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**The Role of India in Shaping Maritime Governance
in the Indian Ocean Region
after the End of the Cold War**

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AALCO - African-Asian Legal Consultative Organisation

ACB - ASEAN Centre for Biodiversity

ADMM – the ASEAN Defence Ministers Meeting

AIGF - ASEAN-India Green Fund

AIM Strategy - Africa's Integrated Maritime Strategy

AIP - Air Independent Propulsion

AIS - Automatic Identification System

ANC - Andaman and Nicobar Command

APEIs - Areas of Potential Environmental Interest

ARF - ASEAN Regional Forum

ASEAN – Association of Southeast Asian Nations

BIMSTEC - the Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation

BJP - the Bharatiya Janata Party

BOBLME - the Bay of Bengal Large Marine Ecosystem

CBMS - Confidence Building Measures

CDRI - the Coalition for Disaster Resilient Infrastructure

CFE - Consent for Establishment

CFO - Consent for Operation

CGPCS - the Contact Group of Piracy off the Coast of Somalia

CIDCA - the China International Development Cooperation Agency

CIOB - the Central Indian Ocean Basin

CITES - Convention on International Trade in Endangered Species of Wild Fauna and Flora

CLCS - the Commission on the Limits of the Continental Shelf

CMI – the International Maritime Committee

COP - the Conference of the Parties of the United Nations Framework Convention on Climate Change

CORPATs - Coordinated Patrols

CPCB - Central Pollution Control Board

CPEC - the China-Pakistan Economic Corridor

DOD - the Department for Ocean Development

DOM - Deep Ocean Mission

EAS - East Asia Summit

EEZ – Exclusive Economic Zone

EU NAVFOR - the European Union Naval Force

FAO - the Food and Agriculture Organization

GAP - Ganga Action Plan

GCC - Gulf Cooperation Council

GDP – Gross Domestic Product

GGI-OSOWOG – the Green Grids Initiative – One Sun One World One Grid

HADR - Humanitarian Assistance and Disaster Relief

IBSA - India-Brazil-South Africa Forum

ICJ - the International Court of Justice

IDSA - Institute for Defence Studies and Analyses

IFC-IOR - Information Fusion Centre for the Indian Ocean Region

IMBL - the International Maritime Boundary Line

IMO - the International Maritime Organisation

IMP - Integrated Maritime Policy

INIP - Indian Naval Indigenisation Plan

IOM - Integrated Oceans Management

IOMAC - the Indian Ocean Marine Affairs Cooperation

IONS – the Indian Ocean Naval Symposium

IOC - Indian Oil Corp. Ltd

IOR – the Indian Ocean Region

IORA – the Indian Ocean Rim Association

IOR-ARC - the Indian Ocean Rim Association for Regional Cooperation

IOTC – the Indian Ocean Tuna Commission

IOZP - the Zone of Peace in the Indian Ocean

IPCC - the Intergovernmental Panel on Climate Change

IREL - Indian Rare Earths Limited

IRIS – the Infrastructure for Resilient Island States

IRTC - the Internationally Recognised Transit Corridor

ISA - the International Seabed Authority

ISA - the International Solar Alliance (ISA)

ITLOS - International Tribunal for the Law of the Sea

IUU - Illegal, Unreported and Unregulated Fishing

JIOS - the Journal of Indian Ocean Studies

JMSDF - Japanese Maritime Self-Defense Force

LCOI - the Law Commission of India

LIMO - Low Intensity Maritime Operations

LMEs - Large Marine Ecosystems

LRIT - Long Range Identification and Tracking

MCPP - the Navy's Maritime Capability Perspective Plan

MDA - Maritime Domain Awareness

MEA – the Ministry of External Affairs of the Republic of India

MFRA - the Marine Fishing Regulation Act

MILAN - the Meeting of the Littorals of Bay of Bengal and Andaman & Nicobar

MOD – the Ministry of Defence of the Republic of India

MoEFCC - the Ministry of Environment, Forest and Climate Change

MoSPI - the Ministry of Statistics and Programmeme Implementation

MPA - Maritime Patrol Aircraft

MSIS - Merchant Ship Information System

MSR - Marine Scientific Research

NAM – the Non-Aligned Movement

NAPCC - the National Action Plan on Climate Change

NBA - the National Biodiversity Authority of India

NCCR - National Centre for Coastal Research

NCSMCS - the National Committee Strengthening Maritime and Coastal Security

NEO - Non-combatant Evacuation Operations

NFU – No-First-Use principle

NITI Aayog - the National Institution for Transforming India

ONGC - the Indian Oil and Natural Gas Corporation

ORF – the Observer Research Foundation

PASSEX - Passage Exercise

PCA - the Permanent Court of Arbitration

PCIJ - the Permanent Court of International Justice

PROMISE - the Prevention of Marine Litter in the Lakshadweep Sea

QUAD - Quadrilateral Cooperation

RAN - Royal Australian Navy

ReCAAP - the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

REE - Rare Earth Elements

SAARC – South Asia Association of Regional Cooperation

SACEP - the South Asian Cooperative Environment Programmeme

SADC - the Southern African Development Community

SAGAR – Security and Growth for All in the Region

SDG – Sustainable Development Goals

SEANWFZ - the Southeast Asian Nuclear Weapon-Free Zone

SHADE - the Shared Awareness and Deconfliction

SIDS - Small Island Developing States

SLBM - Submarine-Launched Ballistic Missile

SLOCs - Sea Lines of Communication

SSBN - the Nuclear Powered Ballistic-Missile Submarines

SSN - Nuclear Attack Submarines

SST - Sea Surface Temperatures

TERI – the Energy and Resource Institute

TFM - Technology Facilitation Mechanism

TTX - Table Top Exercises

UKMTO - the UK Maritime Trade Operation

UN – the United Nations

UNCLOS – the United Nations Convention on the Law of the Sea

UNCLOS-III - the Third Conference on the Law of the Sea

UNESCO - the United Nations Educational, Scientific and Cultural Organisation

UNFCCC – the United Nations Framework Convention on Climate Change

UNGA - the United Nations General Assembly

UNOPS - the United Nations Office for Project Services

VOD - Dutch East India Company

WMD - Weapons of Mass Destruction

WP – the Western Pacific

WWI – the World War One

WWII – the World War Two

ZOPFAN - Zone of Peace, Freedom and Neutrality

Introduction

Identification of the research problem and justification for its selection

"The Indian Ocean region is not only fascinating geography, but a certain concept (…) that makes us aware of the existence of a multifaceted and multipolar reality, and allows us to see this world rich in its traditions as a coherent whole."[1]

"The world speaks of a 21st century driven by the dynamism and the energy of Asia and the Pacific. But, its course will be determined by the tides of the Indian Ocean. (…) India is at the crossroads of the Indian Ocean. The Indian Ocean Region is at the top of our policy priorities."[2]

The Indian Ocean Region is defined as the region stretching "from the Strait of Malacca and western coast of Australia in the East to the Mozambique Channel in the West, the Persian Gulf and the Arabian Sea in the North,"[3] and Amsterdam Island, Crozet Islands, Kerguelen (France), Heard Island and McDonald Islands (Australia) in the South.

India is the biggest and most populous littoral country in the Indian Ocean Region, serving as a bridge between the Central and Eastern Indian Ocean, with a centuries-long tradition of trade and spiritual expansion in the Indian Ocean, as well as maritime thinking and modern build-up of maritime power status.[4]

After the end of the Cold War India realised the scope of the changes that occurred in the region and the rise of the maritime factor in international relations. Therefore, the main research problem examined in this study is the evolution of policies and the role of India in shaping maritime governance in the Indian Ocean Region from an international relations perspective in its political, institutional, legal and economic dimensions.

The selection of the research problem is justified on the following premises:

1. the rise of India in the international relations after the end of the Cold War;
2. the leap in importance of the Indian Ocean Region in international relations;

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[1] R. Kaplan, *Monsun. Ocean Indyjski i przyszłość amerykańskiej dominacji (The Indian Ocean and the Future of American Power)*, Wydawnictwo Czarne, Wołowiec 2012, p.13

[2] *Text of the PM's Remarks on the Commissioning of Coast Ship Barracuda*, Prime Minister of India, Mauritius, March 12, 2015, https://www.narendramodi.in/text-of-the-pms-remarks-on-the-commissioning-of-coast-ship-barracuda-2954, access 20.10.2017

[3] D.M. Baruah, *What is Happening in the Indian Ocean?*, Carnegie Endowment for International Peace, March 23, 2021, https://carnegieendowment.org/2021/03/03/what-is-happening-in-indian-ocean-pub-83948, access 10.04.2021

[4] Maritime power status of India is understood as the extensive use of the seas and sea resources in a sustainable way, enhancing economic growth, national security, environmental protection and political status.

3. the change of India's policy in the Indian Ocean Region;

4. the development of a new order in oceans and maritime governance.

In relation to the first premise – the rise of India in international relations after the end of the Cold War - under the fast development of globalisation, India transformed its economy and foreign policy, achieving many development successes and elevating its standing at the global level:

- India's GDP grew 11 times from 293,2 billion USD in 1991 to 3468,57 billion USD in 2022,[5] making India the fifth economy in the world;[6]

- the total value of India's goods exports increased more than 16 times: from $18 billion to over $300 billion;[7]

- India's GDP annual growth was 5,48% in 1991[8] and 8.7% in 2022;[9]

- India became a founding member of WTO (1995), IORA (1997), G20 (1999), and BRICS (2001);[10]

- India became a strategic partner of the United States(2005),[11] the European Union (2004),[12] Japan(2006),[13] and the Association of Southeast Asian Nations (2012);[14]

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[5] *India: Gross domestic product (GDP) in current prices from 1987 to 2027*, Statista – source - IMF World Economic Outlook Database, October 2022, https://www.statista.com/statistics/263771/gross-domestic-product-gdp-in-india/, access 07.01.2023

[6] J. Myers, *India is now the world's 5th largest economy,* World Economic Forum, February 19, 2020, https://www.weforum.org/agenda/2020/02/india-gdp-economy-growth-uk-france/#:~:text=Data%20from%20the %20IMF%20shows%20India%20has%20risen,its%20growth%2C%20challenges%20remain%2C%20from%20s ustainability%20to%20infrastructure., access 12.04.2020

[7] P. Jha, *Patterns of trade. South-south exchange matters most*, Development and Cooperation, 20.02.2019, https://www.dandc.eu/en/article/patterns-indias-foreign-trade-have-changed-dramatically-past-three-decades

[8] *India GDP Growth Rate 1961-2023*, Macrotrends – source – World Bank, https://www.macrotrends.net/ countries/IND/india/gdp-growth-rate, access 07.01.2023

[9] N. Bhardwaj, *India's GDP Grows 8.7% in FY 2022*, India Briefing, Dezan and Shira Associates, New Delhi June 6, 2022, https://www.india-briefing.com/news/indias-gdp-grows-8-7-per cent-in-fy-2022-25216.html/, access 07.01.2023

[10] *What is BRICS*, The Economic Times, New Delhi 06 January 2023, https://economictimes.indiatimes. com/definition/brics, access 07.01.2023

[11] *Fact Sheet: The U.S. – India Relationship – Strategic Partnership*, The White House, Office of the Press Secretary, Washington September 2008, https://georgewbush-whitehouse.archive.gov/news/releases/2008/ 09/20080926-10.html , access 15.04.2021

[12] *Bilateral and Regional Cooperation – India*, European Commission, https://ec.europa.eu/ environment/international_issues/relations_india_en.htm, access 5.09.2020

[13] *Japan-India Relations (Basic Data)*, Ministry of Foreign Affairs of Japan, January 12, 2023, https://www.mofa.go.jp/region/asia-paci/india/data.html, access 19.01.2023

[14] *Plan of Action to Implement the Asean-India Partnership for Peace, Progress and Shared Prosperity (2016-2020)*, ASEAN Secretariat, Jakarta, https://asean.org/wp-content/uploads/images/2015/ August/POA_India/ ASEAN-India%20POA%20-%20FINAL.pdf, access 12.04.2020

- India is ranked 17th, representing 1% of world merchant fleet tonnage in DWT terms.[15]

The end of the Cold War brought fundamental changes to India's perspective of the international order. The disintegration of the Soviet Union was a shock for Indian experts and decision-makers, leaving them "completely confused and bewildered."[16] "The fall of the Soviet Union forced the Indian elites to change their understanding of foreign policy and attitude towards the concept of global politics with the recognition of the hegemonic position of the United States."[17] For Indians, deeply rooted in their civilisational and colonial narratives, accustomed to the long durability of systems of values and geopolitical conditions, the rapid fall of the socialist system created in their lifetime was a cognitive shock. The close political, economic, and defence ties with the Soviet Union and its satellites established two decades earlier had to be completely re-evaluated.

The dependence on suppliers from the Eastern Block in most civil and defence sectors forced the Indian government and businesses to adjust their policies at the beginning of the 1990s with no time for reflection or debate, on what they were used to before. Another critical change experienced by Indians was the rapprochement of Russia, started in the time of the Soviet Union by Gorbachev, and key partners from Southeast and East Asia with China, which triggered the normalisation process between New Delhi and Beijing.[18]

The first Gulf War (1990-91) caused another traumatic experience, strategic miscalculation, and shift in Indian foreign policy, this time towards Gulf countries, from which India was dependent for 40% of its annual oil imports and remittances from Indian workers.[19] There were also some other conflicts in the Indian Ocean Region, primarily internal, which like in Afghanistan and Myanmar, intensified after the end of the Cold War and had far-reaching consequences for the stability of India's immediate neighbourhood and its security.

The end of the Cold War also brought a different perspective on the place of developing countries among the priorities of countries from both the Eastern and Western Bloc. They started to focus more on developments in countries undergoing democratic transformation or

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[15] A. Devli, *Building an India-owned merchant fleet*, Gateway House – Indian Council on Global Relations, Mumbai 26.12.2019, https://www.gatewayhouse.in/india-owned-merchant-fleet/, access 07.01.2023

[16] M. Kohli, *Disintegration of the Soviet Union: Implications for India*, India Quarterly, July-September, Vol. 49, No. 3, 1993, p. 85

[17] T. Łukaszuk, *The evolution of India-Central Europe relations after the Cold War*, Studia Politologiczne, Vol. 56, Warszawa 2020, p.243

[18] S. Mansingh, *India-China Relations in the Post-Cold War Era*, University of California, Asian Survey, Vol. 34, No. 3, March 1994, p. 285

[19] J.M. Malik, *India's Response to the Gulf Crisis: Implications for Indian Foreign Policy*, University of California Press, Asian Survey, Vol. 31, No. 9, September 1991, p. 847

regaining independence and less on the developing world in Asia, including India. A significant proof of the departure from the old divisions into two blocs and a group of developing countries was the establishment of the Asia-Pacific Economic Cooperation Forum (APEC). The inclusion in APEC of Indonesia and other ASEAN members, so far active in the Non-Aligned Movement, and the lack of an invitation for India, was a clear signal for India in which direction the international economy in Asia and the Pacific was progressing, and what should be done to follow its dynamics.

In relation to the second premise, the Indian Ocean found its place among priorities in maritime strategies of the USA (The Pentagon's 2010 Quadrennial Defense Review; A Cooperative Strategy for 21st Century Seapower),[20] Japan (2011 National Defense Policy Guidelines; Free and Open Pacific Ocean and Indian Ocean 2007),[21] China (The Belt and Road Initiative 2013),[22] the European Union (European Union Naval Force Operation Atalanta 2008)[23] and Australia (2000 Defence White Paper, Maritime Strategy 2004, National Marine Science Plan 2015-2025),[24] as the result of the shift of global economic gravity towards Asia after the end of the Cold War. The growth of regional and transcontinental trade and cross-border investment accelerated dramatically in the Indian Ocean Region (IOR). Containing 2.5 billion people - 30% of the world population[25], the IOR became, in the last thirty one years

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[20] J. T. Conway, G. Roughead, T. W. Allen, *A Cooperative Strategy for 21st Century Seapower*, Naval War College Review, Vol. 61, No. 1, 2008, p.5, https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1751 &context=nwc-review, access 20.10.2018; Quadrennial Defence Review, U.S. Department of Defense, https://dod.defense.gov/News/Special-Reports/QDR/

[21] H. Yoshimatsu, *Japan's Infrastructure Investment in the Indian Ocean: Checking China, Securing the Sea Lanes*, The French Institute of International Relations, Center for Asian Studies, September 2021, https://www.ifri.org/en/publications/notes-de-lifri/asie-visions/japans-infrastructure-investment-indian-ocean-checking, access 03.11.2021; *National Defense Program Guidelines for Fy 2011 and beyond*, the Security Council and the Cabinet of Japan, December 17, 2010, https://www.mofa.go.jp/policy/security/pdfs/h23_ndpg_en.pdf; *Confluence of the Two Seas*, Speech by H.E. Mr. Shinzo Abe, Prime Minister of Japan at the Parliament of the Republic of India, New Delhi August 22, 2007, https://www.mofa.go.jp/region/asia-paci/pmv0708/speech-2.html

[22] *Full text of the Vision for Maritime Cooperation under the Belt and Road Initiative*, The State Council of People's Republic of China, Jun 20, 2017, http://english.www.gov.cn/archive/publications /2017/06/20/ content_281475691873460.htm, access 20.10.2018, D. Scott, *Chinese Maritime Strategy for the Indian Ocean*, Center for International Maritime Security, November 28, 2017, https://cimsec.org/chinese-maritime-strategy-indian-ocean/, access 20.10.2018

[23] *COUNCIL JOINT ACTION 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast*, EUR-Lex, 10 November 2008, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0851, access 14.07.2018

[24] *Australia's Maritime Strategy*, the Joint Standing Committee on Foreign Affairs Defence and Trade, Parliament of Australia, Canberra 21 June 2004, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint /Completed_Inquiries/jfadt/maritime/report, access 20.04.2018; *The National Marine Science Plan 2015-2025*, National Marine Science Committee, https://www.marinescience.net.au/nationalmarinescienceplan /#:~:text= The%20National%20Marine%20Science%20Committee%20launched%20the%20National,and%20government %20departments%20and%20more%20than%20500%20scientists., access 20.04.2018

[25] A. Javaid, *Indian Ocean*, https://www.jagranjosh.com/general-knowledge/indian-ocean-region-ior-16044 99932-1, access 02.12.2018

(1991-2022), the busiest and most significant communication corridor, with 61% of world container traffic[26] and 70% of world petroleum transit.[27] Sea Lines of Communication (SLOCs) linked strategic choke points from the West to the East – from Bab el Mandeb and Hormuz Strait (40% of world crude oil trade) to Malacca Strait (40% of world trade).[28] The IOR accounts for 66 % of the world's oil deposits.[29] With over 75% of the world's maritime trade and 50% of daily global oil consumption passing through the region, the IOR turned into a vital component of world trade and of the economic prosperity of many nations.[30] "The Indian Ocean holds the key to the 21st century, called the 'Asian century,'[31] which has assumed its name because of significantly growing very large Asian economies. The Indian Ocean can thus colloquially be called the centre of the world."[32] The Indian Ocean has also been described as "the busiest East-West trade corridor." [33] At the same time, piracy and terrorism are the most significant threats to the security of this "trade corridor," which serves as the bloodstream of global trade.

The unique geopolitical role of the IOR is also marked by the rise of China and quest to access the Indian Ocean as an area of crucial international commercial transportation and the theatre of maritime military operations, especially in the Eastern part of the Ocean. China has been systematically enhancing its naval capabilities and civilian maritime outreach activities since 2008,[34] having constructed civilian ports at Gwadar (Pakistan), Hambantota and Colombo (Sri Lanka), Male (Maldives), and Payra (Bangladesh), as a part of the New Maritime Silk Road programme.[35] Chinese activities also applied to the Western part of the Indian Ocean, where its

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[26]B. Chellaney, *Stability key in Indian Ocean*, Nikkei Asia 29.11.2015, https://asia.nikkei.com/NAR/Articles/Stability-key-in-Indian-Ocean, access 02.12.2018

[27] Ibidem

[28] *Malacca Strait is a strategic 'chokepoint'*, Reuters 4.03.2010, https://www.reuters.com/article/idINIndia-46652220100304, access 03.10.2018

[29] H. Siddiqui, *India's SAGAR inaugurated, to help fight maritime piracy and terrorism*, Financial Express, New Delhi 23.12.2018, https://www.financialexpress.com/defence/indias-sagar-inaugurated-to-help-fight-maritime-piracy-and-terrorism/1422761/, access 09.03.2019

[30] Ibidem

[31] J. Woetzel, J. Seong, *We have entered the Asian Century and there is no turning back*, World Economic Forum, Project Syndicate, October 11, 2019, https://www.weforum.org/agenda/2019/10/has-world-entered-asian-century-what-does-it-mean/ , access 19.01.2020

[32] V. Kalyani, *India: A Credible Leader for the Indian Ocean Region*, Chintan India Foundation Blogs, 27.01.2021, https://chintan.indiafoundation.in/articles/india-a-credible-leader-for-the-ior/?msclkid=6e79d31dcf6f11ecb0f73329c54c5b70, access 9.05.2021

[33] Ch. Finnigan, *South Asia's logistical hub: Challenges and opportunities for Sri Lanka's transshipment future*, London School of Economics South Asia Centre, London 21.06.2019, https://blogs.lse.ac.uk/southasia/2019/06/21/south-asias-logistics-hub-challenges-and-opportunities-for-sri-lankas-transshipment-future/, access 05.04.2020

[34] P. Odhiambo, *China's Geostrategic Interests in the Indian Ocean Region: Implications for Kenya*, The African Review 47 (2020), p. 378, https://brill.com/downloadpdf/journals/tare/47/2/article-p377_6.pdf, access 14.09.2021

[35] The New Maritime Silk Road Initiative was announced by China's president Xi Jinping in Jakarta (Indonesia) in 2013.

naval base in Djibouti was established, the first one outside mainland China. All those movements created new conditions for competition with the United States and India. These new conditions in the Indian Ocean Region concerned not only the area of maritime security, economy but also the legal framework.

As for the third premise, India renewed, modernised and deepened its engagement in maritime governance in the Indian Ocean Region after the Cold War by building domestic institutions (the Ministry of Ocean Development 2006),[36] conceptualising its policies through laws, programmes, doctrines and strategies in legal (Eleventh Schedule of the Constitution)[37] security (Maritime Doctrine 2004 and 2009, Maritime Security Strategy 2007 and 2015)[38], economic (Maritime Agenda 2010-2020, Sagarmala 2015, Sagar 2015),[39] and environmental (The Vision 2015 Perspective Plan 2002)[40] areas.

For the purpose of enhancing its involvement in maritime governance India also utilised its traditional connections through a "Mausam" Project,[41] as they have always played a significant role in the history of the Indian Ocean. The patterns of ancient India's maritime policy can be found in Vedas and Ramayana, with detailed descriptions of sea routes to the East (Java, Sumatra) and the West (Egypt, Greece). The Indian Ocean enabled the expansion of Indian culture and religion, spreading Buddhist and Hindu concepts of life and state organisation across Southeast and East Asia. Indian traders established links across the Indian Ocean, disrupted by the rise of Islam and the arrival of colonial powers.

India's intensified its endeavours in maritime security policy in the Indian Ocean after the end of the Cold War as its two biggest bays—the Arabian Sea and the Bay of Bengal,[42]

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[36] T.G. Puthucherril, *A Case Study of India's Policy and Legal Regimes on Ocean Governance*, in B. Cicin-Sain, D.L. Vanderzwaag and M.C. Balgos (Editors), *Routledge Handbook of National and Regional Ocean Policies*, Routledge, London and New York 2015, p. 465

[37] T.G. Puthucherril, *A Case Study of India's Policy and Legal Regimes on Ocean Governance*, op. cit., p. 469

[38] *Indian Maritime Doctrine - 2015 Version*, the Indian Navy, https://indiannavy.nic.in/content/indian-maritime-doctrine-2015-version, access 10.10.2018; *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015

[39] A. Vijay, *Blue Economy: A Catalyst for India's 'Neighbourhood First Policy'*, National Maritime Foundation, New Delhi, 18 April 2017, https://maritimeindia.org/View Profile/636280804754906758.pdf, access 20.03.2018; Sagarmala, Ministry of Ports, Shipping and Waterways, Government of India, http://sagarmala.gov.in/, access 15.03.2018; Sarangi S., Unpacking SAGAR (Security and Growth for All in the Region), United Service Institution for India, Centre for Strategic Studies and Simulation, Occasional Paper 2/2019, https://www.researchgate.net/publication/347497121_Unpacking_SAGAR_Security_and_Growth_for_All_in_the_Region, access 02.05.2020

[40] T.G. Puthucherril, *A Case Study of India's Policy and Legal Regimes on Ocean Governance*, op. cit., p. 469

[41] *Mausam: Maritime Routes and Cultural Landscapes*, Ministry of Culture, Government of India, https://www.indiaculture.nic.in/project-mausam, access 25.05.2020

[42] M. Joshi, *India (re)discovers the Indian Ocean*, Observer Research Foundation, Aug 23 2019, https://www.orfonline.org/research/india-rediscovers-the-indian-ocean-54684/, access 03.04.2021

became the primary areas of India's energy security interests in the IOR.[43] Protecting the Sea Lines of Communication (SLOCs) is critical since they comprise the channel through which 83 per cent of India's crude oil has been transported. Ninety-five per cent of Indian trade is carried out using the same oceanic lines. Another task for India is to protect coastal areas, recalling the Mumbai attack of November 2008,[44] and Sri Lanka-based terrorism,[45] both coming from the sea on the Western coast. After that comes the importance of protecting its island territories in the Bay of Bengal (the Andaman and Nicobar Islands) and the Arabian Sea(Lakshadweep Islands), and, finally, the 2.37 million square km of the Exclusive Economic Zones with essential fishery resources, as well as the country's most important domestic oil reserves.[46]

In economic area, taking into consideration the liberal political and economic systems started to successfully prevail in Southeast and Northeast Asia in the 1990s, the Indian government decided to re-evaluate the model of its economic policy, opening to the outside world in search for a new, even more, important place in the new international order. "A country that was once inward-looking and insecure about its place in the world is now a confident, emerging power."[47]

Those changes contributed to the recalibration of India's instruments and priorities in the Indian Ocean Region. The IOR was at the top of India's foreign policy priorities as an essential element of its activities within regional and sub-regional institutions, where the Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation (BIMSTEC) established in 1997 and the Indian Ocean Rim Association (IORA) in 1995, were among the most significant. The Indian Navy was modernised and transformed from "brown", coastal, to "blue", oceanic,[48] following the strategic maritime documents published in the first two decades of the 21st century. As the biggest democratic country and the fifth economy in the world,[49]

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[43] *Ensuring Secure Seas: Indian Maritime Security Strategy*, op. cit.

[44] November 26th , 2008, a terrorist attack occurred on four hotels in Mumbai; 166 people died and 300 were injured.

[45] The assassination of Rajiv Gandhi by a suicide bomber in the state of Tamil Nadu in May 1991, after three years of Indian Peace Keeping Force (IPKF) involvement in a peacekeeping operation in Sri Lanka between 1987 and 1990. For more details see: S. Destradi, *India and Sri Lanka's Civil War: The Failure of Regional Conflict Management in South Asia*, Asian Survey, University of California Press, Vol. 52, No. 3 (May/June 2012), pp. 595-616

[46] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015

[47] A. Kapur, *India's Path Was Paved by Soviet Fall*, The New York Times, November 19, 2009, https://www.nytimes.com/2009/11/20/world/asia/20iht-letter.html, access 05.08.2020

[48] T. Lukaszuk, *Indian and Australian Maritime Security Doctrines in the Indian Ocean Region in the 21st Century. Christian Bueger's Matrix of Maritime Security Approach*, Polish Political Science Yearbook, vol. 49(4) (2020), p.123

[49] J. Myers, *India is now the world's 5th largest economy*, World Economic Forum, Feb. 19, 2020, https://www.weforum.org/agenda/2020/02/india-gdp-economy-growth-uk-france/#:~:text=Data%20from%20the

India has been striving for leadership in the sustainable development among IOR countries belonging to the Global South. The institutional framework of economic security built by India in the IOR in cooperation with regional and extra-regional actors like the EU and the USA, based on the rules-based order approach, has been considered as an alternative to the Chinese model being implemented in the IOR, with utilization among others the New Maritime Silk Road programme.

As per the fourth premise, the United Nations Convention on the Law of the Sea (UNCLOS), which came into force in 1994, was the main pillar of the changes in the legal framework in the IOR, what brought a new quality not only to the legal order but also to policies of regional and extra-regional countries and their concept of management and utilization of the maritime domain in the region. It created the legal and institutional bases for the new, peaceful delimitation of boundaries, environmental protection, maritime economy, and sustainable development. The preamble of the UNCLOS brought the incipience of the modern concept of maritime governance and integrated maritime policy by emphasising that "the problems of the ocean space are closely interrelated and need to be considered as a whole."[50] Furthermore, it introduced into the law of the sea the concept of the common heritage of humankind with the responsibility of all countries for the exploration and exploitation of the sea bed beyond the national jurisdiction for the benefit of the whole of humankind.[51] Mechanisms and institutions covering climate change, environmental protection, and the maritime (blue) economy with the use of living and non-living marine resources in a sustainable way were established.

Another novelty that occurred in the Indian Ocean Region as a result of the Convention and the debate at the Third Conference on the Law of the Sea(1973-1982) preceding it was the apprehension that all these interconnected spheres involved not only states but also non-state actors. The qualitative and quantitative changes in the location and influence of non-state stakeholders like transnational corporations and non-governmental organisations put immense pressure on states and their role in the maritime domain. It required them to re-evaluate their policies and take on new tasks related to coordinating and orienting activities of all parties involved in maritime governance.

These new challenges in maritime governance within the Indian Ocean Region mainly concerned the most prominent states such as India, South Africa, and Indonesia. They utilised

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%20IMF%20shows%20India%20has%20risen,its%20growth%2C%20challenges%20remain% 2C%20from%20 sustainability%20to%20infrastructure., access 07.01.2023

[50] *United Nations Convention on the Law of the Sea*, in A.V. Lowe and S.A.G. Talmon, *Basic Documents of the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.270
[51] Ibidem

regional international organisations, where those countries served as leaders like the African Union, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, and the Association of Southeast Asian Nations, which approved and started to introduce executive integrated maritime strategies.[52] The most interesting case among them is India, which not only utilised the existing institutional framework but also created new entities boosting cooperation among littorals.

The research scope includes India's policies in the Indian Ocean Region in maritime governance. The term Indo-Pacific appeared in the academic and strategic discourse about India's maritime policy in 2007.[53] From that time, however, the majority of scholars, analysts and decision-makers in India attached primary importance to the Indian Ocean Region, which was manifested by the following facts:

1. the term Indo-Pacific was only mentioned for the first time in the Annual Report of the Ministry of External Affairs of the Republic of India (MEA) in 2019.[54]

2. the strategic documents of the Indian Government focused on the Indian Ocean Region[55] - when discussing Indo-Pacific, the part covering the Indian Ocean was presented as a primary interests' area and the Western Pacific as a secondary;

3. in the annual reports of the Ministry of Defence the term Indo-Pacific was utilised to describe the relations with the Western Pacific countries;[56]

4. civilian and naval diplomatic activities concentrated on the Indian Ocean littorals and institutions like BIMSTEC, IORA and the Indian Ocean Naval Symposium (IONS);[57]

5. there was the awareness of the differences between the Indian Ocean Region and the Western Pacific (WP) in the academic discourse, where the Indian Ocean is closer to India in its key features and parameters in various areas of maritime

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[52] *2050 Africa's Integrated Maritime Strategy (2050 AIM Strategy)*, African Union, www.au.int/maritime, access 08.06.2022; C. Thia-Eng and L. R. Garces, *Marine living resources management in the ASEAN region: lessons learned and the integrated management approach*, in A. Sasekumar, N. Marshall & D. J. Macintosh, *Ecology and Conservation of Southeast Asian Marine and Freshwater Environments including Wetlands*, Springer Science+Business Media, B.V., e-book, https://link.springer.com/content/pdf/10.1007/978-94-011-0958-1.pdf, p.257; *BIMSTEC-Sectors of Cooperation*, https://bimstec.org/?page_id=3919, access 02.08.2019
[53] G.S. Khurana, *Security of Sea Lines: Prospects for India-Japan Cooperation*, Strategic Analysis (IDSA/ Routledge), Vol. 31 (1), January 2007, p.139 – 153
[54] *Annual Report 2019-2020*, Ministry of External Affairs, Government of India, New Delhi 2020, p.10, http://www.mea.gov.in/Uploads/PublicationDocs/32489_AR_Spread_2020_new.pdf, access 24.08.2022
[55] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015,p.32; *Annual Report 2018-2019*, Ministry of Defence, Government of India, p.4, https://www. mod.gov.in /sites/default/files/MoDAR2018.pdf, access 20.10.2019; Annual Report MEA
[56] Annual Report 2017-2018, Ministry of Defence, Government of India 2018, p.4
[57] V. Mishra, *Consolidating India's Indian Ocean Strategy*, The Diplomat, June 07, 2019, https://thediplomat.com/ 2019/06/consolidating-indias-indian-ocean-strategy/, access 15.07.2019

governance as reflected in the citation from Gurpreet Khurana's article: "Undeniably, the IOR and the WP differ substantially in nearly all aspects, ranging from the levels of economic development of countries and their social parameters, to the security environment."[58]

The research scope is narrowed to the four areas of maritime governance: the legal framework, security, environment, and economy, as presented in the model of maritime governance (Graph 1). The model of maritime governance was created on the basis of Christian Bueger's matrix.[59] The matrix considered the broad scope and understanding of maritime security as a complex of interdependent multi-layer correlations between military, economic, environmental, and human security areas in the 21st century. It refers to *semiotic* dimensions in thinking about security in general and interrelations between its particular areas.[60] Bueger's matrix consisted of one independent variable – maritime security and four main dependent variables with ten sub-dependent variables related to each of them and inter-related among each other: national security (sea power, inter-state disputes, arms proliferation, terrorists' acts), economic development (blue economy, fishing), marine environment (marine safety, accidents), and human security (resilience, human trafficking).

The model applied in the dissertation consists of five elements:

- maritime governance as a central element
- and four major elements:
1. maritime legal framework,
2. maritime security,
3. sustainable development,
4. marine environment.

The structure of the dissertation includes the elements of the model.

The chosen time framework of the dissertation-1991-2022, was a time of foundational changes in the Indian economy, security, and socio-political system – the period after the end of the Cold War until 2022 – three dynamic decades which turned India to an acknowledged regional player in international relations in the Indian Ocean.

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[58] G.S. Khurana, *The 'Indo-Pacific' Concept: Retrospect and Prospect*, Center for Maritime International Security, November 14, 2017, https://cimsec.org/indo-pacific-concept-retrospect-prospect/, 20.09.2018
[59] C. Bueger, *What is maritime security?*, Marine Policy 53(2015), p.160
[60] Semiotic approach means an analysis of country's maritime policies with consideration of symbolic meanings and correlations between particular words and terms related to the sea and oceans, as well as areas of maritime governance, in relation to religion and traditions.

1991 was a breakthrough for India, opening its society and economy to the outside world. The government in New Delhi introduced a new economic policy based on liberalisation and privatization, that became a key to the success of India within the process globalisation, as it became one of its greatest beneficiaries. "The year 1991 will always be remembered for the economic reforms that proved to be a watershed moment in the Indian economy, putting India on the global map and made it a flourishing market that it remains till today."[61] As a consequence, India started to modernise its maritime policies, expanding its ports and merchant fleet to secure the transportation of its growing trade. The fall of the Soviet Union in 1991, its strategic partner since 1971, the key provider of military equipment, including for the Navy, and a vital trade partner, had a profound impact on India. "It paved the way for a reinvention of the country: from a stultified, socialist economy to a more dynamic, capitalist one; from a foreign policy defined by suspicion of America to one defined by shared interests and even mutual affection; and from public attitudes that frowned on individualism, consumerism and ambition to a nation that today exalts those same qualities."[62]

Setting 2022 as the cut-off date for the dissertation research is justified by two important events this year:

1. the induction into the Indian Navy of the INS Vikrant, the first Indian indigenously built aircraft carrier, as a prove of India's maritime power projection as a 'blue, oceanic Navy;'[63]

2. the first China-Indian Ocean Region Forum was held in Kunming, China, organised by the China International Development Cooperation Agency (CIDCA), with the participation of 19 IOR littorals and India's absence;[64] India considered it as a significant institutional move and a new chapter in the competition for leadership in 0maritime governance in the IOR, nine years after the start of China's another institution – the Belt and Road Initiative and twenty-five years after the establishment of India's led institution – the Indian Ocean Rim Association.

[61] *1991:The Year that changed India*, Asia Society, Mumbai 9.11.2016, https://asiasociety.org/ india/events/1991 the-year-changed-india, access 14.11.2018

[62] A. Kapur, *India's Path Was Paved by Soviet Fall*, New York Times, Nov. 19, 2009, https://www.nytimes.com/ 2009/11/20/world/asia/20iht-letter.html, access 20.12.2020

[63] H. Prajapati, *The Threats India's New Aircraft Carrier Will Face*, The Diplomat, October 1, 2022, https://thediplomat.com/2022/09/the-threats-indias-new-aircraft-carrier-will-face/, access 20.11.2022

[64] N. Sathiya Moorthy, *Beijing's growing forays: The first China-Indian Ocean Region Forum*, Observer Research Foundation, Raisina Debates, New Delhi 03 December 2022, https://www.orfonline.org/expert-speak/beijings-growing-forays-the-first-china-indian-ocean-region-forum/, access 20.12.2022

Literature review and the research gap

The research related to the dissertation topic has mainly been conducted by scholars from India, the United Kingdom, Australia, and the USA. Groups in Indian academic literature related to the dissertation topic can be identified in terms of the type of research entities and their location, as well as the subject of publications.

Among the significant research entities in India which have carried out studies on India in maritime governance from international relations perspective, the following six should be mentioned:

1. School of International Studies, Jawaharlal Nehru University, New Delhi, the most famous and internationally acknowledged center for international studies in India, with professors: Gulshan Sachdeva, Swaran Singh, Rajendra Jain, and G.V.C. Naidu;

2. The Society for Indian Ocean Studies, established in 1993 by professor Satish Chandra in New Delhi; the Society published the tri-annual Journal of Indian Ocean Studies and became a center for academic research on the Indian Ocean until 2011;

3. The Centre for Maritime Studies at the Pondicherry University (South India), established in 2014 and led by professor Adluri Subramanyam Raju, cooperating with the leading scholars from other universities in South India, including Mumbai University, University of Madras, and Indian Maritime University in Chennai, like professor Uttara Sutrashabuddhe and professor Lawrence Prabhakar Williams;

4. Gateway House-Indian Council on Global Relations in Mumbai, private think-tank established in 2009, gathering scholars like Neelam Deo, Amit Bhandari, Rajiv Bhatia, publishing reports and maps related to maritime governance;

5. The Observer Research Foundation in New Delhi, a private think tank established in 1990, with Indian experts in international relations, like Rajeswari Pillai Rajagopalan, Manoj Joshi, Abhijit Singh and Harsh Pant, also working for the universities in the UK and the USA, inherited part of the group from the Society for Indian Studies and after 2011 became a leading civilian center for maritime studies in the North;

6. The National Maritime Foundation, the official Indian Navy think-tank, established in 2005 in support of the armed forces think-tank Institute for Defence Studies and Analyses (IDSA), with leading experts on maritime affairs, active in the debate on the Indian Ocean in the first two decades of the 21st century, like Gurpreet Khurana, Vijay Sakhuja and Chitrapu Uday Bashkar, retired navy officers.

Topics covered in publications corresponded to the stages of development of maritime international studies in India and seven groups could be identified among them:

1. India's strategic security dilemmas in the 1970s, when maritime awareness grew in India influenced by the role of the Navy in the 1971 war with Pakistan, debate within the Third United Nations Conference on the Law of the Sea (1973-1982) and the withdrawal of British naval forces from the Indian Ocean (1968).[65] Scholars discussed India's unsuccessful endeavor in the 1970s to turn the Indian Ocean into a Zone of Peace[66] and the perspectives of naval buildup as an independent sea power or in partnership with the US or the Soviet Union, utilising realist perspectives: Devendra Kaushik (*The Indian Ocean. Towards a Peace Zone*, 1972), K. P. Mishra (*Quest for an International Order in the Indian Ocean*, 1977), S.N. Kohli (*Sea Power and the Indian Ocean. With Special Reference to India,* 1978), Maharaj K. Chopra (*India and the Indian Ocean*, 1982);

2. different areas of maritime governance in the Indian Ocean after the end of the Cold War, under the influence of the shift in India's foreign policy and the publication of the Indian Maritime Doctrine in 2004, then in 2009, as well as the Indian Maritime Strategy in 2007 and in 2015:

security - R.S. Vasan (*Maritime Terrorism-an Indian Perspective*, 2005); P. S. Daas (*Indian Perspectives on Ocean Security*, 2006, *India's Security Concerns and Emerging Challenges for the Navy*, 2007); K. R. Singh (*New Challenges to Maritime Security: Legality and Legitimacy of Responses*, 2006); C. U. Bashkar (*Emerging India: Security and Foreign Policy Perspectives*, 2005; *Security Challenges along the Indian Ocean Littoral: Indian and US Perspectives*, 2011); V. Sakhuja (*Asian Maritime Power in the 21st Century. Strategic Transactions. China, India and Southeast Asia*, 2011, *Partnering Together for a Secure Maritime Future*, 2016, *Maritime Safety and Security in the Indian Ocean*, 2016; *Indian Navy Takes Lead to Build Indigenisation-Innovation Architecture*, 2020); B.N. Patel, A. Kumar

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[65] "British Prime Minister Harold Wilson announced in January 1968 that the United Kingdom would permanently withdraw its troops from the "east of Suez." The UK abandoned its military bases in the Middle East and Southeast Asia soon thereafter. Historians later marked this event as the official end of the British Empire." after Y. Zhang, *The Empire Strikes Back: Post-Brexit Britain's Return to East of Suez*, Journal of International Relations, Columbia/SIPA, February 08, 2019, https://jia.sipa.columbia.edu/online-articles/empire-strikes-back-post-brexit-britains-return-east-suez#:~:text=In%20January%201968%2C%20British%20Prime%20Minister%20Harold%20Wilson,as%20the%20official%20end%20of%20the%20British%20Empire.; access 19.01.2021

[66] Initiative of Sri Lanka and Tanzania supported by India, and adopted by the United Nations General Assembly Resolution 2832(XXVI) in 1971, Declaration of the Indian Ocean as a zone of peace, United Nations Disarmament Yearbook 1983, New York December 1983, pp. 375-389, https://www.un-ilibrary.org/content/books/9789210579872s005-c003#:~:text=Declaration%20of%20the%20Indian%20Ocean%20as%20a%20zone%20of%20peace,-READER&text=As%20a%20result%20of%20that,as%20a%20zone%20of%20peace.,access 19.01.2023

Malik, W. Nunes (*Indian Ocean and Maritime Security. Competition, Cooperation and Threat*, 2017); A. Singh (*Aggressive sea control isn't an option for India's navy*, 2021, *The decade of Mahanian defence — Maritime security trend lines in littoral-Asia*, 2020, *Rules-Based Maritime Security in Asia: A View from New Delhi*, 2020, *Maritime terrorism in Asia: An assessment*, 2019); R. P. Rajagopalan (*Colombo Security Conclave: A New Minilateral for the Indian Ocean?*, 2021, *Maritime Infrastructure Maritime Security. India Launches 3rd Arihant Submarine*, 2022);

legal affairs - S. Thacker (*Bridging the Gap in India's Maritime Laws*, 2004), R. Shah, (*Bangladesh–Myanmar ITLOS Verdict: Precedence for India?*, 2013), A. Sundaramurthy (*Delimitation of the Exclusive Economic Zone (EEZ) of the India-Indonesia Maritime Border, 2018*);

blue economy - S. Z. Qasim (*Indian Ocean and Investment Opportunities in the 21st Century*, 1994); M.N. Basiron and M. Zubir (*Environmental Security Issues in the Indian Ocean: Preliminary Analysis*, 2015); D. Jayaram (*Sustainable Marine Resource Governance in the Indian Ocean Region, 2016)*; S. Mukherjee and D. Chakraborty (*Walking a thin line between growth and development concerns? Environmental Governance in India*, 2015); P. Das, Sinha MK, A. Anrose, C. Babu (*Indian Deep Sea Fisheries - Its Prospects, Issues and Challenges*, 2017); H. Sinan, M. Bailey and W. Swartz (*Disentangling politics in the Indian Ocean Tuna Commission,* 2021); A. S. Raju (*Maritime Infrastructure in India. Challenges and Prospects*, 2018; *Blue Economy of India. Emerging Trends*, 2019; *Futures For BIMSTEC: Connectivity, Commerce And Security*, 2021);

3. the consequences of the rise of China in the Indian Ocean Region after 2008,[67] limitations of the competition between India and China, and possible convergence of interests in the face of asymmetric threats created by piracy and terrorism, as well as sustainable development goals: C. R. Mohan, (*Samudra Manthan. Sino-Indian Rivalry in the Indo-Pacific*, 2013); A. Mukherjee, C.R. Mohan (*India's Naval Strategy and Asian Security*, 2016); M.H. Rajesh (*China in the Indian Ocean. One Ocean, Many Strategies*, 2018); B. R. Deepak (*China's Global Rebalancing and the New Silk Road*, 2018); G.S. Khurana *(India as a Challenge to China's Belt and Road Initiative*, 2019);

4. perspectives of the development of India-US naval cooperation: A. Agarwal (*Indo-US Relations and Peace Prospects in South-West Indian Ocean,* 2008); Sugandha (*Evolution of Maritime Strategy and National Security of India*, 2008); B.N. Patel, A. Kumar Malik, W.

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[67] In 2008 China started to deploy naval vessels to the Indian Ocean near Yemen and Somalia to secure Chinese merchant fleet utilising the Sea Lines of Communication.

Nunes (*Indian Ocean and Maritime Security. Competition, Cooperation and Threat*, 2017); W. L. S. Prabhakar (*Growth of Naval Power in the Indian Ocean: Dynamics and Transformation*, 2016);V. Mishra (*India-US maritime cooperation: Crossing the Rubicon*, 2019);

5. the significance of the concept of Indo-Pacific in relation to India's interests in the Indian Ocean: A.S. Raju (*Indian Ocean and Indo-Pacific. India Betwixt*, 2020); G.S. Khurana (*Rules-Based Maritime Order in the Indo-Pacific: Challenges and Way Ahead*, 2022);

6. India's role as a net security provider in the Indian Ocean Region: S. S. Parmar (*Maritime Security in the Indian Ocean: An Indian Perspective*, 2014); D. Kumar (*Indian Ocean Region (IOR) : India as a Net Security Provider- The Way Ahead*, 2019); R. Roy-Chaudhury (*From 'net security provider' to 'preferred security partnerships': the rhetoric, reality and result of India's maritime security cooperation*, 2022);

7. maritime governance in various aspects: M. Gupta (*Indian Ocean Region. Maritime Regimes for Regional Cooperation*, 2010); V. Bharatan (*Making of a Maritime Governance Authority*, 2010); J. Schöttli (*Power, Politics and Maritime Governance in the Indian Ocean*, 2015, *Maritime Governance and South Asia. Trade, Security and Sustainable Development in the Indian Ocean*, 2018, *Security and growth for all in the Indian Ocean – maritime governance and India's foreign policy*, 2020); U.Sahasrabuddhe (*Rational Choice, Institutionalism* and *Maritime Good Order*, 2018), H. V. Pant and I. Lidarev (*India and maritime governance in the Indian Ocean: the impact of geopolitics on India's involvement in maritime governance*, 2022); A. S. Raju (*Good Order at Sea. Indian Perspective*, 2018; *Ocean Governance. Emerging Issues*, 2020).[68] H.V. Pant and I. Lidarev referred in their publication to the research of the author of the dissertation.[69] They stressed that "India has been both a key participant in maritime governance and a leading builder of maritime governance architecture in the Indian Ocean."[70]

The preoccupation with security issues could be observed in the USA. American researchers discussed the maritime security scenarios in the Indian Ocean Region and perspectives of the US-India cooperation, connecting the security in the IOR with the Western Pacific, especially the South China Sea dispute and the rise of China (J. Garofano, A. J. Dew, *Deep Currents and Rising Tides. The Indian Ocean and International Security*, 2013; P. Dombrowski, A. Winner, *The Indian Ocean and the US Grand Strategy. Ensuring Access and*

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[68] The author of the dissertation contributed chapters to two of volumes, edited by A.S. Raju: Chapters: *Maritime Governance in the 21st Century. Role of State and Non-State Actors* in Ocean Governance. Emerging Issues and *India and EU Cooperation in the Indian Ocean* in *Indian Ocean and Indo-Pacific. India Betwixt*.

[69] I. Lidarev and H. V. Pant, *India and maritime governance in the Indian ocean: the impact of geopolitics on India's involvement in maritime governance*, Contemporary South Asia 2022, Vol. 30, No. 2, p.270

[70] I. Lidarev and H. V. Pant, *India and maritime governance in the Indian ocean: the impact of geopolitics on India's involvement in maritime governance*, op. cit., p.272

Promoting Security, 2014; H.M. Hensel, A. Gupta, *Maritime Security in the Indian Ocean and Western Pacific*, 2018).

Australian scholar David Brewster (Australia National University) also focused on security issues (*India's Ocean. The Story of India's Bid for Regional Leadership*, 2014); together with Timothy Doyle and Dennis Rumley from Curtin University, Western Australia (*Indian Ocean Regionalism*, 2015), he belongs to the Indian Ocean Research Group. The Group associates scholars from different disciplines and countries with research interests in the Indian Ocean Region and publishes "The Journal of the Indian Ocean Region" with Sanjay Chaturvedi as a Chief-Editor. The Journal discusses various topics related to maritime governance as a whole (S. Upadhyaya, *Harmonizing maritime governance in the Indo-Pacific region*, 2022) or to some of its elements (P K Ghosh, *Evolving Indian Ocean governance architecture: an Indian perspective*, 2015; S.Chaturvedi, *Fisheries Exploitation in the Indian Ocean. Threats and Opportunities*, 2009, *Growing focus on the Western Indian Ocean: evolving equations,* 2022).

So far, no studies have been conducted in Poland devoted to the research problem of the dissertation. There has been a number of studies indirectly related to the research problem.

Scholars at the University of Warsaw explored selected aspects of maritime governance in relation to India and the Indian Ocean. Professor Edward Haliżak investigated key areas of regional maritime cooperation within his study on conceptualisation of maritime regionalism, featuring fisheries, environmental protection, security and scientific cooperation combined with the transfer of technology.[71] Among maritime regions he mentioned the Indian Ocean.[72] Professor Jakub Zajączkowski focused in his publications on security issues like India's partnership with the US and the competition with China as a part of great power rivalry using offensive realism, recognizing the significant role of India in the Indian Ocean Region, both political and military.[73]

Professor Agnieszka Kuszewska from the Warsaw University of Social Sciences and Humanities also drew attention to the security issues but in the context of Sea Lines of Communication, and India's decisions related to security, including the modernisation of the Indian Navy in the context of competition with China.[74]

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[71] E. Haliżak, *Stosunki Międzynarodowe w Regionie Azji i Pacyfiku*, Wydawnictwo Naukowe Scholar, Warszawa 1999, pp.48-49

[72] E. Haliżak, *Stosunki Międzynarodowe w Regionie Azji i Pacyfiku*, op. cit., pp. 44-45

[73] *Strategie morskie Indii, Chin i USA w regionie Oceanu Indyjskiego: analiza w kategoriach realizmu ofensywnego*, Stosunki Międzynarodowe – International Relations nr 2 (t. 51) 2015; *Indie – mocarstwo regionu Indo-Pacyfiku*, Stosunki Międzynarodowe – International Relations nr 4 (t. 51) 2015 ; *The United States in India's Strategy in the Indo-Pacific Region Since 2014*, Polish Political Science Yearbook 50(4), 2021

[74] A. Kuszewska, *Indie i Pakistan w stosunkach międzynarodowych. Konflikty, strategie , bezpieczeństwo*, Difin SA, Warszawa 2013, p.258

The major part of Polish maritime studies has been concentrated on European and global dimensions from the perspective of the international law. Dorota Pyć (*Zrównoważony rozwój w morskim planowaniu przestrzennym*, 2022, *Global Ocean Governance*, 2014, *Zintegrowane Zarządzanie Środowiskiem Morskim*, 2009), Monika Adamczak-Retecka (*Błękitna polityka Unii Europejskiej*, 2014), Zbigniew Godecki, Marta Bizewska (*Dalsza finansowa integracja polityki morskiej Unii Europejskiej*, 2012) published several articles on integrated maritime policy of the European Union and global ocean governance. Professor Dorota Pyć, from the Faculty of Law of the University of Gdańsk, devoted her publications primarily to legal aspects of maritime governance, discussing the issues related to the performance of Poland and the European Union in integrated maritime governance. In her deliberations on integrated maritime governance in the field of environmental protection, three basic principles were mooted as critical prerequisites of the effectiveness of endeavours in this area – unity (unity of global environmental system as an imperative for international cooperation) , integration (the necessity of bilateral and multilateral interstate multilayered collaboration) and solidarity (interrelation between human rights, development, global commons, social economy and culture of law).[75] In the course of the implementation of the EU integrated maritime policy in the second decade of the 21st century, she started to focus on the blue economy as a crucial part of the strategy of attaining sustainable development goals.[76] Professor Monika Adamczak-Retecka from the same Faculty, dedicated her work on the maritime dimension to the implementation of the European Union Integrated Maritime Policy. In the context of maritime governance, she pointed to a universal issue related to the need for "stable planning systems conducive to long-term investments and supporting cross–border cohesion, when investments in scientific research fully discount their own innovative potential in the maritime economy – this is the key to the sustainable development of oceans worldwide."[77]

Polish international lawyer and judge of the International Tribunal of the Law of the Sea and President of the Chamber for Fisheries Disputes since October 2020, Professor Stanisław Pawlak analysed the impact of UNCLOS on maritime governance in the context of critical challenges like climate change, piracy, and terrorism. He underscored the necessity of full

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[75] D. Pyć, *Zintegrowane zarządzanie środowiskiem morskim*, in C. Mik and K. Marciniak, *Konwencja NZ o prawie morza z 1982 r. W piętnastą rocznicę wejścia w życie*, Wydawnictwo Dom Organizatora, Toruń 2009, pp.373-376
[76] D. Pyć, *Zrównoważony rozwój w morskim planowaniu przestrzennym*, Konferencja *Zrównoważone planowanie przestrzenne. Zmiana paradygmatów*, Uniwersytet Gdański, Gdańsk, 13-14.05.2022 r., https://zielonakonferencja.im.edu.pl/wp-content/uploads/2022/05/Zielona-Konferencja-SD4MSP_Dorota-Pyc.pdf , access 14.08.2022
[77] M. Adamczak-Retecka, *'Błękitna polityka' Unii Europejskiej*, Uniwersytet Gdański, Gdańskie Studia Prawnicze, tom XXXII, 2014, p.20

implementation of UNCLOS and related agreements "to achieve the goals of establishing a legal order that will promote freedom of the sea, peaceful uses of the oceans, equitable and efficient utilisation of their resources, conservation of their living resources and protection and preservation of the marine environment."[78]

The analysis of the state of research indicates that the research gap on the dissertation's subject exists in the literature. The comprehensive research on India's role in the Indian Ocean's maritime governance from the international relations perspective has not been conducted yet. The completed studies indirectly related to the topic were partial and focused on selected areas. The conceptual and functional fragmentation in studies on India's activities in maritime governance in the Indian Ocean Region, combined with limited time scope, prevailed. In the case of the research on India's policy in maritime governance in the Indian Ocean Region, the publications of Indian scholars were mostly in the form of expert reports, without the use of an appropriate methodological framework. Most of them also discussed the components of India's activities in maritime governance in the Indian Ocean Region without an explanation of India's behaviour in the context of international relations and impact on its foreign policy, focusing on legal, security, economic and environmental aspects.

Research questions, hypothesis and research goals

Based on the review of the existing literature, four basic research questions were identified:

- *Why did India reshape the formula of its engagement in bilateral and multilateral cooperation in shaping maritime governance in the Indian Ocean Region after the end of the Cold War?*
- *What kind of instruments, based on existing maritime regimes and regulations, has India chosen to shape maritime governance in the Indian Ocean Region?*
- *How large is the scale of India's cooperation with regional and global actors in the Indian Ocean Region in the context of maritime governance?*
- *What impact has new India policy in shaping maritime governance had on its role in international relations in the Indian Ocean Region?*

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[78] S. Pawlak, *Some remarks on the Emergence of the International Law of the Sea*, in D. Pyć, J. Puszkarski (eds), *Global Ocean Governance. From Vision to Action,* Ars boni et Aequi, Poznań 2014, p.31

The research hypothesis was developed, stating that

after the end of the Cold War India redefined its attitude towards the Indian Ocean Region and actively started to shape maritime governance utilizing bilateral and multilateral instruments in four areas of maritime governance: legal, security, economic and environment. India facilitated its regional aspirations and successfully elevated its role, thereby attaining the status of a leading regional maritime power, recognised by regional and major extra-regional countries.

The research goals are related to the hypothesis and research questions and are as follows:

- the identification and analysis of the drivers of India's engagement in shaping maritime governance in the Indian Ocean Region;
- the reconstruction of the main assumptions of India's maritime policies in the context of maritime governance in the Indian Ocean Region;
- the empirical analysis of manifestations of India's activities in four elements of the maritime governance model;
- the indication of how India's activities in shaping maritime governance in IOR have affected India's role in the Indian Ocean Region.

Methodology and research methods

In order to answer the research questions and verify the hypothesis, an inductive and deductive research strategies have been applied. As a positivist approach, an inductive strategy is based on the analysis of observable phenomena and facts that help to discover regularities. Observable phenomena of states' behaviour by actions undertaken by India are explained and interpreted. In turn, a deductive approach was used to examine the behaviour of India in maritime governance in the Indian Ocean Region in terms of a neoliberal institutionalist approach.

A qualitative research method is utilized in the dissertation in order to both answer the research questions and verify the hypothesis in the form of::

- data collection;
- discourse analysis.

This method is oriented towards analyzing concrete cases in their temporal and local particularity. In international relations studies, a qualitative method is utilized to understand or

to explain the complexity of world affairs focusing on the processes creating international politics on global and regional scales. A particular explanation is necessary at the local level taking into account all historical and cultural factors and conditions, including diversity of political and institutional systems. In the case of India and the Indian Ocean, two entities considered as the most diverse of their kind in the world, those features of the qualitative method are of particular importance. The data collected during interviews went through the process of data triangulation, based on primary and secondary resources.

Taking into consideration the assumptions, 15 elite semi-structured and five narrative interviews were conducted with experts on maritime governance and international affairs in the Indian Ocean Region, as well as officials and retired officials from the diplomatic service and navy of India, Indian Ocean littorals, and significant extra-regional players in the region. This elite group was identified based on academic achievements (publications and conference papers), service in the government or navy, publications of expertise by think tanks and non-governmental organisations. Some of them were contacted following references from the previous interviewees. That technique was applied because of the keenness for depth in addressing the research questions. An additional question was added during the interviews: „What kind of role should India play in maritime governance in the Indian Ocean Region?" to shape interviews in a more narrative way. It enabled the interviewees to describe their own experiences and to enrich the arguments proving the main thesis on the active role India plays in maritime governance in the IOR after the end of the Cold War.

The division into North and South also conditioned the choice of interviewees in India and the selection of the most famous centers of maritime and international studies. Active and retired Indian Navy officers were interviewed. In the case of countries from the Indian Ocean Region, representatives of the research centers and state and international institutions in the neighbouring countries – the Maldives and Sri Lanka – were selected.

Additionally, 30 consultations were conducted with representatives of the academic world, mainly from India, Bangladesh, and ASEAN countries – Indonesia and Thailand – maritime neighbours and Vietnam – as a significant partner in maritime cooperation.

To assess the validity of the data collected within the interviews, discourse analysis was applied :

- primary sources :
- annual reports of the Ministry of External Affairs and Ministry of Defence of India;
- reports and documents of other ministries of the Government of India like Science and Technology, Agriculture, Environment and Forests, Earth Sciences, and institutions;

- speeches of India's prime minister and foreign minister;
- strategic documents of the Indian Navy- maritime doctrines 2004 and 2009, and maritime military strategies 2007 and 2015;
- official documents of other governments of regional and extra-regional countries of the Indian Ocean Region; maritime and national security doctrines of the USA, Australia, Japan, Indonesia, China;
- international conventions, charters, regulations, official statements, and reports of the United Nations and regional institutions: IORA, BIMSTEC, ASEAN, African Union;

The variety of forms of archival and current documents, in both printed and electronic versions, required evaluation and examination to elicit their meaning in a particular context in order to use them to enrich the argument or explain its structure. It was important in the context of the complexity of a topic such as maritime governance. Furthermore, they constituted a crucial contribution to the exploration of views on the place of India and its role in the Indian Ocean Region. The reports of ministries were unique sources of information about the scope of India's activities in maritime governance. Statements by officials and agreements between India and other countries complemented the information obtained from strategic documents. The analysis of the documents created within international organizations also played a significant role in the research.

- secondary sources :
- reports after biennial meetings of the Indian Ocean Naval Symposiums (IONS), gatherings of the representatives of all navies from IOR littorals,
- annual reports of think-tanks of armed forces: the Institute for Defence Studies and Analyses and the Indian Maritime Foundation in New Delhi,
- reports and papers of the private think-tanks: Observer Research Foundation in New Delhi, and the Gateway-Indian Council on Global Relations in Mumbai are worth mentioning among most valuable secondary sources,
- specialized periodicals: "Indian Journal of International Law", "Journal of Indian Ocean Studies", "Indian Journal of Fisheries", "Journal of the Indian Ocean Region"

Categories of secondary sources were created following the functional, conceptual, institutional and geographical features, membership of countries in global and regional organizations, affiliation with the Indian Ocean Region and its subregions monographs presenting a very high level of analytical research, and a broad scope of statistical data and maps, articles and blogs of leading Indian and international experts on India, maritime political, security, economic and environmental affairs, international law of the sea, and

media reports. They were prominent in testing information provided by the international organizations and ministries, and structuring the arguments in favour of the generated hypothesis.

During the research, several study visits were organised within the Global India European Training Network project, a part of the European Commission's Horizon 2020,[79] to :

1. India (New Delhi-Jawaharlal University, and Varanasi – University of Benares - in the North; Mumbai-University of Mumbai, Manipal-Manipal University, Pondicherry – Pondicherry University, Chennai – Madras University and Bangalore-Bangalore University in the South, Kolkata – University of Kolkata, in the East; the Andaman and Nikobar Islands (Pondicherry University Campus in Port Blair) – in the Southeast (located geographically in the Southeast Asia);

2. the countries of the Indian Ocean Region :

a. neighbours from South Asia – Bangladesh(Dhaka – Dhaka University, Bangladesh Maritime Foundation, Bangladesh Institute of Law and International Affairs), the Maldives (The Maldives National University in Male), Sri Lanka (University of Colombo; Lakshman Kadirgamar International Relations Institute in Colombo, the Organisation for the Indian Ocean Marine Cooperation (IOMAC), port of Hambantota);

b. partners from Southeast Asia – Thailand (Chulalongkorn University and Srinakharinwirot University in Bangkok), Vietnam (Hanoi University, Diplomatic Academy and University of Economics and Business in Hanoi; Nguyen Tat Thanh University in Ho Chi Minh), Indonesia (cancelled due to the pandemic);

3. significant extra-regional players in the Indian Ocean Region:

a. the USA (Manhattan College in New York, Indian University – Campus in Bloomington);

b. the UK (King's College in London, Oxford University);

c. Germany (Heidelberg University);

d. New Zealand (Victoria University of Wellington, Auckland University and Massey University in Auckland).

They were used not only to conduct interviews and consultations, and collect primary and secondary sources, but also to present the state of research at subsequent stages and to carry

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[79] Grant agreement number 722446.

out research in libraries at universities and think-tanks: the Observer Research Foundation, Indian Council of World Affairs, the Energy and Resources Institute; scientific societies: the Indian Society of International Law in New Delhi and research institutes: Max Planck Institute for Comparative Public Law and International Law in Heidelberg.

The detailed lists of study visits, interviewees, and reports from the interviews are in the dissertation's annexes(page 321).

Apart from study visits and consultations, the author participated in various conferences in person and online. They served as an opportunity to present the research results, and discuss some dissertation components and topics related to them. Among conferences is worth mentioning those organised by:

- Faculty of Political Science, Maria Skłodowska-Curie University in Lublin, (paper : *India and China in the perception of ASEAN countries*, 2017);

- Polish Association of International Studies, (paper : *The role of ASEAN in Australia's maritime security policy*, 2017);

- Faculty of the Political Science and International Studies of the University of Warsaw (paper : *UE-India relations after Brexit* , 2017);

- Victoria University in Wellington, (paper : *Maritime governance in the Indian Ocean Region*, 2018);

- Global India project, (paper : *How countries shape maritime governance in the context of globalization?*, 2018; *Maritime Governance in International Relations*, 2018);

- Kolkata University, (paper : *Sagar(mala) versus Maritime Belt and Road - on the road to convergence or confrontation?*, 2018);

- Dublin City University,(paper : *Indian and Australian Maritime Security Doctrines similarities and differences in the context of regional challenges in the Indian Ocean Region*, 2018);

- International Studies Association, (paper : *India's Role in Shaping Maritime Governance in the Indian Ocean Region*, 2019);

- Adam Marszałek Publishing House and Mikołaj Kopernik University in Toruń, (paper : *Modern Diplomacy in Asia and the Pacific. The case of India and Indonesia*, 2020)

- the Centre for Maritime Studies at the Pondicherry University, (paper : *India and the EU – normative powers in maritime affairs and their cooperation in the Indian Ocean Region*, 2019);

- South Asia Democracy Forum in Brussels, (paper : *Normative Powers in Maritime Affairs : EU –India Cooperation in the Indian Ocean Region*, 2019):

- University of Dhaka, (paper : *Maritime governance in the Bay of Bengal in the 21st century – achievements and challenges. Neoliberal institutionalism perspective*, 2020);

- Heidelberg University, (paper : *India's Strategic Concerns in the Indian Ocean Region*, 2020);

- Nepal Institute for International Cooperation and Engagement in Kathmandu (online), (paper : *Rebalancing Asia : The Belt and Road Initiative and the Indo-Pacific Strategy*, 2022);

- Jawaharlal Nehru University in New Delhi, (paper : *Maritime Governance in the Indo-Pacific Region: European Perspective*, 2022);

- Diplomatic Academy of Vietnam, (paper : *The European Union and ASEAN fields for cooperation and convergence of interests in the blue economy*, 2022).

Institutional neoliberalism was chosen as the theoretical framework based on its relevance for maritime governance. Maritime governance involves the cooperation of interdependent states. In contrast to the land surface, it is impossible to set physical borders on oceans. It is impossible to limit positive or negative phenomena related to the movements of fish stocks following sea currents or natural disasters. As a result of oceans' space and complexity, covering all kinds of activities within and beyond national jurisdiction, the institutions created by states are necessary to manage the areas within and beyond their jurisdiction. Without these institutions, in the conditions of the vastness and interdependence of the oceans, it will be impossible to reach the goals of the national and common interests of littorals.

The assumptions of realist theory, with their focus on military security and competition between the states using their force to attain the goal of protecting their territorial integrity and economic interests, are irrelevant to research maritime governance. The task of securing Sea Lines of Communication with the intensity of traffic of the ships under the conditions of freedom of navigation and the flag state regulations would be impossible to fulfill when states' decisions are driven by military rivalry. Any war disrupting the supply chains through the seas and oceans responsible for 90% of the world trade[80] would have an immediate negative impact

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[80] *Shipping and World Trade: World Seaborne Trade*, International Chamber of Shipping, 02.01.2022, https://www.ics-shipping.org/shipping-fact/shipping-and-world-trade-world-seaborne-trade/, access 20.10.2022

on the economies of all sides of the conflict. In this context it is worth to emphasize that "the volume of global seaborne trade more than doubled between 1990 and 2021."[81]

Realist assumptions are not pertinent while countries face asymmetric threats of piracy and terrorism embedded in activities of non-state entities without specified nationality threatening the core of world's economy and other interrelated areas of humankind's activities at sea. The growing role of economics, environmental factor and human resilience in maritime security apprehension changed the theoretical approach toward security from classical realism's "narrow concept"[82] closer to neoliberal institutionalism's wider approach with the emphasis on the necessity of cooperation among the states. "Maritime security organizes a web of relations, replaces or subsumes older, established concepts, as well as relates to more recently developed ones."[83]

The changes in perception and research of maritime security were ably represented in the matrix created by Bueger,[84] which served as the reference for the model of maritime governance in the dissertation. Matrix's comprehensive approach showing interdependencies and *semiotic* approach are in line with assumptions of neoliberal institutionalism. The model of maritime governance created to precisely define the scope of research, also described to what extent different areas of human activities at sea are interdependent, implying cooperation among all actors, and how they constitute modern maritime governance.

Maritime governance from a neoliberal institutionalist perspective is a process of development of state and non-state actors' activities and regulations created by them, based on the institutional framework, to utilize seas and oceans in the most sustainable, legal, and secure way.[85] The network of organizations and fora existing in the Indian Ocean Region, within or beyond the system of the United Nations Convention on the Law of the Sea, provides an important platform for attaining the common and individual interests of littorals equally and in compliance with international law. With a multi-disciplinary and multi-faceted approach, India's contribution to the activities of those institutions is significant support for the countries facing challenges in:

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[81] *Transport volume of worldwide maritime trade 1990-2021*, Statista Research Department, Nov 29, 2022, https://www.statista.com/statistics/264117/tonnage-of-worldwide-maritime-trade-since-1990/, access 12.12. 2022

[82] S. M. Walt, *Realism and security*, in R. A. Denemark (Editor) *The International Studies Encyclopedia*,. Wiley-Blackwell, Oxford 2010, https://oxfordre.com/internationalstudies/display/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-286, access 06.01.2023

[83] C. Bueger, *What is maritime security?*, Marine Policy 53(2015), p.160

[84] C. Bueger, *What is maritime security?*, op. cit., p.161

[85] Definition created by the author of the dissertation, for more details see: T. Łukaszuk, *The Concept of Maritime Governance in International Relations*, Stosunki Międzynarodowe – International Relations, number 4 (v. 54), Warsaw 2018

- security (SLOCs, piracy, terrorism),
- legal framework (territorial disputes, the regime of straits),
- environment (rise of sea level due to climate change, conservation of marine living resources, oil leakages),
- blue economy (sustainable fishery and seabed mining).

The structure of the dissertation

The dissertation's structure is a reflection of the subsequent stages of research, consistent with the research questions, the research purpose and verification of the proposed hypothesis.

The first chapter offers ruminations about the roots of maritime governance, presenting its complex and fragmented, diversified terminology, multidisciplinary character, and various *semiotic* approaches depending on the countries. Based on those deliberations and Christian Bueger's analysis of patterns of modern maritime security, a model of maritime governance is presented for the purpose of the research. Then, the stages of evolution of maritime governance are explored, from ancient to modern times, with a focus on three parallel processes – codification of international law of the sea as a sub-discipline of international relations, progress in maritime technology, and growing interdependence between the various spheres of maritime governance. That section of the chapter shows "the battle of the books" in the 17th and 18th centuries as an incipience of modern structured thinking on maritime governance with the debate on the rules on responsibilities of the states for seas within and beyond their jurisdiction. Then, it outlines the 19th-century maritime enlightenment expressed in the rapid progress in conceptualisation of maritime policies starting at the turn of the 19th and 20th centuries from Alfred Mahan and Julian Corbett and their sea power, then Geoffrey Kemp with maritime power in the second half of the 20th century and finally to the 1990s with Arvid Pardo's concept of "a global benefit-sharing and oceans' good governance."[86]

The consecutive part of the chapter explains assumptions of neoliberal institutionalism and its relevance towards maritime governance as the result of the need of cooperation of all stakeholders. The main assumption of neoliberal institutionalists claims that states focus on their interests and seek absolute gains from their activities in order to attain the interests. In the

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[86] D. Currie, *The Oceans: The Law of the Sea Convention as a Form of Global Governance*, Policy Quarterly – Volume 13, Issue 1 – February 2017, p.35

conditions of increasing interdependence among states within the process of globalisation, countries opt for common interests and institutionalised their cooperation. The vastness of the oceans and the cross-border and limitless character of anthropogenic activities and natural phenomena at sea have made the cooperation of all actors imperative. The final part of the chapter presents the deliberations on the role of states in modern international relations in general and at sea, arguing that in spite of the critical role of international institutions, states still bear the major burden of maritime governance and can shape it in an effective way.

The second chapter discusses India's main geographical and geopolitical facets, pointing out its central location between the Western and Eastern parts of the Indian Ocean, serving also, due to the Andaman and Nicobar islands, as a bridge between South and Southeast Asia. The chapter also investigates how maritime policy concepts evolved through centuries of development of the civilisation in the Indian Subcontinent. It first refers to maritime traces in Hindu scriptures from the oldest Vedas, through Upanishads to Ramayana and Mahabharata. In addition, a treatise of Arthashastra, the backbone of India's concept of the function of the state, is mentioned as one of the sources of the modern school of maritime thinking in the biggest littoral of the Indian Ocean. The dualism in approach towards seas and oceans between the South and the North is addressed. States in the North were concentrated on security threats coming by land from West Asia. The thalassic dimension of states in the South of India, like the Chola Kingdom with its military, religious, cultural, and settlement expansion, contributed to the development of maritime culture in India and its network of timeless contacts and ties with the countries of the Indian Ocean Region.

The other part of the chapter outlines the maritime debate in modern, independent, and democratic India. The representatives of the Mahanian school of maritime strategy, among them Kavalam Panikkar and Keshav Vaidya, had a significant impact on the vital place of maritime issues in the Constitution and the Jawaharlal Nehru government's attitudes toward the role of the Indian Ocean in national security in the first two decades of India's modern nationhood. In this context, Nehru's transformed maritime version of the "Monroe doctrine" is explored, highlighting India's prime minister's belief that denying access of two competing blocks to the Indian Ocean would provide security for India and other IOR littorals. Additionally, the debate before and during the First Conference on the Law of the Sea is outlined as India started to act on behalf of developing countries and shape the modern law of the sea as a part of maritime governance in favour of less developed Indian Ocean littorals. The chapter then deals with the discourse of a new generation of Indian scholars who in the 1970s were influenced and, at the same time, limited by the debate within and on the sidelines of the United Nations Third

Conference on the Law of the Sea. Representing Indian and other developing countries' interests R.P. Anand called for a radical change in the law of the sea in order to use new, not old Western European narratives of customary international law.

The 1980s brought Prime Minister Rajiv Gandhi's "Out of Area Naval Contingencies" concept in South Asia, criticised by analysts in India as a new reversed variety of Nehruvian doctrine, contrary to the traditional peaceful maritime policies. The concept of the IOR in the strategic debate during the Cold War and then India's economic and political reforms after the end of the Cold War are presented, followed by the shift in the foreign policy towards the Indian Ocean going beyond Gujral's doctrine towards the neighbourhood to closer relations with Southeast Asia embodied in the "Look East Policy" and then the „Act East Policy". The analysis of the strategic debates in India after the Cold War is presented showing the process of growing awareness among military personnel, politicians, and academia of not only the vitality of the Indian Ocean in the context of the country's aspirations for a new more significant role in a new world order but also the urgency of transparency and public discourse. The establishment of the civilian Centre for Maritime Studies at the Pondicherry University in the South and the military contributed to the process of quantitative and qualitative methodological changes expressed in the transition from the offensive realist Mahanian-Corbettian attitude toward a comprehensive, inclusive and neoliberal institutional approach following the modern concept of maritime governance. Furthermore, the evolution of the Indian school of maritime thinking is examined. Representatives of this school like P. V. Rao, Uttara Sahasrabuddhe and Prabhakaran Paleri stressed the critical role of institutional cooperation in the maritime domain. The chapter explained that the change of naval policy of India was the consequence of that shift and at the same time, the expression of India's regional aspirations, and awareness of the role of the maritime factor.

The chapter explores domestic and external factors in shaping Indian maritime governance after the Cold War, highlighting economic and socio-political reforms in India in 1991 and trade development. Due to the dynamic economic development and increasing demand for energy, the chapter indicates the import of fossil resources from the Persian Gulf countries as key drivers of India's energy security. The issue of reconciling ambitious development goals with environmental challenges is raised as one of the most important internal factors influencing the shaping of maritime governance by India. China's growing activities in the Indian Ocean Region are analysed as a critical external factor in India's maritime governance policies.

The third chapter describes India's involvement in shaping the legal order in the Indian Ocean Region as a part of maritime governance. It starts from India's contribution to drafting key provisions of UNCLOS related to IOR littorals' interests like provision on control of the passage through the straits, the influence on activities within the Exclusive Economic Zones, and the size of the continental shelf. Another priority in India's activities was to transfer the new international axiology based on the UN Charter to the law of the sea, especially in the field of peaceful and friendly solutions of maritime boundaries disputes. The examples of India's behaviour in accordance with the spirit and the letter of UNCLOS and its implementation both at the national and regional level are presented.

The national institutional framework at the central and local level established in India during and after the Third UN Conference and its role in the decision-making process in maritime-related issues is described. The New Delhi government started to introduce UNCLOS provisions at an early stage understanding the necessity of gradual and holistic building of maritime governance institutions. At the regional level the process of the delimitation of boundaries with all neighbours was highlighted, including the case with Bangladesh solved by the Permanent Court of Arbitration and cases with ASEAN countries - Thailand, Myanmar, Malaysia and Indonesia - settled through bilateral or multilateral agreements. The use of peaceful procedures in delimitation of India's maritime boundaries with respect to the UN institutional framework played a critical role in India's efforts to promote the rule of law in the Indian Ocean Region and seas in the vicinity. Its reputation has given rise to new expectations of IOR littorals and requests for support in disputes with extra-regional players – Mauritius versus the United Kingdom in the case of the Chagos Archipelago and ASEAN countries in the South China Sea.

The fourth chapter discusses security - another area of maritime governance, where India has gradually built up its fleet and conceptual capacities, becoming a security net provider in the Indian Ocean. It continues with the description of the evolution of Indian maritime doctrines and strategies published in the first and second decades of the 21st century.

The Maritime Security Doctrine, published in 2004, then revised in 2009 and updated (online) in 2015, envisaged military, diplomatic, constabulary, and benign roles for the Indian Navy, making it a unique instrument of India's foreign policy endeavours to develop regional institutional cooperation and building a regional community. The Maritime Strategy published in 2007 titled "Freedom to use the Seas" and then in 2015 titled "Ensuring secure seas" embodied the evolution in both India's approach and ambitions – from passive, limited to the neighbourhood and the second more assertive, bearing the spirit of openness and active

engagement in the entire Indian Ocean Region. Despite its assertiveness, India's strategy has a *semiotic* character, rooted in Hindu and Buddhist tradition, a peaceful "Ahimsa dimension."[87]

This is the reason why India prefers to be called a security net provider rather than a net security provider, as suggested by the US, its leading strategic partner after the Cold War. India indicates that strategic autonomy in IOR, based on cooperation with regional and extra-regional partners, constitutes its strategic goal. India strives to keep the equidistance between the USA and China, cooperation and competition, to avoid involvement in a close alliance or open confrontation. Two case studies explored in the chapter - India's activities to secure Sea Lines of Communication (SLOCs) and its joint endeavours with different institutional and individual partners to tackle piracy and terrorism, show how India has implemented its strategy of shaping security in the Indian Ocean Region utilising existing or creating bilateral and multilateral platforms of cooperation, like IONS, IORA. ASEAN and BIMSTEC.

When discussing India's activities within the broadly understood sustainable development goals (SDGs), **the fifth chapter** focuses first on India's involvement in the process of shaping them so that they are consistent with the logic and expectations of developing countries. The SDGs should be adjusted to individual , unique conditions of the functioning of these states, and they should have a decisive influence on the particularities of their SDGs. They also have to be provided with the advanced technologies which allow them to achieve SDGs without aggravating developmental backwardness. From India's point of view, the role of women in shaping SDGs in the socio-economic context has been underestimated and should be considered. The chapter then goes on to present India's internal institutional framework responsible for coordinating SDG execution, with the National Institution for Transforming India (NITI) Aayog and the Ministry of Statistics and Programme Implementation (MoSPI) playing a critical role and the term "blue economy" serving as a frame of reference of the implementation of the sustainable development goals in the maritime domain.

Furthermore, it elaborates on India's performance in cooperation with other IOR littorals in implementing Goal 14 - conserve and sustainably use the oceans, seas, and marine resources. The considerations are divided into four sections – environmental protection, climate change mitigation, monitoring and programming of fish catches, and seabed mining. India's endeavours in the IOR in environmental protection dedicated to protecting marine biodiversity and tracking the levels of marine pollution are highlighted. The distinction in instruments has

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[87] Ahimsa or Ahinsa – non-violence – one of the basic principles of Hinduism and Buddhism.

been made between the island and coastal countries and regions of the Arabian Sea and the Bay of Bengal, according to their location and challenges. The section exploring climate change mitigation efforts presents the International Solar Alliance (ISA) and Green Grids Initiative – One Sun One World One Grid" (GGI-OSOWOG), as the most outstanding examples of India's contribution to assistance for less-developed IOR littorals in attaining their goals in the maritime domain related to the sea-level rise as their existential threat.

The following section, devoted to sustainable fishing, outlines India's cooperation within the Indian Ocean Tuna Commission (IOTC) and Intergovernmental Organization for Technical and Management Advisory Services for Fisheries Development and Management in the Bay of Bengal Region, focusing on its positive impact on the protection of interests of smaller littorals of IOR, and capacity building assistance. The fourth section covers the area of exploitation of seabed resources, where India has its unique role to play, being the first country to have received the status of a pioneer investor with an exclusive area allocated in the Central Indian Ocean Basin by the United Nations (UN). With such prerogatives at its disposal, India established cooperation with several littorals of IOR, allowing them to exploit mineral resources jointly. The significance of this cooperation increased in the context of competition for the rare earth elements market, which is under the growing pressure from China striving to monopolise it.

The sixth chapter offers a resume of the previous three chapters with an analysis of India's roles in shaping maritime governance in the Indian Ocean Region after the Cold War. It is structured following the main areas of maritime governance – security, legal constructs, and the blue economy showing the roles of India as a supporter of the rules-based order based on UNCLOS, a normative power, a model for sustainable maritime development in the Indian Ocean Region, and a donor of humanitarian assistance.

The 1990s created conducive political and economic conditions for India to become a major actor in the Indian Ocean. Having transformed its domestic maritime institutional framework, India took advantage of changing international order. It utilised its traditional connections in the Global South and rapprochement with the US, Japan, and the EU, which turned into a strategic partnership, to lead the regional transformation in maritime governance and significantly impact its shape in the IOR. India's normative strength of peaceful coexistence based on religious values of Hinduism and Buddhism, as well as adherence to the UNCLOS-based system of the rule of law, helped India attain its goals and elevate its status among the Indian Ocean's littorals. The application of the ASEAN paradigm of gradually building relations from bilateral through minilateral and finally multilateral as a basis for strengthening

existing and building new institutions also played a vital role in India's endeavours. Environmental and climate change institutional initiatives like the International Solar Alliance build up India's position as a provider of not only security but also assistance in solving existential threats in the form of sea-level rise. Its programme of Security and Growth for All (SAGAR) has been a meaningful alternative to China's neo-tributary New Maritime Silk Road programme, introduced for IOR countries. Within the SAGAR programme, India helped small and medium littorals tackle the COVID19 pandemic. The Narendra Modi administration also initiated in cooperation with Japan the Asia-Africa Growth Corridor project.

The conclusion is the final part of the dissertation, providing answers to the research questions on instruments based on existing maritime regimes and regulations chosen by India to shape maritime governance in the IOR, the scale of India's cooperation with regional and global actors in the Indian Ocean Region in the context of maritime governance, and the reasons for changing India's formula of engagement in bilateral and multilateral cooperation in IOR after the end of the Cold War. The verification of the research hypothesis, arguing that the role of India in shaping maritime governance is a function of India's regional aspirations, is presented. The conclusion also outlines the main pillars of the research process and reasoning, and reflections on possible future directions in the research development.

Chapter 1: The concept of maritime governance in international relations

The chapter focuses on two principal purposes – exploration and explanation of the development of the term and the concept of maritime governance and identification of the dissertation's theoretical framework. Presenting the historical background, it shows the relevance of the utilisation of governance and maritime governance as the adequate description of the sustainability, complexity, and dynamics of individual and cooperative activities of states and institutions in the seas and oceans. Their relevance corresponds with the institutional neoliberal approach as the appropriate theoretical instrument to research maritime activities under the conditions of the necessity of cooperation with consideration of the borderless phenomena and human activities covering ocean space within and beyond state jurisdiction. Despite the growing pressure on states from institutions and non-state actors, their role has been maintained as providers of security, legal order and model for sustainable, inclusive development.

The chapter addresses first the origins of the term maritime governance with a short inquiry into the roots of differentiation in terminology describing the policy and cooperation of states in the maritime domain. Subsequently, it presents the model of maritime governance designed by the author on the basis of Christian Bueger's matrix of maritime governance. Furthermore, it elaborates on the evolution of the maritime governance concept showing its current shape's genesis. While exploring its development the chapter explains relationship of the concept with maritime regimes and institutions, and progress in maritime infrastructure and economy. It also highlights the critical parts of codification of the law of the sea in the 20th century. The gradual evolution of maritime thinking is presented, from realist Alfred Mahan, with his "sea power" concept and navy as a key instrument of national power, through Geoffrey Kemp's classification of "maritime and sea powers," up to the incipience of institutional thinking through the occurrence of the term governance in its international and maritime meaning as an emanation of neoliberal approach. In the theoretical section of the chapter, the institutional neoliberal approach is presented, followed by the analysis of the role of the state in international relations, and finally in maritime affairs under conditions of globalisation, with attention to challenges faced by states in the 21st century.

1. The concept of maritime governance

1.1. The origins of the term "maritime governance"[88]

Human activities and natural phenomena at sea are difficult to define and even more challenging to put into frames of a model. During the lifetime of human civilisation, there have been various attempts to find fitting words and frameworks to describe the dynamics and vastness of oceans and seas adequately. The complexity of the research subject, its multidimensional nature covering global, regional and local issues indicate the diversity of definitions and terms. In contrast to other fields of international relations, there is a broad diversification in nomenclature, primarily due to customary origins of regulations, freedom to comply with them, their different interpretations, experiences, and narratives, and fragmentation of research areas.

The following stages in the development of the debate leading to the occurrence of term maritime governance can be selected :

1. ancient times – the evolution of comprehension and usage of words related to the sea in the context of religions and cosmology;

2. 1609 – 1960 - introduction and the usage of the term sea in the scientific research and official documents;

3. 1962 – 1992 - the utilisation of term oceans in scientific literature and UN documents;

4. 1992-2010 – the occurrence of the term of governance and oceans governance in scientific debate and UN documents;

5. 2010-2022 - development of the concept of maritime governance in scientific discourse and extended utilisation in official documents.

