonstrate the necessity to focus on non-traditional security issues in order to safeguard the waterways through the South China Sea.

Rationale for India's involvement

China's basis for claiming the waters in the region is historically rooted. It persists that it does not have limitations in these waters, based on historical claims of ownership as depicted in a drawing of its map of the South China Sea dating from 1947. However, China maintains that these demarcations on land are well-defined and ought to be abided by (Sundar, 2017). Moreover, China's territorial claims appear to be strong, as was evident in a statement by its Defence Minister, Wei Fenghe, "We will not relinquish a single inch of territory passed down from our forefathers" (Bangkok Post, 2019). Consequently, Indian support for strategic security, freedom of navigation and respect of the rules-based order is highly desirable for ASEAN countries being subdued by China's authority in these waters, as well as for India itself. In this respect, India has voiced its concerns on the growing hegemonic power of China in the SCS, which is also hindering its interests.

From a maritime security perspective, China's extension of its Exclusive Economic Zone (EEZ) into the South China Sea and militarisation of the islands near the Spratlys displays that the area has become an anti-access zone for international navigations. India's prosperity depends heavily on sea trade. Hence, should China decide to limit access and freedom of navigation by controlling vital sea points - such as the Straits of Malacca and Singapore - and thence barring foreign vessels from entering, this could severely impact India (Sahu, 2019). Due to the possibility of the South China Sea being converted into a 'Chinese lake' by claiming the territory, India has become apprehensive of China. In order to deter such an occurrence, the Indian navy authorities would need to advance their maritime presence and naval partnership in Southeast Asia (Chaturvedy, 2015).

Unlike typical maritime security threats, such as illegal fishing and smuggling, a territorial dispute over the SCS posits a different security issue. It demonstrates a potential for armed conflict to erupt in the area, causing disruptions to the freedom of navigation. This would be calamitous and mainly unfavourable to India and the claimant states in the South China Sea. India's enhanced role in the region is not only expected to be beneficial to the maritime countries surrounding the SCS, but also to serve India's own interests. As

³ Definition of piracy is in accordance with Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS).

⁴ Definition of armed robbery against ships is in accordance with the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships of the International Maritime Organisation (IMO) Assembly Resolution A.1025.

mentioned above, freedom of navigation in the SCS is crucial to India, as fifty five percent of India's trade depends on the safety of this passageway and outlines an 'unimpeded rite of passage'.

Consequently, peace and stability in the SCS waters is necessary for the successful advancement of India's Indo-Pacific vision. This vision, revolves primarily around trade and economics. However, India also highlights other crucial aspects the vision encompasses, such as maritime structure and domain awareness, strategic coherence and joint exercises for better interoperability in the Asia-Pacific region (Chaudhury & Saha, 2019). In terms of economic security concerns, any obstruction to the freedom of navigation will negatively affect the processes of this very vision (Chaturvedy, 2015).

Can India be a stabiliser in the SCS dispute and become a regional security provider?

Unconventional maritime concerns and the escalation of the SCS territorial dispute, are creating rifts and divergences among ASEAN countries over the territorial claims of some of the islands in the South China Sea. Thereby, leading to greater friction towards the effective functioning of security mechanisms in Asia and severe effects in the realm of international security. China-ASEAN relations are under strain and India seems eager to fill the void as a responsible regional stakeholder (Pant & Deb, 2017). As a leading power, India intends to play a larger role in settling the SCS dispute and to stabilise the situation. Although India is neither a claimant state nor has a direct connection to the South China Sea, it wishes to enter the stage in order to meet its own interests. India is not a competitor and rather wishes to play the role of an external balancer in the SCS maritime territorial dispute. Despite not having a direct connection to it, the South China sea is (a) crucial (sea line) for Indian trade and the expansion of its Indo-Pacific initiative. Additionally, it has the potential to enhance regional growth and further India's engagement with South East Asia. However, India should tread lightly so as to protect its trade relations with China at the same time. Hence, the questions remain whether and how India can successfully fulfil its role as an 'external balancer'.

