

India's Interests in The Freedom of Navigation in The South China Sea

Lokendra Kumar

*Senior Research Fellow
Centre for Security Studies
School of National Security Studies,
Central University of Gujarat, Gandhinagar
Email: kumarlokendra89@yahoo.in*

Dr. Kishor Jose

*Assistant Professor
Central University of Gujarat
Gandhinagar
Email: kishor@cug.ac.in*

Abstract

This paper focuses on India's maritime interests in the South China sea. The South China Sea is significant as it is one of the busiest waterways in the world in terms of commercial transportation routes. For the same reason, it has also been the center of disputes between many countries. It is attracting the great powers of the world due to its strategic center and natural resources. Therefore, India also has its strategic focus on the South China Sea since its commercial and economic relations with East Asia and the Pacific region are fast expanding.

Reference to this paper should be made as follows:

**Lokendra Kumar,
Dr. Kishor Jose**

India's Interests in The Freedom of Navigation in The South China Sea

Vol. XIII, No.1
Article No.04,
pp. 025-033

Similarity Check: 1%

<https://anubooks.com/jgv-vol-xiii-no-1-jan.-june-2022/>

DOI : <https://doi.org/10.31995/jgv.2022.v13i01.004>

Introduction

The South China Sea (SCS) is currently receiving global attention as it serves as the world's second-largest sea route with annual trade exceeding \$3 trillion (Sen, 2020). The SCS is a significant area of the Indo-Pacific region in terms of economic and strategic benefits. It is a useful gateway for many merchant shipping organizations globally. Therefore, it is also the site of several complicated regional disputes that have caused discord in the area and across the Indo-Pacific region. In case, if China gains control over these waters, it would affect significantly the current economic and geopolitical structure of the region. Geographically also the SCS has a significant position in Indo-Pacific geopolitics. Brunei, Cambodia, China, Indonesia, Malaysia, Philippines, Singapore, Taiwan, Thailand, and Vietnam are all the nations bordered by the South China Sea (Sen, 2020). Five other nations, including Vietnam, Brunei, Taiwan, Malaysia, and, the Philippines also claim this area. China has been the root of the main dispute in the region, which also considers the international border as its jurisdiction. The region has been the center of great controversy for oil and mineral resources. The problem of navigation has increased due to disputes between different countries and China's unilateral authority. The dispute and the problem of shipping in this region have attracted the attention of the world and the region has become an arena of war among the major global powers. The United States along with other countries thinks that the customary principle of 'Freedom of Navigation' in the SCS is essential. So that traffic in this area can be managed straightforwardly. India's economic and commercial relations with the Pacific region in general and the East-Asian countries, in particular, are rapidly developing in the twenty-first century, making this region immensely significant to the country. India believes that the conflict on the sea coast of Southeast ASEAN countries is a litmus test for international maritime law. Whereas, the United Nations Convention on the Law of the Sea (UNCLOS) should be utilized to ensure freedom of navigation and commercial access in the region (Javali, 2016). In the Indian Navy doctrine of 2007, the South China Sea was defined as an "area of strategic importance," and India's ambition is to extend its sphere of influence beyond the Indian Ocean into the SCS. This was also highlighted in the current Act East Asia Strategy. India has often stated that it can deploy its navy in the South China Sea to protect its energy interests (Suresh, 2016). The Indo-Pacific area has become a strategic focus for both India and China because they are actively competing in it. China seeks to gain an economic and geopolitical advantage by obtaining access to major ports, but India's role in the region is to maintain free sea lanes, particularly in the region. India's role is perceived as the defender of the status quo established

by the US in this region. Particularly to maintain open sea routes and freedom of navigation (Thakker, 2019).

Maritime interest in the South China Sea:

This region along with many other countries is interested in the SCS. This reflects its economic and political importance. These include territorial domain over coral reefs and islands, the claim's right to build up freedom of navigation on the seas and maritime resources in the region with continuing new naval modernization. After 2006 the South China Sea become the key maritime security issue and later turn into a competition for the claim and maritime rights in that region (Fravel, 2012).