The complexity and vastness of oceans and seas have always attracted the attention of researchers from many fields of science. Due to the technological and logistical limitations in explorations, as well as the competition over new territorial gains among the colonial states, the attention of science was focused on the legal and military aspects of the maritime domain. The majority of the countries apprehended the waters washing their shores as a part of their territories and employed the knowledge and skills of scientists to defend those waters. That attitude and the legacy of the Mediterranean civilizations – Greek and Roman – influenced the shaping of maritime nomenclature in Europe and the United States, and its orientation towards

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[88] T. Łukaszuk, *The Concept of Maritime Governance in International Relations*, Stosunki Międzynarodowe – International Relations, number 4 (v. 54), Warsaw 2018, pp. 123-144

the domination of the word "sea", in Latin – Mare, in Ancient Greek – Thalassa, with the meaning of both sea and ocean. Greek word "okeanos" or Latin "oceanos" were used for the purpose of religion or mythology, and etymologically related to the concept of the river surrounding the whole earth.[89] It is worth mentioning that the same phenomenon could be observed in Sanskrit (Samudra) – language of Indian civilisation, and in Chinese (Hai). Both European and Oriental civilisations demonstrated a propensity to associate oceans with divinity and personified the rulers of oceans in their religions and mythologies, avoiding the use of the word "ocean" in law documents or works from other disciplines related to the daily functioning of humankind.

The term of sea (mare from Latin) appeared in the publications in the 17 and 18th century.[90] The 19th century brought the birth of the term "sea power" by the U.S. strategist Alfred Thayer Mahan.[91] His British opponent Julian Corbett,[92] used in the title of his work the term "maritime strategy",[93] and introduced the term "maritime power", applying also "sea power",[94] without making any distinction between the two. The drafts of the documents discussed at the League of Nations Codification Conference in 1930 in Hague and then the United Nations used "waters" and changed it to "sea" on the request of the participating countries.[95] UN Conferences on the Law of the Sea of 1958 and 1960 utilised during the proceedings the terminology of Corbett and Hague conference – "territorial sea", "maritime power" and "high seas".[96]

The oceanic narrative with the elements of the comprehensive reflections on the governance, occurred in the 1960[97], most extensively in 1962 in Myres McDougal and William Burke volume "The Public Order of the Oceans",[98] describing the state of the international

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[89] According to the Greek mythology Oceanos was the Titan who ruled over a great river encircling the earth – after Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/Oceanus, access 06.01.2023

[90] H. Grotius, *The Free Sea (Mare Liberum)*, Liberty Fund, Indianapolis 2004; W. Welwood, *An Abridgement of All Sea-Lawes*, 1613; J. Selden, *Mare Clausum of the Dominion, or, Ownership of the Sea*, Two Books: London, 1618, reprint: 2004; C. Bynkershoeck, *De Dominio Maris Dissertatio*, The Hague, 1702

[91] A.T. Mahan, *The Influence of Sea Power upon History 1660–1783*, Gretna: Pelican Publishing, 2003

[92] J. Corbett, *Some Principles of Maritime Strategy*, Longmans, Green and Company, London, 1911, (e-book Kindle)

[93] J. Corbett, *Some Principles of Maritime Strategy*, op. cit., p.3247

[94] J. Corbett, *Some Principles of Maritime Strategy*, op. cit., p.2475

[95] *League of Nations Codification Conference*, International Law Commission, the United Nations Organization, https://legal.un.org/ilc/league.shtml, access 20.09.2018

[96] D. H. N. Johnson, *The Preparation of the 1958 Geneva Conference on the Law of the Sea*, The International and Comparative Law Quarterly , Cambridge University Press, Jan., 1959, Vol. 8, No. 1, pp. 122-145

[97] M.S. McDougal, *The Maintenance of Public Order at Sea and the Nationality of Ships*, American Journal of International Law, Volume 54 Issue 1, January 1960, pp.25-116

[98] M.S. McDougal and W.T. Burke, *The Public Order of the Oceans. A Contemporary International Law of the Sea*, Yale University Press, New Heaven and London 1962

maritime order and the international law of the sea after the two UN conferences. The development of maritime studies, technological progress in shipping and the discovery of oil and gas deposits in the continental shelves, resulted in the change of perception of different areas of activities in the maritime domain, allowing for a more holistic view, focusing on essential aspects of human activity like rivalry in different forms, the protection of the security of trade routes and the legal aspects of the movement of goods and people, as well as the off shore exploitation of natural resources.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) mentioned both seas and oceans,[99] but in the principle articles and categories "sea" prevailed, following the heritage of customary law. Despite the conservatism of the language of the document, it should be underscored, however, that the debate accompanying the negotiations of the convention influenced the change of the nomenclature used in the discourse on maritime matters and in agreements concluded in the consequence of UNCLOS.

The inclusiveness of the debate on UNCLOS with participation of non-governmental organisations as a part of the process of broadening of foreign policy making beyond state actors contributed to the emergence of the term governance.[100] The governance in a political science in the context of the dynamics of the 1990s meant "a conceptual tool to help to explain"[101] "a range of processes—including the functional differentiation of the state, the rise of regional blocs, globalisation,"[102] with states "increasingly dependent on other organisations for the delivery and success of its policies."[103] The meaning of governance was further developed by the Commission on Global Governance created in 1992 which stated that "it includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interests."[104] Such an understanding of governance led to emergence of combination of the words ocean and governance.

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[99] *United Nations Convention on the Law of the Sea*, in A.V. Lowe and S.A.G. Talmon, *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.270

[100] M. Haward, J. Vince, *Oceans Governance in the Twenty-first Century. Managing the Blue Planet*, Edward Elgar, Cheltenham 2008, p. 11

[101] Ibidem

[102] M. Bevir, *Governance - politics and power*, Britannica, https://www.britannica.com/topic/governance, access 15.01.2023

[103] Ibidem

[104] *Global Governance. Our Global Neighborhood .The Report of the Commission on Global Governance*, Oxford University Press, Oxford 1995, p.4

The term occurred in Arvid Pardo's statement on "oceans' good governance"[105] and in documents released at the United Nations Conference on Environment & Development in Rio de Janeiro in 1992. They constituted the critical change in the description of human activities and natural phenomena at sea, with reference to countries' responsibilities within and beyond their maritime jurisdiction, deepening the apprehension of the necessity of joint endeavours to face challenges at sea. The first Earth Summit[106] with crucial decisions on environment and sustainable development coincided with the end of the Cold War with "the myriad changes transforming world politics."[107] At the same time, the term of governance in the context of international relations was further developed, defined as "purposive behaviour, goal-oriented activities, systems of rule, backed by shared goals, embracing government institutions, subsuming informal, non-governmental mechanisms."[108] This understanding of governance, combined with the new dimension of international cooperation in maritime affairs, and the similarity in their approach towards challenges of the end of the 20th and the beginning of 21st century, such as the need for multi-faceted and multi-directional cooperation between state and non-state actors, resulted in the acceptance and the petrification of the concepts of ocean governance, oceans governance and finally occurrence of maritime governance as the most holistic one.

The terms of ocean governance and oceans governance have been applied since 1992 to describe the broadly apprehended development of maritime economy discussed at different conferences related to Rio de Janeiro 'Earth Summit' and covering:

- fishery;
- offshore renewable energy;
- aquaculture and mariculture;
- seabed extractive activities;
- environmental challenges related to climate change.[109]

The 21st century contributed to the progress of scientific research on maritime activities through sustainable development goals with crosscutting globalisation interdependence at all horizontal and vertical levels within and beyond national jurisdiction put into the term of

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[105] D. Currie, *The Oceans: The Law of the Sea Convention as a Form of Global Governance*, Policy Quarterly – Volume 13, Issue 1 – February 2017, p.35

[106] *United Nations Conference on Environment and Development*, Rio de Janeiro, Brazil, 3-14 June 1992, https://www.un.org/en/conferences/environment/rio1992, access 15.01.2023

[107] J.N. Rosenau and E.O. Czempiel (Editors), *Governance without Government: Order and Change in World Politics*, Cambridge University Press, Cambridge 1992, p.1

[108] J.N. Rosenau and E.O. Czempiel (Editors), *Governance without Government: Order and Change in World Politics*, op. cit., p.4

[109] M. Haward, J. Vince, *Oceans Governance in the Twenty-first Century. Managing the Blue Planet*, op. cit., p.9

maritime governance.[110] Michael Roe played the critical role in the development of scientific debate by changing the meaning, apprehension and usage of the term 'maritime'[111] as in the 20th century the term 'maritime' was mainly used to describe human activities in shipping and it served as reason to name the organisation, established in 1948, meant to develop and promote regulations on shipping, the Inter-Governmental Maritime Consultative Organisation (IMCO).[112] He broadened its definition combining it with governance, emphasising the interrelation and interdependence of all policies related to human activities at sea, under conditions of dynamic changes, globalisation and technological development.[113] The term 'maritime governance' was further developed by Peter Lehr, inspired by Ramesh Thakur and Luk Van Langenhove's definition of governance.[114] He highlighted most significant elements of maritime governance as the complex of:

1. "formal and informal institutions,
2. mechanisms,
3. relationships,

and processes between and among:

1. states,
2. markets,
3. citizens
4. organizations, both inter and non-governmental,

through which:

1. collective interests on the maritime plane are articulated,
2. rights and obligations are established,
3. differences mediated."[115]

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[110] M. Roe, *Maritime Governance and Policy-Making*, Springer, Heidelberg 2013, and M,. Roe, *Maritime Governance. Speed, Flow, Form, Process*, Springer, Cham 2016

[111] There are still publications where the term 'maritime governance' is utilized in a narrow sense related to the shipping industry : I. M. Ralby, *Navigating Maritime Governance Challenges and the Future of the Global Economy*, Diplomatic Courier, September 5, 2020, https://www.diplomaticourier.com/posts/navigating-maritime-governance-challenges-and-the-future-of-the-global-economy, access 20.10.2021; M. Stopford, *Maritime governance: piloting maritime transport through the stormy seas of climate change*, Maritime Economics & Logistics, volume 24, issue 4, 2022, pp.686-698

[112] After the conclusion of the United Nations Convention on the Law of the Sea in 1982 IMCO was renamed as the International Maritime Organisation (IMO) – for more details see: *Brief History of IMO*, International Maritime Organisation, https://www.imo.org/en/About/HistoryOfIMO/Pages/Default.aspx, access 20.10.2018

[113] M. Roe, *Maritime Governance. Speed, Flow, Form, Process*, op,. cit., p.170

[114] R. Thakur and L. Van Langenhove, *Enhancing Global Governance Through Regional Integration*, Global Governance, Vol. 12, No. 3 (July–September 2006), p.233

[115] P. Lehr, *Piracy and maritime governance in the Indian Ocean*, in J. Schöttli (Editor), *Power Politics and Maritime Governance in the Indian Ocean*, Routledge, London and New York 2015, p. 105

Within the process of the research, the author of the dissertation created its own definition emphasising that "maritime governance with its complexity and dynamic character is more a process than a static description of policies at global, regional and national levels, regulating and monitoring all spheres of state and non-state actors' activity at seas and oceans."[116] Its dynamics and incremental change will continue to be a hallmark of maritime activities and phenomena due to climate change, further technological advances in shipbuilding towards unmanned surface vessels, progress in ocean research and its utilisation for various industrial purposes.

The term maritime governance, created in the 21st century, corresponds to contemporary developments in international relations at sea and allows to describe them most adequately and comprehensively. It coexists with the terms ocean governance and oceans governance in the 21st century, being used more extensively in the UN and EU documents.[117] However, their scope is still narrower than maritime governance, excluding maritime security issues in their modern meaning related to all kinds of human activities at sea. In institutional dimension, the European Union in the process of the implementation of the UN concept of the integrated oceans management, named its executive programme the Integrated Maritime Policy (IMP), having assumed that it was more holistic, covering all areas of human activities related to seas and oceans.[118] Therefore, the term maritime governance has been used in the dissertation to provide a more comprehensive and inclusive overview of the issues of modern, 21st century-governance and international maritime cooperation in the Indian Ocean Region.

1.2. The model of maritime governance

The author created the model of maritime governance which refers to Christian Bueger's matrix of maritime security.[119] Christian Bueger was inspired in his work by existing concepts

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[116] T. Łukaszuk, *The Concept of Maritime Governance in International Relations*, op. cit. p. 143

[117] *Report of the 2022 United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, Lisbon, 27 June–1 July 2022*, A/CONF.230/2022/14, United Nations • New York, 2022, pp. 36,47,53-54, 56-57, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/454/51/PDF/N2245451.pdf?OpenElement, access 10.09.2022; and *Setting the course for a sustainable blue planet - Joint Communication on the EU's International Ocean Governance agenda*, Directorate-General for Maritime Affairs and Fisheries, European Commission, 24 June 2022, https://oceans-and-fisheries.ec.europa.eu/publications/setting-course-sustainable-blue-planet-joint-communication-eus-international-ocean-governance-agenda_en, access 20.09.2022

[118] For a more detailed description of IMP, see T. Łukaszuk, *The Concept of Maritime Governance in International Relations*, op. cit. , pp.140-143

[119] C. Bueger, *What is maritime security?*, Marine Policy 53(2015), p.161

of modern sea power[120] and maritime power[121] theories. With a limited reference to Mahan's definition,[122] the modern understanding of the seapower combines joint military and civil capabilities together with related to them at the same time interdependent naval and commercial operations.[123] Maritime power "makes extensive use of the seas and sea resources to sustain its economic growth, its political status and national security".[124] That theory led to the redefinition of maritime security in the 21st century.

Graph 1 Maritime Governance Model

MARITIME SECURITY	**LEGAL MARITIME FRAMEWORK**
ANTI-TERRORISM MEASURES	UNCLOS
SEA LINES OF COMMUNICATION	DELIMITATION OF BOUNDARIES
MARITIME GOVERNANCE	
FIGHT AGAINST PIRACY	EXPLOITATION OF SEABED RESOURCES
FISHING	AGENDA 21(SUSTAINABLE DEVELOPMENT GOALS)
BLUE ECONOMY	**MARINE ENVIRONMENT PROTECTION**
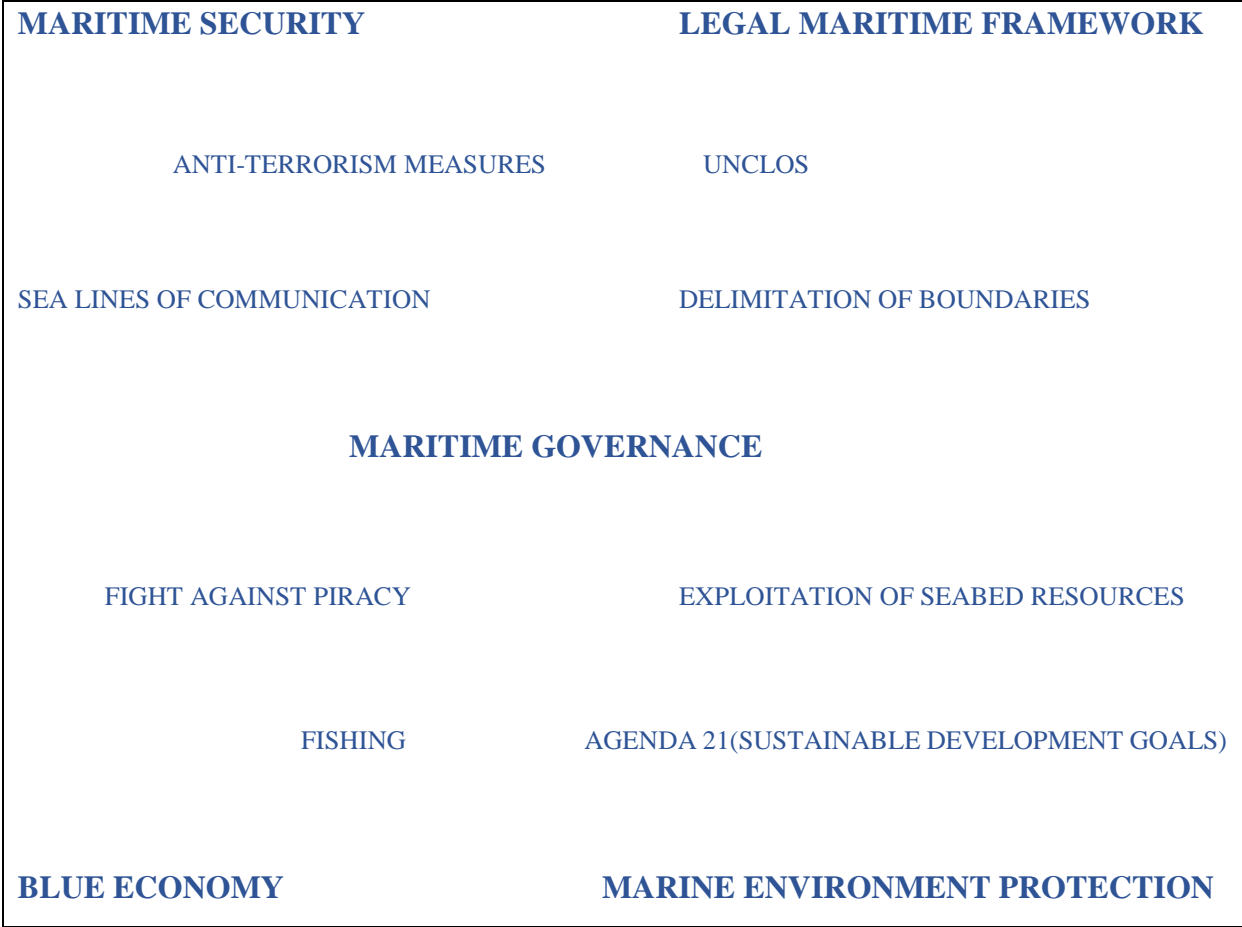
Source: Own elaboration based on Christian Bueger's matrix

It made it as comprehensive as maritime governance, covering all the areas of human activities in the maritime domain. Christian Bueger's matrix can serve as an example of such a

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[120] G. Till, *Seapower. A Guide for Twenty-First Century. 4th Edition*, Routledge, New York 2018, p.24
[121] G. Kemp, *Maritime Access and Maritime Power: The Past, the Persian Gulf and the Future*, in A. J. Cottrell and Associates, *Sea Power and Strategy in the Indian Ocean*, Sage Publications, George Town University 1981
[122] A. T. Mahan, *The Influence of Sea Power upon History* Little, Brown and Company (Twelfth Edition), Boston, 1918
[123] G. Till, *Seapower. A Guide for Twenty-First Century. 4th Edition*, op. cit., p.25
[124] G. Kemp, *Maritime Access and Maritime Power: The Past, the Persian Gulf and the Future*, in A. J. Cottrell and Associates, *Sea Power and Strategy in the Indian Ocean*, Sage Publications, George Town University 1981, p.27

holistic approach. He organised it in a way that put all the essential elements of maritime security in the diagram. Based on that, the model maintaining *semiotic* and interdisciplinary character of Bueger's matrix, is used in the thesis as a conceptual framework to analyse Indian activities in the maritime governance in the Indian Ocean Region after the end of the Cold War. As presented in the Graph 1, maritime governance is in the centre with four chosen areas of activities in the maritime domain:

- maritime legal framework,
- maritime security,
- marine environment protection
- blue economy,

and activities related to them :

- anti-terrorism measures,
- fight against piracy,
- sea lines of communication,
- fishing,
- implementation of and compliance with UNCLOS,
- delimitation of boundaries,
- exploitation of seabed resources,
- Agenda 21 (sustainable development goals).

Those selected four areas have the essential weight among dimensions of the 21st century activities of states at sea. Those activities like anti-terrorism measures and fight against piracy at sea to secure Sea Lanes of Communication, implementation of UNCLOS, delimitation of boundaries, fishery, exploitation of seabed resources, the development and the execution of Agenda 21, additionally strengthen the explanatory framework and arguments presented in the dissertation. Like in Bueger's matrix, they are interconnected and influence each other.

The maritime legal framework is essentially based on the international law of the sea. "International law constitutes the legal basis of international relations".[125] International relations as previously an autonomous discipline of the political science,[126] now an autonomous discipline in Poland,[127] and as an interdisciplinary field of research, contains attributes *inter*

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[125] Y. Liang, *The Legal Basis of International Relations*, The Annals of the American Academy of Political and Social Science, Vol. 255, Foreign Policies and Relations of the United States, Sage, January 1948, pp.22-38

[126] J. Kukułka, *Teoria stosunków międzynarodowych*, Scholar, Warszawa 2000, p. 69

[127] *Rozporządzenie Ministra Edukacji i Nauki z dnia 11 października 2022 r. w sprawie dziedzin nauki i dyscyplin naukowych oraz dyscyplin artystycznych*, Dziennik Ustaw, Poz. 2202, Warszawa, 27.10.2022 r, p.3 https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220002202/O/D20222202.pdf, access 22.01.2023

alia of international law.[128] The United Nations Convention on the Law of the Sea constitutes not only the legal basis for all activities at sea but also the source of the institutional framework and further activities at global, regional and national level like Integrated Oceans Management (IOM)[129] or Integrated Maritime Policy (IMP).[130]

In the case of the maritime domain, the voluntary submission to legal regulations is accompanied by the imperative of the necessity to cooperate in the field of law due to the cohesion of sea space, borderless and limitless phenomena related to natural disasters or human activities. There are also limits to the precise delimitation of boundaries faced by numerous interpretations of law and irregularities in the shores and seabed geological shapes. Reassuming, issues of the international law of the sea form a natural part of international relations and maritime governance. They will be dealt with as such in the model as in the dissertation.

The maritime legal framework includes primarily activities related to adopting and implementing the 1982 United Nations Convention of the Law of the Sea (UNCLOS) at the national, regional, and global levels. All those levels are interconnected and interdependent, and only a comprehensive application of its provisions will guarantee their effectiveness and benefit. The implementation process of UNCLOS continues through the evolution of the system created under the "Constitution of the Seas" (as UNCLOS has also been called). The delimitation of the maritime boundaries, the debates and negotiations between the countries concerned, based on the interpretation of the provisions of the Convention has occupied an important place in the maritime governance of countries and regions. The term of boundaries has acquired a new dimension after introducing of new categories into international circulation by UNCLOS, such as the exclusive economic zone or the extended continental shelf.

Existing disputes over boundaries with reference to customary routes and historical sources using contemporary complex measurements of the seabed, as well as legal regulations, nowadays involve larger groups of states than before. Simultaneously with negotiations, maritime diplomacy in its persuasive or coercive form [131], and other instruments of pressure,

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[128] E. Cziomer (editor), *Współczesne stosunki międzynarodowe. Wprowadzenie do stosunków międzynarodowych,* Krakowska Akademia im. Andrzeja Frycza Modrzewskiego, Kraków 2014, p.30

[129] J-G. Winther, *Integrated Ocean Management: 5 Success Stories of Ocean Health and Wealth*, World Resources Institute, Washington May 19, 2020, https://www.wri.org/insights/integrated-ocean-management-5-success-stories-ocean-health-and
wealth#:~:text=Integrated%20ocean%20management%20aims%20to%20support%20a%20sustainable,jobs%2C%20balancing%20protection%20and%20production%20to%20achieve%20prosperity., access 14.10.2020

[130] M.E.G. Breuer et al., *Integrated Maritime Policy of the European Union*, European Parliament, Brussels, 03.2022, https://www.europarl.europa.eu/factsheets/en/sheet/121/the-integrated-maritime-policy, access 22.01.2023

[131] Ch. Le Miere, *Maritime Diplomacy in the 21*st *Century. Drivers and Challenges*, Routledge, London 2014

states use international arbitration following obligations arising from conventions and regional agreements. The International Court of Justice (ICJ), the Permanent Court of Arbitration and International Tribunal for the Law of the Sea (ITLOS) play an essential role in states' endeavours to resolve disputes and conflicts peacefully. The rules-based maritime governance has been acknowledged as one of the critical features of the modern maritime order.

At the same time, thirty countries, including China, Australia, France, Malaysia and Singapore, which play significant role in IOR, do not accept the jurisdiction of ITLOS.[132] That contributes to challenges in the security area and creates a strong relationship between the two elements of the model. That relationship plays a significant role in the Indian Ocean Region with no coherent regional security organisation. Existing sub-regional organisations like the Association of Southeast Asian Nations (ASEAN) or fora like the Indian Ocean Naval Symposium (IONS) serve as a platform of maritime security dialogue for the main actors. Other countries are bound by bilateral, trilateral or multilateral cooperation agreements. The legal area also concerns marine environment protection, which occupies a significant place in maritime governance in the 21st century with pledges made by states in Paris COP 21 on limiting CO2 emissions by ships[133]. Marine environment protection has its relation to the legal one through decisions and declarations made at the United Nations conferences – Johannesburg in 2002, Rio+20 in 2012 in the form of sustainable development goals,[134] creating the legal framework for negotiations and preparation of the goals among which the goal number 14 „Life below water" is directly related to maritime governance.

Maritime security has its broad span of issues covering the naval sphere linked to the dimension of doctrine and strategy, as well as the command structure. Countries are described in this context as seapower or maritime power, as mentioned in the context of analysis of Bueger's matrix. "The concept of seapower changed and nowadays is rather linked to the question of the scope of activities of naval forces outside territorial waters (…)."[135] Seapower of the 21st century has on its disposal naval forces that are no longer "brown" or coastal but "blue" or oceanic, having vessels with high mobility, capable of crossing the ocean in a few

[132] *The International Tribunal for the Law of the Sea*, https://www.itlos.org/en/main/jurisdiction/declarations-of-states-parties/declarations-made-by-states-parties-under article-298/, access 13.09.2021

[133] N. Olmer et al., *Green House Gas Emissions from Global Shipping, 2013-2015*, The International Council of Clean Transportation, Washington 2017, p. iv, https://theicct.org/sites/default/files/publications/Global-shipping-GHG-emissions-2013-2015_ICCT-Report_17102017_vF.pdf , access 14.09.2021

[134] *Sustainable Development - the 17 Goals*, United Nations, Department of Economic and Social Affairs, https://sdgs.un.org/goals, access 15.09.2021

[135] T. Łukaszuk, *Indian and Australian Maritime Security Doctrines in the Indian Ocean Region in the 21st Century. Christian Bueger's Matrix of Maritime Security Approach,* op. cit., p. 110

days and staying off base for six months.[136] They are apprehended as not only protectors of their own interests, but also net-security providers for their allies, neighbours and co-members in international organisations and groupings.

The contemporary conceptualisation of seapower within maritime security includes issues strongly linked to another element – the blue economy - through Sea Lines of Communication (SLOCs). They constitute critical component of modern trade, energy security and the development of not only coastal areas at the local and regional levels. The regional level of activities is vital to building an institutional cooperation framework to enhance development and mitigate asymmetric threats occurring in the proximity of SLOCs like piracy and terrorism. These two phenomena have a different scopes in the 21st century. They have gone beyond traditional, local, and poverty-rooted actions, also taking the form of coordinated operations on a larger scale by global terrorist organisations choosing targets not only at sea but also on the seashore, requiring joint response by the states. Some of them are seapowers with naval strength. However, some are maritime powers, "states that make extensive use of access to the sea resources to pursue economic activities with other groups, which in turn, influences its power relations with them."[137] That economic, softer dimension of maritime security strategy is associated with developing economic strength in the Indian Ocean Region, where the size of GDP mattered in many cases more than the size of the fleet (Singapore, South Korea, Japan). Many countries cooperate in the maritime domain, being a sea- or maritime power, trying to attain their common goals. Those expectations concern India, seen with its naval strength and economic potential as a presumed net security and investments provider through bilateral and multilateral cooperation. That modern dimension of maritime power and cooperation is relevant in connection with the third element of the model – the blue economy.

According to the World Bank, the concept of the blue economy is based on the assumption of "sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and ocean ecosystem health."[138] The European Union the blue economy sectors' documents include fisheries, aquaculture, coastal tourism, maritime transport, port activities and shipbuilding.[139] The elements of the modern blue economy presented in the model – fishery

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[136] E. Bjoernehed, *What is the value of naval forces?–ideas as a strategic and tactical restriction*, Defence Studies, Volume 22, 2022 - Issue 1, p.1, https://www.tandfonline.com/doi/epdf/10.1080/14702436.2021.1931133?needAccess=true&role=button, access 12.11.2022

[137] G. Kemp, *Maritime Access and Maritime Power: The Past, the Persian Gulf, and the Future,* op. cit., p.26

[138] *Blue Economy*, World Bank Group, Oct 13, 2022, www.worldbank.com/oceans, access 15.11.2022

[139] *European Green Deal: Developing a sustainable blue economy in the European Union*, European Commission, Press release, Brussels 17 May 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_2341, access 20.10.2021

and seabed mining – are representing two general areas of human activities at sea - the exploitation of living and non-living resources. Serving as elements of the blue economy's conceptual framework, they are interconnected with each other and other components of the model. In the United Nations' documents starting from UNCLOS, the focus has been on those two areas. A significant number of institutions and regulations at the global and regional level are trying to mitigate illegal, unreported and unregulated fishing (IUU), and control legal fishery of the most developed countries having on their disposal trawlers and factory ships or other major vessels for processing fishery products. Indian Ocean Tuna (IOTC) commission was established in 1993 to cooperate in facing both challenges coming from regional and extra-regional entities. IOTC funding members, including India, agreed that the conservation and management of the stocks play a crucial role in "the equitable and efficient utilization and conservation of the oceans living resources."[140]

The choice of tuna resulted from the fact that on the list of highly migratory species annexed to UNCLOS[141], there are as many as eight varieties of this fish. Its most extensive shoals are found in the Indian Ocean, contributing to the economies of many coastal and island countries. The exploitation of non-living resources in the seabed also occupies one of the top UN agenda places in the context of its efficiency and potential for modern industrial technologies. The International Seabed Authority (ISA), established by the provisions of UNCLOS with its principles and goals described in the part XI[142] and basic conditions of prospecting, exploration and exploitation in Annex III[143], constitutes one of the basic institutions of the modern cooperation system and derives from the concept of common heritage.[144]

ISA's mandate is to "organize, regulate and control all mineral-related activities in the international seabed area for the benefit of mankind as a whole."[145] The areas beyond the national jurisdiction contain many mineral resources like polymetallic nodules containing manganese, nickel and cobalt.

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[140] *Agreement for the Establishment of the Indian Ocean Tuna Commission*, Indian Ocean Tuna Commission, Rome 25 November 1993, https://iotc.org/about-iotc/basic-texts, access 20.10.2021

[141] *Annex I Highly Migratory Species, UN Convention on the Law of the Sea* in A.V. Lowe and S.A.G. Talmon (Editors), *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.367

[142] *UN Convention on the Law of the Sea* in A.V. Lowe and S.A.G. Talmon (Editors), *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.306

[143] *UN Convention on the Law of the Sea* in A.V. Lowe and S.A.G. Talmon (Editors), *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.369

[144] *Statement by Ambassador of Malta Arvid Pardo*, 1515th Meeting of the First Committee, United Nations General Assembly Twenty-Second Session, Official Records, New York 1 November 1967

[145] *International Seabed Authority*, https://isa.org.jm/, access 21.10.2021

India, which became the first country to receive the status of a "Pioneer Investor" in 1987[146], has been developing an integrated mining system for deep-sea mining.[147] Those activities are related to the fourth major element of the model - the marine environment protection in the areas beyond national jurisdiction.

Marine environment protection constitutes the element of the model covering environmental issues within the waters under and beyond national jurisdiction and adjacent coastal areas. The particular emphasis in that element is placed on the Agenda 21,[148] an executive programme, and Convention on Biodiversity; both created as the result of the United Nations Conference on Environment & Development in Rio de Janeiro (the Earth Summit) in 1992.

The Conference and the documents adopted therein have been considered as the continuation of the debate and endeavours of the Third Conference on the Law of the Sea and its final document UNCLOS[149], aimed at addressing critical issues of the management of the marine environment and climate change.[150] Agenda 21 became a process evolving in the 21 century through series of conferences in 2002, 2010 and 2012, as well as documents, including Agenda 2030, expanding the quantitative and qualitative scope, making it more integrated.

Chapter 17 of the Agenda 21 was titled "Protection of the oceans, all kinds of seas (…) and coastal areas"[151]. It stressed the urgency of "new approaches to marine and coastal area management and development, at the national, sub-regional, regional and global levels, approaches that are integrated into content and are precautionary and anticipatory in ambit".[152]

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[146] A. J. Singh, *India's Maritime Economy: Driving India's Growth*, New Delhi 27 February,2021, https://indiafoundation.in/articles-and-commentaries/indias-maritime-economy-driving-indias-growth/ , access 21.10.2021

[147] *Cabinet approves Deep Ocean Mission*, Cabinet Committee on Economic Affairs (CCEA), Press Release, New Delhi 16.06.2021, https://www.pib.gov.in/PressReleasePage.aspx?PRID=1727525, access 15.09.2021

[148] Agenda 21 is a comprehensive plan of action meant to be implemented at the global, national, and local levels by organizations of the United Nations System, National and Local Governments, in every area where human impacts the environment. Agenda 21 was adopted at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, from 3 to 14 June 1992.

[149] *Articles 61-68, UN Convention on the Law of the Sea* , in A.V. Lowe and S.A.G. Talmon (Editors), Basic Documents on the Law of the Sea. The Legal Order of the Oceans, Hart Publishing, Oxford and Portland, Oregon 2009, p.286

[150] *Agenda 21 Chapter 17 - Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of Their Living Resources*, United Nations Sustainable Development, United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf, access 20.10.2020

[151] *Agenda 21 Chapter 17 - Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of Their Living Resources*, op. cit

[152] *Agenda 21 Chapter 17 - Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of Their Living Resources*, United Nations Sustainable Development, op. cit.

In part devoted to marine environmental protection, it argued that "a precautionary and anticipatory rather than a reactive approach is necessary to prevent the degradation of the marine environment." Acting on the basis of these premises states committed themselves to cooperate and support "the relevant international organisations".[153]

The final shape of those commitments and the road map for the 21st century was agreed in the United Nations Agenda 2030, adopted in 2015. Out of 17 Sustainable Development Goals, the goal number 14, among many issues, set up a series of targets to protect the marine environment by "reducing marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution."[154] The task of "regulating harvesting, and ending overfishing, illegal, unreported and unregulated (IUU) fishing and destructive fishing practices and implement science-based management plans"[155], related to the blue economy, was placed as well. Both elements – blue economy and the protection of the marine environment - serve as components of sustainable development at sea.

Having twenty-five Marine Protected Areas in the peninsular region and 106 in islands, collectively covering approximately 10,000 square km of the country's geographical areas,[156] India attaches great importance to protecting the marine environment. New Delhi frequently submits annual national reports[157] on biodiversity to the Convention on Biological Diversity, taking steps towards the protection of marine species at the national and regional level through institutional cooperation within the Indian Ocean Rim Association (IORA)[158] and other regional organisations in the Indian Ocean Region.

The presented model with four main elements and eight minor elements shows the interconnection of them under conditions of vastness and complexity of the maritime domain. It also embodies maritime governance as a cross-border management of the maritime domain by the international community with its multi-layered vertical and horizontal correlations:

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[153] *Agenda 21 Chapter 17 - Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of Their Living Resources*, United Nations Sustainable Development, United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf, access 20.10.2020

[154] *Targets and indicators. SDG-14 - Conserve and sustainably use the oceans, seas and marine resources for sustainable development*, Department of Economic and Social Affairs, United Nations, https://sdgs.un.org/goals/goal14

[155] *SDG-14 - Conserve and sustainably use the oceans, seas and marine resources for sustainable development*, United Nations Global Compact, https://sdgcompass.org/sdgs/sdg-14/, access 20.10.2018

[156] *Voluntary National Review Report on Implementation of Sustainable Development Goals, SDG 14: Life Below Water | Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development*, NITI Aayog, the Government of India, New Delhi 2017, p.25

[157] *Reports*, National Biodiversity Authority, http://nbaindia.org/content/103/37/1/reports.html , access 02.11.2020

[158] *Indian Ocean Rim Association – Overview*, https://www.iora.int/en/priorities-focus-areas/overview, access 02.10.2018

- legal architecture, understood as a rules-based legal order, influences the activities in all areas through the regimes, norms and institutions, regulating the limits to jurisdiction of and responsibilities of the states in their military, economic and environmental actions, as well as other actors in their undertakings in the blue economy with respect for environment and other sectors;
- security in its broader modern sense applies to all areas of states' competencies interpreted as the obligation of states to provide appropriate conditions for the functioning governmental and non-governmental institutions as well as other users of the sea space in all areas, both under their jurisdiction or beyond as in the case of SLOCs;
- blue economy in its endeavours and achievements relies on security of SLOCs, zones defined and described within legal order based on UNCLOS, and environmental determinants related to use of living resources of ocean waters and those non-living lying under the continental shelf and seabed;
- sustainable development serves as a concept of synergy and mutual understanding between all spheres of human activities at sea in their needs and aspirations.

The model of maritime governance with its interrelated elements defines the scope of the research to show how India impacted the maritime governance in the Indian Ocean Region in selected areas. The following section will focus on the main currents and critical moments in the evolution of the policies of maritime governance.

1.3. The evolution of the policies of maritime governance

1.3.1. The development of policies of maritime governance from the ancient times up to the end of the World War II

Human civilisations have been changing their attitudes towards oceans over the centuries of their existence but always considered them an essential element of their security, trade and social interactions. Through the process of its development, humankind undertook many efforts to organise the maritime domain.

These early efforts could be divided into the following stages:

a. ancient times till the 17th century – the stage of building civilisations in Europe and Asia based on more or less successful attempts to conquer larger or smaller sea basins and building the first conceptual frames of maritime strategies;

b. "the battle of the books" in the 17th and 18th century – the stage of the first European debate on the rules on the maritime domain accompanying the rivalry of colonial powers for domination of the oceans and the birth of basic terms of customary law of the sea;

c. the 19th century – the stage of maritime enlightenment in shipping, institutional framework, and strategic studies;

d. the first half of the 20th century until the end of World War II – failure of international organisations and the continuation of codification of the law of the sea.

In the first stage, from ancient times till the 17th century, the signs of incipient maritime governance focused mainly on proving the rights of the rulers to govern the seas and the oceans. The desire to proclaim the particular part of the Global Ocean as its own "lake" was the dominant feature of the maritime powers in history. Ancient Greece built its civilization on ports, waging war against Phoenicians to control the Mediterranean Sea.[159] Roman Empire considered the Mediterranean Sea as "Mare Internum" after having conquered almost all littorals.[160] The ancient Chinese civilization concept of the ocean had been widely documented in works of Confucius and Sun-Tzu as one of the manifestations of superiority above the neighbour countries in the Eastern Indian Ocean and Western Pacific. Indian Chola Kingdom (300 B.ch – 1279) created the first thalassocratic empire within the world's biggest bay – the Bengal Bay.[161] It was followed by the quests of admiral Zheng He in the Pacific and Indian Oceans (1405-1433), which constituted the short-term endeavours to introduce a tributary relationship with all littorals of the Indian Ocean and the Western Pacific.

A century after, the navies of the European colonial countries continued the quest to control oceans, secure the trade lines, and conquer different territories. The Treaty of Tordesillas (1494) between Portugal and Spain, sanctioned by Pope Julius II (1506), was the first legal, international move to regulate the movement of ships and the spheres of influence in the world oceans, turning the Indian Ocean into "Portuguese lake".[162] Spain transformed the Pacific Ocean into a "Spanish lake", and its monopoly survived till the proclamation of independence of the United States.[163] The Portuguese reign over the Indian Ocean survived till the end of the 16th century when other European powers like the Netherlands, France and the United Kingdom started their expansion.

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[159] P. A. Brunt, *The Hellenic League against Persia*, Source: Historia: Zeitschrift für Alte Geschichte , 1953, Bd. 2, H. 2 (1953), pp. 135-163

[160] R. L. Hohlfelder (Editor), *The Maritime World of Ancient Rome*, University of Michigan 2008

[161] Its maritime activities will be further discussed in the second part of this chapter.

[162] A. Piskozub, *Morze w dziejach cywilizacji,* Wydawnictwo Adam Marszałek, Toruń, 1998, p. 55.

[163] A. Piskozub, *Morze w dziejach cywilizacji,* op. cit*.*, p. 58.

The beginning of the second stage in the development of the efforts to organise maritime affairs among the states was marked by the disregard towards the Portuguese-Spanish agreement under the conditions of the lack of another international instrument regulating claims over the right to govern the seas. It resulted in the 17th and 18th centuries in "the battle of the books" among European lawyers. The uniqueness and importance of the maritime area for the strength of colonial powers were at the root of the creation of Hugo Grotius's "Mare Liberum"[164] – "the first endeavour to define and establish the regulations for the seas and the very beginning of the first stage of scientific discourse on maritime governance".[165] While defending the right of the Netherlands to commercially utilise the Indian Ocean in order to allow VOD (Dutch East India Company) to profit from the use of natural resources of the littorals, Grotius rhetorically used the arguments of the just war and the freedom of seas at the request of VOD in the case of the seizure of Portuguese vessel Sta. Catarina.[166]

His arguments were challenged by a number of lawyers within "the battle of the books" – William Welwood, Pacius, Mattherius, Francipani, Megenius, Zambono, Gerard Malynes, Alberico Gentilis, Lord Chef Justice Coke.[167] John Selden with his "Mare Clausum of the Dominion"[168] was considered as the most prominent and decisive in "the battle", finally won by the argument of the freedom of seas and Grotius himself in the particular case of Sta. Catarina.

The freedom of the seas was at the heart of the customary law of the sea, followed by other principles established in the 18th and 19th centuries in a discourse between the biggest world littorals over the span of the territorial sovereignty over the sea. The principle of the distance of a cannon shot presented by Cornelius Bynkershoeck[169], and Ferdinando Galiani[170] became a norm of customary law serving until the mid-20th century. Those two main principles – the freedom of the seas and the territorial sea – became the axis of not only endless disputes but also of the development of the law of the sea, and the awareness of the necessity for common maritime governance.

That process became even more significant in the third stage of the progress in maritime management in the 19th century – the century of a cognitive breakthrough with technological

[164] H. Grotius, *The Free Sea*, op. cit.

[165] T. Łukaszuk, *The Concept of Maritime Governance in International Relations*, op. cit., p.129.

[166] H. Grotius, *The Free Sea*, Liberty Fund, Indianapolis, 2004, p. xii

[167] D.R. Rothwell and T. Stephens (Editors), *The International Law of the Sea*, Hart Publishing, Oxford and Portland, Oregon,2016, p.3.

[168] J. Selden, *Mare Clausum of the Dominion, or, Ownership of the Sea*. Two Books, London, 1618, reprint: 2004

[169] C. Bynkershoeck, *De Dominio Maris Dissertatio*, op. cit

[170] F. Galiani, *De doveri dei principi neutrali verso i principi guerregianti*, Naples, 1782

leaps in shipbuilding and sailing and the inception of international maritime law institutions and strategies.

As a part of the industrial revolution, steamboats replaced sailing ships, which in turn resulted in a multiple increase in cargo and passenger traffic. It contributed to the competition between the United Kingdom and France on the seas, and triggered the necessity to better regulate the rules of using the strategic sea lines of communication.

Another important factor was a desire to rejuvenate the classical law of nations, by enlarging the perimeter of its practitioners.[171] The transnational peace movement of the so-called "Friends of Peace" held five congresses between 1843 and 1851 with participance of representatives of the world of science and trade from both the Anglo-Saxon world as well as Continental Europe.[172] They discussed the possibilities of the new world order based on peaceful solutions to disputes and conflicts among the competing European powers, including those at sea. The concepts and ideas presented at the congresses, and the meetings themselves, contributed to the acceleration of the process of internationalization of law, becoming the nucleus of contemporary international law. The participants realized the necessity to go beyond the narrow national laws and the need to create a new legal framework for increasing international trade and the number of incidents. The consideration of the effectiveness of economic exchange and trade, and the need to communicate among competitors in a more structured form, gave rise to the idea of international organisations of a technical nature.[173] The development of written international law through the restatement of principles of existing law or through the formulation of a new law (these two methods being frequently undistinguishable) was pursued at over 100 international conferences or congresses held between 1864 and 1914, resulting in over 250 international instruments.[174]

In 1873 the International Law Association was established in Brussels – among the leading figures who took the initiative were the Swiss law professor Gustave Moynier and the Belgian law professor and diplomat Gustave Rolin-Jaequemyns.[175] A year later, international

[171] F. Dhondt, *Complete the Chain of the Universal Order. The first continental conferences of the Friends of Peace and the interdisciplinary dream of peace*, Contextual Research in Law (CORE), Vrije Universiteit Brussel, Working Papers no. 2018-1 (March), p. 26

[172] W. De Rycke, *In Search of a Legal Conscience: Juridical Reformism in the Mid-19th Century Peace Movement*, Studia Iuridica tom 80/2019, Wydawnictwa Uniwersytetu Warszawskiego, Warszawa, 2019, p. 356

[173] D. Rossa-Kilian, *Międzynarodowe Organizacje Morskie i Oceaniczne*, Wydawnictwo Adam Marszałek, Toruń, 2008, p.14

[174] *United Nations Documents on the Development and Codification of International Law*, Supplement to American Journal of International Law, Volume 41, No. 4, October, 1947 p.32

[175] W. De Rycke, I*n Search of a Legal Conscience: Juridical Reformism in the Mid-19th Century Peace Movement*, op. cit., p. 360

lawyers, entrepreneurs and insurers' joint endeavours led to establishing of the International Union of Marine Insurance, assuming the responsibility for promoting conformity in terms and conditions and offering a standard set of rules and policies to develop a truly competitive insurance business for international shipments.[176] That laid the groundwork for creating the regulations ordering shipping traffic and managing it on a global scale. A further step towards creating foundations of modern maritime law was the creation of the International Maritime Committee (CMI) in 1897 in Antwerp, in cooperation with the International Law Association Belgian international lawyers. The origin of CMI was that the International Law Association realized in 1896 that the volume of work in relation to maritime law and shipping had assumed such proportions as to justify the setting up of a separate organization.[177]

The efforts of international lawyers to set an order at sea for civilian purposes was accompanied by the studies of several military researchers to create maritime strategies influencing that order in a way giving an advantage compared to other powers. The United States decided to join the United Kingdom and France competition in the second half of the 19th century, under the influence of the writings of Alfred Thayer Mahan.[178] He introduced a sea power concept into maritime studies, analysing world history from the angle of the importance of the sea for humanity, both in times of war and peace. Mahan drew attention to the fact that only countries that efficiently used the sea and coastal areas in the economy and offensive activities successfully developed. "In these three things – production, with the necessity of exchanging products, shipping, whereby the exchange is carried on, and colonies, which facilitate and enlarge the operations of shipping and tend to protect it by multiplying points of safety – is to be found to much of the history, as well as the policy, of nations bordering upon the sea".[179] That coherent vision of the sea power Mahan enriched with the six elements/requirements for the state to be the one: geographical position, physical conformation, including natural production and climate; extent of the territory; the number of population; the character of the people; the character of the government, including the national institutions.[180]

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[176] S. Mahmood and S. Nersesian, *International Union of Marine Insurance* in Ch. Tietje and A. Brouder (Editors), *Handbook of Transnational Economic Governance Regimes*, Brill/Nihoff, Leiden, 2009, p.463

[177] A. N. Yiannopoulos, *The Unification of Private Maritime Law by International Conventions*, Law and Contemporary Problems, Spring, 1965, Vol. 30, No. 2, Unification of Law (Spring, 1965), Duke University School of Law, Durham, 1965, https://www.jstor.org/stable/1190519, access 04.02.2021, p.372

[178] A. T. Mahan, *The Influence of Sea Power upon History* Little, Brown and Company (Twelfth Edition), Boston, 1918

[179] A. T. Mahan, *The Influence of Sea Power upon History Little*, op. cit., p. 5

[180] A .T. Mahan, *The Influence of Sea Power upon History Little*, op. cit., p.6

It became the conceptual framework of not only the majority of the naval strategies of the 20th century but also the incipience of holistic maritime governance thinking.

Another naval strategist from the turn of the 19th and 20th centuries, who contributed to maritime studies not only in a purely military area but also to a broader and better understanding of the significance of maritime domain, was Corbett. In his works, he pointed at the vastness of the sea and the limitations of naval powers to conquer the maritime domain like the land. High seas are for Corbett "means of communication" and an important area of "fishery rights".[181] Contrary to Mahan's concept of unlimited war, he argued for a limited war at sea[182] in search of a broadly understood necessity of cooperation among sea powers.

Great powers utilised the concepts of war created by Mahan and Corbett in several wars in the first half of the 20th century, during the fourth stage of the development of maritime governance, when maritime military strategies prevailed over civilian peaceful maritime governance. However, at the same time, the process of shaping and codifying international law of the sea continued with awareness of the dynamics of the growth of interdependence between maritime security and trade.

Two "Peace Conferences" in Hague 1899 and 1907, which introduced conventions regulating different aspects of both military and merchant usage of the seas[183], were convened under the influence of the six-volume 1898 book "The Future of War in its Technical, Economic and Political Relations"[184] by Polish banker and railway financier Jan Bloch. Among the arguments he presented was one stating that "naval war between two European powers with equal fleets is improbable since it would result in mutual destruction".[185] His thoughts and the events he inspired were all more significant as their central assumption was to strengthen the concept of peaceful settlement of disputes and the peaceful use of the seas while ensuring freedom of navigation for merchant ships and trying to limit naval armaments. The conferences convened by the governments of 26 (1899) and 43(1907) countries followed on such a scale for the first time in history the concepts presented by scientists and traders since "Friends of Peace" congresses in the middle of the 19th century. There were plans to continue the series of "Peace Conferences", but WWI broke out.

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[181] J. Corbett, *Some Principles of Maritime Strategy*, Longmans, op. cit., pp. 94-95

[182] J. Corbett, *Some Principles of Maritime Strategy*, op. cit., p. 41-52

[183] N. Hayashi, *The Role and Importance of the Hague Conferences: A Historical Perspective*, UNIDIR Resources (The United Nations Institute for Disarmament Research), Geneva 2017, https://www.unidir.org/files/publications/pdfs/the-role-and-importance-of-the-hague-conferences-a-historical-perspective-en-672.pdf, access 12.03.2021, p.2

[184] J. Bloch, *The Future of War in its Technical, Economic and Political Relations*, The World Peace Foundation, The Atheneum Press, 1914

[185] J. Bloch, *The Future of War in its Technical, Economic and Political Relations*, op. cit., p. 93

Despite the casualties and material losses during WWI, the processes of building international cooperation and codifying international law were continued. From 1919 to 1946, over 700 multipartite agreements were concluded.[186] International conferences on maritime law were held in Brussels in 1922 and 1926 on the safety of life at sea in London. Series of debates and conferences were organised on regulating international waterways becoming even busier after technological changes and the introduction of regular passenger lines. As a result of those events, the idea of a cohesive and comprehensive debate on maritime issues was renewed, and the Codification Conference was convened in 1930, preceded by six-years preparatory consultations with the participation of international lawyers from CMI, the American Institute of International Law, the Rio Commission of Jurists[187], the Committee of Experts set up by the League of Nations[188] and the International Shipping Conference.[189]

The concept of territorial waters (changed at the beginning of the Conference to the territorial sea) was planned to be one of the three main topics of the Conference, but the delegations raised a wide spectrum of issues related to the territorial sea, including fishery laws, the right of protecting fry, prevention of pollution of the sea, special rights in the contiguous zone. That holistic approach was the consequence of the development of maritime research and international cooperation in different areas like hydrography or oil and gas extraction from the seabed. The principle of freedom of navigation was also acknowledged by all the delegations as well as the necessity of concluding a general convention covering all the issues.[190] Despite that unanimity in general issues they failed to pass a convention on territorial sea due to the differences in approach to the breadth of the territorial sea between major schools of international law. Portugal for example insisted on 12, 15 and 18 nautical miles as alternatives.[191]

The London Naval Conference convened in 1930 as one of the series of five events that were more successful and placed limits on the naval capacity of the world's largest naval powers

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[186] *United Nations Documents on the Development and Codification of International Law* , op. cit., p.32

[187] J.S. Reeves, *The Hague Conference on The Codification of International Law*, American Journal of International Law, Volume 24, Issue 1, January 1930, pp. 52 - 57

[188] H. Miller, *The Hague Codification Conference*, The American Journal of International Law, Oct., 1930, Vol. 24, No. 4 (Oct., 1930), pp. 674-693

[189] *United Nations Documents Concerning Development and Codification of International Law*, op. cit., p.35

[190] *Acts of the Conference for the Codification of the International Law*, The League of Nations, Volume 1, Plenary Meetings, C. 351. M. 145. 1930. V., p.124-125

[191] E.G. Cosford, *The Continental Shelf 1910-1945*, McGill Law Journal, Volume 4:2, September 1958, McGill University, Montreal 1958, p. 251

- Japan, France, Italy, the United Kingdom, and the United States. The document's purpose was to promote disarmament in the wake of the devastation of the First World War.[192]

Nine years later, the Second World War disrupted the debate and endeavours of the scientists to regulate the use of the maritime domain and codify international law of the sea covering all areas. The decisive role of the navy in the Pacific, miniaturisation of submarines and modernisation of diving equipment were some of the positive contributions of the naval arms race during WWII to the exploration of the maritime domain in the 1940s and 1950s, and as a result the growth of the awareness of the necessity to continue the cooperation after in the post-War order.

Another significant experience of WWII and the next step in developing maritime cargo and passenger traffic were convoys with food and supplies traversing all oceans. As a consequence of that intensity of cargo traffic, the Allies established the United Maritime Authority as an incipience of the Intergovernmental Maritime Consultative Organisation.[193] The demand for oil for ships was one of the factors accelerating the research on the development of oil extraction from the seabed. "Moveable barges were used in the 1930s, and by 1938, the first free-standing structure had been placed in the Gulf of Mexico 1.5 miles offshore for the purpose of drilling for oil."[194] "As the demand for gas and oil products continued to increase during and after World War II, these free-standing structures were placed in deeper waters."[195]

1.3.2. The development of policies of maritime governance from 1945 up to 2022

The post-WWII development was both more dynamic and successful for the development of the debate on the maritime governance, based mainly on the United Nations system and three conferences on the law of the sea. It can be structured into five stages:

1. 1945-1958 – the increase in unilateral declarations on states' jurisdiction in maritime governance areas and endeavours to create the shift towards the creation of international regimes and institutions;

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[192] *Office of the Historian*, Department of State, United States of America, https://history.state.gov/milestones/1921-1936/london-naval-conf, access 14.03.2021

[193] A. Chircop, *The International Maritime Organization* in D.R. Rothwell et al., The Oxford Handbook of the Law of the Sea, Oxford University Press, Oxford 2015, p.417

[194] J. Pratt, T. Priest, and C. Castaneda, *Offshore Pioneers: Brown & Root and the History of Offshore Oil and Gas*, Gulf Publishing, Houston, Tex. 1997, pp.1-14

[195] *Strengthening the Safety Culture of the Offshore Oil and Gas Industry*, Transportation Research Board, Special Report 321, Washington, D.C. 2016, p.64

2. 1958-1973 – the clash of the concepts of Western states and newly created or liberated states over the shape of maritime governance institutions and regimes and the failure of two conferences on the law of the sea;

3. 1973-1982 – the debate and competition between developed and developing countries on the shape of maritime governance on the sidelines of the Third Conference on the Law of the Sea;

4. 1982-1994 – the debate on maritime governance based on differences in interpretation of provisions of the United Nations Convention on the Law of the Sea (UNCLOS) towards its ratification in the context of the end of the Cold War;

5. 1995-2022 – continuation of the process of the development of maritime governance with inclusion of environmental issues, blue economy and sustainable development goals.

The 1945 Truman two declarations proclaiming the continental shelf as "the contiguous to the coasts of the United Nations"[196] and "with respect to coastal fisheries in certain areas of the high seas"[197], constituted the natural consequence of the research and economic processes in the US[198], as well as the signal of the determination to continue the debate on maritime governance and the codification of the law of the sea. However, two acts preceded that document – 1942 Anglo -Venezuelan "Treaty Relating to the Submarine Areas of the Gulf of Paria", dividing fishing zones, and 1944 Argentinian decree on zones of mineral reserves along the coasts and in the epicontinental0 sea, as a result of the three decade-debate of Argentinian jurists.[199]

The reaction to the Truman's declaration was therefore all the more powerful in South America, where seven countries asserted jurisdiction, protection and control over the continental shelf bordering their territories.[200] "The Latin American states, however, have sought in their actions to achieve both objectives through a single comprehensive claim to the

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[196] R. B. Krueger, *The Background of the Doctrine of the Continental Shelf and the Outer Continental Shelf Lands Act,* Natural Resources Journal, Volume 10 Issue 3 Summer 1970, https://digitalrepository.unm.edu/nrj/vol10/iss3/2, access 16.03.2021, p.465

[197] L. D. M. Nelson, *The Patrimonial Sea*, The International and Comparative Law Quarterly, Oct., 1973, Vol. 22, No. 4 (Oct., 1973), Cambridge University Press on behalf of the British Institute of International and Comparative Law, pp. 669

[198] The Copeland Bill entitled A Bill to Assert the Jurisdiction of the United States over Certain Portions of the Bering Sea and the Submerged Land Thereunder – it was passed by the Senate on 5th May, 1938, but its enactment was not completed. After E.G. Cosford, *The Continental Shelf 1910-1945*, op. cit., p. 254

[199] E.G. Cosford, *The Continental Shelf 1910-1945*, op. cit., p. 256

[200] R. Young, *Recent Developments with Respect to the Continental Shelf*, The American Journal of International Law, Oct., 1948, Vol. 42, No. 4 (Oct.,1948), Cambridge University Press, p. 851

continental shelf and to the waters over it"[201], contrary to the US declarations. "The development of the continental shelf doctrine, as well as its possible over-development in some instances, is symptomatic of the widespread dissatisfaction with existing doctrines on maritime jurisdiction."[202] By 1958, 40% of all coastal states had issued proclamations extending their territorial sea beyond the 3-mile limit.[203]

Those unilateral statements were meant to bridge the gap between the growing awareness of states of the role of the maritime domain in all spheres of their functioning and the slow pace of the development of codification of international law and international institutional cooperation. The interaction between those elements as parallel processes and the manifestation of the interplay between particular interests of countries and necessity to cooperate to attain the common goals played the important role in shaping maritime governance in the post-WWII global order.

The United Nations Organisation and its specialised agencies and commissions have been the decisive contributors to the global order. Facing the growing pressure of member countries, the UN decided to convene in 1948 the conference on the International Maritime Organisation to channel the existing bilateral and unilateral mechanisms in marine safety into one global organisation. The International Law Commission, established as a continuator of work of the Committee for the Progressive Codification of International Law created in 1924 by the League of Nations, declared at its first session that the maritime law issues would be high on its agenda, among them the territorial sea and the high sea, considering them "as topics whose codification is necessary and feasible".[204] The debate within the Commission at a global and regional level with the participation of experts from twenty-five countries[205] and several organisations lasted for six years. Both the limited interest of countries (comparing to the number of the members of the UN) in the debate and its longevity were evidence of existing and continuous differences among them on the issue of the division of borders between the high seas and the territorial sea based on concerns of sovereignty and economic interests.

The majority of countries just gained or regained their independence founding themselves in the conditions of the Cold War between two blocks. Another significant factor was the failure of the League of Nations and the 1930 Conference, as well as a series of the

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[201] R. Young, *Recent Developments with Respect to the Continental Shelf*, op. cit., p. 856

[202] R. Young, *Recent Developments with Respect to the Continental Shelf*, op. cit.,, p. 857

[203] A. Gurmendi, *Customary International Law Symposium: "Making Sense of Customary International Law" and Power Dynamics*, https://opiniojuris.org/2020/07/09/customary-international-law-symposium-making-sense-of-customary-international-law-and-power-dynamics/, access 18.03.2021

[204] D. H. N. Johnson, *The Preparation of the 1958 Geneva Conference on the Law of the Sea*, op. cit., p. 125.

[205] D. H. N. Johnson, *The Preparation of the 1958 Geneva Conference on the Law of the Sea*, op. cit. p. 126

post-WWII unilateral declarations claiming extended jurisdiction on the parts of the sea adjacent to the shore. In such circumstances their stance on the argument on the necessity to protect the freedom of the sea and cooperation was restrained. It is in this way of thinking, as well as the reproduction of the organizational errors of the 1930 conference, including the lack of both involvement of countries sponsoring the event and decisiveness of the panel leaders on the width of the territorial sea, that the reasons for the limited success of the 1st Conference on the Law of the Sea in 1958 should be sought.

As it was put by A. H. Dean, Chairman of the US delegation to the Conference, "Colonialism was ending. New states were being created. Nationalism was on the increase. In nine weeks, it is difficult to settle the accumulated problems of a generation."[206] Four conventions[207], one protocol and nine resolutions were concluded. The documents agreed at the conference constituted a significant contribution to the further progress of international law of the sea. The debate at the conference covered the broad span of traditional issues like fisheries and historic waters, and newly occurred challenges related to maritime governance like pollution caused by radioactive materials and nuclear tests. A significant novelty was the inclusion into the maritime discourse the number of countries without access to the sea shores, where the majority among them were newly liberated countries.

The differences on the breadth of territorial sea dominated the debate before the Second Conference on the Law of the Sea, which preparations started after less than a year following the first one. The lack of acceptance of the customary three-mile span of the territorial sea was common. The discussed consensus was close to the six-mile proposal[208], with opposition from the USSR advocating the zone of 12 nautical miles based on historic rights related to the imperial regulations, mainly due to naval security strategy. Some Arab countries and South America connected dispute over the territorial sea with fishery or economic zones and continental shelf, claiming jurisdiction over the sea areas of 200 nautical miles.[209]

To address the concerns of developing countries about the monopolization of deep-sea fishing and mining by superpowers and European colonial countries, the Second Conference focused on the issue of the width of the territorial sea and fishing limits in the waters adjacent

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[206] A. H. Dean, *The Geneva Conference on the Law of the Sea: What was Accomplished*, The American Journal of International Law, Cambridge University Press, Oct., 1958, Vol. 52, No. 4, p.628

[207] The Convention on the Territorial Sea and Contiguous Zone, the Convention on the Continental Shelf, the Convention on the High Seas, the Convention on Fishing and Conservation of the Living Resources of the High Seas.

[208] M. S. McDougal and William T. Burke, *The Public Order of the Ocean. A Contemporary Law of the Sea*, op. cit., p. 44

[209] A. H. Dean, *The Geneva Conference on the Law of the Sea: What was Accomplished*, op. cit., p.609

to them. Furthermore, the representatives of the US administration have lobbied countries from Asia, South America and Europe, travelling six months before the Conference, in order to convince them of the necessity of an agreement on "keeping the areas of the high seas as extensive as possible and, hence, the territorial sea as narrow as possible."[210] In response to the US proposals, the "18 Power" group of developing countries presented in the beginning of the Conference an alternative concept of a flexible territorial sea of 3 to 12 nm and an exclusive fishing zone, being a combined and modified version of the previous proposals of the USSR and "16 Power" group of Latin American countries. In addition to that, the biggest archipelago developing countries – Indonesia and Philippines referred to the proposals made by Yugoslavia and Denmark during the First Conference, and claimed the width of 12 nm of territorial sea and additionally internal waters with a range of 100 to 400 nm as archipelagic waters under their jurisdiction.[211] The final compromise proposal of the US and Canada in the formula of 6 nm of territorial sea plus 6 nm of fishing zone, based on the US strategic calculations[212], was refused, and the Conference ended without adoption of any new conventions or modifications of existing conventions.[213]

An important factor of the lack of agreement in Geneva was the ongoing conflict between the Arab countries and Israel on the Gulf of Aqaba, as a consequence of the Suez Canal war in 1956. As a positive contribution to the progress of the law of the sea could be considered the continuation and expansion of the debate, including the approximation of positions on the breadth of the territorial sea, and the inclusion of several new elements of maritime governance into the maritime discourse. The issue of the organisation of another conference also appeared on the agenda. The awareness of deepening interdependence of security and trade, freedom of communication of merchant vessels with consideration of historical rights of coastal states played a crucial role. The lack of trust between developing countries and former colonial powers still hampered the process of codification of international law and creating the legal and institutional framework for global maritime governance, especially in the context of the free passage of commercial vessels along the traditional routes through strategic straits in the Indian Ocean, the width of which was less than 12 nm or twice their width.

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[210] A. H. Dean, *The Second Geneva Conference on the Law of the Sea: The Fight for Freedom of the Seas*, The American Journal of International Law, Cambridge University Press, Oct., 1960, Vol. 54, No. 4, p.752

[211] A. H. Dean, *The Second Geneva Conference on the Law of the Sea: The Fight for Freedom of the Seas*, op. cit., p.765-66

[212] D. W. Bowett, *The Second United Nations Conference on the Law of the Sea*, The International and Comparative Law Quarterly, Cambridge University Press on behalf of the British Institute of International and Comparative Law, Jul., 1960, Vol. 9, No. 3, p.417

[213] D. R. Rothwell and T. Stephens, *The International Law of the Sea. Second Edition*, Hart Publishing, Oxford and Portland, Oregon 2016, p.9

Both sides continued to solve the growing challenges through unilateral statements on the width of territorial sea, fishery or economic zones. By 1965, 62% of coastal states had laid claims to territorial waters beyond 3 miles.[214] Other countries that previously published unilateral statements on economic zones united and passed regional Montevideo and Lima declarations in 1970. The potentially great harvest of seabed minerals must also be examined from the perspective of the world's increasing demand for such resources and the depletion and stability of current sources.[215] From 1963 to 1970 the oil and gas consumption doubled in the world.

To save the idea of the high seas and common governance over the maritime domain, as well as to limit the competition of countries restricting countries' race for access to the exploitation of natural resources from the seabed, it was necessary to pursue a new concept to find a compromise. Two professors – Arvid Pardo, representing Malta in the UN, supported by Elisabeth Mann Borghese, a Canadian expert on maritime policy, and biologist Garett Hardin from the American Association for the Advancement of Science, presented two new ideas. Pardo articulated to the First Committee of the United Nations General Assembly (UNGA) the idea of "the Common Heritage of Mankind" in 1967 and Hardin to the Pacific Division of the American Association for the Advancement of Science the idea of "the Tragedy of Commons" in 1968.[216]

Both concepts reflected the wide scope of challenges faced by the global community, presenting at the same time integrative approaches to knowledge, emphasizing rationality and technology as the keys to understanding economic and legal choices.[217] Pardo's concept focused, among others, on the mineral resources of the seabed beyond the limits of national jurisdiction, which were to be proclaimed the common heritage of humankind. Their views promoted worldwide on scientific and political fora were considered as a breakthrough and the beginning of the new era in the international law of the sea, which led to the establishment and successful proceedings of the United Nations "Seabed" Committee, furthermore to General Assembly 2749 (XXV) 1970 resolution. According to it, the seabed and ocean floor "are the common heritage of mankind".[218] The GA UN 2750(XXV) 1970 resolution, convening a Third

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[214] J.A. Roach, R. W. Smith, *Excessive Maritime Claims: Third Edition*, BRILL, Leiden 2012, p.136

[215] H. M. Collins, JR., *Mineral Exploitation of the Seabed: Problems, Progress, and Alternatives*, Natural Resources Lawyer, American Bar Association, 1979, Vol. 12, No. 4, p.609

[216] S. Ranganathan, *Global Commons*, The European Journal of International Law Vol. 27 no. 3, Oxford University Press 2016, p.694

[217] Ibidem

[218] T. Treves, *Introductory Note to the United Nations Convention on the Law of the Sea*, Audiovisual Library of International Law, The United Nations Organization, Codification Division, Office of Legal Affairs, https://legal.un.org/avl/ha/uncls/uncls.html, access 05.04.2021

Conference on the Law of the Sea, stated that "problems of ocean space are closely interrelated and need to be considered as a whole".[219]

That comprehensive approach to maritime governance influenced the preparatory work before the Third Conference when an additional conference on the human environment was organised in Stockholm (1972), and two conventions on pollutions from ships were concluded in London (1972-73). The length of the Conference (1973-1982), the intensity of its deliberations (11 sessions), and the admission of non-governmental organisations and scientific experts to the meetings indicated both the desire to avoid the mistakes of previous conferences and the determination of the participants to conclude an agreement and complete the process of codifying the law of the sea while setting the standards for maritime governance for the 21st century.

Negotiated and adopted at the end of the Conference Convention on the Law of the Sea(UNCLOS), it still used the term from the 1950s of "legal order for the seas"[220] instead of maritime or ocean governance. However, its scope was substantially more comprehensive, interdisciplinary, and covered areas similar to governance like the sovereignty of states, the international communication, the peaceful use of the seas, the utilization of resources, the conservation of living resources, as well as the study, protection and preservation of the marine environment.[221] The issues discussed for the decades in the 20th century found their definition and description– the breadth of territorial sea was finally set at 12 nautical miles, the innocent passage of merchant, government ships and warships, the contiguous zone at 24 nm, the continental shelf between 200 and 350 nm, archipelagic states at 125 nm, the exclusive economic zone at 200 nm, conservation and utilization of living resources, the sea-bed and ocean floor beyond the limits of national jurisdiction, protection and preservation of the marine environment, marine scientific research, settlement of disputes.

The institutional framework established at the global and regional level by the biggest and longest international conference through UNCLOS was charged with actively monitoring states' compliance with its regulations and implementing its provisions, especially the International Tribunal of the Law of the Sea, the Commission on the Limits of the Continental Shelf and the International Sea-bed Authority. The provisions of the Convention were implemented even before its conclusion because as the debate at the conference on particular

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[219] *The United Nations General Assembly, Twenty-Fifth Session*, Resolutions adopted on the reports of the First Committee, https://www.undocs.org/pdf?symbol=en/A/RES/2750(XXV), access 05.04.2021, p.26
[220] A.V. Lowe and S.A.G. Talmon (Editors), *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.270
[221] Ibidem

issues progressed, the states urged an internal discussion with the participation of governmental and academic centres, which resulted in the implementation of new regulations on maritime governance into domestic law and the emergence of national institutions, responsible for maritime matters. In this context, the twelve-year period of signing and ratifying the convention by the states participating in the Third Conference on the Law of the Sea was surprising.

The number of countries that ratified the Convention increased only after the end of the Cold War, from 41 in the 1980s to 90 in the 1990s.[222]

The roots of that phenomenon can be found in three factors:

1. the Cold War had a freezing effect on the positions of the Eastern Bloc countries and those developing countries related to them - only after the beginning of the democratic transformation in Central Europe in 1989 they started the ratification process of UNCLOS;

2. the Part XI of the UNCLOS final version, devoted to the "international seabed zone", faced strong opposition from developed countries, resulting in many countries refusing to sign it. However, most countries were so determined that the negotiations resumed in 1990. The General Assembly of the United Nations adopted the agreement on its implementation in 1994.[223] In the context of existing disputes over sea basins and borders, many countries made declarations and statements under articles 287, 298, and 310 of Part XV[224] upon the act of signing or ratification of the Convention, preceded by an internal debate of academic and government centres;

3. the significant hindrance to the ratification process was also the attitude of regional and global powers, such as China, and the US, which raised many objections to the document and delayed signing until the mid-1990s. According to the scientific centres in the USA, UNCLOS suffered from the deficiency of precision out of a "consensus spirit," causing divergent interpretations of the key formulations in defence of national interests.[225] Among the arguments presented by them was the pressure from the G77 group, representing developing countries, most active during the Conference, and the fear of incompetence of international institutions. Following the stance of the USA, several developed countries refused to support the convention's article on deep seabed

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[222] *30th Anniversary of the United Nations Convention on the Law of the Sea*, United Nations Organization, https://www.un.org/Depts/los/convention_agreements/pamphlet_unclos_at_30.pdf, access 06.04.2021, p.2

[223] S. Colin, *China, US and the Law of the Sea,* China perspectives, No.2016/2, https://journals.openedition.org/chinaperspectives/6994?file=1, access 06.04.2021, p.58

[224] A.V. Lowe and S.A.G. Talmon (Editors), *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, op. cit., p.908

[225] S. Colin, *China, US and the Law of the Sea,* op. cit., p.58

mining. "The United States seeing itself as a defender of UNCLOS's correct implementation"[226], having introduced almost all provisions into domestic law, has not ratified it. In that context, a widely debated legal question was "whether the Convention creates rights and obligations for non-signatories"[227], including both authorities and companies specialized in oil and gas exploitation from the seabed.

Despite the critics that the longevity of the process from 1970 to 1994, as well as its static substance not taking into account the dynamics of changes in the use of the maritime domain, made UNCLOS outdated,[228] both the Conference and the Convention became the cornerstones of the further development of maritime governance.

To the existing pillars of maritime governance – security, trade, and legal affairs – they added the protection of the marine environment, related not only to traditional issues of delimitation of fishery zones but also the subject of conservation of other species[229] as an instrument of protection of biodiversity within and beyond the jurisdiction of the states, at the national and international, institutional level. Among the significant regulations, the marine scientific research[230] and transfer of technology and scientific knowledge to developing countries aimed at prevention, reduction, and protection from harmful effects of human industrial activities were placed.[231]

The debate during the Conference in the spirit of an equitable approach to all elements of maritime management and the provisions of UNCLOS laid the foundation to the concept of sustainable development, which appeared for the first time in the Brundtland report in 1987. The report made reference to the concept of the global commons, drawing attention to the problem of balance between human activity and environmental protection, as well as the necessity of joint oceans management. "The oceans are marked by a fundamental unity from which there is no escape, interconnected cycles of energy, climate, marine living resources, and human activities move through coastal waters, regional seas, and the closed oceans."[232]

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[226] S. Colin, *China, US and the Law of the Sea,* op. cit., p.58

[227] D. S. Cheever, *The Politics of The UN Convention on The Law of The Sea*, Journal of International Affairs, Winter 1984, Vol. 37, No. 2, The Politics of International Law, p. 247

[228] P. Allott, *Mare Nostrum*: *A New International Law of the Sea*, The American Journal of International Law, Oct., 1992, Vol. 86, No. 4, p.766

[229] A.V. Lowe and S.A.G. Talmon (Editors), *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, op. cit., p.288

[230] A.V. Lowe and S.A.G. Talmon (Editors), op. cit., p.346

[231] A.V. Lowe and S.A.G. Talmon (Editors), op. cit., p.309

[232] *Report of the World Commission on Environment and Development: Our Common Future*, the United Nations Organisation, https://sustainabledevelopment.un.org, access 09.04.2021

The term of oceans management was transformed and developed into oceans governance at the 1990 Green Peace conference "Freedom for the seas in the 21st century" organised by the University of Hawaii. Arvid Pardo, for the second time in history, presented at the conference a ground-breaking concept of "a global benefit-sharing and oceans' good governance.[233] The concept was the result of the inclusive debate of governments and scientists in order to "resolve the dichotomy between the need to use and exploit ocean space and the need to avoid consequences of such use."[234]

Following Pardo's proposal 1992 United Nations Conference on Environment and Development (The Earth Summit) adopted the comprehensive plan of sustainable development - Agenda 21, which Chapter 17 introduced a programme of integrated oceans management aimed at the sustainable development of coastal and marine areas.[235] Both the programme and the Global Environment Facility, established before the opening of the Earth Summit, were created to support the network of 66 Large Marine Ecosystems (LMEs), areas of ocean space along the Earth's continental margins, proposed by the marine scientists and established on the legal basis of UNCLOS.[236]

A further step was the creation of the Independent World Commission on the Oceans in 1995, consisting of 43 world-leading marine scientists. Their three-year debate resulted in the report "The Ocean Our Future"[237], in which experts recommended treating the high seas as a public trust; re-orientate navies to enable them to enforce legislation concerning non-military threats, including the environment; to share the benefits from the exploitation of marine resources more equitably.[238] Their demands also concerned the effectiveness of cooperation by creating an institutional framework for global ocean governance (World Ocean Affairs Observatory), as well as to convene United Nations Conference on Ocean Affairs.[239] Those entities and events were designed to complement the institutions created within the framework of UNCLOS, make them more efficient and robust. The holistic model of ocean governance presented in the report influenced the direction of the debate, reinforcing the direction set by Keohane and Nye, with their concept of interdependence and consequences of the process of

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[233] D. Currie, *The Oceans: The Law of the Sea Convention as a Form of Global Governance*, op. cit., p.35
[234] Ibidem
[235] *Agenda 21 Chapter 17 - Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of Their Living Resources*, op. cit.
[236] D. R. Rothwell and T. Stephens, *The International Law of the Sea. Second Edition*, Hart Publishing, Oxford and Portland, Oregon 2016, p.508
[237] *The Ocean Our Future, The Report of the Independent World Commission on the Oceans*, Cambridge University Press 1998
[238] *The Ocean Our Future, The Report of the Independent World Commission on the Oceans*, op. cit., pp.17-18
[239] *The Ocean Our Future, The Report of the Independent World Commission on the Oceans*, op. cit., pp.21-22

globalisation in the form of increasing indispensability of cooperation at local, regional and global levels.

Another significant dimension of the discourse in 21st century was the occurrence of maritime governance with the aim "to strengthen the holistic meaning of the governance, dealing with oceans and sea within or beyond national jurisdiction of littorals, covering all the areas including security, blue economy, marine safety and legal framework."[240] The complexity, multidirectional nature of multilayer interconnections, rapid technological progress and intensity in shipping with the increasing number of significant non-state actors, and susceptibility to changes in the globalization process drew the attention of scientists to the dynamics of the sphere of maritime activities and research[241] and the statics of the applicable legal regulations and institutions. The maritime governance in the 21st century is a process involving the existing and pending regulations of the law of the sea, issues of maritime security, economy and ecology, in which state and non-state actors are involved, being interconnected on various levels.

1.4.   Maritime governance in international relations – neoliberal institutionalist approach

1.4.1. Neoliberal institutionalism – assumptions

This section presents then explores its critical assumptions of neoliberal institutionalism in the context of the process of the development of international relations. These assumptions are as follows :

1. states apprehended the community of interests to a more significant extent than ever, and as a result

2. states developed international institutions and organisations believing that

3. they can achieve not only common but also individual particular absolute gains, as according to them

4. effective international cooperation with efficient institutions and organisations is possible.

The assumptions were created on the basis of the experience of post-WWII institutional revival. The second global conflict in the first half of the 20th century brought new dynamics to the endeavours taken in the last decade of the 19th century and the 1920s to reshape the international order. The creation of the United Nations and its specialised agencies, including

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[240] T. Łukaszuk, *The Concept of Maritime Governance in International Relations*, "Stosunki Międzynarodowe – International Relations", University of Warsaw, no. 4 (vol. 54) 2018, p. 132

[241] M. Roe, *Maritime Governance. Speed, Flow, Form, Process*, Springer, Heidelberg 2016, p.228

the International Maritime Organisation, constituted an attempt to restore faith in international institutions. Successful continuation of the codification of international law and the introduction of the regulations into most of the spheres of life of the international community positively impacted the trust in the possibility and necessity of cooperation among states. Another strong signal came from newly liberated countries that decided to channel their aspirations through international organisations. They believed that their individual and common interests could be attained using multilateral fora. They found themselves in the majority in the General Assembly of the UN at the end of the 1960s.[242] They established formal and informal international groups gathering them at global like Non-Aligned Movement or Group of 77 and regional level like the Organisation of African Unity or the Association of Southeast Asian Nations.

At the same time, similar dynamics occurred in social, national and international life with the birth of civil society and moral revolution in the West. Technological progress in the transportation and the increase of the frequency of interpersonal contacts contributed to the speed of qualitative and quantitative changes in transnational relations. All the developments presented above gave new momentum to international organisations, both governmental and nongovernmental.

US scientists Keohane and Nye, considered as the founders of the concept of neoliberal institutionalism, tried to describe that phenomenon of the renaissance of international organisations in the first three decades after WWII. As representatives of the Western, Westphalian world, they focused only on the sides of the trends noticeable in Western societies. They noticed that "a good deal of intersocietal intercourses with significant political importance" took place "without governmental control."[243]

Among the questions they asked in their foundation work of neoliberal institutionalism in 1971, two can be considered as the most important : to what extent governments "suffered from a "loss of control" as a result of transnational relations" and "to what extent may new international organizations be needed, and to what extent may older organizations have to change in order to adapt creatively to transnational phenomena."[244]

They emphasised that many "global interactions" as movements of information, money, physical objects, people"[245] take place without the participation or beyond the control of states,

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[242] J. Prantl, *Informal Groups of States and the UN Security Council*, International Organization, Cambridge University Press, Vol. 59, No. 3, Cambridge 2005, p.570

[243] J.S. Nye Jr and R. O. Keohane, *Transnational Relations and World Politics: An Introduction*, International Organization, Summer, Vol. 25, No. 3, Transnational Relations and World Politics 1971, p.330

[244] J.S. Nye Jr and R.O. Keohane, *Transnational Relations and World Politics: An Introduction*, op. cit., p.331

[245] J.S. Nye Jr and R.O. Keohane, *Transnational Relations and World Politics: An Introduction*, op. cit., p.332

involving nongovernmental actors. Those movements "increase the sensitivity of societies to one another"[246], influencing relations among states and their societies. The created communication among different societies put impact on all actors of international relations, leading to the emergence of trends and similarities in social developments.

The ability of certain governments to influence others and autonomous private entities affecting states could be interpreted as well as significant results of transnational relations. Private transnational organisations could also have an impact on national interests' groups, promoting international pluralism. At the same time transnational organisations related to international communication and transport created the dependence and interdependence between the countries, limiting their influence on developments in that area.

The governments have established international organisations "in their attempts to influence and control those trends."[247] For neoliberal institutionalists states are "major actors and unitary-rational agents."[248] The states as key actors see cooperation as a remedy to the challenges emerging in the modern world full of anarchy. Anarchy, as understood by neoliberal institutionalist, was the emanation of the changes in the 1960s and 1970s – with the growing number and significance of multistate and non-state actors and the increase of the multiplication of the issues in international life with the weakening influence of military factors and the increase of economic factors.

There is difficult for states, in terms of anarchy meant also by neoliberals as the absence of centralised international authority, to cooperate. Axelrod and Keohane made the reservation, however, that cooperation is possible "in situations that contain a mixture of conflicting and complementary interests"[249] when states adjust their conduct "to the actual or anticipated preferences of others."[250] To illustrate their assumption they utilised Axelrod's[251] model based on the A.W. Tuckers Prisoners Dilemma game theory and research made by Jervis[252] and Oye[253].

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[246] J.S. Nye Jr and R.O. Keohane, *Transnational Relations and World Politics: An Introduction*, op. cit. p.336

[247] J.S. Nye Jr and R.O. Keohane, *Transnational Relations and World Politics: An Introduction*, op. cit. p.348

[248] J. M. Grieco, *Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism* in D.A. Baldwin (Editor), *Neorealism and Neoliberalism. The Contemporary Debate*, Columbia University Press, New York, Chichester, West Sussex 1993, p.121

[249] R. Axelrod and R.O. Keohane, *Achieving Cooperation Under Anarchy: Strategies and Institutions*, World Politics, Cambridge University Press, Vol. 38, No. 1 (Oct., 1985), p.226

[250] R. Axelrod and R.O. Keohane, *Achieving Cooperation Under Anarchy: Strategies and Institutions*, op. cit., p.226

[251] R. Axelrod, *Conflict of Interest: An Axiomatic Approach*, Journal of Conflict Resolution, University of Maryland, ii March, Tydings Hall 1967, pp. 87-99

[252] R. Jervis, *Cooperation under the Security Dilemma*, World Politics, Vol.30, January 1978, pp.167-214

[253] K.A Oye, *Explaining Cooperation under Anarchy: Hypotheses and Strategies*, World Politics, Oct., 1985, Vol. 38, No. 1, pp. 1-24

The choice of the Prisoners Dilemma game as the basis of the model was justified by the fact that it belongs to the category of cooperative or variable-sum games. A critical premise was the assumption mentioned above of the conditions for the economic factor's growing importance in international relations compared to the military. Non-cooperative or zero-sum games were used to analyse military security issues. According to Axelrod's model, under the conditions of anarchy, the greater the conflict of interest between players (states), "the greater the likelihood that players (states) would, in fact, choose to defect."[254] "Within the game both players have the incentive to defect no matter whether the other player cooperates or defects."[255] The dilemma is that, if both defect, both do worse than if both had cooperated.

Based on the game's result, Oye argued that "despite the absence of any ultimate international authority, governments often bind themselves to mutually advantageous courses of action."[256] Further exploring cooperative games in relation to the cooperation of states, Oye presented Stag Hunt, where "a group of hunters surround a stag – if all cooperate to trap the stag, all will eat well."[257] An indispensable condition, however, is openness and trust in common pay-off. States like hunters have to realize common interests through "cooperation, formal bilateral and multilateral negotiation, and the creation of international regimes."[258] Institutions established as a result of cooperation and international regimes "reduce verification costs, create iterativeness, and make it easier to punish cheaters"[259], who prefer to attain their goals individually, against the rules set up by the players (states). "Repeated interaction gives each actor the ability to punish uncooperative behaviour (…) with future sanctions"[260] and the costs of that behaviour would outbalance the immediate gains and "even egoistic states will cooperate."[261]

The absolute gains concept, also based on cooperative games theory, related to the Prisoners Dilemma[262] and gradually replacing it in the discourse, constituted another model utilised by the neoliberal institutionalist in the debate to prove the assumption on the necessity

[254] R. Axelrod and R.O. Keohane, *Achieving Cooperation Under Anarchy: Strategies and Institutions*, op. cit, p. 228

[255] R. Axelrod and R.O. Keohane, *Achieving Cooperation Under Anarchy: Strategies and Institutions*, op. cit, p. 229

[256] K.A Oye, *Explaining Cooperation under Anarchy: Hypotheses and Strategies*, op. cit., p.1

[257] K.A. Oye, *Explaining Cooperation under Anarchy: Hypotheses and Strategies*, op. cit., p.8

[258] K.A Oye, *Explaining Cooperation under Anarchy: Hypotheses and Strategies*, op. cit., p.1

[259] J. M. Grieco, *Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism*, op. cit., p.124

[260] R. Powell, *Absolute and Relative Gains in International Relations Theory*, The American Political Science Review, American Political Science Association, Vol. 85, No. 4 (Dec., 1991), p. 1306

[261] R. Powell, *Absolute and Relative Gains in International Relations Theory*, op. cit., p. 1306

[262] D. Snidal, *Relative Gains and the Pattern of International Cooperation*, The American Political Science Review, Vol. 85, No. 3 (Sep., 1991), pp.701-726

of cooperation and the role of the institutions. According to neoliberal institutionalists, states look broader to the results of their actions in modern times, considering all the areas, not only political and security factors but also economic and environmental. They are interested in absolute individual gains, without relativity to others." In terms of preferences, (…) focus on absolute gains is usually taken to mean that a state's utility is solely a function of its absolute gain."[263]

Under conditions of growing interdependence in terms of economic ties and hegemonic stability in the second half of the 20th century, countries developed their abilities to cooperate. Keohane stated that the USA, with its hegemonic role, provided stability for many countries and facilitated the creation of the international regimes after WWII, which played a crucial role in fostering international cooperation[264] and, as a further consequence, creating international institutions and organisations. In his book "International Institutions and State Power"[265], published first in 1989, on the verge of the end of the Cold War, Keohane emphasised that the processes in the 1960s, 1970s and 1980s made world politics institutionalised.[266] Furthermore, he argued that institutionalization has a critical impact on governments in the context of cooperation. Governments' actions "depend to a considerable degree on prevailing institutional arrangements."[267] "Those arrangements affect the flow of information and opportunities to negotiate; the ability of governments to monitor others' compliance and to implement their commitments-hence their ability to make credible commitments in the first place; and prevailing expectations about the solidity of international agreements."[268]

The significant assumption of neoliberal institutionalism was based on that argument – states cooperation depends nowadays on institutions. Their dependence on institutions is also manifested through the impact on the process of defining interests and the interpretation of endeavours undertaken to attain the goals based on the assessment of the interests. Thus, international institutions have dual role in analysing the state's activities on international fora - constitutive and regulative. They constitute and regulate countries behaviour through the system of rules and norms, and decision-making procedures. That process could be guided by

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[263] R. Powell, *Absolute and Relative Gains in International Relations Theory*, op. cit., p. 1303

[264] R.O. Keohane, *After Hegemony. Cooperation and Discord in the World Political Economy*, Princeton University Press, Princeton, New Jersey 1984, p. 49

[265] R. O. Keohane, *International Institutions and State Power. Essays in International Relations Theory*, Routledge, New York 2018.