China's unilateral attempts to claim and dominate the SCS have been discussed at ASEAN and related summits, such as the East Asia Summit (EAS) in early November 2019 (Bangkok Post, 2019). Due to India's lack of direct interest in the region and its prominence as a benign neighbour, Vietnam and other ASEAN nations have requested its assistance in engaging in and stabilising naval cooperation in the region – and to balance China's assertiveness in the South China Sea (Economic Times, 2019; Singh, 2019; Sundar, 2017).

Furthermore, as much as the South East Asian countries are keen on partnering with India and establishing stronger economic and strategic ties, India has its own agenda in attempting to curtail China's dominance and aspirations to become a regional security power in the SCS (Economic Times, 2019). In view of ASEAN nations seeking ways to respond to and prevent a China-driven East Asian security order, engaging India as an extra-regional power could serve as a constructive step (Sukma, 2010; Chellaney, 2010). China's rise and increasing trade with ASEAN underscores India's need to increase its collaboration with ASEAN (Hong, 2006). India is seizing the opportunity to utilise its regional standing for setting up collaborations and functional frameworks with like-minded ASEAN countries and thereby exert its influence. (Singh, 2019). It is thereby assuring the deterrence of unilateral authoritativeness by diffusing tension and preventing the potential of an armed conflict, working towards creating a stable environment in South East Asia.

India and its maritime pro-activity in the South China Sea

ASEAN regional security has been shaping up over recent years and is increasingly influenced by China and India as major powers (Sukma, 2010). At the same time, New Delhi has indicated its willingness to expand its military role there. This is manifesting itself through growing investment and maritime development strategies in the South China Sea. It includes greater scrutiny of ports and shipping, the construction of commercial fleets, modernisation of regional naval and coastguard forces, as well as the overall protection of exclusive economic zones following the Vietnam case. The changing dynamics of the region are intensifying maritime security cooperation amongst Southeast Asian countries and India (Singh, 2019).

India's defence links have increased overtime, in particular in the naval domain. India has deepened bilateral and multilateral engagement on various levels with the Southeast Asian countries. Mutually supporting each other in the South China Sea and the Bay of Bengal, has allowed the ASEAN nations and India to sustain and bolster relations, such as port calls to friendly countries and transits (Jawli, 2016). The relations between India and ASEAN have evolved over recent times. It is only a matter of time before India's naval capabilities, maritime infrastructure, closer naval partnerships and capacity building progresses into stronger cooperative partnerships with the East Asian region (Williams, 2013). The collaborative interests between the ASEAN countries and India are further evident through the prioritisation of freedom of navigation and overflight in the South China Sea – which were key aspects discussed at the ASEAN-India Summit in November 2019.

India's presence and engagement in security cooperation in the SCS ought to pose itself as a formidable power with the ability to limit China from its behaviour and give rise to India as a major regional power and security provider in Asia. Despite India attempting to foster cooperation, the ASEAN nations themselves have their respective national policies in place and interests in maintaining and securing their sovereignty. Therefore, as a non-littoral state in the South China Sea, India prefers to utilise a 'defensive mind-set', which indicates a more subtle and benign approach to the issue.

India's efforts and joint action with South East Asian countries in the SCS could be perceived as a threat to and by China. This makes it pertinent for India not to overtly engage in military activities to provoke China and refrain from joint patrolling with the US, rather pursuing an independent military strategy (Sundar, 2017). Keeping this in mind, Indian authorities have clearly expressed the extent of their involvement. This was demonstrated by not selling offensive weapon systems to littoral states, deploying vessels to the area in defence of their economic interests, and developing an operational doctrine to defend sea lines of communication east of Malacca (Chaturvedy, 2015). Hence, depicting India's respect of a multi-polar world and ideals of democracy through soft power strategies as well as the degree of their associations with ASEAN.

Moreover, India prefers to utilise consultative and non-prescriptive institutional mechanisms, considering the regions' preferences for consensus-based approaches to resolve issues (Gupta, 2018). Southeast Asian partners have emphasised the need for a peaceful resolution, opposing the use of threat or force. They have expressed their wish to ensure peace and stability in order to secure India's point of entry and access to the SCS from the Straits of Malacca and Singapore to the point of access in the Pacific. Finally, international laws, including the United Nations Convention on the Law of the Sea (UNCLOS) should be adhered to in order to guarantee security for Indian vessels sailing across the South China Sea (Chaturvedy, 2015).