The Strategic Importance of The South China Sea

The SCS is a strategic location for India. Geographically, the region is connected to the East China Sea and the Indian Ocean by the 'Strait of Malacca'. It serves as an artery for important sea routes to South Asian states. It is a very important waterway for Indian maritime trade also (Chong, 2018). India's interest is not merely a concern of stronger cooperation with ASEAN countries in the SCS, but also it is one of the busiest shipping lanes for both commercial and naval traffic. As per India's Ministry of External Affairs (MEA), over \$5 trillion worth of trade passes through the SCS, that is 55 percent of India's trade passing through its waterways and the Strait of Malacca (Krishnan, 2021). Moreover, with an estimated total trade of \$71 billion (2016/2017), the ASEAN is one of India's most important trading partners. Another prominent interest of India in the SCS is energy resources. The potential discovery of energy in the region has attracted India's attention (Chong, 2018). The sea is also an important trade route for liquefied natural gas as about 40% of global LNG trade through the SCS in 2016 (Barden, Jones et. al, 2017). As per a report by the Energy Intelligence Agency, the SCS is likely to have approximately 190 trillion cubic feet of natural gas and approximately 11 billion barrels of oil. Additionally, it is home to diverse ecosystems that contain a variety of fish, coral reefs, mangroves, and seagrass species (Basu & Chaturved, 2021). Due to this, it is rich in sea resources. This makes it an important source of energy for countries such as India and China. In the case of India, with the rising demand for energy as it ranked fourth globally in terms of energy consumption in 2011, after only China, the USA, and Russia, the demand and imports for energy are likely to rise in the future years. That's why India is becoming more reliant on imported mineral oil. Because of this, India needs to investigate a variety of energy sources, including exploration for oil and gas. Therefore in 2011, India and Vietnam agreed to explore oil and gas in the SCS. As a result, India has established itself as a significant participant in the SCS (Villaruel, 2015).

India is also concerned about an expansion in Chinese activity in the SCS, as any conflict in the region may jeopardize India's SLOC and marine trade. India's strategic maritime interests extend to maritime barrier points in the Straits of Malacca and the Indian Ocean. To fulfill the interests of India, it is critical to ensure freedom of navigation in these vast waterways, as well as unrestricted access to the region's marine routes. Primary maritime routes also known as 'Sea Lines of Communication' (SLOC) that traverse through the SCS are vital not only to India but also to all the Asian countries. India is interested in freedom of navigation, even though it is not a contender for regional conflicts in the region (Baruah, 2013). However, China has been claiming "indisputable sovereignty" over the South China Sea and its islands for a long time. Therefore, India, for the first time, has become involved in the Sino-Vietnamese maritime conflict. According to the MEA expects a strong Chinese reaction to the ONGC Videsh move, but India is prepared to cope with it (ET Bureau & Agencies, 2011). This concern is rooted in India's maritime doctrine, which emphasizes the need to protect our economic interests. This aspect is an integral part of India's Maritime Doctrine. Indian Navy Chief DK Joshi has indicated that his country is ready to intervene in the South China Sea. If our exploration joint venture with Oil and Natural Gas Corporation (ONGC) Vietnam is threatened. "Not that we expect to be in those waters again and again, but when circumstances require that the interests of the country are involved, for example, ONGC Videsh, we have to go there and we are ready for that"(Keck, 2012).

Relevance of The South China Sea for India

The East Asian countries are significant for the fast-growing economy of India. The Act East Policy is the best example of the same. Today, our relations with Asian countries are growing rapidly, and the pace of trade has also been faster. Therefore, the increasing speed of trade and the strategic relationship with fast-growing Asian countries made the importance of South China bigger for us. For India, the SCS is important from the perspectives of economic and strategic location. The SCS has been prominently involved in the economic, political, and security discourse of India. India claims no territory in the South China Sea. However, India's significant security interests lie in the SCS, making this region important for India (Sakhuja & Jha, 2016). The SCS being an important shipping way in East Asia forms an imperative maritime strategic link between the Indian Ocean and the Pacific Ocean. The region largely influences India's strategic vision as a growing force in terms of its wide economic and security role in the "Indo-Pacific (Singh, 2016). The current government also has realized the strategic and geo-economic importance of SCS to India. Therefore, it is dedicated to being a dependable security supplier to

improve ties with Southeast Asian countries. As a result, India, the USA, and Vietnam have reaffirmed their support for maritime security and freedom of navigation at the East Asian Summit, 2014. According to UNCLOS, India has also been a strong supporter of the peaceful resolution of conflicts in the region (Suresh, 2016). Recently, the Indian Ministry of External Affairs affirmed its view regarding the status of the South China Sea as part of the global commons, and India's interest in the continuation of harmony and stability in the region is of paramount importance. They stated that "We firmly stand for the freedom of navigation and overflight and unimpeded lawful commerce in these international waterways, following international law, notably UNCLOS (United Nations Convention on the Law of the Sea)". Additionally, India also believes that any differences should be resolved peacefully, respecting legal and diplomatic procedures and without the use or threat of force (Press Trust of India, 2018).

In terms of strategic resources, the SCS contains estimated total oil reserves of 28 billion barrels with proved oil reserves of 7.7 billion barrels. Natural gas reserves in the region are estimated as 266 trillion cubic feet, emphasizing the region's importance. India trades about \$200 billion through SCS and this trade represents our long-standing relationship with our Southeast Asian countries. Additionally, at the Present time, Thousands of Indian citizens are studying and investing in ASEAN countries such as China, Japan and the Republic of Korea (Sen, 2020).