[266] R. O. Keohane, *International Institutions and State Power. Essays in International Relations Theory*, op. cit., p.1

[267] R. O. Keohane, *International Institutions and State Power. Essays in International Relations Theory*, op. cit., p.2

[268] Ibidem

progressive or regressive ideas. Neoliberal institutionalists focus on not only "how the world is governed but also on how it ought to be governed."[269] They are trying "to state in advance the conditions under which its propositions apply."[270]

Defining the conditions for applying the neoliberal institutional concept of the international system analysis, Keohane made a reservation that mutual interests and variations in the degree of institutionalisation impact on state behaviour are necessary for neoliberal institutional theory. "Liberal institutionalists treat states as rational egoists operating in a world in which agreements cannot be hierarchically enforced, and that institutionalists only expect interstate cooperation to occur if states have significant common interests."[271] He also admitted that despite the centrality of states in the interpretation of world politics not only formal but also informal rules play significant role in the neoliberal account.[272] Those informal rules are embedded primarily in the growing influence of society and non-governmental organisations on states and international organisations created by them.

The successors of Keohane and Nye's neoliberal institutional theory after the end of the Cold War argued that it was the beginning of the rise neoliberalism and the time of "emergence of several new institutionalist paradigms, specifically rational choice, historical, organizational and discursive institutionalism."[273] They also claimed that the neoliberal paradigm "has proven highly robust empirically, (…) as globalisation (…) has made the world even more tightly connected, (…) with the increasing prominence of non-state actors such as multinational corporations, nongovernmental organizations (NGOs), and international institutions, (…) increasingly winning the theoretical and empirical battles in international relations to understand a globalized world."[274] As emphasised "the number of formal international organisations has risen from three hundred in 1977 to well over six thousand"[275] at the end of

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[269] T. G. Weiss and R. Wilkinson, *International Organization and Global Governance. Second Edition*, Routledge, New York 2018, p.7

[270] R. O. Keohane and L.L. Martin, *The Promise of Institutionalist Theory*, International Security, Vol. 20, No. 1. (Summer, 1995), p. 41

[271] R. O. Keohane and L.L. Martin, *The Promise of Institutionalist Theory*, op. cit., p. 39

[272] R. O. Keohane, *International Institutions and State Power. Essays in International Relations Theory*, op. cit., p.2

[273] J.L. Campbell and O. K. Pedersen, *The Rise of Neoliberalism and Institutional Analysis*, Princeton University Press, Princeton and Oxford 2001, p. 2

[274] H. V. Milner, *Power, Interdependence, and Non-state Actors in World Politics. Research Frontiers*, in H. V. Milner and A. Moravcsik (Editors), *Power, Interdependence, and Non-state Actors In World Politics*, Princeton University Press, Princeton and Oxford 2009, p.19

[275] H. V. Milner, *Power, Interdependence, and Non-state Actors in World Politics. Research Frontiers*, op. cit., p.22

the first decade of the 21st century.[276] Their enlarged number of members made them even more significant in the international relations.[277]

The growth was not only quantitative but also qualitative. According to the new generation of neoliberal institutionalists, the growth concerned both organisations and institutions understood as "sets of state practices that are institutionalized in the sense that norms, rules, and principles exist that guide states' behaviour in particular (…) areas."[278]

Neoliberal institutionalists pointed to the increased activities of states in the last three decades aimed at creating international organisations for better and deeper cooperation. "The cooperative arrangements constituted by states (…) are just as important in the management of relations between states as the states themselves."[279]

To summarise, the fundamental assumptions of neoliberal institutionalists argue that states focus on their interests and seek absolute gains from their activities in order to attain the interests. Under the growing influence of transnational contacts between societies and political-economic interdependence as elements of the process of globalisation, countries anticipated more often common interests and institutionalised their cooperation. The established international organisations and institutions "provide information, reduce transaction costs, make commitments more credible, establish focal points for coordination, and in general facilitate the operation of reciprocity."[280] International organisations and institutions exert influence on their members' agenda and behaviour in the international arena, making them aware of the regional and global commonalities. Their significance and relevance in coping with the issues and phenomena that extend beyond boundaries have been growing after the end of the Cold War. The following section explores this matter more extensively.

1.4.2. Explanatory relevance of neoliberal institutionalism to maritime governance

The set of arguments proving the relevance of neoliberal institutionalism to maritime governance can be organised through the lens of quantitative and qualitative analysis:

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[276] In 2009 the United Nations had 192 members, the International Monetary Fund and World Bank had 185 members, and the World Trade Organization grew from 128 members in 1994 to 153 a decade later, with 30 more countries at various stages in the application process after R.W. Stone, *Institutions, Power, and Interdependence*, in H. V. Milner and A. Moravcsik (Editors), *Power, Interdependence, and Non-state Actors In World Politics*, Princeton University Press, Princeton and Oxford 2009, p.46
[277] Ibidem
[278] H. V. Milner, *Power, Interdependence, and Non-state Actors in World Politics. Research Frontiers*, op. cit., p.21
[279] H. V. Milner, *Power, Interdependence, and Non-state Actors in World Politics. Research Frontiers*, op. cit., p.21
[280] R. O. Keohane and L.L. Martin, *The Promise of Institutionalist Theory*, op. cit., p. 42

1. the quantitative one relates to limitations of the functioning of states at seas and oceans- covering over 70% of the earth's surface, oceans are only explored in 5%;[281] "Physical characteristics of oceans, the tremendous expanses of the oceans, inclusive character of the interests sought to be protected;"[282] As acknowledged by Keohane and Nye, the oceans are among "the most obvious areas in which intergovernmental control may be demanded in the form of new international laws or new international organizations or both;"[283]

2. it applies to the vastness the limited cognitive and technological abilities of humankind, which remain a critical prerequisite for institutional cooperation in maritime governance; It concerns especially security, blue economy and environment;

3. it relates to ownership structure of the maritime area which is diverse and decentralised; furthermore, there is no central governance and 39% of the global maritime domain belongs to countries within territorial and archipelagic waters, exclusive economic zones, continental shelves, as well as private entities within islands and parts of the seashore; 61% of seas and oceans are beyond national jurisdiction, with their part classified as Large Marine Ecosystems with individual and group responsibilities partially delegated to the states' institutions;

4. it applies to Sea Lines of Communication with responsibility without classical states' formal jurisdiction with management shared by private ship owners and states; this phenomenon serves as a feedback loop to strengthen states' incentives for institutional cooperation at the level of regional organisations;

5. it pertains to the growing institutional cooperation in disaster risk management in the Global South - it has been motivated in the 21st century by both "dominant norms that have been reified through global discourse transferred to the local level"[284] and "rational-based logic of awareness of urgency for forming collective insurance regimes against the disruptive forces produced by natural hazards"[285] that "transgress political

[281] R. Dalio and M. Benioff , *It's Time for the Next Wave of Ocean Exploration and Protection*, "Wired", https://www.wired.com/story/forget-space-oceans-need-exploring/, access 12.11.2020
[282] M. S. McDougal and William T. Burke, *The Public Order of the Ocean. A Contemporary Law of the Sea,* op. cit., p. viii
[283] J.S. Nye Jr and R.O. Keohane, op. cit. p.348
[284] S. Hollis, *The Role of Regional Organizations in Disaster Risk Management: A Strategy for Global Resilience*, op. cit., p.3
[285] Ibidem

boundaries;"[286] "there is an implicit acknowledgement that neoliberal institutionalism is the foundational theoretical outlook giving prescriptions;"[287]

6. it serves as a conceptual instrument to solve the dispute over transboundary resources as "scholars believe that trans-national problems cannot be managed by one country acting alone;"[288]

7. it refers to the growing role of private tourist and trade seafaring since the 1960s.

Oceans and seas have constituted one of the primary arenas of transnational relations with the limited control of the states, at the same time influencing their strategies and activities, following features described by neoliberal institutionalist theory. Together with the states, these entities co-created the customary law, which became the basis for the codification of the law of the sea. The constitutive process of codification "exhibited the utmost pluralism in authorised decision-makers, with all peoples assuming responsibility and being represented."[289] That decentralised process of the creation of international law of the sea and maritime governance with intensive interactions of people at different levels at the global and regional scale has led to the creation of the assumption of "interdependence of all peoples in the enjoyment of the oceans."[290]

The awareness of that interdependence and the vast space and importance of maritime domain in global affairs make countries understand that it is impossible to govern the ocean without cooperation with others. They also assumed that those international institutions "have to take into account important nongovernmental actors, perhaps including them in the organisations as well as acknowledging them in the laws."[291] Oceans served as the exemplification of the neoliberal assumption of the rise of institutions and their growing role in the international order.[292]

Within 50 years since the end of WWI, "multilateral ties, often through international organisations, proliferated; the bureaucracies involved in the ocean's issues grew numerous-they quadrupled."[293] After the end of the Cold War and the entry into force of the Law of the

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[286] S. Hollis, *The Role of Regional Organizations in Disaster Risk Management: A Strategy for Global Resilience*, op. cit., p.3

[287] R. Meissner and V. Ramasar, *Governance and politics in the upper Limpopo River Basin, South Africa*, GeoJournal , Springer, Vol. 80, No. 5, 2015, p. 690

[288] P. Mallick, *Hydro-Diplomacy in the Indus River Basin*, Indian Journal of Asian Affairs , Vol. 33, No. 1/2 June-December 2020, p.83

[289] M. S. McDougal and William T. Burke, *The Public Order of the Ocean. A Contemporary Law of the Sea,* op. cit., p. ix

[290] Ibidem

[291] Ibidem

[292] R.O. Keohane and J.S. Nye Jr., *Power and Interdependence. Fourth Edition*, Longman, London 2012, p.94

[293] Ibidem

Sea convention, the process of creating maritime organisations at the regional level was even further accelerated. Those organisations cover, *inter alia*, political and legal issues related to the use of sea areas, sea transport, mineral and biological resources of the sea, as well as marine scientific research.[294] The broad span of their agenda stemmed from the fact that the issues in the maritime domain became inseparable and necessary to be dealt in with a holistic way.[295] That inseparability of issues and awareness that majority of phenomena at sea are borderless made maritime governance different from the classical concept of governance. It has a solid international and universal dimension covering not only seas close to coasts but open seas belonging to international community as a common heritage of humankind.

In its interdisciplinary, multi-layered, trans-border and dynamic characteristics in the 21st century, maritime governance, utilised as a channel of globalisation, became an instrument of maritime policies bearing the patterns of local, regional, and common heritage interests. The continual tension, which existed historically between "the openness of access and desire for territorialisation (especially of coastal waters)"[296], was limited by treating the oceans as the commons, which was "consistent with the idea that oceans are spaces of movement and transportation, which have facilitated mercantilism and exploration."[297] "By declaring the sea to be "the common heritage of humankind," the United Nations General Assembly has taken a symbolic step toward controlling the activities of transnational organizations, such as multinational business enterprises, as well as the activities of states in their exploitation of the sea (…)."[298]

The awareness of oceans as a common heritage of humankind made the urgency of the establishment of an international system of institutions dealing with the maritime domain even deeper. International maritime institutions help both governmental and non-governmental actors to manage the areas at sea beyond their capacities with the expectation to support them in attaining their absolute gains. Institutions influence and control transnational trends, mitigating anarchical conditions in the maritime domain. International maritime organisations and regimes offer opportunities for dialogue to avoid conflicts and achieve interests without reverting to military conflict, which under current conditions of interdependence and dispersed ownership and registration of merchant ships, is irrelevant. With over 90% of traded goods

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[294] D. Rossa – Kilian, *Międzynarodowe Organizacje Morskie i Oceaniczne*, op. cit., p.16

[295] R.O. Keohane and J.S. Nye Jr., op. cit., p.78

[296] B. Mansfield, *Neoliberalism in the oceans: ''rationalization,'' property rights, and the commons question*, Geoforum, Elsevier, Vol. 35 (2004), p. 314

[297] Ibidem

[298] J.S. Nye Jr and R. O. Keohane, *Transnational Relations and World Politics: An Introduction*, op. cit., p.348

carried by ships and its expected threefold increase by 2050,[299] any kind of military conflict might destroy the global and regional supply chains.

Organisations also promote interaction, which in turn strengthen trust among states in cooperation. States and other actors of maritime governance learn to cooperate and coordinate their activities and policies. They benefited from the competencies and expert capacities of international organisations in the process of shaping their sustainable development goals at sea. "The environmental challenges we now face, such as climate change, ozone depletion, ocean pollution, and natural resource exhaustion, clearly illustrate the extent of interdependence and interconnectedness of the fragile web of life that supports humanity's existence, and that needs a supportive socio-economic environment to achieve sustainability."[300]

Maritime governance in its modern shape with the institutional network of all interdependent actors present in the maritime domain serves as one of the most relevant examples of a neoliberal institutionalist model of international order. "Maritime governance and the development and implementation of maritime policies are essentially institutionally based – and derived from institutions that reflect the industry and its policy needs."[301] In the course of codification and institutionalisation of maritime affairs, states transferred a significant share of their competencies to international organisations which have regulatory and agenda-setting functions. The question what kind of role states choose in international relations and what instruments they use to exercise their role in international relations, and influence the regimes and institutions they created to govern the seas and oceans, will be discussed in the following two sections.

1.4.3. The role of state in international relations – neoliberal institutionalist and neorealist perspective

The role of state in international relations has been the subject of studies since ancient times. Among ancient thinkers, Indian statesman Kautilya played the most prominent role in endeavours to define the role of the state.[302] In the treatise Arthashastra, he explored the role of states in relations with others, choosing the ruler's status as a reference point. That stratification of the ruler's status was based on the hierarchical division into three options : superiority,

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[299] *Ocean Shipping and Shipbuilding*, OECD 2019 Report , https://www.oecd.org/ocean/topics/ocean-shipping/, access 29.06.2020

[300] B. Gemmill and A. Ivanova, *Designing a New Architecture for Global Environmental Governance*, International Institute for Environment and Development (IIED), London 2002, https://pubs.iied.org/sites/default/files/pdfs/migrate/11023IIED.pdf, access 29.06.2020

[301] M. Roe, *Maritime Governance. Speed, Flow, Form, Process*, op. cit., p. 11

[302] Chief Minister to Chandragupta (321-296 B.C.), the ruler of the Mauryan Empire in the Indian Subcontinent.

inferiority, and equality.[303] Depending on the status, one of the six types of foreign policy within the concept of sadhgunya (the "six-fold policy") could be applied : Accommodation (sandhi); Hostility (vigraha); Indifference (asana); Attack (yana); Protection (samsraya); Double Policy (dvaidhibhava).[304] Weaker countries can utilise Accommodation, Protection or Double Policy. Stronger actors could turn into Hostility or Attack when dealing with weaker ones. The best choice for equal states remains Indifference which could mean isolation or avoidance of open conflict or non-alignment.[305]

In modern times "the state is fundamental to neorealism and neoliberal institutionalism."[306]

Neoliberal institutionalism sees the role of states as principals, delegating tasks and authority to international institutions as their agents which serve the interests of countries and shape multilateral agendas.[307] Such a system "empower governments",[308] increasing "international agential state power."[309] Having on its disposal high domestic agential power state can "maximise its long-term interests by creating 'relatively autonomous' international regimes which, acting as an 'ideal collective state', enhance agential state power."[310] The autonomy of institutions is reduced to state utility-maximising interests[311] in order to optimally realise long-term utility gains. States delegate they authorities and competencies to international organisations to perform their roles on behalf of them.

The international institutions and organisations receive certain powers from the group of states, especially "when the costs of establishing the specialized agent are more than the benefits to any single state but less than the benefits to a collection of states."[312] Specialization allows others to provide services that states are unable or unwilling to provide unilaterally. States, especially less developed or medium and small, sometimes "lack technical expertise, credibility, legitimacy or other resources to make policy on their own."[313] They extend

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[303] G. Modelski, *Kautilya: Foreign Policy and International System in the Ancient Hindu World*, American Political Science Association, The American Political Science Review , Vol. 58, No. 3 (Sep., 1964), p. 552

[304] G. Modelski, *Kautilya: Foreign Policy and International System in the Ancient Hindu World*, op. cit., p. 552

[305] G. Modelski, *Kautilya: Foreign Policy and International System in the Ancient Hindu World*, op. cit., p.552

[306] D.A. Lake, *The State and International Relations*, SSRN, 2 Aug 2007, http://dx.doi.org/10.2139/ssrn.1004423, access 20.10.2022

[307] J. Sterling-Folker, *Neoliberalism* in T. Dunne, M. Kurki, S. Smith (Editors), *International Relations Theories. Discipline and Diversity*, Fourth Edition, Oxford University Press, Oxford 2016, p.99

[308] J.M. Hobson, *The State and International Relations*, Cambridge University Press, New York 2002, p.102

[309] J.M. Hobson, *The State and International Relations*, op. cit., p.104

[310] Ibidem

[311] J.M. Hobson, *The State and International Relations*, op. cit., p.103

[312] D. Hawkins et al., *States, International Organizations, and Principal-Agent Theory* in *Delegation and Agency in International Organizations*, Cambridge University Press, Cambridge 2006, p.14

[313] Ibidem

mandates delegating different portfolios to specialised organisations meant to play different roles. While performing the roles, the organisations are to benefit states they are representing. Based on specialisations and premised benefits, five roles to be played on behalf of the states could be identified:

1. managing policy externalities;
2. facilitating collective decision-making;
3. resolving disputes;
4. enhancing credibility;
5. creating policy bias.[314]

States can monitor and regulate the intensity of those roles, by broadening or narrowing the mandate of an international organisation.

From the point of view of neorealism, focused on states, Kalevi Jaakko Holsti was the first researcher who brought the conceptualisation frame to the discourse, harnessing the experience of his predecessors but looking at the role of state in international relations from a different, behavioural angle.[315] He stated that the role, comprehended as a set of decisions and actions, can be analysed apart from "the norms and expectations cultures, societies, institutions, or groups attach to particular positions."[316]

Contrary to Kautilya's concept Holsti claimed that the position was not the sole determinant of the role. The role is the result of interaction "between the role prescription of the alter and the role performance of the occupant of a position (ego)."[317] Making further reference to Kautilya's work, he argued that there was no universal national role conception adequate for all situations. "We should not think of a national role conception as a fixed attitudinal attribute of each government which invariably leads to the same types of action in all issue areas or sets of relationships.[318]

According to Holsti, taking into consideration the growing number of countries and the complexity of their foreign policies' national and regional narratives, the level of state activity in international relations served as another variable in analysis of the role of state. "A national role directs the actor either to involve himself in the external environment through certain functions or by undertaking commitments, or to remain uninvolved."[319]

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[314] D. Hawkins et al., *States, International Organizations, and Principal-Agent Theory*, op. cit., p.13

[315] K. J. Holsti, *National Role Conceptions in the Study of Foreign Policy*, Blackwell Publishing, International Studies Quarterly, Vol. 14, No. 3 (Sep., 1970)

[316] K. J. Holsti, *National Role Conceptions in the Study of Foreign Policy*, op. cit.

[317] K. J. Holsti, *National Role Conceptions in the Study of Foreign Policy*, op. cit., p. 239

[318] K. J. Holsti, *National Role Conceptions in the Study of Foreign Policy*, op. cit., p. 254

[319] Ibidem

Based on the presented assumptions and research, Holsti identified seventeen roles of states which could be performed by one country toward different actors in international relations. Among them were: revolutionary leader; non-aligned; bloc leader; balancer unequal blocs; bloc member; mediator, regional leader; supporter; regional protector; protectee. The roles could be applied individually or combined.

Holsti created the typology of role of the states based on the research in the second half of the 1960s, so it was expected that the quantitative and qualitative dynamics in international relations in the 1970s would force corrections in the concept, especially in relation to the number of international institutions and organisations established at that time. His assumptions were shared and developed by Robert Jarvis six years later. Jarvis agreed that states can play "either simultaneously or consecutively, several roles"[320] in various international systems, "in which each role is filled by states that are otherwise quite different."[321] He introduced the four level analysis of foreign policy consisting of level of decision-making, the bureaucracy, the nature of the state and the workings of domestic politics, and the international environment,[322] in search of a better cognition of the roots of the chosen roles. Almost two decades later, Stephen G. Walker assured that Holsti's theory retained its value in the multilevel analysis of the foreign policy of states.[323] He argued that it had descriptive, organisational, and explanatory value for the study of foreign policy.[324] Walker developed the typology having added new roles like consumer, producer, belligerent, facilitator, and provocateur.[325]

After the Cold War, in the 21st century, Cameron G. Thies made the review of all research made on the basis of the role of state theory, trying to discover the reasons why, despite "the rich language of descriptive concepts, the organizational potential to bridge levels of analyses, and its numerous explanatory advantages,"[326] the theory "seemed to founder."[327] The main reasons, according to Thies' evaluation, are:

- cognitive failure due to "the wide variety of uses within the foreign policy literature;

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[320] R. Jervis, *Perception and Misperception in International Politics*, Princeton University Press, New Jersey 1976, p.16
[321] Ibidem
[322] R. Jervis, *Perception and Misperception in International Politics*, op. cit., p.14
[323] S. G. Walker (Editor), *Role Theory and Foreign Policy Analysis*, Duke University Press, Durham 1987, p.2
[324] Ibidem
[325] S.G. Walker, *Role Theory and the International System: A Postscript to Waltz's Theory of International Politics?* in S. G. Walker (Editor), *Role Theory and Foreign Policy Analysis*, Duke University Press, Durham 1987, pp. 66-79
[326] C.G. Thies, *Role Theory and Foreign Policy*, International Studies, International Studies Association and Oxford University Press, 1 March 2010, p.34, https://www.researchgate.net/publication/228985348_Role_Theory_and_Foreign_Policy, access 10.08.2022
[327] Ibidem

- the popularity of other more effective approaches;
- redundant image under conditions of the general stability of the international system during the Cold War, and the disappointing empirical results."[328]

The role theory, however, has still in his opinion "organisational advantages to bridge all of the traditional levels of analysis in the study of foreign policy."[329]

The role theory still proves its cognitive and explanatory usefulness. The descriptive apparatus of the role theory of states has been utilised nowadays in analysing the roles of states in international relations, especially in relation to developing countries[330] and regardless of the theoretical approach. In neorealist and neoliberal institutionalist studies the terms like security provider or regional leader have been utilised to describe the policies of many countries, especially emerging powers in Asia. The multilevel approach of the role theory is also applied in interdisciplinary studies of states' foreign policy-making processes and strategies in different areas, including the maritime domain. Behavioural studies have been combined there with anthropological research, aimed at studying the internal and external sources of decisions and strategies based on individual executive preferences of leaders and religious, historical, and ethnic national and regional narratives.[331] They also touched upon the role of international institutions and organisations, as well as non-governmental actors, playing a significant role in maritime affairs in the first two decades of the 21st century.

Such an approach constitutes an amalgam of neoliberal institutionalist principal-agent theory and the role theory. State and international organisations play significant roles in international relations. In the maritime domain states are more inclined to delegate their competencies and assign specific roles to international organisations under conditions of limited qualitative and quantitative competencies and pressure to cooperate. The following section will discuss the role states play toward other states, international organisations created by them, and non-governmental stakeholders in maritime governance.

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[328] C.G. Thies, *Role Theory and Foreign Policy*, op. cit.

[329] C.G. Thies, *Role Theory and Foreign Policy*, op. cit., p.36

[330] J. Robertson and M.A. East (Editors), *Diplomacy and the Developing Nations. Post-Cold War Foreign Policy Making Structures and Processes*, Routledge, New York 2005

[331] J. A. Braveboy-Wagner (Editor), *Diplomatic Strategies of Nations in the Global South. The Search for Leadership*, Palgrave Macmillan, New York 2016

1.4.4. The role of the state in shaping maritime governance – neoliberal institutionalist perspective

The role of state in the maritime domain in the 21st century from the neoliberal institutionalist perspective is still pivotal. States played a key role in the 20th century in establishing the legal and institutional framework under the United Nations at the international and national levels. Transnational non-governmental, formal and informal contacts at sea also put a significant impact on states activities leading to the creation of maritime organisations and regimes. Results of marine scientific research carried out by private entities made states aware of the hidden economic potential of oceans with regard to living and non-living resources. That affected the shape of the national and international agenda of maritime discourse. Shipowners and their associations also contributed to the process of institutionalisation of cooperation and the establishment of the International Maritime Organisation (IMO) in 1948. In principle, IMO was projected as an instrument of state influence on one of the most significant elements of maritime governance in a global dimension – maritime trade and transport.

However, along with qualitative technological and quantitative changes within the process of globalisation, the state's role started to be limited, and non-state actors gained more and more influence. That "has had a marked change on the effectiveness of policy-making and the relationship that exists between increasingly influential global enterprises, the increasingly liberalised consumer and national governments."[332] States lost their predominant control over the registration of ships through the flag state regulations. The growth of the phenomenon of the flag of convenience compromised marine safety and security due to the use of sub-standard ships.[333] Supranational global shipowners undermined international standards and created a threat to other participants of the sea commerce. Piracy, terrorism, smuggling, and trafficking of humans, arms, and drugs are among other negative phenomena caused by non-state actors and challenge the role of states in maritime governance.[334] At the same time, from the neoliberal angle, states' cooperation within the regime and institutional framework was the adequate response to those illicit activities.

The implementation of UNCLOS after the end of the Cold War was considered as the introduction of the mechanism securing the vital role of states in maritime governance.

[332] M. Roe, *Maritime Governance. Speed, Flow, Form, Process*, op. cit. p. 5
[333] H. Hamad, *Flag of Convenience Practice: A Threat to Maritime Safety and Security*, IJRDO Journal of Social Science and Humanities Research, Volume1, Issue 8, August 2016, Paper-12, p.211
[334] T. Łukaszuk, *Maritime Governance in the 21st Century: Role of State and Non-State Actors*, in A. S. Raju and S.I. Humayun (Editors), *Ocean Governance. Emerging Issues*, Studera Press, New Delhi 2020, p.68

Specialised institutions were established, dealing with separate chapters of maritime governance:

- economic issues - seabed management (the International Seabed Authority),
- legal issues – peaceful resolution of conflicts and disputes (the International Tribunal of the Law of the Sea),
- delimitation of borders (the Commission on the Limits of the Continental Shelf).

Regional organisations created within the same process, were meant to support application of global standards with leading role of states.

The system of UNCLOS regimes and institutions was criticised by neoliberal institutionalists for its static character which, in their understanding, negatively affects states' capacities in facing challenges of maritime governance. "The real world has gone through incredible dynamic changes during the past half-century – and institutions, both national and international, have remained basically static and unchanged."[335] Neoliberals saw the weakness of UNCLOS in contradiction between its primary intentions and results.

The intention was to introduce effective global maritime governance in order to improve cooperation between countries and institutions and their coordination with non-state actors. "It triggered the countries to increase efforts to widen the area under their jurisdiction in order to exclude other countries from the resources."[336]   However, the institutional framework of UNCLOS has developed significantly since the entry into force of the Convention in 1994.

Executive elements in the form of integrated maritime policies at regional and national levels were introduced to the UNCLOS system. Its implementation at all levels and in all areas of maritime governance was to restore their management and coordination functions. Environmental marine safety and climate change mitigation at sea added in the 21st century constituted another new component of UNCLOS aimed at making role of state more inclusive. Including maritime issues as a goal number 14 to the Sustainable Developments Goals made maritime governance and the role of state even more holistic and complex.

The role of the state in maritime governance in the 21st century could be described as:

1. to facilitate and coordinate the activities of all actors directly through national or indirectly international institutions - making them complementing each other with the goal of sustainable development and taking into account the interests of all maritime governance stakeholders;

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[335] E. Mann Borgese, *The Oceanic Circle: Governing the Seas as a Global Resource*, United Nations University Press, Tokyo 1998, p. 132

[336] T. Łukaszuk, *Maritime Governance in the 21st Century: Role of State and Non-State Actors*, op. cit., p.73

2. to promote and support the compliance with existing legal regulations and facilitate efforts to strengthen the rules-based order in the seas as the vital part of states' sole responsibility;

3. to serve as security providers within and beyond their jurisdiction at all parts of seas and oceans, cooperating at regional and global levels utilising old and creating new institutions and fora for the encouragement of dialogue;

4. to coordinate sustainable development strategies with national and transnational corporations involved in the blue economy;

5. to provide conditions for sustainable development in its dimension concomitantly linked to protecting the marine environment, encompassing "private governance initiatives led by non-state actors, including standards, best practices and certification schemes, complementing public maritime governance."[337]

In their endeavours of managing maritime governance in the 21st century within a dynamic and ever-changing maritime environment, states have to follow Borgese principles of successful activity in cooperation with all legal actors – comprehensiveness, consistency, trans-sectoral and participational approach.[338]

[337] B. Pretlove, R. Blasiak, *Mapping Ocean Governance and Regulation. Working paper for consultation for UN Global Compact Action Platform for Sustainable Ocean Business*, UN Global Compact Norway, Oslo 2018, p.9, https://globalcompact.no/wp-content/uploads/2020/01/Mapping-Ocean-Governance-and-Regulation-2.pdf, access 03.11.2019

[338] E. Mann Borgese, *The Oceanic Circle: Governing the Seas as a Global Resource*, op. cit., pp. 133-134

Chapter 2: The concept of Indian Ocean Region and maritime governance in Indian Foreign Policy

The main purpose of the chapter is the analysis of the place of India in the Indian Ocean Region and how Indians look at the Region and its role in their domestic and foreign policy, and how they understand the maritime governance in that context. Modern geographical and geopolitical determinants deepen the processes which started with the birth of Indian civilisation. The maritime dimension of the expansion of Indian culture, religion, and trade across the Indian Ocean serves as one of the sources of the contemporary paradigm of the maritime strategy of India. The patterns of maritime policy in ancient works and eposes of Vedas, Ramayana, and Arthashastra, together with the US strategic maritime paradigm created by Mahan, were the roots of the first independent India maritime policy. Kavalam Panikkar and Keshav Vaidya laid the foundations of the vision of the ocean and the Indian Ocean in particular as a key to India's security and economy. Based on their vision prime minister Jawaharlal Nehru implemented the transformed version of "Monroe doctrine" in the 1950s and 1960s maritime policy. The following generation of Indian scientists in the 1970s in the 1980s focused on the legal dimension of the maritime governance and an active role of India in both debate on the sidelines of the Third International Conferences on the Law of the Sea (1973-1982) and the process of shaping the legal and institutional order with the representation of interests of all developing countries. The axiological results of the debate and legal consequences of the UN Convention on the Law of the Sea changed India's attitude toward cooperation and its role in the Indian Ocean Region. India's economic and political reforms after the end of the Cold War, contributed to the shift in the policy towards the Indian Ocean Region, going beyond Gujral's doctrine towards the neighbourhood to closer relations with Southeast Asia embodied in "Look East Policy" and then „Act East Policy." The change of maritime policy of India was the consequence of that shift and, at the same time, the expression of India's regional and global aspirations and awareness of the role of the maritime factor. The chapter highlights the internal and external determinants in shaping Indian maritime governance after the Cold War. The pressure of sustainable development goals in the form of the necessity of elevating maritime transportation and fisheries, together with energy security on the one side and environmental existential threats to the biggest mangrove forests in the world[339] in the Bay of Bengal, coral reefs in the Andaman Sea, marine biodiversity, and the unprecedented and faster than the global

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[339] S. Nath, *India-Bangladesh: Saving the Sundarbans*, Gateway House, Mumbai 30.08.2011, https://www.gatewayhouse.in/india-bangladesh-saving-sundarbans/, access 20.05.2019

average rise of the sea level[340] on the other. The rise of China and its efforts to amplify its presence through bilateral and multilateral network as well as its competition with the USA, constitute the most significant external impact on India's maritime governance policy.

2.1. India's geographical and geopolitical determinants in the Indian Ocean

"India is unique in terms of its geographical features."[341] The Indian Ocean, next to the Himalayas and the basins of great rivers such as the Ganges, Indus and Brahmaputra, has been one of the most critical determinants of India's civilisation development. India's territory consists of continental and archipelagic components washed by the Indian Ocean – 75% of the Indian Subcontinent[342], Lakshadweep Islands in the Arabian Sea and Andaman and the Nicobar Islands in the Bay of Bengal. "India is an amalgam of areas, too vast to be a single entity, too densely populated and very diverse".[343]

The Indian Subcontinent, the most populated peninsula in the world, is centrally located between the Western and Eastern parts of the Indian Ocean. "The centrality of India in the Ocean is too conspicuous to be ignored; it occupies a dominant position."[344] Mainland India's coastline is 5422,6 km long, and island territories have coasts 2094 km long[345], making it longer than any other country in the Indian Ocean rim.

The population living in the coastal and insular areas comprises 560,44 million,[346] accounting for half of the population of the Indian Ocean Region."[347] That means 40% of the whole population, with "16 million fisher folk and fish farmers at the primary level and almost

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[340] *State of Global Climate*, World Meteorological Organization, 18.05.2022, https://public.wmo.int/en/media/news/wmo-state-of-global-climate-report-2021-released-18-may, access 08.06.2022

[341] J. Zajączkowski, *Indie w stosunkach międzynarodowych*, Wydawnictwo Naukowe Scholar, Warszawa 2008, p.113

[342] D. Brewster, *India's Ocean. The Story of India's Bid for Regional Leadership*, Routledge, Abingdon and New York 2014, p.43

[343] F. Braudel, *A History of Civilizations*, Penguin Group, New York 1995, p.217

[344] M. Kohli, *Indian Foreign Policy: A Geo-Political Perspective*, Sage Publications Ltd, India Quarterly, October-December, Vol. 46, No. 4, New Delhi 1990, p.36

[345] *Answer of the Minister of State in The Ministry of Home Affairs (Shri Mullappally Ramachandran) to Lok Sabha Starred Question No. *498,* Government of India, Ministry of Home Affairs, on the 30th April, 2013/Vaisakha 10, 1935 (Saka), https://www.mha.gov.in/MHA1/Par2017/pdfs/par2013-pdfs/ls-300413/498.pdf, access 06.07.2020

[346] *Coastal States of India*, Centre for Coastal Zone Management and Coastal Shelter Belt, by Institute for Ocean Management, Anna University, Chennai 2017 http://iomenvis.nic.in/index2.aspx?slid=758&sublinkid=119&langid=1&mid=1, access 06.07.2020

[347] A. K. Singh, *India's Security Concerns in the Indian Ocean Region*, Har-Ananad Publications Pvt Ltd, New Delhi 2003, p. 122

twice that number along the value chain."[348] India also has 12 million people diaspora in other IOR countries[349], in some of them, like Mauritius, very influential. Some of the biggest cities of India, like Mumbai, Chennai or Surat, serve as major ports and shipyards.

There are 187 ports in India, 13 of them considered major, which outweighs other littorals in the IOR. Ports play a crucial role in India's economy, being responsible for more than 90 per cent of India's total trade volume.[350] "India's central position on the main trade route between Europe and the Far East via the Mediterranean, the Red Sea, the Indian Ocean and the Straits of Malacca provides favourable commercial connexion with the rest of the world."[351] Straits between Great Nicobar and Sumatra, and the Nicobar Islands and the Andaman Islands serve respectively as Six Degree and Ten Degree Channels for the main transportation route of vessels entering Malacca strait. In the proximity of Malacca strait India is surrounded by the "Golden Triangle" and the "Golden Crescent," the two opium and heroin-producing regions. It emerged as a vital drug transit route,[352] followed by small-arms trafficking. The non-state actors, with asymmetric strategies, while using their tools like terrorism or information warfare, had also resorted to the threats of using weapons of mass destruction (WMD).

Nine of twenty-nine Indian states are littoral, four of nine union territories are coastal, and two are island territories.[353] All those administrative entities bear a significant share of the maritime governance responsibilities due to the federal system of India. With a long coastline, 1382 islands, and islets[354], India belongs to the countries with the most extended jurisdiction over IOR waters. It includes territorial waters (155889 km^2), archipelagic waters, Exclusive Economic Zone (2.2 million km^2), and Continental Shelf (1,2 million km^2).[355] India was among the few countries which were able to give evidence to the UNCLOS for extending the

[348] M. Juneja, *Blue economy: An ocean of livelihood opportunities in India*, TERI - The Energy and Resources Institute, Delhi 2021, https://www.teriin.org/article/blue-economy-ocean-livelihood-opportunities-india, access 11.07.2021

[349] *Ensuring Secure Seas: Indian Maritime Security Strategy*, op. cit., p.31

[350] *Sagarmala Press Release*, Press Information Bureau, Government of India/
Cabinet, New Delhi 25 March 2015, www.pib.nic.in/newsite/PrintRelease.aspx?relid=117691, access 29 .07. 2019.

[351] P.P. Karan, *India's role in Geopolitics*, Sage Publications Ltd., India Quarterly, April-June, Vol. 9, No. 2, New Delhi 1953, p. 160

[352] V. Sakhuja, *Asymmetric Warfare and LIMO: Challenges For Indian Navy*, ORF Occasional Paper, op. cit. p.16

[353] *28 states, 9 Union Territories: Here is the new map of India*, The Indian Express, November 3, 2019, https://indianexpress.com/article/india/28-states-9-union-territories-here-is-the-new-map-of-india-6099663/, access 12.11.2019

[354] *Incredible Islands of India (Holistic Development)*, NITI Aayog, Government of India, New Delhi 2018, http://niti.gov.in/writereaddata/files/document_publication/IslandsDev.pdf, access 07.07.2020

[355] *Ensuring Secure Seas: Indian Maritime Security Strategy*, op. cit., p.17

continental shelf around its 7000 km coastal line from the Existing 200 nm to 350 nm. India submitted the claim to the UN commission in August 2010.[356]

The oceanic features of India can also be seen through the diversity of species in the marine world and the richness of fish stocks. India belongs to 12 mega-biodiversity countries with 10% of the global fish biodiversity.[357] Being the third-largest fish-producing country and the second-largest aquaculture fish producer in the world, India contributes about 7% to global fish production.[358]

Non-living mineral resources are also an important asset and, simultaneously, a significant India's determinant in the Indian Ocean. Among them are oil deposits in the Bombay High field, reserves of polymetallic nodules, cobalt-rich manganese crust, and hydrothermal sulphides in the retained Indian pioneer, located in the Central Indian Ridge and South-West Indian Ridge.[359] "India has the status of Pioneer Investor and has been allotted a site in the Central Indian Ocean Basin (CIOB) by the International Sea Bed Authority (ISA) for exploration and technology development for polymetallic nodule mining."[360]

Climate conditions also play a significant role among geographical determinants of India in the Indian Ocean. The monsoon on India's west and east coast allowed merchant sailing ships to travel to the Persian Gulf and Southeast Asia, contributing to the development of trade and the spread of the ideas and religions created in the Indian Subcontinent.

In the report on the Indian Ocean,[361] American researchers classified India as a part of the South Asia Subregion of IOR, forgetting that the Andaman and Nicobar Islands are located next to the Indonesian island of Sumatra and Myanmar's Coco Islands, bridging two regions of South and Southeast Asia in the maritime domain. When the process of creating the Association of Southeast Asian Nations in the 1960s was well advanced, India was considering joining the organisation.[362] In Polish literature, in the 1960s and 1970s, India was classified as a Southeast

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[356] V.S. Latha, *UNCLOS and India's Foreign Policy*, in K.J. Azam (Editor), *India in World Affairs. The Next Decade,* Manohar, New Delhi 2016, p.446

[357] K. Venkataraman and M. Wafar, *Coastal and Marine Biodiversity of India*, Indian Journal of Marine Sciences Vol. 34(1), March 2005, p. 57

[358] *Fish and Fisheries of India*, National Fisheries Development Board, https://nfdb.gov.in/Fish-and-Fisheries-of-India, access 11.07.2020

[359] *Deep Sea Technology,* National Institute of Ocean Technology, Ministry of Earth Sciences, Government of India, https://www.niot.res.in/niot1/dst_intro.php, access 12.07.2020

[360] Ibidem

[361] A.H. Cordesman and A. Toukan, *The Indian Ocean Region. A Strategic Net Assessment*, Center for Strategic and International Studies, Rowman & Littlefield, Washington 2014, p.221

[362] P.K. Jha*, India – ASEAN Relations: An Assessment*, in *ASEAN at 50. A Look at Its External Relations*, Konrad-Adenauer-Stiftung, Singapore 2017, p. 107

Asia country.[363] India's maritime boundaries extend to countries of South Asia – Bangladesh, Maldives, Pakistan, Sri Lanka, and Southeast Asia – Indonesia, Myanmar, and Thailand. Some of them are part of the Indian Subcontinent. They have been traditionally strongly interconnected with current territories of India belonging to the jurisdiction of pre-colonial states or, later, the British Dominions. Those traditional connections, together with similar ethnic and religious compositions, still play an essential role in the maritime policy of India at federal and local levels. Likewise, India's strong merchant and cultural links with other countries located in Southeast Asia are among vital determinants of its foreign policy.

In the 21st century, "geopolitical power is shifting from the Atlantic and Pacific to the Indian Ocean, policy-makers of all great countries ought to pay their close attention to the maritime region between the Atlantic and Pacific that is the Indian Ocean Region."[364] Sea Lines of Communication next to the Indian seashore became even more critical in the 21st century due to the rapid economic development of all the sub-regions of Asia and the rise of China. It increased the vitality and vulnerability of Six- and Ten-Degree Channels located in the Exclusive Economic Zone of India. One hundred thousand ships are annually coming through them, entering Malacca Strait carrying 80% of the oil transported to Northeast Asia and one-third of the world's traded goods.[365] Despite efforts undertaken by ASEAN countries and India in cooperation with the USA, piracy, and terrorism have remained one of the main hazards in the waters surrounding the Strait.

"The geographical position of India changes the character of the Indian Ocean"[366], making both of them interdependent. India's geographical and geopolitical determinants in IOR exert an impact on the majority of the littorals. How Indian philosophers, strategists, and politicians look at that impact, the resulting opportunities, and what are the *semiotic* roots of their concepts will be discussed in the following section.

2.2. The concept of the Indian Ocean from ancient times till the independence of India

The patterns of ancient India maritime policy and its vision of the Indian Ocean can be found in Vedas and Ramayana with detailed descriptions of sea routes to the East (Java,

[363] B. Mrozek, *Historia Najnowsza Azji Południowo-Wschodniej*, Wydawnictwo Książka i Wiedza, Warszawa 1973

[364] W. D. S. Rodrigo, *Indian Ocean Geopolitics. Report on the Politics in the Indian Ocean*, February 11. 2021, SSRN Papers, p. 3, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3783748, access 10.04.2021

[365] K. Calamur, *High Traffic, High Risk in the Strait of Malacca*, The Atlantic, August 21, 2017, https://www.theatlantic.com/international/archive/2017/08/strait-of-malacca-uss-john-mccain/537471/, access 12.07.2020

[366] K.M. Panikkar, *India and the Indian Ocean. An Essay on the Influence of Sea Power on Indian History*, George Allen & Unwin Ltd., London 1951, p.19

Sumatra) and to the West (Egypt, Greece). The fleet of merchant and naval ships in the Indian Ocean enabled the expansion of Indian culture to form a "Greater India" in South and Southeast Asia, spreading Buddhist and Hindu concepts across Asia. The trade underpinned the making of a "Greater India". The oldest civilisations of Mohenjo Daro and Harappa used the sea in extensive way and Hindu and Buddha religion spread among other territories in Asia not only by land but also through Indian ocean. That traditional state entities of Indian Subcontinent attached great importance to maritime issues.

According to the Hindu classical philosophy, water is the most significant element of the world as the origins of life came from there. The universe recurs cyclically into the form of an ocean on the surface of which rests on the thousand-carbon snake Ananta-The Infinite Vishnu asleep, and from it, in the form of a lotus, the world grows.[367] The earth is surrounded by seven concentric oceans. The rivers in the world have a deep connection with the ocean - as long they do not join him in the end. The moment they meet the ocean, the restricted rivers lose their name and form, and become one with ocean. The ocean is the Supreme God (Brahman) and every creature (soul) is a river. The source of the river is the ocean – the rivers are individual souls finding its beginning and the end in the ocean; thus, the ocean is the source of life, immortality and a symbol of infinity. The eyes of all Indian gods have a blue colour, symbolizing their infinity and omnipresence.[368] The people of the higher castes, as descendants of the Aryans with blue eyes, are considered to be deeply knowledgeable and predestined for greatness and eternal youth. It was from the ocean that gods and demons extracted the elixir of life (amrit), which made the gods immortal. The heart of Krishna, who is the incarnation of the god Vishnu, was thrown into the sea after his death and, according to Hindu tradition, it flowed out on the shores of the city of Puri on the Bay of Bengal.[369] The Hindu god Varuna take care of the evil spirits and demons inhabiting the seabed, and the common man should not disturb their peace.[370] "All the major gods including Indra-the greatest god of Rig Veda are in some or the other way linked to water."[371]

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[367] E. Haliżak, W. Lizak, L. Łukaszuk, E. Śliwka (Editors), *Morze w cywilizacji, kulturze i stosunkach międzynarodowych*, Fundacja Studiów Międzynarodowych and Fundacja Misyjno-Charytatywna Księży Werbistów, Warszawa-Pieniężno 2006, p.61

[368] E. Haliżak, W. Lizak, L. Łukaszuk, E. Śliwka (Editors), *Morze w cywilizacji, kulturze i stosunkach międzynarodowych*, op. cit., p.61

[369] E. Haliżak, W. Lizak, L. Łukaszuk, E. Śliwka (Editors), *Morze w cywilizacji, kulturze i stosunkach międzynarodowych*, op. cit p.63

[370] E. Haliżak, W. Lizak, L. Łukaszuk, E. Śliwka (Editors), *Morze w cywilizacji, kulturze i stosunkach międzynarodowych*, op. cit, p.64

[371] Ch. Saxena, *The Concept of Water in Rig Veda*, International Journal of Social Science & Interdisciplinary Research, Vol.1 Issue 8, August 2012, p.137

Therefore, the sanctity of the seas and oceans has meant a lot for the highest classes of society functioning within the Indian civilization. For many of them, especially Brahmins, the journey across the Indian Ocean remained until the end of the 19th century, a taboo (kala pani). Simultaneously, Buddhism, which cradle was also placed on the Indian Subcontinent, has a positive attitude towards oceans. One of the two doctrines of Buddhism – Hinayana – was spread through sea lanes of communication to Ceylon, Indochina and ancient Indonesian kingdoms. The description of the Indian Ocean appeared not only in Vedas and Rig Vedas, but also in Manu Smriti (Law Code of Manu)[372] and Arthashastra. They documented ancient Indians voyages to other civilisations located in the Indian Ocean Region, and the organisation of ports and seafaring with participation of both state and private ship companies.

Archaeological explorations and excavations in the second half of the 20th century gave even more evidences about facts described in ancient writings.[373] Furthermore, „there is evidence for the gradual integration of coastal centres into the inland trading and political networks(…).”[374] There has also been well documented existence of Indian settlements on the coasts of Persian Gulf and Red Sea, mainly focused on trade.[375] They primarily originated from western coast – Harappan civilization, Gujarat, the Coromandel Coast.[376] South Indian Chola dynasty, located in the eastern coast, activities in the Bay of Bengal had different character and were "based on extensive colonization of islands", aimed at "naval and political supremacy.", which lasted until the 13th century.[377]

The dualism in approach towards seas and oceans between the South and the North of the Subcontinent has influenced the way how maritime affairs have been apprehended in terms of social awareness, strategic discourse and culture in India. „The idea that the Hindus had (…) objection to the sea, while perhaps true in respect of the people of the North India, was never true in respect of the people of the South."[378] That dichotomic approach was an important determinant in Indian political thinking before and after the independence. Mahatma Gandhi made the Salt March (1930-31) a part of Satyagraha disobedience movement as one of the

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[372] W. Doniger, *Laws of Manu*, Penguin India, New Delhi 2000

[373] H.P. Ray, *The Archeology of Seafaring in Ancient South Asia*, Cambridge University Press, New York 2003

[374] H.P. Ray, *The Archeology of Seafaring in Ancient South Asia*, Cambridge University Press, op. cit., p. 275

[375] K.M. Panikkar, *India and the Indian Ocean. An Essay on the Influence of Sea Power on Indian History, op. cit.*, p.28

[376] H.M. Hensel and A. Gupta (Editors), *Maritime Security in the Indian Ocean and the Western Pacific. Heritage and Contemporary Challenges*, Routledge, Abingdon and New York 2018, p.11

[377] K.M. Panikkar, *India and the Indian ocean. An essay on the influence of sea power on Indian history*, op. cit., p.28

[378] K.M. Panikkar, *India and the Indian ocean. An essay on the influence of sea power on Indian history*, op. cit., p.29

symbols of the struggle for independence. Salt made by Indians out of Indian Ocean waters in Gujarat seashore[379] symbolised Indian's striving to free themselves from importing goods from the Crown and return to the Indian's rule over the waters of the Indian Ocean and their natural resources. "The Salt Satyagraha ended on March 4, 1931, with the signing of the Gandhi-Irwin pact and the invitation for Gandhi to attend Round Table talks in London to discuss the possibility of Indian independence."[380]

In the process of final negotiations on independence of India (1945-47) Gandhi was against the partition of India understanding the consequences of limiting the access of the new country to the Indian Ocean. Another India's freedom activist, Sardar Patel, like Gandhi deeply associated with Gujarat, was, in the same context, aware of the United States and the United Kingdom concerns about the Soviet Union ambition of access to a warm-water port in the Indian Ocean, inherited from the Russian Empire.[381]

Jawaharlal Nehru in his philosophical and political manifesto "The Discovery of India", predicted the shift of international relations from the Atlantic Ocean to the Indian Ocean and the Pacific, with India that "will inevitably exercise an important influence there."[382] He also presented an assumption that "India will develop as the centre of economic and political activity in the Indian Ocean area (…)."[383] The appointment of professor Blackett, the scientist with strong maritime credentials, as one of his advisers, was the confirmation of views presented in the programme.

The proposal of introduction of a new version of Monroe Doctrine into the Indian Ocean countries, fighting for independence, was another Nehru's significant contribution to the debate on the eve of India's independence.[384] In the context of the Indonesians' war for independence against the British and Dutch at that time, Nehru emphasised that " foreign armies have no business to stay on the soil of Asian country."[385]Claiming that "the doctrine expounded by

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[379] Gandhi's settlement "ashram" was located in Gujarat. Gujarat as a state in the independent India has the longest coastline in the country – 1600 km(www.gujarattourism.com).

[380] L. R. Kurtz, *The Indian Independence Struggle (1930-1931)*, International Center on Nonviolent Conflict, George Mason 2009, https://www.nonviolent-conflict.org/indian-independence-struggle-1930-1931/, access 15.07.2020

[381] P. Nanda, *Sardar Patel's Foreign Policy*, Indian Defence Review, New Delhi 06.10.2014, http://www.indiandefencereview.com/spotlights/sardar-patels-foreign-policy/, access 15.07.2020

[382] J. Nehru, *The Discovery of India. Centenary Edition*, Oxford University Press, Delhi 1989, p. 536

[383] J. Nehru, *The Discovery of India. Centenary Edition*, op. cit., p. 536

[384] J. Nehru, *Speech at a public meeting to celebrate the Liberty Week, New Delhi 9 August 1947*, Jawaharlal Nehru Memorial Fund, Selected Works of Jawaharlal Nehru, Series 2/ Vol. 3/June 1947-August 1947, p.133, https://nehruselectedworks.com/pdfviewer.php?style=UI_Zine_Material.xml&subfolder=&doc=s2v3.pdf|13|552 #page=171, access 17.07.2020

[385] Ibidem

President Monroe had saved America from foreign aggression for nearly 100 years", he stated that "the similar doctrine must be expounded with respect to Asian countries."[386]

Panikkar, Pandit Nehru's adviser and the first ambassador of India to China, argued that the partition did not affect Indian interests in the Indian Ocean.[387] The southern, peninsular part of the Subcontinent, surrounded by the Indian Ocean, remained within the jurisdiction of India. In that part, together with the ocean itself, "the lifelines of India are concentrated."[388] "No industrial development, no commercial growth, no stable political structure is possible" for India, "unless the Indian Ocean is free"[389] and the seashores are protected. In support of Panikkar statements Vaidya went even further, following the British style attitude towards IOR, emphasising that "India must be supreme and undisputed power over the waters of the Indian Ocean."[390]

Other pro-independence activists from the North, including those supporting the idea of the partition, were preoccupied with the Hindu-Muslim question and conflict over Kashmir, neglecting the issues of the Indian Ocean. They argued that in the history of Indian civilisation, the strategic threat had, in the majority of cases, come from land – North-Western borders – Western and Central Asia. The decision to locate the capital city of the new born country in New Delhi, in the heart of the deep North, in the complex built by the colonial rulers in the first decade of the 20th century among remnants of tombs of Muslim Mughals dynasties also played a significant role. The political developments occurred as a consequence of the Cold War, as well as the partition with the series of wars with Pakistan over Kashmir (1947-48,1965), then with China (1962), the pressure of urgent social reforms, and staff and technical constraints of new born naval service, have resulted in a temporary decline of the Indian Ocean on the list of priorities of India's political elites and experts. The following section will discuss how the place of IOR and maritime affairs against "northern bias"[391] quantitatively and qualitatively evolved in the debate during the Cold War.

2.3. The concept of the Indian Ocean Region in the strategic debate during the Cold War

Indian debate on IOR in the Cold War realities concentrated on three main issues :

1. consequences of British withdrawal from the IOR creating a "vacuum of power";

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[386] J. Nehru, *Speech at a public meeting to celebrate the Liberty Week, New Delhi 9 August 1947*, op. cit. p. 133
[387] K.M. Panikkar, *India and the Indian ocean. An essay on the influence of sea power on Indian history*, *op. cit.*, p. 83
[388] K.M. Panikkar, *India and the Indian ocean. An essay on the influence of sea power on Indian history*, *op. cit.*, p. 85
[389] Ibidem
[390] K.B. Vaidya, *The Naval Defence of India*, Thacker, Bombay 1949, p.101
[391] D. Kaushik, *The Indian Ocean. Towards a Peace Zone*, Vikas Publications, Delhi 1972, p.105

2. non-aligned movement endeavours to turn IOR into a zone of peace;

3. possibilities of turning IOR into a zone free of a nuclear weapon, variations of Nehru's version of Monroe doctrine in its soft and hard versions with the consideration of India's naval capacities.

At the very beginning of the debate, the report[392] was created by a group of Indian scientists under the auspices of the Indian Council of Worlds Affairs, a think tank of the Ministry of External Affairs. The report tried to combine the main issues related to India's interests in IOR in a holistic way. It showed the relevance of sea lines of communication and their security to the Indian economy and social development, repeating the of Panikkar's arguments to some extent. "If these routes come under the control of countries not friendly to India, this would threaten very seriously her economic and industrial development, in fact, her very independence."[393] The report argued that although India is "committed to a policy of non-alignment, it cannot possibly neglect her seaward defences."[394] The document also developed the concept of "power vacuum" or "naval vacuum" after the beginning of the gradual withdrawal of British naval forces from the Indian Ocean Region in the course of decolonisation.

Some scientists supported the report[395], but the majority criticised it for the concept of a "power vacuum." In the context of the US activities to replace the UK and its ambitions to establish military alliance and naval bases, promotion of the debate on "vacuum" could create competition between the US and Soviet Union, turning IOR into the battlefield of the two blocks.[396] The Soviet vessels entered IOR in 1957,[397] just a year after Suez crisis. Two months after the UK January 1968 announcement of troops withdrawal from "East of Suez," "Soviet flotilla called at a number of IOR ports in India, Sri Lanka, Iraq, Somalia, and South Yemen"[398], presenting a spectacular case of "naval diplomacy." 1963 US navy and probably Chinese appeared in IOR as well.[399] Both the US and the Soviet Union consulted Delhi with their competing concepts of the security and cooperation organisations to be established in the

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[392] *Defence and Security in The Indian Ocean Area*, Indian Council of World Affairs, New Delhi 1958

[393] Ibidem

[394] Ibidem

[395] A.G. Noorani, *India and Asian Security*, Royal Institute of International Affairs, The World Today , March Vol. 26, No. 3, London 1970, p.111

[396] D. Kaushik, *The Indian Ocean. Towards a Peace Zone*, op. cit., p.108

[397] R. Varma, *The Indian Ocean in India's Strategy and Diplomacy*, Indian Political Science Association, The Indian Journal of Political Science , April—June, Vol. 25, No. 2, New Delhi 1964, p.38

[398] B. Vivekanandan, *The Indian Ocean as a Zone of Peace: Problems and Prospects*, University of California Press, Asian Survey, Vol. XXI, No. 12, December 1981, p. 1238

[399] R. Varma, op. cit., p. 38

region. India's final response to them was negative. Experts warned at the same time about the growing capacity of China in IOR, stressing that "China is in the position to control the Indian Ocean from its vantage point in the South China sea" and that "China has objectives that are not purely regional."[400] "Once a British lake, the Indian Ocean is now tending to become a whirlpool of conflicting interests. India can ill afford to remain unconcerned with developments in this ocean and the countries in its basin."[401]

Indian experts saw an opportunity to oppose the US and other extra-regional powers' plans in IOR by using the emerging cooperation mechanisms within the Non-Aligned Movement(NAM). The Non-Aligned Movement created, among others, by the leaders of the two biggest and most populous countries of IOR – India and Indonesia could have limited the impact of the Cold War confrontation on the Indian Ocean, uniting the efforts of Asian and African littorals. Those efforts could have also resulted in establishing the regional institutional framework. India failed to consistently implement its proposals of establishing a Council of Asia[402] or "a broader version of ASEAN with the involvement of the UN"[403], due to the lack of support from regional partners, as well as proper activities on international forums.

The concept of the Zone of Peace in the Indian Ocean (IOZP), initiated at the 2nd NAM summit in Cairo in 1964 over the notion of Sri Lanka with the support of India, got substantial support. "The Conference condemns the expressed intention of imperialist powers to establish bases in the Indian Ocean, as a calculated attempt to intimidate the emerging countries of Africa and Asia and an unwarranted extension of the policy of neo-colonialism and imperialism."[404]

According to Yogesh Joshi, India's activities related to the concept of IOZP went through three different stages:

1. 1964-1970 it was applied to attain soft alliance with the UK and the US against China;

2. 1970-1976 it helped India in pivot from the Western to the Eastern Bloc and the shift of its support to the USSR;

3. 1977-1979 it rebalanced New Delhi's relations with Moscow and Washington.[405]

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[400] R. Varma, *The Indian Ocean in India's Strategy and Diplomacy*, op. cit. , p. 44
[401] R. Varma, *The Indian Ocean in India's Strategy and Diplomacy*, op. cit., p. 39
[402] A.G. Noorani, *India and Asian Security*, op. cit., p.110
[403] Ibidem
[404] *Declaration of the 2nd Summit Conference of the Heads of State or Government of the Non-Aligned Movement*, Cairo, Egypt, 10 September 1964, p.26
[405] Y. Joshi, *Whither Non-Alignment? Indian Ocean Zone of Peace and New Delhi's Selective Alignment with Great Powers during the Cold War 1964-1979*, Diplomacy and Statecraft, Routledge, Volume 30, Issue 1, 2019, pp.26-49, https://www.tandfonline.com/toc/fdps20/30/1?nav=tocList, access 21.07.2020

In 1970, the 3rd NAM Lusaka summit adopted the Declaration of the Indian Ocean as a zone of peace, calling upon all States "to consider and respect the Indian Ocean as a zone of peace from which great power rivalries and competition, either army, navy or air force bases, are excluded."[406]After years of Sri Lanka and India's efforts backed by other developing countries, the General Assembly of the United Nations adopted resolution 2832 (XXVI)[407], declaring the Indian Ocean as a zone of peace. It appealed to the superpowers to establish a dialogue with the littorals of IOR to reach an agreement on stopping "the further escalation and expansion of their military presence in the Indian Ocean"[408], including military basis and facilities supporting them, as well as nuclear weapons and weapons of mass destruction. The resolution also turned to "the littoral and hinterland states of the Indian Ocean, the permanent members of the Security Council and other major maritime users of the Indian Ocean"[409], urging them to start consultations aimed at "establishing a system of universal collective security without military alliances and strengthening international security through regional and other co-operation."[410]

A year after the Resolution, the Ad Hoc Committee on the Indian Ocean was established with a mandate to study the implications of the implementation of the Declaration.[411] The concept and then the draft declaration on the zone of peace in IOR got the support of not only NAM members, but also received a positive response at the first stage from Australia, the only IOR littoral from developed countries. The support was withdrawn after in 1971 India signed the Treaty of Friendship and Cooperation with the Soviet Union.[412] Finally Australia became the member of the UN Ad Hoc Committee on IOR, with participation of such significant actors as Japan and China. In accordance with the UN Resolution 34/80B of 11 December 1979,14 the number of members of the Committee was enlarged to forty-seven, including most significant players in the Indian Ocean, among them permanent members of the Security Council. The Committee designed to be temporary instrument of monitoring the

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[406] *Resolutions of the Third Conference of Non-Aligned States*. Lusaka, September 1970, The South African Institute of International Affairs, Johannesburg 1971, p.19 , https://media.africaportal.org/documents/ SAIIA_ RESOLUTIONS_OF_THE_THIRD_CONFERENCE_OF_NON-ALIGNED_STATES.pdf, access 22.07.2020
[407] *United Nations General Assembly Resolution on Indian Ocean as Zone of Peace*, Cambridge University Press, International Legal Materials , January, Vol. 11, No. 1, 1972, pp. 217-219
[408] *United Nations General Assembly Resolution on Indian Ocean as Zone of Peace*, op. cit., p. 218
[409] Ibidem
[410] Ibidem
[411] *2992 (XXVII) Declaration of the Indian Ocean as a Zone of Peace,* General Assembly Twenty-seventh Session, A/RES/2992(XXVII), p.20, https://undocs.org/en/A/RES/2992(XXVII), access 22.07.2020
[412] T. Łukaszuk, *Indian and Australian Maritime Security Doctrines in the Indian Ocean Region in the 21st Century. Christian Bueger's Matrix of Maritime Security Approach*, Polish Political Science Yearbook, vol. 49(4) (2020), p. 117

implementation of the resolution evolved into the permanent forum of dialogue with unsuccessful multiple endeavours of convening the conference on IOR.[413]

Indian researchers contemporaries of those events argued that India's policy towards IOZP "was allowed to be diluted" in the 1960s out of "the fear of China."[414] The 1970s started for India with the growing refugee crisis[415] at the border with East Pakistan, which was in the state of civil war, which then evolved into the India-Pakistan war, with Pakistan backed by the US and China. India was forced to seek the solutions that the USSR used, and this resulted in the 1971 friendship treaty. The strategic importance of the Indian Ocean for extra-regional powers and, simultaneously, the number of obstacles to the realisation of IOZP became even more evident in 1973 during the Gulf crisis. "The shipment of oil through the Indian Ocean and access to oil in the region on equitable terms has, therefore, become a most vital strategic question for all Western countries and many other important oil-importing countries"[416], including India. Extra-regional powers growing competition for access to other natural resources in IOR countries, essential for their advanced technologies, like titanium,[417] were also among the factors influencing the region's geopolitical significance.

That economic dimension, also in the context of widening mutual interdependence between extra- and intra-regional actors, especially underdeveloped small littorals, increased difficulties in implementing the provisions of the UN declaration and elevated the presence of the US and USSR navies. Their presence multiplied after the 1979 Soviet invasion of Afghanistan, repeating the Great Game experience from the first half of the 19th century in a new, modern and sophisticated version. From the perspective of Indian experts, it constituted the transfer of the US-USSR confrontation from Europe to the Indian Ocean Region, becoming "the new Cold War."[418]

Searching for the roots of the failure of implementation of IOZP, Indian researchers were trying to find its sources in regional conflicts and rivalries among littorals, caused by IOR countries themselves, not big powers, not only in the Indian Subcontinent (India-Pakistan) but

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[413] C. Kumar, *Indian Ocean: The Arc of Crisis or Zone of Peace ?*, International Affairs , Royal Institute of International Affairs , Spring, 1984, Vol. 60, No. 2 , Oxford 1984, p.243

[414] D. Kaushik, *The Indian Ocean. Towards a Peace Zone*, op. cit., p.110

[415] A. Agarwal, *The United States and the Indo-Pakistani War of 1971: A Critical Inquiry*, Indian Journal of Asian Affairs, Vol. 27/28, No. 1/2 (2014-2015), p.24

[416] B. Vivekanandan, *The Indian Ocean as a Zone of Peace: Problems and Prospects*, op. cit., p. 1239

[417] P.S. Jayaramu, *Indian Ocean as a Zone of Peace: Problems and Perspectives*, The Indian Journal of Political Science, Indian Political Science Association, April – June, Vol. 47, No. 2, 1986, p.239

[418] P.S. Jayaramu, op. cit., p.240

also in Africa, including Tanzania, one of the co-sponsors of the 1971 UN declaration.[419] In their opinion, the initial assumptions of the concept were too general. They did not take into account the complexity of their bilateral relations at the level of neighbourhood and sub-regions.

Looking at the limited achievements of IOZP, Indian researchers suggested in the 1980s some solutions like "increased trade and cultural interaction among the littoral states; pursuance of Confidence Building Measures (CBMS); strengthening of the political and economic viability of their political systems and building up of naval capabilities."[420] The most critical step was the creation of the security architecture based on the institutional framework. At the same time, the cooperation with the two super powers was essential as well[421], intending to balance their presence.[422]

In the opinion of some participants of the debate, provisions of UNCLOS have, to some extent, fulfilled the UN 1971 declaration's demands.[423] They emphasised the principle of peaceful utilisation of oceans, limiting the use of force in accordance with the UN Charter and employing the necessity of cooperation at the regional and global levels. India, with other non-aligned countries, attained their goals in a different way by providing the rules based maritime cooperation not only in the Indian Ocean but also in other oceans and seas, "to realise security largely through peaceful regional cooperation."[424]

Idealistic India's leaders' statements in the 1960s transformed into a pragmatic stance in the 1970s and 1980s due to evolving strategic situation of India under the dynamic international developments in IOR. "The expectation that the major powers of the world will abide by the wishes of the non-aligned countries and keep the Indian Ocean area as an area of peace, appears to be somewhat over-optimistic."[425]

That pragmatic attitude which started after 1971, some Indian researchers assessed as a continuation of Nehru's Monroe doctrine, trying to keep big powers out of the region through capacity building of the naval forces. The role of successful operation Trident of the blockade of Karachi port, performed by the Indian vessels and the standoff of the US Pacific 7th Fleet with the Soviet Navy in the Bay of Bengal, was one of the decisive factors in the Indo-Pakistani

[419] K.G. Adar, *The Indian Ocean as a Zone of Peace: A Gamble or a Reality?* Strategic Studies, Winter, Vol. 8, No. 2 (1985), p.76

[420] P.S. Jayaramu, op. cit., p.243

[421] B. Vivekanandan, *The Indian Ocean as a Zone of Peace: Problems and Prospects*, op. cit., p. 1245

[422] B. Vivekanandan, *The Indian Ocean as a Zone of Peace: Problems and Prospects*, op. cit., p. 1248

[423] N. Chandrahasan, *Indian Ocean Peace Proposal: Is it Valid Today?*, Indian Law Institute, Journal of the Indian Law Institute , October-December, Vol. 26, No. 4, New Delhi 1984,p.554

[424] D. Kaushik, *The Indian Ocean. Towards a Peace Zone*, op. cit., p.108

[425] K. Subrahmanyam and J.P. Anand, *Indian Ocean as an Area of Peace*, Sage Publications Inc., India Quarterly, Vol. 27, No. 4 (October-December 1971), p.312

war[426] that triggered changes in Indian Navy. "Events in 1971, at the height of the (…)war, have convinced India that it cannot afford to relax in its efforts to build up adequate naval strength to defend its territory."[427] Many experts made references to the strategic concepts of Panikkar, who pointed out that "unless India is prepared to stand forth and shoulder the responsibility of peace and security in the Indian Ocean, her freedom will mean but little"[428]and Vaidya who, at the cusp of Indian independence, appealed to establish two fleets on the Eastern and Western Coasts as well another one in the Andaman islands.

Having built up its capacities of the Indian Navy and other services, despite the assurances of Indira Gandhi that "our policy is not to interfere in the affairs of others"[429], India introduced the principle of solving the disputes in South Asia bilaterally, what resulted in its military interventions in the neighbourhood. Expeditionary missions of the Indian Navy in Sri Lanka and the Maldives in the 1980s were criticised by Indian researchers and classified as a hard, hegemonic version of Nehru's Monroe doctrine. "The role of a regional policeman is not an honourable one in the best of circumstances, and it ill behoves India to seek to play such a role."[430] Some of them assessed Indira Gandhi's doctrine as a manifestation of "Curzonian," rooted in British colonial traditions, the vision of Indocentric order in the Indian Ocean Region without the participation of the superpowers.[431]

Under conditions of the Cold War, India was looking for ways to implement its vision of order in the Indian Ocean Region, following its traditions and non-aligned movement principles. Due to the dynamics of the decolonisation process and the rivalry between the US and the USSR in the region, India was forced to seek new ways of attaining its goals. "India is the largest country in the Indian Ocean and as leader of the non-aligned movement is apparently quite anxious to assume such a role in the region, but the global rivalries of the major powers have denied India the opportunity to do so."[432]

With a limited naval capacity at its disposal and under the pressure of conflicts with Pakistan and China, India was forced to give quiet permission to the extension of the presence

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[426] M. Walter, *The U.S. Naval Demonstration in the Bay of Bengal during the 1971 India-Pakistan War*, World Affairs, Sage Publications, Spring, Vol. 141, No. 4, 1979, p.301

[427] C. Kumar, *Indian Ocean: The Arc of Crisis or Zone of Peace ?*, op. cit., p.239

[428] K.M. Panikkar, *India and the Indian ocean. An essay on the influence of sea power on Indian history*, op. cit., p.91

[429] I. Gandhi, *South Asian Regional Cooperation*, India Quarterly, Vol. 40, No. 3/4 (July-December), New Delhi 1984, p. 259

[430] B. R. Babu, *Indian Intervention in Sri Lanka: Anatomy of a Failure*, Kapur Surya Foundation, World Affairs: The Journal of International Issues, July-September, Vol. 2, No. 3, New Delhi 1998, p. 134

[431] C.R. Mohan, *Crossing the Rubicon. The Shaping of India's New Foreign Policy*, Viking Penguin Books India, New Delhi 2003, p.206

[432] C. Kumar, *Indian Ocean: The Arc of Crisis or Zone of Peace ?*, op. cit., p.240

of the US 7th fleet in IOR up to the acquisition from the UK and the upgrading of the Diego Garcia naval base, and to sign a cooperation agreement with the USSR, acquiring Soviet vessels and other military equipment. At the same time, in its strategic culture, India still struggled with the legacy of British rule. The search for "strategic autonomy"[433] , allowing India to play the role of the leader in the Indian Ocean, was continued in the 1990s, after the end of the Cold War.

As identified by Rehman, the school of thought among Navy officers before the end of the Cold War could best be understood as a syncretic, with a variety of traditions shaping the service's vision and evolution, with four different traditions of thought:

1. "The Indian Continentalist School: more inward than outward-looking, and which has seldom let maritime issues seep through the mental barrier of the Himalayas;

2. The Raj Pan-Oceanic School: developed at the height of the British Empire when the Indian Ocean was unified for the first time as a common strategic space;

3. The Soviet School: which is more defensive in orientation and which focuses largely on the control of chokepoints and area defence;

4. The Monrovian School: through which India, in the tradition of most regional powers with enviable maritime positions, seeks to extend sea control over what it perceives to be its maritime backyard."[434]

2.4. The concept of the Indian Ocean Region in the strategic debate after the end of the Cold War

As a result of the debate on the sidelines of the Third Conference on the Law of the Sea (UNCLOS-III), the emergence of the Indian Ocean as "an area of geo-economic and geo-strategic consequence to its littorals,"[435] the critical changes in India's foreign policy after the end of the Cold War, as well as the process of the growing vitality of the Indian Ocean and the rise of China's naval capacities in the region, the maritime discourse centres began to occur with increasing vigour, both in the North and in the South of India. The growing non-state and non-traditional security challenges in the Indian Ocean Region, including terrorism and piracy in the waters of the Bay of Bengal, contributed to the intensity of the deliberations.

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[433] D. Brewster, *India's Ocean. The Story of India's Bid for Regional Leadership* ,op. cit., p.23

[434] I. Rehman, *India's Aspirational Naval Doctrine* in H. V. Pant (Editor), *The Rise of the Indian Navy: Internal Vulnerabilities, External Challenges*, Ashgate Publishing Limited, Farnham 2012, p.56

[435] V. Sakhuja, *Political and Security Dynamics in the Indian Ocean Region: Role of Extra-regional Powers* in D. Singh (Editor), *Political and Security Dynamics of South and Southeast Asia*, ISEAS, Singapore 2007, p. 70

The debate on the peaceful vision of IOR and regional cooperation was institutionalized in India after the end of the Cold War and ratification of UNCLOS (1994). The Society for Indian Ocean Studies, created by professor Satish Chandra in New Delhi, began to publish the Journal of Indian Ocean Studies (JIOS) in 1993. The Journal became a major centre for research and the debate on the Indian Ocean in the North until 2011, the year of the demise of professor Chandra. The Observer Research Foundation (ORF), formed in 1990 on the wave of India's economic transformation and openness to international studies, also joined research on IOR issues related to India's foreign and security policy. In the South, the Centre for Ocean and Island Studies at the Pondicherry University's Port Blair Campus was established in 2000 and upgraded as a full-fledged Department of Ocean Studies and Marine Biology in 2004. The Centre for Maritime Studies (CMS) at the Pondicherry main campus of the same university was also created. With the financial support of the Indian Navy and the scientific assistance of professor K.R. Singh from Jawaharlal Nehru University in New Delhi, the Chair of Maritime Studies and Research was established at the University of Calicut in 2004.

The significant factor enhancing the debate after the end of the Cold War was the change in India's Navy mind-set, breaking up with the old school of deep reservations about making ideas or thoughts on the country's security public.[436] The naval thought evolved since 1947, but "in the initial decades after independence, the Indian Navy's conceptual element was provided only through its Plan Papers".[437] In 1989 only, the Navy formulated a classified document on its strategy.[438]

The evolution within the political elite of India played a vital role in changing national debates regarding the importance of the maritime domain. The Bharatiya Janata Party (BJP) and Congress governments on the verge of the 21ˢᵗ century made a significant impact on a maritime strategic drive.[439] The BJP's domestic input was with regards to its generally more assertive nationalism and readiness to engage in power politics. They posed strong criticism with regard to India's preceding military neglect, and naval forces in particular; Jaswant Singh argued, "today, the Indian Navy faces a crisis in terms of its rapidly declining force levels, lack of sufficient funding, and limited warship construction programme" a "deplorable state of

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[436] Interview with Captain Gurpreet Khurana, Indian Navy, Associate Professor, Naval War College, Goa
[437] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p. 127
[438] Ibidem – the information on the year of the release of the document varies depending on the sources – the majority of them confirmed 1989.
[439] D. Scott, *India's Drive For a 'Blue Water' Navy*, Journal of Military and Strategic Studies, Winter 2007-08, Vol. 10, Issue 2, p. 4-5, https://dscottcom.files.wordpress.com/2017/03/india-bluewater.pdf, access 17.09.2020

affairs."[440] The Vajpayee government, with Jaswant Singh as a Minister for External Affairs, made a conscious decision to start increasing funding and warship construction, all in order to shape the 'blue water' capacity for India. The Congress administration of Manmohan Singh, which came into office in May 2004, maintained the trend, supporting the pro-Navy campaign.

Apart from the civilian scientific and research institutions, the next step in the developing the maritime research process was made by the establishment of the National Maritime Foundation (NMF) in 2005, the official Indian Navy think-tank. By design, the Foundation was intended to complement and extend the Institute of Defence and Security Studies (IDSA) research field, the Indian Defence Ministry's think-tank. The three leading experts on maritime affairs, active-duty or retired Indian Navy officers, anchored in the NMF and IDSA, dominated the military researchers' debate on the security in the Indian Ocean[441] in the second decade of the 21st century - Gurpreet S. Khurana,[442] co-author of the Indian Navy's doctrinal documents, Vijay Sakhuja[443], and Chitrapu Uday Bashkar.[444]

Not only quantitative but also qualitative methodological changes took place in the maritime security debate. The school of the realist maritime thinking of hybrid Mahanian-Corbettian approach,[445] inherited by the ancestors of the British Royal Navy and the work of KM Panikkar, focused on "the command of the sea"[446] and "the need to control vital sea lanes for both military and commercial purposes"[447] has been gradually replaced by a more comprehensive, neoliberal attitude towards a modern concept of 'holistic' maritime security, as an interrelated part of maritime governance and national security. The concept of maritime security "includes activities such as seaborne trade and commerce, and the facilities/infrastructure required for sustaining their efficient pursuit, the management of living and non-living resources of the sea, maritime environmental issues and the delimitation of international seaward boundaries."[448]Therefore, critical debate topics at the turn of the 21st century covered a broad scope of issues. They range from the geopolitical significance of the

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[440] D. Scott, *India's Drive For a 'Blue Water' Navy*, Journal of Military and Strategic Studies, op. cit.

[441] The reports of the meetings and narrative interviews with the mentioned researchers are attached to the dissertation.

[442] *Maritime Forces in Pursuit of National Security. Policy Imperatives for India*, (Shipra Publications, New Delhi: 2008)

[443] *Maritime Safety and Security in the Indian Ocean*, 2016; *Asian Maritime Power in the 21st Century. Strategic Transactions. China, India and Southeast Asia,*2011; *Partnering Together for a Secure Maritime Future*, 2016

[444] *Emerging India: Security and Foreign Policy Perspectives*, 2005; *Security Challenges along the Indian Ocean Littoral: Indian and US Perspectives*, 2011

[445] A. Latham, *India's Corbettian Maritime Strategy*, Wavell Room – Contemporary British Military Thought, 20.01.2021, https://wavellroom.com/2021/01/20/indias-corbettian-maritime-strategy/, access 15.09.2021

[446] A. Latham, *India's Corbettian Maritime Strategy*, op. cit.

[447] A. Latham, *India's Corbettian Maritime Strategy*, op. cit.

[448] R. Roy-Chaudhury, *India's Maritime Security*, Knowledge World, New Delhi 2000, p. xiii

IOR, through the urgency of regional cooperation and its institutionalisation due to the interdependence of littorals in the conditions of symbiotic economic intercourse and incoherent security system, measures to ensure the flow of traffic on sea routes within and between Indian Ocean regions, especially those critical to India's economy, securing the exploitation of natural resources on the continental shelf, preservation of the marine environment, up to conceptual and functional demands and expectations of the Navy in terms of its organization, equipment, training and combat tactics.

According to Indian maritime scientists, India and other littoral countries of the IOR, as the biggest economic beneficiaries of globalisation, have to utilise those ancient routes and connections to secure their development. The seaborne transportation between different subregions of IOR and India "should remain secure due to its gravity for economic development."[449] Satish Chandra pointed out that in the context of the growing economy of India, the security of SLOCS became increasingly important, and to secure them India had to overcome its "sea blindness".[450]

As noticed by Gurpreet Khurana, "97 per cent of India's trade (by volume) is seaborne, which is comparable to that of an island state."[451] As India's critical national interest, sea transportation between the Persian Gulf and India is responsible for the major share of its energy security. The sea route between India and the Persian Gulf countries, including Iran, needs to remain secure due to its immense importance, and therefore, the navies of India and Iran need to cooperate.[452] Another aspect of the enormous economic significance is India's heavy dependence on the IOR for natural resources and the necessity to protect the off-shore oil and gas installations[453], located in the continental shelf, and constituting two-thirds of its domestic oil and gas production.[454] In that context, India also needs to secure free and uninterrupted access to its EEZ[455], which is the third biggest in IOR.[456]

[449] S.K. Singh, *Persian Gulf Region in the Indian Ocean*, Journal of Indian Ocean Studies, Vol. 5 No. 2, March 1998, p.110

[450] S. Chandra, *Indian Ocean Islands and Littoral – Conflict and Cooperation*, Journal of Indian Ocean Studies, Vol. 9, No. 1, April 2001, New Delhi 2001, p.5

[451] G. Khurana, *Security of Maritime Energy Lifelines: Imperatives and Policy Options for India*, Paper presented at Conference titled "India's Energy Security: foreign, trade and security policy contexts", organized by TERI & the Konrad Adenauer Foundation, 29-30th September, 2006, Goa, India, p.2, https://independent.academia.edu/khurana, access 20.09.2018

[452] S.K. Singh, *Persian Gulf Region in the Indian Ocean*, op. cit., p.110

[453] A. K. Singh, *India's Security Concerns in the Indian Ocean Region*, Har-Ananad Publications Pvt Ltd, New Delhi 2003, p. 122

[454] G. Khurana, *Security of Maritime Energy Lifelines: Imperatives and Policy Options for India*, op. cit., p.3

[455] A. K. Singh, *India's Security Concerns in the Indian Ocean Region*, op. cit., p. 122

[456] G. Migiro, *Countries With The Largest Exclusive Economic Zones*, https://www.worldatlas.com/articles/countries-with-the-largest-exclusive-economic-zones.html, access 20.03.2021

Having discussed the maritime strategy, Satish Chandra emphasises that India needs to develop a navy and coast guard,[457] while Anil Kumar Singh stresses that "India needs a capable navy to safeguard its coastline and widely scattered islands."[458] In the post-Cold War period, therefore, the responsibilities of the Indian Navy have increased manifold,[459] for which development of the navy should be prioritised.[460] This is not only necessary for war, since "during the times of peace, a navy force can become an important component of the diplomatic efforts of the country, (and) several objectives could be achieved by naval presence."[461]

Modern naval diplomacy consists of goodwill visits to foreign ports, joint naval exercises with regional and extra-regional powers, search and rescue operations, and promotion of multi-dimensional maritime cooperation with littoral countries of the Indian Ocean.[462] That goal would be possible to attain under conditions of institutional arrangements for cooperation to build bridges across the Indian Ocean. In the spirit of continuation of the concept from the 1970s of the Indian Ocean as a Zone of Peace[463], which epitomises the Indian concept of the urgency of regional cooperation in IOR, Mihir Roy addressed the issue of another additional naval role of "out of area operations," dealing with "transnational threats and natural disasters."[464] He suggests that in order to cost-effectively utilize the infrastructure of navies for national development as opposed to coercion and military functions, "it will be beneficial for countries to have common ship slots and communications facilities under the name of Joint Maritime Centres".[465] Their critical significance could be seen under the conditions of the rise of non-state (or non-traditional) threats and help in curbing drug-trafficking, gun-running, protecting the ocean resources, preserving marine ecology.[466] Under such demanding and complex circumstances "cooperation between major naval countries in IOR is necessary.[467]

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[457] S. Chandra, *Indian Ocean Islands and Littoral – Conflict and Cooperation*, Journal of Indian Ocean Studies, Vol. 9, No. 1, April 2001, New Delhi 2001, p.5

[458] A. K. Singh, *India's Security Concerns in the Indian Ocean Region*, op. cit., p. 122

[459] A. K. Singh, *India's Security Concerns in the Indian Ocean Region*, op. cit., p.147

[460] R. Gupta, *India and the Indian Ocean : Geostrategic Perspective*, op. cit., p.240

[461] S. Kondapalli, *Chinese Navy in the Indian Ocean*, Journal of Indian Ocean Studies, Society for Indian Ocean Studies, New Delhi, p.84

[462] Ibidem

[463] S.S. Rai, *India's Strategy in the Indian Ocean Indian Aims and Interests in a Historical Perspective*, Internationales Asienforum, Arnold Bergstraesser Institute, Freiburg, Vol. 20 (1989), No. 1-2, pp. 153-154

[464] M. Roy, *South Africa as an emerging Player in the Indian Ocean*, Journal of Indian Ocean Studies, Vol. 2 No. 1, November 1994, p.60

[465] M. Roy, *South Africa as an emerging Player in the Indian Ocean*, op. cit., p. 61

[466] M. Roy, *South Africa as an emerging Player in the Indian Ocean*, op. cit., p. 61

[467] S. Chandra, *Indian Ocean Islands and Littoral – Conflict and Cooperation*, Journal of Indian Ocean Studies, Vol.9 No. 1, April 2001, p.6

After the end of the Cold War, "the spectrum of threats at sea has undergone a major transformation,"[468] Indian analysts underlined that the end of the bipolar and the beginning of the multipolar international order created new threats to national and regional Indian Ocean security. Indian researchers recognised the renaissance of the Indian Ocean in the 21st century as a centre of politics, economy, and trade, as well as "an important arena for Indian foreign policy"[469], after decades of occupying a back seat in terms of a concrete policy-formulation.[470] They also found a close correlation between the emergence of India as the preeminent regional actor in South Asia in the 1980s and 1990s, and its active interest and geopolitical/ security role in the Indian Ocean in the 21st century.[471] "The ocean has often been seen as a factor which divides, but the Indian Ocean was a great unifying factor, and these ancient linkages have to be revived."[472]

2.5. Maritime governance in Indian academic and political discourse

Since ancient times India participated in the evolution of maritime governance and the law of the sea, being the biggest peninsula in the world and having access to the Bay of Bengal, the biggest bay on our globe. The access to or the reign over the Indian Ocean were the subjects of the battle of the books of European lawyers representing colonial powers. Before the colonial era, the most famous adviser to the kings in India's ancient history – Kautilya – devoted a significant part of his treatise "Arthashastra" to the management of the ports and fleet.[473] India, at that time, had one of the biggest merchant fleets in the world, keeping its trade with the littorals of the Western part of the Indian Ocean and the Mediterranean Sea at a very high level. The fleet also served as an instrument of expansion of the Southern Indian Tamil Kingdom of Chola (3rd century BC – 13th century AD)[474] to Southeast Asia and propagation of Hinduism and Buddhism in that region.

The expansion of Portuguese, Dutch, French, and finally British colonial powers effectively disrupted both the debate and development of maritime thinking in Indian kingdoms.