On the one hand, India has observed how Singapore, Vietnam and Myanmar appear to be more invested in India's role as a security provider in comparison to Malaysia or Indonesia – due to the sensitivity attached to security in the Malacca Strait. On the other hand, Laos and Cambodia enjoy closer relations with China, whereas the Philippines, Thailand and Brunei remain undecided on India's role as a security provider. This results in difficulties

in reaching unanimous decisions on the courses of action to be taken (Mahmood, 2018), thereby highlighting the lack of pan-ASEAN unity and questioning the extent to which each of the ASEAN nations encourages and accepts India's involvement (Malhotra, 2018).

India has been relatively successful in expanding its position to Southeast Asia and must remain flexible and discreet. This behaviour will appeal to the more hesitant ASEAN nations, as India gradually extends its security support. Progressing negotiations on establishing a Code of Conduct in the South China Sea should hence be further encouraged (Bangkok Post, 2019). As mentioned before, contrary to the promotion of India as a regional security provider and power by the ASEAN countries, there appears to be a gap between ASEAN's hopes for a stronger Indian security role in Southeast Asia and Delhi's capabilities (Mohan, 2013).

Consequently, although this gap introduces a level of ambiguity among both the ASEAN nations and India, strategically, India needs to take a more pro-active role and make clear commitments. This could be achieved through a consensus on what each ASEAN nation could expect from India with regard to the SCS (Gupta, 2018). Especially for India, solidarity between ASEAN countries is highly favourable compared to weaker coherence among the East Asians, due to the fact that it could introduce rivalry with external powers attempting to cooperate and resolve the SCS dispute. India is promoting the unity among ASEAN as a central pillar in shaping the Asia-Pacific region (Mohan, 2013).

In turn, India should foster this unity and utilise this opportunity to also contain China's authority and expand its Eastern connections through methods of policy strategies such as its 'Act East Policy' (AEP) (Jawli, 2016). The AEP is an updated foreign policy plan of the original Look East Policy (LEP) dating from 1991. By deploying its AEP policy, which also outlines maritime security as a fundamental feature, India intends to establish a pragmatic cooperative Asian security architecture with the countries to its East (Economic Times, 2019). Therefore, the expansion of a well-constructed AEP is a pertinent step in India's strategic outlook and has gathered momentum towards becoming more of an 'Act Indo-Pacific Policy', due to India placing the Indo-Pacific initiative at the core of its engagements in Southeast Asia and the South China Sea. The AEP grants India similar access and capability as China would in the Indian Ocean, in the event of the success of the Maritime Silk Route under China's Belt and Road Initiative (BRI). Subsequently, India's position in the SCS would serve as means to counterbalance the diplomatic and military influence China appears to be building up in the Indian Ocean.

Conclusion

In spite of the perceivable little consensus between the ASEAN countries on India's position in the region, India portrays itself as the one of the most valued and responsible external stakeholders in rebalancing the safety in the South China Sea. Therefore, in addition to the efforts and influence of India as a balancer, it is crucial for India that the ASEAN countries cooperate in order to tackle the SCS dispute and the further rise of China. As illustrated above, the Malacca Strait is a key passage for Indian vessels into the Western Pacific. In this case it would be crucial to ensure India's inclusion to gain more traction among the littoral states, in order to limit China's control over this area. The India-China power struggle is likely to continue, particularly with India seeking to increase its influence in the South China Sea. In turn, China has been emphasising that despite its name, the Indian Ocean, does not belong solely to India either (Jawli, 2016).

India and China uphold security priorities beyond the South China Sea and India intends on maintaining a respectable working alliance with China. Despite the wish of the ASEAN countries for India to take up an enhanced role in the SCS maritime dispute and provide assistance, it remains untenable, especially until convictions for China to respect India's

sphere of influence in the Indian Ocean and, in return, India's willingness to reciprocate this respect towards Beijing in the South China Sea will have materialised.

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