India and Freedom of Navigation in The SCS

The South China Sea is a major commercial waterway. Maritime issues in the region affect all Asian countries. Although India is not a party to any territorial conflict in the region, even Freedom of Navigation (FON) in the SCS is important to India as about half of India's trade from the SCS goes to the Asia-Pacific countries in the east. At present, as the focal point of the global economy is moving towards the South East and East Asia, this region will define the future of India's trade (Sakhuja and Jha, 2016). India's major trade with the East Asian countries is through the SCS. Therefore, India needs freedom of navigation for safer maritime trade. From the perspective of energy resource supply, India depends on different countries in which sea trade plays an important role. Its main examples are India's oil and gas discoveries in Myanmar and Vietnam. Moreover, if we talk about the India-ASEAN trade, it is flooding very fast. Therefore, any threat to the FON in the SCS may affect the economic interests of India. India's concern is with its neighbor China, as she considers the international waters of the SCS as its share and if China controls this maritime location, it will have an impact on our maritime transport. Therefore, our priority is to maintain free navigation in the SCS. Apart from the growing defense

relations between India and Japan, they are also increasingly building defense relations with Vietnam. Unlike China, India's growing strategic relations with ASEAN states are also in our security interests (Singh, 2016). During the 17th ASEAN-India Summit, the Government of India stated, "India and Asia's strategic partnership is based on our shared rich historical, geographical and cultural heritage. ASEAN is the nodal center of our 'act east policy' since the very beginning. There is ample closeness between India's Indo-Pacific Oceans Initiative and Asia's Outlook on Indo Pacific. We firmly believe that a cohesive and responsive Asean is essential for security and growth for all in the region" (Chaudhury, 2020).

Under international law, any coastal state that extends 12 nautical miles from its territorial marine baseline is considered sovereign territory. Beyond this point, the territory is not regarded as a state's sovereign territory; it is considered part of international waters. However, China claims sovereignty over most SCS islands. Article 6 of the China Regional Law of 1992 states: "Foreign ships for non-military purposes shall enjoy the right of innocent passage through the territorial sea of the People's Republic of China following the law" and stated that "for military purposes, foreign ships entering the territorial sea of the People's Republic of China For, will be subject to approval by the Government of the People's Republic of China." Two incidents between Indian Navy ships over navigation occurred in the SCS. The first incident occurred on 22 July 2011, when Indian Naval Ship INS Airavat was making a port call from Nha Trang to Haiphong in Vietnam. A caller identified it as "Chinese Navy" and announced on an open radio channel 45 nautical miles off the Vietnamese coast in the SCS that "you are entering Chinese waters". The other incident occurred in June 2012, during which the People's Liberation Army Navy furnished an open escort to an Indian Navy squadron SCS. Indian Navy ships were in international waters at the time. This isn't the first time Chinese officials have intercepted Indian ships; the same thing happened in 1958 and 2001. The global community is upset by China's efforts to enforce its laws in the international waters of the SCS, which could at any moment worsen the situation in the region and turn into a devastating conflict (Barua, 2013).

The MEA announced on May 10, 2012, responding to inquiries from the media about recent activities in the SCS: "We have been following with concern recent developments involving China and the Philippines in the South China Sea. The maintenance of peace and security in the region is of vital interest to the international community. India urges both countries to exercise restraint and resolve the issue diplomatically according to principles of international law" (Press Trust of India, 2012). During the Shangri-La Dialogue 2012, Indian Defense Ministry

stated that “Like individual freedoms, the fullness of maritime freedoms can be realized only when all states, big and small, are willing to abide by universally agreed laws and principles” (Barua, 2013).

The Indian Navy Chief said that we are ready to deploy ships in the SCS to guard our oil interests. The Indian ONGC-Videsh acquired three oil blocks in Vietnam from SCS in 2011, which are deep-water offshore blocks. Whose security will be the responsibility of our Navy and for that we will need to go there. That’s because India has invested \$ 600 million to find oil and gas here. China has objected to the oil exploration blocks acquired by India in the SCS. The Indian Navy described the state of affairs as “complicated” due to China’s expanding naval development in the SCS. This modernization of the Chinese Navy is also a cause of apprehension for other countries including India, which may affect shipping. Free navigation in the SCS is a global issue, not just ours (Kumar, 2012). Therefore, not only we, but all countries, want disputes in the SCS to be resolved peacefully and based on the law as set out in the United Nations Convention Law of the Sea.

Conclusion

The SCS is attracting many countries including India due to its maritime shipping passes and natural energy resources. The region has emerged as a global flashpoint due to a dispute between several countries. The scope of this growing dispute has affected the freedom of navigation in the South China Sea. India considers the SCS to be a part of the global commons and wishes for issues to be resolved with peace and following the law. These will serve economic, maritime, and strategic interests for maritime trade passing through the SCS. India has explained its position on the SCS that there must not be any obstacle to FON in international waters. The Indian Navy must enhance its collaboration with important ASEAN countries to safeguard its interests in the SCS; India must defend the FON doctrine by sharing its interests with the big powers. India’s partnership with Southeast Asian states will facilitate greater security arrangements, especially with Singapore, Indonesia, the Philippines, and Vietnam. The deepening of India’s economic and maritime security cooperation with ASEAN countries will reflect our new and stronger interest in the region.

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