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[468] V. Sakhuja, *Asymmetric Warfare and LIMO: Challenges For Indian Navy*, ORF Occasional Paper, op. cit. p.6
[469] R. Gupta, *India and the Indian Ocean : Geostrategic Perspective*, Journal of Indian Ocean Studies, Volume 5, Number 3, July 1998, Society for Indian Ocean Studies, New Delhi, p.240
[470] S.S. Rai, *India's Strategy in the Indian Ocean Indian Aims and Interests in a Historical Perspective*, Internationales Asienforum, Arnold Bergstraesser Institute, Freiburg, Vol. 20 (1989), No. 1-2, pp. 153-154
[471] Ibidem
[472] S. Chandra, *India, the ASEAN and the Indian Ocean*, Journal of Indian Ocean Studies, Vol.7 Nos.2 and 3, March 2000, p.115
[473] K. Mroziewicz, *Indie. Sztuka Władzy*, Zysk i S-ka, Poznań 2017
[474] H. Kulke, K. Kesavapany, V. Sakhuja (Editors), *Nagapattinam to Suvarnadvipa. Reflections on the Chola Naval Expeditions to Southeast Asia*, Institute of Southeast Asian Studies, Singapore 2009, pp. 1-3

"Between 1500 and 1945, international law in India grew up by degrees, completely marked by the absence of any attempt at codifying it, nourished, however, by the writings and thoughts and practiced upon them by the Princely states."[475]

The United Kingdom consequently implemented its strategy of the domination in maritime affairs in the conquered littorals of the Indian Ocean and the Indian Ocean itself, in order to make it "British Lake." The Navigation Act of 1651 and its successive versions negatively affected international trade in the Indian Subcontinent subordinating it to trade with the Crown and ensuring the dominance of the British East India Company. The colonial maritime laws like Admiralty Offences Act 1849, the Indian Registration of Ships Act 1841, the Indian Ports Act 1908, and the Territorial Waters Jurisdiction Act 1878 (jurisdiction over territorial waters and fishery up to three nautical miles from low water mark)[476], the Indian Fisheries Act 1897, the Government of India Act 1935, prevailed Indian way of thinking about the international law of the sea and jurisprudence of the courts, not only in pre-independence but also, to some extent, post-independence India.[477] The only area which benefited from the British maritime dominance was the shipbuilding industry,[478] and that was until the mid-19th century when the transition from wooden made to steel-shell shipbuilding was successfully introduced into the merchant fleet.

At the same time, despite the colonial rule, India participated in the process of institutionalisation of international cooperation in the second half of the 19th century, becoming a member of several international organisations, as well as a party to 150 multilateral and 44 bilateral treaties.[479] India's international personality was maintained as separate from that of Britain because the Interpretation Act of 1889 did not mention India as a colony.[480] The main purpose of that kind of interpretation was the interest to increase Britain's "voting strength" in international organisations. India as one of Dominions was treated the same way as Australia, Canada, New Zealand, and South Africa. In the 20th century India became a member of the League of the Nation and participated in the 1930 Hague Codification Conference.[481]

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[475] B.N. Patel, *History of International Law in Pre-1945 India*, Brill and Nijhoff 2016, p.31

[476] K. G., *The Territorial Waters Jurisdiction Act, 1878—Criminal jurisdiction over Indian territorial waters*, Journal of the Indian Law Institute, Jan.-Mar. 1961, Vol. 3, No. 1, p.99

[477] *One Hundred and Fifty First Report on Admiralty Jurisdiction*, Law Commission of India, New Delhi 1994, p.2

[478] C. Deshmukh, *The Rise and Decline of the Bombay Ship-Building Industry, 1736-1850*, Proceedings of the Indian History Congress 1986, Vol. 47, Volume I (1986), pp. 544.

[479] A.V. Shenoy, *The Centenary of the League of Nations: Colonial India and the Making of International Law*, in *Asian Yearbook of International Law*, vol. 24, Leiden/Boston 2018, p.5

[480] Ibidem, p.6

[481] *Acts of the Conference for the Codification of International Law*, The League of Nations Publication, V. Legal, 1930, V.4, the Hague, p.9, https://legal.un.org/ilc/league.shtml, access 20.09.2019

On the way to independence in the 1940s, Indian lawyers and diplomats, educated mainly in the United Kingdom as a consequence of the English Education Act of 1835,[482] presented views on maritime issues close to the British understanding of sea power following the Mahan's and Corbett's realist concepts of sea control. Kavalam Madhava Panikkar[483], an Oxford graduate, and Keshav Balkrishna Vaidya[484], were among the most eminent representatives of the "Mahanian school" in early modern Indian international studies.

Panikkar, using the method of historical analysis, similar to Mahan, argued that based on the experience of the littorals for the last two hundred years, the authority over the sea could be exercised over the coast line "with the minimum of force makes the subjection perpetual, while invasion from across the land frontier has naturally to be sporadic."[485]He tried to utilise Prime Minister's Jawaharlal Nehru positive approach towards scientists to influence the maritime strategy of the new born state . "Few prime ministers at that time had the appreciation of science and scientists which Nehru did, precisely at the time when his prime ministerial influence in the Indian scientific community was profound."[486] Panikkar successfully convinced Nehru - having attained independence in 1947, India immediately claimed a territorial sea of three nautical miles following regulations inherited from colonial times. Article 297 of the Indian Constitution, which came into force in 1950, stated that:

"1. All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union.

2. All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

3. The limits of the territorial waters, the continental shelf, the exclusive economic zone, and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament."[487]

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[482] *A minute to acknowledge the day when India was 'educated' by Macaulay*, India Today, 2.02.2018, https://www.indiatoday.in/education-today/gk-current-affairs/story/a-minute-to-acknowledge-the-day-when-india-was-educated-by-macaulay-1160140-2018-02-02, access 02.08.2021

[483] K.M. Panikkar, *India and the Indian ocean. An essay on the influence of sea power on Indian history*, op. cit.

[484] K.B. Vaidya, *The Naval Defense of India*, Thacker, Bombay 1949

[485] K.M. Panikkar, *India and the Indian ocean. An essay on the influence of sea power on Indian history*, op. cit., p.84

[486] R. S. Anderson, *Patrick Blackett in India: Military Consultant and Scientific Intervenor, 1947-72. Part One*, Notes and Records of the Royal Society of London, Vol. 53, No. 2, London 1999, p.256

[487] Constitution of India 1950, Center for Law and Policy Research, https://www.constitutionofindia.net/constitution_of_india/finance__property__contracts_and_suits/articles/Article%20297, access 27.05.2020

Furthermore, in 1955, India proclaimed that it had full and exclusive sovereign rights over the seabed and subsoil of the continental shelf adjoining its territory and beyond its territorial waters.[488] In 1956 four presidential notifications were published extending its territorial sea up to six miles, a contiguous zone to 12 miles, a conservation zone for fisheries to 100 miles and the continental shelf. They served as the consequence of not only impact made by Panikkar and other scientists like Patrick Blackett[489] but also an example of newly independent countries claims, as well as the appearance of a new generation of Indian international lawyers - R.P. Anand, C. Alexandrowicz (of Polish origin), J.J.G. Syatauw, Nagendra Singh, Prakash Sinha. They contested existing discursive structures and attacked central doctrines of international law as instruments of colonialism or simply as out-dated,[490] even though most of them had also received an education in the West.[491]

Alexandrowicz argued that „it is therefore possible to assume that Grotius in formulating his doctrine of the freedom of the sea found himself encouraged by what he learned from the study of Asian maritime custom."[492] That assumption about Hugo Grotius, considered as the founder of the Western school of international law of the sea, was negatively received by researchers in Europe and the USA and rejected without attempting to analyse it.

R. P. Anand was later acknowledged as one of the leaders of the new generation of international lawyers from the Third World, specialised in the law of the sea. He criticised maritime powers showing in his publications how they abused freedom of the seas "to the detriment of the interests of smaller and weaker coastal states"[493], undermining the arguments in defence of the old concept of the freedom of navigation.

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[488] R. Puri, *Evolution of The Concept of Exclusive Economic Zone in UNCLOS III: India's Contribution*, Indian Law Institute, Journal of the Indian Law Institute, October-December 1980, Vol. 22, No. 4, New Delhi 1980, p. 498

[489] Patrick Blackett, British scientist, laureate of the Nobel Prize for Physics in 1948, originally trained as a regular officer for the Royal Navy participated as a naval cadet in WWI, Director of Naval Operational Research at the Admiralty during WWII, served as an advisor to the Indian government 1947-72, from *Nobel Lectures, Physics 1942-1962*, Elsevier Publishing Company, Amsterdam, 1964, and R. S. Anderson*, Patrick Blackett in India: Military Consultant and Scientific Intervenor, 1947-72. Part One*, Notes and Records of the Royal Society of London, Vol. 53, No. 2, London 1999

[490] R.P. Anand, *Reservations to Multilateral Conventions*, Indian Journal of International Law, Vol. 1, No. 1 (July, 1960), pp. 84-91; C.H. Alexandrowicz, *An Introduction to the History of the Law of Nations in the East Indies (16th, 17th and 18th Centuries)*, Clarendon Press, Oxford 1967; J.J.G. Syatauw, *Some Newly Established Asian States and the Development of International Law*, Martinus Nijhoff, The Hague 1961; N. Singh, *India and International Law*, S. Chand & Co., New Delhi 1969; S.P. Sinha , *New Nations and the Law of Nations*, A.W. Sijthoff, Leiden 1967

[491] J. von Bernstorff and P. Dann (Editors), *The Battle for International Law: South-North Perspectives on the Decolonization Era*, Oxford University Press 2019, p.27

[492] C.H. Alexandrowicz, op. cit., p.65

[493] R.P. Anand, *Origin and Development of the Law of the Sea. History of International Law Revisited*, Martinus Nijhoff Publishers, The Hague/Boston/London 1983, p.176

Anand and other international lawyers inspired Nehru to make India, as a co-founder, the host of the First Conference of Asian Legal Consultative Organisation in 1957, transformed one year later into African-Asian Legal Consultative Organisation (AALCO), with the headquarters located in New Delhi. The purpose of the establishment of the Organisation in 1956 in the final phase of preparations for the First Conference on the Law of the Sea was to facilitate the coordination of positions of the Third World countries in a shorter time horizon, as well as to support the demands of individual countries in their efforts to recognize the status of archipelagic waters, as Indonesia, or the rights of land-locked countries, such as Nepal. In the longer term, AALCO supported scientific and research cooperation for scientists from newly liberated countries in Africa and Asia to strengthen new trends in international law and challenge the Eurocentric dogmas of the positivist order that arose back in colonial times.

Indian scholars were convinced that only by building a network of institutional cooperation between Third world countries they would be able to effectively lead to the evolution of the international law of the sea and the realisation of the common and individual interests of the states. The success of the organization should be considered the fact that representatives of its member countries became chairmen of all three conferences on the law of the sea[494] and also that most of the postulates discussed at its forum and in line with the interests of its members were pushed through at the Third conference on the law of the sea and found their place in the United Nations Convention of the Law of the Sea from 1982. However, that latest success was preceded by an intense debate by scientists from African and Asian countries and diplomatic manoeuvring between the South and the North at the UN forum, in which India took an active part.

India was very active during the preparatory process for the First Conference on the Law of the Sea in 1958, presented by B. N. Chopra among ten experts tasked to obtain comments from the governments on the proposed agenda, present recommendations concerning its method of work and compose draft documents for the deliberation by the participants of the Conference.[495] India was also among twenty-two countries out of eighty-six participants of Conference who took part in the debate before and during the event. Indian delegates contributed in a significant way to the negotiations with the goal to start the evolution of the

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[494] S. Sucharitkul, *Contribution of the Asian-African Legal Consultative Organization to the Codification and Progressive Development of International Law*, ch. 2 in *Essays in International Law (Asian African Legal Consultative Organization*, Golden Gate University School of Law, San Francisco 2007, p.15, https://digitalcommons.law.ggu.edu/pubs/218/, access 27.05.2020
[495] D. H. N. Johnson, *The Preparation of the 1958 Geneva Conference on the Law of the Sea*, The International and Comparative Law Quarterly, Jan., 1959, Vol. 8, No. 1, p.140

concept of the continental shelf in relation to the rights of Asian and African coastal states. The important part of the deliberations was "the character of the superjacent waters of the high seas or the air space above those waters, laying and maintenance of submarine cables and pipelines on the seabed, prohibiting construction of military installations or bases on the continental shelf, and the passage of warships through territorial waters."[496]

Being aware of its deep economic interests in the territorial sea, India co-sponsored with Mexico a draft resolution on a flexible rule that every coastal state could be permitted to fix the breadth of its territorial sea up to a limit of twelve nautical miles from appropriate baselines. Judge Jhirad, representing India in the Fourth Committee of the Conference, referred to the definition of the continental shelf. "He remarked that a distinction should be drawn between the geological meaning of the term and its significance from the economic viewpoint; it might, indeed, be preferable to employ two entirely different terms."[497]

Indian delegation made a notion that the term of natural resources should cover not only mineral resources but also organic resources like the flora and fauna "living in constant physical and biological relationship with the seabed, and sedentary fisheries in particular".[498] The notion represented concerns of the Third World countries with their capacities of fishery, limited mostly to one day catch, in contrast to the strength of the Western countries for which the era of long-haul super-trawlers just started. In the same context, the Indian delegation also opposed the concept of the right to explore and exploit the continental shelf on the basis of effective occupation and control, which could "seriously compromise the peaceful coexistence of states."[499]

Despite such an active approach towards the debate at the Conference, India did not succeed in attaining goals, and there was no significant development in modernisation and codification of the law of the sea. Indian scientists criticised the results of the Conference, which, in their opinion, confirmed the privileges and freedoms which were already functioning in the area of international law, previously articulated in unilateral declarations of states, starting with the Truman declaration.[500] Despite the growing majority in the international discourse developing countries of Asia and Africa failed to push through the amendments to

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[496] V. Tiwari and S. Setty, *History and Background of Maritime Law in India*, National Law University Odisha, Centre for Maritime Law, 11th Jun 2019, https://cmlnluo.law.blog/2019/06/11/history-and-background-of-maritime-law-in-india/, access 09.05.2020

[497] *Summary Records of the 6th to 10th Meetings of the Fourth Committee*, United Nations Conference on the Law of the Sea, Documents: A/CONF.13/C.4/SR.6-10, Geneva, Switzerland 24 February to 27 April 1958, p. 12

[498] *Summary Records of the 6th to 10th Meetings of the Fourth Committee*, op. cit., p. 12

[499] Ibidem

[500] R.P. Anand, *Origin and Development of the Law of the Sea*, op. cit. p.184

the draft conventions that would consolidate the changes taking place in their favour. They saw the lack of experience of the countries of the South and their "conflicting interests, divisions and vulnerabilities"[501] as sources of the failure. As a result, India was not among the signatories of any of the 1958 conventions.

At the Second UN Conference on the Law of the Sea in 1960, India opposed the US and Canadian draft resolution on the extend of the width of territorial sea and fishing zone (6+6 nm), arguing that due to the development of the law of the sea and the technology of navy and fishery, new international law of the sea regulations should provide developing countries with 12 nm of the territorial sea.[502] "The Indian delegation declared an exclusive fishery zone to be of utmost importance for the newer and economically less developed countries because many of them could not produce enough food."[503] "The seas were an inexhaustible reservoir of good food and protein, and those countries should have the exclusive right to the fish in that zone, immune from the competition of better equipped states."[504] Other Asian and African countries shared India's position "interpreting it as an anti-colonial measure"[505] what as a result led to the conclusion of the conference without agreement on a new shape of neither the territorial sea nor continental shelf regulations.

In 1967, following in the footsteps of the countries of South America and the proposal made with Mexico at the First Conference, India unilaterally extended its territorial waters to 12 miles, which met with adverse reaction from Western states. India's decision was also the consequence of the intensive international debate on the limits of national jurisdiction over the oceans and the rights of countries to exploit high seas and sea bed. Indian scientists and authorities reacted positively in that context to Ambassador Arvid Pardo statement on the common heritage concept in the international seabed area.[506]

Pardo prepared an extensive resume of the post-WWII developments in international law of the sea and achievements of ocean exploration, recommending, in line with Indian views, the establishment of a new international regime. "The United Nations authority must acquire

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[501] R.P. Anand, *Origin and Development of the Law of the Sea*, op. cit. p.184

[502] *Official Records of the Second United Nations Conference on the Law of the Sea,* Committee of the Whole Verbatim Records of the General Debate, Geneva, 17 March-26 April 1960, pp. 188-194

[503] R. Puri, *Evolution of The Concept of Exclusive Economic Zone in UNCLOS III: India's Contribution,* op.cit., p. 501

[504] *Official Records of the Second United Nations Conference on the Law of the Sea (Summary Records of Plenary Meetings and of Meetings of the Committee of the Whole, Annexes and Final Act)*, Tenth Meeting of the Committee of the Whole, Document A/CONF.19/C.1/SR.10, Geneva, Switzerland 17 March – 26 April 1960, p.77

[505] O.P. Sharma, *The International Law of the Sea. India and the UN Convention of 1982*, Oxford University Press, New Delhi 2009, p. XXXVII

[506] *Official Records, United Nations General Assembly 22nd Session*, 1st Committee, 1515th Meeting, Wednesday, 1 November 1967, New York (A/6695; A/C.1/952)

jurisdiction of the resources on and under the sea floor".[507] His intervention "responded to pressing issues of the time: decolonization, developed/developing state relations and pressures of population and resource security."[508]

Indian representative was among the 35-nation Ad Hoc Committee members established by General Assembly Resolution 2340 (XXII) as the consequence of Pardo's notion to study the peaceful uses of the sea-bed and the ocean floor.[509] Pardo's statement gave a new impetus to the debate, which lasted for the next fifteen years, until UNCLOS, on reform of the law of the sea aimed at adjusting it to the new realities of international relations. Indian scholars, together with other representatives of Asian and African countries, emphasized the necessity to push forward the process of creating a "new order" at sea, replacing "old laws" and outdated approach towards the seas and oceans following the interests of the old colonial powers. They furthermore pointed as well at the urgency of building the holistic institutional architecture of maritime governance with consideration of the quick pace of "technological, economic, social (…) changes which radically altered"[510] humankind's attitude towards the maritime domain.

"The sea is no longer a mere navigation route, a recreation centre, or dumping-ground. It is the last phase of man's expansion on the earth and must become an area of cooperation for orderly, progressive world development in which all will share equally and equitably."[511] Significant contribution to that concept of global maritime governance was the 1970 UNGA resolution 2749 (XXV), which declared the deep-sea floor as the "common heritage of mankind" and planned the common globally administrated economic use of the deep-sea floor. Resulting benefits were supposed to be used for the development of India and other Third World countries.[512]

Indian experts opposed in that context the US idea[513] to limit the agenda of the Third Conference on the Law of the Sea, which was to convene by the UN General Assembly

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[507] *Official Records, United Nations General Assembly 22nd Session*, 1st Committee, 1515th Meeting, op. cit., p.15
[508] S. Ranganathan, *Global Commons*, The European Journal of International Law Vol. 27 no. 3, Oxford University Press 2016, p. 693
[509] *The UN General Assembly Twenty-second session*, 1639th Plenary Meeting, Resolution 2340 (XXII), New York 18 December 1967, p.14 https://legal.un.org/diplomaticconferences/1973_los/docs/english/res/a_res _2340_xxii.pdf , access 29.05.2019
[510] R.P. Anand (Editor), *Law of the Sea, Caracas and Beyond*, Radiant Publishers, New Delhi 1978, p.8
[511] R.P. Anand (Editor), op. cit., p.61
[512] J. von Bernstorff and P. Dann (Editors.), *The Battle for International Law: South-North Perspectives on the Decolonization Era*, Oxford University Press 2019, p.25
[513] The US Experts Team came to Delhi in 1970 for negotiations in order to convince Indian experts, in O.P. Sharma, *The International Law of the Sea. India and the UN Convention of 1982*, Oxford University Press, New Delhi 2009, p. XXXV

Resolution 2574 (XXIV)[514], to the breadth of territorial sea, free passage through international straits and preferential fishing rights in the adjacent high seas.[515] The scope of the topics to be discussed at the Conference specified in the 1st item of the Resolution was much broader than American proposals. Furthermore, the expectations of India included the status of archipelagic waters, patrimonial waters and environmental issues. Indian scholars supported the Swedish idea of convening the series of conferences devoted to the environmental challenges at sea within the preparatory process before the Third Conference, despite the protests and threats to boycott the conference by other developing countries, emphasizing that the focus should be rather on the ways to utilise the economic potential of the sea to fight against the poverty.[516]

India was chosen to the Preparatory Committee for Stockholm 1972 Conference and it was prime minister Indira Gandhi who spoke on behalf of all developing countries at the event.[517] She stressed that there is a necessity of both "a cooperative approach on a global scale to the entire spectrum of our problems" and "a more equitable sharing of environmental costs and greater international interest".[518] She rhetorically asked developed countries "how can we speak to those who live in villages and in slums about keeping the oceans, the rivers and the air clean when their own lives are contaminated at the source".[519] Her speech is considered to be the beginning of the modern North-South division. She started also the debate on sustainable development. At the same conference India supported the proposal for the establishment of an intergovernmental body on the human environment and volunteered to have the headquarters in its capital.[520] Indian experts realised that it could be the first element of the institutional architecture which could emerge as the result of the Third Conference and "help in the establishment of a more balanced and just international economic order."[521]

As the result of the debate of a broad scope of Indian scientists on the sidelines and in the context of the Third Conference on the Law of the Sea, the report "Ocean Policy

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[514] *The UN General Assembly Twenty-fourth session*, 1833rd Plenary Meeting, Resolution 2574 (XXIV), New York 15 December 1969, p.10

[515] O.P. Sharma, *The International Law of the Sea. India and the UN Convention of 1982,* op. cit., p. XXXVI

[516] P. Chasek, *Stockholm and the Birth of Environmental Diplomacy*, International Institute for Sustainable Development, Earth Negotiations Bulletin, Toronto September 2020, https://www.iisd.org/articles/stockholm-and-birth-environmental-diplomacy, access 20.12.2020, p. 4

[517] P. Chasek, op. cit, p. 5

[518] *Indira Gandhi's Speech at the Stockholm Conference*, Plenary Session of United Nations Conference on Human Environment, Stockholm 14th June 1972, http://lasulawsenvironmental.blogspot.com/2012/07/indira-gandhis-speech-at-stockholm.html, access 31.05.2019

[519] Ibidem

[520] *Report of the United Nations Conference on Human Environment*, United Nations, A/CONF.48/14/Rev.1, Stockholm 5-16 June 1972, p.47

[521] R.P. Anand (Editor), op. cit., p.10

Statement"[522] was prepared in 1981 and adopted by the parliament in 1982. Referring to maritime traditions of the Indian Subcontinent civilisation, the Statement emphasised the significance of UNCLOS and pointed to the need for "a coordinated, centralised and highly sophisticated development response"[523] with the support of science and technology in the context of "the vastness, complexity, and uncertainty of the ocean environment."[524] The role of infrastructure was also highlighted with the stress on "basic supporting facilities like safety and rescue at sea, navigational chains, communication network, development of appropriate maps and charts, (…) provision of adequate ports and harbours, ship-building and ship-repair facilities."[525] The Statement served as a framework for the debate on India's maritime governance till the end of the 20th century.[526]

The current debate on maritime governance among Indian researchers has focused on the consequences and challenges of implementing of UNCLOS and Agenda 21 in the context of ongoing disputes over delimitation of maritime areas, illicit maritime activities by non-state actors, sustainable management of sea resources.[527] Both legal frameworks complemented each other, creating a universal system of laws and models of development.[528] They were created for a peaceful environment to protect it and find a solution to existing conflicts. Coastal countries still faced an "anarchic sea"[529], with some of them violating UNCLOS regulations and ignoring international tribunals. As Paleri put it, "the globalised world needs to look at the entire ocean more seriously", and the perception of the ocean in a fragmented manner generates a feeling of constriction in strategic appreciation."[530] He calls for a better discipline and appreciation of limitations of the UNCLOS and the UN system as a whole "for compatibility with the ongoing global sustainability arguments."[531] He emphasised that in modernising and adjusting maritime governance to the 21st - century dynamics of international relations, there should be an integrated approach at the national, regional and global level. All the countries have to follow agreed principles of peaceful and sustainable maritime governance responsibly.[532]

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[522] *Ocean Policy Statement*, Ministry of Earth Sciences, Government of India, New Delhi November 1982, https://moes.gov.in/writereaddata/files/OCEAN_POLICY_STATEMENT.pdf , access 06.06.2020
[523] *Ocean Policy Statement*, op. cit.
[524] *Ocean Policy Statement*, op. cit.
[525] *Ocean Policy Statement*, op. cit.
[526] T.G. Puthucherril, *A Case Study of India's Policy and Legal Regimes on Ocean Governance*, op. cit., p.469
[527] P.V. Rao, *Maritime Order in Indian Ocean*, in A. S. Raju, *Good Order at Sea. Indian Perspective*, Studera Press, New Delhi 2018, pp.13-14
[528] P.V. Rao, *Maritime Order in Indian Ocean*, op. cit., pp.13-14
[529] P.V. Rao, *Maritime Order in Indian Ocean*, op. cit., p. 18
[530] P. Paleri, *Good Order and Discipline of the Ocean. Invoking Corporate Social Responsibility*, in A. S. Raju, *Good Order at Sea. Indian Perspective*, Studera Press, New Delhi 2018, p. 35
[531] P. Paleri, *Good Order and Discipline of the Ocean. Invoking Corporate Social Responsibility*, op. cit., p. 37
[532] P. Paleri, *Good Order and Discipline of the Ocean. Invoking Corporate Social Responsibility*, op. cit., p. 40

Vijay Sakhuja pointed at the role of national legislation and institutions in the proper implementation of maritime governance.[533] At the same time, in his view, forty years after the conclusion of the Third Conference on the Law of the Sea, a Fourth Conference should be convened, accompanied by the scientific debate on the state of maritime governance in the conditions of globalisation, artificial intelligence and unmanned ships.[534]

According to Gurpreet Khurana, the co-author of the strategic documents of the Indian Navy, any new debate about the maritime governance, should include security issues deeper than before, due to its extended interdependence with the blue economy through strategic sea lines of communication, marine safety and environment due to the increasing frequency of natural disasters and climate change, as well as the growing number of actors in maritime affairs.[535] As since the 1980s the situation changed and a wide span of new actors, including regional organisations, became even more influential in maritime domain, they also have to be considered as potential participants of the debate.

In that context is worth mentioning that according to Swaran Singh another transformation took place in the 21st century when governments moved their activities from international organizations to networks, where major players are determining maritime governance.[536] Uttara Sahasrabuddhe from University of Mumbai, argued that both institutions and organisations still play vital role in mitigating anarchical conditions in the maritime domain,[537] contributing significantly to maritime governance.

2.6. Domestic and external factors in shaping Indian maritime governance after the Cold War
2.6.1.Economic reforms in India and energy security

The end of the Cold War found India in a complicated political situation amidst a series of government crises and a crisis in public finances. After the 1989 elections, the National Front coalition led by the Janata Dal Party formed the government with VP Singh as a prime minister. Due to the conflict with the Bharatiya Janata Party over religious issues, VP Singh lost the vote of confidence in the parliament after less than a year.

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[533] Interview with dr. Vijay Sakhuja (retired Navy Officer, JNU, ISEAS), New Delhi 30.08.2018
[534] Ibidem
[535] Interview with dr. Gurpreet S Khurana, the Executive Director of National Maritime Foundation of India, New Delhi 31.08.2018
[536] Interview with prof. Swaran Singh, Jawaharlal Nehru University, School of International Studies, New Delhi 29.08.2018
[537] U. Sahasrabuddhe, *Rational Choice, Institutionalism and Maritime Good Order* in A. S. Raju, *Good Order at Sea. Indian Perspective,* Studera Press, New Delhi 2018, p. 29

The subsequent elections were disrupted by the assassination of the leader of the Congress Party, Rajiv Gandhi. P.V. Narasimha Rao was chosen as his successor and became a prime minister. His finance minister Manmohan Singh emphasised in his budget speech in 1991 that as a result of "the combined impact of political instability, the accentuation of fiscal imbalances and the Gulf crisis, a great weakening of international confidence, a sharp decline in capital inflows through commercial borrowing and non-resident deposits," "despite large borrowings from the International Monetary Fund"[538], the sharp reduction in foreign exchange reserves of India took place.

The government in New Delhi found itself "at the edge of the foreign exchange crisis, which constituted a threat to the sustainability of growth processes and implementation of development programme."[539] The "acute and deep"[540] crisis in the Indian economy forced authorities to abandon the policy of concessions, the monopoly of state-owned enterprises in most sectors of the economy, import substitution by domestic industry, and a centrally planned economy in general. The Indian economy was open to foreign investments, including the banking sector. The role of the public sector was limited only to four strategic industries. The foreign equity limit was raised to 100%, and Indian companies were automatically allowed to sign agreements on transferring technologies with foreign companies. The government introduced instruments of support for small and medium size companies for their activities abroad.

Putting aside the Nehruvian, semi-socialist concept of economic development of modern India, the government changed it to the liberal model with elements based on the inspiration from Southeast and Northeast Asian successful transformations. The economic reforms have produced quick results with the crisis, which was overcome within two years. The growth of GDP started to surpass the existing benchmark of 4%, accelerating up to 7-8,5%.[541] "The foreign trade has increased with the annual growth rate of 13,42%."[542] The weaker economic performance in the late nineties due to the international crisis (1997-2001) did not disrupt the reforms and modernisation of the Indian economy. Foreign investments from the

[538] M. Singh, *Budget 1991-92 Speech*, 24th of July 1991, p.1, https://www.indiabudget.gov.in/doc/bspeech/bs199192.pdf, access 08.08.2020

[539] M. Singh, *Budget 1991-92 Speech*, 24th of July 1991, op. cit., p.1

[540] Ibidem

[541] *The World Bank – GDP Growth (annual %) – India*, https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=IN, access 09.08.2020

[542] *India's trade deficit jumps 22 times since 1990-91*, The Economic Times, December 25, 2014, https://economictimes.indiatimes.com/news/economy/indicators/indias-trade-deficit-jumps-22-times-since-1990-91/articleshow/45640529.cms?from=mdr, access 08.08.2020

US, UK, Japan, and South Korea in telecommunication and services sectors[543] included India in global production chains, making it one of the greatest beneficiaries of globalisation. Along with the economic development, the energy demand increased. "The net oil import dependency rose from 43% in 1990 to an estimated 71% in 2012."[544]

The experience of the Gulf War and the growing significance of the security oil and gas strategic deposits in the Persian Gulf and the Arabian Sea, as well as their transportation through the Sea Lines of Communications (SLOCs), deeply influenced the comprehension of common interests of India and the US. The Gulf War caused the rise of the import of crude oil by 50% and petroleum products by 72% at the level of 3,5 billion USD to India at the beginning of the 1990s, and reached 11 billion USD in 1998.[545] Maintaining the freedom of high seas and safeguarding western Indian Ocean as "the economic life-line"[546] for India became the imperative for the success of its new model of economic and political development.

As an aspiring regional leader,[547] India also understood that it is essential to get the US capable maritime force support to safeguard the complex of its national interests as "a stable regional environment, insulated from external intervention, which will permit the social and economic uplift."[548] It was critical to secure the maritime component in the conditions of openness to the challenges of globalism and the global supply chain and the urgency of "a dramatic change in its trading pattern"[549], as the share of maritime transportation in India's export and import rose significantly in the last three decades of the 20th century.[550]

"India's total port cargo has increased approximately fourfold between 1970-71 and 1995-96 rising from 56.14 MT to 218.07 MT."[551] The cargo traffic handled by major ports

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[543] R. Nagaraj, *Foreign Direct Investment in India in the 1990s: Trends and Issues*, Economic and Political Weekly, Apr. 26 - May 2, Vol. 38, No. 17, 2003, p. 1703

[544] C. Dunn, *India is increasingly dependent on imported fossil fuels as demand continues to rise*, U.S. Energy Information Administration, https://www.eia.gov/todayinenergy/detail.php?id=17551, access 10.08.2020

[545] *Economic Survey 1997-98*, Ministry of Finance, Government of India, https://www.indiabudget.gov.in/budget_archive/es97-98/welcome.html, access 01.02.2022

[546] A. K. Singh, *India's Security Concerns in the Indian Ocean*, Har-Anand Publications, New Delhi 2003, p.124

[547] A. Prakash, *Commonality of Maritime Challenges and Options for a Cooperative IOR Maritime Security Structure*, in R. Vohra, PK Ghosh, D. Chakraborty (Editors), *Contemporary Transnational Challenges: International Maritime Connectivities*, Indian Ocean Naval Symposium, National Maritime Foundation, KW Publishers PVT LTD, New Delhi 2008, p.186

[548] Ibidem, A. Prakash, Op. Cit., p.187

[549] A. Mukherjee, C. Raja Mohan, *India's Naval Strategy and Asian Security, Special Indian Edition*, Routledge Abingdon and New York 2016, p. 3

[550] *Indian Maritime Landscape. A Background Note*, Confederation of Indian Industry, KPMG, Mumbai 2006, p.5-6, http://www.in.kpmg.com/pdf/Shipping_Report.pdf, access 01.02.2022

[551] B. Ghosh and P. De, *Indian Ports and Globalization: Grounding Economics in Geography*, Economic and Political Weekly, Vol. 36, No. 34 (Aug. 25-31, 2001), New Delhi 2001, p.3274, https://www.researchgate.net/publication/262121776_Indian_Ports_and_Globalisation_Grounding_Economics_in_Geography, access 12.04.2018

Table 1 : India's export to the Indian Ocean Region countries

(in millions of USD)

Partner	2020	2010	2000	1990
Australia	3471.13	1650.87	397.4	177.03
Bahrain	457.03	609	68.82	34.63
Bangladesh	7912.82	3016.57	775.72	301.68
Comoros	17.32	9.38	1.27	0.3
Djibouti	337.35	298.13	20.89	2.66
Eritrea	8.68	44.15		
France	4363.55	4903.03	975.66	422.37
Indonesia	4363.74	4557.08	390.37	108.13
Egypt	2149.07	1929.81	310.46	97.75
United Kingdom	7767.62	6436.41	2207.96	1172.58
Iran	2243.73	2509.26	187.34	77.6
Iraq	1457.96	688.23	67.81	23.95
Israel	2599.26	2798.29	519.48	52.59
Jordan	613.64	375.32	72.07	31.54
Kenya	1985.8	1995.74	130.49	35.58
Myanmar	837.62	272.58	43.18	1.85
Sri Lanka	3224.13	3305.12	594.17	129.44
Kuwait	1010.61	1654.07	188.37	40.62
Madagascar	312.24	64.16	8.9	3.85
Maldives	196.17	100.04	21.25	5.82
Malaysia	6194.01	3555.31	530.95	149.33
Mauritius	398.51	680.36	198.14	50.46
Mozambique	1444.43	495.45	30.29	7.55
Oman	2308.35	901.53	136.21	55.9
Pakistan	282.38	2235.79	163.83	40.56
Qatar	1254.72	373.98	42.85	17
Saudi Arabia	6154.27	4483.7	809.17	230.6
Singapore	8295.02	9066.23	787.05	375.11
Somalia	543.96	71	5.75	1.11
Sudan	1046.64			
Timor-Leste	16.34	538.03	6	
Seychelles	78.37	29.47	7.9	1.72
Thailand	3777.06	2139.58	525.24	244.28
United Rep. of Tanzania	1411.72	1121.88	100.46	29.24
Fmr Sudan		487.83	85.34	21.22
South Africa	3498.29	3650.06	307.8	
Yemen	790.75	494.56	97.83	
Fmr Arab Rep. of Yemen				30.16
World	275488.74	220408.5	42358.1	17940.18

Source: UN Comtrade database, https://comtradeplus.un.org/

Table 2 : India's import from the Indian Ocean Region countries 1990-2020

(in millions of USD)

Partner	2020	2010	2000	1990
Australia	7263.3	12061.24	1049.82	749.13
Bahrain	492.85	663.76	171.76	50.48
Bangladesh	1024.44	357.9	88.7	17.24
Comoros	19.08	8.15	0	
Djibouti	17.44	1.88	0.1	0.09
Eritrea	0	0.54		
France	2996.35	3820.41	641.87	676.82
Indonesia	12020.79	9695.33	985.84	80.21
Egypt	1768.33	1410.25	269.36	43.4
United Kingdom	4710.85	5166.82	3160.48	1532.19
Iran	297.12	11078.29	702.36	560.71
Iraq	16172.95	7291.52	93.45	267.22
Israel	1752.48	2038.06	496.14	78.96
Jordan	1085.58	821.61	260.83	202.82
Kenya	96.27	109.18	18.98	21.52
Myanmar	575.59	1122.15	178.5	91.6
Sri Lanka	686.32	518.12	39.85	20.25
Kuwait	5975.06	9021.92	654.32	84.47
Madagascar	109.26	20.64	1.48	1.06
Maldives	17.74	31.92	0.22	0.18
Malaysia	7378.04	5995.9	1311.03	528.87
Mauritius	37.12	15.98	7.61	0.04
Mozambique	711.59	86.74	25.79	0.26
Oman	3045.15	3622.56	51.45	37.16
Pakistan	2.55	320.73	69.62	46.55
Qatar	8121.37	6141.78	206.95	26.45
Saudi Arabia	17723.81	20374.08	1597.14	1384.23
Singapore	12306.75	7263.14	1401.56	490.98
Somalia	5.11	9.17	2.08	1.04
Sudan	254.23			
Timor-Leste	0.04	0.92		
Seychelles	3.54	8.88	0.03	
Thailand	5223.76	3940.82	339.21	63.76
United Rep. of Tanzania	912.67	283.1	98.62	34.16
Fmr Sudan		641.26	7.35	1.65
South Africa	6673.14	6912.19	1394.91	
Yemen	13.72	2227.2	250.23	
Fmr Arab Rep. of Yemen				0.63
World	367980.36	350029.39	52940.25	23799.15

Source : UN Comtrade database, https://comtradeplus.un.org/

Table 3 : India's oil import from the Indian Ocean Region countries 1990-2020

(in millions of USD)

Partner	2020	2010	2000	1990
Australia	26.52	833.53		32.38
United Kingdom	67.84			9.51
Egypt	847.05	1049.98	226.04	35.17
Indonesia	164.33	81.04		
France	0			
Iran		9342.86	466.33	538.57
Iraq	14852.14	7245.32	86.24	255.94
Kuwait	3307.93	7631.27	533.65	72.93
Oman	944.58	2752.9	45.38	34.38
Malaysia	914.85	1269.54	141.86	164.78
Qatar	1297.42	2959.52	112.64	
Saudi Arabia	12471.01	16206.27	983.64	1102.36
Singapore	0	0.03		
Sudan	81.74			
Fmr Sudan		583.15		
South Africa	74.65		3.42	
Yemen		2097.38	236.37	
World	64579.75	88611.03	15729.15	3342.73

Source : UN Comtrade database, https://comtradeplus.un.org/

Table 4 : India's gas import from the Indian Ocean Region countries 1990-2020

(in millions of USD)

Partner	2020	2010	2000	1990
Australia	254.43			
Egypt	46.59	26.93		
France	113.6			
Pakistan		16.02		
Oman	377.05			
Qatar	3343.01	2193.79		
Saudi Arabia		38.64		
South Africa		24.58		
Yemen		37.06		
World	7908.67	2557.54	0	0.02

Source : UN Comtrade database, https://comtradeplus.un.org/

Table 5 : India's coal import from the Indian Ocean Region countries 1990-2020

(in millions of USD)

Partner	2020	2010	2000	1990
Australia	5253.78	4249.36	564.73	349.93
Bahrain	0.14			
Bangladesh	0.23	0.01	0.16	
United Kingdom	1.45	9.72	0	0.77
Indonesia	4838.81	2874.61	85.03	6.1
Iran		2.35	0.14	
Sri Lanka		0.37		
Malaysia		0.76		
Mauritius		0.01		
Mozambique	361.21		2.12	
Oman		3.61		
Pakistan		0.01		
Saudi Arabia	4.23			
Singapore	371.49	0.75	0.03	
South Africa	2238.18	1353.45	133.92	
World	15871.09	9379.81	883.96	416.8

Source: UN Comtrade database, https://comtradeplus.un.org/

reached 704.92 MT in 2019-20, and for all the ports in the country is expected to rise to 2,500 MT by 2024-25.[552] The unprecedented progress made in the field of technology in maritime transportation and international cooperation of shipping companies, contributed to the traffic intensity on sea routes crossing Indian territorial and EEZ waters.

The imported goods and energy resources have been invariably transported by sea along with the progressing process of containerisation of the global trade, which also positively impacted the increase in maritime transportation in India. India's and countries in Southeast and Northeast Asia's economic growth has been interconnected with more intensive communication by sea routes. "A characteristic feature of the global economy is the remoteness of the regions of extraction of energy resources from the areas of their greatest consumption."[553] In the case of India, Persian Gulf countries and Iran have been among India's major trading partners since the late 1990s (Table 1,2,3), with 70% of crude oil imports share.[554]

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[552] K. Singh, *Ports and Shipping. Sailing towards success. Industry Scenario*, Invest India. National Investment Promotion and Facilitation Agency, https://www.investindia.gov.in/sector/ports-shipping, access 14.10.2022

[553] M. Ilnicki et al., *Morski Transport Ropy i Gazu w Warunkach Zagrożeń Aktami Przemocy*, Wydawnictwo Naukowe, Wrocław 2006, p.20

[554] G. Fathipour and A. Ghaghremanlou, *Economical-Regional Integration - An Overview on Iran-India Trade Relation*, International Relations Conference on India and Development Partnerships in Asia and Africa: Towards a New Paradigm, Procedia - Social and Behavioral Sciences 157 (2014), pp. 155 – 164, https://core.ac.uk/download/pdf/82050421.pdf, access 15.09.2019

Australia, Canada, Indonesia, the US, and South Africa constitute another group of countries critical to India's energy security and not located adjacent to its subcontinental part (Table 5). Coal has occupied first place in India's energy mix since the end of the 1990s at the level of 52%[555]. Although, India is the world's second largest coal producer and being the 5th largest country in terms of coal deposits with coal reserves in states of Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra and Odisha[556], several unsuccessful endeavours to modernise Indian coal mining sector contributed to the situation where the mines are unable to produce adequate quantity of coal to meet the requirement of domestic industry and development.

Several attempts to diversify energy sources using gas pipelines like TAPI[557] connecting India with Central Asian countries with oil and gas deposits did not succeed, mainly due to the state of relations with Pakistan and existing natural barriers like the Thar desert and the Himalayas. The existing untapped deposits of oil and gas in the Andaman Islands[558] did not help to tackle the energy security challenges due to its distance to primary refineries in the subcontinent and the location close to SLOCs next to Malacca Strait, the busiest and one of the most piracy prone in the world. India remained dependent on sea routes for 97% of its trade[559], including energy resources, also as a result of the technical condition of outdated railway lines and other deficiencies in the land transport infrastructure.

The additional feature of the energy security challenges and maritime dependency is the efficiency of ports and terminals. The privatisation of terminals and outsourcing of cargo handling services, initiated by the Indian government in 1991, positively affected on ports. However, until now, "the ports are lagging behind major ports across the world."[560] With the energy supply deficit for the financial year 2020-21 at 0.4%,[561] challenges of maritime infrastructure India has to make all its institutions and ports more efficient. As a part of the blue revolution, the Sagarmala Project was adopted in 2015 with the prime objective "to promote

[555] *Power Sector at Glance- All India* (as of 31.07.2021), Ministry of Power, Government of India, https://powermin.gov.in/en/content/power-sector-glance-all-india, access 20.09.2021

[556] M. Garside, *Proved coal reserves in India by type 2011-2020*, Statista, 24.08.2021, https://www.statista.com/statistics/265442/proved-coal-reserves-in-india/; *Year End Review* 2020- Ministry of Coal, Government of India, 31.12.2020, https://pib.gov.in/Pressreleaseshare.aspx?PRID=1685058, access 30.08.2021

[557] Gas pipeline connecting Turkmenistan, Afghanistan, Pakistan, India.

[558] *Huge gas reserves mapped around Andamans*, The Economic Times, New Delhi May 20,2003, https://economictimes.indiatimes.com/huge-gas-reserves-mapped-around-andamans/articleshow/46976720.cms, access 30.08.2020

[559] G. S. Khurana, *The Maritime Dimension of India's Energy Security*, Strategic Analysis, Vol. 31, No. 4, July 2007, p. 584

[560] D. Sinha, V. Bagodi, *A Causal Review of Dynamics in Indian Ports*, Indian Institute of Management Kozhikode, Kozhikode Society & Management Review, 8(1), Kozhikode 2019, p.60

[561] R. Ranjan, *India's Peak Power Deficit Fell to 0.4% During the FY 2020-21: CEA*, Mercom India: Clean Energy News and Insights, 18.06.2021, https://mercomindia.com/indias-peak-power-deficit-cea/ , access 31.08.2021

port-led direct and indirect development and to provide infrastructure to transport goods to and from ports quickly, efficiently and cost-effectively."[562] It was a return to the concept of Prime Minister Atal Bihari Vajpayee and the previous BJP government in 2003.[563] The key presumption of the 2015 initiative was, as in the case of its predecessor, to address the challenges of the development with a focus on:

1. "supporting and enabling port-led development through appropriate policy and institutional interventions and providing for an institutional framework for ensuring inter-agency and ministries/departments/states' collaboration for integrated development;

2. enhancing port infrastructure, including modernization and setting up of new ports;

3. rationalising evacuation to and from the hinterland."[564]

The Ministry of Shipping published a National Perspective Plan entitled "Sagarmala: Building Gateways of Growth" in 2016.[565] It was the revived programme abandoned by the previous government in 2005 after two years.[566] The Indian government intended to increase the capacity of major and non-major ports and modernize them and enable them to become drivers of port-led economic development. Improving their sustainability by optimizing their interconnection with the existing land and inland waterways transport assets was necessary. Furthermore, another goal was to set up logistics hubs and establish manufacturing centres interconnected with ports.[567] The identification of potential geographic regions – Coastal Economic Zones (CEZs) – was a key factor in the successful implementation of the Project. CEZs were to create the effect of synergy and integration with planned Industrial Corridors, Dedicated Freight Corridors, the National Highway Development Programme, and Industrial Clusters.[568]

Within Sagarmala Project, 802 projects have been identified for implementation, covering various categories like modernisation of existing ports and terminals, new ports,

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[562] *Sagarmala: Concept and implementation towards Blue Revolution,* Press Information Bureau Government of India Cabinet, 25.03.2015, access 29.07.2019

[563] P. Manoj, *The Sagar Mala project*, The Hindu 09.04.2004, https://frontline.thehindu.com/other/advertorial/article30221836.ece/amp/, access 02.05.2020

[564] *Sagarmala: Concept and implementation towards Blue Revolution,* Press Information Bureau Government of India Cabinet, 25.03.2015, op. cit.

[565] G. Kochhar and S. A. Ulman (Editors), *India and China. Economics and Soft Power Diplomacy*, Routledge, London and New York 2021, p.100

[566] *Maritime Policy of India Need a Long Term Vision*, blog, June 22nd, 2021, https://blog.forumias.com/problems-issues-with-indias-maritime-policies/, access 20.12.2021

[567] *Sagarmala: Concept and implementation towards Blue Revolution,* Press Information Bureau Government of India Cabinet, 25.03.2015, op. cit.

[568] *Sagarmala: Concept and implementation towards Blue Revolution,* Press Information Bureau Government of India Cabinet, 25.03.2015, op. cit.

terminals, Ro-Ro, and tourism jetties.[569] Until 2022, 202 projects have been completed, 218 projects have been under construction and expected to be completed by 2024.[570] The capacity of 13 major ports, which was 871.52 million ton per annum (MTPA) at the end of March 2014, increased 79 per cent to 1,560.61 MTPA by the end of March 2021.[571]

In 2017 India launched its first-ever 'goodwill wheat shipment' from Kandla port to Afghanistan via Chabahar Port in Iran. India has been developing Chabahar Port since 2016 to bypass Gwadar port in Pakistan. Chabahar Port opens up India's unhindered connectivity prospect to Central Asia via Afghanistan.[572]

India's functional seaports put together cumulatively handled 600,350 vessels in a period of 730 days or 822,39 vessels a day. On the other hand, Singapore Port, handled 224,8367 vessels during the data period and an average of 3,079 vessels per day — nearly four times more vessels than all the 71 functional seaports of India vessel traffic put together. "Joining the Sagarmala is an advantage for us, not a disadvantage," the Sri Lankan prime minister said, ruling that in the last few decades, misled by socialism, India and Sri Lanka closed trade links and became "land-based economies." "Sri Lanka supports India's Sagarmala programme of building ports around the country."[573]

The Maritime India Vision 2030 has identified over 150 initiatives to boost the Indian maritime sector. The Vision 2030 was launched by Prime Minister of India in March 2021. It was drafted after significant consultation with over 350 public and private stakeholders comprising of ports, shipyards, inland waterways, trade bodies and associations, and legal

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[569] *Over 800 projects worth Rs 5.48 lakh cr identified for implementation under Sagarmala program: Shipping Minister*, The Economic Times 25.03.2022, https://economictimes.indiatimes.com/news/economy/ infrastructure /over-800-projects-worth-rs-5-48-lakh-cr-identified-for-implementation-under-sagarmala-program-shipping-minister/articleshow/90441934.cms?from=mdr, access 20.04.2022

[570] *Government Expedites Sagarmala Implementation*, Maritime Gateway 18.04.2022, https://www. maritimegateway.com/government-expedites-sagarmala-implementation/?msclkid=6279dbdecee211eca69dd9de 6f009b5d, access 22.04.2022

[571] *India's fleet strength increased to 1,463 vessels in 2021: Economic Survey*, The Times of India, 31.01.2022, https://timesofindia.indiatimes.com/business/india-business/indias-fleet-strength-increased-to-1463-vessels-in-2021-economic-survey/articleshow/89250090.cms#:~:text=NEW%20DELHI%3A%20India%27s%20fleet%20 strength%20increased%20to%201%2C463,12%2C746%2C000%20of%20GT%2C%20the%20Survey%20for% 202021-22%20said., access 23.02.2022

[572] RP Pradhan, *SAGAR, Sagarmala and seaports: How 'Triple S' growth triangle promises to rewrite India's maritime history*, Centre for Public Policy Research, 10.12.2021, https://www.cppr.in/articles/sagar-sagarmala-and-seaports-how-triple-s-growth-triangle-promises-to-rewrite-indias-maritime-history?msclkid=dc715e18cee411ecbf120f8459bc664b, access 10.02.2022

[573] *Sri Lanka supports India's Sagarmala project, says Prime Minister Ranil Wickremesinghe,* The Indian Express 23.09.2016, https://indianexpress.com/article/india/india-news-india/sri-lanka-supports-indias-sagarmala-project-says-prime-minister-ranil-wickremesinghe-3046331/#:~:text=Sri%20Lanka%20is%20keen%20to%20join%20India%E2%80%99s%20ambitious,sub-regional%20economy%2C%20Prime%20Minister%20Ranil%20Wickremesinghe%20has%20said.?msclkid=8eb d3680cf0211ecb08a1d7027eed988, access 20.08.2019

experts. The vision serves as a blueprint to achieve an accelerated and coordinated development of India's maritime sector, with 150 initiatives covering all facets of the country's maritime sector.[574]

India had the seventeenth largest merchant shipping fleet in the world in 2019.[575] As on 01 July 2006, the Indian Merchant Fleet comprised 756 ships carrying 8.6 million tons of GRT. The average age of the Indian fleet was around 16.5 years, as against the world average of 12 years. While the total trade volume increased at a rate of 8-10% per annum, the tonnage was unable to keep pace with it. The share of Indian ships in carrying Indian trade has declined from about 40% in 1987-88 to 14% in 2005. Up to 2021, India's fleet strength increased to 1,463 vessels with a gross tonnage of 13 million tones GRT.[576] India still needs a national tonnage of 18 million tonnes GRT to restore the earlier participation rate of 40%.[577] At the same time, India's contribution to commercial shipbuilding globally was less than 1% in 2021, decreased from the 3.5% achieved in 2007-12.[578] Only the part of the state-owned shipyards is functional. Private companies endeavours were unsuccessful. In 2021 only 20 of India's 25 shipyards were functional.[579]

Maritime infrastructure serves as one of the critical and challenging determinants of India's economic development, but there is a direct interconnection to environmental issues within maritime governance. That creates the challenge of how to reconcile development goals and environmental protection. The following section tries to answer how India's attitude has changed and how it has built maritime governance institutions responsible for environmental protection.

2.6.2. Environmental and climate change issues in Indian maritime governance

Environmental issues have always played a significant role in Indian traditions and religions. Hinduism, Buddhism, Jainism, and other major religions originating from Indian civilisation put great emphasis in their cosmology on understanding the interdependence between people and the world around them.[580] This refers not only to the responsibility of the

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[574] *Sailing towards success*, Invest India – National Investment Promotion and Facilitation Agency, 02.01.2023, https://www.investindia.gov.in/sector/ports-shipping, access 07.01.2023
[575] A. Devli, *Building an India-owned merchant fleet*, Gateway House, Indian Council on Global relations, 26 December 2019, https://www.gatewayhouse.in/india-owned-merchant-fleet/, access 20.01.2020
[576] *India's fleet strength increased to 1,463 vessels in 2021: Economic Survey*, op. cit
[577] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.43
[578] *Maritime Policy of India Need a Long Term Vision*, blog, June 22nd, 2021, op. cit.
[579] Ibidem
[580] L. E. Nelson, *Ecology* in S. Mittal and G. R. Thursby (editors), *Studying Hinduism: Key Concepts and Methods*,

rulers as "Earth-Protectors'[581] but of every human being in their actions and way of life. Mahatma Gandhi's teachings continued this holistic approach to thinking about humans and the surrounding environment as one mutually dependent whole. The founders of the modern independent Indian state did not emphasise it in the 1950 Constitution. The Indian Constitution was amended in 1976 only. Article 48A provided that "the state shall endeavour to protect and improve the environment"[582], and Article 51A(g) that „it shall be the duty of every citizen of India (…) to protect and improve the natural environment". [583] Such a late amendment stemmed from the fact that the country faced enormous challenges in the context of industrial, infrastructural, and agricultural development as well as the alleviation of poverty which stood at an 80% level in 1947.[584]

A two-fold jump in population from 300 million to 600 million in the first twenty years of the republic's existence[585] served as another important factor. The Bay of Bengal became one of the most densely populated areas in the world.[586] "Mumbai has the world's largest population exposed to coastal flooding, with large parts of the city built on reclaimed land, below the high-tide mark."[587] Sea-level rise, as a result of climate change, could affect 36 million people in India by 2050[588] but also might lead to saltwater intrusion in the coastal areas, threatening ports infrastructure, industrial and agricultural areas.[589] The imperative of economic growth, and its proportional, to the size of the country, slowness, and at the same time oversized population growth with the accompanying poverty were at the root of the adverse effects on the

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London; Routledge, New York 2008, pp. 97–111; M. McGee.. *State Responsibility for Environmental Management: Perspectives from Hindu Texts on Polity* in C. K. Chapple and M.E. Tucker (editors), *Hinduism and Ecology: The Intersection of Earth, Sky, and Water,* Harvard University Press 2000, pp.59-100; D.H. Henning, *Buddhism and Deep Ecology,* AuthorHouse, Bloomington 2002; C. K. Chapple, *Jainism and Ecology. Nonviolence in the Web of Life*, Motilal Banarsidass Publishers, New Delhi 2006

[581] L. E. Nelson, *Ecology* in S. Mittal and G. R. Thursby (Editors), *Studying Hinduism: Key Concepts and Methods*, London; New York: Routledge 2008, p.100

[582] *The Constitution of India*, Government of India Ministry of Law and Justice Legislative Department, New Delhi 2020, p.36, https://legislative.gov.in/constitution-of-india, access 10.09.2018

[583] *The Constitution of India*, Government of India Ministry of Law and Justice Legislative Department, op. cit.

[584] M. Guruswamy, *India at 70: The good and bad of India's growth story*, Hindustan Times, 15.08.2017, https://www.hindustantimes.com/opinion/india-at-70-the-good-and-bad-of-india-s-growth-story/story-Y2aLsMN1nbQVr8mmI4kPON.html, access 04.01.2022

[585] S.N. Nandy, *Urbanization In India – Past, Present and Future Consequences*, "Urban India", Vol.35, July-December 2015, No.2, https://www.niua.org/sites/default/files/jul-dec-2015-content.pdf, p.13, access 03.01.2022

[586] *Pollution and the Marine Environment in the Indian Ocean.* United Nations Environmental Program Regional Seas Reports and Studies No.13, Nairobi 1982, p.53 https://www.unep.org/resources/report/pollution-and-marine-environment-indian-ocean, access 08.01.2022

[587] *India: Climate change impacts*, World Bank Report 2013, https://www.worldbank.org/en/news/feature/2013/06/19/india-climate-change-impacts, access 15.01.2022

[588] *Sea Level Rise to Affect 36 Million People in India by 2050: Study*, The Times of India, 30.10.2019, https://weather.com/en-IN/india/science/news/2019-10-30-sea-level-rise-affect-36-million-people-india-2050, access 15.01.2022

[589] *India: Climate change impacts*, World Bank Report 2013, op. cit.

environment of development strategies combined with the heritage of colonial exploitation and side effects of the global climate change.

As 80% of marine pollution originated from land,[590] all those factors caused marine environmental deterioration at an unprecedented rate, predominantly originating in coastal areas, where urbanisation[591] and industrialisation[592] took the fastest pace, 40%, and 12% respectively. The municipal and industrial sewage contributed significantly to the pollution in the absence of sewage treatment plants,. The development of agriculture within the "green revolution," based not only on modern crops' varieties but also on the excessive use of pesticides[593], negatively influenced the cleanliness of rivers and thus the seas surrounding India. The overall economic development of India has been a part of the process of growing economic power of the Indian Ocean countries located in the Persian Gulf and South and Southeast Asia. That growth significantly influenced the intensification of trade exchange and the intensity of traffic on the sea routes in IOR. The traffic and accidents involving tankers from the Persian Gulf carrying oil to East Asia and Australia were the sources of the increased pollution in Indian waters. Oil spills from Mumbai High Oilfield platforms, established in 1974,[594] the most prominent domestic oil and gas producer in India, have constituted another critical pollutant originated from the sea. Southwest Summer Monsoon Current brought the waste from the open seas coming from the countries of Africa and the Persian Gulf.

As an active participant of the 1972 UN Stockholm Conference on Environment and Human Development, the Indian government acknowledged the emergency of implementation of the measures outlined in the Conference recommendations and the Action Plan.[595] Among others worth mentioning are recommendations such as : to strengthen control over "land-based sources of marine pollution, in particular in enclosed and semi-enclosed seas", to "accept and implement available instruments on the control of the maritime sources of marine pollution,"

[590] *The State of Marine Environment. Trends and Processes*, United Nations Environmental Program (UNEP), Global Program of Action for the Protection of the Marine Environment from Land-based Activities (GPA), 2006,p.iv, https://wedocs.unep.org/bitstream/handle/20.500.11822/12469/global_soe_trends.pdf?sequence= 1&is Allowed=, access 03.01.2022

[591] S.N. Nandy, *Urbanization In India – Past, Present and Future Consequences*, op. cit.

[592] *Industrial Growth in India from 1950 to 1991*, GKToday, Current Affairs and General Studies, 24.10.2015, https://www.gktoday.in/topic/industrial-growth-in-india-from-1950-to-1991/, access 03.01.2022

[593] R.A. Malviya, *Marine Pollution Control; An Appraisal*, Cochin University Law Review, Volume VIII, Cochin 1984, p.230

[594] R.P. Rao and S.N. Talukdar, *Petroleum geology of Bombay high field*, *India,* in M.T. Halbouty, G*iant Oil and Gas Fields of the Decade: 1968–1978*, American Association of Petroleum Geologists Memoirs, Volume 30, Tulsa 1980, p. 487

[595] *Report of the United Nations Conference on Human Environment*, Stockholm 5-16 June, United Nations Publication, A/Conf.48/14/Rev.1, New York 1973, pp. 22-28, https://www.un.org/en/conferences/environment/ stockholm1972, access 17.09.2018

to "support national research and monitoring efforts that contribute to agreed international programmemes for research and monitoring in the marine environment," and to "concert and co-ordinate actions regionally and where appropriate on a wider international basis."[596] As a result, several new regulations were introduced into the Indian legal order, and new institutions were created in the executive and judicial apparatus to implement those regulations. First, the National Council for Environmental Policy and Planning was established in 1972 as a part of the Department of Science and Technology to serve as a regulatory body to look after environment-related issues. Later it became the Department of Environment in 1980, then transformed into the Ministry of Environment and Forests in 1985, and finally renamed in 2014 as the Ministry of Environment, Forest and Climate Change.

In 1972 the Wildlife Protection Act, including marine species, was passed at the federation and state levels, and in 1983 the first National Wildlife Action Plan identified broad goals of establishing a network of representative protected areas and developing appropriate management systems. It has been revised every 14 years, and the current one is the third one, valid until 2031.[597] The next step was the adoption of the Water (Prevention and Control of Pollution) Act in 1974, with the aim "to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water" [598], establishing the Central Pollution Control Board (CPCB) and its local branches at the state level (SPCB). Being authorised to effectively put the limits and enforce standards to the industry's practices of discharging hazardous wastes into the water, boards have been "empowered to issue consent for establishment (CFE) whenever a firm wants to establish a new factory, issue consent for operation (CFO) for existing factories, and even given the authority to close factories." [599]

To effectively monitor oil pollution and developmental activities on the seashore, India's National Institute of Oceanography commissioned 1975 the vessel Gaveshani.[600] It also "enabled the Institute to successfully carry out extensive surveys for offshore oil fields, mineral deposits, including polymetallic nodules from the depths of the Indian Ocean."[601] Another

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[596] *Report of the United Nations Conference on Human Environment*, op. cit.

[597] *National Wildlife Action Plan*, Central Zoo Authority, The Ministry of Environment, Forest and Climate Change, Government of India, https://cza.nic.in/page/en/national-wild-life-action-plan, access 13.01.2022

[598] *The Water (Prevention and Control of Pollution) Act, 1974*, Act No. 6 of 1974, http://mppcb.mp.gov.in/proc/WaterAct-1974.pdf, access 15.10.2019

[599] P.M. Prasad, *Environment Protection, Role of Regulatory System in India*, Economic and Political Weekly, Vol. 41, No. 13, Apr. 1-7, 2006, p.1279, https://www.jstor.org/stable/pdf/4418031.pdf?ab_segments=, access 14.08.2019

[600] *RV Gaveshani (1975-1995)*, Council of Scientific & Industrial Research – National Institute of Oceanography, Ministry of Science and Technology, Government of India , https://www.nio.org/research/research-vessels/rv-gaveshani, access 09.01.2022

[601] *RV Gaveshani (1975-1995)*, op. cit.

ocean research vessel Sagar Kanya, commissioned in 1983, "generated a wealth of information which can be accepted as the state of art documentation on the health of the seas around India."[602] Their successors - R.V. Gaveshani (1995-2011) and R V Sindhu Sadhana (2012-) - have continued the mission[603] of propagating that "the seas should not be considered as a dumping ground."[604]

India is ranked 12 among the top 20 countries responsible for marine pollution.[605] As part of the busiest system of the SLOCs in IOR, India understood that ships over 20 years old ships should not be allowed to operate. The majority of the biggest tankers cruising through the region is 20 years old or more.[606]With their increasing age, the possibility of oil-spills and leakage increases, effecting the coastal and marine environment.[607] At the same time, India and Bangladesh became the biggest dumping grounds of the old ships, carrying hazardous and toxic wastes.[608] Alang in Indian state of Gujarat, which is planned to enlarge its capacity, has no installations protecting leakages of toxins. Chemicals from industries and agricultural practices contribute around 77 per cent to marine pollution.[609] The outputs of inland industries, urban wastes and agricultural practices are dynamic and gigantic activities that cannot be checked or controlled by only organisational means. Increasing levels of organic and inorganic pollution in the coastal water over the years pose a grave danger to the Dissolved Oxygen (DO) and microbial concentration levels, which are the two most important indicators of the health of coastal waters. India's environmental protection started as early as the 1970s; it has stringent environmental policies and regulatory instruments in place. The government implemented a

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[602] S. Z. Qasim, R. Sen Gupta and T. W. Kureishy, *Pollution of the seas around India*, Proceedings of Indian Academy of Science (Animal Science), Vol. 97, No. 2, March 1988, p. 117, https://www.ias.ac.in/article/fulltext/anml/097/02/0117-0131, access 09.01.2022

[603] *RV Gaveshani (1975-1995)*, Council of Scientific & Industrial Research – National Institute of Oceanography, Ministry of Science and Technology, Government of India , https://www.nio.org/research/research-vessels/rv-gaveshani, access 09.01.2022

[604] S. Z. Qasim, R. Sen Gupta and T. W. Kureishy, *Pollution of the seas around India*, op. cit., p. 130

[605] *SDG 14: Life Below Water*, United Nations in India, https://in.one.un.org/page/sustainable-development-goals/sdg-14/, access 20.04.2018

[606] Ibidem

[607] In 2020 the Indian Ocean region faced a potential environmental disaster near Sri Lanka following an engine room explosion on the 270,000 tons supertanker MT New Diamond – for details see D. Brewster, *Tackling environmental security threats in the Indian Ocean*, The Interpreter, Lowy Institute, 14.09.2020, https://www.lowyinstitute.org/the-interpreter/tackling-environmental-security-threats-indian-ocean, access 10.05.2022

[608] City of Alang in Gujarat, North-West India, and City of Chattogram in South-East Bangladesh.

[609] P.K. Gautam, *Indian Ocean – Environmental Conflict Resolution*, Journal of Indian Ocean Studies, Vol.8 No.3, December 2000, p.188

nationwide ban on single-use plastics in 2019. Despite this, the environmental conditions deteriorated as a result of increased industrial production since the 1990s.[610]

The Government of India, in the Ministry of Earth Sciences (formerly Ministry of Ocean Development), has been monitoring the levels of marine pollution at 82 locations along the country's coastline. The primary objectives of the programme COMAPS, operational since 1991, are to assess the status and trend of coastal marine environmental quality on a long-term basis and to alert the government and public institutions of their implications. Data on 25 environmental parameters, including physical, chemical, biological, and microbiological characteristics of water and sediment, are collected with the help of R&D institutions in the 0-10 km sector of these locations.[611]

Taking responsibility for the substantial part of the Indian Ocean and following the main issues of the debate during the 3rd UN Conference on International Law of the Sea (1973-1982), India proclaimed "exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution"[612] within the continental shelf and the exclusive economic zone, in the Territorial Waters, Continental Shelf, Exclusive Economic Zone, and Other Maritime Zones Act in 1976. Since 1978 the mission of the preserving and protecting marine environment in such an extended area has been shared by the newly established Coast Guard with CPCB. In 1986 the Indian Coast Guard took charge of the Central Coordinating Authority for oil-spill response in the Maritime Zones of India.[613]

The Environmental Protection Act of 1986 was aimed at adjusting the regulations on protecting and improving the quality of the environment to the new conditions. Under the Environment Protection Act, the Ministry of Environment and Forests passed 1991 a Notification on Coastal Regulation Zone. It declared that the coastal stretches of seas, bays, estuaries, creeks, and backwaters which are influenced by tidal action up to 500 meters from HTL and the land between LTL and HTL as Coastal Regulation Zone and imposed certain

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[610] M. Jaganmohan, *Pollution in India - statistics & facts*, Statista, 17.11.2021, https://www.statista.com /topics/6853/environmental-pollution-in-india/#topicHeader__wrapper, access 20.12.2021

[611] *Coastal Ocean Monitoring and Prediction System*, Ministry of Earth Science, Government of India, https://incois.gov.in/portal/comaps/home.jsp#:~:text=The%20Government%20of%20India%2C%20in%20the% 20Ministry%20of,of%20the%20country.%20The%20program%20is%20called%20COMAPS.,access 05.05.20 20

[612] *The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976*, Legislative Department, Ministry of Law and Justice, Government of India, p.3-4, https://legislative.gov.in/actsofparliamentfromtheyear/territorial-waters-continental-shelf-exclusive-economic-zone-and-other, access 09.01.2022

[613] *Marine Environment*, Indian Coast Guard, Ministry of Defence, ttps://www.indiancoastguard.gov.in/content/ 246_3_MarineEnvironmentProtection.aspx#:~:text=The%20Maritime%20Zones%20of%20India%20Act%2019 76%2C%20enables,is%20the%20function%20of%20the%20Indian%20Coast%20Guard., access 09.01.2022

restrictions in the said Coastal Regulation Zone. The Notification was accompanied by the pioneering concept of Integrated Coastal Zone Management (ICZM). ICZM involved, among others, "comprehensive planning and managing of human activities to minimize conflict among users; a flexible and transparent planning process that respects existing divisions of constitutional and departmental authority does not abrogate or derogate from any existing Aboriginal or treaty rights."[614] Ecosystem-based management, sustainable development, precautionary approach, conservation, shared responsibility, and flexibility and inclusiveness became principles of Integrated Management.[615]

Both regulations started the process of the decentralization of competencies related to not only environmental protection but also the maritime governance as a whole. Indian authorities recognised the urgency of delegating the part of power to local governments of coastal states and making them involved in the governance and apprehend the gravity of the effective implementation of the regulations and procedures at every level. Without that horizontal inclusiveness, the successful realization of maritime governance would not be possible and would negatively impact achieving sustainable development goals.

Another initiative has been the Integrated Coastal and Marine Area Management (ICMAM) is satellite-based studies plan to amend shoreline management with various programmes, which include R&D activities along with Marine Eco-toxicology. The programme included capacity building and development of infrastructure for research and development with activities like the development of an information system for 11 critical habitats in the coastal and marine areas, determination of waste assimilation capacity at selected estuaries along coastal areas, development of guidelines for environmental impact assessment, and preparation of model of Integrated Coastal and Marine Area Management plans.[616]

Prime Minister Rajiv Gandhi initiated a Ganga Action Plan (GAP) in an attempt to restore the Ganga to its pristine state[617] and limit its negative influence on the sea and coastal areas. Prime Minister Narendra Modi continued his efforts by proclaiming in 2014 the Clean Ganga programme (the Integrated Ganga Conservation Mission). Other existing environmental laws were amended in 1991, at the time of economic reforms in India and the preparations for

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[614] P. Yennawar, *Coastal Zone Management in India*, Freshwater Biology Regional Centre, Zoological Survey of India, Hyderabad, http://www.iczmpwb.org/main/pdf/lecture_presentations/7%20Prasanna.pdf, access 10.01. 2022

[615] P. Yennawar, *Coastal Zone Management in India*, op. cit.

[616] S. Anwar, *Ocean Development Programmes in India*, 12.04.2018, https://www.jagranjosh.com/general-knowledge/ocean-development-programmemes-in-india-1523535177-1?msclkid=c965fbedcde711eca84459a5b9e4ae5b, access 05.08.2019

[617] H. Govind, *Recent Developments in Environmental Protection in India: Pollution Control*, Ambio, Springer, Vol. 18, No. 8 (1989), p. 430, https://www.jstor.org/stable/4313633, access 12.10.2018

the first Earth Summit in Rio (1992). A year later, the National Conservation Strategy Policy Statement on Environment and Development was published just after the Earth Summit.

The Strategy was the first Indian attempt at the holistic approach toward the interdependence between economic development and environmental protection in the form of sustainable development as "the survival and well-being of a nation depend on sustainable development."[618] As an essential aspect of activities in this area, the permeation of awareness of the subject's significance to all layers of society was noted, referring to the activities of non-governmental organisations such as the Chipko Movement, Save Silent Valley Movement, and the Energy and Resource Institute (TERI). As it concerned maritime governance, the document emphasized the significance of the problem of pollution and over-exploitation of the marine fishes and the role of protection of coral reefs, being considered as the most productive marine ecosystems.[619] The Strategy has been updated in 2006 as the National Environment Policy, "intended to mainstream environmental concerns in all development activities."[620] The Coastal Regulation Zone and Integrated Coastal Zone Management acts were amended as well in order to "ensure that the regulations are firmly founded on scientific principles, including the physical, natural, and social sciences, ensuring effective protection to valuable coastal environmental resources, without unnecessarily impeding livelihoods, or legitimate coastal economic activity, or settlements, or infrastructure development."[621]

Based on the experience of existing environmental institutions like Pollution Control Boards, which faced obstacles in regular courts, dealing with companies breaching the environmental laws, following the recommendation of the Law Commission of India (LCOI),[622] and fulfilling the commitments made at the UN Conference on Environment and Development and in the UN conventions, the government of India formed the National Green Tribunal in 2010. The Tribunal, with its four chapters, made India "the first country in the world to set up such an extensive network of specialised courts."[623]

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[618] *National Conservation Strategy and Policy Statement on Environment and Development*, Government of India, Ministry of Environment & Forest, June 1992, https://moef.gov.in/en/about-the-ministry/introduction-8/, access 10.01.2022

[619] *National Conservation Strategy and Policy Statement on Environment and Development*, op. cit.

[620] *National Environment Policy*, Ministry of Environment and Forests, Government of India, New Delhi 2006, p.2, https://www.india.gov.in/national-environment-policy-2006, access 11.01.2022

[621] *National Environment Policy*, Ministry of Environment and Forests, Government of India, New Delhi 2006, op. cit., p.19

[622] S. Ranjan, *The National Green Tribunal Act, 2010: An Introductory Note*, Indian Journal of International Law, Vol. 50, No. 3, July-September 2010, p.423

[623] S. Ranjan, *The National Green Tribunal Act, 2010: An Introductory Note*, op. cit., p.423

As the third largest greenhouse gases emitter on the global scale, India has been an active participant in international activities to prevent and limit climate change since the beginning, i.e., the Rio Earth Summit in 1992. India joined programmes, institutions and ratified all UN conventions and related to climate change, including the Intergovernmental Panel on Climate Change (Rajendra Pachauri served as a chairman of IPCC from 2002 to 2015), the UN Framework Convention on Climate Change(UNFCCC), 1992, Kyoto Protocol 1997, Paris Agreement 2015. The most challenging part of the climate change for India, in the context of maritime governance, apart from the earlier mentioned developmental dilemma, has been the sea level rise(SLR). "The United Nations Environment Program, in its report in 2008, placed India among the 27 countries that are most vulnerable to a sea level rise."[624] In the non-governmental organisation the Climate Central report from 2021, India was placed in the top five countries most vulnerable to long-term sea level rise if the planet warms to 3 degrees Celsius above pre-industrial levels.[625]

India has not made any progress neither in adaptation nor mitigation towards SLR, despite its active policy in changing its energy mix from coal dependency towards a bigger share of renewable sources of energy, including the National Solar Mission announced in 2010, as well as prime minister Narendra Modi statement at COP26 Summit in Glasgow in 2021 that India will reduce the carbon intensity of its economy by more than 45 per cent, and by the year 2070, India will achieve the target of Net Zero.[626] The National Action Plan on Climate Change (NAPCC), published in 2008[627] and amended in 2019[628], did not mention SLR.

A similar situation applied to the increase in sea surface temperatures (SST) in Large Marine Ecosystems (LMEs), in which two (the Arabian Sea and the Bay of Bengal) out of 64

[624] H.A.C. Prasad and J.S. Kochher, *Climate Change and India - Some Major Issues and Policy Implications*, Department of Economic Affairs, Ministry of Finance, Government of India, Working Paper No.2/2009-DEA, March 2009, p.8, https://dea.gov.in/sites/default/files/Working%20paper%20Climate%20Change.pdf, access 14.01.2022

[625] J. Keefe and R. Ramirez, *Our underwater future: What sea level rise will look like around the globe*, CNN October 12, 2021, https://edition.cnn.com/2021/10/12/world/3-degrees-sea-level-rise-climate-central/index.html, access 16.01.2022

[626] *National Statement by Prime Minister Shri Narendra Modi at COP26 Summit in Glasgow*, Media Center, Ministry of External Affairs, Government of India, https://www.mea.gov.in/Speeches-Statements.htm?dtl/34466/National_Statement_by_Prime_Minister_Shri_Narendra_Modi_at_COP26_Summit_in_Glasgow, access 16.01.2022

[627] *National Action Plan on Climate Change*, Ministry of Environment, Forest and Climate Change, https://moef.gov.in/en/division/environment-divisions/climate-changecc-2/national-action-plan-on-climate-change/, access 16.01.2022

[628] A. Jaiswal and S. Kwatra, *India Announces Stronger Climate Action*, The National Resources Defense Council, Expert Blog, 23.09.2019, https://www.nrdc.org/experts/sameer-kwatra/india-announces-stronger-climate-action, access 16.01.2022

are partly in waters under India's direct or indirect jurisdiction.[629] "70 per cent of global fish stocks within LMEs are overexploited, reducing the availability of fish for food, where fish is a major protein source."[630] Although marine fisheries management has always been high on the agenda of India's maritime governance.

According to the Constitution, fishing and fisheries beyond territorial waters have been under Union responsibility. [631] The competencies within territorial waters were dedicated to the level of states and extended to the lowest administrative units - panchayats - in 1992.[632] These regulations, dividing powers between the central (Ministry of Agriculture) and local (states' governments) authorities, made it possible to efficiently implement the fisheries programmes included in the five-year plans, aimed at developing and ensuring the biggest possible catch for the local food market as one of the key sources of protein. They were accompanied by the progressive mechanisation and commercialisation of fisheries by trawlers, which in the 1970s led to a significant destabilisation of the balance in fisheries and the need to limit catches.

In order to put limits on that preoccupation with increasing production, and make the fishery more sustainable and responsible, the Marine Fishing Regulation Act (MFRA)[633] was adopted in 1979 by the union government. Within three years, it was implemented by all maritime states and amended by the union government several times to adjust the regulations to the challenges of modern maritime governance in India. States have also introduced legislative initiatives related to fisheries. The state of Kerala was in 1988 the first local administrative unit of India to come forward with a stand-alone initiative to protect the fishery to prevent overfishing in coastal waters. Kerala introduced the seasonal monsoon ban for fishery by trawlers which later was accepted by all states and the central government.[634]

In compliance with the international conventions on conservation, management, and sustainable utilisation of marine living resources, including the Code of Conduct for Responsible Fisheries,[635] the central government introduced in 2004 Comprehensive Marine

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[629] D.R. Rothwell and T. Stephens (Editors), *The International Law of the Sea*, Hart Publishing, Oxford and Portland, Oregon,2016, p.509

[630] *The UNEP Large Marine Ecosystem Report – A Perspective on Changing Conditions in LMEs of the World's Regional Seas (2008)*, LME Programme Office, Narragansett Laboratory, https://www.cbd.int/ecosystems/ doc/unep-lme-report-en.pdf, access 16.01.2022

[631] *The Constitution of India*, op. cit., p.214,

[632] *The Constitution of India*, op. cit., pp.217, 238

[633] *Indian Legal Instruments*, Fisheries and Fishing Communities in India, https://indianfisheries.icsf.net/en/ page/827-Indian%20Legal%20Instruments.html, access 28.12.2021

[634] M. Jaini, *India's fisheries: Past, present, and future*, India Development Review, July 2, 2020, https://idronline.org/indias-fisheries-past-present-and-future/, access 20.08.2020

[635]*Code of Conduct for Responsible Fisheries*, Food and Agriculture Organization of The United Nations, Rome 1995, https://www.fao.org/3/v9878e/V9878E.pdf, access 10.01.2022

Fishing Policy.[636] The key goals of the Policy include among others : augmentation of marine fish production of the country up to the sustainable level in a responsible manner, socio-economic security of the artisanal fishermen, and sustainable development of marine fisheries with due concern for ecological integrity and biodiversity.[637]

Several conservation measures have also been initiated towards safeguarding against trade in endangered species, and protecting specific habitats such as coral reefs, mangroves, and breeding grounds of turtles, by designating protected areas as national parks and sanctuaries.

Nowadays, the Ministry of Environment, Forest and Climate Change (MoEFCC) remains the focal point in the administrative structure of the Government of India for the planning, promotion, coordination, and monitoring of the implementation of environmental policies and programmes. However, the responsibilities for the environment, climate change , fisheries, and marine habitat in the context of maritime governance are shared by several agencies and Ministries at the Central level like the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture, National Fisheries Development Board, Ministry of Agriculture, Coast Guard, Ministry of Defence, Earth Commission, Ministry of Earth Sciences, and NITI Ayog, as well as at the coastal states' and panchayats' level.

2.6.3. China's activities in the Indian Ocean

Among external determinants influencing India's maritime governance, China plays one of the most significant roles. The interest of China in the Indian Ocean six stages could be identified :

1. from the beginning of the Chinese civilization till the 15th century, when the Indian Ocean was not present in the concept of the world, focused on the closest neighbourhood. "The East and South China Seas represented the two bodies of water in each of the four cardinal directions, and the other two symbolic seas—Lake Baikal in the north and Qinghai Lake in the west—defined the boundaries of the Middle Kingdom;"[638]

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[636] *Comprehensive Marine Fishing Policy*, Government of India, Ministry of Agriculture, Department of Animal Husbandry & Dairying, New Delhi 2004, https://leap.unep.org/countries/in/national-legislation/comprehensive-marine-fishing-policy-2004, access 18.01.2022

[637] *Comprehensive Marine Fishing Policy*, Government of India, Ministry of Agriculture, Department of Animal Husbandry & Dairying, New Delhi 2004, op. cit.

[638] P. Mendis, *China's Long March to Historic Glory*, Harvard International Review, 09 Oct 2022, https://hir.harvard.edu/making-the-indian-ocean-into-the-western-ocean/, access 12.11.2022

2. 1405-1433 - the appearance of the Indian Ocean as the Western Ocean in the Chinese strategic culture and literature as the result of the voyages of admiral Zheng He under Ming Dynasty. His fleet, which consisted up to 255 ships, during its seven journeys, visited islands of Java, Sumatra, Malacca, Ceylon (now Sri Lanka) and Calicut, reached the strait of Hormuz, Red Sea and Kenya.[639]

3. 1434-1973 - the concentration on the South China Sea and East Sea with limited, but growing interest after the publication of scientific reports on non-living resources, especially oil and gas deposits in the Indian Ocean;

4. 1973-1993 - the gradual cognitive process of growing awareness of the military and economic significance of the Indian Ocean as a result of the Third Conference on the Law of the Sea (1973-1982), the debate on its sidelines; China at the same time supported the proposal of creating the Zone of Peace the Indian Ocean;[640] the interest with the Indian Ocean since the reforms in 1978 in the context of the US-Soviet Union competition and its impact on the security of the sea trade on SLOCs;[641]

5. 1993-2007- growing interest in the IOR; by the end of 1993, Beijing had established diplomatic relations with all major Arab states. Chinese investments and construction projects totalled US$43.47 billion in Saudi Arabia, US$36.16 billion in the UAE, US$30.05 billion in Iraq, US$11.75 billion in Kuwait, US$7.8 billion in Qatar, US$6.62 billion in Oman, and US$1.42 billion in Bahrain between 2005 and 2021;[642]

6. 2008-2022 - the return in 2008, 600 years after Zeng He.

The return of China to the IOR was driven by two main factors:
- Security of Sea Lines of Communication;
- the growing demand for various non-fossil natural resources.

Trade with the Persian Gulf countries became a substantial part of China's energy security. The number of piracy acts in the Bay of Bengal and next to the Horn of Africa reached the level considered as an existential threat to merchant communication in the IOR.

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[639] D. Folch, *China's greatest naval explorer sailed his treasure fleets as far as East Africa*, National Geographic History Magazine, May 5, 2020, https://www.nationalgeographic.com/history/history-magazine/article/china-zheng-he-naval-explorer-sailed-treasure-fleet-east-africa, access 12.10.2020

[640] *White Paper-China: Arms Control and Disarmament,* Information Office of the State Council Of the People's Republic of China, Beijing November 1995, p.13,

[641] M. Madej, *Czynnik morski i rola marynarki wojennej w polityce bezpieczeństwa ChRL* in E. Haliżak, W. Lizak, L. Łukaszuk, E. Śliwka (Editors), *Morze w cywilizacji, kulturze i stosunkach międzynarodowych*, pp. 176-177

[642] *China and the GCC: Bilateral Trade and Economic Engagement*, Dezan, Shira and Associates, China Briefing August 25, 2022, https://www.china-briefing.com/news/china-and-the-gcc-bilateral-trade-and-economic-engagement/, access 02.10.2022

Beijing decided to join the international operation and sent its vessels.[643] Another form of Chinese activities in the context of mitigation of piracy was the idea of a revival of the idea of construction of the 125 km long Thai/ Kra Canal, discussed earlier by Japan.[644] China negotiated with Thailand[645] to construct a canal to avoid the attacks and congestion in the waters next to Indonesian Sumatra, Malaysia, and Singapore.

China's economic growth in the IT sector, especially after the gradual shift in the 1980's, when the United States leading companies moved the part of their production to China,[646]needed the increasing number of rare earth minerals. The riparian countries of the Bay of Bengal, especially Myanmar, had extended resources, and China decided to engaged with Myanmar and build transportation infrastructure on land and at sea. Myanmar became a critical supplier for the Chinese IT industry being responsible in 2020 for 50% of its rear earth concentrates and 95% of its import of tin concentrates.[647]

Further Chinese engagement in the IOR was driven not only by the growing economic strength of China but its ambitions presented by Xi Jinping in 2012 in the form of the so-called "China Dream" declaration,[648] drawing the strategic plan of rebuilding China's role in the world from pre-colonial time by 2049. The announcement by the USA of a New Silk Road in 2011 as a part of shaping a new regional order in the neighbourhood of Afghanistan, received a firm reaction in China as it referred to the symbols and areas considered as a part of China's tradition and statehood identity. Furthermore, in the closest neighbourhood of China, the USA proposed the program that could lead to peaceful, economic interests-driven solution to the Indo-Pakistani conflict over Kashmir. Two years later, in 2013, president Xi Jinping presented the Belt and Road Initiative in two dimensions – on land in Astana and at sea in Jakarta. In 2015, China issued "The Vision and Actions on Jointly Building the Silk Road Economic Belt" and "the 21st Century Maritime Silk Road," which proposed "promoting policy coordination,

[643] M. McDonald, *China Confirms Naval Role in Gulf of Aden*, The New York Times, Dec. 18, 2008, https://www.nytimes.com/2008/12/19/world/asia/19patrols.html#:~:text=HONG%20KONG%20%C2%97%20T he%20Chinese%20government%20confirmed%20Thursday,modern%20deployment%20of%20Chinese%20war ships%20outside%20the%20Pacific., access 14.07.2018

[644] A. Panda, *How a Thai Canal Could Transform Southeast Asia*, The Diplomat, December 01, 2013, https://thediplomat.com/2013/12/how-a-thai-canal-could-transform-southeast-asia/, access 14.07.2020

[645] R. Menon, *Thailand's Kra Canal: China's Way Around the Malacca Strait*, The Diplomat, April 06, 2018, https://thediplomat.com/2018/04/thailands-kra-canal-chinas-way-around-the-malacca-strait/, access 15.05.2018

[646] Dian L. Chu, *Seventeen Metals: The Middle East has oil, China has rare earth*, The Business Insider, https://www.businessinsider.com/seventeen-metals-the-middle-east-has-oil-china-has-rare-earth-2011-1?IR=T

[647]*Explainer: Possible impact of Myanmar coup on China's metal and rare earth supply*, Reuters, February 10, 2021, https://www.reuters.com/article/us-myanmar-politics-china-metals-explain-idUSKBN2AA12U, access 27.02.2021

[648] Xi Jinping, *Achieving Rejuvenation is the Dream of the Chinese People,* Beijing November 29, 2012, https://china.usc.edu/xi-jinping-achieving-rejuvenation-dream-chinese-people-november-29-2012,access 20.03. 2020

connectivity of infrastructure and facilities, unimpeded trade, financial integration and people-to-people bonds, adhering to the principle of achieving shared growth through discussion and collaboration in propelling the Belt and Road construction."[649]

During seven years of the implementation of the Initiative, China succeeded in building a network of bilateral and minilateral connections in the IOR, investing in maritime infrastructure in Myanmar, Sri Lanka, Bangladesh, Pakistan, the Maldives, and taking over shares of the ports and container terminals also in Africa.[650] The BRI platform served as a multilateral institution promoted as a response to the needs of the IOR littorals searching for assistance in facilitating modern maritime governance. The financial terms of those investments caused the budgetary problems for IOR countries and handing over to China for 99-year lease some of the built infrastructure facilities, such as ports and airports. This deepened the dilemmas of these countries related to the choice between China and India.

China's activities caused a series of Indian concerns, starting from the announcement of the maritime dimension of the Belt and Road Initiative. It caused a negative reaction since, from India's perspective, it should be New Delhi or Mumbai as the cities in the biggest littoral country in the IOR and the focal point on the way from the Indian Ocean to the Pacific. India's concerns were intensified by the fact that Chinese projects focused on India's closest maritime neighbourhood. Most of the investments are made by state-owned enterprises.[651] In the case of Pakistan, the construction of Gwadar port as the maritime hub for the China-Pakistan Economic Corridor was interpreted a competition to Chabahar port – a joint investment of Iran, India, and Japan, and breach of international law as the beginning of the CPEC was located in Pakistan in the disputed area of Kashmir, what "could encourage Pakistan to absorb the contested territory."[652]

A new phase in building China – led institutional framework of maritime governance in the IOR was launching in November 2022 the Indian Ocean Region Forum, organised by China International Development Cooperation Agency (CIDCA). [653] The participation of 19 IOR littorals in the Forum reignited the debate in India on the strategy towards China, focused

[649] *Full text of the Vision for Maritime Cooperation under the Belt and Road Initiative*, The State Council of People's Republic of China, Jun 20, 2017, op. cit.

[650] I. Kardon, *China's Ports in Africa*, NBR Special Report no. 98, The National Bureau of Asian Research, May 3, 2022, https://www.nbr.org/publication/chinas-ports-in-africa/, access 15.05.2022

[651] A. Bhandari, Ch. Jindal, *Chinese Investments in India's Neighbourhood*, Gateway House. Indian Council on Global Relations, Mumbai, Mumbai, February 2018, p.1

[652] A. Bhandari, Ch. Jindal, *Chinese Investments in India's Neighbourhood*, op. cit., p. 2

[653] H. V. Pant and A. Gowdara Shivamurthy, *China And India Jostle In The Indian Ocean – Analysis*, Observer Research Foundation, New Delhi December 6, 2022, https://www.eurasiareview.com/06122022-china-and-india-jostle-in-the-indian-ocean-analysis/, access 20.12.2022

on possible areas of cooperation and convergence of interests in the maritime domain. There are two groups of thinking in Indian academic discourse about China in the 21st century:

1.that is nothing to suspect about China and no need to counter China with the help of the USA;

2.China affects India's national interests, its investments will turn neighbour countries against India, example of the Maldives. [654]

Harsh Pant, representing the first group, emphasised that India should be more inclusive in its activities in maritime governance in the IOR by inviting China to institutions it created. M.H. Rajesh pointed out in his earlier premise that trust building could serve as a corner stone of a possible cooperation between two countries in the IOR.[655] In his opinion, the cooperation of two countries in maritime governance is inevitable due to India's strategic location as well as imperative of joint actions while facing natural disasters like earthquakes and tsunamis, and asymmetric threats like piracy. Both countries based their energy security on the Indian Ocean, and their economic interdependence is growing, with bilateral trade crossing 100 billion USD every year, reaching in 2022 135.98 billion USD.[656]

Other scholars argued that the cooperation is impossible as two countries compete to be a leader in the IOR and China built the parallel institutions in the region aiming at convincing small and medium littorals to follow its model of development. "Beijing is attempting to portray itself as the new leader in the emerging multipolar world; having invested in bilateral relationships with IOR countries, Beijing is now institutionalising its presence and assistance in the region."[657] They also accused China of applying 'salami slicing strategy' in the IOR, similar to the South China Sea. [658] Furthermore, the concept of China establishing 'String of Pearls,'[659] considering maritime infrastructure as of dual use instruments of the Navy of China, became popular among scholars and analysts. According to their evaluation, China established the posts of the Navy along the SLOCs following the British experience from the 19th century

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[654] Interview with prof. Uttara Sahasrabuddhe, Faculty of Political Sciences, University of Mumbai, 04.09.2018.
[655] M.H. Rajesh, *China in the Indian Ocean. One Ocean, Many Strategies*, Pentagon Press, New Delhi 2018
[656] *India-China trade climbs to USD 135.98 billion in 2022, trade deficit crosses USD 100 billion for first time*, Financial Express, January 13, 2023, https://www.financialexpress.com/economy/india-china-trade-climbs-to-usd-135-98-billion-in-2022-trade-deficit-crosses-usd-100-billion-for-first-time/2947174/, access 20.01.2023
[657] H. V. Pant and A. Gowdara Shivamurthy, *China And India Jostle In The Indian Ocean – Analysis*, op. cit.
[658] Vallery, *The Importance Of The Indian Ocean To China*, op. cit.
[659] G.S. Khurana, *China's 'String of Pearls' in the Indian Ocean and Its Security Implications*, Strategic Analysis , Vol. 32, No. 1, January 2008, https://www.academia.edu/7727023/Chinas_String_of_Pearls_in_ the_Indian _Ocean_and_its_Security_Implications, access 20.09.2018

and Thayer Mahan's concept of an omnipotent sea power. They called some of India's activities in the IOR 'Necklace of Diamonds',[660] considering them part of the counter-strategy.

The Government of India tried to balance between the land border disputes with China related to the situation in the Line of Actual Control in Eastern Ladakh, China's activities in the IOR, and the possible fields of convergence of interests in the IOR. As stated in the 2022 Annual Report of the Ministry of External Affairs of India (MEA) "India's engagement with China is complex; the two sides have agreed to manage their differences and not allow differences on any issue to become disputes."[661] India used different bilateral and multilateral channels to implement this strategy. India established thirty dialogue mechanisms with China covering all areas of relations at all levels, starting from the prime minister and president.[662] In 2007, under the auspices of the United Nations, India started annual anti-terrorist military exercises with China "Hand to Hand."[663] The leading theme of India's BRICS Chairship in 2021 was 'Cooperation for Continuity, Consolidation and Consensus.' Consensus with China became the most challenging part of that programme and of India-China relations in general, due to "the inability to comprehend each other's international ambitions."[664]

[660] Y. Jha, *Necklace of diamonds vs string of pearls : India-China standoff*, The Times of India, Jun 23, 2022, https://timesofindia.indiatimes.com/readersblog/youthwrites/necklace-of-diamonds-vs-string-of-pearls-india-china-standoff-43458/, access 20.08.2022

[661]*Annual Report, 2021-22*, Ministry of External Affairs of the Republic of India, p.14, https://mea.gov.in /Uploads/PublicationDocs/34894_MEA_Annual_Report_English.pdf, access 20.10.2020

[662] *India-China Bilateral Relations*, Ministry of External Affairs, Government of India, November 2020, https://mea.gov.in/Portal/ForeignRelation/ind-china-new.pdf, access 20.12.2020

[663] *Joint Military Exercise with China and Japan*, Press Information Bureau, Ministry of Defence, Government of India, 01. December 2010, https://archive.pib.gov.in/newsite/PrintRelease.aspx?relid=67941, access 12.08.2018

[664] V. Gokhale, *The Road from Galwan: The Future of India-China Relations*, Carnegie India, March 10, 2021, https://carnegieindia.org/2021/03/10/road-from-galwan-future-of-india-china-relations-pub-84019,   access 15.04.2021

Chapter 3: India's role in legal maritime framework in IOR

The chapter elucidates the aims of India's activities within the legal maritime framework in the Indian Ocean Region, determined by the regimes, mechanisms, and institutions created under UNCLOS. It shows how India proceeded during UNCLOS conferences, defending its own and other developing countries' interests. Threats and challenges are explored, linked to the debate over the crucial pillars of the Law of the Sea convention, essential for developing countries: terms of the free passage through the straits, the status of the exclusive economic zone, and the limits of the continental shelf. The national institutional framework established in India after the third UN conference and its role in the decision-making process in maritime-related issues is described. The significant element of the proceedings within the system of UNCLOS from the Indian angle is the delimitation of boundaries of islands in the context of the Andaman Islands placed at the entrance of the Malacca Strait. India's activities in this matter are highlighted as one of the case studies. The process of the gradual settlement of India's maritime boundary disputes with neighbours, using the mechanisms of negotiations and arbitrage, is presented as the second case study. The third case study puts a particular emphasis on India's efforts to promote the rule of law and peaceful settlement in different subregions of the Indian Ocean Region and seas connected with IOR through straits, including the South China Sea.

3.1. India's approach towards UNCLOS and legal regional framework in IOR

The Third Conference constituted for India the continuation of creating a comprehensive approach towards maritime affairs and the inception of maritime governance in both the scientific and governmental sphere. At the second session of the Conference in Caracas (1974), India cosponsored the working paper with proposals for draft articles dealing with all critical issues of the Conference – territorial sea, archipelagic states, archipelagos forming a part of a coastal state, and economic zone.[665] The paper stated that "the sovereignty of the coastal state extends beyond its land territory and internal waters, and, in the case of archipelagic states, their archipelagic waters, over an adjacent belt of sea defined as the territorial sea." A coastal state's sovereignty extends to the air space over the territorial sea and to its bed and subsoil.[666]

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[665] *Third United Nations Conference on the Law of the Sea*, DOCUMENT A/CONF.62/L.4 Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico, New Zealand and Norway: working paper, Extract from the Official Records of the Third United Nations Conference on the Law of the Sea, Volume III (Documents of the Conference, First and Second Sessions), Caracas 26 July 1974, p. 81
[666] DOCUMENT A/CONF.62/L.4, op.cit., p.82

The proposed breadth of the territorial sea was 12 nautical miles, in accordance with the demands of developing countries and the emerging standard of customary law. The same was the case of the archipelagic waters, the definition of which met the expectations of Indonesia and India, granting the same status to the islands of island states and those off the coast of continental states.[667] The new concept of the exclusive economic zone (EEZ) was defined as "an area beyond and adjacent to (…) territorial sea"[668], providing extended rights to explore and exploit the natural resources "renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters"[669], as well as rights related to "the protection and preservation of the marine environment and the conduct of scientific research"[670], "artificial islands and other installations on the surface of the sea"[671] and continental shelf.

That comprehensive and holistic approach to all areas of the sea under the coastal state jurisdiction, along with the reservation of utilisation of their resources for peaceful purposes, was a consequence of India's concern about the exploitation of advantages in civil and military technologies by developed nations. It was also a trace of remnants of British regulatory approach of *mare clausum* through the exclusive treatment of all ships bearing foreign flags. India, having ratified UNCLOS in 1995, issued a declaration conditioning foreign military activity in their EEZs on demands for prior notification and/or authorization.[672]

Indian scholars acknowledged the significance of the Conference, as "a unique event in the history of humankind"[673] where with the involvement of more than 150 countries and an unprecedented wide range of thousands of experts and non-governmental organisations, the attempt was made "to formulate and establish a comprehensive international law through free negotiation and agreement."[674] They emphasized a necessity of "comprehensive, integrated,

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[667] Ibidem

[668] Ibidem

[669] Ibidem

[670] Ibidem

[671] DOCUMENT A/CONF.62/L.4, op. cit., p.83

[672] "(a) The Government of the Republic of India reserves the right to make at the appropriate time the declarations provided for in articles 287 and 298, concerning the settlement of disputes.

  (b) The Government of the Republic of India understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone and on the continental shelf military exercises or manoeuvres, in particular those involving the use of weapons or explosives without the consent of the coastal State."
United Nations Treaty Collections, Chapter XXI Law of the Sea, United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982, India's statement by the moment of ratification, New Delhi 29 Jun 1995 https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp =mtdsg 3 &clang=_ en#EndDec, access 02.06.2020

[673] V.K.S. Varadhan, *Management of Resources of the International Seabed: Recent Trends*, in R.P. Anand (Editor), *Law of the Sea, Caracas and Beyond*, Radiant Publishers, New Delhi 1978, p. 263

[674] V.K.S. Varadhan, *Management of Resources of the International Seabed: Recent Trends*, op. cit. p.264

(..)cooperative approach, which combines pragmatism, vision and high purpose."[675] In the course of the debate on institutional framework to be established within the Convention like the International Seabed Authority, they argued that it should have comprehensive powers as "in the strength of the Authority the developing countries see the future of their own equitable share of the common heritage of mankind and (…) for building a durable economic independence."[676] The emphasis by Indian researchers on the need for the comprehensiveness and a wider room for provisions in the process of creation of a new international law of the sea stemmed to a large extent from their perception of the differentiation of conditions within the same conceptual categories of law in the context of the interests of developing countries.

The most significant goal for developing countries was the creation of the new law of the sea utilising old common law concepts and giving them new content based on a new international axiological order rooted in the United Nations Charter.[677] Developing countries, including India, were fully cognizant of the necessity of compromise[678] and flexible approach towards positions of particular countries rooted in diverse normative narratives. For India with its unique multi-ethnic and multi-religious civilisation, value system, diverse coastal and archipelagic conditions, wider spacious definitions in a new law of the sea were among most vital goals.

The critical goal was to transfer the new international axiology to the field of the law of the sea, including the peaceful settlement of disputes, just and effective exploitation and scientific research of oceans resources, development of cooperation among countries based on the principle of equity.[679] Another significant determinant was the fact that the debate at the conference and on its sidelines was also, for researchers of maritime affairs in India, a cognitive experience of unprecedented dynamics, not only due to the opportunity to share views and experiences with their counterparts from around the world. The first half of the 1970s brought a rapid development of maritime technologies and the expansion of the scope of using the potential of the maritime economy. As mentioned earlier, India inherited the British way of

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[675] V.K.S. Varadhan, *Management of Resources of the International Seabed: Recent Trends*, op. cit. p.263

[676] P.S. Rao, *Structure and Powers of the International Seabed Authority*, in R.P. Anand (Editor), *Law of the Sea, Caracas and Beyond*, Radiant Publishers, New Delhi 1978, p. 291

[677] The concept of the new axiological order in the law of the sea was presented in L. Łukaszuk, *Podstawowe zasady międzynarodowej ochrony środowiska morskiego. Wybrane aspekty prawa, doktryny i praktyki (Basic Principles of International Protection of the Marine Environment. Selected Aspects of Law, Doctrine and Practice)*, Studia Ecologiae et Bioethicae, Uniwersytet Kardynała Stefana Wyszyńskiego, 4/2006, Warszawa 2006, p.327

[678] O.P. Sharma, *The International Law of the Sea. India and the UN Convention of 1982*, op. cit., p.117

[679] *United Nations Convention on the Law of the Sea* in V. Lowe and S. Talmon (Editors), *The Legal Order of the Oceans. Basic Documents on Law of the Sea*, Hart Publishing, Oxford and Portland, Oregon 2009, p.270

thinking about the law, including competencies in maritime affairs, fragmented into smaller administrative units (in colonial times small kingdoms and in time of independent India states). The debate in the axiological and cognitive dimensions made Indian researchers aware of the necessity of a new, more holistic approach to the management of the seas. That approach led to the emergency of maritime governance in India at the national level.

The first step towards maritime governance was the Maritime Act 1976[680], by which India introduced into its law a part of the regulations negotiated within the Conference, related to the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone, following the example of the USA and other countries. India claimed the territorial waters to the extent of 12 nautical miles, the contiguous zone to the extent of 24 nautical miles, the exclusive economic zone and the continental shelf to the extent of 200 nautical miles.[681] The provisions of the Act emphasized full, exclusive and sovereign rights over the waters, zones and shelf, including the seabed and subsoil of the submarine areas.[682] Treating its rights and obligations in a holistic way Indian authorities declared the responsibility over the jurisdiction on "the exploration, exploitation and protection of the resources, other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents, the safety and protection of artificial islands, off-shore terminals, installations, marine environment protection, as well as the regulation and control scientific research."[683]

The next step in building the basics of maritime governance was the establishment of the Department for Ocean Development (DOD) as a part of the Cabinet Secretariat in the Office of Prime Minister in 1981, then transformed in 1982 into an independent department. DOD, within its competence of coordination of all maritime issues in India, internally and externally, organised first "a series of workshops on themes ranging from marine instrumentation, ocean data management, ships and submersibles, ocean engineering, exploration and exploitation of seabed materials, (…) all cutting-edge areas of ocean science."[684]

Taking into consideration the dynamics of the development of institutional and conceptual architecture of international cooperation, in the context of two Earth summits in Rio

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[680] *The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act,* Act No. 80 of 1976, New Delhi 25th August 1976, https://legislative.gov.in/sites/default/files/A1976-80_0.pdf, access 05.06.2020

[681] *The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act,* op. cit. pp.2-4

[682] Ibidem

[683] Ibidem

[684] T.G. Puthucherril, *A Case Study of India's Policy and Legal Regimes on Ocean Governance*, op. cit., p.468

(1992 and 2012), where India played critical role in bridging negotiation gaps between developed and developing countries,[685]"the DOD formulated in 2002 the Vision Statement highlighting the Perspective Plan 2015."[686]The status of DOD was elevated to the Ministry in 2006, first the Ministry of Ocean Development, then the Ministry of Earth Sciences. Its competencies were extended "to provide services for weather, climate, ocean and coastal state, hydrology, seismology, and natural hazards, as well as to explore and harness marine living and non-living resources in a sustainable way."[687] In 2010 the Ministry created "Vision and Prospective Plan for 10 years in Ocean Sciences & Services."[688]

3.2. India's activity in legal regional framework in IOR

3.2.1. Delimitation of maritime boundaries

Out of 35 countries of the Indian Ocean Region, there are only two – Iran[689] and the United Arab Emirates[690] – who are not the parties to the UNCLOS. The provisions of the 1982 Convention have served as guidelines in the delimitation of the boundaries of India with its maritime neighbours spread from South to Southeast Asia.

Playing the role of the bridge between the Central and Western parts of the Indian Ocean, India has attached great importance to the law-based delimitation of borders with all its seven neighbours. The Commission on the Limits of the Continental Shelf (CLCS) serves in that context as one of the key institutions, beyond ITLOS, in supporting India as a party to UNCLOS in determining its maritime boundaries as it especially concerns continental shelf. CLCS "facilitates the implementation of the Convention in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles (M) from the baselines from

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[685] *India Wins the Earth Summit in Rio*, News 18, June 21, 2012, https://www.news18.com/news/india/earth-summiit-update-483540.html, access 07.06.2020

[686] K.R. Gupta and A. Gupta, *Concise Encyclopaedia of India*, Atlantic Publishers and Distributors, New Delhi 2006, p.903

[687] Ministry of Earth Sciences, https://www.moes.gov.in/, access 07.06.2020

[688] *Vision and Prospective Plan for 10 years in Ocean Sciences & Services*, the Ministry of Earth Sciences, Government of India, New Delhi 2010, https://moes.gov.in/writereaddata/files/Vision-OceanSciences-updated.pdf, access 07.06.2020

[689] Iran participated in the Third UN Conference on the Law of the Sea and signed UNCLOS in 1982 with reservations. Opposing the UNCLOS provisions on the innocent passage in the context of the US warships movement, Iran has not ratified the Convention yet. Iran published *Act on Maritime Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea, 1993*, For more details see: D. R. Bugajski, *The Persian Gulf in the Light Of Law of the Sea*, Prawo Morskie 2016, t. XXXII, pp.23-34, https://journals.pan.pl/Content/93397/mainfile.pdf, access 11.02.2021

[690] The United Arab Emirates published *Federal Law No. 19 of 1993 regarding the Delimitation of Maritime Zones of the United Arab Emirates*, https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/ARE_1993_Law_pdf.pdf, access 11.02.2021

which the breadth of the territorial sea is measured."[691] On the basis of the recommendations of the Commission coastal states establish the outer limits of its continental shelf where it extends beyond 200 M. The recommendations of the CLCS are binding and there is no provision for making an appeal. Once the settlement of the continental shelf is mutually done between state parties, it becomes conclusive and binding.[692]

There are different measurement methods and sources of demarcation of major categories of maritime zones under states' jurisdiction, applicable by India within the framework of UNCLOS. The breadth of internal waters, the territorial sea, the contiguous zone, the continental shelf, and the exclusive economic zone have been measured by and on the basis of normal, straight baselines or archipelagic waters. Historic waters have also served as a source of claims within the process of defining the maritime boundaries of India. Despite having two groups of islands with 1197 km of coastline – thirty-six within Lakshadweep islands, located 200 km off the west coast of India in the Arabian Sea, and 321[693] within Andaman and Nicobar Islands, situated 600 km from the east coast of India in the Bay of Bengal, India had no right to claim archipelagic waters. According to UNCLOS, "an archipelagic State means a State constituted wholly by one or more archipelagos and may include other islands."[694]

The majority of India's coastline on the mainland (6100 km) has a linear and regular structure, and the method of normal baselines has been utilised to determine its maritime borders. A significant factor worth mentioning is that "there was no consensus on any single universal set of principles by which the boundaries were to be set, and the generally agreed principle is that of 'equidistance' or 'median' between the two opposite coastal states."[695] India has concluded treaties with its maritime neighbours, including bilateral ones with the Maldives (1976), Sri Lanka (1974 and 1976), Indonesia (1974 and 1977), Thailand (1978 and 1993), and Myanmar (1986 and 1993), and trilateral with Sri Lanka and the Maldives (1976), Indonesia and Thailand (1978) , and Myanmar and Thailand (1993).

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[691] United Nations Commission on the Limits of the Continental Shelf (CLCS), *Purpose, functions and sessions of CLCS*, https://www.un.org/depts/los/clcs_new/commission_purpose.htm#Purpose, access 09.02.2021

[692] R. Srivastava and A. K. Akela, *Why India Needs to Be on the International Continental Shelf Commission*, The Wire, https://thewire.in/diplomacy/maritime-territory-continental-shelf-unclos-india, access 07.02,2018

[693] *Economy of Andaman and Nicobar Islands*, Maps of India, https://www.mapsofindia.com/andaman-nicobar-islands/economy.html, access 15.02.2022

[694] *UN Convention on the Law of the Sea* in A.V. Lowe and S.A.G. Talmon (Editors), *Basic Documents on the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.282

[695] A. Sundaramurthy, *Delimitation of the Exclusive Economic Zone (EEZ) of the India-Indonesia Maritime Border*, Vivekananda International Foundation (VIF), VIF Brief, August 2018, https://www.vifindia.org/sites/default/files/Delimitation-of-the-Exclusive-Economic-Zone.pdf,access 02.06.2020

Despite those agreements, the size of the continental shelf and EEZ has still evolved, and it has been the subject of various bilateral and multilateral agreements concluded by India. The trend of mutual cooperation pursued by India has ensured that "disagreements have not escalated to the international courts"[696] and the concept of the joint endeavours to develop maritime governance in IOR prevailed. That concept will be further examined in this chapter.

The differences in interpretation of historic documents from 1914 and 1924, presented by both India and Pakistan, caused the lack of agreement on the part of their maritime boundary. India also pointed at the Thalweg Doctrine, which states that river boundaries between two states or countries shall be divided in the middle of the water body, if the body is navigable throughout the year. The dispute remains unsolved until now and the endeavours to solve it will be described in the next section. Successful process of demarcation of borders between India and Sri Lanka, based on historic waters principle, will be discussed there as well.

The small part of India's coastline at the border with Bangladesh has more complicated shape due to the estuaries of Ganges and Brahmaputra rivers with thousands of small islands in Sundarbans National Park. That complexity combined with natural resources deposits, as well as highly unstable nature of small islands as potential base points together with the dispute over land boundary terminus in the context of the failure Radcliffe and Bagge Awards,[697] and overlapping claims on EEZ and continental shelf, presented by "shelf-locked Bangladesh"[698], caused the dispute to last until 2014. The broader background and method of dispute resolution will be presented in the next sub-chapter.

India and Indonesia signed the bilateral maritime treaty on the demarcation of the continental shelf between the Great Nicobar Island and Sumatra in 1974. Three years later the treaty was revised to include the Andaman Sea,[699] but that version came into force the same year. Despite those agreements, two countries were trying to find the best formula of cooperation in the context of differences in approaches towards the utility of the basin lying

[696] A. Sundaramurthy, *Delimitation of the Exclusive Economic Zone (EEZ) of the India-Indonesia Maritime Border*, op. cit.

[697] A. Rajput, *Bay of Bengal Maritime Delimitation Cases: Upholding the Rule of Law in International Relations*, Maritime Affairs: Journal of the National Maritime Foundation of India, 18 June 2018, Volume 14, 2018 - Issue 1: Special Issue: Indo-Pacific Regional Dialogue 2018, pp.24-35, https://www.tandfonline.com /doi/abs/10.1080/09733159.2018.1478432?journalCode=rnmf20, access 10.01.2022

[698] C. Shofield, *Competing Claims to Maritime Jurisdiction in the Indian Ocean*, in D. Rumley et al. , *Fisheries Exploitation in the Indian Ocean*, the Indian Ocean Research Group, Institute of Southeast Asian Studies, Singapore 2009, p.112

[699] *Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia on the Extension of the 1974 Continental Shelf Boundary between the two Countries in the Andaman Sea and the Indian Ocean*, 14 January 1977, the UN Depositary of Treaties, https://www.un.org/Depts/los/ LEGISLATIONANDTREATIES/PDFFILES/TREATIES/IND-IDN1977CS.PDF, access 17.02.2022

between Sumatra and Andaman islands. Andaman and Nicobar islands occupy a place in India's maritime policy as strategic bridgeheads at the entrance to the Malacca Strait with the main task to monitor China's movements and prevent the development of piracy and smuggling. Their economic significance with small population and infrastructure, is limited to tourism and small, not fully recognized, deposits of mineral resources in the seabed. North Sumatra as a one of the most populated area outside Java, with fishing and petrochemical industry recovering after 2004 tsunami and long civil war, plays important role in the whole archipelago's economy.

In the process of negotiation leading to a new preliminary agreement in 2018,[700] both countries discussed the differences in the concepts of the continental shelf, vital for the economies focused on seabed non-living resources and EEZ, concentrating on living marine resources. "The preservation and maintenance of fisheries is of national interest to Indonesia as an archipelagic state with a heavy dependence on fishing."[701] Understanding that, in the spirit of cooperation, India agreed to apply unique method of dividing jurisdiction between countries, where the seabed belongs to one country and the water surface to another one.

India and Thailand concluded their first maritime border delimitation agreement as early as 1971.[702] The second, 1978 bilateral[703] agreement, defined boundary between India's Nicobar Islands and Thailand's Simlan Islands. At the same day the trilateral agreement was concluded with participation of Indonesia, on the simplification of the tri-junction point and the demarcation of the three countries' boundaries respectively in the Andaman Sea. The most common median line method was implemented across maritime borders between those countries[704] in order to utilise conclusions of the Third International Law Conference to clarify the rules of movement in the Andaman Sea, the waters with the busiest ship traffic in the world.

The Arabian Sea off the coast of India and the Maldives, not inferior to traffic flow at the entrance to Strait of Malacca, also needed solutions to establish the boundaries. 1976 India

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[700] D. Mitra, *In Indonesia, Modi Will Find Good Ties Also Mean a New Pact for Sharing Oceans*, The Wire, 30 May 2018, https://thewire.in/diplomacy/india-indonesia-eez-continental-shelf, access 15.02.2022

[701] A. Sundaramurthy, *Delimitation of the Exclusive Economic Zone (EEZ) of the India-Indonesia Maritime Border*, op. cit.

[702] *Agreement between the Government of the Republic of India, the Government of the Republic of Indonesia and the Government of the Kingdom of Thailand Concerning the Determination of the Tri-junction Point and the Delimitation of the Related Boundaries of the Three Countries in the Andaman Sea*, Limits in the Seas No. 93, Annex No. 1, U.S. Department of State, Bureau of Intelligence and Research, Washington 1981, p.5

[703] *Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of India on the Delimitation of Seabed Boundary between the two Countries in the Andaman Sea*, 22 June 1978, the UN Depositary of Treaties https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/ PDFFILES/TREATIES/ THA-IND1978SB.PDF, access 17.02.2022

[704] *Agreement Between the Government of the Republic of India, the Government of the Republic of Indonesia and the Government of the Kingdom of Thailand Concerning the Determination of the Tri-junction Point and the Delimitation of the Related Boundaries of the Three Countries in the Andaman Sea*, op. cit., p.7

and the Maldives signed the bilateral deal, followed the same year by a trilateral one with Sri Lanka. The median line concept was also used in both negotiations.

India's bilateral negotiations with Myanmar lasted for ten years and ended with maritime boundary agreement in 1986. In effect, the bilateral agreement recognised Indian sovereignty over Narcondam island in the Andaman Sea, claimed before by Myanmar, then became the most eastern part of India. Furthermore, India, Myanmar and Thailand reached in 1993 a maritime trilateral agreement in the Andaman Sea to define the tri-junction point equidistant from the nearest points of the three countries respectively.[705]

3.2.2. Disputes settlement within arbitrage mechanism

Following the article 33 of the UN Charter[706], article 51 of the Indian Constitution provides that "the State shall endeavour to encourage settlement of international disputes by arbitration."[707] Taking into consideration India's state system as a federal republic, articles 73 ("the executive power of the Union shall extend to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement"[708]), 246 ("Parliament has power to make laws with respect to any matter for any part of the territory of India not included - in a State- notwithstanding that such matter is a matter enumerated in the State List"[709]) and 253 ("Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."[710]) are also worth mentioning in the context of the division of powers between the central and state authorities in solving the disputes.

Having inherited British reservations to article 36 of the Statute of the Permanent Court of International Justice (PCIJ), then International Court of Justice (ICJ),[711] and looking at its

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[705] *India, Myanmar and Thailand Trilateral Agreement*, UN Treaties Depositary, https://www.un.org/Depts/los /LEGISLATIONANDTREATIES/PDFFILES/TREATIES/MMRIND-THA1993DT.PDF, access 26.05.2019

[706] *United Nations Charter, Chapter VI : Pacific Settlement of Disputes, Article 33,* https://www.un.org/en/about-us/un-charter/chapter-6, access 07.02.2021

[707] *Constitution of India 1950*, Center for Law and Policy Research, p.36, https://www.constitutionofindia.net/constitution_of_india/finance__property__contracts_and_suits/articles/Articl e%20297, access 27.05.2020

[708] *Constitution of India 1950*, Center for Law and Policy Research, Op. cit., p.42

[709] *Constitution of India 1950*, Center for Law and Policy Research, Op. cit., p.111

[710] *Constitution of India 1950*, Center for Law and Policy Research, Op. cit., p.112

[711] Reference to the four categories of disputes in article 36 (2) – among other disputes between Common Wealth countries, see more in S. Mclaughlin Mitchell and E. J. Powell, *Legal Systems and Variance in the Design of Commitments to the International Court of Justice*, Sage Publications Ltd., Conflict Management and Peace Science , April 2009, Vol. 26, No. 2, Special Issue, *Building Synergies: Institutions and Cooperation in World Politics* (April 2009), p.168-169

role in the context of the conflict over Kashmir with Pakistan, India preferred in the beginning of its statehood to settle its disputes through the Permanent Court of Arbitration (PCA)[712] or bilateral negotiations with regard to its boundary and related issues.[713] However, under the pressure of different cases brought by or against various countries (Portugal, Pakistan, Marshall Islands), India has gradually, starting 1956, then 1959 and 1974, and 2019 accepted as compulsory *ipso facto* and without any special agreement, the jurisdiction of the ICJ, in conformity with article 36 paragraph 2 of the ICJ Statute. India's reservations excluded certain kinds of disputes from the Court's jurisdiction evolved on the basis of the dynamics in the practice of international law and the cases dealt with in its participation. The new exclusions announced in 2019 were related to "measures or situations in which India is, has been or may in future be involved, including the measures taken for protection of national security and ensuring national defence" and "disputes concerning the interpretation or application of a multilateral treaty to which India is not a party; and disputes concerning the interpretation or application of a multilateral treaty to which India is a party."[714]

As it concerns the maritime domain, having ratified UNCLOS in 1995, India approved, without any reservations, the competencies and authority of ITLOS as a key institution, serving as a part of the Convention and playing a critical role in the legal, rules-based area of modern maritime governance. The mechanisms of resolving disputes arising within the process of delimitation of maritime boundaries contained in UNCLOS and the UN Charter have always been India's undisputed principles. At the same time, India has been aware of the fact that several UNCLOS provisions dealing with maritime boundaries "leave details to be resolved through diplomatic efforts,"[715] and negotiations have occurred as a necessary instrument. As significant and interconnected factors served in that context issues, related to the blue economy, like fishery or exploitation of natural resources, combined with local controversies at the state level.

As the most complicated case served the delimitation of boundary in the Bay of Bengal with Bangladesh and Myanmar. Bilateral negotiations between Bangladesh, India and Myanmar on maritime border commenced in 1974. They were continued bilaterally between

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[712] PCA was established by the Convention for the Pacific Settlement of International Disputes in Hague in 1899.
[713] V.G. Hegde, *India and International Settlement of Disputes*, Springer, Indian Journal of International Law, Volume 56, Number 1, New Delhi March 2016, p.10
[714] *Declaration recognizing the jurisdiction of the Court as compulsory*, International Court of Justice, Dr. S. Jaishankar, Minister of External Affairs of the Republic of India, New Delhi, 18 September 2019, https://www.icj-cij.org/en/declarations/in, access 20.03.2020
[715] C. Antrim, *International Law and Order: The Indian Ocean and the South China Sea*, in D. Michael and R. Sticklor, *Indian Ocean Rising: Maritime Security and Policy Challenges*, Stimson, Washington 2012, p. 80, https://www.stimson.org/wp-content/files/file-attachments/IOR_chapter5_1.pdf, access 20.08.2018

India and Bangladesh in 1982 and between Bangladesh and Myanmar in 1986. 26 years after, in 2008, countries restarted negotiations[716] after the incident took place with participation of Myanmar's offshore exploration vessels escorted by naval ships and Bangladesh Navy ships. That is the most apposite way to illustrate the roots of the tripartite dispute in the Bay of Bengal, the biggest bay in the world with one of the biggest deposits of oil and gas offshore in IOR.

In 1974 Bangladesh claimed as a first country the EEZ. Zones claimed later by India and Myanmar overlapped themselves. The tripartite negotiations were dominated by the issue of different approaches towards a methodology of demarcation. Bangladesh choose the principle of equity, which takes into account population, economic status and human needs. India and Myanmar preferred line-based equidistance system, which marks the boundary through geometric calculations. "Bangladesh and Myanmar struggled over the question of giving recognition to St. Martin's island, India and Bangladesh have been arguing over the sovereignty of the New Moore/South Talpatty Island."[717] According to Indian experts the delimitation became even more difficult after the disappearance of the island due to the rise of the sea level.[718] After the several rounds of unsuccessful negotiations Bangladesh submitted the dispute to ITLOS. Myanmar agreed to refer the issue to the ITLOS. India choose to take the matter to the PCA.[719] In ITLOS Bangladesh received a positive verdict in 2012.

Bangladesh has initiated arbitration on delimitation of maritime boundary with India in the Bay of Bengal under Article 287 and Article 1 of Annex VII of United nations Convention on the Law of the Sea. In February 2010, an arbitration panel comprising 5 Members was constituted in accordance with Article 3 of Annex VII of UNCLOS. L&T Division was actively involved in meetings with the legal counsels and other experts towards preparation of India's response to Bangladesh's memorial. It may be recalled that Bangladesh submitted a reply to India's Counter Memorial on 31 January 2013. India submitted its rejoinder on 31 July 2013. The Tribunal, at the request of Bangladesh, sought to conduct a site visit to relevant coasts of the Parties and to the estuary area for viewing the base points proposed by India and Bangladesh. The site visit for the Tribunal was organised from 23-25 October 2013. Thereafter, the oral pleading of the case was held at the Permanent Court of Arbitration (PCA) at The

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[716] *Declaration recognizing the jurisdiction of the Court as compulsory*, International Court of Justice, Dr. S. Jaishankar, Minister of External Affairs of the Republic of India, New Delhi, 18 September 2019, op. cit.

[717] R. Shah, *Bangladesh–Myanmar ITLOS Verdict: Precedence for India?*, Strategic Analysis, Institute for Defence Studies and Analyses, Vol. 37, No. 2, 2013, p.179, https://www.researchgate.net/publication/274165470_Bangladesh-Myanmar_ITLOS_verdict_precedence_for_India, access 02.04.2019

[718] *Island claimed by India and Bangladesh sinks below waves*, The Guardian, 24.03.2010, https://www.theguardian.com/world/cif-green/2010/mar/24/india-bangladesh-sea-levels, access 20.08.2021

[719] R. Shah, *Bangladesh–Myanmar ITLOS Verdict: Precedence for India?*, op. cit., p.178

Hague from 9-18 December 2013. The Indian delegation was led by Shri. G.E. Vahanvati, Attorney General of India and the Oral Pleadings were steered by Dr. Neeru Chadha, Joint Secretary & Legal Adviser, M.E.A., who is also the Agent of India. From the Bangladesh side, Mr. A.H. Mahmood Ali, MP Foreign Minister of Bangladesh led the Delegation and Dr. Dipu Moni, former Foreign Minister and Agent of Bangladesh initiated the Oral Pleadings. Parties took a maximalist approach during the submission of written pleadings, which was reiterated in the oral hearings. Parties were conscious of the fact that the Tribunal award could be different from their claims. Under UNCLOS, the decision of the Arbitral Tribunal is final and binding on the parties. The decision of the Tribunal was expected by mid-2014.[720]

PCA demarcated in 2014 the continental shelf of Bangladesh and India. "The Award provided Bangladesh with additional territory, but India retained a greater proportion of EEZ than Bangladesh relative to the ratio of their relevant coastlines, a standard measure of whether the delimitation of a maritime boundary is equitable."[721] Bangladeshi foreign minister praised India for its willingness to resolve the matter in a legal way under UNCLOS[722]. The acceptance of both procedures and the award was the clear signal of India's commitment to improve law enforcement and a rules-based order at sea. Bangladesh has initiated arbitration on delimitation of maritime boundary with India in the Bay of Bengal under Article 287 and Article 1 of Annex VII of United nations Convention on the Law of the Sea. In February 2010, an arbitration panel comprising 5 Members was constituted in accordance with Article 3 of Annex VII of UNCLOS. This Division was actively involved in meetings with the legal counsels and other experts towards preparation of India's response to Bangladesh's memorial. India's counter-memorial was filed with the Arbitral Tribunal in July 2012.[723]

It may be recalled that United Nations and International Organisations Bangladesh submitted a reply to India's Counter Memorial on 31 January 2013. India submitted its rejoinder on 31 July 2013.The Tribunal, at the request of Bangladesh, sought to conduct a site visit to

[720] *Annual Report 2013-14*, Ministry of External Affairs, Government of India, New Delhi 2014, p. 109, http://www.mea.gov.in/Uploads/PublicationDocs/23873_EXTERNAL_AFFAIR__Eng__AR_2013-14.pdf, access 15.08.2021

[721] M. E. Rosen, JD, LLM, and D. Jackson, *Bangladesh v. India: A Positive Step Forward in Public Order of the Seas*, Centre for Naval Analyses, Washington 2017, p. iv, https://www.cna.org/cna_files/pdf/DOP-2017-U-016081-Final.pdf, access 25.02.2022

[722] *UN Panel Rules for Dhaka in Bay of Bengal Dispute*, The Times of India, 09.07.2014, https://timesofindia.indiatimes.com/india/UN-panel-rules-for-Dhaka-in-Bay-of-Bengal-dispute/articleshow/3803 3500.cms#:~:text=India%20has%20welcomed%20a%20UN%20tribunal%20%E2%80%99s%20judgment,%28 9%2C700%20sq%20miles%29%20in%20the%20Bay%20of%20Bengal.,access 25.02.2022

[723] *Annual Report 2012-2013*, Ministry of External Affairs, Government of India, New Delhi 2013, p.106 , http://www.mea.gov.in/Uploads/PublicationDocs/21385_Annual_Report_2012-2013_English.pdf, access 15.08. 2021

relevant coasts of the Parties and to the estuary area for viewing the base points proposed by India and Bangladesh. The site visit for the Tribunal was organised from 23- 25 October 2013. Thereafter, the oral pleading of the case was held at the Permanent Court of Arbitration (PCA) at The Hague from 9-18 December 2013. Parties have taken a maximalist approach during the submission of written pleadings, which was reiterated in the oral hearings. Parties are conscious of the fact that the Tribunal award could be different from their claims. The Arbitral Tribunal rendered its Award on 7 July 2014 at The Hague. Through this Award, maritime boundary between India and Bangladesh in the territorial sea, Exclusive Economic Zone, Continental Shelf and Continental shelf beyond 200 NM is concluded. Arbitral Award is legally binding and final on the Parties.[724]

India – Sri Lanka boundary issue constitutes another dispute with local determinants combined with the blue economy interests related to fisheries and sea transportation. In 1974, India and Sri Lanka signed their first bilateral maritime boundary agreement, settling the issue over Kachchativu island, situated in the Palk Straits about 12 miles from the Indian coast and 10.5 miles from Sri Lanka. The boundary line was agreed upon modified equidistance line. Kachchativu island was given to Sri Lanka and special provisions were included to allow the continuing use of Kachchativu for pilgrimage and for drying nets and free movement of vessels in the Palk Bay as before.

The Tamil Nadu state on behalf of the fishermen has claimed the traditional fishing rights in the region, not mentioned in agreement, but denied by the Sri Lankan authorities. Tamil Nadu Government pleaded in Supreme Court of India to cancel the ceding of island of Kachchativu to Sri Lanka as it was not approved by Parliament. Indian government clarified that island was not ceded, but was a disputed territory and therefore was given during boundary settlement process. The narrow waters between the two countries and historical fishing by the fisherman communities in the same region without any problems have become a problem in present days because of security threats and threat to ecosystem.

The issue of Indian fishermen staying in Sri Lankan water gained significance after Sri Lankan Navy started exercising greater control and vigilance over Palk Strait during the Tamil Eelam war (1983-2009). It was an attempt by the navy to stop arms smuggling and other illegal activities. They often fired on Indian fishermen during the process, infuriating the dispute. After the end of the LTTE war, security has remained heightened. Along with this, the ease on the

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[724]*Annual Report 2014-2015*, Ministry of External Affairs, Government of India, New Delhi 2015, p. 150, http://www.mea.gov.in/Uploads/PublicationDocs/25009_External_Affairs_2014-2015__English_.pdf, access 20.08.2021

restriction on Sri Lankan fishermen, use of high end technology by Indian fishermen has complicated the issue. The issue is more related to technical and administrative measures than to maritime disputes and should be solved accordingly.

In relation to sea lines of communication the delimitation issue acted as an obstacle for the completion of Sethusamudram Ship Channel Project which, intend the creation of a ship navigation channel to suit different draughts through excavation in Adam's Bridge, parts of Palk Bay and Palk Strait. This project was essential to lower the turning time taken by the vessel to reach the port.

The essence of India's maritime dispute with Pakistan involves the demarcation of boundary along Sir Creek, 96-km long tidal estuary at the border of Indian Kutch region of Gujarat and the Sindh province of Pakistan. According to Pakistan, the agreement signed in 1914 between Government of Sindh and Rao Maharaj of Kutch, indicated the boundary lines to the creek part of on its side. Using the same document, but the different way of interpretation of its navigation lines, India claimed that boundary lies in between the creek. "India strongly believed that the Kutch-Sind border was "a well-defined, well-known and well established border"."[725]

After the end of the Second Kashmir War in the North and armed clashes in the South in 1965 , both countries agreed that the dispute over Kutch would be settled through a specially established international tribunal. In 1968, the India-Pakistan Western Boundary Case Tribunal announced the verdict "upheld about 10% (or 320 square miles) of Pakistan's claim of some 3,500 square miles of the Rann of Kutch along the Gujrat-West Pakistan border, and accepted that India's boundary ran along the northern edge of the Great Rann, except the areas pronounced as Pakistani territory." [726] "The two sides had agreed to exclude the boundary from the head of Sir Creek downward to the west"[727], but the border remained undemarcated. India insisted to solve the problem bilaterally, following the 1972 Simla Agreement.[728] India and Pakistan hold series of negotiations since 1989, last time in 2015,[729] but both sides could not

[725] R.P. Anand, *The Kutch Award* , India Quarterly, Sage Publications, July-September 1968, Vol. 24, No. 3, p.186
[726] R.P. Anand, *The Kutch Award* , op. cit., p.186
[727] A. Mishra, *The Sir Creek Boundary Dispute: A Victim of India-Pakistan Linkage Politics*, 2001, IBRU Boundary and Security Bulletin, Winter 2000-2001, p.95, https://www.researchgate.net/publication /238744314_THE_SIR_CREEK_BOUNDARY_DISPUTE_A_Victim_of_India-Pakistan_Linkage_Politics, access 02.03.2022
[728] *Simla Agreement, July 2, 1972*, Ministry of External Affairs, Government of India, https://mea.gov.in/in-focus-article.htm?19005/Simla+Agreement+July+2+1972, access 02.03.2022
[729] *Annual Report 2015-16*, Ministry of External Affairs, Government of India, New Delhi 2016, p. 17, http://www.mea.gov.in/Uploads/PublicationDocs/26525_26525_External_Affairs_English_AR_2015-16_Final_ compressed.pdf, access 20.03.2019

reach an agreement. In 2007, the two sides had conducted a joint survey of the estuary. [730] It was conducted on land and off the coast to verify the outermost points of the coastline based on the principle of equidistance.[731] The disputed area has no significance for military purposes, but deposits of oil and gas, located below the sea bed,[732] contributed to increasing pressure on governments to define the boundaries and end the dispute. India made a proposal to Islamabad to set up a joint oil exploration venture and share the resources, but it was rejected.[733] According to Indian side, the demarcation of boundary would also help fishermen at the local level, "who inadvertently cross over to the other side and languish in jail for years."[734] From the Pakistani perspective "Sir Creek is being increasingly seen by both sides as doable," as they are aware that it "could enable the two countries to notify their EEZ spanning to several hundred miles in the sea."[735]

3.2.3. Enrica Lexie case

The case of the Italian tanker Enrica Lexie from 2012 serves as an example of India's understanding and commitment to the provisions of UNCLOS and its principled position on reservations it made on the Freedom of Navigation based on the interpretation of Article 56 and 58 of UNCLOS on rights, jurisdiction and duties if the coastal state in the Exclusive Economic Zone.[736] Italian vessel sailed from Singapore to Djibouti with 6 members of Vessel Protection Department (VPD), as the International Maritime Organization declared the high seas next to Kerala state in the South India a piracy prone area. Two VPD members noticed a fishing ship St. Antony on the collision course of their vessel. According to Italian side, they warned the Indian crew, using flags, horns, and flashlights, considering them to be pirates, but Indians did not change the course. They opened the fire on the fishermen killing two of them.

The incident took place 20.5 nautical miles from the Indian coastline in the Contiguous Zone within the Indian EEZ. The Italian vessel proceeded about 38 nautical miles where they

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[730] Z. Gishkori, *Indo-Pak composite dialogue: No movement on Sir Creek talks. Both sides exchange maps, agree to meet again*, Express Tribune, Islamabad, May 22 2011, https://tribune.com.pk/story/173672/indo-pak-composite-dialogue-no-movement-on-sir-creek-talks, access 20.09.2020

[731] *Pakistan, India exchange Sir Creek maps*, Dawn, Islamabad, May 18 2007, https://www.dawn.com/news/247598/pakistan-india-exchange-sir-creek-maps, access 15.09.2020

[732] A. Shah, *PM may use oil to douse Sir Creek fire*, The Economic Times, 12.09.2006, https://economictimes.indiatimes.com/news/politics-and-nation/pm-may-use-oil-to-douse-sir-creek-fire/article show /1980487.cms, access 02.03.2022

[733] Ibidem

[734] *India, Pakistan discuss Sir Creek survey*, Hindustan Times 25.05.2006, https://www.hindustantimes.com /india/india-pakistan-discuss-sir-creek-survey/story-qSgylqs1u4oEiBBoyw1JKL.html, access 02.03.2022

[735] *Pakistan, India exchange Sir Creek maps*, Dawn, Islamabad, May 18 2007, op. cit.

[736] *United Nations Convention on the Law of the Sea*, in A.V. Lowe and S.A.G. Talmon, *Basic Documents of the Law of the Sea. The Legal Order of the Oceans*, Hart Publishing, Oxford and Portland, Oregon 2009, p.285

were contacted by Maritime Rescue Co-ordination Centre and was caught by the Indian coast guards. Two Italian mariners were charged of murder and mischief. [737] India opposed the Italian appeal to release the mariners and was against referring the solution of the dispute to ITLOS. "India challenged Italy's decision to take the matter to the international tribunal and maintains that as the crime had taken place in Indian waters."[738]

After the detention of two Enrica Lexie mariners for three years and the involvement of the EU[739] in the debate on the case, causing the diplomatic crisis in India-EU relations, Italy decided in 2015 to institute proceedings against India in the international arbitration tribunal(PCA). [740] Italy also submitted the request to International Tribunal for the Law of the Sea (ITLOS) for prescribing the provisional measures to instruct India not to exercise jurisdiction over that incident, and to lift restrictions on the liberty, security and movement of the marines. [741] ITLOS appealed to both sides to refrain from any action that aggravates the situation; in the case of India, "to constitute any trial and take any judicial measures against the two Italian mariners."[742]

The PCA stated that "Italy has breached India's right to navigation by firing at the fish vessel St. Antony and is liable for compensation for the loss of life of Indian fishermen; furthermore, India did not violate Article 97 and 87 or 100 of UNCLOS."[743] The Arbitral Tribunal was established under the auspices of PCA. In 2016 the Arbitral Tribunal prescribed

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[737] The case was initiated in the Kerala High court, and the mariners petitioned against it. They contested India's claim over the jurisdiction - it can claim jurisdiction in criminal issues that occurred in the territory of India and carried by the citizens of India. Since the mariners were of Italian origin. Italia claimed the liberty to navigate according to Article 87(1) a of UNCLOS, giving the authority to travel the seas without any external interference by other body. Additionally, the mariners were assigned an official duty and had sovereign immunity. They should be given functional immunity based on the provisions of UNCLOS. Article 97 provides that only the flag state of the particular ship can initiate penal proceedings in the matter of ships in the high seas as the flag state hold full jurisdiction of the maritime vessel. The Supreme court of India reversed the judgement given by Kerala High court stating the issues with jurisdiction, the apex court further authorized to constitute a special court to deal such international cases.

[738] *The "Enrica Lexie" Incident (Italy v. India) | ITLOS*, One Law Street, 08.08.2015, https://onelawstreet.com/enrica-lexie-incident-italy-v-india-itlos/?month=201904, access 16.08.2020

[739] *European Parliament resolution on the case of the two Italian 'marò'*, (2015/2512(RSP)), European Parliament 13.01.2015, https://www.europarl.europa.eu/doceo/document/RC-8-2015-0006_EN.html, access 20.08.2020

[740] A. Rastogi and S. Shukla, *Analysis: Enrica Lexie Case*, Juris Centre, 2.05.2021, https://juriscentre.com/2021/05/02/analysis-enrica-lexie-case/, access 20.02.2022

[741] *Annual Report 2015-2016*, Ministry of External Affairs, Government of India, New Delhi 2016, p.156, http://www.mea.gov.in/Uploads/PublicationDocs/26525_26525_External_Affairs_English_AR_2015-16_Final_compressed.pdf, access 20.03.2021

[742] Ibidem

[743] Ibidem

the provisional measures seeking Italy and India to cooperate, finding at the same time that India has jurisdiction over marines in respect of the incident.[744]

After three years of hearings,[745] the Arbitral Tribunal rendered its Award on 21st May, 2020,stating that the Indian authorities acted in accordance of the provisions of the UNCLOS and that Italy breached India's freedom of navigation under UNCLOS Article 87(1)(a) and 90.[746] The Tribunal dismissed Italy's claim to compensation for the detention of the Marines, but it found that the immunities enjoyed by the Marines as State officials operate as an exception to the jurisdiction of the Indian courts and, hence, preclude them to judge the Marines. India was entitled to payment of compensation in connection with loss of life, physical harm, and material damage of the captain and other crew members of "St. Antony".[747]

The case of Enrica Lexie was compared to the Lotus case[748] as an example of still existing differences in interpretation of international law of the sea between Western and Eastern countries and the continuation of the debate from the Third Conference on the Law of the Sea, where India played the role of defender of the interests of developing countries. India also presented its consistent approach to the movement of vessels with the military on board in relation to the limits of its jurisdiction in the case of the passage of the US warship John Paul Jones through the Indian EEZ in 2021. Indian Ministry of External Affairs stated that the Convention does not authorise other States to carry out in the Exclusive Economic Zone and on the continental shelf, military exercises or manoeuvres, in particular, those involving the use of weapons or explosives, without the consent of the coastal state.[749] This particular, broadening approach to the question of jurisdiction in EEZ is also related to the role of India in the context of the South-China Sea, which will be discussed in more detail in the following section.

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[744] *Annual Report 2016-2017*, Ministry of External Affairs, Government of India, New Delhi 2017, p.167, http://www.mea.gov.in/Uploads/PublicationDocs/29521_MEA_ANNUAL_REPORT_2016_17_new.pdf, access 25.08.2022

[745] *Annual Report 2019-2020*, Ministry of External Affairs, Government of India, op. cit, p.275

[746] *PCA Case No. 2015-28, In The Matter of an Arbitration before an Arbitral Tribunal Constituted under Annex Vii to the 1982 United Nations Convention on the Law of the Sea, The Italian Republic versus the Republic of India concerning the "Enrica Lexie" Incident Award*, The Permanent Court of Arbitration, *21 May 2020* https://pcacases.com/web/sendAttach/16500, access 20.02.2021

[747] *Annual Report 2020-2021*, Ministry of External Affairs, Government of India, New Delhi 2021, p.188, http://www.mea.gov.in/Uploads/PublicationDocs/33569_MEA_annual_Report.pdf, access 24.08.2022

[748] The case of Italy against Turkey after the collision of a French steamer the S.S. Lotus with a Turkish vessel the Boz Kourt resulting in the death of 8 Turkish sailors and passengers, see: D.B. Hollis, *The Case of Enrica Lexie: Lotus Redux?*, Opinio Juris 17.06.2012, https://opiniojuris.org/2012/06/17/the-case-of-enrica-lexie-lotus-redux/, access 20.08.2021

[749] *Passage of USS John Paul Jones through India's EEZ*, Ministry of External Affairs, Government of India, New Delhi 09.04.2021, https://mea.gov.in/press-releases.htm?dtl/33787/Passage_of_USS_John_Paul_ Jones_through_ Indias_EEZ, access 15.07.2021

3.2.4. Regional cooperation

India plays a critical role in legal issues in relation to the Indian Ocean with the most extensive number of maritime neighbours and geostrategic location with the centrality of the mainland and the cross-roads position of Andaman and Nicobar Islands between the Indian Ocean and the Pacific. The critical access to the strait of Malacca was delimited through its channels going across India's EEZ to the South of the Nicobar and Andaman Islands. India's role has grown along with the increasing assertiveness of China towards ASEAN countries in the 21st century, accompanied by disregard of China for the legal order established by UNCLOS in the context of its claims covering the entire body of the South China Sea. India's significance in this context has an even more significant impact due to the fact that the USA has not been a party to UNCLOS. India supported ASEAN countries, agreeing that all the disputes need "mutually acceptable solutions on the issue in accordance with the principles of international law, taking into consideration the United Nations Convention on the Law of the Sea."[750] In 2013 and 2015, India supported[751] and reiterated "the significance of freedom of navigation and overflight in the South China Sea."[752] At the same time, India tried until 2016 to maintain friendly relations with all South China Sea littorals and to avoid provoking China. "Managing the region's competing territorial disputes has required shrewd diplomatic awareness and delicate balancing from India."[753]

In the award of the case of the Philippines against China in 2016,[754] not recognized by the latter, PCA emphasised that "although Chinese navigators and fishermen, as well as those of other States, had historically made use of the islands in the South China Sea, there was no evidence that China had historically exercised exclusive control over the waters or their resources", having concluded that "there was no legal basis for China to claim historic rights to

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[750] A. Subhan, *India and Indonesia are growing the blue economy*, The ASEAN Post, 31 May 2018, https://theaseanpost.com/article/india-and-indonesia-are-growing-blue-economy, access 15.02.2022

[751] *India supports freedom of navigation in international waters*, Zee news, 6.06.2013, https://zeenews.india.com/news/nation/india-supports-freedom-of-navigation-in-international-waters_853275.html, access 15.08.2020

[752] *India seeks freedom of navigation in South China Sea*, The Times of India, 19.11.2015, https://timesofindia.indiatimes.com/india/India-seeks-freedom-of-navigation-in-South-China-Sea/articleshow/49838732.cms, access 20.08.2020

[753] B. Chong, *India and the South China Sea*, The Center for International Maritime Security, 21.02.2018, https://cimsec.org/india-south-china-sea/, access 20.12.2018

[754] *Press Release - The South China Sea Arbitration (The Republic of Philippines v. the People's Republic of China)*, Permanent Court of Arbitration, https://docs.pca-cpa.org/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf, access 20.02.2018

resources within the sea areas falling within the 'nine-dash line.'"[755] India supported the judgement arguing that two years earlier it accepted a similar arbitration with Bangladesh, "even though the verdict went in favour of its smaller neighbour."[756] At the 2017 East Asia Summit, India stressed the necessity of "a peaceful settlement of disputes in accordance with international laws, notably UNCLOS."[757]

Another indication of India's position on the necessity to obey the provisions of UNCLOS and the law-based maritime order is that ONGC Videsh Ltd, the overseas branch of the Indian Oil and Natural Gas Corporation (ONGC), since 2009 continued to explore a Vietnamese oil block located in the EEZ of Vietnam in the South China Sea.[758] "While India wants to maintain its strategic interest in the South China Sea, Vietnam wants an Indian firm to counter China's interventions in the contested waters."[759]

India and Vietnam have also cooperated in multilateral initiatives. In 2021 India co-hosted with Australia, Canada, and the EU the 3rd Asian Regional Framework workshop on The United Nations Convention on the Law of the Sea (UNCLOS), organised by the Vietnamese Ministry of Foreign Affairs.[760] The workshop was a part of activities realizing the ARF Hanoi Plan of Action II (2020-2025) and the ARF Declaration on Cooperation between law enforcement agencies at sea.[761]

[755] *Press Release - The South China Sea Arbitration (The Republic of the Philippines V. the People's Republic of China)*, Permanent Court of Arbitration, The Hague, 12 July 2016, p.2, https://pcacases.com/web/sendAttach/1801, access 05.03.2020

[756] SD Pradhan, *PCA Ruling on the Chinese claims of sovereignty in South China Sea*, The Times of India, June 7,2020,https://timesofindia.indiatimes.com/blogs/ChanakyaCode/pca-ruling-on-the-chinese-claims-of-sovereignty-in-south-china-sea/ , access 10.03.2021

[757] *Remarks by Gen (Dr.) VK Singh (Retd.), Minister of State at the 8th East Asia Summit Foreign Ministers' Meeting in Singapore*, Ministry of External Affairs, Government of India, https://www.mea.gov.in/Speeches-Statements.htm?dtl/30239/Remarks_by_Gen_Dr_VK_Singh_Retd_Minister_of_State_at_the_8th_East_Asia_Summit_Foreign_Ministers_Meeting_in_Singapore

[758] B. Ghoshal, *One Year after the PCA Tribunal Judgment on the South China Sea*, The Economic Times, July 18, 2017, https://economictimes.indiatimes.com/blogs/et-commentary/one-year-after-the-pca-tribunal-judgment-on-the-south-china-sea/, access 05.03.2020

[759]*OVL seeks 2-yr extension for exploring Vietnamese oil block in South China Sea*, Hindustan Times, 03.09.2019, https://www.hindustantimes.com/business-news/ovl-seeks-2-yr-extension-for-exploring-vietnamese-oil-block-in-south-china-sea/story-JrzUhxkfbKEyEeV4hlk5eP.html#:~:text=Officials%20said%20OVL%20has%20applied%20for%20a%20sixth,to%20counter%20China%E2%80%99s%20interventions%20in%20the%20contested%20waters., access 1.10.2019

[760] *Annual Report 2021/2022*, Ministry of External Affairs, Government of India, New Delhi 2022, p. 70, http://www.mea.gov.in/Uploads/PublicationDocs/34894_MEA_Annual_Report_English.pdf, access 24.08.2022

[761] *Third ARF workshop on implementing UNCLOS 1982 held*, Government News, Hanoi 2.06.2021, https://en.baochinhphu.vn/third-arf-workshop-on-implementing-unclos-1982-held-11141319.htm#:~:text=VGP%20%20The%20third%20ASEAN%20Regional%20Forum%20%28ARF%29,June%201-2.%20June%2002%2C%202021%203%3A24%20PM%20GMT%2B7, access 24.08.2022

In the context of China's New Maritime Silk Road programme, announced in 2013 in Jakarta by Xi Jinping,[762] and the projects implemented in the Indian Ocean, including the construction of dual-use maritime infrastructure in Maldives, Pakistan, and Sri Lanka, India's position on the South China Sea has been even more important for the regional legal framework in IOR. India's position on New Maritime Silk Road was restrained as India was worried about 'encirclement' and the 'dependency trap' created in IOR by China.[763] The infrastructure built and leased to China for 99 years, such as the port of Hambantota in Sri Lanka, may become the basis for violating the law of the sea, similar to the cases in the South China Sea. The construction of artificial islands, the gradual appropriation of the rights to coastal waters and the continental shelf in the form of creeping jurisdiction,[764] are some of the potential threats. Especially the creeping jurisdiction constitutes the critical threat to the long-established customary and treaty norms protecting navigational freedoms.[765]

Indonesia, the most prominent ASEAN member, *primus inter pares*, shared some of India's reservations towards the Chinese initiative. Indonesia's first response to the Chinese initiative was positive. However, in the context of Chinese claims over rich oil and gas deposits on the continental shelf of Natuna Island in the South China Sea, within Indonesia's scope of interest, its position evolved. Indonesia's final reaction was moderate with full of fear of China's true intentions and the risk of being instrumentally misused. [766]

India used also the platform of IORA to promote legal, law-based order in the Indian Ocean, underscoring in its input into the charter of the organisation, that cooperation within the framework of the Association should be determined in line with UNCLOS by respect for the principles of sovereign equality, territorial integrity, political independence, non-interference in internal affairs, peaceful co-existence and mutual benefit[767] There are different territorial

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[762] *Speech by Chinese President Xi Jinping to Indonesian Parliament, 2 October 2013, Jakarta, Indonesia*, ASEAN-China Centre, http://www.asean-china-center.org/english/2013-10/03/c_133062675.htm, access 20.08.2022

[763] R. Ghiasy, F. Su and l. Saalman, *The 21st Century Maritime Silk Road. Security implications and ways forward for the European Union*, Stockholm International Peace Research Institute and Friedrich Ebert Stiftung, Stockholm 2018, p.27, https://www.sipri.org/sites/default/files/2019-10/the-21st-century-maritime-silk-road.pdf, access 17.09.2021

[764] C. L. Antrim and Captain U.S. Navy (ret.) G. Galdorisi, *Creeping Jurisdiction Must Stop*, U.S. Naval Institute Proceedings, Vol. 137/4/1,298, April 2011, https://www.usni.org/magazines/proceedings/2011/april/creeping-jurisdiction-must-stop, access 20.09.2020

[765] V. A. M. F. Ventura, *Environmental Jurisdiction in the Law of the Sea. The Brazilian Blue Amazon*, Springer, Sao Paulo 2020, pp 141–188

[766] *In Indonesia, Caution Urged With China's New 'Silk Road' Plans*, Jakarta Globe, May 31, 2015, https://jakartaglobe.id/news/indonesia-caution-urged-chinas-new-silk-road-plans/, access 15.09.2020

[767] *Charter of the Indian Ocean Rim Association (IORA)*, IORA Secretariat, p.2, https://www.iora.int/media/8248/iora-charter-min.pdf, access 02.03.2021

disputes in IOR not directly related to India like between Kenya and Somalia[768] or Mauritius and Maldives,[769] but they went through the procedures provided in UNCLOS.

In one them – in the case on the Chagos Archipelago between Mauritius and the United Kingdom, India has become involved in two forms, at the request of the ICJ and of both sides of the dispute. First, India was tasked to convey the advisory opinion on the case for the Court. According to the UNGA resolution 71/292 from 2017, the ICJ was requested for an advisory opinion on the process of decolonization of Mauritius.[770] India's opinion was supportive of the Mauritian position, as India consistently backed the former UK colony since its first claim over the Chagos, presented at UNGA in 1980, and the most current one in 2017.[771] Prime Ministers of both sides of the dispute visited India in 2022, asking for the support.[772] Given the circumstances, that within the Mauritius Archipelago the USA utilises Diego Garcia island for the naval base, and India is building a military base on Agalega island, the Chagos case has for India and its partners multidimensional significance. As one of the strategic partners of India with the big Indian diaspora,[773] Mauritius could count on the support of New Delhi to settle the dispute amicably only through compensation or extension of the long lease, as returning the Chagos Archipelago is unlikely to be an option due to the strategic interests of India and the US in the face of China's expansionist policy.

3.3. Summary

India actively participated in the debate within and on the sidelines of the Third Conference on the Law of the Sea, defending the interests of developing countries. As other participants it went through the phase of a cognitive transformation, acknowledging the necessity of a new axiological order in maritime affairs in accordance of the UN Charter. Before

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[768] *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*, International Court of Justice, 12.10.2021, https://www.icj-cij.org/pblic/files/case-related/161/161-20211012-JUD-01-00-EN.pdf, access 20.10.2020

[769] *Press Release. The Republic of Mauritius and the Republic of Maldives submit their dispute concerning the delimitation of the maritime boundary in the Indian Ocean to a Special Chamber of the Tribunal*, International Tribunal for the Law of the Sea, ITLOS/Press 293, Hamburg 27.09.2019, https://www.itlos.org/fileadmin/itlos/documents/press_releases_english/PR_293_en.pdf, access 07.09.2020

[770] S. Mishra, *ICJ Advisory Opinion on the Chagos Archipelago: A Reading from India*, Indian Council of World Affairs, Sapru House, New Delhi 20.03.2019, https://icwa.in/show_content.php?lang=1&level=3&ls_id=4312&lid=3199, access 20.08.2019

[771] *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, International Court of Justice, https://www.icj-cij.org/en/case/169, access 23.05.2020

[772] S. Staff, *Diego Garcia Dispute In Focus As Prime Ministers Of UK, Mauritius Visit India At The Same Time This Week*, Swarajya, https://swarajyamag.com/world/diego-garcia-dispute-in-focus-as-prime-ministers-of-uk-mauritius-visit-india-at-the-same-time-this-week, access 02.05.2022

[773] *Feels like homecoming: Jaishankar to Indian diaspora in Mauritius*, The Hindu 24.02.2021, https://www.thehindu.com/news/international/feels-like-homecoming-jaishankar-to-indian-diaspora-in-mauritius/article33920199.ece/amp/, access 30.03.2021

signing and ratifying UNCLOS India introduced provisions of the Convention into its domestic law and institutional system, understanding that the key to the successful implementation is the application of rules at all levels. The 1976 law brought into the Indian legislation the terms of territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone.

As one of the first signatories of UNCLOS India established Department of Ocean Development within the structure of the Chancery of Prime Minister, showing how great importance it attached to the implementation of the Constitution of the Oceans.

Having ratified the Convention in 1995, India has been committed to respect the rights of other nations to parts of the Indian Ocean Region. India has always referred to the standards enshrined in the Convention in all its maritime boundary disputes with neighbours. In addition, it strived to shape the legal dimension of maritime governance in the Indian Ocean in a positive way, contributing in a manner conducive to a spirit of regional cooperation. India tried to interpret the law in a broadening and beneficial way to the general international interest, so that the provisions of the Convention would serve not only particular countries, including India but also the international community. New Delhi authorities reiterated its support for the ASEAN countries for the law-based peaceful solution of the South China Sea disputes, treating it as a part of the protection of the legal maritime order in the Indian Ocean Region, connected to the South China Sea via the Strait of Malacca. India's support has evolved along with the growing assertiveness of China, from verbal declarations to involvement on the part of ASEAN member states in their dispute through investments in the disputed waters.

Chapter 4: India's role in maritime security in IOR

The fourth chapter presents the evolution of India's role in maritime security in IOR from a coastal focus on the immediate neighbourhood in the Bay of Bengal and the Arabian Sea, into an oceanic looking at the whole region. First, it analyses the maritime doctrines and strategies of the Indian Navy as the result of the strategic debates on shape and transparency of India's policy. The Maritime Security Doctrine was published for the first time in 2004, then revised in 2009, and updated (online) in 2015. The first Maritime Strategy was published in the public domain in 2007, titled "Freedom to use the Seas," and then in 2015, titled "Ensuring secure seas." The difference between the titles of the strategies shows the evolution – the first one was more passive, and the second was assertive and promising openness and active engagement in regional issues. The scope of primary maritime interests was enlarged, covering the space next to the horn of Africa. The Indian government gradually adjusted doctrines and strategies to the realities of the dynamic developments in the IOR with relevance to national interests, which needs building a regional community. The changes in the Naval command, establishing new commands in the Eastern part of the Indian Ocean, are elaborated. Two case studies show the implementation of India's role in maritime security envisaged in strategic documents – first in multilateral cooperation to secure Sea Lines of Communication (SLOCs) and then in joint endeavours with different institutional and individual partners to tackle piracy and terrorism.

4.1. India's approach towards maritime security in the Indian Ocean Region – doctrines and strategies

Maritime security gained a new cognitive and qualitative dimension, going beyond the classic conceptual and executive framework. The complexity of new maritime security tasks related to other components of maritime governance, "spanning a wide spectrum of intensity levels ranging from safeguarding sovereignty to protecting the environment in terms of marine pollution"[774] and all other threads that emerged in the debate, sparked deep reflection in the government and among the naval commanders. That led to the initiation of work on a series of conceptual and strategic documents that concerned not only the activities of the armed forces but the apparatus of the entire state. The vision and energy of professor K. Subrahmanyam[775] as well as the Chiefs of the Naval Staff played a significant role in laying the solid foundations for the preparation and then continuous successive updating of the documents.

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[774] V. Sakhuja, *Asymmetric Warfare and LIMO: Challenges For Indian Navy*, ORF Occasional Paper, op. cit. p.7
[775] K. Subrahmanyam, *Naval Security Doctrine for India*, Strategic Analysis, 12(11), IDSA, New Delhi 1990

As a result of the ongoing debate, the Navy issued in 1998 "The Maritime Dimension- A Naval Vision,"[776] which served as the preliminary sketch of the Indian Navy's mission assumption for the 21st century. The document described it as a capability to operate in the open seas. Furthermore, two key documents were published in the first decade of the 21st century. They defined the outline of India's modern approach to maritime security. They were unique documents, considering the lack of a comprehensive national security strategy, as well as in a situation where India had never previously published "white paper" documents, such as those announced by China or Australia, presenting the basic assumptions related to national defence.[777]

The overcoming of the thesis repeated many times by British and Indian researchers about the traditional, historical separation, even "blindness" of Indian civilisation from the seas and oceans,[778] was yet another critical aspect of the publication of the Maritime Doctrine and the Maritime Strategy. Indian Navy proved its status as "the most strategic-minded of the three services."[779] In the foreword to the Maritime Doctrine, Admiral Madhvendra Singh, Chief of the Naval Staff, emphasized that contrary to many concepts and opinions, "India has always been a seafaring nation and it needs guidelines which are adaptable to the dynamic changes in the maritime domain in the 21st century."[780] The Navy, like in other areas, such as openness to cooperation with the US or the development of local defence industry capabilities, has become a leader and a model in breaking stereotypes and modernising for other kinds of armed forces.

The structure of the Maritime Doctrine, published in 2004, indicated a broad methodological approach, taking into account not only negative but also positive issues which make up the contemporary concept of maritime security. The Doctrine was presented as a framework of principles, practices, and procedures, the understanding of which could serve as a common reference point, providing a basis for a further comprehensive debate and analysis, furthermore the process of uniting the actions of many diverse elements into a team effort, both

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[776] J. Singh, *What Constitutes National Security in a Changing World Order? India's Strategic Thought*, Center for the Advanced Study of India, University of Pennsylvania, CASI Occasional Paper No. 6 Jun 1998, p. 1,

[777] China started to publish Defence White Papers in 1995 (A.S. Erickson, *China Defense White Papers—1995-2019*, https://www.andrewerickson.com/2019/07/china-defense-white-papers-1995-2019-download-complete-set-read-highlights-here/?msclkid=445152beb8c411ecb34bf257526fb4aa) and Australia in 2000 (*Defence 2000 - Our Future Defence Force*, Commonwealth of Australia 2000, https://defence.gov.au/publications/wpaper2000.PDF?msclkid=d8409d0eb8c411ec94b416c21767fb1f)

[778] G. Khurana, *India's sea-blindness*, Issue Vol 24.1 Jan-Mar2009, Indian Defence Review, http://www.indiandefencereview.com/news/indias-sea-blindness/, access 10.09.2018

[779] I. Rehman, *India's Aspirational Naval Doctrine*, op. cit., p.55

[780] *Indian Maritime Doctrine 2004*, Foreword by Admiral Madhvendra Singh, Chief of the Naval Staff, Integrated Headquarters Ministry of Defence (Navy), New Delhi, 25 April 2004

nationally and internationally. Its structure included not only an explanation of theoretical basics of military activities in a modern law-based order like levels and objectives of war; responsibilities, salient attributes, and general concepts of war; concepts of the sea and maritime power; attributes, missions, operational tasks and planning of maritime forces; but also geographic and geostrategic contours of the Indian Ocean Region from the Indian perspective, the resulting imperatives for India after the end of the Cold War, India's maritime interests in IOR both in the military and economic spheres.

The Doctrine provided the guidance for a uniform understanding of maritime concepts among all representatives of the decision-making processes in India.[781] The widespread understanding of the vitality of the navy was explained in the context of India's foreign policy aspirations to become one of the global leaders. The leadership and the place among global leaders in the maritime dimension meant sharing the responsibility for the safety and security of SLOCs and the protection of the vital living and non-living assets through local and multilateral engagement.[782] The scope of interests and obligations covered the area bigger than earlier, beyond the immediate neighbourhood, judging from naval activities in the 1980s and 1990s, and enclosed the area "from the Persian Gulf to the Straits of Malacca"[783] with the assumption of a possible expansion. In the conditions of such ambitious geostrategic goals and assumptions, India had to become a sea power, being prepared "for threats covering the wide spectrum from high intensity warfare to non-state (non-traditional) threats. "[784]

The Doctrine further explained at the same time, that the responsibility of the Indian Navy, contrary to other services of the armed forces, was "not restricted to just guarding the coastline and island territories, but also extended to safeguarding overseas national interests in the EEZ as well as protecting the trade."[785] In that context, the navy is a critical element of a nation's maritime power, which is "the synergistic amalgam of military, political, and economic power, exerted by a nation-state through its demonstrated ability to use the sea for its general economic welfare and survival."[786] As presented, the maritime power of a nation includes several interrelated and interdependent factors specifying the level of dependence of the nation upon the maritime domain in all areas, including social *semiotic* approach towards sea, as well as the degree of potential for the productive utilisation of that dependence expressed through

[781] *Indian Maritime Doctrine 2004*, op. cit., pp.55-56
[782] *Indian Maritime Doctrine 2004*, op. cit., p.56
[783] *Indian Maritime Doctrine 2004*, op. cit., p.58
[784] *Indian Maritime Doctrine 2004,* op. cit., p.63
[785] *Indian Maritime Doctrine 2004,* op. cit., p.91
[786] *Indian Maritime Doctrine 2004,*op. cit., p.94

the size and enterprise of the seafaring population, the shipbuilding capability, the condition of the merchant fleet, the share of trade carried in both merchant and fishing flagged vessels , and the functional efficiency of the ports. Supporting and securing all those areas, the Navy plays, therefore, an essential role. The naval power of a nation serves as a subset of the maritime power of that nation. Consequently, the Doctrine envisaged four roles of the Indian Navy: military, diplomatic, constabulary, and benign.

The military role was presented as the essence of the naval forces, implicating the application of maritime power both at sea and from the sea in its offensive and defensive facets. Its types, mentioned in the document in the context of India's maritime forces, varied from traditional missions like sea control and sea denial, sea based deterrence, blockade of ports and harbours, interdiction or containment of enemy forces, through modern economy related providing protection for Indian ships and control of the navigation of foreign ships, up to most sophisticated and strategically advanced Low Intensity Maritime Operations (LIMO) against non-state actors and their illicit activities in areas within and beyond India's jurisdiction.

China's growing naval footprint as a result of the re-evaluation of its maritime strategy under the influence of geopolitical and geo-economic changes after the end of the Cold War, became one of the major security concerns for India. Chinese Navy, as a blue water maritime power in the making, as the only country in Asia to have a submarine-launched ballistic missile (SLBM) at its disposal, and aspiring to operate in the Indian Ocean,[787] created a significant challenge for India. The acquisition of submarines at a similar technological level by Pakistan caused a concern in India. In addition to those significant security concerns monitoring the possibility of intervention of extra regional powers in one of the IOR's littorals was mentioned among the military tasks of the Indian Navy.

Naval Diplomacy embodied the diplomatic role of the Indian Navy, serving to support foreign policy at various levels. The spectrum of activities within that support fell within the definition provided by Christian Le Miere as cooperative, persuasive, and coercive.[788] The cooperative way is identified as "showing the flag in foreign ports with the aim of fostering cooperation and building bridges of friendship across the oceans."[789] Participation in fleet reviews, exercises, regattas demonstrates India's interests and involvement in the Indian Ocean Region showcasing at the same time India's shipbuilding industry capability. The humanitarian

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[787] *China's National Defense in 1998*, PRC State Council, https://china.usc.edu/prc-state-council-chinas-national-defense-1998, access 20.05.2018
[788] Ch. Le Miere, *Maritime Diplomacy in the 21st Century. Drivers and Challenges*, Routledge, Abingdon 2014, p. 7
[789] *Indian Maritime Doctrine 2004,*op. cit., p. 94

assistance extended by the Indian fleet to the natural disaster prone littorals in the region also constitutes a part of naval diplomacy, as well as a courtesy of seaward security during international events. Particular movements like placing vessels outside territorial waters or passage through international waters, which are the subject of the claims, could serve as elements or symbols of deterrence or a coercive approach with the possibility to increase the offensive capability.

The constabulary role is equated with law-enforcement operations implementing the provisions of international conventions and the protection of territorial integrity and customs area. Indian Navy's involvement in anti-poaching, anti-smuggling, surveillance of the coasts, and anti-piracy operations against drug trafficking, gunrunning, illegal immigration, and counter insurgency, has received recognition in the international community. The Coast Guard played a critical role in that dimension of maritime-security activities of India.

Around 50% of the global natural disasters occurred in IOR in the 20th century,[790] being called "World's Hazard Belt" due to the regular occurrence of cyclones, earthquakes, tidal surges and tsunamis. Benign tasks such as humanitarian aid, disaster relief, Search and Rescue (SAR), ordnance disposal, pollution control, diving assistance, salvage operations, hydrography, occupied substantial share of Indian Navy obligations. They complement efforts of specialised civil state institutions with their capacities of quick mobilisation and short reaction, required in extreme situations.

As presented, all roles assigned to the Navy are directly or indirectly related to the support of India's national interests beyond the classical task of perceiving a threat. They include sea-borne trade, safeguarding EEZ, growing offshore oil production, and harvesting the living and non-living resources of ocean areas. Naval strength plays a decisive role in securing a conducive environment for economic growth and development. The key element of this conduciveness is keeping SLOCs secure and "open in times of peace, tension or hostilities."[791] The security of SLOCs serves not only the national interests of India but also other littorals that benefits India's status and rank in the Indian Ocean Region. The Andaman & Nicobar Islands are located at the entrance to the Malacca Straits, through which passes 300 ships a day, among which 40 are oil tankers carrying oil worth 60 billion US dollars a year,[792] decisive for the

[790] M.A Rob, *Natural Disasters in Indian Ocean Region and its Impact on Socio-Economy of the Countries*, Dhaka University, http://www.ions.global/sites/default/files/7f_0.pdf , access 20.03.2021
[791] *Indian Maritime Doctrine 2004,* op. cit., p.63
[792] *Indian Maritime Doctrine 2004,* op. cit., pp.63-64

energy security of North East Asia. Nine degree channel next to Lakshadweep islands in the Arabian sea plays the same role for India.

The security of uninterrupted energy supplies from the Persian Gulf area was described in the Doctrine as one of determining factors of the economic wealth of India on account of the forecast of a two-threefold increase in oil demand with the oil requirement by the end of the third decade of the 21st century. Another aspect of the Indian Navy's role in the dimension of economic security is the care of onshore assets, where within 200 km of its coastline, "much of industrial and economic activity is located."[793] Living resources in the form of fishing grounds, off-shore deposits, and oil and gas installations, both in the continental shelf and within EEZ, have to be protected together with the seabed resources in the Indian Ocean in the North and the South.

After the publication of the Doctrine, a series of conferences and seminars were organised to present the document to the wider audience, to discuss the main assumptions, and to prepare the Maritime Strategy. The report of one of them pointed out the twofold function of the Maritime Doctrine, being addressed not only to the Navy but also to the other two services. The Doctrine clarified the significance and pivotal role of the Navy in the overall defence framework of the 21st century. "The maritime doctrine is not merely the Naval doctrine, as the role of the Navy goes beyond its functional military role into the realm of economics and diplomacy. The doctrine is meant to guide the Indian Navy and chart a path for its future developments with respect to force development and such issues."[794]

An important achievement of the Doctrine was making the wide circle of decision-makers in India aware of the increasing overlap and penetration of the military and civil spheres in the activities in peacetime within the maritime domain, as well as the necessity of international cooperation in dealing with asymmetric challenges. Eight months after the Doctrine was published, the biggest earthquake and tsunami ever recorded in modern history occurred in the Indian Ocean in December 2004.

The process of coping with the consequences of this disaster proved the rightness of the assumptions regarding the naval priorities in times of peace in relation to the phenomenon mentioned above. The Indian Navy was no longer "a peripheral service",[795] having presented its strength in areas of naval diplomacy, search and rescue missions, as well as humanitarian

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[793] *Indian Maritime Doctrine 2004,* op. cit., p.68
[794] *Maritime Doctrine: Vice Admiral Koithara*, Report of the Panel Discussion held at the Institute of Peace and Conflict Studies, New Delhi 10 December 2004, http://www.ipcs.org/comm_select.php?articleNo=1589, access 03.03.2020
[795] I. Rehman, *India's Aspirational Naval Doctrine*, op. cit., p.56

relief, both domestically and within the international cooperation with neighbour countries from South and Southeast Asia. Having received an urgent request for humanitarian assistance from Indonesia, the Indian Navy deployed the vessels with 40 tonnes of relief and medical supplies and three tonnes of medical stores. The humanitarian assistance was also extended to the Maldives, where two Indian naval ships set up medical camps with a naval tanker with drinking water and a water purification plant. India was also the first country to send relief through its Navy to Sri Lanka, with two naval vessels berthed at Trincomalee. One of them was converted into a hospital ship. Another two vessels anchored off the Galle port, devastated by the tsunami, were engaged in providing supplies. Seven helicopters and two other aircraft operated from Colombo.[796] Having accepted the responsibilities and requests for help at that critical and at the same time tragic moment in history, in which the IOR states turned to India for aid, became one of the decisive factors in building a new image of India as a reliable leader and a regional power.

In 2006, based on the conceptual framework of the Doctrine, combined with the conclusions of the debate and experience of the Navy in the first years of the 21st century, India's Maritime Strategy, "Freedom to Use the Seas," was released as a classified document. After the debate, the Indian Navy's command decided in 2007 to publish an unclassified version of the Strategy.[797] As stressed by Admiral Arun Prakash, justifying the decision to publish the document, "maritime strategy does not concern naval officers alone as every nation must have a vision of its place in the world."[798] He also argued that "India historically suffered from an intellectual vacuum as far as strategic thinking is concerned,"[799] and "that this shortcoming has often been misinterpreted as a sign of weakness and lack of national resolve, and perhaps even acted as a provocation for aggression."[800]

The symbolic meaning of the title of the public version of the Strategy became a part of the credo of India's foreign policy, showing that it is ready to defend the freedom of navigation and law-based maritime governance without any offensive intentions. The 15 years' time framework served as a symbol of India's aspirations and the assumption that in the third decade of the 21st century, India is to become "an acknowledged maritime power capable of exercising

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[796] *Bridging the Ocean. India leads relief measures in tsunami-hit areas*, External Publicity Division, Ministry of External Affairs Government of India, December 2004 – January 2005, https://mea.gov.in/Uploads/PublicationDocs/185_bridging-the-ocean-tsunami.pdf, access 03.03.2020

[797] A. Prakash, *India's Maritime Strategy*, The United Service of India Journal, New Delhi April 2007, https://usiofindia.org/publication/usi-journal/indias-maritime-strategy-2/, access 02.04.2019

[798] A. Prakash, *India's Maritime Strategy*, op. cit.

[799] Ibidem

[800] A. Prakash, *India's Maritime Strategy*, op. cit.

strategic maritime influence."[801] The symbolism of the number 15 in Hinduism as a multiplication of five means knowledge, experience, and power[802] and should guarantee success.

The structure of the Strategy, as in the case of the Doctrine, devoted significant attention to theoretical issues, explaining the definition of the strategy, the methodological background of the considerations, and discussing the outline of contemporary maritime history and its implications for the shape of the main document's assumptions. Furthermore, the document elaborated to a deeper extent the role of the Indian Ocean for India in all areas of security, from the military through trade up to energy security. The remainder of the strategy covered the main elements of the naval operations in times of war and peace, as well as strengthening its infrastructure and equipment modernization capabilities.

The document defined the term strategy in a modern comprehensive way as "the overall approach of a nation to the oceans around it, with the aim of synergising all aspects related to maritime activities, to maximise national gains,"[803] having economic, commercial, political, military, scientific and technological facets. With the main focus on "projecting power, catalysing partnerships, and building trust and creating interoperability"[804] in the time of peace in the Indian Ocean Region, a modern, three-dimensional, combining elements of air, surface and sub-surface forces, blue-water Navy was projected, as a key instrument of the implementation of the strategy.

The Strategy presented the following activities as the main objectives:
1. the deterrence –conventional and strategic;
2. providing a strategic perspective and a foundation for the planning and conduct of operations to operational commanders;
3. providing a framework to conduct exercises and war-games in a likely scenario.

Among key determinants shaping the Strategy, the "violent peace" era in the Indian Ocean Region was highlighted. Localised conflicts and crises were described as principal features of that era. The Strategy reconfirmed the doctrinal statement on the growing dependence of India's economy on seaborne transportation. As a result, insulation from external interference from the sea became one of the primary tasks of the Indian Navy. The secure

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[801] *Freedom to Use the Seas: India's Maritime Military Strategy*, Integrated Headquarters Ministry of Defence (Navy), New Delhi 2007, p.7

[802] V. Jayaram, *Symbolic Significance of Numbers in Hinduism*, https://www.hinduwebsite.com/numbers.asp, access 07.04.2021

[803] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p. 3

[804] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p. iv

marine environment could significantly contribute to economic growth, especially when taking into consideration India's geo-strategic location and maritime disposition. The maritime forces, which turned from coastal into oceanic, were also to support Indian foreign policy in helping to maintain peace in the IOR, meeting the expectations of friendly littorals.[805] In fulfilling this mission, the Navy needed to catalyse partnerships by building the maritime capability and trust. A vital role in that context, the interoperability of IOR regional and extra-regional partners would play, generated through joint operations and international maritime assistance. Increasing maritime awareness and the development of maritime infrastructure, both civil and military, which interact with each other, cannot be underestimated.

The unique geopolitical position of India in IOR, "with its interests and concerns straddling across the sub-regions"[806], made it predestined for a leadership role. Indian diplomacy advocated the need to evolve a new paradigm of cooperation, relevant to the contemporary world, in which global responses addressed global threats, and multilateralism becomes the preferred norm for tackling with global challenges,[807] a peaceful and supportive international environment that contributes to India's and other IOR littorals' development goals. India's belief was that enhanced regional cooperation was mutually advantageous.[808] As emphasized in the document, "concerted regional initiatives would be desirable"[809] while dealing with asymmetric threats of terrorism, human-, drugs- and arms trafficking. In order to map those illicit activities and their organisers in the IOR, the Indian Navy invested in partnerships. The main goal of those endeavours was to disconnect "the geographical space between the major hubs of Al Qaeda and the Jemaah Islamiyah."[810]

The Strategy made an important distinction between India's areas of interest, grading them into primary and secondary. The primary area included: the Arabian Sea and the Bay of Bengal, including India's EEZ, island territories and their littoral reaches; the choke points leading to and from the Indian Ocean – the Strait of Malacca, the Strait of Hormuz, the Strait of Bab-el-Mandeb and the Cape of Good Hope, the Island countries; the Persian Gulf, as the source of the majority of India's oil supplies. The secondary area covered: the Southern Indian Ocean Region, the Red Sea, the South China Sea, and the East Pacific Region. The Strategy focused on areas of primary interest, keeping India's existing resources in mind. Areas of

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[805] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.11
[806] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.29
[807] Ibidem
[808] Ibidem
[809] Ibidem
[810] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.37

secondary interest came in where there was a direct connection with areas of primary interest or "where they impinged on the deployment of future maritime forces."[811]

While dealing with the primary interest areas, the Indian Navy needed to take into account the fact that the majority of island nations, traditionally close partners of India, did not have adequate maritime resources to monitor their respective areas of maritime interest effectively. It was necessary to continue India's support in their endeavours to ensure security in those countries' respective areas of responsibility. In the first decade of the 21st century, bigger IOR littorals' navies were in the process of acquiring substantial sea denial capability, which included missile-armed ships, Maritime Patrol Aircraft (MPAs), and conventional/Air Independent Propulsion (AIP) submarines.[812] All those countries shared India's strategic concerns about the proliferation of a range of ballistic and cruise missiles, especially in the Global War on Terror context. As a part of that War, the wars in Iraq and Afghanistan, caused an increase in the presence of extra-regional powers in the Indian Ocean. They rediscovered the vitality of the Indian Ocean, the vulnerability of SLOCs, and other security concerns of India and other littorals. The USA and Japan started to support India's stance that multilateral cooperation initiatives were essential for enhancing maritime security, especially while tackling and preventing asymmetric threats like piracy, arms-, drugs- and human trafficking.

The Strategy reaffirmed that the centrality of relations and defence ties with countries in the IOR for India would be strengthened within its time frame. The Indian Navy was also tasked to pursue closer partnerships and mutually beneficial relationships with the USA and Japan. At the same time, the rise of China and its attempts to return to the Indian Ocean after 600 years,[813] constituted another phenomenon of the beginning of the century, recognized in the Strategy as a significant one.

Continuing and deepening the considerations of the Indian Navy missions (military, diplomatic, constabulary and benign) contained in the Doctrine, the Strategy stressed that the range of operations applied by maritime forces became wider due to the increased mobility, three-dimensional capability, reach, versatility and sustained presence. Discussing the missions of the Indian Navy, the Strategy Strategic pointed out the deterrence of war, both nuclear and conventional, as critical in the 21st century. In the mission of building deterrence, reaching out to maritime partners or collaborating with friendly IOR nations played a vital role.[814] Apart

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[811] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.60
[812] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.40
[813] M. H. Rajesh, *China in the Indian Ocean. One Ocean, Many Strategies*, Pentagon Press, New Delhi 2018, p.82
[814] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.77

from the "No First Use" principle (NFU)[815], the Strategy continued the traditional concept of the forward presence with the intention to:

- "Demonstrate India's commitment to regional stability;
- Gain familiarity with overseas operational environments;
- Keep the area of interest under surveillance;
- Promote interoperability among the forces of friendly nations."[816]

Building partnerships is a mechanism for enhancing the credibility of India's deterrence and dissuasion. Enhancing interoperability with regional and extra-regional navies will also result in the prevention of mutual interference. That intention should not be misinterpreted by IOR countries as another attempt of India to turn the Indian Ocean into "India's Ocean," as it happened in the 1980s in the context of the earlier mentioned Sri Lanka and Maldives engagements. Following the philosophy presented in the Doctrine, the 2007 document drew attention to the necessity of "the benign and non-intrusive nature"[817] of endeavours, endeavours undertaken in concerted efforts.

Among the key drivers enhancing those efforts were: the solid political will supported by cooperation initiatives; establishing and retaining influence over India's maritime neighbourhood "to wean away from the increasingly pervasive influence of states hostile to Indian interests."[818] According to the Doctrine, warships, as instruments of maritime diplomacy, should: project power and show presence, catalyse partnerships, build trust and create interoperability through combined operations and international maritime assistance. Naval diplomacy was to focus on maritime cooperation, comprising actions undertaken after mutual consent.

The Indian Navy adjusted its structures to the prerequisites of maritime cooperation, expressed through several aspects like strategic defence security cooperation, defence industry, technology cooperation, and navy-to-navy cooperation. Deliberating the role of maritime cooperation within the IOR, the document assigned the following tasks to the Indian Navy to perform:

- Shaping a favourable maritime environment in the IOR for operations in peace as well as during conflict;

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[815] The NFU was introduced by India in 1998 after the Pokhran –II nuclear bomb tests and reconfirmed in 2003. For more details see in *Cabinet Committee on Security Reviews Progress in Operationalizing India's Nuclear Doctrine*, Prime Minister's Office, New Delhi 4th January 2003, https://www.archive.pib.gov.in, access 04.04.2020

[816] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.81

[817] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.86

[818] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.87

- Preventing incursions by powers inimical to India's national interests by actively engaging countries in the IOR littoral and rendering speedy and quality assistance in fields of interest to them;

- Engaging extra-regional powers and regional navies in mutually beneficial activities to ensure the security of India's maritime interests;

- Projecting the Indian Navy as a professional, credible force and the primary tool for maritime cooperation;

- Ensuring the Safety of Indian Seaborne Trade in the Indian Ocean and Beyond.[819]

The last task was especially emphasized in the Strategy as an element of the top priorities for foreign naval cooperation. The nine critical straits in the IOR, serving as strategic connections with other oceans or between the sub-regions, play a key role in the safety of Indian seaborne trade. The development of cooperation with countries located astride maritime choke points in the IOR should be considered first in all the plans. India's excellent political and trade relations with those countries of Southeast Asia and Africa, the largest trading partners, should be cultivated and continued. "It is imperative that India would be further engage with all those countries that are important sources or destinations of our seaborne trade beyond the IOR."[820] Joint anti-piracy, anti-terror, and anti-trafficking operations with IOR littorals were mentioned in the Strategy as critical tasks for India, "as the major regional power in the IOR, duty-bound to improve the maritime security environment in the region."[821]

In developing the concepts contained in the Doctrine and building on the experience after the 2004 tsunami, the Strategy devoted significant attention to humanitarian assistance and disaster relief (HADR), non-combatant evacuation operations (NEO), hydrography, and strategic communication with partners from IOR. The document stressed that the Indian Navy had to provide humanitarian assistance, surveys, training assistance, and hardware supply to friendly countries in IOR. In the context of evacuation operations, the Indian Diaspora was mentioned, extensively present in all countries of IOR, serving as proof of India's active trade and people-people policies.

In order to fulfil tasks in all discussed spheres, understanding the undergoing revolution in maritime affairs and that security agendas became comprehensive and holistic in the 21st century, the Strategy outlined the programme of building the capacities of the Navy. The emerging challenges posed by geopolitics, new technologies, and concepts of movements under

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[819] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.83
[820] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.89
[821] *Freedom to Use the Seas: India's Maritime Military Strategy*, op. cit., p.91

the conditions of war and peace all those facets forced Indian naval strategists to create a concept of technological build-up covering naval performance with the full spectrum of missions at sea. They reaffirmed their commitment to the concept of self-reliance and indigenisation, especially in relation to naval shipbuilding and sharing responsibilities with private industry.

Building India's Navy capabilities are needed to enhance technological strengths in engineering, electronics, space, and Information Technology. With awareness of the technological gap with the USA, Russia, Japan, and South Korea, and to avoid a perpetual tail chase, the Indian Navy opted for leapfrogging technologies and partnerships with leading players to bridge that gap. The geographical extent of the naval operational space in terms of priority areas in IOR included in the Strategy forced the authors to include in the document the programme of investments, among others, in satellite-based surveillance technologies, networking technologies to provide high-speed ample bandwidth connectivity for sharing multimedia data with requisite security overlays. They emphasized the urgency of deepening maritime domain awareness (MDA) among all state institutions in order to apply a holistic approach towards developing the Navy's capacities and fulfilling all the comprehensive duties and tasks incumbent on it.

The investigation after November 26th, 2008, terrorist attack on Mumbai city infrastructure, which showed that the terrorists came from the sea, triggered another wave of debate[822] on naval strategy and the necessity of expanding MDA, including preparedness of all maritime-related institutions towards asymmetric threats, as well as the significance community-engagement. As the first result of that debate, the coastal security responsibilities were transformed into a "Whole-of Government approach."[823] The allocation of coastal security responsibilities was extended to all stakeholders across multiple levels of maritime governance in India.[824] The second result was the publication of the revised (and a more detailed) version of the Maritime Doctrine in 2009. With the increased emphasis on maritime affairs knowledge, the document's goal was to serve to "enhance awareness about India's

[822] H. Das, *Coastal Security in India: Twelve Years After '26/11'*, National Maritime Foundation, New Delhi 1st December 2020, https://maritimeindia.org/coastal-security-in-india-twelve-years-after-26-11/?msclkid=6d0696 cebcce11ecaab05d620b42ab67, access 04.04.2021; S. Sen and U. Dutta, *They Came by Boat: The 2008 Terrorist Attack on Mumbai* in A. M. George et al. (Editors), *The Culture and Crisis Communication: Transboundary Cases from Nonwestern Perspectives*, Wiley-IEEE Press, Hoboken 2017, pp.119-135; RS Vasan, *Terror from the Sea. Maritime Dimensions of Mumbai Terrorist Attacks on 27th November 2008*, Strategy and Security Studies : Brief No.3, Centre for Asia Studies, Chennai 2008, https://www.academia.edu/3196427/ Terror_from_the_Sea _Maritime_ dimensions_of_Mumbai_terrorist_attacks_on_27th_November_2008, access 05.04.2021
[823] H. Das, *Coastal Security in India: Twelve Years After '26/11'*, op. cit., p.1-2
[824] Ibidem

maritime environment and interests, and provide the fundamentals for readiness and response planning."[825] The Doctrine stressed that the Indian Navy had a pivotal role to play in meeting the maritime components of the 21st-century challenges, which had been increasing in both scale and scope. The document also made a review of the implementation of the 2007 version.

The Indian Navy played a proactive role in the maritime domain, including the benign role of providing rapid and large-scale humanitarian aid to areas and countries in IOR affected by natural disasters. As an example of consistent implementation of provisions of the Doctrine and the Strategy, the launch of the Indian Ocean Naval Symposium (IONS) initiative to address common concerns of IOR navies in 2008 was mentioned. The Indian Navy began anti-piracy patrols off Somalia in October 2008. The Doctrine pointed to the steps taken by the Navy to safeguard mercantile trade from pirate attacks in the western Indian Ocean. The actions to enhance maritime and coastal security in coordination with other central and state security forces were present. The document put stress on the necessity of the continuation of the joint patrols of the Indian Navy, supporting lawful activities at sea by regular patrolling in the areas of India's interest.[826]

When the Indian Navy published its new Maritime-Security Strategy document in 2015, the Doctrine was accordingly updated in an online version with minor changes, but its title remained Indian Maritime Doctrine-2009. The revised Strategy was titled "Ensuring Secure Seas: Indian Maritime Security Strategy," changing the character of the strategy to more dynamic and forward-looking, showing the regional partners that India took care of not only its own but also the common interests of other IOR littorals. The title also had a domestic dimension in its meaning and resonance. First, the methodological one emphasizes the qualitative and quantitative rise in sources, types, and intensity of threats, with traditional and non-traditional sources requiring a holistic approach towards maritime security. Second, explanatory and political - in order to provide 'freedom to use the seas' for India's national interests, it was necessary to ensure that the seas remained secure. The expanded outlook, reflected in the title, also stressed the undying timeliness of the need to extend the mandate and increase the budget of the Indian Navy, "which has been entrusted with the responsibility for overall maritime security, including coastal and offshore security."[827]

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[825] *2009 edition of Indian Maritime Doctrine released*, Net Indian News Network, New Delhi, August 28, 2009, https://www.netindian.in/news/national/2009-edition-indian-maritime-doctrine-released?msclkid=9cf38c74bce411ecbe77339591c90ed3, access 20.09.2018

[826] *Indian Maritime Doctrine 2009*, Integrated Headquarters, Ministry of Defence (Navy) Standard Press (India) Pvt. Ltd, Sivakasi 2009, p.5

[827] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.3

As a logical consequence of the title, the revised Strategy brought several significant changes in the vision of the scope and character of the mission of the Indian Navy in the Indian Ocean. The scope of India's maritime interests was augmented east-, south- and westwards. The boundary of India's primary areas of interest was drawn in a straight line from the Cape of Good Hope to the end of the Indonesian Archipelago with Ombai-Wetar Straits in the South and extending to the East coast of Africa and the Suez Canal, thus encompassing the most important sub-regions and SLOCs of IOR.[828] The areas of the South-West Indian Ocean and the Red Sea were moved to priorities.[829]

There was a reshuffle of places among old prime areas, with the Persian Gulf countries and maritime routes and straits coming on first place, overtaking the choke-points of the Indian Ocean, due to the growing significance of the Gulf as a critical source of India's hydrocarbon imports and labour provider for seven million expatriate Indians. As per secondary interests areas, they covered the whole Western and North-western Pacific Ocean, from Bering Strait up to the coast of Antarctica on the border of the Indian and South Oceans.[830] The area of India's interests included seas and coasts located in China's jurisdiction and beyond its jurisdiction, like the South China Sea and the East China Sea, and the disputed islands and parts of the basins. It constituted a response and a confirmation of the clear signal from the document's title towards China's activities in the neighbourhood of India within the New Maritime Silk Road.

India noticed "a growing sense of uncertainty among regional navies as to whether India is taking note of these changes and, more importantly, if New Delhi will re-align its policies based on these developments."[831] The United States, Japan, and Australia had realized the role India could play in the evolving security architecture. However, there was no clarity on New Delhi's intentions.[832] At the same time, "India's ASEAN friends have voiced their disappointment in New Delhi's lack of naval and political presence in the South China Sea, against the backdrop of a rising China."[833] Although the Strategy did not name China directly as a threat or the trigger of the changes in the areas of interest.

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[828] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.32

[829] Ibidem

[830] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.32

[831] D.M. Baruah, *India's Evolving Maritime Strategy. India shifts its focus from 'using' to 'securing' maritime security in the Indo-Pacific*, The Diplomat, https://thediplomat.com/2015/12/indias-evolving-maritime-strategy/, access 03.04.2019

[832] Ibidem

[833] D.M. Baruah, *India's Evolving Maritime Strategy. India shifts its focus from 'using' to 'securing' maritime security in the Indo-Pacific*, op. cit.

Another major change in the Indian perspective on the geographical scope of secondary interests was broadening the secondary area of interest beyond IOR, to the Western coast of Africa and the Mediterranean Sea.[834] That meant the extending the Navy's duties to secure all strategic routes linking India and Europe, responsible for 95% of trade between them,[835] and the development of security of cooperation with all the African littorals. The map presented in the Strategy[836] indicated not only the span of a new area on India's maritime interests but also the largest oil and gas investments around the world, showing the scope of diversification in terms of energy security and the expanding potential expectations for the Indian Navy to operate in the global scale.

With reference to the changes in the Strategy made in 2015, it is important to emphasize that the document mentioned India as a "net security provider in the maritime neighbourhood"[837], in the context of its footprints like deployments for anti-piracy, maritime security, non-combatant evacuation operations (NEO) and humanitarian assistance and disaster relief (HADR) operations. The explanation of the term "net security" described it as "the state of actual security available in an area, upon balancing prevailing threats, inherent risks and rising challenges in a maritime environment, against the ability to monitor, contain and counter all of these,"[838] "with the aim to promote security and stability at sea, and enhance cooperation, mutual understanding, and interoperability with maritime forces of friendly nations."[839]

The Strategy did not indicate the geographical extent of the meaning of "maritime neighbourhood" in relation to its aspirations to play a major role in IOR. From the qualitative angle, contrary to the term "net security provider", promoted by the United States and "increasingly used among policymakers and analysts"[840] since 2009, the Strategy saw India's regional role as a "provider of net security" rather than a "net provider of security".[841] In line

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[834] *Ensuring Secure Seas: Indian Maritime Security Strategy*, op. cit., p.32

[835] *Somalia: Piracy, Failed State Status, and the Impact on Global Trade*, European Center of North Carolina, EU Briefings, July 2011, p.1, https://europe.unc.edu/wp-content/uploads/sites/314/2016/11/Brief_Somalia_Piracy_Global_Trade_2011.pdf, access 15.04.2020; and *Shipping Industry and Ports in India*, India Brand Equity Foundation (IBEF), https://www.ibef.org/industry/ports, access 15.04.2022

[836] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.34-35

[837] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.8

[838] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.80

[839] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.11

[840] G. Khurana, *India's Maritime Strategy: Context and Subtext*, Maritime Affairs: Journal of the National Maritime Foundation of India, 2017, Vol. 13, No. 1, p.16

[841] Ibidem

with the assumptions of the Doctrine, Indian strategists have consistently tried to erase bad memories from the 1980s and avoid accusations of pursuing hegemonism or imitating the US in its maritime policy.

One of them, Gurpreet Khurana, drew attention to one more premise rooted in the religious layer, calling it the "mantra of Ahimsa."[842] As he stressed, referring to the Hindu epic "Mahabharata" and the story wherein Lord Krishna prods the Pandavas to resort to arms against their cousins Kauravas as a karma (sacred duty) only when it becomes an inescapable option, the harmony and peace, also with the neighbours, have always been the basis of Indian civilization's societal ethos.

That *semiotic* approach based on the religious and customary narratives could be utilized for a further methodological interpretation of the Strategy in relation to India's role and interests in IOR. Without mentioning its most important strategic partners in various spheres of maritime governance, like the US in the case of security and China in the case of the economy, India clearly indicated that the main goal of the Strategy has been to ensure strategic autonomy in IOR, based on cooperation with partners from the region and outside the region, keeping the balance between the USA and China, between competition and cooperation, to avoid involvement neither in the close alliance nor open confrontation. "The prevailing geo-strategic environment is characterised by simultaneous competition and cooperation, resulting in the blurring of conventional divisions. Nations with vastly differing international views and divergent national interests can be significant trade partners today, and share many areas of convergence."[843]

Another novelty in the Strategy was the term maritime governance, which appeared for the first time in an Indian official document.[844] The inclusion of that term could be interpreted as the continuation and development of the assumptions of Indian strategists, contained in previous documents, showing the progressive interdependence between the areas of maritime governance and the necessity of a comprehensive approach to all spheres of India's activities at sea related to the Navy's tasks. Maritime governance was described as "the structured and coordinated actions to govern the maritime domain under India's jurisdiction, with multiple agencies and functions involved"[845], including various aspects of policies, interagency

[842] G. Khurana, *India's Maritime Strategy: Context and Subtext,* op. cit., p.17

[843] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.37

[844] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.122

[845] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.122

monitoring, and coordination, and legislative and regulatory framework, "which govern the conduct of various maritime activities that also bear upon maritime security."[846] The Strategy acknowledged the significance of maritime governance, as one of the critical contributors to maritime security, at the level of both coastal and offshore security. Therefore the document recommended the Indian Navy continue to participate in various mechanisms and contribute to measures aimed at strengthening maritime governance.

The Strategy continued the discussion on the capability of the Navy with a special focus on the nuclear-powered ballistic-missile submarines (SSBN), as an important part of India's nuclear deterrence. "The Indian Navy will operate the SSBN to reinforce nuclear deterrence, supported by corresponding operational capabilities and procedures for optimal deployment, in keeping with national policy."[847] The question of the size of the nuclear–powered submarines fleet did not only relate to deterrence but also to India's broader areas of interest as outlined in the Strategy. Only nuclear attack submarines (SSN) had the range and technical capabilities enabling them to reach remote corners of the Indo-Pacific region and monitor the situation while remaining for up to six months outside the home port. Another factor triggering the modernisation and expansion of the SSBN and SSNs was the assertiveness as well as the developing span of China's Navy activities in the Indian Ocean, including the establishment of service centres in the neighbourhood of India, including Pakistan, which caused anxiety in New Delhi. Although neither China nor Pakistan was named as a threat in the Strategy, but the description of features in the document indicated both of India's neighbouring countries.

The documents published by the Indian Navy in the 21st century in the form of doctrines and strategies introduced a new quality in the maritime security discourse in India and have made a critical impact on approaches toward the maritime domain among decision makers at the central and local levels. The tragic events that took place in 2004 and 2008, in the form of natural disasters and terrorist attacks, as well as the dynamics of geopolitical changes in IOR, including the rise of China, further strengthened the impression of the accuracy of the image and the relevance of the arguments for the implementation of the programmes presented in the documents.

In 2019 the debate started on the new document – the National Maritime Policy (NMP) and was not finished until the end of 2022. Admiral Pradeep Chauhan, director general of the National Maritime Foundation, the Indian Navy think-tank, emphasised the necessity of a

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[846] Ibidem

[847] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.48

coherent approach in the National Maritime Policy, mentioning the interconnected areas in the maritime domain and describing them as principal maritime interests of India:

1. Protection from sea-based threats to India's territorial integrity;

2. Ensuring Stability in India's maritime neighbourhood;

3. Creation, development, and sustenance of a 'Blue' Economy, incorporating:

(a) The preservation, promotion, pursuit and protection of offshore infrastructure and maritime resources within and beyond the Maritime Zones of India (MZI);

(b) The promotion, protection and safety of India's overseas and coastal seaborne trade and her Sea Lines of Communication (SLOCs), and, the ports that constitute the nodes of this trade; and

(c) Support to marine scientific research, including that in Antarctica and the Arctic;

4. The provision of holistic maritime security — i.e., freedom from threats arising 'in' or 'from' the sea;

5. Provision of support succour and extrication-options to the Indian Diaspora;

6. Obtaining and retaining a regionally favourable geostrategic maritime-position."[848]

The transition from a 'Brown Economy' to a 'Blue Economy' and maritime security in a broad modern sense are interdependent and serve, from his perspective, as the pillars of the National Maritime Policy of India. In his vision document, admiral Chauhan mentioned major challenges to be faced by the Indian Navy till 2050:

1. "the accelerated militarisation of space;

2. increased militarisation of the underwater domain;

3. a rapid spread of minimally-manned, unmanned-, semi-autonomous and fully-autonomous vessels operating upon-, under- and over the sea;

4. the replacement of explosive-ordnance by electromagnetically-driven kinetic ordnance;

5. the replacement of kinetic energy weapons by directed-energy ones;

6. a revival of lighter-than-air ships in large-load-long-endurance (L3E) configurations;

7. an increasingly ubiquitous impact of climate-change."[849]

India pursued its vision of the Indian Ocean Region based on international cooperation and compliance with international law, covering all the spheres of maritime governance,

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[848] P. Chauhan, *India's Proposed Maritime Strategy*, National Maritime Foundation, New Delhi 3 February 2020, https://maritimeindia.org/indias-proposed-maritime-strategy/, access 31.01.2023

[849] P. Chauhan, *India's Proposed Maritime Strategy*, op. cit.

including security issues, in a new broader meaning. The following sections will explore how the Indian Navy implemented that vision and the programmes in cooperation with the civilian authorities in India, as well as regional and extra-regional partners.

4.2. Naval Policy of India – evolution after the end of the Cold War

The consistent strategy and the coincidence of favourable events helped the USA to weaken the global political and economic role of the Soviet Union and resulted in the end of the Cold War. Some of those events took place in the Indian Ocean Region - the failure of the USSR's occupation of Afghanistan and the defeat of Iraq, a Soviet ally serving as a balance to Iran, in its war against Kuwait. "With the winding down of the Cold War (…), the Soviet Navy withdrew from the Indian Ocean, leaving the US Navy as the predominant naval power."[850]

At the same time, at the beginning of the 1990s, the Indian Navy had already become the most extensive sea power among the IOR's littorals as a consequence of the implementation of the strategy started in 1968, after the British announcement of withdrawal of the armed forces "East of Suez" and Bangladesh independence war 1971, as well as the primary assumptions of the strategist in the prime minister Jawaharlal Nehru time. Following Panikkar and Blackett's recommendations, the Indian government announced in 1948 "A Naval Plan Paper," where the ten-year strategy was presented.[851] Authorities in New Delhi decided to build its own shipyards and develop sixty-nine ship navy, as under the British reign the Royal Indian Navy was limited to the coastal fleet.[852] Two years later, in a changed "Naval Development Plan" the planned size of Navy was reduced to 47 ships[853] , due to the changes in the security strategy related to the existing conflict with Pakistan over Kashmir and emerging conflict with China questioning the border delimited by MacMahon and legally sanctioned by the Treaty of Shimla between the British Raj and Tibet. The urgency of economic development served as another significant constraint.[854] That attitude changed in the 1970s and 1980s only, when the number of vessels like submarines, aircraft carriers and frigates doubled.[855] The share of the Navy in the military

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[850] *Transition to Eminence. The History of Indian Navy 1976-1990*, p.5, https://www.indiannavy.nic.in/sites/ default/files/ Transition-to-Eminence-07Apr16.pdf, access 29.01.2022
[851] S.P. Cohen and S. Dasgupta, *Arming without Aiming: India's Military Modernization*, Brookings Institution Press, Washington, D.C. 2010, p.74
[852] Ibidem
[853] Ibidem
[854] Raju G. C. Thomas, *The Armed Services and the Indian Defense Budget*, University of California Press, Asian Survey, March, Vol. 20, No. 3, 1980, p. 281
[855] A. K. Singh, op. cit., p. 141

budget also increased from 3-4% in the 1960s to 10% in the 1980s.[856] Indian Nay underwent not only qualitative but also quantitative changes - the Coast Guard was established in 1977, taking responsibilities for struggling with the growing piracy and smuggling in Indian waters.

Those changes supported India's endeavours in building its new status after the Cold War. "For the first time in the history of the Indian Ocean, India, a littoral country, has emerged in the region extending from the coast of Africa to Malaysia as the largest, most stable, democratic, populous, multi-ethnic nation, whose modern Navy is being looked at for its potential to contribute to maritime stability."[857] That contribution was especially expected in relation to "the northern half of the Indian Ocean."[858]

Taking into consideration geopolitical and energy security factors the modernization of the Indian Navy has been an essential imperative, especially in relation to submarines, including nuclear –powered,[859] as well as aircraft carriers and radars as land-based airpower due to the territorial extent of the country with the Andaman and Nicobar Islands located 1220 km away from the mainland.[860] The modern concept of maritime security is based on the capacity to protect sea areas under and beyond the jurisdiction of the state and additionally to prevent criminal activities at sea like smuggling, illegal fishing, or terrorist attacks.[861]

India's Indian Ocean strategy involved o building up and modernizing its navy to such an extent that it poses a minimum but credible deterrence against Pakistan and China, as well as combat readiness in the face of new non-linear threats. At the beginning of the 21st century, India's maritime neighbours like Indonesia and Sri Lanka, located along the key Indian Ocean sea routes, and most exposed to non-linear threats posed by piracy and terrorism, did not possess such capabilities.[862] South East Asia, South Asia, and the East African coast were considered hotspots of piracy, with more than half of the worldwide reported attacks.[863]Illegal fishing formed another illicit but less dangerous activity in the waters surrounding India, which required new naval responses and unique capabilities.

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[856] R. Basrur, A.K. Das, M.S. Pardesi (Editors), *India's Military Modernization. Challenges and Prospects*, Oxford University Press, Oxford 2014, p.36
[857] *Transition to Eminence. The History of Indian Navy 1976-1990*, op. cit., p.29,
[858] *Transition to Eminence. The History of Indian Navy 1976-1990*, op. cit., p.30
[859] A. K. Singh, *India's Security Concerns in the Indian Ocean Region*, op. cit., p.143
[860] A. K. Singh, *India's Security Concerns in the Indian Ocean Region*, op. cit., p.145
[861] S. Chandra, *Indian Ocean Islands and Littoral – Conflict and Cooperation*, Journal of Indian Ocean Studies, Vol.9 No. 1, April 2001, p.6
[862] V. Sakhuja, *Asymmetric Warfare and LIMO: Challenges For Indian Navy*, ORF Occasional Paper, p.11, https://www.orfonline.org/research/asymmetric-warfare-and-low-intensity-maritime-operations-challenges-for-indian-navy/ , access 20.03.2021
[863] V. Sakhuja, *Asymmetric Warfare and LIMO: Challenges For Indian Navy*, ORF Occasional Paper, op. cit. p.12

Vijay Sakhuja argued that the new type of operations – Low-Intensity Maritime Operations (LIMO) – should be a new instrument when facing all such new non-traditional challenges for the maritime security of India.[864] For this purpose, despite the fact that 60 per cent of the ships were designed for the growth of the blue-water capacity of the Indian Navy, the platforms for coastal operations would become more important. This augmentation of the Navy's 'brown-water' capacity became more exigent after the Mumbai terrorist attack carried out by Pakistan-based operatives in November 2008.

The fall of the USSR, the supplier of over 80% of Indian weapons platforms[865] and a strategic partner, disrupted spare parts supply and temporary cuts in the budget due to the surge in prices.[866] It was one of the key determinants of the shift towards the closer cooperation with the USA and the acceptance of the 1991 Lt. Gen. Kicklighter's Proposals, the Army commander at the U.S. Pacific Command.[867] He suggested establishing contacts between the three Services to promote exchanges and explore areas of cooperation. The Navy leadership convinced the government in New Delhi and "was the first to develop a regular rotation of mid-level officers to American war colleges."[868]

With the USA as a valued political and economic partner and regional stabiliser, under circumstances of growing tendencies of multipolarity and the growth of asymmetric threats at sea, India's naval policy had to be changed after the attempt to impose "Pax Indica"[869] in the neighbourhood in the 1980s with the missions in Sri Lanka and the Maldives. In the absence of the great power rivalry, necessity to find its significant place in new global maritime conditions, the strategies of sea denial mixed with sea control[870] and Peninsular Sea Control from the 1980s were transformed into Extra-Peninsular Zones of Influence[871] and Strategic Autonomy[872],

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[864] Interview with Vijay Sakhuja

[865] S. P. Cohen, S. Dasgupta, *Arming without Aiming: India's Military Modernization*, Brookings Institution Press, Washington D.C. 2010, p.22

[866] Russia continued to sell and lease modern naval weapons and technology to India at international market prices.

[867] R. Sood, *The India-US Defence Partnership is Deepening*, Commentaries, Observer Research Foundation, New Delhi 30.10.2020, https://www.orfonline.org/research/the-india-us-defence-partnership-is-deepening/, access 02.02.2021

[868] S. P. Cohen, S. Dasgupta, *Arming without Aiming: India's Military Modernization*, op. cit., p.90

[869] D. Brewster, *India's Ocean. The Story of India's Bid for Regional Leadership*, Routledge, Abingdon and New York 2014, p. 28

[870] R. Pillai Rajagopalan pointed out that "India continued to emphasise surface combatants, more suited to a sea control strategy than sub-surface capabilities that would indicate a sea denial focus"; see more in her chapter *India's maritime strategy* in A. Mukherjee and C.R. Mohan *India's Naval Strategy and Asian Security*, Routledge. Special Indian Edition, New York and Abingdon 2016, p.16

[871] A.J. Tellis, *Securing the Barrack: The Logic, Structure and objectives of India's Naval Expansion. Part 1*, Naval War College Review, Vol. 43 (1990), No. 3, Art. 7, p.92, https://core.ac.uk/download/pdf/236327484.pdf, access 01.02.2022

[872] D. Brewster, *India's Ocean. The Story of India's Bid for Regional Leadership*, op. cit., p.23

focused more on regional issues and cooperation in IOR. The new paradigm meant the change aimed at eliminating suspicions of ambiguous intentions with the hidden strategy to impose its hegemonic vision of the order in IOR. The basic premise of the new naval policy was to change the perception and develop cooperation and mutual confidence-building measures with not only neighbours from the South but also Southeast Asia. "Indian Navy has ended her age old policy of isolation and increased her diplomatic role manifold in the field of joint naval exercises with regional as well as external powers, naval assistance, disaster relief operations, material, and training assistance in IOR."[873]

The Look East policy, launched in 1991 by prime minister Narasimha Rao, constituted an Indian response to the disappointing results of the South Asian Association for Regional Cooperation (SAARC) and Southeast Asia accelerating the process of regional integration and economic growth. The states of India's neighbouring region began to seek a more extended and comprehensive institutional platform for common issues of security and economy. As a result, by the end of the 1990s, Laos, Cambodia, Myanmar, and Vietnam joined ASEAN. Myanmar's membership, an immediate India's domestically unstable neighbour by land and sea, was especially significant. Continuing the policy of a new approach towards Southeast Asia, India became the ASEAN Sectoral Dialogue Partner in 1992[874] and a full Dialogue Partner in 1995, as well as a member of the ASEAN Regional Forum (ARF), dedicated to security issues, in 1996. Participation of India in ARF has been vital for both sides in the context of non-traditional security issues, which became a core rallying point for all littorals of Malacca strait, facing the drastic rise in pirate and terrorist attacks. China's growing assertiveness in the South China Sea has also become a common challenge. The ARF programme of Confidence Building Measures (CBMs) and the development of preventive diplomacy corresponded to the naval policy objectives of India, building its position beyond South Asia.

The significant move on the Indian side in terms of a new naval policy was the announcement of the Gujral's doctrine in 1997, showing a transition "from an emphasis on reciprocity to unilateral concession and from a realistic thrust to a neo-liberal orientation."[875] With the focus on cooperation in regional infrastructure and trans-regional sea connectivity

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[873] S. Manivasakan (Editor), *India and Southeast Asia in IOR: Crystal Gazing*, Centre for South and Southeast Asian Studies, University of Madras, Chennai 2013, p.145

[874] A. Mohan, *India and the ASEAN: A Pivotal Relationship*, Ministry of External Affairs, Government of India, New Delhi 08.10.2013, https://mea.gov.in/in-focus-article.htm?22297/India+and+the+ASEAN+ A+Pivotal+ Relationship , access 02.02.2020

[875] S.S. Pattanaik, *Can India be a Security Provider to its Neighbours: Competing Interests, Dichotomic Expectations, Challenges and Constraints*, in S.D. Muni, V. Chadha (Editors), *Asian Strategic Review 2015*,.*India as a Security Provider*, Institute for Defence Studies and Analyses, Pentagon Press, New Delhi 2015, p. 37

India developed its maritime relations with closer and further neighbourhood, trying to serve as a leader of South Asian countries and avant-garde in trans-regional cooperation. The establishment of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) in 1997 was the further step to neutralise the failure of SAARC, blocked by the conflict with Pakistan over Kashmir. The same year, in cooperation with South Africa and ASEAN countries, India created the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC). "The establishment of BIMSTEC together with the IOR-ARC in 1997 proved the gradual shift in India's foreign policy and maritime security doctrine from regional, South Asian, to more global, covering the Indian Ocean as a whole scope."[876] Indian decision makers started to think about the Indian Ocean more as a binding factor than the vast separator.

They also realised the urgency of institutional cooperation with extra-regional partners. Japanese proposal of Arc of Freedom and Prosperity by Foreign Minister Taro Aso,[877] the outer rim of the Eurasian continent through diplomacy that emphasizes values, cooperating with NATO and working side by side, undertaking efforts in places from the Indian Ocean to Afghanistan."[878] Prime Minister Manmohan Singh accepted the concept during his visit to Japan. It led to the establishment of Quadrilateral Cooperation (QUAD) in 2007. QUAD was inactive in the first ten years of its existence due to the different concepts among partnering countries, especially India.

India's attitude was reticent towards deepening cooperation on terms presented by the US and Japan as an incipience of an "institutionalised (…) true security framework,"[879] with the main goal of deterrence against China, supposed to play a role of the "fabric" that could "counter the challenge that the Chinese Communist Party presents to all."[880] QUAD did not appear in the annual reports of Ministry of Defence of India.[881] In the annual reports of Ministry

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[876] T. Łukaszuk, *Indian and Australian Maritime Security Doctrines in the Indian Ocean Region in the 21st Century. Christian Bueger's Matrix of Maritime Security Approach*, Polish Political Science Yearbook, vol. 49(4), Toruń 2020, p. 113

[877] *Speech by Mr. Taro Aso, Minister for Foreign Affairs on the Occasion of the Japan Institute of International Affairs Seminar. Arc of Freedom and Prosperity: Japan's Expanding Diplomatic Horizons*, Tokyo, November 30, 2006, https://www.mofa.go.jp/announce/fm/aso/speech0611.html, access 20.10.2020

[878] *Speech by Mr. Taro Aso, Minister for Foreign Affairs on the Occasion of the Japan Institute of International Affairs Seminar. Arc of Freedom and Prosperity: Japan's Expanding Diplomatic Horizons*, op. cit.

[879] A. Rej, *Quad Foreign Ministers Meet in Tokyo Amid Post-Pandemic Concerns. The broadly similar meeting readouts do have noticeable accents.*, The Diplomat, October 7, 2020, https://thediplomat.com/2020/10/quad-foreign-ministers-meet-in-tokyo-amid-post-pandemic-concerns/, access 20.10.2020

[880] Ibidem

[881] *Annual Report 2007-2008*, Ministry of Defence, https://www.mod.gov.in/sites/default/files/AR8.pdf; *Annual report 2008-2009*, Ministry of Defence, Government of India, https://www.mod.gov.in/sites/default/files/AR-eng-2009_0.pdf, access 20.10.2019; *Annual Report 2018-2019*, Ministry of Defence, op. cit.

of External Affairs the activities within QUAD were reported in 2022 only.[882] Among the reasons underlying India's position the following should be mentioned:

- India did not want QUAD to be interpreted by China as the opening of a new frontier with China, as India had territorial disputes with Beijing on land borders;

- upholding its traditions of non-alignment India preferred to treat QUAD as a loose partnership rather than alliance;

- India opposed to including Australia in Malabar naval exercises as Australia was in favour of extending the role of the US Navy in the Indian Ocean which was contrary to the Indian doctrine of its strategic autonomy, as well as its "de-escalation efforts during in the aftermath of the Doklam."[883]

India's position gradually evolved towards approval of QUAD and deeper cooperation with the US, Japan and Australia after Chinese Navy re-entered the Indian Ocean in 2008 after 600 years,[884] and in 2013, its nuclear-powered attack submarine (SSN) made the first declared operational patrol in IOR.[885] India's diplomatic endeavours focused on reshaping the profile of QUAD to make it agenda broader than military one and more inclusive as per participating countries.

Understanding India's demands Australia "has played prominent roles in finalizing the IONS Charter,"[886] deepening its cooperation also in areas related to economy and climate change. In 2014 Australia signed document on Framework for Security Cooperation with India.[887]

Starting 2017 "QUAD engagements have increased and intensified (…) after several official level meetings."[888] Foreign Ministers met in Tokyo in October 2020,[889] but there was

[882] *Annual Report, 2021-22*, Ministry of External Affairs of the Republic of India, op. cit., p.24

[883] A. Sundaramurthy, *India Keeps Australia Out of the Malabar Exercise — Again What does India's decision mean for the Quad?*, The Diplomat, May 8, 2018, https://thediplomat.com/2018/05/india-keeps-australia-out-of-the-malabar-exercise-again/, access 12.10.2020

[884] B. Chellaney, *What are Chinese submarines doing in the Indian Ocean?*, Stagecraft and Statecraft, May 24, 2015, https://chellaney.net/2015/05/24/what-are-chinese-submarines-doing-in-the-indian-ocean-far-from-chinas-maritime-backyard/, access 12.10.2020

[885] S. Unnithan, *Exclusive: Indian Navy headless as Chinese nuclear sub prowls Indian Ocean*, India Today, New Delhi, March 21, 2014, https://www.indiatoday.in/india/north/story/indian-navy-chinese-nuclear-sub-indian-ocean-185695-2014-03-21, access 20.10.2020

[886] T. Łukaszuk, *Indian and Australian Maritime Security Doctrines in the Indian Ocean Region in the 21st Century. Christian Bueger's Matrix of Maritime Security Approach*, Polish Political Science Yearbook, vol. 49(4) (2020) p. 122

[887] Ibidem

[888] *Annual Report, 2021-22*, Ministry of External Affairs of the Republic of India, op. cit., p.149

[889] T. Madan, *This week's Quad ministerial meeting, in four charts*, Brookings, October 8, 2020, https://www.brookings.edu/blog/order-from-chaos/2020/10/08/this-weeks-quad-ministerial-meeting-in-four-charts/, access 20.10.2020

no joint communique. Four participating states published their individual statements. September 2021 the first in-person Quad Leaders' Summit hosted by US President Joseph Biden was attended by Prime Minister Narendra Modi [890] and the joint statement was released.[891] The document stressed the necessity to promote the free, open, rules-based order, rooted in international law. The cooperation of QUAD to end the Covid-19 pandemic, including by increasing production and access to safe and effective vaccines, was described as an historic new focus for the forum. The participants pointed out at the urgency of combatting the climate crisis will work together to keep the Paris-aligned temperature limits within reach. They pledged to contribute to the aim of achieving global net-zero emissions by 2050, taking into account national circumstances.[892] The statement was in line of India's concept of QUAD cooperation covering all the areas of maritime governance related to security.

India needed a stronger and well equipped modern Navy to implement the ambitious programmes and fulfill its aspirations after the end of the Cold War. The Indian Navy being the smallest of the three Services, has always received the least.[893] By the mid-1990s, India was preparing for a long-overdue major modernisation programme. [894]

In 1998 the Indian Navy, with a 12,73% share of the defence budget,[895] In 2002-03 the Navy crossed the 15% mark and received the highest ever allocation of 17.6% in 2003-04.[896] In 2012 the Navy's share of the Defence Budget reached 18% but then it declined to 13% in 2019-20.[897] At the same time, it is worth mentioning that India's overall defence spending has witnessed an average growth rate of 9% between 2010 and 2020.[898] In 2020, India became the second largest importer in defence procurement in the world after Saudi Arabia,[899] but contrary

[890] *Annual Report, 2021-22*, Ministry of External Affairs of the Republic of India, op. cit., p.11

[891] *Joint Statement from Quad Leaders* , The White House, September 24, 2021, https://www.whitehouse.gov/ briefing-room/ statements-releases/2021/09/24/joint-statement-from-quad-leaders/, access 20.11.2021

[892] Ibidem

[893] R. Ganguly, *India's Military: Evolution, Modernisation and Transformation*, op. cit., p. 193

[894] *India - Navy Modernization*, Global Security, 8.10.2008, https://www.globalsecurity.org/military/world/ india/in-navy-development.htm#:~:text=By%20the%20mid-1990s%2C%20India%20was%20preparing %20for %20 a,and%20the%20acquisition%20of%20four%20hydrographic%20survey%20ships., access 20.09.2022

[895] R. Roy-Chaudhury, *Indian Naval Expenditure in the 1990s*, Institute for Defence Studies and Analyses, New Delhi, 1998, http://www.idsa-india.org/an-aug8-1.html, access 02.02.2021

[896] M. Singh, *Modernisation of the Indian Navy – 2020*, Indian Defence Review, Vol 20.4 Oct-Dec 2005, http://www.indiandefencereview.com/spotlights/modernisation-of-the-indian-navy-2020/2/, access 30.01.2022

[897] A. Bhalla, *Navy's modernisation plans take a blow with massive fund crunch*, India Today, Dec 3, 2019, https://www.indiatoday.in/india/story/navy-s-modernisation-plans-take-a-blow-with-massive-fund-crunch-1624 872-2019-12-03, access 20.04.2020

[898] A. Bhatnagar, *India's defence spending in 7 charts*, The Times of India, Jan 30, 2021, https://timesofindia. indiatimes.com/india/indias-defence-spending-in-7-charts/articleshow/80600625.cms, access 10.12.2022

[899] *Trends in International Arms Transfers, 2020*, SIPRI Fact Sheet, March 2021, https://sipri.org/sites/ default/files/2021-03/fs_2103_at_2020.pdf, access 20.09.2021

to the army and air force the Navy since India's modern statehood has been focusing on building own shipbuilding capacity.[900]

Since 1978 and the announcement of twenty-year modernisation plan, India's naval capacity was determined mainly by the cooperation with the Soviet defence industry, which extensively supported the development of indigenous warship production in shipyards of Mazagon Docks Mumbai, Garden Reach and Hoogly Docking, and Engineering Works Ltd in Calcutta , Hindustan Shipyard Ltd in Vishakhapatnam and Goa. The indigenous shipbuilding achievements in the late 1970s and 1980s were among the key factors which built up the regional strength of the Indian Navy.[901] "A large share of the navy's budget went towards the purchase of Soviet-made anti-submarine frigates, naval patrol boats, and diesel/electric submarines."[902] After the end of the Cold War (1994-2000), the Navy placed orders in Russia for an aircraft carrier, two submarines, and three frigates.[903] Russian's strategy of changing the conditions of procurement, including price, started the process of gradual decoupling from

Table 6 : India's Naval Fleet Principal Vessels 1991-2021

	1991[904]	**1995**	**2000**	**2005**	**2010**	**2021[905]**
Submarines	15	19	18	14	14	16
Aircraft Carriers	2	2	1	2	2	3[906]
Destroyers	5	5	7	7	7	10
Frigates	21	14	12	10	10	17
Total	28	40	38	33	33	46

Source :1995-2010 - R. Roy-Chaudhury, India's Maritime Security, Knowledge World and IDSA, New Delhi 2000, p.130; 1991, 2022 - The Military Balance 1992-1993, 2021, the International Institute for Strategic Studies, London 1992, 2021.

[900] S.P. Cohen and S. Dasgupta, *Arming without Aiming: India's Military Modernization*, op. cit., p.88

[901] *Transition to Eminence. The History of Indian Navy 1976-1990*, op. cit., p.52

[902] R. Ganguly, *India's Military: Evolution, Modernisation and Transformation*, India Quarterly, SAGE Publications, Indian Council of World Affairs (ICWA) 71(3), New Delhi 2015, p.193, https://www.researchgate.net/publication/282516217_India%27s_Military_Evolution_Modernisation_and_Transformation, access 30.01.2022

[903] S.P. Cohen and S. Dasgupta, *Arming without Aiming: India's Military Modernization*, op. cit., pp.90-91

[904] *The Military Balance 1992-1993,* Brassey's for the International Institute for Strategic Studies, London 1992, pp. 131-132

[905] *The Military Balance 2021,* Routledge for the International Institute for Strategic Studies, London 2021, pp.261-262

[906] The third aircraft carrier in the fleet, the first Indian indigenous aircraft carrier, INS Vikrant, was built 2013 – 2021; Vikrant completed Sea Trials in November 2021 and was commissioned in September 2022; after: T. Ozberk, *Indian Navy Commissions Indigenous Aircraft Carrier "INS Vikrant"*, Naval News, 02.09.2022, https://www.navalnews.com/naval-news/2022/09/indian-navy-commissions-ins-vikrant/, access 20.12.2022

naval orders from Moscow and deepening the believe of necessary fastening of progress in indigenous manufacturing.

To meet those goals, the Parliamentary Standing Committee prepared 2012 a plan where it envisaged the following objectives :

1. "Development of maritime surveillance, strike, anti-submarine warfare (ASW) and air defence potentiality;

2. Building adequate stand-off capability for sea lift and expeditionary operations to achieve desired power projection force levels, influence events ashore and undertake military operations other than war;

3. Inducting assets and develop suitable infrastructure to augment forces available for law intensity maritime operations, protection of off-shore assets and coastal security;

4. Inducting force multipliers like satellite based global communications, reconnaissance and network enabled platforms to achieve battle-space dominance capability and perform network centric operations;

5. Inducting state-of-the-art equipment and specialised platforms for special forces to enhance niche capabilities;

6. Development of support infrastructure in island territories to support the planned force levels as well as support infrastructure for ships/submarines/aircrafts at ports and airbases."[907]

The growing urgency of capacity build-up prompted the publication of the Maritime Infrastructure Perspective Plan and Indian Naval Indigenisation Plan (INIP) in 2015, with the programme for development until 2030.[908] The Navy's Maritime Capability Perspective Plan (MCPP) was published the same year. It provided for 200 ships by 2027 from the strength of 137.[909] Ambitions to possess 200 ships in the fleet by 2027 were limited to 170 ships in 2021.[910] MCPP provided certain projects for Indian shipyards both state-owned and private:

- Aircraft Carrier Program – IAC-1 – INS Vikrant (commissioned in 2022)
  and IAC-2 – INS Vishal (planned to be commissioned by 2030):

[907] S.C. Narang, *Modernisation of India and China Defence*, Prashant Publishing House, New Delhi 2015, pp.47-48

[908] *Ensuring Secure Seas: Indian Maritime Security Strategy*, Integrated Headquarters, Ministry of Defence (Navy), New Delhi 2015, p.128

[909] K. Narula and N. Agarwala, *Classification Rules for Naval Warships: Heralding a Change*, National Maritime Foundation, New Delhi 26 August 2015, p.1, ww.maritimeindia.com, access 17.04.2020

[910] *India's Naval Modernisation: Implication in the Indo-Pacific Power Structure*, Financial Express, December 4, 2021 , https://www.financialexpress.com/defence/indias-naval-modernisation-implication-in-the-indo-pacific-power-structure/2381852/?msclkid=954926fdbe8611eca4ce629eeab269a1, access 02.02.2022

- seven stealth frigates with helicopters;
- three follow-on Delhi class guided missile destroyers;
- eight Mines Counter Measures Vessels (MCMVs);
- 16 shallow water ASW crafts;
- five amphibious ships;
- six advanced stealth submarines;
- six nuclear powered attack submarines (SSN) and four nuclear powered submarines with nuclear-tipped missiles (SSBN).[911]

India has a sustainable shipbuilding capability, being among the few in the world which have the ability to construct unique naval platforms like aircraft carriers and submarines.[912]. Facing a complex three-dimensional threat from Air, Surface, and Sub-surface, each of the naval platforms plays a vital role. In the last thirty years India significantly increased the number of submarines, anti-submarine frigates, and aircraft careers (Table 6) and would continue the development of its naval capacity in cooperation with its traditional and new strategic partners (France, Germany, Russia, South Korea, the USA).

Four naval commands in Mumbai, Visakhapatnam, Kochi, and Port Blair also play a significant role in India's security endeavours in the Indian Ocean Region. The navy planned construction of a new naval base near Rambilli on the Seemandhra coast close to Visakhapatnam, the headquarters of the Eastern Naval Command. The base will have underground pens to protect nuclear submarines from spy satellites and enemy air attacks. The Karwar naval base on the western coast would be developed to decongest the Mumbai port. The new ports will provide the Indian Navy with the ability to project substantial force in the Arabian Sea, the Bay of Bengal and the Indian Ocean.[913]

4.3. India's activity in maritime security - case studies

4.3.1. Sea lines of communication

Sea lines of communication are the oldest existing in the oceans and after the end of the Cold War they became the busiest, facilitating the rapid economic growth of Asian economies, including India. Estimated 100,000 vessels transit through the Indian Ocean annually.[914] The

[911] S. Ramsay, *Indian Navy's Acquisition and Modernisation Plans*, Naval Forces, 02-2018, https://www.spsnavalforces.com/story/?id=509, access 20.12.2022

[912] *India's Naval Modernisation: Implication in the Indo-Pacific Power Structure*, Financial Express, op. cit.

[913] R. Ganguly, *India's Military: Evolution, Modernisation and Transformation*, op. cit., p. 196

[914] V. Sakhuja and M. Kothari, *Commercial Shipping in the Indian Ocean: Safety, Security and Structures*, in *Policy Recommendations by the Quadripartite Commission on the Indian Ocean Regional Security. Towards a*

Straits of Malacca is responsible for 40% of the sea-borne trade and the tankers passing the Straits of Hormuz carrying 52% of crude oil imports of China, the biggest consumer in the world, 84% of Japan's fossil fuels imports, and 58% of India's.[915] Every day 15.5 million barrels of oil, or 40% of the entire global oil trade passes through the Straits of Hormuz and 11 million barrels of oil pass through the Malacca and Singapore Straits.[916] 95% of India's trade with the European Union countries is sea borne.[917] "At current levels of consumption the oil import dependence of India was expected to rise to 91.6% by 2030. In the case of China it will be 76.9% while for rest of South Asia it will be 96.1% ."[918]According the IMO experts freight volumes transiting through the Indian Ocean are expected to grow by 400 % till 2050.[919] Taking into account all these data and forecasts, the SLOCs constitute the economic life lines for India and other littorals of the Indian Ocean and their neighbours in Northeast Asia. In such conditions the security of the SLOCs and the choke points of the region became one of the most sensitive elements of maritime governance and opportunity of convergence of interests of the littorals and development of international cooperation.

In line of the strategic documents, the Indian Navy initiated and participated in various efforts to provide security for SLOCs in the Indian Ocean. They took the form of joint and coordinated patrols, regular and passage exercises, workshops, symposiums and exchange of the information within bilateral and multilateral format. The Indian Navy activities focused on two critical from the point of view of the sea transportation regions, characterised by the highest volume of ship traffic and their qualitative weight in energy and trade security – the Bay of Bengal and the Arab Sea.

The most active cooperation India has with ASEAN countries, littorals and immediate neighbours in the Bay of Bengal – Indonesia, Thailand, Myanmar, Singapore and Malaysia, especially those countries with the direct access to the Malacca Strait and influence on security of SLOCs. The end of the Cold War changed geostrategic environment in the Bay of Bengal with the collapse of the USSR and the emergence of India and China as regional leaders and

more stable security environment in the Indian Ocean region. Appendix, The Sasakawa Peace Foundation, Tokyo 2017, p. 92

[915] V. Sakhuja and M. Kothari, *Commercial Shipping in the Indian Ocean: Safety, Security and Structures*, op. cit. p. 93

[916] P. Ghosh, *Challenges in Indian Ocean : United we stand*, Observer Research Foundation, Commentaries, New Delhi 22.11.2010, https://www.orfonline.org/research/challenges-in-indian-ocean-united-we-stand/, access 18.03.2021

[917] D. Jaishankar, *Indian Ocean region: A pivot for India's growth* , Brookings India , 12.09.2016, https://www.brookings.edu/opinions/indian-ocean-region-a-pivot-for-indias-growth/, access 02.09.2018

[918] P. Ghosh, *Challenges in Indian Ocean : United we stand*, Observer Research Foundation, op. cit.

[919] V. Sakhuja and M. Kothari, *Commercial Shipping in the Indian Ocean: Safety, Security and Structures*, op. cit. p. 99

the U.S. new maritime hegemonic strategy. In such conditions, India reassured its neighbours on its recognition of ASEAN centrality in maritime security system in Southeast Asia, and the support for the idea of the Southeast Asia Nuclear-Weapon-Free Zone. India signed the Treaty of Amity and Cooperation in 2003. In the second decade of the 21st century India-ASEAN relations elevated their relationship to the strategic partnership level in 2012, as a part of "both sides' quest to build a stable regional security architecture."[920] India's commitment and acknowledgment of the significance of maritime cooperation, was also considered as a part of the implementation of its 'Look East' Policy,[921] and was reflected in the Vision statement adopted at the India-ASEAN commemorative Summit 2012. "We are committed to strengthening cooperation to ensure maritime security and freedom of navigation, and safety of sea lanes of communication for unfettered movement of trade in accordance with international law."[922] This cooperation took the form of coordinated patrols (CORPATs) and exercises. The coordinated patrols complemented the Malacca Strait Patrol (MSP), established in 2004, as a quadrilateral arrangement between Indonesia, Malaysia, Singapore and Thailand for intelligence exchange, coordinated air (eye-in-the-sky) and sea patrol through the vital straits.[923] India could not join MSP as during the patrols each country stayed in its own territorial waters.[924] India's exercises with ASEAN IOR littorals have been organized in bilateral and multilateral formats, covering not only the waters of the Bay of Bengal with its range, also extended to the South China Sea.[925]

India became active in naval diplomacy in not only multilateral but also bilateral dimensions, organising the first naval exercises with Indonesia even in 1989. "India and Indonesia (…) have a common perspective on strategic issues such as defence and maritime security across the Bay of Bengal and the Malacca Straits."[926]The reason behind that early start of Indian activities towards its neighbour was also to neutralise Jakarta's anxiety caused by the

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[920] U. B. Singh, *The Significance of the ADMM-Plus: A Perspective from India*, Asia Policy, National Bureau of Asian Research, Number 22, July 2016, p.101, https://www.academia.edu/27411729/The_Significance _of_the_ADMM_Plus_a_perspective_from_India_AsiaPolicy22_July2016_pdf, access 4.05.2020

[921] V. Sakhuja and G. Khurana, *India-Singapore Defence Cooperation: Exploring Strategic and Functional Compatibilities*, in A. Mukherjee, *The Merlion and the Ashoka. Singapore-India Strategic Ties*, S. Rajaratnam School of International Studies, Singapore 2015, p.65

[922] *Vision Statement ASEAN-India Commemorative Summit*, New Delhi, India, 20 December 2012, p.3, https://www.asean.org/wp-content/uploads/images/2012/news/documents/Final%20version%20of%20ASEAN-India%20Vision%20Statement.pdf, access 20.04.2020

[923] D. Mitra, *Indonesia Told India Its Quest to Join Malacca Strait Patrols Isn't Feasible*, The Wire, 31.05.2018, https://thewire.in/diplomacy/india-indonesia-malacca-strait-patrol, access 26.04.2019

[924] D. Mitra, *Indonesia Told India Its Quest to Join Malacca Strait Patrols Isn't Feasible*, op. cit.

[925] *Annual Report 2009-2010*, Ministry of Defence, Government of India, New Delhi 2010, https://www.mod.gov.in/sites/default/files/AR910.pdf, access 20.10.2018

[926] R. Mishra, *Security Engagement in Southeast Asia*, Op. Cit., p.197

expansion in 1985 of the naval and air naval bases under the Andaman and Nicobar Tri-service theatre Command in Port Blair, the capital city of Andaman Islands, located 376 nautical miles from Sabang, the westernmost point of Indonesia.

Having signed the defence cooperation agreement in 2001, India has started biannual coordinated patrols with Indonesia under the name of 'INDINDO CORPAT' in 2002, along the International Maritime Boundary Line(IMBL).[927] The routes of the patrols, involving ships and aircrafts covered SLOCs, connecting Indian and Indonesian ports. CORPATs "helped to build understanding and interoperability between navies, and facilitate institution of measures to prevent and suppress illicit activities in SLOCs."[928]

The Indo-Thai Coordinated Patrols along the IMBL have been carried out twice a year since 2005,[929] with participation of ships and planes. India's Andaman and Nicobar Command (ANC) has been a host to CORPAT exercises since its inception, rotating alternately between India and Thailand.[930] The successful experience of CORPATs led to the signing of memorandum of understanding on defence cooperation in 2012.[931]

The first Indian Navy Malaysian Navy CORPAT was conducted in 2013 off the Andaman and Nicobar Islands. Such a late start of patrols was conditioned by the slow development of defence cooperation, initiated by the memorandum of understanding in 1993, concluded after the end of the Cold War. For Malaysia, ideological divisions in Asia, as well as the profile of India's foreign policy and its close cooperation with the USSR, made it impossible to act together, even for the sake of security and permeability of communication on the Sea Lines of Communication, located off the coast of both countries. "The agreement of 1993 provided the foundational consensus in terms of nurturing the framework of relationship which allowed further maritime defence establishments."[932]

The maiden India-Myanmar Coordinate Patrol exercise has been conducted in 2013 off the Great Coco Islands, Myanmar, located strategically next to Andaman and Nicobar Islands, in the vicinity of the entrance of SLOC into the Malacca Strait. Those annual patrols play also

[927] *Annual Report 2008-2009*, Ministry of Defence, Government of India, New Delhi 2009, p.37, https://www.mod.gov.in/sites/default/files/AR-eng-2009_0.pdf, access 20.10.2018

[928] *India, Indonesia held 37th edition of coordinated patrol*, Malaysia Sun, Volume No. 0205/16, 24.11.2021, https://www.malaysiasun.com/news/271790504/india-indonesia-held-37th-edition-of-coordinated-patrol, access 30.11.2021

[929] *Annual Report 2008-2009*, Ministry of Defence, Government of India, op. cit., p.38

[930] M. S. Cogan, V. Mishra, *India–Thailand Security Cooperation: Strengthening the Indo-Pacific Resolve*, Journal of Asian Security and International Affairs, Volume 7, Issue 1, March 2020, p.10

[931] Ibidem

[932] J. S. Singh, *India- Malaysia Defence Cooperation*, CESCUBE, 21.05.2021, https://www.cescube.com/vp-india-malaysia-defence-cooperation, access 20.09.2021

a vital role in India's monitoring of the situation in the neighbour islands. The naval command in Port Blair has been full of fears that the cooperation of Myanmar with assertive China may end up disrupting traffic on SLOCs by trying to control it through establishment of the naval base on one of the Coco Islands.[933]

India's defence cooperation with Singapore began with a small-scale passage exercise in 1993 off Visakhapatnam, but the biggest number of naval drills in the 1990s India conducted with Singapore. "Singapore has been proactive in initiating strong defence relations with India while India has reciprocated through the joint anti-submarine warfare exercises in 1994."[934] It was conducted within the first structured annual bilateral exercise – SIMBEX. [935] The exercises have been organized alternately in the Bay of Bengal and the South China Sea. The awareness of the geostrategic location on the two different ends of the SLOCs between the Indian Ocean and Pacific, employed since the beginning of the 19th century, caused the early post-Cold War start of the maritime security cooperation between two countries. "India sits astride the maritime 'lifelines' of East Asian countries in the Indian Ocean, which use Singapore as a crucial hub-port enroute, and Singapore lies across the maritime passageways that provide India trade and naval access to the Western Pacific."[936] The memorandum of understanding on defence cooperation was signed in 1998, then changed to a regular agreement in 2003, in which India offered its facilities and territory to Singapore armed forces for training,[937] showing the convergence of interests of both countries and understanding of critical role of SLOCs for them.

Similar level of convergence was presented while dealing with Malaysia in the process of implementing joint Table Top Exercises (TTX) conducted with the Royal Malaysian Navy (RMN) for the first time in 2016.[938] Two years later Indian-Myanmar maiden Navy Bilateral Exercise INMEX-18 was organised off Visakhapatnam, biggest Indian naval base in the Bay of Bengal.[939]

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[933] Interview with the former Commander of the naval base in Port Blair.

[934] P.K. Jha, *India's Defence Diplomacy in Southeast Asia*, Journal of Defence Studies, Vol 5. No 1. January 2011, p.50

[935] P. Parameswaran, *Why the New India-Singapore Naval Pact Matters*, The Diplomat, November 30, 2017, https://thediplomat.com/2017/11/why-the-new-india-singapore-naval-pact-matters/, access 27.04.2019

[936] V. Sakhuja and G. Khurana, *India-Singapore Defence Cooperation: Exploring Strategic and Functional Compatibilities*, op. cit., p.65

[937] V. Sakhuja and G. Khurana, *India-Singapore Defence Cooperation: Exploring Strategic and Functional Compatibilities*, op. cit., p.65

[938] *Annual Report 2016-2017*, Ministry of Defence, Government of India, New Delhi 2017, p.29, https://www.mod.gov.in/sites/default/files/AR1617.pdf, access 20.10.2018

[939] *Annual Report 2018-2019*, Ministry of Defence, Government of India, New Delhi 2019, p.34, https://www.mod.gov.in/sites/default/files/MoDAR2018.pdf, access 20.10.2018

Contributing to the bilateral dimension of naval cooperation with ASEAN, India initiated in 1995 the Meeting of the Littorals of the Bay of Bengal and Andaman & Nicobar (MILAN), positively deepening its security relations with the countries of South and Southeast Asia. "First ever MILAN exercise saw participation from Indonesia, Singapore, Sri Lanka, and Thailand at Port Blair,"[940] intended to promote greater cooperation on areas such as maritime security and humanitarian assistance and disaster relief (HADR) for the wider region.[941] The MILAN Series of Biennial Multilateral Naval Exercises have become the largest in the Indian Ocean Region. In the beginning they took place in the Andaman and Nicobar Islands in 1995, with the participation of four foreign littoral navies of Indonesia, Sri Lanka, Singapore and Thailand, aimed to expand regional cooperation and combat unlawful activities in critical sea lanes of communication.[942] As the exercise progressed, it brought together participants from Asia, Africa, Australia and New Zealand. 40 countries participated in 2022 MILAN exercises with the US Navy for the first time.[943]

In addition to bilateral framework with ASEAN members, India has actively participated in the ADMM Plus Exercises since 2010, organised on the sidelines of the dialogue of defence ministers of ASEAN countries with key dialogue partners: Australia, China, India, Japan, New Zealand, Russia, South Korea, and the United States. India initiated in 2019 the Trilateral Maritime Exercise between India, Singapore and Thailand (SITMEX)[944] in Andaman and Nikobar Islands, with the goal to strengthen mutual confidence and develop common understanding and procedures towards enhancing the overall maritime security on the SLOCs in the Bay of Bengal.[945]

In the passage between the Bay of Bengal and the Arabian Sea, two South Asian countries are located - Sri Lanka and Maldives – crucial for the sea transportation in the central part of the Indian Ocean as SLOCs cross the EEZ and archipelago waters of both countries. Additionally, port of Colombo serves as one of the critical hubs of transhipping in IOR. The

[940] R. Mishra, *Security Engagement in Southeast Asia*, in S.D. Muni and V. Chadha, *Asian Strategic Review 2015. India as a Security Provider*, Institute for Defence Studies and Analyses, Pentagon Press, New Delhi 2015,p.207

[941] P. Parameswaran, *The Real Significance of India's MILAN Navy Exercise*, The Diplomat, 28.02.2018, https://thediplomat.com/2018/02/the-real-significance-of-indias-milan-navy-exercise/, access 04.02.2021

[942] M. Singh, *India's biggest maritime exercise Milan including Navies of Quad nations, Russia comes to an end*, The New Indian Express, 5.03.2022, https://www.newindianexpress.com/nation/2022/mar/05/indias-biggest-maritime-exercise-milan-including-navies-of-quad-nations-russia-comes-to-an-end-2426784.html, access 10.03. 2022

[943] F. Bahtić, *40 nations join forces in Indian Navy-led exercise MILAN 2022* , NavalToday.com, March 1, 2022, https://www.navaltoday.com/2022/03/01/40-nations-join-forces-in-indian-navy-led-exercise-milan-2022/, access 01.05.2022

[944] *Trilateral Maritime Exercise SITMEX-20 in Andaman Sea* , Indian Navy, November 2020, https://www.indiannavy.nic.in/content/trilateral-maritime-exercise-sitmex-20-andaman-sea, access 27.04.2021

[945] *Trilateral Maritime Exercise SITMEX-20 in Andaman Sea* , Indian Navy, November 2020, op. cit.

inaugural IN-SLN (Sri Lankan Navy) Bilateral Exercise (SLINEX) was conducted in 2005. This exercise was recommenced after 2005, and in 2010, it was decided to hold the exercise every alternate year. In 2011, the Colombo Security Conclave Alliance was formed with the countries of the Indian Ocean region - Sri Lanka, Maldives and India, initiated by Sri Lanka. The Alliance focused on enhancing cooperation in areas vital for security of SLOCs - Maritime Domain Awareness (MDA) through provision of Long Range Identification and Tracking (LRIT) services, MDA training and Merchant Ship Information System (MSIS), sharing of Automatic Identification System (AIS) data.[946] Those forms of cooperation led to the establishment of trilateral cooperation agreement in 2013 with the aim to secure sea routes.[947] In 2021 Bangladesh with Mauritius and Seychelles announce that they decided to join the agreement and become the members of the Alliance in 2022.[948]

As a country located at the entrance to the Hormuz Strait, through which 25% of oil supplies to India flows, inhabited by a significant Indian diaspora, Oman is the oldest and most important partner of India among littorals of the Arabian Sea. Since 1993, the Indian Navy and the Royal Navy of Oman have conducted Naseem-Al-Bahr (Sea Breeze), a bilateral biennial naval exercise. India also signed a pact with Oman in 2015 that allowed the Indian Navy to use the strategic port of Duqm overlooking the Arabian Sea. With the goal to support safety and security of maritime trade in the Gulf region, India initiated in 2019 the operation "Sankalp", providing safe passage to an average 16 Indian-flagged merchant vessels in the Gulf region every day.[949] In 2021 India and Oman concluded an agreement for exchange of white shipping information and to boost maritime security cooperation in reflection of growing cooperation between the two sides.[950]

Since 2003 United Arab Emirates another significant partner of India im maritime security in the Arabian Sea rim along the Hormuz Strait. The cooperation started with the

[946] M. Samatha, *India, Sri Lanka and Maldives Trilateral Maritime Security Cooperation: Political and Economic Constraints in Implementation*, Policy Brief, Indian Council of World Affairs, New Delhi 8th July 2015, https://icwa.in/showfile.php?lang=1&level=3&ls_id=503&lid=476, access 02.05.2021

[947] *India, Sri Lanka, Maldives sign tripartite maritime security pact*, The Times of India, New Delhi July 9th 2013, https://timesofindia.indiatimes.com/world/south-asia/India-Lanka-Maldives-sign-tripartite-maritime-security-pact/articleshow/20985280.cms, access 28.04.2020

[948] P. Hasan, *Sri Lanka-Bangladesh-India Maritime Cooperation*, Eurasia Review. News And Analysis, December 16, 2021, https://www.eurasiareview.com/16122021-sri-lanka-bangladesh-india-maritime-cooperation-oped/, access 02.02.2022

[949] *Operation Sankalp: Sixteen Indian-flagged vessels provided safe passage every day*, The Hindu, New Delhi, July 14 2021, https://www.thehindu.com/news/national/operation-sankalp-sixteen-indian-flagged-vessels-provided-safe-passage-everyday/article61442282.ece, access 11.10.2021

[950] *India, Oman sign pact to boost maritime security cooperation*, BusinessToday.In, Sep 28, 2021, https://www.businesstoday.in/latest/economy/story/india-oman-sign-pact-to-boost-maritime-security-cooperation-307802-2021-09-28, access 20.02.2022

dialogue and training for sea cadets, then in 2018 IN-UAE Navy Maiden Bilateral Exercise 'Gulf Star' was organised.[951] It was the result of the implementation of the "Extended Neighbourhood Policy" in West Asia by Narendra Modi administration,[952] aimed at accelerating and concretizing cooperation with the countries of this region.

Qatar with 30% of its population of Indian origin[953] and strategic location, has played an important role in a new, post-Cold War strategy of India. 2008 Defence Cooperation Agreement[954] started the process of development of naval cooperation through joint training and manoeuvres like Passage Exercise (PASSEX), which was conducted with Qatar Navy 2017.[955]

As the biggest littoral of the Indian Ocean with 14 thousand km of coastline and SLOCs connecting Western Australia and North and East Asia, Australia has constituted a natural partner for India's efforts to secure critical sea routes in the region. Both countries made several attempts since the 1970s to engage in joint projects aimed at building security architecture in the region and preventing conflicts, for example by creating a zone of peaceful coexistence. Their endeavours did not bring expected results in the 20th century. "After many years of unsuccessful efforts and misunderstandings between India and Australia during the Cold War, mostly due to the mutual perception as members of different ideological blocs, both governments comprehended that despite some differences growing maritime security challenges, and the changes in their character and structure in the Indian Ocean Region, needed to be addressed jointly."[956] In addition to the growing awareness of the interdependence while facing traditional and non-traditional, natural and human created threats, important factors in starting full-fledged cooperation was the rapprochement between India the USA, as well as acknowledgment of India's strategic sensitivities towards China, especially its hesitation to shape quadrilateral cooperation with Australia, the US and Japan, in order to avoid the conflict

[951] *Naval ships exercise to boost UAE-India ties*, Khaleej Times, March 18, 2018, https://www.khaleejtimes.com/nation/naval-ships-exercise-to-boost-uae-india-ties, access 28.04.2021
[952] G. Hassan and M. Vijayakumar, *India's Extended Neighbourhood: Pivot to West Asia*, Centre for Public Policy Research, April 18 2019, p.2, https://www.cppr.in/wp-content/uploads/2019/04/India%E2%80%99s-Extended-Neighbourhood_-Pivot-to-West-Asia.pdf, access 28.04.2021
[953] G. Hassan and M. Vijayakumar, *India's Extended Neighbourhood: Pivot to West Asia*, op. cit., p.3,
[954] *India - Qatar Relations*, Ministry of External Affairs, Government of India, https://www.mea.gov.in/Portal/ForeignRelation/Qatar_July_2016.pdf, access 28.04.2021
[955] *Annual Report 2018- 2019*, Ministry of Defence, Government of India, op. cit., p.33
[956] T. Łukaszuk, *Indian and Australian Maritime Security Doctrines in the Indian Ocean Region in the 21st Century. Christian Bueger's Matrix of Maritime Security Approach*, Polish Political Science Yearbook, vol. 49(4) (2020), p. 121

with China at sea. The inaugural bilateral maritime exercise AUSINDEX between IN and Royal Australian Navy (RAN) was conducted off Visakhapatnam in 2015.[957]

France has been another significant strategic partner considered as a regional one despite the fact of being the country located in Europe. France is borne out by its overseas territories in the Western part of IOR, where 1 million of its citizens reside, and its exclusive economic zone, spanning 9.1 million sq. km in both Indian Ocean and the Pacific.[958] Indian-French naval exercises have been conducted since 1993, which in 2001 got the name "VARUNA". In 2021 VARUNA became trilateral when the United Arab Emirates navy joined them.[959]The significance of these exercises for India has been based on the fact that they have been organized not only in the Indian Ocean, but also in the Atlantic Ocean, allowing the monitoring of sea routes from India to Europe beyond the Suez Canal. Furthermore, France served as a critical partner for operations along the western Indian Ocean and the eastern coast of Africa. "With its overseas territory of La Reunion and military presence in Djibouti and Abu Dhabi, Paris provides access to three key chokepoints - the Mozambique Channel, Bab-el-Mandeb, and the Strait of Hormuz."[960] France also supported and facilitated another initiative of the EU – IOR littorals cooperation scheme - the project CRIMARIO, initiated in 2015. CRIMARIO has been dedicated to the Western Indian Ocean with the main goal to help the IOR partner's countries to enhance their maritime situational awareness in order to reinforce safety and security at sea.[961] CRIMARIO organized workshops with India's Maritime Information Fusion Centre for the Indian Ocean Region (IFC-IOR) "deepening its engagement and reinforce its partnership with India as a reliable partner for maritime security."[962]

Despite the 1968 announcement of the military withdrawal "East of Suez," the United Kingdom, one more country with a double identity and colonial past in IOR, "maintained sovereignty over the British Indian Ocean Territory (Diego Garcia) in the Chagos archipelago,

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[957] *Annual Report 2015-2016*, Ministry of Defence, Government of India, op. cit., p.31

[958] *Joint Strategic Vision of India-France Cooperation in the Indian Ocean Region*, Ministry of External Affairs, Government of India, New Delhi 10.03.2018, https://www.mea.gov.in/bilateral-documents.htm?dtl/29598/ Joint+Strategic+Vision+of+IndiaFrance+Cooperation+in+the+Indian+Ocean+Region+New+Delhi+10+March+ 2018, access 20.08.2019

[959] D. Archus, *India and France wrap out Varuna 2021 bilateral exercise*, Naval Post, 28.04.2021, https://navalpost.com/india-and-france-wrap-out-varuna-2021-exercise/, access 21.08.2021

[960] D. M. Baruah, *Strengthening Delhi's Strategic Partnerships in the Indian Ocean*, Center for a New American Security, October 23, 2019, https://www.cnas.org/publications/reports/strengthening-delhis-strategic-partnerships-in-the-indianocean, access 02.02.2020

[961] CRIMARIO - *Critical Maritime Routes Programme*, A programme founded by the EU, https://criticalmaritimeroutes. eu/projects/crimario/, access 02.09.2018

[962] *Atalanta Attends EU-India Maritime Security Dialogue to Continue Strengthening Cooperation in the Indo-Pacific and Further Increase Interoperability*, EU Naval Force – Somalia Operation ATALANTA, https://eunavfor.eu/news/atalanta-attends-eu-india-maritime-security-dialogue-continue-strengthening-cooperation-indo-pacific-and-further-increase-interoperability, access 20.10.2021

with its joint US/UK facility supporting regional operations."[963] After the end of the Cold War, the UK opened the liaison office in Dubai - the UK Maritime Trade Operation (UKMTO) office - as 80% of the UK's natural gas imports, a key component of its energy security, passed through Indian Ocean sea lines.[964] The Indian and the Royal Navies have established operational linkages in terms of bilateral exercise (KONKAN) since 2004,[965] with coverage of IOR and the Atlantic Ocean. Having decided on Brexit from the European Union in the 2016 referendum, the UK reshaped its maritime policy towards the return to the area "East of Suez." In order to rebuild its security links with the Indian Ocean, the UK established 2018 a permanent naval support facility in Bahrain, and two years later, it signed an AUKUS agreement with Australia and the US. Both decisions positively impacted India's interests in IOR, making KONKAN exercises and maritime security cooperation with the UK even more relevant. They meant the limited scale return of the UK to the region, which could constitute a support from another vital extra-regional actor for India's strategic autonomy in IOR.

Another opportunity to monitor areas of the Atlantic Ocean and the Western part of the Indian Ocean, which were included into secondary interest areas in 2015 Maritime Strategy of India, was the creation of naval exercises based on the institutional framework of India-Brazil-South Africa Forum (IBSA). IBSA was established in 2003, uniting three big democracies, leading emerging economies from three different continents. As "30 per cent of the Persian Gulf oil bound for Europe and Americas have been routed around the Cape of the Good Hope,"[966] and this share of freight on SLOCs off the South African coast is increasing, India initiated in 2008 the biennial exercises IBSAMAR with regional - South Africa and extra-regional - Brazil IOR partner, which first took place off South Africa. Indian Navy ships made also port calls at Maputo and Nacala in Mozambique,[967] using the opportunity to visit Western Indian Ocean ports, to promote India's image as "a stabilizing factor"[968] in the part of IOR with a major global geostrategic significance.

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[963] R. Roy-Chaudhury, *India-UK maritime security: convergences and opportunities*, the International Institute for Strategic Studies (IISS), Singapore 30th September 2019, https://www.iiss.org/blogs/analysis/2019/09/sasia-india-uk-maritime-security#:~:text=India-UK%20maritime%20security%20cooperation%20currently%20 comprises%20the%20annual,Fusion%20Centre%20for%20the%20Indian%20Ocean%20Region%20%28IFC-IOR%29., access 01.05.2021

[964] Ibidem

[965] *Annual Report 2008-09*, Ministry of Defence, Government of India, op. cit., p.37

[966] G.S. Khurana, *India-Brazil-South Africa 'Tango' at Sea: What it Portends*, IDSA Comment, New Delhi May 16, 2008, p.1, https://www.academia.edu/7727067/India_Brazil_South_Africa_ Tango_at_Sea_IBSAMAR_ Naval_Exercise_What_it_Portends, access 02.05.2021

[967] *Annual Report 2008-09*, Ministry of Defence, Government of India, op. cit., p.37

[968] G.S. Khurana, *India-Brazil-South Africa 'Tango' at Sea: What it Portends*, op. cit., p.3

India and US relations improved after the Cold War and the security of Sea Lines of Communication (SLOC) has been one of the main objectives of cooperation.[969] India has found its place in the new US maritime strategy published in 1992, in a form of a White Paper, "...From the Sea,", which defined a vision for the 21st century. "The focus on a global threat during the Cold War has shifted to one of regional challenges and opportunities, with the change from the doctrine of open-ocean war-fighting at sea, (…) to a power projection and the employment of naval forces from the sea, in order to influence events in the littoral regions of the world."[970] The same year the India-US Naval Steering Committee was formed, furthermore the first bilateral exercise MALABAR of the Indian Navy and United States Navy was organised. The first basic exercises were organised in the area off India's west coast.[971] The exercise area of the second 2-dimensional manoeuvres in 1995 covered the waters of the Persian Gulf.[972] In the course of the US increasing engagement and evolving maritime strategy of both countries,[973] more participants have been invited in the exercises.

With the growing assertiveness of China and its unilateral actions in the South China Sea potentially impacting global shipping, Japan, Canada, Singapore and Australia have been involved in some exercises.[974] Since 2020, after Ladakh border incident with China, the most serious one since 1962 war, India changed its position and no longer objected to Australia's participation in MALABAR, previously regarded by New Delhi as provocative towards Beijing. MALABAR manoeuvres became a part of emerging Quadrilateral Cooperation (QUAD), with participation of India, the US, Australia and Japan, becoming a manifestation of containment against China or any country threatening freedom of navigation. As underscored by Indian Foreign Minister at the QUAD ministerial meeting in 2020, India remained "committed to upholding the rules-based international order, underpinned by the rule of law,

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[969] M. Samatha, *India, Sri Lanka and Maldives Trilateral Maritime Security Cooperation: Political and Economic Constraints in Implementation*, op. cit.

[970] R. Roy-Chaudhury, *US Naval Policy in the Indian Ocean*, IDSA, Strategic Analysis, Volume 22, 1998 - Issue 9, p.1312

[971] G.S. Khurana, *'Malabar' Naval Exercises: Trends and Tribulations*, Issue Brief, Published in National Maritime Foundation (NMF) website 05 August 2014, http://www.maritimeindia.org/, access 20.10.2018

[972] G.S. Khurana, *'Malabar' Naval Exercises: Trends and Tribulations*, op. cit.

[973] T.C. Baus, *"Forward...From The Sea": Intelligence Support to Naval Expeditionary Forces*, An Official Document of the Marine Corps Command and Staff College, The United States Navy, 1992, https://irp.fas.org/eprint/baus.htm#:~:text=The%201992%20Navy%20and%20Marine%20Corps%20White%20Paper,priorities%20for%20the%20Naval%20Service%20away%20from%20%28primarily%29, access 20.04.2019

[974] Japan in 2007, 2009, 2014, 2015 – 2019; Canada 2006, Singapore 2007 – for more details see : Annual Reports of the Ministry of Defence of the Republic of India, https://www.mod.gov.in/documents/annual-report

transparency, freedom of navigation in the international seas, respect for territorial integrity and sovereignty and peaceful resolution of disputes."[975]

In addition to MALABAR, India has been organising bilateral biennial naval exercises JIMEX with Japan since 2012. [976] As a QUAD country with one of the strongest navies in the world and the US strategic partner, Japanese Maritime Self-Defense Force (JMSDF) acts as one of the key players in the Western part of the Pacific. Indian navy needs to expand engagement interoperability with Japan in the context of China's movements in the South China Sea and the East China Sea, with intention of controlling both SLOCs.

In the post-Cold War and post-USSR era, Russia has remained one of the key elements of India's security strategy in IOR with respect to SLOCs, especially in relation of Russia's role in building Indian navy capabilities, as 41% has been of Russian origin,[977] imported or co-produced in India. Both countries decided to conduct bi-annual naval exercise INDRA since 2003.[978] Joint exercises helped India to improve interoperational skills and facilitate Russia's return to the region. India is also interested in cooperation with Russia on the Arctic Northern Sea Route, which became navigable in winter 2021.[979] The 2015 Maritime Doctrine of the Russian Federation emphasises building relations with India as the most important goal in the IOR.[980] The 2021 Russia's National Security Strategy placed India, next to China, in the second tier of priorities.[981]

In 2008 India initiated the Indian Ocean Naval Symposium (IONS), with three main goals :

- Strengthening and deepening the relations with the Indian Ocean littoral states;

[975] S. Jaishankar, *Opening remarks by EAM at 2nd Quad Ministerial Meeting in Tokyo, Japan*, Ministry of External Affairs, Government of India, https://www.mea.gov.in/Speeches-Statements.htm?dtl/33097/Opening_ remarks_by_EAM_at_2nd_Quad_Ministerial_Meeting_in_Tokyo_Japan, access 30.04.2021

[976] *Annual Report 2013-2014,* Ministry of Defence, Government of India, op. cit., p.34

[977] S. Singh, *86 per cent of Indian military equipment of Russian origin: Stimson Center paper The dependence is likely to continue because more than 55% of Indian defence imports since 2014 have been from Russia,* The Indian Express, New Delhi July 22, 2020 , https://indianexpress.com/article/india/86-per-cent-of-indian-military-equipment-of-russian-origin-stimson-center-paper-6517136/, access 01.05.2021

[978] *Annual Report 2003-2004*, Ministry of Defence, Government of India, New Delhi 2004, p.45, https://www.mod.gov.in/sites/default/files/MOD-English2004.pdf, access 20.10.2018

[979] M. Humpert, *A New Dawn for Arctic Shipping – Winter Transits on the Northern Sea Route*, High North News, https://www.highnorthnews.com/en/new-dwan-arctic-shipping-winter-transits-northern-sea-route, access 03.04. 2021

[980] A. Davis (translation), *The 2015 Maritime Doctrine of the Russian Federation*, Russia Maritime Studies Institute, U.S. Naval War College Digital Commons, p.28, https://digital-commons.usnwc. edu/cgi/viewcontent.cgi?article=1002&context=rmsi_research, access 02.05.2020

[981] N. Kapoor, *Russia's new national security strategy*, Observer Research Foundation, Atlantic Files, July 07, 2021, https://www.orfonline.org/expert-speak/russias-new-national-security-strategy/#:~:text=The%202021% 20national%20security%20strategy%20outlines%20Russian%20ambitions%2C,on%20natural%20resources%20 export%2C%20preserving%20the%20environment%2C%20etc., access 14.09.2021

- Establishing its leadership potential and aspirations of being a net-security provider;
- Fulfilling India's vision of a rules-based and stable maritime order in the Indian Ocean Region (IOR).[982]

The inaugural symposium of the IONS was conducted in New Delhi. The first event was attended by representatives of 35 littorals of the IOR, including 22 of the 35 Chiefs of the IOR navies. The wide participation by the navies at its apex level signified the collective need for such an instrument in the region.[983] The IONS presently has 35 member countries with eight countries with observer status. The construct has become an important maritime initiative to promote maritime cooperation amongst the member countries,[984] and a vital and unique instrument of promotion of collective security. The applications of China and Japan were accepted for granting Observer status, reinforcing the point that India's geo-political engagement is multi- vectored and not directed against any country, including China.[985]

Maritime safety and security is one of six priority areas of the IORA, added at India's request at the 11th IORA Council of Ministers Meeting in Bangalore in November 2011. The inaugural IORA Leaders' Summit held in March 2017 in Jakarta, Indonesia, was titled "Strengthening Maritime Cooperation for a Peaceful, Stable and Prosperous Indian Ocean".[986] It sought to enhance cooperation in preventing and managing accidents and incidents at sea and promoting effective coordination between IORA member states' aeronautical and maritime search and rescue services. At the Second IORA Meeting of Experts on Maritime Safety and Security on 7-8 November 2017 in New Delhi, India, various proposals were discussed on governance, surveillance, and preventive as well as protective measures to deal with maritime safety and security. These have been amalgamated in the "Blueprint for Maritime Safety and Security in IORA".[987] The first Workshop of the Working Group on Maritime Safety and Security took place in 2018 in Colombo, Sri Lanka.

IORA's future plans include implementation of training and capacity building programmes; encouraging Members to sign and implement the IORA MoU on Search and

[982] A. Trivedi, *Indian Ocean Naval Symposium*, Shaan Academy, New Delhi, February 24, 2021, https://www.shaan. academy/blog/indian-ocean-naval-symposium-ions, access 22.05.2021

[983] *Annual Report 2011-12,* Ministry of Defence, Government of India, p. 41, https://www.mod.gov.in/sites/ default/files/AR1112.pdf, access 10.09.2018

[984] *Annual Report 2018-19,* Ministry of Defence, Government of India, op. cit., p.37

[985] G.S. Khurana, *India-Brazil-South Africa 'Tango' at Sea: What it Portends*, op. cit., p.3

[986] *Indian Ocean Rim Association Leaders' Summit 2017*, Indian Ocean Rim Association, https://www.iora.int/en/about/leaders-summit#:~:text=The%20Inaugural%20IORA%20Leaders%E2%80%99%20Summit%20held%20on%207,Minist ers%20and%20Presidents%20of%20the%2021%20Members%20States., access 15.09.2018

[987] Indian Ocean Rim Association, Maritime Safety and Security, https://www.iora.int/en/priorities-focus-areas/maritime-safety-and-security, access 21.01.2021

Rescue; explore proposals for establishing IORA Centres of Excellence for Maritime Safety and Security; and explore a regional surveillance network, including sharing of data and exchange of information on maritime transportation systems.

Apart from the bilateral and minilateral cooperation schemes, India initiated after the Cold War multilateral frameworks of cooperation in IOR in the form of exercises, naval symposiums and information exchange agreements (White Shipping Agreements). It followed the guidance of strategic maritime documents where the urgency of the development of the holistic operational picture of the sea has been repeatedly emphasised. Those agreements consisted of information network protocol that allows countries' navies to share information and monitor movements at sea of commercial maritime traffic at SLOCs.[988] The Indian Navy has been engaging with various foreign navies for concluding of agreements for exchange of merchant fleet movements in the areas of interest both in the IOR and beyond, outlined in the 2015 Maritime Strategy. White Shipping Agreements have been signed with 22 countries[989], including regional and extra-regional ones.[990]

Realising that some of those countries, especially strategically located small islands in IOR like Mauritius, Maldives, Sri Lanka and Seychelles, could not afford the advanced monitoring systems, India helped them in setting up coastal surveillance radar stations (CSRS).[991] On the initiative of the Indian Navy, Information Fusion Centre – Indian Ocean Region (IFC – IOR) was established in 2018 in India, having created working level linkages with more than 50 nations and multinational/ maritime security centres.[992]

Acting in accordance with the doctrine and strategy, the Indian Navy diversified and extended its bilateral and multilateral engagement in securing SLOCs after the end of the Cold War. It adjusted the forms and platforms of cooperation with both regional and extra-regional partners, becoming a security net provider and facilitator for some of them. MILAN and MALABAR exercises became the biggest naval meetings in the region, contributing significantly together with IONS to the maritime domain awareness and institutional security framework in IOR. New Delhi acknowledged the changing dynamics within its area of maritime

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[988] D. M. Baruah, *Strengthening Delhi's Strategic Partnerships in the Indian Ocean*, op. cit.

[989] As of the end of 2021 - Australia, France, Israel, Maldives, Mauritius, Myanmar, Oman, Spain, Singapore, Sri Lanka, UK, USA, and Vietnam and operationalized with seven of these countries, Australia, France, Mauritius, Singapore, Sri Lanka, USA and Vietnam.

[990] R. Pandit, *India inks pacts to secure ships beyond its seas*, The Times of India, 23.10.2016, https://timesofindia.indiatimes.com/india/India-inks-pacts-to-secure-ships-beyond-its-seas/articleshow/54822311.cms, access 02.05.2018

[991] R. Pandit, *India inks pacts to secure ships beyond its seas*, op. cit.

[992] *Information Fusion Centre – Indian Ocean Region*, the Indian Navy, https://www.indiannavy.nic.in/ifc-ior/about-us.html, access 20.08.2020

interests and implemented the strategy assumptions. The initiatives taken to engage with the navies of the stakeholders in the region were appreciated and made a step forward in voicing India's intentions and concerns regarding maritime security. New Delhi sustained the momentum that it had created in the maritime domain and used the opportunity to explain its concerns and dilemmas in the context of China's assertiveness and expansion in IOR. At the same time, India has had to contend with the non-traditional challenges of piracy and terrorism, trying to emerge as a credible regional leader and critical player. The following section will explore India's efforts in this area.

4.3.2. Piracy and terrorism

Piracy and terrorism belong to the category of trans-national, non-traditional and human induced threats in the maritime domain.[993] Piracy has been well defined since 1958 Geneva Convention on the High Seas article 15.[994] The definition was repeated and developed in UNCLOS Article 101 as "any illegal acts of violence or detention, or any act of depredation(…)."[995] Maritime terrorism's description was included the article 3 of the Rome Convention for the Suppression of Unlawful Acts Against Safety of Maritime Navigation,[996] as an act of "any person committing an offence, unlawfully and intentionally seizing or exercising control over a ship by force or threat (…); or performing an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or destroying a ship or causing damage to a ship or to its cargo likely to endanger the safe navigation of that ship (…)."[997] The presented definitions indicated a nexus of piracy and maritime terrorism, but it should be noted that they have different roots and goals.

Both forms of illicit acts at sea became the biggest challenge for two subregions in IOR – North-Eastern (waters of the Bay of Bengal next to and within Malacca Strait) and North-Western (waters next to and within the Arabian Sea and the Gulf of Aden) at the turn of the 20th and 21st century. The IOR became the global epicentre of pirate and terrorist attacks, with

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[993] V. Sakhuja, *Cooperation Framework in the Indian Ocean for Regional Powers to Meet the Challenges of Non-Traditional Threats*, in *Policy Recommendations by the Quadripartite Commission on the Indian Ocean Regional Security. Towards a more stable security environment in the Indian Ocean region. Appendix*, The Sasakawa Peace Foundation, Tokyo 2017, p. 266

[994] *1958 Convention on the High Seas*, in A.V.Lowe and S.A.G. Talmon, *The Legal Order of the Oceans, Basic Documents on the Law of the Sea*, Hart Publishing, Oxford and Portland, Oregon 2009, p. 49

[995] *United Nations Convention on the Law of the Sea 1982*, in A.V.Lowe and S.A.G. Talmon, *The Legal Order of the Oceans, Basic Documents on the Law of the Sea*, Hart Publishing, Oxford and Portland, Oregon 2009, p. 299

[996] *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation,* Treaty Series treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations p. 222, *https://treaties.un.org/doc/Publication/UNTS/Volume%201678/v1678.pdf*, access 02.05.2020

[997] *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation,* op. cit., p.225

annual numbers varying from 171 in 2000, to 392 in 2010 and 115 in 2017.[998] Forty-one per cent of the world's pirate attacks between 1995 and 2003 occurred in Southeast Asia.[999]

In India, the trends were broadly consistent, albeit with some variations in the time of incidents. The 2007-2019 international report on India revealed that, on average, six cases were reported annually, with the highest number reported in 2014 (fourteen incidents) and the lowest in 2017 and 2018 (four incidents). The reported incidents were spread across only four of the 13 Indian coastal states and union territories: Gujarat (Kandla and Alang), Kerala (Kochi), Andhra Pradesh (Kakinada and Visakhapatnam), and West Bengal (Sagar/ Haldia).[1000] In 2017 only, the total economic cost of piracy in the western Indian Ocean was US$ 1.4 billion and 1102 seafarers were exposed to piratical depredations.[1001] Piracy has spread in the waters of under-developed, crisis-stricken or failed countries or their regions, located near SLOCs, among poor coastal fishing communities of the Gulf of Aden-Somali coast and the Bay of Bengal-Strait of Malacca.[1002] The customary goal of pirate attacks was to obtain a ransom or seize part of the cargo. In terms of terrorism, the Yemeni and Makran Coast in Pakistan, vital for Indian merchant ships heading for the strait of Hormuz, have been known as the spots of Al-Qaeda or Islamic State-related groups attacks.[1003] The primary targets of the attacks organised by these groups have been bomb attacks on merchant ships or warships both on the high seas and in ports.[1004]

Understanding the urgency of cooperation in the 21st century, Indian Ocean littorals and extra regional powers organised several international forums and groups aimed to tackle the problem of piracy and terrorist attacks. The Indian Navy has been an active member of anti-piracy forums, groups and projects. It also developed its own activities through bilateral cooperation with regional and extra-regional partners in form of surveillance and deployments.

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[998] P. Gomez, *Indian Ocean Piracy in the 21st Century*, Tufts, 08.06.2020, https://storymaps.arcgis.com/stories/50b2755a0e8c4725a78cd3136b949fd2, access 20.09.2020

[999] *Fighting Piracy on the ASEAN Seas*, Asia Sentinel, 16.03.2018, https://www.asiasentinel.com/p/fighting-piracy-asean-seas?s=r, access 04.05.2021

[1000] *Piracy and Armed Robbery Against Ships in Asia: Annual Report 2018*, ReCAAP Information Fusion Centre,https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%2020 18.pdf, access 02.08.2021

[1001] S. Banerjee, *Growing Salience of the Indian Ocean Commission: What has Changed for India as an Observer?*, National Maritime Foundation, Issue Brief, New Delhi 22.04.2020,
 https://maritimeindia.org/wp-content/uploads/2020/04/Growing-salience-fof-the-Indian-Ocean-Commission-IOC-India-as-a-Observer-Somen-Bannerjee-1.pdf, access 20.10.2020

[1002] V. Sakhuja, *Cooperation Framework in the Indian Ocean for Regional Powers to Meet the Challenges of Non-Traditional Threats*, op. cit., p.265

[1003] Ibidem

[1004] K. Kubiak, *Przemoc na oceanach. Współczesne piractwo i terroryzm morski*, Wydawnictwo Trio, Warszawa 2009, p. 54

India joined the Shared Awareness and Deconfliction (SHADE) forum for coordination of naval effort in 2012 when it was first implemented. SHADE was created in 2008 to help bind together counterpiracy task forces in IOR through the European Union Naval Force (EU NAVFOR) Anti-Piracy Somalia Operation Atalanta[1005] and the U.S. Navy. "India started to cooperate with the EU NAVFOR antipiracy operation in Western Indian Ocean in 2009, immediately after its beginning, becoming one of the key contributors."[1006] India deployed 61 ships to the Gulf of Aden between 2008 and 2016 for anti-piracy escort duties. Antipiracy patrols has been successful in thwarting 40 attacks on Indian and foreign merchant ships. During these deployments, Indian ships have escorted over 3,325 merchant vessels, also carrying out patrol in the Gulf of Aden along the Internationally Recognised Transit Corridor (IRTC). [1007] as a part of its wider role of providing security to shipping in that fragment of the Indian Ocean Region.

India participated in mapping areas of the piracy High Risk Area (HRA). In the condition of the absence of piracy in the East Arabian Sea in 2012, as a consequence of the effective international actions, India took up the case for revision of HRA at various international forums. "Sustained efforts by the IN along with other stakeholders led to the shipping industry round-table, pushing back the eastern limits of the HRA from the West Coast of India in 2015.'[1008]

The Contact Group of Piracy off the Coast of Somalia (CGPCS), created in 2009 pursuant to UN Security Council Resolution 1851,[1009] served as a forum dealing with piracy issues emanating from Somalia, and makes recommendations to IMO on the matter, was another platform of India's activities. India took over the Chairmanship of CGPCS in 2012.[1010] November 2012, at the initiative of India, the Security Council of the United Nations held for the first time the open debate on piracy as a global threat to international peace and security. Before the debate India circulated a brief concept note, stressing that the objective of the open debate was to take account of the Council's efforts in countering piracy in a holistic manner, "with a special focus on the issue of seafarers being held hostage by the pirates", including

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[1005] EU launched the European Union Naval Force ATALANTA (EU NAVFOR) in December 2008 within the framework of the European Common Security and Defence Policy (CSDP) and in accordance with relevant UN Security Council Resolutions (UNSCR) and International Law.

[1006] T. Łukaszuk, *Normative Powers in Maritime Affairs - India - EU Cooperation in the Indian Ocean Region*, The Copernicus Journal of Political Studies, Toruń 2020, No. 1/2020, p.71

[1007] *Annual Report 2016-2017*, Ministry of Defence, Government of India, op. cit., p.4

[1008] *Annual Report 2015-2016*, Ministry of Defence, Government of India, op. cit., p. 32

[1009] This voluntary ad hoc international forum brings together over 80 countries, organizations, and industry groups with a shared interest in combating piracy.

[1010] *Annual Report 2013-2014*, Ministry of Defence, Government of India, op. cit., p. 33

those seafarers' welfare, both while in captivity and after their release.[1011] During the debate the Deputy Secretary-General noted the sharp decline in pirate attacks in waters off the coast of Somalia as a result of the effective international cooperation. At the same time he emphasized that those gains could be easily reversed if the causes of piracy were not addressed, pointing out the necessity of a comprehensive maritime security and economic strategy for Somalia with a proper legal framework, including the proclamation of an exclusive economic zone in accordance with the United Nations Convention on the Law of the Sea.[1012] The communique after the CGPCS session under chairmanship of India in December 2012, underscored that "close international coordination and cooperation continue to be of central importance to effectively combating piracy off the coast of Somalia and in the wider Indian Ocean."[1013]

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) was negotiated and finalised in 2004, by ASEAN States, China, Japan, South Korea, Bangladesh, Sri Lanka and India. The main goals of the agreement were : information sharing, capacity building and mutual legal assistance. ReCAAP held great significance for the Asian region, being the first government-to-government agreement to cooperate in efforts against piracy and armed robbery. India has been a contracting party to ReCAAP and the Maritime Rescue Coordination Centre (MRCC) in Mumbai has been the designated Indian Focal Point.[1014] India played an active role in the setting up and functioning of ReCAAP Information Sharing Centre along with Japan and Singapore. In 2021 Indian representative, the director general of the Coast Guard, was elected as the executive director of ReCAAP.[1015]

An important form of anti-piracy endeavours by India has been EEZ surveillance and anti-piracy deployments off Seychelles, Mauritius and Maldives, at the request of the host Governments, due to their limited equipment capabilities of their fleet. They have been

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[1011] *Piracy Open Debate* , Security Council Report, New York 16.11.2012, https://www.securitycouncilreport.org/whatsinblue/2012/11/piracy-open-debate.php, access 02.05.2020

[1012] *39. Maintenance of international peace and security*, Repertoire of the Practice of the Security Council, 18th Supplement 2012-2013, Department of Political Affairs - Security Council Affairs Division Security Council, Practices and Charter Research Branch, p.4, https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/en/sc/repertoire/2012-2013/Part%20I/Thematic%20issues/2012-2013_Maintenance%20of%20Intl.%20Peace%20Security.pdf, access 03.05.2021

[1013] *Contact Group on Piracy off the Coast of Somalia Thirteenth Plenary Session*, Communique, New York, 11.12.2012, http://www.lessonsfrompiracy.net/files/2015/03/Communique_13th_Plenary.pdf, access 03.05.2021

[1014] H. Das, *Armed Robbery at Sea in India: Trends and Imperatives*, National Maritime Foundation, New Delhi 26.02.2021, https://maritimeindia.org/armed-robbery-at-sea-in-india-trends-and-imperatives/, access 10.04.2021

[1015] S. Gupta, *India defeats China for ReCAAP elections with Quad on its side*, Hindustan Times, 5.08.2021, https://www.hindustantimes.com/india-news/india-defeats-china-for-recaap-elections-with-quad-on-its-side-101628177963037.html, access 02.10.2021

conducted with the participation of both ships and aircrafts since 2008.[1016] The assistance of India plays a critical role especially in Maldives, where domestic political instability and proportionally the biggest number of volunteers for the Islamic State[1017] combined with the number of tourists visiting the resorts on the islands of the archipelago scattered across the ocean, makes this country defenceless in the event of a terrorist attack.

The threat of a terrorist attack at sea and on the coasts has been at the centre of India's attention since the Lashkar-e-Taiba attack on Mumbai coast in 2008, killing 166 people and injuring over 300.[1018] Following that tragedy, India established in 2009 the National Committee on Strengthening Maritime and Coastal Security (NCSMCS) "to bring stakeholders together and find collective solutions to costal security challenges."[1019] The multi-layered system of Marine Protection involving the Indian Navy, Coast Guard and Marine Police of the coastal States and Union Territories was introduced, improving coordination between the Indian navy, Coast Guard, Marine Police established in 2005 and other marine agencies.

Realizing that mechanisms of coordination and prevention of terrorist attacks cannot be effective without cooperation with neighbouring countries, vulnerable to terrorism, India initiated the creation of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) sector on Security Cooperation, addressing regional security challenges through six Joint Working Groups, among others on countering radicalisation and terrorism.[1020] The BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking entered into force in 2021.[1021] India led to the relaunch of the Colombo Security Conclave in 2021, ten years after its last meeting.[1022] The Conclave expanded its activities both quantitatively and qualitatively. Bangladesh, Mauritius and Seychelles joined the founding members – India, Sri Lanka and the Maldives. They identified four pillars of cooperation : Marine Safety and Security, Terrorism

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[1016] *Annual Report 2008-2009*, Ministry of Defence, Government of India, op. cit., p. 37

[1017] Interview in Male during the study tour 2019.

[1018] A. Singh, *Maritime terrorism in Asia: An assessment*, Observer Research Foundation Occasional Papers, New Delhi 14.10.2019, p.2, https://www.orfonline.org/research/maritime-terrorism-in-asia-an-assessment-56581/, access 20.08.2020

[1019] A. Singh, *Maritime terrorism in Asia: An assessment*, op. cit., p.19

[1020] A. J. Singh, *Building A Resilient Maritime Security Architecture in BIMSTEC*, India Foundation, 02.05.2022, https://indiafoundation.in/articles-and-commentaries/building-a-resilient-maritime-security-architecture-in-bimstec/#_edn21, access 03.05.2022

[1021] *Security*, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), BIMSTEC Secretariat, https://bimstec.org/?page_id=6113, access 04.05.2021

[1022] D. R. Chaudhury, *India-Lanka-Maldives identify four areas of cooperation to fight spread of terror via sea*, The Economic Times, August 6 2021, https://economictimes.indiatimes.com/news/defence/india-lanka-maldives-identify-four-areas-of-cooperation-to-fight-spread-of-terror-via-sea/articleshow/85103752.cms, access 10.12.2021

and Radicalization, Trafficking and Organised Crime and Cyber security.[1023] The threat of terrorist attacks was extensively elaborated by all participating countries most of which had experience with terrorist attacks in the 21st century, originating directly or indirectly from the sea. India also involved other partners from IOR like France in the debate and coordination of activities related to the prevention of maritime terrorism,[1024] to avoid attacks from the first decade of the 21st century.

4.4. Summary

In the two decades after the end the Cold War , India went through the significant debate on maritime security within the Navy, political parties and academia. The debate showed the dichotomic character of approaches toward the maritime issues, differing the North with its continental thinking and the South with the tradition of thalassocracy and maritime openness. "India's strategic thinking was shaped by the fact that it has serious disputes with Pakistan to its west and China to the north, which limits its overland communications and trade with those regions - on the one hand, India looked eastward, and on the other, toward the Indian Ocean."[1025]

Maritime awareness in India evolved as the result of UNCLOS, the national debate and the growing political pressure both national between the Congress Party and pro-maritime BJP, and international in the context of the rise of China. At the same time, the growing awareness of the significance of maritime domain also occurred as the result of the increase of asymmetric threats created by non-state actors related to piracy and terrorism. Together with understanding of the significance of maritime security, the apprehension of the necessity of transparency and involvement of the society occurred among military and political elites. The publication of Maritime Doctrine and Strategy changed the attitude towards maritime security and caused the increase in spending on arms purchases and investments in own shipbuilding industry. The speed and efficiency with which its Maritime Capability Perspective Plan (MCPP) of the Indian Navy was realised played a key role in implementation strategic documents with augmenting geographic scope of nations primary and secondary interests.

[1023] D. Roy Chaudhury, *India-Lanka-Maldives identify four areas of cooperation to fight spread of terror via sea*, op. cit.

[1024] *India, France agree to cooperate on Indian Ocean Region security*, Business Standard, 17.11.2017, https://www.business-standard.com/article/news-ians/india-france-agree-to-cooperate-on-indian-ocean-region-security-117111700936_1.html, access 20.01.2018

[1025] M. Joshi, *What's in a Name? India's Role in the Indo-Pacific*, Observer Research Foundation, Commentaries, New Delhi July 22, 2021, https://www.orfonline.org/research/whats-in-a-name-indias-role-in-the-indo-pacific/, access 10.12.2022

India's has played the role of one of the key security providers, taking steps in bilateral and multilateral dimension aimed at shaping this critical area of maritime governance in the Indian Ocean. India used the capability of the Navy to organise exercises, patrols and dialogues with all coastal countries of the Indian Ocean, facilitating at the same time less-developed partners with necessary military equipment. India was also striving for extended and comprehensive cooperation and interoperability with extra regional partners in securing SLOCs and fighting against piracy, as well as preventing terrorism. Applying different existing instrument and platforms, and creating them if necessary, with the goal of an improved regional consolidation, India attained its goal of reaching the strategic autonomy.

Chapter 5: India's sustainable development activities in the context of challenges for maritime domain in the Indian Ocean Region

The chapter discusses three spheres of India's activities linked to the sustainable development goals set up in 2015 within goal 14 - conserve and sustainably use the oceans, seas, and marine resources. India's endeavours and progress made to preserve the marine ecosystem are examined with the highlight of the Coastal Ocean Monitoring and Prediction System, tracking the levels of marine pollution along the coastline. Several international organisations monitor sustainable fishing within the FAO system, where the Indian Ocean Tuna Commission (IOTC) is the most significant. Indian positive contribution to IOTC is presented, focusing on its impact on smaller littorals of IOR and the capacity-building dimension, as well as existing effective banns for fishing ecologically related species like marine mammals and whale sharks. The exploitation of seabed resources constitutes the third sphere where India belongs to active members of the International Seabed Authority, regulating the exploration and exploitation of non-living marine resources of oceans in international waters. India was the first country to have received the status of a pioneer investor in 1987 and was allocated an exclusive area in the Central Indian Ocean Basin by the United Nations (UN) for exploration and utilization of nodules. With such prerogatives, India established cooperation with several littorals of IOR, allowing them to exploit deposits of valuable mineral resources on the seabed jointly.

5.1. Sustainable Development Goals and India's regional cooperation in environmental protection

The 17 Sustainable Development Goals with their 169 targets were adopted by the United Nations General Assembly in 2015. They envisaged an equilibrium in development between the three dimensions – economic, social, and environmental – by the year 2030. The agreement was based on the critical assumption that the sustainability in all areas, including maritime domain with the goal number 14, should be inclusive, meeting the expectations and needs of all countries and local communities. "The sustainable development goals create a framework to sustainably manage and protect marine and coastal ecosystems from land-based pollution, as well as to address the impacts of ocean acidification. Enhancing conservation and the sustainable use of ocean-based resources through international law, will help mitigate some

of the challenges facing our oceans."[1026] India, as one of the United Nations member states to adopt the SDGs, committed itself to meet the goals by 2030. India made three contributions to the process of drafting and negotiating the SDG agreement. First India argued for the adoption of nationally determined indicators for the SDG goals – nations would remain committed to the goals adopted by them, based on their own assessments and considered as achievable. Another Indian contribution was the diplomatic pressure for greater sensibility towards women's requirements in the adoption of the SDGs. The third Indian idea introduced into the agenda 2030 was the creation of a Technology Facilitation Mechanism (TFM) to further the achievement of the SDGs. [1027] The accessibility of technologies for developing countries has always been among the postulates of those countries in the context of Millennium Development Goals or climate change mitigation. India's negotiating positions has also been guided by the belief that the environmental commitments should not compromise its and other Global South IOR countries' growth prospects.[1028]

India has been as well active in implementation of the SDGs, submitting a National Voluntary Review with the highlights current schemes and implementation initiatives and other related actions.[1029] The organizations mandated to implement SDGs in India have been the National Institution for Transforming India (NITI) Aayog and the Ministry of Statistics and Program Implementation (MoSPI). The approach to implementing the SDGs has been to the same extent ambitious as it was towards the Millennium Development Goals, but at the same time consistent with country's capabilities.[1030] Under the goal 14 – Life below water- the following steps, inter alia, were planned by India:

- prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution;

[1026] *India's coastal, marine ecosystems facing destruction, says environmental organisation*, Deccan Herald, 07.06.2020, https://www.deccanherald.com/amp/science-and-environment/indias-coastal-marine-ecosystems-facing-destruction-says-environmental-organisation-846792.html, access 20.08.2020

[1027] A. Anant, *Significance of SDGs and India's Evolving Global Role*, Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi 8.11.2019, https://idsa.in/idsacomments/significance-of-sdgs-and-india-aanant-081119, access 03.08.2019

[1028] S. Mukherjee and D. Chakraborty, *Walking a thin line between growth and development concerns? Environmental Governance in India*, in S. Mukherjee and D. Chakraborty, *Environmental Challenges and Governance. Diverse perspectives from Asia*, Routledge, Abingdon, New York 2015, p.67

[1029] S. V. Kumar, M. Mathur, *Special Commentary - Sustainable Development Goals: An India Perspective*, TERI – The Energy and Resources Institute, https://www.teriin.org/article/special-commentary-sustainable-development-goals-india-perspective, access 04.03.2020

[1030] S. V. Kumar, M. Mathur, *Special Commentary - Sustainable Development Goals: An India Perspective*, op. cit.

- sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans;
- minimise and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels.[1031]

Having adopted economic transformation programme in 1991, India incorporated sustainability considerations into policymaking in order " to safeguard the environment through the creation of an efficient governance framework."[1032] The Coastal Regulation Zone Act 1991 prohibited development activities and the disposal of wastes in the mangroves and coral reefs, as together with seagrass they constituted three important and endangered ecosystems in the Indian Ocean.[1033]The sustainable development principles and environmental awareness have been developed since the 1970s, driven by external and internal factors. India joined several multilateral agreements, and at the same time several civic pro-environmental movements put a significant impact on policy makers who introduced in 1976 the forty-second Amendment to the Constitution. The occurrence of industrial disaster – the explosion at the chemical plant in 1984 in Bhopal, Madhya Pradesh capital city, influenced the public opinion in India and accelerated the process leading to the enactment of the Environment Protection Act in 1986.

Blue economy served as a frame of reference of the implementation of the sustainable development goals in the maritime domain. India, along with many members of the Indian Ocean Rim Association, has strived to make sustainable use of the Indian Ocean's living and non-living resources. The concept of blue economy accentuated the significance and interdependence of areas such as oceans biodiversity, pollution, climate change mitigation, fishing and aquaculture, and deep-sea mining. To jointly face the challenges related to blue economy areas, India actively has engaged itself in blue diplomacy to enhance joint actions in maritime development,[1034] using existing channels and platforms of bilateral and multilateral cooperation, both global, within the UN system, and regional, among others ASEAN, BIMSTEC and IORA, but also creating new ones.

[1031] S. V. Kumar, M. Mathur, *Special Commentary - Sustainable Development Goals: An India Perspective*, op. cit.

[1032] S. Mukherjee and D. Chakraborty, *Walking a thin line between growth and development concerns? Environmental Governance in India*, op. cit. , p.49

[1033] M.N. Basiron and M. Zubir, *Environmental Security Issues in the Indian Ocean: Preliminary Analysis*, in D. Rumley, S. Chaturvedi and M.T. Yasin (Editors), *The Security of Sea Lanes of Communication in the Indian Ocean Region*, Routledge, Abingdon and New York 2015, p.196

[1034] H. Kanodia, *India's SAGAR Policy in the Indian Ocean Region*, Extraordinary and Plenipotentiary Diplomatist, New Delhi 25.12.2020, https://diplomatist.com/2020/12/25/indias-sagar-policy-in-the-indian-ocean-region/?msclkid=71c00f2fcee311eca5125b05251e723a, access 30.12.2020

While utilising those channels, the instruments differ as mainland littorals had different priorities than small islands. The Bay of Bengal mainland countries, over large parts of the coast, face the challenge of reconciling of environmental protection of the mangrove forest with the development of port infrastructure and fisheries. The littorals of the Arabian Sea have to focus on mitigation of the pollution coming from inland, ships on strategic routes, and offshore oil and gas platforms. The transboundary nature of the ships' movement and the routes of pollution along sea currents created cooperation as a clear imperative for these countries. In the case of the island states in IOR, they "remain firmly focussed on environment-related threats, including maintenance of fish stocks, sea-level rise, severe weather events, and environmentally connected population displacements."[1035] Those threats have an existential character for island countries, closely connected with significant sea-level rise. International collaboration has been a necessary instrument of their national survival.

In the area of marine biodiversity, being an active party to 1992 UN Convention on Biodiversity, the international legal instrument for "the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources," [1036] India submitted as a first country in IOR the national report on the biodiversity protection,[1037] serving as the example for other littorals. India initiated and facilitated the establishment of the Indian Ocean Global Ocean Observing System(IOGOOS)[1038] in 2002, with the goal to improve the management of their marine environment and to use the ocean's resources sustainably. Indian city Hyderabad became a location of the secretariat and coordination center of IOGOOS.[1039] One year later India organised first Indian Ocean Workshop on Marine Biodiversity,[1040] which became an annual event. ASEAN-India Green Fund (AIGF) with an initial contribution of USD 5 million from

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[1035] D. Brewster, *Tackling environmental security threats in the Indian Ocean*, op. cit.

[1036] *Convention on Biological Diversity, key international instrument for sustainable development*, United Nations, https://www.un.org/en/observances/biological-diversity-day/convention#:~:text=The%20Convention%20on%20 Biological%20Diversity%20%28CBD%29%20is%20the,resources%22%20that%20has%20been%20ratified%2 0by%20196%20nations.?msclkid=434947b9d09511ec90e277087707f574, access 02.05.2022

[1037] *India submits Sixth National Report to the Convention of Biological Diversity (CBD)*, Press Information Bureau, Government of India, Ministry of Environment, Forest and Climate Change, New Delhi 29.12.2018, https://pib.gov.in/Pressreleaseshare.aspx?PRID=1557771&msclkid=ba36f9fdd09411ecb6ae65f18a5e647b, access 02.05.2022

[1038] *Conference Statement*, First Conference of The Indian Ocean Global Ocean Observing System(IOGOOS), Mauritius 4-9 November 2002, https://incois.gov.in/iogoos/iogoosI.jsp, access 10.05.2022

[1039] *Report On Regional GOOS Activities (Year 2002) - Indian Ocean Global Ocean Observing System (IOGOOS)*, https://incois.gov.in/Images/iogoos/pdfs/REGIONAL_REPORT-IOGOOS.pdf?msclkid=186f1704d10011ecb983594c97b13aef, access 02.05.2022

[1040] *First Indian Ocean Workshop on Marine Biodiversity: The known, the Unknown and the Unknowable*, Indian National Centre for Ocean Information, https://incois.gov.in/Images/iogoos/pdfs/Project%20Proposal%20on %20Marine%20Biodiversity.pdf?msclkid=9b695721d09111ec86b681765237a3fd, access 03.05.2022

India at the 6th ASEAN-India Summit was held in 2007 in Singapore. AIGF was established to support the activities relating to environment and climate change. Subsequently, the National Biodiversity Authority of India (NBA) in collaboration with India's Ministry of Environment, Forest and Climate Change as well the Ministry of External Affairs, ASEAN Centre for Biodiversity (ACB) and ASEAN Secretariat, initiated a cooperation project on the Strategic Plan on Biodiversity.[1041]

In relation to marine pollution, India initiated the collaboration on monitoring and limiting the plastic debris in IOR. "Plastic debris in the Indian Ocean has been under-sampled and understudied compared to other oceans, and contains the second-largest plastic load in the ocean after the North Pacific Ocean."[1042] In addition, India has been ranked among top ten countries in the world, contributing to ocean plastic pollution,[1043] like other four countries located in IOR and neighbouring India.[1044] Understanding that unmonitored marine pollution causes irreparable damage to oceans, Indian National Centre for Ocean Information introduced in 2018 automatic observation system of ocean pollution. The sensor equipped ocean buoys were placed in coastal areas on both East and West coast of India in West Bengal, Goa, Mumbai, Kochi, Vishakhapatnam and Chennai.

After four years of research, trying to use another regional institutional, ASEAN based, platform – East Asia Summit (EAS),[1045] and in cooperation with Australia and Singapore, India organised in 2022 a virtual international workshop on combating marine pollution, focusing on marine plastic debris. The initiative has encouraged IOR countries to follow India and apply modern technological tools "such as remote sensing, artificial intelligence and machine learning to map the distribution of marine plastics and developing models to understand the dynamics of plastics in the Indian Ocean."[1046] India appealed to EAS countries to explore and inform each other about the challenges, questions, and solutions to marine litter – especially plastic research, use, design, disposal, recycling, and future collaborations for a plastic-free and healthy ocean for sustainable development through knowledge partners – India's National Centre for Coastal

[1041] *ASEAN- India Cooperation Project*, National Biodiversity Authority of India (NBA), Government of India, New Delhi 21.11.2007, http://nbaindia.org/asean-india/Pg.html, access 20.10.2020

[1042] C. Pattiaratchi et al., *Plastics in the Indian Ocean – sources, transport, distribution, and impacts*, Ocean Science, Copernicus Publications on behalf of the European Geosciences Union, No. 18/2022, p.2, https://os.copernicus.org/articles/18/1/2022/os-18-1-2022.pdf, access 10.05.2022

[1043] Ibidem

[1044] Indonesia, Thailand, Malaysia, Bangladesh

[1045] The East Asia Summit (EAS) process was initiated in 2005. The East Asia Summit comprised 18 countries, namely ASEAN Member States, Australia, China, India, Japan, New Zealand, the Republic of Korea, the United States and the Russian Federation, https://eastasiasummit.asean.org/about-east-asia-summit, access 02.05.2019

[1046] *India, Australia, Singapore to Join Hands to Address Marine Pollution Caused by Plastic Debris*, India Pollution News, op. cit.

Research (NCCR), Singapore and Australia's Commonwealth Scientific and Industrial Research Organisation.[1047]

Having similar with Sri Lanka experience in managing another kind of pollution – oil spills, originating mainly from ships operating on congested SLOCs, India convinced its neighbour in 2012 to establish Joint Oil Spill Response Center.[1048] In 2016 they conducted first annual joint oil spill prevention exercises. The same year India organised the first Oil Spill India annual international conference and exhibition, aimed at stimulating learning through panel debates, technical case studies and keynote sessions. Utilising scientific debate instrument the organiser believed that participants would share skills and knowledge required in overcoming the challenges and risks faced by ships' operators and other stakeholders in IOR.[1049]

One year later, in cooperation with the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the Indian Government set up an international training centre to support activities related to operational oceanography, with the goal of facilitating oceanographic studies to support economic activities in international waters, including the collection of information on conservation and disaster management.

In 2018, India signed the cooperation agreement with the South Asian Cooperative Environment Program (SACEP) to jointly tackle the problem of leakages and spills of oil-based products into sea water, coming from both marine traffic and offshore oil and natural gas exploration, in South Asia.[1050] India's intention was to complement the endeavours within the existing Regional Oil Spill Contingency Plan, created jointly by the SACEP and the International Maritime Organisation (IMO) to facilitate international cooperation and mutual assistance in preparing and responding to a major oil pollution incidents in the seas around South Asia. With the support of the European Union, India launched in 2020 the four-year project of the Prevention of Marine Litter in the Lakshadweep Sea (PROMISE), aimed at protecting tourism clusters located along the Lakshadweep shorelines in the Maldives, Sri Lanka and India.[1051]

[1047] *India, Australia, and Singapore come together to address marine pollution with a focus on plastic debris*, Press Release, Ministry of Earth Science, Government of India, https://pib.gov.in/PressReleasePage.aspx?PRID=1798509, access 05.03.2022

[1048] V. Srilatha, *India-Sri Lanka Maritime Cooperation in Indian Ocean—Prospects* in R. Sidda Goud and M. Mookherjee (Editors), *India-Sri Lanka Relations Strengthening SAARC*, Allied Publishers Pvt. Ltd., Centre for Indian Ocean Studies, Osmania University, Hyderabad 2013, p.115

[1049] *Oil Spill India – International Conference and Exhibition*, New Delhi, http://www.oilspillindia.org/theme.php, access 02.04.2022

[1050] *India, SACEP to tackle marine pollution in South Asia*, Ministry of External Affairs, Government of India, 28.03.2018, https://indbiz.gov.in/india-sacep-to-tackle-marine-pollution-in-south-asia/, access 01.04.2022

[1051] *Promise – Prevention of Marine Litter in the Lakshadweep Sea*, Project Switch Asia, the European Union, https://projectpromise.eu/, access 20.04.2022

The Sundarbans, located in Bangladesh and India, is an UNESCO-designated and protected World Heritage Site, as the world's largest tidal mangrove forest covering 10 thousand square km,[1052] endangered Bengal tigers, riverine Irrawaddy and Ganges dolphins.[1053] The mangroves play also a critical role in protecting coasts against natural hazards protecting them in case of tsunamis or cyclones. The coral reefs of around 8,471 square km. However, the recorded annual loss of mangrove areas is estimated at 0.4% to 1.7% and coral reefs at 0.7%. Other pressing challenges to marine lives include emergence of a dead zone with zero oxygen where no fish survive, leaching of plastic from rivers as well as the Indian Ocean, sea erosion.[1054]

The major share of the maritime border between Bangladesh and India is covered by national parks and wildlife sanctuaries, creating the developmental dilemma in both countries and the challenge to the development of joint maritime infrastructure, connecting port of Kolkata with Dhaka. Two countries decided to choose conservation of the Sundarbans and one of the biggest deltas in the world. In 2011, the governments of India and Bangladesh signed a Memorandum of Understanding on conservation of the Sundarbans,[1055] on the basis of the provisions of the Convention on Biological Diversity 1992 and the Ramsar Convention on Wetlands 1971. According to the agreement the habitat is under the management of two countries, which decided to "share relevant information between the concerned officials, explore the possibilities of joint research and management projects; share technical knowledge on conservation and management of biodiversity of Sundarbans; execute patrolling exercises to prevent poaching or smuggling of derivatives from wild life; promote capacity building in biodiversity conservation, climate change adaptation and promotion of sustainable socio-economic development."[1056] Implementing the Memorandum both countries spent substantial funds for Integrated Coastal Zone Management projects for prevention of erosion of the islands,

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[1052] S. Nath, *India-Bangladesh: Saving the Sundarbans*, Gateway House, Mumbai 30.08.2011, op. cit.

[1053] R. K. Panda, *Sea Change: Bay of Bengal's Biodiversity is in Danger*, The Quint 8.06.2015, https://www.thequint.com/news/india/sea-change-bay-of-bengals-biodiversity-is-in-danger?msclkid=650dff96d 16111eca4e30c7cfd55e556, access 20.04.2018

[1054] *A Sub-regional Grouping That Must Get Back On Course*, The Hindu 29.03.2022, https://www.drishtiias. com/daily-updates/daily-news-editorials/bimstec-from-an-ecological-point-of-view, access 20.05.2022

[1055] *India and Bangladesh need greater, more sustained efforts to conserve Sundarbans*, International Union for Conservation of Nature (IUCN), 12.11.2020, https://www.iucn.org/news/asia/202011/blog-india-and-bangladesh-need-greater-more-sustained-efforts-conserve-sundarbans#:~:text=There%20are%20instances%20of%20 cooperation%20between%20Bangladesh%20and,conduct%20a%20joint%20census%20of%20Royal%20Bengal %20Tiger.?msclkid=650d5d51d16111ec935945ee82b3482d, access 20.01.2021

[1056] *MOU between India and Bangladesh on Conservation of the Sundarban*, Ministry of External Affairs, Government of India, Dhaka 6.09.2011, https://mea.gov.in/bilateral-documents.htm?dtl/5141/MOU+ between+India+and+Bangladesh+on+Conservation+of+the+Sundarban, access 03.04.2019

building of storm shelters, promotion of eco-tourism and livelihood improvement, in order to reduce unsustainable practices that cause environmental degradation.

India's efforts in environmental protection of the Bay of Bengal have not been limited to bilateral dimension. The platform of BIMSTEC has been utilised by India to promote SDG14 targets, despite the fact that India's sectoral responsibility covers : Counter-Terrorism and Transnational Crime, Disaster Management, and Energy. As Indian external affairs minister, Jaishankar, stated at the fifth BIMSTEC summit,[1057] achieving SDG 14 targets has been one of the organisation's priority.[1058] He underscored India's commitment to develop platforms and initiatives that can enhance collaboration between the scientist and experts in the maritime domain.[1059] The BIMSTEC Centre for Weather and Climate Change (BCWC), established in 2014 is hosted and facilitated by India's National Centre for Medium Range Weather Forecasting (NCMRWF).[1060] The climate change issues occupy a significant place among climate change challenges in the Bay of Bengal as it induced migration occurred in connection with the noticeable, more than anywhere else in IOR, the rise of sea level. It is predicted that the sea level will increase 0.5 metres in the next 50 years. There have been 13 cyclonic storms in the last five years. "Out of 14 global tropical cyclones associated with the highest fatalities in recorded history, nine have occurred in the Bay of Bengal."[1061]

The Sustainable Management of the Bay of Bengal Large Marine Ecosystem (BOBLME) project serves as another platform of institutional cooperation, implemented in the eight countries surrounding the Bay of Bengal from 2009 with major contribution of India, striving to address transboundary marine resources issues along the coast of this LME, including land-based sources of marine pollution, artisanal fisheries versus commercial fisheries, and habitat conservation and restoration. The project's aims were to improve the health of the marine and coastal ecosystems and living resources across the Bay of Bengal and the lives of coastal populations of the littoral countries. The project supported formal and

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[1057] 5th BIMSTEC Summit took place on 28-29th of March 2022 in Colombo.

[1058] *Statement by External Affairs Minister, Dr. S. Jaishankar at the BIMSTEC Ministerial Meeting*, Ministry of External Affairs, Government of India, March 29, 2022, https://www.mea.gov.in/Speeches-Statements.htm?dtl/35088/Statement+by+External+Affairs+Minister+Dr+S+Jaishankar+at+the+BIMSTEC+Ministerial+Meeting, access 10.05.2022

[1059] M. Kothari, *BIMSTEC- India's Leadership in the Bridge of Regional Connectivity, Prosperity & Security*, India Foundation 02.05.2022, https://indiafoundation.in/articles-and-commentaries/bimstec-indias-leadership-in-the-bridge-ofregional-connectivityprosperity-security/?msclkid=650f0401d16111ec9a2af895442b11ac, access 10.05.2022

[1060] *Environment and Climate Change*, BIMSTEC, https://bimstec.org/?page_id=5541, access 20.05.2021

[1061] A.A. Danda, *Environmental security in the Sundarban in the current climate change era: Strengthening India-Bangladesh cooperation*, Observer Research Foundation Occasional Papers, New Delhi 1.11.2019, https://www.orfonline.org/research/environmental-security-in-the-sundarban-in-the-current-climate-change-era-strengthening-india-bangladesh-cooperation-57191/#_edn6, access 02.09.2020

informal collaboration among the participating countries to address some key issues affecting the health of ecosystem and fisheries resources. Stakeholders achieved a key milestone when the Strategic Action Programme for the sustainable management of the BOBLME was endorsed by the Project Steering Committee and was subsequently signed by all eight countries participating countries.[1062]

5.2. India's regional cooperation in climate change mitigation

In the area of climate change mitigation India became one of the leaders already at the first meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UN FCCC) in Berlin in 1995, by preparing a draft text on behalf of G-77 countries. That draft "became the basis for the 'Berlin Mandate' that launched negotiations on the Kyoto Protocol."[1063]In the 21st century it reaffirmed its status when announced a goal of obtaining 40 per cent of its electricity from non-fossil fuels by 2030 at the Paris Climate Change Summit 2015.[1064] Realizing, that such an ambitious goal would be difficult to follow for other IOR littorals in the absence of access to advance technologies, India used the existing institutional framework – IORA, and created a new one – the International Solar Alliance (ISA), to assist IOR developing countries to meet the goals set up within the process started by the UN FCCC in 1992.

The IORA's "Jakarta Concord" of 2017 acknowledged "the vulnerability of coastal and Small Island Developing States due to climate change and ocean acidification and working together to implement the provisions of the Paris Agreement on climate change."[1065] IORA's Blue Carbon Hub, proposed by India, was established in 2019 with the aim "to build knowledge and capacity in protecting and restoring blue carbon ecosystems, which play an important role in climate change mitigation and adaptation."[1066] The Hub supported scientists and think-tanks

[1062] *Bay of Bengal Large Marine Ecosystem*, FAO and the GEF Partnering for Sustainable Agriculture and the Environment, https://www.fao.org/gef/projects/detail/en/c/1073969/, access 02.05.2021

[1063] A. Sadat, *India and the Climate Change regime : A Critical Appraisal*, Indian Journal of International Law, Vol. 47, No. 4, October-December 2007, New Delhi 2007, p.93

[1064] *Statement by Prime Minister Narendra Modi at COP21 Plenary*, Paris 30.11.2015, https://unfccc.int/files/meetings/paris_nov_2015/application/pdf/cop21cmp11_leaders_event_india.pdf, access 20.10.2018

[1065] *Jakarta Concord. The Indian Ocean Rim Association: Promoting Regional Cooperation for a Peaceful, Stable and Prosperous Indian Ocean*, Indian Ocean Rim Association, Jakarta 7.03.2017, https://www.iora.int/media/23875/jakarta-concord-7-march-2017.pdf

[1066] J. Colombage, *Challenges and Opportunities for Ocean Resource Management*, Forum for Integrated National Security (FINS), New Delhi 8.04.2018, https://finsindia.org/challenges-opportunities-ocean-resource-management/?msclkid=6d5ce511d15f11ec8a1753423ab4920c, access 20.05.2019

from IORA countries by different programmes offering financial or logistical support of the research devoted to the better resilience of their nations towards climate change.[1067]

India conceptualised the idea of using solar energy, which could support less developed countries in bridging the gap in renewable energy share in their energy mix and with the support of France established a new platform of cooperation - the International Solar Alliance (ISA). ISA was inaugurated after the 2015 United Nations Climate Change Conference in Paris, and became a treaty-based inter-governmental international organisation in 2017, with 61 member countries. The first ISA Summit in Delhi was co-hosted by India and France and attended by 23 heads of states and governments from other ISA signatory countries. With the amendment of its Framework Agreement in 2020, all member states of the United Nations became eligible to join the ISA.

In 2022 101 countries were signatories to the ISA Framework Agreement, of which 80 countries have submitted the necessary instruments of ratification to become full members of the ISA, 23 of them IOR littorals.[1068] The fundamental idea of the ISA was to "harmonize and aggregate demand for solar finance, solar technologies, innovation, research and development, and capacity building".[1069] The ISA aimed to mobilise \$1 trillion in low-cost financing for the massive deployment of solar energy by 2030 and bring together 121 countries located between the Tropics of Cancer and Capricorn. Most of the countries that are part of the ISA are from Asia, Africa, South America, and the Pacific, are hydrocarbon-deficit with high energy demand and are grappling with issues ranging from lack of infrastructure, lack of manufacturing capacity, and high energy tariffs. Therefore, it is increasingly important for these countries to get access to renewable energy (RE) at affordable prices."[1070] India's commitment was to extend nearly US\$ 1.4 billion worth of lines of credit which cover 27 projects in 15 countries.

ISA has launched three flagship programmes—Scaling Solar Applications for Agriculture, Affordable Finance at Scale, and Scaling Solar Mini-grids. Countries participating in the Scaling Solar Applications for Agriculture programme include Mauritius, Senegal, Sudan. They received solar pumps to replace diesel-fuelled agricultural pumps for irrigation. Tanzania became the part of the USD 1-billion public investments in solar facilities and solar

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[1067] *IORA Blue Carbon Hub*, IORA Blue Carbon Hub, https://research.csiro.au/iora-blue-carbon-hub/about-the-hub/what-we-do/, access 20.10.2019

[1068] *International Solar Alliance*, https://www.isolaralliance.org/about/background, access 02.05.2021

[1069] Ibidem

[1070] S. Bhattacharya, E. Niranjan, C. Purushothaman ,*India and the International Solar Alliance*, Institute for Defence Studies and Analysis, New Delhi 16.03.2018, https://idsa.in/backgrounder/india-and-the-international-solar-alliance_shreya.ekta.chithra_160318?msclkid=d0d060d2d14511ec972078680b679010, access 15.04.2020

home systems.[1071] As one of ISA projects, Indian Oil Corp. Ltd (IOC) aggregated the petroleum fuel demand of Maldives, Mauritius and Seychelles, bringing down their fuel import costs and supporting their energy security efforts. IOC, India's largest oil refiner, studied the petroleum imports of 37 small island countries.[1072]

Green Grids Initiative – "One Sun One World One Grid" (GGI-OSOWOG) constitutes another India's contribution to climate change mitigation efforts of the Indian Ocean's littorals. The project was launched in cooperation with the UK government in 2021 at the COP26 World Leaders Summit.[1073] The goal of the project, backed by 80 countries, is to accelerate the Global South efforts to meet the requirements of benchmarks set by the United Nations conferences on climate change. India assumed that the successful implementation of the project "will accelerate the development and deployment of interconnected electricity grids across continents, countries and communities, and improve energy access of the poorest through mini-grids and off-grid solutions."[1074] India decided to take the lead in supporting the development of a BIMSTEC green grid that can become a sub-set of the South-East Asian OSOWOG. The first project was planned to be realised in Sri Lanka with an interconnected grid, cooperating with Southeast Asian countries on OSOWOG. Additionally, with the aim of increasing the share of renewables in the energy mix of IOR littorals, offshore wind energy power plants will be constructed in the Bay of Bengal. The energy will be distributed through the grid.[1075]

As a part of its endeavours within climate change mitigation, and response to the United Nations Office for Project Services (UNOPS) Infrastructure for Small Island Developing States report and projects implemented within it in the second decade of the 21st century,[1076] India launched in 2021 a programme of Infrastructure for Resilient Island States (IRIS). The programme is the first substantial initiative by the Coalition for Disaster Resilient Infrastructure

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[1071] O. J. Oguntuase, *India and the Global Commons: A Case Study of the International Solar Alliance*, Observer Research Foundation, Issue Briefs and Special Reports, New Delhi 14.03.2022, https://www.orfonline.org/research/india-and-the-global-commons-a-case-study-of-the-international-solar-alliance/, access 02.05.2022

[1072] U. Bhaskar, *Indian Oil Corp. to help aggregate small island countries' petroleum fuel demand*, Mint 28.11.2020, ttps://www.livemint.com/industry/energy/indian-oil-corp-to-help-aggregate-small-island-countries-petroleum-fuel-demand-11606573910749.html, access 20.12.2020

[1073] *The World Leaders Summit at COP 26, UN Climate Change Conference, Glasgow 2021*, https://unfccc.int/cop26/world-leaders-summit, access 20.01.2022

[1074]*UK and India launch new grids initiative to deliver clean power to the world*, Press release, Government of the United Kingdom, https://www.gov.uk/government/news/uk-and-india-launch-new-grids-initiative-to-deliver-clean-power-to-the-world?msclkid=da304fb5d14711ecb8c49ab782832698, access 20.12.2021

[1075] D. Pujari, *Mainstreaming the Climate Agenda in BIMSTEC*, Gateway House, Mumbai 12.05.2022, https://www.gatewayhouse.in/mainstreaming-the-climate-agenda-in-bimstec/, access 12.05.2022

[1076] T. Adeoti, C. Fantini, G. Morgan, S. Thacker, P. Ceppi , N. Bhikhoo, S. Kumar, S. Crosskey, N. O'Regan, *Infrastructure for Small Island Developing States. UNOPS*, Copenhagen, Denmark, https://content.unops.org/publications/Infrastructure_SIDS_EN.pdf?mtime=20201013090607, access 02.05.2022

(CDRI) started by India in 2019. The primary idea was to secure and strengthen critical infrastructure in small island states against disasters caused by climate change. [1077] The concept of IRIS provides for the implementation of projects, serving as a hub of sharing and learning best practices related to disaster-proofing of infrastructure. The UK, USA. Japan and Australia, which supported India's initiative, expected that project would make existing and upcoming infrastructure in member countries more robust and resilient against climate disasters such as floods, heat, cyclones, forest fires, and rain.[1078]

According to CDRI estimates, every one dollar invested in making infrastructure more resilient in low- and middle-income countries can potentially save losses of over $4 when a disaster strikes.[1079] There is widespread acknowledgment that despite the actions by countries to fight climate change, the frequency and intensity of extreme weather events and disasters will likely only increase in the coming years. Countries are already experiencing more intense flooding, heat waves, and forest fires every year, and they realise the urgency of the problem. Small island states are the most vulnerable to the impacts of climate change. As sea levels rise, they face a threat of being wiped off the map. According to CDRI, several small island states have lost 9 per cent of their GDPs in single disasters in the second decade of the 21st century.[1080] The programme will be implemented between 2022 to 2030 in 58 countries, including the Indian Ocean Region.[1081]

5.3. India's endeavours to control fishing capacity within the Bay of Bengal Inter-Governmental Organisation and Indian Ocean Tuna Commission

India's coastline sustains and provides a source of livelihood to over 250 million people. The fisheries sector occupies an important place in the nation's socio economic development. About 10-15% of the population of India living in coastal areas are engaged in fishing as the sole means of livelihood. Indian marine fish harvest has been mostly concentrated around

[1077] A. Sinha, *Infra and solar alliance: India's climate vision*, The Indian Express 02.11.2021, https://indianexpress.com/article/explained/explained-iris-cdri-infrastructure-climate-change-7601611/?msclkid=9bb4fd3dd15b11ec941a6b72ed66555c, access 20.12.2021

[1078] Ibidem

[1079] S. Tuti, *India to Help Island Countries Build Climate Resilient Infrastructure (Infrastructure for Resilient Island States – IRIS)*, Civil Services News, https://civilservices.com/daily-news/india-to-help-island-countries-build-climate-resilient-infrastructure/, access 15.05.2022

[1080] Ibidem

[1081] J. Nandi, *CDRI to launch infrastructure resilience project for small island nations at COP 26*, Hindustan Times, Oct 23, 2021, https://www.hindustantimes.com/india-news/cdri-to-launch-infrastructure-resilience-project-for-small-island-nations-at-cop-26-101634987809541.html#:~:text=The%20program%20titled%20%E2%80%9CInfrastructure%20for%20Resilient%20Island%20States%E2%80%99,Atlantic%2C%20Indian%20Ocean%2C%20Mediterranean%20and%20South%20China%20Sea., access 20.12.2021

coastal waters up to 100 meters depth and about 90 per cent of the catch comes from up to 50 meters.[1082] The sector has also been one of the major contributors of foreign exchange earnings through export,[1083] as India is the second largest producer of fish in the world.[1084]

As a responsible stakeholder India has been active in the regional organisations and institutions within the UN system, related to sustainable use of living resources at sea, including fisheries. The Food and Agriculture Organization (FAO), the UN agency responsible for international fishery issues, plays a key role in promoting sustainable fishing in regions around the world, both in national waters and on the high seas. There are several regional fishery organisations established under the FAO framework in the Indian Ocean, but two most vital ones would be in focus in this section - the Bay of Bengal Inter-Governmental Organisation and the Indian Ocean Tuna Commission.

On the initiative of India the Agreement on the Institutionalisation of the Bay of Bengal Program as an inter-governmental organisation was signed in 2003 in Chennai. The Agreement changed its name from the FAO Bay of Bengal Program, which was in place from 1979 to 2000, which had " a central mission to ensure development based on responsible fishing practices and environmentally sound management programmes",[1085] to an Intergovernmental Organization for Technical and Management Advisory Services for Fisheries Development and Management in the Bay of Bengal Region. Bangladesh, India, the Maldives, and Sri Lanka became the member states of the Bay of Bengal Inter-Governmental Organisation on coastal fisheries ("BOBP-IGO"). Myanmar, Thailand, and Indonesia - other countries of the Bay of Bengal region – they have been also considering to join the BOBP-IGO. According to the Vision and Strategic Plan of Action,[1086] prepared under the coordination of India, the organisation focused on: improving the monitoring, control and surveillance of fishery resources among the Member States; promoting safety at sea for artisanal and small-scale fishermen; taking the FAO Code of Conduct for Responsible Fisheries to the grassroots level; and enhancing livelihoods for small-scale and artisanal fishermen.[1087] India organised a series

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[1082] Pratysh Das, Sinha MK, Anrose A, Babu C, *Indian Deep Sea Fisheries - Its Prospects, Issues and Challenges*, Journal of Aquaculture & Marine Biology, Volume 5 Issue 2, New Delhi 2017, p.26

[1083] *Indian Maritime Doctrine 2009*, op. cit., p.63

[1084] *SDG 14: Life Below Water*, United Nations in India, op. cit.

[1085] T. Doyle and M. Howard, *Regulatory and Market Based Instruments in the Governance of Fisheries and Marine Protected Areas in the Indian Ocean Region. In Search of Cooperative Governance*, in D. Rumley, S. Chaturvedi and V. Sakhuja (Editors), *Fisheries Exploitation in the Indian Ocean. Threats and Opportunities*, Institute of Southeast Asian Studies, Singapore 2009, p. 311

[1086] *Bay of Bengal,* International Waters Governance, http://www.internationalwatersgovernance.com/bay-of-bengal.html#:~:text=The%20Member%20States%20of%20the%20Bay%20of%20Bengal,Myanmar%2C%20Th ailand%2C%20and%20Indonesia%29%20to%20join%20the%20BOBP-IGO., access 02.05.2019

[1087] *Bay of Bengal,* International Waters Governance, op. cit.

of coordinating meetings and workshops aimed at capacity building in making fisheries more productive and sustainable at the level of nation and local communities of member countries. In the second decade of the 21ˢᵗ century India attached great importance to the review and implementation of the Regional Plan of Action to Combat Illegal, Unreported and Unregulated Fishing (IUU),[1088] underscoring the necessity of continuation of the collective and coordinated initiatives against the phenomenon which significantly progressed after the end of the Cold War.[1089] Despite many joint actions of littorals of the Bay of Bengal, the plague of IUU still existed, "undermining the efforts of nations in bringing back the depleted fish stocks to their original conditions, putting the sustainability of fish stocks in peril."[1090]

The Indian Ocean Tuna Commission (IOTC),[1091] is one of five tuna Regional Fisheries Management Organizations (RFMOs) established after the adoption of the UNCLOS to manage and conserve tuna and tuna-like species in the Indian Ocean, and the only tuna RFMO under the auspices of FAO.[1092] IOTC has played the most critical role in pursuing India's vision of sustainable and, at the same time, just development of fisheries in IOR. India belongs, together with Indonesia and Iran, to three of the four IOTC members (beyond the EU countries), large coastal fishing states, responsible for 44% of the total catch of the IOTC. [1093]

India emphasised that IOTC should facilitate a market in a way which allows the smaller players to benefit. [1094] Despite a system of Exclusive Economic Zones in the seas, they had no fair opportunity as extra regional actors like Chinese Province of Taiwan, France or

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[1088]*Report of the Regional Meeting for Review and Validation of the Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing from the Exclusive Economic Zones of the Member-Countries of the Bay of Bengal Programme Inter-Governmental Organisation*, Chennai 24 – 25.02.2020, p. 5, https://www.bobpigo.org/webroot/img/pdf/report/36-Report%20of%20the%20Regional%20Meeting%20for%20the%20Review%20and%20Validation%20of%20the%20Regional%20Plan%20of%20Action%20to%20Combat%20Illegal,%20Unreported%20and%20Unregulated%20Fishing-REP-164.pdf, access 5.04.2020

[1089] *Development of World Tuna Fisheries*, FAO Report 2001, https://www.fao.org/3/y5428e/y5428e03.htm, access 20.03.2019

[1090] *Report of the Regional Meeting for Review and Validation of the Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing from the Exclusive Economic Zones of the Member-Countries of the Bay of Bengal Programme Inter-Governmental Organisation*, op. cit.

[1091] Established in 1993 at the 105th Session of the Council of the Food and Agriculture Organization of the United Nations (FAO), as part of the transformed Indian Ocean Fishery Commission (IOFC), established under FAO in1967 – see more in T. Łukaszuk, *Normative Powers in Maritime Affairs: India-EU Cooperation in The Indian Ocean Region*, The Copernicus Journal of Political Studies 2020, No. 1/2020, pp. 63–81

[1092] H. Sinan, M. Bailey and W. Swartz, *Disentangling politics in the Indian Ocean Tuna Commission,* Marine Policy, Volume 133, November 2021, p.1, https://www.sciencedirect.com/science/article/pii/S0308597X21003924, access 20.12.2021

[1093] H. Sinan, M. Bailey and W. Swartz, *Disentangling politics in the Indian Ocean Tuna Commission*, op. cit. p.4
[1094] K. V. Kurmanath, *Ensure equity in tuna fishing, India tells IOTC*, The Hindu 17.06.2019, https://www.thehindubusinessline.com/economy/agri-business/ensure-equity-in-tuna-fishing-india-tells-iotc/article28021376.ece, access 20.12.2019

Japan,[1095] used advanced and bigger vessels, making almost impossible for developing countries to compete with them. Their tuna fishing ships are floating factories, which process and pack the catch in-house.[1096] Small island developing states (SIDS) in IOR - Maldives, Mauritius, Seychelles – have been significantly dependent on tuna for livelihood, economy and food security. The tuna exports in total exports of SIDS is significantly high - Maldives: 74% and Seychelles: 53%.[1097] With the debates polarized between distant industrial fisheries represented by the European Union, Japan, China and Korea, and local IOR littorals with their artisanal coastal fleets, India has supported the latter. India shared the rationale of South Africa and Maldives, insisting that extra regional actors, operating for profit, have been mainly responsible for the reduction of fish stocks, contrasted to regional fleets, which being mostly artisanal, serving as a guarantor of national food security and livelihoods, are more ecological.[1098] India used the platform of the Indian Ocean Tuna Commission to ensure equity and democratic processes, double standards, letting the voices of the smaller countries heard.

Another threat to developing littorals of the Indian Ocean is posed by conglomerates and other business organisations. "India is of the view that IOTC should not encourage trade and business bodies to participate in the IOTC processes, as it may attract potential conflict of interests between the mandates of IOTC and such bodies having trade and business interests."[1099] Maldives banned foreign fishing vessels to fish within their waters, but 86% of the tuna catch in Seychelles are carried out by Spanish companies' vessels and 96% in Mauritius by French companies, locally flagged vessels. India protested against the request of the Global Tuna Alliance to participate as an observer in the proceedings of the IOTC, arguing that states should sustain their leading and coordinating role in fisheries' strategies, being responsible for fish stocks.

Defending the interests of IOR littorals New Delhi representatives also acted against blaming small-scale fishers for reducing yellowfin tuna stocks in the Indian Ocean. Instead of putting the burden of sustainability on small-scale fishers and impacting the livelihoods of

[1095] *Tuna fishing statistics 2017-2019*, ATUNA, https://www.atuna.com/pages/tuna-fishing-statistics, access 14.05.2020

[1096] V. Kurmanath, *Ensure equity in tuna fishing, India tells IOTC*, The Hindu 17.06.2019, op. cit.

[1097] H. Sinan, M. Bailey and W. Swartz, *Disentangling politics in the Indian Ocean Tuna Commission*, op. cit. p.4

[1098] M. Lecomte, J. Rochette, Y. Laurans, R. Lapeyre, *Indian Ocean tuna fisheries: between development opportunities and sustainability issues*, Institute de Development Durable et Relations Internationales, Paris 2017, p.74 https://www.iddri.org/sites/default/files/PDF/Publications/Hors%20catalogue%20Iddri/201811-tuna-indian%20oceanEN.pdf, access 14.05.2022

[1099] T. Dao, *India objects to new observer proposal to IOTC, for fear of conflict of interests*, Seafood Source, 26.11.2019, https://www.seafoodsource.com/news/supply-trade/india-objects-to-new-observer-proposal-to-iotc-for-fear-of-conflict-of-interests , access 25.05.2020

millions of such resource-poor fishers, IOTC should put the limitations to the catch of the industrial fishing fleets of developed and extra regional nations. On the other side, "coastal states should be left to manage the fisheries within the exclusive economic zone as provided for in Article 16 of the IOTC agreement for exploiting, conserving, and management of living resources – including highly migratory species like yellowfin tuna."[1100] India supported other IOR littorals like Oman, Indonesia, Madagascar and Comoros, in their objections related to overfishing mitigation, arguing that tuna is traded and consumed globally, but local populations in all four countries "would be hardest hit when their source of income and food is depleted by ongoing overfishing."[1101] There was emphasised by India that the special FAO report[1102] pointed that the decrease in the productivity and fish population in Arabic Sea, have been caused not only by overfishing, but also by climate change and phenomena like El Niño-Southern Oscillation, affecting migrations, feeding and reproduction of fishes, and negatively resulting in the long-term on the viability of the fish populations.

Transboundary character of fisheries and unique geographical location between eastern and western part of the Indian Ocean encourage India to initiate collaboration between different programmes and institutions created under the auspices of FAO. As a good example serve workshops on regional cooperation on sustainable fishing of sharks and manta rays[1103], in the context of the implementation of the FAO Code of Conduct for Responsible Fisheries with the support of FAO, Secretariats of IOTC, BOBLME, SACEP, and management authority of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the participation of government representatives and fisheries authorities from the Bay of Bengal region. Those India's regional capacity building measures embodied its efforts to pursue sustainable development goals in area of exploitation of marine living resources, in cooperation with regional partners. India has also been active in relation to non-living natural resources and this would be elaborated in the next section.

[1100] S. Oirere, *India objects to IOTC yellowfin tuna stock-rebuilding plan*, Seafood Source, https://www.seafoodsource.com/news/environment-sustainability/india-objects-to-iotc-yellowfin-tuna-stock-rebuilding-plan., access 12.08.2021

[1101] *India threatens to derail efforts made to protect the stock of Indian Ocean yellowfin tuna*, Global Tuna Alliance, 23.08.2021, https://www.globaltunaalliance.com/general/india-threatens-to-derail-efforts-made-to-protect-the-stocks-of-indian-ocean-yellowfin-tuna/, access 20.10.2021

[1102] A. Bertrand, M. Lengaigne, K. Takahashi, A. Avadí, F. Poulain, C. Harrod, *El Niño Southern Oscillation (ENSO) effects on fisheries and aquaculture*, FAO Fisheries and Aquaculture Technical Paper No. 660 , Rome 2020, p.94, https://www.fao.org/documents/card/en/c/ca8348en, access 20.10.2020

[1103] *FAO and CITES support India's effort in coordinating the Bay of Bengal regional cooperation on sharks and manta rays*, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Chennai 26-28.08.2014, https://cites.org/eng/chennai_sharks_workshop, access 14.04.2020

5.4. India's impact on exploitation of seabed resources

The International Seabed Authority (ISA), authorised by UNCLOS to issue licences for seabed mining, acknowledged the exploitation and exploration of the deep sea as an environmentally better process in comparison to terrestrial mining, laying "minimal environmental footprint."[1104]According to ISA, such activities caused little damage to environment and are in line with the principles of the sustainable development, especially taking into consideration the dramatic increase in demand for metals and rare earth minerals, which play critical role in technological progress of developing countries.

On the other side, Green Peace reports[1105] argued that deep-sea mining operations contradict not only SDG14, but also (SDG) 12 (ensure sustainable consumption and production patterns). could harm ecosystems by causing marine pollution, destroying habitat and biodiversity. Green Peace activists claimed that: deep-sea mining will disrupt the ocean's sequestration of carbon and make climate change worse; nine Areas of Potential Environmental Interest (APEIs) set aside as no-mining areas were constructed to fit in between exploration areas and not to protect biodiversity.[1106] Responding to these accusations UN experts emphasized that "seabed surface sediments store 15 times less carbon than all the vegetation and soil on land, (...) and the APEIs form a system that protect a full range of habitats, and create large buffer zones against external anthropogenic impacts."[1107]

In accordance with the decision of ISA, India became in 1982 the first IOR littoral among eight 'Pioneer Investors', which received exclusive rights for exploration of the natural resources at high seas.[1108]

ISA's positive assessment of India's ability to implement the programme was based on two assumptions:

[1104] D. Jayaram, *Sustainable Marine Resource Governance in the Indian Ocean Region*, Climate Diplomacy, 29 June, 2016, https://climate-diplomacy.org/magazine/environment/sustainable-marine-resource-governance-indian -ocean-region, access 21.09.2019

[1105] *DeepGreen Responds to Greenpeace Seabed Mining Report*, The Maritime Executive, 31.07.2019, .maritime-executive.com/index.php/editorials/deepgreen-responds-to-greenpeace-seabed-mining-report#:~:text=We%20 appreciate%20the%20recent%20Greenpeace%20report%2C%20In%20Deep,a%20well-intentioned%20effort% 20to%20protect%20the%20deep%20sea., access 30.08.2019

[1106] *DeepGreen Responds to Greenpeace Seabed Mining Report*, The Maritime Executive, op. cit.

[1107] *DeepGreen Responds to Greenpeace Seabed Mining Report*, The Maritime Executive, op. cit.

[1108] R. Sharma, *First nodule to first mine-site: development of deep-sea mineral resources from the Indian Ocean*, Current Science, Vol. 99, No. 6, 25.09.2010, p. 757 https://www.researchgate.net/publication /47351720_ First_nodule_to_first_mine-site_Development_of_deep-sea_mineral_resources_from_the_Indian_Ocean, access 18.04.2019

1. India's geographical centrality in the Indian Ocean and proximity to the discovered deposits of polymetallic nodules in deep-water abyssal plains in the North Indian Ocean;[1109]

2. India's successful involvement in exploration of seabed deposits with 72 expeditions[1110] since 1980 as the first among developing countries.[1111]

India signed the 15-year contract in 2002 for an area of 75,000 sq.km., confirming India's exclusive rights for exploration in the Central Indian Ridge and South West Indian Ridge, "located about 2000 km away from her southern tip for exploration of polymetallic nodules,"[1112] containing manganese and iron, nickel, copper, cobalt, lead, molybdenum, cadmium, vanadium, titanium, of which nickel, cobalt and copper are considered to be of economic and strategic importance for defence and electronic sectors. The contract was extended in 2017 for the next 15 years, widening the scope to polymetallic nodules sulphides.

India has joined the race to explore and develop deep-sea mining for rare earth elements (REE) with the objective of deep-sea mining to help meet the critical and strategic needs of the country.[1113] Another India's goal has been to challenge China's monopoly over REEs and its growing presence and influence in the region. [1114] In relation to several countries in Asia, "China has exploited its dominance over the supply of REEs by restricting their exports through export tariffs and quotas; or by blocking exports to countries, as in the case of Japan (dispute over a Chinese fishing trawler captain's detention by Japan)."[1115]

Sharing similar threat of overdependence of REE imports from China, India and Japan started to cooperate in 2010. Two countries signed a joint declaration on the development and reuse of REEs, then a bilateral MOU in 2012.[1116] In 2015 the commercial contract between Indian Rare Earths Limited (IREL) and Toyota Tsusho Corporation (TTC) for the exploration

[1109] S.K. Agarwal, *Geopolitics of Deep-Sea Mining and China*, in K. K. Agnihotri , G. S. Khurana (Editors)) *Maritime Power Building: New 'Mantra' for China's Rise*, Pentagon Press LLP, New Delhi 2015, p.156

[1110] R. Sharma, *First nodule to first mine-site: development of deep-sea mineral resources from the Indian Ocean*, op. cit.

[1111] S.Z. Qasim, *Indian Ocean and Investment Opportunities in the 21st Century, Society for Indian Ocean Studies,* Journal of Indian Ocean Studies, Vol.1 No.3, New Delhi July 1994, p.9

[1112]*Government to extend pact with ISA on exploring manganese nodules*, The Economic Times, 12.09.2016, https://economictimes.indiatimes.com/news/economy/policy/government-to-extend-pact-with-isa-on-exploring-manganese-nodules/articleshow/54291313.cms, access 24.09.2018

[1113] S. Anwar, *Ocean Development Programmes in India*, 12.04.2018, op. cit.

[1114] D. Jayaram, *Sustainable Marine Resource Governance in the Indian Ocean Region*, Climate Diplomacy, 29.06.2016, https://climate-diplomacy.org/magazine/environment/sustainable-marine-resource-governance-indian-ocean-region, access 20.08.2019

[1115] D. Jayaram, *Sustainable Marine Resource Governance in the Indian Ocean Region*, op. cit.

[1116] *Toyota Tsusho Inks Rare Earths Contract with Indian State Corporation*
-Rare earth oxides produced in India to be exported to Japan, Europe and Americas, Toyota Tsusho Corporation, 10.12.2015, https://www.toyota-tsusho.com/english/press/detail/151210_002928.html#:~:text=Toyota%20 Tsusho%20Corporation%20%28%22Toyota%20Tsusho%22%29%20and%20its%20wholly,earths%20chloride %2C%20the%20raw%20material%20of%20rare%20earths., access 20.10.2018

and production of REEs was concluded. Aiming at bolstering its deep-sea mining and production technology, in order to effectively benefit from the contract, India acquired from South Korea a deep-sea exploration ship 'Samudra Ratnakar', equipped with sophisticated deep-sea survey instruments.

India has cooperated with several IOR countries like Sri Lanka and Saudi Arabia, sharing the results of research on the seabed mining and training the students.[1117] India has helped the Seychelles in exploration of EEZ, preparing survey on the seabed around Seychelles islands, collecting geological, chemical, biological, physical data, analysing sediments, nodules and biological samples.[1118] India scientists made also surveys for marine minerals off Mauritius, analysing polymetallic nodules in Mascarene Basin, preparing a report on their internal structures, composition, and growth rates. Iran also became a partner of India in cooperation in marine geology and oceanography, focusing on training of scientists and joint cruises in the Gulf of Oman and Persian Gulf.[1119]

India became main stakeholder in cooperation between ISA and IORA after the cooperation agreement was signed in March 2022.[1120] The IORA-ISA MoU envisages "joint activities in the fields of capacity-building related to marine scientific research (MSR), seabed exploration, development of legal frameworks and policy formulation, environmental management planning, and joint activities for increased information and data sharing."[1121] Due to the limited capabilities of the majority of the IORA member-states in deep-sea mining, India offered the support for its partners in overcoming major constraints like information on the resources in their EEZ. India multifaceted "technical-technological-human resource capacity to explore-mine seabed minerals" plays key role in the implementation of the IORA-ISA initiative. India's Deep Ocean Mission (DOM) would be instrumental in developing not only mining technologies among IORA member countries but also would enhance collaboration in education and research in the field of ocean science and technology. From Indian perspective

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[1117] R. Sharma, *First nodule to first mine-site: development of deep-sea mineral resources from the Indian Ocean*, op. cit., p.757
[1118] R. Sharma, *First nodule to first mine-site: development of deep-sea mineral resources from the Indian Ocean*, op. cit., p.757
[1119] Ibidem
[1120] V. Sakhuja, *India: Seabed mining gets impetus in IORA Blue Economy initiatives*, International Collective in Supporting of Fishworkers, March 2022, https://www.icsf.net/newss/india-seabed-mining-gets-impetus-in-iora-blue-economy-initiatives/, access 20.04.2022
[1121] Ibidem

this initiative started a real breakthrough in individual and collective capacities in marine science in the Indian Ocean Region.[1122]

5.5 Summary

India was involved in the process of shaping sustainable development goals as a part of maritime governance in the Indian Ocean since the process of its formulating. Acting, as usual, on behalf of other developing countries, it called for the framing of national goals on the basis of their own assessment, as well as for a greater sensibility and an extended access to technologies through a specially created Technology Facilitation Mechanism. In terms of implementing and reporting, India also served as a responsible leader assisting its partners from the Bay of Bengal and the Arabian Sea to fulfil the requirements of SDG number 14 – life below the water in areas of blue economy, protection of biodiversity, pollution and climate change mitigation. It applied various platforms and instruments owing to a different challenges faced by them. The Bay of Bengal littorals deal mainly with the development dilemma related to the biggest mangrove forest in the world along their coastal areas. The Arabian Sea countries from the Persian Gulf and Sri Lanka have to mitigate plastic debris and oil pollution, coming from the merchant ships operating on Sea Lines of Communication. The small island countries treated these issues existentially, as the mitigation of all negative phenomena, especially the climate change driven rise of the sea level, and meeting SDG requirements, have been beyond their capacities.

The rapidly growing problem of ocean pollution along SLOCs in the Western and Central part of the Indian Ocean forced India to establish the Indian Ocean Global Ocean Observing System and the Indian National Centre for Ocean Information, introducing automatic observation system of ocean pollution, equipped with ocean buoys with sensors, transmitting information available for wide range of states. India facilitated the Bay of Bengal littorals with the Sustainable Management of the Bay of Bengal Large Marine Ecosystem (BOBLME) project, which serves as a significant platform of cooperation aimed at conservation and restoration of the marine and coastal ecosystems.

In cooperation with France and the United Kingdom India established two other institutional platforms – the International Solar Alliance and the Green Grids Initiative – One

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[1122] V. Sakhuja, *India: Seabed mining gets impetus in IORA Blue Economy initiatives*, International Collective in Supporting of Fishworkers, op. cit.

Sun One World One Grid, enhancing cooperation in transfer of renewable sources of energy, helping IOR littorals to attain the SDG goals and mitigate climate change.

Acting in IOTC and ISA India safeguarded the interests of less developed countries of the Indian Ocean in confrontation with extra-regional powers, devoting sustained efforts to build up the capacities of its IOR partners in exploitation of both living and non-living resources.

Chapter 6: India's role in the Indian Ocean Region

The chapter serves as a summary of three chapters – third, fourth, and fifth, where the examples of India's activities in various areas of maritime governance were presented. After the end of the Cold War, India reformed the economy and foreign and security policy, transforming into emerging power and becoming one of the vital security facilitators in the Indian Ocean Region. The cooperation of navies plays a significant role in that matter. India's adherence to the rule of law and peaceful settlement of the disputes in the region constitutes one of the critical factors and norm models in the context of China's refusal to recognize the verdicts of neither PCA nor ITLOS. India is considered a model of sustainable development in the maritime area with several institutional initiatives like the International Solar Alliance, which have benefited the Global South. Its programme of Security and Growth for All (SAGAR) and Asia-Africa Growth Corridor programme, created in cooperation with Japan, are meaningful alternatives to the Maritime Silk Road initiative of China, proposing a neo-tributary system for IOR countries. India plays the role of regional leader, provider of security, modern law norms and values rooted in UNCLOS and traditions of IOR littorals, as well as facilitator of institutional framework, sustainable model of development in blue economy, and donor of humanitarian and development assistance.

6.1. India's as a promoter of the rules-based order

As one of the leaders of the III United Nations Conference on the Law of the Sea and signatories of UNCLOS, India respects the provisions and the institutions created by the Constitution of the Sea. India resolved all disputes over the delimitation of maritime borders based on the mechanisms included in UNCLOS, trying to achieve consensus in negotiations and legal proceedings. India applied a unique solution in the case of Indonesia, understanding the uniqueness of this country as the largest archipelago in the world and similar sensitivity to territorial integrity issues. The boundary was divided horizontally rather than vertically, allocating the area and water masses to one country and the seabed to another. In this way, new standards were set in interpreting the law of the sea, showing the possibility of reaching an agreement between the parties to the dispute in an unconventional way, accompanied by political goodwill.

India's approach has been contrary to two other major actors in the Indian Ocean, the USA, which is not a party to UNCLOS, and China, questioning the letter and the spirit of the international law of the sea. By claiming the entire body of the South China Sea, not respecting

the judgments of the PCA and ITLOS, and building artificial islands in disputed waters, China is undermining the rights of other countries located in the Indian and Pacific Oceans. In all its statements and endeavours India emphasised the principles of international law of the sea reflected in UNCLOS - the freedom of navigation and overflight, the unimpeded commerce, and equal rights of states in their access to the oceans. "As a State party to the UNCLOS, India promoted utmost respect for the UNCLOS, which established the international legal order of the seas and oceans."[1123] India's actions and statements calling for joint endeavours and cooperation to build up a law-based order in the Indian Ocean form the epitome of its contemporary stance on UNCLOS. "India is committed to respecting the rights of all nations as laid down in the UN Convention on the Law of Seas (UNCLOS), (…) in relation to territorial waters and Exclusive Economic Zone while supporting the maintenance of rule-based maritime systems."[1124]

India's consistency as a regional leader in defending the rules-based order in IOR stems also from the uncertainty about China's true intentions in the Indian Ocean. There are legitimate concerns that China may transfer its South China Sea and East China Sea strategy of gradually overtaking the zones and building artificial islands, and "threatening the lawful exercise of sovereign rights of its littoral neighbours,"[1125] to the Indian Ocean Region. China's numerous investments in the construction of maritime infrastructure in South, Southeast, and Western Asia suggest that it might be a preparation for expansion and the initiation of a new order in the Indian Ocean Region. Another important factor for China's hyperactivity could be the growing demand for raw materials and food, with 65% of the world's oil reserves[1126] and the largest tuna stocks located in the IOR. Unlike the Western Pacific, there are only a few territorial disputes. Others have been resolved through mechanisms and institutions designated by UNCLOS.

All the affected parties have used the UNCLOS dispute-settlement provision to seek clarification on maritime boundary issues rather than prolonging the dispute or turning to the

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[1123] *India committed to safeguarding maritime interests and strengthening security in Indian Ocean Region*, The Hindu, 13.12.2021, https://www.thehindu.com/news/national/india-committed-to-safeguarding-maritime-interests- and-strengthening-security-in-indian-ocean-region/article37945627.ece, access 15.15.2021

[1124] *India committed to respecting rights of all nations as laid in UNCLOS: Defence Minister*, The Hindu 27.10.2021, https://www.thehindu.com/news/national/india-committed-to-respecting-rights-of-all-nations-as-laid -in-unclos-defence-minister/article37201164.ece, access 20.02.2022

[1125] H. Devineni, *Maritime Rules-Based Order in the Indo-Pacific*, India Foundation, 5.01.2021, https://indiafoundation.in/articles-and-commentaries/maritime-rules-based-order-in-the-indo-pacific/, access 20. 06.2021

[1126] T. Karasik, *Why all eyes should be on the Indian Ocean*, Al-Arabiya News, 9.01.2014, https://english.alarabiya.net/views/news/world/2014/01/09/Why-all-eyes-should-be-on-the-Indian-Ocean, access 10.05.2020

use of force for its resolution."[1127] That attitude of *"peacefully addressing challenges arising in the Indian Ocean Region to enhance stability"*,[1128] remains the principle of the code of conduct for all littorals.

Rules-based order for India means not only respect for the maritime borders. "India advocates the policy of a rule based international order that promotes global commons."[1129] Global commons as areas of high seas beyond national jurisdiction form a vital element of maritime governance, where the cooperation of coastal countries is an imperative. Global commons constitute the conceptual cradle of the modern concept of maritime governance as a responsibility of all actors for the maritime heritage, regardless of within or beyond the direct jurisdiction of states. From India's perspective the extra-regional powers and actors, politically and economically active in the Indian Ocean Region, have to respect and share responsibility for the high seas, in terms of its boundaries and resources on the surface, below the surface, including the seabed, institutionally governed by the International Seabed Authority (ISA), on behalf of the international community, bearing the mandate given according to the provisions of UNCLOS. Thus, the use of living or non-living resources of the ocean in the absence of respect for the provisions of UNCLOS or the utilitarian treatment of its regulations, is a threat not only to the legal, rules-based order, but to the peaceful and sustainable existence of states located on the islands of the Indian Ocean and its shores. India believes that "common prosperity and security require Indian Ocean actors to evolve, through dialogue, a common rules-based order for the region."[1130]

6.2. India as a normative power

India, as a normative power, has a different *semiotic*, civilisational understanding of the sea from China. China treats the sea like a land. "The famous maritime forays by Zheng He six hundred years ago were episodic seven forays lasting just three decades."[1131] "China as a

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[1127] C. Antrim, *International Law and Order: The Indian Ocean and South China Sea*, in D. Michel and R. Sticklor (Editors), *Indian Ocean Rising: Maritime Security and Policy Challenges*, Stimson, Washington 2012, p.80, https://www.stimson.org/wp-content/files/file-attachments/IOR_chapter5_1.pdf, access 20.08.2018

[1128] *India Calls for a Rule Based Order in the Indian Ocean Region*, Diplomacy and Beyond Plus, A Journal of Foreign Policy and National Affairs, 12.07.2021, https://diplomacybeyond.com/india-calls-for-a-rule-based-order-in-the-indian-ocean-region/, access 20.09.2021

[1129] Ibidem

[1130] *Prime Minister's Keynote Address at Shangri La Dialogue (June 01, 2018)*, Ministry of External Affairs, Government of India, https://www.mea.gov.in/Speeches-Statements.htm?dtl/29943/prime+ministers+keynote+address+at+shangri+la+dialogue+june+01+2018, access 02.09.2020

[1131] M.H. Rajesh, *China in the Indian Ocean. One Ocean, Many Strategies*, Pentagon Press, New Delhi 2018, p. 38

civilisation did not find it necessary to trade with external powers via sea."[1132] India's approach towards the sea is embedded in sharing concepts rooted in Buddhism culture, consistent with Arvid Pardo's global heritage and global commons ideas. Interpretation and implementation of UNCLOS regulations set out as a part of a civilisational context and also political in the Global South and the Indian Ocean littorals' dimension. Thanks to its unique geographical location as a bridge between South and Southeast Asia and the central pillar of the Bay of Bengal, India is a reliable partner for ASEAN and other countries in the Indian Ocean Region.

India's normative role within the legal framework of maritime governance in the Indian Ocean Region is well geopolitically acknowledged, much more profound than provided by the European Union or the USA. The case of the delimitation of the boundary between India and Indonesia in the strait of the Andaman Islands and Sumatra, as well as expectations towards India from ASEAN countries, serves as the best example of the significance of that context in shaping India's role in IOR. "The legality requires strong geopolitical foundations,"[1133] and India provides as such in the Indian Ocean Region. India has a strong geopolitical mandate as the country with the biggest population, the longest coastline in the Indian Ocean, the biggest number of neighbours, the most potent Navy, and the sole economic and political potential to serve as an alternative to China's expansionist and assertive policy in the region. This mandate strengthened India's role as a normative maritime leader in IOR, which actively participated in shaping UNCLOS and in implementing it in coordination and line with the interests of littorals of the Indian Ocean from the Global South.

6.3. India as a key security net facilitator in IOR

The end of the Cold War brought to India – key security net facilitator in IOR - critical changes, creating both challenges and opportunities. The change in the global and regional order, and the related urgency to re-evaluate relations with Russia and to rearrange the character of contacts with the USA, as well as to adopt the new model of economic system development, constituted the critical challenges for India. China's growing economic and political potential has gradually gained its significance in the last decade of 20th century, becoming one of the key challenges in the 21st century after the return of China's Navy to the Indian Ocean and announcement of the New Maritime Silk Road programme. Among the opportunities emerging in the 1990s, it is worth mentioning the chance for India to become a more significant player

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[1132] M.H. Rajesh, *China in the Indian Ocean. One Ocean, Many Strategies*, op. cit.
[1133] L. Buszynski, *Geopolitics and the South China Sea*, presentation at the 14th South China International Conference "Peaceful Sea-Solid Recovery," Diplomatic Academy of Vietnam , Da Nang 16.11.2022

in multilateral world, using the contacts from the Non-Aligned Movement at the global level and relationship with littorals of the Indian Ocean at the regional level, as well as harnessing the economic benefits of the globalisation. The withdrawal of the Russian Navy from the Indian Ocean contributed also to the span of new chances for India.

As a consequence of those developments India recalibrated its ambitions in foreign policy and changed the perception of its role in the Indian Ocean Region. It resulted in the transformation India's maritime security policy. By publishing the Maritime Doctrine and Maritime Strategy created in 2004 and 2007 respectively, India sent a clear signal to its partners and competitors that it intends to shape the security architecture of the Indian Ocean Region more actively than ever before. The revised and updated versions of 2009 and 2015 indicated "the changing tone of India's interests and intentions",[1134] while facing Chinese expansion in the Indian Ocean and the bulk of asymmetric threats to SLOCs coming from non-state actors as pirates and terrorists.

"India openly articulated that it can play a role of security provider indicating a new thrust in its foreign policy."[1135] The USA encouraged India since 2009 "to be a partner and a net provider of security in the Indian Ocean and beyond", welcoming India's emergence as "a leading global power and stronger strategic and defense partner"[1136], although "sharing responsibilities and burdens."[1137] The U.S. attitude towards India stemmed not only from growing trust in New Delhi's administration, but also changes in the US strategy in relations with other partners, pushing them to play a larger role. In the second decade of the 21st century U.S. initiatives in Asia and the Pacific included regional powers like Japan, Australia, and India.[1138] "US seek to increase quadrilateral cooperation (QUAD) with Japan, Australia, and India."[1139] In the president Biden-Harris Administration's National Security Strategy, published in 2022, there was a statement with promise of "forging creative new ways to work in common

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[1134] D.M. Baruah, *India's Evolving Maritime Strategy. India shifts its focus from 'using' to 'securing' maritime security in the Indo-Pacific*, The Diplomat, https://thediplomat.com/2015/12/indias-evolving-maritime-strategy/, access 03.04.2019

[1135] S.S. Pattanaik, *Can India be a Security Provider to its Neighbours: Competing Interests, Dichotomic Expectations, Challenges and Constraints*, in S.D. Muni, V, Chadha (Editors), *Asian Strategic Review 2015,.India as a Security Provider*, Institute for Defence Studies and Analyses, Pentagon Press, New Delhi 2015, p. 31

[1136] *National Security Strategy of the United States of America*, Washington, December 2017, p.46, https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905-2.pdf, access 20.09.2018

[1137] *National Security Strategy of the United States of America*, Washington, December 2017, op. cit., p.4

[1138] Vu Le Thai Hoang and Huy Nguyen, *From Hub to Network: A Transformation of U.S. Policy in the Indo-Pacific. The Indo-Pacific is showing signs of buying into Washington's "principled network," but there's still plenty of room for improvement*, The Diplomat 21.08.2020, https://thediplomat.com/2020/08/from-hub-to-network-a-transformation-of-u-s-policy-in-the-indo-pacific/, access 20.09.2020

[1139] *National Security Strategy of the United States of America*, Washington, December 2017, op. cit., p.46

cause with partners around issues of shared interest"[1140] in the context of cooperation with India within QUAD and a new platform o I2-U2 (India, Israel, UAE, United States). The document served as the confirmation of shifting the United States strategic interest to India in the twenty-first century calling it "Asian power" together with Japan.[1141] The agenda of QUAD went beyond military issues, following India's requirements, addressing climate change, the COVID-19 pandemic, promotion of prosperity and economic connectivity across the Indian Ocean region.[1142]

That kind of relationship in the form of a "principled security network" started in 2016 to replace the hub-and-spoke model of strictly bilateral and exclusive alliances. "The deep integration of command and control systems, the existence of shared technical and procedural standards at all levels, and the shared surveillance of the prospective battle space provided ballast to the US alliances"[1143] kept under hub-and spokes. The focus of Washington's alliances shifted from the containment of the USSR to the deterrence of China[1144] and the new quality of relationship was necessary. Introduced by Defense Secretary Ashton Carter at the 2016 Shangri-La Dialogue,[1145] the new model was more flexible in relation to US allies and partners, placing the emphasis between the U.S.-centric loyalty and intra-regional institutional cooperation more evenly. Such proportions met expectations of India, which, despite changes in its foreign policy after the end of the Cold War, did not remove from its doctrine the principle of the non-Aligned Movement of not joining any multilateral alliances. India became a "Major Defense Partner of the United States."[1146]

While recognising the critical role of the USA, India's strategic documents assumed bilateral and multilateral institutional cooperation as instruments necessary to attain India's goals of strategic autonomy and the role of security net provider. "Naval diplomacy entails the use of naval forces in support of foreign policy objectives to build 'bridges of friendship' and strengthen international cooperation."[1147] At the same time, they acknowledged the fact that the

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[1140] *National Security Strategy of the United States of America*, Washington, October 2022, p.2, https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf, access 30.10.2022

[1141] *National Security Strategy of the United States of America*, Washington, October 2022, op. cit., p.26,

[1142] *National Security Strategy of the United States of America*, Washington, October 2022, p.37

[1143] Ibidem

[1144] F. Heisbourg, *The Future of the U.S. Alliance System. Will It Survive the Trump Presidency?*, Foreign Affairs, 5.12.2016, https://www.foreignaffairs.com/articles/2016-12-05/future-us-alliance-system, access 01.06.2021

[1145] *Transcript of Remarks by Secretary Carter and Q & A at the Shangri-La Dialogue, Singapore*, Secretary of Defense Ash Carter, 5.06.2016, https://www.defense.gov/News/Transcripts/Transcript/Article/791472/remarks-by-secretary-carter-and-qa-at-the-shangri-la-dialogue-singapore/, access 20.09.2020

[1146] *National Security Strategy of the United States of America*, op. cit., p.47

[1147] *Indian Maritime Doctrine 2009*, Integrated Headquarters, Ministry of Defence (Navy) Standard Press (India) Pvt. Ltd, Sivakasi 2009, p. 105

institutional security system in the Indian Ocean region was fragmented. The existing sub-regional inter-governmental organisations had limited effectiveness. Due to the conflict between India and Pakistan over Kashmir, the South Asia Association for Regional Cooperation (SAARC) has been dis-activated and did not go beyond formal technical meetings with the last summit held in 2014.[1148] Gulf Cooperation Council (GCC), the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and the Southern African Development Community (SADC) focused on economic priorities.[1149]

The only organisation with the full-scale maritime security agenda, gathering the several significant regional and extra-regional actors in IOR, has been the Association for South East Asian Nations (ASEAN). Since the 1970s ASEAN built up its central position in the security system of the Indian Ocean implementing its vision of Zone of Peace, Freedom and Neutrality (ZOPFAN) and the Southeast Asian Nuclear Weapon-Free Zone (SEANWFZ), as well as the Security Community based on the principle of "cohesive, peaceful, stable and resilient region with shared responsibility for comprehensive responsibility."[1150] Given the *semiotic* approach to the security the factors like civilizational linkages between India and Southeast Asia, related to Buddhism and Hinduism ethic patterns and traditions of non-violence and equilibrium, additionally the consistency of the execution of the programme of shaping the regional order, played vital role in India's assumptions. The "ASEAN way" was the best choice for India, complementing its policy of "Look East", then "Act East" and "Neighbourhood First" policies. India learned from its mistakes in the 1960s and 1980s when it gave up at the last minute a project to build a strong regional security organisation with Southeast Asian Nations.[1151]

India realised that it should use the institutional channels with ASEAN countries and its experience of gradual building of security partnerships, from bilateral through minilateral up to multilateral like ASEAN+, through ASEAN+3 up to East Asia Summit. India expanded the territorial span of partnerships beyond South and Southeast Asia in order to cover the entire

[1148] D.R. Choudhury, *No consensus on holding SAARC Summit : India*, The Economic Times, 07.01.2022, https://m.economictimes.com/news/india/no-consensus-on-holding-saarc-summit-india/articleshow/88747272.cms, access 20.02.2022

[1149] R. Roy-Chaudhury, *Strengthening maritime cooperation and security in the Indian Ocean*, the International Institute for Strategic Studies (IISS), 6.09.2018, https://www.iiss.org/blogs/analysis/2018/09/maritime-cooperation-indian-ocean#:~:text=The%20IOC%20is%20increasingly%20concerned%20over%20the%20risk,is%20to%20take%20place%20in%20India%20this%20year., access 19.04.2019

[1150] *ASEAN Political-Security Community Blueprint*, ASEAN Secretariat, p.2, https://asean.org/wp-content/uploads/images/archive/5187-18.pdf, access 20.03.2022

[1151] P. Jha, *India-ASEAN Relations: An Assessment* in *ASEAN at 50: A Look at its External Relations*, Panorama: Insights into Asian and European Affairs, Konrad Adenauer Stiftung, 01/2017, Singapore, p.109, https://www.kas.de/documents/252038/253252/7_dokument_dok_pdf_49989_1.pdf/7f7d1d74-297e-3ec6-71e8-86d0d1560231?version=1.0&t=1539648647793, access 20.09.2018

Indian Ocean Region. The security cooperation between five countries of the Bay of Bengal - the Meeting of the Littorals of Bay of Bengal and Andaman & Nicobar (MILAN), aimed first at deepening relations between the neighbour countries of South and Southeast Asia, became the largest naval exercises in the Indian Ocean Region. Some ASEAN members, like Vietnam and the Philippines, look to India as an alternative power in the region. At the same time, the broader ASEAN community, views India as a power to reckon with. The broader ASEAN community has called upon India to be more forthcoming, promote intense institutional cooperation in trade, economy and maritime security, and take a more decisive stance towards the region-and this includes the South China Sea. [1152]

The ASEAN formula of building institutional platforms, starting from dialogue fora like the Shangri-La Dialogue through the ASEAN Regional Forum, then the ASEAN Defence Ministers Meeting (ADMM) till ADMM+,[1153] has also inspired Indian strategists. India utilised that ASEAN model and convinced partners from different sub-regions of the Indian Ocean to create the Indian Ocean Naval Symposium. India considered such a region-wide coordination body as necessary in the Indian Ocean, a fragile and vast environment, with threats such as maritime terrorism, piracy, and other illicit activities like human and drug trafficking. IONS facilitated a conducive environment to the establishment of the network of the White Shipping information exchange agreements between India and 22 partners of the Information Fusion Centre for IOR (IFC-IOR). The member countries of the IFC-IOR appointed liaison officers, building up the network to provide the information on merchant shipping. India plays the role of a vital hub of maritime security and the coordinator of the IFC-IOR system that "the entire region is benefited from by mutual collaboration and exchange of information and understanding the concerns and threats which are prevalent in the region."[1154]

Apart from ASEAN, bilateral cooperation served to complement—and thereby strengthen—the multilateral framework. In this context, the USA concept of a "principled security network" has played a significant role in India's conceptualisation of shaping maritime security in the Indian Ocean as a security provider. India developed the network of bilateral cooperation agreements with IOR littorals, copying to some extent the US concept. The concept

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[1152] J. Panda, *Maritime Silk Road and the India-China Conundrum*, Indian Foreign Affairs Journal, Vol. 9, No. 1 (January-March, 2014), p.25

[1153] *About the ASEAN Defence Ministers Meeting*, ASEAN Secretariat, https://admm.asean.org/index.php/about-admm/about-admm-plus.html, access 15.02.2019

[1154] H. Siddiqui, *India's SAGAR inaugurated, to help fight maritime piracy and terrorism*, Financial Express, New Delhi 23.12.2018, https://www.financialexpress.com/defence/indias-sagar-inaugurated-to-help-fight-maritime-piracy-and-terrorism/1422761/, access 09.03.2019

in the US version covers four activities: "capacity building; military diplomacy; military assistance; and direct deployment of military forces to aid or stabilise a situation." [1155]

In order to avoid suspicions of regional hegemonism and the dominant character of relations, with memories of the 1980s missions in the Maldives and Sri Lanka, India mostly utilised the first three features of the US version. The way of implementation also differed - India used the instrument of "promoting shared values that are largely in accordance with principles enshrined in the UN Charter or the ASEAN Charter instead of coercively forcing countries to side with them."[1156] India's use of micro-processes of role resistance to dispute the public goods, relevant tasks and scope for a net provider of security, modified the role by redefining which public goods are prioritized, enabling India to import existing regional security behaviours as commensurate with the net provider of security role. India harmonized its activities with the United States and regional players, and in so doing, India optimized the net security provider role for India's functionality, meeting current skills and knowledge; representationality, matching India's preferred role characteristics; and achieving tenability, minimizing role incompatibility as defined by India.[1157]

In area of capacity building India had helped set up Staff and Command colleges in several African countries and small island states in IOR (Mauritius, the Seychelles, Maldives), having trained officers and soldiers in Indian military institutions. India initiated bilateral annual and biannual exercises aimed at elevating the awareness of maritime security among smaller nations in the region.[1158] India concluded defence partnerships with African countries - Zambia, Nigeria, Ghana, Ethiopia. Botswana, Uganda, Namibia and Mozambique,[1159] Madagascar, Kenya[1160]- aimed at strengthening cooperation and assistance in partners'

[1155] A. Mukherjee, *India as a Net Security Provider: Concept and Impediments*, S. Rajaratnam School of International Studies (RSIS),Nanyang Technological University, Policy Brief, Singapore August 2014, p.2, https://www.academia.edu/8400762/India_as_a_Net_Security_Provider_Concept_and_Impediments, access 20.04.2018

[1156] Vu Le Thai Hoang and Huy Nguyen, *From Hub to Network: A Transformation of U.S. Policy in the Indo-Pacific. The Indo-Pacific is showing signs of buying into Washington's "principled network," but there's still plenty of room for improvement*, op. cit.

[1157] C. J. Fung and Shing-hon Lam, *Contesting Roles: Rising Powers as "Net Providers of Security"*, Journal of Global Security Studies, 6(3), Oxford 2021, p.9

[1158] *Defence and security cooperation was a key 21st century pillar for India and Africa : Jaishankar*, India Writes, 23.09.2020, https://www.indiawrites.org/africa-insights/defence-and-security-cooperation-was-a-key-21st-century-pillar-for-india-and-africa-jaishankar/, access 20.10.2020

[1159] D.R. Choudhury, *India pitches as reliable defence supplier to Africa*, The Economic Times 6.02.2020, https://economictimes.indiatimes.com/news/defence/india-pitches-as-reliable-defence-supplier-to-africa/articleshow/73990771.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst, access 14.10.2020

[1160] H.N. Mboce, *India–Africa Co-Operation on Maritime Security : Need for Deeper Engagement*, Strategic Analysis, Vol. 43, No. 4, IDSA, Routledge, New Delhi 2019, p.267

operational capacity building. As a part of military diplomacy mission, beyond frequent calls to the ports of all littorals in IOR, Indian Navy was called upon to provide assistance to foreign countries in the form of coastal security for major global events like the World Economic Forum Summit and Afro-Pacific-Caribbean (APC) Heads of State Summit in Mozambique.[1161] Indian Navy India started in 2020 to organise the India-Africa defence ministers' conclave.[1162]

Within the framework of military assistance, India "offered to provide offshore patrol vessels, interceptor boats and unmanned aerial vehicles besides Dornier maritime surveillance aircrafts."[1163] India four Offshore Patrol Vehicles for Myanmar, and extended $100 million credit line to Vietnam to purchase military equipment,[1164] operationalised in high-speed patrol vessels.[1165] Additionally India backed island countries in surveillance of EEZ and strategic straits mentioned in India's strategic documents, providing patrols and co-organising them like in the case of Madagascar[1166] and Oman.[1167] The joint patrols in support of countries India allows the use of the fourth dimension of its role of the security provider – direct deployment of military forces - in the event of Humanitarian and Disaster Relief (HADR) missions, after earthquakes, tsunamis and cyclones, which are frequent phenomena in IOR, due to the monsoon climate and location in the seismic ring of fire. To some extent the access and the utilization of naval bases in Oman (Duqm), Mauritius (Agalega), Madagascar (Antsiranana), the Seychelles (Assumption Island), the USA (Diego Garcia), Singapore (Changi) and Iran (Chabahar),[1168] could be classified as a part of expeditionary mission of the Indian Navy, additionally significant in the context of China's growing presence in the Indian Ocean.

Having on its disposal the strength of centuries-old civilisational links, the institutional experience of the leadership in the Noon-Aligned Movement, and a modern and dynamically developing Navy with the support of the USA as the strategic partner, India attained the goal in strategic autonomy in the Indian Ocean. It successfully developed its unique profile as a security

[1161] *Annual Report 2004-05*, Ministry of Defence, Government of India, p.46, https://www.mod.gov.in/sites/default/files/MOD-English2005_0.pdf, access 03.02.2020

[1162] H.N. Mboce, *India–Africa Co-Operation on Maritime Security : Need for Deeper Engagement*, op. cit., p.267

[1163] E. Roche, *India signals at becoming security partner for African countries*, Mint, New Delhi 6.02.2020, https://www.livemint.com/news/india/india-signals-at-becoming-a-security-partner-for-african-countries-11580999556596.html, access 14.10.2020

[1164] A. Mukherjee, *India as a Net Security Provider: Concept and Impediments*, op. cit., p.3

[1165] S. Chakraborty, *India's L&T wins contract to build high-speed patrol vessels for Vietnam*, Naval Technology, 26.09.2016, https://www.naval-technology.com/uncategorised/newsindias-lt-wins-contract-to-build-high-speed-patrol-vessels-for-vietnam-5014725/, access 20.08.2018

[1166] S. Parashar, *Indian ocean: India, Madagascar joint patrol in geopolitical hotbed*, The Times of India, 24.03.2021,http://timesofindia.indiatimes.com/articleshow/81675057.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst, access 02.04.2021

[1167] *Annual Report 2004-05*, Ministry of Defence, Government of India, op. cit., p.46

[1168] D. Brewster, *The Indian Ocean Base Race*, The Maritime Executive, 14.02.2018, https://www.maritime-executive.com/editorials/the-indian-ocean-base-race, access 20.09.2018

net provider in the Indian Ocean Region after the end of the Cold War acknowledged by the USA as a partner with "the unique strategic character" and "a desire to be an independent powerful state and (…) another great power."[1169] The Indian Navy became also, with the support of ASEAN and extra regional partners – the USA and Japan - a regional leader of institutional security cooperation, consolidating the existing platforms and building new, universal ones, covering all the sub-regions of the Indian Ocean.

6.4. India as a model of sustainable maritime development in the IOR

Acting at the global level in the UN institutions, striving to fulfill the goals set by conferences on climate change, sustainable development and environmental protection, seamlessly interweave as areas of maritime governance, India apprehended the urgency of implementing the goals at the regional level, involving partners from existing institutions like BIMSTEC, IOTC and IORA or create new platforms like IOGOOS, IRIS, BOBP-IGO, and ISA, utilizing diversified approaches and instruments. Those multilateral organisations and institutions served as building blocks of comprehensive maritime governance in IOR. The participation of all IOR littorals in the implementation of SDGs, including Blue Economy, was considered as critical by India, as it understands vertical and horizontal interdependency of littorals and the need for inclusive cooperation, as well as the support for the less-developed countries to transfer technology and facilitate their projects and enrich capacities.

As the sole Indian Ocean organization, IORA was chosen by India to galvanize the cooperation in SDG and Blue Economy. Having acted as the IORA Chair for the period 2011-2013, India acknowledged that there has been a growing determination to strengthen institutions and capacities within IORA. "The IORA was a devise to cut across some of the regional groupings such as SADC, SAARC, ASEAN, to help link the countries of the Indian Ocean Region across the ocean, and with each other."[1170] India revitalised IORA during its chairmanship and six Priority and two Focus Areas[1171] were identified to promote sustained growth and balanced development in the Indian Ocean Region. Those were : Maritime Safety and Security, Trade and Investment Facilitation, Fisheries Management, Disaster Risk

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[1169] B. Luxmi, *India not ally of US, will be another great power: White House highlights India's strategic strength*, India TV News, New Delhi, December 09, 2022, https://www.indiatvnews.com/news/world/india-us-bilateral-relation-not-ally-statement-white-house-kurt-campbell-aspen-security-forum-latest-updates-2022-12-09-829863, access 09.12.2022

[1170] S. Chandra, *Indian Ocean Islands and Littoral – Conflict and Cooperation*, Journal of Indian Ocean Studies, Vol. 9, No. 1, April 2001, New Delhi 2001, p.4

[1171] *Indian Ocean Rim Association – Overview*, https://www.iora.int/en/priorities-focus-areas/overview, access 02.08.2018

Management, Tourism and Cultural Exchanges, Academic Science and Technology Cooperation, Blue Economy and Women's Economic Empowerment. Despite the reforms and efforts to improve capacity building in the priority areas, IORA did not meet all expectations in addressing the critical challenges of climate change (coastal erosion) and fisheries (illegal, unreported and unregulated fishing-IUU).

In efforts to complement the activities of IORA and other existing in IOR institutions and organisations, and to address in a more effective way challenges to sustainable maritime development, which requires coordinated and proportional implementation of good maritime governance in the region,[1172] India announced in 2015 its SAGAR (Security And Growth for All) programme. Although, while gearing up its activities in the international framework on pan-regional scale, India had to adjust its instruments of attaining the goals abroad to domestic economic development. So SAGAR was accompanied by Sagarmala and Seaports Development programmes in India. They represent "a maritime Triple S growth triangle prospect",[1173] combining external and internal elements of sustainable development.

SAGAR is based on India's vision of five value-based maritime governance:
- a climate of trust and transparency;
- respect for international maritime rules and norms by all countries;
- sensitivity to each other's interests;
- peaceful resolution of maritime issues;
- and increase in maritime cooperation among littorals.[1174]

It consists of an *amalgam* of the wisdom of the ancient books of Hinduism, the experience of old Indian kingdoms (Chola), Gandhi and Nehru non-violence and peaceful coexistence, and maritime doctrine and strategy. SAGAR focused on confidence and trust, shared commitment to peace and prosperity, lasting stability and prosperity in the region, and developing cooperation in the blue economy.[1175] The trust and transparency, accompanied by the respect for UNCLOS rules and norms by all India's partners, peaceful resolution of maritime disputes, as well as reciprocal sensitivity to each other`s interests, would, in Indian experts opinion, enable the ambitious vision of SAGAR to be implemented. "We should be

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[1172] *Reviving Ocean Health through Regional Cooperation*, Development Asia, Asian Development Bank, 03.02.2021, https://development.asia/explainer/reviving-ocean-health-through-regional-cooperation, access 03.09.2021

[1173] RP Pradhan, *SAGAR, Sagarmala and seaports: How 'Triple S' growth triangle promises to rewrite India's maritime history*, op. cit.

[1174] RP Pradhan, *SAGAR, Sagarmala and seaports: How 'Triple S' growth triangle promises to rewrite India's maritime history*, op. cit.

[1175] *Prime Minister's Keynote Address at Shangri La Dialogue (June 01, 2018)*, Ministry of External Affairs, Government of India, op. cit.

inspired by Monsoon, which nurtures and connects us all in region. We will strive to unite our region in partnership, as we were once in geography. An Ocean that connects our world should become the pathway of peace and prosperity for all."[1176]

Commentators raised an issue that, unlike the Maritime Doctrine and Strategy, a coherent document detailing the SAGAR concept has not yet been published. The basic assumptions of the concept can only be found in the speeches of the Prime Minister[1177] and other members of the Indian Government.

Based on them the following main elements of SAGAR can be distinguished:

1. safe, secure and stable Indian Ocean Region;

2. deepening economic and security cooperation with littorals and island states, assisting them in building capacities;

3. strengthening collective ability for action and cooperation, to advance peace and security to address maritime challenges like piracy and terrorism;

4. enhancing the prospects for sustainable development for all, promoting greater collaboration in trade, tourism and investment, infrastructure development; marine science and technology, sustainable fisheries, protection of marine environment;, climate change mitigation and overall development of Blue Economy";

5. engaging extra-regional stakeholders in IOR in dialogue, building greater trust and promoting respect for maritime rules, norms and peaceful resolution of disputes.[1178]

SAGAR has also been considered as a response to the Belt and Road Initiative of China. India presented its concept of pan-regional order, with India's consultative, democratic and equitable leadership, in contrast to Chinese neo-tributary relations with IOR littorals, leading to nations' debts and overtaking their maritime infrastructure, as in the case of the Hambantota port in Sri Lanka. India has long been associated with contributions to international norms that have upheld the political and economic sovereignty of developing countries.[1179] India's partnership with IOR littorals is based on a model of cooperation which is responsive to the needs of partner countries, demand-driven and free of conditionalities.[1180]

[1176] *Our vision for Indian Ocean is SAGAR – "Security and Growth for All in the Region"*, Dr. Syama Prasad Mookerjee Research Foundation, https://www.spmrf.org/our-vision-for-indian-ocean-is-sagar-security-and-growth-for-all-in-the-region/, access 02.05.2022

[1177] *Prime Minister's Keynote Address at Shangri La Dialogue (June 01, 2018)*, Ministry of External Affairs, Government of India, op. cit.

[1178] S. Sarangi, *Unpacking SAGAR (Security and Growth for All in the Region)*, op. cit.

[1179] A. Anant, *Significance of SDGs and India's Evolving Global Role*, op. cit.

[1180] D.R. Choudhury, *India's partnership with Africa is free of conditionalities*, The Economic Times 29.05.2019,

At the moment of the presentation of SAGAR India extended 500 million USD loan for Mauritius for civil maritime infrastructure,[1181] as an example of India's support for small island nations in the Indian Ocean in their endeavours to attain sustainable development goals like climate change mitigation, development of blue economy and environmental protection. Other Indian Ocean archipelago states like Maldives and Madagascar acquired EEZ covering vast space and need assistance in capacity building to elevate their preparedness to use the instruments necessary maritime governance. "They are hardly in a position to utilize the resources of their EEZ; hence building the marine resources of these islands – a field in which India has both scientific knowledge and equipment. India offered them an effective partnership[1182] in all areas of maritime governance from central to local level, understanding that "successful maritime governance requires greater inter-state and inter-agency consultation and cooperation, an improvement in linking national initiatives to local action, increased participation of local government and local communities and the enhancement of local capability.[1183]

Apart from SAGAR, another significant concept of sustainable development cooperation India introduced in cooperation with Japan. Asia Africa Growth Corridor (AAGC) was announced in the joint declaration issued by Prime Minister Narendra Modi and Prime Minister Shinzo Abe in November 2016 and confirmed by Modi at the African Development Bank Group Annual Meeting in Ahmedabad, India, May 2017.[1184] "India has a long history of development cooperation and assistance with Africa, bearing a leading role amongst development partners of Africa in capacity-building, infrastructure and the energy sector.[1185] Having assumed the office in 2014, Modi made Africa a top priority for India's foreign and

https://economictimes.indiatimes.com/news/politics-and-nation/indias-partnership-with-africa-is-free-of-conditionalities/articleshow/69568080.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst, access 20.04.2020

[1181] N. Modi, *Statement to the media by Prime Minister of India Narendra Modi in Mauritius,* 12.03.2015, https://www.narendramodi.in/asm/statement-to-the-media-by-pm-in-mauritius-2952, access 20.03.2018

[1182] V. Mishra, *Consolidating India's Indian Ocean Strategy*, op. cit.

[1183] T. Doyle and M. Howard, *Regulatory and Market Based Instruments in the Governance of Fisheries and Marine Protected Areas in the Indian Ocean Region. In Search of Cooperative Governance*, op. cit.

[1184] *Speech delivered by Narendra Modi, Prime Minister of India, at the Official Opening Ceremony of the African Development Bank Group Annual Meetings*, African Development Bank, Ahmedabad, India, May 23, 2017, https://www.afdb.org/fileadmin/uploads/afdb/Documents/GenericDocuments/Speech_delivered_by_Narendra_Modi__Prime_Minister_of_India__at_the_Official_Opening_Ceremony_of_the_African_Development_Bank_Group_Annual_Meetings_in_Ahmedabad__India__May_23__2017.pdf, access 15.09.2021

[1185] A. Prakash, *The Asia–Africa Growth Corridor: Bringing together old partnerships and new initiatives*, https://www.orfonline.org/research/the-asia-africa-growth-corridor-bringing-together-old-partnerships-and-new-initiatives/, access 20.08.2021

economic policy.[1186] Contributing conceptually and economically to sustainable development in Africa India "has competitive strength in providing affordable, appropriate and adaptable technology, and in project execution."[1187] In terms of maritime governance Modi put maritime cooperation as the eight out of ten principles of India's cooperation with African nations.[1188] His believe was that India "can intermingle its sustainable development agenda with the 2050 Africa's Integrated Maritime Strategy."[1189]He pledged to keep the oceans open and free for the benefit of all nations, emphasising the necessity of cooperation in the eastern Indian Ocean.[1190]

The vision document of AAGC was prepared by the Research and Information System for Developing Countries (RIS) in New Delhi, the Economic Research Institute for ASEAN and East Asia (ERIA), Jakarta, and Institute of Developing Economies (IDE-JETRO), Tokyo, and was based on consultations with Asian and African think-tanks, published in Hyderabad in 2017.[1191] The transparent and inclusive way of its creation, engaging a broad span of stakeholders, was supposed to "envisage people centric sustainable growth strategy,"[1192] making difference in comparison to the top-down paternalistic approach of China's BRI.

The main premise of the vision was that India could serve as raw model and can share its experiences of sustainable growth and development with Africa. By providing physical and institutional quality infrastructure the AAGC would create new opportunities of multilayer connections between people, regions and countries, boosting their growth potential. It consists of five aspects :

"(a) effective mobilisation of financial resources;

(b) their alignment with socio-economic development and development strategies

of partner countries and regions;

(c) application of high-quality standards in terms of compliance with international

standards established to mitigate environmental and social impact;

(d) provision of quality of infrastructure taking into account aspects

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[1186] *Speech delivered by Narendra Modi, Prime Minister of India, at the Official Opening Ceremony of the African Development Bank Group Annual Meetings* , African Development Bank, Ahmedabad, India, May 23, 2017, op. cit.

[1187] A. Prakash, *The Asia–Africa Growth Corridor: Bringing together old partnerships and new initiatives*, op. cit.

[1188] *Key takeaways from PM Modi's address to the Parliament of Uganda*, Kampala, July 25, 2018 https://www.narendramodi.in/pm-modi-addresses-the-parliament-of-uganda-540888, access 25.10.2021

[1189] P. Amaresh, *An Aisle of Opportunity: The Asia Africa Growth Corridor*, Extraordinary and Plenipotentiary Diplomatist, New Delhi 27 June, 2020, https://diplomatist.com/2020/06/27/an-aisle-of-opportunity-the-asia-africa-growth-corridor/, access 14.10.2020

[1190] Ibidem

[1191] H. S Puri et al (Eds.), *Asia Africa Growth Corridor. Partnership for Sustainable and Innovative. Development. A Vision Document*, p.1, https://www.eria.org/Asia-Africa-Growth-Corridor-Document.pdf, access 20.10.2022

[1192] Ibidem

of economic efficiency and durability, inclusiveness, safety and

disaster-resilience, sustainability as well as convenience and

amenities;

(e) contribution to the local society and economy."[1193]

Based on those assumptions the investments in infrastructure would not cause any harm to sensitive structures of local communities in Africa respecting their livelihoods, labour markets and traditions. India had at its disposal marine technologies useful for small and medium-sized enterprises and easy to adapt to coastal communities in Africa. There was also the idea of developing of "an overarching trans-continental maritime governance structure (…) to handle various sectors in a more coherent manner." [1194]

AAGC could serve as an activating and reinforcing factor in developing comprehensive maritime governance structure "through mutual consultation and creating a quality marine infrastructure for fostering a seamless flow of economic activities in the region."[1195] With the goal of holistic and coherent approach toward maritime governance AAGC was projected to be based on four pillars:

1. Enhancing Capacity and Skills;

2. Quality Infrastructure and Institutional Connectivity;

3. Development and Cooperation Projects;

4. People-to-People Partnership.[1196]

The AAGC, despite its convergence with the African Agenda 2063,[1197] and the potential of becoming a significant platform to expedite the goals and improve relations between Asia and Africa, still awaits fast-track implementation, mainly due to the COVID-19 pandemic.

Using its institutional capacities, India, as the leading player, shaped the maritime governance in the Indian Ocean Region as a whole, including its sub-regions, countries, and non-state actors. India treats maritime governance as a complex and dynamic process. It attaches great significance to the holistic approach at all levels of subjectivity in the maritime

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[1193] H. S Puri et al (Eds.), *Asia Africa Growth Corridor. Partnership for Sustainable and Innovative. Development A Vision Document*, op. cit. , p.4

[1194] S. K. Mohanty and P. Dash, *Economic Opportunities in Blue Economy in Africa* , in S. Chaturvedi, A. Prakash, P. Dash (Eds.), *Asia-Africa Growth Corridor Development and Cooperation in Indo-*Pacific, Springer, Singapore 2020, p.107

[1195] S. K. Mohanty and P. Dash, *Economic Opportunities in Blue Economy in Africa* , op. cit., p.107

[1196] H. S Puri et al (Eds.), *Asia Africa Growth Corridor. Partnership for Sustainable and Innovative. Development A Vision Document*, op. cit. , p.6

[1197] D. McLain Gill, *Japan and India in Africa: Need for Revival of Asia-Africa Growth Corridor*, Nepal Institute for International Cooperation and Engagement (NIICE), Kathmandu 29 July 2020, https://niice.org.np /archives/5735, access 24.02.2022

domain and all areas of maritime governance from legal, naval and economic, up to the marine environment. Only such an approach guarantees the successful implementation of the integrated maritime policy as the executive framework of maritime governance. India's concepts and projects cover a wide range of actions like training, technology and R&D sharing, innovative financing for the development of the blue economy. India is also trying to help in identifying opportunities for less developed countries to improve the quality of their participation in global value chains in maritime sectors. Small and medium countries of the Indian Ocean expect India to be a provider of not only security, in the context of China's growing assertiveness in the region, but also the contributor to sustainable maritime development related to the blue economy and protection of the marine environment. To meet those expectations, India has to use diversified development assistance programmes based on an institutional framework to boost cooperation in maritime infrastructure development, environmental protection and management of exclusive economic zones and other maritime zones under and beyond the jurisdiction of states.

6.5. India as a donor of humanitarian assistance

The COVID-19 pandemic crisis 2020-2022 created rather opportunity than challenge for India's SAGAR programme. "The pandemic and the subsequent lockdowns and supply chain disruptions in the recent past have underlined the need for diversifying and increasing supply chain resilience, the ability to recover from the setbacks, adapt well to change and keep going in the face of adversity."[1198]

As in all the countries in the world, the Narendra Modi government focused in the first months of 2020 on domestic efforts to limit the span of the pandemic and protect as many people as possible through lockdowns, sanitary masks, and vaccinations. As soon as May 2020, New Delhi initiated a humanitarian assistance programme for all Indian Ocean littorals in need within the SAGAR programme. India emerged as a leader of vaccine diplomacy, by sending 22.9 million doses to twelve IOR countries under its "Vaccine Friendship" programme[1199] and

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[1198] P.P. Deshpande, *Role expected of India in the integration & prosperity of Indo-Pacific region*, The Times of India, December 5, 2022, https://timesofindia.indiatimes.com/blogs/truth-lies-and-politics/role-expected-of-india-in-the-integration-prosperity-of-indo-pacific-region/?source=app&frmapp=yes, access 10.12.2022

[1199] *India's vaccine diplomacy wins friends in Caribbean, draws global praise*, The Times of India, February 19.2021,
https://timesofindia.indiatimes.com/india/indias-vaccine-diplomacy-wins-friends-in-caribbean-draws-global-praise/articleshow/81112044.cms, access 20.02.2022

played the role of the first responder to the crisis in the region.[1200] "In keeping with its "Neighborhood First" initiative, the first consignments of the Covishield vaccine — which was developed by AstraZeneca and Oxford University and manufactured by the Serum Institute of India — and Covaxin, a locally developed and manufactured vaccine by Bharat Biotech and the Indian Council of Medical Research, went to its immediate neighbors, Bangladesh, Bhutan, Maldives, Myanmar, and Nepal, and to key Indian Ocean partners, Mauritius and Seychelles."[1201] With the goal to assist other countries in dealing with the COVID-19 pandemic, the New Delhi government has sent the Indian Naval ship 'Kesari' to Maldives, Mauritius, Madagascar, Comoros and Seychelles. The ship carried two medical assistance teams onboard, and consignments of COVID-19-related essential medicines and 600 tons of food items. Mauritius received additionally a special consignment of Ayurvedic medicines. Hydroxychloroquine tablets were delivered to Madagascar and Comoros, as their governments dealt also with dengue fever epidemics. "The deployment is in consonance with the Prime Minister Modi's vision of security and growth for all in the region 'SAGAR' and highlights the importance accorded by India to relations with her neighbouring countries and further strengthens the existing bonds."[1202]

In July 2021, India the CoWin Global Conclave was organized to showcase its digital capacities in fighting the pandemic.[1203] Narendra Modi underscored at the Conclave that "the biggest lesson from the COVID-19 pandemic is that for humanity and the human cause" the nations have to cooperate, and "India has been committed to sharing all experiences, expertise and resources with the global community."[1204] The programme Vaccine Maitri India, within which Made In India' Covid-19 vaccines were shipped to around 25 nations,[1205] helped India to counter China's influence in South Asia and Africa[1206] and "reinforced India's

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[1200] *Mission Sagar: India's helping hand across Indian Ocean during COVID-19 crisis*, DNA, New Delhi May 10, 2020, https://www.dnaindia.com/india/report-mission-sagar-india-s-helping-hand-across-indian-ocean-during-covid-19-crisis-2824319, access 15.10.2020

[1201] S. Ramachandran, *India's Vaccine Diplomacy: A Potent Card? While China has faltered in delivering COVID-19 vaccines to South Asian countries, India has stepped in.*, The Diplomat, January 26, 2021, https://thediplomat.com/2021/01/indias-vaccine-diplomacy-a-potent-card/, access 10.12.2022

[1202] *Mission Sagar: India's helping hand across Indian Ocean during COVID-19 crisis*, DNA, New Delhi May 10, 2020, op. cit.

[1203] Ibidem

[1204] *PM's address at CoWIN Global Conclave 2021*, Prime Minister Office, India, New Delhi 05 Jul, 2021, https://www.pmindia.gov.in/en/news_updates/pms-address-at-cowin-global-conclave-2021/, access 08.12.2021

[1205] *Stop vaccine nationalism, encourage internationalism: India at UNSC*, The Indian Express, February 17, 2021, https://indianexpress.com/article/world/stop-vaccine-nationalism-encourage-internationalism-india-at-unsc-719 3057/, access 05.09.2021

[1206] S. Ramachandran, *India's Vaccine Diplomacy: A Potent Card? While China has faltered in delivering COVID-19 vaccines to South Asian countries, India has stepped in.*, op. cit.

credentials."[1207] It also build up its position in comparison to countries from the Global North, which promoted 'vaccine nationalism.'[1208] India's vaccine production and delivery capacity were used to help all of humanity to fight the pandemic. India promoted 'vaccine internationalism.'[1209]

6.6. Summary

The chapter discussed five types of roles India played in the Indian Ocean Region : a promoter of the rules-based order, a normative power, a key security net facilitator, a model of sustainable maritime development, and a donor of humanitarian assistance. In all these roles, India followed the existing institutional universal and regional patterns of legal order and cooperation but also was innovative through new interpretations of existing law, creating new institutions and pan-regional programmes. The dynamic approach towards role corresponds with the dynamic character of maritime governance defined by the author of the dissertation as a process, not a static framework.

As a promoter of the rules-based order, India delimited maritime boundaries with its Southeast Asian neighbours applying new approaches beyond existing practices. It showed consistency and encouragement of cooperation in solving disputes gaining the trust of IOR littorals which later asked India to provide good services in legal matters.

As a normative power, India presents the strength of regional sources of norms and traditions of sharing living and non-living resources at sea and extended cooperation in capacity building, contrary to China. The regional tradition of sharing complemented the universal regulations related to seabed mining created within UNCLOS. The deep understanding of the particularities of the maritime domain contradicted the thesis of the 'maritime blindness' of India.[1210]

Performing the role of the key security net provider, India applied a combination of the US 'principled security network' and ASEAN's gradual evolution from bilateralism to multilateralism under conditions of equal partnership. Two regional organisations of naval

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[1207] *Ministry of External Affairs. Annual Report 2020-2021*, Ministry of External Affairs, Government of India, New Delhi 2021, p.11

[1208] T. Narzari, *Address by EAM Jaishankar at UNSC open debate on the implementation of resolution 2532*, United Nations / Indian Diplomacy, 21st February 2021 https://thekootneeti.in/2021/02/21/address-by-eam-jaishankar-at-unsc-open-debate-on-the-implementation-of-resolution-2532/, access 10.12.2021

[1209] Ibidem

[1210] D.K. Sharma, *Fighting sea blindness*, The Hindu, June 09, 2020, https://www.thehindu.com/opinion/op-ed/fighting-sea-blindness/article31781576.ece, access 20.08.2020

dialogue and merchant fleet monitoring were established, proving the possibility of cooperation in the region, including sensitive information about the movement of ships.

Becoming a model of sustainable maritime development, India proposed initiatives both at the regional and global levels. India joined Japan, the USA, and Australia, presenting SAGAR- the coherent vision of the development based on equality of all littorals and legal order in the IOR. Programmes facilitating less developed countries of the IOR with technology based on renewable energy sources constituted a response to their repeated many times postulates.

Despite its active role in shaping maritime governance after the end of the Cold War, projections for India's role in the region are still very high. "India lacks China's economic muscle and therefore has to calibrate its approach towards countering the Chinese influence by building confidence amongst the countries in the region as a trusted partner with the common objective of regional development through an inclusive and collective approach towards capacity enhancement."[1211] Therefore, it would be a challenge for India for the consecutive decades of the 21st century to continue its maritime policies, while continuing bridging developmental gaps domestically, and its vision of maritime governance externally with a pressure from the USA pushing India to be more assertive and competitive towards increasingly capable China. "India's future ambitions depend on the trajectory of its economy."[1212] Greater Indian efforts need more extensive support from its key partners – the USA, Japan, Australia, and the European Union – both in international and national development.

The US strategy and its new concept of AUKUS seem to trigger the bipolar rivalry, which "looks set to repeat itself, this time around the US and China."[1213] It could affect India's interests in the Indian Ocean. New Delhi diplomats have to convince Washington that Indian-style leadership in the Indian Ocean's maritime governance would be necessary to uphold the legal order, avoiding military confrontation with China. Another challenge would be to change India's attitude towards the Regional Comprehensive Economic Partnership free trade agreement, covering its strategic partners. The question of its participation in this critical economic grouping might become an existential choice in the context of India's role in shaping

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[1211] A. J. Singh, *India's maritime engagement with Africa set to grow*, Financial Express, June 17, 2021, https://www.financialexpress.com/defence/indias-maritime-engagement-with-africa-set-to-grow/2273105/, access 17.10.2021

[1212] D. Jaishankar, *Indian Ocean region: A pivot for India's growth*, Brookings, 12.09.2016, https://www.brookings.edu/opinions/indian-ocean-region-a-pivot-for-indias-growth/, access 20.09.2019

[1213] K. Purba, *Timor Leste's Asean membership is too strategic to delay: Jakarta Post contributor*, The Straits Times 6.06.2022, https://www.straitstimes.com/asia/se-asia/timor-lestes-asean-membership-is-too-strategic-to-delay-jakarta-post-contributor, access 6.06.2022

maritime governance in the Indian Ocean Region. It could put significant limits on its role in the post-pandemic regional recovery.

The debate on India's strategy in shaping maritime governance in the Indian Ocean and its place in the region in general still goes on both in India and abroad. The question of the relevance of using strategic autonomy as the pillar of India's naval strategy prevails. The focus is on 'autonomy,' which seems to be outdated and introverted. In the context of the openness of India's economy and security system to international cooperation after the end of the Cold War and under dynamic conditions of globalisation, the mantra of 'self-reliance' is no longer relevant for foreign and security policy. India's role and position changed, as India finally "overcame the mental leap of the role of a 'rule-taker' to a 'rule-maker'." [1214]

[1214] C. Raja Mohan, *India's new role in the Indian Ocean*, New Delhi 2011, https://www.india-seminar.com/2011/617/617_c_raja_mohan.htm, access 10.12.2022

Conclusion

Drawing on the neoliberal institutionalist theory of international relations, this dissertation provided an analysis of the role of India in shaping maritime governance in the Indian Ocean Region after the end of the Cold War. The empirical research was carried out using the adopted theoretical assumptions of neoliberal institutionalism and four elements of the model of maritime governance as a research scope. They supported showing the complexity of maritime governance in the Indian Ocean Region and the interdependence between its elements with the imperative of a comprehensive approach and institutional cooperation and answering the research questions.

Answering the first research question about the reasons for the change in the formula of India's involvement in bilateral and multilateral cooperation in the Indian Ocean Region after the end of the Cold War, the dissertation showed that India realised the urgency of the shift in foreign policy and economy, witnessing intra-regional and global dynamics in international relations. The fall of the Soviet Union as the strategic partner, and the deepening process of globalisation and the systematically increasing scope of the liberal economic model and institutional integration in Asia triggered India's decision to redefine its role in the Asia-Pacific region, starting from the Indian Ocean Region. With their growing limitations, the international non-aligned country status and the domestic state-controlled economy model did not fit into the state of international relations in the region and India's aspirations. Active involvement in the IOR bilaterally and multilaterally with the utilisation of its traditional civilisational relations and rapprochement with the USA, Japan, and Australia, as well as the "Looking East" development cooperation programme towards Southeast Asia, constituted an attractive strategy for India, as they helped to attain its goals effectively.

The key assumptions of neoliberal institutionalists, arguing that states focus on their interests and seek absolute gains from their activities in order to pursue those interests, served as a suitable and relevant theoretical framework for explaining India's pivot to the Indian Ocean after the end of the Cold War. Under the growing influence of transnational contacts between societies and political-economic interdependence as elements of the process of globalisation, India anticipated common interests and institutionalised its cooperation. The established international organisations in the Indian Ocean Region like the Indian Ocean Rim Association and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation were platforms to "provide information, reduce transaction costs, make commitments more credible,

establish focal points for coordination, and in general facilitate the operation of reciprocity."[1215] They also exerted their and India's influence on members agendas and behaviour in the international arena, making them aware of their regional commonalities.

The neoliberal institutionalist theory was also valuable in answering the second research question on instruments based on existing maritime regimes and regulations chosen by India to shape maritime governance in IOR. India not only utilised those instruments but actively participated in the process of shaping and creating them through its bilateral and multilateral diplomacy within the United Nations system and regional organisations in the Indian Ocean Region.

Among instruments related to the areas of maritime governance: maritime boundaries delimitation, solution of disputes over boundaries, monitoring fisheries, protecting maritime biodiversity, and climate change mitigation, the delimitation of maritime boundaries designed by UNCLOS served as one of the most critical.

Based on the assumptions of neoliberal institutionalism, India's acknowledgement the territorial integrity of other countries and their rights to zones related to economic (Exclusive Economic Zone and Continental Shelf) in the context of their individual interests and environmental protection (Nature Reserves and Large Maritime Ecosystems) as the emanation of shared interests, made the functioning of states at sea possible. The dissertation proved that there was a deep Indian understanding that commitment to and respect for the law-based order impacted other areas of maritime governance. India solved all the disputes through institutions based on UNCLOS (International Tribunal for the Law of the Sea) or existing before the Permanent Court of Arbitration and the International Court of Justice. India creatively used the delimitation process to interpret UNCLOS provisions in line with a vision of joint responsibility and shared benefits. In accordance with the neoliberal institutionalist approach, international maritime organisations and regimes created under UNCLOS offered opportunities for dialogue to avoid conflicts and achieve interests without reverting to military conflict, which under current conditions of interdependence, and dispersed ownership and registration of merchant ships is irrelevant.

The engagement of India in the Indian Ocean Tuna Commission had the same character, following the theory of absolute gains, of combining the defence of its interests and those of the less developed coastal and island countries and providing capacity-building measures in

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[1215] R. O. Keohane and L.L. Martin, *The Promise of Institutionalist Theory*, International Security, Vol. 20, No. 1. (Summer, 1995), p.42

sustainable fishing. This coherent fishery policy complemented India's efforts to protect maritime biodiversity with the awareness of oceans as a common heritage of humankind.

In the case of climate change mitigation, India not only utilised different kinds of existing institutional platforms within the United Nations(UN Climate Change Conference) but also created new ones with regional and semi-regional partners, the International Solar Alliance (France) and the Green Grids Initiative – "One Sun One World One Grid" (the United Kingdom). Those activities aligned with neoliberal institutionalist assumptions that institutions influence and control transnational trends, mitigating anarchical conditions in the maritime domain, especially related to the rise of the sea level and other natural phenomena.

Exploring India's climate change mitigation endeavours helped to answer the third research question on the scale of its cooperation with regional and global actors in the Indian Ocean Region in the context of maritime governance. The dissertation showed India's deep and diversified involvement in the chosen areas of maritime governance: climate change mitigation, legal framework, security and sustainable development.

Through the Solar Alliance and the Green Grids Initiative, India had a double impact on climate-related policy in the IOR by addressing the challenges of tackling the roots of climate change - carbon dioxide emissions and the transfer of technology - helping IOR littorals by providing them solar pumps to replace diesel-fuelled agricultural pumps and investing in solar facilities and solar home systems to attain the targets set by COP21 in Paris in 2015. In the context of rising sea levels, which is proportionally higher in the IOR than in other oceans, India launched a programme of Infrastructure for Resilient Island States (IRIS), to build critical infrastructure in IOR small island states against disasters caused by climate change by 2030.

In the legal arena India used bilateral and trilateral agreements with its neighbours in South and Southeast Asia (Bangladesh, Indonesia, Sri Lanka, the Maldives, Thailand, and Myanmar) in the process of delimitation of the borders. India's bilateral cooperation with Indonesia led to the unique method of dividing jurisdiction between countries, where the seabed belongs to one country and the water surface to another one, taking into consideration the economic interests of Indonesia.

In the area of security, India's cooperation with IOR littorals in securing Sea Lines of Communication took the form of joint and coordinated patrols, regular and passage exercises, workshops, symposiums, and the exchange of information. India addressed its endeavours mainly to areas of the Bay of Bengal and the Arab Sea critical for merchant fleet traffic. India was also active in other parts of the IOR, supporting partners in tackling asymmetric threats like piracy and terrorism, building capacities of smaller IOR littorals through training and

facilitation of equipment. The MILAN exercises (the Meeting of the Littorals of the Bay of Bengal and Andaman & Nicobar) initiated by India in 1995, by 2022 became the biggest joint trainings in the IOR, gathering together 40 countries.

The White Shipping information exchange agreements became a breakthrough in IOR countries' efforts to monitor the movement of ships in the busiest SLOCs of the world. It was an innovative and critical move by India to show countries in the region that creating a regional cooperation institution with broad competencies related to the exchange of sensitive information related to security and trade issues was possible in the IOR. The Indian Ocean Naval Symposium (IONS) created by India was transformed into a regional platform of maritime security dialogue and exchange of information. India built up its cooperation with the USA, Japan and Australia, initiating the joint Malabar exercises and contributing to Quadrilateral Cooperation (QUAD). Under conditions of lack of a comprehensive security system neither in the Indian Ocean Region nor the Asia-Pacific, India built a network of security institutions gathering stakeholders from different subregions and convincing them that they can cooperate and provide safety to the ships, mitigate asymmetric threats coming from piracy and terrorism, as well as accelerate and increase the effectiveness of joint responses to natural disasters. India's success in building institutional maritime security architecture in the IOR showed that regional and extra-regional actors, regardless of their size and capacities, shared the conviction that they could attain their absolute gains in the short term within institutions' membership of, fulfilling neoliberal institutionalist assumptions. Cooperating with the USA and Japan, two states with much substantial maritime security capacities, India decided to take advantage of their support, limiting the transaction costs, enriching its competencies, and elevating its status.

India's endeavours in cooperation with IOR littorals in sustainable development, related to fisheries influenced not only the fishing policies but also affected other species, contributing to the protection of the livelihood of local coastal communities in the Indian Ocean. It helped shape the blue economy of those communities still limited by one-day fishery and coastal mariculture, assisting artisanal fishers to modernise their fleets and market strategies in the context of cold chain and food processing. India focused on coordinating and exchanging information, facilitating the process with its expertise and technology combined with centers established on its territory. These instruments allowed India to shape maritime governance in this area at different levels, from local through national up to regional, covering the entire Indian Ocean.

In the response to the fourth question on the impact India's new policy in shaping maritime governance had on its role in international relations in the Indian Ocean Region, the dissertation showed the emergence of India as a significant actor in the Indian Ocean Region, recognised as a strategic partner also by the United States, Australia, and Japan. They perceived India as the main maritime power of the IOR region and the leading creator of the regional order based on the principles of maritime governance. It contributed to India's endeavours to develop its status among all littorals in the Indian Ocean Region. The coherent and consequent adherence to rules-based order was appreciated by all partners in Africa, the Persian Gulf, and the Bay of Bengal. It helped promote its regional cooperation vision of Security and Growth for All (SAGAR), considered by all actors as sincere and credible. India became a regional leader and a model of sustainable development and source of norms for socio-political system. Regional and extra-regional players recognised the roles India played :

- a promoter of the rules-based order;

- a normative power;

- a security net facilitator;

- a model of maritime sustainable development;

- a donor of humanitarian assistance.

India proved its leadership credentials by showing that, contrary to China, did not treat regulations of the law of the sea in a utilitarian, one-sided way. It has solid geopolitical credentials offering countries support in their existential legal challenges. India regained its status as the prime source of norms and values, combining traditional, related to Buddhism and Hinduism narratives of sharing and peaceful coexistence with modern concepts of global heritage, global commons, and solidarity of the Global South countries. Meta-projects related to renewable sources of energy and climate change mitigation initiated by India with the support of the former colonial countries verified its capacity to shape patterns of development directions. They responded in a successful way to the demands of developing countries repeated since the process initiated after the end of the Cold War at the Earth Summit in Rio de Janeiro about the need to share modern technologies with less wealthy countries if they are required to meet goals o sustainable development and environmental protection. During the COVID-19 pandemic, India again as it did after the Indian Ocean tsunami in 2004, was one of the first countries to offer its humanitarian help to smaller regional partners.

The answers to the research questions served to verify the hypothesis stating that after the end of the Cold War India redefined its attitude towards the Indian Ocean Region and started actively shaping maritime governance utilizing bilateral and multilateral instruments in four

areas of maritime governance: legal, security, economy and environment. The dissertation proved that this successful active shaping of maritime governance facilitated India's regional aspirations, thereby elevating the role of India and attaining the status of a regional maritime power, recognised by regional and major extra-regional countries. In the modern sense of maritime power India made extensive use of the seas and sea resources in a sustainable way, enhancing its economic growth, national security, environmental protection and political status.

The dissertation demonstrated that India redefined its policy in maritime governance after the end of the Cold War. India's activities were expressed not only in the security dimension but also economically, environmentally and through implementation of sustainable development goals. India actively participated in building the institutional framework of maritime governance in the IOR and became one of the critical pillars of the emerging order in the region. Maritime governance, with its imperatives of holistic and robust institutional cooperation in security, economy, legal issues, and environment, was the most effective channel for expressing and realising India's ambitions. In the context of its capabilities facing the challenges of the Indian Ocean Region and the rise of China, India's cooperation with the USA, Australia, and Southeast Asia states in creating a framework for maritime governance became an indispensable necessity. Furthermore, India strived to limit China's growing role and institutions created parallel in the IOR like the New Maritime Silk Road and the China-Indian Ocean Region Forum. The involvement of India in supporting and creating the institutional framework of maritime governance contributed to extend India's role beyond South and Southeast Asia.

The research traced India's active role in building the institutional framework for maritime IOR governance. The documents adopted by the Indian government (Annual Reports of the Ministry of External Affairs and Ministry of Defence, Maritime Doctrines and Strategies), concepts (Look East and Act East, Neighborhood First Policy, Security and Growth for All) and India's activities both at the bilateral level (tightening of political and strategic alliances with the USA and South Asian countries), as well as multilateral (establishment of the Indian Ocean Rim Association for Regional Cooperation in 1995 and then the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation in 1997) contributed to maritime governance and elevation of India's role in the Indian Ocean Region. They effectively supported the implementation of aspirations, related to the IOR , defined as India's primary sphere of interest.

India reshaped the Indian Ocean Region proving that the IOR is not only a geographical region but also a concept based on the values constituting the region; and the role of India in this context is vital. India understood the need to maintain order in the IOR, which refers to liberal values and cooperation with extra-regional countries. There is much evidence for this intent in announcements and statements after meetings of representatives of India, the USA, Australia, and Japan as a part of the QUAD dialogue. They underscored "a shared vision for prosperity and security in a free and open region."[1216] At the same time, the QUAD partners "undertake to deepen cooperation based on the foundations of common values and democratic principles" and "to strengthen - based on the principles of law - regional order."[1217]

Actively participating in building the institutional framework of maritime governance in the IOR, India became one of the pillars of the emerging order in the region. Maintaining this order, referring to the assumptions of maritime governance, is an alternative to China's proposals. That is evidenced by India's emphasis on the need to comply with international law, including, above all, international maritime law, as stated in the 2015 Maritime Strategy of India.[1218] The norms of international law of the sea and the United Nations Charter in general, especially the peaceful settlement of disputes, were to constitute the so-called "global commons," which are the basis of the order in the IOR region. Such an order serves the aspirations of India. Taking into account economic and military determinants, individually India is still weaker than China but supported by the USA, Japan and Australia and other partners its real capacity is much greater. Institutionally, India is stronger with variety of institutions in all areas of cooperation. The maritime part of the BRI noted some significant achievements in the first nine years after announcement, but China lost trust in countries that found themselves in the debt trap, deceived by promises of rapid growth and expansion of maritime infrastructure. India successfully implemented several institutional projects related to security, the blue economy and environmental protection but expectations of IOR littorals were high despite the positive response and the fact that maritime governance served as a capable platform for empowering India's status in international relations after the Cold War.

The dissertation presented a new, holistic and meaningful analysis of India's policies in the maritime domain by applying the theoretical framework of neoliberal institutionalism. It also showed the usefulness of the assumptions of the principal-agent theory combined with the

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[1216]*Quad Joint Leaders' Statement*, The White House, Washington May 24, 2022, https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/24/quad-joint-leaders-statement/, access 20.10.2022

[1217] *Quad Joint Leaders' Statement*, The White House, Washington May 24, 2022, op .cit.

[1218] *Indian Maritime Security Strategy – 2015*, Ministry of Defence, New Delhi 12.01.2018, op. cit.

role theory for the research on the role of states from the neoliberal institutionalism perspective. The scope of research of maritime governance and its terminology also constitutes a contribution to the international studies related to the maritime issues. The application of the *semiotic* approach in analysis of maritime policies can be used in the future research on strategies in maritime governance of countries with a religious and ethically complex structure and traditions similar to India. The dissertation could also serve as a basis for further studies on broader comparative studies of maritime governance in the countries of the Global South.

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Annexes

Annex 1 – List of Study Visits and Consultations

1. **12–16.02.2018, New Zealand**

<u>Auckland University</u> - Chris Wilson, PhD (ANU), Coordinator - Conflict, Terrorism and Peace group (CTAP), topic: "Maritime Security";

<u>Massey University, Auckland</u> - Marc Lanteigne, PhD, Centre for Defence and Security Studies, College of Humanities and Asocial Sciences, Senior Lecturer on China and East Asia, topic: "Role of India and China in the Indian Ocean and Western Pacific"; Dr. Stephen Noakes, PhD, Asian Studies, Politics and International Relations, topic: "India and China relations with New Zealand";

<u>Victoria University, Wellington</u> - Prof. Roberto Rabel, Centre for Strategic Studies, topic "New Zealand view on the role of India in the Indian Ocean"; Prof. Joanna Mossop, Faculty of Law, topic "Ocean/maritime governance definition and maritime governance in the Indian Ocean"; Dr. Manjeet Pardesi, School of History, Philosophy, Political Science & International Relations, topic: "India's role in the Indian Ocean Region"; Prof. Xiaoming Huang, Director, New Zealand Contemporary China Research Centre, topic:" China's role in the Indian Ocean Region";

<u>Asia New Zealand Foundation, Wellington</u> - Pip McLachlan, Director, Engagement and Research, topic: "New Zealand relations with India";

2. **8-20.04.2018, 17-21.06.2018 – Heidelberg, Germany**

<u>Heidelberg University</u> - prof. Rahul Mukherji – topics of 2 consultations: "Methodology of maritime governance, maritime security studies" and "Neoliberal and Neorealist approach towards the role of the state in the global governance"; dr. Himanshu Jha, topic: "Role of India in the Indian Ocean Region"; research in the Heidelberg University library

<u>Max Planck Institute for Comparative Public Law and International Law</u> – research in the library;

3. **6-9.06.2018, University of Oxford, the United Kingdom**

<u>Oxford School of Global and Area Studies, Contemporary South Asian Studies Program, School of Interdisciplinary Studies</u> - prof. Matthew McCartney and prof. Kate Sullivan de Estrada, topic: "India's role in shaping maritime governance in the Indian Ocean

Region after the end of the Cold War" and "Maritime governance in international relations studies"

4. 22.08.-18.09.2018, India

University of Benares, Varanasi - Professor Anjoo Sharan and professor Priyankar Upadhyay, topic: "Competition between India and China in the Indian Ocean Region. Implication for Central Europe" , research in the library of the University

New Delhi

Observer Research Foundation - prof. Harsh Pant, , topic: maritime governance in IOR

Jamia Islamiya University - prof. Tasneem Meenai, topic : India in international organisations

Jawaharlal Nehru University - prof. Gulchan Sachdeva, topic: the UE and India cooperation in IOR; prof. Swaran Singh, topic: China in IOR; prof. Rajendra Jain - the EU in South Asia; research in the library of the University

National Maritime Foundation of India (the Indian Navy think-tank) - dr. Gurpreet S. Khurana, Executive Director, India's maritime doctrines and strategies;

Commander (retired) of Indian Navy Uday Bashkar, topic: Indian Naval Strategy in IOR

Ambassador of Maldives to India, H.E. Mr. Ahmed Mohamed, topic: Maldives relations with India in the context of India-China competition in the Indian Ocean Region;

Mumbai

University of Mumbai - prof. Uttara Sahasrabuddhe, Faculty of Political Sciences, University of Mumbai, topic: maritime governance;

Sangeeta Jain, Director, All India Association of Industries, World Trade Center Mumbai, topic: role of oceans and ports in Indian trade

Gateway House (think-tank), dr Manjeet Kripalani, Ambassador Rajiv Bhatia, topic: competition between India and China in the Indian Ocean Region

Kolkata

University of Kolkata, prof. Shantanu Chakrabarti, topic: integration in South Asia and IOR

Vice-admiral (retired) Pradeep K. Chatterjee, former deputy commander of Indian Navy, topic: India -China competition in the Indian Ocean Region

The Andaman and Nikobar Islands, Port Blair

prof. Mohan Raju, Dean of the Faculty of Oceanographic Studies, Pondicherry University, Port Blair Campus, topic: Biodiversity and Environmental protection in IOR

Captain (retired) R. Mahajan, topic: India-China Rivalry in IOR from Andaman Islands Perspective

Pondicherry

Pondicherry University, Centre for Maritime Studies - prof. Adluri Subramanyam Raju, Director of Centre for Maritime Studies, Pondicherry University, topic: maritime governance in IOR

Chennai

Women's Christian College, Chennai - dr. Lawrence S. Prabhakar, Faculty of Political Science, topic: India's Strategy in Indo-Pacific

5. **Colombo, Sri Lanka 18-21.09.2018**

University of Colombo - prof. Lakshaman Dissanayaka,

Lakshman Kadirgamar International Relations Institute, Dr. Dinusha Panditharatne,

prof. Hiran W. Jayewardene, Secretary General of the Organisation for the Indian Ocean Marine Cooperation (IOMAC), topic: The role of India in maritime governance in IOR – Sri Lanka perspective

Study Visit to Hambantota – visiting the port constructed by China within the New Maritime Silk Road program

6. **25-26.03.2019 Montreal, Canada**

McGill University, prof. T. V. Paul, topic: India in the global governance

7. **25.04.-02.05.2019, Bloomington, USA**

the Indiana University, Bloomington - prof. Sumit Ganguly, topic: India-the US relations; research in the library of the University

8. **05-10.06.2019 Thailand and Vietnam**

Bangkok

Srinakharinwirot University - Dr Sipim Sornbanlang, Department of Political Science, Faculty of Social Sciences, topic: "Sustainable Development in ASEAN and Indian Ocean"

Chulalongkorn University - Dr Natthanan Kunnamas, Jean Monnet Modules Coordinator, Center for European Studies, topic: "EU-ASEAN-India cooperation"

Hanoi

Hanoi University - prof. Nguyen Thi Minh Tien, Faculty of International Studies, topic: "Role of India in the Indian Ocean from ASEAN Perspective"

University of Economics and Business - prof. Le Trung Thanh, topic:" Blue Economy"

Ho Chi Minh

Nguyen Tat Thanh University - prof. Tran Thi Hong, topic : " EU-Vietnam and India-Vietnam cooperation"

9. **India, Bangladesh and Maldives 12.08.-18.09.2019**

New Delhi

The Tata Energy and Resources Institute (TERI) - Dr Shantanu Ganguly, topic: "Sustainable growth and environment in India and South Asia"

Foreign Service Institute, Ministry of External Affairs of India - Ambassador J.S. Mukul, topic: "Indian Ocean Rim Association"

Council on Energy, Environment and Water (CEEW) - dr Arunabha Ghosh, topic: "Maritime issues in sustainable strategy of India"

Udupi

Manipal University - dr Monish Tourangbam, topic "India-US relations in the 21st century"

Mumbai

University of Mumbai, Department of Civics and Politics - prof. Khan Liyaqat Ayub, topic: "Blue Economy in India"

Birla Institute of Technology and Science, Goa Campus - prof. R P Pradhan, Department of Humanities and Social Sciences, topic: "Maritime Policy of India"

Gateway House, dr Amit Bhandari, topic: "Energy security in the Indian Ocean Region"

Bangalore

University of Bangalore - prof. B.K. Ravi, topic: India's development after the end of the Cold War

Kolkata

University of Kolkata - prof. Shantanu Chakrabarti, topic: "Intraregional Cooperation in Blue Economy in the Indian Ocean Region"

Bangladesh, Dhaka

University of Dhaka, Department of International Relations, prof. Rahsed Uz Zaman, Chairman, topic: "Bangladesh in the Indian Ocean Region"

the Ministry of Foreign Affairs - Korshed Kasthagir, Director General, topic: "Bangladesh-India relations"

Bangladesh Institute of International and Strategic Studies - AKM Abdur Rahman, Director General of the Institute, topic: "the Bay of Bengal littorals"

Maldives, Male

The Maldives National University - professor Mohamed Shareef, topic:" Blue Economy in the Indian Ocean"

Mumbai

University of Mumbai - prof. Uttara Sahasrabuddhe, topic: "Blue economy in the Indian Ocean Region"

Annex 2 – The list of interviewees

Semi-structured interviews were conducted with the scholars, officials and retired Navy officers from India and other littoral countries in the Indian Ocean Region:

1. prof. Harsh Pant, Observer Research Foundation, New Delhi

2. Captain Vijay Sakhuja, retired Indian Navy officer, (26 years of service), New Delhi

3. prof. Swaran Singh, School of International Studies, Jawaharlal Nehru University, New Delhi

4. prof. Rajendra Jain, School of International Studies, Jawaharlal Nehru University, New Delhi

5. dr. Gurpreet S Khurana, Captain (Indian Navy), Executive Director of National Maritime Foundation of India, New Delhi

6. prof. G.V.C. Naidu, School of International Studies, Jawaharlal Nehru University, New Delhi

7. prof. Uttara Sahasrabuddhe, Faculty of Political Sciences, University of Mumbai

8. Chitrapu Uday Bashkar, commander (retired), Indian Navy, New Delhi

9. H.E. Mr. Ahmed Mohamed, Ambassador of the Maldives to India, New Delhi

10. vice-admiral (retired) Pradeep K. Chatterjee, former deputy commander of Indian Navy, Kolkata

11. prof. Mohan Raju, Director of the Department of Ocean Studies and Marine Biology, Pondicherry University, Port Blair

12. Captain (Indian Navy) (retired) R. Mahajan, Port Blair

13. prof. Adluri Subramanyam Raju, Director of Centre for Maritime Studies, Pondicherry University

14. dr. Lawrence S. Prabhakar, Faculty of Political Science, Chennai Women College

15. prof. Hiran W. Jayewardene, Secretary General of the Organisation for the Indian Ocean Marine Affairs Cooperation (IOMAC), Colombo, Sri Lanka

Questions for interviewees

 1.   What are the major elements of maritime governance in 21st century?

2.   How India sees its role in the Indian Ocean Region (IOR) after the end of the Cold War? In security, sustainable development, environment?

3.   What are the challenges for India in the context of the role of great powers to play in IOR? What kind of role should they play in the region?

Narrative interviews with scholars during study visit in New Zealand (12-16.02.2018):

1. Prof. Joanna Mossop, Faculty of Law, Victoria University, Wellington
2. Dr. Manjeet Pardesi, School of History, Philosophy, Political Science & International Relations, Victoria University, Wellington
3. Dr Chris Wilson, Auckland University
4. Dr Stephen Noakes, Auckland University
5. Dr Marc Lanteigne, Massey University

Annex 3 - Reports from the semi-structured and narrative interviews

Semi – structured interviews

1. **Interview with prof. Harsh Pant, Observer Research Foundation, New Delhi, 27.08.2018**

India is more comfortable being a part of liberal world. In some ways India is anti-China, especially in the context of access to global commons. In terms of maritime strategies there is so far small space for convergence between India and China, considering tensions at the land border like the last Doklam incident. By large relations with China are fairly competitive. In the short perspective competition will prevail over cooperation in maritime security. There is small possibility for eye ball to eye ball confrontation with China, but India has always to remember about potential two front engagement with China and Pakistan on the other side. Taking into account recent development in South China Sea China can change the balance of power in IOR.

India would like to deal with the US as a primary power in IOR. The current US president will not last long as a phenomenon in world politics and US will still encourage India to be a part of QUAD. In 2007 India was reluctant to accept the proposal of prime minister Abe in order not to annoy China, but last ten years have shown that China became more aggressive in South China Sea despite all gestures and efforts made by India and ASEAN countries. India is vocal about South China Sea anticipating consequences of Chinese assertiveness for IOR, especially in the context of Chinese postures in IOR. Among ASEAN countries Indonesia is important in maritime cooperation together with Australia and Japan constituting the group of like-minded countries and middle powers, which could positively contribute to maritime governance in IOR together with India. European countries like France can play important role in this context.

Japan is important in India's endeavors to make cooperation with IOR littoral countries from Africa more sustainable, more day to day engagement, additionally to summits India-Africa organized every four years. Despite the tradition of Non-Aligned Movement cooperation there is an episodic quality of Indian policy towards Africa. India-Africa growth corridor project realized in cooperation with Japan is a chance to give a boost to economic relations. France and other EU countries have their potential role to play in that project.

India's problems to deliver are utilised by China which is more consistent, less constraint by factors India is facing in shaping new type of relations with littorals of IOR.

Super powers narrative now is more focus on Indo-Pacific, as single, interconnected geographical region due to Sea Lines of Communication.

2. Interview with Vijay Sakhuja (retired Indian Navy officer, 26 years of service), New Delhi 31.08.2018

Maritime governance has a long tradition in India, starting from Kautilya (Arthashastra), ancient concept of maritime state, nowadays more sophisticated, also due to modernisation of the vessels and off-shore, blue economy. In the 21st century due to the situation in South China Sea regionally, climate change globally with changing seashores and continental shelf there is need to redefine the conventions, maybe it is time to convene UNCLOS IV.

IMO still plays central role in maritime governance, but robust and more sophisticated system needed.

Domestic legislation plays also important role in maritime governance, in colonial times India was a part of discussion, in modern times is still matter of boundaries, penalties, insurances.

Terrorism at sea is an important issue. Security has three levels - many companies hired private security to provide security for their vessels, but Naval forces of state have to take care of merchant fleet, especially while dealing with asymmetric threats, ecological challenges also play more significant role. Marine environment issues are related to waste dumping, sustainable harnessing living and non-living resources. Climate change – sea level rise and potential challenge for Maldives and Bangladesh with climate refugees.

India needs to develop relationship with other Indian Ocean littorals others than in neighbourhood like Maldives and Bangladesh

Three schools of Naval thinking could be identified in India:

1. British – 1947-1960s – British officers served in the Indian Navy, British advisors
2. Russian – 1970s-1990s - Soviet vessels, training of officers in Murmansk
3. American – 1990s – joint exercises, training of officers in US Naval Academy

3. Interview with professor Swaran Singh, JNU, SIS, New Delhi 30.08.2018

All human activities shifted from land to ocean now. Not only states but new stakeholders like corporations, NGOs, shipowners, pirates, terrorists.
Another transformation took place when governments moved their activities from international organizations to networks., where major players are determining maritime governance. Growing interdependence. New technologies appeared as well.

India nowadays moved its focus to Indian Ocean in all spheres, including increase in connections with diaspora in littoral countries. India became active especially in security matters with IONS and patrols in the Gulf of Eden. Creation of IORA, then SAGARMALA and SAGAR concepts serve as a perfect prove of Indian deep engagement in the Indian Ocean affairs. Those steps have been connected also with rise of China when stakes at IOR are much higher than before. The level of anxiety in India in connection with China is incomparable to the previous one. Harnessing the resources of IOR became political rhetoric.

Indian Ocean is not India's Ocean, it is open ocean belonging to all littorals. How can India in best way benefit form IOR – decided to stay away from maritime Belt and Road Initiative. India's heritage and real influence in IOR is much bigger than Chinese, Zheng He quest were manifestation of tributary policy of Empire. India is too important for many countries fascinated by BRI – 70% of Colombo cargo is meant for India. Indian negative attitude towards BRI has its roots also in the symbolic gesture of Xi Jinping who announced BRI in Jakarta not in India, without consulting the initiative with the biggest and most populous littoral country of IOR. China in 70s and 80s ignored IOR, only in 90s it started its activities. India and China are natural competitors, but also interdependent , that is why Indian prime ministers have meetings with their Chinese counterparts so often (Manmohan Singh 2004-2014 more than 20, Narendra Modi in 2018 already 3).

One-sided trade led to Opium Wars and Fall of Chinese Empire and it might lead to the same in the 21st century.

4. Interview with professor Rajendra Jain, SIS, JNU, New Delhi 29.08.2018

Japan plays crucial role in maritime governance in IOR. Prime Minister Abe is encouraging European countries to be more active (recent statement). Germany is already active in capacity building in IORA, cooperates with Indonesia in maritime security, France and UK are active as well.

China is with US major player in maritime security in IOR with its blue navy undermining at the same time UNCLOS. The IOR is important for India , but to build up its international position it has to emphasize Indo-Pacific region.

Cooperation in climate change and environmental protection became more important. European Union, especially Germany could be an essential partner for India and IORA in capacity building. The cooperation with France as Indian Ocean littoral is growing. Poland was an important partner before.

5. **Interview with Captain (Navy) Gurpreet Khurana, Executive Director on the National Maritime Foundation, co-author of the Indian Navy Maritime Strategy, New Delhi 31.08.2018**

Indian kingdoms in the North were land centric, in the South were mixed land and maritime (Chola). There are different interpretations of ancient written sources due to western narratives. Indian kingdoms traded with China and for the purpose of trade fleet was established, not for territorial gains or ambitions.

The concept of maritime governance is not very clear among Indian scholars. Governance is close to maritime security. For a long time thought dominated that maritime security is only to protect borders. It changed with the Third Conference on the Law of the Sea and 1976 Act introducing some regulations which later were placed in the United Nations Convention on the Law of the Sea. India, at the same time, made corrections into them and introduced its own interpretation of the freedom of navigation. Foreign naval vessels they need authorization and notification when traversing Indian waters.

The Time magazine in 1989 called India an emerging naval superpower. India was called twenty years later by the USA a net security provider. India would like to USA to play more active role and coordinate its activities in the Indian Ocean, especially West of Malacca Strait. There is a need for information sharing in the context of grey shipping and capacity building measures among Indian Ocean littorals.

The understanding of maritime governance changed with maritime security, attaining broader meaning, covering blue economy. Narendra Modi government intensified activities related to blue economy. There is a lack of coordination among state institutions on maritime issues. There is a need to establish National Maritime Authority to coordinate all to the areas of maritime governance. Every state in India has its own regulations on fisheries. The fishery beyond territorial waters in underdeveloped in India, federal government should work on it. Institutional empowerment is also necessary for Indian Ocean Rim Association – IORA should be able to discuss issues related to areas beyond national jurisdiction. Maritime safety is now at IORA agenda.

After the end of the Cold War – the rise of China, strategic frontier extended for India, interest in nuclear engine submarines as an instrument of deterrence and building a status of sea power, expanding strategic frontier towards Western Pacific.

6. **prof. G.V.C. Naidu, School of International Studies, Jawaharlal Nehru University, New Delhi, 31.08.2018**

China is a threat to India, preparing the war; Indian Navy is ready to fight against China. At the same time, two thirds of Chinese trade is transported through the Indian Ocean Region, including Malacca Strait, Sunda Strait and South China Sea. IOR is critical for China's economic survival. Never in the history trade roads in IOR were disrupted. Maritime part of the Belt Road Initiative is too important for China to start the war. War is also unlikely due to the economic interdependence between India and China. Chinese investments contribute to India's development – on the other side the growth of China is slowing and India became a very attractive, stable and responsible economic partner.

The situation in the South China Sea will not affect situation in the Indian Ocean.

The Indian Ocean and the West Pacific became a maritime fulcrum of World's maritime affairs. The opening of the North Route will note change the situation of strategic importance of the Indian Ocean – as long as oil and gas from the Persian Gulf will play a critical role for Asian economies.

7. **prof. Uttara Sahasrabuddhe, Faculty of Political Sciences, University of Mumbai, 04.09.2018**

India has been apprehensive about the role of the United States during the Cold War. Its position changed after the Cold War. India realized that US presence was important facing challenge from China. When the USA asked India to provide convoys to Malacca Strait, India agreed. The USA presence in IOR is mutually beneficial.

China created suspicions, especially in the neighbourhood of India, creating the String of Pearls, network of facilities in IOR; Hambantota in Sri Lanka serves a s a good example. There two main lobbies in Delhi in relation to China:

1. those claiming that is nothing to suspect about China and no need to counter China with help of the USA;

2. China effects India's national interests, its investments will turn neighbour countries against India, example of Maldives.

The government in New Delhi tried to find a way between two lobbies. It is not desirable for New Delhi to take an anti-Beijing position as China is too important for trade and investment. The response of India to the rise of China in IOR :

1. through institutional initiative with Japan – Asia-Africa Growth Corridor – Indian diplomacy combined with Japanese investment;

2. soft power of India – hydrographic assistance and facilitation of development of ports;

3. promoting rules-based order by India as China will not obey legal regulations, a revisionist approach toward the Law of the Sea;

4. promotion of sustainable development and transparent approach toward partners in Africa by India – some African countries feel discomfort due to bringing labour force from China and non-transparent financial procedures

8. Chitrapu Uday Bashkar, commander (retired), Indian Navy, New Delhi, 04.09.2018

India was active in maritime affairs when UNCLOS was negotiated, then in the 1980s and 1990s the focus was lost. After November 2008 (terrorist attack in Mumbai) and come back of China in the Indian Ocean after 600 years, India started to attach more importance to maritime security. Indian contribution to the global maritime debate is still small. Maritime governance affairs are left for policy makers in the Ministry of External Affairs in Delhi.

The Indian Navy attaches now more importance to the law of the sea and cyber security:

1. there is a JAG unit – judge advocate general; every command has two lawyers,;
2. technology load is now substantial and cyber security will gradually gain its place among priorities.

India needs to put the maritime governance under one umbrella as 19 ministries and departments look after maritime affairs. There are also private ports. There is a need for National Maritime Adviser, there was an appeal under Manmohan Singh (prime minister of India (2004-2014). Coordination is needed nationally and internationally. Another institutional support would be a Council of Coastal States. The protection of fishermen is not satisfactory.

India's initiatives like SAGAR, IORA and BIMSTEC need broader and deeper support from extra-regional players like the USA, Japan, European Union.

India sees itself as a relevant actor , one of major stakeholders in law, sustainable development and blue economy.

India has to face the challenge not only from China but also from non-state actors.

9. H.E. Mr. Ahmed Mohamed, Ambassador of the Maldives to India, New Delhi, 05.09.2018

The process of resettlement of the Maldives Archipelago from South to the North started after 2004 tsunami when Maldives lost 60% of its GDP. There is a significant resistance from elders to move. Nowadays 50% of the population lives in Male, capital city, area.

In 2011 Maldives left the group of less developed countries. Traditional instruments of grants and development assistance offered by the United Nations should be supported by investments and cooperation program. Malaysia would like to become an upper middle income country.

India and China invest in Maldives – India focused on social projects like hospitals, China contributed to the infrastructure build up – bridges, artificial islands. Maldives are not in the debt trap.

10. Vice-admiral (retired) Pradeep K. Chatterjee, former deputy commander of the Indian Navy, Kolkata, 08.09.2018

China is worry about the security of SLOCs in the IOR in the context of its energy security. There are more than 100 warships from the USA, the EU and China in the Gulf area next to the Strait of Hormuz.

Security is an essential element of maritime governance. India is a net security provider, looking through an eye of cooperation not confrontation.

China builds artificial islands in the South China Sea – it will have consequences for security at sea in general. China uses historic waters argument extensively, but avoid applying institutional framework of UNCLOS.

11. prof. Mohan Raju, Director of the Department of Ocean Studies and Marine Biology, Pondicherry University, Port Blair 11.09.2018

Port Blair is closer to Thailand (400 km) than to India (1600 km)

The maritime biology studies started in Port Blair in the 21st century. They are combined with the disaster management as 2004 tsunami destroyed the northern part of islands.

Only 10% of resources in fishery is used by India.

12. Captain (Indian Navy) (retired) R. Mahajan, Port Blair, 12.09.2018

Andaman islands have unique strategic location and are significant for the security of India and countries of Southeast Asia. At the same time, they are one of tourist hotspots with unique ecosystem as 92% of the territory is covered by mangrove forest. Coral reefs are also vital to Andaman's ecosystem. 20 islands of archipelago are inhabited and investors would like to build hotels and resorts but also container terminals. Local authorities encourage investors to avoid using concrete and turn into timber and coconut construction.

After 2004 tsunami the Government of India extended assistance to people in Andaman islands, discouraging Japan and other countries.

In terms of security India is not a leader but has to play a positive role in the Bay of Bengal. India has to take the lead but should be sensitive towards its neighbours – small island countries in the Indian Ocean.

India is cautious but not afraid of China. Coco island owned by Myanmar have been leased to China since 1994 but there is no proof of existence of naval base there.

13. prof. Adluri Subramanyam Raju, Director of Centre for Maritime Studies, Pondicherry University

There is a concept of two Indias – in the North the continental perspective prevails and in the South people look at the ocean; Indian map should be reversed.

Nine states and three union territories are coastal. The responsibilities are spread among central government, state authorities. There is a lack of coordination among them. Indian civilian shipbuilding is weaker than naval and much more weaker the in Northeast Asia.

Convergence of interests between India and China has limited possibilities due to the lack of trust, traditional rivalry and Chinese imperialism. China does not accept rules in the IOR and is going to change the game in the IOR.

Major powers support India and China should change its perspective.

French presence in the Western IOR – security and the blue economy.

The USA – security, blue economy, sustainable development, eradication of poverty.

14. dr. Lawrence S. Prabhakar, Faculty of Political Science, Chennai Women College, Chennai 15.09.2018

There is a tyranny of distance for the Indian Navy while operating in the Indian Ocean. The conventional engines are being gradually replaced by nuclear. India has 25 dry docks and capabilities to build submarines and other vessels. Majority of the vessels India bought before from Russia. The ambitious visions from maritime strategies has to translate into reality.

India plays the role of net security provider with growing interoperability with the US Navy. The cooperation with Indonesia, Australia, Malaysia and Singapore also develops. There is a need for not only naval but also multisectoral cooperation with those countries. The cooperation with Vietnam in seabed exploitation is a good example.

China's presence in the IOR grows – Irrawaddy corridor in Myanmar serves as an example.

15. prof. Hiran W. Jayewardene, Secretary General of the Organisation for the Indian Ocean Marine Affairs Cooperation (IOMAC), Colombo, Sri Lanka

IOMAC – regional capability to built

IORA – did not meet expectations and dominated by India

India realised that had to cooperate after the rise of China

Sri Lanka has Indian Ocean identity rather than South Asian.

India and China are adversaries but for the security of SLOCs they work together organising joint exercises.

Narrative interviews

1. **Dr Chris Wilson, Auckland University, 12.02.2018**

India's perception in New Zealand – a large state with a growing economy but does not project power. As an emerging market, India is important for New Zealand, as an essential partner of the USA is considered as a counter-balance to China.

China's assertiveness created both hopes and suspicions in New Zealand. China might try a hegemonic style in the Indian Ocean with its partners.

2. Dr Marc Lanteigne, Massey University, 12.02.2018

New Zealand has an independent, "non-aligned" foreign policy and its relations with India are positive. At the same time, according to media in New Zealand China has informal impact on New Zealand politics.

New Zealand is a net security provider for South Pacific, strongly supported APEC and other institutions facilitating maritime governance.

China, India and Indonesia are present in South Pacific and tried to push New Zealand out.

The Indo-Pacific is not a popular idea in New Zealand, Asia and the Pacific is more popular.

New Zealand joined the Belt and Road Initiative in 2017 – nobody for the time being knows what does it mean. New Zealand is careful about commenting South China Sea The debate I still going on in New Zealand what the rise of China really means for New Zealand and Asia and the Pacific.

3. Dr Stephen Noakes, Auckland University, 13.02.2018

There was a little discussion on India in New Zealand as last ten years New Zealand tied closely economically with China – New Zealand was the first Western democracy to recognize China as a liberal economy and sign FTA with China.

New Zealand feels responsibility for Western Pacific, India as a norm provider for the Indian Ocean could be a norm maker together with New Zealand. There is a cultural natural affinity with India – Indian community in New Zealand is growing.

The concept of Indo-Pacific – New Zealand feels isolated from the outside world.

4. Dr. Manjeet Pardesi, School of History, Philosophy, Political Science & International Relations, Victoria University, Wellington

New Zealand wants to be heard about environmental issues in the context of good governance; it has the fourth largest Exclusive Economic Zone in the world.

There was a whole section on India in New Zealand Defence White Paper in 2010, but in 2016 India was mentioned in the context of the East Asia Summit only. India as a rising power in the Indian Ocean and the country to build relations with.

5. Prof. Joanna Mossop, Faculty of Law, Victoria University, Wellington

In maritime governance sectoral approach should be coordinated among environment, fisheries and security.

New Zealand fishing vessels are involved in the Indian Ocean – New Zealand is deeply interested and involved in the Indian Ocean issues related to the maritime governance

There are gaps in sectoral framework like regional seas agreement, weakness of UNCLOS is its sectoral dimension. There are also gaps in coping with problems among international organisations created within the process started in the 1990s.